



## **Parole Board for Scotland**

### **Guidance for Solicitors and Witnesses - 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 Board will provide the offender and their legal representative, with written notice of its decision to conduct the hearing by teleconference. The prisoner will normally be provided with five working days to submit representations in this regard.
- 3.2. 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.

#### **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 the call. 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 should contact the prison to make these arrangements.

## **6. Before the teleconference**

6.1. All parties are asked to make themselves available ten minutes prior to the hearing commencing. This will provide you with the opportunity to familiarise yourself with the [teleconference instructions](#) prior to the hearing commencing.

## **7. 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.
- 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 11).

## **8. 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.

## **9. At the end of the conference**

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

## **10. Confidentiality**

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

10.2. It will be important for all parties to ensure they are in a secure and private setting without distractions. All parties 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.

10.3. 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. Adjournments during proceedings**

11.1. 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 will agree the approach they intend to take if such situations arise during their pre-meet and make this clear during the start of the teleconference.

11.2. Short adjournments will be difficult to manage and should be avoided, where possible.

11.3. For any adjournment under five minutes – for example, to allow the prisoner to take a break – the Tribunal will advise all parties that the proceedings will be briefly adjourned. All other parties will remain on the teleconference.

11.4. The Tribunal will 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 at the agreed time using the contact number and access code provided.

11.5. The proceedings will continue once the call resumes.

## **12. Recording**

12.1. There will no change to the way in which Tribunals record the decision made.

12.2. There will be no audio recording available.

## **13. Expenses**

13.1. The Parole Board for Scotland will pay for this service.

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

#### **14. Prisons these arrangements apply to**

14.1. These arrangements apply to all establishments in Scotland.

#### **15. Feedback**

15.1. 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](mailto:Casework@paroleboard.scot).

#### **Version Control**

| <b>Version</b> | <b>Amendment Date</b>  |
|----------------|--|
| 0.1            | 26/03/2020 – first version.  |
| 0.2            | 28/03/2020 – updated to reflect change to teleconferencing system. |

## Annex A – Teleconferencing Instructions and Commands

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

### 1. Joining the teleconference

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.

### 2. Audio and help commands for everyone

The star commands below are available to all participants 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    |