

Notes from the Reducing Reoffending Third Sector Advisory Group (RR3) Special Interest Group on Covid-19

Wednesday 6th October 2021 via Zoom

Attendance

Jess Mullen, Clinks (Chair)	Peter Dawson, Prison Reform Trust
Noori Piperdy, Clinks (Secretariat)	Rachel Tynan, Unlock
Alasdair Jackson, Recycling Lives	Tracy Wild, Langley House Trust
Alice Dawnay, Switchback	Vicki Markiewicz, Change Grow Live
Emma Wells, Community Chaplaincy Associations	
Khatuna Tsintsadze, Zahid Mubarek Trust	
Martin Blakebrough, Kaleidoscope	David Liddemore, HMPPS
Mel Berry, Include	Razina Khan, Ministry of Justice
Neil Grutchfield, Synergy	Daniel Bell, Ministry of Justice
Paul Grainge, Recoop	Thomas Scott, HMPPS

Apologies

Helen Dyson, Nacro	Peter Atherton, Community Led Initiatives
Matina Marougka, Together for Mental Wellbeing	Phil Maguire, Prison Radio Association

Opening remarks

- Jess Mullen (Chair) explained that Anne Fox, CEO of Clinks and Chair of the RR3, has returned to work from compassionate leave. Jess Mullen (Chair) explained that Anne is phasing back in and focussing on Clinks' internal work currently, and therefore, Jess Mullen (Chair) will continue to chair the RR3 until the end of 2021 at which point this will be reviewed
- Jess Mullen (Chair) invited an update from David Liddemore on HMPPS Covid-19 Gold Command, followed by Razina Khan and Daniel Bell on the ending of Covid-19 regime mitigations in prisons.

Covid-19 Gold Command update

All facts and figures are correct as of COP 5th of October 2021, but may have subsequently changed

- David explained that prisons are still being run on the basis of a closed estate. The prison population currently stands at 78,845. This is an increase of 74 since the previous week.
- There are currently 25 outbreaks and within the last month or so, the number of prison outbreaks has sat between 25 and 30. Out of the 25 current outbreaks, three are at Approved Premises.
- There are currently 153 symptomatic people in prison. This is a decrease in recent days but is up by 18 from the previous week. There are two prisoners currently hospitalised with Covid-19.

- In terms of staffing teams, there are currently 277 prison staff with open positive Covid-19 cases, again this is an increase from the previous week by 17. There are 527 staff away from work with Covid-19 related issues. There are currently two members of prison staff hospitalised with Covid-19.
- Due to the increased prevalence in the community, there are 23 sites that are on HMPPS' watch list. At these 23 sites, there are some where a few cases have started to emerge, but not a sufficient number to be declared an outbreak.
- In terms of regime progression, there are now 95 sites that have implemented Stage 2 regimes. This is due to the higher rate of vaccination across the estate and the current position of the pandemic and lower levels of outbreaks, cases and hospitalisations.
- There are 10 sites that have progressed to the Stage 1 gateway. These are largely from the open estate, and the number of sites looking to progress to Stage 1 is gradually growing.
- There are 18 sites delivering a Stage 3 regime, this is being reviewed by HMPPS including how it can best support these sites.
- Isle of Wight Prison in recent weeks regressed from Stage 2 back to Stage 3, due to the serious nature of the outbreak there.
- HMPPS is considering the pace of progression and there has been a recognition that some sites should be looking to progress soon, especially due to the impact of the third wave not being as severe as previous waves in terms of hospitalisations and deaths, and the control measures in place now such as vaccinations and testing. This has been communicated to establishments and governors, and HMPPS is looking at how to support sites with their planning process in moving to Stage 1. HMPPS is hoping that a considerable number of sites will be able to deliver a Stage 1 regime by end of November. This will then be considered a starting point for moving from recovery towards reform. A baseline level of regime expectation has been established. This will continue to be considered on a risk-assessed basis and local level where appropriate.

Discussion

- One attendee noted that from a practitioner point of view, they currently have access to 20 prisons and are not necessarily seeing the differences between Stage 3 and Stage 2, or Stage 2 and Stage 1. They asked for clarification on what is considered the minimum regime expectation at Stage 1 to better understand this. David explained that there are differences depending on the type of establishment, but this is still being considered centrally. There are thoughts surrounding balancing the [National Framework](#) and moving back to a pre-covid regime. David explained that information on this has been provided to establishments and HMPPS has run workshops for prison governors. David thanked the attendee for raising this as it aligns with some feedback from governors and suggested that Chris Gunderson who has more oversight over the Stage 1 framework could attend the next meeting to provide further detail.

ACTION: Clinks to contact Chris Gunderson to discuss further engagement with the group on regime expectations.

- One attendee asked if HMPPS has had any information on whether prisoners are returning to activities, which were previously paused, at the same numbers that they were taking part in before. David explained that this has been mixed across the estate. Some sites are facilitating an increasing amount of time out of cell, but others are finding it more difficult to increase this time. Sites that are finding it challenging are often sites where there are still restrictions in place for certain activities, but there are also instances where people in prison are hesitant to return to activities. HMPPS is continuing to monitor this. Jess Mullen (Chair), followed up to ask whether the monitoring of purposeful activity was showing a positive trajectory. David explained that it is a mixed picture, and that average time out of cell across the whole estate can be skewed by figures from individual prisons. David concluded that HMPPS will continue to monitor this.
- One attendee asked for clarification on the role of Gold Command post-November / once the majority of sites have progressed to Stage 1. David explained that the heat-map would continue to be produced on a weekly basis and at present, it is expected that central oversight will continue to be needed post-November especially in the context of winter approaching and the pressures this brings. Alongside this, establishments will increasingly take on more responsibility locally. For example at HMP Isle of Wight, the governor recognised the severity of the outbreak and asked HMPPS to regress the prison back to Stage 3.
- One attendee asked what Stage 1 means for visits and what restrictions will still operate. David explained that visits are back in most establishments and sites will only regress this where there are severe concerns. David noted that although visits still do not look like they did pre-Covid-19, with family days and the number of visitors per person still limited, HMPPS is working towards a return to the level of visits pre-Covid-19.
- One attendee asked what the access to religious services is at Stage 1, especially for groups who require collective religious worship. David explained that he is unaware of the specifics but knows that this is something that HMPPS is looking to introduce again at Stage 1. He explained that at Stage 1, the need for social distancing is removed and therefore allows for group worship. But, there will still be risk assessments in place and the roll out of this will be a local decision. Jess Mullen (Chair) asked if this is monitored as part of the monitoring of time out of cell and whether that monitoring provided a breakdown of kinds of activity engaged in during time out of cell. She noted that some of those who may be trying to access such these services may be racially minoritised prisoners who experience poorer outcomes overall and that it is therefore important that any monitoring is able to provide data on this. David explained that the monitoring is of actual hours unlocked which has three categories: wing regime hours, weekly paid hours and other hours. However, this does not include the type of activity engaged in and agreed to come back to the group on this point.

ACTION: HMPPS to provide further information to the group on what information is being collected as part of monitoring actual hours unlocked and the resulting data from that.

Ending Covid-19 regime mitigations

- Razina (Raz) explained that regime mitigations were introduced as temporary measures to tackle the newly enforced pandemic related regime, including the closure of social visits and being confined to a cell for significant periods of the day, recognising the impact that this could have on mental health. As HMPPS and sites have started to work towards recovery and transition to the later stages of the National Framework, this has led to the relaxation of the controls seen in the Covid-19 regime and it was decided that there is therefore lesser need for regime mitigations. Due to these reasons, regime mitigations have been reduced.
- Policy Leads in the MoJ and Operational Leads at HMPPS undertook consultation with prison governors to gauge which mitigations would still be useful to keep and which could be removed. This took the form of workshops and forums where officials received the feedback from governors that mitigations were becoming counterproductive and causing some to not engage as fully with the regime now becoming available.
- From 30th September the following mitigations ended in the adult male estate: additional pin credit, supplementary food packs, limiting the use of basic prisoner pay, no TV rental charge and temporary mobile pin payments.
- There are some variations to this in the female and youth estates where certain mitigations will continue and governors can also submit business cases to continue with certain mitigations if they feel they are necessary.
- Governors were given time in September to reduce these mitigations before they came to an end by the end of September. Various communications were released to inform governors of the upcoming changes so they could begin to prepare in line with their localised arrangements and engage with their staff and service users to manage their expectations in the lead up to the September deadline.
- Since the ending of mitigations HMPPS have not had reports of any related problems across the estate.
- In circumstances where sites regress to earlier stages of the National Framework and there are prolonged periods of increased restrictions, establishments can request to reintroduce some of the mitigations that have now been stopped. They can do so by requesting an extension via a business case which will need to be endorsed by their Prison Group Director and an Executive Director. It will then go to an Operational Resources Stability Panel for decision.

Discussion

- One attendee asked how HMPPS is defining a 'prolonged period'. Raz explained that this is where there is no end date in sight. For example, if a prison is in an outbreak and it is not clear when the prison will come out of that outbreak, they will be eligible to put forward a business case.
- One attendee asked what telephony mitigations are being retained why it was considered that in cell phones should not be kept. Another attendee asked if video calls were being kept.

Raz explained that temporary pin phones were only set up in prisons where there was temporary accommodation, not across the whole estate. If they are needed to be reintroduced alongside temporary accommodation again, this can be done with a quick turnaround. Video calls were being kept, however, there have been recent discussions regarding this and it's expected that as of the 1st of November, video calls will move to 1 call per month per person in prison. This will apply only to Stage 2 and Stage 1 sites, so Stage 3 will allow people in prison to make multiple video calls. Raz explained that if a site or wing closes as a result of an outbreak or an Outbreak Control Team recommendation, there will be scope for additional calls to be reintroduced via a business case submission.

- One attendee expressed their significant concerns regarding the ending of these mitigations, describing it as 'disgraceful and inhumane', explaining that it is a return to a regime, pre pandemic, where the state of mental health was already extremely poor. The attendee was extremely disappointed that the voluntary sector was not consulted or involved in these decisions. The attendee explained that to their knowledge, these mitigations have "kept some people alive and kept a lot of people with any hope for the future". The attendee expressed their confusion that governors are accepting of this, as they recently visited a prison where the governor was being required to apply to Stage 2 when they felt they were not ready to but had no choice in the matter. They further explained that at least ¾'s of people at that prison were spending over 23 hours a day in cell and that these mitigations were crucial in aiding this. The attendee asked for their concerns to be taken back and raised to their department.
- Daniel Bell (MoJ) explained that HMPPS conducted consultation with the governors and prisoners to make these decisions. Daniel expressed that some of the feedback received from governors was that the mitigations were not that popular, such as the supplementary food packs. Attendees were surprised by this and expressed curiosity as to how many prisoners said no to extra food or and more opportunities to communicate with friends and family. Daniel further explained that some governors expressed that mitigations were disincentivising people in prison to engage with the regime as it started to open up. There was also an opportunity for concerned governors to request the continuation of mitigations via a business case before the September deadline, and although he did not have the exact figure to hand, not many came forward with this request. Daniel agreed to come back to the group with figures regarding how many governors made this request. Daniel thanked the previous attendee for their comments and agreed to take this back to the department, as there is still some consideration undergoing how these mitigations may be used again dependent on how the pandemic progresses through the winter months.

ACTION: Daniel Bell to feedback the groups concerns and to provide details of how many governors requested the continuation of regime mitigations.

- Jess Mullen (Chair) asked about the rationale for removing the mitigations, given that her understanding is that they haven't been removed in the same way in the female and youth estate because of concerns about mental health and wellbeing – concerns which are also very much present in the male estate. Raz explained that that was a combination from the feedback they had received from the governors and the financial pressures these mitigations

were providing. Raz explained that only some mitigations were being retained in part of the female and youth estates such as the pin credit.

- Jess Mullen (Chair) highlighted that it would be remiss of her as Chair to not express concern that this advisory group was not consulted regarding the ending of regime mitigations, given the purpose of the group.
- One attendee asked what feedback they had received from prisoners, especially those who are racially minoritised. They asked in the context of their contact with their service users, none of whom had reported the mitigations having a detrimental effect on them. The attendee pointed out that for many minoritised prisoners the mitigations were the first time they had ever been on the enhanced regime rather than basic. Another attendee asked if the families and children of people in prisons were consulted. Raz explained that feedback from people in prisons was received via the governors and she was unsure if this involved their families. Raz explained that the reasoning behind communications going out in August was so governors had enough time to discuss with people in prison.
- One attendee wanted to clarify from the previous attendee's questions if the removal of these mitigations includes returning back to the previous Incentives and Earned Privileges (IEP) regime. Raz explained that this is the case and the mitigation that limited people in prison being put on a basic pay has been removed. Jess Mullen (Chair) further followed up to express concern that the ending of regime mitigations signalled a return to an IEP regime where it is known that racially minoritised people experience poorer outcomes and as such it is disappointing that this has not been considered as part of 'building back better'.
- One attendee expressed their concerns from their visits to prisons that workshops and activities that they have observed have not been at capacity. They wanted to echo the comments of other attendees in that in order to 'build back better', we should be building on mitigations rather than reducing them. The attendee also disagreed with the rationale regarding financial constraints as an improved regime will contribute to, reducing reoffending and the prison population which in turn will save money and further aid outcomes in the community.

Close

- Jess Mullen (Chair) recognised the concern of the attendees regarding regime mitigation and said that it would be useful for the group to further understand the consultation and the feedback received from governors and prisoners.

ACTION: Clinks to further raise concerns regarding the lack of consultation with the group on this matter with HMPPS and request information regarding the consultation and the feedback received to inform this decision.

- Jess explained that this group will continue to meet on a monthly basis in the coming months, and that Noori will be sending out new diary invites to reflect this.



- Jess explained that a membership refresh of the group is underway to ensure that opportunities to be involved can be opened up to other across the voluntary sector working in criminal justice. Attendees will receive an e mail with details of this in the coming days and a call for new members will go into this week's Light Lunch bulletin from Clinks.
- Jess explained that we will also be recruiting for two permanent seats on the main RR3, for the specialisms of Youth Justice and Mental Health who will then be able to join the SIG meetings too.
- Jess thanked the attendees and officials for their attendance and brought the meeting to a close.