

Victim Liaison Officers Aide Memoire on Parole

We hope that this short note will assist you when supporting a victim engaging in the parole process. This should be read in conjunction with your substantive guidance, and with reference to the Parole Board booklet 'Information for Victims'. There is also a quick reference leaflet that can be given to victims.

Contact with the Parole Board

All contact with the Parole Board should be made through PPCS. Only in rare situations, and with prior agreement, should you contact the Parole Board directly. This is because both you and PPCS are acting on behalf of the Secretary of State and so PPCS need to know what and how the victim is engaged in the parole process.

The Release of Prisoners

The majority of prisoners are released automatically without the involvement of the Parole Board. Many determinate recall cases are re-released automatically or through Executive Release powers by PPCS on behalf of the Secretary of State.

Timely Submission of the VPS

Where cases are dealt with by the Parole Board, approximately 60% of them are concluded at the Member Case Assessment (MCA) paper stage and do not progress to oral hearing. This means that a VPS should be submitted at the point the dossier is disclosed by PPCS in order to ensure it is read by the MCA panel.

This is set out in the Parole Board Rules 2019 Schedule Part B which explains what should be included in the parole dossier:

6. If available, a current Victim Personal Statement setting out the impact the offence has had on the victim and/or the victim's family.

A VPS is not a mandatory document and so the dossier will usually be disclosed even if a VPS is not provided at this stage.

It is very important to get a VPS in on time as under the Parole Board Rules 2019 all cases considered by the Board can now be released at the MCA paper stage, including Lifer and IPP cases, if the test for release is met.

The aim should be to have the VPS ready to submit at the same time as the Community Offender Manager submits their PAROM report.

Delays

If a case is adjourned or deferred at the MCA stage, a late, or amended VPS will be accepted. However, it should be noted that a case may still be concluded on the papers after the MCA stage and without an oral hearing, so do not assume that one will take place in every case that goes beyond the MCA stage.

Late Submission of the VPS

Where the original deadline is missed there is a short window of between two and four weeks where it may still be possible to submit a VPS in time for the MCA assessment.

- Most GPP review cases will be held in a queue for 28 days from the point of disclosure to allow the prisoner to submit representations before the MCA assessment takes place
- Most recall cases are progressed within two weeks of disclosure as prisoner representations are usually already in the dossier and so the window is even shorter

This means that if the original deadline is missed there is a strong likelihood that the case will be reviewed at the MCA stage without the VPS and the opportunity to submit one will have been lost.

The Parole Board has a duty under Article 5(4) of the European Convention on Human Rights (ECHR) to act "speedily" when reviewing cases and so must not be seen to unnecessarily delay cases.

Where the case is progressing to an oral hearing there may be a further opportunity to submit a VPS. However, waiting until this point will risk the VPS not being read at all if the case does get concluded at the MCA stage.

If you do miss the MCA stage, and the case is progressing to an oral hearing, Parole Board Rule 18 (2) allows for additional information to be submitted at least 14 days ahead of an oral hearing:

(2) Any additional evidence that a party wishes to present at an oral hearing must be served on the Board and the other party at least 14 days before the date of the oral hearing.

If you miss the 14 day deadline, Parole Board Rule 18 (3) sets out the following:

(3) Any party that wishes to present at an oral hearing documentary evidence which has not been served at least 14 days before the date of the hearing, must serve the material on the Board and the other party, together with an application to the panel chair or duty member for permission to do so, as soon as reasonably practicable, and must, as part of that application, give reasons for late service.

There must be very good reasons for such a late submission.

These should be clearly set out in the application to the Parole Board.

Non-disclosure Applications

None of the above applies if the VPS is being submitted with a non-disclosure application as Parole Board Rule 17 (2) states that these MUST be submitted at least eight weeks ahead of an oral hearing:

(2) An application under paragraph (1) may not be made later than 8 weeks before the date allocated for an oral hearing under rule 22.

If any of the above deadlines are missed it is very likely that the VPS will not be read by the Parole Board panel.

An online training module about timely submission of victim personal statements and non-disclosure applications is available, and can be accessed on MyLearning:

<https://mydevelopment.org.uk/mod/scorm/view.php?id=16277>

Dates to Avoid

You should ask the victim at the very start of the process of any dates the Parole Board should try to avoid, such as:

- The date of the original offence
- Anniversary of the passing of a victim
- Birthdays
- Anniversaries
- Any other sensitive dates

These must be flagged up to PPCS at the earliest opportunity so that the Parole Board can try to avoid scheduling the hearing on those dates.

Reading of the VPS

Where a victim asks to attend an oral hearing to read out their statement to the Parole Board panel, this will be agreed to, unless there are exceptional circumstances. If the case is concluded at the MCA stage, there will not be an opportunity for this to happen. MCA panels make their assessments on the papers only.

If a victim provides a pre-recording of them reading their VPS this will be played at an oral hearing, if there is one. If the case is concluded on the papers, either at the MCA stage or at a later deferred or adjourned hearing, then the recording may not be used. This is because only written evidence will be considered by the panel. A written copy of the VPS will still be read as part of the review. Victims should be made aware of this.

Victims now have more opportunities to read their statement remotely via telephone or video-link (often from home), which may provide a better option than attending the prison in person.

Attendance of the Prisoner

Whilst the wishes of the victim concerning the presence of the prisoner at the reading of the VPS will be made known to the prisoner, the prisoner's preferences will also be taken into account. The Parole Board panel will be sympathetic to the wishes of the victim but cannot compel a prisoner to comply, although they will try and facilitate a satisfactory arrangement for both. Irrespective of this, victims should be informed that the prisoner will have seen the written VPS (unless subject to non-disclosure, in which case they will usually only see a gist). It should be noted that prisoners can refuse to read a VPS or attend the reading of it. They cannot be forced against their wishes.

Support for the Victim

Victims can ask for a family member or friend to support them if they are going to read their statement aloud to the panel. This will be in addition to the Secretary of State Victim Support Representative, or yourself (if the statement is read via video-link from the probation office). Please ensure the Parole Board panel is notified of the name of the support person well ahead of the oral hearing date.

Expenses

When attending an oral hearing at a prison the victim can claim travel and subsistence expenses. In some cases, overnight accommodation may be reimbursed, but please check with the Secretary of State Victim Support Representative first.

Licence Conditions

When discussing licence conditions, please be mindful that they are designed to help the prisoner's rehabilitation and not as a punishment; and please do ensure the Community Offender Manager is fully aware of the reasons for any requested conditions.

A training video about victim related licence conditions can be found on MyLearning: <https://mydevelopment.org.uk/mod/scorm/view.php?id=16277>

Parole Board Decision Summaries (PBDS)

Please note the Board can only issue a PBDS once the parole decision has become final. The timeframe will vary depending on the type of case and stage at which the decision was made (MCA or Oral Hearing). Please check with the Summaries Team if you are unsure.

Please remember to remove the prison number before sending any communications on to the victim. It is also best practice to check that the name of the prisoner being used in the summary is the one that the victim knows them by.

If you believe there is an error, or something is missing from the summary, please contact the Parole Board Summaries Team as soon as possible and check with them: summaries@paroleboard.gov.uk

If you are provided with a copy of the full decision please do not share this with the victim under any circumstances.



Further information about PBDS can be found here:

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

The Welsh Language

Victims whose first or preferred language is Welsh are able to submit a VPS in Welsh and request a copy of a Parole Board Decision Summary in Welsh, if that is their preference.

Reconsideration Mechanism

The window for submitting a request to the Secretary of State to consider making an application for reconsideration is very short so please do discuss this option with the victim as early as possible.

If the victim is not available and meeting the 21-day time limit is going to be impossible then you can ask PPCS to make a request to extend the deadline. This can only be for a very short period, for example seven days, and there must be compelling reasons for the Parole Board to agree to it.

It is important that you check the eligibility of each case before discussing with the victim. Most cases are eligible except a) standard determinate recalls b) pre-tariff reviews.

You can check here: <https://www.gov.uk/guidance/apply-for-a-parole-decision-to-be-reconsidered#types-of-prison-sentence-this-applies-to>



Further information

The Parole Board Booklet 'Information for Victims' and a quick reference leaflet can be read here:

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

