

VICTIM OBSERVERS

TECHNICAL GUIDANCE FOR PANELS

Victim Observers are always accompanied by an HMPPS victim representative.

For the majority of hearings they observe by joining the Cloud Video Platform (CVP) in 'Observer Mode'. This means they can see and hear everything that happens in the hearing, but their camera and microphone are disabled so they are unable to engage in the proceedings. Upon joining in 'Observer Mode' there is no way for the victim to respond to any discussion or question.

This guide will focus on the technical arrangements on the day.

However, it is important that prior to the hearing, the panel chair has:

- Noted in PCDs
 - any approved requests for exceptional logistics (eg prisoner or one or more witnesses off camera) so that the PB Victims Team can pick these up
 - the material which witnesses should not discuss in the open part of the hearing
- Liaised directly with the PB Victims Team about face-to-face, hybrid or telephone hearings so that arrangements can be made for the observation
- Reviewed the victim's joining time (this will be 15 minutes after the official start time of the hearing but chairs wishing to alter this should notify the PB Victims Team so that they can ensure the correct instructions are sent to the HMPPS Victim Representative)

Before the victim joins the hearing

- Recap with witnesses any evidence that should be discussed in closed session after the victim leaves the hearing
- Be aware of the number of connections expected (victims in two separate locations will lead to two connections (see multiple locations section below))

Steps to a successful victim observation on the day (video)

1. Lock the CVP hearing room
2. Grant the victim entry
3. Signpost breaks
4. Ask the victim to leave before starting the closed section (which will cover personal or sensitive details)
5. Explain any adjournments

Panel chairs will receive the name of the Hearing Support Officer as usual on the morning of the hearing. This contact can help with any difficulties the HMPPS Victim Representative is having joining CVP.

Should any messages of a non-technical nature need to be passed to the HMPPS Victim Representative please contact the team leader of the PB Victims Team, and copy in the PB Victims Team functional mailbox.

Step-by-step guide with screenshots

1. Lock the CVP hearing Room on entry

Panels should keep the room locked on entry

Admitting one hearing participant at a time is good practice so that each can be verified and their connection checked as they enter.

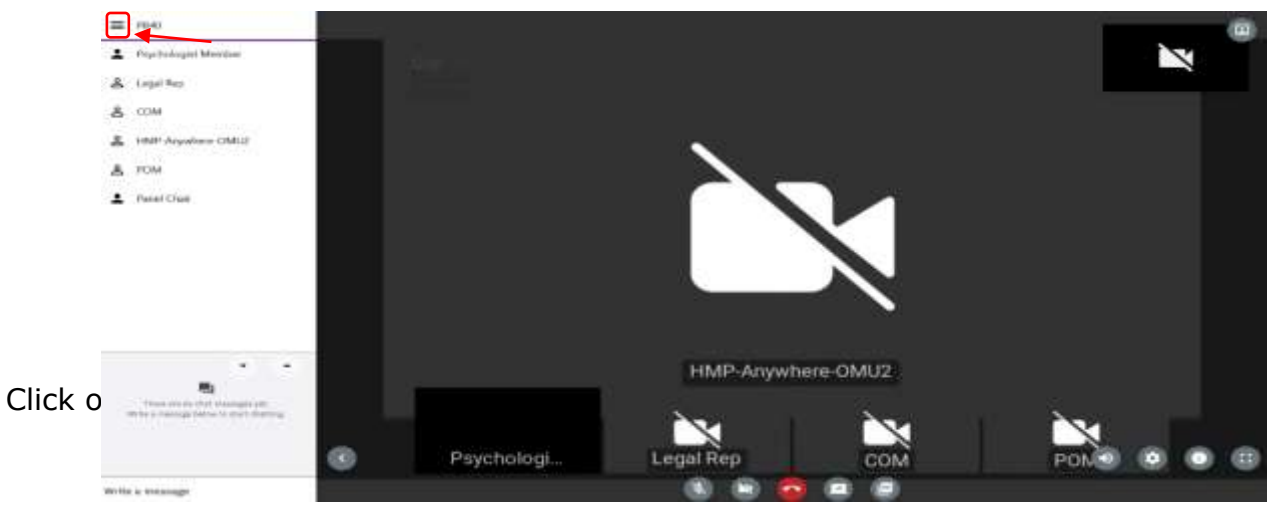
Panels should be mindful of a situation occurring where the room is left unlocked for a late witness and the victim observer is able to enter the room before the panel are ready. Locking the room prevents this. The late witness can be granted access to the room from the side panel in the same way the victim observer will be (as per the screenshots in the next step).

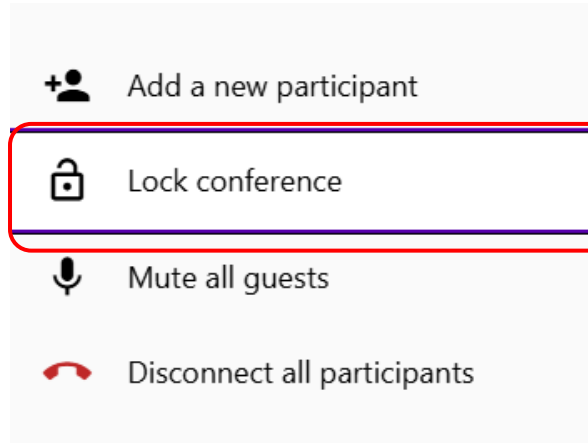
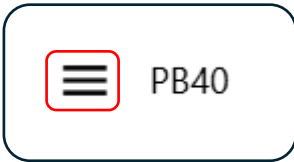
It is better to manage the hearing in this way than to have a victim observer enter when the panel are midway through setting up the hearing.

If it gets to the time the victim observer was asked to join and the panel are not ready, the chair should permit them to the room, explain more time is needed and ask them to leave and to return at a new designated time.

Remember that the victim/HMPPS Victim Representative cannot respond so panels must clearly state the new time trusting that they have been heard.

HMPPS Victim Representatives will contact the Hearing Support Officer if they are having any technical difficulties. Occasionally, they may use the chat feature. Panel chairs can ask the HMPPS Victim Representative to type in the chat if they wish but should be mindful that the chat is visible to all hearing participants and may be distracting.

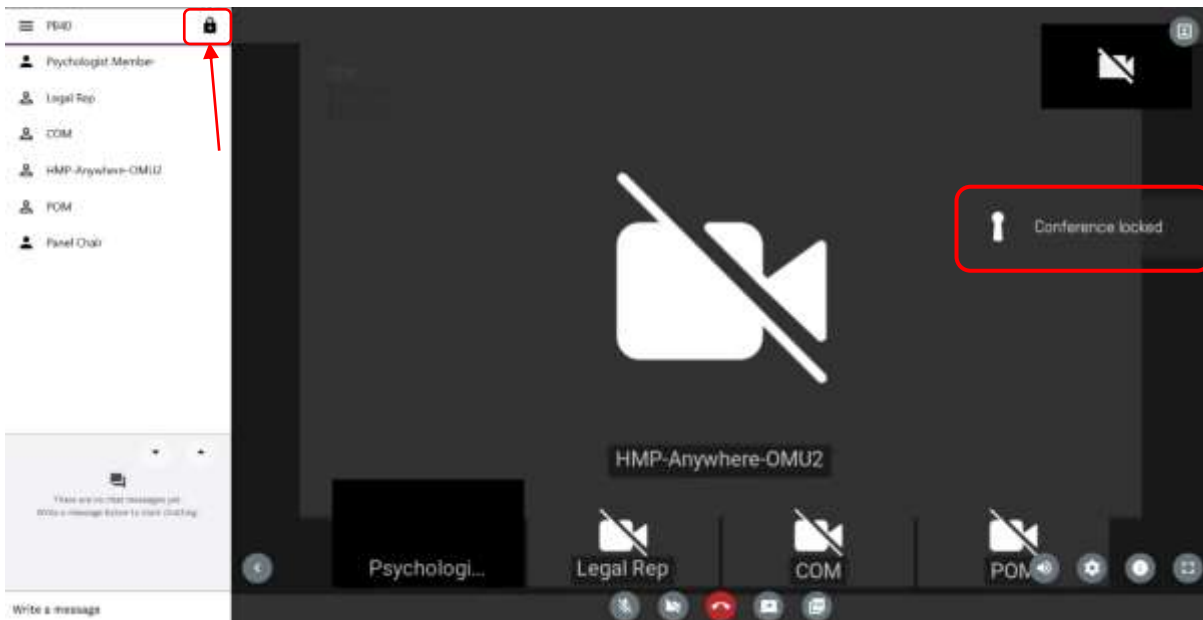




This will bring up the menu pictured on the right.

Select 'Lock Conference'

NB. It is good practice to also **'mute all guests'** to prevent noise disturbances during the hearing.



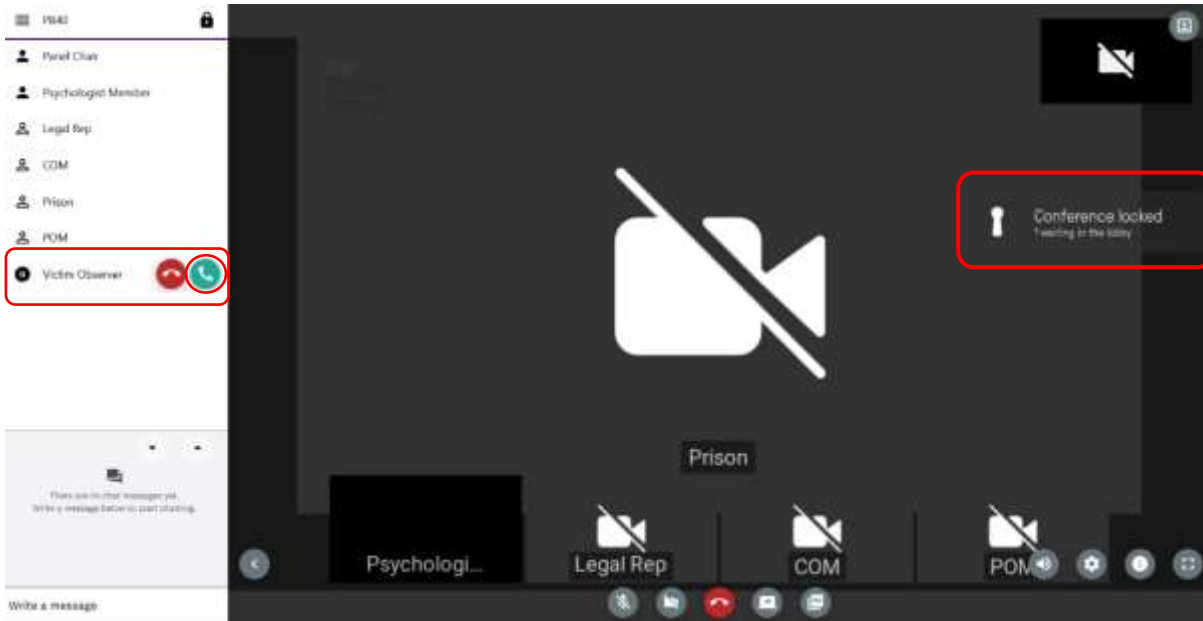
A padlock will appear to the right of the room name to show the room is locked. This remains visible throughout should the panel chair need to check whether they have locked the hearing.

On the far right of the screen a temporary message will appear following the command which says 'conference locked'. This disappears after a few seconds.

2. Grant the victim entry

With the room locked, the HMPPS Victim Representative cannot access the hearing until the panel chair (or an administrator e.g. the Hearing Support Officer) grant entry. If they are not granted entry to the hearing, the victim will remain in the lobby.

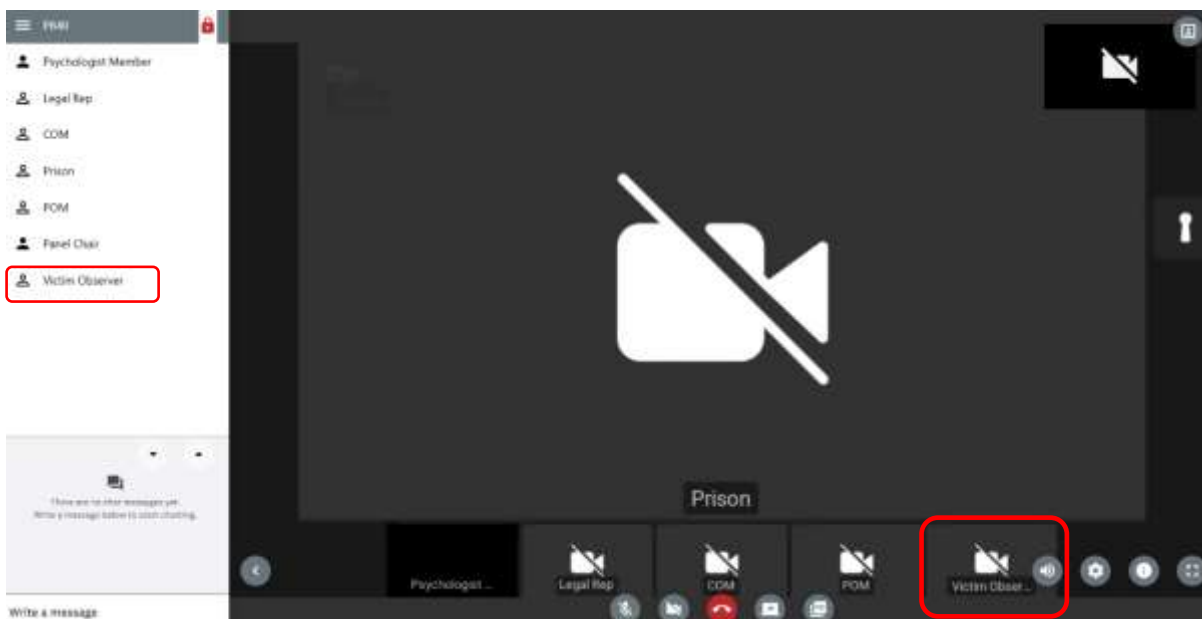
As above, if the hearing is delayed, it is good practice to grant the victim entry to the hearing and explain this. The victim can be asked to rejoin at an appropriate time.



Hearing participants will know the observer is attempting to join as 'Victim Observer' will appear on the side panel and all participants will hear a knocking sound.

On the right a temporary message will appear to say '1 waiting in the lobby'.

Once the panel are ready for the victim to join, press the green telephone button.

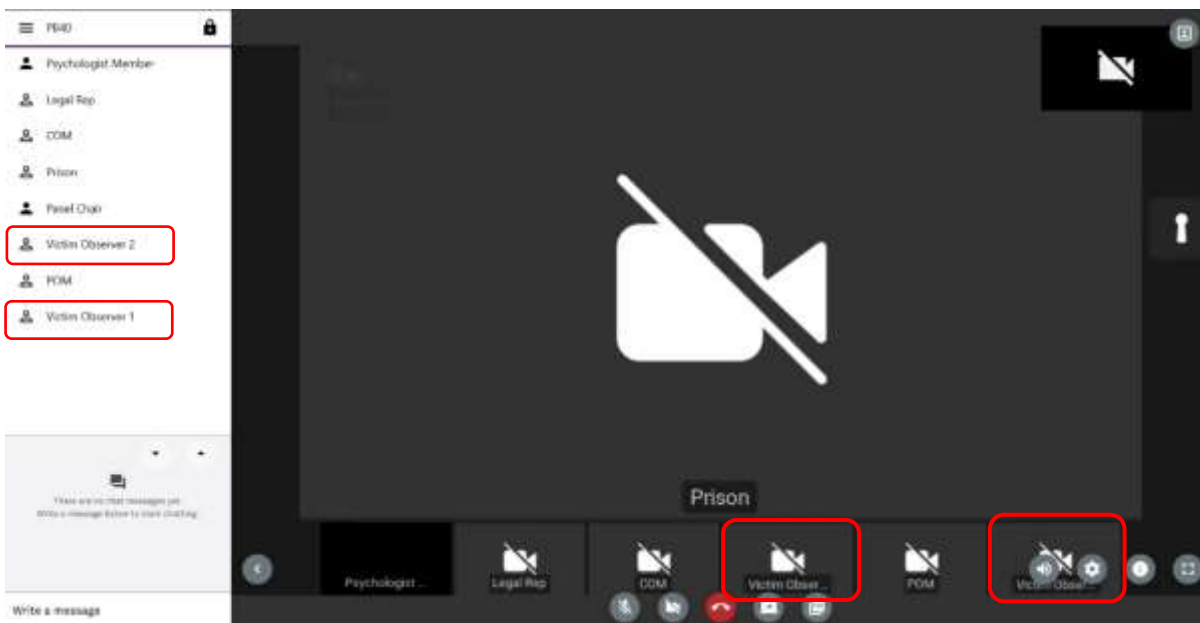


Hearing participants will know the victim observer has joined as a tile will appear at the bottom and they will be present on the side bar.

NB / Tip: If the victim observer tile cannot be seen along the bottom it may be because there are already seven or more thumbnails for other hearing participants. Ask the Hearing Support Officer to amend the layout to 21 participants (this will mean that everyone who is in the room can be seen on screen and the tiles will just be slightly smaller).

Remember: the victim cannot respond so the panel need to trust they are able to see and hear in the same way that other hearing participants can. The HMPPS Victim Representative has details of the Hearing Support Officer if there are issues.

Multiple Locations



In some hearings there may be victims joining from multiple locations. Usually if there is more than one HMPPS Victim Representative then the panel can expect to see at least two separate connections into CVP. They will be labelled 'Victim Observer 1', Victim Observer 2' and so on.

If panels are uncertain how many connections they should expect to see, it is possible to check this with the PB Victims Team.

NB. Approving multiple victims does not necessarily mean there will be multiple connections if they are all in one location. If the victims are viewing from two or more separate locations and there is only one thumbnail / tile on screen then not all victims have joined.

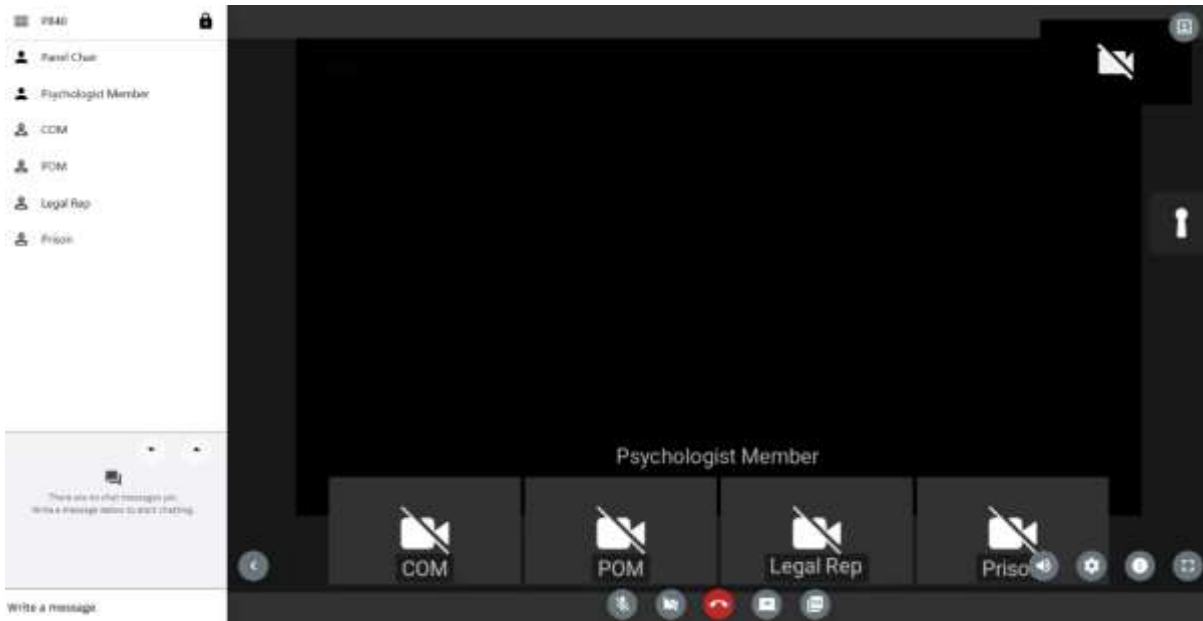
3. Signpost breaks

Panel chairs should clearly signpost breaks in the same way they would during any hearing, with a stipulated time to resume the hearing.

Victim observers can remain in CVP during breaks. HMPPS have asked witnesses to be mindful of their conduct and how it may be perceived but may need a reminder at times, particularly at the prison where they are usually unable to turn off the camera. It is natural for the POM and prisoner to converse during the break, but the victim may perceive certain behaviour or gestures on camera to be directed at them.

As mentioned above, it is good practice to mute all guests so that they cannot be heard during breaks.

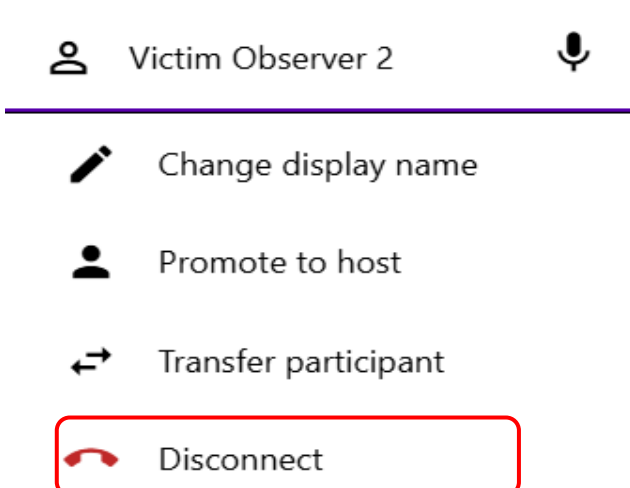
4. Ending the Victim Observation



When the panel are ready to take evidence in closed session the chair should indicate that the victim observation has come to an end and ask that the victim leaves the platform.

No message will appear when they leave the room, but panels will know the victim has left as they will no longer appear as a thumbnail or on the side bar.

As long as the room is locked, they cannot re-enter without being granted permission so the panel chair is able to proceed to the closed session.



Victims are supported at all times by an HMPPS Victim Representative.

In the unlikely event that they do not leave in a timely manner, the panel chair can click on the name 'Victim Observer' on the left side panel to bring up a menu and select 'Disconnect.' The participant will immediately be disconnected.

5. Explain any adjournments

It is best practice for the panel chair to grant the victim observer access to the room to explain any on-the-day adjournments. During the testing phase, victims found it useful to hear directly from the chair rather than to be told by secretariat staff that the hearing is to be adjourned.

It may become apparent that an adjournment is likely before the hearing formally starts. Even if this leads to delays and discussions which the panel do not consider appropriate for the victim to hear, the panel should update the victim periodically and should explain the adjournment once decided.

In some cases, the panel may have a direct link which was used for the VPS reading. The panel chair is discouraged from using this to explain any adjournment as the victim may find it difficult to resist asking questions and requesting detail about information the panel chair is not able to disclose.

Legal Consultations

The panel chair should request that the prison facilitate any legal consultation required between the prisoner and their representative. Many prisons will have a telephone in the hearing room or nearby.

Allowing for a legal consultation to take place in the Parole Board's virtual hearing room poses risks where victim observers have joining details to the room. It is possible the victim, or other attendees, could unwittingly disrupt the consultation. The legal representative will not have the same controls as the panel chair to keep them out of the room.

Victim Personal Statements (VPS)

Links for reading of the VPS should be sent by the Case Manager in the normal way. The victim observation does not impact this.

Generally, VPS readings will take place on a separate link to the hearing, in Microsoft Teams. Where a participant to the reading (whether this is the panel, the prisoner, or their representative) is located at the prison, a CVP link is required.

The victim cannot read their VPS on the hearing link in CVP as they are required to join in 'Observer Mode' with their camera and microphone disabled for the observation. They should not be asked to join the hearing room with 'Video + Audio' in order to read a VPS; this could create temptation to join in this way to interact with the participants during the hearing observation. **A separate link is required for the VPS reading, even where a victim observation is approved.**

The only instance in which the VPS reading should take place in the hearing room in CVP is when it is read by a third party.

Panels may allow victims to observe the third party read of their own prepared statement. If this is approved, consideration should be given to the timing of the reading and whether this can take place at the beginning of the observation after preliminaries have already taken place.

VPS readings are not part of the observation for other victims not reading a statement.

Exceptional Arrangements

Only the panel chair (or a duty member) can agree requests for exceptional arrangements. The PB Victims Team should always be made aware of exceptional arrangements agreed by the panel chair. Panel Chair Directions are a sufficient means of communicating these but the panel chair might choose to send an email on occasion to the Victims Enquiries mailbox if there are particular concerns.

There may also be occasions where a case management conference is held. Whilst this should be attended by a member of the PB Victims Team who will take a note of the arrangements, a written record is still helpful for hearing participants in the form of PCDs.

Examples of exceptional agreements are

- Logistics
 - The need to protect a prisoner's new identity (where an observation has been found to be feasible)
 - Anonymising the name of a hearing participant
 - A hearing participant appearing off camera
 - A witness or prisoner not giving evidence during the observation
 - Going in and out of open evidence

- a) Where it is possible panels should aim to take as much evidence as they are able to before ending the observation and moving into the closed session of the hearing. Recognising that this may not always be possible, if the panel chair knows in advance that it will be necessary to make exceptional arrangements, this should be outlined in PCDs so that the HMPPS Victim Representative can notify the victim.
- b) Some panels might decide that it is necessary to take some closed evidence prior to the start of the observation, in which case the start time for the victim observers might be adjusted to allow for this.

- Victims requesting an 'audio-only' observation as they do not want to see the prisoner. This can be arranged by the PB Victims Team. The HMPPS Victim Representative will be provided solely with telephone dial-in details for CVP
- Anonymising the prison location. This can be done easily by the panel chair (see screenshots section below)

If panels are uncertain whether or how logistical arrangements can be accommodated, they should make enquiries with the PB Victims Team.

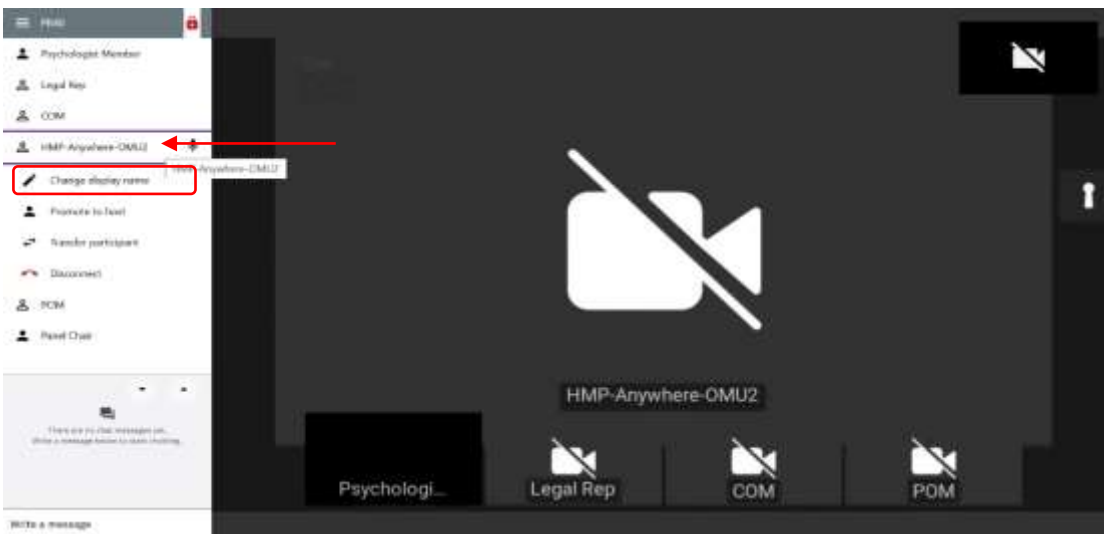
When considering requests from hearing participants not to be seen by victim observers, panel chairs should bear in mind that participants who are off screen during video hearings will not be seen by the panel either. This consideration may be even more pertinent if it is the prisoner requesting to be off camera.

- The panel chair may only approve that the prisoner does not need to appear on camera during the observation if they also do not need to see them during the hearing.
- Where a participant is given approval not to appear on screen, the experience of taking their evidence will be similar to a telephone hearing.

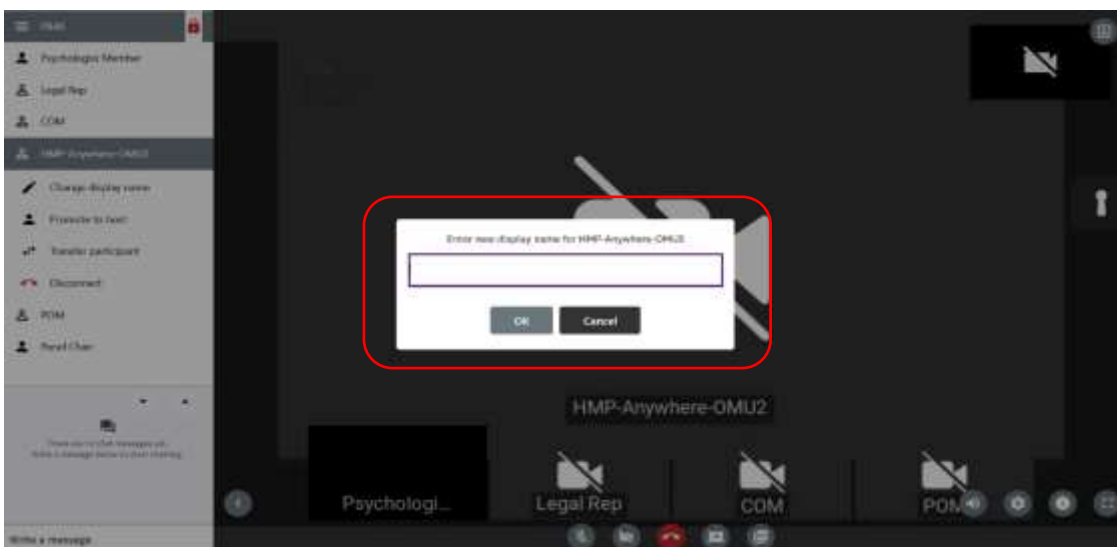
Prison Anonymisation

There may be circumstances where, based on information received, the panel chair takes the view that the prison location should not be visible to the victim.

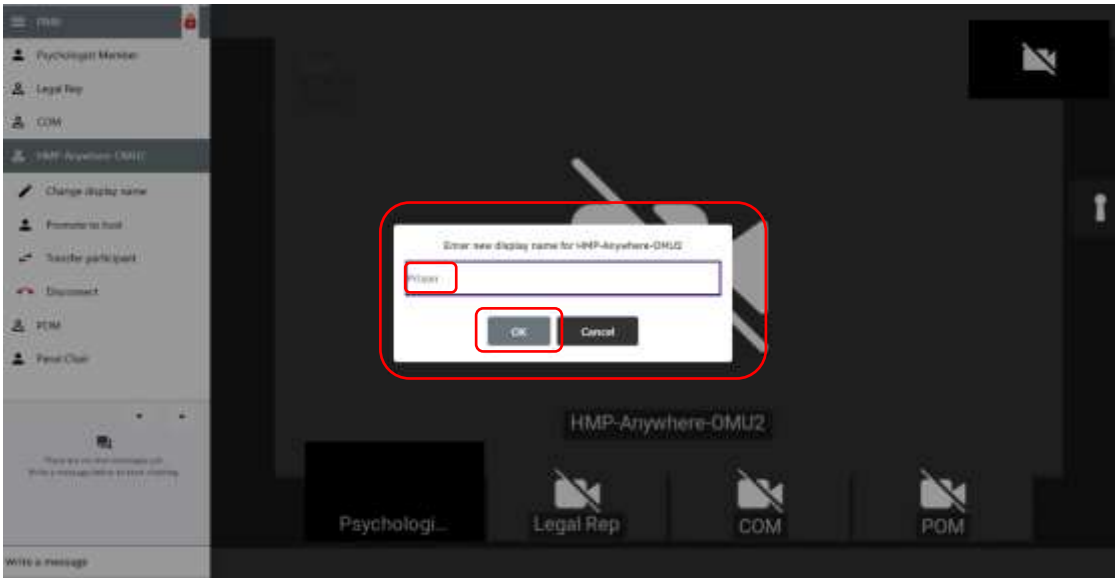
The below screenshots show how to anonymise the prison location:



Clicking on the name of the prison on the left-hand side bar will cause a menu of options to appear underneath. Select 'Change Display Name'.



Clicking on this option, a box will appear in the middle of the screen to enable the panel chair to change the display name.



Type "prison" into the box and click OK.

NB. Witnesses are not able to change their own display name from within the CVP room as they join as guests; only panel members with their host access can do this. Witnesses need to leave the platform and type their role into the box before re-joining if the panel has approved that they are anonymised.

The prison name, and any other display name, cannot be anonymised until that particular user has attempted to join so if there are concerns about the prison location being revealed, the panel chair should ensure the victim is not granted entry until any anonymisation is complete.

Should the prison lose connection during the hearing and need to be readmitted the panel should take a short break and ask the victim to leave. This will enable the prison name to be anonymised again. If this step is not followed, the prison name will appear on screen when they attempt to rejoin.

F2F / Hybrid hearings

Whilst the technical arrangements remain the same for face-to-face and hybrid hearings, there are challenges around the panel chair completing the steps set out above using the prison equipment (usually fixed videolink endpoints).

In hybrid hearings the panel chair can expect the following:

- The PB Victims Team will arrange to send a mi-fi device (dongle) to the panel chair which should allow internet access

- The PB Victims Team will ask the OMU (copying in the POM) to enter the CVP using the Host PIN and act as the host of the hearing on behalf of the panel chair if physically at the prison
(NB. The hearing cannot start without a host. The timetable contains the Guest PIN, but for hybrid or face-to-face victim observed hearings, the prison are given instructions to disregard the timetable and to use the PIN emailed to them)
- A Hearing Support Officer will be allocated in advance of the hearing and the panel chair will be notified of the name and their direct telephone number. The Hearing Support Officer will remain available throughout the hearing if required

Before the hearing:

- The chair should test the dongle before attending the prison
(IT support can assist with any issues)
- The chair should write down the name, email and telephone number of the Hearing Support Officer or store this on the desktop of their computer in case an internet connection cannot be achieved in the prison
- The chair may wish to print a copy of Annex A of the Victim Guidance and this technical guidance (making sure they use the latest version: *Victim Guidance*)

On the hearing day:

- Once inside the prison the panel chair should connect the dongle and contact the Hearing Support Officer via a message in Microsoft Teams to confirm they have internet access
- Before the observation, any participants who will not be on screen should position themselves outside of the scope of the camera lens (prison staff are able to zoom the camera in to exclude certain seats)
- The chair can then instruct the Hearing Support Officer to complete the actions set out in the steps above. This will include:
 - Locking the room
 - Confirming that any participants who are off camera can be heard remotely
 - Admitting the victim observer upon confirmation that the chair is ready
 - Disconnecting the victim observer if they do not leave when asked to do so
 - Anonymising the prison location in cases where this has been deemed necessary
- Once the hearing has started, it should be managed in the normal way with the chair signposting breaks and communicating clearly to the victim (but with knowledge they cannot respond)
- There will be some prison establishments where the dongle will not work as there will not be a signal. If the Hearing Support Officer does not receive confirmation from the panel chair that they have connected to the internet, they will join CVP at the hearing start time. The panel chair will hear them through the prison videolink equipment / see them on screen. The panel chair should communicate when they are ready for the victim to join so that the Hearing Support Officer can grant them entry to the room. The panel chair should also indicate if they need the victim to leave the room so that the Hearing Support Officer can manage this if necessary.

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- If internet access is intermittent the panel chair should call the Hearing Support Officer where necessary to inform them. As outlined, the Hearing Support Officer is required to join the room at the start of the hearing if they have not had contact with the panel chair and to remain in CVP silently if the chair does not have internet access so they can listen out for the panel chair's instructions
- The panel chair should be aware that some additional liaison with the Hearing Support Officer may be required if there are delays to the victim observation but the principles above apply in that the panel chair should permit observers to the room as soon as reasonably practicable to explain any delays and to give a new estimated time that they will be permitted to the hearing.

All victim observations require that the prison room contains video equipment. HMPPS are aware of this.

Should the panel chair wish to manage the videolink connection at the prison themselves using the remote control, the command # will bring up a numberpad known as the 'Touch Tones Menu'. Entering *7 after will lock the room, and repeating the same action will unlock the room. The full command is #*7

Should the victim observer drop out during the observation, they will need to be granted re-entry by unlocking the room (there is no facility on the prison videolink to grant individual entry without unlocking the room in the way there is on the side panel in the browser when members join using their laptop). The Hearing Support Officer can manage this; this information is contained purely for reference.

The panel chair should note that remote witnesses in a face-to-face hearing who are granted permission not to be seen by the victim will also not be visible to the panel. The panel should take this into account when deciding whether to approve these applications.