



HMA

V

Beverley Helen West

12th April 2006

Today at the High Court in Edinburgh Lord Hodge sentenced Beverley West to three years probation and ordered her to carry out 240 hours of unpaid work in the community after she pleaded guilty to culpable homicide.

On sentencing Lord Hodge made the following statement:

“You have pleaded guilty to the culpable killing of your baby boy on 13 March 2005 immediately after you gave birth to him in your bedroom in your home. Your parents were not aware either of your pregnancy or of the birth. You had hidden your pregnancy from them. You had informed your boyfriend that you had had a termination. While you had seen your GP and a consultant gynaecologist and were given an appointment to see the Community midwives, unfortunately neither the doctors whom you saw nor the Community midwives followed up your case until it was too late and your baby was dead.

You have committed a very serious crime. The sanctity of human life is an essential part of the shared culture of our community and you have violated that sanctity by killing your defenceless baby.

It is important however to have regard to your mental state at the time of the offence. I have had the benefit of the agreed Crown narrative that records the medical opinions obtained by the Crown and I also have considered carefully the two detailed psychological reports which your solicitors have obtained on your behalf from Mrs Roos and Professor Cooke. The Crown has not taken issue with the conclusions of those reports.

While you do not suffer any psychiatric disorder and you do not have any marked intellectual impairment, it is clear that you have diminished responsibility for your acts. This is as a result of personality disorders involving anxiety, avoidance and dependence. You do not act as a person of your age normally would in coping with life and your behaviour has been assessed as being consistent with the recognised phenomenon of pregnancy denial. These disorders, which affected your ability to cope with stressful situations, have significantly reduced your culpability. The medical evidence suggests that you were not able to determine or control your actions as a normal adult would at the time you committed the offence. That is an important consideration in determining the appropriate punishment.

I am aware that a letter has been sent to the Court by Mr David Ross. I wish to make it clear that I have not seen the letter nor have I been told of its terms as I was informed by responsible court officials that its terms were not appropriate for me to consider when sentencing you. Accordingly I have had regard only to the agreed Crown narrative of the offence, the psychological reports which I have mentioned, the Social Enquiry Report and Mr Davidson's plea in mitigation.

In sentencing you I have had regard to everything that Mr Davidson has said on your behalf.

In particular, I take account of the facts (i) that you have no previous convictions; (ii) that you require assistance with your personality disorders and are receiving treatment; (iii) that you do not pose a threat of harm to the public but that your tendency to deny and avoid issues would make it necessary to monitor any future pregnancy; (iv) that you have readily admitted your guilt and cooperated with the police; (v) that you have the support of your parents and wider family; and (vi) that you have appreciated the seriousness of what you have done and have suffered remorse for your act.

What you have done would normally give rise to a substantial prison sentence as it was a very serious crime. I am satisfied however that it would not be in your interest or in the public interest to send you to prison where you might not receive the continued treatment that you need.

That said, the gravity of your offence makes it appropriate that as an alternative to custody you should be subject to probation for the maximum period of three years and that as a condition of probation you should perform unpaid work in the community. Probation will give you a framework in which your psychological treatment can continue and the unpaid work in the community may give some structure to your life as well as allow you to atone for what you have done.

Before I can make the order I have to explain certain things to you.

First, the effect of the order is that you will be under the supervision of a local authority officer for the specified period of three years, and you must comply with that officer's instructions.

Secondly, You must be of good behaviour throughout the period of the order.

Thirdly, You must inform the supervising officer immediately of any change of address or to any work arrangements.

Do you understand all of that so far?

'Yes'

Are you willing to accept these conditions so far?

'Yes'

Now, in addition to these standard conditions, the order I am going to make will be subject to two further special conditions as follows:

1. During the specified period you will participate in psychological treatment by Mrs Roos and cooperate fully with her and any others who give you that treatment.

2. You will be required to carry out 240 hours of unpaid work in the community on the following basis:
- (i) The type of work will be specified by a local authority officer as will the times when it has to be performed
 - (ii) The specified work will be performed within 12 months of today's date and you must do it satisfactorily on the instructions of your supervising officer.
 - (iii) If there is any change to your address and any normal work arrangements you must notify your supervising officer immediately.

Do you understand what I have said about the special conditions which are to apply?

'Yes'

Do you agree to comply with all these conditions?

'Yes'

Now there is one more thing that I want to make completely clear to you at this stage:

This is an order that I am making as an alternative to sentencing you to a period of imprisonment. So please be in no doubt that if you fail to comply with any of the terms of this order, you will be liable to be brought back before this court which has power to revoke the order and sentence you for the original offence as if this order had never been made.

Do you understand all of that?

'Yes'

Do you accept all of the conditions I have told you about?

'Yes'

Very well. The order is confirmed. In deciding to make the order in these terms I have taken full account of your guilty plea.

Finally, because you have committed a relevant offence under the Protection of Children (Scotland) Act 2003 and as your present psychological state if maintained would appear to require any future pregnancy to be monitored to avoid a further offence, I propose to refer your case to the Scottish Ministers under that Act. You have certain rights of appeal against the proposed reference and your legal advisers can advise you of what it would be appropriate to do".

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