

Position Statement on Victim Observers

Delayed hearings and victim observer applications

Situations may arise where a parole oral hearing is delayed or is part-heard and adjourned to a future date. Questions have arisen about how this may impact on victim observer applications.

The starting point is always a presumption to observe and that should last for the duration of the parole review until the point of conclusion.

Once approval has been given it should only be revoked if circumstances mean it is no longer viable or safe for the victim to observe, and clear reasons will need to be given.

In the following scenarios the victim should not be required to make a new application if one has already been agreed:

Case is deferred

If a victim has already been approved to observe, then that approval should remain in place. The new panel should be notified of the fact.

If the application has not yet been considered (i.e. it comes in after the case has been deferred) it will wait until a new panel is appointed or be sent to a duty member to consider.

Case is part-heard

If a victim observes a part-heard case which is then adjourned, the approval to observe will still stand for the reconvened hearing. This will allow the victim to observe the rest of the open session.

If a victim was approved to observe but was unable to attend a hearing that was part-heard on the day (due to illness, they became unavailable, or other reasons) then this should be reviewed by the panel chair on a case-by-case basis. It may not be helpful for a victim to join a part-heard hearing, however where they do, it may be possible to provide a brief summary at the start of the reconvened hearing which may help.

Case is subject to a successful reconsideration application or set aside application

The original approval was to hear the review until its conclusion and so it should stand for any new hearing required under the reconsideration or setting aside provisions.



In all of the above scenarios, the approval does not need to be reviewed unless there are a change in circumstances or one of the parties submits new representations that will need to be considered.

A new application will be required in the following circumstances:

- A victim submits an application to observe a case after it has already been part-heard. This is a new application and must be considered on its individual merits. The panel chair will need to consider how much evidence has already been taken and whether sufficient evidence can still be observed by the victim to provide them with a meaningful experience. In general, this is not recommended but can be agreed to exceptionally.
- Where the reconsideration or set aside application was successful and linked to the fact the victim was observing then a new application will be required.

This change will come into effect on 1 April 2025 and guidance will be updated in due course.

Comprehensive information about victims observing parole oral hearings can be read here: [Guidance on Victims](#)

