Dear David

Mental Health and Deaths in Prison

As you will be aware, the Joint Committee’s recent inquiry into Mental Health and Deaths in prison was curtailed by the general election. We published an interim report in May identifying the key issues which emerged from the evidence we heard from serving prisoners, academics, prison health practitioners, penal reform experts and bereaved families. That report also made recommendation for changes to the Bill.

Our inquiry focussed on why progress has not been made on preventing deaths in custody, despite the recommendations made in a long succession of reports on prison safety that went back to Lord Woolf’s report in 1991. For this reason, our report made a number of concrete legislative proposals that would compel change through legislation rather than policy. Those changes included:

- a statutory duty on the Secretary of State to specify and maintain a minimum ratio of prison officers to prisoners at each establishment;
- a prescribed legal maximum to the time a prisoner can be kept in their cell each day; and
- a legal obligation for the Prison Service to ensure that each young prisoner or adult prisoner with mental health problems has a key worker.

My Committee was very disappointed to learn in the Queen’s Speech that a Prisons Bill will not be taken forward in this parliamentary session; we consider this is a missed opportunity to ensure that the conditions in which prisoners are held reflect 21st Century standards.
We note from your evidence to the Justice Committee on 25 October 2017 that you are taking steps to pursue the agenda set out in the former Prison and Courts Bill through alternative, administrative means such as:

- the establishment of an implementation unit to “follow up and ensure action on inspectors’ recommendations”;
- the implementation “by the end of November” of the Urgent Notification process to ensure the Chief Inspector of Prisons can go directly to the Secretary of State in the most severe and urgent cases; and

We welcome these developments. Nonetheless, they do not address the proposals in our report. Although it was our view they would be most appropriately dealt with in legislation, many of them could be implemented by policy changes.

I note there has been no Government response to our report, perhaps because of its interim status. I would be grateful if the Government would provide such a response by 8 January 2018, including your views on our detailed proposals, as set out in Chapter 5, and outlining any steps your Department is taking to address the emerging issues outlined in our report.

I note that your Department is expected to publish a Prison Safety Strategy shortly. I very much hope that strategy will be published in time for your response to explain how it will contribute to reducing the number of people with mental health conditions for whom imprisonment results in death.

Yours sincerely

Rt Hon Harriet Harman MP
Chair