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Dear Nina,

**ROUTES TO RECOVERY:
REBUILDING THE CRIMINAL JUSTICE SYSTEM IN ENGLAND AND WALES AFTER THE PANDEMIC**

Thank you for your letter addressed to myself, Minister Malthouse and the Lord Chancellor, and for sharing your report which raised important points about the criminal justice system's recovery from COVID-19. I am responding on behalf of both myself and the Lord Chancellor. I read your report with great interest and thank you for your hard work in creating careful and measured recommendations, I have addressed the specific points and recommendations in your report in an annex to this letter.

COVID has had an unprecedented impact on the Criminal Justice System, the Lord Chancellor and I are extremely proud of the work that continues to be done to ensure that the criminal justice system continues to deliver justice and protect the rule of law by all who work within it. You will be aware that COVID-19, and in particular the requirements of social distancing, have had a particular impact on our court system and the ability to hold jury trials. While there is more to do, we have made a great deal of progress..As one of the first among other comparable jurisdictions globally to resume jury trials, our Crown Courts currently list over 300 jury trials and thousands of other hearings each – we have installed plexiglass into over 300 rooms and now have over 250 rooms safely open for jury trials. We have also unlocked vital capacity by opening 16 Nightingale Courts to provide 29 extra court rooms. In the magistrates court we have been dealing with more cases than we get in since August, dealing with over 21,000 cases each week and tackling the backlog.

COVID-19 has also been a driver of innovation, from the Nightingale Courts, to much more flexible working and significantly increasing our use of technology to enable more business to take place virtually. The Lord Chancellor and I, and in fact the whole of the Criminal Justice Board, are keen that as we recover we don't just recover back to where we were pre-COVID but we take this opportunity to make lasting improvements. This is being supported through a series of projects overseen by the CJB looking at, among other things, the use of data and the use of video and audio in the justice system.

Through all of this, we remain acutely aware of the impact on victims of crime and we are committed to ensuring they receive the support they need during this challenging time and continue to work across government, with the sector and local bodies to identify emerging needs. We have now distributed £22 million emergency Covid-19 funding, benefiting more than 540 charities. The Ministry of Justice also reallocated an additional £600,000 to assist victim support helpline services to ensure that all victims have access to services and committed a further £3million per annum until 2022 to recruit new Independent Sexual Violence advisers.

Whilst there is more to be done and we are by no means complacent, I am proud of our achievements in this space.

Thank you again for getting in touch.

Yours sincerely,

A handwritten signature in black ink, reading "Alex Chalk.", is centered within a rectangular area with a light gray halftone dot pattern background.

ALEX CHALK MP

ANNEX – Responses to COVID 19 Recovery Recommendations

Working Outside Normal Remit

The purpose of the Discharge Grant is to assist prison leavers in the first few days of release while accessing other legal sources of income, such as applying for benefits. As part of the Government's Covid-19 response, the Department for Work and Pensions established a bespoke telephony service to enable those released from prison to make a Universal Credit claim. This service remains in place to assist prison leavers to make a claim for Universal Credit quickly on release.

A higher rate of the Subsistence Grant was set at £80 to reflect the more limited amount of time prisoners had to prepare for their release under the End of Custody Temporary Release scheme (ECTR) and therefore the possibility that they would not have received the full amount of time and resources they would usually have had to prepare for release. The ECTR scheme is currently suspended.

Given the above, there are no plans to increase the Discharge Grant at this moment in time, but options are being considered for its future and we will take the findings of this report into account as they develop.

Sentencing and Remand

Based on the principle that when deciding sentence, the courts are able to take into account the likely impact of a custodial sentence in an individual case, the Court of Appeal laid out in the judgement in the case of R v Christopher Manning that judges and magistrates should keep in mind that the impact of a custodial sentence is likely to be heavier during the current emergency.

We have provided information to sentencers on the practical issues which arise in prisons as a result of the COVID-19 pandemic.

Family Drug and Alcohol Courts

During the unprecedented situation caused by the coronavirus pandemic, courts have inevitably suffered delays. We are, however, working hard to maximise capacity and productivity. We want to see family proceedings resolved as quickly as possible with the minimum of stress, especially for children, and courts are prioritising the most urgent cases including those where there are safeguarding implications and the child's welfare is at risk.

All Family Drug and Alcohol Court (FDAC) local authorities received their full amount of funding for their participation in the programme in March 2020. Following the COVID-19 pandemic the Supporting Families: Investing in Practice programme was suspended on 03 April 2020. During June 2020 we carried out a review of the programme and all LAs confirmed they were ready to restart as soon as possible and that they had ringfenced their funding and there would be no requirement for additional funding.

The programme was restarted in September 2020, with an extended timeline of six months for the FDAC strand, to allow for a sufficient number of cases and ensure a robust evaluation. The delivery phase will start 01 January 2021 and complete on 30 June 2022.

Virtual Hearings

HM Courts and Tribunals Service (HMCTS) are currently conducting an evaluation of remote hearings during the pandemic to inform their use in the longer-term. Its findings will help us to address issues

around user experience, the administration of and staff support for hearings, technology and audio-video quality standards.

The evaluation will include analysis of monitoring data, user surveys, and qualitative depth-interviews with different types of user (e.g. Judges, legal professionals and public users). It will collect evidence on the volumes, characteristics and outcomes of remote hearings, and will explore how experiences and perceptions varied for different users.

Findings will be available in Spring 2021.

Probation and Resettlement

During the COVID-19 pandemic, the Ministry of Justice, HM Prisons and Probation Service (HMPPS), Cabinet Office, Ministry for Housing, Communities and Local Government, Welsh Government, and Department for Work and Pensions all worked at pace to secure accommodation and access to benefits for those leaving prison during this period. We are seeking to build on this momentum and other positive work to date.

The Sentencing White Paper sets out our measures to better supervise and support offenders following release from custody, including a renewed cross-government effort to tackle the drivers of reoffending across both custody and community. It is our ambition to go further and build on work already underway to ensure people coming through the system have better opportunities to find a stable home, a job and access to healthcare.

The new operating model for Probation builds on the experience of Through the Gate services. Maximising innovations which have been introduced and understanding lessons learned have contributed to the development of a model which will provide a range of support services. These will address the transition from the structure of prison to the challenges of life in the community.

Courts

As ever, our priorities are to protect our staff, the judiciary, and all courts and tribunal users and to continue to support access to justice. This means ensuring the safety and security of all those entering and using our buildings, including victims and witnesses. To enable this, we require the wearing of face coverings by all court and tribunal users when in the public areas of court and tribunal buildings in England and Wales. From 28th September, NHS Test and Trace QR codes have been present in our buildings, with posters being displayed in prominent locations in all our sites. Although it is an entirely voluntary system, we are encouraging all court and tribunal users to scan the QR code via the NHS COVID-19 app to 'check in' when they attend a court or tribunal building.

In addition to this, we have committed an £80m emergency funding injection to support measures to mitigate the impact of Covid-19 on court functionality. This includes changes to the physical set up of courtrooms, such as the introduction of plexiglass barriers to protect court users. We are also working to boost utilisation of remote link sites to support witnesses during the C19 pandemic, allowing victims and witnesses to give evidence via a live video link from a location away from a court building in a number of locations across England and Wales. The Victims' Commissioner sits as part of working groups on both the Crown and Magistrates' Courts to act as the voice of victims in the courts' response to Covid-19.

HMCTS has engaged with victims' services when adapting existing courts for social distancing, to ensure victims and witnesses are safeguarded. Taking feedback from victims' services and working with the police and Crown Prosecution Service, HMCTS has introduced guidance for court staff to put in place

special measures for vulnerable and intimidated witnesses or vulnerable parties in both criminal and family courts.

Nightingale courts provide additional capacity to support the response and recovery to coronavirus. Hearings will be listed in suitable venues according to the needs of the participants or their entitlements. If a venue is not suitable, alternative venues will be considered. Or arrangements may be made for witnesses to provide evidence by video from another location – such as a court or remote site.

Conditions at court are assessed before jury trials resume to ensure measures are put in place for the safety and security of court users. Included in this assessment are measures to support witnesses giving evidence for example ensuring that witness service representatives are available and witness waiting rooms conform to social distancing guidelines.

Funding Cliff Edge

We have now distributed £22 million emergency Covid-19 funding, benefiting more than 540 charities. The Ministry of Justice reallocated an additional £600,000 funding to assist victim support helpline services to ensure that all victims have access to services and committed a further £3million per annum until 2022 to recruit new Independent Sexual Violence advisers. In response to concerns, we have extended the funding period from 31st October to allow organisations to spend the Covid-19 funding until March 2021 and are working closely with the sector to understand ongoing demand.

We fully recognise the role charities play in providing vital services to victims, including victims of domestic abuse from particular groups, such as LGBT, disabled and BAME victims. It is crucial that victims with protected characteristics are able to access support services. That is why 20% of the organisations allocated COVID-19 MoJ funding through their PCC provide tailored services for those with protected characteristics.

We recognised that there may be organisations that could provide an additional service as a response to COVID and a fund of £300,000 was distributed in small grants to 58 organisations between May and September. A very rapid assessment of the BAME sector's position in the early stages of the pandemic confirmed our belief that they were at a greater disadvantage than others, and additional efforts were made to attract and encourage BAME organisations to apply to the £300,000 fund.

In May, as a consequence of the pandemic, it was decided to revise the plans for probation reform, essentially removing the delivery partner tier (currently with CRCs). We feel this gives the voluntary sector a clearer relationship with probation as a commissioner, and an active local co-commissioner with PCCs. Although the Dynamic Framework is new, the programme has invested heavily in supporting the sector to participate and we believe it represents a substantial improvement on previous contracting arrangements, including directly taking into account Social Value. We are planning to provide additional, dedicated funding to probation regions to identify and directly support BAME-led or BAME priority organisations in their preparations to work within the new structures.

Mental Health and Wellbeing

I am committed to ensuring that people in the criminal justice system can access the mental health support they need. To this end, we have produced materials intended to support wellbeing at this particularly difficult time, including a range of in-cell distraction activities. We created a Wellbeing Plan with input from mental health charity Mind, and prison resident focus groups. This is a resident-owned self-help tool that can be used by residents to reflect on their triggers and coping strategies, as well as actions they could take to improve their mood and look after themselves at difficult times. It also provides

ideas for in-cell activities aimed at improving wellbeing (including mindfulness exercises and physical exercises).

Health and justice partners have also committed to providing a standard of health care in prisons equivalent to that available in the community. The National Partnership Agreement on Prison Healthcare in England and its associated workplan set out a detailed programme of work to deliver safe, decent, effective healthcare for offenders. Standard mental health care is the responsibility of NHS England Health and Justice to fund and commission, based on health needs assessments.

Domestic Abuse

The Ministry of Justice is working closely with HMPPS and Refuge to ensure female offenders have access to the National Domestic Abuse Helpline (NDAH) from prison, and to better understand how services in the female estate connect with those outside in the community. This ongoing work enables Refuge to continue to offer vital support to women who have experienced, or are experiencing, domestic abuse, both in prison and upon release.

Providing Support Remotely

The government recognises the ways in which support services have innovated and adapted to continue delivering their vital and life-saving services over the pandemic. We want to help the sector to continue to support victims in the most effective way, and as such the government has committed to developing a victims funding strategy that will place the sector on a more sustainable footing.

I recognise that the victim experience of the criminal justice system is being affected across the board by COVID-19. In addition to the projects already mentioned, I have initiated a cross-government programme of work to identify the barriers and solutions to supporting victims through the criminal justice process in light of the effects of the pandemic. We are at the scoping stage of this project, working to understand what data sources can show us about where COVID-19 is having most impact on victim engagement with the system, as well as seeking early ideas on mitigations.

The Government recognises that the needs of victims can be multiple and complex, with many crimes impacting their mental health and wellbeing. Consequently, we are committed to providing holistic and wrap around support and are working closely with DHSC and the NHS to improve join up between health services and the wider victim support sector.

Restorative Justice

In relation to Out of Court Disposals, we have announced in the White Paper our intention to simplify the use of this important tool with its capacity to reduce the escalation of offending, and supported the move to the “two tier” model as a means of increasing its use and bringing a greater focus on victims. We will be working closely with Home Office and police colleagues to bring this about, and it is not possible at this stage to confirm whether or not we will include a national action plan for restorative justice, as you have described.