

Good Practice Guide:

Expectations of those contributing to an Oral Hearing

November 2013



The purpose of this guide is to help us all work effectively together to achieve the best possible outcome at an Oral Hearing and was commissioned as a joint piece of work between London Probation Trust and the Parole Board. The guide is presented in bullet points and focuses on the basic service we can each expect from the other. Clearly all cases are different and some have intricacies that can not be addressed by a generic guide, it is hoped that the information contained here will assist with a wide range of cases.

In order to draw up this bullet point guide colleagues from the Parole Board, NOMS Public Protection Unit and Victims Unit, Prisoners Legal Representatives, Public Protection Representatives, Probation Officers, Senior Probation Officers have been approached for comment and contributions. It was helpful to hear from everyone and our sincere thanks to all those who contributed or commented.

This document should be read in conjunction with the protocol agreement between the Parole Board and the Prison Estate, which provides all staff in prison establishments with clear guidance on the standards they are expected to meet in the provision and facilitation of oral hearings for Parole Board panel members.

JOINT RESPONSIBILITIES AND EXPECTATIONS

- **All will treat each other with professional respect**
- **All will ensure they respond to e mails in a timely manner.**
- **Will ensure Hearings start promptly (prisoner movement etc permitting)**
- **The day is protected and adjournments/deferrals caused by any of the parties having to leave the Hearing early are avoided.**
- **All will undertake their respective tasks pre and post Hearing to ensure deadlines are met and all the necessary information is shared and available to all parties where appropriate.**
- **Where there are concerns or issues with the practice or conduct of any party at the Hearing, all will use the relevant procedures to make and ask for a complaint to be investigated and not overtly criticise or address the shortcomings in the Hearing or in any written material that may be generated.**

Parole Board Panel Members

- The Chair can be expected to look at the case well in advance of the Hearing so that any further Directions can be set in advance to aid avoidance of a deferral on the day because something is missing.
- The Chair will check with legal reps that all have the same documentation before the Hearing starts.
- The Chair will intervene, when appropriate, if a witness is being unduly/unreasonably pressed by another party.
- The Chair will endeavour to facilitate attendance by a witness via video link or telephone conference call if it is evidenced there are genuine difficulties in the witness attending in person, and when there are obvious time and costs savings in providing evidence in this manner.
- Questions will be discussed amongst the panel members and they will be limited to the key issues for the Hearing and be relevant to the assessment of risk.
- Will ensure that reasonable breaks for comfort breaks or lunch are provided for the witnesses
- Will be clear in their reasons why a licence condition has been included that was not requested, and why a condition was omitted that had been requested.
- Where there are particular cases where it may be helpful for a Public Protection Representative to attend the Parole Board can highlight this to the PPCS caseworker.
- The Public Protection Representative will always be included in all discussions and conversations relating to proceedings as the legal representative would expect to be.
- Consider any written submissions made by the Public Protection Review where applicable.
- Will give the Public Protection Representative the opportunity to ask pertinent questions of all witnesses during the hearing.
- Will ensure the Offender Manager is able to respond to information/opinions provided by other witnesses
- If a panel wishes to speak with the Offender Manager before the Hearing, be clear as to what time the OM must be in the Hearing room and that the legal rep is similarly invited.
- Consider alternative release addresses where appropriate and avoid a blanket requirement approach for an Approved Premises placement.
- Will write decision letters that are succinct and easily understood by all parties including the prisoner.
- Undertake to issue Directions that are clear and specific to assist those who must interpret them and act on them, and they should be reasonable and proportionate

Parole Board Case Managers

- Will contact witnesses to inform them of the Panel date at the earliest opportunity being clear as to the time the relevant panel will expect to sit
- Will ensure any change to a panel date is communicated to witnesses as soon as possible
- Will ensure Panels have information passed to them as far ahead of the hearing as is practicable
- The Public Protection Representative, when deciding to attend a hearing, is copied into all relevant documentation and correspondence relating to the hearing.

Public Protection Casework Section

- Will ensure that Parole Board Directions are circulated in a timely fashion to all parties
- Will ensure that any Non Disclosure requests are dealt with promptly and Probation Trusts made aware of out come in a timely fashion
- Ensure that the Public Protection Representative, when deciding to attend a hearing, is copied into all relevant documentation and correspondence relating to the hearing.
- Public Protection Representative provided with a copy of decision of the Panel.
- Will assist Probation Trusts in asking for a variation of a Direction where appropriate and in appealing a non disclosure decision

- Provide clear and consistent advice to Probation Trusts regarding non disclosure matters.
- Will follow up Directions and ensure all completed prior to the Hearing and to dates required.
- Will provide advice and support to OM's relating to legal issues.

Public Protection Representative

- Will ensure Submissions are forwarded to all parties a minimum of 3 working days prior to the hearing.
- Provide Submissions that are based on the dossier, relating to risk of serious harm to assist the Board in making a decision (It is no longer the case that the Public Protection Representative will give a for or against release recommendation)
- Will liaise with the OM prior to the hearing and any other Sec of State witnesses.
- Can be expected to have a copy of the dossier and be fully apprised of the case prior to the hearing and ensured that they have added themselves to the timetable and given notice to the Parole Board of their attendance a week in advance of the hearing where possible.
- During the Oral Hearing the Public Protection Representative can be expected to ask questions of all of the witnesses that assist the Parole Board in their decision on whether the various risks posed by an individual is manageable in the community
- Will sum up the evidence he/she has heard at the end of the hearing succinctly.

Offender Manager (or Youth Offending Team Officer, where applicable)

- Will ensure that there is a good level of communication with the offender supervisor with a check in the day or so before the Hearing to see if there is any new information that may influence the Hearing
- Will have as much contact either face to face, letter, video link with the prisoner as is possible and certainly before the Oral Hearing when preparing the PAROM 1 or Addendum PAROM 1.
- Will have discussed their recommendation, Risk Management Plan and Sentence Plan with the prisoner ahead of the Hearing and ascertained the prisoners view.
- Ensure that Licence Conditions/Exclusion Zones requested are evidenced as to why they are being requested, how they will be enforced and so on.
- Can be expected to ensure that the Oral Hearing date is given priority and to arrange for a replacement person to attend in the extreme circumstance they can not attend, and that the replacement person is fully informed about the case and can assist the panel
- Will use the relevant templates related to Oral Hearings i.e. PAROM 1 for a first review and, thereafter use the Addendum PAROM1 to provide updated information and address the issues identified from the previous Hearing.
- Will provide a full risk management plan and sentence plan as required of them by NOMS, even when not supporting release or progression to Open Conditions.
- Will make an evidence based recommendation in each case.
- Can be expected to ensure referrals to MAPPA or accommodation providers are made ahead of the Hearing and the panel provided with realistic timescales for interventions or accommodation to be available.
- Will ensure that non disclosure material is dealt with appropriately and clearly marked as such for the consideration of the parole board.
- Can be expected to have communicated with the Victim Unit as applicable
- Will access the paginated electronic Dossier via PPUD.
- Will ensure the assessments and recommendations made are owned by them and not presented as the opinion/assessment of management or MAPPA/MARAC, and will secure a gist of MAPPA/MARAC* minutes if directed by the panel (*in consultation with the police).
- Make applications to give evidence by video link or case conference call early in the process and provide evidence as to why this is needed.
- Will ensure they allow time to arrive, book in and be taken to the Hearing room so as to be there 20 to 30 minutes before the Hearing starts.

- Will bring important or new information to the attention of the panel if it has not been explored or raised at the Hearing.
- Feel able to change their recommendation either way if oral evidence indicates this is necessary.
- Will seek any legal advice required from the Public Protection Casework Teams.

Offender Supervisor

- Will ensure there are good levels of communication with the Offender Manager and prisoner.
- Will provide detail of custodial conduct including the nature of any adjudications and their outcome to the Offender Manager and in their Offender Supervisor reports in a time scale that allows the Offender Manager to include this information in their risk assessments.
- Be mindful of any risk issues relating to prisoner/witnesses and ensure prison alert to them in order to ensure safety of witnesses.
- Will make an evidence based recommendation in each case.

Legal Representative

- The Legal Representative will always be included in all discussions and conversations relating to proceedings as the Public Protection Representative would expect to be.
- The Legal Representative will sum up in a succinct manner at the appropriate juncture.
- Will arrive early enough to see their client before the Hearing is set to start.
- Guard against using a pre prepared submission that may not align with the evidence heard on the day.

Victim Liaison Officer

- Will ensure that victim impact statements are submitted where appropriate and liaison take place with the Offender Manager.
- Ensure that victims are clear as to the boundaries and rules relating to attendance and addressing the panel in writing or in person.
- Ensure that licence conditions and exclusion zones requested are supported with evidence as to why they are needed and to ensure they are proportionate and necessary.

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