

Prison Reform Trust response to the Justice Committee's inquiry on Rehabilitation and resettlement: ending the cycle of reoffending – January 2025

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

The Prison Reform Trust's main objectives are:

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

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Introduction

We welcome the opportunity to respond to the committee's inquiry on 'rehabilitation and resettlement: ending the cycle of reoffending'. Our response is restricted to comment on the adult estate.

Rehabilitation is one of the five statutory purposes of sentencing, as set out in section 57 of the Sentencing Act 2020. The other purposes are punishment, public protection, making amends and the reduction of crime (including through deterrence). Sentencing is a balancing act, and not every aim will be equally relevant to every case. Although prison in and of itself does not have a statutory purpose(s), it is expected to deliver on all five of the statutory purposes of sentencing. Some of these purposes may be in conflict, and it is not always clear which should be given priority. In practice, sentencing for more serious offences often prioritises punishment and public protection over the other purposes.

Prison is often not very good a rehabilitation. This is unsurprising given prison disrupts home and family life, and often people will lose housing, jobs and caring responsibilities. All of which are protective factors in reducing reoffending. The current capacity crisis has worsened conditions in prison and had a detrimental impact on the availability and quality of rehabilitative interventions. PRT's response to the government's sentencing review calls for a fundamental reform to the sentencing framework, including a review of the purposes of sentencing with greater

priority given to rehabilitation in sentencing decisions and the greater use of community alternatives to custody.¹

Section 1: Reoffending – measuring the problem

1. **What are the levels of reoffending in England and Wales, and how has this changed over time?**
 - a. **What are the different approaches to measuring reoffending?**
 - b. **How does reoffending in England and Wales compare to other countries?**

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

- Reconviction rates within a year of release are high—42% for all prison sentences and 59% for those serving short sentences of less than 12 months.²
- A 2019 study has estimated the annual total economic and social cost of reoffending as £18.1bn.³
- Reoffending rates vary hugely between cohorts. For instance, adults convicted of theft offences had a proven reoffending rate of 51.5%. By contrast, adults convicted of sex offences had a proven reoffending rate of 13.1%.⁴
- Over time, the overall proven reoffending rate has fluctuated between 23.1% and 31.8%.⁵
- Given the inherent complexities in how reconviction rates are measured, we urge caution in international comparisons.

One area where there is good evidence is comparisons of reconviction rates for short custodial and community sentences:

- Research for the Sentencing Council 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.”⁶

¹ Prison Reform Trust. (2025). *Prison Reform Trust response to the Independent Sentencing Review 2024 to 2025*. <https://prisonreformtrust.org.uk/wp-content/uploads/2025/01/Prison-Reform-Trust-evidence-to-the-Independent-Sentencing-Review-2024-to-2025.pdf>

² Ministry of Justice. (2024). *Proven reoffending statistics: January to March 2022*. <https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2022/proven-reoffending-statistics-january-to-march-2022#main-points>

³ Newton, A., May, X., Eames, S. and Ahmad, M. (2019). *Economic and social costs of reoffending*. Ministry of Justice.

⁴ Ministry of Justice. (2024). *Proven reoffending statistics: January to March 2022*. <https://www.gov.uk/government/statistics/proven-reoffending-statistics-january-to-march-2022/proven-reoffending-statistics-january-to-march-2022#reoffending-by-disposal-type>

⁵ Ibid.

⁶ Gormley, J., Hamilton, M. and Belton, I. (2022). *The effectiveness of sentencing options on reoffending*. Sentencing Council.

- For people with more than 50 previous offences, the odds of reconviction increase by 36% when a short prison sentence is used rather than a community sentence.⁷
- A Ministry of Justice study found that the one-year reoffending rate was four percentage points higher for short-term custodial sentences than a community order or a suspended sentence order, and that the number of reoffences committed was also higher.⁸
- Community sentences are particularly effective for people with mental health problems.⁹
- Receiving treatment for drug and alcohol addictions in the community can reduce offending. A study by Public Health England found that there was a reduction of 44% in the number of reoffenders, and a 33% reduction in the number of offences committed in the two years following treatment.¹⁰

Section 2: Rehabilitation in prisons

2. What is the regime offer in different types of prisons?

a. How does this differ for the following cohorts:

- i. Female prisoners
- ii. Remand prisoners
- iii. IPP prisoners
- iv. Those in the youth custody estate

The regime offered to individual prisoners depends on a number of factors including:

- The status of the prisoner (remanded, unsentenced, sentenced)
- For sentenced prisoners, the type of disposal (in particular whether the prisoner is serving an indeterminate or extended sentence or a standard determinate sentence)
- The needs of the prisoner identified in the sentence plan
- The stage at which the prisoner is in the sentence
- The security category of prison in which the prisoner is held
- Capacity and resource constraints, linked to factors such as overcrowding, poor infrastructure and staff shortages

Long, extended and indeterminate sentenced prisoners (including IPPs)

Sentence progression is a major concern for people serving long and indeterminate sentences.¹¹ Progression refers to the processes which enable people in prison to move through the system towards release. This includes participating in formal programmes and interventions designed to reduce their risk levels as well as spending time in different prison spaces, including lower security conditions.¹²

⁷ Hillier, J. and Mews, A. (2018). *Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?*. Ministry of Justice.

⁸ Eaton, G. & Mews, A. (2019). *The impact of short custodial sentences, community orders and suspended sentence orders on reoffending*. Ministry of Justice.

⁹ Hillier, J. and Mews, A. (2018). *Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?*. Ministry of Justice.

¹⁰ Ministry of Justice (2017). *The impact of community-based drug and alcohol treatment on re-offending*. Ministry of Justice and Public Health England.

¹¹ Jarman, B. & Vince, C. (2022). *Making Progress? What progression means for people serving the longest sentences*. Prison Reform Trust. https://prisonreformtrust.org.uk/wp-content/uploads/2022/09/Making_progress.pdf

¹² See <https://prisonreformtrust.org.uk/wp-content/uploads/2025/01/Prison-Reform-Trust-evidence-to-the-Independent-Sentencing-Review-2024-to-2025.pdf>

Prisoners must demonstrate risk reduction through completion of risk reduction interventions such as accredited courses, unaccredited courses or one to one work.

PRT's response to theme 6 (progression) of the government's sentencing review contains detailed analysis of the current arrangements for sentence progression. It recommends:

- Sentence planning processes and procedures should be reviewed to ensure that the operation of custodial sentences match their intended purpose. For those who do need to be detained, they should be given the necessary opportunities and empowered to use their time purposefully towards safe release.
- Better use should be made of open prisons, making them easier to get to and ensuring that, once in open conditions, prisoners, including those with protected characteristics, are appropriately supported and able to progress effectively through their sentence towards safe release.
- Release on temporary licence should be used more extensively, including its use for prisoners held in closed conditions, to enable sentences to better fulfil the aim of rehabilitation.
- The burden should fall to the state to justify continued detention once the punitive phase or minimum term of an indeterminate sentence has been completed.
- The High Court's power of review should be extended to enable a reduction in the minimum term at the halfway point in indeterminate sentences with minimum terms of ten years or more for exceptional progress to incentivise positive behaviour.
- Establish a separate inquiry to understand how risk-based decision-making affects progression and release.
- Any discretionary incentivised scheme should be in addition to a coherent and consistent early automatic release scheme for determinate sentence prisoners and the use of home detention curfew.

Standard determinate sentenced prisoners

For people serving standard determinate sentences, who have an automatic release date, planning for release will be the main focus of rehabilitative activity including addressing resettlement needs such as accommodation, family ties, employment and continued treatment for drug and alcohol misuse and mental ill health. Under current regimes, category C prisons in the men's estate in particular should offer training and education and provide an environment which fosters the ability to gain skills and employment. However, HM Inspectorate of Prisons (HMIP) have reported that in the category C prisons inspected within the last year, "23% of prisoners reported less than two hours unlocked each day. Only 22% had more than six hours out of their cells on typical weekdays, indicating that far too few prisoners were attending full or even part-time education and training".¹³

Women

The high level of multiple and often unmet need experience by many women in prison is well documented. Women's prisons will therefore provide gender specific programmes which aim to address underlying issues which contribute to women's offending and support rehabilitation. These include trauma informed interventions which address women's mental ill-health, substance misuse needs, and support

¹³ HM Inspectorate of Prisons. (2024). *Purposeful prisons: time out of cell. A key findings paper by HM Chief Inspector of Prisons*. p.6-7. <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/19/2024/09/Purposeful-prisons-time-out-of-cell-web-2024.pdf>

maintenance of family ties and healthy relationships. The majority of women in prison will be serving short sentences. In 2023, almost two thirds (64%) of prison sentences given to women were for less than six months.¹⁴ So as above, planning for release will often be the focus of rehabilitative activity in the short time available, including addressing resettlement needs. However, on very short sentences, access to all relevant interventions and programmes is often not possible within the sentence timeframe.

Access to open conditions also plays a vital role in preparation and release planning. The two open prisons in the women's estate are designed to offer support for resettlement needs, including for example in the use of Release on Temporary Licence (ROTL), which can support maintenance of family ties as well as providing employment opportunities. HMIP recent found good use of ROTL in both prisons In HMP East Sutton Park "over 80% of women had access to ROTL and many had full-time, paid employment in the community with national copies, which meant that they could transfer to a job near home on final release".¹⁵

Remand prisoners

Prisoners held on remand are innocent until proven guilty and so cannot be compelled to participate in rehabilitative activity focussed on addressing criminogenic needs as they have not been convicted of any crime. The vast majority of remand prisoners are held in reception prisons. These are the most overcrowded establishments on the estate and report some of the worst outcomes according to inspectors. The remand population has grown significantly in recent years and a record number of people are currently held on remand. HMIP has raised concerns about the poor quality of regime available to remand prisoners and the lack of support available to them in prison. Its 2023-2024 annual report states:

*"Remand prisoners are more likely than sentenced prisoners to harm themselves or take their own lives, so it is particularly concerning that in our survey remand and unsentenced prisoners had significantly more negative perceptions in several areas. Fifty two percent reported struggling to contact their family when they first arrived at the prison, compared with 25% of sentenced prisoners, and more remand than sentenced prisoners said that they had problems when they first arrived, less time out of cell and challenges accessing healthcare."*¹⁶

b. Does the regime offer encompass the principles of individual desistence, and to what extent could it?

Research suggests that prisons can both facilitate and disrupt the desistance process.¹⁷ Non-custodial sanctions may be better than incarceration for facilitating desistance.¹⁸ Factors that can affect desistance include levels of

¹⁴ Outcomes by offence tool. Ministry of Justice. (2024). *Criminal justice statistics quarterly: December 2023*.

¹⁵ HM Chief Inspector of Prisons. (2024). *Annual report 2023–24*. HM Stationery Office. p.40.

¹⁶ HM Chief Inspector of Prisons. (2024). *Annual report 2023–24*. HM Stationery Office.

¹⁷ Ugelvik, T. (2022). The Transformative Power of Trust: Exploring Tertiary Desistance in Reinventive Prisons. *The British Journal of Criminology*, 63(3). pp.623-238. <https://academic.oup.com/bjc/article/62/3/623/6354258>

¹⁸ Ibid.

- Trust: Trust can be a positive force in prisons, and being trusted can lead to hope and a belief in a better future¹⁹
- Motivation: Motivation and volition are important for desistance²⁰
- Relationships: Family and relationships are important factors in desistance²¹

3. What impact does custody have on prisoner health and wellbeing, and how effective is provision for this in prison in promoting rehabilitation?

a. What role does trauma-informed practice have on the delivery of purposeful activities in prisons?

Prisoners tend to have poorer health than the general population and have complex healthcare needs. Addressing health inequalities and providing equivalence of healthcare are recognised as key policy goals. In practice, however, challenges such as overcrowding, staffing shortages and funding can impact how healthcare is delivered.²²

4. What is the current offer of training and education available in prisons and is it sufficient?

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison. In 2018 the Conservative government published an education and employment strategy with proposals to increase the use of release on temporary licence; give governors powers to commission education in their prisons; expand vocational training opportunities; and improve employment outcomes on release.²³ By April 2024 they had appointed specialist roles to oversee educational and vocational delivery; invested in vocational training and apprenticeships; introduced Employment Advisory Boards; invested in literacy initiatives; and committed to the launch of a new Prisoner Education Service in 2025.^{24,25,26} The Labour government has confirmed its commitment to continue investing in education and vocational opportunities,²⁷ and has announced the creation of Employment Councils to help more people into employment in the community.²⁸

In men's prisons, nearly half (44%) of inspectors' recommendations for purposeful activity from previous inspections remained unachieved — rising to nearly seven in

¹⁹ Ibid.

²⁰ Villman, E. (2021). Work, support and solitude: prisoners' desistance expectations and self-regulating strategies. *Journal of Offender Rehabilitation*, 60(2), pp.95-116.

<https://www.tandfonline.com/doi/full/10.1080/10509674.2020.1863299>

²¹ HM Inspectorate of Probation. (2020). *Desistance – general practice principles*.

<https://www.justiceinspectorates.gov.uk/hmiprobation/research/the-evidence-base-probation/models-and-principles/desistance/#:~:text=In%20our%20full%20round%20of,just%20six%20percent%20of%20cases>

²² Hutchings, R. & Davies, M. (2021). *How prison health care in England works* | Nuffield Trust. Nuffield Trust. <https://www.nuffieldtrust.org.uk/resource/prison-health-care-in-england>

²³ Ministry of Justice. (2018). *Education and employment strategy*. Ministry of Justice.

²⁴ House of Commons written question 22366, 25 April 2024.

²⁵ House of Commons written question 21770, 22 April 2024.

²⁶ House of Commons written question 199290, 19 September 2023.

²⁷ House of Commons written question 1840, 30 July 2024.

²⁸ Ministry of Justice. (2025, 10 January). *Top bosses join forces to get thousands of offenders into work*.

10 in women's prisons (69%).²⁹ HM Inspectorate of Prisons condemned the "appalling" neglect of how prisoners spend their time, with far too many locked in cells without meaningful activity.³⁰

Of the 44 inspections of prisons, young offender institutions and secure training centres conducted by Ofsted (England) and Estyn (Wales) during 2023–24, just six were judged to be providing education, work or skills at a reasonable standard.³¹ Inspectors have noted that there has been little improvement since a review of prison education conducted by Dame Sally Coates in 2016.³²

On average, 70% of prisoners across establishments are engaged in purposeful activity, though this varies widely—from just a third (33%) in some prisons to nearly all (99%) in others.³³

Only eight out of 39 adult prisons received a positive rating from inspectors for purposeful activity in 2023–24. Five were open prisons.³⁴

Education

Engagement with education can significantly reduce reoffending. A 2017 review found that 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.³⁵

Literacy levels amongst the prison population remain significantly lower than the general population. In 2023–24, prisoners took a total of 47,722 initial assessments in English. 73% of assessment outcomes were at the equivalent literacy level expected of an 11-year-old or younger³⁶—almost five times higher than in the general adult population (15%).³⁷

A 2022 HMIP and Ofsted study revealed that prisons often failed to prioritize improving prisoners' reading skills, with most teachers lacking training in teaching adults to read.³⁸ A progress review in 2023 found some improvements, with better strategies in place, but prisons still lacked specialist staff and strong leadership commitment to literacy.³⁹ By 2024, the government reported that all prisons now have a reading strategy, supported by a national Reading Framework and a new Literacy

²⁹ Table 7, HM Chief Inspector of Prisons. (2024). *Judgements, scores and notable positive practice*. Annual report 2023–24. HM Stationery Office.

³⁰ HM Chief Inspector of Prisons. (2024). *Annual report 2023–24*. HM Stationery Office.

³¹ Tables 8 and 9, HM Chief Inspector of Prisons. (2024). *Judgements, scores and notable positive practice*. Annual report 2023–24. HM Stationery Office.

³² HM Chief Inspector of Prisons. (2024). *Annual report 2023–24*. HM Stationery Office.

³³ Table 2, Ministry of Justice. (2024). *Annual performance ratings 2023–24 supplementary tables*. Prison performance ratings: 2023 to 2024.

³⁴ Table 1, HM Chief Inspector of Prisons. (2024). *Judgements, scores and notable positive practice*. Annual report 2023–24. HM Stationery Office.

³⁵ 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*. Ministry of Justice.

³⁶ Ministry of Justice. (2024). *Table 1.1, Prison education tables 2023–24*. Prison Education and Accredited Programme Statistics 2023–2024.

³⁷ 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*.

³⁸ HMIP and Ofsted. (2022). *Prison education: A review of reading education in prisons*. HMIP.

³⁹ HMIP and Ofsted. (2023). *The quality of reading education in prisons: One year on*. HMIP.

Innovation Fund piloting projects in 15 prisons for prisoners with the lowest reading levels.⁴⁰

49,965 adults in the prison system participated in education courses in the 2023–24 academic year⁴¹—a 7% increase compared to last year.⁴²

45,289 qualifications were achieved in by prisoners in 2023–24—a 14% increase on the previous year.⁴³

The improvement is even more marked for qualifications in basic functional skills⁴⁴—which increased by 21% on the previous year.⁴⁵

1,374 people achieved a level 3 qualification (A-level and equivalent) last year⁴⁶ —up 3% on the previous year.⁴⁷

More than 1,700 people in prison are studying with the Open University.⁴⁸

Prisoners wishing to study in higher education must be within six years of their release date to be eligible for a student loan,⁴⁹ limiting opportunities for people serving long prison sentences. Prisoner participation in higher education has been estimated to cut reoffending rates by 20–40%.⁵⁰

Employment

The New Futures Network was established by the Ministry of Justice to develop partnerships between prisons and employers and to create employment opportunities for people in prison and on release.⁵¹ Over 400 businesses now work in partnership with prisons to provide work and employment opportunities.⁵²

⁴⁰ House of Lords written question HL83, 31 July 2024.

⁴¹ Ministry of Justice. (2024). *Table 2.1, Prison education tables 2023-24*. Prison Education and Accredited Programme Statistics 2023–2024.

⁴² Ministry of Justice. (2024). *Table 2.1, Supplementary tables – Prison education tables 2022–23 (new methodology)*. Prison Education and Accredited Programme Statistics 2023–2024. Note that the figures cited in last year's edition of the Bromley Briefings were derived from an old methodology and so differ from this figure.

⁴³ Ministry of Justice. (2024). *Table 2.2, Prison education tables 2023-24*. Prison Education and Accredited Programme Statistics 2023–2024.

⁴⁴ Ministry of Justice. (2024). *Table 2.3, Prison education tables 2023-24*. Prison Education and Accredited Programme Statistics 2023–2024.

⁴⁵ Ministry of Justice. (2024). *Table 2.3, Supplementary tables – Prison education tables 2022–23 (new methodology)*. Prison Education and Accredited Programme Statistics 2023–2024. Note that the figures cited in last year's edition of Bromley were derived from an old methodology and so differ from this figure.

⁴⁶ Ministry of Justice. (2024). *Table 2.2, Prison education tables 2023-24*. Prison Education and Accredited Programme Statistics 2023–2024.

⁴⁷ Ministry of Justice. (2024). *Table 2.2, Supplementary tables – Prison education tables 2022–23 (new methodology)*. Prison Education and Accredited Programme Statistics 2023–2024. Note that the figures cited in last year's edition of Bromley were derived from an old methodology and so differ from this figure.

⁴⁸ House of Commons written question 7955, 15 January 2024.

⁴⁹ Education & Skills Funding Agency. (2024, 10 April). *Advanced learner loans: Funding and performance management rules 2024 to 2025*.

⁵⁰ Higher Education Policy Institute. (2019). *Student loans for those on long prison sentences*. Higher Education Policy Institute.

⁵¹ Ministry of Justice. (2018). *Education and employment strategy*. Ministry of Justice.

⁵² House of Commons written question 203060, 25 October 2023.

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 93 prisons, as have employment hubs, with specialist staff offering prisoners support with job applications and CVs.⁵³

Employment Councils, which will expand this model out to the Probation Service and Department for Work and Pensions, aim to provide support to prison leavers and those serving their sentences in the community.⁵⁴

Some prisoners, in open prisons and certain women's prisons, are now eligible to undertake apprenticeships following a change in the law in 2022.⁵⁵ A trial to allow prisoners in some closed prisons began in 2024.⁵⁶

Apprenticeships include key industries such as catering and construction⁵⁷, but only four prisoners had been enrolled as of July 2024.⁵⁸

HM Prison and Probation Service (HMPPS) has not published figures on the number of prisoners working in custody, due to disruption to data quality. This is the fourth year in a row that they have failed to publish these figures.⁵⁹

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.⁶⁰

In 99.8% of incidents ROTL was completed successfully in 2023.⁶¹ 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.⁶²

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.⁶³

⁵³ Ministry of Justice. (2025, 10 January). *Top bosses join forces to get thousands of offenders into work*.

⁵⁴ Ibid.

⁵⁵ HM Prison and Probation Service. (2022). *Release on temporary licence (ROTL) policy framework*. Ministry of Justice.

⁵⁶ House of Commons written question 16364, 8 March 2024.

⁵⁷ House of Commons written question 22366, 25 April 2024.

⁵⁸ House of Commons written question 1837, 30 July 2024.

⁵⁹ Ministry of Justice (2024). *HM Prison and Probation Service Annual digest: April 2023 to March 2024*. And previous editions.

⁶⁰ HM Prison and Probation Service. (2022). *Release on temporary licence (ROTL) policy framework*. Ministry of Justice.

⁶¹ Tables 3.A.20 & 3.A.23, Ministry of Justice. (2024). *Releases: 2023. Offender Management Statistics Quarterly: October-December 2023*.

⁶² House of Lords written question HL10936, 6 November 2018.

⁶³ Hillier, J. & Mews, A. (2018). *The reoffending impact of increased Release of prisoners on Temporary Licence*. Ministry of Justice.

Despite this, restrictions were introduced on ROTL in 2013 which saw a 37% drop in its use over the next three years. ROTL numbers dropped even further during the pandemic but have been increasing steadily over the last two years. However, use remains 21% lower than in 2013. At the time restrictions were introduced, the ROTL success rate was 99.9%.^{64,65}

On average, 1,183 people per month were working out of prison on licence during 2023–24—a 9% increase on the previous year and a 49% increase on 2021–22. They paid £296 per month on average to the Prisoners' Earnings Act levy—nearly a fifth of their net earnings (19%). The levy goes toward supporting victims of crime.⁶⁶

Home Detention Curfew (HDC)

HDC allows individuals to live outside prison under strict conditions to prepare them for life on release. In 2024, eligibility was expanded to include those serving over four years.⁶⁷ Previously only those serving between three months and under four years were eligible.⁶⁸

The maximum amount of time a person can spend on HDC is six months of their sentence. However, this is due to be extended to 12 months from June 2025 as a means of addressing the overcrowding crisis in prisons.⁶⁹

Many people are still 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.⁷⁰

There were 7,920 releases on HDC in 2023, a 9% decrease on the year before. Use of HDC had fallen every year since 2018, and far from its peak in 2003 when over 21,000 people were released.^{71,72} But the number of people on HDC has risen by 89% between January and December

- 5. To what extent are prisoners given enough time out of cell to engage in purposeful activity?**
 - a. What impact does contracting and staffing have on the delivery of purposeful activities in prisons?**

⁶⁴ Table A3.7, Ministry of Justice. (2023). *Releases: 2022*. Offender Management Statistics Quarterly: October–December 2022.

⁶⁵ Table 3.A.20, Ministry of Justice (2024). *Releases: 2023*. Offender Management Statistics Quarterly: October–December 2023.

⁶⁶ Table 5.2, Ministry of Justice. (2024). *Chapter 5 tables – Prisoner earnings*. HM Prison and Probation Service Annual digest: April 2023 to March 2024.

⁶⁷ Victims and Prisoners Act 2024, s.68.

<https://www.legislation.gov.uk/ukpga/2024/21/section/68>

⁶⁸ Ministry of Justice. (2023). *Home Detention Curfew (HDC) policy framework*.

⁶⁹ Ministry of Justice. (2024). *Draft explanatory memorandum to The Home Detention Curfew and Requisite and Minimum Custodial Periods (Amendment) Order 2024*.

<https://www.legislation.gov.uk/ukdsi/2024/9780348265729/memorandum/contents>

⁷⁰ Ministry of Justice (2024). *Home Detention Curfew (HDC) policy framework*.

⁷¹ Table A3.5, Ministry of Justice. (2023). *Releases: 2022*. Offender Management Statistics Quarterly: October–December 2022.

⁷² Table 3.A.14, Ministry of Justice. (2024). *Releases: 2023*. Offender Management Statistics Quarterly: October–December 2023.

One in ten women (10%) and just over one in five men (21%) surveyed by inspectors spent less than 2 hours a day out of their cells.⁷³ This is a return to pre-pandemic levels.⁷⁴ However, the true amount of time out of cell for women is difficult to assess this year, as the majority of inspected establishments were open prisons.

People are more likely to be locked up for longer in local prisons, where half of surveyed men (50%) said they spent less than two hours a day out of their cells.⁷⁵

Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, almost a quarter of people (23%) said they spent less than two hours a day out of their cells.⁷⁶

Weekends are particularly difficult in prison. Over one third of men (34%) and 12% of women told inspectors they spent less than two hours a day out of their cells.⁷⁷

In a 2024 review of time out of cell, inspectors found that spending so much time locked up prisoners' mental and physical health, prevented them from completing basic tasks, and led to a greater belief among those locked up longer that they were more likely to reoffend.⁷⁸

Less than half (49%) of surveyed men reported being able to access the gym at least twice a week, and less than two thirds (62%) reported being able to visit the library at least once a week. The situation is slightly better for women — 62% reported twice-weekly gym access and 68% reported weekly library access.⁷⁹

The inspectorate found "a striking correlation between prisoners' own perception of the likelihood of them reoffending and the amount of time they reported spending unlocked and engaged in constructive activity, suggesting that purposeless prisons are not only harmful for prisoners, but that this harm could extend to wider society".⁸⁰

6. How do current prison population constraints affect the availability and quality of rehabilitation programmes?

The current overcrowding crisis within prisons is affecting all parts of the system including the availability and quality of rehabilitation programmes. For people serving extended or indeterminate sentences, population pressures mean they can often struggle to get transferred to the prison which is running the programme they need to access in order to reduce their risk. Population pressures also mean staff are

⁷³ Table 2, HM Chief Inspector of Prisons. (2024). *Women's comparator workbook*. Annual report 2023–24. HM Stationery Office.

⁷⁴ HM Chief Inspector of Prisons. (2020). *Annual report 2019–20*. HM Stationery Office.

⁷⁵ Table 2, HM Chief Inspector of Prisons. (2024). *Men's comparator workbook*. Annual report 2023–24. HM Stationery Office.

⁷⁶ Table 2, HM Chief Inspector of Prisons. (2024). *Men's comparator workbook*. Annual report 2023–24. HM Stationery Office.

⁷⁷ Table 2, HM Chief Inspector of Prisons. (2024). *Women's comparator workbook*. Annual report 2023–24. HM Stationery Office.

⁷⁸ HM Chief Inspector of Prisons. (2024). *Purposeful prisons: Time out of cell*.

⁷⁹ Table 2, HM Chief Inspector of Prisons. (2024). *Women's comparator workbook*. Annual report 2023–24. HM Stationery Office.

⁸⁰ HM Inspectorate of Prisons. (2024). *Purposeful prisons: time out of cell. A key findings paper by HM Chief Inspector of Prisons*. p.3. <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/19/2024/09/Purposeful-prisons-time-out-of-cell-web-2024.pdf>

overstretched and so are often unable or unavailable to escort people to take part in education and training. The introduction of an early release scheme, while necessary to mitigate dangerous levels of overcrowding, has also made the process of release planning more complicated and potentially increased the likelihood of people being released without the necessary support in place.

7. To what extent do prison buildings and their maintenance facilitate or hinder rehabilitation?

Living conditions in many prisons, including newer facilities, have deteriorated due to overcrowding and neglect.⁸¹ It is likely that these conditions will not be rehabilitative and will inhibit the effective delivery of programmes. In 2024, the National Preventive Mechanism reported that rising prisoner numbers, overcrowding, staff shortages, and decaying infrastructure have created untenable conditions: "We have seen buildings that are not fit for purpose brought back into use, or two people being squeezed into single cells, to cope with more prisoners, without enough staff or wider infrastructure to adequately prepare them for release and manage risks of reoffending."⁸²

8. What examples of best practice within the prison service are there in promoting rehabilitation?

Best practice will look different for different cohorts of people in prison (see question two above). For example:

HMP Grendon opened in 1962 as an experimental psychiatric prison. It is now a category B training prison run on therapeutic community principles. Most prisoners received into the prison are serving long determinate sentences and many have personality disorders and histories of addiction. The process of therapy requires considerable commitment, with many men taking several years to complete their therapy. The therapeutic regime is supported by a multidisciplinary group of staff. The most recent Independent Monitoring Board (IMB) report for the prison found it continues to provide high quality therapeutic services. However, more work was needed to restore Grendon's unique democratic therapeutic community culture following the negative impacts of the Covid pandemic. The report also highlighted ongoing issues with staff shortages, failing infrastructure, and overcrowding in the wider estate preventing prisoners from progressing out of the prison once they had completed their therapy.⁸³

HMP Warren Hill is a category C prison for adult men. The prison has a progression regime which was introduced in 2014. This regime enables prisoners who have "failed in open conditions, or who were otherwise categorised as unsuitable for placement in open conditions, to demonstrate to the parole board that their risk to the public had reduced sufficiently, thereby enabling them to move to open conditions or

⁸¹ HM Inspectorate of Prisons. (2024). *Annual report 2023–24*. HM Stationery Office.

⁸² National Preventive Mechanism. (2024). *Monitoring places of detention: 15th Annual Report of the United Kingdom's National Preventive Mechanism 2023/24* (CP 1290).

<https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/23/2024/12/UK-NPM-15th-Annual-Report.pdf>

⁸³ IMB. (2024). *Annual Report of the Independent Monitoring Board at HMP Grendon. For report year 1 January 2023 to 31 December 2023*. <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/13/2024/05/Grendon-IMB-2023-annual-report.pdf>

be released on licence".⁸⁴ Since its establishment, the regime has demonstrated some success in helping people on indeterminate sentences who are facing difficulties in progressing their sentence.

Section 3 – resettlement services and alternatives to custody

- 9. To what extent does the Probation Service have the capacity to support effective resettlement pre and post release?**
- 10. How does joint working between services happen so that ex-offenders receive the support they need post-release?**

The Ministry of Justice was allocated £550m to reduce reoffending in the 2021 government spending review. Since then, it has awarded contracts to external providers, known as Commissioned Rehabilitative Services (CRS), in the areas of accommodation; education; employment; finance; substance misuse and wellbeing.⁸⁵ Over three-quarters of contracts (76%) have been awarded to the voluntary sector.⁸⁶

In 2023, the National Audit Office found that HM Prison and Probation Service (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 two-thirds (68%) were rated as not meeting quality standards.⁸⁷ HMPPS says it is currently designing a new specification for awarding and monitoring contracts.⁸⁸

The NAO also warned that the current resettlement delivery model was complex and fragmented.⁸⁹ HMPPS has established ID and Banking Administrators, Employment Leads, Hubs and Advisory Boards in all 93 resettlement prisons.^{90,91} These roles and services are intended to assist prisoners with release preparation and opportunities.

Of 39 adult prisons inspected in 2023–24, only seven were rated 'good' for release preparation, including five open prisons.⁹² Inspectors highlighted disjointed resettlement provision with key gaps but praised open prisons for their vital role in preparing individuals for release.⁹³

⁸⁴ IMB. (2024). *Annual Report of the Independent Monitoring Board at HMP Warren Hill. For report year 1 June 2023 to 31 May 2024.* p.4. <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/13/2024/09/Warren-Hill-IMB-2023-2024-annual-report.pdf>

⁸⁵ National Audit Office. (2023). *Improving resettlement support for prison leavers to reduce reoffending.* <https://www.nao.org.uk/reports/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending/>

⁸⁶ House of Lords written question HL2855, 3 December 2024.

⁸⁷ National Audit Office. (2023). *Improving resettlement support for prison leavers to reduce reoffending.* <https://www.nao.org.uk/reports/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending/>

⁸⁸ House of Lords written question HL2855, 3 December 2024.

⁸⁹ National Audit Office. (2023). *Improving resettlement support for prison leavers to reduce reoffending.* <https://www.nao.org.uk/reports/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending/>

⁹⁰ House of Commons written question 12476, 12 November 2024.

⁹¹ House of Commons written question 21770, 22 April 2024.

⁹² Table 1, HM Inspectorate of Prisons. (2024). *Judgements, scores and notable positive practice.* Annual report 2023–24. HM Stationery Office.

⁹³ HM Inspectorate of Prisons. (2024). *Annual report 2023–24.* HM Stationery Office.

Inspectors found that, on average, probation regions have 30% fewer staff than they require to carry out resettlement work with people leaving prison.⁹⁴ Yet modelling suggests that the probation service may need to supervise around 5,900 extra prison leavers by 2025.⁹⁵

Resettlement passports—a single document bringing together information and services upon release—have been promised since 2021,⁹⁶ but don't yet appear to have been introduced.⁹⁷

11. How effective is support provided to ex-offenders on release such as homelessness prevention, employment opportunities and health and wellbeing services?

Employment

The proportion of people in employment six weeks after leaving prison has risen to 19% — a six percentage point increase on four years ago when records began.⁹⁸ Just under a third of people are in employment six months after release (31%)—a 17 percentage point rise on four years ago.⁹⁹

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.¹⁰⁰

Accommodation

Less than half (45%) of people released from prison in 2023–24 had settled accommodation on release, and more than one in 10 (13%) were homeless or sleeping rough.¹⁰¹

One in twenty (5%) people released from prison in 2023–24 were assessed as posing a high risk of harm, but released homeless or to rough sleeping.¹⁰²

After three months, just over two-thirds (68%) of people released from prison had settled accommodation and one in 10 (9%) were homeless or sleeping rough.¹⁰³

Obtaining and retaining settled accommodation is a key factor in successful rehabilitation according to probation inspectors. They found that around one-third of

⁹⁴ HMI Probation. (2023). *Offender management in custody — post-release. A thematic inspection by HM Inspectorate of Probation*.

⁹⁵ National Audit Office. (2023). *Improving resettlement support for prison leavers to reduce reoffending*. <https://www.nao.org.uk/reports/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending/>

⁹⁶ Ministry of Justice. (2021). *Prisons strategy white paper*. CP 581. HM Stationery Office.

⁹⁷ House of Commons written question 21771, 22 April 2024.

⁹⁸ Table 2, Ministry of Justice. (2024). *Employment at 6 weeks post release from custody data tables*. Offender employment outcomes, update to March 2024.

⁹⁹ Table 2, Ministry of Justice. (2024). *Employment at 6 months post release from custody data tables*. Offender employment outcomes, update to March 2024.

¹⁰⁰ Business in the Community. (2023). *Personal communication*.

¹⁰¹ Table 2, Ministry of Justice. (2024). *Housed on release from custody data tables*. Offender accommodation outcomes, update to March 2024.

¹⁰² House of Commons written question 15428, 2 December 2024.

¹⁰³ Table 2, Ministry of Justice. (2024). *Settled accommodation at 3 months post-release from custody data tables*. Offender accommodation outcomes, update to March 2024.

people released to settled accommodation ended up back in custody, compared to around two-thirds of people without it.¹⁰⁴

There were 6,295 placements in the HMPPS Community Accommodation Service in 2023–24—48% more than the previous year. HMPPS has developed the service to provide up to 12 weeks of transitional accommodation after leaving prison.¹⁰⁵

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 not guaranteed, 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.¹⁰⁶

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 (65%) of cases people didn't receive sufficient support to address their finance, benefits and debt needs before their release.¹⁰⁷ 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.¹⁰⁸

There are now specialist staff in prisons to help prepare a Universal Credit claim, but people still cannot submit one until they have been released from prison,¹⁰⁹ and must usually wait around five weeks for the first payment.¹¹⁰

In 2022, inspectors found too many people were leaving prison without the basics of having proof of identification and access to financial support in place.¹¹¹

12. What impact do licence recall conditions have on promoting resettlement?

People can be recalled for breaching licence conditions. Reasons for a recall can include committing a further offence but also missing probation appointments, failing to keep their probation office informed of their circumstances, breaching curfews or exclusion zones, or substance misuse lapses. The thresholds for recall are substantively lower than judicial thresholds for convictions. This means people can

¹⁰⁴ HMI Probation. (2020). *Accommodation and support for adult offenders in the community and on release from prison in England: An inspection by HMI Probation*.

¹⁰⁵ Table 1, Ministry of Justice. (2024). *Community Accommodation Service Tier 3 data tables*. Offender accommodation outcomes, update to March 2024.

¹⁰⁶ HM Prison and Probation Service. (2024). *PSI 72/2011. Discharge*.

¹⁰⁷ HM Inspectorate of Probation. (2022). *Offender management in custody – pre-release. A joint thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*.

¹⁰⁸ HM Inspectorate of Probation (2023). *Offender management in custody – post-release. A thematic inspection by HM Inspectorate of Probation*.

¹⁰⁹ HM Government. (2025, 2 January). *Supporting prison leavers: A guide to Universal Credit*.

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

¹¹⁰ HM Government. (undated). *Universal Credit*. <https://www.gov.uk/universal-credit/how-youre-paid>

¹¹¹ HMI Probation. (2022). *Offender management in custody – pre-release. A joint thematic inspection by HM Inspectorate of Probation and HM Inspectorate of Prisons*.

be recalled based on allegation, suspicion, concern, or circumstances that later prove to be false.¹¹²

In a relatively short time, recall has become a significant driver in the growth of the prison population, adding to capacity pressures. As Figure 1 shows, between 2009 and 2014 the recall population had remained broadly stable, averaging at 5,445 people.¹¹³ However, over the last decade the number of people in prison on recall has more than doubled, up from 5,260 in 2014 to 12,199 in 2024. This equates to 14% of the total prison population. Furthermore, the Ministry of Justice expects that the recall population will continue to rise, estimating that it will grow by a further 13% by 2026, to reach around 13,650 people.¹¹⁴ Yet with the probation service averaging more than 2,300 recalls every month, this could prove to be an underestimate.¹¹⁵

Between April to June 2024 there were 9,782 licence recalls — a staggering 44% increase on the same quarter in 2023 (which was itself a 19% increase on the same quarter in 2022).¹¹⁶

“Whilst it is important that licence conditions are enforced, it is unclear to me what this scale of recall is achieving.”¹¹⁷

Martin Jones, HM Chief Inspector of Probation

The growth of the recall population has seen three distinct phases, between 2014 and 2017; 2018–2020; and 2021–2024 — with the most significant growth taking place from 2018 onwards.

Figure 1: The population of people in prison following a recall in England and Wales

¹¹² Prison Reform Trust. (2024). *Bromley Briefing Prison Factfile*. p.12.

<https://prisonreformtrust.org.uk/wp-content/uploads/2024/02/Winter-2024-factfile.pdf>

¹¹³ Table 1.Leg.3 and Table 1.A.2, Ministry of Justice. (2024) *Offender management statistics quarterly: January to March 2024*. <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

¹¹⁴ Table 1.1, Ministry of Justice (2023). *Prison population projections: 2022 to 2027*.

<https://www.gov.uk/government/statistics/announcements/prison-population-projections-2022-to-2027>

¹¹⁵ Table 5.Q.2, Ministry of Justice (2024). *Offender management statistics quarterly: April to June 2024*. <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

¹¹⁶ Ministry of Justice (2024). *Offender management statistics quarterly: April to June 2024*. and earlier editions. <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

¹¹⁷ Jones, M. (2024, October 30). *A statement from HM Chief Inspector of Probation, on the launch of an independent review of sentencing*. HM Inspectorate of Probation.

<https://www.justiceinspectorates.gov.uk/hmiprobation/2024/10/iros-blog/>



The Ministry of Justice, in its assessment of the drivers of the recent growth in the recall population, has said:

“The underlying longer-term factors for the increasing recall population remain the same (namely an increase in the average length of determinate sentences and an increase in the number of people serving indeterminate sentences or sentences with an extended licence), however over the most recent 12-month period the additional ‘early releases’ on End of Custody Supervised Licence (ECSL) have likely also had an inflationary impact on the recall population.”¹¹⁸

PRT’s submission to the government’s sentencing review recommends that short, fixed term recalls of 28 days or less should be abolished. We also recommend standard recalls be subject to a comprehensive review.

13. What role should non-custodial sentences have in promoting rehabilitation?

a. What impact would an increase in the use of non-custodial sentences have on resettlement services?

Community sentences provide a robust and credible alternative to custody – especially for those people who would otherwise serve a short prison sentence. A community sentence can fulfil all statutory purposes of sentencing, including rehabilitation. In the imposition of community and custodial sentences guideline, the Sentencing Council states:

“Community orders can fulfil all of the purposes of sentencing. In particular, they can have the effect of restricting the offender’s liberty while providing punishment

¹¹⁸ Ministry of Justice (2024). *Offender management statistics quarterly: April to June 2024*. <https://www.gov.uk/government/collections/offender-management-statistics-quarterly>

*in the community, rehabilitation for the offender, and/or ensuring that they offender engages in reparative activities.*¹¹⁹

Unlike short prison sentences, community sentences allow for maintenance of jobs, housing, family ties and childcare responsibilities, all of which are factors that reduce the risk of reoffending. Research has suggested that community sentences also address underlying factors which lead to offending, and repair harms caused by it.¹²⁰ Community sentences work most effectively when they are subject to a multi-disciplinary approach, with joined up working between agencies as well as long-term sustainably funded community provision. As highlighted above, research has found that community sentences are more effective than short prison sentences at reducing reoffending.¹²¹

The use of community sentences dropped by almost half (48%) for women, and 56% for men between 2010 and 2024.¹²² Research from the Centre for Justice Innovation has found that, at least in part, this is because relationships between courts and probation have been damaged by probation reforms, underinvestment, and the disruption of court closures.¹²³

This may also be linked to challenges since the reunification of the probation service. The Institute for Government commended the transition but found there was a loss of innovations from independent providers.¹²⁴ Since the reunification, 28 of the 45 Probation Delivery Units inspected have been rated the lowest ranking of “inadequate” and 22 as “requiring improvement”.¹²⁵ Even with a recruitment drive, there is a shortage of probation staff, with a shortfall of 1,702 FTE against target staffing levels.¹²⁶ When caseloads are stretched, this may hamper the ability of provide detailed support. This is particularly the case for ‘lower risk’ individuals, who may not be receiving the coverage needed, so can drift more towards a higher severity of offending and become caught up in the cycle of imprisonment.

¹¹⁹ Sentencing Council. (2017). *Imposition of community and custodial sentences*. <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/imposition-of-community-and-custodial-sentences/#Imposition%20of%20community%20orders>

¹²⁰ Centre for Justice Innovation. (2020). *Smarter Community Sentences*. <https://www.justiceinnovation.org/publications/smarter-community-sentences>

¹²¹ Ministry of Justice. (2013). *2013 Compendium of re-offending statistics and analysis*. <https://www.gov.uk/government/statistics/2013-compendium-of-re-offending-statistics-and-analysis>

¹²² Ministry of Justice. (2024). Outcomes by Offence data tool: June 2024. *Criminal justice system statistics quarterly: June 2024*. <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2024>

¹²³ NAO. (2019). *Transforming Rehabilitation: Progress review*. <https://www.nao.org.uk/reports/transforming-rehabilitation-progress-review/> and Whitehead, & Ely. (2019). Renewing Trust: How we can improve the relationship between probation and Justice Innovation. Referenced in: Centre for Justice Innovation. (2020). *Smarter Community Sentences*. p.2. <https://www.justiceinnovation.org/publications/smarter-community-sentences>

¹²⁴ Johal, R. & Davies, N. (2022). *Reunification of probation services*. Institute for Government. <https://www.instituteforgovernment.org.uk/publication/reunification-probation-services>

¹²⁵ Russell Webster. (2024). How good is your probation service? <https://www.russellwebster.com/how-good-is-your-probation-service/>

¹²⁶ HMPPS & Ministry of Justice. (2024). *HM Prison and Probation Service workforce quarterly: September 2024*. <https://www.gov.uk/government/collections/national-offender-management-service-workforce-statistics>

Stretched probation caseloads may also hamper ability to provide detailed PSRs. A decline in the use of community sentences is also likely to be linked to the reduction in the use of Pre-Sentence Reports (PSRs).¹²⁷ The Centre for Justice Innovation has found that courts are over 10 times more likely to impose a community sentence if a PSR is conducted.¹²⁸ Often, when there are pressures on capacity and court backlogs, oral on the day PSRs are favoured. However, these PSRs are often compiled hurriedly and are unlikely to include all the relevant information a sentencer needs to assess the full picture. Standard PSRs – the most detailed type of report – have almost entirely been phased out, falling by 95% since 2011.¹²⁹ Recent research by HM Inspectorate of Probation found that less than half of all inspected court reports were sufficiently analytical and personalised to the individual to inform the court's decision making.¹³⁰

A further reason for the reduction in community sentences may be linked to the lack of mental health beds, treatment centres and wraparound provision within the community. Evidence suggests that some people in contact with the criminal justice system who are in mental crisis are being remanded to prison for their own protection or sent to prison as a place of safety. Women in prison seem to be particularly vulnerable to this, with an increase in the number of women held under these provisions at a number of prisons.¹³¹ The introduction of the Mental Health Bill to parliament provides a welcome step forward in changing this practice. It also introduces provisions to set time limits for transferring prisoners to hospitals. For this provision to have the intended outcome, adequate investment must be made available, including for a professional workforce to deliver the new legislative requirements.¹³²

b. What, if any, changes to community sentencing should be introduced if the Sentencing Review recommends a move away from short custodial sentences?

¹²⁷ Whitehead, S. (2018). *The changing use of pre-sentence reports*. Centre for Justice Innovation. <https://www.justiceinnovation.org/publications/changing-use-pre-sentence-reports>

¹²⁸ Ibid.

¹²⁹ Whitehead, S. (2018). *The changing use of pre-sentence reports*. Centre for Justice Innovation. <https://www.justiceinnovation.org/publications/changing-use-pre-sentence-reports> Referenced in Prison Reform Trust. (2023). *Bromley Briefings Prison Factfile*. January 2023. p.11. <https://prisonreformtrust.org.uk/publication/bromley-briefings-prison-factfile-january-2023/>

¹³⁰ HM Inspectorate of Probation. (2024). *The quality of pre-sentence information and advice provided to courts – 2022 to 2023 inspections*.

<https://www.justiceinspectortates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2024/08/The-quality-of-pre-sentence-information-and-advice-provided-to-courts-%E2%80%93-2022-to-2023-inspections.pdf> See also Webster, R. (2024, September 2). Less than half of Pre-Sentence Reports good enough. *Russell Webster*. <https://www.russellwebster.com/less-than-half-of-pre-sentence-reports-good-enough/>

¹³¹ IMB. (2023). *Mental health concerns in women's prisons*. https://s3-eu-west-2.amazonaws.com/cloud-platform-e218f50a4812967ba1215eaecede923f/uploads/sites/13/2023/05/11.05.23_Womens-MH-briefing-final.pdf

¹³² Prison Reform Trust. (2024). *Prison Reform Trust Briefing on Part III of the Mental Health Bill: House of Lords, Second Reading, Monday, 25 November 2024*.

<https://prisonreformtrust.org.uk/wp-content/uploads/2024/11/Mental-Health-Bill-HoL-2nd-reading-PRT-briefing.pdf>

PRT's submission to the government's sentencing review recommends the introduction of a presumption that all sentences of deprivation of liberty of three years or less should be served in the community unless there are exceptional circumstances. In such instances electronic tagging should only be used where necessary, or if a doorstop curfew without tagging does not work. This recommendation is based on copious evidence that short sentence of 12 months or less do not work.¹³³ Furthermore, it should be remembered that a person with a sentence of 12 months or less would not usually spend more than six months in prison (unless they are recalled). If the use of HDC is to continue as proposed or even expand, then a person with a "three year sentence" could serve as little as six months in custody (with an automatic release date at 40 or 50%, preceded by up to a year on tag) and it is for this reason that the suggested presumption is set at three years, so short, disruptive and damaging periods in prison are avoided.

The introduction of such a presumption would inevitably require the commitment of additional resource and capacity to the probation service to enable them to supervise a greater number of people in the community. However, the introduction of such a presumption would result in less resettlement need as fewer people would be sent to prison on short sentences requiring resettlement on release.

¹³³ Mutebi, N., & Brown, R. (2023). *The use of short prison sentences in England and Wales* (POSTbrief 52). UK Parliament. <https://post.parliament.uk/research-briefings/post-pb-0052/>