

# Victims Member Guidance

January 2025 (V2.0)

## Document History

Document version	Date of Issue	Revision description
1.0	24/02/2020	This guidance was created as part of the Parole Board's project to launch fully revised and updated member guidance.
2.0	31/01/2025	Revised draft to reflect: <ul style="list-style-type: none"> <li>• Victims Code 2020</li> <li>• Root &amp; Branch Review of Parole 2022</li> <li>• Changes following the Parole Board (Amendment) Rules 2024</li> <li>• Victims and Prisoners Act 2024</li> <li>• Inclusion of victim observer information</li> <li>• The key revisions are set out in the Table of Changes</li> </ul>

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# Executive Summary

## Victims Guidance

The full guidance can be read [here](#).

### Introduction

The Code of Practice for Victims of Crime (2020) ('the Code') defines a victim as:

- **A person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence**
- **A close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence.**

The Parole Board's duties towards victims are prescribed by legal requirements within the Code, as well as:

- The Parole Board Rules (as amended) 2019
- The Prisoners (Disclosure of Information About Victims) Act (2020)
- The Victims and Prisoners Act (2024)

This guidance sets out information and advice for panels regarding victim involvement in the parole process. In relation to **GPP** and **recall cases**, as well as **licence variations** and **IPP licence terminations**. It outlines the relevant legislation, summarises best practice and highlights relevant material to assist panels in applying their duties.

### Key Points

#### Probation Service Victim Contact Scheme (VCS) (Section 3)

- If a victim meets the **eligibility requirements**, they have the **right to be referred** to the VCS.
- Victims can be engaged in the VCS on either a **statutory** or **discretionary** basis and allocated a Victim Liaison Officer (VLO).

#### Licence Conditions (Section 4)

- Victims are entitled to submit representations regarding additional licence conditions at various stages.
- There are **two types** of victim related licence conditions:
  - **Non-contact conditions**
  - **Exclusion zones**

#### Victim Personal Statements (VPS) (Section 5)

- The panel must **always read a VPS if one is submitted**.
- The guidance outlines what should, and should not, be included within the VPS.
- It also advises on **dealing with inappropriate content**, and when there is **information related to risk**.
- Where a case is being heard at an oral hearing, victims have the option of having their VPS **read to the panel** (either by themselves, another person, or via a pre-recording).
- Victims who opt to be present usually do so via **remote** means, such as MS Teams or CVP.

#### Advice for Panels (Section 6)

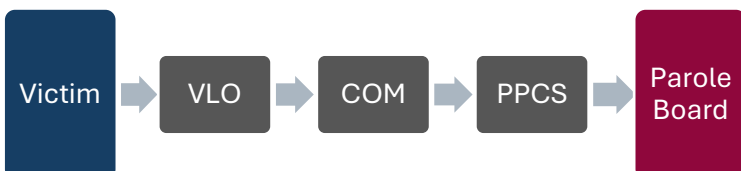
This section provides guidance for a range of circumstances, such as:

- **Taking account of the VPS**
- **Disclosing victim engagement**
- **Naming of victims**

#### MCA Stage (Section 7)

**There is no entitlement for a victim to read their VPS to an MCA panel and this should not be offered.**

- The MCA panel should satisfy themselves that the Community Offender Manager (COM) has contacted the VLO regarding:
  - Seeking the intentions of the victim in terms of submitting their VPS
  - Requesting licence conditions
  - Applying to observe an oral hearing



### Requests to Attend an Oral Hearing (Section 8)

- There is a **presumption** that the victim can attend the oral hearing to read out their VPS, which the panel chair will confirm.
- Victims should read out their VPS to the panel **verbatim**.
- If inappropriate content remains in the VPS, do not draw attention to it during the reading and **make it clear** in the parole decision **if any content was disregarded** by the panel.

### Practical Arrangements

- The panel will need to consider whether the prisoner should be present for the reading of a VPS.
- The panel chair **cannot insist** that the prisoner is present.
- Where the victim does not want the prisoner to be present, but the prisoner wishes to attend, the panel chair may seek to **negotiate an arrangement** where the prisoner's representative will attend but not the prisoner.
- If the VPS is subject to **non-disclosure**, the prisoner cannot be present.
- **The reading of the VPS should not be digitally recorded.**

### Victim Observers

All victims signed up to the VCS, either on a statutory or discretionary basis, can apply to observe a parole hearing.

There is a presumption that applications from victims should be accepted, unless there are exceptional reasons not to.

- A [Chair Checklist](#) has been produced which provides best practice advice about victim observers.
- Panels may also find it helpful to refer to the [Trauma Informed Practice Guidance](#) for advice about engaging with victims.

### Public Hearings (Section 9)

- Victims can make an application to request a public oral hearing **once a case has been directed to an oral hearing**.

### Deferrals & Adjournments (Section 10)

- It is important that the victim is **informed as soon as possible** if an oral hearing is not going ahead. The victim may have been preparing to attend and is likely to be disappointed or distressed by the news.
- It is the responsibility of PPCS and the VLO to ensure the victim is notified but panel chairs may wish to **highlight the matter to the case manager** who can pass the information on.

### Written Decisions (Section 11)

- Victim engagement (and whether a VPS was submitted) should be noted, as well as how it was presented.
- In the '**Any Other Information**' section it can be helpful, particularly for the provision of summary decisions, to briefly set out the **panel's reflections on the VPS**.

### Summary Decisions (Section 12)

- Victims registered with the VCS may request a summary of an upcoming decision through their **VLO**.
- If they are not in the VCS, victims can make a **direct request**.

### Licence Variations (Section 14)

- The COM must **consult with the VLO** when proposing an amendment to a victim-related licence condition. This includes **adding, amending or removing** any victim related conditions, and **suspension of supervision** for indeterminate sentences and **IPP licence termination**.

### Further Reading (Section 16)

The Board has publications for [victims, family and friends of victim's](#) and [VLOs](#).

## **1 Introduction**

- 1.1 This guidance sets out information and advice for panels concerning victim involvement in cases referred to the Parole Board (the Board). It outlines the relevant legislation and its organisational context, summarises best practice and highlights relevant material to assist panels in applying their duties.
- 1.2 It provides information about the legal duties of the Board related to victims and the key points at which victims may engage with the Board, and covers:
- Relevant legislation
  - The Victim Contact Scheme (VCS)
  - Requesting licence conditions
  - Victim Personal Statements (VPS)
  - Victims attending parole oral hearings
  - Routes of challenge

## **2 Legal Framework**

### Code of Practice for Victims of Crime

- 2.1 The Board's duties towards victims are prescribed by legal requirements within the Code of Practice for Victims of Crime, November 2020<sup>1</sup> ("the Code") which came into effect on 1 April 2021 and issued pursuant to Section 32 of the Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004),<sup>2</sup> which in turn observes the wider UK duties contained in Directive 2012/29/EU of the European Parliament and of the Council.<sup>3</sup>
- 2.2 The Code sets out 12 *Rights* for victims of crime and places obligations on organisations that provide services to victims. The Board is committed to fulfilling its duties to victims under the Code and to ensuring that victims are treated with respect and dignity.
- 2.3 The Code defines a victim as:
- A person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence (criminal offence means an offence that is committed, or subject to criminal proceedings, in England and Wales)
  - A close relative (or a nominated family spokesperson) of a person whose death was directly caused by a criminal offence. (This normally refers to the spouse, the partner, the relatives in direct line, the siblings and the dependants of the victim. Other family members,

<sup>1</sup> [Code of Practice for Victims of Crime \(November 2020\)](#).

<sup>2</sup> [Domestic Violence, Crime and Victims Act 2004](#).

<sup>3</sup> [Directive 2012/29/EU](#) Following the UK's withdrawal from the European Union, EU law moved into UK law on the Implementation Period (IP) completion date (31/12/2020) until such time as it is revisited. This underpinning directive remains relevant in understanding the legal position.

including guardians and carers, may be considered close relatives at the discretion of the service provider)

2.4 The Board will interpret the meaning of the term victim on a case-by-case basis (in line with the Code) and will endeavour not to exclude individuals who have been significantly impacted by the behaviour of the prisoner under review.

2.5 *Right 7.9* provides the entitlement for victims to submit a VPS for parole hearings:

*"You can ask that your original Victim Personal Statement be used at tariff review hearings and at Parole Board hearings. However, you are entitled to write a new Victim Personal Statement for these hearings, where you are able to explain how the crime continues to affect you and/or your family, and the impact that any outcome at one of these hearings may have on you. Different rules apply to a Victim Personal Statement made to the Parole Board, (see Right 11)."*

2.6 The Code sets out the full entitlements under *Right 11 "To be given information about the offender following a conviction"*. *Right 11.8* states that **the Board must:**

- Consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment
- Read a VPS if one is submitted
- Consider any application by the victim to be permitted to attend the hearing and read their VPS or have it read by someone else on their behalf
- Unless there is a good reason for not doing so, agree to the VPS being read at the hearing by the victim or someone else on their behalf; and
- Provide a summary of the parole decision upon application, unless there is a good reason for not doing so

2.7 The Code also provides that victims may ask the Secretary of State to submit an application for reconsideration (where the case is eligible) if they believe that the decision meets the criteria (*Right 11.9*).

#### *The Prisoners (Disclosure of Information About Victims) Act*

2.8 The Prisoners (Disclosure of Information About Victims) Act 2020<sup>4</sup> received Royal Assent on 4 November 2020 and came into force on 4 January 2021.

2.9 This Act **places a statutory duty on the Board** to consider a prisoner's non-disclosure of information about victims in its decision-making.

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<sup>4</sup> [\*The Prisoners \(Disclosure of Information About Victims\) Act.\*](#)



- 2.10 The duty applies to cases involving the prisoner's non-disclosure of information about the whereabouts of a victim's remains (often referred to as *Helen's Law*), and of information about the identity of child victims in indecent images.
- 2.11 The Act **requires the Board** to:
- Take into account the prisoner's non-disclosure of the information
  - Explore and take into account the reasons, in the panel's view, for the prisoner's non-disclosure
- 2.12 The Act **does not apply** to any case where re-release following recall, or subsequent reviews of a recall, are being considered.
- 2.13 Panels considering cases where disclosure of information about victims is relevant should refer to the *Disclosure of Victim Information Guidance*.

### The Victims and Prisoners Act

- 2.14 The Victims and Prisoners Act 2024<sup>5</sup> received Royal Assent on 24 May 2024. Different commencement dates apply to the range of provisions coming into force. The first tranche came into force on 1 November 2024.
- 2.15 Part 4 of the Act amends Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences) to include section 28ZA *Public Protection Decisions* legislation and Chapter 6 of Part 12 of the Criminal Justice Act 2003 (fixed term sentences) to include section 237A *Public Protection Decisions* which now both require the following:
- (6) When making a public protection decision about a prisoner, the decision-maker must in particular have regard to the protection of any victim of the prisoner.*
- (7) For the purposes of subsection (6), a "victim" of a prisoner is a person who meets the definition of victim in section 1 of the Victims and Prisoners Act 2024 by reference to the conduct which constituted the offence for which the relevant sentence was imposed.*
- (8) In subsections 5 and 7, "relevant sentence" means the sentence in respect of which the public protection decision is made.*
- 2.16 Point 8 is confined to the index offence; the codified public protection test:
- 1) Compels panels to have regard to the protection of the victim of the index offence
  - 2) Panels can also have regard to the protection of other victims; the codified public protection test does not compel panels to do so but (importantly) it does not rule this out
- 2.17 There is very little other change made by the 2024 Act for victims engaged with the parole process, although the Board is working with

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<sup>5</sup> *The Victims and Prisoners Act 2024.*

victim groups to ensure that victims receive the full range of entitlements in relation to parole reviews.<sup>6</sup>

- 2.18 There are some changes to the duties on agencies to manage complaints from victims and how victims can write directly to the Parliamentary and Health Service Ombudsman (PHSO). More information can be found in section 14.

### The Parole Board Rules

- 2.19 The Parole Board Rules 2019 (as amended)<sup>7</sup> (the Rules) provide the following:

- Rule 14 permits that any person may request admittance to a private oral hearing as an observer by making a written application to the Board. This includes victims
- Rule 15 permits that an application can be made to hold a parole oral hearing in public. Victims can make such an application directly to the Board
- Rule 17 permits that requests can be made to withhold information from the prisoner where it meets specific criteria. This includes Victim Personal Statements or other supporting information from victims in relation to requests for licence conditions
- Rule 27 on summaries and disclosure provides victims and 'any other person' with a right to request a summary of the reasons for a panel's decision. The rule sets out that the Board must produce a summary unless the Chair of the Parole Board considers that there are exceptional circumstances not to
- Rule 27(2) states that the Board is not required to provide a summary if the request is made more than six months after the decision. For the purposes of rule 27, a victim is someone engaging with the Probation Victim Contact Scheme, as defined in section 32 of the DVCVA 2004 in respect of a prisoner who is party to Parole Board proceedings

- 2.20 Part B of the Schedule to the Rules sets out that, if available, a current VPS setting out the impact the offence has had on the victim and/or the victim's family should be provided.

## **3 Probation Service Victim Contact Scheme**

- 3.1 Since April 2001, victims of a specified sexual or violent offence, where the sentence is 12 months or more imprisonment or a hospital order, have a statutory right to be offered contact by the Probation Service and make representations on licence conditions and supervision requirements.

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<sup>6</sup> At the time of writing the Board is reviewing summary decisions, improved communications and resources for victims, and supporting the national roll out of victim observers from 1 April 2025.

<sup>7</sup> Parole Board Rules 2019 (as amended) Please note the Parole Board Rules have been amended several times, most recently in 2024. References to the Rules in this guidance take account of this.

- 3.2 The Probation Service Victim Contact Scheme (VCS) arises from sections 35-45 of the DVCVA 2004.
- 3.3 If a victim meets the eligibility requirements, they **have the right to be automatically referred to the VCS.**
- 3.4 The VCS provides the mechanism by which victims can be updated about the prisoner and their progress in prison, and if/when they become eligible for consideration of parole or release. Victim Liaison Officers (VLO) working within the Probation Service support victims as part of the VCS.

### Entitlements

- 3.5 Once engaged with the VCS, victims are entitled to receive information at key stages of the prisoner's sentence (*Right 11.3*). The Code states that VLOs will keep victims informed about the following:
- *What the sentence of the court means in terms of the offender's detention in prison or hospital, and if there are any changes to their sentence*
  - *When an offender in prison becomes eligible to be considered for a transfer to open conditions*
  - *If a prisoner moves to open conditions*
  - *When an offender is being considered for release or for conditional discharge*
  - *When the offender is released, or discharged from hospital, and if they are recalled to prison or hospital*
  - *How to make a VPS where it falls to the Parole Board to decide whether to direct the release of the offender from prison*
  - *How to apply to read your VPS to the Parole Board, or have it read out on your behalf, or make a pre-recording in those cases where the Parole Board holds an oral hearing*
  - *How to apply for licence/discharge conditions to reduce the chances of you encountering the offender in the community, or to prohibit them from contacting you*
  - *About any licence/discharge conditions that relate to you and the date they will end or where a request to change or remove them has been made*
  - *How to ask for a summary of the Parole Board's decision and how to seek to make representations where the Parole Board decides the offender is safe to release*
  - *If the prisoner escapes or absconds from custody*
  - *How to ask for information should the offender be convicted of a most serious offence*
  - *How to make a reconsideration request (where eligible)*
- 3.6 The above bullet points are reproduced verbatim as set out in the Code.

### Eligibility

- 3.7 Victims may be signed up to the VCS under a statutory entitlement, or on a discretionary basis.

*Victims engaged on a statutory basis*

- 3.8 To qualify for engagement with the VCS, individuals will be a victim of a sexual and/or violent offence for which the prisoner is sentenced to 12 months or more in prison (or a bereaved family member where the victim is deceased) as set out in sections 35 and 45 of the DVCVA 2004.
- 3.9 Victims of crimes committed before the introduction of the VCS and who, but for the date of sentence, would otherwise have been eligible to receive support from the VCS, may engage retrospectively.
- 3.10 Victims engaged on a statutory basis will be eligible for the full set of entitlements listed above.
- 3.11 Victims entitled to the VCS on a statutory basis may opt-out and opt back in to the VCS at any time whilst the prisoner is serving their sentence.
- 3.12 If a victim eligible to engage on a statutory basis is not participating in the scheme, the VLO will need to consider making further contact with the victim where:
- It is assessed that the prisoner continues to pose a risk towards the victim
  - The risk posed to the victim increases
  - The prisoner and victim are known to each other
  - The case is high profile and likely to generate media reporting

*Victims engaged on a discretionary basis*

- 3.13 Occasionally, the Probation Service may use discretion to offer the VCS to victims who do not meet the standard criteria. Probation staff will consider whether there are any victims or others who do not statutorily qualify but may nonetheless be appropriate for referral to the VCS.
- 3.14 A victim could be offered the VCS on a discretionary basis, for example where offences have been taken into consideration or left to lie on file.
- 3.15 Where discretion has been used to offer contact to a victim, they **do not have the right to submit a VPS under the VCS**, unless in exceptional circumstances. The VLO will liaise with the HM Prison and Probation Service (HMPPS) Victims Team to determine whether, exceptionally a VPS may be submitted.
- 3.16 Where discretion has been used to offer contact to a victim, they **do have the right to request licence conditions**. The VLO is responsible for ensuring any requests are sent directly to the Public Protection Casework Section (PPCS) and Community Offender Manager (COM).

- 3.17 **The Board will accept any case where the Secretary of State has determined that the victim will receive the VCS on a discretionary basis.** The Board does not offer a view on this, and it is wholly a matter for the Secretary of State.
- 3.18 There will be situations in which a victim who does not meet the criteria for either statutory or discretionary contact is assessed by the COM as being at risk from a prisoner. 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; or victims where there has been no relevant conviction. Whilst these victims will not be offered the VCS, the COM will consider whether licence conditions should be put in place to protect them, as with any other member of the public. It is not required that the victim be made aware of such licence conditions which will form part of the overall risk management plan.
- 3.19 **It should be noted that the Board would not reject a VPS independently submitted by a victim who does not meet any of the above criteria.**

Multiple VCS members

- 3.20 Where a prisoner 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 will be offered the VCS on a statutory basis.
- 3.21 As victims engaged on a statutory basis, they will be entitled to submit a VPS, request licence conditions and have access to all other entitlements under the VCS.
- 3.22 Where offending has been committed at different times and separate sentences have been imposed and are still current, **each of the victims of those separate crimes may be eligible for the VCS, either on a statutory or discretionary basis.** It does not matter which sentence is being reviewed by the Board but the sentences must be current (i.e. not spent<sup>8</sup>).
- 3.23 If there is a victim of two sentences, one of which is spent, then the victim may submit a VPS for the current sentence and may include detail about the other sentence and the impact it had on them.
- 3.24 **A victim of any spent sentence is not able to submit a VPS via the VCS as there is no mechanism for this i.e., they are no longer eligible for the VCS.** It would be for the COM to consider if such a victim

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<sup>8</sup> A spent conviction is a conviction which, under the terms of Rehabilitation of Offenders Act 1974, can be effectively ignored after a specified amount of time.

would need protection and propose any suitable licence conditions if the prisoner was being considered for release on a different sentence.

- 3.25 The right to provide a VPS for a recalled prisoner applies to the victim of the offence for which the prisoner is serving the sentence and on which they have been recalled.
- 3.26 If the recall relates to a new offence, **the alleged victim of the further offending is not permitted to submit a VPS through the VCS until such time as the prisoner is convicted for such matters.**<sup>9</sup>
- 3.27 Victims who fall into the categories set out in paragraphs 3.24 - 3.26 above may decide to submit a VPS independently to the Board and in these circumstances the VPS will not be rejected.
- 3.28 Panel chairs can limit the number of VPS but should only exercise this on rare occasions. For example, where several members of a murder victim's family wish to put forward separate VPS, it may be appropriate to direct that one or two representative views are submitted. The panel chair will aim to be sensitive to the needs and wishes of the victims.
- 3.29 If multiple VPS are submitted from victims who are unrelated or unknown to each other, or relate to separate convicted offending, each VPS should be accepted.

#### Young VCS member

- 3.30 In accordance with the Code, the Board will accept VPS from young victims and from their parents or guardians. A victim under 18 years of age will not normally be allowed to attend an oral hearing due to prison security restrictions (or safety issues if online). Alternatively, they could:
- Have a VPS placed before the panel to read
  - Have the VPS read out on their behalf
  - Pre-record it to be played to the panel
- 3.31 The parent, guardian or other Appropriate Adult of a victim under the age of 18 years may ask to attend the hearing on their behalf to read out the young victim's VPS or indeed a statement of their own (if they are the official VCS member for a young victim).
- 3.32 If a young victim wishes to read the VPS themselves via remote means, an Appropriate Adult will need to also attend.
- 3.33 Panel chairs should seek advice from the Board's Practice Advisor<sup>10</sup> if they receive a request for a victim under the age of 18 who wishes to attend an oral hearing. Such requests should be approached with caution and will require input from an Appropriate Adult, and if attending the prison in person, the prison Governor or Director.

<sup>9</sup> Alleged victims may be eligible for other entitlements set out in the Code not related to parole.

<sup>10</sup> Legal & Practice Queries Mailbox

VCS member living abroad

3.34 If victims are not a resident of England and Wales or relocate outside of these jurisdictions during the operational period of the prisoner's sentence, they remain eligible for the VCS and remote contact with the VLO will remain, where this is requested, until the sentence end date.

VCS member has died

3.35 In cases where the VCS member has died, and this can be linked back to the index offence, the VLO may consider offering VCS status to a next of kin. Where this is offered, the next of kin will have access to the same entitlements as the original VCS member.

Ending contact with the VCS member

3.36 Victims will be entitled to support through the VCS until:

- For standard determinate sentences, at the Licence Expiry Date or Sentence Expiry Date (for recalls). Contact is not maintained during any period of Post Sentence Supervision (if in place)
- Where the prisoner is serving an indeterminate sentence, contact will be continued even where the supervision requirement has been suspended:
  - a) In the case of life sentence prisoners, contact will only end if the victim requests it, or the prisoner dies
  - b) Where the sentence is an Imprisonment or Detention for Public Protection (IPP/DPP), contact will be maintained until the licence is terminated or the prisoner dies

3.37 The Victim Contact Scheme Policy Framework<sup>11</sup> sets out the mandatory actions and guidance which HMPPS agencies must complete for all victims eligible for services under the VCS.

Key people involved

3.38 **The victim is not a party to Parole Board proceedings.** Accordingly, in most cases panels will not have contact with victims unless the victim attends an oral hearing to read out their VPS. In these instances, contact is likely to be limited to introductions and a brief explanation of the proceedings. If a victim observes an oral hearing, there will be no contact as victims are not visible to those attending the proceedings. Examples of when a victim may have direct contact with the Board (but not a panel) are set out in paragraph 3.53.

Victim Liaison Officers

3.39 The VLO is part of the Probation Service and will report to a local Victim Liaison Unit (VLU) that will be part of a wider Probation Delivery Unit

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<sup>11</sup> [Victim Contact Scheme Policy Framework.](#)

(PDU). The Board may, from time to time, engage with VLUs to discuss local issues and policies that may be relevant to victim engagement in the parole process.

- 3.40 The VLO will take over a case from the Victim Witness Care Unit upon completion of a trial. A named VLO will then become the main point of contact for the victim and will be responsible for supporting them as part of the VCS.
- 3.41 The VLO will advise victims when a VPS may be submitted, and they are responsible for informing the victim about the VPS procedure and helping them to submit it in a timely manner. VLOs will also provide advice on all the other entitlements as set out in the Code. For example, victim related licence conditions, summary parole decisions, reconsideration applications etc. The VLO is also responsible for notifying the victim of the outcomes of parole reviews and changes to licences.
- 3.42 The VLO must ensure that:
- The VPS including any representations regarding licence conditions, are sent directly to PPCS by the date specified in the initial notification letter
  - The COM is informed of licence condition requests and the reasons for these
  - Any request for an exclusion zone is accompanied by a map of the proposed exclusion zone
  - Any delay in submitting this information is raised with PPCS at the earliest opportunity
  - Any sensitive dates to avoid provided by the victim are communicated swiftly to PPCS
  - Any request to read out the VPS is submitted to PPCS in good time
  - Any request to observe an oral hearing is submitted via PPCS
- 3.43 The VLO will usually support a victim to read out their VPS remotely to the panel or prepare a pre-recording of it to be played at an oral hearing.
- 3.44 The VLO will liaise with the HMPPS Victims Team, PPCS and the COM and do not often need to contact the Board directly. Most victim related requests will come via PPCS. VLOs may engage directly with the Board where they may be supporting the victim, for example where the victim is reading out their VPS and there are some complexities to navigate. However, in such circumstances both the HMPPS Victims Team and PPCS should still be involved.

#### *HMPPS Victims Team*

- 3.45 The HMPPS Victims Team provides support and guidance to VLOs on all issues relating to the provision of the VCS. The HMPPS Victims Team will work closely with VLUs on developing guidance and providing bespoke case specific advice.



- 3.46 The Board's own Victim Team will liaise with the HMPPS Victims Team to identify solutions to specific victim issues with cases and to look at improving services to victims and processes where both the Board and HMPPS have a role.

#### *HMPPS Victim Representatives*

- 3.47 The HMPPS Victim Representative is part of the HMPPS Victims Team and will support a victim when they go into a prison to read out their VPS. Following the move to remote hearings there are very few cases where the victim will still attend the prison in person.
- 3.48 It is more usual for the HMPPS Victim Representative to support a victim who is observing a private parole hearing or attending a public parole hearing.
- 3.49 The HMPPS Victim Representative will work closely with the VLO on cases where they are involved. The victim will be supported by the VLO in the lead up to a hearing and in ongoing support after the hearing. The HMPPS Victim Representative (and sometimes the VLO) will support the victim on the day and explain procedures and what to expect.
- 3.50 The HMPPS Victim Representative will be able to advise a panel chair on issues, queries, or concerns that may arise where victims are observing an oral hearing.
- 3.51 To summarise:
- The HMPPS Victim Representative will support the victim on the day where:
    - They are attending the prison in person to read out their VPS
    - They are observing the oral hearing remotely
    - They are attending a public hearing
  - The VLO will support the victim on the day where they are reading out their VPS remotely

#### *Other Teams*

- 3.52 The Board works actively with the Ministry of Justice on victim policies and cooperates with HMPPS, victim interest groups, the Victims' Commissioner for England and Wales and Victims' Commissioner for London on a range of initiatives.

#### *Victims not signed up to the VCS*

- 3.53 Victims who meet the statutory criteria but choose not to sign up to the VCS can still engage in the parole process. They may not wish to receive contact or services from the VCS but in some cases may write directly to the Board. This could be to:

- Raise concerns about their safety
  - Ask to observe a private parole hearing
  - Request a parole hearing be made public
  - Request a summary of the parole decision
  - Make a complaint
- 3.54 Additionally, victims who do not meet the statutory criteria and are not offered the VCS on a discretionary basis may also engage in the parole process as above.
- 3.55 Communications from victims not signed up to the VCS will need to be considered by the Board in the same way as for victims who are signed up to the VCS to **avoid any potential unfairness**.
- 3.56 However, the victim will need to explain the reasons for their request, setting out any links they have with the case. Panel chairs will need to consider carefully whether the reasons are of a nature that are sufficient and appropriate.
- 3.57 It should be noted that in these instances, the victim will not be provided with support from HMPPS, and contact will be direct with the Board's Victim Team. Victims will need to carefully consider what support they may need when engaging in the parole process. They should be encouraged to ensure someone such as a family member, friend, or appropriate professional is available to support them throughout.
- 3.58 **If the victim is eligible for the VCS but not signed up, they should be encouraged to consider signing up, which will then provide them with access to more advice and support.** Panel chairs may wish to bring the matter to the attention of the Board's Victim Team, who can engage with the victim and the HMPPS Victims Team. The victim cannot be compelled to sign up to the VCS if they do not wish to. However, they will be offered the services available within the VCS for the duration of the observation period and then to opt out of further support, should they so wish.

Multi Agency Public Protection Arrangements (MAPPA)

- 3.59 Where the prisoner is subject to Multi Agency Public Protection Arrangements (MAPPA) level 2 or 3 management, the VLO must represent the victim's views through attendance at, or providing a report for, MAPPA meetings.
- 3.60 The VLO must provide any risk information and representations about licence conditions (setting out why they are necessary and proportionate) and ensure they follow up on any actions or outcomes from the MAPPA meeting.
- 3.61 Requested licence conditions may be discussed at a MAPPA meeting but requests cannot be amended, as they must be submitted to the Board as requested by the victim. The COM can discuss with MAPPA partners alternative options for licence conditions where they are not supporting

the victim's request and present them to the Board alongside the victim's own request.

3.62 More information about MAPPA can be found on SharePoint: *MAPPA*.

#### Multi-Agency Risk Assessment Conferences (MARAC)

3.63 Multi-Agency Risk Assessment Conferences (MARAC) bring professionals from multiple agencies together to discuss and share information about high-risk domestic abuse victims.

3.64 These conferences aim to identify management strategies, with the intention of offering support and protection to victims at risk of serious harm or homicide. They are usually stand-alone conferences where professionals act to create a multi-agency action plan to address the identified risks and increase the safety and wellbeing of those at risk.

3.65 The perpetrator of the abuse is not aware that a MARAC is taking place. This ensures protection of the victim. **Any information provided in a conference is done so confidentially.**

3.66 It is important that information about MARACs should not appear in the parole dossier. If there is any indication in the dossier that a conference has taken place or is planned, **panels should not explore this further as this could compromise the process and/or the victim.** The matter should be brought to the attention of PPCS to consider taking appropriate action.

3.67 Any information discussed at a conference that may potentially be relevant to the current risk posed by the prisoner should be presented and considered at a MAPPA meeting. It will then be for the COM to determine how such information might inform their own assessment of risk and what should be included in their parole report, again, without compromising the process and/or the victim.

3.68 More information about MARAC can be found on SharePoint: *MARAC*.

## **4 Licence Conditions**

4.1 Victims 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 re-release is being considered following a recall
- Licence variation (including suspension of supervision)
- Termination of IPP/DPP licence by the Board

- 4.2 Victims engaged with the VCS either on a statutory or discretionary basis have the right to make representations about licence conditions that relate to them and that make them feel safer. This can be when developing the licence as part of the release plan, considering variations of licence conditions after release, and, in the case of IPP/DPP sentenced individuals, the application for termination of the licence.
- 4.3 **The Code requires the Board to consider such representations.**
- 4.4 Where a victim does not fall within the remit of the VCS, they will not have a VLO assigned. In those cases, where the COM has identified that there is a risk of serious harm posed to the victim by the prisoner then it is appropriate to put in place additional licence conditions to mitigate that risk. These would fall under the usual considerations for the COM as part of the request for additional licence conditions.
- 4.5 Licence conditions should be necessary, proportionate, and enforceable. However, victim related conditions can address the victim's fear of confrontation, which may be real or perceived, and address both physical and psychological risk of serious harm. In this way, the consideration and reasoning for conditions requested under the VCS differ considerably from other requests i.e., the management of risk is not the only consideration.
- 4.6 When panels are considering licence condition requests, it will be helpful to note that the Court in the 2001 case of *Craven*<sup>12</sup> provides the position that the victim's rights outweigh those of the prisoner, where they are equal. The judgment confirmed that interference with the prisoner's rights under article 8 of the European Convention on Human Rights is lawful by virtue of the ability to interfere "*for the protection of the rights and freedoms of others*". In this instance, it is referring to the victims. It also recognised the need to be "*sensitive to the emotional harm done to victims of crime, particularly the most serious crimes, to their anxieties and concerns, and to the risks of emotional and psychological harm*".
- 4.7 In light of *Craven*, victim related conditions may be imposed even if the prisoner is not assessed as posing a risk of harm to the victim. However, it does not extend to unnecessary interference.
- 4.8 There are two types of victim related licence conditions:
- Non-contact condition
  - Exclusion zones
- 4.9 Requests for licence conditions are found at the end of the VPS form. If the victim wishes to withhold information from the prisoner about why they are asking for specific conditions they may be submitted separately on Annex A of the VPS form (with a non-disclosure application).

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<sup>12</sup> *R (Craven) v Secretary of State for the Home Department and the Parole Board* [2001] EWHC 850 (Admin) *Craven*, [R \(on the application of\) v Parole Board | \[2001\] EWHC Admin 850 | England and Wales High Court \(Administrative Court\) | Judgment | Law | CaseMin](#)

- 4.10 There may be occasions where the VCS victim does not wish to make a VPS but would still like their views and representations regarding licence conditions to be communicated to the Board. In this situation, the VLO will complete a VLO Report (VLOR) which is Annex B of the VPS form and submit it to PPCS so it can be shared with the Board. A VLOR can be submitted with a non-disclosure application, if necessary.
- 4.11 Detailed information about considering victim related licence conditions, including balancing the rights of the victim and prisoner, can be found in sections 13 and 14 of the *Licence Conditions Guidance*.

## **5 Victim Personal Statements**

- 5.1 The VLO will inform the victim that the purpose of the VPS is to explain to the Board what the impact of the crime has been and continues to be, as well as what the likely impact of release or transfer to open conditions would be. In the case of an IPP/DPP sentenced individual this may include the impact of terminating the licence, where the decision is being made by the Board.

- 5.2 The victim can submit a new VPS, an updated version of a previous VPS, or a previous VPS without any changes. The Code sets out the following:

*"You can update your Victim Personal Statement or write a new one, but you will need to withdraw a previous version first. You can write a new statement for each parole review that may take place."*

- 5.3 **The panel must always read a VPS if one is submitted.**

### Writing the VPS

- 5.4 A victim will be supported in preparing and submitting a VPS by their VLO.
- 5.5 The VPS is usually written by the victim themselves with guidance and support from the VLO. The VPS should be concise and normally not take more than about 10 minutes to read.
- 5.6 Occasionally, the VPS is written by another person on behalf of the victim. This is permissible, but where this happens, the Board should be notified of the circumstances and given a brief reason for this (for example it is too distressing for the victim to write it themselves or they are a child/young person).
- 5.7 Under the Code a victim whose first or preferred language is Welsh may submit a VPS in Welsh. *Right One* of the Code *To be able to understand and to be understood* states at *Right 1.7*:

***"You also have the Right to submit a Victim Personal Statement to the Parole Board in Welsh, irrespective of the location of the offender, and to ask for a summary of the parole decision to be provided in Welsh."***

- 5.8 The Ministry of Justice has published information for victims of crime about [Making a Victim Personal Statement](#).

#### Content of VPS

- 5.9 The VPS should, as far as possible, describe the impact of the offence on the victim, which may include physical, psychological, emotional, financial or any other kind of impact.
- 5.10 The VPS should provide the victim's views about:
- The original impact of the offence when it was committed
  - The lasting impact of the offence since it was committed
  - The impact that the prisoner's release (or move to open conditions) would have, including on them, their family, their community, or those with close ties to them or their family
  - The impact of terminating the licence for an IPP/DPP sentenced individual (where the decision is being made by the Board)
- 5.11 The VPS may include information about the victim, including:
- Any physical, financial, emotional or psychological injury they have suffered and/or any treatment they have received as a result of the crime
  - If they feel vulnerable or intimidated
  - If they no longer feel safe
  - The impact on their family
  - How the quality of their life has changed on a day-to-day basis
  - The on-going impact of the crime on their lives
  - Any wider impact on the community
- 5.12 **The VPS should not include:**
- Views on whether the prisoner should be released or transferred to open conditions (Parole Board decisions are based on risk and a victim is unlikely to have relevant up-to-date information about the risk the prisoner poses)
  - Direct or veiled threats to, or critical comments about the prisoner or the Parole Board
  - Language that may be considered inappropriate or offensive
- 5.13 Some victims may wish to supplement a VPS with photographs or other documents (for example certificates, poems or other memorabilia) as evidence of how the offence has impacted and changed their life, or the lives of their family. Generally, such additional documentation, and particularly photographs are not encouraged because a panel will be limited in how it could use such material. However, panels are asked to view such requests sensitively and avoid additional distress to the victim that refusal might bring (see 'Dealing with Inappropriate Content' at paragraphs 5.18-5.21 below).

- 5.14 Photographs or other documents/information that may compromise the dignity or the safety of the victim should not be accepted.
- 5.15 It is important to note that VLOs can only advise and guide victims in writing a VPS. Whilst efforts will be made by VLOs to encourage victims to remove inappropriate or irrelevant content, they cannot enforce this. If the victim insists on retaining such content, the VLO (and PPCS) cannot remove it.
- 5.16 Any amendment to either the VPS or requests for licence conditions must be with the agreement of the victim. However, the victim will be informed that the Board may not accept a VPS that contains such material.
- 5.17 In September 2018, a Joint Agency Guide to the VPS was published, which provides more detail for victims about the VPS. The Board signed up to the [Joint Agency Guide](#).

#### Dealing with inappropriate content

- 5.18 Where possible, panel chairs should accept a VPS as submitted, and in most cases the VLO will have advised the victim on best practice. In a very small number of cases, it may be necessary to ask the victim to change their VPS, as some of the content may be inappropriate or irrelevant.
- 5.19 Nevertheless, the panel chair can exercise discretion and may wish to balance the potential distress that inappropriate comments may cause to the prisoner against the potential distress to the victim of having to remove them.
- 5.20 **The panel is obliged to disregard any opinions expressed on whether the prisoner should be released or transferred to open conditions.** The VLO should explain this to the victim. Should such views be included, the panel chair can request that they be removed, or where this is likely to cause the victim undue distress (or the victim refuses to remove the content), can allow them to remain but disregard them (but will also need to consider the impact on the prisoner). If the latter course of action is taken, it should be made explicit in the decision what has been disregarded, and what has been taken into account by the panel.
- 5.21 Panel chairs should bear in mind that requests to remove or rewrite content, or not to read parts of the VPS out at an oral hearing can cause anxiety and distress to the victim and so a clear explanation of the reason for the request should be given.

#### Information related to risk

- 5.22 There may be occasions where victims have information that may relate to current risk (for example unwanted contact or communication from the prisoner). This information needs to be provided to those managing the prisoner so that an assessment of its importance or impact on risk can be fully considered.

- 5.23 The VLO should be alert to such information and notify PPCS and Probation as soon as possible to discuss the implications. In these instances, the information could potentially be shared with the police, or, more usually, the COM, who will consider its relevance to risk and attempt to verify and refer to it (if appropriate) in their report.
- 5.24 If a VPS does contain information potentially relevant to the prisoner's risk and there is no evidence that it has been considered as set out above, the panel chair may refer the matter back to the Secretary of State to consider and take up with the victim or relevant agency. This may result in the VPS being redacted and the information provided to other agencies.
- 5.25 If the risk can be verified through a different source, the victim may 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.
- 5.26 If the victim discloses risk information in the VPS 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 a "*covering letter*" disclaimer to the panel stating that after taking reasonable efforts to substantiate the information within the VPS they could not verify it.
- 5.27 The "*covering letter*" needs to provide the panel with enough assurances that sufficient investigation has been completed to ascertain the reliability, or not, of the information. If the information cannot be verified, this needs to be stated in the "*covering letter*". Information about this has been provided to HMPPS staff in the Handling Sensitive Information Policy Framework.<sup>13</sup>
- 5.28 Panels will need to consider such information and determine what level of weight, if any, to give it. **Panel chairs should not direct victims to attend oral hearings as witnesses to be questioned about such information unless there are exceptional circumstances.** Panel chairs are recommended to contact the Board's Practice Advisor for advice before directing a victim as a witness.
- 5.29 In some circumstances the VLO may provide a VLOR setting out information from the victim that may relate to risk. PPCS and the COM should review the material and determine how it should be considered and where relevant, presented to the Board.

*A VPS which supports the prisoner*

- 5.30 There may be instances where a victim is supportive of a prisoner within their VPS. Whilst unusual, this is of course permitted. The approach to managing the VPS is the same as for any other victim.

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<sup>13</sup> [HMPPS Handling of Sensitive Information Policy Framework \(paragraph 5.3.24\)](#).



- 5.31 In some instances, it may be seen as a protective factor where the victim is part of the release plan. For example, the offending may have been committed by the prisoner as a child or young adult and the victim is a member of the family who are now part of the release plan (the release address may be the family home etc).
- 5.32 A consideration for a panel is to assure themselves that the victim is making their VPS of their own free will and that there is no question of influence or control by the prisoner. This can be particularly tricky where domestic abuse is involved or where there are multiple victims from within the family unit.
- 5.33 It is important to establish how victims who are supportive of prisoners will themselves be supported should they choose to attend oral hearings to either read out their VPS or observe. More information about victims attending hearings can be found in section eight.

### Submitting the VPS

- 5.34 Where a victim writes a VPS, the Code requires that it must be submitted in writing and the panel must read it for themselves.
- 5.35 Whilst a VPS is not a mandatory document within parole dossiers, the aim is for the VPS to be submitted at the same time as the deadline for the PAROM report from the COM. In this way, it can be added to the dossier ahead of the referral to the Board. This may not be possible if the VPS is submitted with a non-disclosure application, but it should be added as soon as possible, depending on the outcome of the non-disclosure application.
- 5.36 Advice to VLOs is to encourage victims to submit their VPS in time for the MCA assessment *at the latest* as many cases are concluded at this point and there is a risk the VPS will not be taken into account if it is not provided in time.
- 5.37 Although there is not a specific timeframe mentioned in the Rules for the submission of the VPS, the Code sets out the following:

*"You can make a new Victim Personal Statement any time leading up to the parole review, but it must be submitted in good time in order for the Parole Board to read it. If there is to be a parole oral hearing the Victim Personal Statement should be submitted at least eight weeks in advance. A parole hearing is unlikely to be delayed to allow for a late Victim Personal Statement to be submitted."*

- 5.38 Where the above deadline is missed, there are still opportunities to submit a VPS via rules 18(2)<sup>14</sup> and 18(3).<sup>15</sup> Whilst this is to be avoided, panels will wish to bear this in mind when considering whether to accept VPS submitted so close to an oral hearing. There should be good reasons for submitting a late VPS.
- 5.39 Where a case is being heard at an oral hearing, the victim has the following additional options:
- Request to attend and read the VPS to the panel
  - Request to attend and have the VPS read by someone else on their behalf
  - Request that someone else attends to read the VPS on their behalf
  - Request to pre-record the VPS for it to be played to the panel on the day (if facilities are available)
- 5.40 **Victims who opt to be present will almost always do so by remote attendance.** It is only in exceptional circumstances that a victim will be approved to attend the prison in person to read their VPS.
- 5.41 The way in which the VPS is presented is a personal decision for the victim, but subject to agreement by the panel chair.
- 5.42 **There must always be a written copy of the VPS submitted, irrespective of whatever else might be agreed.**

## **6 Advice for Panels**

- 6.1 The following section provides advice to panels on a range of situations and options. Section seven covers MCA and section eight covers oral hearings.

### Taking account of a VPS

- 6.2 Victims often ask what difference a VPS makes. This requires careful explanation to accurately convey the way the VPS is used by the panel, and to manage expectation and understanding.
- 6.3 The VPS does not directly link to the panel's decision on whether to direct the prisoner's release on licence, whether to recommend suitability for open conditions, or to amend or vary a licence. This is because the panel's focus is on assessment of the prisoner's current and future risk of serious harm to the public. That is not the focus of the VPS and, as such, it should not present information relevant to the assessment of risk.

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<sup>14</sup> Rule 18(2) Any additional evidence that a party wishes to present at an oral hearing must be served on the Board and the other party at least 14 days before the date of the oral hearing.

<sup>15</sup> Rule 18(3) Any party that wishes to present at an oral hearing documentary evidence which has not been served at least 14 days before the date of the hearing, must serve the material on the Board and the other party, together with an application to the panel chair or duty member for permission to do so, as soon as reasonably practicable, and must, as part of that application, give reasons for late service.

- 6.4 However, any assessment of risk considers both the likelihood and the impact of potential future events and the VPS provides the victim with an opportunity to explain in their own words how a crime has affected them. It can, therefore, provide helpful context and information for the panel about the impact of the prisoner's actions on the victim.
- 6.5 The VPS may provide the panel with information relevant to questions it might wish to explore with the prisoner regarding, for example, the impact of their behaviour, their insight into their behaviour, their remorse, their empathy, and appropriate licence conditions.
- 6.6 It may also give the panel further insight into the relevant offending and a better sense of the damage and harm caused by the crime, including its impact on the victim and/or their family.
- 6.7 Similarly, a VPS can assist the panel in understanding the nature and level of impact on a future victim if a relevant offence(s) occurred again.
- 6.8 The panel should take into account the VPS when considering victim-related licence conditions. This can be at the point of release or when considering licence variation requests.
- 6.9 The VPS can provide context and perspective to any requested licence conditions or applications to vary a licence. The VPS can illustrate the level of anxiety and vulnerability of the victim, which in turn can allow reasonable and proportionate licence conditions to be set.
- 6.10 The VPS can provide detail about the victim's routine, location, and the potential impact of coming into contact with the prisoner and can be used to describe licence conditions that will make them feel safer.
- 6.11 The Board has published an information note about how panels take account of a VPS: [How a VPS is used by the Parole Board 2018](#).

#### *Taking account of Restorative Justice*

- 6.12 Restorative Justice (RJ) covers a variety of practices which bring together people who have caused harm by committing a crime with those who have been directly affected and harmed by that crime. The aim is to try to repair the harm caused by coming to an agreement about a positive way forward. Victims have the right to request information about RJ during any stage of the criminal justice process and for any type of crime.
- 6.13 RJ allows victims to explain the suffering they have experienced to the perpetrator of the crime and encourages them to confront the harm they have caused. This is often, but not always facilitated via a conference meeting. RJ providers indicate that it is common for victims to be satisfied with the conference meeting itself as an outcome. In addition to giving them the opportunity to say how they have been affected, it can help victims to understand the context behind the offending behaviour and the wider impact of an offence.

- 6.14 Victims may reference RJ in their VPS. It could be one of the factors that a panel may wish to consider when assessing the prisoner's suitability for progression or release.
- 6.15 As it is difficult to measure the impact of RJ, it is unlikely to be appropriate to place weight solely on the completion of RJ when considering future risk. Panels should consider RJ alongside the full range of information they would ordinarily use to inform decision-making, using objective measures of risk.
- 6.16 **In considering the outcomes of RJ, panels should remind themselves that RJ is not designed to reduce reoffending or risk of serious harm – its primary function is to repair harm done. Panels should therefore be cautious about the weight they place on it in the overall context of their risk assessment.**
- 6.17 More detailed advice is set out in the *Restorative Justice Guidance*.

#### Information sharing

- 6.18 The HMPPS Handling of Sensitive Information Policy Framework<sup>16</sup> sets out the handling of sensitive information, including material provided by victims for the purpose of Parole Board reviews. It sets out how HMPPS will support and process the provision of a VPS and VLOR and the handling of any information, including where non-disclosure is being requested.
- 6.19 The Policy Framework sets out that the prisoner is not allowed to retain any disclosable VPS or VLOR, even if this is contained within the dossier, and must only be provided under supervision. Such documents are removed from the dossier and retained by the Offender Management Unit (OMU) in the prison for safe keeping. This ensures that a VPS or VLOR is not shared more widely.

#### Disclosing victim engagement

- 6.20 Some victims may be concerned about the prisoner knowing that they are engaged in the VCS or that they are submitting a VPS or requesting licence conditions and ask that this information is not shared with the prisoner. This is usually to avoid potential *psychological impact* on the victim.
- 6.21 This can be delicate to navigate as the prisoner will need to know if a VPS has been submitted, even where non-disclosure is agreed, and there will nearly always be a gist provided. The gist, particularly where there is only one victim, will make it obvious to the prisoner who has submitted it, and so panel chairs will need to determine the rationale for withholding such information.

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<sup>16</sup> [HMPPS Handling of Sensitive Information Policy Framework](#)

- 6.22 **A key question panel chairs should ask themselves is whether withholding the name of the victim would be unfair to the prisoner.** If not, then more neutral references can be used: “the victim of the offence”, “the mother of the victim”, “the children of the victim”, etc. This will not conceal the fact that a victim is engaged with the VCS but will provide reassurances that names are not being used unless necessary.
- 6.23 Similarly, the prisoner will need to know about requested licence conditions, and again, it may be obvious that these are to protect the victim. It may be possible to take the position that the conditions have been requested by the COM, rather than the victim, but only where the COM is fully supporting them.
- 6.24 Where the case is proceeding to oral hearing both the VPS and licence conditions, in particular, are likely to be discussed in some detail. It may be unavoidable to disclose where the VPS and request for licence conditions originated. However, it should be possible to have these discussions without mentioning the actual name of the victim and this should be done wherever possible, if it is a concern for the victim.

#### *Naming victims on documents*

- 6.25 Full disclosure of information is the starting point but there will be some victims who do not wish their name to appear on documents that are shared with the prisoner. As mentioned in paragraph 6.20 above, this is usually to avoid potential *psychological impact* on the victim. The simple fact of knowing their name is on a document that is either read by the prisoner or in their possession can be triggering and cause anxiety.
- 6.26 In some cases, it may be that the victim has changed their name, and they do not wish the prisoner to know their new identity, or to protect their children or other family members.
- 6.27 Panel chairs should consider such requests sympathetically and balance the wishes of the victim against the rights of the prisoner. As mentioned in paragraph 6.22 above the panel chair should make a determination based on whether withholding the name of the victim would be unfair to the prisoner.
- 6.28 Whilst it will be obvious to the prisoner who the victim is in many cases, avoiding stating the name of the victim on documents may give the victim some peace of mind and reassurance that their wishes and concerns are being taken into account.
- 6.29 It becomes more difficult where there are multiple victims but again the principle of whether not knowing the name of the victim will be unfair to the prisoner should be applied.
- 6.30 Victims who are attending in some capacity other than reading their VPS, for example if they are observing an oral hearing, do not need their actual name on the timetable, as long as it is clear that a victim is observing.

- 6.31 Victims who are attending to read out their VPS, do not form part of formal proceedings and this does not need to be on the timetable. However, the parties need to know that this will be taking place.
- 6.32 There may be rare occasions where the victim will be so distressed by any information being shared with the prisoner that there may not be a viable solution. Unfortunately, it may be that a VPS or licence condition requests simply cannot be accepted if the outcome would be to traumatise the victim. Panel chairs will need to consider this very carefully and may wish to seek advice from the Board's Practice Advisor in such circumstances.
- 6.33 There is separate information about naming victims on licence conditions which is set out in section 13A of the *Licence Conditions Guidance*.

### Non-disclosure applications

- 6.34 Panels may often see applications to withhold a VPS from the prisoner.

- 6.35 The Code sets out the following:

*"The overriding principle is that the offender will see all information related to the parole review, unless in very exceptional circumstances the Parole Board agrees not to disclose it to the offender. This practice is consistent with the fundamental principles of our criminal justice system. However, if you do not wish the offender to read your statement you may ask your Victim Liaison Officer to apply for the statement to be withheld, under a non-disclosure application. There are rules about this which will need to be followed, including strict timeframes for making a request (eight weeks ahead of an oral hearing) and specific reasons for when information can be withheld, which are set out in the Parole Board Rules 2019. The final decision lies with the Parole Board. If the Board agrees not to disclose your Victim Personal Statement, the prisoner's solicitor may still have sight of it, although he/she may be required not to disclose it to the prisoner. If you request non-disclosure and the Parole Board turns it down, you may withdraw your Victim Personal Statement."*

- 6.36 In some cases, the victim may submit information to assist the panel to understand and contextualise any requested licence conditions. This information will be provided in Annex A of the VPS or by the VLO in a VLOR (Annex B of the VPS). This may be submitted with an application not to disclose the information to the prisoner. Such requests should be approached in exactly the same way as for a full VPS.
- 6.37 If a non-disclosure application for a VPS is received, panels should refer to section 12.12 to 12.16 of the *Non-disclosure Guidance*.

## **7 Member Case Assessment**

- 7.1 The VLO will be notified that a parole review is commencing at the same time as other agencies involved. Ideally, a VPS should be provided ahead

of the case being referred to the Board. However, a VPS could be received at any point during the parole review.

- 7.2 Where the VPS is not available in time for the referral of the case, PPCS and the VLO should aim for the following:
- For GPP cases serve any late VPS within four weeks of the referral, as these cases are held for 28 days awaiting the prisoner's representations before being submitted for MCA
  - For recall cases serve any late VPS within two weeks of the referral, as these cases are held for 14 days awaiting the prisoner's representations (if they are not already provided) before being submitted for MCA
- 7.3 These are broad timeframes only and the Board cannot unduly hold back a case if prisoner representations are received ahead of deadlines and a VPS is still awaited. The Board may allow the VPS to be submitted after the deadline, only if this does not unduly delay a review. This process must allow for handling of non-disclosure applications and any appeal.
- 7.4 Information about victim engagement should be set out in reports in the dossier. There should be a short analysis of the impact of the offence on the victim, which is disclosable.
- 7.5 The following questions should be covered within reports produced by HMPPS staff:
- Are any victims eligible for the VCS
  - Date contact was made with the VLO
  - Are there any victims that wish to submit a VPS
- 7.6 The MCA panel should check on the PAROM1 (for GPP cases) or Part B/Part C reports (in the case of recalls) to satisfy themselves that the COM has made contact with the VLO to seek the intentions of the victim in terms of submitting a VPS or requesting to observe an oral hearing, if there is to be one.
- 7.7 **If the victim does not intend to write a VPS, an MCA panel should not direct that one be submitted.**

No VPS in the dossier

- 7.8 If it is indicated that a VPS is to be submitted but it is not present in the dossier, the MCA panel should set directions seeking clarification if sending the case to an oral hearing (in order not to incur undue delay), or, may wish to direct a short adjournment whilst the situation is checked if it is likely that the case is to be concluded on the papers.
- 7.9 If a paper decision is going to be issued, it is important to check the availability of a VPS as **the victim must be provided with the opportunity to have their VPS read by the MCA panel.** Where a

release decision is made on the papers, the VPS may indicate licence conditions requested by the victim that need to be considered.

- 7.10 There are standard directions on the MCA Directions template to assist with seeking clarification about victim engagement.
- 7.11 The MCA panel must take steps to ensure that a victim's entitlement to engage with the parole process is not lost. Case managers or member assistants may be able to assist with this by issuing a request to PPCS to confirm the situation.
- 7.12 If the MCA panel is issuing a no release decision on the papers it may not be necessary to delay issuing the decision where a VPS is not present. This is because the VPS does not impact on the assessment of risk. However, this should be decided on a case by case basis and take account of the victim's entitlements.

VPS present in the dossier

- 7.13 If a VPS is available at the MCA stage, the MCA panel should consider whether:
- The VPS contains information that relates to risk, and if so, whether it is available elsewhere in the dossier
  - The VPS contains information that is inappropriate and needs to be removed from the VPS
  - There is a non-disclosure application
  - The victim has written the VPS or (unusually) another person has done so on their behalf and an explanation of the authorship has been provided
  - There are multiple victims, whether they each intend submitting a VPS and whether they have all been submitted
  - It is clear whether licence conditions have been requested
  - There are justifications for licence conditions: exclusion zones are relevant and proportionate and detailed maps have been supplied; non-contact requests are clear and enforceable
  - The victim is requesting permission to attend an oral hearing (if there is one) to read out their VPS or have someone else read it out on their behalf
  - The victim is requesting permission to observe an oral hearing (if there is to be one)

Dates to avoid

- 7.14 Victims may provide sensitive dates to avoid for an oral hearing (birthdays, anniversaries of index offence etc) as attending an oral hearing or receiving a decision on or around these dates is likely to be distressing.
- 7.15 The VLO must ensure that any sensitive dates provided by the victim are shared with PPCS at the earliest opportunity, as soon as the parole review starts, in order that these can be passed on to the Board.



- 7.16 Where this information is received by the Board ahead of scheduling an oral hearing, it will be considered. However, this information will need to be considered alongside other factors and, while reasonable efforts will be made to accommodate requests, it may not be possible without causing undue delay.
- 7.17 **If date requests are received after a case has been listed for an oral hearing, it will not be possible to change the date.**
- 7.18 Information about dates or timing received at the MCA stage should be noted in the panel logistics section of the MCA Directions template so that it can be added to the listing notes on PPUD.

### Completing the MCA assessment

- 7.19 If concluding the case on the papers, the MCA panel should clearly set out in the written decision if there has been victim engagement, and if so, how the panel took account of any VPS and requests for licence conditions. If there was no information from the victim at the point the case was concluded this should be stated.
- 7.20 **There is no entitlement for a victim to read their VPS to an MCA panel and this should not be offered.**<sup>17</sup> Any requests from the victim to read their VPS to an MCA panel should be refused, explaining that the entitlement is only for parole oral hearings.
- 7.21 If a victim requests to attend an oral hearing to read out their VPS or observe the proceedings but the case is to be concluded on the papers at the MCA stage, neither will be possible. It is the responsibility of the VLO to give an adequate explanation to the victim that there will not be an oral hearing.
- 7.22 When directing to oral hearing, the MCA panel should provide as much information about any requests from the victim (reading of VPS, observing, or dates to avoid) in order that the appointed panel chair can consider the necessary arrangements.
- 7.23 The appointed panel chair should undertake the same consideration as the MCA panel. Particularly, it is important to cross-check that a VPS has been received where the dossier indicates one is to be provided. If it appears to be missing, the panel chair will need to make enquiries.
- 7.24 More than one victim may wish to read out their VPS at an oral hearing and this should be accommodated wherever possible.

## **8 Requests to Attend an Oral Hearing**

### Request to read out a VPS

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<sup>17</sup> This is only for the MCA stage; if concluding the review under rule 21 a different approach should be taken – see paragraphs 8.71-8.73.

*Considering the request*

- 8.1 If a request is received at the MCA stage, this should be clearly flagged in the narrative section of the MCA Directions template.
- 8.2 It is likely that in most cases a request will come in after the MCA stage has been completed. PPCS will submit a Stakeholder Response Form (SHRF) to the Board and the prisoner/their representative (if there is one).
- 8.3 Once an oral hearing has been directed, there is a presumption that the victim can attend the oral hearing to read out their VPS, providing the request is made ahead of a panel chair being appointed. This gives greater certainty and more time for the victim to prepare for the hearing and make appropriate practical arrangements. The VLO will need to ensure requests to attend are submitted at the earliest opportunity before the hearing date.
- 8.4 Upon receiving a request, case managers will wait for up to five working days for any response to the SHRF from the prisoner or their representative.
- 8.5 Subject to there being no objections they will issue a preliminary confirmation that the victim can attend to read out their VPS, with the caveat that that the final decision rests with the panel chair. The request would normally only be rejected if subsequently there are security or other considerations, or a change in circumstances that make the victim's attendance untenable.
- 8.6 Where victim attendance to read their VPS is agreed through the presumption process, the case manager will bring this to the panel chair's attention as early as possible.
- 8.7 The panel chair will need to issue a confirmation about attendance in their Panel Chair Directions (PCDs) when setting directions for the oral hearing.

*Who can read the VPS to the panel*

- 8.8 Victims will usually read their VPS themselves via remote means, usually via MS Teams or in the Cloud Video Platform (CVP), from their home or other safe space.
- 8.9 Victims who do not wish to read out their own VPS may request that someone else reads it out on their behalf. Such requests should be made as early as possible so that arrangements can be included in PCDs.
- 8.10 It may be the VLO or perhaps someone who is supporting the victim in a personal capacity who reads the VPS in situations where the victim opts to be present for the reading but does not wish to read it themselves.

- 8.11 Where the victim is not present for the reading, someone else should be identified to read it out on the victim's behalf. Care must be taken to avoid a conflict of interest if another participant at the hearing reads out the VPS, particularly if they are linked to the prisoner. Suitable individuals could be a key worker, a member of the prison chaplaincy team, or someone from the Independent Monitoring Board at the prison or the OMU.
- 8.12 The Prison Offender Manager may be suggested as the person reading out the VPS, but, as this official may be closely associated with the prisoner's supervision, this should be avoided. If alternative arrangements cannot be made, all parties must be advised and asked to confirm that they are content. The final decision will rest with the panel chair.

*Prisoner attendance at the reading of a VPS*

- 8.13 Victims can express their preferences as to whether they wish the prisoner to be present during the reading of the VPS and these must be considered. However, the prisoner does not have to agree to the request and can make their own preferences known to the panel chair.
- 8.14 Where both the victim and prisoner are in agreement regarding the attendance of the prisoner, there is no issue.
- 8.15 However, where the victim wishes the prisoner to attend but the prisoner does not agree to this, the panel chair cannot direct their attendance. **The panel chair cannot insist that the prisoner is present.** To attempt to do so could impede the panel's assessment of risk, as the prisoner may feel resentful or upset and therefore not be able to give their best evidence to the panel. **Panels should not draw any adverse inference from a prisoner who declines to attend the reading of a VPS.**
- 8.16 Where the victim does not want the prisoner to be present, but the prisoner wishes to attend, the panel chair may seek to negotiate an arrangement where the prisoner's representative will attend but the prisoner will remain absent. The panel chair may wish to remind the prisoner that the VPS is within the dossier (unless subject to non-disclosure) and the victim will read their statement verbatim. Where the prisoner is adamant that they wish to attend then this must be conveyed back to the victim who will need to decide whether to proceed, look at alternative arrangements, or decide not to attend. **Exceptionally the panel chair can insist that the prisoner is not present** (see paragraph 8.18 below).
- 8.17 When determining how to proceed in such circumstances, the panel chair may wish to bear in mind that the victim may withdraw from the process and lose their entitlement to read their VPS.
- 8.18 **Exceptionally**, the panel chair may direct that the prisoner does not attend, even if it is against the prisoner's wishes. In making such a decision, the panel chair must be satisfied that such an exclusion will not:
- Impact on the principle of fairness to the prisoner

- Adversely impact the prisoner's ability to make representations to the panel
  - Unless a decision to withhold information has been made and the prisoner has had the opportunity to challenge that decision, prevent the prisoner being made aware of information that might influence the panel's assessment of risk
- 8.19 As the VPS should have nothing relevant to risk within it and has no bearing on the assessment of risk it should not be unfair to or disadvantage the prisoner if they are not present for the reading.
- 8.20 **It should be remembered that the written VPS is in the dossier and will have been seen by the prisoner under supervision (subject to any non-disclosure).**
- 8.21 Excluding the prisoner might be considered, subject to the above, in circumstances where, for example, failure to enable the victim to present their VPS directly to the panel would have a significant detrimental impact upon the victim or allowing the victim and the prisoner to come into contact with one another would adversely affect the health or welfare of either.
- 8.22 In all cases where the prisoner is represented and is not present during the presentation of the VPS, the representative should be present during the reading to provide assurance to the prisoner that only the reading of the VPS took place and nothing else was discussed save for the usual introductions etc. In some cases, the representative may opt not to attend, after taking instructions from their client.
- 8.23 Where the prisoner is unrepresented and will not be present whilst the VPS is read out, a member of prison staff or other nominated individual should be present to reassure the prisoner that the procedure has been fair. The prisoner will most likely have seen the VPS, but the panel chair should check with the prisoner that this is the case.
- 8.24 **If the VPS is subject to non-disclosure, the prisoner cannot be present.** In these instances, the panel chair should rely on rule 24(4) which provides for the removal of any person present from the hearing where evidence which has been directed to be withheld from the prisoner or the prisoner and their representative under rule 17 is to be considered. The prisoner does not have an absolute right to be present all the time. Again, it would be usual for the prisoner's representative to be present, however in these instances they should have previously given an undertaking not to disclose the information to their client. If they have not already given an undertaking, or refuse to give an undertaking, they cannot be present.
- 8.25 Ultimately, the attendance of the prisoner during the presentation of the VPS is a matter for the panel chair to decide.

*Planning and practical arrangements*

- 8.26 Once the panel chair has reviewed the case and is content for the victim to attend to read their VPS (after taking into consideration any change in circumstances or further representations from the parties) they will need to confirm the date and time for the VPS to be read out. This is usually before the official proceedings start, but can be at the end of proceedings, or on a different day if necessary.
- 8.27 The case manager will then organise the arrangements and confirm the appropriate mode of the meeting i.e. via MS Teams, telephone or CVP.<sup>18</sup>
- 8.28 The panel chair will need to set out who should attend the reading of the VPS. It will usually be:
- All members of the panel
  - The prisoner's representative (unless they have opted not to attend, after taking instruction from their client)
  - A representative from the prison, where a prisoner is unrepresented, to provide reassurance that only the VPS was read out and no other discussion took place, save for the usual introductions
  - The VLO or HMPPS Victim Representative, to support the victim on the day. The VLO will be the main point of contact with the case manager when making the arrangements
  - The victim\* and any agreed support person they may have with them

*\* The victim may not be attending if they have elected for a third-party to read the VPS out on their behalf.*

- 8.29 No one else should participate (unless by agreement of the panel chair).
- 8.30 It will be important to seek confirmation from HMPPS that both the victim and prisoner understand exactly how each will be attending to avoid any surprises on the day.

#### *Support for the victim on the day*

- 8.31 A victim may request that family, friends, or other personal contacts accompany them for support on the day. The presumption is that this will be agreed where reasonable.
- 8.32 The VLO (or on occasion the HMPPS Victim Representative) will support the victim throughout the process, as it can be quite traumatic.
- 8.33 The VLO will have contact with the victim in advance of the hearing to explain and confirm the proceedings. It should be noted that the VLO will not always be physically located with the victim on the day and may provide support remotely (perhaps from their workplace).
- 8.34 The VLO will remind the victim that they should be in a location where they cannot be interrupted or overheard, and that the connection should

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<sup>18</sup> *If the prisoner is going to attend, then the reading will need to take place within the CVP platform where the prisoner is to be on camera. If both the victim and the prisoner are content for no visual connection, then the prisoner can dial into an MS Teams meeting.*

be secure and stable. They will also need to confirm that anyone else present has been approved by the panel chair.

- 8.35 The VLO will be present for the duration of the reading of the VPS and can take over should the victim feel unable to complete the reading.

*Addressing the victim on the day*

- 8.36 The reading of a VPS can be distressing for victims. Reading their VPS via MS Teams or CVP can be a daunting prospect, and the possibility of facing the prisoner can be particularly stressful. The experience can trigger memories and emotions associated with the crime and may lead to re-traumatisation. Dealing with victims in a sensitive and understanding way on the day can help minimise any negative reactions.

- 8.37 **Panels should refer to the *Trauma Informed Practice Guidance for advice and best practice.***

- 8.38 Ahead of the reading, the panel chair should explain:
- Their role as panel chair and the role of co-panellists
  - Who will be in attendance and their roles
  - Whether the prisoner will be present (which will have been previously determined)
  - That as much time as necessary can be taken to read the VPS
  - That pauses are understandable and acceptable
  - That nothing can be added beyond what is contained in the VPS
  - That the victim does not stay for the duration of the hearing (unless granted observer status)

- 8.39 Even if repeating information given by the VLO or HMPPS Victim Representative, explaining what will happen at the hearing will have value as a victim may forget information when anxious. A professional and sensitive approach between victim and the panel chair will encourage trust and reassurance. The purpose is to help put the victim at ease as much as possible.

- 8.40 The panel chair should briefly explain the purpose of the hearing and the VPS and emphasise that the VPS has been read by the panel in advance. They should reiterate that the panel will not ask questions but will listen carefully to the reading of the VPS.

- 8.41 When everyone is settled the panel chair should invite the victim to read their VPS. The victim must stick to reading only the submitted content of the VPS and not add anything beyond the written statement.

- 8.42 If a victim has decided to leave inappropriate content in their VPS (as listed in paragraph 5.12) and attends an oral hearing to read their VPS, the panel chair may ask them, or anyone reading the VPS on their behalf, not to read the part considered inappropriate.

- 8.43 The panel chair should be aware of the effect on the victim of being asked to remove part of the VPS on the day and be sensitive to this issue. It

may be acceptable to allow the victim to read the VPS as written without drawing too much attention to any contentious parts, but it should then be made clear in the written decision if information within the VPS has been disregarded by the panel.

- 8.44 Victim participation can be a difficult and emotionally upsetting experience, so panels should aim not to interrupt while a victim is delivering the statement. However, if the victim adds content to the statement which is offensive, potentially inflammatory or prejudicial, the panel chair may intervene and ask the victim to return to the prepared VPS.
- 8.45 In cases where the victim repeatedly ignores a warning the panel chair may need to terminate the link but this should only be undertaken if all other options have been exhausted.
- 8.46 The victim should not be questioned about the statement or asked to elaborate on any point.
- 8.47 After the VPS has been read, the panel chair should thank the victim. Acknowledge again that it may not have been easy to participate and may have taken courage and determination. The victim should be informed about what happens next and the timescales for the decision.
- 8.48 The panel chair should not be tempted to provide the victim with additional information. If a situation arises where enlightening the victim on a point or development would seem helpful, the information should be passed to the VLO or HMPPS Victim Representative who will inform the victim appropriately.
- 8.49 A prisoner should not be given the opportunity to reply following the reading of the VPS, although they can refer to it in their own representations, both in writing and at the oral hearing.
- 8.50 Once the VPS has been read out and the panel chair has responded, the victim and any supporters will be asked to leave (unless they have been granted observer status). It may be appropriate for the panel to take a short break after the VPS has been read. In some cases, the content of a VPS can be very distressing and a brief pause in the proceedings enables all attendees to reflect and collect their thoughts before commencing formal proceedings and the taking of evidence.

#### *Victims attending from abroad*

- 8.51 A victim can join from any country to read their VPS to the panel. However, as a matter of good practice a panel chair should try and avoid a situation where the host country has indicated a witness<sup>19</sup> cannot give evidence or needs permission to do so. In such a situation, the panel chair should seek advice from the Board's Practice Advisor.

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<sup>19</sup> Whilst victims are not witnesses, in these situations, the principles for witnesses apply.

- 8.52 Where a victim is only joining to read their statement, and not to observe the hearing, there are fewer concerns about evidence from the hearing being overheard. However, the panel chair should still be content that the location is private.
- 8.53 As with VPS readings in England and Wales, if a victim is going to join from abroad to read their VPS, the panel chair needs to know that:
- The person is who they say they are – the VLO will need to ascertain this in advance of the day and confirm to the panel chair
  - The location and network connection is secure and stable
  - No one else will be present with them (unless previously approved)
  - They are not recording the proceedings
- 8.54 If the panel chair is concerned that any these requirements may not be met, the request can be refused. If concerns arise on the day the panel chair may, in the worst case, terminate the link.
- 8.55 In advance of the day, the panel chair should also highlight any concern about whether the victim has adequate support in the location from which they are reading the statement. Ordinarily, there would be an HMPPS Victim Representative or VLO in attendance to offer the victim support. Whilst it may still be possible to provide some support remotely, the VLO and HMPPS Victim Representative should confirm that this has been discussed with the victim.
- 8.56 An alternative option to the victim joining from abroad is for the victim to pre-record the reading of their VPS, which can then be played to the panel and prisoner's representative on the morning of the hearing or at another mutually convenient time. **The panel chair should note that any pre-recorded reading of the VPS should be submitted and viewed before the written decision is issued.**

*Victim attending the prison in person*

- 8.57 On the rare occasion where the victim has requested to attend the oral hearing in person at the prison, and the panel chair has agreed to this, it will be important for the panel chair to seek assurances from HMPPS in advance that all arrangements have been carefully planned.
- 8.58 The HMPPS Victim Representative should have all the required details and is the best person from whom to seek confirmation.
- 8.59 A victim attending an oral hearing at a prison will always be supported by an HMPPS Victim Representative on the day (and not a VLO). The HMPPS Victim Representative will be the main point of contact and keep the case manager informed of the arrangements.
- 8.60 It will be the responsibility of the prison to accommodate victims and anyone there to support them, but it is in the interests of the running of the hearing, for the panel chair to be made aware of the arrangements and ensure that the victim can properly engage in the process.



- 8.61 If the victim requires any reasonable adjustments, it is the responsibility of the VLO/PPCS to provide the required information to the prison in advance. It is the responsibility of the HMPPS Victim Representative to manage the arrangements on the actual day. The panel chair should check that everything is in place to avoid any delays or surprises on the day.
- 8.62 Arrangements for the victim to be met, escorted, and kept apart from the prisoner whilst attending the prison are the responsibility of the HMPPS Victim Representative. However, the panel chair should check on arrival at the prison that arrangements have been made to accommodate the victim, the HMPPS Victim Representative, and any supporters.
- 8.63 The normal practice should be for the victim attending in person to read the VPS to the panel at the start of the hearing and ahead of official proceedings. However, on occasion it may require alternative arrangements to be put in place to meet logistical needs. For example, where there may be security issues or other delays.
- 8.64 Once the reading has concluded, unless they have been granted observer status, the HMPPS Victim Representative will escort the victim and any supporter off the premises.
- 8.65 A Chair Checklist has been produced which provides best practice advice for when victims attend a hearing to read out their VPS. It covers both remote and in person attendance. It can be read on SharePoint: *Chair Checklist for VPS Reading*.

#### *Pre-recorded VPS*

- 8.66 In some cases, the victim may prefer to pre-record the reading of the VPS. This is a helpful option for victims who may not wish to attend a prison or read their VPS out *live* via remote means, where geography makes it difficult to travel, they may be overly anxious, or where they are unable to make the date of the hearing.
- 8.67 It is the responsibility of the VLO to arrange the pre-recording of the VPS where a victim has opted to do this. Staff across HMPPS have IT equipment that can easily pre-record a victim reading their VPS, either by video or audio, depending on the wishes of the victim, and subject to the agreement of the panel chair.
- 8.68 Whilst it may need some advance planning, this may be more convenient than the arrangements required for the victim to attend the hearing via remote means and may take less time on the day.
- 8.69 The VLO will need to confirm that the recording is a verbatim reading of the VPS (of which the panel should have a copy) and does not depart from the written document.
- 8.70 The recording will need to be provided to both the PPCS case manager and Parole Board case manager. They will need to liaise with each other

and the prison to put in place arrangements to play the recording on the day of the hearing. The principles of attendance during the reading of the VPS are the same as if the victim, or someone else, was reading it live on the day.

*Concluding a review using rule 21*

- 8.71 Where a case was directed to oral hearing at the MCA stage, but subsequently is to be concluded on the papers using rule 21, **any request previously agreed for the victim to read out their VPS should be honoured, where possible.** The victim should still be offered the opportunity to read their VPS to the paper panel.
- 8.72 A remote meeting (such as MS Teams) can be set up for this (usually no more than 30 minutes) either on the day the paper decision is made or at any other time deemed suitable, but before the written decision is issued.
- 8.73 If this is not possible then it may be helpful to provide a note that can be given to the VLO so that the reasons can be explained to the victim.

*Observing a private oral hearing*

- 8.74 Since autumn 2022, the Board has been supporting a testing phase for victims to observe hearings in two probation regions. Following this robust and extensive testing, the Secretary of State has confirmed that **victim observers is being rolled out nationally from 1 April 2025.** Following this date, all victims signed up to the VCS, either on a statutory or discretionary basis, are able to apply to observe a parole hearing.
- 8.75 Whilst every application must be dealt with on its individual merits, **there is a presumption that applications from victims should be accepted unless there are exceptional reasons not to.** Applications from victims should be treated sympathetically and sensitively since they are likely to have been significantly impacted by the prisoner's offending and have a legitimate interest in understanding how the Board makes its decisions.
- 8.76 **It would only be in exceptional circumstances that an application may be refused and sufficient reasons must be given for the refusal.**
- 8.77 Victims should talk to their VLO if they are considering observing a hearing and wish to find out more information.
- 8.78 Victims engaged with the VCS on a statutory basis are entitled to request that the Secretary of State make an application on their behalf to the Board to observe a hearing. They should ask their VLO to notify the HMPPS Victims Team and PPCS, who will make the request to the Board.
- 8.79 Victims who are engaged with the VCS on a discretionary basis will need to discuss with their VLO the options available to them. In general, under the VCS they are not permitted to submit a VPS, however, they should be

able to consider applying to observe an oral hearing.

- 8.80 Victims who are not signed up to the VCS should apply directly to the Board if they wish to observe the prisoner's hearing.
- 8.81 Applications need to be made within the timeframes set out in the Rules. Rule 14(4B) sets out that an application from any other person, which includes victims, must be made no later than eight weeks before the oral hearing.
- 8.82 In exceptional circumstances, a late application can be made but must be accompanied by a request for an extension under rule 9. The extension request must detail sufficient reasons as to why the application is being submitted late.
- 8.83 It should be noted that the panel chair may, at a later date, revoke the decision for an observer to attend if they consider it appropriate to do so because circumstances have changed. In such instances, the panel chair may suggest alternative options for providing the victim with information, as set out in paragraph 8.86 below.
- 8.84 Where a victim attends as an observer and they are signed up to the VCS, an HMPPS Victim Representative (or sometimes a VLO) will be in attendance to support them. They will generally meet at a local Probation Service office or other Ministry of Justice official building to join the proceedings. However, this will be arranged on a case-by-case basis through the HMPPS Victim Representative and the VLO.
- 8.85 Victims observing a hearing will need to sign a confidentiality agreement. This is different from the standard observer confidentiality agreement as it sets out in more detail the limitations on discussing the proceedings with other people.
- 8.86 Victims may wish to carefully think about whether they would wish to observe the parole hearing, and may prefer to consider other options which might meet their needs and/or could reduce any potential trauma for them:
- a) Request a summary of the Parole Board decision
  - b) Request to attend to read out their VPS to the panel but not stay for the rest of the parole hearing
  - c) Request that the hearing be held in public
- 8.87 More detailed information for panel chairs on considering applications from victims to observe a hearing can be found in Annex A.

#### Victim Expenses

- 8.88 The Board runs a scheme to reimburse expenses reasonably incurred by victims signed up to the VCS who attend oral hearings either at a prison establishment, secure hospital, or official MoJ premises or other building. This will usually be for a victim to read out their VPS to the panel but may

be for other reasons, such as observing a parole hearing or attending a public parole hearing.

- 8.89 The VLO will inform the victim about claiming expenses and submit the claim form to the Board Secretariat.

## **9 Public Hearings**

- 9.1 Any individual (including victims and prisoners) can apply directly to the Board for an oral hearing to be held in public. The normal position will be for parole hearings to remain private.
- 9.2 The VLO should inform the victim of their right to apply for a public hearing as soon as the parole review starts. If victims ask for the support of their VLO to make an application, the VLO will seek advice and support from the HMPPS Victims Team.
- 9.3 An application to request a public oral hearing should be made to the Board once a case has been directed to an oral hearing. Applications should be submitted to the Board at least 12 weeks before any scheduled oral hearing.
- 9.4 In exceptional circumstances, a late application can be made but must be accompanied by a request for an extension under Parole Board rule 9. The extension request must give clear reasons as to why the application is being submitted late.
- 9.5 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 will notify PPCS and the COM.
- 9.6 The Board will seek representations from both parties and any views from the victim will be included in representations from the Secretary of State.
- 9.7 All applications will be decided by the Chair of the Parole Board (or by a senior member with delegated authority).
- 9.8 The Board's decision will be communicated to the parties to the case and the applicant. The VLO will need to inform all victims linked to the case about the outcome and the decision will be published on the Board's web pages.
- 9.9 If a public hearing is granted, any person wishing to attend, including the victim will need to register.
- 9.10 HMPPS Victim Representatives will provide advice and support in the run up to the public hearing in order to prepare the victim and help them understand what to expect. The HMPPS Victim Representatives will support the victim on the day.
- 9.11 More information about can be found in the *Public Hearings Guidance*.

## **10 Deferrals and Adjournments**

- 10.1 If a victim is due to attend but the case is no longer progressing to oral hearing, it will be important for the victim to be notified as soon as possible. This situation may arise where the case is now to be concluded on the papers or, for example the prisoner is executively released by the Secretary of State under Risk-Assessed Recall Review (RARR) powers or transferred to hospital under the Mental Health Act.
- 10.2 **It is important that the victim is informed in all circumstances where the oral hearing is not going ahead. The victim may have been preparing to attend and is likely to be disappointed or distressed by the news.**
- 10.3 It is the responsibility of PPCS and the VLO to ensure the victim is notified but panel chairs may wish to highlight the matter to the case manager who can pass the information on.
- 10.4 If deferring or adjourning in advance of the oral hearing, the panel chair should ensure that their directions explicitly mention that the victim should be notified.
- 10.5 If the case is adjourned on the day, consideration should be given to whether the victim can still read out their statement or if they need to attend the reconvened hearing. The victim may be content to read the statement to the panel knowing that the hearing will not proceed but that the same panel will be considering the case at a reconvened hearing.
- 10.6 Attending a parole hearing more than once can be an emotional burden on the victim and therefore continuing with the reading on the day may be the better option. The victim should be offered a preference and, where possible, this should be accommodated. However, the final decision will rest with the panel chair.
- 10.7 It is not ordinarily appropriate for the victim to read the statement to the panel if the case is deferred as it will be a new panel considering the case.
- 10.8 Where an adjournment is required, this may provoke additional anxiety for a victim and therefore rescheduling should be dealt with as speedily as possible. Ideally a date should be secured with the parties and witnesses, and this should be included in the adjournment notice.
- 10.9 If the case needs to be deferred, then the deferral notice should explain that there is a victim engaged and set out whether the case should return to the listing queue or be prioritised or expedited (the reading of a VPS is not a reason in itself to prioritise or expedite but it may be a contributing factor to the approach to relisting).

## **11 Written Decisions**

- 11.1 The written decision templates have a section where victim engagement is recorded and whether a VPS was submitted and how it was presented. The options are:
- In writing, in the dossier
  - Read by victim at hearing
  - Read by someone other than the victim at the hearing
  - Pre-recorded and played at the hearing
- 11.2 The written decision should clearly state that when making a public protection decision about a prisoner, the panel took particular regard to the protection of any victim of the prisoner. **This is a requirement brought in by the VAP Act 2024 and is referenced in section two of this guidance at paragraph 2.15.**
- 11.3 In the *Any Other Information* section it can be helpful, particularly for the provision of summary decisions, to briefly set out the panel's reflections on the VPS. For example, that there has clearly been a long-lasting impact on the victim, or that the panel were moved by reading the VPS. It may be helpful to add something along the lines of:  
*"The panel had the benefit of a victim personal statement in the dossier from the victim. This information assisted the panel in understanding the impact of Mr/s P's offending."*
- 11.4 Where the VPS was read out to the panel, or pre-recorded, a further reference to assure the victim that the VPS was valued by the panel is recommended. This is also helpful to inform the writing of the summary decision. For example:  
*"Prior to the start of formal proceedings, the victim (or third party) read out their prepared victim personal statement to the panel. In attendance were the VLO, prisoner's representative and the panel (amend as appropriate). After the reading had concluded the victim and XX left the room. This information assisted the panel in understanding the impact of Mr/s P's offending."*
- 11.5 Panels should avoid naming a victim or their supporter in these statements. In general, it is not necessary to be explicit about naming an individual and generic titles could be used instead, such as the "victim", "a member of OMU staff" or "VLO" etc. More information about this can be found in paragraphs 6.25 to 6.33 above.
- 11.6 Licence conditions approved for a release decision should be referenced in the risk management section of the written decision. There must be a record of the panel's consideration of licence conditions. This should relate back to an identified risk, describe what has been agreed and explain why it is necessary and proportionate. Licence conditions must also be enforceable.
- 11.7 As well as being a record of the panel's reasons for the decision, this also assists others in giving information to the victim and taking account of the victim's wishes in the future, such as:

- Providing sufficient information in a summary decision to enable an understanding by the victim as to what conditions were set and why. Also explaining the reasoning if any victim conditions were not accepted or were varied. (This information would be provided by the summaries team in a covering message to the VLO when issuing a summary decision)<sup>20</sup>
- To provide duty members with enough detail and reasoning to inform their consideration of any licence variation requests in the future, including information about the victim's wishes

11.8 If a victim observed the parole proceedings, this can be recorded in the written decision in the same way as any other observer would be referenced. There is no need to provide any further information about the victim observing.

11.9 More information about writing decisions can be found in the *Reasons Writing Guidance*.

## **12 Summary decisions**

12.1 The Rules require the provision of a document, referred to as a Summary, to any person who requests it, except in exceptional circumstances.

12.2 The summary document is a brief overview of the written decision. It aims to be a succinct explanation of how a panel reached its decision to release or not release a prisoner or amend a licence (and in the case of an IPP/DPP prisoner, terminate a licence, where applicable).

12.3 Any victim registered with the VCS may request a summary of an upcoming decision, through their VLO, provided there is an active parole review at time of request. Where a victim requests a summary of a decision, the Board will provide this via the VLO.

12.4 Any victim not signed up to the VCS may request a summary by providing as much identifying information about the prisoner as possible as well as their own name, contact details and reason for their request. In these cases, the Board will provide the summary direct to the victim.

12.5 Under the Code a victim whose first or preferred language is Welsh may request that a summary of the decision be provided in Welsh. *Right One* of the Code *To be able to understand and to be understood* states at 1.7:

***"You also have the Right to submit a Victim Personal Statement to the Parole Board in Welsh, irrespective of the location of the offender, and to ask for a summary of the parole decision to be provided in Welsh."***

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<sup>20</sup> The Code specifically states: "consider all representations that victims have made about licence conditions; where a victim has requested a licence condition which has not been included, or has been amended, and provide an explanation for this non-inclusion or amendment"

- 12.6 The Board's duties in relation to the Welsh language are set out in the *Guidance on duties relating to the Welsh Language*.
- 12.7 Providing a decision summary in any other language is at the discretion of the Board. A summary will be provided where the costs are reasonable and there is clear benefit for the victim. More information can be found in the *Guidance on Translations and Interpreters*.
- 12.8 All requests for summaries should be made to the Summaries Team mailbox or via post.
- 12.9 Requests can be made up to six months after the decision has been made.
- 12.10 A summary will be provided as soon as is practicable, ideally within 14 days of the full decision being issued (subject to any exceptional circumstances)
- 12.11 More information can be found in the *Decision Summary Policy*.

### **13 Routes of challenge**

#### Reconsideration mechanism

- 13.1 The Reconsideration Mechanism was introduced on 22 July 2019 and subsequently amended on 21 July 2022.
- 13.2 In eligible cases, it allows either party (Secretary of State and the prisoner) to the proceedings to make an application for a parole decision to be reconsidered if it is considered that the decision was **irrational**, **contained an error of law** and/or was made in a **procedurally unfair** way.
- 13.3 The decision under challenge must relate to whether the prisoner should be released or not released or the decision on whether or not to terminate an IPP/DPP licence. A decision regarding a recommendation for open conditions or to amend or vary a licence condition is not eligible for reconsideration.
- 13.4 Only the parties to the proceedings can apply for reconsideration.
- 13.5 Victims can ask the Secretary of State to make an application to reconsider the decision where the case is eligible and meets one of the three criteria. Victims can only determine if the case meets the criteria after receiving a summary of the decision, so there is little time to make an application.
- 13.6 The request must be submitted by the victim to the Secretary of State as soon as possible. The Secretary of State will consider the request and only make an application to the Board if there is evidence that criteria are met. The application must be made within the 21-day window during which the decision is provisional.



- 13.7 Panels should be mindful of the involvement of victims if they are considering shortening the reconsideration window (under rule 9). A shorter window could be unfair on victims if they wish to request an application for reconsideration.
- 13.8 Shortening the reconsideration window should only be agreed in exceptional cases. The starting point of the timeframe in statute should be followed unless there is a good reason not to, for example where a release plan is time critical or there are serious health concerns.
- 13.9 A key question the panel must consider is: *Would granting the request be unfair or result in unreasonable disadvantage to the victim?*
- 13.10 Both parties should be allowed to comment on any proposal to extend or reduce the time frame.
- 13.11 If an application to reconsider a decision has been granted, a new decision will be made. If the application is refused the original decision stands.
- 13.12 More information can be found in the *Reconsideration Mechanism Guidance*.

#### Setting aside a decision

- 13.13 Following the commencement of section 133 of the Police, Crime, Sentencing and Courts Act 2022 on 28 June 2022, the Board has the power to set aside a decision.
- 13.14 For eligible cases, this power allows either party to the proceedings (Secretary of State and the prisoner) to make an application for a parole decision to be set aside where the criteria and tests have been met.
- 13.15 The decision under challenge must be a final decision and relate to whether the prisoner should be released or not released. A decision regarding a recommendation for open conditions or any other advice, a decision about a licence variation, or and IPP/DPP licence termination is not eligible for the set aside process.
- 13.16 Only the parties to the proceedings, or the Board itself, can make an application to set aside a final decision.
- 13.17 Victims can request (via PPCS) that the Secretary of State make an application for the decision to be set aside. To initiate this, applications must be sent to the PPCS case manager where the application will be checked and if necessary, more information requested.
- 13.18 Applications must be submitted within the time limits set out in the Rules.
- 13.19 Where the application to set aside a release/no release decision is due to a perceived error of law or fact, the time limit for filing an application is 21 days after the decision under challenge becomes final. The time limit for

challenging a release decision on the basis of there being new information, or where there has been a change in circumstances, is any time up until the point of release.

- 13.20 An application for a decision to be set aside cannot be made where the prisoner has already been released.
- 13.21 When considering a request from the prisoner to reduce the time limit, the position of the victim must always be taken into account. The 21 days is set out by the Rules with the intention of giving the victim enough time to obtain a decision summary, consider it, and identify any potential grounds to request that the Secretary of State make an application to set aside the decision. The Secretary of State will also need time to consider whether to make an application.
- 13.22 **Reducing the time limit may have the effect of disenfranchising the victim.** This will always act as a factor against reducing the time limit except in cases where there are no victims who might want to consider setting aside, or victims have indicated that they do not want to (or otherwise have no objection).
- 13.23 A key question the panel must consider is: *Would granting the request be unfair or result in unreasonable disadvantage to the victim?*
- 13.24 If an application to set aside a decision has been granted, a new decision will be made. If the application is refused the original decision stands.
- 13.25 More information can be found in the *Setting Aside a Decision Guidance*.

#### Judicial Review

- 13.26 Victims can take a case to judicial review but the introduction of the reconsideration mechanism provides an alternative which is swifter and more cost effective.
- 13.27 The Victims and Prisoners Act 2024 introduces an option for the Secretary of State to direct the Board, in certain cases, to refer a release decision to the High Court for review. A commencement date for this provision has not yet been set and it is currently not an option. It is understood that victims will be able to submit a VPS to the High Court for such cases, but further information is awaited.

## **14 Licence variations**

- 14.1 Victim related licence conditions are imposed for the physical and psychological protection of the victim.
- 14.2 They should not be amended unless there is a change in the circumstances of the victim, or circumstances arise that require action to be taken to manage risk posed by the individual on licence.

- 14.3 Guidance for COMs advises that they should not request amendments to licence conditions requested by the victim 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.
- 14.4 The COM must consult with the VLO when proposing an amendment to a victim related licence condition. This includes adding, amending or removing any victim related conditions, as well as suspension of supervision and IPP/DPP licence termination. Any changes must be necessary and proportionate.
- 14.5 The VLO will then seek the views of the victim and submit them to the COM to consider as part of the application.
- 14.6 Victims are not usually invited to complete a VPS for a licence variation but if they are eligible for the VCS and they decide to write a VPS it will be given to PPCS to add to the application and sent to the Board.
- 14.7 The above applies equally for referrals to the Board to consider terminating the licence of an IPP/DPP sentenced individual. However, in these cases, the victim will be asked if they wish to submit a VPS setting out the impact of terminating the licence will have on them.

## **15 Complaints**

- 15.1 If a victim considers that the Board has breached any of its duties under the Code or has a grievance about their treatment by the Board, a formal complaint may be made. The Board's complaints procedure is publicly available: [Parole Board Complaints Procedure](#). Procedures for handling complaints were informed by the Victims' Commissioner's review of complaint handling, and good practice as defined by the Parliamentary & Health Service Ombudsman.
- 15.2 *Right 12 of the Code To make a complaint about your Rights not being met* sets out information about making a complaint to a service provider. In particular, the Code requires service providers to be proactive and states:
- "If you send your complaint to the wrong service provider or it needs to be dealt with by more than one service provider, they will let you know."*
- 15.3 The Code also provides information about escalating a complaint to the Parliamentary and Health Service Ombudsman (PHSO).<sup>21</sup> The Ombudsman will consider any complaints referred to it and, where appropriate, undertake an independent investigation.

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<sup>21</sup> The Victims and Prisoners Act 2024 removed the requirement for a Member of Parliament to refer a complaint from a victim to the PHSO. From January 2025 victims will be able to write to the PHSO directly with their complaint.

- 15.4 The Board will investigate any complaint from a victim in line with the Complaints Procedure. Panels may be contacted as part of the investigation. The Board will assist the PHSO with any complaint that they are investigating.
- 15.5 More information about making a complaint can be found on the Board's web pages: [Complaints Procedure](#).

## **16 Further reading**

- 16.1 The Board published an information booklet for victims in 2015 which is now out of date and has been withdrawn. The Board has more recently produced the following two publications:
- [Aide Memoire for VLOs \(2021\)](#)
  - [Information leaflet for victims and Family and Friends of Victims \(2021\)](#)
- 16.2 There is information published on the Board's web pages, including a video and other material, which can be found here:
- [Our Commitment to Victims of Crime](#)
- 16.3 The Ministry of Justice has published information for victims which can be found here:
- [Guide to parole for victims of crime](#)
  - [Making a Victim Personal Statement to the Parole Board](#)
  - [Information about the Victim Contact Scheme](#)
- 16.4 Victims can also contact Victim Support: [www.victimsupport.org.uk](http://www.victimsupport.org.uk)