

## **Prison Reform Trust representation to the Spending Review 2025 – February 2025**

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families
- promote equality and human rights in the criminal justice system.

[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

### **Introduction**

We are grateful for the opportunity to submit representations to the Spending Review. Our submission focuses on the challenges facing the criminal justice system within England and Wales; the poor value for money that provides to taxpayers; and the extraordinary costs of reoffending and wasted potential for our economy.

It makes the case that the government should use the opportunity that the current crises present to re-imagine our approach, guided by the evidence of what works to reduce crime and re-offending.

### **Prison capacity and conditions**

Our criminal justice system is currently facing crises on all fronts. Growing public concern about crime; eroding confidence in the police's ability to detect, prevent and investigate crime; frustration at low charging and prosecution rates for certain crimes; huge case backlogs in our criminal courts; and a prison and probation service that is struggling to safely hold and supervise the number of people that it's being asked to—further undermining public confidence in the state's ability to ensure that justice is done.<sup>1</sup>

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<sup>1</sup> Rowland, C., & Davies, N. (2024, July 25). *Fixing public services: The criminal justice system*. Institute for Government. <https://www.instituteforgovernment.org.uk/publication/fixing-public-services-labour-government/criminal-justice-system>

Prisons account for the largest single area of expenditure for the Ministry of Justice (MoJ), with £3,554m spent in 2023–24.<sup>2</sup> Yet in his latest annual report, HM Chief Inspector of Prisons presents a stark picture of the “brutalising conditions” in which people are being forced to live and work, and that limited opportunities to provide meaningful rehabilitation are increasing the likelihood that people will reoffend on release—in turn placing further pressure on the criminal justice system.<sup>3</sup> It is an extraordinarily expensive vicious cycle, which is failing both victims and perpetrators of crime, as well as wider society.

We have not arrived at this point by accident. Successive governments have legislated to lengthen prison sentences significantly and keep people in prison for longer, whilst failing to provide the necessary resources to match that increased demand. Indeed, governments have often pursued measures which increase demand on the prison system, whilst simultaneously cutting its resources.

In its recent report ‘Increasing the capacity of the prison estate to meet demand’, the National Audit Office highlights that:

*“Between May 2010 and September 2024, [HM Prison and Probation Service] only added a net 1,005 prison places to the estate (new prison places minus cells lost). This is due to a combination of delays in expanding the estate’s capacity, dilapidation of existing cells reducing places available, and the policy approach in the early 2010s to close and replace uneconomic prisons. In comparison, the prison population grew by approximately 3,000 (three times the net places added) over the same period.”<sup>4</sup>*

This has meant the continued routine overcrowding of our prisons for the last three decades and the subsequent lack of resources to support people to lead law abiding and productive lives.

This pressure on prison places has created a system with almost no slack, as every space counts. As a result, a significant backlog of maintenance work has built up. In March 2021, the Ministry of Justice estimated the cost of completion at £0.9bn.<sup>5</sup> But in the last four year the maintenance backlog has now doubled to £1.8bn.<sup>6</sup>

However, as with many areas of our criminal justice system, the current crisis in prison capacity has interrupted this work. 1,700 places have been kept in use following a decision to delay cell maintenance, and we continue to hold people in prisons which should have long since closed, with around a third of prisons dating back to the Victorian era.<sup>7</sup>

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<sup>2</sup> National Audit Office. (2024, December 16). *Ministry of Justice 2023-24 - NAO overview*. <https://www.nao.org.uk/overviews/ministry-of-justice-2023-24/>

<sup>3</sup> *Desperate times for prisons: Chief Inspector of prisons calls for sustained action to tackle the crisis – HM Inspectorate of Prisons*. (2024, September 10). <https://hmiprisons.justiceinspectorates.gov.uk/news/desperate-times-for-prisons-chief-inspector-of-prisons-calls-for-sustained-action-to-tackle-the-crisis/>

<sup>4</sup> National Audit Office. (2024). *Increasing the capacity of the prison estate to meet demand*. <https://www.nao.org.uk/reports/increasing-the-capacity-of-the-prison-estate-to-meet-demand/>

<sup>5</sup> National Audit Office. (2020). *Improving the prison estate* <https://www.nao.org.uk/reports/improving-the-prison-estate/>

<sup>6</sup> National Audit Office. (2024). *Increasing the capacity of the prison estate to meet demand*. <https://www.nao.org.uk/reports/increasing-the-capacity-of-the-prison-estate-to-meet-demand/>

<sup>7</sup> National Audit Office (2024, February 8). *Ministry of Justice 2022-23 - NAO overview*. <https://www.nao.org.uk/overviews/ministry-of-justice-2022-23/>

This led the National Audit Office to conclude that:

*“The current crisis in the prison estate is a consequence of previous governments’ failure to align criminal justice policies with funding for the prison estate, leading to reactive solutions which represent poor value for money.”<sup>8</sup>*

The decision to privatise estates maintenance contracts has had a detrimental impact on the quality of the prison estate overall, but particularly on older establishments where the maintenance needs are substantial. These contracts were poorly funded and understaffed which meant that routine repair and maintenance work suffered. These failing played a contributing factor to the rapid decline in conditions in a number of old prisons including HMP Liverpool.

Furthermore, following the Grenfell fire tragedy, there was a big loss in accommodation as blocks and wings had to be closed for essential fire maintenance work. While this work was necessary, it undoubtedly led to increased pressure on prison capacity and higher levels of overcrowding.

But progress remains slow. The NAO reported that as of March 2024:

*“...approximately 23,000 occupied prison places (a quarter of places) did not meet fire safety standards (standalone smoke detectors are being used as mitigation in the meantime). HMPPS estimates it would cost £2.8 billion over the next five years to bring the whole estate into a ‘fair’ condition, more than double its current maintenance expenditure.”<sup>9</sup>*

We have long been critical of the dire conditions in which many people in prison are held, meaning that Victorian and pre-Victorian prisons continue to be used long past their designed lifespan. Those conditions undermine efforts to provide effective rehabilitation, and fail to meet the needs of a modern prison system, and so it is right that the government should plan for their replacement.

However, even when resources have been committed, the MoJ and HMPPS have struggled to deliver the necessary capacity, in part because of previous under-investment, as well as the rapid rise in demand.

In October 2021, the MoJ committed to deliver 20,000 additional prison places by the mid-2020s, with total approved estimated funding of £5.2bn. In response, capital spending has risen significantly in recent years. The Capital DEL (Departmental Expenditure Limit) is 155% higher in 2024–25 than it was in 2019–20.

However, continued delays in delivering on the ambition for 20,000 prison places have seen capital spending reallocated to meet shortfalls in the department’s resource expenditure and re-profiled to be spent in future years on multiple occasions.<sup>10</sup> In 2023–24 the MoJ’s capital budget was initially £2,308 million, a 70%

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<sup>8</sup> National Audit Office (2024, February 8). *Ministry of Justice 2022-23 - NAO overview*. <https://www.nao.org.uk/overviews/ministry-of-justice-2022-23/>

<sup>9</sup> National Audit Office. (2024). *Increasing the capacity of the prison estate to meet demand*. <https://www.nao.org.uk/reports/increasing-the-capacity-of-the-prison-estate-to-meet-demand/>

<sup>10</sup> National Audit Office. (2024, December 16). *Ministry of Justice 2023-24 - NAO overview*. <https://www.nao.org.uk/overviews/ministry-of-justice-2023-24/>

increase on capital spending the year before. However, it subsequently reduced this in-year to £1,518 million.

This has led to what the NAO has called “a reactive and expensive approach focused on building new places urgently at increased cost”, stating that “the current crisis position will not represent value for money.”

Building new prisons to replace old, poorly performing ones is not a novel idea. The problem that we have seen over the last 30 years is that governments talk about closing prisons which are no longer fit for purpose, and at the same time legislate to introduce new criminal offences, sentences, and lengthen the maximum penalties available to the courts—further stoking demand for prison places.

It would be a grave mistake if the only lesson the government took from this crisis in criminal justice was that we need to spend more money on building more prisons, more quickly.

Indeed, even with the existing capital commitment, the NAO identified that the “MoJ’s central projection scenario shows demand for spaces exceeding capacity by 12,400 places by the end of 2027, even if current expansion projects are delivered to revised timelines”. A different approach is needed if we are to break away from the failings of the past and provide better value for money; better outcomes for our communities; and support people away from the criminal justice system and into employment.

## **Valuing staff**

The number of frontline operational prison staff was cut by 26% between 2010–2017. Whilst numbers have recovered somewhat since then, numbers remain below the pre-austerity benchmark of 2009–10 and staff experience and retention have suffered significantly.

The boom or bust approach to officer recruitment that has characterised the last decade has had the wholly predictable effect of stripping out experience from the ranks. The rush to reduce the pay bill in the long term led to generous severance arrangements for more experienced (and therefore expensive) staff. The necessary correction some years later replaced those officers with new recruits and as a consequence, four out of every 10 prison officers currently have less than three years’ experience in the role.<sup>11</sup>

The pressure to recruit quickly and in unprecedented volumes opens the door to a variety of threats to retention. We have heard frequently from prisoners that new officers were starting work with little clear idea of what the job involved, so were vulnerable to feeling overwhelmed, or easily tempted by less stressful opportunities in other sectors.

The figures on retention of newly appointed prison officers certainly support the view that there is a serious problem. Over half of officers (58%) who left the service in the

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<sup>11</sup> Ministry of Justice (2024). Table 4, HMPPS workforce statistics bulletin: September 2024 tables, *HMPPS workforce quarterly: September 2024*.

last year had stayed in the role for less than three years. Over a third (34%) left after less than a year.<sup>12</sup>

The implications for recruitment, whether to public or private prisons, are eye-watering. Staffing costs make up the largest area of resource expenditure for the Ministry of Justice, accounting for £5,654 million (42%) of expenditure in 2023–24, with HMPPS accounting for more than half of all staffing costs.<sup>13</sup>

Confidence has been undermined by a decade of violence, self-harm and disorder, and the physical withdrawal of staff from face to face contact with prisoners legitimised during the pandemic. In this radically altered context the prison service faces a more profound question about the composition of its future workforce than simply whether it can recruit and retain enough people.

The current situation, with high levels of recruitment just outpacing high wastage levels, especially of recently appointed staff, cannot be sustainable, or represent value for money.

### **Lengthening sentences and public confidence**

A less well publicised waste within the prison system, but one that has increased very significantly since the turn of the century concerns the length of sentences.

Almost all offences now receive a much longer custodial sentence than they used to. More than two and a half times as many people were sentenced to 10 years or more in 2022 than in 2010. For more serious, indictable offences, the average prison sentence is now 62.4 months—almost two years longer than in 2010.<sup>14</sup>

The proportion of people serving an indeterminate sentence, with no fixed release date, has almost doubled from 9% in 1993 to 16%—some 11,000 people.<sup>15</sup> They're also spending longer in prison, with the typical time served in custody on a life sentence rising from 14 years in 2002 to 18 years in 2022.<sup>16</sup>

Many are also being held for considerably longer in prison than their original minimum term. Figures for 2021 showed that they had spent an average of nine years and two months extra in prison.<sup>17</sup>

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<sup>12</sup> Ministry of Justice (2024). Table 13, HMPPS workforce statistics bulletin: September 2024 tables, *HMPPS workforce quarterly: September 2024*.

<sup>13</sup> National Audit Office (2024, February 8). *Ministry of Justice 2022-23 - NAO overview*. <https://www.nao.org.uk/overviews/ministry-of-justice-2022-23/>

<sup>14</sup> Ministry of Justice (2023). Outcomes by offence data tool, *Criminal justice statistics quarterly: December 2022*. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

<sup>15</sup> Tables 1.1 and 1.9a, Ministry of Justice (2023). *Offender management statistics quarterly: April to June 2023*. and Table 1.8, Home Office (2001). *Prison statistics England and Wales 2001*. Cm 5743.

<sup>16</sup> Table A3.3, Ministry of Justice (2023). *Offender management statistics quarterly: October to December 2022*. <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

<sup>17</sup> House of Lords written question HL3923, 24 November 2021. <https://questions-statements.parliament.uk/written-questions/detail/2021-11-10/hl3923>

Do the public feel any safer because of that? No; indeed, as the Sentencing Academy<sup>18</sup>, and the Justice Committee<sup>19</sup> have both highlighted, the public has barely noticed, and in many cases feels that the reverse has happened.

We support the call from the previous Justice Committee's inquiry on public attitudes to sentencing that there needs to be an open and honest debate about sentencing in this country, and so the government's plans for a sentencing review are a welcome first step.

The Ministry of Justice predicts that the prison population will increase to 94,400 prisoners by March 2025, and to between 93,100 and 106,300 by March 2027.<sup>20</sup> This projection is based on the impact of additional police recruitment, changes in sentencing policy, and the impact of court recovery plans. As the Institute for Government has highlighted, "any substantial improvement in performance for policing or the courts would only deepen the crisis for prisons".<sup>21</sup>

### **Alternative approaches**

In a previous submission, we set out the elements of a strategy to reduce the prison population and the waste it represents.<sup>22</sup> Such a strategy remains what the evidence and an interest in value for money demands.

The prison population includes a disproportionate number of people whose offending is related to issues around alcohol or substance misuse, mental illness, neurodiversity, and past trauma.

We would urge the government to draw on the available evidence for more effective alternatives to custody. In particular, introducing a presumption to suspend short prison sentences<sup>23</sup>; reinvesting resources towards Community Sentence Treatment

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<sup>18</sup> Prison Reform Trust. (2022, July 11). *New survey reveals longer prison sentences have failed to improve public confidence*. Prison Reform Trust. <https://prisonreformtrust.org.uk/new-survey-reveals-longer-prison-sentences-have-failed-to-improve-public-confidence/>

<sup>19</sup> House of Commons Justice Committee. (2023). *Public opinion and understanding of sentencing* (HC 305). House of Commons. <https://committees.parliament.uk/publications/41844/documents/207521/default/>

<sup>20</sup> Ministry of Justice. (2023, February 23). *Prison population projections: 2022 to 2027*. GOV.UK. <https://www.gov.uk/government/statistics/prison-population-projections-2022-to-2027>

<sup>21</sup> Rowland, C., & Davies, N. (2024, July 25). *Fixing public services: The criminal justice system*. Institute for Government. <https://www.instituteforgovernment.org.uk/publication/fixing-public-services-labour-government/criminal-justice-system>

<sup>22</sup> Prison Reform Trust. (2015). *Prison Reform Trust Representation to the 2015 Spending Review*. [https://prisonreformtrust.org.uk/wp-content/uploads/old\\_files/Documents/Consultation%20responses/Spending%20Review%202015%20re-presentation.pdf](https://prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/Consultation%20responses/Spending%20Review%202015%20re-presentation.pdf)

<sup>23</sup> Prison Reform Trust. (2023). *Prison Reform Trust briefing on the Sentencing Bill: House of Commons, Second Reading, 6 December 2023*. <https://prisonreformtrust.org.uk/wp-content/uploads/2023/12/Sentencing-Bill-HoC-2nd-reading-PRT-briefing.pdf#page=6>

Requirements<sup>24</sup>, liaison and diversion services<sup>25</sup>, and probation<sup>26</sup>; sustainably resourcing efforts to reduce women's imprisonment which build on the 2018 Female Offender Strategy<sup>27</sup>; and considering whether the current prison environment is appropriate for those with high levels of social care need, particularly for the growing numbers of older people in prison.

In addition, our current prison system, and the forced inactivity of the over 80,000 citizens that it holds, does little to support economic growth. By contrast, to a greater degree than any of our European neighbours, through excessive use of prison we destroy the potential of people to contribute to our economy and instead create a drain upon it through the direct costs of their incarceration and the wider costs consequent upon the damage we do to their future prospects.

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<sup>24</sup> Callender, M., Sanna, G. & Cahalin, K. (2023). *Community Sentence Treatment Requirement multisite report July 2020 – January 2023*. Institute for Public Safety and Criminal Justice. <https://pure.northampton.ac.uk/en/publications/community-sentence-treatment-requirement-multisite-report-july-20-5>

<sup>25</sup> NHS commissioning. (n.d.). *NHS commissioning » About liaison and diversion*. <https://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/>

<sup>26</sup> 30 August 2023 – *Does good quality probation work reduce reoffending rates?* (2023, August 30). <https://www.justiceinspectors.gov.uk/hmiprobation/2023/08/30-august-2023-does-good-quality-probation-work-reduce-reoffending-rates/>

<sup>27</sup> Ministry of Justice. (2018). *Female Offender Strategy* (Cm 9642). [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/719819/female-offender-strategy.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf)