



House of Commons
Justice Committee

**Coronavirus (Covid-19):
The impact on prisons:
Government Response
to the Committee's
Fourth Report of
Session 2019–21**

**Eighth Special Report of Session
2019–21**

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Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Publication

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are, Chloë Cockett (Senior Specialist), Mark Doyle (Committee Media Officer), Su Panchanathan (Committee Operations Officer), Tracey Payne (Committee Specialist), Christine Randall (Committee Operations Manager), Jack Simson Caird (Assistant Counsel), Holly Tremain (Committee Specialist), Ellen Watson (Second Clerk) and David Weir (Clerk).

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Eighth Special Report

The Justice Committee published its Fourth Report of Session 2019-21, [Coronavirus \(Covid-19\): The impact on prisons](#) (HC 299) on 27 July 2020. The Government's Response was received on 14 December 2020 and is appended to this Report.

Appendix: Government Response

The Government welcomes the Justice Committee's Fourth Report on Covid-19 impacts on prisons. We are grateful for the time given and expertise shared by the Committee in producing and publishing the Report.

I would like to offer my sincerest apologies once again for the delay in responding to this Report. I have carefully considered your report, and hope this response provides you with a full response against your recommendations.

Recommendation

The Covid-19 pandemic poses an urgent threat to public health and safety. It is an unprecedented situation that has required an immediate response by the prison service to protect the NHS and save lives. We praise the Prison Service and wider stakeholders for the vital work they are doing to respond to the pandemic and protect those in their care and the public. (Paragraph 3)

Response

The Covid-19 pandemic has presented a unique set of challenges that we continue to address to maintain services in custody and the community. Guided by public health advice, we took immediate, decisive action to implement a suite of measures to respond to the pandemic.

We thank you for your continued support during this period.

Recommendation

The Committee recognise the necessity of the measures introduced to minimise the spread of the virus and save lives and commend staff and prisoners for adapting to these changes. However, we do not believe that the current regime is sustainable in the long term and are concerned about the effect this may have on the wellbeing and rehabilitation of individual prisoners. (Paragraph 15)

Response

Our National Framework, which sets out in detail how we will take decisions about easing coronavirus-related restrictions in prisons, was published in June. This roadmap for easing restrictions in prisons has been guided by public health advice alongside an operational assessment of what can be achieved in custodial settings, while keeping staff and those in our care safe.

We recently reviewed these restrictions with key stakeholders as part of our Winter Regime Review to ensure that they remain proportionate and sustainable for winter. We are alive to the risk that anxieties regarding Covid-19, and the regime restrictions required for infection control, may negatively impact prisoners' wellbeing. We take this extremely seriously and continue to work with Public Health England and Wales to make sure that we are getting the balance right.

We have continued to develop mitigations over the course of the pandemic, including increasing the use of testing and rolling out medical-grade face masks for staff. As a result, we were able to maintain much more of the prison regime through the recent period of additional national-level restrictions in England. Although we had to suspend social visits, we continued to offer them in compassionate circumstances, including visits to children in custody. We are extending the duration of our extra mitigations to help alleviate the impact of restricted regimes. These mitigations focus on the additional support to maintain family contact (additional PIN credit, access to mobile PIN phone handsets and video calling), but also includes free TV, food packs and continuing to pay prisoners where infection controls mean they are not able to work.

We also continue to make the Samaritans phone service available to prisoners should they need to seek additional support and are working with the Samaritans to ensure that the Listener peer support scheme continues to function effectively.

The large majority of prisons continue to operate at Stage 3 of the National Framework meaning that they are able to provide more time out of cell and purposeful activity, including the resumption of essential workshops, classroom-based education in the YCS, and keywork for priority residents to support engagement and wellbeing. Where it is not safe to offer face-to-face education, we have introduced remote and in-cell learning. We will seek to maintain as many establishments at Stage 3 as is possible over the winter, whilst ensuring that we continue to respond to outbreaks and the need to keep our staff and those in our care safe.

Recommendation

We are not clear as to why there is such wide variance across the estate in type of regime and time out of cell. We agree with the Independent Monitoring Board and recommend that the Ministry of Justice set out clear expectations of the minimum time out of cell and activity to be provided at each phase of recovery. This is not currently clearly set out in the COVID-19: National Framework for Prisons and Services. (Paragraph 16)

Response

The nature of the pandemic means the situation in any individual establishment can change very rapidly. Prisons must respond swiftly to outbreaks, and the need for staff to isolate can cause available numbers to fluctuate over time. At all times establishments continue to offer as much regime activity as can be safely delivered within local constraints.

The type of regime that is safe to deliver can vary significant across different prison types depending on their population and their infrastructure. Establishments where the

physical layout makes social distancing harder need to operate with smaller groups. We have brought in regime monitoring arrangements to understand what is being delivered during the pandemic.

The minimum regime offer for all prisoners, which includes daily access to exercise, domestics (e.g. phone calls, showers and cell cleans) currently ranges from around 1–3 hours a day out of cell. Prisoners in employment or education are able to access more than this. We anticipate that we will be able to continue to meaningfully expand access to rehabilitative programmes and activities as we move through the phases of recovery and are able to relax controls.

Where tackling an outbreak means we need to re-impose strict regime restrictions temporarily, we are committed to maintaining a basic level of safety and decency for those in our care.

Recommendation

The Committee recognise the severity of the current regime in prisons and commend both staff and prisoners for responding and adapting to current circumstances. We are pleased to hear reports that the prison population have been largely compliant with changes made, but we share concerns about the potential long-term impact current restrictions will have on the health and wellbeing of prisoners themselves. We are unclear what additional support is being provided to those struggling with their mental health. Before the Covid-19 pandemic, prisons already faced alarmingly increased levels of self-harm and the current situation in prisons may serve to make that situation worse. (Paragraph 22)

Response

At the start of the pandemic HMPPS took swift and decisive action to protect staff, those in our care, and the wider community and NHS from explosive outbreaks in prisons. Since this time, we have been able to restart large elements of the regime and our National Framework outlined how we will continue to balance the needs to manage the risk of Covid-19 with the wider wellbeing of those in our care. This includes supporting the mental health of prisoners and young people.

There were 61,153 self-harm incidents in the 12 months to June 2020 (our most recent published statistics). This is up 1% from the previous 12 months, comprising a 0.4% decrease in male establishments and a 6% increase in female establishments.

In the most recent quarter (March – June 2020) there were 13,017 self-harm incidents, down 15% on the previous quarter, comprising a 19% decrease in male establishments and a 1% increase in female establishments.

We remain concerned about the rise in self-harm in the women's estate, particularly during the pandemic, as we know that many of the drivers (risks and triggers) and protective factors linked to women's risk of self-harm in prison have been impacted by Covid-19, and for some women this can exacerbate their risk.

We are taking immediate actions to address the rise including having the right staffing levels in place to deliver an improved regime, conducting wellbeing checks, enabling

increased opportunities for family contact through video calls and increased pin credit, and expanding the Support through Enhanced Management (StEM)—a trauma informed initiative aimed at those with the most complex needs.

We continue to make the Samaritans phone service available and are working with the Samaritans to ensure that the Listener peer support scheme continues to function effectively.

A taskforce has been established to co-ordinate and drive forward a range of work aimed at reducing self-harm in the female estate. To date it has:

- Undertaken work to identify the drivers of self-harm for women in prison to help understand the reasons for the increase, as well as identifying the protective factors for women to help reduce of self-harm.
- Completed deep dives in our three of the most complex prisons, with the findings used to inform a comprehensive list of recommendations for the prisons.
- Continuing female-specific self-harm research which is being undertaken with Derby University.
- Appointed a Safety Analyst within the Regional Team to look at the data and make better informed decisions around reasons for self-harm within the women's estate.
- Completed an Early Days review of all establishments. The recommendations from these are now being implemented.
- Developed an additional week's training focused on female-specific issues to provide new officers working in the women's estate with a better understanding of these issues.
- Started the review of healthcare provision within the women's estate which is led by NHS England

In addition to this, we expect to restart the rollout of the revised Assessment Care in Custody and Teamwork (ACCT) version 6 in the female estate in the New Year. This should provide a better framework for supporting women at risk of self-harm through a more tailored and multi-disciplinary support model that focuses on the needs of the individual.

We will also be rolling out the OMiC model in the female estate next year. This will provide each woman in the female estate with a dedicated key worker who will be able to better support them and identify concerns at an early stage so that women can receive the right support at the right time.

Recommendation

We recommend that the Ministry of Justice set out what additional mental health support is available for prisoners and what their long-term plan is to mitigate the effect lockdown may have on the mental health of prisoners should prisons remain in this current phase for a prolonged period. (Paragraph 23)

Response

The COVID-19 pandemic and the regime restrictions introduced in response to it have brought new and different risks to safety. Maintaining safety and the mental health and wellbeing of prisoners has remained a priority throughout the pandemic.

A range of products have been made available to support Governors in devising and implementing local safety and welfare plans designed to mitigate these risks. Guidance has been provided on operating the key safety systems in compliance with infection control measures and in the context of staff shortfalls and/or the absence of trained staff.

We have tailored guidance for supporting specific groups of people in prison whose wellbeing may be more impacted by COVID-19 measures put in place, including older prison residents, those with learning disabilities and/or autism, transgender residents, and groups known to be at increased risk of self-harm, suicide, or violence.

As well as the work set out above to reduce self-harm, we have produced a range of products to support Governors in devising and implementing local safety and welfare plans designed to mitigate risks. This has included:

- Resources for staff assisting prison residents who might be struggling, including additional guidance understanding and supporting someone who is self-harming, and tools such as Conversational Playing Cards.
- Developing a range of materials for residents themselves to support wellbeing, including a range of in-cell distraction activities. A Wellbeing Plan was created with input from mental health charity Mind, and prison resident focus groups. This is a resident-owned self-help tool that can be used by residents to reflect on their triggers and coping strategies, as well as actions they could take to improve their mood and look after themselves at difficult times. It also provides ideas for in-cell activities aimed at improving wellbeing.

The regime mitigations introduced during the first national lockdown will remain in place until Spring 2021. This package aims to help alleviate the impact of restricted regimes. It focuses on the additional support to maintain family contact (additional PIN credit, access to mobile PIN phones and video calls), but also includes free TV, food packs and continuing to pay prisoners where infection controls mean they are not able to work.

Families can continue to access support and advice from the National Prisoner's Families Helpline and our Family Service providers continue to provide support and advice for families and significant others across the prison estate.

Recommendation

It is vital that prisoners are able to maintain contact with family and friends, particularly at such an uncertain time. Family contact is essential to a prisoner's wellbeing and resettlement, and we welcome measures taken to ensure that prisoners are able to maintain contact with family. We welcome the decision to provide 900 locked mobile handsets, and we are pleased to note that the trial of secure video calls at HMP Berwyn was successful and will now be available at 10 establishments. (Paragraph 27)

Response

HMPPS fully recognise the importance of maintaining family contact for prisoners. This is why we quickly introduced video calling when the exceptional circumstances meant social visits were temporarily suspended in March and where they continue to be suspended owing to local or national restrictions.

Building from the initial pilot at HMP Berwyn and 10 early adopter establishments, we have continued to roll out video calling which are now available in over 110 prisons and we expect facilities will be available in every establishment by the end of the year.

Prisoners have also been provided with additional PIN telephone credit, and the mobile PIN phone handsets for those without in-cell phones, to facilitate contact with friends and families alongside the range of existing ways that families and prisoners can stay in touch.

We are also doing everything we can to run social visits in a Covid secure manner where regime and local tiering allows, but we recognise we will continue to need to temporarily suspend visits in some establishments in order to keep prisoners, their families and staff safe.

Recommendation

While the secure video calling service is a temporary measure implemented in direct response to the changes across the estate resulting from Covid-19, the Committee believe there is scope for this service to be developed in the long-term and rolled out further across the prison estate. We recommend that the Ministry of Justice make the secure video calling service available permanently across the rest of the prison estate. The Ministry of Justice should provide costings for such extension of this service and set out a timeframe for when this service will be expanded beyond the 10 establishments due to receive it, and how establishments will be prioritised. (Paragraph 28)

Response

We have rolled out video calling at pace, and it is now available in over 110 prisons across the estate. We expect facilities to be available in all establishments by the end of the year. This has ensured that prisoners have been able to maintain contact with family and been crucial to supporting prisoner mental health and wellbeing during the implementation of restricted regimes.

We are currently exploring the longer-term sustainability of the service in line with the recommendations of Lord Famer's reviews.

Recommendation

Given that prisons have been in a state of lockdown for 15 weeks, we are pleased to hear that Exceptional Delivery Models for stage 3 are being developed and that there are hopes to relax the regime in the next few weeks. We recommend that the Ministry and HMPPS keep the Committee updated on their progress, including what prisons will be transitioning and in what timeframe. (Paragraph 35)

Response

We recognise that the restrictions we have needed to impose for public health reasons have had consequences for the wellbeing of those in our care. Despite any national or local restrictions, we aim to maintain regimes that are as open as possible.

After the national lockdown, and as was the case in the community, we adopted a localised approach, with a staggered reopening of regimes in different prisons. Exceptional Delivery Models (EDMs) were developed for high priority elements of prison regimes, taking account of a wide range of consultees including recognised trade unions, staff, external partners and public health colleagues.

We identified activities where the risks to be lower and where activity was important to safety and wellbeing. This included offender management, education, employment, progression and resettlement.

The Government then introduced a three-tier system in England. It was essential that we continued to review regimes in prisons and that they remained consistent with the increased risk in the community. We responded in a measured way, in line with public health advice, to ensure that we continued to protect the health and wellbeing of the staff and prisoners in our care.

With the recent resurgence of incidence rates in the community and the implementation of a second national lockdown, we did not return to the lockdown of regimes as we did in March, based on the new mitigations available to us.

Once national restrictions ended on 2 December, we returned to our approach under the previous tiering system. As before, we are suspending social visits in Tier 3 areas except for limited compassionate reasons, including visits to children.

Only a handful of prisons have needed to return temporarily to Stage 4 of the National Framework, in order to control outbreaks. The majority of the estate is operating at Stage 3, which involves greater time out of cell. HMP Hollesley Bay is the first establishment to move to Stage 2, allowing the governor to further extend the regime.

We have recently reviewed the Stage 3 EDMs in consultation with stakeholders to ensure that they remain proportionate and sustainable for the winter period. We identified some areas where regimes could be safely expanded within Stage 3 (subject to local risk assessment) and have made amendments to the EDMs to facilitate this. These amendments were published and communicated to establishments on Friday 27 November.

We continue to work with Public Health in both England and Wales to ensure that our regimes remain current, and have introduced a range of measures, including the use of testing and additional PPE, to enable prisons to maintain fuller regimes in a safe way.

We have also worked closely with the Welsh Government to ensure we have responded to any divergence in regulations between England and Wales that might affect regimes, including for example travel restrictions that have affected the ability for social visits to take place.

Recommendation

We are pleased to hear that more than 98% of the prison estate now has cohorting in place. This appears to have been an effective strategy for containing the spread of the virus and protect the lives of staff and prisoners. The Committee thank all of the staff who have worked to implement this measure. (Paragraph 46)

Response

In March we introduced cohorting strategies, including the ‘compartmentalisation strategy’ across the estate, to isolate the sick, shield the vulnerable and quarantine new arrivals, based on advice from PHE. We are pleased to report that 100% of prisons have implemented compartmentalisation in full and modelling by PHE has supported its effectiveness at preventing explosive outbreaks and protecting the lives of staff, prisoners and young people.

As part of the wider strategy, we also significantly reduced transfers between prisons and the cross-deployment of staff. Reducing movements between prisons has mitigated against the risk of importation and onward transmission in custodial settings.

Recommendation

The Committee welcome the Government’s decision to temporarily release pregnant women and women in prison with their children, whenever it is safe to do so. The Committee recognise that this cohort of women require specialist support in the community, but in the 14 weeks since the announcement was made, only 23 women out of around 70 eligible, have been released from custody. We ask the Ministry to explain why that is. (Paragraph 50)

Response

During the pandemic we have operated a scheme under which prisoners in the following groups may be considered for Compassionate Release on Temporary Licence (ROTL):

- Pregnant women;
- Prisoners with their babies in custody (in Mother and Baby Units);
- Those defined by the NHS guidelines as ‘medically extremely vulnerable’ to COVID-19.

Release is not automatic but based on a case-by-case assessment of whether it would be safe to do so. As always, public protection must maintain our overarching consideration and not prisoner has been released without satisfying a thorough risk assessment. In addition, some prisoners have been unwilling to be considered for ROTL, whilst others are ineligible in statute. Those held on remand, for example, can only be released by the courts via a bail hearing.

Moreover, we will not release anyone under the scheme without ensuring they have access to appropriate, safe accommodation, necessary support services in the community and an agreed health care pathway in place.

By the end of September, 54 prisoners had been released under compassionate ROTL. Eligible and suitable prisoners continue to be released under the scheme, which remains live.

Recommendation

We ask the Government to set out how many prisoners were actively considered for release under the scheme and the principal reasons why just over 5 per cent were in fact released early. (Paragraph 60)

Response

As of 15 November, 262 prisoners have been released as part of the End of Custody Temporary Release (ECTR) scheme. The ECTR scheme was aimed at low-risk offenders approaching the end of their sentence, but we did not take its use lightly. The numbers released are lower than originally anticipated as releases were just one part of the wider strategy to create headroom for compartmentalisation which has now been achieved. Public protection has always been our primary concern and no prisoner was released without a stringent risk assessment.

In addition, no prisoner was released without appropriate housing and healthcare support in place for them in the community. HMPPS worked with individuals to ensure they had accommodation in place, together with the necessary support where needed. Offenders were not to be released to anywhere where there were high risk people already isolating.

Although ECTR releases have been paused since August 2020, it remains as a contingency measure that we have available. Should we reintroduce this measure, we will consider what lessons we can draw from how it has operated so far, to ensure the scheme is as effective as possible. At present, there are no plans to re-start releases.

Recommendation

It is not clear what impact increased court activity will have on the prison population, and how MoJ and HMPPS intend to manage any potential influx as a result of increased court activity. The Committee are pleased to note that work has already begun on understanding the effects of renewed court activity; the MoJ should update the Committee on the progress of that work, and how they will manage any influxes in prison population that may result from increased court activity. (Paragraph 63)

Response

On 26 November, the department published updated prison population projections as National Statistics for 2020 to 2026. As the recently published prison population projections show, despite the decrease in recent months due to the COVID-19 impact in courts, over the 6-year projection horizon the prison population is projected to increase to 98,700 by September 2026.

As the publication details, this is in large a result of the recruitment of an extra 20,000 police officers, which is likely to increase charge volumes and therefore increase the future prison population. Additionally, we are continually assessing our prison population projections to ensure we have enough capacity and will continue to update our plans as court activity increases.

The government is committed to creating a modern prison estate that is fit for purpose, providing protection for the public and rehabilitating offenders and therefore as announced in the Chancellor's Spending Review, £4 billion will be invested over the next four years to make significant progress in delivering 18,000 additional prison places across England and Wales by the mid-2020s.

These 18,000 prison places include the 10,000 places being made available through the construction of four new prisons, the expansion of a further four prisons, refurbishment of the existing prison estate and the completion of our ongoing prison builds at HMP Five Wells and at Glen Parva. New programmes will also provide additional prison places and contribute to the 18,000.

We will also invest £315m in capital funding next year to improve the existing estate. This will be supported by a further 1,000 temporary cells (Rapid Deployment Cells) which can accommodate offenders during maintenance and refurbishment work, as well as support shorter-term population pressures.

Throughout the COVID-19 pandemic we have introduced temporary accommodation cells across the prison estate to increase space and help reduce the spread of coronavirus. 1,150 units have been installed at 29 prisons in the HMPPS estate and two privately managed (G4S) prisons.

We have also taken additional measures to create the headroom needed to allow us to fully implement the compartmentalisation strategy. Alongside the careful release of low-risk offenders, as part of the End of Custody Temporary Release (ECTR) and Compassionate Release on Temporary Licence (ROTL) schemes, we have been working to expedite remand cases, and expand the estate. We needed to limit the spread of COVID-19 in prisons while ensuring the public is protected.

As at the end of September, 316 prisoners have been released under End of Custody Temporary Release or on compassionate ROTL. Further releases under ECTR have now been paused, although we are keeping this under review.

Alongside this, we are developing a long-term prison estate strategy to:

- ensure we meet our public protection obligations;
- put the estate on a sustainable footing;

- deliver the places we need at an acceptable standard of decency;
- achieve lower levels of violence; and
- focus on supporting rehabilitation.

Recommendation

We welcome the sourcing and installation of temporary units to increase headroom across the prison estate. We welcome the announcement by the Chancellor of the Exchequer in his Summer Statement on 8 July that £60m is being made available to provide 1,000 temporary places. We recognise that this is ongoing work, but the Ministry of Justice should set out when they intend all 2,000 temporary units to be installed and when these units will be operational. Additionally, the Ministry should provide costings for the 2,000 temporary units and set out how they intend to re-deploy these cells in the long-term. (Paragraph 68)

Response

Throughout the COVID-19 pandemic we have introduced temporary accommodation cells across the prison estate to increase space and help reduce the spread of coronavirus. 1,150 units have been installed at 29 prisons in the HMPPS estate and two privately managed (G4S) prisons. Over 850 are currently in use.

These units been used successfully to support compartmentalisation and have proven to be beneficial to prisoners who are accommodated in them.

These units will remain in place until it is safe to remove them. We are considering the ongoing use of these type of units as part of management of short-term population pressures and to support the transition to the significant permanent capacity that will be delivered over the coming years.

The Prime Minister announced funding for 1,000 more prison places through temporary accommodation. This accommodation—Rapid Deployment Cells—will be designed and built to a Cat C standard as minimum and used to support short-term prison population pressures and maintenance and refurbishment projects. This ambitious project aims to deliver 1,000 additional prison places in the 2021/22 financial year.

Alongside meeting the immediate need of protecting the prison population against the threat of Covid-19, we are working to deliver an ambitious building programme over the next six years. As announced at the spending review, we have committed more than £4 billion capital funding to make significant progress in delivering 18,000 additional prison places across England and Wales by the mid-2020s.

Recommendation

We recommend, however, that the Government investigate the reasons behind the relatively high level of remand into custody [in the youth estate] and explain the reasons behind that, particularly given the pressures on the custodial estate during the coronavirus outbreak. (Paragraph 72)

Response

The number of children and young people on remand has remained stable over the last three years at around 250 children and young people at any one time. But it is true that the proportion of the youth custodial population accounted for by children and young people on remand has increased, which is likely due to a range of factors, such as a lower overall custodial population, and a higher proportion of children and young people in custody for serious index offences.

Thanks to the hard work of our staff and the recovery plans put in place by HMCTS, Youth courts are now clearing backlogs, which should help to reduce the number and proportion of children and young people remanded.

Youth cases are listed as a matter of priority, particularly those cases where a young person is remanded either into a custodial establishment or into the care of the local authority. As part of recovery planning, outstanding youth cases are monitored closely to ensure they are listed as swiftly as possible.

Recommendation

We recommend that the MoJ and Youth Custody Service set out how they have responded to the crisis in the context of the children's estate and how the specific needs of children have been considered. It is also unclear why there is such a disparity in the regimes provided across the youth estate; the MoJ and Youth Custody Service should set out what is being done to address disparities and ensure that all children in the estate receive equivalent provision. (Paragraph 81)

Response

Following publication of the National Framework for Prison Regimes and Services on 2 June, the YCS has developed Exceptional Delivery Models (EDMs), including developing 'YCS-specific' EDMs (specifically Education and P.E, Advocacy, the Custody Support Plan, Interventions and Resettlement). Face-to-face education and visits re-commenced from week commencing 13 July at our public sector Young Offender Institutions (YOIs).

From the outset of the pandemic, there was a focus within the Youth Custody Service (YCS) on delivering essential activities such as regular phone calls (with young people having been allocated additional free phone credits), access to showers and education materials, and time in the fresh air, as well as activities children can undertake in small groups or in their rooms, including workouts and access to entertainment.

Within the Youth Secure Estate, the delivery of education remains a particular priority as we seek to mirror the position taken for vulnerable children in the community where it is possible to do so. There remains a strong desire to provide a high amount of time out of room for children during this time, whilst ensuring that the safety of children and staff remains paramount.

Recommendation

We are concerned that there does not appear to be a sufficiently clear, separate plan on how the youth custodial estate will transition out of the current lockdown phase. We agree that plans need to be flexible enough to accommodate different circumstances and situation of prisons, but we do not believe that this commitment is reflected in the National Framework for Prisons and Services. We are disappointed that children and young people appear as a “footnote” in the National Framework and believe that the specific needs of this cohort should be clearly articulated. The Committee recommend that the MoJ and Youth Custody Service set out in greater detail specifically how the children’s estate will transition out of the current phase of lockdown, bearing in mind our current understanding of the relative risks from Covid-19 in the youth custody estate and those in the adult estate. (Paragraph 82)

Response

Our National Framework is intentionally flexible enough to accommodate the different circumstances and situations of different establishments. It sets out that delivery will vary on this basis, taking into account the needs of children and the specific statutory obligations around education.

Following publication of the National Framework for Prison Regimes and Services on 2 June, the YCS has co-developed HMPPS wide Exceptional Delivery Models (EDMs), as well as created a suite of ‘YCS-specific’ EDMs (Education and P.E, Advocacy, the Custody Support Plan, Interventions and Resettlement). These documents have facilitated the building of child focused regimes that are safe for both children and staff.

Within the Youth Secure Estate, the delivery of education remains a particular priority as we seek to mirror the position taken for vulnerable children in the community where it is possible to do so. It is our aim to continue to provide face-to-face classroom-based education, as well as tailored interventions that meet the needs of the very complex cohort in our care.

Within the context of the National Framework, YCS establishments have been offering as full regimes as possible and have been continually developing the approach to delivery. We have formed ‘family groups’ of young people, which expand and retract in size based on a variety of factors that impact the risk of infection spread (i.e. positive Covid-19 tests amongst the staff). We have recently opened the option of mixing certain family groups together in order to further expand delivery of key activities such as education and interventions and are taking as flexible an approach as is safely possible to ensure children are getting the support and intervention they are assessed as needing.

The suite of Covid-19 controls that YCS has in place are further contributing to the safe running of regimes, and the introduction of face mask use amongst our staff for situations of heightened infection transmission risk (e.g. corridors) is both helping to ensure regime delivery is as open as possible, and that staff can remain at work following positive Covid-19 tests at establishments. A key enabler for effective regime delivery is bringing levels of infection under control, and we have been working hard to embed effective social distancing and health measures and to deploy test and trace for staff in order to achieve this. We are also seeking to access vaccinations for staff at the earliest opportunity.

YCS have also been able to take a bespoke approach to social visits, maintaining face-to-face visits throughout the pandemic, including at times when HMPPS adult establishments had to take the hard decision to pause them. YCS has ensured that social visits to children are always considered under compassionate grounds and has worked hard to safely continue them following rigorous risk assessments and the implementation of Covid-19 controls.

YCS' regime delivery has continued to evolve as lessons are learned and Covid-19 controls are adapted. Delivery through the second lockdown has been significantly improved to delivery during the first, despite the numbers of infected staff and children having been higher, but risks must be continually assessed to ensure that the expansion of delivery does not come at the cost of the health of our staff or the children in our care.

YCS has commissioned CoRE Research on the learning from our experience of Covid 19, and workshops with senior leaders are scheduled for January to agree how to implement this learning in to future regimes. A range of workshops have also taken place with Education Providers with the same purpose.

Rt Hon Robert Buckland MP