

Keeping in contact with legal advisers

Keeping in contact by phone

When I arrive

You should be allowed to make a phone call within 24 hours of arriving at prison. If there are security concerns a staff member may make this call for you. At some prisons, you can make this call for free, at others you may have to pay after the call.

Phone access

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.

Depending on the local regime, you should be allowed to use the telephones during association and at any other times that are 'reasonably practicable and appropriate'. This is all subject to the local regime.

Legal calls

If you want to make a legal call when you first come into prison you should tell a member of prison staff. Calls to your solicitor or other legal advisor must not be made via the PIN phone until your PIN phone account has been properly set up.

Before you can call the number, you must give it to a member of staff. This is because prison staff will ring the number first, to make sure that it is a legal number.

Legal and confidential calls must not be recorded, unless there are exceptional circumstances - see below for more information.

What about calling 0800 numbers?

You can call 0800 numbers if the call is to a legal representative or other approved confidential number.

How many numbers am I allowed to have on my PIN?

You are allowed to have 20 social numbers added to your PIN and 15 legal/confidential numbers. But you can apply for more.

These numbers are not automatically kept on your PIN when you transfer prisons.

What if I have an urgent legal matter and no money on my PIN?

Where there are urgent legal circumstances, such as imminent court proceedings, the prison has the discretion to allow you to make a call for free.

Keeping in contact by letter

You are allowed to write as many letters as you wish at your expense subject to any local policy that is in place. Some prisons may restrict the number of pages and number of letters, for example in the high security estate staff check letters and it is a way of saving staff time.

You must include your name, number, and establishment address on outgoing correspondence. You should be given writing materials to write to your solicitor if you don't have this. If you have moved prisons legal letters should be forwarded as matter of urgency.

If you need to write letters for legal matters and you cannot afford postage, you can ask the governor to pay the postage for a letter for you, this is called a Special Letter. There is more detailed information about this in PSI 49/2011 Prisoner Communications.

Prison Rule 39

Prison Rule 39 says that your correspondence with the courts and your legal adviser may only be opened, stopped or read in specific circumstances.

The following list of organisations and people are covered by Rule 39:

- Your Legal Adviser, this can be the name of a firm or organisation
- Courts
- Bar Council
- Law Society
- Official Solicitor

The prison can only open your letter if the governor has reasonable cause to believe that it contains something that is against the law or that the letter is not covered by Prison Rule 39 or confidential access.

The prison can stop or read your letter if the governor believes the contents are a security risk. If the letter is between you and your legal advisor (or organisations given confidential access status) it must only be opened in your presence unless you decline the opportunity. There is more detailed information about this in the Authorised Communications Controls and Interception Policy Framework.

Confidential Access

There are several organisations that come under 'confidential access'. This means that, like Prison Rule 39 letters, the prison can only examine and open your letters to these organisations under specific circumstances.

These organisations include the Prisons and Probation Ombudsman, the Information Commissioner's Office, the Criminal Cases Review Commission and the Samaritans. The full list is in PSI 49/2011 *Prisoner Communications*.

The prison can stop, open or read your letter for the same reasons given above.

Can the prison regularly monitor or intercept my calls or letters to my legal adviser?

Yes, but only if the prison believes that the communication is being used for criminal activity. A Director of HMPPS must authorise any monitoring or interception of communications. This only takes place in exceptional circumstances.

Sending letters in

Legal advisers can use the Send Legal Mail service to send you written correspondence. To do this they must register with a Criminal Justice Secure Mail service. The service creates a barcode and address label which needs to be placed into a windowed envelope.

If a legal adviser does not use the Send Legal Mail service then the letter should be :

- clearly marked 'legal correspondence' or 'Prison Rule 39' (or 'YOI Rule 17' for youth estate)
- placed in a double envelope, with the letter sealed in an unstamped envelope with your name and prison number (if known) written on it. Details of the legal adviser sending it should also be on the outside of the envelope.

If an incoming letter is not clearly marked in this way but appears to be from a legal adviser, it should be treated in the same way as if it was properly marked.

More information can be found in PSI 40/2011 Prisoner Communications.

Official visits

Legal advisers can visit you on an official visit.

An official visit is one where a professional visitor meets with a prisoner to discuss things like legal proceedings which you are involved in or other professional matters.

Official visits do not count against your allowance for social visits

Official visits must take place within sight but out of hearing range of staff, other prisoners and their official visitors.

Other official visitors

There are other people who can see you on an official visit, including:

- Your offender manager and probation
- Social workers/ Youth Offending Team workers
- Pastoral visits
- Bishops
- Samaritans
- MPs
- Representatives of the Prison and Probation Ombudsman (PPO)
- Representatives of the the Legal Ombudsman, the Quality Care Commission, and the Office of the Legal Services Ombudsman
- Authorised researchers
- Embassy or consular officials
- Police officers
- staff of the Criminal Cases Review Commission (CCRC)
- Immigration Officers
- Representatives of veterans organisations such as the Royal British Legion

There is more information in *PSI 16/2011 Providing Visits and Services to Visitors*.

Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful PSIs and PSOs (these should be available in the library):

PSI 16/2011 *Providing Visits and Services to Visitors*

PSI 49/2011 *Prisoner Communications*

Authorised Communications Controls and Interception Policy Framework

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN**

You do not need to use a stamp.