



Welfare Rights Conference 2024

Prison and benefits

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Introduction

Most social security benefits are affected if a claimant becomes a prisoner. The person might be a prisoner because they are remanded in custody (meaning they are held in custody pending trial or pending sentencing), or because they are serving a custodial sentence.

The rules are not uniform across the different benefits, and this can make it tricky to navigate. Claimants can end up being overpaid or underpaid and can sometimes end up losing their home when good advice could have prevented that happening.

This pack contains information about the main impacts on the benefits that may be relevant and some vital information about dealing with financial and practical issues while you are in prison, or if you are advising/ supporting someone in prison.

Impact on benefits

Remanded in custody

You may be 'remanded in custody' while you are waiting to appear in court or waiting for trial or sentencing. Some of the rules about benefits while you are remanded in custody are different from the rules that apply if you are in prison, serving a prison sentence.

Paying for housing

How to keep paying for your normal home can be a huge worry if you are remanded in custody. If you have been getting help with your rent through the benefits system before you go into prison, then usually that help can continue for a period of time and this can help you avoid losing your home.

If you are getting universal credit housing costs element to help with rent or certain service charges for your normal home, this can continue to be paid for up to six months while you are remanded in custody. No other part of your universal credit is paid while you are remanded in custody.

If you are getting housing benefit to help with rent, this can continue to be paid for up to 52 weeks, providing you are unlikely to be away from home for more than 52 weeks, you intend to return to your home and you don't sub-let. In exceptional circumstances, you may be able to get housing benefit for 52 weeks, even if you are away from home for a slightly longer period.

Disability benefits

If you are on adult disability payment (ADP) or personal independence payment (PIP) you can keep getting it for four weeks while you are remanded in custody. After four weeks, ADP/PIP stops being paid. If you have more than one period in prison within a year they link together. This means that you might lose your ADP or PIP more quickly, or even as soon as you are remanded in custody. There is an exception for ADP if you are under 18 – in this situation you can keep getting the mobility component of ADP.

Example

Len is remanded in custody for two weeks pending a court appearance and is then released on bail. Six months later he is remanded in custody again, this time for six weeks. This time, his adult disability payment stops after two weeks because the two periods in prison link together and count as one period.

If you are on disability living allowance or attendance allowance, these benefits are suspended as soon as you are remanded in custody. This means that you should not receive any payment of them while remanded in custody. If you do not receive a prison sentence (for example, you are found not guilty or you receive a non-custodial sentence), you will be paid the benefit that has not been paid while you were in prison once you are released. Child disability payment care component is suspended after four weeks in prison, but the mobility component continues to be paid.

Other benefits

If you are on contributory employment and support allowance, carer's allowance, state retirement pension or bereavement benefits, the benefit is suspended while you are remanded in custody. If you do not receive a prison sentence (for example, you are found not guilty or you receive a non-custodial sentence), you will be paid the benefit that has not been paid while you were in prison once you are released.

With the exception of housing benefit and limited help with housing costs, means-tested benefits like income support, income-based jobseeker's allowance, income-related employment and support allowance and pension credit stop being paid while you are remanded in custody. Even if, in the end, you do not receive a custodial sentence you will not receive payment of these benefits for the period you spent in prison.

Serving a prison sentence

Paying for housing

If you have been getting help with your rent through the benefits system before you go into prison, it may be possible to continue to get help with rent, but this help is very limited.

If you are getting universal credit housing costs element to help with rent or certain service charges for your normal home, this can continue to be paid for up to six months, but only if your absence from home is not expected to exceed six months. The six-month period includes any time you were remanded in custody immediately before you were sentenced.

When working out how long you are likely to be away from home, the DWP should take account of remission you are likely to get on your sentence - not simply the length of the sentence you receive. For example, you might be sentenced to four months in prison, but be likely to serve two months.

Example

Arpad has been getting universal credit which includes housing costs (help with his rent). His trial takes place on 3rd November, and he is sentenced to 6 months in prison. He is told that he is likely to serve 3 months and be released in early February. This means that he is likely to be away from his home for 3 months. He continues to be paid the housing costs element of his universal credit whilst he is in prison.

However, if he had already been remanded in custody for four months immediately prior to being sentenced, his universal credit housing costs element would stop as soon as he was sentenced because he is likely to be away from home for more than 6 months in total.

You can get housing benefit during an absence from home of up to 13 weeks, provided you intend to return home and do not sublet. The absence from home must be unlikely to last for longer than 13 weeks, and if you are already remanded in custody before sentencing, this period of time counts towards the 13 weeks. When working out how long you are likely to be away from home, the local authority administering your housing benefit should take account of remission you are likely to get on your sentence. For example, if you are sentenced to four months in prison, but are likely to be released after two months.

If you are an owner-occupier getting help with some housing costs through income support, income-related ESA or pension credit, you can no longer receive this once you are serving a prison sentence.

If you have a partner who is still living in the home while you are in prison then they may be able to claim assistance with housing costs such as rent, but if they are under pension age this will usually have to be through universal credit.

Disability benefits

If you receive a prison sentence adult disability payment (ADP) or personal independence payment (PIP) will stop after four weeks in prison. If you have already been remanded in custody for more than four weeks before your trial or before being sentenced, your ADP or PIP should already have stopped. If you get disability living allowance (DLA) or attendance allowance (AA) it should stop immediately. If you have already been remanded in custody, DLA/AA should already have been suspended. Child disability payment care component is suspended after four weeks, but the mobility component continues to be paid. If you have already been remanded in custody for more than four weeks, then the child disability payment care component should already have stopped.

Other benefits

Most benefits are not payable while you are serving a prison sentence. For example, you cannot be paid contributory employment and support allowance, carer's allowance, state retirement pension or bereavement benefits while you are serving a prison sentence. You also cannot get any means-tested benefits like income support,

Prison and benefits

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income-based jobseeker's allowance, income-related employment and support allowance and pension credit.

You can continue to be entitled to industrial injuries disablement benefit while you are in prison, although you do not get paid the benefit until you are released and will only be paid a maximum of 12 months arrears of benefit when you are released.

Help with prison visits

The Help with Prison Visits Unit can help your partner or close relative (or someone else if they are your only visitor) with the cost of visiting you in prison, or with the cost of bringing your children to visit you. S/he must be getting one of the following benefits: universal credit, income support, income-based jobseeker's allowance, income-related employment and support allowance, pension credit, health benefits on the grounds of low income, child tax credit or working tax credit. If you are on universal credit or working tax credit your income has to be below a certain level to qualify.

You apply online at [gov.uk/help-with-prison-visits](https://www.gov.uk/help-with-prison-visits). You can phone on 0300 063 2100 or email HelpwithPrisonVisits@justice.gov.uk if you have any queries or difficulties, or if you are unable to claim online.

A guide to working with someone in custody or a family member with a loved one in custody

How to communicate with someone in custody

Letters - Prisoners can receive incoming mail. The mail can be opened by security although legal correspondence is classed as privileged and therefore will not be opened. To ensure a prisoner receives a letter, include the individual's prison number before their name. There's no limit to written communication; prisoners can purchase stamps to send outgoing mail.

Phone calls - All cells now only have an in-cell phone to make outbound calls. Prisoners receive 200 minutes on their account each month and additional minutes can be purchased weekly. The phone numbers need to be added to a 'Whitelist' which is security checked before a prisoner can make an outbound call. Prisoners can also make outbound calls using the telephones in the halls.

Email as prisoner - A unique service created by an ex-prisoner to bridge the communication gap between the outside world and people in custody. The person or organisation will be required to set up an account, they will write the email which is printed out and delivered to the prisoner as mail. If the sender needs a response, writing materials are provided to the prisoner and the return communication is scanned and returned. The cost for this to the family member is 40p for an email and if they opt to offer the prisoner the ability to send a response, this will cost 63p.

Family & friends visits - There are different entitlements to in-person visits for convicted and remanded prisoners:

- Convicted prisoners are entitled to not less than 2 hours in any 28 day period. These visits are booked by individuals in custody and it's their responsibility to inform their families/friends of the date and time.
- Remand prisoners are entitled to a visit every day 6 days per week. At Barlinnie these visits are booked by prisoner's families, by calling the direct booking line on 0141 770 2109 (Weekdays 9 am to 1 pm, and 2 pm to 4 pm).

Visits must be booked 24 hours in advance.

Agents visits - Barlinnie provides a unique drop-in service at the following times; Monday to Friday - 8:30 am - 4:30 pm

Children visits - Barlinnie offers specific visits for children, designed to provide a safe space for prisoners to bond and play with their young children in a child-friendly and controlled environment. Monday - Friday 5:15 pm - 6 pm and Saturday and Sunday 11:45 am - 12:30 pm

Virtual visits - Virtual visits will be similar to other video conference technology you may have used and should provide a similar experience and last 30 minutes.

Storybook Dads & Storybook Mums - A charity that helps over 5,000 prisoners record bedtime stories for their children. They also provide height charts and other items such as photo frames for children made by their parents in custody and challenge charts to allow parents to have activities to bond over remotely.

Useful links for more information

SPS Website - <https://www.sps.gov.uk/family-and-friends>

Email a Prisoner - <https://www.emailaprisoner.com/>

Storybook Dads - <https://www.storybookdads.org.uk/>

Key barriers reference table

HOUSING
Inability to pay rent
Unknown sentence duration for Remanded prisoners
Community support to empty property and secure belongings
Suitability of advice offered
Lack of housing options once liberated
DEBT
Communicating with lenders in custody
Unable to maintain financial commitments
Difficulty obtaining information to manage debt
Accessing debt-specific advice
Company policies are not adaptable to customers in custody
BANKING
Accessing their bank account

Passing security in prison
Communicating with their bank
Each bank has a different process
Some banks don't have telephone services (only digital)
Account closures - due to being in custody
Prisoners without bank accounts returning to the community
IDENTIFICATION
Lost I.D from closed tenancies
Not having the funds or additional requirements to access I.D in the community

Prisoner financials

CONVICTED PRISONER	REMAND PRISONER
Prisoner personal cash (PPC) allowance	
£20 plus £5 of cell wage per week	£40 per week
Purchase from prison canteen	
Once per week	Twice per week (£20 each time)
Prison wage - employment	
Role dependent - from £7 - £14 per week	Same as convicted although less opportunity for employment for Remand Prisoners
Cell Wage	
£5 per week	£0

Prison and benefits

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Canteen purchases - The prison canteen offers products such as toiletries, condiments, sweets, snacks, vaping products, additional telephone minutes, stationary and writing materials and stamps.

Adding funds to a prisoner PPC - The safest and most cost-efficient way of transferring money to your loved one is over online banking; details on how to do this are available for all SPS prisons – which excludes HMP Addiewell and HMP Kilmarnock. There is a maximum deposit of £50 per transaction.

Friends and families can also deposit cash in the machine in the prisoner's Atrium or choose to post money although this process is not as safe as the other options mentioned above and the postal option takes longer to process.

See more info - <https://www.sps.gov.uk/family-and-friends/sending-money>

HMP Barlinnie services for prisoners

Partners based with the resource hub

Parkhead Citizens Advice Bureau - Improving Lives Project - After supporting prisoners in HMP Barlinnie for over 20 years, the Bureau were able to secure funding from the National Lottery Community Fund to provide a full-time Adviser and full-time Training Officer to provide 1-2-1 advice and group workshops to all prisoners serving a sentence.

Life Link - 1-2-1 Counseling to offer support to anyone who is struggling to cope with everyday stress or is feeling anxious or depressed.

<https://www.lifelink.org.uk/>

JobCentrePlus - assistance with Benefits, Training & Employment. The team also delivers a pilot programme where prisoners start their universal Credit claim on the morning of liberation, eligibility criteria for the pilot.

Glasgow Prison Homeless Casework team - also known as 'Housing'. Support with tenancy sustainment and homeless on release.

GlasgowLife - assistance with Benefits & Scottish Welfare Fund Applications and digital support in the community once liberated.

Teen Challenge Strathclyde - a registered charity challenging addiction and offering hope to the vulnerable and socially marginalised. The organisation is based on Christian values and beliefs providing a positive answer to the current addiction problem such as Prison to Rehab pathways.

<https://tcstrathclyde.co.uk/>

Hope Connections - a drop-in service to assist prisoners facing addiction challenges while in custody and returning to the community.

<https://hopeconnections.scot/>

M.W.I - Men With Issues - a group created for all men who struggle in any way big or small. It's a safe place for prisoners to surround themselves with like-minded people, openly express how they feel judgment-free and get better in the process.

https://www.instagram.com/mwi_men/

Additional services via the resource hub or requested via hall staff:

Library - the prison library allows prisoners to borrow 1 DVD, 3 books and 1 CD at any one time.

Wellbeing Centre - the Barlinnie Wellbeing Centre offers prisoners a safe space for group therapy through art, music, sports and drama the center also provides a sensory room for prisoners. Lifelink mentioned above provides a Grief Group for prisoners to help manage the emotions and pain associated with losing a loved one.

Interventions - Short-term Interventions Programmes - STIP is a cognitive behavioral programme delivered by SPS officers designed to help short-term prisoners who frequently re-offend to address their offending behavior and help avoid returning to custody.

Chaplaincy - prisoners can request to see the Prison Chaplain for support with their religious beliefs and requirements.

Family Contact Officers - a team dedicated to supporting prisoners in accessing child visits.

Life Skills - provides prisoners with a wide range of transferable skills to take out into the community and help navigate life in custody such as - basic cookery and household skills, communication skills, changing habits and fire safety awareness.

Fife College - provides educational services to prisoners within HMP Barlinnie in the dedicated learning centre and communications-based education in the Barlinnies Barbed Wireless Media Hub. Classes available are English, Maths, ICT, Art, Open Book and Creative Writing.

Creative Change Collective - Drama Therapy Group

The Creative Change Collective is a team of experienced creative professionals who specialise in working to address social challenges across Scotland. CCC helps prisoners bring about positive change in their lives through creative practices associated with film, theatre and performance.

<https://ccc.scot/>

We Are with You - a free and confidential advice service for people returning to Glasgow following a period in prison - remand, or short or long-term sentence.

<https://www.wearewithyou.org.uk/>

The Wise Group - provides a community justice mentoring service for prisoners serving short-term prison sentences (*up to 4 years*). Eligible prisoners are invited to self-refer 8 weeks before liberation where they will be connected with a mentor that

provides support to reintegrate into the community from the day of release.

<https://www.thewisegroup.co.uk/>

SISCO Recovery Cafe - the team at SISCO regularly attend Barlinnie and facilitates the Recovery cafe in the prison as one of the multiple pathways to recovery and is specifically designed for individuals caught up in the cycle of addiction.

<https://sisco.org.uk/>

Interventions Addiction Services - Barlinnie offers prisoners the opportunity to attend Narcotics Anonymous and Cocaine Anonymous in addition to the above-mentioned SISCO Recovery Cafe.

Listeners Scheme by the Samaritans - Prisoners can request to see a listener discreetly if they are struggling or experiencing distress. The listeners are a group of volunteer prisoners who are trained to provide support to their peers while following a strict code of privacy and confidentiality.

HMIPS - Independent Prison Monitoring - IPMs visit prisons to monitor the conditions and treatment of prisoners. All IPM's are volunteers working as part of a dedicated team for each prison. Visiting each prison once per week IPMs will talk to prisoners' and listen to their opinions about their treatment and conditions in prison, provide advice and support as required and publish reports based on what they have seen during their visit.

Further information

See Child Poverty Action Group's online information at:

cpag.org.uk/welfare-rights/benefits-scotland/more-info/prison-benefits-factsheets/prison-benefits

cpag.org.uk/welfare-rights/benefits-scotland/more-info/prison-benefits-factsheets/families-imprisonment

See Families Outside 2022 report [Paying the Price: The Cost to Families of Imprisonment and Release](#)