

Ministry
of JusticeJoanna Cherry KC MP
Chair of the Joint Committee on Human Rights
House of Commons
London
SW1A 0AA

10 April 2024

Dear Joanna,

PUBLICATION OF LAY OBSERVERS' NATIONAL ANNUAL REPORT 2022-2023

I am writing to let you know that the Lay Observers' National Council is publishing their national annual report 2022 - 2023 today. A copy of the report can be found on the Lay Observer's website at: <https://layobservers.org/reports/>.

The report notes numerous instances where custody staff excelled in ensuring that Detained Persons (DPs), including children and young people were treated with decency and respect while in custody. While the report highlights that critical staff shortages have impacted the experiences of DPs, it emphasises the excellent efforts of staff during this difficult period. I recognise and appreciate the commitment that staff have shown.

Whilst this report acknowledges the commitment of the escort and custody officers, it emphasises several concerns. Specifically, around delays in transportation, the treatment of children and young people, and the lack of suitable seating and food in custody suites. I take these issues raised very seriously, and I want to assure you that immediate action is underway to overhaul any instabilities within our services.

The report details how the low staffing levels in court custody and escort services have led to various negative impacts. I assure you that Prisoner Escort and Custody Services (PECS) have robust assurance and monitoring processes in place and have worked with both suppliers to ensure that they are appropriately staffed to deliver all the service requirements. Significant progress has been made with overall vacancies at the lowest levels since the commencement of the contract and staffing levels are currently above the contractors' targets levels. However, I acknowledge that staffing shortages have impacted on the overall experience of some custodies, including delays in arriving and departing court, and assure you this will be a continued area of focus.

The report identifies concerns over suitable seating for those with disabilities and injuries, and the quality of food offered in custody suites. The current food provision was extensively and collaboratively agreed, including Lay Observers representations, through a structured testing programme which provides DPs with varied options to cover the necessary dietary requirements. The quality and choice of food is routinely monitored as part of the PECS assurance processes and a further review of the provision of food by both contractors will take place during late 2024. I recognise the concerns over suitable seating for DPs with disabilities and assure you that detainees with reduced mobility due to existing medical conditions, are normally transported to Equalities Act (EA) compliant sites in each region for additional support. However, HMCTS will consider conducting a feasibility study to determine what additional measures could support detainees with injuries or mobility issues.

The report expresses concern about the treatment of children and young people (CYP) in court custody. I assure you that the PECS contract provides a bespoke service for CYPs, with specially trained teams of

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staff looking after CYPs collected from secure children homes, secure training centres and prisons who are transported to court in a non-cellular vehicle subject to a risk assessment. A dedicated team of three staff will stay with a CYP throughout the time in court and return them to the establishment at the end of the court day. This is monitored through a Contract Delivery Indicator and subject to contractual measures when performance is not achieved.

I assure you that I take all the concerns raised by the Lay Observers very seriously and I am determined to do whatever it takes to get it right, with consideration to the report's recommendations. I have outlined the actions we are taking to address the report's recommendation in the annex to this letter.

A handwritten signature in black ink, appearing to read 'Edward Argar', with a horizontal line underneath.

RT HON EDWARD ARGAR MP

Annex

Recommendation	Response
<p>1. HMCTS should investigate how to provide suitable non cellular accommodation in every court custody suite where there is a regular youth court.</p>	<p>Many of our court custody suites have limited additional non-cellular space that would not allow any adaptations to happen. The PECS supplier does use professional visitors' rooms to hold children and young people (CYP) in or open cells where possible. HMCTS will however consider with PECS whether there are any low-cost options in this area. To progress any further requiring structural works would require a feasibility study to be conducted and that is unlikely to be financially approved at this time as such a study would not fall within our published 4 "S" criteria for funding (i.e. Safety, Security, Statutory or of Significant operational impact).</p>
<p>2. CYPs should always be transported in vehicles without adult DPs and be looked after and managed by suitably trained staff.</p>	<p>CYPs transported from secure children's homes, secure training centres and prisons are transported and looked after by suitably trained staff. This is monitored through a Contract Delivery Indicator and subject to contractual measures when performance is not achieved.</p> <p>The contract allows for CYPs to be transported with adults on cellular vehicles. On all occasion when this occurs a separation screen in the vehicle must be used to divide the cellular accommodation and keep the CYP and adults apart. The PECS CYP team monitor the contractors performance to ensure delivery is in line with Contractual requirements.</p>
<p>3. HMCTS should investigate methods to provide suitable seating for DPs with reduced mobility.</p>	<p>The seating in cells is fixed and the provision of temporary seating measures does present logistical problems over storage, allocation, hygiene and risk for the suppliers to manage. HMCTS will however consider conducting a feasibility study to determine what additional measures could support detainees with injuries or mobility issues.</p>
<p>4. Contractors should double their current efforts to increase levels of staffing in nearly every court, as well as the number of staff available to transport DPs to and from courts.</p>	<p>PECS have robust assurance and monitoring processes in place and have worked with both suppliers to ensure that they are appropriately staffed to deliver all of the service requirements. Significant progress has been made with overall vacancies at the lowest levels since the commencement of the contract. This will be a continued area of focus. Both PECS contractors have proactive recruitment campaigns and a healthy pipeline of new starters. Staffing levels are currently above the contractors' target staffing level in the north and south PECS regions.</p>

<p>5. More emphasis should be given to ensure that those in custody have suitable reading materials, in their own language, and a range of puzzles and quizzes to keep the occupied whilst locked in cells.</p>	<p>PECS Suppliers will undertake a review of distractions boxes/packs. This is being led by the Senior PECS Manager. There will be a focus to ensure these meet the varied needs of the prisoners in PECS care.</p>
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