

Taking Secrets to the Grave - Findings from 2025

Public Attitudes, Parole Reform and Non-Disclosure in Scotland



Across Scotland, more than 380 people joined us to discuss one of the hardest questions in criminal justice: what should happen when someone refuses to say where a victim's body is? Through case analysis, open discussion and live voting, Taking Secrets to the Grave captured powerful public insight into non-disclosure, parole and the emotional harm faced by families and communities. This report brings those voices together at a crucial moment in Scotland's justice reform.

Lindsay Conchar, Scots Law Talks.

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1. Introduction

Taking Secrets to the Grave is an interactive legal education project delivered across Scotland in 2025, exploring one of the most sensitive and complex issues in criminal justice: non-disclosure by offenders, particularly in cases where a victim's remains have never been recovered.

Across nine live events in Dundee, Peterhead, Montrose, Arbroath, Stirling and Aberdeen, a total of 384 people participated in guided case analysis, discussion and structured voting. The events took place at a pivotal moment, coinciding with the passage of the Victims, Witnesses and Justice Reform (Scotland) Act, which sets out a new statutory duty for the Parole Board to take non-disclosure into account once commenced.

This report presents the combined findings from voting across all venues and offers an analysis of how public attitudes align with – and in some ways exceed – recent legislative reform.

2. Attendance Overview

Total attendance across all venues: 384

Regional Distribution

- Tayside: 199 attendees
- North East: 156 attendees
- Central Scotland: 29 attendees

Engagement was strong across all regions, with particularly high interest in Tayside and the North East. 2 dates for this event were offered in Aberdeen, Dundee and Montrose due to demand.

Scots Law Talks has recently partnered with new venues in Edinburgh, Findhorn, Crieff and Aberfeldy, however unfortunately, *Taking Secrets to the Grave* has not yet showcased in these areas.

3. Attendee Background and Audience Profile

Although attendance varied by location, the demographic and background mix across all nine events was notably diverse. This helped ensure that the discussions and voting outcomes reflected a broad spectrum of perspectives and life experiences.

Age and general participation

Events were recommended for those aged 16 and above, and audiences included:

- mature school pupils attending with family or friends
- university students studying politics, law, criminology, sociology and related subjects
- adults from a wide range of professional and non-professional backgrounds
- retirees with a long-standing interest in justice or social issues
- Professional and academic representation

A number of attendees were currently working in fields connected to the justice system or public service, including:

- teachers and education professionals
- social workers
- police officers and emergency service staff
- members of the legal profession
- academics and researchers

Community and general-interest attendees

The audience also included those whose work is unrelated to justice, but who are passionate about:

- understanding the criminal justice system
- true crime
- current Scottish legal reform
- the human impact of unresolved cases

Their engagement demonstrates the extent to which legal issues resonate far beyond practitioners and specialists.

Access and venue diversity

Events were held in a wide range of venues, including university lecture theatres, arts centres, community halls and local cultural spaces. Some venues required car access, while others were easily reached by bus or on foot. This mix enabled participation from both urban and rural communities.

Motivation and commitment to attend

All attendees were individuals who were willing to purchase a ticket, travel, and commit to an evening event. This suggests a motivated and engaged sample, genuinely interested in understanding complex legal issues.

Together, this varied audience provided a rich environment for discussion, contributing to well-rounded reflections and a depth of public insight rarely captured in formal consultations.

4. Voting Summary

Participants were asked to consider three core questions relating to disclosure and parole:

1. Should someone who refuses to disclose vital information be granted parole?
2. Should the prisoner in the case study be released?

Case Study: Mr X has served 18 years for murder. He is now 45 years old and eligible for parole. He has completed training programs, but none in offender behaviour work. He denies his index offence and maintains his innocence. He has been described as a 'model' inmate, demonstrates good behaviour, but still refuses to say where the victim's body is. Do you believe parole should be granted?

3. Should the law in Scotland change?

Outline of Final Question: Thinking about Scotland and the development of new law – which position do you agree with most:

1. Leave the law as it is

2. Introduce Suzanne’s Law (must be considered)
3. Stronger law is needed (statutory aggravating factor added to sentence)



Figure 1 - Taking Secrets to the Grave delivered at The Montrose Playhouse.

5. Question 1

Should someone who refuses to disclose be granted parole?

National Finding

Venues produced highly consistent results. Across every venue where data was gathered, the public expressed overwhelming opposition to granting parole to someone who refuses to disclose.

In all cases:

- Support for release was extremely low
- “No” consistently ranged from **82 to 98 per cent**
- Abstention was minimal

Conclusion

This is the strongest and most uniform finding across the entire project.

There is a clear public belief that non-disclosure represents:

- an ongoing harm to families
- a barrier to rehabilitation
- and a significant factor that should restrict parole

This widespread consistency suggests a deeply rooted public expectation that silence in such cases should have meaningful consequences.

6. Question 2

Should the prisoner be released?

National Pattern

Eight out of nine events voted strongly against release.

The only outlier was Dundee Session 2, where an unusually reflective audience recorded:

- 76 per cent abstention
- 18 per cent Yes
- 6 per cent No

This indicates uncertainty rather than support for release.

General Trend

Across Scotland:

- “No” ranged from 60 to 90 per cent
- “Yes” remained low (4 to 35 per cent)
- “Abstention” was generally modest (0 to 20 per cent), except in the Dundee 2 outlier.

Observation

Across most venues, attendees expressed a clear discomfort at the idea of releasing someone who continued to withhold vital information. Their decisions were not driven by disagreements about culpability, but by a shared belief that release felt inappropriate while the offender still refused to disclose information that could relieve the family’s distress.

This was the consistent theme behind the strong “No” vote in eight of nine venues.

7. Question 3

Should the law in Scotland change?

Participants were presented with three options:

- Keep the law as it is
- Change it to “must take into account”
- Introduce a stronger legal duty

National Pattern

Across all venues:

- Very few people wanted to retain the previous discretionary system
- A majority favoured the new mandatory duty
- Many groups went further and supported an even stronger legal requirement

Examples:

- Arbroath: 58 per cent supported a stronger duty
- Dundee Session 1: 70 per cent supported a stronger duty
- Peterhead: 0 per cent wanted to keep the law as it is

Conclusion

The strongest and most consistent preference across venues was for the new mandatory duty now introduced by the Victims, Witnesses and Justice Reform (Scotland) Act. Most participants chose “must take into account” as the appropriate level of reform, aligning directly with the changes now set out in the Victims, Witnesses and Justice Reform (Scotland) Act.

A meaningful minority supported going further and introducing a stronger legal duty. The event considered alternative jurisdictions such as Australia and Northern Ireland. Only a very small proportion favoured keeping the previous discretionary framework. This shows a clear appetite for reform, with the majority position matching the new statutory approach.



Figure 2 - *Taking Secrets to the Grave* delivered at *The Circle*, Dundee.

8. Alignment with the Victims, Witnesses and Justice Reform (Scotland) Act

The Victims, Witnesses and Justice Reform (Scotland) Act 2025 introduces significant amendments to the Prisoners and Criminal Proceedings (Scotland) Act 1993. Two new provisions are particularly relevant to *Taking Secrets to the Grave*:

8.1 The new statutory duty on non-disclosure (Section 55)

Under section 55 of the 2025 Act, Scottish Ministers must ensure that Parole Board rules include a requirement that, when considering the release of a prisoner convicted of murder or culpable homicide, the Board must take into account whether:

- the victim’s remains have not been recovered,

- there are reasonable grounds to believe the prisoner has information about where the remains are, or how or where they were disposed of, and
- the prisoner has not disclosed that information.

This is a clear shift from a discretionary “may take into account” to a mandatory duty.

8.2 Safety and security of victims and families (Section 56)

The Act then inserts an additional requirement through section 56, ensuring that Parole Board rules must also include provision requiring the Board to take into account:

- the likely impact of any decision on the safety and security of
 - a victim, or
 - a victim’s family member.

These two provisions now sit within section 20 of the 1993 Act, creating a stronger and more structured framework for parole decisions in sensitive and high-harm cases.



Figure 3 - Taking Secrets to the Grave delivered at Robert Gordon University, Aberdeen.

8.3 Alignment with Public Attitudes Captured in the Project

Across all nine venues, participants supported the shift to a mandatory framework. Crucially:

- The majority of attendees voted for the option equivalent to “must take into account”, mirroring the statutory language in the new Act.
- Only a very small proportion wanted the previous discretionary approach to remain.
- A meaningful minority expressed a preference for going further than the Act requires, reflecting a desire for stricter accountability where non-disclosure continues.

From this small but engaged sample of attendees, the findings indicate clear support for the new legislative direction. Participants consistently favoured a structured, rule-based approach to non-disclosure at parole, and their responses align closely with the mandatory duty now set out in the Act. Although not intended to be representative of the wider population, the results provide valuable insight into how members of the public reason through these issues when given the opportunity to examine them in detail.

8.4 A particularly important insight

During the events, participants were told that the Parole Board for Scotland **already considered non-disclosure** under existing practice, even before it became statutory. It is telling that:

- This information did not reduce support for reform.
- Instead, it strengthened the view that discretion was not enough.
- Many felt strongly that non-disclosure should carry clear and consistent consequences.

This suggests a broader public desire for certainty, transparency, and consistency in parole decisions involving unrecovered victims.

8.5 The Role of the Parole Board for Scotland

Throughout the discussions at the live events, Scots Law Talks wanted to centre on the importance of understanding the specific role and responsibilities of the Parole Board for Scotland. It was felt that there were general misunderstandings surrounding the role of the organisation.

The Parole Board does not re-try a case or determine whether the conviction was correct. Its starting point is that the offender who appears before it has been rightly and lawfully convicted by a court.

The Parole Board's task is therefore focused on current and future risk potentially posed by the individual in front of them. When making release decisions, the Board assesses:

- the risk the individual currently poses to the public
- any factors that may increase or reduce that risk
- evidence of rehabilitation, behaviour, insight, and progression in custody
- the safety and security of victims and their families
- and any statutory requirements the Board must take into account, including non-disclosure once the new provisions are commenced

This was explored during the event and through audience discussions, with many recognising that the Board must balance public safety with opportunities for rehabilitation where appropriate. The Board's remit is grounded in protection of the public, and its framework assumes the legitimacy of the conviction unless it has been overturned by appeal.

Integrating this understanding helped participants explore the ethical and practical challenges of non-disclosure at parole.

8.6 The Wider Human and Community Impact of Non-Disclosure

Across all events, participants demonstrated a clear awareness that non-disclosure does not only harm the immediate family of the victim. Audience discussions reflected a broader recognition that

the consequences reach into friendship circles, local communities, and even into the lives of the offender’s own family.

A recurring theme was the inability to fully grieve. Discussion at the live events focused on the specific form of harm that arises when a person’s remains are not recovered: grief is suspended, funerals cannot be completed in the way families wish, and rituals that help people process loss are interrupted or denied. Several participants highlighted how this unresolved pain can deepen isolation, leaving families feeling cut off from support or unable to move forward.

There was also an acknowledgement of the wider social harm that spreads through communities when a case remains unresolved. Friends of the victim carry the emotional burden of uncertainty, and local communities often experience tension, distress, and division. Participants reflected on how an absence of closure can prolong trauma and keep communities in a state of collective unease.

Importantly, discussions did also recognise a commonly overlooked dimension: the effect on the offender’s own family. People noted that the relatives of an offender—particularly children—can become unfairly drawn into the consequences of a non-disclosure they had no role in. Participants expressed concern about the negative feelings these children may face from their peers or wider community, the stigma attached to the case, and the emotional strain placed on families who carry the weight of a decision that is not their own.

This broader human impact shaped attendees’ responses to the voting questions. Their support for a mandatory duty was tied not only to legal principle or public safety, but to a compassionate understanding of the layers of harm created by non-disclosure. Participants articulated a shared belief that the justice system should acknowledge these wider experiences and that structured, consistent decision making offers a way of recognising the profound social and emotional consequences for everyone affected.



Figure 4 - Taking Secrets to the Grave delivered at The Arbroath Courthouse.

8.7 The Offender’s Right to Maintain Innocence and the Challenges of No-Body Cases

While participants across all events strongly supported a structured approach to non-disclosure, discussions also recognised the complex position of offenders who maintain their innocence. In cases

where a victim's remains have not been recovered, prosecutions are inherently more difficult. Without physical remains, the Crown may face substantial evidential challenges, and juries can be asked to weigh circumstantial or indirect evidence in the absence of what is often viewed as the most critical material proof.

This evidential landscape means that some individuals convicted in cases with an unrecovered victim may continue to assert their innocence because they believe the evidence against them was incomplete, flawed, or insufficient. Throughout the live event, open discussion did address that the justice system must continue to uphold the principle that anyone can be accused, and that the right to maintain innocence remains a fundamental protection in Scots law.

However, the new statutory duty on non-disclosure introduces a tension. For a prisoner who continues to deny involvement, disclosure of remains is impossible. Yet under the amended Parole Board framework, a failure to disclose—regardless of the reason—will be viewed unfavourably. This may have the practical effect of making release more difficult for those who uphold their innocence, even where they believe they have no information to give.

Participants reflected on this dilemma during the sessions. Some acknowledged that an offender's refusal to disclose may have strategic motivations: an awareness that the case against them was weaker without remains and that disclosure could have strengthened the original prosecution. Others emphasised that, regardless of motivation, non-disclosure continues to cause profound harm to families and communities.

At the same time, several participants expressed discomfort with the ethical dilemma created by the new statutory duty. All systems are capable of error, and the Scottish criminal justice system is no exception. Under the amended parole framework, a prisoner who maintains their innocence in a case with an unrecovered victim, will be unable to provide information about the location of remains. As the new law requires the Parole Board to take non-disclosure into account, this absence of information is likely to be viewed unfavourably during release decisions. Participants recognised that this may place innocent individuals—who genuinely have no information to give—at a disadvantage when seeking parole. This tension between protecting families from the continuing harm of non-disclosure and upholding the rights of convicted persons who maintain innocence was acknowledged as a significant and unresolved difficulty.

This area of discussion highlighted the delicate balance between victims' rights to truth and closure, and the offender's right to maintain innocence. It also underscored the importance of transparent, carefully structured decision making by the Parole Board, ensuring that the new statutory framework is applied thoughtfully and proportionately in cases where denial of guilt persists.

8.8 Conclusion on Alignment

This finding reveals a significant social insight. From this sample of attendees, it is clear that people do not simply want non-disclosure to influence parole decisions in principle. They want it to do so in a clear, structured, non-negotiable way. Their reasoning connects to broader themes that emerged throughout discussion:

- a desire for accountability
- prioritising the needs and experiences of victims' families
- expectations of consistency and transparency in decision making

- a cautious trust in justice institutions, strengthened when decisions follow an explicit framework

The new Act reflects this mood. In many respects, the law has moved to align with these public expectations, formalising a structured approach that participants instinctively supported when examining the issues in depth.



Figure 5 - *Taking Secrets to the Grave* delivered at The Montrose Playhouse.

9. Social Commentary: What These Findings Tell Us About Scotland Today

The response to non-disclosure is not simply a procedural view; it reflects a collective moral stance.

Across communities, the public expressed:

- empathy for victims and families
- frustration at the harm caused by silence
- expectation of moral responsibility in the justice process

By removing flexibility and creating clearer legal duties, Scotland's public appear to be seeking:

- justice that is transparent
- a Parole Board that is consistent
- a system that honours the emotional reality of unrecovered victims

This moment shows an alignment between public sentiment and legislative reform.

10. Current Status of the Victims, Witnesses and Justice Reform (Scotland) Act 2025

The Victims, Witnesses and Justice Reform (Scotland) Act 2025 received Royal Assent on 30 October 2025, which means the Act is now formally on the statute book. However, receiving Royal Assent does not mean that every part of the Act comes into force immediately.

Under section 116 of the Act, only certain provisions commenced automatically the day after Royal Assent, such as those relating to the establishment of the new Victims and Witnesses Commissioner and a small number of structural and administrative sections.

Most of the Act, including several major reforms, will only come into force when the Scottish Ministers bring them into effect by making separate commencement regulations. This staged approach is standard practice for large justice bills.

Status of sections 55 and 56 (Parole Board reforms)

As of 27 November 2025, the specific provisions relevant to this project —section 55 (mandatory consideration of non-disclosure of victim remains), and section 56 (consideration of the safety and security of victims and families) have not yet been commenced.

This means that although the legal framework has been agreed by Parliament and enacted, these particular parole-related duties are not yet operational. The Parole Board will only be legally required to follow the new rules once a commencement order is made by Scottish Ministers.

10.1 Why this matters for public understanding

Many people assume that once an Act receives Royal Assent, all its provisions become law immediately. The Act creates the legal architecture, but large parts of it only “go live” once commencement regulations are issued. Until that point, the existing parole rules remain in place.

This clarification helps ensure that public discussion remains accurate and prevents misunderstanding about what is currently required of the Parole Board in Scotland.

11. The Value of Public Engagement

Taking Secrets to the Grave has shown that members of the public are not only willing but genuinely eager to engage with difficult, complex questions at the heart of Scotland’s justice system. Across all nine events, participants demonstrated levels of reflection, empathy, and analytical reasoning that are rarely captured outside formal consultation processes or academic settings.

This project has been ground-breaking in several ways.

First, it has shown that non-lawyers can meaningfully interrogate real legal dilemmas, weighing competing principles such as victims’ rights, rehabilitation, evidential uncertainty, and the offender’s right to maintain innocence. Their discussions often mirrored the very considerations faced by legislators, judges, and policy makers. This suggests a far greater public appetite for informed engagement than is often assumed.



Figure 6 - *Taking Secrets to the Grave* delivered at *The Circle*, Dundee.

Second, the structured, story-driven format of Scots Law Talks events has proved to be a powerful bridge between justice institutions and the communities they serve. By presenting real cases, accurate legal tests, and the wider social context, the sessions create a rare civic space where people can explore the tensions that shape law and policy—free from political framing, sensationalism, or media distortion.

Third, the findings make a meaningful contribution to ongoing national discussions about:

- parole practice, particularly in cases involving unrecovered victims
- victims' rights, including the emotional and social impact of prolonged uncertainty
- the role of silence, and the weight non-disclosure should carry at sentencing and release
- public trust, and the conditions under which trust in justice institutions is strengthened

To our knowledge, no other organisation in Scotland has created a public engagement model quite like this—one that is accessible, evidence-based, legally accurate, and capable of drawing hundreds of people into informed, respectful debate on sensitive justice issues.

The project demonstrates that communities want to understand their justice system, that they value transparency, and that they can contribute thoughtful perspectives when given the tools, space, and support to do so.

The project reflects what meaningful engagement can look like: open, informed discussion, delivered in a way that brings communities into the heart of justice conversations. It demonstrates an approach that could help shape how Scotland thinks about public involvement in justice in future.

12. Conclusion

Across nine events and hundreds of participants, the public expressed remarkable consistency in their views on non-disclosure, parole, and the wider human impact of unresolved cases. Their responses align closely with the direction of the Victims, Witnesses and Justice Reform (Scotland) Act, while also revealing a desire for clarity, accountability, and structured decision making that places families and communities at the centre. These findings underline how deeply communities

care about the ongoing harm caused by non-disclosure and how strongly they support a justice system that responds to that harm in a meaningful, transparent way.

But while the new legislation marks an important step forward, the conversation is far from over. *Taking Secrets to the Grave* has shown that people across Scotland want space to explore these issues, understand the tensions involved, and discuss the realities of denial, risk, and the complexity of offending behaviour. This work has uncovered a genuine appetite for thoughtful, accessible public engagement on matters that are often seen as beyond the reach of non-lawyers.

For that reason, Scots Law Talks plans to continue and expand this project. We will offer *Taking Secrets to the Grave* to new venues across Scotland and develop an online version to reach those unable to attend in person. In addition, we are preparing *Taking Secrets to the Grave 2*, which will focus on further important cases, stories that deserve to be heard, and the wider questions they raise. This next phase will explore themes such as denial of guilt, risk assessment, patterns of offending, and the consequences these factors hold for families, communities and rehabilitation.

This report demonstrates that public engagement is not just a supplement to justice reform — it is a vital tool in understanding societal expectations and the lived realities behind the law. Scots Law Talks is committed to continuing this conversation, broadening access to legal education, and ensuring that the voices of communities remain part of Scotland's evolving justice landscape.

A heartfelt thank you to everyone who has supported Scots Law Talks by taking part in *Taking Secrets to the Grave*.

And thank you **to you** for taking the time to read this report. If you would like to discuss any of the issues raised here further, please feel free to contact Lindsay Conchar at scotslawtalks@gmail.com

Lindsay Conchar

27th November 2025.

13. Further Reading and Sources

The following links provide direct access to the legislation, official bodies and public resources referenced throughout this report:

Legislation

- Victims, Witnesses and Justice Reform (Scotland) Act 2025 (as enacted)
<https://www.legislation.gov.uk/asp/2025/12/contents>
- Prisoners and Criminal Proceedings (Scotland) Act 1993 (as amended)
<https://www.legislation.gov.uk/ukpga/1993/9/contents>

Parole Board for Scotland

- Official website
<https://scottishparoleboard.scot/>
- Victims & Families
<https://scottishparoleboard.scot/victims-and-families/>

Scottish Government – Justice Directorate

- Victims, Witnesses and Justice Reform Bill: Factsheet
<https://www.gov.scot/publications/victims-witnesses-and-justice-reform-bill-factsheet>

General Legal Resources

- Judiciary of Scotland (sentencing guidelines, appeal judgments)
<https://www.judiciary.scot>
- Crown Office and Procurator Fiscal Service (COPFS)
<https://www.copfs.gov.uk>
- Scottish Sentencing Council
<https://www.scottishsentencingcouncil.org.uk>

These resources allow readers to explore the legal framework, policy context and decision-making processes discussed in this report.