

Observing a Public Parole Hearing

What you need to know:

The Parole Board is an independent court-like body that undertakes risk assessments to determine whether prisoners can safely be released into the community.

The Parole Board Rules allow for the provision of parole hearings to be held in public so that anyone can apply to listen to or watch the proceedings.

In order for a parole hearing to be held in public, it must meet a test where it is decided that in the *interests of justice* the proceedings should be open to the public. The Chair of the Parole Board (or a member with delegated authority) makes the decision about whether it meets the *interest of justice* test.

This leaflet sets out key information in relation to your attendance at the specified public parole hearing, which has been directed by the Chair of the Parole Board. This leaflet is for the use of you, the specified attendee only.

Your attendance at this public parole hearing is at the discretion of the Panel Chair, as set out in the Parole Board Rules. Final decisions about attendance at the public parole hearing remain at the discretion of the Panel Chair. Please note, the Chair of the Parole Board may, at any time, revoke the decision about a public hearing if they consider it appropriate to do so should circumstances change.

Section A: How a Parole Board hearing works

When a prisoner has served the punishment period of their sentence, the law requires their case to be referred to the Parole Board. Up to four members of the Parole Board (one of whom will act as the Panel Chair) will convene as a Panel for a public parole hearing, where they will consider a prisoner's progression based on a file of documents about the prisoner called a dossier. This includes information about:

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

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

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

At the start of the parole hearing, the Panel Chair will ask everyone to explain what their role is; this includes the other members of the Panel but will not include any members of the public attending the hearing. The Panel Chair will then explain the purpose of the parole hearing and what the Panel is being asked to decide.

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

The prisoner (or their representative) can also ask questions of the witnesses. Parole hearings are not like a court trial, as they are inquisitorial and not adversarial*.

The prisoner or their representative will then be invited to sum up the position on their behalf, which might involve reminding the Panel of what is believed to be the key points, further explanation of any issue, and whether the prisoner is seeking release.

In some cases, a victim will attend remotely before the hearing to read out their VPS to the Panel. Victims are not witnesses. They do not participate in the discussion about the prisoner or get asked questions.

No decision, or indication of a decision, will be given in the hearing.

Following the parole hearing, a decision is prepared by the Panel and issued to the parties (the prisoner and the Secretary of State for Justice) within 14 days, unless further time is required. The decision will cover the questions before the panel about potential release or a move to open conditions.

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

Decisions can also be set aside in exceptional circumstances, such as new information coming to light which pertains to risk.

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

Section B: How the Parole Board makes its decisions

The decision-making process is complex, with many different factors to consider. Not all decisions made by Panels will be popular despite them remaining as fair and objective as they can. The Panel will consider a wide range of information before arriving at a decision, including the original details of the offence, other offending, sentencing remarks and evidence of changes in behaviour and attitude achieved through the prisoner completing programmes whilst in custody. They must apply the test set out in statute, which is whether it is necessary for the protection of the public that the prisoner remain in prison.

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

- What was it about their situation that led to offending behaviour? Has the prisoner

addressed those issues?

- If the prisoner had a chaotic lifestyle previously (e.g., misusing drugs or alcohol) have they worked to address this?
- How does the prisoner intend to manage in the community? Panels look at the risk management plan prepared by probation professionals for details of where the prisoner plans to live, what kind of support they will receive from family and friends, and whether they will have a job.
- What is the prisoner's relationship like with their Community Offender Manager (the Probation person supervising them)? Will the prisoner be honest and open with them about any issues which arise once they are released?

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

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

Section C: Expected behaviours of attendees

All attendees will most likely watch a live stream of the hearing from an MOJ building. You will not be seen or heard by the participants of the hearing once it commences. There may be parts of the hearing which may have to be held in private (meaning that parts of the hearing is not open to the public). This may be due to discussions surrounding confidential issues such as proposed licence conditions; the prisoner's health and/or the details of the risk management plan. Sometimes, as the hearing progresses, the panel may need to discuss matters privately with the prisoner and witnesses. In such circumstances, the stream will be disconnected and will resume in public when able to. However, on other occasions, the private matters will be kept separate and dealt with on a separate day to the public hearing. There may be occasions when the hearing is delayed on the day unexpectedly. On such occasions we will update you accordingly but sometimes the hearing is unable to proceed on the day without warning.

As an attendee at a public parole hearing, you are required to abide by the following instructions:

- 1) As an observer you will attend a physical location to observe the hearing via a remote stream. You will need to travel to a local Ministry of Justice approved location;
- 2) Attendees do not take part in the hearing and do not give evidence to the Panel. You are not entitled to intervene, ask questions of the witnesses, or address the Panel Chair;
- 3) A digital audio, video, or any other recording, including screenshots or downloads of parole oral hearings by an attendee is strictly forbidden and constitute as being in contempt of court;
- 4) Attendees must abide by any conditions imposed by the Panel Chair or Parole Board official on the day;
- 5) Information discussed at parole hearings can be graphic in nature and distressing. It is important to ensure you have adequate support following the hearing, should you require it. Further information, including signposting to relevant services can be found in section E of this pro-forma;
- 6) Attendees should be aware that if you become disruptive, the Panel Chair can direct that you be removed from proceedings.

Please note that members of the press are usually present at public hearings.

Section D: Reporting restrictions

If you are reporting on a parole hearing it is important that you are aware of the following:

Parole Board rule 15 and section 170 of the Data Protection Act (DPA) apply to the passing on

of information that includes the name of any person concerned in the proceedings such as the name of any social worker, prison staff, the author of any report, any witness appearing at the tribunal, the prisoner's representative and the members of the Panel and their staff.

This means that the names of those who are taking part in the hearing, whether as witnesses or as the Parole Board panel, cannot be named either in the press or on social media.

Section E: Further information

1) A redacted decision will be written in all public hearing cases and it will be published on our website.

2) How to request a summary of the parole decision:

A member of the public can request a Parole Board Decision Summary (PBDS). The summary document is a short explanation of how a Panel reached its decision to release or not release a prisoner.

Further information can be found here:

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

3) Details relating to the Reconsideration Mechanism can be found here:

<https://www.gov.uk/guidance/challenge-a-parole-decision>

4) Details relating to Setting Aside a parole decision can be found here:

[Setting aside a decision - GOV.UK](#)

5) Support after attending a public parole hearing:

We recognise that the parole process can be unfamiliar and distressing for many people, particularly if you are attending a public parole hearing for the first time.

We strongly encourage attendees to consider what support they may need after the public parole hearing has finished. You may wish to talk about your experience with someone else, or seek some professional support if the things discussed will have upset you.