

Prisoners

Contents

[Prisoners](#)

[Housing costs and temporary absence](#)

[Couple claims and temporary absence](#)

[Treatment of prisoner earnings](#)

[New claims for prison leavers](#)

Prisoners

A prisoner will not be entitled to Universal Credit from the beginning of the assessment period in which the prison sentence begins. A prisoner is someone who is:

- detained in custody awaiting trial or sentence upon conviction
- under a sentence imposed by a court
- on temporary release in accordance with the Prison Act 1952 or Prisons Act Scotland 1989

Their Universal Credit claim is closed and any overpayment referred to Debt Management.

The exception being that if the claimant received housing costs within their Universal Credit award they retain entitlement to those housing costs for up to 6 months following imprisonment.

Any work search and work-related requirements are switched-off whilst a claimant is in prison and in receipt of housing costs.

Housing costs and temporary absence

A prisoner may continue to receive housing costs when their time spent in prison (or their expected date of release) is to be 6 months or less. Housing costs are stopped from the outset when it is known they are expected to spend more than 6 months in prison.

Eligible housing costs for prisoners are determined by establishing if the person is being held on remand (pending trial and/or sentencing) or has been sentenced with an expected date of release.

Held on remand

When a person is held on remand it may not be possible to determine how long they will remain in prison. In these cases, housing costs can continue until the 6

month period is reached or stopped at the outset – if the information received shows the time spent in prison will be more than 6 months.

Where the prisoner was held on remand and then sentenced, the overall time spent in prison will determine if housing costs can continue. If the time spent in prison on remand and the sentence to serve exceeds 6 months, the housing costs will stop at the point of sentencing.

Sentenced by a court

Most prisoners will not spend the full length of their sentence in custody so those serving sentences in excess of 6 months may still be eligible to receive their housing costs.

Therefore, those sentenced for more than 6 months may be eligible for housing costs as the time spent in prison will be less than 6 months. Time spent in custody could be further reduced if the prisoner is eligible for early release through Home Detention Curfew (HDC) - electronic tagging.

Any time spent in prison on remand prior to sentencing must be taken into consideration when determining if the time spent in detention will be 6 months or less.

Couple claims and temporary absence

Where a prisoner was part of a couple claim, they remain part of that assessment unit for the period of the temporary absence.

Any income and capital of the prisoner is taken into account. They are still included when calculating the room allocation for housing costs.

For further information, see [Ineligible partner](#).

Treatment of prisoner earnings

Earnings from work carried out on day release and received via Real Time Information (RTI) are taken into account when calculating the award of Universal Credit. All other allowances/earnings received from work/tasks undertaken as a prisoner are disregarded.

New claims for prison leavers

As Universal Credit is a digital benefit, prison leavers can't make a claim in advance of their release. This is due to restrictions on the use of computers in prisons.

A short-term solution has been designed to ensure that prison leavers have a claim from day one of their release.

Prison work coaches (PWC) will support prison leavers to make a claim on release by:

- giving advice on what evidence is required to make a claim, for example - verifiable ID, bank account and email address
- ensuring prison leavers are aware that they must complete an online claim as soon as possible on release and before the date of the initial appointment
- book an initial appointment at the relevant Jobcentre within 7 days of release

In most cases the PWC books the initial appointment but if not, the prison leaver must arrange this in the usual way when they make an online claim upon their release.

Universal Credit cannot be paid until a claimant's identity has been verified. If all attempts to verify identify (as described in the Identity verification and standards of evidence guidance) fail, and a third party is needed, the prison can be asked to confirm the details on the claimants release documents.

A bank or building society account is required for a claimant to receive their Universal Credit payments. The Community Rehabilitation Company will support prison leavers to get access to bank accounts on release

For the safety of customer facing staff, prison work coaches will check all prison leavers against the Unacceptable Customer Behaviour database before any initial appointment.

Prison leavers can apply for a Universal Credit Advance if they can't manage until their first Universal Credit payment. To claim an Advance they will need:

- online claim declaration
- identity verification
- verification of bank account