

Victim Observer – Private Hearing

Panel Chair Checklist

This checklist is a quick reference guide only and panel chairs are strongly advised to read the more detailed panel chair information on victim observers.

Aims

- Provide the prisoner with a fair hearing and allow them to give the best evidence they can.
- To facilitate the victim observing the parole hearing and the strong scrutiny the Parole Board provide in such cases.

The Application

- Is it clear who is applying to observe?
- Do they have a legitimate interest in the case?
- Is the application in time?
- If not, have reasons for a late application been provided in order to consider the application under rule 9?

Case Management Conference

It is strongly recommended that a case management conference should be held a minimum of two weeks prior to the oral hearing.

- Have you got time to hold one?
- Who should attend?

Strongly recommended:

- Panel Chair;
- Prisoner's representative (if there is one);
- All key witnesses i.e., COM, POM, Psychologist;
- HMPPS Victim Representative;
- OH Team Leader (if it's a case managed by the Specialist Case Management team, then the CM can attend).

Optional attendees:

- Co-panellists (helpful and avoids extra pre panel meeting);
- SofS Representative;
- Someone from the Legal or Policy Hub (if required), perhaps on complex/noteworthy cases.



Helpful points for the case management conference

Suggested points:

- Introductions;
- Outline the purpose of the case management conference:
 - To establish how all the relevant evidence can be provided without disclosing sensitive information or inhibiting attendees;
 - To ensure the victim has a meaningful experience of the parole hearing and to understand how a decision is made.
- Discuss the hearing details:
 - hearing format – Hybrid or Full VMR etc;
 - Naming protocols of attendees;
 - Who will be on/off camera (and impact on room logistics);
 - Any issues with disclosing the prisoner’s name or location;
 - Explain the technology;
 - Any issues with naming the victim observer;
 - Ensure the HMPPS Victim Representative is clear on the arrangements in order to brief the victim and manage expectation and no surprises;
 - Identify who will be with the victim, either as professional or personal support, and ascertain if personal support has also asked to observe the proceedings;
 - Confirm that the confidentiality statement has been signed by the victim;
 - Establish if the victim will be reading out a VPS.
- Ask each attendee to share professional or personal concerns about giving evidence at the hearing or other considerations that need to be discussed;
- Agree what evidence will need to be discussed in closed session and ensure everyone is aware of what should not be discussed in the open hearing;
- Any other business.

The actions agreed and a brief note of the discussion during the case management conference should be noted by way of panel chair directions.

If the full Panel are not at the case management conference, an extended pre-hearing discussion may be needed to explain the outcomes of the case management conference and allow the co-panellists to understand the protocols of the hearing.

Helpful points for the oral hearing:

- Full introductions at start of oral hearing – prior to victim joining;
- This is required for the digital recording – don’t forget to start recording;
- From then on use the roles not names of those present apart from the prisoner;
- Do not state the prison location. (The prisoner’s representative and the POM should ensure that the prisoner understands this);

- The panel chair should remind everyone that a victim will be observing via a live link from a separate location. They can see and hear the proceedings but cannot themselves be seen or interrupt the proceedings;
- When the victim joins the proceedings, the panel chair will explain who is in the room;
- Confirm that the victim will observe the open hearing only and there will not be a further open hearing reconvened following the closed session (unless agreed by exception);
- Acknowledge the victim's presence where possible and ensuring terminology is clear;
- Remind everyone about the privacy of parole hearings.

Most of the evidence will be heard in the open hearing. Generally, only discussions about the details and location of the RMP should be in the closed session. Discussions around licence conditions in the open hearing is possible. The prisoner or any witness can decline to answer a question in the open hearing if they feel uncomfortable or if they feel answering in the closed session would be more appropriate.

- Ensure all parties feel supported in airing any concerns during the hearing – don't assume they will all be comfortable with victim observing;
 - In particular, any change in behaviour by the prisoner may require the proceedings to be paused;
 - Panel chair will need to communicate with the Streaming Administrator re the live streaming on the day to ensure everything runs smoothly;
 - Update the Streaming Administrator of any delays or issues;
 - The Streaming Administrator will be the link with the HMPPS Victim Representative and notify the panel chair of any issues they are having;
 - Proceedings should not be paused if the victim needs to take a break;
 - Final submissions will not be observed as they may need to contain reference to issues from the closed session.
- The panel should advise everyone at the end of the open hearing that a decision will not be made on the day and will follow within 14 days of the closed session of the hearing.

Post Hearing

- The panel are encouraged to provide any feedback to the Victims Team.
- The Panel chair may choose to check the Parole Board Decision Summary, if one has been requested.