



Sir Robert Neill MP
Chair, Justice Select Committee

6th April 2020

UPDATE TO THE JUSTICE SELECT COMMITTEE ON COVID-19

Dear Bob,

Thank you for your letter and invitation to the Justice Committee again tomorrow, Tuesday 7th April. I welcome the opportunity to provide regular updates given the unprecedented and ever-changing situation that we find ourselves in. I also want to reiterate my thanks for your continued understanding and cooperation at this time.

As requested, I have provided a response to the questions and comments that you made in your letter.

You requested regular updates for the Justice Committee on the rollout of testing for staff and access to Personal Protective Equipment (PPE). Testing and PPE are both critical parts of our COVID-19 efforts and I am happy to provide regular updates on our progress with these. Our Parliamentary Team will be in contact with your Clerk to discuss the practicalities of how best to share this information.

I share your conviction that testing for staff is a clear priority. We have established an internal model for staff testing through our existing Occupational Health provider, and we are currently engaging with colleagues in DHSC and PHE who are in the process of evaluating various testing kits to be used within our model. Once we can confirm efficacy of these testing kits, we can begin rollout.

You asked specifically how many prison staff have access to PPE. We do not hold this data, but I can confirm that establishments have access to our PPE stocks and where necessary in dealing with suspected cases, local health partners have given us access to their PPE stocks too. There continues to be unprecedented demands for PPE across the system, but we are working closely with the Crown Commercial Service and NHS Supply Chain to increase the stock that we have available

On your query regarding our efforts to reduce the use of shared cells and dormitories, I can assure you that we are taking steps towards doing this, whilst also following Public Health England guidelines on cohorting where this is not possible. Our approach to reducing the use of shared cells and therefore preventing the spread of infection is twofold: exploring opportunities to increase prison capacity through extending the prison estate and releasing up to 4000 low-risk offenders.

In terms of expanding the prison estate, we are exploring the possibility of developing temporary accommodation within the current estate. This would provide additional single cells with access to in-cell

sanitation, which would support PHE's guidance on creating safe environments for social distancing and self-isolation. **I would be grateful if this information is not made public at this stage.** We are engaging with various stakeholders who are supportive of our approach, but any leak of information may damage this cooperation and will impact on our ability to implement such measures.

In terms of release, this weekend we announced our intention to release up to 4000 low-risk offenders who are within two months of their release date. Those eligible for release will be subject to a thorough risk-assessment, and will be electronically monitored, including with GPS tags, to enforce the requirement to stay at home. Release decisions will be made on a case by case basis; this will not include any offenders convicted of violent offences or those with a history of domestic abuse or those known to be a risk to children. I am aware you spoke directly with Lucy Frazer about these measures following the announcement.

You rightly note that we have already made the decision to temporarily release those women who are currently pregnant, or living in Mother and Baby Units, providing they meet the same risk-assessed criteria. This measure is based on Public Health England advice on vulnerability and our legal and moral obligations to protect these children, born or unborn. However, there is no pretence that this release (c.70 women) will improve availability of single cells.

In response to your question on efforts to reduce the transportation of prisoners, arrangements have been made to do this. All inter-prison transfers have been cancelled, unless agreed by HMPPS Gold command e.g. for security or compassionate reasons. HMPPS and HMCTS are also working very closely with other justice partners to facilitate sentencing hearings over video and are working at pace to increase the video conferencing capacity in prisons.

Guidance has also been issued to prisons regarding transferring prisoners to external hospital visits however, the decision to do this is ultimately the responsibility of NHS and healthcare staff. Emergency escorts must still take place and existing risk assessments for a hospital escort will be followed as normal. Healthcare colleagues must advise on any medical considerations to ensure the prisoner and staff are protected from COVID-19.

Finally, you asked whether I am satisfied that no non-essential staff are still being required to work in prisons. In line with government guidance staff who can work from home should be doing so, however it is not possible for all our staff to work from home as we have to maintain certain operationally critical tasks in prisons. We have issued guidance to Governors and are regularly reviewing our measures, and the safety of our staff and those in our care remains our top focus.

I understand there has been particular concern around the continued presence of education providers in prisons. When we first issued guidance to prisons on social distancing (24th and 27th March) each of our four Prison Education Framework (PEF) providers indicated that, as they considered the provision of education to be an essential service, and they were content to continue to facilitate education to the prisons. All providers confirmed that they also had clear procedures in place to assess and manage the situation and to protect their staff during this period. However, given the developing situation, we have since reviewed these measures and, as of 3rd April, I can confirm that education staff will no longer be attending prisons. We have worked with PEF providers and local prison teams to support the production of various materials to provide in cell activity, distraction packs and learning packs during this time.

I hope you find this response sufficient in answering your questions. I am happy to elaborate on any of the above when we meet tomorrow afternoon.

Yours ever,

A handwritten signature in black ink that reads "Robert Buckland". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

RT HON ROBERT BUCKLAND QC MP