

INSIDE INFORMATION

A report on the work of Parkhead Citizens Advice Bureau with prisoners on remand in Barlinnie prison

For over 15 years Parkhead Citizens Advice Bureau (CAB) has run an outreach service for prisoners and their families in Barlinnie Prison. Remand prisoners fall into two categories; those on pre-trial remand and those remanded awaiting sentence. This briefing deals with those awaiting trial. Anecdotal evidence from CAB advisers noted the unfair nature of some laws and regulations as they affect pre-trial remand prisoners. Using a sample of 52 cases of remand prisoners seen by the CAB in the last two years and interviews with CAB advisers and prison officers, the research set out to identify the key advice issues for pre-trial remand prisoners, to understand how they are affected by the law and regulations, and to make recommendations for changes. A copy of the full report is available from Parkhead CAB.

The context

There is a current debate on the use of remand. In the last 20 years the prison population in Scotland has risen and within this there has been an increasing use of pre-trial remand. In 2020 in Barlinnie prison some 29 per cent of all prisoners were those remanded pre-trial. While some of this rise was due to the Covid 19 pandemic and the closure of court proceedings, over the last few years there has been a steady rise in the use of pre-trial remand.

While there are often very good reasons for remanding people, particularly those accused of serious crimes, there is concern about the increased use of pre-trial remand. The prison regulations are different for remanded and convicted prisoners. Those on remand are not obliged to work and shortage of places for work and education can mean that prisoners spend 23 hours a day locked up. This is both contrary to human rights standards and a threat to the prisoners' mental and physical health.

Before the pandemic, the average period of time spent on remand was estimated at 24 days but incarceration, even for relatively short periods, can have extremely adverse consequences in terms of loss of employment or self-employment and therefore income, interruption to benefits, loss of homes and disruption to medication and rehabilitation regimes when a person is trying to cope with addiction issues. The findings of the Scottish Parliament's Justice Committee of Inquiry into the Use of Remand that reported in 2018 emphasised the negative effects of remand on both prisoners and their families and pointed out that the use of remand may also lead to re-offending.



“Whether or not they are guilty, people can be traumatised and feel a sense of shame and guilt. It (remand) is not a constructive time during which they learn some new skill. Once people get into the criminal justice system and go through the process, they leave prison, reoffend and go back in.”

(David Strang, Former Chief Inspector of Prisons in evidence to the Scottish Parliament's Justice Committee's Inquiry on the Use of Remand, 2018)



Key findings

A major problem in advising remand prisoners is that they do not know when they are going to be released. It is not known how many prisoners who are on pre-trial remand will ultimately be found not guilty. Of those on remand for the most serious offences, around 71 per cent will later be given a custodial sentence, whereas the figure for those

accused of less serious crimes is 42 per cent; the conclusion being that there are significant numbers of remand prisoners who are subsequently found not guilty or given a community sentence. It is these prisoners who may be most adversely affected by the social security regulations and the consequent loss of a home and income.

The remand prisoners using the CAB service were characterised by single status, low income, a high incidence of illness and disability and prior experience of homelessness. The three main advice issues were benefits, debt and housing. CAB Advisers adopt a holistic approach dealing with all the issues that a prisoner may have and on average, remand prisoners sought help with four separate problems.

The benefits system and its interaction with housing regulations are extremely difficult for prisoners to navigate. Those in receipt of housing benefits are potentially treated more favourably than those claiming universal credit (UC), making retention of a home extremely problematic for the latter group. People who were not in receipt of benefits prior to being remanded are discriminated against; neither owner-occupiers nor tenants receive help with housing costs.



G was made redundant in August and made a claim for UC. In September he was remanded before he received his first UC payment. G is single and rents a local authority house. G is therefore not eligible for housing costs to cover his rent. If he is found not guilty he will face a five-week wait when he reactivates his claim and the debt of unpaid rent for the period of his remand.

(CAB Barlinnie client)

Benefits regulations reveal discrepancies and anomalies, which can further impoverish remand prisoners and increase the likelihood of homelessness and indebtedness on release. The five-week waiting period for UC, while difficult for all social security claimants, will particularly affect specific categories of remand prisoners: those who have claimed but not received a payment before being remanded and are therefore not eligible for housing costs; those who, on release, have to transfer from legacy benefits to UC which is often less generous, and prisoners who are found not guilty or given a community sentence but who do not have the skills, digital technology or access to information and advice to navigate the benefits system.

Some benefits are repayable once a prisoner is released, while others are not. This is particularly the case with disability benefits and is pertinent, given the high incidence of disability and illness among prisoners. Given the association between deprivation and incarceration, it is not surprising that many remand prisoners have debt issues. CAB advisers spend considerable time writing letters and negotiating on behalf of prisoners to suspend repayments.



D had already given up his house under pressure from a local authority when he approached the CAB. On entering prison he lost his entitlement to employment support allowance (ESA) and because he was on remand for over 5 weeks his personal independence payment (PIP) had also stopped. D was due in court the next week and expected to be released. The CAB advised him he would now have to apply for UC. His PIP could be reactivated but if not, he would have to make a new application for this too. If released from court, D will have no money and no home to go to. The CAB gave him the details of the homeless unit and the Simon Community.

(CAB Barlinnie client)



Guilty or not guilty – which is better?

J has addiction issues and had been in prison before. Recently remanded, he lost his entitlement to ESA with a severe disability premium and moved on to UC. In his most recent appearance before a court, he asked not to be given a community pay back order; he would prefer a short sentence as on liberation he would be entitled to a grant and some support regarding housing. Admitting his own guilt, J pointed out the unfairness of the remand regulations: “I could stamp on an old lady’s head and I’d get support leaving prison. If I’m innocent I get nothing.”

(CAB Barlinnie Client)

Remand prisoners are also disadvantaged by the prison regulations. Lack of opportunities to work or to engage in education and therefore to earn money means that prisoners without friends and family to contribute have no money for basic canteen items such as toiletries. Difficulties in communication with the ‘outside’ world because of the regulations governing the use of phones and post and the lack of privacy, serve to disempower remand prisoners and discourage them from maintaining control over their lives.



H asked for assistance to deal with his debts. He had been stabbed in the incident which had resulted in his being remanded and if released would not be able to work. The CAB worked with H’s parents to manage the debts that had been guaranteed by his brother and advised him on the benefits he should claim on being released.

(CAB Barlinnie Client)



Missed opportunity – get advice

H had already given up his house under pressure from the local authority landlord. He asked the CAB for help in stopping all his direct debit payments apart from his mobile phone contract that he wished to keep. Before he was remanded, H was in receipt of a state pension, a small occupational pension and housing benefit. Had he sought advice about his housing issue, the CAB would have told him that housing benefit could have paid his rent for up to 12 months. Without a home to go to, H will now be homeless whether he is found not guilty, given a community sentence or released after serving a sentence.

(CAB Barlinnie Client)

Research evidence from other sources show that many remand prisoners have complex problems, including issues of addiction and mental health. There are clear links between lack of income and a home and re-offending. Acknowledging that remand prisoners have complex problems does not detract from the negative consequences of remand on prisoners and their families or from the internationally recognised rights of all to an adequate standard of living, including social security and housing.

There is a definite need for Citizens Advice Bureaux to operate within prisons and for prisoners to be better informed about their rights with respect to social security and other matters; they need support to apply for benefits and to secure accommodation.

Recommendations

For UK and Scottish Governments

- Standardisation of housing costs for all remand prisoners to ensure that remand does not contribute to homelessness.
- Abolition of the distinction between remand and convicted prisoners on release; both to be entitled to a release grant and travel warrant.
- Reduction of the five-week wait period for the first payment of universal credit.
- Point of contacts to be established inside courts to offer support to prisoners released from remand.
- Further research to assess and cost alternatives to remand.

For CABx working in prisons

- Inclusion of a leaflet with basic information about benefits, housing and money in the induction pack given to all prisoners on entry.
- Money advice and benefits workshops for convicted and remand prisoners to promote money management skills.
- Advocate and fund raise for support services for court users including released prisoners.

For prisons

- Enable CABx limited access to the internet to allow the CAB information system, Advisernet, to be used inside the prison.
- Enable access to a telephone to allow calls to be made in the presence of the prisoner.
- Add the CAB freephone as a permitted number on all in-prison phones.
- Make available fact sheets and other information materials to inform prisoners.
- Increase phone access for prisoners to enable prisoners to manage their own affairs.
- Confidential status for all letter CAB/prisoner exchanges to enable CAB to improve communications with prisoners.



The evidence gathered by the research has been used to produce a poster, an induction leaflet and fact sheets to help inform prisoners of their rights. While these have been produced specifically for Barlinnie Prison, they may be amended for use by other CABx and prisons. The materials will be regularly updated so please contact Parkhead CAB to check for the most up to date version. The Bureau would also ask that Parkhead CAB is acknowledged when materials are copied or reprinted.

A copy of the full report can be obtained by contacting Parkhead CAB.

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