

Information for Victims

Observing a Private Parole Oral Hearing: What you need to know

The Parole Board is an independent body that sits as a court and carries out risk assessments on prisoners to determine whether they can be safely released into the community.

The Parole Board Rules 2019 (as amended) allow for a victim to apply to observe the private parole oral hearing of a prisoner who committed an offence against them.

Observing a hearing means that a victim can stay for the majority of the proceedings and hear most of the information that the Parole Board panel will consider when deciding whether to release the prisoner. However, there may be some parts of the proceedings which must be held in closed session and observers are not permitted to watch those parts. For example, if a release address is being discussed, or confidential information about another person is to be disclosed, or private medical information about the prisoner.

The victim will not be in the same location as the Parole Board panel, the prisoner, or other witnesses. In some cases, everyone else might be at the prison but in other situations everyone may be linking in remotely, or it may be a combination of these arrangements (called a "hybrid" hearing).

Victims will observe the hearing via a "live-stream" on a laptop or TV screen at an agreed location. This means that the victim will watch the hearing on a screen. The victim will be able to see and hear the people involved in the hearing but will not be able to participate in the proceedings. No one in the hearing will be able to see or hear the victim.

Requests for a victim to observe a private parole oral hearing should come via their Victim Liaison Officer (VLO) well in advance of the scheduled hearing date.

Before making a decision, the Panel Chair will ask both the Secretary of State for Justice and the prisoner for their views about this. These are known as "the parties". They can object to a victim attending to observe. The Panel Chair will make a decision after taking all the circumstances into consideration. The Panel Chair's decision will be final.

Observing the hearing is separate to the entitlement of victims to apply to read out a Victim Personal Statement (VPS) to the parole panel. Victims who apply to read their VPS to the parole panel will usually leave before the proceedings commence. However, some may wish to observe the rest of the proceedings, and they would need to apply to do this well in advance.



Victims do not need to read their VPS to the Parole Panel in order to observe the parole oral hearing. Victims can ask to do one or the other, or both, or decide not to get involved in the parole hearing at all (they will still be informed of the decision unless they have asked not to be contacted). This must be a personal choice for each victim.

The Parole Board for England and Wales

You are being provided with this leaflet as you have asked to observe a private parole oral hearing, and this has been agreed.

This leaflet sets out key information in relation to attending a private parole oral hearing as an observer.

This leaflet, and the joining instructions, are for your use as the specified observer, and any approved person you may have nominated to support you on the day and who will be present. You must not share this leaflet with anyone else.

Your attendance at this hearing is at the discretion of the Panel Chair, as set out in the Parole Board Rules 2019 (as amended). The final decision rests with the Panel Chair. The attendance at this hearing remains at the discretion of the Panel Chair, who may revoke the decision if they consider it appropriate to do so, should circumstances change.

Section A: observer information	
Your name	
Name of anyone else who will be observing with you	
Victim Liaison Officer	
HMPPS Victim representative	

Section B: hearing information	
Date of hearing*	
Time of hearing	
*Please note that a private parole oral hearing can be subject to a deferral or adjournment, meaning that it is unable to take place as scheduled. This happens in approx. 40% of cases. The Parole Board will endeavour to update all attendees as soon as possible if a hearing is unable to take place on the date originally scheduled.	

Section C: case information	
Prisoner name	
Sentence type	
Sentence date	
Parole review number	
Options available to the Parole Panel as requested by the Secretary of State	stay in prison/move to open prison/release into the community

Section D: joining instructions	
Hearing type	Live Stream Video oral hearing
Your attendance will be via	Live Stream Video
Further instructions	Provide specific joining instructions/location
Single Point of Contact for issues on the day	

Section E: how a Parole Board hearing works

Between one and four members of the Parole Board will convene as a Parole Panel for a private parole oral hearing, where they will consider a prisoner's progression based on a file of documents (evidence) about the prisoner called a dossier. This will likely include:

- why they are in prison
- previous offences
- what the judge said when they were sentenced
- behaviour in prison
- plans post-release (in the community)
- risk assessments about the danger to the public the prisoner may pose
- the victim personal statement - this may be read out at the hearing
- medical, psychiatric, and psychological information

The prisoner will attend the private parole oral hearing. There will be other people at the hearing, for example:

- the prisoner's representative, if they have one (who will often be a legally qualified lawyer)
- HM Prison and Probation Service witnesses (probation & prison staff, such as a Community Offender Manager and Prison Offender Manager).
- a psychologist
- other specialists, such as a psychiatrist or communications specialist
- other witnesses, such as social care or housing professionals
- other attendees or observers (as a victim observer you would fall into this category)

In some cases, a victim will attend the start of the hearing to read out their VPS to the Parole Panel. Victims are not witnesses. They do not participate in the discussion about the prisoner or get asked questions and will leave the hearing, unless they are staying to observe.

At the start of the private parole oral hearing, the Panel Chair will ask everyone who is participating in the hearing to say who they are and what their role is; this includes the other members of the Parole Panel. The Panel Chair will remind everyone that there is an observer watching the proceedings but will not disclose their names. The Panel Chair will then explain the purpose of the private parole oral hearing and what the Parole Panel is being asked to decide.

The Parole Panel will discuss the information provided in the dossier and raise questions with all witnesses and the prisoner. The discussions do not always cover the original offending in great detail as this information is held within the dossier. The Parole Panel will be focused on obtaining additional information and testing evidence about current and future risk.

The prisoner (or their representative) can also ask questions of the witnesses. Private parole oral hearings are not like a court trial, as they are inquisitorial and not adversarial. In adversarial proceedings the two sides will present their cases and the decision maker will then choose who is right and who is wrong. In inquisitorial proceedings, the decision makers examine and probe lots of evidence, ask questions, and seek views from attendees. The two parties do not have to prove the other side is wrong or right. The Parole Panel will listen to evidence from attendees, examine it when they want to hear more details, and do not have to determine whether who is right and who is wrong but come to their own decision.

The prisoner or their representative will then be invited to sum up the position on their behalf, which might involve reminding the Parole Panel of what is believed to be the key points, further explanation of any issue, and whether the prisoner is seeking release. In some cases, the prisoner or their representative will request to submit written representations after the hearing has finished. These will be considered by the Parole Panel. No decision, or indication of a decision, will be given in the hearing.

Following the parole hearing, a parole decision is prepared by the Parole Panel and issued to the parties within 14 days, unless there is a legitimate reason to delay.

Depending on the sentence type, a decision may be eligible for a 21-day reconsideration window. Until the 21 days has expired, the decision will remain provisional. Your VLO will explain this to you.

Decisions can also be set aside in exceptional circumstances, such as new information coming to light which relates to risk. For more information, please see **Section I**.

Section F: how the Parole Board makes its decisions

The decision-making process is complex, with many different factors to consider. Not all decisions made by Parole Panels will be popular, despite them remaining as fair and objective as they can.

The Parole Panel will consider a wide range of information before arriving at a decision, including the original details of the offence, other offending, sentencing remarks and evidence of changes in behaviour and attitude achieved through the prisoner completing programmes whilst in custody.

In order to assess the risk posed by a particular prisoner, Parole Panels are looking for evidence that their behaviour has changed since the offence was committed. Things that Parole Panels might take into account include:

- What was it about their situation that led to offending behaviour? Has the prisoner addressed those issues?
- If the prisoner had a chaotic lifestyle previously (e.g. misusing drugs or alcohol) have they worked to address this?
- How does the prisoner intend to manage in the community? Parole Panels look at the risk management plan prepared by probation practitioners for details of where the prisoner plans to live, what kind of support they will receive from family and friends, and whether they will have a job.

- What is the prisoner's relationship like with their Community Offender Manager (the Probation practitioner who would supervise them in the community if they are released)? Will the prisoner be honest and open with them about any issues which arise once they are released?

The Parole Board decision-making framework is a structured approach used by Parole Panels in making parole decisions and can be read here:

<https://www.gov.uk/government/publications/parole-board-decision-making-framework>

Section G: expected behaviours of victims observing a private parole oral hearing

As a victim observing a private parole oral hearing, you are required to abide by the following instructions:

- 1) As an observer you will attend via remote means. You will usually need to travel to a local Ministry of Justice official building, where you will be supported by an official representative from HMPPS; the HMPPS official will organise the remote arrangements;
- 2) You will be required to confirm that you are in a private and secure place, that there is no other person present who has not been authorised by the Panel Chair. You will be asked to confirm your own identity; the HMPPS official will usually deal with most of this for you. If you are unsure, you can check with the HMPPS official prior to joining the hearing about how these points will be confirmed;
- 3) You will not take part in the proceedings and do not give evidence to the Parole Panel. You will not be able to intervene, ask questions of the witnesses or prisoner, or address the Panel Chair;
- 4) Observers must abide by any conditions imposed by the Panel Chair. If any such conditions exist, they will be communicated clearly by the Panel Chair;
- 5) In certain circumstances, it may be agreed that you can attend the prison in person; if this is agreed you will be required to adhere to relevant prison policies and security requirements, for example be aged 18 or over. Attendance at the prison is at the discretion of the Governor, Director, or other nominated official;
- 6) Should circumstances arise in which the Panel Chair deems it appropriate to end the victim observer's transmission link (or require the victim to leave the room if at the prison), this must be adhered to. The HMPPS official will assist with this on the Panel Chair's behalf;
- 7) The digital audio, video, or any other recording, including screenshots or downloads of private parole oral hearings by an attendee is strictly forbidden; you will be asked to switch off your mobile phone, if you have one, and confirm you have no other devices with you before the parole hearing starts; If you are attending the prison, you will not be permitted to take anything with you beyond the security screening;
- 8) Details of the private parole oral hearing including location of the prisoner, the names, personal circumstances, and any information discussed at the hearing must not be shared with anyone other than Parole Board staff or members, as appropriate; this is important to ensure you are protected against inadvertently sharing any confidential information in contravention of the Data Protection Act which may lead to action taken against you by the prisoner. For more information, please see **Section H**;
- 9) Information discussed at private parole oral hearings can be graphic in nature and distressing. It is your responsibility to ensure you have adequate support following the hearing, should you require it. Further information can be found in **Section I** of this leaflet.

The following information is important to note prior to the day of the hearing:

- Please bring a form of photographic ID (i.e. passport / drivers licence / bus pass).
- The HMPPS official will meet you and take you through what will happen.
- The HMPPS official will make all the arrangements for linking into the private parole oral hearing.
- Consider wearing comfortable clothes (there is no need to wear formal attire).
- If at any time during the hearing you wish to take a break, please notify the HMPPS official who will help. Unfortunately, the parole hearing cannot be paused for this and so you may miss some of the proceedings.

Section H: Confidentiality

If you are observing a private parole oral hearing you will be required to sign a Confidentiality Form. This will be given to you in advance. It is important that you are aware of the following, in addition to points 7 and 8 in section G:

The Parole Board Rules 2019 (as amended) require that parole hearings are held in private and matters discussed are confidential. This is set out in rule 15:

15(3) An oral hearing (including a directions hearing or case management conference) must be held in private unless the Board chair considers, on their own initiative or on an application to the Board, that it is in the interests of justice for the oral hearing to be held in public.

Rule 27 *Summaries and disclosure* sets out some of the potential consequences of disclosing information from proceedings. In particular, rule 27(5) and rule 27(7) state:

27(5) Subject to paragraph (1) and rule 17, the Board chair may prohibit or permit the disclosure, recording or publication of proceedings or information about proceedings under these Rules.

27(7) A contravention of paragraphs (5) or (6), is actionable as a breach of statutory duty by any person who suffers loss or damage as a result.

In addition, section 170 of the Data Protection Act 2018 ("DPA") ("section 170") is relevant. You may be committing a criminal offence and could be subject to prosecution if you share any "*personal data*". If convicted of knowingly or recklessly disclosing personal data without the consent of the data controller, you are likely to incur a fine. You do not have the consent of the various data controllers to disclose any personal data you receive in the parole proceedings. "*Personal data*" has a very wide definition and means **any** personal information relating to an identified or identifiable living individual.

Parole Board rule 15 and 27, and section 170 of the DPA apply to the passing on of information that includes the circumstances of any crime, information about previous convictions, rehabilitation, the management of the prisoner and the name of any person concerned in the proceedings such as the name of any victim, the prisoner, any social worker, prison staff, the author of any report, any witness appearing at the tribunal, the prisoner's representative and the members of the Parole Panel and their staff.

This means that you must not pass on any such information you hear in the parole hearing to any person not involved in those proceedings or to the public, including friends, relatives and the press and media.

Section I: Further information

1) How to request a summary of the parole decision

You can request a Parole Board Decision Summary (PBDS). The summary document is a short explanation of how a Parole Panel reached its decision to release or not release a prisoner. If you would like a PBDS you should ask your Victim Liaison Officer to request one. Further information can be found here:

<https://www.gov.uk/government/publications/decision-summaries>

2) A guide to the reconsideration mechanism for parole decisions

The reconsideration mechanism gives parties to a case (Secretary of State and the prisoner) the right to ask for a parole decision to be looked at again by the Parole Board. Once the Parole Board makes a decision it is provisional for 21 calendar days in most cases. During this time the parole decision can be challenged if one of the parties believes the decision was:

- a) Procedurally unfair - the correct process was not followed in the review of the prisoner for parole - for example, important evidence was not shared
- b) Irrational - the decision makes no sense based on the evidence of risk that was considered and that no other rational Parole Panel could come to the same conclusion.
- c) contains an error of law - for example, the decision maker may have acted without or outside their jurisdiction, tried to use a power they did not have, or acted in a way which is inconsistent with wider case law. The decision in the case would also have not been made if it were not for the error of law.

You may wish to discuss this with your Victim Liaison Officer, who will be able to advise on how to ask the Secretary of State to make a reconsideration request. There is only 21 days from when the decision is issued to make a request and so this should be done as quickly as possible once you are aware of the decision. Further information can be found here: <https://www.gov.uk/guidance/challenge-a-parole-decision>

3) Setting Aside a Decision

There may be occasions where a parole decision is 'set aside.' Only a final decision about release is eligible for the setting aside process. A decision regarding a recommendation for open conditions or any other advice is not eligible for the set aside process.

Only the parties to the proceedings (Secretary of State and the prisoner) can make an application to set aside a final decision. You can request that the Secretary of State make an application on your behalf for the decision to be set aside. Should you wish to apply for a decision to be set aside, you should discuss this with your VLO.

The Parole Board can also apply to set aside a decision on its own initiative. Where a panel receives information that would most likely have led to a different decision, and the criteria are met (including the time limits), they can submit an application to the Setting Aside team to consider.

4) Support after observing a parole hearing

We recognise that the parole process may be unfamiliar and concerning for many victims, particularly if you are observing a private parole oral hearing for the first time.

We strongly encourage that you consider, ahead of time, what support you may need on the day (family member or friend) as well as after the private parole oral hearing has finished. You may wish to talk about your experience with someone else or seek some professional support if the things discussed have upset you.

Your VLO will be able to provide information about support that may be available. An advice and support leaflet is available so please ask your VLO for a copy.

You may also wish to visit the following website which has some helpful information about finding local support:

www.victimandwitnessinformation.org.uk/find-local-support/