

Prison Reform Trust submission on Covid-19 to the Justice Committee – 23 April 2020

What we are hearing—rising desperation

Another week passes, and the inquiries we are receiving are still dominated by two themes—what’s happening (or not) on early release; and the dangerous situation in prisons in relation to infection control.

On **early release**, the numbers involved are pitifully small. We heard from a prisoner at an open prison. Of the 500 plus people held there—all judged to require no physical security in order to protect the public—12 had been identified as potentially eligible for early release. Two had eventually been assessed as suitable, and both were then recalled because of a clerical error. We can only take the prisoner’s word for this—no official figures have been released—but at another, smaller, open prison for women we were also informed that no-one had been released.

Like everyone else, we heard on the news that the new scheme had been suspended. At the time of writing there has still been no official communication on its website or anywhere else from the ministry to tell prisoners or families or the charities trying to help the prison service what is going on.

So nearly three weeks after the scheme was announced, the people most affected by it have not been told the rules by which it operates or the process involved. It has been suspended without telling them or explaining why. It may or may not have been re-started. It is a staggering failure of communication, not excused by the pressure of the current emergency. Indeed, it simply adds to the pressure as those people reasonably do everything in their power to find out.

There is a simple solution, so we repeat that:

HMPPS should publish its detailed operating instructions for both prisons and probation, so that those affected can understand the detail of what should be happening, and the level of service they should expect.

On conditions, much of what we are hearing relates to practice that prisoners recognise as contrary to the government’s general instructions on infection control. This extract is typical:

“The prison and the government cannot assure our safety. You would not lock people in a hotel on a beach knowing a tsunami is going to hit...It is not a case of if, it is a case of when. The staff gym is open and a lady from our wing goes into the gym every day to clean the showers after the staff, without PPE, and another lady is doing biohazard then coming back onto our wing. These are just two examples of where Covid-19 could spread and could be prevented by providing some PPE. xx is the first night centre where new ladies who are coming into the prison go to, xx is also the Covid-19 suspect wing, where they put all the suspected cases. If I, or other ladies I

have spoken to feel we have symptoms of the virus we would choose not to say anything, as this is the place people with symptoms are being sent to, it is horrifying. There has always been a cleaning product shortage for the kitchen and showers but amidst the corona outbreak, this situation has become a lot worse. There are no hand towels, and the showers were cleaned with air fresheners a few days prior to this email being sent. Staff are doing hospital bed watches, and are back on the wing the next day with no PPE.”

The government is rightly quick to praise the efforts of many staff on the front line. We would add prisoners to those deserving of praise. We heard this week about a training prison where it was clear that staff and prisoners were working closely together to keep the prison free of the virus if at all possible, with rigorous cleaning and social distancing measures observed by all. But the prison was about to receive transfers in from a local, grossly overcrowded and dilapidated Victorian prison, and was understandably nervous about the likely impact on infection control.

This is the impact of too many prisoners in the system. Ministers’ whole policy of seeking to contain infection by “cohorting” is undermined by an overcrowded system, with around 17,000 prisoner sharing cells and the practical impossibility of separating either individuals or groups in a consistent and effective way. Add to the mix the fact that prisoners are not routinely tested for infection, and it is clear that the policy is flawed in a way that is likely to be fatal to some people in the government’s care, both prisoners and staff.

Progress—or the lack of it

There has still been no progress of which we are aware on improving prisoners’ access to communications. The longer this crisis continues, and it is certain to get worse in prison over the coming weeks, the more important this becomes—exactly as it is for everyone in the community outside prison. But we heard this week, almost as an aside in an official document, that there were no plans to allow incoming calls to in-cell telephones. Having made this request directly to a minister several weeks ago, we were shocked at such a dismissive response, with no evidence that the suggestion (actively solicited by the minister and department) had been given any serious consideration.

So we repeat our call to allow incoming calls to in-cell phones, provide generous free pin phone allowances to all prisoners, and facilitate video calls in compassionate and as many other circumstances as possible.

Accountability

The committee will be aware that, with the Howard League, we have written to the government with a letter before action. That very detailed letter is attached. We were dismayed that the government’s response was to ask for more time to respond. None of the questions we have asked are novel—indeed we and many others have been asking them for weeks now. They are overdue for public and detailed responses. We very much welcome the return of parliament, and strongly urge the committee not to return to “business as usual” for as long as this crisis lasts. Its detailed weekly scrutiny is essential, and **we again urge the committee to request a weekly public update for your meeting on a suite of crucial management information drawn from existing HMPPS internal returns.**

Whilst we recognise the immense pressure that justice ministers are under, their current practice is not characterised by any of the cardinal principles the government has set out for the management of the crisis as a whole. This is not a matter of workload or complexity, but of political choice. They are failing to be transparent, to follow the science or, above all, to protect life.

Peter Dawson

Director, Prison Reform Trust