

The Howard

STEPS TO KEEP THE PUBLIC SAFE



Andy Atchison

THE Howard League for Penal Reform has offered its advice to the government in a bid to help protect people living and working in prisons during the coronavirus pandemic.

The charity has written to the Secretary of State for Justice to suggest a package of measures that would ease pressure on the prison system.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "The government must reduce the number of people behind bars to keep the public safe and ensure that prisons do not become breeding grounds for COVID-19."

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The Howard
Uncertain times but our work continues

IT IS too early to say, at time of writing, when the battle against the coronavirus pandemic will be won, but its impact is likely to be felt for years to come.

The outbreak has brought more pressure on the criminal justice system and the Howard League has moved quickly to assist the government, suggesting measures that would help protect people living and working in prisons (page 2). Public safety is the priority.

Regrettably, like many other organisations, we have had to postpone events. We have also been forced to change the way we work – this is the first edition of *The Howard* to be produced remotely – but the work goes on.

In this edition, you can read about our new programme to make prisons places of justice and fairness (page 3).

You can find out more about the winners of our 2019 Community Awards (pages 6 and 7).

And you can see how our campaigning has led to a massive reduction in child arrests and fewer children in residential care being criminalised (pages 4 and 5).

For information about the work of our legal team, turn to the back page to learn more about a briefing that we published to mark the 30th anniversary of the United Nations Convention on the Rights of the Child (page 8). The briefing can be downloaded from the Howard League website.

These are uncertain times but, whatever lies ahead, the Howard League will keep working for less crime, safer communities and fewer people in prison.

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Howard League puts forward plan to ease pressure on prisons during coronavirus pandemic

THE Howard League has written to the Secretary of State for Justice, putting forward a plan for easing pressure on the prison system during the coronavirus pandemic.

The charity has welcomed the government's decision to increase the number of people released on home detention curfew, and suggested other measures that would help to protect people living and working in prisons, and thereby the community.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "We already know that some officers and prisoners have been diagnosed with coronavirus and the very last thing we want is for prisons to become like 18th-century breeding grounds of disease."

"John Howard, the charity's namesake, did much to improve healthcare inside gaols three centuries ago; this should not be necessary today."

"We should be reducing the flow of people into the most stressed prisons and we should be looking to ease people who could be safely released back out into the community."

"None of this would require legislation, but it does require leadership and self-control by the courts."

In a letter to the Secretary of State for Justice, Robert Buckland, the Howard League called on the government to send a message to judges and magistrates that any decision to remand to custody should be subject to anxious scrutiny.

In the case of children, the message could be that children should not be remanded unless there are wholly exceptional circumstances. The majority of children who are remanded do not subsequently get a custodial sentence.

Should it be absolutely necessary to remand a child to secure custody, children should not be placed in prison service establishments, which are unsafe and insanitary.

The Howard League advised the government to build on its own research that short prison sentences are counter-productive and urge the courts to avoid imposing them, particularly for breaches, time in lieu for non-payment of fines and for non-violent and non-sexual offences.



Andy Atchison

Elderly and sick prisoners should be considered for compassionate release

The letter suggested that the government could strengthen its guidance to the National Probation Service and community rehabilitation companies so that fewer people are recalled to custody.

It also recommended that the Chief Magistrate issue guidance to independent adjudicators, to suspend, or avoid where possible, the imposition of additional days' imprisonment on people for breaches of prison discipline.

Prison governors have the discretion to remit additional days. Some prisoners are only

in prison due to serving these extra days and have not been considered for remission.

Remission should be considered in all such cases and governors should be directed to remit additional days imposed on all prisoners where it is safe to do so.

The letter encouraged the Secretary of State to consider executive release for prisoners on determinate sentences who could be released safely, as well as compassionate release for prisoners who are elderly, sick or vulnerable.

It also suggested that prisoners who have been deemed safe for release by the Parole Board could be released to relieve the stress on the system. This could affect prisoners whose release has been directed but who are awaiting spaces in approved premises or waiting for 21 days to pass in accordance with the reconsideration mechanisms.

Other measures that could be considered to help protect people include managing licence conditions without requiring face-to-face contact and revisiting early release provisions for short-term child prisoners.

Lord Ken Macdonald QC announced as president

THE Howard League has a new President – Lord Ken Macdonald QC.

Lord Macdonald (pictured right), a former Director of Public Prosecutions, is one of the country's leading criminal, regulatory and international lawyers.

He was knighted for services to the law in 2007 and appointed to the House of Lords in 2010.

Lord Macdonald is also Warden of Wadham College, Oxford. The Howard League has enjoyed a long, productive relationship with the University of Oxford and will be holding an international conference, 'Crime, Justice and Social Harms', at Keble College in March 2021.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "I am delighted that Lord Ken Macdonald QC has accepted the position of President of the Howard League for Penal Reform."

"Lord Macdonald is a highly-respected and influential voice in the spheres of law, academia and politics – three key areas for the Howard League's work."

"He will represent the charity at the highest levels and provide us with invaluable advice as we strive for less crime, safer communities and fewer people in prison."

Lord Macdonald is a founder member of Matrix Chambers. He was appointed a Recorder of the Crown Court in 2001, and a Deputy High Court Judge in 2010.

He was elected Chairman of the Criminal Bar Association of

England and Wales in 2003 and became a Benchler of the Inner Temple in 2004.

He was Director of Public Prosecutions from 2003 to 2008 and has been a member of the House of Lords since July 2010. He is Chair of the Orwell Foundation.

The Crime, Justice and Social Harms conference at Keble College has been rearranged for 23 to 24 March 2021.

The event had been scheduled to take place in March and April 2020, but was postponed following the coronavirus outbreak.

Further information about all Howard League events will be announced in due course. Check the charity's website at: www.howardleague.org/our-events

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If we must have prisons, they should meet highest standards of justice and fairness, says charity as programme launches

THE Howard League has launched a new programme to encourage people to think differently about what happens behind bars.

As the most absolute expression of the criminal justice system, prisons should meet the very highest standards of justice. This is the central message in *Justice does not stop at the prison gate*, the first briefing to be published as part of the Howard League's programme on justice and fairness in prisons.

The briefing explores how a fundamental shift in prisons would facilitate a sense of agency and responsibility among prisoners, making prisons safer and improving outcomes for everyone.

Being sent to prison is the punishment ordered by a court; what then follows should be about justice and fairness.

The briefing explains why new approaches are needed. Currently, an everyday and structural unfairness is built into prison regimes and compounded by overuse, overcrowding and rising levels of violence.

Unfair or unjust treatment generates resentment and

anger, feeding a cycle of conflict and harm.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "Prisons are the most absolute expression of the criminal justice system. If we must have them, they should meet the very highest standards of justice."

"A just and fair prison system recognises people as citizens who are going to return to the community."

"It acts with consistency, impartiality and respect. It is a system where conflict is resolved, and people are given the opportunity to turn their lives around. It recognises that punishment is imposed by the courts, and not by the prisons."

"The Howard League is exploring and advocating fresh approaches that would benefit everyone. Problems in prisons spill out into communities, so getting this right would have a ripple effect, making us safer and taking the country forward."

Prisons are draconian in their use of punishment. More than 1,000 years of additional imprisonment were imposed on prisoners in 2018 – more than double the punishment



The briefing explains how structural unfairness is built into prison regimes

handed down only four years previously.

The Howard League will investigate how moving away from punishment can reduce conflict and violence, improve safety and well-being, and better prepare people for release.

The charity will look at examples of good practice around procedural justice and restorative approaches in prisons, and how these

can contribute to a more just system overall.

The briefing states that a "robust rights-based approach" would help to make prisons fairer places.

It adds: "People in prison have already had their fundamental right to liberty removed as a punishment. But they remain legally entitled to all their other rights so far as possible."

"In the uniquely coercive

environment of a prison it is all the more important that all other rights are respected. Yet current conditions in prison mean that the punishment goes far beyond the deprivation of liberty."

"Many rights that should remain, and are even protected by prison laws, are routinely flouted, leading to an enduring sense of injustice among many people in prison."

Andy Atchison

Child arrests reduced by more than 70 per cent

THE Howard League's drive to keep boys and girls out of the criminal justice system has taken another step forward as figures reveal that child arrests have been reduced by more than 70 per cent in eight years.

The total number of child arrests in England and Wales has been reduced every year since the charity launched a major campaign in 2010, and the impact can be seen in every police force area.

Academic research has shown that each contact a child has with the criminal justice system drags them deeper into it, leading to more crime. This is why the Howard League is working with police to keep as many children as possible out of the system in the first place.

Data from more than 40 police forces show that they made 70,078 arrests of boys and girls aged 17 and under in 2018, down from almost 250,000 in 2010. Over the same period, the number of children in prison was reduced by 63 per cent.

Across England and Wales, arrests of primary school-age children have been reduced significantly. There were 383 arrests of 10-and 11-year-olds in 2018, a reduction of 38 per cent from the previous year.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "Tens of thousands of children can look forward to a brighter future without their lives being blighted by police contact and a criminal record."

"Police forces up and down the country have diverted resources to tackling serious crime instead of arresting naughty children. This will make communities safer, and the Howard League is proud to have played its part. "Building on this success and



Andy Aitchison

The Howard League analysed annual figures from more than 40 police forces across England and Wales

reducing the number of arrests still further would allow even more children to thrive."

The largest police force in the country, the Metropolitan Police, made 13,791 arrests of children in 2018. This was a 22 per cent reduction on the

previous year, when 17,672 arrests were made, and a 70 per cent reduction on 2010, when there were 46,079.

Other forces to record significant reductions between 2017 and 2018 included Gwent (38 per cent), Bedfordshire (28

per cent), Cumbria (27 per cent), North Wales (24 per cent), Kent (23 per cent), Cleveland (19 per cent), West Mercia (19 per cent) and Durham (18 per cent).

Some police forces recorded an increase in arrests between 2017 and 2018. The Howard League

is studying the figures and hopes to meet with these forces to explore how the number of arrests can be reduced in future.

Two police forces – City of London and South Yorkshire – were unable to provide arrest figures for 2018.

Lawyers' network considers courts and child imprisonment

EXPERTS on criminal courts and child imprisonment have shared their knowledge with legal professionals in the latest round of Howard League lawyers' network events.

The lawyers' network meets regularly to discuss and debate legal issues arising from the Howard League's work. It is

open to members of the legal profession and others who have an interest in penal reform.

The most recent event featured a presentation by Professor Linda Mulcahy, Director of the Centre for Socio-Legal Studies at the University of Oxford and co-author of a pamphlet published by the Howard

League, *What if the dock was abolished in criminal courts?*

The pamphlet, produced with Dr Emma Rowden of Oxford Brookes University and Associate Professor Meredith Rossner of the London School of Economics, advocates the abolition of the dock in courtrooms.

Lawyers attending the event

discussed how to challenge the routine use of the dock for child and adult defendants in criminal proceedings.

It followed a lawyers' network event on children and imprisonment, which included presentations by Professor Barry Goldson, of the University of Liverpool; Dr Laura Janes, Legal Director at

the Howard League; Dr Alpa Parmar, of the University of Oxford; and Pippa Goodfellow, Director of Standing Committee for Youth Justice.

To download the pamphlet, see slides from the presentations, and sign up for updates on future lawyers' network events, visit: <https://howardleague.org/legal-work/lawyers-network/>

Brighter future for hundreds of boys and girls in residential care as Howard League campaign has positive impact

HUNDREDS of boys and girls can look forward to a brighter future as official figures reveal the positive impact of the Howard League's programme to end the criminalisation of children in residential care.

Data collected by the Department for Education (DfE) indicate that, while the number of children being placed in children's homes continues to rise, the number of children being criminalised is falling significantly.

It follows a concerted effort by the Howard League, police, Ofsted, the DfE, and some children's homes and local authorities to address the issue.

The programme, supported by the Esmée Fairbairn Foundation, began after the Howard League published research showing that children living in residential care were more likely to be criminalised than other children, including those in

other types of care placement.

Academic research has shown that each contact a child has with the criminal justice system drags them deeper into it, leading to more crime. This is why the Howard League is working to keep as many children as possible out of the system in the first place.

The DfE figures show that the number of children living in children's homes in England, who had been looked after continuously for at least 12 months, rose by more than 20 per cent in five years – from 4,050 in 2013-14 to 4,980 in 2018-19.

Over the same period, the number of those children who were convicted or subject to a final warning or reprimand fell from 610 to 370. The statistics indicate that the proportion of children in residential care who have been criminalised has more than halved in five years.

Frances Crook, Chief Executive of the Howard League for Penal Reform,

said: "Every child wants and deserves the chance to grow and fulfil their potential. We must do all we can to ensure they are not held back by a criminal record."

"Most children in residential care have experienced a range of problems early in life, from acute family stress to abuse and neglect. They need nurture and support, not repeated contact with the police."

"There is more work to do, but our programme is already starting to make a difference. If we build on this and help more boys and girls to thrive, it will not only transform children's lives; it will reduce crime and make communities safer."

The Howard League first exposed the disproportionate criminalisation of children in residential care in 2016. A scoping briefing published by the charity highlighted a systemic problem across the country, where staff in some children's homes would

routinely resort to contacting the police, often over minor incidents that would never come to officers' attention if they happened in family homes.

The Howard League has gone on to publish five more briefings on the issue, promoting best practice in policing and children's homes and telling the stories of children who were criminalised while living in residential care.

The charity also helped to create a step-by-step guide to help lawyers advocate for looked-after children at the police station.

In 2019 research by the Howard League showed that children's homes in parts of England were calling the police as many as 200 times a year.

The charity analysed data provided by police forces, who between them received almost 23,000 call-outs from children's homes in 2018. The figures revealed that, while some homes did not call the police at

all, others picked up the phone again and again.

Five police forces reported having a home in their area that had called them more than 200 times – Derbyshire, South Yorkshire, Humberside, Suffolk and Northumbria. Most forces reported having been called out more than 100 times by individual homes.

In 2018 three government departments – the Department for Education, the Home Office and the Ministry of Justice – launched a national protocol on reducing unnecessary criminalisation of looked-after children and care leavers.

The protocol was developed by a large group of stakeholders, including the Howard League, other charities, the National Police Chiefs' Council, the Youth Justice Board, the Independent Children's Homes Association, Ofsted, fostering and children's homes providers, and representatives from local and national government.

Second step-by-step guide empowers custody staff to support children as they return to the community

THE Howard League has published a step-by-step guide to empower staff in custody to support children as they return to the community.

Supporting children from custody into the community has been designed to help staff to use the law protecting children's rights, so that children leave custody at the earliest opportunity with the support they need.

The guide was designed by the Howard League legal team, which provides free and confidential information to professionals and direct advice and representation to children.

It draws on the charity's legal work, as well as the views of almost 100 children in custody and more than 100 staff working in secure establishments.

Children leaving custody need more than just a roof over their head. The guide explains why an address is essential for planning to meet a child's needs for education, leisure, health and other important networks of support.

The guide helps adults to know when accommodation and support plans need to be in place; take steps to ensure relevant professionals are on notice of earliest possible release dates; understand children's legal right to support on release from custody; and understand when and how children can be supported to access independent legal advice and representation if there are concerns about reintegration planning.

It is the second step-by-step guide to be published by the Howard League in the last 12 months, following a similar document to help lawyers advocate for looked-after children at the police station.

Looked-after children are less likely than other children to receive support from family members or another trusted adult at the police station, and they should be entitled to additional protections set out in law, policy and guidance.

The first guide, titled *Representing looked-after children*

at the police station, provides information about the growing number of children coming into care and takes lawyers through the factors that can contribute to their criminalisation.

It then moves on to practical advice, including: how to review the decision to arrest or hold a child in custody; how to communicate effectively with a child; how to advocate for a child's basic rights and entitlements; how to support a child at interview; how to consider whether a child is a victim of exploitation; how to make representations to the police and the Crown Prosecution Service; and how to make sure that a child's community care needs are met.

Laura Janes, Legal Director at the Howard League for Penal Reform, said: "This guide brings together policy and practice to empower lawyers to take practical steps to counter the trend of over-representation of looked-after children in the criminal justice system."

Supporting children from custody into the community:

A step by step guide



Howard League for Penal Reform



The Policing the Community conference in London saw delegates asking questions (above) and winning prizes (opposite)



It was a busy day of networking, keynote speeches and panel events for delegates representing organisations from across the country



Awards for community champions who cut crime and turn lives around



SUCCESSFUL community projects that reduce crime and transform lives for the better have been honoured with prestigious Howard League Community Awards.

Chef, author and broadcaster Prue Leith presented awards and commendations to outstanding schemes from across the country.

The prize-giving was the highlight of the Howard League's 'Policing the Community' conference in London, which brought delegates together to discuss best practice in policing and diversion from crime and custody.

Speakers who appeared at the event included representatives from the Magistrates' Association, Ofsted, StopWatch, Clinks and the Beacon Counselling Trust.

The 'Organisation of the Year' category was won by C2C Social Action, a charity working with people who have been caught up in the criminal justice system.

The charity's services include running a women's centre in Northamptonshire, where women receive help with issues such as homelessness; education, training and employment; health; addictions; finance, debt and benefits; family relationships; domestic abuse; and loneliness and isolation.

Also praised were West Yorkshire projects CATCH (Community Action To Create Hope) and POLIT (Police Online Investigation

Team) Pathway, which won the 'Policing and children' and 'Policing and adults' categories respectively.

The 'Restorative approaches' category was won by Restorative Cleveland, part of the Safe in Tees Valley project commissioned by the Office of the Police and Crime Commissioner for Cleveland.

The Amber Foundation won the 'Liaison and diversion' category for its work with young people who are homeless or at risk of homelessness. It runs a residential centre in Surrey.

The 'Women' category was won by LINC (Local Initiatives Nurturing Change), a Willowdene Rehabilitation project that delivers support to women across Warwickshire and West Mercia.

In addition to the successful projects, the Howard League presented awards to two outstanding individuals – Baroness Jean Corston and Julie Parsons.

In 2007 Baroness Corston published her seminal report, *A Review of Women with Particular Vulnerabilities in the Criminal Justice System*, as an international blueprint for how women in the justice system should be treated.

She has worked tirelessly since then on issues such as stopping strip-search; investing in women's centres; and stopping the construction of more women's prisons.

She has led with the Howard League on driving forward the work of the All Party Parliamentary Group on

Women in the Penal System.

Julie Parsons founded C2C Social Action in 2003. The charity has diverted many women from crime and has even set up a successful social enterprise bakery, called The Good Loaf.

The charity has three houses, where vulnerable people are offered accommodation and help in accessing appropriate services. There are also plans to provide a safe shelter for

homeless women.

Catryn Yousefi, Programmes Manager at the Howard League for Penal Reform, said: "The Howard League Community Awards celebrate successful projects and pioneers who guide people away from crime and help to make us all safer."

"Only the very best schemes in the UK are honoured each year and, once again, we were delighted to receive so many high-quality nominations."



Julie Parsons, of C2C Social Action, collects her Criminal Justice Champion award from Prue Leith

Winners and Commendations by category

Organisation of the Year

Winner

C2C Social Action

Commendation

The Aurora Project

Criminal Justice Champion

Lifetime Achievement Award

Baroness Jean Corston

Unsung Hero

Julie Parsons

Restorative approaches

Winner

Restorative Cleveland

Safe in Tees Valley

Commendation

Children First

Prospects, part of Shaw Trust

Policing and children

Winner

CATCH (Community Action To Create Hope)

CATCH Leeds

Commendation

Stay Curious!

The Children Society and Met

Detention

Liaison and diversion

Winner

Amber PCC Beds

The Amber Foundation

Commendation

The Bedfordshire Mental Health

Treatment Requirement Project

East London Foundation Trust

Women

Winner

LINC (Local Initiatives Nurturing Change)

Willowdene Rehabilitation

Commendation

C2C Women's Centre

C2C Social Action

Policing and adults

Winner

POLIT (Police Online Investigation Team) Pathway

West Yorkshire Liaison and Diversion

Commendation

DIVERT

Metropolitan Police

Children in care

Commendation

North Lincolnshire Children in Care Partnership

Humberside Police and North Lincolnshire Council

Commendation

Together for Children

Sunderland Youth Offending Services and Northumbria Police

Howard League fights for rights of children in conflict with the law

THE rights of children in trouble with the law are routinely overlooked and ignored in the criminal justice system, the Howard League has warned in a briefing to mark the 30th anniversary of the United Nations Convention on the Rights of the Child.

The Convention is the most widely-ratified human rights treaty in history, with the US being the only UN member state that has abstained, but it is also the most violated – and particularly so for children in custody.

In England and Wales, breaches of the Convention affecting children in trouble with the law have been pointed out repeatedly in a series of damning reports by the United Nations Committee on the Rights of the Child.

Since 2002 the Howard League has used its legal and campaign work to fight for the rights of children in conflict with the law and to improve their situation in line with the aspirations of the Convention.

Some of the charity's achievements are explained in detail in the briefing, called *All our children: The work of the Howard League to make the rights of children in trouble a reality in*



The briefing marks the 30th anniversary of the United Nations Convention on the Rights of the Child

England and Wales.

Landmark cases featured in the briefing include: R (Howard League) v Secretary of State for the Home Department; R (K) v Parole Board; R (DT) v Secretary of State for the Home Department; R (M) v Hammersmith and Fulham

London Borough Council; and R (AB) v Secretary of State for Justice.

Frances Crook, Chief Executive of the Howard League for Penal Reform, said: "Through a combination of legal work and campaigning,

the Howard League has battled to make the rights set out in the United Nations Convention on the Rights of the Child a reality for children.

"But it should not require the intervention of lawyers and campaigners to ensure that the

rights of children in conflict with the law are upheld.

"The government must end the abuse and neglect of children in custody."

To download the briefing, visit: <https://howardleague.org/publications/all-our-children/>

Support our work

By supporting our work, you add your voice to our movement and help ensure its success.

Our supporters are our strength, our advocates and our most important source of knowledge and financial support.

With your help, we can continue to achieve real and lasting change in the criminal justice system.

Return to: The Howard League
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