

[2023] PBPH 3

## Application for a Public Hearing in the case of Mr Glyn Peter Razzell

### Preliminary Matters

At an oral hearing held on 8 February 2023, amongst other matters, the Panel became aware that the Victim Liaison Officer in this case had not notified the victims that they had the right to seek a public hearing in time for them to make an application. The case has since been adjourned to 24 and 25 August 2023. Since the adjourned hearing, applications for a public hearing were made which were received in time.

**Outcome:** The applications for a public hearing in this case has been granted.

### Background on the Parole Board and Public Hearings

1. The Parole Board is an independent body which acts as a court when deciding whether prisoners in England and Wales are safe to be released, or not, and makes recommendations to the Secretary of State on a prisoner's suitability for open conditions if the release test has not been met. Prisoners are referred to the Parole Board only after they have served the minimum period for punishment set by the sentencing judge ('the tariff'). When considering a case, the Parole Board's role is to consider whether a prisoner's risk can be safely managed in the community. This is the test set out in the relevant legislation. The Parole Board will not direct release unless it is satisfied that it can be managed. Public protection is always the Parole Board's primary concern.
2. The Parole Board was established in 1967. Under its rules, hearings were required to be held in private. From 20 October 2020 to 1 December 2020 the Government held a public consultation on whether parole hearings should be heard in public in some limited circumstances (public consultation: [Root and branch review of the parole system - Public consultation on making some parole hearings open to victims of crime and the wider public \(publishing.service.gov.uk\)](#)).
3. In February 2021, the Government decided that the blanket ban on public hearings was unnecessary, and that public hearings in appropriate circumstances would improve transparency and could help build confidence in the parole system (outcome

of the consultation: [Root and branch review of the parole system \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)).

4. At the time of publication, the then Minister of State for Justice, Lucy Frazer KC MP, said: *'We are mindful of the fact that parole hearings involve discussion of sensitive personal matters about prisoners and victims. It is important that the privacy, safety and wellbeing of hearing participants is protected, as well as ensuring that the Board can continue to properly assess prisoners' risk without the evidence on that being compromised. For these reasons we expect truly public hearings to be rare but it is right that we are removing the barrier that requires them to always be held in private. Where it can be done safely and securely, a public hearing will provide a valuable opportunity to show how the Parole Board goes about its valuable work and how decisions are made.'*
5. On 30 June 2022 a statutory instrument was laid before Parliament, containing a new rule allowing for anyone to be able to apply for a public hearing. The new rule took effect from 21 July 2022. Under the new rule, it is for the Chair of the Parole Board (the Chair) to decide whether to hold a hearing in public or not, applying an 'interests of justice' test. The Parole Board has developed Guidance on the Criteria for Public Hearings for the Chair to consider when making a decision ([Applying for a Parole review to be public - GOV.UK \(www.gov.uk\)](https://www.gov.uk)).
6. The definition in the Victims' Code of a victim is *'a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; a close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence'*. A victim may also be someone who has opted into the Victim Contact Service which is run by the Probation Service. A victim, as well as the parties and members of the public, may ask for a public hearing. Before deciding whether the application meets the interest of justice test, the Chair asks for representations from the parties to the case – namely the Secretary of State and the prisoner, usually through their legal representative. The Chair will also ask the Secretary of State to find out the views of any victims involved with the case. The Secretary of State will usually seek the views of victims who are signed up to the Victim Contact Service. In some circumstances the Secretary of State may choose to seek the views of victims who have not opted into Victim Contact Service or are not eligible for the service for technical reasons. This is a matter for the Secretary of State. The Parole Board does not generally have direct contact with victims.
7. A test in the South-West of England is currently being conducted by the Ministry of Justice on victims automatically having the right to attend private hearings. The expectation is that this will be rolled out across England and Wales during 2023. Victims attending a private hearing will have to agree to maintain the privacy of that hearing. Different rules apply to public hearings.

8. Each year the Parole Board is asked by the Ministry of Justice to review the risk of approximately 900 prisoners with a conviction for murder and approximately 900 prisoners with a conviction for rape. Each prisoner referred to the Parole Board has caused immense pain to the victims or their family and loved ones. The Parole Board tries as best it can to take this into account, but it must decide any referral according to the test set out in law.

## **Background to the case**

9. Following a trial, Mr Razzell was found guilty of the murder of his wife, Linda Razzell, on 19 March 2002. Mr Razzell was sentenced to life imprisonment. The minimum term fixed by the trial judge in March 2008 was 16 years less time served on remand. Mr Razzell's tariff expired in September 2019.

10. Mr Razzell was transferred to open prison conditions in September 2017. Mr Razzell has remained in open prison conditions ever since.

11. The current referral was considered by a Parole Board member on 16 August 2022 and the matter was referred to an oral hearing. As set out above, the Panel convened at the open prison on 8 February 2023, however, no evidence was heard and instead further reports were ordered and administrative matters were dealt with. The oral hearing has since been set for 24 and 25 August 2023. This will be Mr Razzell's 3rd parole review.

12. Mr Razzell is now 63 years old.

13. Mr Razzell continues to deny the offence for which he has been sentenced. Mr Razzell has never revealed the whereabouts of the body of Linda Razzell. The provisions of the Prisoners (Disclosure of Information about Victims) Act of November 2020, commonly known as Helen's Law, apply to this referral.

## **Details of the Application and Representations**

14. The Parole Board has received the applications for Mr Razzell's hearing to be heard in public. In summary, the reasons given for the applications for a public hearing were:

- Mr Razzell is one of a small number of prisoners who has not revealed the whereabouts of the body of the victim.
- There is a legitimate public interest in seeing how Helen's Law works in practice.
- There is a high level of public interest in the case.
- The victims had to tolerate a documentary about the case in 2018. Mr Razzell had no qualms about then sharing sensitive information.

- e. This would allow the victims to have more involvement in the parole process and would allow them to hear directly for themselves why Mr Razzell believes he should be released.

15. On 24 February 2023 the Parole Board asked for representations from the parties to the case – namely the Secretary of State for Justice and Mr Razzell through his legal representative. An extension request made on behalf of the Secretary of State was granted until 17 March 2023.

16. In summary, the representations made on behalf of the Secretary of State (dated 16 March 2023) were:

- a. The Secretary of State supports the application, with mitigations to be arranged.
- b. Increased transparency is vital to building public confidence in the parole system, particularly where the Parole Board is reviewing the case of an offender convicted of very serious offences.
- c. The Secretary of State notes the victims' support for a public hearing. The Secretary of State believes that some elements of the evidence may cause distress to the victims. If the hearing is to be held in public, the Secretary of State's officials will give consideration as to what support may be required for the victims. The Secretary of State would also advocate for a case conference to determine which elements of the hearing should be in private.
- d. The professionals have some concern that if Mr Razzell were to be released, a public hearing could have implications for the effectiveness of the risk management plan so steps will need to be taken to mitigate this risk.
- e. Mr Razzell may choose to use the hearing to further proclaim his innocence which could be distressing to the victims.

17. In summary, the representations made on behalf of Mr Razzell (dated 15 March 2023) were:

- a. Mr Razzell opposes the requests for a public parole hearing.
- b. The panel has on a preliminary basis granted permission for the victims to attend a private hearing. This already gives them greater involvement in the parole process.
- c. Two public hearings have been held, including one where Helen's Law was relevant.
- d. Although Mr Causley's public oral hearing was for a recall prisoner, so Helen's Law did not directly apply, the panel still dealt with the issue of non-disclosure of the body of the victim and hence the public has had an opportunity to see how the Board approaches this issue.
- e. This case could be sensationalised, and the Parole Board lacks the ability to put in place the same reporting restrictions as a court.
- f. The media attention following a public hearing could cause distress to the applicants.
- g. Mr Razzell is in the open estate. Given the strength of feeling around these types of cases, a public hearing could put Mr Razzell at risk, engaging his Article 2 rights (the right to life).
- h. Mr Razzell has concerns about the impact of a public hearing on him and he may have a health condition which it is relevant to take into account. Mr

Razzell does not believe that he would be able to achieve his best evidence if the hearing were in public and he may decline to give evidence.

- i. If Mr Razzell refuses to give evidence, this would impact on the panel's ability to assess his risk.
- j. The Board must take into account the prisoner's Article 8 rights (the right to privacy) and the potential for the interests of justice to be thwarted.
- k. Mr Razzell's Article 5 rights (the right not to be deprived of your liberty unless in accordance with the law) are engaged. This right, given that Mr Razzell has not waived his Article 8 rights, must take precedence.

18. I have also consulted with the Panel Chair as the Panel Chair is most familiar with the details of the case and therefore best placed to assess: (i) if a public hearing would cause a victim or prisoner undue distress or prevent best evidence being given by witnesses; (ii) if it could adversely affect a prisoner's ability to safely resettle in the community; or (iii) if it could compromise the panel's ability to assess risk.

19. The Panel Chair made some observations including:

- a. The Panel is of the view that the applications for a public hearing should be granted.
- b. The Panel believes that Mr Razzell would not be able to give his best evidence if the victims were in the same room and therefore a remote location with live-streaming should be considered.

### **Reasons for the Decision**

20. I have considered all the information in the application and the representations and the observations of the Panel Chair. I have also taken account of the Parole Board's *Guidance on the Criteria for Public Hearings*.

21. The normal position is that parole hearings will remain in private. This is because it is of paramount importance that witnesses are able to give their best evidence. Furthermore, evidence can relate to highly personal matters including health and evidence that may be distressing to victims. There must therefore be good reasons to depart from the general rule. However, where there are good reasons to depart from the general rule, adjustments can be made to ensure that a public hearing is fair.

22. It should be clear that I would not grant an application to have a hearing in public in circumstances where I thought that a public hearing would impact on the fairness of the hearing.

23. I am aware that there are a number of measures which can be taken to protect the fairness of the hearings. These would include the ability to take evidence in private, the ability to use code phrases to conceal sensitive information such as actual

addresses, the ability to put in place conditions of attendance, and the ability to suspend the hearing or remove any person from the hearing if they are disruptive.

24. I am also aware that recent developments in technology and Parole Board operating models have better enabled the public to attend a hearing by remote viewing. This will make it more convenient for members of the public to attend and will also minimise the potential for disruption to the hearing itself.

25. I note that, should a hearing be held in public, it is always open to the Panel Chair to use their case management powers to manage the hearing and to suspend a hearing if they feel that the proceedings are becoming unfair.

26. The victims in this case have my deepest sympathies.

27. In the application for a public hearing in the case of Mr Razzell, I have decided that there are special features, which set it apart from other cases, which may add to the proper public understanding of the parole system. There are:

- a. Mr Razzell has been convicted of a serious offence, namely murder. The seriousness of the crime raises the potential for the interests of justice to require a public hearing.
- b. Mr Razzell has not disclosed the location of the body of the victim. This case is the first case since the passing of the Prisoners (Disclosure of Information about Victims) Act of November 2020 and the changes to the Parole Board rules on 21 July 2022 allowing for public hearings where the prisoner has never been released. Mr Causley had been recalled to custody and therefore the primary focus of that hearing was the recall.
- c. The Parole Board's work is often misunderstood by the public. Mr Razzell's case is a high profile one and it is likely to be of interest to the public and the media. Mr Razzell continues to deny the offence. It is not well understood by the public how the Parole Board deals with prisoners who do not accept responsibility for their crimes. There is therefore a public interest in increasing understanding which can properly be taken into account when considering the interests of justice.
- d. The applicants wish to attend a public hearing rather than a private hearing. They feel that this will be beneficial to them. Although the victims have been granted preliminary permission to attend a private hearing, their support for a public hearing is relevant and can also be taken into account.

28. I note that some parts of the hearing will need to be in private, however, a sufficient part of the hearing can be heard in public to allow for a deeper understanding of the parole process. The Panel Chair has extensive case management powers to enable the relevant parts of the evidence to be taken in private and is best placed to make the decision on how these powers should be used in Mr Razzell's case.

29. I note that some parts of the evidence and any subsequent media coverage may be distressing for the victims. I note that the Secretary of State's officials will consider the necessary support for the victims.

30. I have carefully considered Mr Razzell's representations and have concluded that the interests of justice outweigh the points raised on Mr Razzell's behalf.

31. In Mr Razzell's representations, it is said that the decision impacts upon Mr Razzell's rights under a number of Articles of the European Convention of Human Rights—namely Article 2 (the right to life), Article 5 (the right not to be deprived of your liberty unless in accordance with the law) and Article 8 (the right to privacy). The Human Rights Act 1998 accordingly applies to this decision.

32. With respect to Mr Razzell's Article 2 rights, I have been given no evidence to support the proposition of any potential threat to Mr Razzell's life. To the extent that his identification in public might create any such threat, suitable measures can be put in place to reduce the risk of identification. It is therefore not accepted that Mr Razzell's Article 2 rights are engaged.

33. With respect to Article 5, it is accepted that this Article is engaged. Article 5(4) entitles Mr Razzell to a review of his liberty by a competent court, namely the Parole Board, periodically once his minimum term of punishment has been served. As set out in paragraph 9, Mr Razzell's minimum term of punishment expired in September 2019 and Mr Razzell has since had 2 parole reviews (this being the third). Article 5 does not indicate one way or another whether that review should be in public. It does not suggest that the principle of open justice is disappplied.

34. With respect to Article 8, it is accepted that this Article is engaged in that the prisoner has a private life. However, Article 8 does not guarantee an absolute right to privacy and a person's privacy can be interfered with if this is lawful and proportionate. To direct a public hearing is lawful, as there is now an explicit power to do so in statute as set out in paragraph 5. For the reasons set out at paragraph 27, in this case it is also proportionate, having regard to the principles of open justice and all the other factors in the round.

35. I note that Mr Razzell has indicated that if the hearing were to be public, Mr Razzell may not feel able to give his best evidence and may decline to give any evidence. No medical evidence has been produced to demonstrate that Mr Razzell could not give evidence in public. As noted above, protective measures can be put in place to safeguard the most sensitive evidence. I am satisfied that with suitable measures the proceedings will be fair. Mr Razzell's evidence is a matter for Mr Razzell.

36. There is no suggestion from either Mr Razzell or the Secretary of State that any other witness would be inhibited from giving their evidence if the hearing was to

be in public, provided that the appropriate provisions are made for some parts of the hearing to be in private.

37. As set out at paragraph 19.b, the Panel Chair believes that Mr Razzell will not be able to give his best evidence if observers are in the same room. The usual practice is for observers of public hearings to be in a remote location.
38. It should be noted that the attendance of the media at previous hearings has not prevented a fair procedure from taking place.
39. I therefore grant the application for the hearing to be held in public.
40. The next step is that the Panel Chair will hold a preliminary hearing to deal with the practical issues associated with the hearing.
41. This matter will only revert back to me if there is any fresh information which represents a significant change in the relevant circumstances.

**Caroline Corby**  
**The Chair of the Parole Board for England and Wales**  
**19 April 2023**