

Witness Name: Phil Copple

Statement No: 1

Dated: 4 August 2025

UK COVID-19 INQUIRY

FIRST WITNESS STATEMENT OF HM PRISON AND PROBATION SERVICE

I, Phil Copple, of HM Prison and Probation Service, 102 Petty France, London, SW1H 9AJ, will say as follows:

INTRODUCTION

1. I am the Director General Chief Executive for HM Prison and Probation Service (HMPPS).
2. I am duly authorised to make this statement on behalf of HMPPS ('the agency') and can confirm that where the facts stated in this witness statement are within my own knowledge, they are true, and where I have relied on information from others, they are true to the best of my knowledge and belief. In preparing this statement, I am reliant upon the work of the Ministry of Justice's (MoJ) COVID-19 Inquiry Team. They have coordinated and liaised with a number of colleagues that have relevant knowledge and experience across the MoJ and its Executive Agencies. Their contributions have been used for the purposes of preparing this statement. My statement therefore relies upon those contributions. I am also reliant on a review of contemporaneous written material identified by colleagues through rigorous and thorough searches. In this statement I have made clear where I have put forward my personal reflections. For the most part, however, this is a 'corporate' statement in the sense that – to meet the understandably broad nature of the Inquiry's request – I have drawn and relied upon extensive input from relevant colleagues.

Summary of the Rule 9 request

3. I have reviewed the content of the Rule 9 request that was issued to HMPPS on 13 November 2024. In summary, this statement provides an overview of the structure and role of HMPPS regarding:
 - 3.1. The roles and responsibilities of MoJ in relation to children and young people (CYP), both generally and during the pandemic;
 - 3.2. Planning prior to the pandemic in relation to CYP;
 - 3.3. The impact of lockdown on CYP to whom MoJ held responsibilities; and,
 - 3.4. Significant decisions which affected groups of children during the pandemic.
4. I describe HMPPS' role, function, and responsibilities regarding CYP:
 - 4.1. In Young Offender Institutions (YOIs), Secure Training Centres (STCs), and Secure Children's Homes (SCHs);
 - 4.2. Under the supervision / management of the Probation Service; and,
 - 4.3. With parents / primary carers in custody.
5. Other roles and responsibilities that the MoJ and / or its Executive Agencies hold in relation to CYP are described in other statements provided to the Inquiry in relation to Module 8.
6. Alongside this statement, the MoJ has provided a list of key individuals and key meetings relevant to the Provisional Outline of Scope of Module 8. This includes the details of Ministers and senior civil servants responsible for each area during the Specified Period, that is, between 1 January 2020 and 28 June 2022.

7. The Inquiry has adopted the definition of a 'young person' as an individual aged between 18 and 25. However, there is no legal distinction for those aged between 21 and 25 within the prison estate and they are therefore treated as adult prisoners. Legislation makes a distinction between 'young offenders' (those under 21) and prisoners (those 21 and over). However, in 2018 HMPPS introduced a dedicated operational model for young adults aged 18–25, recognising them as a distinct cohort with specific needs and risks.

BACKGROUND

8. HMPPS is an Executive Agency of MoJ. It oversees and provides prison and probation services in England and Wales, working in close partnership with NHS England and the NHS in Wales who are responsible for healthcare services in custody, and with local authorities who are responsible for adult and children's social care. As part of its role, it carries out sentences given by the courts, in custody and the community, and works to rehabilitate people in its care by addressing education, employment, accommodation, and health and substance misuse needs.
9. There are 122 prison establishments across England and Wales. The establishments include public sector and contracted prisons. CYP in the secure estate were (during the Specified Period) accommodated in one of three types of establishment within HMPPS: YOIs, STCs, or SCHs, each of which I will discuss in greater detail below.
10. Up until June 2021, probation services for adults were delivered via the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs), both in custody and in the community. After this date, delivery of these services came under the Probation Service. Community supervision for children is the responsibility of Youth Offending Teams.
11. HMPPS is represented within the COVID-19 Public Inquiry by MoJ's COVID-19 Inquiry Team and its Recognised Legal Representative within the Government

Legal Department. MoJ's COVID-19 Inquiry Team does not represent the following Arm's Length Bodies of MoJ, which may be of interest to the Inquiry:

- 11.1. The Youth Justice Board (YJB), who are responsible for monitoring the operation of the youth justice system in England and Wales;
- 11.2. The Children and Family Court Advisory and Support Service (Cafcass), who are responsible for looking after the interests of children involved in family proceedings;
- 11.3. The Official Solicitor and Public Trustee, who are responsible for helping people who are vulnerable because of their lack of mental capacity or young age to take advantage of the services offered by the justice system;
- 11.4. The Prison and Probation Ombudsman, who carry out independent investigations into complaints and deaths in custody; and,
- 11.5. Youth Offending Teams in local authorities, who provide community supervision services for children.

HMPs' responsibilities in relation to children and young people in the youth justice system

- 12. Like the criminal justice system as a whole, there is no single 'owner' of the youth justice system. The system is complex and interconnected, with a range of departments and organisations involved.
- 13. A child who commits a crime will be dealt with by the police (whose powers and role are determined by the Home Office), the Crown Prosecution Service (supervised by the Attorney General's Office), the courts (HMCTS) and then sentenced by the independent judiciary. If they are sentenced (or remanded) to custody, they will be placed by the Youth Custody Service (YCS), part of HMPs, which is described in more detail below.

HMPPS' responsibilities in relation to children and young people in custody

The Youth Custody Service

14. The Youth Custody Service (YCS) was established in September 2017 as a distinct part of HMPPS with responsibility for the operational running of (public sector) custodial sites across the children and young people's secure estate (CYPSE). YCS is also responsible for commissioning of services and contractual management of private sector sites, as well as the placement of all children remanded or sentenced to custody.
15. At the time of the pandemic, the CYPSE comprised five under-18 YOIs, two STCs, and eight SCHs. Rainsbrook STC closed part-way through the Specified Period in December 2021 (with CYP having been moved out of the site fully in June/July 2021). On 21 March 2024, it was announced that HMYOI Cookham Wood would be repurposed as an adult prison.
16. As of February 2024, the CYPSE custodial population (including 18-year-olds) was 547, which is approximately a 34% reduction in comparison to March 2020, at the start of the pandemic. There was an average of just over 780 children in custody at any one time during the year to March 2020. The reduction of CYP in custody is largely due to a decline in first-time entrants FTEs, driven by Youth Offending Teams and police using diversionary approaches.
17. The YCS is operationally responsible for delivering (or commissioning) establishments. As part of HMPPS, an Executive Agency of MoJ, the YCS operates in partnership with MoJ to determine longer-term strategic directions (for example, how we can reduce the number of children remanded to custody) and on long-term funding arrangements (for example, advising ministers on where best to invest across the existing or new estate). YCS also works with MoJ and the YJB to help improve the 'resettlement' process when children leave custody. Resettlement remains the operational responsibility of YCS and the Youth Offending Team to which the child returns.

18. YCS aims to protect the public by providing safe and secure accommodation for children, supporting their positive development whilst in the secure setting, and working with partners to reduce the risk of reoffending so children are better prepared to make a positive contribution to their communities.
19. YCS is dedicated to working with a wide range of central and local government partners and other agencies to improve the life chances of young people.
20. A national partnership agreement has been in place to support the commissioning and delivery of healthcare in the CYPSE (sites in England) since NHS England became the statutory agency responsible for health commissioning in 2013.

Young Offender Institutions

21. Detention in a YOI is one of only two custodial orders that a court may make in respect of a male offender between the ages of 15 and 21, or a female offender between the ages of 15 and 21 pursuant to section 123 of the Criminal Justice Act 1988 (as enacted). The other was a sentence of custody for life pursuant to section 8 of the Criminal Justice Act 1982 (since repealed). The Criminal Justice Act 1988 created the legal framework for sentencing CYP to detention in these institutions.
22. The YCS (part of HMPPS) is responsible for YOIs in the CYPSE which hold CYP up to the age of 18 years in their custody. There are a number of prisons that specialise in managing a large young adult population (age 18-21 years) and others, which are all dual HMP and YOI establishments accommodating adults aged 18 years plus. These young adult sites do not provide a regime for CYP nor are they part of the CYPSE. HMPPS is responsible for oversight of all YOIs.
23. YOIs are run according to the Young Offender Institution Rules 2000 (the YOI Rules), and by the relevant Prison Service Instructions. The YOI Rules make provision for the management of YOIs, including the treatment of children in their custody, the conduct of young offender institution officers, and the powers and duties of the Independent Monitoring Boards.

24. YOIs are larger sites that have a lower staff-to-child ratio than STCs and SCHs.
25. There are currently four YOIs in England and Wales for CYP aged under 18-years-old: HMYOI Feltham A in Middlesex, Parc Young Person's Unit (YPU) in Mid Glamorgan, HMYOI Werrington in Stoke-on-Trent, and HMYOI Wetherby in West Yorkshire. HMYOI Cookham Wood in Kent was repurposed to an adult facility in April 2024 after His Majesty's Inspectorate of Prisons (HMI Prisons) issued an Urgent Notification in April 2023. The notification raised concerns about the quality of care provided to CYP with complex needs. These concerns, along with doubts about the ability to provide safe and supportive accommodation, led to the decision to repurpose the facility.
26. HMYOI Feltham A, HMYOI Werrington, HMYOI Wetherby and (whilst it was operational) HMYOI Cookham Wood are all public sector YOIs run by YCS, similar to adult prisons in design. Parc YPU in Mid Glamorgan, Wales, is run by the private security company G4S. Parc YPU is a 60-place unit on the same site as the adult prison.
27. YOIs are inspected by HMI Prisons annually, jointly with Ofsted (Estyn in Wales) and the Care Quality Commission (CQC) (or the Healthcare Inspectorate Wales in Wales).

Secure Training Centres

28. STCs were introduced as a place of detention for children by section 5 of the Criminal Justice and Public Order Act 1994 (CJPOA 1994) (which amended section 43 of the Prison Act 1952). Children under 15 who have been sentenced to a detention and training order usually serve the custodial part of their sentence in an STC.

29. The CJPOA 1994 enables the Justice Secretary¹ to enter into a contract with a provider for the provision or running of a STC.
30. STCs are run according to the Secure Training Centre Rules 1998 (the STC Rules). The STC Rules make provision for the regulation and management of STCs, and for the classification, treatment, discipline, and control of young people detained therein. They also provide for the inspection of STCs and the appointment of independent persons to visit them. By virtue of rule 46, the STC Rules apply to contracted-out STCs with the modifications set out in that rule.
31. During the Specified Period, there were two STCs, Oakhill STC and (until December 2021) Rainsbrook STC.
32. STCs are smaller than YOIs, purpose-built, and designed to accommodate between 60–80 boys and girls aged 12–17. There are some, limited circumstances, in which young people aged 18 can remain in an STC.
33. STCs have a higher staff-to-child ratio compared to YOIs and are often used to accommodate more vulnerable young people.
34. STCs are inspected, using a joint inspection framework, by Ofsted and the CQC with support from HMI Prisons. The YCS contracts and monitors these privately operated sites as part of the CYPSE.

Secure Children's Homes

¹ Where legislation, regulations, or guidance refers to the Secretary of State, Secretary of State for Justice, or Justice Secretary that language has been retained for accuracy. Within the MoJ and its Executive Agencies, however, and therefore in some documentation, the title of Lord Chancellor is often used, and sometimes interchangeably. This is because the Lord Chancellor is appointed as Lord Chancellor and Secretary of State for Justice, and heads the MoJ, which covers both Lord Chancellor responsibilities and Secretary of State responsibilities. For the Specified Period, The Right Honourable Sir Robert Buckland KBE KC held the posts of Lord Chancellor and Secretary of State for Justice between July 2019 and September 2021. Sir Robert preferred the Lord Chancellor title. On 15 September 2021, The Right Honourable Dominic Raab assumed the posts and was also the Deputy Prime Minister. Mr Raab preferred the Deputy Prime Minister title.

35. SCHs were created under the Children Act 1989. They operate under the Children's Homes (England) Regulations 2015 and the Children (Secure Accommodation) (Wales) Regulations 2015. These regulations set out the standards for children's homes, including secure settings, and cover a range of requirements related to safeguarding, staffing, care planning, and accommodation.
36. During the Specified Period, there were 14 SCHs of which 13 were in England and one in Wales.
37. SCHs are smaller sites designed to accommodate CYP aged between 10 and 17. They have the highest staff-to-child ratio of all of the establishments in the CYPSE.
38. Children may be accommodated in a SCH on welfare grounds for their protection or the protection of others, or on justice grounds as directed by a criminal court, either after conviction or on remand. Eight of the 14 SCHs accommodate children on justice grounds; the remainder only accommodate children on welfare grounds.
39. The eight SCHs which accommodate children on justice grounds are all operated by the local authorities for the area in which they are located. All employees at the SCHs are employees of the local authority, not MoJ. The MoJ, on behalf of YCS, contracts with the local authority a number of beds within each of the eight SCHs to accommodate children on justice grounds.
40. Ofsted (Care Inspectorate Wales in Wales) regulates and inspects children's social care services, including SCHs under the Social Care Common Inspection Framework. The YCS has oversight of SCHs as part of the CYPSE through regular contract review meetings and its placing authority.

HMPs' responsibilities in respect of young people under the supervision of the Probation Service

41. Children aged 17 and under are the responsibility of Youth Offending Teams (YOTs). HMPs do not have a direct role in overseeing the operations of YOTs

which are legally and operationally part of local authorities. Each YOT is expected to have a qualified seconded Probation Officer to act as the lead contact with the Probation Service. This officer provides advice and recommendations on transitions to adult services. The Joint National Protocol for Transitions in England (June 2021) outlines the procedures and responsibilities for this in more detail and I exhibit this document [PC/001 – INQ000591345]. I also exhibit the policy for probation service management of young adults [PC/002 – INQ000591407]. The equivalent guidance for Wales (July 2020) can be seen at [PC/003 – INQ000591224].

HMPPS' responsibilities in respect of children with parents/primary carers in custody

42. HMPPS plays an important role in maintaining family ties between parents / primary carers and their children whilst they are in custody.
43. Receiving family visits while in prison has been associated with successful employment and accommodation outcomes for offenders. The Resettlement Surveys Reoffending Analysis Study found that receiving family visits was associated with reduced chances of prisoners reoffending after release. Specifically, it noted that *"those who were visited by a partner or family member had a significantly lower reoffending rate (52%) than those who were not visited (70%). The odds of reoffending were 39% higher for prisoners who had not received visits compared to those who had"*. I exhibit the research summary [PC/004 – INQ000484946].
44. HMPPS policymaking therefore focuses on the contribution that maintaining contact with family makes to a prisoner's rehabilitation. This includes delivery of visit enrichment activity, family days, providing advice and support through Family Engagement Workers, the Help with Prison Visits scheme (to help families with the costs of travelling to attend visits), and secure video calling functionality (introduced in response to COVID-19, and now rolled out across the estate providing up to 60 minutes a month in video calls). Guidance for prisons on supporting and maintaining prisoners' contact with their families is contained within

the supporting policy framework. I exhibit the guidance **[PC/005 – INQ000546148 and PC/006 – INQ000546145]**.

45. Having a parent in prison is a recognised Adverse Childhood Experience (i.e., a highly stressful, and potentially traumatic, event or situation that occurs during childhood or adolescence). Policy responsibility for supporting children with a parent in prison in England sits with the Secretary of State for Education, while policy responsibility is a devolved matter in Wales.
46. Approximately 200,000 children in England and Wales have a parent sent to prison each year. These children are at risk of poor outcomes including poverty, stigma, isolation, and poor mental health. The National Information Centre on Children of Offenders (NICCO), provides information designed to support professionals working with offenders and their children to help mitigate negative consequences for those children. I exhibit the guidance **[PC/007 – INQ000546274]**. The NICCO was established to provide an information service for all professionals who come into contact with the children and families of offenders, as well as academics and those responsible for strategic development and commissioning. NICCO is delivered by Barnardo's in partnership with HMPPS.
47. To the best of my knowledge, there were no changes to the responsibilities outlined above during the Specified Period.

Decision making by HMPPS in relation to children and young people

48. There were several boards and working groups across HMPPS that made decisions regarding CYP, which have been set out below.

HMPPS Leadership Team

49. The HMPPS Leadership Team (HLT) is a standing body that existed prior to and after the pandemic and reports into the MoJ Departmental Board. The purpose of the HLT is to oversee HMPPS' overall performance, delivery, and finances. It

focuses on strategic leadership, management, and direction, ensuring the most effective prioritisation of resources.

50. The HLT is responsible for the day-to-day management of HMPPS. The HLT's role is to ensure effective delivery of the Agency's objectives and to address issues and make decisions on areas which are likely to have a significant impact on the management of the Agency's core business over the medium to long term.
51. During the pandemic, HLT was chaired by the Chief Executive of HMPPS, Dr Jo Farrar CB OBE, and membership comprised senior leaders across HMPPS. The frequency of meetings altered during the pandemic from weekly to daily, depending on the pace of decision-making required.

Prisons Operations Management Committee

52. The Prisons Operations Management Committee (POMC) is a sub-committee of HLT and a standing body that existed prior to, and following, the pandemic.
53. Its purpose is to oversee and take any necessary decisions regarding the day-to-day delivery of prisons (public and private sector) including performance, risk, assurance, and finances. This includes issues which are to be delivered by other Directorates, or the wider MoJ, which impact upon prison operations and system coherence.
54. I chaired this committee during the pandemic in my role as Director General of Prisons, and membership comprised Executive Directors across HMPPS and senior representatives from wider MoJ including HR, Finance Policy and Legal. The group met weekly.

The COVID-19 Prisons Medium Term Planning Programme Board / The Prisons Recovery Board

55. The Medium-Term Planning Board was established in response to COVID-19 and was operational from July – September 2020. It subsequently changed its name

to the Recovery Board when its terms of reference and chair were slightly altered, remaining operational until September 2021.

56. The Medium-Term Planning Board was a sub-committee of POMC. It received updates from a number of workstreams including Population and Capacity Management and Regime Mitigation Exit Strategy and was chaired by the Executive Director of Prison Reform, Cheryl Avery.
57. The Prisons Recovery Board was a sub-committee of POMC. It was established to drive operational delivery, including regime recovery, as the prison system balanced response and recovery, and began the delivery of reform. It was chaired by the Chief Operating Officer for Prisons, Michelle-Jarman Howe.
58. Membership of both boards was comprised of Executive Directors from across HMPPS and MoJ's Policy Group and met weekly.

HMPPS Gold Command

59. The Gold/Silver/Bronze command structure is an existing emergency response structure that can be activated as a result of a significant event. It was stood up in the custodial estate on 11 March 2020 in response to COVID-19. I exhibit the confirmation **[PC/008 – INQ000546176, PC/009 – INQ000591059 and PC/010 – INQ000591060]**.
60. Under the HMPPS Prisons National Response Model Command Structure, each establishment Bronze (the Governing Governor of the establishment) reported to a regional Silver (initially a number of Prison Group Directorates grouped together), who in turn reported to a dedicated national COVID-19 Gold Command. The COVID-19 Gold Command comprised a Gold Commander, who was either a HMPPS Prison Group Director or Deputy Director assisted by a Senior Coordinator, three Information Officers, and a Log Keeper. For the CYPSE, the Governing Governor of each YOI and STC was the Bronze Commander. Initially, the Silver Commander was the Prison Group Director for the geographical region in which the YOI or STC was located. This changed during the Specified Period in

June 2020, when Silver command for the YOIs and STCs passed to the Deputy Director of Operations in YCS. SCHs sat outside of the HMPPS Command Structure. I exhibit the Recovery Command and Control document **[PC/011 – INQ000591177]**.

61. The COVID-19 Gold Command operated as part of the Criminal Justice System Strategic Command (CJSSC). CJSSC was an existing group that was responsible for convening and directing emergency response arrangements during the pandemic in a co-ordinated way, across the various agencies of the criminal justice system. CJSSC was activated in March by HMPPS Gold Command and ran from March – August 2020 and September 2020 – February 2022 and I exhibit the Terms of Reference **[PC/012 – INQ000591168 and PC/013 – INQ000591251]**. CJSSC brought together representatives from across the criminal justice system to coordinate emergency operational response and ensure continued maintenance of the rule of law and public order. The group was chaired by HMPPS, and membership comprised representatives from criminal justice agencies including the Police, National Crime Agency, Public Health Wales (PHW), NHS England, the Ministry of Defence, and Home Office, among others. MoJ's command structure included representatives from estates, information technology and Human Resources (HR).
62. A pictorial representation of the national HMPPS Prison Response Model Command Structure can be found on page 10 of **[PC/014 – INQ000532524]**.
63. The command structure formed the core line of communication. COVID-19 Gold Command would open when the custodial estate experienced a widespread outbreak and the focus would switch to containment, requiring a national level response. Gold Command oversaw escalation of regime delivery concerns that threatened the safe, decent, and secure operation of a prison (from Regional Silver Command); escalated to CJSSC any HMPPS prison level requirements for approval, e.g. supporting court activity or remand capacity; directed population management decisions; and directed resources as required.

64. Gold Command's biggest role was formulating guidance, alongside public health colleagues, and communicating this to ensure that HMPPS' operations were safe, legal, and supported the wider public health effort.

Decision making bodies across the children and young people's secure estate

The Youth Custody Service Operational Management Committee

65. The Youth Custody Service Operational Management Committee (YCS OMC) is a sub-committee of HMPPS Leadership Team (HLT) and is a standing body that existed prior to and following the pandemic. Its purpose is to oversee and take any necessary decisions regarding the day-to-day delivery of youth custody (public and private sector) including performance, risk, assurance, and finances. This included issues which were to be delivered by other directorates, or the wider MoJ, which impacted upon youth custody operations. Issues impacting the wider delivery landscape would be escalated for consideration / decision at the HLT as appropriate.
66. During the pandemic, the group was chaired by the Executive Director of YCS, Helga Swidenbank, and membership was comprised of deputy directors and the heads of teams from across YCS including operational contract management, quality development, performance, and assurance, among others. The group met monthly.

The Youth Custody Service Senior Leadership Team

67. The Youth Custody Service Senior Leadership Team (YCS SLT) was a standing body that existed prior to and following the pandemic. It was the corporate body responsible for giving collective consideration and leadership to the business of the YCS, taking decisions, and advising the HMPPS Leadership Team and/or Chief Executive as required. It focused on those matters which required strategic collective oversight rather than matters that are decided by individual Functional Heads. It received updates from a range of sub-groups.

68. The group was chaired by the Executive Director of YCS, Helga Swidenbank, and membership was comprised of deputy directors and the heads of teams from across YCS for example, Briefing and Governance, Quality and Continuous Improvement and Safeguarding. The group met monthly.

The Youth Custody Service Recovery Working Group

69. The Youth Custody Service Recovery Working Group was a sub-committee of the YCS SLT and was established in response to the pandemic, starting in April 2020 and closing in December 2021. The purpose of this group was to oversee the management and delivery of recovery from COVID-19 across YCS.
70. Throughout the pandemic it was chaired by the Deputy Director (Quality, Information & Performance, Casework, Partnerships & Business Change), Fiona Parker. Membership was comprised of deputy directors and the heads of teams from across YCS, for example Casework, Placement and Resettlement, Safeguarding, and Quality Development. The frequency of meetings changed throughout the pandemic, averaging fortnightly.
71. The name and purpose of the group changed during the pandemic, changing to the 'Winter Planning Working Group' in November 2020 to align with HMPPS. It further changed to the 'YCS Recovery and Winter Planning Working Group' in February – March 2021. From April 2021 – December 2021 (when it was stood down) the group changed its focus to development of Stages 1 and 2 of the National Framework (which I explain in greater detail below) and was subsequently called the 'Stage 1 Planning Group'. I exhibit the Prisons National Framework [PC/015 – INQ000575485].

The Youth Custody Service Research Governance Board

72. The Youth Custody Service Research Governance Board (YCS RGB) was a standing board that existed prior to the pandemic. It closed in March 2022.

73. The YCS RGB provided strategic oversight of research conducted across YCS in collaboration with HMPPS National Research Committee (NRC), the Youth Custody Assurance Board (YCAB) and other appropriate parties. It was chaired by the Cluster Lead Psychologist, Alisa Purton, and membership was comprised of psychologists and representatives from across YCS.

PLANNING PRIOR TO THE PANDEMIC

Emergency planning prior to January 2020

74. For the purposes of pandemic planning, CYP housed within the CYPSE were considered as part of the wider HMPPS estate. This same approach was followed for young people under the supervision / management of YOTs or the Probation Service. There is no evidence to suggest that children with parents / primary carers in custody were considered separately through any such exercise. Therefore, the consideration as to how HMPPS would discharge its responsibilities towards CYP in the event of a pandemic was considered as part of its overall planning, and not separately. During the pandemic, only once understanding and knowledge grew as the pandemic progressed, was HMPPS able to take a more informed approach that considered distinct cohorts, such as children, separately. I will therefore set out the emergency planning carried out by HMPPS for its entire estate, which encompassed CYP.
75. In October 2016, HMPPS participated in Exercise Cygnus, a multi-agency national pandemic flu exercise. I exhibit a HMPPS planning presentation [**PC/016 – INQ000591044**]. The exercise involved the direct participation of seven prisons and enabled a variety of plans at the local, regional, and national level to be tested in the course of the exercise. Participation in Exercise Cygnus identified the following lessons for HMPPS:
- 75.1. “Further work is required in the development of Pandemic Contingency plans and related procedural guidance.”

- 75.2. "Exercise Cygnus was designed to test strategic level processes and as such there was limited learning around the operational response to outbreaks in prisons."
- 75.3. Exercise Cygnus did not test the tactical and operational responses to outbreaks in prisons, and this should be considered as an area for development."
76. "[Local Resilience Forums] and prisons should work together to ensure that their communications systems are aligned."
77. On 2 February 2018, HMPPS submitted a Pandemic Flu Sector Resilience Statement of Preparedness to the Cabinet Office. Work had been done to understand preparedness in areas such as staffing levels, expected minimum service delivery, and what services or activities would need to be deprioritised or stopped during the pandemic.
78. The Statement of Preparedness highlighted the following planning that had already been done by HMPPS in readiness for a pandemic flu:
- 78.1. HMPPS had engaged with Public Health England (PHE) on desktop testing seasonal flu plans across various regions, with all contained prisons taking part;
- 78.2. The HMPPS Flu Pandemic Steering Board was established, with monthly meetings; and,
- 78.3. HMPPS had issued guidance prepared by PHE on managing infection outbreaks. It required all prisons to have adopted these and utilised them in their planning.
79. HMPPS assessed that its prison services (which included YOIs and STCs) had a reasonable level of preparedness but further testing of planning at an operational level was required.

80. Probation services were assessed as not prepared. In particular, the Statement of Preparedness noted that the National Probation Service, Community Rehabilitation Companies and Approved Premises (sites that offer an enhanced level of public protection in the community for offenders assessed as posing significant risk of harm to the public) had not been involved with any pandemic testing nor did they have developed pandemic flu planning in place. In order to remedy this deficiency, a framework of flu pandemic preparedness work was identified, which included: determining a minimum level of service that the NPS will deliver during a pandemic; the preparation of a new Probation Instruction/Policy Framework regarding pandemic preparedness; and drafting of a new assurance framework, which I exhibit as **[PC/017 – INQ000007175]**.
81. The Statement of Preparedness identified a number of areas in which work needed to be actioned and completed before it could fully test preparedness plans and provide an assurance that HMPPS was ready to face the challenge of flu pandemic. The further work identified included:
- 81.1. Working with Probation colleagues in relation to a Probation Instruction on flu pandemic;
 - 81.2. Working with the CRCs to develop their preparedness for a flu pandemic;
 - 81.3. The HMPPS Flu Pandemic Steering Group / Board was to progress partnership planning and implementation work between criminal justice and government department partners. The Group had been in operation since 2018 and comprised members from within HMPPS to coordinate its work on flu pandemic preparedness. A deputy director within HMPPS chaired the group who met monthly.
 - 81.4. The National Health and Justice Pandemic Board was to progress partnership planning and implementation work between health and justice partners. The Pandemic Board (previously called the National Pandemic Prisons Group) was established in 2018, and its purpose was to provide assurance to NHS England that plans for a pandemic outbreak were robust.

The board was chaired by NHS England and membership was comprised of lead officials from across NHS England, PHE, and HMPPS. I exhibit the Terms of References for the group in April and October 2018 [**PC/018 – INQ000591038 and PC/019 – INQ000591039**].

- 81.5. Human Resources to continue to engage unions and understand their position and what can be done to mitigate against staff compliance issues during a pandemic.
82. Further testing as a result of this return was initially suspended due to EU Exit work and recommenced in 2019. I exhibit a HMPPS planning presentation [**PC/016 – INQ000591044**]. On 5 June 2019, the HMPPS Pandemic Steering Board met for the first time following the resumption of its activities to discuss progress on the Pandemic Flu Policy Framework. The meeting agreed to progress the Policy Framework document. I exhibit the meeting minutes [**PC/020 – INQ000591040**].
83. Work on EU Exit placed operational demands on HMPPS (as it did on other government departments), who were advised by the Cabinet Office's Civil Contingencies Secretariat in around July 2019 to "press on with upwards-facing work on pan flu – that is that we socialise the risk and response with senior leaders and carry on with building awareness and understanding, but that we defer the work which will create local requirements as we move through the late Autumn risk period." This was noted in an email, which I exhibit [**PC/021 – INQ000591041**].
84. On 18 December 2019, HMPPS provided an update on their business continuity position. The purpose was to provide assurance to wider government that HMPPS contingency and business continuity plans were in place to ensure essential delivery during a flu pandemic. The presentation detailed the demands of a pandemic and how HMPPS would manage the operational impact of prisons being quarantined and how to continue to protect the public by providing NPS and CRC services for offenders supervised in the community. HMPPS modelled assumptions with predicted rates of between 43,000 – 51,600 prisoners possibly being infected, out of a total prison population of 83,023 at December 2019, of which a potential of 1,290 could die during the first wave. Highlighted areas of

development included embedding outbreak management for the continuance of business as usual (BAU), not just infection control, and for establishments to have their own plans for pandemic outbreak management.

85. Details were also provided of a proposal to create a new power for the Secretary of State for Justice to executively direct release of prisoners or detained children on licence or under supervision with the introduction of the Pandemic Influenza Bill. I exhibit a HMPPS planning presentation [PC/016 – INQ000591044]. I will address the consideration of early release of detained children later in this statement.

IMPACT OF LOCKDOWN AND RESTRICTIONS ON CHILDREN AND YOUNG PEOPLE TO WHOM HMPPS HELD RESPONSIBILITIES

86. It is crucial to understand that central to our planning and decision-making throughout the pandemic was the preservation of life. This included the lives of those within our care and our front-line staff, who were required to attend work throughout the pandemic and the various lockdowns in incredibly difficult and unprecedented circumstances. At the forefront of our minds was the Reasonable Worst Case Scenario planning undertaken by PHE, in partnership with HMPPS, which anticipated up to 2,500 – 3,500 excess deaths in prisons within the first few weeks of the pandemic. While every single loss of life is an unbearable tragedy which was, and remains, deeply felt, and I extend every sympathy possible to those who were lost, through the hard work and diligence of our staff, we were able to limit excess deaths to 23 prisoners and nine prison staff during the pandemic's first wave. I exhibit here one such piece of advice from March 2020 which starkly set out the situation we were facing [PC/022 – INQ000591144]. It is this context in which my whole statement should be read and in which the decisions we took were made.

The Prime Minister's announcement of 23 March 2020

87. The decision to implement the first lockdown was made by ministers on 23 March 2020 at a COBR(M) meeting which started at 17:00. The Lord Chancellor was

present at this meeting. During the meeting, ministers agreed to measures set out in the paper "Social Distancing: Temporary Additional Measures," including telling all citizens to stay at home except for taking part in a small list of permitted activities, the closure of all non-essential retail premises, and banning public gatherings and social events. This paper was circulated to MoJ and other government departments at 16:40, and an updated version was sent at 16:51, which I exhibit **[PC/023 – INQ000052705 and PC/024 – INQ000052692]**. Following the meeting, the Prime Minister announced these measures in a televised address the same evening.

88. Officials have found no evidence that HMPPS was asked about the imposition of a national lockdown and the impact it would have upon the department's areas of responsibility prior to 23 March 2020. Instead, HMPPS received requests for information relating to non-pharmaceutical interventions (NPIs) short of a national lockdown. These, together with MoJ's work to prepare for the emerging pandemic, are detailed in the paragraphs below. It is important to be aware that prior to 23 March 2020, the Reasonable Worst Case Scenario planning across government did not include a national lockdown. The Reasonable Worst Case Scenario (RWCS) was a list of planning assumptions prepared by the Scientific Advisory Group for Emergencies (SAGE) to assist Government with planning its response to the COVID-19 pandemic. The RWCS was based on the 2019 National Security Risk Assessment pandemic influenza planning assumptions. The RWCS planning assumptions were communicated to MoJ as part of the daily cross-government Situation Reports circulated by the Cabinet Office.
89. Reflecting on the national lockdown and the direction to the public to stay at home, HMPPS communicated overnight its decision to move to a lockdown in custody. Focused on ensuring, as key workers, essential life preserving services such as meals, medication, and support to those at risk were facilitated as well as ensuring that the essential public protection role of holding safely in custody those committed by the courts was able to continue, whilst responding to the aim to protect the NHS through our actions. This was unprecedented within the history of HMPPS with any lockdown previously being at individual sites only and only for a matter of hours or a few short days, not as was to follow.

90. On 30 January 2020, the World Health Organisation (WHO) declared COVID-19 a Public Health Emergency of International Concern. On 10 February 2020, PHE issued interim guidance to custodial staff and prison escort & custody staff (PECS) in relation to COVID-19 in prisons, Immigration Removal Centres, and other prescribed places of detention. I exhibit the guidance **[PC/025 – INQ000052027]**. The guidance concentrated on infection control and PPE advice. The guidance was distributed on 11 February 2020 which I exhibit **[PC/026 – INQ000591049]**. The covering email recognised that although a pandemic had not been declared, it was important to prepare for the possibility that COVID-19 would affect HMPPS and its work in some way. PHW agreed to the PHE advice being distributed also to Welsh prisons.
91. HMPPS developed operational guidance, in partnership with PHE, that guided all establishments in how to combat the risk of COVID-19 and manage prison / youth custody operations. This guidance determined where there was local discretion and allowed the variations required for consideration of the impact in youth settings, and the needs of children. The dissemination of the PHE guidance was subsequently followed by an interim policy framework entitled “HMPPS Flu Pandemic Policy”, “Interim Coronavirus Guidance for Prisons and Approved Premises employees” and “a checklist for HMPPS Prisons, YOIs and IRCs” which I exhibit **[PC/027 – INQ000575453, PC/028 – INQ000575452 and PC/029 – INQ000586857]**. The interim policy framework identified the requirements of the prison service, including the need for all prisons “to have both a written outbreak control policy and a written plan for pandemic influenza” based on PHE guidance. Each establishment was required to be ready to invoke its Pandemic Flu Plan “should it become apparent that pandemic flu may be circulating.”
92. The HMPPS Flu Pandemic Policy interim framework implemented on 11 February 2020 provided details on how HMPPS establishments would co-ordinate responses with Outbreak Control Teams (OCTs). All prisons were required to have both a written outbreak control policy and a written plan to prepare for pandemic influenza, which would be used during a pandemic. Contingency planning in coordination with OCTs would be flexible, particularly in the use of teleconferenced

meetings and would consider the changing nature of an outbreak and associated escalation and de-escalation responses as required. I exhibit the framework here **[PC/027 – INQ000575453]**.

93. On 11 February 2020, the interim framework was distributed to HMMPS directors and governors. Along with the framework, an example list of priority actions to take during an outbreak was also distributed. These actions included setting up OCT meetings in conjunction with PHE/PHW, agreeing Infection Control Action Plans, implementing, where appropriate, the use of isolation and cohorting of infected patients, and reviewing planning processes put in place and agreeing the timings of future OCT meetings. I exhibit the cover email and list here **[PC/030 – INQ000624087 and PC/031 – INQ000624086]**.
94. The HMPPS Pandemic Virus Contingency Planning Guide created on 7 March 2020 provided contingency planning checklists for a pandemic outbreak. The guide set out the actions the Outbreak Control Teams would take and provided a list of core members who should be invited to attend OCT meetings. I exhibit the guide here **[PC/032 – INQ000624088]**.
95. On 12 February 2020, MoJ took part in Exercise Nimbus, a ministerial tabletop exercise. Its purpose was *“to rehearse ministerial-level decision making for the UK’s pandemic preparedness and response within the context of the current novel Coronavirus outbreak.”* The exercise took place as a simulated COBR meeting with the aim of helping to identify the potential scale and range of impact, the type and range of decisions that would need to be made by Ministers and to rehearse the structure, process, and protocols for supporting critical and strategic decision making. The Commonly Recognised Information Picture (CRIP), which set out the fictitious factual scenario on which the exercise would be based, specifically included staff absences across UK prisons at a rate of between 5 and 50% as well as prisoner unrest. I exhibit the papers **[PC/033 – INQ000052014, PC/034 – INQ000591046, PC/035 – INQ000591045]**. Of the lessons learned from the desktop exercise, none were specifically addressed to MoJ or HMPPS. I exhibit the lessons learned **[PC/036 – INQ000258625]**.

96. On 27 February 2020, HLT considered the implication of the first reported cases of COVID-19 in prisons. However, at this time it was restricted to the adult estate. Although limited information was available at the time it helped HMPPS inform revised operational guidance commencing with commissioning of projects to map the progressive impact of increasing numbers. I exhibit the papers and meeting minutes **[PC/037 – INQ000591052, PC/038 – INQ000586859 and PC/039 – INQ000591149]**.
97. On 28 February 2020, the COVID-19 situation continued to develop and World Health Organisation and PHE/PHW advised that principles for managing pandemic flu were applicable to the new virus.
98. On 2 March 2020, HMPPS implemented a revised interim Flu Pandemic Policy Framework which I exhibit **[PC/040 – INQ000575455]**. The Policy Framework was described as a “live framework” which “will be subject to revision as more information emerges.” Like the 11 February 2020 version, it identified a number of required actions, including for all prisons to make contingency plans for pandemic flu which are designed to meet the reasonable worst case scenario. In planning for a reasonable worst case scenario, the Policy Framework advised planners to establish the basic numbers of staff “that would be needed to provide a reduced regime to cater for the essential needs of their populations.”
99. On 3 March 2020, HMPPS completed a COVID-19 Outbreak Planning Workshop with five prisons represented as a base to test preparedness and response to an outbreak. The purpose was to identify live risks and issues and undertake a realistic assessment of the impact of a significant outbreak across the HMPPS estate. It was anticipated the exercise would present the opportunity to consider next steps and to further investigate the issues identified to mitigate the risks. During the desktop exercise a list of the identified risks and issues was compiled and used to develop a national response model to address the impact of COVID-19 in prisons which I exhibit **[PC/041 – INQ000591054, PC/042 – INQ000591056 and PC/043 – INQ000591057]**.

100. On 14 March 2020, updated advice from PHE was circulated throughout HMPPS to reflect the requirement of the Delay phase of management of the outbreak. This included advice that prisoners with a new, continuous cough or a high temperature should be placed in protective isolation for seven days; and should a member of staff or visitor become unwell on site with a new, continuous cough or a high temperature, they should go home immediately and refer to guidance for home isolation. I exhibit the advice **[PC/044 – INQ000052520]**.
101. On 17 March 2020, the National Probation Service issued working from home guidance to staff. The purpose was to reduce face-to-face contact with service users and adopt alternative forms of contact such as telephone and video calls, but only where appropriate, where the public protection risk was low. I exhibit the guidance **[PC/045 – INQ000591062]**.
102. On 19 March 2020, a briefing note was prepared for HMPPS, which examined the possibility of introducing new temporary accommodation within the existing prison estate within existing planning permissions. This briefing note was prepared by Cushman and Wakefield who were commissioned to provide it by MoJ. At this stage no specific plans were raised for the CYPSE. I exhibit the briefing note **[PC/046 – INQ000591064]**. Temporary accommodation was considered to support the isolation of those new to custody, or those who were infected, away from the rest of the population. In order to isolate effectively, more single cells were required wherever possible, and this put a strain on the prison estate.
103. On 19 March 2020, HLT held a challenge session with the Lord Chancellor and Minister Frazer, in her role as Minister of State for Prisons, to outline and discuss ongoing preparations to identify and mitigate risks arising from COVID-19. At the challenge session, the Lord Chancellor was asked to consider the expected impact on prisons and probation of two scenarios. The first scenario envisaged household isolation and social distancing NPIs having been implemented and a number of confirmed cases of staff, prisoners, and those under probation supervision with COVID-19. The second scenario, the Reasonable Worst Case Scenario, assumed all contracted services were struggling with staff absence and working from business continuity plans and established contingencies. Neither scenario

envisaged a national lockdown. I exhibit the submission **[PC/047 – INQ000591065]**.

104. Consideration was given to the impact on the youth custody estate specifically in relation to the first scenario. The expected impact on the CYPSE was that isolation measures would pose additional safeguarding risks and have a greater psychological impact on those isolated; the risks of violence and disorder were of particular concern in the CYPSE, due to the comparative volatility of the population. It was also expected that parents and families would be concerned about children in isolation, and about any restriction in visits. To manage this, governors were looking to run as full a regime as possible and manage emerging risks to safeguarding. It was thought that communication with families, YOT teams and local authority directors of children's services would be key, and discussions were taking place with the YJB about supporting communication with other professionals. The Lord Chancellor was satisfied with work that was underway. I exhibit the submission **[PC/047 – INQ000591065]**.
105. On 19 March 2020, the Lord Chancellor wrote to the Prime Minister to share the contingency plans developed by HMPPS in response to COVID-19. The note identified some of the key issues associated with COVID-19 specific to the youth custody estate. It highlighted that although children would be less vulnerable to serious disease from the virus, isolation would pose additional safeguarding risks with potentially greater psychological impact on those in isolation. In mitigation, communication with families, YOTs and local authority directors of children's services was a priority. It was proposed that a normal regime with domestic visits would run as long as it was possible to do so in line with community restrictions. I exhibit the contingency plans **[PC/048 – INQ000575464]**.
106. On 20 March 2020, PHE circulated updated advice on preventing and controlling outbreaks of COVID-19 in prisons and other prescribed places of detention (PPD). I exhibit the guidance **[PC/049 – INQ000591081]**.

Exceptional Regime Management Plans

107. Prior to the onset of the pandemic, establishments within the secure estate generally operated according to local Regime Management Plans (RMPs) made pursuant to Prison Service Instruction 07/2017. RMPs outline the tasks to be delivered with available resources and, based on local priorities and pressures, adjust how resources are deployed in accordance with safe operating procedures. RMPs are supported by Minimum Staffing Levels (MSLs) which identify the lowest level of staffing required for a regime which delivers staff and resident safety, security, and control.
108. In light of the anticipated increase in COVID-19 cases in the UK, and the likely impact on each establishment's ability to meet its MSLs, HMPPS instructed each establishment to develop an Exceptional Regime Management Plan (ERMP) outlining how each establishment would continue to consistently deliver key regime priorities when staffing fell below the minimum staffing levels outlined in the establishment's RMP. The ERMPs were not designed to replace Regime Management Plans but instead were specifically designed to cover a period which was outside of normal operating parameters.
109. HMPPS issued guidance on 19 March 2020 entitled 'COVID-19 Operational Guidance – Exceptional Regime & Service Delivery' (Version 1.0) which I exhibit **[PC/050 – INQ000575462]** to assist management teams in prisons to create their own local ERMP. The ERMP would only be triggered when staffing fell below the MSL as this meant the prison could no longer deliver the most basic regime with the resources available. The ERMP should be developed for a Reasonable Worst Case Scenario and establish a plan as to how the establishment would safely deliver the four key regime priorities: meals, medication, prisoner safety and welfare, and family contact. The ERMP would be in place for the period during which Government restrictions around movements and social distancing remain in place or where the establishment cannot reach their MSL.
110. Following the Government announcement of a national lockdown on 23 March 2020, all establishments were required to develop and implement an ERMP for their site with immediate effect rather than waiting for resourcing levels to fall below the minimum. All establishments were required to produce temporary ERMPs for

agreement with Silver Command by 31 March 2020, with the initiation of a defensible decision log. Defensible decision logs were necessary to give operational managers within the command structure the space to make informed tactical decisions at a local level but also ensure clear visibility around the decisions made, and ensure appropriate escalation was being followed based on the issue or risk being managed. Thus, allowing YCS some capacity to flex to meet the needs of children in their custody.

111. The guidance recognised that whilst YCS would operate under the same government guidelines as the adult estate, there were some specific differences in working with children that needed to be considered. I exhibit the guidance **[PC/051 – INQ000591422]**.
112. The operational guidance was updated, and a revised version (version 2.0) was distributed on 27 March 2020 which I exhibit **[PC/052 – INQ000591095]**. A further version (version 3.0) was distributed on 3 April 2020 which I exhibit **[PC/053 – INQ000586860]**. It specifically addressed for the first time the position of CYP in the CYPSE.
113. The revised guidance acknowledged that the imposition of nationwide restrictions meant that “CYP in secure settings will spend more time in their rooms.” In turn, it recognised “that impact of reduced social contact is likely to have an impact on the wellbeing and mental health of CYP in our care” and it remained “a high priority to provide a high level of positive connection and regular social interaction within the bounds of these operating principles.” Governing governors within the CYPSE were instructed to include the psychology and SECURE STAIRS leads to ensure emotional wellbeing of staff and CYP were central to any plan. SECURE STAIRS is a framework for care that guides how the YCS works with CYP in secure settings. It was developed in collaboration with the NHS England and NHS Improvement.
114. As social visits had been suspended since the guidance was first issued through HMPPS, details of proposals to maintain contact in other ways were now included, such as exploration of technology to enable virtual visits.

115. As the situation was changing, the guidance on support services had been updated and the YCS guidance now contained information about the suspension of education, the temporary reversion to standard Individualised Education Programmes (IEPs) for those on basic plans, and ensured that all CYP had access to free television. Basic plans in youth custody focus on rehabilitation, education, and preparing young people for a productive, law-abiding life, while also ensuring appropriate punishment and addressing the root causes of offending. At a basic plan level all privileges have been revoked; outside of a pandemic this could lead to no access to television.
116. On 4 April 2020, the operational guidance for creating ERMPs was updated again, and a revised version (version 3.0) was issued. The guidance included a specific section on key deliverables for provision of regime such as meals, healthcare and medication, and information about social visits, education, and non-essential work for the CYPSE. The guidance was provided to allow individual establishments to create their own ERMP on the condition they adhered to YCS, and NHS England & Improvement (NHSEI) 'Core Principles.' I exhibit the guidance **[PC/053 – INQ000586860]**.
117. One of the Core Principles was CONNECT, which stated it was essential that opportunities for relational connection were maximised. Examples of some of the other principles are:
- 117.1. Provide as much fresh air as possible: Maintain good physical and mental health by maximising physical activity and access to fresh air (in line with physical distancing guidance).
- 117.2. Structure the day and create routine: Structure can be helpful especially when living with others, as it allows a sense of predictability and control. Establishing (or maintaining) a sense of routine is essential. Ensure regular timing for access to medication, including those who may have received a diagnosis of ADHD (attention deficit hyperactivity disorder).

118. The flexibility in interpretation and application provided for in the guidance, resulted in varied operational practices across different sites, often with variable service levels. It was recognised that staffing levels would fluctuate on a local level and thus this flexibility was needed. It also allowed youth establishments to follow physical distancing procedures instead of social distancing due to children requiring more human interaction. It was recognised that the biggest risk to children's mental health and wellbeing was isolation.
119. On 10 April 2020, YCS and the NHS issued additional guidance to STCs and SCHs. The guidance was designed to supplement interim advice on controlling outbreaks of COVID-19 in prisons provided by PHE on 20 March 2020 which I exhibit **[PC/049 – INQ000591081]** along with SCHs interim COVID-19 contingency planning guidance issued in March which I exhibit **[PC/054 – INQ000591091]**. This additional guidance was issued in draft due to the urgency of the situation. It had been cleared to be issued in draft by PHE and would be cleared formally the following week. The guidance had been specifically designed for STCs and SCHs to ensure all COVID-19 mitigations were taken following PHE guidance and provided instruction on actions to be taken and the programme of daily routine when CYP was suspected or confirmed as having COVID-19. For example:
- 119.1. Meals: All meals should be provided to the CYP in their own bedrooms or designated area, so self-isolation can be continued.
- 119.2. Activities: It is important to communicate the situation and response at each stage to the CYP within the STC/SCH. CYP should not join in with communal activities in the secure setting. Instead, activities, such as education, where possible should be delivered virtually in their bedroom. Staff should escort the CYP on an individual basis outside of their room or unit, so they are able to have some fresh air every day, if they are well enough to do so. The secure setting should place particular emphasis on continuously applying the Core Principles (Annex 1), and providing virtually, if possible, all other supporting casework and care that is essential to the CYP's wellbeing. Settings must be mindful isolation actions may well have

an adverse impact on the CYP's mental health. I exhibit the additional guidance **[PC/055 – INQ000591124]**.

Joint MoJ and HMPPS National Framework for the easing of restrictions

Recovery and the National Framework

120. By April 2020, YCS SLT had begun to consider recovery from lockdown. The YCS COVID-19 Recovery Project was established, responsible for “co-ordinating efforts to restore and rebuild” and “identifying lessons learned to capture learning and innovation to ‘build back better’”. The YCS COVID-19 Recovery Working Group was set up to oversee the management and delivery of the YCS COVID-19 Recovery Project. I exhibit the Terms of Reference **[PC/056 – INQ000591139 and PC/057 – INQ000591160]**.
121. A plan for the YCS COVID-19 Recovery Project was circulated to the YCS SLT on 17 April 2020. The plan stated that phase 1 would identify the lessons learned during the COVID-19 period and would produce an SLT report summarising findings and make proposals for future work. It stated that phase 2 would put in place a plan to deliver agreed proposals and to develop any related products or materials. The plan outlined five key workstreams: regime and service framework design, resourcing and workforce planning, staff confidence and union engagement, population and capacity management, and the reinstatement of core HR Functions. The plan was discussed by YCS SLT on 5 May 2020. I exhibit the plan and the meeting minutes **[PC/058 – INQ000591148 and PC/059 – INQ000591156]**.
122. Alongside YCS-specific recovery work, HMPPS produced the COVID-19: National Framework for Prison Regimes and Services (the National Framework), published on 2 June 2020, which I exhibit as **[PC/015 – INQ000575485]**. The National Framework provided a conditional roadmap, supported by Exceptional Delivery Models (EDMs, explained in the next section) for what the easing of restrictions meant in practice and set out five “Prison Regime Stages” to mirror the lifting of restrictions in the community:

	Stage	Conditions to operate at this Stage	What could a prison regime operating at this Stage look like?
5	Complete Lockdown	<p>Prison – as 'Lockdown,' but with an active outbreak ongoing that is not being contained by level 4 lockdown.</p> <p>Staffing levels below minimum for the ERMP.</p>	<p>Regime focused purely on preservation of life.</p> <p>Minimise time out of cell and social contact – no time in the open air, all meals served at cell door, support from other establishments or external suppliers for essential services like laundry.</p>
4	Lockdown	<p>Prison – Significant number of infections within establishment or prison unable to implement compartmentalisation strategy.</p> <p>Staffing levels able to deliver ERMP.</p>	<p>Minimum required regime in place to ensure safety and decency, as set out in the ERMP of 24th March.</p> <p>Receptions from courts for some prisons, but routine inter-prison transfers (IPTs) stopped and controlled IPTs agreed via Gold Command structures.</p>
3	Restrict	<p>Prison – All National Standards set out below can be met.</p> <p>Assessment is that infection levels in the establishment are under control.</p> <p>Staffing levels sufficient to deliver activities set</p>	<p>Compartmentalisation remains in place. Testing and monitoring ongoing. Social distancing applied and PPE in use.</p> <p>Inter-prison transfers where Reverse Cohorting Units (RCUs) in place and procedures are agreed by Prison Gold command.</p>

Stage	Conditions to operate at this Stage	What could a prison regime operating at this Stage look like?
	out in EDMs for this Stage.	<p>Highest priority areas of regime (e.g. visits) can start to be reinstated with appropriate restrictions.</p> <p>Implementation of stage 3 elements of the relevant Exceptional Delivery Models, tailored to local circumstances such as physical layout and design of the establishment. Full detail set out in EDMs, but noteworthy points:</p> <ul style="list-style-type: none"> • Reintroduce social visits, but with limited capacity and other restrictions and adaptations. • Reintroduce education and PE in YCS, and some PE and more work in the adult estate, but with restrictions and adaptations.

Stage	Conditions to operate at this Stage	What could a prison regime operating at this Stage look like?
<div data-bbox="245 285 290 1486" data-label="Text">2</div> <div data-bbox="298 285 461 1486" data-label="Text">Reduce</div>	<p data-bbox="472 285 786 617">Prison – All National Standards set out below can be met. No infection presents in the prison, or very low levels where spread is contained.</p> <p data-bbox="472 680 786 869">Staffing levels sufficient to deliver activities set out in EDMs for this Stage.</p>	<p data-bbox="813 285 1321 323">Compartmentalisation remains in place.</p> <p data-bbox="813 386 1338 520">Testing and monitoring ongoing. Minimal social distancing required, in line with community guidelines.</p> <p data-bbox="813 583 1289 667">Inter Prison Transfers where RCUs in place at receiving prisons.</p> <p data-bbox="813 730 1338 919">Implementation of Stage 2 elements of relevant and further Exceptional Delivery Models. Full detail set out in EDMs, but noteworthy points:</p> <ul data-bbox="862 932 1354 1465" style="list-style-type: none"> <li data-bbox="862 932 1354 1121">• Reintroduce some education and training in the adult estate, with restrictions and adaptations to reduce capacity. <li data-bbox="862 1134 1354 1360">• Less restrictive adaptations and greater capacity for education in YCS and for work in the adult estate, and for visits and PE in both estates. <li data-bbox="862 1373 1354 1465">• Reintroduce communal worship with restrictions and adaptations.

Stage	Conditions to operate at this Stage	What could a prison regime operating at this Stage look like?
1	<p>Prepare</p> <p>Prison – All National Standards set out below can be met. No infection within establishment.</p> <p>Staffing levels near target and sufficient for normal regime delivery.</p>	<p>Compartmentalisation no longer required, but ongoing screening, testing, and monitoring continues to rapidly detect new infections.</p> <p>Inter Prison Transfers allowed.</p> <p>Regimes operating without requirements for social distancing or PPE use.</p>

123. Stages 5 (complete lockdown) and 4 (lockdown) were managed under ERMPs.
124. Stages 3 (Restrict) and 2 (Reduce) were managed under Recovery Regime Management Plans (RRMPs), as described in “Recovery Regime Management Plan (RRMP)” published in June 2020 which I exhibit **[PC/060 – INQ000591218]** and updated in August 2020 which I exhibit **[PC/061 – INQ000591227]**.
125. Stage 1 (Prepare) was managed under Regime Management Plans (RMPs) as business as usual.
126. Prison governors were responsible for planning how they would apply the National Framework within their establishment, according to their local circumstances.
127. The National Framework was designed to underpin the Medium Term Plan which would ensure a ‘new normal’ could be established. The purpose of the Medium Term Plan was to support HMPPS with the delivery of their strategic aims, whilst prioritising nine key objectives:
- 127.1. Preservation of life through the effective infection control measures;
- 127.2. Maintain stability (order and control);

- 127.3. Provide sufficient capacity to meet demand (whilst achieving Public Health-advised compartmentalisation);
- 127.4. Maintain safety (suicide, self-harm, violence);
- 127.5. Maintain staff confidence to deliver planned regimes;
- 127.6. Maintain constructive joint working relations with the recognised trade unions;
- 127.7. Resume rehabilitative work and purposeful activity (adapted to the context of living with COVID-19);
- 127.8. Align recovery with the restoration of NHS services in prisons and in the country as a whole; and,
- 127.9. Maintain Public Protection.

Application of the National Framework to the CYPSE

- 128. Minutes from the YCS COVID-19 Recovery Working Group show that YCS fed into the production of the National Framework, including by considering how to operationalise the framework at a local level. A submission to ministers on 19 May 2020 acknowledged that “how regimes are implemented will depend on the individual context of the establishment and is also likely to vary in different parts of the estate – for example bespoke consideration will be needed for the YCS estate.” I exhibit the meeting summary and actions and the submission **[PC/062 – INQ000591169 and PC/063 – INQ000591158]**.
- 129. On 26 May 2020, the Roadmap to Recovery was shared with POMC and outlined how the National Framework would be applied operationally. Where establishments moved to Stage 3 (Restrict) or Stage 2 (Reduce) under the National Framework, modifications were proposed to the regimes for the CYPSE. For example, under Stage 3 education would not operate in the adult estate

whereas reduced size education classes could run in the CYPSE observing social distancing rules. Similarly, limited physical education was permitted in the adult estate under Stage 3, whereas a full physical education provision was planned for the CYPSE. I exhibit guidance noting the differences between Stage 3 and Stage 2 and the Roadmap to Recovery **[PC/064 – INQ000591163, PC/065 – INQ000591162 and PC/066 – INQ000591166]**.

130. Letters about the National Framework tailored to CYP, their families, and carers, and YCS staff were sent out on 3 June 2020:

130.1. A note to CYP **[PC/067 – INQ000591172]**.

130.2. A letter to families and carers from Helga Swidenbank, Executive Director of the YCS **[PC/068 – INQ000591171]**.

130.3. A letter to all staff from Helga Swidenbank, Executive Director of the YCS **[PC/069 – INQ000591173]**.

131. On 18 June 2020, Minster Frazer and the Lord Chancellor gave approval to proceed to Stage 3 at a national level. This meant that if any individual establishments met the three conditions defined in the Medium Term Plan (small numbers with outbreak control teams in place at a national level, community transitioning to alert level 3 or below, staffing levels sufficient to deliver EDMs) they could progress to Stage 3. As children had particular wellbeing and safety needs, and faced a lower epidemiological risk, it was anticipated that restrictions for the CYPSE would be eased before those in the adult estate. Indeed, this had been considered at the POMC meeting held on 6 June 2020 where the transition to Stage 3 had been discussed. The anticipated date of the transition was 4 July 2020, I exhibit the meeting papers **[PC/070 – INQ000591170, PC/071 – INQ000591217, PC/072 – INQ000591184, PC/073 – INQ000591194 and PC/074 – INQ000575489]**.

132. On 19 June 2020, the YCS COVID-19 Recovery Working Group began looking at how to minimise the negative impact of sustained lockdown on child development,

discussing psychology services 'Building Back Better: Informing the COVID-19 Recovery Regime in the YOIs'. One of the main themes was the delivery of education within the CYPSE during COVID-19, I exhibit the meeting papers **[PC/075 – INQ000591180, PC/076 – INQ000591182 and PC/077 – INQ000591183]**.

133. The Lord Chancellor agreed with the proposal to start moving to Stage 2 of the National Framework on 19 August 2020.
134. On 11 September 2020, the YCS Recovery Working Group discussed the requirement for the entire youth custody estate to complete the recovery gateway by the end of September 2020 and that STCs were required to complete the Health EDMs to complete Stage 3 of recovery, I exhibit the summary and EDM changes and challenges table **[PC/078 – INQ000591243 and PC/079 – INQ000591250]**.
135. By 20 October 2020, all but one site in the YCS estate had progressed to Stage 3 of the National Framework. In response to the announcement of the three tier system for national restrictions it was agreed that YCS would operate their own restrictions following the heatmap approach. The expectation was to maintain the CYPSE at Stage 3 allowing education and visits to continue, in contrast to the approach in the adult estate, I exhibit the meeting papers **[PC/080 – INQ000591249 and PC/081 – INQ000591262]**.
136. As the infection rate continued to increase in the community, with the country reverting to Tier 3 or 4, HMPPS issued a directive to all adult prisons within a Tier 4 area to regress to Stage 4 with effect from 2 January 2021. YCS sites maintained their existing regime levels to prioritise the well-being, education, and critical support services for children in the safest possible manner. This decision was influenced by the lower risk posed to children and the protective measures already in place for staff, deeming regression to Stage 4 unnecessary. The continuation of education also helped ensure some level of parity with the community, I exhibit the brief **[PC/082 – INQ000591274]**.

137. On 17 February 2021, the YCS Recovery and Winter Planning Working Group decided YCS priorities and definitions of Stage 2 were to be slightly independent of HMPPS but would work to the same timescales. The main differences for YCS were: children and staff wellbeing (this was to be enhanced and include mental health), transition and resettlement/casework (instead of 'Sentence progression') and preparing for reform/building back better, I exhibit the minutes and actions **[PC/083 – INQ000591299 and PC/084 – INQ000532477]**. On the same day, YCS joined a cross-HMPPS Operational Guidance Cell (OGC) to coordinate COVID-19 guidance during the rest of the COVID-19 response period, I exhibit the meeting papers **[PC/085 – INQ000591300, PC/086 – INQ000591301, PC/087 – INQ000591302, PC/088 – INQ000591293 and PC/089 – INQ000591298]**.
138. On 24 February 2021, YCS commenced work on defining minimum expectations at each stage of recovery within the recovery plan. This plan included expected minimum time out of room at each stage of progression through recovery, along with expected hours of education provision, I exhibit the meeting papers **[PC/090 – INQ000591323, PC/091 – INQ000591324, PC/092 – INQ000591327, PC/093 – INQ000591328 and PC/094 – INQ000591329]**.
139. On 4 May 2021, to prepare the custodial estate for the move to Stage 2 of the National Framework, youth-specific guidance was developed to sit alongside wider HMPPS guidance. This was to ensure that initiatives in the CYPSE remained focused on the Child First Transformational Model, I exhibit the guidance **[PC/095 – INQ000591332 and PC/096 – INQ000591333]**.
140. At YCS OMC meeting on 18 May 2021, there was an expectation that progression from Stage 2 to Stage 1 would diverge from the wider HMPPS model, I exhibit the minutes **[PC/097 – INQ000591339]**.
141. On 24 August 2021, HMPPS and YCS SLT decided to bring COVID-19 related regime mitigations to an end by the end of September 2021. A letter and frequently asked questions (FAQ) were put together to support staff with conversations they may have with CYP about the changes that were being made but could also be used to answer questions from families, local partners and stakeholders, I exhibit

the letters **[PC/098 – INQ000591376, PC/099 – INQ000591375, PC/100 – INQ000591378 and PC/101 – INQ000591374]**. On 9 September 2021, ministers agreed to a submission proposing to extend these mitigations until 24 March 2022 due to the unknown risk posed by the emerging threat of Omicron, I exhibit the papers **[PC/102 – INQ000591386, PC/103 – INQ000591379 and PC/104 – INQ000591380]**.

142. On 25 November 2021, YCS joined the HMPPS Winter Operational Risks Panel (WORP) to support the transition from recovery to business as usual. Although WORP had not been set up to focus on recovery from COVID-19, various boards that had been set up to manage the response to COVID-19 fed into it to inform their winter planning based on learning from the pandemic. The panel was chaired by the Deputy Director of the Winter Operations Unit and membership comprised representatives from across HMPPS, similar to HMPPS Gold Command **[PC/105 – INQ000591395]**.
143. On 8 December 2021, the Deputy Prime Minister and Minister Atkins, who was Minister of State for Prisons and Probation, agreed to the revised recommendations to delay exiting the National Framework. Originally a submission had recommended that HMPPS exit the National Framework before Christmas 2021, however this advice and recommendation was revised given the emergence of the Omicron variant and the risk posed. It was agreed that the National Framework would be exited into the beginning of 2022 with an expected extension to the amendments to the Prison and Young Offender Institution Rules, I exhibit the submission and briefing note **[PC/106 – INQ000591398 and PC/107 – INQ000591401]**.
144. On 9 May 2022, both adult and YCS establishments exited the National Framework and returned to BAU. Nationally imposed restrictions such as routine social distancing and mandatory face masks were lifted and governors regained full responsibility for managing their establishments' regimes, allowing for more tailored, site-specific decisions.

Exceptional Delivery Models

145. Exceptional Delivery Models (EDMs) provided guidance for delivering each element of the regime at each stage of the National Framework, with baseline requirements to be met by each establishment. EDMs defined mandatory actions, the importance of these actions and the level of autonomy locally to implement. The purpose was to enable restrictions to be lifted in a cautious and safe manner.
146. Initially, Stages 3 and 2 of the National Framework were to be managed under a Regime Recovery Management Plan supported by EDMs, however it was decided by POMC that the entire custodial estate would remain under ERMPs in Stages 5 – 2, with EDMs supporting the progression of the regime in Stages 3 and 2.
147. EDMs would be individually created in a modular format and validated prior to approval for prisons to implement. At Stage 3, a list of 16 EDMs were proposed which included Education, Families (social visits) and Association (time in the open air). At each regime stage there would be a gradual approach to implementation within that stage. For progression to the next stage, EDMs would be reviewed and revised in line with expectations for Stage 2.
148. Based on the criteria established in the National Framework and EDMs, individual prisons would consider which stage their establishment should operate at subject to local readiness assessment. Assessing local risk and the changing context in the community and custody EDMs were reviewed with approval to progress them requiring consultation with PHE and trade unions. Governors therefore made informed decisions to progress, or indeed suspend further, the reintroduction of normal regime at the appropriate pace, ratified by the line of command above. How these regimes would be implemented would depend on the individual establishment. It was considered likely to vary in different parts of the estate, for example YCS, I exhibit the framework documents **[PC/108 – INQ000591164 and PC/109 – INQ000591159]**.
149. As of 17 June 2020, there were several EDMs applicable to YCS which were being tracked. The plan was to create a further six bespoke YCS EDMs for: Approved

Interventions, Custody Support Plans (CuSP), Education and PE, Resettlement, Health, and Advocacy. However, YCS concluded that the existing HMPPS Health EDM was sufficient, resulting in the creation of only five bespoke EDMs, I exhibit the EDM list and scheduling [PC/110 – INQ000591181].

150. On 21 August 2020, YCS decided to use Recovery Regime Management Plans (RRMPs) at Stage 2, without EDMs. As Ministers were keen for prisons to progress to Stage 2 of the National Framework, YCS took the decision not to issue updated EDMs given the process at Stage 3 had been more challenging and time consuming than expected. I exhibit the guidance [PC/061 – INQ000591227].

The announcement of subsequent lockdowns

151. On 20 October 2020, the HMPPS Leadership Team considered the possibility of a national two-to-three week imposition of further restrictions. HLT's planned response to this eventuality was to limit all prisons nationally to Stage 3 of the National Framework, to pause any planned moves to Stage 2, with the potential to move establishments to Stage 4 where necessary due to an outbreak or staffing constraints through decision making by Gold Command. Insofar as the CYPSE was concerned, the aim was "to maintain as open as possible regimes, including gymnasiums and education" where possible, dependent on the severity of community measures and incidence of infection within the community. Visits for children should continue on compassionate grounds but will be based on local risk assessments, I exhibit the submission [PC/111 – INQ000591253].
152. On 31 October 2020, the Prime Minister announced further national restrictions for England to last from 5 November to 2 December. The restrictions were less limiting than the first national lockdown but went beyond the existing Tier 3 regulations under the National COVID-19 Local Alert Levels (which had been announced on 13 October).
153. On 2 November 2020, the Lord Chancellor was informed of HMPPS' approach. It was noted that the YCS population had particular needs and faced lower risks in epidemiological terms. Therefore, in order to maintain a parallel with the

community to keep schools open, it was proposed that education provision, PE lessons, and on-site advocacy would continue in custody. It was also proposed that as visits had been allowed in Tier 3 areas under compassionate circumstances with the support of PHW during the 'firebreak', that PHE views would be sought on the justification of allowing visits on epidemiological grounds, I exhibit the note **[PC/112 – INQ000591258]**.

154. On 9 November 2020, a COVID-O was held to scrutinise HMPPS winter preparedness. Both the Lord Chancellor and the Second Permanent Secretary, Dr Farrar, provided updates on the work that had been undertaken to mitigate the impact of COVID-19. Dr Farrar said that due to the decisive action taken by HMPPS during the first wave, the potential number of deaths and hospitalisations had been significantly less than expected. Therefore, HMPPS were better prepared for the second wave, with a wide range of mitigations in place. She reported that the benefits of technology had been harnessed to provide better education in cells alongside the introduction of video calls to maintain family contact, I exhibit the meeting papers **[PC/113 – INQ000090873, PC/114 – INQ000591264, PC/115 – INQ000591263 and PC/116 – INQ000091169]**.
155. Regarding the third national lockdown in January 2021, HMPPS continued to apply its National Framework and thus moved prisons up and down stages of that framework, as opposed to any new or distinct consideration or approach for this stage of the pandemic.

Impact and assessment of lockdowns

156. On 24 April 2020, YCS set up the COVID-19 Research and Evaluation (CoRE) programme to capture learning and research on the impact of the pandemic on children in custody. Recognising the potential impact on all within the CYPSE, CoRE was established in collaboration with YCS, NHS and HMPPS Psychology Services under the independent direction of Professor Neal Hazel. The programme explored experiences of those within the children's secure estate in England and Wales during the first wave of the pandemic. An application was made to the National Research Committee (NRC) to conduct the programme of

research as anticipated, which I exhibit **[PC/117 – INQ000591152 and PC/118 – INQ000591193]**.

157. On 13 July 2020, CoRE received approval from the NRC. The approval covered only research in YCS and STCs, with research in SCHs subject to approval being agreed at a local level. A survey would be used to capture the experience of six groups of stakeholders: children, staff leadership teams, parents and carers, external supporters (including YOTs, NHS staff, and partner organisations), and providing organisations (including contracted providers and local authorities). The purpose of the research was to evaluate and learn from the impact of COVID-19, to inform the recovery process. Surveys were collated from 391 children between 22 July and 12 August 2020 and from 1,120 staff between 17 July and 17 August 2020. The survey captured responses from stakeholders across six domains: (1) public health, including safety from COVID-19, feelings of risk, and responses to physical distancing measures; (2) mental wellbeing, including anxiety, sense of coping, and sense of control; (3) safety and behaviour, including levels of peace, and safety from harm; (4) relationships and culture, including engagement, relations between stakeholder groups, and support; (5) regime and activities including regime, education, leisure, and daily organisation; and (6) roles and development, including positive development, identity, transitions and outcome, I exhibit the approval **[PC/119 – INQ000591203]**.
158. On 27 November 2020, the YCS CoRE programme released a report of early findings and learning based on the responses they had received. Interim recommendations were made for individual establishments to focus on whilst the research was concluded. This included ensuring: children were maintaining contact with family, in particular via the telephone; advocacy services were accessible to all children; and time out of room was maximised at every possible opportunity, I exhibit the reports **[PC/120 – INQ000567570 and PC/121 – INQ000591270]**.
159. On 7 December 2020, lessons learned from the CoRE children and staff surveys were shared at the quarterly STC directors meeting. Summaries of the responses from 54 children and 190 staff based across two STCs (Oakhill and Rainsbrook)

were provided across a variety of subjects from public health, mental wellbeing, safety and behaviour, relationships and culture, regime and activities and roles and development. As an example under public health, 20% of children had stated they had been “pretty worried” about catching COVID-19 in their institution. Nevertheless, 78% of children had felt as protected as possible from the virus. 91% of children felt that any concerns they had about catching the virus would be taken seriously by staff. A large majority of children (89%) felt that they had the information they needed with almost all children (96%) stating they knew what physical distancing and hygiene rules to follow to keep everyone protected from COVID-19. Almost half of children (48%) had spent time isolating in an RCU, of which 64% were there because they were new admissions, with 32% there because they had been to court. Of these children 46% had stated spending time in an RCU had been stressful, with 12% worried about developing COVID-19. In contrast 19% has stated they preferred being in the isolation unit. 92% felt that staff were supportive whilst they were on the RCU. Also under Public Health, 94% of staff had continued to work during main COVID-19 restrictions, with 26% having to self-isolate for a time at some point. Only 42% felt there was a real risk of infection with 44% ‘pretty worried’ about the possibility. 70% of staff said they felt safe from harm, with 61% stating they felt protected as much as possible from COVID-19 in their job. However, 43% were dissatisfied with the implementation of physical distancing and hygiene measures at work. Around 33% of the staff who had worked in RCUs had been worried about catching the virus, with 34% finding it stressful to work there. 90% of staff considered that children in the RCU were well cared for, I exhibit the findings **[PC/122 – INQ000575225 and PC/123 – INQ000575223]**.

160. On 15 December 2020, the summary of findings from the CoRE programme across the CYPSE was shared at a YCS OMC meeting. Researchers had interviewed 391 children in England and Wales, which was the equivalent of a 67% response rate from eligible children in custody. 1,220 staff from across the YCS had completed the survey. The responses were gathered to provide a high-level overview of topics such as family contact. 81% of children reported using the telephone every day and 91% every 2-3 days to maintain family contact; 39% staff and 56% children found being on RCU stressful, although they did report feeling

supported. 77% of children and 73% staff felt as protected as possible from COVID-19; 94% of children and 89% of staff revealed they felt they were coping well, although 42% of children and 33% staff reported feeling more miserable as a result of the restrictions. Responses indicated that by that point 40% of children were still spending 22 hours or more per day in their rooms on some weekdays, rising to 66% at weekends. Most children welcomed the return of educational provision in classrooms, as not only were they out of their rooms, but they were able to interact face-to-face with their teachers. Many recognised that although a lot of children reported feeling safer and preferring the smaller family groups that had been introduced during lockdown, fewer groups of larger size equated to more time out of room. Overall, it was reported that the responses to the specific themes suggested that children had found lockdown restrictions difficult, I exhibit the meeting papers **[PC/124 – INQ000575227, PC/125 – INQ000591246, PC/126 – INQ000591247, PC/120 – INQ000567570, PC/127 – INQ000575217, PC/123 – INQ000575223, and PC/128 – INQ000591286]**. My own reflections here would be that the restrictions were likely making a lot of CYP across the country feel “miserable,” including those not in custody; but that being in custody presented greater restrictions and challenges for CYP.

161. On 27 January 2021, YCS provided HLT with an update on the CoRE programme. HLT were informed that the final report was due later in the year as a lot of analysis was still underway. YCS highlighted that the research had identified some areas that had been managed well such as mental wellbeing and feeling safe. At the conclusion of the meeting, all members were directed to begin forming their recovery and future regime plans to bring back to HLT by April 2021 **[PC/129 – INQ000591294 and PC/130 – INQ000591288]**.
162. On 10 February 2021, the YCS CoRE Programme Information Hub was established to share learning from the research that had been carried out across the CYPSE. The Hub was a document which incorporated all briefings and publications in one place for ease of sharing and access. Analysis was ongoing but results had been shared as they emerged and all briefing documents were embedded within the Hub, allowing YCS to use this information to inform stages of recovery planning, I exhibit the Information Hub **[PC/131 – INQ000575233]**.

163. On 10 November 2021, the YCS CoRE Programme Team published a report on self-harming behaviour involving children in custody during the COVID-19 pandemic. The report found that levels of self-harm amongst children in YOI custody significantly decreased during the first peak of COVID-19, I exhibit the reports **[PC/132 – INQ000591256, PC/133 – INQ000591257, PC/134 – INQ000591381, PC/135 – INQ000591382, PC/136 – INQ000591388, PC/137 – INQ000575242 and PC/138 – INQ000591411]**.
164. On 16 November 2021, the first set of papers from the CoRE programme were distributed. The research captured and assessed the experience of dealing with the threat of COVID-19 across the children's secure estate. The results enabled learning to build back better during recovery, with an expectation of that continuing. The papers included findings on personal development, wellbeing and contact with family. Results indicated around half of the children felt they had 'become a better person' with 68% stating they has experienced personal growth during the pandemic; there were mixed feelings about contact with family, with 99% stating they were able to maintain weekly family contact. However, some had complaints about the cost of calls and lack of telephone credit, I exhibit the findings **[PC/139 – INQ000591373, PC/140 – INQ000591397, PC/141 – INQ000591389, PC/142 – INQ000575241, PC/143 – INQ000591391, PC/144 – INQ000591393 and PC/145 – INQ000591392]**.
165. On 4 April 2022, YCS Psychology Services completed a draft of the CoRE Programme: Final Report. It was a comprehensive programme of research and evaluation to capture and assess the experience of dealing with COVID-19 across the children's secure estate. It was released for comment and was finally approved for publication by Minister Hinds in December 2022, I exhibit the findings **[PC/146 – INQ000575244, PC/147 – INQ000575245, PC/148 – INQ000575246, PC/149 – INQ000575247, PC/150 – INQ000575248, PC/151 – INQ000575249, PC/152 – INQ000575243, PC/153 – INQ000575250, PC/154 – INQ000591420, PC/155 – INQ000591419, PC/156 – INQ000591417 and PC/157 INQ000591418]**.

SIGNIFICANT DECISIONS WHICH AFFECTED GROUPS OF CHILDREN AND YOUNG PEOPLE DURING THE PANDEMIC

Impact on children and young people of decisions about young offenders and children in custody

Amendments to Young Offender Institution Rules 2000 and Secure Training Centre Rules 1998

166. The prison regime is the routine which determines the amount of time individuals are unlocked for association, meals, access to other services such as religious based activity and library, and purposeful activities such as education. The way in which residential services are delivered is governed by a framework of instructions known as Prison Service Instructions (PSI) and specifically for the CYPSE, the Young Offender Institution Rules 2000, and Secure Training Centre Rules 1998.
167. On 24 March 2020, the day after the Prime Minister announced the first national lockdown, HMPPS issued COVID-19 Operational Guidance “Temporary regime to reduce risk – Version 1” on 24 March 2020, which I exhibit **[PC/158 – INQ000530765]**. It directed governors with immediate effect to review every aspect of their daily regime so as to minimise contact. It further instructed that “*All non-essential activities involving groups of people should be stopped. This includes social visits, education, non-essential work, association, communal dining, periods of mass prisoner movement, religious services, and access to the gymnasium.*” The Operational Guidance provided that the YCS “*will operate under the same temporary guiding principles as the rest of the adult estate when it comes to carrying out the Government’s instructions on social distancing.*”
168. In early April 2020, work began to seek approval to amend the Prison Rules 1999 and Young Offender Institution Rules 2000 through the laying of a statutory instrument (SI). Due to the new Operational Guidance that set out a temporary restricted regime, the minimum regime requirements as laid out in the Prison Rules 1999 and Young Offender Institution Rules 2000 would not be met in some instances. Many of the rules contained elements of flexibility that could be

accommodated in the temporary regime. However, some rules contained strict requirements and specific timescales which became difficult to adhere to under the temporary restrictions.

169. The Prison and Young Offender Institution (Coronavirus) (Amendment) Rules 2020/400 came into effect on 6 April 2020. The amendment inserted a new rule 5A into the Young Offender Institution Rules 2000 granting the Lord Chancellor the power to issue a direction describing a class or classes of prisoners who may be released on End of Custody Temporary Release (ECTR) in the CYPSE (subject to specified statutory exemptions). This is outlined in further detail later in my statement. I exhibit the Explanatory Memorandum **[PC/159 – INQ000544624]**. Advice was shared with Minister Frazer and the Lord Chancellor on 29 March 2020 regarding the amendment. This advice was formulated by MoJ policy, HMPPS operations, analysts among others, and also was informed by the public health advice at the time. I exhibit this advice **[PC/160 – INQ000624089]**. The advice set out the rationale for the amendment, and the information the Minister and Lord Chancellor considered when deciding whether to make the amendment. The SI was subsequently signed by Minister Frazer. It was necessary for the SIs to be implemented immediately, so there was no time to produce an Impact Assessment. Instead, Minister Frazer signed a general Impact Assessment on 4 June 2020 which reflected the time the SIs were brought into force on 6 April, which I exhibit **[PC/161 – INQ000591176]**. This was not a Children's Rights Impact Assessment; it did, however, consider the potential impact on children in the youth estate. The advice did not refer to letters previously received by MoJ from the Children's Commissioner or the letter dated 18 March 2020 to the then Lord Chancellor and Secretary of State for Justice from a number of advocates for children and young people in custody. Therefore, I am unable to assert whether these letters were considered by either Minister Frazer or the Lord Chancellor in their decision to issue the SI. The impact of this SI, and all changes implemented during the pandemic, was monitored and analysed by YCS, most notably through research as part of the CoRE programme. In addition, HMPPS monitored the use of early release and where it was being used.

170. Further to the previous amendment, the Prison and Young Offender Institution (Coronavirus) (Amendment) (No.2) Rules 2020 were laid before Parliament on 14 May 2020. I exhibit this legislation [**PC/162 – INQ000591154**]. The effect of the SI was to temporarily modify (in part) the Prison Rules 1999 and Young Offender Institution Rules 2000 so that mandatory obligations that were previously phrased as “shall” were relaxed to allow for their conduct “as far as reasonably practicable”. For example, the mandatory requirement in rule 37(1) of the Young Offender Institution Rules 2000 that an inmate “*shall be occupied in a programme of activities...which shall include education, training courses, work and physical education*” was amended to reflect the provision of regime activities “during a coronavirus period” “so far as reasonably practicable.” Similar amendments were made to the following provisions: rule 33 concerning religious services; rule 38 concerning education; rule 39 concerning training courses; and rule 41 concerning physical education. As to visits, the amendment brought about by the SI permitted the Secretary of State to suspend visits where suspension was necessary and proportionate.
171. The Secure Training Centre Rules 1998 govern the operation of the two privately operated STCs in England. Similar modifications were necessary to bring flexibility to the Secure Training Centre Rules 1998 as had been necessary to parts of the Prison Rules 1999 and Young Offender Institution Rules 2000, as outlined above. The modifications were brought about by the Secure Training Centre (Coronavirus) (Amendment) Rules 2020, which entered into force on 2 July 2020. I exhibit the submissions [**PC/163 – INQ000591189 and PC/164 – INQ000591186**].
172. On 24 June 2020, Minister Frazer and the Lord Chancellor were invited to make the SI by signing the Secure Training Centre (Amendment) (Coronavirus) Rules. I exhibit the advice shared with them [**PC/165 – INQ000591192**]. This advice sets out the rationale for the amendment and the factors that that were considered in making the decision to agree to the amendment, The amendments to the Secure Training Centre Rules 1998 had the effect of reflecting in legislation the operational situation of a temporary restricted regime that had already been implemented within the STCs, pursuant to the operational guidance issued by YCS to the

directors of the two establishments in line with the advice provided by PHE. I exhibit the guidance **[PC/055 – INQ000591124]**. The advice did not refer to letters previously received by MoJ from the Children's Commissioner or the letter dated 18 March 2020 to the then Lord Chancellor and Secretary of State for Justice from a number of advocates for children and young people in custody. Therefore, I am unable to assert whether these letters were considered by either Minister Frazer or the Lord Chancellor in their decision to issue the SI. Minister Frazer noted she was content with the amendments and signed the SI. A Children's Rights Impact Assessment was not completed in relation to this SI. The impact of this SI, and all changes implemented during the pandemic, was monitored and analysed by YCS, most notably through research as part of the CoRE programme.

173. On 26 January 2022, the Prison and Young Offender Institution (Coronavirus) (Amendment) Rules 2022 came into force. The temporary modifications brought about by the Prison and Young Offender Institution (Coronavirus) (Amendment) (No.2) Rules 2020 were extended until 24 March 2022, I exhibit the rules **[PC/166 – INQ000591425 and PC/167 – INQ000591426]**.
174. On 18 February 2022, the Deputy Prime Minister and Minister Atkins agreed to the expiry of the modifications to the Prison and Young Offender Institution Rules (Coronavirus) Amendment Rules 2022 on 24 March 2022. When the amendments expired on 24 March 2022, the statutory minimum regime requirements in prisons and YOIs (as set out in each establishment's RMP) were reinstated. I exhibit the advice regarding the rules **[PC/168 – INQ000591410]**.
175. The Secure Training Centre (Coronavirus) (Amendment) Rules 2020 expired on 25 March 2022.

Changes to custodial regimes: Time out of Room (TOOR)

176. PSI 75/2011 Residential Services provides that "*Prisoners must be afforded time out of their living accommodation, time in the open air and the opportunity for family contact*". Time in the open air is defined as "*time spent in a situation where the prisoner is able to benefit from fresh air and natural light.*" There are no minimum

standards set for TOOR although there is a more specific requirement that prisoners are afforded a minimum of 30 minutes daily in the open air.

177. PSI 75/2011 is complemented by PSI 08/2012 Care and Management of Young People which “define[s] the principles upon which governors of establishments holding young people must operate regimes, where they differ from adult regimes, and to provide additional guidance that is relevant only to establishments holding young people”. PSI 08/2012 identifies the following mandatory actions in relation to TOOR:

“5.1 Targets for time out of room, purposeful activity and education must be set in accordance with the requirements of the [Service Level Agreement].”

“5.5 Unless weather conditions prevent it, every young person must be given the opportunity of a minimum of one hour of outside activity or recreation each day.”

178. There is no specific provision for TOOR in the Young Offender Institution Rules 2000 or the Secure Training Centre Rules 1998. The rules relating to activities and education (including physical education) are considered in the following sections.

Application during the Specified Period

179. The Operational Guidance issued on 24 March 2020 provided, in relation to the temporary regime, the following guidance in relation to access to open air:

“Prisoners should have regular access to the open air. Prisoners need not be unlocked individually for this; small groups of people may be given access so that an efficient system of access is maintained. Staggered exercise for each wing could be introduced to allow a reduced number out at a time. The precise number unlocked at any time must be judged locally and should be such that this activity is supervised so as to maintain social distancing.” [PC/158 – INQ000530765].

180. On 8 July 2020, YCS and HMPPS published the EDM for “Structured on-wing activities including time in the open air” following ministerial approval to progress

to Stage 3 of the National Framework. The aim of the EDM was to outline the process of restarting purposeful activities whilst simultaneously maintaining infection control. Group numbers were to be judged against the ability to maintain social distancing during the static and movement elements of the activity with access to activities based on existing regime groups. **[PC/169 – INQ000591198]**.

181. The EDM set out the minimum requirements for structured on-wing activities for each of the stages of the National Framework. Where Stage 4 (lockdown) was in force, the ERMP required all establishments to grant prisoners access to at least the minimum regime entitlements set out in PSI 75/2011, which so far as TOOR was concerned, was at least 30 minutes in the open air daily.
182. As a result of work carried out by the YCS Information Team during the Specified Period, it became clear that there was no uniform system for recording TOOR across the CYPSE. By 30 June 2020, collaborative work was underway to develop a standard template to record and feed into reporting of TOOR. Due to the differences in individual establishments, it proved difficult to create a method that would accurately record TOOR during the pandemic. Each establishment contributed by means of test templates and feedback with the new template going live from 3 August 2020 in the public YOIs **[PC/170 – INQ000591221, PC/171 – INQ000591222 and PC/172 – INQ000591223]**.
183. The template involved each establishment setting up a standard day as comprising a number of regime sessions, each of an assigned duration expressed in hours. For example, "Exercise AM" for 0.5 hours, "Movements AM" for 0.25 hours and "Education/Activities AM" for three hours. For each session, a number of data points would be recorded, including the number of children and young people participating, or the numbers and reasons for not participating. The template would then aggregate the available data to provide an average time out of room per child or young person. I provide, by way of example, the completed TOOR template for HMYOI Cookham Wood for the period 17 – 20 June 2020 **[PC/173 – INQ000591195]**.

184. The data obtained from the YOIs on TOOR pursuant to the new template was included in the NHS and YCS COVID-19 dashboard, which was in turn shared with a variety of stakeholders. This had the effect of increasing oversight of TOOR throughout the specified period **[PC/174 – INQ000591287]**.
185. Consideration was subsequently given in January 2021 to using this template to record TOOR in STCs. STCs had their own individual methods of data collection for TOOR, which was not received centrally. It was decided that given the differences between YOIs and STCs, a more suitable template would be created to accurately record STC data **[PC/175 – INQ000591277, PC/176 – INQ000544660, PC/177 – INQ000591290 and PC/178 – INQ000591317]**. I provide, by way of example, the completed TOOR template for Oakhill STC for 27 March 2021 **[PC/179 – INQ000591316]**.
186. On 27 July 2020, Minister Frazer was provided with a report on TOOR for YOIs and STCs. The report captured average estimated time out of room per day midweek which ranged from 2.4 hours at HMYOI Werrington and Oakhill STC, to 6.5 hours at Rainsbrook STC. The report highlighted that the data should be treated with caution as there had been challenges obtaining reliable and consistent data due to the manner in which it had been recorded, therefore work was underway to rectify this as a priority. Pre-pandemic, TOOR had not been a data area which had received external scrutiny. YCS started to collect this data weekly but due to variations between sites' data definitions it meant that individual sites data was not directly comparable. However, it was noted that in some establishments TOOR was still as low as two to three hours a day. Minister Frazer was concerned that current regimes could equate to solitary confinement and that current measures were disproportionate. HMPPS advised plans were underway to double this across YOIs and STCs **[PC/180 – INQ000591219 and PC/181 – INQ000591220]**.
187. On 14 August 2020, the YCS Recovery Group discussed the preparation for moving to Stage 2 on the National Framework. The group discussed Minister Frazer's ambition to double TOOR, external pressure to increase education and CYP fears of opening up regime quickly, issues around resourcing and uncertainty

when Stage 2 itself might open up. The aim of Stage 2 was to enable secure settings to open regimes as much as possible safely and in a stable manner **[PC/182 – INQ000591226 and PC/183 – INQ000591230]**.

188. On 28 September 2020, POMC endorsed the proposal to make wearing a mask optional for staff but noted that that YCS had adopted a different approach by making face coverings mandatory. This was to facilitate allowing more TOOR in the CYPSE. Cabinet Office exemption gave HMPPS the freedom to deviate from community changes and this position was supported by PHE, who acknowledged that deployment of face coverings should be an operational decision **[PC/184 – INQ000591244, PC/185 – INQ000591245, PC/186 – INQ000591254, PC/187 – INQ000591252 and PC/188 – INQ000591272]**.
189. On 5 January 2021, in order to provide consistency across the board, YCS aligned its reporting methodology alongside HMPPS, which included the collation of TOOR data. YCS had been recording this data for some time through TOOR reporting and had demonstrated that at this time the expected hours children would be unlocked were between four and six hours in YOIs and six and 11 hours for STCs **[PC/189 – INQ000591276 and PC/190 – INQ000591278]**.
190. On 1 July 2021, the YCS Stage 1 Planning Group discussed the introduction of Red Flags as a baseline offer to each child. Red Flags were to be part of the YCS Transformational Delivery Model and Stage 1 Model. The baselines clarified expectations set in the Policy Frameworks. These included prison service orders (PSOs), PSIs, the Young Offender Institution Rules 2000 and models of operational delivery (MODs) which all YCS sites had to adhere to. The baselines included but were not restricted to an average of five hours TOOR, inclusive of weekends across all sites; at least 30 minutes of time in the open air per day, as part of TOOR; an average of 15 hours access per week, per site to needs-led education / learning and regular family contact **[PC/191 – INQ000591356, PC/192 – INQ000591361, PC/193 – INQ000591362, PC/194 – INQ000591363, PC/195 – INQ000591365, PC/196 – INQ000591367, PC/197 – INQ000591368 and PC/198 – INQ000591369]**. Discussions regarding red flags continued throughout July

2021 until the publication of the Stage 1 Model in July 2021. I exhibit this model with section 2.2 corresponding to the red flags **[PC/199 – INQ000591370]**.

Changes to custodial regimes: Provision and frequency of education and access to training courses

191. PSI 08/2012 identifies the mandatory actions expected of governors of establishments holding young people in relation to education:

“5.2 Each young person must have access to education and training activities, as well as structured access to recreational and other facilities.”

“5.3 The establishment must offer opportunities for each young person to develop social skills and interests through the core day learning and skills programme and by providing a range of recreational opportunities, including association suitable for the age group which are appropriately led, supervised, and structured.

192. Additional requirements in relation to the provision of education, training and employment programmes are set out at paragraphs 5.8-5.11 of PSI 08/2012.

193. In addition, the Young Offender Institution Rules 2000 provide:

Rule 38. (1) Provision shall (or during a coronavirus period shall so far as reasonably practicable) be made at a young offender institution for the education of inmates by means of programmes of class teaching or private study within the normal working week and, so far as practicable, programmes of evening and weekend educational classes or private study. The educational activities shall, so far as practicable, be such as will foster personal responsibility and an inmate's interests and skills and help him to prepare for his return to the community.

Rule 38. (2) In the case of an inmate of compulsory school age, arrangements shall (or during a coronavirus period shall so far as reasonably practicable) be made for his participation in education or training courses for at least 15 hours a week within the normal working week.

Rule 38. (3) In the case of an inmate aged 17 or over who has special educational needs, arrangements shall be made for education appropriate to his needs, if necessary, within the normal working week.

Rule 38. (4) In the case of a female inmate aged 21 or over who is serving a sentence of imprisonment or who has been committed to prison for default and who is detained in a young offender institution instead of a prison, reasonable facilities shall be afforded if she wishes to improve her education, by class teaching or private study.

Rule 39. (1) Provision shall (or during a coronavirus period shall so far as reasonably practicable) be made at a young offender institution for the training of inmates by means of training courses, in accordance with directions of the Secretary of State.

Rule 39. (2) Training courses shall be such as will foster personal responsibility and an inmate's interests and skills and improve his prospects of finding suitable employment after release.

Rule 39. (3) Training courses shall, so far as practicable, be such as to enable inmates to acquire suitable qualifications.

194. The Secure Training Centre Rules 1998 provide:

Rule 28. (1) Arrangements shall be made at a centre for the education and training of each trainee according to his age and his personal needs as assessed and recorded in his training plan under Rule 27² of these Rules.

Rule 28. (2) Those arrangements shall be such as to ensure the participation of each trainee in education or training courses for at least 25 hours a week.

² Rule 27 sets out the process of setting out a training plan for each trainee, pursuant to the first part of the rule: "*a trainee shall be occupied in education, training, physical education and programmes designed to tackle offending behaviour.*"

Rule 28. (3) The activities provided under this rule shall, so far as practicable, be such as will foster personal responsibility and a trainee's interests and skills and help him to prepare for his return to the community.

Rule 28. (4) In the case of a trainee who is of compulsory school age, the curriculum shall be appropriate to his age, ability, and aptitude and to any special educational needs he may have and shall, as far as possible, reflect the requirements of the National Curriculum within the meaning of the Education Act 1996.

Application during the Specified Period

195. On 27 March 2020, YCS wrote to contracted education providers for YOIs and STCs to set out expectations around continuation of education in line with physical distancing principles. Although operational guidance was issued for face-to-face education to cease immediately in the adult estate, this was not the case for YCS. YCS expectations were that education should continue in line with physical distancing principles, with the reminder that teachers were key workers and were required to come to work, working with establishments to make it work. YCS set about drafting additional guidance specifically to cover its secure settings in the CYPSE [PC/200 – INQ000591099 and PC/158 – INQ000530765].
196. On 3 July 2020, YCS published the EDM for "Prison Education (including libraries, Information Advice and Guidance and DPS)" following approval to progress to Stage 3 of the National Framework. The EDM provided high-level principles for the provision of education, physical education, and library access. The aim was to build on the in-room learning model that was implemented when the CYPSE regimes were fully restricted due to COVID-19. Suppliers provided in room materials (distraction packs and learning materials) [PC/201 – INQ000591197].
197. Face-to face education did not resume in most establishments until the week commencing 13 July 2020 [PC/202 – INQ000591210 and PC/203 – INQ000575213].

Changes to custodial regimes: Provision and frequency of physical education

198. PSI 08/2012 identifies the mandatory actions in relation to the provision and frequency of physical education at paragraphs 5.18-5.21. The key requirement is set out in paragraph 5.19:

"Provision must be made for every young person to attend physical education each week. Additional recreational physical activities should be made available outside of normal education hours, for example evenings and weekends."

199. The Young Offender Institution Rules 2000 provide:

Rule 41. (1) Provision shall (or during a coronavirus period shall so far as reasonably practicable) be made at a young offender institution for the physical education of inmates within the normal working week, as well as evening and weekend physical recreation. The physical education activities shall be such as will foster personal responsibility and an inmate's interests and skills and encourage him to make good use of his leisure on release.

Rule 41. (2) Arrangements shall (or during a coronavirus period shall so far as reasonably practicable) be made for each inmate, other than one to whom paragraph (3) and (5) applies, to participate in physical education for at least two hours a week on average or, in the case of inmates detained in such institutions or parts of institutions as the Secretary of State may direct, for at least 1 hour each weekday on average, but outside the hours allotted to education under Rule 38 (2)³ in the case of an inmate of compulsory school age.

Rule 41. (3) If circumstances reasonably permit, a female inmate aged 21 years or over shall be given the opportunity to participate in physical education for at least one hour a week.

³ **Rule 38. (2)** In the case of an inmate of compulsory school age, arrangements shall (or during a coronavirus period shall so far as reasonably practicable) be made for his participation in education or training courses for at least 15 hours a week within the normal working week.

Rule 41. (4) In the case of an inmate with a need for remedial physical activity, appropriate facilities shall be provided.

Rule 41. (5) If the weather permits and subject to the need to maintain good order and discipline, a female inmate aged 21 years or over shall be given the opportunity to spend time in the open air at least once every day, for such period as may be reasonable in the circumstances.

200. Although there is no specific provision for physical education in the Secure Training Centre Rules 1998, they do state:

Rule 27. (1) A trainee shall be occupied in education, training, physical education, and programmes designed to tackle offending behaviour provided in accordance with Rule 3⁴ of these Rules.

Application during the Specified Period

201. The Operational Guidance issued on 24 March 2020 provided, in relation to the temporary regime, that access to the gymnasium was one of the non-essential activities that should be stopped [PC/158 – INQ000530765]. This was implemented across the CYPSE. Work was, however, underway to maximise in room activities, such as workouts. These plans were communicated by YCS to the Chair of the Association of London Directors of Children's Services in response to a letter of concern [PC/204 – INQ000591069 and PC/205 – INQ000591074].

202. In April 2020, HMPPS issued guidance to its staff advising that “*we should make every effort to remain as fit as possible*” notwithstanding the closure of gyms. It provided the following advice:

⁴ Rule 3 sets out the aims of a Secure Training Centre, mainly: (a) to accommodate trainees in a safe environment within secure conditions; and (b) to help trainees prepare for their return to the outside community.

- 202.1. *“If a prisoner wishes to work out in cell [staff] should encourage them to make as much space as possible in the cell and remove all items from the floor space before starting a workout. Where prisoners are in a double cell, they should be encouraged to work out one at a time to ensure there is enough space to do this as safely as possible.*
- 202.2. *[Staff] should encourage prisoners to warm up and cool down before taking part in any exercise.*
- 202.3. *Appropriate sports kit should be made available and laundered alongside other prison clothing.*
- 202.4. *[Staff] should encourage prisoners to maintain their wellbeing through the self-care methods.”*
203. A number of published workouts were shared that had been designed for use in small spaces **[PC/206 – INQ000591131]**.
204. On 11 November 2020, POMC decided to make changes to the “Prison Education” EDM to include provision for small group physical education inside in addition to outside. YCS proposed several amendments to improve flexibility in delivering physical education that went further than the flexibility allowed in the adult estate due to its separate legislative framework as well as the distinct needs of children that must be responded to through youth custodial regimes **[PC/207 – INQ000591269]**.
205. In April 2021, HMPPS and YCS produced a ‘Minimum Expectation for YCS Recovery’ which outlined minimum expectations for the delivery of various regime areas by reference to different stages within the Government’s Community Roadmap. Within this plan proposals for expected delivery of physical education were:

- 205.1. *“Lockdown Baseline delivery: 5th January to 7th March: Physical education provision or structured session (i.e. not recreational or using static equipment) continued, with recreational gym paused.*
- 205.2. *Stage 3: 8th March: Step 1a, 29th March: Step 1b, 12th April: Step 2: Fully open weights rooms and fitness suites from April 12th (in Wales from 3rd May). All fitness equipment (except use of weights that would require a spotter. Organised outdoor sports to resume. 1 x 40min session.*
- 205.3. *Stage 2: 17th May: Step 3: Classroom based PE and courses reintroduced. 2 x 40min sessions.*
- 205.4. *Stage 1: 21st June: Step 4: PE: 3 x 40mins” [PC/208 – INQ000591330].*
206. On 9 December 2021, during a meeting where regime mitigations in light of the Omicron variant were discussed, YCS advised that the CYPSE had been able to continue offering PE provision throughout the periods of national restrictions [PC/209 – INQ000591403].

Changes to custodial regimes: Provision of washing facilities

207. PSI 08/2012 identifies as a mandatory action in paragraph 5.3 the requirement for every establishment to provide time within the day *“for each young person to attend to personal hygiene and to contribute to the maintenance of high standards of cleanliness and orderliness in their room and surrounding area.”*
208. The Young Offender Institution Rules 2000 provide:

Rule 24. (1) Every inmate shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced, as necessary.

Rule 24. (2) Every inmate shall be required to wash at proper times, have a hot bath or shower on reception and thereafter at least once a week.

209. The Secure Training Centre Rules 1998 provide:

Rule 20. (1) Every trainee shall be provided with toilet articles necessary for his health and cleanliness, which shall be replaced, as necessary.

Rule 20. (2) Every trainee shall be entitled to have a hot bath or shower once a day.

Rule 20. (3) A trainee's hair shall not be cut without his consent except where the medical officer directs that it is necessary for health or cleanliness.

Application during the Specified Period

210. The Operational Guidance issued on 24 March 2020 provided, in relation to the temporary regime, that *"prisoners should have regular access to showers and sufficient hygiene materials"* [PC/158 – INQ000530765]. This was echoed in the Operational Guidance issued on 27 March 2020 in relation to ERMPs, which recommended that ERMPs address the provision of washing facilities as follows:

210.1. *"Daily access to showers for as long as is safe and practicable, and reduced access where full access is no longer possible.*

210.2. *Access to in-room ablutions kits where access to showers cannot be provided. Consider also enhancing the level of canteen spend and/or subsidising it with YCS funded additions to help [CYP] maintain their personal hygiene. Reasonable local costs will be covered centrally. [Prison and Probation Service] with responsibility for [CYP] retail will issue guidance on such enhancements to [CYP] provisions.*

210.3. *Provision for full kit exchange as frequently as possible and maintain a wing laundry service for as long as staffing allows even if all [CYP] are in rooms for extended periods; the wing laundry orderly should be unlocked to work as a 'key worker.'*

- 210.4. *Where secure settings have a laundry, this must be prioritised and kept open and staffed sufficiently wherever possible, particularly if this facility is servicing other secure settings. It may be necessary to increase the number of Instructional Officers working in the laundry and the hours it is open to account for any additional workload.*
- 210.5. *Consider relaxing the rules on items a [children and young person] can receive in for a six week period, this could include provisions of extra clothing or even equipment for personal hygiene (accepting there is some security risk associated with allowing liquids that may contain illicit substances).*
- 210.6. *Ensure that as a minimum, CYP are given sufficient soap for handwashing and where possible provide materials for laundry in sinks where access to a laundry cannot be guaranteed noting that batch laundry services are essential to eliminate infection and should be the default option.*
- 210.7. *Where in room sanitation is not available, a clear plan should be in place to ensure CYPs have access to toilet facilities with a clear cleaning protocol in place.*
- 210.8. *Consideration of allowing clothing from stored property to be issued where secure setting clothing is unavailable.” I exhibit the guidance [PC/052 – INQ000591095].*
211. On 20 April 2020, Minister Frazer responded to a letter from stakeholders concerned about children in custody. Within this letter she advised that YCS were taking all necessary steps to ensure the children in their care were able to access as full a regime as possible and this included access to showers **[PC/210 – INQ000591061 and PC/211 – INQ000591135].**
212. In March 2022, the final CoRE report confirmed that “almost all children were able to shower daily (99%)” **[PC/212 – INQ000591414].**

Changes to custodial regimes: Provision and frequency of healthcare

213. The Young Offender Institution Rules 2000 state:

Rule 27. (1) The governor must work in partnership with local health care providers to secure the provision to inmates in the young offender institution of access to the same quality and range of services as the general public receives from the National Health Service.

214. The Secure Training Centre Rules 1998 state:

Rule 22. (1) The medical officer of a centre shall have the care of the health, mental and physical, of the trainees in that centre.

Application during the Specified Period

215. The COVID-19 Operational Guidance issued on 24 March 2020 provided, in relation to the temporary regime, that small groups of prisoners may be unlocked to ensure an efficient system of healthcare and medication is maintained. **[PC/158 – INQ000530765]**. Establishments were required as part of their ERMP to “agree and communicate a plan for how core healthcare services (including the provision of medication) will be maintained.” I exhibit the guidance **[PC/052 – INQ000591095]**. The establishment's Local Healthcare Delivery Plan was expected to outline the agreed local healthcare service during COVID-19, which for establishments accommodating CYP needed to encompass the provision of specialist services including SECURE STAIRS wrap around service; a generalised plan for managing any child or young person with a confirmed COVID-19 diagnosis; and an agreed position on routine appointments, escorts to external appointments and bed watches should a child be required to remain overnight in an external hospital.

216. In practice, HMI Prisons found that following the government announcement in March 2020, most routine health provision in YOIs had ceased, with only essential services being maintained. In HMYOI Werrington, triage via telephone, and in

HMYOI Feltham triage by paper application was followed with face-to-face appointments with a nurse or GP when necessary **[PC/213 – INQ000544647]**.

217. On 21 April 2020, short scrutiny visits (SSVs) were carried out at HMYOI Cookham Wood, Parc YPU and HMYOI Wetherby. It was reported that in all three sites management oversight of health care and partnership working was generally effective. Primary care continued to operate with a triage system and children could receive face-to-face appointments if necessary. Although routine hospital appointments had been suspended, urgent care was still being facilitated. Notably, HMYOI Cookham Wood had mitigated the difficulties in children being able to see health services in the community by providing 28 days of medication on release **[PC/214 – INQ000498673]**.
218. On 23 June 2020 SSVs were carried out at HMYOI Feltham A and HMYOI Werrington. Similarly, it was reported that healthcare, partnership working and management oversight was effective. This was particularly so at Feltham, where a new health care provider had started in April 2020, and although the presence of COVID-19 had presented some challenges, the transition had been reported to be smooth and well managed. The dentist at Feltham had been particularly proactive in ensuring children were seen when necessary.
219. On 15 July 2020, POMC approved the suite of health care EDMs following ministerial approval to progress to Stage 3 of the National Framework. These EDMs – which covered primary care services, secondary care, medicines management and pharmacy services, and dental services – were developed jointly with NHS England & NHS Improvement to ensure those in custody had access to the same quality and range of healthcare services as those in the community **[PC/215 – INQ000591204, PC/216 – INQ000591205, PC/217 – INQ000591208 and PC/218 – INQ000591207]**.

Changes to custodial regimes: Mental healthcare and wellbeing (including enrichment activities)

220. The Young Offender Institution Rules 2000 provide:

Rule 28. (1) A registered medical practitioner working within the young offender institution shall report to the governor on the case of any inmate whose health is likely to be injuriously affected by continued detention or any conditions of detention. The governor shall send the report to the Secretary of State without delay, together with his own recommendations.

221. I have already set out in my statement the Secure Training Centre Rules 1998 as they apply to the provision of mental healthcare and wellbeing.

Application during the Specified Period:

222. On 1 March 2020, psychologists began working on COVID-19 Support Plans (CoSP) that were designed to replace the existing CuSP. CuSP had previously allowed CYP to meet with their assigned CuSP officer to assess needs and set goals. However, lockdown meant this was no longer possible, so alternatives were sought. The adapted CoSP sessions, with physical distancing measures in place, commenced delivery across YOIs prioritising the most vulnerable children on 1 May 2020 [PC/219 – INQ000591155].
223. On 24 March 2020, all non-essential activities were suspended and whilst in the adult estate this included education, the instruction for YCS was that human contact should be provided where possible and practicable via relevant professionals, such as teachers, key workers, and youth workers. Additionally, the provision of in-room activities and education was to be considered and routinely provided [PC/158 – INQ000530765].
224. The COVID-19 ERMP Operational Guidance issued on 27 March 2020 provided establishments within the CYPSE with guidance to ensure the restricted regime continued to deliver key elements. The expectation in relation to support for CYP was that “[h]ealthcare staff will ensure that all CYP with complex needs such as those with mental health diagnosis continue access to receive specialist services wherever possible, even if the means of delivery has to change as a result of COVID contingencies. For those in YCS this will be provided within the SECURE

STAIRS Framework for Integrated Care." I exhibit the guidance **[PC/052 – INQ000591095]**.

225. Enrichment activities which helped to maintain mental wellbeing were described as games, hobbies, and other activities such as outdoor or group activities; when those group activities were not accessible, they were replaced with alternative in-room activities, which included distraction packs.
226. On 2 April 2020, NHS England and NHS Improvement scheduled weekly joint meetings with YCS to discuss and collaborate on the enhanced SECURE STAIRS support; this was available to staff, children, and young people within the secure estate during COVID-19. However, it had not yet been rolled out to all sites, and due to the pandemic, it was decided that further implementation would be put on hold in those establishments where it was not already in place **[PC/220 – INQ000575195, PC/221 – INQ000591085, PC/222 – INQ000591086, PC/223 – INQ000591109, PC/224 – INQ000591105, PC/225 – INQ000591116 and PC/226 – INQ000591123]**.
227. On 7 April 2020, the Critical Case Group (CCG) met for the first time during COVID-19. The Critical Case Panel (CCP) had been formed prior to COVID-19 to oversee management of the most complex children. Due to COVID-19 restrictions it was necessary to increase the oversight and support for these children, and the weekly CCG was implemented for this purpose **[PC/227 – INQ000591125]**. On 5 July 2021, YCS SLT was informed that the CCG had ensured a consistency in their approach throughout the pandemic. The CCG proved invaluable in ensuring a consistent multidisciplinary approach with escalation to the monthly CCP meeting when necessary **[PC/228 – INQ000591353]**.
228. On 21 April 2020, SSVs were carried out by HMI Prisons at HMYOI Cookham Wood, Parc YPU and HMYOI Wetherby. It was reported as 'Notable Positive Practice' that all three sites had introduced enhanced safeguards to monitor wellbeing and mental health **[PC/214 – INQ000498673]**.

229. On 8 July 2020, YCS published the EDM for Custody Support Plans (CuSP). CuSP had been temporarily adapted by Psychology Services to become Covid Support Plans (CoSP). The EDM aimed to ensure CoSP delivery was safe, effective, and proportionate through COVID-19. It had been developed in conjunction with HMPPS Psychology Services with support from Youth Custody Assurance Board (YCAB) and NHS England and NHS Improvement. An EDM for Approved Interventions was also published to be delivered in addition to CuSP **[PC/229 – INQ000591200 and PC/230 – INQ000591199]**.
230. On 15 July 2020, POMC approved the suite of health care EDMs following ministerial approval to progress to Stage 3 of the National Framework. These EDMs were developed jointly with NHS England & NHS Improvement to ensure those in custody had access to the same quality and range of healthcare services as those in the community. Mental health was addressed in the specific 'Mental Health and Substance Misuse psychosocial interventions' EDM which I exhibit as **[PC/231 – INQ000591206]**. Following this, HMPPS continued to develop and publish additional EDMs as required as the pandemic developed. This included EDM 26 which covered children and young people mental health, substance misuse, and psychosocial interventions on 29 July 2020, which I exhibit **[PC/232 – INQ000624097]**.

COVID-O Task and Finish Group on Mental Health and Wellbeing

231. On 25 June 2020, Minister Frazer attended the first meeting of a COVID-O Task and Finish Group on Mental Health and Wellbeing (MHAW). The group had been convened by the Chancellor of the Duchy of Lancaster to steer the government's response to the impact of COVID-19 on MHAW. At its first meeting, the group agreed to develop a cross-government action plan to prevent, mitigate and respond to the impact of COVID-19 on MHAW **[PC/233 – INQ000591190, PC/234 – INQ000591188 and PC/235 – INQ000591383]**.
232. MoJ's response to the commission of the group recognised that CYP were likely to have been particularly impacted by reduced regimes and the cancellation of

visits / reduced family contact. It outlined the measures that had been taken to date to mitigate the impact of lessened mental wellbeing.

233. On 16 September 2020, the second meeting of the Task and Finish Group on MHAW was held. The purpose was to review the draft action plan and agree content, subject to decisions that would be made at the spending review, and identify potential interventions to prevent, mitigate, and respond to mental health impacts of the pandemic. There was growing indicative evidence that coronavirus and associated interventions to contain its spread had an adverse effect on the mental health and wellbeing of CYP in the community. One of the areas MoJ had committed to focusing on was the impact of COVID-19 on offenders' mental health and wellbeing, specifically aiming to improve technology capabilities within prisons which would allow individuals to have greater access to remote mental health and wellbeing support and services **[PC/236 – INQ00058323 and PC/237 – INQ000544669]**.
234. On 2 February 2021, Minister Frazer attended the third meeting of the Task and Finish Group on MHAW. The purpose of the meeting was to update on planned commitments to respond to the impacts of the pandemic on mental health and agree to commitments for 2021-22. MoJ provided an update on the training package for prison staff, Mental Health Impact Assessment protocols and improving technological capabilities in prisons. The proposals for new initiatives included a new accommodation service for prison leavers and further research into neurodiversity in the criminal justice system **[PC/238 – INQ000591384, PC/239 – INQ000591280 and PC/240 – INQ000591292]**.
235. On 6 July 2021, Minister Chalk⁵ attended the fourth meeting of the Task and Finish Group on MHAW. The purpose was to agree terms of reference for the group and outline MoJ's priorities ahead of the next SR. Information on how MoJ proposed to support youth offenders who had mental health and/or wellbeing needs was provided to Minister Chalk for additional updates **[PC/241 – INQ000591351,**

⁵ The Right Honourable Alex Chalk PC KC, Minister of State for Prisons and Probation between March and September 2021.

PC/242 – INQ000591352, PC/243 – INQ000591385, PC/244 – INQ000544670 and PC/245 – INQ000591359].

236. On 27 March 2021, the 'COVID-19 Mental Health and Wellbeing Recovery Action Plan' was published. This included a section on CYP which cited the following interventions:

236.1. *"£79 million of funding to improve access to CYP's mental health support.*

236.2. *[Appointing] Dr. Alex George as Youth Mental Health Ambassador, who [was to] play an important role in raising the profile of mental health education and wellbeing in schools, colleges, and universities, including through the work of the Mental Health in Education Action Group.*

236.3. *Public Health England [...] also launched a free online Psychological First Aid training course aimed at people who care for or work with CYP aged up to 25. The course [offered] training on how to provide practical and emotional support to CYP who have been affected by COVID-19 other emergencies or crisis situations. Those [who completed] the training [would] be equipped to better identify children showing signs of distress and [help] them access the support they need."*

237. This report also drew upon the fact that the government knew CYP with a learning disability and autistic CYP and their families, were particularly impacted by the pandemic. It noted that it was important mental health services are accessible to those groups **[PC/246 – INQ000591315].**

Changes to custodial regimes: Advocacy services

238. Given the distinct and often complex needs of the cohort within the CYPSE, the YCS aims to ensure that the child's voice is brought into the service design, while also incorporating learning from the latest research and best practice. To empower and support the child having a voice the YCS funds an independent advocacy service (operated by Barnardo's, a UK children's charity) that supports young

people within YOIs and the STCs. In SCHs, advocacy and support services are provided by local authorities.

- 239. Independent advocacy services in YOIs ensure that young people have an independent adult that they can speak to and who can assist them in resolving issues relating to their welfare, care, and treatment whilst in custody.
- 240. One of the key principles of advocacy services (as defined in the National Standards for the Provision of CYP's Advocacy Services 2023, Department for Education) is that the service must be led by young people. Therefore, advocates can be asked by young people to assist in many types of different issues either internal or external to the YOI.

Application during the Specified Period

- 241. On 24 March 2020, Barnardo's advocacy service switched from a face-to-face model to a remote-only service. A remote service safeguarding protocol was agreed between Barnardo's, YCS, and YOI/STC COVID-19 contingency teams, which came into force by the close of business on 27 March 2020. Under the terms of the protocol:
 - 241.1. Establishments were to identify a named Single Point of Contact (SPoC) who would be informed of all safeguarding and child protection referrals from Barnardo's.
 - 241.2. Safeguarding referrals will be allocated in the first instance to staff who usually work at the establishment and are familiar with it. Where this is not possible, referrals may be handled by staff for a site they do not usually work in.
 - 241.3. A child-led approach to safeguarding remains at the heart of the operational processes and procedures developed in response to COVID-19.

- 241.4. Barnardo's will be unable to open or update Support and Wellbeing Plans, which will need to be completed by staff on site as required.
242. Leaflets were circulated to children in the CYPSE informing them of the changes along with contact details, and staff were instructed on the updated referral service **[PC/247 – INQ000591070 and PC/248 – INQ000591090]**.
243. In early June 2020, YCS SLT received a paper requesting endorsement for YCS' current approach to advocacy services within the CYPSE. As has already been outlined above, the physical presence of advocacy services had been withdrawn from YOIs and STCs due to the imposition of the first national lockdown. The key priority for the CYPSE was to prevent transmission of infection, whilst balancing the needs of vulnerable CYP in secure accommodation. Alternative arrangements had been implemented and appeared to be working well. Although no face-to-face interaction was taking place CYP were able to continue to access these services via telephone free of charge. This included Barnardo's, the Independent Monitoring Board (IMB), and the Children's Commissioner. Responses were either by telephone or in writing where appropriate with HMPPS exploring the use of Skype and video visits in YOIs **[PC/249 – INQ000591174, PC/250 – INQ000591165, PC/251 – INQ000591167, PC/252 – INQ000591161 and PC/253 – INQ000591175]**.
244. On 3 July 2020, the EDM for Independent Children's Rights and Advocacy Service (ICRAS) was published. The aim was to provide the CYPSE and Barnardo's with a series of steps to take to ensure advocates could meet the needs of the CYP in custody through a phased approach within Stage 3 of the National Framework **[PC/254 – INQ000544643]**.
245. On 29 October 2020, Barnardo's was reported to have resumed face-to-face advocacy across the CYPSE. YCS was keen for them to resume on-site visits as they had been designated key workers. After the second COVID-19 national lockdown was announced, YCS asked governors to maintain face-to-face advocacy provision in consultation with Barnardo's **[PC/255 – INQ000591259]**.

246. During the second national lockdown, which commenced on 5 November 2020, YCS intended to operate as full a regime as possible in line with the National Framework and public health advice. Advocates remained on-site, and children could access a helpline. Children were to continue receiving social visits, while legal and professional visits would be remote where possible [PC/256 – INQ000591261].

Changes to custodial regimes: The adjudication of charges

247. Adjudications are the procedure by which offences against the Young Offender Institution Rules 2000 allegedly committed by a child or young person are dealt with. PSI 05/2018 'Prisoner Discipline Procedures (Adjudications)' came into effect on 1 February 2019 and applied to charges brought before 31 May 2024. The PSI provided general guidance and information about the duties and roles of prison and YOI staff when dealing with adjudications. The Young Offender Institution Rules 2000 make provision for the adjudication of charges, and the punishments available, in Rules 60 and 60A.
248. There is no provision within the Secure Training Centre Rules 1998 for adjudications.

Application during the Specified Period

Governor Adjudications

249. The COVID-19 ERMP Operational Guidance published on 27 March 2020 provided that governor adjudications should proceed as normal practice in line with PSI 05/2018. If it was not possible to complete a hearing "for any reason," the Operational Guidance provided that the adjudication "*should be adjourned until a later date. It is for adjudicators to decide how long the period of adjournment should be, and whether further adjournments should be allowed if the case can still not proceed to a conclusion when the hearing resumes. There is no fixed limit on how long adjournments may go on, adjudicators must decide whether, under*

all the circumstances, proceeding after a delay would be contrary to the principles of natural justice." I exhibit the guidance **[PC/052 – INQ000591095]**.

250. The revised COVID-19 ERMP Operational Guidance published on 3 April 2020 maintained the position on governor adjudications outlined above but indicated that it would be kept under review. I exhibit the guidance **[PC/053 – INQ000586860]**.
251. There is no evidence to suggest any changes were made to governor adjudications within YOIs.

Independent Adjudications

252. Independent Adjudicators (IAs) inquire into adjudications which have been referred to them by the governor in circumstances where either the alleged offence is so serious that a punishment of additional days would be appropriate if the child or young person is found guilty, or it is necessary or expedient for some other reason for the charge(s) to be inquired into by an IA.
253. IAs are district judges or deputy district judges supplied by the Chief Magistrate's Office. A pool of approximately 100 judges was used to meet HMPPS demand, however, the nature of the COVID-19 pandemic created resource issues not only within prisons, but also within the Chief Magistrate's Office. Owing to the age demographic and geographical spread of IAs, the Chief Magistrate was unable to supply the number of IAs required to hear the outstanding caseload of independent adjudication referrals or to service future cases in light of COVID-19. As a temporary measure, all IA hearings scheduled to take place in the week beginning 23 March 2020 were adjourned for one week. IA hearings scheduled to take place in the week beginning 30 March 2020 were adjourned for a further week, and those scheduled to take place from 6 April 2020 were adjourned for two weeks. The adjournments were issued in reliance on the exceptional circumstances' provisions in the Prison Rules 1999, which required IAs to inquire into a charge within 28 days of referral save in exceptional circumstances. This short term measure allowed HMPPS to work with the Chief Magistrate's Office to explore

available options to resume IA hearings [**PC/257 – INQ000591096 and PC/258 – INQ000591108**].

254. To reduce the flow of cases that are referred to an IA, a revised seriousness test to govern future referrals was agreed with the Chief Magistrate and issued to prisons and YOIs with effect from 27 March 2020. However, there was no existing power for an IA to refer a case back to the governor. To meet this need, on 8 April 2020, HMPPS submitted a paper to the Lord Chancellor and Minister Frazer proposing an amendment to the YOI Rules 2000 to introduce a new rule that would enable governors to review their caseload of IA referrals and to deal with outstanding referrals in one of three ways: (i) a dismissal, (ii) de-escalation of the referral and management at governor adjudication level, or (iii) continuing with the IA referral [**PC/297 – INQ000591096**]. The SI, The Prison and Young Offender Institution (Coronavirus) (Amendment) (No. 2) Rules 2020, was laid in Parliament to amend the Prison Rules 1999 and YOI Rules 2000. This included the proposed changes for IAs and came into force on 15th May 2020 [**PC/259 – INQ000591153 and PC/260 – INQ000591151**].
255. As the resumption of physical hearings in person within the custodial setting was not possible due to the risk of infection to the IAs, virtual adjudications conducted via videoconferencing was the preferred option for resuming IA hearings. On 18 May 2020, HMPPS submitted its proposals to Minister Frazer to request laptops to supplement current resources. Roll-out commenced in June 2020 [**PC/261 – INQ000591157**].
256. All regime mitigations, including virtual IAs, were to be wound down by the end of March 2022. However, after evaluating the advantages of virtual IAs, the practice was upheld. All IA hearings continue to be conducted virtually unless it is determined that an in-person hearing would better serve the interests of justice [**PC/262 – INQ000591424**].

Changes to custodial regimes: Frequency and types of visits permitted

257. The Young Offender Institution Rules 2000 provide:

Rule 10. (1) Subject to paragraph (7) an inmate shall be entitled—

(a) to send and to receive a letter on his reception into a young offender institution and thereafter once a week; and,

(b) to receive a visit twice in every period of four weeks, but only once in every such period if the Secretary of State so directs.

Rule 10. (1A) During a coronavirus period, the Secretary of State may, either generally or in a particular case, and for such periods of time as the Secretary of State considers necessary, suspend any entitlement to a visit under paragraph (1)(b), if the Secretary of State considers that such a suspension is necessary as a result of the effects, or likely effects, of coronavirus on or in relation to inmates or the young offender institution and proportionate to what is sought to be achieved.

Rule 10. (2) The governor may allow an inmate an additional letter or visit as a privilege under Rule 6⁶ or when necessary for his welfare or that of his family.

Rule 10. (3) The governor may allow an inmate entitled to a visit to send and to receive a letter instead.

Rule 10. (4) The governor may defer the right of an inmate to a visit until the expiration of any period of confinement to a cell or room.

Rule 10. (5) The independent monitoring board may allow an inmate an additional letter or visit in special circumstances and may direct that a visit may extend beyond the normal duration.

Rule 10. (6) The Secretary of State may allow additional letters and visits in relation to any inmate or class of inmates.

⁶ Rule 6 covers privileges, which includes arrangements under which money earned by inmates may be spent and arrangements for time out of cells in excess of the minimum time.

Rule 10. (7) An inmate shall not be entitled under this rule to receive a visit from—

(a) any person, whether or not a relative or friend, during any period of time that person is the subject of a prohibition imposed under Rule 77⁷; or,

(b) any other person, other than a relative or friend, except with the leave of the Secretary of State.

Rule 10. (8) Any letter or visit under the succeeding provisions of these Rules shall not be counted as a letter or visit for the purposes of this rule.

258. The Secure Training Centre Rules 1998 provide:

Rule 9. (1) There shall be, established at every centre, arrangements approved by the Secretary of State, for trainees to receive visits.

Rule 9. (2) Arrangements established under paragraph (1) above shall take account of—

(a) the importance of contact by a trainee with his family, and

(b) the need to keep to a minimum any disruption of his education and training.

Rule 9. (3) Subject to the provisions of these Rules, the governor may give such directions as he thinks fit for the supervision of visits to trainees, either generally or in a particular case.

Rule 9. Provided that such directions shall be designed to secure that supervision is not unnecessarily intrusive.

⁷ Rule 77 covers visitors, including the prohibition of visitors if the governor considers that it is necessary or proportionate.

Application during the Specified Period

259. On 19 March 2020, HLT held a challenge session with ministers. Officials wished to keep visits going as long as possible to prevent suicide, self-harm, and violence and disorder. It was, however, noted that demand for visits had started to fall with some prisoners recognising the risks to their families **[PC/263 – INQ000591063]**.
260. On 24 March 2020, in accordance with the COVID-19 Operational Guidance to which I have already referred, all non-essential activities were ceased across the entire prison estate, including CYPSE. This included social and professional visits. The Operational Guidance recognised that this was an “extraordinary measure” and visits “will be restored at the earliest opportunity, as soon as it is safe to do so” **[PC/158 – INQ000530765, PC/264 – INQ000591071, PC/265 – INQ000591082, PC/266 – INQ000591077 and PC/267 – INQ000577752]**.
261. On 17 June 2020, POMC discussed whether to bring back social and professional visits. The latest draft of the Social and Professional Visits EDM proposed one visitor per session being allowed, in line with the NHS benchmark. This, however meant children would not be able to visit. An alternative steer for children was being considered given the epidemiology of the virus **[PC/268 – INQ000591215]**.
262. On 3 July 2020, YCS and HMPPS published an EDM for Social Visits. This EDM applied throughout the entire custodial estate. Its purpose was to support the gradual and safe resumption of social visits at Stage 3 of the National Framework. The EDM included specific guidance on who could visit and the restrictions around those visits to reduce transmission risk **[PC/269 – INQ000591202]**.
263. By 14 July 2020, face-to-face visits had commenced in HMYOI Wetherby with remaining YOIs to follow suit within the next seven days.
264. In January 2021, following concerns expressed by the Prison Officers Association (POA) regarding the YCS remaining in Stage 3 of the National Framework, the Executive Director of YCS wrote to governors setting out additional points of clarification or change in relation to regime delivery. Insofar as professional and

social visits were concerned, governors were reminded that both social and professional visits should take place virtually wherever possible. Face-to-face visits should be considered the exception, kept to a minimum and granted only on compassionate grounds. **[PC/270 – INQ000591285]**.

265. Further guidance on the continuation of professional and social visits in YOIs was issued on 1 February 2021. The guidance identified a range of “vulnerability factors” to be used by governors in determining whether a face-to-face visit was “a more effective tool in keeping children safe in the immediate and long term.” The “vulnerability factors” comprised: the Special Educational Needs or Autism Spectrum Disorder characteristics of the child and their ability to engage in a video link visit; the adequacy of the technology available to the professional or family members intending to participate in the visit; and a professional assessment of the importance of the visit **[PC/270 – INQ000591285, and PC/271 – INQ000591295]**.
266. Although changes to social distancing in the community were brought into effect from 17 May 2021 to allow friends and family to hug and mix indoors, this was not extended to social visits in secure settings including within the YCS. YCS issued a communication to YOIs and STCs, amongst others, confirming the position on 14 May 2021. It acknowledged that whilst this would come as disappointing news to children and their families, infections spread faster in secure settings because of their closed environment. This meant that sometimes some rules would need to be in place that were not consistent with the wider community **[PC/272 – INQ000591335, PC/273 – INQ000591336, PC/274 – INQ000591337, PC/275 – INQ000591346, PC/276 – INQ000591347, PC/277 – INQ000575239, and PC/278 – INQ000591348]**.
267. On 18 May 2021, MoJ’s Joint Strategic Policy Unit (a joint MoJ and HMPPS unit, set up to oversee the strategic response to COVID-19 in custody in March 2020), submitted a proposal to POMC to adopt a phased approach to restarting physical contact at visits: first, the initial re-introduction of physical contact at social visits for children under the age of 11 and permitting visits from up to two households at the same time; second, extending the social visits testing pilot to trial physical contact for older children and adults after a negative lateral flow device (LFD) test;

and third, working with PHE and trade unions to reintroduce refreshments at visits. The proposals were discussed and agreed at a Recovery Board on 18 May, which discussed the potential for YCS site to become pilots “to enable more rapid access to physical contact for young people in custody”. The proposals were submitted to HMPPS HLT on 19 May 2021 [**PC/279 – INQ000591341 and PC/280 – INQ000591364**] and presented to ministers on 20 May. The Lord Chancellor agreed to the proposals on 24 May 2021 [**PC/281 – INQ000591340 and PC/282 – INQ000575524**]. The phased approach was in line with PHE/PHW recommendations that prisons introduce physical contact more slowly than the community due to the closed environment.

268. On 27 May 2021, YCS relaxed restrictions on visits to children in YOIs and STCs in line with phase 1 of the proposals outlined above. Visitors from two different households could now visit together and physical contact was allowed for people aged under 11 years old [**PC/275 – INQ000591346, PC/276 – INQ000591347, PC/277 – INQ000575239 and PC/278 – INQ000591348**].
269. On 14 June 2021, the Prime Minister announced a four-week delay to further relaxing restrictions in the community to allow for more people to be vaccinated due to the risk from the Delta variant of the virus. Following this, on 16 June 2021, YCS informed YOIs and STCs that there would similarly be no changes to restrictions in secure settings. Restrictions remained in place until further relaxations to restrictions on 12 July 2021 [**PC/283 – INQ000591349, PC/284 – INQ000575240 and PC/285 INQ000591350**].

Changes to custodial regimes: external communication via telephone calls / video calls

270. PSI 75/2011 Residential Services provides as a mandatory action:

Establishments must ensure that prisoners have access to the telephone at times when their families, friends etc are available to speak to them, at reasonably frequent intervals and having regard to specific events in their lives. Where evening association is not provided, alternative local arrangements must be made to give

prisoners access to the telephone during the evening to maintain contact with family and friends.

271. There is no specific provision within the Young Offender Institution Rule 2000 s governing external communications.
272. By contrast, the Secure Training Centre Rules 1998 make the following provision for external communications:

Rule 10. (1) A trainee shall be entitled—

(a) to send three letters a week, the cost of which shall be met by the centre; and

(b) to receive a visit once a week.

Rule 10. (2) Subject to the provisions of these Rules a trainee shall in addition to his entitlement under paragraph **(1)** above be entitled to send any number of letters at his own expense, to receive any number of letters, to make and receive any number of telephone calls at his own expense and to receive visits.

Application during the Specified Period

273. On 18 March 2020, following concerns raised by the Howard League for Penal Reform, all sites were directed by the then Prison Group Director to relax the times when children could make telephone calls (previously calling could not take place during education hours) and authorise additional telephone credit for children to allow greater contact during COVID-19 **[PC/286 – INQ000591083]**.
274. Following the suspension of visits, HMPPS introduced a weekly £5 PIN credit for all prisoners in the adult estate to support the maintenance of family ties. On 6 April 2020, YCS directed sites to increase the amount provided to £10 weekly credit for CYP. This £10 was made up of £5 provided centrally by HMPPS (as for the adult estate) and £5 which was to be provided by each establishment locally **[PC/287 – INQ000591084, PC/288 – INQ000575465 and PC/289 –**

INQ000591117]. For in-cell telephones, under COVID-19 special rates, £10 of credit would purchase approximately five hours and 22 minutes of call time to a UK landline at weekday prices, and six hours and three minutes at weekend prices. For calls to UK mobile telephones, £10 of credit would purchase two hours and 25 minutes of call time at weekday prices, and three hours and 42 minutes of call time at weekend prices. For wing telephones, under COVID-19 special rates, £10 of credit would purchase two hours and 37 minutes of call time to a UK landline at weekday prices, and two hours and 57 minutes of call time at weekend prices. For calls to UK mobile telephones, £10 of credit would purchase one hour and eleven minutes of call time at weekday prices, and one hour 48 minutes at weekend prices. Different rates would apply to international calls.

275. On 23 September 2020, HMPPS decided to cap the available HMPPS funded credit to £20 across the adult estate. This meant that if a prisoner had chosen not to take the opportunity to use the centrally provided telephone credit, they would not receive their weekly allocation of additional funds until the balance fell below £20. This only applied to the centrally issued credit; prisoners were able to purchase personal PIN credit as they wished. YCS decided to opt-out of this to allow children to bank more credit to support ongoing contact with their families and significant others. There were some nuances: the cap would apply to Feltham B (which is the adult, Category C⁸ prison for men aged over 18, as distinct from HMYOI Feltham A, for boys aged between 15 and 18) but would not apply to the children's unit within Parc YPU **[PC/290 – INQ000591236, PC/291 – INQ000591237, PC/292 – INQ000591238 and PC/293 – INQ000591239]**.

⁸ Male prisons are organised into 4 categories. "Category A" are high security prisons. "Category B" prisons are either local or training prisons. Local prisons house prisoners that are taken directly from court in the local area (sentenced or on remand), and training prisons hold long-term and high-security prisoners. "Category C" prisons are training and resettlement prisons; most prisoners are held in this category. They provide prisoners with the opportunity to develop their own skills so they can find work and resettle back into the community on release. "Category D" are open prisons. They allow eligible prisoners to spend most of their day away from the prison on licence to carry out work, education, or for other resettlement purposes. They only house prisoners that have been risk-assessed and deemed suitable for open conditions. Women and young adults are categorised and held in either closed conditions or open conditions, according to their risks and needs. Females and young adults who're considered high risk are categorised as 'restricted status', meaning they can only be held in a closed prison. In exceptional cases, women and young adults may be held in a high security prison (Category A).

276. On 8 May 2021, the YCS Recovery Working Group met to discuss how to manage family and social visits in light of HMPPS proposals. HMPPS had proposed to reduce video / virtual visits on grounds of cost, but YCS wanted to maintain video visits for longer due to the belief that it helped to reduce reoffending and promoted wellbeing for the children. YCS were urged to provide further reasoning. SCHs also wanted to maintain them as part of their learning from COVID-19 **[PC/294 – INQ000591322]**.
277. On 3 August 2021, the YCS SLT agreed to temporarily extend PIN telephone credits until sites exited Stage 1 of the National Framework. This was agreed with the caveat that costs would be picked up by individual sites **[PC/295 – INQ000591372, PC/296 – INQ000591371 and PC/297 – INQ000591377]**.
278. The extension of PIN credits had been used to help CYP to keep in touch with families, carers, and friends while visits were limited due to the pandemic. A HMPPS review of mitigations made an in-principle decision to bring PIN credits to an end by late September 2021. At that point, the YCS agreed to extend the credits to the end of Stage 1 of the National Framework, with a further review at that stage. It was agreed that PIN credits would be continued until the end of 2021 and that reviews of related areas e.g. video visits, in-room tech and PIN credits would be undertaken in the meantime. This included continuing to fund the credits from the underspend in the YCS budget.
279. On 7 December 2021, YCS SLT agreed to extend PIN credits to the end of Stage 1 of the National Framework, with a further review to take place at that point **[PC/298 – INQ000591400 and PC/299 – INQ000591405]**.

Changes to custodial regimes: The introduction of 'family groups'

280. There is no provision for family groups within the Young Offender Institution Rules 2000 or the Secure Training Centre Rules 1998.

Application during the Specified Period

281. YCS establishments formed 'family groups' of young people, which varied in size depending on a range of factors that impacted the spread of COVID-19. The concept of 'family groups' was introduced in line with wider COVID-19 guidance.
282. These 'family groups' enabled YCS to continue to deliver as full a regime as possible. These groups would expand, and contract, based upon a variety of factors that impacted upon the risk of infection. The earliest adopter of 'family groups' was Parc YPU. The establishment's EDM 'Youth Custody Service – Education, PE, and Libraries' **[PC/300 – INQ000591211]** explained that young people have been managed for all activities since 29 March 2020 in 'family groups'. A family group is a group of six young people which, depending on the nature of the activity, can be further split into smaller groups if, for example, the room in which the activity is taking place is not of sufficient size to promote social distancing. The EDM went on to explain how the family groups operated in practice in order to comply with social distancing guidance.
283. During a daily update with Minister Frazer on 19 April 2020, YCS advised that HMYOI Cookham Wood and HMYOI Wetherby were organising children into 'family groups' of up to four to allow as full a regime as possible to run. This was confirmed on 21 April 2020 when short scrutiny visits took place at HMYOI Cookham Wood and HMYOI Wetherby. It was reported that children were let out of their rooms in the same 'family group' at HMYOI Cookham Wood and at both sites PE staff facilitate activity for children within their 'family groups' **[PC/301 – INQ000591150 and PC/302 – INQ000591140]**.
284. On 28 May 2020, YCS developed the EDM for Education, PE, and Libraries. Within this was guidance for movement to and from education as a 'family group.' Young people within a family group would be identified and move across to education with their group. All groups would move in a staggered manner to minimise contact with other groups **[PC/201 – INQ000591197]**.
285. On 1 March 2021, HMPPS announced changes to EDMs that would allow 'family groups' to mix. Following the Government's plan to ease restrictions in the community, HMPPS began to consider arrangements for future progression using

information from the Winter Regime Review (as COVID-19 developed, plans often centred around winter preparedness or winter regimes to consider Coronavirus infection amongst wider infections which are more prevalent through winter):

- 285.1. PE and Education – Flexibility on family group mixing and expansions – allow for CYP with similar needs to mix, rather than restricted to one family group where this is safe and on the basis of a risk assessment;
- 285.2. YCS Approved Interventions – Flexibility on family groups mixing and expansions – allow for CYP with similar intervention needs to mix, rather than restricted to 1:1 or family groups who may not have the same needs. This must be fully risk assessed, and relevant Trade Unions consulted **[PC/303 – INQ000591305]**.
- 286. The learning captured by the CoRE programme identified that children had responded well to the use of 'family groups.' The use of the groups had positively impacted upon how they related to each other given they felt safer in the smaller groups. As the regime was progressing with recovery, combining smaller groups into a larger group resulted in double the exercise time **[PC/127 – INQ000575217]**.

Changes to custodial regimes: Provisions for new arrivals and isolation of those with COVID-19 symptoms

- 287. PSI 08/2012 Care and Management of Young People makes provision in paragraphs 4.21-4.30 for new arrivals, including the requirement that establishments provide first night packs for all first night admissions; every young person is offered the opportunity within two hours of their arrival to telephone someone; the provision of information to every young person's next of kin or other appropriate person about key issues such as visiting; access to and assessment by healthcare; provision of information about early days in custody; and the calculation of key sentence and release dates.

Application during the Specified Period

288. On 31 March 2020, HMPPS issued cohorting guidance which included information on newly formed RCUs. An RCU was a unit or area that would be used for the temporary separation of newly received prisoners from the courts for 14 days, allowing the prison time to verify that the individual was not symptomatic. Newly received prisoners would be screened by healthcare providers prior to being located on the RCU. A normal induction unit regime was to be maintained on the RCU with the minimum of 30 minutes in the open air daily, access to a telephone to maintain contact with family/friends/legal advisor and access to a shower at least weekly and facilities in-cell for ablutions. Staff were not to be cross deployed between the RCU and other areas and enhanced cleaning procedures were to be implemented **[PC/304 – INQ000591127 and PC/305 – INQ000591138]**.
289. On 7 April 2020, HLT recognised that any approaches taken to reverse cohorting needed to be tailored to the CYPSE **[PC/306 – INQ000591115, PC/307 – INQ000591118, PC/308 – INQ000591119 and PC/309 – INQ000591122]**.
290. On 3 July 2020, the EDMs for 'Early Days in Custody' (EDiC) **[PC/310 – INQ000544641]** and 'YCS – Resettlement' were published **[PC/311 – INQ000591196]**. The aim of the documents was to assist prison governors to design reception, first night and induction services that continued to meet the required outcomes within PSI 08/2012 and PSI 75/2011 and ensured the legal duty to safeguard vulnerable children was upheld whilst maintaining mandatory services such as the integrated healthcare and risk assessments carried out within the required timescale. Whilst it was assumed that most EDiC and Resettlement procedures continued throughout lockdown, establishments had in fact put temporary processes in place.
291. On 9 February 2021, the Incident Management Team (IMT) gave approval for proposals to use testing in SCHs to reduce time spent in isolation. An IMT is a multi-agency team led by a public health professional established to investigate or manage a health incident consistent with published public health guidance for prisons and places of detention. Furthermore, on 16 March 2021, new guidance was issued to all SCHs to introduce PCR testing upon entry for this reason. Up to this point all children arriving at an SCH were required to isolate for ten days in

their own rooms to detect any emergent infectious cases before fully integrating into the home. However, it was recognised that this was having a negative impact for those in isolation **[PC/312 – INQ000591296, PC/313 – INQ000532470, PC/314 – INQ000532471, PC/315 – INQ000532489, PC/316 – INQ000532490, PC/317 – INQ000532491 and PC/318 – INQ000532497]**.

292. In a YCS Stage 1 Planning meeting held on 30 September 2021, the group discussed reducing the use of RCUs in the CYP's estate due to risk being significantly lower for children. However, given the move had not previously been supported by PHE, it was suggested it may become part of the transition away from the National Framework **[PC/319 – INQ000591387]**.
293. The publication of the updated HMPPS Cohorting & Compartmentalisation Strategy for prisons during COVID-19 in February 2022 confirmed that the use of RCUs remained in place, with the exception of fully vaccinated persons **[PC/320 – INQ000591409]**.
294. On 9 June 2022, HMPPS implemented a new interim Compartmentalisation and Protective Isolation Policy framework following the decommissioning of the National Framework. Following a commission from PRB the new Policy Framework was produced with support from Public Health partners including UKHSA and PHW and was applicable to all prisons in England and Wales including YOIs. It was an interim Policy Framework informed by infection control and communicable disease outbreak management expert information, advice, and guidance, in conjunction with HMPPS management expertise gained during the COVID-19 pandemic response **[PC/321 – INQ000591416, PC/322 – INQ000575533 and PC/323 – INQ000591415]**.

Changes to custodial regimes: Transitions of young people into the adult estate

295. The transition process from the youth custodial estate into the adult estate involves a significant change in environment, regime, and peer group. It is a critical time where thorough assessment and planning with the active involvement of key professionals from both youth and adult services aims to ensure that the transition

is safe, positive and aids resettlement. The process is underpinned by the following principles:

- 295.1. Individual needs and safeguarding requirements will be recognised and addressed.
- 295.2. Young people who are eligible for transfer will be identified and allocated to adult justice staff at the earliest point.
- 295.3. Every young person who could transfer to adult services must have a transition plan.
- 295.4. Transition planning should focus on providing flexible and continuous services tailored to meet individual needs. This should include consideration of any diversity issues for each individual. The Lammy Review (2017) highlighted the disparity in outcomes for Black and Minority Ethnic (BAME) individuals, particularly among young black males. Therefore, transition planning needs to take account of the protected characteristics in the Equality Act 2010.
- 295.5. Relevant information about young people must be shared between youth and adult services before transfer.
- 295.6. Youth and adult justice services will work together to achieve effective transfer outcomes, including maintaining interventions and progress.
- 295.7. Young people and their families will be actively involved in planning for their transition and understand the plans in place.
- 295.8. Transitions will be reviewed, and services will seek continuous improvement, facilitating the journey towards a positive future and desistance from offending, building on skills, strengths, and interests.

Differences between regimes in the CYPSE and adult estate

296. The main differences between the CYPSE and adult estate are:
- 296.1. terminology;
 - 296.2. uniform;
 - 296.3. healthcare provision;
 - 296.4. contact with family and visits;
 - 296.5. lower staffing ratios (staff may not be so readily accessible);
 - 296.6. sentence planning arrangements;
 - 296.7. location with other adults of all ages;
 - 296.8. participation in education and/or work;
 - 296.9. the searching policy and restraint system that applies in the adult estate;
 - 296.10. the difference in potential adjudication outcomes under Prison Rules 1999;
 - 296.11. the national IEP policy in operation in the adult estate.
297. In relation to TOOR, PSI 08/2012 requires that all CYP are afforded a minimum of 60 minutes per day in the open air. The adult estate is subject to a lower daily minimum of 30 minutes in the open air, as set out in PSI 75/2011 Residential Services.
298. In relation to education, it is offered in both the adult and CYPSE, but work tends to take priority for the majority within the adult estate.

299. The expected physical education provision is greater in the CYPSE than in the adult estate. Rule 29(1) of the Prison Rules 1999 provides that a prisoner aged 21 years and over “*shall be given the opportunity to participate in physical education for at least one hour a week*” if circumstances reasonably permit. By comparison, rule 29(2), which applies to prisoners under 21 years of age, provides:

(a) provision shall be made for the physical education of such a prisoner within the normal working week, as well as evening and weekend physical recreation; the physical education activities will be such as foster personal responsibility and the prisoner’s interests and skills and encourage him to make good use of his leisure on release; and

(b) arrangements shall be made for each such prisoner who is a convicted prisoner to participate in physical education for two hours a week on average.

HMYOI Cookham Wood

300. During the pandemic, there were fewer children arriving at HMYOI Cookham Wood, and the site was well below full capacity. Accordingly, it was deemed that HMYOI Cookham Wood could hold some children who would ordinarily have been transitioned to the adult estate for an additional period. This decision was made both to protect the children by restricting their movement between the estates, and due to HMYOI Cookham Wood having more capacity than many other sites, including adult estates.

301. The IMB report exhibited above found that there were difficulties with several young people serving long sentences who were ‘difficult to place’ due to adult prisons refusing to take them when they reached 18 years of age. HMYOI Cookham Wood was working hard to address these challenges, and progress was made to improve the experience for these young people, including through working with staff from Standford Hill, Rochester, and Belmarsh.

302. From January 2020 to July 2022, 166 children transitioned to the adult estate from HMYOI Cookham Wood.

HMYOI Feltham A

303. Resettlement practitioners were used to help children transition into adult estates, with telephone conversations being offered if children wanted to ask questions of the adult estate. This process remained the same prior to and during COVID-19.
304. During the Specified Period, there were several children that were transferred into the adult estate. They were required to reverse cohort upon arrival in accordance with the national policy.

Parc YPU

305. To the best of my knowledge, Parc YPU followed all YCS and HMPPS guidance regarding the transitions of children into the adult estate and did not develop or implement any site-specific approaches.
306. On 20 and 27-28 April 2021, the HM Chief Inspector of Prisons visit noted that half the children would transition to the adult estate and that the transition was well planned. Transition planning involved the children, their family, YOT, NEWT, family support worker, and wing staff. The NEWT team attempted to conduct handover meetings with the receiving adult prison as well as a meeting between the child and adult prison, however this did not always occur. It was noted that delays to transition occurred due to several adult prisons refusing places. I exhibit the inspection report **[PC/324 – INQ000624102]**.

HMYOI Werrington

307. At the time of the HMI Prison inspection in January and early February 2022, the resettlement team had developed its support for transitions through strengthened links with young adult prisons such as HMP Brinsford and HMP Swinfen Hall. Video information packages to help children prepare to transition to young adult prisons had not progressed, but managers remained committed

to producing them. It was described as “impressive” that leaders had overcome the problems noted at the last inspection with confirming young adult places for 18-year-olds. I exhibit the inspection report **[PC/325 – INQ000624105]**.

HMYOI Wetherby

308. The transition process from HMYOI to adult prison remained as before and there were no specific issues or changes to this during the Specified Period. There were a limited number of young people transitioning into the adult estate during the pandemic.
309. On 31 March 2020, the Operations Manager to the PGD emailed a number of establishments in the YCS including HMYOI Wetherby providing an update on YCS transfers. The email stated that although there would be a pause for inter prison transfers there would still be the ability to transfer individuals under exceptional circumstances. These circumstances included:
- 309.1. Young people who turn 18 in custody are considered in law to be adults and in some cases should no longer be accommodated alongside children under 18 due to the significant risk they pose to them.
- 309.2. 18 year olds with a significant sentence (four years plus) and very high risk of serious harm to others.
310. Requests for exception transfers had to be assessed by the YCS Placements Team who, if in agreement that the transfer was necessary, would present it to Gold Command for sign off. This was noted in an email, which I exhibit **[PC/326 – INQ000624091]** and a headline note which provided further details on this, which I exhibit **[PC/327 – INQ000624090]**.
311. In the medium-term recovery return, which I exhibit **[PC/328 – INQ000624099]**, it was noted that a number of 18-year-olds had their transfer to the adult estate agreed by Gold Command.

312. An HMI Prisons Scrutiny Visit in January 2021 reported that:
- 312.1. *“When children are transitioning to the adult estate Psychology and interventions services ensure that a handover of the child’s needs is completed.*
 - 312.2. *Each child has a post intervention review which involves their Intervention Facilitator, Psychologist, Resettlement Practitioner, Youth Offending Worker, Probation Officer and any other relevant professionals involved in the child’s care and sentence planning.*
 - 312.3. *During the Post Intervention Reviews, treatment and risk management recommendations are shared to ensure effective sequencing of the child’s treatment pathway.*
 - 312.4. *A summary of the child’s engagement with treatment and recommendations are also highlighted within the child’s post intervention report. These reports are shared with professionals involved in the child’s care to ensure effective through care and sequencing of treatment recommendations.*
 - 312.5. *Psychology Services conduct Psychological Risk Assessments to support risk management and treatment recommendation. Recommendations also ensure sentence planning targets are tailored to the child’s needs to support them in reducing recidivism.”*
313. I exhibit this scrutiny report **[PC/329 – INQ000624101]**.
314. The IMB annual report for the reporting year 1 June 2020 to 31 August 2021 noted that there was a delay in transferring young people aged over 18 to the adult estate due to lengthy negotiations and waits for the adult estate to accept transfers. I exhibit this report **[PC/330 – INQ000612285]**.

315. The IMB annual report for the reporting year 1 September 2021 to 31 August 2022 noted that the delay in transferring young people to the adult estate had improved. There did however remain an issue when trying to transfer more challenging young people. I exhibit this report [PC/331 – INQ000624106].

Oakhill STC

316. During the Specified Period, seven trainees from Oakhill STC were transitioned to the adult estate. The transfer of trainees was done on a case-by-case, exceptional circumstance basis during this time.

Rainsbrook STC

317. During the Specified Period, eight trainees from Rainsbrook STC were transitioned to the adult estate. The transfer of trainees was done on a case-by-case, exceptional circumstance basis during this time.

SCHs

318. During the Specified Period, nine children were transitioned from SCHs to the adult estate. Transitions in SCHs were managed on a case by case basis.

Changes to custodial regimes: Release and resettlement planning

319. The Young Offender Institution Rules 2000 provide:

Rule 43. (1) From the beginning of his sentence, consideration shall be given, in consultation with the appropriate supervising service, to an inmate's future and the help to be given to him in preparation for and after his return to the community.

Rule 43. (2) Every inmate who is liable to supervision after release shall be given a careful explanation of his liability and the requirements to which he will be subject while under supervision.

320. The Secure Training Centre Rules 1998 provide:

Rule 30. (1) From the beginning of his period of detention, consideration shall be given, in consultation with the appropriate supervising service, to a trainee's future and the help to be given to him in preparation for and after his return to the community.

Rule 30. (2) Every trainee shall be given a careful explanation of his liability to supervision after release and the requirements to which he will be subject while under supervision.

Rule 30. (3) The training plan prepared for a trainee under rule 27 of these Rules shall have regard to the need to help the trainee in preparation for and after his return to the community and, in the case of a trainee who will be of compulsory school age at the date of that return, to education in the community.

Application during the Specified Period

321. On 25 February 2020, the Lord Chancellor and Minister Frazer received a submission from the HMPPS COVID-19 Response Team to, amongst other matters, include a provision in the Emergency Coronavirus Bill to provide powers for the Secretary of State to executively direct the release of offenders from SCHs, STCs, YOIs or prisons, with a view to releasing offenders who are not affected by COVID-19 to avoid spreading the virus further in the community. The submission advised against the use of an existing statutory power in section 32 of the Criminal Justice Act 1982 to pass affirmative secondary legislation to allow the release of certain offenders up to and including six months before the end of their sentence. Release pursuant to the power in section 32 has the effect of bringing to an end the offender's sentence, rather than releasing him or her on licence with the power to recall in the event of a breach **[PC/332 – INQ000147596]**.

322. Following a meeting on 26 February 2020, the Lord Chancellor provided a steer that he did not want to include any provision in relation to the emergency release of prisoners in the Emergency Coronavirus Bill **[PC/333 – INQ000591055]**. Further

advice was commissioned from the COVID-19 Response Team as to the adequacy of the existing provisions for release under section 32, which was provided on 27 February 2020 **[PC/332 – INQ000147596]**. The advice from the COVID-19 Response Team was that the powers within section 32 were sufficient.

323. On 28 February 2020, the Lord Chancellor agreed with the recommendation and, accordingly, MoJ did not seek to include any provisions relating to early release in the Emergency Coronavirus Bill **[PC/334 – INQ000591053, PC/333 – INQ000591055, PC/332 – INQ000147596 and PC/335 – INQ000591066]**.
324. In addition to the power under section 32 of the Criminal Justice Act 1982, there was a power under rule 9 of the Prison Rules 1999 to temporarily release on licence prisoners to receive medical treatment. The submission to the Lord Chancellor advised that rule 9 could be amended through an SI to expressly allow for release on temporary licence (ROTL) for capacity reasons **[PC/332 – INQ000147596]**. The Prison Rules 1999 only apply to the adult estate and, as I will set out in greater detail below, an amendment to the Young Offender Institution Rules 2000 would be required in order to allow for early release of children and young persons.
325. On 24 March 2020, following advice from PHE to urgently create headroom within the estate for compartmentalisation, the Lord Chancellor agreed to amend rule 9 of the Prison Rules 1999 to allow for early release for capacity reasons, as previously advised. ROTL under an amended rule 9 allowed for far greater flexibility than release under section 32 of the CJA 1982 with the added safeguards of being able to include conditions upon release and recall to prison should restrictions be breached. The submission to the Lord Chancellor from the Chief Executive Officer of HMPPS identified the number of persons in the CYPSE who would be eligible for early release: up to 38 offenders who were low risk (non-violent/sexual offences), nearing the end of their sentence and who may be vulnerable in accordance with PHE guidance; up to 115 offenders if including the entire population and only restricting it to those who were nearing the end of their sentence and who may be vulnerable in accordance with PHE guidance; and up to 340 offenders if including the entire population and only restricting it to those

who may be vulnerable in accordance with PHE guidance. I exhibit the advice **[PC/336 – INQ000591067, PC/337 – INQ000591068, PC/338 – INQ000591126 and PC/022 – INQ000591144]**.

326. Following the Lord Chancellor's decision, the Small Ministerial Group on Prisons met on 30 March 2020. As a result of the meeting, the Number 10 Policy Unit and the Number 10 Private Office was to work with MoJ to agree a note to put to the Prime Minister outlining the proposed strategy for managing prisons. The strategy was to outline MoJ's proposals for using existing and additional operational powers to flexibly release and tag prisoners to increase capacity in the system **[PC/339 – INQ000591103, PC/340 – INQ000591101 and PC/341 – INQ000591102]**.
327. On 3 April 2020, Youth Justice Policy (a team of policy advisers within the MoJ) submitted a paper to the Lord Chancellor and Minister Frazer seeking to agree the criteria that would be used to determine which children and young people would be eligible for temporary release under the new ECTR scheme that was due to be announced the following day. The criteria were to be the same as for adult prisoners, which was children and young persons within two months of release, who have not been convicted of violent, sexual, terrorist or drugs offences, and who posed a low or medium risk of serious harm. At its upper limit, it was estimated that 44 children would be eligible for release, but the actual figure was likely to be lower following individual risk assessments by YOT **[PC/342 – INQ000591110 and PC/343 – INQ000591111]**.
328. The new ECTR scheme was given effect in the CYPSE by amendment of the Young Offender Institution Rules 2000. With effect from 6 April 2020, the Prison and Young Offender Institution (Coronavirus) (Amendment) Rules 2020 inserted a new rule 5A into the Young Offender Institution Rules 2000 granting the Secretary of State the power to issue a direction describing a class or classes of prisoners who may be released on ECTR in the CYPSE (subject to specified statutory exemptions).
329. The Secretary of State issued directions on 7 April 2020. They were accompanied by 'COVID-19: End of Custody Temporary Release Guidance for Prisons'. At this

time, neither the Directions nor the ECTR guidance made specific mention of the YCS estate within the conditions of those eligible for release **[PC/344 – INQ000591112 and PC/345 – INQ000591113]**.

330. The ECTR Scheme was paused on 18 April 2020, when it was discovered six prisoners had been released in error. Following an urgent review of the procedure, more stringent measures were introduced, and the scheme was reinstated on 24 April 2020 **[PC/340 – INQ000591101, PC/346 – INQ000575475, PC/347 – INQ000575471, PC/348 – INQ000575474, and PC/349 – INQ000591141]**.
331. On 24 April 2020, the Secretary of State issued Directions under the Young Offender Institution Rules 2000 accompanied by operational guidance from HMPPS entitled 'COVID-19: Under 18 Secure Settings: Early Custody Temporary Release (ECTR) Guidance' outlining the eligibility criteria and the process by which CYP sentenced to custody in YOIs and STCs could be subject to ECTR. There was no statutory power in place for ECTR to be applied to SCHs, but work was noted to be underway in order to resolve the issue. At the time, there were no children in SCHs that met the eligibility criteria. To resolve this disparity, it was proposed that YCS collaborate with the Department for Education **[PC/350 – INQ000567537, PC/351 – INQ000591145, PC/352 – INQ000591142 and PC/353 – INQ000591147]**.
332. Given the urgency to respond to the public health crisis, the Impact Assessment was, rather unusually, not published until after implementation of the scheme. The Impact Assessment noted that whilst the CYPSE *“did not face the same immediate pressures as the adult estate”* since occupancy rates were around 80% and each child has their own room, *“the size and configuration of the estate means that sites are especially vulnerable to even small-scale outbreaks of the virus or staff absence. Releasing even a small number of children could help materially improve operational resilience and the quality of service.”* It estimated that *“fewer than 10”* persons would be released from youth custody under the new scheme **[PC/161 – INQ000591176]**.

333. From 1 September 2020, HMPPS decided to pause any further releases under ECTR in the youth and adult secure estate at a national level since mitigation measures had been successful. YCS would not be identifying any new children or young people for eligibility screening and had not, in fact, released any of those who had been identified already **[PC/354 – INQ000591229]**.
334. When Special Purpose Licence (ROTL) criteria (an individual is either pregnant, in custody with their child or extremely medically vulnerable) was applied to the CYPSE, no children were eligible. Therefore, there were no children or young people (under 18s) released as part of this scheme **[PC/355 – INQ000575484]**.

The position of young adults in the adult prison estate

335. Reflecting upon our approach to the pandemic initial response, we did not consider children nor young adults different from adults. This was informed by limited understanding of the risk presented, supported by public health guidance, that there was a high risk to life and therefore maximum precautions were taken. However, as the pandemic progressed so did our understanding and we were able to ensure our approach could be tailored to the needs of each establishment by the governor or person in charge (Bronze Command). We did make express provision for children in the CYPSE as the pandemic progressed with the YCS focused on achieving the very best outcomes balanced with proportionate risk management. We have no evidence to suggest that there was any separate assessment of the impact of changes made or permitted to young adults between the ages of 22 and 25 in the adult prison estate. As outlined throughout this statement, those between the ages of 22 and 25 are considered as part of the wider adult prison population and not as a distinct category in their own right.

Children with underlying or pre-existing health conditions

336. Following advice from PHE on 24 March 2020 to shield vulnerable prisoners, which I exhibit **[PC/022 – INQ000591144]**, HMPPS shared a draft contingency planning report on 25 March 2020 with the Secretary of State for Justice. YCS reported that due to the cohort being under 18 years of age, CYP were less vulnerable to

COVID-19. YCS had identified “a very small number” of children in its care who were considered to fall within the ‘at risk’ group due to a pre-existing medical condition. In a No.10 deep dive paper YCS anticipated that it would be able to care for the overwhelming majority of young people who may become infected with COVID-19 within the existing estate **[PC/356 – INQ000591088]**. Shielding was easier in the CYPSE where rooms are occupied by a single child rather than often shared cells in adult prisons.

337. Save as set out above, HMPPS has not found any further evidence that it took any specific measures to identify and protect at risk children who had underlying or pre-existing health conditions and were susceptible to COVID-19. There was, however, extensive guidance for the protection of all of those with pre-existing or underlying health concerns. Whilst this guidance did not expressly cover children, it could be followed; a child specific approach was not needed.

Children and young people with parents / primary carers in custody

Children born to parents in custody

338. Children born to parents in custody are subject to risk assessment prior to birth. This assessment determines if a child remains with the mother in custody for a period of up to two years, or if the child is under the care of children’s services and is placed with an appropriate carer such as foster parents or suitable family members. Should a child remain in custody, they will live with their mother in a specialised Mother and Baby Unit where visitation with other family members falls under normal visitation rules. Where a child is placed with carers, a designated guardian will bring the child to visit but these visits are subject to risk assessment and are arranged at the discretion of professionals in charge of that child’s care. Each individual case will have very different circumstances and will be subject to a different protocol, but prisons seek to accommodate requests of professionals in charge of that child’s care.
339. The implementation of lockdown meant all visits stopped, with video calls replacing contact visits. Alternatives were increased including written contact, use of

photographs, and occasionally videos taken by carers and sent by social care professionals. Exceptions were made at a local level for children subject to an adoption order where the final contact visit with the birth mother fell during lockdown conditions. The visit would be subject to strict risk assessment and agreement with professionals, with the final decision being taken by the site Bronze Commander (the governing governor) and recorded in the defensible decision log.

Release and resettlement within mother and baby units in the adult estate

340. Shortly before the imposition of the first national lockdown, there were calls from across the voluntary sector including from Birth Companions [**PC/357 – INQ000591093**] and Women in Prison [**PC/358 – INQ000591092**], academics [**PC/359 – INQ000591094**] and Members of Parliament [**PC/360 – INQ000591427**] urging the Lord Chancellor to arrange for the release of all pregnant women and women in Mother and Baby Units due to their vulnerability to COVID-19.
341. On 25 March 2020, the Chief Executive Officer of HMPPS prepared a submission for the Lord Chancellor and Minister Frazer proposing a model for the emergency release of certain categories of prisoners to protect staff and vulnerable offenders, notably pregnant women and women in Mother and Baby Units to increase operational stability and headroom in the prison estate. [**PC/361 – INQ000591089**] The Lord Chancellor agreed to move ahead with considering the early release of pregnant women and those on Mother and Baby Units on compassionate grounds, subject to an individual risk assessment [**PC/362 – INQ000591104**].
342. In a note to the Prime Minister dated 28 March 2020, the Lord Chancellor set out MoJ's proposed approach to respond to the risk that COVID-19 poses to prisoners and staff. This included the proposal to release pregnant women and those in Mother and Baby Units (approximately 60 in total) under existing powers for ROTL on compassionate grounds [**PC/363 – INQ000591100**]. The Lord Chancellor and the Prime Minister met on 29 March 2020 to discuss MoJ's proposed approach.

The Prime Minister agreed to the release of pregnant women and those in Mother and Baby Units.

343. On 31 March 2020, the Lord Chancellor implemented the use of existing powers to consider pregnant women and those in Mother and Baby Units for early ROTL on compassionate grounds, subject to a risk assessment. As of 15 July 2020, 24 women falling within this cohort passed their risk assessment.
344. Following written advice from officials dated 24 July 2020, the Lord Chancellor decided to maintain the compassionate ROTL programme subject to a monthly review, the first of which was scheduled for 1 September 2020. **[PC/364 – INQ000591214]**.
345. The Compassionate ROTL scheme was eventually paused by decision of the Lord Chancellor on 23 July 2021. The Lord Chancellor had taken the decision to pause the scheme as there were sufficient mitigations now in place against the risk of transmission of COVID-19, such as testing, compartmentalisation and the ability to offer vaccinations, which were deemed sufficient to protect pregnant women in custody. At the time the decision was made to pause the scheme, only two women were in the community under the scheme who were pregnant or a mother with a baby. Official communications to establishments went out on 5 August with a proposed four week lead in for all recalled prisoners to be brought back to prison **[PC/365 – INQ000591354, PC/366 – INQ000575527 and PC/367 – INQ000575526]**.

Children with parents / primary carers in custody

346. Children with a parent / primary carer in custody were subject to normal visit rules if they resided with a member of family and there was no involvement with children's services. Visitation and contact for children under the care of children's services would be subject to assessment and agreement with officials involved in their care and so may differ to normal visit rules.

347. On 24 March 2020, the HMPPS COVID-19 Operational Guidance brought into force a temporary regime with the effect that governors were directed to stop all non-essential activities, including social visits. This meant that children whose parents or primary carers were in custody were no longer able to have a face-to-face visit **[PC/368 – INQ000591406]**.
348. Following the suspension of social visits, there was a requirement for alternative provision to ensure prisoners were able to maintain contact with their families. To that end, on 2 April 2020, HLT approved the use of unrestricted (standard) mobile telephones in the open estate **[PC/369 – INQ000591114]**. The effect of in-room isolation of prisoners due to COVID-19 was having a particular impact in the open estate because most prisoners in the open estate are out on ROTL placements to their home address; have access to open communications when on ROTL; and many have access to their own personal mobile telephones whilst on work placement or domestic ROTL. The proposal, which I exhibit as **[PC/370 – INQ000591106]**, distinguished between the use of smart phones with internet and camera facilities that could only be used in allocated areas under supervision, and 'dumb' phones with no such facilities which could be kept in cell. The decision to operate the system would be for the governor of each establishment, subject to approval from the Silver Commander.
349. Following the agreement of HLT to the use of personal mobile telephones in the open estate, the Lord Chancellor agreed the proposal. I exhibit the submission to the Lord Chancellor as **[PC/371 – INQ000591121]**. In April 2020, HMPPS subsequently issued 'Temporary Mobile Phone Protocol for Open Estate – Access to Personal & Prison Issue Open SIM Mobile Phones' governing their use **[PC/372 – INQ000575469]**.
350. There were some establishments which did not have in-cell telephones in rooms and prisoners relied on access to PIN telephones on landings. HMPPS recognised that the use of these landing PIN telephones may become unavailable or unworkable as the establishment operated an exceptional regime under its ERMP. It therefore made arrangements for over 1,200 mobile telephones to be introduced to facilitate ongoing contact. The mobile telephones in question were basic Nokia

models with no internet capability, which were provided with a locked SIM card that could only access the PIN telephone system which operated in custody. I exhibit the Temporary Mobile PIN Phone Protocol which governed their use from April 2020 [PC/373 – INQ000575466] [PC/369 – INQ000591114, PC/371 – INQ000591121].

351. On 21 April 2020, Made Purple became the contracted provider to HMPPS for video calls. [PC/374 – INQ000591143]. The phased roll-out of these video calls began on 10 May 2020 with an introduction to 10 prisons to allow for adjustments to be made to ensure the successful operation of the system prior to rolling out across all establishments [PC/375 – INQ000591043, PC/376 – INQ000591058, PC/377 – INQ000591128, PC/378 – INQ000591129 and PC/379 – INQ000575479].
352. On 23 June 2020, POMC discussed the possibility of increasing the frequency of social visits if it was the same visitor each time. One issue from allowing one adult per visit, was that it ruled out children from visiting. This also posed problems with larger families. Further discussion was ongoing, taking into account that, should restrictions continue to ease, it may not be appropriate with the potential progression to Stage 3 on the National Framework [PC/380 – INQ000591185 and PC/381 – INQ000591216].
353. On 25 June 2020, POMC considered the options for reintroducing social visits in line with PHE's advice, with particular attention on child visitors. PHE had advised that children presented the same infection risk as adults and therefore additional measures were to be implemented to reduce the risk. POMC agreed children of all ages could visit given the positive effect on the wellbeing of the prisoner and their family. Governors were to apply discretion with relation to family units/bubbles on a case-by-case basis, and HMPPS would review this arrangement should it become unmanageable [PC/382 – INQ000591191, PC/383 – INQ000591187, PC/384 – INQ000591209 and PC/385 – INQ000591248].
354. On 19 July 2020, 19 prisons began to offer social visits following a move to Stage 3, with a further 89 establishments cleared to commence their transition to Stage

3 regimes, 38 of which were being cleared to begin offering social visits. Strict non-contact guidance was issued to adult prisons, with visits being conducted behind screens to prevent physical contact. The lack of physical connection with this approach was particularly difficult for visits involving parents and their children. **[PC/386 – INQ000591212]**.

355. By 2 September 2020, 113 establishments had recommenced social visits **[PC/387 – INQ000591267]**.

356. On 14 August 2020, HMPPS issued a revised Standard Operating Procedure (SOP) to support the resumption of visits in prisons at Stage 2 of the National Framework. The SOP detailed guidance for controls and measures such as a minimum of two metres social distancing, face masks for all persons over 11 years of age unless exempt, and the use of indicative temperature checking of visitors prior to entering the establishment **[PC/388 – INQ000591225]**.

357. In response to the Government's announcement of the second national lockdown, on 2 November 2020, HLT agreed to further restrictions in the prison estate. Consideration had been given to PHE advice, and it was agreed that it was necessary to suspend social visits again to minimise risk to the prison population **[PC/389 – INQ000591255 and PC/390 – INQ000591268]**. Furthermore, on 10 November 2020 the PRB approved a proposal to offer an additional video call to each prisoner each month. This was approved by POMC on 11 November 2020 **[PC/391 – INQ000591271, PC/392 – INQ000591265 and PC/393 – INQ000591291]**.

358. Following the third national lockdown on 5 January 2021, all adult prisons had suspended social visits, however, due to national restrictions being lifted at the end of the month it was recognised there was less justification to suspend visits with decreasing COVID-19 rates and an increase in vaccination. POMC agreed, requesting further work be undertaken to ensure visits were impactful whilst carried out in a safe and secure way **[PC/394 – INQ000591309, PC/395 – INQ000591310 and PC/396 – INQ000591319]**. On 16 March 2021, POMC endorsed the approach to reintroducing social visits. On 18 March 2021, the Lord Chancellor gave

approval for adult prisons at Stage 3 in the National Framework to recommence social visits from the 29 March 2021.

359. On 6 April 2021, PRB gave formal approval for the launch of a testing pilot for social visits. Whilst testing remained voluntary for visitors and prisoners for the duration of the pilot, every effort was made to encourage uptake. A positive result meant that the visit would be cancelled **[PC/397 – INQ000591311 and PC/398 – INQ000591320]**.
360. On 7 May 2021, HMPPS sought advice from PHE on several options for facilitating physical contact between prisoners and children under 12 years of age during social visits due to the negative impact upon family relationships during imprisonment, and in turn family reunification and resettlement afterwards. This was particularly so in the women's estate. Research demonstrated uptake of social visits had been very low, mainly due to the difficulties experienced by children being unable to have physical contact with their parents. HMPPS asked for practical advice on two different pilots to enable physical contact with children using control measures to mitigate the risk. PHE/PHW gave their support for physical contact with children under 11 years of age **[PC/399 – INQ000575522, PC/400 – INQ000591338 and PC/401 – INQ000591344]**.
361. On 19 May 2021, following the pilot for physical contact at social visits, HMPPS sought ministerial approval to commence a phased approach to the reintroduction of physical contact. HLT had approved the expansion of the pilot to test individuals older than 12 as a pre-condition for physical contact. On 25 May 2021, ministers approved the proposal requesting that progression remains in line with the community. This commenced with under-12s being able to engage in physical contact during social visits **[PC/281 – INQ000591340, PC/279 – INQ000591341, PC/282 – INQ000575524, PC/402 – INQ000591343 and PC/280 – INQ000591364]**.
362. On 12 July 2021, the Lord Chancellor approved requiring visitor testing as a pre-requisite to physical contact at prison visits for all visitors aged over 11 years of age, helping to support a more meaningful experience for older children visiting a

parent or primary carer **[PC/403 – INQ000591355, PC/404 – INQ000591366, PC/405 – INQ000591357, PC/406 – INQ000591358 and PC/407 – INQ000591360]**.

Young people supervised and managed by the Probation Service

363. On 24 March 2020, HMPPS issued immediate guidance to NPS, CRC and HMPPS colleagues on how the probation system will operate in light of the announcement of Government restrictions the previous evening **[PC/408 – INQ000591429]**. The 'Guidance for Probation Offender Management following Government COVID-19 / Social Distancing Guidance' **[PC/409 – INQ000591075]** summarised the new working arrangements: supervision for the majority of offenders moved from a face-to-face provision to remote supervision by telephone, WhatsApp, or Skype with a preference for video "*wherever possible*." Face-to-face contact would be retained for a small group of offenders (those convicted of terrorism offences; offenders without recourse to a telephone; and prison leavers reporting for their initial appointments). Doorstep visits were considered for all other high and very high risk of harm offenders, or medium risk of harm offenders where there were domestic abuse or safeguarding issues. The guidance advised that these were "*exceptional measures*" subject to review in three weeks' time.
364. It was supplemented later that same day by additional guidance, including to NPS and CRC colleagues concerning 'Accredited Programmes in the Community during COVID-19 pandemic' **[PC/410 – INQ000591079]**; an EDM on Offender Management **[PC/411 – INQ000591080]**; and a letter to colleagues outlining the steps being taken to reduce the impact on operational delivery **[PC/412 – INQ000591078]**. Draft communications to offenders under probation supervision **[PC/413 – INQ000591428]** made clear that they would still be required to keep in touch with their offender manager and could be breached or recalled if they failed to do so, although supervision would be carried out differently to accommodate government advice on social distancing. The delivery of programmes and unpaid work was temporarily suspended.

365. On 27 March 2020, HMPPS distributed to NPS, CRC, and HMPPS colleagues **[PC/414 – INQ000591097]** including a revised version of its 'COVID-19 Social Distancing Guidance' **[PC/415 – INQ000591098]** which provided greater detail for staff and managers on how the NPS would continue to provide key services whilst following Government advice on social distancing.
366. None of the guidance to which I have referred specifically distinguished the position of young people aged between 18 and 25, from other offenders supervised by the Probation Service. The changes to supervision arrangements were determined by the risk level of the offender, rather than purely age.
367. By 12 June 2020, NPS reported that 62% of cases had planned for a level of contact, and 57% had arranged contact with Service Users in line with the EDM. It was also reported that 97% of those released from prison had first contact with NPS, 71% of this was face-to-face contact in line with the EDM and licence. Accommodation needs were largely being met within the first three weeks with 91% of Service Users in suitable accommodation **[PC/416 – INQ000591179 and PC/417 – INQ000591178]**.
368. On 17 July 2020, NPS issued a letter to staff about returning to work in an office following a period of working from home, where applicable **[PC/418 – INQ000591213]**.
369. On 14 January 2021, NPS staff were directed not to work in court buildings unless they needed to be present at court in order to complete tasks that required their presence either at or in court. This included ensuring that appropriate NPS staff coverage was available to provide sufficient flexibility to deal with the needs of the courts which could arise on the day **[PC/419 – INQ000591284]**.
370. On 1 February 2021, NPS issued guidance to practitioners on Remote Supervision and Doorstep Visits. It included information on the benefits of doorstep visits and involving other stakeholders. This guidance was not young person specific **[PC/420 – INQ000591281 and PC/421 – INQ000591282]**.

Children's Rights Impact Assessments

371. No Children's Rights Impact Assessments were carried out. These assessments were not formally required in the specified period with broader equality impact assessments considering any age.

Communications with the Children's Commissioner for England about the impact of COVID-19 on children in custody

372. On 25 March 2020, the Children's Commissioner for England wrote to the Lord Chancellor expressing her concerns about the safety and provision for children in custody **[PC/422 – INQ000231339]**. In her letter, the Children's Commissioner expressed concerns about the risk of children being held in solitary confinement if a reduced regime of 23 hours in lockdown with no visitors was introduced, akin to that in the adult estate. In particular, she was concerned about the impact of the reduced regime on the mental health of children in custody, and the potential for it to result in increased levels of violence and self-harm. She wished to ensure that all children could have access to helplines and wellbeing support, and that every effort was being made to push through the technology required to facilitate remote visitation to further support wellbeing. The Children's Commissioner invited the Lord Chancellor to consider releasing children with an underlying health condition; children held on remand, whilst criminal trials were suspended; children who were due to be released in the next six months; children aged under 14; and children in custody for non-violent offences who could be safely managed in the community.
373. Following a series of telephone calls with the Children's Commissioner, Minister Frazer responded in writing on 17 April 2020, which I exhibit **[PC/423 – INQ000575196]**. In addition to the Commissioner's weekly updates from the Executive Director of YCS, Minister Frazer explained how PHE advice had been carefully considered when implementing regime mitigations and that regular reviews would be held to ensure children were safe and their rights upheld. Minister Frazer also advised that work was ongoing to identify the CYP who could be eligible for release. Whilst this was progressing, YCS was focused on ensuring CYP were able to access essential activities such as telephone calls, showers,

and educational materials. The requirement to adhere to social distancing restrictions limited physical interaction which meant non-essential activities were suspended.

374. Minister Frazer went on to state that it was difficult to keep CYP safe, whilst providing meaningful activities, but this was being reviewed on a daily basis. SECURE STAIRS was adopting an approach to protect the mental health of the most vulnerable children, ensuring they remained engaged and stimulated by adhering to the principles of physical distancing.
375. Advocacy remained a crucial element with YCS and Barnardo's working together to deliver an advocacy model that balanced children's rights with the necessity to reduce the risk of spreading COVID-19. Children were provided with leaflets advising of the changes and were able to call Barnardo's free of charge. This interim measure was under constant review to ensure the needs of children were being met **[PC/424 – INQ000591076 and PC/423 – INQ000575196]**. Furthermore, on 1 May 2020, the YCS Executive Director wrote to the Children's Commissioner providing a weekly dashboard with an accompanying letter explaining that the purpose was to report on regime service delivery, healthcare services delivery and to record TOOR. This was to be sent on a regular basis with the opportunity for further discussion **[PC/425 – INQ000575198 and PC/426 – INQ000575197]**.
376. The Children's Commissioner published its briefing note 'Children in Custody' about the impacts of lockdown on the estate's operations and its prisoners on 29 May 2020. The data used within the briefing note had been supplied by YCS over the lockdown period and was supplemented with evidence obtained from conversations with children in the youth custodial estate. There were several recommendations made to continue some key services **[PC/427 – INQ000498625]**.
377. On 22 May 2020, the Children's Commissioner wrote to the Lord Chancellor regarding the impact of COVID-19 on the regime for CYP in the CYPSE **[PC/428 – INQ000239688]**.

378. On 12 June 2020, Minister Frazer responded to the May letter from the Children's Commissioner. In her reply, Minister Frazer stated that work was *"underway to look at 'recovery' from Covid-19"* and that careful planning and consideration was being given to the safe reinstatement of elements of regime and service delivery in an organised, safe, and controlled manner. Minister Frazer stated that *"[o]ver the coming weeks and months, [the Ministry] will look to restart aspects of daily life for CYP, such as social visits and increased education, with adaptations where necessary to ensure safety"* **[PC/429 – INQ000239692]**.
379. The recovery work to which Minister Frazer referred took place in the context of the National Framework, and the progress of establishments in the CYPSE through the different stages. I have outlined the changes that were made to various aspects of regime over the Specified Period earlier in this statement.
380. On 9 July 2020, the Children's Commissioner gave evidence to the House of Commons Justice Select Committee about the impact on CYP in the youth justice system of measures taken by the Ministry during the specified period. On the same date, the Children's Commissioner held a further meeting with Minister Frazer. Minister Frazer outlined the progress that had been made to relax the regime in the CYPSE, including by restarting education and social visits. Minister Frazer also provided an update on time out of room and social visits and committed to providing a written update on time out of room and progress against each of the EDMs **[PC/430 – INQ000591201 and PC/431 – INQ000575208]**.
381. The written update was provided by the Executive Director of YCS on 13 July 2020. It outlined details of the work undertaken to progress from Stage 4 to Stage 3 on the National Framework and advised that although YCS had adhered to the wider HMPPS National Framework and EDMs, there were currently five specific EDMs for the CYPSE (which I have already outlined in each regime section above). As work was underway to progress to Stage 3, 'Family Groups' had been adopted to allow more time out of room, whilst minimising the risk of infection; virtual visits and meetings were taking place through Purple Visits (i.e. video calls) and additional credit was provided for use on their in-room telephones. YCS described it as challenging. Necessary action had been taken in order to abide by

government rules and health guidance resulting in severely impacted regime delivery. However, these mitigations had been successful in containing the virus, allowing establishments to be run safely **[PC/432 – INQ000575211]**.

382. In February 2021, the Children's Commissioner published a briefing of her concerns about the impact of measures taken by MoJ on children in custody. The Children's Commissioner also wrote to Minister Frazer raising her concerns **[PC/433 – INQ000231383]**. The letter, dated 25 February 2021, was not directly responded to. The timing of the letter coincided with the appointment of Minister Frazer to the role of Solicitor General, and the appointment of Dame Rachel de Souza DBE as the new Children's Commissioner. The Lord Chancellor invited her to an introductory meeting, suggesting the contents of her predecessor's letter of 25 February 2021 be discussed in person, along with the plans to progress the regime for children in a safe and sustainable manner. This meeting took place on 14 April 2021. The Children's Commissioner was informed that YCS were maintaining delivery of face-to-face education, supplemented where necessary with in-room activities; TOOR had increased on average to four hours 30 minutes a day across the estate; and work was still progressing to support a full return to face-to-face social and professional visits **[PC/434 – INQ000591325, PC/435 – INQ000591313, and PC/436 – INQ000591318]**.

Inspection of Young Offender Institutions, Secure Training Centres and Secure Children's Homes

383. HMI Prisons is an independent inspectorate whose Chief Inspector is appointed by the Crown. It carries out its functions under section 5A of the Prisons Act 1952. The Chief Inspector reports directly to the relevant Secretaries of State and Parliament on the treatment and conditions for prisoners in England and Wales, and immigration detainees in the United Kingdom.
384. The working arrangements between HMI Prisons and HMPPS during the inspection process are set out in a Memorandum of Understanding, the most recent version prior to the COVID-19 pandemic was revised in August 2019 **[PC/437 – INQ000591042]**.

385. On 19 March 2020, Peter Clarke CVO OBE QPM, HM Chief Inspector of Prisons, announced that he was suspending all inspections of prisons and detention centres in England and Wales until the end of May 2020.
386. In April 2020, HMI Prisons and HMPPS concluded an 'Addendum to the Memorandum of Understanding Between HM Inspectorate of Prisons and HM Prison and Probation Service' **[PC/438 – INQ000591136]** which outlined "*an adapted way of working, which takes into account the unique circumstances of the COVID-19 outbreak.*" The adapted methodology consisted of four strands of activity, to be undertaken simultaneously: (i) policy analysis; (ii) collection of information about the situation in prisons; (iii) ongoing analysis and risk analysis based on both policy developments and information gathered; and (iv) Short Scrutiny Visits to establishments.
387. Short Scrutiny Visits were one-day visits, announced with two-weeks' notice, which focused on a smaller number of priority areas taking account of the impact of COVID-19 measures taken by establishments. Specific concerns included overcrowding and personal hygiene, poor physical health, poor mental health, staff shortages and release of asymptomatic prisoners. At the conclusion of the visit, a draft debrief note will be sent to HMPPS and the governor, which will not be published. A summary report outlining findings from all establishments visited in the same week will be published. Reports on Short Scrutiny Visits would not include ratings or recommendations and there would be no requirement for establishments to produce Action Plans after the visits.
388. In support of the adapted methodology, HMI Prisons published guidance documents: 'Alternative approach to scrutiny during the COVID-19 pandemic' **[PC/439 – INQ000586855]** and 'Health and safety guidance for short scrutiny visits during the COVID-19 outbreak' **[PC/440 – INQ000586911]**.
389. The Lord Chancellor was asked to note the new oversight arrangements on 17 April 2020 **[PC/441 – INQ000591133]**.

390. The adapted methodology was first piloted at HMP Bullingdon on 14 April 2020 and was rolled out across the prison estate during the week commencing 20 April 2020. HMI Prisons identified YCS as the first cohort of establishments for visiting under the adapted methodology. I have addressed the Short Scrutiny Visits carried out by HMI Prisons to five YOIs earlier in my statement.
391. On 16 April 2021, the Lord Chancellor was consulted by HMI Prisons on the draft Inspection Framework for 2021-22. He welcomed the approach to adjustments made in light of COVID-19 and asked that this remains a consideration **[PC/442 – INQ000591326, PC/443 – INQ000591314, PC/444 – INQ000591321 and PC/445 – INQ000591331]**.
392. In May 2021, HMI Prisons recommenced full inspections **[PC/446 – INQ000591334]**.
393. On 18 November 2021, POMC received an update on the inspections undertaken following HMI Prisons recommencing full inspections in May 2021. The methodology scored against the following Healthy Prison Test Areas: Safety, Respect/Care, Purposeful Activity and Rehabilitation and Release Planning/Resettlement. When making judgements, HMI Prisons took into account the prison's recovery from COVID-19 as well as their regime stage. They planned to start Independent Reviews of Progress (IRPs) from January 2022 onwards prioritising prisons which had received poorer inspections. The IRP would then take place between 8-12 months after recommendations had been made **[PC/447 – INQ000591396 and PC/448 – INQ000591404]**.
394. Further to the POMC update, HLT were provided with the same update on 24 November 2021 **[PC/449 – INQ000591399 and PC/450 – INQ000591402]**.

Report of HM Chief Inspector of Prisons following Short Scrutiny Visits to Young Offender Institutions

395. Launched in April 2020, SSVs are a type of visit in which two to three similar establishments (for example, YOIs or local prisons) are visited by HMI Prisons.

The aim of these visits was not to report on how an establishment meets HMI Prisons' Expectations (as in a normal inspection). Instead, inspectors focused on issues which are essential to the safety, care, and basic rights of those detained in the current circumstances, provided a snapshot of how establishments are responding to the COVID-19 pandemic and shared any positive practice found. SSVs were replaced with SVs in August 2020.

396. On 19 August 2020, HMI Prisons published an aggregate report summarising the findings of 35 SSVs conducted between 21 April and 7 July 2020 ('the SSV Report'). Of the ten types of establishments visited by HMI Prisons, only one – Young Offender Institutions – is relevant to this witness statement. HMI Prisons conducted a SSV of HMYOI Cookham Wood, Parc YPU, HMYOI Wetherby, HMYOI Feltham A and HMYOI Werrington. The findings of the SSV Report were divided into four Healthy Prison Test Areas: Safety; Respect/Care; Purposeful Activity; and Rehabilitation and Release Planning/Resettlement.
397. On 28 August 2020, the HMPPS Operational and System Assurance Group facilitated a review of the concerns raised by HMI Prisons in its SSV Report. Following a visit, the SSV debrief was issued to each establishment. Each establishment was asked to provide a progress return providing evidence against identified concerns raised by HMI Prisons in the SSV Report, and was also invited to share any initiatives that it had introduced since the visit had taken place. An aggregate report, which I exhibit here **[PC/451 – INQ000498662]**, was published that summarised the key themes that had arisen. It was acknowledged that privately run sites such as Parc YPU were offering a fuller regime with children accessing more education provision than public sector sites. HMYOI Cookham Wood, Parc YPU and HMYOI Wetherby were initially visited on 21 April 2020, and HMYOI Feltham A and HMYOI Werrington were visited on 23 June 2020. On 17 August 2020, the Operational and System Assurance Group (OSAG) facilitated a light-touch follow up on concerns raised by the SSVs, requesting completed returns be submitted by 28 August 2020 **[PC/452 – INQ000591242]**. Feedback from each of the five sites in response to the comments from HMI Prisons concerning purposeful activity (which includes education), was as follows:

HMYOI Cookham Wood

Findings

398. All children were locked in their cells for more than 23 hours each day. Most children were offered 20 minutes of outdoor exercise and 20 minutes of activity on the landing. Activity sessions were occasionally removed by staff if a child seriously misbehaved.

Response

399. The time spent in room was a control measure to attempt to restrict the spread of COVID-19. As the establishment, and the wider community, has moved through the Government alert levels, the number of children mixing in "*family groups*" has been increased from a maximum of four to a maximum of eight and as such time out of room has increased. Face-to-face education sessions have recommenced as have both in-person and virtual visit sessions. The commissioned youth work provider is now attending the establishment and delivering a number of enrichment activities. Activity sessions are only removed on the authority of a prison manager, under the terms of YOI rule 49, if it is deemed that the child concerned poses a serious risk of harm to others [PC/453 – INQ000591234].

HMYOI Feltham A

Findings

400. Education was still limited to in cell packs. However, education staff did mark work, provide feedback, and speak to children who did not complete work. While there were plans for some face-to-face education provision in the two weeks following our visit, local managers had been able to deliver this since the middle of May. These plans had been blocked by HMPPS.

Response

401. Distance learning model was enhanced further with staff encouraged to stay on the units, engage with learners at a safe distance, continued support from partners including Chelsea FC, improved the quality of the work packs, introduced 'Unit Learner of the Week,' two assignments/work packs delivered daily with targets for completion, written feedback provided. This resulted in a significant increase in the amount of work completed by learners per week (from 30ish to over 150). Whilst there was no timetabled face-to-face to education sessions during lockdown, education staff did engage with YP on the unit and the exercise yard. Learners were supported on the units in completing 1656 assignments/work packs/exercises.
402. 56 learners were issued with 'Unit Learner of the Week' incentives and letter from the Head of Education.
403. YOT, PEF, and EHCP meetings continued to take place over the telephone and via MS Teams.
404. 13 – 17 July: Face-to-face provision started following implementation of approved EDM. Education staff subsequently delivered 72 1:1 individual learning plan reviews in the corner rooms on the units.
405. 20 – 31 July: Learners supported on the unit in 45 min sessions of up to three learners. Maths & English diagnostics completed with 67 learners.
406. 30 July: trial run bringing learners to education block, all went well.
407. 3 August – to date: Learners in education twice per week and receiving education on the unit twice per week. Learners are being supported in completing accredited assessments and preparing for sitting examinations, which are mapped to the work completed via distance learning [**PC/454 – INQ000591233**].

HMYOI Werrington

Findings

408. A few children were working as serverly orderlies, but all other training and classroom based education had ceased. The governor had attempted to re-introduce education earlier on in the pandemic, but we were told this had been blocked by staff associations.

Response

409. Following of the Education EDM being signed off HMYOI Werrington increased the regime so that all young people get six hours of education a week **[PC/455 – INQ000591235]**.

HMYOI Wetherby

Findings

410. A few children were working in the grounds and kitchen. All other work and classroom based education had ceased, although all children were provided with bespoke in-cell education packs. A wide range of other in cell activities, including Gameboys were provided. Almost all children were locked up for around 23 hours a day.

Response

411. HMYOI Wetherby made no response to the findings. This is because, as seen in the SSV debrief, HMI Prisons indicated that they required no response. I exhibit the debrief **[PC/456 – INQ000591232]**.

Concerns about the variations in regimes across institutions

412. On 21 April 2020, HM Chief Inspector of Prisons published a report following short scrutiny visits to HMYOI Cookham Wood, Parc YPU and HMYOI Wetherby. The stated aim of these visits was not to report on how an establishment met HMI

Prisons' Expectations, as per a regular full inspection, but to give a snapshot of how it was responding to the COVID-19 pandemic and to share any positive practice found. As such, HM Government was not obliged to respond as it would to a normal/full inspection.

413. The report noted a concern that there was some variation in approach between the three establishments and drew particular attention to unlocked time, access to face-to-face education, and telephone credit. Despite extensive searches being undertaken during the production of this statement, it appears that there is no documented contemporaneous assessment for this variation. Drawing on my experience of the operational response during COVID-19, variations in regimes across establishments were reflective of infection levels within the community in which the establishment was geographically located; whether the establishment was experiencing an active outbreak; and the size and building design of the establishment. Additionally:

413.1. Regarding time out of cells; while there was some variance in the time permitted, the report itself noted that *"[a]cross all three sites we found managers had attempted to maximise the regime they could deliver within the nationally agreed restrictions."*

413.2. Regarding variances in the additional telephone credit provided; the report notes that *"all children we spoke to had enough credit to make calls."*

414. Pleasingly, the Chief Inspector's report drew attention to the *"swift actions taken by managers at all sites to ensure children were held safely... staff and children had been well informed [about safety measures/restrictions] ... and that they were generally well implemented across all three establishments."* The report also states that *"[a]cross all three sites, managers and staff were well aware of the potentially negative impact of children spending so much time in their cells. We saw staff interacting with children in a caring, patient, and professional way. Staff we spoke to knew the children in their care, and children, including those with experience of isolation, reported that there was a member of staff they could turn*

to if they had a problem. All three sites were calm and well ordered... [and] cases of COVID-19 have been contained effectively."

Rainsbrook STC

415. A further visit was made to Rainsbrook STC in December 2020 to inspect if any changes had been made since the previous visit. On 18 December 2020 Ofsted invoked an Urgent Notification (UN) as problems had not been sufficiently addressed **[PC/457 – INQ000586960 and PC/458 – INQ000591283]**.
416. The Lord Chancellor and Minister Frazer responded to the issuance of the UN, assuring Ofsted and the Children's Commissioner that prompt action was being taken to urgently address the raised concerns. Placement of children into Rainsbrook had been temporarily paused whilst matters were addressed. YCS safeguarding team supported Rainsbrook's onsite safeguarding team to address key concerns, with measures being taken to strengthen partnership working in this area. The matter of education was addressed with a new head of education being appointed and measures being implemented to ensure the curriculum was fit for purpose **[PC/459 – INQ000591289 and PC/460 – INQ000591279]**.

Oakhill STC

417. Oakhill was subject to a monitoring visit between 16 to 19 November 2020. Ofsted reflected that there were no serious or widespread concerns in relation to the care or protection of children. There was clear evidence of an active regime and engagement with children who felt safe and considered appropriate protection measures being in place. I exhibit the monitoring visit report **[PC/461 – INQ000509682]**.
418. In order to address the concerns raised around TOOR, YCS set up an improvement board to oversee plans and actions, whilst putting in additional operational oversight. This was noted in minutes, which I exhibit **[PC/097 – INQ000591339]**.

419. Following a visit to HMYOI Feltham A in February 2021, inspectors reported that progress had been made since their last visit in 2019, with remarkable improvements in some areas given the circumstances of the COVID-19 pandemic. HMI Prisons reported that mitigations on the regime and actions taken by staff had improved the relationships between children and staff, with children reporting feeling cared for. There were also improvements in the reduction of self-harm and violent incidents, and an increase in engagement with Education and activities provided. TOOR averaged 4.5 hours per day during the week and 3.5 hours a day at weekends. Overall, the improvements made at HMYOI Feltham A were considered commendable. Overall, the improvements made at HMYOI Feltham A were considered commendable. I exhibit the inspection reports **[PC/462 – INQ000591312 and PC/463 – INQ000591304]**.

GENERAL ASSESSMENT DURING THE SPECIFIED PERIOD AND LESSONS LEARNED

420. The most significant review during the Specified Period of the impact of the pandemic on CYP was the CoRE report. This is outlined earlier in my statement.

421. On 4 March 2021, YCS created a Child First Transformation Delivery Model, which I exhibit **[PC/464 – INQ000591306, PC/465 – INQ000591307 and PC/466 – INQ000591308]**. This was based on HMPPS priorities, YCS priority statements, and research themes from CoRE interim learning and SECURE STAIRS. The purpose of which was to co-ordinate areas of work and capture learning from the experience of COVID-19. Main themes were:

421.1. Renewed emphasis on treating children as children.

421.2. Focus on individualised care.

421.3. Development of effective regimes.

- 421.4. Design regimes based on evidence not existing approaches.
- 421.5. Build staff skills and resilience
422. Further to the CoRE report, on 9 February 2022, HLT agreed to start a HMPPS-wide lessons learned project. HLT noted that lessons had been learned from the business' response to the pandemic with the approach to adapting and improving. This particular piece of work would be more comprehensive and focus on pre-pandemic readiness and response and organisation to tackling the pandemic across prison, probation, and the YCS. HLT noted and agreed in principle to the proposed governance structure and methodology with a non-executive director being appointed to act as a 'critical friend.' I exhibit the workplan and minutes **[PC/467 – INQ000591408 and PC/468 – INQ000591413]**.
423. On 23 March 2022, The YCS Child First Transformational Delivery Model was included in operational guidance, which I exhibit, for sites preparing for the decision to exit the National Framework **[PC/469 – INQ000591412]**.
424. In December 2022, the Joint Strategic Policy Unit – a team of officials drawn from HMPPS and MoJ – finalised a report titled 'COVID-19: Lessons Learned and Future Resilience'. This report, which I exhibit **[PC/470 – INQ000591421]** represented key areas of learning across the organisation. CYP were considered in the report alongside the rest of the organisation but did not have specific child-focussed sections. The report made 25 recommendations across six key areas that broadly fit into four key themes:
425. Communicating Findings and being upfront about key findings to learn from the pandemic.
- 425.1. Responding Quickly: by capturing the learning from a sustained emergency so it can be deployed in a range of future health-based and other emergencies.

- 425.2. Overall Resilience: action to address challenges relating to, for example, staffing, which will be beneficial for both BAU and future crises.
- 425.3. Sustained Emergency Resilience: areas where greater resilience can bolster our position at the start of a future sustained emergency, or where we face sustained operational challenges.
426. While the focus of the report is on policy and operational functions, it also captures insights from external assessments of our pandemic response. This includes those that highlight the impact on prisoners and children during this time. For example:
- 426.1. There was a benefit to the use of social bubbles, in line with wider national guidelines, to ensure part of the prison regime could be maintained. However, the report goes on to note how, over time, this led to the creation of new and unexpected issues such as groups from different bubbles no longer wishing to mix together. This was particularly the case with the younger prison population.
- 426.2. The use of regime mitigations, such as telephone PIN credit and Purple Visits, helped offset the impact of prisoners and children being confined for longer periods.
427. The report also concludes that more could have been done around education and purposeful activities. This was necessary as regimes were disrupted by social distancing measures and, in many establishments, education staff had to work from home. Where they could work from an establishment, they were unable to meaningfully interact with prisoners and children due to social distancing or bubbling.
428. I would like to end by placing on record my profound gratitude to everyone in HMPPS who worked so hard, and in such incredibly difficult circumstances, throughout the pandemic. Their dedication to keeping those in our care as safe as possible from this awful pandemic, and thus keeping the general public safe too, alongside their own personal sacrifices, cannot be overstated. Thank you.

429. If I can If I can assist the Inquiry further as it continues its work, I would be happy to do so.

STATEMENT OF TRUTH

430. I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Personal Data

Signed:

Dated: _____ 4 August 2025 _____

ANNEX A – RESEARCH INTO THE IMPACT OF COVID-19

Date research Undertaken	Summary of research	Summary of results
24 April 2020 – December 2022	YCS set up the CoRE programme to capture learning and research on the impact of the pandemic on children in custody. The approval for the research was granted on 13 July 2020. The final report was published in December 2022	<p>“Public Health</p> <p><i>Although worried about catching COVID-19, most felt well protected (77%) and supported (85%) by public health measures and staff in custody. Feeling protected depended on children knowing what rules to follow and confidence in staff addressing their concerns. Most children (64%) felt that they had a part to play in public health protection, which depended statistically on having a sense of cultural unity. This cultural unity and feelings of safety could be undermined by resentment if they felt staff were not following public health rules. A substantial number of children spent time in isolation on a Reverse Cohorting Unit (RCU) (42%). Just over half found it stressful (56%), but a large majority felt supported through the experience (83%), which depended on feeling that staff took their public health concerns seriously and they had their basic needs met (including physical exercise). Some children preferred being on the RCU (14%), as it could mean a break from wider site relations. RCU staff felt that children were well cared for but had concerns that the isolation would negatively affect children’s health and development. Parents and carers felt that children were safe and relatively protected from the pandemic while in custody. They were generally supportive of the public health restrictions but had concerns about time in isolation and the lack of development work. There was a mixed picture about how well they felt informed by sites. Senior leaders widely considered that children had been successfully protected during the early months of the pandemic. They considered the public health policies and procedures to be sound, but they</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>were concerned about staff not implementing procedures and the physical environment in some sites making physical distancing difficult. They had a clear sense that RCUs had played a key role in managing health risk but were concerned about the extent of regime restrictions involved and the effect on children's wellbeing. External stakeholders also considered that the YCS and sites had succeeded in public health during the pandemic's early months, when the initial risk to children was potentially high. Like senior leaders, staff, and parents, they had unease about the operation of RCUs and the potential effect on children's mental health.</i></p> <p>Mental Wellbeing</p> <p><i>The large majority of children across youth custody felt that they coped well (94%), and that lockdown had been "fine" for them (81%), and most even found some positives (55%). However, almost half found the lockdown situation difficult at times (47%). A substantial minority were more anxious (24%) or miserable (42%) at times because of lockdown, and almost a third often felt alone (31%). How easy or difficult a child found this period largely depended significantly on how tough they found visitor restrictions, having enough contact with family, having access to activities, supportive staff, a culture/environment quiet enough to sleep, and whether they had additional health/learning needs. Nevertheless, most children felt supported during the pandemic, with three-quarters finding it easy to speak to someone about how they were feeling (77%). Feeling supported was predicted by family contact, having encouraging staff relations, but also having a sense of</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>agency. Site staff were concerned about the effect on children's wellbeing of regime restrictions and interruptions to criminal cases. However, they noted reduced self-harm and violence, which they related to feeling safer through smaller residential groups and a calmer regime. Parents and carers also generally felt that children had coped well with public health restrictions, including prolonged periods in their rooms. However, some parents described their children having less confidence, being unsettled, or distressed. Parents themselves found that not being able to visit their children made their custody absence harder to deal with, although regular communication/support from staff made this easier. Senior leaders were conscious that children with particularly complex needs may find lockdown even harder, and there was concern about the balance between public health and mental wellbeing. External stakeholders were similarly concerned that the immediate public health priority had led to insufficient focus on children's mental wellbeing. Stakeholder opinions differed on whether lockdown caused acute mental health challenges. However, they saw essential safeguarding processes still operational and an increasing child-centred approach across the estate. There was widespread disappointment at the failure of the Ministry of Justice's early release scheme to allow children home, with some seeing this as an example of children suffering from adult-focused policymaking.</i></p> <p>Safety and Behaviour</p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>The large majority of children across the secure estate felt safe from others' harm (not including infection risk) during the first months of lockdown. Substantially fewer children than before the pandemic felt unsafe (6%) or felt victimised by other children (8%) or staff (6%). More time spent in their rooms was not significantly related to increased feelings of safety. Children felt unsafe if they had felt victimised (by children or staff), but this was mediated by feeling cared for by somebody. In turn, feeling victimised was more likely if the child had personal vulnerabilities, and mediated by considering there was easy access to someone who would listen (family, support service or supportive staff). Significantly more children than before the pandemic felt able to report victimisation from peers or staff (49%), depending on how easy they could find someone to speak with and if they found staff supportive in their journey. Children felt that lockdown acted as a circuit break from a negative/violent culture. Reorganising children into smaller single figure 'family' groups (as lockdown 'bubbles') had improved peer relations and relieved the need for hypervigilance. Any conflict was felt to mainly escalate from "shout outs" after prolonged periods in rooms. Most children made a special effort to avoid trouble at this time (68%), predicted by an increased sense of cultural unity, feeling a personal role in public health, and encouragement from staff. Positive reinforcement from staff in YOIs was experienced by double the proportion of children compared to before the pandemic, and this was prominent in children's narratives about improved behaviour. Parents/carers also generally felt that their children were more protected from others during lockdown, citing being in their rooms and the small groups. Senior leaders also considered that the</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>increased safety was down to a change in relationship dynamics in sites (particularly YOIs), resulting from the move to single figure 'family' groups. External stakeholders also shared the view that children were safer from violence during the pandemic because of the small groups, allowing more positive child-staff relationships and discipline. Senior leaders welcomed the suspension of the incentives and privileges scheme for behaviour; although some staff were taking time to adjust, the shift to a more child-centred disciplinary approach was already beneficial.</i></p> <p>Regimes and Activities</p> <p><i>Most children across the secure estate spent more than two hours a day out of their room on weekdays (59%), but only a third did so at weekends (34%). Both were significantly lower during early lockdown months than before the pandemic (in YOIs and STCs). Children were less likely to spend time out of rooms if in a YOI or if staff were less able to be responsive. Although, at first, the extra time in rooms offered a break from the institutional culture, it then led to boredom, frustration, and isolation. Nevertheless, most children considered they had enough activities in their rooms (69%), and this was predicted by having more contact with family, encouraging staff, productive activities helping development, and being older. Most children felt that they had good access to some activities outside their room (61%), although this was more likely with children not in a YOI, those with positive staff relationships, and if well-established in custody. Almost all children were able to shower daily (99%) and spend time in the fresh air (92%), usually to exercise a significantly</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>greater proportion than before the pandemic – but this was still experienced as limited and subject to change. The large majority of children felt they had enough clothes (92%) and food (80%) – significantly more than before the pandemic (in YOIs and STCs). Most felt they had enough exercise (82%), but a substantial minority were feeling “really unfit” (39%), predicted by less access to activities and feeling unable to access healthcare. Restrictions to gym activities caused particular frustration. Most children with specific healthcare problems felt they had received the help needed (78%) – again, improved from pre-pandemic levels in YOIs and STCs. Between the start of the pandemic and the beginning of August, only about half of children across the secure estate had any access to classroom-based education (52%). Although education provision clearly varied across site type, consistent predictors of education provision ran across all children’s experiences – how full the regime was generally, whether there was active case management, and how long a child had been in custody. Only half of children experienced receiving any encouragement from staff to engage with education (58%) (lower in YOIs than before lockdown). Only about a third received help from staff with education outside the classroom (37%). When encouragement and support was noted, it tended to be from education professionals coming onto residential units. Parents/carers described their children’s frustration from being isolated in their rooms and felt that activities outside of rooms were too limited and not meaningful, but also noted the new and unexpected interests developed by children in their rooms (and how staff facilitated these). Similarly, parents were concerned with limited and inappropriate education, but (like children) felt that the less formal</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>structure could allow children to focus on studies more relevant to them. Staff differed on how restrictions had impacted on children. Some felt that restrictions on children had been minimised, that quality of time out of rooms was more important than quantity, and that children preferred and benefited from a reduced formal regime (but with more informal interactions). Others felt that children were in their rooms too long, with too few activities. The large majority of staff considered that children's best interests were always a primary consideration (90%), but there were concerns that restrictions were being balanced appropriately with pressures from public health and industrial relations. Both senior leaders and external stakeholders considered that children in YOIs spent too much time in their rooms for too long a period over Summer 2020, with both groups recognising this was difficult to improve while classroom education was suspended. Both groups also had a subsidiary theme that it was better to have children out for relatively less time if that time was spent constructively, also recognising the logistical problem of having children out of rooms for longer if in smaller groups rather than all at once. Both groups also felt that more could have been done to facilitate fuller regimes earlier in YOIs and STCs, including use of gyms. Senior leaders and stakeholders were frustrated that classroom education was not available sooner in YOIs, contrasted to SCHs and vulnerable children in the community. Concurring with staff, both groups widely considered the delay to be driven by the needs of the adult estate rather than children's needs. While SCH staff were seen as flexible in adapting education provision, senior leaders elsewhere were concerned that residential staff were not enabled to be proactive in out-of-classroom</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>education. External stakeholders praised efforts to provide in-room education and activities but felt these needed to be more constructively aligned with their interests and plans.</i></p> <p>Regimes and Activities</p> <p><i>Most children across the secure estate spent more than two hours a day out of their room on weekdays (59%), but only a third did so at weekends (34%). Both were significantly lower during early lockdown months than before the pandemic (in YOIs and STCs). Children were less likely to spend time out of rooms if in a YOI or if staff were less able to be responsive. Although, at first, the extra time in rooms offered a break from the institutional culture, it then led to boredom, frustration, and isolation. Nevertheless, most children considered they had enough activities in their rooms (69%), and this was predicted by having more contact with family, encouraging staff, productive activities helping development, and being older. Most children felt that they had good access to some activities outside their room (61%), although this was more likely with children not in a YOI, those with positive staff relationships, and if well-established in custody. Almost all children were able to shower daily (99%) and spend time in the fresh air (92%), usually to exercise a significantly greater proportion than before the pandemic – but this was still experienced as limited and subject to change. The large majority of children felt they had enough clothes (92%) and food (80%) – significantly more than before the pandemic (in YOIs and STCs). Most felt they had enough exercise (82%), but a substantial minority were feeling “really unfit” (39%), predicted by less access to activities and feeling unable to access healthcare. Restrictions to gym activities caused particular</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>frustration. Most children with specific healthcare problems felt they had received the help needed (78%) – again, improved from pre-pandemic levels in YOIs and STCs. Between the start of the pandemic and the beginning of August, only about half of children across the secure estate had any access to classroom-based education (52%). Although education provision clearly varied across site type, consistent predictors of education provision ran across all children’s experiences – how full the regime was generally, whether there was active case management, and how long a child had been in custody. Only half of children experienced receiving any encouragement from staff to engage with education (58%) (lower in YOIs than before lockdown). Only about a third received help from staff with education outside the classroom (37%). When encouragement and support was noted, it tended to be from education professionals coming onto residential units. Parents/carers described their children’s frustration from being isolated in their rooms and felt that activities outside of rooms were too limited and not meaningful, but also noted the new and unexpected interests developed by children in their rooms (and how staff facilitated these). Similarly, parents were concerned with limited and inappropriate education, but (like children) felt that the less formal structure could allow children to focus on studies more relevant to them. Staff differed on how restrictions had impacted on children. Some felt that restrictions on children had been minimised, that quality of time out of rooms was more important than quantity, and that children preferred and benefited from a reduced formal regime (but with more informal interactions). Others felt that children were in their rooms too long, with too few activities. The large majority of staff considered</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>that children's best interests were always a primary consideration (90%), but there were concerns that restrictions were being balanced appropriately with pressures from public health and industrial relations. Both senior leaders and external stakeholders considered that children in YOIs spent too much time in their rooms for too long a period over Summer 2020, with both groups recognising this was difficult to improve while classroom education was suspended. Both groups also had a subsidiary theme that it was better to have children out for relatively less time if that time was spent constructively, also recognising the logistical problem of having children out of rooms for longer if in smaller groups rather than all at once. Both groups also felt that more could have been done to facilitate fuller regimes earlier in YOIs and STCs, including use of gyms. Senior leaders and stakeholders were frustrated that classroom education was not available sooner in YOIs, contrasted to SCHs and vulnerable children in the community. Concurring with staff, both groups widely considered the delay to be driven by the needs of the adult estate rather than children's needs. While SCH staff were seen as flexible in adapting education provision, senior leaders elsewhere were concerned that residential staff were not enabled to be proactive in out-of-classroom education. External stakeholders praised efforts to provide in-room education and activities but felt these needed to be more constructively aligned with their interests and plans.</i></p> <p>Relationships and Culture</p> <p><i>The large majority of children across the secure estate felt they were getting on fine with their peers while in custody during COVID-19 (92%). However, there was a mixed picture as to whether</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>children considered peer relationships had improved compared with before the pandemic – most felt they stayed the same, with almost equal numbers improving (18%) and getting worse (17%). Children widely attributed any improvements in relationships to the smaller ‘family groups,’ allowing them to be less vigilant and giving them time to develop understanding (as they had also reported doing with staff). Conversely, some children could feel “stuck” in family groups, leading to frustrations and even misbehaviour to develop some agency. The large majority of children across the secure estate experienced positive relationships with staff (92%) and felt cared for by most staff (80%), which improved substantially compared with before the pandemic. Staff were felt to be more encouraging, responsive, caring, respectful, and supportive for the future. Whether children saw relationships with staff positively depended on feeling treated as an individual, positive behaviour encouragement and whether staff helped them prepare for the future. In turn, the key predictors for a child feeling treated as an individual were (again) behaviour encouragement, being allowed everyday choices, and having enough activities from which to choose. Children felt more able to seek help with a problem if staff had given them positive behaviour encouragement. Positive relationships with staff were credited to the smaller ‘family’ groups, by enabling more personal interaction that allowed them to know each other as individuals and leaving children more likely to turn to staff for help. Children felt less cared for (or even discriminated against) if they considered that staff depersonalised them or did not respond appropriately to their need (e.g. to room call bells). Although most children felt that any complaints would be dealt with fairly (72%), there was</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>clear concern that this was undermined by their relative powerlessness in the face of staff culture. Unfairness was perceived particularly from children with poor relationships with staff (including feeling victimised) and children from Black and other ethnic minority backgrounds. The large majority of children felt able to speak to an advocate (86%, significantly more than before the pandemic), although there were mixed experiences of managing to make contact. While appreciating telephone contact with other external professionals (particularly positive support around behaviour and resettlement), children noted the limitations on building trust virtually. Most children found the prohibited/limited family visits difficult emotionally (63%), particularly as many were really worried about their families in the pandemic (48%). Even when operating, restrictions to physical contact were hard. However, almost all children considered their contact with families (mostly every day) to be “enough” (94%), depending on whether they had good telephone access and if they were enabled to have a positive focus on their future while in custody. Telephone access was significantly higher than before the pandemic in YOIs, which helped children manage their emotions. Conversely, reductions in credit and technical/procedural limitations to telephone access added to children’s stress. A significant minority of children took part in video calls (38%), predicted by whether they already had regular telephone contact with the outside world, site logistics, and reported supportive relationships with staff. Parents and carers noted how the loss of visits had impacted on family relationships, but they described how increased telephone contact with children had helped them cope with this loss. Parents could sometimes find children’s increased telephone</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>contact demands problematic. Parents had concerns that that telephone contact may have been limited as part of behaviour management. They welcomed video calls, although there were frustrations around technology and concerns around privacy. Almost half of staff working in secure estate sites considered that children's peer relations had improved from before the pandemic (48%) (just 8% considered them worse), predicted by working in a YOI and seeing better staff-child relationships. Senior leaders were clear that the move to smaller 'family' groups had improved relationships between children. Senior leaders were frustrated that family/professional visits did not restart sooner, but there was strong approval for having facilitated children's increased telephone contact. Video calls were also welcomed and seen to indicate how technology could be developed and used further in the children's secure estate. External stakeholders also considered that the loss of visits in YOIs during the initial lockdown may have been unnecessarily restrictive. There was praise for the increased ability of children to have telephone contact with families but questioning of why telephone credit is limited given the wellbeing and resettlement benefits. There was also praise for the development of video calls, but with some arguing its delay illustrated a lack of dexterity in HMPPS for meeting children's specific needs. This related to a broader theme among stakeholders that the position of YCS within HMPPS had restricted its flexibility to sufficiently support the needs of children during the pandemic.</i></p> <p>Roles and Development</p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>More than two-thirds of children across the secure estate experienced personal growth during the pandemic (68%), and about half were proud of something they had done in that time (52%). Personal growth depended on a sense of achievement, supported by encouraging staff. Most children considered that taking some responsibility during the pandemic helped them grow as a person (61%). In YOIs specifically, children considered that the lockdown had enabled this personal growth by offering space from an intensive culture. Almost half of all children experienced pro-social identity development ("I've become a better person") (48%), critical to positive child outcomes after custody – which depended on having access to activities, personal achievement, and progress in preparing for release. Most children felt that a staff member had been proud of something they had done (53%), which will help foster pro-social identity development. Just under half of children had learned knowledge/skills they felt would be helpful after release (43%), which was predicted by having resettlement preparation, family contact, encouraging staff, and feeling engaged with the regime. Only a third of children considered that staff had helped them prepare to leave custody, and half experienced help that would support them to desist from offending. Lockdown interrupted resettlement, with fewer children aware of sentence plans (in YOIs/STCs), and progress disrupted by restrictions to education and temporary release. Almost two-thirds of all children were able to work towards their own future goals (64%), which again depended on encouraging staff and support from within the site or from the community – disadvantaging children who had previously been in the care of children's services. Parents and carers found contrasting support from sites in</i></p>

Date research Undertaken	Summary of research	Summary of results
		<i>their own efforts to encourage their children's development. Both parents/carers and external stakeholders were concerned that the restrictions had reduced support for resettlement and transitions. External stakeholders were also concerned that the pandemic had disrupted the development of more effective personal casework support in line with Constructive Resettlement."</i>
June 2020	Building back better – Informing a COVID-19 Recovery Regime in YOIs	<p>"Education & Association</p> <p><i>Whilst many of the children who responded to the surveys reported feeling "no different" as a result of the Covid-19 pandemic, there was variation within and between sites regarding specific responses around Education and the wider regime.</i></p> <p>Access to Education & Association</p> <p><i>Prior to Covid-19 the majority (83%) of children in YOIs were receiving Education, which was not significantly different to children in Secure Training Centres (STCs). Feltham had the lowest access rates (71%) and Parc (100%) the highest. However, just under two thirds (29%) of children in YOIs reported having two hours or less out of their rooms on weekdays, and almost three quarters (73%) not exceeding two hours out of room on weekends. Regarding the running of a regime the average responses for all public sector sites sat below the neutral line, therefore indicating that, overall, children did not agree that their establishments consistently ran a full regime. The variance in average responses relating to the regime between sites reflects the findings from the HMI Prisons thematic report, which revealed disparities in the experiences held by children across sites. However, it is not</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>known whether the variances in MQYPL responses are statistically significant. It appears that whilst many children across sites rated higher scores on, which indicate agreement with the item: "I am happiest when I am behind my door, by myself", a similar pattern was seen on the item: "association is an enjoyable part of the regime here". Since the Covid-19 pandemic there have been significant restrictions to the regime; for example, most Education provision has been delivered through in-room Education packs. A theme across the surveys conducted during Covid-19 therefore relates to the amount spent out of their rooms. Among responses across the public sector sites, several children identified that having more time out of their rooms would make a difference during the lockdown, and several made suggestions that involved spending more time with their "family groups." Two children (6%) from Parc stated that they would like longer days in Education. "Boredom" and "limited time out of room" was listed as a reason for lower happiness scores among Feltham respondents.</i></p> <p><i>Effectiveness of Education packs</i></p> <p><i>Cookham Wood was the only site to survey specifically around Education provision during Covid-19, and results provided a mix of responses from children. Approximately one third (32%) found the packs helpful, just under one third (29%) said they did not find them helpful, and the remainder (39%) either did not know or did not read the packs.</i></p> <p><i>Volume of work</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>When asked about the amount of work, over half of Cookham Wood's respondents (55%) felt it was too much, some (16%) felt it was just right, and a smaller number (8%) felt it was too little. One in five (20%) stated they were not doing the work. Children also reported receiving lots of materials under their doors, which was a finding echoed across all public sector sites. Some children provided specific feedback⁶ that it was "too much" and that work was duplicated and repetitive¹. Conversely, the Werrington survey indicated that most (83%) children did not feel they had enough to keep them occupied, although the response rate was low (n=12). Feltham respondents indicated that most children felt they did not have enough to do (78%), although again response rates were low (n=9).</i></p> <p><i>Ease of work</i></p> <p><i>When asked about ease of work, just under half of Cookham Wood's respondents (44%) felt it was too easy, whilst around one quarter (24%) felt it was just right and one third (32%) felt it was too difficult. Other surveys conducted in other sites suggested that more challenging or engaging work would be welcome⁷, although these were additional comments specified by very small numbers of children. Comments also included suggestions such as DVDs⁸ and film studies⁹, and two respondents from Cookham Wood suggested aligning work with their specific Education pathway.</i></p> <p><i>Valuing Education</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>The MQYPL, completed prior to lockdown, depicted what children in public sector YOIs feel they get out of Education both in terms of present and future. There is also a quality element (i.e. whether the child feels the classes are “good”). All public sector sites bar Cookham Wood fell below neutral across all responses indicating that, on average, the perception of the value and quality of Education was poor among children prior to Covid-19. Children in Parc appeared to hold Education in positive regard, perceiving it as “good” and helpful both within and beyond custody. Notably, Feltham fell significantly below the line across all three items.</i></p> <p>Safety</p> <p><i>Prior to Covid-19 more than one third (35%) of children said they had felt unsafe at some point in their establishments, with more than one in ten (13%) reporting feeling unsafe at the time of the HMI Prisons report¹¹. Just over half (48%) of children reported having experienced bullying by other children and forty-two percent of reported experiencing some sort of victimisation by staff. Children from minoritised communities were more likely to report feeling unsafe and experiencing victimisation, both from staff and other children, compared to those from white backgrounds. Whilst safety was not a theme captured within the children’s surveys during the lockdown, it was reflected in the MQYPL survey conducted the previous year¹². It revealed that, on the whole, children reported feeling safe from harm by other children or staff. However, this was not attributed to staff keeping them safe, and all sites responses feel significantly below neutral when asked if staff only use punishment as a last</i></p>

Date research Undertaken	Summary of research	Summary of results
		<p><i>resort. This is consistent with MQYPYL results around staff provocation and punitiveness (e.g. staff in here try to wind young people up; staff use physical control too much in here), which all fell below neutral.</i></p> <p>Respect, Fairness & Humanity</p> <p><i>In the year preceding the Covid-19 pandemic, almost two thirds (64%) of children reported having been physically restrained since arriving at their establishment, and nearly three in five (59%) reported being separated by their peers as punishment. Perceptions of treatment and respect from staff varied, and across the estate children from minoritised communities were significantly less likely than white children to report feeling cared for or respected by staff. In child surveys conducted during Covid-19, some children felt that staff were doing all they could. In the Wetherby survey, two respondents in the Wetherby survey suggested that staff could talk to young people more, whilst one commended “cheerful staff.” The MQYPL survey completed the preceding year indicated mixed responses among children. With the exception of Werrington and Feltham, the average response from each site indicated that many children agreed that “most staff are kind to me in here.” However, all site responses indicated that, on average, children felt that the institution treated them unfairly.”</i></p>
9 February 2022 –	Lessons Learned and Future	The 25 recommendations, separated across six key areas, can be broken down into four themes of focus:

Date research Undertaken	Summary of research	Summary of results
December 2022	Resilience (LLFR. This was a HMPPS-wide lessons learned project that focussed on pandemic readiness and response across prisons, probation, and YCS. The report was finalised in December 2022	<ul style="list-style-type: none"> • <i>“Communicating Findings: We should be upfront about our key findings. We must acknowledge where we have been effective and recognise the professional sacrifices of operational and HQ colleagues across the Agency. We should set out our ambitions to learn from the pandemic and the steps we will take to become more resilient. We recommend issuing an open Summary Report to share some of our key findings with the broader Agency.</i> • <i>Responding Quickly: We should work to develop a document capturing the learning from sustained emergency, which encapsulates several of the key recommendations, to be deployed in a range of health-based and other emergencies. The document capturing learning from a sustained emergency should be maintained, updated, and reviewed regularly to ensure its effectiveness in supporting existing and emerging threats. This document should set out the appropriate parameters under which it should be used.</i> • <i>Overall Resilience: We have learned about areas where we were less resilient. We recommend action now to address challenges relating to, for example, staffing, which will be beneficial for both BAU and future crises.</i> • <i>Sustained Emergency Resilience: We have identified areas where we can build resilience to bolster our position at the start of a future sustained emergency, or where we face sustained operational challenges.</i> • <i>Strengthening our capacity levers and developing innovative solutions to staffing pressures experienced in challenging times, will support the demands of the document setting out learning.”</i>

ANNEX B – PHE GUIDANCE

431. HMPPS worked very closely with public health colleagues during the Specified Period. Every piece of operational guidance written for prisons was produced in collaboration with public health colleagues to ensure that it was up to date with the latest health information to keep staff and prisoners safe. This collaboration and engagement took place at operational levels, mostly notably with the PHE National Health and Justice Team. Due to the numerous instances of this engagement, it is not possible to provide a complete list of all advice from public health colleagues throughout the Specified Period. As mentioned above, HMPPS ensured that all operational guidance was aligned with public health guidance in operation at the time. Throughout the pandemic there was a significant amount of operational guidance produced and shared with staff. For example, HMPPS created an intranet site to store operational guidance during the pandemic that includes thousands of documents. In addition to the specific pieces of guidance below, HMPPS would ensure that guidance aligned with publicly available public health guidance, which was regularly published on GOV.uk. I have set out below key examples of public health guidance shared with HMPPS, especially at the beginning of the pandemic when the understanding of the virus was rapidly developing.

Date	Summary of advice	Category	Exhibit
10 February 2020	Interim guidance to custodial staff and prison escort and custody staff (PECS) in relation to COVID-19 in prison, Immigration Removal Centres and other prescribed places of detention & Interim Coronavirus Guidance for Prisons and Approved Premises employees	Provided	[PC/025 – INQ000052027 and PC/029 – INQ000586857]
13 March 2020	Interim advice on preventing and controlling outbreaks of COVID-19 in prisons and other prescribed places of detention	Specific to prisons	[PC/044 – INQ000052520]

Date	Summary of advice	Category	Exhibit
20 March 2020	Interim advice on preventing and controlling outbreaks of COVID-19 in prisons and other prescribed places of detention	Specific to prisons	[PC/049 – INQ000591081]
24 March 2020	Briefing paper on prison population management considerations in response to COVID-19, prepared by Dr. Éamonn O'Moore	Specific to prisons	[PC/022 – INQ000591144]
24 April 2020	Briefing paper providing an interim assessment of impact of various population management strategies in prisons in response to COVID-19 pandemic in England. Prepared by Dr. Éamonn O'Moore	Specific to prisons	[PC/471 – INQ000624092]
12 June 2020	PHE advice on moving to stage three prison regime	Specific to prisons	[PC/472 – INQ000624094]
24 June 2020	Public Health responses to questions raised by HMPPS regarding the reinstatement of social visits in prisons	Requested	[PC/383 – INQ000591187]
2 June 2020	PHE paper on disparities in the risk and outcomes of COVID-19	Provided	[PC/473 – INQ000624093]
1 July 2020	Joint PHE/HMPPS letter regarding easing restrictions and restoring services in the custodial environment and annex providing list of PHE Health and Justice regional leads, by establishment	Provided	[PC/474 – INQ000624095]
13 July 2020	PHE table showing recommended COVID-19 personal protective equipment (PPE) for staff (clinical and non-clinical) in custodial settings and in community offender accommodation	Provided	[PC/475 – INQ000624096]

Date	Summary of advice	Category	Exhibit
14 August 2020	Public Health response re development of Level 2 Social Visits EDM and whether serving food to visitors and prisoners in a prison visits hall posed a greater risk to health than serving food public restaurant/café	Requested	[PC/476 – INQ000624098]
September 2020	PHE presentation on COVID-19 in prisons and other prescribed places of detention	Specific to prisons	[PC/477 – INQ000624100]
23 November 2020	PHE paper advocating that an effective testing policy is developed to inform outbreak prevention, management, and response in prisons	Specific to prisons	[PC/478 – INQ000532455]
12 May 2021	PHE/University of Manchester paper on insights gained from early modelling of COVID-19 to inform the management of outbreaks in UK prisons	Specific to prisons	[PC/479 – INQ000624104]
18 May 2021	PHE email providing advice on the issue of physical contact in the CYP secure estate	Requested	[PC/480 – INQ000576308]
13 August 2021	PHE email regarding changes to PHE guidance following 16 August 2021 for prisons and other places of detention	Specific to prisons	[PC/481 – INQ000624103]