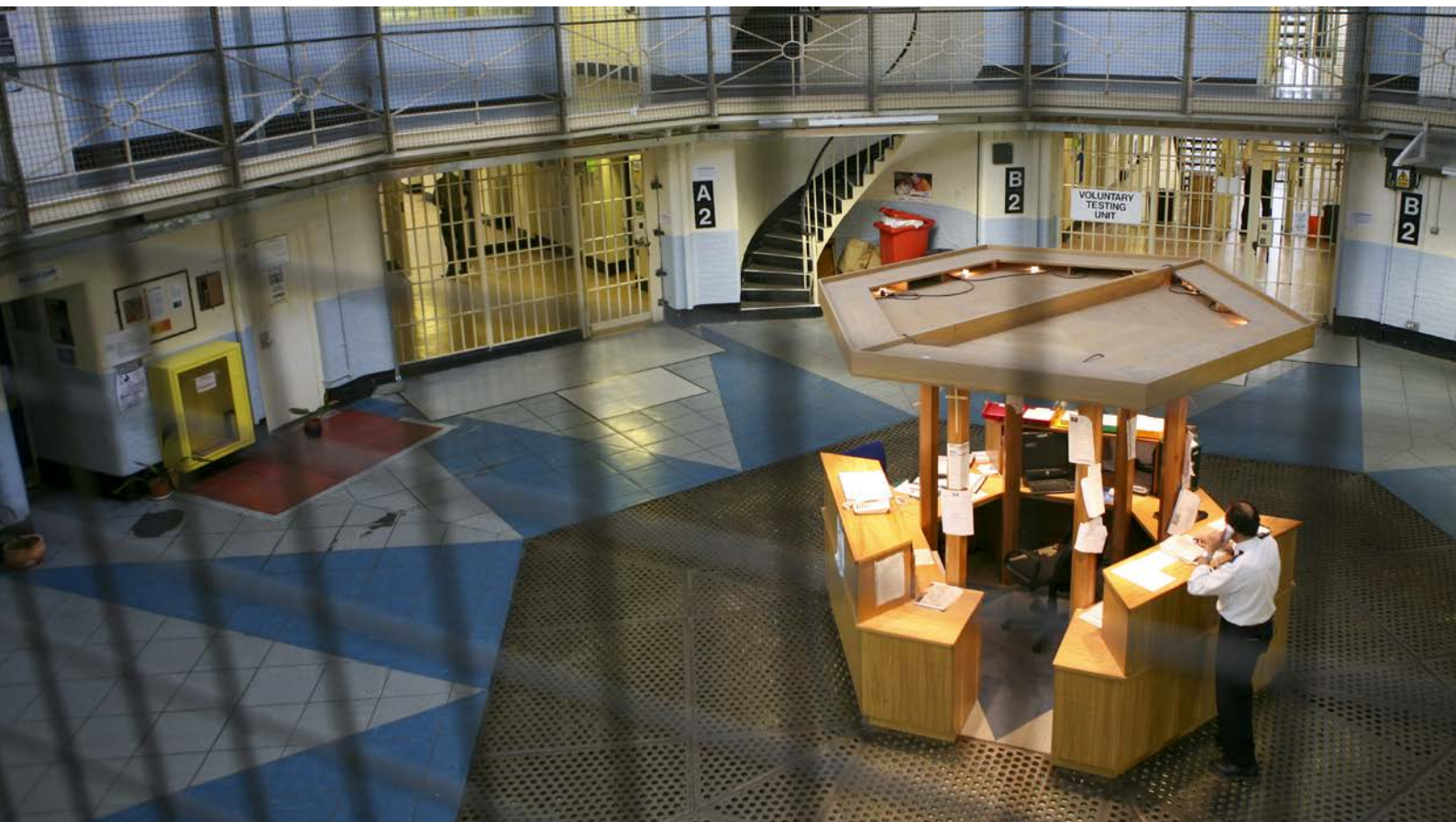


Prison: the facts

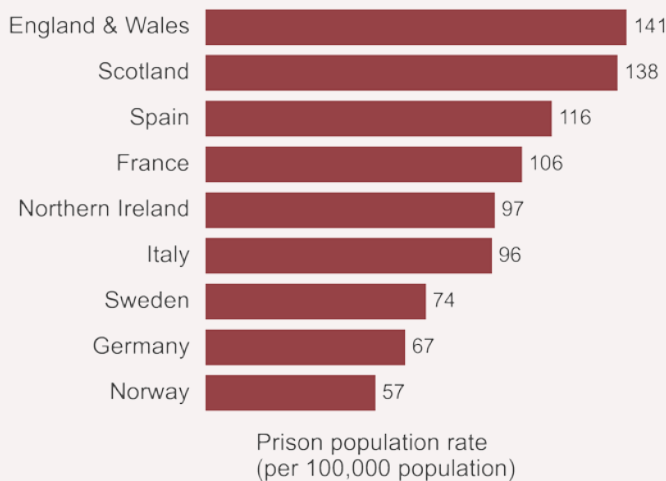
Bromley Briefings Summer 2023



Facts and figures provide a better basis than opinion for policy and practice change. Drawn largely from government sources, these facts chart the extraordinary rise in prison numbers over the last twenty years, inflation in sentencing and the social and economic consequences of overuse of custody. They reveal the state of our overcrowded prisons and the state of people in them, the impact of deep budget cuts, the pace and scale of change in the justice system and the scope for community solutions to crime.

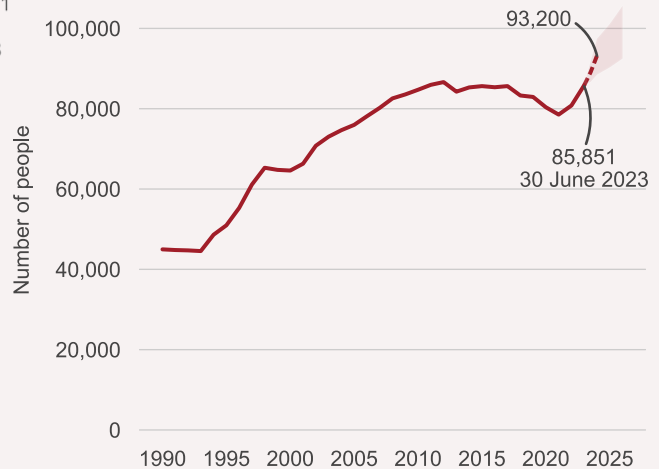
Sentencing and the use of custody

England and Wales have the highest imprisonment rate in western Europe.



Source: World Prison Brief, Institute for Crime & Justice Policy Research, 31 May 2023

The prison population has risen by 80% in the last 30 years—and it is currently projected to rise by a further 7,400 people by 2024.¹



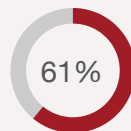
Source: Offender management statistics, Prison population 2022; Population and capacity briefing for 30 June 2023 and Prison population projections 2022 to 2027

In England and Wales, we overuse prison for petty and persistent crime.² In 2022

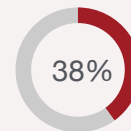
Over

43,000

people were sent to prison to serve a sentence



The majority had committed a non-violent offence

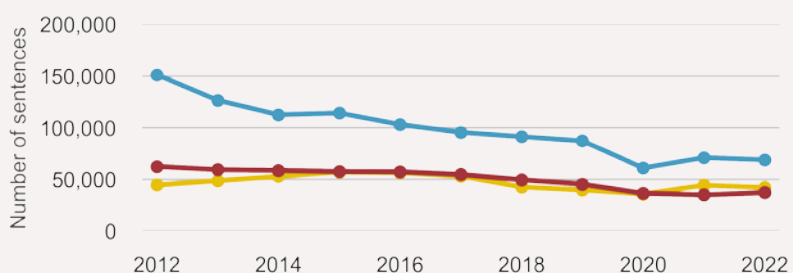
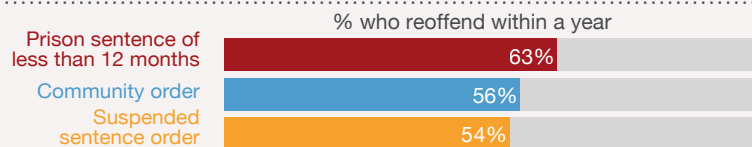


Nearly two in five were sentenced to serve six months or less

Short prison sentences are less effective than community sentences at reducing reoffending.³

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.⁴ Yet, their use has more than halved in only a decade.

Suspended sentences account for just 4% of all sentences.⁵



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.⁶



¹ Ministry of Justice (2022) Prison Population Projections: 2022 to 2027, London: Ministry of Justice

² Table A2.7 and A2.9i, Ministry of Justice (2023) Offender management statistics: Prison receptions 2022, London: Ministry of Justice

³ Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice

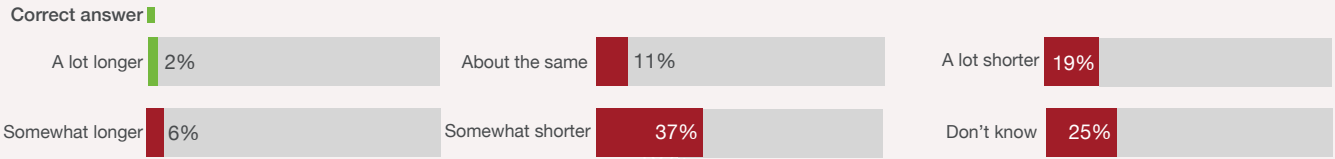
⁴ Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

⁵ Table Q5.1b and Q5.4, Ministry of Justice (2023) Criminal justice statistics quarterly December 2022, London: Ministry of Justice

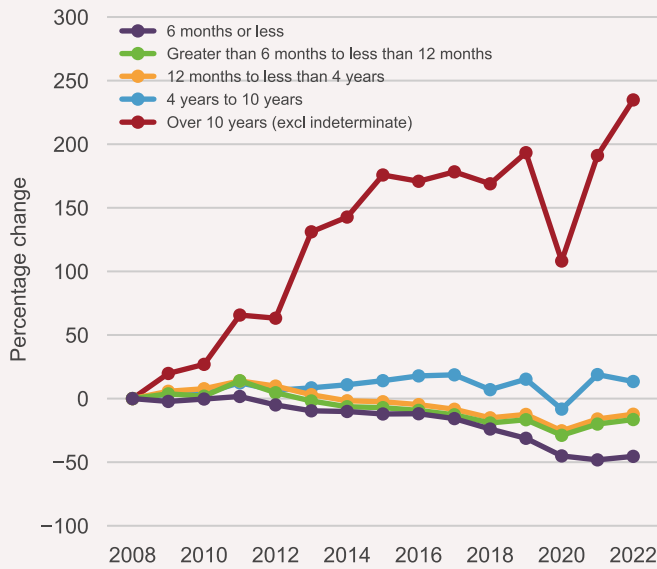
⁶ Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century, London: Crest Advisory

Around two-thirds of people surveyed believe that sentencing is not harsh enough.⁷

The average prison sentence is much longer now than it was 25 years ago. Yet over half (56%) of people surveyed believed sentences were shorter now—rising to three-quarters (75%) if those who said they didn't know are excluded.⁸

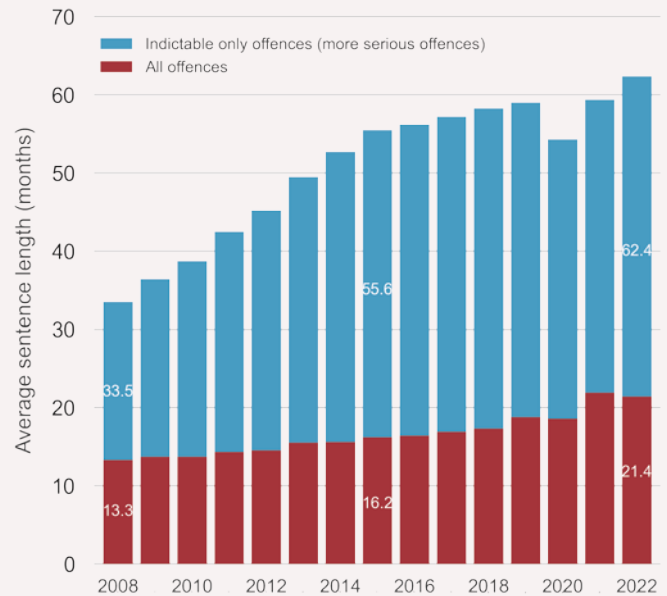


More than three times as many people were sentenced to 10 years or more in 2022 than in 2008.⁹



Source: Criminal justice statistics quarterly December 2022

For more serious, indictable offences, the average prison sentence is now 62.4 months—more than two years longer than in 2008.¹⁰



Source: Criminal justice statistics quarterly December 2022

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 2001.¹¹

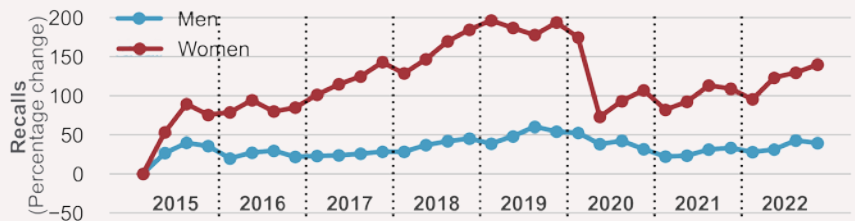
Judges are also imposing longer minimum terms.¹² The average minimum term imposed for murder rose from 13 years in 2000 to 21 years in 2021.¹³

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

More than two in five adults (42%) are reconvicted of another offence within one year of release.¹⁴

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.¹⁵

Since their introduction, the number of people recalled back to custody has increased, particularly amongst women. 8,357 people serving a sentence of less than 12 months were recalled to prison in the year to December 2022.¹⁶



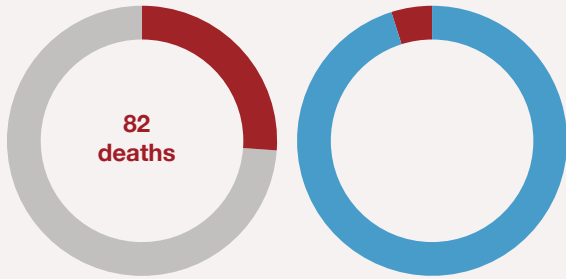
7 YouGov, available at <https://yougov.co.uk/topics/politics/articles-reports/2022/03/30/criminal-sentencing-too-soft-say-two-thirds-briton>, accessed on 30 June 2022
 8 Roberts, J. V. et al. (2022) Public Knowledge of Sentencing Practice and Trends, London: Sentencing Academy
 9 Table Q5.4, Ministry of Justice (2023) Criminal justice statistics quarterly December 2022, London: Ministry of Justice
 10 Table Q5.1a, Ibid.
 11 Table A3.3, Ministry of Justice (2023) Offender management statistics: Prison releases 2022, London: Ministry of Justice
 12 Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation
 13 House of Lords written question HL7261, 6 April 2022
 14 Table C1a, Ministry of Justice (2023) Proven reoffending statistics quarterly: January to March 2021, London: Ministry of Justice
 15 Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice
 16 Table 5.2, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

Safety in prisons

Safety in prisons has deteriorated rapidly during the last ten years. However, the pandemic and associated regime has muddled the picture. In the last year recorded assaults have risen, and whilst recorded self-harm incidents decreased slightly for men, they have increased by more than third for women.

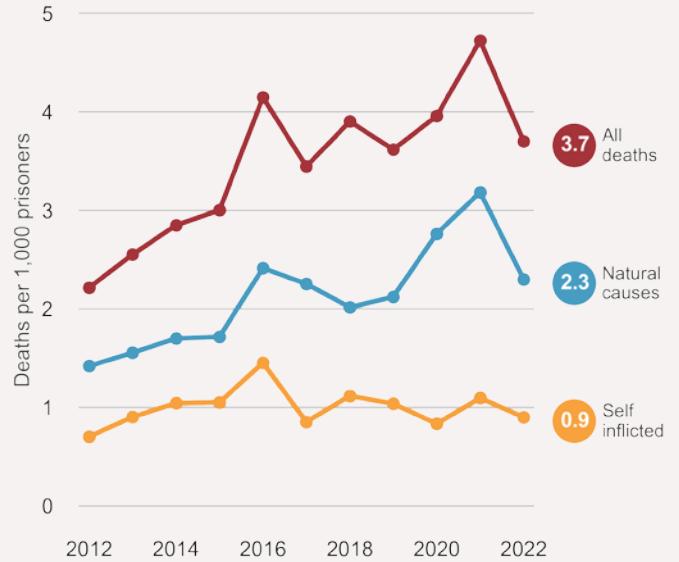
322

People died in prison in the year to March 2023



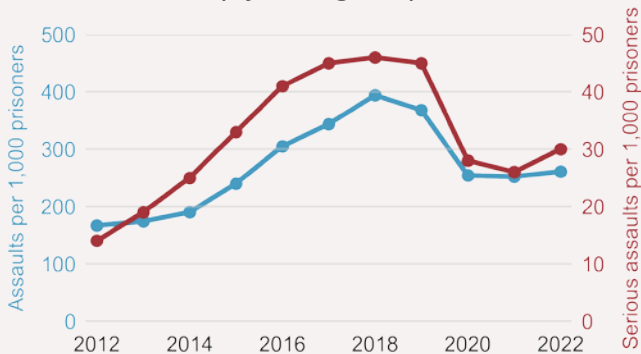
More than a quarter of which 78 were men were self-inflicted and 4 were women

The death rate has been rising over the last decade



Assaults

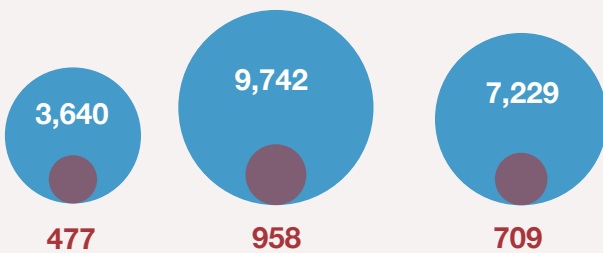
The recorded rates of assault and serious assault fell sharply during the pandemic



*MoJ figures from 2018 onwards drawn here exclude incidents in the youth estate

Assaults on staff have reduced but remain close to historically high levels

2014 2018 2022

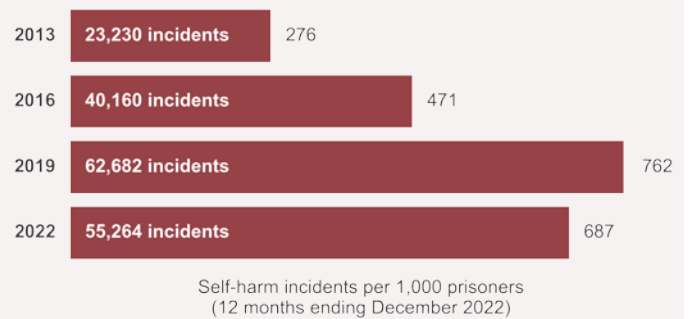


Serious assaults on staff have dropped by around a quarter over the previous year.

Source: Safety in custody statistics quarterly update to December 2022

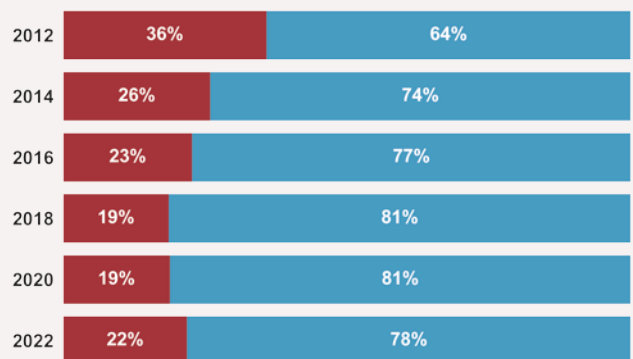
Self-harm

Recorded rates of self-harm remain close to record levels



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

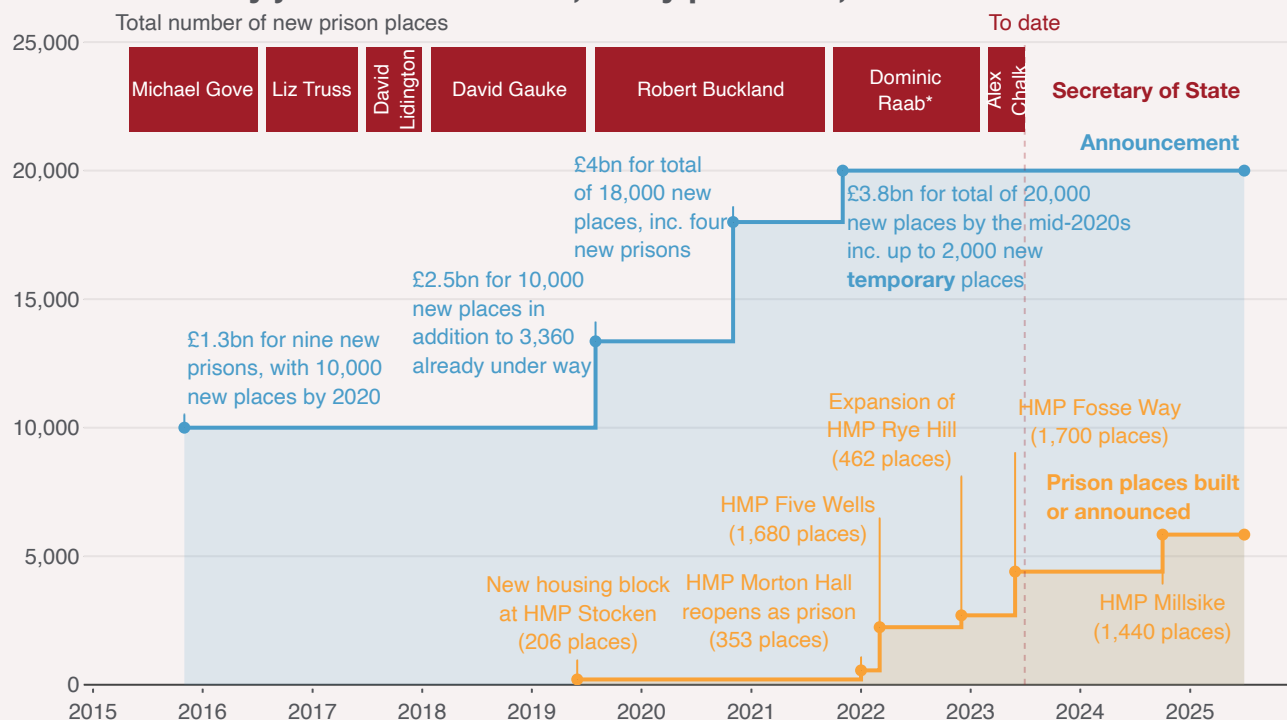
But in recent years there has been a significant rise in self-harm incidents by men.



Proportion of all self-harm incidents

Prison service resources and staffing

Many justice secretaries, many promises, but little delivered



*Includes the brief tenure of Brandon Lewis between 6 September and 25 October 2022

Source: Ministry of Justice announcements and HM Treasury Autumn Budget and Spending Review 2021

The government has committed to building 20,000 new prison places by the mid-2020s to meet rising demand. But just 5,202 places had been built by 5 June 2023. Even if all of the government's planned capacity projects are delivered on time there will still be a short fall of 2,300 prison places by March 2025.¹⁷

Nearly 10,700 prison places have been closed since 2010—many of them old and/or dilapidated. At the same time, nearly 11,000 places have been created, a net increase of just 300 prison places.¹⁸

The government projects that the prison population will rise by a further 7,400 people to reach 93,200 by 2024—placing further pressure on places.¹⁹

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its budget reduced by 20%, and despite recent increases its resource budget remains 11% lower in real terms than in 2010–11.²⁰

The cost of a prison place reduced by 15% in real terms between 2009–10 and 2021–22. The average annual overall cost of a prison place in England and Wales is now £46,696.²¹

The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.²²

The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018.²³ This target was achieved, but there are still 2,542 (10%) fewer staff than there were in 2010.²⁴ More than one in seven (15%) of employed officers left the service last year.²⁵

Staff retention remains a problem—Nearly half of officers (47%) who left the service last year had been in the role for less than three years, more than a quarter (25%) left after less than a year.²⁶

Staff experience has declined as a consequence. More than third (35%) of officers have been in their post for less than three years, up from around one in eight (13%) in 2010.²⁷

17 House of Commons written question 187206, 7 June 2023 and

Inside Time website, accessed on 21 June 2023, available at: <https://insidetime.org/well-run-out-of-cells-admits-moj-in-withdrawn-memo/>

18 House of Commons written question 182591, 2 May 2023

19 Ministry of Justice (2022) Prison population projections 2022 to 2027, England and Wales, London: Ministry of Justice

20 Ministry of Justice (2022) Ministry of Justice annual report and accounts 2021–22, London: Ministry of Justice and previous editions and HM Treasury (2023) GDP deflators at market prices, and money GDP March 2023 (Quarterly national accounts), London: HM Treasury

21 Table 1, Ministry of Justice (2022) Costs per prison place and cost per prisoner by individual prison establishment 2020 to 2021 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2023) GDP deflators at market prices, and money GDP March 2023 (Quarterly national accounts), London: HM Treasury

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

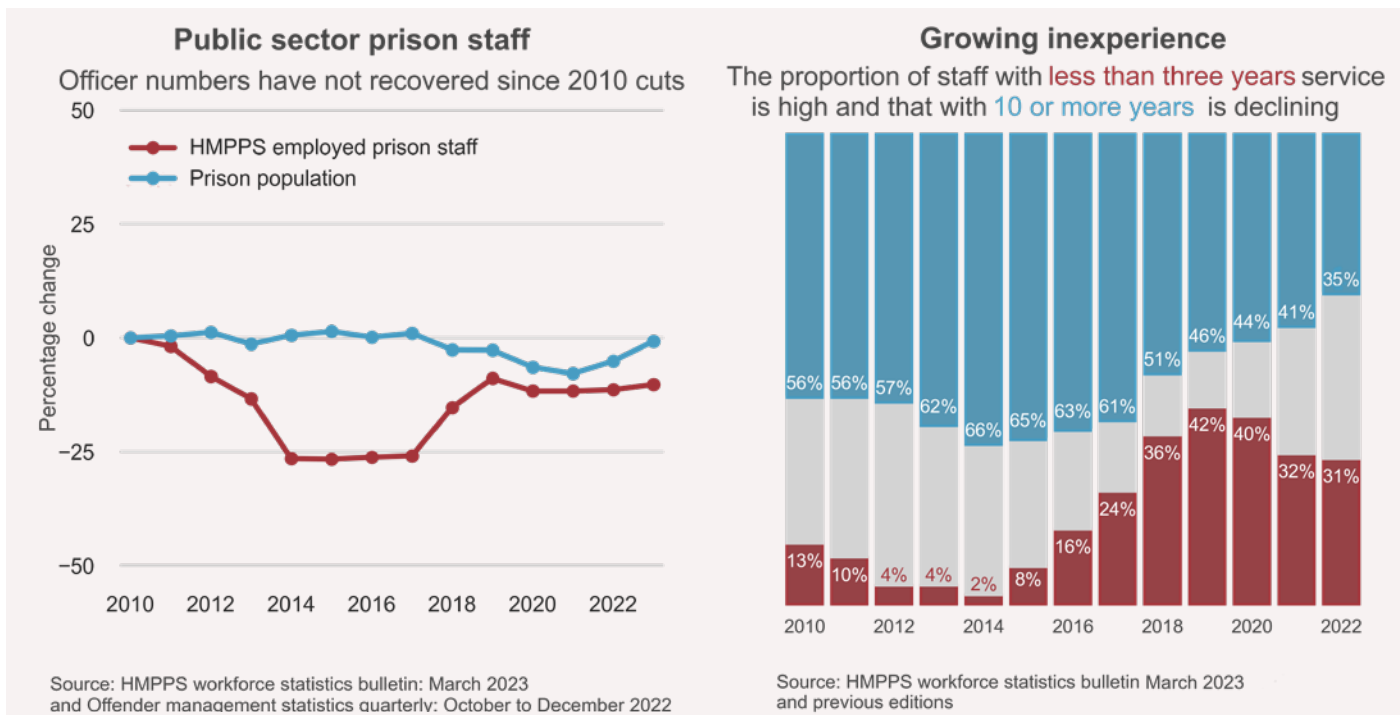
23 House of Lords written question HL1680, 18 October 2017

24 Table 3, Ministry of Justice (2023) HM Prison and Probation Service workforce statistics: March 2023, London: Ministry of Justice and previous editions

25 Table 8c, Ministry of Justice (2023) HM Prison and Probation Service workforce statistics: March 2023, London: Ministry of Justice

26 Table 13, Ibid.

27 Table 4, Ibid.



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. 40,424 people were sent to prison before their trial in 2022, an increase of almost 13% compared with 2021.²⁸

On 31 March 2023 there were 14,591 people in prison on remand, a rise of almost a half (45%) in just three years, and is currently at a near record level.²⁹

People on remand currently make up more than one in seven people in prison (17%). Around two-thirds are awaiting trial (67%), whilst the rest await sentencing.³⁰

Almost half (49%) of all people who entered prison on remand to await trial in 2022 were accused of non-violent offences— 18% for drug offences and 11% for summary non-motoring offences.³¹

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

One in 10 people (10%) remanded into custody by the magistrates' courts in 2022 were subsequently acquitted. A further 11% of people received a non-custodial sentence. In the Crown Court, the figures were 14% and 16%, respectively.³³

Black men are 26%, and men with a mixed ethnic background are 22% more likely to be remanded in custody at the Crown Court than white men.³⁴

More than third (35%) of self-inflicted deaths in 2022 involved people held on remand— far higher than the proportion of the prison population they represent (17%).³⁵

Almost half (45%) of children in custody are on remand.³⁶

More than a third (35%) of children remanded into custody in the year to March 2022 were subsequently acquitted— a further two in five (38%) were given a non-custodial sentence.³⁷

²⁸ Table A2.1i, Ministry of Justice (2023) Offender management statistics: Prison receptions 2022, London: Ministry of Justice

²⁹ Table 1.1, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

³⁰ Ibid.

³¹ Table A2.5i, Ministry of Justice (2023) Offender management statistics: Prison receptions 2022, London: Ministry of Justice.

³² House of Lords written question HL3408, 25 November 2022

³³ Table Q4.4a, Ministry of Justice (2023) Criminal justice statistics quarterly December 2022, London: Ministry of Justice

³⁴ 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

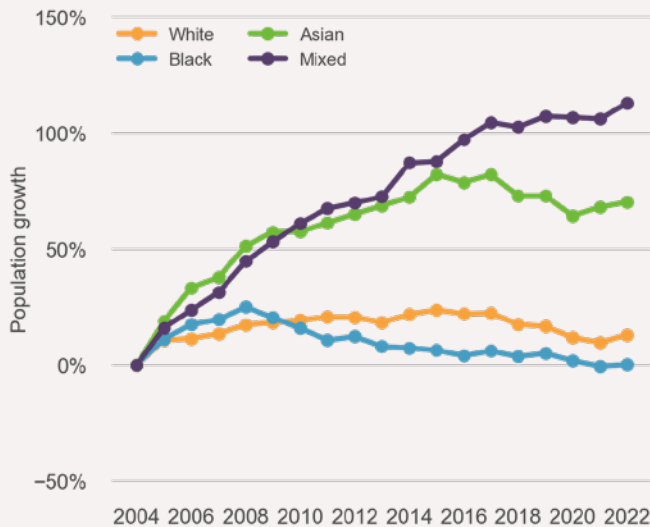
³⁵ Table 1.7, Ministry of Justice (2023) Safety in custody statistics quarterly update to December 2022, London: Ministry of Justice

³⁶ Table 7.5, Ministry of Justice (2023) Youth Justice Statistics 2021–22, London: Ministry of Justice

³⁷ Table 6.6, Ibid.

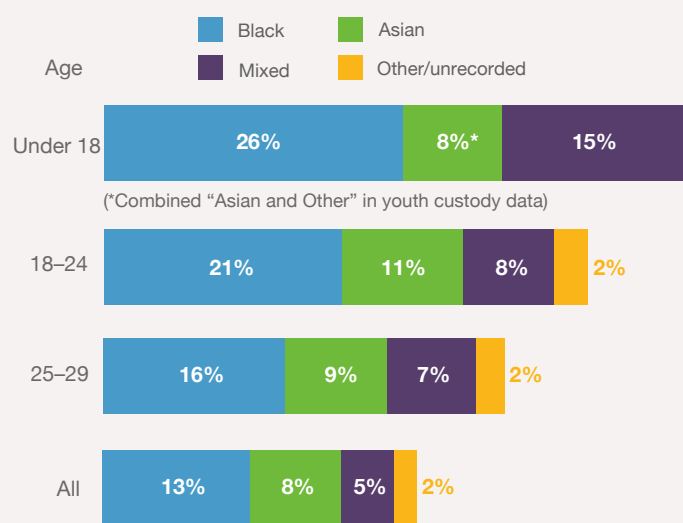
Black, Asian and minority ethnic people in prison

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



Source: Offender management statistics, Prison population 2022

BAME overrepresentation is greatest amongst younger prisoners



Source: House of Lords written question HL3924, 24 November 2021 and Monthly youth custody report, September 2021

Over a quarter (28%) of the prison population, 22,605 people, are from a minority ethnic group. 12% identify as Black/Black British; 8% as Asian/Asian British, and 5% as mixed/multiple ethnic groups.³⁸

The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234 million a year.³⁹

Research has found a clear direct association between ethnic group and the odds of receiving a custodial sentence. Black people are 53%, Asian 55%, and other ethnic 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.⁴⁰

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.⁴¹

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 14,037.⁴² They now account for 17% of the prison population but just 6% of the general population.⁴³

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.⁴⁴

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 2016.⁴⁵

4% of men and 3% of women in prison said that they are Gypsy, Roma or Traveller, 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.⁴⁶

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.⁴⁷

³⁸ Table 1.4, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

³⁹ 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

⁴⁰ Hopkins, K., et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice

⁴¹ House of Lords written question HL3861, 23 November 2021 and House of Lords written question HL14483, 8 April 2021

⁴² Table A1.10, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

⁴³ Ibid. and Office for National Statistics (2021) Census 2021, London: ONS

⁴⁴ House of Lords written question HL3584, 5 December 2022

⁴⁵ Table P.01, Home Office (2023) 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

⁴⁶ HM Chief Inspector of Prisons (2022) Annual Report 2021-22, London: HM Stationery Office and Office for National Statistics (2022) Ethnic group, England and Wales: Census 2021, London: ONS

⁴⁷ HM Inspectorate of Prisons (2020) Minority ethnic prisoners' experiences of rehabilitation and release planning, London: HMIP

People with neurodivergent conditions

A recent joint review by criminal justice inspectorates estimates that around half of those entering prison have some form of neurodivergent condition which impacts their ability to engage. This is much higher than in the outside community, where the working consensus among professionals is that around 15–20% of individuals have at least one neurodivergent condition.⁴⁸

More than one in four people (27%) in prison who took an initial assessment had a learning difficulty or disability (LDD) confirmed through an LDD assessment.⁴⁹ Despite this, the Offender Assessment System (OASys) only records 924 prisoners (1%) as having a learning disability.⁵⁰

A recent Equality and Human Rights Commission report into inclusive justice found that three out of four criminal justice professionals surveyed in England and Wales said that defendants' impairments were sometimes or always missed.⁵¹

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.⁵²

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.⁵³

The roll-out of liaison and diversion services achieved 100% coverage across England in March 2020.⁵⁴

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.

Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales. On 31 March 2023 there were 10,148 foreign nationals in prison.⁵⁵

Foreign national prisoners come from 162 countries—but over half are from nine countries (Albania, Poland, Romania, Ireland, Jamaica, Lithuania, Portugal, Pakistan and Somalia).⁵⁶

A lower proportion of foreign nationals are in prison for violent and sexual offences than the overall population—27% and 14% compared with 29% and 17%, respectively. A higher proportion are in prison for drug offences (26% compared with 18%).⁵⁷

One in 10 (10%) women in prison are foreign nationals.⁵⁸ Some are known to have been coerced or trafficked into offending.⁵⁹

More than 63,000 foreign national offenders have been removed from the UK since 2010. 3,079 of these were removed in 2022.⁶⁰

387 people were still held in prison at the end of March 2023 under immigration powers, despite having completed their custodial sentence. This has decreased by 38% in the past year.⁶¹

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

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

50 House of Commons written question 16886, 16 June 2022

51 Equality and Human Rights Commission (2020) Inclusive justice: a system designed for all, London: EHRC

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

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

54 *Ibid.*

55 Table 1.7, Ministry of Justice (2023) Offender management statistics quarterly, October to December 2022, London: Ministry of Justice

56 *Ibid.*

57 House of Lords written question HL3586, 30 November 2022

58 Table 1.7, Ministry of Justice (2023) Offender management statistics quarterly, October to December 2022, London: Ministry of Justice

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

60 Table Ret_02a, Home Office (2023) Immigration system statistics, year ending March 2023, London: Home Office

61 Table Det_03a, *Ibid.*

Women in prison

Women make up only

4%

of the total prison population

In 2022, nearly

5,000

women were sent to prison—either on remand or to serve a sentence

Despite a recent decline there are still twice as many women in prison today as there were 30 years ago

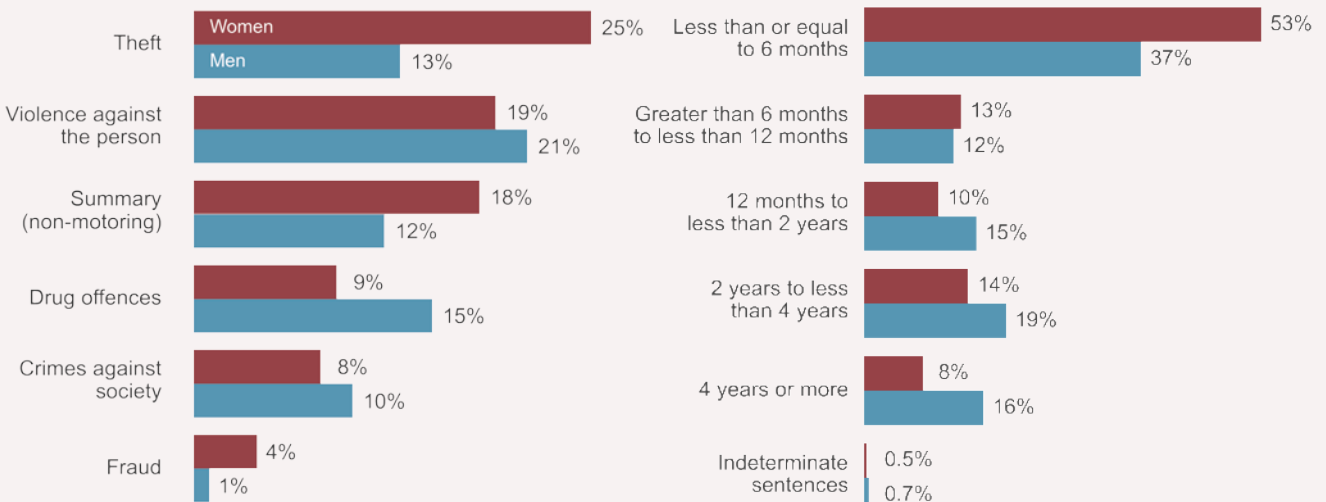


Source: Offender management statistics quarterly: October to December 2022 and Offender management statistics: Prison receptions 2022

Source: Population and capacity briefing for 30 June 2023 and Offender management statistics: Prison population 2022

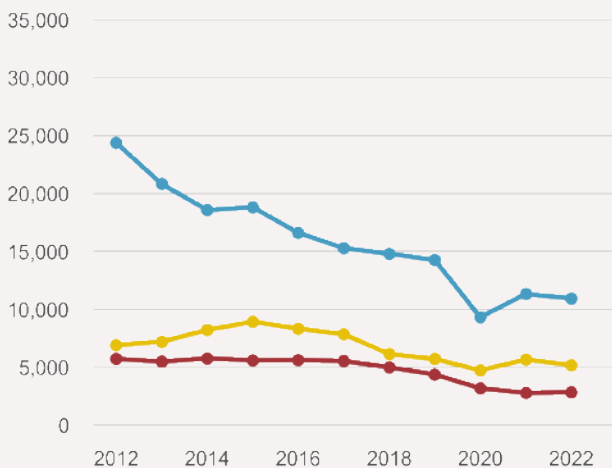
Women tend to commit less serious offences—many serve prison sentences of less than 12 months

In 2022, people entered prison for committing the following offences and to serve the following sentences



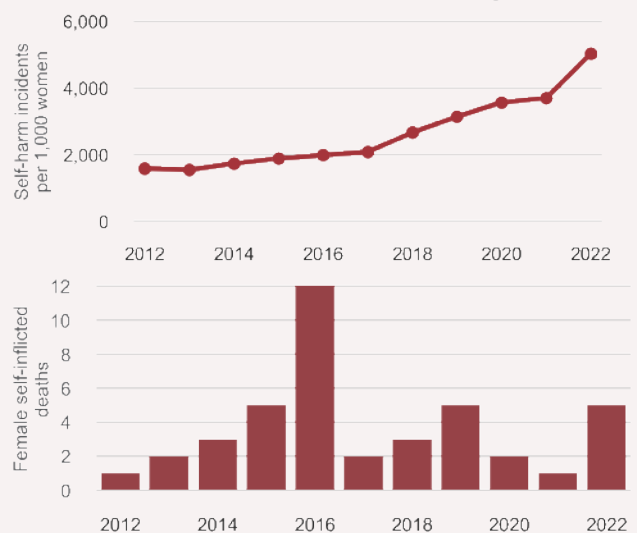
Source: Offender management statistics quarterly: October to December 2022

Community sentences for women have dropped by more than half in a decade. Use of suspended sentences has fluctuated, but only account for 3% of all sentences. Use of short prison sentences has halved.



Source: Criminal justice statistics quarterly December 2022, Outcomes by offence data tool

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



Source: Safety in custody statistics quarterly update to December 2022

Most women entering prison to serve a sentence (69%) have committed a non-violent offence.⁶²

In 2022 more women were sent to prison to serve a sentence for theft than for violence against the person; sexual offences; and robbery combined.⁶³

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 six months or less—in 2022 it was more than half (53%).⁶⁴

Three-quarters of women surveyed in prison (76%) reported that they had mental health issues compared with around half of men (51%).⁶⁵

Less than half of women (47%) left prison with settled accommodation in 2021–22.⁶⁶

Children and young adults in prison

The number of children (under-18s) in custody has fallen by 86% since its peak in 2008.⁶⁷ They are also being convicted of fewer crimes—with proven offences also down by 88% between 2008 and 2021.⁶⁸

At the end of April 2023 there were 458 children in custody—11 children were aged 14 or younger.⁶⁹

More than fifth (22%) of children in custody in 2021–22 were there for non-violent crimes.⁷⁰

A disproportionate number of children in custody come from a care background. Fewer than 1% of all children in England are in care,⁷¹ but almost half of children in secure training centres (46%) and more than half in young offender institutions (62%) have been in care.⁷²

Almost half of children in custody (49%) are from a black, Asian or minority ethnic background.⁷³ Nearly one in four of children in custody (24%) self-report as Muslim and more than one in 20 (6%) as from a traveller background.⁷⁴

Many children who are alleged to have committed offences are tried and sentenced in the Crown Court as adults after turning 18 while awaiting a trial. In the year to June 2021, 1,225 people who were alleged to have committed offences as children were dealt with in the Crown Court. Equivalent data for the magistrates' courts does not exist.⁷⁵

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 2021.⁷⁶

Restraint of children in custody remains high. In the year to March 2022, there were 772 incidents of restraint per 100 children in custody each year, up from 433 in 2015.⁷⁷

The number of incidents of self-harm by children in custody is increasing. In the year to March 2022 there were 289 incidents of self-harm for every 100 young people in custody each year, up from 118 seven years ago.⁷⁸

11,464 young adults (aged 18–24) are currently in prison in England and Wales—they account for 14% of the total prison population.⁷⁹

⁶² Table A2.9i, Ministry of Justice (2023) Offender management statistics: Prison receptions 2022, London: Ministry of Justice

⁶³ Ibid.

⁶⁴ Table A2.7, Ibid.

⁶⁵ HM Chief Inspector of Prisons (2022) Annual Report 2021–22, London: The Stationery Office

⁶⁶ Table 11, Ministry of Justice (2022) Community performance quarterly MI, update to March 2022, London: Ministry of Justice

⁶⁷ Table 1.1, Ministry of Justice (2023) Monthly youth custody report—April 2023, London: Youth Custody Service

⁶⁸ Table 4.1, Ministry of Justice (2023) Youth Justice Statistics 2021–22, London: Ministry of Justice and previous editions

⁶⁹ Table 1.4, Youth Justice Board (2023) Monthly youth custody report—April 2023, London: Youth Custody Service

⁷⁰ Table 7.6, Ministry of Justice (2023) Youth Justice Statistics 2021–22, London: Ministry of Justice

⁷¹ 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

⁷² HM Inspectorate of Prisons (2023) Children in custody 2021–22, London: HM Stationery Office

⁷³ Table 1.2, Ministry of Justice (2023) Monthly youth custody report—April 2023, London: Youth Custody Service

⁷⁴ HM Inspectorate of Prisons (2023) Children in custody 2021–22, London: HM Stationery Office

⁷⁵ House of Commons written question 4577, 23 May 2022

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

⁷⁷ Tables 8.1 and 8.4, Ministry of Justice (2023) Youth Justice Statistics 2021–22, London: Ministry of Justice and previous editions

⁷⁸ Table 8.3, Ibid.

⁷⁹ Table 1.3, Ministry of Justice (2023) Offender management statistics quarterly, October to December 2022, London: Ministry of Justice



There are now half (50%) as many young adults in prison in England and Wales than in 2010.⁸⁰

Safety is declining for young adults in prison. The number of assaults has risen by almost two-thirds (64%) in the last decade, despite a significantly smaller population. There were more than 5,800 assaults initiated by young adults in 2022—accounting for over a third (37%) of all such incidents.⁸¹

Mental health

More than two-thirds (67%) of people in prison surveyed by inspectors between 1 July 2021 and 31 March 2022 reported having mental health problems. Less than a third (32%) said it was easy to see a mental health worker.⁸²

Three-quarters of women in prison (76%) reported that they had mental health problems compared with around half of men (51%).⁸³

A study of 469 male and female prisoners found that 42% of participants had been previously diagnosed with a mental illness. Some of the most common diagnoses include personality disorders (27%), anxiety disorders (27%), PTSD (20%), psychotic disorders (10%) and autism (4%).⁸⁴

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.⁸⁵

1,057 people were transferred from prison to a secure hospital in 2022, the second highest number since records began.⁸⁶

At a third of prisons inspected in 2019–20 officers had not undergone adequate mental health awareness training, despite repeated recommendations.⁸⁷

Reoffending rates are lower for people given a community sentence subject to a mental health treatment requirement. Rates were 3.5 and 5 percentage points lower, respectively, for people on a community order or a suspended order, than those without such a requirement.⁸⁸

⁸⁰ Table A1.7, Ministry of Justice (2023) Offender management statistics, Prison population 2022, London: Ministry of Justice

⁸¹ Table 3.3, Ministry of Justice (2023) Safety in custody quarterly: update to December 2022, London: Ministry of Justice

⁸² HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office

⁸³ Ibid.

⁸⁴ 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

⁸⁵ House of Commons Justice Committee (2021) Mental health in prison, HC 72, London: HM Stationery Office

⁸⁶ Table 7, Ministry of Justice (2022) Offender management statistics: Restricted patients 2022, London: Ministry of Justice

⁸⁷ HM Chief Inspector of Prisons (2020) Annual Report 2019–20, London: The Stationery Office

⁸⁸ 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

Older people in prison

With prison sentences getting longer, more people are growing old behind bars. People aged 60 and over are the fastest growing age group in the prison estate. The population has grown more than three and a half times in two decades.⁸⁹

More than one in six people (17%) in prison are aged 50 or over—14,578 people. Of these, 3,824 are in their 60s and a further 1,876 people are 70 or older.⁹⁰

The number of people in prison aged 50 or over is projected to grow by around 1,000–2,400 people between 2022 and 2026 according to government estimates.⁹¹

More than two in five (43%) men in prison aged 50 or over have been convicted of sex offences. The next highest offence category is violence against the person (27%) followed by drug offences (8%).⁹²

368 people in prison were aged 80 or over as of 30 September 2022.⁹³

Life and indeterminate sentences

Many people in prison don't know when, or if, they might be released. 10,867 people are currently in prison serving an indeterminate sentence—16% of the sentenced prison population, up from 9% in 1993.⁹⁴

Of those 10,867 people, 8,505 people have yet to be released—the remaining 2,362 people are back in prison having been recalled from licence. 7,951 people are serving a life sentence and 2,916 people are serving an indeterminate sentence of Imprisonment for Public Protection (IPP).⁹⁵

Despite its abolition in 2012, there are 1,355 people in prison serving an IPP sentence who have never been released. Nearly all (98%) 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.⁹⁶

Of the 1,327 people who have passed their tariff, 216 people are still in prison despite being given a tariff of less than two years— 189 of them are still in prison over a decade after their original tariff expired.⁹⁷

Many people serving an IPP sentence are being recalled back to prison after their release. In the last 12 months 602 people serving an IPP sentence on licence were recalled and returned to custody, whereas only 638 people were either released for the first time or re-released having been previously recalled.⁹⁸

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.⁹⁹

7,951 people are currently in prison serving a life sentence. Of those, 7,150 have yet to be released—the remaining 801 people are back in prison having been recalled from licence. Of those 7,150 people yet to be released, one in six (15%) have a tariff of 10 years or less, almost half (48%) over 10 years and up to 20 years, and a third (34%) have over 20 years.¹⁰⁰

More than one in five people currently in prison on a life sentence (22%) have already served their minimum term. They have spent an average of 9.2 extra years in prison.¹⁰¹

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 replaced the IPP sentence with a new Extended Determinate Sentence (EDS).

As of March 2023, there were 7,366 people serving an EDS—more than one in 10 (11%) of the sentenced prison population. This figure is 11% higher than the previous year.¹⁰²

⁸⁹ Table A1.7, Ministry of Justice (2022) Offender management statistics, Prison population 2022, London: Ministry of Justice

⁹⁰ Table 1.3, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

⁹¹ Table 4.1, Ministry of Justice (2022) Prison population projections 2022 to 2027, London: Ministry of Justice

⁹² House of Lords written question HL3407, 21 November 2022

⁹³ House of Lords written question HL3336, 21 November 2022

⁹⁴ Tables 1.1 and 1.9a, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

⁹⁵ Table 1.9a, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

⁹⁶ Ibid.

⁹⁷ Table 1.9b, Ibid.

⁹⁸ Tables 3.1, 5.4 and 5.11, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

⁹⁹ Table 10, Aebi, M., et al. (2022) Council of Europe annual penal statistics, survey 2021, Strasbourg: Council of Europe

¹⁰⁰ Table 1.9a, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

¹⁰¹ Ibid. and House of Commons written question HL3923, 24 November 2021

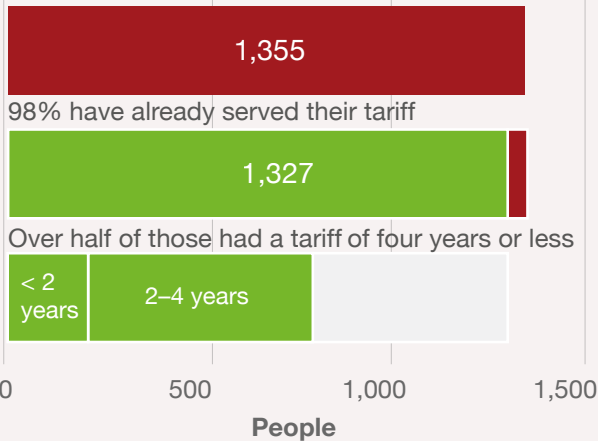
¹⁰² Table 1.1, Ministry of Justice (2023) Offender management statistics quarterly: October to December 2022, London: Ministry of Justice

Life and indeterminate sentences

The legacy of the IPP

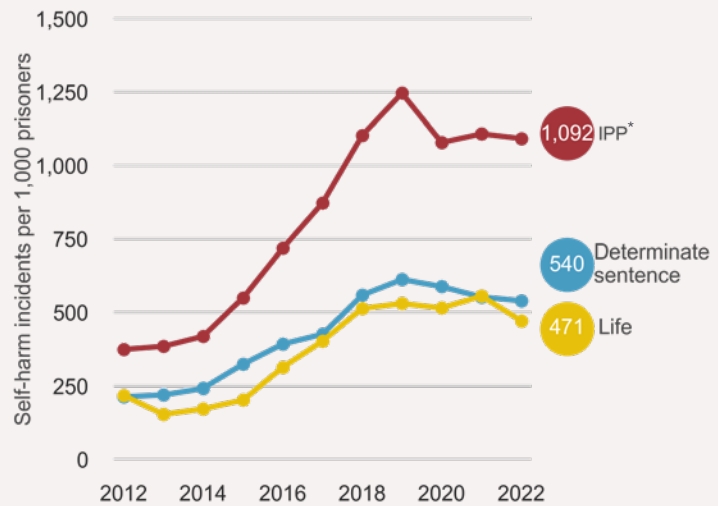
Nearly all are stuck in prison beyond tariff

People in prison serving an IPP yet to be released



Risk of harm?

IPP prisoners are more vulnerable to self-harm

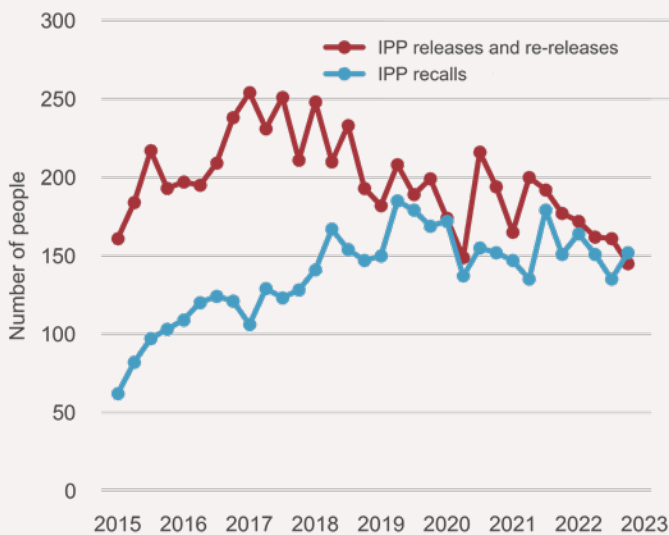


*Recalled population not included in the underlying data
 Source: Safety in custody statistics quarterly update to December 2022 and Offender management statistics, Prison population 2022

Source: Offender management statistics quarterly: October to December 2022

Revolving doors

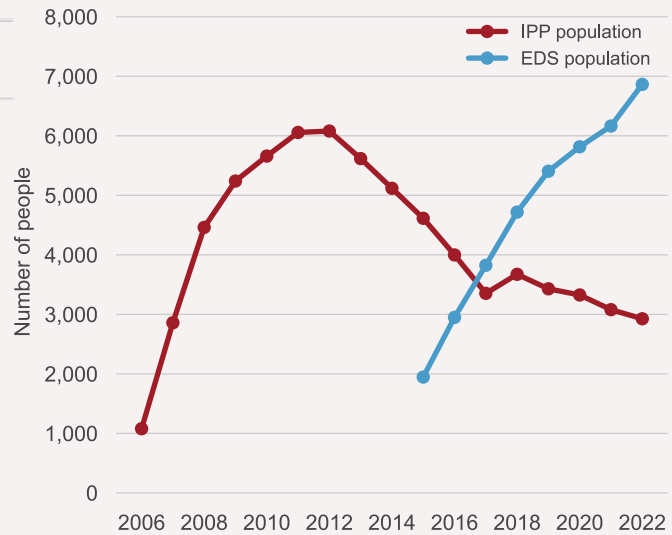
The gap between the number of people released from prison and the number recalled has closed in recent years



Source: Offender management statistics quarterly: October to December 2022

The new IPP?

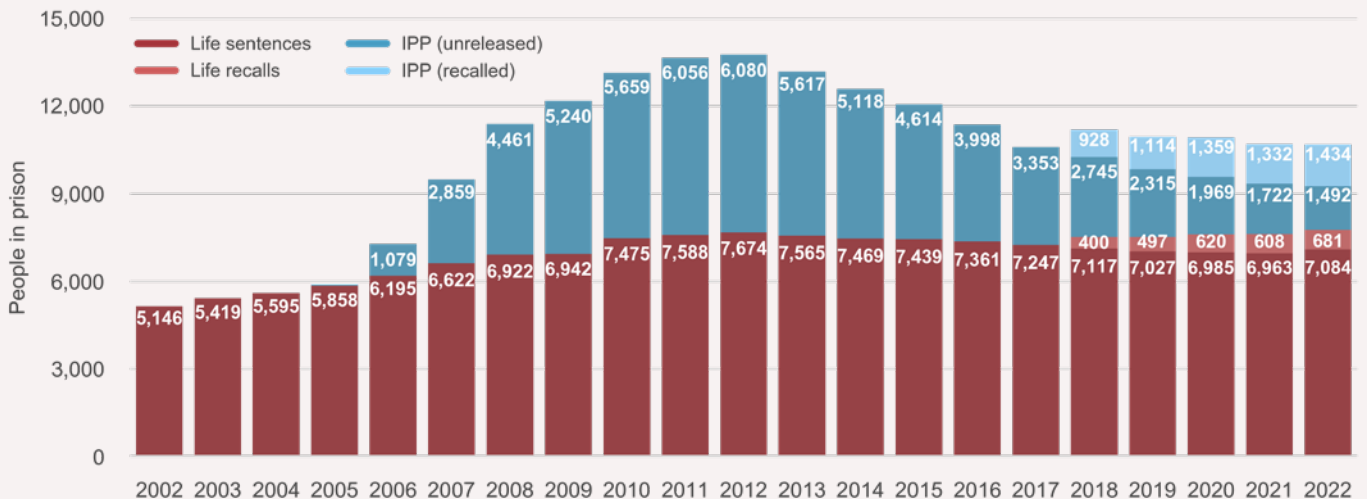
Extended Determinate Sentences now look likely to surpass the IPP sentences they replaced



Source: Offender management statistics quarterly: October to December 2022

The growth of indeterminate sentences

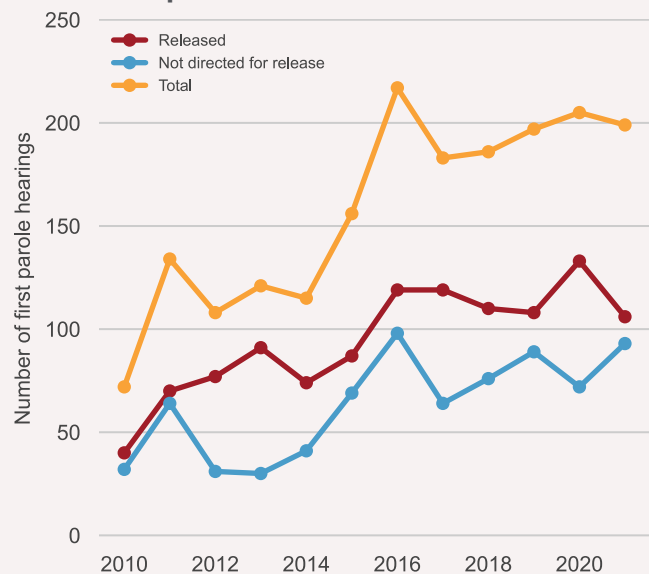
More than twice as many people are in prison serving an indeterminate sentence than 20 years ago.



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

Parole

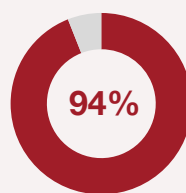
The number of first parole hearings for life sentenced prisoners has doubled in a decade



Source: House of Lords written question HL4656, 25 January 2023

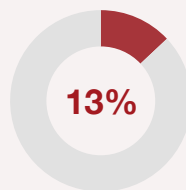
How “yes” became “no” The dramatic impact of reforms to parole

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

2022–2023



33 out of 263 recommendations by the Parole Board for a transfer to an open prison were **accepted** by the Secretary of State for Justice

Source: House of Commons written question 162321, 9 March 2023; House of Lords written question HL7103, 17 April 2023; and the Parole Board

The Parole Board decides whether prisoners who are serving certain types of sentences can be released. These include all indeterminate sentences, some fixed-term sentences and cases where people have been returned to custody. They can also advise on moves of some prisoners from a closed to an open prison with fewer restrictions.¹⁰³

The board considers a wide range of evidence before arriving at a decision, including the original evidence of offending, sentencing remarks and evidence of changes in behaviour and attitude whilst in custody. There are three different potential outcomes—release; a recommendation for progression to an open prison; further review (a knock back) where the person remains in custody where they are eligible for review again within two years.¹⁰⁴

Only around one in four people considered by the Parole Board each year are released. Fewer than one of every 200 prisoners the Parole Board directs for release go on to be convicted of a serious offence within three years.¹⁰⁵

New rules introduced by Dominic Raab have tightened the criteria for approving transfer from closed to open conditions. Since this change nearly five in six Parole Board recommendations for transfer are being rejected by officials at the Ministry of Justice, whereas more than nine in 10 were previously approved.¹⁰⁶

A Freedom of Information request submitted by the Prison Reform Trust revealed that since the changes were introduced, nearly two in five cases (38%) were rejected on the grounds public confidence, a criterion not specified in any public guidance and over which the person in question has no control. A further request revealed that not a single case had been referred to the secretary of state personally and that each decision had been overseen by one unnamed official in the Ministry of Justice.¹⁰⁷

Most people serving an Extended Determinate Sentence are not automatically released at the half-way point of their sentence. Instead, many will only become eligible for a Parole Board hearing once they have served two-thirds of their sentence. Between 2017–2021, less than half (42%) were released at their first hearing.¹⁰⁸

¹⁰³ Parole Board website, accessed on 15 June 2023, available at: <https://www.gov.uk/guidance/how-we-make-our-decisions>

¹⁰⁴ Ibid.

¹⁰⁵ The Parole Board for England & Wales (2022) Annual Report and Accounts 2021/22, London: HM Stationery Office

¹⁰⁶ House of Commons written question 162321, 17 March 2023; House of Lords written question HL7103, 27 April 2023; and

Letter from Martin Jones to Peter Dawson, 10 October 2022, available at <https://prisonreformtrust.org.uk/blog-parole-reforms-see-fewer-people-getting-chance-to-prepare-for-release/>

¹⁰⁷ Freedom of Information request by the Prison Reform Trust to the Ministry of Justice, available at: bit.ly/42H1AK, and

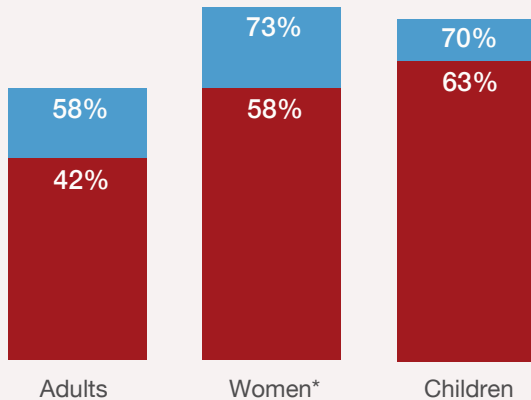
Freedom of Information request by the Prison Reform Trust to the Ministry of Justice, available at: bit.ly/3XddU3Z

¹⁰⁸ House of Lords written question HL3458, 30 November 2022

Rehabilitation and resettlement

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.

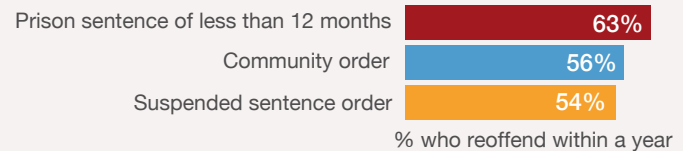
Reconviction rates within a year of release are high—for those serving short sentences of **less than 12 months**, the rates are even higher.



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

Sources: Proven reoffending statistics: April to June 2021 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?

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%**

A recent study has estimated the annual total economic and social cost of reoffending at £18.1bn.¹⁰⁹

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”**.¹¹⁰

Purposeful Activity

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 2016–17.¹¹¹

A recent Ofsted and HM Inspectorate of prisons review found the current quality of prison education provision to be extremely poor. 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.¹¹²

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. This was a deterioration from 2018–19 when around a quarter were locked up during the working day.¹¹³

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 100,000.¹¹⁴

Resettlement

Nearly everyone in prison will be released at some point. Last year 46,034 people were released.¹¹⁵

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 2024–25.¹¹⁶ However, thousands of prisoners are ineligible, including those released **from remand, fine defaulters and people serving less than 15 days.**¹¹⁷

¹⁰⁹ Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

¹¹⁰ Gormley, J., Hamilton, M. and Belton, I. (2022) The effectiveness of sentencing options on reoffending, London: Sentencing Council

¹¹¹ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: Stationery Office

¹¹² Ofsted (2022) The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2021/22, London: Ofsted

¹¹³ HM Chief Inspector of Prisons (2022) Annual report 2021–22, London: HM Stationery Office and previous editions

¹¹⁴ Tables 10.1 and 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London: Department for Education and

Table 2.1, Ministry of Justice (2022) Prison Education and Accredited Programme Statistics 2021–22, London: Ministry of Justice

¹¹⁵ Table A3.1, Ministry of Justice (2023) Offender management statistics, Prison releases 2022, London: Ministry of Justice

¹¹⁶ House of Lords written question HL4485, 14 December 2021

¹¹⁷ Hansard, 15 March 2004, Col. 143W and Prison Service Instruction 72/2011 Discharge, Annex B

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.¹¹⁸

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.¹¹⁹

Fewer than one in five people (19%) are in employment six weeks after leaving prison. After six months, the figure rises to almost one in three (30%). Although both figures are low, they represent a rise from 10% and 14%, respectively, compared with two years ago.¹²⁰

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.¹²¹

Accommodation

Less than half of people (48%) released from prison between April 2022–March 2023 had settled accommodation on release. More than one in 10 (11%) were homeless or sleeping rough. After three months, around two-thirds (68%) had settled accommodation and 7% were homeless or sleeping rough.¹²²

Having and retaining settled accommodation is “a key factor in successful rehabilitation”. A recent study by inspectors revealed that two-thirds of people without settled accommodation on release were later returned to custody, either recalled or re-sentenced, while around one-third of those with settled accommodation were.¹²³

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. The service provides up to 12 weeks of temporary accommodation, with additional support to get people into long-term settled accommodation. In its first year, between July 2021 and June 2022, 2,300 people were accepted onto the scheme.¹²⁴

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.¹²⁵

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.¹²⁶

¹¹⁸ Ministry of Justice (2021) Prisons Strategy White Paper, London: Ministry of Justice

¹¹⁹ House of Lords written question HL4485, 14 December 2021

¹²⁰ Table 1, Ministry of Justice (2023) Employment Rates following release from custody — Ad hoc release, London: Ministry of Justice

¹²¹ Business in the Community website, accessed on 27 May 2023, available at www.bitc.org.uk/banthebox

¹²² Tables 2 and 3, Ministry of Justice (2023) Ad Hoc—Accommodation following release from custody, London: Ministry of Justice

¹²³ 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

¹²⁴ House of Commons written question 182737, 3 May 2023

¹²⁵ Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

¹²⁶ Day, A. (2018) Huffington Post, 'Universal Credit: Prisoners “Lured Back Into Crime” By Benefit Delays', available at https://www.huffingtonpost.co.uk/entry/universal-credit-prisoners-being-set-up-to-fail-and-lured-back-into-crime-by-benefit-delays_uk_5be595aae4b0d8e871aa26f2 and House of Lords, written question HL10478, 18 November 2020

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