



**Juliet Lyon CBE**

Chair, Independent Advisory Panel on Deaths in Custody

**Copied to:**

**Dominic Raab MP**

Deputy Prime Minister, Lord Chancellor and Secretary of State for Justice

**MoJ ref:** ADR94918

24 February 2022

Dear Juliet,

### **OMICRON COVID-19 VARIANT OF CONCERN**

Thank you for your letter to the Deputy Prime Minister, on behalf of the Independent Advisory Panel on Deaths in Custody (IAPDC), and for the Panel's advice to prisons and other closed places of detention in light of the threat from Omicron. The Deputy Prime Minister has asked that, as Prisons Minister, I write to you on his behalf.

As I highlighted to you in my letter of 13 December 2021, the safety of those working and living in prisons has been, and continues to be, our utmost priority. Management of Covid-19 - and the Omicron variant in particular - remains challenging for prisons. We continue to work closely with UK Health Security Agency (UKHSA), and our actions are guided by expert public health advice.

We have been proactive in our response to Covid-19 in prisons and adapted quickly to the emergent threat from Omicron. On advice from UKHSA, we reintroduced restrictions in prisons and moved all sites, bar exceptions where appropriate, to a baseline of Stage 2 regimes on 14 December and to Stage 3 on 20 December. The decisions to reintroduce additional restrictions beyond those in place in the community were made to protect the lives of all those who live and work in prisons, acknowledging the unique risks of the prison environment that you have highlighted in your correspondence.

I am grateful to you and the IAPDC for your ongoing advice and recommendations. You raised a series of specific potential measures, and I enclose updates below on the work ongoing in each of these areas.

#### **Placing military personnel on standby**

We introduced an extensive range of measures to ensure that prisons can maintain appropriate staffing levels during the pandemic, including incentivising additional staff hours and mutual aid to ensure establishments facing the greatest challenges get the most support. We took steps to enable more operationally qualified staff in HQ and non-operational roles to return to prisons, and a number of former prison staff returned to the frontline, providing experience and support to staff and prisoners. Following the success of this, a permanent Reserve Scheme is being formed, providing a cadre of experienced former officers to rapidly alleviate staffing difficulties and support our newer officers in delivering keywork. We have longstanding arrangements to be able to call on military support in the appropriate circumstances, but at this point we do not consider it necessary to bring in additional external resource.

### **Introducing mobile vaccination units**

The vaccination programme in prisons is led in England by NHS England/Improvement (NHSEI), facilitated and enabled by HMPPS. Huge efforts are being made to ensure positive messaging about the importance of getting vaccinated is conveyed on an 'every contact counts' basis, via both HMPPS and healthcare staff. All prisons are continuing to prioritise vaccination clinics, working with local healthcare providers. Working with the NHS, we are making every effort to encourage vaccine uptake, including ensuring that prisoners receive the booster as soon as they are eligible. NHSEI have considered different delivery options throughout the pandemic, but are able to run sufficient clinics for people who want the vaccine, and therefore NHSEI is not considering the use of mobile vaccination units at prison sites at this time.

### **Increasing testing of staff and prisoners**

Our comprehensive testing regime has proven very effective in identifying positive cases, limiting transmission into and between prisons, and restricting the scale of outbreaks. Recognising the increased risk posed by the highly transmissible Omicron variant, we have made testing mandatory for all staff working in prisons. This will continue until the risk from Omicron has sufficiently decreased. We have also increased the frequency of how often staff are tested for Covid, which will further reduce the risk of transmission into prisons. We continue to test prisoners at key transition points and use mass testing to contain outbreaks. As throughout the pandemic, our approach to testing continues to be informed by the latest public health advice.

### **Re-enforcing healthcare teams**

As with many other sectors, staff absences among healthcare teams have been significantly affected by the Omicron variant. Changes to isolation period rules will support staff to return to work earlier and NHSEI are developing plans to support healthcare teams with absence management and recruitment more broadly. A workforce recruitment framework is being built to promote the health and justice landscape as a vibrant and viable career option for clinical and medical staff. While this will take time to secure significant and sustained increase in numbers, HMPPS and NHSEI continue to work together to expedite vetting which we recognise has presented barriers to swift on-boarding.

As you highlight, physical and mental health checks are an important element of securing wellbeing and understanding prisoners' needs. As in the community, NHS physical health checks have been stood down temporarily, with the focus on the vaccination programme and outbreak management. During this period wellbeing checks are being carried out so serious medical needs are being identified and managed. NHSEI providers are working in all prisons to continue to support mental health and substance use needs, and recovery of these services is a priority. Where prisoners present with symptoms of Post Covid-19 Syndrome, healthcare teams will provide support and treatment options as they would for people in the community.

### **Re-enforcing prison leadership**

As set out in the Prisons Strategy White Paper, ensuring that people working in prisons feel supported and valued is a key priority. We are improving the support available to our officers and will be piloting a new supervision model in a small number of prisons. We recognise that the culture of a prison is led by senior leaders and we have already set out the standards we expect from our leaders in the HMPPS Leadership Code. Governors can use the tool to facilitate bite-size learning on the key standards of leadership, including compassion and inspiration. Several leadership development initiatives are available to prison leaders to ensure these standards are met, including leadership programmes, masterclasses and coaching, and we are exploring further opportunities.

### **Sustaining and improving good, clear information for people in prison**

Throughout the pandemic we have provided materials for Governors and staff to support conversations about national Covid policy. These include notices to prisoners to make sure the same message is heard by everyone. Our material is written using Plain English and with the help of psychologists to make sure we are being procedurally just and clear. Where necessary, we translate material into other languages and use instructional communications (for example about testing) and visual Easy Read-style documents. We provide child-friendly versions of all communications and use a variety of mediums to make sure we are covering those who speak English as a second language, are neurodiverse or cannot read. This includes animation and prison radio content. In addition, we have sought advice from subject matter experts to make sure that the materials we provide will reach traditionally marginalised people.

### **Gathering chaplaincy support**

Volunteers from a wide range of faith and belief communities play an invaluable role within prison chaplaincy teams. It has, however, been necessary from time to time to reduce the number of people entering a prison as we respond to the pandemic and this unfortunately sometimes includes volunteers. When communal worship or faith classes are not available due to restrictions, prisoners have been supported by chaplains with in-cell faith resources and specific faith broadcasts on National Prison Radio and Wayout TV. Chaplains, including sessional staff, are providing wing-based pastoral care while being a critical resource to people in prison and staff, particularly at times of bereavement.

Chaplaincy teams continue to develop links with faith and belief communities and others to identify and encourage greater involvement by volunteers and third sector partners to support prisoners in custody and after release such as through the Welcome Directory.

### **Providing additional backing for peer supporters**

I know that you are a longstanding supporter of the Samaritans Listener scheme and I share your view that prisoners who assist their fellow prisoners (and HMPPS) by taking up peer support roles should themselves be provided with proper support and supervision. Prison staff and Samaritans volunteers have shown remarkable flexibility in supporting the operation of the Listener scheme through the pandemic period, in many cases facilitating support meetings by video or phone calls when infection control measures have not allowed visits to take place. In response to Omicron, HMPPS has re-iterated to Governors that Samaritans support visits are an essential service and should continue to be facilitated wherever possible. Where the level of support from Samaritans does have to be reduced for public health reasons, prison safety teams are expected to take a more proactive role in supporting individual Listeners.

As you point out, the number of calls from prisons to the Samaritans phone service has increased. While the pandemic and regime restrictions have impacted prisoner wellbeing, the increase in calls can also be attributed to Governors emphasising the importance of promoting and ensuring access to the Samaritans phone service during those times when infection control measures have necessitated curtailment of the Listener service. I am very pleased that Samaritans have been successful in the recent competition for the grant, and that the Listener scheme and associated "Postvention" service will continue to be funded until March 2025.

### **Supporting and informing prisoners' families**

We continue to fund the national Prisoner's Family Helpline operated by Pact. In addition, dedicated information for the Families and Friends of prisoners is provided on GOV.UK and updated regularly. Contracted Family Service Providers are providing services in prisons as well as telephone and other support for families and establishments, promoting alternative communications with prisoners such as secure video calling. Establishments continue to work creatively with their contracted family support providers in order that they get the best possible service, despite operational restrictions caused by the pandemic.

### **Securing a steady supply of all necessary PPE and sanitation equipment**

HMPPS continues to follow government guidance around the provision of Personal Protective Equipment (PPE) in prisons and to coordinate with the Department of Health and Social Care (DHSC) which controls PPE supplies. Both the supply and the distribution of PPE regional hubs and individual prison sites is well established and working effectively. Regular forecasting is carried out and we do not anticipate any PPE supply issues. The significant demand from the Omicron variant has provided a valuable test on the arrangements for providing PPE and Hygiene products for front line use which has provided further assurance that our systems remain effective to meet demand.

### **Embarking on an emergency programme of works to improve ventilation**

We have regularly instructed governors on the importance of ventilation to minimise the risk of Covid-19 spreading. HMPPS are also working with cross-Government and academic partners to conduct an urgent analysis into prison ventilation and identify appropriate and effective interventions specific to prison conditions. This includes analysis in a former prison to study air quality and dynamics using environmental and CO2 monitors.

### **Creating a safety valve for HMPPS**

The use of early release on temporary licence was launched as part of a package of measures to protect staff and prisoners from Covid at a time when much was uncertain about the effects of the virus. Thanks to the vaccination roll out, testing and other mitigations, the risks from Covid have changed and we are now more confident in our ability to manage the healthcare needs of vulnerable prisoners in custody.

### **Re-introducing mitigations**

When we had to bring back widespread regime restrictions in response to the Omicron variant, we re-introduced regime mitigations including supplementary pin credit. Once we deem it proportionate to stand down this blanket provision, we will continue to make mitigations available to individual sites who require it, particularly those that are managing outbreaks, utilising the same application process that was available prior to the national reintroduction of mitigations.

Yours ever,



**VICTORIA ATKINS MP**