

UK Covid-19 Inquiry – Request for Evidence pursuant to Rule 9 Inquiry Rules 2006

Witness name: Elisabeth Sian Davies

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UK COVID-19 INQUIRY

WITNESS STATEMENT OF ELISABETH SIAN DAVIES

ON BEHALF OF THE INDEPENDENT MONITORING BOARDS

I, **Elisabeth Sian Davies**, will say as follows:

- 1 I am the National Chair of the Independent Monitoring Boards (**IMBs**). I have held this role since my appointment commenced on 1 July 2023 and my term runs until 30 June 2026. Before this, I was appointed Chair of the Office for Legal Complaints, which oversees the work of the Legal Ombudsman, a role I still hold. I have extensive experience of working across both charitable and public sectors and hold a number of professional roles across a number of organisations.
- 2 I am duly authorised to make this statement in my capacity as the National Chair of the IMB. I make this statement in relation to the corporate function of the IMB. I am unable to provide comment in relation to the work and operations of individual Boards (**Boards**), as these operate separately to the IMB's corporate function and their activities are not directly supervised by the IMB. Nonetheless I make repeated reference to what Boards published during the Specified Period.
- 3 I would like to thank the hard-working members of the Boards who continued to work tirelessly throughout the Covid-19 pandemic to ensure that the independent monitoring of people in detention, who are often some of the most vulnerable in our society, continued to be carried out. The impact of the Covid-19 pandemic on IMB members cannot be underestimated and I am grateful to all members for their resilience, adaptability and commitment to monitoring and reporting on the treatment of and

conditions for prisoners and those being held in immigration detention facilities. I would like to extend my condolences to the families of those members who sadly died during the Covid-19 pandemic and whose contributions to their local communities are greatly missed.

- 4 My predecessor, Dame Anne Owers, was appointed as the first National Chair of the IMB in November 2017 and held this role until my appointment in July 2023. In this statement, I have made clear where I have relied on the evidence of others or contemporary records, particularly as I began my role at the IMB in July 2023, after the end of the Specified Period (i.e. 1 January 2020 to 28 June 2022).
- 5 This statement has been prepared in response to a Request for Evidence pursuant to Rule 9 of the Inquiry Rules 2006 in relation to Module 8 of the UK Covid-19 Inquiry.

Part A – Roles and Responsibilities of the Independent Monitoring Boards

- 6 The Prison Act 1952 and the Immigration and Asylum Act 1999 require the Secretary of State for Justice and the Home Secretary to appoint independent Boards to monitor prisons and places of immigration detention, from members of the local community. The legislation gives members of these Boards, who are lay people and unpaid public appointees, unrestricted access to these establishments and to the prisoners and detained people held in them, and their independence from the establishments they monitor allows them to report without fear or favour. This legislation also enables Boards to hear complaints from detained people, which are taken in the form of applications.
- 7 Each individual Board is supported by the IMB Secretariat. This is a small team of now nearly 40 civil servants whose work includes operationalising the strategy set by the National Board, in collaboration with the membership, as well as providing expert guidance, advice and support to Boards to enable them to deliver their statutory responsibilities. At the start of the Specified Period, the IMB Secretariat was made up of just 20 full time civil servants, and the support offered was more administrative.
- 8 In my role as National Chair I provide leadership, together with the National Board, for IMB members and am responsible for planning the overall strategic direction of the IMB and for developing the processes and procedures that support the work of the members. Throughout this statement I have referred to the central function of the IMB as "the IMB" and the activities of relevant individual Boards as "Boards". The National Board oversees the work of Boards and was previously named the Management Board

and, prior to the Specified Period, the National Council. Throughout this statement, I have referred to the National Board as its title at the time, in the given context.

- 9 Boards' geographical remit covers prisons and young offender institutions (**YOIs**) in England and Wales, and the immigration detention estate (**IDE**) throughout the UK. I exhibit a copy of the Protocol between the Ministry of Justice and the IMB as [ESD/01 - INQ000612439].
- 10 In addition to these establishments, Boards' remit also includes charter flight removals from the UK. The Charter Flight Monitoring Team was created on an administrative, non-statutory basis by agreement between Home Office Immigration and the then IMB National Council. I exhibit a copy of the Memorandum of Understanding between the Home Office and the IMB as [ESD/02 - INQ000612440].
- 11 Memorandums of Understanding (**MOUs**) are in place between the IMB and the Ministry of Justice (**MOJ**), dated 25 July 2019 (as exhibited at paragraph 9 above), and the IMB and HM Prison and Probation Service (**HMPPS**), dated 9 December 2019, in relation to adult prisons and YOIs. I exhibit a copy of the Memorandum of Understanding between HMPPS and the IMB as [ESD/03 - INQ000578098]. MOUs are also in place between the IMB and the Home Office in relation to immigration removal centres (**IRCs**) and short-term holding facilities (**STHFs**), dated 3 June 2020 (as exhibited at paragraph 10 above), and the IMB and Border Force dated January 2022. I exhibit a copy of the Memorandum of Understanding between Border Force and the IMB as [ESD/04 - INQ000612442].
- 12 Boards' functions and powers are further defined in the Prison Rules 1999, the Young Offender Institution Rules 2000, the Detention Centre Rules 2001 and Short-term Holding Facility Rules 2018.
- 13 National guidance is in place to assist Boards to conduct their monitoring. The IMB's National Monitoring Framework (**NMF**) is a comprehensive document agreed with Ministers and by the IMB's then Management Board. The NMF explains the role of Boards, describes the purpose and principles of monitoring and shows how this can have an impact on outcomes for prisoners and detainees. I exhibit copies of the Pre-Covid National Monitoring Framework as [ESD/05 - INQ000612443] and the 2021 National Monitoring Framework as [ESD/06 - INQ000612444].
- 14 In 2004, following the 2001 Lloyd review, Ministers also charged Boards to satisfy themselves as to the humane and just treatment of those held in custody within each

establishment and (for prisons and YOIs) the range and adequacy of the programmes preparing them for release.

- 15 Boards play a crucial role in the independent oversight of prisons and places of immigration detention. Members of Boards form a part of the UK's National Preventive Mechanism, set up under the UN Optional Protocol to the Convention against Torture, to prevent inhumane treatment in places of detention which operate out of sight of the public. The IMB's work complements that of HM Inspectorate of Prisons (**HMI Prisons**) which carries out periodic in-depth inspections, and the Prisons and Probation Ombudsman, who investigate deaths and complaints. This helps to create a virtuous circle, in which the findings of monitors, inspectors and investigators reinforce and inform one another in order to promote and influence best practice. I refer to the 2021 National Monitoring Framework as referenced at paragraph 13 above.
- 16 Boards report their findings on a regular basis to those responsible for managing the establishment. Those findings are brought together in published annual reports, which make an assessment of the establishment under four main headings: (i) safety (including violence and self-harm measures, safeguarding and use of force); (ii) humane treatment (including segregation/separation, equality and accommodation); (iii) health and wellbeing (including primary care, mental health, exercise, drug and alcohol treatment and soft skills); and (iv) progression and release (including education, training, offender management and preparations for release or removal). However, some variations in these headings can be seen in different Boards' reports. Boards in establishments holding children under the age of 18 split their assessment of the provision and availability of education from the progression and release section of their reports, and Boards monitoring in the IDE will assess preparation for return or release (for IRCs), and preparation for removal, transfer or release (for STHFs). I refer to the 2021 National Monitoring Framework as referenced at paragraph 13 above.
- 17 Importantly, Boards do not inspect establishments, as they have a specific monitoring role. Inspection is a time-limited examination of a prison or detention facility, and inspectors will be able to compare that establishment with many other similar places and make professional judgements as to the adequacy of provisions in areas such as education and healthcare. Inspection reports can be helpful to inform monitoring and to indicate areas which need, and should be getting, improvement. Monitoring will look at and report on more real time outcomes for prisoners and detainees, and IMB findings can help inform inspections (as outlined within the 2021 National Monitoring Framework referenced at paragraph 13 above).

- 18 Please see Annex A exhibited to this statement for a list of the Ministers and senior civil servants responsible (during the Specified Period) for each of the areas the IMB monitors, including prisons, YOIs and the IDE.

The IMB's responsibilities in relation to children and young people

- 19 The youth secure estate comprises three public YOIs (HMYOI Wetherby, HMYOI Werrington and HMYOI Feltham A) in England and Wales and one secure training centre (which is not monitored by a Board) that are run by the Youth Custody Service (YCS), a specialist service within HMPPS. There is also one privately run YOI (HMYOI Parc) which is monitored by a Board. The youth secure estate also includes one secure school and eight secure children's homes run by local authorities, which are not monitored by Boards. During the Specified Period, there was a fourth public YOI, HMYOI Cookham Wood. Any person under the age of 18 who receives a custodial sentence is either sent to a secure home or training centre for children or a YOI, rather than an adult prison. Children under the age of 15 are typically held in a secure children's home, whilst children aged between 15 and 18 would typically be held in secure training centre or a YOI.
- 20 For the purposes of Module 8, the Inquiry defines a "child" as "*an individual aged between 0 to 18*". Throughout the Specified Period, the IMB continued to monitor YOIs which held children and the IMB's responsibilities to those children in YOIs did not change during the Specified Period.
- 21 Pursuant to the Inquiry definitions, a "young person" is defined as follows: "*The individual was a) a care leaver between the ages of 18 and 25; or b) had special educational needs and/or disabilities (up to 25 years old); or c) was 18 to 25 and attended further and/or higher education and/or training; or d) was between the ages of 18 and 25 and in the custody of the state.*"
- 22 The law in England and Wales is clear that, in the context of criminal proceedings, both suspects and offending individuals aged 18 years and over are treated as adults.
- 23 In England, some prisons are designated as both adult prisons and YOIs, meaning they hold both adults (i.e. over the age of 18) and young offenders aged between 18 and 25 years old. Examples of these dual-designated prisons are HMP/YOI Isis and HMP/YOI Thorn Cross.
- 24 As no distinction is made between adults aged 18-25 and those aged over 18 in the Criminal Justice system, the IMB does not collect specific data in relation to individuals

aged 18 – 25 years as part of its monitoring. Individuals aged 18 – 25 are (and continue to be) considered during the monitoring of adult and dual-designated establishments.

- 25 Sometimes, as part of their reports following monitoring visits to dual-designated prisons, Boards will refer to "young people" or "young adults". However, this is not a consistent approach taken by all Boards monitoring across the secure estate and, more often than not, a distinction is not made between findings in the report relating to adults (i.e. individuals aged over 18) and findings relating to young people (i.e. adults aged between 18-25, pursuant to the Inquiry definitions). It is often therefore unclear when reading the reports prepared by Boards in relation to dual-designated establishments, whether the Boards are reporting in relation to adults or young people.
- 26 When referencing the work of Boards in this statement, where a Board specifically refers to "children", "young people" or "young adults", I have used the same wording. Where a Board does not distinguish between the adult population in a dual-designated establishment, I have used the wording adopted by the Board, such as "prisoners".

Young people in the adult secure estate

- 27 Each Board's responsibilities towards young people in the adult secure estate is set out in the Prison Rules 1999 and is summarised below:
- (a) The Board shall satisfy themselves as to the state of the prison premises, the administration of the prison and the treatment of the prisoners.
 - (b) The Board shall inquire into and report upon any matter into which the Secretary of State asks them to inquire.
 - (c) The Board shall direct the attention of the Governor to any matter which calls for his attention and shall report to the Secretary of State any matter which they consider it expedient to report.
 - (d) The Board shall inform the Secretary of State immediately of any abuse which comes to their knowledge.
 - (e) Before exercising any power under these Rules, the Board and any member of the Board shall consult the Governor in relation to any matter which may affect discipline.
 - (f) The Board and any member of the Board shall hear any complaint or request which a prisoner wishes to make to them or him.

- (g) The Board shall arrange for the food of the prisoners to be inspected by a member of the Board at frequent intervals.
- (h) The Board shall inquire into any report made to them, whether or not by a member of the Board, that a prisoner's health, mental or physical, is likely to be injuriously affected by any conditions of his imprisonment.
- (i) The members of the Board shall visit the prison frequently, and the Board shall arrange a rota whereby at least one of its members visits the prison between meetings of the Board.
- (j) A member of the Board shall have access at any time to every part of the prison and to every prisoner, and he may interview any prisoner out of the sight and hearing of officers.
- (k) A member of the Board shall have access to the records of the prison, except that members of the Board shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 2 of the Regulation of Investigatory Powers Act 2000.
- (l) The Board shall make an annual report to the Secretary of State concerning the state of the prison and its administration, including in it any advice and suggestions they consider appropriate.

Children and young people in YOIs

28 Each Board's responsibilities towards children and young people in YOIs is set out in the Young Offender Institution Rules 2000 and is summarised below:

- (a) The Board shall satisfy themselves as to the state of the premises, the administration of the institution and the treatment of the inmates.
- (b) The Board shall inquire into and report upon any matter into which the Secretary of State asks them to inquire.
- (c) The Board shall direct the attention of the Governor to any matter which calls for his attention and shall report to the Secretary of State any matters which they consider it expedient to report.
- (d) The Board shall inform the Secretary of State immediately of any abuse which comes to their knowledge.

- (e) Before exercising any power under these Rules, the Board and any member of the Board shall consult the Governor in relation to any matter which may affect discipline.
- (f) The Board and any member of the Board shall hear any complaint or request which an inmate wishes to make to them or him.
- (g) The Board shall arrange for the food of the inmates to be inspected by a member of the Board at frequent intervals.
- (h) The Board shall inquire into any report made to them, whether or not by a member of the Board, that an inmate's health, mental or physical, is likely to be injuriously affected by any conditions of his detention.
- (i) The members of the Board shall visit the institution frequently, and the Board shall arrange a rota for the purpose.
- (j) A member of the Board shall have access at any time to every part of the institution and to every inmate, and he may interview any inmate out of the sight and hearing of officers.
- (k) A member of the Board shall have access to the records of the YOI, except that members of the Board shall not have access to any records held for the purposes of or relating to conduct authorised in accordance with Part 2 of the Regulation of Investigatory Powers Act 2000.
- (l) The Board shall, make an annual report to the Secretary of State concerning the state of the detention centre and its administration, including in it any advice and suggestions they consider appropriate.

Children and young people in the IDE

- 29 Boards' functions and powers in relation to the IDE are set out in the Detention Centre Rules 2001 and the Short-term Holding Facility Rules 2018. However, there is no distinction in relation to Boards' functions in respect of adults and children and young people in the IDE. Boards' functions and powers apply regardless of the age of the individuals in the IDE.

Part B – Planning prior to the pandemic

- 30 The IMB did not hold or have access to any planning materials prior to the beginning of the Specified Period which considered pandemic planning specifically in relation to

the monitoring of secure establishments which held children and young people, including: (i) the adult secure estate which held young people; (ii) YOIs which held children and young people; or the IDE, comprising IRCs and STHFs, which held children and young people.

- 31 The IMB also did not hold or have access to any planning materials prior to the beginning of the Specified Period which considered how the IMB or Boards would discharge monitoring duties in relation to the secure estate which held children and young people in the event of a pandemic, or any other civil emergency.
- 32 As Boards' unfettered access to secure establishments is enshrined in legislation, access by Boards to secure establishments cannot be restricted, even in the event of a pandemic.
- 33 The importance of each Board's continued access to secure establishments during the Specified Period is evidenced in the HMPPS Flu Pandemic Policy Framework (interim framework). I exhibit a copy of the HMPPS Flu Pandemic Interim Policy Framework as [ESD/07 - INQ000586845]. This document was issued and implemented on 2 March 2020 and stated that Boards' rights of access to secure establishments could not be overruled by wider decisions to restrict visits to prisons.
- 34 On 13 March 2020, an update for Boards was published on the IMB Members' website which explained that the IMB was keeping in close contact with HMPPS and the Home Office regarding contingency plans in relation to Covid-19 and that the IMB would be issuing weekly updates to Board Chairs. For the latest developments, Boards were encouraged to check the IMB Members' website and follow guidelines from the Government/NHS in relation to their own personal health risks.
- 35 In relation to the work of the IMB, Boards were asked to avoid physically posting documents to the IMB and to scan or email copies of documents instead, as the IMB was anticipating a central directive for the IMB Secretariat staff to work from home. I exhibit a copy of the Covid-19 guidance for Boards updated 13 March 2020 as [ESD/08 - INQ000612446].
- 36 Weekly updates were sent to all Board members on a Monday, beginning on Monday 23 March 2020. Before this, by 17 March 2020, Boards were strongly advised to consider suspending face to face monitoring for seven days and to keep in touch with establishments through the daily briefing or equivalent electronic means.
- 37 By 20 March 2020, Board Chairs were asked by the IMB to complete a form so that the IMB could brief Ministers and other stakeholders in relation to the position regarding

Boards and their approach to monitoring during the early phase of the Specified Period. I exhibit a copy of the Covid-19 guidance for Boards updated 17 March 2020 as [ESD/09 - INQ000612447].

- 38 The IMB began planning how Boards would discharge their responsibilities towards children and young people after the announcement of the first national lockdown on 23 March 2020, as it was clear at this point what the impact of the first national lockdown restrictions would have on individual members and Boards. By way of context, the demographic of Boards tends to be made up of retirees, many of whom were clinically vulnerable or lived with someone who was, or were otherwise risk averse. The IMB was therefore aware that there may be a reduction in the number of members who were willing and able to continue to perform their role in person as a member of a Board, in light of the restrictions during the first national lockdown and risks associated with Covid-19.
- 39 On 23 March 2020, the Home Office issued an update for centre managers, an FAQ document for staff and a set of principles in relation to the management of Covid-19. These documents were relevant to Boards responsible for monitoring IRCs and were made available to members on the IMB Members' website. I exhibit a copy of the Home Office update to Boards on 23 March 2020 as [ESD/10 - INQ000612448], a copy of the Home Office update to centre managers on 20 March 2020 as [ESD/11 - INQ000052654], a copy of the Covid-19 FAQ document from 20 March 2020 as [ESD/12 - INQ000052655] and a copy of the general principles for managing Covid-19 in IRCs as [ESD/13 - INQ000052656].
- 40 A decision was taken by the former National Chair not to separate out planning efforts for Boards' monitoring adult secure establishments and secure establishments holding children and young people. It was the IMB's position that all individuals held in detention were vulnerable in a pandemic.
- 41 Upon the announcement of the first national lockdown on 23 March 2020, daily informal internal meetings were held between key individuals within the IMB for planning purposes. Attendees included the previous National Chair, the Head of Secretariat and the Head of Policy and Communications. These were high level meetings held between senior leaders within the IMB. Whilst the IMB does not hold records of these informal meetings, I would anticipate that operational, strategic and/or policy issues would have been discussed, to understand how such issues would affect the IMB, the Boards or their monitoring. These meetings reduced in frequency as the plans under consideration were implemented.

- 42 Between 6 April 2020 and 1 June 2020, the then Management Board agreed to meet every two weeks remotely, via conference call during the early stages of the Covid-19 pandemic to provide governance oversight in a rapidly changing situation and to enable Management Board decisions to be made quickly. Minutes of these meetings were kept and have been disclosed within Annex B.
- 43 The previous National Chair regularly met with senior leaders within HMPPS and the Home Office to informally test IMB plans against operational constraints. I understand that this was a two-way discourse between the organisations, so each could gain early information relevant to its operations and ensure the continuity of monitoring by Boards. There are no minutes from these meetings.
- 44 On 24 March 2020, the IMB published an update on the IMB Members' website setting out that, following the Prime Minister's announcement on 23 March 2020, *"Boards should not visit the establishment they monitor for any purpose and should move fully to indirect monitoring. This includes serious incidents, during which Boards should arrange to be kept in contact with the command suite via telephone. We will review the position if the Government's approach changes following the initial three-week lockdown period."* The update confirmed that it was important to maintain active contact with the establishment by phone, email and other electronic means and, as a minimum, Boards should ensure that every member was receiving the daily briefing from the establishment. I exhibit a copy of the Covid-19 update for Boards on 24 March 2020 as [ESD/14 - INQ000612452].
- 45 Boards expressed their concerns about not going into establishments, but the situation was changing on a daily basis and the IMB continued to seek guidance from the MOJ and the Home Office in relation to how monitoring could be carried out safely.
- 46 By 25 March 2020, each Board had dedicated teleconference lines to enable meetings to take place by phone. Skype had been cleared by the MOJ for use for Board business, but other videoconferencing systems such as Zoom had not been approved for Board use at this point, although it was later approved in April and became the preferred platform for the IMB and Boards. I exhibit a copy of the Covid-19 update for Boards on 25 March 2020 as [ESD/15 - INQ000612453].
- 47 By 27 March 2020, the IMB had taken legal advice, had further discussions with the MOJ, HMPPS and the Home Office and received feedback from Boards. As a result, the IMB changed its advice to Boards after the update issued on 25 March 2020: visits to prisons and IRCs were possible for certain limited tasks, subject to a risk assessment being made by each Board. This update was published on the IMB Members' website.

I exhibit a copy of the Covid-19 update for Boards on 27 March 2020 as [ESD/16 - INQ000612454].

- 48 This position was adopted as Boards were carrying out a statutory duty, however, this did not change the position for individual members who may have decided not to visit in person, in light of their own vulnerability or those of their immediate family. No member who decided that they could not undertake a visit was required to do so and any member choosing to visit an establishment was advised to "*take every precaution, in line with Public Health England advice, in order to reduce risk to themselves and others.*" I refer to the Covid-19 update referenced in paragraph 47 above.

Part C – Impact of lockdown

The Prime Minister's announcement of 23 March 2020

- 49 The IMB was not aware, prior to 23 March 2020, that the Prime Minister was contemplating a national lockdown. The IMB only became aware of the first national lockdown through public announcements, with the general public.
- 50 The IMB did not receive formal advice or information between January and March 2020 from the government (including the Department for Education, Home Office, Ministry of Justice, HMPPS and YCS) about the effect that a lockdown might have on any areas of work the IMB and Boards had responsibility for, including the monitoring of the secure estate that held children and young people.
- 51 The IMB has a very small central organisation. As a result, a decision was taken for the IMB to be reactive to the impact of a lockdown, rather than prepare for various scenarios which may or may not eventuate and would require the IMB to allocate its already limited central resources. This decision was made as the Boards' access to secure establishments could not be restricted during the pandemic. Furthermore, the IMB operates in a unique manner, whereby approximately 130 Boards operate separately and are formed of unpaid public appointees, each monitoring a different establishment across the United Kingdom (with HMPPS monitoring limited to England and Wales, and IDE monitoring UK-wide). This meant that, whilst the IMB issues guidance to Boards, it is the Boards' responsibility to apply this to their operation. The IMB created a Covid-19 Information Hub on the Members' website which contained central guidance for Boards, such as guidance on remote monitoring and visiting establishments. I exhibit a copy of IMB Management Board Minutes from 20 April 2020 as [ESD/17 - INQ000612455], an extract of the Covid-19 Information Hub for IMB members on remote monitoring as [ESD/18 - INQ000612456], an extract of the Covid-

- 19 Information Hub for IMB members of visiting establishments as [ESD/19 - INQ000612457] and a copy of the Remote Monitoring Overview Document dated April 2020 as [ESD/20 - INQ000612458]. Certain guidance was continuously updated, for example the guidance on visiting establishments was updated 52 times between April 2020 and April 2022. I exhibit a copy of the extract from the Covid-19 Information Hub for IMB members on revisions to visiting establishments as [ESD/21 - INQ000616739].
- 52 The IMB was not asked to contribute to any assessment about the impact a lockdown might have upon the monitoring of the secure estate that held children and young people.
- 53 The IMB did not complete a specific monitoring assessment or analysis of the impact of the first national lockdown on different groups of children and young people (such as looked after children or those with special educational needs and disabilities (**SEND**)) in the secure estate.
- 54 However, a number of National Annual Reports prepared by the IMB (which summarise key findings of annual reports published by Boards across the secure estate) relating to the periods 2019-2020 and 2020-2021 reported on the impact of Covid-19 and the first national lockdown, which included the impact on children and young people. Information contained in these annual reports was analysed for themes across establishments during those time periods. A detailed assessment of the impact of lockdown on children and young people held in the secure estate during the Specified Period is set out at paragraphs 117 – 209 below. The key National Annual Reports covering the period of the first national lockdown included: (i) the IMB's National Annual Reports relating to prisons for the periods 2019-2020 and 2020-2021; (ii) the 2019-2020 National Annual Report relating to Young Offender Institutions; and (iii) the 2020 National Annual Report for the Immigration Detention Estate. The National Annual Reports have been listed at Annex E.
- 55 As was the case throughout the Specified Period, no specific actions were taken by the IMB following the publication of the National Annual Reports. Boards have a statutory duty to monitor and report in relation to what they find in their relevant secure establishment. Boards do not have any power to compel the management of the relevant secure establishment to act. It is for HMPPS and the Home Office to take action in light of the IMB's reporting of these findings. As this is the IMB's constitutional method of operation, this approach was in force prior to and during the first, second and third national lockdowns, and remains the IMB's approach today.

The announcement of the second national lockdown

- 56 During the first national lockdown, the IMB developed a feedback mechanism for Boards to feed intelligence and general internal operational updates into the IMB. Where operational issues were contained within these updates, referrals were made for targeted support from local regional IMB representatives. This method of feedback continued throughout the second national lockdown.
- 57 Early in the first national lockdown, the IMB introduced an 0800 freephone telephone line for detainees (the **0800 line**). The 0800 line was rapidly introduced following the announcement of the first national lockdown in order to connect individuals within secure establishments to Board members. The 0800 line was manned by a subset of IMB members who took calls from home. A voicemail service operated outside of manned hours, although the hours of voicemail operation lessened later in the pandemic.
- 58 A call handler or voicemail transcriber would pass concerns to the relevant Board for inclusion in their monitoring and, where possible, reply to the individual. If a call handler had immediate concerns, they would alert the establishment directly. Boards varied in their approach to dealing with concerns raised through the 0800 line, depending on their physical presence in the establishment. Where Boards were unable to monitor in person, other options were available including using the "Email a Prisoner" service, and reliance on the support of the Board's clerk.
- 59 The pilot 0800 line was introduced in 13 prisons on 27 April 2020, alongside extensive training for Boards. All volunteers received three hours training (in the format of hour-long webinars with an alternative self-study version) and a guidance pack in relation to how the 0800 line was to be operated. There were support systems available for phone line volunteers including a buddy system and daily wash-up call which was chaired by a member of the IMB. I exhibit a copy of the IMB Management Board's minutes from 20 April 2020 as [ESD/17 - INQ000612455]. A separate handbook relating to the 0800 line for the IDE was prepared in April 2020. I exhibit a copy of the Applications Line Handbook as [ESD/22 - INQ000587869].
- 60 During the first four weeks of the pilot phase for the 0800 line, there were over 500 calls and messages made from prisoners from the 13 prisons in the pilot. Due to the success of the pilot of the 0800 line, the IMB's 0800 line was further rolled out during June and July 2020, with the aim that it would be operating in 50% of secure estate establishments by the end of July. It was available in all prisons and YOIs by the

autumn of 2020. I exhibit a copy of the IMB's update on the 0800 line findings from 22 May 2020 as [ESD/23 - INQ000612462].

- 61 The 0800 line continued in operation throughout the second national lockdown and supported Boards in maintaining contact with children and young people in the secure estate (I refer to exhibit ESD/23 INQ000612462 referenced at paragraph 60 above). Whilst the 0800 line was operational during the pandemic, over 16,500 calls were taken by Board members from individuals across the secure estate, with over 3,400 voicemails also left for call handlers.
- 62 A separate 0800 number was available to detainees in IRCs. However, this line was not manned, instead, detainees were able to leave a voicemail which was subsequently picked up and dealt with by Boards. Boards would either follow up their concerns or go to visit the individual who left the voicemail on their next rota visit, if possible. Due to the transient nature of the immigration detention population, there may not have been a member of a Board at the centre during the time in which a person was detained. I exhibit a copy of the 0800 Application Line Information Sheet for the IDE as [ESD/24 - INQ000612463].
- 63 The IMB continued to reflect on the impact of lockdowns at a national level through its published National Annual Reports.
- 64 As the IMB is an independent organisation, it was not asked to contribute to any assessment about the impact that a further national lockdown might have on any areas of work that it was responsible for which related to children and young people. However, although the IMB is not subject to a similar statutory duty as Boards are with their annual reports, it publishes National Annual Reports in order to consolidate the annual findings of Boards, for easier accessibility and as part of the wider public and parliamentary debate.
- 65 The IMB also did not complete a specific monitoring assessment or analysis of the impact of the second national lockdown on different groups of children and young people (such as looked after children or those with SEND) in the secure estate.
- 66 However, as detailed at paragraph 54 above in relation to the first national lockdown, a number of National Annual Reports relating to the period 2020-2021 across the secure estate report on the impact of Covid-19 and the second national lockdown, which included the impact on outcomes for children and young people. A detailed assessment of the impact of lockdown on children and young people held in the secure estate during the Specified Period is set out at paragraphs 117 – 209 below. The key

National Annual Reports covering the second national lockdown included: (i) the IMB's National Annual Report covering prisons for the period 2020-2021; (ii) the 2020-2021 National Annual Report covering Young Offender Institutions; and (iii) the 2020 National Annual Report for the Immigration Detention Estate. The National Annual Reports have been listed at Annex E.

The announcement of the third national lockdown

- 67 At the point of the third national lockdown in January 2021, the IMB had processes in place to keep the organisation operating as close to "*business as usual*" as possible and the IMB used what had been learned from the first and second national lockdowns to ensure organisational continuity.
- 68 In July 2021, a pilot trial was established with eight Boards to test a secure online workspace named Kahootz. This platform provided access to features including file storage, message boards, calendars and more. In December 2021, a phase two pilot was launched with approximately 24 additional Boards.
- 69 In addition to the IMB's secure email service, Kahootz allowed Board members to securely engage in Board duties from home, when required. This may include (for example) working on weekly monitoring (otherwise known as rota) reports, or annual reports.
- 70 Since the end of the Specified Period, nearly all Boards now use Kahootz. Recent platform updates have increased the tools available to Board members, following learnings from the Covid-19 pandemic in requiring flexibility and contingencies. Boards can now complete their weekly monitoring reports directly within the platform, allowing increased reporting, data analysis and reduced administrative burdens alongside recording IMB applications within Kahootz.
- 71 The IMB was not asked to contribute to any assessment about the impact a further national lockdown might have on any areas of work that it was responsible for, and which related to children and young people.
- 72 As was the case during the first and second national lockdowns, the IMB did not complete a specific monitoring assessment or analysis of the impact of the second national lockdown on different groups of children and young people.
- 73 As discussed at paragraphs 54 and 66 above, the IMB continued to publish National Annual Reports, which covered the period during the third national lockdown. The key National Annual Reports covering the third national lockdown included: (i) the IMB's

National Annual Report covering prisons for the period 2020-2021; and (ii) the 2020-2021 National Annual Report covering Young Offender Institutions. The National Annual Reports have been listed at Annex E.

Part D – Significant decisions which affected children and young people

Impact on monitoring visits

- 74 Each secure establishment has its own Board, covering prisons, YOIs, IRCs and STHFs. Charter flights are monitored by a team of members drawn from other Boards. Each Board is its own statutory entity (with the exception of the charter flight monitoring team), with statutory powers that grant unrestricted access to all areas of the secure establishments and those detained there, including establishment meetings and documents.
- 75 All Boards are comprised of lay members drawn from the local community. As members are unpaid public appointees, the IMB has strict guidelines that it must follow in its recruitment of members to Boards. Recruitment campaigns are opened and closed for specific establishments. Applicants must complete an application form, attend an interview and those that are recommended following the interview process must be vetted and, if found to be suitable, may be appointed to be a member by the relevant Secretary of State or their delegate. The IMB also has in place a Conflict of Interest Panel which will review any potential conflicts of interest.
- 76 Boards elect a Chair and a Vice-Chair on an annual basis, who are also appointed by the Secretary of State or their delegate.
- 77 Once appointed, members embark on their induction period. Most of their training is completed locally, under the supervision of the Board Development Officer, and is delivered practically through coaching and by shadowing existing members. Most are given a dedicated mentor.
- 78 Induction includes a list of key tasks to complete (such as attending their first Board meeting). Alongside this, members are required to complete a range of e-learning courses, such as on safeguarding children in custody.
- 79 Additionally, there are three residential training courses for members to attend: one for newly appointed members, for newly appointed Board leaders (Chairs and Vice-Chairs) and for newly appointed Board Development Officers. These are created and delivered by the national training team (IMB members who have been appointed to this additional

role). These courses were delivered virtually during the pandemic, reverting to in-person when restrictions eased to facilitate increased networking.

- 80 Opportunities for ongoing learning and development for Board members are available through locally arranged training sessions, additionally developed e-learning courses, virtual 'lunch and learn' events arranged by IMB staff with a range of stakeholders, annual study days and information sessions. There are also opportunities for Boards to share learning and experience at quarterly regional meetings, forums for those monitoring establishments of the same function (e.g. the women's estate) and through a funded annual visit to another Board.
- 81 As set out in paragraph 13 above, the NMF is national guidance in place to assist Boards in their monitoring. The NMF is accompanied by a guide, which is a shorter seven page document to be read in conjunction with the NMF and provides background to each section of the NMF, dealing with frequently raised issues and providing practical tips in relation to how it can be put into practice. I refer to the 2021 National Monitoring Framework at paragraph 13 above and exhibit a copy of the guide to using the National Monitoring Framework as [ESD/25 - INQ000612464].
- 82 The current NMF and guide are dated February 2021, replacing an older version which had been in place since 2016, and was therefore in place at the beginning of the Specified Period. There is an internal Members' website which also provides monitoring guidance and information to Boards. There is a section on the website dedicated to monitoring, containing links to the NMF and NMF guide, monitoring toolkits with guidance on specific areas such as equality and diversity, safer detention in IRCs and safeguarding children in STHFs as well as links to survey templates and national standards. I exhibit a screenshot of the monitoring page on the IMB Members' website as [ESD/26 - INQ000612465], the IMB's Equality and Diversity Toolkit as [ESD/27 - INQ000612466], the Safer Detention in IRCs Toolkit as [ESD/28 - INQ000612467] and the Safeguarding Children in the IDE Toolkit as [ESD/29 - INQ000612468]. As discussed in paragraph 51 above, there was a specific Covid-19 Information Hub on the Members' website with guidance provided on remote monitoring for Boards during the Specified Period.
- 83 Whilst there were a range of resources available to assist Boards during the Specified Period, each Board could decide its own internal approach to monitoring, provided its statutory duties (as explained in Part A of this statement) were sufficiently discharged.
- 84 There are three common methods employed by Boards in structuring their duties: (a) a weekly rota whereby an individual member or multiple members of the Board are

responsible for fulfilling all statutory duties that week; (b) a weekly rota whereby each individual duty of the Board is assigned to a specific Board member; and (c) a flexible approach whereby no formal rota is drawn up and duties are completed by members with availability that given week.

- 85 Prior to the Specified Period, Boards conducted regular visits to secure establishments holding children and young people to monitor their living conditions and treatment. During these visits, Boards observed daily routines and interacted with both detained individuals and staff, with some Boards conducting surveys to gather a wider perspective. Boards reviewed a sample of establishment records and monitored occasional establishment meetings and procedures, such as segregation review meetings, adjudication paperwork and serious incidents.
- 86 Boards completed weekly rota reports which were shared with each establishment's management personnel prior to monthly meetings. These reports included observations and concerns identified by members or raised by children and young people via IMB application forms, or a confidential written or verbal representation to the Board.
- 87 Matters raised via application forms could be wide-ranging, such as complaints about lack of access to healthcare, lost property, poor food or access to family visits. These issues are not for the Boards to resolve, but to raise with the establishment's management for resolution. Outside of monthly meetings, lines of communication are kept open with the establishment's management and staff. This practice was maintained during the Specified Period. If matters remained unresolved, Boards were free to escalate their concerns up the chain, for example to the Prison Group Director or, ultimately, the Minister of State for Justice for Prison Boards. By way of example, the Board at HMYOI Cookham Wood escalated concerns relating to the inhumane treatment of boys serving long sentences and the systematic failure of transfer arrangements to young adult institutions to the Minister in March 2020. I exhibit this letter as [ESD/30 - INQ000612469]. Likewise, the Board at HMP/YOI Swinfen Hall wrote to the Minister in December 2020 to raise concerns relating to the increase in the number of IMB applications from young men concerned about their inability to make sufficient progression to attaining a Category D status due to the lack of required programmes. I exhibit a copy of this letter as [ESD/31 - INQ000612470].
- 88 During the Specified Period, the approach to monitoring visits differed for individual Boards. This was attributable to a number of factors, such as the demographic of Boards (which tended to be made up of retirees, many of whom were clinically vulnerable or lived with someone who was, or were otherwise understandably risk

averse), localised Covid-19 outbreaks and issues in particular secure establishments, and local restrictions limiting travel across the UK, all of which may have had an impact on monitoring approaches. The IMB provided travel authorisation letters to members who requested them. These could be provided to authorities if stopped en route to an establishment, to evidence the legitimacy of the journey. I exhibit a copy of the travel authorisation letter template as [ESD/32 - INQ000612471]. A message was sent by the then National Chair to Board members on 30 March 2020 to notify them of this. I exhibit a copy of this message as [ESD/33 - INQ000612472]. However, as discussed at paragraph 48 above, no member who decided that they could not undertake a visit was required to do so and the message stated that members should not feel under pressure to attend an establishment. As set out in paragraph 47 above, guidance was issued by the IMB to Boards in March 2020 prompting the Boards to undertake their own risk assessments in relation to in-person monitoring visits, to determine in what capacity monitoring would take place.

89 Boards that were unable to continue in-person monitoring visits were issued with guidance to help them adapt to remote monitoring, which covered how to gather information from and maintain effective communication with establishments. This included telephoning and emailing an establishment to speak with key staff, monitoring meetings such as segregation/separation reviews over the phone or via video conferencing (and holding Board meetings in a similar manner) and requesting key documents such as use of force reports to be scanned and emailed for a paper review to be completed. I exhibit a copy of the IMB's guidance on remote monitoring from 20 March 2020 as [ESD/34 - INQ000612473]. The Boards' statutory right to access records did not change during the Specified Period, but concerns were escalated by the former National Chair to a regional Prison Group Director in March 2021 regarding access to healthcare information in prisons in the east of England region, following concerns raised by Boards at HMP/YOI Norwich and HMP/YOI Wayland. I exhibit a copy of this letter as [ESD/35 - INQ000612474]. However, many Boards did receive regular updates and key statistics from their establishment, often on a daily basis, allowing them to retain some level of oversight, particularly on key matters such as detained people in segregation and separation and the number of serious incidents. I refer to the guidance exhibited in this paragraph above.

90 As set out in paragraphs 57 – 62 above, during the initial months of the Specified Period, the IMB introduced an 0800 line, manned by a subset of members from home. A handbook was created for call handlers receiving calls from the prison/YOI estate and the IDE to set out the parameters of the 0800 line and provide a detailed overview of the process. I exhibit a copy of the Application Handbook for the IDE as [ESD/36 -

INQ0006124611 and I refer to paragraph 59. In its first year, the 0800 line received more than 8,000 calls from individuals within the secure estate. The IMB held a central record of calls made to the 0800 line, including limited follow up information provided to the IMB by some (but not all) Boards. The record tracked the category of applications and any immediate concerns raised by the call handler. The ages of those making the calls were never recorded, so the IMB does not have any data to understand how many calls were made to the 0800 line by children and young people. Issues raised were transcribed and sent to Boards for inclusion in their monitoring, however if the caller raised something of significant concern, the handler would also escalate the issue as appropriate, for example by calling the Safer Custody Team in the relevant establishment. A voicemail service operated out of hours and a central record of the number of voicemails received each month from April 2020 to July 2023 was maintained. The IMB's central records of calls to and voicemails left on the 0800 line have not been disclosed as they contain extensive personal data relating to prisoners and detainees. Some Boards used the "Email A Prisoner" service to reply to individual prisoners, or sent replies to the IMB clerk for printing and posting.

- 91 As was the case prior to the Specified Period, some Boards continued to complete surveys with detained people during the Specified Period to gather a wider perspective on the conditions and treatment within secure establishments. The 0800 line discussed above ensured access to children and young people held within secure establishments was maintained during the Specified Period. In addition, surveys maintained access to young people held within secure establishments during the Specified Period, as further discussed at paragraph 108 below.
- 92 Certain Boards with a shortage of members prioritised monitoring activities by adopting a "monitoring by exception" approach, focusing on critical areas (decided at a local level by each Board) and reducing the frequency of monitoring for aspects that were judged to be functioning well.
- 93 During the Specified Period, Boards continued to provide regular updates to the relevant establishment's management, highlighting any issues and escalating more serious concerns via the National Chair who had regular meetings with senior HMPPS and Home Office representatives. Boards continued to produce annual reports, which included findings from the Specified Period.
- 94 By the second national lockdown in early November 2020, most Boards had adapted to monitoring under Covid-19 conditions and I understand that, anecdotally most Boards had some presence on the ground during monitoring visits. In terms of the number of monitoring visits carried out during the Specified Period, 12,496 visits were

made by Boards in the 2020-2021 Financial Year, which was less than a quarter of the maximum visits which could have been made in this same year. I exhibit a consolidated copy of a record showing annual Board visits between 2021 and 2023 as [ESD/37 - INQ000612476].

Monitoring framework used during the Specified Period

- 95 The NMF, as described in paragraphs 13 and 81 above, was the framework used during monitoring visits in the year immediately prior to the Specified Period to assess the treatment and conditions in establishments which held children and young people.
- 96 Boards, as monitors rather than inspectors, make frequent visits to establishments to observe the treatment of those detained there and whether stated performance standards are met, or are appropriate. Boards focus on safety, fairness of treatment, living conditions, daily regime and preparation for release. Boards carry out regular visits to facilities with specific objectives, such as to observe establishment meetings and processes (for example use of force meetings, adjudication panels and segregation review boards), engage with detainees and staff to gather insights, review records, complaints and CCTV footage and respond to applications and requests from detainees. Boards will report what has been observed during their monitoring visits and their evaluations of the evidence gathered, either locally, such as to establishment management, or publicly, such as through published annual reports. I refer back to the NMFs exhibited at paragraph 13.
- 97 The NMF dated 2016 was used in the year immediately prior to the Specified Period and remained in use until February 2021, when a new NMF was launched, as set out in paragraph 82 above. The NMF dated February 2021 remains the framework in place today (I refer to the NMFs exhibited at paragraph 13). Both NMFs were designed by the then National Chair and the then Management Board or National Council. The current NMF was developed through member working groups hosted by the then National Chair. The role and purpose of Boards were considered, alongside the need to move further towards a focus on outcomes for detained people. Members of Boards and other stakeholders, such as the Secretary of State for Justice, were consulted on the NMF. The current NMF was prepared as part of a longstanding piece of work that was not conducted in response to lockdown/regime restrictions, however the current NMF guide (which is to be read in conjunction with the NMF), references practice during lockdown/regime restrictions. I refer to the guide exhibited at paragraph 81 above. The NMF applies to all establishments, so there is no differentiation between establishments holding children and establishments holding young people and adults.

- 98 The NMF provides a structured approach to monitoring, which includes consistent reporting headings and a framework for regular reporting, making it easier to track trends over time and make informed comparisons of the conditions and treatment within secure establishments holding children and young people. National Annual Reports highlight several persistent trends, for example the IMB 2021 – 2022 National Annual Report for the prison estate raises ongoing concerns about the segregation of prisoners with mental health conditions and long delays in transfers to secure mental health hospitals, insufficient education provision with ongoing challenges in delivering effective programs, the quality and suitability of accommodation, and delays in transfers into the adult estate, impacting young people's progression and resettlement. I exhibit a copy of the 2021 – 2022 National Annual Report for the prison estate as [ESD/38 - INQ000553845]. The 2019 – 2020 National Annual Report relating to YOIs was the first YOI-specific National Annual Report prepared by the IMB. I exhibit a copy of the 2019 – 2020 National Annual Report for YOIs as [ESD/39 - INQ000553850]. The IMB does not therefore hold central information relating to key themes in the YOI estate dating from before this report.
- 99 The IMB did not consider, at any point during the Specified Period, decision making relating to regime restrictions which directly impacted children and young people by secure estate establishments because it is not within the IMB's remit. The Boards' remit is to monitor and report on the impact of these decisions on outcomes for detainees.
- 100 Similarly, the IMB did not monitor the necessity and proportionality of restrictive regime measures taken by individual secure establishments which held children and young people, rather, it monitored the impact such measures had on those detained, as covered in the response to the Inquiry's Question 41 (a) – (o), set out in paragraphs 117 – 209 below.
- 101 The role of Boards is to monitor and report on what they find. This includes monitoring the conditions within secure establishments holding children and young people during monitoring visits and reporting these findings to the establishment's management. Boards usually hold a monthly Board meeting which the Governor/Centre Manager, or their delegate, attend part of. Boards were able to highlight concerns at these meetings, although anything considered urgent could be raised directly with the management for the establishment outside of these meetings. It is possible that, at times, the Boards' findings may be considered to be indirect challenges to the conditions within establishments. For instance, a Board raising concerns about self-harm rates and violence levels may bring attention to an area which requires improvement. Examples of centralised escalations made by the then National Chair during the Specified Period

have been included in paragraph 104 below. It is impossible for the IMB to know what escalations were being made by Boards at a local level during the Specified Period as the IMB does not have access to documents held by Boards.

102 It is not within the IMB's remit to put forward any measures to mitigate any issues identified during monitoring visits to secure establishments which held children and young people. It is for the IMB to raise their concerns with HMPPS and/or the Home Office and for HMPPS and/or the Home Office to identify appropriate mitigating measures.

103 During its monitoring visits, the IMB identified broader systemic issues within the secure estate which held children and young people. These systemic issues were reported on within the National Annual Reports for YOIs. Examples of systemic issues identified in National Annual Reports included: (i) a high prevalence of mental health issues (for example, at HMYOI Werrington, over two-thirds of the children detained had mental health issues); (ii) a significant shortage of mental health beds and lack of specialist mental health resources; and (iii) some children choosing to "self-isolate" due to fears of bullying which was commonplace to obtain canteen items, with the most vulnerable children often being in segregation or transferred elsewhere. I refer to the 2019 – 2020 National Annual Report for YOIs exhibited at paragraph 98 above.

104 In a letter to the Justice Select Committee on 22 July 2021, the then National Chair also set out other systemic issues which had been identified by Boards in prisons and YOIs during the Specified Period including: (i) understaffing and inexperienced staff; (ii) rising incidents of violence and the formation of mini-gangs; and (iii) limited access to education and purposeful activity. I exhibit a copy of the letter as [ESD/40 - INQ000612479]. Whilst the IMB may highlight systemic issues that it becomes aware of through the reports of Boards, produced following Boards' monitoring visits, it is not the role of the IMB to provide advice to the government or any other organisation in relation to these systemic issues, and accordingly, no such advice was provided.

Communications with children and young people held in the secure estate

105 Boards speak to children and young people during their monitoring visits as a matter of course, which did not change during the Specified Period. The Boards that continued to monitor in-person spoke to detainees and collected applications, and each Board will have had different procedures at a local level for recording such applications. The Boards that ceased in-person monitoring visits encouraged the use of the 0800 line for detainees without direct access to their local IMB. The IMB cannot provide any detail

on the content of applications received by Boards locally, nor does the IMB have access to local records that might refer to details of individual conversations.

- 106 The themes recorded in Boards' annual reports provide an indication of the topics discussed, however it is not always clear from the reports whether a Board is reporting following speaking to a young person or an adult, where the report relates to a dual-designated establishment. A detailed summary of Boards' key findings in relation to children and young people held in the secure estate during the Specified Period is set out in paragraphs 117 – 209 below.
- 107 The IMB does not have access to responses that Boards provided to detainees, nor to any specific concerns raised by children and young people relating to the impact of the Covid-19 pandemic and lockdown regime restrictions and what Boards did with these concerns. However, Boards generally follow a local escalation process with any concerns that are raised when speaking to detainees.
- 108 Boards may run surveys as part of their monitoring visits. Any such surveys are entirely devised, planned and implemented by individual Boards and based on particular concerns they may have at the time. There were no surveys conducted in establishments holding children (i.e. under 18 years) in the Specified Period. There were some surveys conducted in dual-designated establishments holding young people and adults, however the surveys were sent to all detainees and there is no way of identifying which answers came from young people (i.e. 18 to 25 years) and which came from adults (i.e. over 25 years).
- 109 The questions put to detainees in surveys would vary depending on Boards. However, by way of example, a survey conducted at HMP/YOI Low Newton, a dual-designated establishment holding female adult and young offenders, covered life under lockdown and asked the following questions: (i) *How well do you think you have coped under lockdown?*; (ii) *How well do you think the prison managed Covid-19?*; (iii) *How has the staff treated you under lockdown?*; and (iv) *How safe have you felt during the pandemic?* The questions had a selection of multiple-choice responses for prisoners to choose from, such as: *Not well*, *Well*, *Very Well* and *Unsatisfactory*, *Satisfactory*, *Good*. The survey was conducted twice, once in August 2020 and again in January 2021, and the same questions were asked to ensure consistency and continuity. A total of 69 prisoners were surveyed, which was 28% of HMP/YOI Low Newton's prison population. Based on the (largely positive) responses to the survey, the Board concluded that the prison, its management and staff were to be commended on its handling of Covid-19 challenges but that the impact on the women and young women at HMP/YOI Low Newton was quite noticeable, particularly in relation to coping. I exhibit

a copy of the 2020 – 2021 Annual Report for Low Newton as [ESD/41 - INQ000612480]. Generally, analysis of any surveys will be conducted by members of the Board, and the methodology used in surveys will be determined locally and be dependent on the skillset of the volunteers who make up the Board.

- 110 The IMB has not conducted any analysis of the survey findings which cover the changes to regimes and the impact of regime change and the pandemic on children and young people generally.
- 111 The IMB has not obtained any case studies from Boards which relate to the impact lockdown or regime restrictions were having on children and young people within the secure estate.

Findings/conclusions from the monitoring of the secure estate which held children and young people

- 112 Boards ordinarily report on their findings relating to children and young people by completing weekly monitoring reports (otherwise known as rota reports). These reports include observations made by members whilst monitoring the establishment and any particular concerns that need escalating. No central templates were produced by the IMB for Boards to follow and so how these reports were completed varied from Board to Board, depending on the number of visits completed and local preference and practice. The IMB did, however, place blank templates from IMB Wandsworth and IMB Isis on the Members' website. I exhibit a copy of the template rota report from IMB Wandsworth as [ESD/42 - INQ000612481]. The purpose of these reports was to ensure records were kept of monitoring activities, share observations between members of the Board, track the status of concerns and provide updates to senior management within the establishment. The reports also formed the basis of the annual reports that Boards collated, published and sent to Ministers.
- 113 As each Board had discretion to structure its monitoring report as it saw fit, it is not possible for the IMB to know whether any changes were made to monitoring during this time. However, I understand from anecdotal reports that some Boards amended their monitoring templates to take into account changes to the Board's approach to monitoring resulting from the Covid-19 pandemic.
- 114 Boards were provided with the following standardised wording to the annual report template: *"The COVID-19 outbreak has had a significant impact on the Board's ability to gather information and discuss the contents of this annual report. The Board has therefore tried to cover as much ground as it can in these difficult circumstances, but*

inevitably there is less detail and supporting evidence than usual. Ministers are aware of these constraints. Regular information is being collected specifically on the prison's response to the pandemic, and that is being collated nationally." Boards were also able to make any additions they saw fit to annual reports and/or alter headings/sub-headings as appropriate and at their discretion. The IMB did not, however, direct how the Boards produce or amend Board documents, such as monitoring templates. Since the Specified Period, the IMB has provided updated template forms for monitoring in prisons, YOIs and the IDE.

- 115 Boards have no power to ensure that areas for development/improvement identified during monitoring visits are adopted by secure establishments. Boards do, however, have the power to escalate concerns up to Ministers if they feel their concerns are not being taken seriously or actioned appropriately, although instances of escalation do not ensure action is taken. There was no change to this approach during the Specified Period and this remains the way that the Boards operate today. The National Chair may also escalate concerns on behalf of Boards to Ministers in the most serious cases.
- 116 Whilst there is no standard process for monitoring the progress of the implementation of recommendations and/or improvements, this is included in Boards' general monitoring process. For example, local concerns highlighted by Boards in monitoring reports and sent to Governors/centre managers will be followed up in local meetings and in subsequent monitoring visits. Boards often determine how they monitor based on concerns they have locally, and areas that need to be monitored more closely. When Boards complete the analysis of their monitoring visits for the purpose of collating their annual reports, the analysis often highlights areas that need improvement but that one or more of the relevant establishments, HMPPS or the Home Office have consistently failed to address.

Findings/conclusions from the monitoring of the secure estate which held children and young people

- 117 Paragraphs 118 – 209 below set out a summary of the Boards' findings in relation to children and young people held in the secure estate during the Specified Period which relate to a range of topics, in response to the UK Covid-Inquiry's question 41 of the Rule 9 Request.

Time spent in cells

- 118 During the first national lockdown from March to May 2020, children were locked in their rooms, on average, for at least 22 hours a day with limited opportunities for out-

of-room activities. There is an HM Inspectorate of Prisons (**HMIP**) Expectation that children spend at least 10 hours out of their room during the day, including an hour in open air (referred to within the 2019 – 2020 Annual Report for YOIs exhibited at paragraph 98 above).

- 119 Whilst there were geographical variations resulting from outbreaks and associated staffing problems, time out of room varied across the secure youth estate. For example, at HMYOI Cookham Wood, which accommodated males aged 15 to 18 years old, children spent only 40 minutes a day out of their rooms during the most restrictive lockdowns imposed within YOIs, whilst at HMYOI Werrington, which also accommodated males aged 15-18 years old, children had two hours a day out of their rooms. I refer to the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above. The lockdown regime at HMYOI Feltham, which was divided into Feltham A, accommodating males aged 15 to 18 years and Feltham B, which held males aged 18 and above, allowed for three sessions of 45 minutes each for showers, outdoor access, and physical education, all conducted in groups of three. I exhibit a copy of the 2019 – 2020 Annual Report for Feltham as [ESD/43 - INQ000612482].
- 120 Limited time out of room placed children's progression and rehabilitation abruptly on hold. Many children were given limited meaningful activity, with a consequential impact on their mental health (referred to within the 2019 – 2020 National Annual Report for YOIs exhibited at paragraph 98 above). However, certain institutions, for example HMP/YOI Aylesbury, a mixed young offender and adult institution, attempted to mitigate the impact of confinement by providing in-cell activities such as keep fit, education, and "*distraction packs*" including crosswords and creative writing, although these were not always effectively distributed or utilised. I exhibit a copy of the 2020 – 2021 Annual Report for Aylesbury as [ESD/44 - INQ000612483]. Others introduced daily wellbeing checks to maintain social interactions.
- 121 However, increased time in rooms was not restricted to the first national lockdown and limited time out of room continued to hinder the progression and resettlement of many children. At HMYOI Wetherby, which accommodated males and females aged 15 to 18 years, children continued to spend at least 22 hours in their rooms in August 2020. The Board continued to raise major concerns about limited time out of room and eventually, this time slowly increased during 2021 to the point where children were out of their rooms for an average of seven hours a day (referred to within the 2019 – 2020 National Annual Report for YOIs exhibited at paragraph 98 above).
- 122 Using averages to report on time out of room, however, may mask the experiences of certain sub-groups, depending on the day of the week and the unit within an

establishment. For example, at HMYOI Feltham A, the Board reported that during its 2020 – 2021 reporting year, the average time out of room for most units was 5.7 hours on weekdays and five hours at weekends. However, children on the platinum level of the rewards scheme, held on Dunlin unit, averaged 9 hours out of room per day. On the other hand, children on the separation unit spent an average of only 2.3 hours out of room per day. Similarly, at HMYOI Cookham Wood, children spent an average of four hours out of room per day throughout its 2020 – 2021 reporting period. The Board found that children who were separated under rule 49 (for their own protection or the protection of others), on the other hand, spent less than two hours per day out of room, especially at weekends (referred to within the 2019 – 2020 National Annual Report for YOIs exhibited at paragraph 98 above).

- 123 The mental and physical health implications of this prolonged, exceptionally restrictive regime, coupled with the disruption to education, which was not reintroduced at the same pace as in the community, are likely to have a long-term impact on both the individual children concerned and on the wider youth estate (referred to within the 2019 – 2020 National Annual Report for YOIs exhibited at paragraph 98 above).

Time spent in isolation and/or alone in cells

- 124 Self-isolation was identified as an overarching and ongoing issue in the youth estate pre-Covid-19, with some children retreating to their rooms and refusing to engage in the main regime due to safety fears stemming from bullying and intimidation. At certain YOIs, Boards reported that some children subject to bullying preferred to remain in the segregation unit. Often, vulnerable children would end up transferred elsewhere as a solution. In a more serious, mental health related case at HMYOI Werrington, a child self-isolated in his room for over 130 days before being transferred to hospital under the Mental Health Act (referred to within the 2019 – 2020 National Annual Report for YOIs exhibited at paragraph 98 above).
- 125 Whilst isolation was not a novel issue resulting from lockdown, the Covid-19 pandemic exacerbated isolation, with prisoners often confined to their cells due to outbreak designations and staff shortages. The restricted regime meant limited access to social visits, exercise, and communal activities, further increasing isolation. The Board at HMP/YOI Bedford (a mixed male young offender and adult institution where in 2021 12.5% of prisoners were under 21 years of age) noted that the isolation experienced by prisoners had significant impact on their mental health and wellbeing, with limited access to mental health support intensifying the issue. I exhibit a copy of the 2021 – 2022 Annual Report for HMP/YOI Bedford as [ESD/45 - INQ000612484]. One prisoner at HMP/YOI Bedford, whose age is not confirmed, described their experience as

"*absolutely horrible*" noting lack of social interaction and fresh air. No distinction was made by the Board at HMP/YOI Bedford in relation to findings concerning adult prisoners or young people, all individuals in custody at HMP/YOI Bedford were referred to as "prisoners".

- 126 Self-harm incidents among prisoners (with particular concerns in relation to women and young people) were influenced by isolation, with reasons including fear, loneliness, and frustration. I exhibit a copy of the 2020 – 2021 Annual Report for HMP/YOI Downview as [ESD/46 - INQ000612485]. There was an increased risk of suicide for those placed in solitary confinement, and at HMYOI Cookham Wood boys endured 72 days of *de facto* solitary confinement as of 2 June 2020. During lockdown, new arrivals and boys returning from court were quarantined for 14 days, receiving minimal exercise and no activity time with others. I exhibit a copy of the 2019 – 2020 Annual Report for HMYOI Cookham Wood as [ESD/47 - INQ000612486].
- 127 The restricted regime meant that the number of prisoners choosing to self-isolate due to threats from other prisoners reduced. I exhibit a copy of the 2020 Annual Report for HMP/YOI Hindley as [ESD/48 - INQ000612487]. Children spent most of their time on their own anyway, except for officers providing the daily regime, increasing the sense of isolation and unfamiliarity. I exhibit a copy of the 2021 – 2022 Annual Report for HMYOI Werrington as [ESD/49 - INQ000612488].
- 128 Time spent alone was routinely monitored and whilst some Boards believed it was fair, given the national restrictions, others considered it as inhumane treatment, both physical and psychological, according to the United Nations Minimum Rules for Treatment of Prisoners ("**Nelson Mandela Rules**"). I refer to the HMYOI Werrington Annual Report at paragraph 127 above.
- 129 At HMP/YOI Askham Grange, a mixed young offender and adult establishment accommodating women, the Mother and Baby Unit (**MBU**) was repurposed during the pandemic to use as a place for high-risk vulnerable women to shield away from the main population of the prison. Whilst the space was described as an "*area of exceptional quality... which is bright and safe*", these women were in effect isolated from the rest of the prison population, and the MBU was therefore not available for its original purpose, housing mothers and their babies. I exhibit a copy of the 2019 – 2021 Annual Report for HMP/YOI Askham Grange as [ESD/50 - INQ000612489].

The provision and frequency of education

- 130 The provision of education for children under the age of 18 is a statutory requirement and education should be central to the work of YOIs. This was a significant concern pre-Covid-19 for some Boards, who reported that it was unsatisfactory and under resourced, with last-minute cancellations of sessions undermining children's learning. I refer to the 2019 - 2020 National Annual Report for YOIs at paragraph 98 above.
- 131 During the first national lockdown, education delivery was "*woefully lacking or poorly delivered*" across the YOI estate. In-cell provision largely consisted of distraction packs "*dumped*" on wings, rather than learning materials. Many education providers did not adopt a creative approach to delivery even many months into the pandemic, thereby severely disrupting the rehabilitation of many young people, and the education and skills needed to find a job upon release (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).
- 132 However, there were pockets of good practice. For example, at HMYOI Cookham Wood, Novus education staff provided remote resources, including individual work packs, newsletters that were pushed under room doors and prison radio podcasts during lockdown. Within two weeks of 20 March 2020, Novus had developed a risk assessed plan for partial return to education. It was not until mid-July, however, that limited classroom-based education classes resumed in small groups. Once back in the classroom, small-group teaching was well received and, most notably, attendance improved to a rate higher than it had been prior to lockdown (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).
- 133 Whilst there was a gradual increase in face-to-face education, this was disrupted by further lockdowns and staffing shortages. At HMYOI Wetherby, children on the main site had access to 2 hours 45 minutes of teaching either on a one-to-one basis or in groups of up to four, twice a week. Children held on the separation unit at HMYOI Wetherby received up to seven 45-minute sessions a week. At HMYOI Werrington, in September 2020, children received an average of 15 hours a week of classroom-based learning. In-person education was subsequently suspended during the lockdown period in winter 2020. I exhibit a copy of the 2021 National Annual Report for YOIs as [ESD/51 - INQ000553844].
- 134 Whilst schools in the community resumed full-time in-person attendance in March 2021, Boards raised concerns that children held in YOIs received only limited education. At HMYOI Cookham Wood, the Board found that in a four-week period in May and June 2021, young people received an average of 7.79 hours a week of

education. A number of Boards reported that, after protracted restrictions were lifted, children wanted to socialise with their peers and struggled to engage in classroom-based learning, but the situation gradually improved. At HMYOI Wetherby, the Board found that some education bubbles became "*substitutes for gangs*", which led to an increase in disruptive behaviour in the classroom. At HMYOI Cookham Wood, the Board reported that classroom-based teaching was delivered to bubbles of six children without taking into account their chosen subjects. This led to frustration among children, as they were unable to follow their preferred pathways. Similarly, children at HMYOI Wetherby voiced their frustration to the Board that they had to remain in mixed ability bubbles (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).

The provision and frequency of healthcare

- 135 Despite the pandemic, essential healthcare services continued to be delivered across the youth estate, albeit not at the same level as before the pandemic.

- 136 At HMYOI Cookham Wood, primary healthcare nurses provided normal first response and triage services, seven days a week. They saw all children daily, taking temperatures and dispensing medication at room doors. The Board noted that their presence on the landings comforted the young people. At HMYOI Wetherby, nursing staff worked on wings, which provided a "*reassuring presence*" to children and led to a decrease in "*did not attend*" rates for medical appointments (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above). This, coupled with the relocation of general practitioners (GPs) to wings, better met the children's needs, almost halving the number of missed appointments from January 2019 to August 2021 (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).

- 137 Non-emergency services were suspended for a period, as in the community. Dentistry services were severely impacted, with only emergency treatments available, creating a backlog of routine procedures (referred to within the 2020 – 2021 Annual Report for Aylesbury at paragraph 120 above).

- 138 Much to the concern of certain Boards, particularly those with vulnerable children such as HMYOI Feltham A, HMPPS forensic psychology services were withdrawn across the secure estate. Prison officers, chaplaincy staff, and other external agencies attempted to fill this much-needed gap, but the absence of usual services and resulting reduced regime meant that inexperienced staff were responsible for caring for the most vulnerable children. In July 2020, forensic psychology practitioners returned only to

deal with the most acute cases (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).

- 139 A number of Boards, such as Cookham Wood IMB, continued to raise serious concerns about the national shortage of mental health hospital beds for children, which resulted in children being held for prolonged periods at the establishment whilst they awaited transfer. At HMYOI Wetherby, the Board described the delays in transfers for four children with severe mental health issues during the 2020 – 2021 reporting period as "*inhumane*" and "*unacceptable*". One of these children waited for six months for a transfer to a secure mental health hospital that then never happened; instead, they were transferred to the adult prison estate upon turning 18 (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).
- 140 There were issues with staffing levels in mental health teams across YOIs. The Board at HMYOI Wetherby noted that whilst there were improvements in filling some vacancies in the child and adolescent mental health service (**CAMHS**) during its 2020 – 2021 reporting year, the team could not deliver specific therapeutic intervention work. As of October 2021, the CAMHS manager position remained vacant. Similarly, the Board at HMYOI Wetherby continued to report on healthcare staff recruitment and retention issues (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).
- 141 Overall, quality of care was maintained in IRCs, with a high standard of infection control, good stocks of personal protective equipment (**PPE**), isolation and testing regimes, and procedures for identifying and protecting people vulnerable to Covid-19. As in the community, healthcare provision was affected by Covid-19, but Boards reported that the general healthcare needs were largely met. I exhibit a copy of the 2020 National Annual Report for the IDE as [ESD/52 - INQ000553849].

The provision and frequency of physical education

- 142 The pandemic significantly curtailed exercise regimes, affecting the availability and frequency of physical education, with exercise opportunities limited due to gym closures across the estate. For example, at HMP/YOI Askham Grange, a mixed young offender and adult establishment accommodating women, outdoor equipment use did not resume until June 2020. I refer to the 2019 – 2021 Annual Report for Askham Grange at paragraph 129 above.
- 143 Many Boards reported that, as lockdown progressed, assaults on staff had been triggered by some children and young people's frustration at the lack of physical

exercise and purposeful activity. I refer to the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above. By way of example, at HMYOI Cookham Wood, the Board found that in August 2021, children were only receiving three hours of physical education a week. I refer to the 2021 National Annual Report for YOIs at paragraph 133 above.

144 The need for greater physical education was a particular challenge against the backdrop of staff shortages and the need to keep children away from non-associates during lockdown. I exhibit a copy of the 2019 – 2020 Annual Report for Aylesbury as [ESD/53 - INQ000612492]. At HMYOI Cookham Wood in particular, the shortage of physical education instructors restricted the ability to provide consistent and adequate physical education, impacting the boys' overall time out of cell and their wellbeing. I exhibit a copy of the 2021 – 2022 Annual Report for Cookham Wood as [ESD/54 - INQ000612493]. Shortages of fully qualified physical education instructors became acute, exacerbated when gym staff were called to fill in elsewhere in the prison. I exhibit a copy of the 2021 – 2022 Annual Report for Aylesbury as [ESD/55 - INQ000612494]. Despite the challenges, there were efforts to improve the provision of physical education, including training additional officers to support sports and games activities (referred to within the 2021 – 2022 Annual Report for Cookham Wood).

145 There was also a concern that sharing gym equipment could spread the virus and there were large differences in activity levels during the year. Even when government restrictions relaxed in the wider community, prison senior leadership teams were cautious about relaxing regimes too quickly to prevent Covid-19 outbreaks, as individuals in custody live in such close quarters (referred to within the 2021 – 2022 Annual Report for Aylesbury at paragraph 144 above).

The provision and frequency of a programme of enrichment activities

146 Exercise forms a key part of enrichment activities for children. The provision of physical education is discussed in paragraphs 142 – 145 above.

147 In early lockdown, many enrichment activities were suspended or planned but not realised, due to staffing issues (referred to within the 2021 – 2022 Annual Report for Cookham Wood at paragraph 144 above).

148 At Yarl's Wood IRC, which predominantly holds women and family groups including children, the gym and exercise facilities were closed only in April and November 2020, whilst activities, including arts and crafts, the library, cinema and hair salon, were

closed for much of 2020, although education remained open (referred to in the 2020 National Annual Report for the IDE at paragraph 141 above).

- 149 Other enrichment activities were somewhat maintained with remote delivery during the pandemic, focusing on functional skills and wellbeing (referred to within the 2019 – 2021 Annual Report for Askham Grange at paragraph 129). For example, yoga and wellbeing sessions were offered via in-cell TV at certain institutions such as HMP/YOI Bronzefield. I exhibit a copy of the 2020 – 2021 Annual Report for Bronzefield as [ESD/56 - INQ000612495].
- 150 In-person enrichment activities, such as yoga and mindfulness courses in small groups, returned to some establishments such as HMP/YOI Downview (a dual-designated women's prison) in late 2021 and early 2022. I exhibit a copy of the 2021 – 2022 Annual Report for Downview as [ESD/57 - INQ000612496]. Other popular activities or initiatives re-introduced at HMP/YOI Downview in late 2021 or early 2022 included creative writing groups, therapy dogs and weekly park runs. Children at HMYOI Feltham A participated in an initiative to paint the education block and other parts of the establishment and the Board reported that a new "*lab*" had been commissioned to incorporate rap music as part of music therapy (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above). At HMYOI Cookham Wood, library attendance improved with the increase in education hours, with formal slots timetabled for class groups. However, initial reports indicated that these slots were not always used as planned, leading to adjustments in scheduling. I exhibit a copy of the 2021 – 2022 Annual Report for Cookham Wood as [ESD/54 - INQ000612493].

The provision and frequency of training courses

- 151 Prior to lockdown, it was recognised there was some good practice resulting in positive outcomes for children but still some way to go to achieve a consistent breadth of opportunity across YOIs. For example, the Board at HMYOI Werrington had called for a greater range of opportunities to prepare for life after custody (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).
- 152 Due to Covid-19, education was largely reduced to in-cell learning (as discussed in paragraphs 130 – 134 above) and vocational training was suspended or continued with restrictions. Whilst several workshops were closed throughout the year, essential activities like laundry, estates/recycling, signs, gardens, and kitchens continued but with restricted capacity.

- 153 The lack of face-to-face vocational training opportunities compounded the educational deficits of the prisoners, who mostly had not had smooth educational journeys. In 2021, the Board at HMP/YOI Aylesbury reported a pressing need to improve the provision of training as restrictions eased, with a focus on relevant, certificated courses and skilled teaching to help maintain progress and morale among prisoners (referred to within the 2020 – 2021 Annual Report for Aylesbury at paragraph 120 above).
- 154 However, other Boards welcomed the renewed focus on more practical courses outside of the classroom, which improved children's engagement with education in non-conventional settings. At HMYOI Werrington, for example, a dog training programme was popular, although there was limited capacity, and it was only accessible to the most "*well-behaved*" children (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).
- 155 At HMYOI Cookham Wood, Woody's Barista Café was praised for equipping children with the skills to prepare professional quality food and beverages and ultimately earn a City & Guilds qualification. This training was well-received by the boys, with some seeing it as a potential pathway to employment upon release. The increase in the Release on Temporary Licence (**ROTL**) programme at HMYOI Cookham Wood in 2021 allowed boys to access college places and vocational training at Stanford Hill prison. There was also a link to Timpson's external training, where boys could attend the Timpson Academy at Aylesford to learn new skills and gain employment opportunities upon release. Sports Connect was also commissioned to deliver sporting and other activities, with some boys at HMYOI Cookham Wood working towards coaching qualifications (referred to within the 2021 – 2022 Annual Report for Cookham Wood at paragraph 144 above).
- 156 During its 2020 – 2021 reporting period, children at HMYOI Wetherby successfully completed 594 qualifications in various courses, including art and design, music and industrial cleaning. They also welcomed the resumption of outdoor training courses, such as farms, gardens and horticulture, in August 2021. Children at HMYOI Feltham A who participated in an initiative to paint the education block and other parts of the establishment gained recognised "*competence units*" as a result (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).

The provision of washing facilities

- 157 Work continued (where possible) throughout the pandemic to improve in-room washing facilities at a number of YOIs. For example, the Boards at HMYOI Wetherby and HMYOI Werrington reported on the installation of in-room showers. However, the Board

at HMYOI Werrington found that this resulted in reduced time out of room for children who were previously allocated half an hour out of their room to shower. Lack of time out of room was a significant concern during Covid-19, as discussed in paragraphs 118 – 123 above. Similarly, at HMYOI Feltham A, there was ongoing work to install individual shower pods (referred to within the 2021 National Annual Report for YOIs at paragraph 133 above).

158 The provision of washing facilities continued to be a concern at other institutions, particularly those housing adult prisoners and young people. At HMP/YOI Pentonville, which accommodated adult males and young offenders, concerns were raised regarding the provision of washing and shower facilities. Issues of overcrowding were exacerbated by the insufficient number of showers available, leading to the management's consideration of installing field showers, although this was deemed too complex due to plumbing logistics. It was reported that some shower rooms were in poor condition, with damaged floors, mouldy ceilings, and partitions offering little privacy, alongside recurring fly infestations. During its 2020 - 2021 reporting year, the Board at HMP/YOI Pentonville found that prisoners in isolation (because they were symptomatic or Covid-19 positive, or had cellmates that were) could not leave their cells at all during the 10 days quarantine, including for showers, and were instead provided with hygiene packs containing soap to compensate for the lack of shower access. I exhibit a copy of the 2020 – 2021 Annual Report for Pentonville as [ESD/58 - INQ000612498].

159 Meanwhile, at HMP/YOI Foston Hall, which accommodated adult females and young offenders, there were frequent reports of washing machines and dryers breaking down, leading to prisoners being unable to do their laundry or resorting to hand washing and drying clothes on pipes around the wings. Repair times for these machines could be lengthy, with specific instances such as the dryer on D wing being out of action from December 2021 until the end of March 2022. I exhibit a copy of the 2021 – 2022 Annual Report for Foston Hall as [ESD/59 - INQ000612499].

160 The most significant concerns around washing facilities, however, were in the IDE. It was reported that many people (including children) who had endured long journeys without washing facilities, and who were cold and wet, may have had to wait a long time for a shower. Many arrived in wet clothing and whilst there was fresh clothing in holding rooms, they may have been waiting a long period before being admitted to those rooms. All non-residential STHFs were essentially waiting rooms, unsuitable for stays of more than a few hours. Very few had any natural light, and none had fresh air ventilation; some but not all had showers. However, an increasing number of people

were being held for over 24 hours at these STHFs despite the facilities consisting of no more than mattresses on the floor (referred to in the 2020 National Annual Report for the IDE at paragraph 141 above). Some of the holding rooms became cramped and facilities for families were not uniformly adequate. I exhibit a copy of the 2022 National Annual Report for the IDE as [ESD/60 - INQ000553847].

The amount and type of external support provided, including mental healthcare and advocacy services

- 161 Many YOIs, like the adult prison estate, relied on external support to provide essential services to prisoners. A key service which was (and still is) often outsourced to external providers was mental healthcare. This is because of the significant numbers requiring mental health support – for example, at HMYOI Werrington, in the 2019/20 reporting year, over two thirds of the young people had mental health issues (referred to within the 2019 – 2020 National Annual Report for YOIs in paragraph 98 above). I exhibit a copy of the 2019 – 2020 Annual Report for Werrington as [ESD/61 - INQ000612501].
- 162 However, non-emergency healthcare services, including mental health and psychology services, were suspended at many YOIs at the start of lockdown. This is further discussed in paragraphs 137 - 140 above.
- 163 Whilst the pandemic significantly limited in-person services, many organisations attempted to maintain some provision by offering support via telephone instead. For example, Barnardo's staff, who provided independent advocacy support to young people, maintained contact via a freephone line (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above). Safeguarding referrals made by external services, such as Barnardo's, were sent directly to the local authority designated officer (referred to within the 2021 National Annual Report for YOIs at paragraph 133). However, certain Boards such as Cookham Wood IMB raised concerns about the limited IT and phone facilities, which hindered the integrated resettlement team's communication with external agencies.
- 164 The picture was broadly similar at mixed adult prisons and YOIs. For example, at HMP/YOI Peterborough, MIND, which offered external mental health support at both the male and female facilities, had a limited presence during the pandemic. The mental health InReach team faced staffing shortages but managed to maintain service levels through innovative approaches like in-cell telephony and self-help guides. Shaw Trust offered skills and employability support, although their services were also limited during the pandemic. Job Centre Plus was absent during the 2020-21 reporting year, impacting the availability of specialist advice on benefits. The presence of community

rehabilitation companies (**CRCs**), which assisted with resettlement at HMP/YOI Peterborough, was also reduced. I exhibit a copy of the 2020 – 2021 Annual Report for Peterborough (Women) as [ESD/62 - INQ000612502].

- 165 There were, however, pockets of good practice. For example, at HMP/YOI Hollesley Bay, which accommodated adult and young adult male prisoners, the Listener scheme, which provided advocacy and peer support services, was maintained and expanded during the pandemic, with 11 Listeners available and three more in training in 2021. I exhibit a copy of the 2021 Annual Report for Hollesley Bay as [ESD/63 - INQ000612503]. The Board at HMP/YOI Hollesley Bay also reported that ROTL played a significant role in resettlement, involving cooperation with outside agencies.

The adjudication of charges

- 166 The adjudication process is part of the broader disciplinary framework within prisons, which involves breaches of discipline being referred to a governor. Serious breaches of discipline may be referred to an independent adjudicator, usually a District Judge, who can impose greater sentences than adjudicating governors, including adding extra time to existing sentences. During lockdown, these hearings were conducted remotely, and this remains the case, except where the independent adjudicator deems it necessary in the interests of justice. I exhibit a copy of the 2020 – 2021 Annual Report for Feltham as [ESD/64 - INQ000612504] and a copy of the HMPPS Prisoner Discipline Procedure Adjudications Policy Framework as [ESD/65 - INQ000612505].
- 167 Adjudications can be monitored by Boards in different ways but were primarily monitored by attending adjudications on a random basis. For internal adjudications, Boards observed the process for fairness and compliance with procedure. I exhibit a copy of the 2019 – 2020 Annual Report for Bronzefield as [ESD/66 - INQ000612506].
- 168 Adjudications fluctuated during the Specified Period, with numbers increasing during periods of lockdown, and were affected by delays (referred to in the 2019 – 2020 Annual Report for Bronzefield at paragraph 167 above). Independent adjudications were significantly affected by the lockdown, leading to dismissals of serious allegations due to time periods expiring. Some independent adjudications were referred back into the prison process to be dealt with internally. By July 2020, independent adjudications at HMP/YOI Bronzefield, accommodating female adult and young offenders, had resumed using a video-link shared with HMYOI Feltham.
- 169 At HMYOI Werrington, there were 1,593 adjudications between January and June 2020. Of that total, 36 children were referred to the independent adjudicator. The Board

raised concerns that not all governors were offering the young person in question the right to appeal when the charge was proven. At the time of writing its 2019/20 annual report, the Board at HMYOI Werrington noted an improvement in practice, but remained concerned that minor reports had not been used effectively as a less punitive alternative to adjudications, especially as HMYOI Werrington supported a positive reward culture rather than a negative one, as evidenced by the use of the incentives policy at the time (referred to in the 2019 – 2020 Annual Report for Werrington at paragraph 161). Similar concerns arose in the next reporting year at HMYOI Werrington. Procedural justice was described as "*patchy*" and although the adjudication process was found to be accessible, it was not without issues (referred to in the 2021 – 2022 Annual Report for Werrington at paragraph 127 above).

- 170 In its 2020-21 reporting year, there were 1,281 adjudications at HMYOI Feltham A, with 21 children referred to the independent adjudicator. This reflected a significant reduction in violent incidents, attributed to smaller group sizes rather than the suspension of the incentives policy. At HMYOI Feltham B, there were 1,056 adjudications, with four young people receiving additional days to their sentences following independent adjudications (referred to within the 2020 – 2021 Annual Report for Feltham at paragraph 166 above).
- 171 Adjudications were improved by the introduction of clearer guidance that gave the adjudicator aggravating and mitigating factors to consider before deciding on a suitable sanction, therefore improving consistency. I exhibit a copy of the 2020 – 2021 Annual Report for Thorn Cross as [ESD/67 - INQ000612507]. At HMP/YOI Thorn Cross (a mixed adult male prison and YOI), although not many adjudications were observed, reports in respect of those that were, indicated that they were conducted fairly and respectfully.

The frequency and/or type of visits permitted (including visits by professionals, as well as family members/carers)

- 172 Social visits were banned as the first national lockdown was introduced in March 2020 until July 2020. When social visits were re-introduced, they were limited. For example, at HMYOI Cookham Wood, they were restricted to monthly family visits, with each child allowed a maximum of three visitors. The lack of IT and telephone capacity also affected family contact during these months. This is in stark contrast with arrangements for pre-Covid-19 family visits at HMYOI Cookham Wood which were "*excellent*" up until March 2020, with four visit days a week and monthly family days, as well as on additional days around the Christmas period in 2019 (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).

- 173 At HMYOI Wetherby, only evening visits by adults were allowed, which disadvantaged those children whose families did not live nearby and those who were fathers themselves (referred to within the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).
- 174 At HMP/YOI Peterborough, the MBU was significantly impacted by the Covid-19 pandemic, with restrictions limiting family contact. One mother reported that family members had no face-to-face contact with her new baby, which was emotionally challenging for both the mother and her family. The prison worked to find alternative ways to maintain family connections such as video calls and phone calls but recognised that this did not fully replace in-person interactions (referred to within the 2020 – 2021 Annual Report for Peterborough (Women) at paragraph 164 above).
- 175 Despite the national lockdown in November 2020, a small number of face-to-face visits took place on compassionate grounds. Visits for immediate family resumed in mid-April 2021, although physical contact was still not permitted. From the end of June 2021, HMYOI Feltham A participated in a pilot scheme that allowed physical contact if visitors took a lateral flow test in the visitors' centre before the visit. However, the Board found that families of young people were still reluctant to use public transport during the pandemic, which resulted in fewer social visits than expected (referred to within the 2021 National Report for YOIs at paragraph 143).
- 176 Similarly, in all IRCs, social and legal visits stopped with the start of the first lockdown in March 2020 and the lifting of restrictions on visits varied by establishment (referred to within the 2020 National Report for the IDE at paragraph 141 above).

Access to phone calls and/or video calls

- 177 When social visits were suspended at the start of lockdown, all children and young people were given additional weekly telephone credit and, later in 2020, access to video calls/visits.
- 178 Social video visits allowed for two half-hourly remote video visits per month per prisoner. At HMP/YOI Bronzefield, an average of 13 video visits were arranged daily. However, not everyone took up their quota of visits, and vacant visits were offered to others (referred to within the 2020 – 2021 Annual Report for Bronzefield at paragraph 149 above).
- 179 On the whole, children and young people preferred to maintain contact with family and friends via telephone rather than video calls (referred to in the 2021 National Annual Report for YOIs at paragraph 133 above).

- 180 At HMYOI Feltham A, there was a low uptake of video visits due to technical issues and safety features that meant that calls were stopped if there was any movement. The use of tablet computers did however allow some young people to remotely attend funerals (referred to in the 2021 National Annual Report for YOIs at paragraph 133 above).
- 181 At HMYOI Cookham Wood, the Board identified several reasons for the low take-up of video calls: the limited number of laptops at the establishment, a shortage of devices in the family home, reluctance from the family to use video and the distress experienced by some young people in seeing their home environment. Numerous children at HMYOI Cookham Wood also expressed their frustration at delays in receiving mail and approving phone numbers (referred to in the 2021 National Annual Report for YOIs at paragraph 133 above).
- 182 However, this was not the story across the entire youth estate – the Board at HMYOI Werrington reported that by the end of August 2021, most children were using social video calls (referred to in the 2021 National Annual Report for YOIs at paragraph 133 above).
- 183 In the IDE, all those detained were given an extra £10 phone credit and Skype was available, and well-used, for social and legal visits (referred to within the 2020 National Report for the IDE at paragraph 141 above).

The provision of new arrivals into the secure estate

- 184 At the start of the pandemic, all prisons (including the youth estate) introduced a mandatory 14-day quarantine for newly arrived prisoners, as per Public Health England directions. This inevitably affected induction procedures, as well as imposing isolation on new arrivals (referred to within the 2021 - 2022 National Report for the prison estate at paragraph 98 above).
- 185 Those who left an establishment for court appearances were also quarantined for 14 days upon return. At HMYOI Cookham Wood, by 21 May 2020, there were 16 boys in quarantine including new arrivals and court attendees (referred to within the 2019 – 2020 Annual Report for Cookham Wood at paragraph 126). Whilst in quarantine, boys received 40 minutes of exercise daily, generally by themselves, although those who arrived together could exercise together. They were supported by officers and health and wellbeing staff, but the isolation and time in room for new arrivals and court attendees raised concerns as they were particularly vulnerable during quarantine.

- 186 As a result of the Covid-19 pandemic and associated restrictions, fewer admissions and inter-prison transfers took place and generally there were fewer young people arriving late. At HMYOI Werrington, whilst only two children arrived after 9pm in its 2020 – 2021 reporting period, 23 children had to wait over four hours at court before being transferred to the establishment. The longest wait was seven hours (referred to in the 2021 National Annual Report for YOIs at paragraph 133). New arrivals at HMYOI Feltham A often came from court at irregular times, sometimes late in the evening, making it difficult for the Board to monitor their arrival. I exhibit a copy of the 2021 – 2022 Annual Report for Feltham as [ESD/68 - INQ000612508].
- 187 Overall, the Boards praised the support provided to newly arrived young people and reported on improvements in reception and induction processes. At HMYOI Wetherby, the Board found the new induction information pack to be more child friendly and welcomed the new accessible slide presentation for children with reading and learning difficulties (referred to in the 2021 National Annual Report for YOIs at paragraph 133). A questionnaire conducted at HMYOI Feltham A indicated that most children were satisfied with their reception and induction, having been seen by all agencies and given educational pathways (referred to in the 2021 – 2022 Annual Report for Feltham at paragraph 186).
- 188 As Covid-19 restrictions relaxed, challenges arose with an increase in new arrivals and inter-prison transfers. At HMYOI Feltham A, by April 2022, reception sometimes handled two or three intakes in one day, leading to children waiting in vans for extended periods. At HMYOI Feltham B, when expected numbers or prison origin changed at the last minute, staff were required to keep cohorts separate in line with Covid-19 regulations (referred to in the 2021 – 2022 Annual Report for Feltham at paragraph 186).
- 189 Both IRCs and prisons also adopted the practice of reverse cohorting, whereby a group of new arrivals was kept separate from the existing population and given separate accommodation and services for a period of two weeks, to reduce the chance there could be an inadvertent transmission of Covid-19 from outside into the centres (referred to within the 2020 National Annual Report for the IDE at paragraph 141 and the 2021 – 2022 National Annual Report for the prison estate at paragraph 98).
- 190 In relation to residential and non-residential STHFs, reception processes did not consistently meet the needs of arrivals and Boards questioned the effectiveness of processes designed to identify vulnerabilities and reduce the spread of disease. Whilst those arriving into IRCs were provided with lateral flow tests at reception, those arriving into the STHF at Yarl's Wood were not, which the Board viewed as a matter of concern

and raised with management. The same concern was raised at Tinsley House, on the occasions when it was used as an overflow capacity when Yarl's Wood was full. The discrepancy was removed in the early part of 2021, so that all arrivals were tested and there were only six cases of Covid-19 at Yarl's Wood during 2020 (referred to within the 2020 National Annual Report for the IDE at paragraph 141).

- 191 Towards the end of the Specified Period and as Covid-19 restrictions eased, resulting in an increase in the size of the population at STHFs, overcrowding on arrival and truncated health assessments were particularly evident and created unacceptable pressures, particularly in relation to the safety and wellbeing of south coast arrivals, as they were transferred from the Kent coast to other areas of the IDE. I exhibit a copy of the 2022 National Annual Report for the IDE as [ESD/60 - INQ000553847].
- 192 The position of unaccompanied minors arriving at Dover was a cause of extreme concern to the Board, with an increase in almost 100% of unaccompanied minors arriving in 2020 compared to the previous year. These children were detained in the Dover holding rooms until social workers could make arrangements for their care. The average length of stay for children at the start of 2020 was just over five hours, by September it had risen to over 42 hours (referred to in the 2020 National Annual Report for the IDE at paragraph 141).
- 193 Safeguarding concerns were raised at Dover STHF, as the holding room at Frontier House in Folkestone had no separate space for children and families and, at the Kent Intake Unit, there were instances where unaccompanied children were held in small spaces and even tents with adults they did not know (referred to in the 2020 National Annual Report for the IDE at paragraph 141). I exhibit a copy of the 2022 Annual Report for the Kent Coast STHF as [ESD/69 - INQ000612510]. A separate small family room was provided in the holding room in Dover, however the Board was concerned that the small size of the room meant it was not always possible to separate out children from the main holding room and observed many instances (particularly during 2020) where children were held in close proximity to adults they did not know. I exhibit a copy of the 2019 – 2020 Annual Report for the Dover STHF as [ESD/70 - INQ000612511].
- 194 Similarly, the length of time that individuals were spending at Tug Haven was concerning to the Board, particularly families and children, who were being held in tents in very cold conditions (referred to in the 2022 Annual Report for Kent Coast STHF at paragraph 193 above).
- 195 At Heathrow STHF, Board members observed children being inducted into holding rooms in a friendly and sensitive manner and all families with a member under the age

of 18 were accommodated in the family room. The Board noted, however, that the holding rooms were unsuitable for the detention of children beyond the very briefest period. I exhibit a copy of the 2021 – 2022 Annual Report for the Heathrow STHF as [ESD/71 - INQ000612512].

Isolation of those with Covid-19 symptoms

196 There were some discrepancies in the ways in which children and young people identified as symptomatic were isolated across the estate.

197 At many establishments, reverse cohort units (**RCUs**) were introduced at the start of the pandemic. At HMP/YOI Preston, a mixed male adult prison and YOI, the RCU held adult prisoners and young people for 10 days to ensure they were not infected or symptomatic before moving them to main location. When the prison had a high number of new prisoners, this period was reduced to eight days. Prisoners were tested on day zero and day five. If tests were negative on both occasions, they could move to main location on day 10. If they tested positive or were symptomatic, they were required to isolate for 10 days. I exhibit a copy of the 2021 – 2022 Annual Report for Preston as [ESD/72 - INQ000612513].

198 In contrast, at HMP/YOI Forest Bank, which accommodated adult male prisoners and young offenders, those who tested positive for Covid-19 were isolated in their cells for up to 14 days. The conditions during isolation were challenging, as prisoners had to eat meals in their cells, often in cramped conditions with another cellmate, and next to a toilet that was not fully screened off. I exhibit a copy of the 2021 – 2022 Annual Report for Forest Bank as [ESD/73 - INQ000612514].

199 In other institutions, such as HMP/YOI Thorn Cross, prisoners sometimes had to remain on their units if they were not vaccinated and someone on the unit tested positive for Covid-19. This mirrored community measures at the time, and staff handled the situation well, with prisoners eventually accepting the arrangement (referred to in the 2021 – 2022 Annual Report for Thorn Cross at paragraph 171).

200 Some Boards found that access to showers was occasionally restricted for prisoners who had to self-isolate due to a suspected or actual Covid-19 infection (referred to in the 2021 – 2022 National Annual Report for the prison estate at paragraph 98).

Regime restriction variations or inconsistencies between establishments

201 There were regime restriction variations between establishments in a number of areas, for example time out of room (see paragraphs 118-213 above), the provision and

frequency of enrichment activities (see paragraphs 146 – 150 above), and the lifting of restrictions on visits (see paragraphs 172 – 176 above). The take-up of in-cell education was variable, and whilst innovative approaches to education were taken at some establishments, it was not commonplace. This is further discussed in paragraphs 130 – 134 above.

- 202 Boards reported varying levels of positive staff-young people interaction during lockdown and there was an "*unacceptable variation*" in treatment of looked after young people. Some maintained regular contact with their social worker and were informed of their accommodation details well in advance of their release, whilst others received few or no visits from their social worker. This is further discussed in paragraph 207 below (referred to in the 2019 – 2020 National Annual Report for YOIs at paragraph 98).
- 203 Across the IDE, there was a variable picture around self-harm, as well as assessment, care in detention and teamwork plans (**ACDTs**), and the processes for identifying those at risk of suicide or self-harm. Boards also reported that standards of cleanliness could be variable, depending on the number of people in detention (referred to in the 2020 National Annual Report for the IDE at paragraph 141).
- 204 Levels of Covid-19 vaccination uptake also varied, and there was "*considerable hesitancy*" among young prisoners and those from minority ethnic backgrounds (referred to in the 2021 – 2022 National Annual Report for the prison estate at paragraph 98).

Different groups of children such as looked after children and children with SEND

- 205 Looked after children, or children with care experience are some of the most vulnerable children in society. Children with care experience are greatly overrepresented in the youth justice population. At HMP/YOI Brinsford, which held both remand and sentenced adult and young male offenders, 66% of prisoners had special education needs and disabilities (**SEND**). I exhibit a copy of the 2021 – 2022 Annual Report for Brinsford as [ESD/74 - INQ000612515].
- 206 Before the Covid-19 pandemic, Boards found that there was patchy and often poor support from local authorities for looked after children. In its 2019/2020 reporting year, the Board at HMYOI Wetherby continued to raise concerns about some local authorities failing to provide adequate support for looked after children, despite being legally obliged to do so. As a result, these children were disadvantaged compared with others at the same YOI. The Board at HMYOI Cookham Wood noted the lack of equality regarding preparation for release, depending on the local authority. The Board at

HMYOI Cookham Wood also found that some looked after young people would be kept waiting until the very last minute before being provided with details of their accommodation on release (referred to in the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).

207 The Board at HMYOI Wetherby also noted that there was an "*unacceptable variation*" in treatment. For example, some looked after young people maintained regular contact with their social worker and were informed of their accommodation details well in advance of their release, whilst others received few or no visits from their social worker. Some local authorities unfairly put the onus on individuals who turned 18 prior to release, with councils telling these young adults to report to the local authority housing office, which meant that they would be deemed homeless upon release. The Board reported that the social work department at HMYOI Wetherby strongly challenged these local authorities and, as a result, no young people were released without accommodation (referred to in the 2019 – 2020 National Annual Report for YOIs at paragraph 98 above).

208 There were some positive reports too. HMP/YOI Brinsford supported young people with SEND with a dedicated lead, rapid screening, and library resources. Information about young people with SEND was shared with staff as appropriate through the internal computer system (referred to in the 2021 – 2022 Annual Report for Brinsford at paragraph 205). HMYOI Feltham A also had the Alpine Unit, an enhanced support unit for children with complex behavioural and emotional needs (referred to in the 2020 – 2021 Annual Report for Feltham at paragraph 166 above).

209 The 2021-22 report for HMYOI Cookham Wood found that during their first 7-10 days, boys were assessed, and a bespoke treatment plan was developed. Many were found to have a history of ADHD, oppositional defiant disorder, anxiety, or depression. Some also had physical medical conditions requiring close monitoring by medical professionals. However, access to behaviour and anger management intervention courses was limited due to staffing issues and a lack of private spaces (referred to in the 2021 – 2022 Annual Report for Cookham Wood at paragraph 144 above).

Findings/conclusions from the monitoring of the secure estate which held children and young people (continued)

210 It has been agreed with the UK Covid-19 Inquiry team that the IMB is not required to provide all monitoring reports for all relevant secure establishments that held children and young people that were monitored during the Specified Period as these documents remain the property of the individual Boards and are not in the control of the IMB.

Copies of all annual reports produced by the Boards during the Specified Period in accordance with their statutory duties have been exhibited to this statement at Annex B.

- 211 In addition to the annual reports produced by Boards during the Specified Period, the IMB produces National Annual Reports which bring together the themes in Boards' annual reports. The IMB does not have a statutory duty to prepare National Annual Reports. However, the IMB understands that it is important that the Boards' work and findings are part of the public and parliamentary debate, and it often produces National Annual Reports to consolidate findings, for ease of accessibility. The National Annual Reports relating to prisons, YOIs and the IDE produced by the IMB have been exhibited at Annex E.
- 212 Boards are responsible for reporting to the Secretary of State for Justice, or any official with delegated authority, any matter which is considered expedient to report. It is likely that, during and after the Specified Period, Boards were reporting issues relating to children and young people which related to the impact the pandemic/regime restrictions were having on them, and raising concerns which related to the treatment of children and young people held within the secure estate generally. However, as the IMB does not have access to records held by Boards, this information cannot be provided.
- 213 From the IMB's centralised records, there are several examples of issues that local Boards raised with the former National Chair, who subsequently escalated these to Ministers. Letters were sent by the National Chair to the Secretary of State for Justice, the Home Office Minister and others in March 2020, April 2020, May 2020, June 2020, December 2020 and May 2021. Examples of specific issues raised to Ministers are given in paragraph 104 above.
- 214 These letters broadly covered topics such as: the position regarding the monitoring of conditions and treatment of prisoners by Boards during the pandemic, Boards' findings during the pandemic on key areas such as safety, fairness and humane treatment, progression and release, the conditions and regimes in IRCs, and updates from the IMB during Covid-19 recovery. For example, the letter from the former National Chair to the Minister of State for Justice dated 24 April 2020 noted that the lack of purposeful activity was particularly troubling in establishments holding young people under 18, amongst other things. I exhibit a copy of this letter as [ESD/75 - INQ000612516]. The former National Chair recognised that, whilst education was restricted throughout the country, this was a vulnerable and challenging population, with limited resilience, and unlikely to benefit from the early release scheme because of the nature of their offences. The letter sent by the Children's Commissioner, as referenced by the former

National Chair, sets out many of the concerns that this raised. The former National Chair's letter to the Minister dated 24 April 2020 also stated that at HMYOI Cookham Wood, boys only had access to two periods of 20 minutes a day out of cell, which was well below acceptable international standards for children and young people, and the Board reported increased levels of self-harm.

- 215 In addition to the above, the IMB provided updates to the Justice Select Committee in June 2020, July 2020, September 2020, January 2021 and July 2021 (copies of these updates are referenced within Annex B). These updates covered: reports from individual Boards and regional representatives, calls and messages received on the 0800 line, and updates on Boards' findings. The letter from the former National Chair to the Chair of the Justice Select Committee dated 3 June 2020 raised particular concerns about the impact of lockdown on children and young people. I exhibit a copy of this letter as [ESD/76 - INQ000612343]. The former National Chair highlighted that time out of cell remained at only 40 minutes a day at HMYOI Cookham Wood compared with three hours at other establishments such as HMYOI Parc. The Cookham Wood Board had written to the Secretary of State on this point. I exhibit a copy of the IMB's findings, based on reports from individual Boards during May 2020 and over 500 calls and messages from prisoners to the 0800 line from 13 prisons in the first four weeks of its operation as [ESD/23 - INQ000612462]. The letter from the former National Chair to the Minister dated 8 January 2021 also raised concerns about the number, and length of time, of prisoners on remand, as custody time limits had been extended. I exhibit a copy of this letter as [ESD/77 - INQ000612519]. 40% of children at HMYOI Cookham Wood were on remand during this period and the letter stated that the situation was likely to worsen due to court delays.
- 216 Furthermore, in conjunction with HMIP, the IMB presented a report containing its key findings on safety and wellbeing, healthcare, education and detainee progression programmes to the HMPPS Recovery Advisory Forum (**RAF**) in September 2020. The IMB's findings were summarised from Boards' regular monitoring, including information from the 0800 applications line. The report was not limited to findings on children and young people, but did specifically highlight concerns around education provision for children at the beginning of lockdown. The report made some recommendations and suggestions to the HMPPS RAF to improve outcomes for prisoners and progress recovery from the Covid-19 pandemic. For example, the report recommended that video visits continue, but the process is evaluated before a permanent system is set up due to technical issues reported to Boards, as discussed at paragraph 180 above. I exhibit a copy of this report as [ESD/78 - INQ000586916].

Part E – General assessment during the Specified Period and lessons learned

- 217 Whilst the IMB has not commissioned any standalone formal review or assessment, either during or after the Specified Period, about the decisions it made in response to the pandemic relating to children and young people specifically, there is an informal "*lessons learned*" process which is continually incorporated into relevant decision making by the IMB.
- 218 In 2024, the IMB published the Critical State Monitoring Policy for Boards. I exhibit a copy of this policy as [ESD/79 - INQ000612521]. This document covers scenarios such as a pandemic/epidemic/endemic conditions, civil unrest/riot, establishment staffing pressures, natural disaster/continuous prolonged adverse weather conditions and vermin infestation. The policy provides Boards with five stages of monitoring, ranging from: standard monitoring duties at stage one, standard monitoring duties in pairs/groups at stage two, reduced geographical monitoring – small scale (such as removal of a single wing or house block) at stage three, reduced geographical monitoring – large scale (such as removal of all wings or house blocks, but workshops, education and prison meetings still being accessible) at stage four and fully remote monitoring at stage five.
- 219 Similarly, whilst the 0800 line was closed from 1 August 2023 following the return to business as usual for Boards, the decision was taken to retain the ability to re-activate the phone number, should Boards have to adapt their monitoring approach in the future.
- 220 Since the end of the Specified Period, the IMB has been working on a programme of organisational change. It has developed a clear focus on the short, medium and long-term sustainability of the organisation. Underpinning this strategy are a number of internal working groups, which are developing proposals for organisational change relating to a number of topics, such as member commitments.
- 221 In order to ensure that a more sustainable model for monitoring is achieved, the IMB has sought to take "*lessons learned*" during the Specified Period, to support Boards with increased corporate guidance covering a wide range of scenarios.
- 222 The IMB realises it has further work ahead of it to increase its corporate memory and data retention, both within the central staff team and within individual Boards, to ensure that the organisation is best able to respond to future inquiries and requests for information. The IMB has a data retention schedule and an annual information

assurance process, whereby each Board Chair confirms that their Board is following information assurance processes correctly.

- 223 The former National Chair provided a significant number of files and emails prior to the end of her tenure as National Chair of the IMB. The provision of this information has proved invaluable in aiding my response to the Inquiry. It is important that work continues to be carried out to improve the staff handover process to ensure that key files, emails and access to account specific tools such as Microsoft Forms are suitably preserved or have their ownership transferred to remaining staff or teams. Consideration will also be given to increasing the use of shared IMB inboxes over individual staff email accounts, to further support corporate memory and increased collaboration.
- 224 There are also now handover templates for IMB staff to follow, which provide information for a new IMB staff member starting in the organisation, such as ongoing projects, key contacts and details of regular meetings. I exhibit a copy of this template as [ESD/80 - INQ000612522].
- 225 Furthermore, a Departing Members Policy was introduced in 2024 which codified in one document the steps taken for a departing member, their Board and IMB staff. I exhibit a copy of this policy as [ESD/81 - INQ000612523].
- 226 The members who continued to work throughout the Covid-19 pandemic, putting their own health at risk to ensure continuity in the independent monitoring of those in detention, are a testament to the organisation. I would again like to extend my personal thanks to all members for their resilience, adaptability and commitment during these unprecedented times. Without the dedication of our members, the organisation would not have been able to continue in its function of monitoring and reporting on the treatment of and conditions for those detained in secure establishments, including children and young people, during the pandemic, who were among some of the most vulnerable in society.
- 227 I am grateful to the IMB Secretariat for providing invaluable support to Boards throughout the Covid-19 pandemic, assisting members to continue discharging their statutory duties in difficult and challenging circumstances.
- 228 Finally, I would like to extend thanks to my predecessor, Dame Anne Owers, for her dedication and hard work as National Chair from November 2017 to July 2023, and for the provision of a significant number of documents from her tenure which have assisted me in responding to the Inquiry.

Statement of Truth

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

26th June 2025