

# PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS

JUSTICE BEHIND BARS

## PAS Newsletter June 2018

Welcome to PAS' June newsletter. The sun is beginning to shine and our thoughts turn to summertime. Here at PAS, the work goes on regardless of the weather. We hope you'll enjoy reading some of our most recent news and Case Studies. But first, this:

You are receiving this e-mail because, previously, you have given us consent to contact you with our quarterly e-newsbulletin, occasional news, news of PAS events and occasional appeals in support of our work. [You can unsubscribe any time you wish by clicking here](#). Your data will not be shared with any further party without your consent.

### News

## PAS' Self-Help Toolkits a Resounding Success

PAS' Self-Help Toolkits project has finally been sent out to all of the prison libraries in England and Wales, and PAS is happy say that the feedback from prison librarians has been overwhelmingly positive. Indeed some prisons have already said that the demand has been so high that they would welcome more copies.

The toolkits project has been a long time in the planning. The set of 10 kits were written and designed by PAS' Caseworkers to help prisoners understand, and undertake, some legal processes by themselves.

The toolkits have also been converted into Easy Read versions for those with low literacy levels, or whose first language is not English. Downloadable versions of both sets of toolkits are also available on our website for family members and friends. All prisoners across England and Wales can now use and re-use the information and examples provided by the toolkits. This project was generously supported by The Legal Education Foundation.

Areas addressed by the toolkits and their Easy Read versions:

- 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

# Annual Panel Discussion

PAS' annual panel discussion was held on the evening of Thursday 3 May and explored the very topical subject: 'The Parole Board post Worboys: proposals for change and reform'.

Panellists on the evening were:

- Simon Creighton, Partner at Bhatt Murphy Solicitors and author of 'Parole Board Hearings: law and practice'
- Nick Hardwick, former Chair of the Parole Board
- Dr Ruth Tully, Forensic Psychologist & Clinical Lead, Tully Forensic Psychology Ltd
- Harriet Wistrich, Birnberg Pierce Solicitor for two claimants and Director of the Centre for Women's Justice

The event was free, and attended by more than 100 guests. Professor Nick Hardwick's contribution to the discussion was covered in the contemporaneous edition of the Law Society Gazette, which you can read [here](#). If you missed the event, you can catch up [here](#) and on PAS' YouTube channel. The discussion was held at the London offices of Herbert Smith Freehills, whom we thank for their generous support.

## Legal Aid Re-instated for Prisoners

On Wednesday 21 February, after PAS' and The Howard League for Penal Reform's ground-breaking victory in the courts last year, selected pockets of Legal Aid for prisoners became available once again. The three key areas of Prison Law for which prisoners can now access Legal Aid are:

- Pre-tariff reviews before the Parole Board where the Board advises the Secretary of State for Justice on whether a prisoner would be suitable for a move to open conditions;
- Categorisation reviews for Category A prisoners;
- Placement in CSCs (close supervision centres).

## London Legal Walk

Finally, once again, a team of PAS staff undertook the 10k London Legal Walk in May, run by [The London Legal Support Trust](#). Many thanks to all who supported our crew and, especially, to Birnberg Pierce solicitors, who nominated PAS to directly receive 50% of the funds that their intrepid team raised.



PAS' London Legal Walk crew.

## Success Stories

### Successful Appeal against Visitor Ban and Closed Visits

PAS advised Prisoner A, who had recently received a visit from his partner and their children. Following that visit, prison staff took him away to be strip searched. He was held in the segregation unit for 22 hours and told he was suspected of receiving drugs. Prisoner A completely disputed this allegation and was very upset that he could be accused of this in relation to a visit from his children. Indeed, no items of contraband were found; he was not charged with any disciplinary offence and the police were not called to the prison. However, two weeks later he was placed on closed visits and his partner was banned from visiting the prison.

PAS wrote to the director to request an immediate review of these decisions, saying that we would bring judicial review proceedings if the ban were not reversed. We argued that even if there had been some truth in the allegations, as his partner was effectively Prisoner A's only visitor and the only person who could bring his children to see him, banning her was a disproportionate response and should be lifted immediately. Furthermore, the prison did not appear to have carried out any reviews of the ban, or of the enforcement of closed visits, which is contrary to their own guidance.

We asked the prison to lift the ban on Prisoner A's partner from visiting the prison immediately and to remove the imposition of closed visits in relation to any visitors. Initially it ignored our letter and we began to prepare for court proceedings; however after chasing up a response on several occasions, the prison confirmed that our letter had been considered and the ban overturned.

### FNP Released to Approved Premises

Our Outreach Caseworker assisted Prisoner B, who is a foreign national prisoner (FNP) who had completed a 10 year prison sentence but was still being detained under Immigration Law. Bail is available for people held under immigration legislation, but Prisoner B's probation officer said that due to his risk level the only address he could be released to was an Approved Premises (AP) hostel. At the same time, she said that he could not in fact go to the AP because of a Probation Instruction which says

that FNPs can only be given places if they can provide the details of the accommodation which they are going to move on to after they complete their time in the AP. Prisoner B had provided an address but his probation officer said it was not suitable. This put Prisoner B in an impossible 'catch 22' situation, which took PAS seven months to resolve. Finally, after threatened legal action, lengthy correspondence and several bail hearings, Prisoner B was released to reside at the Approved Premises.



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