

PRISONERS' ADVICE SERVICE

A case study of volunteering in a legal advice project

June 2016



**Valuing
volunteers
in prison**

Summary

Prisoners' Advice Service provides free legal advice and representation to adult prisoners in England and Wales on their rights. This case study will be especially interesting to readers who wish to:

- use volunteers to provide service users with additional legal support
- integrate volunteers closely with staff to provide additional capacity.

About Prisoners' Advice Service

Prisoners' Advice Service (PAS) is the only organisation that provides free legal advice and representation to adult prisoners in England and Wales on their rights, conditions of imprisonment and the application of the Prison Rules. We do this through the provision of a telephone advice line, a letters service, educational activities, casework and legal advice outreach clinics.

Service users

Our advice services are available to all prisoners who wish to access them. Our service users include male and female prisoners, disabled prisoners, older prisoners, transgender prisoners and prisoners who have suffered racial or religious discrimination. All security categories of prisoners can use our services.

PAS's outreach advice clinics

We run outreach advice clinics in prisons in Cheshire, Gloucestershire, Kent, London, Surrey, and West Yorkshire. These clinics take place at 12 prisons on a regular basis: HMPs Belmarsh, Bronzefield, East Sutton Park, Eastwood Park, Holloway, Leyhill, New Hall, Pentonville, Send, Styal, Thameside and Wandsworth.

The aims of these clinics are three-fold. Firstly, we provide prisoners with face-to-face, one-to-one advice about issues faced in prison, such as recovering missing items of property, requests for transfers, issues relating to recall procedures, sentence calculation, and healthcare provision. Due to changes in legal aid provision, particularly since December 2013, prisoners have been increasingly unable to access and obtain legal advice on such issues, particularly if they do not have the means to pay for it. Our outreach sessions are designed to provide prisoners with vital information and advice, which is often unavailable via alternative sources. Our clinics also aim to overcome barriers

to access for prisoners who find it difficult to read and write, or understand information over the telephone, for example due to language barriers, learning disabilities or physical disabilities.



Secondly, we seek to empower prisoners and equip them with the knowledge necessary to tackle simpler legal issues themselves. Often, the first obstacle that prisoners face in seeking to assert their rights is that they simply do not know what they are. In providing prisoners with information and advice, we seek to redress the imbalance between the prison institution and prisoners concerning knowledge about rights and legal entitlements. We seek to broaden knowledge about the legal framework which exists to ensure and maintain prisoners' rights and entitlements, e.g. the Prison Rules, Prison Service Instructions, and case law arising from human rights and civil claims. We help to ensure that prisoners are increasingly aware of their rights and how to assert them.

Thirdly, we take on a number of individual cases emerging from our outreach clinics. These tend to relate to more complex issues, for example ongoing healthcare complaints, detention within segregation units, recall to prison for breach of licence conditions or religious or racial discrimination.

The role of volunteers at clinics

On most outreach clinic visits, our caseworkers go into the prison accompanied by a volunteer to give one-on-one legal advice to prisoners. Our volunteers assist the caseworkers by taking notes on the issues described by the prisoner and the advice given by the caseworker, allowing the caseworker to devote their time completely to the prisoner. On return to our office, the volunteer will then complete any follow up work from the clinic under the supervision of the caseworker.

For example, this may be providing the prisoner with additional information or more complex advice in a follow-up letter, and (where appropriate) writing to the prison regarding the issue raised. Depending on the nature of the issue raised, the caseworker may take on a legal case after meeting the prisoner at the clinic. The same volunteer will then continue to assist with that case, if possible, to ensure consistency of service for the prisoner. This also gives the volunteer experience of case management and insight into how the case progresses.

Our volunteers provide invaluable assistance to our caseworkers and help ensure the effective running of the clinics. Primarily, the support of volunteers enables our caseworkers to deal more efficiently with issues presented to them and that in turn enables more prisoners to be assisted at each clinic in the time allotted. Of further benefit is that, after the clinic, the volunteer can then undertake any follow up work effectively and efficiently under the supervision of the caseworker. Efficiency is enhanced because the volunteer has had the benefit of hearing first-hand the nature of the issues the prisoner is facing, as well as the advice given. This enables our caseworkers to make the best use of their time and to maximise their caseload. It also simultaneously gives our volunteers valuable experience of legal advice work and of the practical application of Prison Law concerning individual prisoners' issues. Without the assistance of our volunteers, we would be unable to assist as many prisoners as we do, owing to the vital role that the volunteers play.

At some of our outreach clinics, such as at HMP Send, we often have so many prisoners seeking advice from us that it is necessary for the volunteer to meet one-on-one with some prisoners while the caseworker meets with others. This means that, between them, the caseworker and the volunteer can meet with and advise as many prisoners as possible in the allotted time period. Generally, our clinics run for an hour and a half or two hours, and in that time we may see as many as 20 prisoners, sometimes even more.

Our volunteers are able to do their best work owing to the support of our caseworkers and the opportunities offered by PAS to develop their experience and expertise in Prison Law and the provision of advice. Our volunteers benefit greatly from the opportunity to discuss with our caseworkers matters relating to issues raised by prisoners at clinics, and any subsequent developments in those issues if matters are ongoing. This assists volunteers' legal understanding in respect of procedure and knowledge of Prison Law. It also gives them real-life experience of the practical application of the law and advice work, aiding their own professional development in preparation for a career in the legal sector.

Recruitment, training and security vetting of volunteers

The volunteers who assist our caseworkers with the outreach advice clinics are recruited as legal volunteers to assist PAS with our broader provision of free legal advice to adult prisoners in England and Wales. Queries from prisoners come through our telephone advice line and our letter service, as well as through our outreach clinics. We advertise for and recruit legal volunteers on a rolling basis. We often advertise for this role through universities' law faculties or career services departments (as most of our legal volunteers are law students). However, we have also had one retired lawyer, and one currently working solicitor, volunteer with us. Clearly, more experienced (working or retired) lawyers can offer even more skills and benefits as volunteers, for example giving in-depth advice at clinics.

All our volunteers get involved because they want to help prisoners. The law students are also keen to gain valuable experience in legal skills that will benefit their future career development. We require our volunteers to sign a confidentiality agreement at the commencement of their role with us. They receive training from us in the substantive law behind the Prison Rules and the legal sources which comprise this area, how to conduct legal research, and how to write letters to prisoners in order to provide them with advice or information in response to their queries. However, much of our volunteer training is ongoing, and our volunteers largely develop their skills and expertise through their first-hand experience of working on the issues on which we assist prisoners.

After a few months of volunteering at PAS, once a volunteer is sufficiently experienced with the nature of the more complex issues we assist with, and the law and procedures relating to these areas, their supervising caseworker may request their assistance at one or more of the legal clinics.

Before attending a clinic, volunteers are not required to sign a volunteer agreement with the prison, but they must obtain security clearance according to the individual requirements of each prison. In general, our caseworkers and volunteers need to apply for Enhanced Level 1 security clearance. Generally volunteers are not attached to an individual prison, but attend a number of clinics at different prisons according to the commitments of their caseworker.

However, in some cases they tend to focus on a particular prison. The security clearance process can present us with problems or delays, as we have little control over how long it takes and because some prisons may have varying timescales or requirements. In anticipation of any such difficulties and the degree of flexibility we need given the varying availability of our volunteers, we try to get a number of our volunteers cleared for a number of visits in advance - so that the process is less onerous for each individual visit. At any one time, we have about 20 legal volunteers: five

experienced ones who participate in outreach advice clinics regularly, and a further 15 who participate in them occasionally.

Prisons typically do not focus significantly on the contribution of our legal volunteers in the outreach clinics; they focus more on the role of our caseworkers who are leading the clinics and who are therefore their principal contacts at our charity.

"The PAS clinics have been bringing further knowledge to the Peer Advisers on the Information, Advice and Guidance NVQ L3 and L4 programme in the prison establishment for a number of years now. The work and dedication of PAS staff members and volunteers have brought a fresh and up-to-date understanding of the Prison Law and the rights of prisoners and duty of the establishment. The training sessions and clinics ran with the aid and enthusiasm of PAS volunteers who have made this possible. Thank you all very much!"

(Piero Izzolino, Trainer Assessor for HMP Huntercombe & HMP Holloway, Prison Services, St Giles Trust)

We also have prisoner Peer Advisers who assist with the running of the clinics in some prisons. The Peer Advisers receive training from PAS in the basics of Prison Law advice. We train these advisers to provide information and basic advice to their peers and to refer them to us for more complicated or urgent matters. In some cases, they run clinics in the prison in the intervening weeks between the clinics run by PAS caseworkers. One of these Peer Advisers at HMP Send was conferred with a 'Champion of Justice' award by the London Legal Support Trust in 2014 for her dedicated contribution to our clinic there over several years. This award celebrates people who are crucial to delivering essential free legal services as 'Unsung Heroes'.

Logistical arrangements

The dates of each outreach clinic are arranged with the prison in advance, usually through a named contact in the library or on the resettlement wing. We do not have written agreements in place with the prisons, and instead rely on the cooperation, understanding and availability of the prison staff with whom we liaise in order to continue providing our services.



We generally work through our principal contact at the prison (often the Librarian) who then liaises with other staff within the prison as necessary to manage the logistical arrangements and permissions for the clinics. The clinics tend to be provided on a monthly basis, at the same time and roughly the same date each month and in the same location. The clinics are timetabled according to the prison's core day and prisoners' unlocking times. Often the clinics take place in the prison library. Where necessary, such as in the high security estate, prisoners are notified of the next date of the clinic so that they can sign up in advance for an appointment with our caseworker; otherwise, prisoners simply attend on a first-come-first-served basis. There is no limit to the number of times a prisoner can seek our advice at a clinic. It may be that a prisoner has a recurring or ongoing issue with which we are assisting in the longer-term through letters and telephone advice in the intervening weeks between clinics. Or it may be that a prisoner has a particular discrete issue with which we can assist swiftly during or following a single clinic.

Sometimes we face difficulties in undertaking our outreach clinics, e.g. in the high security estate. Frequently, we liaise with staff in the prison library in order to gain access to the prison. As these individuals are often employed by an outside agency rather than directly by the prison service, this can add a further barrier / delay to our ability to deliver our services in the prison if they need to liaise with other prison staff in order for us to run our clinics.

Further, the librarians may face their own obstacles / delays with regards to security clearance and obtaining keys in order to welcome / escort us owing to the internal day-to-day operations and

security prioritisations of the prison. In addition, owing to the nature of security in the high security estate, prison officers must escort prisoners in order for them to access our services. This can limit the number of prisoners who can access our services during a single clinic.

The nature of providing advice within prisons can present challenges. Restrictions on what items can be brought into prisons, (e.g. computers) and the practical constraints of bringing some items (e.g. multiple heavy legal reference books) into prisons, can prevent our volunteers and caseworkers from being able to provide immediate and full advice on all issues that are presented by prisoners at a clinic. We try to deal with this through the provision of our own information sheets that can be made available to prisoners at the clinic which set out the relevant law relating to the most common queries; more complex or untypical queries may be responded to later, after return to our office.

We recognise the importance of maintaining a flexible and creative approach to our service provision given the ever-changing circumstances and pressures in prisons. This helps to ensure that our outreach clinics continue to take place, are well-attended and beneficial for those seeking our assistance.

Monitoring and evaluation and service user feedback

We monitor our outreach service provision on a regular basis through our own monitoring arrangements including feedback forms for service users. In most prisons, this is supplemented by the prison's own procedures for recording attendees. At all the clinics, we monitor the number of prisoners who access our outreach services. For some clinics, depending on how long they have been running and how established our monitoring provisions are, we record further data such as the nature of the service we provide, the ethnicity of the prisoners we assist, the main issues we assist these prisoners with, and whether the prisoners have any additional needs. This helps us to identify whether certain issues are more or less prominent amongst our service users at a given time and / or whether these issues are linked with particular characteristics such as ethnicity, disability or gender.

We regularly obtain feedback from our service users about our advice provision at the clinics, recognising that prisoners' own interpretation of the value of their experience is very important in determining the success and impact of the outreach project. We provide a feedback questionnaire to a large sample of our service users. The questionnaire asks a selection of both open and closed (tick-box) questions, seeking to provide us with both qualitative and quantitative forms of feedback regarding our services. The questions seek to ascertain: how satisfied the prisoner was with the service they received, whether the advice they received was easy to understand or not, whether they

would use our services again or not, and whether they have suggestions as to how we could improve our services.

Notably, in the analysis of a recent period of data collection, 92% of service users surveyed said they were either 'very satisfied' or 'fairly satisfied' with our overall level of service, 6% were undecided and only 2% were either 'fairly dissatisfied' or 'very dissatisfied'. In our experience, the latter is generally as a result of us not being able to help with a prisoner's issue immediately or fully, either because it is outside our remit of Prison Law or because of our limited resources ready to hand inside the prison walls. Further, 98% of those surveyed said that the information or advice that we gave them was 'very easy' or 'fairly easy' to understand, while only 2% were 'undecided'.

We use the data collected from service users to feed into the future planning and improvement of the outreach service we provide. For example, based on feedback we received from prisoners at HMP Pentonville about different sets of prisoners being locked up at different times of the day, we have changed the way we run our outreach clinic there. In this prison, instead of running an outreach clinic for a half-day, we now deliver an all-day clinic - in order that as many prisoners as possible who wish to access our service are able to do so - regardless of the times at which they are unlocked from their cells. Based on feedback received at HMP Belmarsh, we are currently exploring the possibility of running a clinic within the High Security Unit in addition to the clinic that we currently run for the rest of the prison.

Lessons that can be learned from this project

As we are not a campaigning organisation, we do not feel that we are well-placed to comment on what should be done to encourage more, and better, volunteering schemes in prisons.

However, as a charity offering free legal advice and information to prisoners regarding their rights, we would welcome schemes such as ours which enable volunteers who have particular technical skills to use them for the benefit of prisoners. The legal knowledge and skills of our volunteers add important value. Given the cuts in Legal Aid funding, we believe that it is important that our outreach advice service, including its volunteering component, continues to be provided for prisoners. Moreover, as our volunteer programme is not particularly resource intensive on prison staff in terms of security and monitoring (as compared to some other projects in prisons), we are able to provide this outreach service in spite of the ever-increasing pressures on prison staff and budgets.

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