

## **Prison Reform Trust stakeholder representation for the Autumn Budget 2024 – September 2024**

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 Autumn Budget. Our submission focuses on the challenges facing the criminal justice system within England and Wales. 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.

### **Current performance of our prisons**

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>

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

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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>

likelihood that people will reoffend on release—in turn placing further pressure on the criminal justice system.<sup>2</sup>

Prisons account for the largest single area of expenditure for the Ministry of Justice, with £3,341m spent in 2022–23. The Ministry of Justice has the largest number of staff in the civil service (18% of the total civil service), and most of these staff work in prison and probation services, or in the courts.<sup>3</sup>

Whilst the staffing situation in prisons has improved substantially, the total number of prison officers remains below the pre-austerity benchmark of 2009–10. Challenges with the recruitment of staff in certain locations, including the south east; and the high turnover and retention of staff remain key operational challenges facing the prison service.<sup>4</sup>

Capital spending has also risen significantly in recent years, reflecting the previous government's commitment to build 20,000 additional prison places. Annual capital spending from 2020–21 onwards has been over £1,000 million per year, significantly higher than annual capital spending between 2017–18 and 2019–20. In 2023–24, the department's capital budget increased by 70% to £2,308 million, compared to its outturn in 2022–23 of £1,360 million.<sup>5</sup>

There are currently 122 prisons in England and Wales, and around a third of those prisons date back to the Victorian era.<sup>6</sup> There is a significant backlog of maintenance work in prisons, and in March 2021, the Ministry of Justice estimated this backlog to be around £1 billion. The crisis in prison capacity has interrupted this work, with 1,700 places in use after a decision to delay cell maintenance; and the continued use of prisons which should have long since closed.

In its 2020 report on the prison estate, the House of Commons Public Accounts Committee described how the chronic mismatch between the then government's ambitions for the prison system and its ability to deliver on those promises was leading to poor conditions within prisons and very high rates of reoffending.<sup>7</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

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<sup>2</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.justiceinspectrates.gov.uk/news/desperate-times-for-prisons-chief-inspector-of-prisons-calls-for-sustained-action-to-tackle-the-crisis/>

<sup>3</sup> *Ministry of Justice 2022–23 — NAO overview.* (2024, February 8). National Audit Office (NAO). <https://www.nao.org.uk/overviews/ministry-of-justice-2022-23/>

<sup>4</sup> *HM Prison and Probation Service workforce quarterly: June 2024.* (2024, August 15). GOV.UK. <https://www.gov.uk/government/statistics/hm-prison-and-probation-service-workforce-quarterly-june-2024>

<sup>5</sup> *Ministry of Justice 2022–23 — NAO overview.* (2024, February 8). National Audit Office (NAO). <https://www.nao.org.uk/overviews/ministry-of-justice-2022-23/>

<sup>6</sup> *Ministry of Justice 2022-23 - NAO overview.* (2024, February 8). National Audit Office (NAO). <https://www.nao.org.uk/overviews/ministry-of-justice-2022-23/>

<sup>7</sup> House of Commons Public Accounts Committee. (2020). *Improving the prison estate* (HC 244). House of Commons. <https://committees.parliament.uk/publications/2486/documents/24751/default/>

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.

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.

### **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>8</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>9</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>10</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>11</sup>

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<sup>8</sup> Outcomes by offence data tool, Ministry of Justice (2023). *Criminal justice statistics quarterly: December 2022*. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

<sup>9</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>10</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>11</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>12</sup>, and the Justice Committee<sup>13</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>14</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>15</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>16</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, reintroducing the presumption to suspend prison sentences of less than 12 months<sup>17</sup>; reinvesting resources towards Community

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<sup>12</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>13</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>14</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>15</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>16</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%20representation.pdf](https://prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/Consultation%20responses/Spending%20Review%202015%20representation.pdf)

<sup>17</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>

Sentence Treatment Requirements<sup>18</sup>, liaison and diversion services<sup>19</sup>, and probation<sup>20</sup>; sustainably resourcing efforts to reduce women's imprisonment which build on the 2018 Female Offender Strategy<sup>21</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.

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<sup>18</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>19</sup> NHS commissioning. (n.d.). *NHS commissioning » About liaison and diversion*. <https://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/>

<sup>20</sup> 30 August 2023 – *Does good quality probation work reduce reoffending rates?* (2023, August 30). <https://www.justiceinspectorates.gov.uk/hmiprobation/2023/08/30-august-2023-does-good-quality-probation-work-reduce-reoffending-rates/>

<sup>21</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)