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The Right Honourable
Robert Buckland QC MP
Lord Chancellor & Secretary of
State for Justice

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Dear Juliet,

END OF CUSTODY TEMPORARY RELEASE

Thank you for your letter of 22 December 2020, regarding our ongoing measures for responding to the Covid-19 pandemic in prisons, with a particular focus on the End of Custody Temporary Release (ECTR) scheme. In this response, I hope to:

- Outline the current position of the ECTR scheme within our wider suite of measures to limit the impact of coronavirus throughout the prison estate; and
- Discuss our additional contingency measures that we have taken to get ahead of the virus and to respond to the recent challenges of new variants.

We continue to draw upon the lessons learned from the ECTR scheme, and it remains an option for us to use if the circumstances demand it.

In March of last year, we sought specialist public health advice to inform our approach to what was, at that time, an unforeseen and unprecedented challenge for prisons, as for the rest of the country. Our reaction to this challenge was swift and decisive, and involved the effective implementation of various measures, in response to the pandemic.

The ECTR scheme was launched as one such measure, and was designed to ensure that we had the headroom required to implement our compartmentalisation strategy to isolate those with symptoms, shield the vulnerable and quarantine new arrivals into establishments. While the scheme was implemented as part of the national plan to protect the NHS and save lives, our priority throughout was public protection. As such, those who were considered to be potentially eligible for ECTR were subject to a stringent risk-assessment process, which included checks at a local level with establishments and partner agencies about the suitability of the identified prisoners for release. In total, 262 low-risk prisoners who were within two months of their release date, were released under the ECTR scheme between April and August.

In your latest letter, you suggest that we previously anticipated more than 4,000 prisoners could be released under this scheme. I would like to again emphasise that we never had nor expressed a target for the number of prisoners to be released under the ECTR scheme. The 4,000 figure you quote was our initial estimate of the maximum possible number of individuals who were deemed potentially eligible for ECTR, however we knew from the scheme's conception that many of those individuals would ultimately prove to be unsuitable for early release during the risk-assessment process. Ultimately, we were able to fully implement compartmentalisation in prisons without the need for large numbers of releases under ECTR.

At present, we have no plans to restart ECTR, though it does remain available. We continue to monitor the situation closely, but the prison population has continued to reduce, and we are confident that we can maintain compartmentalisation.

Reverse cohorting for new arrivals in custody and those who have had contact with a person who has tested positive for coronavirus remains in place and has been effective in limiting the number and severity of outbreaks we have seen in prisons. Social distancing measures are still being maintained throughout the estate, and we have worked closely with suppliers to ensure adequate supply of soap and cleaning materials. As of October last year, all frontline staff were also provided with Fluid Resistant Surgical Masks, which meet internationally approved safety standards, and protect both the wearer and those in their immediate vicinity.

Covid-19 testing for both prisoners and staff is a crucial part of our plan to guard against outbreaks in custody, enabling us to maintain regimes and support capacity pressures by reducing time spent in cohorting units. Guided by public health advice, we are currently in the process of rolling out our testing strategy for prisoners, which includes testing prisoners on reception and those prisoners being transferred from prisons in areas with high levels of the virus. Prisoner testing is already live at 110 sites. I am also pleased to inform you that routine staff testing is now live at all establishments throughout the estate. This will help to maintain safe staffing levels, as you mention in your letter.

We are constantly reviewing the risk that Covid poses to prisons including the restrictions that we place on regimes. In response to recent increased infection rates in the community and the challenge of new, more transmissible variants, we have temporarily moved all adult prisons to stage 4 of the national framework. We know that with the right implementation our measures work to contain the new strain of Covid-19.

NHS colleagues are preparing to vaccinate our oldest prison residents, in accordance with the same order of priority that has been set out for the community by the JCVI. We are also working collaboratively across government to agree the right prioritisation of vaccination in Phase 2.

As our wider understanding of the virus and its associated risks develops, so too does our approach to maintaining the safety of those living and working in our prisons, and we are increasingly harnessing the benefits of technology for this purpose. The successful introduction of video calling and the distribution of secure mobile handsets for those without an in-cell telephone, have helped prisoners to maintain crucial family ties throughout this difficult period; we now look to emerging technologies to ensure prisoners' physical wellbeing, in addition.

We also continue to utilise our specialist support measures for those at risk of homelessness upon their release from prison. The Covid-19 emergency accommodation scheme was set up last year to provide those leaving prison homeless with accommodation, to protect the public and reduce the public health risk. We ran the scheme between May and August; it was subsequently reinstated in October.

We will keep you updated on our work to keep those in our care safe, and we are grateful for the ongoing support that you and the IAP have provided.

Yours sincerely



RT HON ROBERT BUCKLAND QC MP