

Reducing overcrowding and recovery planning

As the country starts to regain some 'normality' and courts begin to open again, it is concerning that the recovery plans for [prisons](#) and [probation](#) published this week are vague in commitments and, in some areas, there remains an absence to address a number of issues that warrant immediate attention. In particular the guidance fails to outline plans to reduce the prison population which is particularly concerning given the recognition there is likely to be a significant influx of new entrants now that courts are resuming. To reduce the likelihood of infection spread, whilst at the same time enabling greater time out of cell, there needs to be urgent action as part of the recovery plan to release more people early or on compassionate grounds to enable this to happen safely. It is a glaring omission which will significantly hamper efforts to move prisons through the recovery stages and increase time out of cell.

In addition to the 10 prison staff and 23 prisoners who have lost their lives to Covid-19 in custody, there have tragically also been 16 self-inflicted deaths recorded in English and Welsh prisons since the lockdown conditions were introduced – with five suicides having been recorded in just six days. Those in prison have been held in de facto solitary confinement for eleven weeks which will have deleterious consequences if action is not taken urgently to reduce the prison population further. Clearer plans must be published, as part of the Exceptional Delivery Models, which include actions to mitigate trauma and improve mental health and wellbeing. As key work resumes, officers should receive specific training and resources on how to support people's mental well-being and support with issues like bereavement.

The framework for prisons states that there are plans for testing for prisoners on reception and possibly on transfer, but concerns still remain regarding the lack of plans to test those being released who could be temporarily housed in hotels, supported accommodation or Approved Premises, picked up at the gate in a car by a support worker or return to live with family thus increasing the risk for onward transmission of the virus. Furthermore, given that Covid-19 disproportionately impacts those from BAME backgrounds, the MoJ should review the recovery plan with a particular focus on equality issues which have been exacerbated by the crisis. In the current documents an equality analysis is only mentioned in relation to probation, but there is a lack of detail and no accompanying Equality Impact Assessment (EIA) published. Equality analysis needs to be extended to prisons so that they may identify needs of BAME staff and prisoners as well as other groups of people with protected characteristics such as pregnant women and older prisoners. The MoJ should urgently publish the EIA's.

Communication will be vital to manage the expectations of those in prison, as well as their families who will be keen to learn when social visits will resume. As different prisons start visits at different times, which could cause confusion and anxiety, further details on a communication strategy including what information the MoJ will share publicly and with the voluntary sector is vital. A [survey of over 200](#) prisoners' families by New Leaf shows how much families value clear and timely communications during Covid-19 through websites, social media, newsletters and even personal letters from governors.

The need for data and demographic monitoring

We continue to be frustrated at the lack of crucial data being published on a regular basis. Details about number of deaths for example have only been published in response to parliamentary and / or select committee questions. The CJA have requested that the regular MoJ stake holder update include details of deaths, self-inflicted deaths and related demographic data. We have been told this is not possible. Given the information is being released in parliament, it remains unclear why there shouldn't be full transparency about this data and for it to be published publicly on a regular basis. As the information relating to the disproportionate impact of Covid-19 on BAME communities continues to emerge, it is critical demographic data is also included in published data on infections and deaths of those in custody.

Testing and cell sharing

Rates of infection continue to increase. As of Wednesday 3 June 2020, 479 prisoners have tested positive across 79 prisons, along with 944 staff across 105 prisons and 26 prisoner escorts. This may in part be due to the increased capacity for testing prison staff. Eleven weeks on and it is still not clear what proportion of prisoners have been tested, what the criteria is for testing and whether those sharing cells have all been tested. Despite the prison population temporarily falling due to court closures, and additional capacity being added at certain sites, over 29,000 prisoners in England and Wales were still sharing cells including 20 percent of older prisoners. As courts resume, the Institute for Government

have predicted the prison population could rise to over 90,000 and possibly over 95,000 by 2023/24. Spending money on additional 'temporary' units is not the answer. We are concerned that these temporary units may then become permanent, in particular as the prison recovery plan does not mention any timescale for their removal. Efforts and resource should instead be spent on facilitating the early release of low risk prisoners and ensuring that everyone being released from prison has access to accommodation, an increased discharge grant and internet enabled phones to help prevent recalls.

Pregnant women and other vulnerable groups

Only 22 pregnant women and new mothers have been released. With news that BAME women make up half of the pregnant women taken to hospital, we would welcome greater clarity on the ethnicities of those women who have been released, what action is being taken to protect BAME pregnant women who may be more at risk from COVID-19 and when the remaining pregnant women and new mothers will be released. We understand only five people have been released on compassionate grounds and no children have been released early. Again, this data on who has been released is not regularly published in the HMPPS stakeholder update bulletin and there is no data on the ethnicities or ages of the people released or how many are pregnant or new mothers. We repeat our recommendation that the compassionate release criteria are reviewed for older and more vulnerable prisoners and those who have serious ailment, and that the remaining pregnant women and new mothers are released as a matter of urgency. We are also particularly concerned about foreign national people released from prison with no recourse to public funds at this time, and the increased risks to their physical and mental health.

Reducing 'churn' and new entrants

We are pleased to hear that there is now a Bail Information Service at all functioning courts however latest MoJ data reveals an increase in the number of people remanded by 12% for 31st March 2019 to 31st March 2020. There is a lack of data relating to the number of people remanded into custody since lockdown began and any analysis of why they were refused bail. We would also welcome further clarity about the extent to which custody time limits will be breached. Recent guidance from the Lord Chief Justice on sentencing during Covid-19 was well-timed and necessary, however further guidance is urgently needed reminding Magistrates and District Judges of the need for 'anxious scrutiny' of applications for custodial remand. Particularly important given that remanded prisoners will not be able to access a different regime to convicted prisoners, they will likely be held in their cell for long periods of time, including a two week self-isolation period on entry into prison, will not have family visits and may have to wait longer for their trial date. For parents with dependent children, those children will not be able to visit. Like in courts, Bail Information Services should be urgently rolled out in every prison to support being held on remand to apply for bail and access legal advice. A presumption against recall for technical breaches is also important to avoid unnecessary returns to custody. Data should be published on the number of recalls and reason for recall during the lockdown period, and what action is being taken to reduce this number. It is estimated that courts in England and Wales face backlog of 40,000 criminal cases, therefore a greater focus should be placed on effective alternatives including suspended sentences, community sentences, tagging and out of court disposals such as Restorative Justice.

Technology

We're delighted to hear that secure video calls will be introduced to ten more prisons across England and Wales. However, families learning of the existence in some prisons of this facility, are understandably frustrated they are not available across the prison estate. An urgent plan to roll out virtual visits, especially those with children, would help to alleviate some the stress and anxiety of people in prison and their families. In many other countries' technology is being used to provide access to in-cell learning and other resources. An urgent technology transformation must be a key part of the recovery plan to increase access to purposeful and rehabilitative activities, as well as its use to contact resettlement advice services to prepare for release and complete offending behaviour programmes for parole.

Resettlement and probation

All people being released at the current time face additional challenges and may be particularly vulnerable to Covid-19 due to underlying health conditions, so post release support is even more important. Please see attached a report we submitted to the MoJ three weeks ago, to request the increased discharge grant of £80 for people released under the early release scheme is provided to all people released from custody, along with an internet enabled phone and accommodation support. We welcome funds from the MoJ for CRCs to support prison leavers with the cost of securing deposits for temporary accommodation on release however this funding is only available until the end of June. We would like to see this funding extended longer-term to ensure those being released from custody are not released into homelessness and destitution.

CJA Tracker – updated and submitted to the Justice Select Committee on 5 June 2020

As of Friday 29 May 2020, 23 prisoners and 10 prison staff have lost their lives to Covid-19.

As of Wednesday 3 June 2020, 479 prisoners have tested positive across 79 prisons, along with 944 staff across 105 prisons and 26 prisoner escorts.

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CJA Recommendation	RAG rating	Comments	Further action required
Pregnant women and new mothers should be released from prison.		<p>As of 12/05, 81 people had been released early from prison so far including:</p> <ul style="list-style-type: none"> - 55 under the early release scheme - 21 pregnant mothers and women - 5 under compassionate grounds <p>There were 16 self-inflicted deaths recorded in English and Welsh prisons since the lockdown conditions were introduced on 23 March – with five suicides having been recorded in just six days.</p>	<ul style="list-style-type: none"> • Plan and timescale to release remaining women and children as matter of urgency. • Clarity on the ethnicities of those women who have been released, and what action is being taken to protect BAME pregnant women who may be more at risk from COVID-19. • Clearer weekly demographic data on the number of people released early under the early release scheme as well as the number of infections and deaths in prisons related to COVID-19 and self-inflicted deaths.
Other vulnerable cohorts of prisoners who should also be considered for managed early release, following a risk assessment process, including older people and those with		<p>MoJ and HMPPS published guidance on temporary release and compassionate release in addition to COVID-19 population management strategy for prisons.</p> <p>As of May 2020, 29,000 prisoners in England and Wales were still sharing</p>	<ul style="list-style-type: none"> • Details about number of prisoners needing to be shielded due to age or underlying health conditions and a regular update on how many are sharing cells. • Review the compassionate release criteria for older and more vulnerable prisoners in light of COVID-19 and the risk to life of those who have serious ailment.

underlying health conditions.		cells including 20 percent of older prisoners. (Daily House of Commons Report , 18/05)	
People on remand should be offered legal advice and review hearings due to 'change of circumstances'.		Remote jury trials being explored as an option as well as implementing safe jury trials in existing court rooms. Arrangements being made to extend custody time limits for defendants held on remand.	<ul style="list-style-type: none"> • Clarity about numbers of people on remand that have had review hearings and number who have been released on bail or released due to sentencing decisions. • Clarity about access to legal advice for people on remand. Bail information services should be available in every prisons to help those on remand secure accommodation and support to support a bail application. • Clarity about the extent to which custody time limits are being breached.
People nearing the end of their sentences should be reviewed for Home Detention Curfew or Release on Temporary Licence with packages of support available for their release.		Revealed that 'almost 2,000 tags brought for Early Release Scheme remain unused'. MoJ announces funds for CRCs to support prison leavers with the cost of securing deposits for accommodation on release, available until the end of June 2020.	<ul style="list-style-type: none"> • Extend funding beyond June 2020 for organisations providing services and accommodation post-release.
Reducing the prison population would allow those remaining in custody to be managed in a way which would allow prisoners greater time out of cell and return to normal regimes.		New guidelines to allow children in custody to associate in groups of three or four HMPPS/MOJ publish guidance on COVID-19: National Framework for Prison Regimes and Services	<ul style="list-style-type: none"> • Review recovery plan with a particular focus on equality issues which have been exacerbated by Covid-19. For example, plans should also urgently address how this possible additional risk is being managed with BAME staff and prisoners. • Clearer plans must be published, as part of the Exceptional Delivery Models, which include actions to mitigate trauma and improve mental health and wellbeing.

			<ul style="list-style-type: none"> • Plans to train prison officers and provide resources on how to support people's mental well-being and support with issues like bereavement. • Details on a communication strategy including what information the MoJ will share publicly and with the voluntary sector. • Details on the Equality Impact Assessments in addition to plans include an Equality Analysis in the recovery framework for prisons.
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Reducing churn and new entrants

Reducing number of short sentences of less than six months for non-violent or non-sexual offences. A greater focus on suspended sentences, community sentences, tagging and out of court disposals.			<ul style="list-style-type: none"> • Details on the number of people remanded into custody or given a custodial sentence at this time as well as the index offence.
A presumption against recall for technical breaches to avoid unnecessary returns to custody where there is no additional risk to the public.			<ul style="list-style-type: none"> • Data should be published on the number of recalls and reason for recall during the lockdown period, and what action is being taken to reduce this number.
Reducing those being remanded into custody reminding of the need for 'anxious scrutiny' of applications for custodial remand. Court bail pilots should be urgently		New guidance from CPS advises prosecutors in England and Wales to consider alternatives to charging suspects in less serious criminal cases.	<ul style="list-style-type: none"> • Details on numbers of people who have been bailed into the community and analysis of cases where people remanded into custody. • Detailed plan for increasing bail accommodation. • Further guidance to Magistrates and District Judges reminding of need for anxious scrutiny.

expanded to other courts. Additional bail accommodation being sought, but no plan has yet been published.			
Restrict prison transfers.		Prison transfers continue but are limited to where there is a serious outbreak within an establishment such as HMP Wymott.	

Victims' services

Government should ensure victims' services, including domestic violence services; those working with children and young people in households with domestic abuse; and Women's Centres, are provided with emergency funding, so that they can adapt their services at this crucial time.		The Home Secretary announced an additional £2 million to support charities to further expand online and helpline services for those at risk of domestic abuse.	<ul style="list-style-type: none"> • Multi-agency approach to support people who are victims of domestic violence including children. • Funding for organisations working with victims of hate crime, which has increased during this period.
Specialist and frontline charities working with those with protected characteristics need to have emergency funding made available to them immediately to adapt and expand their services to meet current need.		<p>MoJ announced on 02/05 an additional £76m emergency funding for Support services for victims & survivors of domestic abuse & sexual violence.</p> <p>MoJ announced an additional £2.5m for community services that divert women away from crime.</p>	<ul style="list-style-type: none"> • Urgent plans needed for funding grassroots, specialist domestic violence and victim services for people with protected characteristics. • Currently Police and Crime Commissioners (PCCs) being asked to recommend charities to receive funds, who they have commissioned. These small but vital charities often not commissioned by PCCs but are effective at engaging different cohorts.

Frontline victim workers also need adequate access to PPE (Personal Protective Equipment) and testing.			<ul style="list-style-type: none"> Plans to provide PE and tests to frontline victim service workers.
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Technology

We would like to see phones provided to all prisoners, with the capability to call out and in, as safer custody lines are inundated with calls from concerned families. This would also assist prisoners obtaining legal advice and access to helplines.		<p>Process remains the same, phones have a number of pre-approved contacts including samaritans and other welfare and mental health organisations.</p> <p>Individuals can request additional numbers to be added subject to normal public protect checks. System is not configured to receive calls for both security and practical purposes.</p>	<ul style="list-style-type: none"> Plans to increase access to handsets across remainder of prisons. Details on number of prisoners with access to in cell telephony or handsets. Details on number of calls being received to Safer Custody Lines. Plans for in-cell phones to be reconfigured to have capability to call in as well as call out. Access to additional calls or phone credit.
In-cell technology for e-learning and access to video conferencing should be rolled out quickly to help wellbeing, family ties and planning for release.		<p>Support and guidance on a range of issues around keeping well have been developed for prisoners. These include a range of materials on education and wellbeing including Pact's Packets and resources from the Prisoners Learning Alliance.</p> <p>MoJ/HMPPS announce secure video calls to ten more prisons across England and Wales.</p>	<ul style="list-style-type: none"> Number of prisoners with access to in-cell technology and plans to increase access. Number of prisoners who have access to virtual family visits and plans to increase access, especially for them to contact children. Details of plan to roll out virtual visits, especially those with children, would help to alleviate some the stress and anxiety of people in prison and their families.

<p>The use of video conferencing should be used for all parole hearings, to avoid them being cancelled. Any already postponed hearings should be organised as soon as practicable.</p>		<p>Parole Board hearing being moved to virtual hearings.</p> <p>Victim personal statements are being read online (via Skype) to the parole panel.</p>	<ul style="list-style-type: none"> • Numbers of postponed parole hearings and plans to manage backlog. • Plans for the use of technology to support prisoners to complete offending behaviour programmes before they can apply for parole.
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Resettlement and probation

<p>There needs to be a guarantee of accommodation and both financial and practical support for all prison leavers at this time. Providing prison leavers with simple smart phones and increased discharge grants.</p>		<p>DWP have ensured that those release under the scheme are also eligible for means tested benefits including Universal Credit, Jobseekers' Allowance and Housing Benefit.</p> <p>Significant order of phones which have arrived. Phones allow unlimited calls/texts to UK mobile and landlines. Phones do not have an internet or camera facility and are pre-populated with key-works, local probation etc.</p> <p>Information packs being provided on release as well as HMPPS/MOJ working with Clinks to provide digitised and hardcopies of directory services information.</p>	<ul style="list-style-type: none"> • Analysis on time taken to access Universal Credit after release - plans to help ensure it can be applied for before release where possible. • Details about what else is being provided to all people leaving prison at this time to prepare them for COVID-19 world. • Details on why it was decided for phones given on release to not have access to internet especially since most services are operating virtually. • Details on additional support for foreign national people released from prison with no recourse to public funds at this time.
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		HMPPS publish 'Probation Roadmap to Recovery' guidance	
Those released from custody with a history of drug use are at a significantly higher risk of experiencing an opioid overdose. Opioid users could be given naloxone, bridging prescriptions, harm reduction materials and access to remote support services. Police should also be given access to naloxone.		The Advisory Council on Misuse of Drugs (ACMD) has advised the Home Office on COVID-19 emergency measures to enable the supply of controlled drugs such as methadone without a prescription.	<ul style="list-style-type: none"> • Details of specific plans to support prison leavers with a history of drug use including access to bridging prescriptions, harm reduction materials, remote support services, mobile phones to access online help and advice, naloxone. • More police to be trained and given access to naloxone. • Patients in the community who have been receiving controlled drugs as part of treatment will be able to receive this without prescription – clarity as to whether this extends to those being released from custody at this time who will not have a registered GP or be known to a local pharmacy.
Small grassroots charities and BAME-led organisations, should be able to access emergency funding to adapt their services to meet current needs.			<ul style="list-style-type: none"> • Details of funding for small, specialist and BAME-led organisations to support people coming out of prison at this time.
They should also be provided with sufficient PPE to enable some continuation of face to face work.			<ul style="list-style-type: none"> • Details of PPE provided for key workers including voluntary sector staff and plans for this as lock down restrictions are loosened.
More testing of prisoners and staff for COVID-19, including		As of 17/04, COVID-19 testing extended to the police, fire service, the judiciary and prison staff. Prisoners at eight prisons	<ul style="list-style-type: none"> • Clarity on categories of staff for testing and numbers being tested, including access to testing for non-

those leaving prison, would enable suitable support to be provided and reduce risks.		will be making hospital scrubs and face visors to help curb COVID-19.	<p>statutory key workers including those working for charities.</p> <ul style="list-style-type: none"> • Details of plans to test prison leavers on release.
Families providing accommodation for prison leaver relatives would benefit from food vouchers and access to remote restorative practitioner services to address any potential conflict or tension.			<ul style="list-style-type: none"> • Clarity on what support is being offered to families of people leaving prison who will be accommodating that individual, such as food vouchers and access to remote restorative services.
Funding should be provided to employ peer workers at all stages of the system, from prevention to prison leaving, to build trusting relationships and provide public health information and support.		Organisations such as User Voice said could access more individuals to offer peer support over the phone or online if they had contact details.	<ul style="list-style-type: none"> • Details of the role people with lived experience of the criminal justice system could play in prevention and prison leaving support and plans to fund organisations employing people with lived experience, to do this work.

Scrutiny and monitoring

<p>Full HM Inspections have been suspended, so other measures must be put into place to ensure some level of independent monitoring continues in custodial settings at this crucial time and are published publicly.</p>		<p>HMI Prisons published methodology and health and safety guidance for staff.</p> <p>HMI Prisons will be carrying out short one day inspections. Inspections have already taken place at three local prisons - Wandsworth, Elmley and Altcourse.</p> <p>Inspections found that symptomatic prisoners were locked in cells for up to two weeks without being allowed out to shower.</p>	<ul style="list-style-type: none"> • Greater detail on alternative measures being put in place to provide some way of monitoring of probation services - for example ways people on probation can raise complaints or concerns regarding their supervision at this time, especially as no community scrutiny mechanism. Or engaging organisations such as User Voice to get feedback from people in probation.
<p>Independent Monitoring Boards should continue to monitor on-site where possible and remote monitoring should be facilitated, for example prisoners should be able to use in-cell telephony to contact the IMB from their cells regarding complaints and prisons should provide relevant data and information.</p>		<p>As of 27/04 IMB's are piloting a freephone service which will enable 10,000 prisoners in 13 prisons to make complaints and requests to Boards during the COVID-19 pandemic. Members from IMBs will run the service which covers Wayland, Pentonville, Lewes, High Down, Berwyn, Woodhill, Eastwood Park, Bronzefield, Durham, Buckley Hall, Swinfen Hall, Onley and Elmley prisons.</p>	<ul style="list-style-type: none"> • We understand that the pilot will last 6 weeks, we would like to see this extended to the remaining prisons as soon as possible. • Clarity on ability of prisoners in prisons not participating in the pilot to raise complaints directly with IMB via phones. • Clarity on information prisons are providing to IMBs on issues such as testing rates and outcomes, segregation, hygiene, access to showers, phone calls, legal advice, in-cell distraction activities and exercise.
<p>Good practice identified by IMBs in prisons should be highlighted and shared.</p>			<ul style="list-style-type: none"> • Clarity on how good practice in responding to covid19 being identified by IMBS and others is being gathered and shared more widely with HMPPS and the sector.