

This book has been produced by the
Prison Service
and the
Prison Reform Trust



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**PRISONERS'
INFORMATION
BOOK**

Women Prisoners and Young Offenders

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INFORMATION

**PRISON
REFORM
TRUST**

The work of the Prison Reform Trust is aimed at creating a just, humane and effective penal system. We do this by: inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, Government and officials towards reform.



Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.

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Other books in the
Prisoners' Information
Book series:

There will be four separate books
published as the Prisoners'
Information Book in 2002/2003:

- Prisoners' Information Book for male prisoners and young offenders
- Prisoners' Information Book for women prisoners and young offenders
- Prisoners' Information Book for life sentenced prisoners - 'lifers'
- Prisoners' Information Book about visiting and keeping in touch

Foreign translations of the
Prisoners' Information Books are
also available.

Introduction

This is an information book for women prisoners, including female young offenders - but not those under 18 who have been sentenced to a Detention and Training Order (DTO). It will help answer some of the questions you may have about your time in prison.

It has been produced jointly by the Prison Service and the Prison Reform Trust, a charitable organisation independent of the Prison Service which campaigns for a more effective, just and humane penal system.

This is not the 'Rule Book' – but it explains some of the Prison Rules and Prison Service Orders (PSOs). You can find copies of these rules and orders in the prison library, and you have a right to see them (even if you cannot get to the library because you are sick or on segregation).

Please bear in mind that the way the rules are applied may vary in different prisons. Sometimes prison rules change very quickly. The Prison Service should provide information about changes which are likely to affect you.

This book will be available for reference or loan to all women prisoners. It may not be possible to print enough for everyone to have their own copy but if you do have your own copy, please try to take care of it in case it is difficult to get another one.

If you are not sure about something which is mentioned in this book and you need further advice, please ask a member of staff – or apply to see a governor. Separate books are available for lifers, male prisoners and about visiting arrangements and keeping in touch with your family.

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Chapter 1 On Arrival

What happens when you arrive in prison

You will be taken to the prison's reception. The things that you brought with you will be listed by a prison officer. You may be allowed to keep some things (the officer will tell you which) and the rest will be taken away for safekeeping.

- This is called your **property**.
- Everything will be given back to you when you leave prison.
- You may have a bath or a shower.
- You will be given a **prison number** and told where you are to sleep.
- You will be seen by a member of the prison health care team.
- Please tell the health care staff if you have any problems such as drugs, alcohol, HIV, or if you need to take regular medication. You should also tell health care staff if you are pregnant. Any information will be treated as medically confidential. It is very important to be as honest as possible at this stage about your feelings. This will enable members of staff to provide you with any necessary help or assistance.

- Please also tell the health care staff if you feel very down or panicky or if you can't cope with your feelings or worries. Again this will be treated as medically confidential.
- An officer will take you to your cell or dormitory.

If you have not been able to talk to your solicitor before you left court, please tell the officer at reception. They will arrange for you to have a visit from your solicitor, if you need it, as soon as possible.

As soon as possible

You will see other prison officers and you may see a member of the prison probation staff. However, in some prisons you will see the personal officer who has been allocated to you rather than a member of the probation staff. This is called your **reception interview**, and again gives you a chance to tell staff of any problem that is troubling you.

If you are not sure what to do, an officer should be able to help.

Remember that other prisoners may not always give you the right information.

Who to talk to about immediate problems

If you have worries or problems while you are in prison – whatever they are – it is a good idea to talk them over with someone. It is probably best to discuss any problem first with either your personal officer, if you have one, or the officer in

charge of your wing or unit. You may also wish to talk to the Chaplain or a member of the Board of Visitors. In addition, if you wish to talk to someone other than a member of staff, you will have an opportunity to talk to a prisoner Listener/Buddy or directly to the Samaritans. (See chapter 5 for more information.)

Induction

Induction is meant to inform you about prison life, the prison regime and your responsibilities and privileges. It follows on from the formal reception procedures. It is the start of the assessment process which is designed to help you to make the best use of your time in custody, address offending behaviour and prepare you for life after release.

All prisoners new to custody or who change their status or transfer to another prison will be provided with an induction process. The length of the induction period will vary. For example, those prisoners who have changed status, such as from unconvicted to sentenced but are returning to the same establishment, may not require such a thorough induction as those who are new to custody or new to the prison.

Appealing against your sentence

You can appeal against your sentence, or your conviction, or both. It is very important to get legal advice if you think you want to appeal.

Think carefully about appealing. If your appeal is considered to be without foundation, the court can order that time spent in custody awaiting your appeal should not count towards your sentence.

If you were convicted at the Crown Court, or if you were convicted at Magistrates' Court but sentenced at the Crown Court, you can appeal to the Court of Appeal Criminal Division. You will need to use the proper Notice of Appeal form which is available from a Legal Services Officer in the prison. It will need to be sent to the Crown Court at which you were convicted and/or sentenced.

If you were convicted and sentenced by the Magistrates' Court you must lodge any appeal at the Crown Court. You cannot appeal to the Court of Appeal in this instance.

You can sometimes appeal against your conviction even if you pleaded guilty, but you will have to show very good reasons for doing this.

For advice about appealing you should contact your solicitor and the barrister who represented you at court. If you did not have a chance to speak to them at court, you should ask the Governor if you can have an immediate Legal Visit.

The legal advisers you had at your trial have a duty to advise you in writing on the chances of your appeal being successful, and to complete the necessary papers if you do decide to appeal.

You can apply to the Governor for a Prison Service owned laptop to help you with your legal work (you cannot bring in your own for this purpose). The Governor will approve the application if you can show that there is a real risk of prejudice to your legal proceedings and that your access to justice is limited without use of a computer. If approved, access will be subject to certain conditions. For more information see Prison Service Instruction (PSI) 2/2001. A copy should be available in the prison library.

Legal Services Funding

Legal Services Funding has replaced the former Legal Aid Scheme and there are a number of changes as a result of the Access to Justice Act 1999. Existing cases continue to be dealt with under the old rules but new cases will be dealt with under the provisions of the new Act which took effect from April 2001. A Legal Services Officer in the prison can provide advice. The changes are explained in detail in Prison Service Order 2605.

If you were granted Legal Services Funding for the Crown Court proceedings, that covers the cost of obtaining advice and assistance in connection with making an appeal. It does not cover the cost of an appeal if leave to appeal is granted. You will need to apply for a new Legal

Services Funding order for the appeal proceedings.

If you want to change your legal advisers appointed under the Crown Court order, you must notify your solicitor, who will make an application to the judge in court giving the reasons why you wish to change. The judge will then decide whether you may change your legal adviser, taking account of the reasons why you are no longer satisfied with your representative. You can, of course, appoint any other solicitor or legal adviser at your own expense. The prison must allow you reasonable facilities to write to and be visited by your solicitor.

If you want to be released on bail while you are waiting for your appeal to be heard, you should apply to the Court of Appeal on Form B. There is a section on bail in chapter 2 of this book.

If you have any questions ask to speak to one of the Legal Services Officers in the prison.

Criminal Cases Review Commission

If your appeal is unsuccessful, the only way forward with your case would be to make an application to the Criminal Cases Review Commission. The Commission considers cases of alleged miscarriages of justice which have been through the appeal process. The Commission has a large number of caseworkers and extensive powers to investigate miscarriages of justice, and can refer a case back to the Court of Appeal if it considers that there is a real possibility that a

conviction or sentence would not be upheld. In order to challenge your conviction successfully, you will have to show that there is some evidence or argument, not presented either at trial or on appeal. You may be able to obtain the assistance of a solicitor with your application; Legal Services Funding may be available for this under the Legal Advice and Assistance Scheme (using a Claim 10 form).

Correspondence with the Commission is treated as privileged. This means that, unless it is believed that correspondence contains an illicit enclosure or poses a risk to prison security, it will not be stopped or read. Similarly, telephone conversations will be afforded as much confidentiality as possible, and visits with Commission officials will be treated in the same way as other legal visits.

You can contact the Commission at: Alpha Tower, Suffolk Street, Queensway, Birmingham B1 1TT, Tel 0121 633 1800.

Help from the Probation Service

If you are released on appeal because your sentence is quashed you can still seek assistance from your local probation office. There will normally be probation staff in the court who will tell you how to go about this.

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**Sentence calculation/
time spent
on remand**

Working out your release date can be complicated by periods on bail and on remand. Any time spent in custody only on remand or in police cells, for an offence which subsequently leads to a sentence, should be regarded as part of your sentence and may count towards your release and review dates. This is subject to the consideration that any such periods can only be counted once.

Sentences under 12 months: You should be told your Automatic Release Date (ARD) on the next working day after sentence, when you will also be told your Sentence Expiry Date (SED). The ARD will be the half-way point of your sentence. If you are not released on Home Detention Curfew and if you do not have any Additional Days Awarded (ADAs) you will be released automatically at this point

Sentences from 12 months to less than four years: You should be told your Conditional Release Date (CRD) and your SED. The CRD will be the half-way point of your sentence. If you are not released on HDC and if you do not have any ADAs you will be released automatically at this point, under supervision to the three-quarters point of sentence.

Sentences of four years or more: You should be told your Parole Eligibility Date (PED). This is the earliest date at which you can be released on parole, and is the half-way point of your sentence, plus any ADAs. If you do not get parole, you will be automatically released at the two-thirds point of your sentence, (the Non-

Parole date or NPD) under supervision to the three-quarters point of sentence. You should also be told your SED.

**Visits,
letters and
telephone
calls -
contact with
your family**

For more details on this subject, please refer to the separate *Prisoners' Information Book about Visiting and Keeping in Touch*. That book explains the rules on visits, letters and phone calls, and tells you how your visitors can get help with their travelling costs. It also explains how you can save up visits if you are in a prison a long way from home.

The book on visiting and keeping in touch also has a separate section giving the address and phone number of every prison, plus a list of useful organisations which provide help and advice for prisoners and their families.

Some women's prisons, such as Holloway, have all day visits for women prisoners and their children.

**Sorting
things out**

Children

If arrangements need to be made for the care of your children while you are in prison, make sure that you discuss this with your personal/wing officer or a member of the prison probation staff. They will be able to contact social services if necessary. If you have a child under the age of 18 months, you can apply to have him or her with you in a mother and baby unit (see the section on mother and baby units in chapter 3).

Social Security

There is more information about social security and discharge grants at the end of chapter 5 – Resettlement, Sentence Planning and Regimes – in the section on preparing for release.

A leaflet is also available from the Benefits Agency called 'Prisoners and their Families – a guide to benefits'. It gives information on social security benefits for prisoners and their families. Your personal officer or a member of the probation staff should be able to show you a copy of the leaflet.

In some prisons, the local Citizens' Advice Bureau holds regular advice sessions.

When you first arrive in prison

There may be money matters you will want to sort out. You may need to take steps to make sure that you can return to your home on release. You may also need to think about the following things:

- Benefit claims (including pension and child benefit)
- Rent or mortgage
- Council Tax
- Water rates, gas and electricity
- National Insurance contributions
- Income Tax

Benefit claims

If you have been receiving benefit, you or someone from your family should contact your local Benefits Agency office as quickly as possible to sort out what needs to happen.

If you were working, your family may need to claim benefit while you are in prison and should contact the Benefits Agency as soon as possible to make a claim. They should do this even if you are remanded and hope to be granted bail. If they wait they may lose money.

The only benefit you will normally be able to claim while you are in prison is to cover your housing costs. You cannot claim any other benefit, including a state pension, if you are in prison over 21 days. However, your family may be able to claim other benefits.

If you do not sort out your benefits, you may have trouble claiming money immediately after your release. Your family may also lose some benefits they can claim while you are in prison (such as Lone Parent Premium).

If you think you are owed some benefit from before you were imprisoned, you should write to your Benefits Agency or Employment Service office and ask that it is sent to you in prison. The Giro will need to be made out to 'The Governor', who will pay it into your private cash. If this is not possible you can claim your unpaid benefit after you are released.

Getting your rent paid

The rules about Housing Benefit and/or mortgage relief vary depending on whether you are on remand or have been convicted.

If you were living in rented accommodation before you were in prison, or if you own your own home, you will probably want to keep your accommodation for when you are released. You or your family may be able to claim benefit in order to pay for your housing costs.

If you were living with your family in rented accommodation, your family may be able to claim Housing Benefit to cover the cost of the rent. If you were already claiming Housing Benefit, you should write to the Housing Benefit office (and the Benefits Agency office if you were claiming other benefits too) to tell them you are in prison. Your family should also contact the Housing Benefit office to take over your claim or make a fresh claim.

If you are single and were living in rented accommodation, you will be able to claim Housing Benefit while you are on remand, or if your sentence means you are not likely to be away from home for more than 13 weeks. So if, for example, you are given a sentence of more than 26 weeks (which means you would normally spend 13 weeks in prison), you will not be entitled to claim any Housing Benefit for yourself from the day you are convicted.

Housing Benefit will only cover your rent and not other charges such as heating and hot water. The council can only pay Housing Benefit for 13 weeks, and they will stop paying immediately if you get a sentence that means you will be away for longer. If you are on remand, Housing Benefit can continue to be paid for up to 52 weeks. You cannot get Housing Benefit if you have savings of £16,000 or more. If you have more than £3,000 the amount of benefit you get will be reduced.

If you were claiming Housing Benefit before you were in prison, you should write to the Housing Benefit office (and the Benefits Agency office if you were claiming other benefits too) to make a fresh claim based on your change in circumstances.

If you were not claiming Housing Benefit, you should write to your local council to ask for a form.

You should also let your landlord or estate manager know what is happening. You will need to tell them how long you will be in prison and whether anyone will be looking after the property while you are away.

If you know you won't be able to get Housing Benefit, and you can't afford to pay the rent, it might be worth giving up your accommodation voluntarily, to prevent your debts from mounting up, and asking your landlord if, in return, you could be rehoused on your release. Some

landlords will consider this. It is important to get advice before you give up your accommodation in this way.

Paying your mortgage

If you have a mortgage, you or your family may be able to get help paying it while you are in prison.

If you have a family and they are staying in the family home while you are in prison, they may be able to get help in paying the interest on the mortgage. They need to make a claim at their local Benefits Agency office.

If you are buying your home on your own, and you are an unconvicted prisoner, or are awaiting sentence, you may be able to get help with the interest payments on your mortgage, but as soon as you are convicted, any help with your mortgage will stop.

If you purchased your home before 2 October 1995 you will not be paid any mortgage/loan interest for the first 8 weeks of your claim. From the 9th week of the claim half of the interest is allowed, increasing to the full amount of interest payments from the 27th week.

If you purchased your home after 2 October 1995 you will not receive a payment for housing costs for the first 39 weeks of your claim. After that you will be able to claim the full cost of the interest payments. You will need to contact the Benefits Agency to make a claim.

Whatever happens, you ought to tell the mortgage company, bank or building society that you are in prison. If you are going to be switching to interest only payments, or if you are not going to be able to afford any payments at all, you need to tell them. They may be able to arrange for the repayments to be frozen or for the sale of the property.

Council Tax

You should have been given a leaflet on reception telling you about Council Tax. The leaflet has forms you can use to contact your local authority. Your personal officer or a member of the probation staff can give you another copy if necessary. It is important to tell your local authority that you are in prison, because they may exempt you from paying Council Tax or it may mean that your family could pay less Council Tax.

Water rates, gas, electricity and telephone

You cannot get any help with these while you are in prison. You could write to the water company and the gas, electricity and telephone companies to tell them you are in prison, and ask whether the payments can be put off until you are released. Otherwise, if you are going to be in prison for a long time, it may be worth having your services disconnected.

National Insurance

You will not be credited with National Insurance contributions while you are in prison.

However, if you are a young prisoner you will receive credits for the tax years between your 16th and 18th birthdays.

From 6 April 2020 the pension age for men and women will be equalised to 65. This will be phased in over ten years beginning in 2010. From this date women can receive automatic credits for the tax year in which they reach age 60 and the four succeeding years until they reach the pension age of 65.

Generally speaking you are not allowed to pay any class 1 (employed rate) or class 2 (self-employed rate) contributions as you are not considered to be in employment. There are exceptions such as any pre-release programme allowing paid employment in the community, or schemes in prison paying real wages.

However, you can choose to make voluntary class 3 contributions, although you will have to decide if it is worth it. Paying at class 3 rate will avoid any gaps in your contributions record so that payment of your retirement pension or bereavement benefit will not be affected. If you do not pay, the effect will depend on the length of your sentence and the number of qualifying years you have otherwise achieved for pension purposes.

If you have an enquiry about National Insurance or want to make voluntary contributions you should either contact a local Benefits Agency office or write to:

Inland Revenue
National Insurance Contributions Office
Longbenton
Newcastle on Tyne NE98 1ZZ

You can choose to pay by direct debit or quarterly billing, or you may prefer to catch up with payments at any time in the next six years after you are released. If you want more advice, write to the address above.

Retirement pension

Retirement pension will not be paid to you if you are given a prison sentence. It will be suspended if you are held on remand or awaiting trial. If you are released without being sentenced, the money may be paid when you are released. If you have a partner, their retirement pension will not be affected while you are in prison, unless they receive a dependant's increase for you. If they are not sure whether they are receiving this they should contact their Benefits Agency office as soon as possible.

Income Tax

It is important to keep your tax affairs in order when you are in prison. If you need help or advice contact your last known tax office, if possible quoting your reference number and National Insurance number. If you don't know which is your tax office, contact the local tax office or enquiry centre. Alternatively a relative, friend or any other third party may contact the Inland Revenue for you, but they will need your written authority to discuss your personal tax

affairs. You will still need to fill in an Income Tax return form if one is sent to you or if you have any taxable income to declare.

While you are in prison, you will still be entitled to your personal allowances whether or not you have any taxable income.

If you have claimed Children's Tax Credit and you cannot use the allowance, then you may be able to transfer this to your husband or partner if they are working. Contact your tax office for advice.

If you have tax deducted from your bank and building society interest you may be entitled to claim a repayment. Contact your local tax office for a claim form.

If your employer is holding your job open while you are in custody there is no need to take any action.

If you have been in employment and have a P45 showing that you paid income tax since 5 April last you may be entitled to a repayment. Contact your local tax office for a claim form.

If you were self-employed before you were taken into custody contact your local tax office for advice.

Chapter 2 **Unconvicted and Civil Prisoners**

Statement of Principle

This is the Prisons Service's 'statement of principle' on unconvicted prisoners:

'Unconvicted prisoners are presumed to be innocent. Subject to the duty to hold them and deliver them to court securely and to the need to maintain order in establishments, they will be treated accordingly and, in particular, will be allowed all reasonable facilities to:

- seek release on bail
- preserve their accommodation and employment
- prepare for trial
- maintain contact with relatives and friends
- pursue legitimate business and social interests
- obtain help with personal problems

They will receive health care appropriate to their needs. They will have opportunities for education, religious observance, exercise and recreation and, where possible, for training and work.'

Special rights and privileges for unconvicted prisoners

Unconvicted prisoners are those held in prison while awaiting trial. You have special rights, different from those for convicted prisoners. This section explains those rights, and gives advice on bail and how to prepare for your trial.

General rules

Most of the general rules described in chapter 3 on prison life and chapter 4 on rules and rights apply to unconvicted prisoners, such as what you can keep in your cell, hygiene and so on, and you should read that section carefully.

For information on keeping in touch with the outside world, please refer to the separate *Prisoners' Information Book about Visiting and Keeping in Touch*. It makes clear where separate rules apply to unconvicted prisoners.

If your friends and relatives send in money for you, it is safest for them to use cheques or postal orders, which should be made payable to 'The Governor', with a note saying who it is for. If they have to send cash, it should come with a letter saying exactly how much is enclosed, to avoid mistakes being made. However, friends and relatives are strongly advised not to send cash and to use cheques or postal orders which can easily be traced in the event of any dispute.

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Bail This information should be of help to you if you:

- are awaiting trial
- are awaiting sentence. This includes being committed in respect of a suspended sentence, a breach of a community rehabilitation order or an order of conditional discharge.
- are waiting to appear again before a Magistrates' Court or the Crown Court for further charges.

These notes explain how you can ask for bail and, if bail is granted, what you and your relatives and friends must do to get you released. If you want to apply for Legal Aid, ask to see the Legal Services Officer. **If there is anything here that you do not understand you should ask to see one of the Legal Services Officers in the prison who can help and advise on bail.**

How to ask for bail

If your case is next considered by a Magistrates' Court:

- You can ask for bail each time your case is considered by a Magistrates' Court. You can also ask your solicitor to ask for you. If the court refuses you bail, you will be told why in writing. Do not lose or destroy this information as it may be helpful to you the next time bail is considered.

- You can ask the Crown Court for bail. If, when your case was last considered by the Magistrates, the court gave you a certificate saying that they heard full argument on your bail application, you can ask the Crown Court for bail. You will need to send the certificate to the Crown Court when you do so. **The Crown Court cannot consider a bail application if you have not been given a certificate.**
- If the Magistrates have refused bail you can still ask a Judge in Chambers at the High Court.

If you have been sent for trial at the Crown Court:

- You can ask for bail by writing to the clerk of the Magistrates' Court which committed you for trial, or ask your solicitor to go or write for you.
- You can ask your solicitor to apply to the Crown Court.
- If you do not have enough money for your own solicitor, and you have not been given Legal Aid, you may make an application to the Crown Court through the Official Solicitor.

If you have been refused bail either by the Magistrates' or by the Crown Court, you can apply to a Judge in Chambers at the High Court.

There are three ways of doing this:

- If you are paying for your own solicitor, ask them to do it. Your solicitor can then go to the Judge or get a barrister to go. You will have to pay your solicitor to do this.
- If you have Legal Aid for a solicitor, ask them to apply to the Judge on your behalf.
- If you have been refused Legal Aid and cannot afford to pay for a solicitor of your own, you can ask the Official Solicitor to go to the Judge for you. The Official Solicitor will want to make sure that you really cannot afford your own solicitor and you will be asked to fill in a form saying how much money you have.

If you have been sent for sentence at the Crown Court the Magistrates cannot grant you bail. But you can ask the Crown Court or a Judge in Chambers as if you were awaiting trial (see above).

Points to remember when you ask for bail:

- The Governor will let you have a special letter to write to the court or to your solicitor. The Governor can give you a special form if you are writing to the Official Solicitor. If you need help with a letter or an application form you should ask to see one of the officers who advises on bail matters (usually the Legal Services Officer).

- Always give all the reasons why you think bail should be allowed. You may find it useful to look at the explanations for why bail was withheld when it was last considered and to send a copy of the note with your application. If your last appearance was before the Crown Court and you were legally represented, you will only have a copy of the reasons if your legal representative asked the Court to give you one.
- You can apply more than once to the same court and more than once to a Judge in Chambers, but it is not much use doing so unless you can give some new reason why bail should be allowed.

The prison's Bail Information Officer may be able to help you. They will see you soon after your arrival to see if there is any information they can provide to the court to help it decide whether you should be given bail.

What to do when bail has been granted

Conditions of bail

If you are allowed bail, you must come back to the court when you are told to. If you do not appear, without reasonable cause, you will have committed an offence and you may be arrested and charged with absconding.

You may have to obey certain conditions of bail, such as reporting daily to the police. If you break these conditions, you may be arrested and kept in prison until your case is heard.

You may also have to find one or more relatives or friends willing to promise, in writing, that they will be prepared to pay a sum of money if you do not appear in court. The relatives or friends who do this are called sureties. They can visit you during normal visiting hours to discuss the possibility of their acting as sureties. You cannot be released until the written undertaking of your sureties has been accepted. If you do not appear before the court when told to do so, the relatives or friends who have acted as sureties may have to pay some or all of the money they agreed to pay or go to prison themselves.

Sureties at a Magistrates' Court

If you think you may be granted bail when you appear at a Magistrates' Court it is a good idea to make sure relatives or friends who would be willing to act as sureties are at the court. Then if bail is granted, and the Magistrates approve your sureties, you will not be sent back to prison.

If bail is granted when you or your sureties are not in court, you must tell them to go to the court, or to any police station if the court is too far away or it is too late in the day for the court still to be open. If the Magistrates or police think your relatives or friends are suitable to be sureties, they may either:

- ask them to sign an undertaking and then issue a certificate that tells the Governor that this has been done, or

- the court may give your relatives or friends a certificate which says it is satisfied that they could pay the sum of money if ordered to do so.

Your relatives or friends must sign the certificate in the margin and take it to the prison before you can be released. They can visit the prison to do this at any time on a weekday. The Governor will ask them to sign an undertaking for the magistrate or police if they have not already done so.

Before going to the prison your relatives or friends must go to the Magistrates or police first, to obtain a certificate that they have signed an undertaking or that they are suitable to be sureties for you. Your release will be delayed if they go to the prison first without a certificate.

Preparing for your trial

You should ask to talk to one of the Legal Services Officers in the prison, who will be able to give advice about bail and preparing for your trial, and help you get in touch with a solicitor. These are some general guidelines.

Access to a computer

You can apply to the Governor for a Prison Service owned laptop to help you with your legal work (you cannot bring in your own for this purpose). The Governor will approve the application if you can show that there is a real risk of prejudice to your legal proceedings and that your access to justice is limited without use

of a computer. If approved, access will be subject to certain conditions. See Prison Service Instruction (PSI) 2/2001 for further information, a copy of which should be available in the prison library.

Personal affairs

You are advised to make arrangements for your family and business affairs to be looked after, in case you are found guilty and given a prison sentence.

Photographs and fingerprints

Your photograph and fingerprints may be taken by the prison or the police. If you are found not guilty, all photographs, including the negatives, will be destroyed, unless you have a previous conviction. You can ask for this to be done in your presence.

Summoning witnesses

If you do not have a legal representative, you could be given support by your Legal Services Officer who will assist you in writing to your relatives and friends to get witnesses to appear for you at your trial. You can write to the police asking them to ask witnesses to appear for you, but they cannot guarantee that the people you ask for will attend your trial.

Release

If you are released because you are found not guilty, or are given a non-custodial sentence after a period on remand, you cannot apply for a 'discharge grant' or a travel warrant – only convicted prisoners can do this.

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Clothes

All women prisoners, whether unconvicted or convicted, can wear their own clothes, as long as they are suitable, clean and tidy. However, if the Governor thinks there may be a serious risk of you attempting to escape, you may have to wear distinctive clothes, which mark you out as an escape risk. The decision will be reviewed regularly.

If you do not have many clothes you can ask for prison issue clothing.

You will always wear your own clothes when you appear in court. If you do not have enough suitable clothes, the prison must provide you with them. Your friends and relatives may be allowed to bring in clothes for you, and take away other clothes to wash.

If you are discharged from prison without being convicted, you are not allowed to apply for discharge clothing – only convicted prisoners can do this. However, the prison does have a duty to make sure you are suitably and adequately clothed on discharge.

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Health

Unconvicted prisoners do not have to be treated by the Health Care Service for prisoners. You can ask the medical officer if you want to be treated by an outside doctor or dentist of your choice. The medical officer and the Governor should agree to this as long as they think you have reasonable grounds for asking, but you will have to pay.

**Voting Rights
- do not lose
your right to
vote**

This section applies to unconvicted prisoners, those who are convicted but unsentenced, and to some civil prisoners. If you belong to one of these groups, you keep your right to vote.

If your name is not already included on an electoral register and you want to exercise your right to vote, you can write at any time to an Electoral Registration Officer (ERO) to register to vote or send a registration form available within the prison. For this form, or for further information on voting, contact your personal officer (if you have one), another officer, or a governor.

Prison Service Order 4650 on prisoners' voting rights is available in the prison library and contains the addresses of the EROs. It explains the different ways in which prisoners can register to vote, including new ones brought in by the Representation of the People Act 2000. It also tells you how to apply for a postal or proxy vote (getting someone else to cast your vote for you).

**Work and
pay**

As an unconvicted prisoner you do not have to work in prison. If you are willing to work but there is no work available, you will be given a small amount of money each week to cover basic things you may need to buy from the prison shop. If you are offered work and you refuse it, you may not get any money from the prison, and the prison does not have to offer you any more work.

Business activities

As an unconvicted prisoner you will usually be able to conduct legitimate business activities. It is for the Governor to decide what facilities you should be allowed to do this.

Special rights for civil prisoners

Civil prisoners are those who have been sent to prison for reasons that are not covered by criminal law. If you are not sure if you are a civil prisoner, you should ask an officer, or ask to see the Governor. Civil offences include:

- not paying maintenance for your children when a judge has ordered you to do so
- not paying debts or costs when a court has ordered you to do so
- not paying money that you have promised to pay if someone skips bail
- being in contempt of court.

Remember that most of the rules described in chapter 3 on prison life and chapter 4 on rules and rights, apply to all prisoners, and you should read that section carefully. In general, civil prisoners are treated as convicted prisoners, but the main differences in the rules are as follows:

- You have the same rights to visits, letters and phone calls as **unconvicted prisoners**. See the separate *Prisoners' Information Book about Visiting and Keeping in Touch*.

- You do not have to associate with any other class of prisoner (unless you want to and the Governor approves).
- You can wear your own clothes. If you are short of clothes, you can ask the prison to give you some.
- Not all civil prisoners are entitled to early release (this used to be called 'remission'). You may have to serve the whole length of your sentence, or the court may have set your release date when they committed you to prison. Civil prisoners who are entitled to early release will have a release date halfway through the sentence if the sentence is under 12 months, or at two-thirds if the sentence is 12 months or more. If you are entitled to early release, this will have been taken into account by the prison staff who worked out your release date.

If you are not sure whether or not you will get early release, or you think you should get early release but it has not been taken into account in working out your release date, you should ask your personal/wing officer or a member of the prison probation staff. The rules on early release are set out in the section on parole and working out your release date in chapter 7.

You have a right to appeal if you have been sent to prison for contempt of court. If you were sent to prison by a Magistrates' Court, you should appeal to the Crown Court yourself or go

through your solicitor. This appeal should be made within 21 days of your sentence.

If you were sent to prison by a Crown Court or a County Court, you can appeal to the Civil Appeal Court. You should try to do this within 14 days, and you can do this yourself or alternatively go through your solicitor.

The address is: Civil Appeal Court
 Royal Courts of Justice
 Strand
 London WC2N 2LL

You are strongly advised to get legal advice if you can. Ask to speak to one of the Legal Services Officers in the prison.

If you have been sent to prison in contempt of court you may still be allowed to vote if you want to, provided your name has been included on the electoral register. Please refer to the section on voting rights earlier in this chapter.

Immigration Detainees

If you are an immigration detainee, you are being held in a prison or holding centre on behalf of the Immigration and Nationality Directorate (IND).

IND have detained you for the reasons given on form IS 91R (Notice to detainee: reasons for detention and bail rights).

You are detained under the Immigration Act 1971, as amended by the Immigration and Asylum Appeals Act 1993 and the Immigration and Asylum Act 1999.

Rules for immigration detainees held in prison

You will be held according to the Prison Service rules that apply to **unconvicted** prisoners. These rules are explained earlier in this chapter.

Your immigration case and contact with IND

Throughout your detention, IND will contact you on a regular basis, or you may wish to contact them yourself. Immigration staff may work at, or visit, the place where you are being held. You can also ask your legal representative, an officer, or a governor in the prison, to contact the immigration office dealing with your case.

Bail

You may be able to apply to be released on bail.

Further information on whether you can apply for bail and how to do this is on form IS 91R. The Immigration Advisory Service (IAS) can help with your application (details below), or you can ask the immigration staff who may work at, or visit, the place where you are being held. You can also ask your legal representative, an officer, or a governor in the prison, to contact the immigration office dealing with your case.

Outside contact

With family and friends

You can keep in contact with family and friends through telephone calls, letters and visits. If your family and friends are unable to visit you, you can normally use the telephone. More information on the rules that apply to you is in the separate *Prisoners' Information Book about Visiting and Keeping in Touch*, also available where you are being held. You should refer to the information for unconvicted prisoners.

With legal representatives

It is advisable to have a legal representative. If you do not have one, you may contact the IAS (see below). You can contact your legal representative by telephone and letter and they can visit you. You may also be able to use a fax machine for an urgent matter to do with your immigration case.

Organisations advising immigration detainees

The **Immigration Advisory Service (IAS)** gives free advice and legal help to immigration detainees. It is a voluntary organisation independent of the government:

020 7378 9191 24 hour telephone helpline
0800 435 427 freephone number available in
some places

If you are an asylum seeker, you can contact the Refugee Legal Centre:

020 7378 6242 Monday, Tuesday, Wednesday and Friday, 9.30am - 1pm.

020 7827 9090 Monday to Friday, 9am - 6pm.

0831 598 057 freephone number available in some places

The Joint Council for the Welfare of Immigrants (JCWI) offers help, information and advice to immigration detainees:

020 7251 8706 Tuesdays and Thursdays, 2pm - 5pm

A list of other organisations that may be able to help you is in the separate *Prisoners' Information Book about Visiting and Keeping in Touch*.

Any problems

If you have a problem that you want to talk about, you could start by contacting your personal officer (if you have one), the officer in charge of your wing, or the Race Relations Liaison Officer. An interpreter or translator may be called, if appropriate.

Chapter 3 **Prison Life**

This chapter is about the day-to-day rules for all prisoners. Because the rules work differently in different prisons, you should ask your personal/wing officer or a member of the prison probation staff about how they apply to you.

Your prison number

You will be given a prison number. This is to help keep track of your property, files and other paperwork. It stays the same even if you move to another prison. It should be written on the envelope of any letters sent in to you.

Your prison records

During your stay in prison, a prison record will be kept. This will include the collection of personal data about you and will be kept as both manual and computerised records. This record will be updated with relevant information about you. The data held will include your:

- basic personal details
- cell location
- warrant and court appearance information
- any adjudications
- health care data
- timetable for any work/education activities you are involved in.

It is your right under the Data Protection Act 1998 to have access to this personal data. To do so you should make an application in writing via the Discipline/Custody Office, Personnel Department or Library. You will need to pay a fee of £10 for access to your records and, for convenience, you should make your application on a Subject Access Request form. However any form of written request will be acceptable. You will then be able to have a copy of the information required. By law the Prison Service can withhold some types of information, for example where the identity of a third party may be revealed or if the data have been gathered for the prevention and detection of crime.

For further details on the Data Protection Act, you should refer to PSO 9020, Data Protection, which is held by the Library or Establishment Liaison Officer.

If you have any further enquiries about how the Prison Service uses the personal data it keeps on you, you should contact;

The Information Manager
H M Prison Service
Room 721
Abell House
John Islip Street
London
SW1P 4LN

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**Your
security
category**

This makes a difference to where you will serve your sentence and how much freedom you will be allowed in prison.

There are four security categories for women and female young offenders. If you are not Category A, you will be classed as suitable for 'open' 'semi-open' or 'closed' prisons.

Category A applies to prisoners whose escape would be highly dangerous to the public, or the police, or the security of the state, no matter how unlikely that escape might be, and for whom the aim of the Prison Service is to make escape impossible. Any prisoner who meets the criteria can be classed as category A.

You will be categorised as 'closed' if the Prison Service decides you do not need the highest level of security, but you are not yet ready to be trusted in an open prison or semi-open prison.

You will be categorised as 'open' or 'semi-open' if you can be trusted to stay in an open or semi-open prison.

Unconvicted women are not given a security category but they are always held in a closed local prison.

If your sentence is 12 months or over but less than four years and you are held in closed conditions, your security category will be reviewed every six months and may be changed to 'open' if you become less of a risk and less likely

to escape. If your sentence is four years or more your security category will be reviewed annually. If you are held in open conditions and try to escape, or your behaviour changes to a degree which makes you more of a risk, it may be necessary to transfer you to closed conditions. Category A prisoners are considered by the Category A Committee at Prison Service Headquarters.

It is not easy to appeal against your category. But if you think it is wrong, you can write to the Prison Service. You should look at the 'Requests and Complaints' section in chapter 4. Further information on categorisation and allocation is given in Prison Service Order 0900, which should be available in the prison library.

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**Where you
will serve
your
sentence**

Whether you are an adult or a young offender, you will start your sentence in a closed prison nearest to the court where you were sentenced. If you have a short sentence, you may stay there the whole time.

You cannot choose which prison you go to. But you should tell your personal/wing officer or a member of the prison probation staff if you want to go somewhere near your family and friends. However, this may not always be easy as there are only 19 women's prisons.

Your views may be taken into account through your sentence plan, (if you have one – see chapter 5), but a final decision will depend on where there is space.

Due to the increasing number of women prisoners, it may occasionally be necessary to move you to another prison due to accommodation pressures.

Some prisons also have special programmes – for example for people with drug or alcohol problems. If you are interested in these you should tell your personal/wing officer or apply to the Governor.

The nineteen prisons in England and Wales which hold women are listed below:

Low Newton (near Durham) takes women and young offenders on remand and those who are sentenced.

Eastwood Park (near Bristol), **Brockhill** (near Birmingham), **Highpoint** (in Suffolk), **Holloway** (London), **New Hall** (near Wakefield), and **Styal** (in Cheshire) take prisoners on remand, convicted, sentenced women awaiting allocation and also sentenced prisoners.

Bullwood Hall (in Essex), **Cookham Wood** (in Kent), **Durham**, **Foston Hall** (in Derbyshire), **Send** (in Surrey), and **Winchester – West Hill** (in Hampshire) are all closed training prisons for convicted and sentenced prisoners. **Downview** (near Sutton, Surrey) and **Buckley Hall** (Rochdale, Lancashire) have recently been re-roled from male prisons to women's prisons.

Askham Grange (near York), and **East Sutton Park** (near Maidstone) are open prisons which hold adult women and young offenders. **Morton Hall** (in Lincolnshire) and **Drake Hall** (in Staffordshire) are semi-open prisons which hold adult women. (Drake Hall also holds young offenders.)

Young offenders are held in designated young offender units at **Brockhill**, **Bullwood Hall**, **Eastwood Park** and **New Hall**.

These nineteen prisons are managed by the Operational Manager for Women's Prisons. The Operational Manager and his deputy are regular visitors and are available to speak to on such occasions.

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Your property

Under the volumetric control policy, stored property has been reduced to the bare minimum. You are expected to hand out to visitors any property in excess of that which you are allowed to hold in your cell. Any property you cannot hand out will not be stored within the prison but will be sent to a central property store where it will be kept for you.

Generally, any property that has not been put into store will be held at your own risk. The Prison Service will not accept responsibility for loss or damage to the property in your cell or the central property store unless it can be shown that the loss or damage occurred as a result of its negligence. This can be hard to prove and it may

be a good idea to try to make sure that only essential things are kept in the prison.

If you have valuable possessions, ask if you can hand them out to someone on a visit.

Any property you have stored at the prison or at the central store will be kept in sealed bags. When you first come into prison, you will be asked to sign a form saying that you have seen what is in the bag, and that it has been sealed in front of you. If you move to another prison, you will be asked to sign another form, both when you leave and when you arrive at the new prison, to say that the seals on any property boxes or bags that have been transferred with you are still intact.

Before you are released any property held for you at the central store will be recalled and when you are released this, and any other property, will be given back to you. Again, you will be asked to sign for it.

When you move to another prison and you have to stop overnight on the journey, you can carry these things with you – as long as you already have them: soap; flannel; comb; toothbrush; toothpaste; feminine hygiene products, shampoo; deodorant; a radio; a book; a biro and paper. Anything you keep with you is at your own risk during the journey.

The borrowing and lending of property is not allowed and may lead to disciplinary action.

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**What you
can keep in
your cell**

Volumetric control limits the amount and number of things you can keep. Overleaf is a list of the things you may be able to keep in your cell. The prison will also provide information on what you can normally keep.

Normally the amount of property which you can have in your cell will be restricted to that which will fit into two boxes. You can also have a sound system or an outsize item, such as a birdcage, plus any legal papers you are allowed to have. There are some exemptions for unconvicted prisoners. There will be regular checks to ensure that you do not exceed this level.

You may find that under the incentives scheme (see chapter 5) some of the items on this list have to be earned on the basis of your behaviour and performance in prison.

What you may be able to keep in your cell:

- **a radio**

There are specific rules about radios:

- they should be worked by batteries as there might not be sockets in your cell
- they should only receive long wave, short wave, medium wave and FM
- they cannot have aerials with long wires.

- **a choice of cassette or cd player**, or a combined system that includes a radio, plus CDs or cassettes. Commercially pre-recorded tapes must be obtained direct from approved suppliers unless you are in an open or semi-open prison

- **at least six newspapers and magazines** – these must be ordered and sent directly from a newsagent or the publisher unless you are in a category C or D prison

- **at least three books** – these must be obtained from publishers or booksellers unless you are in an open or semi-open prison

a diary or personal organiser	an address book
a calendar	phonecards
stamps	greetings cards
photographs and pictures (though not in glass frames)	religious articles
hobby materials	games
batteries	a wrist watch
writing and drawing materials	a manual typewriter
a battery shaver	personal toiletries
a wedding or plain ring tobacco, cigarettes, etc. (unless smoking is not allowed and if it is allowed, only up to a certain limit)	a medallion or locket

Money

If you work or take part in education or training you will be paid weekly. The amount will vary depending on the type of work or activity. If you have not been offered any activity, you will be paid at the basic rate.

Your own money which you brought into prison with you or is sent in by family and friends is called your 'private cash'. This will be held by the prison, and access to it is a privilege you will be able to earn under the incentives and earned privileges scheme (see chapter 5). The amount you will be allowed to spend per week will be determined by your behaviour and performance in prison. If you are a convicted prisoner you will have your private cash capped at the rate of £2.50, £10 or £15 per week for the basic, standard and enhanced privilege levels respectively. If you are an unconvicted prisoner you will have access to more – £15 on basic and £30 on standard and enhanced levels.

With the agreement of the governing Governor or their nominated deputy, exceptions to the above may be made to meet a range of special circumstances. In particular, in the case of legal proceedings and spending on phonecards if you are a foreign national.

The prison shop ('canteen')

The prison shop is also called the 'canteen'. This is where you can buy things like tobacco, batteries, stationery, sweets, biscuits, toiletries etc. Different prisons stock different things in

their shops. If you have a special need – such as for skin or hair care products – you should ask if they can be ordered. You should be able to buy things from the shop at least weekly. Some prisons do not have a shop within the establishment, but you will still be able to order ‘canteen’ through an outside contractor. The system for doing this will be explained to you.

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Mail order

In addition to the range of goods available from the shop, the prison may allow you to buy goods from companies which belong to the Mail Order Protection Scheme. You should ask for details of any scheme operating in your prison.

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Smoking

If you don’t smoke, and want to share a cell with other non-smokers, ask your personal/wing officer or apply to see the Governor. There is no guarantee that you will be able to share with a non-smoker or have your own cell. Smoking is not allowed in visits areas and may be banned or restricted in other areas as well.

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Clothes

All women are encouraged to wear their own clothes in prison and most women do so. If for any reason you are not able to wear your own clothes, the prison will provide clothes for you.

You will be able to replace these clothes when they are no longer fit for wear.

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Bedding

Bedding should be clean, aired and in reasonable condition, and sufficient to keep you warm and healthy. Mattresses and bedding must be aired for at least one hour a week.

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Keeping clean

You should be able to have a hot bath or shower at least once a week.

You may also be given toiletries, including feminine hygiene products, depending on the prison you are in.

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Time in the open air

Ideally, you should be able to spend between half an hour and an hour in the open air each day. However, this may not be the case if the weather is bad or the prison has other reasons for not allowing you out. This applies to all prisoners, even if you are on Rule 45 or the Escape List (though you may have to exercise alone). However, the time available to you will differ from prison to prison. The type of exercise you take while in the open air depends upon your own wishes and the local conditions at your prison. You should, however, be able to take gentle exercise, such as walking.

In many prisons physical education (PE) or other activities are provided and you may have regular periods of association and time out of cell. Open prisons do not have exercise periods as you can walk around more freely.

Pregnant women

If you are pregnant you will usually stay on 'normal location' for as long as possible, unless you have health problems. Arrangements will be made for you to give birth to your child in a hospital and not in the prison.

You should usually not be alone at night, but should share a room or have a bed in the healthcare area so that there are others around to give help or call for help if necessary. If you refuse to share a room you will be asked to sign a form saying that you have chosen to be on your own and that you understand this may mean help is not so easily available should you need it. There should be a call bell in your cell if you are alone. You should not be left alone when you are in labour.

Mother and Baby Units

If you are likely to remain in custody after your child is born, or if you have a child up to the age of 18 months when you come into custody and would like to have your child with you in prison, you should make an application for a place in a mother and baby unit (MBU).

Every women's prison has an MBU liaison officer whom you should ask to speak to. You will be offered a place only if it is in the best interests of your child to be with you in prison.

Accommodation

There are four mother and baby units at Holloway, Styal, New Hall and Askham Grange.

A mother and baby unit is a separate part of a prison which enables you to have your baby with you. However, this only happens when admission to a unit is considered to be in the best interests of the child.

The Holloway and New Hall units take babies up to the age of nine months. The other two units take them up to eighteen months, but babies will leave the units at an earlier age if it is considered to be in their best interests.

Holloway has places for 17 mothers with their babies, Styal places for 22 babies and Askham Grange can take a maximum of 20 mothers with their babies. New Hall can take nine mothers and babies.

Admission criteria

The decision on whether or not to allow a mother to keep her baby with her in prison is taken by the Governor in the light of a recommendation from an independently chaired multi-disciplinary team which may include a prison officer, a probation officer, a prison medical officer and the liaison social worker. Other specialists who may have been involved previously in your care or the care of your child (e.g. health visitor, paediatrician and/or psychiatrist) may also be invited to attend or to submit a report where this is appropriate.

Each case is judged individually and the team is concerned primarily with establishing what is in the best interests of the child. You have a right

of appeal to the Operational Manager for Women's Prisons.

If your child or children are not in prison with you, but are living with their father or friends or relatives, they can be brought on fortnightly visits in the usual way if you are convicted (or more frequently if you are unconvicted). People who would not normally qualify for travelling expenses from the Assisted Prisons Visits Unit (friends rather than relatives) can get help if they are bringing your children to see you.

In some women's prisons you may be able to have extended and more relaxed visits with your children.

If your children are in care, the foster parents or children's home may be able to arrange for the children to visit you. If this is the case, arrangements will be made for the visit to be private. If this is not possible you can make an application to visit the children where they are living. This depends on permission from the Prison Service and the people caring for the children, but if there is agreement then the visits can take place every three months and you will not have to use a Visiting Order.

Health

If you have any special problems, such as drug abuse, alcoholism or HIV/AIDS, if you feel very down or worried, or you need to take regular medicine, please tell a prison doctor or other member of the health care staff. Please also tell a

member of the health care staff if you have an outside care co-ordinator (key worker) who is looking after your mental health needs. All doctors working in prison are fully qualified and bound by the same professional code of conduct which applies to doctors outside prison.

General health care

While you are in prison, your health will be looked after by the Health Care Service for Prisoners which aims to give prisoners access to the same quality and range of health care as the general public receives from the NHS. The Prison Service pays for all treatment provided or arranged by prison doctors.

If you need to see a doctor, in most prisons you should inform the wing staff; you should be told if there is a different arrangement in your prison.

Larger prisons have medical officers who work full-time for the Health Care Service for Prisoners. In many prisons, treatment is provided by local family doctors, who work part-time in the prison. The nursing staff will be able to deal with many health problems without having to refer you to the doctor, but you can ask to see the doctor if you remain concerned.

Just as outside prison, it is generally up to you to decide whether to accept treatment recommended by the medical officer.

If your problem cannot be dealt with fully at your present prison, you may be moved to another prison where different facilities are available. Alternatively, a specialist may be called in from outside to see you, or you may be taken to an outside NHS hospital. If you go to an outside hospital, you will still be in the custody of the Prison Service. Unless you are a remand prisoner, you are not entitled to a second opinion. However the medical officer will arrange a second opinion from a specialist if he/she thinks your request is reasonable.

The majority of nurses in women's prisons are female, but male nurses are also employed. If you have an objection to receiving care from a male nurse, you can ask to see a female nurse instead.

There are a number of male doctors who work in women's prisons. If you wish to see a female doctor, your request will be considered and met where possible. However, if your treatment is urgent you may have to receive it from the doctor who is available.

Maternity care

If you are pregnant, you will receive your care from the local NHS ante natal maternity services.

Well Women services

All female establishments run Well Women Clinics. Most women's prisons hold regular Well Women clinics which provide the same service you would expect if you were in the community. This

includes breast and cervical screening services, family planning and sexual health services.

Medicines

You cannot keep any medicines that you bring in with you. Therefore, you should tell the medical officer about any medicines you are taking. What the doctor then prescribes will be issued from the prison pharmacy.

If you have asthma and use an inhaler, some prisons may not let you keep the inhaler in your cell overnight. If this is causing you problems, you should apply to see the medical officer or other member of the health care staff.

Dental and optical treatment

You should ask to see a member of the health care staff if you think you need dental or eye-care treatment. You do not have to pay for any therapeutic treatment given by the prison dentist (but this does not extend to cosmetic work).

If you have vision problems, you may have to pay for an eye test or for treatment. However, this depends on how long you have been in prison (if you are on remand), or how long you have left to serve (if you are sentenced), as well as the cost of any glasses or lenses you choose. Ask the medical officer for advice about this.

Health records

Your NHS records will not normally follow you into prison. The medical officer may obtain information about your past medical history, with your consent, if they think that this is necessary.

Under the Data Protection Act 1998, you have a right to see and/or have a copy of, any information which was put on your medical records.

You can apply in writing to see your records, or ask the medical officer during an appointment. You should be able to see them within 40 days. If they are held at another prison, they will be sent on.

If you think any part of your records is misleading or wrong, you can apply for them to be corrected. If the medical officer agrees, the records must be corrected. If not, a note must be added to your records saying that you think some of the information is wrong.

If you want a printed copy of your records, you may be asked to pay the cost of copying and postage.

You do not have a right to see reports made by doctors for the Courts or the Parole Board.

Drug and alcohol problems

If you had a drug or alcohol problem before you came into prison, you should ask the health care staff for help as soon as possible. Health care staff should be able to arrange for you to talk to someone in confidence about any problems with drugs and alcohol. They can arrange support and treatment by a member of the health care staff, by the probation service, or by someone from an outside agency.

While you are in prison, other prisoners may try to bully you into using, buying or smuggling drugs or alcohol. Tell your personal officer or other member of staff if this happens to you.

In some prisons there are drug free wings, but if you ask to be located there you will have to agree to regular urine tests.

HIV and AIDS

AIDS is caused by a virus called HIV. Many people with HIV look and feel well for a long time after HIV infection. However they remain infected with HIV and can pass this on to others through risky sex and through sharing injecting equipment. For this reason you may wish to have an HIV test. This can be done whilst you are in prison and the result will be confidential. The health care staff or HIV counsellor can advise you. AIDS is the later stage of HIV infection, when the person's ability to fight germs has broken down. So far there is no cure, but medical treatment is available.

Remember: there is no vaccine to protect you from HIV infection but you can protect yourself by avoiding risky sex and by not sharing injecting equipment ('works'). You should also not share needles for tattooing, ear piercing or body piercing.

You cannot catch HIV by normal daily contact with someone who has it i.e. from shaking hands, brushing past, using the same toilets, plates or cutlery or even from being spat at by someone

who has HIV. It is usually passed on when blood or semen ('cum') from someone with HIV gets into the blood of someone else.

The main risks are:

- sex without using a condom;
- sharing injecting equipment ('works'), and
- sharing drugs injecting equipment or needles for tattooing, ear or body piercing.

If you think you are at risk of HIV or other disease from risky sex or sharing works, you should discuss this with the medical officer or with the HIV counsellor in the prison who can advise you in confidence. If you are sharing needles to inject drugs or for tattoos, you should discuss this with the medical officer who may be able to provide disinfecting tablets for you to sterilize the 'works'. The medical officer will also be able to provide a Hepatitis B vaccination if required.

You cannot tell just by looking at someone whether they have HIV or not – anyone you meet could be infected. As long as you don't have risky sex or share 'works' there is no risk of catching HIV in prison.

If you are concerned about HIV and AIDS you should ask to speak to a trained counsellor or a member of your prison's Communicable Disease Management Team.

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Drug testing **Mandatory drug testing**

The Prison Service operates a mandatory (compulsory) drug testing programme in all prisons. This is part of the Prison Service Drug Strategy which is designed to reduce both the supply of drugs and the demand for them. The purpose of mandatory drug testing (MDT) is to provide the Prison Service with information about drug misuse, to act as a deterrent to those prisoners considering taking drugs while in prison and identify people in need of treatment.

There are five instances where you may be required to provide a urine sample for drug testing:

- **Random testing**
Names are selected on a totally random basis by computer. Each month a proportion (5-10%) of the prison population will be chosen at random for testing.
- **Reasonable suspicion**
You may have to provide a sample for testing if there are reasonable grounds to suspect that you have recently misused drugs.
- **Frequent test programme**
You may have to provide a sample for testing at more frequent intervals if there is evidence to show that you are regularly using drugs. Any prisoner who has been found guilty of a drugs-related offence on one or more occasions may have to take a test. A

programme of mandatory frequent testing of all prisoners who test positive for Class A drugs has also been implemented.

- **Reception testing**

You may have to provide a urine sample for testing immediately after reception into prison, or on return from release on temporary licence.

- **Risk Assessment**

You may have to provide a urine sample if you are being considered for release on temporary licence or you are being allocated to a works party or any other situation where a greater degree of trust is needed. The result of the drug test will be taken into account in the overall risk assessment.

How is the sample collected?

You will find that different prisons have their own arrangements for collecting the urine sample. These arrangements are always a compromise between allowing as much privacy as possible whilst making sure that the sample cannot be tampered with.

How will the sample be tested?

Your sample will be subject to a screening test in a laboratory. You will be told the results of the test as soon as possible. If the test is positive, the Health Care Centre (if you have consented) will be consulted to eliminate any possibility that this result was caused by any medication taken by you.

What happens if the test is positive?

You may be charged under Prison Rule 51 (9). See the Prison Discipline Manual in the library for further details.

Mandatory drug testing is part of the Drug Strategy. If you are found to be positive on a test, or fear that you might be, you should seek help. Services for drug misusers are available in every prison. You can ask to see the 'CARAT' worker (this term is explained on the next page) if you wish to seek support and guidance.

What if I dispute the results of a test?

You will normally be charged with misusing a drug after an initial screening test is positive for one or more drugs. If you enter any plea other than a definite 'guilty', the adjudication must be adjourned so that a confirmatory test can be done. If the result of that test is positive, an analysis of the sample by an independent laboratory can be arranged at your own expense. The document 'Information for Prisoners who have tested positive for drugs' which is provided to every prisoner charged following a mandatory drug test, gives more detail about drug testing and independent analysis. If you want independent analysis, you will be provided with another document 'Information for Solicitors and Prisoners on obtaining the independent analysis of a mandatory drug test sample which tells you about the procedure.

Voluntary Drug Testing

The Prison Service is committed to providing access to voluntary drug testing to all prisoners who request it and are found suitable. There is a difference between voluntary drug testing units and a programme of voluntary drug testing:

Voluntary Drug Testing Unit (VTU)

This is a separate unit which is designed to provide support to prisoners who seek a safer and more secure environment and who make a commitment to remain drug free. The aim of a VTU is to provide an environment in which all prisoners are committed to remaining drug free – voluntary drug testing under compact will be a condition of residence in VTUs.

Voluntary Drug Testing Programmes

Prisoners who wish to make a commitment to remain drug free do not have to be held in VTU accommodation. They can participate in programmes which involve the prisoner agreeing to voluntary drug testing and they sign a compact but remain in their normal location.

The Compact

Entry into a voluntary drug testing programme or VTU will depend on you signing a compact. The compact will set out a number of requirements you must abide by, the procedures to be followed and the action likely to be taken in response to a positive drug test. You will not be disciplined following a positive voluntary drug test but other measures may be taken, which may lead to termination of the compact and your removal from the programme.

Drug Testing

Urine samples collected under the voluntary drug testing programme will be tested at the prison, conducted at the time of sample collection. All compact prisoners on a voluntary drug testing programme will be required to provide a sample of urine for testing at least eighteen times a year.

Drug services in prisons

CARAT Services

Every prison has 'CARAT' workers. These are drug workers whose job it is to make sure that prisoners with drug problems get help and advice about how to tackle them.

CARAT stands for 'Counselling, Advice, Referral, Assessment and Throughcare'. Everyone coming into prison who is identified as having a drug problem should be assessed, given advice about their misusing, and referred to the drug service they need. CARAT workers can also give basic information about drugs and their effects, and may offer some counselling and group work to prisoners who want to give up or cut down on their misusing. They can also refer you to a drug treatment rehabilitation programme.

You may be worried that what you tell a CARAT worker will not be kept confidential. CARAT staff will explain the limits of what information they can keep to themselves and you should talk over any worries you have about confidentiality with them.

Detoxification

Many prisons provide other services for drug misusers. All local prisons and remand centres offer a detoxification service for people wanting to come off drugs. The sort of detoxification offered varies from prison to prison. Some prisons have specialist units; others detox prisoners on the wing. To obtain more information contact a prison doctor or a CARAT worker.

Treatment programmes

Five prisons are currently offering treatment programmes for prisoners wanting to tackle their drug misuse problem. There are three rehabilitation programmes (at Drake Hall, Send and Downview) and two therapeutic communities (at Highpoint and Low Newton). In addition a further two rehabilitation programmes are planned in 2002 (at Bullwood Hall and Styal). Again, if you want to be referred to a treatment programme, you should talk to a CARAT worker and sentence planning staff.

The three rehabilitation programmes last for three months and are very different from each other. Prisoners are referred to whichever programme best suits their needs. Prisoners will be expected to be part of the therapeutic community for between six and 12 months. All the programmes are run by a mix of outside drug workers and prison staff. You are expected to give up misusing while you are on a programme.

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**Food/special
diets**

Prison food should be, according to the rules, 'wholesome, nutritious, well-prepared and served, reasonably varied and sufficient in quantity'. All the food should be inspected and tasted regularly by the medical officer, a member of the Board of Visitors, and the Governor.

You are allowed to ask for:

- vegetarian food
- vegan food – if you are a Buddhist or you normally follow a vegan diet
- halal meat – if you are a Muslim
- kosher food – if you follow the Jewish dietary laws
- a rice-based diet.

Vitamins and dietary supplements can be bought through prison canteens and by mail order.

Prisons usually allow special food to be brought in for religious festivals.

When you transfer to a new prison, the kitchen may not have the food you need straightaway. If this happens, apply to see the Governor or the Board of Visitors.

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Religion **Religious rights**

Religious observance in prisons is covered in Standing Order 7A. This should be available in the prison library.

It states that ‘The Prison Service respects the need for all prisoners to be free to practise their religion’. The ‘Directory and Guide to Religious Practices in HM Prison Service’ gives guidance for many religions. A copy should be available in the prison library.

The Prison Act makes provision for all prisoners to practise their religion. This means that where numbers require it, a suitable place should be provided for meetings and services. The prison should take account of times of prayer, holidays and festivals. It should also help you if you have any needs relating to hygiene, dress or diet.

The time for the main acts of worship should be kept free from activities that might mean you cannot attend.

You do not lose your right to attend the main service of your religion because you are undergoing punishment, if you are segregated, on the escape list, a category A prisoner, or in hospital. However, you can be prevented from attending the service if it is judged that your presence would be disruptive or a threat to security.

Every prison has a multi-faith chaplaincy team to help prisoners practise their religion. This is made up of the Church of England chaplain, Roman Catholic and Methodist chaplains and ministers of religion appointed to meet the needs of prisoners of other Christian denominations and non-Christian faiths including Jews, Muslims, Hindus, Sikhs and Buddhists.

Muslim prisoners should be given details of the Muslim Advisor's office address and telephone number at Prison Service Headquarters.

If you are unhappy with the religious arrangements, or if no-one has asked a representative of your religion to visit the prison, you should speak to the prison chaplain or the Race Relations Liaison Officer.

Rastafarians

Although Rastafarianism is not registered as a religion in prisons, those following the Rastafarian faith are entitled to have their needs met, such as a vegetarian diet, retaining locks and wearing suitable headwear etc.

Religious Registration

When you first arrive in prison you will be asked your religion. You may state your religion or ask to be registered as 'nil' religion. If you want to go to religious services you will be expected to go to those of the religion you have registered. It is not usually possible to go to meetings of a different religion without consultation with the appropriate minister of religion. Ministers of

religion are not allowed to see prisoners who do not belong to their religion unless they have been asked to see them.

The chaplain or other minister of religion, at the reception interview, will ensure that you have been registered correctly and ask if you have any religious needs. This will normally be within 24 hours of your reception into prison. If you wish to change your religious registration, you will need to complete a religious registration form and satisfy the Governor that you are genuine in your intention to join a different religion. They will also consult a chaplain or visiting minister of the proposed religion.

If you wish to consult a minister or representative of a religion other than the one for which you are registered you may be allowed to do so without changing registration, provided that:

- the Governor is satisfied after consultation with the appropriate chaplains that you have a genuine interest in exploring the faith represented by the minister; and
- the Governor is satisfied that you are not seeking to cause undue disruption (for example, by asking to see a succession of ministers of different religions).

Once you have said that you follow a particular religion, you may attend the main services of your declared religion. If you have registered as 'nil religion' you may still attend an act of

worship. You are entitled to go to any religious groups that your chaplain or minister provides.

Contact with chaplains and other ministers of religion

If you wish to see a chaplain or other minister of religion you may make an application to do so. A written form should normally be available from a wing officer.

Each day one of the chaplains visits those in the hospital and those who are segregated.

Contacts with the outside

Chaplains and other ministers of religion may help you maintain your contact with the outside world, perhaps by arranging for a priest or minister from your home area to visit you. They may also have contact with your family and work in co-operation with probation staff to maintain home contacts.

If you are a foreign national, the Prison Service chaplaincy have contacts throughout the world, and may be able to help you make or maintain contact with your family in your own country.

Reports

Prison chaplains and other ministers of religion are often asked to contribute to parole and life sentence prisoner reports. You can ask for a representative of your religion to write your report.

Chapter 4 **Rules and rights**

Prison Rules

The Prison Act 1952 gives the Home Secretary legal powers 'to make Rules for the regulation and management of prisons'. The Home Secretary issued new Prison Rules in 1999 which provide the administrative framework for the treatment of prisoners in England and Wales. There are separate Young Offender Institution Rules. Copies are available for reference in the prison library.

The Human Rights Act 1998

The Human Rights Act came into force on 2 October 2000. It makes the protections of the European Convention on Human Rights (ECHR) part of United Kingdom law.

Under the Act, all citizens – including prisoners – who believe that their human rights have been violated, will be able to take their case to a domestic court rather than going to the European Court of Human Rights in Strasbourg.

The court will be able to decide whether a prisoner's individual treatment, or the wider policy on which it is based, complies with the provisions of the ECHR.

Further information about the Human Rights Act is available in a joint Prison Service/Prison Reform Trust leaflet. Prison libraries have copies of both this leaflet and also a comprehensive guide to the Act called *'The Human Rights Act -*

HM Prison Service Information Pack. This pack contains further background and information on the Human Rights Act and the ECHR.

Segregation or 'Rule 45'

Prisoners can be separated from other prisoners for their own protection, or if the Governor thinks they are disruptive.

You might wish to be separated if your offence is one which you feel other prisoners might disapprove of – such as a sexual offence. Your lawyer or the police may have given you advice about this. However it is not an automatic right and the Governor does not have to agree if they think you would be safe on ordinary accommodation.

Asking to go on Rule 45 is a very serious step to take. It is far better for you if you can remain on ordinary accommodation. You should think about it and talk it over with a governor very carefully before deciding.

Rule 45 prisoners do not mix with other prisoners. In most prisons, they are held in the segregation unit or in the Healthcare Centre. This might mean that there is restricted access to work or education or to the other parts of prison life that help time to pass more quickly.

Most women manage to remain on normal location and staff will advise that this is best if you can manage it. If the problem is that you are being bullied by another prisoner or group of

prisoners, you should tell the staff who will be able to help you so that you can remain on your wing.

If while on Rule 45 you have any concerns, you should discuss them with an officer or with a governor who will visit the segregation unit each day.

There is only one specialist unit for women who ask for Rule 45 because of the type of offence they have committed. This unit is at Styal and can hold up to twenty women. There is a full regime on the unit and the women there are encouraged to try and return to normal location as soon as they are able.

Drug testing

The rules on drug testing, including voluntary testing, are dealt with in chapter 3 on prison life, where details of drug services in prison are also covered.

Discipline

This section is about offences against the Prison Rules and the Young Offender Institution Rules.

Offences

Over 108,000 offences against prison discipline are punished by the authorities each year. But for most prisoners, appearing before a disciplinary hearing (known as an adjudication) is a rare event.

In an adjudication you are given the opportunity to put your side of the case. If you are charged

with an offence, think about what you plan to say in your defence or in mitigation, and whether there are others who saw what happened who might appear as witnesses. This section can tell you what to expect from an adjudication. If you want to know more, the Prison Service has published a Prison Discipline Manual which should be available in the prison library.

Prison Rule 51 and Young Offender Institution Rule 55 set out the 25 offences against prison discipline with which you can be charged. These range from very serious charges (e.g. escape) to less serious charges (e.g. intentionally failing to work properly). If you are suspected of an offence against Prison Rules which is also a serious criminal act, the prison authorities may decide to call in the police.

Rule 51, or YO Rule 55, contain two 'catch-all' offences. Rule 51(22) and YO Rule 55(25) say it is an offence to disobey any lawful order. Rule 51(23) and YO Rule 55(26) say it is an offence to fail to comply with any rule or regulation of the prison.

The full list of offences is as follows. Prisoners are guilty of an offence against discipline if they:

- 1) Commit any assault;
- 1A) Commit any racially aggravated assault
- 2) Detain any person against his/her will;

- 3) Deny access to any part of the prison to any officer or any person (other than a prisoner) who is at the prison in order to work there;
- 4) Fight with any person;
- 5) Intentionally endanger the health or personal safety of others or, by their conduct, are reckless whether such health or personal safety is endangered;
- 6) Intentionally obstruct an officer in the execution of his/her duty – or any person (other than a prisoner) who is at the prison in order to work there – in the performance of his/her work;
- 7) Escape or abscond from prison or from legal custody;
- 8) Fail to comply with any condition upon which they are temporarily released under Rule 9 of the Prison Rules;
- 9) Administer a controlled drug to themselves or fail to prevent the administration of a controlled drug to themselves by another person, unless it was administered to them lawfully in the course of a lawful (prescribed) administration of the drug; where they had no reason to suspect that an unlawful drug is being administered or where it was administered under duress and it was not reasonable to resist;

- 10) Are intoxicated as a consequence of knowingly consuming any alcoholic beverage;
- 11) Knowingly consume any alcoholic beverage other than that provided under a written order of the medical officer or a medical practitioner;
- 12) Have in their possession –
 - (a) any unauthorised article, or
 - (b) a greater quantity of any article than they are authorised to have;
- 13) Sell or deliver to any person any unauthorised article;
- 14) Sell or, without permission, deliver to any person any article which they are allowed to have only for their own use;
- 15) Take improperly any article belonging to another person or to a prison;
- 16) Intentionally or recklessly set fire to any part of a prison or any other property, whether or not their own;
- 17) Destroy or damage any part of a prison or any other property other than their own;

- 17A) Cause racially aggravated damage to, or destruction of, any part of a prison or any other property, other than their own;
- 18) Absent themselves from any place where they are required to be – or are present at any place where they are not authorised to be;
- 19) Are disrespectful to any officer or any person (other than a prisoner) who is at the prison in order to work there or any person visiting a prison;
- 20) Use threatening, abusive or insulting words or behaviour;
- 20A) Use threatening, abusive or insulting racist words or behaviour;
- 21) Intentionally fail to work properly or, being required to work, refuse to do so;
- 22) Disobey any lawful order;
- 23) Disobey or fail to comply with any rule or regulation applying to them;
- 24) Receive any controlled drugs or, without the consent of an officer, any other article, during the course of a visit;
- 24A) Display, attach or draw on any part of a prison, or on any other property, threatening, abusive or insulting racist

words, drawings, symbols or other material;

- 25) (a) Attempt to commit,
- (b) Incite another prisoner to commit, or
- (c) Assist another prisoner to commit or attempt to commit, any of the foregoing offences.

On Report

Disciplinary charges are usually made because prison officers see what they think is 'an offence' and put you 'on report'. The prison officer will usually tell you at the time that a charge will be brought. In any event, you should be charged within 48 hours. As soon as it has been decided that a charge is to be brought against you, you should be given Form 1127 (which describes the alleged offence) and asked if you understand the charge. Form 1127 should be given to you at least two hours before the hearing.

At the same time you will be given another form (Form 1145) which sets out briefly how the adjudication will take place. You can prepare a written statement on the back of Form 1127 and ask for more paper if you need it. You can also name any witnesses you wish to call in your support at that stage or wait to name your witnesses at the hearing if you prefer.

You may find it useful to consult the Prison Discipline Manual before the hearing. The Manual is available in the prison library and should be on open display although in some prisons you may have to ask for it. If you are segregated pending your adjudication you may not be able to get to the library. It is still worth asking to see the Manual and, if you are not given the opportunity, you could request that the adjudication be adjourned until you are able to consult it. If you want your own copy of the Manual, it is available free of charge from the Home Office Public Enquiries Team, Room 856, 50 Queen Anne's Gate, London, SW1H 9AT.

Before the hearing you will normally be examined (probably very briefly) by the medical officer. They will say whether there are any signs that you may not be fit to plead or to undergo cellular confinement if you are found guilty.

You may find that you are segregated from other prisoners after you have been charged until you get to your adjudication. This should not happen automatically but is still quite common.

Hearings

Governors conduct all hearings except those under the minor reports system which deal with some cases involving young offenders. The standard procedures are set out in the Prison Discipline Manual.

At the start the Governor will check to make sure you have received Forms 1127 and 1145, that

you understand the charge and the procedure and that you have had enough time to prepare a reply. The charge is read out and you will be asked to plead.

If you plead guilty the officer who put you on report reads out a statement of what happened and you will then be asked to question or comment on it. If you disagree with the officer's version of events, you should say so and you can ask to call witnesses. The Governor must look into any differences. If the Governor believes the facts are clear and accepts the plea of guilty, you will be asked if you wish to make a plea in mitigation. This means you should make sure the Governor knows any facts about the situation which might explain your conduct and make it a less serious offence. A member of staff will read out a conduct report (which relates only to your record during your sentence, not to your criminal record or previous sentences), which you may comment on. The Governor will then tell you your punishment.

If you plead not guilty, or if you are not sure how to plead, the officer who put you on report will read out a statement of their view of events and you will be given the opportunity to ask questions or comment. The Governor will also ask the officer questions, who in turn may call witnesses. You and the Governor can also question the witnesses.

You will then be asked to reply to the charge and comment on the evidence. You may call witnesses in your defence (unless the Governor has reasonable grounds to withhold permission for you to do so) and your witnesses will then be questioned by you, the reporting officer and Governor.

You will be allowed to sum up your defence and the Governor will announce the verdict. If you are found guilty, a member of staff will report on your previous conduct and list any previous disciplinary offences. You are entitled to comment, make a plea in mitigation and ask for witnesses to support this. Finally the punishment (or 'disciplinary award') is announced.

If you feel that your adjudication has not been properly conducted or your punishment was too severe, the quickest way to have your case reviewed is to ask for a requests/complaints form from an officer on your wing. Any complaint about an adjudication is dealt with at Prison Service Headquarters. See also the section on 'reserved subjects' later in this chapter. The power exists under Prison Rule 61(2) or Young Offender Rule 64 to overturn the finding reached or to reduce or cancel the punishment.

Legal Representation

At the start of the hearing the Governor will ask if you want any additional help. This can be either legal representation or having a friend or adviser present. You do not have a right to either but the Governor must consider your

request. Their decision will depend largely on:

- 1) The seriousness of the charge and the potential penalty;
- 2) Whether any points of law are likely to arise;
- 3) Your ability to present your own case;
- 4) Procedural difficulties, e.g. where you have been inhibited in the preparation of your defence by being kept apart from other prisoners, or where your defence may depend on the effective cross-examination of the witnesses against you, which might cause you difficulties;
- 5) The need for reasonable speed in making the adjudication;
- 6) The need for fairness between prisoners and prison officers.

Legal representation is very rare. If the Governor agrees to it they will adjourn the hearing so that you can arrange a solicitor. Even if legal representation is refused you can still ask for legal advice.

Having a friend or adviser – sometimes called a McKenzie friend – present is also quite rare. But it is worth considering, particularly if your case is complicated or serious. The McKenzie friend can take notes and give advice to you, but does not represent you and cannot speak at the

hearing without the Governor's permission. The person must be suitable, readily available, and of course willing to help. You will need to suggest someone for the Governor to consider. Possibilities could be the chaplain, a prison or probation officer, or a fellow prisoner.

Prisons and Probation Ombudsman

If you are unhappy with the result of your adjudication or with the way it was handled, you can appeal first to Prison Service Headquarters and then to the Prisons and Probation Ombudsman (see page 93). The Ombudsman cannot actually rehear the adjudication, but if your case is upheld, will recommend that the finding of guilt is overturned or the punishment altered.

Judicial Review

If you want to get a 'judicial review' of your adjudication, you should write to your solicitor. There is no guarantee that a judge will be willing to review your case so it is sensible to make a complaint through the internal prison procedures as well.

Punishment

The punishments which can be given and the maximum penalties are set out in Prison Rule 55 and Young Offender Rule 60 and 65 and are shown below. Where you have committed more than one offence you can be punished for each one with the punishments running consecutively (except that the total number of additional days must not exceed 42 for any one incident). With

the exception of a caution any punishment can be suspended for up to six months. This means it may be activated if you commit a further offence during the period of suspension.

The punishments available are:

- 1) A caution
- 2) Loss of facilities (privileges) for up to 42 days (21 for prisoners under 21)
- 3) Stoppage of up to 84 days earnings (42 for prisoners under 21)
- 4) Cellular confinement for up to 21 days (ten days for prisoners under 21)
- 5) Up to an additional 42 days in custody
- 6) Exclusion from associated work for up to 21 days (not available in YOIs)
- 7) Removal from wing or unit for up to 28 days (21 for prisoners under 21).

The following punishments are also available for YOIs only:

- 1) Removal from activities for up to 21 days
- 2) Two hours extra work per day for up to 21 days
- 3) Removal from wing or unit for up to 21 days.

Remand prisoners can only be given 'prospective' additional days awarded (ADAs). These become ADAs if you are then convicted and given a custodial sentence.

Terminating Punishments

Neither a finding of guilty at an adjudication or a punishment can be quashed or reduced by the Governor. However, the Governor can terminate any punishment, which has been partly served, other than additional days. Prisoners have to apply to get additional days back separately.

Getting days back

If you have been given additional days, or prospective additional days, you can apply to get some of them back (up to 50% of the days imposed for each offence).

Before doing so you must be sure that six months (four if you are a young offender) have passed since:

- a) you last committed any offence for which additional days were given or for which suspended additional days were activated, and
- b) the last time you applied to get them restored.

If you think you qualify, you should apply first to staff on your wing. They will check your eligibility and then you will be asked to make a written application in support. A member of staff on your

wing will write a report about you and this, together with any record of offences you have committed in prison, will go to the Governor. It is unlikely that you will be given back all the additional days for which you are eligible, but you may apply again later to get more days back if you meet the necessary conditions.

Other control measures

As well as the formal disciplinary system, the prison authorities have other ways of keeping control of the prison. These may include confiscating some of your property, changing your work location, keeping you away from other prisoners, putting you in restraints, or placing you in a special cell. The prison authorities are not allowed to use these as punishments, but can use them where this is needed to prevent trouble in the prison. If the prison authorities use one of these methods on you, and you disagree and want to complain, use the requests/complaints system. (See Requests and Complaints section later in this chapter.)

Removal from association under Prison Rule 45 or YOI Rule 49

This is normally called 'segregation' and means that the Governor needs to keep you away from some or all other prisoners. This may be because they think you are in danger, or it may be because they think you are going to make trouble yourself for example, if you have been behaving in a violent or threatening way, or have been encouraging others to do so. The Governor can segregate you for up to three days at first, then if

the Board of Visitors agrees it is necessary, for up to a month and for further periods of up to a month each time after that. For prisoners under 21 the maximum period is 14 days (renewable).

Transfers

You can be transferred (sent to another prison) if necessary to prevent trouble at the prison you are at. The prison authorities have to tell you, as soon as possible, why you are being transferred, but this may be after you have arrived at the new prison. They are entitled to keep some information back if they need to for security reasons.

Special accommodation and mechanical restraints

If you are being violent, and are in danger of hurting yourself or someone else, or you are likely to damage property or to cause a serious disturbance, there are two things the prison authorities can do to stop this happening. One is to lock you in a 'special cell', which might not have any furniture, until you have calmed down. The other, if your behaviour does not improve and the dangers increase, is necessary to put you in a bodybelt. This can only be done if you are over 17. You cannot be kept in restraints for longer than 24 hours without the prior authority of the Board of Visitors.

Staff have to tell the Governor, Board of Visitors and the prison doctor (who will examine you) as soon as possible, if they put you in special accommodation or a mechanical restraint.

You will be monitored regularly by both medical and non-medical staff and as soon as your behaviour returns to a level where the dangers no longer exist you will be removed from the bodybelt, special cell or both.

Prison mutiny

If there is a major disturbance in the prison, and if you take part in it, then you may be prosecuted for prison mutiny. If you are convicted, you may receive a prison sentence of up to 10 years, or a fine, or both.

Section 1 of the Prison Security Act 1992 defines prison mutiny as follows:

‘There is a prison mutiny where two or more prisoners, while on the premises of any prison, engage in conduct which is intended to further a common purpose of overthrowing lawful authority in that prison.’

A major disturbance, resulting in injury to staff or prisoners or damage to property, where the Governor loses control of all or part of the prison, could provide a basis for a charge of prison mutiny.

If you are caught up in a prison mutiny started by other prisoners, you should try to leave the scene and take no part in it. If you remain on the scene without a good excuse, when you had a reasonable opportunity to leave, then you may be regarded as taking part in the mutiny, along with those who started it, and you could be liable to the same penalties.

Searching of cells

Your property and cell may be searched for security reasons. The frequency of searching will depend on the type of prison you are in or your own security category.

The procedures for searching cells are as follows:

- you will be strip searched in your cell before you leave it;
- you will be asked to hand over any unauthorised items to staff searchers;
- you will be taken to another area while the search of your cell takes place;
- items may be taken from your cell to be searched, e.g. by x-ray machines;
- your legal documents can be searched but they will not be read by prison staff.

Searching of prisoners

Only a female member of staff may carry out a search of a female prisoner. A male officer may only carry out a search of your cell, dormitory or property.

Rub down searches may take place before and after movement from one area to another. Prisoners may be asked to remove footwear and empty pockets. Staff may look into a prisoner's mouth, nostrils, ears and hair.

A strip search is a search of clothing and a visual inspection of the body. You will never be totally naked, as you will be given a dressing gown to wear after the top half of your body has been searched. Only a female member of staff has the power to strip search a prisoner at any time they think necessary. These searches will be carried out with concern for modesty and decency and will be done by officers of the same sex. Only those officers carrying out the search should be present while it takes place.

A strip search is likely to take place each time a prisoner enters or leaves the prison, immediately before a cell search, on entry to the segregation unit and randomly after social and legal visits. High and exceptional risk category A prisoners must be strip searched before and after each visit.

The procedure for a strip search should be explained to each prisoner before it is carried out. Standards of modesty and decency should be maintained at all times.

Requests and complaints

Making a request or a complaint

There are two basic ways to make a request or complaint. You can use internal prison procedures or go outside the prison system – to your MP for example. Who you contact first depends upon what your request or complaint is about, but you should use internal prison procedures as a starting point.

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Inside the prison system

New requests and complaints procedures are being phased in during 2002. Your establishment may already have switched to the new procedures, or it may still be using the old system. This will affect how you make a request or complaint. Ask a member of staff if you are unsure how the procedures work in your establishment. The information which follows applies regardless of whether your establishment is using the new procedures or the old.

A written request or complaint should be made within 3 months of the relevant facts coming to your notice. Request or complaint forms submitted outside this time limit will not be considered unless there are exceptional reasons.

Talking to staff

As a first step, talk to a member of staff – preferably your personal officer if you have one. Lots of problems can be dealt with very simply and quickly in this way. If the matter cannot be sorted out in this way you should ask to make an application to your landing officer or wing manager. Your landing officer or wing manager will discuss your request or complaint with you on the same day.

If they cannot help and you are still unhappy about it, you can make a governor's application. A senior member of the prison's staff will speak to you. You may also ask to speak to the medical officer, chaplain or a member of the Board of Visitors. If the outcome is not satisfactory, you will be told how to take the matter further.

Formal complaints

The next stage will be for you to make a written complaint. There is an official form for this purpose, but if it is not available you can use plain paper. Under the new procedures, forms are freely available for you to pick up. Under the old procedures, you will have to ask for a form. The form will tell you how to complete and return it. It will be returned to you with a reply, which you should receive within seven days, or more quickly under the new procedures. The reply may not be the full answer to your problem, but should at least tell you when you can expect a full reply. If your complaint or request is refused, you should be given reasons.

If you are unhappy with the response to your written complaint, you can appeal.

Reserved Subjects

“Reserved subjects” are matters which can only be decided by the Area Manager or other staff in Headquarters. Parole, adjudications and early release are reserved subjects. A request or complaint on a reserved subject can only be made in writing. Staff will tell you if your request or complaint is about a reserved subject. You should get a reply within six weeks of the request or complaint being received by the Area Manager.

Confidential Access

You can write direct, using a sealed envelope, to the Governor, the chairman of the Board of Visitors or the Area Manager. This is called

‘confidential access’. Confidential access is meant to be used only if your complaint is about something which is particularly serious or sensitive, or which you are reluctant to discuss with prison staff.

It is up to the person whose name you put on the envelope to decide how to deal with the problem you raise. They may need to get more information to investigate the problem and this may mean that others will need to be told. This may include the person you are complaining about.

If you use confidential access you should explain on the form why you have done so. This will help the person receiving it to decide how best to deal with it.

Complaints against staff

If you think that a member of staff has treated you in a way which is against the rules and regulations of the prison, you can complain to the Governor or to the Area Manager.

In ‘contracted out’ prisons it is the Controller, not the Director, who deals with prisoners’ complaints against prisoner custody officers (but not other staff).

Write down clearly what happened on a complaint form or on plain paper. Say what you think the member of staff did wrong, and then say:

- What happened, what was done, what was said
- When and where it happened
- If there were any witnesses, and
- If there is any evidence which supports your complaint.

The Governor will ask a senior member of staff to investigate your complaint. They will ask you what happened and will also talk to the member of staff you have complained about. Witnesses will also be seen.

If your complaint is found to be justified, disciplinary proceedings may be taken against the member of staff concerned. The Governor may also refer the matter to the police for investigation.

The Governor will write to you at the end of the investigation to tell you what has been decided. This usually takes about two weeks. You will be told if the police have been called in. If you wrote to the Area Manager under confidential access, they will reply to you telling you what action has been taken (the Area Manager will usually ask the Governor to investigate).

Withdrawal of a written application or appeal

You may withdraw your written request, complaint or appeal at any stage. Just tell a member of staff who will arrange for you to write on the form that you want to withdraw it.

Boards of Visitors

You may also ask to speak to a member of the Board of Visitors. You should make an application if you want to do this. The Board of Visitors will also consider your written request or complaint if you ask them. However, the Board will normally expect you to have tried to solve the problem by approaching staff first.

If you have already made a written request or complaint, the Board will look at the reply which you were given and any other relevant information. The Board will tell you when you can expect to get a reply. If there is likely to be a delay, you will be told what is happening. They will let you know what decision has been made about your request or complaint. It could, for example, ask the Governor to think again about the decision or refer it to the Area Manager.

Outside the prison system

Prisons and Probation Ombudsman

If you have completed the internal complaints procedures and you are still not satisfied, you can write to the Prisons and Probation Ombudsman. You should do this within one month of receiving the final internal response to your complaint. If you delay, the Ombudsman might not be able to consider your complaint.

The Prisons and Probation Ombudsman is an independent official responsible for considering complaints from prisoners about almost any aspect of their treatment in prison. Complaints made about outside bodies such as the police or the courts cannot be considered. You must contact the Ombudsman yourself – complaints made by prisoners' families or friends cannot be considered.

The Ombudsman's investigation should normally take no longer than twelve weeks. Only occasionally will the Ombudsman's staff actually come to interview you, so you should provide as much detail in writing as possible. A written finding will be produced and, if your complaint is upheld, a recommendation will be made to the Prison Service about how best to put matters right.

The address is: Prisons and Probation
Ombudsman
Ashley House
2 Monck Street
LONDON
SW1P 2BQ

A separate leaflet about the Ombudsman and how to complain to him is available.

Other external avenues

There are other ways in which you can make a request or complaint outside the prison system. However, it will usually be quicker to try the internal prison procedures first. If you do go direct to an outside person or organisation, and

they decide to write to the Home Office, their letter will almost certainly be passed to the prison to consider. This may mean that your request or complaint will then take longer to deal with than if you had raised it with prison staff in the first place. There are many different people and organisations outside prison who may be able to take up your complaint or request. Most will expect you to have gone through the internal prison procedures first.

Some organisations that may be able to help are included in the list of 'Useful Organisations' in the separate *Prisoners' Information Book about Visiting and Keeping in Touch*. Do read that section to make sure that the organisation you are writing to is the right one.

In addition you could :

- Write to your MP (Member of Parliament). MPs can help and advise on a range of issues, including welfare matters and internal prison matters. Usually you should write to the MP whose constituency covers your home address. If you are writing to your MP, you should include your home address. You can also ask your MP to refer complaints to the Parliamentary Commissioner for Administration (Parliamentary Ombudsman) for further investigation.

- Write to your solicitor. You may write to your legal adviser with any questions or complaints or about legal matters.
- Write to the Chief Officer of Police. You can write to the Chief Officer of the local police force if you have evidence that a criminal offence has been committed.
- Petition the Queen or Parliament. You should write out your petition on letter paper. This has to be done in a particular way. Prison staff should have a copy of the instructions. You do not have to tell staff what you are writing about, but the Governor will be told that you have sent a petition to the Queen
- Petitions to Parliament need to be presented by an MP or Member of the House of Lords, and should be addressed to a named individual MP or peer.
- Petition your Member of the European Parliament. If you do not know the name or address of your MEP, staff will find out for you.

A petition to the Queen, Parliament, or European Parliament does not count against your letter allowance, nor does a letter to your solicitor or to a court.

Criminal Injuries Compensation Authority

The CICA can award compensation for injuries directly resulting from a crime of violence or one of the other reasons mentioned in the Criminal Injuries Compensation Scheme.

The address is: CICA
 Tay House
 300 Bath Street
 Glasgow G2 4JR

Race relations

The Prison Service has a public policy statement about race relations that is clearly displayed in every prison. It reads:

‘The Prison Service is committed to racial equality. Improper discrimination on the basis of colour, race, nationality, ethnic or national origins, or religion is unacceptable, as is any racially abusive or insulting language or behaviour on the part of any member of staff, prisoner or visitor, and neither will be tolerated.’

The Prison Service policy is set out in greater detail in Prison Service Order 2800 on Race Relations, a copy of which is available in the prison library. Alternatively, the Race Relations Liaison Officer (RRLO) may be able to lend you a copy.

Who can help?

Every prison has a RRLO. The RRLO will have information about national and local policies and

the Race Relations Act 1996. The name of the RRLO should be known and available to all prisoners and they should be able to help if you have a problem or query of a racial nature. If you think you have been discriminated against you may want to talk first to the RRLO. Some large prisons have Assistant Race Relations Officers on each wing who you can talk to about race relations problems.

Every prison also has a Race Relations Management Team (RRMT) which will normally be chaired by the Governor or Deputy. Membership may include the chaplain, a member of the Board of Visitors, representatives from the education and probation department, as well as local community groups. The names of the members should be available on noticeboards or from the RRLO. The RRMT meets at least four times a year to make sure that minority ethnic prisoners are being treated fairly. In some prisons, there are also prisoner representatives at RRMT meetings.

Racial Discrimination

Racial discrimination can take many forms. For example, someone may be refused a job because of the colour of their skin. This is called 'direct discrimination'. 'Indirect discrimination' is when a rule or policy applies to everyone, but has the effect of discriminating against a particular group.

Sometimes a particular facility (for example, the snooker table) may be taken over by one group, and members of other minority ethnic groups

who want to use it may not feel able to do so. That too is a form of racial discrimination. The Prison Service policy tries to make sure that everything is equally available to all prisoners regardless of race. If you feel excluded from any part of prison life because of your race or colour, you may be being discriminated against.

The following list sets out areas of prison life where discrimination may occur. It is meant to help you ensure that you are not being discriminated against.

- Accommodation – accommodation should be available on a fair basis. Usually a rota system works fairly. No areas should be taken over by one ethnic group.
- Work and training – work and training should be available equally to all prisoners on the basis of how well you can do the job, or how much you will learn from the training course. Popular areas of work, or the best paid ones, should not be given to one particular group while excluding others.
- Education – education classes should be equally available to all prisoners on the basis of your needs and suitability. Special classes can be provided to meet the needs of prisoners with English language difficulties.
- Religion – every prisoner should be allowed to practise their religion. There is a section on religion in chapter 3 on prison life.

- Diet – your diet should reflect your religious beliefs and as far as possible take account of your culture. There is a section on food/special diets in chapter 3 on prison life.
- Libraries and information – prison leaflets, information, newspapers and books should be available to all ethnic groups in the prison and should reflect various cultures. Foreign language books should be available, as should translations of the race relations policy statement, the 'Foreign Prisoners Resource Pack' and this book.
- Discipline – all prisoners should be treated equally. Prisoners from one ethnic group should not be unfairly treated or receive harsher punishments than other ethnic groups. Evidence of racial discrimination in disciplinary decisions may be used in an appeal against the findings of disciplinary hearings.

Complaints of racial discrimination

You may feel that you have been discriminated against (for example, over work or education) or that you have been racially abused by other prisoners or by staff. If so you should make a formal written complaint or fill in a racist incident reporting form or tell the RRLO or Board of Visitors. If you think other people – including any visitors – are being discriminated against you can also report this to the RRLO.

If it is a simple case of misunderstanding, the RRLO may be able to settle the matter by talking to everyone involved. If you make a formal complaint however, this should be fully investigated and if you want to know you should be told the result. The racist incident reporting form can also be used by your visitors if they feel they have been discriminated against and the RRLO will look into their complaints in the same way.

The Commission for Racial Equality

You can also complain to the Commission for Racial Equality if you feel that you have been a victim of racial discrimination. The CRE is able to investigate complaints under the terms of the Race Relations Act 1976. You may write direct and in confidence to the CRE.

The address is: CRE
 Elliott House
 10/12 Allington Street
 London SW1E 5EH

Foreign national prisoners

If you are a foreign national prisoner and need further help or advice, ask to speak to the Race Relations Liaison Officer (RRLO).

This book, and the other three books in the Prisoners' Information Book series, are also available in these languages: Arabic, Bengali, Chinese, Dutch, French, German, Greek, Gujarati, Hindi, Italian, Polish, Portuguese, Punjabi, Russian, Spanish, Tamil, Turkish, Urdu, Vietnamese and Welsh.

You could also write to your Embassy for any help you require or ask your RRLO to contact them for you. Your prison library should be able to provide you with an address or a copy of *The London Diplomatic List* where useful addresses can be found.

Bullying

Bullying can be either physical or mental intimidation. The effects of bullying can be long lasting and serious including depression, anxiety, feelings of guilt, shame, hopelessness and frustration.

Within prison, everyone has the right not to be bullied, intimidated or abused.

The Prison Service has a strong commitment to tackling bullying in prisons. As part of this commitment, all prisons must have an anti-bullying strategy. The exact nature of the strategy will depend on the type of prison. The anti-bullying strategy at your prison should be explained during your induction. If not, you can ask a member of staff such as your personal officer for details.

All anti-bullying strategies have the same core principles:

- **Bullying in prisons will not be tolerated by the Prison Service.** It is cowardly, anti-social and must be challenged.

- Bullying is a problem for everyone in the prison community and it cannot be solved without a united response by prisoners and staff.
- Victims of bullying will be supported.

Research has shown that there are no set characteristics for bullies or victims; anyone can become a victim, bully or both.

Many staff will be trained in identifying, monitoring and challenging bullying behaviour. If you are bullied or you know someone who has been bullied, you should report this to your personal officer, or any other member of staff. They will deal with this in the strictest confidence.

Disabled prisoners

The Prison Service Standard for disabled prisoners states that:

“The Prison Service will ensure that prisoners with physical, sensory and mental disabilities are able, as far as is practicable, to participate equally in prison life.”

For further information on the Prison Service policy on disability, please read Prison Service Order 2855 on the Management of Prisoners with Physical, Sensory, or Mental Disabilities, which is available in the prison library, or the Disability Liaison Officer (see over) may have a copy for you to borrow.

When is a person disabled?

The Disability Discrimination Act 1995 says a disabled person is:

“ a person who has a physical, sensory or mental impairment which has a long term and substantial effect on their ability to carry out normal day-to-day activities.”

“Long term” usually means the disability or impairment has lasted at least twelve months or is likely to last for the rest of a person’s life.

“Normal day-to-day activities” include walking, hearing, lifting things, or reading a book.

The word “disability” covers a very broad range of impairments and individual needs.

Examples may include someone who:

- uses a wheelchair or has difficulty in walking
- is deaf or hearing impaired
- has speech difficulties
- is blind or partially sighted
- is severely disfigured whether by birth or accident
- has a recognised mental health problem
- has Diabetes, Epilepsy, Multiple Sclerosis, Cerebral Palsy, Down’s Syndrome, Glaucoma or Muscular Dystrophy.

The Disability Discrimination Act and prisoners

The Disability Discrimination Act 1995 (Part III) states that all disabled people should have equal access to goods, facilities and services; they should not receive a lower standard of treatment or quality of service as a result of their disability. All prisons are looking at their treatment of disabled prisoners so they can make changes if their practices are discriminatory. By 2004, it will be necessary to remove, or make reasonable adjustments to, physical barriers to access for disabled people. The Prison Service tries to find an appropriate place for each disabled prisoner, taking into account both their disability and their sentence needs.

Who can help?

You may have a query about a disability or access in general, or you may have particular needs, say, for talking books. If so, you can talk to your personal/wing officer or a member of the health care staff. Alternatively, you could write to the Governor. To do this in most prisons, you will need a request/complaint form.

There is a Disability Liaison Officer in every prison who will have information on the Disability Discrimination Act 1995 and a copy of the prison's disability policy.

The Disability Rights Commission

The Disability Rights Commission (DRC) is a national organisation which can give free information and advice.

The DRC telephone helpline is open
Monday-Friday, from 8am-8pm, on: 08457
622 633 or
(textphone) 08457 622 644.

The address of the DRC is:
Freepost MID 02164
Stratford upon Avon

Chapter 5

Resettlement, sentence planning and regimes

Resettlement

The word 'resettlement' means the help given to prisoners and their families by the prison, probation service and voluntary agencies. It includes training, education, work experience and preparation for release. It should help prisoners to fit back into society, get a job and home, and cope with life without re-offending.

Personal officer schemes

You will usually be allocated a personal officer so that you have someone to turn to for help and advice. All YOIs have Personal Officer Schemes. Some prisons allocate prisoners to groups of staff or have shared working arrangements between prison officers and prison probation staff. Ask your wing officer about arrangements in your prison.

The division of work between personal officers and prison probation staff varies in different prisons. You should be told who does what when you arrive in a prison.

The probation service

The prison and probation services work together to meet the resettlement needs of prisoners. There are probation staff working in every prison and YOI. They should be able to offer you help

during your sentence and as you prepare for release. Probation staff will probably also be involved in risk assessment as part of the sentence planning process. In YOIs, where personal officers should help with most needs, their work is different. In adult prisons, probation staff may work from an office on the wing or from an office elsewhere in the prison.

The first contact you will have on reception is likely to be with a prison officer, who should be able to help with any immediate and day to day problems. You should meet a member of the prison probation staff soon after arrival. They may be able to help you with other problems, including those which may have led you to commit a crime in the first place. They will also often be able to help by giving advice on how to maintain contact with your family and the community you come from, and help you prepare for release.

Family and personal matters

The prison probation staff should be able to give you advice on personal and domestic problems, such as debt, relationships, problems with visits etc. However, in some prisons prison officers will be able to help, and will also deal with routine matters like sending letters, making telephone calls and basic health.

Prison Chaplaincy

You may also find it helpful to speak to a chaplain, other minister of religion or representative of your religious faith. You will

need to make an application to do so. A form should normally be available from a wing officer. For further information on the role of the chaplaincy please see the section on 'Religion' in chapter 3 on prison life.

Boards of Visitors

Boards of Visitors should not be confused with Official Prison Visitors (their role is described later in this chapter). The main task of the Board of Visitors is to act as a watchdog to make sure the prison is being run properly and that you are being treated fairly. It is made up of local people, some of whom are magistrates but others have no connection with the criminal justice system. All are independent of the prison. If you have a complaint to do with prison life that you want the Board to look into, you can ask to see a Board member when they are visiting the prison. However, if you think it is necessary, you can apply to see the whole Board.

The Samaritans

The Samaritans have strong links with many prisons. They are local volunteers who befriend people for whom life may be getting too much to bear. Sometimes when you are in prison you may feel anxious or despairing and would like to talk things over with someone who is unconnected with the prison. If you would like to see a Samaritan, you should ask the medical officer or a member of staff to arrange a visit. Do this as soon as you can – it's better not to bottle things up. Any conversation you have with a Samaritan is completely confidential and will not be discussed with prison staff.

Many prisons now have what are known as 'Listener' schemes. These are schemes whereby the Samaritans come into a prison and train prisoners to give support and counselling to other prisoners. These prisoners are called Listeners. The Listener scheme is also confidential. Anything you say to a Listener will not be passed on to prison staff unless you say so. You should ask your wing officer, or personal officer, if you would like to take part in a Listener scheme. Some prisons have buddy schemes. Buddies are prisoners who fulfil the same function as Listeners, but are not supported by the Samaritans.

You may also be able to call your local Samaritan branch at any time of the day using a cardphone. Leaflets and posters showing the address and phone number should be available in the prison.

If you would prefer to write to the Samaritans, you can write to:

Amanda
PO Box 1250
Slough SL1 1ST

or to the local Samaritan branch. It may be possible to get an extra free letter for this. (The Samaritans may also be able to give emotional support to your close relatives and friends if they are having a tough time while you are inside.)

**Official
Prison
Visitors**

Official Prison Visitors (OPVs) are usually local people who are available to see any prisoner, whether or not they have other visits. The Official Prison Visitor Liaison Officer (often the prison chaplain) is responsible for arranging such visits within an establishment.

If you wish to be visited by an Official Prison Visitor, contact the Official Prison Visitor Liaison Officer. Official Prison Visitors are subject to the ordinary regulations of the prison, but are independent of prison management.

A visit from an Official Prison Visitor, whether on the wing or in the visits room, does not count against your entitlement to ordinary visits and does not require a Visiting Order.

**Voluntary
Associates/
volunteers**

Voluntary Associates/volunteers are usually linked to the probation service. They are like Official Prison Visitors in that they can make friends with prisoners by visiting and letter writing. When your time comes for release your VA will usually be able to help you with practical problems as well as being a supportive friend.

A VA visits in the visiting room like any other visitor. Other prisoners need never know your visitor is a VA if you don't want them to know (some prisoners prefer to keep this quiet). If you are interested in having a VA, talk to a member of the prison probation staff or write to New Bridge, which is an independent group of volunteers.

The address is: 27a Medway Street
London
SW1P 2BD

Other help

Most prisons are visited by a wide range of people and organisations such as the Prison Fellowship, Alcoholics Anonymous, Narcotics Anonymous, the Citizens' Advice Bureau etc. Ask a member of staff which agencies visit your prison and what services they provide. The separate *Prisoners' Information Book about Visiting and Keeping in Touch* also contains a list of useful organisations which provide help and advice for prisoners.

Sentence planning

Sentence planning involves all adult prisoners serving sentences of 12 months or more (with at least six months to serve) and all young offenders with at least one month to serve. Those sentenced to life imprisonment (or the equivalent for young offenders) have their own system. Your personal/wing officer will normally discuss your sentence plan with you.

Sentence planning focuses on areas of risk, such as you coming back to prison, or committing certain types of offence, and on risk to yourself. You will be shown the print-out of a computer programme which indicates the statistical risk in certain areas. Sentence planning also makes sure that the best use is made of your time in custody. A sentence plan will be drawn up with you which will assess your needs and set targets for you to try to

achieve. It is hoped that your sentence plan will enable you to tackle your offending behaviour, and give you experience of work, training and education, to help prepare you for release.

Your involvement in the preparation of such plans is important. Sentence planning is an open process, which means that you will be able to see, discuss and comment on what has been written about you. (If you have not been contacted about your sentence plan, ask an officer.)

Most of the decisions and processes involving you during your sentence will be informed by your sentence plan, for example, decisions about work allocation, release on temporary licence (ROTL) etc. If you are eligible to be considered for early release on parole, any progress you have made towards achieving relevant targets in your sentence plan, will be taken into account by the Parole Board. All prisoners involved in sentence planning are subject to a compulsory supervision period by the probation service after release. Sentence planning will inform the probation staff of any remaining risk, of any activities such as training or education you have taken part in while in custody, and identify any other issues that may need to be addressed during the supervision period.

Education

There is an education department and library in every prison. Before attending education classes, all students are offered a screening test in numeracy and literacy. This is usually part of an

induction process and helps to identify an individual's particular needs. Following the screening test, information about the timetable is given and an individual action plan is agreed with a tutor.

Each education department is required to adhere to a national core curriculum by providing classes in literacy, numeracy, information technology, English for speakers of other languages and social & life skills. Social & life skills cover a wide range of practical, academic and personal skills, such as cookery, parenting and money management. There are opportunities for students to improve their basic skills. In addition to the core curriculum, other subjects, such as art or business studies are often provided. All classes must lead to national qualifications, so that studies can be continued on release.

Physical education

Prisoners over 21 years of age should have the opportunity to take part in physical education (PE) activities for at least one hour a week. The medical officer may excuse you from PE if you are not fit enough.

Library

Each prison has a library run in the same way as a library outside. You should be able to visit the library for a minimum of twenty minutes per week and you can borrow and order books. Most libraries cater for a wide range of languages and will try to obtain specific books on request.

Prison Service Order 6710 on Prison Libraries has more details and contains a list of the publications which should be readily available to prisoners.

Training

Vocational training is a way of gaining skills, knowledge and experience, which will be useful to you for finding work. It is often linked to education classes, so that you can attend a training course at the same time as achieving qualifications in basic skills. Each prison varies in terms of training offered, but there should be a wide range including painting & decorating, information technology, hairdressing and catering. Each prison has a directory of education and training that gives details of what courses are offered.

Work

Prison Service policy is that work should be the core daytime activity for adult prisoners. Throughout your sentence, work should play a fundamental role in providing the valuable skills and qualifications needed to gain employment on release. Your achievements and needs should be recorded and monitored to ensure that, as far as resources allow, you follow a constructive work plan.

Soon after you arrive in prison, your suitability and preference for work will be assessed. Your educational and training needs should also be considered and you may be able to work towards recognised qualifications e.g. National Vocational Qualifications.

Type of work available

This will vary in each prison depending on the availability of resources, prisoner needs and preference, and security and control requirements.

Work is usually available in industrial workshops and/or agricultural and horticultural units. It includes the production of goods and services needed by prisons, and for sale externally. Work undertaken in these units is varied and should provide skills in trades such as:

textiles, engineering, woodwork, printing, data entry, plastic moulding, component assembly, computer aided design, desk top publishing, commercial livestock enterprises, and grounds maintenance.

Other work is available within the prison, such as catering, cleaning and general building and maintenance work.

Pay

Rates of pay vary depending on resources, the amount and type of work available at each prison and the level you have reached on incentives and earned privileges schemes (see section on Incentives and Earned Privileges Schemes later in this chapter). The minimum rate for those employed is £4 per week. If you are willing to work but are unemployed because no work is available, you will be paid a basic rate of £2.50 per week.

Offending behaviour programmes

During your sentence you may be asked to attend groups or courses to help you avoid offending in future. These courses, which are administered centrally from the Prison Service Headquarters, are designed to address the causes of offending and reduce reconviction rates and have been approved (accredited) by an independent expert panel.

Two of the currently accredited offending behaviour programmes are open to women. They are:

- Enhanced Thinking Skills
- Reasoning and Rehabilitation

The Enhanced Thinking Skills and Reasoning and Rehabilitation programmes are intended to help those whose offences are connected to sex, drugs or violence. In time it is expected that other types of programme will also be developed so that it will be possible to offer help to those for whom the existing programmes will not be effective. This may include a programme specifically for women.

Advice, help and information

If you need further advice, help or information about education, training and work opportunities or programmes to help address offending behaviour ask your personal officer in the first instance (if you have one), or a member of the prison probation staff. The prison education officer or librarian will also be able to help you.

**Incentives
and earned
privileges
scheme**

National Framework

The national framework has five aims:

- that privileges should be earned by prisoners through good behaviour and performance and can be taken away if you fail to maintain acceptable standards;
- to encourage responsible behaviour;
- to encourage hard work and other constructive activity;
- to encourage you to progress through the prison system; and
- to create a more disciplined, better controlled and safer environment for prisoners and staff.

There are five key earnable privileges. This means that where these privileges are available, you must earn them by good behaviour and performance:

- access to private cash above a set minimum;
- extra or improved visits;
- eligibility to participate in enhanced earning schemes;
- earned community visits (previously known as town visits), but only if you are in an open prison, or have been assessed as suitable for outside activities.

- in-cell television is being gradually introduced as an earnable privilege, but it may not be available in your prison. If it is, and you are eligible for it, you will be required to pay a rental charge for the set.

There is one other key earnable privilege which is more likely to be available when prisoners on the same privilege level are accommodated together in the same part of the prison:

- time out of cell for association.

There will also be other privileges available that will vary according to local circumstances.

How the system works

There are three levels of privileges:

Basic Level

The minimum level of facilities to which you are entitled by law and good practice, and regardless of your behaviour and performance (unless you are segregated under the discipline system).

Standard Level

A higher level of privileges than you would be entitled to at the basic level.

Enhanced Level

Depending on your behaviour and performance you will become eligible for additional privileges at the enhanced level.

Behaviour and performance

Incentives and earned privileges schemes vary from one prison to another, but you should familiarise yourself with the statement that Governors have to publish which sets out the privileges available, the standards of behaviour and performance you need to maintain to keep them, and how decisions about your privilege level will be taken.

Generally, you earn facilities and privileges above set levels through responsible behaviour, hard work and other constructive activity.

Earned community visits

If you are in an open prison or you are a young offender who has been assessed as suitable for outside activities, you may be eligible to apply for a community visit (normally monthly with family or friends in the locality of the prison). To be eligible you must have served at least three-quarters of the custody part of your sentence and have demonstrated by your behaviour and involvement in work or other regime activities that you have earned the privilege.

Preparing for release

This section describes the help you can get in prison to prepare you for release. It also tells you about money and benefits for when you are released.

Your personal officer (if you have one) or prison probation staff will be able to help you to prepare for release, for example by identifying your needs through your sentence plan.

They should also be able to help you prepare for release by:

- putting you in touch with probation staff in your home area (who may supervise your licence);
- contacting outside bodies who may be able to help arrange accommodation, training, education or employment after your release;
- helping with arrangements for temporary release (see chapter 6).

During your sentence you may be asked to go to groups or courses. These will help you to look at the behaviour or problems (such as alcohol or drug abuse, gambling, financial pressures, depression, aggression or lack of temper control, sexual matters and so on) that resulted in your being sent to prison. These courses may take place in groups with other prisoners with the same problems so that you can work together. The prison probation staff or your personal/wing officer may also put you in touch with outside specialists to help you deal with your particular problems.

You may be able to attend a pre-release course, which will address issues you may have to deal with on release such as accommodation, employment, benefits, health, drugs, alcohol and family. Specialists from outside the prison may contribute to the course.

At some prisons, training may be offered in stages. It should be tailored to your particular requirements.

As you come up to consideration for parole, both 'home' and prison probation staff make reports to the Parole Board. You can show your willingness to co-operate with the conditions in a parole licence by keeping in regular touch with home and prison probation staff.

Housing and employment advice

Almost all prisons have staff who have been trained to offer advice and help to prisoners about housing and employment matters. At some prisons, staff have access to a computer-based information service – NACRO's Easily Accessible Service Information database (EASI). This provides up-to-date information on housing, employment, training and education, benefits and money advice and counselling services (for drug and alcohol-related problems, HIV/AIDS, mental health and other health services). Ask a member of the prison probation staff if you think the EASI database may contain information to help you. In due course all prisons should have access to the database as improvements are made to information technology in prisons as part of the ongoing Quantum project.

Resettlement units

As part of the resettlement arrangements some prisoners are able to go out to training or work from the unit or prison and return when they have finished. Prisoners benefit in a number of ways:

- you can get training and work experience
- you can save money for your release
- you may be able to retain your job on release.

Community work

Working for the local community is intended to give prisoners the chance to build self-confidence in preparation for release and, at the same time, develop a sense of social responsibility. All prisons look for a wide range of community work, such as local environment projects, work with the elderly or people with disabilities, sports activities, fund raising and so on.

Employment and training

The Prison Service works with Learning and Skills Councils (LSCs) – which are responsible for Employment Training and Youth Training Schemes. They co-ordinate training before and after release. Contact the Education Officer to find out more about what they can offer you.

Preparation for employment and jobclubs

Some prisons run their own jobclubs in which advice and assistance are available to prisoners to:

- train you to look for jobs, including how to prepare a CV or personal profile, disclose convictions to employers and present yourself at interview

- enable you to look for and follow up possible job vacancies
- allow you to attend job interviews and, if successful, to participate in a ‘working out’ scheme.

You should also look in the ‘Useful Organisations’ section of the separate *Prisoners’ Information Book about Visiting and Keeping in Touch*, for other organisations that might be able to help you.

Money and benefits

As you get near your release date you may need to consider the following things:

- Discharge grants
- Benefits on release
- Community Care grants
- Housing
- Council Tax (see section in chapter 1 under ‘sorting things out’)
- Income Tax

Discharge grants

When you are released you will get a travel warrant to take you back to your home or another address (as long as it is in the UK). Most prisoners will also receive a discharge grant.

However you will not receive a discharge grant if:

- you are under 16
- you are serving 14 days or less
- you are in prison for fine default
- you are a civil prisoner
- you are on remand or awaiting deportation
- you are going straight to hospital
- you are travelling to an address outside the UK
- you are not eligible to get Income Support.

The amount of money you will get if you are entitled depends on your age, and whether you have a home to return to, or whether you will be homeless.

If you cannot go home but are going into a hostel or lodgings, or you have tried and failed to find an address to be discharged to, you will be paid a higher level of discharge grant. Normally, you must have accommodation arranged before you are released. However, if staff have tried, with your co-operation, to fix something up but it has been unsuccessful you may also get the higher grant. If you decide not to return home you will not usually be able to get the higher grant unless there is a good reason, like wanting

to go into a rehabilitation hostel or having a firm offer of a job elsewhere.

Chapter 6 **Release on Temporary Licence (ROTL)**

There are three types of release on licence: **compassionate** licence, **facility** licence and **resettlement** licence. Each form of release on temporary licence has different qualifying criteria.

Release on temporary licence is a privilege and will be tied into your sentence plan where appropriate. You must pass a risk assessment before being approved for each period of release on temporary licence. In some cases the victims of your offence will be consulted and/or informed about your application.

This summary applies to prisoners serving fixed length sentences. Life sentenced prisoners should refer to the separate *Prisoners' Information Book for life sentenced prisoners*.

Who can apply?

If you are in any of the following groups you will not be able to apply for any form of temporary licence:

- if you are a **Category A** prisoner or on the **escape list**;

- if you are **unconvicted**, or **convicted** but **unsentenced**;
- if you are subject to **extradition** proceedings;
- if you are a sentenced prisoner remanded on **further charges** or **awaiting sentence** following further convictions.

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Compassionate licence

Compassionate licence can be granted only where you have exceptional personal reasons for release such as:

- visiting dying relatives
- going to funerals
- other tragic personal circumstances
- if you are a primary carer (i.e. a prisoner who had, prior to entering custody, or will have on release at the end of the sentence, the sole responsibility) for a child under 16. Release may be granted if it is not possible or not appropriate for the child to visit or if it is needed so that you can attend child care proceedings or to take your baby out of prison for medical treatment.
- if you are a primary carer of an elderly, seriously disabled or chronically sick close relative
- for marriage

- for religious ceremonies or, for prisoners in open and resettlement prisons, for religious observance
- to attend medical appointments
- if you are a young offender whose parents cannot visit the prison due to illness or incapacity.

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Facility licence

Facility licences can be granted for three purposes:

- For regime related activities – such as employment, training and educational activities to help you improve your skills to benefit you on release; parenting courses; other activities which have an element of reparation; and young offenders may be released for team sports and challenging community based group activities;
- For official purposes e.g. attending civil court proceedings and visits to legal advisers;
- For attendance at job interviews or to obtain accommodation – for women prisoners and female young offenders serving under 12 months; for job interviews under the ‘Welfare to Work’ scheme for young offenders and prisoners up to 24 years of age; to resolve urgent issues such as possible loss of accommodation for all women prisoners and female young offenders.

Release on facility licence must have a clear purpose to allow reparation or help you to lead a law-abiding and useful life. Facility licence will not be granted for any purpose that could more appropriately be accomplished later in sentence, after release or under resettlement licence. The purpose of release must be neither social nor recreational. The Governor must be satisfied that your release will not attract public concern.

If you are a fixed sentence prisoner and you have completed at least one quarter of your total sentence, including remand time, you may apply for facility licence. Facility licence may be granted up to a maximum of five consecutive days. You may be released overnight if necessary.

Resettlement licence

Release on resettlement licence is regarded as one of the most important goals of any prisoner's sentence plan. The resettlement licence is intended to maintain family ties and links with the community; to make suitable arrangements for accommodation, work and training on release.

Working out your resettlement licence eligibility date depends on whether you have received a fixed sentence of four years or more, less than four years, or are a young offender. Where you are serving four years or more, the calculation will also depend on whether you were sentenced before 1 October 1992. Adult prisoners sentenced to less than 12 months will not be

eligible for resettlement licence, but equivalent young offenders may be considered.

Adult prisoners sentenced to four years or more after 1 October 1992 may apply for resettlement licence to be taken no earlier than their parole eligibility date, and must have received their parole decision. If parole is to be granted, release on resettlement licence may be taken four weeks before the release date. If prisoners are refused parole, there will be a delay before they may be considered again.

Adult prisoners or young offenders sentenced to a minimum of one year, but less than four years, may apply for release on resettlement licence. One third of sentence, or four months after sentence (whichever is the longer), must have been completed.

How often you can be released on resettlement licence, and for how long, will depend on the purpose and need for the release. Except at resettlement units or open prisons, this will never be more frequently than at eight-week intervals. Each period may be between one and five days (excluding travelling time).

Escorts

If you are not able to apply for release on temporary licence, it is still possible to be released under escort, subject to the Governor's approval.

Chapter 7 **Release, Supervision and Parole**

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**Parole and
working out
your release
date**

Sentences before 1 October 1992

If you were sentenced before 1 October 1992, (the date the 1991 Criminal Justice Act came into effect) the arrangements for working out your sentence are as follows:

- You will be eligible to be considered for parole at the one-third point of your sentence and if you are not granted parole you will be released unconditionally at the two-thirds point of your sentence.
- If parole is granted, you will be supervised by the probation service until the two-thirds point of your sentence. You will be liable to recall to prison during this time if you breach the conditions of your parole licence. If you do not get parole you will be released unconditionally at the two-thirds point of your sentence but any Additional Days Awarded (ADAs) will set back your release date.

Sentences on or after 1 October 1992

The Criminal Justice Act 1991 introduced major changes concerning release from custody. They are as follows:

- All prisoners, other than those released on Home Detention Curfew (HDC) – i.e. those monitored by an electronic tag – will spend at least half their sentence in custody.
- Those serving sentences of less than four years and who are not released on HDC will be released automatically at the half-way point. Those serving four years or more become eligible to be considered for release on parole at the half-way stage. Some sex offenders will be supervised until the end of their sentence term if the judge decided this when passing sentence.
- Adults sentenced to 12 months or over and all young offenders will be on licence on release.
- All young offenders sentenced to imprisonment in a YOI for less than 12 months are supervised on release for three months. However, if you have your 22nd birthday during this time, supervision ends then.
- All prisoners will be ‘at risk’ until the very end of their sentence. If you commit a further imprisonable offence before the end of your original sentence, the court dealing with the new offence may add all or part of the outstanding sentence to any new sentence it imposes.

- **Additional Days Awarded (ADAs)** are added to release dates for breaking prison rules. They will automatically set back your release date and eligibility for parole but not the date on which the full sentence ends (the Sentence Expiry Date or SED).

Working out your release date

Working out your release date can be complicated by periods on bail and time spent in custody on remand. Any time spent in custody on remand or in police cells, for an offence which subsequently leads to a sentence, should be regarded as part of your sentence and may count towards your release and review dates. Any such periods can only be counted once.

Sentences under 12 months: You should be told your Automatic Release Date (ARD) on the next working day post sentence, when you will also be told your Sentence Expiry Date (SED). The ARD will be the half-way point of your sentence. If you are not released on HDC and if you do not have any ADAs you will be released automatically at this point.

Sentences from 12 months to less than four years: You should be told your Conditional Release Date (CRD) and your SED. The CRD will be the half-way point of your sentence. If you are not released on HDC and if you do not have any ADAs you will be released automatically at this point, under supervision to the three-quarters point of sentence.

Sentences of four years or more: You should be told your Parole Eligibility Date (PED). This is the earliest date at which you can be released on parole, and is the half-way point of your sentence, plus any ADAs. If you do not get parole, you will be automatically released at the two-thirds point of your sentence (the Non-Parole date or NPD) under supervision to the three-quarters point of sentence. You should also be told your SED.

Extended Sentence: An extended sentence is when the court imposes a custodial sentence plus a period of extended supervision after release. It can be applied to any sex offender or to a violent offender whose custodial term is four years or more. Eligibility for release will depend upon the length of the custodial term. In other words, where the custodial term is less than four years, the Conditional Release Date will be at the half-way point of the custodial term. If the custodial term is more than four years, your Parole Eligibility Date will be at the half-way point of the term.

Fine Defaulters/Confiscation Orders

If you have been imprisoned as a fine defaulter or for breach of a Confiscation Order for less than 12 months, your release date will be set at half of the term being served and you will be released unconditionally. If your term is 12 months or more, you will be released at the two-thirds point unconditionally. Fine defaulters and those in breach of a confiscation order are not released on parole licence.

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How parole works

Parole is granted on the basis of reports by prison and probation staff on the nature of your offences, your home circumstances, your plans for release, behaviour in prison etc. Six months before your parole eligibility date (PED) and thereafter annually you will be asked whether you wish to apply for parole.

About four months before your PED you will have the opportunity to see these reports and to make written representations stating why you believe you should get parole and what you will do on release.

About three months before your PED you will be seen by a member of the Parole Board who will write a report for the Board. You can see and comment on this report.

About two months before your PED a panel of Parole Board members will consider your case. They will focus primarily on the risk to the public of a further offence being committed if you were released although they will also consider the benefits of early release under supervision.

The prison will be notified immediately when the Parole Board decides on parole in the case of a prisoner serving less than fifteen years. However, in the case of a prisoner serving fifteen years or more, or someone who was sentenced before 1 October 1992 (irrespective of sentence length), the case will be referred to the Secretary of State for a decision.

If you are refused parole, you may be entitled to further reviews at yearly intervals. These will depend on the length of your sentence and on the time left between your PED and NPD (known as the 'parole window').

The parole answer

When a decision has been made, a notification will be sent to the prison setting out the detailed reasons for the decision and you will be given a copy. There is no formal right of appeal against a parole decision but you can use the complaints procedure.

Apart from a straight 'yes' or 'no' in response to your parole application, you may also be granted an early review or a special review. An early review means that the date of your next review is advanced. A special review may be granted where a prisoner would not normally be entitled to a further one. Special and early reviews will only be granted exceptionally to monitor a prisoner's progress on a drugs rehabilitation course or an employment course etc.

Supervision and licence

Young Offender Institution Supervision: on release you will be under supervision for at least three months, even if this takes you past your SED. Supervision will end earlier if you reach your 22nd birthday.

On supervision you will have to report regularly to probation staff. If you breach your conditions you may be fined or recalled to prison.

Adult Sentences up to 12 months: your release will be unconditional (Automatic Unconditional Release or AUR). This means that you will not be supervised by the probation service but you will still be 'at risk' until your SED. Before you are released you will be given a notice explaining what this means and you will have to sign it.

Sentences from 12 months to under four years: your release will be conditional (Automatic Conditional Release or ACR). This means that you will be on licence and receive supervision on release. This will last until the three-quarters point of the sentence, or to the end of your sentence in the case of some sex offenders, plus any ADAs. This is called your Licence Expiry Date (LED). You will be 'at risk' until your SED.

Shortly before release, you will be handed your ACR licence which sets out the conditions that apply to you and the name and address of your supervising officer. The conditions will be explained and you will have to sign the licence. Conditions will normally involve:

- reporting to probation staff regularly;
- living at an approved address;
- receiving visits from probation staff; and
- keeping out of trouble.

If you breach your ACR licence conditions you may be fined or be recalled to prison. If your original offence was committed before 1 January 1999, any breaches will be dealt with by the courts. If your offence was committed on or after this date, the recall procedure will be the same as for prisoners serving sentences of four years or more.

Sentences of four years and over: when you are released (either on parole, or automatically at your Non-Parole Date) you will be on licence and supervised by probation staff, up to the three-quarters point of your sentence (or to the end of sentence in the case of some sex offenders). You will also be 'at risk' until your SED.

While you are on parole licence you can be recalled to prison, even if you have not committed another offence, but if you failed to keep to the conditions of your licence, or your behaviour is giving cause for concern. The probation service has to apply to the Home Office to have you recalled and the decision will be made by the Secretary of State in consultation with the Parole Board.

If you are recalled you have the right to make written representations to the Parole Board, who have the power to order your release. If they do not order your release, you will be considered at 12-monthly intervals in the normal way, if there is enough time.

Extended sentence: Under an extended sentence the time spent on licence supervision is the period you would normally have to serve on licence supervision based on the length of your prison sentence, plus the whole of the extended supervision period determined by the Court. Throughout the supervision period you are subject to licence conditions and if you breach the conditions of your licence or if your behaviour gives cause for concern, your supervising officer can apply to the Home Office to have you recalled. The decision will be made by the Secretary of State in consultation with the Parole Board.

If you are recalled you have the right to make representations to the Parole Board, and to have them considered at an oral hearing of the Board at which you can be present. If legally represented, you can also give evidence and call witnesses. The Parole Board will have the power to order your release. If it does not order your release, you will be considered at 12-monthly intervals in the normal way, if there is enough time.

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Automatic sentences – Powers of Criminal Courts (Sentencing) Act 2000

If you are convicted of repeat offences involving violence, drug trafficking or domestic burglary, automatic sentencing provisions may apply under sections 109, 110 and 111 of the Powers of Criminal Courts (Sentencing) Act 2000 (referred to in this section as “the Act”). These provisions were originally enacted as sections 2, 3 and 4 of the Crime (Sentences) Act 1997.

What follows is only a summary of what the Act could mean in your case. For full details, you need to read sections 109, 110 and 111 of the Act itself or consult a legal adviser.

Automatic life sentences

Under section 109 of the Act, the court **must** automatically pass a **life sentence** if:

- a) the offender is convicted of one of the following serious violent or sexual offences committed on or after 1 October 1997:
 - attempted murder, conspiracy to murder, incitement to murder or soliciting murder
 - manslaughter
 - wounding or causing GBH with intent
 - rape or attempted rape
 - sexual intercourse with a child under 13
 - possessing or carrying a firearm with intent or using one to resist arrest
 - robbery involving a real or imitation firearm; **and**
- b) the offender was 18 or over when the offence was committed; **and**
- c) the offender had previously been convicted of one of the above offences at any time in the United Kingdom. (The list above contains relevant offences committed in England and Wales. The ones for Scotland and Northern Ireland are slightly different so you will need to look at the Act if you have committed previous offences there).

Only in exceptional circumstances, which must be explained by the judge in open court, would you not be given a life sentence.

The judge will specify in court the minimum period (“the relevant part”) you must serve from the date of sentence before you can be considered for release. Once this period has been served, the Parole Board will conduct an oral hearing (which you may attend) to decide whether you are safe to release. Any release direction is binding upon the Secretary of State. You would be released on a licence that will remain in force for the rest of your life.

Minimum of seven years for drug trafficking

Under section 110 of the Act, you will automatically receive a **sentence of at least seven years** for trafficking class A drugs if:

- a) you have previously been convicted of a class A trafficking offence on two previous occasions in any part of the United Kingdom and;
- b) the latest offence was committed on or after 1 October 1997, and you were 18 or over at the time.

Only in exceptional circumstances will the court not impose a minimum sentence of seven years.

Minimum of three years for domestic burglary

Under section 111 of the Act, you will automatically receive a **sentence of at least three years** on conviction for domestic burglary if:

- a) you have previously been convicted of domestic burglary on two previous occasions in England and Wales; and
- b) the previous offences were committed on or after 1 December 1999 and you were 18 or over when you committed the most recent one.

Only in exceptional circumstances will the court not impose a minimum sentence of three years.

Transfers to other United Kingdom jurisdictions

You may request a transfer of your supervision to another jurisdiction in the United Kingdom (Scotland or Northern Ireland) or the Channel Islands or the Isle of Man. Applications should be made through probation staff.

Home Detention Curfew

A Home Detention Curfew (HDC) scheme applies to prisoners who are serving sentences of three months or over but under four years.

You do not need to apply for HDC as you will be considered for it automatically. If you are released on HDC, this will be between two weeks and two months before your automatic release date, depending on how long your

sentence is. You will be told what your earliest date of release is.

There are certain categories of prisoners who will not be released on HDC. For example, violent and sex offenders currently serving an extended sentence under the Crime and Disorder Act 1998 will not be released on HDC. You will be told if you fall into one of these categories.

If you are refused HDC, you have the right to appeal and to make oral or written representations. You can ask to see any disclosable documentation on which the decision was based.

Before you can be released, the Governor will have to be satisfied that you do not present an unacceptable risk. You will also have to have a suitable home address in England or Wales. There must be a telephone line at the address. If you do not have a line, or if your existing line supports an answerphone, fax or internet connection, then a telephone will be installed by the monitoring contractor solely for the purpose of monitoring your curfew.

If you are released on HDC you will have to sign a licence which will tell you the times you will have to remain at your home address. On reaching your home address, following your release on HDC, an electronic tag will be fitted to you and monitoring equipment installed at your home address.

If you break your curfew, the electronic tag will alert the authorities and you may be recalled to prison where you will stay until your automatic release date. If you are recalled for breaching HDC you will not be released again on HDC either for the rest of your sentence or on any future sentence you may receive. If you are recalled for reasons beyond your control (for example you lose your curfew address) you will be eligible to apply for re-release immediately upon your return to custody. All prisoners who are subject to HDC and whose licences are revoked are entitled to make representations against the decision.

If you are charged with an offence committed whilst on curfew you are liable to recall to prison until your licence expiry date.

You have the right to appeal against any decision to recall you from HDC.

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Deportation

If you have been told that you are to be deported after serving your sentence, remember that this will happen as soon as you leave the prison – either on parole or at the end of your sentence. You will be arrested at the prison gate, and the police will take you to a port, airport or holding centre to be deported.

If you have been told that you are to be deported:

Sentences before 1 October 1992

Like domestic prisoners you keep your entitlement to parole eligibility at the one-third point of sentence and are unconditionally released from your sentence at two-thirds (in both cases to be deported). If early release is not authorised you are released at the two-thirds point plus any ADAs, but you remain liable to deportation under Immigration Act powers.

Sentences on or after 1 October 1992

Those serving less than four years: if you are liable to deportation or removal from the UK you will be released automatically (to be deported) at the half-way point of sentence (at the ARD for those serving under 12 months and at the CRD for those serving 12 months but less than four years).

Those serving four years or more: you will become eligible for release on licence at the half-way point of sentence (your PED), although release is not automatic at that point. You may be released at any point between half-way and two-thirds (NPD) at which point you will be released automatically to be deported. The Secretary of State decides at what point to release those serving long sentences. He will be looking at the need to protect the public from serious harm and preventing further offending. Such cases will no longer be considered by the Parole Board.

Chapter 8

Repatriation and Transfer

Repatriation

The United Kingdom is signatory to a number of international agreements which allow prisoners to be repatriated to their own countries to serve their sentences. Repatriation can, however, only take place if the prisoner and the authorities both here and in the other country agree. A list of countries to which prisoners may apply to be transferred is given in the table at the end of this section.

Formal requests for repatriation have to be made by the United Kingdom authorities or the authorities of the other country concerned. But you must start the process by making an application, using the standard request/complaint procedure described in chapter 4 of this book. Alternatively, you can ask your country's consular officials based in the UK to make an application on your behalf.

Your application will be considered, in the first instance, by staff at Prison Service Headquarters. Provided you meet the relevant conditions for transfer (see below) and the UK is, in principle, content for your repatriation to proceed, your application will then be referred to the authorities of the country to which you have applied to transfer. If that country is willing to accept you, they will tell Prison Service Headquarters how they intend to administer the

remainder of your sentence. Only at this point will a final decision be made whether to give the UK's formal consent to your transfer proceeding.

The process of considering applications both here and abroad is lengthy and can sometimes take as long as eighteen months to two years to complete. It is important that you understand this and are not over optimistic about a speedy transfer. Every effort will, however, be made to process the UK side of your application as quickly as possible.

Conditions for transfer

Your repatriation can only be agreed if:

- you are a national of the country to which you wish to transfer
- your sentence is final and enforceable and no appeal is outstanding
- the offence you committed would also constitute an offence punishable by imprisonment in the other country
- you have, at the time you make your application, at least six months of your sentence left to serve before release

Effect on time to serve

You cannot be given a longer sentence to serve on repatriation than that imposed here. On repatriation, you will be required to serve the remaining balance of the sentence passed in the

UK, subject to the rules on early release and supervision of the receiving country. As a result, the date(s) for review of your sentence and any automatic or early release may change. You will be given information on any change in your release entitlement before you are asked to consent to your repatriation.

Refusal of requests

Applications for repatriation may be refused by either the United Kingdom or the other country concerned. The United Kingdom will normally only refuse applications which meet the conditions for transfer if:

- you would, as a result of your transfer, benefit from a reduction in time to serve, or
- you have a fine or other judicial order for payment outstanding.

More information

More details about repatriation can be found in the information sheet 'Repatriation of Prisoners Act 1984 - Information for Foreign Prisoners', available in the prison library. Versions of the information sheet are also available in the following languages: Danish, Dutch, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Turkish.

**COUNTRIES WITH WHOM THE
UNITED KINGDOM HAS
REPATRIATION AGREEMENTS**

**COUNCIL OF EUROPE CONVENTION
ON THE TRANSFER OF SENTENCED
PERSONS**

ALBANIA	ANDORRA
AUSTRIA	BAHAMAS
BELGIUM	BULGARIA
CANADA	CHILE
COSTA RICA	CROATIA
CYPRUS	CZECH REP
DENMARK	ESTONIA
FINLAND	FRANCE
GEORGIA	GERMANY
GREECE	HUNGARY
ICELAND	IRELAND
ISRAEL	ITALY
LATVIA	LIECHTENSTEIN
LITHUANIA	LUXEMBOURG
MACEDONIA	MALTA
NETHERLANDS	NORWAY
PANAMA	POLAND
PORTUGAL	ROMANIA
SLOVAKIA	SPAIN
SWEDEN	SWITZERLAND
TRINIDAD & TOBAGO	TURKEY
USA	UKRAINE

**COMMONWEALTH SCHEME FOR THE
TRANSFER OF CONVICTED
OFFENDERS**

CANADA	GRENADA
MALAWI	NIGERIA
TRINIDAD	ZIMBABWE
& TOBAGO	

BI-LATERAL AGREEMENTS

EGYPT	HONG KONG
THAILAND	

BRITISH DEPENDENT TERRITORIES

ANGUILLA
BRITISH INDIAN OCEAN TERRITORY
BRITISH VIRGIN ISLANDS
CAYMAN ISLANDS
FALKLAND ISLANDS
GIBRALTAR
PITCAIRN ISLANDS
ST HELENA & DEPENDENCIES

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Transfers to other United Kingdom and islands jurisdictions

You may ask for a transfer to another jurisdiction in the United Kingdom i.e. Scotland or Northern Ireland, or to one of the Channel Islands or the Isle of Man, either for a limited period in order to receive visits, or so that you can serve out the remainder of your sentence there.

Applications for transfer should be submitted using the standard request/complaint procedure described in chapter 4 of this book.

All transfers require the consent of both the sending and receiving jurisdictions. If approved, a transfer will be either on an **unrestricted** or a **restricted** basis. If a transfer is unrestricted, the administration of your sentence will be a matter entirely for the other jurisdiction. In the case of a restricted transfer, conditions will be attached to your transfer with the effect that certain aspects of your sentence will continue to be administered as if you were still serving your sentence in England and Wales. You will, for example, be subject to English law governing release from custody, post release supervision and recall. The effect of these and any other conditions will be explained to you before you consent to being transferred.

All transfers that are granted for accumulated visits are automatically restricted. (For more information on accumulated visits see the separate *Prisoners' Information Book about Visiting and Keeping in Touch*.) Where the transfer involves a prisoner wishing to transfer permanently to another jurisdiction, in deciding

whether the transfer should be unrestricted or restricted, account is taken of whether, as a consequence of an unrestricted transfer, there would be likely to be any effect on the length of time which the prisoner would be required to serve or any post release supervision requirement.

Normally, transfer requests will only be approved where you:

- have at least six months left to serve before your release date at the time of submitting the application;
- have no outstanding appeal against conviction or sentence;
- are not facing further criminal or civil proceedings; and
- are not liable to any further period of imprisonment in lieu of payment of any outstanding monetary orders made by a court.

Each request will be assessed on its individual merits, taking into consideration the following:

- why the transfer has been requested;
- if you were ordinarily resident in the jurisdiction to which you want to transfer prior to your current sentence

- if members of your close family reside in the jurisdiction concerned and there are grounds for believing that you will receive regular visits from them, if transferred
- or if you have shown by preparations that you have made for your life following release from prison that you intend to live in the receiving jurisdiction upon release and that you are in the later stages of your sentence;
- whether there are grounds for believing that you may disrupt or attempt to disrupt any prison, or pose an unacceptable risk to security; and
- any compelling or compassionate circumstances.

Chapter 9 **Leaving prison**

When you are released from prison all your private property should be returned to you and you will get a travel warrant and a discharge grant (unless you are not entitled to one – see the section at the end of chapter 5 on preparation for release). You will have a discharge interview just before your release and be asked where you are going to live, and so on.

On licence

Everyone serving a determinate sentence of 12 months or over, and all young offenders, will be released on licence and should have been notified before release of their probation service supervising officer and where and when to report (the details should be shown on the licence).

Clothing

Community Care Grants are sometimes available for people leaving prison if they have no adequate clothing. Social Fund Decision Makers must take account of the length of time you were in prison and whether it was a 'long stay' (usually three months or more). They may give a higher priority for clothing if there are special circumstances e.g. your clothes were stolen/lost/damaged or you have gained or lost a lot of weight. There is more information about Community Care Grants later in this chapter.

The Benefits Agency assumes that any prisoners without adequate clothing of their own will be given suitable items by the prison. If you tell the Agency that clothes provided by the prison do not make up an adequate wardrobe, you will need to explain why. **If you reject clothes provided by the prison, the Benefits Agency will reject any claim you make after release for clothes.**

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**Travel
warrant**

When you are released after serving a sentence you are entitled to the cost of your fare home or to any other place in the British Isles where you intend to settle. Fares are usually paid by a travel warrant which you will be given on your release.

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**Private
property
and money**

When you are released you have to sign for your stored private property and private cash and you should also receive any prison earnings due to you. It is important that you check everything and do not sign for anything you have not got.

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**Discharge
grant**

The discharge grant is explained more fully in the section on preparation for release at the end of chapter 5. This grant is roughly equivalent to one week's benefit and is given to help you meet your living expenses until you receive your Income Support or Jobseeker's Allowance from the Benefits Agency. Your first benefit payment may be received up to a fortnight after your release.

If you run out of money before you get your first Income Support or Jobseeker's Allowance payment you can apply for a Crisis Loan from the Social Fund at the Benefits Agency for day to day living expenses. Crisis Loans are repayable and repayments will be automatically taken from your benefit. Even if you stop getting benefit you will still need to repay the loan. (See the section later in this chapter about benefits on release).

If you are under 16, released after being on remand, serving 14 days or less, awaiting deportation, going straight to hospital or are in prison for fine default, or if you are a civil prisoner or are going to an address outside the UK, you will not get a discharge grant. You will get a travel warrant and some subsistence money and a form for the Benefits Agency. Whether you get a discharge grant or not, it is really important that you go to the Benefits Agency as soon as possible after your release to sort out your benefits. If you are capable of work it is important that you contact the Job Centre to arrange an appointment.

Health

You will be examined by the medical officer or a registered nurse as near as possible to discharge. If you are ill you can ask to stay in prison until you are recovered, but the final decision is up to the Governor and medical officer. If you are unfit to travel alone, family or friends will be asked to collect you or, if this is not possible, you will be taken to your destination by a prison officer in plain clothes.

Drugs

The use of 'street drugs' is always dangerous. If you have been taking illicit drugs whilst in prison, you should be aware that they are likely to have been 'cut' to a much lower strength than street drugs and that you may therefore run an increased risk of a fatal overdose. You should make contact with a drugs agency in the community for help and advice. The CARAT drugs worker in the prison can refer you to or recommend drugs services in the community and offer some post-release support.

Release time

You will normally be released before 8.45 a.m. If your release date falls on a Saturday or Sunday, you will be released on the Friday before, and if you are due for release on a Bank Holiday your release will be on the last working day before the Bank Holiday.

If you are getting out on parole, however, you will normally have to wait until the first working day after your parole release date if it falls on a weekend or Bank Holiday.

A number of prisoners are worried about the prospect of 'gate arrest' particularly if they have refused police interviews during the sentence. Unless the police request otherwise, if you are liable to be arrested on release you will be informed by the Governor beforehand, so that you can notify your family and friends (and lawyer).

You will be given breakfast on your day of release.

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**Benefits on
release
(including
child
benefits)**

If you need to claim benefit when you leave prison, you should do so as soon as possible after release – or ask your local probation office if you can claim in advance, though this isn't always possible. Any delay could cost you money.

Benefit can be paid from your date of release as long as you claim within the first seven days of leaving prison.

If you run out of money before you receive your first benefit payment you can apply to the Benefits Office for a Crisis Loan from the Social Fund. The Social Fund Decision Maker will decide from the information on your application form whether you can get a Crisis Loan. However, you will have to pay this back and the repayments are taken automatically from your benefit. Even if your benefit finishes you must still repay the loan.

If you have been found not guilty after a period on remand, or you are released with a non-custodial sentence, you may be able to claim back benefit if you were receiving sickness, retirement or invalidity benefit before you were imprisoned.

If you are not sure how to claim and what you are entitled to, you should ask your local probation office or get advice from a Citizen's Advice Bureau, another welfare rights adviser or Benefits Agency staff.

Because the Benefits Agency has to check evidence in all new claims, you should ensure that you take with you adequate proof of identity. This will include your National Insurance number as well as some other form of identification such as your birth certificate, driving licence or passport. Your National Insurance number on its own is not enough. If you are not returning to your home area and these documents are at home with relatives or friends, you should take steps to get them sent to you before you are released. If they have been lost or stolen while you are in prison, you should try to obtain a duplicate of at least one of them. Do not wait until you are released, because enquiries cause delay. Alternatively, a copy of the notification from the prison to your supervising probation staff will be enough.

Community Care Grants

If you will be claiming Income Support or Income Based Jobseeker's Allowance on release, you may be eligible for a Community Care Grant. You can get an application form SF300 from a Benefits Agency office and you can apply up to six weeks before you leave prison.

The payment of Community Care Grants is administered by the Social Fund, which helps people with expenses which are difficult to pay for out of regular income. There is only a limited amount of money that can be paid out for Community Care Grants and a payment will depend on your circumstances and the priority of your claim. You can apply for items such as clothes, things for your home and travel costs.

Social Fund Decision Makers will decide whether or not to award you a Community Care Grant. If this is not possible, in some circumstances, they may be able to pay you a Crisis Loan. Unlike Social Fund Crisis Loans, you do not have to pay back Community Care Grants.

**Housing
advice**

If you will be homeless on release, there are a number of organisations which provide accommodation specifically for ex-prisoners. Much of this housing is hostel-type accommodation.

To get details, you should contact your prison probation staff or the probation office in your home area as soon as you get your release date. However, they may not be able to guarantee you accommodation.

Income tax

If you do not have a P45 from your last employer, you will be given an Inland Revenue form P80-1 before you are released. You should fill in the form and send it to the tax office that dealt with your last job. If you do not do this you may pay too much tax. You should also complete the form if you are claiming Jobseekers' Allowance or Income Support. If you are going to be self-employed, get in touch with your local tax office.

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Rehabilitation of Offenders Act

Under the Rehabilitation of Offenders Act 1974 some criminal convictions become 'spent', or forgotten, after a 'rehabilitation period'.

A rehabilitation period is a set length of time from the date of conviction. After this period, with certain exceptions (see the following section headed 'Exceptions to the Act'), an ex-offender is not usually obliged to mention the conviction when applying for a job or obtaining insurance, or when involved in criminal or civil proceedings.

Rehabilitation periods

The length of the rehabilitation period depends on the sentence given – not the offence committed. For a custodial sentence, the rehabilitation period depends upon the original sentence given, not the length of time you actually spent in prison.

Sentences of more than 2¹/₂ years can never become spent.

Rehabilitation periods

Sentence	Rehabilitation period	
	People aged 18 or over when convicted	People under 18 when convicted
Prison sentences of more than 6 months and not exceeding 2 ¹ / ₂ years	10 years	5 years
Prison sentences of 6 months or less	7 years	3 ¹ / ₂ years
Fines, probation, community service, compensation, combination and curfew orders	5 years	2 ¹ / ₂ years
Absolute discharge	6 months	6 months

With some sentences the rehabilitation period varies:

Sentence	Rehabilitation period
Probation, supervision, care order, conditional discharge or bind-over	1 year or until the order expires (whichever is longer)
Attendance centre order	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)

Further convictions after the rehabilitation period

Once a conviction becomes spent, it remains spent, even if a person is convicted of other offences later.

Criminal records

An offence will still remain on someone's record even after it has become spent. Records held on the Police National Computer will be deleted only when the person has not come to the notice of the police for 20 years since the last conviction, no matter how many convictions there were before that. Records will not be deleted, however, if they include custodial sentences of more than six months, evidence of mental illness or indecency, or offences of homicide.

Exceptions to the Act

There are some situations in which people will be expected to declare their convictions, even if they are spent. The principal ones are:

- admission to certain professions which have legal protection, including lawyers, doctors, dentists, accountants, nurses, chemists.
- appointment (or transfer) to any post, whether paid or voluntary, which gives substantial access to people under 18 e.g. through providing accommodation, care, leisure and recreational facilities, schooling, social services, supervision or training. Such posts include teachers, school caretakers,

youth and social workers, probation staff and child minders. (Checks can also be made on people who live in or share premises with foster parents and child minders and others who provide services for children.)

- admission to certain regulated occupations, including firearms dealers, casino operators, directors and managers of insurance companies and unit trusts, nursing home proprietors.
- appointment to jobs where national security may be at risk – e.g. certain posts in the civil service, defence contractors.
- applications for certificates for firearms, shotguns or explosives.

Applying for jobs

Applicants with a criminal record who are asked on an application form or at an interview whether they have any previous convictions, can answer 'no' if the convictions are spent and the job applied for is not exempt from the Act (see above). Under the terms of the Act, a spent conviction is not proper grounds for not employing – or for sacking – someone.

If, on the other hand, job applicants do not disclose unspent convictions if asked to do so, they may be found out and sacked on the grounds of having deceived the employer.

Moving abroad

The Rehabilitation of Offenders Act only covers Great Britain. Other countries have their own rules about those they will give visas and work permits to. Embassies or overseas employment agencies should have further information about this.

Chapter 10

Young offenders

Special rules for young offenders

This chapter covers female young offenders aged between 18 and 21 held in Young Offender Institution (YOI) accommodation as part of an adult women's prison. It does not cover those aged under 18 who have been given a Detention and Training Order (DTO).

Most of the other chapters in this book apply to both young offenders and adult prisoners. There are, however, some differences in the way young offenders are treated.

Allocation

If you have been sentenced to custody for life, detention for life, at Her Majesty's Pleasure, or if you have been sentenced to detention under section 53 of the Children and Young Offenders Act 1933 or section 90/91 of the Powers of Criminal Courts (Sentencing) Act 2000, the decision about your allocation will be taken at Prison Service Headquarters. It will be based on reports sent by the prison you are in.

If you have been given a sentence of detention in a YOI, you will be taken from court to a YOI. If you are under 21 and the warrant specifies that you will be taken straight to a YOI from court, that is what will happen.

Induction

Induction is the name given to your first few days in a YOI. During this time you will be interviewed by staff. They will ask a number of questions. Your answers will be used to try to make sure that you get the right opportunities for education or work, and to prepare your sentence plan.

Sentence planning

All young offenders with at least four weeks to serve should have a sentence plan. There is a separate system for those serving the equivalent of life sentences. Your personal officer will normally discuss your sentence plan with you. If you do not know who that is, ask your wing officer.

Sentence planning operates in the same way for adults and young offenders and is fully described in chapter 5. If you have only a short time left to serve in custody, i.e. between four weeks and three months, the focus of your sentence plan will be on your resettlement needs. The plan will then concentrate on making sure you have a suitable address for your release, finding out who will supervise your period on licence and identifying any risk to the public you may present.

All young offenders are subject to at least three months compulsory supervision on licence by the probation service after release. Sentence planning will inform the probation staff of any remaining risk, of any activities such as training or education you have taken part in while in custody, and identify any other issues which may need to be addressed during the period of supervision.

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Personal officers

All YOIs have personal officer schemes. In some YOIs you may find that a pair or group of officers share this task to make sure that there is usually someone available for you to see. You should ask these officers for help with any questions, problems or complaints. They will play an important part in making and changing your sentence plan.

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Visits/family contacts

For more details on this subject, please refer to the separate *Prisoners' Information Book about Visiting and Keeping in Touch*.

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Regime activities

Education

There should be education classes at every YOI. For young offenders aged 18-20, educational classes should be available in the evenings. Basic education classes for people who need help with reading or dealing with numbers should also be available during the day.

Training

There should be training courses in all YOIs. The aims of YOI training are to develop personal responsibility, encourage your interests and skills and improve your chance of finding a job when you are released. Training courses could also help you to get qualifications.

Community Service Volunteers

In closed YOIs, some young offenders may have the opportunity to take part in programmes run by Community Service Volunteers (CSV). This might involve, for example, working with children who have a disability or with the elderly in residential homes. This is a way to get work experience as part of your preparation for release, and to do something useful for the community.

Physical Education

There is a provision for physical education (PE) in all YOIs. This might include dance, aerobics, or going to the gym. This might be in working hours as well as in the evenings and at weekends. You should be able to take part in PE for at least two hours every week.

Recreation and association

You will be allowed time for recreation and association. This is a time when you can mix freely with other prisoners, play games, such as pool, or watch television.

Pre-release courses

Pre-release courses are usually led by prison officers and are available at all YOIs. Problems are looked at from the young offender's point of view and also that of their families. The courses will deal with issues you may have to handle on release such as accommodation, employment, benefits, health, drugs, alcohol and family. Specialists from outside the prison may contribute to the course.

Some probation services also run pre-discharge courses or workshops in the community for prisoners who will be returning to that area after release.

Temporary release

For more details see chapter 6 – Release on Temporary Licence.

Supervision

Most young offenders released from custody are subject to probation service supervision after release. However, this is not the case if you were detained for fine default or contempt of court, or if you were sentenced to less than one year, and are 22 years old by the time of release.

Supervision requirements will be set out in a notice from the Home Secretary, which you will be given on release. The supervision period begins on your release and lasts for at least three months.

If you are released from a sentence of over 12 months, you will probably be under supervision on licence for more than three months. You will find more information about this in chapter 7 on 'Parole'.

It is a criminal offence not to comply with the requirements of supervision. If you do not comply, you may be fined or recalled to prison. You should make sure that you understand the conditions of supervision before your release. Your supervisor should discuss them with you.

If you are released on parole, the parole licence will last until the date on which you would have been released without parole. This is called your Non-Parole Date (NPD).

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Release

For details on what you should receive when you are released, please see chapter 9 – ‘Leaving prison’. This covers matters such as travel warrants for a rail or bus ticket to your home area, return of your cash and private property and discharge grants.

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