



Ministry
of Justice

The Right Honourable
Robert Buckland QC MP
Lord Chancellor & Secretary of
State for Justice

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MoJ ref: ADR85947

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Dear Nina,

BAIL INFORMATION SERVICES AND EXTENDED CUSTODY TIME LIMITS

Thank you for your letter regarding Bail Information Services and extended Custody Time Limits, which also touched on race disparity.

Bail Information Services (BIS)

Due to the impacts resulting from the Covid-19 pandemic, the current North West and Wales Bail Information Service Trial has not generated a sufficient volume of data to assess its impact. This was also the case with the temporary proactive BIS in the courts which was implemented in April last year. It has therefore not been possible to conduct a large scale analysis of this work and we are therefore not in a position to publish any data in relation to this at this stage.

However, an initiative to implement BIS across 31 public sector reception prisons is now operational, and we anticipate that this service will generate a larger amount of data. During the initial 6 month period of the service, we intend to take the opportunity to gather a range of data, including identified areas of good practice. Once we have analysed the data we hope to be in a position to publish the findings. This will help to inform future decisions around the future of the BIS, and I am keen that my officials work with you and other stakeholders at that time to consider our next steps.

With regard to the provision of a pro-active court based BIS and how good practice can be scaled-up, in the longer-term the Government is investing in additional probation staff through our reforms to probation, which includes uplifts to probation court teams alongside those working in the community and in prisons. Our plans for enhancements at court include better defining and resourcing the presence of staff in courts. This will enable staff to deliver against critical public protection, safeguarding and diversionary activities including bail information services.

Extended Custody Time Limits

With regards to the points raised on race disparity, as you know, most of the datasets that we have will include analysis by ethnicity, and we follow the principle set out by the Lammy Review to be able to explain areas where there is a disparity or to review the policy or practice. We are currently reviewing custodial remand for young people, as we know the race disparity within the figures has created a pressing problem set out by the recent Youth Justice Board report on the sentencing and remand. For adults, greater availability of bail information schemes is clearly a remedial action we are taking as, generally, the more information that is known on an individual the more likely it is that bias in decision making can be eliminated.

I am pleased that you welcome the news that under 18s have been excluded from the extended CTL. With regards to young adults, we recognise that young adults (18-25 year olds) have distinct needs relating to their maturity and brain development and the policy and operational focus of my department and its work has therefore been on developing and improving practice which respond to these needs. There is a range of measures already in place to support the type of individualised practice that benefits this cohort. An evidence-informed screening tool is available across prisons and probation to assess young adult men who are still maturing neurologically and a resource pack is available to help staff work with those identified as needing more support.

Further, the new Offender Management in Custody (OMIC) model in prisons means that young adults will have more consistent key worker support. A specialist Model of Delivery (MOD) that reflects the evidence of the needs and risks of this cohort has also been developed to support prison staff.

We are also working in partnership with the Mayor for London's Office for Policing and Crime (MOPAC) with support from other relevant Government Departments and agencies to fund a 3 year pilot (2020-23) to meet the needs of young adults (18-25) on probation and 17-year olds both male and female due to transition from youth offending services into adult probation services in London. The pilot will co-locate probation staff and commissioned services for young adults such as mental health, substance misuse, speech and language therapy, mentoring and housing support. The main aim of the pilot is to reduce re-offending amongst this cohort by addressing their distinct needs which have been shown to lead to reoffending, improving mental health and resilience and improving partnership working and information sharing between agencies. During the pilot a full evaluation incorporating process and longitudinal reoffending data will be gathered to help inform future policy for the young adult cohort. The location of the Newham Probation hub was jointly announced by MoJ/MOPAC on Friday 5th March, with a launch date of July 2021.

Her Majesty's Prisons and Probation Service is working in collaboration with the Youth Custody Service to improve the transition process from youth to adult custody. The vision is to agree a national transitions policy that can be operated consistently across the estate, with a central management body responsible for oversight of all transitions arrangements based on individual need.

Data and Transparency

The operational purpose of CTLs sits with the Crown Prosecution Service, who are the agency responsible for recording and monitoring CTLs amongst those held on remand in prison custody. We are currently exploring the extent and scope of this data recording, to establish whether this data could be used to inform ongoing discussions around length of time on remand and other associated policy topics.

Alternative data in this area, including data derived from courts and prisons data systems, are either not centrally collated or are not designed to accurately record this information. As such, previous public data releases using prisons data (for example) should be classed as an approximation.

The extension to CTLs was made in the unprecedented context of the Covid-19 pandemic to ensure public safety. The extension will expire after a time-limited period of 9 months subject to a sunset clause included in the regulations.

Yours sincerely

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly slanted style.

RT HON ROBERT BUCKLAND QC MP