

PRISONERS' ADVICE SERVICE

THE INDEPENDENT LEGAL CHARITY PROVIDING INFORMATION AND REPRESENTATION TO PRISONERS

JUSTICE BEHIND BARS

Dear Friend of PAS

As we stumble blindly into another holiday season, and cancel all of our Christmas parties, PAS brings you up-to-date with recent events in the world of prisoner advice, including the immediate amending of a discriminatory prison rule.

First, however, we were delighted with the turn out to help us celebrate our anniversary on 25 November. Thank you to everyone who attended - and donated funds on the night - it was great to see you all there.

If you would like to make a donation towards our work in the run up to the festivities, we would be delighted to receive it. [You can donate online here.](#)

Wishing you all the very best of the season...

PAS Strikes a Blow for Gender Parity

In our September 2020 edition, we brought you the case of a woman prisoner who had written to us when her prison refused to grant her request to be moved to open conditions on the grounds that she had more than two years to go before her release date. We contacted the prison to point out that the, then, new Framework on Categorisation for men laid down that male prisoners could be transferred to open conditions when they were within three years of their release date. As there had been no similar update to the female categorisation policy, PSI 39/2011, we argued that this was potentially discriminatory and that the prison's decision was therefore unjust. As a result of our intervention then, the prison granted the woman's request.

In March this year, another woman applied to be moved to open conditions but, despite being a model prisoner, was refused because she had over two years to serve until her earliest release date. The prisoner was particularly eager to be moved to open as she had received the offer of a job in the community and because her mother suffered from poor health. We advised the prisoner to submit a Comp 1 complaint to the prison on the grounds that the current

categorisation policy for women was discriminatory, and, in any event, the prison had a discretion to allow recategorisation to open conditions outside of the two years when warranted, which in her case, we believed it was. Her appeal – and subsequent entreaties – were all unsuccessful.

On this occasion, in September, we issued Judicial Review proceedings against the prison governor and the Secretary of State for Justice, challenging both the decision of the prison not to recategorise the prisoner as open, and the discriminatory nature of the policy itself. In October, we received the following response from the Government Legal Department:

"The SSJ has given careful consideration to the matters raised in these proceedings and has decided to amend PSI 39/2011 so that female determinate sentence prisoners can generally be considered for categorisation to open conditions when they are within three years of their earliest release date. The SSJ anticipates that the revised guidance will be published on Friday 29 October 2021 and will be effective immediately upon publication."

As a result of our work, PSI 39/2011 has, indeed, been amended and, in general, women across England and Wales are now on a parity with their male counterparts in this matter.



PAS Lends Support to Human Right Act Letter

PAS was a signatory to the recent [letter](#) from The British Institute of Human Rights (BIHR) to the Prime Minister and political leaders, regarding the proposed replacement of the Human Rights Act with a Bill of Rights.

The letter, to mark Human Rights Day on 10 December, was signed by

IPP Prisoner Receives Family Photos in time for Christmas

Finally, PAS recently helped an Imprisonment for Public Protection (IPP) prisoner to receive family photographs, which had been restricted by his prison. Unfortunately, though prisons have a duty to promote family ties, this is something that we see happening quite regularly. We wrote to the prison governor to ask why the prisoner wasn't being given his snaps. We also wrote to The Ministry of Justice (MOJ) to ask for confirmation that it was not national policy to ban cards and photographs

159 civil society groups – including PAS – stressing our support of the current act and expressing concern that the proposed change will impinge on individuals’ rights and democratic accountability. BIHR state that “in our varied work up and down the country, we see the everyday ways our Human Rights Act helps people to live more dignified and equal lives; ordinary people whose voices are too often unheard by those with power.” PAS could not agree more with this. We regularly cite the Human Rights Act when working on behalf of vulnerable prisoners, and, in particular, with minoritised individuals, whether by gender, ethnicity, sexual orientation, age or ability.

We urge all interested parties to respond to the [government’s consultation paper](#), which to all intents and purposes simply ignores the long-awaited report from the Independent Human Rights Act Review, set up under the last Justice Secretary, which concluded that there is no case for changing the Act.

being sent to prisoners.

The prisoner also mentioned that, as a result of his experiences – he had been recalled to prison four times – he had realised that he suffered from underlying mental health issues and had become institutionalised by his IPP sentence. This is not uncommon for IPP prisoners, who can be detained in prison seemingly indefinitely, and so, for whom, maintaining close family contact is doubly important.

We received responses from both the prison and the MOJ on sending in cards and photographs to prisoners. The prison said the restriction was temporary and the MOJ confirmed that a ban was not part of national policy.

Within a week, the prisoner wrote to us to let us know that he had received his photographs:

“I would like to thank you for helping me about the photographs situation, I have now received my photos of my family. Without your hard work looking at my problem with [my] prison I doubt if I would get them. So thank you very much.”



PAS' telephone Advice Line is run by caseworkers four days a week. Our telephone number is globally cleared within all prisons throughout England and Wales. **Please note: In order to assist a prisoner, we need to be contacted by them directly before we can discuss matters with family members.**

NUMBER: 020 7253 3323

OPENING TIMES

**Monday, Wednesday and Friday
10:00-12:30 and 14:00-16:30;
Tuesday Evening 16.00-18.00**

Freephone Service from Women's Prisons

NUMBER: 0800 024 6205
Tuesday morning 10:00-12.00

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