

PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS

JUSTICE BEHIND BARS

PAS Summer 2017 Newsletter

PAS Summer 2017 Newsletter

NEWS

Court of Appeal: Cuts to Legal Aid for Prisoners are Unlawful

In a landmark ruling on 10 April this year, PAS – alongside the Howard League for Penal Reform – successfully challenged the legality of the Government's 2013 cuts to Legal Aid for prisoners.

The swingeing cuts had removed 80% of Prison Law cases from Legal Aid eligibility. Since they came into force in December 2013, violence and self-injury in prisons has risen to record levels. Almost 300 people lost their lives through suicide during this period. More prisoners than ever before called PAS to seek help, and appeals to our Advice Line have increased by more than 50 per cent to 25,000 since the cuts were imposed.

In July 2015, the two charities won the right to challenge the government's decision to cut Legal Aid for prisoners, including children. In January of this year, together with the Howard League, PAS was finally able to contest the legality of the cuts in the Court of Appeal, stating that they were unfair and unlawful, and that they had coincided with a deterioration in safety in prisons across England and Wales.

In response, the Court of Appeal upheld our challenge, declaring that the cuts had, indeed, been inherently unfair and unlawful. The ruling is an important step forward in making sure that people in prison move through the system more safely and efficiently.

Deborah Russo, Joint Managing Solicitor of Prisoners' Advice Service, said: "This is an unprecedented and ground-breaking legal victory in which the vulnerability of the prison population is fully recognised as a key factor in its limited ability to access justice".

...In Other News...

PAS' Annual Panel Discussion

Our annual panel discussion was held on the evening of Wednesday 24th May 2017 at the offices of CMS Cameron McKenna in London. The discussion explored the topic "Sentencing Mothers - The Trickle-Down Effects" and was attended by more than 80 PAS supporters.

The subject was most interesting and the speakers elucidating. Please find a link to the evening's PowerPoint slides here. The speakers, whom we thank profusely for their contributions, and who were warmly received, were:

- Lucy Baldwin – Senior Lecturer in Criminology, De Montfort University; and author of 'Mothering Justice'
- Jenny Earle – Director of Reducing Women's Imprisonment Programme, Prison Reform Trust
- Paula Harriott – Head of Involvement, Revolving Doors; and ex-prisoner
- Renuka Jeyarajah-Dent – Director of Operations, Coram; and educational psychologist
- Sam Genen – Solicitor; and former leader of Women's Sentencing Project, Centre for Criminal Appeals
- Phillippa Kaufmann QC – Chair of Panel; Matrix Chambers

Family Law Project

Our Family Law project, which we told you about last issue, was launched at the Panel Discussion in May. In collaboration with Lancaster University, Rights of Women, Sir Halley Stewart Trust and Wates Foundation, two Caseworkers specialising in work with women prisoners have been trained in Family Law. Though PAS' Outreach Clinics have always provided free, expert legal advice on Prison Law matters, advice on Family Law had historically been absent from the service. As a result of this training, Family Law, particularly in relation to

Update on Self-Help Toolkits for Prisoners

Our series of 10 Self-Help Toolkits for prisoners (designed to help prisoners undertake some legal processes by themselves) have under-gone a thorough testing process, with our Caseworkers taking them into prisons and getting qualitative and quantitative feedback from clients. We are pleased to report that we have now completed these groups, receiving a 91% positive feedback from prisoners. As a result of consultation, we have made a number of changes and will now move into the printing and distribution phases. We are very grateful to The Legal Education Foundation which is funding this much-needed project.

Farewell to Legal Secondee

In March, we sadly said goodbye to Olivia Tattarletti, our trainee legal secondee from Simmons & Simmons. Olivia will be much missed due to her proven abilities, positive attitude and the probity she showed during her time with us. She now takes up a full-time position as a solicitor with Simmons and Simmons and PAS wishes her all the best for her future career. Olivia was our first secondee and we are incredibly thankful to Simmons & Simmons to have given PAS, and Olivia, such a valuable opportunity. We are keen to host further secondees in the future. If you, or your organisation, are interested in such an opportunity, please contact our Partnerships Manager, Jane Finnis, for further details: jane.finnis@prisonersadvice.org.uk

Emily Martin Runs London Marathon in Aid of PAS

PAS is extremely grateful to Emily Martin of Doughty Street Chambers, who ran the London Marathon on our behalf on Sunday 23 April 2017.

adoption, care proceedings and child arrangements, now forms an integral element in our work to support female prisoners.

Women require specialist assistance in prison because they have different experiences and needs to men; they are disproportionately sentenced to custodial terms for minor crimes such as shoplifting; suffer high levels of mental illness; and are often sole carers to young children. The Courts rarely recognise the Article 8 rights of the children and their mothers to a private and family life under the European Convention on Human Rights, and entering prison leaves them separated from their children, often for the first time. The small number of women's prisons means that women are frequently in custody many miles from home, further exacerbating problems of family contact and, so, mental health and rehabilitation. PAS has recently provided advice and assistance to a number of women whose children were severely affected by lack of contact with their mother who is in prison.

Going forward, with the addition of Family Law to PAS' area of expertise, we aim to reduce the separation of children, permanently or temporarily, from their mothers by helping women to secure better long-term living arrangements for their children during their imprisonment. This allows mothers to maintain as active a role as possible in their children's lives and enables better prisoner mental health, thereby contributing to the prevention of re-offending.

Having run the course in five hours and 46 minutes, Emily raised £2,980.00 in sponsorship for PAS, as well as signing over Gift Aid, which brought the total to £3,557.00!

We're so glad that she was able to complete this amazing feat and are most obliged that she chose PAS as its beneficiary.

Well done Emily!

Appeal

PAS continues to raise funds for our work with female prisoners and the disabled in prison via our GlobalGiving online appeal portal. To help with our work with these vulnerable prisoners, please support our activities by donating [here](#). All funds raised via GlobalGiving will go directly towards our work with these groups of prisoners.

Thank you to all of our supporters, without whom PAS would not be able to carry out our vital work with adult prisoners in England and Wales.

...and finally...

Success Stories

Prisoner J – Elderly Man Saved from life-long imprisonment

Mr J is an elderly man with mental health problems, physical health problems and a learning disability. He was convicted of arson after setting fire to photos on his hostel bed. He raised the alarm and no one was hurt. His sentencing judge made it clear that he thought a hospital order would have been more appropriate than a prison sentence but no hospital could be found to take him at that time.

Mr J was given an indeterminate sentence with a short minimum custodial period but he was still in prison almost 10 years later

Mr J was a model prisoner, but his mental health and cognitive issues meant that there were no risk-reducing programmes available to him in prison and the Parole board did not think his risk could be managed in a probation hostel where he would also be vulnerable to bullying.

In response, PAS identified a placement in specialised supported accommodation, which could provide all the support and supervision Mr J needed. We then threatened to take judicial review proceedings against the local authority and clinical commissioning group if they did not agree to fund the placement for Mr J.

With funding secured, PAS represented Mr J at his parole hearing and persuaded the Parole board to direct his release to the specialist accommodation placement.

Mr J is now back in the community with the support he needs. Without PAS' assistance he is likely to have remained in prison for the rest of his life.

Prisoner R – Insensitive Treatment of Cancer Patient

As the result of a cancer diagnosis whilst he was serving a prison sentence, Mr R needed escorted trips out of prison to hospital. He was a trusted prisoner who was assessed 'low risk' of violence.

On his first visit to hospital, as he'd expected, he was handcuffed while travelling and waiting in public with the prison officers. However, he had not expected to also be handcuffed during invasive and painful medical procedures. In fact, on this and subsequent visits, he was kept manacled with both his hands forward and was therefore not able to clean himself up after the procedures. As a result, he would often have to return to prison in clothes soiled with blood or urine.

On one occasion, he underwent a prostate examination whilst still chained to the escorting officers, with his hands double cuffed to the front. He asked the prison officers if he could have just one wrist handcuffed to them, or be placed on a long chain, so he could have one hand free to clean himself. His request was refused.

Throughout these visits, because Mr R was always doubly handcuffed, he could not undress by himself or even go to the toilet without an officer in the cubicle with him. Once in the toilet, without the use of his hands, he wasn't able to use the facility properly, causing more soiling of his clothes.

Robert had various painful and intimate medical procedures in this manner before contacting PAS. We took on his case and issued judicial review proceedings against the prison. The matter was satisfactorily resolved in our client's favour.

Prisoner S – PAS Achieves Progress through Sentence for Prisoner

Mr S is an Englishman who was convicted in Scotland and sentenced to life with a minimum tariff of 15 years. He was then transferred to England to serve the remainder of this sentence where he would have contact with his family and could prepare for release in England. As his sentence would be managed by the Scottish authorities, Mr S was considered a restricted prisoner by the authorities in England and would be prevented from spending time in open conditions, which would support his rehabilitation for re-entry into society prior to his release.

Mr S requested that this restriction be lifted with the agreement of the National Offender Management Service (NOMS)

However, NOMS was not forthcoming and delayed making a decision. Mr S contacted PAS and we argued that he should be allowed to apply for progress through his sentence in the same way as English prisoners, irrespective of the restriction on his sentence. We threatened legal proceedings if NOMS differentiated between him and other prisoners serving similar sentences in English prisons.

With the agreement of both the Scottish authorities and NOMS, the restriction was finally lifted. Mr S is now about to go before the Parole Board of England and Wales with a very strong application to request a transfer to open conditions.



Copyright © Prisoners' Advice Service 2015, all rights reserved.

Our mailing address is:

PAS, PO BOX 46199, London EC1M 4XA

Tel: 020 7253 3323/ 0845 430 8923 Fax: 020 7253 8067

To unsubscribe from this newsletter, please email admin@prisonersadvice.org.uk

This email was sent to <<Email Address>>

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

Prisoners' Advice Service · PAS PO Box 46199 · London, London EC1M 4XA · United Kingdom

MailChimp