

# Howard League for Penal Reform



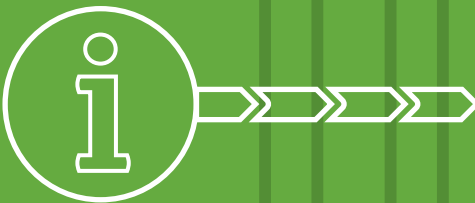
**Your legal rights  
on remand:  
a guide for  
young adults**

# About this guide

When you are 'remanded in custody' it means that you will be held in a prison while you wait for the next step in your case, which is normally your trial or sentencing.

Being remanded to custody can be confusing, upsetting and stressful. Remanded young adults have told lawyers at the Howard League that they do not always understand why they have been remanded or what their legal rights are while they are on remand.

This guide is a starting point to explain your legal rights if you are remanded. The guide is written for remanded young adults aged 18-25 (in prisons across England and Wales) but may also be helpful to older adults on remand.





**Part 1** explains what it means to be remanded and how you can get advice and support to apply for bail.



**Part 2** explains what support is available from social services while you are remanded and if you want to apply for bail.



**Part 3** explains what your rights are in prison, including special rights if you have not been convicted of an offence, and what to do if you are not getting what you are entitled to.

In Parts 1, 2 and 3 of the guide we summarise what the law says and suggest who you can speak to for advice and support. Where we have suggested getting legal advice, we have explained what type of solicitor you might need to help you.



**Part 4** explains how you can find a solicitor to help you, who else you can contact for advice and support and what the rules are around contacting legal advisors.

# Part 1

## Being remanded and applying for bail



**There are more people on remand now than there have been for more than 50 years. People are also being held on remand for longer.**

**It is important that you understand why you have been remanded and whether you can apply to court to be bailed. If you are bailed you will be released from court while you wait for the next step in your case, which is normally your trial or sentencing.**

**This part of the guide explains more about the law on bail and who to speak to for further advice and support.**

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## **The law on bail and remand**

The law on bail is set out in the Bail Act 1976. It says there is a presumption that a person who has been charged with an offence should be bailed. This is not the case for some more serious offences, including murder.

Even if there is a presumption of bail the court can refuse to grant bail. If this happens you will be remanded to prison.

Reasons that the court can give for refusing to grant bail are set out in Schedule 1 of the Bail Act 1976 and include believing that:

- you might not turn up to a court hearing,
- you might interfere with witnesses, or
- you might commit other crimes.





You can also be remanded for your own protection.

The reasons that bail can be refused will depend on the type of offence you have been charged with.

There is a presumption that you will not be remanded if you have been charged with an offence which, even if you are convicted, is unlikely to result in you getting a prison sentence.

You can apply for bail in a Magistrates' Court. If this is not successful, you can apply for bail in the Crown Court. Although the court must consider whether to give you

bail at each hearing before conviction, you normally only have the right to make a further application for bail if there has been a significant change of circumstances since you last applied for bail.

If you are remanded the court should give reasons.

There are time limits on the length of time you can be kept in prison before your trial, but these time limits can be extended by the court if there is a good reason.

There is no presumption of bail if you have been convicted and are waiting to be sentenced.

## Getting advice and support

Whether or not you can get bail will depend on the facts of your case. You should always have legal representation for any court matters. You should speak to your **criminal defence solicitor** to get advice about applying for bail.

A **criminal defence solicitor** will advise you if you have been arrested or charged with a criminal offence.

You can put in an application for an emergency legal call if you do not have phone credit or do not have your criminal defence solicitor's number on your **PIN**.

When you arrive in prison you will be given a **Personal Identification Number (PIN)** which you must use when you want to make phone calls. You enter this number before dialling the number you want to call. You can buy phone credit each week.

If you need help finding a criminal defence solicitor go to **Part 4** of this guide.

You should also find out if your prison has a **bail information officer** who can help you if you want to apply for bail.

Your prison should have a **Bail Information Service** with a **bail information officer**. The bail information officer's job is to help people on remand who may be suitable for bail to come up with a bail package for the court to consider. This can include help finding accommodation and exploring electronic monitoring.



# Part 2

## Getting support from social services





Some young adults in custody will be entitled to support from children's social services, adult social services or both.

Having extra support may be helpful if you want to apply for bail but need support to find accommodation or practical support to stick to bail conditions. It may also be helpful to have extra support when you are on remand.

This part of the guide explains what the law says about getting help from social services and who to speak to for further advice and support.

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## Support from children's social services as a 'care leaver'

If you were a **looked after child** by children's social services when you were under 18 you may be entitled to ongoing support as a young adult.

A **looked after child** is a child who is in the care of children's social services. This can happen voluntarily or because a court ordered that it should happen. If you were remanded as a child to a secure children's home, secure training centre or young offender institution you were also a looked after child while you were on remand.



## You should be entitled to support from children's social services



If you were looked after by children's services for 13 weeks between the ages of 14 and 17 years old, including at least one day aged 16 or 17.

OR



If you were looked after by children's services for 13 weeks aged 14 or 15, turned 16 in custody and before going into custody were in care.

If you are **English** you will be supported by the leaving care team as a 'former relevant child' and will be entitled to support until you turn 25, if you need it.

If you are **Welsh** you will be supported by the leaving care team as a 'category 3' young person and will be entitled to support until you turn 21, if you need it.

You should have a **personal adviser** appointed to support you.

A **personal adviser** (or PA) is the person that takes over from your social worker when you turn 18. They are employed by the local authority. They should keep in touch with you and provide you with support.

You should have a **pathway plan** which explains what support you will receive.

A **pathway plan** is a written document which is based on an assessment of what support you need. It should cover all aspects of your life from relationships, health and identity to independent living skills, employment and housing. The plan should include details about how you will keep in touch with your personal adviser. It should be updated at least every six months.

If you were looked after as a child after the age of 16 but do not meet the 13-week criteria you may also qualify for some support until you turn 21, if you need it.

You should be supported by the leaving care team as a 'qualifying young person' if you are English or a 'category 6' young person if you are Welsh.

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## Support from adult social services

You may be entitled to support from adult social services, even if you have never been in contact with children's social services.

If you think you need extra care and support because of a physical or mental health condition you can ask for an assessment of your needs to be carried out.

The local authority in the area of the prison that you are remanded to is responsible for carrying out the assessment. Someone from the local authority must meet with you to work out whether you need support, and if so put a plan in place.



## Getting advice and support

The law around getting support from social services is quite complicated and it is important that you get legal advice if you:

- are not sure whether you should be getting support from social services;
- think you should be getting support from social services but are not receiving any support;
- are receiving support from social services but are not happy with the support you are receiving; or
- have asked for support from social services but this has been refused and you do not understand or agree with the decision.



You will need advice from a **community care solicitor**.

A **community care solicitor** specialises in challenging decisions made by social services. This can include decisions not to provide support or decisions about the sort of support being given.

You should check with your criminal defence solicitor whether their firm advises on community care law. If not they may be able to help you find another firm of solicitors who can help. You should update them anyway about the support that you are entitled to from social services as this may be relevant to the work they are doing for you.

If you need help finding a community care solicitor go to **Part 4** of this guide.

You should find out if your prison has staff who support care leavers. Sometimes they are called a leaving care co-ordinator or a family support worker.

# Part 3

## Your rights in prison



**Being remanded to prison can be difficult and overwhelming. It might be your first time in prison, or you may have been in a different prison where things were done differently.**

**It is important that if you are on remand you understand what your rights are and what you can do if you are not happy with the way you are being treated.**

**This part of the guide explains what you are legally entitled to in prison and who to speak to for further advice and support.**

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## **The law on your rights in prison**

The main rules about your rights in prison are set out in the Young Offender Institution Rules 2000 and the Prison Rules 1999. There are more detailed rules set out in prison operational policies called Prison Service Instructions (PSI), Prison Service Orders (PSO) and Policy Frameworks (PF). You have a right to access the library to get copies of these policies. If you have an in-cell laptop you can also find them on there.

### **Special rights when you are unconvicted**

If you are **unconvicted** you have special rights and privileges in prison.

You are **unconvicted** if you:

- ✓ are on remand but have not pleaded guilty; or
- ✓ have been found guilty at a trial.


We have set out these special rights and privileges in the table. The table also shows how your rights might change if you are **convicted**.





You are **convicted** if you:


- ✓ have pleaded guilty; or
- ✓ have been found guilty and are on remand waiting to be sentenced; or
- ✓ have been sentenced.

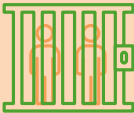


**We have given you references in the table so you can see where to find the rules about each of your rights below.**

	Unconvicted	Convicted
<b>Clothing</b> 	<p>Must be allowed to wear own clothes (<b>Incentives PF, para 5.46</b>).</p> <p>Must be allowed to have sufficient clean clothing sent in from outside the prison but can be refused if results in other clothing being placed in storage (<b>Incentives PF, para 5.55</b>).</p>	<p>Default position is prison-issued clothes but can wear own clothes if agreed by Governor (<b>Incentives PF, para 5.47</b>).</p> <p>Governor has discretion to allow a one-off parcel of clothing to be handed in or sent in following conviction (<b>Incentives PF 5.54</b>).</p>

	Unconvicted	Convicted
<p><b>Access to private cash</b></p> 	<p><b>See Incentives PF, para 5.36</b> – substantially higher limits for unconvicted prisoners, specific amounts subject to change, local limits and dependent on IEP status.</p>	<p><b>See Incentives PF, para 5.36</b> – specific amounts subject to change, local limits and dependent on IEP status.</p>
<p><b>Social visits</b></p> 	<p>Three 1-hour visits each week including one weekend visit (<b>PSI 16/2011, para 3.4</b>).</p>	<p>Two 1-hour visits every four weeks including one weekend visit (these are ‘statutory visits’) (<b>PSI 16/2011, para 3.1</b>).</p> <p>Opportunity of a visit within 72 hours of reception upon conviction, additional to statutory entitlement (<b>PSI 16/2011, para 3.3</b>).</p> <p>Can accumulate up to 26 statutory visits during any twelve-month period (<b>PSI 16/2011, para 3.2</b>).</p>

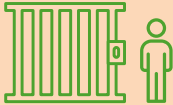




	Unconvicted	Convicted
<p><b>Letters</b></p> 	<p>Two Statutory Letters per week (free to send) <b>(PSI 49/2011, para 2.2(a))</b>.</p> <p>Unlimited Privilege Letters (paid for by the prisoner) <b>(PSI 49/2011, para 2.2(b))</b>.</p> <p>A Special Letter (free to send) – for example if you are or have been transferred, in connection with your criminal case or if you need to write to the Independent Prisoner Complaint Investigations/ Prisons and Probation Ombudsman <b>(PSI 49/2011, para 2.2(c))</b>.</p> <p>An extra letter (free to send) in place of any statutory visit which the prisoner does not wish to take or accumulate <b>(PR 35(4) and YOI R 10(3) and PSI 49/2011, para 2.5)</b>.</p> <p>Can have writing materials supplied to them at their own expense <b>(Incentives PF, para 5.55)</b>.</p>	<p>One Statutory Letter per week (free to send) <b>(PSI 49/2011, para 2.3(a))</b>.</p> <p>Unlimited Privilege Letters (unless routine reading of letters is in place in which case limits can be set with a minimum of two letters for those under 21 and one letter for those 21 or over) <b>(PSI 49/2011, para 2.3(b))</b>.</p> <p>One or more Special Letters (usually paid for by the prisoner, except for Special Letters if you are or have been transferred, to contact probation or professional agency about accommodation or employment for release, letters to Council Tax Officers or if you need to write to the Independent Prisoner Complaint Investigations/Prisons and Probation Ombudsman, where the prison must pay) <b>(PSI 49/2011, para 2.3(c), 2.4 2.10 and 2.11)</b>.</p> <p>An extra letter (free to send) in place of any statutory visit which the prisoner does not wish to take or accumulate <b>(PR 35(4) and YOI R 10(3) and PSI 49/2011, para 2.5)</b>.</p>




	Unconvicted	Convicted
<b>Sharing a cell</b> 	<p>Must never share cell with a convicted prisoner unless consent given <b>(PR 7(2)/ PSO 4600, para 1.5).</b></p> <p>Can volunteer to share a cell subject to Cell Sharing Risk Assessment <b>(PSI 20/2015).</b></p>	<p>Can share a cell subject to Cell Sharing Risk Assessment <b>(PSI 20/2015).</b></p>
<b>Voting</b> 	<p>Have the right to vote under s3 of Representation of the Peoples Act 1983 if unconvicted or convicted but <b>unsentenced (Restrictions on Prisoner Voting PF).</b></p>	
<b>Work</b> 	<p>Not required to work unless chooses to do so <b>(Prison Rule 31/PSO 4600).</b></p>	<p>Those under the age of 21, should be provided with programme of activities including work <b>(YOI Rule 3 and 37).</b></p> <p>Those over the age of 21, who are held in the adult estate, are required to do “useful work” for not more than 10 hours a day. <b>(Prison Rule 31).</b></p> <p>Disciplinary offence to refuse to work or to not work properly <b>(PSI 05/2018).</b> For explanation of ‘work properly’ see Annex B of <b>PSI 05/2018, para 1.122.</b></p> <p>Can be excused from work on medical grounds <b>(YOI Rule 37, Prison Rule 31).</b></p>



## Minimum regime entitlements



There are some minimum entitlements that almost everyone in prison has whether you are unconvicted, convicted, awaiting sentence or sentenced. We have set out some of the key entitlements in the table below. There are some differences in what your rights are depending on your age. Exceptions may also apply if you have been assessed at being at risk of escape (an E-list prisoner) or are a Category A prisoner.

	In a YOI or aged 18-20 in a dual-designated prison	In a prison
<b>Association</b> 	<p>No minimum amount of association but can be an earnable privilege <b>(YOI Rule 6)</b>.</p> <p>Can be removed for Good Order or Discipline (GOOD) or if in own interests which must be reviewed after 3 days then every 14 days <b>(YOI Rule 49)</b>.</p> <p>Governor's adjudication – up to 21 days removed from activities and 10 days cellular confinement with additional days of cellular confinement for further offences up to a maximum of 16 days <b>(YOI Rule 60 and Annex B of PSI 05/2018, paras 2.7, 2.13, 2.16)</b>.</p>	<p>No minimum amount of association but can be an earnable privilege <b>(Prison Rule 8)</b>.</p> <p>Can be removed for Good Order or Discipline (GOOD) or if in own interests which must be reviewed after 3 days then every 14 days <b>(Prison Rule 45)</b>.</p> <p>Governor's adjudication – up to 21 days of associated work and 21 days cellular confinement with additional days of cellular confinement for further offences up to a maximum of 35 days <b>(Prison Rule 55 and Annex B of PSI 05/2018 paras 2.6, 2.14, 2.15)</b>.</p>

	In a YOI or aged 18-20 in a dual-designated prison	In a prison
<b>Physical exercise</b> 	At least 2 hours of physical education a week on average ( <b>YOI Rule 41 (2)</b> ).	At least 1 hour a week of physical education ( <b>Prison Rule 29(1)</b> ).
<b>Telephone calls</b> 	<p>Not normally less than 2 hours a day (<b>PSI 49/2011, para 6.10</b>).</p> <p>Free 5-minute phone call once in four-week period if family are abroad and no social visit in last 4 weeks (<b>PSI 49/2011, para 9.1</b>).</p> <p>When urgent legal or compassionate reasons discretion to allow call at public expense (<b>PSI 49/2011, para 8.1</b>).</p> <p>Allowed 20 social numbers and 15 legal numbers on PIN (<b>PSI 49/2011, para 6.13</b>).</p>	<p>Not normally less than 2 hours a day (<b>PSI 49/2011, para 6.10</b>).</p> <p>Free 5-minute phone call once in four-week period if family are abroad and no social visit in last 4 weeks (<b>PSI 49/2011, para 9.1</b>).</p> <p>When urgent legal or compassionate reasons discretion to allow call at public expense (<b>PSI 49/2011, para 8.1</b>).</p> <p>Allowed 20 social numbers and 15 legal numbers on PIN (<b>PSI 49/2011, para 6.13</b>).</p>

	In a YOI or aged 18-20 in a dual-designated prison	In a prison
<b>Food and drink</b> 	<p>3 meals per day including breakfast, lunch and an evening meal as a minimum.</p> <p>Drinking water ready and available at all times.</p> <p>Different diet can be approved by medical professional and cultural and nutritional needs should be met.</p> <p><b>(YOI Rule 20 / PSI 44/2010 paras 1.1 and 3.1).</b></p>	<p>3 meals per day including breakfast, lunch and an evening meal as a minimum.</p> <p>Drinking water ready and available at all times.</p> <p>Different diet can be approved by medical professional and cultural and nutritional needs should be met.</p> <p><b>(Prison Rule 24/ PSI 44/2010, paras 1.1 and 3.1).</b></p>
<b>Shower</b> 	<p>At least 1 shower a week <b>(YOI Rule 24 (2)).</b></p>	<p>At least 1 shower a week <b>(Prison Rule 28 (2)).</b></p>
<b>Education</b> 	<p>Prisoners must be occupied in education (or work/physical education).</p> <p>Special arrangements should be made for people with special educational needs <b>(YOI Rule 37).</b></p> <p>Removal from education cannot be used as a punishment <b>(YOI Rule 60 (1) / PSI 05/2018 2.7).</b></p>	<p>Education classes should be arranged at every prison.</p> <p>Special arrangements should be made for people with special educational needs <b>(Prison Rule 32).</b></p>

	In a YOI or aged 18-20 in a dual-designated prison	In a prison
<p><b>Library and books</b></p> 	<p>There must be a library in every YOI where a prisoner can have and exchange library books <b>(YOI Rule 26)</b>.</p> <p>Books can be ordered from approved retailers or sent or handed in to staff by family or friends. No limit on the number of books in cell, subject to the limits on the volume of property <b>(Incentives PF, Annex F)</b>.</p> <p>Specific books can be restricted in line with <b>Chapter 10 of the Public Protection Manual</b>.</p>	<p>There must be a library in every prison where a prisoner can have and exchange library books <b>(Prison Rule 33)</b>.</p> <p>Books can be ordered from approved retailers or sent or handed in to staff by family or friends. No limit on the number of books in cell, subject to the limits on the volume of property <b>(Incentives PF, Annex F)</b>.</p> <p>Specific books can be restricted in line with <b>Chapter 10 of the Public Protection Manual</b>.</p>
<p><b>Cell conditions</b></p> 	<p>Accommodation must be of adequate size for the maximum number of prisoners it will hold; have adequate lighting, heating, ventilation and fittings; have 24-hour access to water and sanitation; and allow prisoners to communicate at any time with a prison officer <b>(Certified Prison Accommodation PF, Annex A and YOI Rule 22)</b>.</p>	<p>Accommodation must be of adequate size for the maximum number of prisoners it will hold; have adequate lighting, heating, ventilation and fittings; have 24-hour access to water and sanitation; and allow prisoners to communicate at any time with a prison officer <b>(Certified Prison Accommodation PF, Annex A and Prison Rule 26)</b>.</p>

	In a YOI or aged 18-20 in a dual-designated prison	In a prison
<b>Property</b> 	<p>General presumption that property, other than books, will not be handed in or sent in by family or friends unless there are exceptional circumstances with approval at the discretion of Governors <b>(Incentives PF, para 5.53)</b>.</p> <p>Allowed 2 volumetric control boxes (70cm x 55cm x 25cm with a maximum weight of 15kg per box), half a volumetric control box for consumable items and additional items including legal papers and religious items <b>(See Prisoners' property PF, para 4.19 for full list)</b>.</p>	<p>General presumption that property, other than books, will not be handed in or sent in by family or friends unless there are exceptional circumstances with approval at the discretion of Governors <b>(Incentives PF, para 5.53)</b>.</p> <p>Allowed 2 volumetric control boxes (70cm x 55cm x 25cm with a maximum weight of 15kg per box), half a volumetric control box for consumable items and additional items including legal papers and religious items <b>(See Prisoner property PF, para 4.19 for full list)</b>.</p>
<b>Healthcare</b> 	<p>Should receive same standard and quality of healthcare (physical and mental health) as in the community (under NHS) <b>(NICE Guidance)</b>.</p>	<p>Should receive same standard and quality of healthcare (physical and mental health) as in the community (under NHS) <b>(NICE Guidance)</b>.</p>

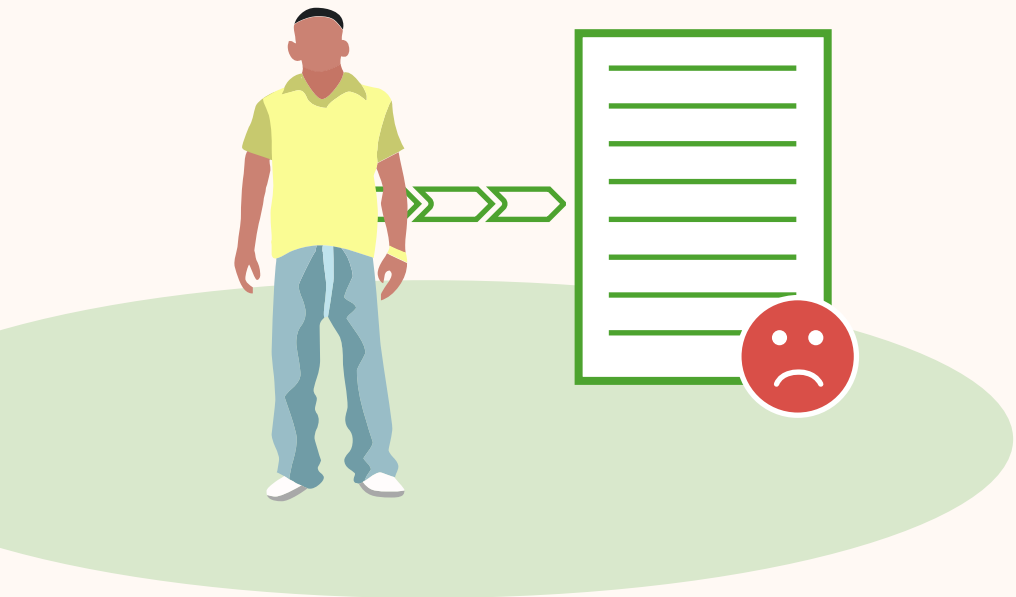
## What to do if you are not getting your entitlements

You can complain about any action or decision taken by the prison that you are unhappy or disagree with.

The next pages of this booklet explain how you can complain if you are not getting your entitlements and what to do if this does not work. You may want to look at the **Prisoners Complaints Policy Framework** which should be available in the library or on your laptop, if you have one.

You may want to use the references to the rules in the tables above in your complaint. The operational policies are often updated so you should check that references are still correct.

**Complaints about healthcare** are done through a separate complaints process. If you are unhappy with the healthcare you are receiving you should ask the prison healthcare team for a copy of their complaints process.





## Step 1: Initial complaint

General complaints can be made by completing form **COMP1**. You should explain what you are complaining about, when it happened and what action you want to be taken.

If you are complaining about something confidential, for example treatment by a member of staff, you can fill in form **COMP2** instead of a COMP1 and ask for the Governor or Director of the prison to consider the complaint. A **COMP2** should only be used for complaints about sensitive or private issues which you cannot discuss with wing staff. If you submitted a confidential complaint using form **COMP2** and did not get the response you were hoping for within 5 working days, or 10 working days if the complaint is about a member of staff, you can complain to the Independent Prisoner Complaint Investigations (IPCI) – **see Step 3**.

All incidents of discrimination, harassment and victimisation must be reported using the Discrimination Incident Reporting Form (**DIRF**), as described in PSI 32/2011 Ensuring Equality. The timeframe for a response is the same as for general complaints. Serious incidents and allegations of misconduct by staff should be referred for investigation in accordance with PSO 1300.

Complaints need to be made within **3 months** of the issue you are complaining about or the date you find out about the issue.

The prison should respond to your COMP1 within **5 working days**. If the complaint is about a member of staff or involves another establishment you should get a response within **10 working days**.

**Working days** are Mondays to Friday and do not include bank holidays.

If you are at immediate risk, for example, there is a risk of suicide or self-harm or you are on an open **ACCT plan**, the prison must deal with your complaint more quickly.

An ACCT (**Assessment, Care in Custody and Teamwork**) plan is the document which explains how someone who is at risk of hurting themselves will be supported by the prison.

A complaint might take longer to investigate in some cases. You should still receive an **interim reply** explaining the reason for the delay and when a full reply is expected.

Responses from the prison should be polite, accurate, **easy to read and understand** and address the issues raised specifically. A response can be given to you **face-to-face** with a brief written response as a follow up to confirm the response.

If the prison agrees with you ('upholds your complaint') it should try to **correct the problem** and consider if an apology is sufficient or whether the complaint should be escalated.

If the prison does not agree with you ('does not uphold your complaint'), they should give **reasons** for this. If you still disagree with the prison's response, you can **appeal** it – see **Step 2**.

## Step 2: Appeal

If you disagree with the prison's response, or they do not respond to your complaint within **5 working days**, or **10 working days** if the complaint is about a member of staff or involves another establishment, you can appeal using a **COMP1A** form.

You should give reasons why you disagree with the prison's response or explain that you have not received a response to your initial complaint.

You must submit your COMP1A within **5 working days** of receiving the prison's response. If not, you must have exceptional reasons for the delay. If it has been more than **5 working days**, you can submit a new COMP1 form and start the process again.

The prison should look at your appeal and respond within **5 working days**. If the complaint is about a member of staff or involves another establishment you should get a response within **10 working days**.

A complaint might take longer to investigate in some cases. You should still receive an **interim reply** explaining the reason for the delay and when a full reply is expected.

The complaint must be answered by someone at a higher level than the person who provided the first response.

The prison's response should say whether it agrees or disagrees with your complaint. It should show that it has considered the **reasons for your appeal** and not simply repeat its first response.

## Step 3: IPCI

If you have completed Step 1 and Step 2 and the issue has not been resolved, or you do not get a response to your appeal, you can complain to the **Independent Prisoner Complaint Investigations**.

The IPCI will only look at your complaint if you have completed the above stages.

The **Independent Prisoner Complaint Investigations**, or 'IPCI' is a team set up by the Prisons and Probation Ombudsman (PPO) – an independent body that carries out investigations into complaints by prisoners, people on probation, and deaths in custody. The IPCI investigates complaints by prisoners.

The IPCI will normally only consider complaints made within **3 months** of the prison's last response and within **12 months** of the initial incident or when you became aware of it. However, if the delay is the prison's fault, the IPCI may consider your complaint after that timeframe.

To complain to the IPCI, send your complaint forms and any evidence, the prison's responses and a letter explaining why you disagree with the prison's response to:

**IPCI, Third Floor, 10 South Colonnade,  
Canary Wharf, London E14 4PU.**

You should mark the post as private.

If you need it, the prison must provide you with paper, an envelope and cover the cost of the postage. They must also cover the cost of photocopying complaint forms.

It can take several months for the IPCI to investigate a complaint. If the issue you are complaining about is urgent you should ask the IPCI to treat it as a priority.

You can also call the IPCI on 0845 010 7938 (voicemail only).

## Step 4: Parliamentary and Health Service Ombudsman

If the IPCI reject your complaint you can appeal to the Parliamentary and Health Service Ombudsman. The IPCI will provide you with further information about this process when they tell you the outcome of their investigation into your complaint.

### Getting advice and support

Unfortunately legal aid is not available for a solicitor to advise you whether or not to complain or to help you to write the complaint. In most circumstances you will need to go through the complaints process yourself.

If you feel that the breach of your rights is a very serious one, or lots of peoples' rights are being breached in the same way, you can try also contacting a **public law solicitor** or a solicitor who specialises in **claims against public authorities**.

A **public law solicitor** is someone who specialises in advising and bringing challenges against decisions by public bodies, including prisons.

A solicitor who specialises in **claims against public authorities** can advise on claims for financial compensation.

If you need help finding a solicitor go to Part 4 of this guide. While you are trying to find a solicitor to help you it is worth going through step 1 and 2 of the complaints process.

You can also put an application in to speak to someone from the prison's Independent Monitoring Board to tell them about your concerns and to see if they can help.

The **Independent Monitoring Board (IMB)** is made up of volunteers who monitor the day-to-day life and treatment of prisoners. They can talk to you privately out of sight and hearing of staff.



# Part 4

## How to find a solicitor and rules about contacting them



## How to find a solicitor

Lots of law firms advertise their services in Inside Time or ConVerse (prison newspapers).

The Legal Aid Agency's 'Directory of Providers' can be found online and contains a list of all law firms who do work funded by legal aid. You can filter the list depending on the type of solicitor you need and in what area. You could ask a family member or friend to help you to find a solicitor from that list.



## Who else can help

At the **Howard League** we provide legal advice to young people aged 21 and under on prison law matters. We have a free advice line that is usually open on Mondays and Tuesdays from 11am to 1pm and Thurs and Fridays from 10am until 12 midday. The number is **0808 801 0308**. It is free to call and should automatically be on your PIN.

The **Prisoners' Advice Service** provide legal advice to adults in prison. You can contact them 020 7253 3323 – the number is not free but should be on your PIN. You can write to them at: Prisoners' Advice Service PO Box 46199, London EC1M 4XA

The **Prison Reform Trust** has an advice and information helpline. You can call them for free on 0808 802 0060. You can write to them at: Prison Reform Trust, FREEPOST ND 6125, London EC1B 1PN.





## Contact with a legal advisor

Legal calls must not be recorded and legal post must not be opened unless the prison believes that the communication is being used for criminal activity.

Post to a legal advisor should be marked 'Legal correspondence: Rule 17' if you are writing from a YOI or 'Legal Correspondence: Rule 39' if you are writing from a prison.

Legal visits do not come out of your social visit allowance and must be out of the hearing range of staff and other prisoners.

This guide does not constitute legal advice and is provided for general information purposes only. The information in the guide is correct as of August 2023.

## About the Howard League

The Howard League for Penal Reform is the world's oldest penal reform charity – a membership organisation that combines litigation, campaigning and policy work. Our aim is to build a more humane and effective response to crime that provides justice to all and helps to reduce reoffending. We have a dedicated legal advice line for children and young adults in custody.

Registered charity No. 251926

## About the Barrow Cadbury Trust

This report was made possible by support from the Barrow Cadbury Trust. The Barrow Cadbury Trust is an independent, charitable foundation committed to bringing about a more just and equal society. Transition to Adulthood (T2A) is convened and funded by the Barrow Cadbury Trust. It campaigns for a distinct approach for young adults (18-25) based on their ongoing maturation.

Registered Charity No. 1115476





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