



Prisoners on Temporary Release

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INTRODUCTION

1. This memo gives guidance on the Social Security (Coronavirus) (Prisoners) Regulations which came into force on 8.4.20¹.

Note: The regulations cease to have effect at the end of the period of fourteen months beginning on 13.3.20².

1 SS (Coronavirus) (Prisoners) Regs SI 2020 No. 409, reg 1; 2 reg 6

2. The regulations make provision for individuals on temporary release from a prison in England and Wales for any reason access means tested benefits during the period of that release.

PRISONERS

3. The definition of a prisoner¹ includes a person who is on temporary release from prison. A prisoner generally has no entitlement to IS/JSA/ESA/SPC.

Note: See Chapters DMG 24 (Special cases), DMG 54 (Special cases) and DMG 78 (Special groups) for detailed guidance on prisoners.

1 IS Gen Regs, reg 21(3); JSA Regs, reg 85(4); ESA Regs, reg 69(2); SPC Regs, reg1(2)

CHANGES

4. From 8.4.20 the reference to The Prison Act 1952 is removed from the definition of a prisoner in IS/JSA/ESA/SPC. That refers to prisoners temporarily released from a



prison in England or Wales and its removal lifts the restriction on entitlement to means tested benefits for those prisoners so released.

Note: Cases of doubt should be sent to DMA Leeds for advice.

5. Also, the presence of temporarily released prisoners in a household claiming means tested benefits will be taken into account in calculating entitlement, for example being included as a member of a claimant's household.
6. The claimant will still be required to meet the usual conditions of entitlement, including the availability requirements (see DMG 24185-24186).

Note: The provision¹ that a prisoner temporarily released is regarded as not available will not apply.

1 JSA Regs, reg 15(1)(b)

7. From 8.4.20 a member of a couple or polygamous marriage shall no longer be treated as not being a member of the household¹ where they are on temporary release (see DMG 22054).

1 IS (Gen) Regs, reg 16(3)(b)(ii); JSA Regs, reg 78(3)(b)(ii); ESA Regs, reg 156(4)(b)(ii); SPC Regs, reg 5(1)(c)(iii)

ANNOTATIONS

Please annotate the number of this memo (DMG Memo 07/20) against the following DMG paragraphs and memos

21255, 21308, 21694, 22054, 24185 (heading), 24197, 53256 (heading), 54197 (heading) and 78650 (heading) DMG 06/20

CONTACTS

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: April 2020

The content of the examples in this document (including use of imagery) is for illustrative purposes only