



Baroness Corston and Kate Green MP
All Party Parliamentary Group Women in the Penal System
The Howard League for Penal Reform
1 Ardleigh Road
London
N1 4HS

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3rd June 2020

Dear Baroness Corston and Kate Green

EARLY RELEASE OF WOMEN PRISONERS

Thank you for your letter dated 20 May sent in support of our announcement regarding the compassionate release of pregnant women and mothers with babies in Mother and Baby Units during the Covid-19 outbreak. I welcome your support of the Government's decision temporarily to release risk assessed prisoners. We are committed to containing the spread of Covid-19 within the prison system to reduce the impact of the pandemic on the National Health Service (NHS) and protect the vulnerable in our care and our staff, while continuing to provide a functioning prison service, maintain safety and order, and manage public protection risks.

We are continuing to release eligible prisoners where it is safe to do so. We have a duty to protect the public and must carefully consider each release, working closely with our partner agencies to ensure every individual is suitable and safe to release into the community. We also have a duty of care to those we release, and therefore must be confident that they have suitable accommodation, access to healthcare and the necessary financial and social support in place to enable them to protect themselves in the community through social distancing and other measures, consistent with the precautions and restrictions we must all exercise at this time.

Pregnant women and those with their babies in prison who do not present a high risk of serious harm, were the first group whose release was agreed on 31 March 2020, with the first release taking place three days later on 3 April. The women in this group are released on a Special Purpose Licence (SPL) under existing compassionate Release on Temporary Licence (ROTL) provisions. Releases have continued since this time, with the most recent one taking place on 20 May. There have been twenty-two women released under this scheme, as of 29 May. Further cases continue to be considered, with every effort being made to enable release for those who are suitable.

Women can also be considered for release under the other early release schemes, the second being the compassionate SPL scheme, which is for those who are identified as extremely vulnerable on health grounds. People in this category are being assessed at present and a small number of people have been released. The third category is the End of Custody Temporary Release (ECTR) scheme. Any woman who fulfils the ECTR eligibility criteria can be considered under this scheme, and some women have been released through this process. Each release must be carefully considered on a case by case basis, to ensure suitable accommodation and support. The Probation Divisional Homeless Prevention Taskforce (HPT) teams work to support Through the Gate teams and Offender Managers secure accommodation. They provide address and police checks, including domestic abuse and safeguarding, to inform release. Those released under ECTR remain the responsibility of the prison governor, and a nominated Through the Gate worker offers support and guidance until statutory post release supervision commences.

The latest Public Health England (PHE) modelling, developed in conjunction with HMPPS, provides an indication that our current Covid-19 strategy in prisons is having a positive impact on limiting deaths and the transmission of the virus within both the men's and women's estate. Across our whole prison estate, the modelling suggests that the headroom required to limit the spread of the virus is around 5,000-5,500, and we continue to keep this figure under review. Early release is only one part of our strategy towards achieving the target headroom. We are also expanding the capacity of the prison estate through temporary accommodation, including at four women's prisons (Askham Grange, Drake Hall, East Sutton Park and Foston Hall); reviewing remand cases and ensuring access to timely hearings; and making use of community measures to divert individuals away from the system. Key elements of our wider strategy to reduce the spread of the virus in our prisons include: implementation of restricted regimes to facilitate social distancing; minimising the use of inter-prison transfers; the creation of headroom to implement cohorting to isolate the sick, shield the vulnerable and quarantine those new to custody; boosting staff resilience at the frontline; the provision of appropriate Personal Protective Equipment; roll out of staff testing; and exploring options for wider prisoner testing. We are also minimising the cross-deployment of staff between different units in prisons to prevent the incursion of the virus. There is some scope for individual Governor discretion, allowing Governors to be responsive to the needs of those in their care as long as guidelines are fully adhered to.

We are, of course, concerned to mitigate the impact of the restricted regimes on prisoners. We have improved prisoners' in-cell experience with additional pin credit to maintain family ties and have lifted restrictions on access to in-cell TVs. We have begun the first phase of a rollout of secure video calls to enable further contact with families. The first establishments to make use of the new technology include three women's prisons: HMPs Bronzefield, Downview and Eastwood Park. We are supporting staff to continue key work in an appropriate format and to sustain important staff and prisoner relationships, for example through 'conversational playing cards', a way of encouraging meaningful conversations, and Wellbeing plans. The Wellbeing Plans - accessible to all prisoners - are a self-help tool created with input from mental health charity Mind and prisoner focus groups. They include a safety plan and ideas for in-cell activities.

In all of this, we are acutely aware of the need to develop sustainable solutions for managing headroom and regime restrictions as community restrictions lift and court inflows increase, and this is being carefully considered as part of our medium-term planning. While we are conscious of the need to manage prison population pressures, public protection is paramount and we must balance risks to the public with our responsibility to protect the health and safety of those in our care.

Thank you for your ongoing support at this challenging time.

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly slanted style.

RT HON ROBERT BUCKLAND QC MP