

PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS

JUSTICE BEHIND BARS

PAS Autumn 2017 Newsletter

Appeal

Black, Asian and Minority Ethnic Prisoners

PAS continues to raise funds for our work with incarcerated vulnerable groups, including black, Asian and minority ethnic (BAME) prisoners, who make up over a quarter, 26%, of the prison population while only constituting 14% of the populace of England and Wales (Prison Reform Trust, *Bromley Briefings Summer 2017*). The common thread running through complaints to PAS' Race and Religious Discrimination Caseworker still centres on ethnic minority prisoners complaining of less favourable treatment by staff, compared to that received by their white counterparts. 32% of calls to our Advice Line were from BAME prisoners in 2016-17.

To help with our work with minority ethnic prisoners, please support our activities by donating [here](#). Funds raised will go directly towards our work with this group of prisoners.

News

PAS is saddened to report that our archive has been almost completely destroyed in a fire.

The fire, which occurred overnight on 18/19 September, wrecked large parts of an industrial estate at White Hart Lane in Tottenham, North London.

Several businesses, including the large storage unit in which our archive was stowed, were destroyed. Safehouse Self-Storage confirmed that most of its warehouse had been razed to the ground.

One person was taken to hospital as a result of the fire, the cause of which is not yet known. PAS will keep readers up-to-date with any developments.

Telephone Advice Line

Our telephone Advice Line continues to serve as a key channel through which we are able to advise prisoners on their rights and, where necessary, pursue justice for them. In the three months between July and September 2017 we received 6,783 calls from prisoners wishing to make use of PAS' services.

Letters Clinics

Our Letters Clinics continue to offer a lifeline to large numbers of prisoners, with 9,000 information and casework letters being sent out

by PAS every year.

Between July and September, we sent out 2,250 such letters to more than 100 prisons across England and Wales.

Letters Clinics provide the opportunity for detailed information on specific aspects of Prison Law, and individually tailored legal advice from our Caseworkers, to be imparted to our clients.

Outreach Clinics

Between July and September, we held 24 Outreach Clinics inside prisons: at HMP Belmarsh in London, HMP Downview in Sutton, HMP Eastwood Park in Gloucester; HMP Erlestoke in Wiltshire, HMP Guys Marsh in Dorset, HMP High Down in Surrey, HMP Kirkham in Lancashire, HMP Leyhill in Gloucester, HMP Pentonville in London, HMP Send in Woking, HMP Styal in Cheshire, HMP Thameside in London and HMP Wandsworth in London. 249 prisoners attended these clinics, with an average of 10 at each.

Self Help Toolkits for Prisoners

PAS' much anticipated Self Help Toolkits project was finally sent to the printers and, thence, into all prisons in England and Wales. Funded by The Legal Education Foundation, this is a project that has been a long time in the planning. The set of 10 kits were written and designed by PAS' Caseworkers to help prisoners undertake some legal processes by themselves. The list of areas addressed by the Toolkits is as follows:

- Pre-Tariff Reviews
- Release on Temporary Licence (includes Childcare Resettlement Leave)
- Mother and Baby Units
- Recategorisation Reviews
- Home Detention Curfew
- Taking a Property Claim to the County Court
- Category A Reviews
- Closed Visits & Banned Visitors
- Governors' Adjudications
- Parole Board Delays

Toolkits have been sent in numbers to the librarians at some 117 prisons for stocking in prison libraries. Prisoners will now be able to use and re-use the information and examples provided. Toolkits are also available on our website. Our intention is now to convert the kits into "Easy Read" versions - so that as many as possible within the prison estate, including those with low literacy levels, can benefit from them.

Upcoming Events

Over the last three months, PAS has been busy organising two of our annual events – which are now just around the corner. Our yearly

lecture is due to take place on 7 November and will be given by renowned authority on Human Rights, Professor Conor Gearty.

Gearty was a founder member of Matrix Chambers and is currently a Professor of Human Rights Law and Director of the Institute of Public Affairs at the London School of Economics where he was also, for seven years, Director of the Centre for the Study of Human Rights, an interdisciplinary research centre.

This year's lecture will be entitled, "Prisons – A Life Without (Human) Rights?" Places are going fast.

The annual Great Legal Quiz, organised by The London Legal Support Trust is also coming up and PAS will, again, take part. This entails organising our own pub quiz – which will take place on 23 November – as a small fundraising and awareness-raising event. So far 11 teams from amongst PAS' friends and supporters have registered to take part.

Success Stories

Prisoner A – Support for mental health and anxiety during transportation

Prisoner A's panic attack in a prison van in 2013 was terrifying and life-changing. Ever since, he has suffered from severe anxiety, and panic attacks brought on by the small, enclosed cubicles within the van. This event and the effect it had on his mental health had been properly recorded in detail in his medical notes. However, when Prisoner A was to be transferred to another prison, no special arrangements were made to provide a van without cells or cubicles, leaving him in great mental anguish at the prospect of being transferred in such a tightly-enclosed space.

In response to Prisoner A's telephone call to our Advice Line for help, PAS wrote directly to the Governor of the prison in which he was being held. We indicated that not providing the prisoner with suitable transport arrangements for his mental health status was unlawful and in breach of Articles 3 and 8 of the European Convention on Human Rights, as well as of the Equality Act 2010 – which demands reasonable adjustments to be made for those suffering from a disability, including mental health issues. We also advised the Governor that if Prisoner A suffered any harm as a result of an unsuitable transfer, then the prison might be liable to a negligence claim.

The letter to PAS in response from the HM Prison & Probation Service apologised for not organising suitable transport and, after checking his medical notes, confirmed that Prisoner A would henceforth be transferred in a van that did not use cells or cubicles. Without PAS's letter explaining the severity of not responding to the prisoner's mental health and anxiety issues, Prisoner A's needs might have been ignored, resulting in a further, severely traumatising experience.

Prisoner B – Returned to open conditions from inappropriate closed conditions

Prisoner B got in touch with PAS to say that, following an erroneous security allegation that he was involved in the distribution of illegal drugs, he was transferred from open conditions back to closed conditions. In such situations prisons must hold a disciplinary hearing, called an adjudication.

However, Prisoner B was not given an adjudication, nor was his risk level reassessed. Understandably, the prisoner was confused and frustrated with the decision because being transferred back to closed conditions meant he lost access to Release on Temporary Licence (ROTL), work and Resettlement Overnight Release (ROR) – all benefits designed to help him to reintegrate back into the community.

Prisoner B stated that he had been making good progress whilst in open conditions, strengthening family bonds and building a positive relationship with his new outside employer. Being held in closed conditions was having a negative effect on his long term rehabilitation, which is in contravention of the

fundamental role of the prison system.

PAS wrote a letter to the prison Governor, outlining the prisoner's situation. We drew the Governor's attention to the requirement, under Prison Service Instruction (PSI) 40/2011, that prisoners may only be transferred back to closed conditions provided there is new information or intelligence which suggests an increase in risk levels. We stated that as there had been no increase to his risk level, it was inappropriate for the prisoner to be held in closed conditions. We asked that the prison accept the prisoner's urgent requests to be returned to open conditions in line with his categorisation levels.

As a result of our intervention, Prisoner B was transferred back to an open prison to help him to reintegrate back into the community. He now has access to ROTL, work, ROR and other benefits unique to open prisons.

Prisoner C – Prisoner transferred to Immigration Removal Centre

Having completed his custodial sentence, the Home Office was continuing to hold Prisoner C on immigration matters. While in detention, he was stabbed in the chest in an incident severe enough for the police to be called. He was subsequently moved to another wing in the prison but continued to receive threats from his attacker and feared for his safety.

As he was not a violent or serious offender, we wrote to Home Office Immigration Enforcement on behalf of Prisoner C to request a transfer to an Immigration Removal Centre (IRC) as a matter of urgency. Initially, the Home Office refused the move, giving PAS inadequate reasons for its denial. We wrote again, reminding the Home Office of its duty of care to Prisoner C.

A transfer was subsequently promised, and we continued to pursue it for two weeks, until it was completed and we could confirm Prisoner C's arrival at the IRC. During this time, we also provided information on the progress of the transfer to Prisoner C's wife, who was concerned for his safety but not able to communicate easily with him in prison conditions. Having been transferred to an IRC, he could easily access free legal support concerning immigration law issues and was able to resume communication with his family.

...and finally...

Welcoming a New Intake of Volunteers

PAS is delighted to have six new Legal Volunteers joining us this month, as well as five new Fundraising and Communications Volunteers. It's been a bit like playing 'desk-tetris' trying to fit them all in! On a serious note, we simply couldn't operate without our enthusiastic and committed volunteers and we probably forget to publically thank them often enough. So, thank you, volunteers for your hard-work, reliability and the energy you bring to our office.



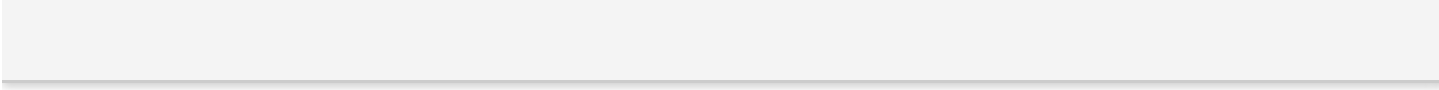
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