

Victims Member Guidance

September 2026 (V3.0)

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 to reflect: • Victims Code 2020 • Root & Branch Review of Parole 2022 • Changes following the Parole Board (Amendment) Rules 2024 • Victims and Prisoners Act 2024 • Inclusion of victim observer information
3.0	08/09/2026	Revised to reflect: • The Parole Board (Amendment) Rules 2025 • The Sentencing Act 2026 • Consolidating practice advice documents • The key revisions are set out in the Table of Changes

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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 current policy, 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 and policies
 - The Victim Contact Scheme (VCS)
 - Requesting licence conditions
 - Victim Personal Statements (VPS)
 - Considering the victim at the Member Case Assessment (MCA) stage
 - Victims reading their VPS at parole oral hearings
 - Victims observing parole oral hearings
 - Routes of challenge
- 1.3 Text in **bold** is used to highlight key principles or matters requiring emphasis following themes identified through practice queries.

2 **Legal Framework**

Code of Practice for Victims of Crime 2020

- 2.1 The Board's duties towards victims are prescribed by **legal requirements** within the Code of Practice for Victims of Crime, November 2020¹ ("the Code") issued pursuant to Section 32 of the Domestic Violence, Crime and Victims Act 2004 (DVCVA 2004),² which in turn observes the wider UK duties contained in Directive 2012/29/EU of the European Parliament and of the Council.³
- 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); or

¹ [*Code of Practice for Victims of Crime \(November 2020\).*](#)

² [*Domestic Violence, Crime and Victims Act 2004.*](#)

³ [*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.

- 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, 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 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, provide an explanation for this non-inclusion or amendment
 - Read a VPS if one is submitted
 - Consider any application by the victim 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 2020

- 2.8 The Prisoners (Disclosure of Information About Victims) Act 2020⁴ **places a statutory duty on the Board** to consider a prisoner's non-disclosure of information about victims in its decision-making.

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

- 2.9 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.
- 2.10 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 2024

- 2.11 The Victims and Prisoners Act 2024 codified the public protection test and introduced the following requirements:

(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.

- 2.12 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

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 about licence conditions and supervision requirements.
- 3.2 **Eligible victims must be automatically referred to the Victim Contact Scheme (VCS).**
- 3.3 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 release or where they are released. Victim Liaison Officers (VLO) working within the Probation Service support victims as part of the VCS.

Entitlements

3.4 Under *Right 11.3* of the Victims' Code, victims engaged with the VCS are entitled to information about key stages of the prisoner's sentence, including:

- *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)*

3.5 The above bullet points are reproduced verbatim as set out in the Code.

Victim eligibility with the Victim Contact Scheme

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

Victims engaged on a statutory basis

3.7 To qualify for engagement with the VCS, individuals will be a victim of a sexual and/or violent offence (or a bereaved family member where the victim is deceased) for which the prisoner is sentenced to 12 months or more in prison. Please see paragraphs 3.32 to 3.33 if the VCS victim has passed away.

- 3.8 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.
- 3.9 Victims signed up to the VCS on a statutory basis:
- Receive the full range of VCS entitlements
 - May opt out and re-join at any time while the sentence remains active
- 3.10 Where an eligible victim is not engaged, the VLO should consider renewed contact where:
- The prisoner continues to pose a risk
 - Risk has increased
 - The victim and prisoner are closely connected
 - The case is high profile and likely to attract media attention

Victims engaged on a discretionary basis

- 3.11 Occasionally, the Probation Service may use discretion to offer the VCS to victims who do not meet the statutory criteria. Probation staff will consider whether there are any victims or other individuals who do not statutorily qualify but may nonetheless be appropriate for referral to the VCS. Examples include:
- Other admitted offending not resulting in prosecution
 - Cases left on file without conviction
- 3.12 **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.
- 3.13 Where discretion has been used to offer contact to a victim, they:
- **Do not automatically have the right to submit a VPS via the VCS**, although exceptional cases may be considered.
 - **May 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).
- 3.14 Where a victim is not permitted to make an official VPS, they may still submit statements directly to the Board, which will not be rejected solely because the victim is outside VCS eligibility criteria. In these circumstances, a letter or written statement may be submitted directly to the Parole Board, for example via the Parole Board's Victims Team, or through one of the public email addresses, rather than via the usual VCS route. There is the same obligation in relation to these directly submitted statements as ones which come via the VCS with regard to content not permitted including any information that may relate to risk.

- 3.15 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 (RMP).

Multiple VCS members

- 3.16 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.⁵
- 3.17 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.
- 3.18 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).⁶
- 3.19 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 also include detail about the spent sentence and the impact it had on them.
- 3.20 **A victim of any spent sentence cannot 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 that victim would need protection and propose any suitable licence conditions for the prisoner's release on a different sentence.
- 3.21 For recall cases, the right to provide a VPS applies to the victim of the offence that the prisoner was sentenced for and on the licence for which they have been recalled.

⁵ To qualify for engagement with the VCS, individuals will be a victim of a sexual and/or violent offence (or a bereaved family member where the victim is deceased) for which the prisoner is sentenced to 12 months or more in prison.

⁶ A spent conviction is an expired conviction which, under the terms of Rehabilitation of Offenders Act 1974, can be effectively ignored after a specified amount of time.

- 3.22 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 the prisoner is convicted for that offence.**⁷
- 3.23 Victims who fall into the categories set out above who are not eligible for the VCS may decide to submit a written statement independently to the Board and in these circumstances, this will not be rejected.
- 3.24 Panel chairs can limit the number of VPSs 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.
- 3.25 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

- 3.26 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).
- 3.27 Alternatively, they could:
- Have the panel read their VPS
 - Have the VPS read out on their behalf
 - Pre-record it to be played to the panel
- 3.28 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).
- 3.29 If a young victim wishes to read the VPS themselves via remote means, an Appropriate Adult will also need to attend. More information on appointment of Appropriate Adults can be found in the *Children's guidance*.
- 3.30 Panel chairs should seek advice from the Legal & Practice hub if they receive a request for a victim under the age of 18 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.

VCS member living abroad

⁷ Alleged victims may be eligible for other entitlements set out in the Code not related to parole.

- 3.31 If victims are not a resident of England and Wales or relocate outside of these jurisdictions during the prisoner's sentence, they remain eligible for the VCS and remote contact with the VLO, where this is requested, until the Sentence Expiry Date (SED).

VCS member has passed away

- 3.32 In cases where the VCS member has passed away, the VLO may consider offering VCS status to a next of kin. This will primarily be when the cause of the death of the victim can be related back to the index offence. Where this is offered, the next of kin will have access to the same entitlements as the original VCS member. This is for the HMPPS Victim Team to determine, and the Board has no involvement.
- 3.33 Where the VCS member has died as a result of a reason unrelated to the index offence, the entitlement to the VCS ends.

Ending contact with the VCS member

- 3.34 Victims will be entitled to support through the VCS until:
- For standard determinate sentences, at the Sentence Expiry Date
 - Where the prisoner is serving an indeterminate sentence, contact will be continued even where the probation 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 end when the licence is terminated or the prisoner dies
- 3.35 The Victim Contact Scheme Policy Framework⁸ sets out the mandatory actions and guidance which HMPPS agencies must complete for all victims eligible for services under the VCS.

Victims not signed up to the VCS

- 3.36 Victims (statutory and non-statutory) who choose not to sign up to the VCS/are not eligible for the VCS can still engage in the parole process by writing directly to the Board. This could be to:
- Raise concerns about their safety
 - Ask to observe a private parole hearing
 - Request a public hearing
 - Request a summary of the parole decision
 - Make a complaint

⁸ [Victim Contact Scheme Policy Framework.](#)

- 3.37 Communications from victims not signed up to the VCS should be considered in the same way as for victims who are signed up to the VCS to **avoid potential unfairness or inadvertent discrimination**.
- 3.38 However, the victim will need to explain the reasons for their request, setting out any links they have with the case. The panel chair will need to consider carefully whether the reasons are of a nature that are sufficient and appropriate. This will usually be where the individual can clearly be identified as a victim of the offending or a close family member who has responsibility for the victim (such as a parent or guardian) but falls short of the definition for the purposes of entitlement for the VCS.
- 3.39 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.⁹
- 3.40 **If the victim is eligible for the VCS but not signed up, they should be encouraged to sign up, which will then provide them with access to more advice and support.**¹⁰ Where it is clear from reports that there is a victim eligible for the VCS but not signed up to it, panel chairs may wish to bring the matter to the attention of the Board's Victims Team, who can highlight this to the HMPPS Victims Team to check. The victim cannot be compelled to sign up to the VCS if they do not wish to.

Key people involved

- 3.41 **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 direct contact as victims are not visible to those attending the proceedings.

Victim Liaison Officers

- 3.42 The VLO is from within the Probation Service and will report to a local Victim Liaison Unit (VLU) that will be part of a wider Probation Delivery Unit (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.
- 3.43 The VLO will take over a case from the Victim Witness Care Unit upon completion of a trial that ended in conviction. 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.

⁹ At time of writing, the Board is in discussion with victim groups about how to best support victims who are not eligible for the VCS.

¹⁰ For example, advice with writing a VPS, or support with observing an oral hearing.

- 3.44 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 (see 3.4 above).
- 3.45 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 or restriction zone is accompanied by a map of the proposed zones¹¹
 - 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
- 3.46 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.
- 3.47 The VLO will liaise with the HMPPS Victims Team, PPCS and the COM and rarely need to contact the Board directly. Victim related requests must come via PPCS. VLOs may engage directly with the Board for cases 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

- 3.48 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.
- 3.49 The HMPPS Victims Team process applications for victims to attend oral hearings as observers. They will check that all relevant information has been provided and make the application on a Stakeholder Response Form (SHRF). The Board's Victim Team liaises closely with the HMPPS Victims Team to resolve case-specific issues and to improve joint processes and services where both organisations have a role.

HMPPS Victim Representatives

¹¹ The Sentencing Act 2026 introduced restriction zones which can be included on licences from 2 September 2026.

- 3.50 The HMPPS Victim Representatives are 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.
- 3.51 It is more usual for the HMPPS Victim Representative to support a victim who is observing a remote private parole hearing or attending a public parole hearing.
- 3.52 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.
- 3.53 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.
- 3.54 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.

Multi Agency Public Protection Arrangements (MAPPA)

- 3.55 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.
- 3.56 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.
- 3.57 Requested licence conditions may be discussed at a MAPPA meeting but 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.
- 3.58 More information about MAPPA can be found on SharePoint: *MAPPA*.

Multi-Agency Risk Assessment Conferences (MARAC)

- 3.59 Multi-Agency Risk Assessment Conferences (MARAC) bring professionals from multiple agencies together to discuss and share information about high-risk domestic abuse victims.
- 3.60 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.
- 3.61 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.**
- 3.62 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 parole process and/or the victim.** Panels should bring this to the attention of PPCS to consider taking appropriate action, which may include removing the information from the dossier.
- 3.63 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 and RMP, again, without compromising the process and/or the victim.
- 3.64 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 and The Code requires the Board to consider them.
- 4.2 Requests for licence conditions are found at the end of the VPS form. If the victim wishes to withhold certain 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 within the specified processes and timescales).
- 4.3 Detailed information about victim related licence conditions and the panel's consideration, including balancing the rights of the victim and prisoner, can be found in 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.
- 5.2 In the case of someone serving an IPP/DPP sentenced this may include the impact of terminating the licence, where the decision is being made by the Board.
- 5.3 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."

- 5.4 **The panel must always read a VPS if one is submitted before the decision is made.**

Writing the VPS

- 5.5 A victim will be supported in preparing and submitting a VPS by their VLO.
- 5.6 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.
- 5.7 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 the victim is a child/young person).
- 5.8 Under the Code, a victim whose first or preferred language is Welsh may submit a VPS in Welsh. *Right 1.7* of the Code under *To be able to understand and to be understood* states:

"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."

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

Content of VPS

- 5.10 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.

5.11 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 someone serving an IPP/DPP sentenced (where the decision is being made by the Board)

5.12 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

5.13 **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)
- Risk related information, such as allegations about the prisoner, that are not in the dossier
- Direct or veiled threats to, or critical comments about the prisoner or the Parole Board
- Abusive, threatening or discriminatory language

5.14 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 consider the potential additional distress to the victim that refusal might bring (see 'Dealing with Inappropriate Content' at paragraphs 5.29-5.32 below).

5.15 Photographs or other documents/information that may compromise the dignity or the safety of the victim should not be accepted.

5.16 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 and the victim will be informed that the Board may not accept a VPS that contains such material.

- 5.17 Any amendment to either the VPS or the victim's requests for licence conditions must be with the agreement of the victim.
- 5.18 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](#).

Information related to risk

- 5.19 There may be occasions where victims have information which goes beyond impact and may relate to current risk (for example unwanted contact or communication from the prisoner, or allegations of further risk related behaviour). The VLO will need to ensure that the information is provided to those managing the prisoner so that an assessment of its importance or impact on risk can be fully considered.
- 5.20 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.
- 5.21 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 should 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.
- 5.22 PPCS should be directed to corroborate the information by making reasonable attempts to investigate and cross-reference it with other reports in the dossier. The COM will assess any risk related information that can be corroborated and address its relevance in an addendum report. 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.
- 5.23 If the victim discloses risk information going beyond the impact of the crime or of the prisoner's release upon the victim, family, or community in the VPS, and despite all efforts no supporting evidence can be found to substantiate it, the panel member normally should direct that it is removed from the VPS. 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.
- 5.24 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. It needs to clearly set out exactly which parts of the VPS have been investigated and confirm the information is not available anywhere else in the dossier and set out what has been done to try and verify the information.

- 5.25 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.¹²
- 5.26 Panels will need to consider such information and determine its relevance and reliability to decide what level of weight, if any, to give it. **MCA panels, panel chairs and Duty Members must not direct victims to attend oral hearings as witnesses to be questioned about such information unless there are exceptional circumstances.** Panel chairs should contact the Legal & Practice hub for advice before directing a victim as a witness.
- 5.27 In some circumstances the VLO may provide a Victim Liaison Officer Report (VLOR) setting out information from the victim that may relate to risk, thereby providing them with an additional opportunity to provide further evidence if they are able to. This information may be subject to a non-disclosure agreement if the material is not to be shared with the prisoner. PPCS and the COM should review the material and determine how it should be considered and where relevant, presented to the Board.
- 5.28 Advice on how to consider a VPS subject to non-disclosure, and if it contains information relevant to risk, is in the *Non-disclosure guidance*.

Dealing with inappropriate content

- 5.29 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 some cases, it may be necessary to ask the victim to change their VPS, as some of the content may be inappropriate or irrelevant.
- 5.30 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.
- 5.31 **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.

¹² [HMPPS Handling of Sensitive Information Policy Framework \(paragraph 5.3.24\)](#).

- 5.32 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.

A VPS which supports the prisoner

- 5.33 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.
- 5.34 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).
- 5.35 Panels should consider whether the victim is making their VPS of their own free will and whether there is any question of influence or control by the prisoner. This can be particularly tricky in domestic abuse cases or where there are multiple victims from within the family unit.

Submitting the VPS

- 5.36 Where a victim writes a VPS, the Code requires that it must be submitted in writing and the panel must read it for themselves.
- 5.37 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.
- 5.38 Due to the nature of recall cases, the victim will have very little time in which to be notified of the recall and prepare a VPS to be submitted in time for the MCA assessment. However, VLOs will encourage victims to write their VPS so that it can be provided within 28 days alongside the statutory referral.
- 5.39 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.
- 5.40 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.”

- 5.41 Where the above deadline is missed, there are still opportunities to submit a VPS via rules 18(2)¹³ and 18(3).¹⁴ 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.
- 5.42 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)
- 5.43 **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.
- 5.44 The way in which the VPS is presented is a personal decision for the victim, but subject to agreement by the panel chair.
- 5.45 **Where the VPS is being read out (including pre-recorded readings), there must always be a written copy of the VPS submitted.**

6 Advice for Panels

- 6.1 The following section provides advice to panels on a range of situations and options.

Taking account of a VPS

- 6.2 The VPS does not directly link to the panel’s decision on whether to direct the prisoner’s release, 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

¹³ 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.

¹⁴ 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.

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.

- 6.3 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 context and information for the panel about the impact of the prisoner's actions on the victim and the level of damage and harm it caused to them and others.
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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

- 6.10 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.
- 6.11 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.

- 6.12 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. Panels will need to exercise caution when discussing RJ if a victim is observing the hearing. The RJ process may have not gone as planned or caused additional trauma to the victim and it may be upsetting for them to hear it discussed. If RJ is to factor in the taking of evidence, the HMPPS Victim Representative should be asked to ascertain how the victim viewed the experience. Where it was not a positive experience, it may be better for any discussion about RJ to be held in closed session. This could be explored at a CMC.
- 6.13 **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 any weight they place on it in the overall context of their risk assessment.**
- 6.14 More detailed advice is set out in the *Restorative Justice Guidance*.

Information sharing

- 6.15 The HMPPS Handling of Sensitive Information Policy Framework¹⁵ 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.
- 6.16 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 with the documents 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.

Non-disclosure

- 6.17 Some victims may be concerned about the prisoner knowing that they are engaged in the VCS or that they are submitting a VPS, requesting licence conditions or applying to observe an oral hearing and ask that this information, including their name, is not shared with the prisoner.
- 6.18 When considering request to withhold information the following principles apply:
- The overarching principle is that all material to be considered by a panel should normally be disclosed to the prisoner
 - Withholding of information, including the name of a victim, must be made through a non-disclosure application (NDA) and follow due process for rule 17

¹⁵ [HMPPS Handling of Sensitive Information Policy Framework](#).

- The full information, including the name of the victim **MUST** be provided within the NDA – the panel needs to know who is asking to remain anonymous

6.19 As with any NDA, the two grounds in rule 17(1) must be met:

- a) Disclosure of the material would adversely affect any or all of the following: national security, the prevention of disorder or crime or the health and welfare of the prisoner or any other person, and
- b) Withholding the material is a necessary and proportionate measure in the circumstances of the case

6.20 In these instances, the victim is “another person” whose health or welfare may be adversely affected.

6.21 There are **three** questions to consider:

1. Will/could harm¹⁶ be caused? A victim says that they will be distressed if the information is shared or they are named. **That is the evidence of harm.**
2. Will non-disclosure prevent that harm from manifesting (is ‘**necessary**’)? Is there a causal link presented in the application between the VPS being disclosed or the victim being named and the victim being distressed? This is the evidence that a grant of non-disclosure will prevent the harm.
3. Is non-disclosure fair (is ‘**proportionate**’)? Does the prisoner know enough about the case against them that they can respond to it? It is not whether they can guess the information or not. The content of the VPS or the identity of the victim is unlikely to go to the case against them, even less so when they can make a good or educated guess about who it is. Withholding the name of the victim does not make the process unfair.

6.22 The panel might conclude that it is necessary and proportionate for the VPS and/or the victim’s name to be withheld from the prisoner without impacting on the fairness of proceedings.

6.23 It may be helpful to note that the Court in the case of *Craven*¹⁷ confirms that the **victim’s rights outweigh those of the prisoner**, where they are otherwise on an equal footing. 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

¹⁶ Namely an adverse effect on national security, the prevention of disorder or crime and/or the health or welfare of the prisoner or any other person.

¹⁷ *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.](#)

crimes, to their anxieties and concerns, and to the risks of emotional and psychological harm". However, it does not extend to unnecessary interference.

Withholding the VPS

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

6.25 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."

6.26 Information about withholding the VPS in its entirety from the prisoner is set out in the *Non-Disclosure Applications* Guidance. There is also advice in circumstances where a VPS does contain information that may relate to risk.

Withholding names

6.27 The Board is seeing more cases where victims are seeking to remain anonymous when either providing a VPS or applying to observe a private oral hearing.

6.28 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. 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. It is also to avoid the perception of giving the prisoner power over the victim through disclosing current details about their identity.

6.29 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.

6.30 Requests to withhold the name of the victim will be made on the basis that the victim will be adversely affected by the very fact of disclosure

(rule 17(1)(a)(iii)), over and above the distress already caused by the offence and the forthcoming parole hearing, and that withholding the material is a necessary and proportionate measure in the circumstances (rule 17(1)(b)).

6.31 **Panels must be careful not to judge how adversely a victim may be affected as this can vary widely from victim to victim and is very personal to the individual.**

6.32 Two key points to consider:

- Will withholding the victim's name from the prisoner disadvantage the prisoner or lead to an unfair review, bearing in mind that the victim's name will not impact upon the assessment of risk
- Will refusing the non-disclosure application (NDA) likely impact further on the distress of the victim or lead them to disengage from the process.

6.33 It becomes more difficult where there are multiple victims but again the principle of whether not knowing/ being reminded of the name of the victim will be unfair to the prisoner should be applied.

NOTE: It is the responsibility of the VLO to explain to the victim about the impact of withholding their name from the prisoner and not set false expectations. Withholding the name of the victim does not mean the prisoner will not know who has written a VPS or who may be observing their hearing.

6.34 **It is important to note that the rule 17 NDA process must be followed before any name can be withheld.**

6.35 Whilst it is appreciated that engagement in the parole process can be an anxious time for the victim, these anonymity requests can cause dilemmas for panels. The following advice may assist when determining these requests.

Withholding the name from the VPS and victim observer applications

6.36 Where there is only one victim it will be obvious to the prisoner who the VPS or victim observer application is from even where the name is withheld. However, agreeing to the non-disclosure may:

- Help the victim psychologically deal with the circumstances knowing that their name will not be included on their statement
- Make them feel more secure that the prisoner is not being reminded of their name after what may be a significant time since the offending
- Protect their identity where they have changed their name, for example got married/ divorced or conversely where it may confirm that they have not changed their name

- 6.37 Where anxiety may have increased over time, the victim may become more distressed by disclosure of their identity, even where it was shared in a previous parole review. When observing a hearing the victim is not seen or heard on screen and keeping their name withheld from the prisoner may provide additional reassurance and make them feel safer and less exposed.
- 6.38 Even where the offending is within the family, the victim may still wish to limit their name being used to give them a sense of control over their own personal details. Again, it may provide some sense of safety that the prisoner is not provided with information about their current identity, irrespective of whether that has changed or not.
- 6.39 Their name at the time of the offending will of course appear in other documents in the dossier, but the point is to provide the victim with some control over their own statement/observer application and keeping the referencing of their current identity to a minimum.
- 6.40 **If the name is likely to be known to the prisoner, there is even less impact upon the proceedings by withholding it.**
- 6.41 Where there are multiple victims, this may be more complicated. There may be some victims who do not seek anonymity whilst others do. The principles are the same, and each victim must be considered on an individual basis.
- 6.42 As above, there is a balance to be made. Will withholding the name of the victim disadvantage the prisoner more than refusing the application would distress the victim? In most cases, withholding the name of the victim from the prisoner should not have any impact on the fairness of the parole review.
- 6.43 The important thing is that the prisoner **must be informed** that there is a VPS or victim observer application, and if any part of it is subject to a successful NDA, there **must be a gist**¹⁸ and the opportunity to appeal the decision. Given that a VPS should not contain any information relating to risk, a gist can be very brief. The status of any observer must be disclosed to the prisoner whether that be a professional observer, researcher, staff member in training etc, and this is no different for a victim.

Withholding the name of professional and personal supporters

- 6.44 There are sometimes applications to withhold the name of individuals supporting the victim both professionally and personally. These should be treated in the same way. However, for professional supporters, if their name is to be withheld, their official job title should still be provided to the prisoner. There may be a request to withhold the name of the VLO as they work in distinct geographical locations and are searchable online. This could inadvertently expose the location of a victim which will usually be the reason behind the request. The prisoner will still need to know that a

¹⁸ Summary or redacted version.

VLO is observing and supporting the victim during the observation even where names are not disclosed.

- 6.45 For individuals personally supporting a victim, withholding the name may avoid disclosing information about any relationships the victim may have or expose the level of distress they are still experiencing. For example, disclosing that a supporter is a partner or from a victim support group or wellbeing/emotional support service may provide the prisoner with personal information they were not previously aware of which the victim would not wish to share. It may be sufficient to simply confirm that the victim will be personally supported in addition to a professional supporter.
- 6.46 **The important point is that the prisoner should be informed of the number and nature of the observers, including any supporters.**

Withholding the name from licence conditions

- 6.47 Licence conditions must be sufficiently clear for the prisoner to understand what they mean and who they apply to, including non-contact conditions relating to victims. **A non-contact condition that is so unclear that the prisoner cannot comply with it is likely to be unlawful.**
- 6.48 Permission does not need to be sought from people named on a non-contact condition, nor can a person refuse to be included in a non-contact condition where it is necessary and proportionate to manage the risks and issues posed by the prisoner.
- 6.49 However, where the victim requests for their name to be withheld, HMPPS policy is that the COM will not include their name on the proposed condition, unless there is some reason that the prisoner could not identify them otherwise. Also, where the victim has changed their name, the COM will not include it on the proposed condition.
- 6.50 In some cases, naming a victim may be inappropriate, for example where it could cause emotional distress or reveal information unknown to the prisoner. Panels should balance the need for clarity against the potential psychological impact or inadvertent disclosure of information by naming individuals in the licence.
- 6.51 Names on non-contact conditions can be anonymised or altered as long as the prisoner will know who the person in the condition is. For example, "victim of the index offence" would be a specific person. However, care should be taken that any description applies to a defined set or limited number of people. For example, the phrase "victim and victim's family" could not be used, as a family group does not mean a specific group of individuals. The alternative "victim, victim's parents, victim's siblings" may be sufficiently specific to be used on the licence.
- 6.52 Information and guidance about withholding names from victim related licence conditions can be found in the *Licence Conditions 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 The panel should establish if there is a victim engaged in the VCS and information about this can be found in the COM's report.
- 7.5 The following questions are included in the report templates:

VICTIMS (Any information presented here should be disclosable to the prisoner)

- *Are any victim(s) **eligible** for the Victim Contact Scheme?*
 - *Date contact was made with the Victim Liaison Officer*
 - *Are there any victims that wish to submit a Victim Personal Statement?*
- 7.6 The templates only ask whether a victim (or victims) is eligible but not whether they are actively engaged. The COM should say "yes" to the first question where a victim is eligible even if they have not yet, or do not intend to, submit a Victim Personal Statement (VPS) or make any other requests. It is simply to notify the Board that a victim is eligible for the VCS.
- 7.7 The use of the term '*eligible*' is intended to protect victims who do not wish the prisoner to be aware of their engagement. HMPPS practitioners are unable to report on victim **engagement** where the victim has chosen not to disclose this. The HMPPS Victim Contact Scheme Policy Framework supports this approach in order to protect victims:

*In line with the PS OASys Assessment Quality Assurance (AQA) and Offender Management in Custody (OMiC) OASys AQA Tool (available on EQuIP), PPs and POMs completing a risk management plan **must include if a case is VCS eligible but must not include the status of engagement or the name or contact details of the VLO.***

- 7.8 In cases where the victim submits a VPS, makes a request to read out their VPS, or submits an application to observe an oral hearing, there is a natural declaration of engagement, even where non-disclosure may be involved.
- 7.9 A victim may ask for victim related licence conditions via their Victim Liaison Officer (VLO) and these may be submitted through a Victim Liaison Officer Report (VLOR). In some circumstances, the panel may only be notified that the requested conditions came via the VLOR report, but by the fact that there is a VLO involved, will indicate that there is a victim engaged in some way.
- 7.10 It should be noted that victim related licence conditions are sometimes only included within the COM report, in which case it may not be clear if a victim is engaged, has requested the licence conditions, or whether the victim is even aware of the requested licence conditions.
- 7.11 There is a **new mandatory placeholder in the dossier on PPUD** for uploading a VPS. The PPCS case manager is required to upload the VPS, where available, in time for the referral. Where a VPS is not available at that point, the PPCS case manager will upload a note advising if one is going to be submitted or not, or if it is still not known. This should assist the panel in determining if a victim is engaged and whether a VPS will be provided.
- 7.12 Whilst there will always be cases where the VPS is not available in time, the MCA panel must take steps, where possible, to ensure that a victim's entitlement to engage with the parole process is not lost. Where it has not been possible to obtain the VPS in time, the new mandatory placeholder should identify if one is expected.
- 7.13 **If the victim does not intend to write a VPS, an MCA panel must not direct that one be submitted.**

No VPS in the dossier

- 7.14 Where there is an eligible victim but no obvious indication of engagement or provision of a VPS, this may result in a VPS being missed. Where the position is unclear the MCA panel is asked to either:
- Include a direction for PPCS to confirm the position regarding the VPS if directing to oral hearing.
 - Request the case manager to contact PPCS urgently to confirm whether a VPS is to be provided, and if so, if it can be submitted within

seven days if intending to conclude on the papers. If necessary, the request can be escalated to a PPCS Senior Manager

- 7.15 The MCA Directions template includes standard directions to prompt HMPPS colleagues to provide relevant information without the need for the panel to issue specific directions. **Relying on the standard directions rather than issuing explicit directions may avoid inadvertently disclosing the level of engagement of the victim.**
- 7.16 However, where it remains unclear, a specific direction about seeking clarification about victim engagement may be unavoidable but the panel will need to be cautious about drawing undue attention to the matter.
- 7.17 It is important to check the submission of a VPS before a paper decision is made, whatever that decision may be, as this will be the only opportunity for the victim to have their VPS read by the MCA panel. **It is not possible to re-visit the MCA decision once issued.**
- 7.18 The VPS may indicate licence conditions requested by the victim that will need to be considered by the MCA panel where they are directing release.
- 7.19 MCA panels should avoid adjourning if possible. It may be feasible for a VPS to come in during the seven days for completing the MCA assessment. If PPCS advise that more time is needed for the victim to submit their VPS, the MCA panel should consider this sympathetically. Whilst MCA panels should avoid any unnecessary delay, setting a short adjournment to allow the VPS to be submitted may provide the victim with some additional time without causing a significant delay to the prisoner's review. This would not be possible where the MCA panel undertakes the review close to deadline.

VPS present in the dossier

- 7.20 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: restriction and 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

- 7.21 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.
- 7.22 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, so that these can be passed on to the Board.
- 7.23 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.
- 7.24 **If date requests are received after a case has been listed for an oral hearing, it will not be possible to change the date of the hearing.** This needs to be communicated to the VLO so they can notify the victim.
- 7.25 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. More advice on avoiding certain dates and reasons can be found in the MCA guidance.

Completing the MCA assessment

- 7.26 If concluding the case at the MCA stage, the panel should clearly set out in the written decision if there is an eligible victim, and if so, how the panel took account of any VPS and requests for licence conditions. If there is no information from the victim at the point the case is concluded, this should be indicated in the relevant field on the template.
- 7.27 **There is no entitlement for a victim to read their VPS to an MCA panel and this should not be offered.**¹⁹ 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.
- 7.28 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 at the MCA stage,

¹⁹ 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.

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.

- 7.29 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) so that the appointed panel chair can consider the necessary arrangements.
- 7.30 Where the MCA panel agrees to an application to read out a VPS, they must make it clear that this is **provisional** and will be reviewed by the appointed panel chair. **The VLO is responsible for explaining that the decision is provisional and, should circumstances change, it may need to be changed at a later stage.**
- 7.31 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.
- 7.32 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 Read out a VPS at an Oral Hearing

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.
- 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 **provisional** confirmation that the victim can attend to read out their VPS, with the caveat 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).

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. A request for a third party to read a VPS can also be approved under delegated authority.
- 8.10 The VLO or someone who is supporting the victim in a personal capacity may read 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, PPCS, working with the prison, should identify someone else 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 engaged in some way with the review of the case. Suitable individuals might be a member of the prison chaplaincy team, someone from the Independent Monitoring Board at the prison, a member of staff from the OMU or the VLO.
- 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. 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 wish the prisoner to be present, but the prisoner wants 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.
- 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.** However, the panel chair must be satisfied that such an exclusion will not impact on the principle of fairness to the prisoner. 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.
- 8.19 **Panels are reminded that the written VPS is in the dossier and will have been seen by the prisoner under supervision (subject to any non-disclosure).**
- 8.20 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.
- 8.21 In all cases where the prisoner is represented and is not present during the reading of the VPS, their representative should attend to provide assurance to them 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.
- 8.22 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.
- 8.23 **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.

8.24 Ultimately, the panel chair will make the final decision.

Planning and practical arrangements

8.25 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.

8.26 The case manager will then organise the arrangements and confirm the appropriate mode of the meeting i.e. via MS Teams, telephone or CVP.²⁰

8.27 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. No one else should participate (unless by agreement of the panel chair).*

8.28 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

8.29 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.

²⁰ *If the prisoner is going to attend, then the reading will need to take place within the CVP where the prisoner is 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.*

- 8.30 The VLO (or on occasion the HMPPS Victim Representative) will support the victim throughout the process, as it can be quite traumatic.
- 8.31 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). Panel chairs can request that PPCS confirm that appropriate consideration has been given to the arrangements for the victim attending from home, particularly in terms of potential emotional or psychological impact on the day.
- 8.32 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 be secure and stable. They will also need to confirm that anyone else present has been approved by the panel chair.
- 8.33 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

- 8.34 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.
- 8.35 **Whilst support for the victim on the day is the responsibility of the VLO, the panel chair should be satisfied that sufficient arrangements are in place in circumstances where the victim may become distressed and need assistance. This is particularly important where the victim is being supported remotely.**
- 8.36 **Panels should refer to the *Trauma Informed Practice Guidance* for advice and best practice.**
- 8.37 Ahead of the reading, the panel chair should explain:
- Their role as panel chair and the role of co-panellist
 - 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)

- 8.38 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.
- 8.39 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.
- 8.40 When everyone is settled the panel chair should invite the victim to read their VPS. The victim must read only the submitted content of the VPS and not add anything beyond the written statement.
- 8.41 If a victim has decided to leave inappropriate content in their VPS (as listed in paragraph 5.13) 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. The VLO must explain this to the victim in advance so that there are no surprises by such a request on the day.
- 8.42 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.
- 8.43 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.
- 8.44 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. The panel chair will need to explain that the reading of the VPS must stop and the link into the hearing will be ended.
- 8.45 **The victim should not be questioned about the statement or asked to elaborate on any point.**
- 8.46 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.
- 8.47 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.

- 8.48 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.
- 8.49 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 approved to observe). It may be appropriate for the panel to take a short break after the VPS has been read.

Victims attending from abroad

- 8.50 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 witness²¹ cannot give evidence or needs permission to do so. In such a situation, the panel chair should seek advice from the Legal & Policy hub.
- 8.51 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.
- 8.52 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
- 8.53 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.
- 8.54 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.
- 8.55 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

²¹ Working Abroad FAQ. Whilst victims are not witnesses, in these situations, the principles for witnesses apply.

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.** Please see paragraphs 8.66-8.70 for more information on pre-recorded VPSs.

Victim attending the prison in person

- 8.56 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.
- 8.57 The HMPPS Victim Representative should have all the required details and is the best person from whom to seek confirmation.
- 8.58 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.
- 8.59 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 smooth 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.
- 8.60 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.
- 8.61 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.
- 8.62 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.
- 8.63 Once the reading has concluded, unless they have been approved to observe, the HMPPS Victim Representative will escort the victim and any supporter off the premises.
- 8.64 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

- 8.65 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.
- 8.66 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.
- 8.67 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.
- 8.68 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.
- 8.69 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

- 8.70 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 panel.²²
- 8.71 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.
- 8.72 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.

9 Requests to Observe a Private Oral Hearing

- 9.1 Since 1 April 2025, all victims signed up to the VCS, either on a statutory or discretionary basis, can apply to observe a parole hearing.

²² This may not include all the panel members, and it may not be possible in situations where there is no availability to meet.

- 9.2 Permission for victims to observe private parole hearings is part of the drive to improve transparency of the Board's work and was a commitment made within the Root & Branch Review of the Parole System.²³ It is therefore important that proceedings provide a true reflection of how parole hearings work, whilst maintaining the overarching objectives regarding the protection of the public and fairness to the prisoner.
- 9.3 **MCA panels, panel chairs and duty members should apply the legislative requirement that there is a presumption that the application should be accepted unless there are obvious and exceptional circumstances.**
- 9.4 Advice in this section should be read in conjunction with *Guidance on Observers at private parole hearings*. There is separate guidance for panel chairs in cases where a victim is attending a public parole oral hearing: *Guidance on Public Hearings*.

Eligibility

- 9.5 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.
- 9.6 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 able to consider applying to observe an oral hearing.
- 9.7 Victims who are not signed up to the VCS should apply directly to the Board if they wish to observe the prisoner's hearing. Requests should be made to the Parole Board's Victims Team.

Timing of applications

- 9.8 Applications need to be made within the timeframes set out in the Rules. Rule 14(4B) sets out that an application must be made no later than eight weeks before the oral hearing.
- 9.9 The Board encourages VLOs to discuss with the victim the option to apply to observe as early as possible, ideally as soon as the case is referred to the Board and at the latest once they become aware that an oral hearing has been directed. However, it is appreciated that this is an important decision for the victim to make and can take some time to consider.
- 9.10 Panel chairs have discretion to consider applications made nearer to the date of the oral hearing. 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

²³ [Root and Branch Review of the Parole System - GOV.UK](#).

submitted late. It is for the panel chair to decide whether to accept the late application using the power contained in rule 9 to vary the timeframe.

- 9.11 Where the deadline is missed it can be difficult to make suitable arrangements in time. Panel chairs will need to consider if there is enough time to prepare effectively ahead of the oral hearing (which will often require convening a CMC), particularly where non-disclosure has been requested.

The application process

- 9.12 Victims can apply to observe a private parole hearing under Parole Board rule 14. Victims apply under rule 14(4B):

14 (4B) Any person may request admittance to an oral hearing as an observer under paragraph (4A)(a) by making a written application to the Board, but such an application may not be made later than 8 weeks before the date allocated for the oral hearing under rule 22.

- 9.13 The HMPPS Victim Representative within the HMPPS Victims Team will prepare an SHRF making the application for the victim to observe. The HMPPS Victim Representative will pass it on to PPCS to submit to the Board. PPCS must ensure timely communication of the application within the necessary timescales or reasons given.

Application information

- 9.14 The following information should be provided in the SHRF in order for a decision to be made:

- The application must clearly state if it is in time, if not, a late application must be submitted to consider the application under rule 9
- The name/s of the victims²⁴ (or the family member and their relationship to the family) who wish to observe
- Confirmation that the victim is signed up to the VCS either as a statutory victim or on a discretionary basis
- Whether they wish to have someone else (for example family member or friend) attend to provide personal support (including whether they would also observe or just be close by); the relationship to the victim of the personal support should be set out in the SHRF
- Who will provide the official support, this will usually be an HMPPS Victim Representative
- Whether the relevant VLO would also be in attendance to observe
- The proposed location from where the victim will observe the hearing (for example a probation office or Ministry of Justice building)
- Whether the victim would wish to see the prisoner on screen or not (the default position is that the prisoner will be on screen)
- If the hearing is part-heard, the application must clearly state if the applicant is aware of this when submitting their request

²⁴ See section six on handling non-disclosure issues.

- If there is a change in the prisoner's name or identity, the application must clearly state if the applicant is aware of this when submitting their request
- 9.15 Where a victim asks for other individuals to accompany them for personal support (family member, friend etc) the panel chair should consider whether this would have any additional impact on the hearing. It may be that the individual can be close by but not in attendance during the observation. The Board has no authority to consider requests for other individuals to attend a probation office or other agreed official location and can only direct who should be in the room where the proceedings will be observed.
- 9.16 If the application is to request that an "official" observe on behalf of a victim, please refer to paragraphs 9.144 to 9.148.
- 9.17 The SHRF may mention the reading of the VPS although this will most likely have already been considered separately. Requests to observe the hearing are separate to requests to read out a VPS. The two processes should be considered as separate events. For requests to read out a VPS see Section eight.
- 9.18 The SHRF will be sent to the Board and processed by the Victims Team. The relevant case manager will be copied in and kept informed of how the application proceeds.

Representations from the parties

- 9.19 Once an application to observe a hearing is received under rule 14(4B), the Board will notify the parties and provide an opportunity for them to submit representations setting out any concerns or reasons why a victim observing would not be appropriate. There is no set timeframe for submitting representations, but rule 14 (4C) states:
- "14 (4C) On receipt of an application under paragraph (4B) the Board must inform the parties that the application has been made, and must provide an opportunity for the parties to make representations to the Board on the application."*
- 9.20 Depending on when the hearing is listed, an appropriate timeframe will be set (i.e. 14 days) in order for the application to be considered fully, ahead of the hearing. This provides the prisoner and/or their representative with seven days to submit any representations and then the panel chair has a further seven days to consider the application.
- 9.21 Representations should already have been provided within the SHRF, but this should be checked. Where the panel have no concerns, the presumption should be applied and request approved. However, there may be concerns, objections or requests including setting out views on:
- The impact on the prisoner
 - Being seen by the victim

- Disclosure of sensitive information that may put the prisoner at risk
 - Disclosure of information about other offending and other victims
 - Potential delay to the hearing or making it more lengthy
 - Viability of putting in place arrangements
 - Other concerns from the parties
- 9.22 The Board has published an information sheet for prisoners to assist them with understanding what happens if a victim applies to observe their oral hearing. It can be found here: *Prisoner Information Sheet*.
- 9.23 Objections should not automatically result in a refusal for the victim to observe but should be taken into consideration as part of making the decision. **In most cases, workaround options should be possible.**
- 9.24 This may present a particular challenge if the prisoner is unrepresented but should not be a reason to refuse a victim the chance to observe. The prison should be directed to explain the circumstances and what a victim observing means to the prisoner so that they can then make an informed decision about submitting representations.
- 9.25 The witnesses of the parties have a legitimate interest in being able to submit any points they may wish to be considered, and these should come in either via PPCS (for HMPPS agencies) or via the prisoner/their representative within the necessary timescales.
- 9.26 It is expected that professional witnesses will be able to present their evidence irrespective of a victim observing. If a witness is particularly anxious, they may be able to provide evidence with their camera switched off (but this is not recommended). Again, a possible workaround option should be considered before refusing the request from the victim to observe.
- 9.27 The Secretary of State may consider submitting representations against the victim observing if they believe the proceedings will be unduly compromised, or witnesses overly distressed, or there are security concerns. Probation should notify PPCS if they are aware of anything that may suggest a victim observing is not appropriate, for example there may be emerging issues in the community that could compromise either the prisoner or victim.
- 9.28 Representations should not determine what information may distress the victim. Each victim is different, and it must be their own decision on whether they wish to hear content discussed at parole hearings. The panel chair will focus on representations related to matters of security, safety and/or confidentiality.
- 9.29 Once representations have been received, or the deadline set has been reached, the application will be submitted to the MCA panel, duty member or oral hearing panel chair to consider.

Principles

- 9.30 The following principles apply whether the application is being determined by an MCA panel, duty member or oral hearing panel chair. Under rule 4(3) victim observer applications can also be determined under delegated authority.²⁵
- 9.31 Where an MCA panel or duty member agrees to an application to observe a hearing, they must make it clear that this is **provisional** and will be reviewed by the appointed panel chair. **The VLO is responsible for explaining that the decision is provisional and, should circumstances change, it may need to be revoked at a later stage.**
- 9.32 The oral hearing should run as normally as possible and uphold the following principles:
- A victim observing should not be seen as exceptional or unusual
 - Apply the legislative requirement that there is a presumption to grant the application
 - The victim and any support person approved to observe is required to sign a Victim Confidentiality Agreement
 - The decision should be made after taking into consideration representations from the parties and the presumption of agreement
 - Facilitating the victim observing should not lead to unnecessary delay to the hearing
 - Facilitating the victim attending should not result in adjourning the hearing
 - The aim is to have as much of the hearing held in the presence of the victim with only limited and necessary discussions taking place in closed session
 - The over-arching principle is that the hearing should provide the opportunity for best evidence to be given
 - A case management conference (CMC) may be helpful to discuss the management of the proceedings where there are complexities or other challenges
- 9.33 Situations may arise where a parole oral hearing in which a victim was due to observe is adjourned or is part-heard and adjourned to a future date.
- 9.34 The legislative starting point is always a presumption for a victim to observe and permission to observe should last for the duration of the parole review until the point of conclusion. If there is a change in circumstance in the case, then the application will need to be updated by the relevant party to reflect this. Examples may include (but are not limited to):
- Deterioration in the prisoner's physical or mental health
 - Further representations are submitted on the victim observation

²⁵ Under rule 4(3) victim observer applications can be determined under delegated authority. This is currently being trialled in cases within the IPP Taskforce. Any decision made under delegated authority can be retaken by the panel chair. Further advice on this can be found on the Oral Hearing guidance.

- More of the hearing will need to be held in closed session

Panel Chair considerations

- 9.35 The following considerations apply whether the application has been provisionally approved by an MCA panel or duty member or it is a new application to be considered by the panel chair.
- 9.36 Whilst every application must be dealt with on its individual merits, **it is a legislative requirement that there is a presumption that applications from victims should be accepted unless there are exceptional reasons not to.**²⁶

Victims observing should not be considered as exceptional and should be facilitated in the majority of cases. It would only be in exceptional circumstances that an application may be refused, and clear reasoning must be given for the refusal.

- 9.37 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 and the evidence supporting the decision in their case.
- 9.38 In deciding whether to permit a victim observer, the panel chair will have due regard to fairness to the prisoner and the effectiveness of the hearing. This includes the need for the prisoner and witnesses to feel able to participate freely and effectively and to give best evidence.
- 9.39 It should be noted that representations stating that a victim observer will inhibit the prisoner from giving their best evidence is not a sufficient reason on its own to refuse an application from the victim to observe. **The prisoner should have a reasonable opportunity, once adjustments have been made (for example, to restrict references to the RMP or to discuss sensitive information in a closed hearing), to give their best evidence to the panel.** The prisoner does not have a right of veto. They are free to choose not to give evidence if they wish, as long as they have a reasonable opportunity to give their best evidence. In such a case the hearing can proceed without their evidence.
- 9.40 Panel chairs will be mindful that a victim who is observing the hearing will not be seen and will not participate in the process, so any impact on the prisoner or witnesses will be caused by the knowledge that they are observing.
- 9.41 **Panel chairs are reminded that this is a judicial decision which must be informed by the facts of the case.**

²⁶ This was already Parole Board policy and the Parole Board Rules (as amended) 2025 amended rule 14(4D) to reflect the legislated presumption that an application made by a victim to observe an oral hearing will be approved, unless it is in the interest of justice, necessary to effectively manage the case, or there is another appropriate reason to refuse the application.

- 9.42 The panel chair will need to balance the entitlement of the victim to apply to observe alongside the right of the prisoner to have a fair and timely parole review. **It will be important to take views from co-panellists before confirming arrangements.**
- 9.43 The panel chair will need to consider the application bearing in mind the principles outlined above and whether there is sufficient time to make necessary arrangements and whether, in certain cases, a CMC is required.
- 9.44 Whilst the principle of the victim observing as much of the hearing as possible is to be adopted, it may be necessary in some cases, that a significant amount will need to be held in closed session. It may still be possible for the victim to observe such hearings, but a balance will need to be struck to ensure a meaningful experience for the victim can be achieved. **Panel chairs will need to evidence that all attempts have been made to support the victim to observe before refusing the request.** More guidance on closed sessions can be found in the Public Hearing guidance.
- 9.45 In some cases, if not already agreed at the MCA stage, the panel chair may wish to direct a CMC to discuss the victim observer application with the parties and witnesses **before** making a decision. This can only realistically take place where there is sufficient time ahead of the oral hearing.
- 9.46 Possible reasons to refuse an application for the victim to observe include:
- The prisoner is under 18
 - The prisoner is subject to an anonymity order or other reporting/information sharing restrictions
 - The victim/their family is publicly hostile to the prisoner, has threatened the prisoner, or is a member of a rival gang
 - The case is highly sensitive and a victim observer may compromise national security
 - There is evidence of other safety and security concerns
- 9.47 If all of the following potential reasons are presented in representations, alternative arrangements might be possible, for example having the prisoner off screen, or referring to the prisoner with their previous name/identity.
- 9.48 The final decision rests with the panel chair, who may revoke a previous agreement if they consider it appropriate to do so, should circumstances change. Examples to warrant considering this may be:
- Vulnerable prisoner where an observer will exacerbate anxiety or distress
 - The prisoner has significant physical disabilities or health issues and does not wish the victim to know
 - The prisoner has changed gender and does not wish the victim to know

- Multiple victims where disclosure of other individual victims may be a risk; for example in recall cases and care will be needed to avoid unlawful disclosure of information about victims or that disclosed information does not put others at risk²⁷
- Cases where allegations need to be explored in detail (could these be discussed in closed?)

Victims signed up to the VCS

- 9.49 The HMPPS Victim Representative and/or their VLO will normally all meet at a local probation office or other MoJ building to link into the proceedings.
- 9.50 Where there are multiple victims in locations across the country, it may be necessary for them to attend a central location, such as the Board's office in London or other agreed building to observe remotely.

Victims not signed up to the VCS

- 9.51 Applications from victims not signed up to the VCS will need to be considered in the context of their link to the specific case. The victim will need to explain the reasons for wishing to observe, setting out any links they have with the case.
- 9.52 The panel chair should consider carefully whether the reasons are of a nature that deem it appropriate for the victim to observe. It should be noted that in these instances, the victim will not be provided with support from HMPPS and may need to travel to an agreed secure location to observe the hearing.
- 9.53 Where an application for a parole hearing to be made public has been refused, the victim may be advised to request to observe the private hearing. In such circumstances, an application will still need to be made and will need to be considered on its own merits in the usual way.

The victim observer application decision

- 9.54 When completing their response, the MCA panel, duty member or panel chair should write it in a way which the VLO can share in its entirety with the victim; or set out which parts can be shared, and which parts are for the parties only. Whilst it is for agents of the Secretary of State to determine which information can and should be shared with the victim, providing a steer within the response may be helpful. VLOs will follow the advice from the panel and so being as clear as possible will avoid receiving requests for clarification.
- 9.55 Where the panel chair refuses the application or revokes a previous decision for the victim to observe, an explanation should be provided which the VLO can share with the victim. It may be helpful to suggest that

²⁷ This is particularly important where there are multiple victims of a sex offender and each victim benefits from lifelong anonymity, including from each other and other people.

the victim may wish to consider other options which might otherwise meet their needs:

- 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

- 9.56 Panel chairs should seek further advice from the Legal & Policy hub if there are particular or unusual circumstances.
- 9.57 It should be noted that there is no appeal process following a decision made by a panel chair about the attendance of an observer. Such decisions are judicial in nature and can only be challenged by way of judicial review through the Administrative Court.
- 9.58 However, if the victim believes further information might assist or provide more context, then this can be submitted with a request that the panel chair further considers the application.
- 9.59 **Where the decision is taken that a victim may not observe an oral hearing, under rule 14(4E), the panel chair or duty member must provide written reasons for the refusal.**
- 9.60 **Where a victim observation request is refused, the decision should be clear and descriptive and provide defensible reasons for refusal.**
- 9.61 If PPCS determine that some information contained within the decision to refuse should not be communicated to the victim, they can decide to redact that information but must not lose the key rationale for refusing the application.

Preparing for a hearing where a victim is observing

- 9.62 It is best practice to ensure that all parties are aware of how the hearing will be run, the potential challenges, and practical implications. In particular, there should be a shared understanding of information and evidence that will need to be held in closed session.
- 9.63 The panel chair may wish to set aside some time at the start of the hearing to discuss this, or if there are complexities it is advised that they direct a CMC prior to the hearing.
- 9.64 In most cases, the HMPPS Victim Representative and the victim will observe by joining the CVP room at the agreed time. The Board's Victim Team will work with the Hearing Support Team to put in place the technical requirements.
- 9.65 Where a case is complex, high profile or other circumstances mean that the victim cannot join the CVP room, then a "live-stream" will need to be arranged and a Streaming Administrator appointed. Panel chairs should

seek advice from the Board's Victim Team if they believe a "live-stream" is needed.

Case Management Conferences (CMC)

9.66 Written submissions from the parties may be sufficient for the panel chair to determine how the hearing will be managed, with the Board's Victim Team assisting with the planning. However, panel chairs may wish to direct a CMC where, for example, this may be their first hearing with a victim observer, there are particular challenging circumstances to navigate, or the case is complex.

9.67 The following are recommended to be directed to attend a CMC where one is required:

- Panel Chair
- Prisoner's representative (if there is one)
- Key witnesses i.e., community offender manager (COM), prison offender manager (POM), Psychologist
- HMPPS Victim Representative (and in some cases the VLO)

Optional attendees:

- Co-panellists or panel chair support officer (where there may be complex arrangements)
- Secretary of State Representative or PPCS staff member (if the case is high profile/noteworthy)
- Hearing Support Officer or member of Victim Team (if the case is complex)
- Streaming Administrator (if the proceedings are to be "live-streamed")

9.68 The panel chair will need to consider additional protocols and safeguards that may need to be put in place for the hearing. This may have implications for the listing tier allocated to the case which may need to be revised. The listings team and panel chair will need to be mindful of cut off times imposed by the prison, or witness availability where there are other cases listed on the day.

9.69 **In view of the additional time needed for a victim observed case, it is likely that the case should be either a tier two, or more probably a tier three.**

9.70 It may be necessary to consider having only the one case on the day if the arrangements are likely to be complex or lengthy. It will be for the panel chair to determine the most suitable arrangement for the day.

9.71 Where there are complexities or detailed technical arrangements needed, the arrangements agreed and the discussion during the CMC can be documented by way of Panel Chair Directions. **It is therefore important to schedule the CMC in advance of the oral hearing day.**

- 9.72 If the arrangements are straight-forward the panel chair may wish to delegate drawing the information together to the Board's Victim Team, negating the need for a CMC. This should be considered on a case-by-case basis. **Holding a CMC on the day of the hearing is not recommended as this does not provide sufficient time to properly plan the proceedings.**

The following points may assist the discussion at the CMC.

Naming attendees at the oral hearing

- 9.73 The default position is that all attendees (including co-panellists, witnesses, and the prisoner's representative) should be named. This is important for the purposes of transparency.
- 9.74 Where an attendee believes that disclosing their identity will put them at risk or seriously compromise them in some way, they should make clear submissions to the panel chair about the level and likelihood of risk and whether this can be mitigated in any way.

Naming the prisoner

- 9.75 If a prisoner is known under a different name to that known by the victim, it will be helpful to establish in advance how this will be managed. In general, the default position is to refer to the prisoner in the name they were sentenced under. The prisoner may agree to be referred to under the previous name to protect their new identity or may be content for their new name to be disclosed at the hearing. Where a prisoner wishes to be referred to under their new name (as is their right) but does not wish the victim to be aware of the new name then the application to observe may need to be refused. This should be considered on a case-by-case basis and a solution found wherever possible, showing consideration of the presumption to approve victim observer applications. There may only be one of two options – disclose the new identity of the prisoner or refuse the request. It is important for this to be clarified in submissions ahead of the hearing.
- 9.76 For transgender prisoners, there may need to be a discussion to ensure that there is a clear naming and addressing protocol in place, and that the wishes of the prisoner are carefully considered. It will also need to be established whether the victim is aware of the new identity. More detailed guidance on this can be found in the Guidance on Transgender Prisoners.

Referencing the victim and the HMPPS Victim Representative

- 9.77 The HMPPS Victim Representative should be asked to ascertain whether the victim is content to be mentioned by name at the beginning of the hearing. If the victim does not wish to be named, the panel chair can refer to them as the "victim observer". The HMPPS Victim Representative should be named, unless there are exceptional circumstances, agreed by the panel chair, that they should not be named.

Who should be on screen

- 9.78 The default position is that all attendees (including co-panellists, witnesses, and the prisoner's representative) and the prisoner should be on camera during the proceedings. This is important for the purposes of transparency. Any victims are observers, not attendees at the hearing, and will not be on camera.
- 9.79 Where an attendee believes that appearing onscreen will put them at risk or seriously compromise them in some way they should make clear submissions to the panel chair about the level and likelihood of risk and whether this can be mitigated in any way.
- 9.80 The victim may have preferences in terms of seeing the prisoner and the HMPPS Victim Representative will need to take these preferences into account. When joining the CVP room there is not a function to switch the screen off. If the victim is anxious not to view the prisoner, then the positioning of the laptop screen will need to be physically moved out of their view. The audio should still be clear even if the screen is turned away from the victim. The panel has no need to be involved in this.

Open and closed session content

- 9.81 The default position should be that as much as possible should be in the open hearing, so that the victim is able to see and hear the majority of the evidence. This will support their better understanding of how the panel arrives at their decision.
- 9.82 Best practice advice is that all of the open session of the hearing take place first and then any closed session discussions take place afterwards. However, this should be determined on the circumstances of the case as it may break the flow to "park" discussions to be had in closed session. Going in and out of open and closed session is not encouraged unless it is unavoidable.
- 9.83 Discussions about the details of the RMP should only take place in closed session IF there is a significant risk that disclosure will compromise the arrangements.
- 9.84 One way to overcome this may be to agree that references to the RMP in terms of location and accommodation will be 'codified' and referred to as 'release area' or 'accommodation'. This will avoid breaking the flow of evidence taking and can avoid needing a closed session at all.
- 9.85 Topics that *may* need to be held in closed session are:
- If disclosure of details of the release plan could affect its safety or effectiveness
 - If the material places the prisoner at risk of harm, either inside or outside of prison
 - If the material, for some reason, could inhibit the prisoner's rehabilitation

- If the material is exceptionally sensitive in nature, such as details of personal medical conditions, therapies or treatment
- If the prisoner would otherwise feel (for good reason) unable to give answers to certain questions regarding the material
- If the material relates to other victims
- If the material relates to third parties such as members of the prisoner's family
- If the material poses risks to any other person, such as a third party or a witness

9.86 The panel chair cannot make blanket decisions about the types of evidence that should be held in closed session. The panel chair must avoid generic or presumptive closed session classifications (e.g. all medical evidence) and each topic (e.g. prison/Approved Premise location, witness names, family details) must be assessed individually. They must consider the issue/topic on its merits and where:

- It is **necessary in the interests of justice**
- It is based on **specific, case-by-case assessments**
- Applicants have demonstrated the **reasons** why certain matters need to be discussed in closed session, and support those with **evidence**; otherwise they should assume discussion will take place in open session

9.87 Whilst the principle of the victim observing as much of the hearing as possible is to be adopted, it may be necessary in some cases, that a significant amount of evidence will need to be held in closed session. It may still be possible for the victim to observe such hearings, but a balance will need to be struck to ensure that enough of the proceedings can be observed in open session to provide a full enough picture of the parole process and what panels consider when making their decision.

9.88 Victims are required to sign a confidentiality agreement which forbids them from sharing information; this may provide some assurances to the prisoner and attendees and reduce the amount of detail needed to be discussed in closed session. The signed agreement is held by the Parole Board Victims Team.

Closing submissions

9.89 Closing submissions are usually provided at the end of the proceedings. Closing submissions summarise the prisoner's position and do not introduce material the victim will not already have heard (aside from material which is not disclosable to the victim).

9.90 Whilst closing submissions may be helpful for the victim to observe as it may assist in their understanding of the key issues, it can present several challenges. We advise that an indication is given to the victim that closing submissions will be made in the closed session, rather than returning to an open session at the end of proceedings. This avoids the victim having to anticipate being called back into the hearing, which may involve some lengthy waiting time and add to an already anxious experience. In many

cases, the closing submissions may be very brief, or the hearing may end in adjournment, resulting in much wasted waiting time. Limiting content to be discussed in closed session may allow these to be heard at the end of the open session and avoid this scenario completely.

- 9.91 Closing submissions may also contain information that is not to be shared with the victim and so taking them in closed session will avoid any further complications.
- 9.92 Where a panel chair wishes for the victim to hear closing submissions, careful attention to timing will be needed to ensure that everyone has clear expectations.

Timetable

- 9.93 The timetable will reflect that a victim will be observing and that they may have someone supporting them, in addition to the official HMPPS Victim Representative or VLO. **The name of the victim and any personal supporter they have with them should not be added to the timetable.**
- 9.94 The HMPPS Victim Representative should be named, unless there are exceptional circumstances, agreed by the panel chair, that they should not be named.
- 9.95 The panel chair may wish to set out the order of the proceedings so that everyone is clear. This is particularly helpful where the victim will be reading their VPS as well as observing. A time should be set for the reading of the VPS, then some pre-hearing time set for ensuring attendees are aware of the agreed arrangements, and then an agreed time for the HMPPS Victim Representative and victim to join the CVP room.

On the day of the hearing

Pre-hearing activity

- 9.96 All those attending the proceedings should be directed to connect into the CVP room promptly at the time set out on the timetable. Pre-hearing activity including technical checks and hearing protocols can take place ahead of the victim joining (which is suggested as 15 minutes later). Allocating sufficient time will allow for the protocols to be explained, and address any fresh concerns that may come up, particularly if a CMC did not take place prior to the hearing. This may need to take account of any time the representative needs to meet with their client ahead of the hearing.
- 9.97 Once the hearing protocols have been set out, formal identification of attendees, stating their names, will be required for the digital recording and to check that there are no difficulties with connections, either visual or audio.

- 9.98 Before the victim joins the CVP room, all attendees should ensure the name label on their onscreen icon is clearly visible and that it is not obscuring their face (subject to any previous agreement about anonymity).
- 9.99 If it has been agreed that the name of the prison establishment should not be disclosed (for security or safety reasons) each attendee should check that there is no identifying signage in view on their screen.
- 9.100 It is recommended that before the victim joins the CVP room the following takes place:
- Initiate the digital recording
 - Panel chair to welcome everyone and go through the usual checks for remote hearings and then set out the hearing protocols related to the victim observing
 - Make sure all attendees are aware that a victim is observing the hearing and will be joining the CVP room and ask if anyone has any further questions
 - Invite attendees to introduce themselves and confirm their role for the purposes of the digital recording
 - Remind attendees that the victim can see and hear the proceedings but that no one at the hearing will see or hear the victim; there is an HMPPS Victim Representative (or VLO) with the victim managing the technology at all times
 - Advise that the hearing will run as usual, and remind attendees that:
 - They should act in the same way they would usually at a parole hearing
 - They should answer the panel's questions as fully as they can
 - Some parts of the hearing may need to be in 'closed session' and if they wish to say something that they are uncertain whether it should be in closed session, or they are concerned about this with another witness, they should let the chair know immediately
 - Once everyone is comfortable, the chair will admit the HMPPS Victim Representative and victim into the CVP room to observe the hearing.
- 9.101 A checklist for panel chairs has been produced. It can be read on SharePoint: *Panel Chair Checklist for Victim Observers*

CVP Observation

- 9.102 All attendees will be able to see that the victim has joined the CVP room as there will be a tile on screen with the label 'Victim Observer' which will also be reflected on the left-hand side panel list of participants.
- 9.103 It is good practice for the panel chair to clearly state that the victim, any support they have with them, and the HMPPS Victim Representative play no part in the proceedings but will observe up to the point where the open hearing comes to an end.

- 9.104 The victim joins the CVP room in 'Observer Mode' which takes away the use of their camera and microphone. They cannot contribute to the hearing or interrupt in any way. Equally, they cannot respond to any attempts by panels to communicate directly with them.
- 9.105 If the panel is not ready to start proceedings, it is best practice for the panel chair to initially admit the HMPPS Victim Representative into the CVP room and ask them to rejoin in five/ten minutes.
- 9.106 If it is not possible to admit the HMPPS Victim Representative into to the CVP room, the panel chair should notify the Hearing Support Team of any short delays. For more significant delays, the panel chair should notify the Board's Victim Team. Both can keep the HMPPS Victims Representative updated.
- 9.107 More information on technical support can be found on SharePoint:
Technical Guide
- 9.108 **The Hearing Support Officer will be on hand to resolve any technical issues that may arise.**

Taking breaks

- 9.109 Panel chairs should take the same approach to breaks as with any other hearing. Sufficient breaks should be planned to allow comfort breaks, lunch etc.
- 9.110 During breaks it is likely that the HMPPS Victim Representative and victim will remain in the room and so anyone else who remains on screen will be visible and audible.
- 9.111 There may be a range of situations where unscheduled breaks may be needed:
- The prisoner should be put at ease as much as possible during the hearing and given the opportunity to give their best evidence. If at any time the prisoner is looking anxious, agitated, or behaving out of character then it may be helpful to take a break
 - All attendees should be mindful of disclosing confidential information during the proceedings and an attendee can ask the chair to take a break if they believe the conversation might be covering content that should be held in closed session
 - There will inevitably be slip-ups where an attendee mentions a location or other small piece of information. The panel chair should take a pragmatic approach to this. In most cases, it is best to continue rather than disrupt proceedings and draw attention to the fact. However, if it develops and a discussion about sensitive information is likely then a break can take place, or the panel chair can move the conversation on
 - Similarly, the panel chair may set a break to clarify a point, for example that the current discussion will be paused and dealt with in closed session towards the end of the hearing

- If at any point the panel chair determines that the proceedings must be ended urgently, they can instruct the HMPPS Victim Representative to leave the CVP room and indicate a time when it would be appropriate for them to re-join the hearing. The panel chair must keep the CVP room locked as this will avoid any inadvertent rejoining until the panel chair is ready to admit them

9.112 The HMPPS Victim Representative will alert the Hearing Support Officer if for any reason the victim needs to stop observing. The Hearing Support Officer will aim to notify the panel chair of any such circumstances in the least disruptive way. Proceedings should not be paused if this happens, and panel chairs should continue with the hearing. The victim may rejoin at a later point if the open hearing is still progressing and at the discretion of the panel chair.

9.113 In some instances, the prisoner's representative may wish to take a break to consult with their client. In cases where they are attending remotely, the prison should provide the representative with a telephone number that can be called to undertake a confidential discussion with their client.

9.114 Alternatively, if a telephone is not available, they may need to use the CVP room for their consultation and so all other attendees should be asked to leave for a set period of time. The Hearing Support Officer should be asked to monitor the room to ensure only the representative and their client are present. Panel chairs will need to pause the digital recording for the duration of the break. **The latter option should be approached with caution** as there is potential for other attendees to inadvertently join a private discussion between the representative and their client.

The victim

9.115 The HMPPS Victim Representative (and sometimes the VLO) will assist and support the victim on the day at the location that will have been previously agreed.

9.116 The HMPPS Victim Representative will notify the Hearing Support Team or the Board's Victim Team if they are experiencing difficulties joining the CVP room. Both will assist resolving any technical issues. Panel chairs should avoid any delays and commence proceedings; they will be notified once any technical issues are resolved or if there are continuing difficulties.

9.117 If the victim is running late, again the panel chair should commence proceedings, and the victim will join once they arrive.

9.118 All attendees will be notified in advance of the following:

- The victim will not attend the prison
- An HMPPS Victim Representative will be with the victim at all times and they will observe the hearing from a pre-agreed location, most likely a probation office or other MoJ official building

- The victim will observe the hearing remotely by joining the CVP room at the agreed time (unless exceptionally it is to be "live-streamed")
- The victim will be able to see and hear the proceedings
- No one in the hearing will be able to see or hear the victim or anyone else who is with them
- There may be someone else in attendance to support the victim, such as a family member, friend, or other person (this must be approved by the panel chair in advance if the person will also observe)
- Should the victim wish to take a break for any reason the proceedings will not be paused and the HMPPS Victim Representative will explain that they will miss some of the hearing

9.119 The victim will be provided with an information sheet which can be found on SharePoint: *Information Sheet for Victims*

9.120 Any victim who observes a private parole oral hearing will need to follow the *Points for Observers to Note* set out in Section Five of the [Observer Guidance](#).

Confidentiality agreements

9.121 Where a victim observes a private parole oral hearing, information from the proceedings remains confidential and must not be disclosed, as set out in rule 15(3) as disclosure may constitute a criminal offence. Victims will be required to sign a Confidentiality Agreement in order to observe. 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.

9.122 In advance of a hearing, a victim observer may request to share information from the hearing with other victims/individuals who have not applied to observe/been granted permission to observe. If the panel chair is minded to accept this request, the Parole Board Victims Team can produce a bespoke confidentiality agreement to be signed.

9.123 Examples may include (but are not limited to):

- When a victim is under 18, as they cannot attend as victim observers
- Where a victim observer wishes to share key information from the hearing with close family members who are victims but were unable or chose not to attend
- Cases involving multiple victims, where one attends the hearing and others wish to be informed but do not meet the criteria or have not applied to observe

9.124 Panel chairs are strongly advised to remind everyone present about the privacy of the proceedings at the start. Suggested wording is set out below:

"Under the Parole Board Rules, these proceedings are to remain private and the names of the people taking part must not be disclosed. Information that you hear must not be shared. What this means is that

you must not talk about anything you hear today with other people, and you must not pass on any names that you learn during this hearing. You should be aware that this is forbidden by law and action may be taken against anyone who does not comply with this, so please make sure that you do not pass on any information or names outside of these proceedings."

- 9.125 Information disclosed during a private parole hearing is confidential. Unauthorised disclosure may breach the Parole Board Rules and the confidentiality agreement signed by the observer. In some circumstances, disclosure of personal data obtained during the proceedings may also constitute a criminal offence under section 170 of the Data Protection Act 2018.
- 9.126 It should be noted that the Board sits as a court, and interference with its proceedings may amount to contempt of court, which includes disruptive behaviour in the hearing, unauthorised recording of the proceedings, and failure to comply with the directions it makes. If victims are held to be in contempt of court, they may be imprisoned or fined, or their assets may be seized.²⁸
- 9.127 Both Parole Board rules 15 and 27, and section 170 of the DPA apply to the passing on of information that includes the circumstances of any crime, information about previous convictions, rehabilitation, the management of the prisoner and the name of any person concerned in the proceedings such as the name of any victim, the prisoner, any social worker, prison staff, the author of any report, any witness appearing at the tribunal, the prisoner's representative and the members of the Parole Panel and their staff.
- 9.128 VLOs will ask victims to provide confirmation that they agree and understand the restrictions about disclosure and the clauses set out in the confidentiality agreement. The VLO will provide a written confirmation to this effect to the Parole Board in advance of the oral hearing. The panel chair may wish to check this with the case manager if it has not already been confirmed ahead of the oral hearing.
- 9.129 On the day of the hearing itself, the victim will be asked to physically sign the confidentiality agreement which will be sent as an electronic version to the Parole Board for audit purposes. The confidentiality agreement can be found on SharePoint: *Confidentiality Agreement*

Note taking requests

- 9.130 It is acknowledged that victims may wish to take some notes during the proceedings to remind themselves of key points once the hearing is over. During the proceedings, victims may not fully absorb or retain information that they have heard. Keeping a note may assist them in processing the events and can support discussions with the HMPPS Victim Representative or VLO once the proceedings have concluded.

²⁸ Any breach may be referred to the Attorney-General for action.

9.131 Victims can apply to the panel chair to be permitted to take notes during the observation. Seeking permission to take notes **must** take place before the date of the oral hearing, ideally at the point of application. **Where the panel chair agrees**, the victim will be permitted to take notes.

9.132 Victims may be permitted to take notes away with them, but they must be reminded of the Confidentiality Agreement that they are required to sign, which stipulates that any notes must be stored and disposed of securely. Sharing of these notes would constitute a breach of confidentiality, which may give rise to legal action. It is a statutory requirement for hearings to remain private. Ensuring that victims are aware of the potential consequences for breaching this is very important.

9.133 This also applies to anyone supporting the victim on the day who is also observing or Official Representatives of victims who observe on their behalf and are permitted to take notes. These observers must also sign a Confidentiality Agreement.

After the hearing

9.134 The Secretariat welcomes feedback from the panel on how the hearing went and any best practice identified, or issues encountered. All feedback should be sent to the Parole Board's Victims Team. Panel Chairs must not seek feedback from victims themselves. Any feedback received directly to the panel must not be read and should be shared with the Parole Board's Victims Team who can determine if the information can be shared with the panel.

9.135 A summary of the decision will be provided in all cases where a victim observer was present, regardless of whether a separate request has been made. This will help explain how the panel arrived at its decision.

Other circumstances

Objections on the day

9.136 If one of the parties objects to the victim observing on the day, the panel chair can consider the following options:

- a) Explain that the parties had sufficient opportunity to object to the request in advance and the decision has been made:
 - If the prisoner chooses not to participate in the hearing as a result, then the panel is within its rights to continue with the hearing in the prisoner's absence as provided for in rule 24(1A)
 - If the prisoner's representative is similarly minded to withdraw, then they should be told it is a matter for their own professional judgement but the hearing may proceed
- b) The panel chair can invite representations and briefly adjourn to consider the request and make a decision:

- The panel may decide to continue with the hearing
 - The panel may decide to adjourn and re-list the case for a future date to allow further consideration to be given to arrangements which would allow the victim to observe
- c) Panel chairs make the final decision as to who can/cannot attend/observe the hearing so if the panel feels able to proceed, then they should do so.

Reading a VPS

9.137 If the victim will be reading out their VPS as well as observing then it is advised that the two processes are managed separately.

9.138 There may be situations where a victim is not able to attend the designated place agreed for the observing of the oral hearing. In such exceptional circumstances alternative arrangements could be agreed. **It is not possible to provide a digital recording of the proceedings or a typed transcript in lieu of observing.**

9.139 Whether the victim reads out their VPS or opts to observe, it is good practice at an appropriate juncture to reference the VPS and confirm with the prisoner that they have read it (unless it is subject to non-disclosure). **This may reinforce the point that victims are being heard.**

Observing on behalf of a Victim

9.140 There may be occasions where one family member will observe on behalf of the rest of the family and propose to report back to them. Whilst it is understood that individuals will wish to share information they hear with family, the legal position is clear.

9.141 A parole hearing remains a private hearing, whether or not people are allowed to observe. They are allowed to observe on the basis that they keep the information they hear private. That is why they sign a confidentiality agreement, and that is why there are potential legal consequences for them if they breach the requirement of privacy. **This means that anyone not observing should not have access to the information from the private hearing.**

9.142 It is natural that an observer would want to discuss the hearing with their family, however the Board cannot approve such a position and will not agree to it. VLOs will need to draw the observer's attention to the Parole Board Rules and confidentiality section of the information sheet which the Board issues which sets out the potential consequences if information heard in the hearing falls into the public domain. What the observer discusses with their family is a matter for them to determine, but they must bear in mind that they will be held personally responsible for any information they share that is then disclosed. Whilst this may cause anxiety for some victim observers, the Board cannot provide false assurances or set the wrong expectations.

- 9.143 It is a statutory requirement for hearings to remain private and ensuring that VLOs warn the victims of the potential consequences for breaching it is very important.

Official Representative

- 9.144 Panel chairs may be asked to approve another individual nominated by the victim (or someone who has been officially appointed) to observe the oral hearing on behalf of the victim in an official capacity. The individual will observe the oral hearing and report back to the victim.
- 9.145 Some victims may have a lawyer or other legal representative appointed to act in their affairs. There may be an Appropriate Adult or other person appointed to act in the best interests of a vulnerable victim, for example a Social Worker or Carer, Court of Protection Appointee, or medical professional and they may apply to observe in place of the victim. However, any such person must be deemed as acting in an official capacity. This arrangement would not include a family member acting on behalf of the family.
- 9.146 Any individual observing on behalf of the victim in an official capacity must comply with all the requirements in the same way as any other observer. In particular, they must ensure they do not breach any of the conditions set out in the confidentiality agreement that they are required to sign. They are also responsible for any information given to the victim that may subsequently fall into the public domain. A customised confidentiality agreement will usually need to be drawn up in such rare circumstances.

Such circumstances should be approached with extreme caution as there are several considerations to be worked through with potential legal ramifications

- 9.147 These observers will need to apply to take notes if they wish to rely on them in relaying information back to the victim. It will be at the discretion of the panel chair and where notes are taken they will need to be complied with the arrangements set out in paragraphs 9.130 to 9.133.
- 9.148 Currently, there is no option for a victim to submit legal representations or to be legally represented at the oral hearing.

Prisoner engaging with the victim

- 9.149 Prisoners may consider that having the victim present during their hearing is an opportunity to read out a statement or make other gestures to the victim that may be seen to be helpful. This should be avoided as much as possible. The victim is there to observe the parole proceedings, and it should not become an opportunity for the prisoner to engage with the victim. Even a simple, short statement addressed to the victim has the potential to cause harm, or the situation may spiral out of control. This is different from a prisoner reading out a prepared statement for the panel.

9.150 The CVP observation is a one-way communication, and the victim will have no opportunity to respond.

9.151 It is important that any interaction between the prisoner and victim is managed in a controlled environment and where both have been involved in making the arrangements. The parole hearing is not the place for this.

9.152 If a prisoner is keen to engage with the victim, then they should discuss this with their POM and COM. There may be victim awareness programmes or workshops that the prisoner could sign up to within the prison which would be a more appropriate way to proceed. The prisoner could also consider seeking to engage in restorative justice with the victim.

Multiple victims

9.153 Where a prisoner is convicted of multiple offences against different victims and more than one victim wishes to observe, the panel chair will need to consider how this will be managed in terms of disclosure of victim information.

9.154 The panel will by necessity need to discuss the range of offending against the different victims and it may be extremely difficult to avoid disclosing personal information about those victims. This is particularly relevant where the case involves a recall and there is a new or alleged new victim without a conviction. The VLO should prepare a victim observing for this and where necessary be made aware that other (unrelated victims) have also been approved to observe.

9.155 There may be ways around this to protect personal information about victims by anonymising them but even so it may disclose offending that the victim observing was not aware of. In these circumstances, a CMC may be very helpful in determining how proceedings will be managed and what victims will be made aware of in advance. Please see the CMC section above for more advice.

Other prisoners as victims

9.156 In some instances, the victim may be another serving prisoner. An application from a victim who is a serving prisoner should be treated in exactly the same way as any other application. Additional considerations will be needed in this instance. Considerations may be:

- Terms of disclosure of the victim as a prisoner
- Terms of disclosure of their location

9.157 If Panel chairs have any further questions relating to this scenario they may contact the Legal & Policy hub for advice.

10 Public Hearings

- 10.1 Any individual (including victims and prisoners) can apply directly to the Board for an oral hearing to be held in public.
- 10.2 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.
- 10.3 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.
- 10.4 The victim will be informed that where they make an application, their name will be published alongside the application on the Board's web pages. It will only be in exceptional circumstances that their name will be withheld.
- 10.5 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.
- 10.6 If a public hearing is granted, any person wishing to attend, including the victim will need to register.
- 10.7 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.
- 10.8 More information about can be found in the *Public Hearings Guidance*.

11 Deferrals and Adjournments

- 11.1 If a victim is due to attend to either read out their VPS or observe the hearing, 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 going to be concluded on the papers under rule 21 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.
- 11.2 There may be occasions where the panel chair has two cases on the day and an application for a victim observer is agreed post listing. This may materially change the timings and tier level of the case. If only one case can now be heard on the day, it should be the case that is the earliest referral from the Secretary of State. That may or may not be the victim observed case.

- 11.3 **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 may be disappointed or distressed by the news.**
- 11.4 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. It is the responsibility of PPCS and the VLO to ensure the victim is notified.
- 11.5 If the case is adjourned on the day, after taking of some evidence, consideration should be given to whether the victim can still read out their VPS or if they need to attend the reconvened hearing. The victim may be content to read the VPS to the panel knowing that the hearing will not proceed but that the same panel will be considering the case at a reconvened hearing.
- 11.6 Attending a parole hearing more than once can be an emotional and practical 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.
- 11.7 It is not ordinarily appropriate for the victim to read the VPS to the panel if the case is deferred as it will be a new panel considering the case. This should be explained for the benefit of the victim observer by the panel chair.
- 11.8 Where a victim has been approved to observe the parole hearing, it should only be revoked if circumstances change and demonstrate it is no longer viable or safe for the victim to observe, and clear reasons will need to be given.
- 11.9 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), either the new panel chair will consider the application or it will be sent to a duty member to consider. However, the final decision will rest with the new panel chair.

Case is part-heard

- If a victim observes a part-heard hearing which is then adjourned with open hearing parts remaining, 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 for the victim to observe the hearing was to last for the duration of the parole review until the point of conclusion and so it should stand for any new hearing directed under the reconsideration or setting aside provisions (bar any successful reconsideration or set aside decision being related to the victim observation).

11.10 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. However, acceptance of the victim observer's application remains at the discretion of the panel chair.

11.11 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.

11.12 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.

11.13 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).

12 Written Decisions

The decision templates have a section where victim eligibility is recorded and whether a VPS was submitted and how it was presented.

- 12.1 The 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 2.11.**
- 12.2 In the *Any Other Information* section it can be helpful, particularly for the provision of summary, 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."

- 12.3 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."

- 12.4 Panels should avoid naming a victim or their supporter anywhere in the Decision including 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 section six.
- 12.5 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 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)²⁹

- 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
- 12.6 If a victim (or an "official" person) 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 their observation unless there are exceptional circumstances which may have affected the hearing more widely.
- 12.7 Where some evidence is taken in closed session it will be helpful to explain this in the *Any Other Information* section. When setting out the evidence taken in closed session within the body of the decision, it is important to indicate which discussions were held in closed. This will ensure that none of this information finds its way into the summary of the decision and is inadvertently disclosed.
- 12.8 Alternatively, the panel could **highlight in bold evidence taken in closed session** and in the *Any Other Information* section include a statement along the following lines: *Evidence discussed in closed session is set out in bold type and must not be included in any summary.*
- 12.9 More information about writing decisions can be found in the *Decision Writing Guidance*.

13 Decision summary

- 13.1 The Rules require the provision of a document, referred to as a Parole Board Decision Summary (PBDS), to any person who requests it, except in exceptional circumstances.
- 13.2 The summary 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).
- 13.3 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.
- 13.4 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.

²⁹ 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".

- 13.5 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.**"*

- 13.6 This entitlement would also extend to providing a redacted version of the decision in Welsh, where one is published.
- 13.7 The Board's duties in relation to the Welsh language are set out in the *Guidance on duties relating to the Welsh Language*.
- 13.8 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*.
- 13.9 Requests can be made up to six months after the decision has been made and should be made to the Summaries Team or via post.
- 13.10 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).
- 13.11 More information can be found in the *Decision Summary Policy*.

14 Routes of Challenge

Reconsideration mechanism

- 14.1 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.
- 14.2 The request must be submitted by the victim to PPCS 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.
- 14.3 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.

- 14.4 A key question the panel must consider is: *Would granting the request be unfair or result in unreasonable disadvantage to the victim?*
- 14.5 More information can be found in the *Reconsideration Mechanism Guidance*.

Setting aside a decision

- 14.6 Whilst victims can request (via PPCS) that the Secretary of State make an application for the decision to be set aside, it is not something that VLOs cover in discussions with the victim. Should a victim believe that a decision should be set aside, they will need to ask the VLO to send the application to the PPCS case manager where the application will be checked and if necessary, more information requested.
- 14.7 More information can be found in the *Setting Aside a Decision Guidance*.

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).³⁰ The Ombudsman will consider any complaints referred to it and, where appropriate, undertake an independent investigation.
- 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](#).

³⁰ The Victims and Prisoners Act 2024 removed the requirement for a Member of Parliament to refer a complaint from a victim to the PHSO. Since January 2025 victims have been able to write to the PHSO directly with their complaint.

16 Further Reading

- 16.1 All further reading documents are referenced and updated on the Victims SharePoint page here.
- 16.2 There is information also published on the Board's web pages, including a video and information leaflet, which can be found [here](#).
- 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.