



# Bromley Briefings Prison Factfile

## Winter 2022

These 'Bromley Briefings' are produced in memory of Keith Bromley, a valued friend of the Prison Reform Trust and allied groups concerned with prisons and human rights. His support for refugees from oppression, victims of torture and the falsely imprisoned made a difference to many people's lives. The Prison Reform Trust is grateful to the Bromley Trust for supporting the production of this briefing.

## Acknowledgements

The briefing was researched and written by Matthew Halliday with assistance, additional research and fact checking by Alex Hewson. We thank the Bromley Trust for their continued support which allows us to produce these briefings.

We are grateful to everyone who has provided updated information and statistics during the production of this edition.

Cover image by [AndyAitchison.uk](https://www.andyatchison.uk)

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## Introduction

In last year's introduction to the Factfile I looked forward to the prospect of emerging from the Covid pandemic. How desperately mistaken that prediction has proved to be. Once again, for prisoners and their families, the pains of imprisonment have been terribly amplified by the restrictions imposed to prevent infection. Prisons have relaxed more slowly, and tightened up more quickly, than the wider community. With honourable exceptions, inspection reports reveal prison regimes characterised by boredom and inactivity.

In the midst of this awful situation, officials were preparing a White Paper on the future of prisons, recognising that this is a moment to take stock and aim for something better. Knowing that this work was underway, the Prison Reform Trust engaged our Prisoner Policy Network (PPN) to ask prisoners what they would do to reform prisons. Once again, their answers were not just well informed and practical, but profound. Our report, *It doesn't have to be like this*, based on contributions from over 600 people in 50 prisons, shows how much prisoners long for a full working day, and a way of life which expects them to be making decisions and taking responsibility as preparation for what life after release is going to require.

Some of those ambitions seem to be shared in the White Paper that was published in December 2021. But yet again, a long list of ambitions for what prisons might be like, and what they might achieve, is fatally undermined by a refusal to set a timetable to end overcrowding. As this Factfile goes to press, inspectors have reported on HMP Wandsworth—singled out by the government in 2016 as a flagship for what was called “the biggest shake up of prisons since Victorian times”. They found a “crumbling, overcrowded, vermin-infested” prison. Crucially, they also heard that a temporary reduction in the number of people held in Wandsworth was soon to be reversed, and questioned how any progress could possibly be sustained when that happened.

That central question of why we continue to hold so many more people in prison than we have space for comes down to sentencing. While the number of people being sent to prison has fallen, inflation in sentence lengths has meant that the system continues to operate way beyond its safe or decent capacity. Even as prisoners languish in prisons like Wandsworth, the government was legislating to increase the time people spend in those disgraceful conditions.

Which is why this year's “Long view”, written by Professor Julian Roberts and Jonathan Bild from the independent Sentencing Academy, is such crucial reading. The polling they have conducted shows that, overwhelmingly, the general public does not realise what successive governments have been doing to sentence lengths for well over two decades. Where sentences for the most serious crime have actually been vastly increased, supposedly to bolster public confidence, most people believe they have reduced. For an offence like rape, where a conviction is more or less certain to lead to prison, most people don't think that's true.

So we have the absurd situation in which a sentencing policy designed to reassure the public appears to be having precisely the opposite impact. Every time a minister announces that sentences will be toughened up, what people seem to hear is that they must have been getting softer. Countless lives, and many billions of taxpayers' cash, have been wasted in pursuit of a policy that fails to deliver on every front. A properly informed public debate on how we punish serious crime is very long overdue.

**Peter Dawson**

Director, Prison Reform Trust

## The long view – How accurate are public estimates of sentencing practice?

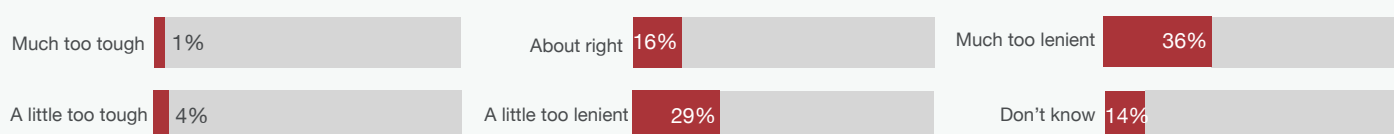
Julian V. Roberts and Jonathan Bild

Executive Director and Deputy Director, Sentencing Academy

There is no shortage of criticism of the courts, but how much do the public really know about sentencing practices in England and Wales? Surveys and polls routinely explore public attitudes to sentencing but far less is known about the knowledge on which opinions are based. This ‘long view’ looks back at data on public knowledge of sentencing from the 1996 British Crime Survey and draws comparisons to findings from a recent survey of the public conducted for the Sentencing Academy in 2021.<sup>1</sup>

Let’s begin by noting general attitudes to sentence severity. The question ‘*Are courts too tough, too lenient, or about right?*’ is a reasonable index of public punitiveness, albeit one with limitations. The principal limitations are (i) when responding to such questions, most people are thinking of the worst crimes and offenders; and (ii) a simple survey does not allow people sufficient time to consider the “evidence” on the question and they may offer only an intuitive response.

Figure 1: Public attitudes to sentence severity (2021)



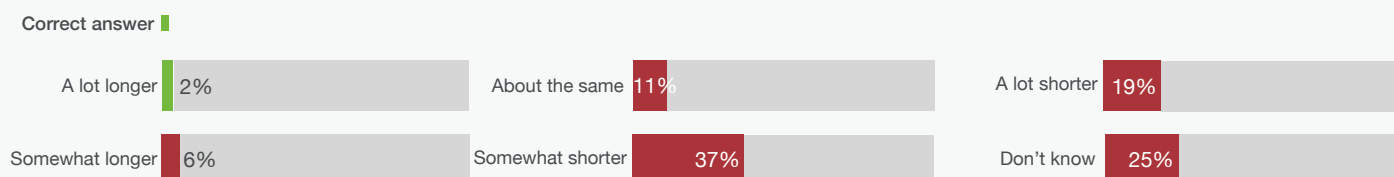
*Question: In general, do you think the sentences handed down by the courts in England and Wales are too tough, about right, or too lenient?*

The utility of the question is that it has been repeatedly posed, and however imperfect a measure of punitiveness, the imperfections are constant over time. The wording has varied slightly over the years, but the response appears to remain the same. Fully 79% of the 1996 British Crime Survey sample believed sentencing was too lenient.<sup>2</sup> More recent surveys have found the same pattern of findings, with approximately three-quarters of the public expressing the view that sentencing was too lenient.<sup>3</sup> Despite the increases in sentencing severity since 1996, we found a similar result with our survey: 76% of respondents who expressed a view (ie excluding those who answered ‘don’t know’) believed that sentencing was too lenient.

The views of the public on this are clear; the basis for the perception of leniency less so. Public knowledge of sentencing policy and practice is a neglected area of public opinion research. We need to know more about the accuracy of public knowledge in order to understand their opinions – especially if those opinions become drivers for sentencing policy. In this piece, we explore public knowledge by testing the public’s view on sentencing trends and also by comparing their estimates on custody rates and average sentences for two offences, rape and domestic burglary, to actual sentencing patterns.<sup>4</sup>

### Public perceptions of trends in sentence lengths

Figure 2: Public perceptions of changes in sentence length since 1996



*Question: In your opinion, over the past 25 years (ie, since 1996), has the average prison sentence become longer, stayed the same or become shorter?*

<sup>1</sup> YouGov conducted an online survey on 20–21 September 2021 of a representative sample of adults living in Great Britain. The total sample size was 2,020 but the findings reported in this article are the results of a sub-sample of 1,844 adults living in England and Wales. For further findings and discussion, see Roberts, J.V. et al. (2022) Public Knowledge of Sentencing Practice and Trends, London: Sentencing Academy.

<sup>2</sup> Hough, M. and Roberts, J.V. (1998) Attitudes to Punishment Findings from the 1996 British Crime Survey. Research Findings, 64, London: Home Office

<sup>3</sup> Hough, M. et al. (2013) Attitudes to Sentencing and Trust in Justice: Exploring Recent Trends from the Crime Survey of England and Wales. London: Ministry of Justice

Additional findings relating to knowledge and opinion can be found in:

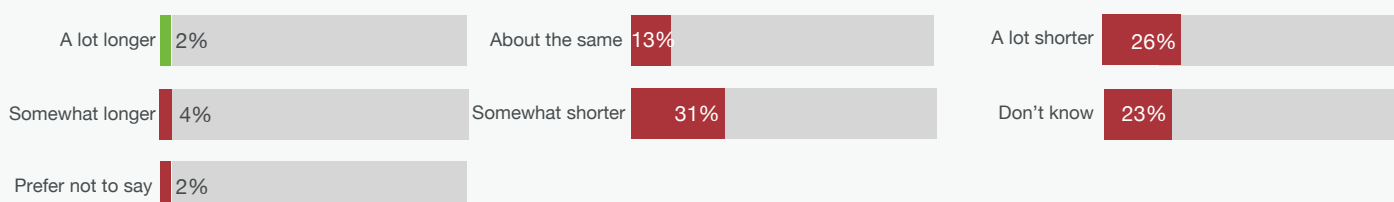
Marsh, N. et al. (2019) Public Knowledge of and Confidence in the Criminal Justice System and Sentencing. London: Sentencing Council

<sup>4</sup> The data on custody rates and average sentence lengths are derived from the Ministry of Justice’s ‘Outcomes by offence data tool’, published as part of the Criminal Justice Statistics collection.



The average prison sentence has risen over the past 25 years. We asked the public about this trend: *In your opinion, over the past 25 years (ie, since 1996), has the average prison sentence become longer, stayed the same or become shorter?* The correct answer is that sentence lengths are longer now than in 1996. There is no single index of this but one clear indication is that for indictable offences it has increased from 16 months in 1993 to 21.4 months in 2019—an uplift of a third.<sup>5</sup> For all offences, the average custodial sentence length increased from 13.8 months in 2009 to 18.9 months in 2019. As can be seen in Figure 2, the public appear unaware of the increase in sentence lengths. Over half (56%) endorsed the view that sentences are shorter now (19% ‘much shorter’; 37% ‘somewhat shorter’). About one in ten believed it had remained the same, and one quarter of the sample responded ‘don’t know’. If we exclude the respondents who answered ‘don’t know’, 75% of those with a view believed that sentences had become shorter, the opposite of what has happened.

Figure 3: Public perceptions of trends in sentencing for murder since 2001



*Question: Now thinking about offenders convicted of murder. Do you think that the average number of years that such offenders serve in prison before being released on licence has become longer, shorter, or is it about the same now as it was 20 years ago?*

We also explored public perceptions of sentencing trends for the most serious offence: murder. Sentencing for murder has become much more severe since changes to the sentencing framework were introduced by the Criminal Justice Act 2003. Over the past 20 years, the average minimum term imposed for murder (the period the offender must serve in custody before release can first be considered) has increased from around 12 years to around 21 years today. Are the public aware of the significant increase in the length of minimum terms imposed for murder?

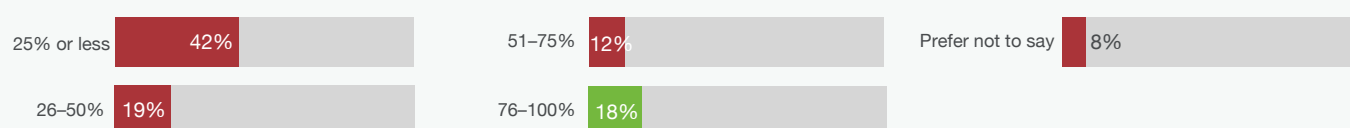
Only 2% of respondents identified the correct answer that the average minimum term is much longer than 20 years ago and, indeed, only 6% considered that such sentences had increased at all in the past two decades. Once again, of those expressing a view, three-quarters considered that sentencing levels for murder had gone in the opposite direction.

## Estimates of offence-specific sentencing: rape and burglary

Another measure of sentencing practice to which there is a clear, correct answer is the custody rate and average prison sentence length for specific offences. We compared public estimates with actual sentencing statistics for two offences: rape and domestic burglary. This is not the first time the British public has been asked to estimate imprisonment rates for these offences. The 1996 British Crime Survey posed almost the same question and found that only approximately one-fifth of respondents provided a roughly accurate estimate of the custody rate for rape. Although the imprisonment rate was around 95% in 1996, over half the respondents estimated the rate to be under 60%. In the case of residential burglary, 61% of adult males sentenced for this offence received an immediate custodial sentence at that time but the vast majority of respondents (70%) estimated that the rate was less than 50%. Just over a fifth (22%) of respondents provided a roughly accurate estimate of the custody rate.<sup>6</sup>

## Rape

Figure 4: Public estimates of the custody rate for rape



*Question: Of all men aged 21 or over who are convicted of rape, what percentage do you think are sent to prison?*

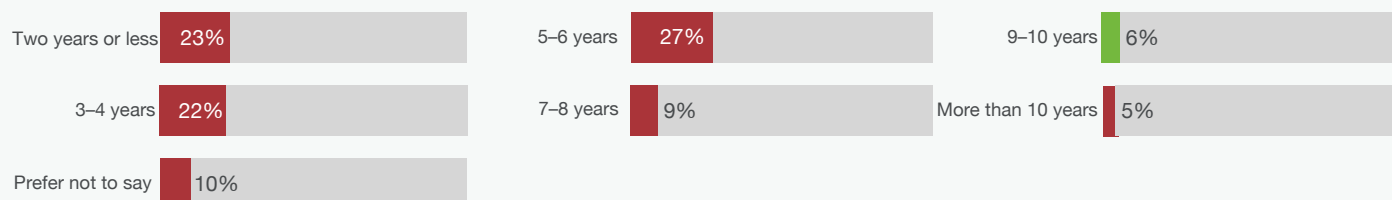
<sup>5</sup> Ministry of Justice (2020) *Story of the Prison Population 1993–2020*, England & Wales, London: Ministry of Justice

<sup>6</sup> For a discussion of the findings from the 1996 survey, see:

Hough, M. and Roberts, J.V. (1998) *Attitudes to Punishment Findings from the 1996 British Crime Survey*. Research Findings, 64, London: Home Office

Replicating this earlier research, we asked people the following question: ‘Of all men aged 21 or over who are convicted of rape, what percentage do you think are sent to prison?’. In 2019, 96% of men aged 21 or over convicted of rape were sent to prison. As can be seen in Figure 4, the majority of the public underestimate the custody rate for this offence, many by a considerable margin, with 42% estimating the rate to be 25% or less. This means that a significant minority of the public believe that at least three-quarters of adult men convicted of rape do not receive an immediate custodial sentence. As in 1996, only around one-fifth of respondents provided a roughly accurate estimate of the custody rate.

Figure 5: Public estimates of the average prison sentence for rape



*Question: Of all men aged 21 or over convicted of rape who are sent to prison, what do you think is the average prison sentence they receive in years? (Length of sentence, rather than the length of time they actually spend in prison)?*

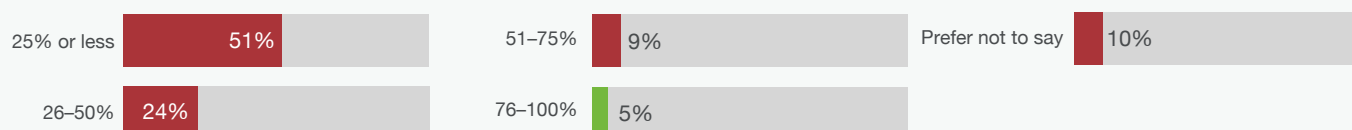
Respondents were also asked to estimate the average sentence imposed on offenders convicted of rape. In March 2021, then Secretary of State for Justice, Robert Buckland, stated that the average sentence for rape was 9 years 9 months.<sup>7</sup> Respondents to our survey significantly under-estimated the average sentence length, with almost half of those who expressed a view believing the average sentence to be four years or less.

## Domestic burglary

In 2019, approximately 80% of men aged 21 or over convicted of domestic burglary were sentenced to immediate custody. As can be seen in Figure 6, the public also underestimate the custody rate for this offence; three-quarters of the sample estimated the custody rate for burglary to be 50% or less. Whilst the custody rate for this offence has increased notably since 1996 (from 61% to approximately 80%), the public perception would appear to be that it has fallen in this time.

Figure 7 summarises public estimates of the average prison sentence for burglary and reveals a similar pattern to the estimates of rape sentence lengths, with the vast majority under-estimating the average

Figure 6: Public estimates of the custody rate for burglary

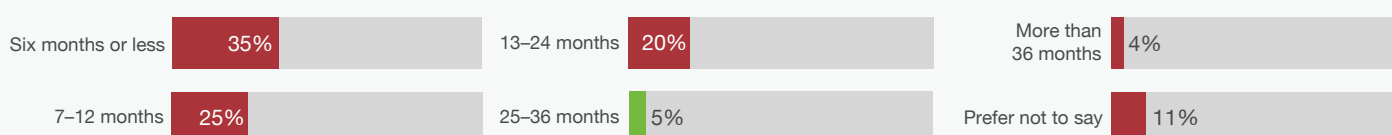


*Question: Of all men aged 21 or over who are convicted of burglary of a private residence, what percentage do you think are sent to prison?*

sentence length. The average custodial sentence length for domestic burglary imposed in 2019 on men aged 21 or over was 29 months. Of those who estimated an average sentence length in our survey, 90% opted for a length below the correct range of 25-36 months.

## Summary and significance of findings

Figure 7: Public estimates of the average prison sentence for burglary



*Question: Of all men aged 21 or over convicted of burglary of a private residence and who are sent to prison, what do you think is the average prison sentence they receive in months?*

<sup>7</sup> This data was made public via a tweet: <https://twitter.com/RobertBuckland/status/1371562189522399241>

The trends in public knowledge are clear and consistent across different indicators and over time. Most people under-estimate the severity of current sentencing practices, and this has long been the case in England and Wales and other countries.<sup>8</sup> In all likelihood, these misperceptions affect or even determine public attitudes to the courts: people express the opinion that sentences are too lenient in part drawing upon their—often limited—knowledge of current practice. Once the opinion is established, the effect may operate in both directions: when asked to estimate sentence lengths or custody rates peoples' estimates are influenced by their opinion that the system is generally lenient.

The consistency over time suggests that public knowledge of sentencing patterns, and their attitude to the courts, are independent of actual severity levels. As we have noted, sentencing has become more severe in recent years, particularly for certain offences. Yet this shift appears to have eluded the public. It would be naive to think that improving public knowledge of sentencing practices alone would significantly reduce public criticism of the courts. Yet better dissemination of sentencing trends and information would surely contribute to improving public confidence in the courts. If we do not, sentencing policy will continue to be shaped by calls to increase sentence lengths still further, not because our system is lenient, but because people perceive that it is.

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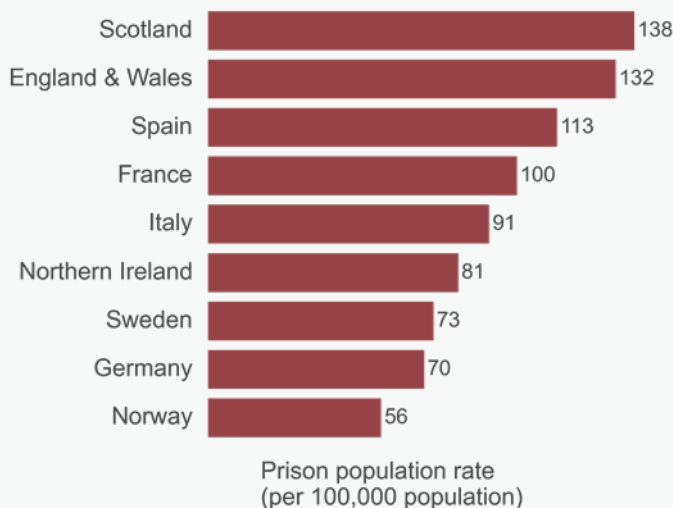
<sup>8</sup> See Chapter 4 in Roberts, J.V. and Hough, M. (2005) *Understanding Public Attitudes to Criminal Justice*, Maidenhead: Open University Press



# **SENTENCING AND THE USE OF CUSTODY**

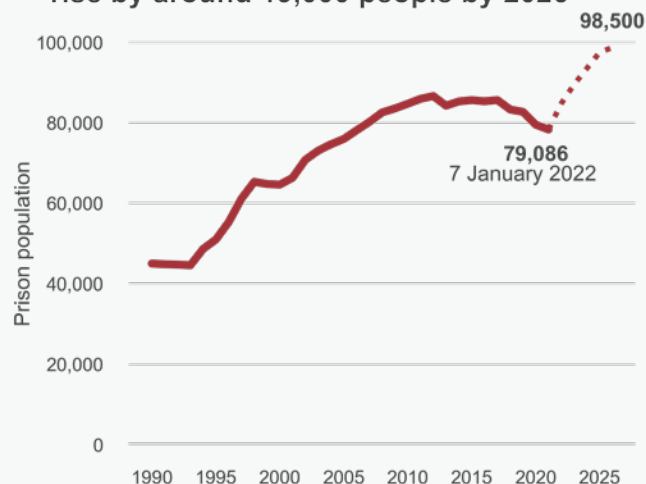
## An overview

Scotland and England and Wales have the **highest imprisonment rates** in western Europe



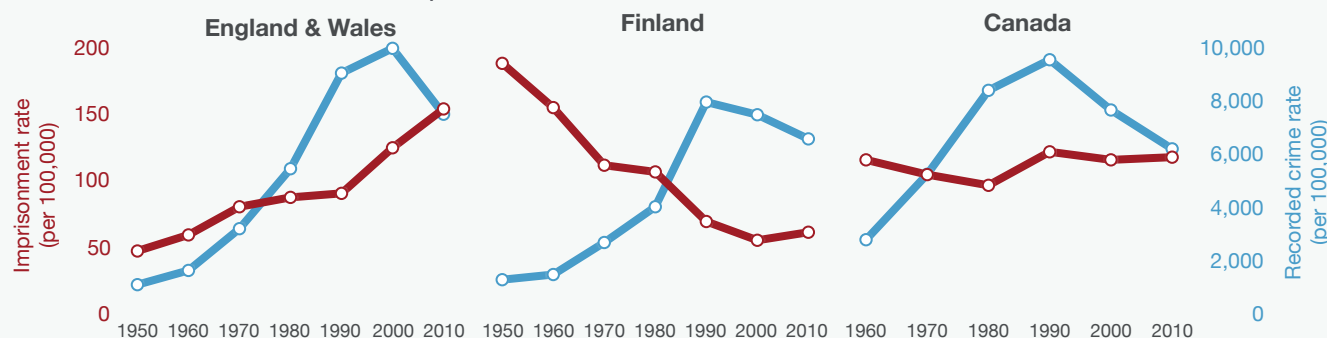
Source: World Prison Brief, Institute for Crime & Justice Policy Research, 22 November 2021

The prison population has risen by 70% in the last 30 years—it is currently projected to **rise by around 19,000 people by 2026**



Source: Offender management statistics, Prison population 2021 and Population and capacity briefing for 7 January 2022 and Prison population projections 2021 to 2026

**Yet there is no link between the prison population and levels of crime according to the National Audit Office.<sup>9</sup>** International comparisons also show there is no consistent link between the two.<sup>10</sup>

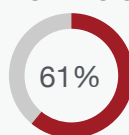


**In England and Wales, we overuse prison for non-violent and persistent crime.<sup>11</sup>**

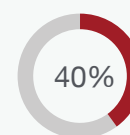
Nearly

**41,000**

people were sent to prison to serve a sentence in the year to June 2021



The majority had committed a non-violent offence

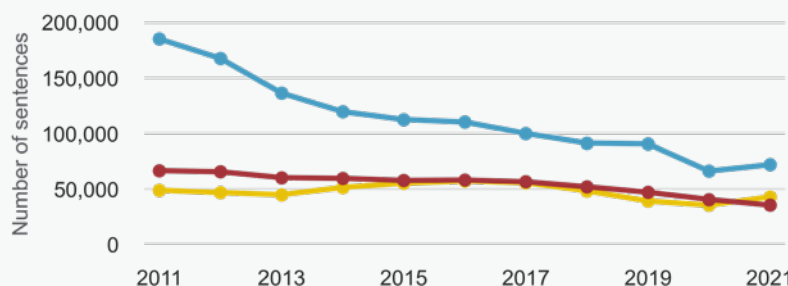
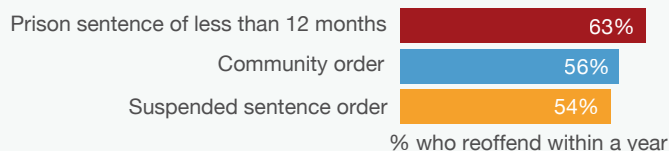


Two out of five were sentenced to serve six months or less

Short prison sentences are less effective than community sentences at reducing reoffending.<sup>12</sup>

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.<sup>13</sup> Yet, their use has more than halved in only a decade.

Suspended sentences account for only 5% of all sentences—and have declined over the previous decade.<sup>14</sup>



<sup>9</sup> National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office

<sup>10</sup> Lappi-Seppälä, T. (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/Tapio>; Table 1, Eurostat (2013) Trends in crime and criminal justice, graphs and tables, Trends in crime and criminal justice 2010, Luxembourg: European Commission; Office for National Statistics (2017) UK and regional population estimates 1838 to 2015, Mid-2015 population estimates, London: ONS; Table 8, von Hofer, H., et al. (2012) Nordic Criminal Statistics 1950–2010, Stockholm: Stockholms universitet; and Statistics Canada (2017) 'Canada's crime rate: Two decades of decline', available at <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015001-eng.htm>

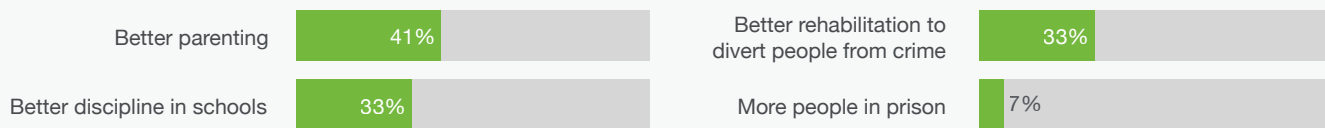
<sup>11</sup> Tables 2.5a and 2.5b Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>12</sup> Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice, see also p52

<sup>13</sup> Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

<sup>14</sup> Tables Q5.1b and Q5.4, Ministry of Justice (2021) Criminal justice statistics quarterly June 2021, London: Ministry of Justice

**Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime.** Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.<sup>15</sup>



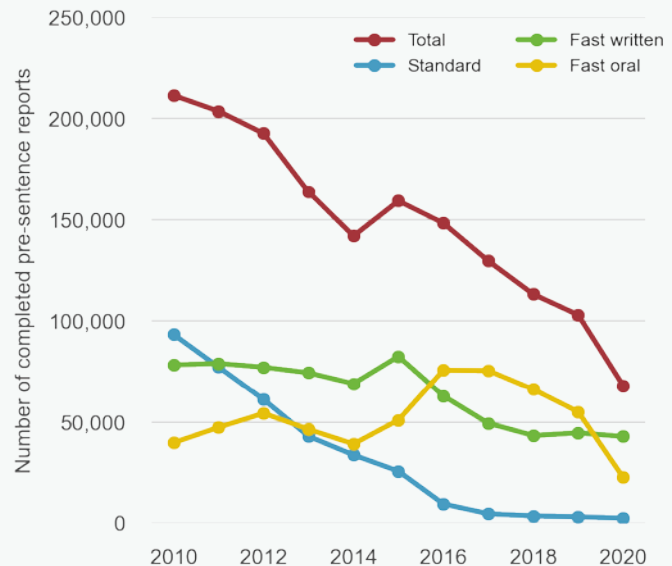
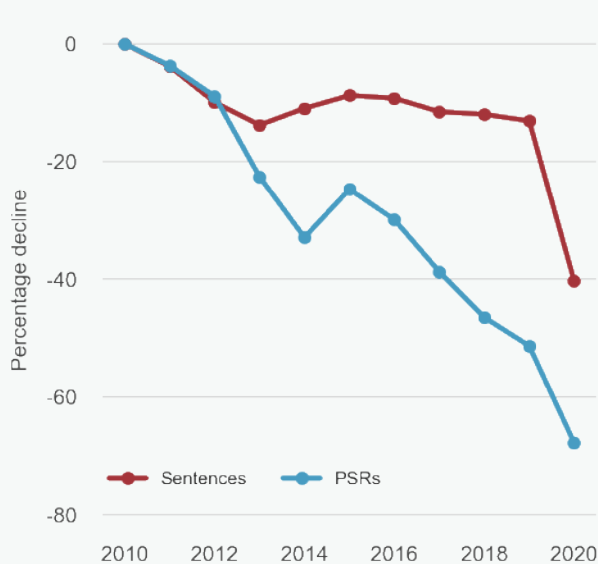
**Cases where a pre-sentence report (PSR) has been completed are more than ten times more likely to receive a community sentence than one without a PSR.**<sup>16</sup>

The decline in the use of alternative disposals to custody has occurred at the same time as the use of pre-sentence reports has decreased.

PSRs are assessments of the nature and causes of a person's behaviour, the risk they pose and to whom. They take into account additional information about their circumstances and life history, through interviews or liaison with other agencies. They are intended to provide the court with a greater understanding of their background and context to the offence, and include a recommended sentence, although the judiciary will ultimately decide the outcome.

Over the past decade the number of sentences has been slowly decreasing, however the number of PSRs being completed has declined at an even faster rate.

**The number of completed PSRs has dropped by more than two-thirds in the past decade.**



Source: Offender management statistics, Probation 2020 and Criminal justice statistics quarterly December 2020

**At the same time PSRs that are completed are declining in rigour.**

Use of the most detailed PSRs—standard—have almost been entirely phased out, falling by 97% since 2010.<sup>17</sup>

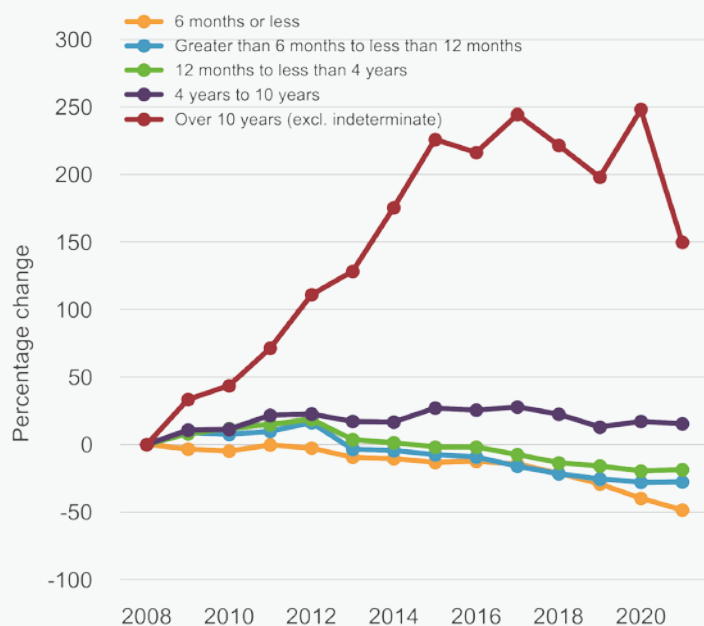
<sup>15</sup> Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century, London: Crest Advisory

<sup>16</sup> Table A4.24 Ministry of Justice (2021) Offender Management Statistics, Probation 2021, London: Ministry of Justice

<sup>17</sup> Centre for Justice Innovation (2018) The changing use of pre-sentence reports, London: CJI

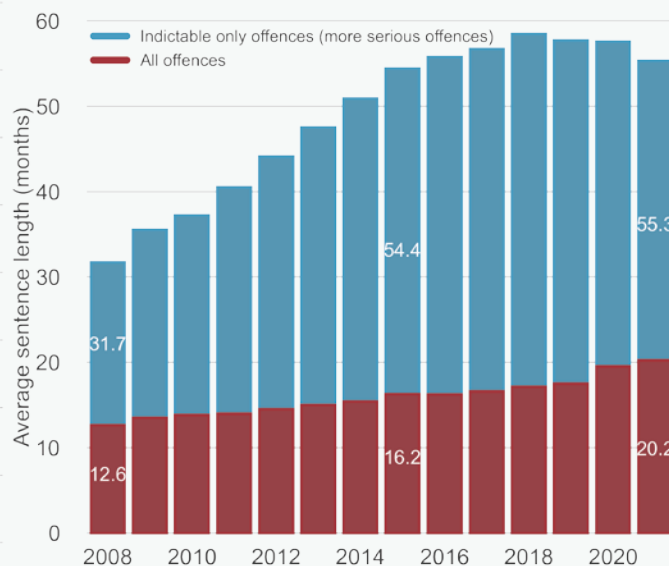
## We choose to send people to prison for a long time... and it's growing

Two and a half times as many people were sentenced to 10 years or more in the 12 months to June 2021 than the same period in 2008.<sup>18</sup>



Source: Criminal justice statistics quarterly June 2021 and previous editions

For more serious, indictable offences, the average prison sentence is now 55.3 months—nearly two years longer than in 2008.<sup>19</sup>

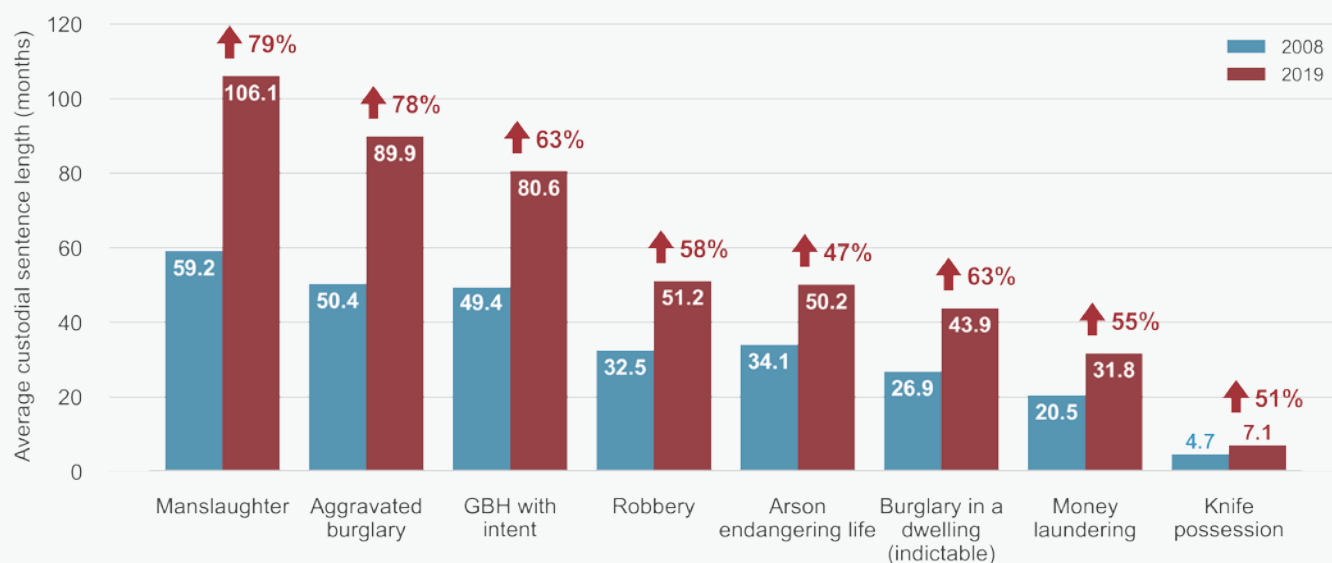


Source: Criminal justice statistics quarterly June 2021 and previous editions

The current government is set to accelerate this increase **even further**.

The Police, Crime, Sentencing and Courts (PCSC) Bill contains a range of measures intended to increase sentence lengths and the proportion that some people serve in prison.

**Almost all offences now receive a much longer custodial sentence than they used to.**<sup>20</sup>



Source: Criminal justice statistics quarterly December 2020 and previous editions

<sup>18</sup> Table Q5.4, Ministry of Justice (2021) Criminal justice statistics quarterly June 2021, London: Ministry of Justice and previous editions

<sup>19</sup> Table Q5.1b, Ibid.

<sup>20</sup> Ministry of Justice (2021) Criminal justice statistics quarterly June 2021, Outcomes by offence tool, London: Ministry of Justice

**People serving mandatory life sentences for murder are spending more of their sentence in prison.** On average they spend 17 years in custody, up from 13 years in 2001.<sup>21</sup>

**Judges are also imposing longer minimum terms.**<sup>22</sup> The average minimum term imposed for murder rose from 13 years in 2000 to 20 years in 2020.<sup>23</sup>

**Most people in prison serving indeterminate sentences remain in prison far beyond their minimum term.** Life sentenced and IPP sentenced prisoners on average spent an additional nine years and two months and eight years and two months in prison, respectively.<sup>24</sup>

**An increasing number of people in prison are serving complex and more punitive sentences.**

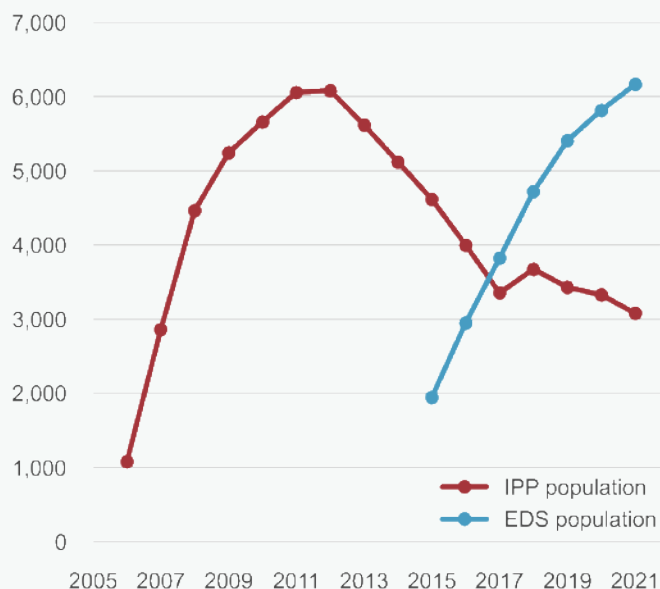
### Imprisonment for Public Protection (IPP)

Despite the abolition of the IPP in 2012, thousands are still in prison held for years beyond their original minimum terms—unsure if or when they will be released.

### Extended Determinate Sentences (EDS)

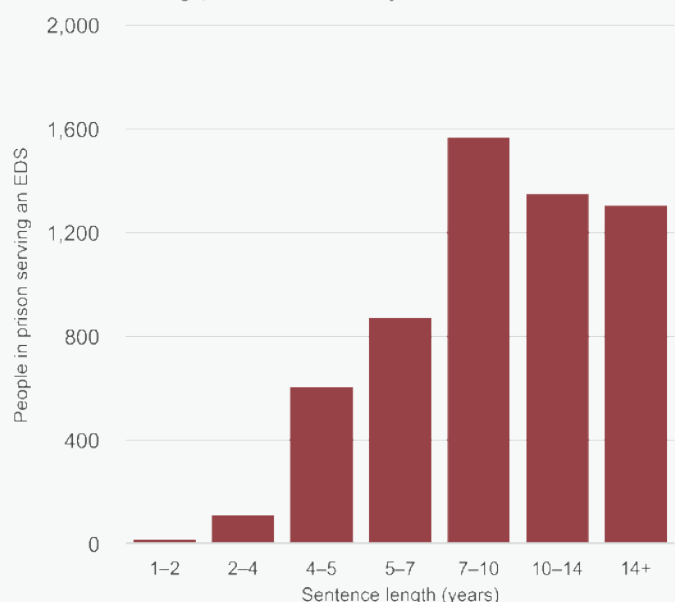
People serve a greater proportion of their sentence in prison, depending on when they were sentenced and for how long; and they must also spend an extended period under licence conditions, where they may be returned to custody for failing to comply.

Extended Determinate Sentences are on the rise and numbers look set to surpass those given IPPs



Source: Offender management statistics, Prison population 2021

Most people serving an EDS will serve a long period in custody before release

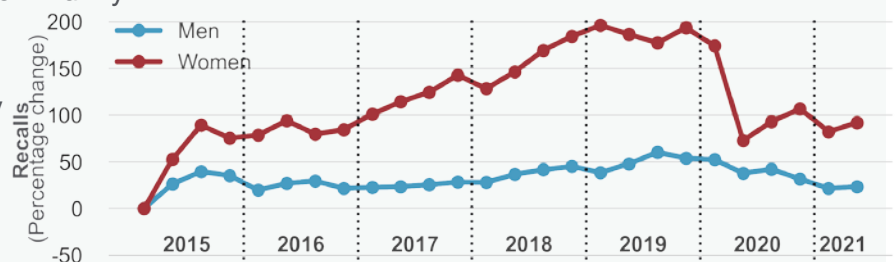


Source: House of Lords written question HL10575, 7 December 2020

**Many people are released from prison, only to return there shortly after.**

Anyone leaving custody who has served two days or more is required to serve a minimum of 12 months under supervision in the community.<sup>25</sup>

**Since its introduction in 2015, the number of people recalled back to custody has increased, particularly amongst women.** 7,186 people serving a sentence of less than 12 months were recalled to prison in the year to June 2021.<sup>26</sup>



<sup>21</sup> Table A3.3, Ministry of Justice (2021) Offender management statistics, Prison releases 2020, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

<sup>22</sup> Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

<sup>23</sup> House of Lords written question HL466, 8 June 2021

<sup>24</sup> House of Lords written question HL3923, 24 November 2021

<sup>25</sup> Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

<sup>26</sup> Table 5.2, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

## Life and indeterminate sentences

**Many people in prison don't know if, or when, they might be released.** 10,647 people are currently in prison serving an indeterminate sentence—16% of the sentenced prison population, up from 9% in 1993.<sup>27</sup>

**They must serve a minimum period in prison, set by the courts, before they can be considered for release by the Parole Board.** They are subject to monitoring and restrictions on release, and continue to serve their sentence for the rest of their lives. They can be returned to custody if they break these terms.

### Indeterminate sentence for Public Protection (IPP)

**Despite its abolition in 2012, there are 1,661 people in prison serving an IPP sentence who have never been released. Nearly all (96%) are still in prison despite having already served their tariff—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.**<sup>28</sup>

**Around one in six (16%) people who have yet to be released have a tariff of less than two years, and two in five (40%) have a tariff of between two and four years.**<sup>29</sup>

**260 people have yet to be released from prison despite being given a tariff of less than two years—**more than three-quarters of these (200 people) have served ten years or more beyond their original tariff.<sup>30</sup>

**There are a further 1,357 people serving an IPP sentence who are back in prison having previously been released—the same number as the previous year.**<sup>31</sup>

**Many people are being recalled back to prison.** In the last 12 months 589 IPP prisoners on licence were recalled and returned to custody, whereas only 775 people were either released for the first time or re-released having been previously recalled.<sup>32</sup>

**In 2016 the Parole Board predicted that, without legislation, there would still be 1,500 people in prison serving an IPP by 2020.** This has proven to be an underestimate, with 1,661 yet to be released and a further 1,357 currently serving their sentence in custody having been recalled.<sup>33</sup>

### Life sentences

**6,971 people are currently in prison serving a life sentence and have never been released.** One in six (16%) have a tariff of 10 years or less, half (50%) have 10–20 years, and almost a third (32%) have over 20 years. There are an additional 658 people who have been recalled back to prison subsequent to release.<sup>34</sup>

**England and Wales have more people serving life sentences than Austria, Belgium, France, Germany, Italy, the Netherlands, Poland, and Sweden combined—the highest in Europe by a significant margin.**<sup>35</sup>

**Almost a quarter (23%) of people currently in prison on a life sentence who have yet to be released have already served their minimum tariff.** They have spent an average of 9.2 extra years in prison.<sup>36</sup>

**People serving mandatory life sentences are spending more of their sentence in prison.** On average they spend 17 years in custody, up from 13 years in 2001.<sup>37</sup>

**Judges are also imposing longer tariff periods.**<sup>38</sup> The average length of the minimum term imposed for murder rose from 13 years in 2000 to 20 years in 2020.<sup>39</sup>

**There are currently 60 people serving a whole life sentence—they are unlikely to ever be released.**<sup>40</sup>

**The vast majority of life sentenced prisoners are successfully integrated back into the community on release.** 2% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 45% of the overall prison population.<sup>41</sup>

<sup>27</sup> Table 1.1 and 1.9a, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

<sup>28</sup> Table 1.9a, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>29</sup> Ibid.

<sup>30</sup> Table 1.9b, Ibid.

<sup>31</sup> Table 1.9a, Ibid. and previous editions

<sup>32</sup> Tables 3.1, 5.4 and 5.11, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>33</sup> Jones, M. (2016) Written advice to Nick Hardwick, London: Parole Board. Available at <http://bit.ly/IPPAdvice>

<sup>34</sup> Table 1.9a, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>35</sup> Table 10, Aebi, M., et al. (2021) Council of Europe annual penal statistics, survey 2020, Strasbourg: Council of Europe

<sup>36</sup> Ibid. and House of Commons written question HL3923, 24 November 2021

<sup>37</sup> Table A3.3, Ministry of Justice (2021) Offender management statistics, Prison releases 2020, London: Ministry of Justice and

Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

<sup>38</sup> Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

<sup>39</sup> Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL466, 8 June 2021

<sup>40</sup> Table 1.9a, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

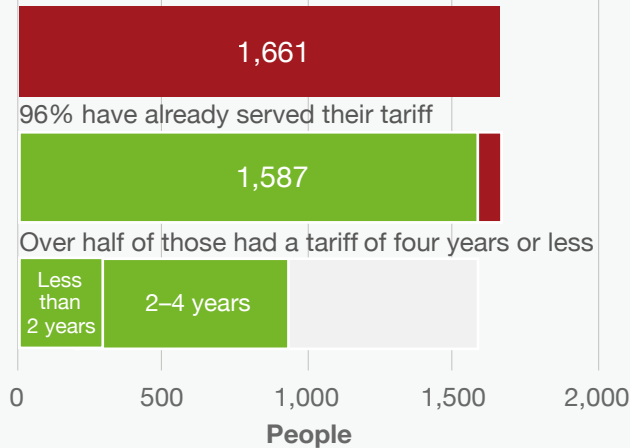
<sup>41</sup> Table C2a, Ministry of Justice (2021) Proven reoffending statistics: January to March 2019, London: Ministry of Justice



### The legacy of the IPP

Nearly all are stuck in prison beyond tariff

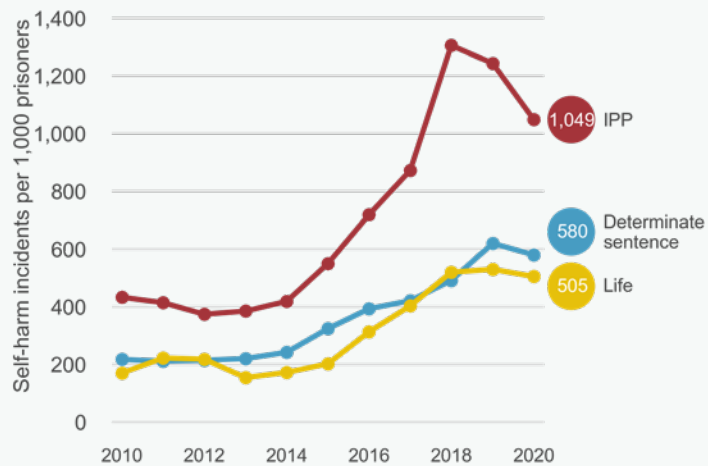
People in prison serving an IPP yet to be released



Source: Offender management statistics quarterly: April to June 2021

### Risk of harm?

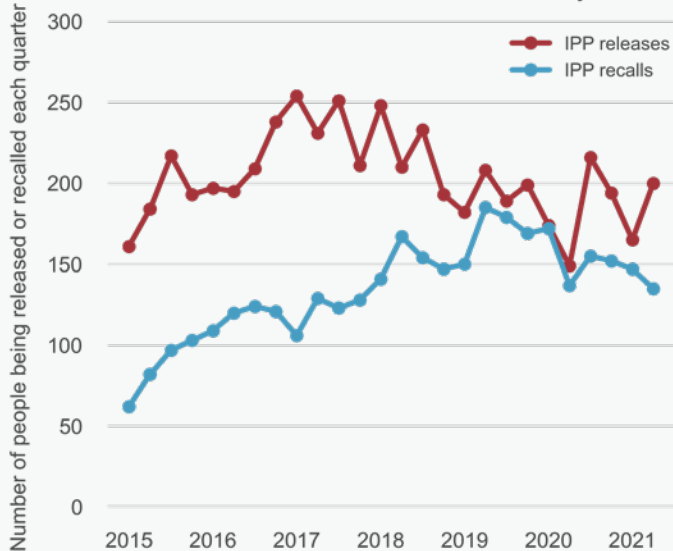
IPP prisoners have higher rates of self-harm



Source: Safety in custody statistics quarterly update to June 2020 and Offender management statistics, Prison population 2020

### Revolving doors

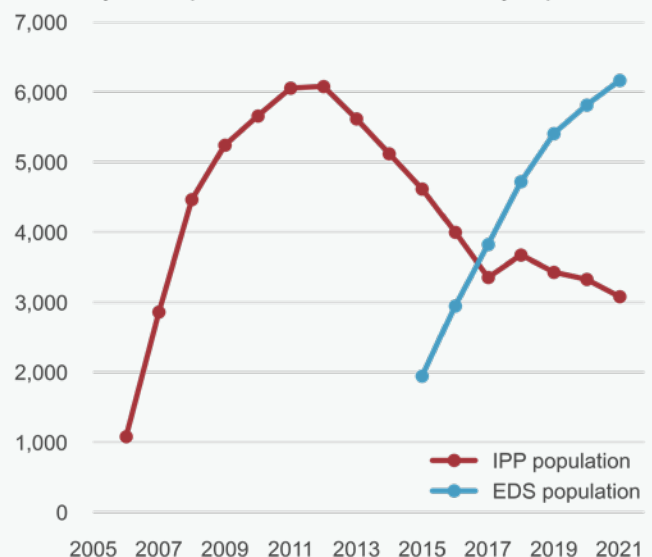
The gap between the number of people released from prison and the number recalled has closed in recent years



Source: Offender management statistics quarterly: April to June 2021 and previous editions

### The new IPP?

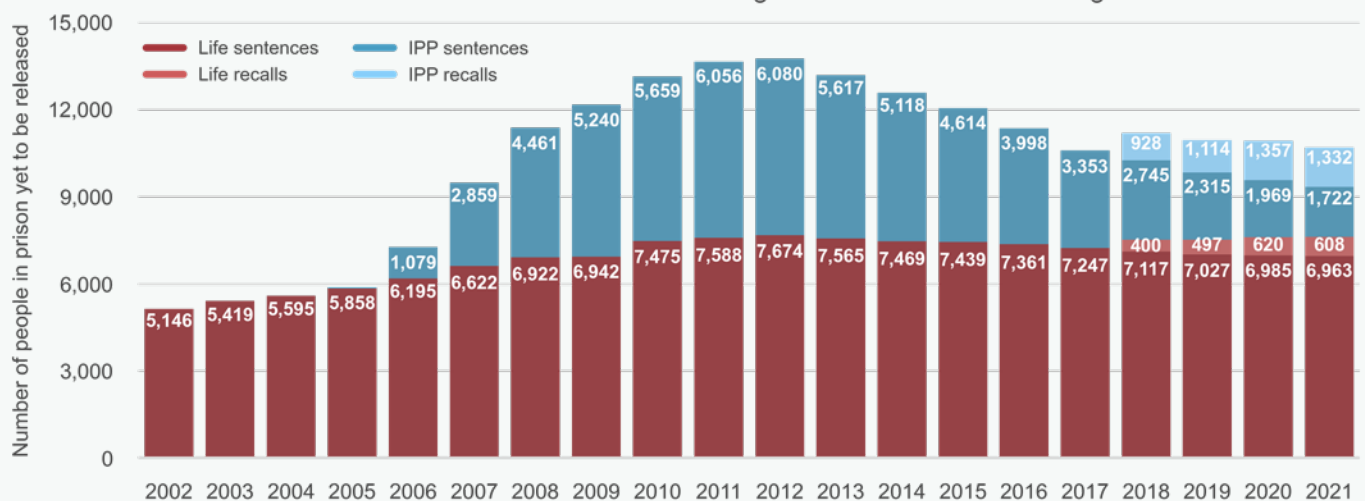
Extended Determinate Sentences now look likely to surpass the IPP sentence they replaced



Source: Offender management statistics, Prison population 2021

### The growth of indeterminate sentences

Use of indeterminate sentences is starting to fall—but recalls are rising



Source: Offender management statistics, Prison population 2021 and Offender management statistics quarterly: April to June 2021

## People on remand

**For many people, their first experience of prison is on remand.** This might be ahead of their trial, or whilst they are awaiting sentencing having been found guilty.

**People remanded to custody to await trial are innocent until proven guilty.** There were 28,349 receptions into prison before trial in the year to June 2021.<sup>42</sup>

**Most people (53%) entering prison on remand awaiting trial are accused of non-violent offences**—21% for drug offences and 11% were for theft offences.<sup>43</sup>

**People may also be remanded to custody after they have been found guilty, but are yet to be sentenced.** 18,493 people were remanded into prison awaiting sentence in the year to June 2021.<sup>44</sup>

**Around one in six people in prison (16%) are there on remand—12,990 people.** The majority are awaiting trial (65%), whilst the rest await sentencing.<sup>45</sup>

**One in 10 people (10%) remanded into custody by magistrates' courts were subsequently acquitted.** A further 11% received a non-custodial sentence. In the Crown Court, the figures were 11% and 14%, respectively.<sup>46</sup>

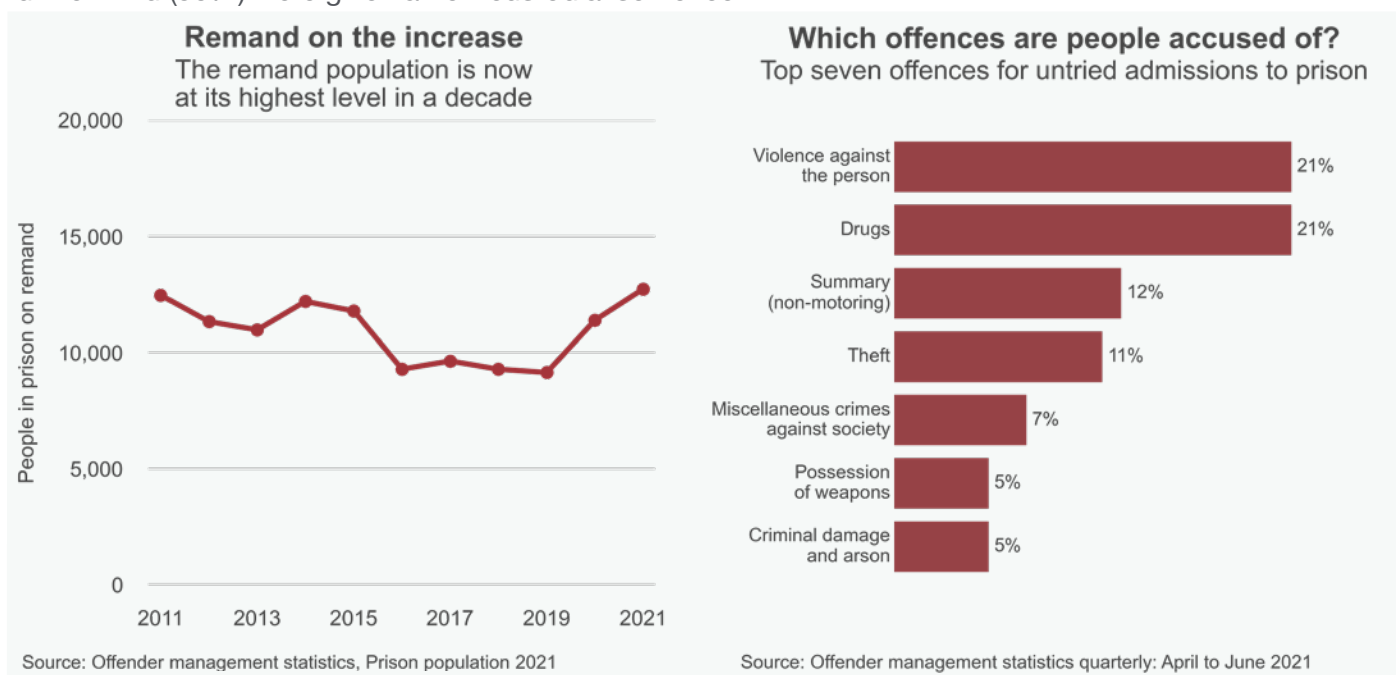
**People in prison on remand receive no financial help from the prison service at the point of release.** Those acquitted receive no compensation.

**Over a quarter (28%) of self-inflicted deaths in 2020 were by people held on remand.**<sup>47</sup>

**On average 240 children were held in prison on remand in 2020.** They currently account for nearly one in three children in prison (31%)—the highest proportion of any year in the last decade.<sup>48</sup>

**However, the number of children held in prison on remand has fallen in the last decade, declining by 59%.**<sup>49</sup>

**Almost a third of children (30%) remanded into custody in 2020 were subsequently acquitted—a further third (36%) were given a non-custodial sentence.**<sup>50</sup>



<sup>42</sup> Table 2.4b, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>43</sup> Ibid.

<sup>44</sup> Table 2.4a, Ibid.

<sup>45</sup> Table 1.1, Ibid.

<sup>46</sup> Table Q4.4, Ministry of Justice (2021) Criminal justice statistics quarterly June 2021, London: Ministry of Justice

<sup>47</sup> Table 1.11, Ministry of Justice (2021) Safety in custody statistics quarterly update to December 2021, London: Ministry of Justice

<sup>48</sup> Table 6.3, Ministry of Justice (2020) Youth justice statistics 2019/20, London: Ministry of Justice

<sup>49</sup> Ibid.

<sup>50</sup> Table 6.6, Ibid.

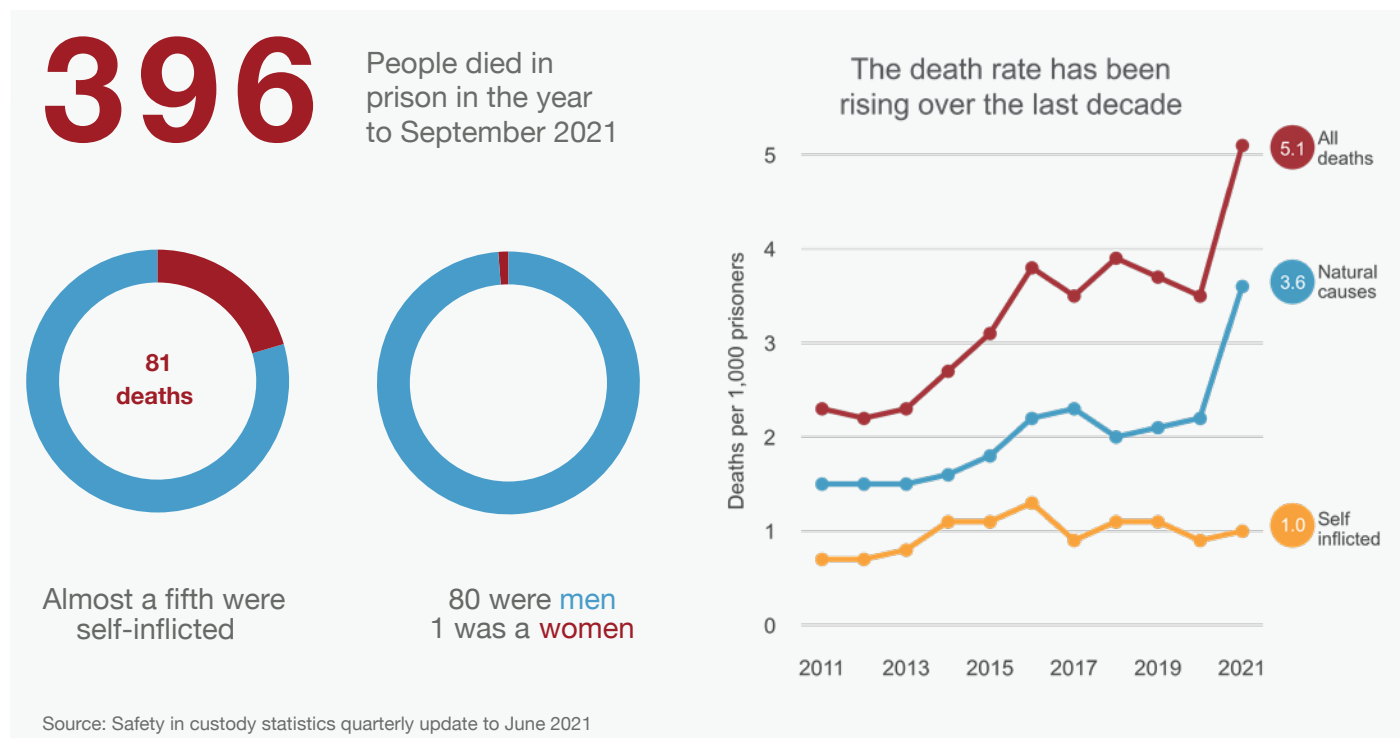
# **THE STATE OF OUR PRISONS**

## Safety in prisons

**Safety in prisons has deteriorated rapidly during the last nine years.** Deaths are at the highest recorded level and the recorded rate of self harm is at the second highest level on record. Recorded assaults during the pandemic have declined compared to recent years but remain at a historically high level.<sup>51</sup>

**Inspectors found that safety was not good enough in more than half of men's prisons (51%) they visited during 2019–20.** Almost half of people in men's prisons (48%) and women's prisons (49%) said that they had felt unsafe at some point whilst in prison.<sup>52</sup>

## Deaths in prison



**The rate of death due to natural causes has risen by over 120% in the last decade.** 281 people died of natural causes in the year to September 2021.<sup>53</sup>

**Self-inflicted deaths are over six times more likely in prison than in the general population.**<sup>54</sup>

**More than one in five (21%) self-inflicted deaths in the last five years occurred in the first 30 days of arrival in prison—almost half (48%) of these deaths were in the first week.**<sup>55</sup>

**Many prisons are failing to learn lessons from self-inflicted deaths.** Inspectors found that around 40% of recommendations from the Prisons and Probation Ombudsman (PPO) following a death in custody investigation had not been adequately implemented.<sup>56</sup>

**PPO investigations of deaths in segregation units often found that staff did not always follow, or even know about national instructions, including that prisoners at risk of suicide should only be segregated in exceptional circumstances.**<sup>57</sup>

**Two babies died at birth whilst their mothers were in prison in 2019–20, one at HMP Bronzefield and another at HMP Styal.** The PPO investigation into the Bronzefield case found the maternity service to be outdated and inadequate, and healthcare standards to be below that in the outside community.<sup>58</sup> The investigation into the death at Styal was critical of the lack of healthcare provided prior to the birth.<sup>59</sup>

<sup>51</sup> Tables 1 and 4, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2021, London: Ministry of Justice

<sup>52</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>53</sup> Table 2, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2021, London: Ministry of Justice

<sup>54</sup> Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

<sup>55</sup> Table 1.7, Ministry of Justice (2021) Safety in custody statistics quarterly update to September 2020, London: Ministry of Justice

<sup>56</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

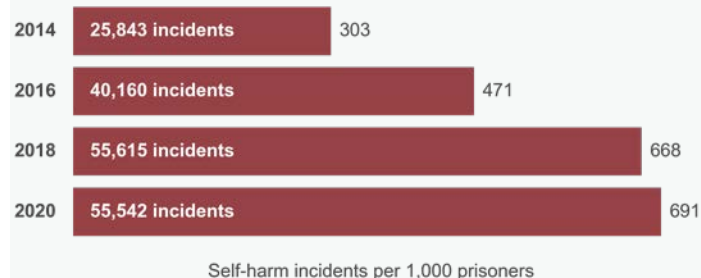
<sup>57</sup> Prisons and Probation Ombudsman (2018) Annual report 2017–18, London: PPO

<sup>58</sup> Prisons and Probation Ombudsman (2021) Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019, London: PPO

<sup>59</sup> Prisons and Probation Ombudsman (2021) Independent investigation into the death of Baby B at HMP&YOI Styal on 18 June 2020

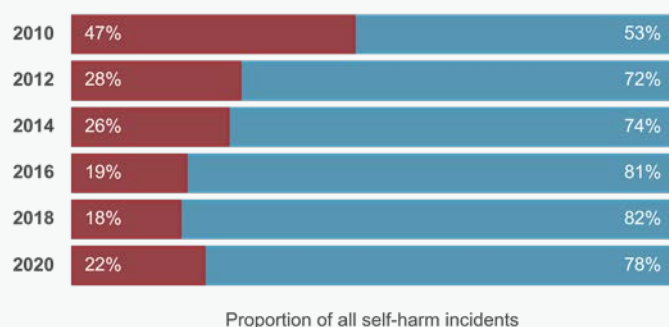
## Self-harm

Rates of self-harm are at the **second highest level ever recorded**



**Women** account for a disproportionate number of self-harm incidents in prison—despite making up only 4% of the total prison population.

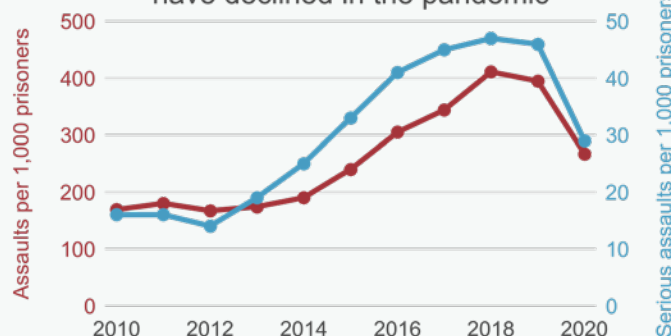
But in recent years there has been a significant rise in self-harm incidents by **men**.



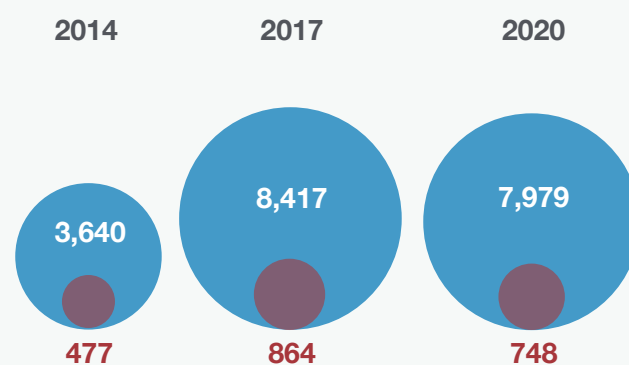
Source: Safety in custody statistics quarterly update to June 2021

## Assaults

**Assaults and serious assaults** have declined in the pandemic



**Assaults on staff** have slightly decreased, but far less than prisoner-prisoner assaults.



**Serious assaults on staff** have declined at a similar rate.

**There were two homicides in prison in 2020.** There have been 15 in total in the last five years.<sup>60</sup>

**Women in prison were already self-harming at a historically high rate, and the pandemic has exacerbated this further.** The rate of self-harm incidents rose by 16% in the 12 months to June 2021, and the number of incidents rose by 47% in the last three months alone.<sup>61</sup>

**Rates of recorded assaults and self-harm in men's prisons both declined during the pandemic—but have risen again in the last three months.**<sup>62</sup>

**Almost two-thirds of people (64%) in prisons inspected in 2020–21 were negative about the quality of healthcare services in their prison.**<sup>63</sup>

**Rules play an important role in reducing assaults.** Research has found that the consistent and fair application of rules which are understood and appear legitimate and justifiable to people in prison are often associated with lower rates of assaults.<sup>64</sup>

**The PPO completed 201 investigations about staff behaviour, including use of force, in 2019–20.** One in five complaints were upheld.<sup>65</sup> Inspectors in the same year noted that documentation relating to use of force was frequently inadequate or missing entirely.<sup>66</sup>

<sup>60</sup> Table 1.2, Ministry of Justice (2021) Safety in custody statistics quarterly update to December 2020, London: Ministry of Justice

<sup>61</sup> Tables 3 and 6, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2021, London: Ministry of Justice

<sup>62</sup> Tables 3, 4, 6 and 7, Ibid.

<sup>63</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>64</sup> McGuire, J. (2018) Understanding prison violence: a rapid evidence assessment, London: HM Prison and Probation Service

<sup>65</sup> Prisons and Probation Ombudsman (2020) Annual report 2019–20, London: PPO

<sup>66</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

## Treatment and conditions<sup>67</sup>

**Nearly three in ten (29%) of our prisons are rated of “concern” or “serious concern” by HM Prisons and Probation Service (HMPPS).** Over half of male local prisons (59%) were rated as of “concern” or “serious concern.”<sup>68</sup>

**HMPPS prison ratings have improved in recent years, in part due to a rise in security scores.** However, levels of assaults, deaths and self-harm remain at historically high levels, and inspectors’ ratings for purposeful activity and resettlement have seen a marked decline over the last decade.<sup>69</sup>

**Inspectors noted that nearly three-quarters of people experience good or reasonably good living conditions.** However, they also raised concerns about conditions in some prisons which needed significant improvement as well as levels of overcrowding. Conditions are particularly bad at local prisons, with 12 out of the 14 inspected in 2019–20 classified as insufficiently safe.<sup>70</sup>

**Almost a third (32%) of people in local prisons had less than two hours out of their cells on a weekday**—this rose to 80% during the weekend in some prisons.<sup>71</sup>

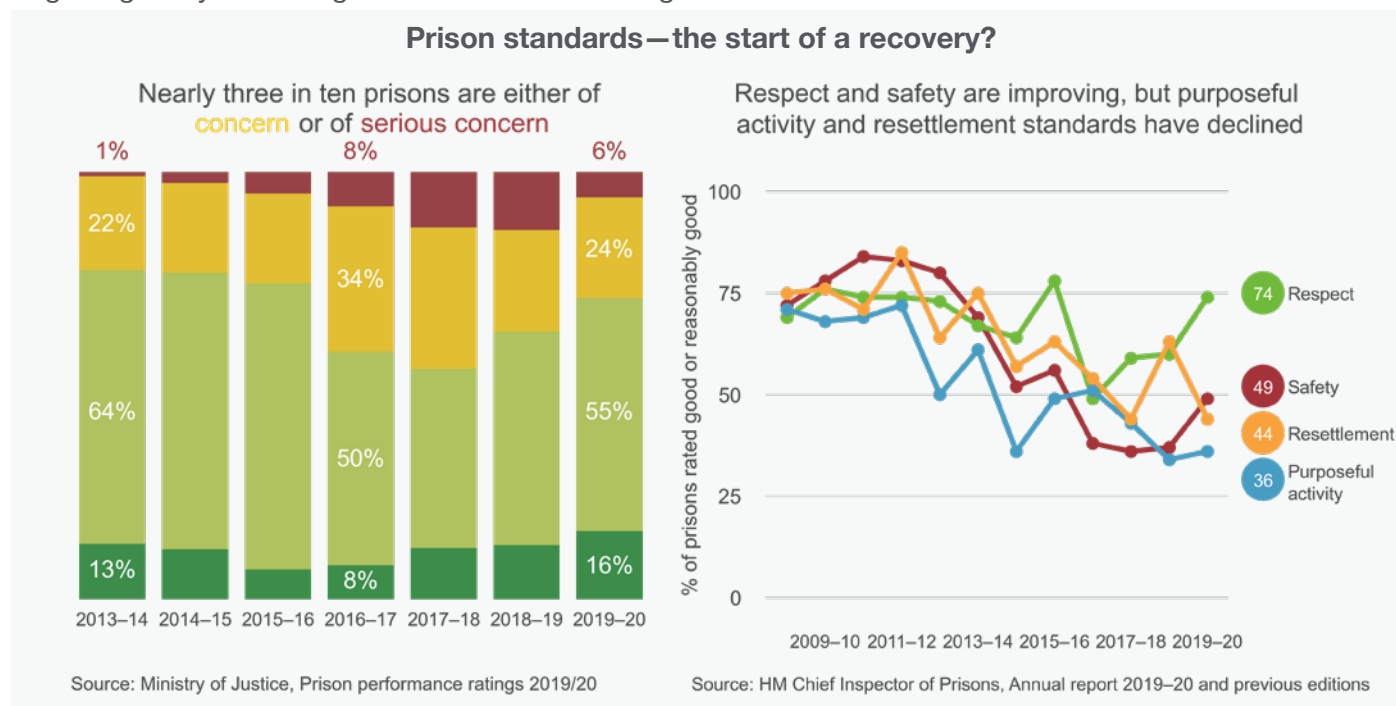
**Most prisons schedule 30 minutes of outside exercise a day, half of what inspectors expect, and many in prison frequently are not even able to have that.** Inspectors also found that temporary restrictions brought in to ensure predictability during recent periods of staff and resource shortages, have in some cases lasted years in some prisons.<sup>72</sup>

## Segregation

**Inspectors found that conditions for many held in segregation units remained poor.** In some units, people were unable to shower or telephone their families every day, and most had only 30 minutes a day in the fresh air.<sup>73</sup>

**Research on segregation has established that it is harmful to health and wellbeing.** Over half of segregated prisoners interviewed said they had problems with three or more of the following: anger, anxiety, insomnia, depression, difficulty in concentration, and self-harm.<sup>74</sup>

**A 2016 study found that nearly two-fifths, 19 out of a total of 50 people, had deliberately engineered a move to the segregation unit.** Reasons included trying to transfer to a different prison, evading a debt, or getting away from drugs or violence on the wings.<sup>75</sup>



<sup>67</sup> Statistics quoted in this section refer to conditions and circumstances from before the pandemic

<sup>68</sup> Ministry of Justice (2020) Prison performance ratings 2019 to 2020, London: Ministry of Justice

<sup>69</sup> Ibid.

<sup>70</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Shalev, S. and Edgar, K. (2015) Deep Custody: Segregation units and close supervision centres in England and Wales, London: Prison Reform Trust

<sup>75</sup> Ibid.



## Covid-19 and the prison system

**The Covid-19 pandemic has created major disruption in the normal running of the prison system.** This has led to urgent changes to prison regimes in order to prevent transmission and protect health.

**On 24 March 2020 prisons moved to an Exceptional Regime Management Plan. This saw most activities, including prison education, non-essential employment and family visits, stop with immediate effect.**<sup>76</sup> Almost all purposeful activity was suspended, including work, training and education.<sup>77</sup> Face-to-face family visits finally began to resume, where it was safe to do so, in March 2021.<sup>78</sup>

**From mid-March 2020 until around February 2021 almost all people in prison in the UK have spent 23 hours or more a day locked in a cell, typically 3m by 2m in size.** Two-thirds of people in prison are in conditions that amount to solitary confinement, with the remaining third either sharing a cell designed for one, or in dormitory accommodation.<sup>79</sup>

**Education was initially entirely suspended for children in prison, with the exception of HMYOI Parc, and only restarted in a limited way in July 2020.** Inspectors observed that restrictions mirrored those in the adult estate, and unlike in the community, no exceptions were made for maintaining education for this particularly vulnerable group.<sup>80</sup>

**Evidence from inspectors and our own research suggests that people in prison initially accepted restrictions as necessary and proportionate.** However, as days of confinement and isolation turned into months, there was mounting frustration that prisons did not loosen restrictions in parallel with the outside community.<sup>81</sup>

**People in prisons are at an increased risk of dying of Covid-19.** People in prison are more than three times more likely to die of Covid-19 than those of the same age and sex in the community, despite the restricted conditions and extreme isolation that they have endured during the pandemic.<sup>82</sup>

### Courts backlog

**Before Covid-19 restrictions were introduced there was a backlog of around 40,000 cases in the Crown Court and nearly 328,000 cases in the magistrates' courts.** By 30 July 2021 these backlogs had increased by 48% and 11%, respectively.<sup>83</sup>

**In response to the backlog, the government introduced legislation to temporarily extend the time limit that a person can be remanded in custody before a Crown Court trial from 182 days to 238 days.**<sup>84</sup> The extension expired on 28 June 2021.<sup>85</sup>

**Although the backlog is now reducing in the magistrates' courts, in the Crown Courts, where the most serious cases are held, they have continued to rise uninterrupted since March 2020.** Defendants in the Crown Court are waiting on average 47% longer for conclusion of their trial than they were before the pandemic.<sup>86</sup>

**As a result the number of people held in prison on remand has risen to its highest level since 2010.**<sup>87</sup> Inspectors spoke to children who were in custody for the first time who were expecting to wait longer than a year for their trial.<sup>88</sup>

### Time out of cell

**Inspectors visiting prison between July and October 2020 found that restrictions had eased slightly and prisoners were then able to spend on average 90 minutes each day out of cell.**<sup>89</sup>

<sup>76</sup> Prison Reform Trust (2020) Project CAPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust

<sup>77</sup> Prison Reform Trust (2020) Project CAPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust and HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>78</sup> House of Commons written question 43637, 14 September 2021

<sup>79</sup> Prison Reform Trust (2020) Project CAPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust

<sup>80</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>81</sup> Ibid, Prison Reform Trust (2020) Project CAPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust and HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office

<sup>82</sup> Braithwaite, I. et al (2021) High COVID-19 death rates in prisons in England and Wales, and the need for early vaccination, *Lancet Respir. Med.*, 9, 569, London: Elsevier

<sup>83</sup> Tables C1 and M1, Ministry of Justice (2021) Criminal court statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>84</sup> Government website, <https://www.gov.uk/government/news/suspected-criminals-held-for-longer-as-criminal-courts-recovery-plan-announced>, accessed on 2 December 2020

<sup>85</sup> The Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020 (SI 2020/0953). Available at [https://www.legislation.gov.uk/uksi/2020/953/pdfs/ukxi\\_20200953\\_en.pdf](https://www.legislation.gov.uk/uksi/2020/953/pdfs/ukxi_20200953_en.pdf), accessed on 16 November 2021, and House of Commons, written question 16102, 21 June 2021

<sup>86</sup> Table C7, Ministry of Justice (2021) Criminal court statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>87</sup> Table 1.1, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>88</sup> HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office

<sup>89</sup> Ibid,

**Prisons have been much slower in lifting restrictions than the outside community.** According to the most recently published reports, summarising findings from visits in Summer 2021, in most prisons substantial numbers of prisoners, sometimes the majority, are still locked up for at least 22 hours a day.<sup>90</sup>

**Despite the record level of self-harm in the prison estate and months of enforced isolation, inspectors found that mental health services were reduced under the new regime.** From July to October 2020, over half of respondents to the inspectorate's survey said they had mental health problems (52%), but less than a quarter said it was easy to see mental health workers (22%).<sup>91</sup>

**In women's prisons inspectors found that the sudden significant withdrawal of structured support had had an impact on the most vulnerable, and that access to mental health support was mainly via telephone.**<sup>92</sup> This is in spite of the fact that recorded self-harm amongst women was at record levels before the pandemic, and during the pandemic surpassed all previous records.<sup>93</sup>

**Some people in prison have experienced even more restrictive conditions depending on where they were held.** One woman, responding to our call for evidence during the pandemic, said that she was only being allowed access to showers once in every eight days.<sup>94</sup>

### Pandemic conditions

**People in prison are less able to enforce social distancing and take appropriate measures to protect their own health.** Whilst many people were positive about staff attitudes during the crisis, there were concerns that staff did not always appear to observe social distancing, wear masks, or take precautions to protect health.<sup>95</sup>

**Many people report having no meaningful activity to keep themselves occupied during the pandemic.** Rehabilitative work has almost completely stopped, and there is limited access to the library, workshops and exercise.<sup>96</sup>

**Inspectors have noted that the lack of access to offender management programs, education, resettlement planning, and family visits is failing to prepare people for release and people may be at an increased risk of reoffending.**<sup>97</sup>

### How have people in prison experienced the pandemic?<sup>98</sup>

"Like (surely) many other prisoners, I have been finding it extremely hard to be kept apart from my family, and not even allowed to see and be seen by my one-year-old daughter."  
Male prisoner, 15 June 2020

"Mental health – the impacts on residents like myself can be profound, unexpected and confusing to all. This is a particular concern for me as the invisible harm is harder to address than the visible."  
Male prisoner, 12 June 2020

"Mental health is deteriorating for me and [those] around me. Most were coping but over the past 2 to 3 weeks there is a lot of unrest. The worst cases are getting put in seg and we hear the screaming which is awful."  
Female prisoner, 3 June 2020

"The concern is that it has become the norm to keep inmates locked up for 23 hours a day."  
Male prisoner, 14 June 2020

90 See for example: HM Chief Inspector of Prisons (2021) Report on an unannounced inspection of HMP Oakwood, 17-28 May 2021 London: HM Stationery Office and HM Chief Inspector of Prisons (2021) Report on an unannounced inspection of HMP Wormwood Scrubs, 7-17 June 2021, London: HM Stationery Office and HM Chief Inspector of Prisons (2021) Report on an unannounced inspection of HMP/YOI Swinfen Hall, 28 June – 9 July 2021, London: HM Stationery Office and HM Chief Inspector of Prisons (2021) Report on an unannounced inspection of HMP Low Newton, 2-18 June 2021, London: HM Stationery Office

91 HM Chief Inspector of Prisons (2021) Annual report 2020-21, London: HM Stationery Office

92 Ibid.

93 Table 2.1, Ministry of Justice (2021) Safety in custody statistics quarterly update to December 2020, London: Ministry of Justice

94 Prison Reform Trust (2020) Project CAPTIVE, Briefing #2 – Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust

95 HM Chief Inspector of Prisons (2020) Annual report 2019-20, London: HM Stationery Office.

96 Ibid.

97 HM Chief Inspector of Prisons (2021) Annual report 2020-21, London: HM Stationery Office

98 The following quotations have been taken from our series of CAPTIVE reports, available here <http://www.prisonreformtrust.org.uk/PressPolicy/News/Coronavirus/CAPTIVE>

## Overcrowding and changes to the prison estate

**The prison system as a whole has been overcrowded in every year since 1994.**<sup>99</sup> Almost two in every three prisons in England and Wales are overcrowded (77 of the 120 prisons), with more than 15,900 people held in overcrowded accommodation—more than a fifth of the prison population.<sup>100</sup>

**The current level of overcrowding has remained broadly unchanged for the last 18 years.**<sup>101</sup> However, the sustained reduction in the prison population due to court closures meant that it decreased slightly last year. Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending, as well as distance from families and other support networks.<sup>102</sup>

**Overcrowding remains a significant issue in most prisons**—particularly in local and category C training prisons, where most people are held.<sup>103</sup>

**The government projects that the prison population will rise by more than 20,000 in the next five years**—placing further pressure on places.<sup>104</sup>

**Following prison closures and deteriorating conditions in our Victorian and pre-Victorian era jails £1.3bn of funding was announced in 2015, with a commitment to build up to 10,000 new prison places by 2020.** To date, just 206 new places have opened—a new wing at HMP Stocken.<sup>105</sup>

**Existing prison infrastructure is rapidly decaying as a result of years of neglect.** The National Audit Office has calculated that HMPPS has built up a maintenance backlog of £900m, resulting in 500 prison places being permanently taken out of action each year due to poor conditions.<sup>106</sup>

**The government has committed £315m of capital funding towards improving the condition of the existing estate.** There are currently 1,900 places out of use currently undergoing or due for repair.<sup>107</sup>

**The Public Accounts Committee predicts that the demand for prison places could outstrip supply by 2022–23.**<sup>108</sup>

**Building work to create 3,300 new prison places finally began at HMP Five Wells, Wellingborough in September 2019 and at HMP Glen Parva, Leicestershire in September 2021.**<sup>109</sup> The prisons are now due to open in 2022 and 2023, respectively.<sup>110</sup>

**In 2019 the government made a further announcement to spend “up to £2.5bn” to create modern, efficient prisons, and provide 10,000 prison places**—in addition to Stocken, Five Wells and Glen Parva.<sup>111</sup>

**The first of these, a new 1,440 place prison in Full Sutton, East Yorkshire, has been given outline planning permission, and is scheduled to open in 2024.**<sup>112</sup>

**Since then, the government has made a further announcement to increase prison building, with a commitment of £4bn to build a total of 18,000 prison places.** This includes the 10,000 places already announced as well as the construction on HMP Five Wells and Glen Parva. The remaining places will be met by the construction of four new prisons; the expansion of a further four prisons; and refurbishment of the existing prison estate.<sup>113</sup>

**New houseblocks will be built at HMPs Guys Marsh, Rye Hill and Stocken, and a new workshop at HMP High Down.** These are expected to provide 930 new places and to be completed by 2023.<sup>114</sup>

<sup>99</sup> Home Office (1999) Digest 4: Information on the criminal justice system in England and Wales, London: Home Office and

Table 2.2, Ministry of Justice (2021) HM Prison and Probation Service Annual digest: April 2020 to March 2021, London: Ministry of Justice

<sup>100</sup> Tables 2.1, 2.2, 2.3 and 2.4, Ministry of Justice (2021) HM Prison and Probation Service Annual digest: April 2020 to March 2021, London: Ministry of Justice

<sup>101</sup> Table 2.2, Ibid.

<sup>102</sup> HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

<sup>103</sup> Table 2.5, Ibid.

<sup>104</sup> Ministry of Justice (2021) Prison population projections 2021 to 2026, England and Wales, London: Ministry of Justice

<sup>105</sup> House of Commons written question 151219, 12 June 2018

<sup>106</sup> House of Commons Public Accounts Committee (2020) Improving the prison estate, London: HM Stationery Office

<sup>107</sup> House of Commons written question 44187, 15 September 2021

<sup>108</sup> Ibid.

<sup>109</sup> House of Commons Justice Committee (2018) Prison population 2022: planning for the future, Oral evidence session: 26 June 2018, London: HM Stationery Office

<sup>110</sup> House of Commons written question 98235, 6 October 2020 and

Government website, <https://www.gov.uk/government/news/new-prison-to-create-jobs-and-boost-economy>, accessed on 2 December 2021

<sup>111</sup> Ibid. and Ministry of Justice website, accessed on 2 December 2021, available at <https://www.gov.uk/government/news/10-000-extra-prison-places-to-keep-the-public-safe>

<sup>112</sup> Ministry of Justice website, accessed on 2 December 2021, available at <https://www.gov.uk/government/news/1-400-new-prison-places-approved-at-full-sutton>

<sup>113</sup> House of Commons written question 121212, 7 December 2020 and House of Lords written question HL10423, 1 December 2020

<sup>114</sup> Ministry of Justice website, accessed on 2 December 2021, available at <https://www.gov.uk/government/news/expansion-at-4-jails-announced>

## Prison service resources and staffing

### Resources

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its resource budget was reduced by 20%.<sup>115</sup>

Despite increases in recent years, including a 4% rise in 2021–22, its resource budget remains 6% lower in real terms than in 2010–11.<sup>116</sup>

The cost of a prison place reduced by 15% in real terms between 2009–10 and 2019–20. The average annual overall cost of a prison place in England and Wales is now £44,640.<sup>117</sup>

### Staffing

The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.<sup>118</sup>

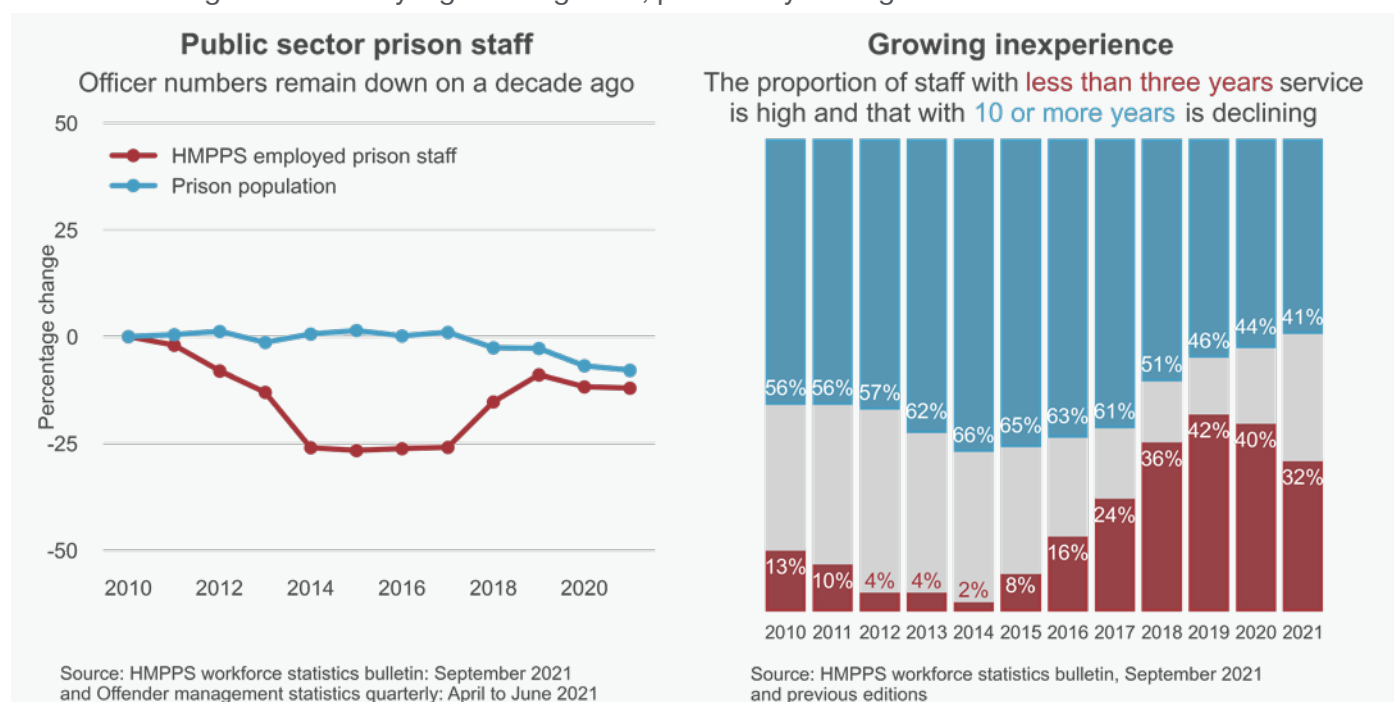
The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018. This target was achieved, but there are still 10% fewer staff than there were in 2010.<sup>119</sup>

Although numbers had been declining since the recruitment drive ended, more officers were recruited last year. There are now over 500 more officers employed than there were in 2020.<sup>120</sup>

**Retention remains a problem.** Most officers (52%) who left the service in the last year had stayed in the role for less than three years.<sup>121</sup>

In the year to September 2021, 2,587 prison officers, around one in nine (11%) of those employed, left the prison service. The government has committed to recruiting 5,000 officers over and above those that leave each year.<sup>122</sup>

**The Prison Service Pay Review Body recommendation for a £3,000 pay rise for prison officers has been rejected by the government.** This is in spite of warnings that current salaries are insufficiently competitive and contributing to excessively high leaving rates, particularly amongst new recruits.<sup>123</sup>



<sup>115</sup> Ministry of Justice (2021) Ministry of Justice annual report and accounts 2020–21, London: Ministry of Justice and previous editions and HM Treasury (2021) GDP deflators at market prices, and money GDP September 2021 (Quarterly national accounts), London: HM Treasury

<sup>116</sup> Ibid.

<sup>117</sup> Table 1, Ministry of Justice (2020) Costs per prison place and cost per prisoner by individual prison establishment 2019 to 2020 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2020) GDP deflators at market prices, and money GDP September 2020 (Quarterly National Accounts), London: HM Treasury

<sup>118</sup> Table 3, Ministry of Justice (2018) HM Prison and Probation Service workforce statistics: September 2018, London: Ministry of Justice

<sup>119</sup> Table 3, Ministry of Justice (2021) HM Prison and Probation Service workforce statistics: September 2021, London: Ministry of Justice

<sup>120</sup> Ibid.

<sup>121</sup> Table 13, Ibid.

<sup>122</sup> Table 4, Ibid.

<sup>123</sup> Prison Service Pay Review Body (2021) Response from PSPRB Chair to Lord Chancellor: Recommendation three, London: PSPRB, available at: <https://www.gov.uk/government/publications/psprb-nineteenth-report-on-england-and-wales-2020-and-the-psprb-response>

## Private prisons

In England and Wales there were 14,415 people (18% of the prisoner population) held in private prisons as of 30 October 2021.<sup>124</sup>

There are 13 private prisons in England and Wales. They cost a total of £563.9m in 2019–20.<sup>125</sup>

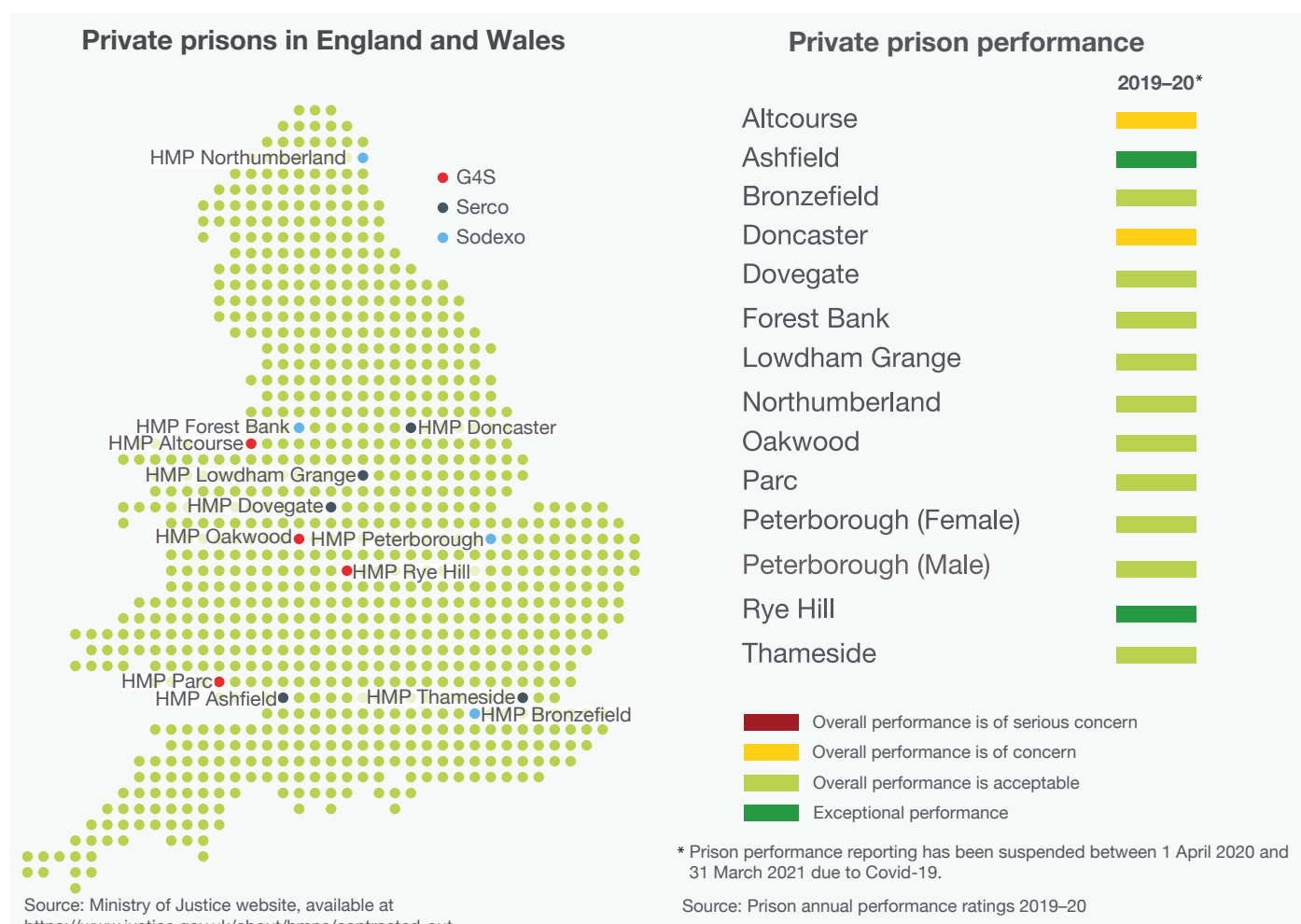
Nine of these are currently financed, designed, built and operated by the private sector on contracts of 25 years or more.<sup>126</sup> The contract for Parc is due to expire in 2022, and those for Altcourse and Lowdham Grange in 2023.<sup>127</sup>

Two of the three Secure Training Centres (STCs) in England and Wales (Rainsbrook STC and Oakhill STC) were declared inadequate and issued with urgent notifications in 2020 due to serious and widespread concerns about the care and safety of children, leadership, and staffing. Rainsbrook was operated by MTC and Oakhill by G4S. Inspectors were particularly concerned about excessive and untrained use of force and restraints, levels of violence, poor leadership, poor education and poor healthcare provision.<sup>128</sup>

HMPPS took over the management of HMP Birmingham from G4S in 2019 and terminated the contract seven years early due to concerns over safety, security and decency.<sup>129</sup>

G4S has been awarded the ten-year government contract to run the new HMP Five Wells prison due to be built on the former Wellingborough site. The new prison is expected to open in 2022.<sup>130</sup>

There will be a competition to appoint a prison operator for the new prison at Glen Parva. HM Prisons and Probation Service (HMPPS) will not bid to run the prison.<sup>131</sup>



<sup>124</sup> Ministry of Justice (2021) Prison population monthly bulletin October 2021, London: Ministry of Justice

<sup>125</sup> Table 1b, Ministry of Justice (2020) Prison performance statistics: Costs per place and costs per prisoner by individual prison establishment 2019 to 2020 supplementary information, London: Ministry of Justice

Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope.

<sup>126</sup> Hansard HC, 4 December 2013, c719W

<sup>127</sup> House of Commons written question 200700, 10 December 2018

<sup>128</sup> The government website, accessed on 19 October 2021, available at: <https://www.gov.uk/government/news/inspectors-urgent-action-needed-at-oakhill-secure-training-centre> and The government website, accessed on 19 October 2021, available at: <https://www.gov.uk/government/publications/second-urgent-notification-for-rainsbrook-secure-training-centre>

<sup>129</sup> Ministry of Justice website, accessed on 8 November 2019, available at <https://www.gov.uk/government/news/birmingham-prison-contract-ended>

<sup>130</sup> Ministry of Justice website, accessed on 13 October 2020, available at <https://www.gov.uk/government/news/wellingborough-jail-contract-awarded-and-new-name-revealed>

<sup>131</sup> House of Commons written question 186403, 5 November 2018



## Social characteristics of adult prisoners

Characteristic	Prison population	General population
Taken into care as a child	24% (31% for women, 24% for men)	2%
Experienced abuse as a child	29% (53% for women, 27% for men)	20%
Observed violence in the home as a child	41% (50% for women, 40% for men)	14%
Regularly truant from school	59%	5.2% (England) and 4.8% (Wales)
Expelled or permanently excluded from school	42% (32% for women, 43% for men)	In 2005 >1% of school pupils were permanently excluded (England)
No qualifications	47%	15% of working age population
Unemployed in the four weeks before custody	68% (81% for women, 67% for men)	7.7% of the economically active population are unemployed
Never had a job	13%	3.9%
Homeless before entering custody	15%	4% have been homeless or in temporary accommodation
Have children under the age of 18	54%	Approximately 27% of the over 18 population*
Are young fathers (aged 18–20)	19%	4%
Have symptoms indicative of psychosis	16% (25% for women, 15% for men)	4%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men)	15%
Have attempted suicide at some point	46% for women, 21% for men	6%
Have ever used Class A drugs	64%	13%
Drank alcohol every day in the four weeks before custody	22%	16% of men and 10% of women reported drinking on a daily basis

Prison population data taken from Results from the Ministry of Justice Surveying Prisoner Crime Reduction (SPCR) survey published in:

Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice  
 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice  
 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice  
 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners, London: Ministry of Justice  
 Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice  
 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

General population data taken from:

Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice  
 Harker, L. et al. (2013) How safe are our children, London: NSPCC  
 Department for Education (2013) Pupil absence in schools in England, including pupil characteristics, London: DfE  
 Welsh Government (2013) Absenteeism by pupil characteristics 2011/12, Cardiff: Welsh Government  
 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice  
 Office for National Statistics (2013) Labour market statistics, September 2013, London: ONS  
 Table KS611EW, Office for National Statistics (2012) 2011 Census, London: ONS  
 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice  
 Wiles, N. et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519–526  
 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice



# PEOPLE IN PRISON

## What do people in prison say?

In July 2018 the Prisoner Policy Network (PPN) was launched as part of the Prison Reform Trust's strategic objective to give prisoners a stronger influence in how policy on prisons is made. It is a network of current serving prisoners, ex-prisoners, their families and organisations that support them who want to share their experiences and ideas with policy makers. The PPN is intended to give prisoners influence in the places where the policies that affect them are made, through research, consultation and reports.

This section is based upon three questions that we asked the network to respond to: "What incentives work in prison?", "What do you need to make best use of your time in prison?" and "How can we reduce tensions, conflict and violence in prison?", the findings of which are published in three separate reports. It also draws on evidence from responses to HM Chief Inspector of Prisons prisoner survey, and our own Advice and Information service.

The pandemic and the associated restrictions to prison regimes have dramatically affected the lives of prisoners, their families and staff. To understand how the pandemic is affecting people in prison we established an urgent new project—CAPPTIVE (The Covid Action Prison Project: Tracking Innovation, Valuing Experience) which builds on our experience in establishing the PPN. Four briefings have been released as part of the project so far, one focussing on families and communications; one on regimes, reactions to the pandemic, and progression; one on the prison service's response to the pandemic, and healthcare; and one on what a future regime should look like. Findings from this research are included in [Covid-19 and the prison system](#) on page 21.

### The basics

**Basic material needs are not being met.** Many people in prison told us that they wanted access to fresh air, fresh fruit, access to legal photocopying, towels, medication and underwear that fits. That people lack access to basic provisions necessary for health and decency undermines any incentives scheme.

"How can we talk about incentives when we can't get the basics right, like safety, toilet roll and clean socks."

**Basic psychological needs, including feeling safe, access to mental health and addiction services, and spending time outside were also frequently left unmet.** This prevented many people from being able to think or care about useful investment of their time, or to positively engage with potentially rehabilitative aspects of prison life, including work, education and therapy.

**Only two in five (40%) men and around half of women (51%) in prison with mental health problems said that they had been helped with them while in prison.**<sup>132</sup>

**15% of the 193 safer custody referrals made by the Prison Reform Trust in 2020 experienced barriers or delays in sharing the information with the prison.** In 16 of the cases the prisoner was deemed to be at immediate risk of harm (for example, from suicide, self-harm or attack). Barriers included having to ring the prison on multiple occasions to reach anyone; only being able to reach a voicemail; or reluctance of Safer Custody Departments to speak to PRT staff directly.<sup>133</sup>

### Making the best use of time in prison

**The incentives offered under the Incentives and Earned Privileges (IEP) scheme are inaccessible, inconsistent or simply irrelevant to many.** Rather than incentivise good behaviour, many people felt that it only punished bad behaviour.

"If you live miles from family, have no money that can be sent in and no interest in the gym, there are no 'real' incentives to be enhanced."

**Just two in five (41%) men in prison felt that they had been treated fairly under the IEP scheme, and a similar proportion (43%) said that it had encouraged them to behave well.**<sup>134</sup>

**Greater transparency and communication around prison rules is necessary to create a stable foundation for prison life.** Prisoners told us that being locked up before the allocated time and having their IEP status routinely downgraded following a transfer to a new prison undermined legitimacy.

<sup>132</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>133</sup> Provided by Prison Reform Trust's Advice and Information Team

<sup>134</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

## Minimising tension and violence in prison

**Overcrowding was often cited as a source of tension.** Many respondents felt there were too many people in prison drawing on limited resources. Sharing a cell as well as poor conditions, such as inadequate mattresses and broken windows were cited as contributing to stress and anxiety.

“Prisoners having to share cells designed for one with unscreened toilets and little or no ventilation, can for obvious reasons be a source of conflict.”

**Nearly a quarter (23%) of people in prison are held in overcrowded conditions.**<sup>135</sup>

**People in prison reported drugs as a key factor in fuelling violence.** The trade in drugs was often cited as a source of debt, bullying and exploitation.

“Drugs are the backbone of violence, intimidation, bullying, unrest, debt, tensions within the system.”

**Over a quarter of men (27%) and almost half of women (46%) report entering prison with a drug problem.** 14% of men and 12% of women report developing a drug problem in prison.<sup>136</sup>

## Maintaining connections

**Positive relationships with both prison staff and loved ones on the outside help to increase resilience and motivation.** Some people described very positive relationships with prison staff—but this was not a universal experience.

“Someone believing in you, this is transformative for people in prison.”

**People in prison told us that they were particularly keen for more consistent promotion of family contact**—particularly when they were held far from home.

**Only a fifth of prisoners (19% of men and 20% of women) received visits from family or friends at least once a week.**<sup>137</sup>

**Access to technology was considered a key part of maintaining their connection to family and friends, as well as society more generally.** In-cell phones, the opportunity to phone family and friends at more flexible hours, and the possibility of Skype calls were all seen as powerful incentives. Furthermore, many felt that they would be more “world ready” with greater access to technology and feared being left behind by technological advancements that would leave them ill-equipped to face the world upon release.

“I think prisoners should have access to a laptop computer in their cells. This would empower many prisoners to develop IT skills which are necessary for a person re-entering society.”

## Preparing for release

**Finding a sense of meaning through personal development, often through education, work and training is important to prisoners.** These were regarded both as a way of regaining a sense of self within prison as well as preparing for a future after release.

“Education, simple as that, you need something to stimulate your brain and give you something to aim for. It makes the sentence easier, and hopefully sets you up for release, at least that’s how it should be.”

**Prisoners need to learn practical life skills to prepare them for life outside prison.** Cooking, cleaning, budgeting, debt management, accessing emotional support and how to find job opportunities in the community were all identified as critical on release.

**Only two in five (43%) of men in prison who had held a prison job at some point felt that it would help them on release.**<sup>138</sup> Less than a quarter (24%) of men in prison reported they were receiving help with getting into employment upon release, and even fewer (20%) with setting up education or training.<sup>139</sup>

“Prison should be about creating a prosocial environment in which people can reflect on why they ended up in prison, address these issues and see there is another way. This must come with a radical change to the way things are being done over the last ten years – this is obviously not working. Prison currently damages people and then when out, damages society.”

<sup>135</sup> Table 2.2, HM Prison and Probation Service (2020) Annual digest 2019–20, London: HMPPS

<sup>136</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

## Black, Asian and minority ethnic people in prison

**Over a quarter (27%) of the prison population, 21,537 people, are from a minority ethnic group.** 13% identify as Black/African/Caribbean/Black British; 8% as Asian/Asian British; and 5% as mixed/multiple ethnic groups.<sup>140</sup>

**If our prison population reflected the ethnic make-up of England and Wales, we would have over 9,000 fewer people in prison**—the equivalent of 12 average-sized prisons.<sup>141</sup>

**The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234m a year.**<sup>142</sup>

**There is a clear direct association between ethnic minority group and the odds of receiving a custodial sentence.** Black people are 53%, Asian 55%, and other ethnic minority groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.<sup>143</sup>

**Black men are 26% more likely than white men to be remanded in custody.** They are also nearly 60% more likely to plead not guilty.<sup>144</sup>

**Black and Asian people in prison are more likely to be serving long sentences than other groups.** 17% of people in prison on a life sentence identify as black, and 8% as Asian. 15% of people serving a determinate sentence of over 20 years identify as black, and 12% as Asian.<sup>145</sup>

**People from ethnic minority backgrounds serve a greater proportion of their determinate sentence in custody than white people.** In 2020, black people spent the highest proportion of their sentence in prison (67%), followed by those of a mixed ethnic background (66%), white (60%) and Asian (58%) prisoners.<sup>146</sup>

### Muslim people in prison

**There are now two and a half times more Muslims in prison than there were in 2002.** In 2002 there were 5,502 Muslims in prison, by 2021 this had risen to 13,724.<sup>147</sup> They now account for 18% of the prison population, but just 5% of the general population.<sup>148</sup>

**Muslims in prison are far from being a homogeneous group.** Some were born into Muslim families, and others have converted. 37% are Asian, 29% are black, 19% are white and 10% are mixed.<sup>149</sup>

**Only 153 people, 1% of Muslims in prison, are currently there for Islamist extremist terrorism-related offences.** The number of Muslims in prison for terror offences peaked at 185 in 2017. By contrast the number of people in prison for right-wing extremism has risen to 49, up from six people in 2016.<sup>150</sup>

### Treatment and conditions

**BAME people in prison often report more negatively about their experience in prison and relationships with staff.** Fewer said they felt safe at the time of the inspectorate's survey, fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been bullied or victimised by staff. Responses by Muslim people in these areas were even worse.<sup>151</sup>

**Inspectors found that prison staff underestimate the cultural requirements of Gypsy, Roma or Traveller and BAME people in prison.** A third of BAME prisoners said their ethnicity directly influenced their rehabilitation and resettlement planning, whereas almost no staff considered ethnicity to have any impact.<sup>152</sup>

<sup>140</sup> Table 1.4, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>141</sup> Table 11, Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice and Lammy, D. (2017) The Lammy review, London: Ministry of Justice

<sup>142</sup> Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice

<sup>143</sup> Ibid.

<sup>144</sup> Table 5.3, Uhrig, N. (2016) Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales, London: Ministry of Justice

<sup>145</sup> House of Lords written question HL3861, 23 November 2021 and House of Lords written question HL14483, 8 April 2021

<sup>146</sup> Ministry of Justice (2021) Statistics on Ethnicity and the Criminal Justice System 2020, London: Ministry of Justice

<sup>147</sup> Table A1.10, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>148</sup> Ibid. and Lammy, D. (2017) The Lammy review, London: Ministry of Justice

<sup>149</sup> House of Lords written question HL10577, 7 December 2020

<sup>150</sup> Table P.01, Home Office (2021) Operation of police powers under the Terrorism Act 2000: quarterly update to June 2021, London: Home Office and

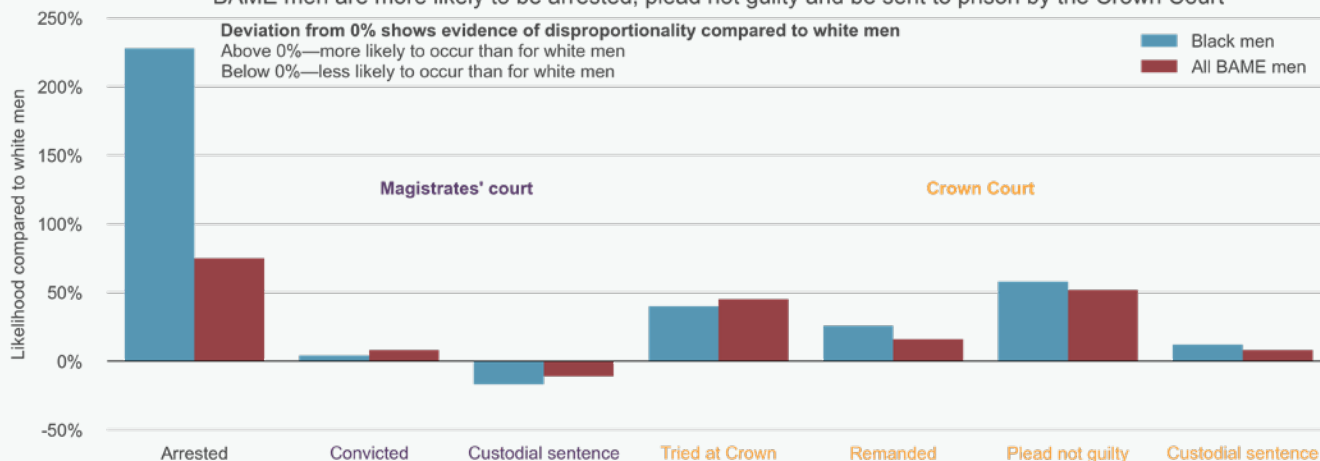
Table A1.10, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>151</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>152</sup> HM Inspectorate of Prisons (2020) Minority ethnic prisoners' experiences of rehabilitation and release planning, London: HMIP

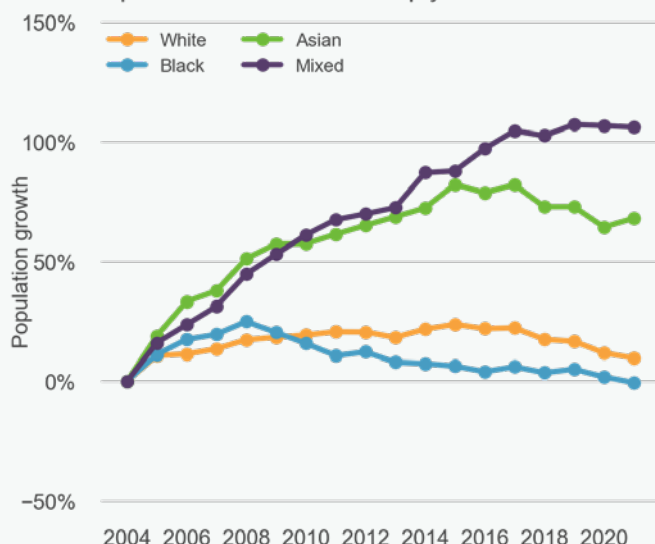
## Equal justice?

BAME men are more likely to be arrested, plead not guilty and be sent to prison by the Crown Court



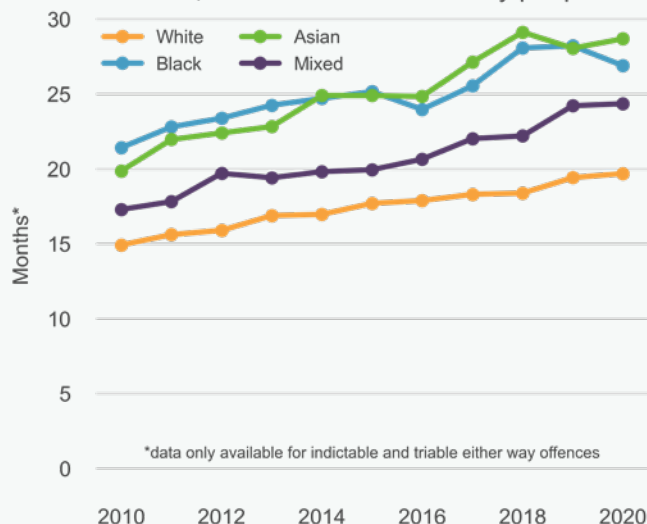
Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

The number of Asian and mixed ethnicity prisoners has risen sharply since 2004



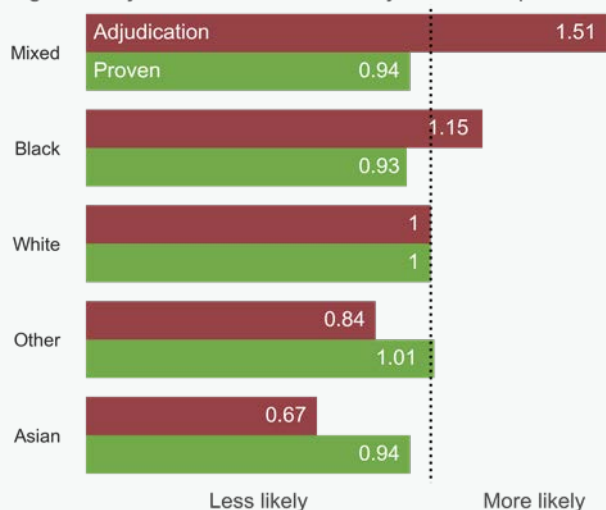
Source: Offender management statistics, Prison population 2021

Average custodial sentence lengths are higher for black, Asian and mixed ethnicity people



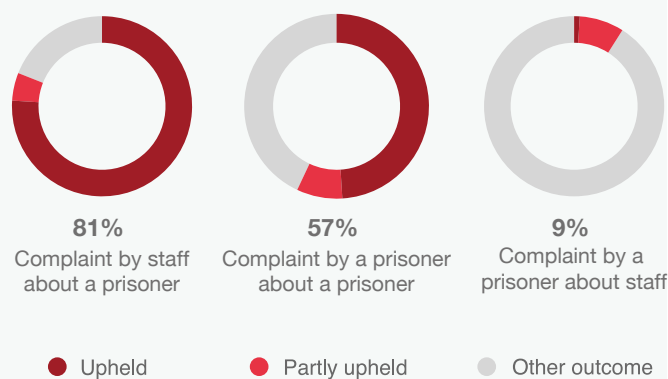
Source: Criminal justice statistics quarterly December 2020, Outcomes by offence tool

Black and mixed ethnicity prisoners are more likely to get an adjudication—but less likely for it to be proven

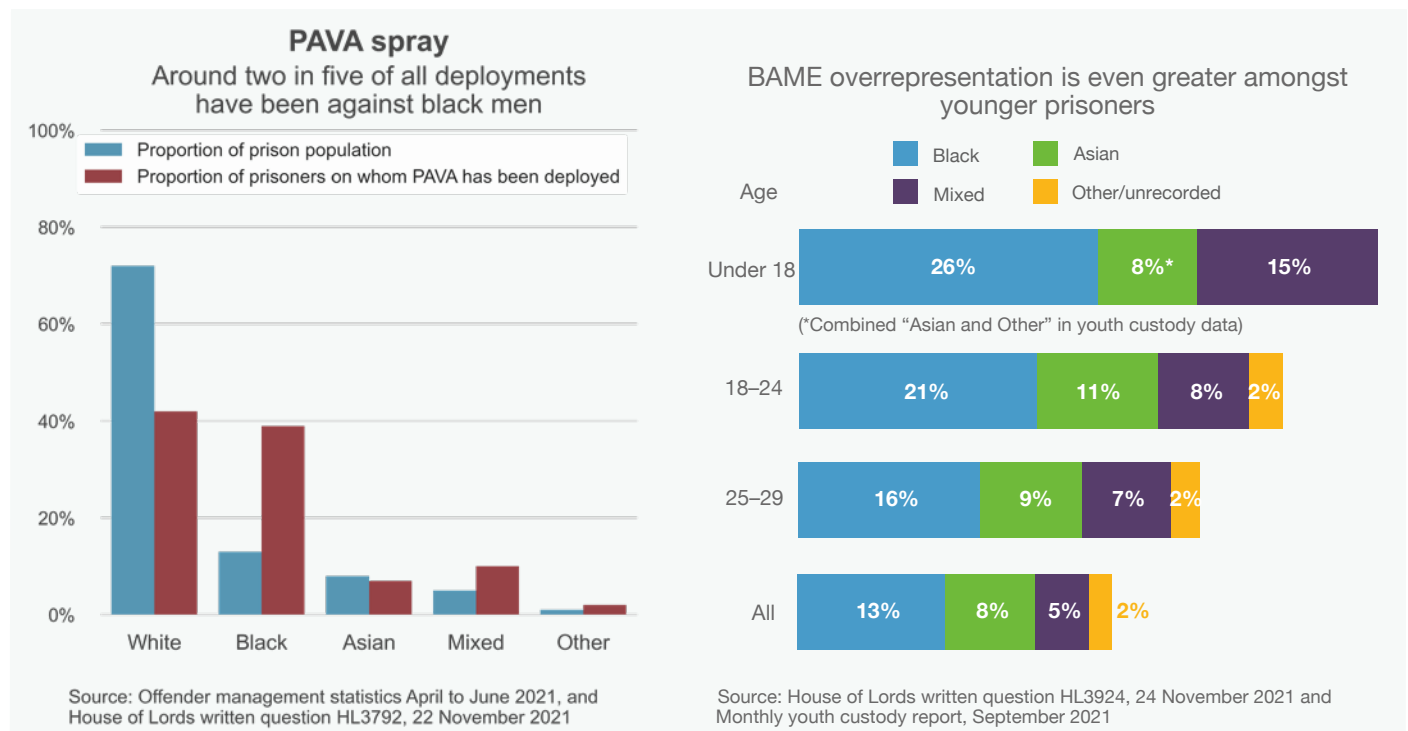


Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

Discrimination complaints about staff are significantly less likely to be upheld or partly upheld



Source: Prison Reform Trust (2017) Tackling discrimination in prison (Based on 610 investigations from eight London prisons in 2014)



**BAME people in prison are more likely to report having been recently restrained or placed in segregation.<sup>153</sup> Discrimination complaints are inadequately investigated “all too often” according to the Prisons and Probation Ombudsman.** Investigations are subject to long delays, staff lack training and confidence, and prisons often fail to collect the equalities data needed to conduct a meaningful investigation.<sup>154</sup>

**Although BAME representation amongst prison officers has been improving in recent years, prison officers remain less ethnically diverse than the prison population.** In March 2021, 4% of HMPPS prison officers (bands 3–5) identified as black, 2% Asian, and 92% white, whereas amongst prisoners the proportions were 13%, 8% and 72%, respectively.<sup>155</sup>

## Gypsy, Roma and Traveller people in prison

**5% of men and 7% of women in prison said that they are Gypsy, Roma or Traveller (GRT), compared to an estimated 0.1% of the general population in England.** Inspectors found that most prisons they visited were still not aware of their existence or needs, which undermined attempts to provide culturally appropriate support and plans for resettlement.<sup>156</sup>

**Around one in seven (15%) children in STCs and one in twelve (8%) in YOIs are from a GRT background.** They are more likely than other children to feel unsafe, to experience bullying, to report having a disability and/or health problems, and report having drug and alcohol problems.<sup>157</sup>

## Gender and sexuality in prison

**Around one in twenty (5%) men and more than one in five (22%) women in prison report as either homosexual or bisexual, higher than the general population (3%).** There is little research into how their sexuality affects their experience of prison.<sup>158</sup>

**There were 197 people in prison living in, or presenting in, a gender different to their sex assigned at birth and who have had a local case board, representing around 0.3% of the total population.** 158 of these reported their legal gender as male and 39 as female.<sup>159</sup>

<sup>153</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>154</sup> Prisons and Probation Ombudsman (2018) Learning lessons bulletin: Complaints about discrimination, London: Prisons and Probation Ombudsman

<sup>155</sup> Her Majesty's Prison and Probation Service (2021) HMPPS Staff Equalities Report: 2020 to 2021, London: Ministry of Justice and Table 1.4, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice and Office for National Statistics (2019) Population characteristics research tables, London: ONS

<sup>156</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and Irish Traveller Movement in Britain (2013) Gypsy and Traveller population in England and the 2011 Census, London: ITMB and Office for National Statistics (2013) Annual mid-year population estimates, 2011 and 2012, London: ONS and HM Inspectorate of Prisons (2020) Minority ethnic prisoners' experiences of rehabilitation and release planning, London: HMIP

<sup>157</sup> HM Inspectorate of Prisons (2021) Children in Custody 2019–20, London: HMIP

<sup>158</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and Office for National Statistics (2021) Sexual orientation, UK: 2019, London: ONS

<sup>159</sup> Ministry of Justice (2021) HM Prison and Probation Service Offender Equalities Annual Report 2020 to 2021, London: Ministry of Justice



## Older people in prison

Older prisoners can be split into four main profiles, each with different needs:

**Repeat prisoners.** People in and out of prison for less serious offences and who have returned to prison at an older age.

**Grown old in prison.** People sentenced for a long sentence prior to the age of 50 and who have grown old in prison.

**Short-term, first-time prisoners.** People sentenced to prison for the first time for a short sentence.

**Long-term, first-time prisoners.** People sentenced to prison for the first time for a long sentence, possibly for historic sexual or violent offences.

Many experience chronic health problems prior to or during imprisonment as a result of poverty, poor diet, inadequate access to healthcare, alcoholism, smoking or other substance abuse. The psychological strains of prison life can further accelerate the ageing process.

The Prison Reform Trust, along with HM Chief Inspector of Prisons, the Prisons and Probation Ombudsman, Age UK and other organisations have called for a national strategy for work with older people in prison,<sup>160</sup> something the Justice Committee agreed with and has stated: “It is inconsistent for the Ministry of Justice to recognise both the growth in the older prisoner population and the severity of their needs and not to articulate a strategy to properly account for this.”<sup>161</sup> The government accepted this recommendation and publication was scheduled for summer 2021. However, to date no strategy has been published.<sup>162</sup>

The Care Act means that local authorities have a duty to assess and give care and support to people who meet the threshold for care and are in prisons and probation hostels in their area.

**With prison sentences getting longer, people are growing old behind bars.** The number of people aged 60 and over has grown rapidly over the last two decades. There are now more than three times the number there were in 2002.<sup>163</sup>

**17% of the prison population are aged 50 or over – 13,283 people.** Of these 3,395 are in their 60s and a further 1,674 people are 70 or older.<sup>164</sup>

**The prison population is projected to grow by a quarter by 2026.** The government anticipates the older population to increase at a similar rate to the prison population as a whole.<sup>165</sup>

**44% of men in prison aged over 50 are there for sex offences.** The next highest offence category is violence against the person (25%) followed by drug offences (8%).<sup>166</sup>

**315 people in prison were aged 80 or over as of 30th September 2020. 311 were men and 4 were women.**<sup>167</sup>

**The majority of 80 year olds in prison (92%) were aged 70 or older when sentenced to custody.**<sup>168</sup>

**Nearly a third (32%) of people serving an indeterminate sentence are aged 50 or over.** 2,251 people are serving life sentences and a further 569 are serving an indeterminate sentence of imprisonment for Public Protection (IPP).<sup>169</sup>

<sup>160</sup> Prison Reform Trust and Restore Support Network (2016) Social care or systematic neglect: Older people on release from prison, London: Prison Reform Trust and Prisons and Probation Ombudsman (2017) Learning lessons from PPO investigations: Older prisoners, London: Prisons and Probation Ombudsman

<sup>161</sup> House of Commons Justice Committee (2013) Older Prisoners, London: HM Stationery Office

<sup>162</sup> House of Commons Justice Committee (2020) Ageing prison population: Government Response to the Committee's Fifth Report HC 976, London: HM Stationery Office and House of Commons written question 162585, 8 March 2021

<sup>163</sup> Table A1.7, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>164</sup> Table 1.3, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

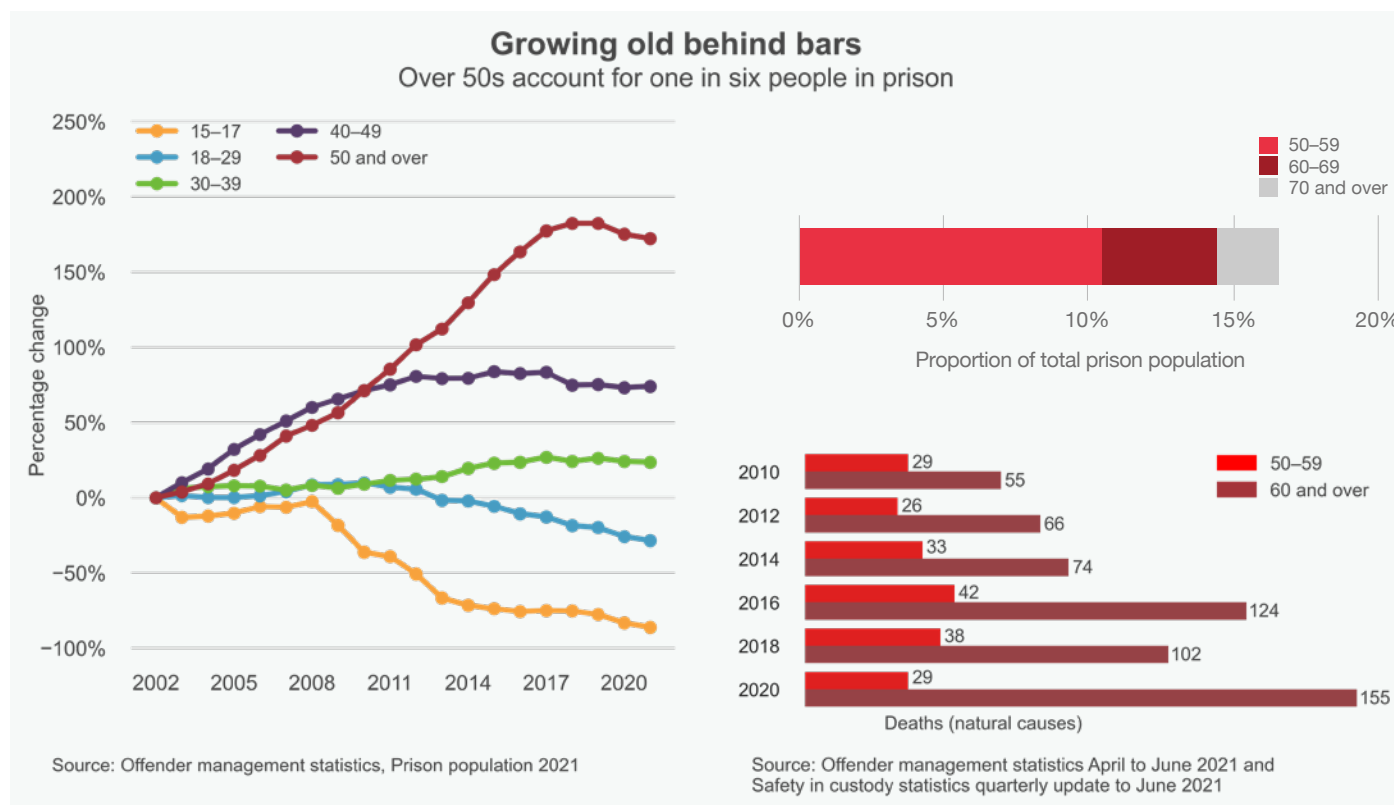
<sup>165</sup> Ministry of Justice (2021) Prison population projections 2021 to 2026, London: Ministry of Justice

<sup>166</sup> House of Lords written question HL10578, 23 November 2020

<sup>167</sup> House of Lords written question HL10422, 17 November 2020

<sup>168</sup> House of Lords written question HL2097, 27 October 2017

<sup>169</sup> Table A1.16, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice



## Treatment and conditions

**184 people aged 50 or over died of natural causes whilst in prison in 2020**—more than twice the number that died a decade ago.<sup>170</sup>

**Older people in prison are much more likely to suffer from chronic disease, disability, decreased mobility, and sensory impairment than other prisoners.** As many as 85% of people in prison over 60 may have some form of major illness.<sup>171</sup>

**Inspectors found that provision for older people in prison remains variable and underdeveloped.** Whilst some prisons offered good facilities and age-specific activities, others had no specific provision and little meaningful activity for those not in work—in some prisons inspectors found retired people in prison locked up for most of the day.<sup>172</sup>

**Inspectors found that many older prisoners with mobility issues have been unable to clean themselves or their cells due to lack of a support during the pandemic.** Inspectors spoke to one prisoner who had been unable to shower for the previous seven months.<sup>173</sup>

**Older people in prison interviewed on entering prison for the first time often suffered from ‘entry shock’.** This was made worse by a lack of information and an unfamiliarity with prison regimes and expectations. Delays in accessing health care and receiving medication were a particular cause of concern.<sup>174</sup>

## Resettlement

**A National Institute for Health Research study found that release planning for older people in prison was frequently non-existent.** The lack of information received by prisoners in preparation for their release caused high levels of anxiety. Many reported minimal or no contact from probation workers or offender managers.<sup>175</sup>

<sup>170</sup> Table 1.3, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

<sup>171</sup> House of Commons Justice Committee (2020) Ageing prison population, London: HM Stationery Office

<sup>172</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>173</sup> Table 1.3, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

<sup>174</sup> Senior, J., et al. (2013) Health and social care services for older male adults in prison: the identification of current service provision and piloting of an assessment and care planning model. Health Services and Delivery Research 2013,1, Southampton: NIHR Journals Library

<sup>175</sup> Ibid.

## People with neurodivergent conditions

There is no universally accepted definition of neurodivergency, but it is generally understood to include a wide range of conditions including learning disabilities and difficulties, acquired brain injuries, ADHD, and autism. People with neurodivergent conditions are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. They are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour.

A joint inspection of the treatment of offenders with learning disabilities, published in 2015, found that improvements to services for this group have been limited and slow to implement; there was evidence that many prisons and probation trusts were either unaware of or unwilling to implement National Offender Management Service instructions and the Equality Act 2010, with probation and prison leaders often unclear of their statutory duty to make reasonable adjustments to services for people with a disability.<sup>176</sup>

Currently there is no reliable, consistent or systematic data collection regarding neurodivergency within the justice system. A review into the evidence around neurodivergency in the criminal justice system was published in 2021. The review recommended a coordinated and cross-governmental approach to improve outcomes for neurodivergent people following a national strategy developed together with people with personal experience of neurodivergence. Other recommendations included the use of a common screening tool for universal use at all levels of criminal justice system, to allow for more accurate assessment of the prevalence of neurodivergent conditions and promote consistent treatment. It also recommended a program of specialised training for front-line staff.<sup>177</sup>

A recent review estimates that around half of those entering prison have some form of neurodivergent condition which impacts their ability to engage. This is much higher than in the outside community, where the working consensus among professionals is that around 15–20% of individuals have at least one neurodivergent condition.<sup>178</sup>

**Around three in ten people (29%) were identified as having a learning disability or difficulty following assessment on entry to prison in 2019–20.**<sup>179</sup>

**Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule, they are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.**<sup>180</sup>

**Prisoners with learning disabilities or difficulties were almost three times as likely as other prisoners to have clinically significant anxiety or depression**—many were both anxious and depressed.<sup>181</sup>

**The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.**<sup>182</sup>

**The roll-out of liaison and diversion services achieved 100% coverage across England in March 2020.**<sup>183</sup>

**A study has estimated that a quarter (25%) of people in prison have an attention deficit/hyperactivity disorder (ADHD), around one in 10 (9%) have an autism spectrum disorder, and around one in 10 (9%) have an intellectual disability.**<sup>184</sup>

**A recent EHRC report into inclusive justice found that three out of four criminal justice professionals in England and Wales said that defendants' impairments were sometimes or always missed.**<sup>185</sup>

<sup>176</sup> Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

<sup>177</sup> Criminal Justice Joint Inspection (2015) A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system, London: HM Inspectorate of Prisons

<sup>178</sup> Criminal Justice Joint Inspection (2021) Neurodiversity in the criminal justice system, London: HM Inspectorate of Prisons

<sup>179</sup> Ministry of Justice (2021) Prison education 2019–20, London: Ministry of Justice

<sup>180</sup> Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

<sup>181</sup> Ibid.

<sup>182</sup> Department of Health website, accessed on 20 September 2021, available at <https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>

<sup>183</sup> House of Commons written question 249321, 11 November 2019

<sup>184</sup> Young, S. et al. (2018) Neurodevelopmental disorders in prison inmates: comorbidity and combined associations with psychiatric symptoms and behavioural disturbance, Psych. Res., 216, 109

<sup>185</sup> Equality and Human Rights Commission (2020) Inclusive justice: a system designed for all, London: EHRC

## Foreign nationals in prison

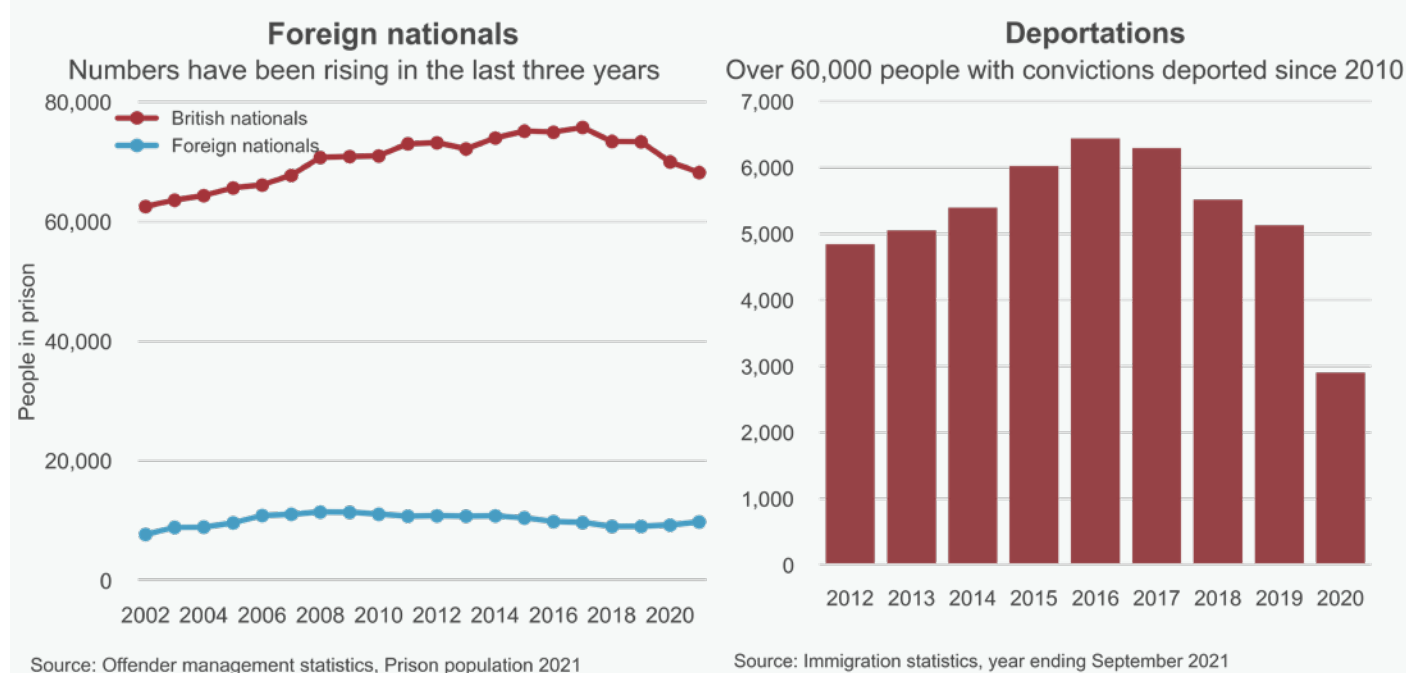
The term ‘foreign national prisoner’ encompasses many different people. People may have come to the UK as children with parents; they may be second generation immigrants—often from former colonies; asylum seekers; people who have been given indefinite leave to remain as refugees; European and European Economic Area nationals or Irish nationals; people who have been trafficked into the country; people who would be persecuted if they returned to their country of origin; people who were entering or leaving the UK on false documents and were arrested at port of entry/exit; people who have entered the UK illegally; people who entered the UK as students and have over stayed on their visa; visitors or workers who have got involved in the criminal justice system.

All foreign national prisoners who have been sentenced to a period of imprisonment of 12 months or more are subject to automatic deportation from the UK unless they fall within defined exceptions. People contesting their deportation because they have family in the UK are no longer entitled to legal aid.

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of arrangements are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place. However transfers within the EU, and to Nigeria and Albania can take place without the consent of the prisoner; the implications of the decision to leave the EU on the transfer agreement are as yet unclear. The government announced a deal in 2018 with the Nigerian government to construct a prison in wing in Kiri Kiri prison, Lagos in order to aid deportation. The government has confirmed that this is no longer going ahead “due to the challenges associated with design and cost”.<sup>186</sup>

People who have completed their sentence but are not UK nationals continue to be held in prison, released or moved to an immigration detention centre.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced a new Tariff Expired Removal Scheme (TERS) for foreign nationals serving an indeterminate prison sentence. The scheme allows those who are confirmed by UK Visas and Immigration to be liable for removal from the UK, to be removed from prison and the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. TERS is mandatory; all foreign nationals serving an indeterminate prison sentence who are liable must be considered for removal under the scheme.



<sup>186</sup> Foreign and Commonwealth Office, Freedom of Information request, 0713-19, available at <https://corporatewatch.org/wp-content/uploads/2019/10/FOI-Nigeria-Prison.pdf>

**Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales.** On 30 September 2021 there were 9,812 foreign nationals in prison.<sup>187</sup>

**Foreign national prisoners come from 168 countries**—but over half are from eight countries (Albania, Poland, Romania, Ireland, Jamaica, Lithuania, Pakistan and Somalia).<sup>188</sup>

**The proportion of foreign nationals in prison in England and Wales has begun to rise.** Between 2002–09 numbers rose by nearly 50%, compared with a 14% increase in British nationals. In the subsequent decade numbers fell, but have risen again in the last three years.<sup>189</sup>

**Nearly one in 10 women (9%) in prison are foreign nationals.**<sup>190</sup> Some are known to have been coerced or trafficked into offending.<sup>191</sup>

**A quarter of foreign nationals are in prison for drug offences (26%) or for violence against the person (24%).** One in eight are in prison for sex offences (13%) or for miscellaneous crimes against society (12%).<sup>192</sup>

**Inspectors found that provision for foreign nationals was mixed.** Interpreting services were under-used and prisoners struggled to access immigration-specific legal advice from independent sources.<sup>193</sup>

**Foreign nationals were more likely to say they felt unsafe, that they spent more time in their cells, and that they wouldn't have a staff member to turn to if they had a problem, according to inspectors.**<sup>194</sup>

## Removal and deportation

**143 foreign nationals were held for 6 months or more awaiting deportation in the year to September 2021.**<sup>195</sup>

**3,379 people were either removed or voluntarily returned to their home country in the year to September 2021 following conviction of a criminal offence.** More than half (55%) of those returned were EU nationals.<sup>196</sup>

## Immigration detainees

**648 people were still held in prison at the end of September 2021 under immigration powers, despite having completed their custodial sentence.**<sup>197</sup> Inspectors found that some people were notified late on in their sentences that they would continue to be held under immigration powers—in some cases the day before their sentence ended.<sup>198</sup>

**Unlike those held in prisons under immigration powers, people held in Immigration Removal Centres are entitled access to mobile phones, the internet, legal advice and additional safeguards.**<sup>199</sup>

**Inspectors describe conditions in Immigration Removal Centres as very similar to prison, describing disproportionate levels of physical security, use of strip-searching and handcuffs as well as long periods of confinement.** Many detainees report feeling suicidal and levels of self-harm are on the increase.<sup>200</sup>

**The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has stated that holding immigration detainees in prison is “fundamentally flawed”.**<sup>201</sup>

<sup>187</sup> Table 1.7, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>188</sup> Table A1.12i, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>189</sup> Ibid.

<sup>190</sup> Table 1.7, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>191</sup> Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

<sup>192</sup> House of Lords written question HL10579, 23 November 2020

<sup>193</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>194</sup> Ibid.

<sup>195</sup> Table Det\_03c, Home Office (2021) Immigration statistics year ending September 2021, London: Home Office

<sup>196</sup> Table Det\_D03, Ibid.

<sup>197</sup> Table Det\_03a, Ibid.

<sup>198</sup> HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>199</sup> HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

<sup>200</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>201</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2013) CPT Standards, Strasbourg: Council of Europe



## Women in prison

Women are a minority within the criminal justice system, accounting for around 9% of the probation caseload and 4% of the prison population. The drivers to their offending differ significantly from men's and they often have more complex needs.

A series of inquiries and reports in recent decades have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who offend, including the influential Corston Report on women with particular vulnerabilities in the criminal justice system—published over a decade ago.

In June 2018, the Ministry of Justice published its long awaited Female Offender Strategy “to improve our collective approach to female offenders and make society safer by tackling the underlying causes of offending and reoffending”.<sup>202</sup> It promises a focus on early intervention, community-based solutions and better custody for those women who do have to be in prison. It recognises the evidence base for a distinct approach to women and the case for a local “whole systems approach”. In September 2018 a cross-government Victims Strategy was published, promising to “use trauma-informed approaches to support female offenders who are also victims”. The Government also commissioned Lord Farmer to “look at women in the criminal justice system through the lens of family and other relational ties”. Lord Farmer reported in June 2019, noting that his recommendations “will need investment, from both national and local budgets, in women’s centres, domestic abuse and other community services and inside prisons...a relatively modest investment will go a long way.”<sup>203</sup> Despite this, the Ministry of Justice has announced plans to build 500 new prison places for women in existing prisons at an estimated cost of £150m.<sup>204</sup>

Ministers in England, Wales and Scotland have all committed to reducing women’s imprisonment. For data on women in Scotland and Northern Ireland please see page 62 and 65.

### Use of custody

**On 7 January 2022 there were 3,186 women in prison in England and Wales.**<sup>205</sup> 4,787 women entered prison in the year to June 2021—either on remand or to serve a sentence.<sup>206</sup>

**Many women remanded into custody don’t go on to receive a custodial sentence**—in 2019, seven in 10 (70%) women remanded by the magistrates’ court and nearly three-fifths (59%) tried by the Crown Court didn’t receive a custodial sentence.<sup>207</sup>

**Most women entering prison to serve a sentence (72%) have committed a non-violent offence.**<sup>208</sup>

**In 2020 more women were sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, drug offences and motoring offences combined.**<sup>209</sup>

**The proportion of women being sent to prison to serve very short prison sentences has risen sharply.** In 1993 only a third of custodial sentences given to women were for less than six months—in 2020 it was almost three in five (58%).<sup>210</sup>

### Rehabilitation and resettlement

**58% of women are reconvicted within one year of leaving prison.** This rises to 73% for sentences of less than 12 months and to 83% for women who have served more than 11 previous custodial sentences.<sup>211</sup>

**Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.**<sup>212</sup>

**Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release.**<sup>213</sup> However, just 4% of women were in paid employment six weeks after release from custody—compared to 11% of men.<sup>214</sup>

<sup>202</sup> Ministry of Justice (2018) Female offender strategy, London: Ministry of Justice, available at <https://www.gov.uk/government/publications/female-offender-strategy>

<sup>203</sup> Lord Farmer (2019) The importance of strengthening female offenders’ family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

<sup>204</sup> House of Commons written question 164487, 16 March 2021

<sup>205</sup> Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice

<sup>206</sup> Table 2.1, Ibid.

<sup>207</sup> Ministry of Justice (2020) Criminal justice system statistics quarterly: December 2019— Remands: magistrates’ court data tool and Remands: Crown Court data tool, London: Ministry of Justice

<sup>208</sup> Table A2.9i, Ministry of Justice (2021) Offender management statistics quarterly, Prison receptions 2020, London: Ministry of Justice

<sup>209</sup> Ibid.

<sup>210</sup> Table A2.7, Ministry of Justice (2021) Offender management statistics quarterly, Prison receptions 2020, London: Ministry of Justice

<sup>211</sup> Tables 7.09, 7.10 and 7.08, Ministry of Justice (2018) Women and the criminal justice system 2017, London: Ministry of Justice

<sup>212</sup> Hedderman, C. and Jolliffe, D. (2015) The Impact of Prison for Women on the Edge: Paying the Price for Wrong Decisions, Victims & Offenders: An International Journal of Evidence-based Research, Policy, and Practice. 10, 152–178

<sup>213</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>214</sup> Table 11, Ministry of Justice (2021) Community performance quarterly MI, update to March 2021, Employment circumstances, London: Ministry of Justice



Women make up only

# 4%

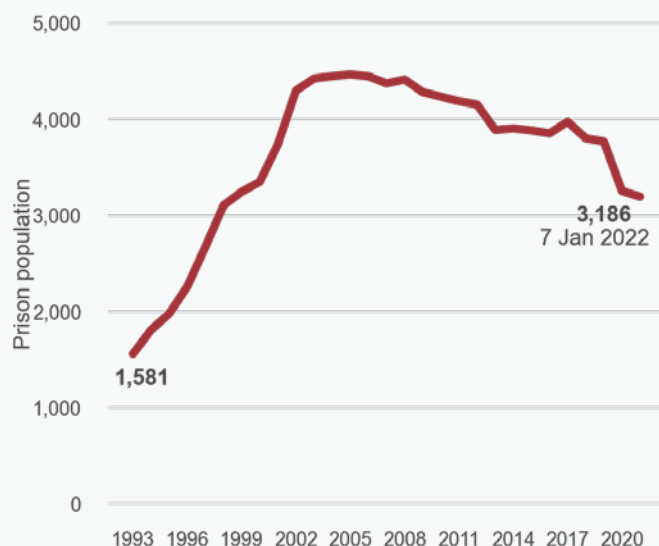
of the total prison population

# 4,787

women entered prison in the year to June 2021—either on remand or to serve a sentence

Source: Population and capacity briefing for 19 November 2021 and Offender management statistics quarterly: April to June 2021

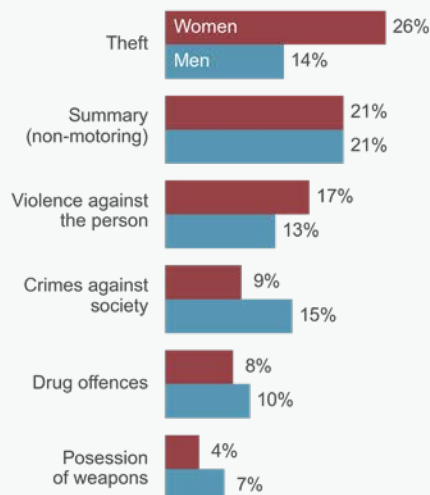
Despite a recent decline there are still twice as many women in prison today as there were 29 years ago



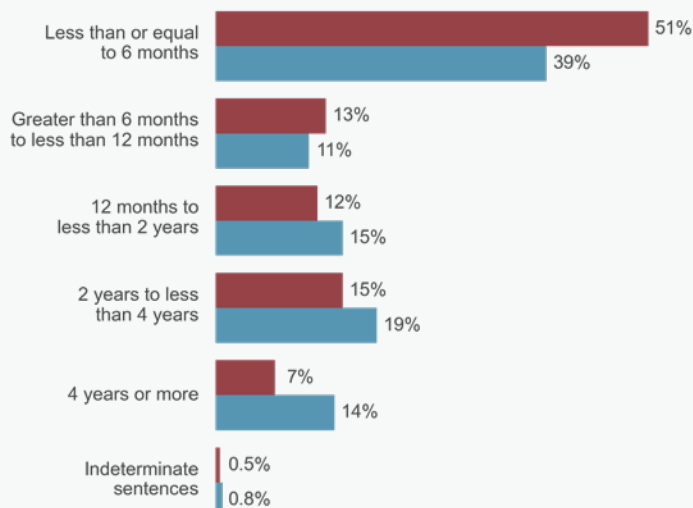
Source: Offender management statistics, Prison population 2021 and Population and capacity briefing for 7 January 2022

## Women tend to commit less serious offences—many serve prison sentences of less than 12 months

People entered prison for committing the following offences and to serve the following sentences\*

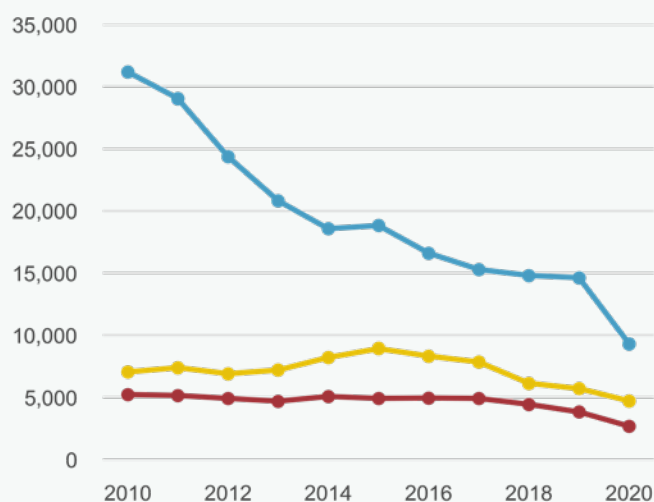


Source: Offender management statistics quarterly: April to June 2021



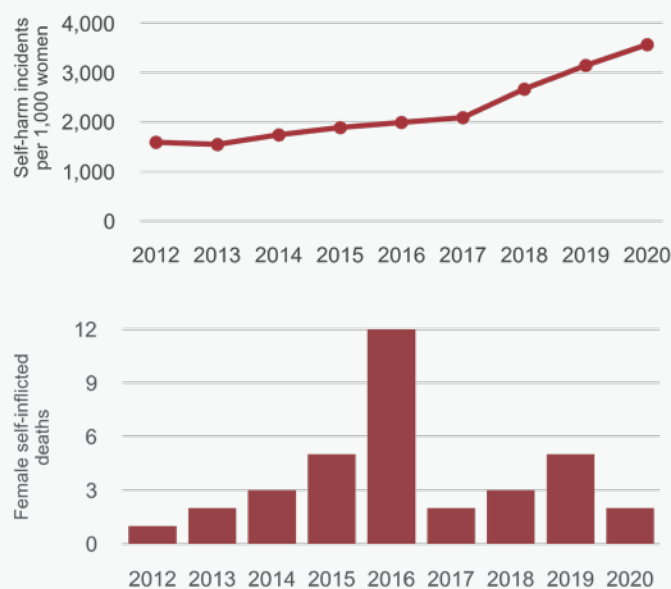
\*Receptions into prison in the year to June 2021

Community sentences for women have declined by two-thirds in a decade. Use of suspended sentences is also down—they account for only 3% of all sentences. Use of very short prison sentences has slightly declined



Source: Criminal justice statistics quarterly December 2020, Sentencing data tool

Many women in prison have high levels of mental health needs and histories of abuse. Rates of self-harm are currently at a record high



Source: Safety in custody statistics quarterly update to June 2021

**Half of women (50%) left prison without settled accommodation in 2020–21.**<sup>215</sup>

## Family

**Family contact can help address the causes of reoffending on release.**<sup>216</sup> But keeping in touch is often made more difficult by being held in prison many miles away from home. The average distance for women is 46 miles, but is often significantly more.<sup>217</sup> The closure of HMP Holloway increased this further according to inspectors.<sup>218</sup>

**More than 17,500 children were estimated to be separated from their mother by imprisonment in 2020.**<sup>219</sup> Information on the caring responsibilities of women in prison and children living in the community is not recorded centrally. The government has stated it is considering how to monitor and publish this information.<sup>220</sup>

**15 babies were held in prison in a mother and baby unit (MBU) in March 2021.** 31 babies were born to women held in prison in the year to March 2021.<sup>221</sup>

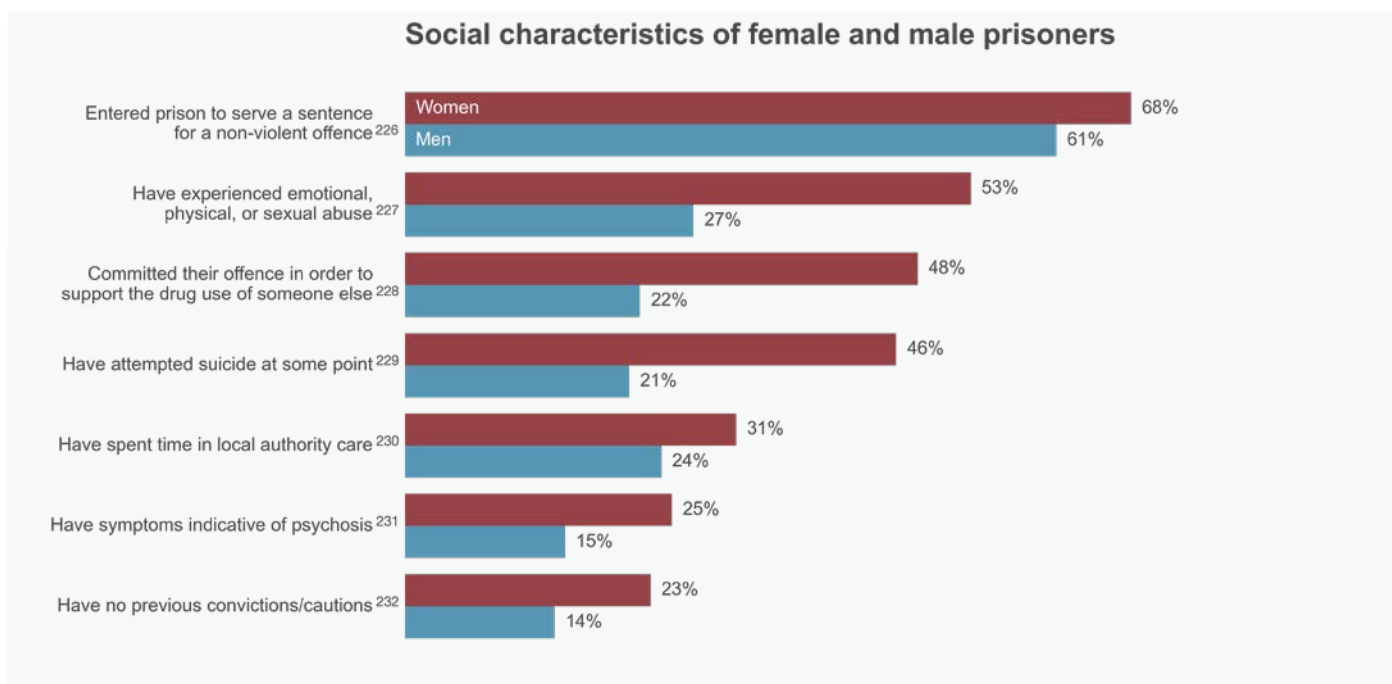
**Applications for admission to an MBU were successful in only three out of five cases (60%) where a board made a decision.** 27 women moved into a unit in 2020–21.<sup>222</sup>

## Mental health and addictions

**More than seven in 10 of women (71%) reported that they had a mental health problem compared with nearly half of men (47%).**<sup>223</sup>

**More than half (59%) of women in prison who drank in the four weeks before custody thought they had a problem with alcohol.** 52% thought their drinking was out of control, and 41% wished they could stop.<sup>224</sup>

**Nearly half of women reported needing help with a drug problem on entry to prison—compared with nearly three in 10 men.**<sup>225</sup>



<sup>215</sup> Table 11, Ministry of Justice (2021) Community performance quarterly MI, update to March 2021, Accommodation circumstances, London: Ministry of Justice

<sup>216</sup> Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons

<sup>217</sup> House of Commons written question 51585, 28 September 2021

<sup>218</sup> HM Chief Inspector of Prisons (2017) Annual report 2016–17, London: HM Stationery Office

<sup>219</sup> Kincaid, S. et al. (2019) Children of Prisoners: Fixing a broken system, Crest Advisory, London: Crest Advisory

<sup>220</sup> House of Commons written question 125243, 14 December 2020

<sup>221</sup> Table 11.1, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2020 to 2021, London: Ministry of Justice

<sup>222</sup> Ibid.

<sup>223</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>224</sup> Table A28, A24 and A27, Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

<sup>225</sup> Ibid.

<sup>226</sup> Table 2.5b, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

<sup>227</sup> Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

<sup>228</sup> Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

<sup>229</sup> Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

<sup>230</sup> Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

<sup>231</sup> Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

<sup>232</sup> Table A1.20, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

## Children in prison

There is one Secure Training Centre (STCs), five Young Offender Institutions (YOIs) and 14 Secure Children's Homes (SCHs) to hold children in custody in England and Wales.

Children in prison during the pandemic have been treated in the same way as adults, despite their vulnerability and needs, and the modest danger that Covid-19 poses to their health.<sup>233</sup> Education initially stopped completely, with the exception of HMP Parc, in contrast to conditions in the wider community. Use of restraints and self-harm figures discussed below contain data up until March 2020, ie before the pandemic. Many inspectorate reports during the pandemic expressed concern at the rise in restraints and expressed serious safeguarding concerns. It is too early to assess the damage these conditions have caused to children in the care of the state.<sup>234</sup>

### Use of custody

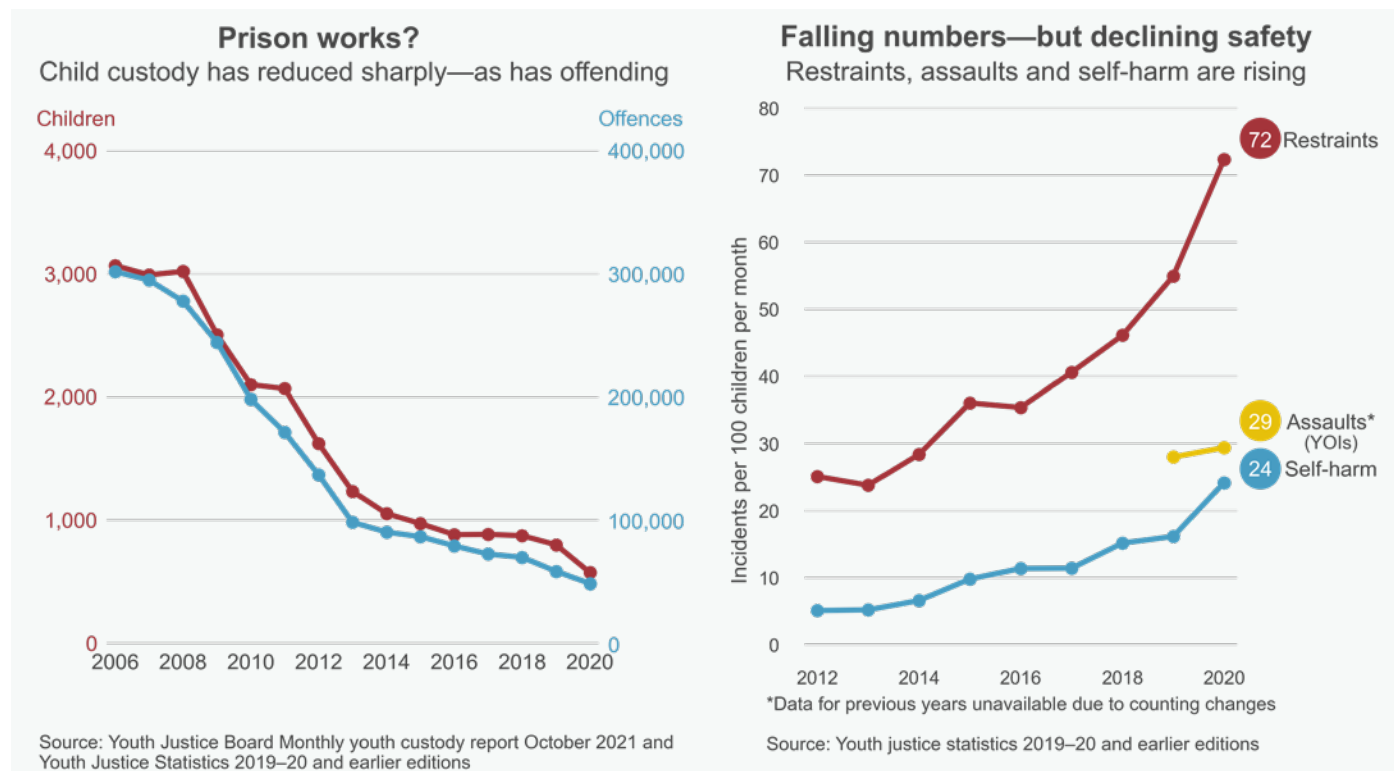
**The number of children (under-18s) in custody has fallen by more than three-quarters (77%) in the last decade.**<sup>235</sup> They are also committing fewer crimes—proven offences in 2020 decreased by 75% compared to 2010.<sup>236</sup>

**At the end of October 2021 there were 449 children in custody in England and Wales.** 15 children were aged 14 or younger.<sup>237</sup>

**Around three in 10 (29%) children in custody in 2019–20 were there for non-violent crimes.**<sup>238</sup>

**More than three in 10 (31%) children in custody are on remand.**<sup>239</sup> For the latest figures available at time of publication, including 18 years olds, the proportion rises to more than four in 10 (43%).<sup>240</sup>

**Two-thirds of children remanded in custody in the year to March 2020 were either subsequently acquitted (30%) or given a non-custodial sentence (36%).**<sup>241</sup>



233 Joint Committee on Vaccination and Immunisation (2020) Minutes of 8th meeting of Covid-19 subcommittee 12 November 2020, London: JCVI

234 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and, for example: HM Chief Inspector of Prisons (2021) A monitoring visit of Oakhill Secure Training Centre, 13 September 2021, London: HM Stationery Office and HM Chief Inspector of Prisons (2021) A monitoring visit of Rainsbrook Secure Training Centre, 7–11 June 2021, London: HM Stationery Office

235 Table 1, Youth Custody Service (2021) Monthly youth custody report—October 2021, London: Ministry of Justice

236 Table 4.1, Ministry of Justice (2021) Youth justice statistics 2019–20 England and Wales, London: Ministry of Justice

237 Tables 2.1 and 2.9, Youth Custody Service (2021) Monthly youth custody report—October 2021, London: Ministry of Justice

238 Table 7.6, Ministry of Justice (2021) Youth justice statistics 2019–20, London: Ministry of Justice

239 Table 7.4, Ibid.

240 Table 2.5, Youth Custody Service (2021) Monthly youth custody report—October 2021, London: Ministry of Justice

241 Table 6.6, Ministry of Justice (2021) Youth justice statistics 2019–20, London: Ministry of Justice

**Nearly half of all children in custody (49%) are from a black, Asian or minority ethnic background.** The drop in youth custody has not been as significant for BAME children—the number of BAME children has fallen by 45% compared with 62% for white children.<sup>242</sup>

**Children in care were five times more likely to be sanctioned for an offence than children in the general population in 2016.**<sup>243</sup> Fewer than 1% of all children in England are in care,<sup>244</sup> but they make up 52% of children in secure training centres (STCs) and young offender institutions (YOIs).<sup>245</sup>

**More than one in seven children (15%) in STCs said they were Gypsy, Roma or Traveller**—over a hundred times greater than the estimated proportion in the general population. A further 8% of children in YOIs also identified as Gypsy, Roma or Traveller.<sup>246</sup>

## Safety in custody

**Two of the three STCs in England and Wales (Rainsbrook STC and Oakhill STC) were declared inadequate and issued with urgent notifications in 2020 due to serious and widespread concerns about the care and safety of children, leadership, and staffing.** Both centres were privately run. Inspectors were particularly concerned about excessive and untrained use of force and restraints, levels of violence, poor leadership, poor education and poor healthcare provision.<sup>247</sup>

**Children's perceptions of their safety continues to be poor.** More than one in three children held in YOIs (35%), and in STCs (34%) told inspectors that they had felt unsafe where they are held.<sup>248</sup>

**The use of separation is widespread across the children's estate despite inspectors observing many serious failings locally and nationally.** Inspectors found children who were unable to shower or were limited to just 15 minutes out of cell a day, as well as conditions that amounted to solitary confinement.<sup>249</sup>

**Restraint of children in custody continues to rise, with an average of 623 incidents a month.** In the year to March 2020, there were 72 incidents of restraint per 100 children in custody, up from 18 in 2010.<sup>250</sup>

**The rate of self-harm in the children's estate is at a record high, and the rate is particularly high in STCs.** There were 47 self-harm incidents per 100 children in STCs in 2020 compared with four in 2016, over 10 times higher than just four years ago.<sup>251</sup>

## Family

**Only one in three children held in YOIs (35%) and STCs (33%) said that it was quite easy or very easy for family or friends to visit.**<sup>252</sup>

**Nearly one in 10 children held in YOIs (8%) and STCs (9%) reported having children themselves.**<sup>253</sup>

## Education and skills

**The educational background of children in custody is poor**—nearly nine out of 10 children (89%) in YOIs said they had been excluded from school.<sup>254</sup>

**Over two-fifths (42%) said that they were aged 14 or younger when they were last at school.**<sup>255</sup>

**85% of children in YOIs said they were taking part in education in custody before the pandemic.** Only 16% said they were in offending behaviour programmes, 8% had a job, and 5% were in vocational or skills training.<sup>256</sup>

242 Table 2.7, Youth Custody Service (2021) Monthly youth custody report—October 2021, London: Ministry of Justice

243 Table I1, Department for Education (2017) Children looked after in England including adoption: 2016 to 2017, London: DfE

244 Table A1, Department for Education (2020) Children looked after in England including adoption: 2019 to 2020, London: DfE and

Table MYE1, Office for National Statistics (2021) Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, mid-2020, London: ONS

245 HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

246 Ibid. and Office for National Statistics (2014) 2011 Census analysis: What does the 2011 Census tell us about the Characteristics of Gypsy or Irish Travellers in England and Wales?, London: ONS

247 The government website, accessed on 19 October 2021, available at: <https://www.gov.uk/government/news/inspectors-urgent-action-needed-at-oakhill-secure-training-centre> and

The government website, accessed on 19 October 2021, available at: <https://www.gov.uk/government/publications/second-urgent-notification-for-rainsbrook-secure-training-centre>

248 HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

249 HM Inspectorate of Prisons (2020) Separation of children in young offender institutions, London: HMIP

250 Table 8.3, Ministry of Justice (2021) Youth justice statistics 2019–20 England and Wales and previous editions

251 Table 8.9, Ibid.

252 HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

253 Ibid.

254 HM Inspectorate of Prisons (2019) Children in custody 2017–18, London: HM Stationery Office

255 Ibid.

256 HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

## Young adults in prison

Whilst the DYOI sentence (a custodial sentence specifically for young adults) classifies young adults as aged 18–20, HMPPS policy and practice increasingly recognises that the process of brain development and maturity takes place up to the age of 25. We have adopted the HMPPS definition of young adult as aged 18–24 and have included data for this group where available.

Both the House of Commons Justice Committee and Lord Harris' review into self-inflicted deaths in custody of young adult men aged 18 to 24 called for a legal recognition of the concept of 'maturity', and for this to inform decisions relating to diversion, sentencing and, where a custodial sentence must be given, how and where a young adult should be accommodated. Despite this, the PCSC Bill contains many provisions that undermine the protection afforded to people on the grounds of immaturity, including, for example, removing their exclusion from receiving whole life orders.

A recent HMIP thematic report concluded that outcomes remain generally poor for young adults compared to those aged 25 or older. The report found that there has been a reduction of services for young adults and that in general there is no difference between how young adults are treated compared with adult prisoners. Inspectors stated that there has been little progress since their previous report in 2006, and recommended HMPPS develop and resource a national strategy for young adult prisoners.<sup>257</sup>

**11,703 young adults are currently in prison in England and Wales**—they account for 15% of the total prison population.<sup>258</sup>

**There are now 42% fewer young adults in prison in England and Wales than 15 years ago.**<sup>259</sup>

**18–20 year olds have the highest level of black, Asian and minority ethnic (BAME) over-representation in the adult prison estate of all age groups.** If our prison population reflected the make-up of England and Wales, we would have 2,850 fewer BAME young adults in prison.<sup>260</sup>

**Around one in three (34%) 18–20 year olds in prison are serving a sentence for violence against the person, around one in five (19%) for drug offences, and nearly one in six (15%) for robbery.**<sup>261</sup>

**Increasing numbers of young people are entering prison to serve life sentences.** There are 1,400 people in prison serving a life sentence with a tariff of 15 years or more, who were sentenced at age 25 or younger. Since 2013, this population has grown more than half (52%).<sup>262</sup>

**Young adults accounted for more than a fifth (22%) of all self-harm incidents in prison in 2020.**<sup>263</sup>

**Young adults were also responsible for initiating over 4,950 assaults in 2020, more than a third (35%) of all such incidents.** This is an increase of more than 50% on the number of assaults a decade ago—when the population was significantly higher.<sup>264</sup>

**Purposeful activity, such as education and training opportunities, in young adult prisons is poor compared with adult prisons.** Of the two young adult prisons inspected in 2019–20, one was rated as not sufficiently good for purposeful activity, and one was rated as poor.<sup>265</sup>

**6% of young adults are on the basic level of the Incentives and Earned Privileges (IEP) scheme—almost half the proportion that were in 2019 (11%).**<sup>266</sup>

**Inspectors found that the IEP scheme was the least effective in young adult prisons.** A focus on punitive measures and an inadequate regime for people on basic meant that many spent long periods on the lowest levels without any improvement in their behaviour.<sup>267</sup>

<sup>257</sup> HM Inspectorate of Prisons (2021) Outcomes for young adults in custody, London: HM Stationery Office

<sup>258</sup> Table 1.3, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice.

<sup>259</sup> Table A1.7, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice.

<sup>260</sup> Table 11, Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice

<sup>261</sup> Table A1.4i, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>262</sup> Prison Reform Trust (2021) Long-term prisoners: the facts, London: Prison Reform Trust

<sup>263</sup> Table 2.3, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2021, London: Ministry of Justice

<sup>264</sup> Table 3.3, Ibid.

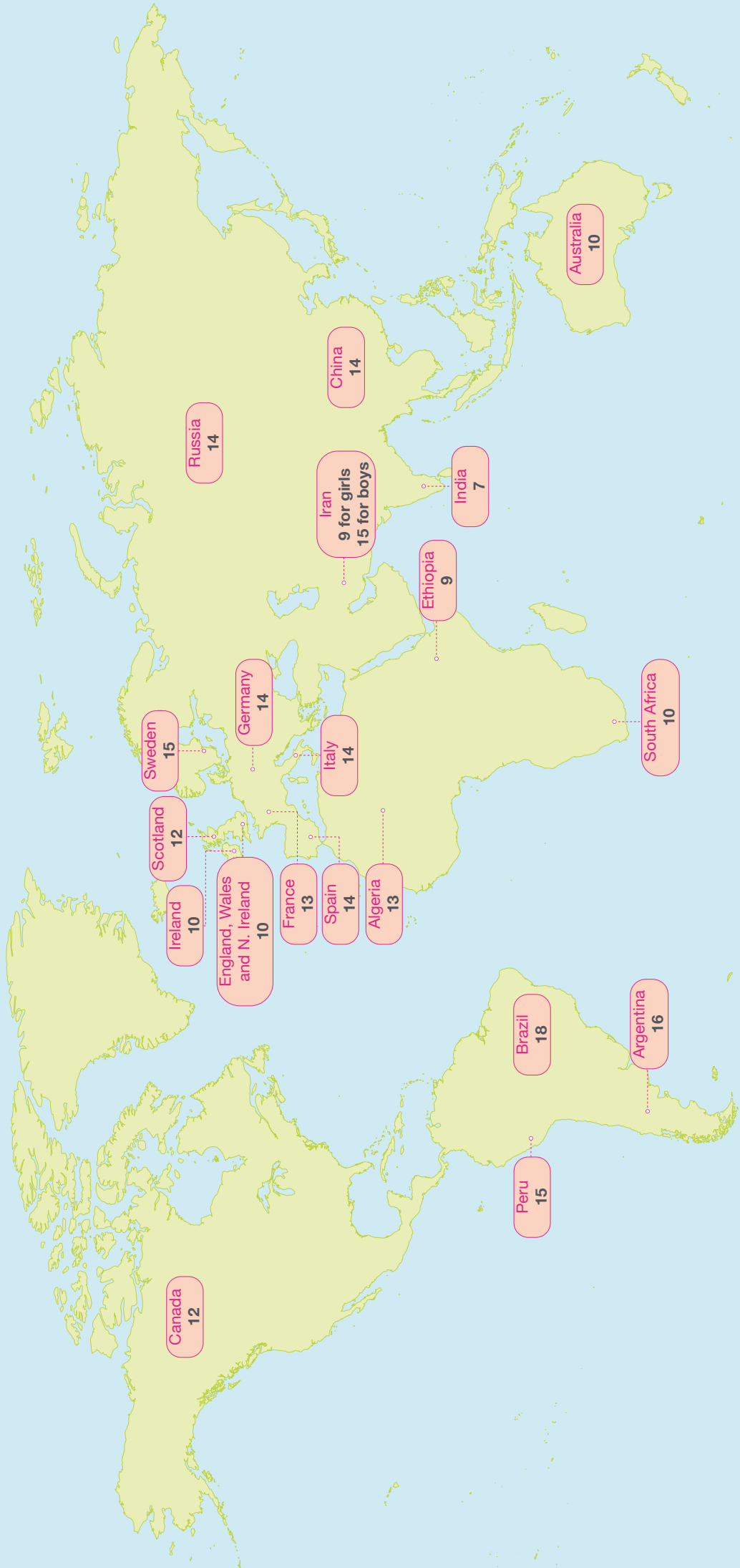
<sup>265</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>266</sup> Table 4.1, Ministry of Justice (2020) HM Prison and Probation Service offender equalities annual report: 2019 to 2020, London: Ministry of Justice

<sup>267</sup> HM Inspectorate of Prisons (2018) Incentivising and promoting good behaviour, London: HM Stationery Office



Youngest age at which a person may be prosecuted  
in a criminal trial



Other approaches to children's criminal responsibility

**Sweden**

No sanction can be imposed for a crime committed before the age of 15. Imprisonment may only be imposed on under 18s if there are extraordinary reasons for it.

**Algeria**

Before the age of 18, children have their cases dealt with by the Court for Minors. It cannot impose criminal sanctions on children under 13 but can impose measures of protection or re-education. Criminal sanctions are available for children aged 13-18, but are at a reduced level to adults.

**France**

Whilst 13 is the youngest age someone can be subject to criminal sanctions, France has a graduated system of penalties. This includes educative sanctions for children aged 10-13. Criminal sanctions for 13-15 year olds are half that of adults, with full criminal sanctions available from age 16.

**China (exc. Hong Kong & Macau)**

14 is the age of criminal responsibility for serious offences such as homicide, rape, robbery and drug trafficking. However, for other less serious offences criminal responsibility begins at 16. Less severe punishments are given to those under 18.



# HEALTH IN PRISON

## Drugs and alcohol

The findings of a recent review into drugs policy conducted by Dame Carol Black have been published. It estimates that more than a third of people in prison are there due to crimes relating to drug use. Of these, three in five people are serving sentences related to drug addiction, such as theft, and the remaining two in five have been convicted of a specific drug offence—such as possession or trafficking. They are generally serving very short sentences and are highly likely to both have an extensive offending history and reoffend in the future. The review found that drugs were easily available in prison, and that increased demand for drugs was closely linked to a lack of purposeful activity available to people in prison.<sup>268</sup>

A 2017 study found that receiving treatment for drug and alcohol addictions in the community can reduce offending. More than two-fifths of people (44%) didn't reoffend, and there was a 33% reduction in the number of offences committed in the two years following treatment.<sup>269</sup> In January 2021 the government announced £80m of funding to expand drug treatment services in England, intended to address offenders' substance misuse and reduce drug-related deaths and crime.<sup>270</sup>

Response to surveys as well as interviews suggest that the drug supply in prisons has reduced during the pandemic. Unless otherwise stated figures and graphs refer to conditions preceding the pandemic.

### Drugs

**An estimated one in three people in prison are suffering from a serious drug addiction.**<sup>271</sup>

**88 men died in prison between 2008 to 2016 as a result of drug-related issues.**<sup>272</sup>

**A quarter of people (25%) report that it is easy to get drugs in their prison.**<sup>273</sup> This is down from 45% before the pandemic.<sup>274</sup>

**The number of drug seizures continues to rise.** There were 21,575 incidents where drugs were found in 2020, a rise of 18% compared with the previous year, and over twice the number just three years ago.<sup>275</sup>

**However, this has not been accompanied by a reduction in drug consumption.** One in 10 (11%) random mandatory drug tests (MDT) in prison in 2020 were positive—a rise of 50% since 2015. This increases to 14% when psychoactive substances are included.<sup>276</sup>

**Positive tests for psychoactive substances (PS) are decreasing.** Around 4% of MDTs in 2020 were positive for PS—a reduction of almost a third in two years.<sup>277</sup>

**Substance use is often the result of a combination of poor living conditions and a lack of purposeful regime according to inspectors.** They also found that a quarter of prisons inspected in 2019–20 had no effective drug supply reduction strategy, similar to previous years.<sup>278</sup>

**More than one in 10 adult men (14%) and women (12%) surveyed by inspectors reported that they had developed a problem with illicit drugs since they had arrived at prison.**<sup>279</sup>

**There were 117 deaths in prison between June 2013 and September 2018, where the person was known, or strongly suspected, to have used or possessed psychoactive substances before their death.**<sup>280</sup>

**One in six men (16%), and one in seven women (14%) serving a sentence in prison are there for drugs offences.**<sup>281</sup>

<sup>268</sup> Home Office (2020) Review of drugs: phase one report, London: Home Office

<sup>269</sup> Ministry of Justice and Public Health England (2017) The impact of community-based drug and alcohol treatment on re-offending, London: Ministry of Justice

<sup>270</sup> Government website, accessed on 12 October 2021, <https://www.gov.uk/government/news/148-million-to-cut-drugs-crime>

<sup>271</sup> Home Office (2020) Review of drugs: phase one report, London: Home Office

<sup>272</sup> Office for National Statistics (2019) Drug-related deaths and suicide in prison custody in England and Wales: 2008 to 2016, London, ONS

<sup>273</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>274</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>275</sup> Table 9.2b, Ministry of Justice (2020) HM Prison and Probation Service annual digest: 2019–20, London: Ministry of Justice

<sup>276</sup> Table 7.1, Ibid.

<sup>277</sup> Ibid.

<sup>278</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>279</sup> Ibid.

<sup>280</sup> Freedom of Information request by the Prison Reform Trust to the Prisons and Probation Ombudsman

<sup>281</sup> Table 1.4i, Ministry of Justice (2021) Offender management statistics quarterly, April to July 2021, London: Ministry of Justice

Inspectors considered the availability of drugs a problem in two of the three women's prisons inspected in 2018–19—women are also more likely to enter prison with a drug addiction than men.<sup>282</sup> 66% of women and 38% of men in prison report committing offences to get money to buy drugs.<sup>283</sup>

Nearly half of women in prison report having committed offences to support someone else's drug use.<sup>284</sup>

NHS England estimates that it spends approximately 20% of all prison healthcare spending on substance misuse services—some £81m in 2016–17.<sup>285</sup>

Almost 53,000 people received drug and alcohol treatment in prison during 2019–20. Half (50%) were for support with opiate use.<sup>286</sup>

**Women in prison who are receiving treatment for substance misuse are more likely to be receiving support than men for opiate addiction.** Three-quarters of women (75%) receiving treatment in custody during 2019–20 were there for opiate addiction, compared with half of men (49%).<sup>287</sup>

**A higher proportion of women than men (75% compared with 51%) said they had been helped with their drug problem in prison.**<sup>288</sup>

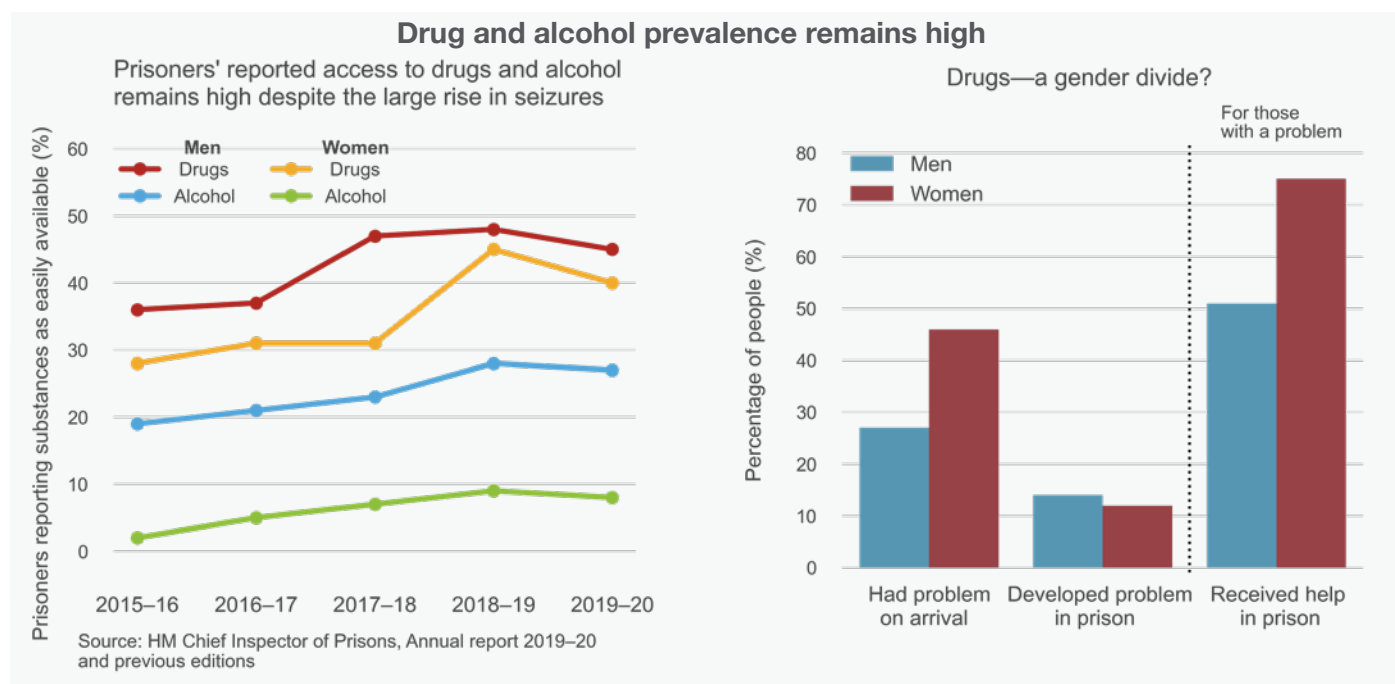
Just over a third of adults (35%) identified as in need of substance misuse treatment following release from prison in 2019–20 were successfully engaged in treatment within 21 days.<sup>289</sup>

## Alcohol

70% of people in prison with a self-identified alcohol problem said they had been drinking when they committed the offence for which they were in prison. 38% of people surveyed in prison believed that their drinking was a big problem.<sup>290</sup>

**Women are significantly more likely to say they have a problem with alcohol on arrival at prison than men (28% against 17%).**<sup>291</sup>

**Over a quarter of men (27%) said that it was easy to get alcohol in their prison—more than three times the level amongst women in prison (8%).**<sup>292</sup>



<sup>282</sup> HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

<sup>283</sup> Light, M. et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

<sup>284</sup> Ibid.

<sup>285</sup> House of Commons written question 8136, 12 September 2017

<sup>286</sup> Table 2.2, Public Health England (2020) Alcohol and drug treatment in secure settings 2019 to 2020, London: PHE

<sup>287</sup> Table 2.3, Ibid.

<sup>288</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>289</sup> Calculated by Public Health England: Evidence Application Team using data from the National Drug Treatment Monitoring System (NDTMS) available at <https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/data>

<sup>290</sup> Alcohol and Crime Commission (2014) The alcohol and crime commission report, London: Addaction

<sup>291</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>292</sup> Ibid.

## Mental health

There is currently insufficient data to identify how many people are remanded in custody pending a psychiatric report, how many are assessed as having a mental health problem, and how many are so unwell that they require transferring out of custody for treatment.

In October 2017 the UK government announced an independent review of the 1983 Mental Health Act, led by Professor Sir Simon Wessely. The review made 254 recommendations, and in January 2021 the government announced a new White Paper outlining its planned reforms.<sup>293</sup>

For people entering prison, NHS England has rolled out new healthcare screening templates to identify people with mental health needs.<sup>294</sup>

**More than half (52%) of people in prison surveyed by inspectors between 1 July 2020 and 31 March 2021 reported having mental health problems.** Only around a fifth (22%) said it was easy to see a mental health worker.<sup>295</sup>

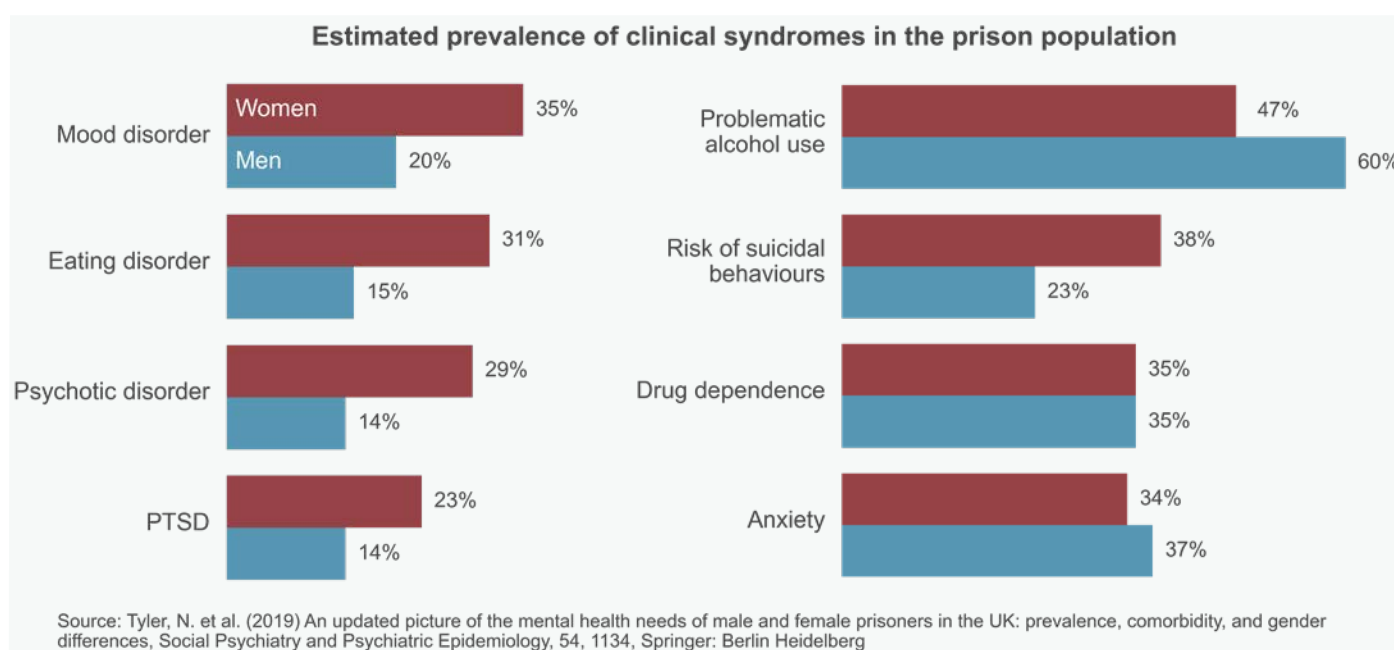
**70% of people who died from self-inflicted means whilst in prison had already been identified as having mental health needs.** However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.<sup>296</sup>

**The PPO also found that no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified.**<sup>297</sup>

**998 people were transferred from prison to a secure hospital in 2020.**<sup>298</sup>

**At a third of prisons inspected in 2019 officers had not experienced adequate mental health awareness training, despite repeated recommendations.**<sup>299</sup>

**In 2018 new pilots were announced to help people with mental health, alcohol and substance abuse issues to address the underlying causes of their offending.** The Community Sentence Treatment Requirements (CSTR), established in five areas of England, bring together health and justice services to assess, and where appropriate divert people from short custodial sentences, and improve access to treatment. Early evidence has shown increased confidence among sentencers—resulting in more CSTRs issued in those areas.<sup>300</sup>



<sup>293</sup> Ministry of Justice (2018) A review of self-inflicted deaths in prison custody in 2016, London: Ministry of Justice and House of Commons written question 249321, 11 November 2019

<sup>294</sup> Ibid.

<sup>295</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>296</sup> Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

<sup>297</sup> Ibid.

<sup>298</sup> Table 7, Ministry of Justice (2021) Offender management statistics quarterly, Restricted patients 2020, London: Ministry of Justice

<sup>299</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>300</sup> Ministry of Justice website, 'Vulnerable offenders steered towards treatment', accessed on 9 November 2021, available at <https://www.gov.uk/government/news/vulnerable-offenders-steered-towards-treatment>

## Disability, health and social care

### Disability

**Information on the prevalence of physical and mental disability in prisons is poor and out of date.** HMPPS currently has no way of establishing whether people entering prison have specific needs related to a disability.

**A 2012 study estimated that 36% of people in prison had a physical or mental disability.** This compares with 19% of the general population.<sup>301</sup>

**11% had a physical disability, 18% had a mental disability and 8% had both.**<sup>302</sup>

**People in prison with disabilities report more negatively about many key aspects of prison life.**<sup>303</sup>

**During the Covid-19 pandemic, inspectors reported serious safeguarding concerns relating to vulnerable prisoners, and found that prisoners with disabilities were receiving too little help under the restricted regime.** At some prisons people were unable to clean themselves, their cells, or access shower facilities.<sup>304</sup>

**People with a disability are twice as likely to report experiencing bullying or victimisation from other prisoners than those without a disability.** More than a third (34%) reported experiencing bullying, twice as many as those without a disability.<sup>305</sup>

**Almost a third (32%) of prisoners with a disability reported feeling unsafe at the time of the survey—** compared with less than a fifth (19%) of those without a disability.<sup>306</sup>

**People in prison with a disability reported spending more time in their cells even before the pandemic.** A quarter (25%) of people in prison with a disability said that they spent less than two hours out of their cells each weekday, compared with one in six (16%) people without a disability.<sup>307</sup>

**22% of people in prison with a disability reported feeling suicidal when they first arrived in prison—** more than three times higher than for people without a disability (7%).<sup>308</sup>

**Inspectors found that wheelchair and mobility access was generally poor in all but the newest prisons.** It was not uncommon to see wheelchairs left outside cells that had doors too narrow to navigate, leaving some prisoners confined inside.<sup>309</sup>

**Inspectors found disabled people paying other people to clean their cells, and disabled prisoners without bedrails and shower and toilet adaptations.** Prisoner peer support for those with social needs had almost completely stopped during the restricted regime.<sup>310</sup>

**A quarter (25%) of children in both young offender institutions and secure training centres said they had a disability.** Only half (50%) report receiving the support that they need.<sup>311</sup>

**Almost half of boys with disabilities (46%) reported having felt unsafe at some time, compared with three in 10 (30%) of those without a disability.**<sup>312</sup>

### Health and social care

**Inspectors praised the resilience of health care staff working through the pandemic, but they also found that prisoners' access to healthcare was highly variable and sometimes very poor.** Waiting lists to see the GP were often very long with some patients waiting well over a year for a routine appointment.<sup>313</sup>

<sup>301</sup> Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

<sup>302</sup> Ibid.

<sup>303</sup> Ibid.

<sup>304</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

<sup>307</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>308</sup> Ibid.

<sup>309</sup> Ibid. and HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

<sup>310</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office.

<sup>311</sup> Tables 1 and 2, HM Inspectorate of Prisons (2021) Children in custody 2019–20 Appendix, London: HM Stationery Office

<sup>312</sup> Table 6, Ibid.

<sup>313</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

**Inspectors found that most sites maintained effective oversight and prompt supply of medicines.** However, the restricted regime meant that many prisoners were unable to take medicines at the correct time, leading to side-effects such as pain and drowsiness.<sup>314</sup>

**People in prison receive inequitable social care support according to inspectors.** People may receive a poor, satisfactory or very good service based on which prison they are held in.<sup>315</sup>

**More than half of people in prison (52%) reported having mental health problems.** Only 22% said that it was easy to see mental health workers.<sup>316</sup>

**Only around a fifth (21%) of people said it was easy to see a doctor.**<sup>317</sup>

**Just over a third (36%) of people in prison said the overall quality of health services was good.**<sup>318</sup>

**The rate of infection for Hepatitis C in prison is 13% for women and 7% for men, compared to 0.4% of the general population.** Prevalence of other blood-borne viruses such as HIV are also higher in prison.<sup>319</sup>

**Nearly one in five (19%) of the prison population tested positive for a latent TB infection.** Foreign nationals are particularly at risk of TB infection.<sup>320</sup>

**The Prisons and Probation Ombudsman (PPO) found that healthcare staff in many cases treated people who had died from natural causes in a caring and compassionate manner**—judged to be equivalent to the treatment they could have expected to receive in the community.<sup>321</sup>

**However, the ombudsman also found “too many” healthcare failings**—including investigations where healthcare staff failed to make urgent referrals to specialists, and a lack of continuity of care when people are transferred from prison to hospital, and back again.<sup>322</sup>

**The Ombudsman has reported old and frail prisoners experiencing degrading and inhumane treatment in hospital due to excessive security measures for several years.** Many prisoners have been witnessed chained to beds despite being unable to walk, or dying whilst chained to a prison officer.<sup>323</sup>

**Two babies were born and died in prison in 2019–20, one in HMP Bronzefield and one in HMP Styal.** The PPO was highly critical of the outdated and inadequate maternity services at Bronzefield, and the lack of healthcare provided at Styal.<sup>324</sup>

**People can apply for compassionate release if they have a life expectancy of less than three months, are bedridden or severely incapacitated.**<sup>325</sup>

**The number of people granted compassionate release for health reasons is low**—between 2012 and 2018, only 71 people were released. A further 11 people were released in 2019.<sup>326</sup>

**During the pandemic prisoners who were pregnant, had babies in custody or were considered extremely vulnerable to Covid-19 were permitted to apply for temporary release on compassionate grounds.** However, only 54 prisoners had been released under the scheme before it was halted.<sup>327</sup>

**The Ombudsman found that risk assessments that were conducted for compassionate or temporary release were frequently judged based on the risk a person would have posed when healthy—not the actual risk they pose based on their current health condition.**<sup>328</sup>

314 HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

315 HM Inspectorate of Prisons and Care Quality Commission (2018) Social care in prisons in England and Wales, London: HMIP

316 HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

317 Ibid.

318 Ibid.

319 Revolving Doors (2017) Rebalancing Act, London: Revolving Doors

320 O'Moore, É., et al. (2019) Health and justice annual review 2018/19, London: Public Health England

321 Prisons and Probation Ombudsman (2020) Annual report 2019–20, London: PPO

322 Ibid.

323 Prisons and Probation Ombudsman (2021) Annual report 2020–21, London: PPO

324 Prisons and Probation Ombudsman (2021) Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019, London: PPO and

Prisons and Probation Ombudsman (2021) Independent investigation into the death of Baby B at HMP&YOI Styal on 18 June 2020, London: PPO

325 HM Prison Service (2012) Prison Service Order 6000: Parole release and recall, London: Ministry of Justice and  
HM Prison Service (2010) Prison Service Order 4700: Indeterminate sentence manual, London: Ministry of Justice

326 House of Lords written question HL2099, 1 November 2017 and House of Lords written question HL10210, 25 November 2020

327 Table 3, HM Prison and Probation Service (2020) HMPPS COVID-19 statistics: September 2020, London, HMPPS and Government website, accessed on 22 September 2021, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/881060/covid19-use-compassionate-rotl.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881060/covid19-use-compassionate-rotl.pdf)

328 Prisons and Probation Ombudsman (2017) Learning lessons from PPO investigations: Older prisoners, London: Prisons and Probation Ombudsman.



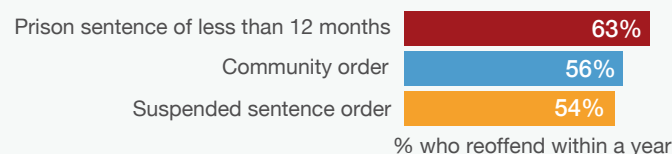
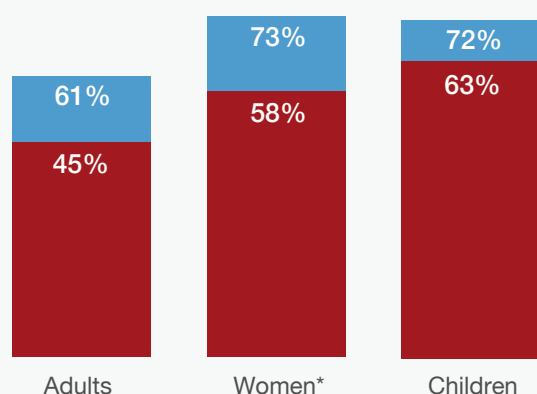
# **REHABILITATION AND RESETTLEMENT**

## Reoffending<sup>329</sup>

Reoffending rates are hard, if not impossible, to measure. Published figures almost invariably use reconviction as a proxy measure. But reconviction can be affected by many factors, in particular the ability of the police to detect crime and the priorities they set in doing so. In this section, we use published material on reconvictions as the best available indicator of probable trends in reoffending.

**Reconviction rates within a year of release are high**—for those serving short sentences of **less than 12 months**, the rates are even higher.

Short prison sentences have been shown to be **less effective** at reducing reoffending than community orders for people committing the same types of crime.



For people with **more than 50 previous offences**, the odds of reconviction

when a short prison sentence is used rather than a community sentence.

**↑ 36%**

\*Latest available data for women taken from Proven reoffending statistics: January to March 2017

Sources: Proven reoffending statistics: January to March 2018 and previous editions; 2013 Compendium of re-offending statistics and analysis and Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?

**A recent study has estimated the annual total estimated economic and social cost of reoffending as £18.1bn.**<sup>330</sup>

**Community sentences are particularly effective for people who have committed a large number of previous offences (more than 50) and those with mental health problems.**<sup>331</sup>

**Mental health treatment requirements can reduce reoffending.** One-year reoffending rates fell by 3.5 percentage points for people on community orders, and by 5 percentage points for people given a suspended sentence order, for people made subject to a mental health treatment requirement”.<sup>332</sup>

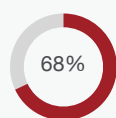
**Receiving treatment for drug and alcohol addictions in the community can reduce offending.** A study by Public Health England found that there was a reduction of 44% in the number of reoffenders, and a 33% reduction in the number of offences committed in the two years following treatment.<sup>333</sup>

### Some factors affecting reconviction

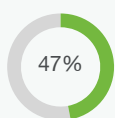
People are less likely to be reconvicted if they receive family visits whilst in prison

**69%**

of prisoners said they had received visits from family whilst in prison



No visits

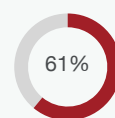


Visits

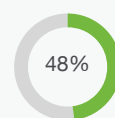
People are less likely to be reconvicted if they live with their immediate family on release

**57%**

said they were living with their immediate family on release



Not living with family

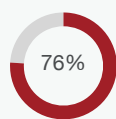


Living with family

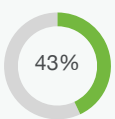
People are more likely to be reconvicted if they use class A drugs on release

**1 in 3**

said they had used class A drugs since leaving custody



Used class A drugs

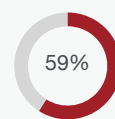


Did not use class A drugs

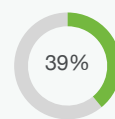
People are less likely to be reconvicted if they secure a job after their release

**28%**

of prisoners had been in employment the year after custody



Unemployed



Employed

Source: Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice and Ministry of Justice (2014) Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR, London: Ministry of Justice

<sup>329</sup> Statistics quoted in this section refer to conditions and circumstances from before the pandemic

<sup>330</sup> Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

<sup>331</sup> Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

<sup>332</sup> Ibid.

<sup>333</sup> Ministry of Justice (2017) The impact of community-based drug and alcohol treatment on re-offending, London: Ministry of Justice and Public Health England

## Purposeful activity

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison. In 2018 the government published an education and employment strategy with proposals on increasing the use of release on temporary licence; giving governors powers to commission education in their prisons; expanding vocational training opportunities; and improving employment outcomes on release.

OFSTED and HMIP have conducted preliminary research into prison education in preparation for an upcoming review. They found the quality of current provision to be extremely poor and noted that there has been little improvement since a previous review conducted by Dame Sally Coates was published in 2016.<sup>334</sup>

During the pandemic education in prisons completely stopped and remains limited at time of publication. Two-fifths of prisoners responding to HMIP surveys between late 1 July 2020 and 31 March 2021 report being in their cell for more than 23 hours a day.<sup>335</sup> Work and training have also halted but are returning slowly. As a result the following section largely presents information about purposeful activity before the pandemic unless otherwise stated. You can find out more about the impact of the pandemic in [Covid-19 and the prison system](#) on page 21.

**Just over a third of prisons (36%) received a positive rating from inspectors in 2019–20 for purposeful activity work**—continuing the decline from half of prisons in 2016–17.<sup>336</sup>

**They also found that people continued to spend too long locked up in their cells—around a fifth (19%) were routinely locked up during the working day in most prisons.** This was an improvement on 2018–19 when around a quarter were locked up during the working day.<sup>337</sup>

**People are more likely to be locked up for longer in local and young adult prisons.** Around a third of people in local prisons (32%) and young adult prisons (35%) said they spent less than two hours a day out of their cells.<sup>338</sup>

**Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, almost one in eight people (12%) in Category C prisons, and one in six (16%) in Category B prisons said they were locked up for more than 22 hours a day.**<sup>339</sup>

**Almost three-quarters of men's prisons inspected in 2019–20 required improvement or were inadequate in their education, skills and work provision according to Ofsted inspectors—none were rated “outstanding”.** Leadership and management of education, skills and work-related activities were rated as good or better in improving outcomes for prisoners in only a third of prisons.<sup>340</sup>

## Education

**Engagement with education can significantly reduce reoffending.** The proven one year reoffending rate is 34% for prisoner learners, compared to 43% for people who don't engage in any form of learning.<sup>341</sup>

**Literacy levels amongst the prison population remain significantly lower than the general population.**<sup>342</sup> Nearly two-thirds (62%) of people entering prison were assessed as having literacy skills expected of an 11 year old—more than four times higher than in the general adult population (15%).<sup>343</sup>

**Changes to prison education contracts now allow greater flexibility to fund opportunities, such as arts, and informal learning to allow people to engage and progress during their sentence.**<sup>344</sup>

**However, there have been declines in the number of people participating in learning whilst in prison, and in achieving qualifications in recent years.**<sup>345</sup>

<sup>334</sup> Government website, accessed on 10 November 2021, available at: <https://www.gov.uk/government/speeches/launching-our-prison-education-review>

<sup>335</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>336</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>337</sup> Ibid. and previous editions

<sup>338</sup> Ibid.

<sup>339</sup> Ibid.

<sup>340</sup> Ibid.

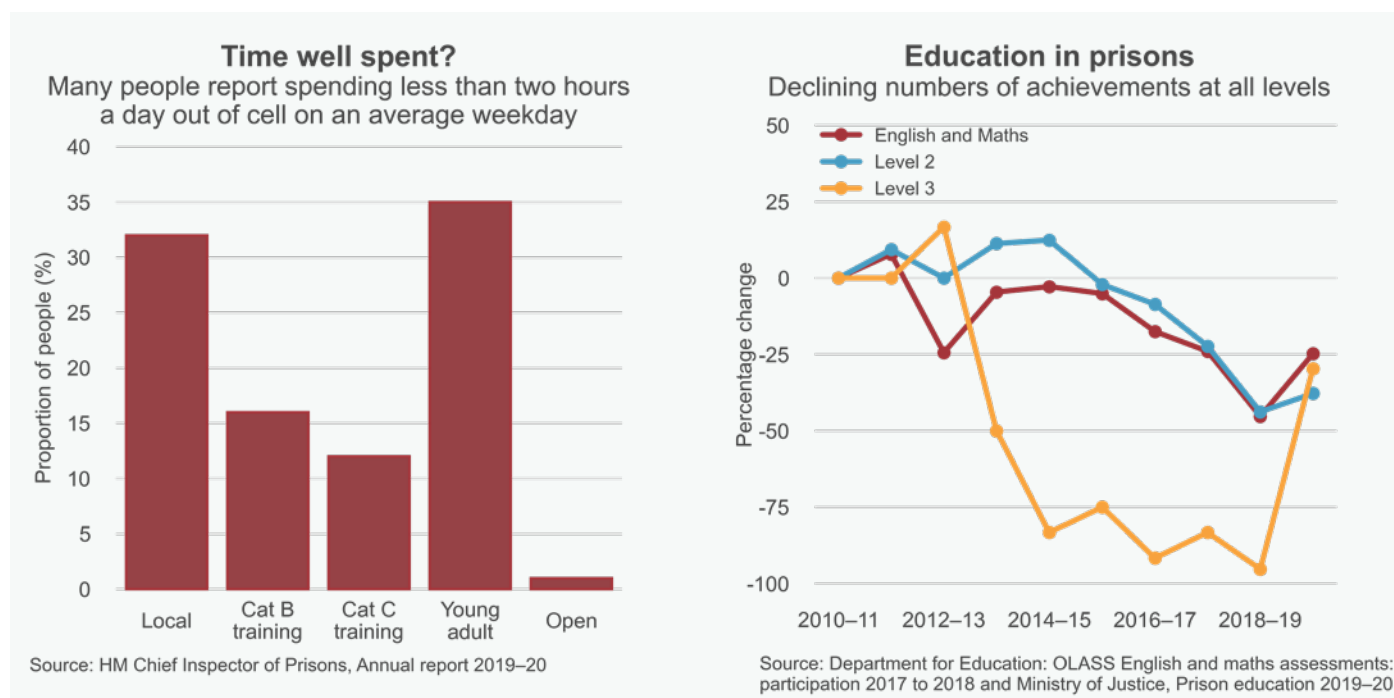
<sup>341</sup> Ministry of Justice and Department for Education (2017) Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records, London: Ministry of Justice

<sup>342</sup> Ministry of Justice (2021) Prison education statistics 2019 to 2020, London: Ministry of Justice

<sup>343</sup> Figure 1.1, Department for Business Innovation and Skills (2012) The 2011 Skills for Life Survey: A Survey of Literacy, Numeracy and ICT Levels in England, London: BIS  
NB These statistics refer to all prisoners who have chosen to engage with education rather than all prisoners.

<sup>344</sup> Prisoners' Education Trust website, 'New prison education contracts create challenges and opportunities', accessed on 14 January 2021, available at <https://www.prisonerseducation.org.uk/2019/01/new-prison-education-contracts-create-challenges-and-opportunities/>

<sup>345</sup> Tables 10.1 and 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London:



**Nearly 67,700 adults in the prison system participated in education in the 2019–20 academic year**—a drop from the previous year and far fewer than the 2014–15 peak of more than 100,000.<sup>346</sup>

**The number of people achieving qualifications rose by 12% in 2019–20.** However, there was a decline of 19% in numbers achieving pre-level 2 qualifications (i.e. pre-GCSE).<sup>347</sup>

**There are approximately 2,000 prisoners in higher education.** Currently students must be within six years of their release date to be eligible for a student loan, limiting opportunities for people serving long prison sentences. Prisoner participation in higher education has been estimated to cut reoffending rates by 20–40%.<sup>348</sup>

**Only around 800 people achieved a level 3 qualification (A-level and equivalent) in the 2019–20 academic year via mainstream prison learning**—around two-thirds as many as did in 2011–12.<sup>349</sup>

**However, the number of people studying with the Open University is rising again**—there were almost 1,600 people studying in England and Wales in 2020–21.<sup>350</sup>

**People in prison studying with the Open University typically have similar completion rates and pass rates as their mainstream counterparts.**<sup>351</sup>

## Employment

**The Ministry of Justice has committed to encouraging more employers to create employment opportunities for people in prison and on release.** Its education and employment strategy established the New Futures Network to develop partnerships between prisons and employers—in addition to delivering purposeful activity in prison.<sup>352</sup>

**The number of people working in prison hit a record high last year.** Numbers have risen by more than a fifth (21%) since 2015.<sup>353</sup>

**An average of 10,500 prisoners are working in the public prison estate, and a further 2,000 are working in private prisons.** They worked for over 17 million hours in total during in 2019–20.<sup>354</sup>

<sup>346</sup> Table 1.5, Ministry of Justice (2021) Prison Education Statistics April 2019 to March 2020, London: Ministry of Justice

<sup>347</sup> Table 1.6, Ibid.

<sup>348</sup> Higher Education Policy Institute (2019) Student loans for those on long prison sentences, Oxford: HEPI

<sup>349</sup> Table 1.6, Ministry of Justice (2021) Prison Education Statistics April 2019 to March 2020, London: Ministry of Justice

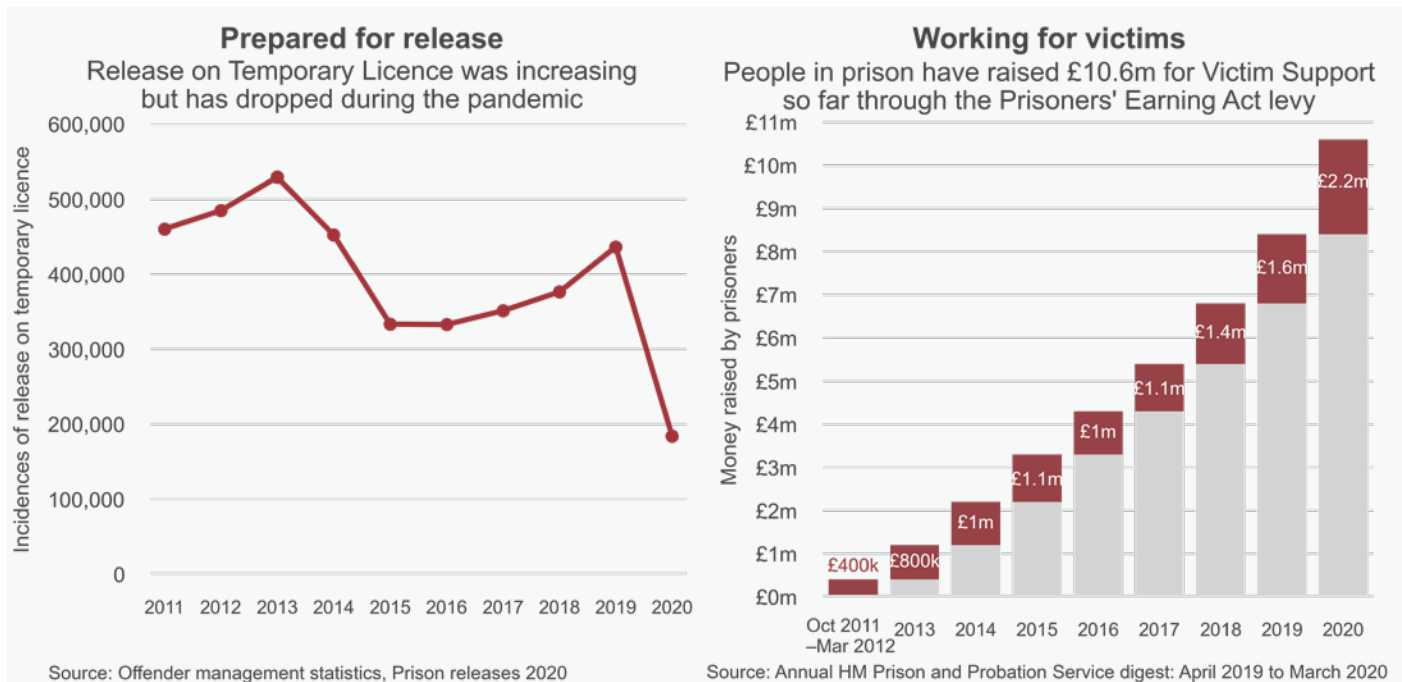
<sup>350</sup> Provided by Open University

<sup>351</sup> Ibid.

<sup>352</sup> Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

<sup>353</sup> Tables 4.1 and 4.2, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

<sup>354</sup> Ibid.



## Release on Temporary Licence (ROTL)

ROTL can play an important part in helping people to prepare for release, particularly those who are serving long sentences. Following a full risk assessment, it allows people to take responsibility, and reconnect with the world they will be released in. People may take part in work and volunteering, re-establish contact with their families and try to find accommodation. Last year the government published a new ROTL Policy Framework, allowing prison governors greater autonomy to release prisoners on licence.<sup>355</sup>

**In 99.85% of cases ROTL is completed successfully.** There were just 11 failures as a result of alleged further offending in 2017 out of more than 350,000 instances of ROTL.<sup>356</sup>

**People who are given ROTL have lower rates of reoffending.** The more that ROTL is used, the greater the impact on reducing reoffending and the fewer the number of offences people commit.<sup>357</sup>

**Despite this, restrictions were introduced on ROTL in 2013 which saw a drop in use of 37% over two years, and although it had been increasing prior to the pandemic, it remains below its peak.** At the time restrictions were introduced the success rate was 99.93%.<sup>358</sup>

**On average, just 811 people per month were working out of prison on licence during 2019–20.**<sup>359</sup>

**They paid £222 per month on average to the Prisoners' Earnings Act levy—the equivalent of almost a fifth of their net earnings.**<sup>360</sup>

**£10.6m has been paid to Victim Support since the introduction of the levy in October 2011.**<sup>361</sup>

## Home Detention Curfew (HDC)<sup>362</sup>

HDC allows people to live outside of prison, providing they do not breach strict conditions, to help prepare them for life on release. Only people serving sentences of between three months and less than four years are eligible.

**There were 12,832 releases on HDC in 2019, a decrease (13%) on the number the previous year.** Use of HDC has fallen significantly since 2002 when over 20,000 people were released.<sup>363</sup>

**Just over a third (35%) of people who were eligible to be released were granted HDC in 2019.**<sup>364</sup>

<sup>355</sup> Ministry of Justice website, accessed on 10 November 2021, available at <https://www.gov.uk/government/news/offender-rehabilitation-drive-boosted-by-new-rotl-rules>

<sup>356</sup> Table A3.7, Ministry of Justice (2021) Offender management statistics, Prison releases 2020, London: Ministry of Justice and House of Lords written question HL10936, 6 November 2018

<sup>357</sup> Hillier, J. and Mews, A. (2018) The reoffending impact of increased Release of prisoners on Temporary Licence, London: Ministry of Justice

<sup>358</sup> Table A3.7, Ministry of Justice (2021) Offender management statistics, Prison releases 2020, London: Ministry of Justice

<sup>359</sup> Tables 5.1 and 5.2, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

<sup>360</sup> Table 5.2, Ibid.

<sup>361</sup> Table 5.1, Ibid.

<sup>362</sup> Statistics and figures quoted here relate to use of HDC before the pandemic

<sup>363</sup> Table A3.5, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice

<sup>364</sup> Ibid.

## Resettlement

**Nearly everyone in prison will be released at some point.** Last year 53,253 people were released at the end of the custodial term of their sentence.<sup>365</sup>

**Some people are entitled to receive a discharge grant to help them on release—last year this was raised from £46 to £76, the first increase in 26 years.** However, thousands of prisoners remain ineligible, including those released from remand, fine defaulters and people serving less than 15 days.<sup>366</sup>

**The government has published plans in its Prisons Strategy White Paper to spend £200m per year by 2024–25 supporting prison leavers to access employment, accommodation and substance misuse treatment post release.** This includes plans to set up local employment boards in all resettlement prisons.<sup>367</sup>

## Employment

**For many, having a criminal conviction is a barrier to leading a law-abiding life on release.** The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs. The Police, Crime, Sentencing and Courts Bill contains provisions that reduce the amount of time it takes for a conviction to be spent.<sup>368</sup>

**Only 8% of people are in PAYE employment six weeks after leaving prison.** After a year, the figure rises to just 17%.<sup>369</sup>

**Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.**<sup>370</sup>

**However, more than 150 employers so far, including the entire Civil Service, have signed up to Ban the Box—**removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.<sup>371</sup>

## Accommodation

**Less than half (48%) of people released from prison between 2020–21 had settled accommodation on release.** Around one in eight (12%) were homeless or sleeping rough.<sup>372</sup>

**A report on accommodation and support for adults leaving prison found that in the year to February 2020 65% of those without settled accommodation had reoffended compared with 44% of those with settled housing.**<sup>373</sup>

**HMPPS has developed the Community Accommodation Service (CAS) intended to combine the existing Approved Premises (AP) and Bail Accommodation and Support Service (BASS), and provide additional transitional accommodation.** In its first year the service is expected to support 3,000 people for up to 12 weeks of temporary accommodation, with additional support to get them into long-term settled accommodation.<sup>374</sup>

## Financial exclusion

**Many people in prison are released with debts which have built up during their sentence—adding to the problems they face on release.** These include outstanding fines, rent or mobile phone contracts. Inspectors found that in many cases no action was taken before release, despite problems being apparent at the start of a sentence.<sup>375</sup>

**People cannot make a claim for Universal Credit until they have been released from prison.** Concerns have been raised that this is placing people into unnecessary hardship on release. As part of the government's response to Covid-19, DWP has established a helpline specifically for prison leavers, who are issued with information about the line as part of their discharge pack on leaving prison.<sup>376</sup>

<sup>365</sup> Table A3.1, Ministry of Justice (2021) Offender management statistics, Prison releases 2020, London: Ministry of Justice

<sup>366</sup> House of Lords written question HL930, 23 June 2021

<sup>367</sup> Ministry of Justice (2021) Prisons Strategy White Paper, London: Ministry of Justice

<sup>368</sup> The government website, accessed on 10 November 2021, available at <https://www.gov.uk/government/news/criminal-record-reform-to-support-ex-offenders-into-work>

<sup>369</sup> Table 8, Ministry of Justice (2021) Community Performance Quarterly, update to March 2021, London: Ministry of Justice and

Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

<sup>370</sup> YouGov and Department for Work and Pensions (2016) Survey Results, Fieldwork 26 June–14 December, London: YouGov, available at <http://bit.ly/YouGovDWPf>

<sup>371</sup> Business in the Community website, accessed on 2 December 2019, available at [www.bitc.org.uk/banthebox](http://www.bitc.org.uk/banthebox)

<sup>372</sup> Table 8, Ministry of Justice (2021) Community Performance Quarterly, update to March 2021, London: Ministry of Justice

<sup>373</sup> HMI Probation (2020) Accommodation and support for adult offenders in the community and on release from prison in England: An inspection by HMI Probation, London: HMI Probation

<sup>374</sup> House of Commons written question 43639, 13 September 2021

<sup>375</sup> Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

<sup>376</sup> Day, A. (2018) Huffington Post, 'Universal Credit: Prisoners "Lured Back Into Crime" By Benefit Delays', available at <http://bit.ly/UniversalCreditPrison>, and House of Lords, written question HL10478, 18 November 2020



## Family

**Family and friends are a highly significant factor in enabling successful resettlement on release.**

Despite this, inspectors found no evidence that families were involved in sentence planning, even when a person said they were relying on them for support after release.<sup>377</sup>

**Arrangements to help prisoners maintain and strengthen family ties are variable across prisons, and are not given sufficient priority or resources according to an independent government commissioned review and prisons inspectors.**<sup>378</sup>

**Furthermore, no-one routinely monitors the parental status of prisoners in the UK or systematically identifies children of prisoners, where they live or which services they are accessing.**

**The government does not know how many people in prison have children under 18—however, 58% of women and 48% of men surveyed by inspectors in 2019–20 reported that they did.**<sup>379</sup>

**Nearly one in five (19%) young adults (18–20 years old) surveyed said they had children.** This compares to 4% of the general population who are young fathers.<sup>380</sup>

**One in 10 boys in young offender institutions told inspectors that they had children themselves.**<sup>381</sup>

**Fewer than half of men (46%) and seven in 10 (71%) women were offered a free telephone call on their first night in prison to let family know that they were okay.**<sup>382</sup>

**Prisoners who receive family visits are 39% less likely to reoffend than those who do not receive visits.** Research suggests that familial relationships are particularly important for women in prison.<sup>383</sup>

**However, fewer than two in five (39%) prisoners reported that it was quite easy or very easy for family to visit them at their current prison—and fewer than one in five (19%) people received visits at least once a week.**<sup>384</sup>

**Women are often held further away from their families, making visiting difficult and expensive.** The average distance is 46 miles, but many are held considerably further away.<sup>385</sup>

**Families play an important role in supporting people in prisons' mental health.** Despite this, of the 119 prisons in England and Wales, 44 had no functioning safer custody telephone lines in 2019.<sup>386</sup>

**The cost of making a telephone call from prison without in-cell telephones is expensive.** A 30 minute call during the working week to a landline costs £2.23 and for mobiles is £4.97.<sup>387</sup>

**In public prisons, call charges from prisons without in-cell phones are nearly double the rate of those prisons with in-cell phones.**<sup>388</sup>

**Secure in-cell telephones have been introduced in around two-thirds (66%) of prisons, including the entirety of the closed children's estate and closed women's estate.**<sup>389</sup> People in prison reported that their relationship with partners, children and wider family had deepened, strengthened, and become more resilient as a result.<sup>390</sup>

**Secure video calls, rolled out during the Covid-19 pandemic, are also running in all public and private prisons and YOIs in England and Wales.**<sup>391</sup>

<sup>377</sup> Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons

<sup>378</sup> Farmer, M. (2017) The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, London: Ministry of Justice and HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP

<sup>379</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and House of Commons written question 125243, 14 December 2020

<sup>380</sup> Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

<sup>381</sup> HM Inspectorate of Prisons (2020) Children in custody 2018–19, London: HM Stationery Office

<sup>382</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>383</sup> Farmer, M. (2019) The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, London: Ministry of Justice

<sup>384</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>385</sup> House of Commons written question 51585, 28 September 2021

<sup>386</sup> Pact (the Prison Advice and Care Trust), Prison Reform Trust and INQUEST (2019) Keeping people safe in prison, London: Prison Reform Trust

<sup>387</sup> Ministry of Justice (2019) Freedom of Information request 190924022 by Ken Porter available at [https://www.whatdotheyknow.com/request/prison\\_telephone\\_calls#incoming-1462910](https://www.whatdotheyknow.com/request/prison_telephone_calls#incoming-1462910)

<sup>388</sup> Ministry of Justice (2019) Freedom of Information request 190924022 by Ken Porter available at [https://www.whatdotheyknow.com/request/prison\\_telephone\\_calls#incoming-1462910](https://www.whatdotheyknow.com/request/prison_telephone_calls#incoming-1462910)

<sup>389</sup> House of Commons written question 179677, 15 April 2021 and House of Commons written question 43634, 14 September 2021

<sup>390</sup> Ellison, A., et al. (2018) The demand for and use of illicit phones in prison, London: Ministry of Justice

<sup>391</sup> House of Lords written question HL14442, 7 April 2021



# **OTHER UK PRISON SYSTEMS**

## Scotland

The Scottish Government is taking forward an ambitious prison reform programme which includes increasing the use of community sentences; reducing the use of short-term custodial sentences and remand; and improving the reintegration of people from custody to community. In 2019 it extended 2010 legislation to restrict the use of custodial sentences of less than three months up to 12 months, “with the aim of using prison primarily for those individuals who have committed serious offences and those cases involving issues of public safety.” It has also set a target to reduce the women’s prison population—with places for up to 230 women.<sup>392</sup>

Concerned by a rising rate of deaths in prison in Scotland, the then cabinet secretary for Justice Humza Yousaf asked the Scottish Inspectorate to undertake a review into the responses to deaths in custody, which was published in November 2021. The review recommended the formation of a new independent body to investigate deaths in prison custody, with each investigation to be completed within a matter of months and involve the families or next-of-kin of the deceased.<sup>393</sup>

The experience of people in prison in Scotland during the pandemic has been similar to those in prison in England and Wales: no family visits, very limited or no purposeful activity, with many locked up for more than 20 hours a day, and sometimes 22–23 hours.<sup>394</sup>

### Sentencing and the use of custody

**On 7 January 2022 the total number of people in custody in Scotland stood at 7,504.**<sup>395</sup>

**Scotland has the highest imprisonment rate in western Europe**—138 people in prison per 100,000 of the population. England and Wales have an imprisonment rate of 132 per 100,000, France 100 per 100,000 and Germany 70 per 100,000.<sup>396</sup>

**15% of people sentenced by the courts were given a custodial sentence in 2019–20.** This has remained broadly the same over the last decade.<sup>397</sup>

**Around two-thirds of people (66%) sentenced to custody in 2019–20 had committed a non-violent offences.**<sup>398</sup>

**Prison sentences are getting longer.** The average length of a custodial sentence is now almost 12 months (356 days)—two and a half months (75 days) longer than a decade ago.<sup>399</sup>

**A statutory presumption against prison sentences of less than three months was introduced in 2010—unless a court considers that no other method of dealing with the person is appropriate.**<sup>400</sup> However, they still accounted for nearly a quarter (23%) of custodial sentences given in 2019–20.<sup>401</sup>

**As of 4 July 2019 the statutory presumption has been extended to sentences of 12 months or less.** In 2019–20 these accounted for three-quarters (75%) of all custodial sentences handed out by the courts.<sup>402</sup>

**The number of people on remand remains high—accounting for more than a quarter (28%) of people in prison compared with 16% in England and Wales.** There were 2,147 people in prison on remand on 1 November 2021, the highest number on record, and 41% higher than the 2018–19 average of 1,525 people.<sup>403</sup>

**The cost of imprisonment has risen in recent years.** In 2020–21 it cost an average of £39,350 per prison place.<sup>404</sup>

<sup>392</sup> The Scottish Government website, accessed on 11 January 2022, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

<sup>393</sup> HM Inspectorate for Prisons in Scotland (2021) Independent Review of the Response to Deaths in Prison Custody, Edinburgh: HMIPS

<sup>394</sup> HM Inspectorate for Prisons in Scotland (2021) HM Chief Inspectors Annual Report 2021–22, Edinburgh: HMIPS

<sup>395</sup> Scottish Prison Service website, accessed on 22 December 2021, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

<sup>396</sup> World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 22 November 2021, available at

[http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=14](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14)

<sup>397</sup> Table 7, The Scottish Government (2021) Criminal proceedings in Scotland 2019–20, Edinburgh: The Scottish Government

<sup>398</sup> Table 8(b), Ibid.

<sup>399</sup> Table 10(c), Ibid. and The Scottish Government (2021) Criminal proceedings in Scotland 2019–20, Edinburgh: The Scottish Government and previous editions

<sup>400</sup> The Criminal Justice and Licensing (Scotland) Act 2010

<sup>401</sup> Table 10(a), The Scottish Government (2021) Criminal proceedings in Scotland 2019–20, Edinburgh: The Scottish Government

<sup>402</sup> Ibid. and The Scottish Government website, accessed on 7 December 2021, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

<sup>403</sup> The Scottish Government (2021) Coronavirus (COVID-19): Justice Analytical Services data report – October 2021, Edinburgh: The Scottish Government and

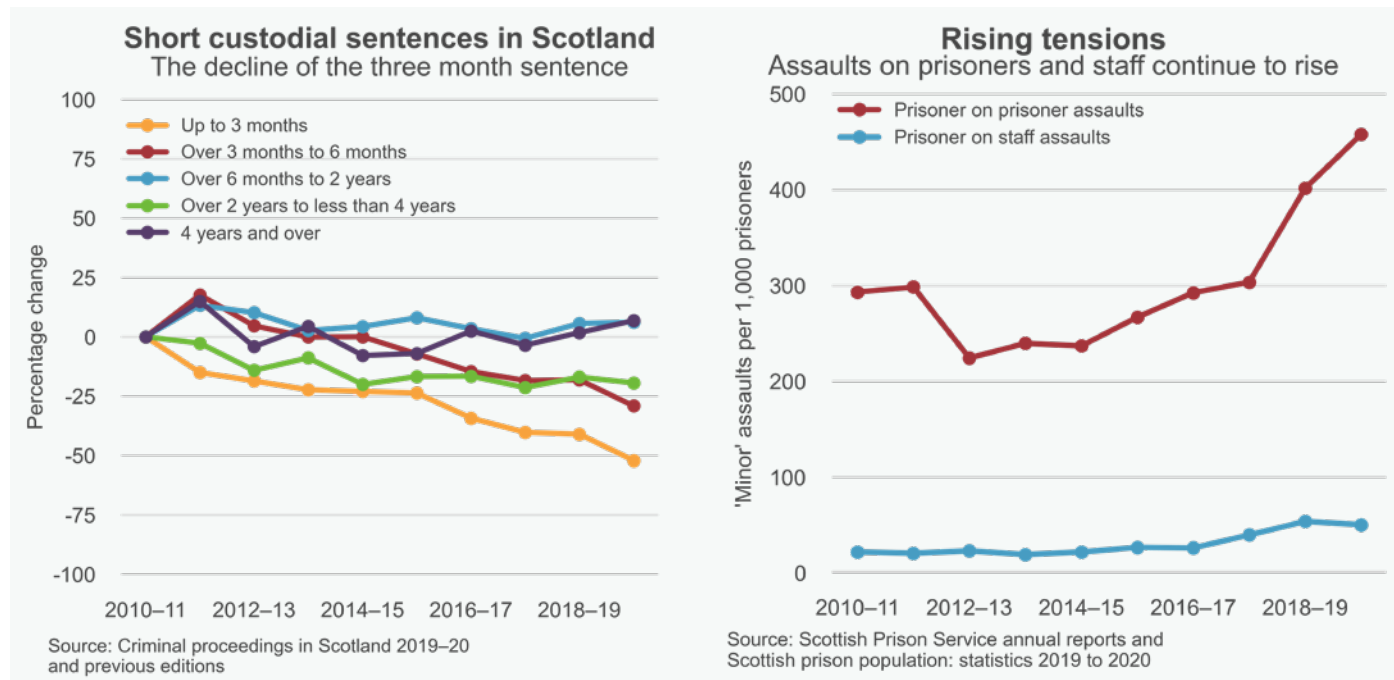
Table 1.1, Ministry of Justice (2021) Offender management statistics quarterly: April to June 2021, London: Ministry of Justice and

Scottish Prison Service (2019) Annual report and accounts 2018–19, Edinburgh: SPS and

Scottish Prison Service website, accessed on 24 December 2021, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

<sup>404</sup> Appendix 8a, Scottish Prison Service (2021) Annual report and accounts 2020–21, Edinburgh: SPS and

HM Treasury (2021) GDP deflators at market prices, and money GDP September 2021 (Quarterly national accounts), London: HM Treasury



**The use of community sentences has been gradually rising over the last decade**—they accounted for more than a fifth (22%) of all sentences in 2019–20, up from 14% in 2010–11.<sup>405</sup>

### Safety in prisons

**There have been 167 deaths in custody in the last five years—with 39 in 2021.**<sup>406</sup>

**Deaths in custody have been rising.** Between 2005 and 2019, an average of 24 people died each year in prison, but between 2016 and 2019 the average rose to 33.<sup>407</sup>

**Self-harm incidents have increased.** There were 762 incidents in 2018, almost triple the number in 2013 (267). Despite this, incidents of self-harm in prison are not routinely published.<sup>408</sup>

**Violence in prisons continues to rise.** In 2019–20 there was a 20% rise in recorded prisoner on prisoner assaults. However, serious prisoner on prisoners assaults declined by 7% over the year.<sup>409</sup>

**Assaults on staff also remain high by historical standards.** There were 413 assaults on staff in 2019–20, 12 of which were serious, compared with 283 in 2017–18.<sup>410</sup>

### People in prison

**Almost three-quarters (71%) of tests carried out on people entering prison in 2018–19 were positive for illegal drugs.**<sup>411</sup>

**Many people in prison have previously been in care.** Over a third of women (38%) and a quarter of men (25%) reported having been in care as a child.<sup>412</sup>

**Over a third of people in prison reported having a disability (38%).** More than two in five people also said they had a long term illness (41%).<sup>413</sup>

**More than three in five people (61%) in prison reported that they had children.** Two in five of those reported having three or more children.<sup>414</sup>

**More than one in 10 people (11%) in prison reported being a member of the Armed Forces.** Three-quarters of those reporting (74%) were in the Army, 9% were in the Navy, 9% were in the Air Force and 6% were Reservists.<sup>415</sup>

<sup>405</sup> Table 7, The Scottish Government (2020) Criminal proceedings in Scotland 2019–20, Edinburgh: The Scottish Government

<sup>406</sup> Scottish Prison Service website, accessed on 17 December 2021, available at <https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx>

<sup>407</sup> HM Inspectorate for Prisons in Scotland (2021) Independent Review of the Response to Deaths in Prison Custody, Edinburgh: HMIPS

<sup>408</sup> Scottish Prison Service (2019) Freedom of Information request, HQ18297 available at <http://www.sps.gov.uk/FreedomofInformation/FOI-6363.aspx>

<sup>409</sup> Appendix 9a, Scottish Prison Service (2020) Annual report and accounts 2019–20, Edinburgh: SPS

<sup>410</sup> Ibid.

<sup>411</sup> Scottish Prison Service (2019) SPS Addiction Prevalence Testing Stats Final 2018/19, Edinburgh: SPS

<sup>412</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

<sup>413</sup> Scottish Prison Service (2020) Prisoner survey 2019, Edinburgh: SPS

<sup>414</sup> Ibid.

<sup>415</sup> Ibid.

## Women in prison

**The number of women in prison has declined substantially over the past two years.** There were 279 women in prison on 3 December 2021, down from 408 two years ago, a decline of almost a third (32%).<sup>416</sup>

**A higher proportion of women are prosecuted for ‘crimes of dishonesty’, such as theft or shoplifting, than men**—17% of proven offences by women were for acquisitive crimes compared with 11% of men’s.<sup>417</sup>

**Women are more likely to report being under the influence of drugs at the time they committed their offence**—more than half (53%), compared with 37% of men.<sup>418</sup>

**104 pregnant women were held in prison in Scotland between 2013–2017**—during this time 31 children were born whilst in prison.<sup>419</sup>

**Seven in 10 women in prison reported that they had been a victim of domestic violence.**<sup>420</sup>

## Children and young adults in prison

**There were an average of 326 young people (under 21) in prison in 2019–20.**<sup>421</sup> The number of young people sent to prison has fallen by more than two-thirds (71%) in the last nine years.<sup>422</sup>

**Almost half (46%) of young people were under the influence of drugs at the time of their offence (compared to 38% adults).** One-in-eight (12%) committed their offence to get money to buy drugs.<sup>423</sup>

**Over half (56%) of young people reported being drunk at the time of their offence.**<sup>424</sup>

**Almost half (46%) of young people reported being in care as a child.**<sup>425</sup>

## Rehabilitation and resettlement

**44% of people released from custody are reconvicted within a year**—rising to 59% for men and 64% for women with more than 10 previous convictions.<sup>426</sup>

**Fewer than three in 10 people (28%) in prison said they had accessed services while in prison to help them prepare for release.** Of those who accessed services, 72% had sought advice in relation to housing.<sup>427</sup>

**More than half of people in prison surveyed said that they lost their accommodation when they went to prison (56%).** Over a third (37%) said they didn’t know where they would be living on release.<sup>428</sup>

**Two in five (40%) people in prison surveyed said that if they were offered help for their drug problem they would take it**—however, just a fifth (21%) said they had received it.<sup>429</sup>

**Nearly four out of five (79%) people in prison said they had ok, good, or very good access to family and friends.** The most common forms of contact were telephone (58%), followed by letter (57%) and visits (43%).<sup>430</sup>

An evaluation of the SPS Throughcare Service, which provides people serving short sentences with support to prepare for and on release from prison, found improved engagement with support services including benefits; housing; substance misuse treatment; education and employment—factors which are known to aid desistance from crime and reduce reoffending.<sup>431</sup>

<sup>416</sup> Scottish Prison Service website, accessed on 14 December 2021, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

<sup>417</sup> Table 6, The Scottish Government (2021) Criminal proceedings in Scotland 2019–20, Edinburgh: The Scottish Government

<sup>418</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

<sup>419</sup> Scottish Prison Service (2018) Freedom of Information request, HQ 17267 available at <http://www.sps.gov.uk/FreedomofInformation/FOI-5648.aspx>

<sup>420</sup> Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

<sup>421</sup> Scottish Prison Service website, accessed on 15 December 2021, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

<sup>422</sup> Table 11, The Scottish Government (2021) Criminal proceedings in Scotland 2019–20, Edinburgh: The Scottish Government

<sup>423</sup> Scottish Prison Service (2018) Young people in custody 2017, Edinburgh: SPS

<sup>424</sup> Ibid.

<sup>425</sup> Ibid.

<sup>426</sup> Table 9 and 11, The Scottish Government (2021) Reconviction rates in Scotland: 2018–19 offender cohort, Edinburgh: The Scottish Government

<sup>427</sup> Scottish Prison Service (2020) Prisoner survey 2019, Edinburgh: SPS

<sup>428</sup> Ibid.

<sup>429</sup> Ibid.

<sup>430</sup> Ibid.

<sup>431</sup> Reid-Howie Associates Ltd. (2017) Evaluation of the SPS Throughcare Support Service, Edinburgh: SPS



## Northern Ireland

The Northern Ireland Prison Service has committed to a reform programme lasting 10 years or more—focusing on effective leadership; purposeful activity opportunities; equality of outcomes for prisoners, with a more diverse workforce; improving accommodation; and a strong relationship with healthcare. The Northern Ireland Executive was re-formed in January 2020 with Naomi Long MLA appointed Justice Minister, the first for three years.

There is no dedicated prison for women in Northern Ireland. Women are currently housed in Ash House, a block inside Hydebank Wood Secure College. IMB members visiting in 2017–18 stated that “the Board strongly agree with the Criminal Justice Inspectorate that ‘it is still inappropriate that women are located within a secure college for young men.’”<sup>432</sup>

A review of vulnerable people in custody, commissioned in 2016 in response to a number of suicides in prisons, was finally published in October 2021. It recommended the government develop a national strategy to improve the quality and accessibility of mental health services in prison, as well as raising healthcare funding to match that of the other regions of the United Kingdom.<sup>433</sup>

There have been no visits to prisons by inspectors during the pandemic. As a result, conditions in prisons throughout that time are largely unknown. The Department of Justice have stated that there have only been four confirmed cases of Covid-19 amongst the prison population as of 20 December 2021.<sup>434</sup>

### Sentencing and the use of custody

**The average number of people in prison in Northern Ireland declined by 5% in 2020–21 to 1,448.** However, on 7 January 2022 the total population stood at 1,558.<sup>435</sup>

**The imprisonment rate for Northern Ireland is 81 per 100,000 of the population.** England and Wales have an imprisonment rate of 132 per 100,000, France 100 per 100,000 and Germany 70 per 100,000.<sup>436</sup>

**The number of people entering prison declined by 19% last year.** There were 4,323 receptions into prison during 2020–21.<sup>437</sup>

**The number of people entering prison for failure to pay a fine is decreasing.** 150 people went to prison in 2020–21 for fine default—down from 653 four years ago.<sup>438</sup>

**The number of convictions declined by more than a quarter (27%) in 2020, but the proportion of sentences resulting in custody continues to rise.** In 2010, 9% of people convicted were sentenced to custody, by 2020 this had risen to 14%. The proportion receiving suspended sentences has also risen from 11% to 17%.<sup>439</sup>

**Northern Ireland continues to hold a high proportion of people in prison on remand compared with other countries.** It currently holds nearly two in five (38%) on remand compared with 16% in England and Wales, and 28% in Scotland.<sup>440</sup>

**Remand accounted for more than two-thirds (67%) of all receptions into prison in 2020–21, with 2,894 receptions on remand in total.**<sup>441</sup>

**More than three-quarters (77%) of people entering prison to serve a sentence in 2020–21 have been sentenced to spend a year or less in custody.**<sup>442</sup>

<sup>432</sup> Independent Monitoring Board (2018) Annual report 2017–18 Hydebank Wood College and Women's Prison, London: IMB

<sup>433</sup> The Regulation and Quality Improvement Authority (2021) Review of services for vulnerable persons detained in Northern Ireland prisons, Belfast: RQIA

<sup>434</sup> Government website, accessed on 24 December 2021, available at: <https://www.justice-ni.gov.uk/news/ni-prison-service-covid-19-measures-revised-keep-vital-system-safe>

<sup>435</sup> Table 1, Department for Justice (2021) The Northern Ireland Prison Population 2020/21, Belfast: Department of Justice and Northern Ireland Prison Service, situation report for 11 December 2020, accessed on 17 December 2020, available at <https://www.justice-ni.gov.uk/articles/weekly-situation-reports-october-2015>

<sup>436</sup> World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 22 November 2021, available at [http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=14](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14)

<sup>437</sup> Table 7, Department for Justice (2021) The Northern Ireland Prison Population 2020/21, Belfast: Department of Justice

<sup>438</sup> Ibid.

<sup>439</sup> Tables 1c and 5a, Department of Justice (2021) Court Prosecutions, Conviction and Out of Court Disposals Statistics for Northern Ireland 2020, Belfast: Department of Justice and Table 6c, Department of Justice (2014) Northern Ireland Conviction and Sentencing Statistics 2010–2012, Belfast: Department of Justice

<sup>440</sup> Table 1, Department for Justice (2021) The Northern Ireland Prison Population 2020/21, Belfast: Department of Justice;

Table A1.1, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice; and Scottish Prison Service website, accessed on 15 December 2021, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

<sup>441</sup> Table 7, Department for Justice (2021) The Northern Ireland prison population 2020/21, Belfast: Department of Justice

<sup>442</sup> Table 10, Ibid.

**The average cost of keeping a person in prison has fallen from historically high levels—costing £44,956 per year in 2020–21, down from £73,732 in 2010.**<sup>443</sup>

### Safety in custody

**During 2019–20 there were two deaths in custody—both occurred at HMP Magilligan and appeared to be the result of natural causes. 11 further deaths occurred within a fortnight of leaving custody.**<sup>444</sup>

**A study estimated the prevalence of mental illness as 25% higher in Northern Ireland than the rest of the UK.** Despite this, the needs of prisoners suffering from mental illness are poorly understood.<sup>445</sup>

**Half of people reported feeling unsafe at some point during their time in custody.** 42% reported they had been bullied and of those that had, 19% reported the incident, 23% did not.<sup>446</sup>

**Almost one in 10 people (8%) reported they had developed a drug problem since entering prison.**<sup>447</sup>

**Around one in 10 people tested positive for drugs—HMP Magilligan (10%) and HMP Maghaberry (9%).**<sup>448</sup>

### Treatment and conditions

**Availability of constructive activity in prisons varies widely. At Magilligan, people spent around 70 hours a month in constructive activity, whereas at Maghaberry people only spent around 20 hours per month.** However, inspectors have questioned the accuracy of this data, and warned that it doesn't provide any indication of quality.<sup>449</sup>

**Inspectors found significant improvements at HMP Maghaberry—staff-prisoner relationships were much more positive, there was better supervision and a predictable regime had been introduced which contributed to a safer environment.**<sup>450</sup>

**However, despite a reduction in violence at HMP Maghaberry, nearly one in three people (29%) still said they felt unsafe.**<sup>451</sup>

**Inspectors continue to find worse outcomes for Catholics in prison than Protestants.** Inspectors said that “a serious attempt was being made” at Maghaberry Prison, to help understand the reasons.<sup>452</sup>

### People in prison

**Almost 40% of people reported that they had a problem with drugs when they came into prison—31% reported having a problem with prescription drugs.**<sup>453</sup>

**44% of people reported having a problem with alcohol when they came into prison.**<sup>454</sup>

**A total of 67% of all people in prison are on prescribed medication—80% at Maghaberry, 58% at Magilligan and 38% at Hydebank Wood Young Offenders Centre.** The levels of prescribing reflect the fact that prisoners tend to have poorer physical and mental health than the general population.<sup>455</sup>

**34% of people entering prison have a literacy ability, and 51% have a numeracy ability, at a level broadly equated to that expected of a nine year old.**<sup>456</sup>

**12% of the prison population are foreign nationals—more than two-thirds (67%) are on remand.**<sup>457</sup>

443 Northern Ireland Prison Service (2021) Northern Ireland Prison Service annual report and accounts 2020–21, Belfast: Department of Justice and Committee for Justice (2014) Prison service reform and management of drugs misuse: Northern Ireland Prison Service, Belfast: Northern Ireland Assembly

444 The Prisoner Ombudsman for Northern Ireland (2021) Annual report 2019–20, Belfast: The Prisoner Ombudsman for Northern Ireland

445 Criminal Justice Inspection Northern Ireland (2019) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

446 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

447 Ibid.

448 Criminal Justice Inspection Northern Ireland (2019) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

449 Criminal Justice Inspection Northern Ireland (2018) An inspection of resettlement in the Northern Ireland Prison Service, Belfast: CJINI

450 Criminal Justice Inspection Northern Ireland (2018) Report on an unannounced visit to Maghaberry Prison, 9–19 April 2018, Belfast: CJINI

451 Ibid.

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453 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

454 Ibid.

455 Ibid.

456 Northern Ireland Prison Service (2014) Building for the future—Northern Ireland Prison Service estate strategy, Belfast: Department of Justice

457 Northern Ireland Prison Service (2020) Analysis of NIPS prison population from 01/10/2019 to 31/12/2019, Belfast: Department of Justice

## Women in prison

**On 10 December 2021 there were 75 women in prison in Northern Ireland.<sup>458</sup> They accounted for 7% of receptions into prison in 2020–21.<sup>459</sup>**

**288 women were received into prison in 2020–21, a drop of 30% compared to the previous year. Of those, almost three-quarters (74%) were there on remand.<sup>460</sup>**

**Nearly three-quarters (74%) of women entering prison to serve a sentence are there for non-violent offences.<sup>461</sup>**

**Two in five women (42%) in prison surveyed said they had children under the age of 18. More than half (53%) said it was difficult or very difficult for family and friends to visit. Almost a quarter (24%) said they received no visits.<sup>462</sup>**

## Children and young adults in prison

**108 children (aged 10–17) entered custody in 2020–21, half (50%) as many as a decade ago. Four out of five were boys (80%)—lower than at any other point in the last decade. 11 children were held in custody on average.<sup>463</sup>**

**Most children are in custody on remand—accounting for more than four in five (82%) of the population.<sup>464</sup>**

**Nearly half of children in custody (47%) were in care in 2020–21.<sup>465</sup>**

**Inspectors have raised concerns that children continue to be inappropriately placed in custody at times of crisis when no alternative accommodation is available, and when offending is not serious.<sup>466</sup>**

**59 young adults (aged 18–20) entered custody in 2020–21 to serve a sentence.<sup>467</sup>**

**More than half of young adults (55%) said they had felt unsafe at some time—one in six (16%) told inspectors they currently felt unsafe.<sup>468</sup>**

## Rehabilitation and resettlement

**Inspectors have raised concerns at the lack of targets, performance data or outcomes available to assess measures to reduce risk, reoffending, and preparing people to return to the community.<sup>469</sup>**

**45% of adults released from custody went on to be reconvicted within a year. More than two-thirds of people (69%) who reoffended did so within four months of release; more than four in five (86%) had within six months.<sup>470</sup>**

**Over a third of people (36%) had no accommodation confirmed to go to on release from prison.<sup>471</sup>**

**Inspectors found increased use of home leave to support rehabilitation, and that work to maintain relationships with children, families and friends “remained very strong” at HMP Magilligan.<sup>472</sup>**

**The number of people recalled to custody has been increasing in recent years. 187 people were recalled back to prison in 2020–21, down from 202 in the previous year.<sup>473</sup>**

<sup>458</sup> Northern Ireland Prison Service, situation report for 10 December 2021, accessed on 15 December 2021, available at <https://www.justice-ni.gov.uk/articles/weekly-situation-reports-october-2015>

<sup>459</sup> Table 7, Department for Justice (2021) The Northern Ireland prison population 2020/21, Belfast: Department of Justice

<sup>460</sup> Ibid.

<sup>461</sup> Table 12, Ibid.

<sup>462</sup> National Preventive Mechanism (2020) Report on an unannounced inspection of Ash House, Hydebank Wood women's prison, Belfast: CJINI

<sup>463</sup> Tables 13 and 28, Brown, T. (2021) Northern Ireland Youth Justice Agency annual workload statistics 2020/21, Belfast: Youth Justice Agency

<sup>464</sup> Table 28, Ibid.

<sup>465</sup> Table 23, Ibid.

<sup>466</sup> Criminal Justice Inspection Northern Ireland (2018) An announced inspection of Woodlands Juvenile Justice Centre, Belfast: CJINI

<sup>467</sup> Table 8, Department for Justice (2021) The Northern Ireland prison population 2020/21, Belfast: Department of Justice

<sup>468</sup> Criminal Justice Inspection Northern Ireland (2020) Report on an unannounced inspection of Hydebank Wood secure college, Belfast: CJINI

<sup>469</sup> Criminal Justice Inspection Northern Ireland (2018) An inspection of resettlement in the Northern Ireland Prison Service, Belfast: CJINI

<sup>470</sup> Tables 8 and 2b, Millar, R. and Browne, S. (2021) Adult and youth reoffending in Northern Ireland (2018/19 cohort), Belfast: Department of Justice

<sup>471</sup> Northern Ireland Prison Service (2017) Prisons 2020, Belfast: Department of Justice

<sup>472</sup> Criminal Justice Inspection Northern Ireland (2018) Report on an unannounced inspection of Magilligan Prison, Belfast: CJINI

<sup>473</sup> Parole Commissioners for Northern Ireland (2021) Annual report 2020–21, Belfast: PCNI



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