



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence (Virtual Proceeding): [The Government's response to Covid-19: human rights implications](#), HC 265

Monday 8 June 2020

2.30 pm

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Members present: Ms Harriet Harman (Chair); Lord Brabazon of Tara; Ms Karen Buck; Lord Dubs; Mrs Pauline Latham; Baroness Ludford; Baroness Massey of Darwen; Dean Russell; Lord Singh of Wimbledon; Lord Trimble.

Questions 39-52

Witnesses

[II](#): Lucy Frazer QC MP, Minister of State, Ministry of Justice; Jo Farrar, Chief Executive Officer, HM Prison and Probation Service; Naomi Mallick, Legal Director, Ministry of Justice.

Examination of witnesses

Lucy Frazer MP, Jo Farrar and Naomi Mallick.

Q39 **Chair:** Thanks very much. The second bit of evidence that we had from Children Heard and Seen was from a grandmother who is caring for her year-old baby grandson, who has now been separated from his mother for a quarter of his life because of the Covid lockdown. She is very worried indeed about what will happen to the baby and the mother's attachment at this very important formative stage in the baby's life.

We are very grateful to our witnesses for coming to our evidence session today. One is Jo Farrar, chief executive officer of the HM Prison and Probation Service. We are particularly grateful to Lucy Frazer, Minister of State at the Ministry of Justice; Lucy, you have with you Naomi Mallick, legal director at the Ministry of Justice.

I will start, if I may, by asking the Minister this question. When the judge sends to prison women who have young children, either they do not know that the women have young children—that is an issue that we will raise later—or they have in mind that the child can visit the mother in prison and the mother has day release back to the family.

So the Covid-lockdown suspension of visits is a new issue. I wonder whether, in deciding how to deal with that, you took into account the right to family life of those children and the impact on them. You obviously, rightly, had to act swiftly in the face of not wanting the virus to spread between different parts of the country and into prison, but there were two ways of dealing with this: either to stop the children visiting their mother, or to give the mother temporary or permanent release to be with their children.

I know that you are not supposed to talk about the discussions that you have with other Ministers, with civil servants and with your agencies, but can you give us a sense of how you came to the decision that now sees children barred wholesale from seeing their mothers in prison without knowing when they will ever see them again?

Lucy Frazer MP: Thank you very much. It is a pleasure to be here discussing an incredibly important subject. You will know that at the Ministry of Justice we take very seriously the difference between the female estate and the male estate, and that we have a particular female offender strategy that recognises different characteristics of female offenders.

You are right to identify that when we took a very quick decision in very difficult circumstances it was important to consider a wide range of factors, including: the impact of the lockdown on the rights of those in prison; the need to preserve life—of course, we were very concerned at the time the virus hit that we might have peaks in prisons: we were told at one time of a possible 2,500 to 3,500 deaths across the prison estate;

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the need to protect the NHS; and the need to look after the staff who come into the prisons, as well as those in our custody and care.

We were very, very conscious of the impact of the restrictive regime that we were going to impose and the impact on the day-to-day life of the prisoners and, of course, of their families. That is why we introduced extra services: to enable families to keep in contact. You will know that we rapidly got phones into prisons where there was not already in-cell telephony. You will know that we are in the midst of a programme to roll out video technology so that children can see their parents face to face.

I would just like to stress that the picture of deaths that we were facing at the outset was incredibly bleak, as I mentioned. We needed to act quickly and decisively, and it is because of measures that we have taken that we have saved lives. I mentioned that we were looking at 2,500 to 3,500 deaths across the estate. Of course, every death is tragic, but we have seen 23 deaths. With the measures that we have taken we have protected the lives of mothers and fathers and enabled them to spend time with their families in the long term.

May I pick up on a couple of points that you made in setting out the question? We have pre-sentence reports, so a judge should be able to understand the position that a woman is in. Whether she has dependent children should be set out in that pre-sentence report when making that order.

I am very pleased that, in cases that have come to court, while we have been in this pandemic judges have been very conscious of the circumstances to which they are sending offenders, and we have seen statements by the Lord Chief Justice identifying that sentencers should think very carefully before they send people to prison in this period.

In your clip—a very emotional clip, obviously, and my heart goes out to those children—I think the grandmother mentioned that her daughter was recalled. One of the exercises that we are doing at the moment is to look at recall. The Parole Board is assessing recalls to see whether any further determinations can be made.

Chair: Thank you. The next question is from Lord Dubs. Naomi, may I just ask you to turn your phone around if you are going to answer a question, so that it is facing the right way?

Q40 **Lord Dubs:** As you have agreed, the situation is fraught with anxiety for families, both because of the suspension of visits and because of the uncertainty about when they will resume. Will you be able to set a date for when visits can start again? Will you be able to give priority to ensuring that children can safely visit their mothers and primary carers?

Lucy Frazer MP: Thank you very much, Lord Dubs. We are very, very conscious of the need generally, as the community comes out of lockdown, to mirror that to some extent in prisons.

You will have seen that last week we set out our national framework, which identifies the next step for prisons—what the recovery phase looks like in relation to prisons and how we will ease restrictions. At the moment, we are at stage 4 of alert. When we set out nationally that we are ready to move to stage 3 of alert, prisons will be able to ease restrictions in a number of areas. One of the first areas will be visits. Another, for example, will be offender management programmes. It will be up to each institution to decide locally how they do this within various broad parameters.

We really do consider the importance of visits by children, but you, Lord Dubs, and others will be aware that we also have to ensure that when people come into our prisons we maintain safety, including social distancing, to ensure that we protect lives. We have to ensure that our prison estate remains safe; we do not want to see peaks or dangerous outbreaks.

We will balance all those considerations when we decide on opening up visits more broadly and when each local establishment decides how to operate that within its prison.

Q41 Ms Karen Buck: Lucy, you referred to the special provision that was being made to enable stronger communications between women in prison and their children and families. Could you talk us through what additional provision has been made for women in prison since the beginning of the outbreak?

Lucy Frazer MP: Yes, I am very happy to do that. We have done a number of things. First, you will know that we have been rolling out in-cell telephony. The female estate is definitely a priority there. We already have live in-cell telephony in five of our 12 prisons. Four will complete by the end of this financial year, which will mean that the whole of the closed public women's estate will provide phones in rooms. We were very conscious at the start of this outbreak that we did not have 100% access across our prisons, in either the male or female estates, so we acquired 900 extra handsets. In institutions that did not have in-cell telephony, prisoners were then able to access these handsets to make calls.

We also increased phone credit by £5 a week so that prisoners could make more calls to their loved ones. Before Covid, we looked at enabling video technology for remote visits. We thought that this would be useful, particularly in areas where people in prison do not get many visits because of the difficulty of travelling there.

This is something that we were looking at before Covid, but we massively increased our ability to do it in a timely way; we did it in a much quicker timeframe. Three prisons—Eastwood Park, Downview and Send—currently have it installed. Bronzefield has it but has a few technology issues, so that is on hold. Six are due to have installations this week, and hopefully the final two installations will be in place in the next fortnight.

We also dispatched iPads across the estate to allow urgent compassionate video calls to be made—for example, if something dreadful was happening, like a funeral, where people wanted to communicate; iPads were made available for urgent cases.

We still have in operation all the usual things like the Email a Prisoner service. This is in place as usual.

Ms Karen Buck: Thanks very much for that. You went through the different institutions, but can you give us an assurance about what proportion of mothers in prison will have access to the video link? It was particularly moving to hear the evidence from the children at the beginning of this session who had not seen their mother's face since the beginning of Covid.

It is clear from this that there are mothers who have not been able to access that link. So rather than talking about institutions, could you just tell us what proportion of mothers will have access to that video technology?

Lucy Frazer MP: All mothers will have access to it. Obviously, it will have to be shared out across the estate, but that will depend on a number of matters. We anticipate that it will be in use for each person at least once a month. Jo might have something further to say on that.

Ms Karen Buck: Once a month?

Lucy Frazer MP: Yes. I do not know whether Jo wants to come in on any of that.

Jo Farrar: Thank you, Minister. Obviously, some mothers will not have access until we have installed the cameras, but we will be installing six systems this week, which will mean that we are live in eight prisons, hopefully nine. Once it is place, every mother in the prison will be able to use that video technology to speak to their children.

Ms Karen Buck: Just to be clear, as of today not all mothers have access to this video technology and those who do may have access only once per month?

Jo Farrar: Actually, no. In the prisons that have it, mothers have access at least once a month, but we are encouraging the prisons to allow people to have as much contact as possible. In some prisons, for example in Bronzefield where they do not yet have the video cameras, they have family engagement workers who are helping mothers to have contact with their children. In Eastwood Park, they are doing bedtime reading for mothers, allowing other kinds of contact.

All mothers have access to telephones, so even if they cannot see their children face to face, while we are working hard to roll out the video cameras, they do have access to the telephones.

Chair: Can I ask you about that bedtime reading reference? Could you tell us what that means?

Jo Farrar: Yes. It is a facility that they have introduced at Eastwood Park so that mothers can have contact with their children at bedtime. They can read to them or record something to be played to their children at bedtime, so there is some continuity of storytelling at bedtime.

That is one example from Eastwood Park. We have other examples across the estate, involving both men and women, of bedtime stories for children.

Chair: Thank you for that. Can I go back to the Minister? When you hear that, does it not make you think that we should be bending over backwards so that those mothers can do the bedtime stories themselves, in person? Do you not think that the early release scheme should allow these mothers to be with their children, especially if they are non-violent offenders? The judge sentencing them might well have thought that these mothers would be reading the bedtime stories on day release; in many cases, obviously, they might not have known that the visits would be cancelled because they did not know about Covid.

Does this not make you think that we need to crack on with the early release scheme, so that instead of books being read on the phone they can be read in person by the mum, with the children, in their bedroom?

Lucy Frazer MP: As you will know, we have a female offender strategy whereby we try not to send women to prison in the first place. In the Ministry of Justice, we are very much of the view that, where we can deal with women in the community, that is absolutely the right thing to do.

You will know that we recently announced our first residential women's centre, which will be in Wales. We want to work with women in the community so that they can stay with their children, rehabilitate and get their lives back on track.

The number of women who have been sent to prison in recent years has dropped dramatically. Where a woman has been sent to prison, the sentencer will have made a detailed consideration of whether prison is the appropriate place for her. That is the context in which the early release scheme was established. We have a number of considerations to balance in relation to the scheme. One of the main thoughts behind it was about the need to create headroom in the estate, reducing headcount so that more people could be in single cells. This does not apply to the female estate in the same way that it applies to the male estate. In fact, we have seen a significant reduction in numbers in the female estate, so from a health perspective there is much more room for the women.

The scheme operates in the female estate. We have been looking at each case, but we are balancing the scheme with public protection; when people are sent to prison, it is because they have committed a crime and

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victims need to feel that justice has been done. We need to maintain recognition among the public that justice is being served and that the justice system is operating. But we are releasing people, and considering who is appropriate to release. The parameters we have set are that, where low-risk offenders have already served half of their sentence, within two months of their early release we are looking at them to see whether it is appropriate to release them.

I should add that when we release people we need to make sure that they have somewhere safe to go to. We need to make sure, for instance, that they are not going to houses where they will become victims of domestic abuse. We know that 60% of women who commit crimes are themselves victims of domestic abuse. We are looking at each case, on a case-by-case basis, to make sure that the public are protected with respect to the crime and the risks, and that the women to be released are released safely into accommodation and can be managed in the community.

Chair: Can I put to you some specific issues about contact that were raised by Her Majesty's Inspectorate of Prisons' short scrutiny inspection of women's prisons? Its report says: "Prisoners across the sites were particularly frustrated by the suspension of social visits. This had had an acute impact on the women's estate because of the higher proportion of prisoners who were previously primary carers for children. Managers at all three sites and nationally had been slow to implement video calling". The report goes on to say: "HMPPS were unable to give us timeframes on the roll-out of video calling across the rest of the women's estate".

Could you undertake to give us a very specific timeframe, prison by prison, for the rollout of video calling which the inspectorate says it has not had?

Lucy Frazer MP: Yes, I am very happy to do that. I will just say, if I may, that we know and understand that there is a greater impact on women specifically in relation to social visits.

I am very happy to pick up on the point about video calling. I have read the report and spoken to Peter Clarke. I said at the outset that this was a programme that we were already implementing, but we have massively sped it up. I do not feel that we should be criticised. It is a bit unfair to criticise us for not implementing video visits which we have implemented in super-quick time—significantly more quickly than we were planning to do pre-Covid.

I do not think that HMIP was aware of the timescale. We have not delayed it; it is on track in so far as we planned when Covid hit and we decided to speed it up. At the moment, video calling is possible in three prisons—Eastwood Park, Downview and Send. Those are live. It is on hold in Bronzefield as they have had to reconfigure things to run on an alternative system, but they have it. It is being installed in six prisons this week: Askham Grange, Drake Hall, East Sutton Park, Low Newton,

New Hall, and Styal. We are still in discussions with the remaining two, Peterborough and Foston Hall, but we anticipate that they will be ready within the next fortnight.

We have focused first on the female estate, because we recognise the issues there. So while it is being rolled out in the male estate as well, the female estate will be fully installed before the male estate.

Chair: Okay. Just to be clear, it is the job of the inspectorate, is it not, to go around and see what is going on? The job of the Minister is to hear what they say and respond to that.

Lucy Frazer MP: Of course.

Q42 **Baroness Massey of Darwen:** Good afternoon. I want to go back to the inspectorate's report, which Harriet just mentioned. It states: "The End of Custody Temporary Release scheme ... had proven to be ineffective. There had been significant work from managers who had tried to release prisoners, despite six revisions of the scheme since its inception in April 2020. At the time of our visits around 120 prisoners had been reviewed as potential candidates for early release, but only two had been released".

How many pregnant women and women in mother and baby units, with their children, have been temporarily released from prison, and how many mothers have been released?

Lucy Frazer MP: Thank you very much for that question. Before I respond, I would like to pick up on the point made by the Chair. The inspectorate has been doing a good job in difficult circumstances. I just wanted to make sure that I made that point. I am very grateful to the inspectorate for all the work that it is doing. I speak to Peter Clarke regularly, as does the CEO of HMPPS, and to officials. We are incredibly grateful for the constructive and careful work that the inspectorate is doing.

On the early release scheme, I will respond about the general measures. I know that it has not produced the number of releases that people had hoped for, but it is one part of our overall strategy on managing Covid within our prisons. In addition to releasing people, we have temporary accommodation coming into a number of prisons to increase our headroom, some of which are in the female estate. The scheme is not our only strategy for managing the prison population.

Could you repeat the specific factual question?

Baroness Massey of Darwen: How many pregnant women, and women in mother and baby units, with their children, have been temporarily released from prison, and how many mothers have been released?

Lucy Frazer MP: Twenty-two women have been released from custody; 16 women and babies from the mother and baby units have been resettled, together with six pregnant women.

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Q43 **Baroness Massey of Darwen:** Okay. I will go on to the next question. Are women with children whose conviction is for a low-level offence prioritised under the end of custody temporary release scheme? If not, why not?

Lucy Frazer MP: Some of those women will fall within the temporary release scheme. We have set out a number of criteria that we think take into account all the things we need to consider. The people who will be eligible for release, not just in the female estate but across the estate, will, as you rightly identify, be people who are low risk—people who have not done serious crimes, who are a low risk to the public.

We have added a number of other factors too. We think it is right to look at people who are about to be released, so they have to be 61 days away from their release date. We also think it is right for victims that people who have been convicted and have served a significant proportion of their time in prison are not just released, because that does not give victims a sense of justice. So another criterion is that they have to have served 50% of their sentence.

As I said, once people fall within the boundaries of the scheme, every single person who is to be released is considered on a case-by-case basis. We need to consider a range of factors. Do they have accommodation to go to? Are they at risk of domestic violence? If they are released, are there children for whom there are safeguarding concerns? Can we manage them safely in the community? They also need to want to be released, too; it is a voluntary scheme.

Q44 **Baroness Massey of Darwen:** Thank you. Finally, could you give examples of good practice in non-custodial sentencing options?

Lucy Frazer MP: As I mentioned at the outset, the Lord Chief Justice has made it very clear that all sentencers should consider the particular circumstances of Covid at the moment. I think it is good practice, with or without Covid, that they think about the dependency of children on mothers. That should be highlighted to sentencers in a pre-sentence report. The Committee will know that we are very interested in how we can have electronic tagging rather than custodial orders. If people can be dealt with safely in the community and get rehabilitative orders, such as drug rehabilitative orders, to help them, those are all things that should be considered.

Chair: May I follow up on the point that you made a couple of times, Minister, about accommodation? We have all heard about and been very supportive of the Government's move to commandeer hostels, and even sometimes vacant hotel rooms so that people who are homeless can be off the street and not rough sleeping but in accommodation.

Nobody is suggesting that a woman prisoner should be returned with her children to a violent husband or partner, but if accommodation is the issue when there needs to be temporary release for a woman to be reunited with her children, have you explored the possibility of the sort of

emergency accommodation provision that has been brought on stream, in such a welcome way, in relation to the homeless programme? Have you looked at other ways of finding accommodation for these women so that you can get them out of prison and back with their children?

Lucy Frazer MP: It is a very good point. We absolutely have. When I say that no one will be released without accommodation, that does not mean that we say, "You haven't got accommodation, so you're not going to be released". We then start working to find that accommodation. We have set up 12 homelessness prevention task forces across the country, which are specifically tasked with the responsibility of trying to find accommodation. We have funding for that, and we are working very closely with MHCLG to try to ensure that we get people into accommodation on release. We are very aware that factors that cause, contribute to or do not help with reoffending are accommodation, employment and family ties. That is absolutely something that we are looking at and working on.

Chair: We now go to Dean Russell for the next set of questions.

Q45 **Dean Russell:** Thank you. I have some questions specifically on the statistics and the numbers of mothers and children impacted during the Covid crisis. I will go through those one by one, if that is okay. I hope that you or perhaps Jo will know the answer to these. First, how many children under the age of 18 are separated from their mother by their mother's imprisonment?

Lucy Frazer MP: I think your Committee has picked up before that that is a difficult question to answer. There are various statistics over a number of years. You will know that that question should be answered at the pre-sentence report stage. I do not have a figure for it, because it is collected locally rather than nationally, but it is something that we can look at and consider how we might be able to collate it.

Jo Farrar: Yes, unfortunately we do not have the data. As the Minister said, it is collected locally, particularly when we are doing offender management with individual people in prison. Following the Committee's interest in this, we are looking, with our data analysts, at whether we can collate this information so that we have it and other statistics regularly to hand and to share.

Dean Russell: I have a few more questions, so I hope that you will have some data on those. For that first question, I wanted to know how many of those mothers are in for non-violent offences, but of course without knowing the overall figure it will be hard. My second question about statistics is: how many women prisoners gave birth last year in prison?

Lucy Frazer MP: We have management information on that, but it is not published. We can look at how we can publish that. With the usual caveats, we believe it is about 70 for last year.

Dean Russell: Would it be feasible, perhaps at a later date, to know how

many women prisoners gave birth during the Covid crisis as well and the impact of that?

Lucy Frazer MP: We can certainly look at that.

Dean Russell: Sorry, there are a few more questions. The next one is: how many women with babies are currently in mother and baby units in prison? Of those, how many are in prison for non-violent offences?

Lucy Frazer MP: We currently have 13 women in mother and baby units. Four have committed non-violent offences.

Dean Russell: Thank you. Finally, how many women prisoners who have just given birth are currently awaiting transfer to a mother and baby unit so that they can be reunited with their baby? Of those, how many are in for non-violent offences?

Lucy Frazer MP: We do not believe there are any.

Dean Russell: Thank you for sharing the numbers that you did have. If it is possible, we would be keen to understand the first stat. It is important to be able to know those numbers, if that is okay.

Lucy Frazer MP: I know that there have been some criticisms in the past about the lack of data on this very important area. Before Covid hit, we were in the process of putting together a review of mother and baby units and thinking about what sort of data we should be collecting. Unfortunately, that work stopped, as did some of our other ongoing work in the Ministry of Justice, but it is something that we will pick up again very soon.

Dean Russell: Thank you. Just on that first point about the children aged under 18, it is really important to be able to understand how they are being supported during this time and more generally. When that data is available—hopefully soon—will it be possible to widen that report out and understand that for each child? As we heard at the start, the impact on children is dramatic, and it is not their fault that their parent has committed a crime and put themselves in prison. It would be good to understand what is followed up on that, but also, I imagine, on the mental health and support for those children as they get older, without having a parent or, in particular, a mother in their lives.

Lucy Frazer MP: That is definitely something to look at. It will probably not be in this report, which is about mother and baby units, and mothers, babies and the data on how we look after mothers and babies on the unit. What you asked, Dean, is of course very important.

Dean Russell: Thank you.

Chair: Thank you, Minister, for that answer. We on this Committee have been trying to find out how many women, prison by prison, are separated from dependent children. We have struggled to understand why it is so

complicated to get this “data”, as you describe it. I wonder why you cannot just ask each of the women’s prisons to tell you every week or every month how many women they have at that time who are separated from children for whom they were the primary carer before they came into prison.

Can you not just ask your women’s prison governors to tell you that on a month-by-month basis? It is not terribly complicated data that needs to be evaluated and go through the national statistics authority; you just have to ask and they will tell you. If one woman is missed here or there, that would not matter too much, but it just seems so odd, per Dean’s question, that there is just no knowledge about this.

Lucy Frazer MP: I am very happy to take that away. I will give a few generic points, and Jo might want to come in as well. I agree with the point about the importance of collecting data, so I am happy to think about that.

There might be some challenges. One is that, as you recognise, we would need to do this every month, but the data may change. If someone comes into prison having declared that they have dependants, over the course of their sentence those children may of course no longer be dependent, so the data will change over the time they are in custody. Another point is that this is something that women would need to share and volunteer. One of the issues with our pregnancy data is that we do not always know whether someone is pregnant, which may or may not rely on someone telling us that they are pregnant, but we will consider that in detail when we do our review. Jo might have other points about the local collection of the data and the specific operation of the systems under which we are operating.

Jo Farrar: We are trying to improve all our systems at the moment so that we can collect data at a local level more easily, which would make it more easily available to share. We are doing quite a lot of work with our Quantum system to make sure that it is more effective. As the Minister says, the difficulty for us is that we do not always know, so if we issue this data we will have to caveat it.

As part of our review of women in custody, we are looking at what data we can collect and share—we would like, for example, to do more quarterly assessments of pregnant women in prison so that we have better understanding of women in prison and their needs—but we will definitely take away whether we can collect the data on people with dependent children.

Chair: Thank you. Because the average sentence for women is 11 months, I very much get the sense that the family circumstances are temporary arrangements while the mother is in prison, and that the mother then resumes primary care at the end of that. I hope you will understand, Minister, that I am not lording it over you on this, because we were in government until 2010 and we did not collect these figures

either. I am just hoping that some Government at some point will recognise that public policy regarding woman and children needs to collect this data. Hopefully, your Government will be the one that does that at last.

Q46 **Baroness Ludford:** Minister, thank you for this session. Obviously, we are trying to understand the constraints on temporary or early release. I could not quite tie up the figures that you mentioned—22 women released, 16 mothers and six pregnant women—with the six mentioned in the inspector’s report.

Leaving that aside, could we understand the constraint on releasing women from prison for non-violent offences? Do you think there is a reluctance on the part of the public? Do you think they would be alarmed by non-violent women being released early so that they could be reunited with their dependent women?

Lucy Frazer MP: Thank you. Just to tie up the discrepancy in the figures, the 22 that I referred to are women who were released who were pregnant or in mother and baby units under a different scheme, which is a special-purpose licence. So they were released under one scheme while the six who the inspector will be referring to will be released under the early temporary release scheme, where they have to fulfil the criteria that I have talked about: their offence type, that they are two months away from release and that they have served half of their term. The 22 were released because they were in the vulnerable category of being pregnant or being a mother with a baby.

Baroness Ludford: I do not want to be irritating, but I still cannot tie this up. In your 22, four were on the special-purpose licence—

Lucy Frazer MP: Perhaps there is a timing issue. I am not sure when the inspection took place. It is dated 19 May, but I am not sure that is the date when they went in. I am very happy to look at that if you would like me to do so, but I suspect it is a timing issue.

What do I think the public would think? I think different members of the public will think different things, and we have a duty to consider all the factors which the public would be concerned by. Those factors are upholding the justice system and upholding faith in the justice system that when someone gets a punishment, they serve it. We also have a duty to protect the public, and, unfortunately, while people who go to prison might not have committed violence offences, they are offences for which a judge has determined that the appropriate sentence is custody. They might be significant repeat offences and the judge has felt that the right measure is custody.

However, we have to balance that against all the other factors that we have talked about today, such as the importance of family life. We also have to take into consideration people whose mental health might be impacted by being subject to a restrictive regime. This is a very complex area. We balanced all those considerations, so we have the early release

scheme to free up space, we have temporary accommodation so that people can live in more decent surroundings and circumstances, as well as trying to balance the need for family life by bringing in other measures—for example, the video technology and the increase in calls.

Baroness Ludford: Thank you. I understand all that, and the need to balance all those factors, but a big factor in the current situation is the ban on visits. Does that not tip the balance in favour of releasing all women with dependent children who are in for non-violent offences? Does that not fundamentally change the situation such that it tips the scales towards releasing all such women? If not, why not?

Lucy Frazer MP: It is still a balance. We have tried to bring in a number of measures to mitigate the impact of the lack of visits, which I have mentioned. Of course visits have an impact, but we have to consider the wider circumstances that we are in. The adult male estate is also impacted by the lack of visits. Unfortunately, the youth estate is impacted by the lack of visits by parents to their children.

As a country, many people have been in lockdown and unfortunately have not been able to visit their loved ones. This is having an impact on our country as a whole. We had to take some very difficult decisions at the beginning of this process. We were looking at 2,500 to 3,500 deaths, as I said, so we took decisive action that has protected people. As I mentioned, we have seen only 23 deaths of prisoners across the estate. Our action has been of significant benefit while trying to mitigate the impacts of a restricted regime.

Baroness Ludford: I will leave it at that, Chair.

Q47 **Lord Trimble:** My question relates to the statistics for Covid. How many prisoners have contracted Covid and how many have died from it? Of those, how many were women?

Lucy Frazer MP: We have 485 confirmed cases—meaning people who have tested positive—across the estate. Overall, we have had 23 deaths. Of the confirmed cases, 50 are women and unfortunately two of those have died, having tested positive for Covid or having had symptoms of Covid.

I will say something about those stats. We might have tested a lot in a particular prison—Jo might want to talk about this a bit—which means that there are higher levels in one prison or another. I should also mention that unfortunately the two women who died did have underlying health conditions.

Jo Farrar: That is absolutely right. Because we have not been routinely testing prisoners—we have been testing on the advice of Public Health England and Public Health Wales—that does mean that although 485 prisoners have tested positive, 50 of whom were women, more people may have contracted the virus across the estate. We are now moving to the more routine testing of prisoners, which will give us a better picture. I

can tell you that across the estate at the moment, 148 people are symptomatic.

Lord Trimble: Of those women who have contracted the virus and were tested, how many of them are mothers or primary carers?

Lucy Frazer MP: It is quite difficult to give that figure, but we know that none of the women were in the mother and baby units.

Q48 **Lord Brabazon of Tara:** I want to ask about conditions in prisons during the Covid outbreak. What changes have been made to the regime in prisons during the pandemic? In particular, have any specific changes been made in women's prisons?

Lucy Frazer MP: We have made significant changes to the regime in prisons. One of the first things we did was to stop transfers to prevent seeding infection across the estate as the result of movements. We took a number of measures like that to prevent the infection spreading. In addition, we had lockdown for 23 hours a day to stop the infection spreading from prisoner to prisoner and to stop it from spreading from staff to prisoners.

We have also put a strategy in place to isolate infected people who may have infected others and to shield the vulnerable. We are rolling out across the estate shielding of the vulnerable, which means holding prisoners who need to be shielded in a particular area. When we get new receptions in from court, we put them in what are called reverse cohorting units. That means that they are put in a particular area where they stay for 14 days to check whether they have the virus before we integrate them into the estate. Jo has just given the figures for prisoners who are symptomatic, and if people are showing symptoms of the virus we isolate them as well.

The regimes have been pretty restrictive. You will know, because we have talked about it a lot, that restricting social visits was one of the first things we did. The inflow of people into prison has been reduced significantly. Education, for example, was stopped early in the outbreak. There have not been significant differences across the estate, apart from the youth estate, where we have tried to keep more activities going. I do not think there is anything we could talk about that is specific to the women's estate apart from the fact that each institution will have thought about how they can support their female prisoners in different ways. For example, there will be different reading times and different one-to-one offender management programmes that might be able to continue. Those are some of the changes. Jo may want to add something on the regime.

Jo Farrar: I should add that this week, as the Minister mentioned, we published a new national framework to allow us to step down the regime, and we are in discussions with Health about this. We are hoping to be able to relax it. We have five levels of restriction, and the next stage will be to allow some visits. We are hoping to progress to that as soon as possible, and we will be looking at the women's estate to see if we are

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able to progress visits in any of those prisons once we have agreed the way forward with Public Health England and the NHS.

Lord Brabazon of Tara: So there are no specific measures in place in women's prisoners. You are talking about the whole estate.

Jo Farrar: We have prioritised women for video calls, for example. Also, as the Minister said, we have some specific activities such as the one I mentioned in Bronzefield where there is quite active offender management that is helping women to find childcare arrangements for their children during the Covid period. We have some specific local arrangements that are different, but the regimes are broadly the same across the women's and the men's estates.

Q49 **Lord Brabazon of Tara:** Thank you. Our next question is about prisoners' human rights. Have you reviewed what impact the changes you have described are having on prisoners' rights, including the right not to be treated in an inhuman or degrading way and the right to family life?

Lucy Frazer MP: We constantly review the impact of the decisions we make. What have we learned from the Covid period that we can take forward? A big review is going on to look at what learnings we can take from this very challenging period, both about the impact and whether there are any positives to take away and learn from.

Q50 **Dean Russell:** This question is directed to Jo. We heard earlier about prison inspections and how, of course, the usual inspection regime is not currently being carried out. I just want to understand about what operational changes have been made to ensure not only that there is continued maintenance of the required standards in prisons, but also with respect to ensuring that prisons can effectively maintain contact with their families.

I know we covered some of this earlier, but I would love to know the actual details behind that operational arrangement.

Jo Farrar: We are very keen for inspections to continue. We are talking to HMIP about when it might be able to step up its inspections and how we can help it to make arrangements so that it can do them safely.

The arrangement we came to was shorter visits. Usually, HMIP does not visit prisons as frequently as it has been doing with the shorter visits. Although the visits are short, the inspectorate is visiting on average three prisons per week rather than one. So we are getting quite a bit of scrutiny from that. As the Minister said, Peter Clarke has phoned me, as well as the Minister. We speak every couple of weeks to go through the findings of his visits.

In addition, we have the independent monitoring boards. This is the time of year when we have lots of reports from these boards. They are obviously commenting on conditions in prisons and the access that people have. At the moment, the chair of the independent monitoring board is

providing fortnightly updates during Covid, particularly about the free helpline that is available.

I also speak regularly with the Prisons and Probation Ombudsman, which continues to investigate complaints and deaths and is looking to open new cases very shortly. We also have our own internal audit process. At the moment, we are piloting some virtual audits as we do not have the same access into prisons, so we are looking at what we can do remotely if this situation continues for a longer period.

Dean Russell: As prisoners are released from prison, what is the assurance that they have somewhere to go and are readjusted back into family life? I imagine that is one of the big challenges of transition during the Covid crisis.

Jo Farrar: We have continued to provide support to people via Through the Gate teams, so we have looked at that throughout this process. For people who are at risk of homelessness, for example, we have been introducing the gate process 12 weeks before they are released to give us a long run-in to find people suitable accommodation.

We have been doing some very good work with MHCLG and the DWP to find people housing and provide them with money on release to tide them through until they can access their benefits. We have been doing all that through this period to make sure that people are properly supported on release.

Q51 Lord Singh of Wimbledon: Good afternoon. It is good to see you again, and thank you for coming. Given that the inspection regime is an important mechanism for preventing and detecting human rights abuse of prisoners, what are you doing beyond the short scrutiny inspections to ensure that prisoners are protected against inhumane and degrading treatment?

Lucy Frazer MP: The short scrutiny inspections are very important, as Jo mentioned. I must say that I find them very valuable, and I speak to Peter Clarke on a regular basis. But they are not the only way we inspect the regimes. There are a number of other scrutiny bodies, which are continuing their work in a variety of ways. Jo speaks to them regularly, as do I. Jo has mentioned the IMB and the PPO, and I have spoken to both their chairs on a regular basis through this crisis. I have also spoken to the Children's Commissioner, who we regularly update with management information so that she can keep on track of that. We also have the Independent Advisory Panel on Deaths in Custody, which has been collecting radio messages. I speak to various members of this panel as well.

In addition, I speak regularly to governors. I have regular meetings with different governors and prison group directors to discuss the issues that are coming across my desk and to hear what is happening on the ground.

Of course, prisoners can also raise their concerns, as they are doing, with all these organisations. Lockdown makes it a lot more difficult to do it face to face, but they are getting their messages through by various phone channels and in writing.

Q52 Chair: Can I ask a question that is not just to do with women prisoners but with men prisoners as well? Many people are having to join funerals remotely by Zoom, because they cannot travel to the funeral. That is, sadly, happening on a regular basis for everybody at the moment.

I want to know about the ability of prisoners to attend funerals where they have a close family member who dies. Are they always able to attend the funeral, obviously not in person because those arrangements have been cancelled? If they are not able to attend in person, are they always able to attend by Zoom? This has been raised with me by one of our MP colleagues who had a constituent in prison who lost a baby. The question was whether he would be able to attend the funeral by Zoom or not at all.

Is it absolutely the case in all prisons that if there is a funeral, the prisoner can attend that funeral by Zoom?

Lucy Frazer MP: It is a really good question. Obviously, tragic events are taking place, and we want people to be able to grieve and to participate as much as they can, notwithstanding that they are incarcerated. Every prison should have iPad facilities specifically for this purpose. Every prisoner should be able to access an iPad and Zoom for a funeral. Chair, if you hear that that may not take place and you want to make sure that it happens, write to me or my officials. If it is about to happen but has not yet taken place, we can make sure that it happens, because it should be happening across the estate.

Chair: Thank you. Finally, could you write to us, perhaps in the next week, with the updated figures on early release? Things are moving quite quickly on a day by day basis, so that would help us to keep abreast of that information.

I thank you all—Jo Farrar, Naomi Mallick, and particularly the Minister, Lucy Frazer—for giving evidence and for your commitment to this. A lot of people do not think that Minister for Prisons is the most glamorous and important role in government, but we think that it is very important indeed. We are very grateful for your attention to it. It is one of those ministerial posts where you can do quite a bit of good, which can make a lot of difference to people's lives. So we are giving strength to your arm and wish you support to stay in this role and make a real difference while you are in it. We will be keeping in touch with you in the meantime.

Lucy Frazer MP: Thank you. We will absolutely get those figures to you. Thank you very much for saying that. This is a very important role and it is privilege to be in it.

Chair: Thank you.