



Policy name: The Victim Contact Scheme Policy Framework

Reference: N/A

Issue Date: 14 December 2023

Implementation Date: 14 December 2023

Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled: PI 48 2014 Victim Contact Scheme Guidance Manual, PI 03 2017 Probation Victim Contact Service- Non Statutory Cases, PI 03/2010 Implementation of the Victim Liaison Service Specification.

Introduces amendments to the following documents: N/A.

Action required by:

	HMPPS HQ	X	Governors
X	Public Sector Prisons	X	Heads of Group
X	Contracted Prisons	X	The Probation Service
X	Under 18 Young Offender Institutions	X	Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

Mandatory Actions: All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

For Information: By the implementation date Governors¹ of Public Sector Prisons and Contracted Prisons must ensure that their local procedures do not contain the following:

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

In this document the term Governor also applies to Directors of Contracted Prisons.

All references to “prison” within this framework also refer to those establishments that hold young individuals/children (who are in custody and are subject to any of the sentences detailed in section 5.1.1) including Secure Training Centres and Secure Children’s Homes.

All references to Probation Practitioner (PP) within this framework also refer to Community Offender Managers (COM) and should be read as such. All references to the Probation Service within this Framework also refers to Youth Offending Teams (YOTs) and should be read as such. Youth Offending Teams need access to any documents linked in this Policy Framework, please email VCSpolicy@justice.gov.uk for support.

¹ In this document the term Governor also applies to Directors of Contracted Prisons.

How will this Policy Framework be audited or monitored: HMPPS Prison Group Directors, the Director of the Probation Service and YOTs in England and Director of HMPPS in Wales will monitor compliance with the mandatory requirements set out in this framework. HMPPS contract management will hold providers to account for the delivery of mandated requirements as required in the contract.

Resource Impact: The overriding objective of this Policy Framework is to outline the processes within the Victim Contact Scheme. Given this framework simply confirms and clarifies existing practice which was not previously covered by any framework, there are no resource implications arising from the new framework and no changes to target staffing will be required.

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1. Purpose

- 1.1 The purpose of this framework is to set out the mandatory actions which His Majesty's Prison and Probation Service (HMPPS) must complete for all victims eligible for services under the Victim Contact Scheme (VCS). This framework replaces PI 48/2014 Victim Contact Scheme Guidance Manual and PI 03/2017 Probation Victim Contact Service - Non-Statutory Cases.
- 1.2 The Probation Service VCS arises from sections 35-45 of the Domestic Violence, Crime and Victims Act (DVCVA) 2004. Since April 2001, victims of a specified sexual or violent offence, where the sentence is 12 months or more imprisonment, have a statutory right to be offered contact by the Probation Service and make representations on licence conditions and supervision requirements. The VCS also includes those who appear by the Probation Service to be the victim, or to act for the victim of the offence. The VCS has been extended to victims of offenders made subject to a restricted hospital order for a specified offence in the DVCVA 2004, and to victims of offenders made subject to an unrestricted hospital order under the Mental Health Act 2007.
- 1.3 The Code of Practice for Victims of Crime in England and Wales also sets out the services and a minimum standard for these services that must be provided to victims of crime by organisations (referred to as service providers). In April 2021, a revised version of the Code came into force, expanding the VCS to give victims of unrestricted Mentally Disordered Offenders (MDOs) more of the same entitlements that victims of restricted MDOs have under the code.
- 1.4 This guidance is not just for Victim Liaison Officers (VLOs); it has also been written for Probation Practitioners (PPs), including Prison Offender Managers (POMs), and Prison Officers carrying out an Offender Manager (POM) role, where the Probation Service is delivering victim contact. The length, type and point of the sentence will determine whether the PP or the POM is the responsible officer and therefore accountable for liaison with the VLO. VLOs cannot fulfil their responsibilities without timely and clear information exchange and communication with PPs, including POMs. Victim contact work is, in this respect, the responsibility of **all** Probation and Prison staff. This framework is also written for managers of PPs and VLOs, including managers in prison, as effective working requires management oversight, support, and pro-active communication across teams. This is particularly necessary given the often emotionally demanding nature of victim work.
- 1.5 All mandatory actions in this framework reflect the legislation and the Code of Practice for Victims of Crime in England and Wales.

2. Outcomes

- 2.1 PI 48 2014 Victim Contact Scheme Guidance Manual previously set out the responsibilities to victims engaged in the VCS. This has now been decommissioned.
- 2.2 This framework aims to update the information previously contained in the manual and will:
 - define the criteria within which individuals should be offered the VCS;
 - provide practitioners, including those within prisons, with clear instructions on key stages within the VCS and their responsibilities under the VCS;
 - provide VLOs with clear instructions on key stages within the VCS and information which must be communicated to the VCS member;

- define the stages at which VCS members can make representations, including in respect of additional licence conditions, and if applicable in a Victim Personal Statement for the Parole Board; and
- ensure that all eligible victims are provided with clear and relevant information to which they are entitled as specified in the Code of Practice for Victims of Crime in England and Wales.

3. Requirements

Identification of eligible individuals

3.1 The Domestic Violence Crime and Victims Act (DVCVA) 2004 lays out the statutory boundaries of the VCS, and the victims who **statutorily** qualify for the VCS. These are:

- victims of offenders who have been sentenced to 12 months or more in custody for a specified sexual, violent or terrorism offence, even if the offence was committed before the relevant provisions of the DVCVA 2004 concerning the VCS, or the forerunner scheme to the VCS came into force (1 April 2001);
- victims of offenders who have been made subject to a hospital order with restrictions, or a hospital direction (section 45A), for a specified sexual, violent or terrorism offence, under the Mental Health Act (MHA) 1983 (restricted patients);
- victims of offenders who have been made subject to a hospital order without restrictions for a specified sexual, violent or terrorism offence, under MHA 1983 (unrestricted patients);
- the next of kin or close family member(s) of a victim as specified in one of the above categories, who died as a result of the offence; and
- the parent, guardian or carer of a child or vulnerable adult who was a victim as specified in one of the above categories (unless this is not considered to be in the victim's best interests). Once the child turns 18, contact must either be provided to them directly or their consent obtained to continue providing information to the parent/guardian or carer on their behalf. There may be exceptional circumstances where you can continue providing information to the parent or guardian in the absence of consent, but these must be discussed with the Victim Policy Team. In addition, VLOs should attempt to offer the VCS to victims who have turned 18 years old during the length of the sentence, where their parent/guardian has previously opted out of the VCS on their behalf.

3.2 The specified sexual, violent or terrorism offences are:

- murder;
- the sexual, violent or terrorism offences in Schedule 18 of the Sentencing Act 2020;
- offences against a child within the meaning of Part 2 of the Criminal Justice and Court Services Act 2000; and
- inchoate offences in respect of the above. This means the VCS should be offered to victims of offenders who have been convicted of assisting or encouraging, inciting, attempting, or conspiring to commit a relevant offence against them.

3.3 Schedule 18 of the Sentencing Act 2020 is now referred to rather than Schedule 15 of the Criminal Justice Act 2003 for specified offences. All statutory offences remain the same. It should also be noted that Schedule 3 of the Sexual Offences Act 2003 overlaps with the offences specified in Schedule 18 of the Sentencing Act, but also includes a number of additional offences.

- 3.4 Victims of offenders sentenced before the statutory framework came into force in April 2001 are also considered to be statutory victims. Where but for the date of sentence the victim would have been offered the statutory service, they should be offered the VCS if they contact the Victim Liaison Unit (VLU) or are identified through enquiries.
- 3.5 There are certain high impact crimes which are not specified in Schedule 18 of the Sentencing Act 2020 but where, under the Code of Practice for Victims of Crime in England and Wales, the VCS must be offered if the sentence is 12 months in custody or more, or where a hospital order is made, as these are now statutory offences. These high impact offences are:
- (i) Causing Death by Careless or Inconsiderate Driving (Road Traffic Act 1988)
 - (ii) Causing Serious Injury by Dangerous Driving (Road Traffic Act 1988)
 - (iii) Controlling or coercive behaviour in an intimate or family relationship (Serious Crime Act 2015)
- 3.6 If an offender is sentenced in England and Wales to 12 months or more in custody, or a hospital order, for a statutory offence, the victim is automatically eligible for the VCS, regardless of where they are residing. Therefore, if a victim is living outside of England and Wales, including outside of the United Kingdom, an offer of contact must still be attempted.
- 3.7 Where a defendant has been convicted of multiple offences, a court is entitled to impose a penalty for one offence (usually the most serious) and make an order of “no separate penalty” for the remaining offences, if it is thought that an adequate sentence has already been imposed. If the offences that receive “no separate penalty” are statutory offences, and the sentence passed is for a qualifying offence, then victims of those other statutory offences should be offered the VCS and must be considered statutory victims.
- 3.8 A full list of specified and eligible offences can be found in the document VLO Guidance-Victim Eligibility for the VCS.
- 3.9 The Probation Service must ensure that arrangements are in place for effective communication with other agencies to support statutory information sharing and victim referrals. This is particularly important in relation to Witness Care Units (WCUs) who should automatically provide details of victims who meet the statutory criteria. VLUs should be aware that they may also receive referrals via other routes, including from the Police via the Officer in Charge (OiC), Family Liaison Officer (FLO) and the National Crime Agency (NCA).
- 3.10 Victims can choose to participate in the VCS at any point in the offender’s sentence. Whenever a victim opts in, the VLU must notify the responsible PP or POM with responsibility for the case, Youth Offending Service or Responsible Clinician (RC).
- 3.11 If a statutory victim is not participating in the scheme, the PP or POM with responsibility for the case must refer the case back to the VLU if one of the following applies:
- i) it is assessed that the offender continues to pose a risk towards the victim,
 - ii) the risk posed to the victim increases,
 - iii) where the offender and victim are known to each other, or
 - iv) where the case is high profile and likely to generate widespread media reporting.

The VLU should then make a decision whether to attempt contact again with the presumption that in most cases that will be appropriate. The rationale for the decision must be recorded on the Victim Case Management System (VCMS).

- 3.12 In addition, there are certain circumstances in which VLUs can use their discretion to offer the VCS. Full guidance on discretionary contact can be found in the document VLO Guidance- Victim Eligibility for the VCS.
- 3.13 When a PP or a POM receives a case, they must consider whether there are any victims or others who do not statutorily qualify but may nonetheless be appropriate for referral to the VCS. For example, this could include cases where offences have been taken into consideration or left to lie on file. This must be discussed with the VLU, who may wish to seek further clarification with the HMPPS Victims Team.
- 3.14 PPs and POMs must be mindful that risk management is not an acceptable reason for discretionary contact and referrals for non-statutory cases should not be made on this basis.
- 3.15 If victims are not a resident of England and Wales or relocate outside of these jurisdictions during the operational period of the sentence, they remain eligible for the VCS and remote contact with the VLO will remain until the sentence end date where this is requested.

Recording and storage of information

- 3.16 The Data Protection Act 2018 requires that the recording of information is proportionate and necessary for the management of a case. The VCS is distinct and separate from the sentence management work of HMPPS. Details of how information should be shared between the VCS and sentence management functions, whilst complying with the DPA 2018 and ensuring an individual's information is secure, is set out in the guidance Probation Practitioner Guidance: Recording VLO Liaison on nDelius and OMiC Case Notes Guidance on EQuIP. Any information requests made, including subject access requests must be completed with adherence to the Information Requests Policy Framework.
- 3.17 VLUs must input all referrals onto the Victim Case Management System (VCMS). All victim data must be stored on VCMS and must not be held on any other system, including nDelius or on the Digital Prison System (DPS). ²This includes the Victim Contact Report, Victim Personal Statement and any email correspondence between the VLO and PP/POM containing personal information about the victim.
- 3.18 Personal information relating to the victim(s) engaged in the VCS, must not be included within an Offender Assessment System (OASys) assessment, as this is an open document which should be shared with the offender in line with best practice principles. In line with the PS OASys Assessment Quality Assurance (AQA) and Offender Management in Custody (OMiC) OASys AQA Tool (available on EQuIP), PPs and POMs completing a risk management plan must include if a case is VCS eligible but must not include the status of engagement or the name or contact details of the VLO.
- 3.19 VLUs must set up cases as specified in the VCMS user manual and section 1 of the Victims Quality Development Tool.
- 3.20 Where a VCS member is acting as the family representative, VLOs must ensure that all eligible victims are identified on VCMS, including up to date contact details. This ensures that if difficulties arise contacting the nominated individual, contact with other eligible individuals can be maintained.

² With the exception of VPS's which are stored on PPUD.

- 3.21 It is the responsibility of the VLU to ensure the 'Victim Contact' flag is created and maintained in nDelius. Further information can be found in the document VCS Guidance: Registering Victim Contact on Delius. When a victim opts into the VCS, the VLU is responsible for updating the flag in nDelius and additionally notifying the POM, who must manually record the VLO details on the DPS.
- 3.22 VLOs must ensure that all contact with victims is recorded accurately in VCMS to reflect the action taken within 1 working day.
- 3.23 Given the highly confidential nature of MAPPA minutes, these should not be stored on VCMS. VLOs should record the actions set for them and a reference to the fact that minutes are held on ViSOR.

Initial contact with eligible victims

- 3.24 As specified in The Code of Practice for Victims of Crime in England and Wales, VLUs must ensure that eligible victims are offered the VCS within 20 working days of receipt of a referral. Referrals will normally be received from the WCU but may also be submitted from other sources including Police Family Liaison Officers (FLOs), the Officer in Charge (OIC) or National Crime Agency (NCA).
- 3.25 National initial contact letter templates can be found on the VCMS. Whilst VLOs can personalise them, the main body of the letter must be used. The focus of the letter must be on making contact as easy as possible for the victim.
- 3.26 Where the VLO identifies that a VCS member will require documents to be translated, (including the BSL language translators) for example due to a disability or language barrier, or may need a translator present for their meetings, they must follow internal guidance on how to request these services. Please access further information via this link. For deaf or hard of hearing VCS members, please refer to guidance available via this link. Guidance on translating documents into the Welsh Language as part of HMPs' Welsh Language Scheme can be found at the following link.
- 3.27 The initial contact letter and initial contact meeting sets the foundation and framework for future victim contact. Risk considerations (including the home visit risk assessment form), safety, special requirements and diversity considerations must be considered by the VLO before the initial meeting takes place and recorded on VCMS. This is to ensure that contact between the victim and the VLO takes place in an appropriate environment that meets the needs of the victim whilst facilitating the purpose of the VCS.
- 3.28 The VLO must offer an initial meeting to eligible victims. The VLO should prepare for this meeting and ensure they have taken reasonable steps to gain knowledge on the case prior to meeting the victim. The initial meeting should be used to discuss and clarify key information, including the relationship between the VLO and the victim and the parameters of the VCS, to record the impact of the offence on the victim, and to establish future arrangements for contact. Victims should always be offered a face-to-face meeting for the initial contact, usually in their home, unless there are risk concerns. VLOs must consider the risk assessment for the home visit in line with the Home Visits Policy Framework. The victim should be offered alternative options, where appropriate, including a meeting at an alternative venue, a video call, or a telephone appointment.
- 3.29 VLOs must ensure that remote contact with victims complies with government instructions and guidance. Details of approved tools can be found here.

- 3.30 By the end of the initial meeting, the VLO must ensure that they have explained the role of the VLO to the victim, alongside their rights under the VCS, the offender's sentence and release process, any involvement that the case might have with the Parole Board, and arrangements for future contact. This should include their entitlement to make representations regarding licence conditions and, where appropriate, submit a Victim Personal Statement. The VLO must have considered the impact of the offence, vulnerability, risk information, and likelihood of re-victimisation. The VLO must discuss this with the PP or POM responsible for the case, and with their line manager where appropriate.
- 3.31 VLOs must be aware when communicating with victims and carrying out their duties that they are not providing a support, counselling or advocacy service. VLOs are responsible for directing and referring VCS members to sources of additional support where this is appropriate.
- 3.32 Every meeting with a victim must be followed up in writing by the VLO (in the form of a Victim Contact Report) to the victim to ensure that they have understood the outcomes, unless the victim explicitly requests that they do not receive a written follow-up. If the victim specifically asks for meetings not to be followed up in writing, this request should be recorded in VCMS and a Victim Contact Report must still be completed and saved to VCMS with a clear indication that it has not been sent to the victim.
- 3.33 VLOs must ensure that all VCS members are made aware of how they can make a complaint should they not be satisfied with the service they receive. Where a complaint is not satisfactorily resolved using the PS complaints process, VCS members should be informed by their VLO that they can ask their Member of Parliament (MP) to raise this with the Parliamentary and Health Service Ombudsman as set out in The Code of Practice for Victims of Crime in England and Wales.
- 3.34 VLOs must liaise with the PP or POM with responsibility for the case, following an initial contact meeting, specifically in regard to:
- any risk information the victim may have disclosed;
 - any safeguarding concerns; and
 - the potential for any future exclusion zone requests.
- 3.35 Full guidance on the initial contact process is contained in the document VCS Guidance Initial Contact.

Contact during the lifespan of the VCS

- 3.36 The Domestic Violence, Crime and Victims Act (2004) and The Code of Practice for Victims of Crime in England and Wales (November 2020) specifies the key information a VCS member is entitled to receive. There is a requirement for the responsible PP or POM and the VLO to remain in contact to ensure that VCS members receive the appropriate information, outlined in the Key Stages and Disclosure Information Guidance and that their representations are incorporated into the decision making and risk management of the offender.
- 3.37 Ongoing contact with the VCS member should be via their preferred method where practicable and any deviations from this should be recorded on VCMS with a clear rationale. VLOs must ensure that they provide a flexible service that is accessible for those with diverse needs, and which meets the needs of each individual accordingly. Further guidance can be found in the Victim Liaison Officer Guidance- Diversity considerations and interpreters.

- 3.38 VLOs must ensure that remote contact with victims complies with government instructions and guidance. Details of approved tools can be found here.
- 3.39 All discussion and/or information regarding a key stage provided to VCS members via telephone, or in person, must be followed up in writing, confirming the information exchanged and any further actions agreed unless the VCS member specifically states that they do not want this.
- 3.40 VLOs must ask VCS members about any significant dates where contacts and meetings should, if possible be avoided, such as the anniversary of the offence, victim's death or victim's birthday. The VCS member may provide additional dates which are of significance to them, and their wishes around contact on these dates must be respected. All significant dates must be clearly recorded on VCMS and where relevant communicated to the PPCS Caseworker when considering Parole hearings **at the very start** of the parole process before dates for hearings have been arranged by the Parole Board.
- 3.41 VLOs, PPs and POMs must ensure they are familiar with the key liaison points, and the information which victims are entitled to receive at each stage. These are specified in the document VLO Guidance – Key Stages and Disclosure of Information. Further guidance on each individual key stage, including the base level information which should be provided to VCS members, is available on EQuIP.
- 3.42 VLOs, PPs or POMs with responsibility for the case must be aware that in certain circumstances, it may be proportionate, particularly for risk management purposes, to disclose above baseline information to a VCS member. This is permitted under the DVCVA 2004 which specifies that the VCS member can be provided with other information considered 'appropriate in all the circumstances of the case'. Equally, where there are concerns that the disclosure of baseline information may increase risk exceptionally to the offender, information provided to a VCS member can be limited to the release of the offender and allowing the VCS member to make representations and be informed about licence conditions. Decisions on the disclosure of information must always be made jointly between the VLU and sentence management functions and the justifications for such decisions must be recorded clearly on VCMS. Further information is contained in the document VLO Guidance – Key Stages and Disclosure of Information.
- 3.43 VCS members must be offered an annual update on the case. This ensures contact is maintained, particularly when the offender is serving a long or life sentence, and there are extended periods of time between key stages. Annual updates apply during the custodial period and following release on licence. VLOs should use the annual update letter template available on VCMS and amend this accordingly. Where the annual update relates to an offender who is in custody, the letter should include the current security categorisation of the offender and be accompanied by the 'categories for prisoners in custody- Annex for Annual Contact letter' which can be located on VCMS. This requirement to offer an annual contact serves as a useful prompt for the VLO to liaise with the PP/POM with responsibility for the case, to ensure the accuracy of information recorded on case management systems. It also safeguards against inaccurate or out of date information being shared with VCS members as well as a reminder to the PP/POM that the VCS is active in a particular case.
- 3.44 VLOs must be alert to any safeguarding issues which may arise or become apparent during their contact with a VCS member. Because VLOs often visit victims in their homes, they are particularly well placed to identify potential, suspected and actual safeguarding issues. VLOs must be alert to any risk of harm that a person or situation may pose to a child or

vulnerable adult including any risk to the VCS member themselves and act accordingly with oversight from their Line Manager.

3.45 VLOs must ensure that they share information immediately with PPs or POMs with responsibility for the case and other necessary agencies when they become aware of a potential safeguarding concern. If the VLO has not received a written acknowledgement from the PP or POM, the VLO must actively follow this up to ensure that they have received and understood the information. Additional actions may include:

- submitting referrals to external agencies such as Social Care;
- passing concerns to police, including domestic abuse units and services;
- referring a VCS member to Multi Agency Risk Assessment Conferences (MARAC).

3.46 VLOs and VLU managers must ensure they are familiar with the HMPPS Child Safeguarding policy framework, the Domestic Abuse policy framework and the Victim Liaison Office Guidance – Safeguarding Considerations.

Multi Agency Public Protection Arrangements (MAPPA)

3.47 Where the offender is subject to MAPPA level 2 or 3 management, the VLO must represent the victim's views through attendance at, and active participation in, MAPPA meetings. Where it is not possible to attend in person, the VLO must submit a comprehensive report of the VCS member's views for use at the meeting, including any risk information and representations about licence conditions and ensure they follow up on any actions/outcomes from the meeting. If the victims make representations for licence conditions, this is not a decision for the MAPPA meeting to make or disagree with the request, the PP must forward the victim's request in full to the Parole Board or Governor. For MAPPA level 1 management, the PP should consult with the VLO when completing the regular level 1 review. Please see the Probation Service Management of MAPPA Level 1 Cases Policy Framework for more information.

3.48 Some VCS members may not wish to make requests for licence conditions, particularly exclusion zones, as they are concerned that this could disclose their location and/or movements to an offender. In such cases, it is important that the VLO feeds into the MAPPA meeting any information that the VCS member is willing to disclose to help inform multi-agency discussions and decisions about the management of the offender.

3.49 Full guidance can be found in the document VLO Guidance- MAPPA and in the MAPPA Guidance, in particular Chapter 22 which is specific to victims.

Category D/Open conditions (Determinate/EDS/SOPC only)

3.50 When considering an offender for Category D/Open, the PP or POM with responsibility for the case, must verify whether any victims of the offender have chosen to participate in the VCS and must record this information on the DPS before the categorisation decision is made. It is important to note that victims can opt into the VCS at any point in the sentence, and so a check with the VLO to confirm involvement in the VCS needs to be made each time re-categorisation is considered.

3.51 The PP or POM with responsibility for the case must ensure the VLO is informed when:

- the offender is being considered for Category D conditions, allowing 14 days for the VLO to notify the VCS member and provide a response to the PP/POM prior to finalising a re-categorisation decision;
- the outcome of that assessment is known; and

- if the outcome is agreed for a progressive move to open conditions and confirm once that move has occurred.

3.52 The PP or POM with responsibility for the case must enquire with the VLO as to whether the VCS member has any relevant risk information to provide in relation to a potential move to open conditions, such as unwanted prisoner contact. This will also ensure the victim(s) have the opportunity to give an indication of the likely areas they will request as exclusion zones in preparation for ROTL, should the re-categorisation be granted. This information could be helpful when the location of the open prison is considered, should category D be approved.

3.53 The VLO must ensure that the VCS member is updated at each stage of the process, including informing them:

- when the offender is being considered for Category D conditions;
- of the outcome of that assessment once it is known; and
- if the outcome is for a progressive move, once that move has occurred.

3.54 If a VCS member discloses any risk information relating to a potential move to open conditions, the VLO must pass this to the PP/POM at the earliest opportunity.

3.55 Further information on re-categorisation can be found in Section 8 of the Security Categorisation Policy Framework.

Licence conditions

3.56 VCS members have a legal entitlement under the DVCVA 2004 to make representations in respect of licence conditions, and to have these considered by the decision maker.

3.57 VCS members are entitled to submit representations regarding additional licence conditions for the following key stages:

- Release on temporary licence (ROTL);
- Home Detention Curfew (HDC);
- Conditional Release Date (CRD);
- Compassionate release;
- Parole Board review;
- When release is being considered following a recall;
- Licence variation;
- Suspension of supervision; and
- Termination of IPP licence.

3.58 The VLO must explain to the VCS member the purpose of additional licence conditions and the requirements that must be met for any condition to be imposed. In order to demonstrate the necessity and proportionality of a particular condition, reasons for the request must be provided to the decision maker, which could be the prison governor or Probation Delivery Unit Head dependent on the specific circumstances. For Parole Board cases, PPCS will refer the request to the Parole Board.

3.59 There will be occasions where the VLO/PP or POM with responsibility for the case does not feel the request meets the necessary and proportionate criteria. Whilst the VLO must manage expectations, the VCS member is entitled to submit their representations (as specified in the DVCVA 2004) and must not be pressured into changing their request. The VLO should discuss the licence conditions with the PP or POM with responsibility for the case and explain the reasoning for the request. The VLO must forward any representations

to the decision maker, which could be the prison governor or Probation Delivery Unit Head dependent on the specific circumstances. For Parole Board cases, the VLO should complete the Annex A or B form with the victim(s) representations and send this to the relevant PPCS caseworker to send onto the Parole Board³. If the PP or POM is not in agreement with the requested licence conditions, they must produce alternatives and submit these to the appropriate decision maker (or PPCS for Parole Board cases) for consideration.

- 3.60 VCS members must be informed by the VLO of the standard licence conditions and any approved additional conditions which relate to them. They can also be told if:
- the offender will be residing in an Approved Premises (VLOs can explain to the victim that the offender is residing 24 hour staffed accommodation, rather than using the term "Approved Premise". Victims should not be told the specific Approved Premise where the offender will be residing). The VCS member will need to be informed of the approximate period of time this will apply;
 - if a victim related exclusion zone is subject to electronic monitoring/satellite tracking and the period for which and electronic monitoring applies. For more information, please refer to the Licence Conditions Policy Framework.
- 3.61 PPs must retain responsibility and accountability for any victim related licence conditions. The offender must not be told that these have been requested by the victim or the VLU as this could increase the likelihood of victim blaming and/or the risk posed to the victim. PPs and VLOs should be mindful that there are certain circumstances where the offender will become aware that additional conditions have been requested by a victim, for example when the VCS member submits a Victim Personal Statement for the Parole Board and does not apply for non-disclosure.

VLOs, PPs and POMs must ensure that VCS members are offered their statutory right to submit representations for licence conditions. Full information on licence conditions can be found in the Licence conditions Policy Framework. Additional guidance for VLOs, PPs and POMs is contained in the document VLO Guidance – Licence Conditions.

Release on Temporary Licence (ROTL)

- 3.62 VCS members have the statutory right to make representations about ROTL licence conditions.
- 3.63 The PP or POM with responsibility for the case must liaise with the VLO throughout the process, including:
- notifying the VLO that ROTL is to be considered and to request victim representations regarding licence conditions. This liaison must occur at the earliest opportunity but no later than two weeks prior to the assessment;
 - once the outcome of that assessment is known; and
 - confirming when ROTLs are due to commence and any additional licence conditions relating to the VCS member.

³ For youth cases, VLOs should complete the Annex forms found here and send to the YOT to be shared with the decision maker.

3.64 The VLO is responsible for liaising with the VCS member, including explaining:

- the process for applying for ROTL;
- that an application for ROTL has been made;
- the purpose of licence conditions;
- the right to make representations regarding licence conditions;
- the outcome of a ROTL assessment, and any agreed additional licence conditions relating to the VCS member;
- the month in which ROTLs will commence; and
- what to do in the event of any concerns or potential breach of conditions.

3.65 VCS members should be allowed up to two weeks to make representations regarding licence conditions and any made after this point should be forwarded urgently to the prison via the PP or POM.

Home Detention Curfew (HDC)

3.66 HDC allows for the early release of eligible standard determinate sentenced prisoners before their automatic release date on an electronically monitored curfew. Victims who have opted into the VCS have the right to make representations about victim related licence conditions and must be given the opportunity to submit representations to the decision maker. VLOs, PPs and POMs, should ensure they are familiar with the requirements set out in the Home Detention Curfew (HDC) Policy Framework.

3.67 It is essential that the PP liaises with the VLO at the earliest opportunity. The PP is responsible for notifying the VLO:

- that an application for HDC has been made, and requesting licence condition representations;
- when the outcome of an HDC assessment is known; and
- when a date for release on HDC is confirmed and any conditions relating to the VCS member that will appear on the licence

3.68 The VLO must ensure that they liaise with the VCS member throughout the HDC process, including:

- an explanation of what HDC is and the process by which an offender may be granted HDC (for eligible offenders only);
- if the offender is presumed unsuitable for HDC and what this means;
- notification that an application for HDC has been made;
- the right of the VCS member to make representations about licence conditions;
- the outcome of any HDC assessment, and any agreed conditions relating to the VCS member which will be included on the licence;
- that if refused on this occasion, further HDC applications can be made;
- if HDC is granted, the week in which the offender will be released on HDC; and
- informing the VCS member when the offender reaches the end of the HDC period and the HDC licence conditions fall away.

3.69 The VLO must submit any representations made by the VCS member in respect of licence conditions and any information they may disclose relating to risk to the PP and the POM. This request must be considered by the prison governor responsible for making the decision.

3.70 If the VLO receives a report of a breach of HDC licence conditions from the victim, they must notify the PP.

3.71 Further guidance can be found in the document VLO Guidance- HDC.

Release at the conditional release date (CRD)

3.72 Section 35 of the DVCVA 2004 provides that generally, VCS members can be informed of the offender's release if the disclosure of information is appropriate in all the circumstances of the case and provided on a necessary and proportionate basis. VLOs must provide the approximate month of CRD in their initial contact with victims, and closer to the time can provide the week of release, unless there are reasons why, exceptionally, this is not appropriate.

3.73 In advance of the CRD, the VLO must ensure they inform the VCS member:

- what the licence period means and its purpose, how long it will last, and why it exists;
- the week of release (unless this is not deemed appropriate due to the circumstances of the case);
- of their right to make representations regarding additional licence conditions; and
- the standard licence conditions to which the offender will be subject to.

3.74 The VLO must ensure that they work with the VCS member to obtain any representations regarding licence conditions (as detailed in 3.45- 3.51). The VLO must pass any representations to the PP who must, in turn, forward them to the prison governor.

3.75 The prison governor is responsible for setting final licence conditions for automatic releases on licence at the conditional release date. Therefore, in cases where there is disagreement between the requests made by the VCS member and what is assessed as necessary and proportionate by the PP, the prison governor must have sight of the VCS members representations to make a fair and informed decision.

3.76 If an offender is detained past their CRD, under the Power to Detain Dangerous Standard Determinate Sentence Prisoners Policy Framework, on a case-by-case basis, victims engaged in the VCS must be notified only once the prisoner has received their notice stating the CRD is overridden, in order to mitigate any worry or concern at not having been contacted about licence conditions for the CRD. The victim will then be given the chance to make and apply to present a VPS at any resulting Parole hearing and to request additional licence conditions for their protection if the prisoner were to be released by the Parole Board. For more information, please consult the Power to Detain Policy Framework.

3.77 The PP is responsible for liaising with the VLO prior to the CRD and following the release of the offender. They must ensure that:

- the VLO is informed of any change in CRD (for example due to additional days being imposed);
- they are aware of any requests made by the VCS member for additional licence conditions, and the reasons for such requests; and
- the VLO is notified once the offender has been released from custody (this must take place on the same day where possible).

3.78 Following release, the VLO must confirm with the VCS member:

- that the offender has been released, once confirmed by the PP or POM;
- any approved additional licence conditions relating to the VCS member;
- the standard licence conditions;
- why any requested conditions have not been added; and
- when the conditions will end.

3.79 If the VLO receives a report of a breach of licence conditions they must notify the PP immediately.

Compassionate release

3.80 The Secretary of State may release a serving prisoner at any point in the sentence if they are satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds. Any exceptional circumstances must be considered, although the majority of applications are due to the ill health of the offender. PPCS will consult with the Parole Board on the case where this is practical. An offender would not be returned to custody if there is a change in the compassionate circumstances and the usual threshold for recall will apply. Further information can be found in the Early Release on Compassionate Grounds Policy Framework.

3.81 It is the responsibility of the PP or POM (depending on who holds responsibility for the case) to liaise with the VLO and inform them:

- that an application for release on compassionate grounds has been made and to request victim representations about licence conditions;
- the outcome of that assessment; and
- the date of any release on compassionate grounds and any victim related conditions which will appear on the licence.

3.82 If an application for compassionate release is made, the VLO must discuss this with the VCS member, including:

- an explanation of compassionate release;
- their entitlement to make representations regarding licence conditions;
- the outcome of any assessment; and
- if applicable, when release will take place and confirming any standard conditions, and additional conditions relating to the VCS member, which will appear on the licence.

3.83 The VLO is responsible for submitting victim representations in regard to licence conditions to the PP or POM who must submit these to the Public Protection Casework Section (PPCS).

Parole Board eligible cases

The Victim Personal Statement (VPS) and representations regarding licence conditions for the Parole Board.

3.84 Statutory victims are entitled to complete a VPS and/or make representations regarding licence conditions, which must be submitted on the VPS Annex A or B proforma located on VCMS. The VPS should be sent directly to PPCS by the VLO and the VLO must ensure that any pertinent information relating to risk is communicated to the PP for consideration.

- 3.85 The VLO must ensure that any sensitive dates are raised with PPCS at the earliest opportunity, as soon as the parole review starts, in order that these can be taken into consideration when scheduling an Oral Hearing. Even if a hearing is not listed on a sensitive date the VLO should ensure PPCS is aware of the sensitive dates, as cases can be adjourned and deferred.
- 3.86 There may be occasions where the VCS member does not wish to make a VPS but would still like their views and representations regarding licence conditions to be communicated to the Parole Board. In this circumstance, the VLO should complete the VLO Report (VLOR) and send to PPCS so it can be shared with the Parole Board. This template is located on VCMS.
- 3.87 The PP is responsible for notifying the VLO that a parole review is commencing and record this contact appropriately on NDelius. PP should refer to the Probation Practitioner Guidance: Recording VLO Liaison on NDelius for further guidance. This will prompt the VLO to contact the VCS member.
- 3.88 The VLO must explain to the VCS member that:
- the purpose of the VPS is for the VCS member to explain to the Parole Board what the impact of the crime has been and continues to be;
 - the VCS member can submit a new VPS, an updated version of a previous VPS, or a previous VPS without any changes;
 - the non-disclosure process for VPS, as set out in the Handling Sensitive Information Policy Framework; and
 - the VPS should not include any new information relating to risk. If the VPS contains risk information, VLOs must contact PPCS as soon as possible to discuss the implications. The VLO should also involve the PP in these discussions to ensure that the risk information is shared. If the risk can be verified through a different source, the victim should not be asked to amend their VPS as the information will be documented in other sections of the Parole dossier or through an external source. If the victim discloses risk information in the VPS about the offender and despite all efforts, no supporting evidence can be found to substantiate it, the victim will be asked to either agree to the information being removed as it cannot be verified, or PPCS will provide an “open letter” disclaimer to the Parole Board stating that they could not verify the information. More guidance can be found in the Victim Personal Statement Guidance for VLOs.
- 3.89 The VLO must ensure that the VCS member is aware of their right to submit representations about licence conditions. Please refer to sections 3.45- 3.51 for further information.
- 3.90 The VLO must ensure that:
- the VPS/VLOR, including any representations regarding licence conditions, is sent directly to PPCS by the date specified in the initial notification letter;
 - the PP is informed of licence condition requests and the reasons for these;
 - that any request for an exclusion zone is accompanied by a map of the proposed exclusion zone; and
 - that any delay in submitting this information is raised with PPCS at the earliest opportunity.
- 3.91 It is essential that the VLO and PP liaise throughout this process. PPs must be made aware of any additional conditions requested by a VCS member and the reasons for these. PPs

must consider how they record information carefully and refer to Probation Practitioner Guidance: Recording VLO Liaison on NDelius. The VPS must not be saved to NDelius.

- 3.92 Where discretion has been used to offer contact to a victim, these individuals, do not have a right to submit a VPS, except in exceptional circumstances. Where the VLO considers that, exceptionally, due to the circumstance of the case, it may be appropriate for the VCS member to make a VPS, this should always be referred to HMPPS Victims Team who will seek legal advice as necessary.
- 3.93 Where discretion has been used to offer contact to a victim, these individuals have the right to request licence conditions. The VLO is responsible for ensuring any requests are sent directly to the PPCS caseworker. The PP must be copied into any requests.

Pre-tariff sift/review

- 3.94 Pre-Tariff ISPs are eligible to have their case referred to the Parole Board to consider their suitability for transfer to open conditions up to three years prior to their TED. The Generic Parole Process Policy Framework states that all indeterminate prisoners will have their cases reviewed by PPCS to ascertain whether there is a reasonable prospect of the Parole Board making a positive recommendation that they progress to open conditions and that the case meets the test for open conditions. This sift takes place **before** a decision is made about whether a case should be referred to the Parole Board for a recommendation concerning suitability for open conditions.
- 3.95 The VCS member should **not** be informed when a pre-tariff sift occurs as the case may not progress any further if the sift is unsuccessful. If PPCS conclude that the criteria is met, PPCS are responsible for referring the case to the Parole Board in line with the Generic Parole Process.
- 3.96 It is the responsibility of the POM to inform the VLO that the case is being referred to the Parole Board for a pre-tariff review. Only once this is confirmed, should a VCS member be informed that a pre-tariff review will take place.
- 3.97 The VLO must:
- notify the victim that a pre-tariff review is to take place;
 - make it clear to the VCS member that the Parole Board will consider suitability for Category D conditions only and that there is no prospect of the offender being released at this stage; and
 - advise the VCS member of their entitlement to make a VPS (statutory VCS members only) and representations regarding licence conditions.
 - inform the victim of the outcome of the pre-tariff sift and if it is agreed for a progressive move to open conditions, the VLO should confirm once that move has occurred.

- 3.98 The VLO should ensure that the VCS member is offered the opportunity to complete a VPS in line with the steps described in sections 3.72-3.80. The VPS should be sent directly to PPCS by the VLO and the VLO must ensure that any pertinent information relating to risk is communicated to the POM for consideration.

Review by the Parole Board

- 3.99 The Generic Parole Process (GPP) Policy Framework sets out the mandatory actions which the PS, Youth Offending Team and Prison establishments must complete for all parole eligible prisoners to ensure the timely and efficient completion of the GPP. This

section of the Policy Framework applies to reviews by the Parole Board where PPCS have agreed that a pre-tariff review should take place and all on tariff and post tariff cases.

3.100 Good communication between the PP and the VLO throughout this process is essential. PPs must consider how they record information carefully and refer to Probation Practitioner Guidance: Recording VLO Liaison on NDelius. The PP must liaise with the VLO:

- upon receipt of the initial notification letter from PPCS ensuring the VLO is aware of the PAROM 1 due date;
- prior to completion of the PAROM 1 and any subsequent addendum reports to ensure that victims representations, where disclosable, are captured;
- when an Oral Hearing date is scheduled, and if there are any changes, deferrals or adjournments;
- when the Parole Board outcome is received- this could be a decision made “on the papers” at a Member Case Assessment (MCA) or a decision made at an Oral Hearing;
- when the Parole Board outcome is made final; and
- the outcome of any application to set aside a Parole Board decision.

3.101 Upon receiving notification of a parole review, the VLO must notify the VCS member and discuss:

- that a parole review has been initiated;
- of their entitlement to make a VPS (see 3.81- 3.89 for further information/eligibility)
- their entitlement to make representations regarding licence conditions. It is important to provide timely VPS to PPCS or to notify PPCS where VPS may be expected later than the required deadline;
- the process for requesting non-disclosure of a VPS and/or representations regarding licence conditions- please see the Handling Sensitive Information Policy Framework for more details;
- how they wish their VPS/representations to be presented to the Parole Board;
- the reconsideration mechanism, including the rights of the victim and the offender to request this. Further guidance on reconsideration can be found in the Generic Parole Process Policy Framework and on Equip;
- that the Parole Board has the power to set aside their decision should the case meet certain criteria and that PPCS (on behalf of the Secretary of State) can also make an application for the decision to be set aside, as set out in the Generic Parole Process (see section 3.6.78-3.6.94); and
- their right to request a Parole Board Decision Summary (PBDS).

3.102 The VLO must subsequently liaise with the VCS member:

- when the outcome of a non-disclosure application is known;
- if a gist of a VPS is drafted by PPCS and requires agreement from the VCS member;
- if a date is set for an Oral Hearing;
- if there are any changes, deferrals or adjournments to an Oral Hearing date;
- when the outcome of the Parole Board review is known, including confirmation of any additional licence conditions relating to the VCS member;
- to explain the reconsideration mechanism to the VCS member and their right to apply for this. Reconsideration requests can be submitted direct by the VCS member, or via the VLO. Further guidance can be found on Equip, on the relevant Gov.uk pages and in the Generic Parole Process Policy Framework;

- to explain the Parole Board can decide to set aside their decision, as set out in the Generic Parole Process (see section 3.6.78-3.6.94);
- when a PBDS is received;
- upon receipt of a reconsideration decision;
- if the Parole Board sets aside their decision;
- to confirm any subsequent move to open conditions or release on licence;
- the schedule for any future Parole Board review (if the offender is not released); and
- if the Parole Board set aside their decision.

3.103 The Secretary of State can consider transfer of an ISP to open conditions without reference to the Parole Board. In this situation, the VCS member remains entitled to submit a VPS, make representations regarding licence conditions and request a decision summary.

Recall

3.104 Members of the VCS are entitled to be informed if an offender is recalled to custody. Where this arises, it is essential that the PP and VLO liaise effectively to share information. The PP must notify the VLO of the following:

- that a recall has been requested and the offender's licence has been revoked;
- the type of recall (fixed term or standard);
- when the offender is returned to custody; and
- if the recall relates to the victim.

3.105 The VLO must tell the victim of the recall as soon as the offender is returned to custody, unless it is considered appropriate in the circumstances to tell them earlier, for example:

- the offender poses a high risk to the victim and additional safeguarding measures are required;
- there is a high likelihood of media coverage or the recall appearing in the public domain;
- there is the possibility of the victim coming into contact with the offender; or
- the victim is likely to find out about the recall through other means such as through a Police appeal; or
- There is a delay in apprehending the offender and returning them to custody.

3.106 VLOs must ensure that the following information is communicated to the victim:

- that the offender has been recalled (and it meets the criteria sets at 3.103);
- that the offender has been returned to prison or remains unlawfully at large (UAL). The time frame for when a victim should be informed about UAL status is considered on a case-by-case basis and should involve discussions with the PP;
- for Fixed Term Recall: that the offender will be automatically released after either 14 or 28 days and to confirm victim related licence conditions; or
- for Standard Recall: the process for release (either by way of a Parole Board review, executive release or release at Sentence End Date (SED)) and that the victim is entitled to make a VPS. VPS needs to be submitted to PPCS within 21 calendar days of the offender returning to custody; and
- any change to key dates (month or week only) if a period of UAL has altered them (e.g., the Sentence and Licence Expiry Date (SLED)).

3.107 The VLO must not provide the VCS member with the specific reason for the recall, unless this is directly related to the victim, for example a breach of a victim requested exclusion zone. The victim can be informed if the offender has been **convicted** of further offences, as this would be in the public domain.

3.108 The right to provide a VPS for recalls applies to the victim of the offence for which the offender is serving a sentence. If the recall relates to a new offence, the alleged victim of further offending is not permitted to submit a VPS until such time as the offender is convicted for such matters. Further information on the VPS can be found in sections 3.72-3.80 of this framework.

Actions following recall

3.109 It is essential that the PP continues to liaise with the VLO post recall, providing updates on any potential release or review by the Parole Board.

3.110 For a fixed term recall the PP must confirm with the VLO:

- the date of re-release;
- when the offender has been released; and
- any additional licence conditions which relate to the VCS member.

3.111 The VLO is responsible for liaising with the VCS member in advance of release to:

- inform them of the anticipated week of release; and
- confirm any additional licence conditions the VCS member wishes to request (see 3.45-3.51 for further information on licence conditions);

3.112 Following release, the VLO must confirm this with the VCS member and inform them of any additional licence conditions relating to them.

3.113 Liaison between the PP and the VLO is essential when the offender is serving a standard recall. This liaison must include:

- notification of recall reviews and/or consideration for executive release (where eligible);
- notification of oral hearing dates and any changes, adjournment or deferrals;
- discussion with the VLO prior to completing the Recall Part B and/or C reports;
- notification of a parole board or executive release decision; and
- notification of release date and any conditions relating to the VCS member which will appear on the licence

3.114 The VLO must notify the VCS member of:

- the oral hearing date and any changes adjournment or deferral;
- the outcome of a parole board or executive release decision;
- their right to request a Parole Board Decision Summary (PBDS) or Executive Release Decision Summary (ERDS).
- to explain the Reconsideration Mechanism (for EDS and Indeterminate Sentenced Prisoners) to the VCS member and their right to apply for this. Reconsideration requests can be submitted direct by the VCS member, or via the VLO. Further guidance can be found in the Recall, Review and Re-Released of Recalled Prisoners Policy Framework and relevant Gov.uk pages;

- to explain the Parole Board can decide to set aside their decision, as set out in the Generic Parole Process (see section 3.6.78-3.6.94). Victims can request that the Secretary of State make an application for the decision to be set aside. This request should be made via their VLO;
- upon receipt of a reconsideration decision;
- if the Parole Board decides to set aside their decision
- where an offender is due to be released, the week of release and any additional conditions relating to the VCS member which will appear on the licence;
- where a decision for no release is made, the VLO should update the victim and ensure they are aware of the next steps, please see VLO Guidance on Recalls for more information.

3.115 Following release, the VLO must confirm the release with the VCS member and inform them of any additional licence conditions relating to them.

Licence Variation

3.116 Victim related licence conditions are imposed for the physical and psychological protection of the victim. These should not be amended unless there is a change in the circumstances of the victim, or exceptional circumstances arise as explained in the Licence Conditions Policy Framework. Standard licence conditions (as set out in Article 3 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015, cannot be amended or varied.

3.117 PPs must not request modifications of licence conditions requested by the VCS member on the basis of good progress or a change of risk of reoffending or serious harm where those considerations were not the reason for imposing that licence condition.

3.118 The PP must consult with the VLO when proposing an amendment to a victim related licence condition. It is essential that:

- the PP discusses any application for a variation of a licence condition relating to a VCS member with the VLO;
- the VLO seeks the views of the VCS member and passes this information to the PP;
- the PP considers the views of the VCS member as part of the assessment, and where these are disclosable, includes the views in the licence variation report;
- the PP informs the VLO of a licence variation application outcome; and
- the VLO informs the VCS member of any changes to conditions which relate to them.

3.119 For Parole Board eligible cases, whilst the VCS member is not invited to complete a VPS, if they are eligible and a VPS is submitted then this will be accepted and submitted to the Parole Board for consideration. Where the VCS member wishes to submit a VPS, the VLO must provide a copy direct to PPCS. PPCS is responsible for submitting the VPS to the Parole Board.

3.120 Further information on licence variations can be found in the Managing Parole Eligible Offenders on Licence Policy Framework and the Licence Conditions Policy Framework. Information on licence authorisations can be found here.

Suspension of Supervision

3.121 When Suspension of Supervision is being considered, and there are victim related conditions, the VCS member must be consulted for their views. Should they request that these conditions remain on the licence then the PP must consider this request sympathetically, taking into account any emotional harm for the victim that may arise. It is

important to note that the Parole Board will also consider the suspension of the additional licence conditions, not just supervision, and therefore the VCS members views must be considered in respect of any additional conditions relating to them. Further guidance can be found in the Managing Parole Eligible Offenders on Licence Policy Framework.

3.122 The views of the VCS member should be considered:

- at any Lifer Panel or IPP Progression Panel which will consider the suitability of a suspension of supervision application;
- by the Lifer Panel/Head of Service/PDU or equivalent (following recommendation by an IPP progression Panel for IPP cases) before deciding whether to agree to an application being made to the Parole Board; and
- by the Parole Board, if an application is submitted.

3.123 The PP is responsible for:

- notifying the VLO of any Lifer Panel /IPP Progression Panel which will consider the suitability of a suspension of supervision application;
- notifying the VLO of the outcome of a Lifer Panel /IPP Progression Panel and any actions set for the VLO;
- presenting any views provided by the VCS member, including in respect of victim related licence conditions, and ensuring they are included within the decision-making process for the request to suspend supervision; and
- notifying the VLO of the outcome of an application submitted to PPCS requesting suspension of supervision.

3.124 Whilst the VCS member is not invited to complete a VPS, if they are eligible and a VPS is submitted then this will be accepted and submitted to the Parole Board for consideration. Where the VCS member wishes to submit a VPS, the VLO must provide a copy direct to PPCS. PPCS is responsible for submitting the VPS to the Parole Board. Further information on the VPS can be found in sections 3.72-3.80.

3.125 The VLO is required to:

- ensure the VCS member is informed of the application and given the opportunity to provide views, including in respect of existing victim related licence conditions;
- pass any victim views to the PP, ensuring that these are fully disclosable;
- where the VCS member wishes to submit a VPS, the VLO must provide a copy direct to PPCS; and
- notify the VCS member of the outcome of a request for suspension of supervision at the earliest opportunity, including confirmation of whether victim related licence conditions remain in place.

3.126 When supervision has been suspended the VCS member must be given the option of having annual contact and the case must remain "Active- Annual" on VCMS.

3.127 If at any point supervision is re-imposed, the VLO must notify the VCS member.

Termination of IPP Licence

3.128 When termination of an IPP licence is being considered, and there are victim related conditions, the VCS member must be consulted for their views.

3.129 The PP is responsible for:

- notifying the VLO when the offender is eligible for an automatic referral to the Parole Board for consideration for termination of IPP licence;
- considering and presenting any views provided by the victim within their assessment; and
- Notifying the VLO of the outcome.

3.130 The VLO must:

- ensure the VCS member is informed that the offender is subject to an automatic referral to the Parole Board for consideration for termination of the IPP licence and given the opportunity to provide views;
- where the victim wishes to submit a VPS, the VLO must provide a copy direct to PPCS;
- pass any disclosable victim views to the PP, and make a non-disclosure application in cases where the victim does not wish for their VPS or views to be disclosed;
- notify the VCS member of the outcome at the earliest opportunity;
- ensure the VCS member is aware of their right to request a Parole Board Decision Summary (PBDS), and where appropriate request this on their behalf at the earliest possible opportunity; and
- explain the reconsideration mechanism to the VCS member and that they can request the Secretary of State make an application. A request for the Secretary of State to make a reconsideration application can be submitted direct by the VCS member, or via the VLO. Expectations need to be managed as the victim has no right to make an application direct to the Parole Board and the decision will be for the Secretary of State if it is considered that there are sufficient grounds to make an application. Further guidance can be found on EQuIP and in the Managing Parole Eligible Offenders on Licence Policy Framework. In addition, further information is available for victims on Gov.uk pages.

3.131 VLOs must ensure that VCS members understand that should a licence be terminated, any existing victim related conditions will also end, as will their contact with the VLO.

Mentally Disordered Offenders (MDOs)

3.132 The rights of victims to receive information and be eligible for the VCS has been extended to victims of mentally disordered offenders as set out below.

- Domestic Violence, Crime and Victims Act (2004): extended provision of the VCS to victims of restricted mentally disordered patients, convicted of a qualifying offence on or after the 1st July 2005.
- The 2004 Act was amended to extend the rights to receive information to victims of unrestricted patients, convicted of a qualifying offence on or after the 3rd November 2008. Information is provided to victims directly by Hospital Managers. Victims of qualifying offenders sentenced during this time period do not come under the VCS and are not allocated a VLO, however in exceptional circumstances where a victim approached the PS, consideration should be given to offer contact via a VLO on a discretionary basis.
- The Code of Practice for Victims of Crime in England and Wales expanded the scope of the VCS to victims of unrestricted patients convicted of a qualifying offence on or after the 1st April 2021 (when the Code came into force). Victims of unrestricted patients became eligible to receive information direct from a Victim Liaison Officer under the VCS.

Type of order and sentence date	Eligible for information from the hospital	Not eligible for statutory contact	Eligible for VCS
Restricted: pre 1 st July 2005			√
Restricted: post 1 st July 2005			√
Unrestricted: pre 3 rd November 2008		√	
Unrestricted: post 3 rd November 2008 and before 1 st April 2021	√		
Unrestricted: post 1 st April 2021			√

3.133 Whilst the above provisions are not retrospective for unrestricted patients, statutory contact can be considered for those victims of restricted patients who would, apart from the date of sentence, otherwise be eligible. Equally, the provisions of the Code of Practice for Victims of Crime in England and Wales are not retrospective, so if a victim of an unrestricted patient was receiving information directly from the hospital prior to 1st April 2021, this would only change if they themselves requested that a VLO become involved.

3.134 When a victim of a **restricted** mentally disordered offender is engaged in the VCS the VLO must undertake the following actions:

- notify the hospital manager/SPOC that the victim has opted into the VCS;
- notify Mental Health Casework Section (MHCS) and add the VLO details to Public Protection Unit Database (PPUD);
- respond to communications and requests from MHCS in respect of restricted patients and VCS member(s);
- explain to the VCS member the role of MHCS;
- explain to the VCS member the role of the First Tier Tribunal (mental health), including the patient's right to have their detention under the MHA regularly reviewed Further information on the role of the First Tier Tribunal (mental health) can be found at <https://www.gov.uk/courts-tribunals/first-tier-tribunal-mental-health>;
- explain the sentence and how the patient is likely to progress through the hospital system;
- explain about community leave and ascertain if the VCS member wishes to make any representations about conditions if this is to be considered, alongside explaining the difference between licence conditions and conditions associated with community leave; and
- explain how a patient can be discharged and the VCS members right to make representations about discharge conditions should conditional discharge be considered. Further information on this can be found in the Victim Contact Report-

Restricted MDO on VCMS and in the document Victim Liaison Officer Guidance – Mentally Disordered Offenders; and

- Understand that restricted patient cases can vary in implications regarding discharge (dependent on that patient's status) and advise VCS member accordingly. If in doubt contact MHCS for advice.

3.135 When a victim of an **unrestricted** mentally disordered offender is engaged in the VCS the VLO must undertake the following actions:

- notify the hospital manager/SPOC that the victim has opted into the VCS;
- provide the VCS member with the details of the hospital;
- explain to the VCS member the role of the First Tier Tribunal (Mental Health);
- explain the sentence and how the patient is likely to progress through the hospital system; and,
- explain how a patient can be discharged and the VCS members right to make representations about discharge conditions should a Community Treatment Order be considered. Further information on this can be found in the Victim Contact Report- Unrestricted MDO on VCMS and in the document Victim Liaison Officer Guidance – Mentally Disordered Offenders.

3.136 VLOs must be aware that there is no right under legislation for victims of unrestricted patients to be told of leave from the hospital or to make requests about the conditions attached to it. The legislation is clear that the information to be disclosed is at the discretion of the hospital. Therefore, VLOs can only request that such information is shared as the decision about what information can be shared is for the hospital.

3.137 Victims of mentally disordered offenders in the VCS should be provided with information about the key stages of a patient's progression through the hospital system.

3.138 VLOs must ensure they are familiar with key stages for the victims of MDOs, which can be found in the Victim Liaison Officer Guidance – Mentally Disordered Offenders. VLOs must also be familiar with the MDO joint agency protocol which sets out the expectations and processes for joint working between all agencies. VLO's should be particularly careful of patient confidentiality.

3.139 Information on MDOs, including the different types of sentence, can also be found in the Seven Minute Briefing- MDO (Mentally Disordered Offenders).

Transfer to hospital under Section 47/49 of the Mental Health Act

3.140 In certain circumstances a sentenced prisoner may be transferred to a hospital for mental health treatment under Section 47/49 of the Mental Health Act. Any parole or recall reviews will be suspended until the Mental Health Tribunal recommends a notional conditional discharge from detention under the Mental Health Act or the offender is remitted back to prison custody.

3.141 Where this occurs, the PP or POM with responsibility for the case must notify the VLO. MHCS will then be responsible for updating the VLO in regard to:

- community leave (allowing enough time for the VCS member to make representations);
- any scheduled tribunal (allowing enough time for the VCS member to make representations). In certain circumstances, it will not be appropriate for victim representations on conditions to be made where the Tribunal cannot discharge into the community and where that decision is for the Parole Board); and

- if the patient is to be remitted back to a prison.

3.142 The VLO is responsible for:

- notifying the VCS member;
- explaining to the VCS member the role of MHCS;
- explaining to the VCS member the role of the First Tier Tribunal (mental health) and the limitations on making representations in respect of conditions, where the patient cannot be discharged into the community by the Tribunal;
- explaining any impact the transfer may have on sentence progression;
- explaining about community leave and ascertaining if the VCS member wishes to make any representations to MHCS about conditions if this is to be considered, alongside explaining the difference between licence conditions and conditions associated with community leave;
- explaining how a patient may be discharged from hospital, and that they will not be released into the community prior to the earliest release date or receiving a release decision from the Parole Board (dependent on sentence type); and
- notifying the VCS member if the patient is transferred back into custody.

3.143 Further information can be found in the document Prisoner transfer to hospital under the Mental Health Act on VCMS, and the Victim Liaison Officer Guidance – Mentally Disordered Offenders available on EQuIP.

End of contact

3.144 The VLO must ensure that the VCS member is aware of when contact with the VLO is expected to end.

3.145 For standard determinate sentences, contact must end at the Licence Expiry Date (LED)/ SLED. Contact must not be maintained during any period of Post Sentence Supervision (PSS).

3.146 Where the offender is serving an indeterminate sentence, contact should be continued even where the supervision requirement has been suspended. In the case of life sentence prisoners, contact will not end unless the victim requests this or the offender dies. Where the sentence is an IPP, contact should be maintained until the licence is terminated or the offender dies. The case should remain active on VCMS and yearly nDelius checks completed. As there is likely to be a substantial period where there is no information to be passed to the victim, VCS members should be given the option of receiving an annual contact letter.

3.147 Offenders who are subject to the release provisions of the previous CJA 91 with an LED at the three-quarter point and a separate SED at the end of the sentence are not subject to probation service supervision after the LED. Where offenders are serving such a sentence, contact should be maintained past LED and only ended when the offender reaches the SED.

3.148 If an offender dies whilst in custody, the responsible PP or POM should inform the VLO. The VCS member must be informed once notification to the offenders next of kin has been completed and the case should then be closed.

3.149 Where a PP supervising an offender in the community is notified of the death of the offender, they must inform the VLO. The VLO should then notify the VCS member, once notification to the offenders next of kin has been confirmed, and the case closed.

3.150 In cases where the VCS member dies and the VLO wishes to consider offering VCS status to a next of kin, they should consult the HMPPS Victims Team who will seek legal advice if necessary.

Foreign National Offenders (FNOs)

3.151 VLOs who are dealing with victims of FNOs must provide VCS members with information about the offender's immigration status. They must ensure they understand the processes and procedures surrounding the management of FNOs, as contained in the Victim Liaison Officer Guidance- Foreign National Offenders. This guidance outlines the process for the Early Removal Scheme (ERS) and the Tariff Expired Removal Scheme (TERS), Prisoner Transfer Agreements (PTAs) and Extradition. Further guidance can be found in the GPP Policy Framework.

3.152 PPs and POMs must be aware of the baseline information to be provided to victims about a FNOs immigration status. This is listed in section 1 of the Victim Liaison Officer Guidance- Foreign National Offenders.

3.153 The PP or POM with responsibility for the case must notify the VLO if:

- an offender is flagged as a FNO;
- the offender is transferred to an immigration detention centre;
- the offender is going to be released on immigration bail;
- the offender is being considered for transfer to another jurisdiction to serve their sentence; and
- the offender has been deported or removed or, if the offender is not being deported, the reason why.

3.154 VLOs must ensure that VCS members are informed:

- of the offender's immigration status;
- an offender is being detained in prison past their CRD with a view to transfer to an immigration detention centre;
- if the offender is being considered for deportation or removal action;
- if the offender is transferred from a prison to an Immigration Remand Centre (IRC);
- when the offender is going to be released from immigration detention on immigration bail;
- when an offender has been deported or removed, or if the offender is not being deported, the reason why (where appropriate);
- when a transfer of an offender to serve their sentence in another jurisdiction is being considered; and
- when a transfer of an offender to serve their sentence in another jurisdiction has been approved.

3.155 In certain circumstances, a FNO will be moved to an IRC. It is worth noting that FNOs have more flexibility in IRC with access to mobile phones and in some cases the internet. It is essential that the VLO has obtained victim related licence conditions prior to the offender's conditional release date, and that a licence is produced. This is important as the offender may be detained at an IRC once the prison sentence has ended and they will be subject to their licence during this period at the IRC. In addition, this will enable any subsequent bail applications to be considered thoroughly and any restriction of possible addresses communicated to Home Office Immigration Enforcement (HOIE) as early as possible.

3.156 Information about the deportation aspect of an offender's case can be provided to the victim directly by the Foreign National Offender Returns Command Victim Support Team if the

victim makes contact with them via their email address FNORCVictimsSupportTeam@homeoffice.gov.uk. If deportation action is continuing against an offender after their sentence has ended, and a victim asks for information, the VLO should advise them to contact the Foreign National Offender Returns Command Victim Support Team who will ascertain whether any further information can be disclosed to the victim. Where support has been ongoing and the licence has expired, the victims can also be provided with appropriate contact details by the VLO so that they can contact the Home Office directly for further updates. Contact details can be found in the document Victim Liaison Officer Guidance- Foreign National Offenders.

Children and young people who have offended (under the age of 18)

- 3.157 Victims of children and young people who have offended who meet the statutory VCS criteria are entitled to the same service as victims of adult offenders.
- 3.158 VLUs (namely the VLU Managers/Heads of Public Protection) must develop clear protocols with local YOTs regarding their responsibilities when dealing with convicted children and their victims. A suggested protocol is outlined in the Victim Liaison Officer Guidance – Children and Young People. VLOs must ensure they are familiar with the information contained within this document.

Criminal Cases Review Commission (CCRC)

- 3.159 The CCRC is the public body responsible for independently investigating alleged miscarriages of justice. Mostly, they investigate cases where someone has already tried to appeal through the courts. If they find new information that suggests a conviction and or/sentence may be unsafe, they can send the case for a fresh appeal.
- 3.160 VLUs must be aware of The Criminal Case Review Commission Joint Protocol and follow the guidance contained in this document.
- 3.161 VLOs must work with the CCRC to ensure that the victim(s) are informed that the CCRC are investigating a possible miscarriage of justice and explain to the victim(s) that the CCRC has the responsibility to consider the impact on the victim. The VLOs must work with CCRC to ensure that the victim is also informed of the outcome of the investigation in the most appropriate way.

Serious Further Offences (SFOs)

- 3.162 Victims of an offence which triggers an automatic serious further offence(s) review are entitled to be provided with information that an SFO review has been/will be completed. The victim(s) of the SFO will be offered a meeting with a senior manager to talk through the findings and provide a copy of the report (which will be minimally redacted to meet legal requirements). It is important to note that conditional SFO reviews are not shared with victims.
- 3.163 In addition to sending an Initial Contact Letter offering the VCS, the VLU is responsible for:
- sending a letter on behalf of the senior manager offering the victim (of the SFO) information from the SFO review;
 - ensuring the victim is aware that they can choose to receive this information irrespective of their engagement with the VCS, and that they can decide to receive this information at any time;

- managing victim expectations in regard to when they are likely to receive this information, and that this is normally provided by way of a meeting with the senior manager; and
- monitoring SFO notifications against VCS referrals, including liaison with regional SFO Teams as appropriate.

3.164 VLOs, PPs and POMs must be familiar with the Notification and Review Procedures for Serious Further Offences Policy Framework and the Victim Liaison Officer Guidance –SFO Reviews.

Public Parole Board Hearings

3.163 Any individual (including victims, the media, members of the general public or the prisoner) can apply direct to the Parole Board to request that an oral hearing is held publicly. The normal position will be for parole hearings to remain in private. Victims must be made aware of their right to apply for a public hearing as soon as the parole review starts however an application to request a public oral hearing can only be made once a case has been listed for an oral hearing by the Parole Board. Any applications should be submitted to the Parole Board at least 12 weeks before any scheduled oral hearing. More information can be found in the Parole Board Oral Hearing Administration & Attendance Policy Framework and on EQuIP.

3.164 In exceptional circumstances, if a late application for a public hearing is sent to the Parole Board it should be sent alongside a request for an extension under Rule 9 of the Parole Board rules, which requests that the Parole Board considers the application for a public hearing outside of the timeframe. The extension request can be made in the form of an email and must detail clear reasons as to why the application is being submitted late. The closer the late application is received to the hearing date, the less likely an extension will be granted, due to the need for the Parole Board to obtain representations. Extensions requests need to go to the public.hearings@paroleboard.gov.uk FMB.

3.165 Victims can make an application for a public hearing without the support of their VLO, however if a VLO is made aware of an application for a public hearing, they must inform the PP and PPCS caseworker, as well as the Victims Teams at HQ (victimrepresentatives@justice.gov.uk) as soon as practicable.

3.166 If victims ask for the support of VLO to make an application, they can seek advice and support from the Victims Team at HQ by emailing victimrepresentatives@justice.gov.uk.

3.167 Upon receiving an application, the Parole Board will seek representations from the parties to the case (prisoner and PPCS on behalf of the Secretary of State) and there are usually 7-14 days to return these. If an application has been accepted out of the 12 week time frames, the time period for representations may be reduced to allow for it to be processed. The VLO will be informed of this and will need to ensure that the victim is aware of these different time scales.

3.168 PPCS will also seek representations from the victims through the VLO as some victims may want a public hearing and apply for this, however there may be cases where there are multiple victims not all victims may have applied. In these cases, the VLO will be asked to make contact with the other victims to discuss this.

3.169 Once the Parole Board make their decision, the parties to the case and the applicant will be made aware of the decision. In the cases of multiple victims, the VLO will need to inform those victims who may have not applied for the public parole hearing of the outcome. Once this decision has been shared with parties involved, it will be published on the Parole Board website.

- 3.170 If a public hearing is granted by the Chair of the Parole Board, then individuals, including the victim must register if they wish to attend the public hearing. Individuals can register by emailing public.hearings@paroleboard.gov.uk.
- 3.171 If an application is granted, HMPPS Victim Representatives will make contact with the VLO initially to discuss the case and how representatives can best support the victim through the process.
- 3.172 HMPPS Victim Representatives will provide advice and support in the run up to the hearing in order to prepare the victim and help them understand what to expect. The Victim Representatives will attend on the day, with the VCS member and stay with them throughout the hearing, to ensure they understand the process and can ask any questions.
- 3.173 If the victim wishes for the VLO to be present during the hearing, the VLO will need to discuss with their line manager and if agreed, they will need to register to attend with the Parole Board. There is no expectation for VLOs to attend in these cases and it should be decided locally on a case by case basis.
- 3.174 For further information on public hearings can be found in the Parole Board Oral Hearing Administration & Attendance Policy Framework and in Public Oral Hearings guidance.

4. Constraints

- 4.1 Under the Domestic Violence, Crime and Victims Act (DVCVA) 2004, VCS members are statutorily entitled to be informed of whether the offender is subject to licence conditions or supervision requirements, which relate to the victim, and any other information which the PS considers to be “appropriate in all the circumstances of the case”.
- 4.2 VLOs can disclose the key stages to VCS members unless this is considered inappropriate in the particular circumstances of the case. Disclosure of any information must be reasonable and proportionate and, unless justified, must not go beyond base level information about key stages in the offender’s sentence. If there is concern that disclosure may present a risk of harm to the offender, victim or any other party, it can be limited to that required under the DVCVA 2004, specifically whether the offender is subject to licence conditions and how these relate to contact with the victim.
- 4.3 Information provided to victims must not infringe the offender’s right to private life under Article 8, right to life under Article 2, or right to freedom from torture under Article 3 of the ECHR. As a public authority and data controller, the PS also has duties with regard to offender information under the Freedom of Information Act 2000, the Data Protection Act 2018 and General Data Protection Regulation. When considering the disclosure of offender information to a victim, the VLO must balance the offender’s right to privacy against public interest justifications and the need to manage the offender safely and not jeopardise their rehabilitation, and the victim’s right to go about their life safely. If there is any uncertainty about whether to disclose information to a victim, legal advice must be sought via the HMPPS Victims Policy Team. Information disclosed must be reasonable and proportionate. Discussions about this should be fully documented, along with the reasons for or against any disclosure.
- 4.4 There will be situations in which an individual who does not meet the criteria for either statutory or discretionary victim contact is assessed by the lead agency as being at risk from an offender. For example, victims where there is no current conviction; victims who are known to have suffered domestic abuse but where the sentence is for less than 12 months; victims where there has been no relevant conviction. The purpose of the VCS is to provide victims with information about the offender, not to manage any risk to them. Therefore, the VCS should not be offered on the basis of risk to these individuals.