

# Justice Committee

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Robert Buckland QC MP

Lord Chancellor and Secretary of State for Justice

By email

8 April 2020

Dear Robert

Thank you for meeting the Committee yesterday to update us on the developing situation in the courts and the prison and probation systems in England and Wales, and please pass on our thanks, once again, to both Jo Farrar and Susan Acland-Hood for their current efforts and their willingness repeatedly to be of assistance to the Committee. Thanks, too, for your commitment to keep the Committee informed as matters move on.

A full summary of our discussion is now published on the Committee's website, and it is to be hoped that the technical and staffing difficulties that have beset the House of Commons service in recent days will be sufficiently resolved when next we meet to enable us to do so in a fully public setting and as transparently as you and we each desire.

The note may be found at:

<https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/correspondence/200407-Justice-Committee-meeting-Robert-Buckland-note1.pdf>

I write to follow up on a few of the matters raised.

First, we are grateful for the daily updates your Department is providing us containing statistics on the number of confirmed cases of Covid-19 within the prison and probation environment. We appreciate that you are providing us the number of confirmed cases, and we note that this will inevitably sometimes appear to conflict with the numbers being speculated about on social media and in the wider media, not least because your perfectly proper need to confirm the figures means they are generally being published up to 24 hours behind the time of that confirmation. It is helpful to have the confirmed

numbers, and we will do what we can to assist in providing accurate public information at a time when it is even more valuable and important than usual.

In relation to expanded capacity in prisons, we would appreciate being updated on where and when that additional capacity is identified. In the shorter term, how many additional places are expected to be made available, if possible broken down by the category of prison in which they will be placed?

We appreciate it may take some time to risk-assess those eligible for early release under the provisions of the new Statutory Instrument and to find them suitable accommodation and maximise their chances of not breaching their licence conditions or re-offending, and we commend the work your Department is doing with the Departments of Work and Pensions and of Housing, Communities and Local Government in the latter respects.

You said that you expected the number being released, under that scheme and among pregnant prisoners and those who have babies, to increase significantly after the Easter weekend. We would appreciate at least weekly updates on the number of prisoners who have been released early on temporary licence from next week both under the new SI provisions and among otherwise eligible female prisoners.

Jo Farrar said, in reply to a question from Rob Butler MP, that those released on temporary licence would not, initially, come under the jurisdiction of the Probation Service, being under licence and tagged to be at home. May I ask you to confirm that that is the case and to give further details of how those released in those cases will be monitored and what contact arrangements, and with whom, will be required of them?

You said, in reply to a question from Dr Kieran Mullan MP, that prolific past offending might play some role in determining the risk level of potential release for some prisoners. Would you confirm that a history of past offending might play some part in that decision?

Turning to the courts and legal systems, we clearly share a concern that justice remains accessible as far as is possible during the present crisis and that providers of legal services, both in the private profession and the not-for-profit sector, are enabled to continue to represent clients in need of justice. We would draw your attention to evidence we have received on the real risks to the sustainability of publicly funded elements of the legal profession in relation to both solicitors and barristers, and in particular to those junior members of the professions doing legal aid work.

We are grateful to you for taking on board the suggestions made by James Daly MP, Ms Sarah Dines MP and Andy Slaughter MP on mechanisms to provide cash flow to the legal professions in the short term, and would appreciate further details, as they emerge, of steps being taken to secure the future provision of vital legal services in a damaging financial environment.

We would also appreciate further details of developing thinking on the resumption of jury trials when the safety of those who participate in them can be guaranteed.

Finally, and far from least, we pay tribute to all those who are working within the prison and probation and the courts system at present to keep the wheels turning in those vital public services. We appreciate how hard many are working in unfamiliar and extremely difficult circumstances, and that goes, of

course, for you, your ministerial colleagues and the officials in your Department and its associated bodies, too.

We will, of course, over the coming weeks seek to hold the Government to account for actions taken and plans made, but we will also seek to work collaboratively to help these vital services through the current crisis, not least by, as previously mentioned, seeking to provide accurate public information where we can.

We look forward to meeting again shortly, and please pass on our best wishes to all your Department's staff at this troubling time.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Neill', with a large, stylized initial 'R'.

**Sir Robert Neill MP**

Chair

Justice Committee