

Witness Name: Dr Jo Farrar CB OBE

Statement No: 1

Dated: 5 August 2025

UK COVID-19 INQUIRY

FIRST WITNESS STATEMENT OF DR JO FARRAR CB OBE

I, Jo Farrar, Permanent Secretary and Clerk of the Crown in Chancery at the Ministry of Justice, and formerly Chief Executive of His Majesty's Prison and Probation Service (HMPPS) from April 2019 – September 2021, will say as follows:

INTRODUCTION

1. I am providing this written statement in response to a request from the Inquiry dated 16 April 2025 made under Rule 9 of the Inquiry Rules 2006 in relation to Module 8. I understand that Module 8 will examine the impact of the Covid-19 pandemic on children and young people (CYP) in England, Wales, Scotland, and Northern Ireland.
2. I can confirm that the facts stated in this witness statement are true to the best of my knowledge and belief. I am grateful to the Ministry of Justice's (MoJ) COVID-19 Inquiry Team for their assistance in preparing this statement. I have relied on their rigorous and thorough searches for relevant material.
3. 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.

4. I was the Chief Executive Officer of HMPPS from April 2019 to September 2021.
5. I wish to express my gratitude to the leadership team, members of staff at HMPPS, and ministers and colleagues in the MoJ. In the early weeks of the pandemic, Public Health England's (PHE's) reasonable worst-case scenario projected 2,500 – 3,500 excess deaths in prisons in the first few weeks of the pandemic. While no statistic can lessen the grief of those who lost loved ones in the pandemic, and I offer my deepest sympathies to the families of HMPPS staff members who died and all those who lost loved ones in the pandemic, I am proud that we succeeded in limiting the excess deaths to 23 prisoners and nine prison staff during the pandemic's first wave. This would not have been possible without the dedication and hard work of the HMPPS leadership team, staff, ministers, and colleagues in the MoJ and those from PHE and NHSE who worked closely with us, and I am grateful to them all.
6. In summary, this statement addresses:
 - 6.1. My career history and responsibilities in relation to children and young people.
 - 6.2. My initial understanding and response to COVID-19 between January 2020 – March 2020.
 - 6.3. The relevant decision-making bodies within HMPPS and how decisions were made in relation to regime restrictions.
 - 6.4. The key decisions in respect of the regime restrictions.
 - 6.5. The use of medical and scientific expertise, data, and modelling.
 - 6.6. Reflections.

BACKGROUND

7. I began my career at the Home Office working in a variety of roles. In 2001 I moved to the Cabinet Office where I worked on public service reform while studying for a PhD in the same field. In 2004, I moved into leadership roles, mainly in local government, working with various local authorities in London, Wales, and the Southwest. This

culminated in my appointment as CEO of Bridgend County Borough Council, followed by my appointment as CEO of Bath and North East Somerset Council.

8. In 2016, I returned to the Civil Service as Director General, Local Government and Public Services in the Ministry of Housing Communities and Local Government (MHCLG). In this role, I provided oversight of the local government system, race and faith policy, homelessness initiatives, and priority programmes such as Troubled Families, and the response to Grenfell Tower.
9. In April 2019, I was appointed as Chief Executive Officer and Accounting Officer of HMPPS. I ceased to be CEO of HMPPS in September 2021. I was appointed Second Permanent Secretary in March 2021, and served in this role until June 2023, when I was appointed as Chief Executive of NHS Blood and Transplant. I left that role and assumed my current position as Permanent Secretary and Clerk of the Crown in Chancery at the MoJ in July 2025.
10. HMPPS is an Executive Agency of MoJ, responsible for operating and overseeing prisons and probation services in England and Wales. The agency is made up of HM Prison Service, the Probation Service, the Youth Custody Service, and headquarters focussed on enabling delivery, and providing support services. Its responsibilities include running prison and probation services, rehabilitation services for those leaving our care, ensuring support is available to prevent reoffending, and contracting private sector prisons. HMPPS is a large and complex organisation with multiple departments and layers of leadership, reflecting its broad responsibilities and national reach. It is therefore important to note that my responsibilities towards CYP set out below were part of a much broader portfolio of work in my role as CEO of the entirety of HMPPS.
11. As Chief Executive Officer and Accounting Officer, I served as the most senior civil servant in HMPPS. My responsibilities included providing high-level leadership, setting the strategic direction, ensuring effective governance, and overseeing performance and financial accountability.
12. The CEO of HMPPS is a member of the MoJ's Executive Committee (ExCo), which comprises senior leaders across MoJ. ExCo supports the Permanent Secretary as the

principal adviser to the Lord Chancellor¹ and as the department's Principal Accounting Officer. It held weekly meetings chaired by Sir Richard Heaton KCB, the Permanent Secretary at MoJ during the Specified Period. The purpose of the meetings was to discuss strategy and decision-making across the department. In these meetings, I represented HMPPS, providing updates on the work of the HMPPS, including the provision of youth custody services, and ensuring HMPPS's alignment with the MoJ's and Lord Chancellor's wider strategic objectives. Decisions taken at this level typically related to departmental priorities, cross-agency coordination, major projects, resource allocation, risk management, internal controls, and responses to emerging operational or policy challenges. Our aim was to ensure the department was able to deliver the strategic direction and policies as set by the Lord Chancellor.

13. The decisions taken at ExCo meetings were scrutinised by the MoJ's Departmental Board. The Departmental Board forms the collective strategic and operational leadership of the department, bringing together the ministerial and civil service leaders with senior non-executives from outside government. It is responsible for setting MoJ's strategic direction, including reviewing delivery against the MoJ business plan. Its remit is advising and challenging on performance and delivery, including appropriate oversight of sponsored bodies. The board assures itself that the departmental priorities and efficiency agenda for MoJ are delivered and the associated risks in the strategic risk register managed. In its discussions, the board considers the needs of MoJ users and stakeholders. It is chaired by the Lord Chancellor and includes ministers, senior civil servants, and non-executive board members.
14. I reported directly to Sir Richard and, through him, to Sir Robert Buckland KBE KC, the Lord Chancellor from July 2019 to September 2021, and Lucy Frazer, the Prisons Minister from July 2019 and March 2021. Ministers determined the overall policy direction of HMPPS, and challenged and scrutinised decisions made by HMPPS' Leadership Team (HLT). I was responsible for advising ministers ahead of government meetings and reporting on the operation and performance of HMPPS. My advice to ministers was typically conveyed through briefing notes, which were prepared by the relevant policy or operational teams in close collaboration with scientific advisers.

¹ 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 which I use throughout my statement.

These notes often went through several drafts. It is not uncommon for a large proportion of documents/advice to have been written by persons other than the stated author. As CEO of HMPPS, I was responsible for reviewing and signing off the final version of the advice prepared by more junior officials.

15. The HLT is a standing body that existed prior to, during, and after the pandemic. Membership of the HLT comprised senior leaders across HMPPS. The HLT is responsible for the day-to-day management of HMPPS and effective delivery of the agency's objectives. It focuses on strategic leadership, management, and direction, ensuring the most effective prioritisation of resources. As the most senior member of HLT, I chaired its meetings.
16. The decisions taken in the HLT meetings were scrutinised by the HMPPS Agency Board. This Board provides oversight of the work of HMPPS and ensures accountability in the delivery of custodial and probation services across England and Wales. The Board comprises both executive and non-executive members and meets approximately every three months.
17. HLT membership included Helga Swindenbank, who was the Executive Director of the Youth Custody Service (YCS) during the Specified Period. The YCS is a distinct part of HMPPS established in September 2017 with responsibility for the care, custody, and rehabilitation of children and young people in custody in England and Wales. It operates public sector custodial sites across the children and young people's secure estate (CYPSE). At the time of the pandemic, the CYPSE comprised five under-18 Young Offender Institutions (YOIs), two Secure Training Centres (STCs), and eight Secure Children's Homes (SCHs). The YCS is also responsible for commissioning services and contractual management of private sector sites.
18. Helga Swindenbank was responsible for the day-to-day operational management of the YCS. She reported to me on the operations and issues of the YCS in HLT meetings and in dedicated 1:1 meetings. As her line manager, I was also responsible for reviewing her personal performance. I worked closely with her to support the effective delivery of custodial and rehabilitative services for children and young people across the CYPSE. We maintained a strong professional relationship, which enabled regular, open, and honest communication.

19. I also met regularly with external stakeholders to ensure the effective delivery of youth custody services, including Keith Frazer, the Chair of the Youth Justice Board (YJB), Colin Allars, followed by Claudia Sturt, Chief Executive of the YJB, and Peter Clarke CVO OBE QBM, followed by Charlie Taylor, His Majesty's Chief Inspector of Prisons. The YJB is a non-departmental public body responsible for monitoring the operation of the youth justice system in England and Wales. It commissions and collects information and evidence to form an expert view of how to get the best outcomes for children who offend and for victims of crime. The Chief Inspector of Prisons operates independently of government and has a duty to report on conditions for and treatment of those in prison, including CYPSEs.
20. In addition to having responsibility for CYP in custody, HMPPS plays an important role in ensuring that parents / primary care givers of those who are in custody maintain contact with their children. This includes the delivery of visit enrichment activities, family days, and providing advice and support through Family Engagement Workers, amongst other initiatives. 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. 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. I exhibit the guidance documents **[JF/001 – INQ000546274]**.
21. To the best of my recollection, there were no changes to my responsibilities as the CEO and Accounting Officer of HMPPS outlined above during the Specified Period; however, the way in which I carried out those responsibilities did change during that time, as explained further below.
22. I ceased to be CEO of HMPPS in September 2021 and served as Second Permanent Secretary from March 2021 - June 2023. The Permanent Secretary during that period was Dame Antonia Romeo DCB. As outlined above, the Permanent Secretary, as the principal adviser to the Lord Chancellor and as the department's Principal Accounting Officer, is responsible for the day-to-day leadership and management of the department (and its budget), and oversight of its agencies and arm's-length bodies.

23. The role of Second Permanent Secretary was created to support the Permanent Secretary in the overall leadership and delivery of the department's objectives. I had oversight of the Legal Aid Agency (LAA), Office of the Public Guardian (OPG), Office for the Secretary of State for Public Trustees and Deputies (OSPT), and the Criminal Injuries Compensation Authority (CICA). I also led a larger piece of work on the structure and shape of the team across the department at the Director General level, working alongside the MoJ strategic director and the ExCo. As Second Permanent Secretary, I did not have any additional responsibilities for children and young people in custody except as outlined above.

INITIAL UNDERSTANDING AND RESPONSE TO COVID-19

24. When I joined HMPPS in April 2019, the organisation was already engaged in general pandemic planning. I was aware of the risk of a pandemic from my experience as CEO of Bridgend County Borough Council and Bath and North East Somerset Council, and as Director General in MHCLG. In December 2019, I was updated on the progress of HMPPS's pandemic planning. It was explained that a pandemic could impact the operation of HMPPS due to quarantined establishments, prisoner deaths, and staff shortages. At that time, HMPPS was due to publish updated draft pandemic flu policy and operational guidance. I exhibit the HMPPS flu pandemic policy **[JF/002 – INQ000575453]**. There was also a proposal to create a new power for the Secretary of State for Justice to executively direct the release of prisoners or detained children on licence or under supervision with the introduction of the Pandemic Influenza Bill. The next steps included raising awareness of the risk of a pandemic and participating in a national exercise in Spring 2020 in collaboration with PHE, NHS England, and MHCLG. I exhibit the HMPPS pandemic planning brief **[JF/003 – INQ000591044]**.
25. As COVID-19 continued to spread throughout January, Minister Frazer was invited to attend a Cabinet Office Briefing Rooms – Ministerial, COBR(M) scheduled for 29 January 2020. I would have been copied into the briefing note prepared by the Health, Substance Misuse and Social Care Team at HMPPS. At that stage, there were no confirmed cases of COVID-19 in the UK or of UK citizens abroad, and the risk to the public was considered by PHE to be low. Minister Frazer was informed that HMPPS had robust plans in place to respond to the reasonable worst-case scenario (RWCS) of an influenza pandemic. Based on the information known about COVID-19 at that time, HMPPS considered those plans fit for purpose for responding to the novel coronavirus, although the briefing noted that uncertainty remained. It summarised the

next steps to be taken by HMPPS. Those steps included: considering activating 'Criminal Justice System – Strategic Command' (CJSSC) to provide a co-ordinated response across the system; commencing discussions with PHE and NHS Emergency Preparedness Resilience and Response (EPRR) functions to agree how these commands link to the Criminal Justice System (CJS); and, considering commissioning work to promote basic hygiene practice in prisons relevant to COVID-19 and flu risks, I exhibit the briefing note **[JF/004 – INQ000546149]**.

26. On 30 January 2020, the World Health Organisation (WHO) declared a public health emergency of international concern but had not declared a pandemic.
27. On 4 February 2020, I was emailed a presentation produced by the Department of Health & Social Care (DHSC) and a briefing note dated 4 February 2020 to Minister Frazer ahead of the COBR meeting scheduled for 5 February 2020. The presentation noted that there were two confirmed cases of COVID-19 as of 4 February 2020, and the response to this was being guided by the advice of the Chief Medical Officer, Professor Sir Chris Whitty KCB FRS FRCP FFPH FMedSci. By that time, HMPPS had daily contact with advisers in PHE, and HMPPS had provided initial advice to MoJ agencies and Arms Length Bodies (ALBs) to support their preparations for a pandemic. I was aware that the next step to address the unfolding COVID-19 situation was a ministerial tabletop exercise scheduled for 12 February 2020. I exhibit the briefing note **[JF/005 – INQ000623230]**.
28. On 10 February 2020, PHE issued interim guidance to custodial staff and prison escort & custody staff in relation to COVID-19 in prisons, Immigration Removal Centres, and other prescribed places of detention. I exhibit the guidance document **[JF/006 – INQ000052027]**. As far as I am aware, PHE made this decision to issue this guidance independently of HMPPS. The guidance noted the level of risk to the UK had been raised from low to moderate and addressed the use of Personal Protective Equipment (PPE) and other infection control measures within prisons. I became aware of PHE's interim guidance when this guidance was distributed to senior leaders by way of email on 11 February 2020 which I exhibit as **[JF/007 – INQ000591049]**.
29. The covering email recognised that although a pandemic had not been declared, it was important to prepare for any possible future impacts of COVID-19. The email also indicated that a separate email would follow, attaching an interim policy framework and

guidance for flu pandemic, and explained that this interim policy framework and guidance should be used as a priority to revise local contingency plans.

30. The interim policy framework that followed was entitled “HMPPS Flu Pandemic Policy,” “Interim Coronavirus Guidance for Prisons and Approved Premises employees” and “a checklist for HMPPS Prisons, YOIs and IRCs.” It was disseminated to senior leaders within HMPPS and implemented on 11 February 2020. I exhibit the interim policy framework documents **[JF/002 – INQ000575453, JF/008 – INQ000575452 and JF/009 – INQ000586857]**. The policy required various groups within HMPPS, including the Youth Custody Service, to have a written outbreak control policy and a written plan for pandemic influenza based on PHE guidance and designed to meet the reasonable worst-case scenario. The plans had to be signed off by PHE/Public Health Wales (PHW).
31. On 11 February 2020, I and other HMPPS and PHE officials briefed Minister Frazer to prepare for Exercise Nimbus, which took place on 12 February 2020. The briefing noted the actions already taken in response to COVID-19 including following PHE guidelines, briefing on the use of PPE, and establishing protocols for addressing suspected COVID-19 cases. Exercise Nimbus was a simulated COBR meeting during which ministers tested and rehearsed their responses to a hypothetical COVID-19 outbreak. The purpose of the exercise was to identify the impact of an outbreak and the decisions that would need to be made by ministers in response. We briefed Minister Frazer on the potential impact of a pandemic on HMPPS, and the range of options available to minimise the impact, including hygiene measures, the use of PPE, and reducing the prison population. For the purposes of the exercise, ministers used a fictional scenario that included staff absences across UK prisons at a rate of between five and 50 per cent as well as prisoner unrest. I exhibit the briefing notes **[JF/010 – INQ000052014, JF/011 – INQ000591046 and JF/012 – INQ000591045]**. A list of lessons was identified following the exercise; none were directly addressed to the MoJ or HMPPS, which I exhibit as **[JF/013 – INQ000258625]**.
32. Also on 11 February 2020, I attended an ExCo meeting. We received an update from Adrian Scott, the Executive Director of Change, Strategy and Planning on the suspected case of coronavirus at HMP Bullingdon. The Chief People Officer, Dr Neil Wooding, provided an update on MoJ’s response to the COVID-19. He noted that Bronze and Silver command had been set up to respond to the virus. It was agreed that Adrian Scott and Mike Driver CB, the Chief Financial Officer, were to consider

activating Gold Command and the Departmental Operations Centre (DOC). I exhibit the meeting minutes **[JF/014 – INQ000624354]**. The Gold/Silver/Bronze command structure was an existing emergency response structure that could be activated in a significant event. I exhibit the confirmation to activate Gold Command **[JF/015 – INQ000546176, JF/016 – INQ000591059, and JF/017 – INQ000591060]**. 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 Gold Command.

33. On 14 February 2020, Richard Pickering, head of the HMPPS COVID-19 team, emailed me with an update on HMPPS's response to COVID-19. He explained that the tests at HMP Bullingdon were negative. He also explained that we should receive the test results from the two further suspected cases of COVID-19 reported at HMP Manchester within 72 hours. He noted that the incident management team, PHE, and Gold Command were all engaged, I exhibit the email **[JF/018 – INQ000624353]**. The same day, HMPPS authored a list of "lessons learned" from the suspected case of coronavirus at HMP Bullingdon. The lessons included promoting proper handwashing practices and ensuring prisoners were kept well-informed to reduce disruption and maintain stability within the estate. I exhibit the lessons learned report **[JF/019 – INQ000624352]**.
34. On 14 February 2020, Phil Copple, Director General of Prisons and Amy Rees CB, Director General of Probation, wrote to HMPPS's Silver command to reassure them following news coverage of the suspected coronavirus case at HMP Bullingdon. The letter emphasised that WHO had not declared a pandemic; however, HMPPS is working to prepare for any possible future impacts from the virus. The letter encouraged leaders to brief their staff on the actions they should be taking to prevent the spread of coronavirus in accordance with the HMPPS interim policy and PHE's interim guidance which I exhibit as **[JF/020 – INQ000586859]**.
35. On 25 February 2020, the government gave guidance that travellers returning from Hubei, Iran, and certain regions of South Korea should self-isolate on reaching home or their destination, even if they have no symptoms.
36. On 25 February 2020, I chaired a meeting of ExCo in the absence of Sir Richard Heaton. We considered the advice received from the Scientific Advisory Group for

Emergencies (SAGE) describing COVID-19 reasonable worse-case scenarios. ExCo agreed the DOC would be activated from 9 March and tasked with producing daily COVID-19 Situation Reports. DOC would receive advice from SAGE and provide updates to SAGE on the measures implemented by MoJ in response to the advice. These measures would then be scrutinised by the Cabinet Office. Members agreed that scenario planning should be undertaken to help understand the options for maintaining the justice system should a pandemic materialise, and that Shaun McNally CBE, the Senior Responsible Officer (SRO) for the MoJ COVID-19 response, would attend the ExCo meetings every week to provide updates.

37. On 27 February 2020, I attended a meeting of the HLT. It discussed the implications of COVID-19 on HMPPS. Richard Pickering, head of the HMPPS COVID-19 team, prepared a briefing note for the HLT in advance of the meeting. The briefing explained that the current scientific advice was that extreme worst-case scenario was an infection rate of up to 80 per cent of the population and a mortality rate in prisons of between two per cent and three per cent. I exhibit the briefing note **[JF/021 – INQ000591052]**. My understanding is that the COVID-19 team was liaising directly with PHE at this stage to obtain information on COVID-19 in relation to prisons. Members of the HLT agreed to run a tabletop exercise to assess the current contingency planning and to construct a plan for every stage of urgency. We recognised that the CYPSE may require different measures to the adult estate. It was agreed that a representative from YCS should be engaged in this planning to ensure that issues specific to the YCS were considered in the tabletop exercise. I exhibit the minutes **[JF/022 – INQ000591149]**.
38. On 2 March 2020, HMPPS implemented a revised interim Flu Pandemic Policy Framework. The policy was approved by the Operational Policy Sub-Board and signed off by Phil Copple. The Policy Framework was a “live” document, meaning that it would be subject to revision as new information emerged about COVID-19. I exhibit the revised interim Flu Pandemic Policy Framework **[JF/023 – INQ000575455]**. HMPPS used the reported suspected cases at HMP Bullingdon (two prisoners), HMP Manchester (two staff), and HMP Wormwood Scrubs (one prisoner) to develop and update the pandemic policy. We had not yet had any similar reported cases in the YCS.
39. The revised policy was based on evidence known about influenza. It was noted that, historically, pandemics have affected people of all ages, including the young, the

elderly, and healthy adults. Death rates, however, have been consistently higher amongst the very young and the old. To prepare for the RWCS, the revised policy required prisons to take certain actions, including developing contingency plans, and establishing the basic numbers of staff needed to provide a reduced regime to cater for the essential needs of their populations.

40. On 3 March 2020, I attended a meeting of ExCo. Shaun McNally provided an update on the development of the virus in the United Kingdom. ExCo agreed that the issued PHE guidance dated 11 February, and the revised flu policy, should be regularly reinforced with staff. The aim was to ensure business continuity. There was no suggestion from government or otherwise that a national lockdown would be imposed. I exhibit the minutes of the meeting **[JF/024 – INQ000624355]**.
41. On 3 March 2020, HMPPS completed a COVID-19 Outbreak Planning Workshop with five prisons to test preparedness for the reasonable worst-case scenario, as discussed in the HLT meeting on 27 February 2020. SAGE advised using the reasonable worst-case scenario assumptions for influenza. This model assumed that up to 30 per cent of prison staff would be absent at a given peak, and 60 per cent of staff and prisoners would become ill during the course of the pandemic. The results of the exercise were used to develop a National Response Model designed to mitigate the core risks identified.
42. The National Response Model proposed that HMPPS should respond to a pandemic in a staged manner depending on the number of cases and extent of the risk to the public. There were three levels of response. It was anticipated that advice from PHE/PHW would be used to fully inform the precise response. I exhibit the National Response Model, HMPPS pandemic planning, and the Prisons risks documents, **[JF/025 – INQ000591057, JF/026 – INQ000591054, and JF/027 – INQ000591056]**.
43. On 3 March 2020, I met with Minister Frazer in a 1:1 meeting. I reassured the minister that HMPPS had made progress in planning for the different phases of the spread of the virus, and was doing everything it could to prepare. I exhibit the readout **[JF/028 – INQ000624356]**.
44. On 10 March 2020, I prepared a briefing note for the Lord Chancellor and Minister Frazer in advance of the challenge session scheduled for 11 March 2020. I explained that HMPPS had developed exceptional delivery models which set out the decisions

and actions required by prisons should take depending on the stage of the outbreak. I exhibit the exceptional delivery model [JF/029 – INQ000624357]. At that time, scientific evidence in respect of transmission, infection rates, preventative measures and timescales was still emerging and evolving. This meant that our planning and policies had to be continually reviewed in light of updated guidance. I noted that we were seeking further advice on the steps to take should the number of cases increase, as was anticipated. I exhibit the briefing note [JF/030 – INQ000624358].

45. At this time, the main concern was that the exceptional delivery models would address the risk to safety, order, and control in prisons, which could increase due to fear and frustration amongst the prison population. I was conscious that the risk to safety and good order were of particular concern in the YCS given the vulnerability, specific needs, and behavioural characteristics of children in custody. I noted that HMPPS should prepare for an increased risk of concerted indiscipline due to restricted regimes and services, as illustrated by the recent riots in Italian prisons following lockdown measures and restricted family contact: see [JF/030 – INQ000624358] above. I also recognised that children in custody with complex needs will find any isolation measures more challenging, potentially posing a risk to themselves and to staff. Based on the information and scientific advice available at the time, our position was that HMPPS, including the YCS, should retain normal regimes for as long as possible. This position was supported by Dr Éamonn O'Moore at PHE, the National Lead for Health & Justice, who had specialist knowledge of the prison estate. I exhibit the HMPPS non-pharmaceutical interventions return [JF/031 – INQ000576072].
46. On 11 March 2020, I attended a challenge session chaired by the Lord Chancellor to discuss the developing COVID-19 situation and its impact on the prison service. Other attendees included Minister Frazer and Phil Copple. This was a critical meeting in which the ministers scrutinised the actions of HMPPS in response to the increasing number of reported COVID-19 cases. Phil Copple advised the Lord Chancellor that HMPPS was aware that children were vulnerable and may not be able to rationalise the restrictions. HMPPS was therefore speaking with local authorities and children's services to develop plans and was increasing the number of staff in YOIs.
47. I advised the Lord Chancellor that we had spoken to the children in our care and their parents. We had provided additional telephone PIN credit to children and young people to help them maintain contact with their families, particularly if they felt anxious or unsettled by the new operating models. We also increased stocks of canteen items

available for purchase, recognising the importance of maintaining stability and routine for those in our care. These measures were essential in helping to prevent unrest and support a sense of normality during a challenging period. The Lord Chancellor was content with the actions that had been taken to support children and young people I exhibit the readout [JF/032 – INQ000546175].

48. I also advised the Lord Chancellor that HMPPS would activate Gold Command. The 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. Gold Command met every day and dealt with day-to-day management and incidents that required an immediate response, such as population management decisions and directing resources as required. Gold Command then reported to the Prisons Operations Management Committee (POMC) and HLT. I exhibit the Prisons COVID-19 National Response Model [JF/033 – INQ000532524].
49. At the same time, the Criminal Justice System Strategic Command (CJSSC) was activated. 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. Its purpose was to direct planning and operations beyond the immediate response in order to facilitate the recovery process. Gold Command reported to the CJSSC and to the HLT. I exhibit the aims, objectives, and scope [JF/034 – INQ000591251 and JF/035 – INQ000591168].
50. On 11 March 2020, the WHO declared the COVID-19 outbreak as a pandemic.
51. On 12 March, the UK Chief Medical Officers raised the risk to the UK from moderate to high. The government advised that anyone with a new continuous cough or a fever should self-isolate for seven days.
52. On 12 March 2020, I chaired a meeting of the HLT. Members discussed the potential measures that would need to be put in place, depending on the development of the pandemic. It was agreed that HMPPS would stop large work-related gatherings that week. We also discussed plans for the redeployment of staff to ensure critical business areas had the required resources if staff had to self-isolate. The manner in which decisions would be made was also discussed. It was agreed that the key decision-making meetings for coronavirus related issues would be HLT, and that we would start

holding additional weekly HLT meetings to discuss COVID-19. Due to the pace at which the situation was developing, ad-hoc HLT meetings would also need to be convened as necessary. I exhibit the minutes **[JF/036 – INQ000624382]**.

53. On 14 March 2020, updated advice from PHE was circulated throughout HMPPS. The key actions to be taken by prisons included placing any prisoner with a new, continuous cough or a high temperature in protective isolation for seven days. If a member of staff or visitor become unwell on site with COVID-19 symptoms, they should go home immediately and follow guidance for home isolation. I exhibit the advice **[JF/037 – INQ000052520]**.
54. On 16 March, the Prime Minister advised everyone in the UK against non-essential travel and contact with others, to work from home if possible, and avoid visiting social venues such as pubs, clubs, or theatres. Pregnant women, people over the age of 70, and those with certain health conditions were urged to consider the advice particularly important.
55. On 16 March 2020, I attended a 1:1 meeting with Minister Frazer. It was agreed that I would set up a separate meeting to update Minister Frazer on HMPPS's COVID-19 response. Minister Frazer also asked me to follow up with Dr Éamonn O'Moore at PHE to gain clarity on when people become infectious, and on testing for prisoners and access to soap and hand sanitisers in prisons. I exhibit the readout **[JF/038 – INQ000624362]**. Later that day, the Prime Minister announced that "now is the time for everyone to stop non-essential contact and travel."
56. On 17 March 2020, I, along with other members of the HLT, attended a meeting to provide Minister Frazer with an update on the COVID-19 situation. It was explained that HMPPS was in direct contact with Dr Éamonn O'Moore's team at PHE regarding efforts to increase prisoner testing, though I noted that we had not received a definitive response on the issue of testing to date. I explained that HMPPS was also expecting to receive advice on managing deaths in prison from PHE. It was noted that the written guidance issued to prisons had been agreed by PHE. I exhibit the readout **[JF/039 – INQ000624361]**.

57. Minister Frazer asked about organising prisoners into cohorts and whether HMPPS should set up a remand prison². It was explained that HMPPS has guidance in place on cohorting prisoners, which can offer a degree of protection; however, the PHE guidance at that time was not to have such a remand prison due to risks of having to move prisoners into such an establishment. Phil Copple also outlined the issues for prisons in gaining access to face masks, gowns, and hand sanitiser. My understanding is that Minister Frazer wrote to Jo Churchill, the relevant junior minister at DHSC, about this issue shortly after the meeting. I exhibit the readout [JF/039 – INQ000624361].
58. On 17 March 2020, I attended a meeting of ExCo. It was explained that HMPPS had advised the Lord Chancellor to consider halting the HM Inspectorate of Prisons making inspections. It was further noted that an operational plan was in place and the definition of a household isolation had been agreed to be a wing or a cell. I exhibit the minutes [JF/040 – INQ000624363].
59. On 18 March 2020, I released a statement confirming the first confirmed case of COVID-19 within an adult prison at HMP Manchester. The statement recognised that COVID-19 would significantly impact how HMPPS operates, and guidance would be regularly updated as the situation progresses, I exhibit the statement [JF/041 – INQ000624359].
60. In a letter dated 18 March 2020, the Lord Chancellor stated that “[a]t least one analysis (preprint) shows that **children are just as likely as adults to be infected by the virus**, though less likely to have severe symptoms”. I exhibit the advice he was referencing and his letter: [JF/042 – INQ000624403 and JF/043 – INQ000591061].
61. On 19 March 2020, I chaired a HLT meeting. It was noted that the impact on staffing would soon be heavily impacted by the Prime Minister’s announcement on 18 March 2020 that schools would be closed in response to the pandemic. Linda Hennigan, Deputy Director for Prison Reform, agreed to liaise with Helga Swindenbank about the issues specific to the YCS estate. I exhibit the minutes [JF/044 – INQ000624387].
62. On 19 March 2020, HMPPS issued guidance entitled ‘COVID-19 Operational Guidance – Exceptional Regime & Service Delivery’ (Version 1.0). I exhibit the

² This would hold individuals who have been charged with a crime but have not yet been convicted or sentenced.

guidance **[JF/045 – INQ000575462]**. This guidance was designed to address the risk that the number of staff at any given prison might fall below the minimum staff level (MSL) required to deliver a basic regime. Prisons were required to create their own local exceptional regime management plan (ERMP) 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 only be triggered if staff levels fell below the MSL and would be in place for duration of government social distancing measures remain in place or where the establishment cannot reach their MSL.

63. On 19 March 2020, I, along with other members of the HLT, attended a challenge session with the Lord Chancellor and Minister Frazer to outline and discuss ongoing preparations to identify and mitigate risks arising from COVID-19. I prepared a briefing note for the Lord Chancellor and Minister Frazer ahead of the meeting. By this stage, there had been several confirmed cases of COVID-19 in staff and prisoners, including some prisons with multiple cases. I explained that household isolation and social distancing had been implemented within prisons. I exhibit the briefing **[JF/046 – INQ000623233]**.
64. The briefing note considered the position in the YCS. In the note, I explained governors in the YCS were seeking to run as full a regime as possible. This position was supported by the scientific advice at the time that children are less vulnerable to serious disease from the virus, and any isolation measures will pose additional safeguarding risks and may have a greater psychological impact on those isolated. I further noted that risks of violence and disorder are of particular concern in the youth estate. I also explained that parents and families will be concerned about children in isolation, and about any restriction in visits. It was felt that the YCS should run as full a regime as possible to mitigate the impact on children and young people. I noted that it would be key to communicate with families, Youth Offending Teams (YOTs)³ and local authority children's services. I also noted that HMPPS was already speaking with the YJB about supporting communication with other professionals.
65. The Lord Chancellor seemed reassured by the work that was underway and, the same day, he wrote to the Prime Minister to share the contingency plans developed by HMPPS in response to COVID-19. I exhibit the readout **[JF/047 – INQ000624364]**.

³ Children aged 17 and under are the responsibility of YOTs. HMPPS does not have a direct role in overseeing the operations of YOTs which are legally and operationally part of local authorities.

The note identified some of the key issues associated with COVID-19 specific to the youth custody estate discussed in the challenge session. The Lord Chancellor adopted our proposal that prison and youth custody would run a normal regime for as long as possible. Domestic visits would also run normally for as long as possible, and in accordance with community restrictions. To mitigate the risk to the youth custody service, the Lord Chancellor prioritised communication with families, YOTs, and local authority children's services. I exhibit the HMPPS contingency plans **[JF/048 – INQ000575464]**.

66. In the afternoon of 19 March 2020, the General Public Sector Ministerial Implementation Group (GPSMIG) made a request for information, and in particular any upcoming decisions that ministers and/or the Prime Minister would need to consider. I exhibit the request for information email **[JF/049 – INQ000624365]**. The GPSMIG requested the information by the evening of the 19 March 2020 with a view to considering it at a meeting scheduled for 20 March 2020.
67. On 20 March 2020, MoJ published its report on the impact of COVID-19 on prisons, probation, and courts for the GPSMIG meeting on 20 March 2020. The report noted that children may be less vulnerable to serious disease from the virus and any isolation measures will pose additional safeguarding risks and may have a greater psychological impact on those isolated. The report largely reflected the information given to the Lord Chancellor in the challenge meeting. In particular, it noted that youth custody would run as normal a regime for as long as possible, including visits from family and friends, due to the additional vulnerability of children in the YCS. I exhibit the papers **[JF/050 – INQ000546185, JF/051 – INQ000546186, JF/052 – INQ000546187, and JF/053 – INQ000596189]**.
68. On 20 March 2020, the Prime Minister ordered all cafes, pubs, and restaurants to close from the evening of 20 March, except for takeaway food. He also closed all UK schools from the afternoon of 20 March, except for those looking after the children of key workers and vulnerable children.
69. My understanding is that sometime on 20 March 2020, a first draft of PHE advice recommending the release of around 20,000 prisoners was circulated across government without the involvement of senior officials at HMPPS. The second draft of the advice dated 24 March 2020 can be found here: **[JF/054 – INQ000591144]**. On 21 March 2020, the HLT had a call with the Lord Chancellor, Minister Frazer, members

of the HLT and others to discuss releasing prisoners earlier than the end of their sentence with a view to reducing prison capacity and increasing the capacity for isolating prisons to prevent the spread of the virus. I exhibit the papers and readout [JF/055 – INQ000624366, JF/056 – INQ000591067, and JF/057 – INQ000591068].

70. The next day, on 22 March, the Lord Chancellor had several calls with the Prime Minister. HMPPS prepared a briefing note for the Lord Chancellor in advance of the call which I exhibit as [JF/058 – INQ000624368]. It was noted that the PM would discuss this proposal with Professor Sir Chris Whitty. I exhibit the readout [JF/059 – INQ000624598].

DECISION-MAKING GENERALLY AND PARTNERSHIP WORKING

71. HMPPS is a complex organisation with several layers of leadership and various committees and groups. The YCS operates within HMPPS, which is an Executive Agency of MoJ. An overview of the MoJ command structure in response to COVID-19 can be viewed at [JF/060 – INQ000532414]. The decisions made about regime restrictions were therefore a collaborative exercise involving input and oversight from ministers, senior leaders, public health experts, and other internal and external stakeholders.
72. Members of the HLT usually met weekly. However, the decision was made to have twice-weekly meetings in March 2020 in addition to ad-hoc meetings as required to enable quick decision-making. I exhibit the minutes [JF/036 – INQ000624382]. During the pandemic, the HLT meetings were attended by the HMPPS Gold Command team and the HMPPS COVID-19 team, in addition to the usual members of the HLT. Gold Command met daily to oversee operational concerns, including court activity, remand capacity, population management decisions, and the allocation of resources as needed. Its primary purpose was to respond swiftly to issues requiring immediate decision-making. Gold Command also attended HLT meetings to report on matters needing escalation or further consideration by the HLT. The HMPPS COVID-19 team, led by Richard Pickering, monitored data and trends, coordinated testing and the supply of PPE, and liaised with PHE to provide guidance to estates.
73. The decisions of the HLT about regime restrictions were subject to scrutiny by the Lord Chancellor and/or Minister Frazer. I had regular discussions with ministerial teams. The role of the senior leaders in the HMPPS was to advise ministers and execute their

decisions and priorities. Significant decisions were taken directly by, or signed off by, ministers. For example, the decision to release some vulnerable, low-risk prisoners early in the pandemic was taken by the Lord Chancellor following discussions with the Prime Minister, as discussed further below.

74. As a general rule, the formal mechanism for a government minister or senior official to make a decision is via a written “submission” from more junior officials. Submission styles vary but they generally seek decisions, direction, authorisation, or simply ask the reader to note information. Submissions in relation to regime restrictions often included legal advice, relevant scientific advice, and other relevant advice too, such as Parliamentary and media handling, for example.
75. As to working practices within the MoJ during the specified period; usually, if the Lord Chancellor is listed on the submission’s recipients list, it is likely they were the ultimate recipient (and decision-maker, if relevant). Should both a junior minister and the Lord Chancellor/Deputy Prime Minister be listed, it is most likely the junior minister’s input was sought before the advice then went to the Lord Chancellor or Deputy Prime Minister to make the final decision.
76. Decision-making on regime restrictions was heavily informed by the most up-to-date scientific advice. The HMPPS COVID-19 team liaised directly with PHE, an executive agency of the DHSC responsible for protecting and improving the nation’s health and well-being and reducing health inequalities. HMPPS liaised with Dr Éamonn O’Moore. Representatives from the prisons team at PHE attended HLT meetings and Ministerial briefings to provide immediate specialist scientific advice while decisions were made. In addition to advice from PHE, the HLT considered the advice of SAGE.
77. SAGE is a UK government body that provides independent scientific and technical advice to support decision-makers during national emergencies. It is convened by the Cabinet Office when complex scientific input is required to inform the government’s emergency response. SAGE’s advice is shared across all government departments, each of which is responsible for developing a response plan based on SAGE’s assessment of the RWCS and reporting back on their preparedness.
78. There is a national partnership agreement for prison healthcare between MoJ, HMPPS, PHE, DHSC and the NHS, which was in place prior to, and during, the pandemic. While the provision of healthcare is primarily the responsibility of the DHSC,

HMPPS worked closely with DHSC to deliver healthcare in our prisons. I had a direct line of communication with Kate Davies CBE at NHS England to deliver healthcare within prisons, including the CYPSE. She would advise on the delivery of healthcare services within prisons, including the management of those with complex needs or those at risk of suicide or self-harm.

79. Decisions to ease regime restrictions were made with reference to three key policy objectives: (i) preserving life (which included protecting our staff, offenders, the public, and the NHS) (ii) maintaining security, stability, and safety of the prison estates, and (iii) ensuring sufficient prison capacity, staff, and resources to continue running the estates. I exhibit the overarching objectives [JF/061 – INQ000575485]. The decisions taken must be understood within the broader context of government decisions and national guidance, which evolved rapidly during the early stages of the pandemic. The protection of life was at the forefront of our approach.
80. Throughout this period, HMPPS remained in regular contact with a range of internal and external stakeholders, including the YJB, YOTs, the Prison Officers' Association (POA), and HM Inspectorate of Prisons to ensure the response was coordinated, proportionate, and aligned with system-wide priorities.
81. I am aware of the following decision-making bodies that dealt with HMPPS's response to COVID-19 in the YCS.

Decision-making bodies that operated across the MoJ

82. **The MoJ Executive Committee (ExCo):** As discussed above, ExCo was a standing body that existed prior, during, and after the pandemic. Membership included senior leaders across MoJ. I was a member of the Executive and attended the meetings. A full description of its remit can be found at paragraph 12.
83. **Criminal Justice Strategic Command (CJSSC):** This group existed prior to the pandemic. The CJSSC is stood up in the event of an emergency to direct the response to the emergency across the criminal justice system (CJS). Membership of the CJSSC comprises representatives from agencies within the CJS and others, including PHE, NHS England, the Ministry of Defence, and the Home Office. The CJSSC was activated between March and August 2020, and again between September 2020 and February 2022 to respond to the COVID-19 pandemic. Children and young people

were discussed in the course of their work. The group was chaired by the Executive Director, Security Directorate of HMPPS, Richard Vince CBE. The frequency of meetings varied throughout the Specified Period from daily to weekly. I was not a member of the CJSSC; however, the team reported to ExCo of which I was a member.

84. **MoJ Command Response Structure / The Departmental Operations Centre:** The DOC is a central coordination hub that is activated in response to significant events, emergencies, or crises. It was stood up in February 2020 in response to the COVID-19 pandemic. The DOC comprised a set of dedicated teams responsible for coordinating the MoJ's response to the pandemic. It received and analysed information from agencies, operational units, and external partners to support a coherent and timely operational response. Throughout the Specified Period, the DOC produced daily situation reports on the MoJ's status, received advice from SAGE, and reported to the Cabinet Office on the implementation of that advice. The DOC reported to ExCo of which I was a member.

Decision-making bodies within HMPPS

85. **HMPPS Leadership Team:** The HLT is a standing body that existed before, during, and following COVID-19. I explain the nature and purpose of the HLT in paragraphs 15 – 17 above. As the most senior member of the HLT, I chaired the HLT weekly meetings. On 12 March 2020, it was agreed that the HLT should move to twice weekly meetings and have additional ad-hoc meetings to address the unfolding pandemic. Those additional meetings continued throughout the Specified Period.
86. **HMPPS Gold Command:** The Gold/Silver/Bronze command structure is addressed above at paragraph 48 above. A pictorial representation of the national HMPPS Prison Response Model Command Structure can be found on page 10 of **[JF/033 – INQ000532524]**. Gold Command met daily and oversaw regime delivery concerns that threatened the safe, decent, and secure operation of a prison. For example, it supported court activity or remand capacity, and directed resources as required. I was not a member of Gold Command. Gold Command reported to the HLT, which informed strategic decision-making at the HLT leadership level.
87. **Prisons Operations Management Committee (POMC):** The Prisons Operations Management Committee (POMC) is a sub-committee of HLT. Its purpose is to oversee and take the necessary decisions relating to the day-to-day delivery of prisons in both

the public and private sectors. For example, the POMC monitors and analyses data on prison safety, staff recruitment and allocation, and financial matters that affect the stability and performance of the prison service. During the Specified Period, POMC addressed various issues arising from the pandemic such as the impact on the financial and operational stability of the prison service. Phil Copple chaired this committee during the pandemic. Membership comprised executive directors across HMPPS and senior representatives from wider MoJ departments, including HR, Finance, Policy, and Legal. The group met weekly. I was not a member of the POMC. Phil Copple reported to me and the HLT on the activities of the committee.

88. **The COVID-19 Prisons Medium Term Planning Programme Board / The Prisons Recovery Board:** The Medium-Term Planning Board was a sub-committee of POMC 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. The purpose of the group was to drive operational delivery, including regime recovery, as the prison system balanced response and recovery. Membership of both boards was comprised of Executive Directors from across HMPPS and MoJ's Policy Group. It met weekly. I was not a member of the Prisons Recovery Board. The activities of the Board were reported back to me at HLT meetings via Phil Copple.

Decision-making bodies within the YCS

89. I am aware that the YCS involved several subcommittees and groups. Although I did not have any direct involvement with the following bodies, the activities of these bodies were reported back to me and the HLT by Helga Swindenbank, the Chief Executive of the YCS.
90. **The Youth Custody Service Operational Management Committee:** The Youth Custody Service Operational Management Committee (YCS OMC) is a standing body that existed prior to, during, and following the pandemic. The purpose of the YCS OMC is to make decisions regarding the day-to-day delivery of youth custody services including performance, risk, assurance, and finances.
91. **The Youth Custody Service Senior Leadership Team:** The Youth Custody Service Senior Leadership Team (YCS SLT) is a standing body that existed prior to, during and following the pandemic. It is the corporate body responsible leadership of the YCS.

It takes decisions and advises the HLT and/or me as required. It received updates from a range of sub-groups. The group was chaired by Helga Swidenbank and membership was comprised of deputy directors and the heads of teams from across the YCS.

92. **The Youth Custody Service Recovery Working Group:** The Youth Custody Service Recovery Working Group was a sub-committee of the YCS SLT and was set up by Helga Swindenbank in April 2020. It ran until December 2021. The purpose of this group was to oversee the management and delivery of recovery from COVID-19 across YCS. Throughout the pandemic, it was chaired by the deputy director (Quality, Information & Performance, Casework, Partnerships & Business Change), Fiona Parker.

KEY DECISIONS

The decision to impose regime restrictions

93. On 23 March 2020, I chaired a HLT meeting. The regime at HMP Birmingham had been restricted that day due to a lack of staff and a prisoner identifying with COVID-19. PHE was due to outline advice on the emergency early release of vulnerable prisoners, and options were due to be presented to the Lord Chancellor the following day. I exhibit the minutes **[JF/062 – INQ000624371]**. We were also considering reviewing prison visits in line with changing government guidelines. At the time of this meeting, neither I nor anyone within HMPPS (as far as I am aware) had been informed that the Prime Minister was considering imposing a nationwide lockdown.
94. At 17:00 on 23 March 2020, ministers met for a COBR(M) meeting. The Lord Chancellor was present at this meeting. At 16:40, a paper entitled “Social Distancing: Temporary Additional Measures” was circulated to MoJ and other government departments. An updated version followed at 16:51 which I exhibit as **[JF/063 – INQ000052705 and JF/064 – INQ000052692]**. The paper proposed several temporary additional measures to increase social distancing across the UK, including telling all citizens to stay at home except for a limited list of permitted activities. The paper explained that these measures were necessary to contain the spread of the virus. During the meeting, ministers agreed to the measures set out in the paper. These measures were announced by the Prime Minister in a televised address that evening.

95. Following the Prime Minister's public announcement, Phil Copple called me to discuss how we would implement the social distancing measures in prisons. I understand that Helga Swindenbank was also consulted. The instruction delivered by the Prime Minister applied to every citizen indiscriminately from midnight on 23 March 2020. In light of this, the decision was made that all prisons, including the YCS, would implement their ERMPs.
96. HMPPS released guidance on implementing the Prime Minister's social distancing measures. All establishments were required to develop and implement an ERMP for their site with immediate effect. It was also recommended that each estate set up a defensible decision log 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. The guidance recognised that, whilst the YCS would operate under broadly the same as the adult estate, there are issues specific to children that needed to be considered. I exhibit the guidance **[JF/065 – INQ000591422]**.
97. On 24 March 2020, Helga Swindenbank met with Minister Frazer to update on the effect of the Prime Minister's announcement on the youth estate. I exhibit the readouts **[JF/066 – INQ000624372 and JF/067 – INQ000624370]**. I was not present at the meeting. I understand that Helga Swindenbank confirmed that the YCS had implemented the Prime Minister's measures and was following the PHE guidance in line with the adult estate. She also discussed the measures taken to address issues specific to children and young people in the CYPSEs. It was noted that the priority was to slow infection rates and maintain staff confidence, while being alert to the requirements of the vulnerable population.
98. At the end of the first day of lockdown, on 24 March 2020, I chaired an HLT meeting. Initial feedback was that there had been strong and focused leadership across the estate in implementing the exceptional delivery models. Members agreed that this had been the right decision to take following the Prime Minister's address the previous evening. The first few hours had gone well, and prisoners had been fairly accepting of the limited regime considering the wider national picture. Helga Swindenbank reported a similar response across the YCS estate but again cautioned that it was "very much day one." There had been a brief incident at Wetherby YOI where young offenders had refused to leave the exercise yard, but it had been swiftly resolved. It was recognised that the exceptional delivery model may need to be applied

differently in the YCS. Work was ongoing locally to explore alternative options for mitigating the impact of the government's restrictions on young people. I exhibit the readout **[JF/068 – INQ000624373]**.

99. In addition to implementing the Prime Minister's instructions, we continued to work on implementing PHE's advice that prisoners should be released early to create additional capacity within the system. I exhibit an example of such advice I exhibit the advice **[JF/069 – INQ000088494]**. On 24 March 2020, I briefed the Lord Chancellor and Minister Frazer on the options for the early release of prisoners. I exhibit the briefing **[JF/070 – INQ000591126]**. We had received a steer from the Lord Chancellor earlier that day that he wished to take a separate approach to the Youth Custody Estate (YCE). He felt that we should have a lower threshold for release and would need to consider each offender on a case-by-case basis. I exhibit the Lord Chancellor's steer **[JF/071 – INQ000624369]**. My briefing note considered the number of low-risk and vulnerable prisoners in youth custody who may qualify for early release.
100. On 24 April 2020, the HLT had a catch-up call. Helga Swindenbank noted that the YCS had further meetings planned with PHE and PHW to understand specific recommendations they may make in relation to sustained transmission and contacts under two metres. She explained that the YCS had been engaged with public health authorities to seek specific guidance for the youth estates. I exhibit the minutes as **[JF/072 – INQ000624384]**. This advice was sought to supplement the earlier advice discussed above at paragraph 60 above that children are equally as likely as adults to be infected by COVID-19.
101. Following the Prime Minister's announcement, I started having daily update calls with Minister Frazer. On 25 March 2020, I had a call with Minister Frazer in which we discussed how to approach the call with No 10 scheduled for the following day to discuss the early release of prisoners. We also discussed alternative staff resources (such as the MoD, Border Force, and British Transport Police) to ensure that we maintain the minimum staff levels required to run the estates. I exhibit the readout **[JF/073 – INQ000624374]**.
102. On 31 March 2020, the HLT agreed to implement the release of pregnant women immediately, following approval of the proposal from the Lord Chancellor to do so, which I exhibit as **[JF/074 – INQ000624599]**. It was agreed that permission for the

early release of other vulnerable prisoners, including mothers and babies, should be pursued with the Lord Chancellor and Prime Minister.

103. On 3 April 2020, the Lord Chancellor agreed the criteria for the early release of adult prisoners. Those criteria excluded any prisoners assessed as posing the highest risk in the community and those whose risk of serious harm had been assessed as low or medium, I exhibit the Lord Chancellor's agreement **[JF/075 – INQ000624378]**. The YJB developed a policy for the release of children which was submitted to the Lord Chancellor and Minister Frazer the same day. I exhibit the submission **[JF/076 – INQ000591111]**. The criteria broadly mirrored the criteria in the adult estate. The estimated maximum number of qualifying children was 44; however, it was noted that the actual number would very likely be lower following risk assessments. The submission explained that the YCS did not face the same pressures as the adult estate, as occupancy rates remained at around 80 per cent compared to approximately 99 per cent in the adult estate, and each child has their own room. Throughout the first wave of the pandemic, the population in the CYPSEs remained low. Of the children eligible for early release under the criteria, none were considered suitable for release following risk assessments: I exhibit the HLT minutes **[JF/077 – INQ000544637]**.
104. The provision of temporary prison accommodation was considered in the adult estate to address the capacity issue and support the management of social distancing measures. I exhibit the submission and briefing note **[JF/078 – INQ000624597 and JF/079 – INQ000624376]**. There was also approval to expand and deliver new prison places for category D adult male prisoners. I exhibit the business case **[JF/080 – INQ000624596]**. The YCS did not experience the same capacity issue during the pandemic; rather, the population in the YCS reached a record low during the first wave. The design of much of the CYPSE is, very generally speaking, more modern, and less "institutional" when compared to the adult prison estate. The latter tends to have older buildings, smaller (and often shared) cells, smaller windows, and narrow landings. Importantly, children usually had their own cells which helped with physical distancing. This more modern (albeit smaller) estate, coupled with higher staff ratios, meant the CYPSE was arguably better able to accommodate ERMP measures.

Regime restrictions in the YCS

105. On 27 March 2020, I chaired a meeting of the HLT. Helga Swindenbank informed the HLT that she was scheduled to meet with NHS England to begin developing a model

that could be adapted for the YCE. In the YCS, the term “physical distancing” was used instead of “social isolation,” highlighting the differing approaches between the adult and youth estates and acknowledging that the needs and risks of children in custody were distinct from those of. I exhibit the minutes [JF/081 – INQ000624375].

106. Also on 27 March 2020, a revised version (2.0) of the ‘COVID-19 Operational Guidance – Exceptional Regime & Service Delivery’ was issued which I exhibit as [JF/082 – INQ000591095]. I would have seen a copy of the guidance, though I was not involved in its development. The guidance explained that, as a result of the Prime Minister’s instructions on 23 March 2020, prisons should immediately implement the ERMPs. The guidance specifically addressed the YCS. It explained that the YCS would operate under the same temporary guiding principles as the rest of the adult estate to implement the government’s social distancing instructions. However, the guidance recognised that:

106.1. *It is important for children to continue to have social contact and therefore the language of “physical distancing” should be used in place of “social distancing.”*

106.2. *Children and young people in custody are recognised as a particularly vulnerable group and additional safeguards should be considered where necessary.*

106.3. *Human contact is especially important for children and young people, so this should be provided where possible and practicable.*

106.4. *There is a high level of mental health disorder and neuro-disability in this cohort of children and young people, and staff are required to pay particular attention to these needs to ensure there is no increase self-harm or suicide resulting from this extraordinary situation.*

107. Further detailed guidance was due to be published to support YOIs, STCs, and SCHs. In the meantime, the revised guidance (version 2.0) set out “core principles” that should be applied. Those principles included maximising opportunities for relational connection while maintaining physical distancing, provide as much fresh air as possible, structure the day and create routine, ensuring there are activities to do, and maintaining meaningful roles. Further, at each site the framework for Integrated Care

(SECURE STAIRS⁴) multi-disciplinary team should be in place to identify and support those children who are most vulnerable. SECURE STAIRS aims to improve the quality of care and outcomes for children and young people in the CYPSE.

108. On 1 April, I chaired a HLT meeting. Helga Swindenbank updated the committee on the COVID-19 approach adopted by the YCS and how this differs from the adult estate. I exhibit the minutes **[JF/083 – INQ000575467]**. She stated that the epidemiology advice was that children are more likely than adults to recover from COVID-19 after a couple of days. She considered that the biggest risk for the YCS was an increase in incidents of self-harm, and she was liaising with NHS England to address this risk. Education providers were working with the YCS and NHS England to collectively consider how to continue to provide education in the youth estate whilst adhering to health guidelines, for example by offering education to offenders in small group sessions. The HLT was supportive of the approach being taken by YCS, noting the key issue was to follow the medical advice.
109. A further version (version 3.0) was distributed on 3 April 2020 with identical guidance for the YCS.
110. On 7 April 2020, Helga Swidenbank updated the HLT on the provision of education in the YCS. She noted that there were concerns from POA about providing education for CYP given the risk this posed to staff. Under the applicable legislation, the YCS was required to provide 15 hours of education a week in YOIs. Both the YCS and NHS England supported allowing children to access education in small classroom sizes. Helga Swindenbank explained that the lower epidemiological risks for children, combined with the increased risk of psychological harm, justified a less restrictive regime in YOIs. The HLT committee noted that priority access to testing for the virus would enable a less restrictive regime in the YCS. The HLT further noted that ministers were aware of the issue with the unions and were engaged with the Children's Commissioner. The HLT considered that the approach taken in the YCS was proportionate and appropriate considering the scientific evidence and gave their support for the actions taken in the YCS. I exhibit the minutes **[JF/084 – INQ000576112]**.

⁴ SECURE STAIRS– a nationwide framework to support staff to deliver more developmentally-attuned and psychologically-informed care in the CYPSE.

111. On 10 April 2020, YCS and the NHS issued additional guidance to STCs and SCHs in light of the government's guidance to the public to stay at home. I exhibit the guidance **[JF/085 – INQ000591124]**. The guidance was designed to supplement interim advice on controlling outbreaks of COVID-19 in prisons provided by PHE on 20 March 2020 along with SCHs interim COVID-19 contingency planning guidance issued in March. I exhibit the advice and guidance as **[JF/086 – INQ000591081 and JF/087 – INQ000591091]** respectively.
112. This additional guidance was issued in draft due to the urgency of the situation. I understand that it had been cleared to be issued in draft by PHE and was due to be cleared formally at the time of publication. The guidance recommended changes to the usual regime, such as maintaining physical distancing during communal mealtimes and other group activities. It also contained advice on the provision of the regime for children who were shielding or in protective isolation, and children with suspected or confirmed cases of COVID-19. The guidance emphasises that the Core Principles (discussed above) should always be applied, and that estates must be mindful that isolation may well have an adverse impact on the CYP's mental health.
113. Throughout the period of regime restrictions, HMPPS continued to provide additional telephone PIN credit and canteen items to CYP to facilitate communication and maintain normality. On 11 April 2020, I chaired a HLT meeting in which we discussed the progression of the use of technology within prisons to facilitate communication. The HLT agreed that it was important to provide alternative methods of communication. The HLT asked colleagues to explore potential funding options to provide additional electronic devices at pace in the YCE. The comments of the HLT were added to the draft submissions to Ministers. I exhibit the minutes **[JF/088 – INQ000624380]**.

Easing restrictions in the YCS

114. By 16 April 2020, work had already commenced on developing a recovery strategy. The HLT noted that the effect of COVID-19 on HMPPS was unknown, and therefore the work of the recovery strategy would be fluid and would include liaison with the COVID-19 team and the trade unions. We agreed that HMPPS should be planning for the medium-term, including the possibility of a second wave. I exhibit the minutes **[JF/089 – INQ000624381]**.

115. The YCS SLT had also begun to consider recovery from lockdown. In April 2020, the YCS COVID-19 Recovery Project was established to coordinate local efforts to restore and rebuild services and capture learning from the YCS response to COVID-19 in order to “build back better”. The YCS COVID-19 Recovery Project had two phases. Phase 1 would identify the lessons learned from the pandemic and produce a report summarising findings and proposals for future. Phase 2 would implement a plan to deliver the agreed proposals and to develop any related products or materials. I exhibit the Recovery Project **[JF/090 – INQ000591139]**.
116. On 27 April 2020, the HLT met for a daily call. The committee noted that the YCS would soon be in a position to modify its exceptional delivery models.
117. On 29 April 2020, the HLT met for a daily call. The HLT committee agreed that engagement with the POA was required as regimes in the YCS started to become more flexible. We noted that this flexibility was in line with PHE advice. The safety of prisoners and staff was at the forefront of the approach as HMPPS moved into a medium-term strategy.
118. On 4 May 2020, HMPPS produced a briefing paper for ministers to consider the development of the “Medium-Term Plan to manage COVID-19 in custody” in advance of a meeting with Ministers scheduled for 6 May 2020. I exhibit the briefing note as **[JF/091 – INQ000624385]**. The briefing acknowledged that regimes would differ based on the specific context of each establishment and could vary not only between prisons but also within prisons, depending on the needs of offender cohorts or individuals. It noted that variations were expected across the adult male, female, and youth estates. Education and activities were recognised to be particularly important in the YCS. The briefing highlighted that the development of the adapted prison regime would be informed by regular advice from PHE, who would model the potential impact of changes on contact rates, and the likelihood of introducing infection into prisons.
119. On 6 May 2020, I attended a meeting with the Lord Chancellor and Minister Frazer, alongside other senior leaders to discuss the medium-term plan for prisons. The Lord Chancellor felt that testing and tracing would become increasingly important. His view was that we should be clear that “medium term” meant until we find a vaccine. I exhibit a readout of the meeting **[JF/092 – INQ000624388]**.
120. On 7 May 2020, I had a meeting with Minister Frazer in which she expressed the view that the YCS should restart education. I explained that the YCS was to enter “Phase

2” during which we would reintroduce education. I emphasised that the YCS was prioritising the use of video calls to maintain family ties. I exhibit the readout as **[JF/093 – INQ000591150]**.

121. On 12 May 2020, Helga Swidenbank reported to the HLT that a YCS project team was considering the medium-term plan for the youth estate in collaboration with the wider HMPPS team to ensure that any YCS-specific issues were incorporated into the wider guidance. It was considered that the YCS could be effectively managed through the central HMPPS medium-term plan, subject to appropriate revisions and additions. The YCS COVID-19 Recovery Working Group fed into the production of the National Framework, which would set out parameters for prisons to follow as they begin to ease regime restrictions. I exhibit the minutes **[JF/094 – INQ000624389]**.
122. The use of testing was a core element of the medium-term plan. By 14 May 2020, HMPPS planned to develop a testing regime to test prisoners upon receipt from courts and the community (including recalls) to mitigate the risk of importing infections into prisons. The programme was to be developed in collaboration with DHSC, PHE and NHS England. I exhibit a presentation as **[JF/095 – INQ000624390]**.
123. On 19 May 2020, HMPPS briefed ministers on the progress of the National Framework. I exhibit the briefing **[JF/096 – INQ000591158]**. The briefing recognised that the implementation of new regimes will depend on the individual context of the establishment and bespoke consideration will be needed for the YCS estate.
124. On 26 May 2020, I attended a meeting of ExCo. We noted that the “Test, Track and Trace” system would be launched nationally on 27 May 2020 for implementation on 28 May. It was agreed that MoJ would need to publish its own guidance and that we should push for faster test results and for antibody testing for prison staff. I exhibit the minutes **[JF/097 – INQ000624391]**.
125. On 2 June 2020, HMPPS published the COVID-19: National Framework for Prison Regimes and Services (the National Framework) which I exhibit as **[JF/061 – INQ000575485]**. The National Framework provided a conditional roadmap, supported by Exceptional Delivery Models for easing restrictions. It outlined how prisons would operate in circumstances where COVID-19 remained a threat, but the severe regime restrictions were no longer proportionate. The framework introduced five stages of regime restrictions: Stage 5 represented the most severe limitations, while Stage 1

reflected a return to normal operations without social distancing or PPE requirements. Prisons would transition between the stages in response to local conditions such as an outbreak of infection in the prison or the community, or rates of staff absence. Prison governors were responsible for planning how they would apply the National Framework within their establishment, according to their local circumstances.

126. In summary, the 5 Stages were as follows:

- 126.1. **Stage 5: Complete lockdown.** A complete lockdown is implemented and managed under an ERMP due to an active and ongoing outbreak.
- 126.2. **Stage 4: Lockdown.** A lockdown remains in place and is managed under an ERMP in response to a significant number of infections within the establishment, at the national level, and/or in the local community.
- 126.3. **Stage 3: Restricted regime.** Prison regimes are restricted and managed under Recovery Regime Management Plans (RRMPs) published in June which I exhibit as [JF/098 – INQ000591218]. Prison regimes are restricted and managed under a RRMP. This stage is used when infection levels are under control. Social distancing and use of PPE are maintained, but key elements of the regime are reintroduced.
- 126.4. **Stage 2: Reduced regime.** Minimal social distancing is required, with a broader reintroduction of normal regime elements. RRMPs remain in place. This stage applies when there are no infections, or only low levels of infection with effective containment.
- 126.5. **Stage 1: Normal regimes.** Prisons operate as business as usual, managed under Regime Management Plans (RMPs), with no social distancing or pandemic-related restrictions in place.

127. The National Framework contained guidance specific to the CYPSEs. For example, under Stage 3, education and physical education (PE) would be reintroduced in YCS, while Stage 2 would allow for less restrictive adaptations and increased capacity for education. The anticipated date of the transition was 4 July 2020.

128. I am aware that the Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster, reviewed and signed off the National Framework. I exhibit a Situational Report dated 2 June 2020 produced by the DOC **[JF/099 – INQ000624392]**.
129. I am also aware that Helga Swindenbank sent letters about the National Framework tailored to CYP, their families, and carers, on 3 June 2020. The letter to staff explained that the National Framework applied to YOIs and STCs and provided helpful context for SCHs. The YCS was working in partnership with NHS England and local authorities to support transition to a fuller regime. Helga Swindenbank was additionally having calls with stakeholders to develop a medium-term strategy specific to the YCS.
130. The National Framework was quickly adopted in YOIs, with establishments writing ERMPs outlining core service delivery expectations aligned to daily availability of staff resources. A similar but tailored approach was adopted across STCs. SCHs were able to deliver fuller regimes due to the physical make-up of sites. The SCHs are smaller sites with the highest staff-to-child ratio of all the establishments in the CYPSE. I exhibit a presentation dated June 2020 describing the YCS's response to COVID-19 as **[JF/100 – INQ000624393]**. The response in the YCS included the provision of an enhanced SECURE STAIRS offer providing additional resources to assist staff with managing the most complex children and young people. Establishments also employed innovative ways of working to ensure CYP were kept safe and engaged. For example, the estates used small family groups and engaged in group activities such as fishing, painting parties, quizzes, and book reviews.
131. It was recognised that the CYPSE should be prioritised for easing restrictions given the wellbeing and safety needs of CYP, as well as the lower epidemiological risk that COVID-19 posed to them. For example, on 9 June 2020, the HLT recognised that the CYPSE should be prioritised and the case for entering Stage 3 in the National Framework would be put to Ministers as soon as possible. I exhibit the minutes of the meeting **[JF/77 – INQ000544637]**. On 16 June 2020, Minister Frazer indicated that HMPPS should relax restrictions in the youth estate as soon as possible given that COVID-19 posed less danger to CYP. I exhibit the readout of the meeting as **[JF/101 – INQ000624395]**. This was noted by the HLT on the same day.
132. The YCS OMC updated the HLT on the plans to ease restrictions in the YCS in June 2020. I exhibit the presentation **[JF/102 – INQ000624394]**. The Committee acknowledged plans to restart aspects of the normal regime such as social visits and

increased education. Estates would continue to be provided with Enhanced Secure Stairs Support Teams (comprising of NHS England, NHS Improvement, psychology, and YCS staff) to provide support and advice due to the vulnerabilities and complex needs of children in the YCS.

133. On 18 June 2020, the Lord Chancellor authorised proceeding to Stage 3 of the National Framework. I exhibit the readout of the meeting **[JF/101 – INQ000624395]**. As a result, any establishment that met the criteria for Stage 3 (small numbers of infections with outbreak control teams in place at a national level, community transitioning to alert level 3 or below, staffing levels sufficient to deliver EDMs) could progress out of a lockdown.
134. On 24 June 2020, I held a meeting with Minister Frazer. We agreed that the YCS should try to obtain agreement with the trade unions as we opened the regime. Minister Frazer continued to steer that we should open up as many prisons as was safe to do and to prioritise the youth estate.
135. On 30 June 2020, Dr Éamonn O'Moore published his advice that we should implement at scale and speed a system of testing at all new receptions and then re-testing between 4-7 days. I exhibit the advice as **[JF/103 – INQ000624399]**.
136. On 1 July 2020, the HLT received an update on the COVID-19 Prison Testing strategy from the Joint COVID-19 strategic policy unit. I exhibit the updated strategy **[JF/104 – INQ000624398]**. The policy noted that a comprehensive testing strategy will ensure HMPPS can continue to protect against the incursion and transmission of COVID-19 while delivering the objectives of our Medium-Term Plan. The aim was to build a comprehensive testing regime which may enable us to reduce the likelihood of having to enforce system wide restrictions to regime as required in the event of another wave of COVID-19. The policy provided for testing at reception, on inter-prison transfers, staff testing and testing prior to release from custody.
137. On 10 July 2020, it was reported to the HLT that all four public sector YOIs in the YCS had entered Stage 3, with the STCs due to be approved the week after.
138. On 13 July 2020, I provided an update on the progress made to ease restrictions. I explained that the public health advice at the time was that prisons and the youth estate could begin to ease restrictions, and that priority was being given to the youth

estate in recognition of the particular wellbeing and safety needs of children. I exhibit my statement **[JF/105 – INQ000624400]**. On 17 July 2020, it was reported to the HLT that all establishments in the YCS had moved into Stage 3 and the YOIs had recommenced face-to-face education.

139. As the country continued to ease restrictions, HMPPS prepared a briefing note dated 29 July 2020 to update the Ministers on progress to move into Stage 2 and the ongoing work to plan for a second wave of COVID-19 which I exhibit as **[JF/106 – INQ000624401]**. The note recommended that the conditions for moving into Stage 2 were met and sought formal ministerial agreement to complete planning and move into Stage 2 at the end of August or beginning of September 2020. The briefing noted that as the prevalence of the virus decreased, the restrictions may “start to appear to be disproportionate to the risk.”
140. On 21 August 2020, Helga Swindenbank reported to the HLT that work was ongoing in the YCS to move into Stage 2 and open up as much as possible. By 20 October 2020, the YCS had undertaken significant work to plan for the winter months. Establishments had progressed well through Stage 3, and some were considering entering Stage 2. It was emphasised that face-to-face education and learning must be maintained across the youth custodial estate even in the event of regime restrictions. I exhibit the YCS presentation titled ‘Winter Planning Update’ **[JF/107 – INQ000591249]**.
141. Following the announcement of national restrictions in the community on 2 November 2020, the HLT agreed that prisons should remain in the National Framework. In the YCS, it was emphasised that maintaining education was a priority. Social visits to children in custody would continue given the needs of the population and the lower epidemiological risk for children.
142. On 10 November 2020, the ExCo received an update on the development of a vaccine. It was noted that the Pfizer vaccine would be available for people in December 2020 with a larger vaccination programme to be rolled out in early 2021. It was noted that it was still unknown how well the vaccine would impact transmission rates and, in the meantime, communications should continue to stress the importance of following health guidance. I exhibit the minutes of the meeting **[JF/108 – INQ000624402]**.

143. As the infection rate continued to increase in the community, the country reverted into Tier 3 or 4. In response, the HLT agreed to direct that all adult prisons within a Tier 4 area should regress to Stage 4 with effect from 2 January 2021. In contrast, the YCS maintained their regimes in recognition of the need to maintain the well-being, education, and critical support services for children. It was noted that, given the impact on children of heavier regime restrictions and the lower risk of serious illness and death than in the adult estate, the Stage 4 restrictions for children in custody could not be justified. Furthermore, maintaining education in the YCS would ensure parity between children in custody and those in the community. I exhibit the minutes of the HLT meetings on 31 December 2020 and 5 January 2021 **[JF/109 – INQ000624406, and JF/110 – INQ000624405]**.
144. By 15 December 2020, the UK Government had approved the first vaccine for Covid-19 to be deployed, with a further two vaccines awaiting approval. HMPPS had been working to prepare staff, prison residents, young people, and service users for access to vaccinations as these become available. HMPPS staff who fell into the age or vulnerability categories would receive access to the vaccination in the community, in line with wider members of the public. At that time, the NHS planned to give prison residents the AstraZeneca vaccine, which was not yet approved, rather than the Pfizer vaccine currently being deployed in the community due to obstacles that prevented prison residents being transported to community vaccination sites. It was clear that children and young people held in the YCS did not qualify for the vaccine at that time. I exhibit the submission on vaccine delivery and prioritisation as **[JF/111 – INQ000624404]**.
145. By January 2021, it was clear that the delivery of the vaccine would follow the same prioritisation approach for prisoners and prison staff as for the wider community. With the exception of service users who were classified as vulnerable, vaccinations were not prioritised in the YCS, due to the younger age profile and lower epidemiological risk of the population.
146. Throughout the second wave, the YCS continued to diverge from the adult estate. By 17 February 2021, YCS priorities for stage 2 were slightly different than in the adult estate. The priorities in the 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 **[JF/112 – INQ000532477]**.

147. On 4 May 2021, I was emailed the YCS Stage 2 Guidance which was developed to sit alongside wider HMPPS guidance. The purpose was to provide additional guidance to the YCS to aid its recovery into Stage 2. The guidance contained five “priority statements” informed by research undertaken by COVID-19 Research and Evaluation (CoRE) and workshops with governors, directors, and key stakeholders. These included working with children in smaller groups and maintaining flexible and varied education. I exhibit the guidance [**JF/113 – INQ000591332 and JF/114 – INQ000591333**].
148. I understand that at the 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. The pre-existing YCS reform programme had been refocused to look at COVID-19 recovery while, for the adult estate, a new reform project was created.
149. By July 2021, there was an expectation that the regimes would revert back to normal in the adult estates and YCS. The HLT decided to bring COVID-19 related regime mitigations to an end by the end of September 2021.
150. My role as CEO of HMPPS ceased in September 2021. However, I understand that 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. On 9 May 2022, both adult and YCS establishments exited the National Framework.

Monitoring the impact of restrictions in the YCS

151. Throughout the pandemic, it was recognised that regime restrictions would have particular impacts on CYP in the YCS. HMPPS and the YCS collected various data in relation to COVID-19 to monitor the impact of regime restrictions and to capture learning points. The data included the number of infections, deaths, and early releases.
152. At HLT meetings on 2 and 9 April, the HLT reviewed a draft of the COVID-19 dashboard which combined a range of qualitative and quantitative data, including data in the YCS. I exhibit the draft as [**JF/115 – INQ000624377**]. On 15 April 2020, the HLT received an update on the development of the dashboard. It was noted that work was

being done to automate a suite of data to create the dashboard. It was anticipated that work would take around two weeks. In the meantime, the key COVID-19 data was provided manually to the HLT. I exhibit the paper **[JF/116 – INQ000624379]**.

153. I was aware that the YCS developed a dashboard jointly with NHS England which brought together data on staff and CYP, alongside data and information on incidents, cohort make-up, regime delivery, site capacity, and equipment levels. This data helped to provide a summary view of where there were areas of concern as well as good practice across YCS. Helga Swindenbank would report any issues or proposals based on this data to the HLT.
154. HMPPS and the YCS also conducted or commissioned a range of research into the impact of the regime restrictions. On 24 April 2020, YCS set up the CoRE programme. CoRE was established in collaboration with YCS, NHS and HMPPS Psychology Services under the independent direction of Professor Neal Hazel. It was a programme of research and evaluation to enable learning from the experience of dealing with “the threat of COVID-19’ in the youth secure estate, in order to ‘build back better”.
155. On 29 April 2020, Helga Swindenbank informed the HLT that the YCS had commissioned an academic study on suicide and self-harm within the YCS. She noted that, although the YCS had anticipated an increase in suicide and self-harm due to the restricted regime, the data observed so far did not align with those expectations.
156. I am aware that on 5 May 2020, the POMC considered a briefing note explaining that HMPPS had been working with PHE and the Office for National Statistics (ONS) to produce research aiming to provide information about the transmission dynamics of the virus. A subset of 30 prisons had been selected for the research, including sites in Feltham and Warrington in the youth custody service. I exhibit the briefing note **[JF/117 – INQ000532428]**.
157. In June 2020, the YCS published a report based on data collected in response to surveys. The report made some interim recommendations, one of which was that education should be adapted to suit each child, based on an assessment by a team of professionals considering the child’s needs and preferences. I exhibit the YCS’s presentation titled ‘Building Back Better’ **[JF/118 – INQ000591183]**.

158. On 2 July 2020, the HLT received an update on the work done on capturing learning in response to COVID-19. I exhibit the presentation **[JF/119 – INQ000624397]**. This included some early reflections on the experiences of children and young people from a sample of 90 children across three estates. This presentation identified that the YCS were commissioning external research support for their programme of learning about the response to COVID-19. Questionnaires were being designed for staff and service users, the output of which would be considered by the YCS Learning Recovery Board and the YCS SLT. It also noted that YCS colleagues were part of the wider learning lessons working group.
159. In November 2020, the YCS CoRE programme released a report of early findings. Interim recommendations were made for individual establishments based on the responses they had received. These included ensuring: ensuring children could contact their friends and family, maximising time spent outside of room and ensuring that children could speak to an advocate. I exhibit the CoRE presentation **[JF/120 – INQ000567570]**.
160. On 27 January 2021, CoRE gave an overview of the programme to the HLT. I exhibit the presentation **[JF/121 – INQ000591288]**. They explained that psychology services have collaborated with teams across NHS England, MoJ, and HMPPS to capture the experiences of the impact of COVID and subsequent responses across six stakeholder groups in the YCS. It was noted that the final report was due later that year. However, the team presented an overview of key and early findings on public health, mental wellbeing, safety and child behaviour, relationships and culture, and roles and development. The early findings were the result of surveys collated from 391 children between 22 July and 12 August 2020 and from 1,120 staff between 17 July and 17 August 2020. The HLT were presented with the key findings including:
- 160.1. A substantial minority of children (22 per cent) felt “pretty worried” about catching COVID-19; however, 77 per cent felt protected.
- 160.2. On mental wellbeing, a large majority of children (94 per cent) felt they had been coping but a substantial minority found the restrictions difficult at times.

- 160.3. Significantly more children reported being treated with respect, feeling cared for, and having someone to turn to for help during the restricted regime compared to prior to the pandemic.
161. I asked members to consider how they would build this learning into the future regime planning for their individual service areas. I understand that the CoRE Programme Team published a Final Report after I left my position as CEO.

MEDICAL AND SCIENTIFIC EXPERTISE, DATA AND MODELLING

162. In February 2020, HMPPS established a dedicated COVID-19 team, initially led by Richard Pickering. From the outset, his team was engaged directly with PHE, whose advice was shared with the HLT through briefings. While PHE's early guidance was sometimes directed only to junior officials, I was concerned that a more direct relationship with senior HMPPS leadership was necessary. For example, on 20 March 2020, PHE provided guidance throughout government recommending the early release of prisoners without first giving HLT notice. To address this, I made the decision to bring PHE into HLT meetings before wider advice was issued to ensure that senior leaders had access to the most up-to-date scientific advice and were given advance notice of any advice due to be published.
163. This system proved to be very effective. In March 2020, the HLT began meeting twice weekly, with one of the meetings dedicated solely to the COVID-19 response. HMPPS benefitted from a direct relationship with Dr Éamonn O'Moore. While the advice was fast-moving and evolving, particularly in the early stages of the pandemic, it was thorough and directed to the concerns of the prison estate. The YCS also liaised directly with PHE to ensure that the specific needs of children and young people were met. HMPPS was able to develop policies in the youth estate quickly and proactively. These policies considered and addressed the specific needs of CYP in our care and were informed by PHE advice on the epidemiological risks to CYP and the potential psychological risks of imposing a lockdown.
164. ExCo and HLT also took into account advice from SAGE, which offered broader guidance and projections, including reasonable worst-case scenarios. This advice was circulated across all government departments, each of which was required to prepare a response and report back to the Cabinet Office. Within MoJ, SAGE advice was passed to the DOC which in turn provided updates to SAGE on the measures MoJ had

implemented in response. These measures were then subject to scrutiny by the Cabinet Office.

165. This system worked effectively by establishing a clear feedback loop between central scientific advice and departmental decision-making. It ensured that MoJ was both informed by the latest modelling and able to tailor its operational policies quickly, while maintaining accountability to the wider government. This relationship ensured that MoJ was able to take an evidence-based approach to decision-making under significant time pressure.

REFLECTIONS

166. The pandemic, and the lockdowns that followed, presented an unprecedented challenge for everyone. I am immensely proud of the work undertaken by HMPPS during this period. The reasonable worst-case scenario predicted that HMPPS would suffer 2,500 – 3,500 excess deaths in the first wave of the pandemic. Every death from COVID-19 was a profound tragedy, and I extend my heartfelt condolences to my colleagues at HMPPS who lost loved ones and all those affected during this time. I am deeply grateful for the dedication and efforts of everyone at HMPPS and in MoJ, which helped limit the excess deaths to nine prison staff and 23 prisoners during the first wave of the pandemic.
167. The Prime Minister's instruction applied equally to all citizens. HMPPS was required to implement the Prime Minister's social distancing measures in the CYPSE. At the heart of all decisions was the overriding objective to save lives and protect the NHS. This responsibility extended to everyone in our care, as well as the staff who worked tirelessly on the front line under extraordinary pressure. The Prime Minister's instructions were based on the best available scientific advice at the time that a national lockdown was required to limit the spread of the virus. In that context, while we understood that regime restrictions would be challenging for children and young people in the CYPSE, I believe it was necessary to comply with the social distancing rules that applied in the community. Given the impact we anticipated regime restrictions would have, the YCS developed guidance which was designed to mitigate the impact of regime restrictions for CYP as far as possible, whilst also ensuring compliance with the Prime Minister's instructions.

168. One of the key lessons learned was the importance of pandemic preparedness and planning. Prior to the existence of COVID-19, HMPPS had completed significant pandemic planning. This proactive approach meant that when COVID-19 arose, we were not starting from scratch. Instead, HMPPS was able to draw on its existing plans, adapting them as the scientific understanding of COVID-19 evolved. This led to the development of ERMPs, which HMPPS was able to quickly implement following the Prime Minister's announcement. The ERMPs were localised plans, and therefore sufficiently flexible to allow the YCS's to implement the government's restrictions while minimising the impact of the restrictions for CYP. The YCS was therefore able to introduce specific mitigations to reduce the psychological and developmental impact on children, such as maintaining access to education packs and family contact.
169. As CEO, my role was to ensure that the governance framework within HMPPS remained effective and responsive to the prolonged state of emergency brought about by the pandemic. Activating Gold Command early in the pandemic was a necessary and important step. It played a vital role in coordinating our immediate response to resource challenges and managing the complex, fast-moving daily issues across the estates. However, Gold Command had traditionally been used to address short-term emergencies such as prison riots and was not designed for long-term deployment. Its structure required senior leaders to step away entirely from their regular responsibilities, which quickly proved unsustainable. To address this, I made the decision to adapt the Gold Command model by rotating its leadership and membership. This allowed senior staff to return to their core roles, ensuring that HMPPS could continue to operate effectively as a whole while maintaining a focused pandemic response.
170. In the event of a future pandemic, it is essential that the lessons learned from the COVID-19 pandemic are retained and applied to strengthen preparedness, safeguard the welfare of children and young people, and ensure that any response is both proportionate and compassionate to all those affected. These lessons include:
- 170.1. First, the policies and guidance developed for the YCS during the pandemic provide a strong foundation to develop a response to any future pandemic. These materials should be reviewed and adapted to reflect the specific risks posed by any new virus.

- 170.2. Second, one of the most significant advances since the COVID-19 pandemic has been the widespread use of technology. This can now be used more confidently to maintain social contact and education during periods of restricted movement. In particular, the rollout of in-cell telephony and the use of video-link communication are vital.
- 170.3. Third, during the early stages of the pandemic, the YCS had no prior experience of delivering education under physical distancing constraints. For any future crisis, the YCS would be better positioned if education packs, digital learning resources, and contingency teaching plans were developed in advance.
171. Throughout the pandemic, we recognised that continued access to education, family contact, and emotional support was essential to the wellbeing of children and young people in custody. These elements must remain central to any future pandemic response, alongside the overriding need to save the lives of those in custody and the frontline staff supporting them.

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

STATEMENT OF TRUTH

173. 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.

Signed:

Personal Data

Dated: 5 August 2025