



# INSTITUTE OF PRISON LAW

FOUNDED IN 1998 AND ACCREDITED BY THE SOLICITORS REGULATION AUTHORITY  
AND THE BAR STANDARDS BOARD OF ENGLAND & WALES

## CERTIFICATE OF COMPETENCY IN PRISON LAW: 2011

### DISTANCE LEARNING

This Distance Learning Course is designed for those whose work brings them into day-to-day contact with prisoners, as such it is ideal for Prison Governors, Prison Officers, Solicitors, Fee-Earners and Barristers, or indeed prisoners themselves. The course requires no prior prison law knowledge but a reasonable standard of education (GCSE A-C grades) is advisable.

The course consists of eight self-contained Modules (with around 16 pdf files) that you download from our web site and for which we supply a username and password following payment. Similarly the eight professional lectures are also accessed online via a username and passwords.

**For Prisoner Students** We put the lectures on DVDs and send these to you in the post with the course text books. We email the Modular pdf files to the prison. You will need educational access to a DVD player to view the lectures, and access also to the library to view Prison Service Orders and Instructions – neither of these have presented difficulties at other prisons but you should check first. The best route is to obtain the prison's permission to study the course (which will also help with any funding applications you make), and you also need the permission of someone at the prison for us to email the course modules to them – they need to countersign the registration form (page 3) showing their agreement to this.

Each lecture is delivered by specialist prison law **Barrister Stephen Field, Head of Crime Group & Prison Law at 1 Pump Court Chambers in London**. Each Lecture lasts for up to one hour, each Module consists of around six hours work, and each Module ends with a multiple choice examination which you must submit for marking. There are six CPD points available for each successfully completed Module.

The Course leads to the **Certificate of Competency in Prison Law** and brings with it membership of the Institute of Prison Law ('M.InstPL'), and allows the Certificate holder to display the 'OK Logo' which is issued by the Institute of Prison Law (who own the copyright to it). The Certificate is gained by successful completion of the eight examinations, with a minimum 80% pass mark in each; if you obtain less than 80% in a module you have the choice of re-sitting it (£29.99) or simply moving on to the next module – in which case you can complete the course but you will not be awarded the Certificate.

Once you have passed the course you are accredited by the Institute of Prison Law for one year, continued accreditation requires you to attend an online 3-hours 'Webinar' once per year – usually held in September. You can choose to log in and take part in the Webinar 'live' on the day or watch a recording within 28 days; three CPD points are awarded for the Webinar. No further examinations are necessary. If you do not attend the Webinar your accreditation lapses and you will not be permitted to display the accreditation OK Logo.

**For serving prisoners** we can put a recording of this annual Webinar on DVD for which there is an annual cost of £19.99 inc package and posting.

**COSTS:** The total cost of the course is **£829.99+VAT (£995.98)** this includes all Modules, 8 x online video lectures accessible by username and password, registration fees, marking fees (except exam resits as detailed above), a copy of The Prisons Handbook (latest edition) and Prison law Index (with updates) which are required texts: the course must be purchased as a single entity, in advance of dispatch.

**For serving prisoners** the Institute has received a bursary that reduces the costs by 50%: **£387.23 + vat (total of £464.67)**

**LECTURER:** Stephen Field of 1 Pump Court Chambers (CV contained in this document).

## **THE COURSE SYNOPSIS – COMPLETELY UPDATED TO AUGUST 2011**

### **MODULE 1**

1. Course introduction. History and purpose of prison, and the 'mission statement'. Sources and Resources,
2. The Legal framework of prisons. Prison Act 1952, Prison Rules 1999 (YOI Rules 2000). PSOs and PSIs.
3. Overview of what rights prisoners have. An introduction to the essential tools of defending and asserting rights; judicial review and applications to the CHR. Fairness, proportionality and reasonableness.
4. a The prison estate and population. The organisation and structure of the prison service. Staff ranks. Types of institution. Private prisons. An introduction to NOMS.  
b Independent Monitoring Boards (IMBs); HM Inspector of Prisons; The Prisons & Probation Ombudsman, probation, chaplaincy, and listener schemes.

### **MODULE 2**

- 1 Request/complaint procedure.
- 2 Sentence planning. Incentives and privileges schemes. Prison work.
- 3 Categorisation and Allocation.
- 4 Funding prisoner legal advice and legal actions;

### **MODULE 3.**

- 1a Child prisoners (15-17); young offenders (18-21), women, mother and baby units.
- 1b Remand, civil, and foreign national prisoners, immigration detainees and 'terrorist' internees.
- 2 Healthcare issues. Prison health and the NHS. Healthcare administration and forms. Confidentiality.
- 3 'Therapeutic' regimes, and Close Supervision Centres.
- 4 Mentally ill prisoners; care and transfer to hospital.

### **MODULE 4.**

- 1 Maintaining order. Intelligence, segregation, and force. Application to the private sector.
- 2 Adjudications. Discipline manual, Article 6 requirements. Procedural fairness. Independent adjudicators.
- 3 Case studies, and roll play; adjudications.

### **MODULE 5.**

- 1 Offending behaviour work, and prison education and courses. SOTP, ETS, Think First, CALM, Alcohol etc.
- 2 CCRC.
- 3 Communications; Letters, visits, telephone calls, and computers. Access to the media.
- 4 Racism, discrimination and religious rights.

### **MODULE 6.**

- 1 Release regimes, and release date calculation. Tags, HDC, temporary licence. Intermittent imprisonment.
- 2 Licence. Issues re recall and re-offending whilst at risk.
- 3 The parole system.
- 4 Risk assessment, denial, licence and recall. Recall procedure and hearings.

### **MODULE 7**

- 1 Life imprisonment.
- 2 The lifer panels. Representations, procedure and evidence.
- 3 Case studies/role play; lifer panel

### **MODULE 8**

- 1 Death in custody. Prevention. Procedures; ACCT. Article 2 and investigations. Disclosure and openness.
- 2 Inquests.
- 3 Actions for death, assault, false imprisonment, misfeasance, and negligence.

**INSTITUTE OF PRISON LAW**  
**CERTIFICATE OF COMPETENCY IN PRISON LAW:**  
**DISTANCE LEARNING COURSE:**  
**REGISTRATION FORM**

**I WISH TO ENROL ON THE ABOVE COURSE: Please PRINT Throughout**

**NAME:** \_\_\_\_\_

**TEL:** \_\_\_\_\_ **Mobile TEL:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_ **POST CODE:** \_\_\_\_\_

**Students who are Prison Inmates:** Course Modules are emailed to your prison as PDF files, and the lectures are provided on DVDs. Please ensure that this following section is completed by your Head of Learning and Skills or other such official:

I (name) \_\_\_\_\_ confirm the above student can study this course while at this establishment and agree the modules for him/her can be emailed to the address shown.

Signed \_\_\_\_\_ Date: \_\_\_\_\_

**Email address for course materials:**

\_\_\_\_\_

Terms and Conditions.

1 The Certificate is gained passing each Module with a minimum 80% mark.

2 Modular Course materials, including video lectures are copyright and usernames and passwords must not be disclosed to third parties – to protect our copyrighted material our system will block accounts where it detects suspicious activity – you've paid for the course, why risk your own access by letting others have it for free?

3. All fees must be paid in advance and are non-refundable after dispatch: ie after the usernames and passwords have been issued / (inmates) modules have been emailed etc.

4 (Inmates) Modules are sent electronically as PDF files, you must provide a valid email address.

**COSTS:** We have a received a grant that enables a discount to be given to prison inmates studying the course, please tick below as appropriate:

**I am (or ordering for) an Inmate: Price £387.23+vat (£464.67)**

Inmate Name: \_\_\_\_\_ No. \_\_\_\_\_ : Prison: \_\_\_\_\_

**I am a member of the public: Price £829.99+VAT (£995.98)**

**I attach my cheque made payable to 'PRISONS ORG UK LTD' for the above.**

Signed \_\_\_\_\_ Dated: \_\_\_\_\_

PLEASE SEND THIS FORM AND YOUR REMITTANCE TO:

**INSTITUTE OF PRISON LAW**  
**PO Box 757,**  
**Stockport, SK2 9AS**

**T. 0845 0660011 F. 0845 0660022 E. [customer.services@prisons.org.uk](mailto:customer.services@prisons.org.uk)**

Ltd Co Reg: 05949117. Vat Reg: 895 907166



## Stephen Field

Call: 1993

Group(s): Crime Group, Civil & Public Law Group

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### The Practice of Stephen Field LLB(Hons)

Stephen Field has a predominantly Criminal and Prison Law practice, covering first instance case, appeals and judicial reviews of those public bodies (the Police, CPS, Magistrates and Crown courts, Probation Service, Parole Board and the Secretary of State) responsible for the administration of criminal justice. Stephen also conducts judicial reviews in mental health and social justice cases. Stephen represents Defendants in criminal cases and has fought a large number of challenges on behalf of individuals of decisions and practises of public bodies, in the House of Lords, the Court of Appeal (Criminal and Civil Divisions), the Administrative Court and Crown Courts in a range of cases from the rights of victims of child sex abuse, of mental health Patients prescribed with Electro Convulsive Therapy (ECT) treatment and Prisoners confined to the Dangerous Severe Personality Disorder (DSPD Units. A number of current or pending cases will be determined in the near future including Release (Drugs Charity) v British Transport Police [2010] - a High Court claim challenging the legitimacy [of the] random use of passive drugs sniffer dogs and 2 conjoined cases (Nealon and Sims v HMP Wakefield) challenging the lawfulness of the requirement for Prisoners to carry ID cards. Stephen regularly lectures on the topics of Criminal Appeals, Prison Law and Criminal Judicial Review. Stephen lectures for the Institute of Prison Law, he is the author of 'Prison Law Index' (2010); editor of the Prison Law section of 'The Prisons Handbook' for England and Wales, and a regular contributor to 'ConVerse' - the national newspaper for prisoners in England and Wales. Stephen lives in Kent with his partner and he has a teenage daughter.



## CERTIFICATE OF COMPETENCY IN PRISON LAW: DISTANCE LEARNING

### Information for Prisoners

Thank you very much for requesting information about the Certificate of Competency in Prison Law, which is now available as a distance learning course from the Institute of Prison Law.

Like all educational courses in prison the Governor has the right to veto your access to it, though it would have to be done based on your individual circumstances. We have prisoners studying this course in all parts of the prison system, from the High Security Estate to open prisons, and although no Governor has yet vetoed the course for an inmate you should be aware they do have the right to do so although such a decision would be subject to challenge by way of judicial review in the High Court. For that reason it makes good sense just to obtain permission to study the course so as to prevent any delays in you receiving the course material.

This course is available to inmates who have access to a DVD player in order to watch the eight DVD lectures which comprise the course, and either access to a computer which has Adobe Reader™ on it to view the course modules – or have someone in the prison who can print them off for you.

Serving prisoners receive a 50% discount on the cost of the course. The cost of the course to prisoners is £455 inc VAT.

There are 8 DVD modules to the course, and the modules are not available separately; the course must be purchased as a single entity.

In terms of funding for the course the Prisoners' Education Trust has shown itself willing in the past to fund the course for prisoners and you are advised to seek advice from your education manager. In terms of being able to use this qualification in terms of employment as a prison law advisor after your release, there is no reason why this should not happen. The Certificate is the accepted prison law qualification, it is accredited by both the Solicitors Regulation Authority and the Bar Standards Board of England & Wales - once qualified and in possession of the Certificate all you would have to do is to seek employment with a Solicitors office.

You would of course have to disclose your convictions, but it would be a matter for the solicitor to decide whether your convictions affected your ability to do that job; it would really all depend on the nature of your offences and the willingness of the solicitor to see beyond them. Where there was violence or sex involved in the offences that may pose a higher risk in terms of an office environment and the duty of care the employer owes to his staff, whereas offences of theft or fraud would pose a lesser risk on the whole as you would not have access to the office accounts.

If you are subject to licence after discharge you would also of course have to seek the approval of your Offender Manager during any licence period, as they are able to veto any particular working environment.

Whether you can make a success of a career as a prison law advisor really all depends on your individual circumstances and how willing any individual solicitor will be to utilise your skills as a Certificate holder, and your experiences as a former inmate.

In terms of having access to prisons once you have gained employment with a solicitors firm the same rules would apply to you as apply to every other prison law advisor employed by a solicitor. Entry to a prison is always subject to refusal by the prison Governor, but they could not prevent you seeing your clients on the basis that you have a criminal record or have been in prison – refusal would have to be based on specific intelligence that you are, or are intending, to act in a manner contrary to the good order and discipline of the prison.

As long as you were visiting a client of the firm who employs you, and you were visiting on bona fide legal business, then you should not have a problem – other ex-offenders now working in this field have not experienced problems as long as they abide by the rules. It's not for the Prison Service to look behind the employment decisions of a solicitors firm and nor is it for them to try and regulate the legal profession. Once you are employed by the firm and are on their lawful business, then you have the right access to your client.

From a personal point of view I can tell you that when I was released in 1995 I managed to persuade a law firm to employ me and that was a great benefit in turning my life around and carving out a new career for myself; there is no reason why you and others could not do the same. I would however impress upon you that leaving crime behind requires far more than a desire not to come back to jail – it means changing **everything** that you do from the way you view things through to, more importantly, the people that you associate and surround yourself with. Associate with those who are active criminals and you're already on the way back; I certainly will not associate with active criminals, I refuse to do so and I make no bones about saying their way of life is not acceptable to me – could you do the same?

If so then this course might just be the new start that you're looking for; the alternative is currently surrounding you right now. No previous prison law knowledge is required but an understanding of the basic difference between public and private law would be a clear advantage when it comes to such things as judicial review – basically private law is that law which governs the actions of people between themselves (the law of contract is an example), whereas public law governs the relationship between the individual and the State – criminal law is an example of public law.

This is NOT an easy qualification to achieve, it will stretch you and require study and effort on your part, but nothing in life that is worth having is ever easy to achieve and so there is real value to be had in obtaining it and being able to display the OK Logo with your name on it. I hope this answers your questions, and I look forward to welcoming you onto the course if you decide to give it a try.

A handwritten signature in black ink, appearing to read 'Mark Leech', written over a horizontal line.

**MARK LEECH FRSA**  
**Director**