

Families Outside - Support & Information Helpline

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9. Prison transfer

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.

✚ How does the person in prison request a transfer?

- The prisoner asks their 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 then pass the application to HM Prison Service, 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, England who then refer to SPS who make the final decision.

✚ 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

No outstanding appeals

Proof of family ties in the part of the UK they wish to move to

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 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 in preparing for release (s)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 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 they are 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 why they have been refused. However, there is no legal entitlement to a transfer.

✚ What can the family do to help the process?

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