



Opening Hours

Monday to Friday
9.00am - 8.00pm

Saturday and Sunday
10.00am - 3.00pm

Transfers

Prisoners may be transferred from one prison to another for a number of reasons. For example:

- Their security category has changed
- So that they can serve the final weeks of their sentence in a prison nearer their home.
- The prisoner's sentence plan requires them to complete a course which is not available at the prison they are in
- They are behaving in a disruptive way
- Category A prisoners are routinely moved from time to time for security reasons
- For their own safety if they are being bullied
- If their main visitor has a medical problem making visits impossible.

Does a prisoner have a legal right to be transferred to a different prison if they wish?

No - the Prison Act 1952 says they can be held in any prison. Usually, it is up to the governor whether they are transferred, except for Category A prisoners or people serving a life sentence, in which case Prison Headquarters makes the decision. However, although there is no legal right, the Prison Service does have a location policy stating that contact between a prisoner and his/her family should be encouraged and that harmful effects of being removed from normal life are minimised. The prison also has an obligation to take reasonable steps to keep a prisoner safe,

which may include a transfer if they are being bullied.

How does a prisoner get a transfer?

Prisoners can request a transfer through the request/complaints system, or on a special form provided by the prison for requesting transfers. Transfers will normally only be considered after the prisoner has served a few months at the prison they wish to leave.

How long does it take?

The prisoner should receive a response to their request within seven days if they use the requests/complaints system.

Although a response should be received in this period the wait until a prisoner is physically moved can be several months, often the prison will need to await the receiving prison to confirm they have space and transport can be arranged.

What can the family do to help the process along?

The initial request for a transfer must come from the prisoner. Families can write to the governor outlining why it is difficult for them to maintain contact, but only once an application for transfer has already been made by the prisoner. Supporting letters from a GP, social worker or other professional in support of the application can also be sent.

Will a transfer automatically be granted?

No. There may not be places available in the prison or area the person wants to go to in the appropriate category. Priority may be given to prisoners asking for transfers because their main visitor is in poor health. The prisoner may ask you to provide a doctor's letter confirming the nature of the problem.

What if the request is refused?

The prisoner can make an appeal through the requests/complaints system and is entitled to a reply from Prison Service Headquarters within six weeks. If they are still not satisfied with the reasons given they can write in confidence to the Prisons Ombudsman, but must do this within one month of receiving the reply from Prison Service Headquarters.

Can they take legal action?

Not usually, since the law does say they can be held in any prison. Their only option would be a judicial review which allows the High Court to deal with unlawful decisions by the Prison Service. They would have to prove that there were truly exceptional circumstances that the governor failed to take account of. If a prisoner feels this applies to them, they should seek legal advice.

Can a prisoner be moved without the family's knowledge?

A prisoner who is being transferred is entitled to send one free special letter to someone who visits them. They may, at the governor's discretion, be allowed more than one letter and/or an extra telephone call. If there is not enough time to write or phone, which may be the case with category A prisoners who do not always get advance notice of a move, they can leave details of people who need to know with the prison, and the prison will inform them.

If this doesn't happen how can I find out where they are?

The allocations unit of the prison they have left

may be able to give this information. Failing that, write to the Prisoner Location Service, PO Box 2152, Birmingham B15 1SD, giving as much information about the prisoner as possible, including their name, date of birth, their offence or charge and your relationship to them. Provided the prisoner is happy for you to know where they are, they will let you know in three to four weeks.

Temporary transfers

It is possible for a prisoner held a long way from home to save up visits for six months and apply for a temporary transfer to a local prison, usually for 28 days. Subject to the rules and visiting times of the local prison, the accumulated visits can be taken during that time. As with a permanent transfer, the prisoner must make the request, and it will be at the governor's discretion and depend on availability of places at the local prison.

What happens to a prisoner's money and property when they have been transferred?

Prisoners' monies and earnings must be transferred electronically after transfer. Unless there are exceptional circumstances, all property stored by the prison on behalf of the prisoner will accompany a prisoner on transfer.



Scotland

Cross Border Transfer

As of 2008, prisoners in Scotland who are deemed eligible for a [Home Detention Curfew](#) can apply to be placed at an address in England or Wales. The same scheme applies to prisoners in England or Wales who wish to be placed at a Scottish address on a Home Detention Curfew.

If you are released from a Scottish prison to an English or Welsh address, your case management will still be managed by the Scottish Prison Service for the duration of the curfew order and any other requirements imposed on your release.

Scotland to England or Wales

If the prisoner wishes to transfer from Scotland to England or Wales, here is the process. Please be advised that there are no set timescales for transfers and it can be a fairly lengthy process.

Firstly, the prisoner requests an application form from their Personal Officer. The Prison will assist the prisoner and prepare the necessary paperwork. Once the application is completed it will be forwarded to the Scottish Prison Service (SPS) Headquarters for consideration. If the prisoner meets the UK criteria for transfer and there are no other reasons to refuse the application, it will then be forwarded to the National Offender Management Service (NOMS) for their consideration as both jurisdictions must agree to a transfer before it takes place.

Once NOMS informs the SPS of their decision, the prisoner will be advised of the outcome in writing.

When making a decision regarding a transfer application many things are taken in consideration, such as: the prisoner's conduct in prison, any potential security risks, compelling or compassionate circumstances (for instance, an unwell relative or close family member).

Normally, transfer applications will only be approved where the prisoner-

- (i) has at least six months left to serve in the receiving jurisdiction before his or her release date at the time of making the request; and
- (ii) has no outstanding appeal against conviction or sentence; and
- (iii) is not awaiting further criminal proceedings; and
- (iv) is not liable to any further period of imprisonment in lieu of payment of any outstanding monetary orders made by a court.

Prisoners will also need to prove family ties in the area they wish to be transferred to. Families can assist in this process by writing a letter of support for the transfer to the Governor at the prison where the prisoner is being held.