NATIONAL PROBATION SERVICE

Parole Board Oral Hearings

A leaflet For victims and their families

NOMS National Offender Management Service

Working together to reduce re-offending

This leaflet provides information for victims and their families about Parole Board oral hearings. Throughout the leaflet, the reference to the victim should, if the victim has died, be read as including the family representative of the victim.

What is the Parole Board?

The Parole Board is an independent body that works with its criminal justice partners to protect the public by risk assessing prisoners to decide whether they can be safely released into the community.

What is an Oral Hearing?

The purpose of an oral hearing is to enable the Parole Board to make decisions, based on the evidence put forward, about whether an offender must remain in custody or may be released into the community. At an oral hearing, a panel of Parole Board members will consider verbal evidence as well as written reports about the offender. If you have made one, the panel will also look at or listen to the presentation of your Victim Personal Statement (VPS)[1]. The Panel may ask questions of the Advocate who has presented the VPS on your behalf to clarify the evidence put forward. After reviewing all of the evidence, the Panel reaches its decisions based on its assessment of offender's risk and the need to protect the public.

Who attends?

Those present may include:

- The Panel - Parole Board Members, including the chair of the hearing:
- The prisoner and his representative, usually a solicitor or barrister:
- The Secretary of State's representative, usually the Public Protection Advocate (PPA), or a representative of the Ministry of Justice:
- Witnesses called to give evidence - e.g. a probation officer, prison staff, psychiatrist, or victims who have been requested to attend as witnesses: or
- Observers, who attend but do not give evidence.

1 See the separate leaflet, "Making your views known to the Parole Board about the release of offenders" which explains what a Victim Personal Statement is and how to make one.

Where are the hearings held?

They are usually held at a prison or occasionally in NHS secure units.

Who presents the VPS?

PPAs are trained in and experienced at giving evidence at hearings and a PPA will be allocated to present the VPS on your behalf. Using a PPA has the benefit of giving you a voice without exposing you to the difficulties of attending a hearing. Alternatively, you can submit the VPS for the panel to consider in writing.

Will my views be disregarded if my VPS is not presented orally?

Not at all. You should be reassured that the Board will consider your views in your written VPS or in other documents if, for example, you have asked for your information to be put forward as part of the reports submitted by the Probation Service.

Will I have to attend a hearing?

You might be asked to attend an oral hearing as a witness as you might have information relevant to the assessment of the offender's risk. Please read the information given below about appearing as a witness and discuss the issues with your VLO.

You will not be required to attend as a witness in order to present your VPS in person. You are strongly advised to use the trained Advocates to present your VPS rather than present it in person. There is no right to attend an oral hearing; that is a decision for the Chair of the Panel at the Board. If permitted to attend to present the VPS in person, you would attend as a witness and as such you would be subject to questioning and possibly cross-examination by the prisoner's legal representative. Advocates are trained and experienced in presenting at hearings and are able to liaise with you on how the information should be presented.

If you decide that you do want to apply to attend the hearing to present the VPS yourself, your VLO must submit it to the Ministry of Justice who will pass it to the Parole Board. The Parole Board's decision will be based on the additional information you will be able to add to the risk assessment.

What is involved in appearing as a witness?

As already stated, you will not be required to present your VPS in person. However, there may be occasions when a victim has information which is relevant to the Parole Board's decision-making and in those circumstances they may be asked to attend the hearing as a witness.

We recognise that some victims may find the prospect of giving evidence, particularly in a prison setting, daunting. Every effort will be made to ensure that you will be supported on the day of the hearing and your needs considered. You do need to be aware that:

- prisons are a secure environment and space is at a premium;
- prisons have security procedures which apply to all visitors (see below);
- waiting rooms have limited facilities;
- hearings are held in an ordinary room; unlike courts there are no barriers separating participants;
- your evidence may be heard by all participants including the offender, other witnesses and observers; and
- during the hearing you may be asked questions about the contents of your VPS or any other evidence you put forward by the Secretary of State's representative, the panel or those representing the offender.

Can I be accompanied at the hearing if I attend as a witness?

Prisons may be able to admit a member of a support organisation, your VLO, family member or a friend or to support you on the day of the hearing. They may be asked to wait for you outside the room where the hearing is being held or you may apply to the Parole Board for permission for them to observe the hearing. They may be subject to security screening by the prison.

Can I give my evidence by video link?

You may request this via your VLO or on some occasions the Board will ask you to give your evidence by video.

Can I attend a hearing as an observer?

No, you are not able to observe the hearing.

What can I take into the prison?

You should take any documents with you to the hearing that are relevant to the evidence you have been asked to provide, including your VPS, if relevant.

You should report to the prison reception and state that you are there to attend a Parole Board hearing. You will be asked to produce some form of photo-identification. You will be asked to leave personal items including mobile phones, bags and wallets at the prison reception. You may also be asked to undergo searching and your possessions may be screened by x-ray equipment, scanners and sniffer dogs before you are admitted.

What happens on the day?

After your identity has been checked and you have gone through security screening, you will be collected from the reception area and escorted by prison staff to a waiting area until the Panel is ready to hear your evidence. You will then be shown into the room where the hearing is taking place. The Secretary of State's representative will ask you questions in relation to your evidence and this will be followed by questions from the prisoner's representative. Finally, members of the Panel will also be able to put questions to you. After questions, you will be asked to leave the room and you will not be asked to wait until the hearing has ended. Prison staff will escort you back to the reception area to collect your personal items and bags.

Can I attend the whole hearing?

You may normally only attend part of the hearing in which you give your evidence. You will be asked to leave before any other evidence is presented to the Panel. Usually, the offender will be present throughout the hearing unless it has been agreed in advance of the hearing by the Panel Chair that your evidence should not be disclosed to the offender. In those circumstances the offender is asked to leave the room while you give your evidence, although his legal representative will remain and will be invited to put questions to you.

Can I see the written reports considered by the Board?

No, other evidence about the prisoner cannot be disclosed to you except your victim reports for the offender manager which should already have been shared with you.

What if I have applied for non-disclosure of my VPS?

If your request for non-disclosure has been agreed, the prisoner will not be able to see your VPS or listen to the PPA presenting it at the hearing. Neither will they be allowed to remain in the room to hear your evidence. His/her legal representative will be able to view your VPS and any other evidence you may have submitted as well as hear your oral evidence.

What happens if an oral hearing is deferred?

Unfortunately, hearings do have to be cancelled, sometimes at very short notice. You will be advised by your VLO of the new date once it has been fixed.

Who can I contact to find out more about the hearing?

Your VLO can assist you and give you more information about the processes. If a PPA has been allocated to your case you can ask your VLO to put you in touch with the PPA. There is also useful information on the Parole Board's web site at www.paroleboard.gov.uk

What if I am worried about attending a hearing?

You may wish to speak to your VLO about your concerns or the PPA. You may also wish to seek support from one of the organisations which support victims.

Victim Support is the national charity which helps people affected by crime and provides free and confidential support to help people deal with their experiences. Victim Support also runs Supportline. Trained personnel provide support over the 'phone or will get you in touch with your local Victim Support service. Supportline: 0845 30 30 900. www.victimsupport.org.uk There are a number of other organisations who may also be able to assist you. Your VLO should be able to provide you with the details.

What happens after the hearing?

Your VLO will advise you of the Parole Board's decision about two weeks after the hearing. If the offender is going to be released you will be told about any licence conditions which affect you or your family. If the Parole Board decides to adopt different licence conditions to the ones you proposed, you will be advised of the Board's reasons by your VLO. The Parole Board cannot discuss with you its decisions and the reasons for them. If the Board has not accepted your views about the proposed licence conditions relating to you or your family, then it will give you an explanation for its decision.