



The UK National Preventive Mechanism – preventing ill-treatment in the context of COVID-19

APRIL 2020

The UK National Preventive Mechanism (NPM) is made up of 21 bodies who monitor and inspect places of detention in the UK to prevent torture and ill-treatment for those deprived of their liberty. NPM members, led by an independent Chair and supported by a small Secretariat, work collectively to fulfil the UK's duties under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The outbreak of coronavirus (COVID-19) poses significant risks to people in detention and deprived of their liberty. The World Health Organisation, **in its recent guidance** on preparing for, preventing and controlling the outbreak of COVID-19 in places of detention, states that “people in prisons and other places of detention are not only likely to be more vulnerable to infection with COVID-19, they are also especially vulnerable to human rights violations”.

The NPM has highlighted the risks to detainees and the potential impact of some of the measures taken in places of detention with the UK **Secretary of State for Justice Robert Buckland QC MP**, the **Scottish Cabinet Secretary, Humza Yousaf MSP**, and **Northern Ireland Justice Minister Naomi Long MLA**. Our correspondence with governments has put forward the need for government to consider taking urgent action to protect the rights of people living and working in places of detention.

The NPM continues to prioritise efforts to develop approaches to monitoring that ensure its members are able to fulfil their statutory functions and **international responsibilities** to report on the situation in places of detention and prevent ill-treatment. We are guided by international human rights bodies, such as the **UN Subcommittee for Prevention of Torture** and the **Council of Europe's Committee for the Prevention of Torture**, who have issued advice. The NPM is keenly aware of the pressures on detention authorities at this time, and the need not to overburden them while they develop their strategies and responses. The NPM is also aware of the need to uphold the principle of do no harm in the midst of this public health crisis: we must not put detainees or staff in places of detention at risk by spreading the virus through visits; equally we should not put our own staff or volunteers at risk of exposure.

Given the necessary limitations on members' capacity to conduct visits to places of detention during this time, action is being taken across the NPM to ensure independent oversight is maintained and the NPM's crucial role in preventing ill-treatment in detention continues. There are different approaches to monitoring in the context of COVID-19 across the NPM. NPM members will continue to review their approaches in light of the issues they identify as well as the measures implemented by government to contain the virus.

Across the NPM there are efforts underway to ensure monitoring continues and adapts appropriately to COVID-19. In this factsheet we highlight just seven approaches being taken by NPM members.

Independent Monitoring Boards

Some Independent Monitoring Boards (IMB) are able to carry out limited direct monitoring where it is safe to do so, and in accordance with public health guidance; where this is not possible, IMBs have developed remote methods of providing independent assurance at a time of heightened concern for prisoners and detainees in immigration removal centres. Their approach is adapted to local circumstances but includes:

- receiving daily updates from the establishment;
- regular telephone contact with healthcare, safer custody and wings/units;
- monitoring reviews of prisoners or detainees in segregation or separation;
- attending to monitor any serious incidents (such as a large-scale outbreak of violence);
- continuing to deal with applications (requests/complaints) remotely;
- direct email contact with immigration detainees.

IMBs are exploring additional methods of direct communication with prisoners and detainees, and in April and May are piloting freephone numbers for prisoners and detainees, so they can contact Boards with any concerns. The IMB National Chair also **wrote to stakeholders** to update them on advice issued to boards.

Independent Custody Visiting Association

Some independent custody visitors continue to make unannounced visits to people detained in police custody and under terrorism legislation to check on their rights, entitlements and wellbeing.

The Independent Custody Visiting Association (ICVA) have developed their guidance on how independent custody visitors should carry out monitoring in the context of COVID-19. This guidance includes advice on how to carry out remote monitoring. ICVA have also created a community hub where scheme managers can share ideas and resources on monitoring during this period. Independent custody visitors have been designated as 'Key Workers' by the Home Office.

Her Majesty's Prison Inspectorate for Scotland

Although their normal inspections and independent prison monitoring visits have been suspended, Her Majesty's Prison Inspectorate for Scotland (HMIPS) has committed to undertaking formal liaison visits grounded in human rights and based on an assessment of risk to any prison establishment where they believe there is an urgency to visit. The liaison visit framework involves one or two inspectors visiting an establishment, to develop situational awareness, for a short period of time.

HMIPS have also developed a remote monitoring framework for independent prison monitors (IPMs). To retain motivation HMIPS will provide weekly updates and have established a series of IPM projects to improve the service in the future.

Her Majesty's Inspectorate of Prisons for England and Wales

Her Majesty's Inspectorate of Prisons for England and Wales (HMI Prisons) **announced** on 17 March that all scheduled inspection work in prisons and other places of detention was to be suspended until the end of May 2020, reflecting UK government guidance on social distancing in light of the COVID-19 outbreak. HMI Prisons have since been developing a new approach to visiting prisons, young offender institutions and immigration removal centres to meet its duty to report publicly on treatment and conditions.

HMI Prisons have created an adapted visiting methodology for this period involving short scrutiny visits to prisons. These visits will take place over one day and involve two to three inspectors. While HMI Prisons' inspections would normally assess prisons against a wide range of standards called '**Expectations**', the new methodology will focus on issues which are essential to the safety, care and basic rights of those detained in the current circumstances. Prisons to be visited will be selected based on information from a range of sources and will be clustered according to themes, such as local prisons or young offender institutions. HMI Prisons has also developed detailed health and safety guidance for inspectors to mitigate as far as possible risks to themselves, detainees and prison staff.

Groups of three visits a week began in late April. The model is being kept under review as circumstances change.

Care Quality Commission

The Care Quality Commission (CQC) will be monitoring people who are subject to the Mental Health Act, and will focus their efforts on those who are most at risk. They have temporarily paused their routine face to face inspections. Mental Health Act Reviewers will conduct checks remotely and will complete site visits if they identify concerns.

CQC will be working with advocacy groups to gather information and views from service users. This is combined with a drive for people to give feedback on their care to CQC, to feed in intelligence into their approach. Mental Health Act Reviewers will work with local advocates and groups to reach people and families through the phone and online.

Criminal Justice Inspection Northern Ireland

Criminal Justice Inspection Northern Ireland (CJINI) are not currently scheduled to undertake any inspection fieldwork in the short to medium term however this may change later in the year. Inspection reports on Hydebank Wood Secure College and Ash House Women's Prison, undertaken in 2019, will be published shortly. An inspection of police custody was completed at the start of 2020 and will be published in the coming months.

The Chief Inspector is maintaining close communication with the Department of Justice to ensure she is aware of any changes to the regime in prisons and the Juvenile Justice Centre. The Chief Inspector is scheduled to visit two of the four prisons in Northern Ireland and anticipates this will provide an opportunity to speak to prisoners.

Lay Observers

The Lay Observers (LO) have developed a distance monitoring programme with a team of LOs contacting custody suites and vehicle bases to ask a series of questions on: the treatment of

suspected COVID-19 detainees; the health and hygiene in custody suites; and the care of vehicles and transportation. Weekly reports are being produced and there are regular discussions with HMCTS, PECs and contractors.

LOs will also be implementing a free phone line for detainees in prisons to raise any issues about their treatment in court custody or during transportation. The LO National Chair also wrote to stakeholders to update them on the procedures to maintain their statutory duty. A **press release** also highlights inconsistencies in the management of detainees and communication of vital information about suspect COVID-19 cases as a result of which others may be at risk.

NPM members are also gathering data from various sources to assess the risk to places they monitor, and some members have been in communication with relevant government bodies to raise their concerns for people in detention. For more information on the approaches NPM members are taking to prevent ill-treatment in the context of COVID-19, please refer to their institutional websites, linked below.

<http://www.careinspectorate.com/>

<http://www.cqc.org.uk/>

<http://careinspectorate.wales/>

<http://www.childrenscommissioner.gov.uk/>

<http://www.cjini.org>

<http://www.hiw.org.uk/>

<http://www.justiceinspectorates.gov.uk/hmicfrs/>

<http://hmics.org/>

<http://www.justiceinspectorates.gov.uk>

www.prisonsinspectoratescotland.gov.uk

<http://icva.org.uk/>

<http://www.spa.police.uk/icvs/>

<http://www.imb.org.uk/>

<http://www.imb-ni.org.uk/>

<https://terrorismlegislationreviewer.independent.gov.uk/>

<http://layobservers.org/>

<http://www.mwcscot.org.uk/>

<https://www.nipolicingboard.org.uk/independent-custody-visiting-scheme>

<https://www.gov.uk/government/organisations/ofsted>

http://www.rqia.org.uk/what_we_do/mental_health_and_learning_disability.cfm

<http://scottishhumanrights.com/>