

Justice Committee

Oral evidence: [Coronavirus \(covid-19\): Impact on prison, probation, and court system, HC 299](#)

Tuesday 14 April 2020

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Members present: Sir Robert Neill (Chair); Rob Butler; James Daly; Miss Sarah Dines; Maria Eagle; John Howell; Kenny MacAskill; Dr Kieran Mullan; Ms Marie Rimmer; Andy Slaughter.

Questions 1-58

Witnesses

[I](#): Ian Lawrence, General Secretary, Napo, and Katie Lomas, National Chair, Napo.

[II](#): Justin Russell, Chief Inspector of Probation, Her Majesty's Inspectorate of Probation.

[III](#): Mark Johnson, CEO, User Voice, and Helen Berresford, Director of External Engagement, Nacro.

[IV](#): Lucy Frazer MP, Minister of State, Ministry of Justice, Amy Rees, Director General of Probation and Wales, and Dr Jo Farrar, Chief Executive, Her Majesty's Prison and Probation Service.

Written evidence from witnesses:

– [Add names of witnesses and hyperlink to submissions]



Examination of witnesses

Witnesses: Ian Lawrence and Katie Lomas.

Q1 **Chair:** Good afternoon, everybody. Thank you very much for joining us. This is the first time we have attempted to have a formal meeting of the Justice Committee virtually. I will go through some of the procedure, which is new to all of us, so I hope that you are with us as we try to go through this format. We are grateful to the technical staff for all the help that they are giving us to make this work.

We have checked that all the witnesses are available, but to double-check that we have everyone, I will ask every member of the Committee to make any declarations of interest—we will go to each in turn. We have four panels of witnesses: first, Ian Lawrence and Katie Lomas; secondly, Justine Russell; our third panel; and, subsequently, the Minister and the director general. I hope that is clear for everyone.

I ask Members to direct their questions to a named witness, because we cannot see each other as we normally would in a Committee room. If you indicate that to me, I will be grateful. If the question is to all panel members, please say so and I will work out who to bring in. We just have to be a bit more specific than we would normally. If another witness wishes to make a point, or if a Member has a follow-up question, if we have time, they should just raise their hand in front of their face, so that I can see—I hope that is okay; we have nothing more upmarket than that at the moment. This is being broadcast live, so I hope that we will not have any technical problems, but if need be I can suspend the meeting temporarily. I hope that we will not need to do so.

I am Sir Robert Neill, the Chair of the Committee. My declaration of interest is that I am a non-practising barrister and a consultant to a law firm.

Dr Mullan: I have no interests to declare.

Kenny MacAskill: I have none to declare.

Rob Butler: I am a former non-executive director of HMPPS and a former magistrate member of the Sentencing Council.

Ms Rimmer: I have no interests to declare.

John Howell: I am an associate of the Chartered Institute of Arbitrators.

Andy Slaughter: I am a non-practising barrister.

Maria Eagle: I am a non-practising solicitor.

Miss Dines: I am a practising barrister, but I have had no cases since being elected.

James Daly: I am a partner in a high street firm of solicitors in Bury.

Q2 **Chair:** Thank you all very much. We will now move to our first panel of



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witnesses: Ian Lawrence, general secretary of Napo, and Katie Lomas, national chair of Napo.

Mr Lawrence and Ms Lomas, will you give us an overview of how the National Probation Service is responding to this crisis? What pressures are you finding on your members and on the service as a whole? How does the exceptional delivery model that we have heard about work in practice? What are the challenges that your members are encountering day to day at the coalface, as it were?

Ian Lawrence: It has been a rough start. An exceptional delivery model has been issued by HMPPS, guidance has gone out, and to some extent that is being mirrored by the private CRC providers, but there are inconsistencies in practice. We are raising possible issues with the centre and pressurising CRC employers to adapt their models to ensure that frontline staff are given the protection they deserve and that they are able to supervise those clients whom they must see face to face, assuring their safety as well.

Working at home is of course possible—that has been undertaken, as you will hear in more detail shortly—but not all providers have the same technology to allow this to be consistent. It is a tough call, but we are in uncharted territory. I think we accept that, Chair.

Q3 **Chair:** Are there any difficulties with personal protective equipment, as far as your staff are concerned, or is that not an issue because virtually nothing is being done face to face?

Katie Lomas: The issue of PPE is a tricky one. There are still many people who need to be seen face to face. The exceptional delivery model allows for some high-risk and very high-risk clients to be seen face to face, for the doorstep visits in place of home visits to check on home circumstances, and for those who are homeless or particularly vulnerable to be seen face to face. As Ian said, that is being dealt with differently by different CRCs, but fairly consistently across the NPS.

Our members also work in approved premises, which are a residential setting, where the 2-metre social distancing rule cannot be adhered to and where our members are working in the home of the client. It is not a situation where the client is visiting a workplace, where contact can be controlled. They are working in the home, so it has taken until this week for us to get anywhere near an agreement on PPE use for frontline probation staff, and there are many, many challenges with that.

Many of the workplaces are old buildings that don't lend themselves neatly to social distancing and don't have easy access to hand hygiene facilities. Indeed, right up until last week some of those workplaces had inadequate supplies of soap and hand sanitiser, so we are going way beyond PPE and going to the basics of how to keep a workplace clean and safe.

We have almost reached an agreement on PPE with the Ministry of Justice, but that will not cover all of the CRCs as well. We are really concerned that, especially in approved premises, there will only be access to a PPE



starter pack, and they will only get further supplies if a resident actually shows symptoms of the virus, when we know from the information that we are all getting access to that many people can spread the virus without having symptoms, or before their symptoms develop. Our members are working in close contact with people, especially in residential settings, with inadequate access to PPE.

Chair: We are going to have to keep everything concise, because we have a limited time slot with the technology, but thanks for that, Katie—very helpful. I call Maria Eagle.

Q4 **Maria Eagle:** Thank you, Chair. This question is for Ian and for Katie, whoever wants to answer it. I wonder what impact covid-19 is actually having on probation staff. Can you give us a sense of the level of absence, the impact on workload because of that, and the impact on morale? Just give us an overall picture, please.

Katie Lomas: The workload has actually increased as a result of the exceptional delivery model, because it requires a higher frequency of contact with clients—albeit not all face-to-face contact, but a higher frequency of contact all the same—and there is also the requirement to undertake a fresh assessment on every single client under supervision by Probation at the moment, which is massively increasing the workload. Of course, where staff are not able to work at the moment because of illness or because they need to isolate or shield to such an extent, or where they are under pressure because they are working at home and also have caring responsibilities in the home, and they are unable to work to full capacity, then colleagues need to cover for them.

We are also seeing increased challenges in terms of partnership working with other agencies that are difficult to contact and facing their own challenges, and of course we are working with a group of clients who are also suffering the impact of the lockdown and everything that brings with it, and all of the challenges that brings in all of our daily lives at the moment. Staff morale is tricky, but there is a context to that, which is that workloads have been unacceptably high for many years now, since 2014; that is also having an impact. The inconsistency in the application of the exceptional delivery model across different providers is not helping either, because that is only heightening the anxieties that staff are feeling about their own health and safety.

Chair: Any other points on that, Ian?

Ian Lawrence: Just to add to that, the fact that staff morale is low among our colleagues is not surprising because of the challenges that Katie has described. However, that has been compounded by the fact that pay progression, which was expected to be payable from 1 April, has not been paid. The Treasury has got involved in that and we are now awaiting a high-level meeting to see where we go, but that has caused considerable anger among the workforce, I can tell you.

Chair: Thank you very much. Maria, any further questions?



Q5 Maria Eagle: I just find it surprising that the exceptional delivery model means more work. I would have thought that it was intended to create less work, so that is an interesting point. Can Katie perhaps just come back and tell us what is being done to support staff, to help them manage their wellbeing in these exceptional times? They are worrying for everybody, but particularly so if your workload has gone up, you have not had your pay rise, and you have all these extra pressures. What is being done to try to help staff to manage their wellbeing?

Katie Lomas: That is a really important question. Staff wellbeing is a huge issue, particularly with a lot of staff now working at home; there are particular challenges in that. For a couple of years now we have been raising issues about staff wellbeing, because managers in the system are overwhelmed and unable to provide the support that we might expect them to provide for their frontline teams. Managers have an excessive workload in the same way as frontline staff have an excessive workload, and they are unable to provide that support.

Of course, there are some fantastic people working in probation who manage to provide excellent support for one another, but when teams are all working remotely and forced to take the knowledge, the thoughts and the thinking about really difficult subjects into their home when they will always have tried to separate their workload and the difficult topics that they are dealing with from their home life, they do not have access to the usual networks to support one another and it is really difficult. There are not many opportunities to gain support outside that, especially when you are facing this increased workload.

Chair: We will now hear from Andy Slaughter.

Q6 Andy Slaughter: I have a question for both witnesses. What have you been told about early release so far? Who are you expecting to be released and when? What sort of numbers are we talking about? Am I right to say that, on the whole, certainly the first cohort aren't going to get probation supervision? What is your view of this? What concerns, if any, do you have about that, and what do you think probation's role should be?

Ian Lawrence: The Committee will know that it has long been Napo's belief that there are too many people in our prisons—you know what we say about that—especially women, in the female estate, so obviously we support the scheme. The early picture is a bit mixed. We don't think that many clients will be coming out on release in the next week or two, but of course we are talking about a two-month period where people will come on stream for temporary release. We generally welcome the scheme, but Katie will talk to you a little bit about the workload pressures that we believe it will bring.

Katie Lomas: The releases are being done as a release on temporary licence, for an extended period, to run for up to two months before the ordinary release date for the client. Release on temporary licence does not bring with it any probation supervision, although all the clients will be

contacted by phone by their supervising officer at some point during their early release.

The additional workload for probation comes in making the suitability assessments of the proposed accommodation for the client on their release and contributing to any assessments needed in terms of risk. We understand that it will be people who pose a minimal risk to the public who will be eligible for this scheme. They will be released on temporary licence, which is overseen by the prison governor, and we understand that they will be subject to electronic monitoring.

We have raised concerns about the prospect that the electronic monitoring provider's exceptional delivery model says that if they are unable to fit the equipment because somebody in the household is symptomatic, they will not fit the equipment and therefore the person will simply be recalled to prison. We have real concerns about the rate of recall increasing and increasing the prison population, but I think there is a deeper issue, in that more people are being sentenced to short prison sentences than are going to be released early on temporary licence, so we are not actually resolving the problem for the prisons, because we are feeding more people into the system than we are bringing out.

Q7 Andy Slaughter: There are two other possible concerns arising from that. If there were a decline in the accommodation available for people exiting prison—I am particularly thinking of bail hostels as I have heard that up to a half of them could already be closed because of the effect of the virus—will there be a problem with finding accommodation for people? Secondly, a concern was initially raised, I think, by Inquest, and the MoJ is looking into it about suicides or deaths of people after they have left prison. For whatever reason, there appears to be a spike in those numbers. Are you worried about that as well and how do you think it can be dealt with?

Katie Lomas: I think the accommodation point is really tricky. We are told that there will be more central funding to support accommodation during this period of release on temporary licence, but we have not yet seen in practice how that will work, or whether it will be effective enough. What we do know is that local authorities are really pressed for accommodation at the moment and that the bail assistance service is creaking under the pressure, so we do have concerns about the accommodation. We also have concerns about tensions that may arise as a result of tension between the pressure to move people out of prisons and the importance of making sure that any accommodation that they move into is suitable and safe.

On the other point about suicide, we know that release from prison is an incredibly difficult time for people. The period immediately before and the period just after release from prison are really tough and we are concerned that not enough quality support is available for people during that time.

Chair: Thank you very much, Andy. That is very helpful.



Q8 **Kenny MacAskill:** This question is for either Katie or Ian, whoever feels best placed to answer it. Obviously, you have touched on the challenges. I just wondered whether there was a specific one that you thought was the major one, but, more importantly, what you thought was the long-term impact on probation. Clearly, the virus will be with us for a while and the knock-on effects will stagger on, so what do you think about the future as opposed to the present?

Ian Lawrence: Thank you for that question. Again, it is a very important one. Without covid-19, the Probation Service would be at something of a major crossroads now, trying as it is to recover from the disasters of “Transforming Rehabilitation”. Chairman, you recall the evidence that we have given to you on two occasions on that. I am pleased to see that many of the things that we said a couple of years ago have been vindicated by Her Majesty’s Inspectorate of Probation and others, so it is not just the unions that are saying it.

We have a major challenge to rebuild this service, and that is what we are committed to do, along with the employers and the Government. But the current crisis brings into sharp focus the folly of running a new marketisation programme for part of probation. We believe that the work that is destined for new contracts—intervention programmes—is vital, focused as it is on public safety and helping people to make a new start. We do not think that it should be left to the vagaries of the market. We have done it once, and it failed. We think that the Government should call in that programme, especially in light of the current crisis, and allow the service to be restored back into public ownership and control so that we are able to provide the services consistently across the piece. I plead with the Committee to think about that when it reports.

Chair: Ian and Katie, thank you very much for your answers to our questions. It is much appreciated, and we are grateful for your time.

Examination of witness

Witness: Justin Russell.

Q9 **Chair:** Our next witness is the Chief Inspector of Probation, Justin Russell. Mr Russell, are you with us?

Justin Russell: Afternoon, Chair. Thank you for having me.

Chair: Thank you for your time and for giving evidence to us. Can you tell us how covid-19 has changed the way in which the inspectorate works? Is it a short-term thing or will it have longer-term impacts?

Justin Russell: For the inspectorate and, indeed, for the whole Probation Service, as well as for the youth offending teams which we also inspect, there have obviously been some very profound impacts from covid-19, not least the fact that a number of staff within the Probation Service have lost their lives. I want to give my condolences to the families of those staff members and to the families of the people who were being supervised who

have also lost their lives. Along with the other criminal justice inspectorates, we announced that we were suspending all of our face-to-face inspection activity the week before lockdown started, and we have said that we will do that at least until the end of June. We had to stop three live inspections where we were doing field work. We also had to call a halt to a thematic inspection that we were doing on accommodation. We were able to complete the interviews that we were conducting on our inquiry into the first part of the Joseph McCann case. We still hope to publish the results of that by the end of June.

We are postponing some of the future inspections that we had already announced. We were due to start an inspection of NPS London next week, which has had to be postponed. We have also had to postpone an inspection of Warwickshire and West Mercia CRC, and a range of youth offending team inspections. Finally, we were due to start a joint thematic inspection relating to mental health with all of the other criminal justice inspectorates, and the field work for that was due to start in May. Unfortunately, we have also had to postpone that, so there has been a significant impact on our work programme.

Q10 Chair: How long do you think it will take the programme to recover? Have you any idea? Will you need more resource to catch up or will these important matters be left?

Justin Russell: In terms of our current round of inspections, we have already completed inspections of nine CRCs and one NPS. We were due to inspect the remaining 19 CRCs and six NPS divisions by March of next year. I think it is unlikely that we will be able to get through that full programme by then. In the short term, we are thinking about potentially undertaking some sort of thematic review of how the Probation Service delivers under this exceptional delivery model. I hope we will be able to do that over the summer.

I think our normal core inspection programme is unlikely to start before the autumn. We will need to think very carefully about our methodology, which relies heavily on face-to-face interviews and focus groups. Also, on the samples of cases that we select, in every inspection we inspect over 100 probation cases, and from September onwards a significant period that we will be inspecting will be profoundly impacted by covid, because we look back over the previous six months and at the work that has been done with those cases during that time period.

Q11 Chair: The two previous witnesses raised concern about inconsistencies between various CRCs and other sectors. Does that surprise you? Is there something that the inspectorate can do to assist with the uniformity or consistency of approach?

Justin Russell: Our CRC inspections have been showing a range of performance and delivery between CRCs, and that has continued into our second round of inspections. Of the six CRCs on which we have published reports in our second round, we have rated two as good—there has been some improvement—but we have also rated four as requiring



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improvement, and there are still some real concerns about the quality of casework. That is likely to be accentuated by the switch to this emergency operating model and the reliance on phone contact, for example.

Q12 **Chair:** That is helpful. In terms of your own operations, are there plans to increase redeployments?

Justin Russell: In terms of our own staff, yes; 22 of my inspection staff have volunteered to go and help both adult probation services and youth offending teams. We have deployed people to Wales and to the south-east, and we have deployed five people to the north-east to help find emergency accommodation for people being released from prison.

Q13 **Chair:** They will be people with experience of probation work?

Justin Russell: They will all be experienced frontline probation officers. We are also offering people to local youth offending teams. Six of my youth offending team have volunteered to help out there as well.

Q14 **Chair:** Is the youth offending sector a particular challenge?

Justin Russell: They face the same challenges as the adult probation service in delivering a supervision service remotely over the phone. They do not face the same workload challenges as the adult probation service, so there is at least some relief there, I think.

Chair: Thank you very much. Maria Eagle.

Q15 **Maria Eagle:** Mr Russell, I wonder about the immediate impact that covid is having on the Probation Service. It manages 106,000 higher-risk offenders in the community. Last June it had vacancies and was 600 probation officers short. We have just heard that the exceptional delivery model has increased workload significantly. To what extent can it keep the public safe and effectively supervise these high-risk offenders, particularly those at the highest risk of reoffending and the most serious offenders?

Justin Russell: The workload partly depends on which part of the Probation Service you are working in. In some parts of probation, the delivery of unpaid work and the delivery of accredited programmes have stopped all together, so staff in those areas will transfer to other areas. I know that there are some probation staff moving out of prisons to help with routine supervision.

However, you are right—we have had some real concerns about caseloads, particularly in community rehabilitation companies. We found that the average caseload of a probation officer in a CRC was 55, which we think is too high. And as one of your previous witnesses was saying, if people are being expected to contact those officers twice as often by phone, then again that will present some challenges.

About 14% of the cases that we look at involve someone who is high-risk or very high-risk, and the Probation Service has said that it will put in place measures to do doorstep checks on these people and, if necessary,



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to bring them in for face-to-face checks. That may help in the short term, but it is a poor substitute for proper face-to-face supervision and proper home visits, whereby you actually go into someone's home and see the circumstances in which they are living.

One of the areas of performance that we have been most concerned about with probation over the last couple of years is their management of risk of harm and risk to the public, where performance has consistently been poorer than in other areas of its work. So, yes, there are real concerns about how much you can do to manage risk if you are only able to contact people by phone, WhatsApp or Skype.

Q16 Maria Eagle: From where you sit, with your experience and knowledge of the system and how it has been developing, what do you think the biggest challenge facing the Probation Service is, particularly in view of the covid outbreak?

Justin Russell: In the short term, it has been about mobilising this huge change to their operating model—an overnight change—of how they supervise 250,000 people around the country. So there has been a challenge over the last two weeks in just getting that model up and running, and deciding which cases should be getting phone contact and which should be coming in for face-to-face visits, and real challenges in running approved premises and how you can maintain social distancing and protect staff in those environments.

Hopefully those systems are now up and running, and they have got gold, silver and bronze commands up and running. They can then potentially focus on trying to improve the quality of contact with people over the phone.

However, there are real limits to that. For example, it is very difficult to deliver any offending behaviour programmes over the phone. Those are usually done in groups and face to face. Essentially, I think the focus at the moment will be on welfare checks and some basic risk checks.

Chair: Thank you very much. That is very useful. Kieran Mullan.

Q17 Dr Mullan: I want to begin by thanking those staff you mentioned who have been flexible and are volunteering to redeploy; I think we have seen that across the public sector, but I do not want it to go unacknowledged. I know that is something that they don't have to do and I am very glad to hear that they are stepping up to help us at this time.

I wanted to ask about some of the things you mentioned in relation to sustainability and about the short-term impact. What do you think the long-term impact might be if we are stuck in a different model of delivery for longer than just a matter of weeks—say a matter of months—judging from your experience? Let us say that we cannot get back to the point of delivering behaviour programmes face to face. What impact do you think that might have on reoffending? Is that something you have considered?

Justin Russell: In the medium term, as business perhaps returns to normal, it will be a challenge to catch up with the backlog. There will be a



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huge backlog of unpaid work, for example, that will still need to be done, and there is a deadline for delivering that within 12 months of sentence. There will be a backlog, as you say, of accredited programmes, which won't have been completed.

I hope that urgent work is going on to think about how those programmes might be delivered online. I know that some probation services have been experimenting to see whether you can deliver interventions online and there will be some interesting learning from that, but I think that is probably a poor relation compared to delivering these services face to face.

So there is that backlog issue—how do they catch up with the backlog? It is the same with court reports, as well. There is a real focus on just delivering the priority work in courts and the public protection work, but there will be a backlog of breach actions to catch up with as well, as they return to normal.

Then, we are likely to go into a cycle of staff coming in and out of work as they go down with the virus, or as their family members do, so there is likely to be a depressed level of staffing going forward, and we will have to think about how we cope with that.

The other big challenge obviously, as I think Ian and Katie were pointing out, is that we are heading towards the next phase of the probation reform programme. CRCs and the National Probation Service are already thinking about planning for that transition. That will involve an awful lot of work, and they will need to do that on top of recovering from the impact of covid-19 and all the work that that will involve. It will be a really challenging year for the service.

Q18 Dr Mullan: How do you, as an inspector, take that into account when you are looking at service provision and have an objective of what “good” looks like? How do you rebalance your framework to take into account that, for reasons outside their control, they might not be able to deliver, while still holding them to account as needing to provide an important public service as best they can?

Justin Russell: That will be a big challenge for us, and we are actively thinking about how we might need to look at our standards and our methodology going forward. When we go in and do a local inspection, we sample over 100 cases from six months previously so that we can catch every stage of supervision. Any cases that we sample after September will be profoundly affected right from the beginning by covid, and we will need to think about what was realistic in terms of the judgments that we make on the quality of planning and assessment, and most of all on the quality of delivery. You can probably do an assessment online or over the phone, and you can potentially draw up a plan, but it is very difficult to deliver interventions in a meaningful way over the phone. The most profound impacts are likely to come in relation to that. We will have to keep a close eye on how they are managing risk. Probably the most important aspect of all case supervision is making sure that the public are protected; that, at



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the moment, the families of some of the people who are being supervised are being protected; and that a close eye is being kept on vulnerable people. We will pay particular attention to those aspects of the cases that we look at when we do get back into doing our core inspections.

- Q19 **Dr Mullan:** Is weighing up that risk something for you to do, or will you get guidance from the Department? In the longer term, there is the risk of going into a home or holding a class, versus the risk of not doing that and further offending—that obviously has a tangible harm on people, if people go on to offend—versus the risk of their catching covid.

Justin Russell: In the short term, part of the answer is about really effective intelligence sharing between different agencies and making sure, for example, that the police are sharing their daily arrest logs and domestic abuse call-out details, and that social services are doing the same thing, so that all of that information is being shared. There are very effective multi-agency safeguarding hub arrangements: all agencies put in information about children who are potentially at risk, and there will be a really important emphasis on making sure that they are working effectively while we are in lockdown. There are ways that people can share information about risk, and that is particularly important at a time like this. Guidance has been going out to local probation staff about the sorts of questions they should be asking over the phone—about whether they can use WhatsApp video calling to get some sense of what is happening inside a service user's house—but there are clear limits to how effectively you can do that.

Chair: Thank you very much indeed; that is extremely helpful. We are very grateful to you for your time.

Examination of witnesses

Witnesses: Mark Johnson and Helen Berresford.

Chair: We move on to our third set of witnesses: Mark Johnson from User Voice, and Helen Berresford from Nacro. Are you both with us?

Mark Johnson: Yes.

Helen Berresford: Yes.

- Q20 **John Howell:** I want to ask about the impact of early release of offenders. What impact will that have on the probation service and on existing users of the probation service? In terms of risk, there is still an existing risk to be carried on with. How will you manage that, and what will it require?

Helen Berresford: On early release, Nacro, like many other organisations, has been calling on the Government to increase the number of people released from prison and continues to do that. We believe that that needs to be faster and go further. On the specific point about what that means and the impact, from a resettlement perspective, the needs



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that people will come out with on early release will be the same as the needs of people we work with who are released under normal circumstances. Whether it is a need for accommodation, finance support or training support, all the things that we would normally support people with are likely to be much the same. Obviously, the big difference here is about the support on the outside—how that support is delivered, the availability of that support, how you access that support and, for us, the volume of people who will need that support and how quickly we will need to get that support in place for early release.

The most important thing at this point is that we need, and resettlement providers and charities working in the sector need, information about who will be eligible for release as quickly as possible, so that we can start to put in place as much support as we can immediately. It will be critical to have all that in place when somebody is released, so that they have support on the outside of prison. It is very different out there from before, and it will be important to have the wraparound support that people will need.

Mark Johnson: If we look at the landscape before covid-19, we have the lowest staffing numbers and the highest incidence of self-harm and deaths in custody. Prisons already are places of chaos, and there is a significant problem. As we just heard from Justin Russell, there is one probation officer to 55 service users—that is before this. This group of people, 70% of whom we know have drink and drug-related issues, are now having all of that removed—literally all of it. The landscape is quite stark, anxiety-ridden and full of fear for a lot of people.

- Q21 **John Howell:** My question is about the existing population and the existing risk that you have. For understandable reasons, a lot of the concentration is on the new risk, but is there the level of support that is required, and if not, how do you manage to keep the public safe in those circumstances?

Helen Berresford: You have raised a really important question. As well as looking at what we need to put in place for people who might be eligible for early release, we cannot forget that there are hundreds of people being released as normal—churn-through prisoners at the end of their sentence—every week, and we have to get the right support in place for those people as well.

There are two things that I would pick out: the support before release is really important, and the support at the point of release is critical. On the former, we have to make sure that, across the system, we have a really clear information flow and clear communication channels between prison, probation, resettlement and all the agencies. For example, at Nacro, many of our teams that would normally be based in a prison have been working remotely to put in place resettlement support. Where that works well, it works well because we have really good working relationships and communication channels with prisons, probation and other providers, and it can be done as well as we can in the circumstances. That can be a challenge across the system in other prisons, and one of the most



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important things is to make things work pre-release, to get the support needed.

But equally, at the point of release, the world is very different beyond the prison gates from what people will remember. We believe it is critical that everyone is released with a release pack that includes really basic essentials. Top of the list of important things is a mobile phone that has internet access. Almost all support is being provided remotely at the minute, so we need to make sure that everybody leaving prison—whether on early release or normal at-the-end-of-sentence release—has access to a mobile phone, so that they can receive the support they need and access all the services that they will need at different points. They will also need to have enough money to get them started. To be honest, they will need some of the basic essentials like soap, a toothbrush and some basic food and drink to get them through the first day or first few days. They may be released to somewhere they do not know. They may be released having to take public transport, which may or may not be running. It is an incredibly different situation out there.

Finally, I would just say on that, we also need to make sure that everybody who is released is fully prepared for what the implications of coronavirus are on the outside world—what social distancing is. What are the regulations now? What kind of restrictions are people facing? We have had weeks to get used to and absorb much of that information, but on release that is going to be critical, for people to understand that information and know who they can contact—know how they are going to contact probation and, if they can't contact that person, who else they need to contact. That is one of the things that we are picking up from our advice line: that people are contacting us and saying, "I've been released but I don't know who to go to, or where to go, because I don't have that information." We think that is critical.

Mark Johnson: I think there are some really good points there. The main thing, really, is if you cannot offer support—and there are a lot of people that are going to fall through the cracks, as public services and probation try and grapple with this—one thing that is really doable, and actually it is not there, even on the MoJ website or HMPPS: there is lot of information around the general public and victims, etc., but there is very little basic information for either prisoners returning to society or CRC or probation service users. So things like the anxiety that is involved in saying, "Do I go to face-to-face meetings because I don't want to be breached, or am I going to get arrested when I go there?" We have discussed and consulted with a couple of hundred people over the last couple of weeks by telephone contact, the WhatsApp groups, the whole peer support side. Just under half we spoke to said they had not been kept updated with any changes within the CRC and probation. So that is something we probably need to really focus on; while the consultation here is taking place with service provision and the state, actually the real point is that end user—what is he facing? What information do they need just to comply with basic orders and stuff? So communication is key.



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Q22 Maria Eagle: Helen has just set out what she thinks is needed by those leaving prison just at the moment, and going into supervision. I wonder if Mark could tell us to what extent he thinks that that wish list is actually being supplied. Is it very rare that this is happening, or is it becoming common? Just give us a sense of to what extent the changes that you think are needed are actually happening in practice.

Mark Johnson: Thanks for that. First of all, we are a charity trying to work within this. We have to work through probation, so probation are the gatekeepers to lots of—a quarter of a million—very vulnerable and volatile people that are on orders, as you quite rightly said. So if that service is not set up, people are going to, naturally, struggle and fall through the cracks.

Last year we were engaged with about 30,000. In February we were engaged with about 4,500. Now that has dwindled down to hundreds, and we have got existing people that have been involved with us for over three months that are still online and still trying to work through; but we are reliant on the telephone contact details, now, of probation handing those over to us, so we can get on the phone lines and talk to people about just general stuff—about their welfare and also making sure they have got the right information. We spoke to a couple of hundred people, as I said. More than half of CRC service users said that they had stopped receiving any support through this corona outbreak. Roughly one in three service users that we spoke to have stopped receiving any form of mental health service—that is telephone contact obviously or, actually, the groups that they were involved in. Roughly one in five have stopped receiving substance misuse services.

Obviously, the group falls into the poverty-stricken vulnerable members of society. What Helen said about the mobile phone is probably one of the biggest disabling factors of anything. If you do not have a phone or credit, you cannot take part in any of this. You do not know what your orders are. You cannot even receive basic information. That is probably one thing that really needs to be addressed—handing out basic forms for people to communicate.

The other one is that you are dealing with a large group of people—I think Katie mentioned this—who struggle to use basic technology. Those are the people actually returning back into society. As I said, the substance and mental health support that is available is online. There are a lot of Zoom groups occurring for substance misuse services and so on. It is pretty dire and anxiety ridden for a large proportion of service users.

Q23 Ms Rimmer: Helen, are you coming across problems of social housing charities not allocating any properties? I am hearing of a large social housing charity that provides Liverpool, St Helens and Warrington with general allocation but is not giving them out because they cannot get the services on, such as gas, electricity and water. Have you come across something like that?



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Helen Berresford: Housing is always one of the biggest challenges that we face in resettlement, and to be honest, it continues to be so. I have to recognise that some incredible work has been done, certainly in terms of the focus on rough sleepers and getting accommodation for rough sleepers. There has also been really good work by other agencies and departments, particularly some jobcentres, in terms of the support that they have provided to help us with services.

However, you are right: there are still challenges, and there are still people who fall through the gaps. In terms of housing, we have seen cases over the past few weeks of people still being released homeless, local authorities refusing to house some prison leavers for a number of reasons and hotels that have been set up to support rough sleepers, in some cases, refusing some prison leavers because they have substance misuse issues. We had an example of somebody who was released pre lockdown and pre this crisis. He had been put into temporary accommodation while he was considered for supported housing, but within the last few weeks he has been told that the local authority actually does not have a duty to house him, and he will be moved out of his accommodation.

A lot of people are falling through the cracks, in terms of accommodation, despite all the really good work that has been done. For me, one of the most important parts of that is getting out a really clear message that everybody leaving prison must be housed, no matter where they are from and where they are, in terms of their local connection, and also no matter their background and history. At this point, housing people is the most critical part.

Chair: That is very helpful. Thank you very much.

Q24 **John Howell:** I want to ask one last question about the lasting effects of covid-19 on both probation and on service users. Do you have a view on what sort of long-term measures are going to be required?

Helen Berresford: On a specific point that relates to housing, it would be a terrible situation if we moved out of a period of lockdown, where we have committed and given housing and accommodation to people, for those people to then find themselves homeless again. One of the most important things here is about how we put in place longer term plans to support people, making sure that there is a move-on plan and that they have accommodation and support after this crisis is over.

Secondly, I guess a slightly more fundamental point is that this public health crisis has really exposed and put the spotlight back on the crisis within our prison system. We have overcrowded prisons with very poor conditions. Once people are dealing with a crisis already, it is very difficult, notwithstanding the efforts of many members of staff, to be able to deal with that at the level that we need to. I hope that a long-term result of this is that we take a fundamental look at our approach to the criminal justice system, and particularly to imprisonment. For example, we continue to send people to prison on short sentences when we know that



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they are better served by community alternatives, which reduces reoffending.

I guess what I would say is that we already have a royal commission in the pipeline, so why don't we use that commission to really take a fundamental look at our approach to the justice system so that we do not have these crises in the prison system in the future? We should do everything we can and learn from this—both the good and the bad—and look at what measures we have been able to put in place that have really helped, and take those forward with a real focus on reducing reoffending.

Q25 John Howell: Mark, do you have anything to add?

Mark Johnson: It is no longer possible even to pretend to do what we were doing before—the physical contact part. So what do you do in the times when you cannot do that? Well, one thing is that you can communicate properly and be clear with people. One of the recommendations that has come from participants in this consultation is that they would like a formal letter—from HMPPS, probation or whatever—spelling out anything that can alleviate their anxiety and uncertainties about what is required of them and what is not required of them.

The other thing is, I am a big fan of self-determination and putting the energy back on people by saying, "Look, the most important person, with the biggest responsibility, is you." We can do that through basic and very cheap methods of communication, such as writing to every prisoner etc. Then we can arm them with information saying, "You are ultimately responsible for finding housing, for treating your mental health, for treating your drug or alcohol addiction etc., and we aim to try to give you as much information about what is out there locally, nationally and so on." We have to be clear, to supply information and to offer real support in this anxious time.

Let me just give an example. Prisons—or probation officers going to home visits—are presenting the risk now. The prison officer who is opening the door is actually bringing the risk into prison because they are the only ones that are leaving it. That is causing real anxiety. A personal sense of security is the strongest instinct that we have on the planet—it is about self-survival. So there is a real friction, with people saying, "Actually, I don't want that probation officer in my house, and I don't want to speak to her about that little story through the window because of confidentiality on my housing estate or wherever I live. I don't want anybody to overhear stuff." Leaving prison obviously brings up historic issues with anxiety etc., and with the backdrop of the highest incidence of self-harm in prison—with hardly any services being allowed in there and no face-to-face services out here—we are just heaping one problem back into the community.

What is needed is clarity of information and the provision of this sort of support. As a charity, we are really up for that, but we need telephone numbers for people. We know that we can alleviate at least half of those conversations that probation have with service users. HMPPS need to work

out how they can get charities and everybody involved in making contact with these 250,000 people.

Chair: Thank you very much, Helen and Mark, for your evidence. It has been very useful to us. We are grateful to you for your time. I thank the three panels of witnesses that we have had so far.

Examination of witnesses

Witnesses: Lucy Frazer MP, Amy Rees and Dr Jo Farrar.

Q26 **Chair:** We are now going to move on to our final set of witnesses. Have we got the Minister, Lucy Frazer?

Dr Farrar: You have me, Jo Farrar, and I know that Lucy is trying to join at the moment.

Chair: Thank you, Jo. I think we also have Amy Rees with us. Is that right?

Amy Rees: Hi—Amy here.

Chair: Perhaps you would like to introduce yourselves. As I recall, Jo, you are the Chief Executive of HM Prison and Probation Service.

Dr Farrar: That is right: I am the Chief Executive of HMPPS.

Q27 **Chair:** Thanks for your evidence the other day. We are doing it live this time. Let us see how we get on with the technology.

Amy, you are the Director General of Probation—is that correct?

Amy Rees: I am Director General of Probation and Wales at HMPPS, yes.

Chair: Right. I take it that one is a regional thing rather than anything else.

Amy Rees: Yes. I am in charge of prisons and probation in Wales.

Q28 **Chair:** But also probation in England, for these purposes.

While we wait for the Minister, could you give us an update, Jo, on the latest figures for covid-19 in the prison and probation estate? How many people have tested positive for coronavirus? It is sad to have to ask, but what is the position on deaths? Are people self-isolating? Can you help me with that, Jo?

Dr Farrar: Yes, of course. I can do prisons and then perhaps bring in Amy.

+ After the meeting the Ministry of Justice clarified this figure, saying, that 12 prisoners and one member of staff had been confirmed as dying with coronavirus.



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Chair: That is fine.

Dr Farrar: At the moment, 13 service users in prison have died, as have three members of staff in prison.[†] As I have said before, our condolences go out to all the families of all those who have died. In prisons we also have 6,268 staff who are self-isolating and 203 service users and 49 staff with confirmed cases at the moment.

Q29 **Chair:** Have any of the deaths that have sadly occurred in prison actually taken place in prison, or have people always been transferred out to hospitals because of the severity of their condition?

Dr Farrar: I believe the vast majority have been transferred out to hospital. I think one person may have died in prison, but we are waiting to confirm whether that was as a result of covid-19.

Q30 **Chair:** You are not certain on that one. Okay, I understand. I am sorry to hear about the other deaths and about the staff.

What is the position on testing? We have people who are self-isolating—6,000-odd staff—but we do not know whether they are actually positive for covid-19. They are sensibly and properly self-isolating under the current guidelines. Where is the Prison and Probation Service in the queue for getting testing equipment to see whether some of those staff who are safe to come back to work can do so?

Dr Farrar: We have had some really positive news on testing. We have been named as category 2 for prison staff and for probation staff in approved premises. Over the weekend we were able to take advantage of some capacity in the NHS testing centres, so by the end of today we will have tested 700 staff. We are now working with DHSC to put in place a programme to test staff routinely. We are really pleased that that is now under way.

Chair: Thank you very much.

Welcome, Minister. Thank you very much for joining us.

Lucy Frazer: Thank you. It is nice to see you, albeit electronically.

Q31 **Chair:** It is probably the best we can manage in the circumstances.

We have just heard the up-to-date statistics from Jo Farrar. Those are obviously sober matters. You may have caught what she was saying about the prison service being in category 2 for testing. Politically, how long will it be before prison and probation staff will be able to have a test to see whether or not they actually have the virus? When will we be able to get them back to work? The officials have explained what category 2 is, but how long is that going to take in practice?

Lucy Frazer: I did not catch what Jo said, but the position is that we were able to start some of the tests over the Easter weekend for some of the prison officers. We are very pleased about that. That testing will continue to be rolled out over the coming weeks and will be increased as time goes on. We are very pleased that the Government nationally



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have recognised the importance of the prison workforce and that we can get that testing going.

Q32 **Chair:** What about the position of the probation workforce?

Lucy Frazer: Probation as well; probation will be in category 3, although approved premises will also be in category 2.

Chair: That is because of the greater level of personal contact that is required in the approved premises?

Lucy Frazer: That is exactly the case. The categories that are prioritised are those who have greater frontline duties and greater contact, and that is why the prison workforce are in a higher category.

Q33 **Chair:** Are the categories set out by the Cabinet Office? Is Mr Gove's Department co-ordinating this? Or is that the MoJ's categorisation?

Lucy Frazer: No, that is agreed at Cabinet Committee level and across Government.

Q34 **Chair:** I see. You represent the Secretary of State on that Committee, I imagine?

Lucy Frazer: I have taken part in those meetings.

Q35 **Chair:** We have all been in that position. We understand that. Do you have any idea when we may be able to move on to probation staff being tested? We have heard some concerns, particularly with higher-risk categories, about how you can really keep people or the public safe if you do not have the ability to do face-to-face contacts, but we do not know how many staff are available or what PPE is going to be made available to staff who have to do face-to-face work. What is the position with that?

Lucy Frazer: You will know, Chairman, that we are now operating our exceptional delivery model in the probation system. We have limited face-to-face contact significantly, to protect our staff. We are still operating face-to-face contact in the most serious of cases, so that would include cases of terrorists. But a large amount of the probation work that is going on is not at face-to-face level, to continue to protect staff and comply with the social distancing rules that have been set out by Government across the country.

Q36 **Chair:** It does mean that the level of both supervision and rehabilitative work must be significantly diminished, doesn't it?

Lucy Frazer: It has changed, and our priority has been to ensure that we prioritise our services to those who are at highest risk of reoffending and those who are in the highest risk categories. We have reorganised our service to concentrate on those people, so those who are in those higher categories, such as terrorists, will continue to have face-to-face contact. With those who are medium risk, who pose domestic violence or safeguarding issues, we will still be conducting home visits, although respecting social distancing within that, using a home visit to identify that someone is at home and then following up on the phone but not face to



face. Then, for lower risk, we are using a lot of telephone contact, but we are doubling the amount of telephone contact to ensure that we continue our role in probation.

Q37 Andy Slaughter: Good afternoon, Minister. May I pick up where we left off with the Lord Chancellor last week on early release? There were 70 women, either pregnant or with young children, approved for release, and six had been released as of last Tuesday. Can you tell us how many of those have been released? The second, larger group is the 4,000 who will be released on temporary licence. Have you identified those, and have any been released? What is the programme for release for them? Do you have any concerns about the ability either to tag 4,000 people or to find accommodation for 4,000 people? We have heard that a lot of the approved premises have closed.

Lucy Frazer: That is a lot of questions in one, so if there are any that I do not answer, please pick me up; I am very happy to continue. In relation to releases of women, we have now released 14 women into the community. Because these are pregnant women and women with babies, we have to ensure that we do considerable checks, including that they are going to get the healthcare that they need on release.

In relation to the wider early releases that we identified, we released four men last week and are planning to release a significant number this week. Over the past few days, we have been conducting the necessary checks to ensure that the people we will be releasing early do not pose a risk to the public. So there has been significant activity, at prison level, probation level and police level, to go through the checks to ensure that people are safe for release. On top of that, we need to ensure, as you mentioned, that they have their health checks and that they have safe accommodation to go to—that they have got accommodation, and that it will be safe for them and safe for the people they are returning to.

In terms of tagging, we have significantly increased our supply over the last few weeks. A significant effort has been made by the team to increase our supply. Our current supplier has made available a significant number of tags, and we have contracted with an additional supplier, called Buddi, which will be producing about 500 tags this week. So we are very confident that we will have the right amount of tags for the releases we will be making.

Q38 Andy Slaughter: Could you give us any more clue about what a “significant number” might mean? Are you looking at hundreds every week from now onwards? We have heard, sadly, about the 13 deaths and the hundreds of identified cases. We hope this will not happen, but if the contagion takes off to a much larger extent, do you have a contingency to speed up the release or to go further? You are aware of the figure the panel heard last week that perhaps 15,000 releases would be needed in order to add seclusion for prisoners. Do you have a plan that would allow those sorts of numbers to happen? Do you have other categories you could look at? You have probably seen the long letter from the Howard League and the Prison Reform Trust to the Lord Chancellor, and I counted



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12 different possible ways—quite imaginative ways—of increasing that number. Are you looking at other ways? What are you going to do if we do get a big spike in cases and deaths?

Lucy Frazer: Again, there were a few questions rolled into one, so I will try to answer them. We will be seeing a significant number. As I said, I do not want to give precise figures, because, obviously, this is subject to the risk assessments that are taking place and the other matters to ensure that people can be released safely, but I would expect that, tomorrow, we will have a few hundred people released, and that will continue.

You mentioned deaths, and of course those deaths are absolutely terrible. My heart and thoughts go out to all the families who are suffering as a result of the deaths that have taken place, in terms of both our fantastic staff—prison officers and probation staff—and of course prisoners and offenders themselves.

In terms of the contingencies you mentioned, you will know that we have a multifaceted approach to reducing the headroom in the estate. We have identified that we will be releasing up to 4,000 prisoners, but that is only one part of our strategy. Another part of our strategy is to increase headroom by bringing temporary accommodation on to existing prison sites, within the prison perimeters. We have already started that process, and some of those additional units are coming on stream already. That will involve significant numbers as well—potentially around 2,000 spaces, in terms of headroom.

We have been working very closely with the judiciary, who have been extremely constructive, as have Her Majesty's Courts and Tribunals Service and the Crown Prosecution Service, in order to ensure that those people who are currently held on remand and should be released in the normal course are released. The courts are hearing a significant number of cases where people are being held on remand and have already got their conviction but are awaiting sentence, because we suspect that when they get that sentence it might be found either that they have served their time or—this is less likely but possible—that they will be getting a non-custodial order. Those cases are going very swiftly through the process—we have got about 3,500 of those cases, and then up to 9,000 prisoners who are held on remand more broadly. There are natural releases as well—there are releases in the ordinary course. On Thursday, we released 890 people who were due to be released just in the ordinary course.

We are managing to increase the headroom and the space in the estate in order to ensure that our prisoners can live safely and that our prison staff can operate safely in a variety of ways, which of course includes release but is not exclusively about release.

Q39 **Ms Rimmer:** We have been told that the number of short prison sentences outweighs the number of people who will be released from prison earlier. Is that the case?

Lucy Frazer: It is a good point, but it is not the case. We have a net reduction in the prison population in terms of the cases coming in and



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releases. That is good news in terms of creating headroom. We are conscious, of course, and the courts, the CPS and the judiciary are conscious, of the sorts of cases that are being tried. That is not a matter for us—that is for the judiciary, the CPS and the police, in terms of who they charge—but they are taking an approach where they are concentrating on the more serious offences. It is the serious remand cases that are being heard in the courts, not the more minor cases, where that has been appropriate.

I should also say that we are doing a number of things to try and stop people coming into prison, because it is obviously safer for them not to do so, from a health perspective. Where they can be managed well in the community, that should happen. At the moment, we are training up bail officers to be stationed in every court, and are trying to put together good bail packages, which you will be aware include tagging, so that, where possible, we can manage people in the community and they don't come into prison at all.

Amy Rees: I wonder if it would be helpful for me to say a few words about tagging and accommodation. I think Mr Slaughter asked about both of those.

On tagging, all the people released under ECTR will be fitted with a GPS tag, meaning that they don't have to have a home base fitted, so we will be fitting the tags as they leave prison. I understand that, earlier in the session, there were some concerns about people going into their homes and about what happens then. The plan is to use GPS tags, which do not require a home base unit.

On accommodation, I think Mr Slaughter was asking how we were supporting accommodation operationally. In probation, under the National Probation Service, we have set up seven regional homelessness prevention taskforces. They include probation officers and also a seconded police officer and other officials. We are working to try to secure accommodation where we can for those individuals. We have set up a specific taskforce to try to work through those cases.

Q40 **Chair:** Are you getting the level of co-operation that you would like from local authorities, for example? Nacro raised a concern—in some cases, they described people as falling through the gaps in the system, because the local authority wouldn't accept responsibility. Is your department coming across problems with that?

Amy Rees: I can confirm that that both Jo and I at a senior official level and the Ministers at ministerial level have had excellent engagement with MHCLG and we are all doing what we can do in these circumstances exceptionally—but as this Committee will well know, housing remains a challenge both inside and outside of the extreme circumstances that we are working in.

Q41 **Chair:** Minister, perhaps you need to speak to your colleagues at MHCLG at ministerial level to speak to the LGA to try to get some consistency of



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approach, through the LGA. It is not the first time we have found that local authorities are taking different approaches. For example, there have been people who are going into prison who are regarded as being deliberately homeless, and so on.

Lucy Frazer: As Amy mentioned, we are engaging very much at ministerial level. The meeting I had just before this was a cross-ministerial meeting. My counterpart Luke Hall attended. We are working very closely to try to ensure that we get that housing. You are right that local authorities have a part to play in that. I understand the challenges that they are under, trying to house homeless people and continue their normal business at the same time. I understand those challenges, but I should say that we are working very closely cross-departmentally on a range of issues of which that is one.

Q42 **Ms Rimmer:** To the Minister, there is a problem with housing because the responsibility is with the local authority but, very often, they have offloaded not the responsibility but the actual task to big organisations or charities such as Torus. There are problems allocating properties at the moment because of getting services such as gas and electricity connected. That could be a real problem soon in people getting allocation.

Lucy Frazer: I know that MHCLG are doing a lot of work in relation to standing up new accommodation and, as Amy mentioned, we have our homelessness prevention taskforce, which is working very closely at all levels.

Q43 **Maria Eagle:** Just a quick one for the Minister. Is anybody that you know in a shared cell with somebody who has been diagnosed who themselves is not showing symptoms or has not been diagnosed? Can you guarantee that people are not being put into cells with people who are known to be infectious? Obviously, we cannot know if symptoms are not being shown. One hears anecdotally that that is happening. I wonder to what extent you know or think that it is or might be.

Briefly, for Amy Rees, we have heard that the exceptional delivery model has increased workloads. Do you think that is the case? If so, how is that helping co-ordination between prison and probation services, if the workloads in probation have actually gone up as a consequence of the exceptional delivery model? How is that helping proper co-ordination between the two services?

Lucy Frazer: HMPPS are working very closely on a prison-by-prison basis with PHE to identify how people should be held in prison and how the prison itself should be structured. We are looking very closely at who should be shielded and where they should be, and who is symptomatic and where they should be. So for example, when people come into the prison, we do not immediately integrate them into the prison but keep them separate for 14 days. That is worked up on a prison-by-prison basis led by PHE, but Jo might want to come in to talk about that.

Dr Farrar: I will come back first to the point about local authorities. I have also been speaking to the LGA, which has been putting information



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out to local authorities to talk to them about how we can all manage this together and make sure that everybody knows that.

On people coming into prison, in addition to what the Minister has said, we are also creating reverse cohorting units, which are essentially units within local prisons. When we receive people in from the courts, we are not putting them in with people who are already in prison and thereby increasing the risk of being with someone who is already infected. We are trying to put that in place in local prisons and we are doing something similar in our training prisons where we create headroom.

We had a particular issue over the weekend at HMP Wymott, where we had an outbreak in a prison that houses a number of older people. We are making provision to move a number of people from Wymott over the next couple of days, so that they can all be in single-cell accommodation.

Q44 **Chair:** Is anyone currently sharing a cell with someone who has tested positive or is suspected of having covid-19, but they themselves do not?

Dr Farrar: I cannot confirm that exactly. If anyone has details of the prison that they think that is happening in, I can obviously look into it. As the Minister said, our policy is to work prison by prison to make sure that we isolate and shield, and if they have symptoms maybe put people together in a unit. We try not to place people who are symptom-free with people who have symptoms. Obviously, with a fast-spreading virus, it is hard to guarantee that that will always be the case.

Q45 **Chair:** One assumes that it ought to be the objective, unless it happens unexpectedly.

Dr Farrar: Unfortunately, you cannot help these things happening unexpectedly.

Chair: But it should not be done simply because of accommodation problems.

Dr Farrar: No, it is not done because of accommodation problems—absolutely not.

Amy Rees: On the exceptional delivery model, I do not think it is true that the work has increased, but it certainly has significantly changed. It is also worth adding that in the first two weeks since the Prime Minister's announcement that we would go into lockdown, we had to change our entire business model. As you can appreciate, that generates a huge amount of up-front work, including risk assessing our very high-risk and medium-risk group prisoners who have either DV or safeguarding issues on them, so we had to do an awful lot of work to change to the exceptional delivery model.

Now that we are running the exceptional delivery model, lots of aspects of our work have decreased. Court work has decreased, because there is not the same volume coming through the courts and we are not able to do any group work, for obvious reasons in terms of social distancing, but we have increased our contact. So, as you have heard from the Minister, anyone



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receiving phone contact is now having it twice as often. We are also having to do home visits in the way the Minister explained while respecting social distancing principles, and that again increases the work.

So a fair answer to your question is: there was a huge spike in work in the first two weeks to change to the exceptional delivery model and now we are in the model where the amount of probation work we are doing, and in various pockets, has changed quite significantly. On top of that, our statistics for staff are that we have about 2,000 staff every day who are self-isolating. Of those, I am pleased to say that about 1,100 can do some work from home.

Q46 Miss Dines: Good afternoon, Minister. What is your assessment of how the prison and probation services are working together to ensure that prisoners released early are not a risk to existing service users or the public?

Lucy Frazer: That is a really important question, because as we release people we absolutely need to ensure that we work together to protect the public. So first of all, the prison will identify who is eligible to be released, going through and checking the criteria for release in terms of the offence, time limit and all those things. In addition to that, we will be looking very carefully at the individual themselves, healthcare matters and whether there are adjudications in process. On top of that, probation will be working with the prison to ensure that further checks are carried out. We will liaise with the police to ensure that checks are carried out. We will look at accommodation to see whether the prisoner has accommodation to go to. If not, as was mentioned, we will try to source that accommodation and then work to help support that offender on release.

I should say that we are also trying to ensure that people are supported. Probation will be doing a job to support those people on release to ensure that the public are safe. We have talked about tagging. Everyone will be tagged at the prison, as Amy mentioned. In addition to that, everyone should be able to be contacted. Where prisoners do not have a mobile phone, we will ensure that they do have a mobile phone. They will be given the name of an offender manager, who will contact them within 48 hours to ensure that they are safe and compliant. We will ensure that we continue to protect the public because we have made those releases.

Q47 Miss Dines: Do you expect to be able to redeploy some of your prison staff to work alongside probation outside the prison setting?

Lucy Frazer: We have done a lot of redeployment. For example, we have brought MoJ people who were previously carrying out operational roles back into the Prison Service. There are about 500 of those who could do that. We have got the same in relation to probation; we have people who were working at the MoJ or in other places coming back into the probation service so they can help support probation. At the moment, as Amy and Jo have outlined, we have sufficient staff to continue the services that we are operating at the levels that we have. While there are a number of people



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self-isolating, the trend is that that number is not diminishing but people are coming back into work. We are very grateful for that.

- Q48 **Miss Dines:** We have heard that 700 prison officers were able to be tested over the long weekend. Capacity-wise, is that something that you can carry on with over the next couple of weeks, to perhaps test every prison officer and frontline probation officers? Is that something we have the capacity to do as a Government?

Lucy Frazer: We are absolutely committed to testing our prison officers and will be working across Government to ensure that we do that. In relation to probation officers, as Amy mentioned, not everyone is working on the frontline—much work is being done remotely—but where we need to test, that is something that we would like to do, and I think we will be able to achieve that.

Miss Dines: Thank you, Minister.

- Q49 **Chair:** What is the timeframe for achieving that, Minister?

Lucy Frazer: I would have to get back to you on that, because this is a recent development. As we have mentioned, we managed to test over the Easter weekend, but that is something we are continuing to work on.

Chair: If you were able to, we would be grateful. Thank you for that.

- Q50 **Rob Butler:** The first thing I would like to do is to thank everybody in HMPPS, whether on the frontline or in head office, for the tremendous job they are doing. They are frequently the forgotten members of our public services, so I would like to put that on the record to start with.

May I pick up the point that Sarah Dines raised a moment ago about those prisoners who have early release? Our understanding is that they are ROTL—released on temporary licence—and so are not, strictly speaking, immediately under probation supervision. The Minister has just given us a brief outline, but I wonder whether Jo or Amy could fill us in a bit about what help those who are released early will be getting. Those first weeks can be crucial in terms of the risk of reoffending, so what is available to help them with the first stage of that transition?

Lucy Frazer: Can I answer that in broad terms and then let Amy and Jo come in? I think Amy also has something she wants to say—I saw her raise her hand—in relation to a previous question. You are absolutely right that we need to support people who are coming out. We know that people who come out reoffend, and reoffending rates are high. In this time particularly, where we are taking this step, we absolutely need to protect the public.

We have taken a number of steps in addition to those that would usually be in operation. For example, in relation to financial support, we have a £34 increase in the subsistence grant, so people who are released will get £80 in total to enable them to start their first week. We have a specific hotline that DWP has set up, with a specific phone number for ex-



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offenders, in order that they can engage and get universal credit. We have talked about the work on accommodation.

In addition to that, we are doing a lot of work with the third sector. You will be aware of Clinks, the umbrella organisation that draws together many voluntary sector organisations, and we are working very closely with them—we have set up a protocol—to see how we can feed in offers of support outside the core services that we have set up. We have had a number of very interesting offers; we are looking at those and at how we can maximise support from the third sector for these individuals. I am sure Amy and Jo have more to say.

Amy Rees: Good afternoon, Mr Butler, and thank you for those kind words; they are much appreciated, I am sure, by all the staff, who are working extremely hard in these difficult circumstances. The Minister has outlined brilliantly what we are doing. Just to go over the statutory probation position, as you are aware, these are releases on temporary licence, meaning that those individuals are still serving prisoners, so they are not under statutory probation supervision. They will be picked up, though, as the Minister has said, and given a named offender manager. That offender manager will contact them within the first 48 hours, and that is primarily about support, in the way that you outline. They will then contact them as often as is needed, depending on the need, accommodation, etc. But there is a minimum 14 days before they switch to what would be their usual release date, when they will of course come back under the statutory probation supervision, had they been released not under this scheme.

The other thing that I was just going to mention both in relation to this and the previous question is that we are not considering redeploying prison staff from the prison out into the community. But what we have done is set up a single hub that will look at the data, particularly from the GPS tags, as all these individuals will be tagged. That will be a multidisciplinary team of senior probation staff and prison staff. They can make the decision based on the data as to whether any further action—for example, ending the ROTL and recalling the individual to prison, based on any tagging data that we have or any intelligence from the police. So we are absolutely working together in hubs to bring probation and prison expertise together.

Q51 **Rob Butler:** Just to follow up on those initial points, often prisoners coming towards the end of their natural sentence get some preparation ahead of that to help them re-acclimatise and start thinking differently about how life will be on release. Presumably those having early release are not going to have the opportunity for that, and I wonder if any provision or any thought has been devoted to that.

Amy Rees: Obviously, as you know, this scheme is available to anyone within 61 days of release, so depending on where they are in that release cycle, they may indeed have already done some work, but I do accept your point that there will be some people who have not. That is why, as the Minister has outlined, we have put together these exceptional teams—



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the homelessness prevention teams and so on—so that we can speed up the usual process and so that we can try to support these individuals; and it is why we are increasing the discharge grant. It is also why we are ensuring that there is contact and we are giving them mobile phones where they do not have those phones, because we are aware that all of this preparation will now be happening in a more condensed period than it usually would.

Q52 Rob Butler: I suppose I am really getting more at the psychological approach, rather than having what are undoubtedly really helpful physical and material ways of assistance.

Amy Rees: In terms of the psychological approach, as we have said, the offender manager is there primarily for support, because they are not under statutory probation supervision. They will still have the prison officers inside, and they will also have to go through a number of checks to qualify for the ECTR scheme. That will give them some time to prepare, and indeed to have made themselves eligible, so that, hopefully, they can begin to get their head around what is in preparation.

The other aspect I would remind you of is that they are still serving prisoners, so in terms of all the other things that they would normally get done in their lives—thinking about preparing for proper work and so on—they do still have the period on ROTL to do that. They will then come under the statutory probation supervision at their usual release date, so they can still be psychologically preparing while they are on ROTL.

Chair: Does anyone else want to come in on that, or has that all been covered? No? Okay. Kenny MacAskill, please.

Q53 Kenny MacAskill: I think this is for whoever feels they want to answer. There is a general question on probation, but also a follow-up on a more specific item, as a corollary to that. What do you see as the long-term impact of the release of the up to 4,000 prisoners on the service in the community? The corollary tracks back to that: in terms of reaching that figure, where do we stand on the numbers of prisons that currently, first, have single cell occupancy and, secondly, have capacity for shielding, and do we have a note of when we might have an indication of when each and as many institutions as possible may be able to meet that?

Lucy Frazer: As others have said, the category that we are releasing are those within 61 days of their release, so in terms of long-term effect, the effect is minimal, because all these people would be released in the next two months or so in any event. Then they will be, as Amy mentioned, going on to their licence in the ordinary course of events, so we would expect them to be under supervision anyway.

In terms of accommodation, as I mentioned we are doing a number of things to maximise the headroom and the accommodation across the estate. Analysis is done by HMPPS to work out where we need additional support. That is governed by a number of factors, including where do we have the most vulnerable people, where is sanitation not as it should be, and therefore where do we need to improve accommodation? With those



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things in mind, we are rolling out a variety of measures across the estate, led by PHE guidance, to ensure that we have an estate that is as safe as possible.

Chair: Okay. Anything else, Kenny?

Q54 **Kenny MacAskill:** Obviously, 5,000 prisoners—*[Inaudible]*—and accommodation is not a mandated requirement. We have heard—*[Inaudible]*—and access to medication, which can be just as important, given lockdown, and also any support that may be available.

Chair: We have a problem on the line, Kenny. That question was about accommodation and also medication?

Kenny MacAskill: Accommodation, funds and medication.

Lucy Frazer: Sorry, I missed the question.

Chair: Essentially, I think what Kenny was asking about was that you have prisoners being released ordinarily each month, and we know that accommodation is not a mandated requirement for release, but I think you said, Minister, that you were seeking to do that. How will you ensure that the ordinarily released prisoners have somewhere to live? What about funds? I was specifically going to ask about swift access to universal credit, because £80 isn't going to last terribly long—perhaps a bit longer than £46, but it won't last that long. So what about speeding up access to universal credit? And Kenny was also asking about medication, particularly as the rolls of GPs' surgeries are difficult to get on to anyway. Access to pharmacies is good, but not as good as it was under normal circumstances. What about those things?

Lucy Frazer: On swift access to universal credit, we have been working very closely with the Department for Work and Pensions, who have been extremely constructive. They will be proactively contacting and working with the pregnant women and women who we are releasing, to ensure that they get universal credit as a matter of urgency.

As I also mentioned, they have set up a dedicated phone line. Mostly, you are expected to apply online for universal credit, but DWP has very helpfully set up a dedicated phone line to enable our offenders—ex-offenders—to get on to universal credit as swiftly as possible. I am working with my counterpart in DWP on that, and officials have been engaging proactively at official level.

In relation to medication, as I mentioned when Andy Slaughter asked a question at the beginning about the number of pregnant women who will be released, we are absolutely committed to ensuring that people have the medication they need, and we are working with the Department of Health and Social Care to ensure that they have the necessary medication going forward.

I don't know if Jo wants to come in on that.



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Dr Farrar: I was going to come in on a different point, but that is absolutely right. We are working really closely with DWP to make sure that universal credit is in place for people who are leaving prison, particularly on early release.

I just wanted to come back on a point that we made earlier about people who are confirmed with or symptomatic of covid-19, and whether they are sharing cells. I said it is very difficult to tell in all cases, because we have not tested everybody. If we have someone who is self-isolating or symptomatic, or who has tested positive, then we will not put them in a cell with somebody else; they are in a single cell once it is either confirmed or they have self-isolated, or they have displayed symptoms. They may be in a cell together if their symptoms have not been displayed and we cannot tell that they have covid-19.

Q55 **Chair:** If people do not know.

Dr Farrar: Yes, I just wanted to clarify that.

Chair: Thank you. James Daly.

Q56 **James Daly:** Good afternoon, Minister. Let us hope that it will not happen, but what is the Department putting in place to plan for a potential second wave of covid-19, to ensure that lessons are learned and prisoners and staff are kept as safe as possible?

Lucy Frazer: That is a very important point. We have been putting a lot of energy into the short term to manage that, but we recognise that we have to plan for the medium and long terms as well. We have set up a cross-MoJ group to think about the medium term and whether this goes on for a long time and we have a second wave, or whether we reduce restrictions and how that plays out. We are very conscious of that.

I should say that many of the systems that we have put in place will be longstanding. Although this is a very challenging and difficult time, we have done some great work that will stand us in good stead for some time to come. We have, for example, done a significant amount of work to ensure that our technology works in relation to court hearings. Hopefully, those are all now operating as they should and we can have significant access to the courts through court hearings. You will have heard that we have increased our tagging and our tagging supply. Those are things that, in the long term, will serve us well.

You are right to say that we need to consider what happens if there is a second wave and what happens if we change track in another way. Those are things that the cross-MoJ group is looking at very carefully.

Q57 **James Daly:** What impact has covid-19 had on wider probation reforms? To pick out one example, you were due to launch the procurement process for the dynamic framework. Will that be delayed?

Lucy Frazer: We are spending a lot of time, across the MoJ, dealing with covid-19. You are right to identify that before this happened, we had a lot of other really important projects in play, including the change in how we



deliver probation. We are maintaining that as a priority. Some work in the MoJ is not going ahead, but the transformation programme is still being worked on. In fact, six new regional probation managers were recently appointed, so we now have the 12 regional probation managers operating.

We are making good progress with the plans that we had, but you are right to mention the dynamic framework, which I was spending quite a lot of time working on with the team before covid-19 struck. We were planning to launch that competition in May; obviously, that might be challenging now. We are working with Clinks, the umbrella organisation that looks after the voluntary sector, and talking through the implications of launching that in May. Will the charity sector be able to step up at that time and put in bids? We recognise that May might not be a deliverable timeframe, but we are looking at whether it is still achievable and, if not, what we do in those circumstances.

James Daly: Thank you very much indeed, Minister.

Q58 **Andy Slaughter:** I have a quick extra question if I may, Minister. You will be aware of the Inquest report into deaths of people following release from prison, which I think the Department has been looking at. There is a significant increase—10 former prisoners are dying each week after release from custody. Clearly, if release is going to be accelerated, particularly at short notice, there is a risk. Can you tell us anything about how your investigation into that is getting on and whether any additional safeguards may be put in place?

Lucy Frazer: I talked recently to Deborah Coles, who as you know is a key player at Inquest, and to a number of other stakeholders who manage deaths in custody, including the PPO. As we have talked about, we need to ensure that when people are released, they are safe and secure, and have access to health and accommodation. There are calls for us to release significant numbers of individuals, and I think that even those making those calls recognise that sometimes vulnerable people are served with the healthcare that they get in prison, and might be more vulnerable if released into the community. The package of measures we are putting in place is designed to ensure that when people are released, they are safe and supported and do not serve as a detriment to the communities back into which they are released and do not reoffend. That is part of what the whole package of measures is designed to prevent.

Chair: Thank you very much. Unless there is anything pressing, we are coming towards the end of our slot. Colleagues, we have managed to cover the topics that we had proposed to deal with, so I am grateful to everybody for that. Thank you very much Minister, Ms Farrar and Ms Rees for your time giving evidence—we are grateful to you for that and it is appreciated given all the pressures that there are.

I want to thank people for making our first use of this technology pass off pretty smoothly, including the Committee staff and the support staff in the Commons. I think we will all agree that the people who perhaps deserve the most recognition and thanks are the staff of the probation and prison



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service, as has been referred to more than once. People sometimes talk about hidden heroes and heroines in this context, and I think that they probably deserve that epithet or description—they are doing challenging work very professionally. Thank you very much everybody. The session is concluded. Order, order.