

Prisoner (Disclosure of Information About Victims) Act

Annex B - Background to the Act

The origin of this Act began with a campaign to introduce "Helen's Law". 'Helen's Law' refers to a proposal that the law should be changed to prohibit the release on parole of offenders who were convicted of murder and have failed to reveal the location of the body of their victim.

The campaign for 'Helen's Law' was led by Marie McCourt whose daughter, Helen McCourt, was murdered in 1988. The location of her daughter's body has never been revealed. Mrs McCourt was supported by her local MP Conor McGinn.

In January 2016, the then Prisons Minister Andrew Selous MP wrote to Sir David Calvert-Smith (then Chair of the Board) asking for the Board's position on such cases, and whether we would be reviewing our guidance in this area. Sir David responded, providing the existing guidance on prisoners who deny their guilt, which was the closest related information we had for members, and advised that we would consider whether there would be benefit in adding to the guidance, as part of the wider review that was underway. The position of the Board was clear that it had no remit to engage in shaping legislation and this must be left to the appropriate Government departments (although, we were happy to be consulted for our views).

The Ministry's position was given in response by Lord Faulks to a Parliamentary Question in the Lords in February 2016. This made it clear that Minister Andrew Selous had written to the Parole Board asking it to review its guidelines on the issue. The response also made the point that courts and the Parole Board already take refusal to reveal the location of bodies into account in sentencing and parole decisions. It was further noted that concealment of a body is an aggravating factor when setting minimum term for a life sentence for murder.

Mrs McCourt met with Mike Penning MP (the then Victims' Minister) in April 2016 and was provided with the correspondence between the minister and the Board.

A Parliamentary Question was tabled in May 2016 in the House of Commons asking the Ministry of Justice when it expects the Parole Board to complete its review of the guidance. This made it clear that this was part of a wider review of all the Parole Board's guidance and at that time the review had not completed.

Conor McGinn MP introduced the Unlawful Killing (Recovery of Remains) Bill 2016-17 under the Ten Minute Rule. It was given a first reading on 11 October 2016, but did not progress any further through Parliament.

Mrs McCourt subsequently presented a petition signed by over 390,000 people (figure as at February 2017) asking for a new law to ensure that prisoners who do not disclose the whereabouts of the body should not be granted access to a parole review.

Guidance for members specifically dealing with cases where the body of the victim has never been recovered was prepared and published towards the end of 2016 within a chapter of a handbook for members, dealing with prisoners who maintain their innocence. During 2017 it was further amended and developed into a standalone document.

In mid-April 2018, Mrs McCourt, along with Conor McGinn MP and Chris Heaton-Harris MP met the Secretary of State to discuss her case and the proposals for Helen's Law. The Board provided comments on the draft submission to the SSJ. Following the meeting with Mrs McCourt the only commitment that SSJ made was that he would look into the matter further.

The Government confirmed their intention to bring forward the Bill in October 2019. On 8 January 2020 the Bill was introduced in the House of Commons. It progressed through Parliament and became an Act in November 2020.