



Andrew Sperling
Legal Aid Practitioners Group,
12 Baylis Road,
London,
SE1 7AA

Rikki Garg
The Association of Prison Lawyers,
PO Box 46199,
London,
EC1M 4XA

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29 April 2020

Dear Andrew and Rikki,

ACCESS TO JUSTICE FOR PEOPLE IN CUSTODY DURING THE COVID-19 PANDEMIC

Thank you for your letter of 6 April 2020. The Government is keen to ensure that the criminal and civil justice systems do not grind to a halt. The COVID-19 pandemic presents an unprecedented and unique challenge to the operation of the justice system. I recognise the challenges faced by all those involved in its operation, and I am struck by the dedication of all those who are demonstrating flexibility in the ways they work in order to ensure crucial services can continue to be delivered.

As you know, visits to prisons have been suspended in order to help contain the spread of the virus. While governors have some discretion to authorise official visits, this is intended to cater only for exceptional circumstances. I am very conscious that the current position is not satisfactory and therefore I am keen that we start to put in place alternative arrangements for ensuring that prisoners do have reasonable access to confidential legal advice. To that end, we have a number of workstreams in hand.

First, prisoners situated in wings with in-cell telephony are able to contact their legal advisers, and especially where they are held in single cells they are able to undertake conversations in confidence. We are also increasing the number of mobile phones available to prisoners at sites which do not have in-cell provision. Additionally, prisoners are being given a £5 per week phone credit in recognition of the withdrawal of normal visits. Where the above facilities are not available, or where they are not sufficient, we are encouraging prisons to make alternative arrangements so that prisoners who have a need to speak to their legal advisors can do so and to ensure these conversations can be held in private.

We are working to improve the functionality of prison video conferencing facilities alongside similar enhancements in the courts. These enhanced facilities will prioritise remand, sentencing and Parole Board hearings in the first instance, as well as enabling confidential video consultations between defendants and their legal advisors to take instruction in advance of those prioritised hearings. In addition, we have been developing and testing a process for booking these video consultations with legal advisers.

The new systems and processes are currently the subject of extensive testing, involving the judiciary and members of the defence community as well as staff in courts, probation, CPS and prisons. I am

particularly grateful to the defence practitioners for their valuable contribution. Following on from the testing, the new service has been implemented across England and Wales on a phased basis, beginning with four prisons in the North East and three in London and the South East with effect from Monday 27 April.

We do not have the videoconferencing capacity to facilitate all the prisoner/legal adviser contacts that we might wish. We are therefore concentrating on using videolinks to support priority hearings while also working to improve contacts by telephone. In particular, we are looking to extend the bookings service mentioned above so that legal advisers are able to book telephone calls with their clients in custody.

I am copying this letter to the Lord Chief Justice, the Chair and Chief Executive of the Parole Board, the President of the Law Society, the Criminal Law Solicitors Association and the London Criminal Courts' Solicitors Association.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The signature is written in a cursive, slightly slanted style.

RT HON ROBERT BUCKLAND QC MP