

## Transfers

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Under the terms of the Schedule 1 to the Crime (Sentences) Act 1997, prisoners may be transferred on request from a Scottish to English prison or vice versa.

### Are there any conditions that need to be met?

To be eligible for consideration for a transfer the prisoner must have:

- At least six months of their sentence remaining
- Proof of family ties in the part of the UK they wish to move to
- No outstanding appeals
- No pending criminal charges

### What Will the Prison Service Consider?

Each application will be assessed individually, taking into consideration:

- The reason for the transfer
- Whether the prisoner used to live in the area to which the transfer is requested prior to his custodial sentence
- Background reports e.g. conduct reports
- If the prisoner's family members live in the area to which the transfer is requested and if there are reasonable grounds to believe that the prisoner will receive regular visits from them
- Whether the prisoner has shown that in preparing for his release he will live in the area where the transfer has been requested
- Whether the prisoner has at least six months of his sentence left to serve
- Whether there are grounds for believing that the prisoner may disrupt or attempt to disrupt any prison or pose an unacceptable risk to security
- Any compelling or compassionate circumstances.

### How Does the Prisoner Request A Transfer?

- The prisoner asks his Personal Officer for an application form
- Once completed the form is returned and the prison will collate the necessary

documents before forwarding the application to the Scottish Prison Service (SPS) Headquarters for consideration

- SPS will then pass the application on to HM Prison Service in England who will then make the final decision
- If the prisoner wishes to transfer to Scotland the initial decision is made by HM Prison Service in England who then refer it to SPS who will then make a final decision.

### How Long Will It Take?

It is a lengthy process and it can take up to six months or longer.

### What is meant by a restricted transfer?

If the prisoner's application is successful and the prisoner is transferred, for example to an English prison when the crime was committed in Scotland, the prisoner's sentence will continue to be dealt with under the Scottish legal system and the English prison will become responsible for the day to day management of the prisoner. Most transfers from Scotland to England operate on this basis.

### What If The Prisoner Is Refused a Transfer?

The prisoner should be given the reasons as to why they have been refused, however, there is no legal entitlement to a transfer.

### What Can The Family Do To Help The Process Along?

You may support the prisoner's request for transfer by providing letters to the prison Governors indicating your intention to visit should the transfer be approved. If the transfer is on compassionate terms, letters from GP's, social workers or other professional bodies may be relevant.