



Ministry  
of Justice

The Right Honourable  
**Robert Buckland QC MP**  
Lord Chancellor & Secretary of  
State for Justice

Rt Hon Baroness Corston  
Jackie Doyle Price MP  
Debbie Abrahams MP

MoJ ref: ADR83900

22 December 2020

Dear Jackie, Debbie and Jean,

**AMENDING THE BAIL ACT TO REMOVE THE POWER TO REMAND DEFENDANTS IN CUSTODY  
'FOR THEIR OWN PROTECTION'**

Thank you for your letter of 25<sup>th</sup> November and for sending me a copy of the latest report from the APPG on Women in the Penal System asking the Government to abolish a law, under the Bail Act 1976, that gives courts the power to send women to prison for their own protection. I understand that the report draws on research by the Howard League for Penal Reform.

As noted previously in correspondence to the Howard League we have a responsibility to ensure those in prison receive appropriate care in the right setting, at the right time. Prison is not the right place for individuals who are mentally unwell and I am keen to avoid prison being used inappropriately.

I note that the APPG has found that although this power is not heavily used, when it is it tends to be used to detain the most vulnerable defendants including those where there have been failings of care and support in the community. It is also important to note that this power tends to be used by the courts only as a last resort, out of concern for the defendant, and when there is no other viable option available.

As I have previously stated, we are determined to ensure that remand to prison is not considered as an option when seeking a place of safety for a person in crisis. However, it is vital that the operational mechanisms are in place before any legislative reforms are made in order to ensure that the system can work smoothly and effectively to deliver this objective.

I welcome your interest in this area of work and welcome your request to meet with me to discuss how we can work together to end this practice. However, my diary is unlikely to permit this in the near future, and so I have asked my officials with this area of policy responsibility to arrange a meeting between themselves, APPG members and Minister Frazer, as Prison as a place of safety falls under her portfolio as Prisons Minister. At this meeting it may be helpful to also discuss the issue of prison being used as a place of safety under the Mental Health Act 1983.

Yours sincerely

**RT HON ROBERT BUCKLAND QC MP**