

Stephen Baines
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25 January 2021

Dear Mr Baines

Freedom of Information Act (FOIA) Request – 201227003

Thank you for your request received on 27 December in which you asked for the following information from the Ministry of Justice (MoJ):

Please could tell me on how many staff, who work in prisons, have tested positive for Covid-19. Please could you split these figures in to operational staff and non operational staff and give the percentage of each of these groups of staff.

- 1. Number of operational prison staff working in prisons which have tested positive for Covid-19 XXXX, which equates to xxxx % of operational staff working in prisons**
- 2. Number of non operational staff working in prisons who have tested positive for Covid -19 XXXX, which equates to XXXX % of non operational staff working in prisons.**

Your request has been handled under the FOIA.

I can confirm that the MoJ holds the information that you have requested. From early March to 31 October 2020:

- 2,692 staff who work in prisons have reported as having tested positive for COVID-19. This includes both directly and non-directly employed staff working in all private and public prisons, including the youth estate (YOIs, STCs and SCHs).
- Specifically looking at the directly employed staff working in public establishments, 1,621 were operational staff which equates to 6% of operational staff working in public prisons and 297 were non-operational staff which equates to 2% of non-operational staff working in public prisons.
- For directly employed staff working in private establishments of whom we have information on their role, 319 were operational staff and 52 were non-operational staff, we do not hold data on the total number of staff working in private prisons.

Please be advised that these figures are accumulative, rather than live total, therefore the period this data covers means that most of the infected personnel will have made a full recovery.

Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large-scale recording system. Much of the data collected during the COVID-19 pandemic has been done at pace, with recording practices evolving as we understand more about the requirements and conditions we are facing. In order to present the timeliest information, the data presented has not been subjected to the usual standard of quality assurance associated with official statistics.

A member of staff is counted as operational if they are directly employed prison staff and employed in one of the following roles: Operational Support Grade (OSG), Band 3 to 5 Prison Officer, Operational Manager or Governor. Non-operational staff are directly employed staff working in prisons in roles other than those listed above.

The information after 31 October 2020 is exempt from disclosure under Section 44(1)(a) of the FOIA. Section 44(1)(a) exempts information if its disclosure is prohibited by other legislation. Such provisions are referred to as statutory prohibitions or statutory bars and they prevent public authorities from disclosing specific types of information. Information is exempt under this subsection if its disclosure would breach primary legislation (an Act of Parliament); or secondary legislation (a Statutory Instrument).

The information you are seeking is prohibited by the Statistics and Registration Services Act 2007 and the Pre-release Access to Official Statistics Order 2008. The most recent workforce statistics are available here:

<https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-workforce-quarterly-september-2020>.

As such we are required to consider your request in a manner compliant with the Pre-release Access to Official Statistics Order 2008 further to Sections 11 and 13 of the Statistics and Registration Service (SRS) Act 2007. The MoJ is obliged under section 13 of the SRS Act to continue to comply with the Code of Practice for Official Statistics (the Code) for National Statistics. Section 11(3) of the SRS Act regards the Pre-Release Access to Official Statistics Order as being included in the Code.

Protocol 2 of the Code reflects the requirements of the Pre-Release Access to Statistics Order. Specifically, it requires producers of official statistics to ensure that no indication of the substance of a statistical report is made public or given to the media or any other party not recorded as eligible for access prior to publication.

This is an absolute exemption and does not require a public interest test.

Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to the address below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely,

Maureen Easton
Her Majesty's Prison and Probation Service
Briefing and Correspondence Team