

Prisoners and benefits

When you go into prison

If you were claiming benefits before you went into prison, you must tell whoever was paying the benefit that you're in prison. Also, if you were on remand and then get convicted, you have to tell them about this. Depending on what benefit you were getting, contact:

- the Department for Work and Pensions (DWP)
- the council, if you were getting Housing Benefit or Council Tax Benefit
- HM Revenue and Customs, if you were getting Working Tax Credit, Child Tax Credit, Child Benefit or Guardian's Allowance.

If you don't tell them about your change in circumstances, you may have to pay money back later. You can tell them in writing or by phone. Keep a copy of the letter or notes of your phone call.

When you go into prison, you might be able to claim benefits for the time before you went into prison. Or if you're owed benefits, you may be able to get the money back. There's a deadline for claiming so get advice as soon as you can. If you delay, you might not get your money.

When you're in prison

Help with housing costs

It's very important to get advice about how to claim help with housing costs because otherwise you could lose your home. **If you haven't been convicted yet**, you might be able to get Housing Benefit and Council Tax Benefit for your home. This can be paid for up to 52 weeks as long as you're not likely to be away from home for longer than 52 weeks and you're going to return home after your prison sentence. You may be able to get Income Support or Pension Credit to help with mortgage interest payments but only if you were getting help before you went into prison. These benefits can be paid for up to 52 weeks.

If you're convicted, you might be able to get Housing Benefit and Council Tax Benefit. It can be paid for up to 13 weeks as long as you're not likely to be away from home for longer than 13 weeks and you're going to return home after your prison sentence.

Help with the costs of children

Whether you're an unconvicted prisoner or a convicted prisoner, you might still be allowed to get Child Benefit in some circumstances. If your child's living with you in prison, you can get Child Benefit for the child. But you won't get Child Benefit if the child is living with someone else and they're getting Child Benefit.

Benefits for sickness, disability and maternity

If you haven't been convicted yet, some benefits like Industrial Injuries Disablement Benefit, Incapacity Benefit, contributory-related Employment and Support Allowance, Attendance Allowance, Disability Living Allowance and Maternity Allowance are suspended when you go to prison. This means that you won't actually get the money while you're in prison. But if you don't get convicted, you'll get all the back payments in a lump sum when you get out of prison. Any Statutory Maternity Pay or Statutory Sick Pay that your employer was paying will stop when you go into prison.

If you're convicted, you may keep your right to Industrial Injuries Disablement Benefit. You won't actually get the money while you're in prison. But you'll get up to 12 months back payments in a lump sum when you get out of prison. On conviction, you can't get increases to Industrial Injuries Disablement Benefit and you lose your right to other benefits for sickness, disability or maternity.

Retirement Pension

If you haven't been convicted yet, Retirement Pension is suspended when you go to prison. This means that you won't actually get the money while you're in prison. But if you don't get convicted of a criminal offence, you'll get all the back payments in a lump sum when you're released. It might be best for you to make a claim for Retirement Pension later. This is called 'deferring your claim' – get advice about this. **If you're convicted**, you lose your right to Retirement Pension until you're released.

Benefits for people in work or looking for work

Whether you're an unconvicted prisoner or a convicted prisoner, you can't get Jobseeker's Allowance or Working Tax Credit. If you have a partner at home, you could check whether they could get these benefits instead of you.

Temporary release

If you're serving a prison sentence but you're on temporary release, you can't normally get benefits for the time you're away from prison. A member of your family might be able to claim a Community Care Grant to cover your living expenses for the time you're at home.

If you're on home curfew

If you've been released from prison early on a tag, you can claim most benefits in the normal way. If your curfew means you can't claim Jobseeker's Allowance because it limits the times you're available for work or the places you can travel to, you can apply to court to get the conditions of your curfew changed.

If your partner is in prison

If your partner goes to prison, it's important to get advice about your benefits as soon as possible, especially if you're still living in the family home.

If your partner was the one claiming benefits before, it's best if you make a claim as soon as possible after your partner goes into prison. You might get other cash help, for example, to visit your partner in prison or help with NHS charges.

You may be able to claim Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance if you are sick or disabled or Pension Credit. You'll be counted as a single person or a lone parent if you do. You may be able to claim Working Tax Credit or Child Tax Credit. You'll still be counted as part of a couple if you claim, as long as you're only temporarily separated.

You may be able to claim Housing Benefit. You'll still be counted as a couple if you're planning to live together again when your partner is released from prison and if your partner is unlikely to be in prison for longer than 52 weeks. You may be able to claim Council Tax Benefit. You'll still be counted as a couple as long as you're only temporarily separated.

If you're looking after your partner's child, you can get Child Benefit. If your partner has been ordered by the Child Support Agency to pay maintenance for your children, he won't have to pay whilst he's in prison.

Benefits on release

If you're about to leave prison, you might be able to get a Community Care Grant or Crisis Loan to help with necessary costs. You may get a discharge grant from the prison to help you with living costs before your benefits come through.

Depending on your circumstances, you may be able to claim:

- Income Support, Pension Credit or Jobseeker's Allowance
- any back payments of benefit which you are owed because the benefit wasn't paid whilst you were in prison
- other benefits, such as Retirement Pension or Employment and Support Allowance (ESA). It might be hard to get ESA and you should get specialist advice if you need to claim it
- Housing Benefit and Council Tax Benefit to help pay for housing costs.

If you're going to apply for Jobseeker's Allowance, the Freshstart Team will arrange for you to have an interview at your local Jobcentre Plus office as soon as you leave prison. Ask a member of the prison staff for the contact details of the Freshstart Team.

In England and Wales, if you're aged 16 or 17 when you're released, contact your local authority careers service or Careers Wales office. In Scotland, ask the prison if there are local support services that might be available to help you get back to work. You can register here for work or training before you go to the Jobcentre Plus office.

You'll need a national insurance (NI) number to claim benefits. Get advice from the CAB about how to get a number if you haven't got one already. You'll need to prove your identity, so make sure you keep form B79 which the prison gives you when you're released.

You'll usually need a bank account so that your benefits can be paid into it. You may not be able to open an ordinary bank account but you should be able to open a basic bank account. If you can't get a bank account, ask for your benefits to be paid into a card account at the post office.

Further help

Citizens Advice Bureaux

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve any sort of problem. They can help you work out what benefits you can get and they can help you make a claim.

Some Citizens Advice Bureaux run advice sessions in prison. If you're in prison, check if they run these sessions in your prison. If they don't run advice sessions, you could write to them explaining your problem. Ask a member of the prison staff for the address of your local CAB.

If you're not in prison, and you want to find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Other information on Adviceguide which might help

- Prisoners: letters
- Prisoners and housing
- Prisoners - getting further help
- Help for people on a low income - Income Support
- Benefits for people looking for work
- Young people and benefits

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