UNLOCK
The National Association of Reformed Offenders

UNLOCKing Experience

Legal Services Commission Prison Law Funding Consultation – *Giving prisoners a voice!*

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UNLOCK is an independent charity and membership organisation, set up to achieve equality for people with previous convictions. We believe in a society in which reformed offenders are able to fulfil their positive potential through equal opportunities, rights and responsibilities.

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UNLOCKing Experience: Legal Services Commission Prison Law Funding Consultation – *Giving prisoners a voice!*

The Legal Services Commission (LSC), on the 10th February 2009, launched a consultation into the way that Prison Law legal-aid funding should operate in the future.

On the LSC website, it stated that "Prison law helps ensure that redress is available for prisoners relating to their treatment or discipline in prison. This can involve important decisions affecting prisoners' lives and the services provided to these clients is often crucial to decisions about their release.

The cost of prison law services has risen from £1million in 2001/2 to approximately £19million in 2007/8. Our forecasts suggest expenditure could rise to over £30million by 2009/10 and nearly £45million by 2011/12. If the LSC retains the current funding arrangements it is considered highly likely the forecast increases will be realised.

If the LSC is to secure a sustainable future for prison law it is now necessary to reform the current system, which was set up to deal with smaller volumes and different types of case. The consultation prison law funding aims to address this. An essential aspect dealt with in the proposed first phase of reform is a move towards a more sustainable payment scheme while putting in place a quality standard that demonstrates that firms have the necessary experience.

The proposed second phase has been designed to transform the way in which prison law services are procured and delivered, which will enable efficient providers to prosper and ensure the quality of service to clients. These proposals are made with a view to safeguarding the legal aid budget so that funds are not reduced for other areas of legal aid."

UNLOCK, having contacted both the LSC and NOMS (National Offender Manager Service) to ascertain how they planned to consult with serving prisoners on the range of reforms that had been proposed in a consultation document by the LSC, quickly discovered that there were no plans in place to enable serving prisoners to have an input in proposals which would have a fundamental impact on the way in which Prison Law funding was to operate in the future.

As a result, UNLOCK contacted *Inside Time*, a national newspaper for prisoners, who very kindly offered us the opportunity to raise this with the prison population as a whole.

To view the individual responses by serving prisoners, follow the links below:

PP, HMP The Garth
JO, HMP Whatton
JE, HMP Cardiff
PH, HMP Coldingley
AR, HMP Cardiff
JP, HMP Long Lartin

In the *Inside Time* article, which can be viewed on our website, we encouraged prisoners to respond directly to the consultation, and gave the contact details of the person at the LSC tasked with dealing with the response. The feedback from the LSC has been that they have had a number of submissions as a result. UNLOCK also offered to submit, on behalf of prisoners, their thoughts and comments on the consultation. The responses that we received were in response to a summary of the proposals which we put together. These were:

"Ideas for the first stage of the consultation include:
1) Cases being pursued only where there is a realistic chance of an outcome that would be of real benefit to the prisoner
2) Replacing the current system of "payment by the hour" to either a standardised or fixed fee scheme
3) Limiting work to firms that meet a minimum level of expertise in prison law

The second phase of reforms include:
1) Introducing a dedicated telephone helpline so cases can be resolved over the phone
2) Greater use of video conferencing
3) Introducing "block contracting", where firms bid to provide services for all work at a specific prison for a given period at a set price"

PP, HMP The Garth

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I read with great interest your article in April's issue of Inside Time. As a serving Life Sentenced Prisoner (Mandatory) with a tariff of 9 years 5 months and already served 5 years I do have a Prison Law Solicitor, I have used a solicitor since I started my sentence for a number of important reasons:

1. To make sure my rights as a serving prisoner are upheld and are protected throughout my time in custody because I'm not that clued up to be quite truthful

2. When you have challenged mistakes made by departments within the prison system, including complaints, applications to speak with offender supervisors, Personal Officers, the result is usually the response "leave it with me and we will get back to you". Weeks later you politely enquire once again and you're still no further and you become frustrated, annoyed, depressed, and unless you have a certain control and recognise your own behaviour and attitude, you can get extremely depressed, and in my own case, attempt suicide.

3. I now use a Prison Law Solicitor who does her best to resolve any prison issues I have, including challenging OASY's scores, recategorisation, and currently Cat C transfer and sentence planning cancellations. All these matters always get a prompt response from whatever department she has been instructed by myself to deal with and the issue is promptly dealt with quickly. It allows me not to become frustrated or become severely depressed. I can explain the situation to my solicitor and let her deal with the problem professionally. She knows better than I do is getting a positive result from the many departments within the prison system. **She has never failed to resolve any issue yet!**

We all know that legal aid funding for prisoners has dramatically increased over the recent years and it has to be paid by someone (the tax payer) and clearly that includes Prison Officers and people who work in all departments which I have mentioned in this letter. So in the long term, delays, mistakes, not dealing with parole hearings etc all end up costing the same system workers in their taxes they pay and realistically the prisons systems failures increase the legal aid costs.

I find this fact quite amusing but also unbelievable that when the system fails to meet prisoners rights and needs for course or whatever its costing money, so is this something they've finally realised and want to cap in the future? I will of course challenge **any** proposal to stop my rights to be represented in any prison law issue I need addressing by my solicitor who actually comes through advertising in Inside Time. I also wish to name her as well, Miss Margaret McNally (Prison Law), Levy's Solicitors, Manchester, M1 6NG. She is 100% committed to her role as a Prison Law solicitor and also rightfully earns her fee. Why, is these changes should be implemented by the Legal Services Commission, be limited to having no choice in who I want to act on my behalf for matters I need resolving.

Prisoners must have a say in this matter and we deserve **choice** because otherwise the prisons failures will increase and the likelihood is that lifers and IPP's will end u serving longer because

of limited and selective legal aid decision, and that is another recipe for possible unrest, suicides etc.

We need consultation about any changes they make or the prison service and government start taking responsibility for their failures and mistakes.

PS – ask yourself this question – Shaun Hodgson served 27 years, the longest Miscarriage of Justice so far – would he be free today is these limits were implemented – he would still be likely to be behind bars, unable to choose his solicitor or be limited in what they could do to help him.

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JO, HMP Whatton

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My comment/response to the above is confined to two specific areas. The overall theme is avoiding unnecessary expenditure; firstly, when making initiators of legal action personally accountable when justifying expenditure incurred, and secondly, when ensuring prisoners are provided with facilities which in many cases could reduce unnecessary professional involvement and costs.

1. In this context it is my experience, both personal and that of fellow prisoners, that Prison Service staff all too willingly enter litigious disputation of obvious insufficient merit/benefit more for reasons of an unwillingness to accede to a prisoner's contention – that the prisoner might actually be right. Apart from reflecting more a power struggle (in which might is right, therefore it mustn't be threatened or undermined), this confrontational approach either ignores or is indifferent to the unnecessary costs ultimately incurred by the taxpayer. It continues unchecked because Prison Service personnel either as plaintiff/defendant of legal action are not **personally** held accountable for the costs incurred. And while there is a ready recognition of the existence of a *vexatious litigant,* the same does not apply to the notion of a *vexatious defendant*. This can be defined as defending to the hilt legal action which could be more effectively resolved either through arbitration or a readiness to recognise an overwhelming "no win" situation. Within the Prison Service the vexatious defendant exists simply because a legal action is initiated by a prisoner. It refuses to accept that prisoners often have legitimate grounds when resorting to legal action and that arbitrated settlement, rather than a court-based legal content, is more likely the quickest and least expensive route to resolution.

   Such lack of responsibility on the part of the Prison Service staff is reflected in the willingness by the Treasury Solicitor to implement a barrage of legal obstacles in response to prisoner-originated litigation, seemingly more for no other reason than it is prisoner originated. This apparently reflects a view that for this reason only it lack merit, thus justifying the costs incurred when opposing a prisoners legal action. Moreover, the inefficiency of TSol when responding to prisoners claims either brought personally or through their legal representatives, is notorious. Typically, they are dragged out unnecessarily; often resulting in requests for extensions to court-imposed time limits when responding as defendant in an action. In these situations the only beneficiary and plaintiffs' lawyers, as is always the case when a cost meter ticks away unchecked.

   I am not aware of the existence of any cost/benefit yardstick triggered at the commencement of a Prison Service/TSol response to legal action. A yardstick which begs the simple question: is it worth contesting and in the process incurring unnecessary costs? Perhaps, for this reason, it appears that both the Prison Service and TSol live in another dimension where cost controls do not exist. It is the fact that they do exist which accounts for the much needed debate on prison law funding. Yet the presumption in this debate appears to accept that neither the Prison Service or TSol have a role to play, for no mention in the consultation paper has been made in this context to either body. It would undoubtedly be helpful when seeking response to

its consultation paper that the Legal Services Commission invites such from both of these cost centres.

2. Another cause of unnecessary expenditure is the refusal of the Governors in many prisons to permit prisoners access to computers for the purpose of initiating so-called "Rule 39" legal correspondence personally without the involvement of solicitors acting on their behalf. Although such facilities should be available under the Prison Service "Access to Justice" policy, which is founded on the Human Rights concept of "equality of arms", I can speak personally of the difficulties encountered at two prisons, Wandsworth and Whatton, when attempting to access word-processing facilities for this purpose. IN these situations prisoners have no alternative but to approach a solicitor to act of their behalf. This is often at a point where the prisoner was quite capable of initiating legal action without first incurring professional fees if access to word-processing facilities has been made available to them.

To put flesh onto the nature of obstacles encountered when denied access to word-processing facilities, in the main they are created when the eligibility criteria are set unrealistically high. At Wandsworth, a prisoner has to be an appellant before being granted in-cell use of a laptop computer. All other types of legal action, civil as well as criminal, are not deemed sufficient to warrant the granting of this facility. This means that the many prisoners seeking to submit representations to Parole Board hearings, family court hearings etc, have not choice but to engage a solicitor when doing something which in many instances they are perfectly capable of doing themselves.

At HMP Whatton a "catch 22" criterion is applied when restricting prisoners' access to word-processing facilities. This takes the form of insisting that a "case number" be first produced as evidence of a legal action. But a case number can only exit at the point where a court has agreed to hear the legal action. Band rather like an iceberg, a case number represents the visible pinnacle of the unseen bulk of the legal action undertaken so far. And it is precisely at this initial stage that word-processing facilities are most needed. It follows that restrictions imposed at HMP Whatton and possible various other prisons can only be overcome when seeking professional involvement at an early stage in legal matters which many prisoners are capable of dealing with personally. Moreover, there is no reason to believe that prisoners are not conscious of costs incurred when resorting to professional advice. Nor is there any reason to believe that amongst the current population of approximately 87,000 prisoners there is not a sufficient number capable of handling their own legal affairs when acting as litigants in persons. Recognition of such acts as an incentive by the Legal Services Commission to adopt a pro-active approach when producing self-help guides to litigation. Moreover, there is no reason why prisoners should be totally dependent on professional advisers, many of whom have dubious claims to expertise in the specialist area of prison law, something which the consultation paper fully acknowledges.

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JE, HMP Cardiff

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The answers to the 1st stage consultation:

1. I agree, but only after exploring all other avenues

2. I feel as long as a job is being done representing the prisoner good practice should be awarded on merit and should be paid a decent rate for doing that job.

3. Again, I feel that prisoners should have a choice of good lawyers and only the good get recommendations for further legal work. The more work completed, the more should be awarded, i.e. like work-related performance system and affordability towards the tax-payer and prisoner and government.

Answers the 2nd stage reforms of the consultation:

1. I agree that a 24-hour telephone service should be available or a point of contact ser up within the prison system and mobile phone system made available on a 24-hour basis to be used only for legal matters.

2. I agree with a greater use of video conferencing but it shouldn't be used only to save money, but with the choice of both the legal team and prisoner when accounting for their circumstances.

3. No, I don't agree, as I feel that there should be at least a couple of organisations made available for the prisoner due to the accusation or internal or one-sided opinions or finger-pointing against the legal professional and prisoners. I do feel that legal teams should spend more time based closed to the prisoner but not by way of block-contracting.

The whole legal system needs to be made more accountable to the people it serves and not just in the solicitors area or line of work, but also the public services need to be made more accountable to taking some of its barriers down to make the legal team more easier and obtainable.

The days of them and us should be gone by now. All agencies, governments, the Prison Service, Police, every public body, should come together under one umbrella and be there to represent the British public no matter what circumstances, and be more accountable, with regulators being run independently from all government departments. This is because I feel that in the past every department ends up just investigating itself, and is therefore not accountable to anyone other than the undemocratically unregulated department. All legal aid should be respected and be seen to be respected.

A feedback questionnaire should be sent around to every department and every prisoner for evaluation purposes. Furthermore, the LSC and NOMS should be made accountable for not giving prisoners a voice. Today, suppression is a crime. And if this is not satisfactory, then the Court of European Human Rights should implement legislation they've put forward. As is the

same with voting for prisoners, otherwise today's government is unelected and unaccountable and should be brought before the law courts as breaking to law.

Everyone should be made more accountable to their jobs and departments and the public.

Please note: I don't feel that Legal Aid services should just be singled out. Modernisation of the whole public services needs to be reviewed in a proper manner. In respect of Her Majesty's Subjects and government, and should be made accountable to the Crown.

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PH, HMP Coldingley

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I am a life sentence prisoner who received a 12 year tariff for a non-capital offence. I have now served nearly 28 years in prison. I am 16 years over tariff. I have not committed any further criminal offences while in prison. I have never had a mental illness while in or out of prison. I have never had a personality disorder.

Before 2000, in fact before the Human Rights Act was ratified recently, it was hard enough then to get a hearing as far as judicial review, as this system is an imperfect system of redness and the odds of any case having a reasonable percentage of success if arbitrary and extremely hard to gauge. The process is not about a re-examination of the evidence, but if the decision itself was arrived at fairly. So it is extremely hard to make the prison service and the Ministry of Justice accountable.

In order to pursue a case, hours of research going through a mass of documentation going back decades are needed to prepare cases that will stand any real chance of success at Judicial Review. You have to prepare your case for the Parole Board that that in the event of an unreasonable decision being brought forward that you case can be readied for a Judicial Review and further after that, depending on the nature of the Human Rights abuses challenged.

It is absolutely against fair play and convention to limit the nature of the work a solicitor can do for a life sentence prisoner. We life sentence prisoners have no right to freedom and without the Human Rights laws I have a very limited chance of getting my freedom anytime soon.

Lifers' Human Rights are breached simply because there is a serious inability to make prison officers prison psychologists accountable, there is no recordings of interviews and CCTV and audio recording to suggest and validate reports prepared by prison staff. A parole hearing in no sense can be compared in a court of law. Solicitors have to take down in writing what is given in evidence under questioning by the barrister of witness at parole board hearings. Life sentence prisoners are a very special case that demands time and work.

I have had my current solicitor since July 2005. I have had to have him so long for him to start to understand my case. He struggles with my case even now because of the contentious manner in which the Prison Service and the Ministry of Justice throw up unsubstantiated allegations that cannot be evidenced when challenged. Challenging of the new OASys reporting system for life sentence prisoners needs very careful and detailed study in order to challenge the inaccurate information within that documentation.

If my solicitor is to get the same funding for me as he would get for normal determinate sentence prisoners then why would he want to stick with my case? I have served so long as a discretionary life sentence prisoner simply because fascism, discrimination and prejudice exist in how risk assessment reports are prepared within prison. The nature of risk assessment in prison is very academic. It takes patience and skills for a solicitor to work on such complex issues and research case law.

I have served 16 years so far over a tariff of 12 years. I should have been released in October 1994 at 34 years of age. I have now served well over half my life in prison. I am nearly 49 years of age. I am still praying for justice but justice will be just that more harder to get if the LSC limit the funding for such cases like mine. In fact the impression is that it is life sentence prisoner's cases that the British Government is so concerned about for many non-capital offence discretionary life sentence prisoners seem to regularly serve longer than capital life sentence prisoners. The reason for this is not clear. The danger now is that the incentive for solicitors to pursue justice will be seriously undermined by solicitors only prepared to do the absolute basic and nothing more.

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AR, HMP Cardiff

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In response to your request for responses on the Legal Aid Funding changes,

1. Pursuing only where there is a realistic outcome of real benefit to the prisoner is really preventing well-done legal work overturning abuse of power. In my own case they spent millions, covering up many aspects of it that the Nazi's would have been proud of.

2. A standard fee would reduce the work done. It ought to be an hourly fee with extra when successful.

3. Limiting those to a set level of expertise is far easily twisted to exclude those who "too often" show them up. Yet, a properly qualified body is essential.

Phase 2 changes.

1. No, there would be too much eaves dropping it would makes things unsafe.

2. Greater use of video conferencing, ditto.

3. Blocking contracting removes the ability to take somebody's advice or to get another solicitor.

For a just system if the state can spent millions to fit one up it should make available millions to put it right.

What they want is to just bag-up anyone they want to as their 'cause for concern#, and it saves the bone idle Police and CPS leaving to nick real criminals.

This gets more like a police state every day. The only fair system is equal funding for defence and prosecution, and independent overseer, Parole Board and People's Police.

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JP, HMP Long Lartin

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The Real Costs of Legal Aid 'Consultations'

With the Legal Services Commission's upcoming consultation into the funding of legal aid for prison law cases prisoners as ever are directly voiceless. It is only through Chris Stacey' letter in 'Mailbag' Inside time, April 09 that I heard about it. No doubt there will be two outcomes of primary importance to the LSC

1) That costs are reduced
2) That costs are reduced

There is a good reason why prisoners are not part of the consultation process. Only prisoners really know WHY there is so much increased litigation in recent years, and therefore most costs. With the limitation/reduction of legal aid, prisoners find themselves in the unhealthy position of perhaps no longer being able to challenge inherent failures (and of bringing these to light) of the many varied government departments they are required to do battle with over the tenure of their sentences.

Besides of the adversarial nature of seeking resolutions with these various organisations prisoners find they may have to litigate with:

1. The Prison Service
    (a) Transfers
    (b) Recategorisations
    (c) Visits
    (d) Sentence Planning, RAM Boards
    (e) Workshops
    (f) Adjudications
    (g) Parole Reports, Hearings
    (h) Healthcare (NHS)
    (i) Programmes (psychology)
    (j) Security (SIRs – Security Information Reports)
    (k) Judicial Reviews

2. NOMS
    (a) MAPPA requirements
    (b) Probation officers/reports
    (c) Through care

3. Treasury Solicitors
    (a) Lost (stolen) property
    (b) Judicial Reviews
    (c) Civil Courts (at present no legal aid)

These are only some examples in which prisoners, especially long-term prisoners, may find a need for legal aid. The Ministry of Justice in *Inside Time* 'Mailbag' often responds to prisoners

basic straightforward dilemmas by responding 'fill out a complaint form' when the dilemma is in fact easily answerable. So, if the Ministry of Justice behaves in such tactically evasive manner is there any wonder that prison law cases have skyrocketed. Complaint forms have no effect in anything but the most mundane of problems. The only reason I fill out complaint forms anymore is so that if I end up in court, the judge/treasury solicitors cannot accuse me of 'not' trying to resolve my complaint 'internally'.

Prisoners need unfettered legal aid because those of us who refuse to be systematically beaten into submission can only take refuge in the courts. The only place a prisoner governor, principal officer, psychologist or other would be tormentor does not want to find themselves is in front of a Judge, especially if they have done something contrary to their own procedures or regulations? Why would they do such things? Because it has become commonly accepted practice, as it is much simpler to deceive than resolve.

As it stands, 90% of prisoners have no idea when they are being blagued and as such, don't even fill out complaint forms, let alone seek the assistance of a solicitor. Only a tiny number of prisoners even seek advice for prison law issue. As an acting 'jailhouse' lawyer, and a pretty poor one at that, I can relate hundreds of issues where the only choice left was the courts. On a daily basis I recommend prison law solicitors as the only possible remedy for cases after I've heard the 'gist' of the problem or even investigated it myself in detail.

Part of the problem is that the Prison Service provides no independent 'mediation' service to sort out complaints. The three complaint stages take forever and inmates have lost all confidence in it. It doesn't work and the Prison Service knows that most prisoners don't know how to properly use it and that most of the rest will give up while going through the procedures. There is no attempt or even a way forward except for the law, and the Prison Service even tells us, 'Go ahead, get a solicitor', instead of trying to resolve reasonable issues in a sensible manner.

If Prison staff were better trained, followed their own PSOs and wrote up reports that didn't bend or break the truth, responded to applications and complaints in an appropriate manner, most prison law legal aid costs would evaporate.

Historically, and I speak from personal knowledge, it is only 'after' the letter writing, faxing, or phoning by a solicitor does an 'issue' finally get resolved as it should have long before a solicitor was ever contacted. Very few prison law issues ever actually reach the courts, proof that they were in fact resolvable before the legal aid funding was granted. This is common especially in the case of "Recategorisations". This Prison Service know that they will normally lose such a case as they have blagued the prisoner for so long with so many entirely unfounded reasons for their 'not progressing' that they know that the Treasury Solicitors will tell them to 'forget it', or, worse, if they do wind up in court they will often be embarrassed in front of a Judge.

By drastically 'consulting' (reducing access), the LSC is not so much trying to save money, as the £16 million a year (one figure bandied about) is really a small price to pay for the voiceless to defend themselves, but is making a bid to disenfranchise us from protecting ourselves from our oppressors. You would be surprised to know how few air-to-air rockets, mortar rounds of surface-to-air missiles £16 million would buy. The cost is negligible.

It the Legal Services Commission really wanted to reduce the cost of legal aid to prisoners (the real subject here) without reducing this vital service, they should first investigate the failures in their 'internal remedies' systems and sort that out. As ever with Commissions, Enquiries and other Official Investigations, they seek to remedy the symptom rather than resolve the actual problem or even discover what it may be.

They might consider having all adjudications heard by an outside independent party, thought few seem to be able to remain truly independent once touches by the grubby fingers of government officialdom.

The Prisons and Probation Ombudsman needs to be given a set of dentures, as this toothless department has lost most of its credibility (if it ever had any) with any experienced prisoner. He also needs to be able to act on complaints before they ever reach a final 3rd stage decision.

The Prison Inspectorate needs to be given some teeth also, and be able to actually **'order'** changes when they see fit. They also need to be more in touch with prisoners, and they must stop recruiting 'former prison staff' to do the inspecting. It's just too cosy.

The **IMB** should recruit more radical pro-prisoner groups and stop having their staff being approved by the Governor. Prisons are stuck in a time warp and nothing is going forward as it should or is claimed to be. Through money at problems is avoiding the issue of problem solving. The first step is research. After almost 9 years inside and being a proactive mouthpieces not one governor or official has every asked me diddly-squat and I've never met anyone from any so-called 'charities' that claim an interest in prisons or prisoners.

Prisoners have no official representative national body, and the individual local Consultative Committees are intentionally kept poorly organised and poorly staffed. They are not even elected.

By this is just the tip of the iceberg. RAM boards, Local Advisory Panels, Cat 'A' Review Boards, sentence planning, personal officers, psychology programme departments, transfer managers, and Governors might consider a more constructive approach and refrain from over-the-top negative reporting.

A mediation panel should be established in every prison whereby a complaint can be dealt with by a mixed group of prisoners and staff volunteers as well as civilians. Inexperienced prisoners should be allowed to more experienced prisoners to assist and represent them. Just like the toe-to-toe programme for illiterate or semi-literate inmates, the same could be done for cases that 'look' like they are headed the legal aid route. I've found that when sensible people sit around together in a group and try to iron out the differences and seek the truth, they can often come to a happy agreement. There is no such method available here. So it's put in the solicitors hands, or worse, someone who is really trying to progress or accomplish a goal becomes disenchanted as the goal posts are moved along every time he thinks he's scored. This promotes a negative climate which is rampant now in the High Security Estate, much of which goes unreported.

In conclusion, in response to the 'ideas' listed by Chris Stacey of UNLOCK in his letter to 'Inside time' April 09, as proposed for the first and second stages of the 'consultation' I notice that none of them include dealing with the problem, only the symptoms.

This leads me to believe that the Commissions thoughts are no aimed at resolving the problem, probably because they are unaware of it, or so aware of it that they know it is impossible to resolve without a head on collision with the Prison Service, something anathema to any group looking for the easy way out.

I can best use my own personal experiences as evidence to the Commission as to why there is so much increase in litigation, which should in fact be welcomed instead of rebutted. For one thing, it shows that prisoners instead of rioting or running amuck have searched for and found another way forward.

In my own experience I was kept a High Risk Cat 'A' for 6 years on an 18 year sentence. I had an OASys score of 39, which included 6 'made up' convictions. Even after obtaining my official records the OASys people wouldn't change the number of convictions, which would have dropped my score to 29, and 10 of those points were for not having an outside domicile to go to. They told me that I 'had to go to court' to change these convictions. This of course isn't true, but I didn't know any better, at first.

I was also told year after year that I 'had to do course' but the only course mentioned was the 'Drug Traffickers' course. Not only couldn't I even attend the Programmes Department at HMP Long Lartin because it is off-limits to 'High Risks', but not one Dispersal prison in the whole country even provided the course! Catch22. This went on for 6 years until I finally learned 'The Game' and wrote to a prison law solicitor (Simon Creighton) who I know went as far as threatening Judicial Review. Suddenly I was transferred to HMP Full Sutton. **Three months** later I was made a regular 'A' cat and **two weeks** after that a 'B' cat! But if I hadn't gotten a solicitor I would never have gotten it sorted.

I finally did that 8 week course **after** moving to a 'B' cat institution. The instructor was very nice. But the course didn't tell me anything I didn't already know. It was even a bit silly and was more of a drug awareness course. My OASys score didn't change and it didn't further my progress, yet for years I was told that it was such a necessary part of my sentence plan. This is the kind of unnecessary crap that takes up legal aid funds, but which is used on a daily basis as an excuse to hold prisoners back.

Lately I get more and more complaints about reports from the Cat 'A' Review Board. These reports are often based upon 'initial' police reports rather than what actually took place at trial. Prisoners end up trying to explain that such initial reports are often based on complete supposition and discredited at trial by evidence. But because no one had the trial transcripts, or the judges sentencing remarks are not thorough enough (or heady enough for the report writer) prisoners are obliged to litigate to get untrue derogatory remarks removed because the person writing them (usually a prison officer who receives inadequate training to do such work) refuses to do so, even in the face of trial transcripts. The same is true for SIR (Security Information Reports) which often contain the most erroneous information and can be based upon nothing more than a note dropped in a box by another prisoner.

Also there is the old 'you have to be assessed for the CSCP, CALM, ETS or other OFB (Offending Behaviour Programme). There was a peaceful demonstration in June of 08 at HMP Full Sutton. Many of the participants had the same issue. They had been told that they had to do the CSCP course. This went on for years, in some cases upwards of 5 years, and there were numerous prisoners with this same complaint. The course is not even given or assessed for at HMP Full Sutton, so any of them wanted to transfer and had been trying for extending periods to get to HMP Long Lartin but were denied.

I am experienced enough to know when I'm being blagued, whether by a prisoner or the Service itself. Yes, no doubt there are some complaints that seek legal aid and have no merit, but there are few and most prisoners know, or get advice from one of the lads, when their case has merit or not.

Regarding the specific proposals:

1) Who would decide if a case has enough merit for a realistic outcome that would be a real benefit to the prisoner? Only a judge could decide this. And for there to be a fair hearing the prisoner's side should be properly presented by a solicitor or barrister. Any shortcut would be an injustice.

2) How can you have a fixed fee scheme for a service that may take few or many hours? Each case, we are always told must be judged on its individual merits. And so they should be when it comes to fees.

3) I agree with this one. It should be limited to firms with a proven track record for success and a lack of complaints.

Second Phase:

1) A dedicated telephone helpline may be useful but we already have this to the Prisoner Advice Service (PAS). But it is really hard to make calls during the working week. There should be dedicated phones in the workshops and at education and the kitchens for this and legal calls.

2) Video conferencing is a good idea. But each wing needs to have its own conference centre'

3) Block contracting is a bad idea. Some local firm will have the 'contract', and it won't matter if they do a good job or not. In fact, the worse job they do the more likely they will be to get the contract. Words of a cynic, but with the ring of truth.

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