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Annual Review 2011–2012



Trustees

The Trustees who served during the year and since the year-end are as follows:

Rikki Garg	(Chair)
Diane Gault	(Treasurer)
Simon Creighton	
Alan Booth	
Neil Churchill	
Martine Lignon	(joined May 2012)
Stephanie Harvey	(joined May 2012)
Selina Haines	(joined May 2012)
Lucy Rhodes	(joined May 2012)
Sara Down	(resigned from the committee during the year)
Lee Humphries	(resigned from the committee during the year)

Staff Members

Matthew Evans	Managing Solicitor
Nicki Rensten	Legal Caseworker
Lubia Begum-Rob	Race Discrimination Caseworker (returned from maternity leave as of August 2011)
Owen Greenhall	Locum Race Discrimination Caseworker (until August 2011)
Laura Orger	Community Care Caseworker (on maternity leave, June 2012)
Nicola Gregory	Locum Community Care Caseworker (from June 2012)
Deborah Russo	Women Prisoners' Caseworker (on maternity leave, June 2011)
Camilla Pandolfini	Locum Women Prisoners' Caseworker (from June 2011)
Ben Blackwell	Administrator / Telephone Worker
Hywel Probert	Development Manager

Volunteers

PAS would like to thank all the volunteers who have given up their time to assist PAS over the past year. For a charity with limited resources such as PAS, volunteers' work is vital to allow us to deliver a quality service to our clients.

Bookkeeper

Anne Craig

Auditor

Michael Jellicoe
59 Knowle Wood Road
Dorridge
Solihull
West Midlands B93 8JP

Bankers

CAF Bank Ltd
25 Kings Hill Avenue
West Malling
Kent ME19 4JQ

HSBC plc
Holborn Circus
31 Holborn
London EC1N 2HR



Chairman's Report Rikki Garg

The Prisoners' Advice Service has a long, distinguished and unique track record in providing legal advice, standing up for the rights of prisoners, and ensuring proper judicial scrutiny of what goes on behind bars. This courageous, persistent and independent organisation is an unsung national treasure, and plays a role that, we judges believe, is ever more vital at a time when legal aid is being cut.

I believe that this citation, used by the judges when PAS was awarded the 2012 Longford Prize, accurately and succinctly describes the work that PAS does and has done since it began in 1991.

This prize follows on from our success in 2011 in being named the Best Non-Profit firm at the Legal Aid Lawyer of the Year awards. Both these accolades have been hugely welcome, and have highlighted PAS's role in delivering access to justice for thousands of prisoners each year.

Unfortunately however, PAS still faces troubling and uncertain times in relation to funding its vital activities. We do not take, and have never taken, central government funding on principle, as it would involve a significant conflict of interest, representing as we do a vulnerable client base that is being detained by the state.

The majority of PAS's funding is therefore raised from a generous and loyal group of funders, upon whom we are reliant to carry out this meaningful work. We are, as always, indebted to our supporters for the continued support and we realise that without them we could not continue as an organisation.

However, we have to face up to the fact that the current financial malaise is affecting the capacity of many trusts and foundations to make grants, and that there is also significantly increased competition

for these grants from other charitable organisations, as government funding is stripped away in many areas from the third sector.

The prison population continues to grow year-on-year. As of today there are over 87,000 people detained within the men's and women's estates. In the last year PAS has responded to approximately 20,000 queries, by way of either responding to a telephone call, responding to a letter or at outreach clinics.

Following the reduction in the Legal Aid available for prison law, the number of prison law practitioners has fallen, with the result that PAS's workload has significantly increased. A lot of this work is done on a pro bono basis. There is no other charitable organisation that provides free legal advice and representation to adult prisoners, and which supports them with the knowledge to advance their own position and improve their conditions within prison and upon release. We do this with our commitment to answer every phone call respond to every letter received from a serving prisoner.

On behalf of the PAS Management Committee, I must express my gratitude to the dedicated staff and volunteers who continue to do such a professional job with good humour and steely determination. It is tribute to their dedication that so many staff and trustees were present at the recent Longford Lecture/Prize, and advocating our cause so passionately to the guests present.

There will always be challenges that PAS has to face in the coming months and years, be they in relation to the growing prison population, or to the reduction in funding, or to the difficulties of simply surviving in these austere times. We will continue to do as best we can; I remain hopeful that with your support, we will remain courageous, persistent, independent and continue to be considered as an 'unsung national treasure'. Except slightly less unsung.

It gives me great pleasure to introduce this year's annual report and accounts.

Rikki Garg
Chair

2012 Longford Prize

In late 2012, the Prisoners' Advice Service was delighted to be awarded the Longford Prize. The Prize is awarded annually by a prize committee on behalf of the Longford Trust. In the Trust's own words, the Prize "recognises the contribution of an individual, group or organisation working in the area of penal or social reform in showing outstanding qualities of humanity, courage, persistence, originality and commitment to diversity".

The award was made as part of the 2012 Longford Lecture, given by Will Self on the issues of drug use within prisons. PAS was nominated for the prize by Deborah Coles of INQUEST, Erwin James of the Guardian, and Pete Weatherby QC of Garden Court North Barrister Chambers, all of whom it is extremely grateful to for their testimonies in support of the Service.

The future of PAS

The Prisoners' Advice Service has always had to have a dynamic, forward-thinking attitude, knowing that it has to be willing to transform itself as necessary in order to achieve its goal of assisting as many prisoners as possible. With over 80,000 people now in prisons in England and Wales, there is always a huge demand for PAS's legal advice and representation. PAS is coordinating the production of an impact assessment that will even better illustrate the effect that its work has had over the past two decades.

In the past ten years, PAS has radically expanded its services, in response to the needs of its clients. In 2004, the positions of Women Prisoners' Caseworker and Race Discrimination Caseworker were created, and in 2009 the role of Community Care Caseworker was added to these. In each case, the new post arose as a direct result of the demand that PAS was experiencing for its services, necessitating the creation of new specialist caseworker roles.

Along with this, the outreach services PAS provides in the men's and women's prison estate have gradually expanded from 2004. Around 400 prisoners are now seen annually during outreach; through these clinics PAS's work also gains much wider exposure among the prison population. PAS is now seeking to expand further, establishing clinics particularly in areas such as the north-east and south-west, from where we have traditionally received less enquiries than from elsewhere in the country.

In the longer term, PAS is aiming to expand within five years as part of an ongoing step change. It aims to raise sufficient working capital to reach a position where it can consider the viability of setting up, staffing and resourcing new offices elsewhere in the country. This would establish PAS as an organisation that is even more fully able to meet the legal advice and representation needs of all prisoners throughout England and Wales. As ever, PAS will change to keep itself fresh and relevant.

Managing Solicitor



The Managing Solicitor, Matthew Evans, is responsible for managing PAS's relationship and contract with the Legal Services Commission (LSC), for the day-to-day running of the organisation on behalf of the Management Committee, and for supervising the work of the caseworkers and other solicitors. He also manages his own caseload. On the legal side, Matthew is personally supervised by Simon Creighton, a solicitor with Bhatt Murphy, an expert in prison law who is currently a trustee of PAS, and who was formerly PAS's first solicitor. More general areas are supervised by Rikki Garg, the Chair of PAS's Management Committee.

Matthew is responsible for the production of annual and longer-term organisational plans for approval by the trustees. He has recently worked with a consultant from the Cass Business School on establishing a medium-term strategy for PAS, particularly in the area of governance. This has resulted in a clearer medium-term strategy for the organisation, as well as the renewal of the PAS Management Committee, with four new members appointed in 2012. These four new members have brought new skills to the Management Committee, in fundraising, networking, legal expertise, which should allow the organisation to go forward to the future with confidence.

Matthew has also improved PAS's media profile over the past year. He has written numerous articles in Criminal Law and Justice Weekly, in the Legal

Action Group magazine, and other publications, notably a pair of articles analysing the protection the European Convention on Human Rights has given to prisoners' rights in Britain, with special attention to Article 8, safeguarding the right to a family life. He has also written various blogs for The Justice Gap website (which presents key legal issues in lay language).

Matthew is on the board of the Criminal Justice Alliance (CJA), strengthening PAS's voice within the sector. The CJA has recently submitted briefings/responses on the Legal Aid, Sentencing and Punishment of Offenders Bill, and to the Home Office Consultation on 'More Effective Responses to Anti-Social Behaviour'. Matthew also sits on the Parole Board Users' Group, particularly important at a time when there is a record number of oral hearing cases in prisons, but also a growing backlog of cases. The Users' Group has been instrumental in seeking to resolve the issues behind this situation, and in organising training for prison lawyers on issues such as disclosure.

Matthew takes on his own prison law caseload, as well as giving telephone advice to many more prisoners on PAS's three-day-a-week advice line. Per year he also responds to around 250 one-off, complex letters from prisoners around advice and information.

Race Discrimination Caseworker

Lubia Begum-Rob is the Race Discrimination Caseworker at PAS. The Race Discrimination role is focussed upon civil litigation and non-litigious complaints regarding racial and religious discrimination. The post also involves general prison law work (parole, adjudications, transfers etc), responding to general queries from prisoners and prison law practitioners, and helping to run the Prisoners' Advice Service advice line.

The Prison Service policy on race discrimination is comprehensive - PSO (Prison Service Order) 2800 dictates that prison decisions that affect prisoners are made impartially, to allow equal access to accommodation, work, training and education. However, in practice it is not enforced rigorously, and the Race Discrimination Caseworker's role is successful insofar as she is able to close this gap between law and reality. She has frequently made claims under the Race Relations Act to this end.

Discrimination at various levels is endemic within prisons, exacerbated inevitably by the imbalance of power that exists between prison authorities and prisoners. The most frequent impression one gains is that the rehabilitative aspect of prison is subsumed almost totally by a sense of retributive justice, a mindset that results in treating prisoners as if they themselves do not have rights that need to be upheld. This sense is exacerbated when the client faces another form of discrimination, based upon their race or their religion.

In total, the Caseworker has helped around 200 prisoners this past year, through both telephone and written advice, and of course by taking on legal cases. Only around 30 cases are closed each year, as cases involving racial and religious discrimination continue to be longer than many other cases - many take between nine and eighteen months to be resolved, and some cases can take even longer to reach resolution.

An example case during the year involved one of PAS's clients, D, who had been given an IEPS (Incentives and Earned Privileges Scheme) warning due to prison staff alleging that he was about to use violence; D felt that this allegation was clearly based upon a racially discriminatory interpretation of his conduct.

D submitted a Discrimination Incident Reporting Form to his Diversity Manager, but astonishingly did not receive a reply for three months, until PAS intervened on his behalf. The prison eventually accepted the appeal against the IEPS ruling, and restored his enhanced status. Eventually D was able to be moved to Category C, as the original decision not to recategorise him was ruled to have been based upon the unlawful downgrade in his IEPS status. This recategorisation decision will be crucial for his eventual progress through the prison system to open conditions.

Women Prisoners' Caseworker

The locum Women Prisoners' Caseworker, Camilla Pandolfini, has over the year given a huge range of legal advice, information and representation to uphold the rights of women prisoners, on issues from categorisation to contact with their children, from parole board hearings to protecting their earnings to facilitate rehabilitation (the Prisoners' Earnings Act tries to impose a 40% tax on such earnings).

Camilla has run four regular outreach sessions during the year, taking place either every month or every six weeks. These clinics are at HMP Downview, HMP East Sutton Park, HMP Holloway and HMP Send. These sessions are unique, and at least ten women can be seen at each session. The clinics ensure PAS's legal service can reach women who have not previously had the confidence that their problem merits a phone call or letter to PAS; the clinics are also useful for women who speak English as a second/third language. The clinic can assist to resolve issues that women might not have the confidence to otherwise approach us about, or to resolve issues that they thought of as trivial but are actually a significant breach of important human rights.

The Caseworker regularly helps to maintain contact between women prisoners and their children.

Around two thirds of women prisoners have dependent children; women are often imprisoned hundreds of miles away as the number of women's prisons is few.

In particular, the Caseworker recently acted for two women prisoners in a Judicial Review case in which they successfully challenged a refusal by the prison to grant them Childcare Resettlement Leave (CRL). This refusal was placed upon a complete misinterpretation of the law. Both prisoners are the sole carers for children under the age of 16, and the decision can only benefit their rehabilitation and the lives of their children. The PAS Caseworker was protecting these women's Article 8 rights to family life under the European Convention of Human Rights.

Evidently there are a huge number of other issues for which women prisoners frequently seek advice, including recategorisation, transfers, home detention curfews, immigration, debts/ repossession, applications for release on temporary licence for work reasons, early release parole and appealing convictions. Many other issues arise when prisoners are close to release, including pre-release child care assessments, resettlement and housing questions.



Outreach Caseworker

Since 2004, PAS Outreach Caseworker, Nicki Rensten, has delivered legal education outreach sessions to male prisoners at a number of prisons across England and Wales. Since 2011, these have included monthly sessions at HMP Pentonville and HMP Wandsworth. All in all Nicki has conducted 23 sessions during the year.

Prisoners sign up to attend outreach sessions, and are able there to address queries about prison law issues that they are unable to find the answer to anywhere else. Advice can be also given to prisoners confidentially if they prefer. PAS's legal outreach service is unique - no comparable service exists elsewhere.

This success of outreach is reflected in the feedback given by prisoners who attend the sessions; several prisons have also asked directly for outreach sessions to be set up at their particular establishments.

As well as providing information around prison law issues, Nicki also takes on cases as a result of outreach and advocates on behalf of prisoners, both informally through letter writing and telephone calls, and formally through taking on cases under our Legal Aid contract from the Legal Services Commission. She is skilled in working with and delivering legal information to prisoners face to face in an environment and format they are comfortable with.

An example case is that of a prisoner (F), who had attended an outreach session with another prisoner as interpreter, as his level of English was low. F had been a model prisoner, had completed all the set Offending Behaviour Courses, and was assessed as low risk. He had become eligible for Home Detention Curfew (HDC), and was looking forward to caring for his four young children at home after release.



F attended the Board for HDC alone and without an interpreter. As a result of language difficulties the HDC Board misunderstood F and his explanation of his offence, and said he should do further behaviour work even though this had not previously been suggested by the prison service. They therefore denied his application.

PAS sent a letter to the prison immediately, explaining why the decision had infringed the following of F's human rights under the European Convention (ECHR): Article 6, guaranteeing the right to a fair trial/hearing; Article 8, guaranteeing the right to a family life; Article 14, which guarantees the right not to be discriminated against (in this case, due to the fact that F was not fluent in English).

After two further letters to the prison chasing this up, F's offender manager agreed to provide a offender behaviour programme in F's first language, following which a new decision was then made to grant HDC. F was very clear that he would simply have served the rest of his sentence in prison had he not been represented by PAS.

Community Care Caseworker

The Community Care Caseworker, Laura Orger, confronts the issue that local authorities, prisons and probation services frequently fail to acknowledge the legal duties that they hold towards vulnerable prisoners (who often have physical and/or mental health issues) prior to release and upon release. Prisons and probation services also frequently dispute their responsibilities towards prisoners with physical and mental disabilities both during their time in prison, and when they are due for release.

The bureaucracy of the prison system can be hugely problematic during community care casework - even straightforward matters are frequently elongated considerably, through withholding of information, extensive delays, and other obstructions of the legal process, all of which can have an unnecessarily negative impact upon the prisoner involved, and upon the passage of justice.

Community care outreach has also continued apace over the past year, assisting around 200 clients with legal advice and representation. Sessions have taken place at HMP Pentonville and at HMP Wandsworth on a monthly basis.

As well as assisting prisoners on the cusp of leaving custody, Laura has frequently worked to force prisons to obey the law (and a basic moral code) in carrying out various reasonable adjustments for prisoners with severe physical and mental health issues. These adjustments, as well as being potentially life-changing in themselves, act as a precursor to ensuring comprehensive treatment is secured for these prisoners upon their release. Apart from the obvious benefits to these prisoners' conditions, this is a major factor in reducing the exclusion that such prisoners frequently feel.

The successes over the past year include a client who wished to be released with appropriate

community care provisions into the area in which his family lives. He is wheelchair-bound, and was eventually released with the legally appropriate provisions of accommodation and community support. This kind of case is highly typical, and illustrates the huge long-term difference that legal support can make to highly vulnerable prisoners due for release.

Laura also represented a prisoner who suffered from dementia, who required urgent medical intervention at a time just six weeks before his scheduled release. PAS was able to secure these medical community care entitlements for him upon his release, as well as accommodation. However, the sheer difficulty of attaining these results (PAS had to threaten Judicial Review proceedings before the prison was willing to undertake its legal duty) was a clear demonstration of the intransigence that vulnerable prisoners face in gaining access to their legal rights, and the difference that high quality and energetic legal representation can make in such cases.

Development

The income received from Trusts and Foundations was 193,670 in 2011/2012, down significantly from £227,709 in 2010/2011. Economic circumstances have been particularly tough over the past year, and we are indebted to the continued support of those organisations that have continued to fund the work of the Prisoners' Advice Service. Competition for those funds that are available has increased significantly over the past year.

PAS is to host its second annual lecture in May 2012, on the issue of conditions in prison. It is hoped that the lecture will be as successful as the inaugural lecture in 2011, in making better known both the everyday issues that exist within prisons and the work that PAS is doing to alleviate these on behalf of prisoners.

PAS has been working with the Cass Business School throughout the year, on issues of Achieving Sustainability and Broad-Based Income Generation. This work has been kindly funded by the Pilgrim Trust.

Thank you to the following Trusts and Foundations

Funding sources for the period 2011/2012 included income of £163,434 from the Legal Services Commission and other legal fees. There was also income arising from restricted and unrestricted grants, as well as gifts-in-kind, from the following individuals, companies, and Trusts and Foundations:

The 29th May 1961 Charitable Trust
The A B Charitable Trust
The Allen & Overy London Foundation
The Barrow Cadbury Trust
The City Bridge Trust
The Coutts Charitable Trust
Doughty Street Chambers
The Esmée Fairbairn Foundation
The Evan Cornish Foundation
Garden Court North Chambers
The Hadley Trust
The Jill Franklin Trust
The LankellyChase Foundation
The Lloyds TSB Foundation
The London Legal Support Trust
The Monatrea Charitable Trust
The Norda Trust
The Oakdale Trust
The P&C Hickinbotham Charitable Trust
The Paristamen Foundation
The Pilgrim Trust
The Rayne Foundation
The Rowan Charitable Trust
The Swan Mountain Trust
The William Allen Young Charitable Trust
The William and Katherine Longman Charitable Trust



PAS Outreach Clinics

Aside from the advice and advocacy services it provides to prisoners all over England and Wales from its London offices, PAS has organised outreach clinics since 2004 within the male prison estate, and since 2007 in the women's estate. No comparable service exists elsewhere. The aim of the legal advice outreach is to maximise prisoners' access to effective advice and advocacy.

This success of PAS's outreach clinics is reflected by several prisons that have asked directly for outreach sessions to be set up at their particular establishments, and also of course in the feedback given by prisoners who attend the sessions. Overwhelmingly, those who attend outreach sessions tell us that they will pass on the legal information they have gained, and advise friends

I think the prison should have a PAS representative here at all times!

– client at outreach clinic

Some prisoners here have been amazed at the swift and professional response they have received already, so soon after the outreach clinic

– member of prison staff

in prison to attend the next outreach session. Outreach sessions are particularly effective in providing information to prisoners around legal aspects of their sentences and conditions, and also empowering them to be able to take up and deal with some issues and complaints themselves.

Prisoners have noted how useful the outreach service is for particular groups of prisoners, such as those for whom English is a difficult second language, those who have learning disabilities, those who do not have enough money to phone PAS's advice line, or those who do not feel sufficiently self-confident in the validity of their complaint to pick up the phone to one of PAS's legal advisers.

Initially, PAS's outreach sessions were general in nature. However, in recent years, outreach clinics have been set up that are specific to certain groups of prisoners, such as women prisoners and to prisoners with community care issues (who require access to services for physical and/or mental health difficulties). These clinics have greatly expanded over the past few years. At present, the Women Prisoners' Caseworker runs four outreach clinics – at HMP Downview, HMP East Sutton Park, HMP Holloway and HMP Send – while two community care clinics occur on a monthly basis, at HMP Wandsworth and HMP Pentonville.

The effects of outreach resonate far beyond the occasion of the clinic itself. Peer Advisers or Listeners frequently attend the sessions, which means that legal knowledge is likely to filter down, through them, to some of the most vulnerable prisoners, who typically would be even more estranged from legal knowledge than the 'average' prisoner.

PAS is at present establishing a future plan of action with respect to its outreach service, looking at the areas of need and development, the types of prisons and prisoners who use the service, and the key personnel that will be needed to develop the project.

Financial data

Statement of Financial Activities (Incorporating the Income and Expenditure Account) For the Year Ended 31 March 2012:

	Restricted (£)	Unrestricted (£)	Total (£)
Incoming resources			
From generated funds			
Voluntary income	8,000	76,408	84,408
Activities for generating funds	-	3,554	3,554
Interest receivable	-	119	119
From charitable activities			
Advice and information	138,420	164,974	303,394
Sundry operating income	-	-	-
Total incoming resources	146,420	245,055	391,475
Resources expended			
Costs of generating funds			
Generating voluntary income	2,880	8,175	11,055
Charitable activities			
Advice and information	138,665	282,156	420,821
Governance costs	4,875	10,636	15,511
Total resources expended	146,620	300,967	447,387
Net income	-	(55,912)	(55,912)
Reconciliation of funds			
Total funds brought forward			
At beginning of year	-	116,588	116,588
Total funds carried forward	-	60,676	60,676



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