

Sir Bob Neill MP

By Email.

MoJ ref: MC 078526

2 June 2020

Dear Sir Bob,

COVID-19 IN PRISONS, PROBATION AND THE YOUTH ESTATE: PLANS FOR EASING OF RESTRICTIONS

You will be aware that, as part of our Covid-19 contingency measures, restricted regimes and exceptional delivery arrangements have been implemented across prisons, probation and the youth estate. This has involved temporarily suspending social visits and group activities, alongside a policy of 'compartmentalisation' – isolating prisoners with symptoms, shielding the vulnerable and quarantining new arrivals. In probation, face to face contact has been reduced in the community.

The decision to bring in these restrictions was not taken lightly. To mitigate the impact of these temporary regimes a series of measures have been introduced to maintain family contact and improve wellbeing, including the roll-out of secure video calls, additional pin credit, reduced call rates and 900 locked phone handsets. In probation, a range of alternative methods of supervision have been introduced to ensure ongoing regular contact and supervision of offenders in the community and access to support services. Approved Premises have also made significant changes to accommodate social distancing.

As a result of the strong and comprehensive steps that we have taken, lives have been saved and the NHS is being protected from the impact of widespread local outbreaks.

While the safety of everyone will remain our paramount concern, it is important now to look forward towards the cautious easing of restrictions where possible. That is why today we are publishing two key documents that will shape our approach to the delivery of services in the months ahead.

National Framework for Prison Regimes and Services

<https://www.gov.uk/government/publications/covid-19-national-framework-for-prison-regimes-and-services>

The framework provides a conditional roadmap for what the easing of restrictions will mean in practice and a summary of how prisons and youth custody establishments will operate where severely restricted regimes are no longer proportionate or sustainable.

The priority remains the delivery of a safe environment for staff and people in our care. We will continue with our data and evidence-based approach to delivering this, informed by public health advice.

Over the coming weeks and months, we will look to restart aspects of daily prison life, such as social visits, education and work, with adaptations where necessary to ensure safety. However, it will not be a straightforward return to normality. As the Prime Minister has set out, the whole country now needs to prepare for an extended period of living with and managing the threat from the virus. There will not be a

simple easing of restrictions across the estate but national guidance will ensure there is consistency in decision-making by governors.

The framework establishes a consistent basis for governors to make decisions according to their local circumstances, and with the appropriate level of oversight. As a result, prisons and youth custody establishments will progress at their own speed, taking full account of their specific circumstances.

Decisions will be based on three core objectives:

Preservation of life: To continue to protect our staff, the public, and offenders in our care by minimising deaths and hospitalisations, ensuring continued access to healthcare, and protecting the NHS from explosive outbreaks.

Maintain security, stability and safety, in the broadest sense: To ensure the ongoing stability and safety of the estate, including the risk of disorder, violence, suicide and self-harm or escapes. We will maintain sufficient staff confidence to deliver regimes and rehabilitative activities as intended and continue to protect the public.

Provide sufficient capacity: Ensuring that we have enough space to receive from the courts and sufficient capacity to meet overall demand, as well as sufficient staffing and resources to run establishments.

Probation Roadmap to Recovery

<https://www.gov.uk/government/publications/covid-19-probation-roadmap-to-recovery>

The overall approach to recovery in probation remains the prioritisation of public protection, risk management and rehabilitation, ensuring we continue to deliver our core functions and focusing resources on the highest risk offenders.

Before we ease any contingency measures, three important considerations need to be in place – robust arrangements for social distancing and hand-washing; sufficient PPE for staff and service users; and ensuring staff can continue to access testing if they display Covid-19 symptoms.

When we are in a position to move to the next step we plan to reduce the use of doorstep visits and increase face to face contact where possible for priority cases. Whilst some offices will remain closed, flexible opening hours will be introduced to allow for a greater number of appointments within social distancing guidelines.

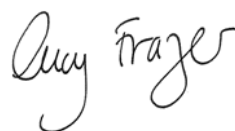
Court work will gradually be scaled up and we plan to restart unpaid work, interventions and probation programmes, at first on a limited basis, where it is assessed as safe. We will continue to encourage staff to work from home during this period.

When the Government's assessment of the risk of coronavirus confirms we can make further changes, we would then look to extend these measures, opening the remaining offices and restarting unpaid work and interventions on a larger scale.

I will place a copy of this letter into the libraries of both Houses. If required, I also would be happy for officials to arrange a time to brief the Committee on our approach in this area.

We are faced with unprecedented challenges across the prison and probation system, but we shall continue to do all that we can to protect the health, safety and wellbeing of those within our care.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lucy Frazer', written in a cursive style.

LUCY FRAZER QC MP

COVID-19: National Framework for Prison Regimes and Services

Introduction

This document provides **a conditional roadmap** for what the easing of restrictions will mean in practice. It is a summary of how prisons¹ will operate while COVID-19 remains a threat but where the most severe restrictions on prison regimes are no longer proportionate or sustainable, or where the threat can be mitigated via alternative approaches. It sets out what we are trying to achieve, the core principles and the governance and assurance processes involved. This forms part of our medium-term plan, and is supported by Exceptional Delivery Models (EDMs) and other more detailed guidance on the specific areas of policy involved.

Our priority is a safe environment for staff and those in our care. We will continue with our data and evidence-based approach to delivering this, informed by public health advice. We have already used technology innovatively to deliver parts of the prison regime, and will look for new opportunities to go further.

We will establish an estate-wide consistent basis for governors to make decisions according to their local circumstances, and with the appropriate level of oversight. Over time we will bring back more aspects of prison regimes, in an order that reflects our priorities, learning from the best available evidence and delivery of our statutory responsibilities. But we will only do this once it is safe and we have the necessary public health measures in place to mitigate the risk, including suitable clinical oversight and testing plans and, where necessary, PPE.

Background

In response to the threat of COVID-19, the Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS) took decisive action to protect staff and prisoners. This involved 1) restricting regimes to implement social distancing, as set out in the Exceptional Regime Management Plan, 2) limiting movement of prisoners between prisons, and 3) starting a programme of work to compartmentalise the estate to isolate symptomatic prisoners, shield the vulnerable, and quarantine new entrants.

There have been a number of tragic deaths, both of staff and of prisoners, and we continue to identify new cases of COVID-19 in custody. But despite the inherently closed nature of the prison estate we have successfully avoided the reasonable worst-case scenario of explosive outbreaks and far higher fatality rates. In line with the updated guidelines and new Alert Levels for the community, the time is now right to consider how we should move forward, creating a roadmap for restarting regimes.

¹ This document applies to Young Offender Institutions (YOIs) as well as adult prisons. For simplicity the terms 'prison' and 'prisoner' are generally used except where there are specific differences for children/young people.

The restrictions we have put in place have been necessary to save lives, but we know – as in the community – they have come with serious consequences, and we must also minimise the associated harms in terms of wellbeing and mental health. It will not be a case of a straightforward return to normality, and in some areas it may never be possible to provide the same standards in prisons while public health restrictions remain necessary. As the Prime Minister set out, the whole country now needs to prepare for an extended period of living with and managing the threat from the virus.

Overarching objectives

Our aspiration is still to deliver the MoJ [Single Departmental Plan](#) via the [HMPPS Business Strategy](#), but we know that delivery of services will be very challenging while we still face the threat of COVID-19. Our decisions will be guided at every stage by the following objectives, which we will need to balance and reconcile any tensions between:

Preservation of life: To continue to protect our staff, the public, and offenders in our care by preventing infection, minimising deaths and hospitalisations, ensuring continued access to healthcare, and protecting the NHS from explosive outbreaks.

Maintain security, stability and safety, in the broadest sense: to ensure the ongoing stability and safety of the estate, including the risk of disorder, violence, suicide and self-harm, escapes, protecting the public, and sufficient staff confidence to deliver regimes and rehabilitative activities as intended. This is crucial to safeguarding the mental and physical health of staff and those in our care.

Provide sufficient capacity: Ensuring that we have enough space to receive from the courts and sufficient capacity to meet overall demand, as well as sufficient staffing and resources to run establishments.

The following principles are relevant to achieving these objectives in the current context:

- We will plan carefully for what the easing of restrictions will mean in practice, tailored to local circumstances. Lives are at stake with COVID-19, so we will proceed with an abundance of caution and our approach will be informed by public health advice, which we will share with our recognised trade unions. We will consider the transmission risks associated with particular activities, as well as the aggregated risk from the overall changes to the regime.
- Prisons are closed settings holding many vulnerable people and so inherently high-risk. The timing of changes may not mirror developments outside prisons because of the heightened risks. The easing of restrictions in the community will increase the risk of new incursions of the disease through new prisoners, staff and others, and we will need to respond accordingly.
- Where certain activities can resume – such as social visits or education – we should expect them to do so with considerable restrictions and adaptations (including reduced capacity) in the interests of safety, although we will look for innovative ways to deliver them. Progress will be slow and incremental, and restrictions may need to be re-imposed in the event of local outbreaks.
- We will communicate regularly, clearly and accessibly with our staff, partners, and stakeholders, as well as those in our care and their families, to keep them informed and engaged throughout. We need to manage expectations carefully, as we must be prepared for progress that is non-linear and uneven across the estate.

- Our plans will need to be flexible enough to accommodate the very different circumstances and situations of different prisons (the appropriate regime will be very different between a YCS establishment, a High-Security prison, a female Open prison and so on). As health is a devolved area, in some places government guidelines may vary between England and Wales and prisons may at times follow different health instructions.
- We will need to continue to shield the vulnerable. We will need to respect the choice of some other prisoners to minimise their social contact.
- We will have to live with COVID-19 for a long time and must focus on making progress towards a 'new normal', learning from the lockdown period rather than simply seeking to return to the previous status quo. As times goes on and research tells us more about the virus we will adapt our plans.
- We will need to continue to work collaboratively with partners in delivering these objectives. We will coordinate our medium-term plan for prisons with that for probation recovery, and work closely with CJS and other partners to align plans.
- We will engage staff of all grades as we develop the details of our medium-term plan and EDMs, and will carry out intensive consultation with our trade unions in this work.

National Foundations

In addition to the compartmentalisation approach, including the isolation of symptomatic prisoners, other key underpinnings of our plan are:

1. Social distancing and hand-washing: wherever possible, the same social distancing and hand-washing principles must be maintained in prisons as in the community. However, the unique nature of the prison environment will not always allow for this to be practical, and prison level plans must identify where exceptions will be made, justify why the exception is proportionate and the additional mitigations that will be put in place to manage this.
2. Testing and clinical observation: testing is already available for symptomatic staff, but to support capacity and maintain effective public health measures a greater testing capability will be needed – for example, consideration is being given to testing and clinical oversight of new receptions and symptomatic prisoners, plus contact tracing where outbreaks occur.
3. Personal Protective Equipment (PPE): sufficient PPE must be available for all staff and prisoners. Easing regime restrictions will generally increase the amount of PPE required, for example for visits to the prison, so PPE stocks must be assessed as suitable before any changes takes place. Required PPE is set out in the [national guidance](#).

Prison Regime Stages

Similar to the lifting of restrictions in the community, the re-opening of prison regime will need to be guided by a number of factors to ensure that it remains safe to do so at each stage. This is intended to help support governors make decisions locally, within the National Framework, and identifies the areas of the regime that should be prioritised. It will ensure we have a rigorous, evidenced and data-driven basis for decisions.

All areas of the regime will be subject to updated EDMs that provide detailed guidance about measures that should be taken to ensure they can be implemented safely and securely. The

instructions in the EDMs will vary depending on the Stage the prison is operating at, and some activities will only re-commence once the regime has progressed to a particular Stage.

Different prisons will be assessed as being ready for different Regime Stages, and may move in different directions over time. Progress will be incremental, particularly when transitioning to a lower stage; rather than an overnight adoption of all aspects of the relevant regime for that Stage, they will be fully realised over time. Prisons will move up or down the stages in response to local conditions such as an outbreak of infection in the prison or the community, or rates of staff absence. Regimes may also be required to go straight back into (stage 4) lockdown from lower stages where advised by Outbreak Control Teams or directed by HMPPS centrally.

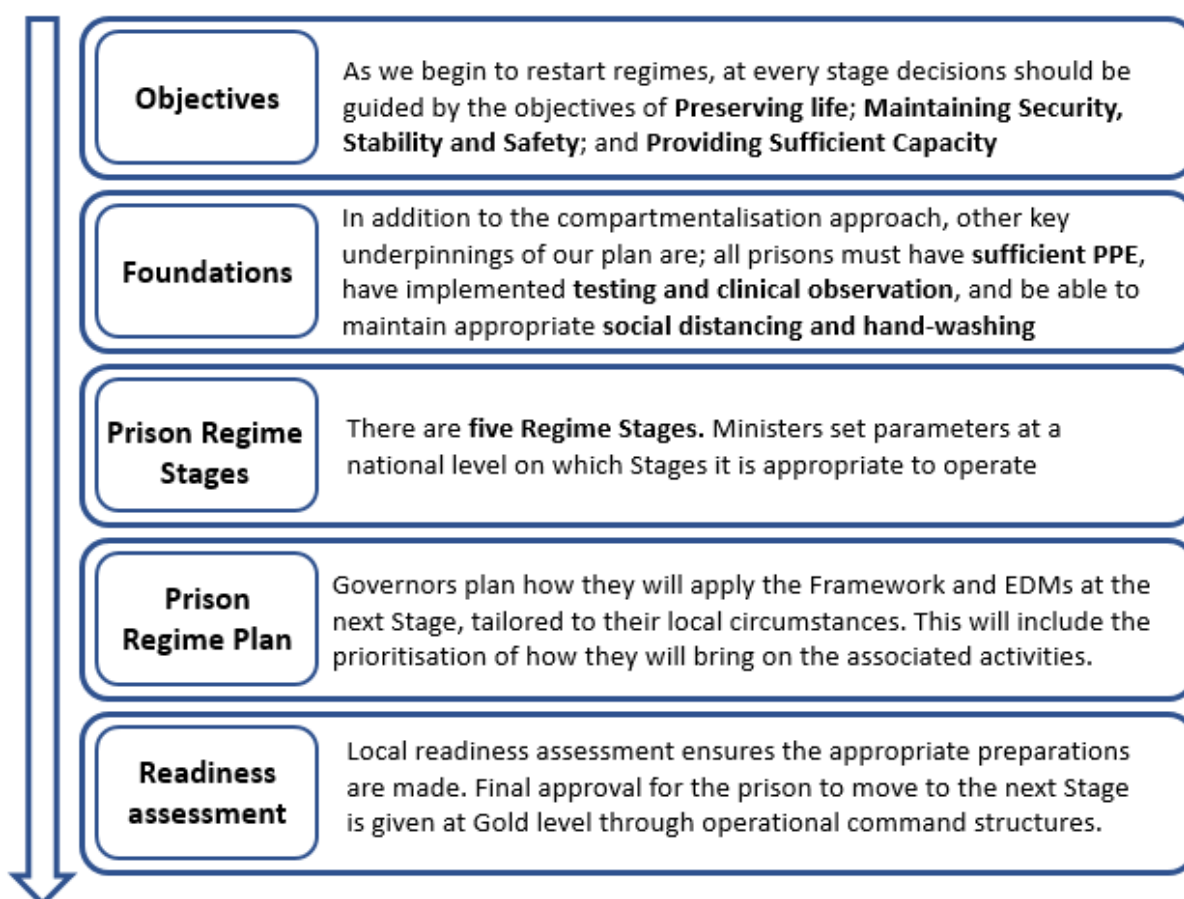
There will not be target dates for the prison estate to start moving to less restricted regime stages, or for individual establishments to do so. These decisions must be, and seen to be, based on an objective and rigorous assessment of the data and evidence about what is appropriate, as set out in this Framework. Equally, returning to higher levels of restriction will take place if necessary, but not otherwise. These decisions will be credible and defensible, and we intend that they command confidence.

Stage	Conditions to operate at this Stage	What could a prison regime operating at this Stage look like?
5 Complete Lockdown	Prison - as 'Lockdown', but with an active outbreak ongoing that is not being contained by level 4 lockdown. Staffing levels below minimum for the ERMP.	Regime focused purely on preservation of life. Minimise time out of cell and social contact – no time in the open air, all meals served at cell door, support from other establishments or external suppliers for essential services like laundry. No transfers in or out of the establishment.
4 Lockdown	Prison – Significant number of infections within establishment or prison unable to implement compartmentalisation strategy. National – Significant number of establishments with new infections, which indicates that systemic risks are not sufficiently controlled. Community - High levels of community infection and transmission (Alert Level 4/5). Staffing levels able to deliver ERMP.	Minimum required regime in place to ensure safety and decency, as set out in the ERMP of 24th March. Receptions from courts for some prisons, but routine inter-prison transfers (IPTs) stopped and controlled IPTs agreed via Gold Command structures.
3 Restrict	Prison - All foundations set out above can be met. Assessment is that infection levels in the establishment are under control.	Compartmentalisation remains in place. Testing and monitoring ongoing. Social distancing applied and PPE in use.

		National – Small number of establishments with outbreak control teams in place. Community – At or transitioning to Alert Level 3 (epidemic in circulation) or below. Staffing levels sufficient to deliver activities set out in EDMs for this Stage, including partner services e.g. healthcare.	Inter-prison transfers where RCUs in place and procedures are agreed by Prison Gold command. Highest priority areas of regime (e.g. visits) can start to be reinstated with appropriate restrictions, including restrictions in the community on travel to prisons. Implementation of stage 3 elements of the relevant Exceptional Delivery Models, tailored to local circumstances such as physical layout and design of the establishment. Full detail set out in EDMs, but noteworthy points: • Reintroduce social visits, but with limited capacity and other restrictions and adaptations. • Reintroduce classroom based education in YCS, but with restrictions and adaptations. • Reintroduce Offender Management work and Offending Behaviour Programmes, but with restrictions and adaptations.
2	Reduce	Prison - All foundations set out above can be met. No infection present in the prison, or very low levels where spread is contained. National – Infection present only in small number of prisons. Community – At or transitioning to Alert Level 2 (COVID-19 present, but transmission is low) or below. Staffing levels sufficient to deliver activities set out in EDMs for this Stage, including partner services e.g. healthcare.	Compartmentalisation remains in place. Testing and monitoring ongoing. Minimal social distancing required, in line with community guidelines. Inter Prison Transfers where RCUs in place at receiving prisons. Implementation of Stage 2 elements of relevant and further Exceptional Delivery Models. Full detail set out in EDMs, but noteworthy points: • Reintroduction of classroom based education in the adult estate; greater workshops activity in operation; indoor PE; all with restrictions and adaptations to reduce capacity as necessary

			- Less restrictive adaptations and greater capacity across all services, such as visits. - Reintroduce communal worship with restrictions and adaptations
1	Prepare	Prison – No infection within establishment. National – No known infections in prisons. Community – At or transitioning to Alert Level 1 (COVID-19 not known to be present) Staffing levels near target and sufficient for normal regime delivery, including partner services e.g. healthcare.	Compartmentalisation no longer required, but ongoing screening, testing and monitoring continues to rapidly detect any new infections in the future. Routine Inter Prison Transfers allowed. Regimes operating without requirements for social distancing or PPE use.

Governance approach



An example of how these governance proposals might look over time for the prison estate is given in Annex A.

This **National Framework** sets out the objectives, minimum standards and safeguards involved in how prisons will operate. This will be updated as necessary as we develop best

practice and respond to changes in our understanding of the threat from COVID-19 in custody and in the community.

Updated guidance including **Exceptional Delivery Models (EDMs)** will be published for individual areas of the prison regime, covering how to deliver aspects of the regime at every Stage. These will be developed in consultation with public health advice to ensure that prison regimes are established in a way that ensures the ongoing safety of staff and prisoners. Key principles for certain areas are summarised at annex B.

As set out in the EDMs, some activity will look very different depending on the Stage the prison is operating at – for example in terms of the maximum number of people attending a visit, or the social distancing requirements. Some activity will only take place once the prison has progressed to a certain Stage. This will also vary depending on the type of establishment, and reflect e.g. the importance and normal statutory obligation to provide education for children in the YCS estate.

For the **Regime Stages** Ministers will make a ‘gateway’ decision, at a national level, on the principle of whether prisons assessed as suitable may be permitted to progress to the next Stage of opening the regime.

This will be guided by advice and data from a range of sources including HMPPS, Public Health England and Wales, the NHS, and informed by data from the national Joint Biosecurity Centre.

The operational prison command structure at Gold level will take the final decision on which Stage is most appropriate for each individual establishment, confirming that:

- the local data and other evidence meet the relevant criteria within this Framework
- a local readiness assessment provides assurance that the appropriate preparations have been made by the Governor.

The preparatory work includes engagement and support from local health and justice partnership arrangements (and the All-Wales Outbreak Control Team in Wales), consultation with local unions, completion of relevant local risk assessments and Safe Systems of Work, and full support from the Prison Group Director and Executive Director.

There is local discretion for Governors, in consultation with the relevant unions and in accordance with the relevant element of the EDM, to determine the detail of how the delivery models should best be implemented locally. This will include the expected timeframe and order in which these aspects are turned on as the prison transitions to the new Stage. It may take some time to fully achieve all regime aspects of a given Stage given the need to test new ways of working, but broadly we expect establishments to be operating the full regime applicable to that stage within 4-6 weeks of adopting it. The readiness assessment will require prisons to set out their implementation plan including the expected timetable, subject to sufficient staffing levels and no signs that the transition is inappropriate (e.g. sudden increases in infection rates). Prisons may also need to return to higher Stages in response to local conditions (e.g. a major new outbreak) or where directed to centrally.

Where appropriate, and safe to do so, Governors may request to activate different aspects of the regime ahead of time, where there is a compelling health, stability or capacity reason to do so. Such requests should follow local union consultation, and authorisation for the requested regime must follow the governance route through the operational line of command, including approval from Gold.

Oversight and reporting will be conducted via the operational command line, as well as information from internal audit functions and the Inspectorates. Prison Governors will draw up plans for how they will operate in line with the National Framework and the EDMs, including how they will work with local partners such as healthcare, education, and the voluntary sector. These local plans must be supported by Prison Group Directors before implementation, and subject to further oversight from Executive Directors. Final approval rests with Gold command, to ensure that the assessments and judgements in how to apply the Framework and EDMs are being made on a consistent basis across the estate. No agreement to move to the next Regime Stage will be provided without the criteria and requirements outlined in this document being met.

As part of a national system in command mode at a time of emergency, **Privately Managed Prisons** will also be required to operate within the agreed parameters and safeguards set out in the National Framework. HMPPS Controller teams will monitor local decision making from a commercial and operational assurance perspective, where local planning will need to be agreed by the Head of Custodial Contracts. Gold will take the final decision.

Key areas of reporting & monitoring

Central assurance processes will provide regular updates to Ministers on progress against key indicators. This will include the level of regime in operation in each prison and, in aggregate, across the whole estate. We will track:

- The Regime Stage each prison is operating, including whether this has recently increased or decreased and the overall pattern across the estate
- Sustained and consistently low rates of deaths, hospitalisations and infections in custody: assessed through a combination of the most recent management information on deaths and infections.
- Prison capacity and receipts: ongoing monitoring of CJS demand levels, and receipts from police and courts against capacity of RCU units, and the extent to which establishments are implementing the relevant compartmentalisation guidance.
- Staffing levels: assessed by monitoring the staffing levels in the estate and ensuring the ratios remain above critical thresholds, but also that we are not prolonging re-deployments longer than necessary.
- Ability to test symptomatic staff, symptomatic prisoners, all prisoners on reception and ideally on transfer: based on the ability to test new entrants into the system and enable interventions such as contact tracing.
- Sufficient PPE to meet future demand: based on the most recent information on supply levels of PPE in relation to infection curve and proposed regime changes
- Confidence in the order, control and stability of individual establishments: assessed through local stability returns, supported by intelligence and management information on incidents.

Further independent assurance will be provided by the five independent scrutiny bodies: HM Inspectorate of Prisons, HM Inspectorate of Probation, the Independent Monitoring Boards (IMBs), the Lay Observers (LOs) and the Prisons and Probation Ombudsman (PPO). They have had to take similar steps to limit face-to-face activity in response to COVID-19, and we are working with them as they develop more detailed plans for how they intend to monitor, investigate and develop their inspection regimes in the next phase.

Probation Business Recovery Programme

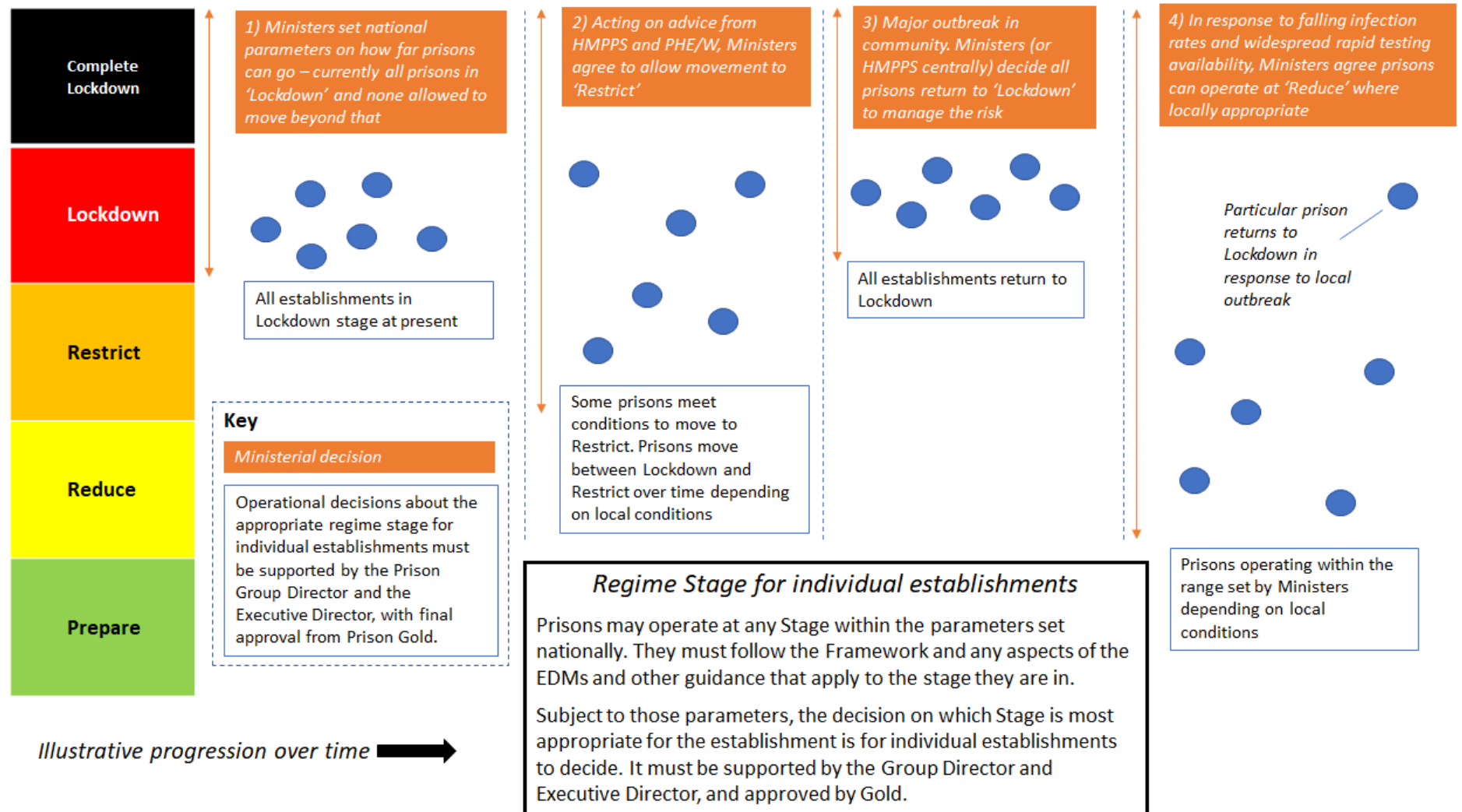
In response to COVID-19, HMPPS has had to impose similar restrictions on the way probation work is carried out, with many services carried out remotely. The [Probation Roadmap to Recovery](#) sets out the equivalent framework for how these restrictions will be eased for Probation.

We will work closely to ensure a joined-up approach across custodial and probation services. As set out in the Probation Roadmap to Recovery, one of the first steps in easing restrictions will be for embedded probation staff to return to work in prisons, once it is safe to do so.

Exceptional circumstances

Where operational emergencies occur, prisons may need to deviate from this Framework. This will be co-ordinated through operational command structures and the appropriate restrictions applied to manage any serious incidents.

Annex A – the Regime Stages and governance structure



Annex B – Summary of key areas

As discussed above, further detail on operational implementation will be contained in supporting guidance, but this table gives a summary of the high-level principles for certain key areas. Information here may need to change as we produce the EDMs on each area.

Area	Summary	Minimum standards	Prioritisation
Implementation of the compartmentalisation strategy and core regime, including meals, healthcare, and time out of cell	- The overall compartmentalisation strategy – isolation of symptomatic prisoners, shielding of the vulnerable, and quarantines for new entrants – is set nationally - Prisons work locally to identify suitable sections of the prison for each area, and how staffing rosters will be adjusted to fit	- Appropriate clinical oversight in place for new entrants to prison, including testing where appropriate, before any substantive changes are made to the current approach on isolation or quarantine - Prisons must be able to maintain the core regime before they can pass the readiness assessment to expand to other areas. They must follow the foundational principles set out above in doing so	- The core regime is fundamental to the preservation of life and is delivered in all cases at all Stages - Delivery will change at less restrictive Stages – for example with meals eaten differently, time out of cell, and access to team sports.
Visits and family contact	- Directly linked to Regime Stage – physical visits can resume once prison is in ‘Restrict’ and be subject to less restriction at lower stages. - EDM sets some further restrictions on how visits can be carried out (dependent on Stage) - Prison-level plan on how to search and process visitors, arrange and staff visit rooms and escort and search prisoners	- Where it is not safe to offer physical visits, establishments facilitate family contact via phone and secure video links that are being rolled out; these other methods of contact are also maintained when physical visits become possible, but with reduced availability Hand hygiene measures must be in place - National guidance on travel, social distancing and PPE use must be followed	- High priority, should be facilitated once in ‘Restrict’ Stage - There will be limitations on the frequency and nature of visits; the details of restrictions will reflect the regime stage
Offender Management, reducing reoffending and resettlement activities	Education will take very different forms as regimes progress (in-cell workbooks vs classroom based learning)	ROTL needs to follow community guidelines on essential travel	Offending Behaviour Programmes prioritised, as can be offered in small group and 1:1 settings and is important to reducing reoffending outcomes and

	• Resettlement will follow the principle of continuity of TTG work • Pre-release arrangements for public protection (e.g. MAPPA) must be maintained		demonstrating progression for Parole purposes • Key work is important to progression, reducing reoffending and safety, and will be prioritised • Education is particularly important for the YCS due to the normal statutory obligation to provide education • Some work activities important to functioning of prison (e.g. cleaning, laundry) or wider Covid response (e.g. manufacturing of PPE) and should be prioritised over other forms
Prisoner safety and welfare including the safeguarding of children and young people	• ACCT and CSIP reviews should take place, observing social distancing in appropriate settings • Quality assurance in place to ensure processes are followed in case management	• Safety considerations will be woven into the development of wider guidance - not just safety specific documents	• Prisoner Safety and Welfare one of four key areas maintained in Lockdown ERMP
Inter-prison transfers	• As more prisons move to lower Stages with fewer restrictions we expect to be able to safely conduct more transfers. • Our approach to transfers will depend on the overall picture in the estate – for example if prisons are	• The decision on when to resume routine prison transfers will be taken centrally depending on the overall conditions in the estate. Until then they will continue to be regulated through Prison Gold command	• Certain forms of transfers will need to be prioritised, in line with our overarching objectives.

	operating at very different levels because some need to maintain lockdown for an extended period, transfers will need to continue to be centrally regulated through Gold command. Once sufficient prisons are operating at lower levels of restriction, less central co-ordination will be required and routine transfers will resume.		
Independent scrutiny bodies and other ALBs (HMIP, PPO, IMBs, OFSTED/Estyn, Parole Board, IAP)	• At a national level, we will discuss with the inspectorates the appropriate manner to conduct inspections given the overall conditions in the estate. • The Parole Board had to stop face to face parole reviews in prisons, and we are working with them as they plan how to restart some face to face hearings for those prisoners whose cases cannot be held remotely. • The IAP will convene a meeting of the Ministerial Board on Deaths in Custody, with a specific focus on lessons learned from the emergency period and steps that can be taken to protect lives.	• ALBs are independent and we will need to work with them on their proposals for how they will operate in the coming period. • Some scrutiny bodies (IMB, Lay Observers and HMI Prisons) have adopted interim arrangements including remote monitoring and short scrutiny visits, and established helplines during the current period to ensure offender needs are being met whilst balancing the need to adhere to public health guidelines • Others (e.g. PPO) are starting to explore ideas and/or put mechanisms in place for how they monitor, investigate, inspect and report for the coming months	• Prisons must facilitate independent scrutiny and inspections, with a pragmatic emphasis on finding mutually agreed, safe ways of operating

Annex C – Glossary of terms

ACCT – Assessment, Care in Custody and Teamwork – the care planning process for prisoners identified as being at risk of suicide or self-harm

ALB – Arm's-Length Body

CJS – Criminal Justice System

Compartmentalisation – a strategy developed by HMPPS with PHE advice, to reduce the risk of outbreaks of COVID-19 in prison and protect the most vulnerable. It includes: restricting inter-prison transfers; accommodating known or probable COVID-19 cases in Protective Isolation Units; protecting the most vulnerable in Shielding Units; and accommodating those arriving in prison in Reverse Cohorting Units for a defined period before they enter the general population.

CSIP – Challenge, Support and Intervention Plan for prisoners at a raised risk of harming others

EDM – Exceptional Delivery Model

ERMP – Exceptional Regime Management Plan

Estyn – the office of Her Majesty's Inspectorate for Education and Training in Wales

Gold Command – COVID-19 Gold Command leads HMPPS' national-level response to COVID-19.

HMIP – Her Majesty's Inspectorate of Prisons

IAP – the Independent Advisory Panel on Deaths in Custody

IMB – Independent Monitoring Board

IPT – Inter-prison transfer

LOs – Lay Observers

MoJ – Ministry of Justice

OM – Offender Management

Outbreak Control Team - Whenever it is suspected or confirmed that there is an outbreak of COVID-19 in a prison, an Outbreak Control Team is convened, and PHE/W provide direct advice on how to respond through this team.

PE – Physical Education

PECS – Prisoner Escort and Custody Services

PGD – Prison Group Director

PHE – Public Health England

PHW – Public Health Wales

PIU – Protective Isolation Unit (accommodation for known or probable COVID-19 cases)

PMP – Privately Managed Prisons

POELT – Prison Officer Entry Level Training (programme to equip new officers for their career in the prison service)

PPE – Personal Protective Equipment

PPO – Prison and Probation Ombudsman

RCU – Reverse Cohorting Unit (accommodation for a designated period of time for new receptions, recalls, transfers or prisoners returning from hospital, allowing emergent infectious cases to be detected before individuals enter the general population)

ROTL – Release on Temporary Licence

SU – Shielding Unit (accommodation to protect the most vulnerable, with enhanced levels of biosecurity including dedicated staff)

TTG – Through the Gate (a service which helps to reduce reoffending by preparing prisoners for release and reintegrating into the community)

YCS – Youth Custody Service

Progress in delivering more services will be measured and incremental and may need to be reversed, and restrictions re-imposed, in the event of a future concerning rise in the infection rate. We will ensure we are ready as a system to do this at pace if needed, in line with any wider Government action, and working in close alignment with our prison counterparts.

As we move on from the initial response phase to this outbreak, we are presented with opportunities of learning and innovation across the whole of HMPPS for potentially new ways of working, and to build a more resilient service which is better prepared for any future emergencies. For example, we have commissioned work to look at the learning we can take from staff and service user experiences of more remote offender management during the lockdown period, particularly focusing on the experiences of people with protected characteristics.

This document sets out our key principles of probation recovery and provides a summary of how we plan to continue to deliver services whilst COVID-19 remains a factor but Government guidance on lockdown is gradually relaxed.

WHAT WE WANT TO ACHIEVE:

Our aspiration is still to deliver the MoJ [Single Departmental Plan](#) via the [HMPPS Business Strategy](#), but we know that delivery of services will be very challenging while we still face the threat of Covid-19. Our decisions will be guided at every stage by the following objectives:

Protect health: To continue to protect our staff, the public, and service users by minimising deaths and hospitalisations, and protecting the NHS from significant outbreaks.

Maintain public protection and rehabilitation: To ensure we continue to deliver our core functions, particularly focusing resources on our highest risk service users.

Provide sufficient capacity: Ensuring that we have enough resources to respond to court orders and sufficient capacity to meet overall demand, as well as sufficient staffing and resource to meet potential backlogs. (See staffing section below.)

THE PRINCIPLES OF OUR PROBATION ROADMAP

In order to maximise staff and service user safety and ensure that changes are well planned and understood before they are implemented:

1. We will take a cautious approach to changes that relax our contingency measures in probation work, ensuring this is only done when we are confident it is safe to do so.
2. Unless in exceptional circumstances, we will give staff at least two weeks' notice before any significant relaxation of current measures comes into effect, so there is time to prepare.
3. We will ensure we are working to deliver the best possible probation services we can in the specific operating circumstances we are working in, embracing innovation, rather than always returning to previous ways of working.
4. We will ensure that probation recovery is planned in a coordinated way with the plans for prison recovery, with other parts of the Criminal Justice System and with our delivery partners.



Probation Roadmap to Recovery

WHAT WE HAVE DONE SO FAR:

In response to the threat of COVID-19, Probation had to respond swiftly to overcome the extraordinary challenges faced as a service and significantly adapt our ways of working. This has included:

- Running skeleton probation offices
- Ensuring Approved Premises (APs) continue to operate safely
- Implementing a number of national Exceptional Delivery Models (EDMs) and Exceptional Delivery Plans (EDPs) to alter the way we manage community sentences and other areas of our work
- Conducting doorstep visits across England and Wales with high-risk offenders and medium-risk offenders with domestic abuse or other safeguarding issues
- A large number of probation staff working from home and contacting offenders by telephone
- Redeploying a number of qualified probation staff to support frontline services
- Significant changes for staff who were working in prisons and courts
- Developing alternative methods to deliver staff training and for our trainee Probation Officers

The restrictions we have put in place have been necessary to maximise staff and service user safety whilst continuing to deliver critical front-line services, protect the public and change lives. Our staff have done an outstanding job during this difficult period.

MOVING FORWARD:

In response to the UK Government's publication of "Our Plan to Rebuild: The UK Government's COVID-19 recovery strategy", it is appropriate that the Probation Business Recovery Programme now considers how, as a service, we move forward from our initial response to this outbreak onto our recovery.

We will plan carefully for what the easing of restrictions will mean in practice, and such moves will be tailored to local circumstances, including any differences in approach between Wales and England given the devolution of many key areas including health and education in Wales. We will also continue to work closely with our criminal justice partners to align our recovery plans. Where certain activities can resume, such as office visits, they will do so with restrictions and adaptations (including reduced volume) in the interests of safety.

[The Government's overall "phased" approach](#) to recovery, published on 11 May, is summarised in Annex A. The rest of this document sets out how this phased approach will apply to probation. **The probation steps outlined below will start no sooner than the government's wider steps, and typically a few weeks later to allow for suitable planning and notice for staff.**

FOUNDATIONS

The key foundations of our plan are:

1. Ensuring symptomatic staff and service users self-isolate, at the earliest sign of symptoms, in line with wider government advice.
2. Social distancing, respiratory hygiene and hand-washing: wherever possible, the same robust social distancing, respiratory hygiene (catch it, bin it, kill it) and hand-washing principles must be maintained. As we and our providers adapt our exceptional delivery arrangements we will ensure that processes are maintained to manage this.
3. Personal Protective Equipment (PPE): sufficient PPE must be available for staff and service users where it is necessary to provide PPE according to Public Health England / Wales guidance. Easing restrictions may in some cases increase the amount of PPE required, for example for increased staff in offices, so PPE stocks must be assessed as suitable before any changes takes place (staff should refer to national PPE guidance on what should be used).
4. Testing: Probation staff and service users are already able to access testing as needed if they display any COVID-19 symptoms, and this will link them into the NHS Test and Trace system if they test positive. We will continue to work with DHSC and Welsh Government, to ensure that appropriate testing is made available to probation staff and service users.

We will also continue to ensure that Diversity and Inclusion underpin our work and in doing so, ensure that the needs of all our staff and service users are considered throughout. As part of this process we will complete any equality analysis that is required; actively reflecting on and building in equality considerations at each stage of the development and delivery of our recovery plans.

PROBATION ROADMAP RECOVERY PHASES

Current position – Step One

We will continue to operate according to the Exceptional Delivery Models and Plans currently in place, with no major changes of our approach planned at least for the next 2 weeks. This includes:

- Staff continuing to work from home wherever possible, in recognition of the importance of staff and service user safety.
- Where staff do need to work from a location which is not their home under the current exceptional delivery arrangements, managers and staff need to ensure that the working environment is a safe one, in line with the government guidance, detailed in Annex B – ‘Working safely during COVID-19 in offices and contact centres’.

Risk assessments for each location should be maintained to ensure social distancing measures and good hand and respiratory hygiene can be maintained, safe working practice is possible and appropriate equipment is in place to manage COVID related risk.

The government guidance on office working (annex B) should be followed, summarised below:

- Ensuring anyone with symptoms leaves the workplace immediately and they and their family self-isolate at home
- Effective and regular hand washing
- Reducing the footfall in each location (in line with our exceptional delivery arrangements)
- Reduce the number of people a person has contact with each day (in line with our exceptional delivery arrangements)
- Maintaining a 2m distance from one another
- The suspension of hot-desk and the sharing of desks and equipment
- The avoidance of sitting face to face especially at close distance
- Where social distancing at 2m is not possible, staff and service users should wear fluid resistant masks (which we will provide). But we are clear that the best protection for all our staff is effective and regular hand hygiene and to maintain social distancing wherever possible.

Step Two

We will follow a staged approach to a less “locked down” approach to our work, continuing to prioritise public safety, but gradually increasing what we can do as social distancing constraints change over time. As set out in our principles above, any relaxation of social distancing within probation will come into effect with at least two weeks’ notice (other than in exceptional circumstances), so will happen at least two weeks after the Government’s wider move to “step two”.

Some of the earlier changes are likely to include:

- *Scaling back doorstep supervision and scaling up face to face supervision.* In order to ensure that social distancing is maintained at Probation Offices it will not be possible to return immediately to face to face supervision for all offenders. The following principles will be used at Local Delivery Unit (LDU) level to develop bespoke recovery plans for face to face supervision:
 - Each LDU will need to undertake a capacity analysis that identifies how many offenders are able to report each week in a way that supports continued social distancing. Managers should consider extending office opening times (this will need to include the availability of sufficient staff) and utilising any available estate and partnership buildings (following local agreements and thorough risk assessments).
 - Offenders currently receiving doorstep visits are also supervised by audio/ video telephone calls in between doorstep contact. During the initial phase of recovery, the audio/ video calling will continue, with only the doorstep visits being replaced by face to face supervision at a Probation Office. Even with this constraint it is still likely that available capacity will not be able to meet the demand and offenders will therefore need to be prioritised for a return to face to face supervision using the following criteria:
 - Category 1 - Very high and high risk of serious harm offenders where there are domestic abuse and/ or child safeguarding concerns*
 - Category 2 - Other very high and high risk of serious harm offenders*
 - Category 3 - Medium risk of serious harm offenders where there are domestic abuse and/ or child safeguarding concerns*
- If an LDU is able to accommodate all three categories of offenders and there remains additional capacity, then the prioritisation exercise should be repeated with face to face supervision being offered as a replacement for audio/ video calls.
- Home visits (where a member of staff enters the home of an offender and conducts supervision) will not be possible during this period. As a result, doorstep supervision will remain an important alternative method of risk management for some offenders, particularly those living with their victim or living with children at risk. Doorstep supervision can therefore continue to be utilised in tandem with face to face supervision as part of a risk management plan.
 - All changes to supervision and risk management activity will need to be accompanied by a corresponding review of the risk management plan and sentence plan. It is recognised that this will place a significant burden on front-line staff. This activity will be properly benchmarked and resourcing options considered.

We will ensure that the groups are small in numbers to move slowly and safely away from doorstep supervision and we will conduct a review after one week for each group before we move to the next.

As we would move to increase face to face supervision, in line with the risk assessments we will complete (details can be found in Annex B), we would further consider:

- Where the social distancing guidelines cannot be followed in full, we will take all mitigating actions possible to reduce the risk of transmission. We will:
 - Assess whether protective screens should be fitted in interview rooms and reception areas where required
 - Consider further changes to office opening hours
 - Give staff the option to work alternative hours to minimise footprint in offices
 - Consider implementing a staff rota for attending the office such as, a one week on one week off system which alternates
 - Explore changes to our office set up, changing desk layouts and creating a one-way route with one entrance and one exit mapped out
- Keeping the activity time involved as short as possible – we will ensure staff are only based in the workplace for as long as needed to carry out critical operational delivery.
- Using back-to-back or side-to-side working (rather than face to face) whenever possible and explore changes to our office set up, changing desk layouts and creating a one-way route with one entrance and one exit mapped out.
- In our risk assessments we will have particular regard to whether the people doing the work are especially vulnerable to COVID-19 (or live with those who are). All staff are urged to inform line managers of any special circumstances which may mean they or people they live with are particularly vulnerable to the coronavirus, we will conduct individual risk assessments before returns to work and take all reasonable steps to ensure the safety of our staff.

For anyone considered vulnerable or at a higher risk of impact from COVID-19, an individual risk assessment should be completed before returning to an office location.

- When travelling everybody (including critical workers) should continue to avoid public transport wherever possible. If they can, people should instead choose to cycle, walk or drive (but not sharing a vehicle with those outside their household). If staff do need to take public transport, the Government is now advising that you should aim to wear a homemade cloth face-covering for your journey.

In line with the guidance, we will display the Government approved notice in all work environments to show we have followed this guidance, confirming that:

- We have carried out a COVID-19 risk assessment and shared the results with the people who work here and trade unions
- We have cleaning, handwashing and hygiene procedures in line with guidance
- We have taken all reasonable steps to help people work from home

- We have taken all reasonable steps to maintain a 2m distance in the workplace
- Where people cannot be 2m apart, we have done everything practical to manage transmission risk

This can be found via:

<https://assets.publishing.service.gov.uk/media/5eb97d30d3bf7f5d364bfb6/staying-covid-19-secure.pdf>

To support gradual increases in face to face supervision, we also plan to *increase flexibility of operating hours for buildings used for face to face contact*. This is to allow for greater numbers to be seen over a day without increasing the total number of people on site at any one time, and to reduce the risks involved in rush hour travel. It may also have the knock-on benefit of being desirable for staff with caring responsibilities.

To be clear, the earlier changes as part of this stage will not include opening more offices wherever possible, we are strongly focused on ensuring the small number of sites we have open are fully safe by completion of full risk assessments detailing that we are adhering Government guidelines (as set out in Annex B). We will explore opening these smaller number of offices for longer hours to minimise staff footfall. We are committed to staff continuing to work from home wherever possible, even if that is only part of the week.

Other earlier changes as part of step to are likely to include:

- *Scaling up court work as needed by increased court activity*. The following areas of work will be taken forward across England and Wales:
 - The NPS will continue to work closely with HMCTS and staff open Courts as required.
 - The NPS will fully engage with the roll-out of Technology Enabled Justice in order to maximise the potential of remote digital working.
 - The NPS will feed into the recovery planning work being undertaken by HMCTS. There is a significant backlog of criminal cases across England and Wales which will result in an increased demand for sentencing advice, bail information and the management of community sentences. The HMCTS recovery plan will be used to effectively distribute our resources to meet business need.
- *Restarting unpaid work and interventions, initially on a limited scale*. This is central to maintaining the confidence of sentencers as well as meeting our broader aims of public protection and reducing reoffending. The following areas of work will be taken forward:
 - Working with our providers to explore possibilities for commencing unpaid work e.g. singleton placements compatible with social distancing measures.
 - Working with providers and Intervention Services on options for the delivery of accredited programmes in innovative, socially distance ways.
 - Identifying and sharing innovations in the area of supervision and rehabilitation that have been effectively delivered during the COVID-19 period. It is recognised that there will have been significant development in these areas over recent weeks and that such work has the potential to make probation practice more effective and efficient.

- *Restarting Programmes* – we will consider how we can safely reintroduce delivery of programmes within the NPS, in line with the Government guidance (Annex B), if people must work face to face for a sustained period with more than a small group of fixed partners, then employers need to assess whether the activity can safely go ahead. No one will be obliged to work in an unsafe work environment.

This will form the basis of our consideration on when we can safely re-introduce programme delivery and group work. We are currently exploring the ability to run programme work on a one-to-one basis or remotely to minimise risk to staff and service users.

- *Restarting Offender Management in Custody (OMiC)*. In liaison with colleagues in prisons, we will look to re-deploy OMiC staff back into prisons when appropriate and in line with Prison regime changes.

Step Three

The next step will take place when the Government assessment of risk from COVID-19 warrants further adjustments to the remaining measures. The ambition would be (working in line with the Government COVID-19 Secure guidelines) to:

- open remaining offices in a coordinated way and in line with the guidance set out in Annex B
- restart Unpaid Work and Interventions on a larger scale
- restart face to face training and associated activities
- Commence re-opening of Approved Premises (AP) which have been closed due to *non* COVID-19 reasons
- We will start to plan to re-open AP closed due to COVID-19
- We propose to maintain single occupancy within AP until Government, Health and other guidance along with data suggests that we can safely move back to double occupancy

STAFFING

Through our established daily reporting mechanisms, we will continue to monitor our staffing levels closely to ensure we are able to respond effectively and safely deliver services.

We will take the following approach, in order of this hierarchy of resourcing options, to move out of the current Exceptional Delivery Models and introduce new service delivery elements.

1. Existing staff establishments
2. Staff overtime
3. Agency staff
4. Redeployment of other HMPs staff
5. Former staff identified as part of the 'returners work'
6. Other Government Department offers/arrangements
7. Third Sector arrangements

We will ensure that there is clarity on incremental increases to service delivery, as well as consistency in delivery and decisions on how we will staff the changes, through utilising this hierarchy of options on how we will cover staff availability and/or increases throughout.

As mentioned above, unless in exceptional circumstances, we will give staff at least two weeks' notice before any significant relaxation of current measures comes into effect, so there is time to prepare and for transparency.

GOVERNANCE STRUCTURE

Ministers will make a judgement on the acceptable level of risk for the system as a whole, on the advice of HMPPS and Public Health England and Wales. In practice, this will involve Ministers making a "gateway" decision, at a national level, on the principle of us moving from probation step one to step two, and step two to step three.

If the position on COVID-19 deteriorates (eg the R number significantly increases) and we need to move back from a higher to a lower step, these decisions will be made for regions or local areas which are affected. Regions will make a request to the Probation Business Recovery Programme to move back a step, or indeed not move forward a step when the rest of the country does. We will send an update report to Ministers fortnightly, and inform them if any part of the country moves from a higher to a lower step.

The Recovery Programme Board will oversee recovery coordination for the wider probation business, to ensure that decisions made in one part of the business do not adversely affect other parts, or the wider system. This will include setting the pace for operational recovery (agreeing high level milestones/ targets within the workstreams), driving progress and alignment, and monitoring wider impacts and dependencies (in line with MOJ/ HMPPS plans). It will also involve liaising and communicating closely with regions (through regional Recovery and Transition Boards – to ensure all changes are coordinated at local level) and staff.

Recovery Workstreams that will report to the Recovery Programme Board include:

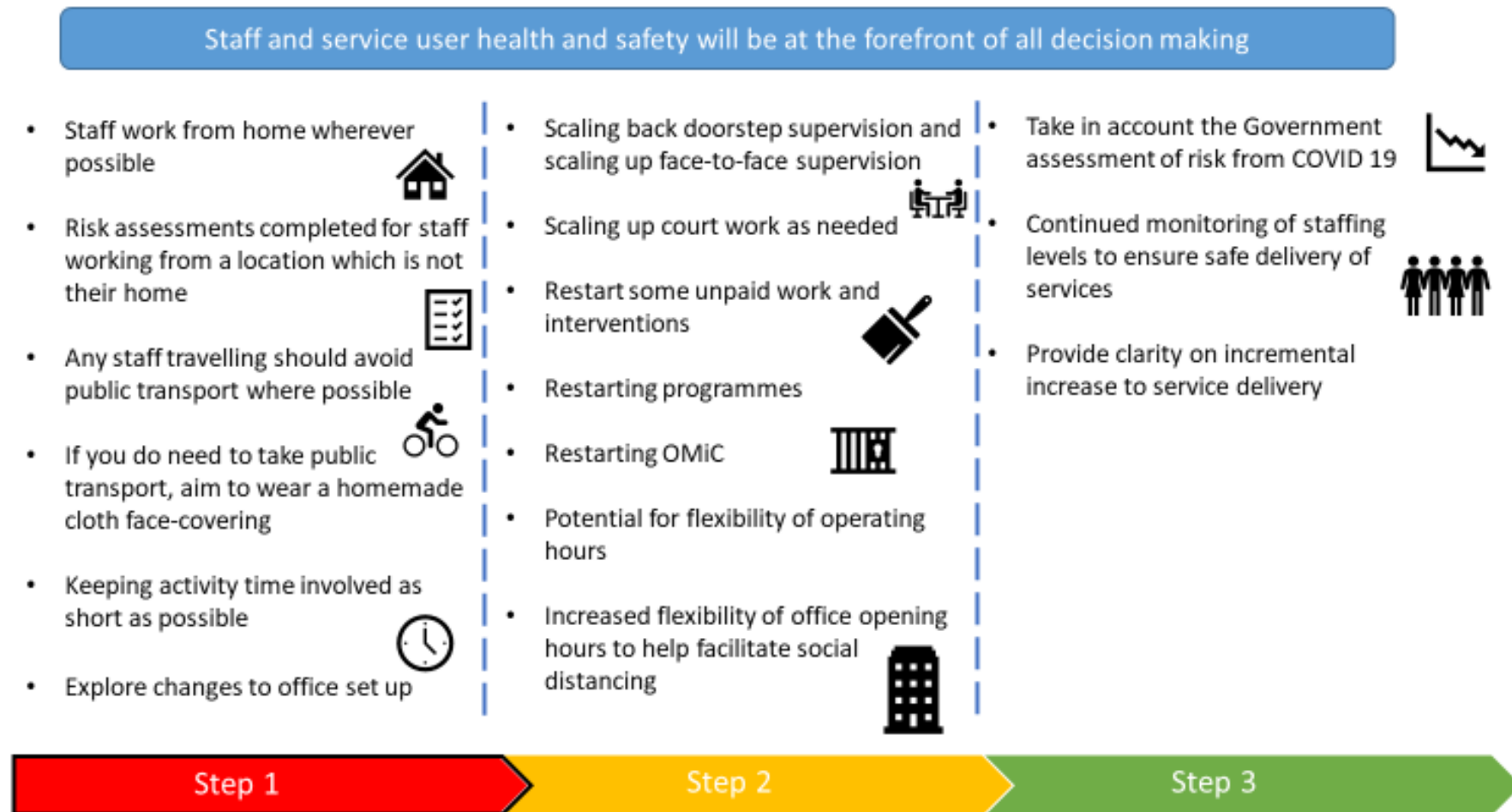
- Community and post-release supervision
- Courts
- Victims
- Accredited Programmes
- Unpaid work and ETE
- Approved Premises and Bail Accommodation and Support Services
- Offender Management in Custody
- Public Protection
- Health
- HQ Functions
- Enabling infrastructure (including digital, estates, IT, supply chains, PPE)
- Assurance (including input from Her Majesties Inspectorate of Probation)
- Trade unions
- Communications and engagement
- Contingency planning

More specific guidance will be made available as recovery work progresses. This will set out what the overriding position, and where it is appropriate to adapt the approach to local circumstances.

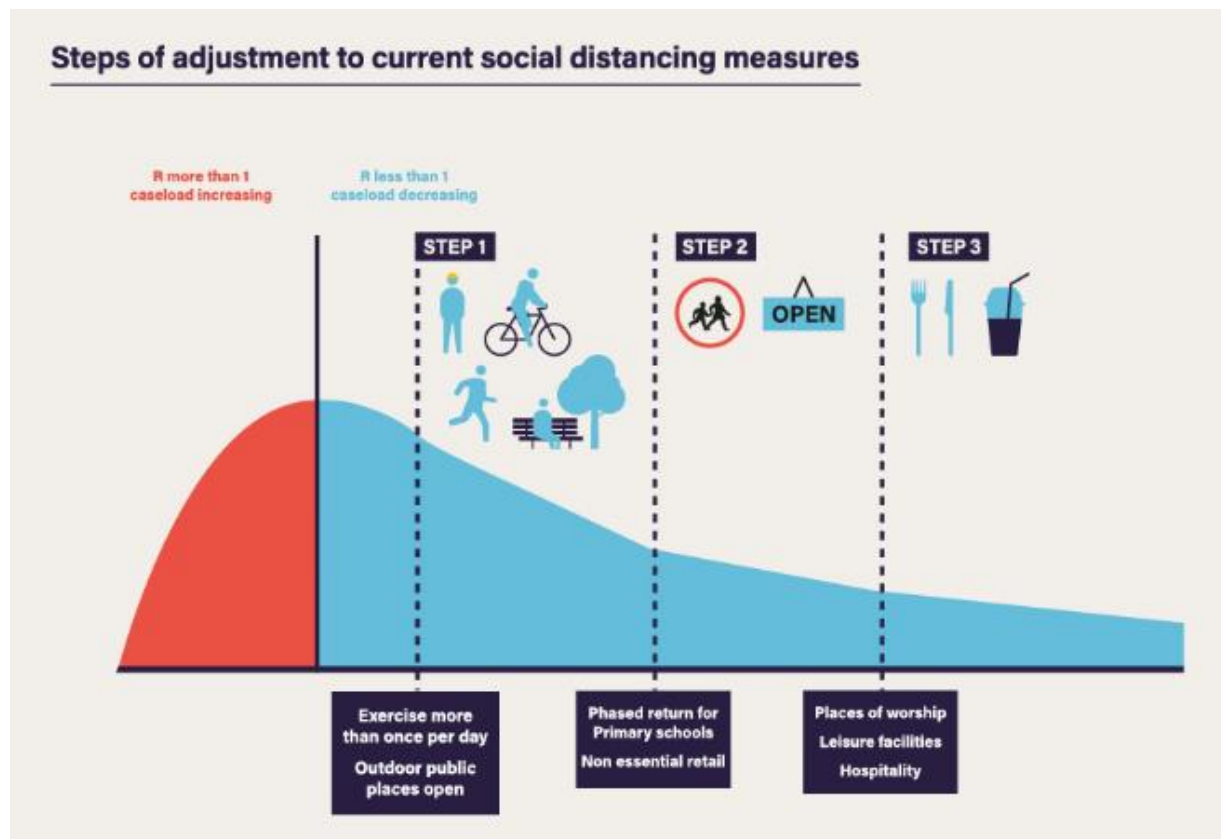
Oversight and reporting will be conducted via national, regional and workstream level assurance processes.

Central assurance processes will provide regular updates to Ministers on progress against key success indicators.

Diagram 1 - Summary of Probation Step 1, Step 2 and Step 3



ANNEX A Summary of elements of the government's 10th May announcement



Step 1 (from 13th May)

- Those who can work from home should continue to do so.
- All staff who cannot work from home should travel to work.
- When travelling everybody (including critical workers) should continue to avoid public transport wherever possible. If they can, people should instead choose to cycle, walk or drive.
- If you do need to take public transport, the Government is now advising that you should aim to wear a homemade cloth face-covering.
- Workplaces should follow the “COVID-19 Secure” guidelines, published 11th May, to maximize social distancing at work.

Step 2 (no earlier than 1 June)

The current planning assumption for England is that the second step may include a phased return for early years settings and schools, opening non-essential retail when and where it is safe to do so, permitting cultural and sporting events to take place behind closed-doors for broadcast, re-opening more local public transport in urban areas, subject to strict measures and some increases to social and family contact allowed.

Step 3 (no earlier than 4 July)

The ambition at this step is to open at least some of the remaining businesses and premises that have been required to close, including personal care (such as hairdressers and beauty salons) hospitality (such as pubs and accommodation), public places (such as places of worship) and leisure facilities (like cinemas).

Annex B - Working safely during COVID-19 in offices and contact centres

As per the UK Government's guidance "[Working safely during COVID-19 in offices and contact centres](#)" published on 11th May, employers have a duty to reduce workplace risk to the lowest reasonably practicable level by taking preventative measures. Therefore, before opening any further sites, in line with Government guidance, we will work through these steps in order:

- Making every reasonable effort to enable working from home as a first option. Where working from home is not possible, workplaces should make every reasonable effort to comply with the social distancing guidelines set out by the government (keeping people 2m apart wherever possible).
- Increasing the frequency of handwashing and surface cleaning in every workplace.
- Where the social distancing guidelines cannot be followed in full, in relation to a particular activity, businesses should consider whether that activity needs to continue for the business to operate, and if so, take all the mitigating actions possible to reduce the risk of transmission between their staff.

Further mitigating actions include:

- Keeping the activity time involved as short as possible.
 - Using screens or barriers to separate people from each other.
 - Using back-to-back or side-to-side working (rather than face to face) whenever possible.
 - Reducing the number of people each person has contact with by using 'fixed teams or partnering' (so each person works with only a few others).
- Finally, if people must work face to face for a sustained period with more than a small group of fixed partners, then you will need to assess whether the activity can safely go ahead. No one is obliged to work in an unsafe work environment.
- In our assessments we will have particular regard to whether the people doing the work (or those they live with) are especially vulnerable to COVID-19.