

Briefing for the Justice Select Committee on COVID-19 (16 April 2020)

Thank you for the opportunity to submit a further briefing to the Justice Select Committee. The evidence sessions have been incredibly useful in getting information on progress made, as well as areas where that progress is, in our view, too slow or no action appears to have been taken. In order to keep track of progress against the recommendations made in our first briefing we have developed a table detailing the recommendations, updated information, a RAG rating and suggestions for further actions to be taken. We have attached the table as an appendix in case it is of use and summarised the further actions below.

Reducing overcrowding

Despite welcome commitments to release pregnant women and women with children, only 14 have so far been released. Plans to release around 4,000 low risk prisoners at the end of their sentences has also been slow to translate into numbers, with only 4 having been released by 14 April. As we set out previously, the releases are frustrating and dangerously slow. The news of an outbreak at HMP Wymott, as well as not being able to confirm that no prisoner is sharing a cell with someone who may have COVID-19, is further evidence that measures currently being relied on to try to shield more vulnerable prisoners or to separate those with COVID-19 from others are inadequate. In particular we would like to see:

- Plans and timescale to release remaining women and children as matter of urgency.
- Funding for specialist charities and Women's Centres to support all women released at this time.
- Clarity on time frames for completion of additional capacity and description of how it will be staffed when working with already reduced staff capacity.
- Details about number of prisoners needing to be shielded due to age or underlying health conditions and what that entails in practice.
- Plans to consider release of more vulnerable cohorts for risk assessed possible early release or compassionate release. Or an explanation as to why this is not being planned for.
- Clarity about numbers of people on remand who have had review hearings and number who have been released.
- Clarity about access to legal advice for people on remand.
- Plans and time scale for a significant increases in early releases.
- Early release protocol to be shared with voluntary sector organisations working with people leaving prison who cannot access HMPPS intranet.
- Details about emergency funding for charities providing services post-release.

Reducing 'churn' and new entrants

The churn of new entrants is putting additional burdens on an already stretched prison workforce, as well as increasing the public health risk of the virus spreading. We would therefore value:

- Clarity on any presumption against short sentences for non-violent and non-sexual offences.
- Details on number of recalls for technical breaches since lockdown and plans for reducing recalls.
- Details on numbers of people who have been bailed into the community and any analysis of cases where people remanded into custody to understand reasons e.g. lack of bail accommodation.
- Detailed plan for increasing bail accommodation.
- Guidance to Magistrates and District Judges reminding of need for 'anxious scrutiny'.
- Clarity on numbers of transfers.

Victims' services

We welcome the announcement of £2 million for domestic violence helplines, but more funding and co-ordination is required to respond to increased need for victims where home is not a safe place and some maybe more at risk of abuse and exploitation. We would therefore like more information on:

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- Plans for funding specialist domestic violence and victim services for people with protected characteristics.
- A multi-agency approach to support victims of domestic violence including children.
- Plans to provide PPE and tests to frontline victim service workers.

Technology

The announcement about handsets for prisoners was welcome, but with 900 for the whole prison population, who are in the third week of almost 24/7 confinement and no family visits, more must be done to ensure contact with family, helplines and legal advice using telephony and technology. We would therefore be keen to see:

- Plans to increase access to handsets across remainder of prisons.
- Details on number of prisoners with access to in cell telephony or handsets.
- Details on number of calls being received to Safer Custody Lines.
- Phones to have capability to call in as well as call out.
- Access to additional calls or phone credit and access to email a prisoner across all prisons.
- Number of prisoners with access to in-cell technology and plans to increase access.
- Number of prisoners who have access to virtual family visits and plans to increase access, especially for them to contact children.
- Plans to provide people on probation with mobile phones / internet access who need them.
- Numbers of postponed parole hearings and plans to manage backlog using technology.

Resettlement and probation

All people being released at the current time face additional challenges and may be particularly vulnerable to COVID-19 due to underlying health conditions, so post release support is even more important. In particular, we would value the following:

- Analysis on time taken to access Universal Credit after release and plans to help ensure it can be applied for before release where possible.
- Clarity on how figure of £80 arrived at. Discharge grant should reflect delays in accessing UC given record number of people applying.
- Details about what else is being provided to all people leaving prison at this time to prepare them for COVID19 world, such as a care package described by NACRO and safe accommodation.
- Details of specific plans to support prison leavers with a history of drug use including access to bridging prescriptions, harm reduction materials, remote support services and naloxone.
- Details of funding for specialist and BAME organisations to support people coming out of prison.
- Details of PPE provided for key workers doing any face to face work.
- Clarity on categories of staff for testing and numbers being tested for COVID19, including access to testing for non-statutory key workers doing face to face work i.e. those working for charities.
- Clarity on what support is being offered to families of people leaving prison who will be accommodating that individual, such as food vouchers and access to remote restorative services.
- Details of the role people with lived experience of the criminal justice system could play such as in prevention, communicating public health messages and supporting prison leavers and plans to fund organisations employing people with lived experience to do this work.

Scrutiny and monitoring

Despite the current conditions, it is vital that there is some element of scrutiny and monitoring. We would like to see:

- Greater detail on alternative measures being put in place to provide some way of monitoring of probation services - for example ways people on probation can raise complaints or concerns regarding their supervision at this time, especially as there is no community scrutiny mechanism. Or engaging organisations such as User Voice to get feedback from people in probation.
- Prisoners able to raise complaints directly with IMB via phones.
- Clarity on information prisons are providing to IMBs on issues such as testing rates and outcomes, segregation, hygiene, access to showers, phone calls, legal advice and exercise.

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- Clarity on how good practice in responding to COVID19 identified by IMBs and others across prisons and probation is being gathered and shared more widely with HMPPS and the sector.