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12 June 2020

**For the Urgent Attention of  
Rt Hon Robert Buckland QC MP  
Lord Chancellor & Secretary of State for Justice**

CC

The Prisons Minister  
The Lord Chief Justice  
The Chair of the Parole Board  
The Chief Executive of The Parole Board  
HMP Governors and Directors  
The Legal Aid Agency  
The Law Society  
The Criminal Law Solicitors Association  
The London Criminal Courts' Solicitors Association  
Appeals

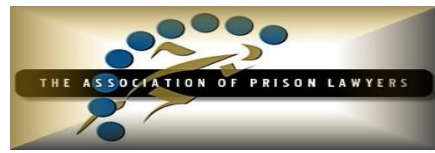
Dear Lord Chancellor

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

We wrote to you on 6 April 2020 regarding this matter. Thank you for your letter in response dated 29 April 2020.

Your letter stated:

*“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...”*



*... 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."*

We were grateful for these assurances and we appreciated that changes would not be immediate. We also recognised that the ability of establishments to provide appropriate access would be affected by wider developments relating to the pandemic.

We have waited for a reasonable period of time to pass before writing again. During this period we have monitored developments across the prison estate. We have surveyed our members and have sought information from the Parole Board concerning the roll-out of video conferencing technology.

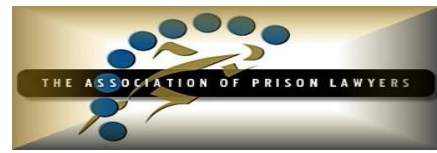
As far as we are aware, there are still no publicly available, centrally co-ordinated records concerning facilities for legal consultations and parole hearings. In the absence of this, we believe the data that we have gathered to be the best available, current evidence.

We have been keen to identify good practice. Some establishments have demonstrated a commitment to ensuring that prisoners can have reasonable access to their lawyers for private consultations and that meaningful parole hearings can proceed. They are, on the whole, facilitating video-link meetings and/or phone conferences within a reasonable period of time. The range of establishments who have been able to provide this indicates that it is possible for this to be achieved across the prison estate.

**Our members have reported that legal conferences and hearings have been facilitated reasonably well in the following prisons:**

Bronzefield	Littlehey
Bullington	Peterborough
Coldingley	The Verne
Frankland	Wandsworth
Hatfield	

At the other end of the scale, there are a comparatively small number of prisons that are failing to provide any or adequate access. Some are not even facilitating parole hearings. This means that all prisoners at these prisons who have had parole hearings listed or due since mid-March have experienced significant delays to their parole hearings. Backlogs will have developed which will affect prisoners with hearings due now or later this year. Some of these prisoners could safely be released from custody. There will be significant numbers of prisoners at these establishments who will have other ongoing, important legal cases.

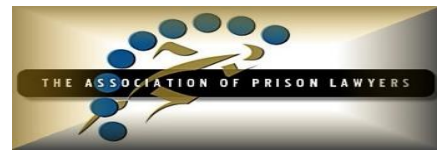


**Our members have reported examples of the following prisons failing to provide any or adequate access:**

Bristol	North Sea Camp
Brixton	Northumberland
Erlestoke	Ranby
Exeter	Stafford
Gartree	Stocken
Isle of Wight	Swaleside
Moorlands	Whatton

**Our members have reported examples from the following prisons of limited access but with significant difficulties:**

Altcourse	Feltham	Leeds	Sudbury
Ashfield	Foston Hall	Low Newton	Swansea
Askham Grange	Full Sutton	Lowdham Grange	Swinfen Hall
Aylesbury	Garth	Maidstone	Thameside
Bedford	Grendon	Manchester	Thorn Cross
Belmarsh	Guys Marsh	Morton Hall	Usk
Berwyn	Haverigg	The Mount	Wayland
Birmingham	Hewell	New Hall	Wakefield
Brinsford	Highpoint	Norwich	Wandsworth
Buckley Hall	Hindley	Nottingham	Warren Hill
Bure	Hollesley Bay	Oakwood	Wayland
Cardiff	Holme House	Pentonville	Wealstun
Chelmsford	Hull	Onley	Werrington
Channings Wood	Humber	Parc	Wetherby
Cookham Wood	Huntercombe	Portland	Whitemoor
Dartmoor	Isis	Prescoed	Winchester
Deerbolt	Kirkham	Preston	Woodhill
Doncaster	Kirklevington Grange	Risley	Wormwood Scrubs
Dovegate	Lancaster Farms	Rochester	Wymott
Downview	Leicester	Ryehill	
Drake Hall	Leyhill	Send	
Durham	Lincoln	Spring Hill	
East Sutton Park	Lindholme	Stafford	
Eastwood Park	Liverpool	Standford Hill	
Elmley	Lancaster Farms	Stoke Heath	
Featherstone	Long Lartin	Styal	



We have reviewed the recently published document *COVID-19: National Framework for Prison Regimes and Services* which includes a conditional 'recovery' road-map. We note that this does not contain any specific reference at all to legal consultations.

We recognise that there are various competing considerations which need to be carefully weighed. We believe that the complete absence of reference to legal consultations is likely to be taken as an indication that they are not important and that prisons do not need to do anything more to facilitate them.

Your letter of 29 April indicated that you were conscious that the current position was not satisfactory and that you were keen that alternative arrangements were put in place for ensuring that prisoners do have reasonable access to confidential legal advice. We do not believe that the arrangements in place are meeting this objective. We believe that urgent Ministerial intervention is required to address this.

We would be very grateful to hear from you as soon as possible with an up to date list of which prisons can provide reasonable remote access for legal consultations and parole hearings, as well as your plans to ensure all prisoners have access to justice.

Yours sincerely,

**Andrew SPERLING** on behalf of

**The Legal Aid  
Practitioners Group**

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