

Closed and Banned Visits

Easy Read Self Help Toolkit



About this document



This document was made by CHANGE, a charity led by people with learning disabilities.



This document uses easy words and pictures to tell you about Closed and Banned Visits.

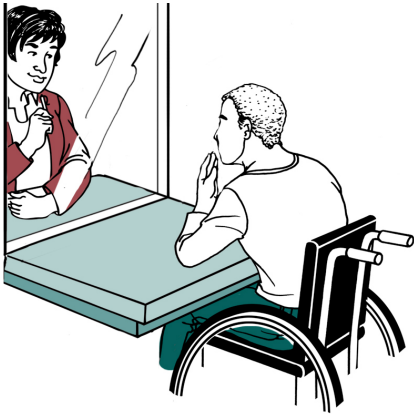


You might want to read through it with someone else to help you to understand it more.

What are closed visits?



A **closed visit** is a kind of visit where you and your visitor can not touch each other or have any kind of physical contact and you cannot pass each other any items.



In these meetings, there is usually a glass window or barrier between you and your visitor.



The visit can also take place with a member of prison staff watching you closely to make sure there is no contact between you and your visitor.

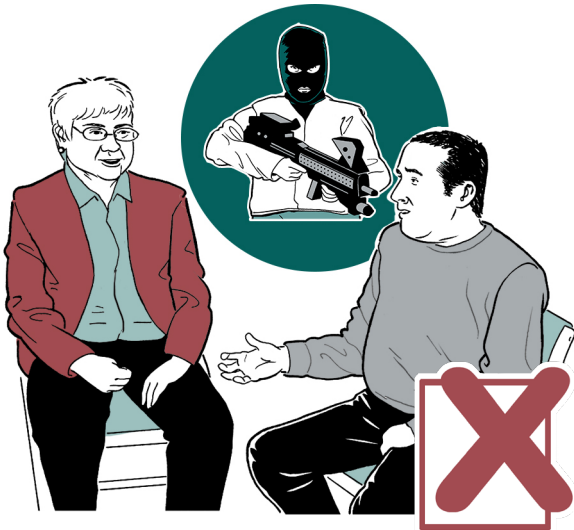


Any prisoner can be put on closed visits. It does not matter if you are on remand or serving a sentence. These visits can be social visits or with your legal representative.

When can you be made to have closed visits?



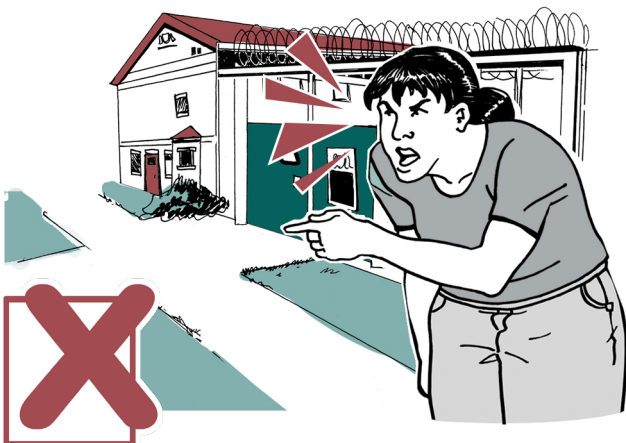
The Prison Rule 35A(4) says that you can only be restricted to closed visits:



- When normal visits would be a risk to national security or public safety;



- To help stop, detect, or investigate a crime, or take a crime to court;



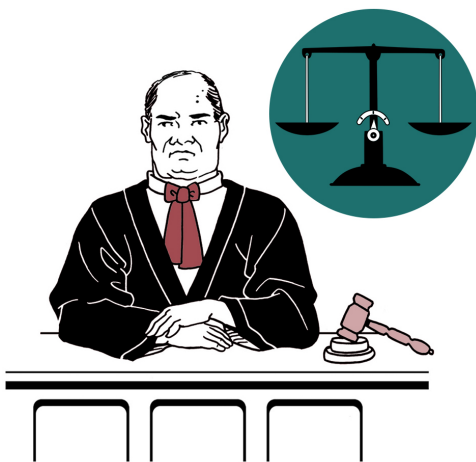
- When it helps to maintain security, good order and discipline in institutions for young offenders;



- In order to protect the health and morals of yourself or the visitor;



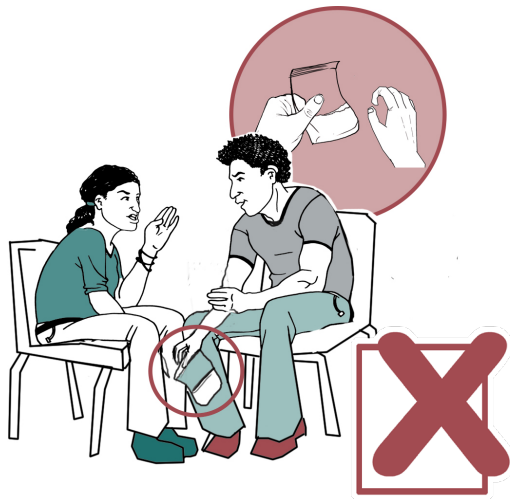
- To protect the reputation of others;



- To make sure the people involved in your trial or sentence can make a fair decision:



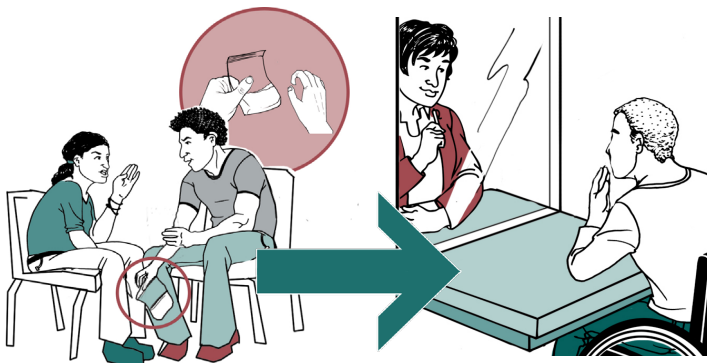
- To protect people's rights and freedoms.



Most of the time, you will be made to have closed visits to stop you from smuggling forbidden items during them.



The prison does not need to prove that you are going to do this during a visit, but it should have a good reason to believe you will.

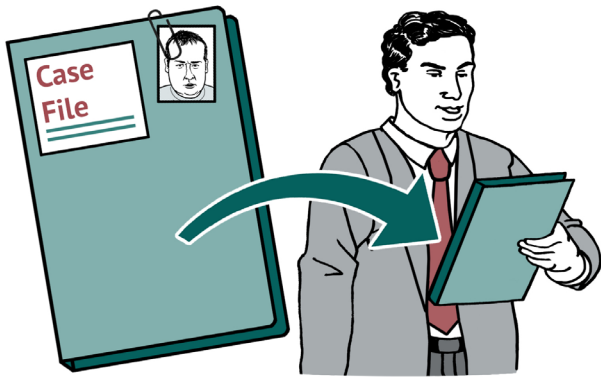


The prison can only decide to make you have closed visits because of how you act during visits, not because of the way you act anywhere else in the prison.

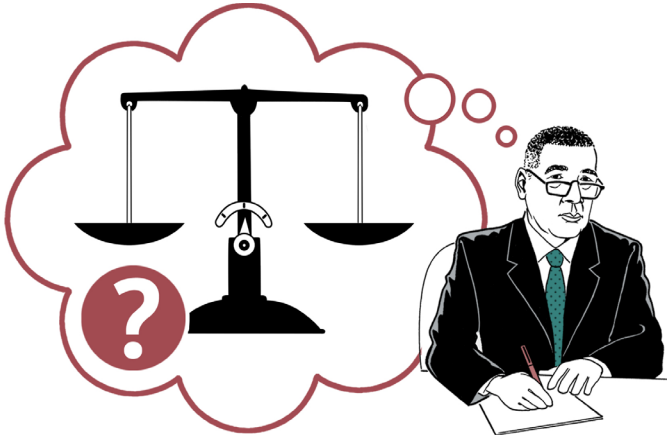
How does the prison decide if you should have closed visits or not?



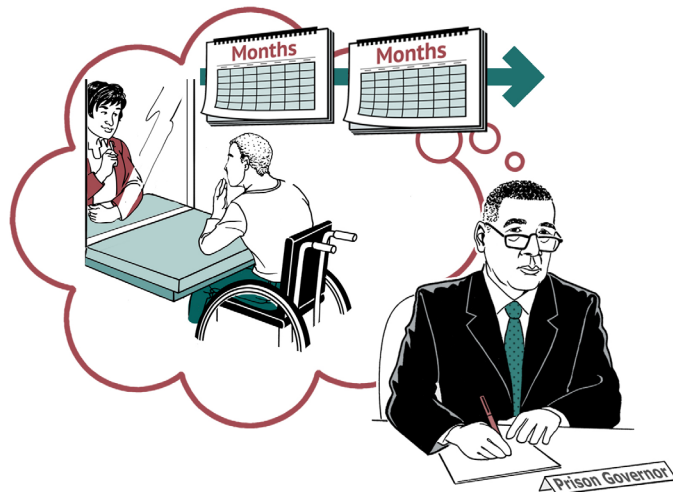
Before restricting you to closed visits, the prison should show that it has:



- Thought about all the different parts of your case;



- Made sure that putting you on closed visits is not too harsh or too light;



- Kept checking you still need to have closed visits.

The prison **must** think about the following things:



- The kind of forbidden items they think you might smuggle in and how big of a threat that is to the prison;



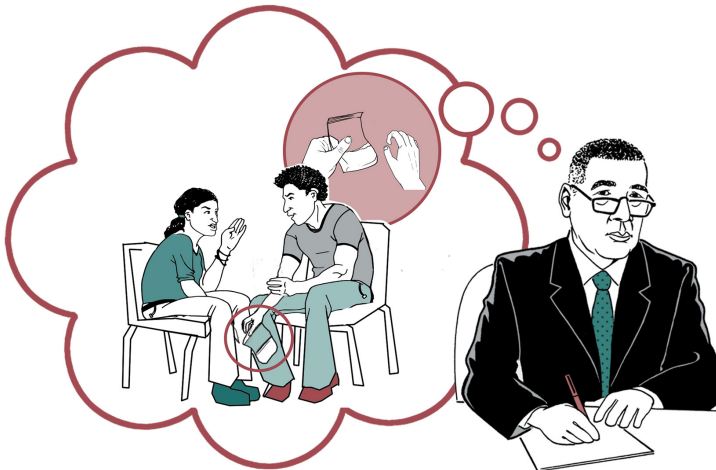
- If you have any connection from the past with such forbidden items (like if they are worried about you trying to smuggle in drugs if you have a history of drug use);
- If you tried to smuggle things in before, as a one off or repeatedly;
- Any information they have or incidents that have happened which would make them think that you are likely to try and smuggle something during visits;
- If there are CCTV videos of you having forbidden items on you after a visit or if they actually caught you with forbidden items after a visit;
- If there is any evidence from letters or telephone calls that you might have smuggled in or tried to smuggle in forbidden items during visits;



- If they have found anything during cell searches;

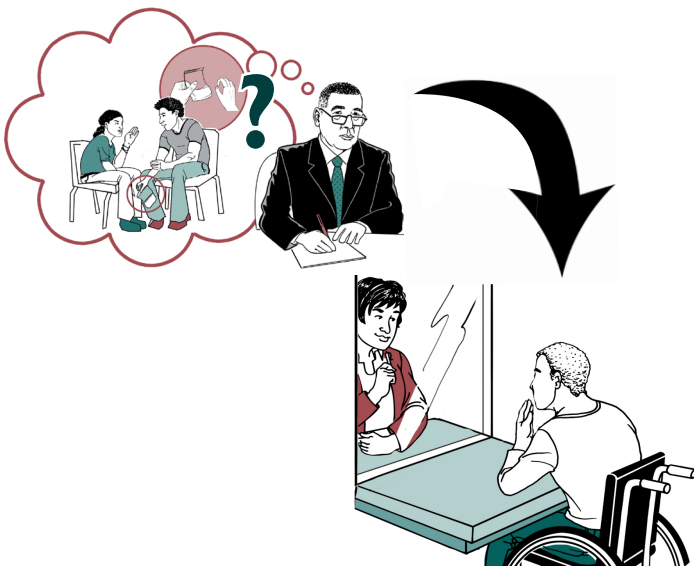


- Your previous offences and your criminal record.



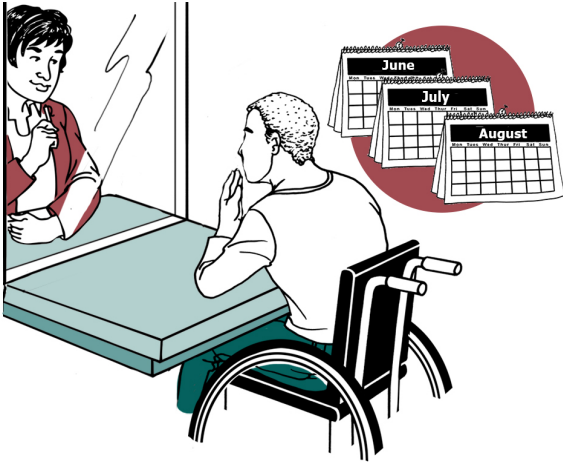
Prisons should not put prisoners on closed visits automatically after one incident because they should look into each case one by one to see if they are needed.

Can I be put on closed visits as a punishment?



No. Closed visits are more of a precaution, not a punishment. This means you can be put on closed visits if it is believed that you might try and smuggle something in, even if you have not tried to smuggle anything into the prison in the past.

For how long can I be put on closed visits?

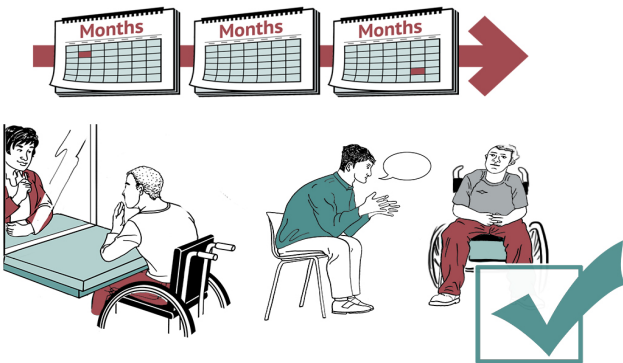


To begin with, you can be put on closed visits for up to three months. However, Governors or Directors can decide to put you on closed visits for shorter or longer amounts of time if they think it is needed.

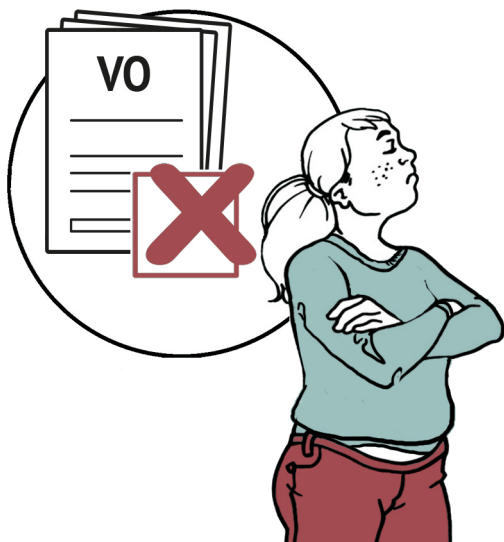


You should only be put on closed visits for the amount of time the prison thinks you are a risk.

Will it affect my visits entitlement?

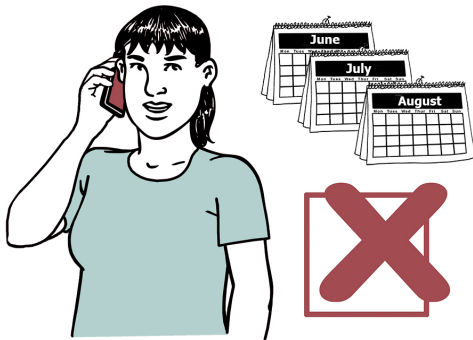


No. Closed visits should not be based on what your visits entitlement is for a given amount of time. They also should not keep on going without a given end date until you had a certain number of visits.

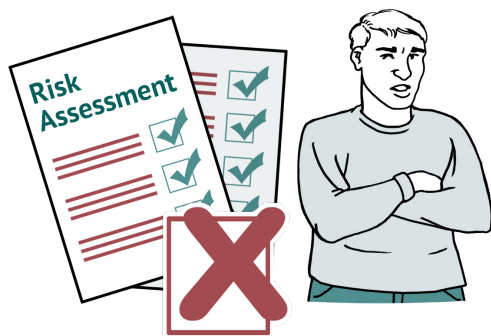


You may choose to take fewer or no visits while you are on closed visits. It should not affect your entitlement to statutory visits.

Is it allowed to put everyone on a closed visit without individual assessments?



In some prisons, there are so-called zero tolerance policies. This means that anyone who is found having mobile phones or mobile phone accessories will automatically be put on closed visits for three months.

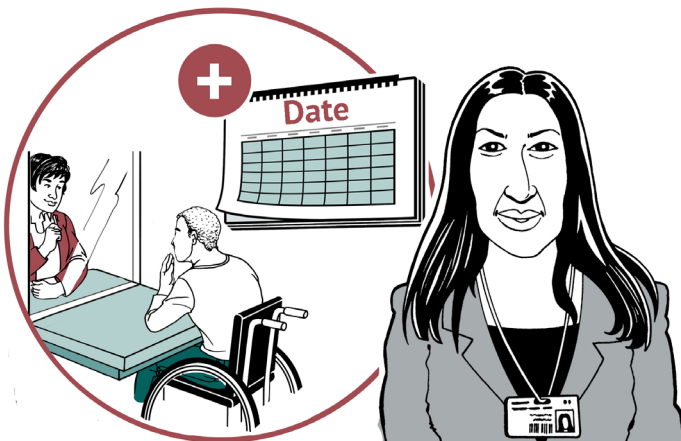


This is without doing an individual risk assessment.



The Prisons and Probations Ombudsman has said this way of doing things is unfair and is against national policy. If it happens to you, it may be against the law.

If I am already on closed visits, can my closed visits be extended?



If you are already on a period of closed visits, and something happens that shows that you are still at risk of trying to smuggle things in, the prison may decide that you need to be on closed visits for a longer time.

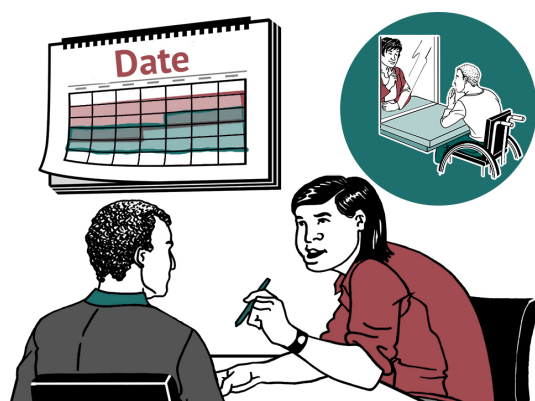


The prison should add this second period of time from that moment onward, not wait for your current period to end before they start the second one.

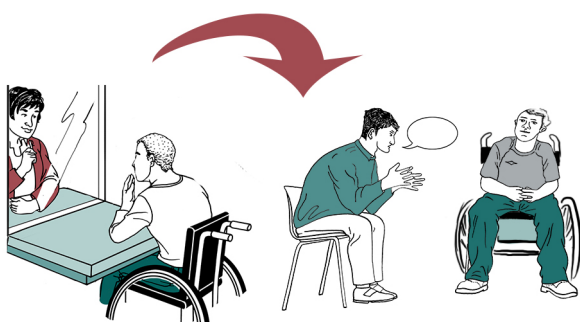
Will the prison review their decision to put me on closed visits?



Yes. The prison should review their decision to put you on closed visits every month. This will help them decide if this is still needed.

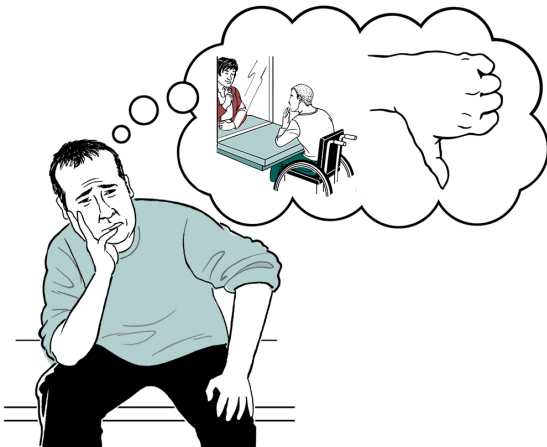


They need to do this if you are on an initial period or if you have had any extra time added to it.



If things have changed and the prison thinks you should no longer be on closed visits, you will be placed back on normal visits.

Can I appeal the decision to be put on closed visits?



If you feel that you should not have been put on closed visits or that they have lasted longer than three months without a good reason, you can use the prison's complaints procedure to appeal this decision.



If you go through the internal complaints procedure and are still not happy with the result, then you can refer your complaint to the Prisons and Probations Ombudsman.



To make sure your appeal is strong, you should:



- Ask to have in writing the reasons why you were put on closed visits;



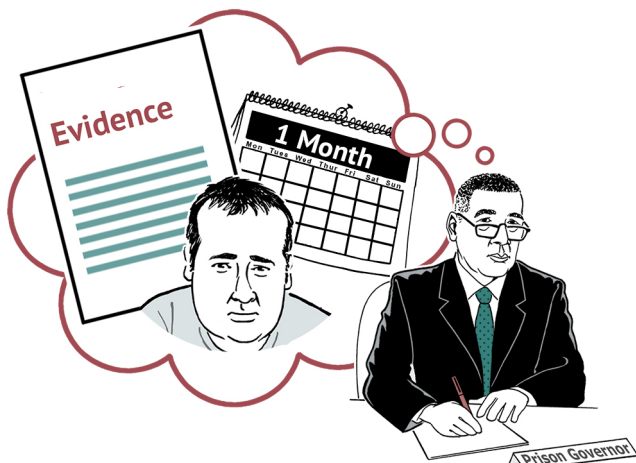
- Write down the reasons why you think you should be taken off closed visits;



- Ask to be kept up to date on the result of each monthly review of the decision;



- Ask for a summary of any information or evidence that the prison used to make their decision to put you on closed visits.



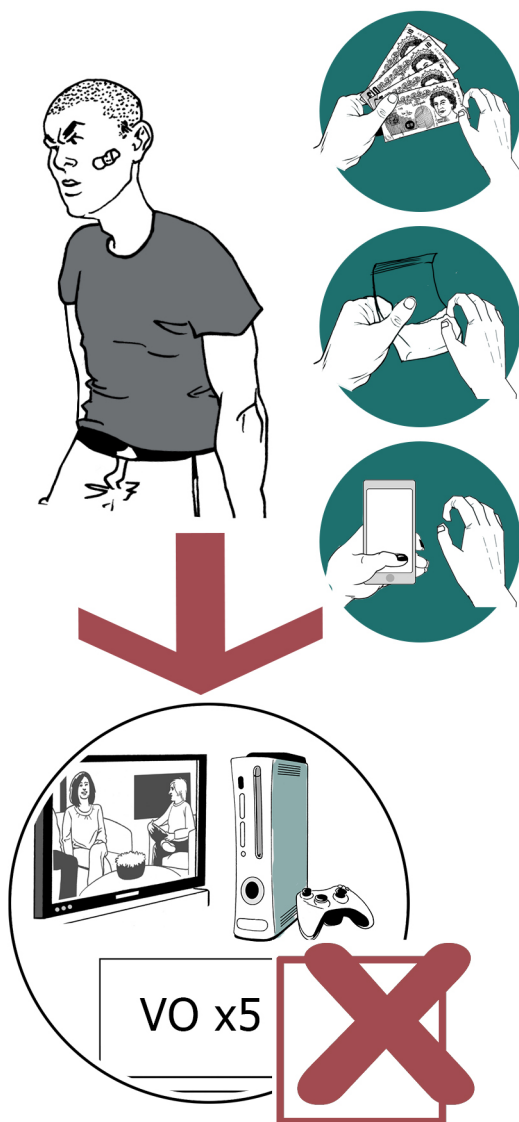
Governors need to take action and resolve your appeal for being put on closed visits within one month of when you have been put on them.

If I am transferred to another prison, will closed visits still apply?



Yes. If you are on closed visits when you are transferred, the prison you are being transferred to will keep you on closed visits for as long as you were put on in the previous prison.

Will closed visits affect my IEP status?



If you are caught smuggling in prohibited items like drugs or mobile phones, this will definitely have an impact on your privilege level under the Incentives and Earned Privileges Scheme.

If you are only suspected of smuggling or the item is not one which is prohibited, this can still be considered as part of your IEP review but may not result in a change of your status.

How might closed visits affect the security level category I am in?



What security level category you are in is based on how likely you are to escape from prison and how much of a risk you would be if you escaped.



If you are caught smuggling forbidden items in just once, then this may not affect the security category you are in. But if you have a history of repeatedly smuggling things in, then this will certainly be a major factor in the assessment of your security category.

Banned Visits

What are visitor bans?



Visitor bans are when a Governor stops a prison or prisoner from having any social visits for a given length of time.

When can a visitor ban be put into place?



Visitors should only be banned if caught smuggling forbidden items like drugs or mobile phones and there is reason to believe that they were trying to smuggle the items into the prison on purpose.



The prison should not ban visitors for smuggling forbidden items on list C, unless there are other risks involved.

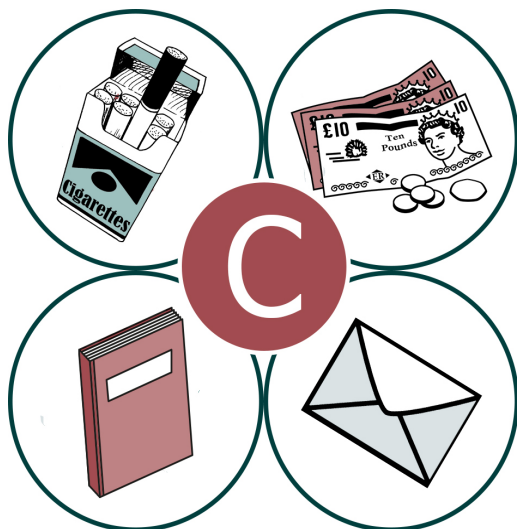
There are three lists of forbidden items:



- **List A items** – drugs, explosives, guns, ammunition or any other weapon.



- **List B items** – alcohol, mobile telephones, cameras, sound recording devices (or any other gadgets that can be used to contact outside the prison, take photos or make recordings).



- **List C items** - tobacco, money, clothes, food, drink, letters, paper, books, tools, IT equipment.



If there is information that a visitor is connected to drug use or drug dealing, or if a drug dog identifies a visitor, this is not enough to ban them from visiting you, unless there is very clear evidence that they will try to smuggle things in during visits.



The Governor can decide not to put a ban in place in **exceptional circumstances**, like if this would be very harmful to the prisoner's or the visitor's **right to a family life**, or to the rights of the **prisoner's child or children** to see their parent.

How long can a visitor ban last for?



A ban should normally be for at least three months. However, the Governor can decide if a longer or shorter ban is needed.

A visitor might be put on a longer ban when:



- The prison usually applies bans for longer than three months;



- A visitor has been caught twice or is caught again after being on a ban;



- The visitor has tried to find a way around a ban already in place; in this case they will get an extra month ban added;

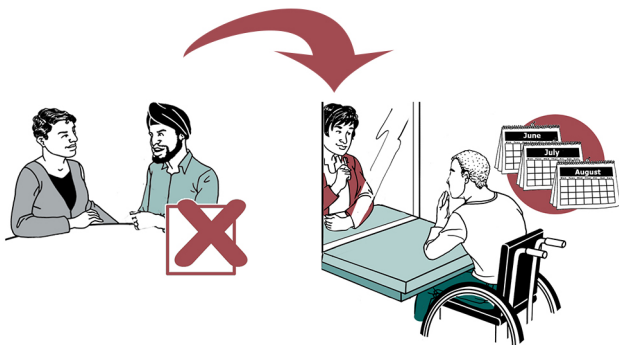


- It is known that the visitor is seriously involved in drugs trafficking; or



- They passed or tried to pass a Class A drug or a large amount of drugs.

What happens after the visitor ban has ended?



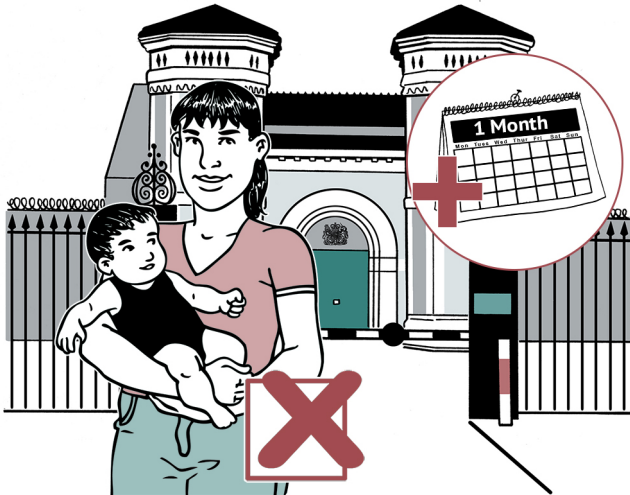
After the original amount of time for a visitor ban has ended, the visitor or visitors will normally have to visit you in closed or non-contact visits for three months.



The Governor can decide if this will last for a longer or shorter time.



On top of that, the visitors will normally be searched every time they come to see you, until the prison is satisfied that there is no longer a risk.



If prison staff discover that your visitors have tried to enter the prison while banned, they will add another month to the ban, unless the Governor decides a different amount of time is more suitable.

Can I or my visitors appeal a visitor ban?



If a ban stops you staying in contact with your children or maintaining a family life, or if you think the ban was started without a good reason, you can use the complaints system to appeal the ban in the same way you would appeal closed visits.

To make your appeal stronger, you should:



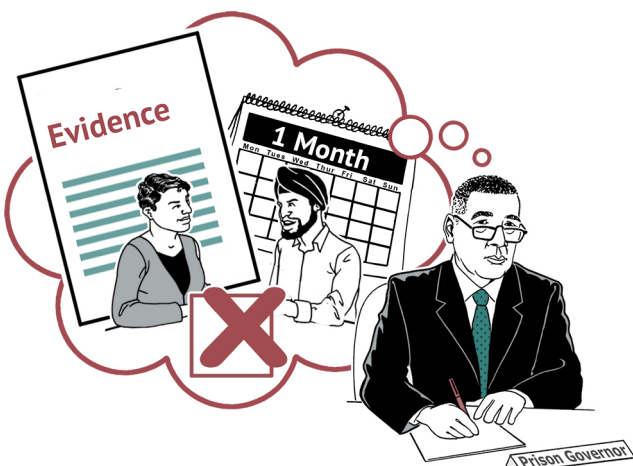
- Ask to have the reasons for the visitor ban in writing;



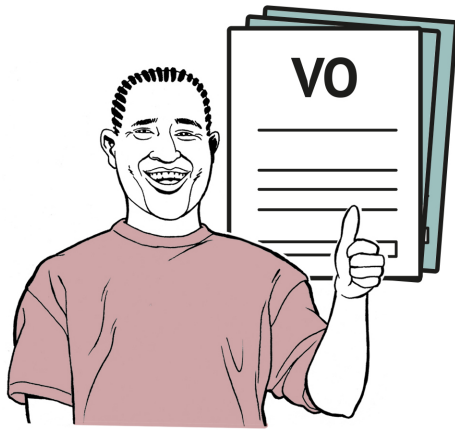
- Write down why you think the visitor ban should end;



- Ask for a summary of all the information or evidence that the prison considered when deciding to put you on the ban.



Governors are supposed to deal with appeals against visitor bans quickly and sort them out within one month of the start of the ban.



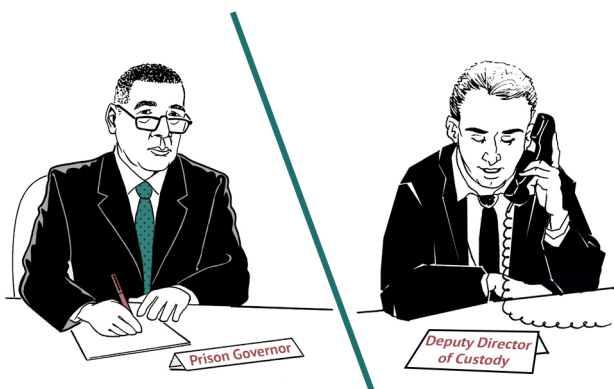
If the appeal is successful, and it is decided that the ban should not have been put in place, you should get back the amount of visits you have lost.



If your visitors think that their ban is unreasonable, visitors can also appeal by writing or telephoning the Governor and giving reasons why they think the ban is unreasonable.



The Governor should look at the decision to ban and the length of any ban and write back to them.

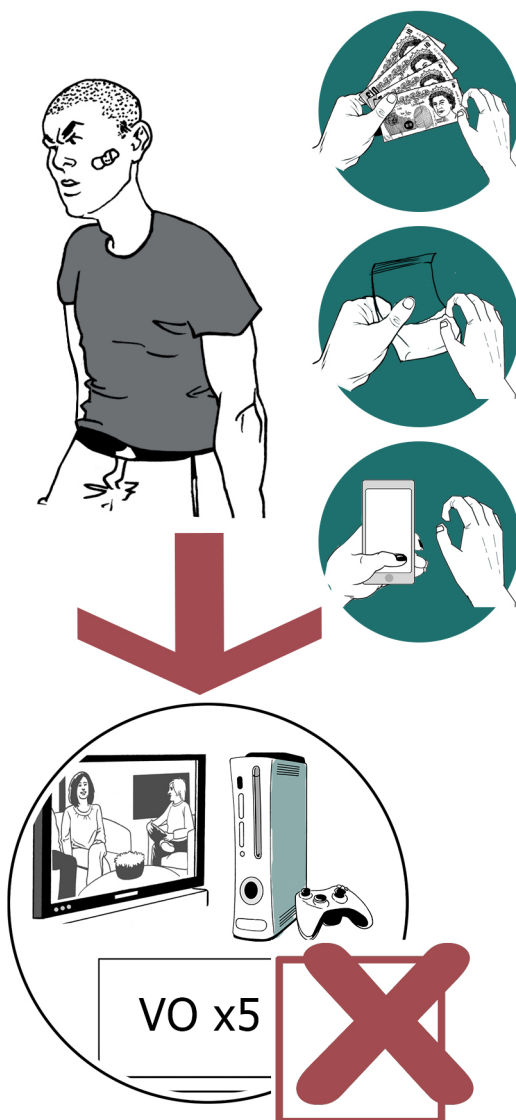


If the Governor does not decide to change the initial decision to put the visitor ban in place, the matter should be sent to the Deputy Directors of Custody (or Director of High Security Prisons) for a final decision.

Will a visitor ban affect my IEP status?



Your status under the IEP scheme should be based on the way you have behaved over time. The IEP scheme is separate from disciplinary proceedings.



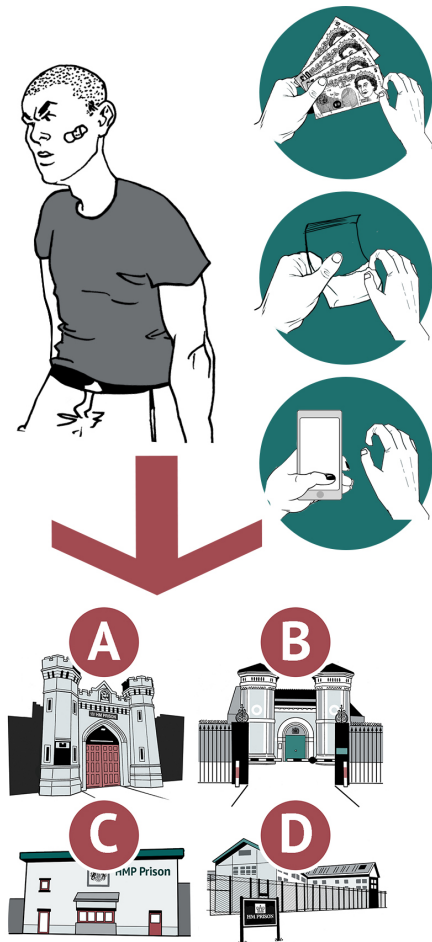
However, incidents such as the smuggling of drugs or other banned items will be taken into account when your status is reviewed.

One incident would not usually mean your status will be downgraded, but a particularly serious incident or a number of less serious incidents would be more likely to mean your status will change.

How might a visitor ban affect my categorisation?



Decisions about categorisation and re-categorisation should be based on how likely you would be to escape and the risk you would pose if you did. As with the IEP scheme, generally decisions about categorisation or allocation should be treated separately from decisions under any disciplinary procedure.



One incident would not usually mean you will be re-categorised, but if you have a history of incidents that will affect your categorisation and allocation.

PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS