

PAS December 2017 Newsletter

Season's Greetings!

As party season fast approaches and we draw to the close of 2017, PAS is proud to look back on a year which saw us – along with The Howard League for Penal Reform – successfully challenge the government over its 2013 cuts to legal aid for prisoners.

After our successful action in the Court of Appeal in April this year, which resulted in the government cuts being ruled unlawful because they were inherently unfair, the Ministry of Justice withdrew its application to appeal the decision to the Supreme Court in October. Further, in a letter sent to PAS in November the justice minister indicated that for those three areas where the removal of legal aid was deemed unlawful by the Court of Appeal, criminal legal aid would be reinstated by February 2018.

PAS' Joint Managing Solicitor, Deborah Russo, said at the time: "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."

After the cuts came into force in December 2013, violence and self-injury in prisons rose to record levels. Almost 300 people lost their lives through suicide during this period.

As we move towards the festivities and look forward to seeing family and friends, it is important to remember those not in a position to celebrate freely. PAS is glad that, next year, and for years to come, this marginalised group will have access to pockets of legal aid which had unlawfully been taken from them.

News

Dedicated Family Law

Clinic at Bronzefield

The autumn saw PAS' first, dedicated, Family Law clinic, which took place on 26 October at HMP Bronzefield.

The clinic was attended by six women, five of whom had a 15 minute session each with our Women's Caseworker. The sixth prisoner had a much needed 45 minute session. Each woman was understandably very distressed by their circumstances.

Great Legal Pub Quiz

Also in November, over 60 teams competed in The London Legal Support Trust's annual Great Legal Pub Quiz. PAS took part in the event as usual, with our quiz at the Rugby Tavern in Clerkenwell on 23 November. With prizes and pride on the line, teams from many London law firms brought their A-game to the tavern.

The winning team, Leigh Day, scored an impressive 86points, and second place was awarded to Garden Court Chambers with 83points. Fun fact: Leigh Day's score of 86 was the highest point total of any of the quiz teams taking part in the LLSTevent. The team will

Sessions involved a variety of issues, but most were about contact with children. Our Caseworker dispensed general advice to one woman, two other women will require some written advice and unique research, and – a milestone for the project – our Caseworker has decided to open three pro bono cases in support of the remaining three women.

The clinic – which will be the first of many – was the result of the training two PAS Caseworkers received in Family Law advice from Rights of Women (RoW) over the course of this year. Our Joint Managing Solicitor, Deborah Russo, said in response to the delivery of this first clinic, “Already, from the first session, PAS has been able to observe how powerless women feel when they are faced with separation from their children through imprisonment”.

PAS remains most grateful to The Sir Halley Stewart Trust and The Wates Foundation for their support of this important project.

2017 Annual Lecture

PAS’ Annual Lecture this year took place on November 7 at Mayor Brown’s London offices. Our eminent speaker was Professor Conor Gearty, a leading academic authority in human rights, founder member of Matrix Chambers and currently a Professor of Human Rights Law and Director of the Institute of Public Affairs at the London School of Economics.

Professor Gearty’s subject for the evening was, “Prisons -A Life Without (Human) Rights?”, which he delivered to a packed crowd of some 120 people.

We are grateful to our speaker, and to everyone who attended the lecture. We are also due a large vote of thanks to Mayer Brown for their excellent hosting of this most enjoyable evening.

If you missed the chance to hear Gearty speak, the full video of the 2017 lecture is available for viewing on [PAS' YouTube channel](#).

receive a – nodoubt coveted – trophy from the trust as the result of their overwhelming brilliance on the night!

PAS also ran a raffle at the event, with prizes including a £150 meal for two, donated by CMS Cameron McKenna Nabarro Olswang LLP, Chanel No5 perfume and a bottle of Remy Martin VSOP Cognac.

Well done to all of the winners that night – and thank you to everyone who made this event possible by donating, attending, or competing. We’re already looking forward to next year!



Self Help Toolkits for Prisoners

In our autumn newsletter, PAS was delighted to let you all know that our long-gestating Self-Help Toolkit’s project had finally been sent out to all of the prison libraries in England and Wales. This time around, we are even happier to be able to inform you that the feedback from prison librarians has been overwhelmingly positive. Indeed, some prisons have already told us that the demand has been so high that they would welcome more copies!

Thanks to this project, which was funded by the Legal Education Foundation, the Toolkits are now available across England and Wales, helping prisoners to understand some legal concepts and processes for themselves, and to share that knowledge with peers.

Success Stories

Prisoner A: Transferring to India

PAS pursued an application over an extensive period of time for Prisoner A to be repatriated to his country of origin, India. The prisoner was anxious to serve the remainder of his sentence there so that his elderly and frail parents and other family members could visit him.

Prisoner A had no family in the UK and his parents tried unsuccessfully to visit him in prison. The prisoner was also anxious to be able to have meaningful resettlement plans when he is released from his sentence. As a result of our work on Prisoner A's behalf, Her Majesty's Prison and Probation Service and the government of India eventually agreed to the prisoner transfer, and are currently working on the transfer arrangements.

Prisoner B: Sexual Assault reported to police

Prisoner B was sexually assaulted by another prisoner on his wing at HMP Northumberland on 31 October 2017.

Getting in touch with PAS, the prisoner informed us that he immediately reported the incident to staff and that there was a witness to the attack. However, his requests that a police report be filed were ignored. He lodged an internal complaint about the matter but had received no reply.

PAS wrote to the Governor of HMP Northumberland on 16 November, requesting that the prisoner complaint be investigated as a matter of urgency and that it be reported to the police as part of the duty of care owed by the prison to protect prisoners from abuse and neglect.

On 20 November 2017, PAS received a letter from HMP Northumberland confirming that the incident had been reported to police.

Prisoner C: Prisoner moved closer to ill mother

PAS advised Prisoner C, who had been sentenced to eight years, meaning he would serve four. When he contacted us, he had done 18 months in a Category C facility (C being the lowest category for closed prisons).

Prisoner C's mother suffers from multiple health problems so he had applied to be moved to another Category C prison closer to her home. As the prison he was in considered him to be a very low-risk and trustworthy prisoner, instead of granting this move, it recategorised him to Category D, so that he could be moved to an open prison close to his home instead, where his mother would be able to visit him even more easily and in more relaxed conditions.

However, the prisoner still had two and a half years to serve, and the Prison Service Instruction on Categorisation states that two years is usually considered to be the maximum time a prisoner should spend in open conditions. As a result of this existing ruling, the Category D open prisons then refused to accept him for transfer.

PAS helped the prisoner to break out of this impasse by corresponding with the various prisons concerned and, when this did not resolve the situation, taking his complaint to the Prison and Probation Ombudsman, who upheld his complaint and recommended that he be moved to the open prison without further delay.