

Victims and Family and Friends of Victims – Parole Hearings Information Leaflet

Introduction



I am deeply conscious, having spoken to many victims, that the Parole process and subsequent decisions can have a significant impact on them.

That is why the Parole Board is committed to ensuring that victims are treated with sensitivity and respect. Crucial to this is ensuring that they have access to information on their entitlements. It is also important that they can take part in the parole process, wherever possible, if they wish to do so.

Under Right 11 of the Code of Practice for Victims of Crime in England and Wales, there are a set of duties which the Parole Board must comply with.

These duties are set out in the box opposite.

Access to these entitlements largely depends on victims being signed up to the Victim Contact Scheme run by the National Probation Service, and I strongly encourage all victims to sign up so they can access their rights and be kept updated. This leaflet provides information which I hope will be helpful, but there are also links to where further information can be found.

The COVID-19 pandemic has presented a number of challenges but a positive development is that many more victims are able to read out their statement remotely, from home or a location away from a prison, which improves access for victims who wish to engage in the process. This will continue to be an option going forward.

The Parole Board is committed to ensuring we do all we can to make the parole process accessible and understandable to victims and I hope this leaflet and the information on our website go some way to achieve that.

Martin Jones
Chief Executive Officer
Parole Board for England and Wales

Victim Entitlements under the Code

The Parole Board must:

- consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment;
- read a Victim Personal Statement (VPS) if one is submitted;
- consider any application by the victim to be permitted to attend the (oral) hearing and read their Victim Personal Statement or have it read by someone else on their behalf;
- unless there is a good reason for not doing so, agree to the statement being read at the hearing by the victim or someone else on their behalf;
- provide a summary of the parole decision upon application, unless there is a good reason for not doing so.

 **The full Code can be read here:**

MoJ Victims Code 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936239/victims-code-2020.pdf

Victim Contact Scheme and Victim Personal Statement

The Victim Contact Scheme

The Victim Contact Scheme (VCS) is run by the National Probation Service. It is completely separate from the Parole Board. You can sign up to the VCS if:

- you are the victim of a violent or sexual crime and
- the offender is sentenced to 12 months or more imprisonment

 **More information can be found here:**

<https://www.gov.uk/get-support-as-a-victim-of-crime>

Victim personal statement

If you have a statutory right to the VCS, that is if the offender was directly convicted of a sexual or violent offence and is still serving that sentence you will be able to submit a written statement called a Victim Personal Statement (VPS). Your Victim Liaison Officer (VLO) will support you with this.

You will be informed by your VLO when the prisoner is due to have a parole review. They will also tell you when you need to complete a VPS by, if you wish to submit one. Please do not contact the Parole Board directly about this.

 **More information about how to write a VPS and what you may wish to include can be found here:**

<https://www.gov.uk/government/publications/parole-board-information-booklet-for-victims>

Information about risk

If you have information that may relate to the current risk the prisoner presents, you should share this information with your VLO as soon as possible. For example, this might include information about unwanted contact or communication from the prisoner. Your VLO will pass it on to the appropriate authorities, usually the Probation Service, to consider and submit as evidence. It is very important not to include this information in your VPS.

If at any point you feel in immediate danger you should call the police.

Submitting your victim personal statement

Your VLO will let you know when it is time to submit your VPS. It might take you longer than you think to express yourself in the way you want to. It is really important that your VPS is submitted on time.

If your VPS is submitted late, there is a very high risk that the Parole Board may have already concluded the review and made its decision. Once a decision has been made there is no opportunity to take a VPS into account. This is because the Parole Board will have completed the parole review and are unable to do anything more.

Non-disclosure

The overriding principle is that the prisoner will see all information considered by the Parole Board, including your VPS. If you do not wish the prisoner to see your VPS, your VLO can apply for the statement to be withheld, under a non-disclosure application.

There are rules about this which will need to be followed. These include strict timeframes for making a request, and specific reasons for when information can be withheld from the prisoner. Your VLO can explain the process to you. They can also advise you about whether a request meets the criteria and if there is time to make an application.

Your VPS is important

Victims often ask how the VPS is used by the Parole Board. This can sometimes be difficult to understand but a VPS can:

- Provide the Parole Board with a real sense of the harm caused by the crime
- Help the Parole Board understand the continuing impact of the crime
- Provide valuable information about any requested licence conditions



More information about this can be read here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/842408/How_is_a_Victim_Personal_Statement_used_by_the_Parole_Board_-_February_2018.pdf

Presenting your Victim Personal Statement and Requesting Licence Conditions

Presenting your victim personal statement where there is an oral hearing – only about 40% of cases have an oral hearing

Your VPS will always be read by the Parole Board if it is submitted on time.

If the prisoner's case is going to be considered at an oral hearing you can choose how you would like your VPS presented. In addition to the written copy that the Parole Board will already have, there are the following options available:

- You can rely on the written copy of the VPS that the Parole Board will already have;
- You can request to read the VPS aloud remotely. This could be from your own home, using technology such as Skype/Microsoft Teams/Zoom. It could simply be over the telephone. It could also be from a local Probation office, or another venue, supported by your VLO;
- You can request to be present at the hearing if it is taking place at the prison, and read the VPS out yourself;
- You can request to be present at the hearing if it is taking place at the prison, and have the VPS read out by someone else on your behalf;
- You can request that someone else attends the hearing (remotely or at the prison) to read out the VPS on your behalf, but not attend yourself;
- You can request to pre-record yourself reading the statement either as a video or audio clip for it to be played at the hearing.

Your VLO will explain all of the above options to you and support you by making the necessary arrangements in accordance with your wishes.

Many oral hearings now take place remotely and far fewer actually take place at the prison with everyone attending in the room. You will always be offered the option to participate remotely, which will avoid you having to go into a prison.

You can ask for a relative or friend to support you on the day. We will need to know the name of your supporter, especially if you are going to a prison as permission from the Prison Governor will be needed.

A Secretary of State Victim Support Representative will support you on the day. They will be responsible for making all the arrangements for joining any remote hearing or for attending a prison. They are there to ensure your experience is as trouble-free as possible. Your VLO will tell you the name of this person.

Think about whether you would want the prisoner to be present when you read out your statement. The Parole Board and the prisoner will be informed of your preference, although it will be for the Parole Board to make the final decision. In some cases, the prisoner may decline to read a VPS or attend the reading of it at an oral hearing. The Parole Board cannot force a prisoner against their wishes.

You will always be told in advance what the arrangements will be.

- **It is important to note that you will only be permitted to read the written statement you have submitted. You will not be able to add anything new to it or change your statement on the day.**
- **The Parole Board will usually ask for the statement to be read at the start of the hearing, and then you will leave, and the hearing will continue.**

If you attend the oral hearing in person at a prison you can claim back travel expenses. Your VLO can provide the claim form for this.

Requesting licence conditions

You can ask for licence conditions to be added to the prisoner's licence if they are being considered for release.

Your VLO will provide advice about possible conditions. These will usually be either:

- **Exclusion zones** – forbidding the prisoner to go into certain areas, for example where you live or work. The Parole Board must consider these, and it is helpful if they have as much information as possible about why you want these exclusion zones so that they can assess whether they are reasonable.
- **Non-contact** – forbidding the prisoner from contacting you or members of your family either directly or indirectly.

The Parole Board considers requests for licence conditions very carefully. It must ensure that they are lawful, but at the same time provide reassurance and protection to you (both physically and mentally).

Licence conditions should support the prisoner in reducing their likelihood of re-offending and give them the opportunity to engage meaningfully back into the community. The main consideration is that they must not be seen as a punishment.

If something you have requested has not been agreed to, the Parole Board decision will include an explanation of why. Your VLO will inform you of the reason.

Decision Summaries and the Reconsideration Mechanism

It is important that you discuss with your VLO the detail of your request and provide information that demonstrates why the licence conditions are needed. You can set out information about your routine and location and the potential impact of coming into contact with the prisoner to explain why the proposed licence conditions will make you feel safer.

Parole Board Decision Summary (PBDS)

You are entitled to request a summary of the parole decision letter.

You can ask for this as soon as you know there is to be a parole review. Your request will be kept until a summary of the decision is available to send to you.

You can also wait until after the hearing has taken place if you are unsure whether you want to see it. But you must make your request within six months of the decision being issued.



A Parole Board Decision Summary will help explain the decision that the Parole Board made.

Your VLO will be able to assist in requesting this for you. More information about Parole Board Decision Summaries can be read here:

<https://www.gov.uk/government/publications/decision-summaries>

Reconsideration Mechanism

In many cases the parole decision will be provisional for 21 calendar days as it will be eligible to be assessed for reconsideration. The Secretary of State may ask the Parole Board to reconsider a decision during this period, if there is an arguable case that:

- the correct process was not followed
- the decision was irrational

You may submit a request to the Secretary of State asking that an application for reconsideration is made, if you believe that the decision meets either of these tests.

Your request must be submitted as soon as possible but within the 21-day provisional window. The Secretary of State will need to consider the request within this timeframe, which is very short.

What the Parole Board does not do

The Secretary of State will only make an application to the Parole Board where there is evidence the very strict criteria is met. Being unhappy with the decision is not grounds for reconsideration.

A prisoner can also consider seeking a reconsideration of a decision not to release them.



More information

More information about the reconsideration mechanism can be found on our web page here: <https://www.gov.uk/guidance/challenge-a-parole-decision>

What the Parole Board is not involved in

The Criminal Justice System can be quite confusing with so many different organisations taking responsibility for different things. Your VLO can help answer any questions you have.

Here are some things that the Parole Board is not responsible for:

- **Direct contact with victims** – Victim engagement in the parole process is fully managed through the Victim Contact Scheme. VLOs have direct responsibility for providing victims signed up to the VCS with the correct services.
- **Release on temporary licence (ROTL)** – A prisoner may be allowed out of prison for a short period of time, sometimes overnight. The Prison Service arranges this.
- **Recategorising prisoners** – The Parole Board may offer advice to the Secretary of State on the transfer of prisoners to the open estate (Category D). However, the actual decision about such a transfer, and any other recategorisation decisions, are a matter for Her Majesty's Prison and Probation Service.
- **Managing a prisoner once released on licence** – this is the responsibility of the National Probation Service.



More information

More information about the parole process and how you can be involved can be found on our web pages here:

<https://www.gov.uk/guidance/the-parole-boards-commitment-to-victims-of-crime>

If something goes wrong



How to complain

The Parole Board will do all it can to ensure that you are treated with dignity and respect throughout the parole process.

If something goes wrong, you should discuss this with your VLO. If you decide that you wish to write and complain you can find information about our complaints process on our web pages here:

<https://www.gov.uk/government/organisations/parole-board/about/complaints-procedure>

The Parole Board cannot deal with complaints about decisions regarding whether or not to release a prisoner. Decisions can only be challenged by way of Judicial Review through the High Court.

Checklist for the parole process



Here are some things for you to consider throughout the Parole process:

1	Check with your VLO to make sure you are informed of a parole review as soon as possible. Submitting a VPS late may result in your statement not being taken into account.	
2	Start thinking about what you want to say in your VPS and make sure you have enough time to write it before it needs to be sent to your VLO. You can even write it before a review has started and your VLO can hold on to it or you can use one you have previously written.	
3	Are you content for the prisoner to read your VPS or do you want your VLO to apply for non-disclosure? Remember that there are rules about this.	
4	Would you like to request any licence conditions? Have you discussed these with your VLO and explained why you think they are needed?	
5	If you think you might want to attend an oral hearing (if there is one) to read your VPS in person let your VLO know of any personal dates that would make it very distressing for you to attend a parole hearing. Do this as soon as possible, even if you are not sure if you want to attend – once an oral hearing date is set it is unlikely to be changed.	
6	Only for an oral hearing – Think about how you want your VPS presented. Do you want to read it yourself? Do you want to attend the oral hearing to be present for the reading? Would you prefer to read it remotely? Do you want to do a pre-record? Would you prefer the Parole Board Members read it themselves?	
7	Only for an oral hearing – Think about whether you would want the prisoner present when you read out your statement – and let your VLO know of your wishes.	
8	Only for an oral hearing – If you are traveling to the prison would you like someone to go with you? Remember, many hearings are now happening remotely and not at the prison.	
9	Would you like to see a summary of the decision? Have you asked your VLO to request this?	

