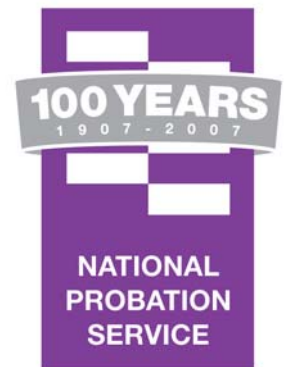


Probation Circular



PC27/2007 – VICTIM REPRESENTATION AT PAROLE BOARD HEARINGS

IMPLEMENTATION DATE: 1 September 2007

EXPIRY DATE: September 2010

TO: Chairs of Probation Boards, Chief Officers of Probation, Secretaries of Probation Boards

CC: Board Treasurers, Regional Managers

AUTHORISED BY: Gordon Davison, Acting Head of the Public Protection and Licensed Release Unit

ATTACHED: Annex A: Public Protection Advocacy Team contact list

Annex B: Template notification letter

Annex C: Oral hearings – briefing note

Annex D: Template Pro Forma

Annex E: Equality Impact Assessment Form

RELEVANT PREVIOUS PROBATION CIRCULARS

PC45B/2004, PC76/2005, PC04/2007

CONTACT FOR ENQUIRIES

felicity.hawksley@justice.gsi.gov.uk or 020 7217 0670

robert.lawman@homeoffice.gsi.gov.uk or 020 7217 0639

PURPOSE

To inform Probation Areas about the arrangements for a new Public Protection Advocates Team who will be responsible for representing the Secretary of State and presenting a statement from victims where the following types of Parole Board hearings are being considered

- The release of determinate sentence prisoners;
- The release and transfer to open conditions of indeterminate prisoners; and
- In certain cases, the representations of recalled licensees.

ACTION

For Probation Areas:

- To understand the role of the new Public Protection Advocates (PPAs); and
- To understand the role of probation victim liaison officers (VLOs) in obtaining victims' statements and submitting them to offender managers; and
- To understand the key role of offender managers in ensuring both the timely notification of the timescales of hearings to VLOs and the transmission of victims' statements for inclusion in review dossiers

SUMMARY

In July 2006 the Criminal Justice Review announced that victims should have the opportunity to put forward their views to the Parole Board in cases when release or transfer to open conditions of certain serious offenders is being considered. The new arrangements will enable victims to make representations to the Board through an advocate at oral hearings or by way of a written statement in cases where a decision is made on the basis of the papers. The statement will inform the Board about the impact of the crime, of any lasting consequences on the victim or their family, or the impact that the offender's release might have on the victim or their family. The new arrangements do not affect victims' existing statutory right to make representations to the Parole Board about the conditions to which the offender will be subject on release. VLOs should continue to submit views on behalf of victims to the offender manager in the existing way.

1. Introduction

- 1.1 Under the new scheme, victims will be able to submit a Victim Personal Statement (VPS) which the Parole Board will take into account as part of its overall consideration of the offender's case. **The new scheme will cover only those cases where the victims have opted into the statutory victim contact scheme applying in cases where the offender has been sentenced to 12 months imprisonment or more for a sexual or violent offence.**
- 1.2 For the purposes of the scheme, the victim is either the individual or individuals who can be identified as the direct victim of the offence, or in cases where the victim is a child or where the victim died as a result of the offence, a representative of the family or the person appointed responsible for the care of the child such as a social worker or foster carer.
- 1.3 The new arrangements will apply in cases listed by the Parole Board on or after 1 September 2007 for an oral hearing or a paper parole review and where the VPS will bring to the attention of the Parole Board the ongoing impact of the offence on the victims and the effect that the offender's release will have on them.
- 1.4 New statements will also be invited from the victim in cases where the Parole Board is considering the offender's representations against recall to custody as a result of the offender:
 - breaching licence conditions which relate to contact with victims or an exclusion zone; or
 - committing a further offence involving the victim or displaying unacceptable behaviour towards the victim; or
 - being subject to a risk assessment indicating that there is an ongoing risk to the victim.

In addition, statements will be invited where it is considered appropriate to bring to the Parole Board panel's attention relevant new information, for example, where the offender has made contact with the victim or a member of the victim's family.

2. Process

- 2.1 The new arrangements will apply to cases where it is being considered that the offender may be released, and where an indeterminate sentence prisoner is not being considered for release, but where their suitability for a move to open conditions is being assessed.
- 2.2 **Cases where release is being considered.** In the case of determinate sentence prisoners where the offender may be eligible for release, the Inmate Information System (IIS)* will prompt the parole clerk at the relevant establishment when the offender is eligible for a review to consider their release. This is approximately six months before the likely month that the hearing is going to take place.

In tariff expired, and about to become tariff expired indeterminate cases, the Parole Board will notify the holding prison of the provisional hearing date twenty six weeks in advance of the hearing.

In both circumstances, the parole clerk will contact the offender manager on receipt of this notification to request a report for the review, and, as this report should include a written statement from the VLO if there is ongoing victim contact, the offender manager should promptly advise the VLO. Usually it is not known until nearer the scheduled review date as to whether or not the case will proceed to a hearing and what the specific date of that hearing will be. If a case does proceed to an oral hearing the victim statement may be presented by a member of the NOMS PPA Team (see 4.3).

** IIS is the Prison Service prisoner record electronic database.*

- 2.3 **Consideration of transfer to open conditions.** In pre-tariff indeterminate cases, where suitability for open conditions is being considered, the holding prison will request a report from the offender manager approximately 8 weeks before the scheduled review date. If there is ongoing victim contact, this report should include a written statement from the VLO, and so the offender manager should promptly advise the VLO. The dossier will be disclosed to the offender on the scheduled review date and the Parole Board will consider the case on the papers approximately 10 weeks later. It is at that stage that the Parole Board will decide whether or not to make a decision on the basis of the papers or to refer the case to an oral hearing. If a case does proceed to an oral hearing, the victim statement may be presented orally by a member of the NOMS PPA Team (see 4.3).

The NOMS Public Protection Unit Pre Release Section copy the offender manager in on notifications to the prisoner informing them of the date of the first, and any subsequent Parole Board reviews. If there is ongoing victim contact offender managers should promptly advise the VLO of the provisional date of the oral hearing, and of the date that a VPS from the victim would be required.

- 2.4 **Recall reviews.** In the case of prisoners requesting reviews of their recall **there may be considerably shorter notice given by the Parole Board, and as such offender managers should VLOs as soon as they receive confirmation that the hearing has been scheduled.** This is in accordance with the process envisaged in PC04/2007 which sets out the timeliness of producing Parole Assessment Reports. This may especially be the case where determinate sentence prisoners are approaching release dates such as notional licence expiry date (NLED) and the sentence expiry date (SED). Short notice periods may also apply in cases where the prisoner is serving an extended sentence. In such cases the Parole Board are required to convene an oral hearing within 11 weeks following a request from the offender.
- 2.5. In cases where contact with the victim is being undertaken by a different area to the one undertaking the offender management role, it is the OM's responsibility to ensure that details are provided to the relevant VLO.
- 2.6 Using the template attached at Annex B to this Circular, the VLO should advise the victim in general terms of the provisional date on which the hearing is scheduled to take place.
- 2.7 In addition to these new arrangements, the victim's entitlement under the provisions of the Domestic Violence, Crime and Victims Act 2004 to make representations about the conditions which may be applied to the offender's licence on release will continue. In cases where the victim has chosen to take up this entitlement, their representations should continue to be submitted to the Offender Manager for inclusion in the dossier submitted to the Parole Board.
- 2.8 In cases where victim contact work is being undertaken by a Youth Offending Team (YOT), it is expected that the YOT will follow the procedures set out in this Circular.

3. Timescale

- 3.1 VLOs should note the information set out above in respect of timescales and be mindful of deadline when working with victims to draw a VPS.
- 3.2 Where the victim has taken up the option to put a VPS forward to the Parole Board for consideration, the VLO should arrange for the statement to be forwarded to the NOMS Public

Protection Advocacy Team (contact list attached at Annex A) for inclusion in the dossier that they will put forward to the Parole Board. **The VLO should also send a copy to the Offender Manager.**

- 3.3 In exceptional circumstances (e.g. to clarify details on the day of the hearing), the Advocacy Team might contact the victim directly to discuss aspects of their statement or to seek further information, but the principle will be that questions about the statement will be addressed via the VLO.
- 3.4 Probation Circular 26/2007 provided revised guidance on disclosure of information and the procedures for seeking non-disclosure. The VPS will be disclosable to the offender unless a request for non-disclosure has been agreed. VLOs should put the request for the VPS to be protected from disclosure to the offender to offender manager who should send it to the NOMS Post-Release Team in recall cases, or to the Lifer Manager in pre-release cases. Any application for non-disclosure must be clearly identified as such. An application for non-disclosure will then be made on behalf of the Secretary of State to the Parole Board. Further details are given at section 7 of Annex C later in this Circular.

4. The Victim Personal Statement (VPS)

- 4.1 The VPS can be an update of the statement made at the time of the trial or may be a completely new statement from the victim. It should provide the Parole Board with:
- the victim's views about the original impact of the crime and any ongoing consequences;
 - the likely impact of the offender's release on the victim, or those with close emotional ties to the victim's family.
- 4.2 In preparing the statement, the victim should not offer an opinion on whether the offender should or should not be released, as the Parole Board's decision to release must be based solely upon the potential risk presented by the offender. However, the VPS should assist the Board in making an informed assessment of the risks associated with releasing the offender, including any risk arising from the possible or likely impact of release on the victim or those with close emotional ties to the victim. Where there are multiple offences with different victims, then each victim or representative is entitled to make a personal statement.
- 4.3 The statement may be presented to both oral and paper-based hearings:
- for **paper hearings**, it will be submitted as a written statement which will be considered alongside the other papers.
 - where a case proceeds to an **oral hearing**, the victim may request that the statement is made by oral submission. This will normally be presented by a member of the NOMS Public Protection Advocacy Team. In the event of an application by a victim to present the statement themselves, the procedures set out in the Parole Board Rules will apply.
- 4.4 At oral hearings, the advocate will present the VPS and may be questioned by the Parole Board or the offender's legal representative about the contents of the statement. In presenting the statement and responding to any questioning, the advocate will endeavour to ensure that the interests and opinions of the victim or victim's representative are properly and fully conveyed. If, on reading the papers, the advocate assesses that detailed questioning is likely, they should arrange to take detailed advice from the VLO in advance of the hearing.

4.5 Guidance on the practice issues of the new scheme, including preparation of victims for providing evidence to oral hearings, and monitoring take-up of the arrangements, is being prepared and will be issued to VLOs. This guidance along with copies of the template notification letters attached at Annex B to this Circular, information leaflets for victims and a link a current copy of the Parole Board rules will be placed on EPIC.

5. Notification of outcome

5.1 Responsibility for notifying victims of the outcome of Parole Board decisions will continue to lie with VLOs. Neither members of the Parole Board nor the Public Protection Advocacy Team is expected to enter into discussions with victims about any other elements of the proceedings, or the final decisions that are taken by the Parole Board, which are made independently by the panel.

5.2 In cases where the conditions attached to the offender's release are at variance with those sought by the victim, the Board will continue to provide details within the body of its decision letter.

5.3 **Monitoring and further information.** The public protection advocacy arrangements are new and use of the scheme will be monitored. Practice guidance will identify how areas should monitor take-up of the scheme. Advice leaflets for victims are also being prepared.

Contact list

Public Protection Advocacy Team

Ministry of Justice
National Offender Management Service
Public Protection Unit
Public Protection Advocacy Team
Fry Building – 4th Floor
2 Marsham Street
London
SW1 4DF

FAX: 0870 3369198

Team Managers:	Steve Watson	tel: 020 7035 3998
	Nuzhat Ravzi	tel: 020 7035 3714

Advocates:	Lesley Case	tel: 020 7035 3887
	Michael Fox	tel: 020 7035 3885
	Polly Gilbert	tel: 020 7035 3884
	Susan Kelly	tel: 020 7035 3884
	Anisha Mehta	tel: 020 7035 3723
	Zelda Mulligan	tel: 020 7035 3887
	Celeste Myrie	tel: 020 7035 3723
	Nicky Ojo	tel: 020 7035 3142
	Amanda Smith	tel: 020 7035 3888
	Liz Stokes	tel: 020 7035 3888

Office Manager:	Sean Coles	tel: 020 7035 3715
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Template notification letter

- for use where Release or Transfer to Open Conditions is being considered

[name and address of Probation Victim Contact Unit]

[date]

[name and address of victim]

Dear [name of victim]

I am writing to advise you that a Parole Board hearing to consider whether [name of offender] is suitable (*for release has been scheduled to be heard in [month] / for transfer to an open prison is being scheduled*)*. A definite date will be provided in due course.

A change in arrangements mean that victims are now entitled to provide a statement to the Parole Board to bring the consequences of the offence, the impact of the offender's release and any information relating to current risk issues to the attention of the hearing. In some instances, the Parole Board will hear oral evidence about the case for release, known as an oral hearing. On such occasions you may, if you wish, put forward a request that your statement is presented at the hearing by an advocate. You may also wish to discuss with your VLO options for presenting your statement to the hearing in person.

These new arrangements have not affected your rights under the provisions of the Domestic Violence, Crime and Victims Act 2004 which mean that you are still entitled to make your views known about the licence conditions relating to your safety or protection to which [name of offender] will be subject if [he/she] is determined to be suitable for release from custody.

I will shortly be in touch to discuss whether you wish to take up this opportunity to make your views known to the Parole Board and to explain the process in more detail. In the meantime, if you have any questions please do not hesitate to contact me on [telephone number].

Yours sincerely,

[name of VLO]

* delete as appropriate

- for use in cases where representations against recall to custody are being considered

[name and address of Probation Victim Contact Unit]

[date]

[name and address of victim]

Dear [name of victim]

I am writing to advise you that a Parole Board hearing to consider the representations of [name of offender] against the decision to recall [him/her], and arrangements should the Board approve re-release, has been scheduled to be heard in [month]. A definite date will be provided in due course.

A change in arrangements mean that victims are now entitled to provide a statement to the Parole Board to bring the consequences of the offence, the impact of the offender's release and any current risk issues to the attention of the hearing. In some instances, the Parole Board will hear oral evidence about the case for re-release, known as an oral hearing. On such occasions you may, if you wish, put forward a request that your statement is presented at the hearing by an advocate. You may also wish to discuss with your VLO options for presenting your statement to the hearing in person.

These new arrangements have not affected your rights under the provisions of the Domestic Violence, Crime and Victims Act 2004 which mean that you are still entitled to make your views known about the licence conditions relating to your safety or protection to which [name of offender] will be subject if [he/she] is determined to be suitable for release from custody.

I will shortly be in touch to discuss whether you wish to take up this opportunity to make your views known to the Parole Board and to explain the process in more detail. In the meantime, if you have any questions please do not hesitate to contact me on [telephone number].

Yours sincerely,

[name of VLO]

Oral hearings: briefing note for VLOs

1. The purpose of an Oral Hearing

Over the fifteen years since the first Discretionary Lifer Panel took place in 1992, there has been a change in the procedures adopted by the Parole Board when deciding whether to release prisoners on licence, and deciding whether they have been correctly recalled to custody. All cases including recall cases have the option of being considered at an oral hearing.

An oral hearing is convened for the purpose of assisting the Parole Board panel in making a fair and accurate risk assessment. Primarily the panel must either direct a prisoner's release if it is satisfied that the level of risk is acceptable or if it is not satisfied, make clear that no direction for release is being made. The Secretary of State may also ask the Parole Board to give him advice on a prisoner's suitability for open conditions.

Strictly there is no right of appeal against a Parole Board decision to refuse release, but it may be possible for a prisoner to challenge the decision by commencing an action for judicial review.

2. The role of the Parole Board

The Parole Board is a quasi-judicial independent body, whose members are appointed by the Secretary of State for Justice. Its role is to consider any matter referred to it by the Secretary of State which relates to the release and recall of prisoners. In considering any such matter, the Board will have regard to the aims of the criminal justice system of which it forms a part, including the protection of the public and the successful integration of prisoners into the community. As well as assessing risks associated with the early release of determinate or life sentence prisoners, it advises the Secretary of State of such risks and makes independent decisions. The Board is also responsible for reviewing the recall of determinate sentence prisoners and for recommending recall in respect of life sentence prisoners who break their licence conditions.

The Parole Board is currently chaired by Sir Duncan Nichol and at present has over 160 members, including judges, psychiatrists, psychologists, probation officers, criminologists and independent (lay) members, who generally sit in panels of three.

In reaching a decision, the Parole Board has to consider a dossier of reports submitted by the Probation Service, Prison Service, and where required, other professionals such as psychiatrists and psychologists. Parole applications for determinate sentence prisoners are considered on the papers. Life sentence prisoners who have passed their tariff are entitled to have their case considered at an oral hearing of the Parole Board.

The sentencing provisions of the Criminal Justice Act 2003 do not provide for any ministerial role in determining release. However the Secretary of State has a statutory power to set Directions setting out on the factors which need to be taken into account when the Parole Board decides whether to release a prisoner or, in the case of lifers, recommend that they be transferred to open conditions. These are known as the Secretary of State's Directions to the Parole Board which all Parole Board members are required to address when providing reasons for their decisions. The power to issue Directions to the Parole Board in relation to for the release of life sentence prisoners and certain other categories of prisoner has been confirmed in the light of the unsuccessful High Court challenge in the recent case of *Girling*.

3. Who attends oral hearings?

The participants in an oral hearing are generally as follows:

- “The panel” - the three members of the Parole Board appointed to hear a case, comprising a chair, and two other members; or a single member;
- “The Panel Administrator” - a member of the Parole Board Secretariat, responsible for administrative duties during the hearing;
- “The prisoner”
- “The prisoner’s representative” - normally a solicitor or barrister;
- “The S of S representative” - the representative of the Secretary of State, normally a member of the PPA Team, or a senior representative of the Ministry of Justice;
- “The witness” - someone called to give oral evidence at the hearing, e.g. a probation officer, prison officer, psychiatrist, hostel worker etc.
- “The observer” - someone granted permission to attend the hearing and observe the proceedings while taking no active part.

4. What happens? Process on the day

The oral hearing is designed to supplement the evidence contained in the parole dossier, including the prisoner’s written representations, by enabling the panel and representatives of both parties to hear and examine evidence from witnesses. Ordinarily all participants can expect to be present at the oral hearing, which takes place at the prison establishment where the prisoner is located, although this might not be the case if any evidence is to be presented by video conference.

The conduct of the hearing is governed by the Parole Board Rules and the proceedings are conducted as informally as possible. It is likely that the hearing will be more adversarial if there is strongly contested evidence, particularly at recall hearings where there are disputes over fact. However, witnesses are not required to give evidence on oath and the Parole Board panel should make its own enquiries in order to satisfy itself about the level of risk of the prisoner. The proceedings are not recorded verbatim.

The Parole Board outlines its normal procedures as follows:

- The panel chair will direct his/her opening remarks to the prisoner, introducing all the participants and outlining how the hearing will proceed.
- The chair will invite the Secretary of State’s representative to give the Secretary of State’s view on what the outcome of the case should be.
- The chair will invite the prisoner’s representative or the prisoner if s/he is unrepresented, to state what decision and/or recommendation s/he will be asking the panel to make.
- The chair will invite one of the parties, normally the Secretary of State’s representative, to call his/her witness who will be asked questions by each party, each panel member in turn and by the Secretary of State’s representative on re-examination.
- Once all of the Secretary of State’s witnesses have been heard, the prisoner’s representative calls his/her witnesses, including the prisoner, who undergo the same order of questioning.
- Once all the evidence has been heard both parties will sum up in light of all the evidence presented.
- The chair will advise all present that a decision will be made and notified in writing after the hearing.

The panel can vary the procedure if necessary.

5. New Victim Personal Statement (VPS) procedures

Under new arrangements victims may choose to have a VPS considered at an oral hearing. It is expected that this statement is usually presented by a member of the NOMS Public Protection Advocacy Team. However, the victim is able to choose to present it in person.

Where the victim makes such a choice, the request, which is to appear as a witness at the hearing, should be submitted by the VLO to the Public Protection Advocacy Team. It will be passed by the Team to the Chair of the Parole Board hearing, who will consider it in line with the process outlined in the Parole Board Rules.

Where the victim's request to attend the oral hearing as a witness is approved, the hearing will be conducted in two parts because the victim cannot have access to personal details about the offender. Consideration is being given to the possibility of the victim providing evidence by video-link at a different location to the one at which the offender will be present. In such cases, the offender's legal adviser will be entitled to question the victim on the content of their statement via the live video link.

6. Decisions

The panel's decision will not be announced at the oral hearing. It will be issued to the prisoner, his/her representative, the prison Governor and the Ministry Of Justice no later than fourteen days after the day of the hearing. The NOMS Public Protection Unit Post Release Section are responsible for conveying the decision to the Offender Manager who will inform the Victim Liaison Officer and other agencies responsible for managing the risks presented by the offender.

In considering whether to approve the release of a prisoner, the Parole Board must have satisfied itself that it has considered whether:

- continuing to detain the prisoner is necessary for the protection of the public; or
- there is a risk that the offender will commit further offences; or
- previous compliance with licence conditions broke down to the extent of making ongoing supervision impossible.

The test for release varies according to the type of sentence. For lifer and IPP cases, the Parole Board must in all cases satisfy itself that it is no longer necessary for the protection of the public that the prisoner should be confined. In applying the test, the Board will be considering the lifer's level of risk to life and limb of members of the public. Interpretation of the term "life and limb" by the courts over the years indicates that the level of risk of serious harm to others is to be regarded as being more than minimal.

When directing release or re-release, the Parole Board will set a release date only in the cases of recalled determinate sentence prisoners. The Board also set conditions for indeterminate licences, and recommends them for determinate licences.

In the case of a determinate prisoner, if the Parole Board does not direct the prisoner's release or re-release following recall, it will recommend against release and, if appropriate, a further review of the case at an appropriate interval. In the case of life sentence prisoners who have served the tariff part of their sentence, the timing of the further review is set by the Secretary of State, subject to the rule that there must be a delay of no more than two years between each review.

7. How VLO information is shared

Unless specified, all reports will be disclosed to the prisoner and his or her legal representative. On a case by case basis, the Parole Board, following an application from the Secretary of State, will consider requests as to whether information which is sensitive but which is essential for the Board's consideration of a case should be disclosed to the Board but withheld from the prisoner. In such instances, the Secretary of State will consult with relevant sources and seek to obtain a version of the information that omits the sensitive material but which can be disclosed to the prisoner, where appropriate.

If this cannot be done, the Secretary of State should seek to withhold information from the prisoner in accordance with the Parole Board Rules. The Rules provides that any information

should be withheld from the prisoner if to do so is necessary and proportionate in the opinion of the Secretary of State in order to safeguard one of the following interests:

- national security;
- the prevention of disorder or crime;
- or the health or welfare of the prisoner or others (including victims).

If it is considered that information should not be disclosed to the prisoner on the above basis and should be withheld from the prisoner, this information should be submitted to the Board within a supplementary report clearly marked '**Not for Disclosure**'. Such information should be served in this way, along with the reasons for believing that its disclosure would have that effect. Information from victims is frequently withheld from the prisoner, but it is important that the request is made clearly and that the victim's reasons for wanting the information to be kept confidential are given. If the request for non-disclosure is not upheld, the victim must be made aware and if concerns about disclosure remain, the VLO must consider alternative ways to bring the information to the attention of the hearing and discuss these options with the NOMS Pre- Release team or the Advocate.

The prisoner will always be notified of the existence of non-disclosable information, although he will not be told what it is, or who has given it. However, non-disclosable information will be served on his/her legal representative strictly on the basis that under no circumstances may it be disclosed to the prisoner. At the oral hearing when disclosing such material, the panel will clear the room of all participants, including the prisoner, except the two representatives and the panel administrator and consider the information within this 'closed' forum.

Communicating the outcome of reviews

Information about the outcome of the hearing will be communicated to the offender manager who is responsible for notifying the VLO. Generally, the Parole Board only provides victims with details of its decisions in respect of licence conditions or other restrictions relating to victims where the Board did not accept the restrictions sought by the victim.

PROFORMA – VICTIM PERSONAL STATEMENT FOR CONSIDERATION BY THE PAROLE BOARD

Offender case:

Name of Offender:

Date of Parole Board Hearing:

Name of victim or family representative:

I *do / do not** wish to submit*

- *A new Victim Personal Statement*
- *An updated Victim Personal Statement*

I wish my statement to be presented*

- In writing to the Parole Board
- Orally by a public protection advocate at an oral hearing in cases attended by a representative of the Secretary of State
- I wish to apply via the Secretary of State for the Parole Board's permission to attend the oral hearing as a witness, in respect of my statement, in person. I understand that any such permission is granted at the discretion of the Parole Board and may mean that I am subject to questioning on the content of it. I also understand that I may, on occasions be asked to give my statement via a video link.

I understand that my comments must be limited to those about the impact of the offence and the release of the offender and that decisions about whether or not to recommend release are a matter for the Parole Board.

I *do / do not* wish any part of my statement to be withheld from the offender.

Requests for non-disclosure should be discussed with your victim liaison officer who will be able to consider the grounds for the request. If the victim liaison officer agrees that there are suitable grounds they will then initiate the process for applying for all or part of your statement to be declared "not for disclosure" for consideration by the Secretary of State.

Signed

Date

**Delete as appropriate*

VICTIM PERSONAL STATEMENT FOR CONSIDERATION BY THE PAROLE BOARD

Offender case:

Name of Offender:

Date of Parole Board Hearing:

I wish to make the following comments to the Parole Board about the impact of the offence on myself and or my family.

I wish to make the following comments to the Parole Board about the potential impact of the offender's release on myself and or my family

Signed

Date



Equality Impact Assessment

Preliminary Screening

Statistics & Research

Gathering Evidence through Community Engagement

Assessment & Analysis

Action Plan

The EIA Report

EQUALITY IMPACT ASSESSMENT
NOMS
Performance & Improvement
Public Protection Unit

PRELIMINARY SCREENING

Date of Screening	
Name of Policy Writer	Robert Lawman
Director General	

Name of Policy Victim representation at Parole Board oral hearings	This is a new policy
	This is a change to an existing policy
	This is an existing policy

Policy Aims, Objectives & Projected Outcomes

The policy will give the victims of violent or sexual offences an opportunity to put forward a statement for consideration at the Parole Board hearing considering the release or transfer to open conditions of the offender convicted of the offence against them.

A new team of Public Protection Advocates located in the NOMS PPU Post Release Section will be responsible for presenting the statement to the Parole Board.

The statement from the victim will inform the Parole Board about the impact of the crime, of any lasting consequences on the victim or their family, or the impact that the offender's release might have on the victim or their family and will assist the members of the Board in assessing any risk that the offender presents.

Will the policy have an impact on national or local people/staff?	YES/NO
Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy	YES /NO
Are there any aspects of the policy that could contribute to equality or inequality?	YES/ NO
Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?	YES/NO
If this is an amendment of an existing policy, was the original policy impact assessed?	YES/NO

If your answer to any of these questions is **YES, go on to the full EIA.**

If you have answered **NO to any particular questions**, please provide explanatory evidence.

If you have answered **NO to all of these questions** then you must also attach the following statement to all future submissions that are related to this policy and ensure it is signed off by senior management. You must also include this statement within any regulatory impact assessment that is related to this policy.

“This policy was screened for impact on equalities on [insert date]. The following evidence [Evidence] has been considered. As a result of this screening, it has been decided that a full equality impact assessment is not required. “

Are particular communities or groups likely to have different needs, experiences and/or attitudes in relation to the policy?

The policy applies equally to all victims of violent and sexual offences where the offender was sentenced to imprisonment for 12 months or more, who are receiving information under the statutory victim contact arrangements.

By providing victims with a greater voice at Parole Board oral hearings, the policy will benefit a wide range of victims including those from BME groups and others with specific needs.

Existing national guidance on preventing discrimination on the basis of race, gender, disability or other factors will ensure that probation areas will apply the policy appropriately.

Could the aims of the policy be in conflict with equal opportunity, elimination of discrimination, promotion of good relations?

I refer to the previous example. The policy will apply equally to all victims who fall within the scope of the statutory victim contact scheme and have opted to take up the service offered by the National Probation Service.

In applying the new policy, probation areas will be expected to follow national guidance on preventing discrimination on the basis of race, gender, disability or other factor.

FULL IMPACT ASSESSMENT

STATISTICS & RESEARCH

What relevant quantitative & qualitative data do you have in relation to this policy?

None, this is a new scheme. The arrangements outlined by the policy will be applied equally to victims receiving information from the Probation Service under the statutory victim contact arrangements. Such policies are already monitored.

Please site any quantitative (e.g. statistical research) and qualitative evidence (monitoring data, complaints, satisfaction surveys, focus groups, questionnaires, meetings, research interviews etc) of communities or groups having different needs, experiences or attitudes in relation to this policy area.

Equality Target Areas	How does the data identify potential or known positive impacts? How does the data identify any potential or known adverse impacts?
Race (consider e.g. nationalities, Gypsies, Travellers, languages)	n/a
Disability (consider social access and physical access)	n/a
Gender	n/a
Gender Identity	n/a
Religion and Belief	n/a
Sexual Orientation	n/a
Age	n/a

What research have you considered commissioning to fill any data gaps?

For example, you may need to ensure quantitative & qualitative data groups include stakeholders with respect to this policy.

N.B Include any recommendations in your action plan

NOMS Public Protection Unit haven't commissioned any specific data in respect of the new arrangements, however a similar scheme is already in place in Canada. Uptake of the overall advocacy scheme will be monitored by the PPU.

Who are the stakeholders, community groups, staff or customers for this policy area?

The policy will benefit the victims of sexual and violent offences by providing them with considerably more opportunity to have their 'voice' heard at Parole Board oral hearings.

The new scheme will be implemented by Probation Service victim liaison officers who will work with the victims on preparing their statement. This might include addressing issues of equal access to the scheme such as assisting victims with learning difficulties to write their statement, or engaging with a translator if the victim does not speak English.

Offender Managers who will be responsible for passing that statement to the Parole Board for inclusion in the prisoner's parole dossier to ensure that the Parole Board members considering the offender's case have access to all the information that is submitted.

Members of the Public Protection Advocacy Team will have the role of presenting the victim's statement at the Parole Board hearing, and, on the very rare occasions that the victim will attend the hearing to present evidence, to work with the Prison Service to ensure that the victim's needs are met. This might be to address equality issues such ensuring that the victim can access the hearing if they mobility difficulties or that a translator is arranged if the victim does not speak English.

What are the overall trends and patterns in this qualitative & quantitative data?

Disproportionality; regional variations; different levels of access, experiences or needs; combined impacts.

None – at present we have no data and as a policy unit no resources to devote to additional monitoring.

Please list the specific equality issues that may need to be addressed through consultation (and further research)?

None.

GATHERING EVIDENCE THROUGH COMMUNITY ENGAGEMENT

INTERNAL STAKEHOLDER ENGAGEMENT: Consulting & involving Other Government Departments, Staff, Agencies & NDPBs

Does this policy affect the experiences of staff? How? What are their concerns?	
Staff	<p>Victim liaison officers (VLOs) will be expected to introduce and explain the new arrangements to victims.</p> <p>The scheme will be available only to victims who have already taken up the service offered by the probation victim contact scheme. When an offender's parole dossier is being prepared, VLOs are commissioned by offender managers to provide a report for inclusion in the dossier to enable the Parole Board to consider setting licence conditions to protect the victim or members of their family should the offender be released.</p> <p>It is expected that VLOs will work with victims on preparing a personal statement at the same time that they are canvassing their views for the existing report.</p>
Staff Networks & Associations	None consulted formally, although see below for details of engagement with staff.
Trade Unions	None consulted.

How have you consulted, engaged and involved internal stakeholders in considering the impact of this proposal on other public policies and services?

For example your policy may affect access to housing, education, health, employment services.

Through the Victims' Network group consultation on the draft policy was undertaken with probation victim liaison regional representatives. Also represented on the group are representatives of Victim Support, Parole Board, Youth Justice Board, Crown Prosecution Service and the Office of Criminal Justice Reform (OCJR).

The draft policy was also shared with the Victims Advisory Panel, a consultative group sponsored by OCJR whose membership consists of the victims of crime, with a wide range of experiences.

NOMS PPU also organised three regional training events – in York, London and Bristol. These events were attended by approximately 120 victim liaison officers and victim liaison unit managers who were given the opportunity to provide feedback on the policy on the day, or later in writing.

What positive and adverse impacts were identified by your internal consultees? Did they provide any examples?

Comment on the impact of the policy was limited to operational matters, such as whether the relationships between victim liaison units and offender manager teams were strong enough to support the information exchange process and the amount of time that victim liaison officers would have to spend in discussing with victims the content of their statements.

Feedback the results of this internal consultation and use it as a basis for work on external consultation

EXTERNAL CONSULTATION & INVOLVEMENT

How did your engagement exercise highlight positive and negative impacts on different communities?	
Voluntary Organisations	n/a
Race	n/a
Faith	n/a
Disability Rights	n/a
Gender	n/a
Gender Identity	n/a
Sexual Orientation	n/a
Age	n/a

Feedback the results of your community engagement (i.e. involvement and consultation) to all participants including internal and external stakeholders

ASSESSMENT & ANALYSIS

Does the EIA show a potential for differential impact on any group(s) if this proposal is introduced? If Yes, state briefly whether impact is adverse or positive and in what equality areas.

No.

What were the main findings of the engagement exercise and what weight should they carry?

The main findings of the engagement exercise were operational considerations, unrelated to wider EIA issues.

Does this policy have the potential to cause unlawful direct or indirect discrimination? Does this policy have the potential to exclude certain group of people from obtaining services, or limit their participation in any aspect of public life?

No – Victim Liaison Officers are very alert to issues of equal access to their service and any equality issues will be addressed through the application of existing practice guidelines. Local areas do undertake additional monitoring of their services.

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How does the policy promote equality of opportunity?

The policy provides for all victims of violent and sexual offences, whatever their background and irrespective of underlying factors, to have their voice heard by the Parole Board as part of the process in determining whether or not a offender may be released or transferred to open conditions.

How does your policy promote good relations? How does this policy make it possible for different groups to work together, build bridges between parallel communities, or remove barriers that isolate groups and individuals from engaging in civic society more generally?
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The policy will encourage more active participation in the criminal justice decision making process. It is part of the wider confidence agenda and is part of the drive to rebalance the CJS towards victims.

How can the policy be revised, or additional measures taken, in order for the policy to achieve its aims without risking any adverse impact?

No adverse impact has been identified.
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Are there any concerns from data gathering, consultation and analysis that have not been taken on board?

Please justify and explain the reason for your decision.
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No - no adverse impact has been identified.

ENSURING ACCESS TO INFORMATION

How can you ensure that information used for this EIA is readily available in the future?

(N.B. You will need to include this in your action plan)

It will be published alongside the Circular.

How will you ensure your stakeholders continue to be involved/ engaged in shaping the development/ delivery of this policy?

(N.B. You will need to include this in your action plan)

Managers of the advocacy team will monitor take-up of the new arrangements which will be reviewed within the PPU six months after implementation.

How will you monitor this policy to ensure that the policy delivers the equality commitments required?

(N.B. You will need to include this in your action plan)

The review will identify the gender and ethnic background of each victim who opts to take up the new arrangements established by the policy. Any issues relating to access to the new arrangements will be reported.

Now submit your EIA and related evidence to the Equality & Diversity Unit for quality assurance and clearance.

ACTION PLAN

Recommendations	Responsibility	Actions required	Success Indicators	Target Date	What progress has been made?
Data Collection	Probation Areas and PPU Post Release Section	Guidance to ensure that required data is collected.	Take up of scheme amongst all victims irrespective of equality issues.	Six months after implementation of new arrangements.	
Publication Arrangements	Victims Policy Team – PPU	It is not intended that the data will be published. Data to be reported to Ministers and the Equality & Diversity Unit.	Action completed.	Eight months after implementation of new arrangements.	
Monitoring & Review Arrangements	Victims Policy Team – PPU	Policy may be reviewed if findings demonstrate that it is necessary to ensure full participation in the scheme.	Policy amendments not required.	Ten months after implementation of new arrangements	
List other recommendations that are required					

Please ensure that the action plan is agreed by your Director/ Minister

THE EQUALITY IMPACT ASSESSMENT REPORT

The EIA report is a concise summary of the results of your EIA work. You should ensure that you cover the topics described below.

Background:

- Context of policy/programme
- Link to strategic aims and objectives
- Scope of the EIA work (e.g. if linked to previous EIA or work delivered by another Government Department)

Methodology:

- Approach to data collection and analysis
- Results of consideration of existing evidence

Consultation & Involvement:

- Stakeholder/community involvement in developing proposals
- List of organisations engaged (optional)

Assessment & analysis

- Key Findings from the data collection and community engagement
 - Positive impacts: existing or potential
 - Adverse impacts: existing or potential

Recommendations

- Describe how you will respond to the key findings by:
 - strengthening the potential for positive impact,
 - removing areas that may exacerbate or engender adverse impact
 - including measures to mitigate any adverse impact that may occur
 - including measures that ensure ongoing compliance with statutory obligations
 - monitoring arrangements
 - ensuring continued public access to information about the policy/programme.
 - action plan (optional)

Date of EIA Report

Date of Publication of Results

Ensure that the EIA Report is published on the NOMS/ MoJ website before your policy/programme is implemented.