A helping hand for families affected by parental Imprisonment

YSS Families First Team:

Lia Palios-Hayden

(Rebecca Lippett, Murren Harker and Kate Watton)

This document is a collection of information found online from different organisations, government websites and scholarly articles. The purpose of this pack is to provide families affected by parental or familial imprisonment with all the information necessary to navigate the criminal justice system and deal with their partner or family member going to prison.



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info@yss.org.uk
 01905 730 780

f @OfficialYSS



Title: A helping hand for families affected by parental imprisonment

Published as a support pack for families affected by parental and familial imprisonment. It is a guide of information collected across different organisation websites, government websites, scholarly articles and blogs.

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If you would like to find out more information about YSS please visit: TBC

If you would like to find out more information about the YSS Families First service please visit our website at: TBC

Or email us at familiesfirst@yss.org.uk

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Introduction to this pack

When we first started Families First back in November 2016 our aim was to support as many families as possible in Worcestershire affected by parental imprisonment.

During the initial stages of the project, we embarked on a long research period and found that there was a wealth of information and advice online covering a whole range of topics around imprisonment of a loved one. However, it was not all in one place and often could be quite overwhelming and time consuming to navigate.

The families we have worked with have come in all shapes and sizes and all have their own individual story to tell, however as we got to know these families and listened to their stories one common theme started to emerge. From the point of arrest, families feel neglected. The trauma of the arrest occurs and once the police leave, they are left feeling confused, afraid and unsure of the future. They don't understand the criminal justice system and are not provided with the right support or resources to be able to navigate it.

It was clear from these conversations that in an ideal world every family affected by imprisonment of a loved one would have a support worker assigned to guide them through the criminal justice journey from arrest to release. But alas, limited funds and a lack of centralised support, or even recognition of these families from government, means we have to explore other means of support.

This is where the Families First handbook comes in. This resource collates all the information we have found online and in journals that we believe will be of use to families entering this difficult and unwished for road. We want it to act as a one stop guide for families to access from the moment a loved one goes to prison and which will tell them everything from how to book a visit, to what prisons release looks like, as well as offering advice and guidance around telling and supporting children.

This can be used by professionals or families directly, to act as a navigational guide along the road, so they don't feel so alone and to empower them to make the right decisions and know what they're entitled to and what to expect.

With the help of some fantastic volunteers here at YSS we have been able to put this together over the last year and we are extremely proud of it.

We hope that with future funding this pack will be able to be in print as well as online and available in local agencies through Worcestershire and that the stigma and loneliness that families affected by imprisonment of a long face becomes consigned to the past.

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Firstly, thank you to our wonderful volunteers Kate Watton, Murren Harker and Rebecca Lippett who gave their precious time to the Families First project both in researching and writing up the sections. Without their support, this handbook would not have been possible.

Secondly, thank you to all the families supported by us who have bravely trusted us with their stories, helped us to understand their experiences and what support they need and who keep getting up everyday and putting one foot in front of the other, when everything seems impossible. We hope that this handbook enables families in the future to feel less alone and resilient against in difficult circumstances.

Finally thank you to all the organisations across the UK who are out there supporting families and their loved ones in prison and who have worked so hard to provide information and resources to enable both professionals and families understand the issues surrounding imprisonment of a loved one.

A full list of useful resources, UK wide organisations and references can be found at the end of this pack.

We welcome all feedback on the handbook and how we can continual to improve it -please contact us on <u>familiesfirst@yss.org.uk</u>

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References



Introduction

Who are YSS?

YSS is a local charity which was founded in 1986 with the aim of reaching and supporting individuals in our local communities who face significant life challenges and are often socially isolated. Whether we are talking about a family affected by parental imprisonment, for a veteran or for a young person in need of early help support we are there to listen and help.

Our support services aim to make people feel safe, have the opportunity to thrive and realise their potential.

We provide a wide variety of mainly community focused support for people across Worcestershire, Herefordshire, Shropshire, Telford & Wrekin and Warwickshire.

We meet people at times and places that are convenient for them in their local communities to build a rapport and understand their strengths and skills. Together we review aspects of their life which they want to improve and agree an action plan which is periodically reviewed during support sessions. Our approach is holistic and recognises that trauma and adverse childhood experiences shape who we are.

For more information on our projects, please visit TBC

To make a referral into our services, please visit TBC

What is Families First?

The Families First service at YSS was created in November 2020 to provide support for families affected by parental imprisonment across the region.

Following a successful two-year pilot, the service has now been expanded to offer support to families in Worcestershire with a close family member currently going through the criminal justice system, from the point of arrest to prison release.

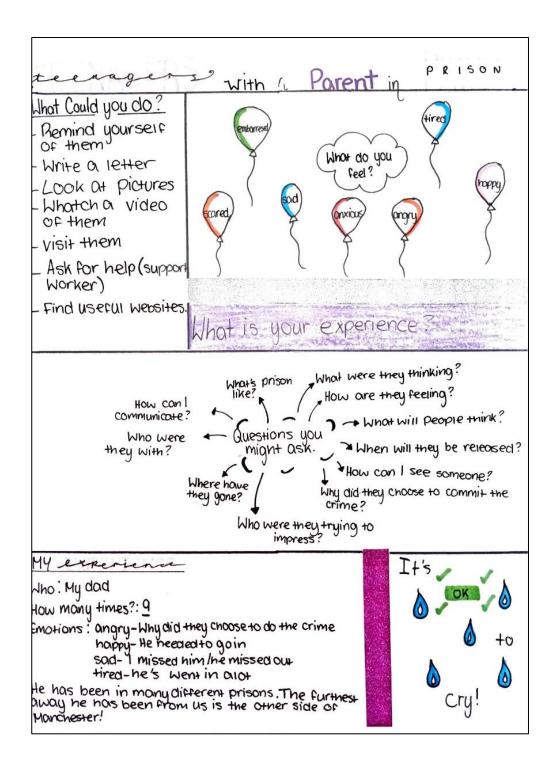
Our aim is to ensure that every family in Worcestershire affected by familial imprisonment, feels supported, informed and is given the opportunity to rebuild their lives and continue to thrive.

Families First provides support and guidance in a safe space, to enable the whole family to cope with the demands of having a family member going through the criminal justice system.

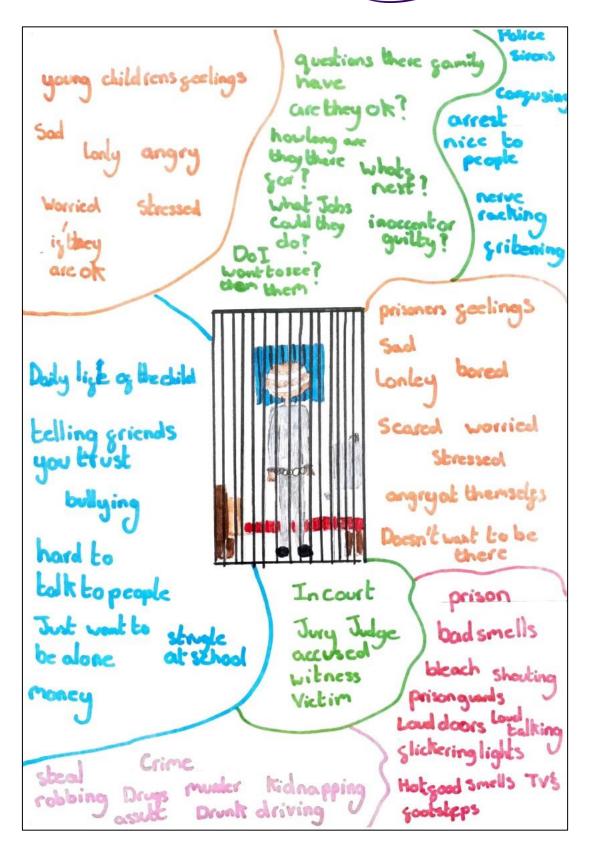
For professionals working with families in Worcestershire, Families First can offer an initial joint assessment, to determine a families emotional and practical needs. Followed by an appropriate support plan, as well as signposting towards resources and activities for children and young people.



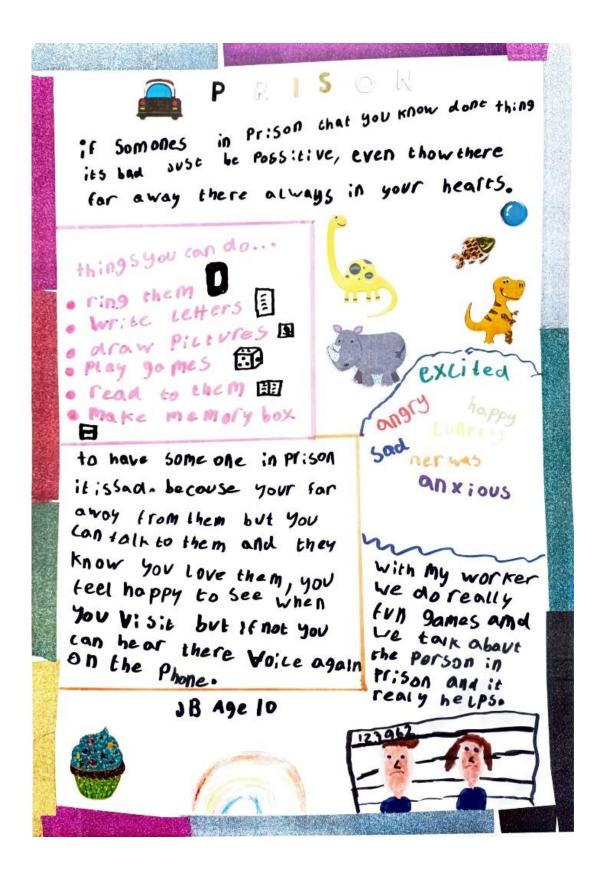
These posters were designed and drawn by some of the young people we have been supporting through the Families First service. The purpose was to show their experience to help more young people like them to better deal with what they are going through. It is their guide on what you could do when a loved ones goes to prison.



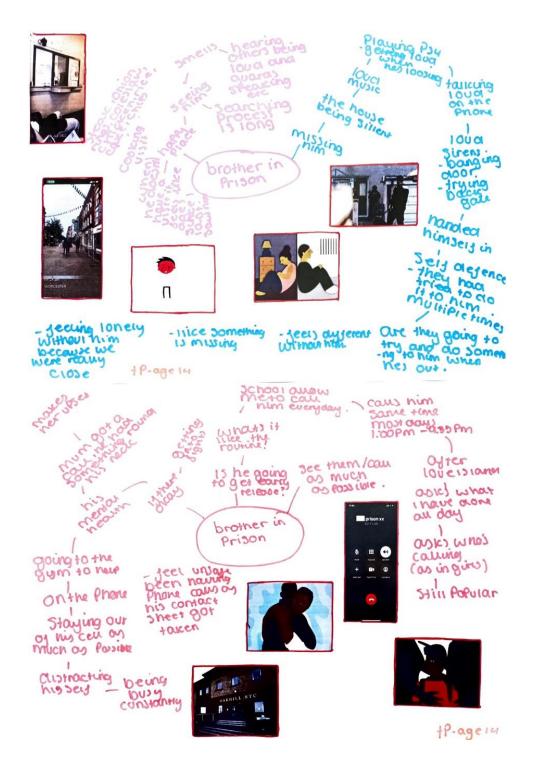
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Statistics on children with a parent in prison

How many children are there in the UK with a parent in prison?

There are an estimated 312,000 children affected by parental imprisonment in the UK annually.

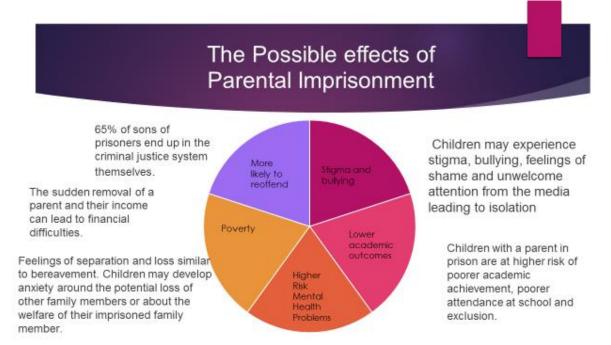
Around 17,000 of those children are affected by maternal imprisonment.

95% of children whose mother goes to prison will have to move out of their family home. Only 9% are cared for by their fathers, with 40% cared for by their grandparents.

54% of offenders have children under 18 when they enter custody.

Around 7% of children will experience parental imprisonment during their time at school.

Challenges of having a family member in prison



45% of prisoners will lose contact with their family while in prison

Children with a parent in prison are 25% more likely to suffer problems with their mental health.

Male offenders are held on average 50 miles away from home, while female prisoners are held an average of 64 miles away from home.

Parental imprisonment is identified as an Adverse Childhood Experience.

Not every child will react to the loss of a parent to prison in the same way and it is important to acknowledge that in some circumstances a parent going to prison may be a relief for a family and ensures the safety of their child.



However, common effects of parental imprisonment can include the following (*Information courtesy of Crest Advisory*¹):

Emotional Impact

- Anger/sadness at the sudden loss of a family member
- Guilt or blame
- Confusion in particular if the child has not been told where their parent is or why
- Sleep disturbances
- Inability to manage or express feelings
- Behavioural changes
- Shame or isolation

Educational Impact

- Frequent absences from school either due to poor mental health or to visit a parent in prison
- Loss of concentration
- Drop in academic performance
- Deterioration in behaviour

Financial Impact

- Loss of income
- Increased debt
- Cost of prison visits
- Benefit entitlements may change or stop

Practical Impact

- Losing the family home
 - Moving school
 - Loss of friendship networks
- Disruption of childcare routine
- Change in primary caregiver
- Stress of prison visits
- Disappointment if prison visits are cancelled

¹ <u>https://www.crestadvisory.com/post/children-of-prisoners</u>



Stigma faced by the family

Whilst being an offender or ex offender carries its own stigma, often affecting employment opportunities and future housing options, research has shown that being family members or associated in any way with offenders can also carry stigma.

What is stigma?

Stigma is defined as "A strong lack of respect for a person or a group of people or a bad opinion of them because of something they have done that society does not approve of. 2''

The stigma faced by families of prisoners, is often called **courtesy stigma**; simply by being the family of a prisoner you are deemed as guilty as they are. You may experience stigma in many ways:

- Social exclusion people avoiding you, not wanting to socialise with you and your family
- Verbal abuse and hostility
- Discrimination at work not being promoted or given more responsibility
- Children being bullied at school
- Social media abuse and bullying
- Assuming you were also involved in and new about the offence

See below some accounts from families of offenders on the courtesy stigma they have received and the effects it has had on their lives.

Accounts of courtesy stigma

Research³ on female partners of prisoners highlights that responses from friends and family ranged from the minor to severe, with some friends assuming that the partner was criminal for dating a male prisoner.

"So people are just kinda like they judge me like oh, are you serious? They always think that maybe I'm like a bad person or like they can't trust me because my boyfriend's in prison, or they think I'm also like a criminal I guess you could say".

² <u>https://dictionary.cambridge.org/dictionary/english/stigma</u>

³ (DeShay, 2021)



Social exclusion is common, when family and friends find out that their loved one is in a relationship with a male prisoner. Sometimes the reactions of friends and family, lead to the partner excluding themselves from society.

"Well, I lost like a lot of friends. I lost a lot of family because of it and you know 'cause a lot of people didn't know I was married, and then they found out and it was a big surprise. A lot of people were upset with me, so I kinda just had to just learn to live without certain people and I just kinda just oh well, and then move on like whatever makes me happy."

Research tends to illustrate that courtesy stigma is felt most severely by families of sexual offenders⁴. Some families, often end up blaming themselves for the actions of their loved one⁵.

"It was all my fault. I could have done something to prevent this from happening. You know, why didn't I make him go to church more after he turned 19? Maybe he wouldn't have had a sexual relation with a girl. Maybe I didn't instill good enough values in him so that's why it happened. Maybe I'm being punished. I don't know. I know that sounds crazy."

"This event has fractured my family. My husband has turned to drinking to dull the pain, shame and anger. Ummm, it's strange between my husband and myself – it is not something we talk about, umm, 'cause it just stresses him visibly so we don't talk about it"

⁴ Bailey & Klein, 2018; Evans et al., 2021; McLaren, 2013

⁵ Evans et al., 2021



Sometimes learning that your loved one has committed a sexual offence can drive family members to substance misuse as a way of coping with the stress. ⁶

Violent or sexual offences are more likely to end up being reported in local or national media. That means thar families whose loved one's record is publicly shared, may show signs of anxiety upon meeting new people⁷

"But the biggest thing is meeting new people or allowing people in your life that don't know... because you have to be honest; you have to be open; you have to let people in your life and this is a big thing to talk about, ... and then it'd be like... as soon as I leave their house or we leave one another, they'll be on the internet looking it up and then you've got another person that you just don't know how they're going to think or feel"

Children often feel that to avoid bullying they must keep their parent's incarceration a secret⁸

"So it was really hard because every kid was teasing me and they're like "I'm going to see my mum this weekend, what are you doing?" and then I'd be like "I don't know" and they'd be like "well at least I get to see my mum" and then it'd just be really hard especially because there's lots of bullies in primary school and high school." Rebecca, 15 yrs.

⁶ Vas, 2015

⁷ Vas, 2015

⁸ McGinley & Jones, 2018; Saunders, 2018

Making it happen

How can we manage courtesy stigma?

Stigma is a very hard thing to avoid especially when crimes are exposed by the media⁹. However, research has also highlighted that there are some good methods of managing stigma by friends, family and the general community, reducing the stress¹⁰.

1. Maintain open communication

Research suggests that one of the main reasons courtesy stigma is so damaging is because of the air of secrecy that surrounds the family, which in turn can cause a fear around interacting in the community. Children in particular have been shown to struggle with this secrecy, and struggle to get support from schools when needed.

It is suggested that you communicate openly about the circumstances of your loved one's imprisonment with your trusted family members and children. This has been shown to reduce pressure from courtesy stigma.

The effects of courtesy stigma are made even more apparent when people close to your family judge your circumstances. Research found that women were better able to cope with courtesy stigma when they cut out those who would discriminate against them.

3. Join an online community

There are no limits to social media blogs of likeminded individuals to engage in. These discussion forums offer advice, supportive messages, and a place to vent where otherwise it can be frowned upon. Online communities within the UK for families of incarcerated include:

Prison Chat UK - https://prisonchatuk.com/ - For families of those in the UK prison system

LinkIn (Prisoner & Family Support) LinkIn (Prisoner & Family Support) UK | Facebook - A Facebook Page sharing information and advice for families of prisoners

PACT – Peer Support Groups - <u>https://www.prisonadvice.org.uk/peer-support-groups</u> - A peer support group of 5-7 people are also experiencing familial incarceration. It is run via Zoom twice a month.

⁹ Vas, 2015

¹⁰ DeShay et al., 2021; Luther, 2016; McGinley & Jones, 2018; Noel & Green, 2021; Zhang & Flynn, 2019



Many UK prisons also run Zoom online family support groups. Please contact the family team at the prison visitor centre for more information.

Please be aware of what you share on these forums in terms of personal information. Do not provide anyone you do not directly know with specific details about your address/circumstances.

4. Get professional help

Sometimes outside of online support groups, families need a little extra help to manage the weight of courtesy stigma. There are many forms of support out there depending on your needs and circumstances. Please see the <u>Further Information</u> section at the end of this document.



Telling the Children

Here are some top tips from Spurgeons¹¹ on telling your child that their parent has gone to prison.

- Talk to them as soon as possible
- Explain where there parent is and why
- Reassure them
- Listen to them
- Offer them someone else to talk to
- Share your own feelings
- Don't paint the parent as a bad person
- Let them know you are there for them
- Be prepared for unusual behaviour
- Treat each child individually
- Think about talking to their school
- Think about ways they can stay in touch with their parent
- Be mindful

Should I tell the children that their parent is in prison?

This really is a personal choice; however often when children are not told the truth they tend to engage in *'magical thinking'*, which is where they fill in the gaps and may make incorrect and potentially distressing assumptions.

For example, they may assume they have been abandoned by the parent and that it was all their fault. Research suggests that being honest with a child improves their resilience when coping with social stigma in schools. However, despite your honest approach becoming a successful tool in supporting the child's rights and needs, there will remain, many hurdles along the way.

• Visit <u>https://sesamestreetincommunities.org/topics/incarceration</u>. The website has lots of activities that can be done with children to make communication easier.

¹¹ <u>https://spurgeons.org/top-tips-for-families/</u>



Help in the Community

Should I tell the school?

Many caregivers of children with an imprisoned family member struggle with this question. Caregivers can feel shame upon telling others about their life situations and there is often an air of secrecy around parental imprisonment, particularly if the child does not know or has been told to remain silent. In this section, we hope to inform you of the benefits of telling your child's school, address some of the common concerns you might have and how you might go about telling the school.

Why should you tell the school? How can the school help?

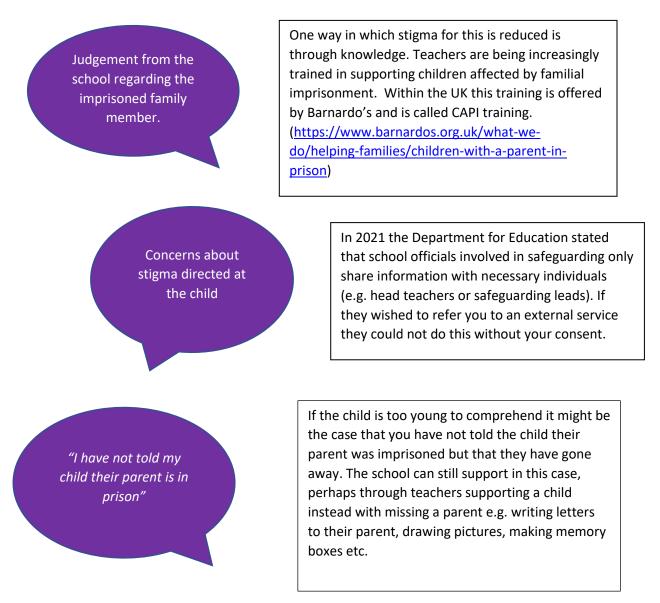
There are many reasons to tell the school – reasons that are not solely for the benefit of the child but can also be beneficial to other family members.

Support for child	 Teachers/The Pastoral team can be more proactive in providing support for the child - instead of waiting for behavioural problems that may arise. School year interventions can be put in place to reduce stigma from other children about parental incarceration. Teachers can monitor the child for any behavourial or emotional effects and not immediately assume they are just the result of bad behaviour.
Support for caregiver/ family	 School officials can refer you to external support agencies/charities that might be helpful and who are specialised in working with children affected by parental imprisonment. School officials themselves are often trained in supporting children with family members in prison and can assist you with telling your child if you have not already done so.
Academic support	 Knowledge of parental imprisonment, and any changes in circumnstances (ie new caregivers) can help teachers contact right person for any extracurricular activities. Knowledge of parental imprisonment can help teachers supporting children who make prison visits during the week, in terms of delivering increased academic support.



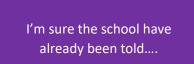
By informing the school of your change in circumstances, you are likely to find that a wealth of discreet support becomes available for you. Teachers have a duty to recognize and counsel grief related behaviours. This is a significant way of taking preventative action as early as possible.

It is understandable that you may feel all sorts of emotions which convince you to keep this information within your family. However, it is worth remembering that children can often be confused by their own emotions. They may benefit from having someone outside of the family, making sense of the situation for them, in a way that they can understand. Teachers and other family support representatives are highly trained to support children in just these circumstances.



Common concerns when telling the school





Unless a safeguarding issue (e.g. abuse or neglect) has been identified, schools will not be informed in the UK.

Teachers will not necessarily refer to social services straight away unless there is a considerable concern of immediate danger (abuse or neglect.) There are lots of charities and other support agencies outside of local authorities who schools can refer to and who can provide invaluable support.

Fear of social services when accessing early help.

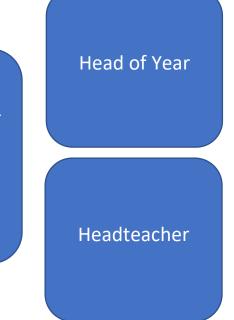
Who should I tell at the school?

You may decide you want to tell the school but are unsure who specifically to approach and how much to tell. Ultimately, you can tell any trusted member of your children's school – but if you are not sure these are some suggestions. In addition, you can provide as much detail as you feel comfortable with.

Pastoral Support

Class Teacher

Designated Safeguarding Lead-DSL (the school's website should state who the DSL is).





What should I tell them?

- The occurrence of parental imprisonment (the amount of details you share are entirely up to you)
- Who is now the primary guardian
- Dates that you might be visiting the imprisoned parent (for teachers to approve absences)
- Whether the child knows the truth about their parent's location (if not, what they know about their parents' absence)
- When the imprisoned parent is due for release
- Whether there has been any information in the local or national media
- What behaviour or emotions your child is displaying at home

S Making it happen:

Financial Support

a. Financial Support with prison visits

When visiting a loved one in prison, there can be several expenses to consider each time:

- Transport costs
 - Petrol
 - Parking costs
 - Public transport
- Overnight stays if the prison is too far for a day trip
- Food at the prison and meals if staying overnight

If you are struggling with the cost of visiting, you may be entitled to some financial support through the **Assisted Prison Visits Scheme (APVS)**. This is a government scheme.

To be eligible you to be the close relative of a prisoner, meaning:

- Parent
- Sibling
- Step-parent
- Step-child
- Grandparent
- Partner

In receipt of the following:

- Income Support
- Income related Employment and Support Allowance
- Income Based Job Seeker's Allowance
- Working Tax Credits (with disability or child tax)
- Child tax credits
- Pension Credit
- Universal Credit

The scheme will pay for:

- Support for two visits every 28 days
- Maximum of 26 visits per year
- Contribution towards travel costs by rail, bus, own car, ferry, car hire and air travel.
- Light refreshment allowance if you're away from home for more than 5 hours
- Contribution towards overnight costs in limited circumstances
- Contribution towards petrol costs or the cheapest method of public transport
- The cost of a registered child minder or breakfast/after school club, may be considered, if you do not wish to take your child under 16

On a low income and hold a HC2 or HC3 certificate.



You can either claim your costs back once you have visited **within 28 days of the visit**, or if you cannot afford to pay initially, you can claim prior to the visit.

- Please keep all the receipts to be able to claim.
- Get a **confirmation of visit form** stamped at the prison you will not be able to claim if you arrived at the prison, but for some reason were refused entry.

How will I be paid?

Directly into your bank account or by payment voucher, which can be exchanged at the Post Office.

How to claim

The quickest way to claim online is using the website below. You will need an email address to use this option and will need to upload the required documents.

https://www.gov.uk/help-with-prison-visits

If struggling with the claim online option, you can use the Digital Assist phone line on 0300 063 2100.

To claim you will need the following.

- Prisoner Number
- The date of the visit
- National Insurance Number
- Receipts
- Prison visit form stamped by the prison



b. Support for day to day living

If your partner has gone into prison and you are now living alone, you will be classified as a single person/lone parent and may now be entitled to benefits.

What if I already claim benefits?

If you already claim benefits, you should let your benefits office know as soon as possible that your partner has gone to prison (regardless of whether they are on remand or serving a sentence).



If you do not report these changes within a month, you may be liable for a fine!

They will be able to advise you whether your benefits entitlement will be affected and whether you are entitled to anything additional.

Universal credit – you should update your journal to indicate your change in circumstances.

What could I be entitled to?

Universal Credit

Universal Credit is a payment to help with your living costs which is paid monthly. To be eligible you must be:

- On a low income or out of work
- **Over 18**
- Under state pension age
- You and your partner have less than £16,000 in savings between you

Housing Benefits

Partner was previously claiming housing benefits

- Your partner will need to write to the Housing Benefit Office to advise them that they are in prison. You will then need to make a new claim for Housing Benefit. You may need to have your name added to the tenancy agreement if it's not there already.
- You can claim joint Housing Benefit for up to 13 weeks if one of you has gone to prison and is likely to return home in 13 weeks or less including any time on remand.
- If your partner is due to be in prison for less than 52 weeks and you intend to continue to live together afterwards you will still be treated as a couple.



Can I make a claim for housing benefits if we were not previously getting them?

You can get help with your housing if you're eligible for **Universal Credit** and this will be your housing payment. The housing payment will help you to pay your rent or interest payments on your mortgage.

Support with council tax

- Tell your local council that your partner is in prison, as you may not have to pay council tax, or your council tax may be reduced.
- If your partner will be absent for more than 13 weeks and you are the only adult in the property you can apply for a 25% discount on your council tax if you don't already receive it.
- If your partner is on remand and/or in prison and is expected home in less than a year you can still apply for/receive a Council Tax Reduction.

Support with my mortgage

- If you live in a mortgaged property and are struggling to pay your mortgage in full you may be able to claim a **Support for Mortgage Interest (SMI) loan** to cover the interest part of your mortgage.
- This is a loan which you will have to repay with interest when you sell your home. To be eligible you usually need to be claiming benefits already. Contact your benefits office to see if you are eligible.
- You should also let your Mortgage Company or bank know that your partner is now in prison, as they may be able to provide some flexibility with payments.

Child Tax Credit

If you are claiming child tax credit when you're partner goes to prison, your child tax credit will continue, but you should let the benefits office know of your change in circumstance.



Child Benefit

Your child benefit will continue if your partner goes to prison.

If you're looking after your partner's child or someone else's child while they're in prison you may be able to claim Child Benefit. For more information please go to <u>https://www.gov.uk/child-benefit</u>

For more information please visit - https://www.gov.uk/benefits-and-prison

If you are still unsure if you are entitled to benefits you can use a benefits calculator such as the one at Turn2US - <u>https://benefits-</u>

calculator.turn2us.org.uk/AboutYou?utm_source=BAdviser&utm_medium=referral&utm_campaign =GovUK

You may be entitled to other support with your housing or energy payments. For more information please go to the following website:

https://www.gov.uk/universal-credit/other-financial-support

c. What to do if your partner gets into debt

In this case, you may need to handle their debts for them. You can speak to their creditors if they have given them permission to talk to you, if not their creditors may not speak to you and your partner may have to sign a document that authorises you to act on their behalf.

You can ask for a payment break until your partner is released from prison, so the missed payments during this period will usually be treated as arrears and interest and charges may continue to be added.

However, if you have joint debts, then the creditor will expect you to make the full payment yourself. If you live together then you will also be expected to cover household costs like rent/mortgage, council tax and utility bills yourself.

If you are worried about a debt problem, please contact

https://www.stepchange.org/how-we-help/debt-advice.aspx

Also see our section on financial support.

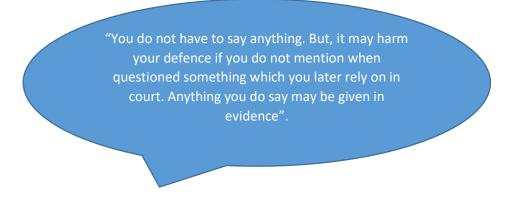
S Making it happen!

Understanding the criminal justice system

Arrest

When a police officer makes an arrest, the rights of the suspect must be respected under The Human Rights Act 1998.

Once an arrest has been made, the suspect will be cautioned. A caution is worded like this:



If the arrest is conducted away from a police station, a search can be carried out in context of the alleged crime. For example, if the act is drug dealing, the suspect can expect to have their pockets searched at the time of arrest.

The suspect will usually be escorted to a designated police station *immediately* thereafter to be searched, booked in, and read their rights.



This must be a police station with custody cells, so may not be your closest one.

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a. The Process at the Police Station



Suspect will be read their rights.

- •To have someone informed of their arrest and current location.
- •To consult privately with a solicitor and receive free legal advice.
- •Receive medical help if they feel unwell.
- •To consult PACE Act 1984 Codes of Practice.
- •See a written notice of their rights
- •If under 18 to have a parent/guardian/appropriate adult contacted

Searches and samples

- •The suspect will be searched and all possession will be kept safe, with a note made of everything confiscated.
- •Photos, fingerprints and DNA samples (mouth swab), will be taken. No permission is needed for this.
- •Blood, urine or dental impressions may be taken. Permission is required from the suspect, unless they are arrested for drunk or drug driving.

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Search and statements	Detention time	Charging decision
 Depending on the crime, officers and the forensic team could examine the property the suspect was arrested in and any other relevant properties (This could be your home, a relative or friend's house.) Witness statements including from the suspect will be taken. 	 The police can hold the suspect for up to 24 hours before they have to charge or release them They can apply to the courts to extend the custody time to 36 or 96 hours if they feel they need more time and the crime is serious enough. 	 If the investigation concludes there should be a minor charge or 'no further action,' the suspect is released from custody. If there is enough evidence to bring a charge, a formal charge will be read to them whilst they remain in the police station. Depending on the crime, they may either be released on bail or without bail. A suspect charged with a serious crime will be detained in custody and attend court at the next possible hearing.

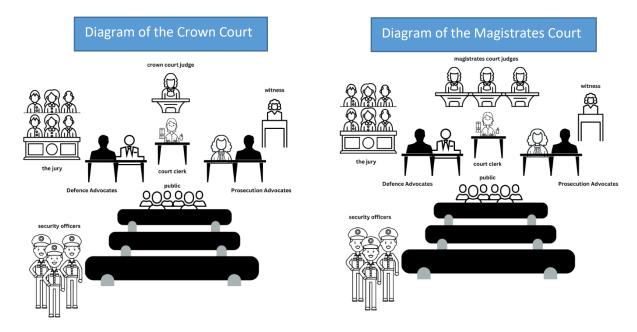
Remand not bail?

A suspect will not always be entitled to bail, which is why they will be held (**remanded**) in custody until their trial date. There can be a number of reasons for this:

- Previous convictions for similar offences
- Reason to believe they may fail to turn up at trial
- Reason to believe they may interfere with witnesses or obstruct the case
- Reasonable grounds to believe they would commit further offences before their trial
- Alleged they committed the offence while currently on bail
- Previously been released on conditional bail and did not comply with those conditions
- Tested positive for drugs but will not agree to a drug assessment or treatment.
- For their own protection
- Already a serving prisoner
- Not enough information



<u>Court</u>



In a court room you can expect to see the following persons:

Crown Court Judge - The judge makes sure the trial is fair and is in charge of everything that happens in court. They will ultimately decide the sentence if the accused is found guilty. They sit at the front of the court.

The Jury - The jury consists of 12 members of the general public above the age of 18 and below the age of 70. They are present only in Crown Court.

Magistrates judge – Magistrates judges are members of the general public who have volunteered for the role. There are normally three at every trial and they are supported by a legal advisor.

Prosecution advocates – The name for the prosecution solicitors and barristers who prepare and prosecute the case against the accused. They are present in both magistrates and crown courts.

Defence advocates – The name for the solicitors and barristers who support and argue for the accused.

Witnesses – They give evidence and answer questions from the witness box. Young or vulnerable witnesses may be able to give evidence via video link or from behind a screen.

Usher – They are responsible for preparing the courtroom, checking the witnesses, defendants, solicitors and barristers are present. They call defendants and witnesses into court. They will explain when and how to say the oath. In Crown Court they are also responsible for escorting the jury in and out of the court room and taking messages between the judge and jury.



The Court Clerk – They sit at the front of court and prepare the laptops/screens used to present evidence during the trial. They read the formal charges and take oaths from members of the jury. They also make notes during the trial.

Security officers – They are there to keep everyone safe. They complete security searches of bags, coats and pockets to ensure no-one brings in restricted items. They are also there to deal with any outbursts or episodes of violence.

Probation Officer – They will assist the court by providing risk assessments, advice on sentencing and bail or license breaches.

Who's who in court - Victim Support

HMCTS who's who: Crown Court - GOV.UK (www.gov.uk)

What happens at the court?

Most cases will be heard in the Magistrates court.

If the charged offence is serious, such as rape, murder, or robbery, they will first be heard in the Magistrates Court when the evidence will be examined, before being sent for a trial hearing in a Crown Court.

There is usually a considerable delay between the magistrate's court and crown court hearing, this is to give both the defence and prosecution time to prepare their cases.

It is in the Crown Court that sentencing would be handed down (usually at a later date) unless found not guilty.

In very serious criminal cases heard at court, a panel of jury members will deliberate a guilty or nonguilty verdict. The task is to deliberate the facts and decide if there is guilt **beyond reasonable doubt**.

Prior to going to court

If you believe there is a strong possibility that a custodial sentence may be given to your family member, see our advice below.



- If the person due to be sentenced oversaw most of the household bills etc, get them to complete a form showing what needs to be paid and when and important numbers to call.
- It is useful to give your family member a small amount of cash to keep on them which can be placed in their personal account if they are sentenced or remanded in custody
- Ask them to give any valuable possessions to their family and friends for safekeeping. This will not be so easy after sentencing.
- It is helpful to write down key contacts for them on a bit of paper for them to take to the prison with them, so they can pass them onto the staff and let you know as soon as they have arrived and can feasibly do so.

Checklist				
	Packing list for court			
	Writing paper, envelopes and stamps			
	Prescribed medication in it's original packaging			
	Money to purchase phone cards, clothing and toiletries.			
	A notebook containing important contact numbers			
	Basic clothing suitable for a prison environment. (jogging bottoms, plain tops, socks and underwear.			

Following receipt of a custodial sentence

- After being **remanded/sentenced** your family member will be taken down to the court cells, where they may see their solicitor/barrister and possibly the **Duty Probation Officer**. They will explain the sentence to them and give them advice about the possibility of an appeal.
- Family and friends will not be given access, but you can consult with the solicitor or barrister to confirm which prison your family member will be taken to.
- In the court cells, they will have their personal possessions removed, documented and bagged to be taken with them to prison
- They may have a long wait in the cells until the escort vehicle is ready to collect them
- If you have concerns about the health and wellbeing of your family member let the probation team at court know so that the info can be passed onto the escort staff and reception staff at the prison
- Female and male prisoners may be transported in the same van

Where will they go?

Most people will be sent to a **local reception prison** following their court hearing. The defence solicitor should be able to confirm to the family what prison that is. There may be some circumstances in which they will be taken to a different prison further away. This could be if the prison is full, or in the case of women, the nearest female prison is quite far away.



Sentencing and remand

Remanded in custody

If your family member has been told they will be remanded in custody, they will be detained in prison until a trial date or sentencing hearing is set. Most prisoners on remand have entered a non-guilty plea and have not yet been convicted of anything.

For this reason they will have a different set of rights to those already convicted. (Please see box below)

If they are found guilty at trial, the time spent on remand will be deducted from their final sentence.

A person can also be convicted, but then remain in custody until a sentencing hearing at a later date. This is called '**Judges remand'** – they are no longer entitled at this point to previous privileges and will be treated the same as a sentenced prisoner.

Differences in regime	Remand prisoner	Convicted Prisoner
Clothing	Own clothes	Prison clothing
Voting	Entitled to vote	Not entitled to vote
Income	Can retain extra private cash	Access to private cash strictly limited
Business	Reasonable activity to maintain business interests	No provision to maintain business interests
Health	Can be treated by own doctor and dentist if they wish	Treated by prison medical staff
Education and work	90 mins visiting per week minimum	Must work and attend education as directed or be penalised via the Incentives and earned privileges scheme
Visits	Entitled to a min of 90 mins visiting per week	Entitled to a min of 60 mins visiting per month
Legal	Access to facilities to seek release on bail and prepare for trial.	
Benefits	Retain entitlement to state benefits such as Incapacity benefit and retirement pension. No entitlement to Job seekers or income support	Not entitled to any state benefits, except Housing benefit – (see below for more details)
Housing	Retain entitlement to state assistance and help with mortgage interest. Entitled to claim housing benefit for up to 52 weeks.	Entitled to claim housing benefit where the time in prison (including time spent on remand) is less than 13 weeks.



Sentencing – factors that will be considered by the judge when they decide on the sentence.

The Offence	 What's the maximum sentence? Are there any non-custodial options available? Fine Community Service Driving ban Course attendance
Guilty plea	 Did the defendant plead guilty? If so, when? An early plea can reduce a sentence by up to a third
Factors that increase the severity of the offence	 Impact on the victim (serious physical or mental damage, or death) Actions committed by the defendant (planning in advance, use of weapons, targeting vulnerable victims) Defendant already on bail for another crime Hate crime (prejudice or discrimnation.)
Factors that decrease the severity of the offence	 Playing a minor role in the crime Limited injury/loss to the victim Acting on impulse Unintended consequences
Circumstances of the offender	 Age of the offender Relevant previous convictions Personal circumstances of the offender Primary carer for children or elderly relatives Addiction issues Debt problems Defendants attitude to the offence (do they show remorse?)



What happens at the sentencing hearing?

Sentencing hearings are held on a later date following a trial hearing when a guilty verdict has been reached, so that a pre-sentence report can be prepared. In some cases, the time lapse may simply serve to allow judges time to consider the sentence to be imposed.

During the sentence hearing, the victim will have the opportunity to explain to the court how the crime impacted them. A Police officer may also have the opportunity to explain to the court how the crime has affected the community.

The judge will read out any prior convictions or cautions held by the accused. The prosecution may discuss with the court any compensation recommended to the victim or restraining orders.

Once this is all done, the defence will use this opportunity to explain to the court the offender's circumstances at the time of the crime and anything they feel should be taken into account when the judge decides the sentence. They may explain issues of poverty, addiction or poor mental health that could have influenced the criminal act.

The defence will argue that considerations must be taken into account when the judge deliberates the sentence to be handed down. Sometimes, the defence may argue that a non-custodial sentence would be more appropriate.

The judge/magistrates will take time in their chambers to discuss their thoughts on what the sentence should be for the individual. In complex cases, this may take some time. However, once the decision on sentencing is made, the Judge/Magistrates will return to the court room and give an overview of their thoughts on this person's behaviour and character. The sentence will then be announced to the court. There are several different types of sentences, which can be split into **custodial (to be served in prison)** and **non-custodial sentences (to be served in the community)**.



These sentences only apply to adults and do not include sentences given to accused adults with mental or neurological disorders or children and young people.



Non-Custodial Sentences

Discharges	Given for the least serious offences. There is no further action once the accused leaves court, but they do get a criminal record. They may be given a conditional discharge , which means if they commit another crime they can be sentenced for both offences.
Fines	Fines are also given for lower-level offences. The fine will be set based on the seriousness of the offence and what the accused can afford to pay.
Community sentences	 This involves some form of punishment combined with activities in the community. This may include: Unpaid work Alcohol or drug treatment Keeping to a curfew Living at a particular address and not going abroad. Taking part in an offending behaviour change course Not being able to go to certain areas



Custodial Sentences

Suspended sentences	If the accused is given a sentence of between 14 days and two years (or 6 months in magistrates court), the judge or magistrate can choose to suspend the sentence for up to 2 years. This means that instead of going to prison, the accused is given the opportunity to return to the community and meet certain requirements of the court. If they do not stick to these or commit another offence, they are likely to e sent to prison to serve their original sentence, as well as any additional time for the new offence.
Determinate Prison Sentence	This is when the court sets a fixed amount of time for the accused to serve in prison. The sentence is the max amount of time they will serve, but they may not serve it in full. <u>Please</u> <u>see below for more information</u> .
Extended sentences	These sentences may be given to the accused if they are guilty of a violent, sexual or terrorism offence and they are deemed a significant risk to the public, but a life sentence is not justified. The judge will decide how long they will stay in prison and fixes the extended license for a max period of 8 years. Two thirds of the way through their custodial sentence they can apply for parole.
Life sentence	When passing a life sentence, the judge will specify the minimum time the offender must spend in prison before being eligible for parole. Applying for parole doesn't necessarily mean they will get released. But they can apply again after two years.
Whole life order	This is for the most serious of offences. The life sentence with a whole life order means the accused will never be released from prison.

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The following table is an up-to-date indication of custody and licence time scales for offenders. The information has been sourced from **The Sentencing Council UK¹²**.

Sentence imposed by court	Period in custody before release	Arrangements on release
6 month sentence	3 months	3 months' licence and 9 months' post-sentence supervision. Total supervision 12 months
10 month sentence	5 months	5 months' licence and 7 months' post-sentence supervision. Total supervision 12 months
18 month sentence	9 months	9 months' licence and 3 months' post-sentence supervision. Total supervision 12 months
3 year sentence	18 months	18 months' licence
6 year sentence	3 years	3 years' licence

¹² Determinate prison sentences – Sentencing (sentencingcouncil.org.uk)



Prisons

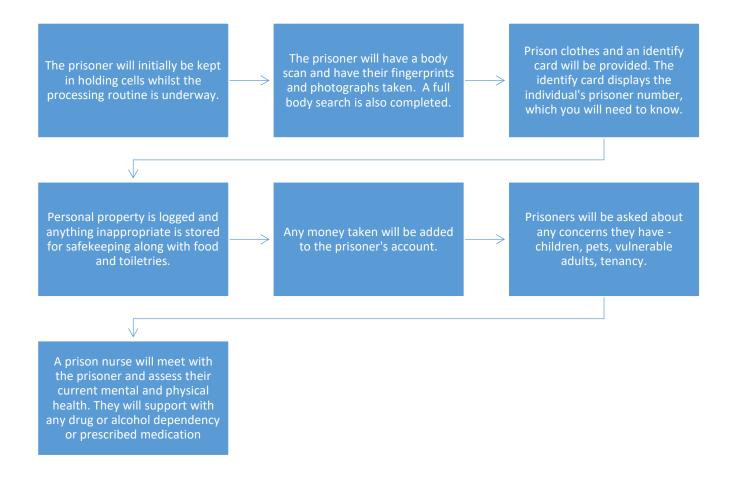
Going into prison – What you need to know.

How will I know which Prison has been allocated for my loved one?

In most cases, a Prisoner will be allowed a telephone call to one person in order to let them know where they are, once they arrive. Please remember that their mobile phone will have been confiscated, so contact will depend on whether they can remember your number, or brought numbers with them on paper. From that point until you next hear from them, you can look up the Prison and its rules for getting in touch, booking visits and sending in items. This link will give you the A to Z of Prisons and all you need to know in the first few days. Prisons in England and Wales - GOV.UK (www.gov.uk)

When your loved one arrives at the Prison what happens next?

Quite often, processing a new prisoner can take time as the paperwork involved is thorough. The processing routine begins upon arrival at the Prison.





Some Prisons also have a '**Safer Custody Team'** hotline number of which the Prison can give you the details once you know of your loved one's location. Should you become worried about the welfare or mental health of your loved one, you can call and speak to someone in confidence and support will be given. In addition, your concerns would be discreetly passed onto the medical team with your permission. (See Safer Custody section)

What is the induction period?

Once a Prisoner has been through the processing routine as discussed above, they will be taken onto their wing. For most, this would be an induction wing where a new Prisoner can expect to spend anything up to three weeks before being allocated a more permanent wing. At the Prisons soonest available time, an induction period will begin. This involves the following:

- Attending lectures and presentations which will discuss Prison job and education opportunities
- General rules and guidelines on personal conduct
- Details on visitation rules
- Prison clothing guidelines
- Guidance on how to have personal belongings sent in from family
- Guidance on using the gym and the canteen.

How soon after their Prison arrival can I send my loved one gifts or essential items?

After the induction period. Therefore, you may have anything between a few days and a couple of weeks.

The first week or so it is normal not to have too much contact with your family member as the prison gets them settled. Your phone number then needs to be approved and this can take 1-2 days.

It is the responsibility of your loved one to contact you at their first possible chance, at which point they can let you have their Prisoner identification number. Once you have this, you can send items in. Be aware that everything, even sheets of paper, are put through high tech scanning systems. Anything found to contain **contra-ban items** will be confiscated.

(See section below regarding sending in money)

Is drug support provided in Prison?

Yes, it is. Each Prison has its own dedicated drugs management and awareness team available to all Prisoners, even if there is no history of prior drug use. Full support is on hand for those who need it at any time¹³

¹³ Doing Time, 2014



Property in prison

Each prison has their own rules regarding property and how a prisoner can obtain the items they require.

For convicted prisoners, loved ones are no longer allowed to send in items. Prisoners now must purchase all items through the prison such as food or drink, tobacco or cigarettes, or toiletries. Magazines and newspapers can be purchased for the prisoner but only through a local newsagent with whom the prison has an arrangement. Please check with the prison before purchasing or sending any items, and if the prisoner transfers to another prison, then the property rules may change.

If your partner does not have enough clothes, the prison will provide them with suitable clothing to keep them clean and warm and will also provide them with soap and toothpaste. If your partner wishes to buy any extras from the prison shop or canteen, the money will be directly debited from the prisoners' account.

Your partner is able to earn money to buy things from either participating in a course or from having a job within the prison, which is paid on an average weekly wage of about £10. If your partner does not have a job, then they will be given an unemployment allowance which is around 50p per day.

Sending in money to prison

There are limits on what prisoners can spend each week depending on whether they are on remand or convicted and how well behaved they been.

To send money to prisoners you can use the link below via the government website. They accept payment via Visa, Mastercard or Maestro debit card.

The money takes on average 3 days to reach the prisoner's account and the service is free and secure and available for all prisons in England and Wales.

Unfortunately it is now no longer possible to send money by bank transfer, cheque, postal order or cash. <u>www.gov.uk/send-prisoner-money</u>

The money you send will be transferred over to their private account and then once per week it will be transferred (a portion) to their spending account. The max transfer amount for new prisoners is – remand (£35) and convicted (£10).

You will need the prisoner's date of birth and prisoner number to be able to use the service.

You may be able to apply for an exemption if:

- You are unable to use a smart phone, computer or the internet
- You do not have a debit card

https://send-money-to-prisoner.service.gov.uk/en-gb/help/apply-for-exemption/



Prison Categories

Following a prisoner's sentencing they will initially be taken to a local reception prison. It's important to note that this may only be temporary and will allow the prison to conduct an assessment to determine what category of prison they should be placed in for the majority of their sentence.

A prisoner with a sentence less than 4 years, may spend their whole time in the local prison, but if the sentence is more than 4 years they will be transferred.

Male Prisons

Category A Prisoners deemed to be the highest risk to the general public.

- •Offences that may result in category A status:
- •Attempted murder
- Manslaughter
- •Wounding with intent
- •Rape
- Indecent Assault
- Robbery or conspiracy to rob with firearms
- •Importing or supplying class A controlled drugs
- •Terrorism offences

Category B

Reception and Training prisons

- •This includes reception prisons which take prisoners direct from the courts.
- Prisoners on remand will be CAT B.
- •Training prisons that house long term prisoners can also be category B
- A prisoner will automatically be categorised as CAT B unless they have committed one of the CAT A offences.

Category C

Training and Resettlement prisons

•These prisons provide prisoners with training and educational opportunities and aid resettlement back into the community upon release.

Category D

- Minimal security
- •Allow prisoners to spend the day away from the prison on license carrying out work, education or other resetItement work.

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Female Prisons

Category A

- Prisoners who have previously escaped.
- •Those deemed highly dangerous to the public and require additional security measures to limit the chances of escape.
- •It is very rare for female prisoners to be categorised in this way.

Restricted Status

- Prisoners whose escape would pose a significant risk to the general public .
- •Required to be held in designted secure accomodation.
- •Those on remand as well as convicted prisoners.

Closed conditions

• Prisoners who do not pose a high risk to the public, but who are too high risk for open conditions.

Open conditions

• Prisoners who present a low risk to the public

•Those who can be reasonably trusted in open conditions



Can a prisoner move categories?

A prisoner will be initially assessed when they first enter prison and then they will continue to be assessed during their full sentence. If their risk has significantly raised or lowered, then the prison staff can put in process their transfer to a new prison.

Male prisoners

Sentences between:

- 1 year 4 years (assessment every 6 months)
- More than 4 years (Assessed every year until the last 2 years of their custodial sentence -then it will be every 6 months
- Category A Prison staff work with Prison Service Head Office to check security
- **Category D** prisoners will not need to be re-categorised unless their risks have changed.
- Indeterminate sentence Sentence and Planning review meetings at least every 12 months

Female Prisoners

- More than 4 years sentence Categorisation review every 12 months
- More than 12 months, but less than 4 years Categorisation review every 6 months
- Those in the last 24 months of their sentence Categorisation review every 6 months

Prisoners can appeal against their re-categorisation after an assessment, by logging a complaint with the prison complaints system. Prison staff are then responsible for providing the reasons behind their decision.

The speed of progression depends on how the prisoner has reacted to the prison rules and regulations and how they have behaved while in custody.

Prisoners may be transferred from one prison to another for a number of reasons. For example:

- Their security category has changed
- So that they can serve the final weeks of their sentence in a prison nearer their home
- The prisoner's sentence plan requires them to complete a course which is not available at the prison they are in
- They are behaving in a disruptive way
- Category A prisoners are routinely moved from time to time for security reasons
- For their own safety if they are being bullied
- If their main visitor has a medical problem making visits impossible

For security reasons, they will not be informed of exactly when they are going to move until just before. You might get a hint that they will be transferred because visits are cancelled. But you and they won't know the day or time. They will be allowed to call you once they settle into the new



prison. An induction period will apply, similar to when they first arrived in prison. (You might not be able to contact them for 1-2 weeks).

Open Prisons (males and females)

A prisoner can only spend two years maximum in an open prison, so they will not be transferred there if they have more than two years left on their sentence.

A Prisoner may not be re-categorised for open conditions if the following applies:

- They have previously escaped from prison
- Significant history of serious offending
- If they are serving an **IPP sentence** (no longer handed out)— will only be transferred following a recommendation by the Parole board and a decision by the Secretary of State

Open prisons have a more relaxed security regime. Prisoners are able to wander around freely within the prison but must show up for the daily register. If they disobey the regulations they can be sent back to a closed prison.

Prisoners usually have single rooms with their own keys. Rooms can contain a small TV, bed, locker, table and chair. There is also a wider range of catering options available.

Specialist services providing help with job preparation, finding accommodation, debt, drug and alcohol counselling.

Academic classes, business studies, technical training – paid and voluntary work in the community for long term prisoners. Horticulture and vocational activities on site



Prison Units

.

There are many different units in prisons, serving different functions – which are often referred to by their acronym. Please see below key units and descriptions of their purpose

Vulnerable Persons Unit (VPU)	 VPUs are units where prisoners are held if they are perceived to be in danger by other prisoners Sometimes, a prisoner may spend time in the segregation unit before moving to the VPU.
Segregation Unit Also known as the 'Care and Segregation Unit (CSU)' or the 'Special Secure Unit'	 The segregation unit holds prisoners who are deemed at risk to other prisoners for a determined amount of time. Those who are determined to be a very high risk are kept in a Special Secure Unit (SSU)
Therapeutic Communities (TCs)	•Therapeutic communities are units within prisons (or can be a regime behind an entire prison) that are geared toward facilitating recovery from substance misuse or more recently used with sex offenders.
Protected Witness Unit (PWU)	 Protected witness units are secure places for prisoners who have revealed key information about organised crimes groups.
Integrated Support Units (ISU)	•The integrated support unit is a relatively new separate unit specifically designed to aid in treatment of severe or complex mental illness (e.g. Schizophrenia, severe Depression or Anxiety.)
Enhanced Units (EUs)	•These are units for prisoners who have demonstrated good behaviour, have helped other prisoners and/or are engaging actively in their rehabilitation). These units might have access to television, prisoners might be able to wear their own clothes and might also be able to spend more money during the week.

(Vulnerable Person's Unit¹⁴, Segregation Unit¹⁵, Therapeutic Communities¹⁶¹⁷, Protected Witness Unit (PWU)¹⁸, Integrated Support Units (ISU)¹⁹, Enhanced Units (EUs)²⁰)

- ¹⁴ Nicholls & Webster, 2018
- ¹⁵ Prison Reform Trust, n.d.
- ¹⁶ Campling, 2001; Malivert et al., 2012
- ¹⁷ Blagden et al, 2016
- ¹⁸ HM Chief Inspector of Prisons, 2015
- ¹⁹ Dyer et al., 2020
- ²⁰ Prison Reform Trust, n.d



Healthcare in Prison

All prisons have a responsibility to provide prisoners with the same standard of healthcare that they would receive in the community.

The healthcare department will provide both physical and mental health services and will be staffed by a team of qualified and highly skilled doctors, nurses and healthcare professionals.

Prison Terminology and Slang

Formal terms used in prison

Some formal terms often used in prison and outside of prison when talking with families can be confusing to families. Although this list is not exhaustive, please see below some terms you may have heard in relation to your loved one.

Offender Supervisor (OS) are professionals in prison responsible for creating reports on managing the risk of your loved one reoffending and also ensure that appropriate treatment is carried out to reduce risk. They also provide reports to the Parole Board.

Tariffs are the minimum sentence in months/years that a person who has been given an **indeterminate/life sentence** has to serve before being considered eligible for Parole.

Offender behavioural programmes (OBPs) are educational/therapeutic programs that your loved one may be enrolled on to reduce their risk of offending in the future, also known as reducing recidivism. Offender Managers (OMs) are similar to offender supervisors in their role but provide support and manage risk of your loved one when in the community.

Parole is the release of your loved one from prison when they have served the minimum tariff. Eligibility for parole is determined by a group of individuals on a panel known as the **Parole Board** who are advised by your loved ones Offender Supervisor or a psychologist

Risk management plan (RMP) are documents written up usually by the Offender Supervisor which details how risk will be reduced of further crime for your loved one.



(Offender Supervisor²¹, Offender Managers²², Tariffs²³, Parole²⁴, Offender Behavioural Programmes²⁵, Risk Management Plan²⁶

Slang your loved one may use

Some of this language may be directed toward prison officers, other prisoners or might be used to describe some of the processes that go on in prison²⁷.



²⁶ Prison Reform Trust, n.d

²¹ Justice Committee, 2009

²² Prisoners Families, n.d.

²³ Sentencing Council, n.d.

²⁴ Gov.uk, n.d.

²⁵ Gov.uk, n.d

²⁷ Lincolnshire Action Charity, 2016; Mulvey, n.d.; Prison Phone, 2018



Prisoner Incentives and Rewards

Each prison has an Incentives policy that's put in place to encourage prisoners to abide by the rules and engage in the prison regime and rehabilitation.

What incentives and rewards are available?

A prisoner's incentive level depends on whether they:

- 1. Keep to the rules
- 2. Take part in work and other activities
- 3. Show commitment to their rehabilitation
- 4. Help other prisoners or staff

What are the different incentive levels?

Basic Level	This is for those prisoners who have not abided by the behaviour principles. Prisoners will only be allowed basic things that the law allows
	them to have, such as some letters and visits,
	they are not allowed any extra rewards.
Standard Level	This is for those prisoners who adequately abide by the behaviour principles, demonstrating the types of behaviour required. Prisoners may be allowed more visits and letters. They may also be allowed to have a TV in their cell and to spend more of their money.
Enhanced Level	This is for those prisoners who exceed the standard level; abiding by the behaviour principles and demonstrating the required types of behaviour to a consistently high standard, including good attendance and attitude at activities and education/work interventions. Prisoners may be allowed to wear their own clothes, have more visits, a TV in their cell, or to spend more of their money.

The prison staff can issue your loved one a verbal warning about their behaviour which is not noted on their record, or a "nicking" which will be formally noted on their records and will be subject to some degree of punishment such as the loss of some of their rewards.



Safer Custody Teams

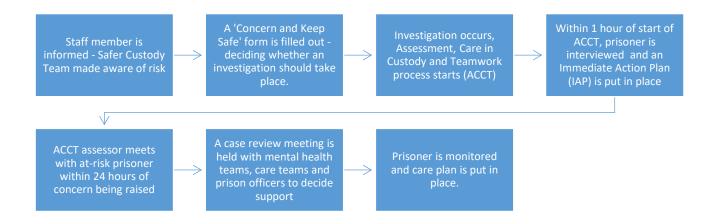
Prison can be a very dangerous environment and naturally families of prisoners are worried about the mental and physical health of prisoners there. Sometimes a family might have concerns about a prisoner having thoughts of self-harm or fearing harm from other people. If this is the case for you, you may want to contact the prisons Safer Custody Team.

What are 'Safer Custody Teams'?

Safer Custody Teams main role is to ensure that the prison remains a safe place for everyone. They manage the risk of people harming themselves or others. They also provide training to staff on suicide awareness and self-harm signs²⁸ and will conduct investigations into self-harm concerns of prisoners and violence from other prisoners.

What should happen when a prisoner reports a concern?

*Please note this may vary from prison to prison²⁹



²⁸ Glorney et al., 2020

²⁹ Pike & George, 2019



How will my family member have their risk reduced?

- The at-risk prisoner could receive therapeutic care to reduce their risk of violence, both directed at self or from others³⁰.
- The at-risk prisoner might be assigned a 'Listener' another prisoner trained to listen to and mentor the vulnerable person.³¹
- The at-risk prisoner may be separated from the rest of the prisoners if they are at risk of serious harm from other prisoners³².
- If the at-risk prisoner is having suicidal thoughts from substance misuse, the Safer Custody team can include drug detoxification in the care plan³³.

What can I do if I'm concerned about my partner/incarcerated family member in prison?

Sometimes prisoners will not feel able or want to report their self-harm/harm by others concerns to staff for a variety of reasons³⁴. During prison visits, families might notice that their family member is withdrawn, depressed or is fearful. If family members are concerned, they can report their concerns to the Safer Custody Team to follow up.

³⁰ Glorney et al., 2020

³¹ Pike & George, 2019

³² Ministry of Justice, 2020

³³ Liebling et al, 2005

³⁴ Hemming et al., 2020



To find contact information for the Safer Custody Team, go to

<u>https://www.gov.uk/government/collections/prisons-in-england-and-wales</u>. From the list of prisons provided select the one your family member is being held in <u>e.g.</u> Birmingham Prison. As indicated below select the 'Contact (Prison name)' option. On the next page should be a number under the 'Safer Custody Hotline' subsection (pointed out in red). If you think they are at **immediate risk** of harm, contact the main telephone line of the prison (pointed out in blue).

Guidance

Birmingham Prison

Birmingham Prison is a men's prison in the Winson Green area of Birmingham.

From: Her Majesty's Prison and Probation Service and Ministry of Justice Published 19 November 2019 Last updated 24 August 2021 — See all updates

Contents

- Book and plan your visit to Birmingham Prison
- Keep in touch with someone at Birmingham Prison
- Send money and gifts
- Life at Birmingham Prison
- Support for family and friends
- Problems and complaints
- Contact Birmingham Prison

Contact Birmingham Prison

Governor: Paul Newton

Telephone (24 hours): 0121 598 8000 Fax: 0121 345 2501 Find out about call charges

Address

HMP Birmingham Winson Green Road Birmingham B18 4AS

See map

Safer custody hotline

If you have concerns about the safety or wellbeing of a man in Birmingham Prison, call the safer custody hotline. There is an answerphone out of hours which is checked regularly.

Telephone: 0121 598 8235 Daily, 7:30am to 5pm Find out about call charges

If you have trouble contacting the safer custody team, contact Prisoners Families Hotline – 0808 808 2003 for advice and support from trained advisors.



Visiting the prison

There is no one single national structure for visitors' centres within British prisons: Some are run independently, and others are managed by charity organisations. You can expect to find that most visitors of prisoners are feeling just as anxious and nervous as you are.

Prison staff and visitor's center staff do not make assumptions or judgements, they are highly trained to recognize what you may be going through. They will do their best to make you feel at ease whilst offering support for your varied needs.

a. Booking a visit

You must always pre-book your visit to the prison. Once your loved one settles in, they will let you know their prison identification number.

When they arrive at the prison, they will be asked to provide details of who they want to visit them, their relationship to them and the person's date of birth. You can only visit a prisoner once they have added you to their visitor list. The prison will then contact you once you're on this list.

How many visits are permitted? You will likely find that most prisons have their own policy on how many visits are permitted per month and on what days they occur. In addition, prisoners that are following the rules whilst serving their sentence, may earn extra visitation opportunities as part of the 'Incentives and Earned Privileges Scheme'.

Specific details for each prison can be found on each prison information page by clicking on the link below

https://www.gov.uk/government/collections/prisons-in-england-and-wales

Visits to the prison need to be booked directly with the prison either by phone or online <u>https://www.gov.uk/prison-visits</u> and the prison will then confirm a date and time with you.

Please note this is only for prisons in England and Wales. There is a different system for booking a visit in **Northern Ireland (**<u>https://www.justice-ni.gov.uk/topics/prisons/prison-visits</u>) and **Scotland** (<u>https://www.sps.gov.uk/Families/KeepinginContact/Visits-Booking.aspx</u>)</u>

You need to have the following information to book a visit:

- Prisoner name
- Prisoner number
- Date of birth

Some prisons may put the responsibility to book visits on the prisoner themselves, so it is important to check with each individual prison.

You cannot use the online booking service and will need to contact the prison directly, if any of the following apply:

- You are legal professional and need to book a visit to discuss their case
- Reception visit In some prisons they are allowed a reception or induction visit in the first 7 days – doesn't need to be listed and it can be booked immediately by the family member. –



look on the prison's page on the MOJ website for details. Make sure to mention it is a reception visit when you book.

- Double visits for example, visiting for 2 hours instead of 1
- Family day visits special family events that the prison organises

When can I book my first visit?

A prisoner will not be processed and appear on the system until the first working day following a court appearance.

All visits need to be booked 24-48 hours in advance, so there is usually at least a day or two delay until you can book your first visit. Visits to category A prisoners may have additional delays due to security issues.

When booking a visit you need to provide a list of all the names of the people who will be visiting. Only these people named will be allowed to visit. The prison will require the following information:

- Names
- Addresses
- Dates of birth.

People on the list can choose not to attend in the end, but no-one can attend in their place.

To visit someone in prison you must be 18 or over, or under 18 and accompanied by an eligible adult.

The maximum number of visitors over the age of 10 is 3. There is no limit on the number of children under the age of 10.

b. Preparing for a visit

Check you know where the prison is and how to get there. Leave yourself enough time (at least 30 mins, preferably an hour) to be able to get through security, as you will have to go through a search process – full body search (padding down over your clothes) and drug dog sniffing.

You should also check directly with the prison what items you are allowed to take into the visit hall.

- Electric items such as mobile phones and tablets are not permitted and will be removed for safe keeping before you enter.
- You will be unable to take your handbag into the visitor's hall. Your items can either be locked away in your vehicle or a locker can be provided for you. The objective is to ensure security, safety, and wellbeing for all concerned.
- Some prisons do not allow any money to be taken in, only coins. In some you exchange coins for tokens to buy refreshments in the prison visiting area. Check with the prison regarding the max amount of money you can take.
- You will not be able to take property to hand in to prisoner directly to the prison.



You will need photographic ID for when you arrive at the prison. (see below for more details).

• **Problems obtaining identification documents:** If you do not have the correct identification, you can contact the prison governor and ask for assistance with security clearance. If assistance is provided, it is at the discretion of individual prison policies. This must be requested prior to arriving at the prison for a visit. Otherwise, if you just arrive without the correct documentation the visit will be cancelled, and you must re-book for a later date.

You will find that most prisons will not allow you to wear the following:

- Headwear except for religious reasons
- Excessive or expensive jewellery, especially watches
- Revealing clothing (short skirts, shorts, low cut or tight tops)
- Ripped jeans, combat trousers, camouflage
- You will be expected to wear nonslip shoes (no heels, platforms or wedges).

This list is not exhaustive, further guidance can be obtained from the prison's own website.

c. What happens during a visit?

When you arrive for a visit: A visits arrival centre is your primary arrival and waiting place. It is a place to relax before the prison operations staff call you for identification document checks. It gives you the chance to unwind after the long journey, have a coffee, use the toilets and fill out your booking in form. If there are children with you, they might like to read a book, do some colouring or play in children's area.

New visitors will need to have their photograph and fingerprints taken and this will be logged on a computer system.

What you will need to bring:

- You will need to have the visiting order/confirmation available to be checked by the visitor centre when you first arrive. (Example image/template)
- Every visitor including babies and children must have approved identification.

This can be <u>one</u> of the following:

- Passport
- Photographic driving license
- Employer or student ID
- Inland revenue registration card
- Senior citizens public transport pass

Or two of the following

- Birth/marriage certificate
- Benefits card



- Rail or bus pass with photo
- Cheque book with debit or credit card
- Young person's proof of age card
- NUS card
- Trade union card
- Rent book or statement
- Tenancy agreement.

What happens during the search process?

The security category the individual prison falls under, will determine the security search processes conducted on you on your way into the visit's hall. The following is likely:

- A detector wand will be passed over your body
- You will walk under a screening frame, be asked to put your arms out and then be subject to a pat-down.
- Highly trained Sniffer dogs may also sniff you for prohibited items. They are kept on a lead at all times. They are not allowed to touch you and will not bark. If they detect drugs, they will sit quietly next to the visitor.
 - If for allergy or religious reasons you require an over gown, staff will provide you with one to wear whilst you are around the dogs.
- If the gadgets or dogs detect prohibited items on you, you will be sent out of the prison immediately.

If children and infants are present, they will also undergo age appropriate security checks.

Please note that security staff in some prisons may ask to check your baby's nappies, this will be done in a private area with you present.

If you refuse the search you will be denied access to the prison



d. Inside the visits hall

Most visitors' arrival centres will allocate you a table number or a ticket number as soon as they let you in.

You may also be asked to complete a simple booking in form which is later submitted to the prison operations staff on your way down to the visit's hall.

The system is usually operated on a 'first to arrive - first in' procedure. However long the visit is scheduled to last, please be assured this will begin the moment the staff escort you to the hall. Therefore, in operational situations whereby staff may be late calling you in for security checks, **you will still get your allocated amount of time.** However, **if** *you* **are late arriving**, it is the discretion of the prison as to how much of your allocated time can be accommodated.

If the prison hosts a tea bar in the hall, you will be allowed to buy a meal and a drink for your loved one. If the tea bar is closed for any reason, you will be told in the visits arrival centre so that you have chance to lock your money away.

You will be allocated seats where you will have to remain seated

- You can usually embrace at the beginning and the end of the visit
- Officers will be present and may listen to your conversation
- You cannot smoke in the visitors hall
- The visit can be cut short if you break any of the prison visit rules. Visit rules will be clearly displayed in the prison.
- Children will be allowed to sit on their parents lap and hug as much as they want. They can also go and play in the allocated play area supervised by visitor centre staff.

Guard observation

The prison guards will escort prisoners into the visits hall and they will remain on supervision duty throughout the duration of the visit or may rotate with other guards.

Guards are not only looking out for any passing of prohibited items and any acts of security breach. They are also looking out for signs of positive relations between yourselves and your loved one. They observe visits so they can assess where ongoing support for the prisoner is required once you have left.

Prison staff are very keen to support the mental wellbeing of your loved one. They recognise that everyone concerned may find it emotionally difficult saying goodbye at the end of the visit. It is hoped that your visit is enjoyable and as comfortable as possible.

PACT have individual prison guides for every prison in the UK where you can find more specific information. - <u>https://www.prisonadvice.org.uk/prison-visitors-guides</u>



e. Prisoner Location Service

If you don't know where the person you want to visit is, you can email the Prisoner Location Service who may be able to locate your loved one (subject to conditions).

For more information go to - <u>https://www.gov.uk/find-prisoner</u>

The prisoner must give their permission for their information to be shared, unless you belong to certain organisations such as the police or a solicitors' firm.

You can only use this service to find someone in an English or Welsh prison.

Find a prisoner

findaprisoner@justice.gov.uk

Include as much of the following as you can:

- your name, or the organisation you represent
- your date of birth
- your address including postcode
- name of the person you want to find
- the reason you want to find them for example you're their solicitor, or a family member
- any other names they may have used
- their date of birth

f. Complaints about Visits

If you have any complaints regarding your treatment during the visiting process, you can write to the governor of the prison. They must respond within 28 days.

The details regarding each prison's individual complaints procedure can be found in the visiting area of each prison.



g. Special Children's visits

Having a parent in prison can be very scary for children and can often cause lots of anxiety and distress for the family so prisons will regularly arrange family day visits which are held throughout the year and are available to all prisoners who have small children, grandchildren, nieces, and nephews etc. These visits provide an important opportunity for families to maintain ties, and encourage meaningful and supportive family engagement in the resettlement process.

Family days aim to provide a warm welcome and a safe and homely space where families can feel relaxed during these visits. Unlike ordinary visits, family days often involve activities where the parent in prison and their children can take part in together. In some cases, restrictions can get relaxed where you'll be able to bring your own food and sometimes these visits can last up to 3 hours.

In some prisons, projects such as '**Prison Reading Groups'** and '**Give a Book'** support family days by providing books and book bags that children can keep so that families can bond and enjoy together during these visits, providing positive memories and reminders of good times spent together.



h. Preparing children for a visit

The wider picture:

Remember, you are not alone. Annually in England and Wales there are approximately 310,000 children whose parents are handed a prison sentence³⁵. Approximately 10,000 children across the country, each week will participate in a prison visit. It is reported that 59% of male, and 66% of female prisoners have a dependent child.³⁶

Prisons encourage children to visit their parent as they recognise the importance of this relationship. There are strong links between the maintenance of contact between prisoners and their children and the reduction of reoffending.

It is important to ensure a child's preconceptions are not influenced by television and literature depicting a false version of what a prison is like. A child will have many questions ahead of a visit and it is important that these are answered as sensitively and as honestly as possible.

Thinking ahead of the planned visit and knowing the child well as you do, what questions do you think they may likely ask before and after the visit? It often helps to think about how best you will answer likely questions so you can be better prepared to provide emotionally comforting answers.

Here are a few examples of questions they may have:

How long can I see mum/dad for when we visit them at prison?

Answer: "I am going to phone the prison and find out for you. The prison has special rules that allow us an idea of how long we can stay for. When you have play time at school, your Teachers decide how long you can play for because you also have school work to do. In Prison, mum/dad have work and learning to do, but they will be looking forward to seeing you on many future visits too. We can even find out if we can phone or email them whilst we wait for the next visit."

³⁵ www.nicco.org.uk

³⁶ Action for prisoners' families:2012

S Making it happen:

Can I take my new toys to show mum/dad?

Answer: "Toys prefer to stay at home so they can have a secret adventure whist you're at the Prison visiting, but mum/dad will be really excited to hear you tell them all about that new toy. It's good that the toys will have their secret adventure at home because you cannot take them into a prison anyway. This is because of security rules, security rules are complicated, but they keep everyone safe. There will be also be lots of exciting toys in the visitors' centre which you may be able to play with if we ask very nicely.

Why are people locking every door in the prison?

Answer: "When someone lives in a Prison, it is because they made a big mistake and broke the law in some way. When someone breaks the law, they must usually live in a Prison and this means they are not allowed home until they have shown good behaviour for a long time. The doors are therefore locked to make sure everybody stays where they are meant to, and nobody can get lost or go missing. This is a little bit like when you go into your school classroom to learn how to become super good and clever, your school gate is locked so that neither you nor the other children can get lost.



Things to consider before you visit with children.

If you decide you would like to take your child to visit their parent or family member in prison, it might be worth visiting the prison on your own first, to get any idea of what you should expect, and doing some research on the following:

- Are there play facilities in the visitors' centre?
- Do they have refreshments on sale? Can you take your own?
- Is there a better time to bring children along?
- Is there anything for older children to do?
- Can the child touch their parent and move around?
- What facilities are there for pushchairs, nappy changing and feeding?

Mothers in prison

Pregnancy and childcare

If a woman gives birth in prison, she can keep her baby for the first 18 months and they will both reside in a mother and baby unit.

If a woman is given a custodial sentence and has a baby under the age of 18 months, they can apply to bring them into prison.

How to apply for a mother and baby unit place³⁷

- 1. Upon entry into prison a mother can ask for a place on the mother and baby unit. It does not matter if they are on remand or have already been sentenced.
- 2. They should then be referred to a mother and baby liaison officer within 7 days. They will give the mother information on how to apply and what is best for mother and baby.
- 3. An application form will need to be completed.
- 4. Reports will be gathered from outside agencies.
- 5. Their application will then be reviewed by an admissions board, who will assess if it is the right thing. The final decision will be made by the governing director of the prison, with advice from the admissions board.
- 6. A hearing will be held, which the mother should be allowed to attend.
- 7. If there are no available places in the prison, the mother may be offered transfer to a prison with available places. If there are no available places nationwide, then the child will have to be cared for in the community.
- 8. If the mother is refused a place, they can appeal
- 9. If the child is due to reach 18 months and the mother's sentence will continue, then separation plans will be made.

³⁷ <u>http://www.prisonersadvice.org.uk/wp-content/uploads/2017/10/Mother-and-Baby-Units-Easy-read.pdf</u>

SS Making it happen!

More details on the process can be found here:

http://www.prisonersadvice.org.uk/wp-content/uploads/2017/10/Mother-and-Baby-Units-Easyread.pdf

Mother and baby units can be found at the following female prisons

- HMP Bronzefield
- HMP Eastwood Park
- HMP Styal
- HMP New Hall
- HMP Peterborough
- HMP Askham Grange

Life in a mother and baby unit

The prison will provide basic care items for the baby and the mother can then buy other items with their child benefit payments.

The mother and baby unit is a drug free calm and peaceful space.

There are trained nursery nurses and prison officers.

The staff will help the mother care for her baby and encourage the mother and baby to bond.

For more information see - <u>http://www.prisonersadvice.org.uk/wp-</u> content/uploads/2017/10/Mother-and-Baby-Units-Easy-read.pdf



Keeping in contact

Letters

You can contact a prisoner by writing to them. Write their name and the prisoner number on the envelope as well as the address.

Please also put the return address on the back of the envelope.

There is normally no limit on the number of letters you can send.

Most letters sent to and from prison are checked by prison staff.

They will photocopy the letter and destroy the original copy. This is to ensure there is no prohibited items (including drugs) included in the letter. This also applies to children's drawings etc.

Some prisons allow you to send photos, but some prisons will not allow photos of the prisoner. Photographs must not contain any obscene images and should be loose and unframed.

Prisoners who have committed sexual offences, are not allowed to receive photographs of children unless they are their own children and not the victims. You must sent a note with the photo identifying who the children are and their relationship to the prisoner.

Some prisons now don't allow you to send homemade cards and instead you have to purchase them through Moonpig etc – please check each individual prison's rules.

Prisons cannot open letters from solicitors and courts except in special cases, for example if they suspect a letter is not really from a legal adviser.

Email a Prisoner

Email a prisoner allows you to send emails to your loved one via their website or the app. The emails get delivered to the prison on a daily basis and will be printed out for the prisoner to read and delivered to them with the daily post.

Deliveries of emails and letters may not happen on weekends or public holidays.

You need to register for an account, which is free and can be done at <u>https://www.emailaprisoner.com/account/register</u>

Each message costs 40p to send and you can add credit to your account online.

You can find out what prisons use email a prisoner by clicking on the link below:

https://www.emailaprisoner.com/content/locations/



Phone calls and Voicemails

Phone calls

Prisoners are only able to call you on the prison phone system and to do so you need to be on their list of approved numbers.

You are not able to make inbound calls to a prisoner.

When they first arrive to prison their list of requested numbers will need to be checked by the security team before it can be approved. Each time they want to add a new number to this list, they will need to make a new application.

Prison staff may initially try and call your number to make sure you are happy to receive calls moving forward. They will only try a couple of times.

When you receive a call from a prisoner, it will usually start with an automatic voice telling you that you are receiving a call from a prison.

Please remember that phone calls from the prison are monitored and that prison staff will listen to and record calls.

The only calls not monitored will be those to a legal adviser.

To be able to make calls, prisoners need to purchase credit and they can usually do this once a week when they complete their canteen sheet.

The cost of calls varies between prisons, but is usually around 8p a minute to a landline and 18p per min to a mobile. Calls at weekends at to people under 18 are usually cheaper³⁸.

Prison Voicemail

The Prison Voicemail service allows you to leave messages for your loved one at any time. Messages are limited to under 3 minutes.

They can then call the voicemail number to pick up your message when convenient to them and leave one back.

There is also an option to download the prison voicemail app onto your phone and it will a alert you when your loved one has dialled in and is leaving a message and will provide you with the option to join the call and speak to them directly.

The benefit of this is that the cost of a phone call through the voicemail system is 8p per minute, regardless of the time of day or week they speak to you. Your loved one will only pay for the time they are accessing the voicemails.

³⁸ Prison Reform Trust



Outside of prison, you can pay for the service either via a monthly subscription or pay as you go. If you prefer the monthly subscription there are a number of different options available on the website with set minutes available per month.

You can sign up for the service for free on the website (<u>https://prisonvoicemail.com</u>) or by calling 01603 340588

To sign up you will need your phone number, the details of your loved one including their prisoner number and a credit or debit card.

Prison Voicemail will then work with the prison to inform your loved one about the account and how the service works.

Video Calls

Families are now able to have video calls with their loved one in prison and since the pandemic this is something that has been rolled out nationwide.

Calls can last up to 30 minutes and your loved one is allowed 1 video call per month.

You must be over 18 to call and be on the prisoner's friends and family list.

You can invite 3 other people (of any age) to join you on the call, as long as they are also on the list.

Video Calls are currently free of charge.



The usual prison security rules will apply around what you can wear and how you should behave on the call.

All calls are recorded and prison staff may be able to listen to and view what is happening. If the rules are not followed, the call can be paused or ended.

What do you need to make a video call

- Mobile phone or tablet
- An account with a secure video calling service
- Passport, driving license or any other photo ID issued by the government
- Proof of your address (if your ID does not show this)



- The Prisoner's name, number and date of birth
- The names, dates of birth and addresses of all the people on the video call.

There are currently two video call apps being used by the prison service. They are:

- Purple Visits <u>https://www.purplevisits.com/</u>
- Prison Video <u>https://prisonvideo.com/</u>

You will need to find out from your loved one's prison, which service they use.

The apps are free to download from your phone store.

You will need to create and account using your photo ID. It can take up to 24 hours for your account to be verified.

Once verified, you need to set everyone up who will be on the call and add the name of your loved one and their details.

Booking a video call

This will vary depending on the prison. Sometimes you are able to set and book a date in the app.

In other prisons, the prisoner themselves has responsibility for requesting and booking the video call.



Release and the future

ROTL

ROTL – stands for Release On Temporary License.

This is when your loved one is able to leave the prison for a short period of time for one of the following reasons:

- Take part in paid or unpaid work
- See children if they were the sole carer before they went to prison
- If a family member is seriously ill
- To help them settle back into the community prior to their release.

The following people are not eligible for ROTL

- Category A prisoners
- Those who are on the escape list
- Those who are subject to extradition procedures
- Prisoners on remand or unsentenced
- Prisoners who are awaiting further charges or sentencing

There are two types of ROTL :

Restricted	 Prisoners on indeterminate sentences or those assessed as extremely high risk are allowed ROTL – but will be subject to extra restrictions. Will not be allowed ROTL until they have moved to an open prison (of if a woman – have been assessed as suitable for open conditions) The Governor or Deputy Governor will decide if they are eligible The offender manager and police must be consulted Higher level of monitoring while on release
Standard	Everyone else is subject to standard ROTL



Types of R	OTL ³⁹
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Resettlement Day Release (RDR)	 Prisoners will be released for the day and will return to the prison at night. The prison will decide how often and how long it can be. It may be shorter initially and then increase with time. To maintain family ties, RDR will occur once every 14 days.
Resettlement Overnight Release (ROR)	 This allows the prisoner to stay overnight at their future residence when they leave prison. This is for a max of 4 nights The prisoner can apply for this once every 28 days
Childcare Resettlement License (CRL)	 This is only applicable for people who can prove they were the sole carer to a child under 18 before they went into prison. This can be applied for during any part of their sentence. It can be one day a week max and one overnight every 28 days. The overnight release can be for a max of 4 nights.
Special Purpose License (SPL)	 This is usually only granted for the following reasons: Visits to dying relatives Funerals of close family members Medical treatment Marriage or civil partnership Going to court, tribunal or inquiry

Prisoners are automatically eligible ROTL when they are moved to an open prison, or in the case of women, are assessed as being eligible for open conditions.

For those not moved to open conditions, they may be able to get ROTL towards the end of their sentence (served half the sentence or 24 months before release date), if suitable and if the prison offers it.

Category B prisoners are not eligible for ROTL.

³⁹ Prison Reform Trust



The Release process

The date of release, with or without supervision, and how long that supervision goes on for, depends on the length of their sentence, their behaviour in prison and any time they spent on remand, waiting for their trial.

If your family member has a **determinate sentence**, they will be released automatically halfway through their sentence. If their sentence is 12 months or more, then they will be released on probation. In this case, a parole board is not involved.

If they have **an extended sentence**, **or a determinate sentence** of 4 years or more, they are able to apply for parole. But if they have been given a life sentence, the government will apply for parole on their behalf.

License conditions

When your loved one is released from prison, they may be on licence (otherwise known as probation or under supervision).

During this period, they will have an allocated Offender Manager (otherwise known as probation officer or supervising officer) who will provide them with conditions which they must follow.

The licence conditions will be prepared and explained to your loved one at least one week before release.

If the prisoner fails to adhere to these conditions, it will be considered a breach of their license and this will result in them automatically being recalled back to prison, to serve the rest of their sentence.

Standard licence conditions

These are on every licence. During their licence period, your family member must:

- 1. Be of good behaviour and not commit any offence or do anything that undermines the purpose of the licence period
- 2. Keep in contact with and receive visits from their supervising officer and agree and follow instructions given by their supervising officer
- 3. Permanently reside at an address that is approved by the supervising officer and obtain permission before any stay at a different address
- 4. Only undertake work that is approved of by the supervising officer, and notify them in advance of any proposal to undertake work (including voluntary)
- 5. Not travel outside the UK without permission from your supervising officer



Additional licence conditions

A supervising manager may add additional licence conditions if they think it's necessary and proportionate to do so. Additional licence conditions may include:

- 1. Reside at a specified place
- 2. Restriction of residency
- 3. No contact with victims or family members
- 4. No association with named persons
- 5. Participate in offending behaviour programmes
- 6. Curfew arrangements at night
- 7. Possession, ownership, control or inspection of specified items or documents
- 8. Disclosure of information
- 9. Freedom of movement
- 10. Supervision in the community by the supervising officer, or other responsible officer
- 11. Drug or alcohol testing
- 12. Polygraph testing

Prisoners charged with terrorism offences may be subject to a different set of additional licence conditions

Probation

Probation means they're serving their sentence but not in prison. They could be on probation because:

- They are serving a community sentence
- They have been released from prison on licence or on parole

While they're on probation they may have to:

- Do voluntary work
- Complete an education/training course
- Get treatment for addictions
- Have regular meetings with an Offender Manager

In their meetings, their offender manager will set out rules of their probation, set any dates/times/places for future meetings and any appointments they must go to and they will also explain what will happen to them if they do not do what they are asked.

Your loved one must tell their offender manager if:

- They plan to change their name/address
- They are unable to make any meetings that have been arranged
- They are having problems following the rules of their probation

If they miss a scheduled meeting with their offender manager, it is important they get in touch and tell them why. They may be asked to provide proof such as a letter from a doctor/employer. They



are allowed to miss meetings/appointments to attend religious or other important events if they give their offender manager advanced notice.

If your loved one breaks any rules of their probation or the conditions of their licence or parole, then they could go back to court and can also be taken back (recalled) to prison.

Release and the future

Many families tend to experience mixed feelings when their loved one is released from prison. There can be lots of excitement but also significant amounts of stress and anxiety.

Stress might come from anticipating further financial strain, difficulties in familial relationships or fear that on release your loved one will commit further crime.

In this section, we hope to normalise these conflicting feelings and difficulties, be they from the change in the family structure, emotional, psychological, physical or financial difficulties. In addition, this section will touch upon the feelings your loved ones might have on release from prison as well as cover some ways in which to cope with conflicted feelings brought upon by them.

a. What do families commonly feel on their loved one's release from prison?

Changing family dynamics and expectations

Some families describe difficulty in changing the family dynamic when a loved one is released from prison, particularly when the loved one moves back in with the family after a long time apart. Family members struggle with having to restructure their lives around the release of their loved ones. Mothers who have been imprisoned describe not feeling comfortable being a primary caregiver or being unsure what their new role is in the family⁴⁰.

"It's more than you think you're going to come home and parent ... On top of it is really harder getting out of prison and not taking a child development class and thinking you're going to raise the kid that's already been raised by somebody else".

⁴⁰ Gobena et al., 2022



"Well, right now I think of him as a dad, not an actual father. I'm hoping that I'll be able to build that relationship to where I can be able to call him my father and a father figure that I would be able to look at and say, "That's my father. That's the man I want to be when I grow up." 14year-old boy.

(41)

As well as a changing family dynamic, sometimes there can be a challenge in managing expectations when it comes to the release of your loved one, especially for children. Young children tend to be more excited and optimistic about their family⁴² members return, whereas older children are more realistic. (Yocum & Nath, 2011).

Mothers, who find themselves single parents after their partner's imprisonment often describe feeling frustration at having to change the family dynamic back again. They have often created a stable family through many years of work and are proud of their survival of a difficult time in theirs and their children's lives.⁴³

" I did all this. This is all me. This is everything that I wanted to do. And I lived alone for so long and then to have him come in and I didn't want to think that he could just walk in here and things would be how they were when we were in our immature twenties."

⁴¹ Hayes, 2009

⁴² Yocum & Nath, 2011

⁴³ Comfort et al, 2018

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Financial difficulties

"[Fathers] tend to get upset with you when they've got to pay child support. But [I] had to because my kids are on Medicaid and Medicaid makes them pay child support. So, I mean, there wasn't nothing I could do about it. [...] My middle son, his dad doesn't really have a real good relationship with him because he was mad about child support."

On release, mothers may require that the released prisoner provides child support to ease the burden⁴⁴. Many who return from prison have difficulty securing employment and as such can put a large amount of stress on the family's financial situation⁴⁵.

Financial strain can greatly impact the structure and relationships within the family on re-entry. A family will often experience higher financial strain when a loved one returns to the home.⁴⁶

"Fathers expressed that limited access to money directly affected their efforts to be a positive presence in their children's lives—both because they so often had to turn down their children's material requests, and because they lacked the funds for father–child activities that they had previously enjoyed".

⁴⁴ Cheliotis & McKay, 2021

⁴⁵ Cheliotis & Mckay, 2021

⁴⁶ McKay, 2018; Crandall-Williams & McEvoy, 2017



Stress and stigma experienced by the family on release

Outside of the structure of the family and the financial aspects of your loved ones re-entry into the community, families often describe courtesy stigma (see definition).

Research on sex offenders on re-entry into the community shows how family members undergo extreme social stigma, sometimes being ostracised by their religious, familial, and social community for standing by their released family member⁴⁷. Some even fear physical harm coming to them or their loved one on release.

"There are enough crazy people out there that want to be vigilantes; want to be vindictive who don't know him, don't know the particulars of the case, don't know the reasons why he is out but will come to, um, want to do their own justices.... I do worry about that." Mother of released prisoner.

"Based on the comments I often get concerning my dad, I believe many in society feel that family members who support their loved ones who have been to prison are stupid or shouldn't help them. We are stigmatized in many ways, like our loved ones who have been to prison. They think that we condone what they do just because we help them. This is not the case. I have never condoned what my daddy did years ago. I am angry when I think about it. But what am I supposed to do? I'm his only child." Daughter of released loved one. Sometimes family members feel ashamed to share any details of their loved ones previous imprisonment for fear of judgement by close friends. Research finds that family members who help their loved ones on return from prison are seen as condoning the behaviour of their imprisoned loved one, inviting more verbal abuse from members of the community.⁴⁸

⁴⁷ Evans et al., 2021

48 Rankins, 2022



Stigma can be further aggravated by media reporting of your loved ones imprisonment and release. Family and primary caregivers especially describe stress at being judged for supporting their loved ones return from prison⁴⁹. "After it was in the paper, I walked down [to] school and everyone there was looking. I'm thinking, it's nothing to do with me [and] it's nothing to do with the kids. But everyone had a little whisper as you walked past."

Domestic violence

Research commonly identifies that the risk of domestic violence being committed by your loved one on release is higher than pre imprisonment⁵⁰. If you are experiencing domestic violence after your loved one's release, then access support services listed later in Further Information and find safety.

a. What you can do to help your loved one

Prepare pre-release

The transition for the family of loved ones on the brink of being released from prison can be made more successful by preparing for their release well in advance⁵¹.

1. Encourage engagement in employment services.

One of the most discussed concerns of families when their loved one is released is the financial implications of this change and whether their loved one will find employment to cope with the financial strain⁵². One of the things that families can do is have their loved ones engage in

⁴⁹ Morgan & Gill, 2014

⁵⁰ Shepherd & Spivak, 2020; Trevena & Poynton, 2016

⁵¹ Charles et al, 2019

⁵² Grieb et al, 2014



employment services before release⁵³. Services such as Cleansheet, Bounceback and Working Chance are charitable organisations within the UK that engage with prisoners pre-release and connect them with employers who actively recruit ex-offenders in their workforce.

Working Chance - <u>https://workingchance.org/</u> - For female prisoners

Clean Sheet - <u>https://cleansheet.org.uk/</u> - Involves a membership that provides an employer directory for prisoners pre-release.

Bounce Back Project - <u>https://www.bouncebackproject.com/</u> - Provides employment advice and opportunities for prisoners pre-release in the field of construction.

Access financial support or encourage your loved one to access Jobseekers 2. Allowance/Universal Credit.

Despite access to employment services, employment can be difficult for your loved one to find⁵⁴. In this case, it is recommended that your loved one access financial support as soon as able to either; pre-release or the day of release. Financial support can take up to 6 weeks to be approved, so time is of the essence. For financial support pre-release, websites such as Turn2Us (<u>https://www.turn2us.org.uk</u>) has a search engine allowing you to identify potential charitable organisations that offer small grants. These grants might allow family to get furniture, household products or provide assistance with bills.

3.

Be informed and reach out for support pre-release

The transition from prison to home can be very confusing for many families, particularly terms of parole, the dates your loved one is being released or the changes to the family when your loved one does come home. If you know the name and contact details of your loved one's Offender Manager you can contact them with any concerns you may have or for clarification about the nature of your loved ones parole. Please see below some key webinars and information documents:

Coming Home Webinar (Families Outside, 2021) - https://vimeo.com/665551501

Coming Home from Prison Webinar (National Institute of Corrections, 2008) https://nicic.gov/coming-home-prison-family-matters

Resettlement Plus Helpline (NACRO) - 0300 123 1999 (An advice helpline for ex-offenders, those pre-release, and families/friends.)

⁵³ Cook et al., 2015; Wikoff et al., 2012

⁵⁴ Harley, 2014

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4. Ensure children understand their loved one is being released

The transition of your loved one back into the community can be a very difficult time for children, and they are likely to experience a wide range of emotions from fear, anger, to confusion and excitement⁵⁵. These emotions are especially visible when children are not informed about their family members imprisonment or re-entry in advance⁵⁶. This can lead to unrealistic expectations of the transition. Research suggests many different things to make the transition easier pre-release⁵⁷.

- Tell children the realities of the situation e.g. where the loved one has been, how much time they will have to interact with the children, that there may be some difficulties at first⁵⁸.
- Help children process their emotions around release of their family members⁵⁹.
- Tell children how the loved one feels about them e.g. whether they think about them, that they love them and that they will be with them again soon⁶⁰.
- Be sensitive to the age of your child and how much they understand about prison and the release process⁶¹. To help in explaining the upcoming situation to younger children.

Repair after release

The focus after release of your loved one, should be one of repair. Whether your loved one remains apart from you and your children (if you have them), or if they are living with you immediately after release, there is a significant time period for recovery from your loved ones imprisonment. Whilst this is a difficult period, this transition for the family can be eased by professional support.

Seek professional support

Research suggests that the transition from prison to the community is made easier when families engage in professional forms of support⁶². There are many different types of professional support, from discussion boards to counselling and educational courses.

⁵⁵ Poehlmann-Tynan & Turney, 2021

⁵⁶ Johnson & Easterling, 2014; Young & Smith, 2019

⁵⁷ Poehlmann-Tynan & Turney, 2021

⁵⁸ Poehlmann-Tynan & Turney, 2021

⁵⁹ Young & Smith, 2019

⁶⁰ Poehlmann-Tynan & Turney, 2021

⁶¹ Poehlmann-Tynan & Turney, 2021

⁶² Datchi & Sexton, 2013; Lander, 2012; Shamblen et al., 2013



For instance, in Worcester, there is a support agency called Cranstoun which supports both the family and ex-prisoner with substance misuse difficulties. Support is provided either on a one-to-one or group basis, or simply involves advising families of those with substance misuse difficulties. Support can also come from the NHS, in the form of solution-focused therapy or talking therapies, however the waiting time can be very long. For a sample of professional support agencies in the West Midlands, see below:

Substance misuse services

Overview of Substance Misuse services – Adfam, <u>https://adfam.org.uk/help-for-families/finding-support/search-for-local-support</u>

For a service that caters to family and substance misusers in Birmingham – Kikit, https://kikitproject.org/

For a discussion board for those concerned about their loved ones misuse – Families Anonymous, http://famanon.org.uk/

Family courses

For an online parenting course – Family Lives, Parenting Together, <u>https://www.familylives.org.uk/how-we-can-help/online-parenting-courses/parents-together?referer=/how-we-can-help/online-parenting-courses</u>

For a Birmingham centred agency providing whole family courses https://www.learnbaes.ac.uk/subjects/family-learning

Support forums or other support groups

For a forum tailored for those released from prison and their families all across Europe – Exodus, https://www.exodus.nl/

A course designed for the ex-offender (with a violent history) and family support with religious undertones – Bringing Hope, <u>https://www.bringinghope.co.uk/</u>

For a national Zoom peer support meeting (twice a month) for families of offenders and exoffenders – Prison advice, <u>https://www.prisonadvice.org.uk/peer-support-groups</u>

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Support for domestic abuse

Courses, one-to-one support and accommodation for families of ex-offenders who are still abusers or who have domestically abused in the past (mainly for women and children) – Womens Aid, https://www.womensaid.org.uk/information-support/

For an informational, confidential and practical support service tailored to your needs – Victim Support, <u>https://www.victimsupport.org.uk/help-and-support/how-we-can-help/</u>

A helpline for men who are suffering domestic abuse – Mens Advice Line, https://mensadviceline.org.uk/



Sexual Offences

What to expect on release:

If your loved one is released on license, this means they will serve the rest of their sentence in the community. Their licence will tell them what they should do and if these conditions are breached, they may be taken back to prison.

The length of their license depends on:

- When they were sentenced
- The length of their sentence
- Any extended licence period given at their sentencing

Your loved one will have to follow the **standard** license conditions (previously mentioned under the '*release process'* section). As well as some additional conditions, such as:

- restrictions on activities they can do
- restrictions on using the internet and mobile phones/cameras
- not to contact the victim, or anyone under 18 or not be permitted to stay in a house with anyone under 18
- not to enter or remain in sight of places where there are children, such as schools/children's play areas
- not be permitted to be in contact with any known sex offenders, except during courses or where they live at the same hostel
- not to enter a certain area or go to a certain place ('an exclusion zone')
- not to be in contact with another prisoner
- not to work or volunteer in a place that will involve a person under a certain age
- to take part in a sex offender programme
- to tell their supervising officer if they start a new relationship or to tell their supervising officer if you start a new relationship where the person resides in a house with someone under 18
- to stay at home between certain hours (curfew)
- to report to a police station to give details of any car they use
- to attend appointments with a psychiatrist or mental health worker

During the first 3 days of leaving prison or conviction if they are in the community, your loved one must go to a police station to tell them their details so they can be placed on the '**sex offenders register'**. This is a legal requirement and failure to do this is a criminal offence with a maximum sentence of five years in prison. If any of their details change over time, they have 3 days to notify the police of their new details or if no details change, they still must report to the police once every 12 months.



When your loved one is on the register, the police will visit at their home address to check they are living there and do an informal assessment. How often they visit depends on their level of risk. How long they are on the register depends on the length of their sentence at conviction:

Length of sentence	Registration period	
	Adult	Under 18
30 months or more	Indefinitely	Indefinitely
More than 6months - up to 30 months	10 years	5 years
6 months or less	7 years	3 ½ years
Community order	5 years	2 ½ years
Caution	2 years	1 year

If they are on the register indefinitely, they can apply to the police to have their name removed after 15 years for adults, or after 8 years for under 18's.

Your partner/family member can still travel abroad even though they are on the register however they must notify the police at least 7 days in advance with

How to cope with your partner/family members offences

Families of sex offenders can be considered to be '**secondary victims'** of an offence they did not commit, and this can often have a significant emotional impact on the whole family. There is no right or wrong way to feel and everybody deals with things in their own way; you may be feeling guilty, angry, sad and it is important to know that these feelings are normal and that you are not alone.

The situation can be distressing for children too, and it can be difficult for parents to tell the children what happened. It might seem easier to not acknowledge or tell a white lie about the situation but not telling them the truth is only likely to cause problems for the future.

It is up to you as a parent to decide what to do but it is usually better for the child to know about the offence and what has happened since conviction, especially if they are old enough to make sense of this as some children may have heard about what's happened from peers in school. You might find it useful to prepare and practice what you are going to say and think about how they may respond and what questions they may ask. You may need to have the conversation again at later stages as the child gets older they may view things differently and have different questions to ask.

There are specialist support services for families whose relatives have been convicted of a sexual offence and they offer wonderful advice and resources. Please see some examples of them below.

https://stopso.org.uk/stopso-support-for-families/

https://stopso.org.uk/a-family-members-experience/

https://www.lucyfaithfull.org.uk/

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Further information

Reaching out for help – services and organisations

Families Helpline 0808 808 2003 (free phone) http://www.offendersfamilieshelpline.org/

Prisoners' Families Helpline <u>https://www.prisonersfamilies.org/</u> E-mail: <u>info@prisonersfamilies.org</u> Telephone: 0808 808 2003

Befriending Service – Prison Advice and Care TrustIf you would like to be put in touch with a Family Befriender or would like to attend our Peer Support Group, please call the Prisoners' Families Helpline on 0808 808 2003 or email us on befriending@prisonadvice.org.uk.

<u>Prison Chat UK</u> - an online community giving support to those who have a loved on inside a British prison.

<u>Partners of Prisoners | POPS provide information and support for offenders' families from the</u> <u>point of arrest through to release and beyond.</u>- a charity that runs visitors' centres and supports prisoners' families in the North West of England.

<u>Ormiston Trust</u>- works to promote the well-being of children and young people, including prisoners' children; this includes running visitors' centres and play services.

Nepacs - works in the northeast of England to support a positive future for prisoners and their families for over 130 years. Provides children's play facilities, tea bars and play areas in visitors' centres and offers support to offenders' families.

Email a Prisoner - currently available at several prisons in the UK.

<u>Out There</u> - a registered charity providing emotional and practical support and an information service for families of prisoners in Greater Manchester.

Kinship - a national charity which champions the vital role of grandparents and the wider family in children's lives

NICCO - NICCO provides support for all professionals working with prisoners' children and their families.

Prisoner Location Service - use the Prisoner Location Service to find people in prison when you don't know which prison they are in.

Help with Prison Visits - help with travel expenses for families with a loved one in prison.



Area specific support outlets:

Barnardos CAPI – supports children and families affected by imprisonment across England and Wales: <u>Children with a parent in prison | Barnardo's (barnardos.org.uk)</u>

Children Heard and Seen – supports children affected by imprisonment in Berkshire and Oxfordshire: <u>http://childrenheardandseen.co.uk/</u>

Families Outside - offers support and information to families affected by imprisonment in Scotland: <u>https://www.familiesoutside.org.uk/</u>

NEPACS –supports prisoners and their families in the north East of England: <u>http://www.nepacs.co.uk/</u>

NIACRO – support for prisoners and their families in Northern Ireland: https://www.niacro.co.uk/

POPs –supports prisoners and their families in Manchester/Greater Manchester: <u>http://www.partnersofprisoners.co.uk/</u>

PSS – provides support to children with a family member in prison in Liverpool: What we do | PSS (psspeople.com)

Sussex Prisoners Families - supports families affected by imprisonment in East Sussex, West Sussex and Brighton and Hove: <u>http://www.sussexprisonersfamilies.org.uk/</u>

Resources for family and friends

Video animation titled 'Family member in prison - What to expect.' A step by step explanation of the process- <u>https://vimeo.com/275808482</u>

Resources for children

Locked Out: A book for children with a loved one in prison

<u>https://www.prisonadvice.org.uk/locked-out</u> - really useful resource for children with a parent in prison. Step by step guide of explaining everything and activities for the children to complete

Video Clip – Resource for young children

<u>https://www.prisonadvice.org.uk/animation-a-journey-into-prison</u> - interactive video clip explaining the journey into prison.

Luke's Story: A point of view Video Clip - <u>http://childrenheardandseen.co.uk/2018/04/18/a-point-of-view-lukes-short-film/</u> - Could be shown children to manage expectations.

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Printable Resources of activities for children to complete which acknowledges each stage of a parent's imprisonment -

https://sid.southampton.gov.uk/kb5/southampton/directory/advice.page?id=aFVnGBzJILk&familych annel=9-12

Childline Support Page for children to access - <u>https://www.childline.org.uk/info-advice/home-families/family-relationships/parents-prison/</u>

Are you a young person with a family member in prison? -

https://www.nicco.org.uk/userfiles/downloads/5ad4850cb565e-action-for-prisoners-families-young-peoples-booklet.pdf

<u>Books</u>

- My Daddy's in Jail https://www.littleparachutes.com/books/my-daddys-in-jail/
- **The Night Dad went to prison** https://www.littleparachutes.com/books/the-night-dadwent-to-prison-what-to-expect-when-someone-you-love-goes-to-prison/
- Far apart, close at heart https://www.littleparachutes.com/books/far-apart-close-heart/
- o Tommy's Dad https://www.littleparachutes.com/books/tommys-dad/
- o My Dad's in Prison My Dad's in Prison : Walter, Jackie: Amazon.co.uk: Books
- When Dad was away https://www.amazon.co.uk/When-Dad-Was-Away-Weir/dp/1845079132

Mental health support for children

Young Minds: Parents Information Service Tel: 0800 802 5544 www.youngminds.org.uk

Prison Advice www.prisonadvice.org.uk/children-and-young-people

Childline Tel: 0800 1111 www.childline.org.uk

Mind Infoline – offers information on mental health difficulties for children and young people <u>https://www.mind.org.uk/information-support/helplines/</u>

Relate: offers support to young people for a variety of troubles <u>https://www.relate.org.uk/relationship-help/help-children-and-young-people</u>

Making it happen:

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