Memo ADM 05/20

PRISONERS ON TEMPORARY RELEASE

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INTRODUCTION

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

   Note: The regulations cease to have effect on 31.8.212.

   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, to access means tested benefits during the period of that release. From 12.5.21 that only applies to those on temporary release as a result of coronavirus1

   1 SS (Coronavirus) (Prisoners) Regs, reg 1A

UC: PRISONERS

3. The definition of a prisoner1 includes a person who is on temporary release from prison. A prisoner generally has no entitlement to UC (but see ADM E3040).

   Note: See Chapter E3 (Special cases) for detailed guidance on prisoners.

   1 UC Regs, reg 2

CHANGES
4. From 8.4.20 the reference to The Prison Act 1952 is removed from the definition of a prisoner in UC. That refers to prisoners temporarily released in England or Wales and its removal lifts the restriction on entitlement to UC for those prisoners so released.

5. From 12.5.21 prisoners so released may only have access to means tested benefits where the Secretary of State determines that their release is necessary due to coronavirus, as part of the response to reduce the spread within the prison estate.

Example

Jane is a prisoner who is 30 weeks pregnant. She has been advised not to have a coronavirus vaccine until after her baby is born. The Ministry of Justice and Her Majesty's Prison and Probation Service have determined that she should be released from prison on 20.5.21 until after her baby is born, to reduce the risk to her and other inmates. As she has been temporarily released due to coronavirus, she is able to make a claim for UC.

ANNOTATIONS

Please annotate the number of this memo (ADM Memo 05/20) against the following ADM paragraphs and memos:

E3030 and Memo ADM 04/20

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 7/19 Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: May 2021

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