

CRIMINAL PROCEEDINGS AND DEFENCE RIGHTS IN ENGLAND AND WALES

This leaflet covers:

- Information about FTI
- Definitions of key legal terms
- Criminal proceedings and defence rights in England and Wales
- Useful links

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About Fair Trials International

Since 1992 Fair Trial International has worked for the better protection of fair trial rights and defended the rights of people facing criminal charges in a country other than their own. Our vision is a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

Fair Trials International was established to help people arrested outside their own country to defend their right to a fair trial. Every year we help hundreds of people and their families to navigate a foreign legal system by offering practical advice, including contacts of local lawyers; guidance on key issues encountered by people arrested abroad; and basic information on different legal systems and local sources of support. As a charity, we do not charge for any of the assistance that we provide.

We believe that respect for fundamental rights and the rule of law are the hallmarks of a just society and that the right to a fair trial is at the heart of this. Sadly too many shocking cases of injustice demonstrate how, time and again, this most basic human right is being abused. We fight against injustice by lobbying for the legal reforms needed to ensure that the right to a fair trial is respected in practice. Working with our clients and international networks, we also campaign for changes to criminal justice laws which are being abused and overused.

To find out more about how FTI can assist you, please contact our legal team (contact details on the back cover).

Fair Trials International is a registered charity (No 1134586) and is registered with limited liability in England and Wales (No 7135273). We are a non-governmental organisation; as such, we are a wholly separate and independent organisation from the Foreign and Commonwealth Office.

If you require this leaflet in large print, please contact us at the address on the back cover.

DEFINITIONS OF KEY LEGAL TERMS

Accusatorial or Adversarial System: A system in which a prosecutor and the lawyer representing the accused present their case before an impartial judge. This system is followed in some countries such as England and Wales and the USA. Unlike some European countries (such as France), judges are expected to be neutral and do not take an active role in investigating cases.

Appeal: An opportunity to dispute a decision made at trial (either on guilt or on sentence) by asking a higher court to review it. This can result in the decision being overturned or changed.

Bail: The temporary release from police custody of a person accused of a crime and awaiting trial.

Barrister: Barristers are lawyers who represent clients in the higher courts and plead their case.

Bar Association: An organisation whose role is to represent lawyers and help people in their dealings with lawyers.

Charge: A written statement accusing a person of carrying out an offence.

Consulate: The section of the embassy whose task is to assist its citizens.

Court of Appeal: A court that is competent to hear appeals (i.e. challenges) made to decisions of the lower courts.

Court of First Instance: A lower court (either a Magistrates' Court or Crown Court for criminal matters) where a trial is initially heard.

Discovery: The disclosure of pertinent evidence (acts or documents) to the defendant by the prosecution.

Embassy: The office of a government official who resides in a foreign country and represents his/her government's interests.

European Court of Human Rights: The Court is based in Strasbourg, France, and hears human rights cases against the 47 countries which make up the Council of Europe (which is different from the European Union).

Judge: A person with authority to hear and decide on cases in a court of law.

Jury: A body of people required to give a verdict in a legal case on the basis of evidence submitted to them in court.

Judgment: A decision on a case provided by a judge or jury in a court of law.

Lawyer: A person whose profession is to give legal advice and assistance to clients and represent them in court or in other legal matters. In England and Wales, lawyers can be either solicitors or barristers.

Legal Aid: Financial assistance provided to a person who needs a lawyer and who cannot afford to pay for one.

Plea Bargain: A procedure which allows the defendant to plead guilty in exchange for a less severe sentence.

Police Custody: Detention of a suspect by the police after arrest.

Pre-trial Detention: Detention in police custody or in prison during the investigations (and often during the trial itself as well), which happens before the decision on guilt or innocence is made by the court.

Public Interest Immunity: This is information that the prosecution believes should not be disclosed as it would not be in the public interest to do so (e.g. if making the information public could put people in danger).

Public Prosecutor: A barrister who conducts a case against a person who is accused of a crime.

Remand: The act of sending a person accused of a crime into police custody.

Sentence: The punishment assigned to a person convicted of a crime as fixed by a court of law.

Solicitor: A lawyer who is qualified to represent clients in certain lower courts and who prepares cases for barristers to present in higher courts.

Warrant: A document issued by a legal or government official authorising the police to make an arrest, search premises, or carry out some other action relating to the administration of justice.

INFORMATION ON CRIMINAL PROCEEDINGS AND DEFENCE RIGHTS IN ENGLAND AND WALES

We have prepared these notes with the assistance of local criminal lawyers, who tried to describe how things happen in practice, i.e. in the real world. Even within one country, however, practice can vary a lot from one place to another and it is therefore possible that your experience will sometimes differ from the descriptions below. This document does not constitute legal advice and only provides general information. If you need advice in relation to your specific case, or if you are concerned about a possible violation of your rights, you should discuss this with your local lawyer.

1. LEGAL SYSTEM

Q1. Where do the laws of England and Wales apply?

The United Kingdom of Great Britain and Northern Ireland consists of three separate legal jurisdictions: England and Wales, Scotland and Northern Ireland.

Each jurisdiction has its own court system and there are also some significant differences in the laws that apply. The laws of England and Wales (called English law) only apply in England and Wales.

This note does not deal with the law in Northern Ireland or Scotland.

Q2. What kind of legal system is it?

The English legal system is a common law system, often referred to as an adversarial or accusatorial system. Under this system the trial is a presentation of a version of events by the prosecution and separately by the defence. The judge acts as an independent referee and plays no role in investigating the case. This is very different to the civil law system in countries like Belgium, France, Germany and Greece.

2. ARREST AND INVESTIGATION

I. What are my rights upon arrest?

If you are detained at a police station, you should be given written notice of your rights and entitlements in a language you can understand. The notice sets out your basic rights, and what you should expect when being held in custody. It will help you to understand the rights set out below.

(a) Right to information:

Q3. Will the police inform me of my rights? Will this be done orally or in writing?

Yes, the police will inform you of your rights.

You will be told why you have been arrested. You will be 'cautioned' by the police. The caution will say that you

do not have to say anything, but that it may harm your defence if you do not mention something when you are questioned by the police which you later rely on in court. The police should also inform you that anything you do say can be given as evidence against you if your case goes to trial. The warning will be made orally and can be made upon arrest, at any time in the police station and you will be reminded of the caution at the beginning of your police interview.

Finally, you should be given a written notice of your rights and entitlements in a language you can understand (see above).

Q4. Do I have a right to be informed of the allegations/charges against me?

Yes, you have a right to be informed of the allegations/charges against you, on arrest or as soon as possible afterwards. This does not mean you will be provided with much detail about the allegations/charges relating to your case at this stage.

(b) Right to inform people:

Q5. Do I have a right to have the consulate informed of my arrest?

Yes. If you are from outside the United Kingdom, you have the right to tell your High Commission, Embassy or Consulate of your whereabouts. If you are from certain countries with which the United Kingdom has a special agreement, the High Commission, Embassy or Consulate will be told about your arrest automatically.

Q6. Do I have a right to inform family members about the arrest?

Yes.

At the police station, you have the right for one person to be informed about your arrest and location. You should be advised of this right when you arrive at the police station.

You may be entitled to make a telephone call, or to send a letter or message. However, anything communicated in this way is not confidential and may be used as evidence against you.

If you do ask for someone to be informed of your arrest, this should happen as soon as possible, unless an officer of the rank of inspector (or above) authorises a delay. In any event, the delay should not exceed 36 hours, unless you are detained in relation to a terrorist offence, in which case the permitted delay is up to 48 hours.

Q7. Do I have a right to a solicitor?

Yes, you have a right to a solicitor (lawyer). Asking to see a solicitor does not mean that you have done anything wrong, so you should not hesitate to ask for one. Even if you initially did not ask to see a solicitor, you can change your mind and ask to see one at any time.

At the police station, you have the right to see a solicitor who will be provided free of charge (this **does not** depend on your financial circumstances). If you have your own solicitor, you may have to pay for their advice.

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This will depend on whether they are authorised to provide legal aid.

You should be given reasonable time to discuss the allegations against you with your solicitor and the police should not normally question you until you have taken advice. Your lawyer will also be present during the police interview and you can suspend the interview at any time to consult with your solicitor without the police officers present.

Most police stations have a duty solicitor or a police station representative who is available on call 24 hours a day, and should be able to attend the police station promptly at short notice. You may have to wait some time for the duty solicitor to arrive but it is advisable to wait to speak to a solicitor before any discussions or an interview with the police.

If you know a solicitor, you are allowed to ask for him/her to come in person.

For certain offences, (e.g. drink driving) you are only entitled to speak to a solicitor over the telephone, free of charge.

Q8. Do I have a right to a translator/interpreter?

Yes, you have a right to a translator/interpreter.

If you have difficulty understanding English and the interviewing officer cannot speak your language, you should be provided with an interpreter. The police must not interview you until the interpreter is present, unless a delay would mean an immediate risk of harm to you or

someone else, or of serious loss of or damage to property.

Q9. Do I have to talk to the police or can I remain silent during a police interview? Will it work against me if I am silent?

The decision whether or not to speak to the police is very important and can have serious consequences on the outcome of your case, so you should always seek legal advice before deciding what to do in an interview.

After your arrest, and then at the police station, you have the right to remain silent. In other words, you do not have to answer any questions.

However, if you are charged with a crime and tried before a criminal court, the court can take your silence into account when deciding whether you are guilty or innocent.

You can also decide to read a prepared statement during the interview rather than to answer specific questions.

Q10. When will I get information on the case against me?

You have a right to be informed of the allegations/charges against you, on arrest or as soon as possible afterwards.

Once you have been interviewed by the police at the police station and after a certain amount of time has passed (see below), you have to be either charged or released pending further police investigations. This is

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the point when the prosecution decides whether to charge you with a criminal offence and commence a criminal court case against you. They make their decision by asking if there is a realistic prospect of conviction that is to say whether there is a reasonable prospect of obtaining your conviction. If you are charged, you will be informed of all the charges against you.

After you have been charged, you are entitled to a copy of the charge sheet, which gives details of:

- The crime(s) of which you are accused;
- Where and when your first court appearance will take place ; and
- Your bail conditions (if any).

When you attend court for the first time, you or your solicitor are entitled to receive a summary of the case against you as well as copies of any prosecution witness statements. However, access may be restricted if the file contains information that is covered by Public Interest Immunity. This is information that the prosecution believe should not be disclosed as it would not be in the public interest to do so (e.g. because making the information public could put people in danger).

Q11. How long can I be kept in prison before my trial starts?

Before being charged – police custody

You should normally not be kept in police custody before charge, unless the accusations against you are very serious; the police could not verify your name and address, or there is a risk you will abscond or harm someone or get harmed.

If the police investigation is ongoing, you may be requested to return to the police station at a later date. This is called police bail (when those arrested by the police are released). You may also be subject to conditional police bail (e.g. a requirement to turn up at the police station at regular intervals).

There are strict limits on the amount of time that you can be held by the police before you are charged:

- After your arrest, the police cannot legally detain you for more than 24 hours without charging you (i.e. without formally informing you of the allegations against you), unless an officer with the rank of superintendent (or above) authorises detention for a further 12 hours (i.e. up to 36 hours).
- A judge (who will be a magistrate) can authorise your detention by the police before charge up to a maximum of 96 hours but only if the police are conducting their investigation thoroughly and quickly **and** further detention is necessary to secure or preserve evidence relating to your

alleged crime, **or** to obtain such evidence by questioning you. Your lawyer should be present at the application hearing and, if necessary, the application hearing should be postponed until you appoint a lawyer.

Your detention must be reviewed after six hours and then at nine-hourly intervals until your release. At each review you or/and your legal representative have the right to make comments.

If you are arrested for terrorism-related offences, a different regime applies. Under current legislation you may be held by the police for up to 28 days before a decision is taken about whether or not to charge you.

After being charged

If you are charged, the general rule is that the custody officer at the police station should order your immediate release. If necessary, the police can impose bail conditions (see above). If they do so, you will be required to attend the magistrates' court at a later date, where the charges against you will be read out.

In some circumstances, the police will not release you from custody after charging you. If this happens, you should be brought before a court as soon as practicable. The court will decide whether you should be released or kept in custody until your trial.

In both scenarios, when you are brought to the court, you may be asked to indicate a plea (i.e. to say whether you want to plead guilty or not guilty to the charges – see below for more information) and a decision will be

made about where your case will be heard (the court will be chosen depending on the seriousness of the accusations against you).

The magistrates' court will decide whether to grant you bail. There is a general presumption in favour of bail. The prosecution will be asked if they have any objections to bail. Some examples of possible objections are given below:

- Your name and/or address is unknown, doubted, or deemed unsuitable;
- Detention is necessary to prevent you from committing a further offence;
- Detention is necessary to prevent you from causing physical injury to any other person, or damaging property;
- Detention is necessary to prevent you failing to appear in court;
- Detention is necessary to prevent you interfering with the administration of justice or with the investigation of offences;
- Detention is necessary for your own protection;
- Detention is necessary because you are a juvenile (i.e. under 18 in England, Wales and Northern Ireland, 16 in Scotland) and you need to be detained to protect your own interests;
- You have been charged with murder;

- You are over 14 and detention is necessary to take a sample to determine if you have Class A drugs (i.e. hard drugs) in your system; if you test positive for drugs, you can still be released on bail, but with the condition that you attend an appointment with a medical professional or drugs counsellor

Your legal representative will advise you and argue your case for bail in court.

3. LEGAL REPRESENTATION

For general information on why and how to appoint a local lawyer, please refer to FTI's "Arrested in Another Country?" leaflet.

Q12. How can I find a lawyer?

For assistance finding a lawyer, you can contact the Law Society. Note that lawyers are called solicitors. Please refer to our useful links section for their contact details.

In England and Wales, if you have been arrested and taken to the police station, you should be advised of your right to free legal advice. If you exercise your right and ask to see a solicitor, the police will pass your request to the Defence Solicitor Call Centre and a solicitor will be identified for you unless you have your own solicitor.

Q13. What is the role of my lawyer? Will s/he investigate the case?

When you are at the police station, your solicitor will either provide advice over the phone (for minor offences) or advise you in person at the police station. Your solicitor's role at this stage is to (i) provide you with legal advice and (ii) make sure your legal rights are observed.

If you are charged, a solicitor (the same one or a different one) will continue to advise you on your rights, on the case against you and on the procedure.

After you have been charged, you will appear at a magistrates' court. If you plead not guilty, your case will go to trial and your solicitor will help prepare your defence. This will include talking to you, taking your instructions, gathering and assessing the evidence against you and, sometimes, instructing a barrister to present your case in court.

A barrister is a lawyer who specialises in advocacy (i.e. fighting your case in court) and will appear in court on your behalf. Your barrister will work with your solicitor, but is also active in preparing your defence and providing advice.

If you plead guilty, your solicitor or barrister will advise you on the sentencing guidelines for the offence(s) to which you have pleaded guilty, and defend your case on your behalf.

Q14. I cannot afford to pay for a private lawyer, what should I do?

You have the right to free legal advice at the police station (see above). This **does not** depend on your financial circumstances.

If you are charged, and you plead not guilty, your case proceeds to trial. Whether or not you are entitled to criminal legal aid depends on whether it is 'in the interests of justice' that you are legally represented and whether you are financially eligible for public funding.

Criminal legal aid may be granted in the following cases:

- If you are likely to go to prison if convicted;
- If you are likely to lose your job if convicted;
- If you cannot follow what is happening in the trial because of mental or physical disability or language problems;
- To children or their parents, if a child is charged with or convicted of a criminal offence;
- For appeals against criminal court decisions;
- For contempt of court proceedings (i.e. proceedings about an act considered as disobedience or disrespect of the court's authority).

Minor offences such as motoring offences (e.g. drink driving) are not usually eligible for criminal legal aid.

Please note: In order to apply for legal aid, you need to obtain the relevant forms from the court dealing with your case. These should be returned to the court and the court will decide whether to grant criminal legal aid. Your solicitor can help you get the necessary forms and to complete them.

Q15. I am unhappy with my lawyer: How can I change lawyer? How can I complain against my lawyer?

You have a general right to engage the lawyers of your choice. You may instruct your own solicitor, who will then instruct a barrister if necessary (i.e. if your case goes to trial).

A good first step is to speak to your solicitor about your concerns. If that does not resolve the issue you can complain about your solicitor and seek to have another one appointed (see below about how). Please refer to our “Arrested in Another Country?” leaflet for general information on how to appoint a solicitor, and how to get the best out of your solicitor.

In legal aid cases, you need to tell the court that you want to change solicitor. This is not an automatic right and can be denied by the court.

You need to send a letter of complaint to your solicitor or the law firm/chambers where s/he works first. If that does not resolve the issue, you need to complain to the Legal Ombudsman. S/he handles complaints regarding lawyers in all three United Kingdom jurisdictions: <http://www.legalombudsman.org.uk/index.html>

4. PRE-TRIAL MATTERS

4.1 Pre-trial matters: detention

The information given below is specific to England and Wales. For general information and tips about how to obtain your release prior to your trial, please refer to our note of advice on “Release Pending Trial”.

Q16. Will I have to stay in prison until my trial starts?

You may have to stay in prison until your trial starts. Although there is a presumption that people should be given bail (i.e. should be released pending trial), in many cases defendants, particularly when they are foreign nationals, are kept in custody.

Reasons for keeping people in custody are to prevent them from:

- (1) failing to attend their trial (i.e. absconding);
- (2) tampering with evidence or interfering with witnesses;
- (3) committing another offence; or
- (4) being in danger from others or themselves.

The court should also take into account:

- The nature and seriousness of the offence you have been charged with;

- Your character, previous convictions (if any), and community ties,
- Your bail record (i.e. whether you have a history of breaching bail conditions or committing offences whilst on bail); and
- The strength of the evidence against you.

The court may also refuse bail:

- For your own protection;
- If you are already serving a custodial sentence for another offence;
- If you have already been released on bail for the offence you have been charged with and have been arrested for failing to attend court or otherwise breaking the conditions of your bail.

Please note: Time served in pre-trial detention will be considered as part of your sentence.

Q17. Are there alternatives to detention pending trial?

Yes, you can be released and some conditions may be imposed on you.

Q18. What conditions can be imposed?

A variety of bail conditions can be imposed, including surrendering your passport or other travel documents, living at a fixed address, reporting to a local police station, obeying a curfew, avoiding specified people or

places, tagging, or providing a financial guarantee for your attendance at court (called security).

Bail will be reviewed at each appearance at court before your trial. Let your solicitor know of any difficulties you may have in meeting your bail conditions.

Q19. How and when can I apply for release pending trial?

When you are first charged, the police will request that you appear before the magistrates' court at the next hearing. Bail conditions may be imposed.

If you are remanded in custody you will appear before the magistrates' court. Usually, the magistrate will decide if you can be released and, if so, any conditions you must comply with.

Usually you have a right to bail, unless there is sufficient reason not to grant it. You may not be eligible for bail if you have been charged with certain serious offences which can only be tried in the Crown court (e.g. murder). In those cases, the magistrates' court can decide that you should be remanded in custody until your trial.

If you have been charged with murder, the decision to grant bail will be referred to the crown court within 48 hours of your appearance before the magistrate court.

You can apply for bail twice in the magistrates' court. After which, unless you have a change of circumstance you can only apply to the Crown court for bail.

Q20. Can I go back to my home country if I am released pending trial?

It is possible. However, if you come from abroad and do not have community ties in England and Wales, it is likely to be a condition of your bail that you do not leave the country. You may also be required to surrender your passport and/or travel documents.

Q21. What will happen if I breach my bail conditions?

If you fail to attend court without a reasonable excuse when on bail, you will have committed a separate offence. This can be an offence under the Bail Act or a contempt of court. You could be sent to prison for up to 3 months, made to pay a fine of £5,000 or both in the Magistrates' Court. In the Crown Court you could be sent to prison for up to 12 months or made to pay a fine or both.

If you break any of the conditions of your bail, you can be arrested and brought into custody. You will be taken before the Court, which may take away your bail and remand you in custody.

Q22. Do I need a lawyer to apply for release pending trial?

No, you do not need a solicitor/barrister to apply for bail. However if you can get the assistance of a lawyer, it may increase your chances of being released.

4.2 Pre-trial matters: Timing

Q23. How long before my case goes to trial?

The maximum length of time you can spend in custody before your trial starts depends on the nature of the offence you have been charged with and the court that will try your case.

It varies from 56 or 70 to 182 days between the date of your first appearance in court (which takes place shortly after your arrest, once you are charged) and the first day of your trial, depending on whether your trial will take place at the magistrates' or Crown court. The Crown court usually hears more serious cases.

Q24. There are persistent delays with my case; does that mean my solicitor is doing a bad job?

Delays happen at each stage of the proceedings and courts are known to be overstretched, which causes cases to be fairly slow to reach a conclusion. This is not necessarily the result of poor quality work from your solicitor.

4.3 Pre-trials matters: Pleading guilty

Q25. Can I plead guilty? What are the consequences of pleading guilty?

Yes, you can plead guilty at any stage even if you have previously entered a not guilty plea.

You should always seek the advice of a lawyer before pleading guilty.

There can be some advantages if you plead guilty: it may be possible for you to plead to a less serious offence, or to agree a basis of plea with the prosecution; in some circumstances you will get a reduction in your sentence if you plead guilty; there may be an agreement over the conditions of your detention; and it takes less time than to go through a proper trial.

There are also serious negative consequences: as you will make an admission of guilt, you will not be able to challenge your conviction or test the evidence against you. If you plead guilty before trial, your case will not go to trial and the procedural safeguards that apply during trial will not apply to you.

5. THE TRIAL

Q26. What happens at the trial?

Before your trial, you will be given access to the prosecution evidence and will have time to prepare your defence.

The prosecution will provide you with copies of any statements or other evidence on which they rely beforehand. If you are taken by surprise during the trial you may need to ask for an adjournment to consider the evidence or to obtain further evidence of your own. This should have been done before the trial starts.

When your trial begins, the prosecution will open its case with a brief speech explaining what crime(s) you are accused of and the case against you. The

prosecution will then call their witnesses in turn and present any other evidence against you.

You will have the opportunity to ask each witness questions after the prosecution and to put your case to them. If you are represented by a barrister s/he will do this on your behalf.

If you are being represented by a barrister, s/he will monitor proceedings, make any applications of a legal nature and request any necessary adjournments.

Once the prosecution has closed its case, an application can be made to the judge or magistrates' that there is no case to answer. This type of application is not made very often. This means that the prosecution has not shown evidence that you have committed the crime. If this happens the case against you will stop and you will be released. If the judge decides that there is a case against you, you can then call evidence on your own behalf. You will be called to give evidence first.

Then, you will have the opportunity to call your own witnesses. You may call any witnesses in your defence. After they have been questioned by your barrister, the prosecution will be able to cross-examine them.

After the prosecution and defence have made their closing speeches, the court (i.e. the judge or a jury) will decide on your guilt or innocence. If you are found guilty, the judge will also sentence you.

Q27. Do I have to be present?

Yes, you do have to be present.

Q28. Can I ask for the trial to take place in my home country?

No, you cannot ask for the trial to take place in your home country.

Q29. Are there jurors at trial?

In England and Wales only serious cases, which are heard in the Crown court, are tried by a jury. Other less serious cases are decided by a judge or a bench of magistrates, without a jury.

Q30. Can my lawyer call and cross-examine witnesses?

Yes. Your barrister will have the opportunity to cross-examine every witness called by the prosecution. After the prosecution has closed their case your barrister will be able to call witnesses on your behalf and ask them questions.

Q31. I don't speak the language of the court; do I have a right to an interpreter? Is it free?

Yes. Ask your solicitor/barrister to ensure that you have an interpreter. If you are on legal aid, then you do not need to pay for the interpreter.

Q32. Will the written evidence be translated for me?

Your lawyer may be able to apply for any evidence to be translated for you. Make sure your barrister knows that you need translations.

In practice, the court will only assist with translations if there is a specific need. However, an interpreter can assist you when you are talking to your barrister, and they can explain the evidence to you.

Q33. Will the interpreter also assist me if I need to talk to my lawyer?

If necessary, an interpreter can be present during conferences with your barrister.

If you have been unable to obtain translations of the evidence, you can use this opportunity to have the evidence explained to you orally.

The interpreter will only be provided when you are in the court or in a police station. This includes receiving telephone legal advice whilst in custody.

If you need interpretation but have failed to notify the court in advance of your hearing, your lawyer may be able to request your hearing to be postponed while interpretation is arranged.

Q34. Will I be informed of the decision of the court on the day of the trial?

If your case is being heard by a jury, the jury will be given time to deliberate at the end of the trial and will then return their verdict. So, you may not be informed of the decision on the same day.

If your case is decided by a single judge (magistrate), you will normally be informed of the decision at the conclusion of the trial (generally the same day).

Q35. Can I receive a copy of the judgement in my mother tongue?

The decisions of the court are made in English but your solicitor/barrister may be able to arrange a translation for you.

Q36. I was tried in my absence and was not informed of this, what can I do?

In certain circumstances, if you fail to attend your trial without an acceptable reason for your absence, the trial may proceed without you.

At the magistrates' court, you may be able to re-open the decision of the court to proceed in your absence if the court decides that it is in the interests of justice to do so.

In the Crown court it would only be in exceptional circumstances that your trial will take place without you being present. If you think that this has happened, then it is very important to seek advice from a lawyer concerning appealing against your conviction (if you are convicted). As there are strict deadlines, you need to consult a lawyer as soon as possible.

6. APPEALS

Q37. I am not happy with the decision, can I appeal against it?

You need to seek advice from your solicitor/barrister regarding the grounds for appeal (s/he can challenge

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either points of laws or facts, depending on the circumstances) and the time frame to appeal.

If you have pleaded guilty, you can only appeal against your sentence.

If you have pleaded not guilty and are convicted, you may have a right to appeal against your conviction

Q38. How can I make an appeal?

Notice of an appeal must be given to the court. It is very important that you ask your solicitor/barrister for advice about making an appeal as there are strict time frames to respect.

It is always possible to appeal against decisions from the Magistrates' Courts. Decisions from the Crown Courts can only be appealed if you are granted permission (either by the Crown Court or by the Court of Appeal).

Your lawyer may advise you that you should not appeal against your conviction or against your sentence. Lawyers usually give this advice when they consider that the appeal has no chance of success. If you strongly disagree with your lawyer, you can ask another lawyer for a second opinion, or you can decide to appeal without the assistance of a lawyer. If possible, it is advisable that you get legal advice, as appeals are very technical and you have more chances of obtaining a successful outcome if you are represented by a lawyer.

Q39. Do I need to pay my lawyer more money if there is an appeal?

If you are paying for your own lawyer privately, you will have to pay them for time spent on the appeal. If you are receiving legal aid, you can be ordered to contribute towards the costs of an unsuccessful appeal.

Q40. Could things get worse during the appeal?

If your appeal against conviction or sentencing fails, the court will review the sentence and, if the prosecution had also appealed, there is a possibility that your sentence could be increased.

Q41. Can the prosecution appeal against a decision? An acquittal?

The prosecution cannot appeal against an acquittal unless new evidence arises at a later date.

The prosecution can however refer serious cases to the Court of Appeal if it considers the Crown court has passed an “unduly lenient” (i.e. too short) sentence, in which case your sentence may be increased.

7. PRISON CONDITIONS

A lot of information is available from the Citizens Advice Bureau (called CAB). The CAB runs clinics in some prisons, so you may be able to ask them your questions directly. Alternatively, if they do not hold clinics in the prison where you are detained, you can ask a member

of the prison staff to give you the contact details of the local CAB, and you can write to them.

Q42. What are the prison conditions like?

Prison conditions vary from prison to prison.

Some information about prison conditions in England and Wales is available from the Citizens Advice Bureau (see our useful for contact details of the CAB).

http://www.adviceguide.org.uk/index/your_rights/legal_system/prisoners.htm

Q43. Do I have rights as a prisoner? Where can I find out about my rights?

You have certain rights and privileges when you are in prison. The rules applicable in each prison are written down and should be available in the prison library.

Many of your rights as a prisoner are governed by the Prison Service Instructions (PSIs) which are available at <http://www.justice.gov.uk/guidance/prison-probation-and-rehabilitation/psipso/psis/index.htm>

Finally, the prison service and the Prison Reform Trust (PRT) have co-written a guide to prisoners' rights. A copy of this should be given to you when you arrive in prison. If you are disabled, you should also be given a guide called "Information for Disabled Prisoners".

Q44. What can I do if my rights are violated?

If you are in prison and you think your rights may have been violated you can make a complaint. You can either

use the prison complaint procedure, or complain to the local Independent Monitoring Board, or you can complain to your solicitor who will take all necessary actions.

For guidance on making a complaint, see http://www.adviceguide.org.uk/index/p_prisoners_-_making_a_complaint.pdf

Q45. Where can I get assistance regarding my welfare issues? Regarding abuse and mistreatment?

The Citizens Advice Bureau website is a good source of advice. In particular, see:

http://www.adviceguide.org.uk/index/p_discrimination_in_prison.pdf

and

http://www.adviceguide.org.uk/index/p_health_in_prisons.pdf

Some local organisations may also be able to assist. Please check FTI's useful contact pages for more information.

8. POST-TRIAL MATTERS

Q46. Can I get the period that I spend in prison reduced?

Yes, you may get a reduction of the time you spend in prison.

If you are serving a standard sentence, you may be eligible for earlier release on a Home Detention Curfew (HDC). This means that, instead of serving your time in prison, you will spend a proportion of your sentence confined to your home wearing an electronic monitoring device (i.e. a tag).

Some prisoners are ineligible for HDC so it is important that you seek advice specific to your case. When released under HDC you have to follow rules. If you break the rules, you can be sent back to prison.

Some prisoners might get released from prison early and can serve the rest of their sentences in the community.

A 10 year prison sentence usually does not mean that you will actually spend 10 years in prison. In reality many prisoners only serve half of their sentence (so five years for a 10 year sentence). You should seek legal advice to find out how much you are likely to serve as there are many exceptions to this rule (in particular for sexual offences).

In certain circumstances foreign prisoners will be released early if they agree to be deported from the United Kingdom on release.

Note that time served in pre-trial detention will be considered as part of your sentence.

Q47. What would help me get an early release?

Good behaviour in prison and involvement in activities (such as classes or a job) may help you get an early release.

Q48. I have been sentenced to pay a fine, what will happen if I don't pay it?

You can be imprisoned for failing to pay a fine. Some helpful guidance about paying fines and avoiding difficulty paying is available via the following Citizens' Advice Bureau website www.adviceguide.org.uk/index/d_court_fines.pdf

Q49. Can I ask for a transfer to my home country?

You may be transferred to a prison in your home country if a prisoner transfer agreement exists between the United Kingdom and your country.

For more information about prisoner transfers, please ask for our note on "Prisoner transfers".

Q50. I have exhausted all legal remedies, is it possible to get my case reviewed?

No, not unless new evidence is discovered.

Q51. I have exhausted all legal remedies; can I apply for a pardon?

Yes, but pardons are granted extremely rarely.

A pardon can only be granted by the Crown (i.e. in the name of the Queen) on the advice of a government minister (i.e. the Justice Secretary in England and Wales).

You do not need a lawyer to apply for a pardon. Your application must be submitted in writing (by way of a letter).

Q52. Can I be expelled instead of serving my sentence?

You cannot be expelled instead of serving your sentence in the UK. You may request to be transferred to your home country to serve your sentence (see above).

Q53. Is there a risk that I will be deported after serving my sentence?

If you are an EU citizen you cannot, in general, be deported.

If you are not a EU citizen then you may be deported, depending on the seriousness of your crime and length of your sentence. Deportation should be considered by the UK Border Agency before the end of your sentence.

You can appeal against the UK Border Agency's decision to deport you. You should engage the services of a specialist immigration lawyer to as the question of whether you will be deported is separate to your original conviction.

USEFUL LINKS

ORGANISATION	MANDATE	CONTACT DETAILS
LAW GOVERNING BODIES		
<p>The Bar Council of England and Wales</p> <p>(& Bar Standards Board)</p>	<p><u>Mandate:</u></p> <p>The General Council of the Bar is the Approved Regulator of the Bar of England and Wales. It discharges its regulatory functions through the independent Bar Standards Board.</p> <p><u>Criteria to receive assistance:</u></p> <p>Bar Standards Board: various steps should be taking prior to complaining about a barrister to the BSB – see website for details.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Languages:</u></p> <p>English</p>	<p><u>Website:</u></p> <p>http://www.barcouncil.org.uk/</p> <p>http://www.barstandardsboard.org.uk</p> <p>E: Bar Standards Board: contactus@barstandardsboard.org.uk</p> <p>T: 020 7242 0082</p> <p>T: Bar Standards Board Complaints Information Line: 020 7611 1445</p> <p>F: 020 7831 9217</p> <p>289-293 High Holborn, London WC1V 7HZ</p>
<p>The Law Society of England and Wales</p> <p>(and Solicitors Regulation Authority)</p>	<p><u>Mandate:</u></p> <p>The Law Society represents solicitors in England and Wales. They are here to help, protect and promote solicitors across England and Wales, as well as dealing with any complaints.</p> <p>The Solicitors Regulation Authority (SRA) deals with all regulatory and disciplinary matters, and sets,</p>	<p><u>Website:</u></p> <p>Law Soc:</p> <p>SRA: www.sra.org.uk/</p> <p>E: England: email through contact form on website.</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p>monitors and enforces standards for solicitors across England and Wales. It acts solely in the public interest.</p> <p><u>Cost:</u> Varies</p> <p><u>Additional information:</u> Lists of solicitors and a search tool to find a local solicitor is available on the Law Society website.</p> <p><u>Languages:</u> Website in English/Welsh.</p>	<p>Wales: wales@lawsociety.org.uk / cymru@lawsociety.org.uk</p> <p>T: Law Soc General enquiries: +44 (0) 20 7242 1222</p> <p>T: SRA: 0870 606 2555 (inside the UK)/ +44 (0)1527 504450 (International)</p> <p>F: Law Soc England: +44 (0) 20 7831 0344</p> <p>F: Law Soc Wales: +44 (0) 29 2022 5944</p> <p>F: SRA: +44 (0)1527 510213</p> <p>Law Soc England: The Law Society's Hall, 113 Chancery Lane, London WC2A 1PL</p> <p>Law Soc Wales: Law Society Office in Wales, Capital Tower , Greyfriars Road, Cardiff CF10 3AG / Swyddfa Cymdeithas y Cyfreithwyr yng Nghymru , Twy y Brifddinas, Heol y Brodyr Llwydion , Caerdydd CF10 3AG</p>

ORGANISATION	MANDATE	CONTACT DETAILS
		<p>SRA: Solicitors Regulation Authority, Ipsley Court, Berrington Close, Redditch, B98 0TD.</p> <p><u>Opening hours:</u></p> <p>Law Society:</p> <p>9am – 5pm, Monday to Friday</p> <p>SRA Contact Centre:</p> <p>8am – 6pm Monday, Wednesday, Thursday, Friday</p> <p>9.30am - 6pm Tuesday</p> <p>10am – 2pm Saturday</p>
<p>Legal Services Commission</p>	<p><u>Mandate:</u></p> <p>The Legal Services Commission (LSC) works in partnership with solicitors and not-for-profit organisations to help over 2 million people each year access legal advice, information and help. It also makes sure that people get the information, advice and legal help they need to deal with a wide range of problems.</p> <p><u>Criteria to receive assistance:</u></p>	<p><u>Website:</u></p> <p>www.legalservices.gov.uk</p> <p>www.direct.gov.uk</p> <p>T: Community Legal Advice: 0845 345 4345</p> <p>T: General enquiries:</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p>Varies</p> <p><u>Cost:</u> Varies</p> <p><u>Additional information:</u> For information on how to get independent legal advice, you should visit the Directgov website.</p> <p><u>Languages:</u> English and Welsh</p>	<p>0300 200 20 20</p> <p>Head office: Legal Services Commission, 102 Petty France London SW1H 9AJ</p> <p>See website to find your local office details.</p>
OMBUDSMEN		
<p>The Parliamentary & Health Service Ombudsman</p>	<p><u>Mandate:</u> To review complaints and take action to redress any injustice where possible in cases where public bodies are failing / have not acted properly / have provided a poor service in relation to a UK government department, or one of its agencies or the NHS in England.</p> <p><u>Criteria to receive assistance:</u> Must have tried to redress situation with organisation involved first. Check website to see which bodies are covered: prison service is within remit - police service is not.</p> <p><u>Cost:</u> Free</p>	<p><u>Website:</u> www.ombudsman.org.uk</p> <p>E: physio.enquiries@ombudsman.org.uk</p> <p>T: +44 (0) 345 015 4033</p> <p>Alternatively, text your mobile number to +44 7624 813 005 and you will be called back within one working day during office hours</p> <p>F: +44 (0) 300 061 4000</p> <p>Millbank Tower, Millbank, London,</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p><u>Additional information:</u></p> <p>Complaint form available via website, as are information leaflets on how to complain</p> <p>If you are unhappy with the Ombudsman's service, you can complain to the local MP who will refer the complaint formally to the Ombudsman: www.findyourmp.parliament.uk / +44 207 219 4272</p> <p><u>Languages:</u></p> <p>Website & Leaflets available in: English, Arabic, Welsh, Turkish, Kurdish, Russian, Polish, Chinese, Urdu, Bengali, Hindi, Gujarati, Punjabi</p> <p>For other languages please contact directly.</p>	<p>SW10 4QP</p> <p><u>Opening hours:</u> 08.30am – 05.30pm, Monday to Friday</p>
<p>The Prisons and Probation Ombudsman for England and Wales</p>	<p><u>Mandate:</u></p> <p>To review all complaints from prisoners, people on probation and immigration detainees held at immigration removal centres</p> <p>Also investigates deaths of prisoners and residence issues in relation to probation Approved Premises and immigration removal centres.</p> <p><u>Criteria to receive assistance:</u></p> <p>Be a prisoner, probationer (including</p>	<p><u>Website:</u> www.ppo.gov.uk</p> <p>E: mail@ppo.gsi.gov.uk</p> <p>T: +44 (0) 207 035 2876 / 0845 010 7938 (for prison and probation complaints)</p> <p>T: +44 (0) 207 035 2898 (for immigration</p>

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	<p>on community service), immigration detainee or an ex-prisoner (if complaint is in relation to time spent in prison)</p> <p>Must have first been through the prison, probation or immigration internal complaints procedure.</p> <p><u>Cost:</u> Free</p> <p><u>Additional information:</u> Complaint form and further information available online. Must write or use complaint form to make a complaint, but can get more information by email.</p> <p>Confidential Access system can be used if writing from prison and privacy is a concern.</p> <p><u>Languages:</u> English</p> <p>Parliamentary & Health Service Ombudsman, may offer further language assistance.</p>	<p>complaints)</p> <p>Ashley House, 2 Monck Street, London, SW1P 2BQ</p>
<p>Independent Monitoring Boards</p>	<p><u>Mandate:</u> The IMB is a group of independent members of the public appointed to act as a 'watchdog' in prisons, immigration removal centres and some short term</p>	<p><u>Website:</u> www.imb.gov.uk E: http://www.justice.</p>

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	<p>holding facilities at airports.</p> <p>Their role is to monitor the day-to-day life in their local prison or removal centre and ensure that proper standards of care and decency are maintained.</p> <p>Prisoners can ask to speak directly to a member of the IMB. This can be a confidential request. Problems might include concerns over lost property, visits from family or friends, special religious or cultural requirements, or even serious allegations such as bullying.</p> <p><u>Criteria to receive assistance:</u></p> <p>Be a current prisoner or detainee.</p> <p>A complaint can be referred to the IMB at any time. However, the Board will not usually consider a complaint unless the prisoner has tried to resolve the problem by using the internal complaints procedure.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>IMB is a part of Justice.</p> <p><u>Languages:</u></p> <p>English.</p>	<p>gov.uk/about/imb.htm</p>
Independent Police	<u>Mandate:</u>	<u>Website:</u>

ORGANISATION	MANDATE	CONTACT DETAILS
<p>Complaints Commission</p>	<p>To ensure complaints from the public (or police themselves) against the behaviour / conduct of police are dealt with effectively, and to set standards for the way the police handle complaints.</p> <p><u>Criteria to receive assistance:</u></p> <p>You must have been subject to /affected by / witness of the behaviour of the police you want to complain about; or have the written permissions of the person who is.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>Online form available; can also complain directly to police force involved, or via a solicitor/MP</p> <p>It can take 3-4 weeks to process your complaint</p> <p>To find out which Police Force your complaint is about you should visit the Direct.gov website.</p> <p>To complain about the IPCC, you can write to the Internal Investigations Unit.</p> <p><u>Languages:</u></p> <p>Website in English.</p>	<p>www.ipcc.gov.uk</p> <p>E: IIU@ipcc.gsi.gov.uk (Complaints)</p> <p>T: 0300 020 0096 (Customer services only)</p> <p>T: 0207166 3000 (Complaints)</p> <p>Independent Police Complaints Commission, PO Box 473 , Sale, M33 0BW</p> <p>Internal Investigations Unit , Independent Police Complaints Commission, 90 High Holborn, London, WC1V 6BH</p> <p><u>Opening hours:</u></p> <p>9.00am – 5.00pm Monday to Friday (No face to face service)</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p>Leaflets available from website in Arabic, Bengali, Punjabi, Gujarati, Urdu, Chinese, Welsh, French, Portuguese, Turkish, Polish, Italian & Czech (Leaflets provide same contact details as website)</p>	
<p>Legal Ombudsman</p>	<p><u>Mandate:</u> The Legal Ombudsman for England and Wales handles complaints against lawyers.</p> <p><u>Cost:</u> Free</p> <p><u>Languages:</u> Website in English or Welsh. Publications are available in different languages, including: Arabic, Chinese, Welsh, Polish, Latvian, Lithuanian, Russian, Tamil, Punjabi, Farsi, Urdu, and Gujarati.</p>	<p><u>Website:</u> www.legalombudsman.org.uk</p> <p>E: enquiries@legalombudsman.org.uk</p> <p>T: 0300 555 0333</p> <p>T: From overseas: +44 121 245 3050</p> <p>PO Box 6806, Wolverhampton WV1 9WJ</p> <p><u>Opening hours:</u> 8.30am – 5.30pm, Monday to Friday</p>
GOVERNMENT BODIES		
<p>Ministry of Justice - Her Majesty's Inspectorate of Prisons for England and Wales (HMI Prisons)</p>	<p><u>Mandate:</u> To ensure independent inspection of places of detention to report on conditions and treatment, and promote positive outcomes for those detained and the public</p>	<p><u>Website:</u> http://www.justice.gov.uk/about/hmi-prisons/index.htm</p> <p>E: hmi-prisons.enquiries@hmi-prisons</p>

ORGANISATION	MANDATE	CONTACT DETAILS
		<p>gsi.gov.uk</p> <p>T: 020 7035 2136</p> <p>T: 020 7035 2141</p> <p>HM Inspectorate of Prisons First Floor Ashley House 2 Monck Street London SW1P 2BQ</p>
- LEGAL ADVICE		
<p>The Citizens Advice Bureau (CAB)</p>	<p><u>Mandate:</u></p> <p>The Citizens' Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice to everyone on their rights and responsibilities, and by influencing policymakers. Equipped to deal with any issue including legal and immigration issues.</p> <p><u>Criteria to receive assistance:</u></p> <p>CABs are often funded locally so you should use the CAB local to you.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p>	<p><u>Website:</u></p> <p>www.citizensadvice.org.uk</p> <p>T: England: 08444 111 444 (or search for number for local CAB on website)</p> <p>Wales: 0844 477 2020</p> <p>There are many local CAB, you should call the number above to find your local one.</p>

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	<p>Self-help website with legal and practical advice from CAB is also available: www.adviceguide.org.uk</p> <p><u>Languages:</u></p> <p>Website is in English.</p> <p>www.adviceguide.org.uk includes FAQs in Welsh, Bengali, Gujarati, Punjabi, Urdu and Chinese.</p>	
<p>Innocence Network UK (INUK)</p>	<p><u>Mandate:</u></p> <p>The INUK is a practical response to the needs of alleged victims of wrongful conviction that have been identified in academic research.</p> <p>INUK undertakes investigations into alleged wrongful convictions through the innocence project that it established at the University of Bristol</p> <p><u>Criteria to receive assistance:</u></p> <p>INUK undertakes and facilitates investigations into claims of innocence by alleged victims of wrongful convictions. It is not a campaign or victim support group.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>If a family member of friend is maintaining innocence for a criminal conviction and would like their case to be investigated by the INUK or</p>	<p><u>Website:</u></p> <p>www.innocencenetwork.org.uk</p> <p>Innocence Network UK (INUK), School of Law, University of Bristol, Wills Memorial Building, Queens Rd, Bristol. BS8 1RJ</p>

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	<p>referred to one of the other innocence projects, please read the Guidance for New Applicants and ask the prisoner to fill in the Preliminary questionnaire – both are available on the website.</p> <p><u>Languages:</u></p> <p>English</p>	
- HUMAN RIGHTS		
<p>Amnesty International UK: England / Wales</p>	<p><u>Mandate:</u></p> <p>Amnesty International is a campaigning organisation. Its aim is to protect people wherever justice, fairness, freedom and truth are denied..</p> <p><u>Criteria to receive assistance:</u></p> <p>If you have concerns about human rights issues in any particular country, or wish to report instances of human rights abuse, you should contact the Amnesty International Secretariat which is the research and policy headquarters, based in London.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>For general enquiries, contact the Supporter Care Team at The Human Rights Action Centre in London.</p> <p><u>Languages:</u></p> <p>Website in English & links to Welsh</p>	<p><u>Website:</u></p> <p>www.amnesty.org.uk</p> <p>E: AIUK: England / General enquiries: sct@amnesty.org.uk</p> <p>E: AIUK: Wales: wales@amnesty.org.uk</p> <p>T: AIUK: England: +44 (0) 20 7033 1500</p> <p>T: AIUK: Wales: +44 (0) 29 2078 6415</p> <p>T: International Secretariat: +44 (0)20 7413 5500</p> <p>F: AIUK: England: +44 (0) 20 7033 1503</p> <p>F: AIUK: Wales: +44 (0) 29 2078 6416</p> <p>AIUK: England:</p>

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	<p>site. No mention of other languages but Amnesty International operates in the majority of countries worldwide and has local websites which contain similar information.</p>	<p>Amnesty International UK , The Human Rights Action Centre , 17-25 New Inn Yard, London EC2A 3EA</p> <p>AIUK: Wales: Amnesty International Wales, Temple Court, Cathedral Road, Cardiff, CF11 9HA / Amnest Rhyngwladol Cymru, Temple Court , Heol y Gadeirlan , Caerdydd, CF11 9HA</p> <p>Amnesty International Secretariat , 1 Easton Street , London, WC1X 0DW</p>
- GENERAL ADVICE FOR PRISONERS		
<p>First Time In Prison</p>	<p><u>Mandate:</u></p> <p>A charity offering practical advice for those who may be facing their first prison sentence, without anyone to turn to for advice. Guide is downloadable.</p> <p><u>Criteria to receive assistance:</u></p> <p>None</p> <p><u>Cost:</u></p> <p>Free</p>	<p><u>Website:</u></p> <p>www.firsttimeinprison.co.uk/</p> <p>E: Contact through form on the website: http://www.firsttimeinprison.co.uk/contact/</p>

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	<p><u>Additional information:</u></p> <p>For anyone wishing to find more detailed, systematic and comprehensive information, the site recommends the “The Prisons Handbook (2009)”, available from www.prisons.org.uk</p> <p>The advice and support section of the HM Prison Service website can be found at http://www.hmprisonservice.gov.uk/adviceandsupport/</p> <p>The rules governing everything that happens to you once you have been sent to prison are within the “Prison Service Instructions (PSIs)” and “Prison Service Orders (PSOs)”. These really are the source material you should go to if you want to understand your rights, and if you ever feel you are being harshly treated or messed around. They will all be available to you in your Prison Library. They are available within this section of the HM Prison Website http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/.</p> <p><u>Languages:</u></p> <p>English</p>	
Prisoners Advice Service	<p><u>Mandate:</u></p> <p>PAS provides free and confidential legal advice and information to prisoners in England and Wales regarding their rights, particularly the</p>	<p><u>Website:</u></p> <p>www.prisonersadvice.org.uk</p>

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	<p>application of the Prison Rules and conditions of imprisonment.</p> <p>PAS has a Legal Services Commission Criminal Defence contract for prison law, and therefore PAS caseworkers can address the areas of concern faced by prisoners by way of legal action, including Judicial Review and representing prisoners at disciplinary hearings.</p> <p>PAS runs the Prisoners' Legal Rights group, which runs training courses and produces a quarterly Prison Law bulletin entitled 'Prisoners' Rights'. Membership of the group includes prisoners, solicitors, barristers, academics and non-governmental organisations.</p> <p><u>Criteria to receive assistance:</u></p> <p>Assists prisoners only. Membership is wider.</p> <p><u>Cost:</u></p> <p>Free; membership is free to prisoners</p> <p><u>Languages:</u></p> <p>Website in English. Certain information on the website is provided in Chinese, French, Spanish, Arabic, Turkish, Urdu, Russian and Polish.</p>	<p>E: advice@prisonersadvice.org.uk</p> <p>T: 020 7253 3323 / 0845 430 8923</p> <p>F: 020 7253 8067</p> <p>PAS, PO Box 46199, London, EC1M 4XA</p> <p><u>Opening hours:</u></p> <p>None given – assume usual working hours</p>
<p>Detention Advice Service (DAS)</p>	<p><u>Mandate:</u></p> <p>DAS is a small charity founded in 1994 to provide advice, support and information to those detained or</p>	<p><u>Website:</u></p> <p>www.detentionadvice.org.uk</p> <p>E:</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p>threatened with detention</p> <p>It regularly visits prisons in and around London. If it has clients at any of these sites it can offer an in depth casework service. It can look at the problems caused by their detention and see what options are available. It liaises with solicitors, friends family and other agencies involved in the case.</p> <p>Its main role is to provide legal advice, but it does not represent. It can also offer some services to others who work or visit detainees and other non-British nationals in UK prisons.</p> <p><u>Criteria to receive assistance:</u></p> <p>British and non-British nationals detained or threatened with detention (including immigration-related detentions) in UK prisons; or second tier advice services to those whose work brings them into contact with detainees.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Languages:</u></p> <p>English.</p> <p>Leaflets outlining services on offer can be downloaded from the website in English, Albanian, Arabic, Bulgarian, Chinese, French, Italian, Lithuanian, Polish, Portuguese, Romanian,</p>	<p>das@detentionadvice.org.uk</p> <p>T: 0207 254 6888</p> <p>F: 0207 254 8555</p> <p>Detention Advice Service, Unit B3, 62 Beechwood Road, London E8 3DY.</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	Spanish and Vietnamese.	
Women in Prison	<p><u>Mandate:</u></p> <p>Dedicated to making a difference to women at risk of, in or leaving custody by working to promote their resettlement, personal development, education and training, educating the public and policy makers about women in the criminal justice system and promoting alternatives to custody.</p> <p><u>Criteria to receive assistance:</u></p> <p><u>Female</u> offenders and ex-offenders who are affected by the criminal justice system and who are seeking help.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>WIP has bases in London, Woking and Manchester.</p> <p><u>Languages:</u></p> <p>Website in English. No mention of other languages.</p>	<p><u>Website:</u></p> <p>www.womeninprison.org.uk</p> <p>Email via contact form on website.</p> <p>T: 0800 953 0125 (Freephone)</p> <p>T: 020 7359 6674</p> <p>FREEPOST RSLB-UABE-TYRT, Women in Prison, Unit 10, The Ivories, 6 Northampton Street, London, N1 2HY</p> <p><u>Opening hours:</u></p> <p>10am – 4pm, Monday to Friday</p>

ORGANISATION	MANDATE	CONTACT DETAILS
<p>The Poppy Project</p> <p>(Part of Eaves)</p>	<p><u>Mandate:</u></p> <p>To provide accommodation and support to women who have been trafficked into prostitution or domestic servitude. It has 54 bed spaces in houses nationally The POPPY Outreach Service works to improve the safety and wellbeing of women from all over the UK who have been trafficked and who are in need of short-term support and advocacy.</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Language:</u></p> <p>English</p>	<p>Website:</p> <p>http://www.eaves4women.co.uk/POPPY_Project/POPPY_Project.php</p> <p>E: info.poppy@eaveshousing.co.uk</p> <p>T: 020 7735 2062</p>
<p>The Female Prisoners Welfare Project (FPWP)</p> <p>(and FPWP Hibiscus)</p>	<p><u>Mandate:</u></p> <p>The Female Prisoners Welfare Project (FPWP) is a registered charity established in 1986 to provide support for females of all ethnic origins and nationalities within the UK criminal justice system.</p> <p>Hibiscus provides emotional and practical support to Foreign National, EU National and BMER women (Black & Minority Ethnic and / or Refugee Women, including women seeking asylum). We help women contact and maintain contacts with their families and children.</p> <p>We ensure they understand the British Criminal Justice System and their rights within it and that all women exercise their rights whilst in prison</p>	<p><u>Website:</u></p> <p>www.fpwphibiscus.org.uk/</p> <p>E: info@fpwphibiscus.co.uk</p> <p>T: 020 7697 4120F: 020 7697 4272</p> <p>FPWP/Hibiscus Unit 3.2, Holloway Resource Centre, 356 Holloway Road, London, N7 6PA</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p>and have access to appropriate services upon their release.</p> <p><u>Criteria to receive assistance:</u></p> <p>Female within the UK criminal justice system</p> <p><u>Cost:</u></p> <p>Free</p> <p><u>Additional information:</u></p> <p>Services include:</p> <ul style="list-style-type: none"> • Information on issues such as: <ul style="list-style-type: none"> -Repatriation -Deportation and Removal -Early Removal Scheme (ERS) -Facilitated Return Scheme (FRS) -Claiming Asylum -Immigration and Criminal Solicitors -Sending money abroad • Advocacy on prisoner and welfare issues • Support and advice on welfare and family matters • Contact with Embassies • Befriending service • Resettlement support advice <p><u>Languages:</u></p> <p>English</p>	

ORGANISATION	MANDATE	CONTACT DETAILS
<p>The Prison Reform Trust</p>	<p><u>Mandate:</u></p> <p>Aims to create a just humane and effective prison system.</p> <p>The Prison Reform Trust's main objectives are:</p> <ol style="list-style-type: none"> 1. reducing unnecessary imprisonment and promoting community solutions to crime 2. improving treatment and conditions for prisoners and their families 3. promoting equality and human rights in the justice system. 	<p>15 Northburgh Street London EC1V OJR</p> <p>T: 0 20 7251 5070</p> <p>F: 020 7251 5076</p>
CHILDREN / YOUNG PRISONERS		
<p>The Howard League for Penal Reform</p>	<p><u>Mandate:</u></p> <p>It gives children and young people in custody advice about how to improve their treatment and conditions and makes sure they are released from prison safely with the support they are entitled to. Offers a free legal advice line for children and young people to call from prison</p> <p><u>Criteria to receive assistance:</u></p> <p>Primarily concerned with children and young people, and other elements that affect those two groups.</p>	<p><u>Website:</u></p> <p>www.howardleague.org</p> <p>E: info@howardleague.org</p> <p>T: +44 (0)20 7249 7373</p> <p>F: +44 (0)20 7249 7788</p> <p>The Howard League for Penal Reform, 1 Ardeleigh Road, London, N1 4HS</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p><u>Cost:</u> Free to contact; Free membership for prisoners and families</p> <p><u>Additional information:</u> Howard League Scotland does not represent individuals – it is primarily concerned with reform of the prison system. The Howard League Scotland maintains an interest in reforms, not only in the penal system itself but in the wider criminal justice system in Scotland.</p> <p><u>Languages:</u> English.</p>	
PRISONERS' FAMILIES / WELFARE		
<p>Action for Prisoners' Families</p>	<p><u>Mandate:</u> Action for Prisoners' Families is a membership organisation for prisoners' and offenders' families and those who work with them. They work for the benefit of prisoners' and offenders' families</p> <p><u>Criteria to receive assistance:</u> Family member in prison</p> <p><u>Cost:</u> Membership is free (at this time) for family members</p>	<p><u>Website:</u> www.prisonersfamilies.org.uk</p> <p>Can email individual members of staff by clicking on their names on the 'Contact Us' page of the website.</p> <p>T: 020 8812 3600</p> <p>(You can also contact the Offenders' Families Helpline to find out what support is available: 00808 808 2003)</p>

ORGANISATION	MANDATE	CONTACT DETAILS
	<p><u>Additional information:</u> APF can signpost you to the services which can offer you support, advice and information, as well as to resources provided by their members.</p> <p><u>Languages:</u> English.</p>	<p>APF, Unit 21, Carlson Court, 116 Putney Bridge Road, London, SW15 2NQ .</p>
<p>Partners of Prisoners</p>	<p><u>Mandate:</u> POPS is a charity that aims to provide a variety of services to support anyone who has a link with someone in prison, prisoners and other agencies. POPS provides assistance to those groups for the purpose of enabling families to cope with the stress of arrest, imprisonment and release.</p> <p><u>Criteria to receive assistance:</u> Primarily families of prisoners, but are likely to offer advice on all those affected by prison life.</p> <p><u>Cost:</u> Free</p> <p><u>Additional information:</u> Offers particular support to Black prisoners through its POPS Black Prisoner Support Project (BPSP) Based in the North of England.</p> <p><u>Languages:</u> English.</p>	<p><u>Website:</u> www.partnersofprisoners.co.uk / www.prisonersfamilieshelpline.org.uk</p> <p>Can email staff via the website</p> <p>T: 0161 702 1000 (0808 808 2003 (Helpline) - www.prisonersfamilieshelpline.org.uk)</p> <p>F: 0161 702 1000</p> <p>Valentine House, 1079 Rochdale Road, Blackley, Manchester, M9 8AJ</p>

ORGANISATION	MANDATE	CONTACT DETAILS
<p>Prison Fellowship England & Wales</p>	<p><u>Mandate:</u> The mission of PF England and Wales is "seeing lives transformed." PF seeks to restore all those affected by crime through prayer, practical action, and values-based programmes. Prison Fellowship England and Wales helps local Christian communities respond to the needs of prisoners, young offenders, their families, and communities through local groups, training and programmes in prisons.</p> <p><u>Criteria to receive assistance:</u> Offender, ex-offender, victim of crime and/or family members of all</p> <p><u>Cost:</u> Free</p> <p><u>Additional information:</u> Registered charity no: 1102254</p> <p><u>Languages:</u> Website in English. No mention of other languages.</p>	<p><u>Website:</u> www.prisonfellowship.org.uk</p> <p>www.pfi.org/national-ministries/europe/england-and-wales</p> <p>E: info@prisonfellowship.org.uk</p> <p>T: 020 7799 2500</p> <p>P.O. Box 68226, London, SW19 9WR</p>

ORGANISATION	MANDATE	CONTACT DETAILS
COUNSELLING		
Medical Foundation for the Care of Victims of Torture	Provides initial clinical/medical assessment, individual casework and counselling, group therapy, physical therapy or psychotherapy	Address: 111 Isledon Road, Islington, London, N7 7JW T: 020 7697 7777 F: 020 7697 7799 Website: http://www.torturecare.org.uk/
Helen Bamber Foundation	Provides initial clinical/medical assessment, individual casework and counselling, group therapy, physical therapy or psychotherapy	The Helen Bamber Foundation, 5 Museum House, London WC1A 1JT T: +44 207 631 4492 F: +44 207 631 4493 E: info@helenbamber.org Website: http://www.helenbamber.org/
GUM Clinics – NHS	Treatment of sexually related problems, counselling for sexual abuse victims. No doctor referral needed.	Various across the UK – call NHS direct on 0845 4647 to find the nearest centre or visit http://www.nhs.gov.uk/

ORGANISATION	MANDATE	CONTACT DETAILS
Traumatic Stress Service - NHS	Assessment and treatment of those suffering from Post Traumatic Stress Disorder	Various – example is: Clinical Treatment Centre, Maudsley Hospital, Denmark Hill, London SE5 8AZ T: +44 203 228 2959 F: +44 203 228 3573 http://www.slam.nhs.uk/service-finder/service-details.aspx?su=SU0098&currentPage=0&SiteLocation=Maudsley+Hospital
Community Mental Health Teams – NHS	Provides a first point of contact for victims of torture (and sufferers of other mental health issues) and can refer to various NHS schemes	Call 0800 731 2864 to be directed or visit http://www.nhs.gov.uk/
Oxford Stress and Trauma Centre	Provides individually tailored assessment and treatment of victims of severe trauma including torture and war catastrophes. Private and accepts self-referrals.	Address: 47 High Street, Witney, Oxford OX28 6JA T: 01993 77 90 77 F: 01993 77 94 99 E: Claudia.herbert@oxdev.co.uk http://www.oxdev.co.uk/stress-and-trauma/

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If you think that an important question is not covered in this fact sheet, please let us know.

FAIR TRIALS INTERNATIONAL

Working for a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused

THANK YOU

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