

the
Parole
Board

working with others

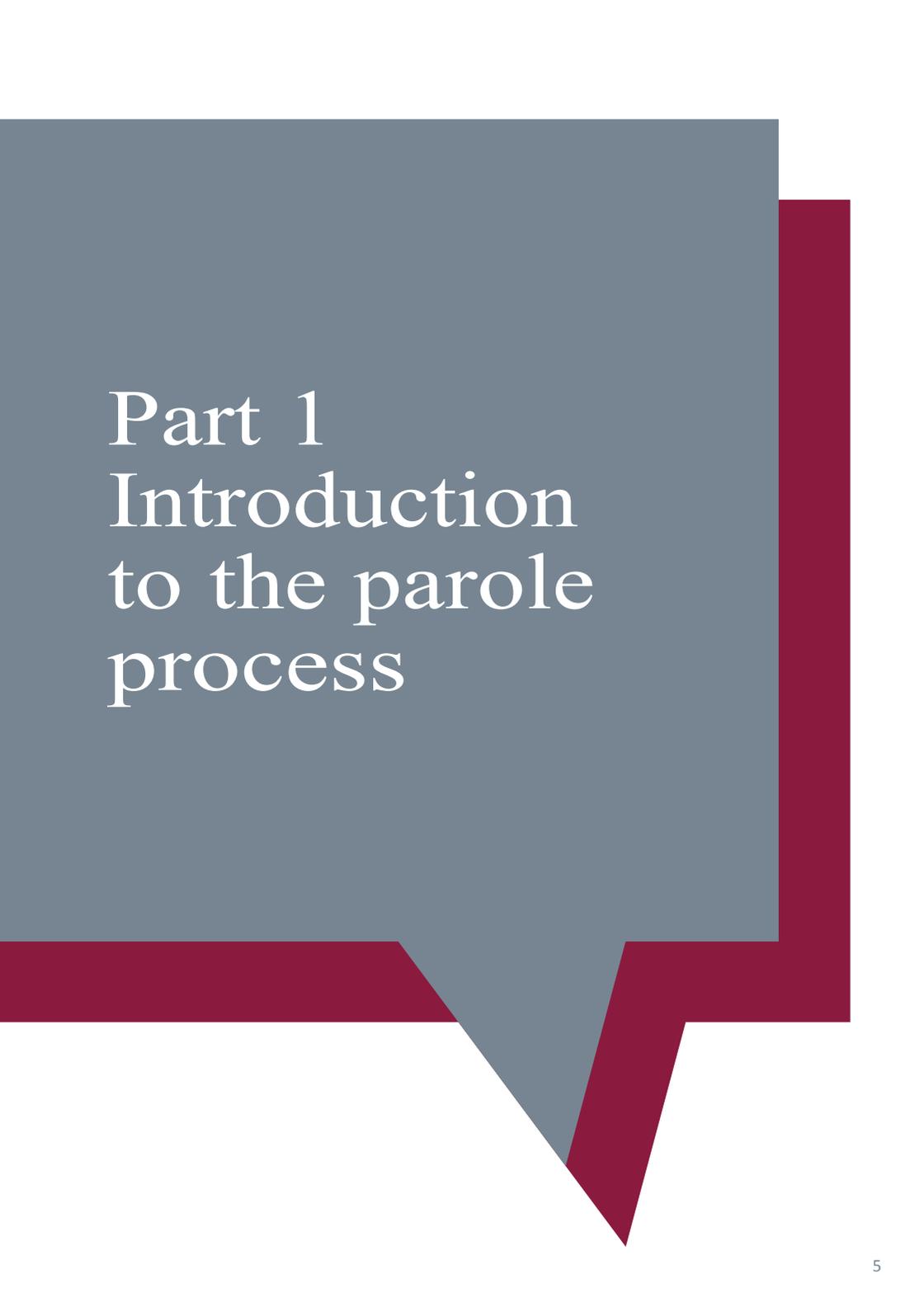
Information for Victims

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Part 1
Introduction
to the parole
process

Introduction

The booklet aims to answer common questions victims have about parole and how the Parole Board works. It should help you understand how the Parole Board makes its decisions, what a Victim Personal Statement is and how to make one. It also explains what Parole Board oral hearings are and aims to help you decide whether or not you want to request to attend a hearing in person.

What is parole?

Some offenders can be released before the end of their full sentence but are only allowed back into the community if the Parole Board decides they are safe to release. If they are released by the Parole Board, it is on the basis that if they re-offend or break certain conditions that are put on a licence, they can be brought back to prison. This is known as release on licence or getting parole.

When an offender is released on a parole licence, they continue to serve the rest of their sentence in the community while being supervised by the probation service. When the Parole Board

directs an offender's release, it will also set conditions that are put onto the offender's licence. Each offender will be given a licence with conditions that they must follow and may be recalled to prison if they breach the conditions of the licence. These conditions may restrict someone from going to a particular place or area without permission (known as an exclusion zone), or forbid the offender from contacting a victim. Other conditions will be things like "to be of good behaviour", to report to their probation officer and not to leave the country.

What is the Parole Board?

The Parole Board is an independent body, which is separate from the government, the Ministry of Justice and the prisons and probation service. The Parole Board's powers are like a court: no one can interfere with the Parole Board's decisions and the Ministry of Justice must comply with them.

The Parole Board makes its decisions by carrying out a risk assessment of certain prisoners in

order to decide whether they can be safely released. It does this on the basis of information supplied by the prison, Court, probation service, Police and sometimes psychologists or psychiatrists, but makes its own decision.

Which offenders are considered by the Parole Board for parole?

There are two types of prison sentence: a fixed term, also known as a determinate sentence, or an indeterminate sentence. Most fixed term/determinate sentences will not come before the Parole Board, but most indeterminate sentences will.

Many determinate sentences mean the offender is automatically released halfway through the period of imprisonment, to serve the rest of the sentence in the community and the case doesn't come to the Parole Board. But in some determinate sentences, the offender has to be considered safe for early release by the Parole Board. These are usually the more serious sorts of offences involving sexual offences or violence.

Indeterminate sentences are either life sentences or

imprisonment for public protection (IPP). These sentences have a minimum term or tariff, usually fixed by the judge when the offender is sentenced. This is the minimum period of time the offender must stay in prison. The purpose of the tariff is to punish the offender and to act as a deterrent and its length depends on the seriousness of the crime. Some offenders are given a "whole life tariff" as their life sentence. These cases will not be considered for release by the Parole Board.

When is someone considered for parole?

For determinate sentences, it will depend on the type of sentence but usually an offender is considered for parole halfway through their sentence.

For IPPs and lifers (offenders serving a Life sentence), once the tariff period is over, the law says that the offender can only remain in prison if they are unsafe to be released. The Parole Board will consider an offender for release at the point their tariff ends and at regular intervals after that (at least once every two years). Just

because an offender is eligible to be considered for release, it does not necessarily mean that release is likely.

If the offender was under 18 when they were sentenced and received a sentence of detention at Her Majesty's Pleasure (a life sentence for under 18 year olds), they may be able to apply to the High Court to have the tariff reduced if they can show that there has been exceptional progress. You should be told if this happens.

Where there is a long tariff, the Parole Board is also sometimes asked to assess offenders serving life or IPP sentences to see if they are safe to be moved to an open prison a few years before the tariff expires. The Parole Board makes a recommendation to the Secretary of State for Justice, who then decides whether or not to accept the advice and move the offender if the Parole Board considers him suitable.

What are open conditions?

While offenders are in prison, they will often be given rehabilitation

work to assess and try to reduce the risks of them committing offences in the future. As the offender serves the sentence, they will usually be moved from very secure conditions to less secure conditions, depending on their behaviour and risk. Offenders are given a security "category", from A, which is the highest for high risk offenders and those likely to try to escape, through to "D", which is when they can move to open conditions.

All offenders will normally be considered for a move to an open prison at some stage, depending on the progress they are making and how they have behaved in custody. An open prison is a less secure prison where offenders can be tested to see how the rehabilitation work they have completed in closed conditions has worked. This means they can be tested in a controlled environment to see if they can be trusted with a little more freedom than they would have in a closed prison, before they are released at a later stage. They are given more freedom and trust than in closed prisons and can apply for temporary visits into the community. These visits are closely monitored by prison and

probation staff. Often a lifer or IPP prisoner will spend a substantial period of time in open conditions and may also continue rehabilitation work. Some offenders work in the community while they are in open conditions as well.

Decisions on sending prisoners to open conditions are made by the Prison Governor or the Secretary of State for Justice.

How does the Parole Board decide who should be released?

Once the tariff period has finished an offender can only be kept in prison if it is necessary to keep him there to protect the public. Parliament has decided that the Parole Board must only consider whether or not it is safe to release someone. It does this by assessing how likely it is that the offender may commit another serious offence now and whether any risk can be managed in the community instead of in prison. The Parole Board cannot consider whether it thinks further punishment is necessary; it only looks at current risk.

How does the Parole Board make its decision?

Every case is first considered by a Parole Board member looking at a file of information and reports that provide evidence about the offender, known as a “dossier”. The decision will either be made by that member based on the information provided on the papers, or they will decide that the case must be considered at a face to face oral hearing.

The Parole Board dossier will include a wide variety of information drawn from a range of sources, including details of the original offence, any previous convictions, behaviour and progress of the offender in prison, details of any courses undertaken during the sentence, and details of the proposed release plan. It will include reports from those who have come into close contact with the offender, including psychologists, probation staff and prison officers. The offender can also put forward their case for release. The dossier tells the Parole Board what has happened during the sentence and the reports from people who have been working with the offender

will also provide assessments of their current risk. The Parole Board will look to see what offending behaviour courses or other rehabilitative work an offender has engaged in and decide how that affects the risk. The dossier will also include a Victim Personal Statement if one is made. If a Victim Personal Statement is not made, information about you can be given to us by the probation service.

The Parole Board is independent and makes its own decision based on all the information in front of it. Determinate sentenced prisoners can be released on consideration of written submissions (“on the papers”), but life sentenced prisoners and IPPs can only be released after an oral hearing. If an IPP or lifer case is going to have an oral hearing it does not necessarily mean that release is likely. The Parole Board will hold oral hearings for a number of reasons, not just because the prisoner may have a chance of release.

What if the offender maintains that they are innocent?

If an offender continues to maintain their innocence, the Parole Board must assess whether their risk is still high enough that the public can only be protected by their continued imprisonment against the fact that they are unlikely to show any remorse, while they continue to deny their guilt. The Parole Board does not treat such offenders any differently or more leniently; we accept the Court’s verdict that they are guilty and assess them on the basis that they are guilty. However, denial of guilt is not a lawful reason by itself for the Board to refuse to release an offender, or assess them as suitable for open conditions. When the Board is assessing the risk of offenders who maintain their innocence, it looks at the circumstances of the offence, how and why it happened, what sort of life the offender was living at the time, whether there were things like drugs or alcohol involved and so on. If there are factors like anger management, as an example, offenders can still undergo offending behaviour

courses, even though they deny the offence. With all of those sorts of issues under consideration, it's possible to assess what has changed about the offender and whether that change is a lasting one and one that means they are less or as likely to re-offend in the same sort of way again.

Who are Parole Board members?

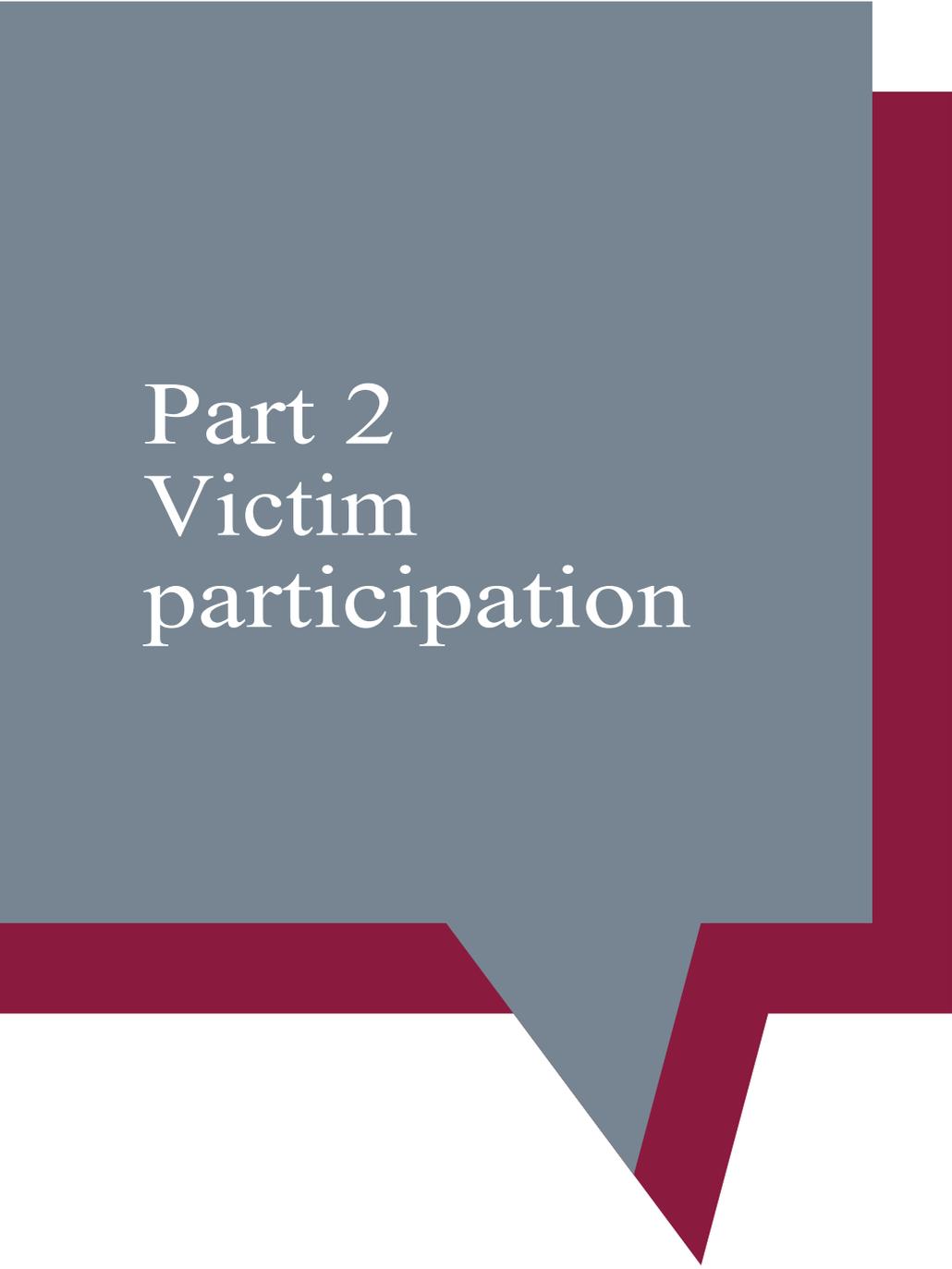
Parole Board members are public appointments and they are independent of the authorities, in the same way a judge is in court. There are around 220 members and they come from a range of backgrounds. Some are judges, psychologists and psychiatrists and people with backgrounds in working with offenders. Over half are people who have had different careers such as in business, public services like the police, legal services or education.

Members are extensively trained and pride themselves on their independence.

Is there a right of appeal?

No one can appeal a Parole Board decision. If the process is not administered properly, or the decision is unreasonable in law, then a judicial review can be brought by the offender or by the Secretary of State for Justice. This means that the case is reviewed by a judge at the High Court. The Court can't overturn the Parole Board's decision and make its own, but it could decide that the decision or procedure was unlawful and the case would then be referred back to the Parole Board for re-consideration.





Part 2 Victim participation

How do I find out if I can make a statement to the Parole Board?

If you're the victim of certain violent or sexual crimes and the offender is sentenced to 12 months or more, you can opt in to the National Probation Service's Victim Contact Scheme (VCS). Joining the scheme means you'll be:

- told about key stages of an offender's prison sentence and release;
- assigned a Victim Liaison Officer;
- told when an offender is up for parole and how to make a statement to the Parole Board.

You should have been given the option to join the scheme at the time the sentence was passed, but you can join it at any time.

If you're not sure if you are eligible for the scheme and don't have a Victim Liaison Officer, you should contact the Victim Liaison Unit at your local probation office.

The government provides more information on the internet at:

www.gov.uk/get-support-as-a-victim-of-crime

What is a Victim Personal Statement and do I have to make one?

A Victim Personal Statement is a written statement from you to explain to the Parole Board what impact the offence had on your life and the impact it continues to have. The statement you made to the court at the time of the sentence is not automatically passed on to the Parole Board. You can choose to use that same statement, or you can make a new one. Remember that the offender may come in front of the Parole Board every year or two – you can keep the same statement throughout or decide to make a new one each time.

Your statement can also ask the Parole Board to consider adding certain conditions to the offender's licence if they are released. Usually these will be conditions that they must not go to the area where you live without permission and/or that they must not make contact with you.

We understand that making this statement may be very difficult for you. It is important to know that you do not have to make a statement if you don't want to or don't feel able to. Your Victim Liaison Officer can ask the probation officer who supervises the offender (called an Offender Manager) to ask for these sorts of licence conditions in their report instead, or they can write a report themselves to the Parole Board.

What difference can my statement make to the decision?

The Victim Personal Statement gives you a voice in the parole reviews, but it is important to remember that the Parole Board makes its decisions by assessing how risky or dangerous the offender is now. This assessment of risk is based on evidence from people who have been working with the offender and who can show us what progress they have made and how they have changed.

Your statement can give the panel of Parole Board members insight into the original offence and its impact on those directly affected.

This can help panels look at whether the risks that caused the offender to offend have now been addressed. For example, it can help the panel decide what to ask the offender about their understanding of the impact of what they did and whether they have empathy for their victims. In some cases, panels may have to take a less direct approach when considering your statement, for example where a prisoner denies their guilt or where an application is granted to withhold the statement from the offender.

Where release is being considered, your statement may also help in deciding what licence conditions should be imposed if the panel do decide to release someone.

A Victim Personal Statement is always considered by the Parole Board when one is provided, whether the case is decided on paper or if there is an oral hearing.

What should I put in my statement?

Your statement should as far as possible consist purely of the impact the offence has had on you.

This may be physical, psychological, emotional, financial or any other kind of impact. A statement often includes:

- the original impact the offence had on you and your family when it was committed;
- the lasting impact of the offence since it was committed;
- the impact that the offender's release would have on you, your family, or those with close ties to you or your family.
- a request for specific licence conditions if the offender is released.

What if I know something about the offender's current risk or behaviour?

If you have evidence about the offender's current risk, for example because something has happened recently, this should be shared with your Victim Liaison Officer. They should then ensure that this information is passed to the probation officer (called the Offender Manager). The Offender Manager will then decide if that information affects their assessment of risk and whether to

put it in the main evidence presented by the authorities. This is to avoid you having to be called as a witness at the hearing and possibly face cross-examination from the offender or their lawyer. It is usually possible for the authorities to submit evidence you may have about current risk in probation or prison reports, rather than needing to call you as a witness.

What sort of conditions can I request on the licence?

When the Parole Board directs an offender's release, it decides what conditions are necessary and proportionate to put on the licence in order to keep the public safe. These conditions usually restrict an offender's movements or prevent them from doing something. There are also conditions that require the offender to report to their probation officer or undertake rehabilitation courses. The conditions that you can request can be a condition that the offender doesn't come into the area where you live (called an exclusion zone), and/or one that

prevents them from attempting to make contact with you.

Exclusion zones are normally used to prevent further offending linked to a particular area, or to ensure you are not impacted in the course of your normal life. Your Victim Liaison Officer will help you decide what to ask for, but try to be specific about the area and bear in mind that a large exclusion zone may not be lawful. If you feel that a large area is required, it helps the Parole Board decide if it can set a large zone if you provide reasons why you think it's necessary. This can be particularly true if you live in a rural area; the zone may look large but if it's because there is only one road in and out, then it may be lawful, depending on how much it restricts the offender's movements. The legal terms that are used when talking about restrictions are "necessary and proportionate". Also bear in mind that if you've moved since the offence, you may feel safer without an exclusion zone as the offender will obviously need to be told where they can't go.

A condition that the offender is not allowed to contact you is usually granted. The Parole Board

can consider a non-contact condition for other members of your family but bear in mind that the offender may not even know them. If they don't, the Parole Board will probably not be able to make a specific condition as the offender wouldn't know if they were accidentally breaching the licence.

Will my statement be seen by the offender? If so, why?

Yes, the law says that the offender must know what evidence is put before the Parole Board so that they have the opportunity to respond and to know what evidence the panel is considering about them. In the same way that your Victim Personal Statement was shared with the offender at court, your personal statement will be seen by the offender at the Parole Board.

It is sometimes possible to keep some information from the offender, but only in rare circumstances. If it can be shown that there would be a risk to you if the offender saw your statement, and the statement did not contain information that was related to risk, it may meet the legal test to

be withheld from the offender. However, even in those cases, the offender will probably need to be given a gist or a redacted version of the statement. That means a short summary of what the information is that's being kept from him, or a copy of your statement with some parts taken out. The offender needs to know something about the information being kept from them, so that they can't argue that the hearing was unfair.

If you are worried about this, speak to your Victim Liaison Officer who will be able to advise you. You can also think about asking your Victim Liaison Officer to put your views forward in a report from the probation officer instead.

If there is more than one victim do we all need to do a separate statement?

No. The Parole Board can accept more than one statement if there are multiple victims, but it may be better to write a collective

statement from the family, particularly if there are a large number of family members involved for instance. If you do all want to provide your own individual statement, that is usually possible, but check with your Victim Liaison Officer.

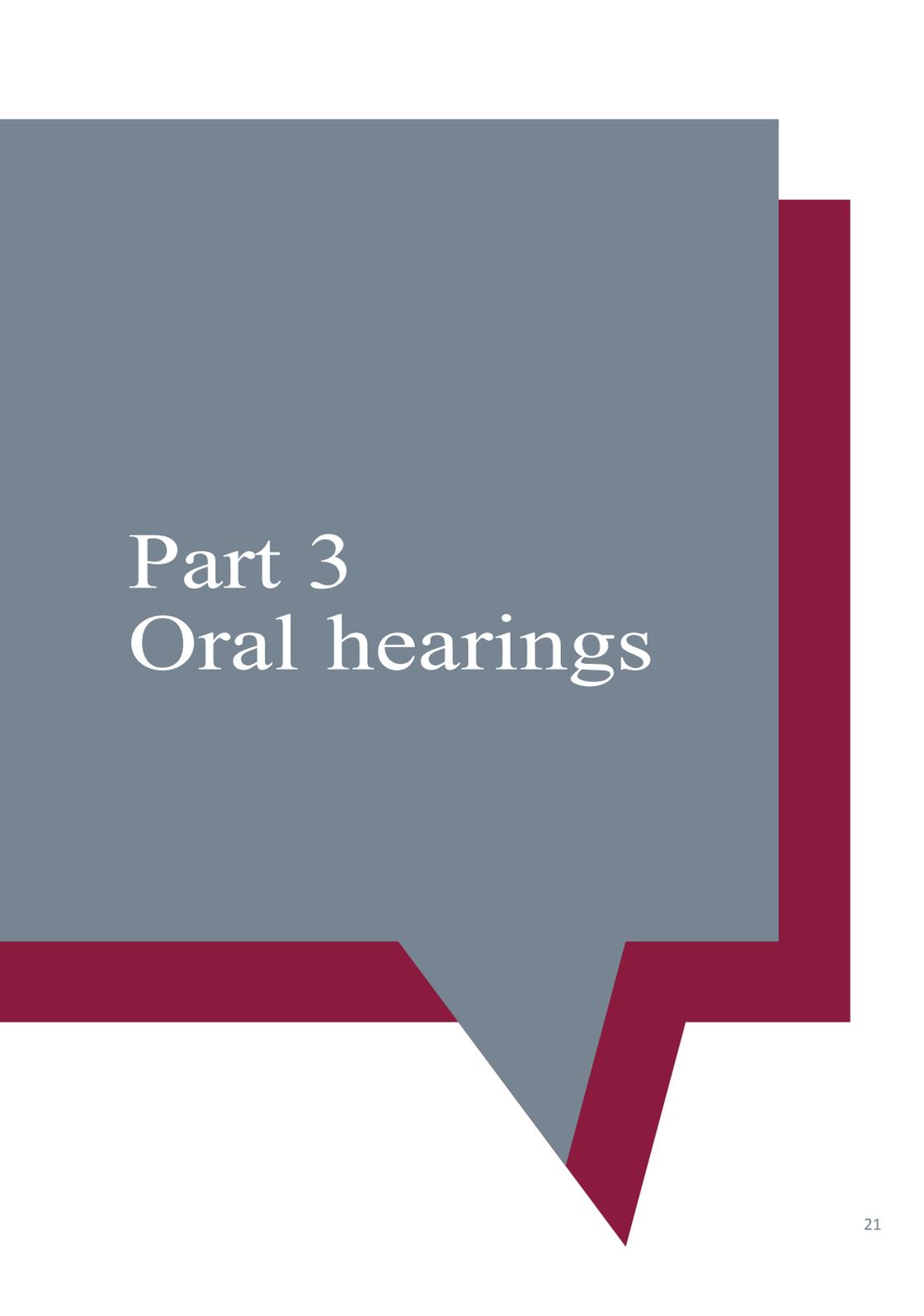
Can someone help me write it?

Yes, your Victim Liaison Officer can offer help you.

When do I make a Victim Personal Statement?

You will be told by your Victim Liaison Officer when the offender is due to have a parole review and when the statement should be made. We need to have the statement before we consider the case and ideally it should be received at least 28 days before the hearing so that any issues can be sorted out before the hearing. If the offender's case is being reviewed again, you can use the first statement you made, or make a new one each time.



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Part 3

Oral hearings

What is an oral hearing?

Approximately half of Parole Board decisions will be made at oral hearings. They are usually held in prisons and a panel of up to three Parole Board members will consider the case. The panel will hear from witnesses, who will be questioned on the contents of the reports they have provided. The offender will also give evidence.

Where does it take place?

Oral hearings are usually held in the prison where the offender is being held. In a small number of cases hearings are done over a video link with the offender in prison, the panel in the Parole Board office and other witnesses in their own offices.

Who goes to a hearing?

As well as the panel of up to three Parole Board members, there will be the offender and their legal representative, any witnesses called and sometimes a prison officer. Witnesses are called by the panel or the offender and are usually professionals who have

provided written reports for the dossier.

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Should I request to attend the hearing?

Victims can make a request to attend a hearing to read their personal statement in person. There is no expectation that you should request to attend the hearing. It is your choice and the panel won't read anything into it if you choose not to. Your written statement will always be considered.

If you do request to attend a hearing, the chair of the panel will decide whether to allow it. The panel will only refuse your request if there is a good reason. Examples might be where you are a child and the prison would not be able to allow you to come into the part of the prison where the hearing is held, or where it is unsafe to allow you to attend. Your Victim Liaison Officer will tell you why your request to attend cannot be allowed and we will try to find other ways for you to read your statement to the panel (for example by video link, a video recording, someone else reading it on your behalf).

What happens if I do not want to attend a hearing?

A Victim Personal Statement will **always** be read by the panel, whether you attend or not. You can also ask for it to be read out at the hearing either by the panel, a Victim Liaison Officer or by a member of prison staff.

What happens if I attend?

If you wish to attend in person please notify your Victim Liaison Officer who will ask the Parole Board.

If the panel agree, you will usually need to go to the prison where the hearing is being held. You can also request that your Victim Liaison Officer comes with you to offer support.

You will need to go through prison security, which means being searched in a similar way to going through security at an airport and usually you will be escorted through the prison. You may see prisoners moving around the prison, although they would not

usually be in the same areas as you. You will usually have to wait outside the hearing room before the hearing starts, normally in an office or corridor. The hearing room is normally a meeting room with a table to sit around, but depending on the prison these rooms can vary in size.

Is the offender there?

The offender decides whether they wish to be there for your Victim Personal Statement but they cannot be forced to be there. The reason the Parole Board does not force an offender to be there is to make sure that the panel can get the best and most honest evidence from the offender. This is not always possible if an offender has been forced to listen to your statement and there is a danger that the offender won't be as open and honest with their answers as they might be otherwise. It is also for this reason that we don't allow you to stay for the rest of the hearing.

If the offender is legally represented, their lawyer will normally be present for your Victim Personal Statement.

What if I don't want the offender to be there?

You can ask for this, but it can't always be granted. For the same reason that the offender has to see all the documents provided to the Parole Board, they have to be present so they can hear everything about their case too, otherwise they could argue that the hearing was unfair. If they agree not to be there, and are legally represented, then the panel may be able to agree to that.

Can I stay for the whole hearing?

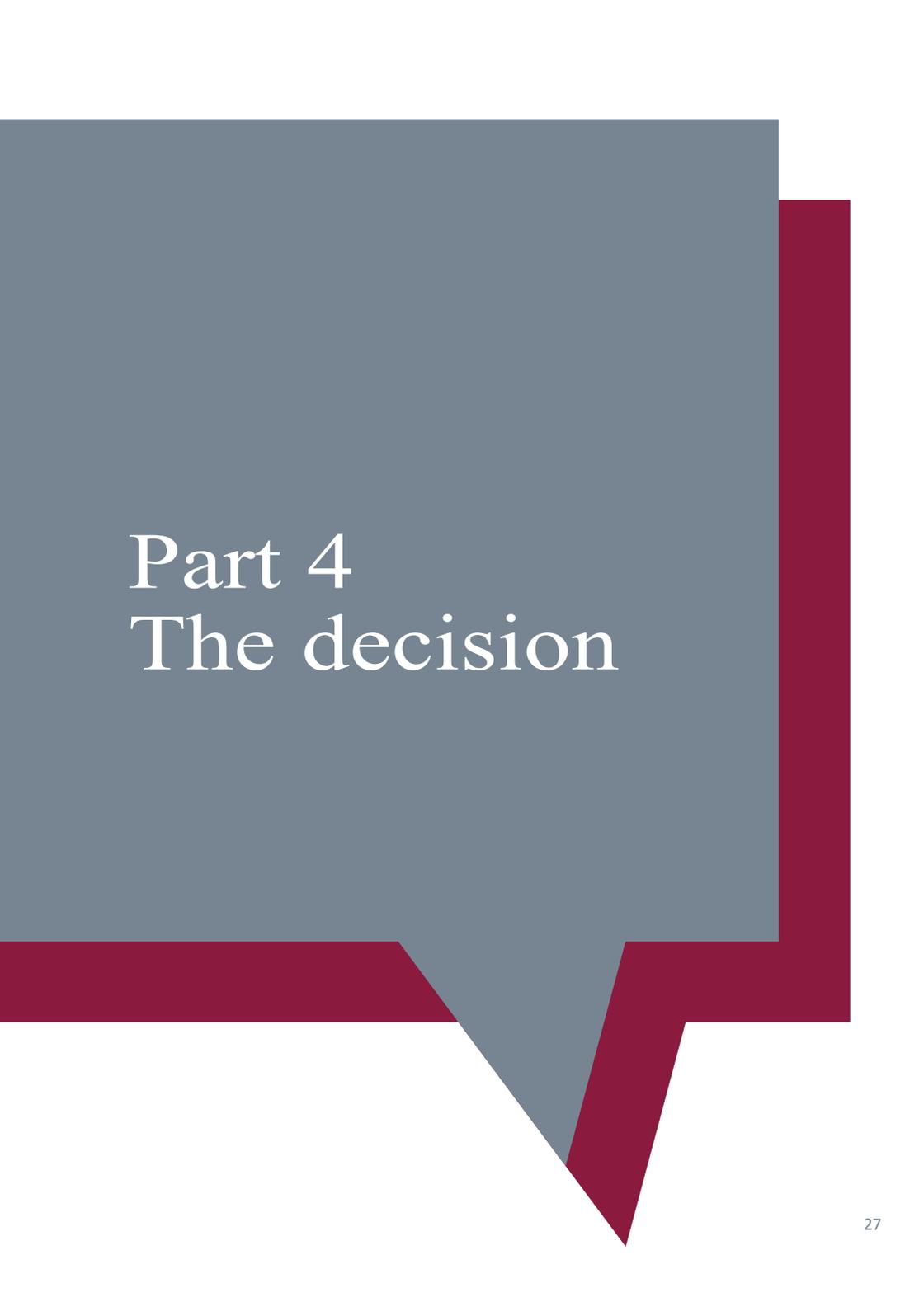
Your statement is usually heard first by the panel and then you will leave, while the panel continues the hearing. You can only read out your statement as it was written and you may be stopped if you add additional information. This is to ensure that additional evidence

is not heard by the panel that the offender hasn't heard or seen. Parole hearings are not public hearings and it's important that we ensure we get the most honest responses from the offender, not just what they think we or you might want to hear.

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Are there other ways for me to read my statement at a hearing? Yes, you can sometimes record your personal statements on video which can be seen by the panel. Or you can sometimes attend the hearing by video link. This usually means going to a probation office near where you live and reading your statement over a video link. Children under 18 are not normally allowed into prisons to attend hearings so either of these options would enable you to participate in a hearing if you are under 18.



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Part 4

The decision

What happens at the rest of the hearing?

Each of the witnesses and the offender will be asked questions by the panel and then the offender's legal representative if they have one. The length of a hearing will depend on the number of witnesses and the amount of questions asked. They usually take 2-3 hours but can be quicker or take much longer.

Sometimes a hearing will be put on hold to be finished on another day if more information is needed and it cannot be provided immediately. If the hearing does need another day, you will not be able to attend that hearing as well, unless the case is starting again with a new panel of Parole Board members.

When does the panel make its decision?

In private, the panel members will discuss the evidence they have seen in the dossier and heard at the hearing. They must make a decision within 14 days of the hearing. The decision is made in writing and the offender and the authorities are informed at the

same time. Your Victim Liaison Officer will let you know what the decision is once it has been issued.

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What will I be told about the decision?

Whether the decision is made on the papers or at an oral hearing, the probation service are given a copy of the decision letter at the same time as the offender. Your Victim Liaison Officer will tell you what the decision is and give you an outline of the reasons behind a decision. If the offender is released but the Parole Board was not able to set all of the licence conditions that you asked for, the panel will give reasons why it was not possible, which the Victim Liaison Officer will share with you.

Is the decision letter available to anyone else?

The law does not allow the decision letter to be seen by anyone other than the offender and the authorities. This is partly because of the personal information it will contain.

If the decision is to release an offender what happens next? The offender will be supervised on release by a probation officer, called an Offender Manager. They will have prepared a release plan which will include a release address. Once all parts of the release plan are in place, a date will be set for the offender's release, usually up to a couple of weeks after the decision. Very often offenders will be released to an approved premises. Approved premises are special accommodation, run and staffed by the probation service specially to manage higher risk offenders on release. There are strict rules in place and the offender can be sent back to prison if the rules are broken. Sometimes an offender will be released to their own accommodation or to stay with family. This will only happen if the probation service has confirmed that this is suitable and safe and the Parole Board agrees. If this does happen, release can happen very quickly after the decision.

How will licence conditions be enforced and who is responsible for this?

Licence conditions are enforced by probation and the police. If you think an offender has breached a licence condition, for example by

making contact with you when they are not allowed to, either tell your Victim Liaison Officer, or if you feel you are in immediate danger, telephone the police.

What happens if the offender breaks these conditions or commits another crime?

If an offender breaches the terms of their licence then they will be liable to a warning, or may be recalled to prison. If they are recalled to prison, then the case will be sent to the Parole Board to decide if they are safe to be re-released. These decisions are made in the same way as we do decisions on release, by making an assessment of risk.

What happens when the Parole Board decides it is not safe to release someone?

Determinate sentenced prisoners that are subject to parole release are entitled to a review every year. IPPs and lifers will be reviewed at least every two years, but it can be more often. The Secretary of State

for Justice decides when the next review should be.

Further Information

Victim Support

Victim Support is the independent national charity which helps people cope with crime.



www.victimsupport.org.uk



0808 1689 111

Opening hours, Monday to Friday: 8am – 8pm,

Weekends: 9am – 7pm Bank Holidays: 9am – 5pm,

Victims' Information Service

Victims' Information Service consists of a web portal and telephone information line. The service provides victims with national information about the criminal justice system and signposts victims to locally commissioned support services.



www.victimsinformationservice.org.uk



0808 168 9293

24 hours a day, 7 days per week (except on Christmas Day and New Year's Day where the information line will operate between 9am and 5pm).

To make a complaint to the Parole Board

You can make a complaint about the way you have been treated by the Parole Board as an organisation, a member of our staff or a member of the Parole Board. We will acknowledge when something goes wrong and take steps to improve our services so it does not happen again. We



cannot deal with complaints about decisions the Parole Board makes about whether or not to release a prisoner. You should make your complaint within 6 months of the event. Please write to:

The Complaints Officer Parole Board for England and Wales
52 Queen Anne's Gate London SW1H 9AG or
info@paroleboard.gsi.gov.uk

