



GOVERNMENT RESPONSE TO THE RECOMMENDATIONS IN BARONESS NEWLOVE'S REPORT INTO THE PROBATION VICTIM CONTACT SCHEME

As the Minister responsible for probation, I am extremely grateful to Baroness Newlove for her helpful and thought provoking report into the Probation Victim Contact Scheme. We have been struck by Baroness Newlove's courage and dignity, and know that she is committed to improving the experience of victims in the criminal justice system.

The Government is absolutely committed to addressing the needs of victims of crime. That is why we appointed Baroness Newlove as the new Victims' Commissioner. We also have a Minister, Damian Green, who has victims as part of his portfolio. We have also just published a new Victims' Code that is written with the victim as the prime audience so that victims know the support and service that they are entitled to receive at every stage of the criminal justice process. The Code has also provided an enhanced level of support for victims of the most serious crimes.

The Probation Victim Contact Scheme, for victims of violent and sexual offences for which the offender is sentenced to 12 months or more, or receives a hospital order, enables victims to be informed about key stages of the offender's sentence, and to make representations about the conditions they would wish to see attached to an offender's licence if they are released, in order to protect and re-assure them. Victims in the Scheme are also able to submit a Victim Personal Statement to the Parole Board panel considering the offender's case, setting out the impact of the offence on them and what the impact of release will be. Victims can also apply to the Parole Board to read their statement in person at the Parole Board hearing.

I am committed to ensuring victims receive both the support and the information to which they are entitled, within the law. My officials are continuing to drive up standards through training and by revising the guidance provided to Probation Trusts. I have invited Baroness Newlove to be involved in delivering new training to ensure the views of victims are fully taken into account. Probation Victim Liaison Officers do a difficult and demanding job in challenging circumstances and they are committed to improving the experience of victims.

I am also awaiting the HMI Probation report into the operation of the Victim Contact Scheme, and I do believe that the creation of a National Probation Service offers the opportunity to bring the standards of the delivery of the Scheme up to the best and ensure victim work is firmly embedded into the culture of probation work.

I am therefore pleased to be able to accept or partially accept most of Baroness Newlove's helpful recommendations. I have set out responses to the recommendations below.

Jeremy Wright
Minister for Prisons and Rehabilitation

Recommendation 1: The training of Victim Liaison Officers (VLOs) and Parole Board members should be updated to ensure that those operating the Scheme have a clear understanding of the impact of the process on victims and how they can best manage victims' expectations.

I accept this recommendation in respect of Victim Liaison Officers (VLOs). Last year the Victims Team in the Offender Management and Public Protection Group of NOMS delivered joint training with the Parole Board to VLOs and their managers in each Probation Trust, about the parole process and how to help victims prepare and submit a victim personal statement. The training was planned and delivered specifically to help VLOs explain the process to victims and manage their expectations.

Following this training, the information relating to the victim contact scheme has just been revised and updated, bringing it together in one place for the first time to help support front-line staff. In revising the guidance, my officials have taken account of this recommendation and will be clear that VLOs need to manage expectations and this includes preparing victims for the possibility of a prisoner's release. I am grateful to Baroness Newlove for agreeing to provide feedback on the guidance as we keep it under review and for continuing to engage with NOMS to ensure continued improvements in the service we deliver to victims.

All Parole Board members receive training which covers the needs and interests of victims, and the extent to which these can be taken into account when making decisions and setting licence conditions. It also covers the handling of victims who attend to read their personal statements at an oral hearing. The Parole Board has told my officials that it keeps its training under review.

Recommendation 2: The current lack of a notification period for informing victims of any Parole Panel decision to release an offender needs to be reviewed. In addition, the processes in place for informing victims of offender day release and transfer to open conditions need to be looked at to ensure they are adequate and operating effectively.

I accept this in part. The Parole Board Rules require the Board to issue its decision within 14 days of the oral hearing. However, in some cases, the decision may be issued sooner. The new guidance, referred to above, will give clearer timescales for decisions to be passed to victims once the Probation Trust is notified.

It is difficult to be completely prescriptive about timescales as we cannot predict when the Parole Board will issue its decision. Furthermore, there has to be an element of discretion for VLOs, as in some cases they may take the decision not to pass on distressing information on what is a significant date – for example a deceased victim's birthday.

With determinate sentenced prisoners, the process is more straightforward as the date of release is known well in advance. This does not usually change, unless, for example there are added days, and so victims can be informed well in advance of the month of release.

In respect of informing victims of offender day release and moves to open conditions, my officials will make sure that the importance of passing this information to victims as soon as possible is reinforced in the new guidance.

Recommendation 3: There needs to be more flexibility in the VPS process in terms of the timing and content of statements. Aside from violent and aggressive language,

there should be no limits placed on the victim in terms of what they can and cannot include.

I accept this recommendation. In terms of timing, a VPS must reach the Parole Board in time for it to be considered alongside other documentation. The timing of when the Parole Board review will conclude cannot always be guaranteed, and quite often reviews are adjourned or deferred to allow the Parole Board to direct that additional information should be obtained or to enable a prisoner to complete a programme. This is why it may sometimes appear to victims that the VPS is submitted far in advance of the actual review hearing. But this is preferable to running the risk of a VPS not being submitted in time for consideration.

If a victim's circumstances change before the review, it is possible to submit an addendum report. However, this becomes more difficult as the review date approaches.

In respect of the flexibility of content, the VPS was introduced to provide the victim with the opportunity to explain to the Parole Board what the impact of the offence has been, and the continuing impact, and what the impact of release will be.

There are no rigid rules, and VLOs should not be imposing limits on victims in terms of what they can include. However, my officials have trained VLOs and have revised the information leaflets for victims to advise them what sort of information may be disregarded by the Parole Board.

Recommendation 4: Consideration should be given to the introduction of a statutory right for victims to read their statement at the hearing in the presence of the offender.

I partially accept this recommendation, although I am not persuaded of the need for legislation. The Government is committed to giving victims a stronger voice in the criminal justice system overall, and we are working to reform the system to give the victim greater choice in how they are treated. The new Victims' Code does just that.

For the first time the Victims' Code introduces an entitlement for victims in the Probation Victim Contact Scheme to make a VPS, and to apply to the Parole Board to attend an oral hearing to read their VPS aloud in cases where the Parole Board decides that it is appropriate to hold an oral hearing. The new Victims' Code also requires the Parole Board to read the VPS and to consider applications from victims to attend a hearing in person to read the VPS unless there are good reasons for not doing so.

The Parole Board has confirmed to my officials that it has previously and will continue, wherever possible and unless there are compelling circumstances, to allow victims who wish to attend a hearing in order to read their statements, either in person or by video-link, to do so. The Parole Board Practice Guide for panel members and panel chairs is clear that normally a request from a victim to read the VPS in person should be granted. The new Code reflects what has been current practice and will make sure victims are clearer about their entitlements at this stage.

It is possible that, in the future, there may be circumstances in which there might need to be discretion – such if there was a concern about possible disorder – and this is reflected in the new Code.

With respect to whether the offender should be required to be present, some victims want the offender to be present but many others do not. Likewise, whilst some offenders want to

be present, most do not. The normal practice is that the offender will not be present when the victim reads the statement, but there may be circumstances where he/she will be. It is a matter of discretion for the panel chair who will take account of both sides' wishes.

Parole Board members are given training on how to handle these difficult and often emotionally charged situations. I think that it is better to allow them to do so, on a case by case basis, as opposed to prescribing a specific course of action to be followed in every case.

Recommendation 5: More information about the Parole Board should be available to victims and the public, including: who sits on Parole Panels; what powers they have; the process of preparation for a hearing; who is responsible for providing information for the hearing and how the information is used; the process and factors taken into account in making decisions on release; and who is accountable.

I accept that more information about the parole process should be available to victims. The new manual on the victim contact scheme was published this month and is a resource for VLOs to use when explaining this process to victims. In addition, the NOMS leaflets for victims were revised earlier this year. Furthermore, this was covered in great detail at the training programme last year.

In addition, there is information for victims on the Parole Board section of the www.justice.gov.uk website and if victims do not have easy access to the internet VLOs can provide this for them.

VLOs are trained to be able to answer as many of the victim's questions as possible, but where they cannot, they can assist them in obtaining the answer from other sources. The NOMS Offender Management and Public Protection Group is a key source of information for VLOs, to clarify victims' rights under the Victim Contact Scheme and to provide advice in particularly complex cases.

Recommendation 6: Parole Panel hearings should be more open and transparent. They should take place in more formal surroundings with security staff present. Wherever possible, victims should be granted the right to attend the hearing and receive a written summary of the Panel's decision and some explanation of how the decision was reached.

I partially accept this recommendation. In respect of Parole Board hearings, they are held in prisons. Setting up hearings in other venues would be costly and operationally very difficult, involving the transfer of prisoners to and from less secure venues. Parole Board hearings undertaken in prison will be subject to the normal risk assessments, which any meetings involving prisoners and others would be subject to. The prison will decide which security arrangements are appropriate on a case by case basis.

A victim's needs are taken into account on the day of the hearing. If a victim attends in person, a "Secretary of State's Representative" – who is usually a seconded offender manager based in the Offender Management and Public Protection Group - will always attend with them and guide them through the process. The Representatives have considerable experience of the Parole Board process and will do all they can to help victims feel comfortable and understand what is happening. Their support is usually well received by victims.

My officials are, in any event, looking to increase the use of video-link for Parole Board hearings and this will improve access for victims and will mean that they are not subject to the need to travel – sometimes considerable distances – to a prison to read their VPS. Nor would they have to enter a prison which can often be extremely stressful and difficult for victims. The victim will instead increasingly be able to read their VPS from the more comfortable surroundings of a court or their local probation trust. Of course, just occasionally there will be equipment failures when using video-link, and officials will agree with the Parole Board how such failures are best addressed, in order to complete the reading of the VPS, so as to ensure that victims do not suffer further avoidable distress.

In respect of victims attending hearings, the Parole Board makes its decisions based on the risk presented by the prisoner, taking full account of the information and recommendations made by professionals working with the prisoner such as the Offender Manager and prison staff including psychologists and other providers of rehabilitation interventions. In the vast majority of cases, the victim will not have any new information about the risk the offender presents, and if they do there are other ways in which this can be submitted to the Parole Board, via the Offender Manager for example.

I am not persuaded that victims should be permitted to remain for the whole of the Parole Board hearing. I am concerned that the attendance of the victim would inhibit the offender from discussing his or her offending openly and honestly and thus it could undermine the Parole Board's ability to adequately assess the current risk of harm to the public presented by the offender.

The Parole Board's decision is communicated to the Secretary of State and the prisoner. The decision and the reasons for it contain personal data, and there is a high threshold for the disclosure of sensitive personal information other than to the parties to a hearing. The reasoning for decisions will be grounded in the evidence considered by the Parole Board in a necessarily closed setting.

I accept the recommendation that victims should receive a summary of how the Parole Board reaches its decisions. VLOs should explain in general terms why the Parole Board has directed release, including the types of interventions a prisoner serving the sentence would generally have undertaken, what reports a Parole Board would generally receive and the threshold for release that the prisoner would have been required to meet. The VLO can also assure the victim that the Parole Board makes its decision with regard to the statutory release test - and will not direct release unless it is satisfied that it is no longer necessary, for the protection of the victim and the public more generally, for the offender to be detained in custody.

Any information in respect of specific harm to the victim should have been shared with them and as stated above the Parole Board would not direct release unless it is satisfied it is no longer necessary for public protection that the offender remains detained. Clearer guidance for VLOs on how to explain Parole Board decisions to victims is contained in the new guidance.

Recommendation 7: Plans for the Parole Board to become part of HMCTS should be re-visited so that hearings are run in accordance with formal court processes.

I do not accept this recommendation. The public consultation about the future status of the Parole Board did not provide a clear consensus of support for any of the options including

transfer to HMCTS. Kenneth Clarke QC MP, when Secretary of State, confirmed that the Board would remain an independent arm's length body of the Ministry of Justice for the immediate future. This provides for a period of stability while the Board faces a number of challenges. I consider that parole hearings are conducted with the appropriate level of formality.

Recommendation 8: When offenders are released, measures to protect and reassure victims should be considered, including automatic tagging in cases where conditions preventing the offender from approaching the victim have been imposed.

I partially accept this recommendation. Licence conditions must be considered on a case by case basis. Measures to protect victims can already be included in the form of non-contact conditions and exclusion zones.

"Tagging" on release from prison in the form of electronic monitoring (EM) is currently available only to offenders released on Home Detention Curfew and those who are supervised under the Multi-Agency Public Protection Arrangements (MAPPA) at level 3, or where they are registered as a Critical Public Protection Case (CPPC). An offender released on HDC must be monitored by EM, but with the other types of application, it must be necessary and proportionate to manage the risk presented by the offender.

NOMS intends to introduce satellite tracking via GPS under the new Electronic Monitoring contracts which are currently being tendered. This technology is expected to be introduced during 2014. Satellite tracking will be able to detect whether an offender has entered an exclusion zone and thus may pose a deterrent effect. It will not, however, physically prevent an offender from entering a zone, nor would it detect the proximity between an offender and victim. Current plans are to use the new GPS tags with those offenders currently eligible for EM, though there is potential for this to change once the new technology has been successfully rolled out.