

# LOCAL NEWS PARTNERSHIPS



DAN KITWOOD/GETTY IMAGES

## Prison social visits

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BBC Shared Data Unit, BBC Local News partnerships

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## What's the story?

**Family members of prisoners say their loved ones have been “forgotten” during the pandemic after BBC analysis revealed thousands of inmates would have had two social visits or less throughout most of last year.**

While retail and leisure venues were gradually reopening in June last year following the initial lockdown, prisoners remained confined to their cells for 23 hours a day as part of Covid-19 protocols.

Governors were given the go-ahead to start reintroducing social visits from the start of July 2020, but the Shared Data Unit has found that many did not implement plans until mid-August or later.

Prisoners in Leicester had only 11 days on which to receive visits from loved ones in the entire period between the start of the pandemic in March and the end of the second national lockdown on December 2.

Even where prisons managed to open up visiting halls promptly, government guidance restricted inmates to one face-to-face contact a month and one video call, meaning more than 5,000 prisoners would have had a maximum of two visits from family members between March and December.

Families have launched a legal challenge against the Ministry of Justice (MoJ) on Human Rights grounds because they say the children of prisoners have had their right to a family life disproportionately affected by the pandemic.

They also fear history is repeating as the MoJ, The Scottish Prisons Service and the Northern Ireland Prisons Service are yet to produce a plan to reintroduce visits and loosen the restrictions within facilities - even though the roadmap for recovery outlined at the end of February in England gave firm dates to school leaders, care homes providers and publicans.

While video calling facilities have now been rolled out across UK prisons, their implementation was phased, meaning some prisoners did not have access to the calls until January 2021, some 10 months after the start of the pandemic.

Jake Richards, the barrister leading the legal case against the government, accused Whitehall of having “no coherent plan” to maintain the contact between children and their imprisoned parents because of the inconsistent approach across the estate.

“This has led to unfairness,” he said. “Depending on where your parent is in prison that will affect your right to go and see them - that can’t be right.”

### **This pack contains:**

- Detailed analysis of the human rights claim being made on behalf of families and a background to the current situation in UK prisons.
- A spreadsheet containing the dates when each prison in the UK reopened and subsequently closed for social visits for comparison.
- Key findings
- Quotes from prisoner family support charities, the barrister leading the legal claim against the government and the Ministry of Justice
- Detailed methodology.

## **Background**

Public Health England (PHE) took the decision to cease in-person visits at prisons in England and Wales with immediate effect on March 24 on the assessment that between 2,500 and 3,500 prisoners were at risk of dying as a result of Covid-19. Prisons closed in Scotland and Northern Ireland suspended visits on March 23.

Facilities in England and Wales were not given the all-clear to reopen visiting halls again until July 6 - providing the Ministry of Justice (MoJ) approved the safety measures put in place at individual sites.

As of the end of January, 119 prisoners and probation service users were confirmed to have died after testing positive for coronavirus, far below the worst-case estimate outlined by PHE.

But, since the start of the pandemic, Parliament's Human Rights Committee has been assessing whether the lockdown procedures within prisons and the cessation of social visits could have amounted to an infringement of the European Convention on Human Rights. In particular, it has looked at the right to life (Article 2), liberty (Article 5) and to respect for family life (Article 8).

Prisoners have, in the main part, been kept on 23-hour-a-day cell lockdowns since March 24, 2020. Gym sessions, training sessions and prison jobs have been largely suspended during that time.

The charity INQUEST presented [evidence to the Human Rights Committee in July, 2020.](#)

It said it was deeply concerned that prisoners were being held in "prolonged solitary confinement", which it said could have a "harmful, long-term impact" on inmates, especially those with mental or physical health conditions.

The pandemic came just three years after the MoJ published [a report by Lord Farmer](#) indicating that family ties were the “golden thread” for rehabilitating offenders within the justice system. It also said the introduction of a statutory instrument that allowed even Secure Training Centres (STCs) to restrict the time detained children spent out of their cells to one-and-a-half hours a day was “unacceptable”.

Inspectorate reports on prison conditions at the time also highlighted potential breaches of Article 3 of the Act.

In particular, INQUEST pointed towards the way men were locked in their cells without showers or exercise for up to 14 days at HMP Wandsworth and HMP Portland and what it described as the “degrading sanitation system” at HMP Coldingley.

“The number of self-inflicted deaths in prisons is worryingly high,” INQUEST reported to the committee “with 28 deaths between 24 March and 16 July 2020.”

However, recent submissions to the Human Rights Committee have focussed on the potential harm the restriction to visits has had on children and family members (**See interviews with Jake Richardson and Children Seen and Heard, page 8**).

While prisons did reopen for a period during the summer and early autumn, the length of time they stayed open differed widely across the estate (**See what we found, page 6**).

Those that did reopen for visits limited the number of people that could visit and, in many cases, restricted children from visiting entirely. [Others reported heavily penalising prisoners who broke social distancing rules and had physical contact with their loved ones](#). When the tier system was introduced, those from areas within tier 3 areas were not allowed to visit loved ones, even if the prison itself sat outside of those areas.

Norfolk-based company Purple Visits was awarded the contract for rolling out virtual visits with what it called [“military grade security” across the prison estate in England and Wales](#). These allowed prisoners one half-an-hour video call per month with a maximum of four people on the same call. In Scotland, virtual visits are provided by Unilink.

By late June, the prisons magazine Inside Time reported that 26 prisons had installed Purple Visits. However, the rollout in England and Wales was not completed until January 2021.

In Scotland, video visits started at five prisons in mid-June and the provider, Unilink, said the calls would be available at all 15 prisons by the beginning of July. In Northern Ireland, virtual visits have been in place since the start of April 2020.

## Methodology

The data for this project was obtained from a number of sources. These were:

- Official Ministry of Justice webpages of the individual prisons in England and Wales
- Official Twitter accounts of prisons across the UK
- The Ministry of Justice press office
- The Scottish Prison Service Press office
- The Northern Ireland Prison Service press office

### Book and plan your visit to Liverpool Prison

Prison social visits are temporarily suspended at Liverpool prison following [national lockdown](#). We will update here as soon as this changes. There may be exceptions for compassionate reasons which should be [agreed in advance with the prison](#) prior to travel. We will update here as soon as this changes.

Find out more about [visiting someone in prison during the COVID-19 pandemic](#). You can also follow [@HMPPS](#) on Twitter and read a [rolling update page](#).

There are a number of other ways to contact someone in prison if you are unable to visit them. You can:

- leave a voice message using the [Prison Voicemail Service](#)
- send them an email using the [email a prisoner](#) service
- [write to them](#)
- use [secure video calling](#)

You can also contact the Prisoners' Families Helpline on 0800 900 900

**We approached this project in order to test the hypothesis that social visiting restrictions widely differed across the prison estate during 2020.**

We began by using a web-based scraper to log each time an official MoJ prison page was updated. These sites are intended to serve as a portal to families of inmates in their respective facilities, through which people can book social visits or receive any other important information.

We used the scraper to log when updates were made to each individual prison page.

The dates returned by the scraper were then checked through Wayback Machine, the internet archive service which allows users to view how a particular webpage would have looked on a date in the past.

This allowed us to record a date as to when the site was updated to announce the reopening of social visits and any subsequent closures. However, we discovered that in many cases the date the official site was updated was often behind the actual reopening.

We limited our study to account for the 253-day period between the start of the initial prison estate lockdown on March 24 and December 2, the date when the second national lockdown ended in England.



We then set out to double-source the results returned from the official pages by manually searching the official Twitter accounts of each prison in the UK, including those run by private companies such as Serco and G4S.

Where we could not find an accurate reopening date through the Twitter page or the website we approached the press office of that particular prison operator.

## Data quality

- We have managed to double-source accurate opening times at 87 prisons for the whole period between March 25 and December 2, even if they opened and closed for short lockdowns during that time. **That means we have confirmed the date as to when social visits opened or closed throughout that period from two different sources.**

## What we found

The following analysis is based on the 87 out of 139 prisons in the UK where we were able to double-source when social visits had opened and closed.

### Initial reopenings

The first prison to reopen following the initial lockdown in March last year was **Altcourse Prison in Liverpool**. The category B facility is run by G4S and reopened on July 7.

Altcourse was followed by **Risley Prison in Warrington and Humber Prison in Brough, Yorkshire**, which both opened on July 8 and are both category C.

**HMP Leicester** was the last prison to reopen for social visits on October 26. It was preceded by **Rye Hill Prison** in Northamptonshire (September 23) and **Manchester Prison** (September 16).

Across all UK prisons, the median date for reopening social visits initially was July 30. This means the majority of the inmates within the prison network, 32,000, were allowed a social visit before the start of August.

It should be noted that, while the initial reopening date varied widely across England and Wales, the prison services in Scotland and Northern Ireland reopened on uniformed dates. In Scotland this was August 3, in Northern Ireland it was July 27.

### Days where visits were available

The category B **Leicester Prison** had the least days where social visits were open, **11 days**. The table at fig 1 shows the prisons with the least amount of social visiting days.

On the other hand, the prisons open for the most days were **HMP Humber and HMP Risley**, at **121 days**. These were followed by 11 Scottish prisons, which were all open for **117 days** in total. **These were: Castle Huntly, Cornton Vale, Dumfries, Edinburgh, Glenochil, Grampian, Greenock, Inverness, Kilmarnock, Perth, Polmont.**

## Social visits in UK prisons

Prisons open for the least days during the first two national lockdowns

Prison	Total days open for social visits
Leicester	11
Manchester	37
Rye Hill	44
Forest Bank	52
Preston	54
Stafford	58
Rochester	59
Garth	65
Lowdham Grange	67
Isle of Wight	70

Study includes the opening times at 87 prisons between March 25 and December 2, 2020.

Source: Twitter



Across the UK, prisons were, on average, open for social visits for just **94** days out of the 253-day period of study.

But the average differed between the nations.

**England: 89 days**

**Scotland: 112 days**

**Wales: 102 days**

**Northern Ireland: 93 days**

The study shows that category A prisons were more likely to have fewer social visiting days than lower security prisons such as category C or D.

- The average number of days a category A prison was open for social visits was **79**.
- Fully open prisons or category D prisons were open for an average of **106** days.



## Interviews



### **Jodie Beck, co-founder of online support group Our Empty Chair.**

*The group is a collective of about 50 families who share their experiences of keeping in contact with a loved one in prison during the pandemic.*

#### **Q: How have the families of people in prison been coping during the pandemic?**

A: “The impact this is having on the mental health of family members is enormous and it’s fast approaching a year since visits were first suspended. When you have a loved one in prison you base your life around maintaining that relationship. Having the physical contact taken away has had such a detrimental impact.

“The impact has been tough on the prisoners as well. We’ve heard loads of reports that prisoners are having to choose between talking to family members or having a shower because they have to be locked in their cells for up to 23 hours a day.”

#### **Q: How effective have the virtual visits been?**

A: “The replacement of in-person visits with virtual visits was welcomed initially as a temporary measure. The Ministry of Justice says families are entitled to one half-an-hour virtual visit per month. But if you compare this to the time before the pandemic, they would have up to eight hours a month - two visits a week in a lot of cases. The replacement isn’t enough and doesn’t go far enough to maintain that contact.

“There are a lot of issues with the technology too - we’ve heard it freezes or turns static if too much movement is detected. The Purple Visits technology also requires you to have an app on a smartphone and you need to show your ID and take a selfie to access the visit.

“That digital divide we are seeing in education is being mirrored in the justice system. We heard from one person who was having to advise an elderly woman they knew about having access to her son. As she couldn’t use the smart phone she didn’t know how to speak to him.



“But there are so many inconsistencies to the access. We’ve heard some families having video calls through different technology facilitated through the MoJ themselves and they’re having positive experiences of that but this isn’t the same across the board. Families just want the technology to be working.”

**Q: How have children been affected?**

A: “Children have been the hardest hit by the suspension of physical visits. With the virtual technology, you can have a maximum of four people on a video call. If you have more than three children there is automatically going to be some exclusion. Small children and toddlers also can’t engage with the virtual technology - they rely on that touch and being able to see their parent or family member in person.

“At the sharp end of this, we have heard from people who are terrified that, when their loved one is released, their children won’t recognise them: it will be like a stranger entering the home.

“In mid-2020 there was a short period of time where visits were opening again with an increased emphasis on security. We heard of one family being banned from visiting because their small child reached over and touched their dad’s arm. I think it just points to how inaccessible all of this is particularly to small children and how there is no understanding of the needs of a small child.”

**Q: The government has outlined a roadmap for the rest of the country to reopen following the third set of national lockdowns, but what do we know about prisons?**

A: “There has been quite an extensive roadmap for the rest of the country but this hasn’t been replicated in prison so there are actually no plans to reopen social visits. Families are left in the same position as before, not knowing when they’re going to see their loved one, not knowing when things will get back to normal and having no idea how long it’s going to take for the normal routines of communication to be opened up again.

“This is the same for prison lockdown regimes in general, which does have an impact on families. People in prison are still locked up for upwards of 23 hours a day. This has such an enormous impact, not only the person in prison, but their families as a whole. If you don’t have an in-cell phone the very limited time you get out of your cell you are having to choose between queueing to use the communal phones, having a shower, getting your medication or having some fresh air.

“It’s definitely fair to say that residents have been forgotten about and that’s really ridiculous when you think about it because, although people who aren’t affected by prison might assume that they are out of sight, out of mind, our communities are impacted by prisons. The way in which the government responds to coronavirus within them has an implication on all of us.

“We saw at the beginning of the pandemic so much medical evidence coming out that if you don't reduce the prison population, if you don't sort out the dire conditions and overcrowding, then actually the spread of coronavirus in prisons will have an implication on community health services that are already desperately overrun and overcapacity.”

**Q: Is there a worry that the same disparities seen in reopening the prison estate last year will be repeated in 2021?**

A: “I think there is a real fear. When visits eventually open up some families will be able to get straight in and book a visit and it will be fine - but for some families that might take a lot longer. I think this just points to the fact that families aren't being given any information.

“All of the families we've worked with don't want anything that is not reasonable. They understand that prisons are faced with the challenge of keeping people safe during a really dangerous time in prisons where the conditions are so cramped you don't have access to the kind of high standards of hygiene and sanitation facilities. I think families just want to be kept in the loop. And I think that's down to the government publishing a rough roadmap of when visits will be open again and then it's down to individual prisons actually communicating with the families and being transparent about the difficulties they are facing.”

**Q: What needs to be done now?**

A: “We can acknowledge on one hand that people in prison, both staff and prisoners, are at an increased risk of contracting coronavirus - that has been published across the board from Public Health England, the World Health Organisation and The Lancet. The best way to approach this is - we have a severely overcrowded prison system at the moment and the government committed to a program of early release last year before pausing it in August.

“What we need to see is a continuation of that scheme so people who pose no risk to their communities can safely isolate with their families.”

## **Sarah Burrows: CEO of Children Heard and Seen**

***Children Heard and Seen supports children, young people and their families who are impacted by parental imprisonment. It is estimated that 312,000 children each year experience having a parent in prison.***

**Q: Why do you believe the current situation regarding prison visits amounts to an infringement of human rights?**

A: "It's about the right to a family life and the impact upon children who have had a parent in prison since the pandemic started. Some of the children had their parents coming out on RoTL (Release on Temporary Licence) but once the lockdown measures started, that completely stopped.

"Many children then could not see their parents face-to-face for a number of months or even have their first social video call. But because you can only have four on the call the person looking after more than three children was having to make a decision on who could participate - knowing that would be the only one they would get that month. Some have even chosen not to participate for that reason."

**Q: Have video calls managed to fill the gap left by in-person social visits?**

A: Because of the lack of frequency the families want it to be great. If you only have a video call once a month you have to think how much you are investing in that, it's massive. For a half-an-hour call, depending on the settings, it can freeze or it glitches. One mother had her call stopped because her children's feet were on show and that was deemed as nudity. We also had an example of a sneeze ending a call and one family could hear other conversations around them that were not appropriate to hear.

**Q: How can prisons balance the risks of coronavirus and maintaining the contact between prisoners and families?**

A: "One thing we would like to see are more video calls at evenings and weekends. The calls at a number of prisons are only available on weekdays - when children are only available in school that was really difficult.

"Prior to Covid some of the children's parents were coming out on RoTL and it was enabling them to rebuild relationships within the family home. Obviously once Covid happened and safety had to be managed, RoTL stopped. There is a point that if a prisoner is low-risk enough and could be continued in the community, surely that would be in the best interest of the child.

"Children with a parent in prison are really invisible in this country anyway. There is no database, there is no way to support those children, those children are isolated and Covid has increased that sense of isolation."



**Jake Richards,  
barrister at 9 Gough  
Chambers, London.**

*Since the summer of 2020, Mr Richards has been working with several families who are trying to bring a claim against the Ministry of Justice for what they say is an interference with their Article 8 (right to a family life) rights under the European Convention on Human Rights.*

**Q: Why do you believe the current restrictions on prison visits are unlawful?**

A: “At the outset of the pandemic, prison visits were suspended. That is likely to be a reasonable approach to stop the spread of the virus in the prisons estate.

“What didn’t happen was any real coherent thinking or plan by which family members outside and in particular children of prisoners were going to be able to have meaningful contact with their parents who remain in prison. And if that couldn’t be via direct visits then what other means were there to ensure that children could see their parents? Could they have video conferencing facilities or longer phone calls? There were numerous options and none of these were sufficiently explored until far too late.”

**Q: When considering the welfare of children whose parents are in prison, what assessments were made by the government to ensure their rights were protected?**

A: Well nothing. Essentially lots of groups of children were subject to guidance and government guidance early on during the pandemic. So for example, when we talk about children in care - guidance was released about a more flexible approach to contact with parents to ensure that those children could still see their parents despite the lockdown regulations.

“However, for children of prisoners, they were completely forgotten. There was no document, no guidance or support and this goes to a wider issue that children of prisoners fall within a lacuna in Whitehall. There is no government department, no government minister, there’s no

government body that takes responsibility to think about these children and therefore when a pandemic comes they are really forgotten and that needs to change.

**Q: What is the basis of the legal case?**

A: "The case is concentrating on the children. We have one family with seven children who have both parents incarcerated and the case is really about the effect the blanket suspension of visits has had on those children and the lack of any mitigating factors.

"For example, take a child with severe disability who cannot have any meaningful contact with their parents on the phone, who is unable to do direct visits for several months during the pandemic and therefore hasn't physically seen their parent for a number of months. Now we've all suffered, we all went long periods without seeing our loved ones but we've also been able to use Zoom or see them in the park from afar. That's not been the case for these children. They are wholly innocent; they have not done anything wrong and the effect on them of that lack of contact has been really severe.

"One child as I mentioned has had a severe disability and lost several stone in weight over the pandemic and we think there is a strong case to say that is because he hasn't seen his father, he is unsure how his father is doing and it is difficult to explain the situation because of his disability and his age.

"These are real difficulties for families and the government produce no support, no plan to try and help them. We say, looking at the legal framework, that that is an unlawful interference with their Article 8 rights. Now of course the law allows the government to interfere with article 8 rights but it must be balanced and proportionate and it must take into account all the various factors. Here, the government has not published any guidance. There has been no assessment done of these children. To me they are an afterthought. They have been completely forgotten and hopefully this legal claim will make the government take notice."

**Q: What do we know of the prisoners themselves?**

A: "From speaking to lots of families of prisoners we are hearing examples of shocking circumstances. Prisoners being forced to isolate for 14 days as a punishment for touching loved ones and not allowed out of their cells, not able to shower. And this is public knowledge - there was an inspectorate report a few months into the pandemic which talked about really Dickensian scenes in our prisons - blood, urine, faeces not being cleaned up, people unable to go outside for more than 30 minutes a day, if that, during this pandemic.

"Now of course we accept the government did have a really difficult job on its hands to ensure the virus didn't spread through the prison estate and protect prisoners and of course people who work in prisons. But really there appears to be no coherent plan by which to help prisoners and of course their families - and that we say could be unlawful too."

## **What should the government do now?**

A: "That is a difficult question - but one we need to confront as we go through the pandemic. The answers lie in very practical solutions, for example, could the video conferencing facilities have been rolled out much more quickly than they have been? Could they be more effective? Could there have been guidance to governors across the country to ensure there was a consistent approach because what we are seeing at the moment is some prisons being very helpful to families and others ignoring them completely.

"A lot of the issues are technical - the Purple Visits has facial recognition technology for security purposes. But a four-year-old child is just not going to sit still, so the call shuts off.

"In terms of the discrepancies across the estate what we've seen in the summer of 2020 was that some opened up for visits quite quickly and were really keen to get family members in safely but as much as possible with some normality. Other prisons took another approach - saying you can come in but behind plastic dividers and if your child attempts to hug or touch the prison inmate then we reserve the right to put the prisoner in self isolation for 14 days.

"Now, you can imagine the stress and strain for the family members, the child and the prisoners themselves. There is suddenly a huge dilemma for the prisoner as to whether they organise this visit, which could be really traumatic for a young child to see their parent behind a divider and obviously for a parent. If they don't follow the rules then the prisoner might be punished. There has been reports of that across the estate, we have that from good sources, family members.

"There is no coherent national approach and this has led to unfairness - depending on where your parent is in prison that will affect your right to go and see them - that can't be right.

"Communication is another aspect of this. We are looking at the whole system of prison visits and if prisons are not communicating what they are offering or not offering in a consistent and fair way then of course family members are going to be stifled from seeing their loved ones in prison. Communication has been shocking and it goes to the root cause of this which is that there is no set government standard - it has been chaotic and that's not good enough."

## **A Ministry of Justice spokesperson said:**

"There is no question our response has saved lives and helped protect the NHS, with infections and deaths in prisons significantly lower than predicted at the start of the pandemic.

“Each prison opened up when it was safe to do so last summer, and we have another clear evidence-based plan for easing the current restrictions to ensure prisoners are kept safe without being subject to the strictest measures for any longer than necessary.”

#### Notes for editors:

- We cannot comment on ongoing cases.
- Public Health England Modelling in March 2020 suggested there could be 2,300 deaths from coronavirus in prisons. Our most recent statistics show there have been 93 deaths of prisoners (out of a population of approx. 78,000) which are suspected or confirmed to have been caused by Covid-19:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/968562/HMPPS\\_COVID19\\_Feb21\\_Pub\\_Doc.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/968562/HMPPS_COVID19_Feb21_Pub_Doc.pdf)
- Our most recent statistics on staff deaths show that 36 HMPPS staff have died having tested positive for COVID-19 within 28 days of the death, or where there was a clinical assessment that COVID-19 was a contributory factor in their deaths regardless of cause of death:  
<https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-december-2020/hmpps-covid-19-experimental-statistics-annex-31-january-2021>
- Our [National Framework](#) sets out how we will take decisions about the level of restrictions necessary at each prison establishment, guided by public health advice.
- The rollout of secure video calls started in May and was fully available in all establishments by Mid-December.
- Secure video calls are now running in all public and private prisons and young offender institutions across England and Wales, helping to maintain vital family ties and boost rehabilitation during the Coronavirus pandemic; **97% of prisoners say that video calls have a positive impact on their mental health**. Over 135,000 video calls have been made totalling almost 67,500 hours.
- The software has a range of security features, including a requirement for family members and friends to verify their identity when requesting a call and also at the point of entering a call. If the software detects an unauthorised face, then the call will pause.
- We have worked with the current supplier to continuously improve the system. We have implemented a significantly improved in-call user experience for those in custody and their families. This has been tested and applied in over half of establishments and plans are in place to roll this out across the rest of the estate.