

INSIDE INFORMATION

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

March 2021

Acknowledgements

This report was researched and written by a team from Parkhead Citizens Advice Bureau: Gil Long, Karen Kyle and Chad Henshaw. Parkhead Citizens Advice Bureau would like to thank Hugh Conway and Alex Kerr, the two officers who run the Link Centre in Barlinnie, for their unstinting help and support. Thank you to the representatives from Families Outside and the CAB advisers who gave their views in interviews.

Executive summary

The context

For over 15 years Parkhead Citizens Advice Bureau (CAB) has run an outreach service for prisoners and their families in Barlinnie Prison. Anecdotal evidence from CAB advisers noted the unfair nature of some laws and regulations as they affect remand prisoners. Using a sample of 52 cases of remand prisoners seen by the CAB in the last two years, 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.

The context for this report is the ongoing debate on the use of remand for pre-trial prisoners. In the last 20 years the number of people in Scottish prisons has risen and the figures indicate an increasing use of remand. In 2020 in Barlinnie prison some 29 per cent of all prisoners were those remanded pre-trial. The findings of the Scottish Parliament's Justice Committee of Inquiry that reported in 2018 emphasised the negative effects of remand on the physical and mental health of remand prisoners, that the problems they face on release are similar to the problems faced by convicted prisoners post release and noted the very disruptive impact that short periods of remand have on remand prisoners' lives and those of their families.

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. What *is* known is that of those remanded 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 is that there are significant numbers of pre-trial 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; on average, prisoners sought help with four issues.

The benefits system and its interaction with housing regulations are extremely difficult for prisoners to navigate. Prisoners in receipt of housing benefit are potentially treated more favourably than those claiming universal credit, 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.

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 universal credit (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.

The difference in treatment between those who are released following a period on remand and those who leave prison having served a sentence is discriminatory; remand prisoners are not entitled to any release payment or travel warrant even though they may have been found not guilty or given a community sentence.

Remand prisoners are also disadvantaged by the prison regulations that specify that they are not obliged to work. 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.

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 deprivation and incarceration and 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. The evidence gathered by the research has been used to produce a poster, induction leaflet and fact sheets to help inform prisoners of their rights (see appendix). While these have been produced specifically for Barlinnie Prison, they may be amended for use by other CABs and prisons.

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 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.

Acronyms

AA	Attendance Allowance
CAB	Citizens Advice Bureau
CAS	Citizens Advice Scotland
CPO	Community Payback Order
DWP	Department of Work and Pensions
DLA	Disability Living Allowance
ESA	Employment Support Allowance
HB	Housing Benefit
IS	Income Support
JSA	Job Seekers Allowance
NI	National Insurance
PC	Pension Credit
PPC	Prison Personal Cash
SDA	Severe Disability Premium
SPS	Scottish Prison Service
UC	Universal Credit

Charts and tables

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1. Introduction

The Citizens Advice Bureau (CAB) service has two aims: to offer people advice and information on their rights and entitlements and to use that evidence to advocate for legal and policy changes that will help to improve people's lives. For over 15 years Parkhead Citizens Advice Bureau has been running an outreach service in Barlinnie Prison offering free, confidential, impartial and independent advice to prisoners held on remand prior to trial, to those serving sentences and for families of prisoners. This piece of work which focuses on the experience of remand prisoners was funded by money from Citizens Advice Scotland (CAS) under its grant scheme for local social policy initiatives.¹ Currently there is much discussion about the use of remand for untried people and possible alternatives to the use of remand. It is hoped that this small piece of research will contribute to that debate.

Background

Before the pandemic the issue of the use of remand to detain people in prison prior to their court trial already was under discussion by Parliamentary representatives and others working within the criminal justice system. In 2018 the Scottish Parliament's Justice Committee reported on their inquiry into the use of remand. Their report took extensive evidence from many organisations and government departments involved in the criminal justice system and noted a number of ways in which pre-trial remand can have an adverse impact on prisoners.² The Committee for the Prevention of Torture and Inhumane Treatment (CPT) which reported on Scotland in 2019 similarly noted that urgent measures were needed to halt the rise in Scotland's prison population "including addressing the increase in the use of remand."³ The onset of the Covid 19 pandemic has brought the issue to the forefront as with the halt in court proceedings, the number of people being held on remand has risen dramatically.

The rationale

CAB advisers who provide an outreach service in Barlinnie have for some time gathered anecdotal evidence about the unfair nature of some laws and regulations as they affect remand prisoners and commented on the way in which the prison regime makes it difficult for people who are trying to manage their own personal financial and organisational affairs. It was thought that the evidence, provided by the cases of the remand prisoners seen by the outreach service would help to describe some of the ways in which remand prisoners are affected by the laws and regulations on benefits and housing in particular, and improve understanding of the difficulties prisoners face in trying to manage their own affairs from inside prison.

¹ Citizens Advice Scotland, the network membership organisation for all Citizens Advice Bureaux in Scotland

² Inquiry into the Use of Remand, The Scottish Parliament Justice Committee, 2018

³ CPT Report, 14-18 October 2019

There was a further motivation for conducting the research. Remand causes disruption to a person's life. Inside prison, the loss of income (benefits, and earnings), the potential loss of a home, the lack of control over management of money and debt are all disempowering factors; management of day to day living is lost. This raises questions about the increasing use of remand: does it exacerbate disempowerment and encourage the already high rates of re-offending? While this small study cannot answer such a complex question, it was felt that the evidence from the CAB could contribute to understanding the kinds of problems remand prisoners face and the ways in which the law affects them. This evidence in turn provides information that could assist people on remand to retain control over and management of their own affairs. The practical outcome of this piece of work is the production of leaflets, fact sheets and posters that will help to inform prisoners, particularly those on remand.

The objectives of the research

- To identify the key advice issues affecting remand prisoners.
- To understand how these issues affect remand prisoners and identify recommendations for changes to the law and regulations.
- On the basis of the evidence, to produce a general leaflet, a series of fact sheets and a poster to inform prisoners about their rights on key issues.

Methodology

Case recording by the CAB

For every client who attends a face-to-face interview at a CAB or speaks to a CAB adviser by telephone or email, a case record is made. Once an interview with a client is concluded, the details of the case are entered into an electronic case recording system entitled CASTLE. The CASTLE system enables statistical data to be assembled showing the demographic background of the clients (including the incidence of ill health or disability) the types of issues dealt with and the depth of casework undertaken by the CAB on the client's behalf.

The sample

For this piece of work, 52 cases of remand prisoners drawn from the past 2 years of the CAB service in Barlinnie were reviewed and analysed. The statistical data are shown in section 3. Section 2 sets the background on remand, drawing on government statistical data and other secondary sources of information. Section 4 reviews the law on the key issues affecting remand prisoners and uses case studies drawn from the evidence gathered in the CAB sample. All details that could be used to identify a prisoner have been changed in order to preserve anonymity.

Further perspectives that have informed the report were drawn from interviews with the following people: three Parkhead CAB advisers who work in Barlinnie; the CEO

and Deputy Manager of Parkhead CAB; two Barlinnie Prison Officers working in the Link Centre and a representative from Families Outside.

The research report and preparation of the leaflets, fact sheets and posters was a collaborative exercise conducted by Parkhead CAB volunteers and paid staff. Parkhead CAB invites other CAB and prisons to make use of the leaflets and fact sheets, adding their own contact details. However, Parkhead would ask that before re-printing the materials, a check is made with Parkhead to ensure that the information remains accurate and up to date. It is essential that the public receives accurate information and Parkhead will be regularly updating the materials where necessary. The Bureau would also ask that Parkhead CAB is acknowledged when materials are copied or reprinted.

2. Remand: a summary of existing evidence

The purpose of this section is to set out the most recent statistics on prison populations to understand recent trends and review the findings of other sources on the impact of remand on prisoners and their families. This provides the background to the work that Parkhead CAB carries out with remand prisoners in Barlinnie.

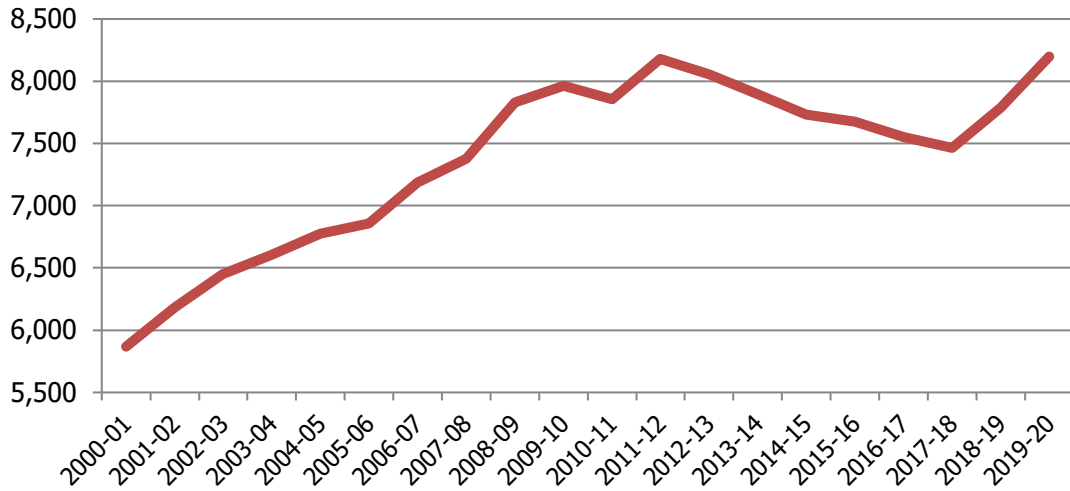
The prison population in Scotland

Compared with other developed countries, Scotland incarcerates a higher percentage of its population than most, including England and Wales. In the ranking provided by the World Prison Brief, Scotland currently imprisons 153 per 100,000 of its population compared with 49 for Norway, a country of a similar sized total population.⁴ As chart 1 shows Scotland's prison population has been rising over the last 20 years, largely reflecting sentencing policy. An increasing number of people are being sentenced for longer periods; in 2018/19 the average sentence length was estimated to have increased by 16 per cent over the last 10 years.⁵ Prison figures are expressed as averages for a specific time period because the prison population fluctuates on a daily basis as prisoners move in and out. Currently the average prison population hovers over the 8000 mark.

⁴ World Prison Brief, Jan, 2021

⁵ Criminal Proceedings in Scotland, National Statistics Bulletin 2018/19, Scottish Government

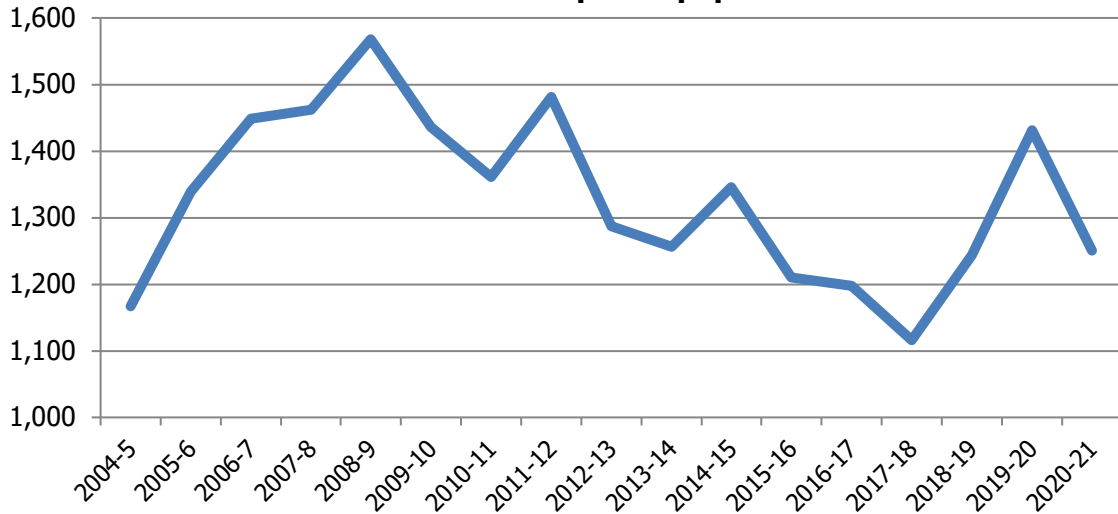
Chart 1 Total prison population, Scotland



Source: SPS, 2021

Barlinnie is the largest of Scotland’s 15 prisons and young offenders institutions. The figures in chart 2 are not exactly comparable with the picture for Scotland as a whole as the figures for Barlinnie are only available with 2004 as the starting point. However, the general picture is the same, indicating a fluctuating but long-term rise in the total Barlinnie population between 2004 and 2020 -21. The dip in 2020 reflects the early release of prisoners during the first year of the Covid 19 pandemic, However, by early 2021 the total Barlinnie population was over the 1200 mark.

Chart 2 Barlinnie prison population 2004 -2020

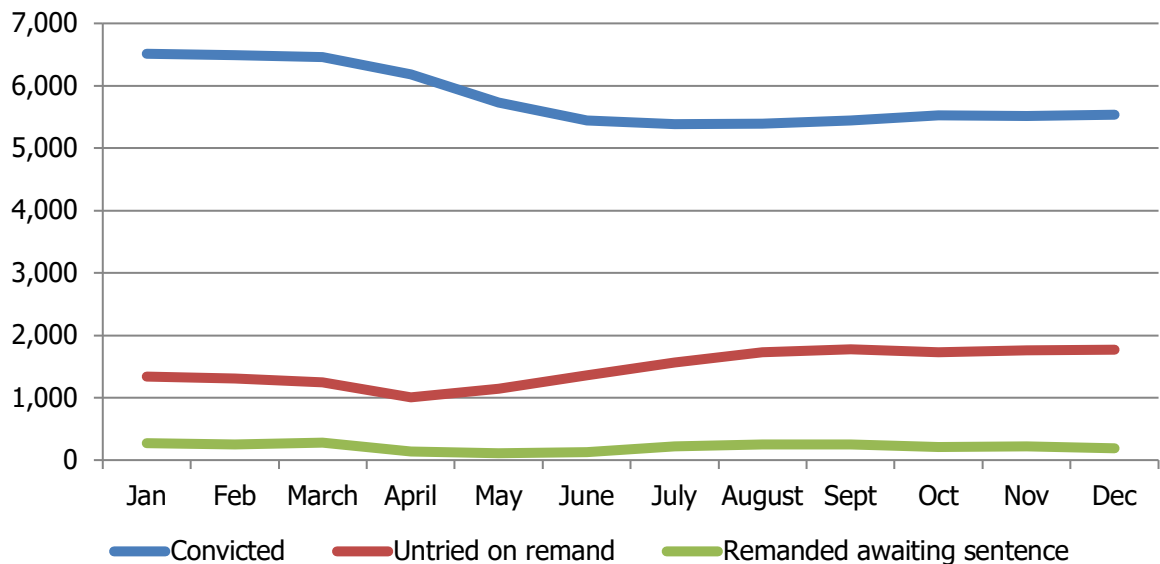


Source SPS, 2021

Remand prisoners within the prison population

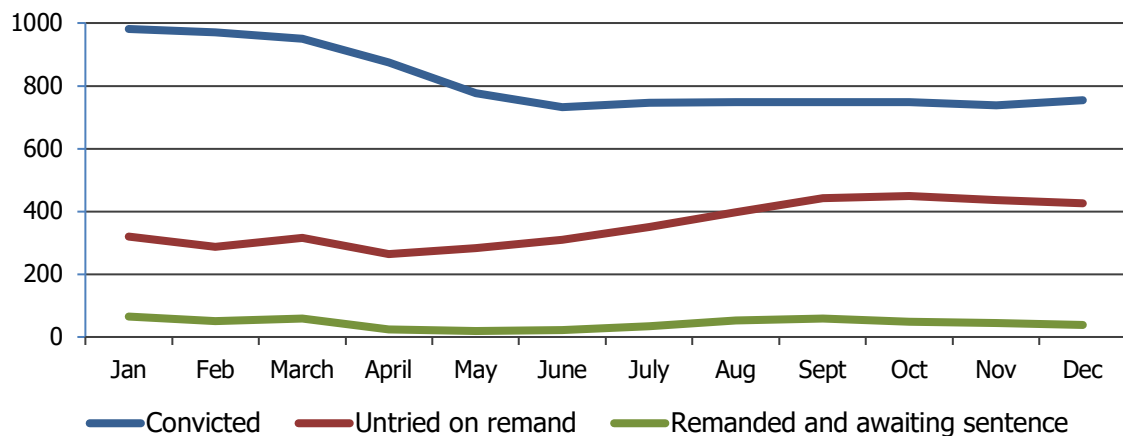
There are two types of remand prisoners: those who are remanded in prison because they have already been tried and convicted and are awaiting sentence, and those who are remanded awaiting a trial. Charts 3 and 4 show trends in remanded prisoners in Scotland as a whole, and in Barlinnie prison.

Chart 3 Prison population Scotland 2020: by prisoner category



Source SPS, 2021

Chart 4: Prison population Barlinnie 2020, by prisoner category



Source SPS, 2021

Both charts indicate that there has been a rise in the number of prisoners held on remand before their trial although the rise has been steeper in Barlinnie. Chart 5 shows that on average in 2020, 29 per cent of the population in Barlinnie was prisoners on remand awaiting trial. The equivalent figures for the Scottish prison population in 2020 were 20 per cent on remand awaiting trial, 3 per cent remanded awaiting sentence and 77 per cent convicted. The numbers of remand prisoners during 2020 was inflated as courts closed during the pandemic and trials were postponed. At the end of January 2021 35,067 trials were outstanding compared with 18,355 at the end of 2019-20 with another estimated 6,577 cases in the system likely to come to trial.⁶ However, figures for Scotland show that in 2015 pre-trial remand prisoners were 16 per cent of the prison population compared with the current 20 per cent.⁷

Chart 5: Remanded and convicted prisoners, Barlinnie 2020



Source: SPS, 2021

The law on remand

The law on remand is covered in the Criminal Procedure (Scotland) Act, 1995. It provides for the rules in both solemn and summary procedures, the distinction being that solemn procedures are for more serious crimes and will involve trials in front of a jury. For solemn proceedings, the time limit for being held on remand is 140 days. However, extensions to remand can be sought, which involve the prisoner in making a further appearance in court. The Act states that the expectation is that summary trials will be held within 40 days of being remanded. However, during the pandemic, while courts have been closed, normal time limits have been exceeded, accounting for some of the rise in the proportion of prisoners remanded while awaiting trial.

The reasons for remand

Prisoners may be remanded for a number of reasons. In summary these are:

- The public interest (the person is considered a threat to public safety).
- There is a substantial risk that the person will abscond or fail to appear in court or if granted bail will commit further offences, interfere with witnesses or otherwise obstruct the course of justice.
- Any other substantial factor which appears to the court to justify keeping the person in custody

(Criminal Proceedings (Scotland) Act 1995)

⁶ Justice Analytical Service Data Report, January 2021

⁷ SPS, Prison Population Statistics, 2015-2021

The 2019 Prison Survey estimated the average length of time spent on remand to be 24 days and this concurs with figures quoted in the Scottish Parliament Justice Committee report referred to earlier which suggested 25 days.⁸ However, the closure of courts during the pandemic may well have increased the average length of stay on remand.

The use of remand: the current debate

While there are often very good reasons for remanding people, particularly those accused of serious crimes, there is growing concern at the increased use of remand because the evidence shows that it can have extremely adverse consequences on both the prisoner and his or her family.

Prison regulations

Prison regulations say that remand prisoners are not obliged to work or attend education. Even where a remand prisoner elects to work or participate in education, the shortage of places means that priority is given to convicted prisoners. Consequently, time spent on remand is often unproductive and prisoners can spend 23 hours a day locked in their cells.⁹ The Nelson Mandela Rules which provide the human rights framework and the standard minimum rules for the treatment of prisoners, state that solitary confinement, defined as being locked up for 22 or more hours a day without human contact, should only be used in exceptional circumstances.¹⁰

Confinement for considerable periods of the day raises serious concerns about the impact on prisoners' mental health. But remanding a person even for a relatively short period can inflict further damage: loss of employment or self-employment and therefore income; interruption to benefits; loss of tenancies and disruption to medication and rehabilitation regimes when a person is trying to cope with addiction issues. Equally important are the impacts on the family of the remanded prisoner: loss of family income; interruption to benefit regimes; the stresses involved by becoming a single parent family and having to visit a family member inside a jail and, most importantly, the disruption to family life. The impact on the health and well being of the children of a remand prisoner is of very serious concern. As recent evidence shows, the pandemic has had additional impacts on both prisoners and their families.¹¹

⁸ Scottish Prison Survey 2019, SPS; An Inquiry into the Use of Remand, 2018, Scottish Parliament

⁹ Evidence gathered by Independent Prison Monitors working in Scottish Prisons.

¹⁰ UN Standard Minimum Rules for the Treatment of Prisoners, https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf

¹¹ Left Out and Locked Down, Impacts of Covid 19 for Marginalised Groups in Scotland, report of the Scotland in Lockdown Study, Dec 2020

The Committee heard that the time people currently spend on remand is largely unproductive and potentially damaging for the individual and their family. Evidence suggested that a period on remand could lead to offending behaviour in the future. At present, few services are available to remand prisoners, such as education, and there is therefore little opportunity to engage in any rehabilitative activities...there are difficulties in providing support to remand prisoners – such as the short-time people usually spend on remand. However... more should be done to ensure that remand prisoners have their needs assessed and, where possible and appropriate, are offered support and the opportunity to engage in purposeful activity while in prison.

(Scottish Parliament Justice Committee, An Inquiry into the Use of Remand, 2018)

The evidence on the use of remand

The Scottish Parliament's Justice Committee Inquiry into the Use of Remand took evidence from a large number of stakeholders within the criminal justice system, examining the perceived and actual purpose of remand and the impact on individual prisoners and their families. Questions were raised about why the rate of remand was so high and the figures the Inquiry used showed an estimated pre-trial remand population of 18.7 per cent, substantially lower than the current rates noted previously. The Committee questioned whether remand was being used as a method of ensuring that people turn up in court. From the evidence available at the time, the Committee concluded that there was insufficient information. Judges often record multiple reasons for the use of remand and therefore additional analysis is needed to determine the rationale behind judicial decisions.¹² What was noted was that many remand prisoners lead "chaotic lives" which may be interpreted as increasing the likelihood of an individual being unreliable when it comes to making court appearances. Figures show that between 2017/18 and 2018/19 there was a 6 per cent decrease in the number of bail orders issued and that one in five bail orders resulted in a bail offence.¹³

Sentencing post remand

There are difficulties in disentangling the evidence on remand as some data is simply not gathered and therefore there are parts of the jigsaw missing. We do not know, for example, how many people who are held on pre-trial remand are subsequently found to be not guilty. However, we do know that there is overall an 87 per cent conviction rate and that the vast majority of these are for motoring offences and shop-lifting. Of those convicted in 2018/19 16 per cent were issued with a custodial sentence and 19 percent with a community sentence. The most common community sentence is the Community Pay Back Order (CPO) which involves the person carrying out unpaid work within the community for a set number of hours.^{14,15} Older figures

¹² Further research into the use of remand has now been commissioned by the Scottish Government

¹³ Criminal Proceedings in Scotland 2018-2019 National Statistics Bulletin, Scottish Government

¹⁴ Reconviction rates in Scotland, 2016-17 Offender Cohort National Statistics, Scottish Government

gathered for the Scottish Parliament's Justice Committee of Inquiry showed that in 2014-2017, 71.1 per cent of those remanded on solemn proceedings subsequently received a custodial sentence whereas the figure for those remanded on summary proceedings was 42.82 per cent.¹⁶ The conclusion has to be that there are significant numbers of remand prisoners that are either found to be not guilty or for whom a community sentence is later deemed appropriate. This is pertinent given the evidence on the links between being in custody and re-offending and the disruption that remand causes to the prisoner's life and that of the family.

Community service orders and re-offending

There is consistent evidence that community sentences are slightly more effective at reducing reoffending than short prison sentences when differences in the samples are controlled for. As 2/3rd of convictions in any given year relate to repeat offenders, even small differences will have a big impact on overall crime, particularly among prolific offenders.

*(Extract from reducing Re-offending: effective and promising investments
Review of literature, Justice Analytical Services, 2019)*

Reoffending rates

Overall one in four offenders are reconvicted. This figure includes people who were issued with a community sentence. However, 43 per cent of those incarcerated reoffend while the rate for community sentences is 31.2 per cent.¹⁷ The Scottish Parliament's Justice Committee of Inquiry accepted evidence that a period on remand could lead to offending behavior. The 2012 report of a Commission on Women Offenders noted that 70 per cent of women remanded in custody did not subsequently receive a custodial sentence and that large numbers on remand simply exacerbated over crowding and reduced the resources available to focus on the rehabilitation of longer term prisoners.¹⁸ These comments would suggest that the increasing use of pre-trial remand may actually be contributing to the problem of an ever-enlarging prison population and high rates of reoffending.

"I've seen young people go in on remand for relatively minor crimes and come out dangerous criminals - they come out older, hardened and stronger, not only because they have nothing to do but go to the gym but they have learned from career criminals."

(Criminal Defence Lawyer and former CAB adviser)

The impact of remand on prisoners and their families

As noted earlier a key criticism of the use of pre-trial remand is the disruption to the

¹⁵ Other less frequently used community sentences are restriction of liberty orders (RLO) and drug treatment and testing orders (DTTO)

¹⁶ An Inquiry into the Use of Remand, 2018, Scottish Parliament Justice Committee, paragraph 23

¹⁷ Reconviction rates in Scotland, 2016-17 Offender Cohort National Statistics, Scottish Government

¹⁸ Report of the Commission on Women Offenders, 2012

lives of the prisoner and the family in terms of employment, income, housing and family relationships. The ways in which the benefit system and the law on housing interact and the impact on the rights of remand prisoners is explored in detail in section 4 which sets out the evidence gathered through the CAB cases.

However, one of the key issues identified by the Scottish Parliament's Justice Committee's report is that those placed on remand are people whose lives are already difficult. There are clear links between deprivation and incarceration. Thirty five per cent of all arrivals in prison come from the 10 per cent of Scotland's most deprived areas; 7.5 per cent of entrants to prison are people who are homeless.¹⁹

The biennial Scottish Prison Survey is the 'user's voice' of remanded and convicted prisoners.²⁰ It is carried out in all 15 of Scotland's prisons. It reveals important information about who is in prison and the kinds of issues they face: mental health; long term illness and disability and drug and alcohol problems are prominent (see Table 1).

Table 1: Extracts from The Prison Survey, 2019

Health	29% reported being seen by mental health staff in prison; 38% reported a disability and 41% said they had a long-term illness
Family/Friends contact	58% maintained contact by telephone; 57% wrote letters; 43% received visits. Distance and cost of travel were the main issues reported with respect to visits. 61% had children
In care Custodial history	One quarter had experience of being in care while growing up. 40% reported having previously been in remand between 1 and 6 times. 37% had never been on remand. 60% had served previous sentences.
Drug and alcohol use	41% reported drug use as a problem on the 'outside'; 45% said they were under the influence of drugs at the time of their offence; 39% reported using drugs while in prison; 39% admitted being drunk at the time of their offence.
Literacy	24% reported having few computer skills; 1 in 5 reported problems with reading and writing
Housing	56% of those who spoke about housing said they had lost their tenancy when entering prison; 37% said they did not know where they would live when leaving prison.

There is also evidence to show that the risk of suicide among remand prisoners is high. A commissioned study which looked at the data on people who had died in custody between 2008 and 2018 showed that 52 per cent of deaths were suicides and of these 59 per cent were people on remand; 40 per cent of these suicides were people below the age of 40.²¹

¹⁹ Scottish Prison Population Statistics, 2019/2020

²⁰ Scottish Prison Survey, 2019, James Carnie and Róisín Broderick, SPS

²¹ Study commissioned by Mr. and Mrs. Allan, parents of a young person who committed suicide in prison. SPS figures on deaths in custody are incomplete.

Interruption of addiction regimes

K requires methadone to cope with his addiction issues and he is HIV positive. On coming into prison on remand, K was told his medication could not be provided until it was confirmed by his own community GP. He was without methadone for 9 days which caused him to self-harm on day 8. *(CAB Barlinnie client)*

Interviews with Families Outside and the Croft, two organisations who work with the families of prisoners in Barlinnie Prison, commented on the disruption to families that remand causes. The interviewees commented on the huge financial pressures in terms of lost benefits and income from employment which snowball into debt through missed rent, mortgage and credit payments. The cost and problems of travel to visit the relative inside were noted but most importantly the impact on children. Some commented that where alleged offences had gained notoriety locally, this can result in harassment by vigilante mobs which sometimes necessitated the family moving into unsuitable 'crisis' accommodation and children having to change schools.

Supervised Bail: While more research is required into the impact of bail supervision on reoffending, supervised bail schemes, could be used as an alternative to remand, which could reduce suicide and mental distress, prevent disintegration of social supports, maintain family ties and reduce disruption to employment and housing which are all factors associated with reoffending.

(Extract from 'Reducing Re-offending: effective and promising investments', Justice Analytical Services, 2019)

In summary, there is an ongoing debate on the use of remand for pre-trial prisoners. The key question is whether it is worth the disruption caused by detention for what may be a relatively short time period? Is remand the best way of addressing the complex issues of those who are held on remand? This is particularly pertinent, given the evidence of the ways in which the benefits system discriminates against remand prisoners.

3. Parkhead Citizens Advice Bureau in Barlinnie

This section describes how Parkhead CAB operates within Barlinnie prison and analyses the statistical data drawn from the client sample which describes the demographic characteristics of the CAB clients and the kinds of issues on which remand prisoners seek advice and information.

Membership of Citizens Advice Scotland

All Citizens Advice Bureau in Scotland are independent charities linked together through the network organisation, Citizens Advice Scotland (CAS) which provides services to bureaux to meet the two aims of the service: delivering advice and information and advocating on the basis of evidence for legal and policy changes to improve people's lives. CAS services include the provision of an internet-based information system (Advisernet); IT support, training, and advocacy and campaigning. As members of CAS, every bureau has to abide by the membership conditions. These include adherence to the CAB principles and methods of operation. Citizens Advice Bureaux are volunteer-led organisations. Paid staff are employed to manage the bureaux and provide specialist support to the 2,500 volunteers who give advice and information to the public.

Training for advisers

Parkhead operates an outreach service from within the Link Centre and also a service for the families of prisoners, from the atrium in the foyer of the prison. All volunteers and paid staff who work in the outreach service have completed the rigorous CAB training course. This covers knowledge of the key areas of the law required to offer advice and information and important skills such as use of Advisernet, interviewing and case recording, representation and negotiation. In addition, all trainees spend time shadowing trained advisors and being observed by a mentor before being allowed to operate as an independent adviser. The work of advisers continues to be assessed through the quality assurance scheme.

The process: interviews and quality assurance

At the start of every interview, clients are informed of the GDPR regulations and reassured that the service is free, confidential, impartial and independent. The details of a client's case cannot be revealed to third parties without the express permission of the client and a signed mandate to that effect. CAB advisers are trained to listen to the issues presented by the client, to research those issues using Advisernet, to ensure that the information offered to the client is accurate and up to date, and then to discuss with the client the potential options, leaving the client to choose a particular course of action.

Accurate information is crucial

The CAB advisers working in Barlinnie all commented that misinformation is rampant; prisoners believe what they are told by other prisoners and unless they visit the CAB they cannot get accurate information. This is particularly true about housing issues: 'you've got to give up your house' is common gossip but untrue. As two advisers commented:

"Oh yes, there's plenty of Philadelphia lawyers who reckon they know everything!"

"My mission is to destroy the prison grapevine!"

At the conclusion of an interview a case record is made on CASTLE. Where a client consults with the CAB on more than one occasion, the case record is amended, enabling any CAB adviser to advance a case. As part of membership conditions, all CABx in Scotland participate in the quality assurance scheme, which entails a verified quarterly check on cases to ensure that the information being offered by advisers is fully researched, accurate and properly recorded. The interview, recording and quality assurance process is followed for all the clients seen by the CAB outreach service in the Link Centre.

Working in the Link Centre

Parkhead is very happy to work within the Link Centre alongside personnel from the Job Centre and the very helpful prison officers in charge, but prison restrictions do slow up the service that the Bureau is able to offer. Lack of access to the internet and a dedicated telephone means that checking information on Advisernet and making calls on behalf of the prisoner has to be done back in Parkhead Bureau and a further appointment made to see the prisoner to discuss options for action. Having access to a 'phone while a prisoner is present would mean that he can confirm to the third party that he is happy for the CAB to act on his behalf and that he has signed a mandate to that effect. It would also be advantageous because the prison regime often makes it awkward for a prisoner to return for a second or subsequent appointment as he may be required to attend court, take exercise or follow set meal times. Communicating with prisoners post interview is very important. The adviser needs to feedback to the client information about his enquiry and progress case work. The CAB provides pre-paid envelopes to give to prisoners to try to ease communications and follow up.

The mention of these factors is not a criticism of the prison staff with whom the CAB team have worked alongside and successfully co-operated with for many years. It is simply a statement about how prison restrictions lengthen the time it takes to work with a prisoner to resolve his issues.

Average time spent on a case in Barlinnie

In Link Centre: first interview, 40 minutes

Back in office: checking Advisernet, opening case record, 30/40 minutes

In Link Centre: second interview 20/30 minutes

Back in office: further case work/ adding to case record, 30/60 minutes

Total time spent: Between two and a half and three hours

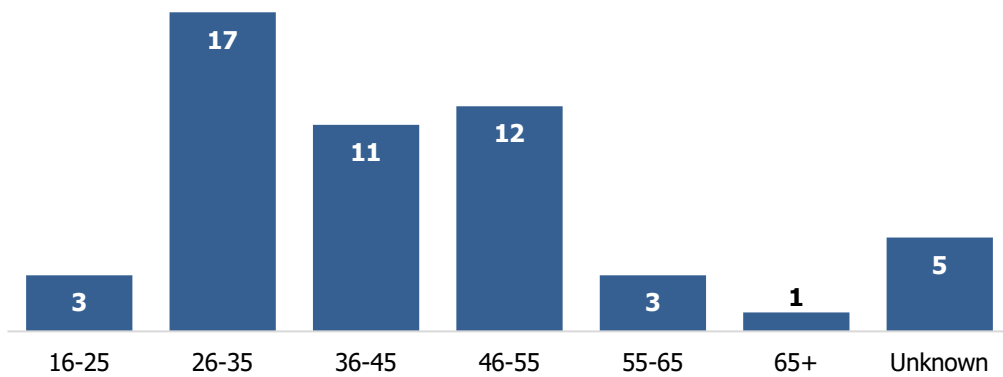
Who uses the CAB in Barlinnie?

The service that runs from the Link Centre gives advice to both remand and convicted prisoners. However, the sample for this report is of 52 cases of remand prisoners who have used the service over the last two years. The data is all self – reported: that is, what the person chooses to tell the adviser in the initial interview.

Age range, ethnicity and family status

As the chart shows the majority of prisoners using the service in the Link Centre were aged between 26 and 55 and these figures are similar to the age profile for prisoners throughout Scotland.²² The 'unknown' category includes people who did not wish to state their age and cases where the record was incomplete.

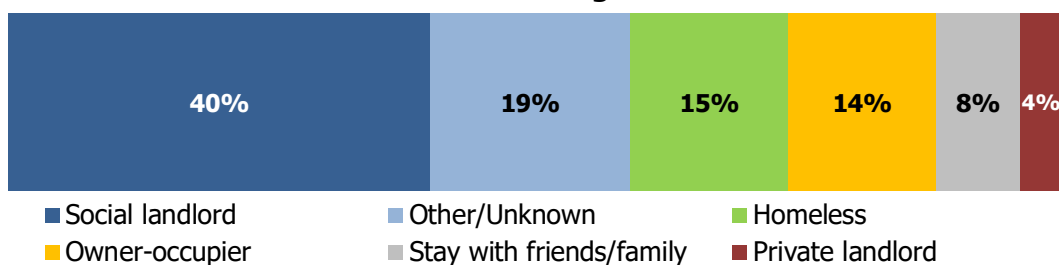
Chart 6: Age range of prisoners using the CAB service



In terms of ethnicity, the majority of the sample described themselves as 'white' or white Scottish (44); 2 people described themselves as Asian and one used the term mixed race. Five people preferred not to answer or the information was missing from the record.

Three quarters of the service users said they were single, 13.5 per cent said they were married or cohabiting and some 9.6 preferred not to answer. Of those who said they were married or cohabiting all but two had children. By contrast the 2019 Prison Survey showed that overall (remand and convicted) around 61 per cent of prisoners had children. It would seem that a substantial number of those using the CAB service are those that have few family or friends who can help the prisoner in managing his affairs while on remand.

Chart 7: Housing status



²² Scottish Prison Population Statistics 2019/20, SPS

Housing status

As chart 7 shows most prisoners (40 per cent) who used the service said they rented from a social landlord (a council or housing association); 16 per cent stated they were homeless. About half of the 'other/unknown' category were people who said they had been in prison previously while the remainder preferred not to say.

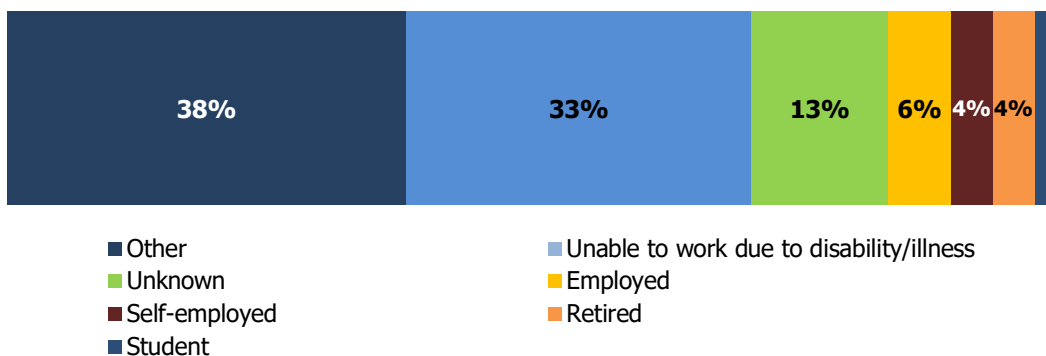
Employment history and self-reported illness and disability

Remembering that all the information presented is self-reported, one third of the remand clients considered that they were unable to work because they were ill or had a disability. A further question asked specifically about illness or disability and here an even larger number (60 per cent) mentioned having some sort of illness or disability; mental health was often specified. It is important to remember that not all remand prisoners attend the CAB service in the Link Centre but the very high incidence of ill health and disability and the specific mention of mental health problems does suggest a clear need for the service and that the service is dealing with a particularly vulnerable group.

The other significant factor shown by chart 8 is the large 'other' category (38 per cent). In many cases these records were marked 'prison' meaning that the client had previously been in prison. 'Unknown' indicates that the prisoner either declined to talk about his employment history or the question was simply missed.

A further question on the client case record refers to income level. The bottom classification is: 'annual income below £6,000' and almost all of the sample, with the exception of those who said they had been employed, fell within this category, reinforcing the conclusion that the people using the CAB service in Barlinnie are overwhelmingly low income and a large number of them are also living with some kind of illness or disability.

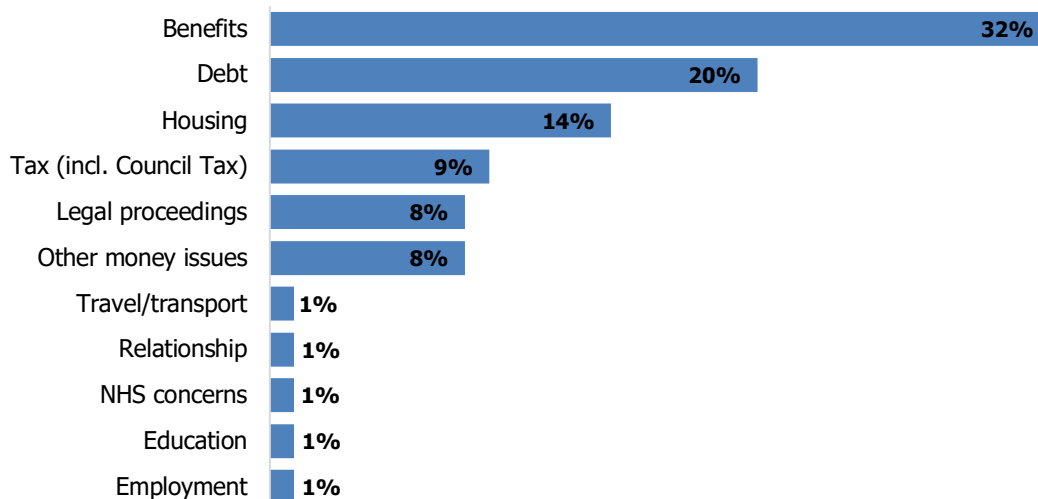
Chart 8: Employment status



Prisoner enquiries

As chart 9 shows there are three main issues that prisoners enquire about: benefits (32 per cent), debt (20 per cent) and housing (14 per cent). The breakdown within these categories is informative. Within the benefits category, information and advice about universal credit made up 70 per cent of the issues and within 'housing' questions about homelessness amounted to 35 per cent of the enquiries. Debt issues were evenly spread between arrears of rent, council tax and community charge alongside a range of catalogue, credit card and utilities debts and unsecured loans.

Chart 9: Advice issues



However, it is important to note that the majority of prisoners do not need help on a single issue. The average number of issues dealt with per client was 4. A prisoner may start the interview by talking about housing but inevitably this will also involve discussion of benefits, debts and other issues. For the majority of prisoners who used the service, the CAB advisers carry out case-work. As the box indicates, case work can mean a variety of activities undertaken on behalf of the client and can involve the adviser in hours of work. Case-work necessitates further contact with the prisoner to inform him of progress on the case or to obtain further information and discuss options. Interviews with prison officers stressed the importance of the CAB service: "we very much see the importance that prisoners have access to the right advice at the right time" (Officer in charge of the Link Centre).

What does case-work on behalf of prisoners involve?

- Filling in forms: e.g. council tax exemption forms
- Writing letters: e.g. asking for a moratorium on debt repayments
- Negotiating with outside organisations: e.g. banks, finance companies, local authorities, housing associations
- Contacting friends and family on the prisoner's behalf: e.g. to organise payments into PCC
- Working with colleagues in law centres to get representation for prisoners faced with eviction notices.

In summary, the statistics drawn from the sample of cases reviewed would suggest that the CAB service is dealing with a group of people in vulnerable situations in terms of employment history, illness and disability and income levels. The advice and help offered to prisoners via the CAB service is fundamental to their ability to pick up their lives once they leave prison. However, as the next section demonstrates, the law and regulations on benefit and housing, in particular, are unfair to various categories of remand prisoners.

4. Social security law: how it affects remand prisoners

As was noted earlier, reconviction rates of those who receive custodial sentences are very high. Having a home to go to and sufficient money for day-to-day living are human rights but also crucial to preventing re-offending. People who are released following periods on remand or having served a sentence need advice and information about benefits, housing and money issues. As will be shown below the rules and regulations governing income benefits and housing allowances are complex and quite frequently pose difficulties for those on remand.

“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)

A state of shock and feelings of disempowerment

The CAB advisers interviewed all concurred that the remand prisoners they see are often in a state of shock. Sometimes the fact that they have been remanded means their family and friends do not want anything to do with them and this, and the impact of being imprisoned without the opportunity to put their affairs in order, contributes to anxiety.

The advisers report that prisoners frequently comment that ‘inside’ they feel incapable of dealing with issues that on the ‘outside’ they would have easily accomplished. In addition the prison situation does not make it easy for prisoners to maintain control over their own affairs and this can only contribute to feelings of helplessness and disempowerment. The importance of the CAB principles of impartiality and being non-judgmental are crucial in gaining the trust of prisoners who appear ‘in shock’. One adviser described her opening words as: “I’m in Barlinnie with you, I’m here to help. I don’t need to know what you have or haven’t done.” The CAB methodology of interpreting the law for the individual’s circumstances and

presenting the options to the client while exercising the principle of 'the clients right to decide' is crucial in trying to boost self-confidence and reduce the disempowerment that many prisoners experience.

The information contained in these sections is not exhaustive; there are many benefits and countless rules and regulations that are not mentioned. The objective of this section is to illustrate how remand prisoners may be adversely affected by the benefits system and the laws and practice with regard to housing. As one CAB adviser working in Barlinnie commented: "So much depends on individual circumstances, what they are entitled to, what is stopped when they enter prison on remand and what is suspended and can be reactivated later."

Benefits

Universal credit (UC) will eventually replace what are known as legacy benefits. The main legacy benefits are: income support (IS), income-based job seekers allowance (JSA), employment support allowance (ESA), housing benefit (HB), child tax credit and working tax credit. The amount of UC payable varies according to the different circumstances of the individual or family, with, for example, allowances for children, top-ups for low pay and a housing element.

Universal Credit

Universal credit (with the exception of the housing element) is stopped once a person is imprisoned on remand. The amount that a person can be paid on universal credit is defined during an assessment period of one month. Any changes to the person's eligibility for the benefit during the assessment period are backdated to the beginning of the assessment period and this means that unless the prisoner has already received the first universal credit payment by the time they enter prison, they will be ineligible to receive the housing element which is crucial in maintaining the person's tenancy.

Although the prison may inform the DWP when a prisoner is remanded, it is the prisoner's responsibility to check that this has been done or inform the DWP themselves, as any overpayments (which can be appealed), most usually have to be paid back. This, plus the fact that universal credit is paid 5 weeks in arrears may make it extremely difficult for the prisoner to cope with their finances on release. Even if the person is ultimately found not guilty, universal credit is not backdated for the period spent in jail and the person may be without funds for 5 weeks because they have to reapply.

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 ESA and because he was on remand for over 5 weeks his PIP payment 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)*

There are several categories of remand prisoners who may be disadvantaged by the UC rules. For instance, a person who was in employment prior to being remanded and not in receipt of UC but who loses their job as a result of being in prison but is then found to be not guilty, will be ineligible for housing costs and may therefore lose their home. On release they will have to make a claim for UC and wait 5 weeks for a payment. Convicted prisoners prior to release can receive support from Job Centre coaches who are based in the prison to set up their UC application. By contrast, remand prisoners will not have this pre-release opportunity as they will not know in advance when they will be released.

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)*

Families and UC

There is also, of course, the impact on the family. Each individual adult makes a claim for UC but where individuals are part of a family, the claims are linked. This means that when one half of a partnership goes into prison, the other partner must continue their claim as an individual. This requires the partner outside to report a change of circumstances on the UC journal. Although individual claims within the family are supposed to be linked, CAB advisers report that one half of the partnership reporting is often insufficient and that unless a change of circumstances is promptly reported, overpayments may be made incurring debts to be made from an already minimal income, adding to the stresses already experienced by the family outside.

Parents of children or young people remanded

The imprisonment of a child or young person remanded or imprisoned after sentence will also affect family claims for universal credit as the allowances for that child or young person will be deducted and housing allowances (see later section) may also be reduced because the family will be considered to be 'under occupying' the house; the so called 'bedroom tax' will come into operation.

Post sentence

The regulations for claimants following a court trial differ according to whether there is a custodial or non-custodial sentence. Those in prison cannot claim universal credit

but those given non-custodial sentences such as community pay back orders (CPO) may be paid UC but can fall foul of the 'claimant commitment' to look for work as the number of hours of unpaid work required to complete the CPO may cut across the person's ability to meet the claimant commitment. The 'unpaid work' of a CPO cannot count as work for the purposes of claiming benefit. The official guidance suggests that people in this category or those who are deemed to be sick and therefore unable to work even though they may have a CPO, should liaise with Job Centre staff.

Getting into debt

There are many criticisms of UC which, while not specific to prisoners, will also have an impact on people who are remanded or sentenced and their ability to survive on release from prison. UC is paid in arrears. The design and regulations that underpin UC expressly prohibit claims while inside prison and so create an unavoidable gap between release and the start of the five-week waiting period. It is possible to ask for an advance payment to cover the five-week wait at the start of a claim but this means that the person begins life on the outside with a UC debt. As the case studies illustrate this is an important issue and has the potential to lead to further offending and imprisonment.

Digital skills and access

Universal Credit is a digital benefit. The DWP expects most, if not all, non-job coach interactions to be done through the completion of an online journal. Exceptions can be made to allow for a telephone claim but these typically require some 'good' reason. That all transactions for UC have to be carried out online poses a problem for many prisoners who do not have access to digital technology or the skills to use it. The Committee of Inquiry into the Use of Remand noted that that a large percentage of people remanded in custody have chaotic lifestyles and few digital skills. They may be released into the community with no 'phone and no access to the internet, but will have to make a claim for UC and subsequently use the internet to report on job search and keep their journal up to date. These are formidable requirements for many ex-remand prisoners trying to maintain life on the outside and avoid offending behaviour.

Legacy benefits

Legacy benefits are those that will ultimately be replaced by universal credit and the regulations for people remanded in prison are complicated as are the rules about which ones can be re-paid, if the person is ultimately found to be not-guilty. Legacy benefits are often more generous than UC but time spent on remand and the interruption of benefits may mean that the prisoner and any partner have to move off legacy benefits and onto UC.

Income support (IS), jobseekers allowance (JSA), income related employment and

support allowance (ESA) and pension credit (PC) all cease to be paid when a person is remanded in custody and will not be back-paid, even if the person is found to be not-guilty. For people who were in receipt of these benefits, the only allowance that is payable while on remand is the support for mortgage interest and this can only continue if it was claimed prior to entering prison. Some benefits including contributory ESA, carer's allowance, state retirement pension and bereavement benefits are not paid while the person is in prison but can be back-paid if the person is found not guilty or receives a non-custodial sentence such as a CPO.

A period on remand may also mean that entitlement to legacy benefits is effectively lost and the person will have to claim UC on leaving prison, even if they have been found to be not guilty or given a non-custodial sentence. As noted earlier, UC is paid in arrears and therefore, for example, having lost entitlement to income support while on remand a prisoner may then have to wait 5 weeks before receiving a UC payment. Claimants who receive a legacy benefit and PIP may also be receiving a severe disability premium. Until recently receipt of this premium for at least 6 months prior to going into prison enabled the claimant to return to this benefit on release. However, this 'gateway' has recently closed.

N was on remand and therefore had no prison wages to put into his PPC. He asked the CAB to help in getting money transferred from his bank account as he had no-one who could do this for him. He was on ESA prior to coming into prison and his application for PIP had been refused. He was advised that if he is released he will have to apply for UC and make a new application for PIP. He was given the details of a CAB near his home. *(CAB Barlinnie Client)*

Child benefit

Child benefit can be paid while a person is on remand and also during a sentence, as long as the prisoner is responsible for the child and the money is spent on looking after the child. Normally, it is more convenient for payment of child benefit to be made over to the other parent or to the person who is looking after the child.

Disability benefits

With an increasing number of older people in prison, the number of disabled prisoners or those with a long-term illness has also grown. Personal independence payment (PIP) is payable during the person's first 28 days in prison but is suspended after 28 days. If a person is remanded twice the two periods are linked together which means that the PIP payment may stop sooner than 28 days or not be paid at all during the second spell on remand because the total time on remand exceeds 28 days. Suspended PIP payments are not refunded, whatever the outcome of the case but on release from prison, PIP can be re-instated.

By contrast, disability living allowance and attendance allowance, other benefits to

help disabled people or those with long-term illnesses, are suspended as soon as a person is remanded but arrears can be back-paid if the person is found to be not-guilty or given a non-custodial sentence such as a CPO.

National insurance contributions

Only specific categories of prisoners on remand and those serving sentences are credited with national insurance (NI) contributions. For instance, most remand prisoners will not receive NI contributions and will not have them back dated on release unless they were sick and receiving certain incapacity benefits before going into prison. Those who are serving sentences are also not credited with contributions, unless they are very near retirement age. This may result in gaps in contribution records affecting future entitlement to contributory benefits, including the state retirement pension.

Housing

Retaining a home to go to on release is extremely important in trying to prevent re-offending and, according to the CAB advisers, "will I lose my home" is often the first question asked by remand prisoners attending the CAB service in the Link Centre. It is a difficult area for advisers because some alleged offences may relate to the house, for example, anti-social behavior and domestic violence. Such offences may lead to an eviction or exclusion from the home if the person is found guilty. Housing benefit, a legacy benefit, allowed housing costs to be paid for 52 weeks enabling a single remand prisoner to continue to pay the rent and secure a home to go to on release but this allowance is reduced to 13 weeks from the date of entry to prison, if the person is convicted. However, under UC the housing element is only payable for 26 weeks. Retaining the housing cost element under both UC and housing benefit rules does depend on the length of time the prisoner is expected to be on remand or for the convicted, the length of the sentence. This requires negotiation with the DWP. While payment of housing costs may enable some remand prisoners to continue to pay rent and secure their home, as the length of time prisoners are on remand increases, the likelihood of the loss of homes escalates.

B is a single man who prior to his arrest was working. He rents his home from a housing association but because he was working he was not entitled to housing benefit. He asked the CAB to negotiate with the landlord on his behalf because he doesn't have any family or friends to help him. The CAB helped him apply for a council tax exemption and to claim a tax rebate. The CAB will await the outcome of the trial and then follow up his case. *(CAB Barlinnie client)*

In the case of prisoners who have a partner, a usual procedure is for the partner to take over the tenancy unless it is already in joint names. This, of course, has to be negotiated with the landlord.

Since 2011, there has been a presumption against short sentences. This means that

a court should not impose a sentence of less than one year unless it considers there is no other appropriate method of dealing with the person. As a result most convicted prisoners will not be in a position to retain their home using benefits to pay the rent but for remand prisoners this may still be an option. The CAB advisers report that prisoners are sometimes encouraged by landlords, both social and private, to relinquish tenancies. Landlords may also start eviction procedures while the tenant is in jail in order to repossess properties. If the prisoner wishes to keep his house, the CAB will intervene to ensure that the proper procedures are followed before eviction notices are served and where necessary arrange for a law centre colleague to represent the prisoner in court to try to halt the eviction. However, many people enter prison with historic rent arrears, lowering landlord tolerance for further arrears.

Given the understanding of the importance in terms of the prevention of re-offending of maintaining a home available on release, it is important that prisoners seek advice before signing any agreement to end a tenancy. Other solutions may be found such as friends or family agreeing to cover rent when benefits run out. Much will depend on benefit entitlements and the length of time the prisoner is held on remand. CAB advisers have reported recently that they are seeing prisoners who have been on remand for a year with no end in sight.

For those prisoners who own their house or who are paying mortgages, the rules are different. Both legacy benefits and UC allow payment of support for mortgage interest, however, this must have been claimed before the person entered prison and cannot be allowed unless it has been paid for 9 months. As the name suggests, this allowance in any case only covers mortgage interest and not capital.

The council tax rules allow an exemption on the property or rented home of a prisoner that is held on remand or in prison because they have been convicted. If the home is shared with a partner, then council tax still has to be paid but the partner may be able to claim a reduction, depending on who else lives in the house.

A further issue of concern is that of personal possessions. Once a tenancy is ended or a house repossessed by the mortgage company, it is up to the landlord or mortgage company to decide what to do with the prisoner's belongings. Neither has a duty to look after such items and they may be disposed of if the prisoner cannot make arrangements for the property to be removed. There are the obvious issues of the cost of storage and the problem of asking someone else to clear out property but as the CAB advisers pointed out, they have dealt with cases where the home contains items which may hold precious memories, as well as important items like passports, birth certificates and other documents. One CAB adviser commented: "these items are maybe all that he has to hang onto as memories of a better life." In addition, loss of some documents, such as passports and other means of

identification, may make it very difficult for the person to open a bank account or claim benefits when leaving prison.

Will I lose my home?

When a prisoner asks this question, the answer is not straightforward as this case illustrates. R, a single man, was remanded a month before Christmas and expects to go to court in February. He is pleading not guilty but if found guilty may be facing at best a CPO or at worst a sentence of over one year. Before coming into prison, R was on UC and received a housing allowance for his rent for a local authority house. R would like to move away from the area where he was living where he fears the stigma of the accusation of the crime will cloud his life and he would like to move to another local authority area near where his sister lives. In situations like this, CAB advisers often have to present a number of unpalatable options. UC may cover R's rent until May but after that he will have to find the money and he doesn't know how long he will be on remand or if he will receive a custodial sentence.

- If R waits until May and then relinquishes his tenancy, he will have to give the local authority a months notice and cover the rent for that period. He will then be homeless and in debt.
- If R does relinquish his tenancy the local authority where he wants to move to may consider that he made himself 'intentionally homeless'. Local authorities are no longer obliged to take this specific factor into consideration but some may. However, in order to be rehoused in a different local authority, R may have to show a 'local connection'. That 'local connection' has to be a close relative or similar, who has lived there for at least five years and R's sister has only lived there for four years. R will be homeless.
- If R is found guilty, is given a custodial sentence and the rent arrears build up, the local authority may press for an eviction. If this goes ahead, R will be homeless.

Guilty or not guilty, the options available only move the problem from one government department to another.

In terms of managing payments for housing and council tax, much depends on individual circumstances and how long the period of remand is likely to last. However, whether the prisoner is single or in a partnership, renting or an owner occupier, the prisoner and the partner or family will need to negotiate with the landlord and/or the DWP over rent payments, the mortgage company over payments and the local authority about council tax. All these activities are difficult from within prison.

Evidence on housing and re-offending

- Offenders with accommodation problems are more likely to reoffend than those with stable accommodation.
- There is evidence that hostel-type accommodation tailored specifically for ex-offenders may facilitate the development of 'criminal networks', leading some researchers to conclude that it is more effective to house offenders in secure mainstream accommodation.
- Good practice highlights taking a proactive approach towards managing the housing needs of prisoners, including assessing needs on entry into custody rather than immediately before release. 'Link' schemes, which work with prisoners in custody and on release via through-the-gate assistance, have also been identified as potentially valuable.
- There is some mixed/promising evidence that housing support for offenders with mental health problems has had a positive impact on levels of homelessness and crime.

In order to sustain their accommodation, offenders may need advice in managing money and debt.

(Extracts from 'Reducing Re-offending: effective and promising investments', Justice Analytical Services, 2019)

Money and debt

When a person is remanded, they are suddenly in prison without the opportunity to set their affairs in order. Nevertheless bills have to be paid, credit card companies negotiated with and some contracts may need to be cancelled or companies contacted to ask for time to pay. As a remand prisoner does not know how long they will be in prison, this complicates matters.

H asked for assistance to deal with his debts. He had outstanding payments on a loan from a finance company and also debts owing to a car company who had already repossessed his car. H 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)

Energy companies make standing charges. Is it best to cancel the contract and face the prospect of having to pay reconnection charges or to continue to pay? People who have pre-payment meters, which are in any case more expensive than ordinary tariff contracts, may find that although they have topped up their cards, when they return to their home they have no gas or electricity because the standing charge will have continued to build up while they are in prison.

K has a mobile phone contract of £60.00 per month and wanted to seek a break in the contract. The CAB contacted the mobile company and was advised the client

could seek a break if he is paid up to date. Alternatively he can assign the contract to a third person but this can only be done 'in person'. *(CAB Barlinnie Client)*

The CAB advisers interviewed stressed that they advise prisoners coming into jail to contact any debtors and ask for a moratorium on debts, arguing that there is no point on a company continuing to demand payments when the prisoner has no means of paying. Sometimes the CAB recommends asking for the debt to be completely written off, for example where the stay in prison is estimated to be lengthy. Given that statistics demonstrate that there is a large over representation of people from deprived areas in prison, debt is not surprisingly a key issue. CAB advisers spend considerable amounts of time negotiating with companies on behalf of prisoners; trying to get demands for payment halted, asking mobile companies to convert monthly contracts to pay-as-you-go systems and generally trying to, as far as is possible, reduce the burden of debt that the prisoner will face on release. The objective is clear: greater indebtedness can only increase pressures towards re-offending and therefore the effort must be to minimise that risk.

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 payback order or released after serving a sentence. *(CAB Barlinnie Client)*

Employment

While many people who are remanded are dependent social security payments, some will have been employed and it is crucial that employers are informed as quickly as possible by the prisoner why they will not be turning up for work. CAB advisers commented that many prisoners are ashamed that they have been imprisoned and are reluctant to contact employers to explain but as one adviser explained: "it is not always bad news". Some employers are willing to hold jobs open until the trial actually determines the outcome. The prisoner also needs to check that they have been paid correctly up to the date of imprisonment. One adviser noted that being able to cite a good employment record and, subsequent to any period in jail, being able to approach an employer for a reference can be vital in helping the person post remand or post prison sentence. Those prisoners who were employed and paying income tax prior to jail will also need to inform HMRC as a period in jail will alter the tax code and therefore the amount of tax paid.

R had been working prior to his arrest. He wanted help with cancelling direct debits and re-directing any mail to his mother's address. He asked for help about housing as he had recently become homeless. Housing advice through the prison is not available to remand prisoners, only for convicted prisoners prior to release. The CAB advised him about what to do to claim benefits and secure housing if he was released after a court appearance and gave him the names and addresses of other agencies such as the Simon Community who offer help to the homeless. *(CAB Barlinnie Client)*

Prison rules: issues for remand prisoners

No release payment or support

Perhaps the most obvious way that remand prisoners are discriminated against is that, unlike convicted prisoners, they are not entitled to any release grant, travel warrant or post prison support. The CAB advisers commented that the Through Care system (now not operating because of the shortage of prison staff) was really helpful to convicted prisoners on release, in helping them through the benefits system and to re-establish their lives in the community. However, no such support is offered to prisoners released after a period of remand, whether they are found to be not guilty or given non-custodial sentences, such as CPOs. This lack of support and even basic information can only increase the propensity to re-offend. As one CAB adviser commented: " they can be in prison one day, go to court the next and be released but have no money, no 'phone and no means of getting home, if they have one to go to. Not everyone lives within walking distance of Glasgow Sheriff Court!" Some Third Sector organisations are trying to deliver a similar service to 'Through Care' and it would be good to see this extended to help remand prisoners. There are a number of discretionary payments that some ex-remand prisoners may be able to apply for, such as Scottish Welfare Fund crisis or community grants and discretionary housing payments. But people would need to be made aware of these on release from court or prison and be offered assistance to make applications.

Guilty or not guilty – which is better?

J has addiction issues and has been on remand four times over the last two years; the shortest period before re-arrest was 12 hours and the longest 12 days. As a result of his imprisonment he lost his entitlement to employment support allowance with a severe disability premium and moved on to universal credit. He maintains that the lack of support for remand prisoners on liberation leads him to shop lift and re-offend. 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. While 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)*

No work or education: no money

Remand prisoners are not obliged to go to work or attend education, and even if a prisoner wishes to work or go to classes, with the shortage of places available priority is given to convicted prisoners. This means that remand prisoners do not have any opportunities to earn money and unless they have family or friends who are willing to send in money, they will not be able to afford the items that are available in the canteen and which, arguably, enable prisoners to maintain some level of dignity and self-respect. Items purchased through the weekly canteen include toiletries; vape for E cigarettes, sweets and other non-prison food, paper and pens etc. As one of the CAB advisers pointed out, the lack of ability to earn money can also lead to further problems: "Prisoners who borrow get into further trouble – you (the prisoner) can't borrow anything – there's always a pay back."

Selling drugs to get cash

The lack of work places means that many remand prisoners cannot be allocated work placements. One remand prisoner remarked that there are two classes of remand prisoners; those who have family and friends who can contribute to a prisoner's prison personal cash (PPC) and those without. This, the prisoner maintained, results in some prisoners selling their drugs in order to pay for a few luxuries and as a consequence "guys with mental health issues go wrong." (*CAB Barlinnie client*)

Communications and privacy

The prison regime and limited facilities make it extremely difficult for prisoners who are able and wish to manage their own affairs; the means of communication are simply not available. For example, prison regulations entitle a prisoner to only one free letter a week apart from privileged correspondence with, for example, their legal representative which is unlimited. Any additional non-privileged post has to be paid for by the prisoner and it may be read by the prison authorities. While it is understandable that correspondence does have to be checked to ensure that it is not enabling illegal activities, privacy is a human right. Currently CAB mail is not classified as 'privileged'. But it is not only a question of confidential post but that many prisoners in Barlinnie have to share cells, and they have nowhere to keep personal papers. The CAB advisers stress that this is of concern to many prisoners who feel that personal matters, for example about their own financial situation, is information that if known by other prisoners may be used against them.

In interview one prison officer commented that remand prisoners potentially have more contact with the outside world in that they are entitled to more visits. However, their ability to communicate with other agencies and institutions depends very much on the prisoner having a family or friends that are able to manage their affairs for them and this, "places increased demands on family members to meet the expectations of the prisoner ... For example that they will visit every day and that

they will hand in money and other items ...(this) can lead to a strain on that relationship and ultimately the prisoners contact with the outside world" (Prison officer working in the Link Centre).

L wanted advice about his house. The adviser gave him information and helped him apply for a council tax exemption. L asked if the CAB could ring his bank to find out his bank balance and ask for a new bank card. The adviser told him that they could write on his behalf but it would be a lot quicker if L could 'phone and suggested he ask the Hall staff for use of a push button phone that would allow him to call the bank. L was reluctant to ask and had to wait several weeks for a written response. *(CAB Barlinnie client)*

In a world where most consumers communicate with companies and agencies via the email or internet-based communications like webchat, writing letters is the only option for prisoners who are not allowed access to the internet. Even using the telephone is problematic. Prisoners can only use numbers that have been registered and checked by the prison authorities. In Barlinnie, the times when 'phones, including the new mobiles, can be used is limited according to rotas and the ordinary 'phones do not allow use of interactive voice response options menus. So even if prisoners do manage to telephone a company or agency, the chances are they cannot connect because they are unable to press the required buttons to make a selection. Mail is often the only option for prisoners who wish to communicate with companies and organisations on the outside but as one CAB adviser noted, many companies are now so internet based that the only address that appears on the website is one for complaints.

The Committee also heard that the negative consequences of a period on remand were exacerbated by the absence of support when remand prisoners are released. The difficulties remand prisoners may face on release are often the same as those faced by convicted prisoners. Particular concern was raised around housing and welfare benefits.

(Extract from The Scottish Parliament Justice Committee of Inquiry into the Use of Remand, 2018)

In summary, this review of the law and regulations on benefits and housing illustrated by the CAB cases show the anomalies and complexity of rules that render the system at best difficult and often discriminatory with respect to remand prisoners. Why should one group of prisoners who have worked, or another group who have been on one kind of benefits be treated worse than another group who are claimants of a different sort?

The prison system itself operates to disempower those people who are capable of handling their own affairs by effectively hindering communications with the outside world. The prison rules for remand prisoners limit openings for work and education

and consequently the opportunity to earn money. This puts prisoners without friends and family at a financial disadvantage. The detrimental situation of remand prisoners is compounded by the lack of post-prison support; the convicted prisoner who has served a sentence receives more favourable treatment.

5. Conclusions and recommendations

In the last 20 years the number of people in Scottish prisons has risen. Within this general picture, there has been increasing use of pre-trial remand and this has escalated dramatically during the Covid 19 pandemic. In Barlinnie prison in 2020 some 29 per cent of all prisoners were those remanded pre-trial. Using a sample of 52 remand clients seen by the CAB outreach service in Barlinnie, this research set out to identify the key issues affecting remand prisoners, to understand how these issues affect remand prisoners and on the basis of that evidence, make recommendations for change.

The context for this report is the current debate on the use of remand for pre-trial prisoners. 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 the physical and mental health of remand prisoners, that the problems they face on release are similar to the problems faced by convicted prisoners post release and noted the very disruptive impact that short periods of remand have on remand prisoners' lives and those of their families. The Committee argued for further research into the use of remand and potential alternatives.

The statistical data drawn from the sample used for this study suggests that the prisoners using the CAB service in Barlinnie are in the main a vulnerable group, characterised by single status, a low income, a large incidence of illness and disability and prior experience of homelessness. Benefits, debt and housing are the three main issues on which advice is sought. The evidence supports the definite need for a CAB service and its operation within the Link Centre.

The key findings are that the benefits system and its interaction with the regulations on housing are extremely difficult for remand prisoners to navigate. The retention of accommodation and access to income are crucial to preventing re-offending and enabling those who are ultimately found to be not-guilty or awarded a community sentence to re-establish their lives on release. However, the regulations operate to severely disadvantage specific groups of pre-trial remand prisoners and make it difficult for them to re-start their lives post remand.

Prisoners who have received housing benefit are potentially treated differently and

better than those in receipt of universal credit making retention of a home more difficult for the latter group. People who have applied for universal credit but who have not received a payment are denied any housing costs to help them bridge the gap between being remanded and potentially being released. There is a further discrimination in treatment between those who were in receipt of benefit and those who were not. Both tenants and owner-occupiers who were not receiving benefit prior to remand receive no help with housing costs. In all cases the length of the period on remand reduces the chances of people retaining their home and increases the likelihood of homelessness.

Analysis of income benefits reveals further discrepancies and anomalies. The loss of legacy benefits and the difficulties associated with claiming universal credit serve to further impoverish remand prisoners and increase the likelihood of them becoming indebted on release. The five-week waiting period for the first payment of universal credit is problematic for people who are already likely to be poor and have no savings. An advance payment and debt are the only alternatives. The expectation that claimants will use the internet is a particular issue given that many remand prisoners will lack digital skills and access to the internet.

Some benefits are repayable once a prisoner is released following pre-trial remand while others are not, even when the person is ultimately found to be not guilty. This distinction is particularly relevant with respect to disability payments, given the incidence of disability and long-term illness. The difference in treatment between those released after a period on remand and those who leave prison having served a sentence is discriminatory; remand prisoners are not entitled to any release payment or travel warrant even though they have been found not guilty or given a community sentence.

The regulations within prison can also serve to disadvantage those on remand. The lack of opportunities to participate in work and education can entail monetary distinctions between those on remand pre-trial and those serving sentences and between those with family and friends and those without. People placed on remand awaiting trial often feel inadequate and disempowered. While some prisoners seek the help of the CAB in managing their affairs, others could be encouraged to take more personal responsibility if it was easier to communicate with the 'outside' world.

When there is a housing shortage and many people who are not in prison are having to exist on universal credit, public opinion may frown on the idea of maintaining homes and benefit payments for people who are potentially guilty of crimes. On a pragmatic level it is pertinent to make a comparison between the costs of benefits and maintaining a person in prison. The universal credit allowance for a year for a 35 year old single person occupying a one bedroom flat living in the East End of Glasgow amounts to £10,842:52 or approximately one third of the estimated cost of

keeping a prisoner in jail for a year (£36,500).²³ However, it is also important to remember that Scottish justice demands that everyone must be presumed to be innocent until proved guilty. In the current circumstances, people ultimately found to be not guilty may already have been punished by loss of employment, their home and, on release, they will face debt and further impoverishment.

Acknowledging that many remand prisoners have complex problems does not take away the negative consequences of remand and the need to calculate and compare the expense of rehousing and provision for the homeless as well as the inestimable costs of family break-up. Indeed, guilty or not guilty, the rights to social security, housing and to an adequate standard of living are international commitments to which the UK Government is a signatory.²⁴

Overall the evidence suggests that the regulations frequently operate only to shift the problem from one government department to another without addressing the key issues. Further, failure to tackle the issues behind the use of remand may actually exacerbate the problems and encourage re-offending. Given that a sizeable portion of people on remand will subsequently either be found not guilty or be considered suitable for a community sentence, the key question remains: is remand the best way of dealing with these kinds of issues and problems?

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.

²³ SPS estimate of the costs of keeping a person in prison published by Scottish Legal News, 2019. The estimate for universal credit includes the £20 uplift payable during the Covid 19 pandemic. Without this and estimating for a shared apartment, the comparative figure would be £8087.20.

²⁴ ICESCR articles 9 and 11.

- Advocate and fund raise for support services for court users including released prisoners.

For prisons

- Enable CABx limited access to the internet to allow 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.

Appendix

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.

Parkhead CAB. Email: info@parkheadcab.org.uk or 0141 550 0004.

Ask the Hall staff for the fact sheet you need

- > **Fact sheet 1**
Inside information: benefits
- > **Fact sheet 2**
Inside information: housing and council tax
- > **Fact sheet 3**
Inside information: managing money and bills
- > **Fact sheet 4**
Outside information: when you leave prison



Need more help?

- > Ask the Hall staff for a referral to see the Citizens Advice team in the Link Centre.
- > Ask the Hall staff for a Freepost envelope to contact Parkhead CAB directly.



www.parkheadcab.org.uk

1361 - 1363 Gallowgate.
Glasgow G31 4DN.
0141 550 0004

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INSIDE INFORMATION

Coming into prison? Need help?

Check out the fact sheets or ask for a referral to the Citizens Advice team in the Link Centre.



Your income and benefits

- > Tell the DWP you are in prison – most benefits stop when you are inside. Avoid overpayments – you will have to pay back the money later.
- > The rules on payments for rent differ according to which benefit you are on.
- > Check out fact sheets 1 and 2.

Your house

- > Don't give up your tenancy – get advice first. If you are on remand or your sentence is short, your rent may still be paid. Check out fact sheet 2.
- > If you lived alone you may claim an exemption for council tax. If you lived with a partner they may be able to claim a reduction.
- > If you own your house – contact the mortgage company. It may be willing to suspend payments for a period. Tell your insurance company if your house will be unoccupied.

Money – who do you owe?

- > Which bills should you continue to pay and which ones should you cancel?
- > What about the gas and electricity or the TV? Can you cancel your mobile contract or convert to pay-as-you-go? Check out fact sheet 3.

Your job

- > Tell your employer that you are in prison. They may be willing to hold your job open or give you a reference when you need one.
- > Check that you have received all the pay that you are entitled to.

INSIDE INFORMATION

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Your family

- > Your family may be able to get help with travel costs so that they can visit you. There is a CAB service for families of prisoners – they can visit you. There is a CAB service for families of prisoners – they can visit you. There is a CAB service for families of prisoners – they can visit you. There is a CAB service for families of prisoners – they can visit you.
- > Make sure someone is opening your post for you. You may need to write letters saying who is entitled to speak for you. Ask for the CAB sample letter.



INSIDE INFORMATION

citizens
advice
bureau

Things on your mind?

- > Will I lose my house?
- > What happens to my benefits?
- > What about the bills?

Need Information?

- > Ask the Hall staff for the 'Inside Information' Fact Sheets

Need help?

- > Ask for a referral to see the Citizens Advice team in the Link Centre
- > Write to the CAB - ask the Hall staff for a freepost envelope

Help for families too

- > Telephone Parkhead Citizens Advice Bureau 0141 550 0004 for an appointment for Barlinnie or in the Parkhead Bureau



Free, confidential, independent advice and information

Fact sheet 1

INSIDE INFORMATION: BENEFITS AND INCOME

1

Coming into prison

- > Contact the DWP - tell them that you are in prison. Most benefits stop when you go into prison. If you are in a partnership and your partner is also on benefit they should get in touch with the DWP - their allowances may also change.
- > If the DWP pay you because they did not know you were in prison, you may have to pay the money back.

Universal Credit (UC)

- > If you are on UC and this includes an allowance for housing costs, your rent can be paid for up to 26 weeks as long as you are expected to leave prison within those weeks. When you leave prison, contact the DWP to make a new UC claim. You will have to wait up to 5 weeks for a payment. You can ask for an advance but you will have to pay it back.

Income Support (ESA), Employment Support Allowance, Jobseekers Allowance (JSA)

- > These non-contributory benefits stop when you are in prison. When you leave prison you will probably have to make a claim for UC.
- > If before you were remanded you claimed housing benefit, this may be paid for up to 52 weeks to cover your rent. But if you are convicted it reduces to 13 weeks from the date when you came into prison.

Retirement Pension, Carers Allowance, *contributory ESA and JSA

- > Contributory benefits are those that you can claim because you have been working and paid National Insurance. If you are not sure, ask for advice.
- > These stop when you are in prison but if you are found not guilty or given a non-custodial sentence you will be paid the benefit you missed out on.

Disability benefits

- > Personal independence payment (PIP) is paid for 28 days when you go into prison and then payment is suspended. Suspended payments will not be paid on release if you are not given a sentence.
- > Disability living allowance and attendance allowance are suspended while you are in prison but if you are found not guilty or given a non-custodial sentence you will be paid the benefit that you missed out on.
- > Disability benefits can be reactivated once you leave prison unless the time limit has run out - then you have to make a new claim.

Child Benefit

- > Child benefit is paid when you are in prison as long as you are still responsible for your child and the money is spent on the child. You can arrange for the benefit to be paid to the person looking after your child.

Need more help?

- > Ask the Hall staff for a referral to see the Citizens Advice team in the Link Centre.
- > Write to the CAB - ask the Hall staff for a freepost envelope.

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Fact sheet 2

INSIDE INFORMATION: HOUSING

2

Coming into prison

- > You do not have to give up your house just because you are in prison. Don't sign anything - get some advice first.

Paying the rent

- > If you are on universal credit (UC) and entitled to a housing allowance, your rent can be paid for 6 months as long as your sentence is not expected to go beyond 6 months from when you first became a prisoner.
- > If you claim housing benefit, it can continue for up to 52 weeks to pay for the rent. But if you are convicted this reduces to 13 weeks from your entry into prison.
- > If you are in a partnership and your partner is still living in the house, think about transferring the tenancy to your partner's name.
- > If you do give up your house, the landlord is entitled to get rid of all your possessions. This includes any special documents, like passports or birth certificates and important keepsakes.

Paying the mortgage

- > If you are paying for your house on a mortgage, contact the mortgage company and ask them to suspend payments.
- > If you get help with your mortgage through income support, employment support allowance or pension credit this payment will continue for up to 52 weeks. If you are convicted this is reduced to 13 weeks from your entry to prison.
- > If you get help with your mortgage through universal credit, this may continue for 6 months.

Paying for the Council Tax

- > If your house is empty because you are in prison, you do not pay any council tax (CT) but you must tell the council and make an application. Ask the CAB for the form for your local authority.
- > If you lived with a partner, they may be able to claim a reduction on the CT bill. Contact the council to claim the reduction.
- > The same CT rules apply to prisoners who own their own home.

Threatened with eviction

- > Before you are evicted there is a special procedure that has to be followed by your Landlord or mortgage lender. The landlord or mortgage company have to contact you to try to resolve the issue and you should receive a notice to say that a court hearing will follow.
- > You will not be allowed to leave prison to attend court. You will need to get someone to represent you. Eviction is not automatic in cases of arrears. The judge has to be convinced that it is reasonable to stop the eviction. Different rules apply to conduct evictions. Ask the CAB for help with representation.

Need more help?

- > Ask the Hall staff for a referral to see the Citizens Advice team in the Link Centre
- > Write to the CAB - ask the Hall staff for a freepost envelope.

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Fact sheet 3

INSIDE INFORMATION: MANAGING MONEY

3

Coming into prison

- > Think about which services or items will you not need? Which ones can you cancel and which ones should you continue to try to pay?
- > Who do you owe? Write a list of all the organisations and agencies that you need to contact.
- > If someone is negotiating for you they will need a letter from you giving them the authority to act on your behalf. Ask for the CAB sample letter.

Gas and electricity

- > Most energy contracts (even pre-payment meters) make a standing charge that has to be paid, even if you are not using any energy.
- > You have to top up the prepayment card enough to ensure you don't get cut off when you go back to your house.
- > If you cancel your energy supplies, you will have to pay a reconnection charge when you are released. It may be better to continue to pay the standing charge/top up, to avoid re-connection charges.

Mobile, TV, car

- > If you pay for your mobile on a contract will the company let you change to a pay as you go scheme?
- > All cars in the UK have to be taxed and insured unless they are on private property e.g. a driveway. If your car is not being used and on private property ask the DVLA for a SORN notice and then you can cancel your tax and insurance.

Debts

- > Ignoring debts can just make the situation worse.
- > If you have credit card, catalogue arrears or you owe other debts like rent or council tax, write and ask for a break in repayments until you are released.
- > Not sure how much you owe? Get some help from the CAB - we can find out for you.
- > Don't know what to write? The CAB can supply you with sample letters.

Need more help?

- > Ask the Hall staff for a referral to see the Citizens Advice team in the Link Centre.
- > Write to the CAB - ask the Hall staff for a freepost envelope.

When you come out

- > Contact your creditors again to let them know your current situation. If you need help with sorting out debts you can contact your local CAB. Find the address and telephone number at www.cas.org.uk
- > The CAB Moneymap tool shows you ways to maximise your income, reduce your bills and ease the costs of day to day living. It works by showing you the best, easy to use websites. Look it up on www.moneymap.scot

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Fact sheet 4

OUTSIDE INFORMATION: WHEN YOU LEAVE PRISON

4

Leaving Prison

- > If you have served a sentence you will receive a liberation grant and a travel warrant on your release but you will need to set up your claim for benefit and housing before your release date.

Benefits and income

- > About 6 weeks before your release date you will see the Job Centre coaches in the prison. They will help you set up your universal credit (UC) claim. Setting up the details in advance means you can start your claim on your day of release by attending an interview at your local job centre.
- > UC is paid 5 weeks in arrears. You can ask for an advance but you will have to pay it back.
- > You must have a bank account for your UC payments (not a post office account). Ask the Link Centre staff to help you set up a bank account.

Housing

- > If you don't have a home to go to, the prison authorities should try to liaise with the local social work team to arrange your accommodation. In some cases this will be residence in a temporary hostel.

Additional needs

- > If you need extra clothing or furniture for your home after release, you can apply for a grant to the Scottish Welfare Fund. Ask the Link Centre staff for a form - the CAB can help you fill it in.

Need more help before you leave prison?

- > Ask the Hall staff for a referral to see the Citizens Advice team in the Link Centre.
- > Write to the CAB - ask the Hall staff for a freepost envelope.

Need more help after your release?

- > Contact your local CAB - you can find the address and telephone number on www.cas.org.uk
- > The CAB Moneymap tool shows you ways to maximise your income, reduce your bills and ease the costs of day to day living. It works by showing you the best, easy to use websites. Look it up on www.moneymap.scot

Free, confidential, independent advice and information

