

Top Tips Guide for Conducting Victims Observations

The purpose of this document is to provide suggestions for good practice for tribunals with victim's observations.

We must bear in mind that victims observing the tribunal won't have an in depth understanding of the parole process and may find aspects of the procedure confusing. Although the victim's team will ensure that the victim is aware of the overall structure of the tribunal (covered within the pre meet as part of the new victim's process) the adoption of some or all of the following suggestions may enhance victims' understanding of the process.

- It is recommended that the chair of the tribunal speaks to the member of the victim's team who will accompany the victim, in advance of the tribunal. This can allow any potential issues to be discussed, and for the chair and the victim's team member to be clear about the procedure that will be adopted. The chair should have the victim team member's mobile phone number (i.e. member's portal).
- It is recommended that the tribunal considers preliminary matters outwith the presence of the victim at the start of the tribunal. The chair can use this to explore with all parties if there is any evidence that should be taken outwith the presence of the victim during the tribunal. Parties should be asked to avoid disclosing any information which should not be provided to the victim (such as the identity or address of a community work placement).
- The chair may wish to direct all parties to use set terminology to avoid disclosing confidential information (for example, "home leave address", "new partner" etc.).
- The chair may wish to confirm to the solicitor that confidentiality agreements have been signed and seen and remind all parties that observers can be asked to leave at any point, should that be appropriate.
- Witnesses should be reminded that if they consider that in answering a question that they risk disclosing confidential information, they should make the chair aware of this prior to answering.
- Once the preliminary matters have been dealt with, the chair may wish to text the victim's team member asking them to join the call.
- The chair may wish to ask victims team member for clarification once joined, that victims are present.
- It should be made clear that no one should address the victim directly, without prior approval from the chair.
- Parties should be asked to avoid jargon or acronyms (such as NTE, LLO or HBR).
- It is helpful if the standard tribunal introductory remarks are given after the victim has joined the proceedings, as this will allow them to hear the legal test and procedure which will be adopted.
- Parties should be asked to speak slowly and clearly
- It may be appropriate for the chair to advise the victim, if it is proposed, that they will be asked to leave during passages of evidence.

- It is important to avoid the temptation to be performative during the tribunal. The tribunal should be conducted in the same way as normal, and it is important not to pose questions simply for the benefit of victims.
- We recommend that Tribunal members use official Parole Scotland background while present on teams, this will ensure they are easily identified by the victim.
- Members may find it useful to have a post tribunal de brief with the victim's team in order to share best practice and improve the process.