



Ministry
of Justice

Lucy Frazer QC MP
Minister of State for Justice

John Thornhill
Chair of the Lay Observers National Council

By Email.

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7 August 2020

Dear John,

LAY OBSERVERS ANNUAL REPORT 2020

Thank you for your annual report, published today, 7 August 2020. I value the independent scrutiny provided by the Lay Observers across prisoner escort and custody services, and appreciate the continued dedication and commendable commitment to providing a valuable public service.

I am pleased to note that work is being carried out to address a number of your recommendations, and that progress has been made against your recommendations repeated from last year's annual report. I have outlined in the annex to this letter the action that has been taken or is planned to address the points that you have raised.

Thank you again for your thorough annual report.

Yours sincerely,

LUCY FRAZER QC MP

ANNEX

Recommendation 1: Establishing a multi-agency overarching group of senior representatives across agencies

In your report, I note that you repeat a recommendation from last year's annual report, regarding the establishment of an overarching group of senior representatives from the following agencies: Her Majesty's Prison and Probation Service (HMPPS), Her Majesty's Court and Tribunal Service (HMCTS) and the Prisoner Escort and Custody Services (PECS). You also recommend these agencies commit to publishing protocols alongside national standards to ensure:

- a) quality assurance programmes for Person Escort Records (PERs);
- b) consistent training programmes for the preparation and completion of PERs;
- c) effective communication between the agencies on the treatment of detainees and in particular PERs;
- d) effective cleaning of custody suites;
- e) the treatment and removal of graffiti;
- f) effective monitoring and inspection of safety measures such as fire extinguishers and
- g) opening hours of prisons.

I will take each of these points in turn.

Recommendations 1a, 1b: A full external review of the use and operation of Person Escort Records (PERs):

I acknowledge that it is important to ensure that PERs are prepared and managed consistently. All areas of current delivery, including the Person Escort Record (PER) were reviewed when agreeing the specification of the new PECS contract. The new PECS contract will introduce a digital solution to the PER (the DPER) which will ensure that transport for Detained Persons cannot be booked if there is insufficient information on the DPER. The DPER will automatically populate some information from existing databases and the system also includes mandatory fields which must be filled to allow completion. It is anticipated that the introduction of the new DPER will significantly improve completion rates for elements of the PER that are not completed consistently. We can also confirm that a new paper PER was introduced earlier this year and it is a better risk information transfer tool, however it does still require manual input and therefore, our focus remains on the introduction of the DPER. In addition, PECS are continually working with all CJS partners to monitor and assure this process.

Recommendation 1c: Effective communication and multi-agency stakeholder groups:

The new Generation of PECS contracts will go live on August 29 2020. As part of the Governance arrangements, a Quarterly Strategic Partnership Board (QSPB) with senior representation from all the relevant agencies will be introduced. The purpose of these Boards is to review performance, resolve issues escalated from the monthly Contract Management Boards, commission new services and assess change proposals. This Board will ensure that the strategies across the different agencies are aligned, provide directional context and decision making in relation to delivery and achieving agreed aims and promote the development of new opportunities to meet PECS objectives. In addition to the QSPB there will be two additional Boards that will focus specifically on welfare and use of force to ensure that any safety, care and welfare issues are addressed swiftly. You and other Lay Observers representatives will be invited to participate in these Boards.

Recommendations 1d, 1e, 1f: National standards response programmes to deliver on cleaning, treatment and removal of graffiti, and monitoring of safety measures:

National standards, which are aligned with industry standards, have been negotiated and incorporated into the specifications of the new Facilities Management (FM) contract which applies across all HMCTS sites and went live on 1 April 2020. This contract was negotiated to improve cleaning provision and

supervision, ensure that graffiti is removed and establish a planned works regime to provide more rigour around the maintenance of all assets. The new contract also allows the supplier more autonomy to progress reactive works and has flexible arrangements that will better address many of the concerns raised within the report. In addition, to support a “one team” approach we have established a quarterly meeting where HMCTS and PECS meet with both the custodial and FM suppliers to jointly monitor compliance with the standards and review performance.

Recommendation 1g: Opening hours of prisons:

In November 2019, Stephen O’Connell, Deputy Director for Prisons wrote to all prison governors, advising them that as part of the specification setting for the next generation of PECS contracts, the Executive committee had agreed the principal that all prison reception times should be aligned to support the requirements of the Criminal Justice System.

Recommendation 2: Recognising and reviewing human rights issues relating to PECS

In your report you highlight two issues relating to the human rights of those held in custody:

- a) lack of appropriate support services in courts for detainees on remand during weekends and bank holidays and
- b) delays in releasing detainees following a decision from the courts.

Recommendation 2a: Lack of appropriate support services in courts for detainees on remand during weekends and bank holidays:

The provision of weekend services has been written into the Liaison and Diversion service specification as a clear expectation. This will provide a comprehensive service to local magistrates’ courts and youth courts (and Crown Courts where applicable), to include Saturdays and Bank Holiday sittings. Work is being carried out locally within HMCTS to ensure that all teams are aware of this and engage appropriately. In addition, the National Probation Service will seek to provide a resource by making a Probation Officer, or Probation Services Officer available for Saturday and Bank Holiday courts. Where this service is not available at court it may be provided by phone to offer support and advice.

Recommendation 2b: Delays in releasing detainees following a decision from the courts:

It is essential that prior to release from a court, appropriate checks are undertaken to ensure that detainees are not released in error. We cannot assume that a detainee who is released by a court for the case for which they are attending, is authorised to be released from custody, as there may be additional warrants in place for other cases. Where release is approved, there may be a requirement for Licence conditions and or accommodation arrangements to be agreed with probation services. Prisons hold the responsibility for ensuring that all the required checks are undertaken. If an establishment is routinely slower in providing release authorisation, PECS work with them to improve the timeliness whilst at all times recognising the importance of the checks in maintaining safety and security for the public and decency for the detainee.

Recommendation 3: Developing the statutory underpinning for the Lay Observers

Potential measures to strengthen the scrutiny bodies that we sponsor, including the Lay Observers, are currently under consideration. A decision has not yet been reached on whether this will include legislation, but we will consider all options going forward and will continue to liaise with the Lay Observers on how the scrutiny that they provide can be best supported.