

FACTSHEET

Prisoner transfer to the UK



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Prisoner Transfer Agreements (PTAs) allow British prisoners to serve the remaining part of their sentence in the UK (this process is also known as repatriation).

Many clients of Prisoners Abroad ask us about this process at some stage as many people would prefer to serve a sentence in a UK prison rather than overseas. This leaflet will try to address some of the most commonly asked questions.

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Please note Prisoners Abroad has been advised that there will be soon be changes to the transfer process for prisoners in European countries.

The new rules, which are called the Additional Protocol to the Council of Europe Convention on the Transfer for Sentenced Persons, are due to be brought into force in the UK in November 2009. This will affect people who are held in Council of Europe countries – please see the table in Section 2 for a list of these countries.

The Additional Protocol to the Convention allows the United Kingdom (or any other country which has signed the Protocol) to repatriate a sentenced prisoner to their country of origin without their consent. The protocol also provides for the transfer of a sentence of imprisonment for the purpose of its enforcement where a prisoner has fled to avoid imprisonment (e.g. a British prisoner who has escaped to the UK from a prison in France can then be arrested in the UK and expect to serve the sentence imposed abroad in a UK prison without the need for him to be extradited back to France).

The Additional Protocol is due to come into force in November 2009. It already operates in many European countries and has done so for over 10 years. It is important to note that although the prisoner's consent is no longer required by the countries that operate under this protocol, the agreement of both the sentencing and receiving state (country) is still required.

We will update this factsheet and pass any information on via the Prisoners Abroad newsletter as soon as we obtain any further details.

1 Should I transfer back?

It can be difficult to decide whether you will be better off transferring back to the UK or not. Below are some of the advantages and disadvantages of transfer that people have indicated to us, which we hope will help inform you to make the right decision. The various points made here are explained in greater detail elsewhere in this factsheet.

1.1 *Advantages*

- Conditions in UK prisons may be better, and you may be moved to an open prison.
- There is likely to be less violence or drug use in UK prisons than there is in prisons in many other parts of the world. Depending on where you are currently detained, your personal safety and well-being are likely to be increased.
- UK prisons offer work, training and educational opportunities, although these can be limited in some prisons. These may help to pass the time in prison, and more importantly, help you prepare for release.
- You will be able to access services in the prison which work to assist you with your preparation for release.
- You are likely to be closer to family and friends which may make visits easier.
- Your family may be eligible for financial assistance to visit you in prison in the UK through the Assisted Prison Visits Scheme (APVS).

1.2 Disadvantages

- Depending on where you are currently detained, the prison regime may be stricter than what you are used to, with longer periods spent in cells.
- There can be a delay in information from the overseas authorities being provided to the UK and this can delay categorisation.
- If the time you have to serve in the UK is relatively short, you may be kept in Wandsworth or Holloway and not transferred to another prison in the UK.
- Due to the way that the 'balance to serve' is calculated, you are likely to serve more time than people who were convicted for a similar offence in the British system.
- Depending on where you serve your sentence, you could still find yourself far away from friends and family, but the Offender Management Unit (OMU) at Wandsworth will try to transfer you nearer your family if it is possible.

1.3 Continuing contact with Prisoners Abroad

Once you are in the prison system in the UK we will no longer be able to provide you with financial assistance or direct services, such as magazines or pen-pals, although you are welcome to receive the Prisoners Abroad newsletter if you wish. If you would like a caseworker from Prisoners Abroad to come and visit you when you have transferred back to the UK, while you are in London, please let us know. We are always interested in hearing about your experiences in prison abroad, and getting the chance to meet you.

2 Do I qualify for transfer?

In order to qualify for transfer:

- You must be British or have close links with the UK (normally through permanent residence).
- Your sentence must be final (i.e. you cannot be going through any appeal process against your conviction or sentence in the country where you are detained). You can, however, still apply, even if you have an appeal pending at the European Court of Human Rights in Strasbourg.
- The offence for which you have been sentenced must also be an offence under UK law (e.g. in some countries it may be illegal to possess/distribute alcohol, which it is not in the UK).
- You must have a minimum time left to serve when you place your application, usually at least 6 months. In some cases a longer time is required – check with local consular staff or with the prison authorities.
- Outstanding financial penalties (fines) may be an obstacle to your application for transfer. As it would become difficult for the country you are held in to collect the fine once you are back in the UK, they might want you to clear your fine before you leave. This can be a problem for people imprisoned in a

country (such as France) where customs fines are imposed in addition to a prison sentence for drug-related offences.

- You can only be transferred if there is an agreement in place between the UK and the country where you are imprisoned. Agreements are in place with the following countries:

Albania*	Cuba	Latvia*	Portugal*
Andorra*	Cyprus*	Laos	Romania*
Anguilla	Czech Republic*	Lesotho	Russia*
Antigua & Barbuda	Denmark*	Libya	St Lucia
Armenia*	Ecuador	Liechtenstein*	Samoa
Australia	Egypt	Lithuania*	San Marino*
Austria*	Estonia*	Luxembourg*	Serbia*
Azerbaijan*	Finland*	Macedonia*	Slovakia*
Bahamas	France*	Malawi	Slovenia*
Barbados	Georgia*	Malta*	South Korea
Belgium*	Germany*	Mauritius	Spain*
Bermuda	Ghana	Mexico	Sri Lanka
Bolivia	Gibraltar*	Moldova*	Suriname
Bosnia Herzegovina*	Greece*	Montenegro*	Sweden*
Brazil	Grenada	Morocco	Switzerland*
British Virgin Islands	Hong Kong	Netherlands*	Thailand
Bulgaria*	Hungary*	Nicaragua	Tonga
Canada	Iceland*	Nigeria	Trinidad & Tobago
Chile	India	Norway*	Turkey*
Cook Islands	Ireland*	Pakistan	Uganda*
Costa Rica	Israel	Panama	Ukraine*
Croatia*	Italy*	Peru	USA
	Japan	Poland*	Venezuela
	Korea		Vietnam

* Denotes countries which are in the Council of Europe

If the country in which you have been imprisoned is not shown on this list you should check with local consular staff in case an agreement has been reached since publication of this leaflet.

The Council of Europe Convention has also been extended to the following territories: Aruba, Bouvet Island, Henderson, Ducie & Oeno, British Indian Ocean Terr Monserrat, Cayman Islands, Dutch Antilles, Falkland Islands, Faroe Islands, Peter I Island, Pitcairn, Queen Maud Land, St Helena & Dependencies, Sovereign Base areas of Akrotiri & Dhekelia (Cyprus)

There is no automatic right to transfer back to the UK.

Remember that even if you can apply for a transfer, either country can refuse an application. You may write to the relevant organisations responsible for your application and request the reasons for the refusal, but there is no obligation for them to tell you why your transfer has been refused.

3 How do I apply?

There is no application form as such for repatriation. If you wish to put in an application for transfer, make a written request to the prison authorities where you are detained and to your local consular staff member. It is a good idea to make both aware of your intentions.

If approval is given at this stage, the authorities of the country where you are detained will send details of your case to the National Offender Management Service (NOMS) in the UK for consideration with the following details:

- Your full name
- Your date and place of birth
- Your address in home country
- The details of the acts which led to conviction
- The type, length and date of commencement of sentence

The Cross Border Transfer Section of NOMS is the UK office that deals with transfers to England and Wales and which will be your main point of contact. Their address is:

**Cross Border Transfers
Safer Custody & Offender Policy Group
NOMS**

Post Point 4.16
4th Floor, Clive House
70 Petty France
London
SW1H 9HD

People wishing to apply for a transfer to a prison in Northern Ireland or Scotland should contact the respective prison services at the following addresses:

Prison Service Headquarters
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SU

Scottish Prison Service Headquarters
Calton House
5 Redheughs Rigg
EDINBURGH
EH12 9HW

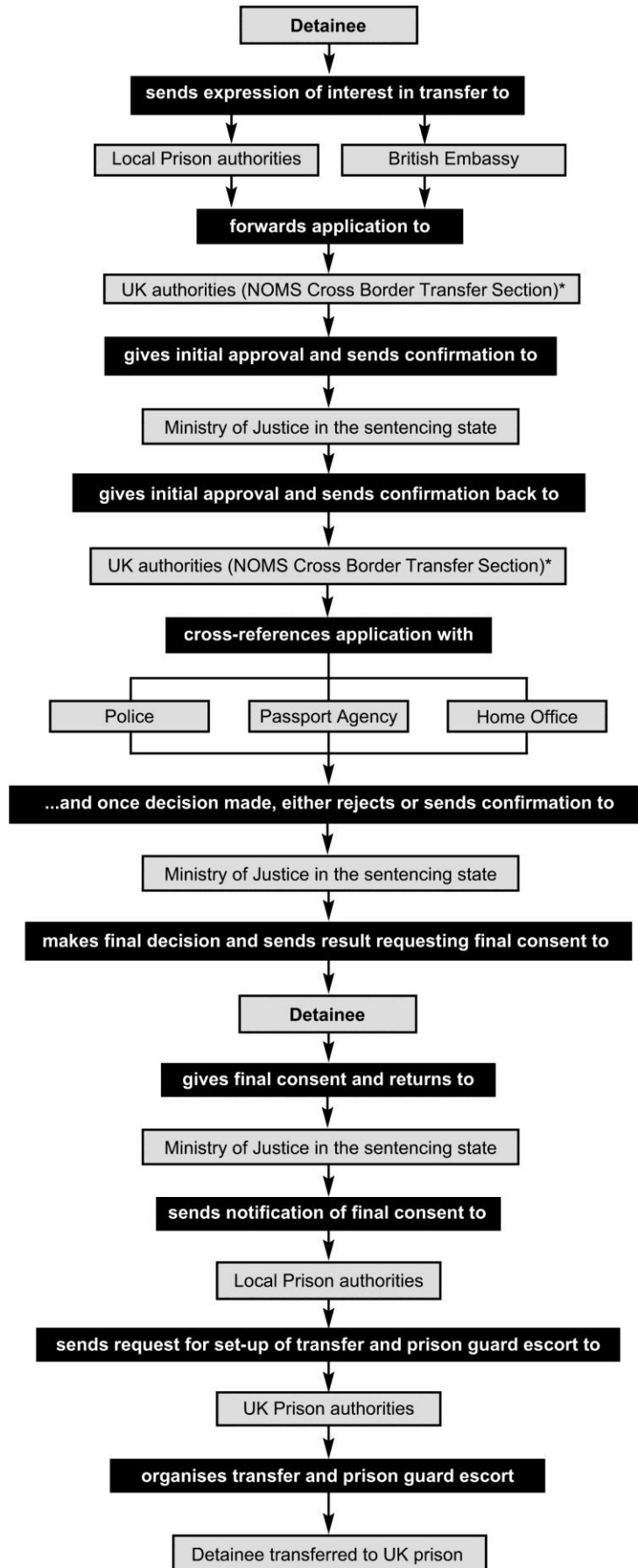
Prisoners Abroad does not process transfer applications.

4 What happens next?

The text and flowchart below are intended to provide an overview of what happens once you have made your request to transfer. We hope that they will explain how the process works and show why the application can sometimes take longer than anticipated. The authorities of the country where you are detained may not follow this exact procedure, and NOMS will not contact you to inform you of the progress of your application unless necessary (e.g. for your details or your consent).

Remember that your application may be rejected at any stage of this procedure. If this happens, you should be informed of this, but you may not receive an explanation detailing the reasons why your application has been rejected. You may request an explanation but there is no obligation on the part of the sentencing authorities to provide this.

4.1 Flowchart detailing a successful application process for repatriation



* or Scottish/Northern Ireland Prison Service as appropriate

Once the Transfer Section of NOMS has received notification of your intent to transfer, they will need to review your application under the criteria outlined in point 2 above. NOMS aim for this part of the process to take around 12 weeks. If the application is approved, they will send your application back to the authorities of the country where you are imprisoned for their agreement.

The Ministry of Justice of the sentencing state **may**, at this stage, make a request to you for your signed consent of the terms of return. If required, your written consent of the terms of return is sent to NOMS along with:

- a copy of the sentencing document
- an indication of the time served
- any medical or social reports

If the authorities in the country where you are imprisoned then give their agreement, you will be given a form explaining how to calculate the time to serve in the UK. You won't be given a definite release date. It is important that you understand clearly how much time you are likely to spend in prison in the UK, and compare it with the time you would spend in prison in the country you were sentenced in (see the section below for a guide to how to calculate how much time you will serve). If you have any doubts make sure you ask consular staff or NOMS for help, or ask your lawyer for advice.

NOMS processes the application, checking relevant details with Passport Agency, Home Office and Police as appropriate.

If there are no issues or problems raised with these authorities, NOMS then sends notification of consent to the application to the Ministry of Justice of the sentencing state. The Ministry of Justice of the sentencing state also confirms its consent and terms of return to NOMS and may, at this stage, request that NOMS:

- certify your nationality;
- provide a copy of the UK laws which indicate that the offence committed in the country where you are serving your sentence is also an offence in the UK; and
- provide a statement of how the sentence is to be served once the prisoner has been transferred

The Ministry of Justice of the sentencing state will then contact you requesting your final consent. It is only at this point that you have to decide if you want to transfer or not and you will be asked to sign a consent form showing your agreement.

Once all of the above formalities have been completed, the actual transfer should now go ahead. This will usually happen within 4 – 6 weeks of the sentencing state giving its final consent (Note that the sentencing state might not give its consent until some time after you have signed your consent form.)

Two British prison officers will travel over to accompany you on the transfer back to the UK. It is not possible for more than one prisoner to be transferred at a time.

Exceptions for certain countries:

For Germany: The German authorities consider that you have given your agreement from the moment you fill out the transfer application form. However, you will be required to sign a consent form to indicate that you understand the basis of your transfer.

For Thailand: British prisoners can only apply for transfer to the UK from Thailand once they have served 4 years or 1/3 of their sentence, whichever is the lowest. If given a "life" sentence (even if this is later reduced by a Royal Amnesty) you have to serve 8 years before being able to apply for transfer.

For USA: If you are applying for a transfer from the USA you will have to attend a Consent Verification Hearing, in the presence of a magistrate. The Department of Justice then gives final approval to the transfer.

If you are held in a state facility, you will first need to have your transfer approved at a state level and then at a federal level. The Federal authorities will not approve a request where the state authorities have refused.

5 How much will it cost me?

The cost of repatriation does have to be covered by the person who is making the application. You will only have to pay for your own ticket and not those of the guards who will accompany you.

Prior to the actual transfer, you may be given an estimate by NOMS of how much your ticket will cost. Due to the way that the transfer is organised, the booking is often made at short notice. This means that there may be limited availability, and so the actual cost of the ticket that you will be expected to pay may vary significantly from the estimate that you have been given. Some repatriated clients have told us that they have been charged up to three times as much as the original estimate they were given.

If you don't have funds to pay for your airfare, this will not necessarily mean that your flight home will be delayed. You will be asked to sign a form agreeing to pay the money back once you are back in the UK. Whether you pay back in regular instalments from your prison account or after being released in the UK will be worked out with the prison authorities. Your passport will be stamped and taken away. It will not be returned, or a new one issued, until the money you owe has been paid back.

6 How long does it take?

The whole process from the moment you put in an application for transfer to the moment you arrive back in the UK usually takes between **12 and 18 months**.

This is only an average based on our experience of the process. Some applications have been faster, some have been slower.

The UK authorities will only consider pushing for your application to be dealt with more quickly when there are **strong compassionate grounds** to do so (e.g. in the case of life-threatening illness). In our experience it is not common for this to happen.

Please note that the timescales given above are all approximate and you will not be sent updates regarding the progress of your application at each step of the way. However, the Prisoner & Family Support Service at Prisoners Abroad can check with the Transfer Section of NOMS *from time to time* to see how your application for transfer is progressing.

7 How much time will I serve in the UK?

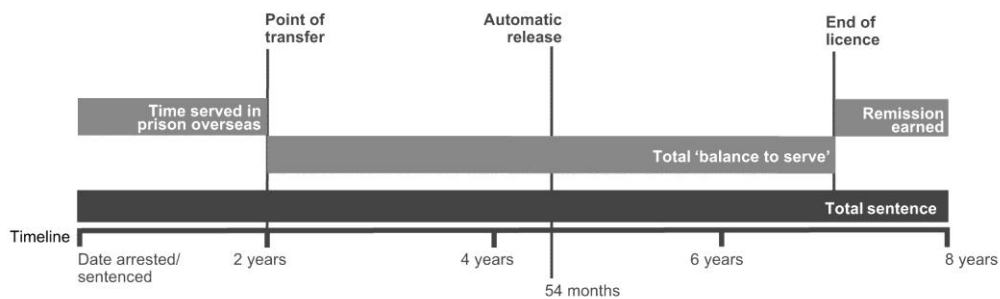
Below is a brief guide to sentence-related issues. It can seem complicated, so if you do have any questions, please contact the PFSS.

The UK authorities will continue to enforce the sentence you were given abroad after you arrive back. The part of the sentence you will have to serve in the UK is called a “balance to serve”. This is calculated by deducting the following calculations from your total sentence:

- **the time you have already served** (this may include the time you spent on remand, if the country where you were sentenced takes this into account); and
- **any remission you have gained from work, study or good behaviour in the country where you are currently held** (The UK authorities are not automatically informed of the remission gained abroad. In order to have this time deducted from your sentence, they will need to obtain a copy of your prison record. Therefore, if you have been granted remission, it is highly recommended that you try to obtain a copy and bring it back with you).

Although the UK continues to enforce sentences which were issued overseas, it applies its own rules and regulations for early release to repatriated prisoners. Therefore, the rules which govern release in the part of the United Kingdom to which you are transferred will also apply for a transferred prisoner.

Repatriated prisoners are released automatically at the halfway stage of their ‘balance to serve’ and will be placed on licence in the community until the end of the ‘balance to serve’ period. During the period of licence, the offender may be recalled into custody if they commit a further offence or break the conditions of their licence.



Let's take as an example the case of a repatriated prisoner who has received an 8 year sentence (diagram above). If he has served two years abroad and received one year remission, he would be deemed to have served 3 years of the sentence abroad leaving 5 years to serve in the UK. Automatic release would then take place at the halfway point of 5 years (i.e. two and half years after the date of transfer).

In England and Wales all prisoners subject to a life sentence imposed must serve a minimum period before becoming eligible for consideration for release on life licence. The tariff is set by the High Court and cannot be determined until after a transfer to the United Kingdom.

Once the tariff has been served your release from custody will be a matter for the Parole Board of England and Wales. For the purpose of your tariff all time spent in custody will be credited as time served. You should note however, that this tariff serves only as a guide for the earliest possible release date. There is no guarantee that you will be released at this time. As a life sentence prisoner you could in theory be held in custody for the rest of your life.

The exception to these regulations is for people who have been convicted of a offence prior to 4 April 2005 that is listed in Schedule 15 of the Criminal Justice Act 2003 (Schedule 15 is a list offences largely of a violent or sexual nature. If you would like the full list, please contact us). In these cases, there is no entitlement to automatic release and instead, prisoners are considered for release on parole licence from the halfway point of the 'whole' sentence. If they have not been eligible for release on parole licence then they are released at the two-thirds point and remain on licence to the $\frac{3}{4}$ point of the balance of the sentence left to serve in the UK.

The release arrangements outlined above apply to England and Wales. **Separate arrangements apply to sentences enforced in Scotland and Northern Ireland. Prisoners Abroad has a separate information sheet for people thinking of applying for repatriation to Scotland which gives details of the way sentences are calculated. Please write to us if you would like a copy.**

NB – Previously a distinction was made between people whose offence was committed before April 2005 and after April 2005 and the calculation of sentence was handled differently. Now, this distinction is only made for those prisoners who have committed offences which come under Schedule 15 of the Criminal Justice Act 2003.

8 Will I have a criminal record in the UK if I don't transfer?

Many British people in prison overseas are under the mistaken impression that, if they remain in the country where they were detained and complete the sentence there, there will be no record of their sentence or conviction in the UK.

Scotland Yard will definitely be informed of your case if you do transfer back, and your police record will show that you have served time in a UK prison.

However, it is highly probable that the UK authorities will be aware of your detention abroad regardless of whether you transfer back to a UK prison or not, and there is a possibility that your overseas conviction will show up in checks when applying for jobs etc.

Under the Rehabilitation of Offenders Act, all prisoners are required to declare their convictions if asked to do so, even if the offence was committed overseas, unless the conviction is "spent" after a certain period of time has passed. Prisoners Abroad has produced a fact sheet giving further information about this Act.

9 What are UK prisons like?

Many British prisoners overseas who are thinking about making an application to be repatriated to the UK write to Prisoners Abroad and ask what British prisons are like. As you may understand, this can be very difficult for us to describe as the system is vast and incorporates many different institutions which each have their own specific regulations and structures.

The aim of this section is to give you a very general idea of the kind of facilities available in UK prisons so you will at least be able to compare them to the system where you are currently detained. We have compiled the information from different sources; much of the practical information has come from the induction manuals from the two prisons which receive repatriated prisoners on arrival in the UK (HMP Wandsworth for male prisoners and HMP Holloway for females) and from the Prisoners' Information Book.

It is important to remember that, although Wandsworth or Holloway will be your first experience of prison life in the UK, you are only likely to remain in either of them for a few weeks before you are transferred to another institution.

We have also asked transferred prisoners about their own experiences of the process. Opinions have ranged from the very positive ("*Honestly it's such a relief and an exciting time for me after my repatriation and I think I'm much better off compared to when I was in the USA*" AF) to the very negative ("*I'm sorry to say it is the second worst thing I've done in my life.*" DF). We hope that this will give you a more balanced overall view of the experience.

Many of the questions we receive about British prisons are focussed on HMP Wandsworth as this is the prison which first receives repatriated British male prisoners. Depending on your categorisation and length of sentence you may be moved to an establishment with a less restricted regime. The Prisons Handbook, which provides detailed information (regime, visits and activities available etc...) on every prison in the UK, is normally available in any prison library. This might help you to select the prisons to which you may wish to apply for transfer.

“I have the dubious distinction of having served sentences on different continents, including Europe, and can safely say that English prisons of today are comparable to the safest, most habitable and civilised in the world... Once you are transferred to a category B (‘training prison’) or C, or even better D (open prison), conditions will improve greatly.” (IM)

“There are some benefits to repatriation – the UK system has plenty of rehab opportunities, education courses. The problem is everything is done on a ‘course’ basis; you can’t get a cleaner’s job in here unless you’ve done the Industrial Cleaning course. You can’t even play football unless you have done the ‘Football course’, and of course there is a waiting list a mile long for every one of these courses.” (DF)

Each prison issues a detailed induction booklet to inmates on admission which gives more details about all aspects of prison life mentioned here. The induction handbook contains the most basic rules governing general life, contact with the staff, prison administration and the differing levels of authority. It also explains the IEP (Incentives & Earned Privileges) scheme which operates in all prisons and rewards good behaviour and participation in work and education with more privileges. Prisoners who take part in such activities may receive extra benefits such as more visits and letters.

Most prisons in the UK state that they are committed to providing “a safe and secure environment for staff and prisoners. Intimidation or violence is not tolerated. We aim to treat everyone with respect and to give an opportunity to use time spent here constructively”¹. All prisons also have an anti-bullying and anti-racism policy.

“HMP Wandsworth is a large prison in south west London, with a separate vulnerable prisoner unit. It is currently able to hold 1475 prisoners and is one of the largest prisons in Western Europe. The prison was built in 1851, and the residential areas remain in the original buildings. There has been extensive refurbishment and modernisation of the wings, including in-cell sanitation, privacy screens for cells occupied by more than one prisoner and the more recent installation of in-cell electricity.”²

An official prison inspection carried out in 2002 revealed ‘a prison that was failing to meet basic standards of decency and activity for most of its 1460 prisoners’. Return inspections in 2004 and 2006 showed improvements such as progress in resettlement work, better food and hygiene, more prisoner time out of cells with more activities, improved induction and greater access to showers and telephones. However, whilst progress had been made, it was recognized that there was still a long way to go. High levels of overcrowding had made it more difficult to tackle some serious underlying problems, including poor behaviour by staff towards prisoners, a lack of sentence planning and a greater degree of unemployment amongst prisoners than monitoring had recorded.

“Officers are not consistent, some are friendly and helpful, but more do not care or refuse to help... Lack of officers on weekends results in being locked in one’s cell

¹ HMP Wandsworth Prisoner Induction manual

² <http://www.hmprisonservice.gov.uk/prisoninformation/locateaprison/prison.asp?id=474,15,2,15,474,0>

for considerably more time than any USA state, federal or county jail facility. Weekdays are not much better. In US prisons, you'd typically get 12 hours out of your cell daily, in Wandsworth, on weekdays it's more like 2 hours with 6 hours at work approximately. Weekends are sporadic, from 1 hour out of cells to 3 hours." (GM)

9.1 Activities

9.1.1 Education

Various courses are available for prisoners. Applications can be made for any of the courses through the Landing Officer. Examples of courses available at Wandsworth are as follows: Literacy, Numeracy, Social & Life Skills, African World Studies, English, Sociology, Film Studies, Art & Drama.

Most prisons are equipped with a library. As an example you may borrow five books or two tapes per week and also two additional children's books which you may take to visits to read to your children. Additionally you may also apply for a newspaper or magazine to be delivered (the cost is deducted from your spending account).

Longer-serving prisoners may also apply to the Open University for long-distance learning courses. Financial assistance is available from the state for mature students. Anyone applying will need to satisfy the prison education department that they have a basic level of literacy.

Alternatively, people can apply for a grant to the *Prisoners' Education Trust*. This trust can pay the tuition fees of prisoners taking a correspondence course. People will need to apply to the Trust through their education department; they do not accept applications directly. There are a certain number of conditions to fulfil (at least 6 months to serve, course has to be appropriate etc...).

"For me the most positive aspect of what British prisons can offer has to be the Open University and I would recommend it to anyone that has several years left to serve... My time is now used constructively, daily gaining more knowledge that will eventually lead to a degree, building confidence in myself and, with constant pending deadlines for work to be sent off to my tutor, I never have enough time instead of having too much of it!" IM

9.1.2 Work and pay policy

Work should in theory be available for prisoners, although in reality this depends on the overcrowding situation in each prison. A range of different jobs is normally available, including: brush shop, cleaning, clothing repairs, kitchen and laundry. Work is paid in accordance with policies which support the IEP scheme (encouraging training and rewarding good work). As with the activities above, prisoners are required to have some training in order to access work within the prison system. Again, transferred prisoners may not spend long enough in Wandsworth to access these courses and therefore may not be able to work during their time there.

"After Wandsworth I was transferred to a Category B private prison nearer home. Private prison means it's a working prison – HM Prisons are run by the government and wages for work pay £12 per week. Private prison wages are from

£25 up to £60 per week so if one is serving a long sentence you have the opportunity to save up money for your release”.

9.1.3 Sport / outdoor activities

Most prisons aim to provide a minimum amount of outdoor activity per day. This will vary from one place to another, but as an idea, Wandsworth aims to provide one hour of outdoor exercise per day (weather permitting). In terms of indoor activities, Wandsworth has three gym facilities available for prisoners who have completed a gym induction and received a gym ID card.

The problem outlined to us by inmates of Wandsworth is that many activities require the prisoner to have completed an induction course in order to be able to access them. Many transferred clients do not spend long enough in the prison to go through the waiting list and complete these courses. As a result many of our clients will spend 22 hours of the day locked up in cells. However, once a prisoner has successfully transferred to another prison, s/he will have more time to apply for such opportunities.

9.1.4 Chaplaincy

The Prison Service respects the need for all prisoners to be free to practise their religion. An application can be made at most prisons to see a spiritual advisor of your faith. The following religions/denominations are normally available: Christian, Muslim, Jewish, Sikh, Buddhist, Hindu.

9.2 Health Care

9.2.1 Medical Assistance

Applications may also be made to speak to a member of the Health Care team about confidential medical issues. Specialist health clinics are also available: dentist, chiropodist, GUM (Genito-Urinary Medicine) and sexual advisor, optician, physiotherapist, substance misuse.

“It wasn’t until I got back that I found out that I had skin cancer, but it was no problem having it dealt with here; I was taken quickly to an outside hospital.” TG

9.2.2 Psychology

The psychology department of a prison will provide support groups and programmes, some of which are compulsory parts of a prisoner’s sentence (e.g. groups for sexual offenders to address their offence and behaviour).

They can also make referrals for prisoners to attend counselling sessions. For example, Wandsworth has a team of trained counsellors who work in the prison as volunteers. There is individual volunteer support for prisoners feeling suicidal or feeling anxious, depressed or in despair, as well as longer-term counselling. Prisoners also have access to a dedicated phone which may be used to call the Samaritans, and may request a personal visit from a Samaritan.

9.2.3 Drug and alcohol rehabilitation services

Services for drug-users are available although there is high demand. Every prison has ‘CARAT’ workers (Counselling, Advice, Referral, Assessment and Through care) who can offer assessment, advice and information on drug misuse. They

may also be able to offer some counselling and group work to prisoners who want to give up or cut down on their misusing. They can also refer a prisoner to a drug treatment rehabilitation programme, or, if available, to a specialist detoxification unit. The quality of the services offered and the availability will depend on the prison.

Drug testing can be carried out on inmates (random or targeted to suspected or persistent mis-users) and there are penalties for any prisoner caught in possession of drugs – any visitor caught trying to pass drugs will be arrested.

9.3 Communication

9.3.1 Letters / Parcels

When you first arrive you are given a free first class letter, then one free second class letter every week afterwards. Anything on top of this must be paid for. Stamps and stationery are available to purchase from the canteen. There is no restriction on the amount of mail you can receive. Most mail is opened for censorship purposes apart from legal mail.

General items of property must be bought through the prison shop, some items are allowed to be posted in, but they are very limited. Clothes can be handed in for changing during social visits.

9.3.2 Phone calls

Prisoners are not permitted to receive phone calls, but calls can be made during association periods. Prisoners are asked to complete a form to select telephone numbers for family, friends and legal contacts, and the list has to be approved. Outside the high security prisons (and depending upon the category of a prisoner) it may be possible to make telephone calls to family, friends and legal contacts without having the number approved. The phone calls work on a credit system and the person will receive a PIN (Personal Identification Number) account for his/her exclusive usage. Prisoners can purchase credit and the cost of phone calls made is deducted automatically from their PIN account. International phone cards are also available to purchase from the prison canteen. Call charges from prison can be expensive, even to UK landlines.

9.3.3 Visits

The number of visits you are permitted is normally based on your Incentive Level – you may receive a maximum of three one-hour visits every 28 days (more for prisoners on remand). The induction booklet takes you through the procedure for how you and your family can book visits. If your family is receiving benefits, they may also be entitled to financial assistance from the Assisted Prison Visits Scheme. Prisoners Abroad can provide your family with contact details for other organisations in the UK which provide support and advice to families of prisoners. Some operate visitor centres where assistance and advice is available about a variety of issues.

“There are so many reasons why it was a good idea for me to transfer, but first and foremost has to be that I am closer to my family... Being able to hold my kids during a visit or just sit and chat with my family over a coffee – well nothing can come close when compared to the sadness, loneliness and depression I felt burdened down with in Hong Kong.” (EH)

9.4 Personal property

When you transfer to the UK, the amount of personal items you are allowed to take with you into a prison is limited. The current weight is 13kgs (28 pounds). The items have to be carried in **one piece** of hand luggage.

If you have to leave a suitcase in the plane's hold, you will need to make arrangements for someone (family/friend) to go to the airport to pick it up, as the UK prison will not store such items. In order for someone else to collect it, you will need to give them the luggage tag you were given

Warning: If your luggage has not been collected after about a week, the UK airports are likely to destroy it.

Regulations may vary from prison to prison regarding what personal possessions can be held by individual prisoners. However, the following items can be kept in cells:

- Prisoners on enhanced regime are allowed to wear their own clothing subject to having regular visits to have them washed, if not or you are on any other regime level, your own clothes will be placed in storage and you will be given a uniform.
- Technically no toiletries are permitted but this is at the discretion of the escorting staff and some allowances may be made. You will be given a reception pack of toothpaste, deodorant etc.
- Books, magazines and newspapers are allowed.
- Photographs are permitted but no Polaroids and none with an image of the prisoner's face as these have been used in the past to attempt to create fake ID cards.
- Tape machines and CD players are accepted, but will be X-rayed first.
- Smokers will be allowed to keep unopened packs of cigarettes or tobacco and lighters. You may be permitted to keep packs which have already been opened, again at the discretion of the escorting staff. If a prisoner who is a smoker arrives with no tobacco or cigarettes, they will be given a smoker's pack with cigarette papers, tobacco and a lighter.
- Any personal property you hold will be recorded on admission. Some items which are not permitted in cells may be recorded and stored safely in a property room (mostly valuable items such as watches, mobile phones, jewellery, bankcards).

9.5 Canteen

The prison operates a shop system whereby you may request items from a list, including tea/coffee, soft drinks, tobacco, sweets and biscuits, batteries, tinned food, toiletries and stationery. The amount the person can spend per week will depend on his/her behaviour and performance in the prison. People are allowed to either spend £2.50, £10 or £15 for basic, standard and enhanced privilege levels respectively.

9.6 Sentence-related matters

9.6.1 Allocation & Categorisation

Prison institutions in the UK are each set up to deal with specific categories of prisoner. There are four different types of prison to which a certain degree of security corresponds. It goes from Category A (the highest security degree) to Category D, which is an open prison.

Upon entry into the UK prison system you will be assigned a security category (A being the highest security risk³, D the lowest). You will then be allocated a prison which is appropriate to your category.

In order to decide on the security category, the OMU will take into consideration different criteria such as the nature and seriousness of the offence, the length of the sentence and previous convictions.

Wandsworth is a 'local' prison and so primarily holds prisoners waiting for a court appearance in London. After an initial period at Wandsworth (or Holloway) it is highly likely that you will be transferred on to another establishment within the UK. It is possible to request to be transferred to a prison close to your family but this depends whether the establishment closest to your family is appropriate for your categorisation. Staff in the transfer department at Wandsworth will try to get you transferred to an establishment nearer to your family if at all possible. Transfer to another establishment is also dependent on the following factors:

- spaces available
- your custodial history
- length of sentence
- sentence planning targets

"HMP Wandsworth should only be a stepping stone, with transfer to a prison as close as possible to family and friends your ultimate goal."

"Any transfer will rely on what category prisoner you are and how long you have left to serve. Having as much official documentation as possible as to your length of sentence (with terms of reference) will assist in this procedure." IM

There are particular problems for repatriated prisoners. Upon your arrival, you are likely to be treated as an 'initial' categorisation (initial category means like someone who would have just been sentenced in the UK). As the OMU rarely has access to key information about risks from overseas authorities, they might initially have to categorise you at the highest level of security without taking into consideration the time spent abroad. For instance, someone who served eight years out of a ten-year prison sentence abroad could be initially treated as a Cat B prisoner (which is the second highest security level) in the UK as OMU would not know if the prisoner addressed his offending behaviour while abroad. If at all possible, you should collect information about completed offending behaviour programmes and, if applicable, periods of temporary release whilst still in custody in a foreign country. The more you provide, the better the ability of staff in the UK to properly categorise you.

³ According to the OMU, it is very unlikely that repatriated prisoners will be categorised as Category A.

In exceptional circumstances, the OMU sometimes do an immediate recategorisation which will take into account previous custodial behaviour. This is only done if you are in a position to obtain a report of conduct showing that you addressed your offending behaviour. As mentioned before, the UK authorities are not automatically informed of your behaviour in prisons abroad. Therefore, we would strongly advise to try to obtain a copy of your disciplinary record or paperwork showing your good behaviour, or participation in offending behaviour programs.

The OMU could also do an immediate re-categorisation if the sentence received abroad was completely out of balance with what would have been the punishment if sentenced in the UK (for instance, a drug-related offence such as possession which attracted a long prison sentence abroad but which would have received a police caution in the UK). This only occurs in exceptional circumstances.

It is possible to apply for a review of your categorisation if you feel it is not appropriate for your offence or sentence. In the first instance, you should use the complaints system as the appeal process. Failing that, you may wish to seek legal assistance in doing this.

9.6.2 Release on temporary licence

In certain circumstances, you can be allowed to leave prison on a temporary licence. There are different types of licence:

1. Special Purpose licences for exceptional personal reasons such as to visit dying relatives, attend funerals, for marriage or religious services.
2. Resettlement Day Release licences: for prisoners who want to maintain family ties, or find housing, employment and/or work skills training/education courses.
3. Resettlement Overnight Release licences: for prisoners to maintain family ties and to make arrangements for accommodation, work/training on release etc...
4. Childcare resettlement licence: for prisoners in open or semi-open conditions and who are assessed to have sole caring responsibility for a child under 16.

You will only be released on temporary licence after you have been assessed and approved by an authorised senior manager.

Certain groups of prisoners are not eligible for temporary release. These are prisoners in Category A or on the 'escape list'; sentenced prisoners who are remanded on further charges/awaiting sentence for further convictions. Moreover, Category B prisoners are not eligible for resettlement day or overnight release.

9.6.3 Sentence Planning

During the initial stages at Wandsworth or any other prison, you should have an interview meeting with an officer from the Offender Management Unit where targets will be discussed, agreed and set for the remainder of your sentence. The

idea of this first meeting is to raise any issues you may have (e.g. drugs/alcohol, education or family) so that you can be referred to the agencies which can help.

A bit later on in the sentence, you will have an assessment which will formulate your sentence plan (e.g. what you are going to do during your time in prison). This should assist you to address your previous pattern of offending behaviour, through Offending Behaviour Programmes, work or education. This may also include preparation for release.

9.6.4 Home Detention Curfew / electronic tag

The Home Detention Curfew (HDC) scheme applies to prisoners who are serving sentences of between three months and four years; and allows prisoners to live at an approved address in the community and be subject to tagging and curfew restrictions. The prisoner must sign a licence which tells them the times they will have to remain at their home address or hostel; normally 7pm – 7am. If the prisoner breaks their curfew, s/he may be recalled to prison where s/he will stay until his/her automatic release date.

Prisoners will usually be considered for HDC unless they are statutorily excluded from the scheme (e.g. violent offence or sexual offenders). Prisoners on this scheme will be released between two weeks and four and a half months before their automatic release date, depending on the length of the sentence. HDC is not an entitlement and can only be granted subject to prisoners meeting the eligibility criteria and passing a risk assessment, including a home circumstances check.

9.6.5 Legal Aid

All repatriated prisoners are seen within 24 hours of arrival in Wandsworth, where staff can provide information, advice and solicitor addresses to cater for most prisoners' needs.

Any complaints or issues should initially be addressed to the prison authorities. However, convicted prisoners can also seek legal assistance for any ongoing issues that they might have with their current situation. Transferred prisoners have told us that they have only been able to achieve results with sentence-related issues after seeking legal advice (e.g. with remission reductions still owing from time spent overseas, and also with re-categorisation and onward transfer). Bear in mind that you may have to pay for legal representation.

“Ask the induction officer for a copy of ‘Inside Time’ (the national prison newspaper). In it you will find numerous adverts of lawyers specialising in prison law. Write to one immediately and explain your case, e.g. any categorisation concerns you may have or representations to be made on your behalf regarding transfer closer to your family, release date queries etc. It seems people who have legal representation to pursue this kind of enquiry see more positive results.” ID

You can also seek free legal advice from organisations dealing with prisoners' rights. For instance, Prisoners' Advice Service provides legal advice and information to prisoners in England and Wales regarding their rights, particularly the application of the Prison Rules and conditions of imprisonment. You can telephone them on 020 7253 3323 or 0845 430 8923 between 9.30-13.00 and 14.00-17.30 on Monday, Wednesday and Friday or write to PO Box 46199, London EC1M 4XA.

Prison Reform Trust provides up-to-date information on prison life, rules and regulations and prisoners' rights. They can, for example, contact an official on behalf of a prisoner or their family but cannot take legal action against them. If they can't provide any assistance, we will suggest alternative agencies or support groups who may be able to help. Prisoners can write to them at the following address for free: Prison Reform Trust / Freepost ND6128 / London EC1B 1PN / phone: +0044 (0)20 7251 5070.

9.7 Probation and help with preparation for release

Transferred prisoners are generally seen by the OMU within two or three days of arrival in the UK. The OMU will do a needs assessment and referral, by looking at each individual prisoner's potential problems (such as alcohol/drug, accommodation, family, education etc.).

From there, for every problem flagged up, they can refer people to agencies (public or voluntary sector) which can help. Ex-offenders are not automatically entitled to be re-housed. They will only qualify for accommodation if they are found to be vulnerable as a result of being in prison. They may also qualify if they meet other priority need criteria, e.g. vulnerability due to a disability. There might be a charity in the prison where you are transferred which can help and advise on accommodation. For instance, Wandsworth works with the St Giles Trust.

In some prisons (e.g. Wandsworth), the Department of Work and Pensions has an office where you can make an appointment in order to obtain information on how to get benefits.

The prison services are highly unlikely to contact you proactively in order to provide you with the information you need, so you may have to pursue your enquiries until you receive the information you require. This does not necessarily mean that the situation is the same throughout the whole UK prison system. Some prisons may have sufficient resources to be able to provide a better service, but you should not wait for them to approach you before you start to think about your resettlement needs.

It is important in this sense for you to be proactive if you think you will need help before and after release.

You should be given a leaflet at induction detailing the full range of services available, including local charities which can help.

9.8 NACRO

The National Association for the Care and Resettlement of ex-Offenders offers advice to ex-offenders with such issues as dealing with a criminal record, and how to find work and somewhere to live. NACRO's dedicated Resettlement Plus Helpline offers information and advice to ex-offenders, serving prisoners, their families and friends and organisations working with them. Freephone (for ex-offenders and their families and friends only): 0800 0181 259

9.9 PACT

The Prison Advice & Care Trust (PACT) is a charity which supports people affected by imprisonment in the UK. They provide practical and emotional support to prisoners' children and families, and to prisoners themselves.

They work at a number of prisons across the UK- including HMP Wandsworth and HMP Holloway, and are a valuable source of information on the regimes/facilities at these prisons. PACT runs a number of projects, including visitor centres and 'First Night Service' schemes, aimed at reducing the anxiety experienced by prisoners on their first night in prison. Telephone number for PACT at HMP Wandsworth: 020 8874 4377. Telephone number for PACT at HMP Holloway: 020 7700 1567. Website: www.prisonadvice.org.uk

9.10 Prisoners' information books

The Prisoners' Information Books are produced jointly by the Prison Reform Trust and NOMS. There are four books in the series:

- **Male Prisoners and Young Offenders**
- **Women Prisoners and Female Young Offenders**
These two books contain, among other things, information for prisoners about prison conditions, regimes and prison procedures
- **Life Sentence – 'Lifers'**
This book gives information about all aspects of the life sentence, including where sentences are served, the release process and review procedure
- **Visiting and Keeping in Touch**
This book contains everything prisoners and prisoners' families need to know about visiting a prison, such as information on searching, what can be taken in on a visit, and where to get funding to pay for visits. It also lists every prison in England and Wales, how to get there and what facilities are available for visitors.

Copies of the appropriate books should be given to all prisoners when they enter the prison system. We are aware that there has sometimes been a shortage of copies, so this does not always happen. You may obtain copies of these booklets free of charge by writing to the following address: Prison Reform Trust, 15 Northburgh St, London, EC1V 0JR or by looking at the website: www.prisonreformtrust.org.uk.

If you require this leaflet in a large print format, please contact us. Our details are below.

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