



Bromley Briefings Prison Factfile

January 2023

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.

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Introduction

We've had three prime ministers, two justice secretaries (one twice over), four prisons ministers and two CEOs of the prison and probation service since the last edition of this briefing. So it's hardly surprising that this edition is not full of evidence of progress towards the ambitions set out in the Prisons Strategy White Paper published in January last year. All of those office holders have struggled with an accelerating exodus of staff from the prison service, fuelling a crisis that has kept many prisoners in conditions amounting to solitary confinement. In the latter half of the year, the much-anticipated increase in prison numbers as court activity increases has also materialised. As a result, far from being a year of post-pandemic recovery, 2022 has seen life change depressingly little for people in prison.

We know that the practical challenges any prisons minister inherits are daunting, and mirrored in other public services. But what sets prisons apart is the willingness of successive governments to add to their problems, generally in the face of all the evidence about how to reduce them. This edition's "Long View" tracks changes in the parole system, and provides precisely such an example.

There is much that should cause concern about how our system deals with people whose release depends on an assessment of future risk by the Parole Board. It cannot be right that a large majority of people end up serving well beyond the period set for punishment by the sentencing court (the "tariff") when prisons have had many years to prepare them for safe release when that term expires. By the same token, the system should regard the fact that well over 2,000 people on life and imprisonment for public protection (IPP) sentences are back in prison having been recalled as a failure rather than a success. But the extreme caution that drives the parole system does produce remarkably low re-offending rates — roughly one tenth of those for people released automatically on a determinate sentence. In a criminal justice system characterised by chronic under-performance, the Parole Board can reasonably claim to be something of an exception to the rule.

As the "Long View" makes clear, the parole system exists to assess and manage risk — it cannot eliminate it. But changes made in the summer of 2022 seems to have that goal in mind. As a result of changes made without parliamentary scrutiny, almost all opportunity for indeterminate sentenced prisoners to move to an open prison has disappeared. Overnight, a 94% acceptance rate has turned into 87% rejected. The Parole Board's advice — proven over many years to be both cautious and reliable — is now either not sought or ignored. Legislation to allow a political veto over the Parole Board's expert decision on release in high-profile cases is promised for 2023.

The cumulative effect of these changes is to make release an unfairly distant prospect for a growing number of prisoners, regardless of the progress they make over the many years set aside as punishment. The expectations on which both prisoners and staff rely to preserve hope and meaning in the long years of custody are being systematically undermined, and the punitive impact of the sentence in practice now exceeds what either parliament or the sentencing court intended. The legislation that created the discredited IPP sentence in 2003 fell into a similar error, creating a punishment that was neither humane nor just — 20 years later a government with a short memory is repeating that mistake.

Peter Dawson

Director, Prison Reform Trust

The long view—The changing face of parole

Martin Jones

Chief Executive Officer, Parole Board

The mists of time...

The work of the Parole Board has changed enormously since its creation in 1967–68. Looking back, its origins seem rooted in a different age. Its founding chair, Lord Hunt, had overseen the first successful ascent of Mount Everest. At the point of creation, there were just 17 members, including just one woman. Those first members never saw a prisoner, there were in fact no “hearings” at all. Technically there were in fact no decisions, as the final decision rested with the home secretary of the day. There was virtually no transparency at all for victims, the public or prisoners. Today, the board has nearly 350 members, and is independent of government. Last year the board made over 16,000 decisions, with detailed reasons provided, as to whether prisoners were safe to be released. The board also held around 9,000 oral hearings. Our decisions are now clearly recognised as those of a court, though the precise status of the board remains controversial and has been the subject of repeated reviews.¹

The changing face of parole has been the result of gradual evolution over the last three decades often precipitated by legislative change and judgments of both the domestic courts and the European Court of Human Rights.² As long ago as 1989, the House of Lords Select Committee on Murder and Life Imprisonment recommended that the decision to release indeterminate prisoners should be an entirely judicial one, “independent of the executive.” The government of the day rejected that argument, and until the 1990s the final decision on the release of those serving life sentences continued to rest with the home secretary. However, a series of judgments chipped away at political decision making, with government and Parliament gradually ceding that the final decision on the release of prisoners should rest with a “court” and that the Parole Board was the right body to perform that function.

“Only around one in four people considered by the Parole Board each year are released, and we know that the majority of people we release repay that trust in the community.”

Having worked on sentencing in that era, I know that not all these changes were politically welcome, but I think they were right. They removed some of the political sting from high profile release decisions, but fundamentally they meant that decisions had to be based on evidence and the law.

During the 55 years since 1967, exactly what “parole” means has also been hotly debated and undergone significant change. At the heart of any system of conditional release there are bound to be tensions between the rights of prisoners and the legitimate concerns of victims; between a desire to prevent future crime and a need to reach decisions about individual liberty in a procedurally just way. The very idea of parole offends some as an attack on “truth in sentencing”, while others see it as a powerful tool to promote desistance from future offending. The Parole Board finds itself continually at the centre of these tensions, both corporately and in the day-to-day work of its members.

In the 1960s, 70s and 80s, parole was typically seen as an incentive to good behaviour by prisoners, and early release (after as little as one third of the sentence) a form of reward. That changed in 1991 with the introduction of automatic release at the halfway point for all sentences under four years, and a requirement that those serving sentences of four years or more should serve a minimum of 50% of the sentence in custody before being subject to a discretionary release (“parole”) process. Securing parole for prisoners became less a matter of “keeping a clean and tidy cell” and more an issue of potential future risk. Progressively more sophisticated systems of assessment, and the advent of accredited offending behaviour programmes cemented that shift during the following decade.

¹ R (Gourlay) v Parole Board [2017] EWCA Civ 1003, para 47.

² These broadly reflect three legislative overhauls: (1) 1967–1991, where the Criminal Justice Act 1967 established a small Parole Board and Local Review Committees attached to every prison to advise the Government on the release of prisoners; (2) 1991–2003, in the wake of the Criminal Justice Act 1991, which introduced significant reforms including automatic rather than discretionary release at the half-way point for those serving less than four years imprisonment. The Home Secretary relinquished their power to the Parole Board to direct release of prisoners serving less than fifteen years in 1998, as well as extended sentence prisoners once the extended sentence was introduced; and (3) 2003 to today, following the Criminal Justice Act 2003, this removed the Parole Board's role in deciding the release of prisoners serving fixed term sentences and provided that all indeterminate sentence prisoners came within its remit.

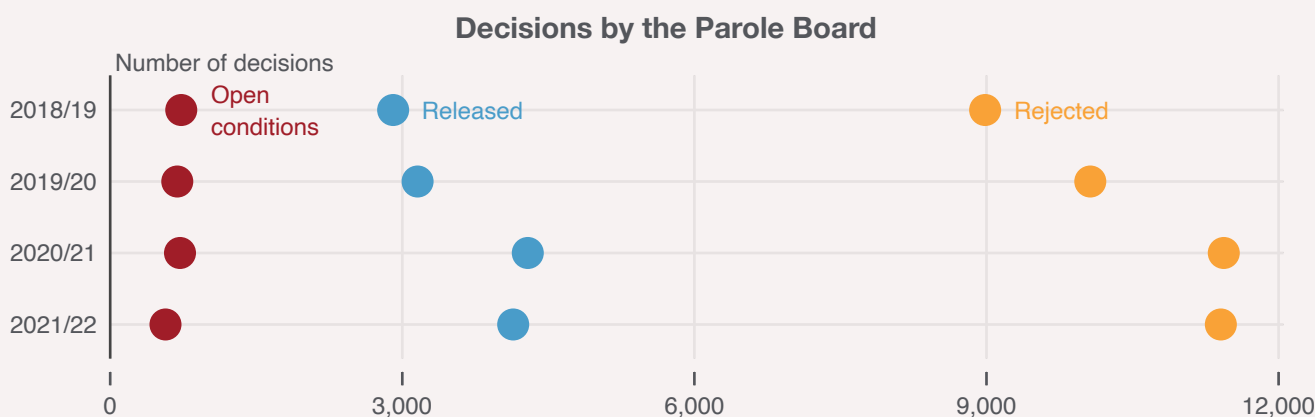
The 1990s also saw changes required following successful litigation that gave many more prisoners the right to make their case in person to the Parole Board, and to question evidence given about them at an oral hearing. That process unquestionably sharpened up the board’s practice and training, and few would now argue against the idea that prisoners should be entitled to the same rights and safeguards that come with any other judicial proceeding. At least as far as the question of release is concerned, the days of decisions taken in secret in offices in Whitehall were consigned to history.

“The published evidence is strong; when a prisoner is afforded a successful period in open conditions it makes the public safer, and increases the chance that the individual can succeed on release.”

An accountable system

Many of the more recent reforms have built on these foundations. The parole system can seem secretive and unaccountable to the victims of serious crime, but is now more transparent, publishing reasons for its decisions. There is also a reconsideration mechanism that allows people the opportunity to challenge our decisions where they believe they are irrational or unfair. On 12 December 2022 the first ever public parole hearing was held, and we are piloting a scheme to allow victims to observe parole hearings, with proper support.

Our decisions really matter to people. They matter to the public because the overriding focus of our hearings is their protection. They matter to victims because our decisions can cause anxiety and they deserve to be kept updated about the decisions that affect them so deeply. They also matter to prisoners because however serious the original offence, after they have served the period set for punishment, they are legally entitled to a fair hearing, by an independent court, to decide if their continued imprisonment remains necessary for the protection of the public.



Source: Parole Board

What the board does and how it does it

Having spent three decades working in criminal justice, as a practitioner working in the criminal courts, as a policy maker and now as chief executive of the Parole Board, it’s impossible not to be struck by the intense public interest in what people call “early” release. In fact, over 90% of people released from prison each year are let out automatically without a Parole Board assessment. Their sentence assumes that much of it will be served under supervision in the community, not in prison. By contrast, the Parole Board deals with only the most serious cases — those who have committed serious sexual and violent offences or are assessed as dangerous. The board has the power to keep someone serving an indeterminate sentence in prison until they die.

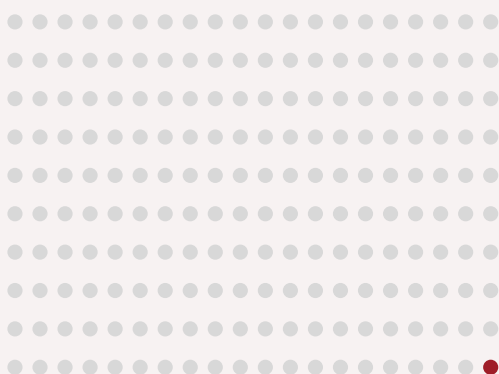
Across their time at the board our members will often end up assessing thousands of people, so whilst no system can be fool-proof, members build up a huge amount of expertise. We also benefit from the assessments of those who have worked with and assessed the prisoner, and that opinion always carries huge weight with us.

“It is hard not to be concerned that since June 2022 the secretary of state has chosen not even to seek the board’s advice in a much higher proportion of cases, and his officials have chosen not to take our advice in nearly nine out of every 10 cases where we have recommended a progressive move to open conditions.”

The facts demonstrate that the Parole Board is very cautious in its decision making. Only around one in four people considered by the Parole Board each year are released, and we know that the majority of people we release repay that trust in the community. Less than one of every 200 prisoners we release go on to be convicted of a serious offence within three years of their release. We do not have a crystal ball, but we do know some facts about how risk changes over time. We also know that the opportunity to test in open conditions, education, employment, accommodation and support in the community are key to a safe and successful release. We should not shy away from telling victims and the public why and how we make our robust decisions.

Whilst I accept and support scrutiny of the Parole Board, I worry that too much focus on the Parole Board alone represents a missed opportunity. The board’s decision is a product of how the prison system has performed as well as the choices the prisoner has made.

Serious further offending after release



Source: Parole Board

Less than one out of every 200

prisoners released by the Parole Board go on to be convicted of a serious offence within three years of their release

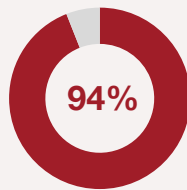
That is why the Parole Board has published its decision-making framework. It is why we now provide summaries of our decisions to explain our reasons. It is why I have welcomed allowing victims to observe hearings, and the holding of public hearings where it is in the interests of justice. And I look forward to a BBC documentary during 2023, which will provide unprecedented access to the way in which we make our decisions. We have nothing to hide.

A parole system, not just a board

Whilst I accept and support scrutiny of the Parole Board, I worry that too much focus on the Parole Board alone represents a missed opportunity. The board’s decision is a product of how the prison system has performed as well as the choices the prisoner has made. I am also deeply conscious how important support in the community can be to keep the public safe; and how difficult it can be for a probation service struggling with high caseloads and staffing vacancies to deliver. The establishment of a parole system oversight board, where senior leaders from both HM Prison and Probation Service and the Parole Board can formally review performance, is a welcome if overdue reform.

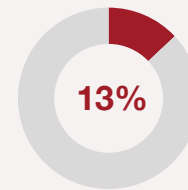
Secretary of state decisions for open conditions have changed dramatically

2021–22



515 out of 549 recommendations by the Parole Board for a transfer to an open prison were **accepted** by the Secretary of State for Justice

April–August 2022



11 out of 83 recommendations by the Parole Board for a transfer to an open prison were **accepted** by the Secretary of State for Justice

Source: Parole Board

Release is not the only issue which the board considers. For many years, it has advised the secretary of state on whether a person serving an indeterminate sentence should progress to an open prison. Whilst the final decision rests with the secretary of state, historically those recommendations have almost always been accepted, because the published evidence is strong; when a prisoner is afforded a successful period in open conditions it makes the public safer, and increases the chance that the individual can succeed on release by their gradual reintegration back into society.

So, it is hard not to be concerned that since June 2022 the secretary of state has chosen not even to seek the board's advice in a much higher proportion of cases, and his officials have chosen not to take our advice in nearly nine out of every 10 cases where we have recommended a progressive move to open conditions. Looking ahead, this is likely to inevitably lead to some people being released without this crucial testing, and others staying in custody for longer than might have been necessary for the protection of the public.

The board's membership

So, who takes these incredibly weighty decisions? In 2021/22 there were 346 active members with a wide range of professional backgrounds, from serving judges to the police service.

The diversity of our membership goes beyond professional background. Since 2016, we have made huge strides in improving the ethnic diversity of our members. In 2016, less than 5% of the membership identified as being from a Black, Asian or minority ethnic background. Now, that figure is 18%. This is important for trust and confidence given the over representation of people from a minority ethnic background in our prisons.

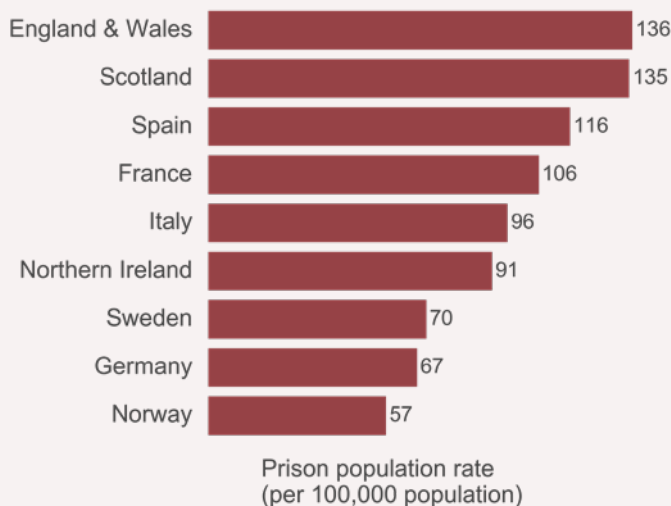
What next

The Parole Board is constantly evolving and will continue to do so. Some change is driven by ministers and parliament, some by our own desire to improve what we do. Whilst we must remain independent, we should be open to challenge and always look for ways to improve our performance. We need to constantly reassure those who rely on our decisions that we have a fair and transparent parole system and that our record on public protection is strong — as good as any I have seen internationally. Change is inevitable, but it should build on those solid foundations.

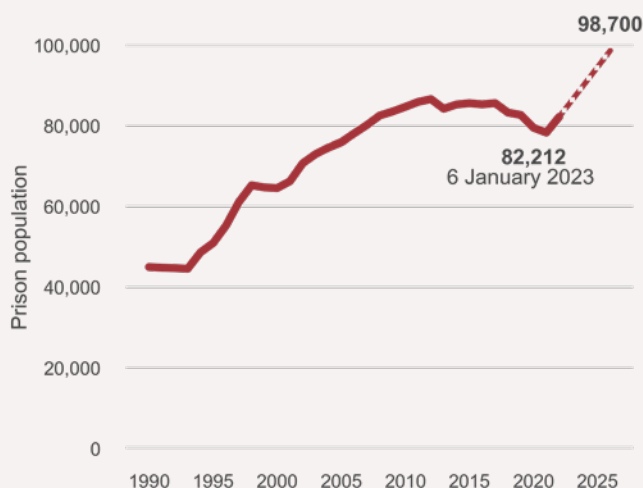
SENTENCING AND THE USE OF CUSTODY

An overview

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



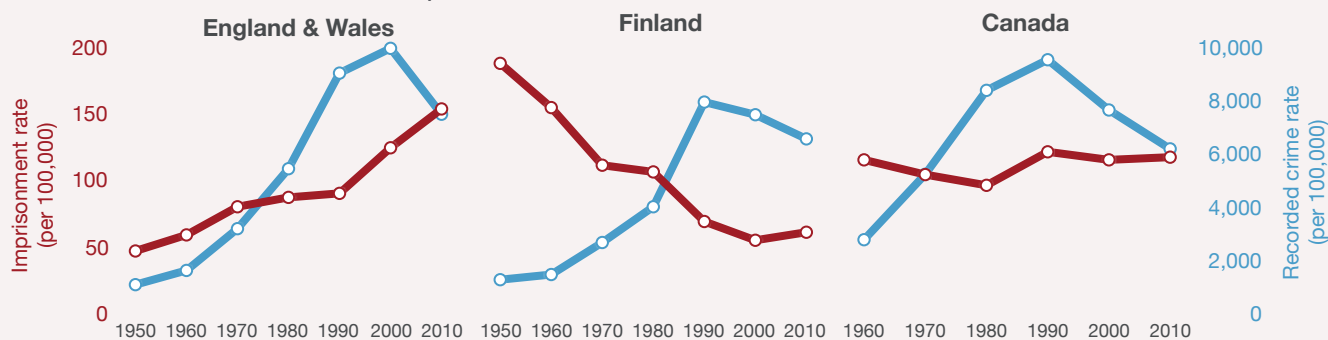
The prison population has risen by 75% in the last 30 years—it is currently projected to rise by around 16,500 people by 2026



Source: World Prison Brief, Institute for Crime & Justice Policy Research, 24 November 2022

Source: Offender management statistics, Prison population 2022 and Population and capacity briefing for 6 January 2023 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.³ International comparisons also show there is no consistent link between the two.⁴

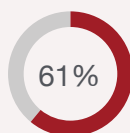


In England and Wales, we overuse prison for non-violent and persistent crime.⁵

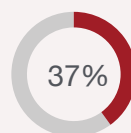
More than

43,000

people were sent to prison to serve a sentence in the year to June 2022



The majority had committed a non-violent offence

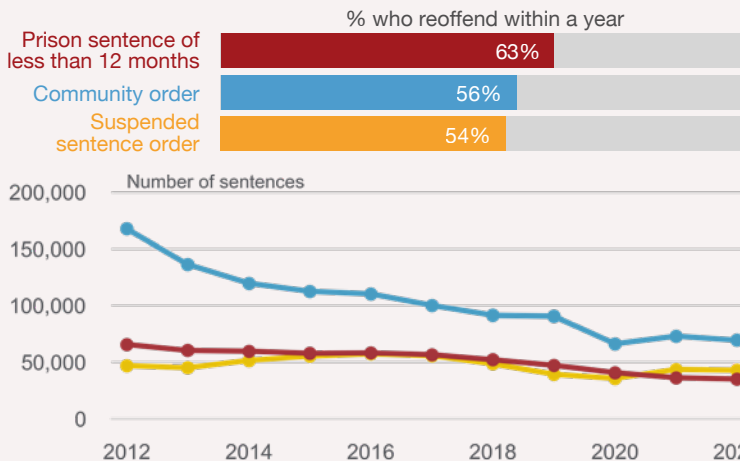


Almost two in five were sentenced to serve six months or less

Short prison sentences are less effective than community sentences at reducing reoffending.⁶

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.⁷ Yet, their use has more than halved in only a decade.

Suspended sentences account for only 4% of all sentences—and have declined over the previous decade.⁸



3 National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office
 4 Lappi-Seppälä, T. (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/TapioLS>; 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>
 5 Tables 2.5a and 2.5b Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice
 6 Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice, see also p52
 7 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
 8 Tables Q5.1b and Q5.4, Ministry of Justice (2022) Criminal justice statistics quarterly June 2022, 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.⁹

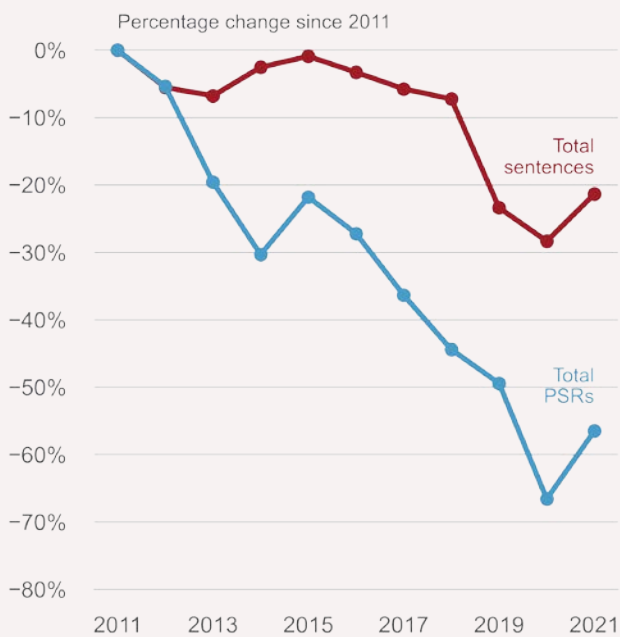


Courts are over 10 times more likely to impose a community sentence if a pre-sentence assessment is conducted by probation staff. However, the decline in the use of these assessments in recent years is strongly linked to the sharp fall in the number of community sentences.¹⁰

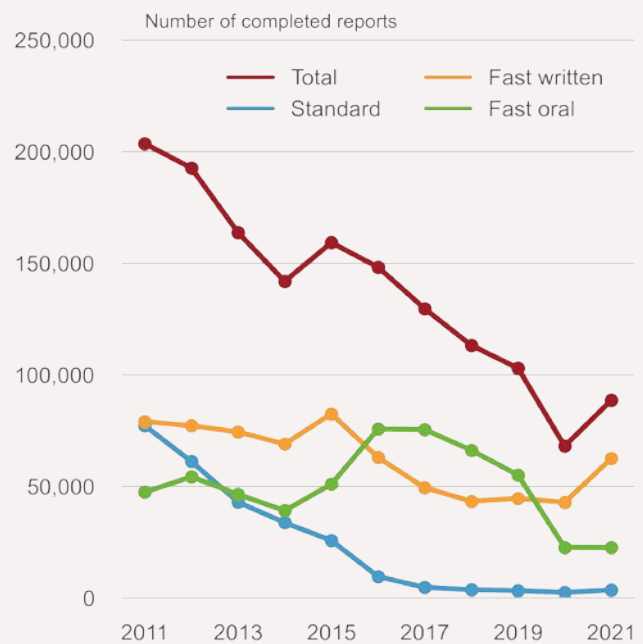
Pre-sentence reports (PSRs) provide an assessment of the nature and causes of a person’s behaviour, the risk they pose and to whom, as well as an independent recommendation of the sentencing option(s) available to the court.

They are intended to provide the court with a greater understanding of the background and context of the offending behaviour, rather than just the details of the offence; and to assist the court to reach a sentencing decision. However, their use has fallen sharply.

The use of PSRs has fallen much more sharply than sentences in the last decade



The number of completed PSRs has declined by 56% over the past decade



Source: Offender management statistics, Probation 2021 and Criminal justice statistics quarterly December 2021

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

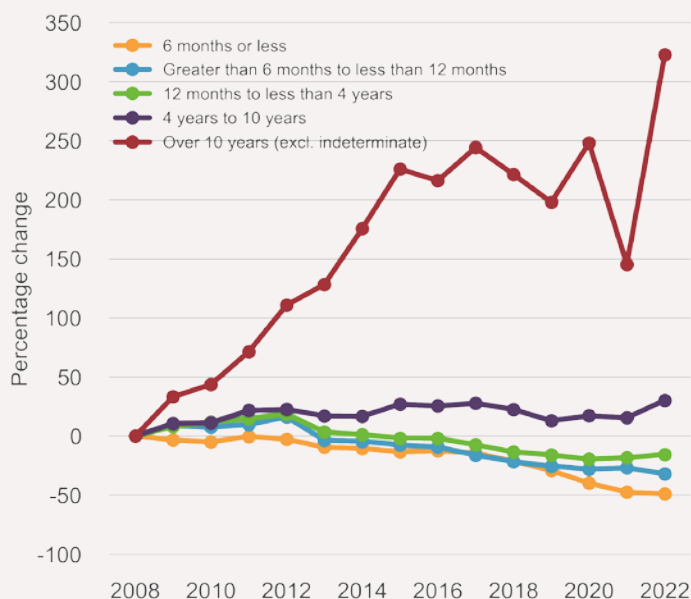
Standard PSRs—the most detailed type of report—have almost been entirely phased out, falling by 95% since 2011.¹¹

A pilot across 15 magistrates’ courts was launched in March 2021 in response to the decline in the number of PSRs, and to improve the quality of information presented to court.¹²

9 Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century, London: Crest Advisory
 10 Centre for Justice Innovation (2018) The changing use of pre-sentence reports, London: CJI
 11 Ibid.
 12 Table A4.24 Ministry of Justice (2022) Offender Management Statistics, Probation 2022, London: Ministry of Justice

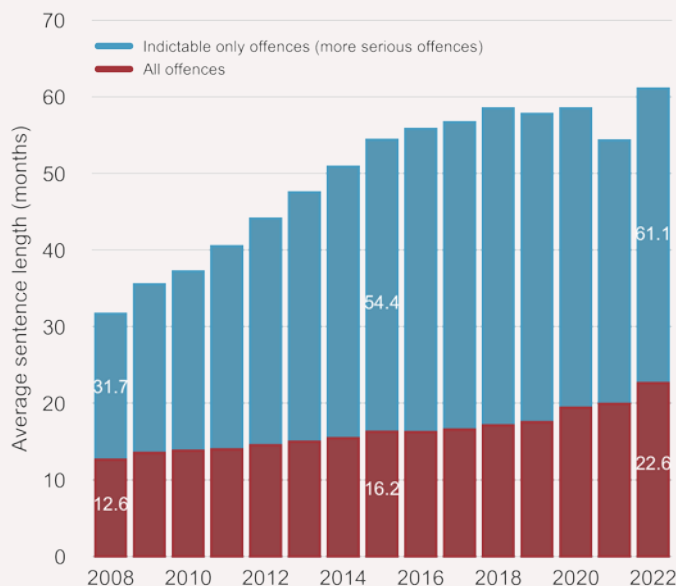
We choose to send people to prison for a long time... and it's growing.

More than four times as many people were sentenced to 10 years or more in the 12 months to June 2022 than the same period in 2008.¹³



Source: Criminal justice statistics quarterly June 2022 and previous editions

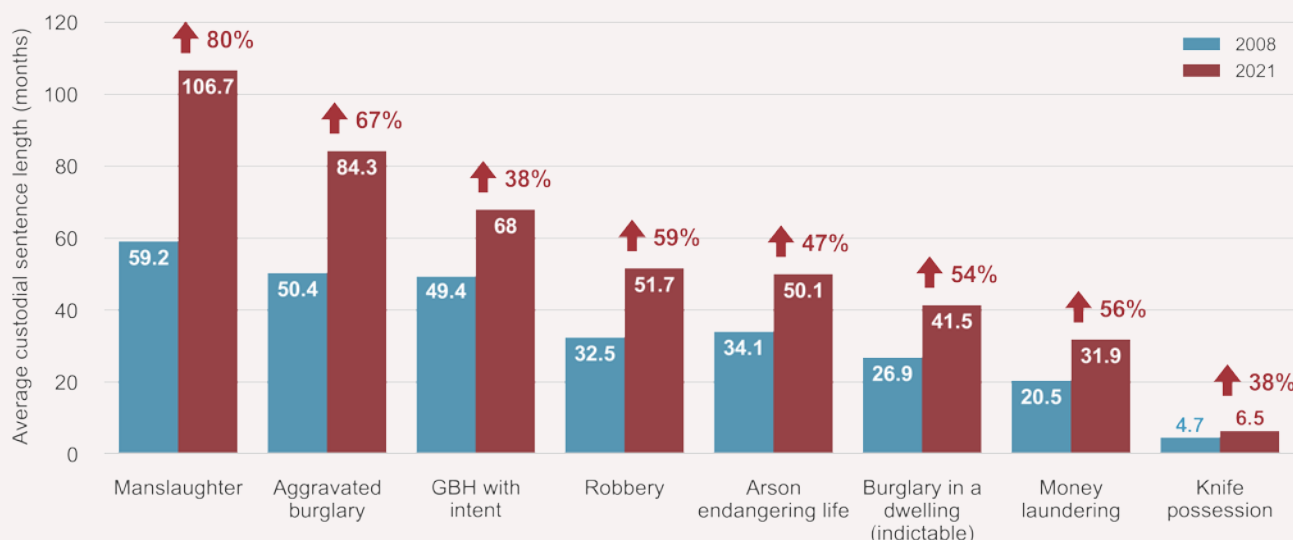
For more serious, indictable offences, the average prison sentence is now 61.1 months—more than two years longer than in 2008.¹⁴



Source: Criminal justice statistics quarterly June 2022 and previous editions

Almost all offences now receive a much longer custodial sentence than they used to.¹⁵

Recent legislation is set to accelerate this increase even further.¹⁶



Source: Criminal justice statistics quarterly December 2021 and previous editions

People serving mandatory life sentences for murder are spending more of their sentence in prison. On average they spend 18 years in custody, up from 13 years in 2001.¹⁷

Judges are also imposing longer minimum terms. The average minimum term imposed for murder rose from 13 years in 2000 to 21 years in 2021.¹⁸

Most people in prison serving indeterminate sentences remain in prison far beyond their minimum term. Life sentenced and IPP sentenced people in prison on average have spent an additional nine years and three months and nine years and one month in prison, respectively.¹⁹

¹³ Table Q5.4, Ministry of Justice (2021) Criminal justice statistics quarterly June 2022, London: Ministry of Justice and previous editions

¹⁴ Table Q5.1b, *ibid.*

¹⁵ Ministry of Justice (2022) Criminal justice statistics quarterly June 2022, Outcomes by offence tool, London: Ministry of Justice

¹⁶ For example, the Police, Crime, Sentencing and Courts Act 2022, Sections 122–148, available at: <https://www.legislation.gov.uk/ukpga/2022/32/part/7>

¹⁷ Table A3.3, Ministry of Justice (2022) Offender management statistics, Prison releases 2021, London: Ministry of Justice and

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

¹⁸ House of Lords written question HL7261, 6 April 2022

¹⁹ House of Lords written question HL3587, 5 December 2022

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

Imprisonment for Public Protection (IPP)

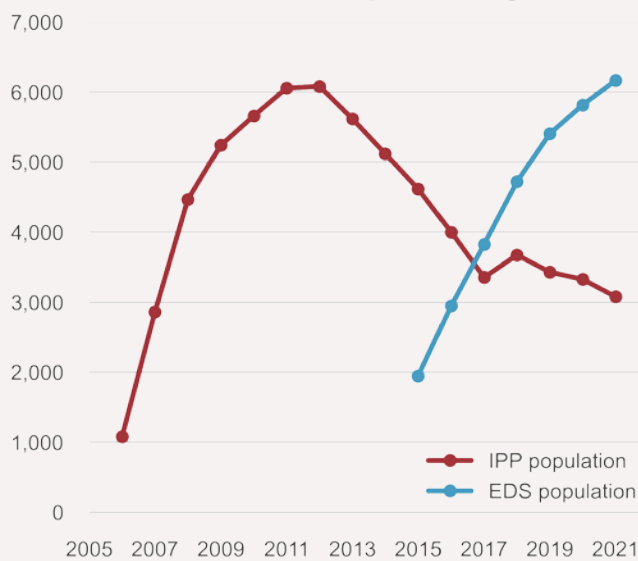
The IPP sentence was introduced in 2005. It was intended for people considered ‘dangerous’ but whose offence did not merit a life sentence. Those sentenced are held for a potentially unlimited period until the person can prove that they are no longer a threat to the public. Despite the abolition of the 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)

Extended Determinate Sentences were introduced in December 2012. They replaced Extended Sentences for Public Protection. The EDS consists of a custodial term and an extended licence period.

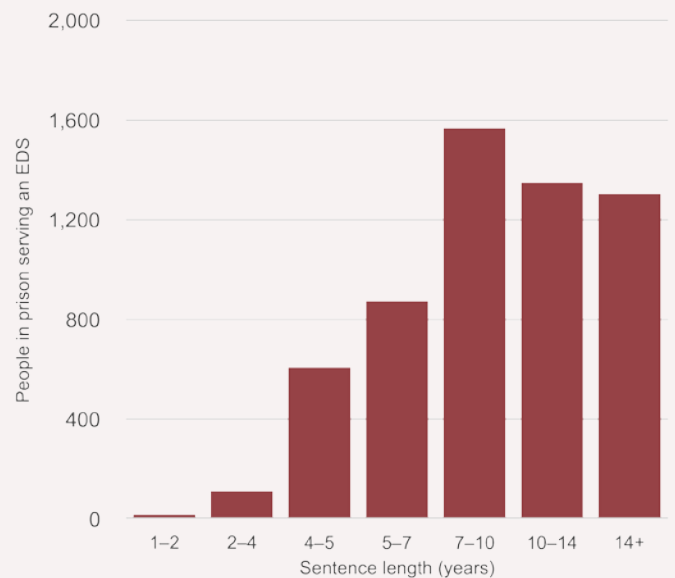
EDS: The new IPP?

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



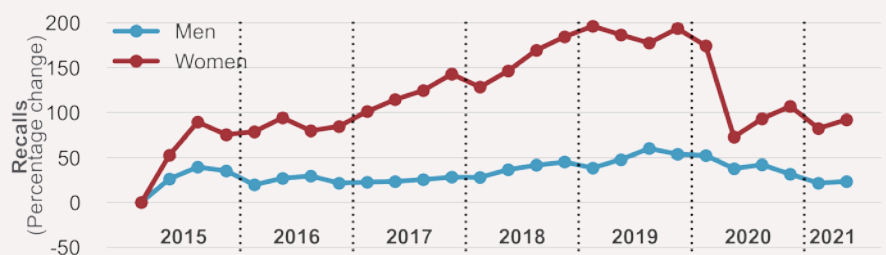
Source: House of Lords written question HL10575, 7 December 2020

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

Under changes introduced in 2015, anyone leaving custody who has served two days or more is required to serve a minimum of 12 months under supervision in the community.²⁰

Since their introduction, the number of people recalled back to custody has increased, particularly amongst women.²¹

7,431 people serving a sentence of less than 12 months were recalled to prison in the year to June 2022.²²



20 Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

21 Prison Reform Trust (2018) Broken Trust: The rising numbers of women recalled to prison, London: Prison Reform Trust

22 Table 5.2, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

Life and indeterminate sentences²³

Many people in prison don't know if, or when, they might be released. 10,730 people are currently in prison serving an indeterminate sentence—16% of the sentenced prison population, up from 9% in 1993.²⁴

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.

Imprisonment for public protection (IPP)

Despite its abolition in 2012, there are 1,437 people in prison serving an IPP sentence who have never been released. Nearly all (97%) 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.²⁵

One in six (16%) people who have already served their minimum term have a tariff of less than two years, and more than two in five (42%) have a tariff of between two and four years.²⁶

228 people have yet to be released from prison despite being given a tariff of less than two years—more than four-fifths of these (188 people) have served ten years or more beyond their original tariff.²⁷

There are a further 1,453 people serving an IPP sentence who are back in prison having previously been released—a rise of 7% on the previous year.²⁸

Many people serving an IPP sentence are being recalled back to prison after their release. In the last 12 months 645 people on licence were recalled and returned to custody, whereas only 703 people were either released for the first time or re-released having been previously recalled.²⁹

Life sentences

7,114 people are currently in prison serving a life sentence who have never been released. Almost one in six (15%) have a tariff of 10 years or less, almost half (48%) have a tariff of over 10 years and up to 20 years, and a third (33%) have over 20 years. There are an additional 726 people who have been recalled back to prison after they were released.³⁰

England and Wales have more people serving life sentences than Austria, Belgium, France, Germany, Italy, the Netherlands, Russia, and Sweden combined—the highest in Europe by a significant margin.³¹

Almost a quarter (23%) of people currently in prison on a life sentence have already served their minimum term. They have spent an average of 9.2 extra years in prison.³²

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 18 years in custody, up from 13 years in 2001.³³

Judges are also imposing longer tariff periods.³⁴ The average length of the minimum term imposed for murder has risen from 13 years in 2003 to 21 years in 2021.³⁵

There are currently 64 people serving a whole life sentence—they are unlikely to ever be released.³⁶

The vast majority of life sentenced prisoners are successfully integrated back into the community on release. 4% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 42% of the overall prison population.³⁷

²³ This section contains information on life sentences and Imprisonment for Public Protection sentences

²⁴ Table 1.1 and 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

²⁵ Table 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

²⁶ Ibid.

²⁷ Table 1.9b, Ibid.

²⁸ Table 1.9a, Ibid.

²⁹ Tables 3.1, 5.4 and 5.11, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

³⁰ Table 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

³¹ Table 10, Aebi, M., et al. (2022) Council of Europe annual penal statistics, survey 2021, Strasbourg: Council of Europe

³² Table 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice and House of Commons written question HL3923, 24 November 2021

³³ Table A3.3, Ministry of Justice (2022) Offender management statistics, Prison releases 2021, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

³⁴ Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

³⁵ House of Lords written question HL7261, 6 April 2022

³⁶ Table 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

³⁷ Table C2a, Ministry of Justice (2022) Proven reoffending statistics: January to March 2020, London: Ministry of Justice

The legacy of the IPP

Nearly all are stuck in prison beyond tariff

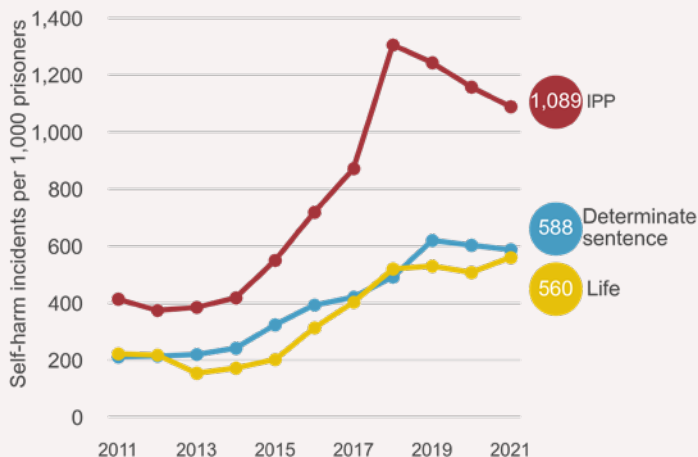
People in prison serving an IPP yet to be released



Source: Offender management statistics quarterly: April to June 2022

Risk of harm?

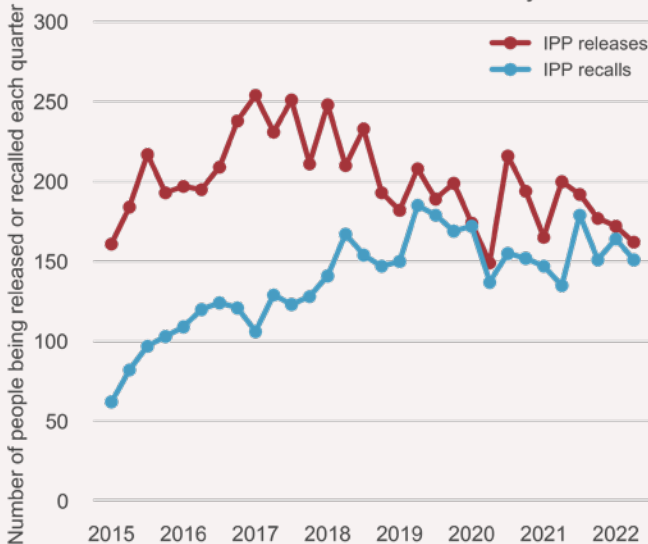
IPP prisoners have higher rates of self-harm



Source: Safety in custody statistics quarterly update to December 2021 and Offender management statistics, Prison population 2021

Revolving doors

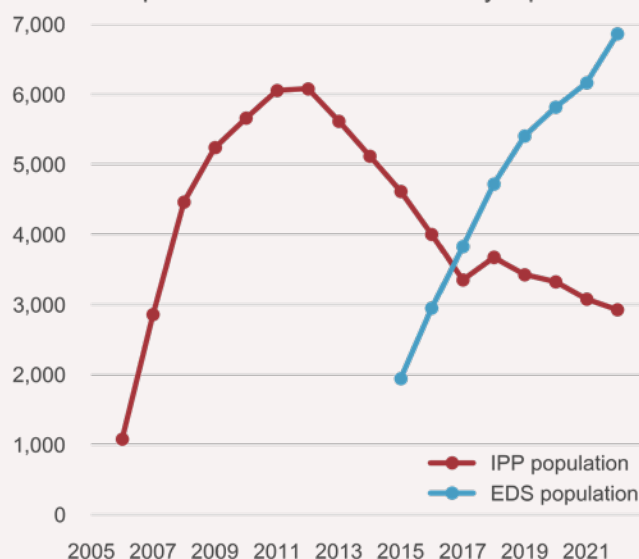
The gap between the number of people released from prison and the number recalled has closed in recent years



Source: Offender management statistics quarterly: April to June 2022 and previous editions

The new IPP?

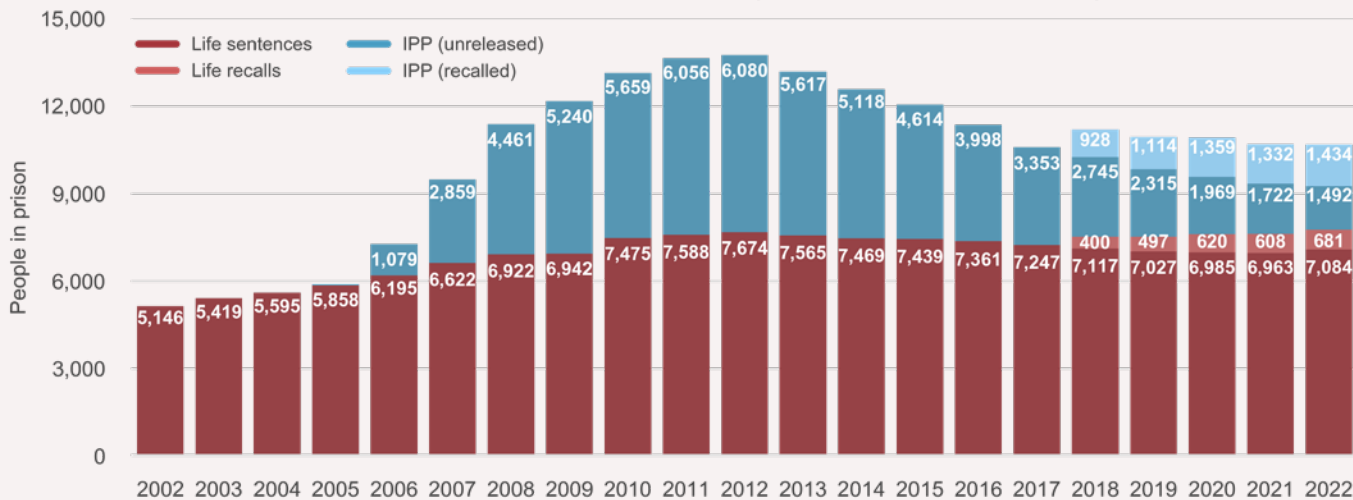
Extended Determinate Sentences numbers have surpassed the IPP sentence they replaced



Source: Offender management statistics, April to June 2022

The growth of indeterminate sentences

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



Source: Offender management statistics, Prison population 2022 and Offender management statistics quarterly: April to June 2022

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 29,022 receptions into prison before trial in the year to June 2022.³⁸

Half of people (50%) entering prison on remand awaiting trial are accused of non-violent offences— 19% for drug offences and 10% for theft offences.³⁹

People may also be remanded to custody after they have been found guilty, but are yet to be sentenced. 19,231 people were remanded into prison awaiting sentence in the year to June 2022.⁴⁰

There are currently 14,507 people on remand, the highest figure in at least 50 years. They account for more than one in six people in prison (18%). The majority are awaiting trial (67%), whilst the rest are awaiting sentencing.⁴¹

Almost a third of people (32%) on remand, 4,582 people, have been there for longer than six months. More than one in 20 (5%) have been there for longer than two years (770 people).⁴²

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 17%, respectively.⁴³

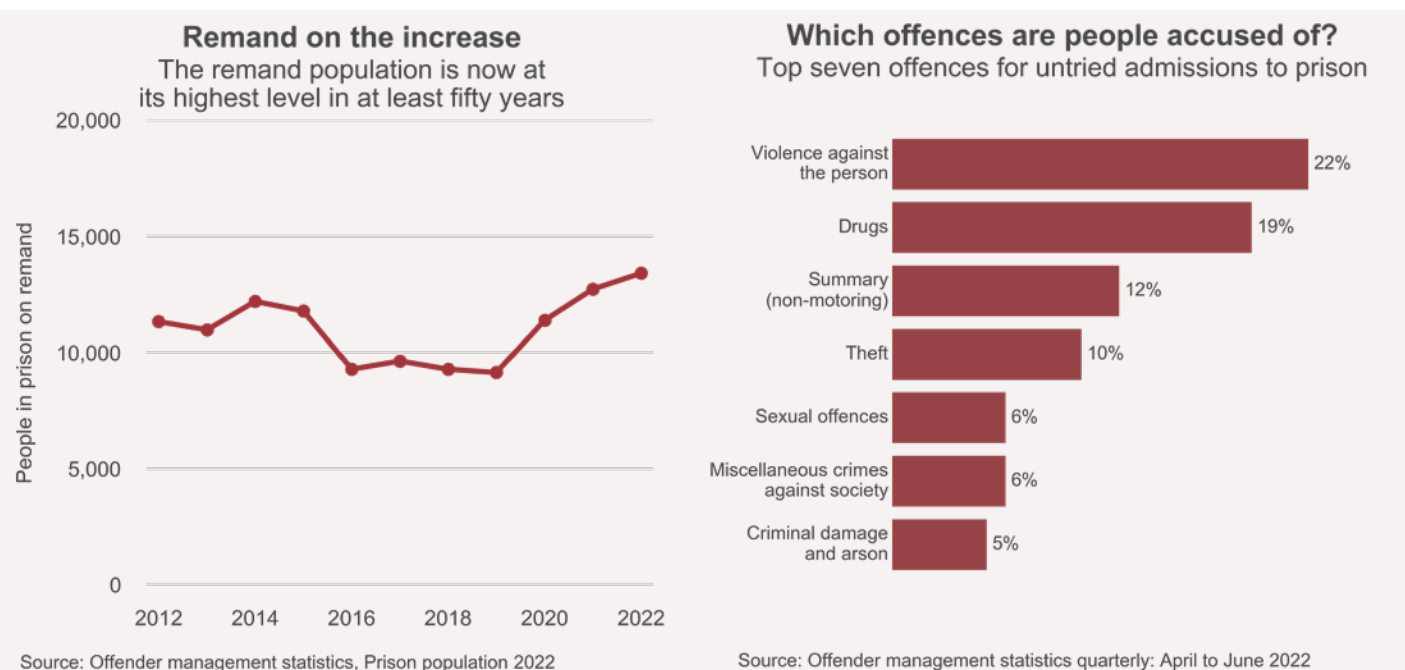
People in prison on remand receive no financial help from the prison service at the point of release. Those acquitted receive no compensation.

Over a third (37%) of self-inflicted deaths in 2021 were by people held on remand.⁴⁴

On average 224 children were held in prison on remand in the year to March 2021. They currently account for two in five children in prison (40%)—the highest proportion of any year in the last ten years.⁴⁵

However, the number of children held in prison on remand has fallen in the last decade, declining by 57%.⁴⁶

More than a third of children (37%) remanded into custody in the year to March 2021 were subsequently acquitted—a further third (37%) were given a non-custodial sentence.⁴⁷



³⁸ Table 2.4b, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Table 1.1, Ibid.

⁴² House of Lords written question HL3408, 25 November 2022.

⁴³ Table Q4.4, Ministry of Justice (2022) Criminal justice statistics quarterly June 2022, London: Ministry of Justice

⁴⁴ Table 1.7, Ministry of Justice (2022) Safety in custody statistics quarterly update to June 2022, London: Ministry of Justice

⁴⁵ Table 6.3, Ministry of Justice (2022) Youth justice statistics 2020/21, London: Ministry of Justice

⁴⁶ Ibid.

⁴⁷ Table 6.6, Ibid.

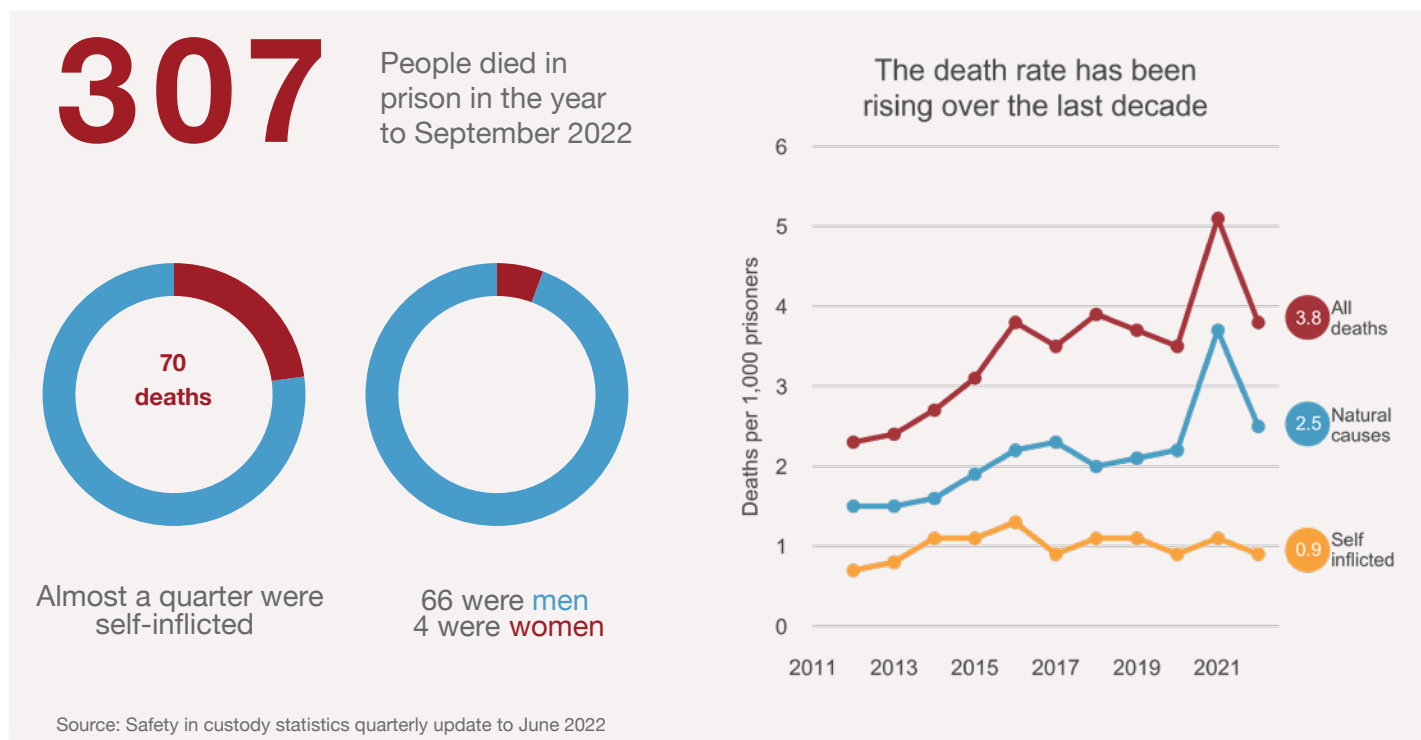
THE STATE OF OUR PRISONS

Safety in prisons

Overall, safety in prisons has deteriorated rapidly during the last decade.⁴⁸

Inspectors found that safety was not good enough in six out of 10 men's prisons (60%) they visited during 2021–22. Almost half of people in men's prisons (43%) and half of people in women's prisons (50%) said that they had felt unsafe at some point whilst in prison.⁴⁹

Deaths in prison



The number of deaths due to natural causes has risen by over 50% in the last decade. 198 people died of natural causes in the year to September 2022.⁵⁰

Self-inflicted deaths are over six times more likely in prison than in the general population.⁵¹

In the last five years more than one in five (21%) self-inflicted deaths occurred in the first 30 days of arrival in prison—half (51%) of these deaths were in the first week.⁵²

Many prisons are failing to learn lessons from self-inflicted deaths. Inspectors found that in just under half of the prisons inspected, recommendations had not been adequately implemented from the Prisons and Probation Ombudsman (PPO) following a death in custody investigation.⁵³

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.⁵⁴

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.⁵⁵ The investigation into the death at Styal was critical of the lack of healthcare provided prior to the birth.⁵⁶

⁴⁸ Tables 1 and 4, Ministry of Justice (2022) Safety in custody statistics quarterly update to June 2022, London: Ministry of Justice

⁴⁹ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

⁵⁰ Table 2, Ministry of Justice (2022) Safety in custody statistics quarterly update to June 2022, London: Ministry of Justice

⁵¹ Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

⁵² Table 1.7, Ministry of Justice (2022) Safety in custody statistics quarterly update to June 2022, London: Ministry of Justice

⁵³ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

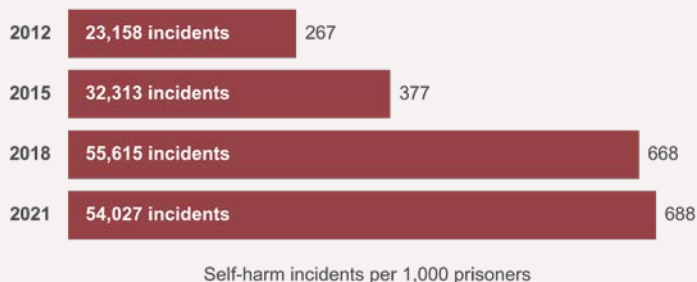
⁵⁴ Prisons and Probation Ombudsman (2018) Annual report 2017–18, London: PPO

⁵⁵ Prisons and Probation Ombudsman (2021) Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019, London: PPO

⁵⁶ Prisons and Probation Ombudsman (2021) Independent investigation into the death of Baby B at HMP&YOI Styal on 18 June 2020

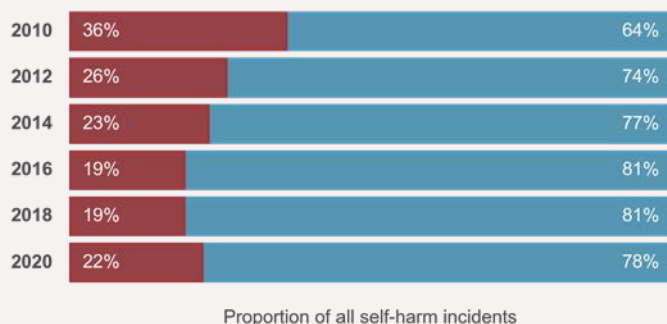
Self-harm

Rates of self-harm remain at historical highs



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

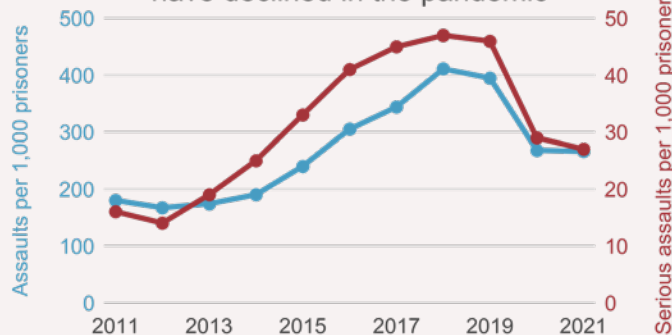
But in recent years there has been a significant rise in self-harm incidents by men.



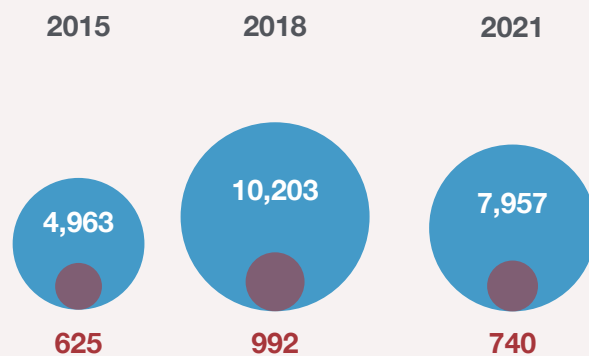
Source: Safety in custody statistics quarterly update to June 2022

Assaults

Assaults and serious assaults have declined in the pandemic



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



Serious assaults on staff have declined at a similar rate.

There was one homicide in prison in 2021. There have been 13 in total in the last five years.⁵⁷

The number of incidents of self-harm amongst women in prison is at a record high following the pandemic. There were 12,255 incidents of self-harm in the year to June 2022. The rate of self-harm has more than doubled in the last decade.⁵⁸

Rates of recorded assaults and self-harm in men’s prisons both declined during the pandemic. However, the rate of assault is 50% higher than a decade ago and the rate of self-harm has doubled since 2015.⁵⁹

More than half of people (52%) in prisons inspected in 2021–22 were negative about the quality of healthcare services in their prison.⁶⁰

Fairly applied rules play an important role in reducing assaults. Research has found that the consistent application of rules which are understood and appear legitimate to people in prison are often associated with lower rates of assaults.⁶¹

The PPO completed 201 investigations about staff behaviour, including use of force, in 2019–20. One in five complaints were upheld.⁶² Inspectors in the same year noted that documentation relating to use of force was frequently inadequate or missing entirely.⁶³

Inspectors recorded key concerns about the use of force by staff on prisoners in 13 of 19 inspected adult male closed prisons in 2021–22. They observed occasions of excessive use of force, including unnecessary baton use, as well as incidents of swearing and abusive language during restraint. Poor staff use of body-worn videos cameras also remained an issue. The government is still not publishing data on use of force despite promising to do so.⁶⁴

⁵⁷ Table 1.2, Ministry of Justice (2022) Safety in custody statistics quarterly update to June 2022, London: Ministry of Justice

⁵⁸ Tables 3 and 6, *ibid.*

⁵⁹ Tables 3 and 4, *ibid.*

⁶⁰ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

⁶¹ McGuire, J. (2018) Understanding prison violence: a rapid evidence assessment, London: HM Prison and Probation Service

⁶² Prisons and Probation Ombudsman (2020) Annual report 2019–20, London: PPO

⁶³ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

⁶⁴ Letter from Minister of State for Justice Lucy Frazer QC MP to Prison Reform Trust, June 2020, available at: <https://prisonreformtrust.org.uk/2020-06-30-lucy-frazer-to-pd/>

Treatment and conditions

Around one in eight (13%) of our prisons were rated as “of concern in the circumstances of COVID-19” in 2021–22 by HM Prisons and Probation Service (HMPPS). The remainder were rated as “at least acceptable in the circumstances of COVID-19”. Those mostly likely to be of concern were female local prisons, male local prisons and closed male Young Offender Institutions.⁶⁵

Before the pandemic HMPPS prison ratings had been improving, 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.⁶⁶

Nine out of 20 prisons (45%) visited by inspectors in 2021–22 were assessed as having “not sufficiently good” outcomes for respect. Overcrowding was cited as problem in most prisons and many were judged to have living conditions requiring significant improvement.⁶⁷

Inspectors noted that enhanced Covid-19 cleaning had improved conditions in communal areas and continued after the end of the restricted regime. However, many cells were dirty and in a poor state of repair, with toilet seats often lacking a seat or lid. Vermin were a major problem in some prisons.⁶⁸

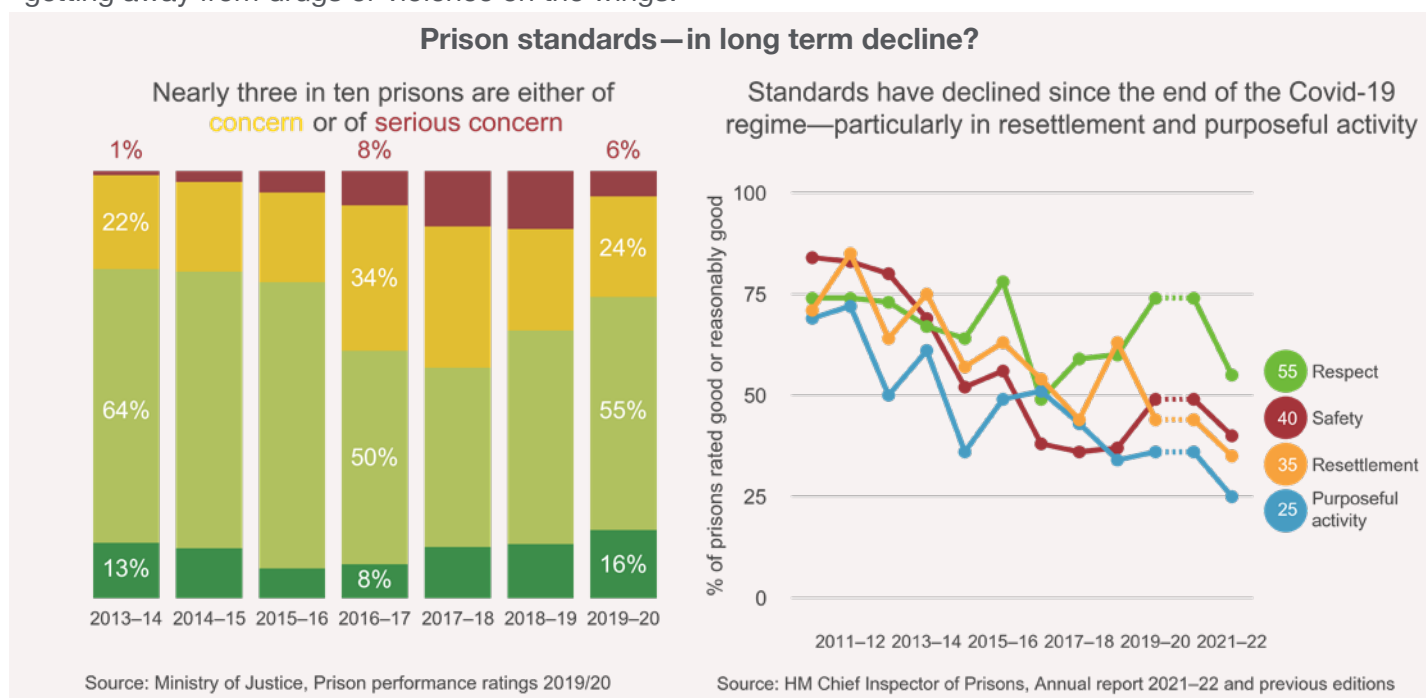
However, recovery from the pandemic has been slow. Most prisoners (53%) spent at least 22 hours a day in their cells—rising to more than two-thirds (69%) during the weekend.⁶⁹

Segregation

Inspectors found that conditions for many held in segregation units remained poor. Most people had only 30 minutes a day to shower, use the phone and have time in the fresh air. Four units inspected were found to have no in-cell electricity.⁷⁰

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.⁷¹

A 2015 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.⁷²



65 Ministry of Justice (2022) Prison performance ratings 2021 to 2022, London: Ministry of Justice

66 Ibid. and HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office and previous editions

67 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

68 Ibid.

69 Ibid.

70 Ibid.

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

72 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. While the outside world might have moved on from the pandemic, Covid-19 still looms large in prison. Time out of cell in general has not recovered to anywhere near pre-pandemic levels and levels of purposeful activity are also very low.⁷³

As of Spring 2022 HMPPS has decommissioned the National Framework for Prison Regimes and Services which had placed many restrictions on prison life in order to control the spread of Covid-19. Nonetheless many difficulties remain due to staff shortages and continuing outbreaks.⁷⁴

Pandemic conditions

From mid-March 2020 until around February 2021 almost all people in prison in the UK spent 23 hours or more out of every day locked in a cell, typically around 3m by 2m in size. Two-thirds of them were in conditions that amounted to solitary confinement, the other third were sharing a cell, or in dormitory accommodation.⁷⁵ Most people in local and high security prisons were allowed 30 minutes a day to shower and exercise.⁷⁶

Lockdowns and restrictions have endured far longer in prison than they have in the outside community. A User Voice survey of 1,421 people in prison conducted in the summer and autumn of 2021 found that fewer than 20% of participants reported experiencing three hours or more out of their cell each weekday.⁷⁷

Inspectors found the provision of purposeful activity to be poor, with a lack of education and work provision for the majority of prisoners. Rehabilitation work has been hampered by low staffing levels, as well as high numbers of inexperienced staff who had no experience of a full regime in operation.⁷⁸

Over two out of five (44%) prisoners surveyed reported experiencing thoughts that they would “be better off dead” or considered hurting themselves in the preceding two weeks. Almost one in five (19%) reported experiencing these thoughts every day.⁷⁹

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 June 2022 these backlogs had increased by 45% and 2%, respectively.⁸⁰

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.⁸¹ The extension expired on 28 June 2021.⁸²

Although the backlog is now reducing in the magistrates’ courts, in the Crown Courts, where the most serious cases are held, they remain high. Defendants in the Crown Court are waiting on average 66% longer for conclusion of their trial than they were before the pandemic.⁸³

As a result the number of people held in prison on remand has risen to the highest level in at least fifty years.⁸⁴ Inspectors spoke to children who were in custody for the first time who were expecting to wait longer than a year for their trial.⁸⁵

⁷³ Criminal Justice Joint Inspection (2022) The impact of the Covid-19 pandemic on the criminal justice system—a progress report, May 2022, London: Ministry of Justice

⁷⁴ Government website, <https://www.gov.uk/government/publications/living-with-covid-19-prisons-and-youth-custody-settings>, accessed on 28 June 2022

⁷⁵ HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office

⁷⁶ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

⁷⁷ User Voice (2022) Coping with Covid in prison: The impact of prisoner lockdown, London: User Voice

⁷⁸ Criminal Justice Joint Inspection (2022) The impact of the Covid-19 pandemic on the criminal justice system—a progress report, May 2022, London: Ministry of Justice

⁷⁹ User Voice (2022) Coping with Covid in prison: The impact of prisoner lockdown, London: User Voice

⁸⁰ Tables C1 and M1, Ministry of Justice (2022) Criminal court statistics quarterly: April to June 2022, London: Ministry of Justice

⁸¹ Government website, <https://www.gov.uk/government/news/suspected-criminals-held-for-longer-as-criminal-courts-recovery-plan-announced>, accessed on 17 November 2022

⁸² 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/uksi_20200953_en.pdf, accessed on 17 November 2022, and House of Commons, written question 16102, 21 June 2021

⁸³ Table C7, Ministry of Justice (2022) Criminal court statistics quarterly: April to June 2022, London: Ministry of Justice

⁸⁴ Table 1.1, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

⁸⁵ HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office

Pandemic recovery and time out of cell

A joint inspectorate report released in May 2022 found that recovery in prisons has generally been slow and inconsistent.⁸⁶ The annual Inspectorate report based on visits made throughout the year reached a similar conclusion. Inspectors found it common to find prisoners locked in their cells for 22.5 hours a day. Time out of cell was even worse for new arrivals or those in isolation. The lifting of restrictions was hampered by unprecedented staff shortfalls according to inspectors.⁸⁷

Many people reported having no meaningful activity to keep themselves occupied during the pandemic and after the lifting of regime restrictions. Rehabilitative work stopped almost completely, and access to the library, workshops and exercise was very limited. Inspectors visiting in 2021–22 report little progress in reopening at the time of inspection.⁸⁸

Inspectors have noted that the lack of access to offender management programmes, education, resettlement planning, and family visits is failing to prepare people for release and people may be at an increased risk of reoffending.⁸⁹

How have people in prison experienced the pandemic?⁹⁰

“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

⁸⁶ Criminal Justice Joint Inspection (2022) The impact of the Covid-19 pandemic on the criminal justice system—a progress report, May 2022, London: Ministry of Justice

⁸⁷ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

⁸⁸ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

⁸⁹ HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

⁹⁰ The following quotations have been taken from our series of CAPTIVE reports, available here <https://prisonreformtrust.org.uk/project/coronavirus/>

Overcrowding and changes to the prison estate

The prison system as a whole has been overcrowded in every year since 1994.⁹¹ Around three in every five prisons (61%) in England and Wales are overcrowded (74 of the 122 prisons), with more than 16,300 people held in overcrowded accommodation—more than a fifth of the prison population.⁹²

The current level of overcrowding has remained broadly unchanged for the last 19 years.⁹³ However, the sustained reduction in the prison population following court closures due to the pandemic meant that it decreased slightly in the last two years. 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.⁹⁴

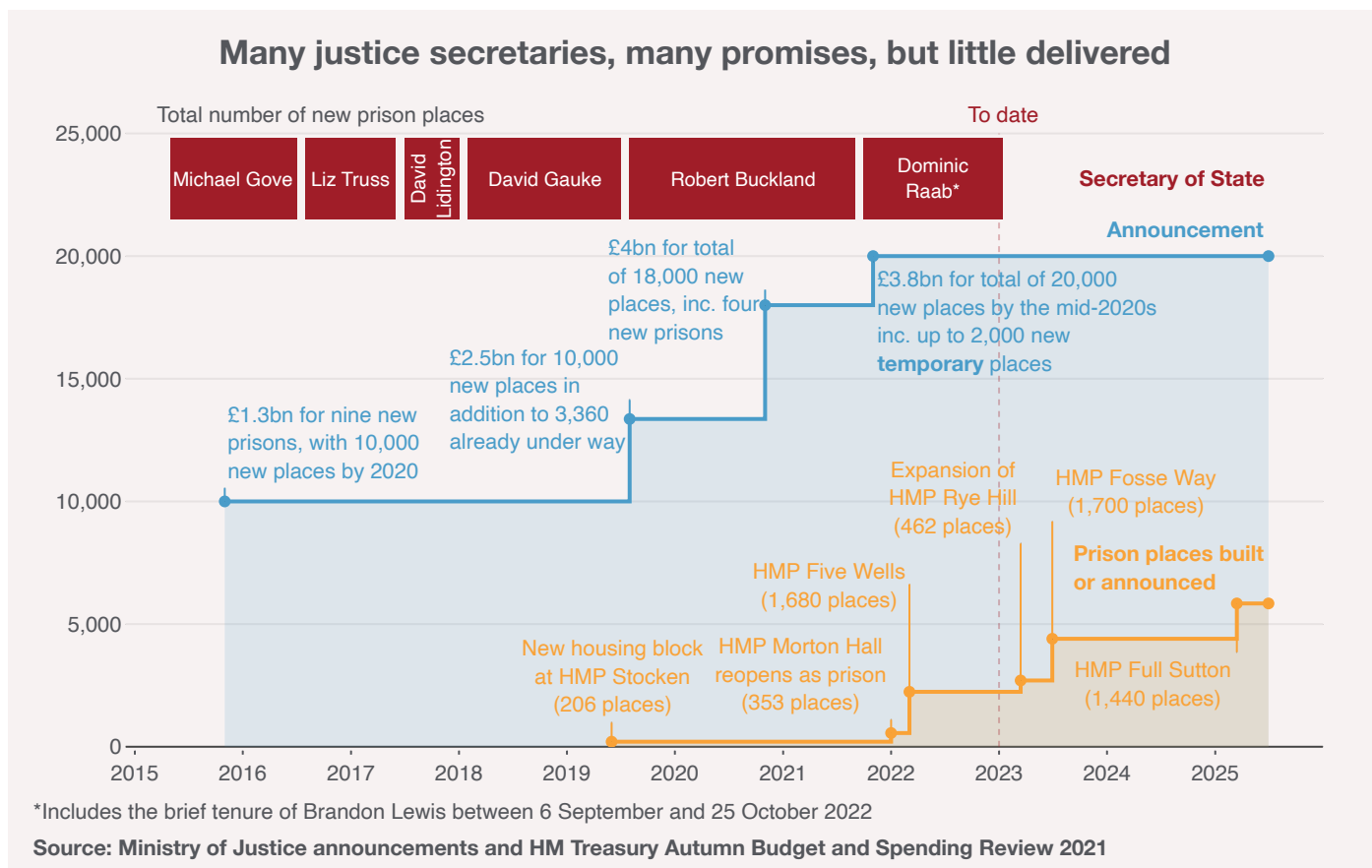
Overcrowding remains a significant issue in most prisons—particularly in local and category C training prisons, where most people are held.⁹⁵

The government projects that the prison population will rise by more than 16,800 to 97,500 people in the next three years—placing further pressure on places.⁹⁶

The government has committed £315m of capital funding towards improving the condition of the existing estate. There are 2,550 places out of use currently undergoing or due for repair.⁹⁷

On the 30 November 2022 the government announced “Operation Safeguard”, a protocol enabling the use of 400 police cells to temporarily hold people due to a lack of capacity in male local prisons.⁹⁸ The government is not able to make an estimate of the duration of the protocol.⁹⁹

The government has committed to building 20,000 new prison places by the mid-2020s. But published details of what is being built and when, are both unclear and confusing.¹⁰⁰



91 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 (2022) HM Prison and Probation Service Annual digest: April 2021 to March 2022, London: Ministry of Justice
 92 Tables 2.2 and 2.3, Ministry of Justice (2022) HM Prison and Probation Service Annual digest: April 2021 to March 2022, London: Ministry of Justice
 93 Table 2.2, Ibid.
 94 HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office
 95 Table 2.5, Ministry of Justice (2022) HM Prison and Probation Service Annual digest: April 2021 to March 2022, London: Ministry of Justice.
 96 Ministry of Justice (2021) Prison population projections 2021 to 2026, England and Wales, London: Ministry of Justice and
 Ministry of Justice (2022) Offender Management Statistics, Prison population 2022, London: Ministry of Justice
 97 House of Commons written question 44187, 15 September 2021 and House of Commons written question 72996, 4 November 2022
 98 Hansard HC Deb. vol.723 cols. 914–921, 30 November 2022, available at <https://bit.ly/operation-safeguard>
 99 House of Commons written question 102853, 5 December 2022
 100 House of Commons written question 133194, 9 March 2022 and House of Commons written question 134023, 9 March 2022.
 For a fuller analysis of the government’s prison building commitments and progress to date, visit <https://bit.ly/prison-building-analysis>

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%.¹⁰¹

Despite increases in recent years, including a 6% rise in 2022–23, its resource budget still remains 11% lower in real terms than in 2010–11.¹⁰²

The cost of a prison place decreased by 2% in real terms between 2010–11 and 2020–21. The average annual overall cost of a prison place in England and Wales is now £48,162.¹⁰³

HMPPS spent less than half (43%) of its planned £1.15bn capital budget in 2021–22. The Ministry of Justice has indicated that the ability to gain planning permission for new prison builds is having an impact.¹⁰⁴

Staffing

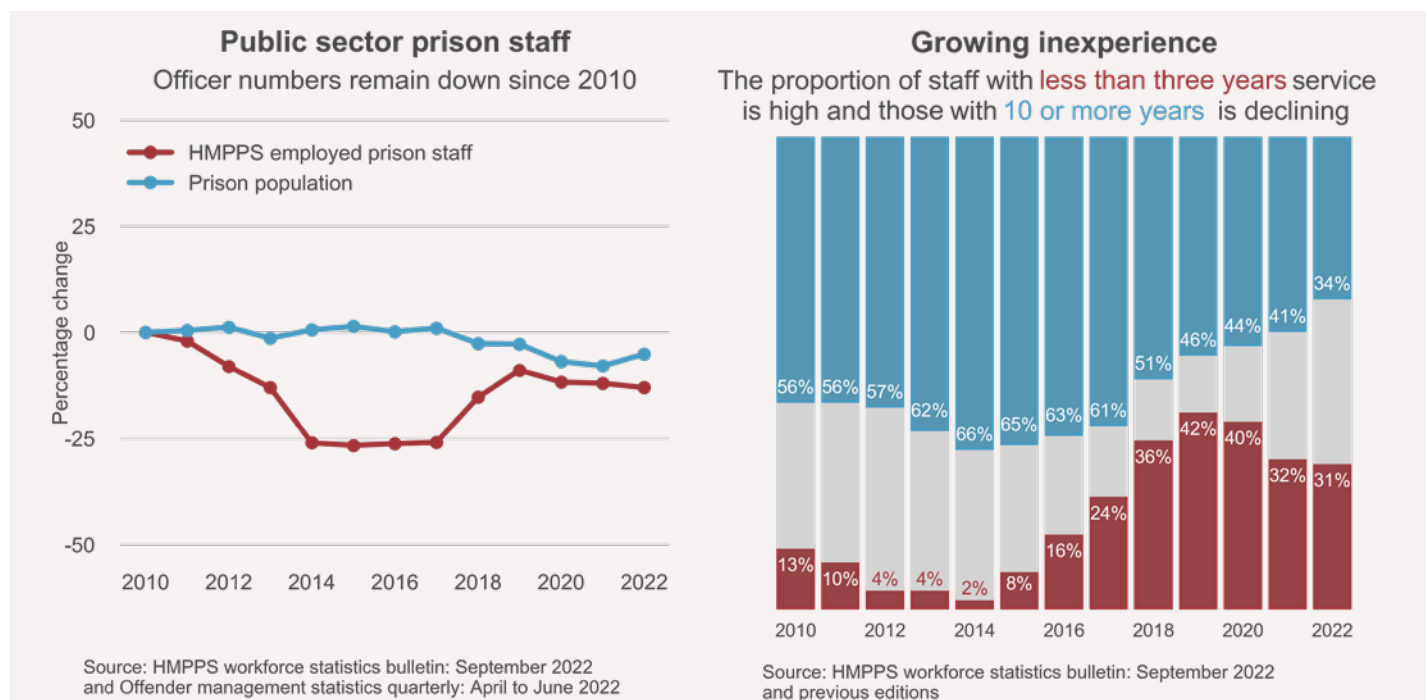
The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.¹⁰⁵

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 13% fewer staff than there were in 2010.¹⁰⁶

Numbers have been declining since the recruitment drive ended. There are over 700 fewer officers than there were 12 months ago.¹⁰⁷

Retention remains a problem. Almost half of officers (49%) who left the service in the last year had stayed in the role for less than three years. More than a quarter (26%) left after less than a year.¹⁰⁸

In the year to September 2022, almost one in six (16%) of those employed left the prison service. The government has committed to recruiting 5,000 officers over and above those that leave each year.¹⁰⁹



101 Ministry of Justice (2022) Ministry of Justice annual report and accounts 2021–22. London: Ministry of Justice and previous editions and HM Treasury (2022) GDP deflators at market prices, and money GDP November 2022 (Autumn Statement), London: HM Treasury

102 Ibid.

103 Table 2a, Ministry of Justice (2021) Costs per prison place and cost per prisoner by individual prison establishment 2020 to 2021 tables, London: Ministry of Justice; Table 1, Ministry of Justice (2012) National Offender Management Service Annual report 2010/11: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2022) GDP deflators at market prices, and money GDP November 2022 (Autumn Statement), London: HM Treasury

104 Ministry of Justice (2022) Ministry of Justice annual report and accounts 2021–22. London: Ministry of Justice and previous editions

105 Table 3, Ministry of Justice (2018) HM Prison and Probation Service workforce statistics: September 2018, London: Ministry of Justice

106 Ibid. and Table 3, Ministry of Justice (2022) HM Prison and Probation Service workforce statistics: September 2022, London: Ministry of Justice

107 Ibid.

108 Table 13, Ibid.

109 Table 4, Ibid.

Private prisons

In England and Wales there were 15,493 people (19% of the prisoner population) held in private prisons as of 28 October 2022.¹¹⁰

There are 14 private prisons in England and Wales. They cost a total of £602.1m in 2020–21.¹¹¹

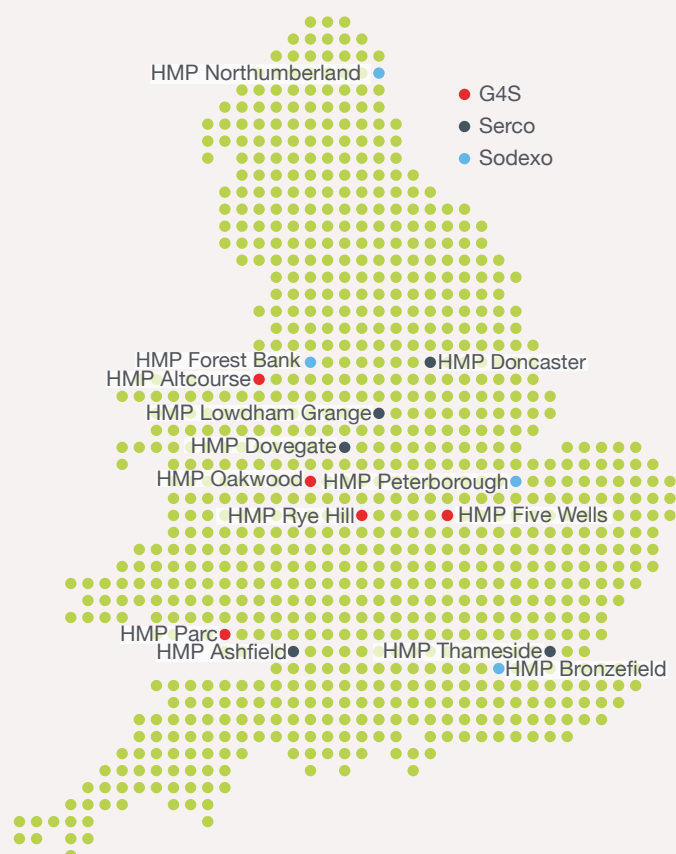
Eight of these are currently financed, designed, built and operated by the private sector on contracts of 25 years or more.¹¹² The contracts for Altcourse and Lowdham Grange are due to expire in 2023, those for Ashfield, Forest Bank and Rye Hill in 2026.¹¹³

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. An independent report on safeguarding at Oakhill commissioned by the government has been published. The government has accepted the 19 recommendations in the report.¹¹⁴

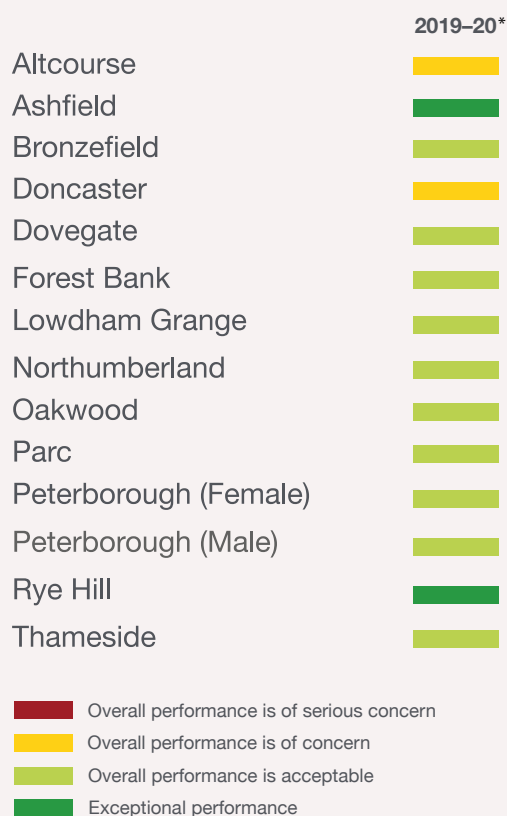
G4S has been awarded the 10 year government contract to run the new HMP Five Wells prison built on the former Wellingborough site. The new prison opened in February 2022.¹¹⁵

Serco has been awarded the 10 year government contract for the new prison HMP Fosse Way, due to be built on the old Glen Parva site. The prison is due to open in 2023.¹¹⁶

Private prisons in England and Wales



Private prison performance



* Standard prison performance reporting has been suspended due to Covid-19.

Source: His Majesty's Prison and Probation Service, Annual digest, April 2021 to March 2022

Source: Prison annual performance ratings 2019–20

110 Ministry of Justice (2022) Prison population monthly bulletin October 2022, London: Ministry of Justice

111 Costs per place and costs per prisoner by individual prison HM Prison & Probation Service Annual Report and Accounts 2020-21 Management Information Addendum
Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope.

112 Hansard HC, 4 December 2013, c719W

113 House of Commons written question 200700, 10 December 2018 and

Letter from Dr Jo Farrar and Nick Smallwood to the Senior Responsible Owner for the HMPPS PFI Prisons Expiry and Transfer Tranche 2 Project, May 2022, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1079950/james-smith-sro-letter-tranche-2.pdf

114 The government website, accessed on 24 October 2022, available at: <https://www.gov.uk/government/news/inspectorates-urgent-action-needed-at-oakhill-secure-training-centre> and
The government website, accessed on 24 October 2022, available at: <https://www.gov.uk/government/publications/second-urgent-notification-for-rainsbrook-secure-training-centre> and
Government Response to the Shelia Durr Report, accessed on 1 December 2022, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1119025/oakhill-stc-report-govt-response.pdf

115 Ministry of Justice website, accessed on 24 October 2022, available at <https://www.gov.uk/government/news/wellingborough-jail-contract-awarded-and-new-name-revealed> and
House of Commons written question 138044, 15 March 2022

116 House of Commons written question 901695, 18 October 2022

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

* This figure has been extrapolated using data from Table 1, ONS (2013) Families and households, 2012 and Table 1 (Reference Tables), ONS (2013) Population estimates for UK, England and Wales, Scotland and Northern Ireland—Mid 2012.

PEOPLE IN PRISON

What do people in prison say?

The Prison Reform Trust has a strategic objective to give prisoners a stronger influence in how policy on prisons is made.

In 2018 we launched the Prisoner Policy Network (PPN) – a network of serving prisoners, ex-prisoners, their families and organisations that support them who want to share their experiences and ideas with policy makers.

In response to the Covid-19 pandemic we established CAPPTIVE (the Covid Action Prison Project: Tracking Innovation, Valuing Experience) which builds on our experience in establishing the PPN. Findings from this research are included in **Covid-19 and the prison system** on page 21.

Finally, our Building Futures programme, launched in 2020, works with people in prison serving a continuous period of at least ten years in custody. It aims to provide solutions and shape a prison environment that is safe, humane, encourages accountability and fosters hope.

This section shares some of the findings of this work, as well as drawing on evidence from responses to HM Chief Inspector of Prisons' prisoner survey, and our own Advice and Information service.

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.

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.¹¹⁷

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.

Minimising tension and violence in prison

Overcrowding was often cited as a source of tension. Many prisoners reported that they 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.”

More than a fifth (21%) of people in prison are held in overcrowded conditions.¹¹⁸

¹¹⁷ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹¹⁸ Table 2.2, Ministry of Justice (2022) HM Prison and Probation Service Annual digest: April 2021 to March 2022, London: Ministry of Justice

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.¹¹⁹

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. This is especially important for people serving long sentences, whose release depends on securing Parole Board approval.

“Education, simple as that, you need something to stimulate your brain and give you something to aim for.”

“It felt as if the prison estate did not even know what to do with us. The reality is lifers at the beginning of our sentences were just warehoused like livestock. Sadly many lifers, myself included, saw progression as somewhat of a myth.”

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.¹²⁰ 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.¹²¹

“Prison should be about creating an environment where people can reflect on why they ended up in prison, address these issues and see there is another way.”

Recovery from the pandemic

18 months or more of in-cell isolation has made the need for human connections even more important, as well as requiring an increase in mental health support. Many felt that the lockdown had increased levels of anxiety, harmed the sense of belonging to a community and damaged existing relationships.

Less than half of men (49%) and only around a third (34%) of women report spending more than two hours on the average weekday out of their cells, despite the end of the restricted Covid-19 regime.¹²²

“Human interaction is a massive part of being able to cope in these stressful environments.”

¹¹⁹ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

Black, Asian and minority ethnic people in prison

Over a quarter (27%) of the prison population, 21,990 people, are from a minority ethnic group. 13% identify as Black/Black British; 8% as Asian/Asian British; and 5% as mixed/multiple ethnic groups.¹²³

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.¹²⁴

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.¹²⁵

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.¹²⁶

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.¹²⁷

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.¹²⁸

Muslims in prison

There are now more than two and a half times more Muslims in prison than there were in 2002. In 2002 there were 5,502 Muslims in prison, by 2022 this had risen to 14,037.¹²⁹ They now account for 17% of the prison population, but just 6% of the general population.¹³⁰

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 36% are Asian, 28% are black, 19% are white and 10% are mixed.¹³¹

Only 157 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 64, up from six people in 2016.¹³²

Treatment and conditions

Black, Asian and minority ethnic (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 Muslims in these areas were even worse.¹³³

A recent review found that a large number of black people in many prisons report uneasy relationships with staff that they attributed in part to underlying prejudice and racism. By contrast, very few staff acknowledged that people may have genuinely experienced racism in their establishment.¹³⁴

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.¹³⁵

¹²³ Table 1.4, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

¹²⁴ 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

¹²⁵ Ibid.

¹²⁶ 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

¹²⁷ House of Lords written question HL3861, 23 November 2021 and House of Lords written question HL14483, 8 April 2021

¹²⁸ Ministry of Justice (2021) Statistics on ethnicity and the criminal justice system 2020, London: Ministry of Justice

¹²⁹ Table A1.10, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

¹³⁰ Ibid. and Office for National Statistics (2022) Religion, England and Wales: Census 2021, London: ONS

¹³¹ House of Lords written question HL3584, 5 December 2022

¹³² Table P.01, Home Office (2022) Operation of police powers under the Terrorism Act 2000: quarterly update to June 2022, London: Home Office and

Table A1.10, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

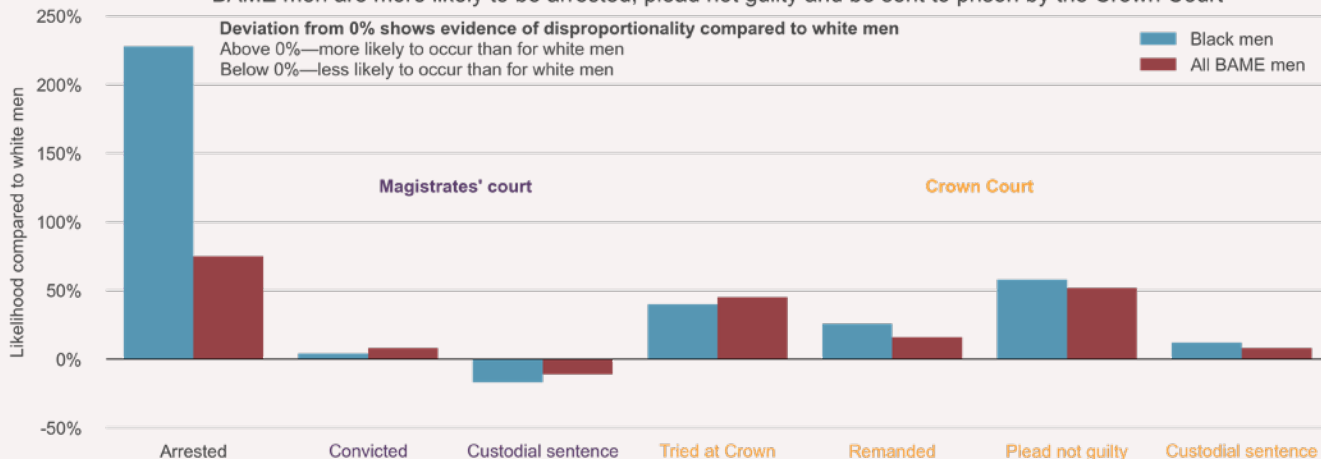
¹³³ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

¹³⁴ HM Chief Inspector of Prisons (2022) The experiences of adult black male prisoners and black prison staff, London: HM Stationery Office

¹³⁵ HM Inspectorate of Prisons (2020) Minority ethnic prisoners' experiences of rehabilitation and release planning, London: HMIP

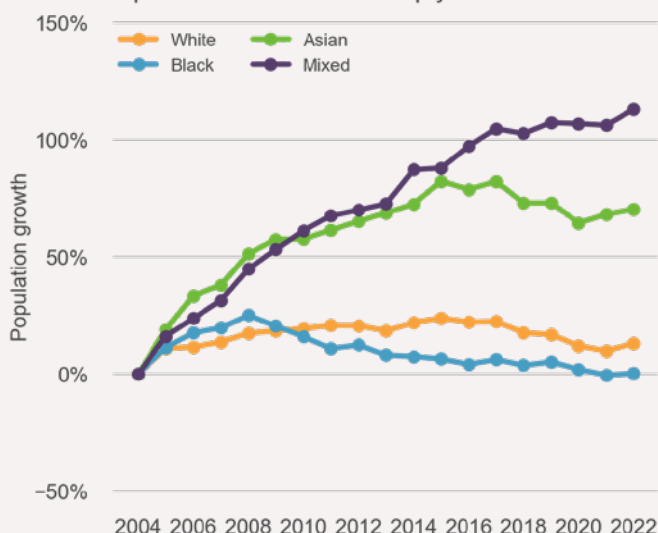
Equal justice?

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



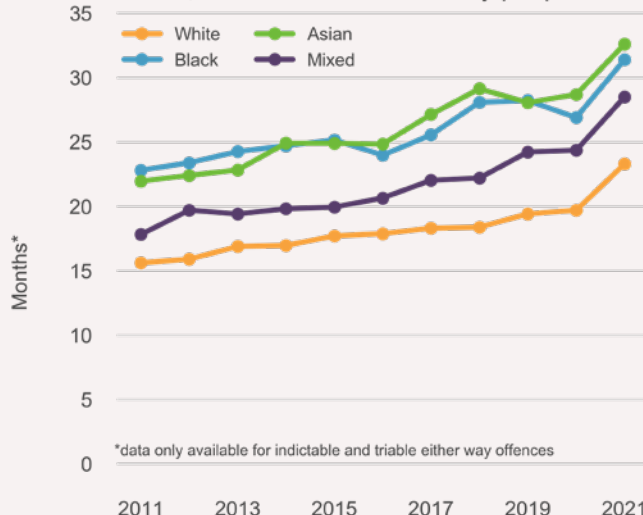
Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

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



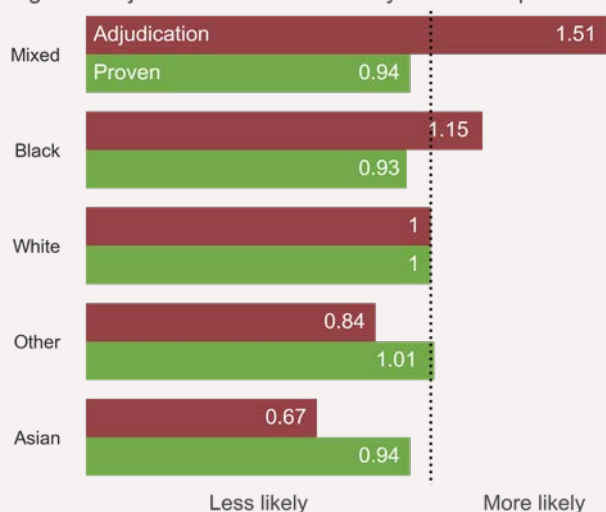
Source: Offender management statistics, Prison population 2022

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



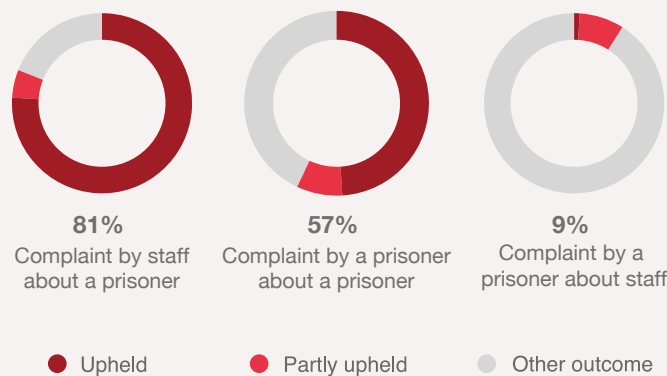
Source: Criminal justice statistics quarterly December 2021, Outcomes by offence tool

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

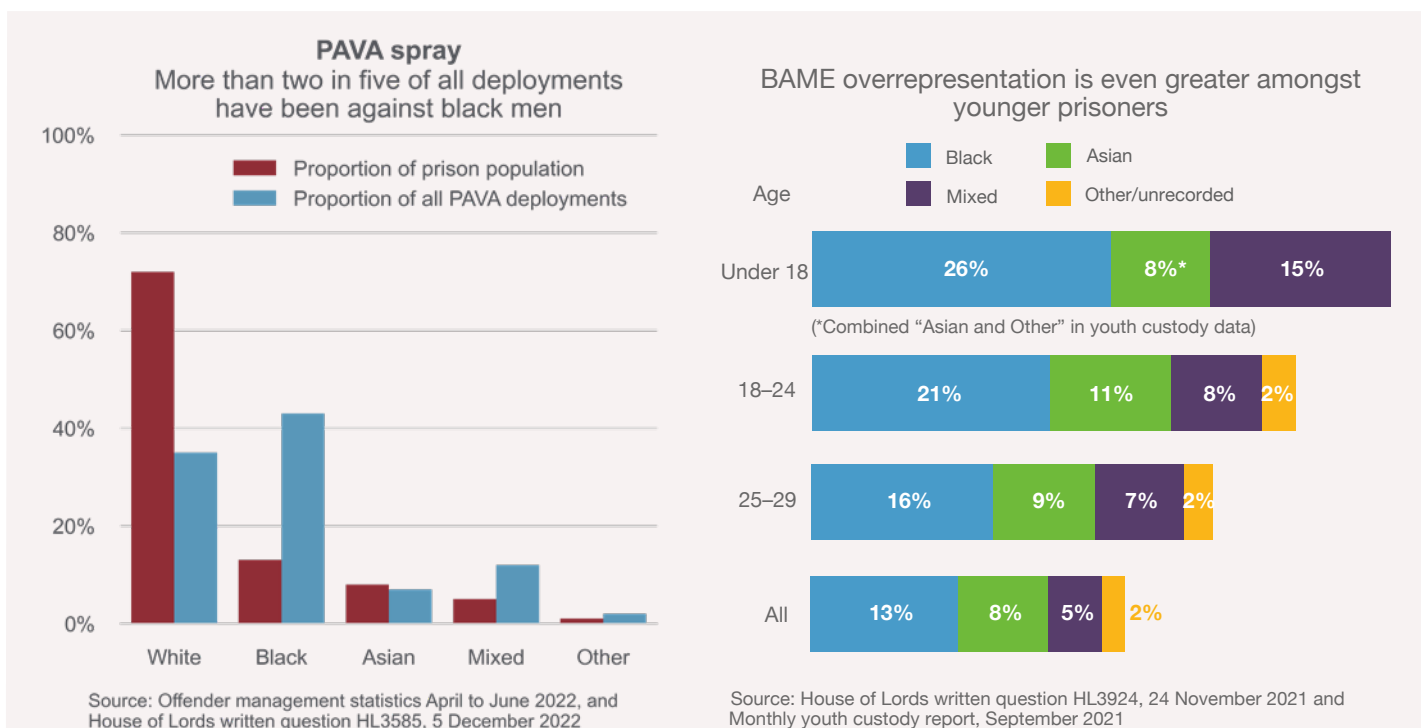


Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

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.¹³⁶ 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.¹³⁷

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 91% white, whereas amongst prisoners the proportions were 13%, 8% and 72%, respectively.¹³⁸

Gypsy, Roma and Traveller people in prison

4% of men and 3% 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.¹³⁹

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 to report having drug and alcohol problems.¹⁴⁰

Gender and sexuality in prison

Around one in twenty (5%) men and almost one in three (31%) women in prison report as either homosexual or bisexual, higher than the general population (3% for both men and women). There is little research into how their sexuality affects their experience of prison.¹⁴¹

There were 230 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. 187 of these reported their legal gender as male and 43 as female.¹⁴²

¹³⁶ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office
¹³⁷ Prisons and Probation Ombudsman (2018) Learning lessons bulletin: Complaints about discrimination, London: Prisons and Probation Ombudsman
¹³⁸ Table 1b, HM Prison and Probation Service (2022) HMPPS Staff Equalities Report: 2021 to 2022, London: Ministry of Justice and Table 1.4, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice
¹³⁹ HM Chief Inspector of Prisons (2022) Annual report 2021–22, 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
¹⁴⁰ HM Inspectorate of Prisons (2021) Children in Custody 2019–20, London: HMIP
¹⁴¹ HM Chief Inspector of prisons (2022) Annual report 2021–22, London: HM Stationery Office and Office for National Statistics (2022) Sexual orientation, UK: 2020, London: ONS
¹⁴² Tables 1.1 and 2.1, Ministry of Justice (2022) HM Prison and Probation Service Offender Equalities Annual Report 2021 to 2022, 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,¹⁴³ 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.”¹⁴⁴ The government accepted this recommendation and publication was initially scheduled for summer 2021. At time of writing it is currently expected in early 2023.¹⁴⁵

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 and half times the number there were in 2002.¹⁴⁶

Around one in six (17%) of the prison population are aged 50 or over—13,985 people. Of these 3,682 are in their 60s and a further 1,775 people are 70 or older.¹⁴⁷

The prison population is projected to grow by a quarter by 2026. The government anticipates the older population will increase at a similar rate to the prison population as a whole.¹⁴⁸

43% of men in prison aged over 50 are there for sexual offences. The next highest offence category is violence against the person (27%) followed by drug offences (8%).¹⁴⁹

368 people in prison were aged 80 or over as of 30th September 2022.¹⁵⁰

The majority of people in prison aged 80 or older (91%) were sentenced to custody whilst in their 70s.¹⁵¹

A third (33%) of people serving an indeterminate sentence are aged 50 or over. 2,286 people are serving life sentences and a further 531 are serving an indeterminate sentence of Imprisonment for Public Protection (IPP).¹⁵²

¹⁴³ 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

¹⁴⁴ House of Commons Justice Committee (2013) Older Prisoners, London: HM Stationery Office

¹⁴⁵ House of Commons Justice Committee (2020) Ageing prison population: Government Response to the Committee’s Fifth Report HC 976, London: HM Stationery Office and Letter from Rob Butler MP to the Chair of the Justice Select Committee Sir Bob Neill MP, 19 October 2022, available at: <https://committees.parliament.uk/publications/30482/documents/175886/default/>

¹⁴⁶ Table A1.7, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

¹⁴⁷ Table 1.3, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

¹⁴⁸ Ministry of Justice (2021) Prison population projections 2021 to 2026, London: Ministry of Justice

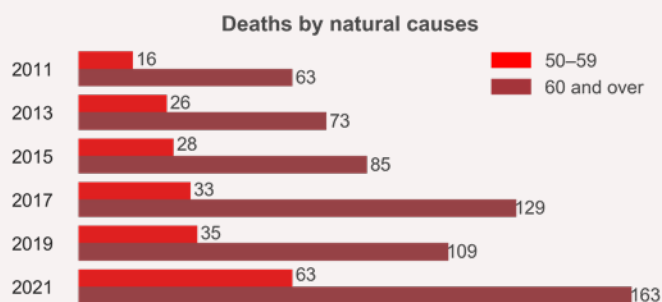
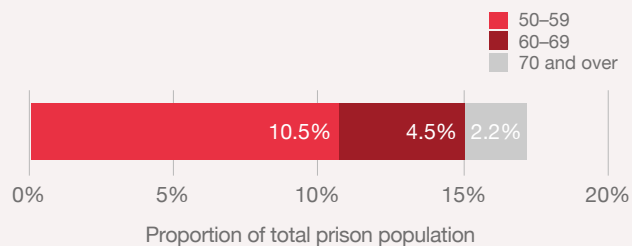
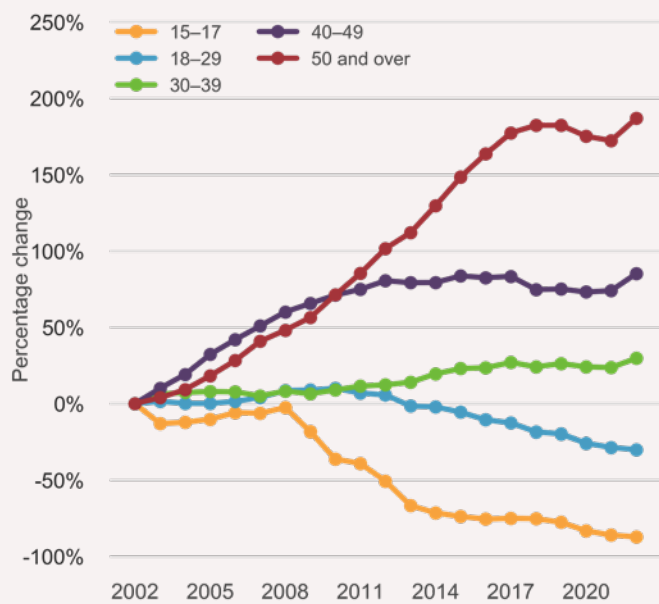
¹⁴⁹ House of Lords written question HL3407, 21 November 2022

¹⁵⁰ House of Lords written question HL3336, 14 November 2022

¹⁵¹ Ibid.

¹⁵² Table A1.16, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

Growing old behind bars Over 50s account for one in six people in prison



Source: Offender management statistics, Prison population 2022

Source: Offender management statistics April to June 2022 and Safety in custody statistics quarterly update to June 2022, Deaths data tool

Treatment and conditions

226 people aged 50 or over died of natural causes whilst in prison in 2021—five and a half times the number that died twenty years ago.¹⁵³

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.¹⁵⁴

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.¹⁵⁵

The Prisons and Probations Ombudsman has expressed concerns about cases where people with significant care and support needs have not been effectively safeguarded. In 2021–22 investigators examined several cases of people dying after engaging in self-neglecting behaviour without intervention by staff.¹⁵⁶

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.¹⁵⁷

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.¹⁵⁸

¹⁵³ Table 1.3, Ministry of Justice (2021) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

¹⁵⁴ House of Commons Justice Committee (2020) Ageing prison population, London: HM Stationery Office

¹⁵⁵ HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

¹⁵⁶ Prisons and Probation Ombudsman (2022) Annual report 2021–22, London: Prisons and Probation Ombudsman

¹⁵⁷ 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

¹⁵⁸ 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.

Currently there is no reliable, consistent or systematic data collection regarding neurodivergency within the criminal justice system. In 2021 an independent review, commissioned by the government, recommended that a common screening tool should be adopted for use throughout the criminal justice system. This would enable accurate assessment and consistent treatment of people with neurodivergent conditions.

The review also recommended the development of a cross-government national strategy, co-created alongside people with personal experience of neurodivergence; and a programme of specialised training for front-line staff.¹⁵⁹

Around half of those entering prison are estimated to have some form of neurodivergent condition which impacts their ability to engage with the requirements of the justice system. 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.¹⁶⁰

Almost three in 10 people (28%) participating in education were identified as having a learning disability or difficulty following assessment on entry to prison in 2020–21.¹⁶¹

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.¹⁶²

Inspectors surveying prison and probation staff found consistent low levels of awareness, understanding and confidence relating to neurodiversity. Less than a quarter (24%) of survey respondents said that they had received any training about neurodiversity.¹⁶³

People with neurodivergent conditions may face additional challenges towards evidencing low risk and progressing through their sentences. Inspectors noted a lack of suitable programmes to adequately address offending behaviour, and highlighted additional difficulties that people with neurodivergent conditions face to understand and comply with their licence conditions.¹⁶⁴

Over the past decade the government has invested in liaison and diversion services in police custody suites and the criminal courts. These aim to identify people who have mental health, learning disability, substance misuse or other vulnerabilities and divert them towards a setting more appropriate for treatment.¹⁶⁵

The roll-out of liaison and diversion services finally achieved 100% coverage across England in March 2020.¹⁶⁶

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.¹⁶⁷

A recent report by the Equality and Human Rights Commission found that three out of four criminal justice professionals in England and Wales believed that defendants' impairments were sometimes or always missed.¹⁶⁸

¹⁵⁹ Criminal Justice Joint Inspection (2021) Neurodiversity in the criminal justice system, London: HM Inspectorate of Prisons

¹⁶⁰ Ibid.

¹⁶¹ Ministry of Justice (2022) Prison education 2020–21, London: Ministry of Justice

¹⁶² Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

¹⁶³ Criminal Justice Joint Inspection (2021) Neurodiversity in the criminal justice system, London: HM Inspectorate of Prisons

¹⁶⁴ Ibid.

¹⁶⁵ NHS England website, accessed on 6 October 2022, available at <https://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/>

¹⁶⁶ Ibid.

¹⁶⁷ Young, S. et al. (2018) Neurodevelopmental disorders in prison inmates: comorbidity and combined associations with psychiatric symptoms and behavioural disturbance, *Psych. Res.*, 216, 109

¹⁶⁸ 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 who have committed a criminal offence. 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; or they may be visitors or workers.

People who have completed their sentence but are not UK nationals may continue to be held in prison; be released; or moved to an immigration detention centre. Those with an accepted right to stay in UK will be released like any other British citizen and require the same support to successfully resettle back into the community; while others of continuing interest to Home Office may be released on immigration bail.

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.

There are a number of government schemes for the removal of foreign national prisoners.

The Criminal Justice Act 2003 introduced the Early Removal Scheme (ERS) which allows for the voluntary removal of foreign nationals from prison at an earlier point in their sentence. All foreign nationals who are liable to enforced removal from the UK and are eligible must be considered for the ERS and they cannot opt out. The Nationality and Borders Act 2022 extended the scheme, allowing people to leave custody up to 12 months earlier than they otherwise would have.

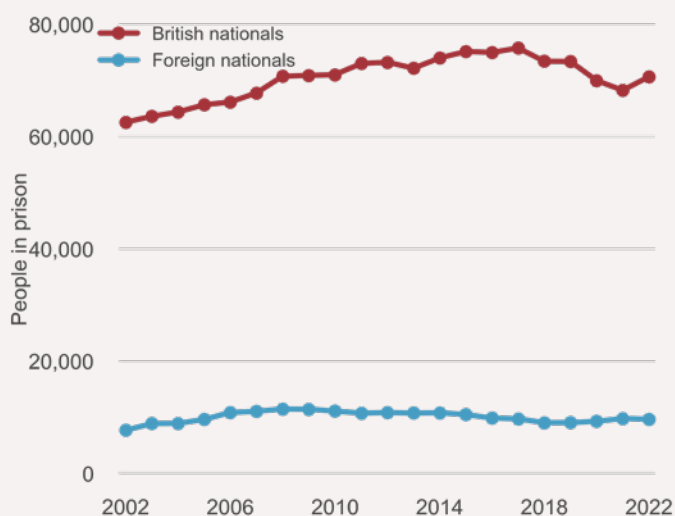
The United Kingdom has prisoner transfer arrangements (PTAs) with over 100 countries and territories. The majority of arrangements are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced the 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.

The Independent Chief Inspector of Border and Immigration is currently conducting an inquiry into Foreign National Offender removals.

Foreign nationals

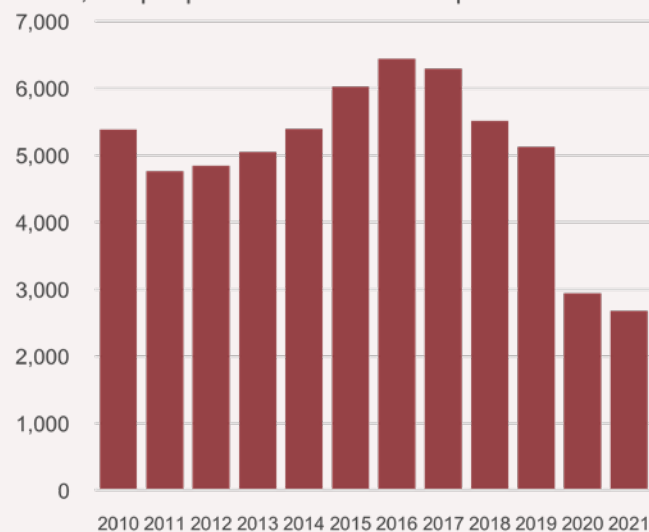
The number and proportion of foreign nationals in prison has remained broadly stable over the past two decades



Source: Offender management statistics, Prison population 2022

Deportations

Over 60,000 people with convictions deported since 2010



Source: Immigration statistics, year ending September 2022

Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales. On 30 September 2022 there were 9,671 foreign nationals in prison.¹⁶⁹

Foreign national prisoners come from 167 countries—but over half are from nine countries (Albania, Poland, Romania, Ireland, Lithuania, Jamaica, Pakistan, Somalia and Portugal).¹⁷⁰

The numbers of foreign nationals in prison in England and Wales remains steady. Between 2002–08 numbers rose by nearly 50%, compared with a 13% increase in British nationals. In the following decade numbers fell, but have fluctuated since then. There are now 16% fewer foreign nationals in prison than there were at their peak in 2008.¹⁷¹

Nearly one in 10 women (9%) in prison are foreign nationals.¹⁷² Some are known to have been coerced or trafficked into offending.¹⁷³

A lower proportion of foreign nationals are in prison for violent (27%) and sexual offences (14%), compared with the overall prison population—29% and 17% respectively. However, they are more likely to be in prison for a drug offence (26%) or miscellaneous crimes against society (10%), compared with 18% and 4% for the overall prison population.¹⁷⁴

Inspectors found that provision for foreign nationals was mixed. Some prisons still failed to provide any information translated into foreign languages and made little use of professional interpreting services, whilst prisoners struggled to access immigration-specific legal advice from independent sources. Inspectors spoke to many people who were uncertain of their future post-release.¹⁷⁵

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.¹⁷⁶

3,924 people were either removed or voluntarily returned to their home country in the year to September 2022 following conviction of a criminal offence. 45% of those returned were EU nationals.¹⁷⁷

Immigration detainees

467 people were still held in prison at the end of September 2022 under immigration powers, despite having completed their custodial sentence.¹⁷⁸ 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 on their day of release.¹⁷⁹

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.¹⁸⁰

Inspectors describe conditions in Immigration Removal Centres as very similar to prison, with 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.¹⁸¹

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”.¹⁸²

¹⁶⁹ Table 1.7, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

¹⁷⁰ Ibid.

¹⁷¹ Table A1.11, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

¹⁷² Table 1.7, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

¹⁷³ Hales, L. and Gelsthorpe, L. (2012) *The criminalisation of migrant women*, Cambridge: University of Cambridge

¹⁷⁴ House of Lords written question HL3586, 30 November 2022

¹⁷⁵ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

¹⁷⁶ Ibid.

¹⁷⁷ Table Det_D03, Ibid.

¹⁷⁸ Table Det_03a, Ibid.

¹⁷⁹ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

¹⁸⁰ HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

¹⁸¹ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹⁸² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2013) CPT Standards, Strasbourg: Council of Europe

Women in prison

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 fifteen years ago.

In June 2018, the Ministry of Justice published its long awaited Female Offender Strategy.¹⁸³ It promised a focus on early intervention, community-based solutions and better custody for those women who do have to be in prison. It recognised the evidence base for a distinct approach to women and the case for local “whole systems approach[es]”. 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.”¹⁸⁴ Despite this, in January 2021 the Ministry of Justice announced plans to build 500 new prison places for women in existing prisons at an estimated cost of £150m.¹⁸⁵

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 60 and 63.

Use of custody

On 30 September 2022 there were 3,179 women in prison in England and Wales.¹⁸⁶ Women entered prison on 4,951 occasions in the year to June 2022—either on remand or to serve a sentence.¹⁸⁷

Many women remanded into custody don’t go on to receive a custodial sentence—in 2021, over a third (34%) of women remanded and tried by the magistrates’ court didn’t receive a custodial sentence. In the Crown Court this figure was more than two in five (44%).¹⁸⁸

Most women entering prison to serve a sentence (68%) have committed a non-violent offence.¹⁸⁹

In 2021 more women were sent to prison to serve a sentence for theft than for criminal damage and arson, drug offences, possession of weapons, robbery, and sexual offences combined.¹⁹⁰

The proportion of women being sent to prison to serve very short prison sentences has risen. In 1993 only a third of custodial sentences given to women were for less than six months—in 2021 it was half (50%).¹⁹¹

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.¹⁹²

Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.¹⁹³

Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release.¹⁹⁴ However, just 4% of women were in paid employment six weeks after release from custody—compared to 10% of men.¹⁹⁵ After six months, this rose to 6% and 15%, respectively.¹⁹⁶

More than half of women (53%) left prison without settled accommodation in 2021–22.¹⁹⁷

¹⁸³ Ministry of Justice (2018) Female offender strategy, London: Ministry of Justice, available at <https://www.gov.uk/government/publications/female-offender-strategy>

¹⁸⁴ Lord Farmer (2019) The importance of strengthening female offenders’ family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

¹⁸⁵ House of Commons written question 164487, 16 March 2021

¹⁸⁶ Table 1.1, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

¹⁸⁷ Table 2.1, *ibid.*

¹⁸⁸ Ministry of Justice (2022) Criminal justice system statistics quarterly: December 2021—Remands: magistrates’ court data tool and Remands: Crown Court data tool, London: Ministry of Justice

¹⁸⁹ Table A2.9i, Ministry of Justice (2022) Offender management statistics quarterly, Prison receptions 2021, London: Ministry of Justice

¹⁹⁰ *ibid.*

¹⁹¹ Table A2.7, Ministry of Justice (2022) Offender management statistics quarterly, Prison receptions 2021, London: Ministry of Justice

¹⁹² Tables 7.09, 7.10 and 7.08, Ministry of Justice (2018) Women and the criminal justice system 2017, London: Ministry of Justice

¹⁹³ 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

¹⁹⁴ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

¹⁹⁵ Table 4, Ministry of Justice (2022) Community performance quarterly MI, update to March 2022, Employment at 6 weeks post release from custody, London: Ministry of Justice

¹⁹⁶ Table 4, Ministry of Justice (2022) Community performance quarterly MI, update to March 2022, Employment at 6 months post release from custody, London: Ministry of Justice

¹⁹⁷ Table 4, Ministry of Justice (2022) Community Performance Annual, update to March 2022, Accommodation at release, London: Ministry of Justice

Women make up only

4%

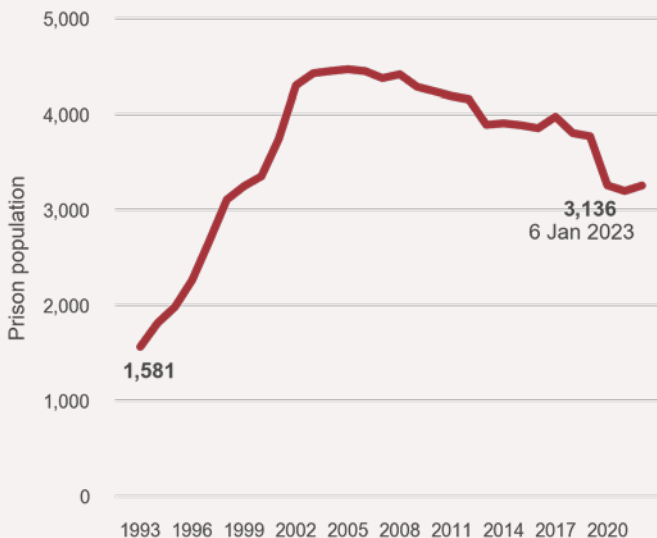
of the total prison population

4,951

women entered prison in the year to June 2022—either on remand or to serve a sentence

Source: Population and capacity briefing for 6 January 2023 and Offender management statistics quarterly: April to June 2022

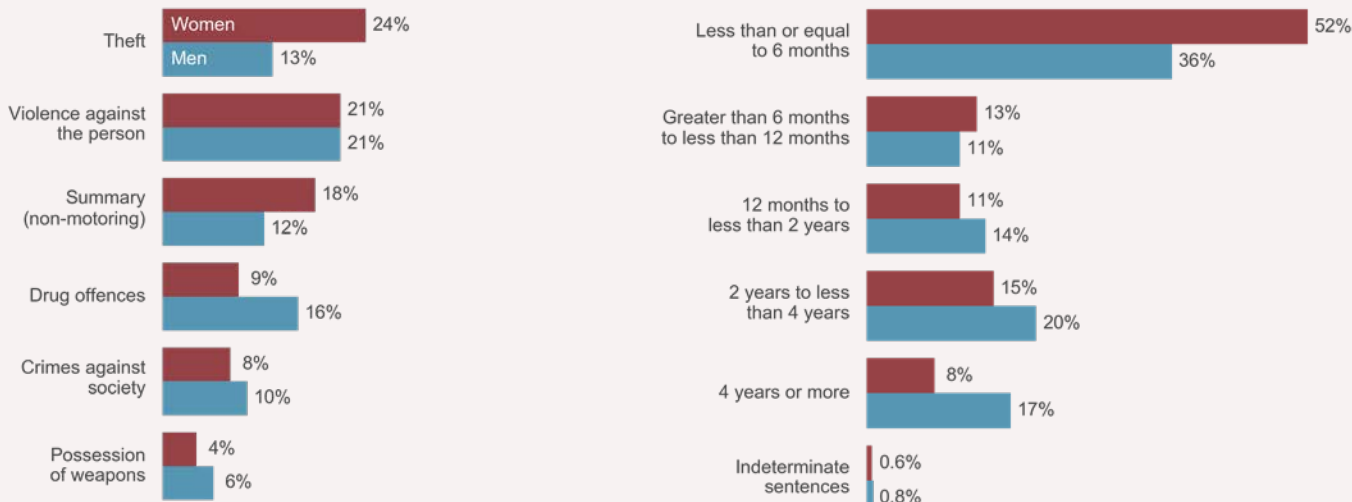
Despite a recent decline there are still twice as many women in prison today as there were 29 years ago



Source: Offender management statistics, Prison population 2022 and Population and capacity briefing for 6 January 2023

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

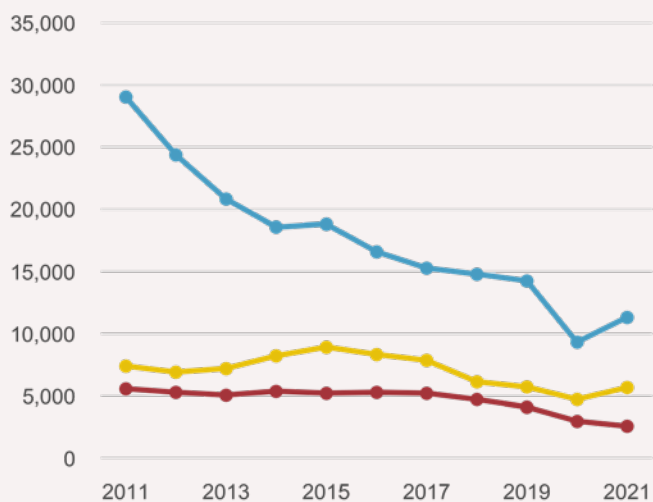
People entered prison for committing the following offences and to serve the following sentences*



Source: Offender management statistics quarterly: April to June 2022

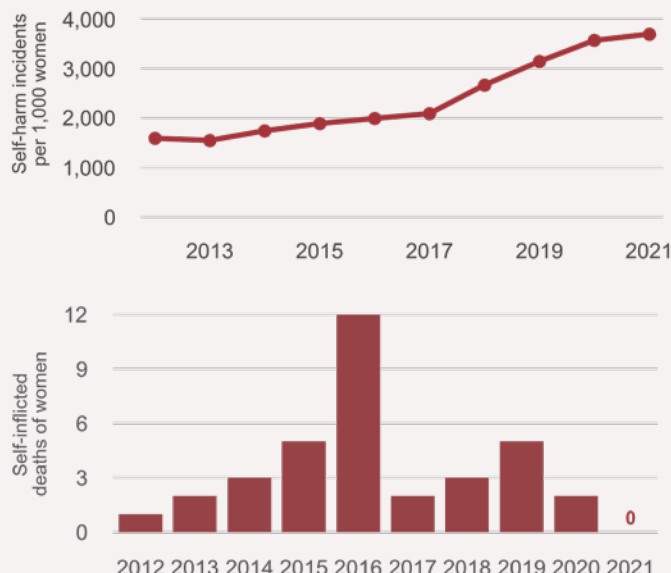
*Receptions into prison in the year to June 2022

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 June 2022, Outcomes by offence 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 2022

Family

Family contact can help address the causes of reoffending on release.¹⁹⁸ But keeping in touch is often made more difficult by being held in prison far from home. The average distance for women is 63 miles, but it is often significantly more.¹⁹⁹

More than 17,500 children were estimated to be separated from their mother by imprisonment in 2020.²⁰⁰ Information on the caring responsibilities of women in prison and children living in the community is now recorded on entry to custody. However, this is not yet routinely published.²⁰¹

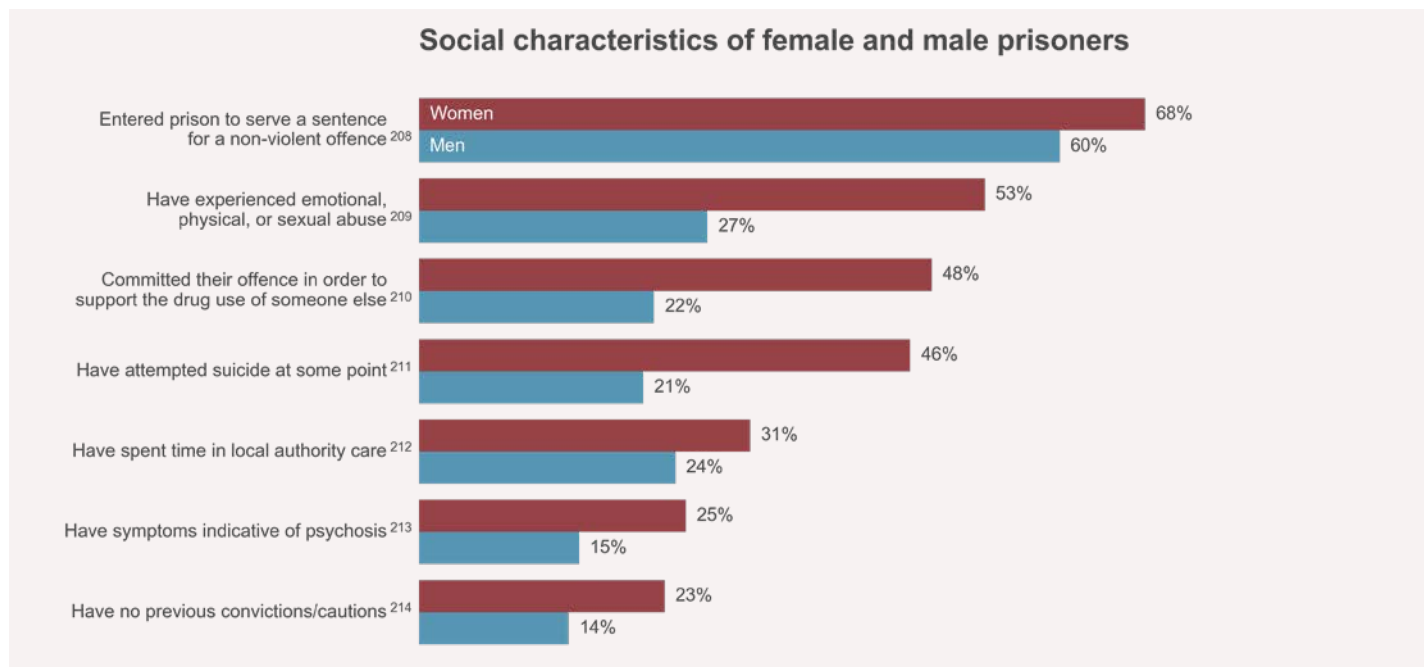
The prison service reports that 23 babies were held in prison in a mother and baby unit (MBU) in March 2022.²⁰² However, prior research has estimated that every year around 600 pregnant women are held in prison and some 100 babies are born to women prisoners.²⁰³

Applications for admission to an MBU were successful in only around seven out of 10 cases (72%) where a board made a decision. 39 women moved into a unit in 2021–22.²⁰⁴ A recent review undertaken by the Chief Social Worker for Children and Families, Isabelle Trowler, has criticised inconsistencies in how MBU decisions are made and produced recommendations to improve the process.²⁰⁵

Mental health and addictions

More than three in four women (76%) reported that they had a mental health problem compared with around half of men (51%).²⁰⁶

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.²⁰⁷



198 Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HMIP
 199 Lord Farmer (2019) The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice
 200 Kincaid, S. et al. (2019) Children of Prisoners: Fixing a broken system, Crest Advisory, London: Crest Advisory
 201 House of Commons written question 16885, 16 June 2022
 202 Table 11.1, Ministry of Justice (2022) Annual HM Prison and Probation Service digest: 2021 to 2022, London: Ministry of Justice
 203 Birth Companions (2016) Birth Charter for women in prisons in England and Wales, London: Birth Companions
 204 Table 11.1, Ministry of Justice (2022) Annual HM Prison and Probation Service digest: 2021 to 2022, London: Ministry of Justice
 205 Department for Education (2022) Applications to mother and baby units in prison: how decisions are made and the role of social work, London: DfE
 206 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office
 207 Table A28, A24 and A27, Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
 208 Table A2.9i, Ministry of Justice (2022) Offender management statistics quarterly, Prison receptions 2021, London: Ministry of Justice
 209 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
 210 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
 211 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
 212 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
 213 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
 214 Table A1.20, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

Children in prison

Use of custody

The number of children (under-18s) in custody has fallen by almost three-quarters (73%) in the last decade.²¹⁵ They are also committing fewer recorded crimes—proven offences in 2021 decreased by 78% compared to 2011.²¹⁶

At the end of October 2022 there were 433 children in custody in England and Wales. 15 children were aged 14 or younger.²¹⁷

One in four (25%) children in custody in 2020–21 were there for non-violent crimes.²¹⁸

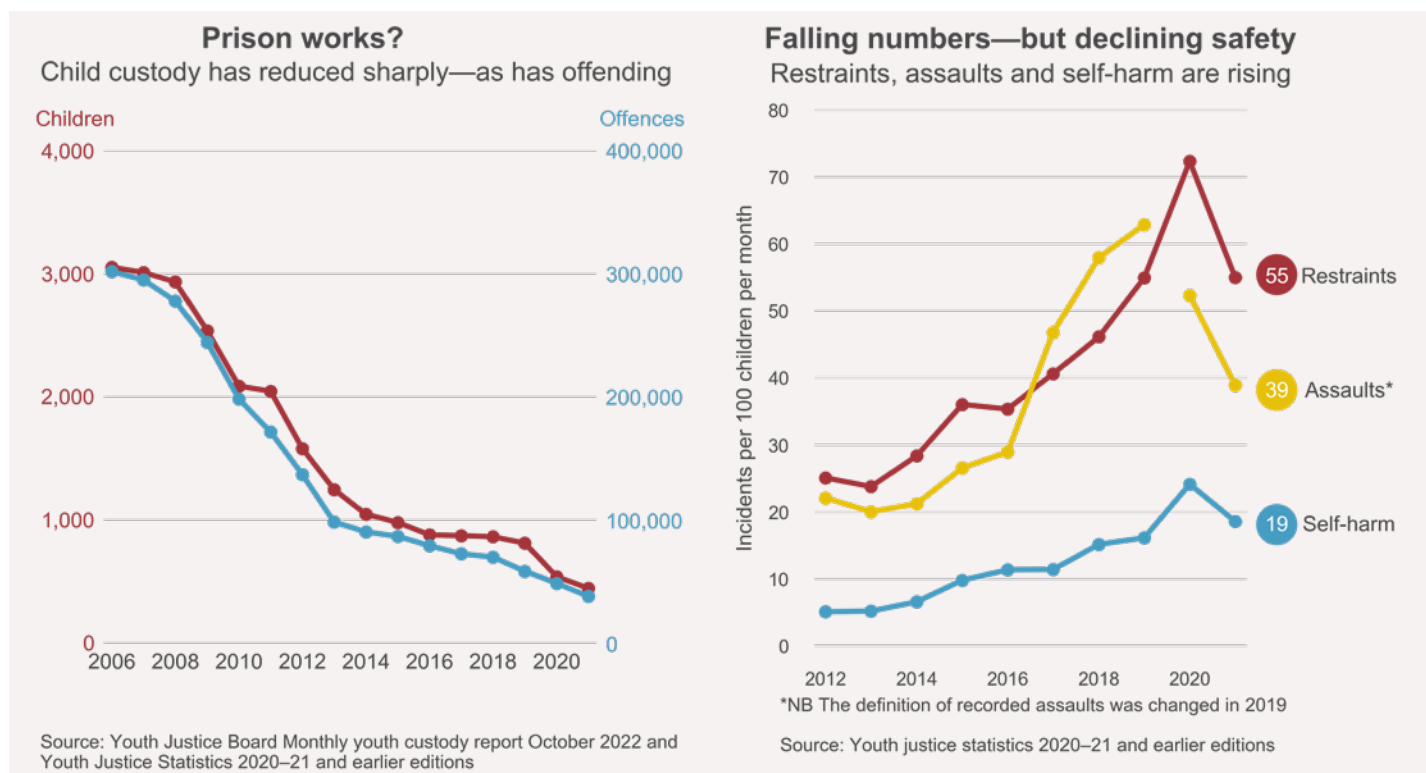
Two in five (40%) children in custody are on remand.²¹⁹

Almost three-quarters (74%) of children remanded in custody in the year to March 2021 were either subsequently acquitted (37%) or given a non-custodial sentence (37%).²²⁰

Half of children in custody (50%) 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 65% for white children seven years ago.²²¹

Fewer than 1% of all children in England are in care,²²² but they make up more than half (52%) of children in secure training centres (STCs) and young offender institutions (YOIs).²²³

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.²²⁴



215 Table 1, Youth Custody Service (2022) Monthly youth custody report—October 2022, London: Ministry of Justice

216 Table 4.1, Ministry of Justice (2022) Youth justice statistics 2020–21 England and Wales, London: Ministry of Justice

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

218 Table 7.6, Ministry of Justice (2022) Youth justice statistics 2020–21, London: Ministry of Justice

219 Table 7.4, Ibid.

220 Table 6.6, Ministry of Justice (2022) Youth justice statistics 2020–21, London: Ministry of Justice

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

222 Department for Education (2022) Children looked after in England including adoptions, London: DfE and

Table MYE2—Persons, Office for National Statistics (2022) Estimates of the population for the UK, England, Wales, Scotland and Northern Ireland, London: ONS

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

224 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

Pandemic conditions

Children in prison have been treated in the same way as adults during the pandemic, despite their vulnerability and needs, and the modest danger that Covid-19 poses to their health.²²⁵

Education initially stopped completely, with the exception of HMP Parc. This is in contrast to conditions in the wider community.²²⁶

Many inspectorate reports during the pandemic expressed concern at the rise in restraints and expressed serious safeguarding concerns.²²⁷

Safety in custody

Two of the three STCs in England and Wales have closed following serious and widespread concerns about the care and safety of children held there. Medway closed in early 2020 and Rainsbrook in 2021.²²⁸

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.²²⁹

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.²³⁰

Restraint of children in custody has been rising in recent years. In the year to March 2021, there were 55 incidents of restraint per 100 children in custody on average each month, down from 72 in 2020, but up significantly from 18 in 2010.²³¹

The rate of self-harm amongst children in custody has risen sharply in recent years. There were on average 19 self-harm incidents per 100 children in STCs per month in the year to March 2021, compared with 24 the previous year, but up from 10 six years ago.²³²

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.²³³

Nearly one in 10 children held in YOIs (8%) and STCs (9%) reported having children themselves.²³⁴

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.²³⁵

Over two-fifths (42%) said that they were aged 14 or younger when they were last at school.²³⁶

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.²³⁷

Construction has begun at the first Secure School on the site of the now closed Medway STC, to accommodate up to 49 children. It is due to accept its first children in 2024.²³⁸

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

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

227 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

228 Children and Young People Now website, accessed on 12 January 2022, available at: <https://www.cypnow.co.uk/news/article/government-terminates-rainsbrook-stc-contract>

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

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

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

232 Table 8.9, Ibid.

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

234 Ibid.

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

236 Ibid.

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

238 Ministry of Justice website, accessed on 17 January 2023, available at: <https://www.gov.uk/government/news/construction-begins-at-revolutionary-first-secure-school>

Young adults in prison

Whilst the DYOI sentence (a custodial sentence specifically for young adults) classifies young adults as aged 18–20, HM Prison and Probation Service (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 what was until recently the HMPPS definition of young adult as aged 18–24 and have included data for this group where available.

A recent thematic report by prison inspectors 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.²³⁹

HMPPS has developed a custodial strategy for young adults but it has not been published. It has also developed a screening tool to identify young adult males in custody and probation who have not yet reached full maturity. There is no equivalent screening tool for women. The HMPPS Choices and Changes resource pack is intended to enable prison and probation practitioners to engage more positively with those young adult men who have been identified as having the greatest need with supporting their maturational development. This work is supported by the young adult Model of Operational Delivery (MOD) developed by the prison service, which aims to help prison leaders and their staff to better understand effective practice for young adult men. The MOD draws on the best evidence available to inform prison regimes, services, and frontline practice.

11,288 young adults are currently in prison in England and Wales—they account for 14% of the total prison population.²⁴⁰

There are now half as many young adults in prison as there were 12 years ago.²⁴¹

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.²⁴²

Nearly two in five (37%) 18–20 year olds in prison are serving a sentence for violence against the person, almost one in five (18%) for drug offences, and around one in seven (14%) for robbery.²⁴³

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%).²⁴⁴

Young adults accounted for almost a quarter (23%) of all self-harm incidents in prison in 2021.²⁴⁵

Safety is declining for young adults in prison. The number of assaults has risen by 50% in the last decade, despite a significantly smaller population. There were more than 5,400 assaults initiated by young adults in 2021—accounting for over a third (34%) of all such incidents.²⁴⁶

Purposeful activity in young adult prisons, such as education and training opportunities, is poor with both young adult prisons inspected in 2021–22 receiving the lowest rating.²⁴⁷

Young adults are more likely to be on the lowest level of the Incentives and Earned Privileges (IEP) scheme. Nearly one in 20 (4%) were on the ‘basic’ level compared with fewer than one in 60 (1.5%) of the adult population.²⁴⁸

Inspectors found that the IEP scheme was 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.²⁴⁹

²³⁹ HM Inspectorate of Prisons (2021) Outcomes for young adults in custody, London: HM Stationery Office

²⁴⁰ Table 1.3, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice

²⁴¹ Table A1.7, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

²⁴² 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

²⁴³ Table A1.4i, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

²⁴⁴ Ministry of Justice (2020), Freedom of Information request 201117009, 15 December 2020, available at: <https://bit.ly/U25-lifers-15-plus>

²⁴⁵ Table 2.3, Ministry of Justice (2022) Safety in custody statistics quarterly update to June 2022, London: Ministry of Justice

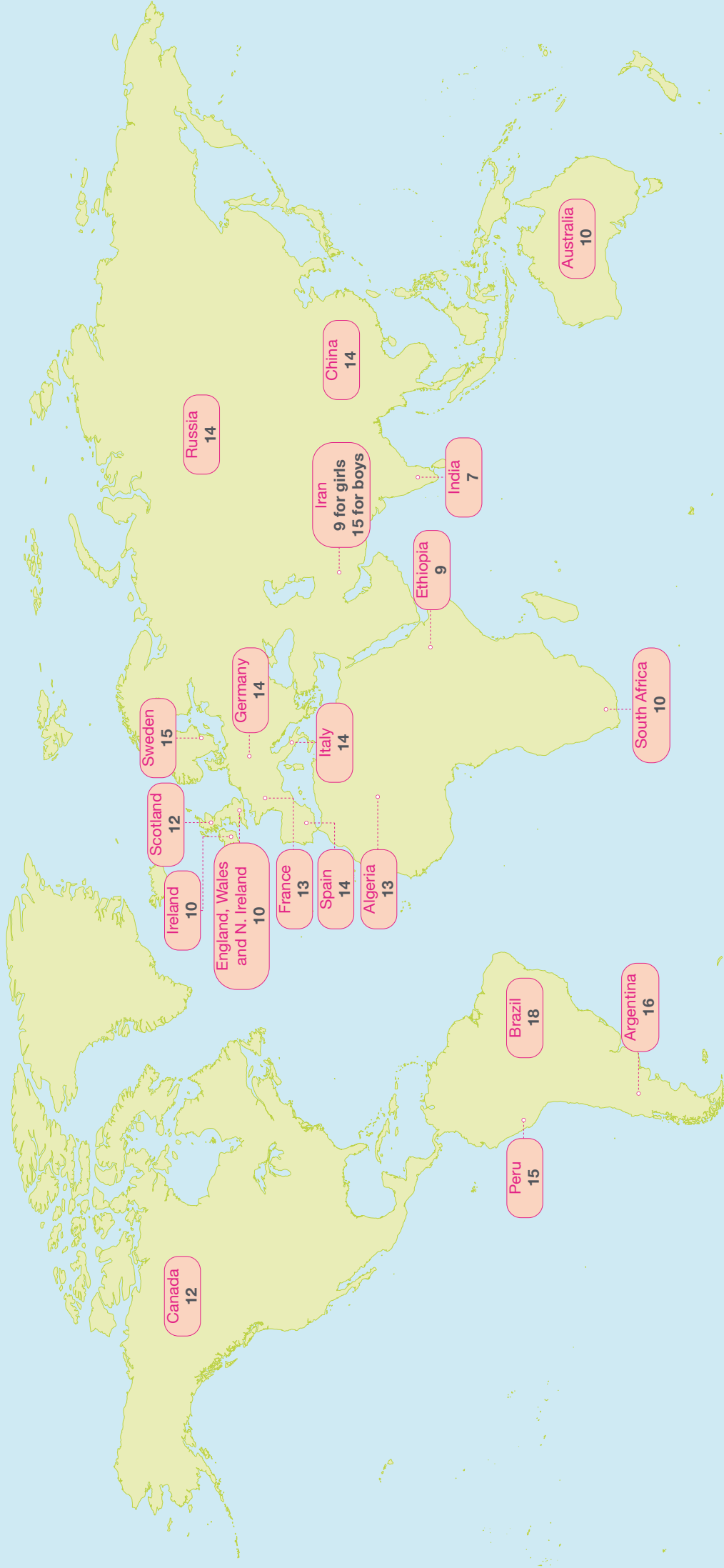
²⁴⁶ Table 3.3, *Ibid.*

²⁴⁷ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

²⁴⁸ Table 4.1, Ministry of Justice (2022) HM Prison and Probation Service offender equalities annual report 2021 to 2022, London: Ministry of Justice

²⁴⁹ 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 government commissioned an independent review published in 2020 by Dame Carol Black. 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 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.²⁵⁰

A 2017 government 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.²⁵¹ In January 2021 the government announced £80m of funding to expand drug treatment services in England, intended to address substance misuse and reduce drug-related deaths and crime.²⁵²

Drugs

An estimated one in three people in prison are suffering from a serious drug addiction.²⁵³

More than a quarter of people (26%) report that it is easy to get drugs in their prison.²⁵⁴ This is down from 45% before the pandemic.²⁵⁵

The number of drug seizures declined last year. Drugs were found on 17,700 occasions in 2022, a decline of 13% compared with the previous year. Where drugs were found, the most common substances were psychoactive substances (32%), cannabis (19%), and cocaine (12%).²⁵⁶

The prison service was unable to estimate levels of drug use in 2021–22 following Covid-19 disruption. Only 12,396 random mandatory drugs tests (rMDTs) were conducted in the 12 months to March 2022, an increase from 4,738 the previous year, but well below 54,000 tests conducted in 2019–20.²⁵⁷

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.²⁵⁸

One in 10 women (10%) and 8% of men surveyed by inspectors reported that they had developed a problem with illicit drugs since they had arrived at prison.²⁵⁹

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.²⁶⁰

One in six men (16%), and one in seven women (14%) serving a sentence in prison are there for drug offences.²⁶¹

Women are more likely to report entering prison with a drug addiction than men. More than a third (37%) of women entering prison report having a drug problem compared with one in four men (25%).²⁶²

66% of women and 38% of men in prison report committing offences to get money to buy drugs.²⁶³

250 Home Office (2020) Review of drugs: phase one report, London: Home Office

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

252 Government website, accessed on 12 October 2022, <https://www.gov.uk/government/news/148-million-to-cut-drugs-crime>

253 Home Office (2020) Review of drugs: phase one report, London: Home Office

254 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

255 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

256 Table 9.2a, Ministry of Justice (2022) HM Prison and Probation Service annual digest: 2021–22, London: Ministry of Justice

NB Multiple drugs can be found in a single seizure incident.

257 Ibid.

258 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

259 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

260 Freedom of Information request by the Prison Reform Trust to the Prisons and Probation Ombudsman

261 Table 1.4i, Ministry of Justice (2022) Offender management statistics quarterly, Prison population 2022, London: Ministry of Justice

262 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

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

Nearly half of women in prison report having committed offences to support someone else's drug use.²⁶⁴

NHS England estimates that it spends approximately 20% of all prison healthcare spending on substance misuse services—some £81m in 2016–17.²⁶⁵

Almost 42,000 people received drug and alcohol treatment in prison during 2020–21, a decrease of 18% from the previous year. More than half (52%) were for support with opiate use.²⁶⁶

Women in prison who are receiving treatment for substance misuse are more likely to be receiving support for opiate addiction than men. More than two-thirds of women (68%) receiving treatment in custody during 2020–21 were there for opiate addiction, compared with half of men (49%).²⁶⁷

A higher proportion of women than men (75% compared with 52%) said they had been helped with their drug problem in prison.²⁶⁸

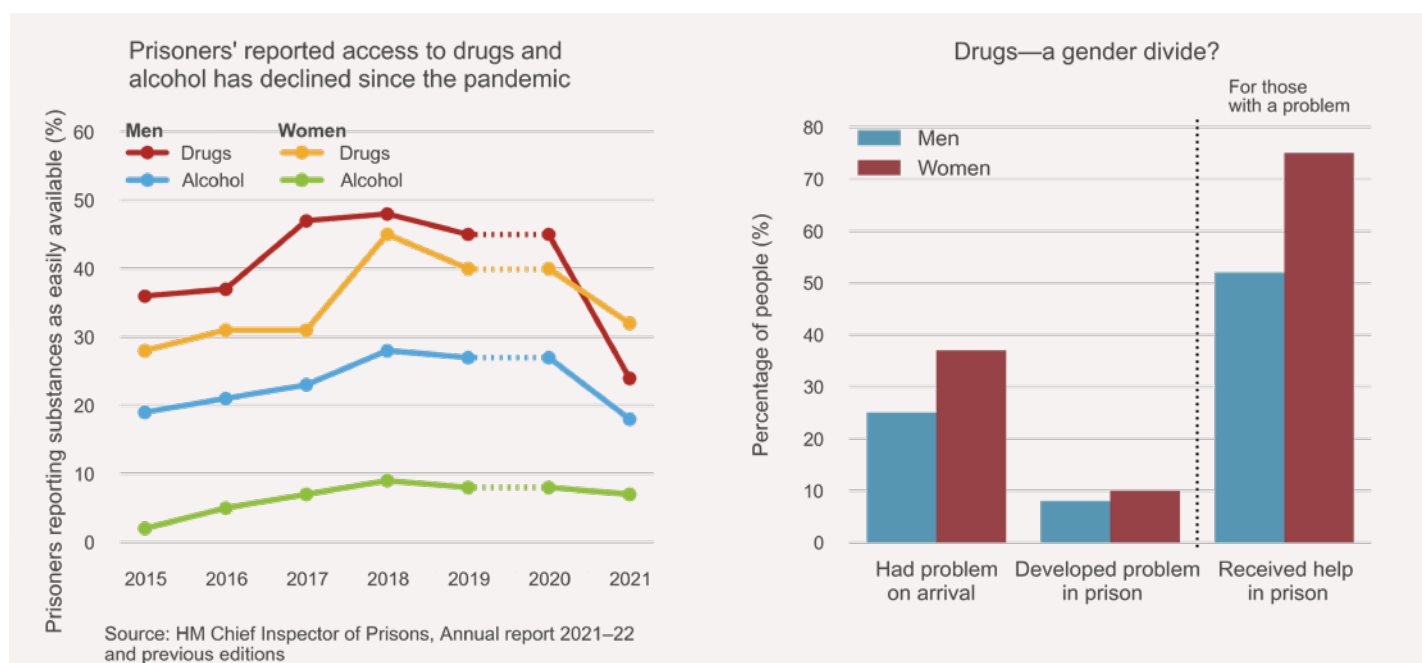
Just under four in 10 of adults (38%) identified as in need of substance misuse treatment following release from prison in 2020–21 were successfully engaged in treatment within 21 days.²⁶⁹

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.²⁷⁰

Women are significantly more likely to say they have a problem with alcohol on arrival at prison than men (23% compared with 15%).²⁷¹

Nearly a fifth of men (18%) said that it was easy to get alcohol in their prison—more than two and half times the level amongst women in prison (7%).²⁷²



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

265 House of Commons written question 8136, 12 September 2017

266 Table 2.2, Office for Health Improvement and Disparities (2022) Alcohol and drug treatment in secure settings 2020 to 2021, London: PHE

267 Table 2.3, Ibid.

268 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

269 Calculated by Office for Health Improvement and Disparities: Evidence Application Team using data from the National Drug Treatment Monitoring System (NDTMS), indicator C20, available at <https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/data>

270 Alcohol and Crime Commission (2014) The alcohol and crime commission report, London: Addaction

271 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

272 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. A recent Justice Committee report found current provision to be inadequate, described the current approach to care to be “disjointed and incoherent”, the high unmet need as “surprising and disappointing”, and warned of continuing crisis without root and branch reform.²⁷³

An independent review of the 1983 Mental Health Act, led by Professor Sir Simon Wessely, was published in 2018.²⁷⁴ The review made 254 recommendations, and the government has published a draft Mental Health bill which is currently subject to pre-legislative scrutiny.²⁷⁵

For people entering prison, NHS England has rolled out new healthcare screening templates to identify people with mental health needs.²⁷⁶

More than two-thirds (67%) of people surveyed by inspectors said they needed help with their mental health in their current prison. Only around a third (35%) of those said they had received help.²⁷⁷

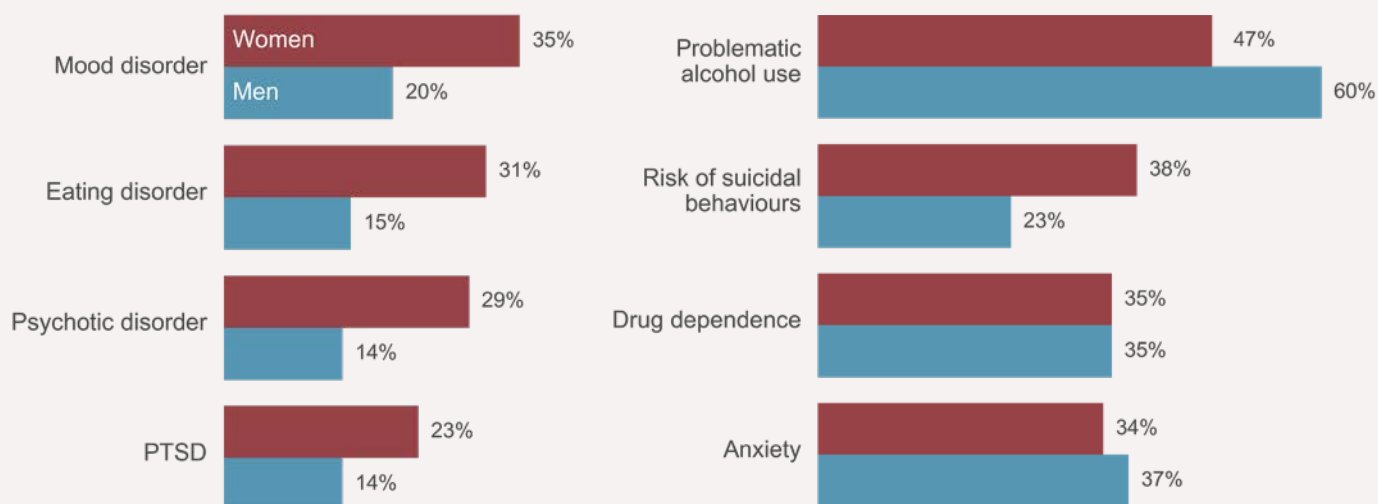
A Justice Committee report found that around 10% of those in prison are receiving treatment for mental illness, with some prisons estimating as much as 70% of the population having some form of mental health need at any one time.²⁷⁸

1,095 people were transferred from prison to a secure hospital in 2021, the highest number since records began.²⁷⁹

At a third of prisons inspected in 2019 officers had not received adequate mental health awareness training, despite repeated recommendations.²⁸⁰

In 2018 pilots were announced to help people with mental health, alcohol and substance abuse issues. 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 prison sentences, and improve access to treatment. Early evidence has shown increased confidence among sentencers and more CSTRs issued in those areas.²⁸¹ However, the Justice Committee criticised the government’s aim to make this available across 50% of England and Wales by 2023 as insufficiently ambitious.²⁸²

Estimated prevalence of clinical syndromes in the prison population



Source: Tyler, N. et al. (2019) An updated picture of the mental health needs of male and female prisoners in the UK: prevalence, comorbidity, and gender differences, *Social Psychiatry and Psychiatric Epidemiology*, 54, 1134, Springer: Berlin Heidelberg

273 House of Commons Justice Committee (2021) Mental health in prison, HC 72, London: HM Stationery Office

274 Independent Review of the Mental Health Act 1983 (2018) Modernising the Mental Health Act: Increasing choice, reducing compulsion, London: Department of Health and Social Care

275 Government website, “Draft Mental Health Bill 2022”, accessed on 15 November 2022, available at: <https://www.gov.uk/government/publications/draft-mental-health-bill-2022>

276 Ministry of Justice (2018) A review of self-inflicted deaths in prison custody in 2016, London: Ministry of Justice

277 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

278 House of Commons Justice Committee (2021) Mental health in prison, HC 72, London: HM Stationery Office

279 Table 7, Ministry of Justice (2022) Offender management statistics quarterly, Restricted patients 2021, London: Ministry of Justice

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

281 Ministry of Justice website, “Vulnerable offenders steered towards treatment”, accessed on 25 October 2022, available at: <https://www.gov.uk/government/news/vulnerable-offenders-steered-towards-treatment>

282 House of Commons Justice Committee (2021) Mental health in prison, HC 72, London: HM Stationery Office

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.²⁸³ 38% of people in prison in 2021–22 reported having a disability.²⁸⁴

People in prison with disabilities report more negatively about many key aspects of prison life.²⁸⁵

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.²⁸⁶

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 Covid-19 restricted regime.²⁸⁷

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.²⁸⁸

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.²⁸⁹

Health and social care

Health services “demonstrated continued resilience” as they recover from the Covid-19 pandemic according to inspectors. However, the current shortage of healthcare staff and prison officers is impacting the delivery of safe and effective care.²⁹⁰

The number of outside hospital appointments has risen following the Covid-19 pandemic. However, in a third of prisons inspected in 2021–22 appointments were regularly cancelled due to a shortage of officers to escort prisoners to them.²⁹¹

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.²⁹²

More than half of people in prison (56%) report having mental health problems. Less than a third (32%) said that it was easy to see mental health workers.²⁹³

Around a third (34%) of people said it was easy to see a doctor.²⁹⁴

Less than half (48%) of people in prison said the overall quality of health services was good.²⁹⁵

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 is also higher in prison.²⁹⁶

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.²⁹⁷

²⁸³ Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

²⁸⁴ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

²⁸⁵ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

²⁸⁶ Ibid. and HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

²⁸⁷ HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office.

²⁸⁸ Tables 1 and 2, HM Inspectorate of Prisons (2021) Children in custody 2019–20 Appendix, London: HM Stationery Office

²⁸⁹ Table 6, Ibid.

²⁹⁰ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

²⁹¹ Ibid.

²⁹² HM Inspectorate of Prisons and Care Quality Commission (2018) Social care in prisons in England and Wales, London: HMIP

²⁹³ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

²⁹⁴ Ibid.

²⁹⁵ Ibid.

²⁹⁶ Revolving Doors (2017) Rebalancing Act, London: Revolving Doors

²⁹⁷ O'Moore, É., et al. (2019) Health and justice annual review 2018/19, London: Public Health England

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.²⁹⁸

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.²⁹⁹

Old and frail prisoners continue to experience degrading and inhumane treatment in hospital due to excessive security measures. This includes prisoners chained to beds despite being unable to walk, and being chained to a prison officer at their time of death.³⁰⁰

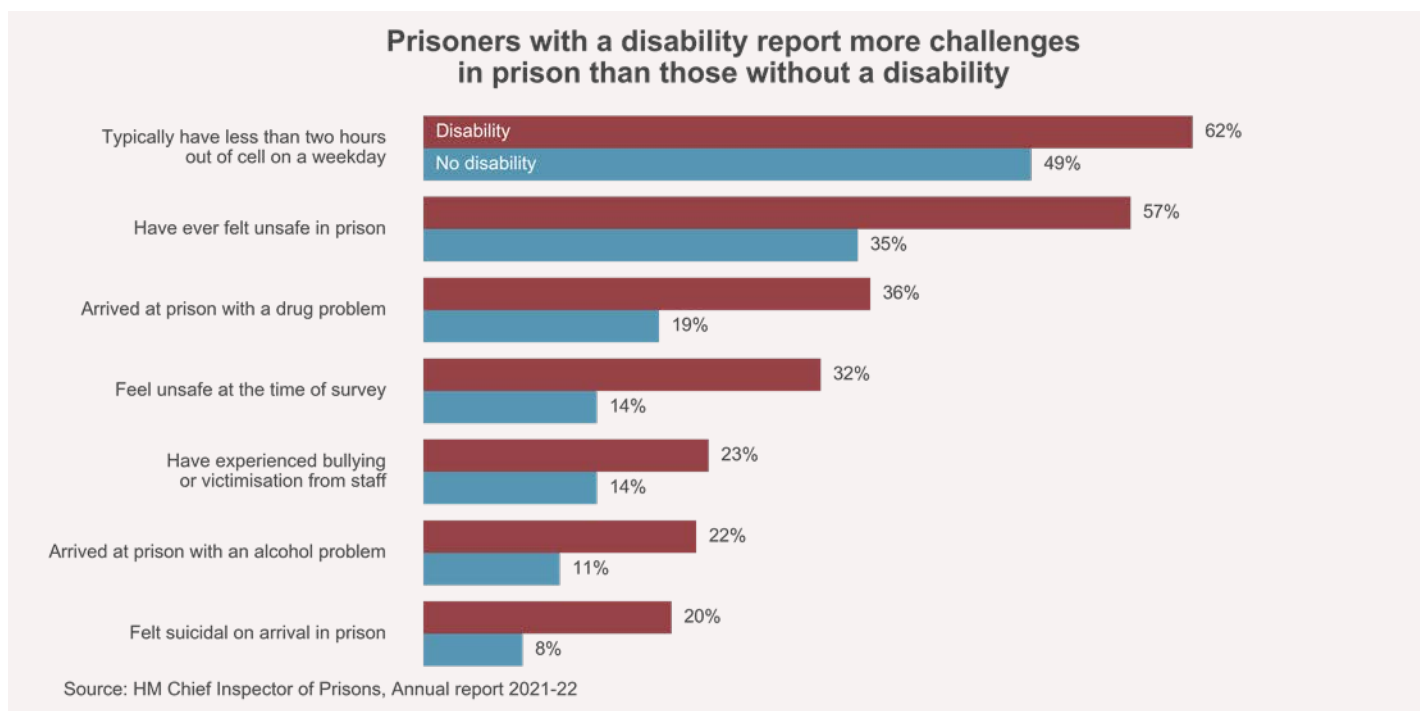
Two babies were born and died in prison in 2019–20, one in HMP Bronzefield and one in HMP Styal. The PPO was highly critical of the outdated and inadequate maternity services at Bronzefield, and the lack of healthcare provided at Styal.³⁰¹ The government has accepted the recommendations of the Bronzefield report and published an action plan in response.³⁰²

People can apply for compassionate release if they have a terminal illness with a life expectancy of a few months, are severely incapacitated, or due to tragic family circumstances.³⁰³

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 2019.³⁰⁴

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.³⁰⁵

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.³⁰⁶



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

299 Ibid.

300 Prisons and Probation Ombudsman (2022) Annual report 2021–22, London: PPO and previous editions

301 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

302 Letter from Victoria Atkins MP to the Chair of the Justice Select Committee Sir Bob Neill MP, 28 October 2021, available at:

<https://committees.parliament.uk/publications/7744/documents/80679/default/>

303 HM Prison and Probation Service (2022) Early Release on Compassionate Grounds, London: Ministry of Justice

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

305 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

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

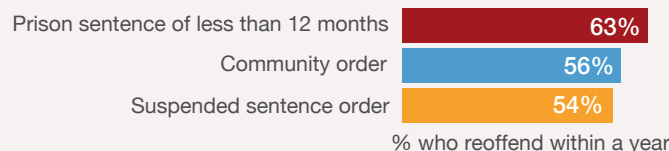
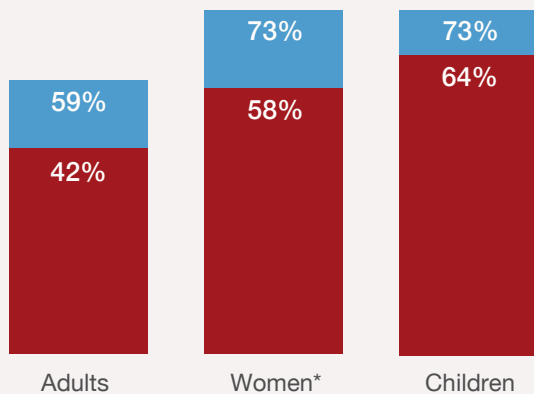
REHABILITATION AND RESETTLEMENT

Reoffending

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 2020 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 economic and social cost of reoffending as £18.1bn.³⁰⁷

Research for the Sentencing Council found that “the current evidence does not suggest that increasing the length of prison sentences is an effective way to reduce reoffending”. It also found that “the evidence against the effectiveness of short custodial sentences is amongst the most robust”.³⁰⁸

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.³⁰⁹

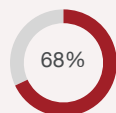
Receiving treatment for drug and alcohol addictions in the community can reduce offending. A study by Public Health England found that there was a reduction of 44% in the number of reoffenders, and a 33% reduction in the number of offences committed in the two years following treatment.³¹⁰

Some factors affecting reconviction

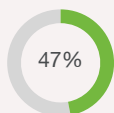
People are less likely to be reconvicted if they receive family visits whilst in prison

69%

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



No visits

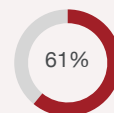


Visits

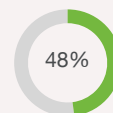
People are less likely to be reconvicted if they live with their immediate family on release

57%

said they were living with their immediate family on release



Not living with family

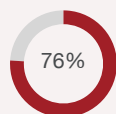


Living with family

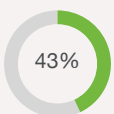
People are more likely to be reconvicted if they use class A drugs on release

1 in 3

said they had used class A drugs since leaving custody



Used class A drugs

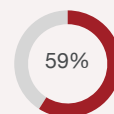


Did not use class A drugs

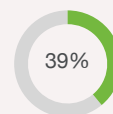
People are less likely to be reconvicted if they secure a job after their release

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

307 Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

308 Gormley, J., Hamilton, M. and Belton, I. (2022) The effectiveness of sentencing options on reoffending, London: Sentencing Council

309 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

310 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.

An Ofsted and HM Inspectorate of Prisons review found the quality of current prison education provision to be extremely poor. It noted that there has been little improvement since a previous review conducted by Dame Sally Coates in 2016.³¹¹ Of the 22 inspections of prisons and young offender institutions conducted by Ofsted in 2021–22, only one institution was judged to be providing education, work or skills at a reasonable standard.³¹² An HMIP and Ofsted research project released last year found that prisons did not prioritise the improvement of prisoners' reading ability and that most teachers did not know how to teach reading.³¹³

During the pandemic, education in prisons completely stopped and remains limited at time of publication. Work and training were also halted and are returning slowly. Inspectors frequently cite staff shortages as limiting purposeful activity.³¹⁴

Just a quarter of male prisons (25%) received a positive rating from inspectors in 2021–22 for purposeful activity work—continuing the decline from half of prisons in 2016–17.³¹⁵

Around half (49%) of prisoners reported being in their cell for more than 22 hours a day, rising to around two-thirds (67%) on the weekend.³¹⁶ This was a deterioration from 2018–19 when around a quarter were locked up during the working day.³¹⁷

People are more likely to be locked up for longer in local and young adult prisons. Around two-thirds of people in local prisons (66%) and young adult prisons (63%) said they spent less than two hours a day out of their cells.³¹⁸

Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, half of people (50%) in Category C prisons, and more than four in 10 (44%) in Category B prisons said they were locked up for more than 22 hours a day.³¹⁹

The return of education, skills and work following pandemic restrictions has been slow. Around a third of prisons visited by Ofsted since May 2021 were judged to have made insufficient progress. Following the resumption of full inspections in October 2021, no prison has been judged to have good or outstanding provision.³²⁰

Inspectors report finding most libraries closed and access to gyms heavily curtailed. Only one in four (25%) people in male prisons report going to the gym at least twice a week, and around one in five (22%) report being able to visit the library once a week.³²¹

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.³²²

Literacy levels amongst the prison population remain significantly lower than the general population. Nearly two-thirds (64%) 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%).³²³

311 Government website, accessed on 18 October 2022, available at: <https://www.gov.uk/government/speeches/launching-our-prison-education-review>

312 Ofsted (2022) The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2021/22, London: Ofsted

313 HMIP and Ofsted (2022) Prison education: a review of reading education in prisons, London: HMIP

314 HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

315 Government website, accessed on 5 December 2022, available at: <https://www.gov.uk/government/statistics/further-education-and-skills-inspections-and-outcomes-as-at-31-august-2022> and previous editions

316 Ibid.

317 Ibid. and previous editions

318 Ibid.

319 Ibid.

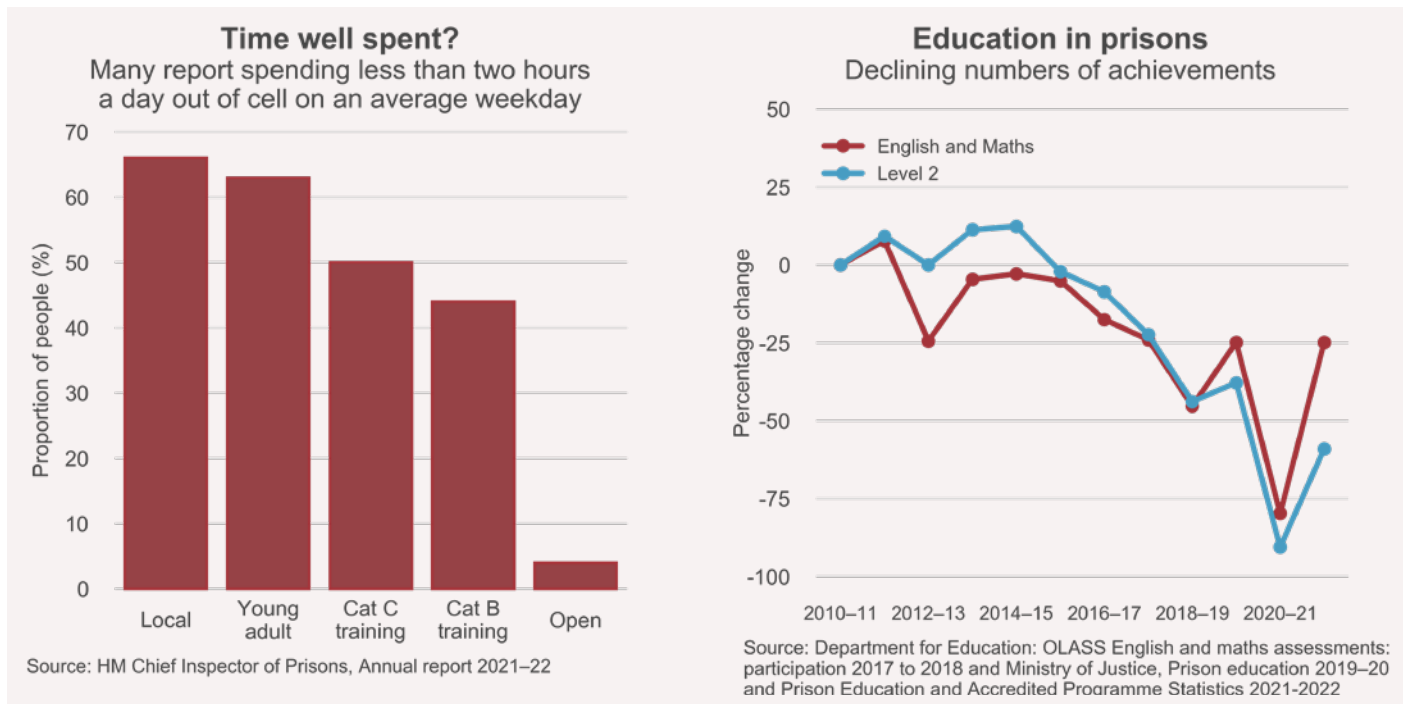
320 Ibid.

321 Ibid.

322 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

323 Ministry of Justice (2022) Prison Education and Accredited Programme Statistics 2021–2022, London: Ministry of Justice and

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.



Around 49,855 adults in the prison system participated in education in the 2021–22 academic year—far fewer than the 2014–15 peak of more than 100,000.³²⁴

The number of people achieving qualifications declined by 41% in 2021–22 compared to pre-pandemic figures. There was a decline of 13% in numbers achieving pre-level 2 qualifications (i.e. pre-GCSE).³²⁵

Only around 700 people achieved a level 3 qualification (A-level and equivalent) in the 2021–22 academic year via mainstream prison learning—a 42% drop since 2011–12.³²⁶

More than 1,400 people in prison are studying with the Open University—a further 50 are enrolled on Access to Higher Education courses, with support from the Prisoners’ Education Trust.³²⁷

Prisoners wishing to study in higher education 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%.³²⁸

Employment

The New Futures Network was established by the Ministry of Justice to develop partnerships between prisons and employers and to create employment opportunities for people in prison and on release.³²⁹

Over 400 businesses work in partnership with prisons to provide work and employment opportunities.³³⁰

Employment advisory boards, which link business leaders with prisons to provide advice on skills gaps and the needs of the local jobs market, have been established across all 92 resettlement prisons. Job centres and careers advice services will be rolled out across these prisons by April 2023.³³¹

The law now enables prisoners to become apprentices. The first prisoner apprentices started on 30 September 2022 and include key industries such as hospitality and construction.³³²

HM Prison and Probation Service (HMPPS) has not published figures on the number of prisoners working due to poor data quality, citing pandemic disruption. Inspectors found most workshops empty or under utilised, with the inactivity frequently being attributed to staff shortages.³³³

³²⁴ Tables 10.1 and 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London: Department for Education and Table 1.2, Ministry of Justice (2022) Prison Education and Accredited Programme Statistics 2021–2022, London: Ministry of Justice

³²⁵ Table 2.3, Ministry of Justice (2022) Prison Education and Accredited Programme Statistics 2021–2022, London: Ministry of Justice and Table 1.7, Ministry of Justice (2021) Prison Education Statistics April 2019 to March 2020, London: Ministry of Justice

³²⁶ Table 1.6, Ministry of Justice (2022) Prison Education and Accredited Programme Statistics 2021–2022, London: Ministry of Justice

³²⁷ House of Lords written question HL3337, 28 November 2022

³²⁸ Higher Education Policy Institute (2019) Student loans for those on long prison sentences, Oxford: HEPI

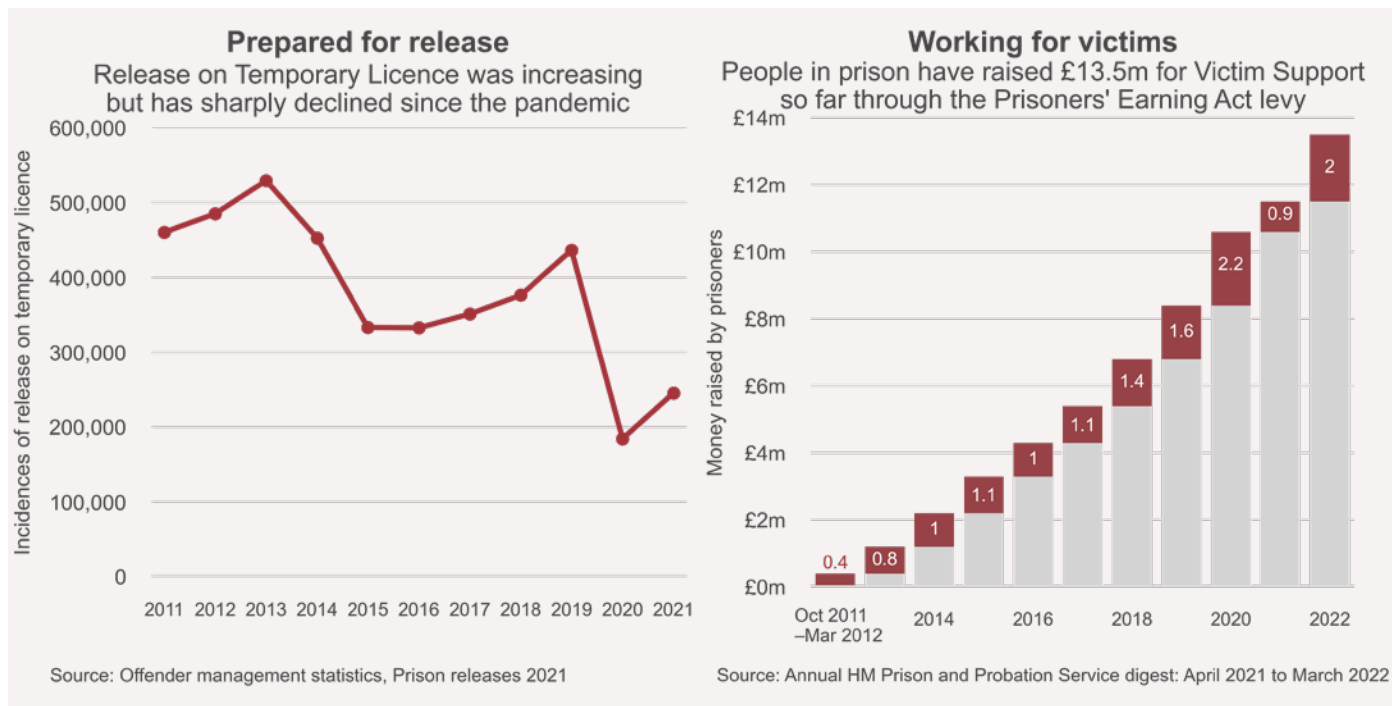
³²⁹ Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

³³⁰ New Futures Network website, accessed on 18 January 2023, available at <https://newfuturesnetwork.gov.uk/>

³³¹ Timpson, J. (2022, December 31) Twitter. <https://twitter.com/i/web/status/1609102409133076482>; and House of Commons written question UIN 102761, 9 December 2022

³³² House of Commons written question UIN 102761, 9 December 2022 and House of Lords written question HL3337, 28 November 2022

³³³ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office



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. In 2019 the government published a new ROTL Policy Framework, allowing prison governors greater autonomy to release prisoners on licence.³³⁴

In 2021 99.82% of cases ROTL were 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.³³⁵

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.³³⁶

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%.³³⁷

On average, just 793 people per month were working out of prison on licence during 2021–22.³³⁸

They paid £208 per month on average to the Prisoners' Earnings Act levy—the equivalent of almost a sixth (15%) of their net earnings.³³⁹

Home Detention Curfew (HDC)

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 9,393 releases on HDC in 2021, a decrease of more than a quarter (27%) on 2019. Use of HDC has fallen significantly since 2002 when over 20,000 people were released.³⁴⁰

Only a third of people (33%) who were eligible to be released were granted HDC in 2021.³⁴¹

³³⁴ Ministry of Justice website, accessed on 19 October 2022, available at <https://www.gov.uk/government/news/offender-rehabilitation-drive-boosted-by-new-rotl-rules>

³³⁵ Table A3.7, Ministry of Justice (2022) Offender management statistics, Prison releases 2021, London: Ministry of Justice and House of Lords written question HL10936, 6 November 2018

³³⁶ Hillier, J. and Mews, A. (2018) The reoffending impact of increased Release of prisoners on Temporary Licence, London: Ministry of Justice

³³⁷ Table A3.7, Ministry of Justice (2022) Offender management statistics, Prison releases 2021, London: Ministry of Justice

³³⁸ Table 5.2, Ministry of Justice (2022) Annual HM Prison and Probation Service digest: 2021 to 2022, London: Ministry of Justice

³³⁹ Ibid.

³⁴⁰ Table A3.5, Ministry of Justice (2022) Offender management statistics, Prison releases 2021, London: Ministry of Justice

³⁴¹ Ibid.

Resettlement

Nearly everyone in prison will be released at some point. Last year 47,014 people were released at the end of the custodial term of their sentence.³⁴²

Some people are entitled to receive a Subsistence Payment to help them on release—in 2021 this was raised from £46 to £76, the first increase in 26 years, and is set to increase annually in line with the CPI index until 2024–25. However, thousands of prisoners remain ineligible, including those released from remand, fine defaulters and people serving less than 15 days.³⁴³

The government has committed to spend £200m a year by 2024–25 to support people leaving prison to find jobs, accommodation and access substance misuse treatment.³⁴⁴

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 government has recently changed the law to reduce how long some people need to disclose their conviction.³⁴⁵

One in ten (10%) people are in PAYE employment six weeks after leaving prison. After six months, the figure rises to around one in seven (14%).³⁴⁶

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 people with convictions.³⁴⁷

Accommodation

Less than half (45%) of people released from prison between 2021–22 had settled accommodation on release. More than one in 10 (11%) were homeless or sleeping rough. After three months, under two-thirds (65%) had settled accommodation and 7% were homeless or sleeping rough.³⁴⁸

Having and retaining settled accommodation is “a key factor in successful rehabilitation”. A recent study by inspectors revealed that people with settled accommodation on release were around two-thirds as likely to end up back in prison than those without.³⁴⁹

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.³⁵⁰

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.³⁵¹

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.³⁵²

³⁴² Table A3.1, Ministry of Justice (2022) Offender management statistics, Prison releases 2022, London: Ministry of Justice

³⁴³ His Majesty's Prison and Probation Service (2022) PSI 72/2011, London: HMPPS

³⁴⁴ Ministry of Justice (2021) Prisons Strategy White Paper, London: Ministry of Justice

³⁴⁵ Police, Crime, Sentencing and Courts Act 2022, Section 193, available at: <https://www.legislation.gov.uk/ukpga/2022/32/section/193>

³⁴⁶ Table 4, Ministry of Justice (2022) Community Performance Quarterly, update to March 2022, Employment at 6 weeks post release from custody, London: Ministry of Justice and

Table 4, Ministry of Justice (2022) Community Performance Quarterly, update to March 2022, Employment at 6 months post release from custody, London: Ministry of Justice

³⁴⁷ Business in the Community website, accessed on 13 October 2022, available at www.bitc.org.uk/banthebox

³⁴⁸ Table 2, Ministry of Justice (2022) Community Performance Quarterly, update to March 2022, Accommodation at Release, London: Ministry of Justice and

Table 2, Ministry of Justice (2022) Community Performance Quarterly, update to March 2022, Accommodation at 3 months post release, London: Ministry of Justice

³⁴⁹ 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

³⁵⁰ House of Commons written question 43639, 13 September 2021

³⁵¹ Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

³⁵² Government website, accessed on 9 January 2022, available at:

<https://www.gov.uk/government/publications/universal-credit-and-prison-leavers/supporting-prison-leavers-a-guide-to-universal-credit>

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.³⁵³

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.³⁵⁴

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, 52% of women and 44% of men surveyed by inspectors in 2021–22 reported that they did.³⁵⁵

A study has estimated that in 2020 320,000 children were affected by parental imprisonment.³⁵⁶

One in 10 boys in young offender institutions told inspectors that they had children themselves.³⁵⁷

50 babies were born to women held in prison in the year to March 2022. 47 were born in hospital and the remaining three were born whilst either in prison or in transit to hospital.³⁵⁸

Fewer than half of men (49%) and around six in 10 women (61%) were offered a free telephone call on their first night in prison to let family know that they were okay.³⁵⁹

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.³⁶⁰

However, just a third (33%) of prisoners reported that it was quite easy or very easy for family to visit them at their current prison—and only around one in 10 people (11%) received more than one visit in a month.³⁶¹

Women are often held further away from their families, making visiting difficult and expensive. The average distance is 63 miles, but it is often significantly more.³⁶²

The cost of making a telephone call from prison is expensive. However, charges went down last year. A 30 minute call during the working week to a landline costs £3.10 and for mobiles is £6.88. At weekends, this reduces slightly to £2.75 and £4.50, respectively.³⁶³

Secure in-cell telephones have been introduced in around two-thirds (64%) of prisons, including the entirety of the closed women's estate.³⁶⁴ People in prison reported that their relationship with partners, children and wider family had deepened, strengthened, and become more resilient as a result.³⁶⁵

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.³⁶⁶ Prisoners are entitled to one free 30 minute call per month.³⁶⁷

³⁵³ Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons

³⁵⁴ 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

³⁵⁵ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office and House of Commons written question 125243, 14 December 2020

³⁵⁶ Kincaid, S. et al. (2019) Children of prisoners: Fixing a broken system, Crest Advisory, London: Crest Advisory

³⁵⁷ HM Inspectorate of Prisons (2020) Children in custody 2018–19, London: HM Stationery Office

³⁵⁸ Table 11.1, Ministry of Justice (2022) Annual HM Prison and Probation Service digest: 2021 to 2022, London: Ministry of Justice

³⁵⁹ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

³⁶⁰ Farmer, M. (2019) The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

³⁶¹ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

³⁶² Lord Farmer (2019) The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

³⁶³ Ministry of Justice (2022) Freedom of Information request 220104005 and 220420029, 4 November 2020, available at: <https://bit.ly/prison-phone-charges>

³⁶⁴ House of Lords written question HL5473, 1 February 2022 and House of Lords written question HL5474, 1 February 2022

³⁶⁵ Ellison, A., et al. (2018) The demand for and use of illicit phones in prison, London: Ministry of Justice

³⁶⁶ House of Lords written question HL14442, 7 April 2021

³⁶⁷ House of Commons written question 147092, 4 April 2022

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 the 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.”³⁶⁸ It has also set a target to reduce the women’s prison population—with places for up to 230 women. Two community custodial units for women were opened in 2022, one in Dundee and one in Glasgow.³⁶⁹ The latest budget included a £29m increase in prison service revenue as well as £97m capital funding intended for modernisation of the prison estate.³⁷⁰

Concerned by the rising rate of deaths in prison in Scotland, the then Cabinet Secretary for Justice Humza Yousaf asked the Scottish prisons 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.³⁷¹ A recent review of progress found a significant number of outstanding investigations, and that family involvement remains low.³⁷²

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.³⁷³

Sentencing and the use of custody

On 16 December 2022 the total number of people in custody in Scotland stood at 7,328.³⁷⁴

Scotland has the second highest imprisonment rate in western Europe—135 people in prison per 100,000 of the population. England and Wales has the highest, with an imprisonment rate of 136 per 100,000, France 106 per 100,000 and Germany 67 per 100,000.³⁷⁵

17% of people sentenced by the courts were given a custodial sentence in 2020–21. This has remained broadly the same over the last decade.³⁷⁶

Nearly two-thirds of people (65%) sentenced to custody in 2020–21 had committed a non-violent offence.³⁷⁷

Prison sentences are getting longer. The average length of a custodial sentence is now nearly 11 months (329 days)—almost two months (52 days) longer than a decade ago.³⁷⁸

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.³⁷⁹ However, they still accounted for nearly a quarter (24%) of custodial sentences given in 2020–21.³⁸⁰

As of 4 July 2019 the statutory presumption has been extended to sentences of 12 months or less. In 2020–21 these accounted for more than three-quarters (76%) of all custodial sentences handed out by the courts.³⁸¹

The number of people on remand remains high—accounting for more than a quarter (27%) of the prison population compared with 18% in England and Wales. There were 2,000 people in prison on remand on 16 December 2022, of whom nearly nine in 10 (89%) were awaiting trial.³⁸²

368 The Scottish Government website, accessed on 11 January 2023, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

369 The Scottish Government website, accessed on 11 January 2023, available at <https://www.gov.scot/news/new-custodial-unit-for-women-1/> and

The Scottish Government website, accessed on 11 January 2023, available at <https://www.gov.scot/news/new-custodial-unit-for-women/>

370 The Scottish Government website, accessed on 11 January 2023, available at <https://www.gov.scot/news/budget-prioritises-gbp-3-4-billion-for-justice/>

371 HM Inspectorate for Prisons in Scotland (2021) Independent Review of the Response to Deaths in Prison Custody, Edinburgh: HMIPS

372 The Scottish Centre for Crime and Justice Research (2022) Still Nothing to See Here?, Glasgow: SCCJR

373 HM Inspectorate for Prisons in Scotland (2022) HM Chief Inspectors Annual Report 2021–22, Edinburgh: HMIPS

374 Scottish Prison Service website, accessed on 22 December 2022, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

375 World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 21 November 2022, available at

http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14

376 Table 7b, The Scottish Government (2022) Criminal proceedings in Scotland 2020–21, Edinburgh: The Scottish Government

377 Table 8b, Ibid.

378 Table 10c, Ibid. and previous editions

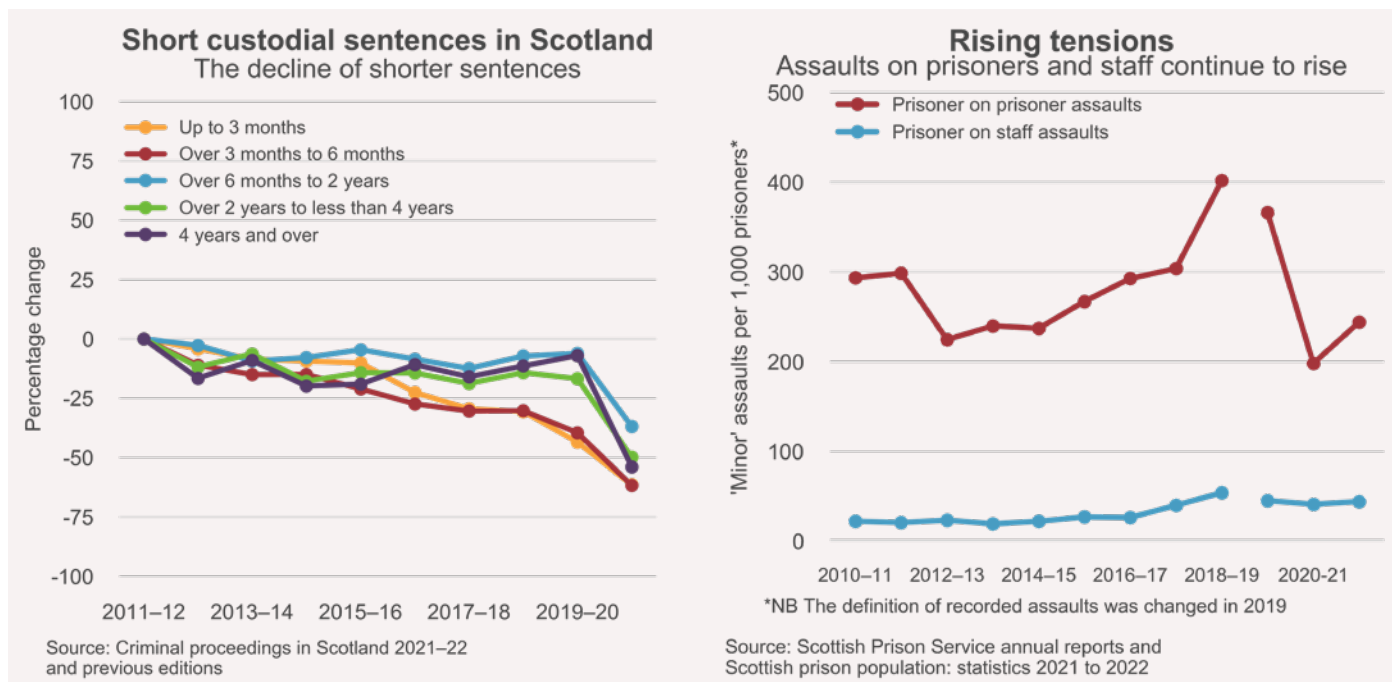
379 The Criminal Justice and Licensing (Scotland) Act 2010

380 Table 10a, The Scottish Government (2022) Criminal proceedings in Scotland 2020–21, Edinburgh: The Scottish Government

381 Ibid. and The Scottish Government website, accessed on 7 January 2023, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

382 Table 1.1, Ministry of Justice (2022) Offender management statistics quarterly: April to June 2022, London: Ministry of Justice and

Scottish Prison Service website, accessed on 3 January 2023, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>



The cost of imprisonment has risen in recent years. In 2021–22 it cost an average of £41,858 per prison place, a rise of 6% compared to the previous year.³⁸³

The use of community sentences has been gradually rising over the last decade—they accounted for more than a fifth (23%) of all sentences in 2020–21, up from 14% in 2010–11.³⁸⁴

Safety in prisons

There have been 172 deaths in custody in the last five years—with 34 in 2022.³⁸⁵ Research published by The Scottish Centre for Crime and Justice Research suggests that suicide and drug-related incidents were the leading causes of deaths in 2022 rather than Covid-19.³⁸⁶

Deaths in custody have been rising. 121 people died in prison between January 2020 and September 2022, compared to 98 between 2017–19, and 76 between 2014–16. Covid-19 was not the primary cause of the increase in the current period.³⁸⁷

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.³⁸⁸

Recorded violence in prisons declined during the pandemic. In 2021–22 there was a 40% fall in recorded prisoner on prisoner assaults compared with 2019–20. However, serious prisoner on prisoners assaults declined by just 4% over the same period.³⁸⁹

Assaults on staff have also declined slightly during the pandemic. There were 323 assaults on staff in 2021–22, compared with 358 in 2019–20.³⁹⁰

People in prison

Almost three-quarters (71%) of tests carried out on people entering prison in 2018–19 were positive for illegal drugs.³⁹¹

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.³⁹²

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%).³⁹³

³⁸³ Appendix 9a, Scottish Prison Service (2022) Annual report and accounts 2021–22, Edinburgh: SPS and HM Treasury (2022) GDP deflators at market prices, and money GDP November 2022 (Autumn Statement), London: HM Treasury

³⁸⁴ Table 7a, The Scottish Government (2022) Criminal proceedings in Scotland 2020–21, Edinburgh: The Scottish Government and previous editions

³⁸⁵ Scottish Prison Service website, accessed on 17 December 2022, available at <https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx>

³⁸⁶ The Scottish Centre for Crime and Justice Research (2022) Still Nothing to See Here?, Glasgow: SCCJR

³⁸⁷ Ibid.

³⁸⁸ Scottish Prison Service (2019) Freedom of Information request, HQ18297 available at <http://www.sps.gov.uk/FreedomofInformation/FOI-6363.aspx>

³⁸⁹ Appendix 9a, Scottish Prison Service (2020) Annual report and accounts 2019–20, Edinburgh: SPS

³⁹⁰ Ibid.

³⁹¹ Scottish Prison Service (2019) SPS Addiction Prevalence Testing Stats Final 2018/19, Edinburgh: SPS

³⁹² Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

³⁹³ Scottish Prison Service (2020) Prisoner survey 2019, Edinburgh: SPS

Other UK prison systems

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.³⁹⁴

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.³⁹⁵

Women in prison

The number of women in prison has declined substantially over the past three years, driven largely by the Covid-19 pandemic.³⁹⁶ There were 275 women in prison on 16 December 2022, down from 400 three years ago, a decline of almost a third (31%).³⁹⁷

A higher proportion of women are prosecuted for ‘crimes of dishonesty’, such as theft or shoplifting, than men—18% of proven offences by women were for acquisitive crimes compared with 11% of men’s.³⁹⁸

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.³⁹⁹

Seven in 10 women in prison reported that they had been a victim of domestic violence.⁴⁰⁰

Children and young adults in prison

There were an average of 188 young people (under 21) in prison in 2021–22. The number of young people in prison has fallen by more than four-fifths (81%) in the last twelve years.⁴⁰¹

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.⁴⁰²

Over half (56%) of young people reported being drunk at the time of their offence.⁴⁰³

Almost half (46%) of young people reported being in care as a child.⁴⁰⁴

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.⁴⁰⁵

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.⁴⁰⁶

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.⁴⁰⁷

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.⁴⁰⁸

Nearly four out of five (79%) people in prison said they had okay, 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%).⁴⁰⁹

394 Scottish Prison Service (2020) Prisoner survey 2019, Edinburgh: SPS

395 Ibid.

396 Scottish Prison Service (2022) Strategy for Women in Custody 2021–25, Edinburgh: SPS

397 Scottish Prison Service website, accessed on 4 January 2023, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

398 Tables 6b and 6c, The Scottish Government (2022) Criminal proceedings in Scotland 2020–21, Edinburgh: The Scottish Government

399 Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

400 Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

401 Table A2, the Scottish Government (2022) Scottish Prison Population Statistics, 2021–22 Edinburgh: The Scottish Government

402 Scottish Prison Service (2018) Young people in custody 2017, Edinburgh: SPS

403 Ibid.

404 Ibid.

405 Table 9 and 11, The Scottish Government (2021) Reconviction rates in Scotland: 2018–19 offender cohort, Edinburgh: The Scottish Government

406 Scottish Prison Service (2020) Prisoner survey 2019, Edinburgh: SPS

407 Ibid.

408 Ibid.

409 Ibid.

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. However, at the time of publication there has been no functioning Northern Ireland Executive since February 2022.

There is no dedicated prison for women in Northern Ireland. Women are currently housed in Ash House, a block inside Hydebank Wood Secure College. Inspectors visiting in 2019 said the existence of Ash House on the site of a Secure College for young men remained very poor practice.⁴¹⁰

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.⁴¹¹

In the past three years HMP Magilligan has been inspected once, in 2021. HMP Maghaberry was last inspected in 2018. As a result, information published here is a mixture of pre- and post-pandemic conditions. There were no deaths officially recorded as being due to Covid-19 in the year 2020–21.⁴¹²

Sentencing and the use of custody

The number of people in prison in Northern Ireland has remained relatively stable in recent years, with 1,494 people held on average in 2021–22. However, it has risen in recent months and was up to 1,675 on 6 January 2023.⁴¹³

The imprisonment rate for Northern Ireland is 91 per 100,000 of the population. England and Wales have an imprisonment rate of 136 per 100,000, France 106 per 100,000 and Germany 67 per 100,000.⁴¹⁴

The number of people entering prison increased by 11% last year. There were 3,477 receptions into prison during 2021–22.⁴¹⁵

The number of people entering prison for failure to pay a fine is decreasing. 85 people went to prison in 2021–22 for fine default—down from 484 five years ago.⁴¹⁶

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 (37%) on remand compared with 18% in England and Wales, and 27% in Scotland.⁴¹⁷

Remand accounted for nearly four-fifths (78%) of all receptions into prison in 2021–22, with 2,722 receptions on remand in total.⁴¹⁸

More than three-quarters (77%) of people entering prison to serve a sentence in 2021–22 have been sentenced to spend a year or less in custody.⁴¹⁹

The average cost of keeping a person in prison has fallen from historically high levels—costing £44,868 per year in 2021–22, down from £73,732 in 2010.⁴²⁰

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Safety in custody

During 2020–21 there were five deaths in custody—two in HMP Magilligan and three in HMP Maghaberry. Three appeared to be self-inflicted and two appeared to be from natural causes. Three further deaths occurred within a fortnight of leaving custody.⁴²¹

Treatment and conditions

Inspectors visiting HMP Magilligan in 2021 praised the stable and safe environment—levels of violence were observed to be low, staff-prisoner relationships were good and most people spent their day out of their cells during the pandemic, unlike those in prison elsewhere in the UK.⁴²²

However, the prevalence of drugs in HMP Magilligan was very high, as was the proportion of people reporting mental health problems (71%). Only a quarter (25%) of respondents said they had received help with their mental health while in prison.⁴²³

Inspectors reported that “there was little evidence of any persistent inequality of treatment or opportunity” for Catholic prisoners held at HMP Magilligan. Outcomes have improved since the last inspection, and most prisoners reported that they did not believe that religious bias was prevalent in the prison.⁴²⁴

People in prison

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.⁴²⁵

Around one in 10 people tested positive for drugs—HMP Magilligan (10%) and HMP Maghaberry (9%).⁴²⁶

Inspectors found that services for prisoners with drug and alcohol problems at HMP Magilligan had been transformed since their last inspection. However challenges remained in addressing the supply and use of illicit drugs and the diversion of prescription drugs within the prison.⁴²⁷

Half (50%) of people held in HMP Magilligan reported having a problem with drugs when they came into prison. A third (32%) said they had developed a problem with drugs or medication not prescribed to them whilst in prison.⁴²⁸

A quarter (23%) of people held in HMP Magilligan reported having a problem with alcohol when they came into prison. But fewer than two in five (38%) said they had received help for this whilst in prison.⁴²⁹

12% of the prison population are foreign nationals—more than two-thirds (67%) are on remand.⁴³⁰

Women in prison

There was on average 66 women in prison in Northern Ireland in the year 2021–22. They accounted for 9% of all receptions.⁴³¹

There were 308 occasions where women entered prison in 2020–21, an increase of 32% compared to the previous year. Of those, more than three-quarters (78%) were there on remand.⁴³²

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.⁴³³

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431 Tables 1e and 15d, Department for Justice (2022) The Northern Ireland Prison Population 2021/22, Belfast: Department of Justice

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Children and young adults in prison

106 children (aged 10–17) entered custody in 2021–22, almost half (49%) as many as a decade ago. More than four-fifths were boys (84%). 9 children were held in custody on average.⁴³⁴

None of the children who entered custody in 2021–22 had been sent there to serve a sentence. All children were either held pending police questioning; awaiting a court date; or on remand.⁴³⁵

On average, just one child was being held in custody to serve a sentence in 2021–22.⁴³⁶

A third of children in custody (34%) in 2021–22 were in care.⁴³⁷

Inspectors have raised concerns that children continue to be inappropriately placed in custody at times of crisis because there are no available alternatives and that children remain there because they don't have a suitable bail address.⁴³⁸

Inspectors were told that “some children were breaking bail conditions or reoffending because they would rather be in [custody] than at home or in the community”.⁴³⁹

24 young adults (aged 18–20) entered custody in 2021–22 to serve a sentence, less than half as many (43%) who entered four years ago.⁴⁴⁰

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.⁴⁴¹

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.⁴⁴²

46% of adults released from custody went on to be reconvicted within a year. Almost half of people (49%) who reoffended did so within two months of release; more than four in five (81%) had within six months.⁴⁴³

180 people were recalled back to prison in 2021–22, down from 187 in the previous year.⁴⁴⁴

434 Brown, T. (2022) Northern Ireland Youth Justice Agency annual workload statistics 2021/22, Belfast: Youth Justice Agency

435 Ibid.

436 Ibid.

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438 Criminal Justice Inspection Northern Ireland (2022) An announced inspection of Woodlands Juvenile Justice Centre, 22–28 January 2022, Belfast: CJINI

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444 Parole Commissioners for Northern Ireland (2022) Annual report 2021–22, Belfast: PCNI

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