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**MoJ ref:** ADR 093396

25 April 2022

Dear Peter,

### **COVID-19 IN PRISONS**

Thank you for your letters of 13 December 2021 and 22 February 2022 regarding Covid restrictions and prison regimes. Please accept my apologies for the delay in responding. This was due to an administrative error and measures have been put in place to prevent this from happening in future.

Throughout the pandemic the Ministry of Justice has been guided by three main principles: preservation of life; maintaining security, stability and safety; and providing sufficient capacity. The restrictions that have been implemented across the prison estate over the last two years have been necessary to meet these objectives and have undoubtedly saved lives. We have worked closely with the UK Health Security Agency (UKHSA), and continue to do so, to ensure our actions are guided by the best available public health advice.

We have always sought to balance infection control measures with limiting the impact of restrictions on prisoners, based on the advice of UKHSA. As prisons are closed environments with vulnerable populations, it has been necessary to introduce restrictions beyond those in the community. This has meant that at times many establishments have had to operate with significantly reduced regime in order to keep staff and prisoners safe. However, the MoJ has never had a policy in prisons limiting time out of cell to one hour; the PQ response of 7 December 2021 was in reference to this. We have emphasised throughout that prisons should open up regimes as soon as it is safe to do so, in line with public health advice. Even at the most challenging point of the pandemic, prisons have prioritised the delivery of essential regime elements and all prisons have been expected to maximise time out of cell.

We know that the pandemic has impacted differently across sites, meaning there has been significant variation at times in the amount of regime activity delivered. Due to the nature of the pandemic, prisons have had to make changes to regimes at pace, for example, in response to an outbreak on a specific wing or a cluster of staff testing positive and needing to self-isolate at short notice. Similarly, different prisoners will have had different experiences, for example, depending on the work or role they are engaged in.

The impact that the restrictions have had on the wellbeing of those in our care is understood. As you know, regime mitigations were introduced soon after the start of the pandemic to support the mental health and wellbeing of prisoners and help them maintain contact with their families. Many services, such as education, were moved to in-cell delivery so that prisons could continue to offer activity to prisoners safely. In addition to these mitigations, early in the pandemic the MoJ created a wellbeing fund to support prisoners and help them to cope with a restricted regime.

Unlike in the first phase of the pandemic, during the Omicron wave we were able to keep the baseline level of restrictions at Stage 3 of our National Framework for Prisons, thereby keeping more activity open. However, as in the community, staffing absences due to Omicron infections have been significant, and have put pressure on prisons' ability to deliver regime. We have worked hard to reduce the impact of this, for example, through our rigorous staff testing programme, and we re-introduced many of the regime mitigations, including supplementary pin credit. We are grateful to our staff who have worked tirelessly, under very challenging circumstances, over the last two years to ensure the safe running of our prisons.

On 21 February, the Prime Minister set out the Government's plan for living with and managing the virus. While we continue to experience outbreaks across the prison estate, the number of outbreaks is falling and deaths in prisons have remained well below the numbers seen during previous waves. In line with the wider government strategy, our focus is now firmly on supporting recovery across the prison estate. In light of the vaccination programme, reduction in infections and evidence of reduced disease severity with Omicron, the time is now right to progress prison regimes.

Based on the latest data and updated advice from UKHSA, we opened the Stage 2 Gateway on 3 February, followed soon after with the opening of the Stage 1 Gateway on 25 February. Prisons at Stage 1 are operating with minimum baseline Covid controls and surveillance measures, without the need for social distancing or a significant impact on regime delivery. The ability to progress must be determined by local circumstances and risk assessments, and informed by public health advice, and therefore progression will not be uniform nationally. However, we are supporting all those prisons that are ready to progress to Stage 1 to do so as soon as it is safe, and half the estate is now operating at Stage 1.

I know you have met with my officials regularly throughout the pandemic and have provided your valuable insights on regime design, including at design events looking to how we move through restrictions to recovery and reform. We are grateful for your ongoing support and challenge.

We are continuing to work with UKHSA to ensure we have a sustainable and proportionate response to Covid that continues to protect the vulnerable while allowing prisons to deliver fuller regimes. We will continue to focus on interventions to protect those at risk of serious illness and death while ensuring minimum possible impact on the wider prison population.

Yours ever,



**VICTORIA ATKINS MP**