

Prison Reform Trust response to the Justice Committee's inquiry on the future prison population and estate capacity – October 2023

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

The Prison Reform Trust's main objectives are:

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

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Introduction

1. The Prison Reform Trust welcomes the opportunity to respond to this important inquiry. Our key points are as follows:
 - The Ministry of Justice has no clear strategy to safely and effectively manage the prison population. This lack of strategic approach means that the prison service has been forced to operate without effective oversight, pursuing short-term expediency over long-term planning.
 - The majority of factors behind the current crisis in capacity were foreseen at least since 2020 and could have been properly planned for and mitigated against. A significant and sustained rise in the prison population was first predicted in the 2020 prisons population projection, which estimated that the population would rise to 98,700 by September 2026.¹
 - The National Audit Office also warned in 2020 that “demand for prison places could exceed supply between October 2022 and June 2023” and that this was further exacerbated by plans to increase the minimum sentence length for the most serious offences.²
 - In the face of a crisis in prison capacity, the introduction of emergency measures by Alex Chalk was unavoidable. It remains to be seen whether

¹ Ministry of Justice. (2020). *Prison population projections 2020 to 2026, England and Wales*. https://assets.publishing.service.gov.uk/media/5fbf83ae8fa8f559e44d2dad/Prison_Population_Projections_2020_to_2026.pdf

² National Audit Office. (2020). Improving the prison estate. In *National Audit Office*. <https://www.nao.org.uk/reports/improving-the-prison-estate/>

these combined measures will now enable the government to meet the projected demand for prison places in the short and medium term. It will also be vital to ensure that the probation service has sufficient resource and capacity to meet the additional pressure of having to supervise a greater number of people in the community.

- The prison population today stands at over 88,000, 80% higher than it was three decades ago. Between 1993 and 2012 the prison population rose at an average rate of 3.6% per year.³ Virtually all of this increase could be accounted for by an increase in the number of prisoners sentenced to immediate custody. Furthermore, two-thirds of this increase was in the population serving four years or more. The rest of the growth could be accounted for by the increasing numbers of indeterminate sentenced prisoners and a growth in the number of prisoners recalled to custody.
- The chief consequence of increasing demand outstripping capacity is overcrowded establishments. Overcrowding puts additional pressures on existing resources and makes it difficult to run establishments safely and effectively. Despite recognition since the Woolf report in 1990 that a decent prison service requires an end to overcrowding, no subsequent government has delivered on this fundamental requirement.

What changes are expected in the size and composition of the prison population in the short, medium and long term?

2. The Ministry of Justice's annual prison population projections provide the most reliable source of information on future changes to the size and composition of the prison population. A significant and sustained rise in the prison population was first predicted in the 2020 projection, which estimated that the population would rise to 98,700 by September 2026.⁴ The most recent projections suggest that the prison population will rise from its current level of around 88,000 people—already close to a high watermark—to reach 93,200 by 2024. Longer term, they predict that it could reach as high as 106,300 by March 2027.⁵
3. The latest projection attributes this rise to several factors including: increasing police officer numbers (which could increase charge volumes and in turn prison demand); punitive changes in sentencing policy; the growth in the determinate sentenced prisoner population; and the growth in the recall population. The projection admits a degree of uncertainty associated with factors including (a) the recovery of the criminal justice system following the COVID-19 pandemic and the Criminal Bar Association strike action in 2022; (b) the impact of the government's aim to increase police officer numbers; and (c) not yet fully realised or future policy changes which have the potential to change prison receptions, or the amount of time offenders spend in custody. For instance, the projection predicted that the remand population would fall slightly between November 2022 and

³ Ministry of Justice. (2020). Story of the Prison Population 1993-2020. England & Wales. https://assets.publishing.service.gov.uk/media/5f9959aae90e0740770c85af/Story_of_the_Prison_Population_1993-2020.pdf

⁴ Ministry of Justice. (2020). *Prison population projections 2020 to 2026, England and Wales.* https://assets.publishing.service.gov.uk/media/5fbf83ae8fa8f559e44d2dad/Prison_Population_Projections_2020_to_2026.pdf

⁵ Ministry of Justice. (2022). *Prison population projections 2022 to 2027, England and Wales.* <https://www.gov.uk/government/statistics/prison-population-projections-2022-to-2027>

November 2023 when in fact it has risen to 15,523 in June 2023.⁶ However, it is notable that the actual prison population has risen broadly in line with the projection.

4. The Ministry of Justice prison population projections are the most reliable guide to the growth in the prison population in the short, medium and long term. Another potential guide to the future is to consider the lessons of the past. In this regard, the Ministry of Justice's Story of the Prison Population 1993-2020 is a good document for the committee to familiarise itself with.⁷ It reveals that between 1993 and 2012 the prison population rose at an average rate of 3.6% per year. Virtually all of this increase could be accounted for by an increase in the number of prisoners sentenced to immediate custody. Furthermore, two-thirds of this increase was in the population serving four years or more. The rest of the growth could be accounted for by the increasing numbers of indeterminate sentenced prisoners and growth in the number of prisoners recalled to custody.
5. The growth in the prison population during this period is partly a consequence of the offence mix or type of offences coming before the courts. However, it is also a consequence of the increasing length of custodial sentences, particularly at the more serious end of sentencing. By any measure, and overwhelmingly because successive governments have legislated to make it so, sentencing is much tougher than it used to be. During the past 30 years the actual severity of sentencing for serious offending has increased significantly. Yet this has not happened in isolation, it has also acted as a dragnet to draw up sentence lengths across the board.
6. When responding to the committee's earlier inquiry—Prison population 2022: planning for the future—the Sentencing Council identified several legislative changes that led to an increase in sentence lengths, in particular the Criminal Justice Act 2003. As the committee's final report states:

“The Council identified that ‘...sentences for the vast majority of murder cases increased substantially. A case that may previously have attracted a life sentence with a tariff of 10 years before the change might attract a tariff of double that afterwards.’ We heard that this has had a knock-on effect on other sentences, too. The Council suggested that ‘[w]hen the tariff for the most serious of offences increased so significantly, inevitably over time there has been some recalibration of the sentencing of those offences closest to it in gravity, including manslaughter, for example.’ ”⁸

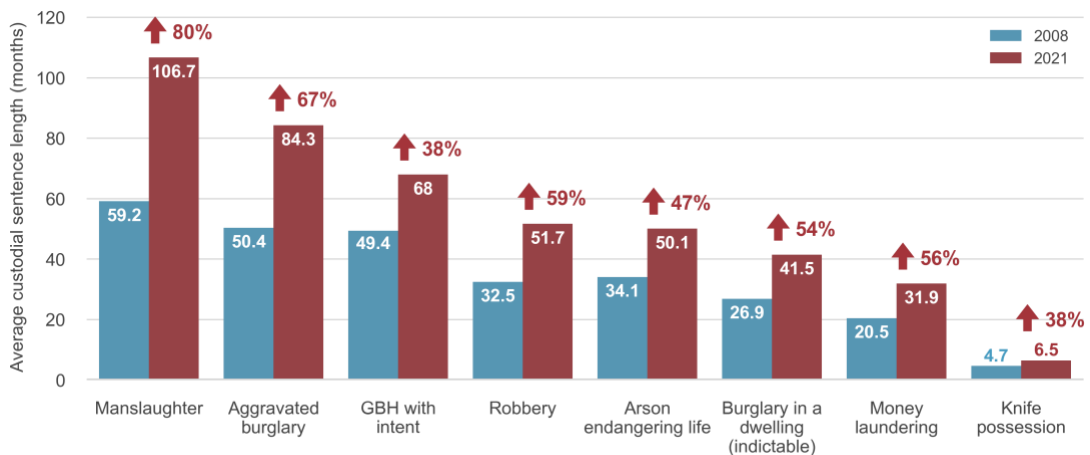
Almost all offences now receive a much longer custodial sentence than they used to.⁹

⁶ Ministry of Justice. (2023). Offender management caseload statistics quarterly: January to March 2023. [Offender management statistics quarterly: January to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/offender-management-caseload-statistics-quarterly-january-to-march-2023)

⁷ Ministry of Justice. (2020). Story of the Prison Population 1993-2020. England & Wales. https://assets.publishing.service.gov.uk/media/5f9959aae90e0740770c85af/Story_of_the_Prison_Population_1993-2020.pdf

⁸ Justice Committee. (2019). *Prison population 2022: planning for the future*. House of Commons. <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/483.pdf>

⁹ Ministry of Justice. (2022). *Criminal justice system statistics quarterly: June 2022*. Outcomes by offence data tool. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>



Source: Criminal justice statistics quarterly December 2021 and previous editions

7. The average length of determinate prison sentences for indictable offences, at just over 62 months, is more than two years longer than in 2008.¹⁰ The average minimum term for life sentences has risen from 13 years in 2000 to 21 years in 2021.¹¹
8. Because sentences are so much longer, despite no comparable change in either crime or detection rates for serious offending, the number of people actually in prison serving determinate sentences of over 10 years has risen from 2,724 in 2011 to 8,720 in 2021. This trend has been further compounded by the growth in the number of people receiving such prison sentences—which tripled between 2008 and 2022.¹²
9. A readily observed and certain consequence of ever more punitive sentencing has been an overcrowded prison system failing to meet most of its core objectives. In 2017 we published an independent study that suggested the sentencing changes in just one Act – the Criminal Justice Act 2003 – had added 16,000 to the prison population in the intervening 14 years.¹³ The modest government projection for the impact of the Police Crime Sentencing and Courts Act 2022 is that it will add 700 to the prison population.¹⁴ For the parole reforms currently contained within the Victims and Prisoners Bill the government estimates that a further 640 prison places will be required with additional prison

¹⁰ Ministry of Justice. (2023). *Criminal justice system statistics quarterly: December 2022*. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

¹¹ House of Lords written question HL7261, 6 April 2022. <https://questions-statements.parliament.uk/written-questions/detail/2022-03-23/hl7261>

¹² Table Q5.4. Ministry of Justice. (2023). *Criminal justice system statistics quarterly: December 2022*. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2022>

¹³ Justice Episteme. (2017). *The impact of the Criminal Justice Act 2003 on the prison population*. Prison Reform Trust. https://prisonreformtrust.org.uk/wp-content/uploads/old_files/Documents/Bromley%20Briefings/What%20if%20there%20was%20no%20CJA%202003.pdf

¹⁴ Ministry of Justice. (2021). *Police, Crime, Sentencing and Courts Bill. Impact Assessment - Sentencing, Release, Probation and Youth Justice Measures – 14 July 2021*. <https://bills.parliament.uk/publications/42223/documents/547>

capacity at an estimated construction cost of £238.3m over the next 10 years—and ongoing resource costs of c. £3.4m per annum.¹⁵

10. Typically, changes in relation to individual crimes, such as animal cruelty; causing death by dangerous driving; or assaults on emergency workers, are judged to have only a negligible effect on prison numbers, but no cumulative study is ever commissioned. However, meeting the additional demand for prison places generated by a combination of longer sentences, later release dates and more police officers is now projected to require an additional £4bn of capital expenditure¹⁶ with a probable additional annual running cost thereafter of close to £1bn at today's prices.

What is the Ministry of Justice's current strategy for safely and effectively managing the prison population, and how effective is it?

11. The Ministry of Justice has no clear strategy to safely and effectively manage the prison population. This is clear to anyone witnessing the currently unfolding prison capacity and staffing crises. As we have highlighted above, over the last three decades there has been no shortage of legislative and policy change to ensure that more people spend longer in prison. Successive governments have been extremely effective in delivering on their promises to “toughen” sentences, but without any serious consideration of the effectiveness of such measures or their impact on demand for prison capacity.
12. Whilst some of these changes come from sources outside of the department, such as the decision to recruit 20,000 more police officers—many, such as changes to the rules on eligibility for open conditions or an announcement on the retrospective application of whole life orders, have not.¹⁷ Regardless of their origin, this uncoordinated, piecemeal approach has been symptomatic of criminal justice policy making for decades.
13. Despite a well-established framework of internal and external scrutiny examining safety, conditions and performance – including HM Inspectorate of Prisons; Independent Monitoring Boards; the Prison and Probation Ombudsman; National Preventive Mechanism; and UN Committee Against Torture—repeated warnings about our prison system have fallen largely on deaf ears. Conditions have continued to worsen while demand for prison places has been stoked by politicians from across the spectrum.
14. This has been exacerbated by the extraordinary frequency with which ministers have been shuffled into and out of the role. Since 2010, there have been 11 justice secretaries, (one holding the post twice) and 13 prisons ministers (one holding the post twice). With such a revolving door, ministers are unlikely to witness—let alone be held accountable—for the consequences of ill-thought through policy.

¹⁵ Ministry of Justice. (2023). Victims and Prisoners Bill. Impact Assessment – Parole Clauses – 23 March 2023. https://publications.parliament.uk/pa/bills/cbill/58-03/0286/VictimsandPrisonersBillParoleImpact_Assessment_March23.pdf

¹⁶ Ministry of Justice. (2021). Prisons Strategy White Paper. In GOV.UK. <https://www.gov.uk/government/publications/prisons-strategy-white-paper>

¹⁷ Ministry of Justice. (2023, October 3). Whole Life Order reforms to be applied to active cases. GOV.UK. <https://www.gov.uk/government/news/whole-life-order-reforms-to-be-applied-to-active-cases>

15. This lack of strategic approach means that the prison service has been forced to operate in an almost perpetual state of crisis. To cope, it has pursued short-term expediency over effective long-term planning. This has included a reprieve of prison accommodation which should have been decommissioned decades ago; the use of police cells; the rapid construction of temporary cells; a staff recruitment scheme working flat out to keep officer numbers stable; and half-baked announcements to rent foreign prison places. This is not the sign of a clear strategy or coordinated plan for the justice system.
16. Put simply, the current crisis might be seen as a consequence of five principal policy failures:
- a. In sentencing policy, a failure to articulate the purpose of imprisonment as the punishment of last resort;
 - b. A failure to articulate the expected conditions for the humane and decent treatment of prisoners;
 - c. A failure to specify the investment and resources necessary to meet these expectations;
 - d. A failure to account for the impact of criminal justice policy on future demand for prison places and the resources needed to meet minimum expectations of imprisonment; and
 - e. A failure to plan for and meet projected demand for prison capacity.
17. We welcome the commitment made by Alex Chalk in his statement on prison capacity to the House of Commons on Monday 16 October 2023 to introduce a new annual statement of prison capacity to be laid before both Houses of Parliament: "This will include a clear statement of current prison capacity, future demand, the range of system costs that would be incurred under different scenarios and our and our forward pipeline of prison build."¹⁸ We hope this will be the start of process by which Parliament and Government begin to take greater responsibility for the impact of their decisions on prisons and penal policy. We would also recommend strengthening the remit of the Sentencing Council to report independently on the impact of sentencing changes made by the government on sentencing practice and the demand for prison capacity.
18. We also recommend that the committee revisits the recommendations made by the National Audit Office in its 2020 report on Improving the Prison Estate¹⁹ which called for:
- a. a clearer articulation of expected conditions for prisoners and facilities (this should include a target to eliminate overcrowding, with a timetabled plan of reductions in the number of prisoners living in overcrowded cells);
 - b. minimum levels of capital investment needed to ensure a safe, decent and compliant estate, balancing future maintenance needs against constructing new prison places;
 - c. how HMPPS estate strategy aligns with its other strategies to ensure its plans are supported by the right resources and skills;
 - d. how it can reduce demand for prison places in areas within its influence; and

¹⁸ See: <https://hansard.parliament.uk/Commons/2023-10-16/debates/50D29A75-C1E4-4FFC-A77D-11BBC20BCD99/details>

¹⁹ ¹⁹National Audit Office. (2020). Improving the prison estate. In *National Audit Office*. <https://www.nao.org.uk/reports/improving-the-prison-estate/>

- e. how it will monitor the operational consequences of emerging policies and practices, as well as its capacity and capability to respond.

Is the Government's commitment to deliver 20,000 prison places by the mid-2020s achievable and sufficient to manage the projected demand for places?

19. No. Any hope that the government would be able to build its way out of the capacity crisis has been dashed following the revelation that we are now out of prison places. What had been clear to any objective observer monitoring progress with the government's prison building plans was belatedly acknowledged last month by "a Whitehall source" that they were unlikely to be completed until 2030.²⁰
20. In 2020 the National Audit Office warned that despite HMPPS having committed to providing a safe, secure and decent prison estate "its plans to achieve this are failing" and that "it has not been able to provide enough prison places, in the right type of prisons, and at the right time, to meet demand." The report's authors came to the now prescient conclusion that "demand for prison places could exceed supply between October 2022 and June 2023" and that this was further exacerbated by plans to increase the minimum sentence length for the most serious offences.²¹
21. Yet despite those warnings, and the recent progress in adding to capacity, by 5 June 2023 just 5,202 of the 20,000 prison places had been built—more than seven years on from George Osborne's original announcement that 10,000 prison places would be built. This includes two new prisons—HMP Five Wells and HMP Fosse Way; and approximately 700 temporary places.²²
22. The triggering of Operation Safeguard at the end of 2022; the installation of Rapid Deployment Cells; and now the introduction of emergency demand reduction and capacity measures are all a consequence of the failure to properly anticipate and plan for an increasing demand for prison places.
23. In a recently withdrawn memo published on the Ministry of Justice's website, it revealed that even if all the government's planned capacity projects are delivered on time there will still be a short fall of 2,300 prison places by March 2025.²³ The government can't provide sufficient places for the number of people in prison now—let alone the projected 106,300 by March 2027.
24. On 16 October 2023 Alex Chalk announced a range of emergency measures to reduce demand on the system, including through the introduction of an early release scheme and a promise to legislate for a presumption against short sentences. Other measures to reduce demand include greater use of electronic monitoring; reviews of the use of recall and Home Detention Curfew;

²⁰ Syal, R. (2023, September 29). Plan for 20,000 more prison places in England and Wales won't be complete until 2030. *The Guardian*.

<https://www.theguardian.com/society/2023/sep/29/plan-for-20000-more-prison-places-in-england-and-wales-wont-be-complete-until-2030>

²¹ National Audit Office. (2020). Improving the prison estate. In *National Audit Office*.

<https://www.nao.org.uk/reports/improving-the-prison-estate/>

²² House of Commons written question 194333, 20 July 2023. Available at <https://questions-statements.parliament.uk/written-questions/detail/2023-07-17/194333>

²³ Inside Time website, accessed on 21 June 2023, available at: <https://insidetime.org/well-run-out-of-cells-admits-moj-in-withdrawn-memo>

consideration of extending the discount for an early guilty plea; and for foreign national prisoners, the extension of the early removal scheme and new prisoner transfer deals. (We discuss the merits of some of these measures in a recent article.)²⁴

25. The justice secretary also announced further measures to increase capacity, including additional investment of £400m, urgent work to identify new sites for purchase, and legislation to enable the government to rent prison places for foreign states.²⁵
26. In the face of a crisis in prison capacity, the introduction of emergency measures was unavoidable. It remains to be seen whether these combined measures will now enable the government to meet the projected demand for prison places in the short and medium term. It will also be vital to ensure that the probation service has sufficient resource and capacity to meet the additional pressure of having to supervise a greater number of people in the community.

To what extent has the activation of Operation Safeguard and the rolling out of Rapid Deployment Cells helped to manage capacity pressures?

27. Both measures have been necessary in order to hold people sent to prison by the courts and delay running out of prison places. However, despite the astonishing pace with which new temporary cells have been brought on stream, and cells have been brought back into use, it has not been enough to keep up with the rapid growth of the prison population—up 7% since the start of the year—a rise of some 5,800 more people.
28. Given the pace with which this crisis has escalated it has been challenging to get a truly accurate picture of the available capacity. In part because the published weekly statistics only provide a single figure for operational capacity, rather than separate figures for the male and female estate; and it is unclear how much of the operating margin of 1,340 places is currently in use or remains available in light of “the constraints imposed by the need to provide appropriate accommodation for different classes of prisoner.”²⁶

What are the implications of the rise in the prison population for the resources required to manage prisons safely and effectively?

29. The chief consequence of increasing demand outstripping capacity is overcrowded establishments. Overcrowding puts additional pressures on existing resources and makes it difficult to run establishments safely and effectively. Overcrowding requires prisoners to be held in prisons far from home, with inadequate provision of work and education facilities. It requires people to live alongside other people in conditions of deep indignity and mutual fear, of a kind that are uncivilised and shaming. It delays progression through the system for those whose release depends on showing that the risk they may present has

²⁴ Sinha, P. & Day, M. (2023). Decision time. Prison Reform Trust. <https://prisonreformtrust.org.uk/decision-time/>

²⁵ Day, M. (2023). Renting foreign prison places – the unanswered question. Prison Reform Trust. <https://prisonreformtrust.org.uk/blog-renting-foreign-prison-places-the-unanswered-question/>

²⁶ Ministry of Justice. (2023). Population and Capacity Briefing for Friday 13 October 2023. In *Prison population figures: 2023*. <https://www.gov.uk/government/publications/prison-population-figures-2023>

reduced, and it frustrates the development of local partnerships and relationships that support resettlement. It feeds violence, including assaults within cells, and on staff as prisoners seek to manufacture moves out of particular prisons. During a pandemic, overcrowding exacerbates the risks of infection to prisoners and staff, and requires the continued use of prisons where social distancing and adequate ventilation are physically impossible. It creates poor working conditions for staff and makes the modernisation of significant parts of the prison estate impossible or uneconomic.

30. It should be no surprise that one of the first measures that is often taken by the government when a prison is issued with an urgent notification by the chief inspector of prisons is to decant a large number of prisoners from the establishment in order to reduce levels of overcrowding. With capacity now stretched to the limit, however, this is an option that will become increasingly difficult to sustain.

What is HM's Prison and Probation Service's current capacity to manage overcrowding safely and effectively?

31. The announcement by Alex Chalk on 16 October is a very public acknowledgement that HMPPS doesn't have the capacity to manage overcrowding safely and effectively. Despite the triggering of Operation Safeguard; the extension of eligibility for Home Detention Curfew and a frenetic temporary building and repair programme it has now run out of road.
32. The prison system as a whole has been overcrowded in every year since 1994.²⁷ Around three in every five prisons (61%) in England and Wales are overcrowded (74 of the 122 prisons), with more than 18,700 people held in overcrowded accommodation—nearly a quarter of the prison population.²⁸
33. HMPPS has become completely dependent on the routine overcrowding of its prisons and has no timetable to eliminate it or to complete its significant maintenance backlogs. Instead, there has been a virtually permanent state of crisis management, building new prisons when the money has been available, closing old prisons when it has been tight, but always falling short of what the system requires.
34. 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.
35. Whilst much of the attention is rightly on how to manage the current capacity crisis safely, overcrowding in a chaotic prison estate affects much more than the physical conditions in a prisoner's cell and the availability or otherwise of sufficient purposeful activity.

²⁷ Home Office. (1999). *Digest 4: Information on the criminal justice system in England and Wales*, and Table 2.2. Ministry of Justice. (2022). *HM Prison and Probation Service Annual digest: April 2022 to March 2023*. Available at

<https://www.gov.uk/government/statistics/hmpps-annual-digest-april-2022-to-march-2023>

²⁸ Tables 2.2 and 2.3. Ministry of Justice. (2022). *HM Prison and Probation Service Annual digest: April 2022 to March 2023*. Available at

<https://www.gov.uk/government/statistics/hmpps-annual-digest-april-2022-to-march-2023>

36. The complexity of the way the estate is organised, the frequent changes in role of individual prisons, and the incessant operational pressure of having to fill every available space, all contribute to prisons that are less stable. That most basic of concerns for any prisoner—where you will be held and for how long—is uncertain and can alter at a moment’s notice regardless of your best interests or your behaviour.

37. There is nothing new in the analysis that overcrowding presents a structural obstacle to virtually every aspect of a reform agenda. It was recognised as one of the essential causative factors in the series of disturbances triggered by the Strangeways riot in the spring of 1990.

“The removal of overcrowding is, in my view, an indispensable pre-condition of sustained and universal improvement in prison conditions...for improvement to be solid and service-wide, the canker of overcrowding must be rooted out.”

Director General of the Prison Service giving evidence to the Woolf inquiry after the Strangeways riot, 1990

38. In his seminal report following the disturbances the then Lord Justice Woolf consequently recommended a permanent statutory mechanism to end overcrowding, which the then government accepted—in principle.

“Recommendation 7: A new prison rule that no establishment should hold more prisoners than is provided for in its certified normal level of accommodation with provisions for Parliament to be informed if exceptionally there is to be a material departure from that rule.”

Woolf report, 1990

“A decent service depends on the end of overcrowding...the Government accepts therefore that the objective should be that no prisoner should have to be accommodated in overcrowded conditions.”

Home Office, Custody, Care and Justice, 1991

39. But in reality, no subsequent government has delivered on this fundamental requirement of a decent service.

What is the impact of an ageing infrastructure and are Victorian prisons fit for purpose?

40. Our aging cohort of local Victorian city prisons are some of the most overcrowded in the estate. It is unsurprising that many of these prisons receive some of the worst inspections. Recent examples include HMPs Birmingham, Liverpool, Exeter and Bristol. The chief inspector of prisons Charlie Taylor recently suggested that 14 prisons in England Wales – around 10% of the total number of establishments – should be closed, citing HMP Wandsworth as an example:

“Wandsworth was built for around 1,000 prisoners and I think has 600 over; Pentonville [in north London] was built for around 450 and I think there [are] about 1,200 prisoners in that jail. So there are an awful lot of jails that have got just far more prisoners than ... they were originally designed for. But also the

*infrastructure of some of those jails really struggles. You're probably talking about 10% of jails that struggle to be fit for purpose.*²⁹

41. Accommodation that should have been closed long ago has been forced to remain open long beyond its lifespan because accommodation has been outstripped by the demand for prison places. 680 places remain open at HMP Dartmoor following an extension to the lease, rescinding an earlier announcement that it would close.³⁰ Millions are spent refurbishing HMP Birmingham and HMP Liverpool. Meanwhile HMP Pentonville; HMP Wandsworth et al. remain open.
42. The decision to privatise the estates maintenance contracts has also had a detrimental impact on the quality of the prison estate overall but particularly on older establishments where the maintenance needs are substantial. These contracts were poorly funded and understaffed which meant that routine repair and maintenance work suffered. They were a big contributing factor to a number of old estates such as HMP Liverpool deteriorating at a really fast pace. Furthermore, following the Grenfell fire tragedy, there was a big loss in accommodation as blocks and wings had to be closed for essential fire maintenance work. While this work was necessary, it undoubtedly led to increased pressure on prison capacity and higher levels of overcrowding. Finally, the prison estate is facing an emerging issue relating to the use of Raac concrete in the building of some establishments. According to reports, the government will not know the extent of its use in the prison estate until at least the beginning of November 2023.³¹ Depending on what is discovered, it could lead to a further significant loss in useable capacity on the estate.

²⁹ Syal, R. (2023, September 25).

One in 10 prisons in England and Wales should be shut down, watchdog says. *The Guardian*. <https://www.theguardian.com/uk-news/2023/sep/25/one-in-10-prisons-in-england-and-wales-should-be-shut-down-watchdog-says>

³⁰ Travis, A. (2017, December 1). Dartmoor prison facing closure as ministers announce shakeup of jails. *The Guardian*. <https://www.theguardian.com/society/2013/sep/04/dartmoor-prison-closure-shakeup-jails>

³¹ Walker, O. (2023, September 7). Amount of Raac in English and Welsh prisons won't be known for at least two months. *The Guardian*. <https://www.theguardian.com/uk-news/2023/sep/07/amount-of-raac-in-english-and-welsh-prisons-wont-be-known-for-at-least-two-months#:~:text=1%20month%20old-Amount%20of%20Raac%20in%20English%20and%20Welsh%20prisons%20won't,for%20at%20least%20two%20months&text=The%20amount%20of%20potentially%20crumbling,alarm%20at%20the%20slow%20timetable>