



# Bromley Briefings Prison Factfile

## February 2024

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

## **Acknowledgements**

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

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## Introduction

It's hard to find the right adjectives to describe the tumultuous year the prison and probation service has had.

The chief inspector of prisons issued five urgent notifications (UN)—raising immediate concerns about conditions—the highest number in a single year.

The prison service ran out of places, forcing the government to adopt emergency measures to hold people in police cells; release people from prison early; delay court hearings; and warn judges about the pressure on our already overcrowded prisons.

Meanwhile, staff leave the service in droves, quickly burnt out by the conditions they face each day as they pick up their keys to start their shift.

Prisons continue to be places of hopelessness and despair for too many people, with self-harm now higher than before the pandemic, and reaching the highest level on record for women.

Whilst crisis and scandal can trigger defensiveness, they can also act as a launch pad for bold reform. The Government should seize this opportunity to show that the status quo is not working and present a positive alternative vision for our criminal justice system. One that is rooted in the things that matter to the communities that they serve—safety, fairness, effectiveness and decency—and which relies on evidence rather than rhetoric.

Alex Chalk, our current Secretary of State for Justice, has to his credit begun this journey. A swift reconsideration of his predecessor's intransigence to ending the injustice of the Imprisonment for Public Protection (IPP) sentence; reversing measures which prevented people progressing in their sentences; and introducing legislation currently before Parliament for a presumption that prison sentences of a year or less should be replaced with a suspended prison sentence. All of these are causes for celebration in a sector where the wins are few and hard fought for.

As the former Governor of HMP Liverpool, I know first-hand the powerful impact that reducing prisoner numbers had on my ability to bring about much needed reform measures. Overcrowding is the single biggest barrier in providing a safe, decent and rehabilitative prison.

Prisons will always be messy, complex places to live and work in, but by hitting the reset button it reduced the relentless day-to-day crisis we faced when the next full escort van turned up.

Having fewer people in the prison not only reduced the flow in and out of the gates each day, but it also gave me and my team some breathing space to work through the plethora of problems we needed to fix.

It unlocked the much-needed funding and focus for refurbishment to take place. It allowed us to develop a vision; to articulate our values and to see the wood for the trees. But most importantly, it allowed us—the operational experts—to shape our prison in a way that worked best for those who lived and worked there.

But what happens when you have a prison system with so little slack that you can't simply transfer 500 people to another prison down the road? We've witnessed the very real consequences on prisons when politicians talk about the need to "toughen up" sentences with little thought given to the implications—or to the long line of similar measures that preceded them.

Governors up and down the country—good, hard working and well-intentioned leaders—must despair at how straightjacketed they are. They are expected to be omnipotent leaders—ultimately responsible when it hits the fan—but are often left feeling that they have little autonomy.

They fulfil the insatiable requests for information from higher management; they react with knee jerk responses in anticipation of events that could cause their ministers political embarrassment; and they live with the constant threat of doing something which turns out to be career limiting. In the new world, the decision-making structure has well and truly moved from the governor's office to outside the prison.

But could change be on the horizon? *One HMPPS*, the latest round of organisational reshuffling for prisons and probation, encourages a shift toward greater local control. Rebuilding a system which enables the professional discretion to deliver what's needed for the people in staff's care—whilst operating within clear boundaries and expectations—would be hugely welcome if it can prise itself out of the clutches of HQ.

It has been four years since I have governed a prison and I am beginning to get a rose tint on the experience. But it was unequivocally the best part of my career within HMPPS. All the above adds deep frustration and—if allowed—becomes a distraction. But when you speak with governors, most of them say that they love their job, and good governors do a good job despite these challenges.

Good governors find their way around the Kafkaesque maze. They learn to operate skilfully within the grey. They can live with the ambiguity. They are focussed on their mission to bring hope and order to the lives of the men and women in their care; and create a compassionate culture amongst their staff.

Good governors know the value of opening the doors to the outside world and letting in the light. They know how to encourage and support those who will help them deliver a shared vision and work with common purpose. The evidence of what a good governor can achieve—even in the face of adversity—is clear from those inspection reports which buck the trend.

But good governors need to be cultivated, respected and most importantly rewarded for their work. There is a shocking lack of recognition and acknowledgement for the work that they do. There is an equally shocking lack of attention within the prison service to share learning and encourage good practice.

Ask anyone who works in the service, and they will say that sometimes just getting through the day is good enough. Getting through the day for many staff literally means getting the shift done without seeing violence or self-harm. Getting through the day for a Governor is about clocking off at a reasonable hour and not getting called in the middle of the night.

But getting through your sentence when you are trapped in a broken system can be unbearable. We must not lose sight of what a good prison can be. The rapid turnover of staff in recent years has shortened the prison service's institutional memory.

**Prisons require predictability:** Will I be unlocked when I expect to be? Will I be able to attend my medical appointment? Will I be able to turn up to my job or will my name be missed off the release list again today?

**Prisons require order:** Will I be able to get to education without being assaulted? Are my legal papers safe in my cell?

**Prisons require hope:** Will I be approved for transfer to be closer to my family? When will I be able to get on the course the Parole Board says I need to complete?

**Prisons require consistency:** Why does that officer always let him get away with that? Why did I not get enhanced status when I've done exactly what she has?

As long as we have a justice system trapped in survival mode—one that is focused on just getting through the day—prisons are unlikely to become the places that they need to be in order to deliver on their core mission.

Unless there is truth and honesty in this age-old debate of how society should respond to crime, and the political will to break out of the dysfunctional and reactive cycle of lock 'em up or let 'em out, will we continue to get the justice system we deserve.

This requires not just a reset in one prison—transferring the burden onto another overstretched governor and their staff. This requires a reset of the system, with a positive vision for what our criminal justice system should look like.

As the new chief executive of the Prison Reform Trust, I assure you that we will be that voice.

**Pia Sinha**  
Chief Executive Officer, Prison Reform Trust



# **SENTENCING AND THE USE OF CUSTODY**



Prison sentences explained

In 2023, the Justice Committee concluded that there is a need for greater efforts to develop public knowledge of sentencing, and that it is “incumbent on all policymakers and opinion-shapers to play a role in shaping constructive debate”.<sup>1</sup> In this new section, we set out the main types of prison sentences used in England and Wales.

There are many types of custodial sentence, and they vary in how they are administered.

Determinate or indeterminate sentences	A determinate sentence has a definite end date. An indeterminate sentence does not.
Conditional or unconditional (automatic) release	Some prison sentences have fixed release dates that trigger automatically. Other sentences include the possibility of release at certain points, but decisions are made by the Parole Board about whether it is safe to release the person.
Proportion of sentence spent in prison and on licence in the community	Most prison sentences allow the possibility of serving some of the sentence on licence in the community. But the proportion of a sentence spent in prison and on licence varies. If somebody breaches their licence terms they can be recalled to prison for the rest of their sentence.
Post-sentence supervision	Certain sentences impose supervision beyond the end of a person’s sentence, with further sanctions imposed for noncompliance.

Community sentences

Community sentences are different to custodial sentences. They impose any number of 13 requirements on a person, which they must comply with. If a person breaches the conditions of their community sentence they can be fined, have additional restrictions imposed, or could be resentenced, with the possibility of custody.<sup>2</sup>

Legend

Suspended sentence	Custodial period of sentence	Period of sentence on licence following conditional release	Period of sentence on licence following automatic release	Period of post-sentence supervision
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Custodial sentences: Suspended

Suspended sentences are the least restrictive form of custodial sentence. They do not actually send people to prison—but they use the threat of doing so. Judges may ‘suspend’ a custodial sentence of up to two years, and may impose conditions such as a curfew or unpaid work. If someone breaches their conditions or commits a further offence within the suspended sentence time period, they can be sent to prison for the remainder of the sentence.<sup>3</sup>

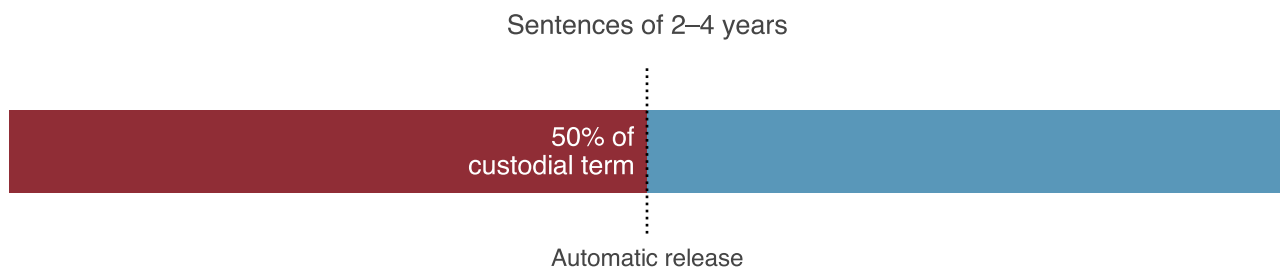
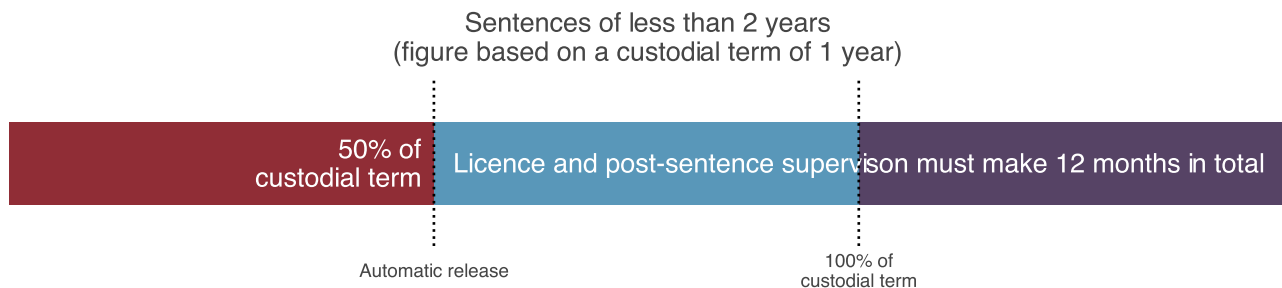
Imprisonment can be triggered for breaches or further offending

<sup>1</sup> House of Commons Justice Committee (2023). Public opinion and understanding of sentencing. House of Commons.  
<sup>2</sup> Sentencing Academy (n.d.). Community orders. Accessed 12 February 2024.  
<sup>3</sup> Sentencing Academy (n.d.). Suspended sentence orders. Accessed 12 February 2024.

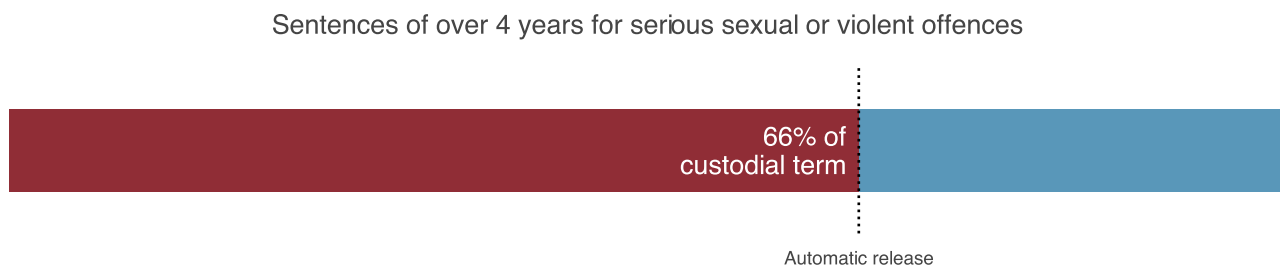


## Custodial sentences: Standard determinate

Standard determinate prison sentences have a set length, and an automatic release date in most circumstances. The length is decided based on the offence and certain personal and offence-related circumstances. People serving standard determinate sentences of less than four years are usually automatically released halfway through their sentence. They serve the rest under supervision by the Probation Service, which will include licence conditions. If they breach those conditions, they can be recalled to prison for the remainder of their sentence.<sup>4</sup> For standard determinate sentences of less than two years, a period of post-sentence supervision is added on to any time served on licence in the community, to make a total supervision period of 12 months.



People serving standard determinate sentences of more than four years are released two-thirds of the way through their sentence if they are convicted of serious violent or sexual offences. If they are not convicted of such offences, they are released at the halfway point.<sup>5</sup>



People serving a standard determinate sentence for terror offences are not automatically released. They are instead assessed by the Parole Board as to whether it is safe to release them.<sup>6</sup>



As of 2022, people serving a standard determinate sentence can now have their automatic early release prevented if they become a significant public protection concern during their time in custody. They are instead referred to the Parole Board.<sup>7</sup>

<sup>4</sup> Sentencing Council (n.d.). Determinate prison sentences. Accessed 12 February 2024.

<sup>5</sup> Sentencing Council (n.d.). Determinate prison sentences. Accessed 12 February 2024.

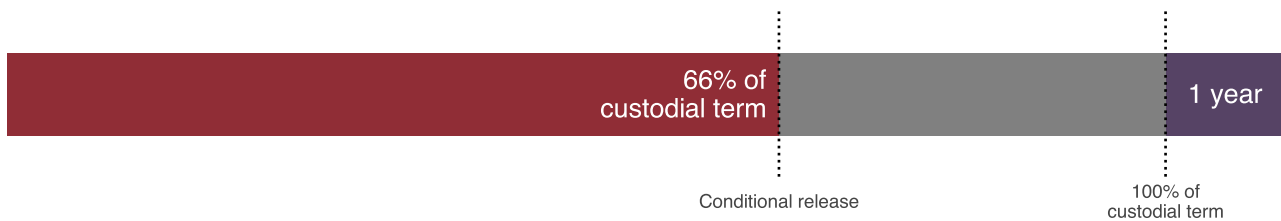
<sup>6</sup> Terrorist Offenders (Restriction of Early Release) Act 2020. s1.

<sup>7</sup> Police, Crime, Courts and Sentencing Act (2022). s132.

## Sentences for offenders of particular concern

People convicted of certain terrorism and child sex offences can receive special sentences reserved for 'offenders of particular concern' (known as SOPC). They prevent automatic early release (but people convicted of sex offences may be conditionally released after serving two-thirds of their custodial term) and add an additional year of supervision on licence at the end of the full custodial period.<sup>8</sup>

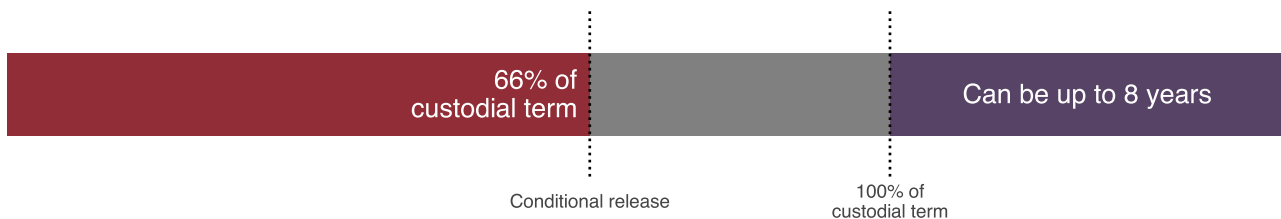
Based on a custodial term of 10 years (the average term of a SOPC in 2023)



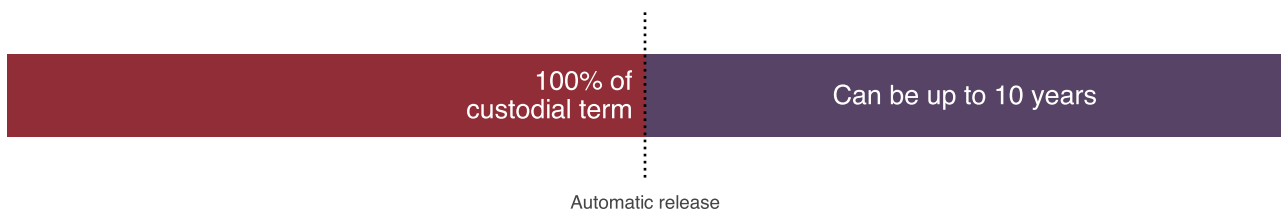
## Custodial sentences: Extended determinate

Extended determinate sentences (EDS) are longer sentences with additional built-in public protection measures. People serving EDS sentences are usually not eligible for automatic early release. They are reviewed by the Parole Board two-thirds of the way through their sentence, and can be released on licence if the board thinks it is safe to do so. They serve the rest of their sentence supervised by the Probation Service, and may be recalled to prison for the rest of their sentence if they breach their conditions. People serving an EDS also have an additional period of up to eight years on licence imposed by their judge, to be served at the end of their custodial term.<sup>9,10</sup> In 2021, the law was amended for people serving an EDS for certain terrorist offences. They must now serve their full custodial term in prison and up to 10 years on extended licence.<sup>11</sup>

Based on a custodial term of 9 years (the average term in 2023)  
and an extended licence period of 4 years (half of the maximum allowable)



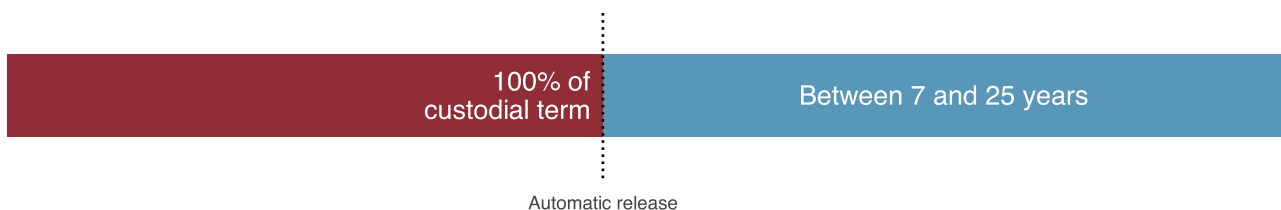
### EDS for terror offences



## Custodial sentences: Serious Terrorism Sentence (STS)

Serious Terrorism Sentences impose a minimum custodial period of 14 years which must be served in full, followed by an extended licence period of between 7 and 25 years.<sup>12</sup>

Based on a custodial term of 14 years (the set period)  
and an extended licence period of 16 years



<sup>8</sup> Judicial College (2023). The Crown Court compendium part II: Sentencing.

<sup>9</sup> Sentencing Academy (n.d.). Extended sentences. Accessed 12 February 2024.

<sup>10</sup> EDS sentences work slightly differently depending upon the date of sentence, offence, and sentence length. People who received their sentence before 13 April 2015 with a custodial period of less than 10 years are released automatically at two-thirds of the custodial term, with the exception of certain specified offences. Historic versions of EDS (such as the Extended Sentence for Public Protection, or EPP) have further variations.

<sup>11</sup> Counter-Terrorism and Sentencing Act 2021. s16–18, s20, s27–s28 & s31.

<sup>12</sup> Counter-Terrorism and Sentencing Act 2021. s4–7.

### Custodial sentences: Imprisonment for public protection (IPP)

An IPP sentence imprisons people indefinitely based on what they might do, as well as what they have done. People serving an IPP received a minimum term in prison (sometimes known as a tariff) based on their crime. They are then detained in prison indefinitely, potentially for the rest of their life, until the Parole Board decides they are safe to release. They must then be managed indefinitely on licence in the community, and may be recalled to prison for an indefinite period. The Parole Board may lift their IPP licence after 10 years or leave it in place.<sup>13</sup> The IPP sentence was abolished by the Government in 2012, but almost 3,000 people are still in prison serving it despite an inquiry describing the sentence as “irredeemably flawed.”<sup>14</sup>

Based on a custodial tariff of 4 years (the average tariff of the remaining unreleased people serving IPP in prison) and an assumption of living for 40 years after release



### Custodial sentences: Mandatory life sentences

Mandatory life sentences must always be imposed for murder. All life sentences (except whole life sentences) have three parts. A judge decides the minimum term (number of years) a person must serve in prison, which is based on the seriousness of their crime. Once the minimum term has finished (known as ‘expired’) they must be detained indefinitely in prison until the Parole Board decides they can be safely managed in the community. They are then on licence, supervised by the Probation Service, for the rest of their life, and may be recalled indefinitely to prison if they breach their licence conditions.<sup>15</sup>

### Custodial sentences: Discretionary and automatic life sentences

There are instances where a life sentence may be imposed for offences other than murder. These include serious violent, sexual and terrorist offences (discretionary life sentence), and when a person is convicted of a second serious offence (automatic life sentence). Certain other legal provisions must also apply, including seriousness of the offence, dangerousness of the perpetrator, and pattern of previous offending.<sup>16</sup>

Based on a custodial tariff of 21 years (the average tariff imposed in 2021) and an assumption of living for 30 years after release



### Custodial sentences: Whole Life Orders (WLO)

A judge has the option to impose a Whole Life Order in any instance where a life sentence is passed, which means a person can never be released from prison. In practice they have been used very rarely, though numbers have increased in recent years. While in law the secretary of state may release a person serving a WLO on compassionate release in exceptional circumstances, this power has never been exercised.<sup>17</sup>



<sup>13</sup> Sentencing Academy (n.d.). Imprisonment for Public Protection (IPP) sentences. Accessed 12 February 2024.

<sup>14</sup> House of Commons Justice Committee (2022). IPP sentences. HC 266. House of Commons.

<sup>15</sup> Sentencing Academy (n.d.). Sentencing explained: Life sentences. Accessed 12 February 2024.

<sup>16</sup> Sentencing Academy (n.d.). Sentencing explained: Life sentences. Accessed 12 February 2024.

<sup>17</sup> Sentencing Academy (n.d.). Whole Life Orders: Attorney General's reference. Accessed 12 February 2024.

## Custodial sentences: Recall

People in prison on recall have previously been released but were reimprisoned for breaching their licence conditions. This can be fresh offending, but may also be missing probation appointments, failing to keep their probation officer informed of their circumstances, breaching curfews or exclusion zones, or substance misuse lapses. The thresholds for recall are substantively lower than judicial thresholds for conviction. This means that people can be recalled on the basis of allegation, suspicion, concern, or circumstances that later prove to be false. Recall decisions are made by the Probation Service in England and Wales for all offenders subject to licence,<sup>18</sup> unlike in Scotland and Northern Ireland where the Parole Board takes such decisions for some (Scotland) or all (Northern Ireland) cases, unless it is against the public interest to await a decision.<sup>19,20</sup>

## Non-criminal detention: Immigration detainees

Some people are detained in prison without having committed a criminal offence. The vast majority of these (93%) are immigration detainees: people who the Home Office has decided must be held in custody while awaiting a decision on being able to stay in the country.<sup>21</sup> Inspectors have criticised the ‘prison-like’ conditions of some immigration removal centres,<sup>22</sup> and the disadvantages faced by detainees held in prison.<sup>23</sup> 93% of detainees are held in immigration detention, 5% are held in prisons, and the remaining 2% in other short-term holding facilities.<sup>24</sup>

## Non-criminal detention: Civil offences

A small number of people are still held in prison for failing to pay debts. These can include child support and council tax. Others are imprisoned for non-compliance matters such as contempt of court.

## Non-criminal detention: Remand

Remand prisoners have not yet been convicted of an offence. They are held in prison awaiting trial or sentencing, having been denied bail. They form an increasingly large proportion of the prison population and are being held in prison longer—in 2022 almost a third had been held beyond the six month time limit.<sup>25</sup> The use of prison as a ‘place of safety’ when suitable bail accommodation is not available has been criticised, especially for women.<sup>26</sup>

## Why don't most people spend the whole of their sentence in prison?

When judges pass a sentence of imprisonment, they must balance several objectives, including proportionate punishment; deterrence; public protection and rehabilitation.<sup>27</sup> Transitioning back into the community from prison (known as resettlement) is very difficult, especially after a long time in prison. People are known to be most at risk of reoffending in the first few days and weeks of release from custody, particularly if they have problems with accommodation, employment or substance misuse.<sup>28</sup>

Releasing somebody from prison early in their sentence has well-evidenced benefits for reducing reoffending. It allows people at risk to be supervised by the Probation Service, who can take preventative measures, and signpost people to support for prison leavers. Release to supervised accommodation (known as Approved Premises) can also aid gradual resettlement, job searching, and rebuilding social ties. A person held until the very end of their custodial term may be incapacitated for a longer period, but will be less closely supervised and supported on release. Automatic release on licence partway through a sentence is therefore intended to strike a balance between punishment for previous offending and prevention of future offending.

When early release is conditional, as with most longer sentences, the Parole Board decides whether a person can be safely managed in the community. This is known as the “test for release” and is based on public protection, not whether further punishment is merited. Indeterminate sentences in particular are divided into the period that must be served in custody as punishment and the period that a person must be detained if they are thought to pose a continued risk. Risk must be deemed manageable in order for a person to serve part of their sentence in the community.

<sup>18</sup> Ministry of Justice (2023). Recall, review and re-release of recalled prisoners policy framework.

<sup>19</sup> Prisoners and Criminal Proceedings (Scotland) Act 1993. s17.

<sup>20</sup> The Criminal Justice (Northern Ireland) Order 2008. s28.

<sup>21</sup> Table A1.18, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023

<sup>22</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HC 1451.

<sup>23</sup> HM Inspectorate of Prisons (2022). The experience of immigration detainees in prisons.

<sup>24</sup> Home Office (2023). Table Det\_D02, Immigration system statistics, year ending September 2023.

<sup>25</sup> House of Lords written question HL3408, 25 November 2022

<sup>26</sup> House of Commons Justice Committee (2022). The role of adult custodial remand in the criminal justice system. HC 264. House of Commons.

<sup>27</sup> Sentencing Council (n.d.). Sentencing basics. Accessed 12 February 2024.

<sup>28</sup> Brunton-Smith, I., & Hopkins, K. (2013). The factors associated with proven reoffending following release from prison: Findings from waves 1 to 3 of SPCR. Ministry of Justice.

## What are the different types of prison in England and Wales?

Prisons are primarily used to detain people remanded and awaiting trial/sentencing, and people who have received a custodial sentence. They can also be used to detain people for their own safety, and for detaining foreign nationals at the end of their prison sentence if they are of continuing interest to the Home Office, though both practices have been criticised.

### High secure and long-term prisons

This group of prisons have the highest level of security, detaining those thought to pose the most serious risk. Some also have specialist provision for people serving very long sentences.

### Local prisons

Local prisons receive people sent from the courts. This may include people remanded to custody, people serving shorter sentences, people awaiting transfer to another prison to serve a longer sentence, and people about to be released.

### Training prisons

Training prisons are intended to offer a constructive regime to people serving the bulk of their prison sentence, including education, vocational skills, and rehabilitative programmes.

### Resettlement prisons

Resettlement prisons are a more recently designated prison function. They are intended to assist prisoners in the latter part of their sentences with reintegrating into the community, through ties with local services.

### Open prisons

Open prisons allow prisoners to leave on day release to undertake various activities related to rehabilitation and resettlement, often in the latter part of their sentences, and subject to risk assessment of whether they can be safely managed in an open prison.

### Women's prisons

Women are housed in a separate prison estate in England and Wales (in Scotland and Northern Ireland women are housed on separate wings in men's prisons).<sup>29</sup> The English and Welsh women's estate has both closed and open prisons.

### Young Offender Institutions

YOIs are prisons used to detain children and young people aged 15–21 years old, with 15–17 year olds housed separately.

## Other types of custody

Boys aged up to 14 and girls up to 16 are housed in **secure children's homes**. This can be for their safety and welfare as well as receiving custodial convictions. **Secure training centres** are secure establishments designed to hold children and young people aged 12–18 with criminal convictions and vulnerability, with an emphasis on rehabilitation. Only one is still operating.

**Immigration removal centres** are used to indefinitely detain foreign nationals while their right to remain in the UK, or whether to release them on immigration bail, is decided. **Short-term holding facilities** are used to detain migrants arriving in the UK for up to seven days (residential facilities) or 24 hours (non-residential facilities).

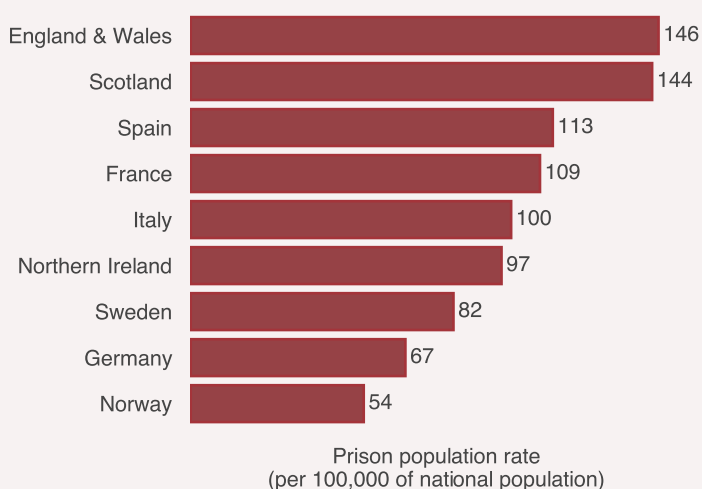
People who have been arrested can be held in **police custody** for between 24 hours and 14 days depending on the crime they have been arrested for. They must then either be charged or released.

<sup>29</sup> With the exception of HMP and YOI Stirling in Scotland, which opened in 2023 as a specialist facility for women.

## Sentencing: An overview

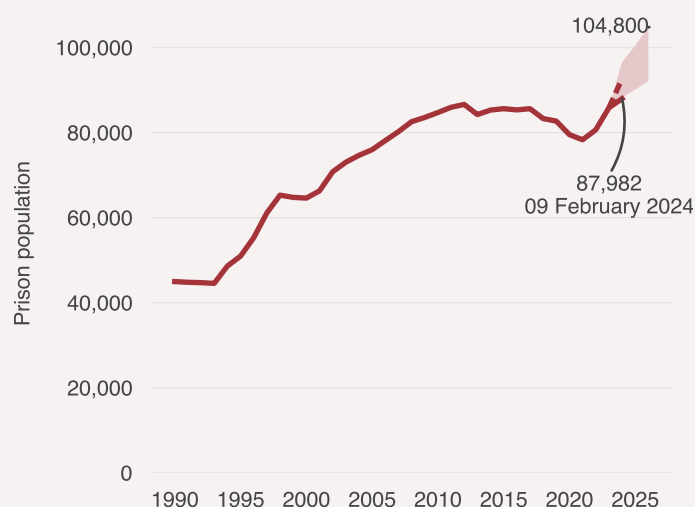
### Imprisonment and crime rates

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



Source: World Prison Brief, Institute for Crime & Justice Policy Research, 1 December 2023

The prison population has risen by 93% in the last 30 years—it is predicted to rise by **around 17,000 people by 2026**



Source: Offender management statistics, Prison population 2023; Population and capacity briefing for 09 February 2024 and Prison population projections 2022 to 2027

**Yet there is no link between the prison population and levels of crime** according to the National Audit Office.<sup>30</sup> International comparisons also show there is no consistent link between the two.<sup>31</sup>



Sources:

Institute for Crime and Justice Policy Research (2023). World Prison Brief. Birkbeck, University of London. <https://www.prisonstudies.org/world-prison-brief-data>  
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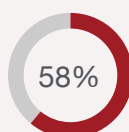
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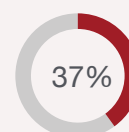
More than

# 44,000

people were sent to prison to serve a sentence in the year to June 2023<sup>32</sup>



The majority had committed a non-violent offence



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

32

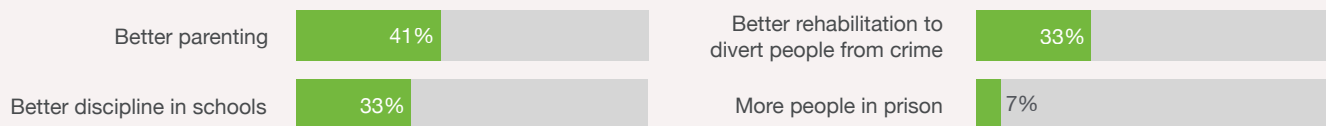
<sup>30</sup> National Audit Office (2012). Comparing international criminal justice systems.

<sup>31</sup> Lappi-Seppälä, T. (2015). Why some countries cope with lesser use of imprisonment. University of Helsinki.

<sup>32</sup> Tables 2.5a and 2.5b. Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.



**Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime.** Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.<sup>33</sup>

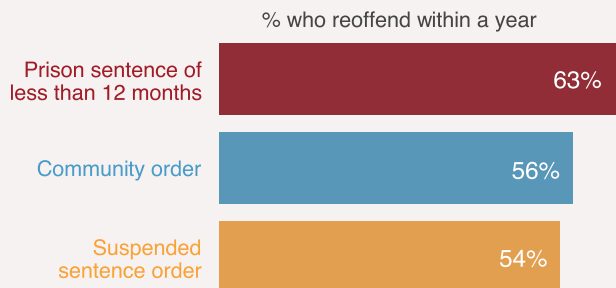


### Short prison sentences <sup>4353637</sup>

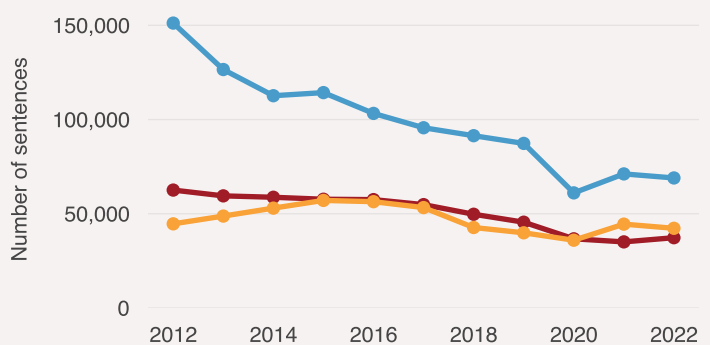
**Short prison sentences** are less effective than community sentences at reducing reoffending.<sup>34</sup> The Sentencing Bill, currently before Parliament, plans to introduce a presumption against sentences 12 months or less, acknowledging they are ineffective at reducing reoffending, provide little deterrent and are costly.<sup>35</sup>

**Community sentences** are particularly effective for people with many previous offences, people aged under 21 or over 50, and people with mental health problems.<sup>36</sup> 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.<sup>37</sup>



Source: Ministry of Justice (2013) Compendium of reoffending statistics and analysis



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

**Courts are over 10 times more likely to impose a community sentence if a pre-sentence assessment is conducted by probation staff.** The decline in the use of these assessments in recent years is strongly linked to the sharp fall in community sentences<sup>38</sup>

**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 by 57% in the 10 years to 2022.<sup>39</sup>

**As well as declining in use, PSRs are declining in rigour.** Standard PSRs—the most detailed type of report—have almost been entirely phased out, falling by 94% since 2012.<sup>40</sup>

**In March 2021, in response to the decline in PSRs, a pilot across 15 magistrates' courts was launched to improve quality, known as the Alternative Delivery Model (ADM).** An evaluation found that pilot courts delivered a higher proportion of PSRs than non-pilot courts.<sup>41</sup>

<sup>33</sup> Crest Advisory (2018). *Rewiring justice: Transforming punishment and rehabilitation for the 21st century*.

<sup>34</sup> Table 1.1, Ministry of Justice (2013). 2013 Compendium of re-offending statistics and analysis.

<sup>35</sup> Ministry of Justice (2023). *Impact assessment: Sentencing Bill: Changes on the presumption of the suspension of short sentences*.

<sup>36</sup> Hillier, J. and Mews, A. (2018). *Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?* Ministry of Justice.

<sup>37</sup> Tables Q5.1b, Ministry of Justice (2023). *Criminal justice statistics quarterly: December 2022*.

<sup>38</sup> Centre for Justice Innovation (2018). *The changing use of pre-sentence reports*.

<sup>39</sup> Table A4.24, Ministry of Justice (2023). *Offender management statistics quarterly: October to December 2022*.

<sup>40</sup> Table A4.24, Ministry of Justice (2023). *Offender management statistics quarterly: October to December 2022*.

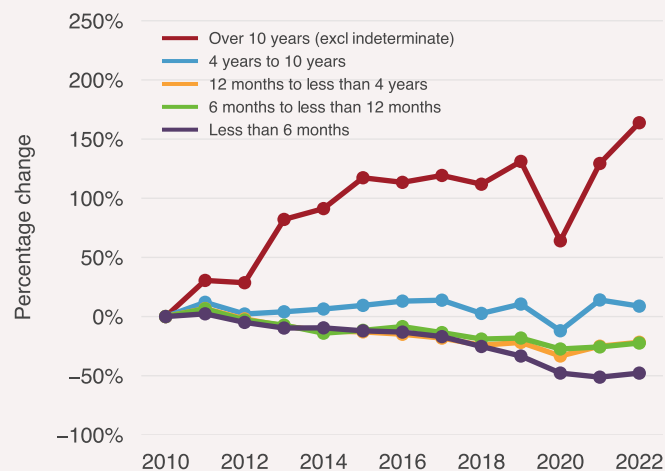
<sup>41</sup> Rizk, T. & Bhakta, T. (2023). *A process evaluation of the pre-sentence report pilot*. Ministry of Justice.



## Long prison sentences <sup>42,43</sup>

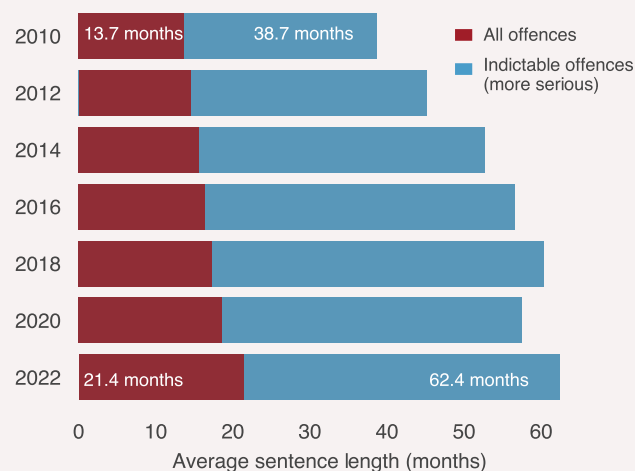
We choose to send people to prison for a long time — and it's growing.

More than two and a half times as many people were sentenced to 10 years or more in 2022 than in 2010.<sup>42</sup>



Source: Ministry of Justice (2023) Criminal justice statistics quarterly: Update to December 2022.

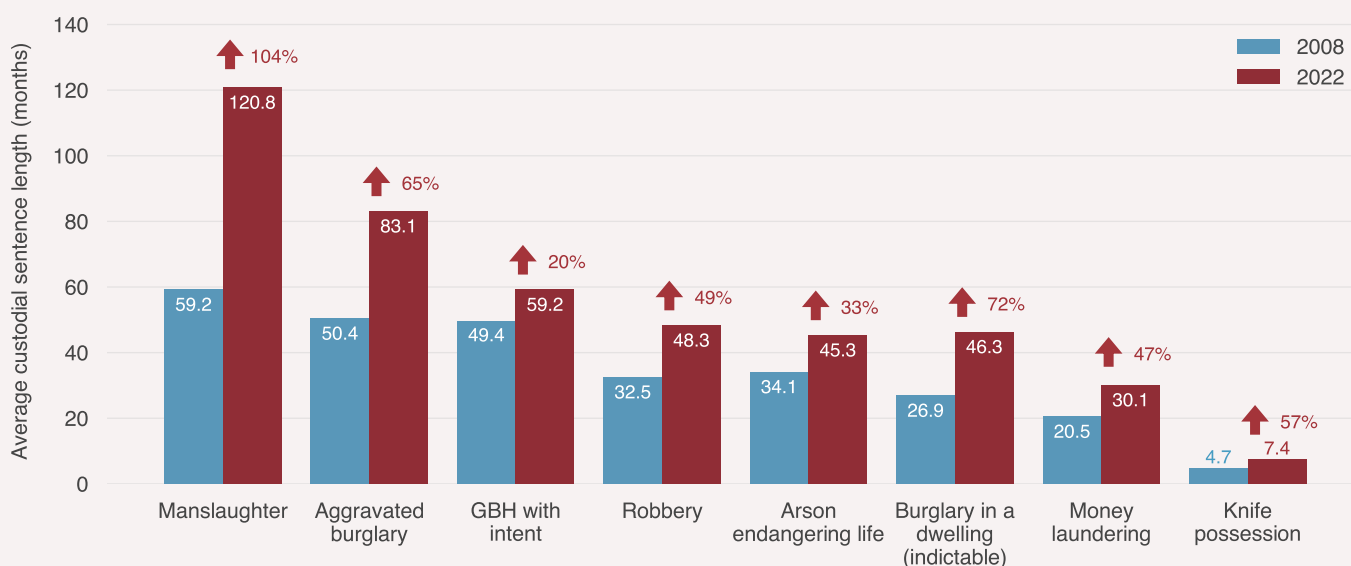
For more serious, indictable offences, the average prison sentence is now 62.4 months — almost two years longer than in 2010.<sup>43</sup>



Source: Ministry of Justice (2023). Criminal justice statistics quarterly: Update to December 2022.

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

Recent legislation is set to continue this trend. The government acknowledges that the Police, Crime, Courts and Sentencing Act 2022 will lead to an increased prison population, and that longer periods in custody may negatively affect reoffending risk.<sup>44</sup>



Source: Criminal justice quarterly statistics December 2022 and previous editions

<sup>42</sup> Outcomes by offence data tool, Ministry of Justice (2023). Criminal justice statistics quarterly: December 2022.

<sup>43</sup> Outcomes by offence data tool, Ministry of Justice (2023). Criminal justice statistics quarterly: December 2022.

<sup>44</sup> Ministry of Justice (2021). Impact assessment: Policing, Crime, Courts and Sentencing Bill: Sentencing, release, probation and youth justice measures.

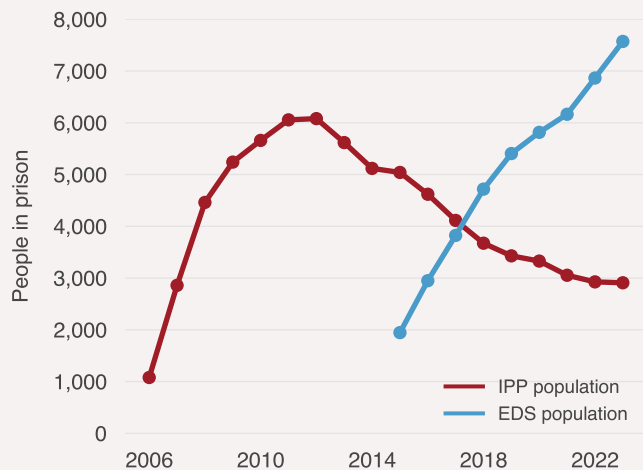
## Complex sentences and the decline of automatic release

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

**99% of unreleased people in prison serving an IPP sentence have served the minimum custodial period deemed proportionate to their crime, and are held in prison indefinitely on the basis of public protection.**<sup>45</sup>

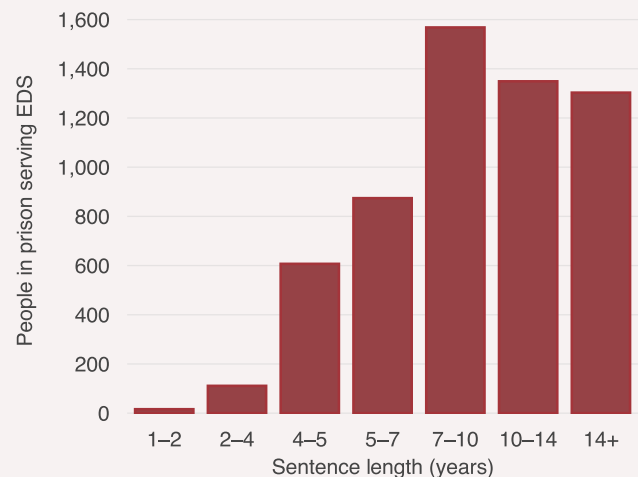
**One in 10 of the sentenced prison population (11%) are serving an EDS sentence and will not be subject to automatic release until the end of their full custodial term.**<sup>46</sup>

**EDSs are on the rise**  
Numbers have now surpassed IPPs



Source: Ministry of Justice (2023) Table 1.9a, Offender management statistics September 2023 and previous editions

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



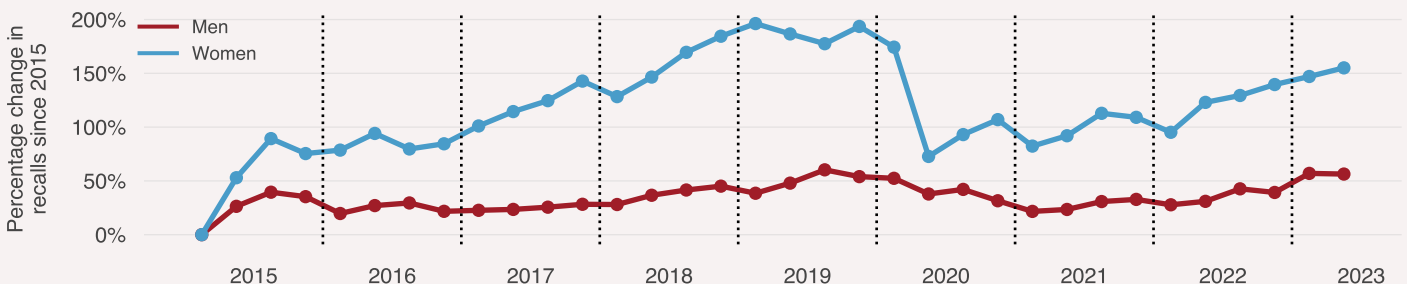
House of Lords written question HL10575, 7 December 2020

## Recall to prison

**Under changes introduced in 2015, anyone leaving prison who has served two days or more is required to serve a minimum of 12 months under supervision in the community.**<sup>47</sup> Since their introduction, the number of people recalled back to custody has increased, particularly amongst women.

**Almost 10,000 people serving a sentence of less than 12 months were recalled to prison in the year to June 2023 – over a third (34%) more than last year.**<sup>48</sup>

**16% of the sentenced prison population is now held in custody on recall – 12,068 people.**<sup>49</sup> The number is expected to rise by approximately 13% by 2026—to around 13,650 people.<sup>50</sup>



Source: Table 5.2, Ministry of Justice (2023) Offender management statistics quarterly: April to June 2023

<sup>45</sup> Table 1.9a, Ministry of Justice (2024), Offender management statistics quarterly: July to September 2023.

<sup>46</sup> Table 1.1, Ministry of Justice (2024), Offender management statistics quarterly: July to September 2023.

<sup>47</sup> Offender Rehabilitation Act 2014, c.2, s256AA.

<sup>48</sup> Table 5.2, Ministry of Justice (2023), Offender management statistics quarterly: April to June 2022.

<sup>49</sup> Table 1.1, Ministry of Justice (2024), Offender management statistics quarterly: July to September 2023.

<sup>50</sup> Table 1.1, Ministry of Justice (2023), Prison population projections: 2022 to 2027.

## Life and indeterminate sentences

**Many people in prison don't know if, or when, they might be released.** 11,049 people are currently in prison serving an indeterminate sentence—16% of the sentenced prison population,<sup>51</sup> up from 9% in 1993.<sup>52</sup>

**In 2022/23, the Parole Board decided that a third (33%) of unreleased life and IPP sentenced prisoners who had a parole hearing should remain in closed custody.** The remainder were either approved to move to less restrictive open prison conditions (24%) or were released on licence (43%).<sup>53</sup> In 2021, fewer than half of lifers (43%) were granted release at their first parole hearing.<sup>54</sup>

### Imprisonment for public protection (IPP)

The Imprisonment for Public Protection (IPP) sentence was introduced in the Criminal Justice Act 2003, as a disposal for “dangerous” offenders.<sup>55</sup> It sentenced people to a fixed period in prison (called a tariff) proportionate to their crime, followed by indefinite detention until the Parole Board deemed them safe for release. They then remain indefinitely on licence with a first licence review by the Parole Board after 10 years, and the possibility of indefinite recall to prison if they breach their conditions.

**The IPP sentence was abolished in 2012.** It was acknowledged as a failure that had caught up many less serious offenders in a cycle of disproportionate imprisonment.

**Despite its abolition over 10 years ago, there are 1,269 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.<sup>56</sup>

**In 2022, ten years after abolition, the House of Commons Justice Committee concluded that the IPP sentence is “irredeemably flawed” and called for a resentencing exercise to be completed for the remaining people serving IPP.**<sup>57</sup>

**Nearly three in five unreleased IPP prisoners (58%) have spent an additional 10 years in prison on top of their original tariff.**<sup>58</sup> One in 14 (7%) have served an additional 15 years.<sup>59,60</sup> Over half (59%) had an original tariff of less than four years.<sup>61</sup>

**212 people have never been released from prison, despite receiving a tariff of less than two years.** Almost every one of them (194 people) has served a further ten years or more in addition to their original tariff.<sup>62</sup>

**There are a further 1,652 people serving an IPP sentence who are back in prison having previously been released—a rise of 14% on the previous year.**<sup>63</sup> Recalls now account for more than half the imprisoned IPP population (57%).<sup>64</sup>

**More people serving IPP are recalled to prison than released.** In the 12 months to June 2023, 619 people on licence were returned to custody,<sup>65</sup> whereas only 606 people were released (or re-released after recall).<sup>66</sup>

**The Secretary of State for Justice, Alex Chalk, has called the IPP sentence a stain on the justice system. He has brought forward legislation to reform the IPP licence and give some people a sentence end date.**<sup>67</sup> However, he has rejected a resentencing exercise, leaving many people still trapped in prison with no clear end in sight.<sup>68</sup>

<sup>51</sup> Tables 1.1 and 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>52</sup> Table 1.8, Home Office (2001). Prison statistics England and Wales 2001. Cm 5743.

<sup>53</sup> Parole Board (2023). Annual report and accounts 2022/23.

<sup>54</sup> House of Lords written question HL1676, 26 July 2022.

<sup>55</sup> Criminal Justice Act (2003), s225-226 (as enacted).

<sup>56</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>57</sup> House of Commons Justice Committee (2022). IPP sentences. HC 266. House of Commons.

<sup>58</sup> Table 1.9b, Ministry of Justice (2024). Offender management statistics quarterly: July to September 2023.

<sup>59</sup> House of Lords written question HL423, 4 December 2023.

<sup>60</sup> Table 1.9b, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>61</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>62</sup> Table 1.9b, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>63</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>64</sup> Table 1.9b, Ministry of Justice (2024). Offender management statistics quarterly: July to September 2023.

<sup>65</sup> Table 5.4, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>66</sup> Tables 3.1 and 5.11, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>67</sup> Ministry of Justice (2023). Reforms bring hope to rehabilitated people still serving abolished indefinite sentences.

<sup>68</sup> Hansard HC Deb. Vol 731, col 457WH, 27 April 2023. Imprisonment for public protection sentences.

### The legacy of the IPP

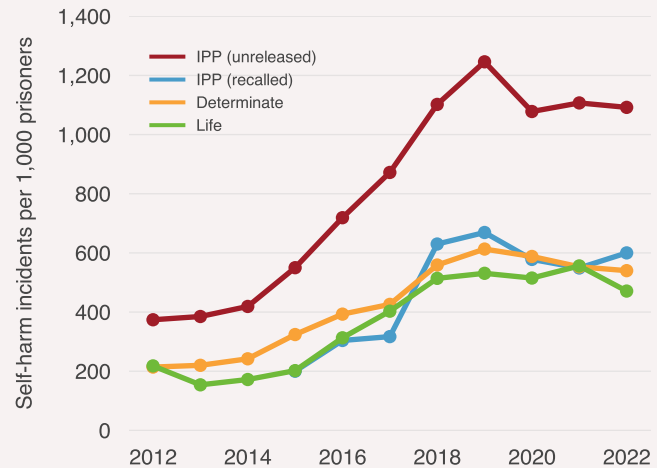
Nearly all are stuck in prison beyond their tariff



Source:  
Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

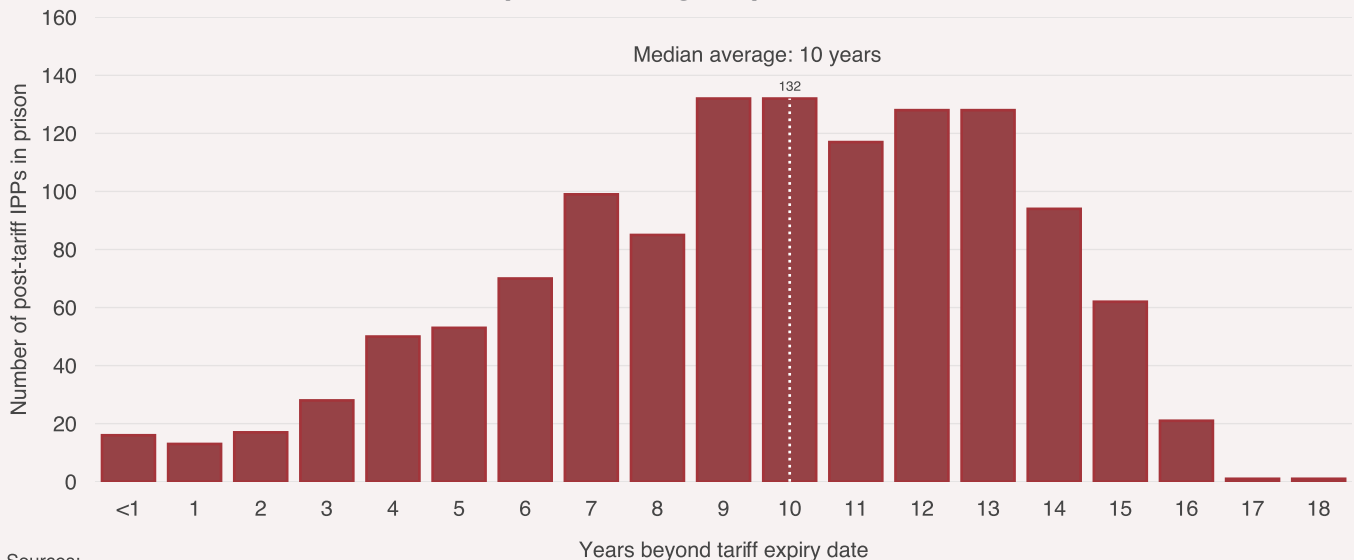
### Risk of harm?

Unreleased IPP prisoners have higher rates of self-harm



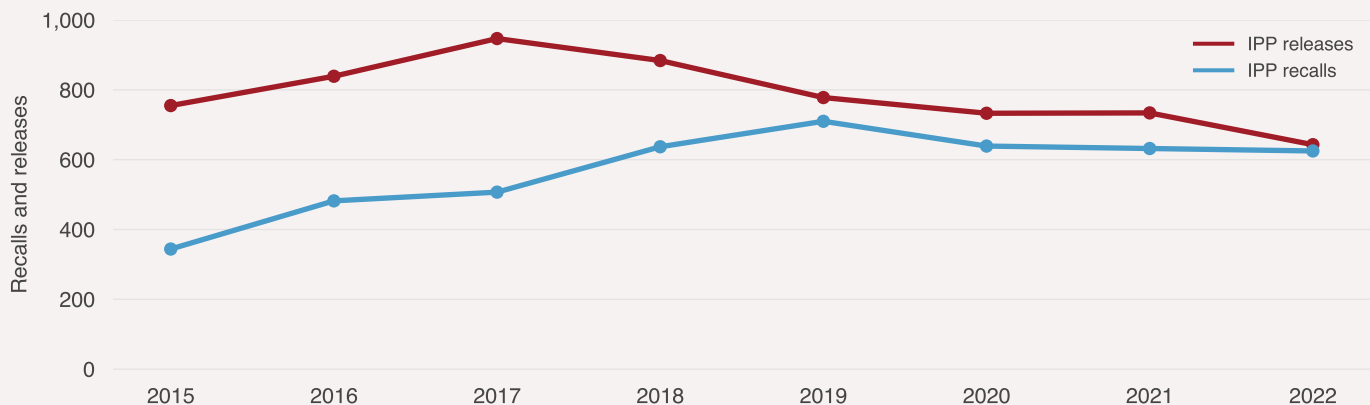
Sources:  
Table 2.6, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.  
Table A1.1, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

### The number of years unreleased people on IPP have served on top of their original prison term



Sources:  
Table 1.9b, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.  
House of Lords written question HL423, 4 December 2023.

### Revolving doors? People serving IPP are now released and recalled at similar rates



Source: Tables A3.1, 5.2 and 5.11, Ministry of Justice (2023) Offender management statistics quarterly. And previous editions.

## Life sentences

People serving a life sentence 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.

**7,257 people are currently serving a life sentence who have never been released.** One in seven (14%) have a tariff of 10 years or less, almost half (48%) have a tariff of between 10 and 20 years, and over a third (36%) over 20 years. There are an additional 871 people who have been recalled to prison after they were released.<sup>69</sup>

**England and Wales holds almost half of all life sentenced prisoners (43%) across the 53 Council of Europe jurisdictions, excluding Türkiye.** An outlier, Türkiye holds 10,236 lifers, with England and Wales holding a further 6,693. The other 51 European jurisdictions hold 9,002 lifers between them.<sup>70</sup>

**Over a fifth (22%) of people currently in prison on a life sentence have already served their minimum term.**<sup>71</sup> In 2021, post-tariff lifers had spent an average of nine years and two months extra in prison.<sup>72</sup>

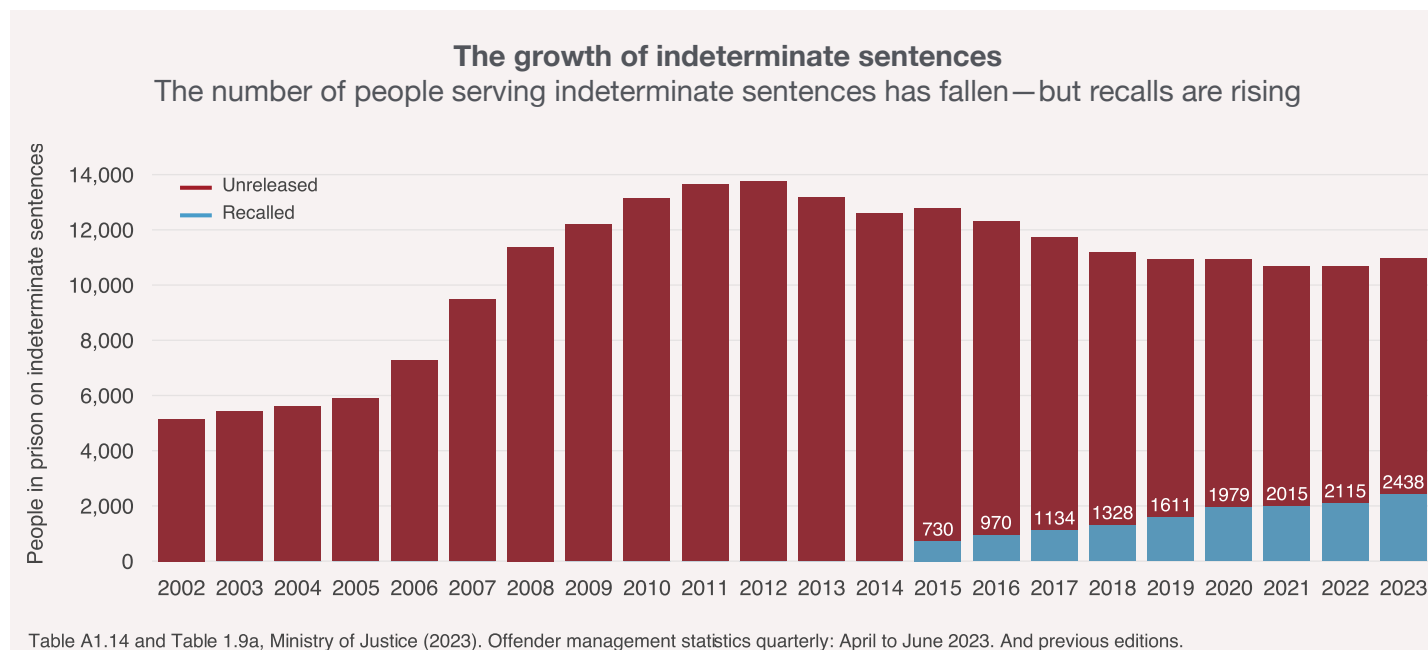
**People serving mandatory life sentences are spending more of their sentence in prison.** On average they spend 18 years in custody, up from 14 years in 2002.<sup>73</sup>

**Judges are also imposing longer tariff periods. The average length of the minimum term imposed for murder rose from 13 years in 2000 to 21 years in 2021.**<sup>74</sup>

**People are facing long life tariffs at a younger—and older—age.** Between 2002 and 2021, the average life tariff for children rose from seven to 15 years. For people aged 70 and over it rose from eight to 14 years.<sup>75</sup>

**There are currently 67 people serving a whole life sentence—they are unlikely to ever be released.**<sup>76</sup>

**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 and 6% sentenced to another life sentence were reconvicted of any criminal offence within a year of release, compared to 38% of the overall prison population.<sup>77</sup>



<sup>69</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>70</sup> Table 10, Aebi, M., et al. (2022). Prison populations. SPACE I – 2022. Council of Europe.

<sup>71</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>72</sup> House of Lords written question HL3923, 24 November 2021.

<sup>73</sup> Table A3.3, Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022.

<sup>74</sup> House of Lords written question HL7261, 6 April 2022.

<sup>75</sup> House of Lords written question HL1736, 27 July 2022.

<sup>76</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>77</sup> Table C2a, Ministry of Justice (2023). Proven reoffending statistics: January to March 2021.

## People on remand

For many people, their first experience of prison is on remand. People on remand account for more than one in six of the prison population (18%)—nearly 16,200 people. The majority are awaiting trial (65%), whilst the rest are awaiting sentencing.<sup>78</sup> People in prison on remand receive no financial help from the prison service at the point of release. Those acquitted receive no compensation.<sup>79</sup>

The remand population is currently at its highest level in at least 50 years. In 2023 the Justice Committee raised serious concerns about the number of people being remanded in custody, and people being held on remand for longer because of court capacity constraints. In September 2022, nearly 4,600 people (32% of the remand population) had been held in prison beyond the six-month custody time limit. One in 20 (5%) had been there for longer than two years—770 people.<sup>80</sup> The committee urged the use of alternatives, such as conditional bail and electronic tagging, and for greater community support to avoid the use of remand for repeat non-violent offending.<sup>81</sup>

In 2023, a review of children on remand by the criminal justice inspectorates highlighted the vulnerabilities of this group, including experiences of neglect, abuse, trauma and exploitation. They found that in many cases remand could be avoided if suitable accommodation was available in the community.<sup>82</sup> The Police, Crime, Sentencing and Courts Act 2022 introduced a statutory duty to consider child welfare when making remand decisions; and strengthened the requirements that must be met to remand a child to custody.<sup>83</sup> The Ministry of Justice has acknowledged the high proportion of children on remand, and the racial disparity in the youth remand population. They committed to strengthening frontline practice, and exploring non-custodial accommodation options.<sup>84</sup>

**People remanded to custody to await trial are innocent until proven guilty. There were 33,971 receptions into prison before trial in the year to June 2023.**<sup>85</sup>

**Half of people (50%) entering prison on remand awaiting trial are accused of non-violent offences—including 18% accused of drug offences and 10% accused of theft offences.**<sup>86</sup>

**People may also be remanded to custody after they have been found guilty, but are yet to be sentenced. 20,309 people were remanded into prison awaiting sentence in the year to June 2023.**<sup>87</sup>

**In 2022, 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, 14% and 16% respectively were acquitted and given a non-custodial sentence.<sup>88</sup>

**Over a third (35%) of self-inflicted deaths in 2022 were by people held on remand, as well as nearly a fifth (16%) of self-harm incidents.**<sup>89</sup>

**On average 207 children were held in prison on remand in the year to March 2022.** They currently account for almost half of children in prison (45%)—the highest proportion of any year in the last decade.<sup>90</sup>

**However, the number of children held in prison on remand has fallen in the last decade, declining by 57%.**<sup>91</sup>

**On average, nearly three in five children on remand (58%) are from an ethnic minority group.**<sup>92</sup>

**More than one in three children (35%) remanded into custody in the year to March 2022 were subsequently acquitted—and over a third (38%) were given a non-custodial sentence.**<sup>93</sup>

<sup>78</sup> Table 1.1, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>79</sup> House of Commons Justice Committee (2023). The role of adult custodial remand in the criminal justice system. HC 264. House of Commons.

<sup>80</sup> House of Lords written question HL3408. 25 November 2022.

<sup>81</sup> House of Commons Justice Committee (2023). The role of adult custodial remand in the criminal justice system. HC 264. House of Commons.

<sup>82</sup> Criminal justice joint inspection (2023). A joint thematic inspection of work with children subject to remand in youth detention. HM Inspectorate of Probation.

<sup>83</sup> Police, Crime, Sentencing and Courts Act 2022, s157.

<sup>84</sup> Ministry of Justice (2022). Review of custodial remand for children.

<sup>85</sup> Table 2.4b, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>86</sup> Table 2.4b, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>87</sup> Table 2.4b, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>88</sup> Table Q4.4, Ministry of Justice (2023). Criminal justice statistics quarterly: December 2022.

<sup>89</sup> Tables 1.6 and 2.6, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>90</sup> Table 6.3, Ministry of Justice (2023). Youth justice statistics: 2021 to 2022.

<sup>91</sup> Table 6.3, Ministry of Justice (2023). Youth justice statistics: 2021 to 2022.

<sup>92</sup> Table 6.3, Ministry of Justice (2023). Youth justice statistics: 2021 to 2022.

<sup>93</sup> Table 6.6, Ministry of Justice (2023). Youth justice statistics: 2021 to 2022.





# **THE STATE OF OUR PRISONS**

## Safety in prisons

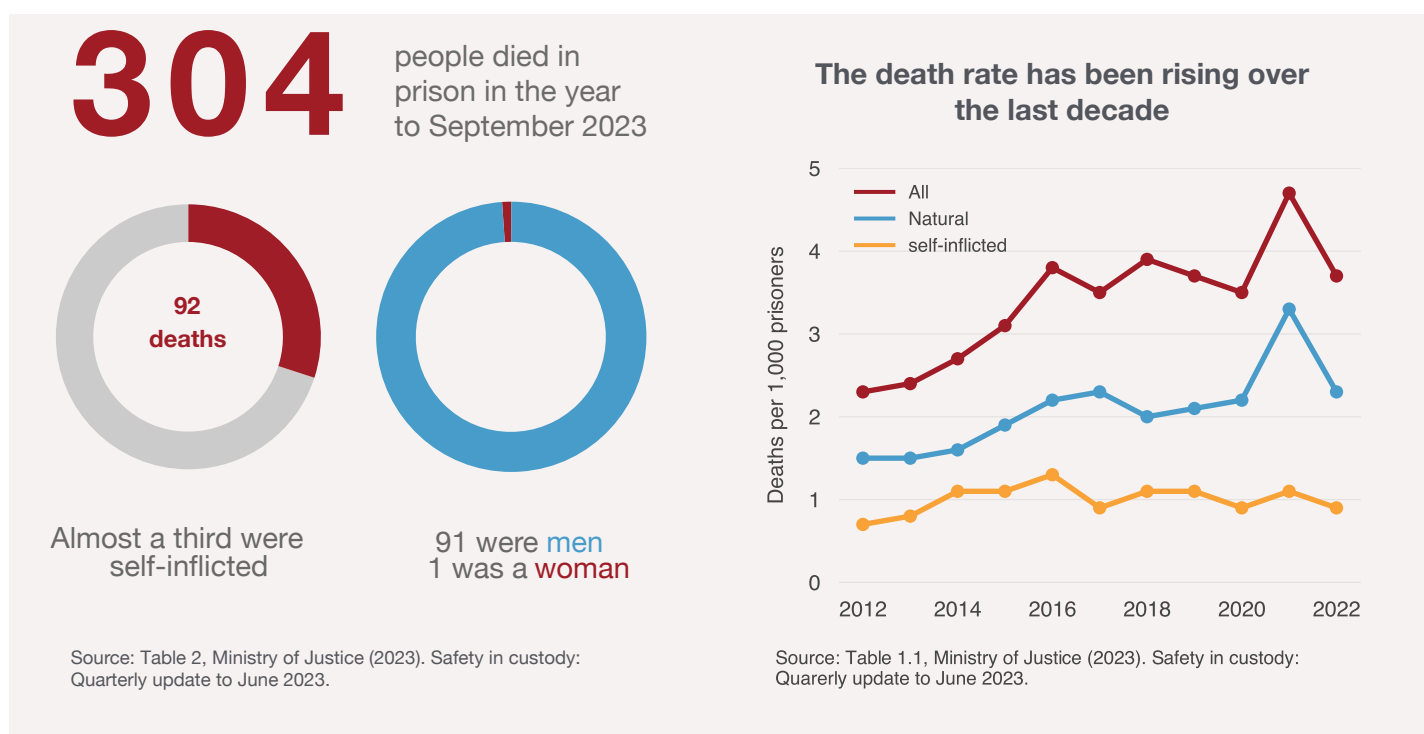
Overall, safety in prisons has deteriorated rapidly during the last decade.<sup>94</sup>

Inspectors found that safety was not good enough in over half of men's prisons (51%), one of three women's prisons, and half of youth custody establishments that they visited during 2022–23.<sup>95,96</sup> Almost half of people in men's prisons (45%) and nearly three in five people in women's prisons (57%)<sup>97</sup> said that they had felt unsafe at some point whilst in prison.

### Deaths in prison

**178 people died of natural causes in the year to September 2023.** This is down from the peak of nearly 300 deaths in the year to September 2021, but still 44% higher than a decade ago.<sup>98</sup>

**Self-inflicted deaths are nearly four times more likely in men in prison than men in the general population.**<sup>99</sup>



**In the last five years more than one in five (21%) self-inflicted deaths occurred in the first 30 days of arrival in prison—almost half (49%) of these deaths were in the first week.**<sup>100</sup>

**Many prisons are failing to learn lessons from self-inflicted deaths.** Last year, inspectors found that over half of inspected adult male prisons had weaknesses in suicide prevention measures.<sup>101</sup>

**2022 saw the highest ever number of self-inflicted deaths of people serving an IPP sentence.**<sup>102</sup> The Prison and Probation Ombudsman has recommended that IPP sentences are treated as a risk factor for suicide and self-harm, due to the anxiety and hopelessness they cause.<sup>103</sup>

**In the last two years, the Prison and Probation Ombudsman has raised concerns about weaknesses in adult safeguarding procedures.** It has called for better multi-disciplinary working and a national self-neglect strategy.<sup>104</sup>

**There was one homicide in prison in 2022.** There have been 11 in total in the last five years.<sup>105</sup>

<sup>94</sup> Table 1.1, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>95</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>96</sup> HM Inspectorate of Prisons, Ofsted and Care Quality Commission (2022). Oakhill secure training centre annual inspection.

<sup>97</sup> Table 1. Women's and men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23.

<sup>98</sup> Table 2, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>99</sup> Office for National Statistics (2023). Drug-related deaths and suicide in prison custody in England and Wales: 2008 to 2019.

<sup>100</sup> Table 1.3, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>101</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>102</sup> Table 1.6, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>103</sup> Prisons and Probation Ombudsman (2023). Self-inflicted deaths of IPP prisoners.

<sup>104</sup> Prisons and Probation Ombudsman (2023). Annual report 2022–23. CP 928.

<sup>105</sup> Table 1.1, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

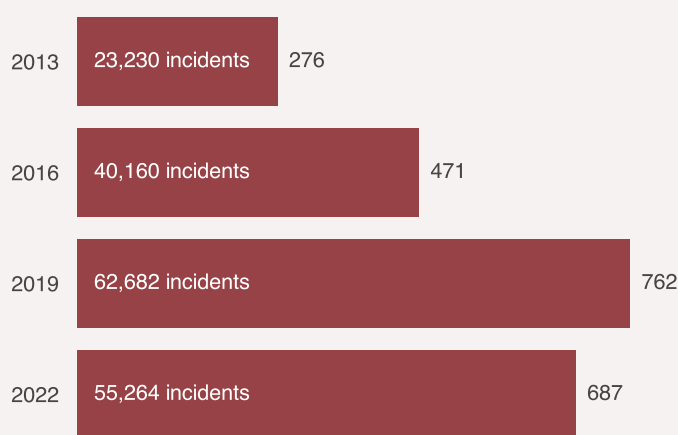
## Self-harm in prison

Self-harm by women in prison hit a record high of 20,248 incidents last year. The number had already increased by two-thirds (66%) between June 2012 and 2022. Between June 2022 and 2023 alone, it increased by another two-thirds (65%). Ten years ago, the number of self-harm incidents per 1,000 women in prison was 1,566. In the year to June 2023, it had risen sharply to 6,213 incidents.<sup>106</sup>

Self-harm incidents by men also increased by 8% last year to 44,100 incidents, having declined during the Covid-19 pandemic. The rate of self-harm per 1,000 men in prison is over two and a half times greater than 10 years ago.<sup>107</sup>

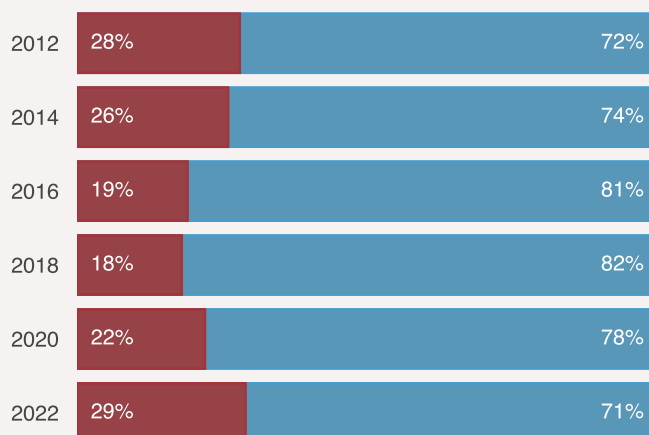
Women account for a disproportionate number of self-harm incidents in prison—despite making up only 4% of the total prison population.<sup>108</sup> But in recent years there has been a significant rise in self-harm incidents by men

Rates of self-harm remain at historic highs



Self-harm incidents per 1,000 prisoners

Women account for a disproportionate number of self-harm incidents



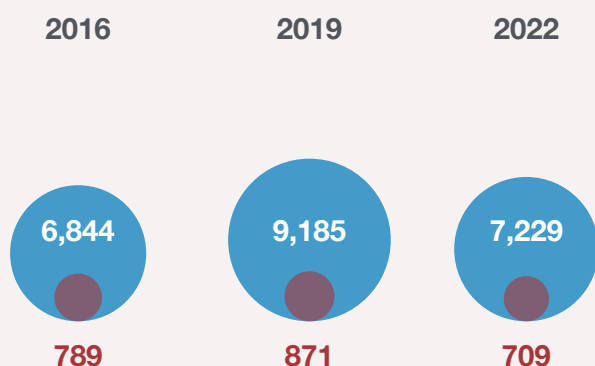
Proportion of all self-harm incidents

Source: Table 2.1, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

Source: Table 2.1, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

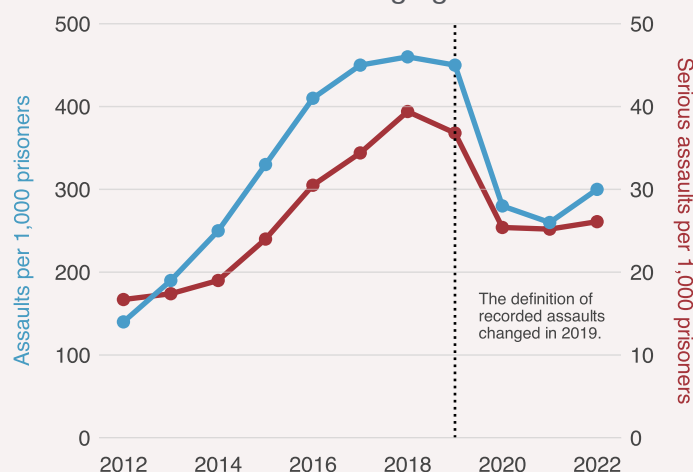
## Assaults in prison

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



Serious assaults on staff have declined at a similar rate.

Assaults and serious assaults declined during the pandemic—but are rising again



Source: Table 3.1, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>106</sup> Table 3. Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023 and previous editions.

<sup>107</sup> Table 3. Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>108</sup> Table 1.1. Ministry of Justice (2023). Offender management statistics quarterly: July to September 2023.

**Recorded assaults by men in prison fell during the pandemic. Incidents rose 14% last year, but have not returned to pre-pandemic levels.** Assaults by women also fell by 22% and have now returned to similar levels seen prior to the pandemic.<sup>109</sup>

**The assault rate per 1,000 men in prison is two thirds higher than a decade ago—at 277 assaults per 1,000 prisoners.** In women the rate is 469 incidents per 1,000—over three and a half times higher than ten years ago.<sup>110</sup>

**Fairly applied rules play an important role in reducing assaults.** Research has found that the consistent application of understandable rules that appear legitimate to people in prison are often associated with lower rates of assaults.<sup>111</sup>

## Use of force

**Inspectors found that use of force had reduced in two-thirds of the prisons they inspected last year, but noted ‘poor use’ of body worn video cameras (BWVC) at 12 prisons.**<sup>112</sup> A Ministry of Justice evaluation found that there was no statistically significant decline in assault rates in prisons where cameras were deployed compared to those where they weren’t. BWVCs have now been rolled out nationally.<sup>113</sup>

**PAVA — an incapacitant similar to pepper spray which causes severe pain to the eyes — was first rolled out in adult male prisons in 2019. HMPPS acknowledged before the rollout that disproportionate use of PAVA against BAME prisoners was likely.**<sup>114</sup> It says it is currently examining the case for rolling out PAVA spray in Young Offender Institutions.<sup>115</sup>

**41% of all PAVA deployments have been against Black/Black British prisoners,<sup>116</sup> who make up just 13% of the adult male prison population.**<sup>117</sup>

**Nearly a third of PAVA deployments between 2019 and 2023 were against Muslim prisoners (32%), who make up around 17% of the adult male prison population.**<sup>118</sup>

**The government originally committed to publishing data on the use of force in 2020, yet no data has been published to date.**<sup>119</sup>

<sup>109</sup> Table 4, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>110</sup> Table 4, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.

<sup>111</sup> McGuire, J. (2018). Understanding prison violence: A rapid evidence assessment. HM Prison and Probation Service.

<sup>112</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>113</sup> Pope, L., et al. (2020). Body worn video camera (BWVC) pilot evaluation. Ministry of Justice.

<sup>114</sup> Prison Reform Trust (2023). Equality incapacitated: The disproportionate impact of PAVA spray on Black, Muslim and disabled prisoners.

<sup>115</sup> House of Lords written question HL10134, 26 September 2023.

<sup>116</sup> House of Lords written question HL10655, 26 October 2023.

<sup>117</sup> Prison Reform Trust (2023). Equality incapacitated: The disproportionate impact of PAVA spray on Black, Muslim and disabled prisoners.

<sup>118</sup> House of Lords written question HL10655, 26 October 2023.

<sup>119</sup> Frazer, L. (2020, 30 June). Letter from Minister of State for Justice Lucy Frazer QC MP to Prison Reform Trust.

## Treatment and conditions

In 2022–23, HM Prisons and Probation Service (HMPPS) judged more than one in three prisons (37%) to have concerning or seriously concerning performance. Those mostly likely to be of concern were women's prisons and reception prisons.<sup>120</sup>

Before the pandemic HMPPS prison ratings had been improving, in part due to a rise in security scores. However, deaths and self-harm remain at historically high levels.<sup>121</sup>

Inspectors' ratings for 2022–23 showed an improvement in safety, respect and rehabilitation, but ratings for purposeful activity have fallen to an historic low point. Purposeful activity includes education, work and other opportunities that aid rehabilitation.<sup>122</sup>

More than a quarter of prisons (29%) visited by inspectors in 2022–23 were assessed “not sufficiently good” or “poor” on respectful treatment—fewer than last year (41%). But in many prisons, positive staff-prisoner relationships were being severely impeded by restricted time out-of-cell<sup>123</sup>

Inspectors repeatedly raised concerns about holding two prisoners in cells designed for one person. They were cramped, lacked privacy and often had insufficient furniture. Toilets were often dirty, inadequately screened and lacked a seat or lid. But inspectors praised prisons that had invested in improving living conditions.<sup>124</sup>

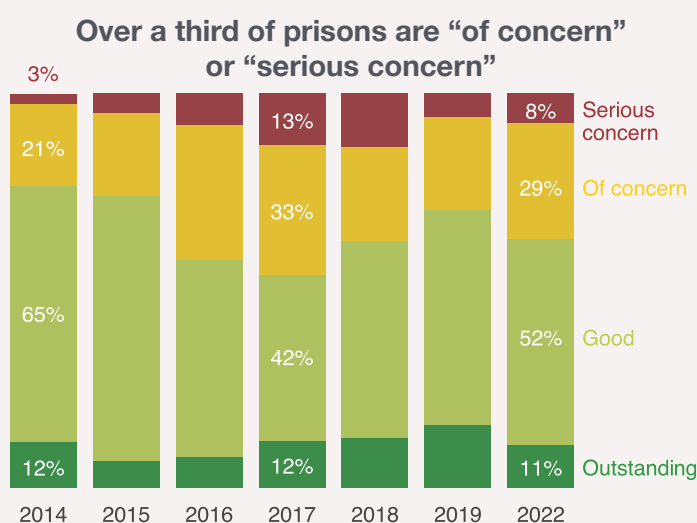
Recovery from the pandemic continues to be insufficient. Over a third of women (36%) and two in five men (42%) spent at least 22 hours a day in their cells—rising to two-thirds of women (66%) and three in five men (60%) during the weekend.<sup>125</sup>

### Segregation

Inspectors found that conditions in segregation units remained too limited. For most people their day consisted of 30 minutes of exercise, a shower and a telephone call. Inspectors were especially concerned about the number of people held in segregation while experiencing a mental health crisis, and weak oversight of long-term segregation of women.<sup>126</sup>

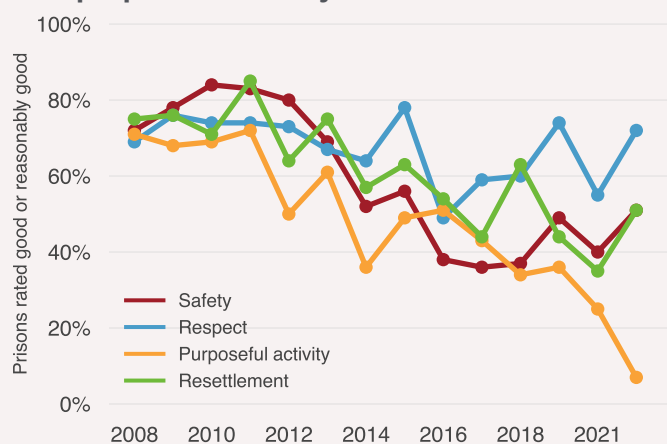
Research on segregation has established that it is harmful to health and wellbeing. Over half of segregated prisoners interviewed said they had problems with three or more of: anger, anxiety, insomnia, depression, difficulty concentrating, and self-harm.<sup>127</sup>

### Prison standards—in long-term decline?



Source: Ministry of Justice, Annual prison performance ratings 2022–23 & previous editions.  
Note that ratings were suspended in 2020–21 and reduced in 2021–22.

### Standards are slowly starting to recover—but purposeful activity has hit a historic low



Source: HM Chief Inspector of Prisons, Annual report 2022–23 and previous editions.

<sup>120</sup> Figures 2 & 4, Ministry of Justice (2023). Prison performance ratings 2022 to 2023. Ministry of Justice.

<sup>121</sup> Tables 2–4, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023. Ministry of Justice.

<sup>122</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>123</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office. And previous edition.

<sup>124</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>125</sup> Women's & men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>126</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>127</sup> Shalev, S. & Edgar, K. (2015). Deep custody: Segregation units and close supervision centres in England and Wales. Prison Reform Trust.

## Overcrowding and changes to the prison estate

### Prison capacity

**In five of the 12 months in 2023, the prison estate had fewer than 1,000 places left in operational capacity. For 10 months of the year there were fewer than 1,500 places left.**<sup>128</sup> Operational capacity is different to certified normal accommodation (the decent, uncrowded standard of accommodation)—it is the absolute maximum number of people prisons can hold without seriously compromising order and security.

**Police custody cells were used to temporarily hold adult male prisoners on 1,685 occasions last year, due to lack of space in prisons.**<sup>129</sup> **It cost nearly £50 million.**<sup>130</sup> On 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.<sup>131</sup> It was operational between February and November of 2023,<sup>132</sup> and was last used 15 years ago.<sup>133</sup>

**The government has pursued a range of measures in recent months to free up additional capacity within the existing prison estate.**

**1,700 places are now in use after a decision to delay cell maintenance.**<sup>134</sup>

**700 temporary places have been provided through modular units.**<sup>135</sup>

**800 places have been “created” by changing single cells to double occupancy.**<sup>136</sup> Prison inspectors have repeatedly warned against the impact of cramped cells on hygiene, dignity and safety.

**680 places have been retained following the cancellation of the closure of HMP Dartmoor.**<sup>137,138</sup> The prison service has agreed a 25 year lease with the Duchy of Cornwall, lasting until the end of 2048. HMP Dartmoor is one of the longest running prisons in the country, originally opened in 1809 to hold French and American prisoners of war from the Napoleonic and American wars. It had been scheduled to close in 2023.<sup>139</sup>

**100 places are expected to become available from additional deportations of foreign national prisoners.**<sup>140</sup> The government has extended the length of time that a person can be removed under the Early Removal Scheme from 12 to 18 months before the end of their sentence.<sup>141</sup>

**The government is paying £12.4 million to upgrade the Albanian prison system and deport 200 Albanian prisoners.** A transfer agreement for Albanian nationals was first agreed in 2021 and this new deal—agreed in May 2023—provides investment in Albanian prison infrastructure and modernisation.<sup>142</sup>

**The government wants to rent foreign prison space and hold prisoners overseas.**<sup>143</sup> Belgium, Norway and Denmark have all pursued such a policy in the past decade, reaching agreements to house prisoners in the Netherlands and Kosovo. All agreements have encountered problems and were ultimately discontinued (Belgium and Norway)<sup>144</sup> or are dormant (Denmark).<sup>145</sup> In Belgium, the overcrowding rate rose to 24% despite the agreement.<sup>146</sup> There is currently no detail on maintaining legal standards, rights and protections; monitoring arrangements; or resettlement processes.

<sup>128</sup> Ministry of Justice (2024). Prison population figures: 2023. Population bulletin: Monthly December 2023 and previous editions.

<sup>129</sup> House of Commons written question 5060, 7 December 2023.

<sup>130</sup> House of Commons written question, 3849, 30 November 2023.

<sup>131</sup> Hansard HC Deb. vol.723 cols. 914–921, 30 November 2022.

<sup>132</sup> House of Commons written question 2339, 22 November 2023.

<sup>133</sup> House of Commons written question 150584, 22 February 2023.

<sup>134</sup> House of Commons written question 1368, 20 November 2023.

<sup>135</sup> Ministry of Justice. (2023). Written evidence to the Justice Committee inquiry 'Future prison population and estate capacity'.

<sup>136</sup> Ministry of Justice (2023, 24 June). Further rollout of Rapid Deployment Cells to boost prison places.

<sup>137</sup> House of Commons written question 194333, 17 July 2023.

<sup>138</sup> BBC News (2021, 22 December). Dartmoor prison to stay open 'beyond 2023'.

<sup>139</sup> HM Inspectorate of Prisons. (2023). Report on an unannounced inspection of HMP Dartmoor.

<sup>140</sup> Hansard HC Deb. vol 738, col 59, 16 October 2023.

<sup>141</sup> The Criminal Justice Act 2003 (Removal of Prisoners for Deportation) Order 2023, s2.

<sup>142</sup> Ministry of Justice (2023, 24 May). UK and Albania agree groundbreaking new arrangement on prison transfers.

<sup>143</sup> House of Commons written question 1367, 20 November 2023.

<sup>144</sup> Prison Reform Trust (2023, 10 October). Renting foreign prison places—the unanswered question.

<sup>145</sup> Szumski, C. (2023, 10 June). Danish government fails to fund Kosovo prison over EU law row.

<sup>146</sup> Beyens, K. & Boone, M. (2015). Mixing detention cultures: The Belgian-Dutch case. In D. Drake, R. Earle & J. Sloan (Eds). The palgrave handbook of prison ethnography. Palgrave Macmillan.



**Fewer people would be in prison if proposed legislation passes to give out more suspended sentences instead of short prison sentences, and extend the use of Home Detention Curfew (HDC).**<sup>147</sup> Suspended sentences have lower reoffending rates than custodial sentences of less than 12 months.<sup>148</sup> HDC has long been recognised as a prudent measure for reducing the number of people held in prisons and enhancing resettlement opportunities, with a success rate of 86% in the 12 months to March 2023.<sup>149</sup>

## Overcrowding

**The prison system as a whole has been overcrowded in every year since 1994.**<sup>150,151</sup> Around three in every five prisons (61%) in England and Wales are overcrowded (75 of 122 prisons).<sup>152</sup>

**Over 18,700 people are held in overcrowded accommodation**<sup>153</sup>—more than a fifth of the prison population (23%).<sup>154</sup>

**The current level of overcrowding has remained broadly unchanged for the last 20 years.**<sup>155</sup> Court closures during the pandemic and a consequently reduced prison population meant that the level of overcrowding reduced slightly in 2021 and 2022. However, it increased by two percentage points last year.<sup>156</sup>

**Overcrowding remains a particularly significant issue in local and category C training prisons, where most people are held.**<sup>157</sup>

**The government projects that the prison population will rise by nearly 18,000, to reach 105,600 people in the next three years—placing further pressure on places.**<sup>158</sup>

**In 2023, the chief inspector issued a stark warning about the consequences of increased overcrowding in prisons, including negative impact on purposeful activity, “deprivation, squalor and risk of further violence.”**<sup>159</sup>

## The six new prisons

**HMP Fosse Way opened in May 2023, and construction of HMP Millsike is underway.** Fosse Way joins HMP Five Wells, which opened in 2022. All three prisons are, or will be, Category C resettlement prisons holding nearly 5,000 adult men between them<sup>160,161</sup> who are either serving short sentences or are within the last two years of a longer sentence.<sup>162</sup>

**Fosse Way and Five Wells are among the largest prisons in England and Wales, along with HMP Berwyn which opened in 2017.** They can hold around 1,700 prisoners in certified normal accommodation (Berwyn can hold 2,000).<sup>163</sup> A 2016 study found that prisons holding under 400 prisoners were seven times more likely to receive a ‘good’ rating on safety from prison inspectors compared to larger prisons. They were also five times more likely to receive ‘good’ ratings in respect and purposeful activity.<sup>164</sup>

**The other three new prisons originally had planning permission rejected.** Intended to be built next to HMPs Gartree, Grendon and Garth respectively, the Ministry of Justice appealed the decisions. Outline permission has been granted for the site next to Gartree<sup>165</sup>, and the Planning Inspectorate approved the construction of a prison next to HMP Grendon in January 2024.<sup>166</sup> A decision is yet to be made for Garth.

The government recently announced an additional £30 million to acquire more land for prison building.<sup>167</sup>

<sup>147</sup> House of Commons written question 1368, 20 November 2023.

<sup>148</sup> Hillier, J. & Mews, A. (2018). Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending? Ministry of Justice.

<sup>149</sup> Table A3.6, Ministry of Justice (2023). Offender Management Statistics Quarterly: October-December 2022. Releases 2022.

<sup>150</sup> Home Office (1999). Digest 4: Information on the criminal justice system in England and Wales.

<sup>151</sup> Table 2.2, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>152</sup> Table 2.2, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>153</sup> Table 2.3, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>154</sup> Table 2.1, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>155</sup> Table 2.2, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>156</sup> Table 2.2, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>157</sup> Table 2.5, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>158</sup> Table 1.1, Ministry of Justice (2023). Prison population projections: 2022 to 2027 and Table 1.1, Ministry of Justice (2024). Offender management statistics quarterly: July to September 2023.

<sup>159</sup> HM Chief Inspector of Prisons (2023, 2 August). Why the prison population crisis is everyone's concern. HM Inspectorate of Prisons.

<sup>160</sup> House of Lords statement HLWS644, 4 March 2022.

<sup>161</sup> House of Commons written question 187210, 12 June 2023.

<sup>162</sup> HM Prison & Probation Service (2019). Model for operational delivery: New resettlement prisons. Version 1.8.

<sup>163</sup> Ministry of Justice (2023). Population bulletin: Monthly December 2023.

<sup>164</sup> Madoc-Jones, L., et al. (2016). Prison building ‘Does size matter?’. A re-assessment. Prison Service Journal, 227, 4-10.

<sup>165</sup> Edward Argar MP (2023, 21 November). Letter to Sir Bob Neill MP, Chair of House of Commons Justice Committee.

<sup>166</sup> Pope, B. A. (2024, January 31). Plan for third Grendon prison approved by Planning Inspectorate. BBC News.

<sup>167</sup> Hansard HC Deb. vol 738, col 59, 16 October 2023.



## 20,000 new prison places by the mid-2020s?

**The government has committed to 20,000 new prison places by the mid-2020s to meet rising demand, at a cost of £3.8 billion.**<sup>168</sup> Places are being created through a variety of methods, which do not always mean building new prison space. Piecing together which accommodation counts towards the government's target is complicated, and details frequently change.

**The government says 5,600 new places had been delivered by the end of 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.**<sup>169,170</sup> The exact breakdown of where the 5,600 new places have been created is also not clear. In November 2023, the government promised to begin laying an annual statement before Parliament on prison capacity and meeting future demand.<sup>171</sup>

**3,400 places are in the two new prisons — HMP Five Wells and HMP Fosse Way.**<sup>172</sup>

**800 places are from refurbishment of existing cells at three prisons—HMPs Birmingham, Liverpool and Norwich,** however it is unclear how many of these have been delivered to date.<sup>173</sup>

**90 places have been gained through construction of a new workshop at HMP High Down.** It is not clear how this creates living space.<sup>174</sup>

**60 places have been created with the construction of a new houseblock at HMP Hatfield.** However, a second 60 place block which was planned at the site has stalled and its future is currently uncertain.<sup>175</sup>

**Despite re-rolling from an Immigration Removal Centre to a prison at the end of 2021,**<sup>176</sup> **the government has only recently begun including the 350 places at HMP Morton Hall as part of the 20,000 promised new places.**<sup>177</sup> Morton Hall held an average of 255 prisoners across 2022 and 2023.<sup>178</sup>

**380 Rapid Deployment Cells have been created across six prisons.** These are modular portable units with a lifespan of 15 years.<sup>179</sup>

## Places not yet delivered

**A further 1,500 places will be added when HMP Millsike opens.**<sup>180</sup>

**5,000 places are planned at the three additional prisons yet to be built.**<sup>181</sup>

**A total of 1,800 Rapid Deployment Cells are expected to be built.** 1,000 are currently awaiting delivery,<sup>182</sup> whilst an additional 800 cells<sup>183</sup> are expected following an announcement of an extra £400m of funding in October 2023.<sup>184</sup>

**Details of the government's other plans to provide additional capacity are much more complicated to calculate, and have changed in the various announcements, lists or proposals over the last three years.**

**Nearly 3,600 places have been announced through the construction of extra houseblocks at 14 prisons.**<sup>185,186,187,188</sup>

<sup>168</sup> Frazer, L. (2021). Autumn budget and spending review 2021. HC 822. House of Commons.

<sup>169</sup> House of Commons written question 187206, 7 June 2023

<sup>170</sup> Inside Time (2023, 19 June). We'll run out of cells, admits MoJ in withdrawn memo.

<sup>171</sup> House of Commons written question 1368, 20 November 2023.

<sup>172</sup> House of Commons written question 194333, 20 July 2023.

<sup>173</sup> House of Lords written question HL7442, 11 May 2023.

<sup>174</sup> House of Commons written question 3195, 29 November 2023.

<sup>175</sup> Nuttall, N. (2024, 2 February). Letter to Sir Bob Neill MP, Chair of House of Commons Justice Committee.

<sup>176</sup> Table 1.8, Ministry of Justice (2022). Offender management statistics quarterly: July to September 2021.

<sup>177</sup> House of Commons written question 3195 29 November 2023.

<sup>178</sup> Table A1.13, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

<sup>179</sup> Ministry of Justice. (2023). Written evidence to the Justice Committee inquiry 'Future prison population and estate capacity'.

<sup>180</sup> House of Commons written question 187210, 12 June 2023.

<sup>181</sup> House of Commons written question 187210, 12 June 2023.

<sup>182</sup> Ministry of Justice. (2023). Written evidence to the Justice Committee inquiry 'Future prison population and estate capacity'.

<sup>183</sup> House of Commons written question 1368, 20 November 2023.

<sup>184</sup> Hansard HC Deb. vol 738, col 59, 16 October 2023.

<sup>185</sup> Ministry of Justice (2020, 12 October). Expansion at four jails announced.

<sup>186</sup> Ministry of Justice (2022, 20 June). £500 million boost to create thousands of new prison places.

<sup>187</sup> Ministry of Justice (2021, 23 January). Extra funding for organisations that steer women away from crime.

<sup>188</sup> House of Commons written question 187209, 7 June 2023.

**Construction of new houseblocks is currently underway at three male prisons.** Two new 60-bed houseblocks at HMP Sudbury are expected to be completed in summer 2024, and work continues at HMPs Stocken and Rye Hill.<sup>189, 190</sup>

**A further 780 places are expected to be delivered at HMPs Ford (420 places), Leyhill (120 places) and Standford Hill (240 places).**<sup>191</sup>

**Planning permission has been granted at HMP Erlestoke for three, two-storey modular houseblocks<sup>192</sup> and for HMP Springhill to demolish a houseblock and replace it with Rapid Deployment Cells.**<sup>193</sup>

**HM Prison and Probation Service (HMPPS) has acknowledged challenges in the construction of 360 planned places.** Construction at HMPs Leyhill (120 places), Springhill (120 places), Hatfield (60 places) and another block at HMP Springhill (60 places) are all currently uncertain.<sup>194</sup>

### Prison refurbishment and maintenance

**Nearly 10,700 prison places were closed between 2010 and 2022<sup>195</sup>—many of them old and/or dilapidated.**<sup>196</sup> Nearly 11,000 places were created during the same period—a net increase of just 300 prison places.<sup>197</sup>

**The government committed to refurbishing seven prisons in 2022 and 2023,<sup>198,199</sup> but has also delayed cell maintenance as a way of “freeing up” prison places.**<sup>200</sup> Four refurbishments have been completed, as well as small-scale refurbishment projects at three additional prisons.<sup>201</sup> Refurbishments in Birmingham, Liverpool and Norwich were still underway in June 2023.<sup>202</sup> In 2020, HMPPS estimated that it needed to spend £194 million a year on public sector prison maintenance for the next 25 years.<sup>203</sup>

**The Ministry of Justice has not yet stated how many prisons need work to mitigate the risks of reinforced autoclaved aerated concrete (RAAC), but survey work is underway.**<sup>204</sup> RAAC is a building material that was often used in public buildings between the 1950s and 1990s. The Institute of Structural Engineers has warned that RAAC can deteriorate over time and may be at increased risk of collapse with little or no warning, particular after exposure to water.<sup>205</sup> The government has stated that potential mitigating actions for prison buildings will be to monitor them, prop them up or replace them,<sup>206</sup> but the cost and feasibility of these proposals is unclear.

<sup>189</sup> House of Commons written question 187210, 12 June 2023.

<sup>190</sup> Nuttall, N. (2024, 2 February). Letter to Sir Bob Neill MP, Chair of House of Commons Justice Committee.

<sup>191</sup> Nuttall, N. (2024, 2 February). Letter to Sir Bob Neill MP, Chair of House of Commons Justice Committee.

<sup>192</sup> Wiltshire Council (2023, n.d.). Application reference PL/2023/04109. Accessed 16 January 2024.

<sup>193</sup> Buckinghamshire Council (2023, n.d.). Planning application summary 23/01151/APP. Design and access statement. Accessed 16 January 2024.

<sup>194</sup> Nuttall, N. (2024, 2 February). Letter to Sir Bob Neill MP, Chair of House of Commons Justice Committee.

<sup>195</sup> House of Commons written question 182591, 2 May 2023.

<sup>196</sup> National Audit Office (2020). Improving the prison estate. HC 41. House of Commons.

<sup>197</sup> House of Commons written question 182591, 2 May 2023.

<sup>198</sup> Ministry of Justice (2022, 18 February). Thousands of new prison places to rehabilitate offenders and cut crime.

<sup>199</sup> House of Commons written question 102920, 12 December 2022.

<sup>200</sup> Hansard HC Deb. vol 738, col 59, 16 October 2023.

<sup>201</sup> Ministry of Justice (2023, 20 June 2022). £500 million boost to create thousands of new prison places.

<sup>202</sup> House of Commons written question 187210, 12 June 2023.

<sup>203</sup> National Audit Office (2020). Improving the prison estate. HC 41. House of Commons.

<sup>204</sup> House of Commons written question 3242, 28 November 2023.

<sup>205</sup> Institute of Structural Engineers (2023, 25 October). IStructE statement & FAQs: Reinforced Autoclaved Aerated Concrete (RAAC).

<sup>206</sup> House of Lords written question HL9763, 18 September 2023.

## Prison service resources and staffing

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its overall budget in recent years.

Between 2010–11 and 2014–15 HMPPS's resource budget was reduced by 20%.<sup>207,208,209</sup> Despite increases in recent years, including a 5% rise in 2023–24, its resource budget is still 8% lower in real terms than in 2010–11.<sup>210,211</sup>

The cost of a prison place decreased by 5% in real terms between 2010–11 and 2021–22. The average annual overall cost of a prison place in England and Wales is now £46,696.<sup>212,213,214</sup>

HMPPS underspent its capital budget by 7% (£98 million) in 2022–23. The Ministry of Justice has indicated that planning permission delays for new/expanded prisons and supplier pressures are having an impact.<sup>215</sup>

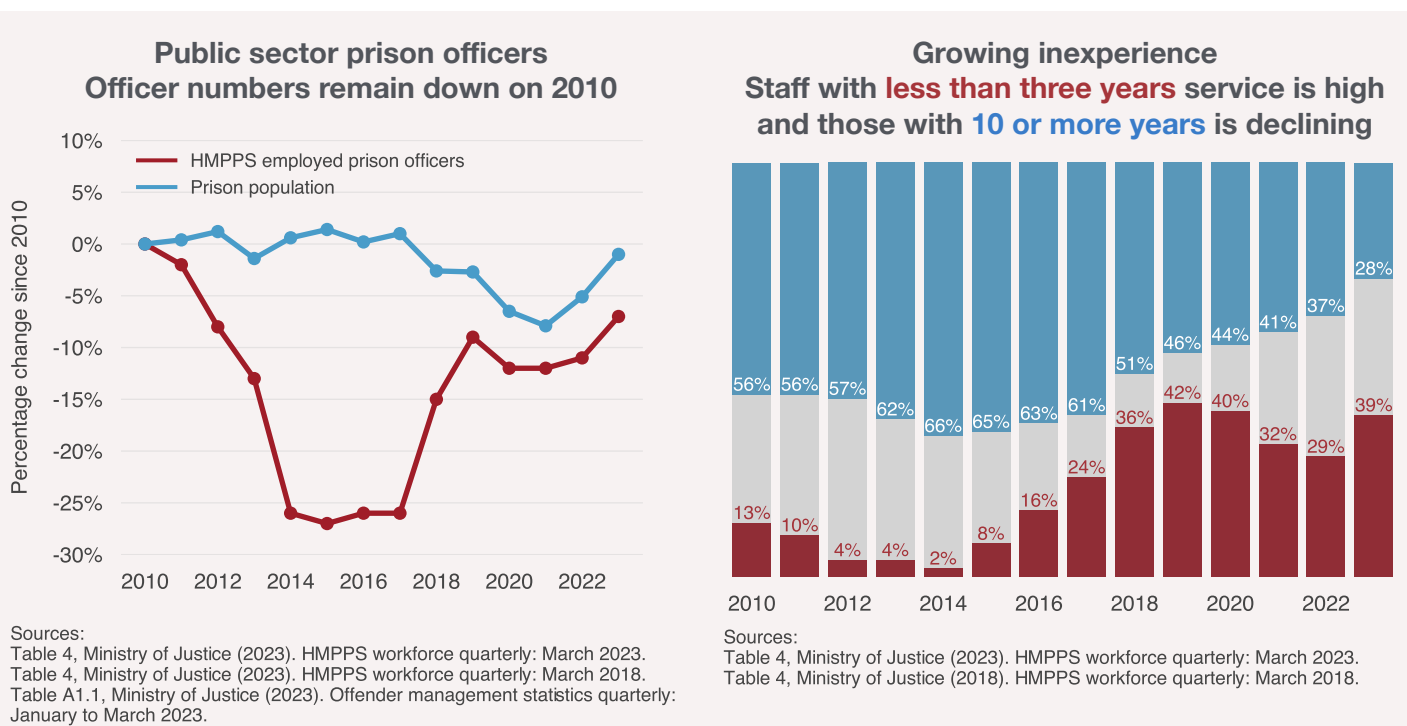
The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.<sup>216</sup>

The government announced £100m to partially reverse the decline<sup>217</sup>, committing to recruit a further 2,500 officers by the end of 2018.<sup>218</sup> This target was achieved. It has now committed to recruiting 5,000 officers by the mid 2020s.<sup>219</sup>

There are nearly 1,500 more officers than there were 12 months ago—29% of the staffing target—but there are still 7% fewer than in 2010.<sup>220</sup>

Retention remains a problem. In the year to September 2023, almost one in seven (13%) employed officers left the prison service.<sup>221</sup>

Almost half of officers (46%) who left the service in the last year had stayed in the role for less than three years. A quarter (25%) left after less than a year.<sup>222</sup>



<sup>207</sup> Ministry of Justice (2011). Ministry of Justice annual report and accounts 2010–11.

<sup>208</sup> Ministry of Justice (2015). Ministry of Justice annual report and accounts 2014–15.

<sup>209</sup> HM Treasury (2023). GDP deflators at market prices, and money GDP November 2023 (Autumn Statement).

<sup>210</sup> Ministry of Justice (2023). Ministry of Justice annual report and accounts 2022–23.

<sup>211</sup> HM Treasury (2023). GDP deflators at market prices, and money GDP November 2023 (Autumn Statement).

<sup>212</sup> Ministry of Justice (2011). Costs per place and costs per prisoner by individual prison. HM Prison & Probation Service Annual Report and Accounts 2010–11 Management Information Addendum.

<sup>213</sup> Ministry of Justice (2022). Costs per place and costs per prisoner by individual prison. HM Prison & Probation Service Annual Report and Accounts 2021–22 Management Information Addendum.

<sup>214</sup> HM Treasury (2022). GDP deflators at market prices, and money GDP November 2022 (Autumn Statement).

<sup>215</sup> Ministry of Justice (2023). Ministry of Justice annual report and accounts 2022–23.

<sup>216</sup> Table 3, Ministry of Justice (2018). HMPPS workforce quarterly: September 2018.

<sup>217</sup> Ministry of Justice (2017). Justice Secretary launches new prison and probation service to reform offenders.

<sup>218</sup> Ministry of Justice (2016). Prison safety and reform. Cm 9350. HM Stationery Office.

<sup>219</sup> Ministry of Justice (2021). Prisons strategy white paper. Cm 581. HM Stationery Office.

<sup>220</sup> Table 3, Ministry of Justice (2018). HMPPS workforce quarterly: September 2018.

<sup>221</sup> Ministry of Justice (2023). HMPPS workforce quarterly: September 2023.

<sup>222</sup> Table 13, Ministry of Justice (2023). HMPPS workforce quarterly: September 2023.

## Private prisons

There were 18,061 people held in private prisons on 29 December 2023—21% of the prison population.<sup>223</sup>

There are 15 private prisons in England and Wales. Fourteen cost a total of £608.3m in 2021–22. The fifteenth prison—HMP Fosse Way—opened this year.<sup>224</sup>

2022 was the first time that prisons have switched from one private provider to another. Of the three prisons whose contracts expired, only one was awarded to the previous provider (HMP/YOI Parc).<sup>225,226,227</sup>

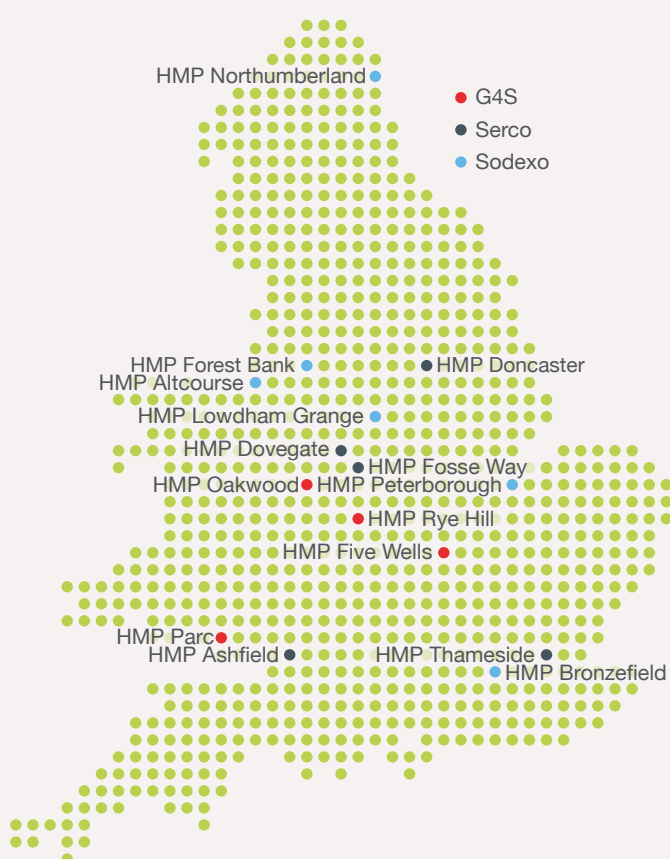
The Independent Monitoring Board for Lowdham Grange raised serious concerns about the period following its switch to a different provider, including three deaths in custody; reduced time out of cell; and a decline in safety.<sup>228</sup> Issues were so serious that HMPPS stepped in to temporarily manage the prison at the end of 2023.<sup>229</sup>

Five more contracts will expire at the end of 2026, including two for prisons offering specialist provision.<sup>230</sup>

Inspectors persistently rated the three privately run Secure Training Centres (STCs) for children aged 12–17 as ‘inadequate’ or ‘requires improvement’, and two are now closed.<sup>231</sup>

The Government has planned to build six new prisons, with five contracted to the private sector. Two are now open and privately operated—HMP Five Wells and HMP Fosse Way.<sup>232</sup> HMP Millsike is under construction<sup>233</sup> and will be run by a private provider.<sup>234</sup>

### Private prisons in England and Wales



Source: Beard, J. (2023). The prison estate in England and Wales. House of Commons.

### Private prison performance

Eight private prisons have improved or stayed the same since the pandemic, while six have declined

	2019–20	2022–23
Altcourse	Performance is of concern	Performance is acceptable
Ashfield	Performance is acceptable	Performance is acceptable
Bronzefield	Performance is acceptable	Performance is of concern
Doncaster	Performance is of concern	Performance is acceptable
Dovegate	Performance is acceptable	Performance is acceptable
Five Wells	Performance is of serious concern	Performance is of concern
Forest Bank	Performance is acceptable	Performance is of concern
Lowdham Grange	Performance is acceptable	Performance is of concern
Northumberland	Performance is acceptable	Performance is acceptable
Oakwood	Performance is acceptable	Performance is acceptable
Parc	Performance is acceptable	Performance is acceptable
Peterborough (Female)	Performance is acceptable	Performance is acceptable
Peterborough (Male)	Performance is acceptable	Performance is acceptable
Rye Hill	Performance is acceptable	Performance is acceptable
Thameside	Performance is acceptable	Performance is of concern

■ Exceptional performance  
■ Performance is acceptable  
■ Performance is of concern  
■ Performance is of serious concern

Source: Prison annual performance ratings 2019–20 and 2022–23.

<sup>223</sup> Ministry of Justice (2023). Prison population monthly bulletin December 2023. Ministry of Justice.

<sup>224</sup> Table 2b, HM Prison & Probation Service (2023). Annual Report and Accounts 2021–22. Management Information Addendum. Ministry of Justice. Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope.

<sup>225</sup> Ministry of Justice (2022). Prison operator services mini competition — HMP & YOI Parc.

<sup>226</sup> Ministry of Justice (2022). Accounting officer memorandum: PFI prisons expiry and transfer tranche 1 — HMP Altcourse — Full business case.

<sup>227</sup> Ministry of Justice (2022). Prison operator services mini competition — HMP Lowdham Grange.

<sup>228</sup> Independent Monitoring Board (2023). Annual report of the Independent Monitoring Board at HMP Lowdham Grange. For reporting year 1 February 2022 – 31 January 2023.

<sup>229</sup> Ministry of Justice (2023). Ministry of Justice takes over running of HMP Lowdham Grange.

<sup>230</sup> House of Commons written question 200700, 13 December 2018.

<sup>231</sup> National Audit Office (2022). Children in custody: Secure training centres and secure schools.

<sup>232</sup> House of Lords written statement HLWS644, 4 March 2022.

<sup>233</sup> House of Commons written question 187210, 12 June 2023.

<sup>234</sup> Rees, A. (2023). Accounting officer memorandum. New prison at Full Sutton operator competition — Outline business case. Ministry of Justice.



# PEOPLE IN PRISON

## Social characteristics of adult prisoners

Characteristic	Prison population	General population
Taken into care as a child	31% of women 24% of 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

### Sources:

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 Light, M., et al. (2013). Gender differences in substance misuse and mental health amongst prisoners. Ministry of Justice.  
 Ministry of Justice (2012). Accommodation, homelessness and reoffending of prisoners.  
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 Ministry of Justice (2012). Estimating the prevalence of disability amongst prisoners.  
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 Ministry of Justice (2012). The pre-custody employment, training and education status of newly sentenced prisoners.  
 Table KS611EW, Office for National Statistics (2012). 2011 Census.  
 Table 1, Office for National Statistics (2013). Families and households, 2012.  
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 Office for National Statistics (2013). Population estimates for UK, England and Wales, Scotland and Northern Ireland—Mid 2012.  
 Welsh Government (2013). Absenteeism by pupil characteristics 2011/12.  
 Wiles, N. et al. (2006). Self-reported psychotic symptoms in the general population. The British Journal of Psychiatry, 188: 519-526.



## What people in prison say

The Prison Reform Trust has a strategic objective of giving prisoners a stronger influence in prison policy. Our Prisoner Policy Network and our Building Futures Network both aim to provide innovative prisoner-led policy solutions and shape a prison environment that is safe, humane, encourages accountability and fosters hope. Last year, the Justice Committee held an inquiry on public opinion and understanding of sentencing. It concluded that there needs to be greater national debate on sentencing, backed by improved public knowledge of policy and practice. They suggested that it is “incumbent on all policymakers and opinion-shapers to play a role in shaping a more constructive debate and to seek greater consensus on the issues.”<sup>235</sup> In this year’s Bromley Briefings, we share the voices of around 240 prisoners across our Building Futures network of prisoners serving sentences of over 10 years (eight for women), in three consultations about progression, meaning and purpose during long-term imprisonment. We believe that serving prisoners can, and should be, shapers of opinion and understanding of what long sentences look like; and that they are well placed to contribute to the policies which affect them.

### Making progress? What progression means to people serving long sentences<sup>236</sup>

**People serving long sentences must complete a sentence plan to gain conditional release and/or transfers to lower security prisons.** Sentence plans contain rehabilitative interventions to address offence related problems (such as thinking/attitudes; life skills; substance misuse work; education and training); and targets to demonstrate positive behaviour in prison. Sentence plans are intended to support people in addressing core risk factors related to reoffending. Moving through the prison system and eventually into the community after satisfying a sentence plan’s targets is referred to as “progression”.

**We consulted with around 100 long-term prisoners from 29 prisons about their views on sentence progression.** We asked what made progress possible; about their experiences of decision-making by sentence management officials; and about the links between self-development and sentence progression.

**Many long-term prisoners felt confused and uncertain about the term “risk”.** They were uncertain what it meant, how it was assessed or how to reduce it, despite risk management being central to progression decisions.

*“Sentence planning isn’t an obvious process. I progress based on what I think my progression should look like.”*

**The powerful but abstract nature of risk led to mistrustful staff-prisoner relationships.** Prisoners described feeling wary of staff who made risk-based decisions in ways they did not fully understand, often based on limited interactions. Conversely, good relationships with other non-uniformed staff and keyworkers really mattered to long-term prisoners for support, encouragement and feedback.

**People felt frustrated that good behaviour in prison was not sufficient for progression.** They acknowledged that poor behaviour justified negative progression decisions—but felt confused and frustrated that some positive behaviours did not “count”.

*“What has allowed my progression has been my undertaking of offender behaviour programmes. This is when my progression I guess officially started on paper because it is not simply enough through good behaviour or maturity.”*

**People felt it was unfair that some types of progress were valued more than others.** There was a view that completing offending behaviour programmes was seen as the gold standard, whilst other types of positive activities were systematically overlooked.

*“Developing as a person doesn’t seem to help people progress through their sentence plan unless that development has come about in a prescribed manner via a prescribed intervention.”*

**Prisoners assessed as low risk felt excluded from opportunities only offered to high-risk prisoners.** Some people had been advised by prisoners and staff to “cause trouble” early in their sentence, so as to demonstrate reduced risk later on. Long-term prisoners also observed that people serving shorter sentences were prioritised, leading to lengthy waits and limited access to opportunities.

<sup>235</sup> House of Commons Justice Committee (2023). Public opinion and understanding of sentencing. HC 305. House of Commons.

<sup>236</sup> Jarman, B. & Vince, C. (2022). Making progress? What progression means for people serving the longest sentences. Prison Reform Trust.

*“There is always someone higher priority than you, leaving the huge bulk of your sentence with nothing productive to do.”*

People noted the problem of “peaking too soon” (completing everything expected of them) in their sentence—then being told it was too early to move to a less secure prison. A waiting period with little meaningful to do was described as “dead time”.

*“The reality is lifers are just warehoused like livestock. Sadly many lifers, myself included, saw progression to be somewhat of a myth. Instead of progressing we fell into the negative aspects of prison life, poisoned by despair.”*

**People found education, work, faith, self-esteem and personal development more meaningful progression-related concepts than risk reduction.** These were often referred to as the basis of increased maturity, insight, and behaviour change.

*“As a child I was labelled lazy, stupid and a waste of space. This stayed with me throughout my life, along with feeling not loved or wanted. Sadly, it has taken prison to find out that I am none of them; I can do anything if I put my mind to it.”*

*“I’ve had to embrace my faith again and again trying to find a purpose, a meaningful existence, and an outlet to process my pain, guilt, shame and remorse. My faith, family and friends are paramount in supporting me through the next 15 years.”*

### **Progression within a prison: What does it mean and what does it look like?<sup>237</sup>**

The Building Futures Network Group at HMP Rye Hill consulted with over 80 prisoners on practical questions about how to improve progression for people serving long sentences. Building on the first progression consultation, they tackled questions that would be more difficult for people without experience of prison to explore. They spoke with over a quarter of long-term prisoners (26%) in the establishment.

**Prisoners felt that progression was about personal growth as well as risk reduction.** This was seen as the most meaningful form of progression, despite not being formally recognised by the system as a pathway to reducing reoffending. Developing official processes to manage, monitor and evidence personal progression was suggested.

*“I have found ways to serve and help others. I have challenged myself to reach out for positions which use and stretch my talents.”*

**The importance of clear, consistent, regular, and achievable milestones was emphasised.** Hope and optimism can fade quickly in the face of long waiting times with nothing purposeful to do. People agreed that progression should not be structured solely by a person’s release date, but by consistent and regular access to risk reduction work throughout their sentence.

*“If you have no hope or optimism about the chance of release, is there truly any relevance to progression?”*

**One in six consultees (16%) disclosed having a health condition that affected how they process information, particularly complex terminology used in relation to progression.** People were concerned that the present system of progression can be exclusionary for prisoners with disabilities and for whom English is not a first language. Special adaptations were viewed as key in supporting progression fairly and effectively.

*“I know many prisoners that can’t read or write, let alone understand ‘legalese’.”*

**For people who are unlikely to ever be released, “self-improvement” was seen as a more appropriate phrase than progression.** This included the growing number of people in prison aged over 70—almost one in 10 of Rye Hill’s population—who may die before the end of their sentence. They spoke of the more intensely personal nature of improvement, growth and purpose, which were protective for mental health.

<sup>237</sup> HMP Rye Hill Building Futures Network Group (2023). Progression within a prison: What does it mean and what does it look like? Prison Reform Trust.

*“When a person is unlikely to be released, progression should involve day-to-day opportunities which enable them to feel they are still part of humanity. Whatever the crime, locking up an 85-year-old for 28 years is just about revenge, certainly not rehabilitation.”*

**Almost one in five consultees (19%) thought victims should be allowed to monitor prisoners’ progression.** 92% thought prisoners’ families should be allowed to do so. There were a range of views on matters of privacy, dignity, respect, and the balance between remorse, accountability, rehabilitation and moving on.

### **Invisible women: Hope, health and staff-prisoner relationships<sup>238</sup>**

Through ongoing dialogue with 60 women across three prisons, the Invisible Women project is exploring what matters to women serving long sentences. Their second briefing explored reproductive and chronic health issues in prison; as well as the themes of hope, purpose and relationships that are common across the Building Futures Network.

**Maintaining hope is a crucial way of coping with long sentences, but it is very difficult.** Hope can quickly dissipate when the structure of long sentences makes it almost impossible to plan for the future, and adds long periods of ‘nothing time’ to sentences.

*“It will be truly tragic if our hope for living goes. Every day feels like a fight to keep that hope going.”*

**Women want regular opportunities to progress and maintain a sense of purpose in prison.** Activities that were experienced as constructive, related to personal development and maintaining social ties helped instil pride in women, to cope, and to feel that they were giving something back.

*“Let us do something purposeful so we can pay our way in society rather than society paying for us.”*

**Long-term health issues go untreated in prison and are a source of much worry.** People described insufficient access to both treatment and routine screening and inadequate recognition of the link between physical and mental health. They described particularly poor reproductive healthcare access.

*“Short-termers may have health problems, but they know they’re going home – they can get help when they get out. We are stuck and left to deal with it by ourselves.”*

**Staff knowledge of gender-specific health, language and treatment was described as poor.** Women described staff not knowing how to provide appropriate support with issues such as menopause.

*“They sent round some information about the symptoms of menopause, I’ve got every single one. I’ve been asking for support for 6 months, I’ve just heard nothing.”*

**Women worry if they will be healthy, able-bodied or still alive by the time they are released from a long sentence.** For women with serious health issues, poor healthcare was experienced as secondary punishment.

*“I’ve come to the conclusion that because my diabetes is not monitored properly, I will probably lose a limb in prison. I came in when I was teenager. How do you think that makes me feel?”*

**Staff can define the experience of long-term imprisonment.** If staff are motivated, caring and understanding, prisoners feel supported, but are less likely to engage if they are dismissive, rude or dehumanising. This can be particularly difficult if staff do not understand the specific pains of long-term imprisonment.

*“They’ve got this monstrous power...we are vulnerable.”*

**It is important for staff to model the behaviour that long-term prisoners are asked to demonstrate.** Women spoke of the difficulty of learning to speak up for themselves in respectful ways—something encouraged by offending behaviour programmes—when there are weaknesses in professional communication and behaviour from staff.

*“There’s obviously banter with staff – and sometimes that is nice – but often they take it too far. I asked them to stop and they won’t...they keep going until I’m in tears. The rules and boundaries definitely only go one way.”*

<sup>238</sup> Vince, C. & Evison, E. (2023). Invisible women: Understanding women’s experiences of long-term imprisonment. Briefing 2: Hope, health and staff-prisoner relationships. Prison Reform Trust.

## People from ethnic minority backgrounds in prison

**Over a quarter (27%) of the prison population, 23,431 people, are from an ethnic minority group.** 12% identify as Black/Black British; 8% as Asian/Asian British; and 5% as from a mixed ethnic background.<sup>239</sup>

**If our prison population reflected the ethnic make-up of England and Wales, we would have over 9,000 fewer men and boys in prison<sup>240</sup>—the equivalent of 12 average-sized male prisons.<sup>241</sup>**

**There is a statistically significant association between ethnic minority background and the odds of receiving a custodial sentence.** Black people are 53% more likely to be sent to prison for an indictable offence at the Crown Court, and Asian people 55% more likely, even when factoring in higher not guilty plea rates.<sup>242</sup>

**Black men are 26% more likely than white men to be remanded in custody.<sup>243</sup>**

**People from ethnic minority backgrounds serve a greater proportion of their determinate sentence in custody than white people.** In 2020, black people spent the highest proportion of their sentence in prison (67%), followed by those with a mixed ethnic background (66%), white (60%) and Asian (58%) prisoners.<sup>244</sup>

**Black, Asian and minority ethnic people in prison often report more negatively about their prison experiences and relationships with staff.** Fewer say they feel safe or are treated with respect by staff.<sup>245</sup>

**A recent review by inspectors found that a large number of black people in every prison they visited felt that uneasy relationships with staff were partly because of underlying prejudice and racism.** By contrast, very few staff acknowledged that people may have genuinely experienced racism in their establishment.<sup>246</sup>

**Inspectors found that prison staff underestimate the cultural requirements of people from ethnic minority backgrounds.** A third of ethnic minority prisoners said their ethnicity directly influenced their rehabilitation and resettlement planning, whereas almost no staff considered ethnicity to have an impact.<sup>247</sup>

**People in prison from an ethnic minority background are more likely to report having been recently restrained or placed in segregation.<sup>248</sup>** Discrimination complaints are inadequately investigated “all too often” according to the Prisons and Probation Ombudsman.<sup>249</sup>

**Although representation has been improving in recent years, prison officers remain less ethnically diverse than the prison population.** 4% of HMPPS prison officers (bands 3–5) identify as black, 2% Asian, and 75% white,<sup>250</sup> compared to 12%, 8% and 72% of prisoners respectively.<sup>251</sup>

**In youth custody, the difference in the ethnicity profile of staff and prisoners is even more pronounced.** 49% of children in custody are from an ethnic minority background,<sup>252</sup> compared to 16% of Band 3-5 staff.<sup>253</sup>

## Gypsy, Roma and Traveller people in prison

**3% of prisoners identify as Gypsy, Roma or Traveller (GRT),<sup>254</sup> compared to an estimated 0.1% of the general population in England.<sup>255</sup>**

**Inspectors found that most prisons they visited were still not aware of GRT people’s existence or needs, which undermined attempts to provide culturally appropriate support and plans for resettlement.<sup>256</sup>**

**A recent study found that 69% of Gypsy and Irish Traveller prisoners were enrolled in purposeful activity, but they were often excluded from work due to not meeting mandatory literacy/numeracy standards.<sup>257</sup>**

<sup>239</sup> Table 1.4, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>240</sup> Table 11, Kneen, H. (2017). An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015. Ministry of Justice.

<sup>241</sup> Table 1.8, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>242</sup> Hopkins, K., Uhrig, N. & Colahan, M. (2016). Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015. Ministry of Justice.

<sup>243</sup> Table 5.3, Uhrig, N. (2016). Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales. Ministry of Justice.

<sup>244</sup> Ministry of Justice (2021). Statistics on ethnicity and the criminal justice system 2020.

<sup>245</sup> Table 5, Women & men’s comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>246</sup> HM Chief Inspector of Prisons (2022). The experiences of adult black male prisoners and black prison staff. HM Stationery Office.

<sup>247</sup> HM Inspectorate of Prisons (2020). Minority ethnic prisoners’ experiences of rehabilitation and release planning.

<sup>248</sup> Table 5, Women & men’s comparator workbooks, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>249</sup> Prisons and Probation Ombudsman (2018). Learning lessons bulletin: Complaints about discrimination.

<sup>250</sup> Table 1b, HM Prison and Probation Service (2022). HMPPS Staff Equalities Report: 2021 to 2022. Ministry of Justice. Note that the ethnicity of 17% of officers was unrecorded/undisclosed, compared to 1% of prisoners.

<sup>251</sup> Table 1.4, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>252</sup> Table 1.2, Youth Custody Service (2023). Youth custody report: September 2023. Ministry of Justice.

<sup>253</sup> House of Commons written question 2642, 23 November 2023.

<sup>254</sup> Table 1, Women & men’s comparator workbooks, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

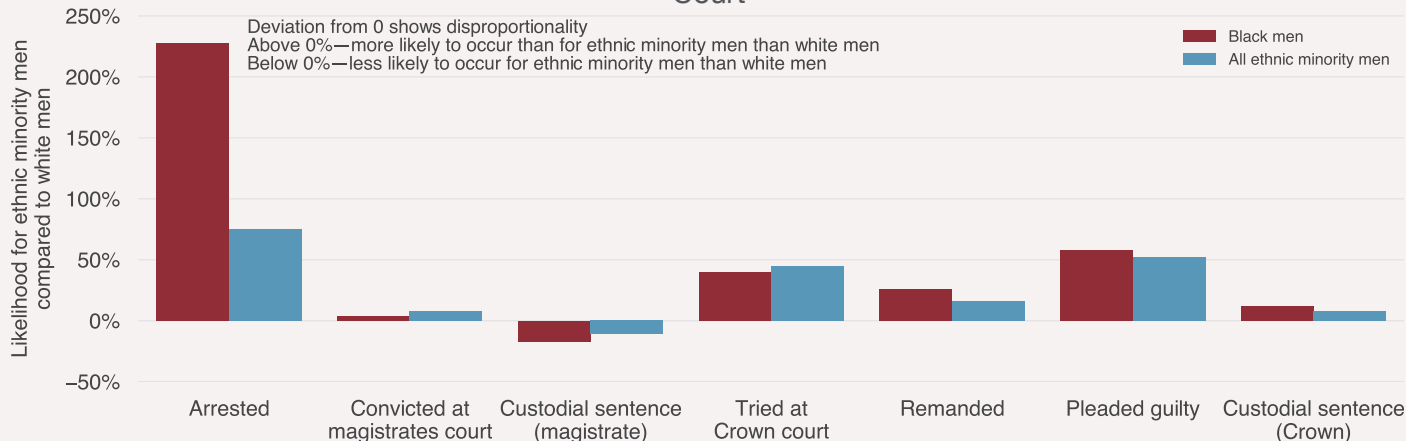
<sup>255</sup> Office for National Statistics (2023). Gypsy or Irish Traveller populations, England and Wales: Census 2021.

<sup>256</sup> HM Inspectorate of Prisons (2020). Minority ethnic prisoners’ experiences of rehabilitation and release planning.

<sup>257</sup> The Traveller Movement (2023). Available but not accessible: Romany Gypsies and Irish Travellers: Barriers in accessing purposeful activities in prison.

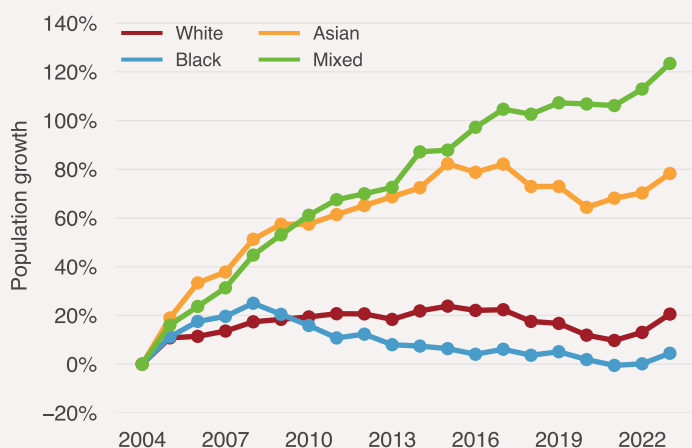
## Equal justice?

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



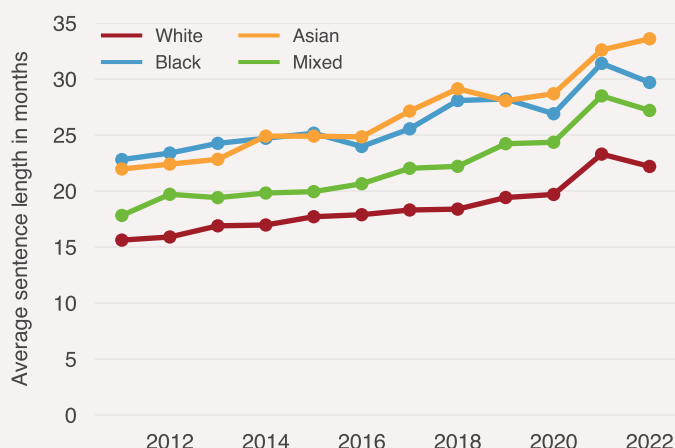
Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

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



Source: Offender management statistics, Prison population 2023

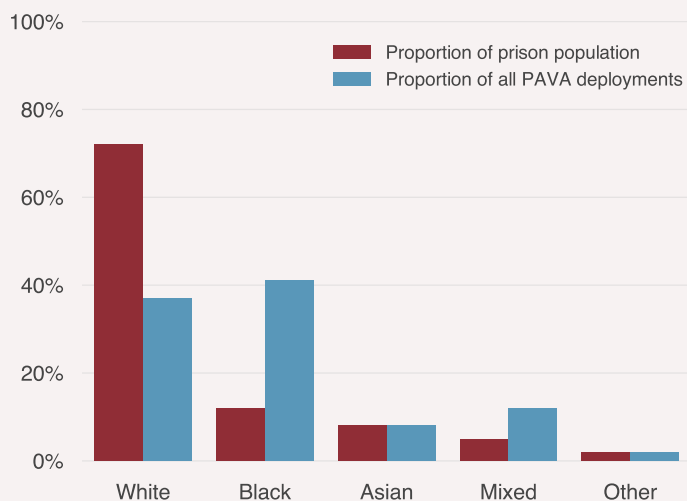
## Average custodial sentence lengths are higher for people from black, Asian and mixed ethnic backgrounds



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

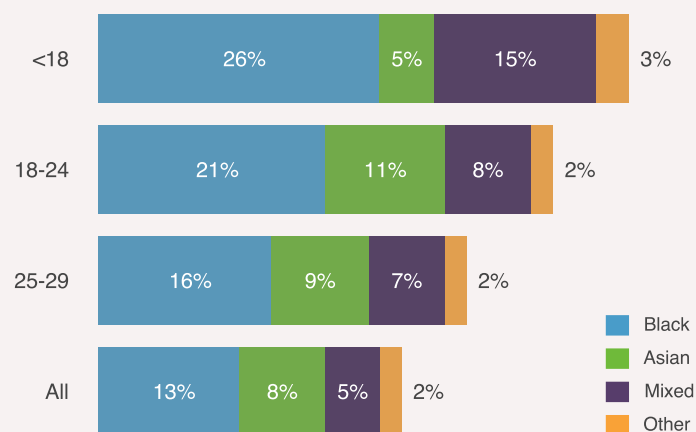
## PAVA spray

More than two in five of all deployments have been against black men



Sources:  
Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.  
House of Lords written question HL10655, 26 October 2023.

## Ethnic minority representation is even greater amongst younger prisoners



Sources:  
House of Lords written question HL3924, 24 November 2021.  
Ministry of Justice (2021) Youth Custody report September 2021.



## Faith and belief in prison

**45% of prisoners identify their religion as Christian, 17% as Muslim, 2% as Buddhist, 0.6% as Jewish, 0.6% as Sikh, 0.4% as Hindu and 2.4% as another faith.** Almost a third (31%) state they have no religion.<sup>258</sup>

**There are now almost three times more Muslims in prison than there were in 2002.** In 2002 there were 5,502 Muslims in prison.<sup>259</sup> By 2023 this had risen to 15,594. They now account for 18% of the prison population,<sup>260</sup> but just 6% of the general population.<sup>261</sup>

**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% have a mixed ethnic background.<sup>262</sup>

**Muslim prisoners are less likely to say they feel safe, treated respectfully by staff, or could turn to a staff member for help.**<sup>263</sup>

**Inspectors have noted that faith-based services have been slow to recover after the pandemic, with limits on attendee numbers meaning some prisoners could only worship every few weeks.** Nearly one third (30%) of prisoners who had a religion said they could not attend services if they wanted to. Chaplaincy vacancies are frequent and sometimes longstanding, but the high level of pastoral support from chaplain staff was praised.<sup>264</sup>

**The ideology of people in prison for terrorist offences is recorded.** 152 people are currently in prison for offences related to Islamist extremism. The number peaked at 185 in 2017 and has generally declined since. By contrast the number of people in prison for right-wing extremism has risen to 63, up from 10 people in 2017. A further 19 people are in prison for terror offences not related to a specific ideology.<sup>265</sup>

## LGBT people in prison

**Around one in twenty (4%) men and almost one in four (23%) women in prison identify as gay/lesbian or bisexual.**<sup>266</sup> This is a broadly similar proportion to the number of men in the general population who identify as gay or bisexual, and considerably higher than the number of women who do so (3%).<sup>267</sup>

**There were 269 transgender people in prison as of March 2023—204 identified as trans women and 41 as trans men; 14 identified as non-binary and 10 self-identified in a different way.** 225 reported their legal gender as male and 44 reported their legal gender as female. A further 13 people in prison were known to have a Gender Recognition Certificate.<sup>268</sup>

**The United Nations recognises LGBT people as a particularly vulnerable group in prisons, with documented suffering of discrimination and abuse but relatively little information about their needs.**<sup>269</sup>

**A systematic review found that many LGBT people feel discriminated against, stigmatised and threatened in prison.** They have higher rates of depression, anxiety and suicidality. The heteronormative environment of prison is associated with high rates of homophobia (from prisoners and staff), which can result in degradation and victimisation. They also experience inadequate access to physical and mental healthcare.<sup>270</sup>

<sup>258</sup> Table 1, Ministry of Justice (2023). HMPPS offender annual equalities report.

<sup>259</sup> Table A1.10, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

<sup>260</sup> Table 1.5, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>261</sup> Office for National Statistics (2022). Religion, England and Wales: Census 2021.

<sup>262</sup> House of Lords written question HL3584, 5 December 2022.

<sup>263</sup> Table 7, Women & men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>264</sup> HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>265</sup> Table P.01, Home Office (2023). Operation of police powers under the Terrorism Act 2000: quarterly update to June 2023.

<sup>266</sup> Table 1, Women & men's comparator workbooks, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>267</sup> Office for National Statistics (2023). Sexual orientation, UK: 2021 and 2022.

<sup>268</sup> Ministry of Justice (2023). HM Prison and Probation Service Offender Equalities Annual Report 2022 to 2023.

<sup>269</sup> United Nations Office for Drugs and Crime (2009). Handbook on prisoners with special needs. United Nations.

<sup>270</sup> Donohue, G., McCann, E. & Brown, M. (2021). Views and experiences of LGBTQ+ people in prison regarding their psychosocial needs: A systematic review of the qualitative research evidence. International Journal of Environmental Research and Public Health, 18, 9335.

## 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 given 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 older people in prison 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,<sup>271</sup> along with HM Chief Inspector of Prisons,<sup>272</sup> the Prisons and Probation Ombudsman,<sup>273</sup> Age UK<sup>274</sup> and other organisations<sup>275</sup> have called for a national strategy for work with older people in prison., The Justice Committee has also 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” and called for a strategy.<sup>276</sup> The government later accepted this recommendation<sup>277</sup> and publication was initially scheduled for summer 2021, then early 2023.<sup>278</sup> At the time of publication no strategy has yet been published.

The Care Act 2014 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.<sup>279</sup>

**With prison sentences getting longer, people are growing old behind bars.** There are almost four times the number of people in prison aged 60 and over than there were in 2002.<sup>280</sup>

**Almost one in five (18%) of the prison population are aged 50 or over—15,525 people.** Of these 4,174 are in their 60s and a further 1,965 people are 70 or older.<sup>281</sup>

**The prison population is projected to grow by around 13% by 2026.** The government anticipates that people in prison aged 50 or over will increase by around 4%—but expects people aged 70 or over to increase by 11%.<sup>282</sup>

**More than two in five men in prison aged over 50 (43%) are there for sexual offences.** The next highest offence category is violence against the person (28%) followed by drug offences (8%). For women aged over 50 in prison, more than two in five (42%) have committed an offence of violence against the person, followed by drug offences (12%), then theft offences (8%).<sup>283</sup>

**426 people in prison were aged 80 or over as of 30 September 2023.** The majority (92%) were sentenced to custody whilst in their 70s.<sup>284</sup>

**A third (33%) of people serving an indeterminate sentence are aged 50 or over.** 2,331 people are serving life sentences and a further 485 are serving an indeterminate sentence of Imprisonment for Public Protection (IPP).<sup>285</sup>

<sup>271</sup> Prison Reform Trust and Restore Support Network (2016). *Social care or systematic neglect: Older people on release from prison.*

<sup>272</sup> HM Inspectorate of Prisons & Care Quality Commission (2018). *Social care in prisons in England and Wales.*

<sup>273</sup> Prisons and Probation Ombudsman (2017). *Learning lessons from PPO investigations: Older prisoners.*

<sup>274</sup> Age UK (2019). *Older prisoners (England and Wales).*

<sup>275</sup> Clinks (2021). *Understanding the needs and experiences of older people in prison.*

<sup>276</sup> House of Commons Justice Committee (2013). *Older prisoners.* HM Stationery Office.

<sup>277</sup> House of Commons Justice Committee (2020). *Ageing prison population: Government Response to the Committee's Fifth Report.* HM Stationery Office.

<sup>278</sup> Rob Butler MP (2022). Letter to Sir Bob Neill, Chair of Justice Select Committee.

<sup>279</sup> Care Act 2014, s76.

<sup>280</sup> Table A1.7, Ministry of Justice (2023). *Offender management statistics quarterly: January to March 2023.*

<sup>281</sup> Table 1.3, Ministry of Justice (2024). *Offender management statistics quarterly: July to September 2023.*

<sup>282</sup> Table 4.1, Ministry of Justice (2023). *Prison population projections: 2022 to 2027 and Table A1.7, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.*

<sup>283</sup> House of Lords written question HL1415, 25 January 2024.

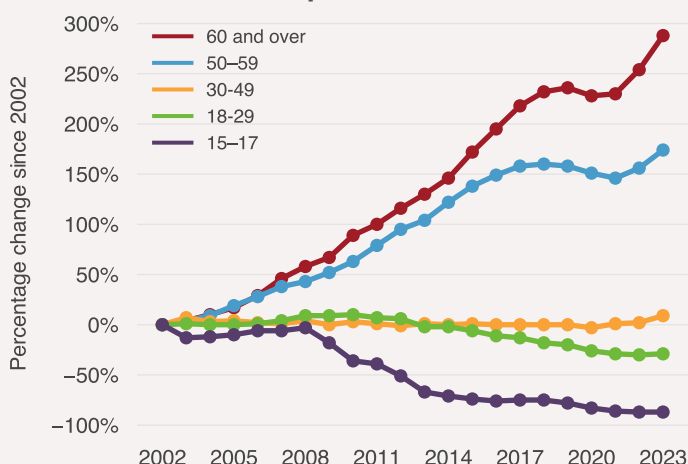
<sup>284</sup> House of Lords written question HL1416, 25 January 2024.

<sup>285</sup> Table A1.16, Ministry of Justice (2023). *Offender management statistics quarterly: January to March 2023.*



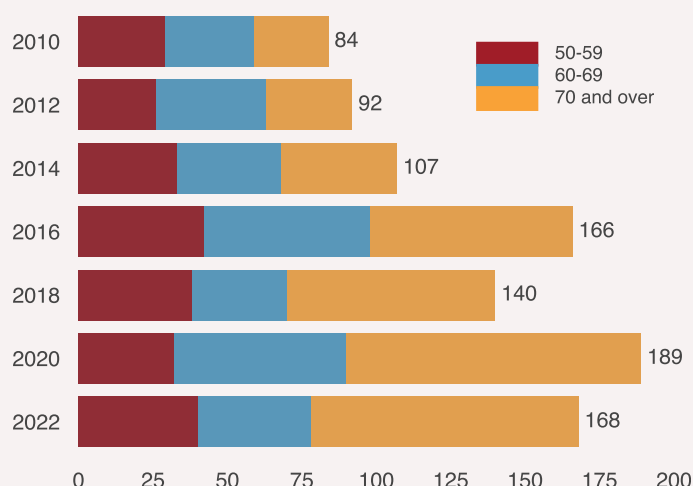
## Growing old behind bars

### Over 50s account for almost one in six people in prison



Source: Table A1.7, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

### Deaths by natural causes



Sources:  
Table A1.7, Ministry of Justice (2023). Offender management statistics quarterly.  
Deaths data tool, Ministry of Justice (2023). Safety in custody: Quarterly update to December 2022.

## Treatment, conditions and release planning

**171 people aged 50 or over died of natural causes whilst in prison in 2022—more than four times the number that died in 2002.**<sup>286</sup>

**Older people in prison are much more likely to suffer from chronic disease, disability, decreased mobility, and sensory impairment than other prisoners.**<sup>287</sup>

**Inspectors found that provision for older people in prison remains variable and underdeveloped.** Whilst some prisons offered good facilities like age-specific gym sessions and day centres, others had no specific provision.<sup>288</sup>

**For a second consecutive year, the Prisons and Probations Ombudsman (PPO) has expressed concerns that people with significant care and support needs have not been effectively safeguarded.** Since 2021 they have been flagging cases of people dying after engaging in self-neglecting behaviour without intervention.<sup>289</sup>

**Older people 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.<sup>290</sup>

**A National Institute for Health Research study found that release planning for older people in prison was frequently non-existent.** Lack of information caused high levels of anxiety. Many reported minimal or no contact from probation workers.<sup>291</sup>

**A consistent message from older prisoners is that meaningful self-development activities in old age are vital for maintaining mental health.** But the prison service’s language of risk reduction and resettlement does not always reflect their circumstances, especially those serving long sentences who are likely to die in prison.<sup>292,293</sup>

<sup>286</sup> Deaths data tool, Ministry of Justice (2024). Safety in Custody quarterly: Update to September 2023.

<sup>287</sup> House of Commons Justice Committee (2020). Ageing prison population. HM Stationery Office.

<sup>288</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HC1451. HM Stationery Office.

<sup>289</sup> Prisons and Probations Ombudsman (2023). Annual report 2022–23 and previous edition.

<sup>290</sup> Senior, J., et al. (2013). Health and social care services for older male adults in prison: The identification of current service provision and piloting of an assessment and care planning model. Health Services and Delivery Research 2013.1. NIHR Journals Library.

<sup>291</sup> Senior, J., et al. (2013). Health and social care services for older male adults in prison: The identification of current service provision and piloting of an assessment and care planning model. Health Services and Delivery Research 2013.1. NIHR Journals Library.

<sup>292</sup> HMP Rye Hill Building Futures Network Group (2023). Progression within a prison: What does it mean and what does it look like? Prison Reform Trust.

<sup>293</sup> Jarman, B. & Vince, C. (2022). Making progress? What progression means for people serving the longest sentences. Prison Reform Trust.

## People with neurodivergent conditions in prison

There is no universally accepted definition of neurodivergence. It was originally introduced as an alternative to deficit-based language for describing conditions that influence how people process information. People with neurodivergent conditions may have a different pattern of cognitive strengths, difficulties and perspectives to “neurotypical” individuals. The Ministry of Justice considers neurodivergent conditions to comprise (but not exclusively) learning disabilities, learning difficulties, attention deficit hyperactivity disorder (ADHD), autism and acquired brain injury.<sup>294</sup>

As they travel through the criminal justice system, people with neurodivergent conditions routinely face barriers to fair and equal treatment, poor understanding of their needs, a lack of support, and uneven provision of reasonable adjustments. In prison they are frequently excluded from elements of the prison regime, including opportunities to address their offending behaviour.<sup>295</sup>

A government-commissioned independent review of neurodiversity in the criminal justice system was published in 2021. It made six recommendations: a common screening tool; routine data collection; a staff training programme; reasonable adjustments for neurodiversity-related needs; cross-departmental working; and a cross-Government strategy co-created with people with experience of neurodivergence.<sup>296</sup> The Government agreed or partly agreed with all recommendations.<sup>297</sup> There are also neurodiversity-related commitments for prisons set out in the National Disability Rights Strategy, to provide appropriate staff training and improve accessibility.<sup>298</sup>

### Prevalence of neurodivergent conditions in prisoners

**Lack of routine assessment makes it difficult to estimate how many people in prison have a neurodivergent condition.** Following a review of evidence, prison inspectors suggested that “perhaps half of those entering prison could reasonably be expected to have some form of neurodivergent condition”, compared to professionals’ estimate of 15–20% of the general population.<sup>299</sup>

**In 2022–23, basic screening suggested that nearly a third of arriving prisoners (31%) had a neurodivergent need.**<sup>300</sup> Of prisoners screened through educational assessments, nearly three in 10 (28%) were identified as having a learning difficulty or disability.<sup>301</sup>

**Academic reviews have attempted to estimate the prevalence of other neurodivergent conditions in prisoners and people in the wider criminal justice system.** Estimates include around a quarter (26%) for ADHD,<sup>302</sup> over half (52%) for traumatic brain injury,<sup>303,304</sup> and 3–13% for autism, with continued uncertainty over the latter.<sup>305</sup>

**In 2022–23 there were 64,008 initial screenings for learning difficulties and disabilities in prisons, with a further 9,888 detailed screenings.**<sup>306</sup>

**But there is still no standard screening tool or data collection strategy for identifying neurodiversity-related needs.** HMPPS plans to work with the Prison Education Service to deliver this from 2025.<sup>307</sup> Concerns have been raised about missed opportunities to identify where reasonable adjustments could be made, and poor data sharing between departments.<sup>308</sup>

294 Ministry of Justice (2023). Updated action plan. A response to the Criminal Justice Joint Inspection: Neurodiversity in the criminal justice system.

295 Criminal Justice Joint Inspection (2021). Neurodiversity in the criminal justice system: A review of the evidence.

296 Ibid.

297 Ministry of Justice (2023). Updated action plan. A response to the Criminal Justice Joint Inspection: Neurodiversity in the criminal justice system.

298 HM Government (2021). National Disability Strategy. CP 512. HM Stationery Office.

299 Criminal Justice Joint Inspection (2021). Neurodiversity in the criminal justice system: A review of the evidence.

300 House of Lords written question HL5704, 6 March 2023.

301 Table 1.4. Ministry of Justice (2023). Prison education and accredited programme statistics: April 2022 to March 2023.

302 Baggio, S. et al. (2018). Prevalence of attention deficit hyperactivity disorder in detention settings: A systematic review and meta-analysis. *Frontiers in Psychiatry*, 9, 1–10.

303 Having suffered a traumatic brain injury at some point in life does not always mean that someone develops cognitive processing issues, but it can increase the risk of doing so.

304 Hunter, S. et al. (2023). The prevalence of traumatic brain injury (TBI) among people impacted by the criminal legal system: An updated meta-analysis and sub-group analyses. *Law and Human Behavior*, 47(5), 539–565.

305 Collins, J. et al. (2023). A systematic review of autistic people and the criminal justice system: An update on King and Murphy (2014). *Journal of Autism and Developmental Disorders*, 53, 3151–3179.

306 House of Commons written question 190938, 3 July 2023.

307 Ministry of Justice (2023). Updated action plan. A response to the Criminal Justice Joint Inspection: Neurodiversity in the criminal justice system.

308 Criminal Justice Joint Inspection (2021). Neurodiversity in the criminal justice system: A review of the evidence.

## Barriers faced by people with neurodivergent conditions

**Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule. They are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.**<sup>309</sup>

**People with neurodivergent conditions may face additional challenges in evidencing low risk and progressing through their sentences.** Inspectors noted the limited availability of suitable programmes to address offending behaviour, and highlighted additional difficulties that people with neurodivergent conditions face in understanding and complying with their licence conditions.<sup>310</sup>

**Inspectors surveying prison and probation staff found consistently low levels of awareness, understanding and confidence about neurodiversity.** Less than a quarter (24%) of prison staff who responded said that they had received any training. Three out of four criminal justice professionals in England and Wales believe that impairments are sometimes missed.<sup>311</sup>

## Improving support for neurodiversity-related needs

**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 vulnerabilities, including neurodivergent conditions, and divert them towards a setting more appropriate for treatment. The roll-out achieved 100% coverage across England in March 2020, and the services appear to increase diversion from custodial sentences.<sup>312</sup>

**HMPPS has recently developed a neurodiversity training toolkit by and with neurodivergent staff, and reformulated core staff competencies to require neurodiversity-related awareness and skills.**<sup>313</sup>

**Over 100 Neurodiversity Support Managers have now been appointed to prisons.** The Ministry of Justice aims to fill this designated post in all adult prisons by 2024.<sup>314,315</sup>

**Three prisons currently have Autism Accreditation from the National Autistic Society, but progress appears slow.** In October 2022, four prisons had accreditation and 14 were working towards it.<sup>316</sup> In June 2023, only three prisons had accreditation and 15 were working towards it.<sup>317</sup>

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

310 Criminal Justice Joint Inspection (2021). *Neurodiversity in the criminal justice system: A review of the evidence*.

311 Equality and Human Rights Commission (2020). *Inclusive justice: a system designed for all*.

312 Disley, E. et al. (2021). *Findings from the national evaluation of Liaison and Diversion services in England*. RAND.

313 Ministry of Justice (2023). *Updated action plan. A response to the Criminal Justice Joint Inspection: Neurodiversity in the criminal justice system*.

314 House of Commons written question 138010, 9 February 2023.

315 Gribbin, R. (2023). *12-month update to the cross-government neurodiversity action plan*. Ministry of Justice.

316 Ministry of Justice (2023). *Updated action plan. A response to the Criminal Justice Joint Inspection: Neurodiversity in the criminal justice system*.

317 House of Commons written question 203860, 26 October 2023.

## 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; they may be second generation immigrants—often from former colonies; asylum seekers; people who have indefinite leave to remain as refugees; European Economic Area nationals; people who have been trafficked into the country; visitors or workers.

People who have completed their sentence but are not UK nationals may continue to be held in prison (as immigration detainees); be released; or be transferred to an immigration removal centre. Those with the right to stay in UK will be released like any other British citizen, while others of continuing interest to the Home Office may be released on immigration bail. All foreign national prisoners sentenced to 12 months or more are subject to automatic deportation unless they fall within defined exceptions. People contesting deportation because they have family in the UK are no longer entitled to legal aid.

Legislation over the last two decades has expanded deportation of foreign national prisoners. The Early Removal Scheme (ERS) allows for the removal of determinate sentenced foreign nationals from prison before the end of their sentence. The Tariff Expired Removal Scheme (TERS) for indeterminately sentenced foreign nationals, allows removal on or after their tariff expiry without reference to the Parole Board. The Nationality and Borders Act 2022 allowed determinately sentenced prisoners to be removed up to 12 months earlier than previously.

In 2022, prison inspectors reviewed the experiences of immigration detainees held in prisons. They found that this group are “substantially disadvantaged” compared to those held in immigration removal centres, and that detention adversely affects their welfare. The inspectorate concluded that immigration detainees in prison have distinct needs which are often not met. These included access to legal representation and advice, Home Office caseworkers, and interpreting/translation services. They are often held for unacceptably long periods and given very little notice that they will be subject to indefinite immigration detention.<sup>318</sup>

**Foreign nationals (non-UK passport holders) currently make up one in eight people in prison in England and Wales (12%).** On 31 December 2023 there were 10,423 foreign nationals in prison.<sup>319</sup>

**Foreign national prisoners come from 161 countries—but over half are from nine countries** (Albania, Poland, Romania, Ireland, Jamaica, Lithuania, Pakistan, Portugal and Iraq).<sup>320</sup>

**Between 2002–08 the number of foreign nationals in prison rose by nearly 50%, compared with a 13% increase in British nationals. But numbers then fell steadily, and have stabilised in the past two years.** There are 10% fewer foreign nationals in prison than there were at their peak in 2008, and 6% more British nationals.<sup>321</sup>

**One in 10 women in prison are foreign nationals (11%).**<sup>322</sup> A research study found that in a sample of migrant women in prison, over half (56%) had been coerced or trafficked into offending.<sup>323</sup>

**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.<sup>324</sup>

**Inspectors continue to find significant gaps in provision for foreign nationals.** There is not enough use of interpreting services, creating inequity in assessing risk and wellbeing. Despite the presence of Home Office staff in prisons, many foreign nationals still feel confused and helpless about their circumstances.<sup>325</sup>

**Foreign national prisoners are more likely to say they feel unsafe, and that they wouldn’t have a staff member to turn to if they had a problem.**<sup>326</sup>

**4,466 people were either removed or voluntarily returned to their home country in the year to September 2023 following conviction of a criminal offence.** One third of those returned were EU nationals.<sup>327</sup>

<sup>318</sup> HM Inspectorate of Prisons (2022). *The experience of immigration detainees in prisons*.

<sup>319</sup> Table 1.7, Ministry of Justice (2023). *Offender management statistics quarterly: July to September 2023*.

<sup>320</sup> Table 1.7, Ministry of Justice (2023). *Offender management statistics quarterly: July to September 2023*.

<sup>321</sup> Table A1.1.1, Ministry of Justice (2023). *Offender management quarterly: January to March 2023*.

<sup>322</sup> Table 1.7, Ministry of Justice (2023). *Offender management statistics quarterly: July to September 2023*.

<sup>323</sup> Hales, L. and Gelsthorpe, L. (2013). *The criminalisation of migrant women: Research findings and policy and practice implications*. *Prison Service Journal*, 206, 25–30.

<sup>324</sup> House of Lords written question HL3586, 30 November 2022.

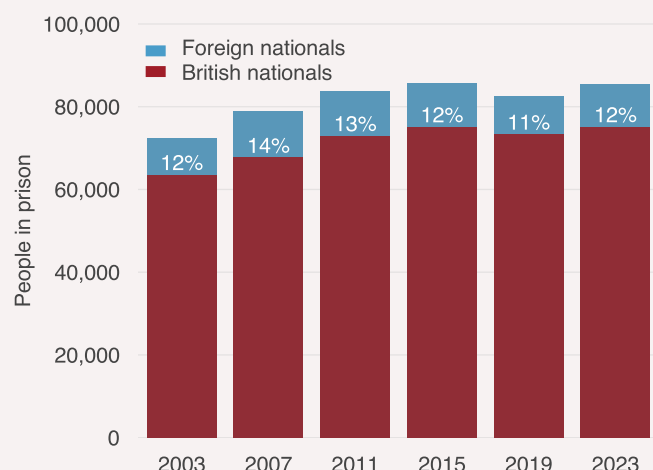
<sup>325</sup> HM Inspectorate of Prisons (2023). *Annual report 2022–23*. HM Stationery Office.

<sup>326</sup> *Women’s and men’s comparator workbooks*, HM Inspectorate of Prisons (2023). *Annual report 2022–23*. HM Stationery Office.

<sup>327</sup> Home Office (2023). Table Det\_D03, *Immigration system statistics*, year ending September 2023.

## Foreign nationals

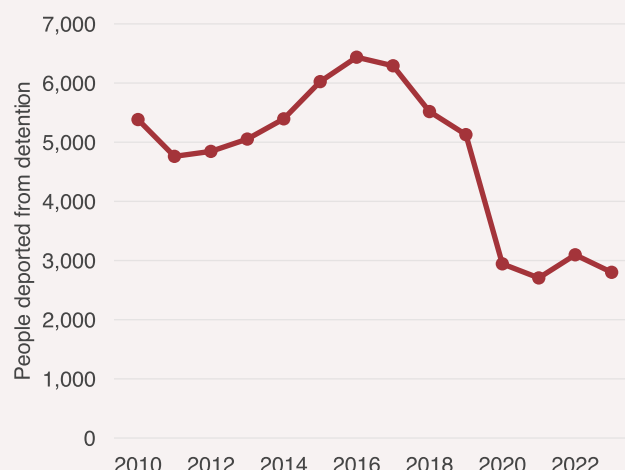
The foreign national population in prison has remained broadly stable over the last two decades



Source: Table A1.1, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

## Deportations

Over 60,000 people with convictions have been deported since 2010



Source: Table D03, Home Office (2023). Immigration system statistics: Year ending September 2023.

## Immigration detainees

Immigration detainees include, but are not limited to, foreign national prisoners who have served their sentence and continue to be held under immigration powers while the Home Office attempts to deport them. Other immigration detainees may include anyone who is waiting for permission to enter the UK, such as asylum seekers with claims in progress; people who have overstayed or breached their visas; and people awaiting deportation. In addition to immigration detention provision in prisons, there are six immigration removal centres (IRCs) and three residential short-term holding facilities (to hold people up to seven days) in the UK.

**Immigration detention is an administrative process, not a criminal procedure. That means people can be detained by immigration officials rather than courts.** Unlike most other European countries, there is no time limit on immigration detention in the UK.

**Detention is intended to be “used sparingly, and for the shortest period necessary.”<sup>328</sup> In reality, many people are held for lengthy periods with no definite release date, causing immense mental distress.<sup>329</sup>**

In September 2022, 165 people had been held under immigration detention for six months or longer — over half of them (53%) were held in prisons. 47 people had been detained for a year or more.<sup>330</sup>

**87 people were still held in prison at the end of September 2023 under immigration powers, despite having completed their custodial sentence.<sup>331</sup>**

**Inspectors describe conditions in some Immigration Removal Centres as “prison-like”,** with detainees locked in their rooms overnight. Living conditions and staff relationships were generally positive.<sup>332</sup>

**Inspectors raised concerns about the negative impact of detention on people’s mental health. In three IRCs they found that people were being detained even though health professionals had assessed them as unfit for it.** There was a lack of access to mental health services across all inspected sites. At one site, one third of detainees were assessed as vulnerable adults.<sup>333</sup>

**The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has stated that “a prison is not a suitable place to detain someone who is neither suspected nor convicted of a criminal offence.”<sup>334</sup>**

<sup>328</sup> Home Office (2023). Detention: General instructions.

<sup>329</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>330</sup> Home Office (2023). Table Det\_D02, Immigration system statistics, year ending September 2022.

<sup>331</sup> Home Office (2023). Table Det\_D03a, Immigration system statistics, year ending September 2023.

<sup>332</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>333</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>334</sup> European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2017). Immigration detention. Council of Europe.



## Women in prison

Several 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.<sup>335</sup>

In June 2018, the Ministry of Justice published its long-awaited Female Offender Strategy. It promised early intervention, community-based solutions and better custody for women who do have to be in prison. It recognised the evidence base for a distinct approach to women and the case for a local whole system approach.<sup>336</sup> In September 2018 a cross-government Victims Strategy was published, promising to use trauma-informed approaches to support female offenders who are also victims.<sup>337</sup> In 2019, the Farmer review reported on family and relational ties for women in prison, recommending “investment in women’s centres, domestic abuse and other community services and inside prisons...a relatively modest investment will go a long way.”<sup>338</sup>

In 2022, the National Audit Office published a review of outcomes for women in the criminal justice system which criticised the Ministry of Justice for failing to prioritise, and invest in, the Female Offender Strategy, as well as weak governance and monitoring of its aims.<sup>339</sup> In 2023 the Ministry of Justice launched a new delivery plan, backed by a promised £24 million investment in community solutions across 2023–25.<sup>340</sup> £15 million had been awarded by October 2023.<sup>341</sup>

Despite a strategic emphasis on imprisoning fewer women, 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 £150 million.<sup>342</sup> It has applied for planning permission to build 456 permanent new places in five women’s prisons. 153 have had permission granted so far. Two-thirds of the new spaces applied for would be in open conditions and the remaining third in closed conditions.<sup>343,344,345,346,347,348,349</sup> Two women’s prisons are also scheduled for installation of Rapid Deployment Cells.<sup>350</sup>

For data on women in Scotland and Northern Ireland please see pages 76 and 80.

## Use of custody

**On 30 September 2023 there were 3,570 women in prison in England and Wales — a 12% increase on last year.**<sup>351</sup> Women entered prison on 5,286 occasions in the year to June 2023—either on remand or to serve a sentence — up 7% on the previous 12 months.<sup>352,353</sup>

**Many women remanded into custody don’t go on to receive a custodial sentence.** In 2022, almost three quarters (72%) of women remanded and tried by the magistrates’ court didn’t receive a custodial sentence. In the Crown Court this figure was almost half (48%).<sup>354</sup> In September 2022, more than one in five women held on remand (21%) had been there longer than six months.<sup>355</sup>

**Most women entering prison to serve a sentence (69%) have committed a non-violent offence.**<sup>356</sup>

**In 2022, 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.**<sup>357</sup>

<sup>335</sup> Baroness Corston (2007). *The Corston report*. Home Office.

<sup>336</sup> Ministry of Justice (2018). *Female offender strategy*.

<sup>337</sup> HM Government (2018). *Victims strategy*. Cm 9700. HM Stationery Office.

<sup>338</sup> Lord Farmer (2019). *The importance of strengthening female offenders’ family and other relationships to prevent reoffending and reduce intergenerational crime*. Ministry of Justice.

<sup>339</sup> National Audit Office (2022). *Improving outcomes for women in the criminal justice system*. HC 1012.

<sup>340</sup> Ministry of Justice (2023). *Female offender strategy delivery plan 2022–25*. CP 772.

<sup>341</sup> House of Commons written question 203057, 25 October 2023.

<sup>342</sup> House of Commons written question 164487, 16 March 2021.

<sup>343</sup> South Gloucestershire Council (2023, 1 February). Planning application P23/00411/F.

<sup>344</sup> South Derbyshire District Council (2022, 19 December). Planning application DMPA/2022/1594

<sup>345</sup> Guildford Borough Council (2022, 6 December). Planning application 22/P/02055.

<sup>346</sup> Cheshire East Council (2022, 14 November). Planning application 22/4467M.

<sup>347</sup> Cheshire East Council (2022, 14 November). Planning application 22/4510M.

<sup>348</sup> Stafford Borough Council (2022, 20 December). Planning application 22/3679/FUL.

<sup>349</sup> BBC News (2023, 21 September). *HMP Foston Hall: Council approves expansion of prison*.

<sup>350</sup> House of Commons written question 187209, 7 June 2023.

<sup>351</sup> Table 1.1, Ministry of Justice (2023). *Offender management statistics quarterly: April to June 2023*.

<sup>352</sup> Table 2.1, Ministry of Justice (2023). *Offender management statistics quarterly: April to June 2023*.

<sup>353</sup> Table 2.1, Ministry of Justice (2022). *Offender management statistics quarterly: April to June 2022*.

<sup>354</sup> Remands data tool, Ministry of Justice (2023). *Criminal justice system statistics quarterly: December 2022*.

<sup>355</sup> House of Commons written question 121085, 19 January 2023.

<sup>356</sup> Table A2.9i, Ministry of Justice (2022). *Offender management statistics quarterly: October to December 2022*.

<sup>357</sup> Table A2.9i, Ministry of Justice (2022). *Offender management statistics quarterly: October to December 2022*.

Women make up only

4%

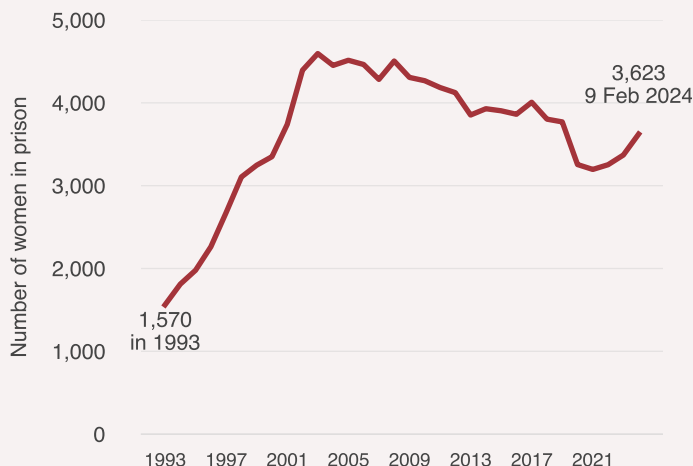
of the total prison population

5,286

women entered prison in the year to June 2023—either on remand or to serve a sentence

Source: Tables 1.1 and 2.1, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

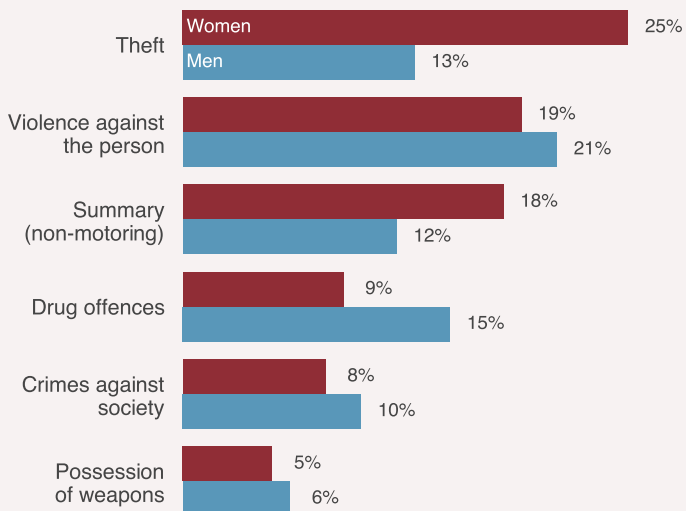
There are over **twice as many women in prison** as there were 30 years ago



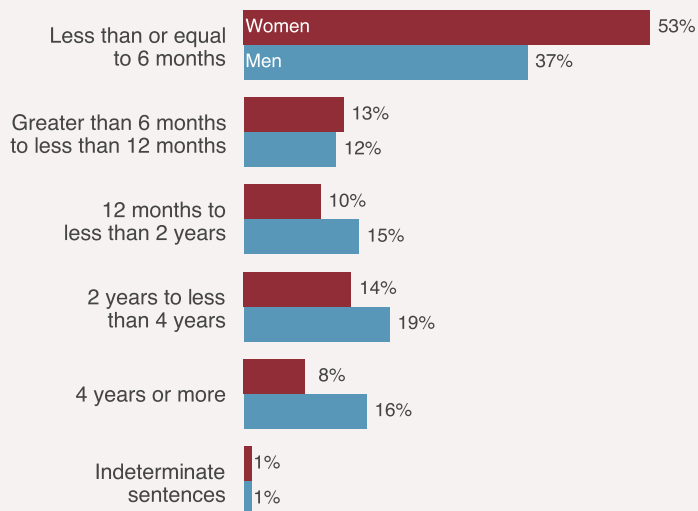
Sources: Table A1.1, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023. Table 5.1, Home Office (2003). Prison statistics England and Wales 2001.

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

In 2022, women entered prison for committing these offences, to serve these sentences

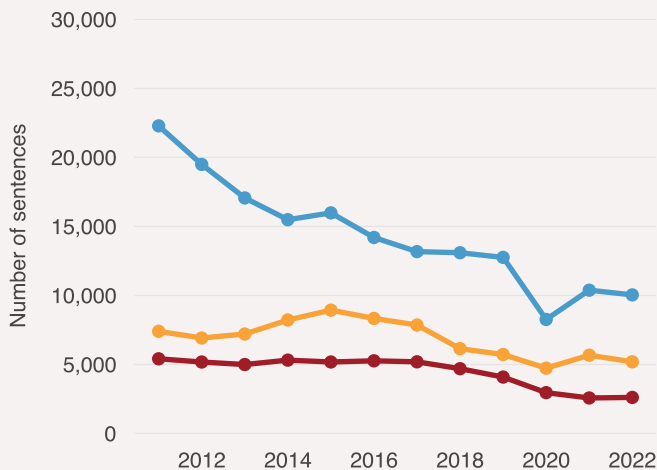


Source: Table A2.9, Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022.



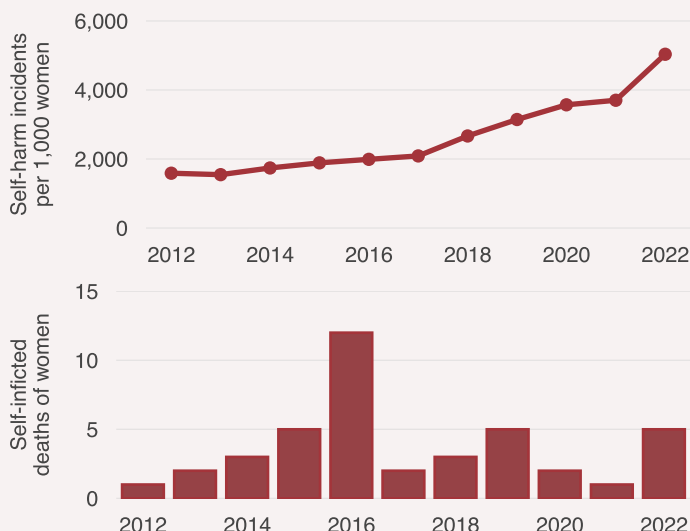
Source: Table A2.7, Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022.

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



Source: Outcomes by offence tool, Ministry of Justice (2023). Criminal justice statistics quarterly: December 2022.

Many women in prison have mental health needs and histories of abuse. Self-harm is at a record high.



Source: Tables 1.1 and 2.1, Ministry of Justice (2023). Safety in custody: Quarterly update to June 2023.



**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 over half (53%).<sup>358</sup>

**On average, nearly a third of women entering prison in 2022–23 (31%) said they had been in local authority care.**<sup>359,360</sup>

## Rehabilitation and resettlement

**44% of women leaving prison are reconvicted within one year.** Of those who reoffended, 72% were serving a sentence of six months or less.<sup>361</sup>

**The reoffending rate is 83% for women who have served more than 11 previous custodial sentences.**<sup>362</sup>

**Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.**<sup>363</sup>

**Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release.**<sup>364</sup> However, just 9% of women were in paid employment six weeks after release from custody—compared to 18% of men.<sup>365</sup> After six months, this rose to 12% and 27%, respectively.<sup>366</sup>

**Half of women left prison without settled accommodation in 2022–23.**<sup>367</sup>

**1,848 women were returned to custody in 2023 following recall—a 20% increase on the year before.**<sup>368</sup>

## Family

**Family is a vital support to resettlement on release.**<sup>369</sup> **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.<sup>370</sup>

**More than 17,500 children were estimated to be separated from their mother by imprisonment in 2020.**<sup>371</sup> 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.<sup>372</sup>

**194 pregnant women were held in prison at some point during 2022–23, with an average of 44 at any one time.** 44 imprisoned women gave birth in 2022–23, compared to 50 in the previous year.<sup>373</sup>

## Health

**The majority of women in prison (82%) report that they have mental health problems, compared with just over half of men (59%).**<sup>374</sup> In 2022, women accounted for 13% of transfers from prison to secure mental health facilities,<sup>375,376</sup> despite making up only 4% of the prison population.<sup>377</sup>

**Women serving long sentences have concerns about long-term health issues going untreated,** lack of adequate healthcare (particularly reproductive health services) and poor understanding of gender-specific health by prison officers.<sup>378</sup>

<sup>358</sup> Table A2.7, Ministry of Justice (2022). Offender management statistics quarterly: October to December 2022.

<sup>359</sup> House of Lords written question HL8980, 17 July 2023.

<sup>360</sup> Table 1.1, Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022.

<sup>361</sup> House of Lords written question HL1566, 30 January 2024.

<sup>362</sup> Tables 7.09, 7.10 and 7.08, Ministry of Justice (2018). Women and the criminal justice system 2017.

<sup>363</sup> Hedderman, C. and Jolliffe, D. (2015). The impact of prison for women on the edge: Paying the price for wrong decisions, victims and offenders. *International Journal of Evidence-based Research, Policy, and Practice*, 10, 152–178.

<sup>364</sup> Women & men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>365</sup> Table 4, Ministry of Justice (2023). Community performance annual, update to March 2023. Employ at 6 weeks post-release from custody.

<sup>366</sup> Table 4, Ministry of Justice (2023). Community performance annual, update to March 2023. Employ at 6 months post-release from custody.

<sup>367</sup> Table 4, Ministry of Justice (2023). Community performance annual, update to March 2023. Accommodation at release.

<sup>368</sup> Table 5.4, Ministry of Justice (2024). Offender management statistics quarterly: July to September 2023.

<sup>369</sup> Criminal Justice Joint Inspection (2014). Resettlement provision for adult offenders: Accommodation and education, training and employment.

<sup>370</sup> Table 5.1a, Ministry of Justice (2018). Female offender strategy.

<sup>371</sup> Kincaid, S. et al. (2019). Children of prisoners: Fixing a broken system. Crest Advisory.

<sup>372</sup> House of Lords written question HL8979, 17 July 2023.

<sup>373</sup> Table 10, HM Prison & Probation Service (2023). HMPPS Annual Digest, April 2022 to March 2023. Ministry of Justice.

<sup>374</sup> Women & men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>375</sup> House of Lords written question HL8978, 17 July 2023.

<sup>376</sup> Table 7, Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022. Restricted patients 2022.

<sup>377</sup> Table 1.1, Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022.

<sup>378</sup> Prison Reform Trust (2023). Invisible women: Understanding women's experiences of long-term imprisonment: Briefing 2: Hope, health and staff-prisoner relationships.

**Nearly three in five women in prison who drank in the four weeks before custody (59%) thought they had a problem with alcohol.** Around half (52%) thought their drinking was out of control, and two in five (41%) wished they could stop.<sup>379</sup>

**Two thirds of women in prison (67%) had used drugs within a month prior to custody and almost half (49%) thought they needed help with a drug problem.**<sup>380</sup> Of those who had used drugs, three in 10 (30%) had overdosed previously.

### Women serving long sentences in prison

**There are 381 women serving an indeterminate sentence in prison, almost all on life sentences (86%). They account for more than one in ten women in custody (11%).**<sup>381</sup> The number of women on an indeterminate sentence has doubled since 2002.<sup>382</sup>

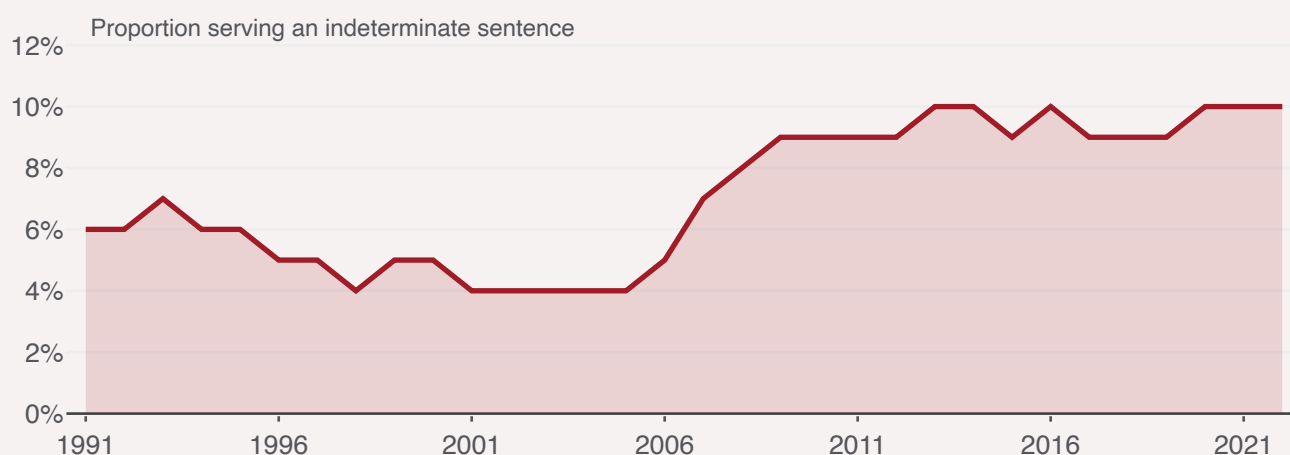
**10% of women serving indeterminate sentences are still in custody beyond their tariff expiry date—**the minimum period they must spend in custody and considered necessary to serve as punishment for the offence—including all remaining women serving an IPP sentence.<sup>383</sup>

**A further 12% are back in prison having been recalled.** They have no fixed release date and will be held in prison until the Parole Board deemed them safe for release.<sup>384</sup>

**108 women (3% of women in prison) are serving an extended determinate sentence —very long sentences with more time spent in prison and an extended licence period.**<sup>385</sup> At least 24 women are serving an EDS sentence of over ten years.<sup>386</sup>

**Women convicted of more serious crimes are spending longer in custody.** Between 2002 and 2023, the number of women serving long sentences of 4–10 years has declined by 22%. But the number serving sentences of ten years or more has increased by over a quarter (26%).<sup>387</sup>

**The proportion of women serving an indeterminate sentence has almost doubled in the last 30 years**



Source: Ministry of Justice, Offender Management Statistics and Home Office, Prison statistics

<sup>379</sup> Tables A24, A27 and A28, Light, M., et al. (2013). Gender differences in substance misuse and mental health amongst prisoners. Ministry of Justice.

<sup>380</sup> Tables A40, A42 and A64, Light, M., et al. (2013). Gender differences in substance misuse and mental health amongst prisoners. Ministry of Justice.

<sup>381</sup> Tables 1.1 & 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>382</sup> Table A1.15, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

<sup>383</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>384</sup> Table 1.9a, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>385</sup> Tables 1.1, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

<sup>386</sup> House of Lords written question HL3588, 5 December 2022.

<sup>387</sup> Table A1.1, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

## Children in prison

There are presently **three** ways in which children aged 10-17 can be lawfully detained in custody as a result of criminal proceedings. The **first** is on remand in custody. The **second** is on a Detention and Training Order (DTO)—a custodial sentence of between 4 months and 2 years for 15-17 year olds, and 12-14 year olds who offend persistently. The **third** covers more severe sentences, including life sentences, that exceed the legally allowable period of a DTO and can be given at any age between 10 and 17. Although the number of children in custody dropped from nearly 3,000 to 400 between 2008 and December 2022, the reasons for their detention have changed. The proportion held on remand has gone from 24% to 50% in the last decade, and the Police, Crime, Courts and Sentencing Act (2022) subsequently introduced more stringent tests for remanding children in custody. The proportion serving DTOs has decreased from 58% to 30% in the last decade, but the proportion serving longer sentences has increased from 14% to 31%, including 24 children serving life sentences.

There are currently four main types of accommodation used to detain children. The 14 **Secure Children's Homes (SCHs)** in England and Wales generally accommodate younger children and are intended to provide tailored support to children's needs. The sole remaining **Secure Training Centres (STC)** is a purpose-built places of detention for children aged 12-17, intended to provide education and rehabilitation. The Government has been committed since 2017 to opening two **secure schools** and brought forward legislation to allow these to be run by charitable organisations. The first, operated by Oasis Restore, is due to open in May 2024 and will eventually house up to 50 children. Lastly, five **Young Offender Institutions (YOIs)** are prisons that can accommodate children—although due to the current prison capacity crisis for adults, there are currently 150 young adults also accommodated there.

The Ministry of Justice has forecast that the population of children aged 15-17 in custody will increase to 500 by November 2024, possibly reaching 600 by 2026, reversing a decade of decline in child detention.

### Use of custody

**Children are committing fewer recorded crimes**—proven offences in 2023 decreased by 65% compared to 2013.<sup>388</sup>

**The number of children sentenced to immediate custody fell from over 4,000 in 2010 to around 540 in 2023—but the average sentence length increased from 12 to 20.5 months.**<sup>389</sup>

**At the end of December 2023 there were 397 children in custody in England and Wales. 15 children were aged 14 or younger.**<sup>390</sup> The number of children in custody has fallen by almost 85% since December 2008.<sup>391</sup>

**Two thirds of children in custody in 2023 were there for offences of violence against the person.**<sup>392</sup>

**More than two in five (44%) children in custody are on remand.**<sup>393</sup>

**Almost three-quarters (72%) of children remanded in custody in the year to March 2023 were either subsequently acquitted (28%) or given a non-custodial sentence (44%).**<sup>394</sup>

**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 ethnic minority children.<sup>395</sup>

**Fewer than 1% of all children in England are in care,**<sup>396</sup> **but two thirds (66%) of children in STCs and YOIs have been in care at some time in their lives.**<sup>397</sup>

**8% of children in YOIs said they were from a travelling community.**<sup>398</sup> Just 0.2% of all children in England and Wales are from a Gypsy or Irish Traveller background.<sup>399</sup>

<sup>388</sup> Table 4.1, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023.

<sup>389</sup> Table 5.3, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023.

<sup>390</sup> Tables 1.1 and 1.4, Youth Custody Service (2023). Youth custody report: December 2023.

<sup>391</sup> Table 1.1, Youth Custody Service (2023). Youth custody report: October 2023 and Table 7.2, Youth Justice Board (2023). Youth justice statistics: 2021 to 2022.

<sup>392</sup> Table 7.4, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023.

<sup>393</sup> Table 6.2, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023.

<sup>394</sup> Table 6.3, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023.

<sup>395</sup> Table 7.6, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023.

<sup>396</sup> Table: National CIA on 31 March by characteristics, Department for Education (2023). Children looked after in England including adoptions and Table MYE2 – Persons, Office for National Statistics (2022). Mid-year populations estimates, UK, June 2021.

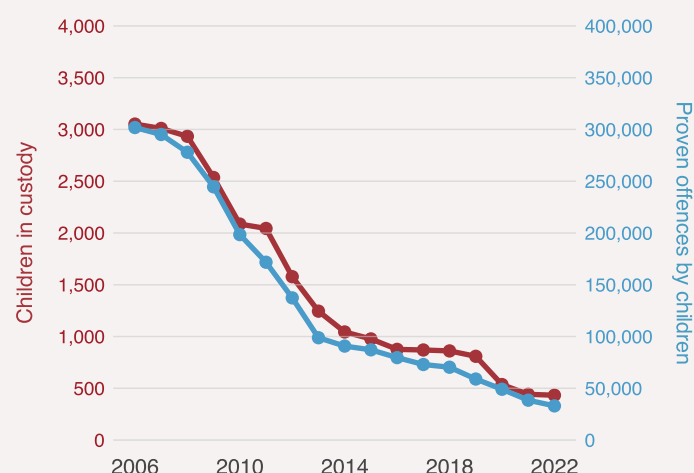
<sup>397</sup> Table 1, All children comparator workbook, HM Inspectorate of Prisons (2023). Children in custody 2022-23.

<sup>398</sup> Table 3, All children comparator workbook, HM Inspectorate of Prisons (2023). Children in custody 2022-23.

<sup>399</sup> Gypsy or Irish Traveller 02, Office for National Statistics (2023). Gypsy or Irish Traveller populations data: Population counts and Table MYE2 – Persons, Office for National Statistics (2022). Mid-year populations estimates, UK, June 2021.

## Prison works?

Child custody has reduced sharply—as has offending

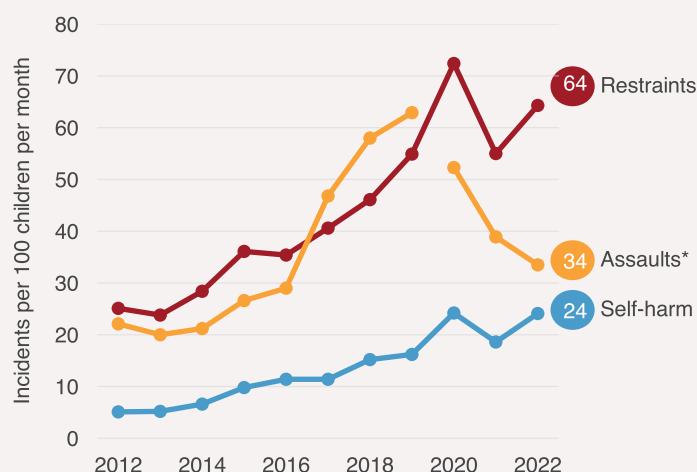


Sources:

Table 1, Youth Justice Board (2023). Monthly youth custody report October 2023.  
Tables 4.1 and 4.2, Youth Justice Board (2023). Youth Justice Statistics 2021-22.  
And previous editions.

## Fallen numbers—but declining safety

Restraints and self-harm are rising



Source: Table 8.3, Youth Justice Board (2023). Youth Justice Statistics 2021-22.  
And previous editions.

\*The definition of recorded assaults was changed in 2019.

## Safety, care and wellbeing in custody

**Children's perceptions of their safety continues to be poor.** One in three children held in YOIs (32%), and one in five in STCs (19%) told inspectors that they had felt unsafe where they are held.<sup>400</sup>

**Inspectors have observed that separation continues to severely restrict children's access to education and purposeful activity.** Inspectors found that, in addition to general separation from their peers, 'keep-apart' arrangements between individual children have become a feature of all sites. One YOI had 263 such arrangements between 66 children, which governed many aspects of institutional life.<sup>401</sup>

**A report by prison inspectors concluded that the 'restricted status' system used to manage children at increased risk of escape was inappropriate, being based on the model used to manage adult men.** It found weaknesses in assessment of children; noted that many had been managed successfully in lower security settings; and observed how restricted status meant children were less able to access rehabilitative work to lower the risk they were thought to pose.<sup>402</sup>

**Restraint of children in custody has been rising in recent years.** In the year to March 2023, there were around 4,600 use of force incidents, down 8% from the previous year. When the fall in the custodial population is taken into account, the average use of force incidents per 100 children has decreased.<sup>403</sup>

**The rate of self-harm amongst children in custody has risen sharply in recent years—increasing by a third (32%) in the last year alone.** There were 383 self-harm incidents per 100 children in custody on average in the year to March 2023, up from 289 incidents in the previous year, and 63 incidents in 2010.<sup>404</sup>

**Less than half of children (46%) said they felt cared for by staff—down 11 percentage points compared to last year.**<sup>405</sup>

**More than three quarters of children (78%) said they spend two hours or more out of their cell on weekdays, and just 38% at weekends.** But there was considerable variation in weekend regimes between sites, ranging from 100% of children reporting more than two hours out of their cell in one prison, to just 13% in another.<sup>406</sup>

**In 2022-23, 88% of children said they were taking part in education, 8% in vocational training, and 23% in offending behaviour programmes.**<sup>407</sup> This is a 3, 2 and 5 percentage point increase respectively on pre-pandemic levels,<sup>408</sup> but enforced time in-cell continues to impact actual attendance.<sup>409</sup>

<sup>400</sup> Table 3, All children comparator workbook, HM Inspectorate of Prisons (2023). Children in custody 2022-23.

<sup>401</sup> HM Inspectorate of Prisons (2023). Annual report 2022-23. HM Stationery Office.

<sup>402</sup> HM Inspectorate of Prisons (2023). Restricted status children and prisoners held in women's establishments.

<sup>403</sup> Table 8.2, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023 and previous editions.

<sup>404</sup> Table 8.3, Youth Justice Board (2024). Youth justice statistics: 2022 to 2023 and previous editions.

<sup>405</sup> Table 1, All children comparator workbook, HM Inspectorate of Prisons (2023). Children in custody 2022-23 and previous edition.

<sup>406</sup> HM Inspectorate of Prisons (2023). Children in custody 2022-23.

<sup>407</sup> Table 1, All children comparator workbook, HM Inspectorate of Prisons (2023). Children in custody 2022-23.

<sup>408</sup> Table 1, Comparator workbook, HM Inspectorate of Prisons (2021). Children in custody 2019-20

<sup>409</sup> HM Inspectorate of Prisons (2023). Children in custody 2022-23.

## 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.

In 2021, a prison inspectorate report concluded that outcomes remain 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, with little difference in treatment compared to adult prisoners. Inspectors recommended that HMPPS develop and resource a national strategy for young adult prisoners.<sup>410</sup>

HMPPS subsequently developed a custodial strategy for young adults but it has not been published. It developed a screening tool to identify young adult men who have not yet reached full maturity,<sup>411</sup> but there is no equivalent screening tool for women. A young adult Model of Operational Delivery (MOD) has been developed by the prison service, which aims to help prison leaders and their staff to better understand effective practice with young adult men.

HMPPS has also committed to several young adult specific projects, including an evaluation of the transitions unit at HMP/YOI Deerbolt for children entering the young adult estate; piloting a regional approach to improving provisions for young adults;<sup>412</sup> and developing a dedicated strategy for young adult women.<sup>413</sup>

**11,316 young adults are currently in prison in England and Wales—they account for 13% of the total prison population.**<sup>414</sup>

**There are now half as many young adults in prison as there were 13 years ago.**<sup>415</sup>

**18–24 year olds have the highest level of black, Asian and minority ethnic (BAME) over-representation in the adult prison estate of all age groups.** If our prison population reflected the make-up of England and Wales, we would have 2,850 fewer BAME young adults in prison.<sup>416</sup>

**There are 1,413 people in prison sentenced to life aged 25 or younger, with a tariff of 15 years or more.** Since 2013, this population has grown more than half (53%).<sup>417</sup>

**Young adults accounted for almost a quarter (24%) of all self-harm incidents in prison in 2022.** Young women account for 40% of female self-harm incidents despite comprising only 9% of the female prison population. Young men account for 18% of male self-harm while making up 14% of the male prison population.<sup>418</sup>

**Safety is declining for young adults in prison. The number of assaults has risen by nearly 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.<sup>419</sup>

**In 2022–23, inspectors were concerned that some prisons were doing little to understand and make provision for their young adults, but praised pockets of good practice at others.**<sup>420</sup>

**Young adults are more likely to be on the lowest level of the Incentives and Earned Privileges (IEP) scheme.** On average, nearly one in ten (9%) were on the ‘basic’ level compared with 3% of the adult population.<sup>421</sup>

**Inspectors found that the IEP scheme was least effective in young adult prisons.** A focus on punitive measures and an inadequate regime meant that many spent long periods on the lowest levels without any improvement in their behaviour.<sup>422</sup>

<sup>410</sup> HM Inspectorate of Prisons (2021). Outcomes for young adults in custody. HM Stationery Office.

<sup>411</sup> HM Prison & Probation Service (2021). A response to the HMI Prisons inspection: A thematic inspection on outcomes for young adults in custody.

<sup>412</sup> HM Prison & Probation Service (2021). A response to the HMI Prisons inspection: A thematic inspection on outcomes for young adults in custody.

<sup>413</sup> Ministry of Justice (2023). Female Offender Strategy delivery plan 2022–2025. CP 772.

<sup>414</sup> Table 1.3, Ministry of Justice (2024). Offender management statistics quarterly: July to September 2023.

<sup>415</sup> Table A1.7, Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023.

<sup>416</sup> Table 1.1, 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. Ministry of Justice.

<sup>417</sup> Ministry of Justice (2020). Freedom of Information request 201117009, 15 December 2020.

<sup>418</sup> Table 2.3, Ministry of Justice (2023). Safety in custody statistics quarterly: April to June 2023.

<sup>419</sup> Table 3.3, Ministry of Justice (2023). Safety in custody statistics quarterly: April to June 2023.

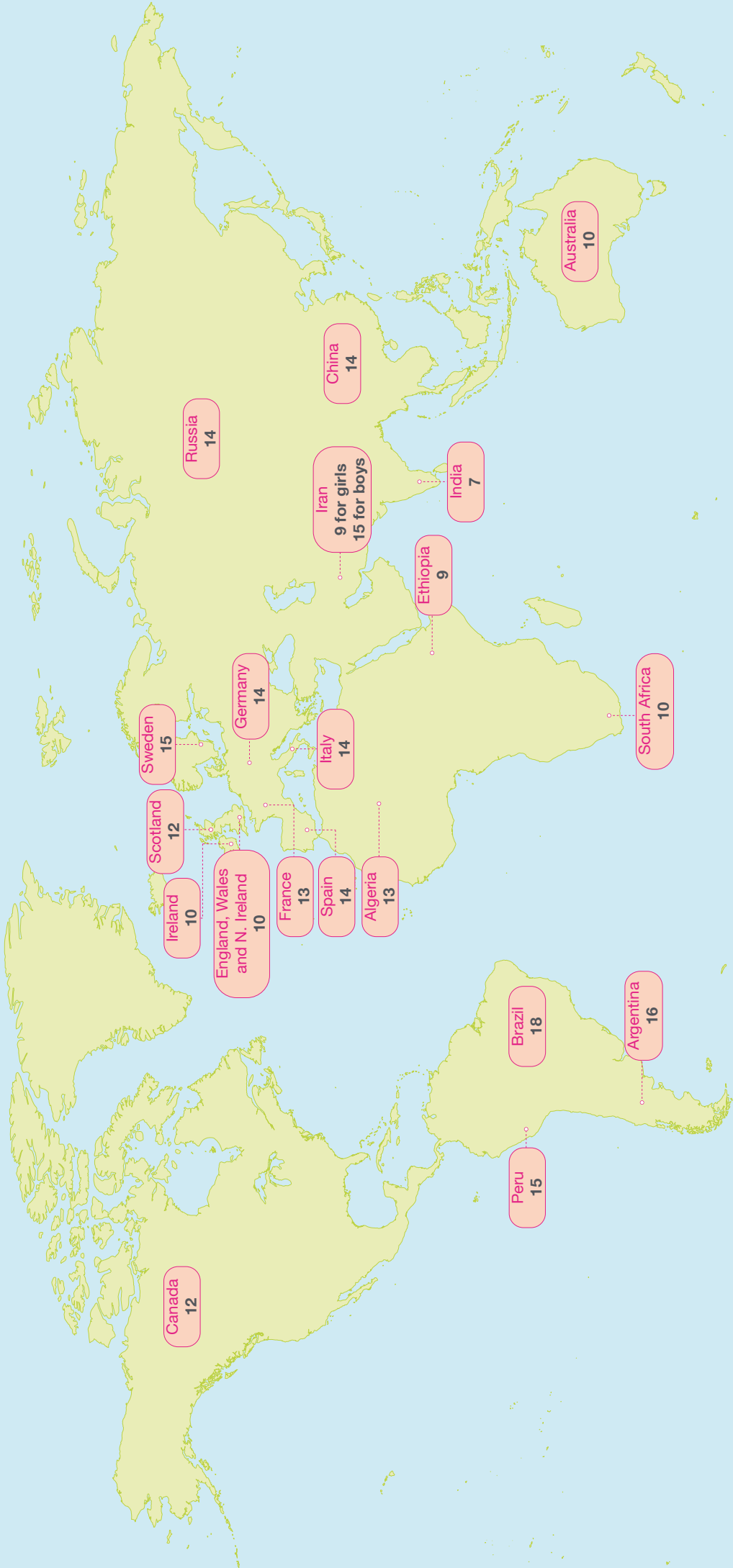
<sup>420</sup> HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>421</sup> Table 4.1, Ministry of Justice (2023). HMPPS offender equalities annual report 2022 to 2023.

<sup>422</sup> HM Inspectorate of Prisons (2018). Incentivising and promoting good behaviour. 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 & alcohol

In 2020–21, a government commissioned independent review of drugs estimated that people with a serious drug addiction occupy one third of prison places. They are generally serving very short sentences and have an extensive offending history. The review concluded that drug prevention, treatment and recovery across all public services (including prisons) was “not fit for purpose and urgently needs repair.” It recommended an additional £552 million of investment over the next five years, including funding to improve quality of in-prison treatment, increased diversion from custody, and seamless post-release support for addiction recovery from day one of release.<sup>423</sup>

In December 2021, the Government published its 10-year strategy to tackle drugs, and address the recommendations in the independent review. It promised to invest £780 million in a “world class treatment and recovery system” that included “a treatment place for every offender with an addiction”, an expanded specialist workforce, and better access to post-release support (including accommodation).<sup>424</sup> The Ministry of Justice secured £120 million over the next three years for drug treatment in prison.<sup>425</sup>

### Drugs

**One third of women (33%) and almost one third of men (30%) report that it is easy to get drugs in their prison.**<sup>426</sup> This is down from 40% (women) and 45% (men) before the pandemic.<sup>427</sup>

**Drugs were seized on 14,724 occasions in 2022–23, a decline of 17% compared with the previous year.** The exact substance was unknown in most instances (32%), followed by cannabis (25%), psychoactive (18%) and other substances (18%). Finds of unknown substances now account for nearly a third of seizures, compared to less than a fifth in the previous year (18%).<sup>428</sup>

**41,308 random mandatory drugs tests (rMDTs) were conducted in the 12 months to March 2023, an increase from 12,396 the previous year, but well below the 54,000 tests conducted in the year before the pandemic.** Test numbers are not yet sufficient for reliable estimates of drug use.<sup>429</sup>

**In 2022–23, inspectors praised prison leaders for investing in technology to reduce drug supply, but expressed concern that poor regimes, inadequate interventions and a lack of keywork were continuing to fuel drug demand.**<sup>430</sup>

**9% of women and 8% of men surveyed by inspectors said that they had developed a problem with illicit drugs since they had arrived in prison.**<sup>431</sup>

**There were 145 drug-related deaths in prison between 2008 and 2019. The risk of male prisoners dying from drug related death was higher than in the general male population in 2016–2019.** Deaths were most commonly from opiates (40%) followed by psychoactive substances (30%). Outside prison, psychoactive substances account for only 2% of drug related deaths.<sup>432</sup>

**One in six men (17%) and one in seven women (14%) serving a sentence in prison are there for drug offences.**<sup>433</sup>

**Nearly half (49%) of women entering prison report having a drug issue compared with just over one in four men (29%).**<sup>434</sup> The number of women reporting a drug problem has increased by 12 percentage points since last year.<sup>435</sup>

**Nearly half of women in prison report having committed offences to support someone else’s drug use (48%).** Two thirds of women and 38% of men report offending to get money to buy drugs. Over two thirds of women (68%) and over half of men (55%) said they were under the influence of drugs when they offended.<sup>436</sup>

<sup>423</sup> Black, C. (2021). Review of drugs: Phase two report. Home Office.

<sup>424</sup> HM Government (2021). From harm to hope: A 10-year drugs plan to cut crime and save lives. HM Government.

<sup>425</sup> House of Commons written question 20291, 17 June 2022.

<sup>426</sup> Table 1. Women and men’s comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>427</sup> HM Inspectorate of Prisons (2020). Annual report 2019–20. HM Stationery Office.

<sup>428</sup> Table 8.2a. Ministry of Justice (2023). HM Prison and Probation Service annual digest 2022–23. Ministry of Justice. NB Multiple drugs can be found in a single seizure incident.

<sup>429</sup> Ministry of Justice (2023). HM Prison and Probation Service annual digest 2022–23. Ministry of Justice.

<sup>430</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office. And 2019–20 edition.

<sup>431</sup> Table 1. Women and men’s comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>432</sup> Office for National Statistics (2023). Drug-related deaths and suicide in prison custody in England and Wales: 2008 to 2019. Office for National Statistics. Note that due to the ONS definition of a drug-related death, 18 of the reported deaths were also suicides.

<sup>433</sup> Table A1.4i. Ministry of Justice (2023). Offender management statistics quarterly: January to March 2023. Ministry of Justice.

<sup>434</sup> Table 1. Women and men’s comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>435</sup> HM Inspectorate of Prisons (2022). Annual report 2021–22. HM Stationery Office.

<sup>436</sup> Light, M. et al. (2013). Gender differences in substance misuse and mental health amongst prisoners. Ministry of Justice.

## Alcohol

**70% of people in prison with a self-identified alcohol problem said they had been drinking when they committed their offence.** 38% believed that their drinking was a big problem.<sup>437</sup>

**30% of women say they had a problem with alcohol on arrival at prison, compared to 18% of men.**<sup>438</sup>

**Nearly a quarter of men (24%) said that it was easy to get alcohol in their prison—triple the level amongst women in prison (8%),**<sup>439</sup> and a six percentage point increase since last year.<sup>440</sup>

## Substance misuse support

**43,569 people received substance misuse treatment in prison during 2021–22, an increase of 3% from the previous year.** Almost half (46%) were receiving treatment for opiate use.<sup>441</sup>

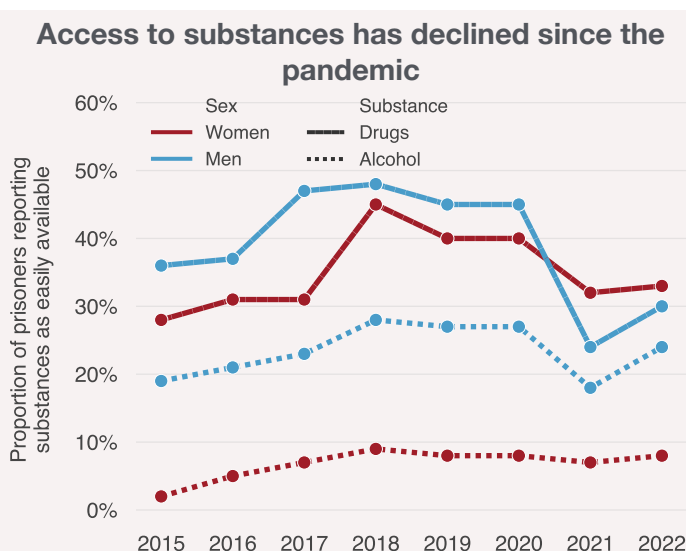
**A higher proportion of women said they had been helped with their drug problem in prison than men (66% compared with 52%).**<sup>442</sup> But while the number of men reporting help has remained steady, the number of women reporting help has declined by nine percentage points since last year.<sup>443</sup>

**In 2021–22, just under two fifths of adults (37%) identified as in need of post-release substance misuse support were successfully engaged in treatment within 21 days of leaving prison.**<sup>444</sup>

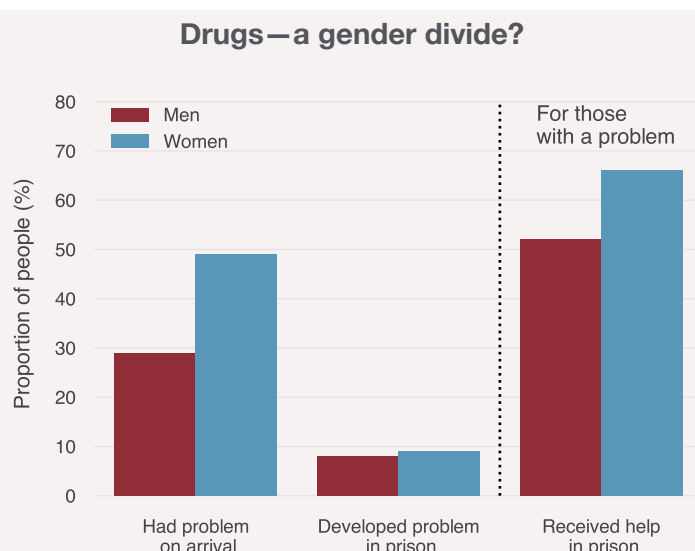
**HMPPS spent £9 million piloting a drug recovery prison at HMP Holme House between 2017 and 2020.**<sup>445</sup> Prisoners and staff felt that the prison was safer and calmer. Prisoners reported better access to drug treatment and better overall health. But security measures to reduce drug supply impacted quality of prison life, and further culture change was needed in uniformed staff to support the prison's recovery ethos.<sup>446</sup>

**In 2021, the Government invested £50 million in a pilot project called Reducing Reoffending, which included appointing more substance misuse specialists.** In prisons that received investment, uptake of substance misuse treatment increased by 19% and uptake of post-release preparation increased by 14%.<sup>447</sup>

**The National Audit Office has raised concerns that information sharing about substance misuse is 'fragmented' across agencies and services, negatively impacting planned improvements.**<sup>448</sup> Around 78% of surveyed staff in the Reducing Reoffending pilot thought recent investment had improved partnership working in substance misuse services.<sup>449</sup>



Source: HM Inspectorate of Prisons (2023). Annual report 2022–23 & previous editions.



Source: HM Inspectorate of Prisons (2023). Annual report 2022–23.

<sup>437</sup> Alcohol and Crime Commission (2014). The alcohol and crime commission report. Addaction.

<sup>438</sup> Table 1. Women and men's comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>439</sup> Table 1. Women and men's comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>440</sup> HM Inspectorate of Prisons (2022). Annual report 2021–22. HM Stationery Office.

<sup>441</sup> Table 2.2. Office for Health Improvement and Disparities (2023). Substance misuse treatment in secure settings 2021 to 2022. Public Health England and previous editions.

<sup>442</sup> Table 1. Women and men's comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>443</sup> HM Inspectorate of Prisons (2022). Annual report 2021–22. HM Stationery Office.

<sup>444</sup> Calculated by Office for Health Improvement and Disparities: Evidence Application Team using data from the National Drug Treatment Monitoring System (NDTMS), indicator C20.

<sup>445</sup> HM Prison & Probation Service (2019). Prison drugs strategy. Ministry of Justice.

<sup>446</sup> Ayres, T., Hatcher, R. & Palmer, E. (2023). Process evaluation of the drug recovery prison at HMP Holme House. Ministry of Justice.

<sup>447</sup> Whitfield, K. (2023). £50m Reducing Reoffending Package process evaluation. Ministry of Justice.

<sup>448</sup> National Audit Office (2023). Improving resettlement support for prison leavers to reduce reoffending. HC1282.

<sup>449</sup> Whitfield, K. (2023). £50m Reducing Reoffending Package process evaluation. Ministry of Justice.

## Mental health

The last few years saw immense preparation for changes to mental health law, including for prisoners and forensic patients. In 2018, an independent review of the Mental Health Act urged ending the use of prisons as a place of safety and introducing statutory time limits for transferring mentally ill prisoners to hospital.<sup>450</sup>

A new Draft Mental Health Bill was published in 2022, which included a 28-day statutory time limit for relevant bodies to “seek to ensure” people are transferred from prison to hospital. It also included a provision to remove the use of prisons as a place of safety and end the use of remand solely for mental health concerns.<sup>451</sup>

However, in November 2023 the Draft Mental Health Bill — the culmination of years of cross-party working — was absent from the King’s Speech. Whether it will return to Parliament remains uncertain.<sup>452</sup>

A Justice Committee inquiry found mental health provision to be inadequate in prison, and the high unmet need “surprising and disappointing.” It called for a proper analysis of needs to inform resource planning; an end to fragmentary service provision; improved staff training; and an increase in care availability. It echoed wider calls to end prison as a place of safety and increase the speed of transfers to appropriate mental health inpatient services.<sup>453</sup> A joint inspectorate inquiry on mental health in the criminal justice system also echoed similar themes for prisons: the need for better information sharing; better staff training; more service provision; quicker transfers to hospital; and an end to prison as a place of safety.<sup>454</sup>

### Extent of mental health problems in prison

**Nearly three in five men (59%) and more than four in five women in prison (82%) say they have mental health problems.**<sup>455</sup>

**In a survey of the prison mental health caseload, the most common primary presenting issues<sup>456</sup> were anxiety/depression (29% of patients), psychosis (22%), and personality disorder (17%).** Psychosis was markedly more prevalent in the London region, where there are more local prisons with short-term and remand populations.<sup>457</sup>

**Many prisoners with mental health conditions also have factors that increase risk to their life.** In surveyed prisons, more than half of patients had previously self-harmed (54%); two in five had attempted suicide (40%); and a similar proportion had a history of substance misuse alongside poor mental health (39%).<sup>458</sup>

**A survey found that only one in seven initial screenings in prison (14%) were conducted by someone with a mental health qualification.**<sup>459</sup>

### Mental health support

**Over half of women (54%) said they had received help for mental health problems in their current prison, compared to fewer than three in 10 men (29%).**<sup>460</sup>

**The Justice Committee found that around 10% of those in prison are receiving treatment for mental illness,** with some prisons estimating as much as 70% of their population having some form of mental health need at any one time.<sup>461</sup>

**Inspectors have continued to raise concerns about people in mental health crisis being held for too long in conditions detrimental to their health and wellbeing, particularly women.**<sup>462</sup>

<sup>450</sup> Independent Review of the Mental Health Act 1983 (2018). Modernising the Mental Health Act: Increasing choice, reducing compulsion. Department of Health and Social Care.

<sup>451</sup> HM Government (2022). Draft Mental Health Bill. CP 699. HM Stationery Office.

<sup>452</sup> Mind (2023, 7 November). UK government shelves the Mental Health Bill.

<sup>453</sup> House of Commons Justice Committee (2021). Mental health in prison. Fifth report of session 2021-22. HM Stationery Office.

<sup>454</sup> Criminal Justice Joint Inspection (2021). A joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders. HM Stationery Office.

<sup>455</sup> Table 1. Women and men’s comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>456</sup> These figures underestimate the true prevalence of mental health conditions as people may have other conditions alongside the one classified as primary.

<sup>457</sup> Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

<sup>458</sup> Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

<sup>459</sup> Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

<sup>460</sup> Table 1. Women’s and men’s comparator workbooks. HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>461</sup> House of Commons Justice Committee (2021). Mental health in prison. Fifth report of session 2021-22. HM Stationery Office.

<sup>462</sup> HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

The most common forms of mental health intervention offered by prisons in England are talking therapy (22%), medication (13%), and access to a psychiatrist (11%) according to a recent survey. But data on the true level of service is patchy.<sup>463</sup>

Support for some mental health needs is much worse than others, particularly neurodivergent conditions. 33% of surveyed prisons said they had skills gaps for learning disability; 58% for autism; 43% for ADHD; 87% for acquired brain injury; and 84% for speech, language and communication difficulties.<sup>464</sup>

Mental health staffing varies considerably by region, but even regions with the “best” provision had only nine nursing staff per 1,000 people in custody; two psychiatrists; seven occupational speech and language therapists; eight psychologists/therapists; five social workers; and seven support workers. The youth estate has markedly better coverage than the adult estate.<sup>465</sup>

### Hospital care, aftercare and diversion

1,057 people were transferred from prison to a secure hospital in 2022—a 46% increase since records began in 2003.<sup>466</sup>

In surveyed prisons, nearly a quarter of hospital transfers (23%) took longer than the recommended 28 days. Delays ranged from two days to over a year, with a “substantial proportion” waiting over two months.<sup>467</sup>

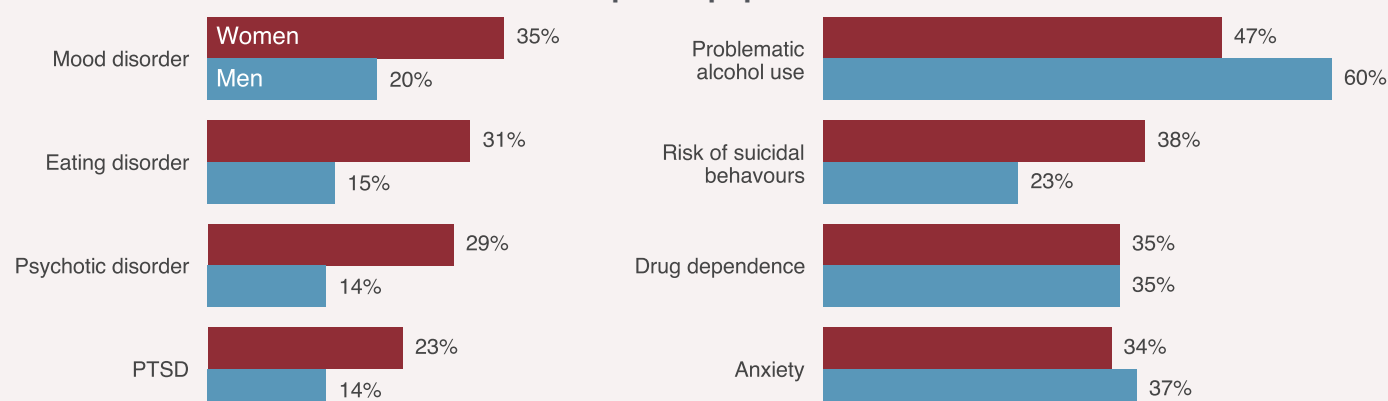
A study found that only one in five people returning from hospital to prison (known as remittal) entitled to aftercare were receiving such care.<sup>468</sup>

In 2020, NHS England established the RECONNECT service which offers support for people leaving prison with an identified health need, up to three months before and six months after release.<sup>469</sup> It is currently running in five regions, with a target of national rollout by March 2024.<sup>470</sup>

In 2018, the Community Sentence Treatment Requirement (CSTR) was established in five areas of England, as an alternative to short prison sentences. An evaluation found that four in five people assessed as suitable for a CSTR (80%) were sentenced to one, and that between 48–73% of people showed positive reliable change across various indicators of mental distress.<sup>471</sup>

The Justice Committee has criticised the government’s aim to make CSTRs available across 50% of England and Wales by 2023 as insufficiently ambitious.<sup>472</sup>

### 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, 1143-1152.

463 Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

464 Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

465 Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

466 Table 7. Ministry of Justice (2023). Offender management statistics quarterly: October to December 2022, Restricted patients 2022.

467 Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

468 Leonard, S.-J., Webb, R. & Shaw, J. (2020). Service transitions, interventions and care pathways following remittal to prison from medium secure psychiatric services in England and Wales: National cohort study. *British Journal of Psychiatry*, 6(5), E80.

469 NHS England (n.d.). RECONNECT. Accessed 10 February 2024.

470 Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

471 Callender, M., Sanna, G. & Cahalin, K. (2023). Community Sentence Treatment Requirement multisite report July 2020 – January 2023. Institute for Public Safety and Criminal Justice.

472 House of Commons Justice Committee (2021). Mental health in prison. Fifth report of session 2021-22. HM Stationery Office.

## Disability, health and social care

### Disability

**A 2012 study estimated that 36% of people in prison had a disability, compared to 19% of the general population.**<sup>473</sup>

**57% of women, 41% of men and 30% of children in prison report having a disability.** All groups reported feeling less safe in prison than non-disabled prisoners, and report more negatively about key aspects of prison life.<sup>474,475,476</sup>

**Inspectors found that some prisons did not have enough cells with appropriate adaptations for disabled prisoners;** had inadequate personal evacuation plans; and relied on insufficiently trained peer support workers (other prisoners) to provide personal care.<sup>477</sup>

The Government's National Disability Strategy includes commitments to improve support for neurodivergent prisoners, but there are no specific provisions or plans for other disabilities.<sup>478,479</sup>

### Health and social care

**Inspectors are concerned about the fragility of prison healthcare, including an overreliance on agency workers and staff shortages.** But they praised healthcare leadership, dedication, and efforts to maintain service.<sup>480</sup>

**More prisoners are accessing the NHS RECONNECT pathway, which is designed to improve health outcomes for people leaving prison by improving continuity of care.**<sup>481</sup> Full rollout is anticipated by 2024.<sup>482</sup>

**2022 saw publication of the National Partnership Agreement on prison health and social care**—setting out how five Government agencies will work together to improve health, reduce health inequalities, address health-related drivers of offending behaviour, and support continuity of care post-custody.<sup>483</sup>

**Just two in five women (40%) and 36% of men in prison said the overall quality of health services was good.**<sup>484</sup> A review of women's healthcare in prison found it to be insufficiently gender specific.<sup>485</sup>

**The rate of infection for Hepatitis C in prison is 13% for women and 7% for men, compared to 0.4% of the general population.** Prevalence of other blood-borne viruses such as HIV is also higher in prison.<sup>486</sup>

**The UK Health Security Agency classifies imprisonment as one of six social risk factors for tuberculosis (TB), alongside drug/alcohol misuse and homelessness.** In 2021, 4% of all TB notifications in England were for people currently or previously imprisoned.<sup>487</sup>

**In 2022–23, over a third (36%) of recommendations by the Prisons and Probation Ombudsman (PPO) concerned healthcare provision.** 36 different prisons received recommendations about inappropriate use of restraints on prisoners attending hospital, including during anaesthesia and endoscopy.<sup>488</sup>

**People in prison receive inequitable social care according to inspectors.**<sup>489</sup>

**The Prison and Probation Ombudsman is particularly concerned about shortcomings in adult safeguarding.** They have highlighted cases where prisoners with care needs were left in unsafe conditions, did not have necessary equipment like bed guards or fall alarms, and were left to self-neglect.<sup>490</sup>

473 Cunneiffe, C. et al. (2012). Estimating the prevalence of disability amongst prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey. Ministry of Justice.

474 Table 1 and Table 8. Women's comparator workbook, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

475 Table 1 and Table 9. Men's comparator workbook, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

476 Table 1 and Table 6. Children and young people's comparator workbook, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

477 HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

478 HM Government (2021). National Disability Strategy. CP 512. HM Stationery Office.

479 Cabinet Office (2023). Disability action plan: Consultation. CP 873. HM Stationery Office.

480 HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

481 HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

482 Durcan, G. (2023). Prison mental health services in England, 2023. Prison and young offender institution mental health needs analysis. Centre for Mental Health.

483 HM Government (2022). National partnership agreement for health and social care in England. Improving the quality of services for people in prison and those subject to statutory supervision by the probation service in the community. 2022–2025.

484 Table 1. Women's and men's comparator workbooks, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

485 NHS England and HM Prison & Probation Service (2023). A review of health and social care in women's prisons.

486 Revolving Doors (2017). Rebalancing Act.

487 UK Health Security Agency (2023). Tuberculosis in England, 2022 report (data up to end of 2021).

488 Prisons and Probation Ombudsman (2023). Annual report 2022–23. HM Stationery Office.

489 HM Inspectorate of Prisons and Care Quality Commission (2018). Social care in prisons in England and Wales.

490 Prisons and Probation Ombudsman (2023). Annual report 2022–23.



## Compassionate release

The number of people granted compassionate release for health reasons is low—between 2012 and 2019, only 82 people were released.<sup>491,492</sup>

During the pandemic, prisoners who were pregnant, had babies in custody or were considered extremely vulnerable to Covid-19 could apply for temporary release on compassionate grounds. However, only 54 prisoners were released under the scheme<sup>493</sup> before it was halted.<sup>494</sup>

The PPO found that risk assessments for compassionate or temporary release were frequently determined by the risk a person would have posed when healthy—not the actual risk they pose based on their current health condition.<sup>495</sup>

## Pregnancy, maternity and perinatal care

A Nuffield study found that more than one in 10 imprisoned women (11%) went into pre-term labour, compared with around one in 15 women in the general population (6.5%).<sup>496</sup>

194 pregnant women were held in prison at some point during 2022–23, with an average of 44 in custody at any one time. 44 imprisoned women gave birth in 2022–23, compared to 50 in the previous year.<sup>497</sup> HMPPS does not record how many women experience miscarriage in prison.<sup>498</sup>

51 women and 44 babies were received into Mother and Baby Units (MBUs) in 2022–23.

Applications for admission to an MBU were successful in around seven in 10 cases (73%) where a board made a decision.<sup>499</sup> The Royal College of Midwives has recommended a presumption of MBU eligibility for all mothers with infants aged under two years.<sup>500</sup>

A Ministry of Justice review found that the MBU application process was too long, sometimes resulting in preventable short-term separations.<sup>501</sup> Another review found that entry into custody was particularly distressing for pregnant women, and women separated from their children.<sup>502</sup>

MBUs have an upper child age limit of 18 months, which may be extended in exceptional cases where separation is considered detrimental to the interests of the child.<sup>503</sup>

Two babies were born and died in prison in 2019–20. The PPO was highly critical of the outdated and inadequate maternity services at HMP Bronzefield,<sup>504</sup> and the lack of healthcare provided at HMP Styal.<sup>505</sup> The government has accepted the recommendations of both reports<sup>506,507</sup> and published action plans in response.<sup>508,509</sup>

In the wake of the deaths, HMPPS published a new policy on pregnancy, maternity and separation<sup>510</sup>—previously, there were no mandatory requirements for care of pregnant or separated women.<sup>511</sup>

MBUs also received extra funding for equipment, multidisciplinary pregnancy care planning is now compulsory, and all women are now entitled to free phone access to NHS Pregnancy Advice Services. Staff must also receive training on the care of pregnant women.<sup>512</sup>

491 House of Lords written question HL2099, 1 November 2017.

492 House of Lords written question HL10210, 25 November 2020.

493 Table 3, HM Prison and Probation Service (2020). COVID-19 statistics: September 2020.

494 HM Prison and Probation Service (2020). COVID-19 statistics: October 2020.

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

496 Davies, M. et al. (2022). Inequality on the inside: Using hospital data to understand the key health care issues for women in prison. Nuffield Trust.

497 Table 10, HM Prison & Probation Service (2023). HMPPS Annual Digest, April 2022 to March 2023. Ministry of Justice.

498 House of Commons written question 176814, 17 April 2023.

499 Table 10, HM Prison & Probation Service (2023). HMPPS Annual Digest, April 2022 to March 2023. Ministry of Justice.

500 Royal College of Midwives (2019). Position statement: Perinatal women in the criminal justice system.

501 Ministry of Justice (2020). Review of operational policy on pregnancy, Mother and Baby Units and maternal separation.

502 NHS England and HM Prison & Probation Service (2023). A review of health and social care in women's prisons.

503 HM Prison & Probation Service (2023). Pregnancy, Mother and Baby Units (MBUs), and maternal separation from children up to the age of two in women's prisons. Ministry of Justice.

504 Prisons and Probation Ombudsman (2021). Independent investigation into the death of Baby A at HMP Bronzefield on 27 September 2019.

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

506 Atkins, V. (2021). Letter to the Chair of the Justice Select Committee Sir Bob Neill MP, 28 October 2021. Ministry of Justice.

507 Atkins, V. & Keegan, G. (2022). Letter to the Chair of the Justice Select Committee Sir Bob Neill MP, 28 January 2022. Ministry of Justice.

508 Ministry of Justice (2021). Action plan – Baby A at HMP Bronzefield. Ministry of Justice.

509 Ministry of Justice (2021). Action plan in response to the PPO report into the death of Baby B at HMP Styal on 18 June 2020.

510 HM Prison & Probation Service (2023). Pregnancy, Mother and Baby Units (MBUs), and maternal separation from children up to the age of two in women's prisons. Ministry of Justice.

511 Ministry of Justice (2020). Review of operational policy on pregnancy, Mother and Baby Units and maternal separation.

512 House of Commons written question 197024, 11 September 2023.



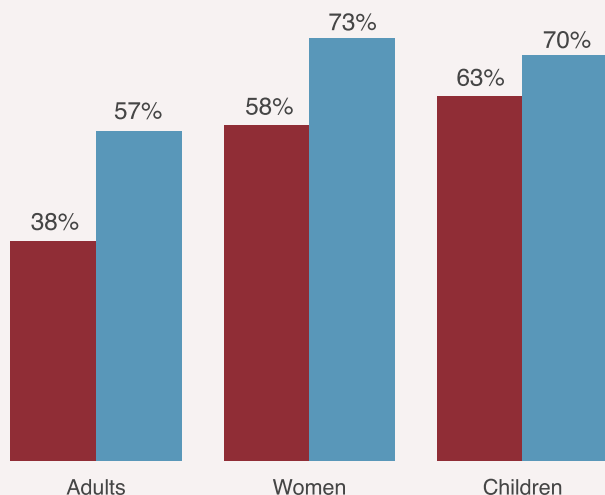


# **REHABILITATION AND RESETTLEMENT**

## Reoffending

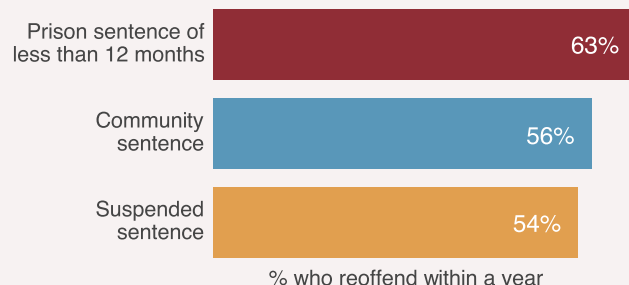
Reoffending rates are hard, if not impossible, to measure. Published figures almost invariably use reconviction as a proxy measure. But reconviction can be affected by many factors, in particular the priorities set by police and their ability to detect crime. We use published material on reconvictions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

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



Sources:  
Ministry of Justice (2023). Proven reoffending statistics January to March 2021.  
Ministry of Justice (2018). Tables 7.09 and 7.10, Women and the criminal justice system 2017. (latest available)

**Short prison sentences are less effective at reducing reoffending than community orders** for people committing the same types of crime.



Source: Ministry of Justice (2013). Compendium of reoffending statistics and analysis.

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

**↑ 36 %**

**when a short prison sentence is used rather than a community sentence.**<sup>513</sup>

**A 2019 study has estimated the annual total economic and social cost of reoffending as £18.1bn.**<sup>514</sup>

**Sentencing Council research found that “the current evidence does not suggest that increasing the length of immediate 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.”<sup>515</sup>

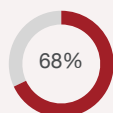
**Community sentences are particularly effective for people with mental health problems.**<sup>516</sup>

**Receiving treatment for addiction in the community can reduce offending.** Public Health England found that there was a 33% reduction in the number of offences committed in the two years following treatment.<sup>517</sup>

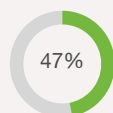
People are less likely to be reconvicted if they receive family visits whilst in prison

**69%**

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



No visits

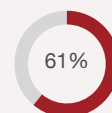


Visits

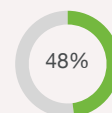
People are less likely to be reconvicted if they live with their immediate family on release

**57%**

said they were living with their immediate family on release



Not living with family

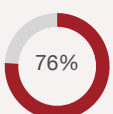


Living with family

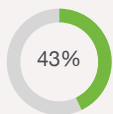
People are more likely to be reconvicted if they use class A drugs on release

**1 in 3**

said they had used class A drugs since leaving custody



Used class A drugs

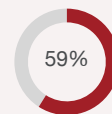


Did not use class A drugs

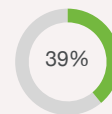
People are less likely to be reconvicted if they secure a job after their release

**28%**

of prisoners had been in employment the year after custody



Unemployed



Employed

Source: Brunton-Smith, I. & Hopkins, K. (2013) The factors associated with proven reoffending following release from prison: Findings from waves 1-3 of SPCR. Ministry of Justice.

<sup>513</sup> Hillier, J. and Mews, A. (2018). Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending? Ministry of Justice.

<sup>514</sup> Ministry of Justice (2019). The economic and social costs of reoffending.

<sup>515</sup> Gormley, J., Hamilton, M. and Belton, I. (2022). The effectiveness of sentencing options on reoffending. Sentencing Council.

<sup>516</sup> Hillier, J. and Mews, A. (2018). Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending? Ministry of Justice.

<sup>517</sup> Ministry of Justice (2017). The impact of community-based drug and alcohol treatment on re-offending. 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 (ROTL); giving governors powers to commission education in their prisons; expanding vocational training opportunities; and improving employment outcomes on release.<sup>518</sup>

Both Ofsted and HM Inspectorate of Prisons have criticised the poor quality of current prison education provision, noting that there has been little improvement since a review conducted by Dame Sally Coates in 2016.<sup>519</sup> Of the 42 inspections of prisons and young offender institutions conducted by Ofsted and Estyn (Wales) during 2022–23, only four institutions were judged to be providing education, work or skills at a reasonable standard.<sup>520</sup>

A new Prisoner Education Service is currently in development, which will be delivered by a variety of providers from 2025.<sup>521</sup>

**Inspectors have heavily criticised the slow recovery of purposeful activity in prisons post-pandemic, with too many people still locked up in their cells for too long, and too few activities offered.** In men's prisons, 68% of the recommendations made around purposeful activity in previous inspections had not been achieved. In women's prisons, 31% were not achieved.<sup>522</sup>

**Across prison establishments, on average two-thirds of prisoners in a prison are in purposeful activity, but with large variations between prisons** — the lowest proportion of prisoners in purposeful activity in a prison was 23% and the highest was 99%.<sup>523</sup>

**Only one out of 37 men's prisons received a positive rating from inspectors for purposeful activity in 2022–23<sup>524</sup> —down from just a quarter the year before.<sup>525</sup>**

**More than a third of women (36%) and two in five (42%) men<sup>526</sup> reported being in their cell for more than 22 hours a day during the week.** This is a deterioration from 2019–20 when around one in five men (19%) and one in 10 women (11%) were locked up during the working day.<sup>527</sup>

**People are more likely to be locked up for longer in local prisons.** Nearly three in five men in local prisons (58%) said they spent less than two hours a day out of their cells.<sup>528</sup>

**Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, a third of people (33%) said they were locked up for more than 22 hours a day.<sup>529</sup>**

**Weekends are particularly difficult in prison.** Three in five men (60%) and two-thirds of women (66%) told inspectors they were locked up for at least 22 hours a day. In 10 of the 11 prisons inspected during the weekend, most prisoners were only out of their cell for a maximum of 2.5 hours per day—and sometimes just 45 minutes. This affected their mental health and ability to complete basic domestic tasks. Prison leaders cited chronic staff shortages as the reason for not running full regimes at weekends.<sup>530</sup>

**Inspectors found most libraries closed and access to gyms heavily curtailed by staff shortages.<sup>531</sup>** Only around a third (34%) of men reported being able to access the gym at least twice a week, and fewer than two in five (38%) reported being able to visit the library at least once a week.<sup>532</sup> The situation is slightly better for women—half (51%) reported twice-weekly gym access and more than two in five (44%) reported weekly library access.<sup>533</sup>

<sup>518</sup> Ministry of Justice (2018). Education and employment strategy.

<sup>519</sup> Government website, accessed on 18 October 2022.

<sup>520</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>521</sup> House of Commons written question 199290, 19 September 2023.

<sup>522</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>523</sup> Table 2, Ministry of Justice (2023). Prison performance ratings: 2022 to 2023. Ministry of Justice.

<sup>524</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>525</sup> HM Inspectorate of Prisons (2022). Annual report 2021–22. HM Stationery Office.

<sup>526</sup> Table 1, Women's and men's comparator workbook, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>527</sup> HM Inspectorate of Prisons (2020). Annual report 2019–20. HM Stationery Office.

<sup>528</sup> Table 2, Men's comparator workbook, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>529</sup> Table 2, Men's comparator workbook, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>530</sup> HM Inspectorate of Prisons (2023). A thematic review of weekends in prison. HM Stationery Office.

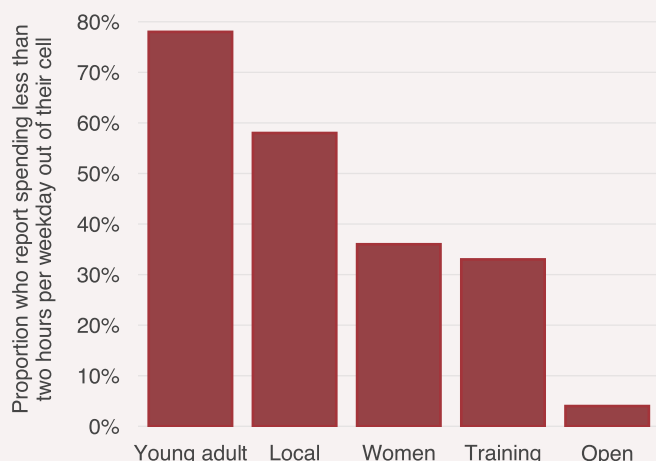
<sup>531</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>532</sup> Table 1, Men's comparator workbook, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>533</sup> Table 1, Women's comparator workbook, HM Chief Inspector of Prisons (2023). Annual report 2022–23. HM Stationery Office.

### Time well spent?

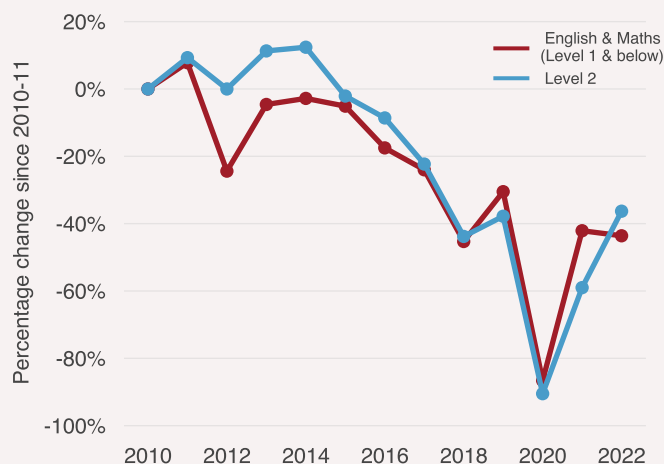
Many report spending **less than two hours a day** out of cell on an average weekday



Source: HM Chief Inspector of Prisons, Annual report 2022–23

### Education in prisons

The number of qualifications is recovering—but is still below historic levels



Sources:  
Department for Education: OLASS Educational achievement statistics 2010–2018  
Ministry of Justice Prison Education and Accredited Programme Statistics 2018–2023

## Education

**Engagement with education can significantly reduce reoffending.** The proven one-year reoffending rate is 34% for prisoner learners, compared to 43% for people who don't engage in any form of learning.<sup>534</sup>

**Literacy levels amongst the prison population remain significantly lower than the general population.** Two-thirds (67%) of people given a literacy assessment in prison last year had literacy skills expected of an 11-year-old or younger<sup>535</sup>—more than four times higher than in the general adult population (15%).<sup>536</sup>

**A 2022 HMIP and Ofsted research project found that prisons did not prioritise the improvement of prisoners' reading ability and that most teachers did not know how to teach reading.**<sup>537</sup> A progress review one year later found that, while better reading strategies were in place in most prisons, there was still a lack of specialist staff and inadequate commitment from prison leaders to improve literacy.<sup>538</sup>

**The return of education, skills and work following pandemic restrictions has been slow.** Over half of prisons visited by Ofsted in 2022–23 were judged to have made insufficient progress (54%). Just four prisons were judged to have good or outstanding education provision.<sup>539</sup>

**63,744 adults in the prison system participated in education courses in the 2022–23 academic year**<sup>540</sup>—a 28% increase compared to last year,<sup>541</sup> but still far fewer than the 2014–15 peak of more than 100,000.<sup>542</sup>

**The number of qualifications achieved in prison dipped during the pandemic, but has risen by nearly a third (32%) compared to last year**<sup>543,544</sup> and is now 2% higher than pre-pandemic levels.<sup>545</sup>

**The improvement is even more marked for qualifications in basic functional skills at GCSE level or below—these have increased by 80% on the previous year, and 18% more than the year before the pandemic.** But much of this is driven by entry level qualifications—GCSE level qualifications are down 39% since before Covid.<sup>546</sup>

<sup>534</sup> Ministry of Justice and Department for Education (2017). Exploring the outcomes of prisoner learners: Analysis of linked offender records from the Police National Computer and Individualised Learner Records.

<sup>535</sup> Table 1.1, Ministry of Justice (2023). Prison Education and Accredited Programme Statistics 2022–2023.

<sup>536</sup> Figure 1.1, Department for Business Innovation and Skills (2012). The 2011 Skills for Life survey: A survey of literacy, numeracy and ICT levels in England.

<sup>537</sup> HM Inspectorate of Prisons and Ofsted (2022). Prison education: A review of reading education in prisons.

<sup>538</sup> HM Inspectorate of Prisons and Ofsted (2023). The quality of reading education in prisons: One year on.

<sup>539</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>540</sup> Table 2.1, Ministry of Justice (2023). Prison Education and Accredited Programme Statistics 2022–2023.

<sup>541</sup> Table 2.1, Ministry of Justice (2022). Prison Education and Accredited Programme Statistics 2021–2022.

<sup>542</sup> Table 10.1, Skills Funding Agency (2016). Further education and skills: January 2016. Department for Education.

<sup>543</sup> Table 2.2, Ministry of Justice (2023). Prison Education and Accredited Programme Statistics 2022–2023.

<sup>544</sup> Table 2.2, Ministry of Justice (2022). Prison Education and Accredited Programme Statistics 2021–2022.

<sup>545</sup> Table 1.6.2, Ministry of Justice (2021). Prison Education Statistics April 2019 to March 2020.

<sup>546</sup> Table 2.3, Ministry of Justice (2021). Prison Education Statistics April 2022 to March 2023 and previous editions.

**1,700 people achieved a level 3 qualification (A-level and equivalent) last year<sup>547</sup> — two and a half times more than the number that achieved one the previous year<sup>548</sup> and a 50% increase since before the pandemic.<sup>549</sup>**

**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.<sup>550</sup>**

**Prisoners wishing to study in higher education must be within six years of their release date to be eligible for a student loan,<sup>551</sup> limiting opportunities for people serving long prison sentences.** Prisoner participation in higher education has been estimated to cut reoffending rates by 20–40%.<sup>552</sup>

## Employment

**Over 400 businesses work in partnership with prisons to provide work and employment opportunities.<sup>553</sup>**

**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 92 prisons,** as have employment hubs, with specialist staff offering prisoners support with job applications and CVs.<sup>554</sup>

**The law now allows prisoners to take up apprenticeships<sup>555</sup> including in key industries such as hospitality and construction,<sup>556</sup> but concerns have been raised that fewer than 10 prisoners have enrolled.<sup>557</sup>**

**HM Prison and Probation Service (HMPPS) has not published figures on the number of prisoners working nationally, citing pandemic disruption to data quality.<sup>558</sup>**

## 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, including to undertake apprenticeships.<sup>559</sup>

**99.8% of cases ROTL were completed successfully in 2022.<sup>560</sup>** In 2017 (the most recent data available) there were just 11 failures because of alleged further offending out of more than 350,000 instances of ROTL.<sup>561</sup>

**People who are given ROTL have lower rates of reoffending on release.** The more that ROTL is used, the greater the impact on reducing reoffending and the fewer the number of offences people commit.<sup>562</sup>

**Despite this, restrictions were introduced on ROTL in 2013, which saw a 37% drop in its use over three years.** ROTL numbers dropped even further during the pandemic, but have been increasing steadily over the last two years. However, use remains 29% lower than in 2013. At the time restrictions were introduced, the ROTL success rate was 99.9%.<sup>563</sup>

**On average, 1,088 people per month were working out of prison on licence during 2022–23—a 37% increase on last year.** They paid £266 per month on average to the Prisoners' Earnings Act levy—nearly a fifth of their net earnings (18%). The levy goes toward supporting victims of crime.<sup>564</sup>

<sup>547</sup> Table 2.2, Ministry of Justice (2023). Prison Education and Accredited Programme Statistics 2022–2023.

<sup>548</sup> Table 2.2, Ministry of Justice (2022). Prison Education and Accredited Programme Statistics 2021–2022.

<sup>549</sup> Table 1.6.2, Ministry of Justice (2021). Prison Education Statistics April 2019 to March 2020.

<sup>550</sup> House of Lords written question HL3337, 28 November 2022.

<sup>551</sup> Education & Skills Funding Agency (2023). Advanced learner loans funding rules: 2023 to 2024.

<sup>552</sup> Higher Education Policy Institute (2019). Student loans for those on long prison sentences. Higher Education Policy Institute.

<sup>553</sup> House of Commons written question 203060, 25 October 2023.

<sup>554</sup> House of Commons written question 195372, 4 September 2023.

<sup>555</sup> HM Prison and Probation Service (2022). Release on temporary licence (ROTL) policy framework. Ministry of Justice.

<sup>556</sup> House of Lords written question HL3337, 28 November 2022.

<sup>557</sup> FE Week (2024, 26 January). 'Ground-breaking' prisoner apprenticeship scheme flops.

<sup>558</sup> Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

<sup>559</sup> HM Prison and Probation Service (2022). Release on temporary licence (ROTL) policy framework. Ministry of Justice.

<sup>560</sup> Table A3.7, Ministry of Justice (2023). Offender Management Statistics Quarterly: October–December 2022.

<sup>561</sup> House of Lords written question HL10936, 6 November 2018.

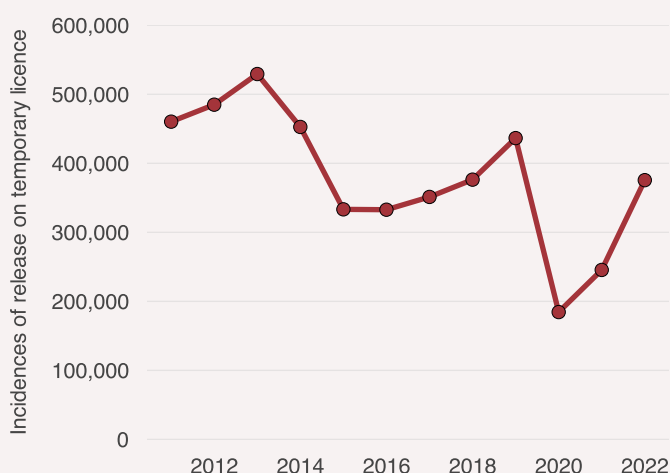
<sup>562</sup> Hillier, J. and Mews, A. (2018). The reoffending impact of increased Release of prisoners on Temporary Licence. Ministry of Justice.

<sup>563</sup> Table A3.7, Ministry of Justice (2023). Offender Management Statistics Quarterly: October–December 2022.

<sup>564</sup> Table 5.2, Ministry of Justice (2023). HM Prison and Probation Service Annual digest: April 2022 to March 2023.

### Prepared for release

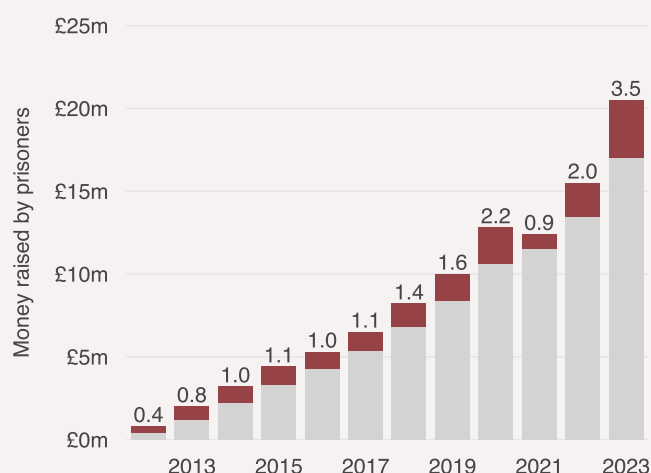
Release on temporary licence was increasing—but has sharply declined since the pandemic



Source: Offender management statistics: Prison releases 2022

### Working for victims

People in prison have raised £17m through the Prisoners' Earnings Act levy



Source: HM Prison and Probation Service Annual Digest, April 2022 to March

## 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 currently eligible,<sup>565</sup> but the government has introduced measures to remove these restrictions.<sup>566</sup> Many others are presumed unsuitable for release on HDC, including people with a history of sex offences; people with a history of breaches; people liable for deportation; and people who committed certain violent offences.<sup>567</sup>

**There were 8,695 releases on HDC in 2022, a 7% decrease on the year before.** Use of HDC has fallen significantly since 2002 when over 20,000 people were released.<sup>568</sup>

**Fewer than three in 10 people (29%) who were eligible to be released were granted HDC in 2022.**<sup>569</sup>

**Both the number of HDC releases and the proportion of those eligible who have it granted have been steadily declining since 2018.** Releases are down by 41% and the eligible proportion who are granted it has reduced by seven percentage points.<sup>570</sup> However, following an extension in June 2023 to the period that people can spend on HDC from 135 days to 180 days, there has been a modest increase.<sup>571</sup>

<sup>565</sup> Ministry of Justice (2023). Home Detention Curfew (HDC) policy framework.

<sup>566</sup> Ministry of Justice (2023, 5 December). Sentencing Bill Factsheet: Home Detention Curfew (HDC).

<sup>567</sup> Ministry of Justice (2023). Home Detention Curfew (HDC) policy framework.

<sup>568</sup> Table A3.5, Ministry of Justice (2023). Offender Management Statistics Quarterly: October-December 2022.

<sup>569</sup> Table A3.5, Ministry of Justice (2023). Offender Management Statistics Quarterly: October-December 2022.

<sup>570</sup> Table A3.5, Ministry of Justice (2023). Offender Management Statistics Quarterly: October-December 2022.

<sup>571</sup> The Criminal Justice Act 2003 (Home Detention Curfew) Order 2023.



## Resettlement

The Ministry of Justice was allocated £550m to reduce reoffending in the 2021 Government spending review. Since then, it has awarded 131 contracts to external providers, known as Commissioned Rehabilitative Services (CRS), in the areas of accommodation, education, employment, finance, substance misuse and wellbeing.<sup>572</sup>

In 2023, the National Audit Office reviewed progress on this spending. It found that HMPPS cannot satisfactorily demonstrate if CRS contracts are effective because of inadequate monitoring. HMPPS's own audit of 28 of the highest value contracts found that 68% were rated as not meeting quality standards. The NAO also warned that the current resettlement delivery model was complex and fragmented.<sup>573</sup>

The Chief Inspector of Prisons has raised particular concerns about the negative impact of overcrowding on resettlement—especially for remanded prisoners—with many unable to access services due to problems with transfers and staff shortages.<sup>574</sup>

Nearly everyone in prison will be released at some point. In 2022, 46,034 people were released at the end of the custodial term of their sentence.<sup>575</sup> Inspectors found that, on average, probation regions have 30% fewer staff than they require to carry out resettlement work with people leaving prison.<sup>576</sup> Yet modelling suggests that the probation service may need to supervise around 5,900 extra prison leavers by 2025.<sup>577</sup>

## Employment

**For many, having a criminal conviction is a barrier to leading a law-abiding life on release.** The Rehabilitation of Offenders Act 1974 gives people with spent convictions 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.<sup>578</sup>

**The proportion of people in employment six weeks after leaving prison has risen to 17%—a four percentage point increase on last year.**<sup>579</sup> Just over one quarter of people are in employment six months after release (26%)—a nine percentage point rise since last year.<sup>580</sup>

**Nearly 240 employers so far have signed up to Ban the Box, including the entire Civil Service, removing the need to disclose convictions at the initial job application stage.**<sup>581</sup>

## Accommodation

**Less than half (48%) of people released from prison between 2022–23 had settled accommodation on release, and more than one in 10 (11%) were homeless or sleeping rough.**<sup>582</sup> After three months, just over two-thirds (68%) had settled accommodation and 7% were homeless or sleeping rough.<sup>583</sup>

**Obtaining and retaining settled accommodation is a key factor in successful rehabilitation according to probation inspectors.** Their recent study found that around one third of people released to settled accommodation ended up back in custody, compared to around two-thirds of people without it.<sup>584</sup>

**HMPPS has developed the Community Accommodation Service (CAS) which is intended to provide transitional accommodation after leaving prison.** In its first year the service was expected to support 3,000 people for up to 12 weeks, with additional support to get them into settled accommodation.<sup>585</sup> It actually supported 2,396 people in its first year—20% fewer than predicted.<sup>586</sup>

<sup>572</sup> National Audit Office (2023). Improving resettlement support for prison leavers to reduce reoffending.

<sup>573</sup> National Audit Office (2023). Improving resettlement support for prison leavers to reduce reoffending.

<sup>574</sup> Taylor, C. (2023, 14 November). Preparing prisoners for release. HM Inspectorate of Prisons.

<sup>575</sup> Table A3.1. Ministry of Justice (2023). Offender Management Statistics Quarterly. Prison releases 2022.

<sup>576</sup> HMI Probation (2023). Offender management in custody — post-release. A thematic inspection by HM Inspectorate of Probation.

<sup>577</sup> National Audit Office (2023). Improving resettlement support for prison leavers to reduce reoffending.

<sup>578</sup> Police, Crime, Sentencing and Courts Act 2022, s193.

<sup>579</sup> Table 2. Ministry of Justice (2023). Community Performance Annual, update to March 2023. Employment at 6 weeks post release from custody.

<sup>580</sup> Table 2. Ministry of Justice (2023). Community Performance Annual, update to March 2023. Employment at 6 months post release from custody.

<sup>581</sup> Business in the Community (2023). Personal communication.

<sup>582</sup> Table 2. Ministry of Justice (2023). Community Performance Annual, update to March 2023. Accommodation at release.

<sup>583</sup> Table 2. Ministry of Justice (2023). Community Performance Annual, update to March 2023. Accommodation at 3 months post release.

<sup>584</sup> HMI Probation (2020). Accommodation and support for adult offenders in the community and on release from prison in England: An inspection by HMI Probation.

<sup>585</sup> House of Commons written question 43639, 13 September 2021.

<sup>586</sup> House of Lords written question HL6302, 23 March 2023.

## Finance, benefits and debt

**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 again to £89.52 in 2023, in line with inflation. But an annual rise is only guaranteed until 2024–25, and thousands of prisoners remain ineligible, including people released from remand; fine defaulters; people who have served less than 15 days; people awaiting deportation; and children.<sup>587</sup>**

**Many people in prison are released with debts which have built up during their sentence—adding to the problems they face on release.** Inspectors found that in almost two-thirds of cases, people didn't receive sufficient support to address their finance, benefits and debt needs before their release.<sup>588</sup> In the community, they found that finance, benefit and debt services were only provided in half of cases where it was identified as contributing to offending.<sup>589</sup>

**In many cases people cannot make a claim for Universal Credit until they have been released from prison,<sup>590</sup> and must usually wait around five weeks for the first payment.<sup>591</sup>**

**Inspectors found that whilst services were beginning to be offered in some prisons—including the facility to apply for Universal Credit before release—prisoners were unaware.** They also found too many people were leaving prison without the basics of having proof of identification or access to financial support in place.<sup>592</sup>

<sup>587</sup> HM Prison and Probation Service (2023). PSI 72/2011. Discharge.

<sup>588</sup> HMI Probation (2022). Offender management in custody – pre-release. A joint thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons.

<sup>589</sup> HMI Probation (2023). Offender management in custody – post-release. A thematic inspection by HM Inspectorate of Probation.

<sup>590</sup> Department for Work and Pensions (2023, 20 November). Supporting prison leavers: A guide to Universal Credit.

<sup>591</sup> Department for Work and Pensions (n.d.). Universal Credit. Accessed 24 October 2023.

<sup>592</sup> HMI Probation (2022). Offender management in custody – pre-release. A joint thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons.

## Family

**Family and friends are highly significant in enabling successful resettlement on release.** But arrangements to help maintain and strengthen family ties were variable across prisons, and often not given sufficient priority or resources according to two independent government commissioned reviews<sup>593,594</sup> and prisons inspectors.<sup>595</sup>

**An estimated 320,000 children had a parent in prison in 2020.**<sup>596</sup> No-one routinely identifies children of prisoners and the services they are accessing.

**The government does not know how many people in prison have children under 18—however, 51% of women and 49% of men surveyed by inspectors report that they have children of this age.**<sup>597</sup>

**44 babies were born to women held in prison in the year to March 2023.** All but one occurred in hospital.<sup>598</sup>

**Fewer than two in five men (38%) were offered a free phone call on their first night in prison to let family know how they were—an 11 percentage point decrease compared to last year.** Conversely, the proportion of women offered a phone call increased from three in five (61%) to nearly three-quarters (73%).<sup>599</sup>

**Research suggests that prisoners who receive family visits are 39% less likely to reoffend than those who do not receive visits.**<sup>600</sup> Two independent reviews of prisoners' family ties found that family relationships are an important source of support, particularly for women.<sup>601,602</sup>

**Less than a third of women (30%) and men (31%)**<sup>603</sup> **reported that it was easy for family to visit them at their current prison.** However, the proportion receiving more than one visit a month has increased from around one in ten<sup>604</sup> to a one in four<sup>605</sup> since last year.

**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.<sup>606</sup>

**The cost of making a telephone call has remained the same for over two years despite inflation. A 30 minute call during the working week to a landline costs 93 pence and to mobiles is £2.06.** At weekends, this reduces slightly to 83 pence and £1.35, respectively.<sup>607,608</sup>

**Secure in-cell telephones are now available in most public sector prisons. The majority have 100% coverage (81%), including the entirety of the closed women's estate.** A further 4% either had partial coverage or were still implementing the system. The remainder are men's open prisons.<sup>609</sup> People in prison reported that their relationship with family had strengthened as a result of in-cell phones.<sup>610</sup>

**Secure video calls, rolled out during the Covid-19 pandemic, are also running in all public and private prisons and YOIs in England and Wales.**<sup>611</sup> Prisoners may access one free 30 minute call per month, but have no statutory right to this form of contact.<sup>612</sup>

**Imprisonment punishes families too.** A recent evidence review found that imprisonment has a raft of negative effects on family members, including confusion; fear; trauma; sudden change in living circumstances; problems at school; economic hardship; negative impacts on physical and mental health; and increased social exclusion and stigma due to a family member's imprisonment.<sup>613</sup>

<sup>593</sup> Farmer, M. (2017). The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime. Ministry of Justice.

<sup>594</sup> Farmer, M. (2019). The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime. Ministry of Justice.

<sup>595</sup> HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>596</sup> Kincaid, S. et al. (2019). Children of prisoners: Fixing a broken system. Crest Advisory.

<sup>597</sup> Table 1. Women's and men's comparator workbook, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>598</sup> Table 10.1. Ministry of Justice (2023). Annual HM Prison and Probation Service digest: 2022 to 2023.

<sup>599</sup> Table 1. Women's and men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>600</sup> May C., Sharma N. and Stewart D., (2008). Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004. Ministry of Justice.

<sup>601</sup> Farmer, M. (2017). The importance of strengthening prisoners' family ties to prevent reoffending and reduce intergenerational crime. Ministry of Justice.

<sup>602</sup> Farmer, M. (2019). The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime. Ministry of Justice.

<sup>603</sup> Table 1. Women's and men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>604</sup> HM Inspectorate of Prisons (2022). Annual report 2021–22. HM Stationery Office.

<sup>605</sup> Table 1. Women's and men's comparator workbooks, HM Inspectorate of Prisons (2023). Annual report 2022–23. HM Stationery Office.

<sup>606</sup> Farmer, M. (2019). The importance of strengthening female offenders' family and other relationships to prevent reoffending and reduce intergenerational crime. Ministry of Justice.

<sup>607</sup> House of Lords written question HL1421, 24 January 2024.

<sup>608</sup> Ministry of Justice (2022). Freedom of Information request 220104005 and 220420029, 4 November 2020.

<sup>609</sup> House of Lords written question HL1420, 24 January 2024.

<sup>610</sup> Ellison, A., et al. (2018). The demand for and use of illicit phones in prison. Ministry of Justice.

<sup>611</sup> House of Lords written question HL1567, 29 January 2024.

<sup>612</sup> HM Prison & Probation Service (2022). Secure social video calling (interim) policy framework. Section 4.1. Ministry of Justice.

<sup>613</sup> Dominey et al. (2021). Supporting families of people in prison and on probation. Clinks.



# **OTHER UK PRISON SYSTEMS**

## Scotland

There are 17 prisons in Scotland, including two privately managed prisons and two community custody units (CCUs) for women that opened in 2022. CCUs aim to provide closer contact with community and local services in gender-specific and trauma-informed environments. HMP & YOI Stirling opened in 2023, providing a national centre for convicted women. There is one open prison and one young offender institution. Most prisons serve multiple functions, but two specialise in provision for prisoners serving long-term and indefinite sentences.<sup>614</sup> Certain prisons are also designated as “community facing” and are intended to closely align prison rehabilitation and reintegration services with those in the community.<sup>615</sup>

The Scottish Government is taking forward an ambitious prison reform programme. This includes rebalancing justice towards community interventions; improving reintegration from custody to the community; improving the health and wellbeing of people in prison; and reducing/remodelling custody for women.<sup>616</sup> The latest budget included a £38.6m increase in prison service revenue and £167 million in capital funding intended for modernisation of the prison estate, including the replacement of HMPs Inverness and Barlinnie.<sup>617</sup>

In 2010, Scotland restricted the use of custodial sentences of less than three months.<sup>618</sup> In 2019, the restriction was extended to sentences of 12 months or less, with the aim of reserving prison for cases of serious offending and issues of public safety.<sup>619</sup> However, sentences of three months or less accounted for nearly a quarter (23%) of custodial sentences given in 2021–22. Sentences of 12 months or less accounted for almost three-quarters (73%) of all custodial sentences.<sup>620</sup>

In 2021, the Scottish prisons inspectorate published a review into responses to deaths in custody that recommended the formation of a new independent body to investigate deaths.<sup>621</sup> A 2022 progress review found that there was still no single framework for preventing deaths in custody, outstanding work on understanding causes and trends, and family involvement remained low. A Deaths in Prison Custody Action Group has now been established.<sup>622</sup>

A 2022/23 audit of the Scottish Prison Service concluded that the prison population was becoming larger and more complex, necessitating greater use of separate accommodation by legal status, gender, age and offence history.<sup>623</sup>

In 2019, the age of criminal responsibility in Scotland became 12 years old,<sup>624</sup> unlike in England and Wales where it remains 10 years old. Children aged under 16 are generally housed in secure accommodation rather than prison,<sup>625</sup> and detaining 16 and 17 year olds in custody has been criticised by prison inspectors.<sup>626</sup> The Children (Care and Justice) (Scotland) Bill, currently progressing through the Scottish Parliament, seeks to prohibit detention of any person under 18 in prison.<sup>627</sup>

## People in prison

**On 12 January 2024 the total number of people in custody in Scotland stood at 7,861.**<sup>628</sup>

**There were 325 women in prison on 12 January 2024, down from 414 five years ago (a decline of 22%), but up from the historic low of 271 in January 2022.**<sup>629</sup>

**Around one in 15 of the prison population (6%) are aged 60 or over—up from one in 50 (2%) in 2009–10.**<sup>630</sup>

**Around 5% of the prison population are from an ethnic minority background—broadly similar to 2009–10.**<sup>631</sup>

**Around 2% of prisoners are lesbian, gay or bisexual.<sup>632</sup> 0.4% are transgender or nonbinary.**<sup>633</sup>

<sup>614</sup> Scottish Prison Service (n.d.). Prisons. Accessed 21 January 2024.

<sup>615</sup> Reid-Howie Associates Ltd. (2015). Community facing prisons. Scottish Prison Service.

<sup>616</sup> Scottish Government (2022). The vision for justice in Scotland. Three year delivery plan 2023/24 to 2025/26.

<sup>617</sup> Scottish Government (2003, 19 December). Scottish Budget 2024 to 2025: Deputy First Minister statement.

<sup>618</sup> Criminal Justice and Licensing (Scotland) Act 2010. s17.

<sup>619</sup> Scottish Government (2019, 26 June). Presumption against short sentences extended.

<sup>620</sup> Table 9a. The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

<sup>621</sup> HM Inspectorate of Prisons for Scotland et al. (2021). Independent review of the response to deaths in custody.

<sup>622</sup> Scottish Government (2022). Independent review of the response to deaths in prison custody: Follow up on progress report.

<sup>623</sup> Auditor General (2023). The 2022/23 audit of the Scottish Prison Service.

<sup>624</sup> Age of Criminal Responsibility (Scotland) Act 2019. s1.

<sup>625</sup> Scottish Parliament (2022). Children (Care and Justice) (Scotland) Bill: Explanatory notes.

<sup>626</sup> HM Inspectorate of Prisons for Scotland (2021). Removal of under-18s from prison.

<sup>627</sup> Scottish Government (2022, 14 December). Safeguarding children in the justice system.

<sup>628</sup> Scottish Prison Service (2024, n.d.). Prison population. Accessed 21 January 2024.

<sup>629</sup> Scottish Prison Service (2024, n.d.). Prison population. Accessed 21 January 2024.

<sup>630</sup> Table B2. Scottish Prison Service (2023). Scottish prison population statistics 2022–23.

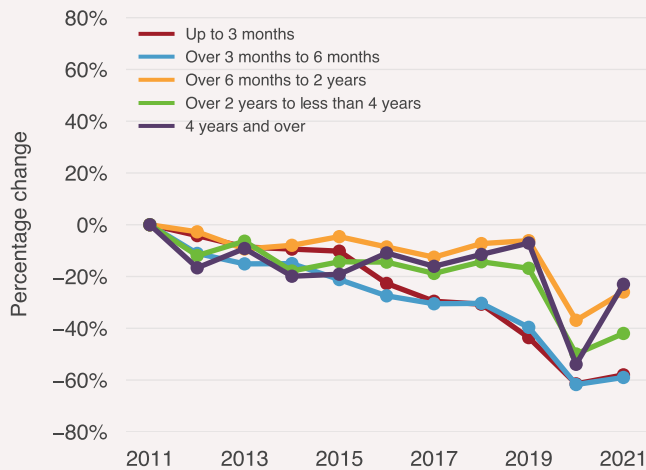
<sup>631</sup> Table B3. Scottish Prison Service (2023). Scottish prison population statistics 2022–23.

<sup>632</sup> Table B6. Scottish Prison Service (2022). Scottish prison population statistics 2022–23.

<sup>633</sup> Scottish Prison Service (2023). Prison by numbers quarter 4 (January to March 2023).

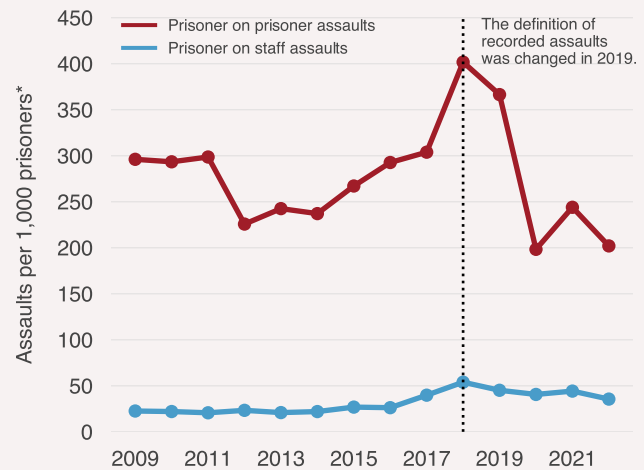


### Short custodial sentences in Scotland The decline of shorter sentences



Source: Table 9a, Scottish Government (2023). Criminal proceedings in Scotland, 2021–22.

### A volatile environment Rates of assault by prisoners continue to fluctuate



Sources:  
Scottish Prison Service (2023). Annual report and accounts 2022–23.  
Table A1, Scottish Government (2023). Scottish prison population statistics 2022–23.

## Sentencing and the use of custody

**Scotland used to have the highest imprisonment rate in western Europe, but was overtaken by England and Wales last year.** Scotland imprisons 144 people per 100,000 of the population, the rate for England and Wales is 145 people. Northern Ireland imprisons 93 people per 100,000 of the population. Scotland's rate of imprisonment has risen by nine people per 100,000 since last year.<sup>634</sup>

**One in seven people sentenced by the courts (14%) were given a custodial sentence in 2021–22.**<sup>635</sup> This is three percentage points lower than the previous year, but the number of people receiving a custodial sentence rose by almost 1,000 (13%) as court activity increased after the pandemic.<sup>636</sup>

**Nearly half of people sentenced to custody in 2020–21 (47%) had committed a non-violent offence.**<sup>637</sup>

**A higher proportion of women are convicted of 'crimes of dishonesty', such as theft or shoplifting, than men.** In 2021–22, 12% of proven offences by women were for acquisitive crimes compared with 9% of men's. But the gap has narrowed by four percentage points compared to the previous year.<sup>638</sup>

**Prison sentences are getting longer.** The average length of a custodial sentence is now just over a year (376 days)—over three months (92 days) longer than a decade ago.<sup>639</sup>

**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 2,090 people in prison on remand on 12 January 2024, of whom nearly nine in 10 (89%) were awaiting trial.<sup>640,641</sup>

**The use of community sentences has been gradually rising over the last decade—they accounted for nearly a quarter (24%) of all sentences in 2021–22, up from 17% in 2012–13.**<sup>642</sup>

**On average, 17% of the sentenced prison population in 2022–23 were serving a life sentence.** A further 3% were serving a lifelong indeterminate sentence, and 5% were serving determinate sentences of 10 years or more.<sup>643</sup>

634 Institute for Crime and Justice Policy Research (n.d.). World prison brief. Accessed 18 January 2024.

635 Table 6b, The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

636 Table 8a, The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

637 Table 7b, The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

638 Table 7c, The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

639 Table 9c, The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

640 Scottish Prison Service (2024, n.d.). Prison population. Accessed 21 January 2024.

641 Table 1.1, Ministry of Justice (2023). Offender management statistics quarterly: April to June 2023.

642 Table 6b, The Scottish Government (2023). Criminal proceedings in Scotland 2021–22.

643 Table M3, Scottish Prison Service (2022). Scottish prison population statistics 2022–23.

**A 2023 evidence review of prisoners serving very long sentences in Scotland found that this group faced specific issues that were insufficiently addressed.** This included scarce resource to meet their sentence progression requirements; rising tariffs; greater use of recall; and a declining rate of progressive parole decisions.<sup>644</sup>

**The cost of imprisonment has risen in recent years but remained steady last year.** In 2022–23 it cost an average of £44,620 per prison place, a rise of 0.1% (accounting for inflation) compared to the previous year.<sup>645,646</sup>

### Safety in prisons

**In 2019, over a quarter of surveyed prisoners (27%) said they had feared for their safety in the last month—an increase of 11 percentage points compared to 2017.**<sup>647</sup>

**There have been 195 deaths in custody in the last five years—with 27 in 2023.**<sup>648</sup> 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. While deaths from medical conditions have remained fairly steady over the past decade, drug and suicide related deaths are rising.<sup>649</sup>

**Self-harm incidents have increased.** There were 762 incidents in 2018,<sup>650</sup> almost triple the number in 2013 (267).<sup>651</sup> Incidents of self-harm in prison are not routinely published.

**Recorded violence in prisons declined during the pandemic and has continued to fall.** In 2022–23 recorded prisoner on prisoner assaults were more than half (51%) of that seen in 2019–20. The number of serious prisoner-on-prisoner assaults is more volatile, however there were nearly a fifth fewer (19%) over the same period.<sup>652</sup>

**Assaults on staff have also declined.** There were 264 assaults on staff in 2022–23—five of which were serious. This compares with 370 in 2019–20, 12 of which were serious.<sup>653</sup>

### Treatment and conditions

**Five prisons had an average yearly population above their stated operational capacity levels in 2022–23.** A further three held an average number very close to their maximum.<sup>654,655,656,657,658</sup> Inspectors have continued to issue warnings about the “entrenched issue of overcrowding in Scotland’s prisons”.<sup>659</sup>

**A 2023 review of segregation found that it was overused for long, detrimental periods of time, with a lack of meaningful human contact or activity; mental health support; or reintegration planning.** But inspectors praised segregation staff for going above and beyond to support complex and vulnerable prisoners.<sup>660</sup>

**Inspectors described much of Scotland’s prison system as fragile and ageing, with some prisons that breach human rights guidelines on cell size.**<sup>661</sup>

**One in seven surveyed prisoners (14%) said they had experienced discrimination as a result of their religious belief; one in eight (13%) because of their disability; one in eight (13%) because of their age; and one in 12 (8%) because of their ethnicity.** Only one in five people who experienced discrimination reported it (22%).<sup>662</sup>

<sup>644</sup> McGhee, J. et al. (2023). The very long-term prison population in Scotland: A scoping document. Prison Reform Trust.

<sup>645</sup> Appendix 9a, Scottish Prison Service (2023). Annual report and accounts 2022–23.

<sup>646</sup> HM Treasury (2023). GDP deflators at market prices, and money GDP November 2023 (Autumn Statement).

<sup>647</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>648</sup> Scottish Prison Service (2024, n.d.). Prisoner deaths. Accessed 21 January 2024.

<sup>649</sup> Armstrong, S. et al. (2022). Still nothing to see here? Scottish Centre for Crime and Justice Research.

<sup>650</sup> Scottish Prison Service (2019). Freedom of Information request HQ18297.

<sup>651</sup> Scottish Prison Service (2019). Freedom of Information request HQ180004.

<sup>652</sup> Appendix 9a, Scottish Prison Service (2023). Annual report and accounts 2022–23.

<sup>653</sup> Appendix 9a, Scottish Prison Service (2023). Annual report and accounts 2022–23.

<sup>654</sup> Scottish Prison Service (n.d.). Prisons. Accessed 21 January 2024.

<sup>655</sup> HM Inspectorate of Prisons for Scotland. (2023). HMP Addiewell full inspection 7–18 November 2022.

<sup>656</sup> HM Inspectorate of Prisons for Scotland. (2020). HMP Barlinnie full inspection 26 August–6 September 2019.

<sup>657</sup> HM Inspectorate of Prisons for Scotland. (2023). HMP YO1 Polmont full inspection 14–18 August 2023.

<sup>658</sup> HM Inspectorate of Prisons for Scotland. (2023). HMP Perth full inspection 22–26 May 2023.

<sup>659</sup> HM Inspectorate of Prisons for Scotland. (2023). Annual report 2022–23.

<sup>660</sup> Ravalde, L. and Russo, D. (2023). HM Inspectorate of Prisons in Scotland. A thematic review of segregation in Scottish prisons.

<sup>661</sup> HM Inspectorate of Prisons for Scotland. (2023). Annual report 2022–23.

<sup>662</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

## Health and social care

**Nearly two in five people in prison (38%) reported having a disability.** More than two in five people said they had a long-term illness (41%). But seven in 10 said staff were aware of their disability (69%), and nearly two-thirds were aware of their health conditions (63%).<sup>663</sup>

**Almost three-quarters (73%) of tests carried out on people entering prison in 2022 were positive for illegal drugs.** 53% of tests conducted just prior to release were positive.

**Nearly two in five prisoners (39%) said they had been diagnosed with depression before coming to prison. Three in 10 (29%) had been diagnosed with anxiety/panic disorders and one in 10 (11%) with Post Traumatic Stress Disorder.**<sup>664</sup>

**Long waiting times for acutely mentally unwell prisoners was a primary concern of prison inspectors in 2022–23.** They repeated their recommendation for a whole-systems approach to justice and health.<sup>665</sup>

**More than a third of women (38%) and a quarter of men (24%) reported having been in care as a child.**<sup>666</sup>

**More than three in five people in prison (61%) reported that they had children.**<sup>667</sup>

**Seven in 10 women in prison reported that they had been a victim of domestic violence.**<sup>668</sup>

## Rehabilitation and resettlement

**Two in five people released from custody (39%) are reconvicted within a year—rising to 45% for people with more than 10 previous convictions.**<sup>669</sup>

**Overcrowding, insufficient funding and staffing levels pose significant challenges to the access and quality of offending behaviour, education and vocational programmes according to inspectors.**<sup>670</sup>

**Fewer than three in 10 people in prison (28%) said they had accessed services while in prison to help them prepare for release.** Of those who accessed services, nearly three-quarters (72%) had sought advice in relation to housing.<sup>671</sup>

**More than half of people in prison surveyed said that they lost their accommodation when they went to prison (56%).** Over a third (37%) said they didn't know where they would be living on release.<sup>672</sup>

**Two in five people in prison surveyed (40%) said that if they were offered help for their drug problem they would take it—however, just a fifth (21%) said they had received it.**<sup>673</sup>

## Children and young adults in prison

**There were an average of 160 young people (aged 16–21) in prison in 2022–23, including nine children aged 16–17.** The number of young people in prison has fallen by more than four-fifths (85%) since a peak of 1,040 in 2007–08.<sup>674</sup>

**Two-fifths (40%) of young people reported being in care as a child.**<sup>675</sup>

**Two in five young people (40%) reported that they had witnessed violence between their parents/carers.**<sup>676</sup>

**Just over half (55%) of young people were under the influence of drugs at the time of their offence (compared to 44% adults).** Half reported being drunk at the time of their offence, compared to 38% of adults.<sup>677</sup>

<sup>663</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>664</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>665</sup> HM Inspectorate of Prisons for Scotland. (2023). Annual report 2022–23.

<sup>666</sup> Broderick, R. & Carnie, J. (2020). Women in custody 2019. 17th survey bulletin. Scottish Prison Service.

<sup>667</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>668</sup> Broderick, R. & Carnie, J. (2018). Women in custody 2017. 16th survey bulletin. Scottish Prison Service.

<sup>669</sup> Table 9 & 11. The Scottish Government (2023). Reconviction rates in Scotland: 2019–20 offender cohort.

<sup>670</sup> HM Inspectorate of Prisons for Scotland. (2023). Annual report 2022–23.

<sup>671</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>672</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>673</sup> Carnie, J. & Broderick, R. (2020). Prisoner survey 2019. 17th series. Scottish Prison Service.

<sup>674</sup> Tables A2 & B2. Scottish Prison Service (2022). Scottish prison population statistics 2021–22.

<sup>675</sup> Broderick, R. & Carnie, J. (2020). Young people in custody 2019. 17th survey bulletin. Scottish Prison Service.

<sup>676</sup> Broderick, R. & Carnie, J. (2020). Young people in custody 2019. 17th survey bulletin. Scottish Prison Service.

<sup>677</sup> Broderick, R. & Carnie, J. (2020). Young people in custody 2019. 17th survey bulletin. Scottish Prison Service.

## Northern Ireland

Northern Ireland has three prison establishments and one custodial facility for children.

**Maghaberry** is a high security prison housing around 1,000 adult men who are either on remand or serving sentences ranging in length from a few weeks to life. It has two wings holding Loyalist and Republican prisoners separated from the main population, and also has Category C and a small Category D provision.

**Magilligan** is a medium security prison housing around 500 sentenced adult men, with one semi-open unit.

**Hydebank Wood Secure College** holds young adult men aged 18–24 years old.

**Ash House**—a single unit situated within Hydebank Wood—holds women.

**Woodlands Juvenile Justice Centre** holds boys and girls aged 10–17 in custody for police questioning, on remand, or serving custodial sentences.<sup>678</sup>

The Northern Ireland Prison Service has committed to a reform programme lasting 10 years or more. It met 95% of the targets it set itself under the Prison 2020 programme. In 2022 it launched a new set of reform commitments called 25 by 25.<sup>679</sup> However, prior to the restoration of power-sharing and the formation of a new Northern Ireland Executive in February 2024, there had been no functioning devolved government for two years. Matters are further complicated by industrial action amongst public sector workers.<sup>680</sup>

A review of vulnerable people in custody, commissioned in 2016 in response to a number of suicides in prisons, was published in October 2021. It recommended the government develop a strategy to improve the quality and accessibility of mental health services in prison, as well as raising healthcare funding to match that of the other regions of the United Kingdom.<sup>681</sup>

Maghaberry and Woodlands Juvenile Justice Centre were last inspected in 2022, Magilligan in 2021, and Hydebank Wood and Ash House in 2019. Maghaberry and Magilligan received independent reviews of progress in 2023. As a result, this page refers to a mixture of pre- and post-pandemic conditions. Due to the small number of prisons, it is often both possible and more sensible to describe Northern Ireland's prison system in terms of its individual establishments rather than collectively. But evidence should not be interpreted as a direct comparison of the prisons due to the difference in inspection periods, and their differing proximity to the pandemic.

To reduce footnoting, sources of cited evidence are the most recent unannounced inspection reports for each of the four prisons,<sup>682,683,684,685</sup> unless otherwise stated.

## Sentencing and the use of custody

**The average number of people in prison in Northern Ireland has remained relatively stable in recent years, but rose by almost 200 in 2022–23, to 1,685 people.** This is the highest average number in the last eight years.<sup>686</sup> By early 2024 the number had risen further to 1,842 people.<sup>687</sup>

**The imprisonment rate for Northern Ireland is 93 people per 100,000 of the population. England and Wales have an imprisonment rate of 145 people per 100,000, and Scotland 144 people.** While all three jurisdictions have an increased imprisonment rate compared to last year, Northern Ireland's has risen less than the others, increasing by two points compared to nine points in Scotland, and England and Wales.<sup>688</sup>

**The number of people entering prison increased by 18% last year.** There were 4,096 receptions into prison during 2022–23.<sup>689</sup>

<sup>678</sup> Criminal Justice Inspection Northern Ireland (2022). Report on an announced inspection of Woodlands Juvenile Justice Centre. 22–29 January 2022.

<sup>679</sup> Northern Ireland Prison Service (2022). Prisons 25 by 25.

<sup>680</sup> BBC News (2024, 18 January). Stormont stalemate: Deadline to restore Northern Ireland Executive to expire.

<sup>681</sup> The Regulation and Quality Improvement Authority (2021). Review of services for vulnerable persons detained in Northern Ireland prisons.

<sup>682</sup> Criminal Justice Inspection Northern Ireland (2023). Report on an unannounced inspection of Maghaberry Prison. 20 September–6 October 2022.

<sup>683</sup> Criminal Justice Inspection Northern Ireland (2022). Report on an unannounced inspection of Magilligan Prison. 21 May–10 June 2021.

<sup>684</sup> Criminal Justice Inspection Northern Ireland (2020). Report on an unannounced inspection of Ash House Women's Prison Hydebank Wood. 23–24 October and 4–7 November 2019.

<sup>685</sup> Criminal Justice Inspection Northern Ireland (2020). Report on an unannounced inspection of Hydebank Wood Secure College. 23–24 October and 4–7 November 2019.

<sup>686</sup> Table 1e, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>687</sup> Department of Justice (n.d.). Weekly situation reports 2022/23. Week ending 12 January 2024. Accessed 18 January 2024.

<sup>688</sup> Institute for Crime and Justice Policy Research (n.d.). World prison brief. Accessed 18 January 2024.

<sup>689</sup> Table 15d, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

**The number of people entering prison for failure to pay a fine or other civil offences increased last year, from 85 to 109 people, following five years of steady decline. But this is still down from the high of 484 people six years ago.**<sup>690</sup>

**Northern Ireland continues to hold a high proportion of people in prison on remand, compared with other countries.** It currently holds just over a third (36%) of its prisoners on remand compared with one in five in England and Wales 19%, and more than a quarter in Scotland (27%).<sup>691</sup>

**Remand accounted for more than three-quarters (77%) of all receptions into prison in 2022–23, with 3,171 receptions on remand in total.**<sup>692</sup>

**On average, over half of women (54%) and young men (51%) held in prison are there on remand, compared to just over a third of adult men (34%).**<sup>693</sup>

**More than three-quarters (77%) of people entering prison to serve a sentence in 2022–23 had been sentenced to spend a year or less in custody.**<sup>694</sup>

**But people coming to prison are serving longer sentences—the number entering to serve more than a year has increased by over a quarter (27%) in the last seven years, while those serving less than a year has increased by 17%.**<sup>695</sup>

**There are 205 people serving an indeterminate sentence in prison—up from 185 people last year. They account for nearly a fifth (19%) of the average prison population.**<sup>696</sup>

**The average cost of keeping a person in prison has fallen from historically high levels—costing £47,927 per year in 2022–23, down from £73,732 in 2010.**<sup>697</sup>

### **Safety in custody**<sup>699</sup>

**On average, more than two in five adult men (43%) and more than half of young adult men (55%) said they had felt unsafe at some point in the prison they were currently held.**

**Three in five women in prison (61%) said they had felt unsafe—10% higher than women in prison in England and Wales.** Inspectors concluded that this was driven by the “complex mix of the population and availability of drugs”. In Northern Ireland women are housed in a separate unit within the prison for young adult men, with some supervised mixing. Inspectors noted concern about whether this met international standards, but were told by both male and female prisoners that there were benefits of properly controlled contact.

**During 2021–22 there were three deaths in custody—all appeared to be self-inflicted.** This was down from five deaths the previous year. There were no deaths within a fortnight of leaving custody.<sup>700</sup>

**There have been no deaths officially recorded as being due to Covid-19 in Northern Ireland’s prisons.**<sup>701</sup>

**Inspectors criticised Maghaberry prison in 2022 for failing to learn lessons from seven self-inflicted deaths over three years, and having no clear plan to address rising self-harm.** On a return visit in 2023 inspectors said that there had been reasonable progress, but that the fundamental principles following the introduction of a new process to take action following a death in custody were not yet fully embedded.<sup>702</sup>

**Rates of self-harm were lower for women and young men than in similar prisons** and inspectors praised the efforts of staff to support vulnerable prisoners. Rates were also low at Magilligan with good levels of support.

<sup>690</sup> Table 15c, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>691</sup> Institute for Crime and Justice Policy Research (n.d.). World prison brief. Accessed 18 January 2024.

<sup>692</sup> Table 15a and 15d, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>693</sup> Table 1a and 1d, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>694</sup> Table 19b, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>695</sup> Table 19b, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>696</sup> Table 7c, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>697</sup> Northern Ireland Prison Service (2023). Northern Ireland Prison Service annual report and accounts 2022–23.

<sup>698</sup> Committee for Justice (2014). Prison service reform and management of drugs misuse: Northern Ireland Prison Service. Northern Ireland Assembly.

<sup>699</sup> The Northern Ireland Prison Service does not publish data on deaths, self-harm and assaults in custody. Data in this section is derived from publications by the Prison and Probation Ombudsman for Northern Ireland and the Criminal Justice Inspection for Northern Ireland.

<sup>700</sup> The Prisoner Ombudsman for Northern Ireland (2022). Annual report 2021–22.

<sup>701</sup> The Prisoner Ombudsman for Northern Ireland (2022). Annual report 2020–21.

<sup>702</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress (IRP) at Maghaberry Prison. 31 October – 2 November 2023.



**The self-harm rate at Maghaberry was comparable to similar prisons, but inspectors were concerned there was no clear plan to address the rising rate, and about the care of prisoners who were self-harming.** On their follow up visit in 2023, inspectors said that management had improved and was now reasonably good.<sup>703</sup>

**All four prisons had relatively low levels of violence, often less than similar prisons in England and Wales.**

**Use of force was also generally low, but its governance needed improving for young adult men and women.**

**30% of women in prison said they had been physically assaulted by another prisoner while in prison, compared to 18% of men.**

**Inspectors considered that all prisons had serious problems with drug availability, higher than similar prisons and often with no clear strategy to address it.** There were long delays to accessing substance misuse treatment. However, quality of treatment had improved in three of the four prisons.<sup>704</sup>

**Adult safeguarding (protecting people from abuse and neglect) in prisons is still highly variable.** Inspectors praised an effective approach at Magilligan, but raised concerns about serious shortcomings at Maghaberry. A follow up inspection in 2023 revealed no meaningful progress at Maghaberry.<sup>705</sup>

### **Treatment and conditions**

**Living conditions are often poor in adult male prisons, but better in the others.** Inspectors judged that conditions have improved at Maghaberry, but remained poor on the induction unit. Magilligan had older units in a poor state of repair. Inspectors described the environment at Hydebank Wood as “among the best in a young adult establishment” and cells at Ash House (for women) as “among the best we have seen.”

**Half of prisoners at Maghaberry said they spent less than two hours out of their cell on weekdays, rising to 63% at weekends.** But inspectors reported that reasonable progress had been made during their 2023 follow up inspection.<sup>706</sup>

**At the other prisons, on average just 6% of people reported spending less than two hours unlocked on weekdays, rising to 19% at weekends.**

**Inspectors reported in their 2023 follow up inspection at Maghaberry that “prisoners now had more regular and consistent access to activities to meet their rehabilitation and resettlement needs”.**<sup>707</sup>

**At Magilligan inspectors found that the delivery of education and skills “had resumed at a good pace” following the lifting of Covid-19 restrictions,** but that not enough progress had been made in increasing the proportion of prisoners achieving qualifications at level 2 or above.<sup>708</sup>

**Provision of purposeful activity was judged as good for young men and for women, but the length of some waiting lists was excessive.**

**On average, nearly three quarters (74%) of prisoners said staff treated them with respect.** Over half (56%) said they felt treated as an individual. Nine in 10 women (92%) said they had a member of staff they could turn to if they had a problem, compared to less than two-thirds (65%) of men.

**Young adult men were less likely to say that complaints were dealt with fairly.** Just 30% said they felt they had received fair treatment, compared to an average of 45% of adult men and nearly seven in 10 women (69%).

**Prisons had some good initiatives to support vulnerable adult men,** including compassionate suspension of certain sanctions for prisoners with learning difficulties at Maghaberry and good support for older and disabled prisoners at Magilligan.

**On average, less than a third of prisoners (32%) said it was easy for family and friends to visit.**

<sup>703</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress (IRP) at Maghaberry Prison. 31 October – 2 November 2023.

<sup>704</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress at Magilligan Prison. 31 October – 2 November 2023.

<sup>705</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress (IRP) at Maghaberry Prison. 31 October – 2 November 2023.

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<sup>708</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress at Magilligan Prison. 31 October – 2 November 2023.



## Health and social care

**Inspectors judged that women and young adult men had good access to primary healthcare and were treated professionally.** But waiting times were judged as too long for adult men—particularly for those requiring treatment and support for addiction.<sup>709</sup>

**On average, nearly three in five prisoners (57%) said they had a disability. The level of support varied between establishments.** Two in five people (40%) at Magilligan said they were getting the support they needed, compared to just under a quarter at Maghaberry (24%) and one in six young men (17%) at Hydebank Wood. Over half of women (52%) said they had received support.

**On average, a third of prisoners (34%) said they had an alcohol problem when they arrived in prison. A greater proportion of women (60%) said they had been helped with their problem than men.** Three in 10 adult men (31%) and just one in seven young men (16%) said they had accessed treatment.

**On average just over half of men in prison reported having drug problems (51%), compared to 35% of women.** Around two in five people who had a problem (42%) reported receiving help for it in prison, except at Maghaberry where just over a quarter reported that they had (28%).

**Three quarters of prisoners said they had mental health problems.** A higher proportion of women (61%) and young men (42%) reported receiving help, compared to just over a quarter of adult men (27%).

**Women and young adult men were judged as receiving equivalent mental healthcare to that available in the community, but inspectors were concerned about services for adult men.** There was insufficient availability of clinical services, long waiting times for mental health assessments, and for transfers to inpatient facilities.

**Mental health care at Maghaberry “remained significantly under-resourced and did not adequately address the complex needs of the increased prison population” but inspectors highlighted there has been reasonable progress in their 2023 follow up inspection.**<sup>710</sup>

**Prevalence of mental health problems is 25% higher in Northern Ireland than the rest of the UK,**<sup>711</sup> but its prevalence in prison is poorly understood. A 2019 inspection of safety in prisons urged the prison service to undertake a proper needs analysis of mental health.<sup>712</sup>

**Individual prisons provided various forms of social care.** These included good provision of speech and language therapy, occupational therapy, adaptations for older and disabled prisoners, and complex individual care packages.

**At the inspection of Ash House in 2019, there was one pregnant woman. Inspectors reported that she received good care, but were concerned there was no strategy on treatment of pregnant women.** Mothers and babies were held on a general population wing—something inspectors considered inappropriate.

## Rehabilitation and resettlement

**Almost half (44%) of prisoners said they had a custody plan, rising to over half (52%) if Maghaberry, which holds a large proportion of remand prisoners, is excluded.** Three in five prisoners with custody plans (62%) said staff were helping them achieve their targets.

**More than two-thirds (68%) of women said they were being helped to prepare for release, compared to only around a third of men (35%).** At Magilligan, which only holds sentenced prisoners, half of prisoners said they were receiving help.

**49% of adults released from custody went on to be reconvicted within a year.**<sup>713</sup> Almost half of people (47%) who reoffended did so within two months of release.<sup>714</sup>

**197 people were recalled back to prison in 2022–23, up from 180 in the previous year.**<sup>715</sup>

<sup>709</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress at Magilligan Prison, 31 October – 2 November 2023.

<sup>710</sup> Criminal Justice Inspection Northern Ireland (2024). Report of an Independent Review of Progress (IRP) at Maghaberry Prison, 31 October – 2 November 2023.

<sup>711</sup> O'Neill, S. et al. (2018). Mental health in Northern Ireland: an urgent situation. *The Lancet Psychiatry*, 5(12): 965–966.

<sup>712</sup> Criminal Justice Inspection Northern Ireland (2019). The safety of prisoners held by the Northern Ireland Prison Service.

<sup>713</sup> Table 8, Department of Justice (2023). Adult and youth reoffending in Northern Ireland (2020/21 cohort).

<sup>714</sup> Table 7a, Department of Justice (2023). Adult and youth reoffending in Northern Ireland (2020/21 cohort).

<sup>715</sup> Parole Commissioners for Northern Ireland (2022). Annual report 2021–22.

## People in prison

**78 women were held in prison in Northern Ireland on average in the year 2022–23.**<sup>716</sup>

**Nearly one in ten prisoners serving a sentence in 2022–23 (9%) were aged 60 or over—95 people.** The number aged over 60 has increased by almost half (46%) since 2015/16—an additional 30 people.<sup>717</sup>

**Just over half (53%) of prisoners are Catholic. At Maghaberry, inspectors identified evidence of disproportionate outcomes for Catholic prisoners in several areas.** Inspectors judged that outcomes for Catholics had improved at Magilligan, with good monitoring of potential religious bias and little evidence of persistent inequality.

**One in 14 people in prison in 2022–23 (7%) were from an ethnic minority group, compared to more than a quarter (27%) in England and Wales.** Inspectors criticised the lack of consultation with prisoners from ethnic minority groups.

**On average 4% of people in prison report being from a Gypsy, Roma or Traveller (GRT) ethnic group.** GRT prisoners at Magilligan felt poorly understood and not sufficiently supported. Maghaberry was making efforts to improve provision for GRT prisoners, but did not consult them sufficiently.

**There were gaps in provision for lesbian, gay, bisexual and transgender (LGBT) prisoners.** Almost a quarter of women (23%) and more than one in 20 men (6%) identified as LGBT.

**One in 10 prisoners are foreign nationals (11%) on average. A higher proportion of adult men at Maghaberry high secure prison were foreign nationals (12%) compared to the medium security Magilligan prison (3%).** In 2019—the most recent data available—over two thirds (67%) of foreign national prisoners were on remand.<sup>718</sup>

**27% of adult men in prison said they had been in local authority care or had a social worker as a child.**

## Children in custody

**110 children (aged 10–17) entered custody in 2022–23, almost half (48%) as many as a decade ago.** More than four-fifths were boys (83%).<sup>719</sup>

**There was a total of 224 child admissions to custody in 2022–23. Just three of these were because a child had been sent there to serve a sentence.** All other children were either held pending police questioning; awaiting a court date; or on remand.<sup>720</sup>

**11 children were held in custody on average in 2022–23, up from nine the year before.** The majority—nine children—were held on remand, whilst just one child was being held to serve a sentence.<sup>721</sup>

**Two in five children (42%) who entered custody in 2022–23 were in care—the highest proportion in the last five years.**<sup>722</sup>

**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.<sup>723</sup>

**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”.**<sup>724</sup>

<sup>716</sup> Table 1f, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>717</sup> Table 2c, Department for Justice (2023). The Northern Ireland Prison Population 2022/23.

<sup>718</sup> Northern Ireland Prison Service (2020). Analysis of NIPS prison population from 01/10/2018 to 31/12/2019.

<sup>719</sup> Table 13, Youth Justice Agency (2023). Northern Ireland Youth Justice Agency annual workload statistics 2022/23.

<sup>720</sup> Table 11, Youth Justice Agency (2023). Northern Ireland Youth Justice Agency annual workload statistics 2022/23.

<sup>721</sup> Table 28, Youth Justice Agency (2023). Northern Ireland Youth Justice Agency annual workload statistics 2022/23.

<sup>722</sup> Table 22, Youth Justice Agency (2023). Northern Ireland Youth Justice Agency annual workload statistics 2022/23.

<sup>723</sup> Criminal Justice Inspection Northern Ireland (2022). An announced inspection of Woodlands Juvenile Justice Centre, 22–28 January 2022.

<sup>724</sup> Criminal Justice Inspection Northern Ireland (2022). An announced inspection of Woodlands Juvenile Justice Centre, 22–28 January 2022.

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