



**Chair of Independent Advisory Panel on Deaths in Custody**

Juliet Lyon CBE  
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Dear Juliet

**COVID-19**

Thank you for your letter of 20 March to the Secretary of State for Justice on behalf of the Independent Advisory Panel on Deaths in Custody regarding the impact of Covid-19 on the prison service. I know that you have since written again to the Secretary of State who will shortly be replying to your correspondence and I hope to be able to speak to you early next week.

I agree with your concluding sentiment that there is great value in working together through these unprecedented and challenging times, so I am grateful for the support you have been providing to my officials. I am also grateful for the suggestions you have made about how we might manage this difficult period, and I hope that you will have been reassured when talking to officials that we are looking at a wide range of options and taking lots of proactive steps already. We want to ensure the safety and wellbeing of those in our care. I have responded below to each of your specific areas of concern.

**Maintaining and strengthening family contact**

We are aware of the importance of maintaining family ties during the COVID-19 pandemic and this especially includes those in custody. As you will be aware visits are temporarily cancelled to ensure we follow the latest public health guidance following government instructions that require people to stay at home to protect the NHS and save lives. We have been considering measures which we can apply flexibly to help ensure that we support family ties as we make decisions on prison regimes, and will continue to do so.

You will have seen the announcement this week that we will be providing 900 secure phone handsets to those 55 prisons without existing in-cell telephony systems. The locked SIM card handsets will allow risk-assessed prisoners to speak to a small number of pre-authorized contacts. Further measures are also being considered, including access to phones on prison landings where it is possible to do so while observing the social distancing guidance. We are also exploring the use of video calls to allow prisoners to be called by their families in a secure environment.

Please also be reassured that the HMPPS Family Services team is keeping in close contact with Family Service Providers during this time, including the Prison Advice and Care Trust who operate the Prisoner's Families Helpline on behalf of HMPPS, to seek to provide the best possible consistent information to families and friends during these fast-moving circumstances.

## **Improving communication and providing clear, accurate information, and protecting vulnerable people**

I agree that communication is key in supporting both staff and prisoners at this time. We do not have any plans to remove the lines of communication you mention as we see these as important tools in ensuring we both communicate about changes but also keep prisoners abreast of the implications for wider society. These avenues are necessarily increasingly important as we change regimes in line with wider Government guidance to protect staff, prisoners and their families.

We have already:

- Issued local communications templates that will be used to keep service users informed of suspected cases and other changes;
- Amended PHE posters to be appropriate for custodial settings, and continued amending these as guidance changes, (e.g. we have created a specific one for pregnant women);
- Given Prison Radio daily updates using a centrally agreed script;
- Started work with Wayout TV to use their channel to communicate information to prisoners; and
- Provided an article for the front page of the new edition of Inside Time.

As mentioned before, we have announced ways in which we are seeking to keep prisoners in touch with their families; including access to 900 phones where in-cell technology isn't available to support this.

We are in close contact with the Samaritans and are working with them to ensure that the Listener scheme continues to function effectively. We have issued guidance to prisons on how to continue to facilitate support for Listeners now that visits to prisons from Samaritans volunteers have ceased.

We continue to work closely with organisations such as the Prison Radio Association who are grant funded by HMPPS to operate National Prison Radio in partnership. Together we have sought to introduce new ways to support information for the men and women in prison, such as the introduction of a daily faith slot focusing on a different faith or belief system and special programming in lieu of congregational worship on specific days.

We are issuing prisoners with notices to support regime changes and staff are being asked to have conversations in person, especially for people who struggle to read, who are especially anxious, who don't speak English well, or may have a learning disability, in order to check their understanding and encourage cooperation. We are working with colleagues with appropriate expertise to ensure communications are procedurally just.

There is a significant amount of guidance being issued to establishments at this time and we are working closely with Governors to give both staff and prisoners timely information based on wider Government and health advice. We are also supporting other key stakeholders, such as the Prison and Probation Ombudsman, by providing them with a vehicle to communicate key messages to prisons.

## **Maintaining scrutiny and safeguards**

During this difficult period, the health and safety of the public, prisoners and those working on the front line are of paramount importance, and government advice must be respected and adhered to. Nonetheless, we acknowledge the continued role that monitoring and inspecting places of detention and probation can have in maintaining conditions for those in our care. Over the coming weeks and months of the Covid-19 outbreak, we will remain in regular contact with all of the Ministry of Justice's arm's length bodies, in particular Her Majesty's Inspectorate of Prisons, Her Majesty's Inspectorate of Probation, the Prisons and Probation Ombudsman, Independent Monitoring Boards, and the Lay Observers.

The work of these organisations has been affected by the outbreak of Covid-19, as in light of the challenges being faced they have independently made responsible decisions to suspend or draw back on their monitoring and inspection functions.

We remain committed to facilitating and maintaining a line of dialogue between these bodies and HMPPS, and we are actively working with them to explore how they can carry out their important work. Considering the use of telecommunications will likely be part of this ongoing conversation. However, any option that allows for the continued presence of eyes and ears across places of detention and probation must be done with the utmost regard for the challenging circumstances that these services are facing. This balance is not done just for the regard of those working in the prisons and probation services, but also to ensure the wellbeing of those under our care, as well as the wellbeing of staff in arm's length bodies.

### **Making proportionate and necessary use of imprisonment**

We have already implemented a number of measures to reduce pressures. Exceptional Delivery Models have been developed for both prisons and probation, setting out how HMPPS will respond to and manage the escalating impacts of COVID-19, up to and including a reasonable worst-case scenario. As you will know, we are already reviewing extending the use of bail as opposed to custodial remand to divert defendants from custody where appropriate, to reduce population pressures. I am not ruling out amending the parameters of remitting additional days or making changes to the process of remittance if it becomes a necessary response to the pandemic.

As the pandemic evolves and develops, I am looking very seriously at the possibility of early release to help us manage the virus and protect the vulnerable. Any decision on early release would be based on clinical advice from PHE on how best to manage COVID-19 incidents/outbreaks in the prison estate. This is a key strategic issue around infection prevention and control. Particular challenges lie where there is crowding, and in shielding prisoners who are vulnerable or have underlying health conditions. Of course, releasing prisoners early to ease the pressures on prisons also needs to be balanced with public protection risks, and take account of shared pressures faced in probation services. It is right that we give this careful consideration.

Thank you again for writing to me. I know that my officials have been grateful for your advice and support with regard to the Covid-19 pandemic thus far, and we would all appreciate that continuing over the coming weeks and months.

Yours sincerely

A handwritten signature in black ink that reads "Lucy Frazer". The signature is written in a cursive, flowing style.

**LUCY FRAZER QC MP**