NATIONAL PROBATION SERVICE

Making Your Views Known To The Parole Board About The Release Of Offenders

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. Throughout the leaflet, the reference to the victim should, if the victim has died, be read as including the family representative of the victim.

The National Probation Service (NPS) has given you this leaflet to tell you about arrangements for you to put forward your views to the Parole Board when it is considering the release on licence of certain offenders from prison or hospital.

The arrangements apply where you have been the victim of a sexual or violent offence and the offender has been imprisoned for 12 months or more, or detained in hospital with restrictions on his or her release.

The NPS operates the probation victim contact scheme and a victim liaison officer (VLO) will provide you with information about how the Parole Board considers and makes decisions about an offenders' case. The officer will explain how you can put your views to the Board in a Victim Personal Statement (VPS). You can find out more about the Parole Board on its web site at www.paroleboard.gov.uk

Which cases does the Parole Board consider?

The Parole Board considers the release of offenders serving

- a life sentence;
- an indeterminate sentence for public protection (IPP);
- an extended sentence; and
- offenders serving fixed sentences of 4 years and over who committed the offence before 4 April 2005.

The Board also considers cases where an offender who has previously been released on licence and has been recalled to prison. The Board considers whether recall was appropriate and whether he should be released again. The arrangements for considering recall is changing and it is proposed that in future some cases may not be considered by the Board but will be subject to automatic re-release after a period back in prison. Your VLO will be able to advise you further about these changes once they are made.

For life sentence prisoners, the Board will also consider whether to recommend the transfer of the offender to an open prison before they are released.

What information does the Parole Board use to make decisions?

The Board considers a range of information relating to the risk an offender could pose to the public if they were to be re-released, and the likelihood of the offender committing further offences, or in the case of a lifer or someone sentenced to an indeterminate sentence, serious offences. The information includes information about:

- the offence and the impact on the victim;
- the offender's previous offences;
- behaviour in prison;
- interventions that have taken place to analyse and address areas of risk and resulting reports on the effect of these interventions;
- reports from professionals such as psychologists and probation staff relating to reduction, or non-reduction of risk; and
- the arrangements for supervising the offender in the community should they be released.

What is a Victim Personal Statement (VPS)?

Victim Personal Statements provide an opportunity for victims to have a voice in criminal justice processes. They enable you to tell the Court or the Parole Board how the offence has affected you or your family. You may already have made a Victim Personal Statement at the time when the offence was committed or at the trial. You may wish to update that statement to reflect your current feelings and views, or to make a new one if you have not previously done so.

How do I make a Victim Personal Statement (VPS)?

Your VLO will explain the process and help you set down your views on the VPS form.

What can and can't I include in my VPS?

You should include your views on:

- the impact of the offence both at the time it happened and afterwards. This could include information about the physical, emotional medical and financial impact of the crime on you or your family. This also could include information you have put forward in your previous VPS or new information.

- the impact which the offender's release may have on you or your family. This can include an explanation of why you believe the offender may be a risk to you or your family.

You cannot, include your views on whether or not the offender should be released since the Parole Board cannot take such views into account when making its decision. The Parole Board is an independent body which makes its decisions about the offender's level of risk based on the evidence it considers. It can therefore only consider evidence you put forward which relates to the risk the offender may present to you or your family.

Can anyone else make the VPS on my behalf?

A family member, such as a spouse or parent, may make the statement if the victim has died, is unable to make the statement themselves or is a young person under the age of 18.

What happens to the VPS?

The VPS will be submitted to the Parole Board in paper format. If the Board holds an oral hearing, you can request to have the VPS presented by a Public Protection Advocate. Advocates attend hearings to present evidence about the offender to the Parole Board. Your VLO will be able to discuss the options with you. They will be able to provide you with a leaflet about oral hearings and explain what happens at a hearing. This will help you decide whether you wish to have your VPS presented in writing or by an Advocate if an oral hearing is being held. The Parole Board will consider your VPS in the same way whether it is presented in writing or orally.

What if I do not want my VPS to be disclosed to the offender?

You may submit an application via your VLO to withhold your VPS and any other information you submit from the prisoner. You will need to set out your reasons for wishing to withhold the information. The decision whether to agree to your request will be made by the offender manager if a paper-based hearing is held or the chair of the hearing if a Parole Board oral hearing is taking place. In the vast majority of cases, the victims' request to withhold their evidence from the prisoner is adhered to.

Can I withdraw my statement if the offender manager / chair of the hearing decide that the offender should be shown my statement?

Yes, you should be given the opportunity to withdraw your statement or for your views to be presented in a different way. Your VLO will be able to advise you on this.

Can I still make representations about the restrictions relating to the offender's release if I choose not to take part in the scheme?

Yes, you can still put forward your views about any licence conditions or other restrictions which you think are necessary to protect you or your family. This is your legal right. These will be put forward to the Board through your VLO.

What if I choose not to take part in the scheme?

You should be reassured that the Parole Board will still seek to gather information from other sources, such as your VLO, to help them make decisions about risk that relate to victim safety and wellbeing even if you choose not to take part for whatever reason. As such, even if you do not feel able to participate in the scheme, the Parole Board and the criminal justice system will still ensure that your interests are considered during their decision making.

How will I be told about the decision?

Your VLO will let you know what decision was made and give you details of any restrictions on the offender's release which affect you or your family.

What support can I get?

The VLO will offer ongoing information and advice. If an Advocate is present at an oral hearing, they too will be able to provide information and support on the day. 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 put 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 and your VLO can provide you with details.