

## Visits

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### ***What are my entitlements to visits?***

Prison Rule 35 sets out prisoners' entitlement to visits from friends and relatives. PSIs 15/2011 and 16/2011 set out detailed guidance for visits. Article 8 of the ECHR, which protects family life, can be used to challenge restrictions on visits; however in many cases the courts have accepted the Prison Service's case that restrictions are justified on security grounds

Visits from friends or relatives are known as social visits and visits from legal advisers or similar workers are known as official visits. Official visits do not count against a prisoner's allowance of social visits.

Convicted prisoners are entitled to receive one statutory social visit least every two weeks and at least one weekend visit every four weeks. These visits must be at least one hour long.

Unconvicted prisoners are allowed a statutory social visit on at least three days a week including weekends. These visits must be at least one hour long.

In addition to the statutory visit allowance, prisoners are entitled to 'privilege visits'. These can be granted by the prison governor. Privilege visits can be given if the prison feels they are beneficial to the prisoner's welfare, or as part of Incentives and Earned Privilege Schemes.

Specifics of privilege visits will vary from prison to prison but typically they are as follows:

- Basic level – same as statutory minimum
- Standard level – at least 3 visits every 28 days with the possibility of some additional facilities
- Enhanced – 4 or 5 one hour visits per 28 days where resources allow with an element of choice over day/time and use of enhanced visits area

### ***What are the conditions for social visits?***

All visitors must have a valid visiting order to gain entrance to the prison. These visiting orders are issued to the individual prisoner who then sends them out to the proposed visitor.

Up to three adults can visit a prisoner, with any accompanying children. Children are classified as being anyone under the age of 18. Social visits must take place within hearing range and sight of staff. Reasonable physical contact between prisoner and visitor is permitted: prisoners should be allowed to embrace their visitor at least at the beginning and end of the visit. Young children should be permitted a greater level of contact.

Visitors, in particular children, should be made comfortable at all times through the availability of food and drink and toys for children. The environment and décor must be as relaxed and informal as possible and create a positive environment for both prisoners and visitors.

Visits may be conducted in any language but, if the prison considers it necessary for security reasons, a governor can require a visit to be conducted in English or monitored by a native speaker.

### ***What are the conditions for legal and official visits?***

The conditions for official visits are the same as social visits except official visits should take place in sight BUT out of hearing of prison staff, especially visits made by legal advisers.

### ***Are there differences for Category A prisoners?***

Yes. Visitors to Category A prisoners must be security checked and approved before they are permitted to enter the prison. However, the prison governor has some discretion in allowing close relatives in to the prison under closed

conditions prior to approval. Category A prisoners will be strip searched after an open visit. Exceptional risk Category A prisoners must have closed visits unless decided otherwise.

***What happens upon my arrival in prison?***

All prisoners are entitled to a visit within 72 hours of their arrival. This is known as a reception visit and it is the duty of the prison staff to inform all prisoners of this entitlement.

***Can former prisoners visit?***

Yes. A former prisoner cannot be refused entry because simply because they have previously been in custody or are electronically tagged, a specific reason must be given. The Prison Service accepts that if a person is a positive influence on the prisoner, denying their visit would only have a harmful effect (see PSI 16/2011)

***What is a closed visit?***

A closed visit is when the prisoner and visitor are separated by a pane of glass. Closed visits occur when the prison decides it is necessary to prohibit physical contact between a prisoner and visitor, ie if there is considered to be a risk of an attempt at passing an unauthorised article. Closed visits can be imposed even if no formal disciplinary charge has been brought against the prisoner.

Closed visits must be applied for a specific period of time for which a prisoner is considered to be at risk and NOT for a set number of visits. Prisoners may choose to take fewer or no visits during their period under closed visiting conditions. This will not affect their statutory visiting order entitlement.

***In what circumstances can visitors be banned?***

The Prison Rules lay out general powers to ban prisoners for any form of misconduct including fighting in a visit room or attempting to photograph inside the prison. Specific guidance on banning visitors following allegations of smuggling prohibited items is set out in PSI 15/2011.

Visitors who bring drugs or other illegal items into prison will be banned

for a minimum of 3 months. However, there is room for discretion. It must be taken into account whether a ban would cause disproportionate harm to the prisoner or visitor. For example, if the banned visitor was the prisoner's sole visitor, an alternative of closed visits may be more appropriate. In addition, if the visitor was the only person who could bring in the prisoner's child, then other alternatives must be considered, including closed visits and contacting Social Services.

The Offender Management Act sets out further guidance on what prohibited items are and how they are classified. The Act states that anyone who smuggles in a prohibited item is guilty of an offence and thus punishable by law. Anyone convicted of smuggling a prohibited item into a prison can be sentenced to a maximum of ten years imprisonment.

***What are accumulated visits?***

Because prisoners are often held far away from their families, making visits almost impossible, you can 'accumulate' 26 statutory visits in a 12 month period and apply for a temporary transfer to a prison nearer your family to receive the visits. Transfers will normally be for one month and can take place every six months. Privilege visits can also be accumulated at the discretion of the prison governor.

Requests for accumulated visits are made to the prison governor, with the exception of category A prisoners, who must send a written request to the High Security Director.

***What is an inter-prison visit?***

Visits are allowed between two prisoners at different prisons who fall within the definition of close relatives. Subject to security and availability of transport and accommodation, prisoners can be transferred to another prison for the visit to take place. Prisoners are entitled to inter-prison visits once every three months and each prisoner must surrender one visiting order.

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