



Parole Board for Scotland

Guidance for Members - Audio Conferencing for Tribunals and Oral Hearings

1. Introduction

- 1.1. In light of continued developments in government and health advice regarding covid-19, our focus has been on ensuring we have robust contingency plans in place to enable the Parole Board to continue to deliver its statutory duties.
- 1.2. The health and wellbeing of our staff and members has been our primary concern, as well as the health and welfare of prison staff, witnesses, prisoners and their representatives. It has therefore been necessary to review the way in which cases are heard in accordance with recent government restrictions. With immediate effect, teleconferencing will replace face-to-face and video link arrangements for all Tribunals and Oral Hearings. While it is technically possible to video link between members, it is not possible to link with prisons, prisoners or solicitors by this method.

2. Procedural requirements

- 2.1. Cases will continue to be considered in the interests of fairness and in accordance with the Board's tests for release.
- 2.2. The procedural requirements of the Parole Board (Scotland) Rules, 2001 will continue to apply.
- 2.3. The Rules provide that the Board can make arrangements for the whole or part of the evidence of a witness, or of the person concerned, to be given through a live link. Live link includes any arrangement which allows the parties to be seen and be heard, or be heard, in the proceedings. This therefore includes video and audio conferencing.

3. Representations

- 3.1. The Rules require the Board to provide the offender, and their legal representative, with written notice of its decision to conduct the hearing by teleconference.
- 3.2. The prisoner will normally be provided with five working days to submit representations in this regard.
- 3.3. The Tribunal will consider any representations made with regard to, and in the interests of, fairness. If it is deemed that fairness requires an oral hearing (video link or face-to-face), the case will have to be postponed. The case will be scheduled when we are in a position to conduct oral hearings. If no tenable objections are raised, the case will be considered by teleconference.

3.4. It is anticipated that the Board will be able to consider most cases by teleconference but there may be occasions where this would undermine the fairness of proceedings. For example, where there are significant concerns regarding the mental capacity of a prisoner or if the prisoner has a disability that would prevent them from participating fully in the hearing if it were carried out by teleconference. In these situations, the case may need to be postponed until it can be heard face-to-face or by video link.

4. What is a teleconference?

4.1. A teleconference allows participants to conduct a meeting remotely using telephones. This means that Parole Board members, witnesses and solicitors will not be required to attend the prison in person and will participate remotely from a secure location.

5. Teleconference arrangements

5.1. All parties will join the teleconference using a telephone number and secure code provided by Parole Scotland. Participants will be able to use a mobile or landline.

5.2. The Chair of the Tribunal will act as the “host” of the teleconference and will be responsible for ensuring all relevant parties are present at the commencement of the teleconference.

5.3. All parties will be asked to record their name at the start of the teleconference. A roll-call will be played to the Chair when they join the call so they are aware who is present. Thereafter, if any participant enters or exits the call, their name will be announced to all.

5.4. The LLO will be present in the room with the offender and will be available to take any necessary action – for example, if there is a requirement to adjourn for an agreed period of time to allow the solicitor to take instruction from the prisoner, the LLO can organise a private telephone call between the two before the teleconference resumes.

5.5. All parties will convene at the start of the call, including any witnesses attending to provide oral evidence. This allows the Chair to explain the procedural matters for the teleconference – for example, check that everyone is present, check audio quality and confirm that all parties are in a secure location. If there is an issue which requires to be dealt with out with the presence of the witnesses then the Tribunal can tell the witnesses directly when they should re-join the Tribunal. In these instances, the witness will be required to exit the call and re-join at the agreed time. The name of the witness will be announced to all participants when they exit. Their name will be heard again when they re-join the call at the agreed time.

5.6. The teleconference instructions and commands can be found in [Annex A](#). Please familiarise yourself with these prior to the teleconference commencing.

5.7. The Scottish Prison Service (SPS) will make arrangements for solicitors to have a telephone call with their clients ahead of the hearing commencing. Solicitors will be required to contact the relevant prison to arrange this.

6. Tribunal preparation

6.1. There should be no change to the preparation undertaken by the Tribunal in advance of the hearing commencing. The Tribunal should continue to have a preparatory meeting at least 30 minutes prior to the hearing commencing to discuss and agree the following:

- Order of questions;
- Lead for each question;
- Process for raising concerns with each other during the proceedings (i.e. to seek a short adjournment or through the use of Skype instant messaging); and
- Process for adjournments – time periods allocated (see section 12).

6.2. Members will be able to use Skype audio or video to facilitate their private pre-meet. Members will also have the ability to use Skype instant messaging during the teleconference, however this should be agreed before the hearing commences as some members may find this distracting.

6.3. Instructions on operating Skype can be found [here](#).

7. Before the teleconference

7.1. All parties are asked to make themselves available ten minutes prior to the hearing commencing with access to the telephone number they have shared. You can use this time to ensure you have all relevant papers at your disposal and to familiarise yourself with the [teleconference instructions](#).

8. At the start of the teleconference

- All parties will join the teleconference using the telephone number and secure codes provided by Parole Scotland.
- All participants will be asked to confirm their name when they enter the teleconference.
- A roll-call will be played to the Tribunal Chair confirming who is present on the call. They can request a roll-call at any point during the call by pressing the relevant star command (see [Annex A](#)).
- Once the call begins, at any point a participant enters or exits the call, their name will be confirmed to everyone present.
- The Chair will confirm who is present on the teleconference by introducing themselves and asking all other parties to identify themselves and anyone who is present with them at their end of the call.

- The Chair will advise all parties that only one person should speak at any one time and they must identify themselves each time they speak.
- The Chair will emphasise that these are confidential proceedings and ask all parties to confirm they are in a suitable private area.
- If the Tribunal have agreed to confer through Skype during the proceedings, the Chair will advise all parties of this.
- The Chair will explain the process to be followed for adjournments during the proceedings (see section 12).

9. During the teleconference

- Identify yourself each time you speak.
- Be alert to tone of voice as you will not have the opportunity to observe verbal nods and body language.

10. At the end of the conference

- The Chair should thank all parties and end the call. At the point at which the Chair exits the call, all other parties will be disconnected.
- The Tribunal should thereafter deliberate through a private Skype video or conference call.

11. Confidentiality

11.1. The Rules provide that hearings must be held in private.

11.2. It will be important for members to conduct the hearing in a secure and private setting without distractions. Members should consider if there are any risks of anyone in their household overhearing any part of the proceedings. If calling from home, you should be alone in a room. Solicitors and witnesses will be asked to do the same.

11.3. We appreciate that we are operating in exceptional circumstances which may result in members working from home with other adults and children present. Members are asked to use their judgement. If, for any reason, you are concerned you do not have a suitable private area to conduct the hearing, and are not confident you can protect the confidentiality of the proceedings, you will be required to inform Parole Scotland that you are unable to attend the teleconference. Please consider this ahead of the teleconference and provide Parole Scotland with sufficient notice as it may be necessary to identify another member to replace you.

11.4. Please do not use loudspeaker when participating in teleconferencing as this risks the proceedings being overheard by anyone else present in your household and can impact the audio quality. The use of headphones or telephone headsets may help to reduce the risk of at least some of the teleconference being overheard.

11.5. We appreciate that members will be asked to share their telephone numbers with the establishment. Please be assured that this will only be used

for the purpose of the teleconference and will immediately thereafter be disposed of. The prisoner will have no access to this information and will be sat at least two metres away from the LLO. The LLO will be asked to treat this information as sensitive material and remove it from the room if they are required to leave the room for any reason.

12. Adjournments during proceedings

- 12.1. It may be necessary to adjourn the proceedings to allow the Tribunal to consider a motion submitted by the prisoner/legal representative, allow the solicitor to take instruction from their client, or for any other reason. The Tribunal should therefore agree the approach they intend to take if such situations arise during their pre-meet and make this very clear during the start of the teleconference.
- 12.2. Short adjournments will be difficult to manage and should be avoided, where possible.
- 12.3. For any adjournment under five minutes – for example, to allow the prisoner to take a break – you should advise all parties that the proceedings will be briefly adjourned. All other parties will remain on the teleconference.
- 12.4. You should set a fixed period for any adjournment longer than five minutes. For example, if papers are received on the morning of the Tribunal and the solicitor requests time to consider with their client, ten minutes may be required. In these situations, the Tribunal should agree the time the call should resume and end the call. All parties will be required to re-join the meeting by using the same telephone number and relevant access code.
- 12.5. The proceedings will continue once the call resumes.

13. Recording

- 13.1. There will no change to the way in which Tribunals record the decision made.
- 13.2. There will be no audio recording available and members are therefore asked to take notes as they would if the Tribunal were being conducted by live-link or face-to-face.
- 13.3. There is no change to the way in which decisions are communicated to Parole Scotland; the EID should be emailed to the Casework mailbox once it has been agreed by the Tribunal.
- 13.4. If the hearing did not continue due to issues encountered with the teleconference arrangements, can you make Parole Scotland aware of this so we can explore the issues encountered.

14. Tips for Teleconference

14.1. We encourage you to share your experiences with us, and each other, and will therefore continue to refine this document to reflect your feedback. Current top tips are as follows:

- Try to minimise noise – where possible, use a headset as this will eliminate most background noise.
- Be sensitive to the lack of behavioural cues when parties are communicating.
- Check that the teleconference is working throughout the hearing – check in regularly with all parties to ask if they are still dialled in as you may not notice if they have lost connection. It's equally as important to frequently ask if all parties can hear what is being discussed, especially if you can detect noticeable audio disruption.
- Pre and post Tribunal discussions are important and should take place using Skype.

15. Expenses

15.1. The telephone numbers provided for the teleconference are UK Freephone numbers so no charges will be incurred by any of the participants.

15.2. PBS will pay for this service and have acquired the teleconference lines for this purpose.

16. Prisons these arrangements apply to

16.1. These arrangements apply to all establishments in Scotland.

16.2. These arrangements do not apply to cases heard in prisons in the rest of the UK. However, we will make contact with relevant establishments as and when required to ask if similar arrangements can be made.

17. Feedback

17.1. This is new territory for us all and we therefore intend to refine the process in response to feedback. Please share your experiences to allow us to identify improvements. Feedback can be submitted to Casework@paroleboard.scot.

17.2. We will also seek feedback from other parties involved.

Version Control

Version	Amendment Date
0.1	26/03/2020 – issued to Members.
0.2	31/03/2020 – updated to reflect a change to teleconferencing system. Issued to Members.

Annex A – Teleconferencing Instructions and Commands

The telephone number and relevant passcode will be circulated to all parties by Parole Scotland.

1. Joining the teleconference as the Host (Tribunal Chair)

1. Dial the **telephone number** provided by Parole Scotland.
2. When prompted, enter the **host passcode** followed by the **#** sign.
3. You will be asked to wait for the tone and then asked to **say your name** followed by the **#** sign.
4. You have now joined the meeting and will hear a roll-call of everyone present.

2. Audio and help commands for the Host (Tribunal Chair)

The star commands below are available only to the Chair of the Tribunal, as host of the teleconference, to assist them to manage the call.

Dial on Keypad	Command
*92	To hear a roll call of guests
*93	To disconnect all guest lines
*94	To lock and unlock your conference call (lock prevents other guests from entering your conference)
*96	To mute all guest lines
*97	To unmute all guest lines

3. Joining the teleconference as a guest (all other parties)

1. Dial the **telephone number** provided by Parole Scotland.
2. When prompted, enter the **guest passcode** followed by the **#** sign.
3. You will be asked to wait for the tone and then asked to **say your name** followed by the **#** sign.
4. If the Host (Tribunal Chair) has not joined, a prompt will let you know that all participants will hear music until the Host joins the teleconference.
5. The Host will hear a roll-call confirming who is present and the teleconference will then begin.

4. Audio and help commands for everyone

The star commands below are available to everyone on the teleconference.

Dial on Keypad	Command
*4	To increase the volume of the teleconference
*5	To increase the volume of your voice/line

*6	To mute or unmute your line
*7	To decrease the volume of the teleconference
*8	To decrease the volume of your voice/line