



Nina Champion
Director
Criminal Justice Alliance

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Dear Nina,

COVID-19: MANAGING PRESSURE ON PRISON POPULATION

Thank you for your letter of 18 March containing proposals on how we might safely manage the early release of prisoners in response to the COVID-19 outbreak and provide resettlement support, among other things. I am grateful to you for making contact and apologise for the delay in responding.

COVID-19 presents a unique set of challenges that we must address in order to maintain the provision of services in custody and the community. We are working very closely with public health authorities to ensure our approach is based on the best scientific and medical advice available.

Managing the prison population

Early release

On 4 April, this Government announced its intention to temporarily release risk-assessed prisoners as part of the national plan to protect the NHS and save lives. Those released will be subject to conditions and will be electronically monitored, with the option to recall to prison if necessary.

Public protection is a top priority. No high-risk offenders will be considered for release, nor any prisoners who have not served at least half their custodial term. Likewise, no prisoner will be released if they have symptoms of coronavirus or without housing and health support being in place. Prisoners who pass the stringent criteria for early release will be subject to strict conditions, and will be electronically monitored, including with GPS tags.

Certain groups of vulnerable prisoners are also being considered for compassionate temporary release on a case-by-case basis, including pregnant women, women in Mother and Baby Units (MBUs) and those extremely medically vulnerable to Covid-19. They will only be released where it is safe to do so. Some low risk women who meet the criteria have already been released on compassionate grounds.

Whilst those subject to early release on temporary licence will not be in statutory Probation contact (as legally they remain a prisoner), Community Rehabilitation Companies have made arrangements for a nominated offender manager to remain in contact with them for the duration of the temporary licence until the statutory period of licence commences.

We have established seven National Probation Service and Community Rehabilitation Companies Homelessness Prevention Taskforce (HPT) teams (six in England and one in Wales). Our intention is that all prisoners should be released into safe and suitable accommodation.

Those being released under ECTR are being given £80 to reflect that they have had less time to prepare for release than people reaching their conditional release date. This **replaces** the usual Discharge Grant of £46. The DWP has ensured that ECTR individuals are also eligible for means tested benefits. A team of Prison Work Coaches will provide a tailored service over the phone to those who cannot claim online, a service available to all prison leavers unable to claim online.

Additional measures to create headroom

Our plans for early release form one part of a package of measures to create headroom in the estate. That enables us to utilise available space to manage different cohorts of our population effectively, taking account of the need to shield the vulnerable and isolate symptomatic prisoners. We are taking measures to reduce the flow of prisoners into the secure estate such as expediting remand hearings. Further, we are rolling out temporary, single-occupancy accommodation units with over 200 units now delivered to six HMPPS sites.

Resettlement support for those at the end of their custodial sentence

In response to the COVID-19 pandemic, probation is operating under an exceptional delivery model (EDM) which prioritises public protection and offender management in the community in line with the Government's social distancing policy. It facilitates a continued service, despite the pressures stemming from the pandemic, by adapting probation delivery practices. Certain activities are reduced, but supervision in the community will continue, with resources focused on managing the high risk and very high risk of harm offenders. The majority of offenders will be supervised remotely via telephone, or video conference facilities. Where technology is used to supervise, the frequency of such contact is doubled. Offenders sentenced to a Mental Health Treatment Requirement (MHTR) are able to commence and complete their treatment remotely via telephone. Substance misuse services provided by Local Authorities for Alcohol Treatment Requirements (ATRs) and Drug Rehabilitation Requirements (DRRs) within the CSTR Programme sites are also still operating and open for new referrals, though on a more limited basis, with the majority of clients being dealt with via phone contact.

The New Futures Network (NFN) is a specialist part of HMPPS set up to broker partnerships between prisons and employers. The team is aware of changes to the job market and continues to communicate the latest employment opportunities to prisons and probation throughout this period in response to changing needs of new and existing businesses that NFN work with.

For those who are not released into employment, financial support provides a vital lifeline. The Discharge Grant is being paid to people on release from prison to meet their immediate, post-release needs during their first few days in the community. The Department for Work and Pensions is primarily responsible for ensuring prisoners' access to benefits on release. Prison leavers are being advised of the process to follow to make an online claim for Universal Credit on release.

All discharged prisoners are issued with a travel warrant or fares paid to their destination within the UK (including the Channel Islands, the Isle of Man or the Republic of Ireland). Further, transport is being offered via our Prison Escort contractors to early releases and to those being discharged at the end of their custodial sentences who are showing COVID-19 symptoms.

Our work providing bank accounts for prisoners is ongoing. The Offender Banking Programme continues to operate in over one hundred prisons that have signed up for the service. The Programme is managed by the New Futures Network (NFN), a specialist part of the prison service. The Programme enables those individuals who do not have an existing bank account and need one for use on release, to apply for a basic bank account whilst in custody.

Telecommunications

The use of technology and telecommunications has been factored into all of our preparations for Covid-19 across all parts of our business. This includes remote working for those who can as well as including measures in Exceptional Delivery Models (EDMs) for all parts of the business to operate remotely as far as possible.

Although social visits are temporarily suspended, we will ensure that telephone contact can be maintained. Around 60% of cells now have in-cell telephony, and we have contingency measures in place to ensure prisoners' use of phones in the rest of the estate.

This includes the provision of 900 locked mobile phones for use across the rest of the estate – to be shared amongst prisoners after being sanitised. These handsets will enable prisoners to phone the existing PIN phone system and, when connected, the experience will be the same as if they were using a landing PIN phone. The cost of all PIN phone calls was reduced on 3 April to help in this current situation given the suspension of physical visits. This applies to all calls made and includes the secure handset project mentioned above.

Through the Gate staff are issuing all prison leavers who do not have their own phones with a mobile phone upon release so that contact can be maintained with Probation.

Cleaning

In addition to our existing work on decency and cleanliness in prisons, we have communicated updated guidance on cleaning and hygiene to all premises across our business in line with PHE guidance and best practice.

Inspections and community monitoring

During this difficult period, the health and safety of the public, prisoners and those working on the front line, are of paramount importance, and government advice must be respected and adhered to. Nonetheless, we acknowledge the continued role that monitoring and inspecting places of detention and probation can have in maintaining transparency of services for those in our care.

Over the coming weeks and months, we will remain in regular contact with all arm's length bodies to the MoJ, in particular Her Majesty's Inspectorate of Prisons, Her Majesty's Inspectorate of Probation, the Prisons and Probation Ombudsman, Independent Monitoring Boards, and the Lay Observers. We will ensure that we are maintaining a balance between health and safety and need for transparency of the system during this period.

These organisations' work has been impacted by the outbreak of Covid-19 and they have all made the responsible decision to suspend or scale back from their usual monitoring and inspection functions. The Chief Inspector of Prisons recently introduced interim monitoring arrangements which include remote intelligence gathering and analysis, and a program of short monitoring visits to understand how prisons are dealing with the outbreak. The Chief Inspector will publish a summary of findings from these visits in the form of a short thematic report.

Similarly, I value the important job undertaken by volunteers from Independent Monitoring Boards (IMBs) and Lay Observers, who where it is safe to do so, continue to visit prisons, escort vans and court custody settings to report on conditions. IMBs have also introduced remote monitoring arrangements and are in the process of introducing a freephone number so that prisoners and detainees can still contact their local monitoring board.

Victims

It is highly likely that victims and witnesses will need extra support during this time. The Government's advice on social distancing and self-isolation has caused some disruption to face to face victim and witness support services, and there is a shift towards emotional and practical support being provided remotely.

The National Probation Service is continuing to meet its statutory obligations in respect of the Victim Contact Scheme, ensuring victims of the most serious sexual and violent offences, where the offender was sentenced to 12 months or more imprisonment, are being kept updated.

In addition, we are working with PCCs and nationally commissioned services to ensure that contingency arrangements are in place to ensure continuity of service. We are helping those who run national helplines and online services to increase capacity where it is needed to ensure that all victims have access to services at this time. We have set up an MoJ chaired victim and witness Covid-19 stakeholder working group to oversee this work. We have also set up a specific gov.uk page for victims and witnesses - <https://www.gov.uk/guidance/coronavirus-covid-19-victim-and-witness-services>.

Women

Women's Centres are continuing to run, working remotely through telephone and online support. We understand how critical maintaining cash-flow is for small organisations. The Government has made clear its intent to support all businesses, including the voluntary sector, through measures such as the key worker scheme and business support. The National Council for Voluntary Organisations is working closely with the Office for Civil Society (OCS) and Treasury to make sure this is working effectively. In addition, those in receipt of grant funding from the MoJ through the Female Offender strategy will be allowed to carry forward any underspend into the next financial year. I have addressed above the release of some pregnant women and residents in our Mother and Baby Units.

I know that you will have had the opportunity to discuss some of these issues, particularly as they impact on women, at the Advisory Board on Female Offenders on Monday, 27 April.

I welcome your engagement on the range of difficult issues the justice system is facing. The best and only way to manage this unprecedented challenge is with all health and justice partners working together to meet the wide-ranging response required to overcome the Covid-19 pandemic.

Yours ever



RT HON ROBERT BUCKLAND QC MP