

## Preparing for a prison sentence

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This information sheet is designed to help you, or a family member prepare for the possibility of imprisonment. The Families Outside Support & Information Line can provide more details on planning for a prison sentence. Families Outside can be contacted by telephone on 0500 839383; by email at [support@familiesoutside.org.uk](mailto:support@familiesoutside.org.uk); or by texting **Famout** then your message to 60777. This is a free, independent and confidential service for anyone who has a relative in custody in Scotland.

### Planning Ahead

Facing imprisonment can be one of the most frightening and traumatic experiences that defendants and their families can go through. You may have been told to expect a prison sentence or just been advised of the possibility of one. Whichever applies, try to organise the following things in case of imprisonment. It is always better to be prepared for the worst outcome.

### Children

The welfare of your children should be your main priority, and it's important to think about how you might help your child cope at this time. Everyone's circumstances will be different but, in most cases, children will want to know where their parent is and why. Relatives or friends may need to be told what is happening on the day of the court appearance and perhaps be prepared to look after children or pick them up from school. Children may need explanations and support about where a parent is and reassurance that they are still loved and secure in their family. You may want to prepare your child for you going away, and although it may be difficult to talk to them about the possibility of prison, it could be something that will help them cope.

### Accommodation

You will need to contact your housing authority, landlord or mortgage provider to find out what the situation will be with your home. If you are unable to keep your home, you should arrange for your property to be stored somewhere safe and secure. Unfortunately, there is very little help available for the storage of property, unless paid for privately. It is important therefore to try to make arrangements to store your belongings if at all possible. There is no financial help available towards the costs for commercial storage, so if family members are not able to take care of your property, it may be that you will need to decide what is really essential and give permission to sell or dispose of the rest. Each prison establishment has a property storage facility

for small, personal items brought into the prison at the time of remand or conviction.

You may be able to keep your home whilst you are in prison but you should seek further information about this. Housing and Council Tax Benefits can be claimed for up to thirteen weeks, longer if on remand, provided the total absence (including any remand time) is expected to be no longer than this. It is possible to continue a housing benefit claim based on the Home Detention Curfew (HDC) eligibility date (being released on tag) if it falls within the thirteen week period, even if a decision on HDC has not yet been made. Your partner may be able to claim Council Tax Benefit. You'll still be counted as a couple as long as you're only temporarily separated. Speak to your local **Citizens Advice Bureau, or contact the Shelter Housing Helpline (0808 800 4444)**.

There are some benefits which prisoners would no longer be entitled to; others are suspended, and a few continue to be payable. Your partner may need to make a claim in their own right if you were the main support.

### Pets

If you have any pets, arrange for someone to care for them or at least to be able to access your home to feed them. If a pet is left at home by an unexpected period of imprisonment then please advise the staff on your arrival, they in turn can then contact the RSPCA to let them know of the issues surrounding your pet.

### Employment

If you are in employment, you will need to decide when and what to tell your employer about your situation. You will be entitled to any outstanding wages and holiday entitlement and this should be arranged.

## Finances

If you have financial commitments, you may wish to contact any lenders etc and explain the situation. If someone is able to deal with this in your absence, arrange for all the documentation to be available to them.

It is also a good idea to leave important papers such as passports, driving licence etc somewhere safe and let someone know where they are. A list of contact numbers will be useful too. It's important to get advice about any benefits as soon as possible, especially if your partner is still living in the family home.

If you were claiming benefits before, it's best if your partner makes a claim as soon as possible after you go into prison. Your partner might get other financial help, for example, to visit the prison or help with NHS charges.

Your partner may be able to claim Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance if sick or disabled, or Pension Credit. They will be counted as a single person or a lone parent if they do. They may be able to claim Working Tax Credit or Child Tax Credit. You will still be counted as part of a couple, as long as you're only temporarily separated.

Standing charges from electricity, gas or telephone bills will mount up unless the services are disconnected. If you are not going to be able to pay the backlog on release, or come to an arrangement with the utility company, it would be advisable to have the services disconnected as soon as possible.

If you are receiving benefits when you go into prison, these will be stopped if you are convicted. It is important that you tell your benefits provider. If you get overpaid benefits because you failed to inform that your circumstances have changed, you will have to pay this back when you come out of prison.

## At court

A few days prior to your court date, ensure that you have the correct details and know what time to be there. You will generally meet with your legal representative prior to your court time, so be early to allow for this.

## Belongings

It is a good idea to bring some money to court with you. This will be credited to your personal prison account on your arrival at the establishment. You will be entitled to purchase toiletries, tobacco and

telephone credit when you arrive at prison, so you should have some cash available for this.

Prisons have different entitlements as to what you will be allowed in the form of clothing. Underwear, a change of clothes, including shoes and pyjamas should be permitted, so you may want to take a small bag with these items to court with you. Any belongings will be given to prison reception staff to sort out what items are permitted. All other belongings will be stored until your release.

You may also wish to take with you any contact numbers, including mobile telephone numbers, and any legal paper work that you may need. You should be allowed these items, but it may vary from prison to prison. No mobile phones are permitted in any prison, therefore it is a good idea to leave your phone, along with bank cards and any car or house keys you have, with a family member before going into the court room. Once your property has been sorted, it is stored in a small storage facility and may require a formal written request to the prison before being released to the family.

## Sentence

If you are given a prison sentence, you will be handcuffed and taken to the cell area within the court building. The handcuffs will be removed when you reach this area.

The staff here will take your belongings and put them in a bag to be forwarded to the prison with you. You will be asked to check and sign for the items. You will then be placed in a cell until transport is available to take you to the prison. This may take some time, as the courts tend to wait until all cases have been heard and transport people together. You may receive a visit from your solicitor or the court social worker. No family or friends will be allowed to visit you during this time.

## Where will you serve your sentence?

You will start your sentence in a 'reception' prison or a local prison. If you were remanded in custody while awaiting sentencing, this may be the same prison. See Families Outside Information Sheet No 16 (What to expect when starting a prison sentence) for further details.

This is a very quick guide to what to expect when starting a prison sentence. If you have any questions about any of the information on this factsheet, please contact Families Outside Support & Information Helpline on 0500 839383.

Special thanks to Laura T for her suggestion for this leaflet, informative insight and guidance.