

Transfers

Prisoners may be transferred from one prison to another for a number of reasons. For example:

- ◆ Their security category has changed
- ◆ So that they can serve the final weeks of their sentence in a prison nearer their home
- ◆ The prisoner's sentence plan requires them to complete a course which is not available at the prison they are in
- ◆ They are behaving in a disruptive way
- ◆ Category A prisoners are routinely moved from time to time for security reasons
- ◆ For their own safety if they are being bullied
- ◆ If their main visitor has a medical problem making visits impossible.

Does a prisoner have a legal right to be transferred to a different prison if they wish?

No - the Prison Act 1952 says they can be held in any prison. Usually, it is up to the governor whether they are transferred, except for Category A prisoners or people serving a life sentence, in which case Prison Headquarters makes the decision. However, although there is no legal right, the Prison Service does have a location policy stating that contact between a prisoner and his/her family should be encouraged and that harmful effects of being removed from normal life are minimised. The prison also has an obligation to take reasonable steps to keep a prisoner safe, which may include a transfer if they are being bullied.

How does a prisoner get a transfer?

Prisoners can request a transfer through the request/complaints system, or on a special form provided by the prison for requesting transfers. Transfers will

normally only be considered after the prisoner has served a few months at the prison they wish to leave.

How long does it take?

The prisoner should receive a response to their request within seven days if they use the requests/complaints system.

What can the family do to help the process along?

The initial request for a transfer **must** come from the prisoner. Families can write to the governor outlining why it is difficult for them to maintain contact, but **only once an application for transfer has already been made by the prisoner**. Supporting letters from a GP, social worker or other professional in support of the application can also be sent.

Will a transfer automatically be granted?

No. There may not be places available in the prison or area the person wants to go to in the appropriate category. Priority may be given to prisoners asking for transfers because their main visitor is in poor health. The prisoner may ask you to provide a doctor's letter confirming the nature of the problem.

What if the request is refused?

The prisoner can make an appeal through the requests/complaints system and is entitled to a reply from Prison Service Headquarters within six weeks. If they are still not satisfied with the reasons given they can write in confidence to the Prisons Ombudsman, but must do this within one month of receiving the reply from Prison Service Headquarters.

Can they take legal action?

Not usually, since the law does say they can be held in any prison. Their only option would be a judicial review which allows the High Court to deal with unlawful decisions by the Prison Service. They would have to prove that there were truly exceptional circumstances that the governor failed to take account of. If a prisoner feels this applies to them, they should seek legal advice.

Can a prisoner be moved without the family's knowledge?

A prisoner who is being transferred is entitled to send one free special letter to someone who visits them. They may, at the governor's discretion, be allowed more than one letter and/or an extra telephone call. If there is not enough time to write or phone, which may be the case with category A prisoners who do not always get advance notice of a move, they can leave details of people who need to know with the prison, and the prison will inform them.

If this doesn't happen how can I find out where they are?

The allocations Unit of the prison they have left may be able to give this information. Failing that, write to the Prisoner Location Service, PO Box 2152, Birmingham B15 1SD, giving as much information about the prisoner as possible, including their name, date of birth, their offence or charge and your relationship to them. Provided the prisoner is happy for you to know where they are, they will let you know in three to four weeks.

What if I turn up for a visit and find they've been transferred?

If you've had a wasted journey, you can claim your travel costs back from the prison, unless you are claiming from the

Assisted Prison Visits Unit, in which case the prison should give you a note to send to them so you can claim for a visit to the new prison.

Temporary transfers

It is possible for a prisoner held a long way from home to save up visits for six months and apply for a temporary transfer to a local prison, usually for 28 days. Subject to the rules and visiting times of the local prison, the accumulated visits can be taken during that time. As with a permanent transfer, the prisoner must make the request, and it will be at the governor's discretion and depend on availability of places at the local prison.

The information provided in this factsheet is intended for information purposes only. It does not constitute legal advice. Prisoners' Families and Friends Service (PFFS) recommends that professional legal advice should always be sought. The information contained in this factsheet is subject to change and may not be up-to-date or accurate. PFFS gives no guarantee of the accuracy or completeness of this information. PFFS will not be held responsible for any loss or damage arising from the use of the information provided.