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UK National Preventive Mechanism  
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24 April 2020

Dear John,

### **COVID-19: NATIONAL PREVENTIVE MECHANISM**

Thank you for your letter of 30 March concerning the rights of people in detention during the COVID-19 epidemic. COVID-19 presents a unique set of challenges that we must address in order to maintain the provision of services in custody and the community. We are working very closely with Public Health England (PHE) to ensure our approach is based on the best scientific and medical advice available.

#### **Protecting people deprived of their liberty**

The Government is committed to protecting and respecting human rights. We have a longstanding tradition of ensuring rights and liberties are protected domestically and of fulfilling our international human rights obligations. We have strong human rights protections within a comprehensive and well-established constitutional and legal system. We all acknowledge the challenges that Covid-19 has brought, but our commitment to ensuring these rights are protected is unchanged.

You are right to highlight the mental and physical health needs of those in our custody during this difficult period. We are continuing to provide care and support to people at risk of self-harm or suicide through ACCT (Assessment, Care in Custody and Teamwork) case management. We have issued guidance to establishments on how they can ensure that ACCT processes continue in the context of staffing constraints and restricted regimes. Further, we are working with the Samaritans to ensure that the Listener peer support scheme continues to function effectively and have issued guidance to prisons on how to continue to facilitate support for Listeners. We continue to make the Samaritans phone service available, including through the mobile handsets recently issued to establishments without in-cell telephony.

In addition, to support mental and physical wellbeing during this period, distraction packs and in cell activities have been collated and are now electronically available for all prison staff to access. A weekly newsletter is also being produced to provide residents across YCS and the adult estate with new in cell activities.

You are right, too, to identify the challenges of enforcing social distancing and shielding in custodial settings. On 28 March HMPPS issued updated guidance for Governors and Directors on regime management following the new government advice. Prisons are now required to ensure that their regime satisfies requirements for social distancing, shielding and household isolation. Further guidance on shielding of vulnerable individuals through new prisoner cohorting arrangements and movement protocols

was issued on 31 March. Cohorting, endorsed by Public Health England, presents many advantages in infection control and involves grouping specific cohorts of individuals in different locations (units) within a prison, depending on symptoms and vulnerability.

You draw attention to the need to reduce the detained population. Over the weekend, this Government announced its intention to temporarily release risk-assessed prisoners who are within two months of their release date from jail, as part of the national plan to protect the NHS and save lives. This action being taken is necessary to avoid thousands of prisoners becoming infected, overwhelming local NHS services. This is due to the close proximity between prisoners, who often share cells.

Prisoners who pass the stringent criteria for release will be subject to strict conditions, and will be electronically monitored, including with GPS tags, to enforce the requirement to stay at home. They can be immediately recalled to prison for breaching these conditions or committing further offences. The releases will be phased over time but can start from next week.

Public protection is paramount. No high-risk offenders, including those convicted of violent or sexual offences, anyone of national security concern or a danger to children, will be considered for release, nor any prisoners who have not served at least half their custodial term. Additionally, no offender convicted of COVID-19 related offences, including coughing at emergency workers or stealing personal protective equipment, will be eligible.

No prisoner would be released if they have symptoms of coronavirus or without housing and health support being in place. In addition, the Ministry of Justice is working to identify publicly owned sites that could be used to house temporary prison accommodation to ease pressure on the permanent estate, further separate prisoners and reduce the spread of the virus.

### **National Preventive Mechanism**

I am grateful for the collaboration of officials at the National Preventive Mechanism (NPM), who have worked closely with officials here at the MoJ, including sharing the COVID-19 guidance from the UN's Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

I welcome your suggestions on the continued operating of the NPM during the COVID-19 pandemic. I am aware that you spoke with my colleague Alex Chalk MP on 7 April and discussed a further meeting in future.

I thank you for your continued engagement during this difficult time. The best and only way to manage this unprecedented challenge is with all health and justice partners working together to meet the wide-ranging response required to overcome the Covid-19 pandemic.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly slanted style.

**RT HON ROBERT BUCKLAND QC MP**