

**[2026] PBPH 4****Application for a Public Hearing in the case of  
William McDonagh****Outcome:** The application for a public hearing is refused.**Background Information**

1. The Parole Board is an independent body which acts as a court when deciding whether or not prisoners in England and Wales are safe to be released, 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 the release of a prisoner unless it is satisfied that their risk can be safely managed in the community. 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 for another consideration of their risk 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 ('the Chair') 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 \(www.gov.uk\)](#)).
4. 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. In order to receive informed representations, the Chair may send a summary of the reasons for the application, in a way that does not disclose the identity of the applicant or any sensitive information that they have provided. 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 the 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. 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.
6. As of 1 April 2025 victims have the right to apply to observe private hearings. The Parole Board, as a matter of policy, will grant such applications unless there is a good reason not to do so. Victims attending a private hearing have to agree to maintain the privacy of that hearing. Different rules apply to public hearings.
7. Finally the Chair will consult the chair of the panel who are dealing with the case ('the Panel Chair'), as they will be familiar with the detail of the case and can assist the Chair with their view about the application on the facts of the case and the practicalities of a public hearing.
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. Each prisoner referred to the Parole Board has caused immense pain to the victim's 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 focussed on risk.
9. The application for a public hearing is made to the Board Chair under Rule 15(3). The Chair has delegated the determination of this application to me as a senior judicial member of the Board.

### **Background to the case**

10. Mr McDonagh is serving a life sentence for murder and a concurrent determinate sentence for attempted murder. On the 29 September 1996, Mr McDonagh, together with his wife Noreen, murdered his brother Gary (aged 15 years) and attempted to murder his younger brother Christopher (aged 12 years). The prosecution case was that William and Noreen McDonagh took it upon themselves to punish Gary and Christopher for abusing their children. The two young victims were interrogated for hours, deprived of sleep,



threatened, humiliated and then beaten and struck repeatedly with a machete and a baseball bat.

11. Mr McDonagh was 32 years old at the time he was sentenced. He is now 59.
12. The forthcoming hearing will be the 6th in his case. He has never been released on licence or recommended for transfer to open conditions.
13. Mr McDonagh's case was referred by the Secretary of State to the Parole Board on 18 June 2025. The referral was considered by a member of the Parole Board and on 23 October 2025 the case was directed to an oral hearing to consider evidence before making a final decision.
14. The oral hearing has been listed for 25 June 2026.

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

15. The application for Mr McDonagh's oral hearing to be held in public is undated. The reasons given for the application for a public hearing are:

*"1. Seriousness of the Offences*

*Given the gravity of the offence, the case is considered high-profile, and a public parole hearing is in the public interest to ensure transparency and accountability in the decision-making process.*

*2. Prisoner's Request for Transparency*

*Mr. McDonagh has consistently demonstrated a desire for transparency and openness throughout his sentence. He has actively engaged with psychological assessments and rehabilitative programs and wishes for his progress to be fully reviewed in a public setting. A public hearing would allow him to demonstrate the positive changes he has made while also addressing any concerns regarding his ongoing risk management.*

*3. Public Interest and Confidence*

*Mr. McDonagh's case is of significant public interest, given the violent nature of the offences committed, the length of time he has served, and his ongoing rehabilitation efforts. A public hearing will allow for the public's confidence in the parole system to be maintained, especially as Mr. McDonagh seeks release. Public scrutiny would also ensure that the Parole Board's decision is fully justified, considering the risk to public safety.*

*4. Complexity of Risk Management*

*Mr. McDonagh's case involves complex risk factors, including his history of substance misuse (including heroin, spice, and cannabis) and recent concerns regarding his possession of hooch in prison. A public hearing would provide*



*an opportunity to address these concerns openly and to examine the effectiveness of his risk management plan.*

*5. Ongoing Risk and Behavioural Concerns*

*A public hearing would ensure these concerns are fully aired and addressed, ensuring that any decision to release Mr. McDonagh is based on a comprehensive and transparent evaluation of his risk."*

16. Following the receipt of the application, the Parole Board asked for representations from the relevant parties.

17. On 13 February 2026, a representative of the Ministry of Justice submitted the following grounds in support of the application:

*"For the Lord Chancellor and Secretary of State for Justice, 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.*

*The Secretary of State has studied the reasons given in the application for a public hearing and consulted those HMPPS staff who will appear as witnesses at the oral hearing and who are responsible for providing the Panel with assessments of Mr McDonagh's current risk.*

*The Secretary of State fully supports this application for a public hearing and asks that due weight be given to the reasons given within the application for requesting it.*

*HMPPS staff wish to emphasise that, if a public hearing is granted, appropriate measures should be implemented to ensure that any sensitive or personal information concerning Mr McDonagh is addressed within a private session of the hearing.*

*The Secretary of State asks you to ensure that, if you do grant a public hearing, HMPPS witnesses are allowed to be known by their job title rather than by their name."*

18. On 23 February 2026 the Chair appointed to the hearing submitted grounds in opposition to the application:

- a. *"The panel chair agrees that the index offence is grave in nature concerning the violent murder of [a child and attempted murder]."*
- b. *"However, the chair queries to what extent the public airing of the details of this case would serve the public interest and disputes that there is a good reason to justify a departure from the general rule which is that all parole hearings should remain private."*
- c. *"The chair noted this is Mr McDonagh's sixth parole review. All of his previous reviews including the last oral hearing on 23/01/2025 have been held in private and there does not appear to have been any*



*suggestion that his ongoing risk and behavioural concerns were not comprehensively evaluated in those previous hearings.”*

- d. *“A summary of the hearing would be made available to the public in any event.”*
- e. *“One area of particular concern is the fact that it is reported Mr McDonagh comes from a [large family] with complex relationships. He is no longer married to [...] his co-defendant. There are five adult children and three grandchildren. The current family dynamics are unknown and there must be a risk that a public hearing, and any attendant publicity, may reignite any community and/or family tensions and, in the event of Mr McDonagh being released, make risk management more problematic.”*
- f. *“The panel chair recommends that the application for a public parole hearing is refused.”*

### **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 or others. 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 – as has been suggested – can be made to ensure that a public hearing is fair.

21. I note that a high bar has been set for a public hearing to be in the interests of justice and nothing has been put before me to suggest an existing public – or press – interest in the case.

22. It seems to me that the matter raised in the Chair’s grounds at paragraph 18 d. and e. above outweigh the considerations put forward in the application. In addition the “adjustments” which would be necessary to ensure that unnecessary risk or distress is not caused to others would mean that the hearing would not in reality be “public” and thus lead to understandable misunderstandings as compared with the public trial and sentencing process which generated the sentence under consideration.

23. I therefore refuse this application.

24. This matter will only revert back to me if there is any fresh information which represents a significant change in the relevant circumstances.



**Sir David Calvert-Smith**

**On behalf of the Chair of the Parole Board for England and Wales**

**25 March 2026**

