

# **Routes to Recovery**

**Rebuilding the criminal justice system  
in England and Wales after the pandemic**

**Jamie Morrell  
August 2020**

## About the Criminal Justice Alliance

The Criminal Justice Alliance (CJA) is a coalition of 160 organisations – including charities, think tanks, research institutions and staff associations – working across the criminal justice system. The CJA works to achieve a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted.

[www.criminaljusticealliance.org.uk](http://www.criminaljusticealliance.org.uk)

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## Acknowledgments

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Advance	Probation Institute
The Care Leavers' Association	Project 507
Centre for Justice Innovation	Race Equality First
Children Heard and Seen	Reach Every Generation
Clean Sheet	Remedi
Clinks	Restorative Justice Council
Community Led Initiatives	Restorative Thinking
Community of Restorative Researchers	Restore Support Network
Design Against Crime	SAFE!
Escaping Victimhood	The Sentencing Academy
Footprints Project	Shannon Trust
Hibiscus Initiatives	Spark Inside
Howard League for Penal Reform	StandOut
Inside Connections	Standing Committee for Youth Justice
Institute for Criminal Policy Research	Sussex Pathways
Irene Taylor Trust	Switchback
JUSTICE	Tempus Novo
Langley House Trust	Transform Drugs
The Magistrates Association	The Traveller Movement
Mental Health Foundation	Unlocking Potential
Muslim Women in Prison Project	University of South Wales Centre for Criminology
Muslim Women's Network	Victim Support
Nacro	Voyage Youth
National Appropriate Adult Network	We Are With You
New Leaf Initiative CIC	Women in Prison
Pathways to Independence	Working Chance
Pecan	Why Me?
The Police Foundation	The Zahid Mubarek Trust
Prison Reform Trust	
Prisoners' Advice Service	

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**The views expressed in this briefing are not necessarily those of any individual CJA member or funder.**

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## Foreword

COVID-19 has put immense pressure on a criminal justice system (CJS) which was already struggling to cope with overcrowded prisons, an overburdened probation system and a large backlog in court cases. The CJS was forced to react at pace in response to COVID-19. Prisons stopped visits and severely restricted regimes; probation visited only the highest risk individuals and moved all other support to telephone and video calls; jury trials were stopped, causing an even more severe pile-up in criminal cases; and victims' services navigated a surge in demand as domestic abuse and hate crimes increased sharply.

The 4,000 promised early releases to reduce pressure on prisons did not come to fruition, and many people in prisons and on probation are suffering trauma, facing severe isolation with a lack of face-to-face support. The pandemic has been both a medical and social crisis and will require collaboration, creativity and coproduction with partners and people directly impacted for successful recovery. As prisons, probation and courts release plans for easing restrictions and slowly return to more 'normal' activity, now is the time for an urgent, open and honest discussion on what the system needs to recover, and how we can build something fairer and more effective in the aftermath. The likelihood of further COVID-19 outbreaks and how we will respond must also be considered, based on learning from recent months.

Across June and July, the CJA held a series of meetings with around 50 members working across the criminal justice system, from policing to prisons, probation to victims' services, to discuss COVID-19 challenges, good practice and what is needed for recovery.

It is deeply frustrating that many of the recommendations made in this summary briefing are not new. Some have been made for many years by select committees, inspectorates, Independent Monitoring Boards, voluntary sector organisations, think tanks, researchers and others. Many are even contained in government strategies and reviews but are yet to be implemented. It is clear that the lack of implementation of these recommendations has made responding to the pandemic much more challenging than it needed to have been for statutory and voluntary sector services, and crucially, has made life for people directly impacted by the criminal justice system much tougher. It points to an overarching need for greater scrutiny and accountability in implementing government accepted recommendations in the future.

We have been incredibly impressed by the creative ways in which members have adapted services to continue supporting people in the CJS, in a volatile world where legislation and government advice can change without warning. Members described how they have torn up business plans to rapidly respond to the crisis, often providing a safety net for those who fell through the gaps of statutory provision. They have supported people to survive both physically and psychologically during this traumatic period; people who have often already experienced too much trauma in their lives.

The pandemic has shone a spotlight on the cracks in the system and pre-existing inequalities. These cracks must be filled by working together within the sector, following the routes to recovery identified in this briefing and the earlier briefing produced by the Reducing Reoffending Third Sector Advisory Group (RR3).<sup>1</sup> The CJA and its members look forward to continue working with government, the HMPPS Insights 'Learning Lessons' team and other stakeholders over the coming months to share good practice and help implement the recommendations set out in this report.

**Nina Champion, Director, Criminal Justice Alliance**

<sup>1</sup> Reducing Reoffending Third Sector Advisory Group. (2020). [What does recovery look like?](#), *Clicks*.

## Key themes

The pandemic has created specific challenges for organisations working in policing, courts, prisons, probation, resettlement and with victims, which we set out later in this briefing. However, there were some overarching challenges and concerns shared by many members, which we have summarised below along with recommendations.

### Communication with prisons and HMPPS

Many members said that communication from Her Majesty's Prisons and Probation Service (HMPPS) had been poor during the pandemic. Members described how they had submitted proposals to the HMPPS COVID-19 grant scheme, setting out how they could support prisoners and those on probation, but were disappointed at the lack of response. Members working in resettlement discussed how they had also prepared for 4,000 early prison leavers, but received little communication from HMPPS when it became apparent that prisoners would not be released at this scale. Members conceded that HMPPS would not be able to give a firm date when service delivery organisations and people conducting research can return to prisons. However, they would like more communication about an estimated date for return, and information around safety measures for their staff and volunteers. With prisons moving to different risk levels at different times, this is a confusing period for organisations to navigate. At the time of publishing this briefing, there is no publicly available resource giving information on conditions and restrictions across the prison estate.

We heard that members with strong relationships with prisons were best able to continue offering support to prisoners during the pandemic, albeit in reimagined and innovative ways. Other members reported poor communication with prison staff, and in these instances, they struggled to continue delivering services in prison. This has therefore led to a 'postcode lottery' of services being available to people in prison during the pandemic. One member noted that having voluntary sector coordinators in each prison would have made dialogue between the prison and external organisations more effective. This is something which has been recommended before, following the Clinks 'Good Prison' pilot project in 2018.<sup>2</sup>

**1. Prisons across England and Wales should hire voluntary sector coordinators to improve relationships and communication between services and prisons, improving outcomes for people in prison and prison leavers.**

**2. HMPPS should publish more details about the situation in different prisons to help services plan their return.**

### The digital divide

When the lockdown began in March, many organisations working with those in the community shifted to telephone or online support. This has helped engage some service users who didn't typically respond well to face-to-face support or group sessions and has allowed some smaller, more local organisations to increase their reach. However, members highlighted that not all service users have access to a smart phone, laptop, data and/or Wi-Fi. This has meant some individuals have been unable to access support during the pandemic, due to the 'digital divide' which has been exacerbated as more organisations deliver vital services remotely.

<sup>2</sup> Clinks. (2018). [The Good Prison](#).

Some case studies highlighting the digital divide were provided to the Ministry of Justice (MoJ) by the RR3 during the pandemic, calling for better post-release support for all prisoners, not just those released under the early release scheme.<sup>3</sup>

We heard that there is not just a digital divide in the community, but also across the prison estate. Members discussed how the pandemic has revealed the inconsistency in the provision of ICT across the prison estate. Not every prison has the technology for video calls, in-cell telephony, or the reply function for Email a Prisoner. Members called for a strategic approach to technology across prisons, rather than a reliance on the innovation of individual governors and ad hoc pilot projects that never seem to be scaled up nationally. Recent research<sup>4</sup> by the MoJ highlights the positive impact of technology such as in-cell telephones on mental health and staff-prisoner relationships, though it was reported that the cost of use to those in prison was too high, which members also highlighted. Members also called for the voluntary sector and other support organisations to be able to use video calls with prisoners and to be able to call in-cell telephones, to continue offering support when a face-to-face meeting is not possible.

Members also wanted to see greater access to e-learning across the prison estate, which would enable services providing education, arts, restorative services and other rehabilitative programmes the opportunity to continue operating, rather than relying solely on providing paper-based in-cell activities. Again, these recommendations are not new.<sup>5</sup>

**3. HMPPS should publish a digital strategy which commits to implementing in-cell telephony, video calls and e-learning across the prison estate, and also give support services the ability to contact people in prison via video call and in-cell telephones.**

**4. HMPPS should provide prison leavers with a mobile smart phone or tablet and sufficient data so they can access online services in the first weeks of their release.**

### **The funding cliff edge**

Members praised the response of trusts and foundations, which have been very flexible during the pandemic. We heard that many funders have turned around grants quickly, moved deadlines and given members greater freedom in how they spend funds. However, funding remains a worry for many, and some organisations have had contracts pulled due to the pandemic. Many members said they have short-term funding and reserves to survive in the next three to six months, but there are larger concerns about what will happen in 12 to 18 months. Given that recovery from the pandemic is likely to take years rather than months, members require longer-term, COVID-19 recovery funding.

Some members were also concerned about funding via the Dynamic Purchasing System if they are unable to deliver services in prisons in the usual way going forward. Members said there has been a lack of clarity about whether this funding has been frozen, or if it is being used elsewhere.

There were particular concerns about the need for core, flexible funding for small, black and ethnic minority-led organisations, which will be vital in the recovery from COVID-19, given the disproportionate impact of the pandemic on ethnic and racial minorities.

<sup>3</sup> Criminal Justice Alliance. (2020). [The prison leavers struggling to survive in lockdown](#).

<sup>4</sup> Palmer, E. J. et al. (2020). [Evaluation of digital technology in prisons](#), Ministry of Justice Analytical Series, Ministry of Justice and University of Leicester.

<sup>5</sup> Coates, S. (2016) [Unlocking potential: A review of education in prison](#), Ministry of Justice; Champion, N., and Edgar, K. (2013). [Through the gateway: How computers can transform rehabilitation](#), Prison Reform Trust & Prisoners Education Trust.

Concerns about the sustainability of criminal justice organisations have also been highlighted by Clinks, drawing on responses from a wide range of charities working in the sector to surveys throughout the pandemic.<sup>6</sup>

**5. The Ministry of Justice, Home Office, trusts and foundations should provide long-term COVID-19 recovery funding, with a particular focus on core funding for small black and ethnic minority-led organisations.**

**6. The Ministry of Justice should provide clarity on what is happening with the funding delivered via the Dynamic Purchasing System, and ensure it reaches organisations that can support the recovery effort, to help them to adapt their services.**

### **Working outside normal remit**

During the pandemic, charities have told us they have 'picked up the slack of statutory provision' by providing essential lifelines to service users which would usually be provided by local authorities or probation. For example, members have provided service users with hot meals, food bank vouchers, clothing and even underwear. One member described how it has helped service users apply for Universal Credit, which would be outside its remit under normal circumstances. Other members discussed providing phones and laptops to service users, so that they could continue accessing support during lockdown, which is an additional expense for charities and is not sustainable in the long term. The MoJ has increased the discharge grant, but only to those released under the early release scheme. The CJA and other members of the RR3 recently wrote to the MoJ calling for the larger discharge grant to be rolled out to all prison leavers.<sup>7</sup> The Secretary of State for Justice Robert Buckland has committed to review the discharge grant, but in the meantime, prison leavers desperately need the extra financial assistance as they are released into exceptionally challenging circumstances.

Services working with black, Asian and minority ethnic people told us that they had also been working outside their remit to support victims and prisoners' families who were looking for support and information from a trusted and culturally relevant organisation. This was often a new area of work for these organisations, who had to increase provision to cope with demand on their advice lines. Other national helplines for victims, people in prison and prisoners' families all saw increased demand for their services, and they dealt with more complex issues, sometimes outside of their normal remit. Members told us that employees and volunteers working from home answering calls needed clinical supervision to cope when not in a supportive office environment.

**7. The Ministry of Justice should increase the discharge grant for all prison leavers during the pandemic, to ensure they can survive until their first Universal Credit payment or pay cheque.**

**8. Funding for advice lines should be increased to reflect the increased demand and complex nature of calls; in particular to organisations working with black, Asian and minority ethnic communities, who support people who may not be able or comfortable accessing mainstream advice services. Funding should be sufficient to provide clinical supervision for advice line staff and volunteers.**

<sup>6</sup> Reducing Reoffending Third Sector Advisory Group. (2020). [Impacts of Covid-19 on the financial sustainability of the voluntary sector working in criminal justice](#), Clinks.

<sup>7</sup> Criminal Justice Alliance. (2020). [The prison leavers struggling to survive in lockdown](#).

## Mental health and wellbeing

Members described the increased mental health needs of victims. This included those who are at home with abusers; young victims who are missing the support of school and youth services and might be vulnerable to exploitation; victims whose cases have been delayed; or where Restorative Justice processes have been halted. As one member said: 'Psychological PPE is as important as physical PPE.'

With people in prison locked up in their cells for 23 and a half hours per day, and those on probation isolated without their usual support networks, there have also been concerns about the mental health of these cohorts. Members have been hearing from prisoners who have become very distressed and have self-harmed or attempted suicide.

**9. The Ministry of Justice and Home Office should urgently publish a national strategic action plan to address the psychological harms experienced by people within the criminal justice system, including victims and people in prison and on probation.**

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## Policing

### Use of police powers

On March 26, police were granted new powers under the Coronavirus Act to fine and arrest people not adhering to COVID-19 laws<sup>8</sup>, in order to stop the spread of the virus. Shortly after, there were reports of police overreaching in their powers.<sup>9</sup> There were concerns from the CJA and members about the potential for disproportionate use of the new police powers, and recent data found young ethnic minority men aged between 18 and 34 have received twice as many fines as young white men.<sup>10</sup>

Members discussed how many people were wrongly fined, charged and convicted by police.<sup>11</sup> It was also reported in April that 39 children had been fined for breaching lockdown rules<sup>12</sup>, despite the fact that children cannot be fined under the laws. A Home Affairs Select Committee report in April warned that: 'It is vital that all forces and all officers understand the distinction between Government advice and legal requirement, and that the tone and tactics they use are appropriate to each.'<sup>13</sup>

### Restorative policing

The National Police Chiefs' Council (NPCC) and College of Policing subsequently released guidance<sup>14</sup> to help police officers understand and enforce the COVID-19 laws using the 4E's approach: engage, explain, encourage, and only then enforce. CJA members working in restorative services wanted to police working in a more restorative way and greater use of Restorative Justice as an Out of Court Disposal.

Members working with young people wanted to see a greater focus on community engagement and scrutiny of police powers. They were concerned that current scrutiny mechanisms during the lockdown had not been effective.

<sup>8</sup> The Home Office. (2020). [Press release: Police given new powers and support to respond to coronavirus](#).

<sup>9</sup> Dodd, V., and O'Carroll, L. (2020). [UK police warned against 'overreach' in use of virus lockdown powers](#), *The Guardian*.

<sup>10</sup> The BBC. (2020). [Coronavirus: Young ethnic minority men 'more likely to get Covid fines'](#).

<sup>11</sup> Dodd, V. (2020). [Rushed UK coronavirus laws led to wrongful convictions, say police](#), *The Guardian*.

<sup>12</sup> Dearden, L. (2020). [Police wrongly fining children under coronavirus law](#), *The Independent*.

<sup>13</sup> The Home Affairs Select Committee. (2020). [Home Office preparedness for Covid-19 \(Coronavirus\): Policing](#).

<sup>14</sup> Shaw, D. (2020). [Coronavirus lockdown: Police guidelines give 'reasonable excuses' to go out](#), *The BBC*.



One member, Leaders Unlocked, worked with its team of youth advisors to investigate the experiences of young people during the pandemic, and found young people responded more positively when a restorative 'explain, engage, encourage' approach was taken.

### **Leaders Unlocked – Policing the Pandemic**

Leaders Unlocked recruited 25 young leaders who helped create a research survey to gather young people's experiences of policing during the pandemic. The survey received over 3900 responses from young people aged between 13 and 25, culminating in the 'Policing the Pandemic' report.<sup>15</sup> The report highlighted mixed experiences of policing during the pandemic, with some positive and negative examples of engagement from police. Key findings include:

- Young people felt there had been a failure from government to give clear information.
- There was an inconsistency in approaches from different police forces.
- There were examples of police forces engaging positively with communities and treating young people with compassion and respect. There were also examples of positive engagement via social media.
- There were concerns that people were unfairly targeted based on their age, where they live, and their racial or ethnic identity.
- Young people felt policing had often been stuck in its 'traditional rut' during the pandemic. Young people want to see police recognising the uniqueness of the situation and engaging with communities in new ways.

**10. While we understand the challenging circumstances that police are operating in, police forces should reinforce the 4E's approach. The Home Office and Police and Crime Commissioners (PCCs) should ensure there is investment in restorative services and training for police in restorative approaches, in particular when engaging with children and young people.**

**11. Police forces and PCCs should ensure community scrutiny panels have access to all relevant documentation and Body Worn Video (BWV) to assess police activity during the pandemic. They should also engage with the community through online forums and community meetings to build positive relationships.**

**12. A national scrutiny mechanism should be established to look in detail at the use of police powers during this period and to take early action against unfair and disproportionate use of the powers.**

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## **Courts**

### **Clearing the backlog**

Members highlighted the negative impact of the backlog on children and young people who are victims, witnesses or defendants. We heard that they are experiencing heightened anxiety while they wait for the court date, increasing their need for support.

### **Sentencing and remand**

The Sentencing Council published a blog giving general guidance on sentencing during the pandemic<sup>16</sup>, but members said that it should have gone further and issued formal guidance, as well as guidance on remand hearings. Another member, the Sentencing Academy, released a paper on sentencing options during the pandemic.<sup>17</sup>

<sup>15</sup> Leaders Unlocked. (2020) [Policing the Pandemic](#).

<sup>16</sup> Holroyde, T. (2020). [The application of sentencing principles during the Covid-19 emergency](#), *The Sentencing Council*.

<sup>17</sup> Sentencing Academy. (2020). [Sentencing during the pandemic: What are the options?](#)

This paper highlighted a judgement from the Lord Chief Justice on 30 April which stated that: 'Judges and magistrates can, therefore, and in our judgment should, keep in mind that the impact of a custodial sentence is likely to be heavier during the current emergency than it would otherwise be.' However, as the Sentencing Academy points out, this leaves a number of questions unanswered, for example, the extent of a reduction in sentence, and whether this should be applied uniformly.

Reducing the use of short sentences was highlighted as one way to manage the prison population, preventing the spread of the virus and enabling regimes to be restored more quickly.

### **Family Drug and Alcohol Courts**

Members discussed how Family Drug and Alcohol Courts (FDACs) have been particularly pressured during the pandemic. Many cases have been adjourned, 'as it is considered that it would not be possible to hold a fair and just final hearing via virtual means.'<sup>18</sup> There were also concerns over funding, with FDACs funding from local authorities usually based on delivering a certain number of cases each year.

**12. Given that many prisoners still remain under restricted regimes, and with the chance for further COVID-19 outbreaks and a return to restricted regimes across the prison estate, the Sentencing Council and/or Lord Chief Justice should publish more detailed guidance on sentencing and the use of remand during the pandemic and recovery phase.**

**13. Government should ensure the sustainability of Family Drug and Alcohol Courts and those providing services in them.**

### **Virtual hearings**

There was much discussion over the relative merits and disadvantages of virtual hearings. One member pointed out that virtual hearings have helped protect the health of court users and staff during the pandemic. However, there have been reports of the technology not working, with some users unable to see or hear proceedings, and one case in which a defendant had to write their plea on a piece of paper to show to the screen.

One member urged that, with the recent £142m investment in court technology<sup>19</sup>, courts must not use the virtual technology 'simply because it's there'. The member said it is a 'quality of justice issue', and that there is 'tons of potential, but lots of risk.' Members also said that virtual hearings can take up much more time than physical hearings.

Another member, JUSTICE, recently piloted mock virtual jury trials<sup>20</sup> as one way to reduce the backlog. Initial results appeared positive for simpler trials with one defendant. The technology worked well, participants generally had a clearer view of everyone unimpeded by the usual layout of physical courts, and there were suggestions that the experience could be less stressful than going to a physical court.

Penelope Gibbs, Director of Transform Justice, visited Highbury Magistrates Court in May, finding the virtual technology 'incapable of facilitating effective participation', and seeing case after case where 'the defence lawyers clearly had little understanding either of their client's background or of the offence itself.'<sup>21</sup>

<sup>18</sup> The Centre for Justice Innovation. (2020). [Family Drug and Alcohol Courts under Covid-19: A Practice Briefing](#).

<sup>19</sup> The Ministry of Justice. (2020). [Press release: Major investment in small businesses through justice system improvements](#).

<sup>20</sup> JUSTICE. (2020). [JUSTICE pilots first ever worldwide virtual mock jury trial](#).

<sup>21</sup> Transform Justice. (2020). [The wheels of justice are turning but at what cost?](#)

In her blog, Penelope also highlights findings from research by the University of Surrey, which found that: 'The use of custodial sentences was more likely to be recorded in video court hearings.'<sup>22</sup>

**14. Her Majesty's Courts and Tribunal Service (HMCTS) must urgently evaluate the effectiveness and fairness of virtual hearings, consulting judges, lawyers, defendants, victims, witnesses and other involved parties.**

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## Prisons

### Access to prisons

Most members have been unable to enter prisons during lockdown. We heard that they have continued supporting and communicating with prisoners via phone calls, letters, and Email a Prisoner; although not all prisons have the reply function and documents can't be attached. They have also delivered messages through the National Prison Radio and prison television. Members have had to deliver existing services in new ways, and where this hasn't been possible, they have pivoted to use their resources elsewhere in the prison.

#### **Spark Inside – Coaching for prison officers**

Spark Inside delivers coaching sessions to young people in prison that builds their motivation to change and gives them an identity away from crime. When lockdown began, Spark Inside quickly adapted its services to offer life coaching to prison officers instead. Life coach Dorottya Szuk said: 'If we can give the frontline workers the support they need and deserve, I am certain they will ultimately be better at their jobs.'

**15. HMPPS should ensure every prison has the reply function for Email a Prisoner. Developing the use of technology for communication with outside support services (via email, video calls, in-cell TV etc) should be a key part of the digital strategy.**

**16. HMPPS should engage with service providers to understand and support them to adapt their services to meet the current needs and conditions.**

### Restrictive regimes

The current restrictive regime imposed on people in prison is a concern for many members. Members reported that service users are struggling with the lack of family contact, resulting in poor mental health, self-harm and even suicide attempts.

One member expressed concerns about older prisoners, who are losing mental and physical capability due to spending 23 and a half hours in their cells per day. Other members raised specific concerns about the impact of restricted regimes on the development and wellbeing of young adults. Some prisons have reduced restrictions, but members are concerned that some prisons will remain in lockdown for much longer than others. There are also concerns about the potential for further waves of the virus and the impact on mental health if prisoners are unable to receive visits over Christmas, Ramadan and other religious holidays. Members were very worried 'lockdown' might become the 'new normal', if staff find prisons easier to manage in this state. Members said that one way to relax regimes is the early release scheme, which would reduce the pressure caused by overcrowding.

<sup>22</sup> Fielding, N. et al. (2020) [Video Enabled Justice Evaluation - Final report version 11](#), Sussex Police & Crime Commissioner and University of Surrey.

Her Majesty's Inspectorate of Prisons described the regimes in the youth estate, with children spending 22 hours in their cell per day, as 'disproportionate and avoidable'<sup>23</sup> following a recent inspection. There were fears from members about the impact of restricted regimes on children in Young Offender Institutions, and frustrations that no young people have been released under the early release scheme. There were also deep concerns that there hasn't been sufficient drive to increase time out of cell and rehabilitative activities, and the emerging narrative from ministers that young people 'prefer' being locked in their cells.

**17. The Ministry of Justice should speed up the early release scheme as a matter of urgency and ensure more is done to support people's release on compassionate grounds and on bail. This will ease pressure on the system and support a faster removal of the restrictive regime.**

### **Experiences of families**

Members working with the families of prisoners said that, despite the Farmer Review stating that 'good family relationships must be a golden thread running through the processes of all prisons'<sup>24</sup>, there was little discussion or consideration of the challenges that the families themselves have faced during the pandemic, especially prisoners' children. These challenges are both emotional and financial in nature, with many families having to send large amounts of money to their relative. Members said that communication from prisons in general has been poor, and families have felt dismissed and that they haven't been listened to. However, there were examples of some prisons sending out informative, weekly newsletters and sharing information on social media.

Members working with families were disappointed in the slow roll out of virtual visits, citing the example of prisons in Northern Ireland which quickly set up video visits via Zoom, while in England and Wales, there were delays and the technology is more restrictive. The MoJ recently announced that prisons will be rolling out video calls across the female and youth estate, and the majority of the male estate, by the end of August.<sup>25</sup>

Members described how the risk averse nature of the video technology led to frustrations for the families; for example, limiting the number of family members on the call to four and limiting the time to half an hour, with this time often reduced due to technical issues. The facial recognition technology would often cause the video to freeze if it incorrectly located another 'face' on the screen, including photographs on the wall in the background or children moving about. Members didn't understand the need for this, given that the virtual visits were both electronically and physically monitored.

However, the technology did lead to some positive experiences. Prisoners could see inside their homes, and for some prisoners who didn't want their children to enter the prison, this was an opportunity to have a visit.

Members did however raise concerns that some families didn't have access to technology or Wi-Fi, and so charities had to buy laptops and data. There were also concerns raised about the organisation contracted to facilitate the calls, which has no history of providing technology services in the prisons and which, due to the urgent nature, was given the work without a tendering process. Members were concerned about the cost of virtual visits increasing in the future. We also heard that the person listed as the account holder, such as a family member or friend of the prisoner, has to be on each call. This has caused problems for victims of domestic abuse, who do not want to deprive their children of visits with the parent in prison, but who feel uncomfortable facing their abuser on screen.

<sup>23</sup> Her Majesty's Inspectorate of Prisons. (2020). [YOIs four months into COVID-19 – continued "avoidable" extreme lock-up troubles inspectors.](#)

<sup>24</sup> Farmer, M. (2017) [The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime](#), *The Ministry of Justice*.

<sup>25</sup> Frazer, L. (2020) [Lucy Frazer MP's update on the rollout of video calling in prisons](#), *Clinks*.

Other members described how they used technology to support the children of prisoners with virtual activities and communication with peers, to help improve their wellbeing while they couldn't see their parent face-to-face and when they were without the support network of school.

### **New Leaf Initiative – Improving communication between prisons and families**

The New Leaf Initiative conducted a small-scale study to gather the views of families and significant others with a loved one in prison during COVID-19.<sup>26</sup> The study found that communication from prisons had worsened during COVID-19, and 93 percent said communications from prisons should improve. When asked what the most common source of information about the prison and their loved one was, 51 percent said that it was the prisoner. Only 7 percent were contacted directly by the prison with updates. The survey found that 33 percent of families felt social media was the best way for the prison to disseminate information during the pandemic, and 22 percent felt prison websites could be better utilised. The New Leaf Initiative will be running the first Visitor's Council at HMP Birmingham to help establish constructive dialogue between prisons and families.

**18. The Ministry of Justice should carry out an evaluation of video calls with prisoners and their families in order to improve the experience and ensure restrictions embedded in the technology are proportionate. Changes should be made to enable the account holder to leave the call in cases where historic domestic abuse is an issue.**

**19. Her Majesty's Inspectorate of Prisons should introduce a family survey as part of its inspection methodology to better understand the experiences of families. HMPPS should support prisons to improve engagement and communication with families to better understand their experiences and respond to their feedback, such as through wider implementation of Visitor's Councils.**

**20. The Ministry of Justice and Department for Education should produce a joint action plan setting out how the children of people in prison will be supported and have contact with parents or guardians in prison both in-person and using technology and through investing in child-centred, peer support networks and activities.**

### **Education and arts**

Due to restrictions on movement in prisons, face-to-face education and arts programmes stopped. One member, which runs music projects in prisons, highlighted that when lockdown began, prisons called out for arts resources to help prisoners cope. Members urged for the importance placed on the arts as a tool for supporting good mental health and wellbeing during the crisis to continue throughout and beyond the pandemic.

<sup>26</sup> New Leaf Initiative. (2020). [Improving Prison Communication with Families and Visitors During Covid-19 and Beyond.](#)

### **Irene Taylor Trust – Music in prisons**

When lockdown began and Irene Taylor Trust's team of musicians were unable to get into prisons, they continued their song writing project with prisoners by post. Due to the cancelling of social visits, many of the songs focused on the topic of family. The Irene Taylor Trust also worked with freelance musicians to produce CDs and worksheets on different genres of music, which prisoners could do alone or with their cellmates. However, the team is looking forward to getting back to face-to-face provision as 'the magic happens when you're in the room.'

Another member, which uses peer mentors in prisons to teach other prisoners to read, was concerned about how it would continue with its training and support of mentors with regimes restricted. The member is looking at ways to adapt its model, although in-cell technology would greatly help. The member highlighted that those who can't read are especially disadvantaged during lockdown, as they cannot read distraction packs, letters from family, or information related to the virus. Members discussed the renewed importance of wing-based learning, with classrooms not in access or numbers being limited. They called for prisoners to be provided with laptops to enable e-learning in cells.

**21. The Ministry of Justice should implement the recommendations in the Coates Review relating to technology to enable in-cell learning and contact with education service providers across the adult prison estate, not just in the youth estate as set out in the prison recovery framework.**

**22. HMPPS should ensure that people in prison or on probation with low literacy levels or who do not speak English as a first language should receive information in alternative ways, to ensure they are not isolated further at this time.**

### **Returning to prisons**

Now that restrictions are easing, some members have been invited back into prisons. However, there are concerns about whether it is yet safe to do so, with members reporting that some prison staff are not following social distancing guidelines. This was also highlighted in a letter from the Independent Monitoring Boards<sup>27</sup> (IMB) to the Justice Select Committee. Members want risk assessments from prisons before they agree to return, which also set out who is responsible for providing Personal Protective Equipment to staff.

**23. Individual prison risk assessments should be made available to services before they are asked to return to work. There should also be confidential mechanisms for services to report where social distancing is not being adhered to and any other concerns about health and safety.**

### **Prisoners with protected characteristics**

One member, which supports Muslim women in prison, received calls from family members, who had been contacted by the person in prison in a distressed state. The member highlighted that Muslim families often do not know which support services are available to contact within prisons. Instead, families turn to culturally specific services for trusted advice, increasing the demand on these specialist organisations.

One organisation highlighted the higher risk that Gypsy, Roma and Traveller (GRT) people have for mental illness, self-harm and suicide, particularly Irish Traveller men. The member was concerned that prisoners from these communities might not understand information on the pandemic if written in English, and whether these prisoners would be

<sup>27</sup> Owers, A. (2020). [Update on Independent Monitoring Board findings](#), Letter to Rt. Hon. Sir Bob Neill MP Chair, Justice Select Committee.

able to contact family members in different countries. One member was forced to cancel a pilot mental wellbeing programme for Irish Traveller men in prison that it had started just before lockdown. The member had been unable to maintain effective contact through Email a Prisoner and was frustrated that it couldn't continue the support using in-cell technology.

Members felt that there has been a lack of information about the experiences of prisoners, particularly black, Asian and ethnic minority prisoners. Members called for HMI Prisons and the IMB to work with voluntary sector organisations to ensure the experiences of black, Asian and ethnic minority prisoners are captured. There were also concerns that the experiences of care leavers had not been considered; one member attempted to send a survey into prisons, but this was stopped by the MoJ, who classified the survey as research and said that it would have to go through an ethics review. Members working with those with protected characteristics felt there had been a lack of activity from Equality Leads during the pandemic. They were concerned that they had been redeployed, when a focus on equalities should have been paramount at this time, due to the disproportionate impact on COVID-19 on certain demographics. Given that black, Asian and ethnic minority people have been disproportionately impacted by COVID-19<sup>28</sup>, members were frustrated by the lack of data on prisoner and prison staff deaths by ethnicity.

### **A Record of our Own**

In response to the silence around the experiences of black, Asian and ethnic minority prisoners, members Zahid Mubarek Trust, Partners of Prisoners and Family Support Group and the Traveller Movement launched A Record of our Own.<sup>29</sup> The campaign is recording how COVID-19 is impacting serving prisoners, prison leavers, and their families from ethnic minority communities, ensuring that their voices aren't lost in the debate. Within a month of the launch in June, the campaign had received 71 submissions, which will form part of a report scheduled for the publication in early 2021.

Members also expressed concerns that the needs of black, Asian and ethnic minority prisoners have not been considered in recovery planning, and that this was not discussed in the MoJ's recovery plan for prisons.<sup>30</sup>

**24. The Ministry of Justice and HMPPS should ensure all prisons have an Equalities Lead who has the capacity and resources to understand and action the needs of people with protected characteristics. This Equalities Lead should also produce local equality impact assessments for changes to policies and practices during the pandemic.**

**25. HMPPS must urgently publish data on deaths of prisoners and prison staff broken down by ethnicity.**

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<sup>28</sup> Campbell, D., and Siddique, H. (2020). [Covid-19 death rate in England higher among BAME people](#), *The Guardian*.

<sup>29</sup> Partners of Prisoners and Family Support Group, The Traveller Movement and the Zahid Mubarek Trust. (2020). [A Record of our Own](#).

<sup>30</sup> The Ministry of Justice and Her Majesty's Prison & Probation Service. (2020). [COVID-19: National Framework for Prison Regimes and Services](#).

## Probation and resettlement

When the UK entered lockdown, probation officers began conducting doorstep visits with high risk individuals and maintained contact with others via telephone calls. The CJA and many of its members, including abandofbrothers, Switchback, Spark Inside, StandOut, the Zahid Mubarek Trust<sup>31</sup> and Nacro<sup>32</sup> called for additional resettlement support for prison leavers, due to the challenging circumstances they were being released into. Many charities are paying for essentials such as food vouchers, smart phones, phone credit and clothing for service users. This is not sustainable.

We heard from one staff association that probation officers have often felt isolated and anxious while dealing with large workloads and high-risk individuals during the pandemic. There are also concerns about the training of new probation officers, who are currently learning the trade from home rather than out in the field, which may cause problems and a need for further training in the future. Some members highlighted that communication between probation officers and voluntary sector organisations had been poor during the pandemic, with probation officers not knowing which charities were open to take referrals. However, others had experienced more positive relationships with probation, with probation sometimes becoming an alternative source of referrals, given referrals from prisons had stopped.

**26. The promised review into the prison discharge grant should also look at what other resettlement support should be offered to give prison leavers the best chance for success.**

**27. HMPPS should gather views on how the National Probation Service and Community Rehabilitation Companies are communicating with voluntary sector partners, making referrals and supporting new members of staff.**

### Homelessness

Members praised initial efforts by government and local councils to provide accommodation for homeless people, including some prison leavers, during the pandemic. However, there were concerns that many people leaving prison will not be considered priority need for housing in the coming months and will be asked to leave temporary accommodation as hotels go back to normal business. Recent MoJ figures show over 1,000 prisoners were released into homelessness at the height of the pandemic, and a further 1,209 men, women and young adults were released with unknown circumstances.<sup>33</sup>

One member noted that some women had been placed in inappropriate accommodation, such as mixed gender accommodation and accommodation where there were perpetrators of abuse, and urged for a trauma-informed approach to housing.

One regional charity that supports homeless people noted that there have been unintended negative consequences to the legislation which prevents landlords from evicting tenants during COVID-19. Service users who have been recalled to prison have amassed rental debt due to the landlord being unable to release them from their contract. The charity has been able to send relinquishment forms into prisons to solve this issue, but some prisons are better than others in helping to get these filled in by the individual concerned.

<sup>31</sup> Switchback. (2020). [Briefing: urgent action needed to support prison-leavers during Covid-19 crisis.](#)

<sup>32</sup> Nacro. (2020). [COVID-19 and keeping people in the criminal justice system safe.](#)

<sup>33</sup> Grierson, J. (2020) [Over 1,000 prison leavers left homeless amid pandemic, MoJ figures show](#), *The Guardian*.



**28. The Ministry of Justice should publish an urgent cross-departmental strategy to support prison leavers into accommodation, and support those who have been housed during COVID-19 into permanent accommodation. Resettlement departments in prisons should continue to support people to either maintain their properties or relinquish them if necessary to avoid debt, through liaising remotely with external organisations and legal advisors.**

### **Mental health**

Many members expressed concerns about the mental health of prison leavers and those on probation during the pandemic. There were particular concerns about the impact of COVID-19 on women without recourse to public funds, who typically rely on faith groups for support, which have been closed during the pandemic. Members felt that this 'invisible' group has not been considered in the COVID-19 response, increasing their vulnerability to exploitation.

#### **The Wallich – Counselling and peer support call back service**

The Wallich adapted its existing counselling support network to operate via phone calls and video calls during the pandemic, instead of face-to-face. It also launched a 'call back service' for those struggling with isolation or wellbeing. These services were delivered by trained counsellors and peer mentors with lived experience of homelessness, the criminal justice system or mental health challenges. Some were also trained as Samaritans Listeners while they were in prison. The peer mentors offered a friendly conversation, reassurance and shared experiences with those who reached out, while the counsellors responded rapidly to urgent requests from service users struggling with declining mental health at the height of the lockdown.

#### **Pecan – Supporting women virtually**

Pecan's Women's Centres in Southwark and Lewisham have adapted to support service users virtually. Women's Services Manager Sophia Benedict said that the organisation's reach has widened, initially reaching over 100 more women on a weekly basis compared with pre-lockdown. The service has sent out biweekly wellbeing packs, helped women with food bank referrals and registering for Universal Credit, and has bought essential items for women in temporary accommodation and in crisis. Sophia said that prior to COVID-19, Pecan was a very face-to-face service, but it is now utilising post, phone calls and online meetings, increasing and diversifying engagement as a result. During lockdown, the team were concerned that women, particularly those experiencing domestic abuse, were unable to access the 'safe space' they needed while its Women's Centre remained closed. Since June however, the Women's Centre has been open for face-to-face work on an appointments basis only, and the team continue to run a blended service of virtual and face-to-face support to ensure women access the support they need.

**29. The Ministry of Justice should ensure support for people with no recourse to public funds leaving prison during the pandemic, who may be vulnerable to exploitation.**

**30. The Ministry of Justice should provide funding for organisations to employ people with lived experience who have been trained as Listeners, to support prison leavers who are struggling to cope during the pandemic.**

**31. The Ministry of Justice should provide funding for a women's centre in every local authority area to help reduce crime and the female prison population.**

## **Employment**

Many members raised concerns that in the face of a recession and mass unemployment, people with convictions will be 'bottom of the pile.' There have, however, been mixed experiences with securing employment for people with convictions during the pandemic. Members said there is more demand for workers in some industries, such as key worker staff, whereas other employers have furloughed staff and put the brakes on recruitment.

One member said that many of the new job opportunities, for example in supermarkets, are offered on zero-hour contracts and do not provide the level of job security they want for service users. Some members are also worried about referring service users to these roles if they have underlying health conditions, or if they are from a black, Asian or minority ethnic background, as the risk posed by COVID-19 is higher for these cohorts. Women in particular are more likely to have difficulty securing working if they have children and can't access childcare while schools are closed.

As well as securing work for prison leavers, some members needed to find work for people who had been made redundant, or who were on zero-hour contracts and were not being given shifts. Some members had adapted their services to focus on emotional and practical support, turning employability group work programmes into e-learning for people to do at home.

### **Working Chance – Employability and wellbeing**

Given that job opportunities have reduced, Working Chance has used its resources to help women improve their employability and wellbeing. It has held one-to-one phone calls to support women, digitalised group workshops usually held in the community, introduced weekly virtual wellbeing sessions, and has produced an employability pack for women to do at home.

Members commented that with job interviews being carried out by Zoom and home working becoming the norm, people seeking employment need access to technology and digital skills more than ever. One member said it has been contacted by businesses during the pandemic who have wanted to employ people with convictions for a while and have had more time during lockdown to begin researching their options. None of the members focusing on employment had heard from the New Futures Network or the Going Forward into Employment Scheme during the pandemic, but were keen to work in partnership with them, especially considering the challenging circumstances ahead. They also felt criminal record reform and incentives for employers to recruit people with convictions, as well as removing some of the barriers to people being employed in the criminal justice sector, such as opaque vetting rules, would help.

**32. The New Futures Network and Going Forward into Employment should work together with employers and voluntary sector organisations to collaborate and strengthen each other's efforts.**

**33. Government should agree employer incentives and urgently implement plans to reform criminal records.**

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# Victim services

## Domestic abuse

Members have seen a renewed emphasis on the link between domestic abuse and female offending during the pandemic. One described the positive step taken by a PCC to extend the criteria for a regional diversion programme, so that it assists not just women who have committed a crime but also those suffering domestic abuse. Members said this focus on how domestic abuse contributes to offending must continue following the pandemic. Members also highlighted that Muslim women are less likely to report domestic abuse, due to feelings of shame and dishonour.

### **Muslim Women's Network – Domestic abuse explainer videos**

The Muslim Women's Network UK (MWNUK) runs a support line for Muslim women and girls. At the beginning of lockdown, the support line did not experience an increase in domestic abuse calls, which the MWNUK believed was due to difficulties Muslim women face in reporting abuse. The MWNUK created short one-minute videos in five different languages – English, Urdu, Sylheti Bangla, Arabic and Gujarati – explaining how Muslim women could access support. It disseminated these videos via WhatsApp, targeting groups such as 'mums and breastfeeding support groups.' This led to increase in calls from women seeking support.

**34. The Ministry of Justice and Home Office should ensure that services which support black, Asian and minority ethnic women who are victims of crime are sustainably funded.**

**35. The Ministry of Justice should implement sentencing policies that recognise the link between domestic abuse and offending, with a focus on community sentences and women's centres as a more effective response.**

## Providing support remotely

Members working with victims have often had to cease face-to-face support during lockdown, and have instead supported victims through phone calls, video calls, and WhatsApp. Members discussed concerns around wellbeing, with staff now supporting vulnerable people from their homes without the support of colleagues. For this reason, one organisation decided to keep its 24/7 support helpline operating from the office. Another regional charity that supports children affected by crime said it was impressed by the creative solutions that practitioners have used to engage with children virtually but noted there have been safeguarding concerns around whether children are in a confidential space, and whether conferencing platforms are secure.

## Victim Support

Victim Support has extended its live chat support across the whole of England and Wales to run 24 hours a day, seven days a week, with funding from the Ministry of Justice. Victim Support noted that while remote support should never replace face-to-face support, it is important to 'give people as many avenues as possible to access support.' Victim Support also produced a resource for those experiencing domestic abuse during lockdown.<sup>34</sup>

<sup>34</sup> Victim Support. (2020) [Domestic abuse or coercive control during Covid-19](#).

With many schools closed, there have been challenges supporting children who at risk of being abused in the home. One member worked with schools to create safe spaces for children who are still attending school to access support. The organisation also worked with the non-abusive parent in the household, who could take the child out of the house, giving them the necessary space to call a support worker.

A regional charity that supports children harmed by crime said that it has seen a large reduction in referrals due to the closure of schools. The charity contacted families to ask whether they would like to continue with virtual support, and 50 percent agreed to do so. The charity expressed concerns that once restrictions end and it can support all children, it may struggle to cope with demand.

One member described how it has been unable to deliver its residential workshops during the pandemic to families bereaved by murder or manslaughter.

**36. Government and PCCs should provide sustainable, core funding for organisations working with victims and victims' families to help them adapt their services and find new ways to engage effectively and securely, and to manage increased demand resulting from backlogs of cases.**

**37. The Department of Education should ensure schools remain a place of safety for vulnerable children throughout this pandemic, where stress at home has increased. This support should be available during school holidays and any lockdown periods where schools are closed.**

### **Courts**

Members emphasised that clearing the courts backlog is key, as victims are negatively impacted by court delays. However, they said that it is essential that victims have access to the same rights in the courts as before the pandemic. There have been anecdotal reports of victims and witnesses not being able to give evidence under special measures, due to a jury member being positioned behind the witness box to ensure social distancing.

Members said that the new Nightingale courts must have special entrances and designated areas for victims and witnesses, video conferencing rooms, and adequate space for victims to be accompanied by a support worker. Consideration must also be given to how victims will be affected by extending court operating hours if they have childcare responsibilities.

**38. The Ministry of Justice must work with victims and victims' services when designing new Nightingale courts and adapting existing courts for social distancing, to ensure victims and witnesses are safeguarded.**

### **Restorative Justice**

Members said that they have been able to deliver some Restorative Justice conferences virtually and with success, despite some technical difficulties. It was felt that the use of technology for Restorative Justice should be evaluated to carefully assess what is suitable to take place online and what should continue face-to-face.

Members also highlighted that using Restorative Justice as an Out of Court Disposal (OCD) for certain cases will help clear the courts backlog. For more information, see our report, *Responding Restoratively to COVID-19*.<sup>35</sup>

<sup>35</sup> Ali, A. (2020) [Responding Restoratively to COVID-19](#), *Criminal Justice Alliance*.

**39. The Ministry of Justice should collect data on the use of Restorative Justice as an Out of Court Disposal (OCD). It should produce an updated national restorative justice action plan to promote greater use of Restorative Justice both as an OCD and as part of a community sentence to divert more people away from the criminal justice system.**

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## **Substance misuse services and drug policy**

### **Diversion and support**

One member said that drug law enforcement has continued to be an issue during the pandemic, highlighting that the Metropolitan Police has increased stop and searches for drugs.<sup>36</sup> Members also spoke about working with PCCs and more progressive police services around diversion schemes and continuing the case for Heroin Assisted Treatment. With people leaving prison who haven't had face-to-face contact with substance misuse services for months, and the subsequent increased potential for drug use and overdose, members felt increased access to naloxone and training for key workers and others was crucial.

**40. The Home Office should reform its current approach to drugs policy with an emphasis on public health. It should explore the role of restorative approaches to policing and drug policy as an avenue for diverting people away from the criminal justice system.**

**41. Police and Crime Commissioners should support greater use of diversion schemes and harm reduction approaches, including access to naloxone and Heroin Assisted Treatment.**

### **Moving to weekly scripts**

Members described very positive collaborative working not just by treatment providers and other organisations but also with Public Health England (PHE) and the Department for Health and Social Care (DHSC) throughout the pandemic. They commented that communication channels were open, and PHE and DHSC were open to feedback and recommendations about how to keep service users safe. One member spoke about changing service models, particularly shifting daily supervised scripts for methadone to weekly prescriptions. This was discussed as being less punitive and stigmatising for service users, as they did not need to travel every day for their prescription. Members would like to see this continue after the pandemic.

**42. Public Health England and the Department for Health and Social Care must learn from positive changes made to substance misuse treatment throughout the pandemic. They should also ensure scripts continue to be offered as a weekly prescription, where deemed suitable and safe.**

### **Digital divide**

Members discussed the variations in different demographics of service users. Those using youth or mental health services were much better at accessing digital appointments. Service users accessing drug and alcohol treatment services preferred appointments to be held via phone calls, as they often had difficulty getting online.

<sup>36</sup> Met Police. [Stop and Search Dashboard](#), Accessed 10 August 2020.

Some services were able to give phones to service users who needed one, so they could continue accessing support. Another member said that many people had remain engaged with its service, but there was a sizeable number of service users who had disengaged due to difficulties with technology and accessing data. The member said it built 'recovery communities' during the pandemic with four Zoom meetings per week and weekly check-in calls for those without access to the internet.

**43. The Department for Health and Social Care should give grants to drug and alcohol and mental health services, so that they can provide service users with phones or tablets with internet access. This will enable service users to continue accessing support if face-to-face contact is not possible.**

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