

[2023] PBPH 14

Application for a Public Hearing in the case of Mr Paul Weddle

Outcome: The application for a public hearing has not been granted. However, if the victims wish, the Parole Board will explore whether it may be possible to support the victims observing the private hearing, subject to conditions, if appropriate arrangements can be made.

Background Information

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 of a prisoner unless it is satisfied that their risk can be managed. Public protection is always the Parole Board's primary concern.
2. If the Parole Board decides that a prisoner's risk cannot be safely managed in the community, the Secretary of State will automatically refer the prisoner back to the Parole Board in due course.
3. Parole Board hearings are usually held in private, however, where it is in the interests of justice, the Chair of the Parole Board can direct that a hearing be held in public. The Parole Board has 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/government/guidance/parole-board-guidance-on-the-criteria-for-public-hearings)).



4. 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.
5. 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 2024. Victims attending a private hearing have to agree to maintain the privacy of that hearing. Different rules apply to public hearings.
6. 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 which is focused on risk.

Background to the case

7. On 17 February 1994, Mr Weddle, along with another, was convicted of the murder of a police officer. Mr Weddle received a mandatory life sentence with a tariff of 25 years less time spent on remand. Mr Weddle's tariff expired on 24 March 2018.
8. The circumstances of Mr Weddle's crimes were that he, along with another, attacked a police sergeant with fencing posts. The police officer was knocked to the ground and fatally stabbed.
9. Mr Weddle's case has been previously referred to the Parole Board. Following his second review, which was considered at an oral hearing on 14 June 2021, that



panel recommended that Mr Weddle should be progressed to an open prison. On 10 August 2021, the Secretary of State rejected that recommendation. Mr Weddle remains a Category A prisoner.

10. The current and third review was referred to the Parole Board by the Secretary of State on 1 November 2022. This referral was considered by a member of the Parole Board on 25 April 2023 and the matter was directed to an oral hearing, to consider evidence before making a final decision. This oral hearing is listed for 23 November 2023.
11. Mr Weddle was 26 years old at the time of the index offence. He is now 56 years old.

Details of the Application and Representations

12. The Parole Board received an application for Mr Weddle's oral hearing to be held in public on 11 August 2023. In summary, the reasons given for the application for a public hearing were:
 - a. The interests of the victims, the public and the police would be served by having a public hearing.
 - b. A public hearing would increase transparency and reduce the secrecy of the parole process.
 - c. There is interest in the case.
 - d. There are concerns about the rehabilitation and safe re-integration back into the community should the Parole Board decide to release Mr Weddle and a public hearing could be in the interests of safety for all.
13. On 29 August 2023 the Parole Board asked for representations from the parties to the case, namely the Secretary of State for Justice and Mr Weddle. An extension request made on behalf of the Secretary of State was granted until 19 September 2023.
14. In summary, the representations made on behalf of the Secretary of State (dated 19 September 2023) were:
 - a. The Secretary of State supports the application for a public hearing.
 - b. Increased transparency is vital to building public confidence in the parole system, particularly for the most serious offenders.
 - c. The victims engaged in the Victim Contact Scheme have been contacted. Should a public hearing be granted, the victims will be provided with appropriate support.
 - d. Mr Weddle's Prison Offender Manager (POM), Community Offender Manager (COM) and psychologist have concerns that a public hearing may compromise aspects of Mr Weddle's risk management plan and place him at risk of harm



from others. These concerns do not, in the opinion of the Secretary of State, undermine the case for a public hearing as the Parole Board has the means to meet these concerns including parts of the hearing being held in private.

- e. The POM, COM and psychologist also have concerns about the impact a public hearing may have on Mr Weddle's health condition and this may impact on his willingness to be open. The Panel Chair might wish to build in breaks to address Mr Weddle's needs.
15. The representations made on behalf of Mr Weddle were received on 26 September 2023, one week after the extended date for receipt of representations of 19 September 2023. In view of the difficulties in contacting Mr Weddle, covered in more detail below, I have decided to consider these representations, notwithstanding that they were received out of time.
 16. In summary, the representations made on behalf of Mr Weddle were:
 - a. The representative has not been able to take instructions given that Mr Weddle is in Category A conditions which often means it is more difficult to arrange contact. However, the representative does not support the application for a public hearing.
 - b. The application is lacking in detail. It is submitted that there are no special features of this case which set it apart from others. However, it is acknowledged that the case has been the subject of significant media interest.
 - c. Mr Weddle has longstanding health issues. Given this, Mr Weddle would not be able to give best evidence in a public hearing. Although the representative has not been able to take instructions from Mr Weddle, it is foreseeable that Mr Weddle might not choose to give evidence at a public hearing for fear of not being able to give his best evidence and also due to longstanding animosity towards him from others.
 - d. It is not clear who is making the application as this is redacted. This makes it difficult to comment in detail.
 - e. A public hearing would inhibit procedural fairness and would frustrate the panel's ability to properly assess risk in that it would likely be detrimental to Mr Weddle's evidence.
 - f. A detailed summary would provide sufficient transparency and promote trust in the system.
 - g. Open justice is important, but should not come at a cost to fairness.
 17. I have 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.
 18. The Panel Chair made some observations including:



- a. This is a complex case and holding a public hearing would add to the complexity.
- b. Much of the hearing would need to be held in private.
- c. If the hearing were in public, this could affect the witnesses ability to give best evidence, particularly given Mr Weddle's health needs.

Reasons for the Decision

19. I have considered all the information in the application and the representations. I have also taken account of the Parole Board's *Guidance on the Criteria for Public Hearings*.
20. 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, adjustment can be made to ensure that a public hearing is fair.
21. 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.
22. 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.
23. I note the high bar that has been set for a public hearing to be in the interests of justice and I have decided that this high bar is not met in this case. My reasons are as follows:
 - a. Although this case of murder is distressing, there are no special features of this particular case which set it apart from other cases and which may therefore add to the proper public understanding of the parole system.
 - b. Mr Weddle has longstanding health issues.
 - c. The POM, COM and the psychologist have all raised concerns that a public hearing may compromise aspects of Mr Weddle's risk management plan and place him at risk of harm from others.
 - d. The POM, COM and psychologist also have concerns about the impact a public hearing may have on Mr Weddle's health which may impact on his willingness to be open.
 - e. Given points b, c and d, much of the evidence may need to be heard in private.



- f. As set out in paragraph 20 above and in the Parole Board's *Guidance for Applications for Public Hearings*, there should be good reasons to justify a departure from the general rule that parole hearings should remain in private. In circumstances where evidence which is likely to be key to the Panel's decision cannot be heard in public, it is difficult to see how a public hearing would aid transparency or public understanding of the parole system or the decision in this case.
- g. If any of the victims believe that their attendance at the hearing would be beneficial to them, by observing the parole process and understanding how it applies to this case, these benefits can be achieved in alternate ways by allowing these victims to observe the private hearing, as covered below in more detail.
- h. A detailed summary would, as in all other cases heard by the Parole Board, provide sufficient information to the public for the reasons for the decision made at Mr Weddle's oral hearing. This would satisfy the requirements of transparency without prejudicing the effectiveness of the hearing.
24. It follows that whereas I have deep sympathy for Mr Weddle's victims, I do not grant the application for the hearing to be held in public.
25. The Parole Board is willing to explore the feasibility of supporting the victims to observe the private parole hearing subject to conditions and proper support being in place. The victims are invited to contact the Parole Board to discuss the potential arrangements and support that may be needed by emailing CEO@paroleboard.gov.uk
26. It is ultimately for the Panel Chair to make the final decision on attendance at a private hearing and being satisfied that appropriate arrangements can be made.
27. If permission is granted by the Panel Chair for any of the victims to observe the private hearing, I note that some parts of the hearing may need to take place without the presence of the observers. The Panel Chair has extensive case management powers to enable the relevant parts of the evidence to be taken without the presence of the observers and is best placed to make the decisions on how these powers should be used in Mr Weddle's case should the Panel Chair grant permission.
28. If permission is granted, the Panel Chair may also need to hold a preliminary hearing to deal with any practical matters associated with this hearing.
29. 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
16 October 2023

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