

Bromley Briefings Prison Factfile

Winter 2021

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

2020 will be remembered as a terrible year for very many people. The Covid-19 pandemic has caused suffering across communities worldwide. Everyone's way of life has been changed in some way, and for many the loss of day to day freedoms has been extreme.

This briefing reflects the intensity of that experience in UK prisons. At the start of the pandemic, ministers in England and Wales were told that up to 3,500 prisoners might die because our overcrowded, dilapidated prisons represented such a fertile environment for disease to spread. Despite that horrific prospect, they chose not to organise a major early release programme as they were advised. Though prisoners and prison staff have sadly died, those predicted numbers have not materialised, but to achieve that outcome prisoners have spent almost an entire year largely confined to their cells and for the most part denied face to face contact with their loved ones.

The Prison Reform Trust has adapted its plans in 2020 to devote its energies to listening to the people living through this ghastly experience, and we include some evidence from that source. Much of the briefing, however, relies on the statistics and reports from the period before the pandemic struck, with a prison service still in a separate deep crisis of the government's making. With the prospect of yet more inflationary sentencing law, driven by politics rather than any evidence of effectiveness, the latest projections predict a prison population of nearly 100,000 by 2026. Despite an eye watering £4bn set aside for prison building, there is no policy objective to reduce overcrowding, still less a plan for doing so. A prisoner population increasingly dominated by people serving sentences of lengths that were unthinkable at the start of this century will continue to inhabit a prison estate of the wrong buildings in the wrong places.

Prison managers and staff, and most of all prisoners themselves, have often responded to the pandemic crisis with extraordinary stoicism. The best of that response, shown in the many small acts of kindness within prisons, points the way to what a healthier prison system might look like in the future. As we emerge from Covid-19, the desperate isolation of 2020 needs to be replaced by relationships built on empathy and choice, in prisons equipped with the 21st century technology that the rest of us now understand to be essential.

2020 should be remembered not just for Covid-19, but also for the Black Lives Matter movement. We have chosen to make race the focus of this year's "Long View", and the analysis by Beverley Thompson in the following pages makes for a sobering read. She shows how a prison service that once led the way in its approach to tackling race discrimination has gradually allowed other priorities to displace that focus. The problem has very much not gone away, however, and in some respects has got worse. Over half of the children in custody now come from an ethnic minority. Policy proposals on sentencing that the government fully recognises will exacerbate the unequal treatment of young black people are pursued regardless. In prison, people of colour continue to find themselves more likely to be subject to disciplinary procedures and the use of force, and less likely to have their complaints properly considered or upheld.

The challenge to "build back better" in 2021 is just as daunting as the challenges of 2020. The fair treatment of the people who live in prison must be at the very centre of that process.

Peter Dawson

Director, Prison Reform Trust

THE STATE OF OUR PRISONS

The long view – Race equality: part of the fabric or just embroidery?

Beverley Thompson OBE

Former HM Prison Service Race & Equalities Adviser & Board Member 2003–2009

The tragic events surrounding the death of George Floyd in the USA has seen a resurgence in concerns about racism and the systemic inequality faced by Black, Asian and Minority Ethnic (BAME) people. Through the efforts of Black Lives Matter (BLM), organisations have clamoured to pledge their commitment to identify, address and to eradicate systemic racism and racial inequality. Whilst the issues and concerns so powerfully articulated by BLM are timely, they are not new to the UK, particularly within our own criminal justice system, despite some narrative to the contrary.

BLM should serve as a timely reminder for criminal justice organisations to reflect and acknowledge that a complacency for its past efforts has all but erased its former successes and learning from organisational memory.

It is questionable that any organisation in the criminal justice system would have no knowledge of the pervasive nature of systemic racism or inequality, or what they should be doing to address it.

What is plausible is that many have either lost commitment and direction from their leadership or their organisational expertise and energy is depleted—seeking comfort instead from the dangerous mantra that “race has been done”.

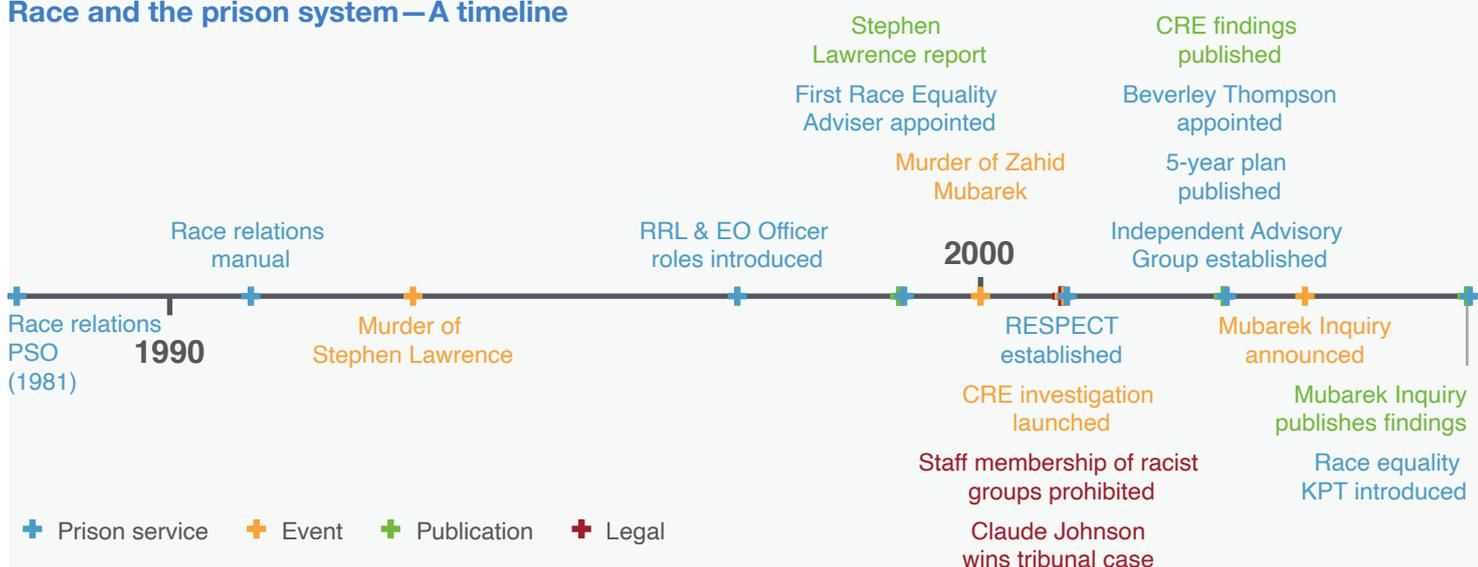
Challenging and addressing racism and race inequality is not achieved through moments in time, but by consistent and continuous scrutiny, leadership and determination.

The publication of the Stephen Lawrence report in 1999 was the last significant period of activity in the history of race relations in the UK. At that time all public sector bodies—particularly those within the criminal justice system—committed to identify, acknowledge and address institutional racism.

For their part, the prison and probation services both independently embarked upon comprehensive and progressive programmes of activities. Historically, both organisations have well documented and progressive approaches in addressing and promoting race equality, disability, gender, sexual orientation and religion. Equally, and to their credit, neither organisation attempted to avoid their responsibilities to tackling racial inequality and discrimination of any kind.

The over-representation of BAME people in our justice system and the under-representation of staff from those backgrounds, particularly at senior levels, has beleaguered both organisations. Combining the two as HM Prison and Probation Service (HMPPS), should be an opportunity to combine their learning and expertise.

Race and the prison system – A timeline



Prison service

The prison service has a long and complex history in its attempts to address racial inequality.

The very first Prison Service Order (PSO) on Race Relations was issued in 1981. A detailed and comprehensive Race Relations manual followed in 1991, and this was streamlined and reissued as a new PSO in 1997. This mandated for the first time that each prison should have a Race Relations Liaison Officer for dealing with prisoner complaints; and an Equal Opportunities Officer for addressing staff issues.

The prison service's first Race Equality Adviser was recruited in 1999, and as a member of the prison service management board, reported right to the top of the organisation—the Director General. This was followed in 2001 by the establishment of the HM Prison Service national staff network RESPECT, focused on the elimination of racism in the workplace.

During the same period the prison service won a legal challenge to prohibit staff from holding membership of any racist group—the first public sector organisation to achieve this— and a policy stance robustly and successfully defended at Employment Tribunal.

Considerable efforts were made by the prison service during this period, and this was recognised both within and outside of the organisation. The prison service found itself at the vanguard, having some of the most pro-active and progressive policies and procedures to challenge and interrupt racial inequality and tackle discrimination across all protected characteristics. But despite this, policies cannot significantly change organisational culture and practices on their own.

Operating context

Sadly, despite the efforts being progressed by the service at the time, Zahid Mubarek was murdered by his racist cellmate at Feltham young offender institution in 2000. From the outset the prison service accepted their failure to fulfil their responsibilities to look after and care for Zahid, describing it as “a wholly preventable death”.

The Commission for Racial Equality (CRE) launched a formal two-part investigation into the prison service following negative reports about racism in a number of prisons, as well as a successful tribunal case brought by a black prison officer at HMP Brixton following race discrimination. Both CRE reports were published in 2003. Part one focused on the circumstances of Zahid's death; and part two investigated three prisons—Brixton, Feltham and Parc.

The CRE uncovered a number of failures which had a profoundly negative impact on the promotion and achievement of race equality. The CRE identified several findings of unlawful racial discrimination along with 14 areas of operational and policy failures.

The criticisms focussed less on policy and more on the practices within individual prisons. In particular, the CRE highlighted that the use of discretion by staff impacted BAME prisoners negatively.

Impact assessments
conducted in all public
sector prisons

2010

5-year progress
update published

Murder of
Mohamed Shari

Lammy Review
published

2020

Killing of
George Floyd

Lammy Review
progress update

The state of our prisons

In response, the CRE and prison service agreed a 5-year plan of activities, published in December 2003, which focussed on addressing the findings of the investigation. The prison service began an ambitious programme of work to tackle racial discrimination, providing practical support and advice to individual prisons, alongside national monitoring and further policy development.

Following a lengthy campaign by the Mubarek family, the House of Lords—then the highest court in the UK—ruled that an independent inquiry should be held in public. The Mubarek Inquiry was announced in 2004 and published their final report in 2006. A total of 88 recommendations for improvement were made, including 10 relating specifically to race and diversity. The recommendations were incorporated into the prison service's national action plan, with governance oversight led by a Ministerial Scrutiny Panel, chaired by the Parliamentary Under-Secretary of State for Justice, and the CRE.

The national action plan adopted a fundamentally different approach. It incorporated the principles and practices of openness and transparency from the outset, and established an Independent Advisory Group (IAG) to provide guidance and challenge. The group was co-chaired by people outside of the prison service, and had a diverse membership, including a member of the Mubarek family and the CRE.

The IAG developed robust terms of reference and was a formal and integral part of the governance process. It undertook its own independent evidence gathering and analysis in addition to the prison service. This was then used to provide practical solutions to common complaints affecting the daily lives of BAME prisoners and assess progress at the conclusion of the 5-year programme.

The accompanying report, *Race Review 2008: Implementing Race Equality in Prisons – Five Years On*, acknowledged the progress made in improving systems and processes. Welcoming the report, HM Prison Service Director General Phil Wheatley said:

"[T]his report...lays out precisely where we are on race and it does so by reference to a clear evidence base. That evidence base draws on the various sources of local and national data, but also takes seriously the view of regulators and external stakeholders, as well as the perceptions of prisoners."

However, he acknowledged that there was still much to do to improve the experiences and outcomes for BAME people in prison. The IAG concluded that long lasting change required sustained and effective leadership in order to deliver a shift in organisational culture and practices.

Embedding race equality

Prior to the CRE investigation, the lack of ethnicity data, coupled with ineffective local management of race equality, meant it was impossible for the prison service to accurately identify where BAME prisoners were experiencing different outcomes to their white counterparts.

To address this, and to encourage prisons to be proactive in their efforts to promote racial equality, the prison service introduced a new Key Performance Target (KPT). These are a critical tool used by the prison service to assess performance in individual prisons, as well as the system as a whole.

Importantly, the target not only assessed a prison's compliance with equality processes, but also the perceptions of race equality amongst prisoners and visitors. This meant that a prison's overall performance score could be directly impacted by them, but could also be improved through proactive work by individual prisons to foster better race relations.

The KPT was rolled out across the prison service from April 2006, and by 2008 just ten prisons had not achieved the target standard.

The CRE investigation also found that it was the local implementation of policies, rather than the policies themselves, which in many cases needed to be addressed. Disproportionate outcomes were seen in the use of force, and in disciplinary procedures against BAME prisoners, as well as access to and allocation of work. To redress this, prison service leaders introduced a new requirement for prisons to conduct impact assessments of their relevant functions and policies. By 2006 all public sector prisons had completed impact assessments for these key policies highlighted by the CRE.

Stakeholder engagement

Meaningful engagement with staff, prisoners, voluntary and community organisations was central to the operating ethos of the prison service's approach. This allowed for greater understanding of the complexity and intersectionality of racial inequality—informing efforts to tackle it—and enabled continuous organisational learning within the prison service. But it also built trust and improved confidence amongst those whom it was working in partnership with. The approach was not one of mere validation of the prison services' activities but allowed genuine consultation and respected different views and perspectives.

Prisons were supported by bespoke multi-disciplinary teams, with representation from prisoners, staff from the prison's senior management team, and local executive members of RESPECT. The work of RESPECT was embedded within the service, with financial support and time off for official activities—similar to union membership.

The CRE investigation not only identified failures in the treatment of prisoners, but also amongst staff. These included promotion and study opportunities; a lack of diversity training; racist taunting of BAME staff; and discriminatory actions by middle managers and other staff against BAME staff.

In response to the CRE's findings, the prison service adopted a strategy to transform HR and management processes to ensure that they were fit for purpose. The strategy was supported with clear and consistent messaging from the prison service management board on the consequences of racist behaviour; investment in training and recruitment practices at all levels; and the development of a staff diversity and equality team to provide added impetus and leadership across all protected characteristics.

The momentum and commitment of the prison service's leadership team to evidence and commit to activities to deliver fair and decent treatment for both staff and prisoners laid the foundation on which the 5-year national action plan was eventually built and delivered.

The plan also focused on the concerning picture of disparity for BAME staff at senior levels across the prison service, and what appeared to be an impenetrable glass ceiling. Following the plan, there was some progress in increasing the diversity of the workforce, with BAME representation rising from 5.7% in 2004–05 to 6.2% in 2007–08. Internal progression in some grades were slightly higher for BAME staff than for white staff; whilst an additional support forum for BAME managers, facilitated by the Race & Equalities Advisor, further contributed to incremental progress.

Conclusion

This summary of some of the achievements by the prison service during 2003–2008, should not be interpreted as the blueprint to address racial inequality. The 2008 Race Review concluded that whilst substantial progress had been made, the experience of BAME prisoners and staff had not been transformed, and that a refreshed programme of activity was required in order to consolidate progress and go further.

Nearly a decade on, in 2017 David Lammy published his final report following the independent review into the treatment of, and outcomes for black, Asian and minority ethnic individuals in the criminal justice system. His findings, some of which were shared by the CRE in 2003, should serve as a reminder to the prison service that there is still a long road to travel.

The case of Mohamed Sharif, a Muslim prisoner at HMP Bristol in 2014, who was left severely brain damaged following an attack by a white prisoner who had previously told staff he would “only share a cell with a white person who was not homosexual”, shares striking similarities with the murder of Zahid Mubarek.

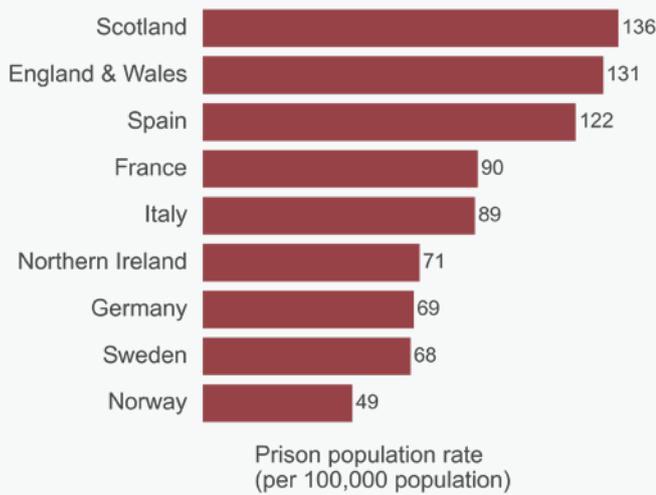
Historical context is critical if we are to move forward and renew the knowledge, focus, expertise, resource and commitment to tackling racial inequality that has sadly been lost.

The BLM movement has been a catalyst for global action, encouraging people and organisations to re-examine their history and sparked efforts within them to challenge and address racial inequality.

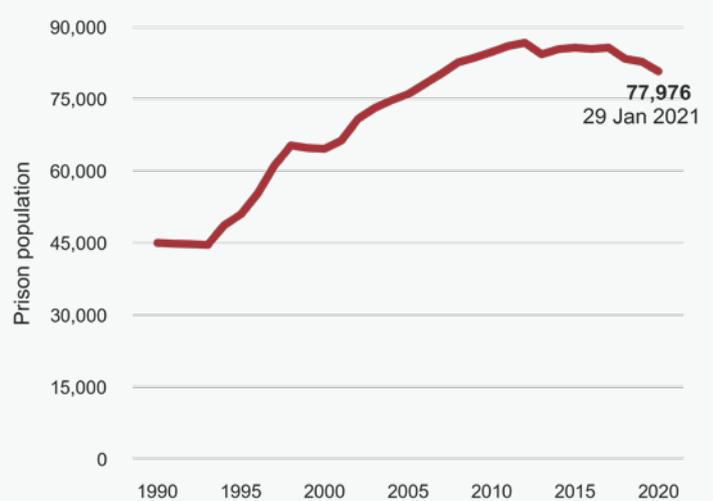
It is disheartening to see a service which demonstrated such maturity, vision, transparency and commitment to eradicating racism and discrimination, but which unfortunately appears to have regressed. It is only right that we ask, “if not now, when?”.

Sentencing and the use of custody

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



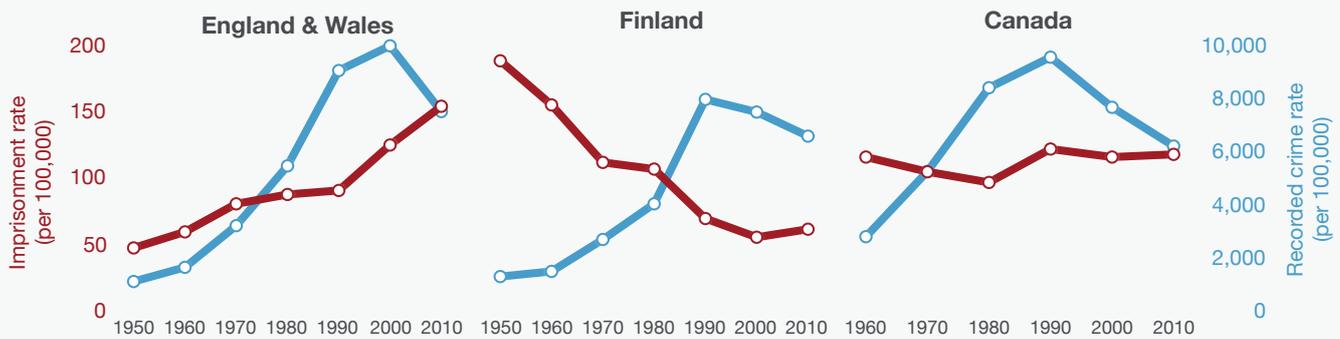
The prison population has risen by 70% in the last 30 years—but it has steadied in the last six



Source: World Prison Brief, Institute for Crime & Justice Policy Research, 12 January 2021

Source: Offender management statistics, Prison population 2020 and Population and capacity briefing for 29 January 2021

Yet there is no link between the prison population and levels of crime according to the National Audit Office.¹ International comparisons also show there is no consistent link between the two.²

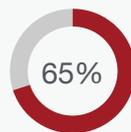


In England and Wales, we overuse prison for non-violent and persistent crime.³

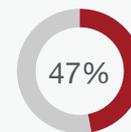
Nearly

47,000

people were sent to prison to serve a sentence in the year to June 2020



The majority had committed a non-violent offence

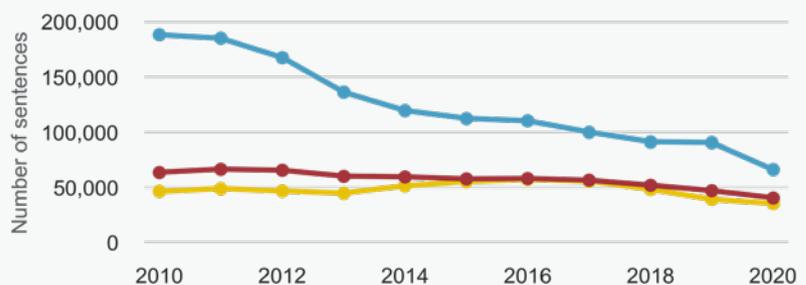


Almost half were sentenced to serve six months or less

Short prison sentences are less effective than community sentences at reducing reoffending.⁴

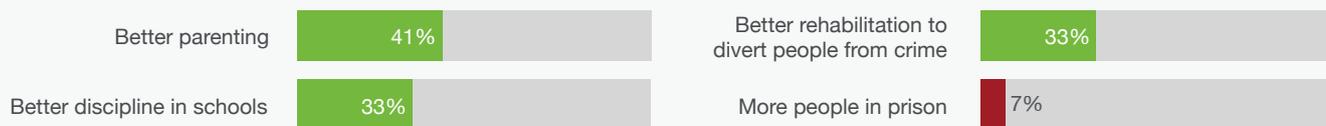
Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.⁵ Yet, their use has more than halved in only a decade.

Suspended sentences account for only 4% of all sentences—and have fallen since 2017.⁶



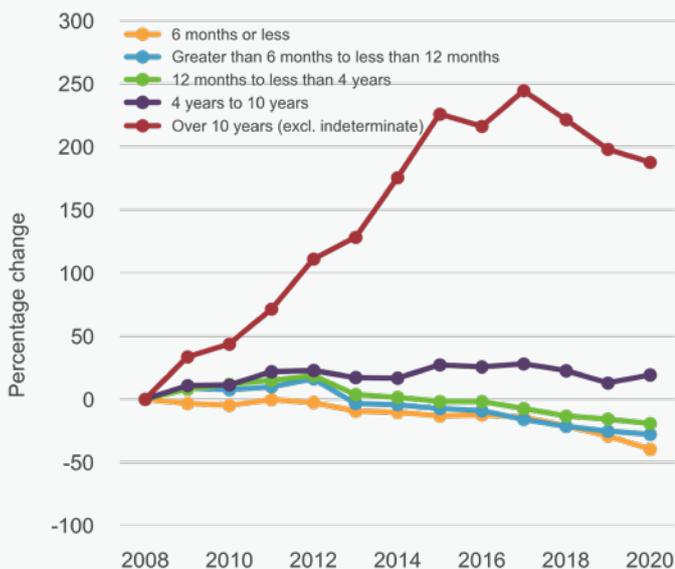
1 National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office
 2 Lappi-Seppälä, T. (2015) Why some countries cope with lesser use of imprisonment, available at <http://bit.ly/Tapio>; Table 1, Eurostat (2013) Trends in crime and criminal justice, graphs and tables, Trends in crime and criminal justice 2010, Luxembourg: European Commission; Office for National Statistics (2017) UK and regional population estimates 1838 to 2015, Mid-2015 population estimates, London: ONS; Table 8, von Hofer, H., et al. (2012) Nordic Criminal Statistics 1950–2010, Stockholm: Stockholms universitet; and Statistics Canada (2017) 'Canada's crime rate: Two decades of decline', available at <http://www.statcan.gc.ca/pub/11-630-x/11-630-x2015001-eng.htm>
 3 Tables 2.5a and 2.5b Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice
 4 Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice, see also p48
 5 Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice
 6 Tables Q5.1b and Q5.4, Ministry of Justice (2020) Criminal justice statistics quarterly June 2020, London: Ministry of Justice

Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime. Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.⁷



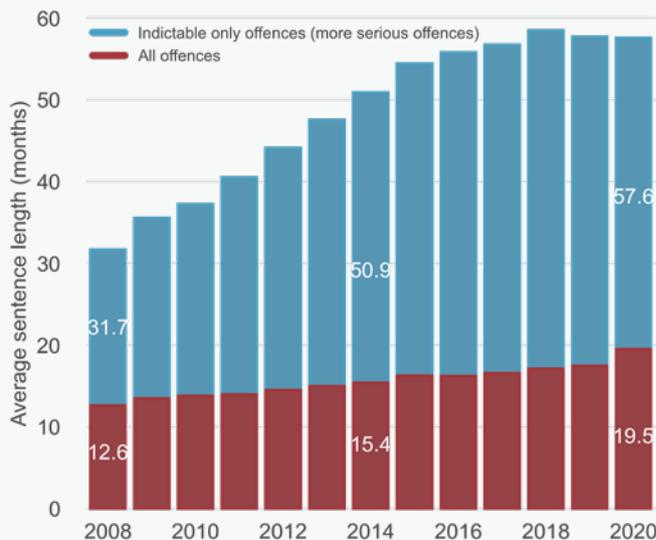
We choose to send people to prison for a long time... and it's growing.

Almost three times as many people were sentenced to 10 years or more in the 12 months to June 2020 than the same period in 2008.⁸



Source: Criminal justice statistics quarterly June 2020

For more serious, indictable offences, the average prison sentence is now 58 months—over two years longer than in 2008.⁹



Source: Criminal justice statistics quarterly June 2020 and previous editions

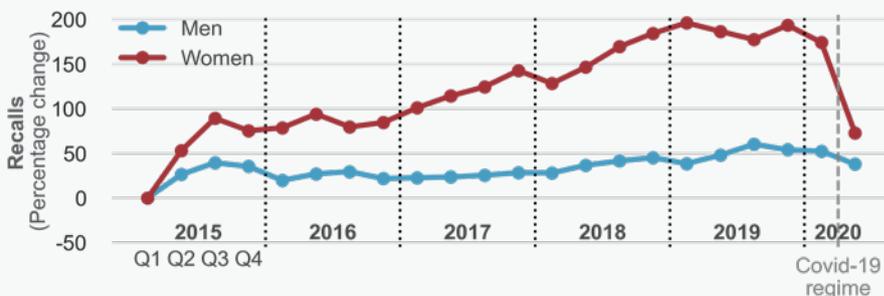
People serving mandatory life sentences for murder are spending more of their sentence in prison. On average they spend 18 years in custody, up from 13 years in 2001.¹⁰

Judges are also imposing longer tariff periods.¹¹ The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.¹²

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

Anyone leaving custody who has served two days or more is required to serve a minimum of 12 months under supervision in the community.¹³

As a result, the number of people recalled back to custody has increased, particularly amongst women. 8,931 people serving a sentence of less than 12 months were recalled to prison in the year to June 2020.¹⁴



On 30 September 2020, there were 9,250 people in prison recalled from licence.¹⁵

7 Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century: London: Crest Advisory
 8 Table Q5.4, Ministry of Justice (2020) Criminal justice statistics quarterly June 2020, London: Ministry of Justice and previous editions
 9 Table Q5.1b, Ibid.
 10 Table A3.3, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice and previous editions
 11 Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation
 12 Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL2315, 6 November 2017
 13 Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice
 14 Table 5.2, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice
 15 Table 1.1, Ibid.

Safety in prisons

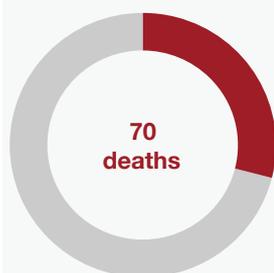
Safety in prisons has deteriorated rapidly during the last eight years. Rates of self harm are the highest they have ever been; whilst deaths and assaults both remain close to record highs.¹⁶

Inspectors found that safety was not good enough in more than half of men's prisons (51%) they visited during the last year. Almost half of people in men's prisons (48%) and women's prisons (49%) said that they had felt unsafe at some point whilst in prison.¹⁷

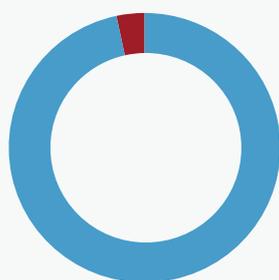
Deaths in prison

282

People died in prison in the year to September 2020

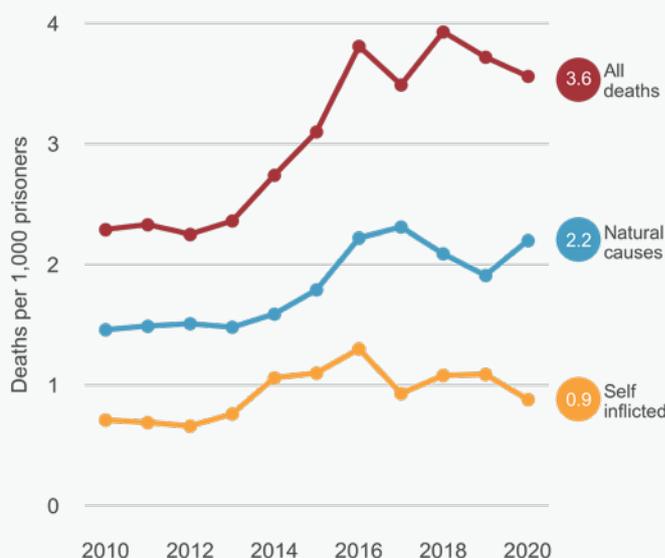


A quarter were self-inflicted



68 were men
2 were women

The death rate in prisons has risen by over 50% in the last decade



Source: Safety in custody statistics quarterly update to June 2020

The rate of death due to natural causes has risen by over 40% in the last decade. 174 people died of natural causes in the year to September 2020.¹⁸

Self-inflicted deaths are over six times more likely in prison than in the general population.¹⁹

Nearly a quarter (23%) of self-inflicted deaths in the last five years occurred in the first 30 days of arrival in prison—over half (51%) of these deaths were in the first week.²⁰

Many prisons are failing to learn lessons from self-inflicted deaths. Inspectors found that around 40% of recommendations from the Prisons and Probation Ombudsman (PPO) following a death in custody investigation had not been adequately implemented.²¹

PPO investigations of deaths in segregation units often found that staff did not always follow, or even know about national instructions, including that prisoners at risk of suicide should only be segregated in exceptional circumstances.²²

Two babies died at birth whilst their mothers were in prison in 2019–20, one at HMP Bronzefield and another at HMP Styal. They are the subject of inquest proceedings and the PPO investigation will publish the findings shortly after.²³

There were two homicides in prison in the year to September 2020. There have been 17 in total in the last five years.²⁴

¹⁶ Table 1, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

¹⁷ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹⁸ Table 1, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

¹⁹ Ministry of Justice (2019) Safety in custody statistics quarterly update to September 2018, London: Ministry of Justice

²⁰ Table 1.7, Ministry of Justice (2020) Safety in custody statistics quarterly update to September 2019, London: Ministry of Justice

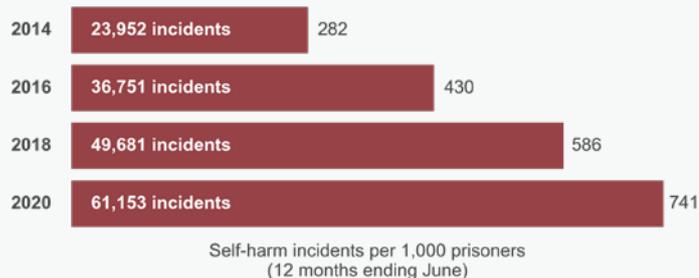
²¹ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²² Prisons and Probation Ombudsman (2018) Annual report 2017–18, London: PPO

²³ House of Commons written question 101946, 20 October 2020

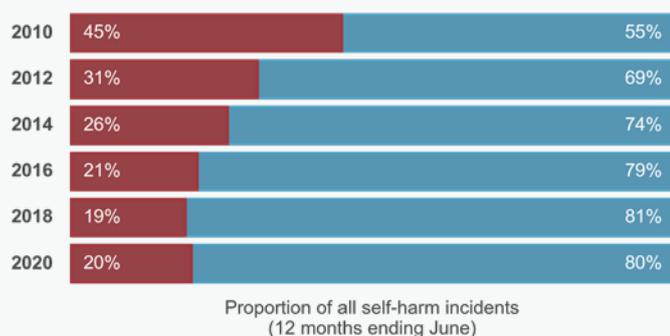
²⁴ Table 2, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

Self-harm



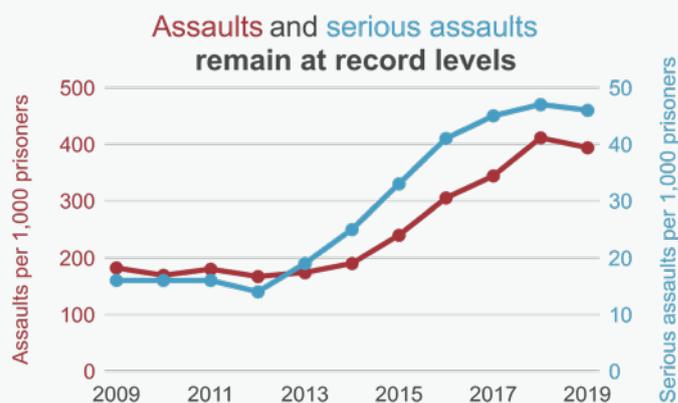
Women account for a disproportionate number of self-harm incidents in prison—despite making up only 5% of the total prison population.

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

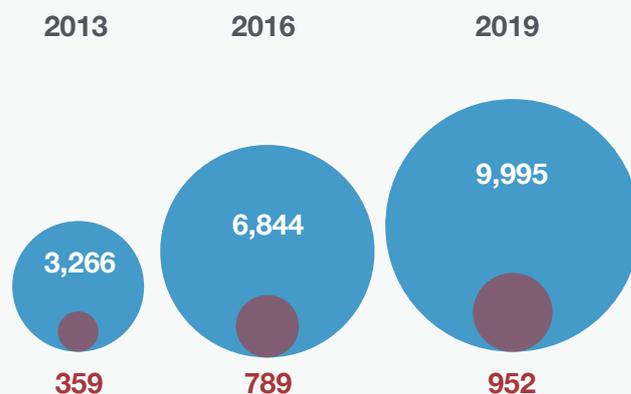


Source: Safety in custody statistics quarterly update to June 2020

Assaults



Assaults on staff have more than tripled in only six years



Serious assaults on staff have risen at almost the same rate

Over 49,000 cases were opened in 2017 to support people assessed as at risk of suicide and self-harm whilst in prison—up 46% in four years. An average of around 2,000 prisoners have been assessed as being at risk and are being supported through ACCT on any given day under the prison service’s multi-disciplinary Assessment, Care in Custody and Teamwork (ACCT) process.²⁵

More than half of people in prisons inspected in 2019–20 were negative about the quality of healthcare services in their prison.²⁶

The PPO completed 201 investigations about staff behaviour, including use of force, in 2019–20. One in five complaints were upheld.²⁷ Inspectors in the same year noted that documentation relating to use of force was frequently inadequate or missing entirely.²⁸

Recorded sexual assaults in prison have more than tripled since 2012. There were 393 recorded assaults in 2019.²⁹

The National Tactical Response Group, a specialist unit assisting in safely managing and resolving serious incidents in prisons, responded to 720 incidents in 2019—up from 104 incidents in 2010.³⁰

Rules play an important role in reducing assaults. Research has found that the consistent and fair application of rules which are understood and appear legitimate and justifiable to people in prison are often associated with lower rates of assaults.³¹

²⁵ House of Lords written question HL10991, 8 November 2018 and House of Lords written question HL10424, 1 December 2020

²⁶ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²⁷ Prisons and Probation Ombudsman (2020) Annual report 2019–20, London: PPO

²⁸ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²⁹ Table 3.9, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

³⁰ House of Lords written question HL10159, 10 November 2020

³¹ McGuire, J. (2018) Understanding prison violence: a rapid evidence assessment, London: HM Prison and Probation Service

Treatment and conditions³²

Nearly three in ten (29%) of our prisons are rated of “concern” or “serious concern” by HM Prisons and Probation Service. Over half of male local prisons (59%) were rated as of “concern” or “serious concern.”³³

HMPPS prison ratings have improved in recent years, in part due to a rise in security scores. However, levels of assaults, deaths and self-harm remain at historically high levels, and inspectors ratings for purposeful activity and resettlement have seen a marked decline over the last decade.³⁴

Inspectors noted that nearly three-quarters of people experience good or reasonably good living conditions. However, they also raised concerns about conditions in some prisons which needed significant improvement as well as levels of overcrowding. Conditions are particularly bad in local prisons, with 12 out of the 14 inspected in 2019–20 classified as insufficiently safe.³⁵

Almost a third (32%) of people in local prisons had less than two hours out of their cells on a weekday—this rose to 80% during the weekend in some prisons.³⁶

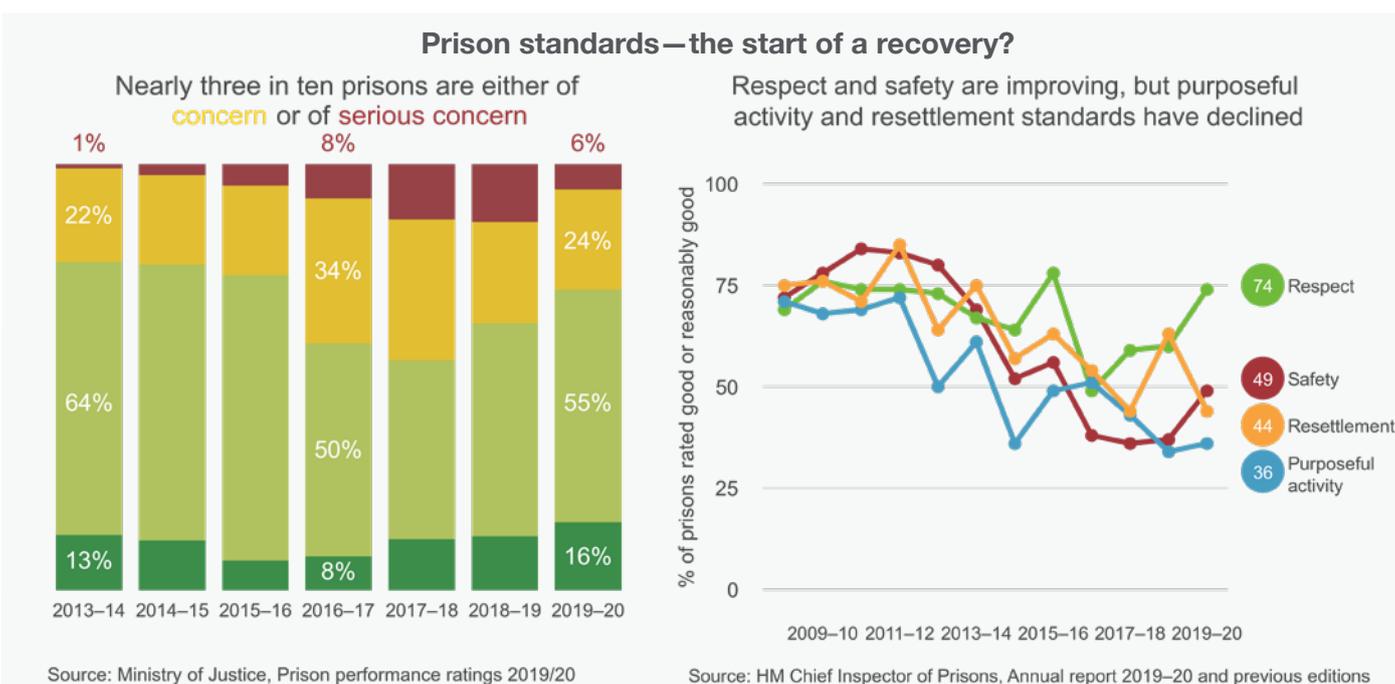
Most prisons schedule 30 minutes of outside exercise a day, half of what inspectors expect, and many in prison are frequently not even able to have that. Inspectors also found that temporary restrictions brought in to ensure predictability during recent periods of staff and resource shortages, have in some cases lasted years.³⁷

Segregation

Inspectors found that conditions for many held in segregation units remained poor. In some units, people were unable to shower or telephone their families every day, and most had only 30 minutes a day in the fresh air.³⁸

Research on segregation has established that it is harmful to health and wellbeing. Over half of segregated prisoners interviewed said they had problems with three or more of the following: anger, anxiety, insomnia, depression, difficulty in concentration, and self-harm.³⁹

A 2016 study found that nearly two-fifths, 19 out of a total of 50 people, had deliberately engineered a move to the segregation unit. Reasons included trying to transfer to a different prison, evading a debt, or getting away from drugs or violence on the wings.⁴⁰



³² Statistics quoted in this section refer to conditions and circumstances from before the pandemic

³³ Ministry of Justice (2020) Prison performance ratings 2019 to 2020, London: Ministry of Justice

³⁴ Ibid.

³⁵ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Shalev, S. and Edgar, K. (2016) Deep Custody: Segregation units and close supervision centres in England and Wales, London: Prison Reform Trust

⁴⁰ Ibid.

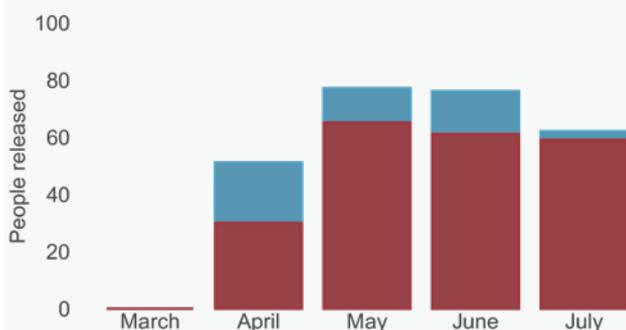
Covid-19 and the prison system

As of 31 December 2020 HMPPS reports

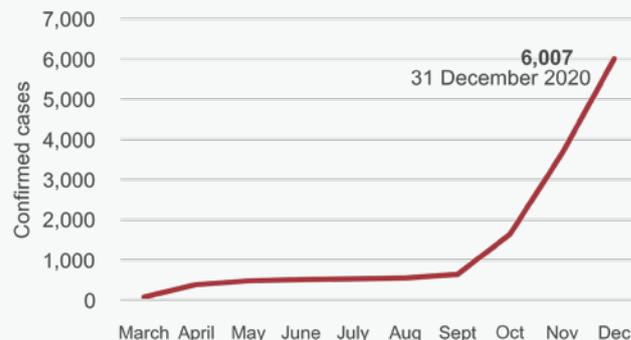
51

prisoner deaths
suspected due
to Covid-19

A total of 316 people were released early:
262 people on **End of Custody Temporary Release (ECTR)**
54 people on **Compassionate Release on Temporary Leave**



A lack of routine testing meant the first Covid-19 wave went largely unrecorded, but the number of positive cases is now rising



116

of 121 prisons have
had cases of Covid-19
confirmed so far

Source: Ministry of Justice (2021) HMPPS COVID-19 statistics—December 2020 and previous editions

The Covid-19 pandemic has created major disruption in the normal running of the prison system. This has led to urgent changes to prison regimes in order to prevent transmission and protect health.

On 24 March prisons moved to an Exceptional Regime Management Plan. This saw most activities, including prison education, non-essential employment and family visits, stop with immediate effect.⁴¹ Almost all purposeful activity was suspended, including work, training and education.⁴²

Since mid-March almost all people in prison in the UK have spent 23 hours or more out of every day locked in a cell, typically around 3m by 2m in size. Two-thirds of them have been in conditions that amount to solitary confinement, the other third sharing a cell.⁴³

Education has been also almost entirely suspended for children in prison, with the exception of HMYOI Parc. Inspectors observed that restrictions mirrored those in the the adult estate, and took no account of the specific needs of children.⁴⁴

Evidence from inspectors and our own research suggests that people in prison accepted restrictions as necessary and proportionate. However, as days of confinement and isolation have turned into months, there has been mounting frustration that prisons have not loosened restrictions in parallel with the outside community.⁴⁵

Covid-19 temporary release schemes

On 24 March Public Health England (PHE) provided advice to the government suggesting that inaction could result in an estimated 2,500–3,500 deaths within prisons, and recommended a reduction in the prison population by 16,000 people.⁴⁶

The government announced the End of Custody Temporary Release (ECTR) scheme on 4 April.⁴⁷ Up to 4,000 risk-assessed people in prison were considered eligible for release up to two months early under the scheme in order to limit the spread and impact of Covid-19.⁴⁸

⁴¹ Prison Reform Trust (2020) Project CAPPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust

⁴² Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust and

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

⁴³ Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust

⁴⁴ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

⁴⁵ Ibid, and Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust

⁴⁶ O'Moore, É (2020) Briefing paper: Prison population management considerations in response to COVID-19, London: Public Health England, available at <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/855>

⁴⁷ Government website, <https://www.gov.uk/government/publications/covid-19-population-management-strategy-for-prisons> and correspondence available at <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/855>

⁴⁸ Government website, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881061/end-custody-temporary-release.pdf and <https://www.gov.uk/government/news/measures-announced-to-protect-nhs-from-coronavirus-risk-in-prisons>, accessed on 25 November 2020

The scheme ultimately released just 262 people before it was paused on 27 August.⁴⁹ The government has responded to concerns about the insufficiency of the scheme by citing updated advice from PHE.⁵⁰

In addition, the government also announced an extension of the Release on Temporary Licence (ROTL) scheme to allow early release on compassionate grounds for certain categories of prisoner. Pregnant prisoners, prisoners with babies, and prisoners defined by the NHS guidelines as “extremely vulnerable” were eligible to apply for release under the scheme.⁵¹

54 people were granted compassionate release over the same period. At the time of publication there have been no further compassionate releases since August and the ECTR scheme remains suspended.⁵²

Courts backlog

Before Covid-19 restrictions were introduced, there was a backlog of around 40,000 cases in the Crown Courts and over 400,000 cases in the magistrates’ courts. By 20 September these backlogs had increased by around a quarter (24% and 25%, respectively).⁵³

The pandemic has severely impeded the courts’ capacity to process cases and administer justice. Independent research has estimated that on the current trajectory the backlog will have quadrupled in the Crown Court and will have increased by ten times in the magistrates’ courts by 2024.⁵⁴

In response to the backlog, the government has introduced temporary legislation extending the time limit that a person can be remanded in custody before a Crown Court trial from 182 days to 238 days.⁵⁵ These extensions are due to expire on 28 June 2021.⁵⁶

Time out of cell

Inspectors found all people in prison confined to their cell for 23 hours or longer a day following the introduction of regime restrictions. Most people in local and high security prisons were allowed 30 minutes a day to shower and exercise.⁵⁷

Despite the record level of self-harm in the prisons estate and months of enforced isolation, inspectors found that mental health service provisions were reduced under the new regime.⁵⁸

In women’s prisons inspectors found that the sudden significant withdrawal of structured support had had an impact on the most vulnerable, and that access to mental health support was mainly via telephone.⁵⁹

Some people in prison have experienced even more restrictive conditions depending on where they were held. One woman, responding to our call for evidence during the pandemic, said that she was only being allowed access to showers once in every eight days.⁶⁰

Pandemic conditions

People in prison are less able to enforce social distancing and take appropriate measures to protect their own health. Whilst many people were positive about staff attitudes during the crisis, there were concerns that staff did not always appear to observe social distancing, wear masks, or take precautions to protect health.⁶¹

Many people report having no meaningful activity to keep themselves occupied during the pandemic. Rehabilitative work has almost completely stopped, and there is limited access to the library, workshops and exercise.⁶²

49 Table 3, Ministry of Justice (2020) HMPPS COVID-19 statistics—September 2020, London, Ministry of Justice and Government website, <https://www.gov.uk/government/news/pause-to-prisoner-early-release-scheme>, accessed on 14 December 2020

50 Correspondence published on 6 May 2020, available at <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/855> and <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/861>

51 Government website, <https://www.gov.uk/government/news/pregnant-prisoners-to-be-temporarily-released-from-custody> and

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881060/covid19-use-compassionate-rotl.pdf, accessed on 1 December 2020

52 Table 3, Ministry of Justice (2020) HMPPS COVID-19 statistics—September 2020, London, Ministry of Justice

53 HM Courts and Tribunal Service (2020) HMCTS weekly management information during coronavirus - March to September 2020, London: HMCTS

54 Crest Advisory (2020) Impact and legacy of Covid-19 on the CJS, London: Crest Advisory

55 Government website, <https://www.gov.uk/government/news/suspected-criminals-held-for-longer-as-criminal-courts-recovery-plan-announced>, accessed on 2 December 2020

56 The Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations 2020 (SI 2020/0953). Available at

https://www.legislation.gov.uk/uksi/2020/953/pdfs/uksi_20200953_en.pdf, accessed on 10 December 2020

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

58 Ibid.

59 Ibid.

60 Prison Reform Trust (2020) Project CAPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust

61 Ibid.

62 Ibid.

The very different conditions in prisons under the pandemic appear to have had an impact on recorded self-harm and violence. Provisional figures show a 37% decrease in the number of recorded assaults between April and June, compared with the previous three months. During the same period, the number of recorded self-harm incidents decreased by 15% for men, but increased by 1% for women.⁶³

Many prisons have made efforts to engage prisoners with in-cell pastimes, physical activity, social contact, education, work and opportunities for peer support. Inspectors observed a high number of distraction packs handed out to people experiencing mental health difficulties. Some people were frustrated that these offered little for people with higher qualifications.⁶⁴

Families and communications

On 31 March, following the suspension of face-to-face visits, the government announced that it had provided 900 mobile handsets to “all prisons that do not currently have in-cell telephony”.⁶⁵ As of the 21 July, 153,918 minutes of calls had taken place from the secure mobile PIN phones since their introduction, an average of under two minutes in total per person in prison.⁶⁶

The government estimated that “around 60% of cells” had in-cell telephones at the time. Our own research, using the Advice and Information service, found that on 11 March 2020, 52 of 121 prisons (43%) did not have in-cell phones, and six other prisons at that time were in the process of installing them.⁶⁷

A temporary emergency video calling service was introduced on 31 March to maintain family contact. As of June, 21 prisons were providing video calls for people in prison, and by 18 January 2021 the government announced all prisons are equipped with at least one facility to make video calls.⁶⁸

Sentence planning and progression

Prior to the pandemic over 5,000 offending behaviour programmes were completed annually. These have stopped, resulting in the disruption of sentence progression for many.⁶⁹

The suspension of offending behaviour programmes and other rehabilitative activities leaves people at risk of spending longer in prison. For people whose release requires approval by the Parole Board, they cannot make progress on their sentence plans and risk being refused release or transfer to a lower security prison as a result.⁷⁰

Inspectors reported that some people in prison “had not had any contact with their offender supervisor for the last couple of months and many felt their sentence plan targets and their progression were being neglected during the restricted regime”, hampering efforts to prepare them for release.⁷¹

Release and resettlement

The suspension of almost all Release on Temporary Licence, reduced contact with family and severely limited opportunities for employment, mean that people leaving prison during the pandemic have little opportunity to prepare for release, and face even bigger challenges than normal to rebuilding their lives.

£8.5m has been set aside by the government to support people at risk of homelessness on their release from prison and help them to move into permanent accommodation. The scheme initially ran between 18 May and 31 August and provided up to 56 nights' accommodation per person. On the 22 October the government reinstated the program and will be reviewing it on a monthly basis.⁷²

Many people during the pandemic have been released from prison homeless. Of the 7,814 offenders released between 23 March and 30 April 2020, 14% of adult men, 15% of adult women, and 7% of young adults were homeless. A further 16% of adult men and 15% of adult women and young adults were released into unknown accommodation circumstances.⁷³

63 Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

64 Prison Reform Trust (2020) Project CAPPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust

65 Government website, <https://www.gov.uk/government/news/prison-visits-cancelled>, accessed on 14 December 2020 and

Prison Reform Trust (2020) Project CAPPTIVE, Briefing #1—Family and communications, London: Prison Reform Trust

66 House of Lords written question HL7081, 4 August 2020 and Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

67 Ibid.

68 House of Commons written question 104726, 16 October 2020 and

Government website, <https://www.gov.uk/government/news/secure-video-calls-help-all-prisoners-maintain-essential-family-ties-during-pandemic>, accessed on 20 January 2021

69 Prison Reform Trust (2020) Project CAPPTIVE, Briefing #2—Regimes, reactions to the pandemic, and progression, London: Prison Reform Trust

70 Ibid.

71 Ibid. and HM Inspectorate of Prisons (2020), Report on short scrutiny visits to Category D open prisons, 9 June, London, HMIP

72 House of Commons written question 111464, 4 November 2020

73 House of Commons written question 61689, 2 July 2020

Overcrowding and changes to the prison estate

The prison system as a whole has been overcrowded in every year since 1994.⁷⁴ Two in every three prisons in England and Wales are overcrowded (80 of the 121 prisons), with nearly 18,700 people held in overcrowded accommodation—more than a fifth of the prison population.⁷⁵

The current level of overcrowding has remained broadly unchanged for the last 16 years.⁷⁶ Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending, as well as distance from families and other support networks.⁷⁷

Overcrowding remains a significant issue in most prisons—particularly in local and category C training prisons, where most people are held.⁷⁸

The government projects that the prison population will rise by more than 15,500 people from its pre-Covid-19 level in the next six years—placing further pressure on places.⁷⁹

Following prison closures and deteriorating conditions in our Victorian and pre-Victorian era jails, £1.3bn of funding was announced in 2015, with a commitment to build up to 10,000 new prison places by 2020. To date, just 206 new places have opened—a new wing at HMP Stocken.⁸⁰

Existing prison infrastructure is rapidly decaying as a result of years of neglect. The National Audit Office has calculated that HMPPS has built up a maintenance backlog of £900 million, resulting in 500 prison places being permanently taken out of action each year due to poor conditions.⁸¹

The Public Accounts Committee predicts that the demand for prison places could outstrip supply by 2022–23.⁸²

Building work to create 1,680 new prison places finally began at HMP Five Wells, Wellingborough in September 2019.⁸³ Planning permission has also been granted for another 1,680-place prison in Glen Parva, Leicestershire.⁸⁴ The prisons are now due to open in 2022 and 2023, respectively.

In 2019 the government made a further announcement to spend “up to £2.5bn” to create modern, efficient prisons, and provide 10,000 prison places—in addition to HMPs Stocken, Five Wells and Glen Parva.⁸⁵

The first of these, a new 1,440 place prison in Full Sutton, East Yorkshire, has been given outline planning permission, and is scheduled to open in 2024.⁸⁶

Since then, the government has made a further announcement to increase prison building, with a commitment of £4bn to build a total of 18,000 prison places. This includes the 10,000 places already announced as well as the construction of HMPs Five Wells and Glen Parva. The remaining places will be met by the construction of four new prisons; the expansion of a further four prisons; and refurbishment of the existing prison estate.⁸⁷

New houseblocks will be built at HMPs Guys Marsh, Rye Hill, Stocken, and a new workshop at HMP High Down. These are expected to provide 930 new places and to be completed by 2023.⁸⁸

⁷⁴ Home Office (1999) Digest 4: Information on the criminal justice system in England and Wales, London: Home Office and

Table 2.2, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

⁷⁵ Tables 2.1, 2.2, 2.3 and 2.4, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

⁷⁶ Table 2.2, Ibid.

⁷⁷ HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

⁷⁸ Table 2.5, Ibid.

⁷⁹ Ministry of Justice (2020) Prison population projections 2020 to 2026, England and Wales, London: Ministry of Justice

⁸⁰ House of Commons written question 151219, 12 June 2018

⁸¹ House of Commons Public Accounts Committee (2020) Improving the prison estate, London: HM Stationery Office

⁸² Ibid.

⁸³ House of Commons Justice Committee (2018) Prison population 2022: planning for the future, Oral evidence session: 26 June 2018, London: HM Stationery Office

⁸⁴ Letter from Robert Buckland to the Prison Reform Trust, 11 September 2019, available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Letters/72042%20Peter%20Dawson.pdf>

⁸⁵ Ibid. and Ministry of Justice website, accessed on 13 September 2019, available at <https://www.gov.uk/government/news/10-000-extra-prison-places-to-keep-the-public-safe>

⁸⁶ Ministry of Justice website, accessed on 15 October 2020, available at <https://www.gov.uk/government/news/1-400-new-prison-places-approved-at-full-sutton>

⁸⁷ House of Commons written question 121212, 7 December 2020 and House of Lords written question HL10423, 1 December 2020

⁸⁸ Ministry of Justice website, accessed on 15 October 2020, available at <https://www.gov.uk/government/news/expansion-at-4-jails-announced>

Prison service resources and staffing

Resources

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its resource budget was reduced by 20%.⁸⁹

Despite recent increases, its resource budget remains 8% lower in real terms than in 2010–11.⁹⁰

The cost of a prison place reduced by 15% in real terms between 2009–10 and 2019–20. The average annual overall cost of a prison place in England and Wales is now £44,640.⁹¹

Staffing

The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.⁹²

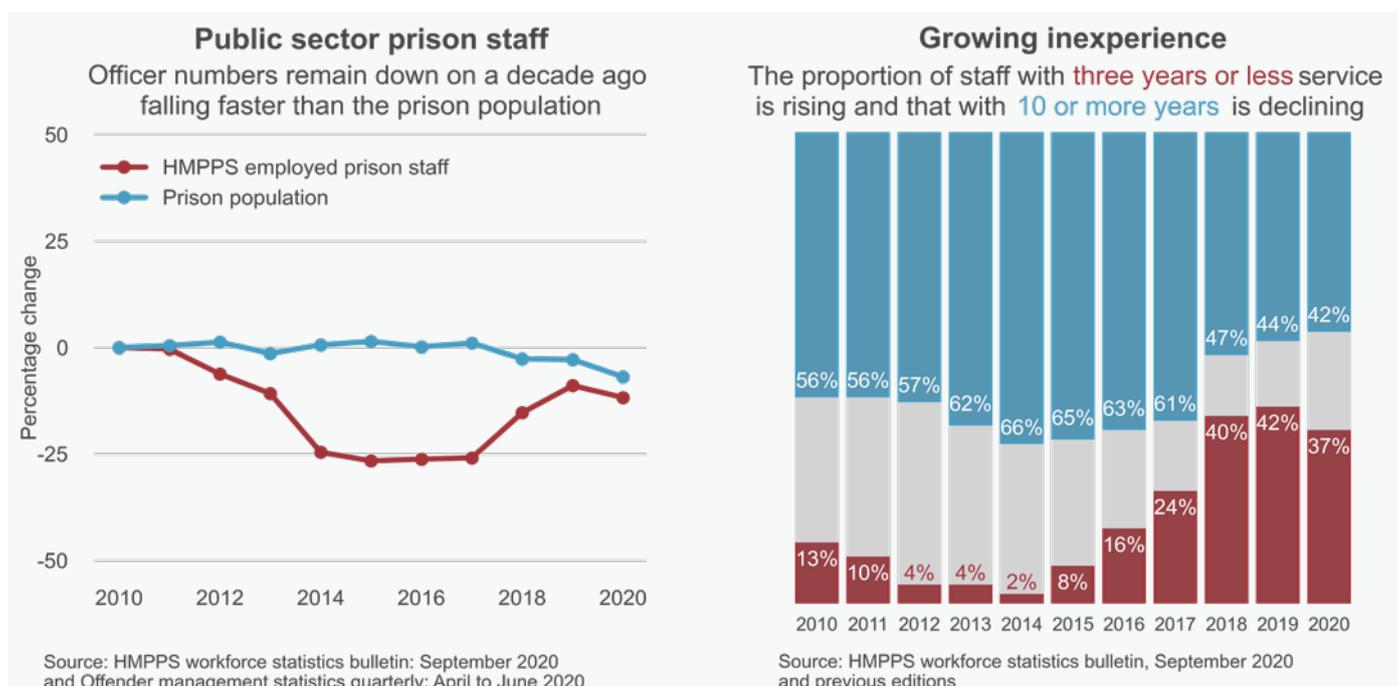
The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018. This target was achieved, but there are still 12% fewer staff than there were in 2010.⁹³

Now the recruitment drive has ended numbers are once again declining. There are now over 700 fewer officers employed than there were in 2019.⁹⁴

Retention remains a problem. Nearly half of officers (48%) who left the service in the last year had stayed in the role for less than two years.⁹⁵

Staff experience has declined as a consequence. Almost four in 10 (37%) officers have been in post for less than three years—up from around one in eight (13%) in 2010.⁹⁶

A new key worker role, to provide support to people during their sentence, has been introduced in all 92 prisons in the closed male estate. Arrangements to implement the model across the women's and open estate have started.⁹⁷



89 Ministry of Justice (2020) Ministry of Justice annual report and accounts 2019–20, London: Ministry of Justice and previous editions; HM Prison and Probation Service (2019) Annual report and accounts 2019–20, London: HMPPS; and HM Treasury (2020) GDP deflators at market prices, and money GDP September 2020 (Quarterly national accounts), London: HM Treasury

90 Ibid.

91 Table 1, Ministry of Justice (2020) Costs per prison place and cost per prisoner by individual prison establishment 2019 to 2020 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2020) GDP deflators at market prices, and money GDP September 2020 (Quarterly National Accounts), London: HM Treasury

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

93 Table 3, Ministry of Justice (2020) HM Prison and Probation Service workforce statistics: September 2020, London: Ministry of Justice

94 Ibid. and House of Lords written question HL1680, 18 October 2017

95 Table 13, Ibid.

96 Table 4, Ibid.

97 HM Prison and Probation Service (2020) Annual report and accounts 2019–20, London: HMPPS

Private prisons

In England and Wales there were 14,603 people (18% of the prisoner population) held in private prisons as of 30 October 2020.⁹⁸

There are 13 private prisons in England and Wales. They cost a total of £563.9m in 2019–20.⁹⁹

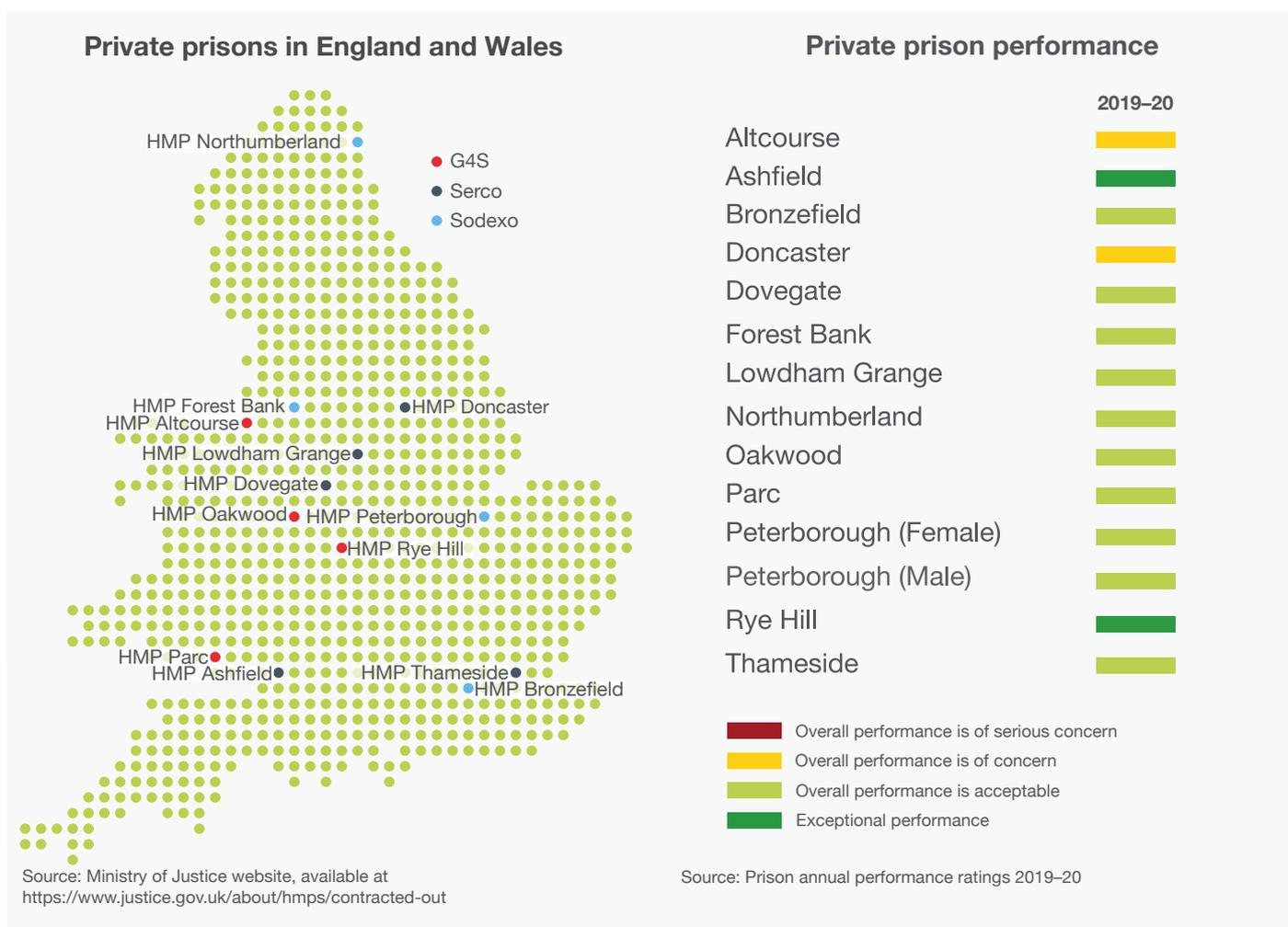
Nine of these are currently financed, designed, built and operated by the private sector on contracts of 25 years or more.¹⁰⁰ The contract for HMP Parc is due to expire in 2022, and those for HMPs Altcourse and Lowdham Grange in 2023.¹⁰¹

HMPPS has taken over the management of HMP Birmingham from G4S and terminated the contract seven years early due to concerns over safety, security and decency.¹⁰²

G4S has been awarded the ten-year government contract to run the new HMP Five Wells prison due to be built on the former Wellingborough site. The new prison is expected to open in early 2022.¹⁰³

There will be a competition to appoint a prison operator for the new prison at Glen Parva. HM Prisons and Probation Service (HMPPS) will not bid to run the prison.¹⁰⁴

Following the collapse of Carillion in January 2018, HMPPS has taken back responsibility for the maintenance of 52 prisons in the south of England. The establishment of the new Gov Facility Services Limited cost £4m, with an annual budget of £73m.¹⁰⁵



98 Ministry of Justice (2020) Prison population monthly bulletin October 2020, London: Ministry of Justice

99 Table 1b, Ministry of Justice (2020) Prison performance statistics: Costs per place and costs per prisoner by individual prison establishment 2019 to 2020 supplementary information, London: Ministry of Justice

Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope.

100 Hansard HC, 4 December 2013, c719W

101 House of Commons written question 200700, 10 December 2018

102 Ministry of Justice website, accessed on 8 November 2019, available at <https://www.gov.uk/government/news/birmingham-prison-contract-ended>

103 Ministry of Justice website, accessed on 13 October 2020, available at <https://www.gov.uk/government/news/wellingborough-jail-contract-awarded-and-new-name-revealed>

104 House of Commons written question 186403, 5 November 2018

105 HM Prison and Probation Service (2018) Annual report and accounts 2017–18, London: Ministry of Justice and

House of Commons Justice Committee (2018) Work of the Ministry of Justice, Oral evidence session: 6 November 2018, London: HM Stationery Office

PEOPLE IN PRISON

Social characteristics of adult prisoners

Characteristic	Prison population	General population
Taken into care as a child	24% (31% for women, 24% for men)	2%
Experienced abuse as a child	29% (53% for women, 27% for men)	20%
Observed violence in the home as a child	41% (50% for women, 40% for men)	14%
Regularly truant from school	59%	5.2% (England) and 4.8% (Wales)
Expelled or permanently excluded from school	42% (32% for women, 43% for men)	In 2005 >1% of school pupils were permanently excluded (England)
No qualifications	47%	15% of working age population
Unemployed in the four weeks before custody	68% (81% for women, 67% for men)	7.7% of the economically active population are unemployed
Never had a job	13%	3.9%
Homeless before entering custody	15%	4% have been homeless or in temporary accommodation
Have children under the age of 18	54%	Approximately 27% of the over 18 population*
Are young fathers (aged 18–20)	19%	4%
Have symptoms indicative of psychosis	16% (25% for women, 15% for men)	4%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men)	15%
Have attempted suicide at some point	46% for women, 21% for men	6%
Have ever used Class A drugs	64%	13%
Drank alcohol every day in the four weeks before custody	22%	16% of men and 10% of women reported drinking on a daily basis
Identify as homosexual/bisexual/other sexual orientation	7% (22% for women, 5% for men)	3% for both women and men

Prison population data taken from Results from the Ministry of Justice Surveying Prisoner Crime Reduction (SPCR) survey published in:

Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice
 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice
 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners, London: Ministry of Justice
 Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice
 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

General population data taken from:

Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
 Harker, L. et al. (2013) How safe are our children, London: NSPCC
 Department for Education (2013) Pupil absence in schools in England, including pupil characteristics, London: DfE
 Welsh Government (2013) Absenteeism by pupil characteristics 2011/12, Cardiff: Welsh Government
 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice
 Office for National Statistics (2013) Labour market statistics, September 2013, London: ONS
 Table KS611EW, Office for National Statistics (2012) 2011 Census, London: ONS
 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice
 Wiles, N. et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519–526
 Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
 Office for National Statistics (2020) Sexual orientation, UK: 2018, London: ONS

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

What do people in prison say?

In July 2018 the Prisoner Policy Network (PPN) was launched as part of the Prison Reform Trust's strategic objective to give prisoners a stronger influence in how policy on prisons is made. It is a network of current serving prisoners, ex-prisoners, their families and organisations that support them who want to share their experiences and ideas with policy makers. The PPN is intended to give prisoners influence in the places where the policies that affect them are made; through research, consultation and reports.

This section is based upon three questions that we asked the network to respond to: "What incentives work in prison?", "What do you need to make best use of your time in prison?" and "How can we reduce tensions, conflict and violence in prison?", the findings of which are published in three separate reports. It also draws on evidence from responses to HM Chief Inspector of Prisons prisoner survey, and our own Advice and Information service.

The pandemic and the associated restrictions to prison regimes have dramatically affected the lives of prisoners, their families and staff. To understand how the pandemic is affecting people in prison we established an urgent new project—CAPPTIVE (Covid-19 Action Prisons Project: Tracking Innovation, Valuing Experience) which builds on our experience in establishing the PPN. Two briefings have been released as part of the project so far, one focussing on families and communications, and the other on regimes, reactions to the pandemic, and progression. Findings from this research has been incorporated into [Covid-19 and the prison system](#) on page 15.

The basics

Basic material needs are not being met. Many people in prison told us that they wanted access to fresh air, fresh fruit, access to legal photocopying, towels, medication and underwear that fits. That people lack access to basic provisions necessary for health and decency undermines any incentives scheme.

"How can we talk about incentives when we can't get the basics right, like safety, toilet roll and clean socks."

Basic psychological needs, including feeling safe, access to mental health and addiction services, and spending time outside were also frequently left unmet. This prevented many people from being able to think or care about useful investment of their time, or to positively engage with potentially rehabilitative aspects of prison life, including work, education and therapy.

Only two in five (40%) men and around half of women (51%) in prison with mental health problems said that they had been helped with them while in prison.¹⁰⁶

15% of the 193 safer custody referrals made by the Prison Reform Trust in 2020 experienced barriers or delays in sharing information with the prison. In 16 of the cases the prisoner was deemed to be at immediate risk of harm (for example, from suicide, self-harm or attack). Barriers included having to ring the prison on multiple occasions to reach anyone; only being able to reach a voicemail; or reluctance of Safer Custody Departments to speak to PRT staff directly.¹⁰⁷

Making the best use of time in prison

The incentives offered under the Incentives and Earned Privileges (IEP) scheme are inaccessible, inconsistent or simply irrelevant to many. Rather than incentivise good behaviour, many people felt that it only punished bad behaviour.

"If you live miles from family, have no money that can be sent in and no interest in the gym, there are no 'real' incentives to be enhanced."

Just two in five (41%) men in prison felt that they had been treated fairly under the IEP scheme, and around two in five (43%) said that it had encouraged them to behave well.¹⁰⁸

Greater transparency and communication around prison rules is necessary to create a stable foundation for prison life Prisoners told us that being locked up before the allocated time and having their IEP status routinely downgraded following a transfer to a new prison undermined legitimacy.

¹⁰⁶ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹⁰⁷ Provided by Prison Reform Trust's Advice and Information Team

¹⁰⁸ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

Minimising tension and violence in prison

Overcrowding was often cited as a source of tension. Many respondents felt there were too many people in prison drawing on limited resources. Sharing a cell as well as poor conditions, such as inadequate mattresses and broken windows, were cited as contributing to stress and anxiety.

“Prisoners having to share cells designed for one with unscreened toilets and little or no ventilation, can for obvious reasons be a source of conflict.”

Nearly a quarter (23%) of people in prison are held in overcrowded conditions.¹⁰⁹

People in prison reported drugs as a key factor in fuelling violence. The trade in drugs was often cited as a source of debt, bullying and exploitation.

“Drugs are the backbone of violence, intimidation, bullying, unrest, debt, tensions within the system.”

Over a quarter of men (27%) and almost half of women (46%) report entering prison with a drug problem. 14% of men and 12% of women report developing a drug problem in prison.¹¹⁰

Maintaining connections

Positive relationships with both prison staff and loved ones on the outside help to increase resilience and motivation. Some people described very positive relationships with prison staff—but this was not a universal experience.

“Someone believing in you, this is transformative for people in prison.”

People in prison told us that they were particularly keen for more consistent promotion of family contact—particularly when they were held far from home.

Only a fifth of prisoners (19% of men and 20% of women) received visits from family or friends at least once a week.¹¹¹

Access to technology was considered a key part of maintaining their connection to family and friends, as well as society more generally. In-cell phones, the opportunity to phone family and friends at more flexible hours, and the possibility of Skype calls were all seen as powerful incentives. Furthermore, many felt that they would be more “world ready” with greater access to technology and feared being left behind by technological advancements that would leave them ill-equipped to face the world upon release.

“I think prisoners should have access to a laptop computer in their cells. This would empower many prisoners to develop IT skills which are necessary for a person re-entering society.”

Preparing for release

Finding a sense of meaning through personal development, often through education, work and training is important to prisoners. These were regarded both as a way of regaining a sense of self within prison as well as preparing for a future after release.

“Education, simple as that, you need something to stimulate your brain and give you something to aim for. It makes the sentence easier, and hopefully sets you up for release, at least that’s how it should be.”

Prisoners need to learn practical life skills to prepare them for life outside prison. Cooking, cleaning, budgeting, debt management, accessing emotional support and how to find job opportunities in the community were all identified as critical on release.

Only two in five (43%) men in prison who had held a prison job at some point felt that it would help them on release.¹¹² Less than a quarter (24%) of men in prison reported they were receiving help with getting into employment upon release, and even fewer (20%) with setting up education or training.¹¹³

“I have to be prepared for the world I am to be released into.”

¹⁰⁹ Table 2.2, HM Prison and Probation Service (2020) Annual digest 2019–20, London: HMPPS

¹¹⁰ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

People on remand

For many people, their first experience of prison is on remand. This might be ahead of their trial, or whilst they are awaiting sentencing having been found guilty.

People remanded to custody to await trial are innocent until proven guilty. There were 29,557 receptions into prison before trial in the year to June 2020.¹¹⁴

Most people (56%) entering prison on remand awaiting trial are accused of non-violent offences—14% were for theft offences and 17% for drug offences.¹¹⁵

People may also be remanded to custody after they have been found guilty, but are yet to be sentenced. 18,870 people were remanded into prison awaiting sentence in the year to June 2020.¹¹⁶

Around one in seven people in prison (15%) are there on remand—12,274 people. The majority are awaiting trial (69%), whilst the rest await sentencing.¹¹⁷

Around one in 10 people (9%) remanded into custody by magistrates' courts were subsequently acquitted. A further 12% received a non-custodial sentence. In the Crown Court, the figures were 9% and 14%, respectively.¹¹⁸

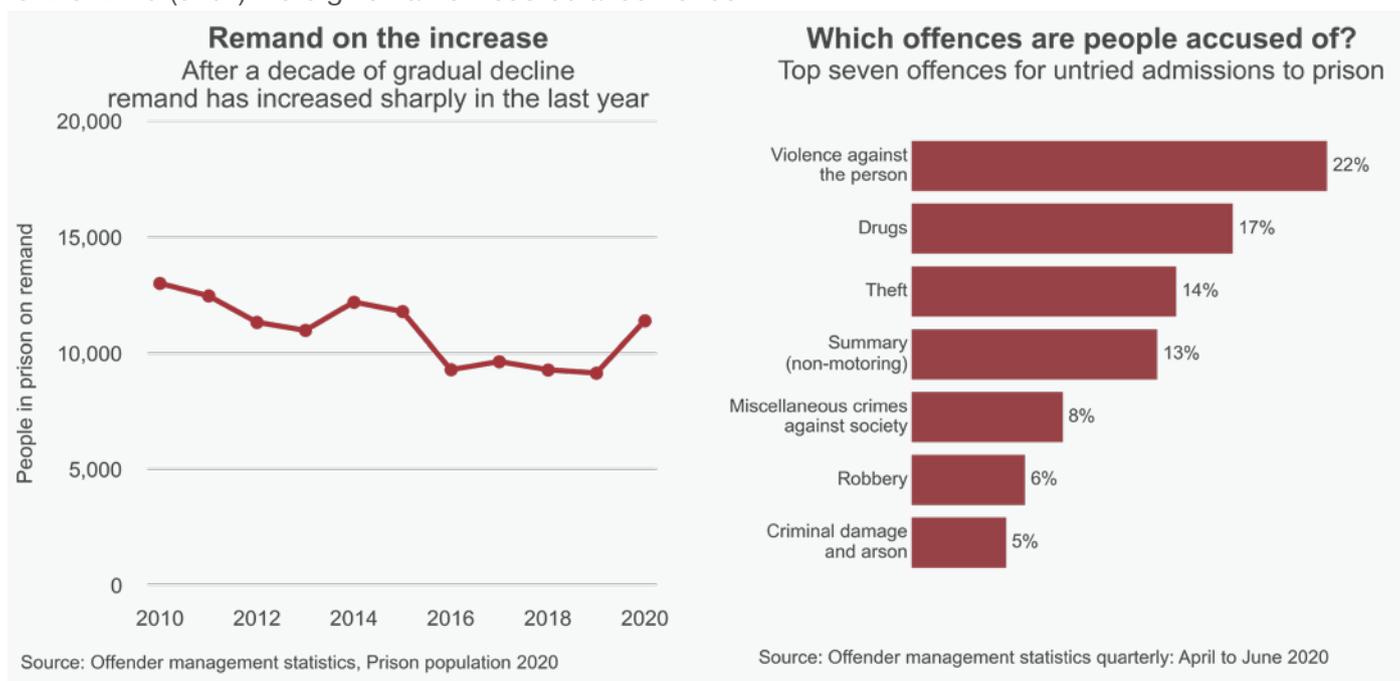
People in prison on remand receive no financial help from the prison service at the point of release. Those acquitted receive no compensation.

Over a quarter (27%) of self-inflicted deaths in 2019 were by people held on remand.¹¹⁹

Use of remand for children has fallen in the last decade, declining by 60% over the last decade. However, last year saw a 12% increase on 2018.¹²⁰

On average 243 children were held in prison on remand in 2019. They account for over one in four children in prison (28%)—this has remained broadly the same over the last decade.¹²¹

Almost a third of children (32%) remanded into custody in 2019 were subsequently acquitted—a further third (34%) were given a non-custodial sentence.¹²²



114 Table 2.4a, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

115 Table 2.4b, Ibid.

116 Table 2.4a, Ibid.

117 Table 1.1, Ibid.

118 Table Q4.4, Ministry of Justice (2020) Criminal justice statistics quarterly June 2020, London: Ministry of Justice

119 Table 1.11, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

120 Table 6.3, Ministry of Justice (2020) Youth justice statistics 2018/19, London: Ministry of Justice and previous editions

121 Table 6.3, Ministry of Justice (2020) Youth justice statistics 2018/19, London: Ministry of Justice

122 Table 6.6, Ibid.

Black, Asian and minority ethnic people in prison

Over a quarter (27%) of the prison population, 21,574 people, are from a minority ethnic group.¹²³

If our prison population reflected the ethnic make-up of England and Wales, we would have over 9,000 fewer people in prison—the equivalent of 12 average-sized prisons.¹²⁴

The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234m a year.¹²⁵

There is a clear direct association between ethnic minority group and the odds of receiving a custodial sentence. Black people are 53%, Asian 55%, and other ethnic minority groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.¹²⁶

Black men are 26% more likely than white men to be remanded in custody. They are also nearly 60% more likely to plead not guilty.¹²⁷

Muslim people in prison

The number of Muslims in prison has more than doubled over the past 18 years. In 2002 there were 5,502 Muslims in prison, by 2020 this had risen to 13,199.¹²⁸ They now account for 17% of the prison population, but just 5% of the general population.¹²⁹

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 37% are Asian, 29% are black, 19% are white and 10% are mixed.¹³⁰

Only 185 people, 1% of Muslims in prison, are currently there for Islamist extremist terrorism-related offences.¹³¹

Treatment and conditions

BAME people in prison often report more negatively about their experience in prison and relationships with staff. Fewer said they felt safe at the time of the inspectorate's survey, fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been bullied or victimised by staff. Responses by Muslim people in these areas were even worse.¹³²

BAME people in prison are more likely to report having been recently restrained or placed in segregation.¹³³ Discrimination complaints are inadequately investigated “all too often” according to the Prisons and Probation Ombudsman. Investigations are subject to long delays, staff lack training and confidence, and prisons often fail to collect the equalities data needed to conduct a meaningful investigation.¹³⁴

Inspectors found that prison staff underestimate the cultural requirements of Gypsy, Roma or Traveller and BAME people in prison. A third of BAME prisoners said their ethnicity directly influenced their rehabilitation and resettlement planning, whereas almost no staff considered ethnicity to have any impact.¹³⁵

Gypsy, Roma and Traveller people in prison

5% of men and 7% of women in prison said that they are Gypsy, Roma or Traveller, compared to an estimated 0.1% of the general population in England. Inspectors found that most prisons they visited were still not aware of their existence or needs, which undermined attempts to provide culturally appropriate support and plan for resettlement.¹³⁶

123 Table 1.4, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

124 Table 11, Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice and Lammy, D. (2017) The Lammy review, London: Ministry of Justice

125 Kneen, H. (2017) An exploratory estimate of the economic cost of black, Asian and minority ethnic net overrepresentation in the criminal justice system in 2015, London: Ministry of Justice

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

127 Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

128 Table A1.10, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

129 Ibid. and Lammy, D. (2017) The Lammy review, London: Ministry of Justice

130 House of Lords written question HL3275, 5 January 2017

131 Table P.04, Home Office (2020) Operation of police powers under the Terrorism Act 2000: quarterly update to June 2020, London: Home Office and

Table A1.10, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

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

133 Ibid.

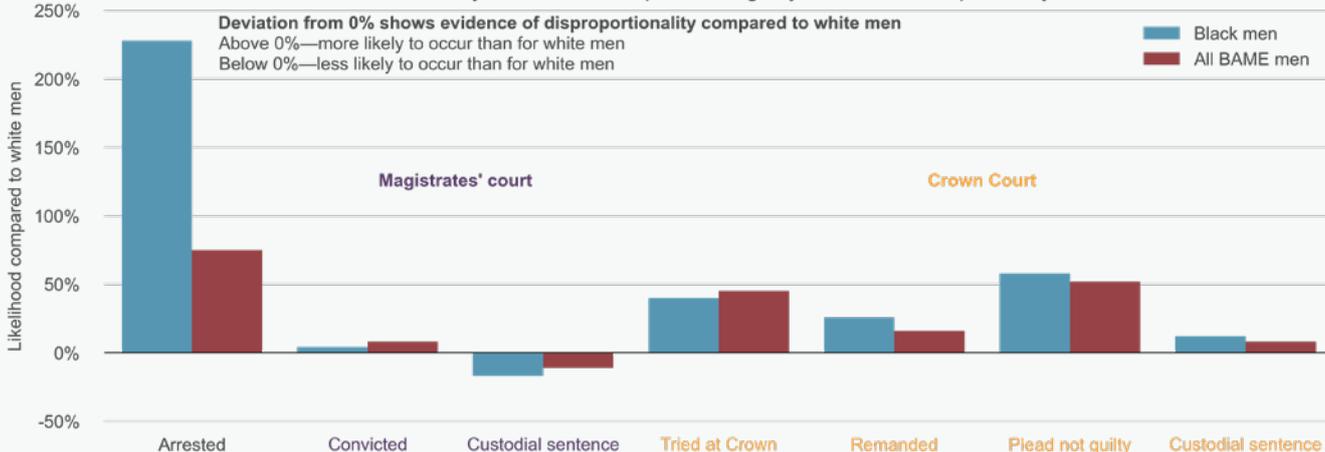
134 Prisons and Probation Ombudsman (2018) Learning lessons bulletin: Complaints about discrimination, London: Prisons and Probation Ombudsman

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

136 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and Irish Traveller Movement in Britain (2013) Gypsy and Traveller population in England and the 2011 Census, London: ITMB and Office for National Statistics (2013) Annual mid-year population estimates, 2011 and 2012, London: ONS and HM Inspectorate of Prisons (2020) Minority ethnic prisoners' experiences of rehabilitation and release planning, London: HMIP

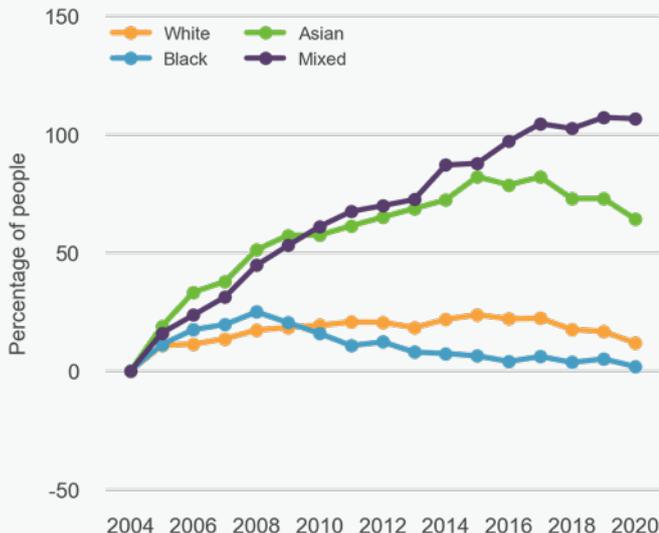
Equal justice?

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



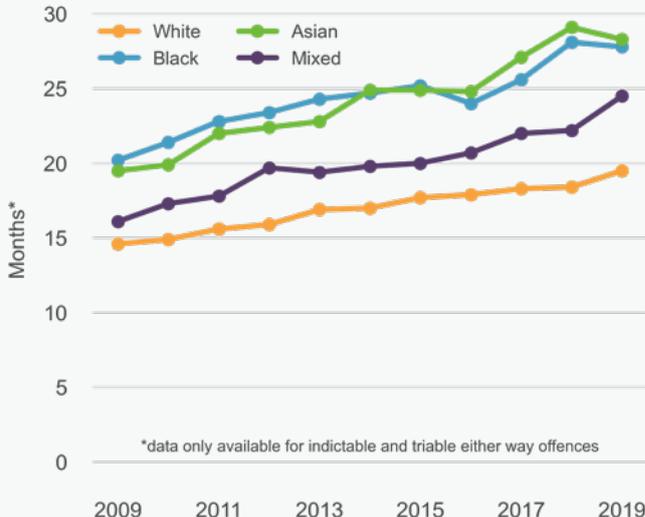
Source: Ministry of Justice (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

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



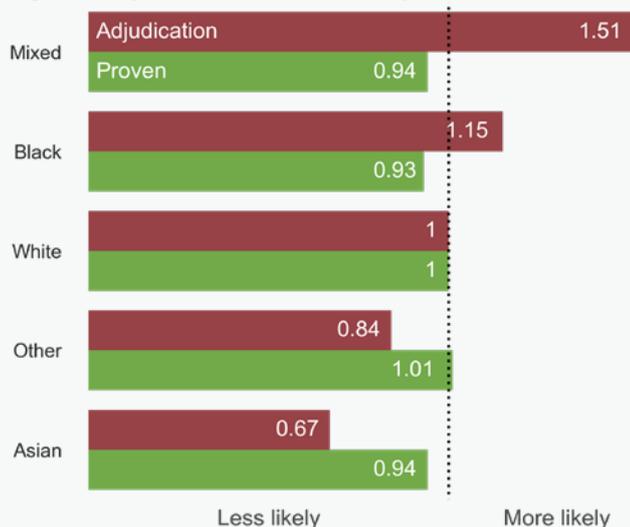
Source: Offender management statistics, Prison population 2020

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



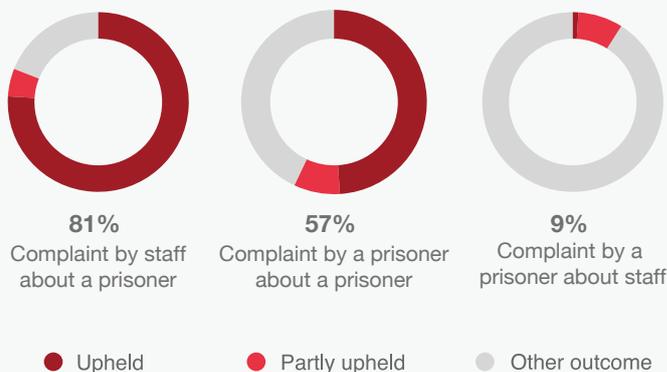
Source: Criminal justice statistics quarterly December 2019, Outcomes by offence tool

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



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

Discrimination complaints about staff are significantly less likely to be upheld or partly upheld



Source: Prison Reform Trust (2017) Tackling discrimination in prison (Based on 610 investigations from eight London prisons in 2014)

Older people in prison

Older prisoners can be split into four main profiles, each with different needs:

Repeat prisoners. People in and out of prison for less serious offences and who have returned to prison at an older age.

Grown old in prison. People sentenced for a long sentence prior to the age of 50 and who have grown old in prison.

Short-term, first-time prisoners. People sentenced to prison for the first time for a short sentence.

Long-term, first-time prisoners. People sentenced to prison for the first time for a long sentence, possibly for historic sexual or violent offences.

Many experience chronic health problems prior to or during imprisonment as a result of poverty, poor diet, inadequate access to healthcare, alcoholism, smoking or other substance abuse. The psychological strains of prison life can further accelerate the ageing process.

The Prison Reform Trust, along with HM Chief Inspector of Prisons, the Prisons and Probation Ombudsman, Age UK and other organisations have called for a national strategy for work with older people in prison,¹³⁷ something the Justice Committee agreed with and has stated: “It is inconsistent for the Ministry of Justice to recognise both the growth in the older prisoner population and the severity of their needs and not to articulate a strategy to properly account for this.”¹³⁸ The government have accepted this recommendation and the Prisons Minister Lucy Frazer has commissioned one.¹³⁹

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.

With prison sentences getting longer, people are growing old behind bars. People aged 60 and over are the fastest growing age group in the prison estate. There are now almost three times the number there were 16 years ago.¹⁴⁰

17% of the prison population are aged 50 or over – 13,212 people. Of these 3,263 are in their 60s and a further 1,693 people are 70 or older.¹⁴¹

The prison population is projected to grow by a quarter by 2026.¹⁴² The government anticipates the older population to increase at a similar rate to the population as a whole.¹⁴³

44% of men in prison aged over 50 are there for sex offences. The next highest offence category is violence against the person (25%) followed by drug offences (8%).¹⁴⁴

315 people in prison were aged 80 or over as of 30 September 2020. 311 were men and four were women.¹⁴⁵

The majority of 80 year olds in prison (92%) were aged 70 or older when sentenced to custody.¹⁴⁶

Nearly a third (32%) of people serving an indeterminate sentence are aged 50 or over. 2,286 people are serving life sentences and a further 610 are serving an indeterminate sentence of imprisonment for Public Protection (IPP).¹⁴⁷

¹³⁷ Prison Reform Trust and Restore Support Network (2016) Social care or systematic neglect: Older people on release from prison, London: Prison Reform Trust and Prisons and Probation Ombudsman (2017) Learning lessons from PPO investigations: Older prisoners, London: Prisons and Probation Ombudsman

¹³⁸ House of Commons Justice Committee (2013) Older Prisoners, London: HM Stationery Office

¹³⁹ House of Commons Justice Committee (2020) Ageing prison population: Government Response to the Committee's Fifth Report HC 976, London: HM Stationery Office.

¹⁴⁰ Table A1.7, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

¹⁴¹ Table 1.3, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁴² Ibid. and Table 4.1, Ministry of Justice (2020) Prison population projections 2020 to 2026, London: Ministry of Justice

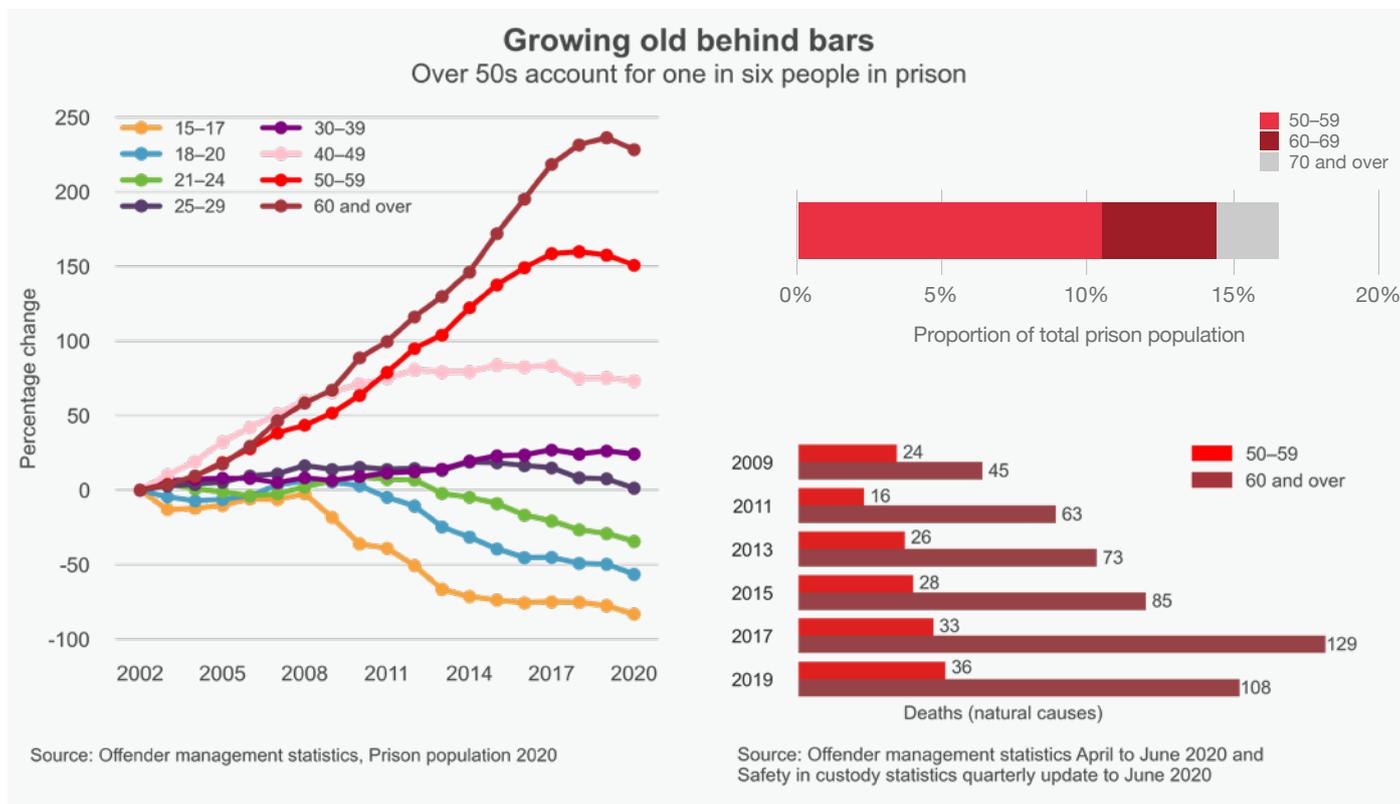
¹⁴³ House of Commons Justice Committee (2020) Ageing prison population: Government Response to the Committee's Fifth Report HC 976, London: HM Stationery Office.

¹⁴⁴ House of Lords written question HL10578, 23 November 2020

¹⁴⁵ House of Lords written question HL10422, 17 November 2020

¹⁴⁶ House of Lords written question HL2097, 27 October 2017

¹⁴⁷ Table A1.16, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice



Treatment and conditions

144 people aged 50 or over died of natural causes whilst in prison in 2019—more than double the number a decade ago.¹⁴⁸

Six out of 10 older people in prison (59%) report having a long-standing illness or disability. This compares with just over a quarter (27%) of younger people in prison.¹⁴⁹

Inspectors found that provision for older people in prison remains variable and underdeveloped. Whilst some prisons offered good facilities and age-specific activities, others had no specific provision and little meaningful activity for those not in work—in some prisons inspectors found retired people in prison locked up for most of the day.¹⁵⁰

Older people in prison interviewed on entering prison for the first time often suffered from ‘entry shock’. This was made worse by a lack of information and an unfamiliarity with prison regimes and expectations. Delays in accessing health care and receiving medication were a particular cause of concern.¹⁵¹

Resettlement

A National Institute for Health Research study found that release planning for older people in prison was frequently non-existent. The lack of information received by prisoners in preparation for their release caused high levels of anxiety. Many reported minimal or no contact from probation workers or offender managers.¹⁵²

¹⁴⁸ Table 1.3, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

¹⁴⁹ Omolade, S. (2014) The needs and characteristics of older prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

¹⁵⁰ HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

¹⁵¹ Senior, J., et al. (2013) Health and social care services for older male adults in prison: the identification of current service provision and piloting of an assessment and care planning model. Health Services and Delivery Research 2013,1, Southampton: NIHR Journals Library

¹⁵² Ibid.

Life and indeterminate sentences

Many people in prison don't know if, or when, they might be released. 10,793 people are currently in prison serving an indeterminate sentence—16% of the sentenced prison population, up from 9% in 1993.¹⁵³

They must serve a minimum period in prison, set by the courts, before they can be considered for release by the Parole Board. They are subject to monitoring and restrictions on release, and continue to serve their sentence for the rest of their lives. They can be returned to custody if they break these terms.

England and Wales have more people serving life sentences than France, Germany, Italy, the Netherlands, Poland, and Scandinavia combined—the highest in Europe by a significant margin.¹⁵⁴

Indeterminate sentence for Public Protection (IPP)

Despite its abolition in 2012, there are 1,895 people in prison serving an IPP sentence who have never been released. More than nine in 10 people 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.¹⁵⁵

One in six (17%) people who have yet to be released have a tariff of less than two years, and two in five (42%) have a tariff of between two and four years.¹⁵⁶

300 people have yet to be released from prison despite being given a tariff of less than two years—almost two-thirds of these (199 people) have served ten years or more beyond their original tariff.¹⁵⁷

There are a further 1,357 people serving an IPP sentence who are back in prison having previously been released—a 13% rise in the last year. The Parole Board has said it remains concerned about this.¹⁵⁸

There are currently almost as many people being recalled back to prison as are being released. In the last 12 months 657 IPP prisoners on licence were recalled and returned to custody, whereas only 711 people were either released for the first time or re-released having been previously recalled.¹⁵⁹

In 2016 the Parole Board predicted that, without legislation, there would still be 1,500 people in prison serving an IPP by 2020.¹⁶⁰ This has proven to be an underestimate, with 1,895 yet to be released and a further 1,357 currently serving their sentence in custody having been recalled.

Life sentences

6,945 people are currently in prison serving a life sentence. One in six (18%) have a tariff of 10 years or less, half (51%) have 10–20 years, and three in 10 (29%) have over 20 years.¹⁶¹

Almost a quarter (24%) of people currently in prison on a life sentence have already served their minimum tariff.¹⁶²

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 18 years in custody, up from 13 years in 2001.¹⁶³

Judges are also imposing longer tariff periods.¹⁶⁴ The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.¹⁶⁵

There are currently 62 people serving a whole life sentence—they are unlikely to ever be released.¹⁶⁶

The vast majority of life sentenced prisoners are successfully integrated back into the community on release. 4% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 48% of the overall prison population.¹⁶⁷

¹⁵³ Table 1.1 and 1.9a, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

¹⁵⁴ Table 10, Aebi, M., et al. (2020) Council of Europe annual penal statistics, survey 2019, Strasbourg: Council of Europe

¹⁵⁵ Table 1.9a, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁵⁶ Ibid.

¹⁵⁷ Table 1.9b, Ibid.

¹⁵⁸ Table 1.9a, Ibid. and

The Parole Board (2018) Annual report and accounts 2017/18, London: HM Stationery Office

¹⁵⁹ Tables 3.1, 5.4 and 5.11, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁶⁰ Jones, M. (2016) Written advice to Nick Hardwick, London: Parole Board. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/MJ%20IPP%20paper%20July%202016.pdf>

¹⁶¹ Table 1.9a, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁶² Ibid.

¹⁶³ Table A3.3, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice and Table A3.5, Ministry of Justice (2011) Offender management statistics annual tables 2010, London: Ministry of Justice

¹⁶⁴ Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

¹⁶⁵ Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL2315, 6 November 2017

¹⁶⁶ Table 1.9a, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁶⁷ Table C2a, Ministry of Justice (2020) Proven reoffending statistics: January to March 2018, London: Ministry of Justice

The legacy of the IPP

Over nine in 10 are stuck in prison beyond tariff

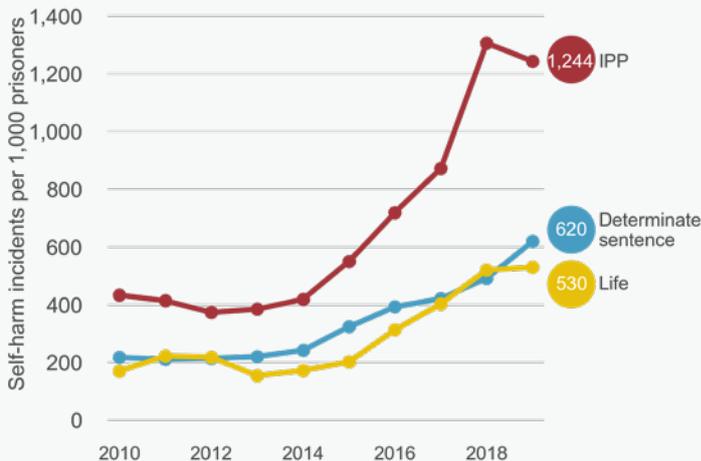
People in prison serving an IPP yet to be released



Source: Offender management statistics quarterly: April to June 2020

Risk of harm?

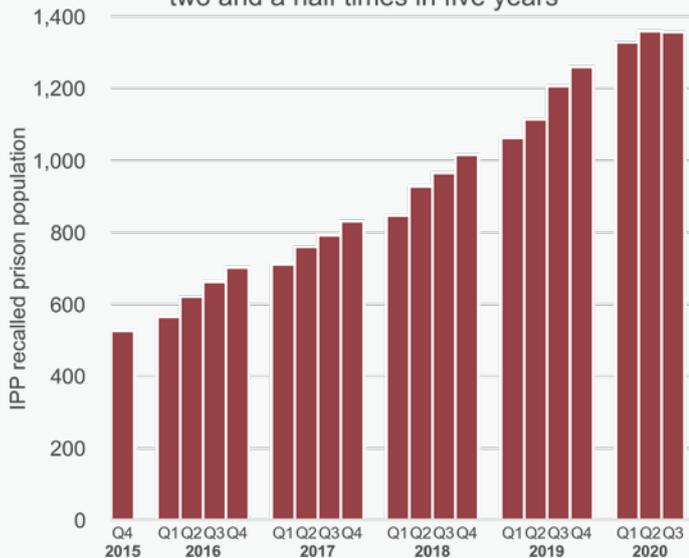
IPP prisoners are more vulnerable to self-harm



Source: Safety in custody statistics quarterly update to June 2019 and Offender management statistics, Prison population 2019

The number of people in prison having been recalled is increasing...

Numbers of IPP recalls have grown two and a half times in five years



Source: Offender management statistics quarterly: April to June 2020 and previous editions

...and fewer are being released

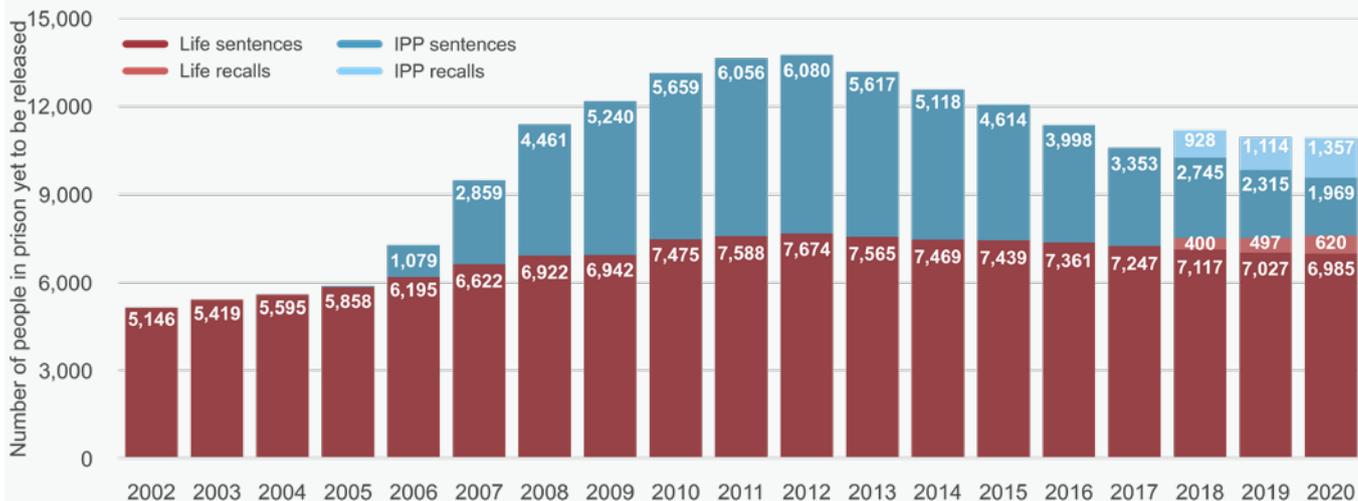
The number of people on IPPs being recalled to prison is now almost the same as the number released



Source: Offender management statistics quarterly: April to June 2020 and previous editions

The growth of indeterminate sentences

Use of indeterminate sentences has risen greatly in the last decade—it is starting to fall but recalls are rising



Source: Offender management statistics, Prison population 2020 and Offender management statistics quarterly: April to June 2020

People with learning disabilities and difficulties

People with learning disabilities or difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. They are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour.¹⁶⁸

Following a review by Lord Bradley of people with mental health and learning disabilities in the criminal justice system, and his subsequent report (The Bradley Report, 2009), the government invested in liaison and diversion services in police custody suites and the criminal courts. Liaison and diversion services help to identify people with mental health and learning disabilities, autism and other needs as early as possible as they enter the criminal justice system. Information from liaison and diversion services helps to inform criminal justice decision making and referrals into local services, as appropriate, including diversion away from the criminal justice system.

A joint inspection of the treatment of offenders with learning disabilities, published in 2015, found that improvements to services for this group have been limited and slow to implement. There was evidence that many prisons and probation trusts were either unaware of or unwilling to implement National Offender Management Service instructions and the Equality Act 2010, with probation and prison leaders often unclear of their statutory duty to make reasonable adjustments to services for people with a disability.

The Care Act 2014 places a duty on local authorities to assess the social care needs of prisoners and people living in probation hostels and, where eligible needs are identified, to ensure the necessary care and support is provided. Inspectors found that most prisons worked effectively with their local authorities and care providers to deliver social care.

In December 2020 the Lord Chancellor Robert Buckland announced a review intended to improve recognition and support for neurodivergent people in the justice system. The review is intended to cover a wide range of conditions including learning difficulties, learning disabilities and emotional and behavioural changes due to acquired brain injuries.¹⁶⁹

Over a third of people (34%) were identified as having a learning disability or difficulty following assessment on entry to prison in 2017–18.¹⁷⁰

7% of people in contact with the criminal justice system have a learning disability—this compares with around 2% of the general population.¹⁷¹

Despite isolated good practice, for example at HMPs Parc and Littlehey, inspectors found that there has been a lack of focus and leadership from central government which has meant that little discernible progress has been made in improving the lives of this vulnerable group of offenders.¹⁷²

Inspectors have found that “little thought was given to the need to adapt regimes to meet the needs of prisoners with learning disabilities who may find understanding and following prison routines very difficult.”¹⁷³

However, more than half of prisons inspected in 2016–17 were actively identifying and supporting prisoners with learning disabilities.¹⁷⁴

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.¹⁷⁵

Prisoners with learning disabilities or difficulties were almost three times as likely as other prisoners to have clinically significant anxiety or depression—many were both anxious and depressed.¹⁷⁶

¹⁶⁸ Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

¹⁶⁹ Government website, accessed on 23 December 2020, available at <https://www.gov.uk/government/news/fairer-justice-system-for-neurodivergent-people-to-reduce-crime>

¹⁷⁰ Skills Funding Agency (2018) OLASS English and maths assessments by ethnicity and learners with learning difficulties or disabilities: participation 2014/15 to 2017/18, London: SFA

¹⁷¹ NHS England (2016) Strategic direction for health services in the justice system: 2016–2020, London: NHS England

¹⁷² Criminal Justice Joint Inspection (2015) A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system—phase two in custody and the community, London: HM Inspectorate of Prisons

¹⁷³ Ibid.

¹⁷⁴ HM Chief Inspector of Prisons (2017) Annual report 2016–17, London: HM Stationery Office

¹⁷⁵ Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

¹⁷⁶ Ibid.

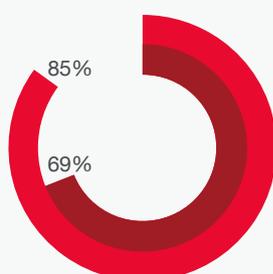
Learning disabilities and difficulties in prisons

Struggling to understand and be understood

● Learning disabilities and difficulties

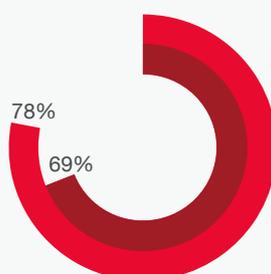
● Learning disabilities

Problems reading prison information



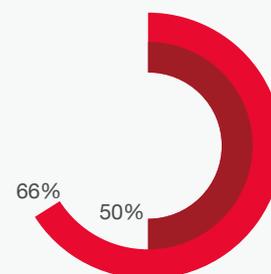
More than **four-fifths** of people in prison with learning disabilities struggle

Problems filling in prison forms



More than **three-quarters** of people in prison with learning disabilities struggle

Problems making themselves understood



Two-thirds of people in prison with learning disabilities struggle

Source: Prison Reform Trust (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties

Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimised and bullied than other prisoners.¹⁷⁷ Over half of such prisoners say they had been scared while in prison and almost half say they have been bullied or that people have been nasty to them.¹⁷⁸

The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.¹⁷⁹

The roll-out of liaison and diversion services achieved 100% coverage across England in March 2020.¹⁸⁰

People referred to liaison and diversion services valued their support. They provided reassurance during a distressing time, giving practical support for referrals into local services as well as advocacy.¹⁸¹

There was also a small but significant increase in the number and proportion of adults offered appointments with learning disability services and support for financial need.¹⁸²

A total of 87,450 people used liaison and diversion services in 2018–19. One in five service users were women. Around one in seven (14%) had either an alcohol or substance abuse problem, and around one in three (34%) had both.¹⁸³

Over one in five (21%) service users were identified as suffering from a depressive illness. 9% were identified as suffering from schizophrenia or other delusional disorders, 7% from anxiety/PTSD/OCD/phobia, and 7% from a personality disorder.¹⁸⁴

5% of men and 4% of women who used national liaison and diversion services in 2018–19 had an identified learning disability.¹⁸⁵

A recent EHRC report into inclusive justice found that four out of five criminal justice professionals in England and Wales said that defendants' impairments were sometimes or always missed.¹⁸⁶

¹⁷⁷ Talbot, J. (2007) No One Knows: Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff, London: Prison Reform Trust

¹⁷⁸ Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

¹⁷⁹ Department of Health website, accessed on 15 December 2020, available at

<https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>

¹⁸⁰ House of Commons written question 249321, 11 November 2019

¹⁸¹ Disley, E., et al. (2016) Evaluation of the offender liaison and diversion trial schemes, Cambridge: RAND

¹⁸² Ibid.

¹⁸³ Table 4.1e, Ministry of Justice (2020) Women and the Criminal Justice System 2019, London: Ministry of Justice

¹⁸⁴ Table 4.2d, Ibid.

¹⁸⁵ Table 4.6b, Ibid.

¹⁸⁶ Equality and Human Rights Commission (2020) Inclusive justice: a system designed for all, London: EHRC

Foreign nationals in prison

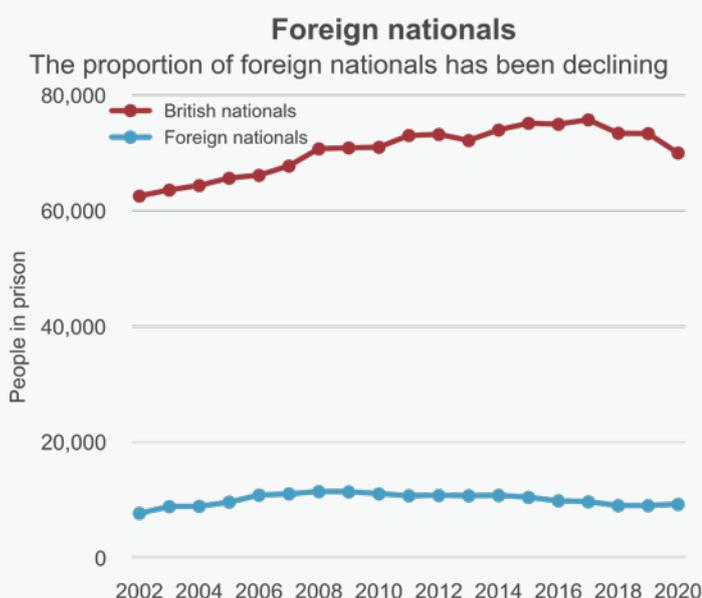
The term ‘foreign national prisoner’ encompasses many different people. People may have come to the UK as children with parents; they may be second generation immigrants—often from former colonies; asylum seekers; people who have been given indefinite leave to remain as refugees; European and European Economic Area nationals or Irish nationals; people who have been trafficked into the country; people who would be persecuted if they returned to their country of origin; people who were entering or leaving the UK on false documents and were arrested at port of entry/exit; people who have entered the UK illegally; people who entered the UK as students and have over stayed on their visa; visitors or workers who have got involved in the criminal justice system.

All foreign national prisoners who have been sentenced to a period of imprisonment of 12 months or more are subject to automatic deportation from the UK unless they fall within defined exceptions. People contesting their deportation because they have family in the UK are no longer entitled to legal aid.

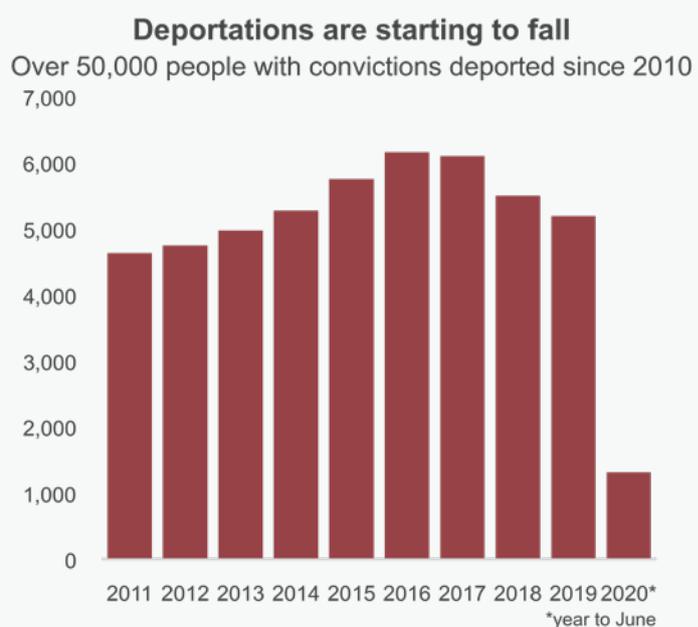
The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of arrangements are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place. However transfers within the EU, and to Nigeria and Albania can take place without the consent of the prisoner; the implications of the decision to leave the EU on the transfer agreement are as yet unclear. The government announced a deal in 2018 with the Nigerian government to construct a prison in wing in Kiri Kiri prison, Lagos in order to aid deportation. The government has confirmed that this is no longer going ahead “due to the challenges associated with design and cost”.¹⁸⁷

People who have completed their sentence but are not UK nationals continue to be held in prison, released or moved to an immigration detention centre.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduced a new Tariff Expired Removal Scheme (TERS) for foreign nationals serving an indeterminate prison sentence. The scheme allows those who are confirmed by UK Visas and Immigration to be liable for removal from the UK, to be removed from prison and the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. TERS is mandatory; all foreign nationals serving an indeterminate prison sentence who are liable must be considered for removal under the scheme.



Source: Offender management statistics, Prison population 2020



Source: Immigration statistics, year ending June 2020

¹⁸⁷ Foreign and Commonwealth Office, Freedom of Information request, 0713-19, available at <https://corporatewatch.org/wp-content/uploads/2019/10/FOI-Nigeria-Prison.pdf>

Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales. On 30 September 2020 there were 9,420 foreign nationals in prison.¹⁸⁸

Foreign national prisoners come from 168 countries—but over half are from eight countries (Albania, Poland, Romania, Ireland, Lithuania, Jamaica, Somalia and Pakistan).¹⁸⁹

The proportion of foreign nationals in prison in England and Wales has been steadily decreasing over the last decade. Between 2002–09 numbers rose by nearly 50%, compared with a 14% increase in British nationals. Since then numbers had been steadily falling, but have risen again in the last two years.¹⁹⁰

10% of women in prison are foreign nationals.¹⁹¹ Some are known to have been coerced or trafficked into offending.¹⁹²

A quarter of foreign nationals are in prison for drug offences (26%) or for violence against the person (24%). One in eight are in prison for sex offences (13%) or for miscellaneous crimes against society (12%).¹⁹³

Inspectors found that provision for foreign nationals was mixed. Interpreting services were under-used and prisoners struggled to access immigration-specific legal advice from independent sources.¹⁹⁴

Foreign nationals were more likely to say they felt unsafe, that they spent more time in their cells, and that they wouldn't have a staff member to turn to if they had a problem, according to inspectors.¹⁹⁵

Removal and deportation

The average number of days taken to remove a foreign national eligible for deportation as a result of their offending is 91 days—however many people are detained for considerably longer.¹⁹⁶

3,804 people were either removed or voluntary returned to their home country in the year to June 2020 following conviction of a criminal offence. Two-thirds (67%) of those returned were EU nationals.¹⁹⁷

Immigration detainees

809 people were still held in prison at the end of June 2020 under immigration powers, despite having completed their custodial sentence.¹⁹⁸ Inspectors found that some people were notified late on in their sentences that they would continue to be held under immigration powers—in some cases the day before their sentence ended.¹⁹⁹

Unlike those held in prisons under immigration powers, people held in Immigration Removal Centres are entitled access to mobile phones, the internet, legal advice and additional safeguards.²⁰⁰

Inspectors describe conditions in Immigration Removal Centres as very similar to prison, describing disproportionate levels of physical security, use of strip-searching and handcuffs as well as long periods of confinement. Many detainees report feeling suicidal and levels of self-harm are on the increase.²⁰¹

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has stated that holding immigration detainees in prison is “fundamentally flawed”.²⁰²

Over £39m was awarded in compensation for the unlawful detention of foreign nationals between 2012 and 2020.²⁰³

¹⁸⁸ Table 1.7, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁸⁹ Ibid.

¹⁹⁰ Tables A1.12i and A.12ii, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

¹⁹¹ Table 1.7, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

¹⁹² Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

¹⁹³ House of Lords written question HL10579, 23 November 2020

¹⁹⁴ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

¹⁹⁵ Ibid.

¹⁹⁶ Table FNO_10, Home Office (2018) Immigration enforcement data: February 2018, London: Home Office,

NB The Home Office has suspended publication of this source pending the outcome of a review into the quality of the data

¹⁹⁷ Table Ret_02, Home Office (2020) Immigration statistics, year ending September 2020, London: Home Office

¹⁹⁸ Table FNO_11, Home Office (2020) Immigration enforcement data: November 2020, London: Home Office

¹⁹⁹ HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

²⁰⁰ HM Chief Inspector of Prisons (2015) Annual report 2014–15, London: HM Stationery Office

²⁰¹ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²⁰² European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2013) CPT Standards, Strasbourg: Council of Europe

²⁰³ Table 1, House of Commons Home Affairs Committee (2019) Immigration detention, London: HM Stationery Office and

Home Office (2020) Annual report and accounts 2019–20, London: HM Stationery Office

Women in prison

Women are a minority within the criminal justice system, accounting for around 10% of the probation caseload and 4% of the prison population. The drivers to their offending differ significantly from men's and they often have more complex needs.

A series of inquiries and reports in recent decades have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who offend, including the influential Corston Report on women with particular vulnerabilities in the criminal justice system—published over a decade ago.

In June 2018, the Ministry of Justice published its long awaited Female Offender Strategy “to improve our collective approach to female offenders and make society safer by tackling the underlying causes of offending and reoffending”.²⁰⁴ It promises a focus on early intervention, community-based solutions and better custody for those women who do have to be in prison. It recognises the evidence base for a distinct approach to women and the case for a local “whole systems approach”. In September 2018 a cross-government Victims Strategy was published, promising to “use trauma-informed approaches to support female offenders who are also victims”. The Government also commissioned Lord Farmer to “look at women in the criminal justice system through the lens of family and other relational ties”. Lord Farmer reported in June 2019, noting that his recommendations “will need investment, from both national and local budgets, in women’s centres, domestic abuse and other community services and inside prisons...a relatively modest investment will go a long way.”²⁰⁵

Ministers in England, Wales and Scotland have all committed to reducing women’s imprisonment. For data on women in Scotland and Northern Ireland please see page 60 58 and 61.

Use of custody

On 15 January 2021 there were 3,130 women in prison in England and Wales.²⁰⁶ 6,090 women entered prison in the year to June 2020—either on remand or to serve a sentence.²⁰⁷

Many women remanded into custody don’t go on to receive a custodial sentence—in 2019, two-thirds (66%) of women remanded by the magistrates’ court and two-fifths (39%) by the Crown Court didn’t receive a custodial sentence.²⁰⁸

Most women entering prison to serve a sentence (77%) have committed a non-violent offence.²⁰⁹

More women are sent to prison to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined.²¹⁰

The proportion of women being sent to prison to serve very short prison sentences has risen sharply. In 1993 only a third of custodial sentences given to women were for less than six months—in 2019 it was nearly double this (62%).²¹¹

Rehabilitation and resettlement

58% of women are reconvicted within one year of leaving prison. This rises to 73% for sentences of less than 12 months and to 83% for women who have served more than 11 previous custodial sentences.²¹²

The number of women recalled back to custody following their release has increased by more than 30% in three years. 1,904 women were recalled in the year to June 2020.²¹³

Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.²¹⁴

Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release.²¹⁵ However, just 4% of women were in paid employment six weeks after release from custody—compared to 10% of men.²¹⁶

²⁰⁴ Ministry of Justice (2018) Female offender strategy, London: Ministry of Justice, available at <https://www.gov.uk/government/publications/female-offender-strategy>

²⁰⁵ Lord Farmer (2019) The importance of strengthening female offenders’ family and other relationships to prevent reoffending and reduce intergenerational crime, London: Ministry of Justice

²⁰⁶ Ministry of Justice (2021) Population and capacity briefing for Friday 8 January 2021, London: Ministry of Justice

²⁰⁷ Table 2.1, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

²⁰⁸ Ministry of Justice (2020) Criminal justice system statistics quarterly: December 2019— Remands: magistrates’ court data tool and

Remands: Crown Court data tool, London: Ministry of Justice

²⁰⁹ Table 2.5b, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

²¹⁰ Ibid.

²¹¹ Table A2.7, Ministry of Justice (2020) Offender management statistics quarterly, Prison receptions 2019, London: Ministry of Justice

²¹² Tables 7.09, 7.10 and 7.08, Ministry of Justice (2018) Women and the criminal justice system 2017, London: Ministry of Justice

²¹³ Table 5.2, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice and earlier editions

²¹⁴ Hedderman, C. and Jolliffe, D. (2015) The Impact of Prison for Women on the Edge: Paying the Price for Wrong Decisions, Victims & Offenders: An International Journal of Evidence-based

Research, Policy, and Practice. 10, 152–178

²¹⁵ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²¹⁶ Table 11, Ministry of Justice (2020) Community performance quarterly MI, update to March 2020, Employment circumstances, London: Ministry of Justice

Women make up only

4%

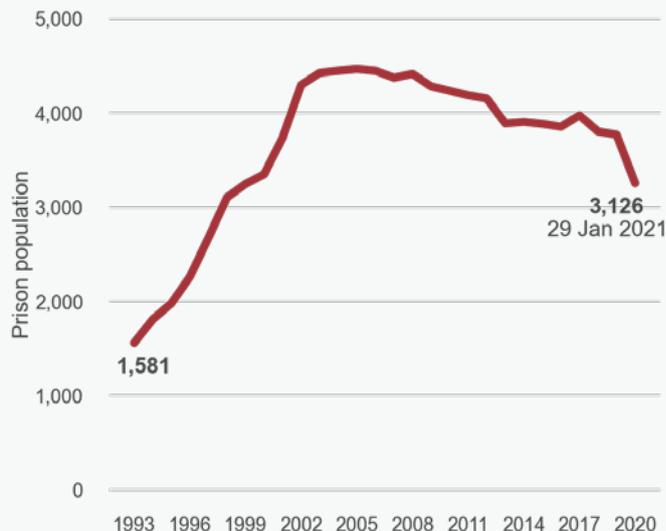
of the total prison population

6,090

women entered prison in the year to June 2020—either on remand or to serve a sentence

Source: Population and capacity briefing for 27 November 2020 and Offender management statistics quarterly: April to June 2020

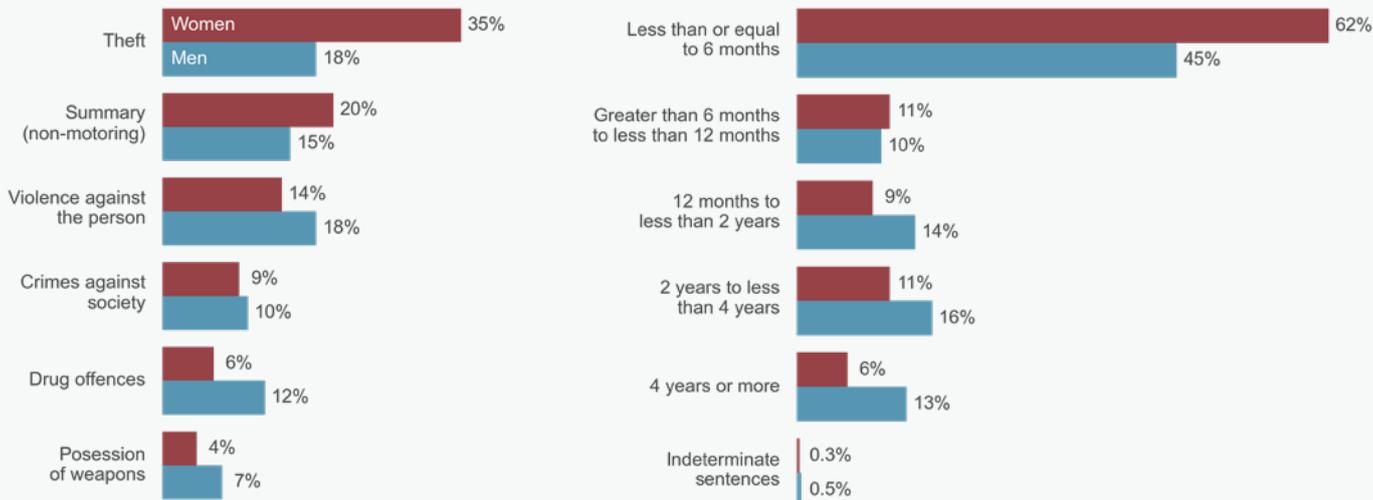
Despite a recent decline there are still twice as many women in prison today as there were 27 years ago



Source: Offender management statistics, Prison population 2020 and Population and capacity briefing for 29 January 2021

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

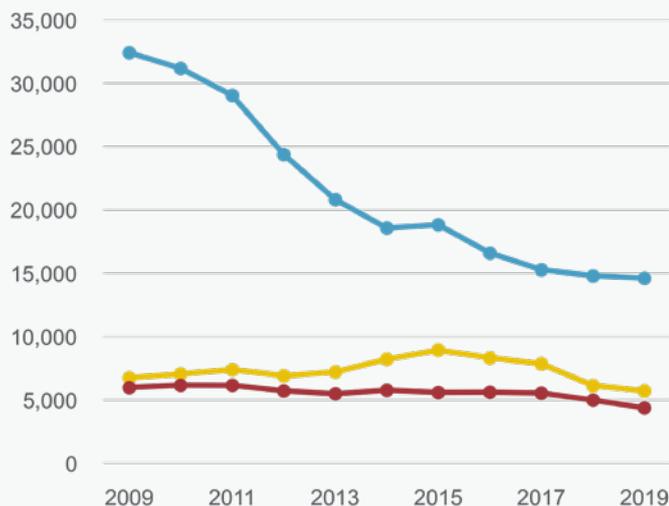
People entered prison for committing the following offences and to serve the following sentences*



Source: Offender management statistics quarterly: April to June 2020

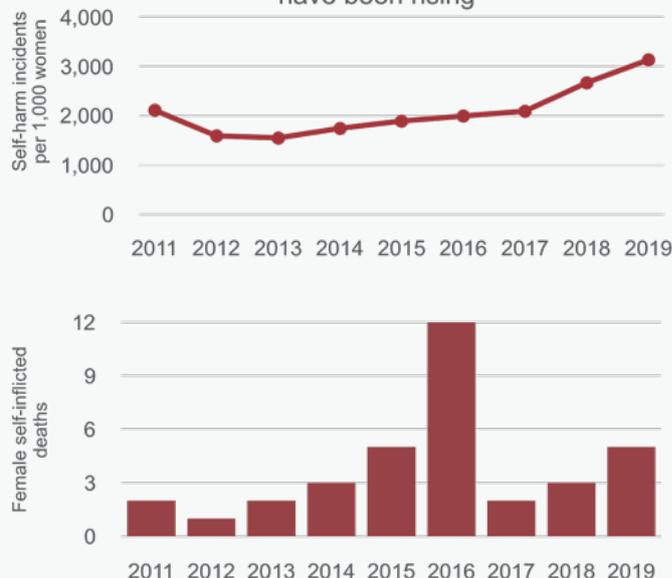
*Receptions into prison in the year to June 2020

Community sentences for women have halved in a decade. Use of **suspended sentences** has fluctuated, but only account for only 2% of all sentences. Use of **short prison sentences** has slightly declined



Source: Criminal justice statistics quarterly December 2019, Sentencing data tool

Many women in prison have **high levels of mental health needs and histories of abuse**. Rates of self-harm and self-inflicted deaths have been rising



Source: Safety in custody statistics quarterly update to June 2020

Nearly half of women (49%) left prison without settled accommodation—around one in 25 (4%) were sleeping rough on release in 2019–20, and a further one in seven (14%) were classified as “other homeless”.²¹⁷

Family

Family contact can help address the causes of reoffending on release.²¹⁸ But keeping in touch is often made more difficult by being held in prison many miles away from home. The average distance for women is 64 miles, but is often significantly more.²¹⁹ The closure of HMP Holloway increased this further according to inspectors.²²⁰

More than 17,240 children were estimated to be separated from their mother by imprisonment in 2010.²²¹ Information on the caring responsibilities of women in prison and children living in the community is not recorded centrally. The government has stated it is considering how to monitor and publish this information.²²²

30 babies were held in prison in a mother and baby unit (MBU) in March 2020. The number of applications to MBUs has fallen by 63% since 2011.²²³

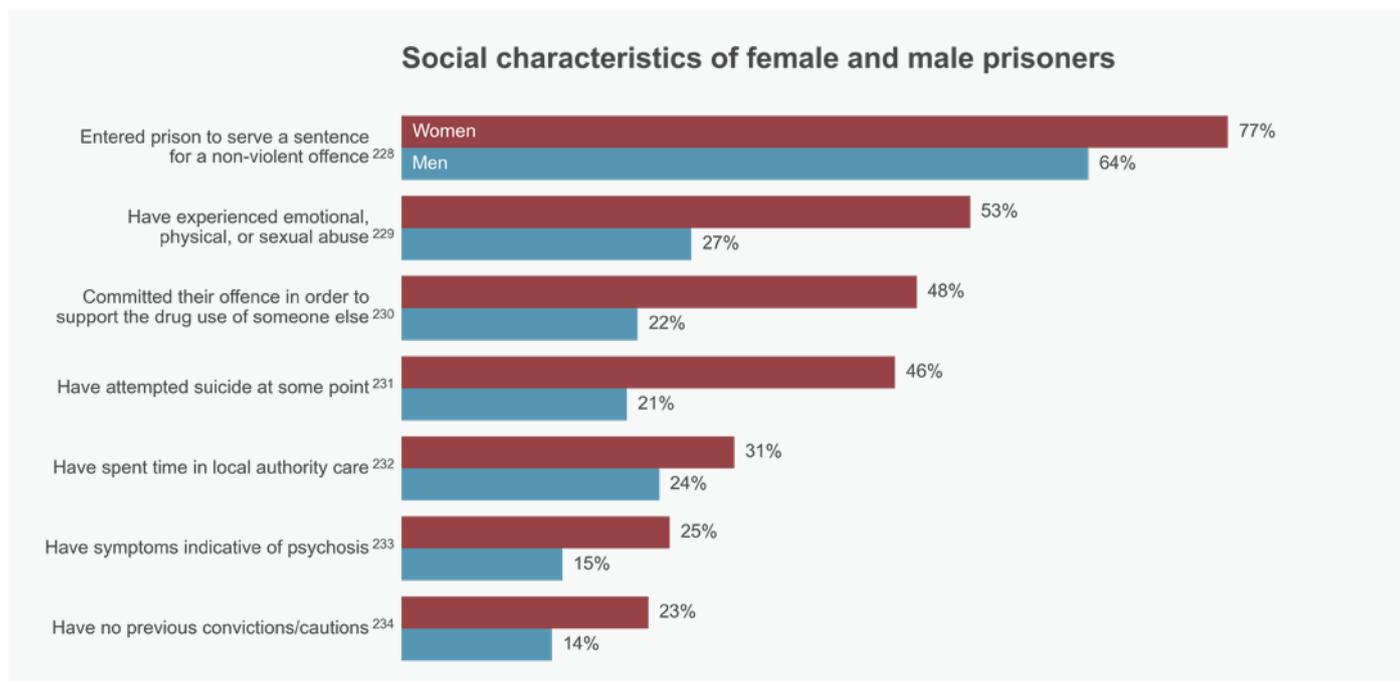
Applications for admission to an MBU were successful in only three out of four cases (75%) where a board made a decision. 49 women moved into a unit in 2019–20.²²⁴

Mental health and addictions

More than seven in 10 women (71%) reported that they had a mental health problem compared with nearly half of men (47%).²²⁵

More than half (59%) of women in prison who drank in the four weeks before custody thought they had a problem with alcohol. 52% thought their drinking was out of control, and 41% wished they could stop.²²⁶

Nearly half of women reported needing help with a drug problem on entry to prison—compared with nearly three in 10 men.²²⁷ 228 229 230 231 232 233 234



217 Table 11, Ministry of Justice (2020) Community performance quarterly MI, update to March 2020, Accommodation circumstances, London: Ministry of Justice

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

219 Women in Prison (2015) State of the Estate: Women in Prison's report on the women's custodial estate (2nd edition), London: Women in Prison

220 HM Chief Inspector of Prisons (2017) Annual report 2016–17, London: HM Stationery Office

221 Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

222 House of Commons written question 125243, 14 December 2020

223 Table 11.1, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

224 Ibid.

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

226 Table A28, A24 and A27, Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

227 Ibid.

228 Table 2.4b, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

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

230 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

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

232 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

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

234 Table A1.20, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

Children in prison

There are three Secure Training Centres (STCs), five Young Offender Institutions (YOIs) and 14 Secure Children's Homes (SCHs) which house children in custody in England and Wales. The government website declares that time in custody is spent: 1) in lessons; 2) learning employable skills and in education; 3) taking part in behavioural programmes; or 4) participating in sport and fitness activities.²³⁵

Nearly all of this has ground to a halt during the pandemic. Inspections conducted during the pandemic reveal that nearly all children had been locked up for more than 22 hours every day since the introduction of the restrictions in March. All face-to-face education stopped except in Parc, a decision inspectors described as "disproportionate and avoidable". In addition, all family face-to-face visits have been suspended.²³⁶

Use of custody

The number of children (under-18s) in custody has fallen by 82% since its peak in 2006.²³⁷ They are also committing fewer crimes—with proven offences down by 80% over the same period.²³⁸

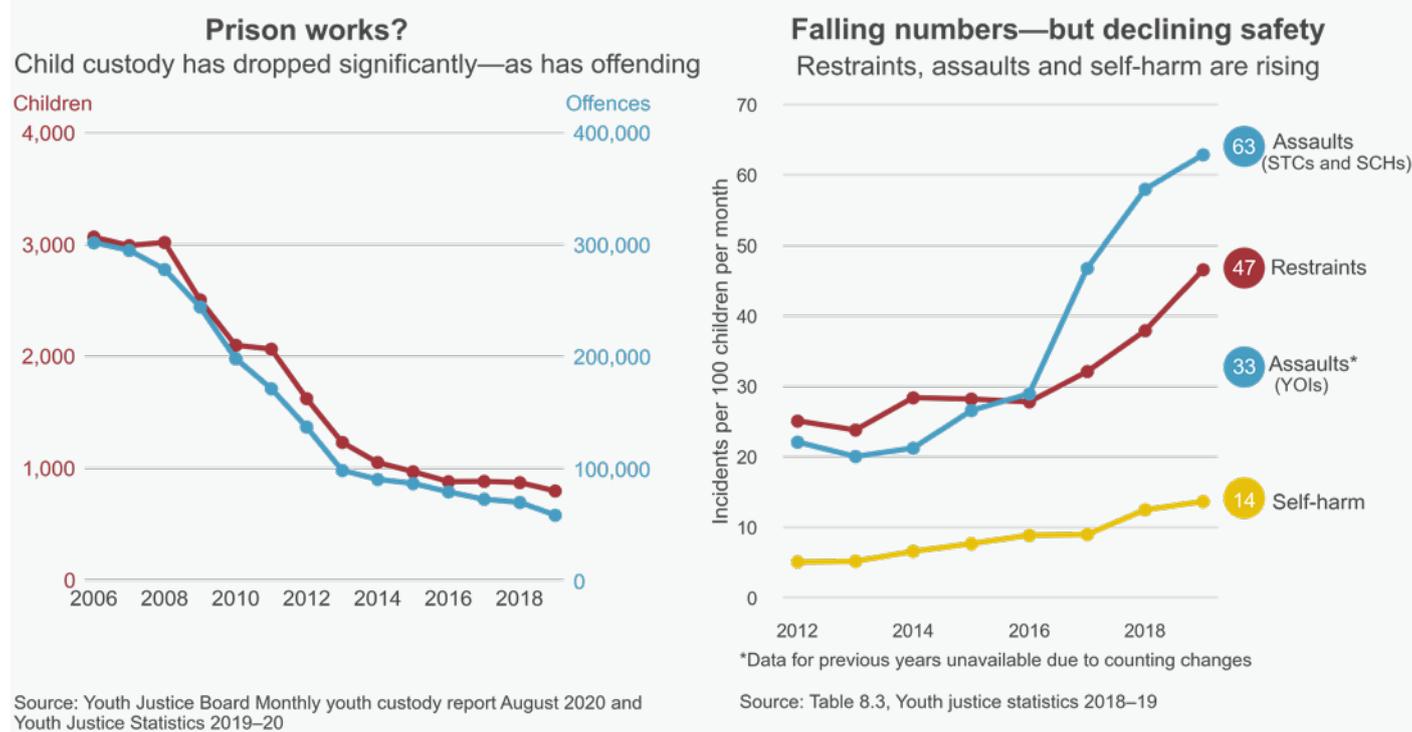
At the end of November 2020 there were 534 children in custody in England and Wales. 13 children were aged 14 or younger.²³⁹

Around three in 10 (28%) children in custody in 2018–19 were there for non-violent crimes.²⁴⁰

Around three in 10 (28%) children in custody are on remand.²⁴¹ This has increased during the pandemic. For the latest figures available at time of publication, including 18 years olds, the proportion rises to nearly four in 10 (38%).²⁴²

Two-thirds of children remanded in custody in the year to March 2019 were either subsequently acquitted (32%) or given a non-custodial sentence (34%).²⁴³

More than half of all children in custody (52%) are from a black, Asian or minority ethnic background. The drop in youth custody has not been as significant for BAME children—five years ago they accounted for a quarter of the population (25%).²⁴⁴



²³⁵ Ministry of Justice website, 'What custody is like for young people', accessed on 18 November 2020, available at <https://www.gov.uk/young-people-in-custody/what-custody-is-like-for-young-people>

²³⁶ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²³⁷ Table 1, Youth Custody Service (2019) Monthly youth custody report—September 2019, London: Ministry of Justice

²³⁸ Table 4.1, Ministry of Justice (2020) Youth justice statistics 2018–19 England and Wales, London: Ministry of Justice and Table 4.2 in previous editions

²³⁹ Tables 2.1 and 2.9, Youth Custody Service (2020) Monthly youth custody report—September 2020, London: Ministry of Justice

²⁴⁰ Table 7.6, Ministry of Justice (2020) Youth justice statistics 2018–19, London: Ministry of Justice

²⁴¹ Table 7.4, Ibid.

²⁴² Table 2.5, Youth Custody Service (2020) Monthly youth custody report—October 2020, London: Ministry of Justice

²⁴³ Table 6.6, Ibid.

²⁴⁴ Table 1 and 6, Youth Custody Service (2020) Monthly youth custody report—September 2020, London: Ministry of Justice

Children in care were five times more likely to be sanctioned for an offence than children in the general population in 2016.²⁴⁵ Fewer than 1% of all children in England are in care,²⁴⁶ but they make up 52% of children in secure training centres and young offender institutions.²⁴⁷

More than one in 10 children (13%) in secure training centres (STCs) said they were Gypsy, Romany or Traveller—over a hundred times greater than the estimated proportion in the general population. A further 8% of children in young offender institutions (YOIs) also identified as Gypsy, Romany or Traveller.²⁴⁸

Just over a quarter (27%) of children in YOIs said that they spent more than two hours out of cell on a weekend, compared with seven in 10 during the weekday. Only 57% reported being able to shower every day.²⁴⁹

Safety in custody

More YOIs and STCs are judged to be unsafe than safe. Three out of six YOIs inspected in 2019–20 were considered to be “not sufficiently good” or “poor” for safety—a deterioration on the previous year. Of the two STCs inspected, one was considered “requiring improvement” and the other “inadequate”.²⁵⁰

Children’s perceptions of their safety continues to be poor. 37% of children told inspectors that they had felt unsafe in their current YOI and 14% said they felt unsafe at the time of the inspection.²⁵¹

The use of separation is widespread across the children’s estate despite inspectors observing many serious failings locally and nationally. Inspectors found children who were unable to shower or were limited to just 15 minutes out of cell a day, as well as conditions that amounted to solitary confinement.²⁵²

Restraint of children in custody continues to rise, with an average of 522 incidents a month. In the year to March 2019, there were 47 incidents of restraint per 100 children in custody, up from 18 in 2010.²⁵³

The rate of self-harm in the children’s estate is at a record high, and the rate is particularly high in STCs. There were 34 self-harm incidents per 100 children in STCs in 2019 compared with 3.4 in 2016, a tenfold increase in just three years.²⁵⁴

Family

Just over half of children (55%) in STCs and and less than half of children (44%) in YOIs said that they had visits at least once a week from family, carers or friends.²⁵⁵

One in 10 children (10%) held in YOIs and one in 12 (8%) in STCs reported having children themselves.²⁵⁶

Education and skills

The educational background of children in custody is poor—nearly nine out of 10 children (89%) in YOIs said they had been excluded from school.²⁵⁷

Over two-fifths (42%) said that they were aged 14 or younger when they were last at school.²⁵⁸

82% of children in YOIs said they were taking part in education. Only 15% said they were in offending behaviour programmes, 6% had a job, and 5% were in vocational or skills training.²⁵⁹

²⁴⁵ Table I1, Department for Education (2017) Children looked after in England including adoption: 2016 to 2017, London: DfE

²⁴⁶ Table A1, Department for Education (2020) Children looked after in England including adoption: 2018 to 2019, London: DfE and

Table MYE1, Office for National Statistics (2020) Estimates of the population for the UK, England and Wales, Scotland and Northern Ireland, mid-2019, London: ONS

²⁴⁷ HM Inspectorate of Prisons (2020) Children in custody 2018–19, London: HM Stationery Office

²⁴⁸ Ibid.

²⁴⁹ Ibid.

²⁵⁰ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²⁵¹ HM Inspectorate of Prisons (2020) Children in custody 2018–19, London: HM Stationery Office

²⁵² HM Inspectorate of Prisons (2020) Separation of children in young offender institutions, London: HMIP

²⁵³ Table 8.3, Ministry of Justice (2020) Youth justice statistics 2018–19 England and Wales

²⁵⁴ Table 8.9, Ibid.

²⁵⁵ HM Inspectorate of Prisons (2020) Children in custody 2018–19, London: HM Stationery Office

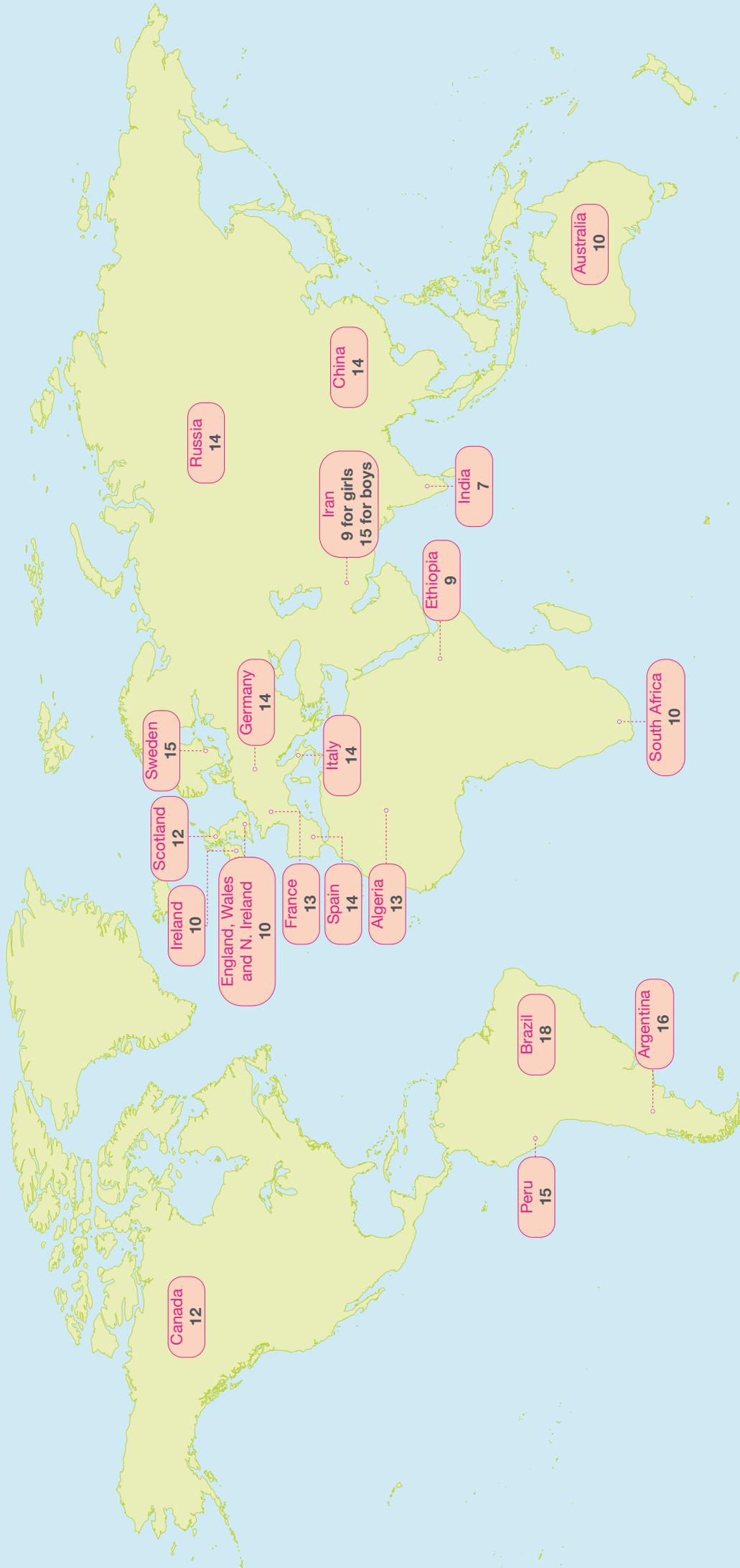
²⁵⁶ Ibid.

²⁵⁷ HM Inspectorate of Prisons (2019) Children in custody 2017–18, London: HM Stationery Office

²⁵⁸ Ibid.

²⁵⁹ HM Inspectorate of Prisons (2020) Children in custody 2018–19, London: HM Stationery Office

Youngest age at which a person may be prosecuted in a criminal trial



Other approaches to children's criminal responsibility

Sweden

No sanction can be imposed for a crime committed before the age of 15. Imprisonment may only be imposed on under 18s if there are extraordinary reasons for it.

Algeria

Before the age of 18, children have their cases dealt with by the Court for Minors. It cannot impose criminal sanctions on children under 13 but can impose measures of protection or re-education. Criminal sanctions are available for children aged 13-18, but are at a reduced level to adults.

France

Whilst 13 is the youngest age someone can be subject to criminal sanctions, France has a graduated system of penalties. This includes educative sanctions for children aged 10-13. Criminal sanctions for 13-15 year olds are half that of adults, with full criminal sanctions available from age 16.

China (exc. Hong Kong & Macau)

14 is the age of criminal responsibility for serious offences such as homicide, rape, robbery and drug trafficking. However, for other less serious offences criminal responsibility begins at 16. Less severe punishments are given to those under 18.

Young adults in prison

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

Both the House of Commons Justice Committee and Lord Harris’ review into self-inflicted deaths in custody of young adult men aged 18 to 24 called for a legal recognition of the concept of ‘maturity’. As well as chronological age, maturity should be a primary consideration in making decisions relating to diversion, sentencing and, where a custodial sentence must be given, how and where a young adult should be accommodated.

12,240 young adults are currently in prison in England and Wales—they account for 15% of the total prison population.²⁶⁰

There are now 41% fewer young adults in prison in England and Wales than 15 years ago.²⁶¹

18–20 year olds have the highest level of black, Asian and minority ethnic (BAME) over-representation in the adult prison estate of all age groups. If our prison population reflected the make-up of England and Wales, we would have 2,850 fewer BAME young adults in prison.²⁶²

Three in 10 (30%) 18–20 year olds are serving a prison sentence for violence against the person, one in five (20%) for drug offences, and one in six (17%) for robbery.²⁶³

Young adults accounted for around a quarter (24%) of all self-harm incidents in prison in 2019.²⁶⁴

Young adults were also responsible for initiating over 7,300 assaults in 2019, more than a third (35%) of all such incidents. This is more than double the number of assaults that occurred in 2012—when the population was significantly higher.²⁶⁵

Inspectors found that most prisons made little distinction in the treatment of young adults—despite the evidence on brain development and maturity.²⁶⁶

People in young adults prisons have the least time out of cell. In the two young adult prisons inspected this year, more than a third (35%) said that they had less than two hours out of their cell on a weekday, and only 2% said they had over 10 hours.²⁶⁸

Purposeful activity, such as education and training opportunities, in young adult prisons is poor compared with adult prisons. Of the two young adult prisons inspected last year, one was rated as not sufficiently good for purposeful activity, and one was rated as poor.²⁶⁹

BAME 18–20 year olds often report more negatively about their relationships with staff. Fewer said that staff treated them with respect; fewer had a member of staff they could turn to for help; and fewer said that staff normally spoke to them when they were out of their cells.²⁷⁰

6% of young adults are on the basic level of the Incentives and Earned Privileges (IEP) scheme—almost half the proportion that were in 2019 (11%).²⁷¹

Inspectors found that the IEP scheme was the least effective in young adult prisons. A focus on punitive measures and an inadequate regime for people on basic meant that many spent long periods on the lowest levels without any improvement in their behaviour.²⁷²

²⁶⁰ Table A1.7, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

²⁶¹ Ibid.

²⁶² Table 11, Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice

²⁶³ Table A1.4i, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice

²⁶⁴ Table 2.3, Ministry of Justice (2020) Safety in custody statistics quarterly update to June 2020, London: Ministry of Justice

²⁶⁵ Table 3.3, Ibid.

²⁶⁶ HM Chief Inspector of Prisons (2018) Annual report 2017–18, London: HM Stationery Office

²⁶⁷ Prior, D. et al. (2011) Maturity, young adults and criminal justice: A literature review, Birmingham: University of Birmingham

²⁶⁸ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

²⁶⁹ Ibid.

²⁷⁰ HM Inspectorate of Prisons (2018) Incentivising and promoting good behaviour, London: HM Stationery Office

²⁷¹ Table 4.1, Ministry of Justice (2020) HM Prison and Probation Service offender equalities annual report: 2019 to 2020, London: Ministry of Justice

²⁷² HM Inspectorate of Prisons (2018) Incentivising and promoting good behaviour, London: HM Stationery Office

HEALTH IN PRISON

Drugs and alcohol

A 2017 study found that receiving treatment for drug and alcohol addictions in the community can reduce offending. More than two-fifths of people (44%) didn't reoffend, and there was a 33% reduction in the number of offences committed in the two years following treatment.²⁷³

Drugs

88 men died in prison between 2008 to 2016 as a result of drug-related issues.²⁷⁴

Nearly half of men (45%) and 40% of women reported that it was easy to get drugs in their prison.²⁷⁵

The number of drug seizures continues to rise. There were 21,575 incidents where drugs were found in 2020, a rise of 18% compared with the previous year, and over twice the number just three years ago.²⁷⁶

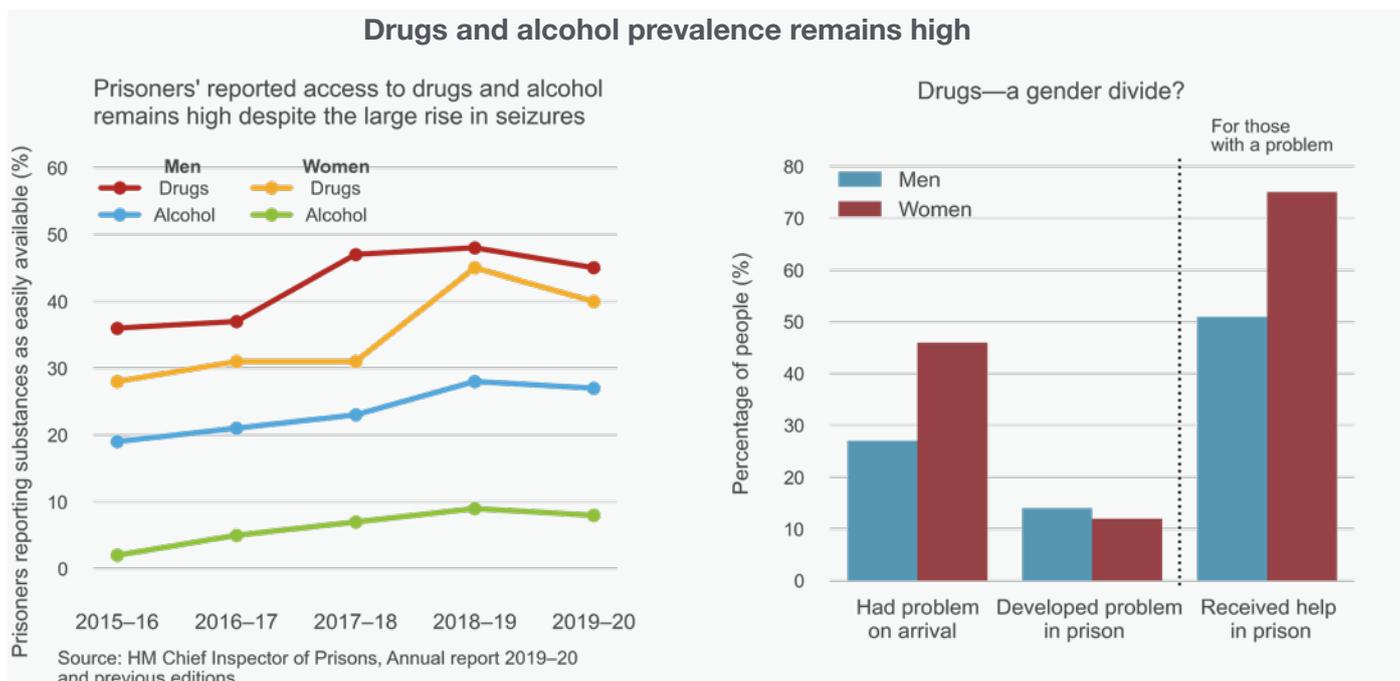
However, this has not been accompanied by less drug consumption. One in 10 (11%) random mandatory drug tests (MDT) in prison in 2020 were positive—a rise of 50% since 2015. This increases to 14% when psychoactive substances are included.²⁷⁷

Positive tests for psychoactive substances (PS) are decreasing. Around 4% of MDTs in 2020 were positive for PS—a reduction of almost a third in two years.²⁷⁸

Substance use is often the result of a combination of poor living conditions and a lack of purposeful regime according to inspectors. They also found that a quarter of prisons inspected in 2019–20 had no effective drug supply reduction strategy, similar to previous years.²⁷⁹

More than one in 10 adult men (14%) and women (12%) surveyed by inspectors reported that they had developed a problem with illicit drugs since they had arrived at prison.²⁸⁰

There were 117 deaths in prison between June 2013 and September 2018, where the person was known, or strongly suspected, to have used or possessed psychoactive substances before their death.²⁸¹



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

274 Office for National Statistics (2019) Drug-related deaths and suicide in prison custody in England and Wales: 2008 to 2016, London, ONS

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

276 Table 9.2b, Ministry of Justice (2020) HM Prison and Probation Service annual digest: 2019–20, London: Ministry of Justice

277 Table 7.1, Ministry of Justice (2020) HM Prison and Probation Service annual digest: 2019–20, London: Ministry of Justice

278 Ibid.

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

280 Ibid.

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

Inspectors have highlighted the importance of both peer and family support to reduce supply and demand of drugs in prisons—however many have inadequate peer support, and most offered no family support.²⁸²

Nearly one in 10 people (9%) reported that they had been pressured to give away their prescribed medication whilst in prison.²⁸³

Nearly one in 10 men (9%) and 14% of women in prison reported that they had developed a problem with using prescription medication meant for other people whilst in prison.²⁸⁴

15% of men and 13% of women in prison are serving sentences for drug offences.²⁸⁵

Inspectors considered the availability of drugs a problem in two of the three women's prisons inspected in 2018–19—women are also more likely to enter prison with a drug addiction than men.²⁸⁶

66% of women and 38% of men in prison report committing offences to get money to buy drugs.²⁸⁷

Nearly half of women in prison report having committed offences to support someone else's drug use.²⁸⁸

NHS England estimates that it spends approximately 20% of all prison healthcare spending on substance misuse services—some £81m in 2016–17.²⁸⁹

Almost 53,000 people in prison received drug and alcohol treatment during 2018–19. Over half (52%) were for support with opiate use.²⁹⁰

Women in prison who are receiving treatment for substance misuse are more likely to be receiving support than men for opiate addiction. Three-quarters of women (75%) receiving treatment in custody during 2018–19 were there for opiate addiction, compared with half of men (50%).²⁹¹

A higher proportion of women than men (75% compared with 51%) said they had been helped with their drug problem in prison.²⁹²

Only around a third of adults in prison (34%) in need of substance misuse treatment following release in 2018–19 were successfully engaged in community-based treatment within 21 days.²⁹³

Alcohol

70% of people in prison with a self-identified alcohol problem said they had been drinking when they committed the offence for which they were in prison. 38% of people surveyed in prison believed that their drinking was a big problem.²⁹⁴

Women are significantly more likely to say they have a problem with alcohol on arrival at prison than men (28% against 17%).²⁹⁵

Over a quarter of men (27%) said that it was easy to get alcohol in their prison—more than three times the level amongst women in prison (8%).²⁹⁶

Nearly half (45%) of all adults receiving treatment in custody during 2018–19 had problematic alcohol use—either as their only problem substance or alongside other drug use.²⁹⁷

282 HM Inspectorate of Prisons (2015) Changing patterns of substance misuse in adult prisons and service responses, London: HMIP.

283 Ibid.

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

285 Table 1.4i, Ministry of Justice (2020) Offender management statistics quarterly, Prison population 2020, London: Ministry of Justice

286 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

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

288 Ibid.

289 House of Commons written question 8136, 12 September 2017

290 Table 2.2, Public Health England (2020) Alcohol and drug treatment in secure settings 2018 to 2019, London: PHE

291 Table 2.3, Ibid.

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

293 Calculated by Public Health England: Evidence Application Team using data from the National Drug Treatment Monitoring System (NDTMS) available at <https://fingertips.phe.org.uk/profile/public-health-outcomes-framework/data>

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

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

296 Ibid.

297 Table 2.5, Public Health England (2020) Alcohol and drug treatment in secure settings 2018 to 2019, London: PHE

Mental health

There is currently insufficient data to identify how many people are remanded in custody pending a psychiatric report, how many are assessed as having a mental health problem, and how many are so unwell that they require transferring out of custody for treatment.

An independent review, conducted by former Home Office minister, Lord Bradley (The Bradley Report, 2009) called for adequate community alternatives to prison for vulnerable people. One of the report's recommendations was for all police custody suites and criminal courts to have access to liaison and diversion services. These services identify and, where appropriate, divert people with mental health problems, learning disabilities and other support needs away from the criminal justice system and into treatment and care. The roll-out of liaison and diversion services achieved 100% coverage across England in March 2020.²⁹⁸ A total of 87,450 people used liaison and diversion services in 2018–19.²⁹⁹

In October 2017 the UK government announced an independent review of the 1983 Mental Health Act, led by Professor Sir Simon Wessely. The review made 154 recommendations, and in January 2021 the government announced a new white paper outlining its planned reforms.³⁰⁰

For people entering prison, NHS England has rolled out new healthcare screening templates to identify people with mental health needs.³⁰¹

71% of women and 47% of men surveyed by inspectors in prison reported having mental health problems.³⁰²

A study of 469 male and female prisoners found that 43% of participants had been previously diagnosed with a mental illness. Some of the most common diagnoses include personality disorders (27%), anxiety disorders (27%), PTSD (20%), psychotic disorders (10%) and autism (4%).³⁰³

Although more than half of study participants reported having previous contact with mental health services, only around half of those reported current contact with prison mental health services.³⁰⁴

Women in prison have a much higher prevalence of mental illness than men—in particular they are more likely to have personality disorders, mood disorders and eating disorders.³⁰⁵

70% of people who died from self-inflicted means whilst in prison had already been identified as having mental health needs. However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.³⁰⁶

The PPO also found that no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified.³⁰⁷

1,016 people were transferred from prison to a secure hospital in 2019, the second highest number on record.³⁰⁸

At a third of prisons inspected in 2019 officers had not undergone adequate mental health awareness training, despite repeated recommendations.³⁰⁹

In 2018 new pilots were announced to help people with mental health, alcohol and substance abuse issues to address the underlying causes of their offending. The Community Sentence Treatment Requirements (CSTR), established in five areas of England, bring together health and justice services to assess, and where appropriate divert people from short custodial sentences, and improve access to treatment. Early evidence has shown increased confidence among sentencers—resulting in more CSTRs issued in those areas.³¹⁰

298 Table 4.1e, Ministry of Justice (2020) Women and the Criminal Justice System 2019, London: Ministry of Justice

299 Government website, 'Reforming the Mental Health Act', accessed on 21 January 2021, available at <https://www.gov.uk/government/consultations/reforming-the-mental-health-act>

300 Ministry of Justice (2018) A review of self-inflicted deaths in prison custody in 2016, London: Ministry of Justice and House of Commons written question 249321, 11 November 2019

301 Ibid.

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

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

304 Ibid.

305 Ibid.

306 Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

307 Ibid.

308 Table 7, Ministry of Justice (2020) Offender management statistics quarterly, Restricted patients 2019, London: Ministry of Justice

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

310 Ministry of Justice website, 'Vulnerable offenders steered towards treatment', accessed on 13 January 2021, available at <https://www.gov.uk/government/news/vulnerable-offenders-steered-towards-treatment>

Disability, health and social care

Disability

Information on the prevalence of physical and mental disability in prisons is poor and out of date. HMPPS currently has no way of establishing whether people entering prison have specific needs related to a disability.

36% of people in prison are estimated to have a physical or mental disability. This compares with 19% of the general population.³¹¹

11% have a physical disability, 18% have a mental disability and 8% have both.³¹²

22% of people in prison with a disability reported feeling suicidal when they first arrived in prison—more than three times higher than for people without a disability (7%).³¹³

People in prison with disabilities report more negatively about many key aspects of prison life.³¹⁴

Nearly two-thirds of people in prison with a disability (63%) reported feeling unsafe—they were also more than twice as likely to report experiencing bullying or victimisation than those without a disability.³¹⁵

More than half of people (56%) in prison with a disability said they had been victimised by staff.³¹⁶

One in six (17%) people in prison with a disability said they had been restrained by staff in the last six months—compared with one in 10 (10%) people without a disability.³¹⁷

People in prison with a disability report spending more time in their cells. A quarter (25%) of people in prison with a disability said that they spent less than two hours out of their cells each weekday, compared with one in six (16%) people without a disability.³¹⁸

Inspectors found that wheelchair and mobility access was generally poor in all but the newest prisons. It was not uncommon to see wheelchairs left outside cells that had doors too narrow to navigate, leaving some prisoners confined inside.³¹⁹

Nearly a third of children (32%) held in secure training centres and a quarter (25%) of children in young offender institutions said they had a disability.³²⁰

More than half of boys with disabilities (52%) reported having felt unsafe at some time, compared with fewer than three in 10 (29%) of those without a disability.³²¹

Health and social care

Inspectors found that most health services in prison are reasonably good and generally improving. However, access to mental health assessments and treatment was inadequate in approximately half of prisons.³²²

Nearly three in 10 (29%) men's prisons inspected in 2018–19 failed to meet minimum standards of infection control and cleanliness.³²³

Inspectors also highlighted problems with poor governance of medicines in at least 10 prisons inspected in 2019–20. A lack of lockable storage and inconsistent supervision is leading to bullying and trading of prescribed medicines.³²⁴

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

312 Ibid.

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

314 Ibid.

315 Ibid.

316 Ibid.

317 Ibid.

318 Ibid.

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

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

321 Ibid.

322 Ibid.

323 HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

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

HM Chief Inspector of Prisons (2019) Annual report 2018–19, London: HM Stationery Office

People in prison receive inequitable social care support according to inspectors. People may receive a poor, satisfactory or very good service based on which prison they are held in.³²⁵

Inspectors found significant delays between referrals and assessment of social care needs in some prisons, in some cases up to five months. They found people who had to wait several months to receive equipment, such as wheelchairs and grab rails, and faced long delays to repairs.³²⁶

A third of men (33%) and women (32%) said it was easy to see a doctor.³²⁷

Only a quarter of men (25%) and fewer than three in 10 women (28%) said it was easy to see a mental health worker.³²⁸

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.³²⁹ Prevalence of other blood-borne viruses such as HIV are also higher in prison.³³⁰

Nearly one in five (19%) of the prison population tested positive for a latent TB infection.³³¹ Foreign nationals are particularly at risk of TB infection.

Under a half of men (47%) and just over a quarter of women (27%) said they went to the gym two or more times a week. Inspectors routinely found that access was restricted because of staff shortages.³³²

The Prisons and Probation Ombudsman (PPO) found that healthcare staff in many cases treated people who had died from natural causes in a caring and compassionate manner—judged to be equivalent to the treatment they could have expected to receive in the community.³³³

However, the ombudsman also found “too many” healthcare failings—including investigations where healthcare staff failed to make urgent referrals to specialists, and a lack of continuity of care when people are transferred from prison to hospital, and back again.³³⁴

The ombudsman also found many old and frail prisoners experienced degrading and inhumane treatment in hospital due to excessive security measures. Prisoners with double leg amputations and in medically-induced comas were observed handcuffed to the bed, and prisoners continue to be observed dying while chained to prison staff.³³⁵

Two babies were born and died in prison in 2019–20, one in HMP Bronzefield and one in HMP Styal. They are the subject of inquest proceedings and the PPO will publish their findings shortly after.³³⁶

People can apply for compassionate release if they have a life expectancy of less than three months, are bedridden, or severely incapacitated.³³⁷

The number of people granted compassionate release for health reasons is low—between 2012 and 2018, only 71 people were released. A further 11 people were released in 2019.³³⁸

During the pandemic prisoners who were pregnant, had babies in custody, or were considered extremely vulnerable to Covid-19 were permitted to apply for temporary release on compassionate grounds. However, as of 30 September 2020 only 54 prisoners had been released under the scheme.³³⁹

The ombudsman found that risk assessments that were conducted for compassionate or temporary release were frequently judged based on the risk a person would have posed when healthy—not the actual risk they pose based on their current health condition.³⁴⁰

³²⁵ HM Inspectorate of Prisons and Care Quality Commission (2018) Social care in prisons in England and Wales, London: HMIP

³²⁶ Ibid.

³²⁷ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

³²⁸ Ibid.

³²⁹ Health and Social Care Committee (2018) Prison health, London: House of Commons

³³⁰ Ibid.

³³¹ O'Moore, É., et al. (2019) Health and justice annual review 2018/19, London: Public Health England

³³² HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

³³³ Prisons and Probation Ombudsman (2020) Annual report 2019–20, London: PPO

³³⁴ Ibid.

³³⁵ Ibid.

³³⁶ House of Commons written question 101946, 12 October 2020

³³⁷ HM Prison Service (2012) Prison Service Order 6000: Parole release and recall, London: Ministry of Justice and HM Prison Service (2010) Prison Service Order 4700: Indeterminate sentence manual, London: Ministry of Justice

³³⁸ House of Lords written question HL2099, 1 November 2017 and House of Lords written question HL10210, 11 November 2020

³³⁹ Table 3, HM Prison and Probation Service (2020) HMPPS COVID-19 statistics : September 2020, London, HMPPS and Government website, accessed on 27 November 2020, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881060/covid19-use-compassionate-rotl.pdf

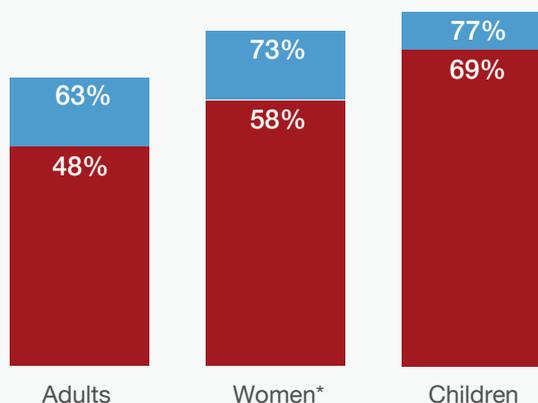
³⁴⁰ Prisons and Probation Ombudsman (2017) Learning lessons from PPO investigations: Older prisoners, London: Prisons and Probation Ombudsman.

REHABILITATION AND RESETTLEMENT

Reoffending

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

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



Short prison sentences have been shown to be **less effective** at reducing reoffending than community orders for people committing the same types of crime.



For people with **more than 50 previous offences**, the odds of reconviction

when a short prison sentence is used rather than a community sentence. **↑ 36%**

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

Sources: Proven reoffending statistics: January to March 2018 and previous editions; 2013 Compendium of re-offending statistics and analysis and Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?

A recent study has estimated the annual total economic and social cost of reoffending to be £18.1bn.³⁴¹

Community sentences are particularly effective for people who have committed a large number of previous offences (more than 50) and those with mental health problems.³⁴²

Mental health treatment requirements can reduce reoffending. One-year reoffending rates fell by 3.5 percentage points for people on community orders, and by 5 percentage points for people given a suspended sentence order, for people made subject to a mental health treatment requirement”.³⁴³

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.³⁴⁴

Some factors affecting reconviction

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

69%

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



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

57%

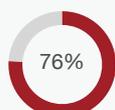
said they were living with their immediate family on release



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

1 in 3

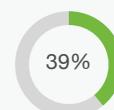
said they had used class A drugs since leaving custody



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



Source: Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice and Ministry of Justice (2014) Prisoners' experience of prison and outcomes on release: Waves 2 and 3 of SPCR, London: Ministry of Justice

³⁴¹ Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

³⁴² Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court order on reoffending?, London: Ministry of Justice

³⁴³ Ibid.

³⁴⁴ Ministry of Justice (2017) The impact of community-based drug and alcohol treatment on re-offending, London: Ministry of Justice and Public Health England

Purposeful activity

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison. In 2018 the government published an education and employment strategy with proposals on increasing the use of Release on Temporary Licence; giving governors powers to commission education in their prisons; expanding vocational training opportunities; and improving employment outcomes on release.³⁴⁵

The figures in this section refer to the period before the pandemic unless otherwise stated. From April 2020 to the time of publication almost all purposeful activity has stopped. You can find out more about the impact of the pandemic in [Covid-19 and the prison system](#) on page 15.

Just over a third of prisons (36%) received a positive rating from inspectors in 2019–20 for purposeful activity work—continuing the decline from half of prisons in 2016–17.³⁴⁶

Inspectors in 2019–20 found that people continue to spend too long locked up in their cells—around a fifth (19%) were routinely locked up during the working day in most prisons. This is an improvement on 2018–19 when around a quarter were locked up during the working day.³⁴⁷

People are more likely to be locked up for longer in local and young adult prisons. Around a third of people in local prisons (32%) and young adult prisons (35%) said they spent less than two hours a day out of their cells.³⁴⁸

Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, almost one in eight people (12%) in Category C prisons, and one in six (16%) in Category B prisons said they were locked up for more than 22 hours a day.³⁴⁹

Almost three-quarters of men’s prisons inspected in 2019–20 required improvement or were inadequate in their education, skills and work provision according to Ofsted inspectors—none were rated “outstanding”. Leadership and management of education, skills and work-related activities were rated as good or better in improving outcomes for prisoners in only a third of prisons.³⁵⁰

Education³⁵¹

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.³⁵²

Literacy levels amongst the prison population remain significantly lower than the general population.³⁵³ Nearly two-thirds (62%) of people entering prison were assessed as having literacy skills expected of an 11 year old—more than four times higher than in the general adult population (15%).³⁵⁴

Changes to prison education contracts now allow greater flexibility to fund opportunities, such as arts, and informal learning to allow people to engage and progress during their sentence.³⁵⁵

However, there have been declines in the number of people participating in learning whilst in prison, and in achieving qualifications in recent years.³⁵⁶

78,000 adults in the prison system participated in education in the 2017–18 academic year—a drop of 12% on the previous year.³⁵⁷

The number of people achieving qualifications fell by 13% in 2017–18. Despite a small increase in the number of people achieving level 3 qualifications (AS and A Level equivalent), all other levels declined.³⁵⁸

³⁴⁵ Ministry of Justice (2018) Education and employment strategy, London: HM Stationery Office

³⁴⁶ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

³⁴⁷ Ibid. and previous editions

³⁴⁸ Ibid.

³⁴⁹ Ibid.

³⁵⁰ Ibid.

³⁵¹ Statistics relating to education for the year 2019–20 are unavailable due to disruption to normal data collection during the pandemic.

³⁵² Ministry of Justice and Department for Education (2017) Exploring the outcomes of prisoner learners: analysis of linked offender records from the Police National Computer and Individualised Learner Records, London: Ministry of Justice

³⁵³ Department for Education (2017) OLASS English and maths assessments: participation 2017/18, London: DFE

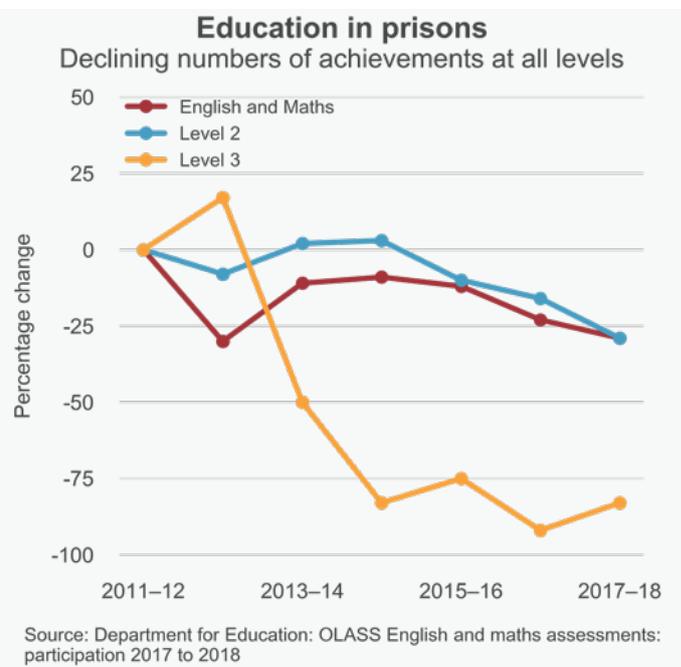
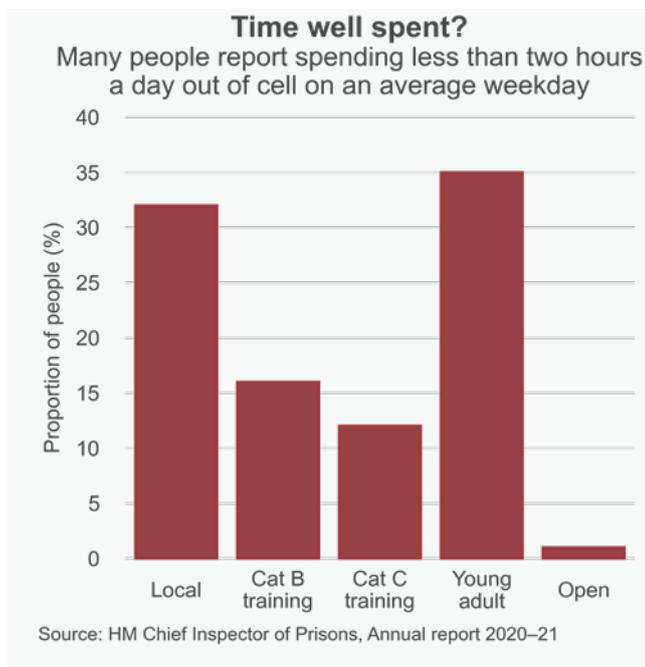
³⁵⁴ Figure 1.1, Department for Business Innovation and Skills (2012) The 2011 Skills for Life Survey: A Survey of Literacy, Numeracy and ICT Levels in England, London: BIS

³⁵⁵ Prisoners’ Education Trust website, ‘New prison education contracts create challenges and opportunities’, accessed on 14 January 2021, available at <https://www.prisonerseducation.org.uk/2019/01/new-prison-education-contracts-create-challenges-and-opportunities/>

³⁵⁶ Tables 10.1 and 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London:

³⁵⁷ Table 10.1, Ibid.

³⁵⁸ Table 10.2, Ibid.



The number of English and maths qualifications achieved has also fallen—numbers fell by 29% between the 2011–12 and 2017–18 academic years.³⁵⁹

There are approximately 2,000 prisoners in higher education. Currently students must be within six years of their release date to be eligible for a student loan, limiting opportunities for people serving long prison sentences. Prisoner participation in higher education has been estimated to cut reoffending rates by 20–40%.³⁶⁰

Just 200 people achieved a level 3 qualification in the 2017–18 academic year via mainstream prison learning—a tenth of the number in 2011–12.³⁶¹

However, the number of people studying with The Open University is rising again—there were over 1,200 people studying in England and Wales in 2017–18.³⁶²

People in prison studying with The Open University typically have similar completion rates and pass rates as their mainstream counterparts.³⁶³

Employment

The Ministry of Justice has committed to encouraging more employers to create employment opportunities for people in prison and on release. Its education and employment strategy established the New Futures Network to develop partnerships between prisons and employers—in addition to delivering purposeful activity in prison.³⁶⁴

The number of people working in prison hit a record high last year. Numbers have risen by more than a fifth (21%) since 2015.³⁶⁵

An average of 10,500 prisoners are working in the public prison estate, and a further 2,000 are working in private prisons. They worked for over 17 million hours in total in 2019–20.³⁶⁶

However, inspectors found that in too many prisons teachers failed to assess prisoners starting points and learning needs adequately, or failed to record and report on assessment results or provide feedback on their performance. Where people did develop work skills, they were often not recorded, recognised or accredited, leaving people unable to demonstrate their abilities to prospective employers.³⁶⁷

³⁵⁹ Ibid.

³⁶⁰ Higher Education Policy Institute (2019) Student loans for those on long prison sentences, Oxford: HEPI

³⁶¹ Table 10.2, Skills Funding Agency (2018) Further education and skills: November 2018, London: SFA

³⁶² Provided by The Open University

³⁶³ Ibid.

³⁶⁴ Ministry of Justice (2018) Education and employment strategy, London: Ministry of Justice

³⁶⁵ Tables 4.1 and 4.2, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

³⁶⁶ Ibid.

³⁶⁷ HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and previous editions

Training

People who attend vocational training in prison are more likely to secure employment shortly after release³⁶⁸—a view endorsed by Ofsted.³⁶⁹

The Ministry of Justice has committed to introduce a Prisoner Apprenticeship Pathway—a formal 12 month apprenticeship on release to provide resettlement with a guaranteed job and a guaranteed income.³⁷⁰

Timpson actively recruit people with convictions to work for them, and currently employ around 650 Foundation colleagues. There are seven prison training academies, including at HMPs Downview, New Hall, Blantyre House and Whitemoor. In addition, at HMP Thorn Cross there are three workshops where shoe repairs and specialist photo production takes place. Thorn Cross also releases people on Release on Temporary Licence (ROTL) who work in the day in other parts of the business and return to prison each evening.³⁷¹

The Clink Charity operates restaurants, which are open to the public, at HMPs High Down, Cardiff, Brixton, the women’s prison HMP Styal, and a cafe in central Manchester, in partnership with the prison service. It offers prisoners the chance to gain experience and qualifications in the food and hospitality industry, with mentoring and guidance to find full-time employment, and provide resettlement support upon release. Research by the Ministry of Justice showed a 50% reduction in the likelihood of reoffending and a lower frequency of reoffences.³⁷²

Lendlease’s not-for-profit subsidiary Be Onsite provides training and employment opportunities in the construction industry. Their Mind the Gap programme works with people on ROTL and at the end of their sentence, with the aim of reducing construction industry skills gaps and reoffending. It is tackling the challenges of sustained job creation and reducing reoffending by developing an infrastructure to deliver long-term construction training and support for 400 businesses and 60 sustained job outcomes.³⁷³

Recycling Lives is a social business which enables prisoners to gain skills and qualifications to help them reduce their risk of reoffending on release. It works in 11 prisons in the UK and engages up to 250 men and women at a time in its HMP Academies programme, which employs offenders in either recycling or fabrication work.³⁷⁴

Peer-support

In many prisons people provide support to their peers. Roles include providing practical and emotional support; acting as representatives to highlight issues and concerns amongst their peers to staff; de-escalating tensions between prisoners to prevent violence or bullying; and coaching or guiding those learning a new skill or preparing for release.

Inspectors have noted “prisoners often prefer support from their peers to other formal or professional sources of support, and peers are often easier to access, making them a more readily available source of support.”³⁷⁵

St Giles Trust offers training and a recognised Level 3 qualification in advice and guidance under its Peer Advisor Programme to prisoners and ex-offenders in prisons across England and Wales. 13,227 people were helped in prison through the Peer Advisor Programme in 2016–17.³⁷⁶

The Reading Plan run by the Shannon Trust enables prisoners to act as peer mentors to support other prisoners who are learning to read. Nine out of 10 learners surveyed felt their reading skills were improving.³⁷⁷

The Samaritans’ Listener Scheme is active in almost every prison across the UK. In 2018 there were 1,424 active Listeners in place—with 1,425 Listeners trained during 2018. Listeners play an invaluable role in making prisons safer by being there for other prisoners who might be struggling to cope, helping them to talk about their worries and try to find a positive way forward. Listeners were contacted more than 48,557 times during 2018.³⁷⁸

368 Brunton-Smith, I. and Hopkins, K. (2014) The impact of experience in prison on the employment status of longer-sentenced prisoners after release, London: Ministry of Justice

369 Ofsted (2014) The report of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills 2013/14: Further education and skills, Manchester: Ofsted

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

371 Provided by Timpson. James Timpson, Chief Executive of Timpson, is Chair of the Prison Reform Trust

372 The Clink website, <https://theclinkcharity.org>, accessed on 15 December 2020, and Ministry of Justice (2018) Justice Data Lab analysis: Re-offending behaviour after participation in the Clink Restaurant training programme, London: Ministry of Justice

373 Provided by Lendlease

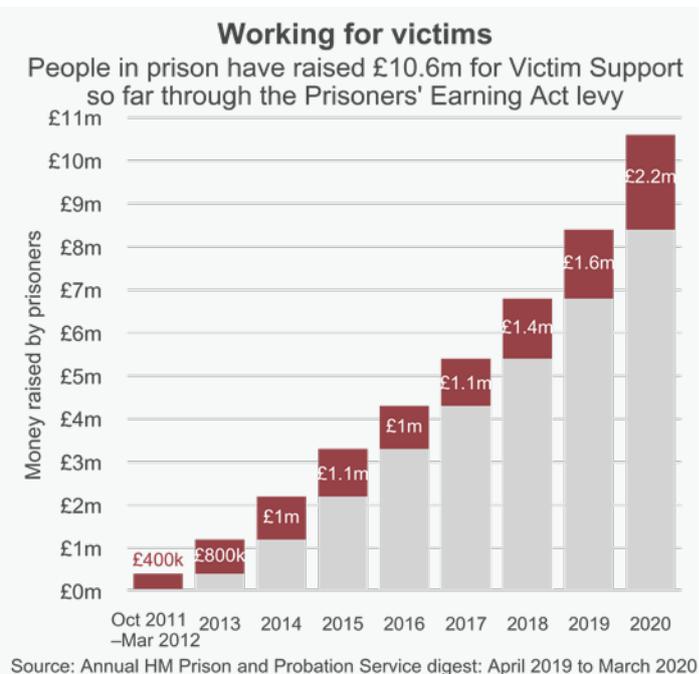
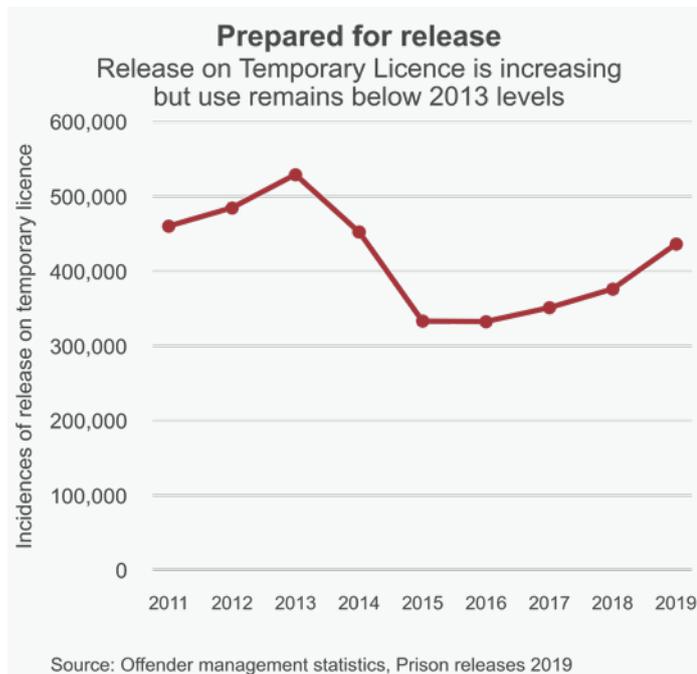
374 Recycling Lives website, accessed on 15 December 2020, available at <https://www.recyclinglives.com/social-value/hmp-academies>

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

376 Provided by St Giles Trust

377 Provided by Shannon Trust

378 Provided by Samaritans



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 to. People may take part in work and volunteering, re-establish contact with their families and try to find accommodation. Last year the government published a new ROTL Policy Framework, allowing prison governors greater autonomy to release prisoners on licence.³⁷⁹

In 99.86% of cases ROTL is completed successfully. There were just 11 failures as a result of alleged further offending in 2017 out of more than 350,000 instances of ROTL.³⁸⁰

People who are given ROTL have lower rates of reoffending. The more that ROTL is used, the greater the impact on reducing reoffending and the fewer the number of offences people commit.³⁸¹

Despite this, restrictions were introduced on ROTL in 2013 which saw a drop in use of 37% over two years, and although there was an increase last year, it remains below its peak. At the time restrictions were introduced, the success rate was 99.93%.³⁸²

On average, just 811 people per month were working out of prison on licence during 2019–20.³⁸³

They paid £222 per month on average to the Prisoners' Earnings Act levy—the equivalent of almost a fifth of their net earnings.³⁸⁴

£10.6m has been paid to Victim Support since the introduction of the levy in October 2011.³⁸⁵

Home Detention Curfew (HDC)

HDC allows people to live outside of prison, providing they do not breach strict conditions, to help prepare them for life on release. Only people serving sentences of between three months and less than four years are eligible.

There were 12,832 releases on HDC in 2019, a decrease (13%) on the number the previous year. Use of HDC has fallen significantly since 2002 when over 20,000 people were released.³⁸⁶

Just over a third (35%) of people who were eligible to be released were granted HDC in 2019.³⁸⁷

³⁷⁹ Ministry of Justice website, accessed on 11 December 2020, available at <https://www.gov.uk/government/news/offender-rehabilitation-drive-boosted-by-new-rotl-rules>

³⁸⁰ Table A3.7, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice and House of Lords written question HL10936, 6 November 2018

³⁸¹ Hillier, J. and Mews, A. (2018) The reoffending impact of increased Release of prisoners on Temporary Licence, London: Ministry of Justice

³⁸² Table A3.7, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice

³⁸³ Table 5.1 and 5.2, Ministry of Justice (2020) Annual HM Prison and Probation Service digest: 2019 to 2020, London: Ministry of Justice

³⁸⁴ Table 5.2, Ibid.

³⁸⁵ Table 5.1, Ibid.

³⁸⁶ Table A3.5, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice

³⁸⁷ Ibid.

Resettlement³⁸⁸

Nearly everyone in prison will be released at some point. Last year 62,771 people were released.³⁸⁹

Some people are entitled to receive a discharge grant to help them on release—however this has remained fixed at £46 since 1995. Thousands of prisoners are ineligible, including those released from remand, fine defaulters and people serving less than 15 days.³⁹⁰ During the pandemic the grant was temporarily increased to £80.³⁹¹

Employment

For many, having a criminal conviction is a barrier to leading a law-abiding life on release. The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs. The government has announced plans to reduce the amount of time it takes for a conviction to be spent.³⁹²

Only 10% of people are in employment six weeks after leaving prison. After a year, the figure rises to just 17%.³⁹³

Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.³⁹⁴

However, more than 145 employers so far, including the entire Civil Service, have signed up to Ban the Box—removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.³⁹⁵

Accommodation

Only half (50%) of people released from prison between March 2019–20 had settled accommodation on release.³⁹⁶ More than one in six (17%) were homeless or sleeping rough.³⁹⁷

A report on accommodation and support for adults leaving prison found that between February 2019–20, 65% of those without settled accommodation had reoffended compared with 44% of those with settled housing.³⁹⁸

The Homelessness Reduction Act 2017 means that prisons and probation providers are now required by law to refer people who might be at risk of becoming homeless to the local housing authority. Between April and June 2020, 1,670 people in England were referred under the scheme by probation services, and 790 people were referred by prisons.³⁹⁹

Since August 2019 a £6m pilot has been supporting people serving short sentences who are at high risk of returning to prison. The pilot aims to provide stable accommodation for up to two years to people leaving HMPs Leeds, Pentonville and Bristol. 323 individuals have been enrolled on the scheme.⁴⁰⁰

Financial exclusion

Many people in prison are released with debts which have built up during their sentence—adding to the problems they face on release. These include outstanding fines, rent or mobile phone contracts. Inspectors found that in many cases no action was taken before release, despite problems being apparent at the start of a sentence.⁴⁰¹

People cannot make a claim for Universal Credit until they have been released from prison.

Concerns have been raised that this is placing people into unnecessary hardship on release. As part of the government's response to Covid-19, DWP have established a helpline specifically for prison leavers, who are issued with information about the line as part of their discharge pack on leaving prison.⁴⁰²

³⁸⁸ Statistics quoted in this section refer to conditions and circumstances from before the pandemic unless otherwise stated

³⁸⁹ Table A3.1, Ministry of Justice (2020) Offender management statistics, Prison releases 2019, London: Ministry of Justice

³⁹⁰ Hansard, 15 March 2004, Col. 143W and Prison Service Instruction 72/2011 Discharge, Annex B

³⁹¹ House of Commons written question 69683, 14 July 2020

³⁹² The government website, accessed on 11 January 2020, available at <https://www.gov.uk/government/news/criminal-record-reform-to-support-ex-offenders-into-work>

³⁹³ Ministry of Justice (2020) Community Performance Quarterly, update to March 2020, London: Ministry of Justice and

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

³⁹⁴ YouGov and Department for Work and Pensions (2016) Survey Results, Fieldwork 26 June–14 December, London: YouGov, available at

https://d25d2506sfb94s.cloudfront.net/cumulus_uploads/document/42yrwvixdo/YG-Archive-160126-DWPwaves.pdf

³⁹⁵ Business in the Community website, accessed on 25 November 2019, available at www.bitc.org.uk/banthebox

³⁹⁶ Ministry of Justice (2020) Community Performance Quarterly, update to March 2020, London: Ministry of Justice

³⁹⁷ Ibid.

³⁹⁸ HMI Probation (2020) Accommodation and support for adult offenders in the community and on release from prison in England: An inspection by HMI Probation, London: HMI Probation

³⁹⁹ House of Commons written question 7749, 12 September 2017, and Table A7, Ministry of Housing, communities and local government (2020) Statutory homelessness: Detailed local authority-level tables, London: MHCLG

⁴⁰⁰ Ministry of Justice website, accessed on 25 November 2019, available at <https://www.gov.uk/government/news/prisons-to-deliver-trailblazing-6m-rough-sleeping-initiative> and House of Lords written question HL8382, 22 September 2020, and House of Lords written question HL10209, 11 November 2020

⁴⁰¹ Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP

⁴⁰² Day, A. (2018) Huffington Post, 'Universal Credit: Prisoners "Lured Back Into Crime" By Benefit Delays', available at https://www.huffingtonpost.co.uk/entry/universal-credit-prisoners-being-set-up-to-fail-and-lured-back-into-crime-by-benefit-delays_uk_5be595aae4b0d0be871aa26f2, and House of Lords, written question HL10478, 18 November 2020

Family

Family and friends are a highly significant factor in enabling successful resettlement on release. Despite this, inspectors found no evidence that families were involved in sentence planning, even when a person said they were relying on them for support after release.⁴⁰³

Arrangements to help prisoners maintain and strengthen family ties are variable across prisons, and are not given sufficient priority or resources according to an independent government commissioned review and prisons inspectors.⁴⁰⁴

Furthermore, no-one routinely monitors the parental status of prisoners in the UK or systematically identifies children of prisoners, where they live or which services they are accessing.

The government does not know how many people in prison have children under 18—however, 58% of women and 48% of men surveyed by inspectors in 2019–20 reported that they did.⁴⁰⁵

Nearly one in five (19%) young adults (18–20 years old) surveyed said they had children. This compares to 4% of the general population who are young fathers.⁴⁰⁶

One in 10 boys in young offender institutions told inspectors that they had children themselves.⁴⁰⁷

Fewer than half of men (46%) and seven in 10 (71%) women were offered a free telephone call on their first night in prison to let family know that they were okay.⁴⁰⁸

Prisoners who receive family visits are 39% less likely to reoffend than those who do not receive visits. Research suggests that familial relationships are particularly important for women in prison.⁴⁰⁹

However, fewer than two in five (39%) prisoners reported that it was quite easy or very easy for family to visit them at their current prison—and fewer than one in five (19%) people received visits at least once a week.⁴¹⁰

Women are often held further away from their families, making visiting difficult and expensive. The average distance is 64 miles, but many are held considerably further away.⁴¹¹

Inspectors found that in many prisons people were often locked up at 6pm or earlier—affecting their access to the telephone and contact with their family.⁴¹²

Families play an important role in supporting people in prisons' mental health. Despite this, of the 119 prisons in England and Wales, 44 had no functioning safer custody telephone lines in 2019.⁴¹³

The cost of making a telephone call from prison without in-cell telephones is expensive. A 30 minute call during the working week to a landline costs £2.23 and for mobiles is £4.97.⁴¹⁴ During the pandemic and the suspension of physical visits, the cost of calls from prisons with in-cell telephones have been reduced by 25% and wing landing phones by 15%.⁴¹⁵

Secure in-cell telephones have been introduced in around half of men's prisons (47%), two-thirds of women's prisons (63%), and the entirety of the closed children's estate.⁴¹⁶ Full rollout across the closed women's estate is expected by March 2021. People in prison reported that their relationship with partners, children and wider family had deepened, strengthened, and become more resilient as a result.⁴¹⁷

In public prisons, call charges from prisons without in-cell phones are nearly double the rate of those prisons with in-cell phones.⁴¹⁸

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

404 Farmer, M. (2017) The importance of strengthening prisoners' family ties to prevent reoffending and reduce Intergenerational Crime, London: Ministry of Justice and

HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP

405 HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office and House of Commons written question 125243, 14 December 2020

406 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

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

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

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

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

411 Women in Prison (2015) State of the estate—Women in Prison's report on the women's custodial estate (2nd edition), London: Women in Prison

412 Ibid.

413 Pact (the Prison Advice and Care Trust), Prison Reform Trust and INQUEST (2019) Keeping people safe in prison, London: Prison Reform Trust

414 Ministry of Justice (2019) Freedom of Information request 190924022 by Ken Porter available at https://www.whatdotheyknow.com/request/prison_telephone_calls#incoming-1462910

415 Information provided by HMPPS

416 House of Commons written question 114121, 11 November 2020

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

418 Ministry of Justice (2019) Freedom of Information request 190924022 by Ken Porter available at https://www.whatdotheyknow.com/request/prison_telephone_calls#incoming-1462910

OTHER UK PRISON SYSTEMS

Scotland

The Scottish Government is taking forward an ambitious prison reform programme which includes increasing the use of community sentences; reducing the use of short-term custodial sentences and remand; and improving the reintegration of people from custody to community. In 2019 it extended 2010 legislation to restrict the use of custodial sentences of less than three months up to 12 months, “with the aim of using prison primarily for those individuals who have committed serious offences and those cases involving issues of public safety.” It has also set a target to reduce the women’s prison population—with places for up to 230 women.⁴¹⁹

On 4 May 2020 the Scottish government passed The Release of Prisoners (Coronavirus) (Scotland) Regulations 2020, allowing for the potential release of people in prison who had been sentenced to 18 months or less and had 90 days or less left to serve in custody.⁴²⁰ Between 5 May and 1 June, a total of 348 prisoners were released, more than the equivalent scheme in England and Wales despite a substantially smaller prison population (~9%).⁴²¹

Sentencing and the use of custody

On 15 January 2021 the total number of people in custody in Scotland stood at 7,479. There were 8,200 people in prison on average over the year.⁴²²

Scotland now has the highest imprisonment rate in western Europe—136 people in prison per 100,000 of the population. England and Wales have an imprisonment rate of 131 per 100,000, France 90 per 100,000 and Germany 69 per 100,000.⁴²³

16% of people sentenced by the courts were given a custodial sentence in 2018–19. This has remained broadly the same over the last decade.⁴²⁴

Almost three-quarters of people (74%) sentenced to custody in 2018–19 had committed non-violent offences.⁴²⁵

Prison sentences are getting longer. The average length of a custodial sentence is now over 10 months (326 days)—more than two months (63 days) longer than a decade ago.⁴²⁶

A statutory presumption against prison sentences of less than three months was introduced in 2010—unless a court considers that no other method of dealing with the person is appropriate.⁴²⁷ However, they still accounted for over a quarter (26%) of custodial sentences given in 2018–19.⁴²⁸

As of 4 July 2019 the statutory presumption has been extended to sentences of 12 months or less. In 2018–19 these accounted for 79% of all custodial sentences handed out by the courts.⁴²⁹

The number of people on remand remains high—accounting for a quarter of people in prison compared with 15% in England and Wales. There were 1,893 people in prison on remand on 1 November 2020, 24% more than the 2018–19 average of 1,525 people.⁴³⁰

The cost of imprisonment has risen in recent years. In 2018–19 it cost an average of £35,601 per prison place—up by nearly £2,500 in five years, an increase of 8% in real terms.⁴³¹

419 The Scottish Government website, accessed on 15 December 2020, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

420 The Release of Prisoners (Coronavirus) (Scotland) Regulations 2020, available at <https://www.legislation.gov.uk/ssi/2020/138/contents/made> and

The Scottish Government website, accessed on 23 December 2020, available at <https://www.gov.scot/news/short-term-prisoner-release/>

421 The Scottish Government (2020) Coronavirus (COVID-19): Justice Analytical Services data report – July 2020, Edinburgh: The Scottish Government

422 Scottish Prison Service website, accessed on 15 January 2021, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx> and

Table A1, The Scottish Government (2020) Scottish prison population: statistics 2019 to 2020, Edinburgh: The Scottish Government

423 World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 24 November 2020, available at

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

424 Tables 7 and 8(b), The Scottish Government (2020) Criminal proceedings in Scotland 2018–19, Edinburgh: The Scottish Government

425 Table 8(b), *Ibid.*

426 Table 10(c), *Ibid.* and The Scottish Government (2017) Criminal proceedings in Scotland 2015–16, Edinburgh: The Scottish Government

427 The Criminal Justice and Licensing (Scotland) Act 2010

428 Table 10(a), The Scottish Government (2020) Criminal proceedings in Scotland 2018–19, Edinburgh: The Scottish Government

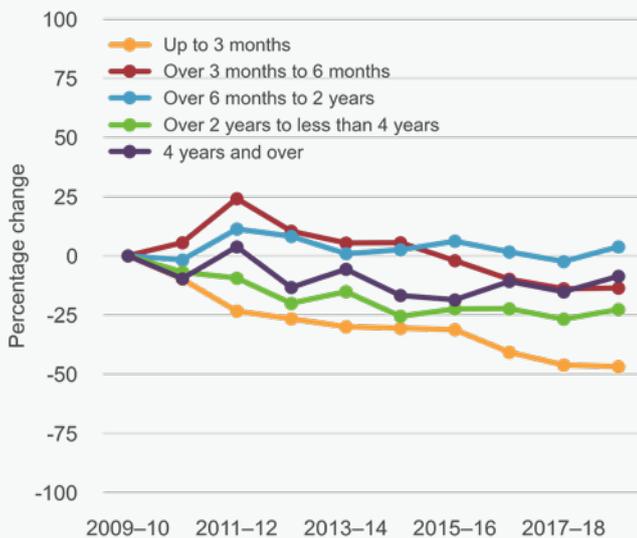
429 *Ibid.* and The Scottish Government website, accessed on 24 December 2020, available at <https://www.gov.scot/news/presumption-against-short-sentences-extended/>

430 The Scottish Government (2020) Coronavirus (COVID-19): Justice Analytical Services data report – October 2020, Edinburgh: The Scottish Government and

Table 1.1, Ministry of Justice (2020) Offender management statistics quarterly: April to June 2020, London: Ministry of Justice

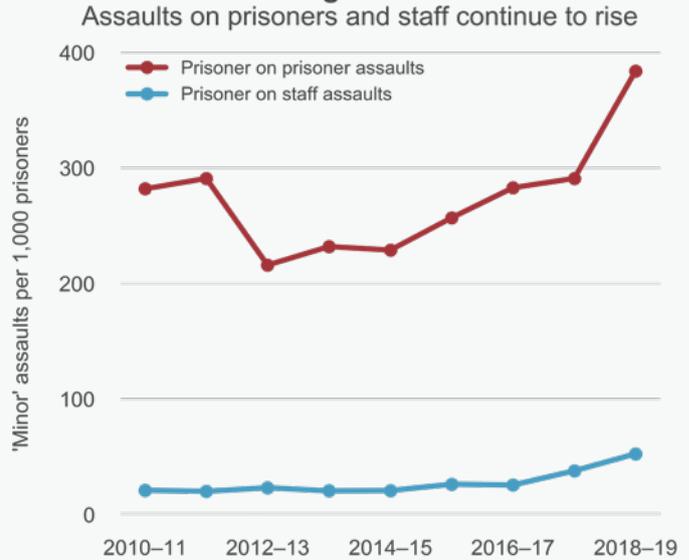
431 Appendix 8a, Scottish Prison Service (2019) Annual report and accounts 2018–19, Edinburgh: SPS and Scottish Prison Service (2014) Annual report and accounts 2013–14, Edinburgh: SPS

Short custodial sentences in Scotland The decline of the three month sentence



Source: Criminal proceedings in Scotland 2017-18 and previous editions

Rising tensions



Source: Scottish Prison Service annual reports

The use of community sentences has been gradually rising over the last decade—they accounted for 19% of all sentences in 2018-19, up from 14% in 2009-10.⁴³²

Safety in prisons

There have been 154 deaths in custody in the last five years—with 28 so far in 2020. 53 of these deaths are still under investigation.⁴³³

Self-harm incidents are increasing. There were 762 incidents in 2018, almost triple the number in 2013 (267).⁴³⁴

Violence in prisons is increasing at a dramatic rate. In 2018-19 there was a 38% rise in recorded prisoner on prisoner assaults, and a 44% rise in serious prisoner on prisoner assaults over the year.⁴³⁵

Assaults on staff have risen by 45% during the same period. There were 420 assaults on staff in 2018-19, 10 of which were serious, compared with 297 in 2017-18.⁴³⁶

People in prison

Almost three-quarters (71%) of tests carried out on people entering prison in 2018-19 were positive for illegal drugs.⁴³⁷

Many people in prison have previously been in care. Over a third of women (38%) and a quarter of men (25%) reported having been in care as a child.⁴³⁸

Over a third of people in prison reported having a disability (38%). More than two in five people also said they had a long term illness (41%).⁴³⁹

More than three in five people (61%) in prison reported that they had children. Two in five of those reported having three or more children.⁴⁴⁰

More than one in 10 people (11%) in prison reported being a member of the Armed Forces. Three-quarters of those reporting (74%) were in the Army, 9% were in the Navy, 9% were in the Air Force and 6% were Reservists.⁴⁴¹

432 Table 7, The Scottish Government (2020) Criminal proceedings in Scotland 2018-19, Edinburgh: The Scottish Government and Criminal proceedings in Scotland 2015-16

433 Scottish Prison Service website, accessed on 17 December 2020, available at <https://www.sps.gov.uk/Corporate/Information/PrisonerDeaths.aspx>

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

435 Appendix 9a, Scottish Prison Service (2019) Annual report and accounts 2018-19, Edinburgh: SPS and previous editions

436 Ibid.

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

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

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

440 Ibid.

441 Ibid.

Women in prison

The number of women in prison in Scotland has been gradually increasing since 2016–17. There were 402 women in prison on average during 2019–20.⁴⁴²

A higher proportion of women are prosecuted for ‘crimes of dishonesty’ than men—17% of proven offences by women were for acquisitive crimes compared with 11% of men’s.⁴⁴³

Women are more likely to report being under the influence of drugs at the time they committed their offence—more than half (53%), compared with 37% of men.⁴⁴⁴

104 pregnant women have been held in prison in Scotland between 2013–2017—during this time 31 children have been born whilst in prison.⁴⁴⁵

Seven in 10 women in prison reported that they had been a victim of domestic violence.⁴⁴⁶

Children and young adults in prison

There were 235 young people (under 21) in prison as of 11 December 2020—26 of these were under 18.⁴⁴⁷ The number of young people sent to prison has fallen by 71% in the last decade.⁴⁴⁸

Almost half (46%) of young people were under the influence of drugs at the time of their offence (compared to 38% adults). One-in-eight (12%) committed their offence to get money to buy drugs.⁴⁴⁹

Over half (56%) of young people reported being drunk at the time of their offence.⁴⁵⁰

Almost half (46%) of young people reported being in care as a child.⁴⁵¹

Rehabilitation and resettlement

41% of people released from custody are reconvicted within a year—rising to 56% for men and 57% for women with more than 10 previous convictions.⁴⁵²

Fewer than three in 10 people (28%) in prison said they had accessed services while in prison to help them prepare for release. Of those who accessed services, 72% had sought advice in relation to housing.⁴⁵³

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.⁴⁵⁴

Two in five (40%) people in prison surveyed said that if they were offered help for their drug problem they would take it—however, just a fifth (21%) said they had received it.⁴⁵⁵

Nearly four out of five (79%) people in prison said they had ok, good, or very good access to family and friends. The most common form of contact was telephone (58%), followed by letter (57%) and visits (43%).⁴⁵⁶

An evaluation of the SPS Throughcare Service, which provides people serving short sentences with support to prepare for and on release from prison, found improved engagement with support services including benefits; housing; substance misuse treatment; education and employment—factors which are known to aid desistance from crime and reduce reoffending.⁴⁵⁷

⁴⁴² Table A2, The Scottish Government (2020) Scottish prison population: statistics 2019 to 2020, Edinburgh: The Scottish Government

⁴⁴³ Table 6, The Scottish Government (2020) Criminal proceedings in Scotland 2018–19, Edinburgh: The Scottish Government

⁴⁴⁴ Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

⁴⁴⁵ Scottish Prison Service (2018) Freedom of Information request, HQ 17267 available at <http://www.sps.gov.uk/FreedomofInformation/FOI-5648.aspx>

⁴⁴⁶ Scottish Prison Service (2018) Women in custody 2017, Edinburgh: SPS

⁴⁴⁷ Scottish Prison Service website, accessed on 17 December 2020, available at <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

⁴⁴⁸ Table 11, The Scottish Government (2020) Criminal proceedings in Scotland 2018–19, Edinburgh: The Scottish Government

⁴⁴⁹ Scottish Prison Service (2018) Young people in custody 2017, Edinburgh: SPS

⁴⁵⁰ Ibid.

⁴⁵¹ Ibid.

⁴⁵² Table 9 and 11, The Scottish Government (2020) Reconviction rates in Scotland: 2017–18 offender cohort, Edinburgh: The Scottish Government

⁴⁵³ Scottish Prison Service (2020) Prisoner survey 2019, Edinburgh: SPS

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

⁴⁵⁷ Reid-Howie Associates Ltd. (2017) Evaluation of the SPS Throughcare Support Service, Edinburgh: SPS

Northern Ireland

The Northern Ireland Prison Service has committed to a reform programme lasting 10 years or more—focusing on effective leadership; purposeful activity opportunities; equality of outcomes for prisoners, with a more diverse workforce; improving accommodation; and a strong relationship with healthcare. The Northern Ireland executive was re-formed in January 2020 with Naomi Long MP appointed Justice Minister, the first for three years.

There is no dedicated prison for women in Northern Ireland. Women are currently housed in Ash House, a block inside HMP Hydebank Wood Secure College. Inspectors from the monitoring board visiting in 2017–18 stated that “the Board strongly agree with the Criminal Justice Inspectorate (CJINI, 2016b) that ‘it is still inappropriate that women are located within a secure college for young men.’”⁴⁵⁸

The Covid-19 pandemic has disrupted the normal running of the prison system in Northern Ireland. Prison visits were suspended on 23 March but have been paused and reintroduced throughout the year as the perceived threat of infection has changed.⁴⁵⁹ Video calls were introduced as a replacement. By 16 October the Prison Service had facilitated more than 20,000 virtual visits from HMPs Hydebank Wood, Maghaberry and Magilligan. On 9 April the government announced its intention to use temporary release powers for those with under three months or less remaining to serve. Around 100 people were released early under the scheme. This equates to around 6.5% of the prison population, compared to less than 0.5% of the prison population in England and Wales given conditional early release as a consequence of the pandemic.⁴⁶⁰

Sentencing and the use of custody

The average number of people in prison in Northern Ireland rose by 5% in 2019–20 to 1,516.

However, on 15 January 2021 the total population stood at 1,386.⁴⁶¹

The imprisonment rate for Northern Ireland is 71 per 100,000 of the population. England and Wales have an imprisonment rate of 131 per 100,000, France 90 per 100,000 and Germany 69 per 100,000.⁴⁶²

The number of people entering prison rose by 1% last year. There were 5,322 receptions into prison during 2019–20.⁴⁶³

The number of people entering prison for failure to pay a fine is decreasing. 222 people went to prison in 2019–20 for fine default—down from 653 in 2016–17.⁴⁶⁴

The number of convictions rose last year for the third year running and there has been a rise in the proportion of sentences resulting in custody. In 2010, 9% of people convicted were sentenced to custody; by 2020 this had risen to 13%. The proportion receiving suspended sentences has also risen from 11% to 16%.⁴⁶⁵

Northern Ireland continues to hold a high proportion of people in prison on remand compared with other countries. It currently holds almost a third (32%) on remand, compared with 14% in England and Wales, and 23% in Scotland.⁴⁶⁶

Remand accounted for almost two-thirds (62%) of all receptions into prison in 2019–20, with 3,310 receptions in total. On average 492 people were held in prison on remand, up by 13% on the previous year. They spent 130 days in prison on average.⁴⁶⁷

More than three-quarters (77%) of people entering prison to serve a sentence in 2019–20 have been sentenced to a year or less.⁴⁶⁸

⁴⁵⁸ Independent Monitoring Board (2018) Annual report 2017–18 Hydebank Wood College and Women’s Prison, London: IMB

⁴⁵⁹ Northern Ireland Department of Justice website, accessed on 22 December available at <https://www.justice-ni.gov.uk/topics/prisons/prison-visits>

⁴⁶⁰ Northern Ireland Department of Justice website, accessed on 22 December available at <https://www.justice-ni.gov.uk/news/covid-19-temporary-release-prisoners-scheme> and BBC website, accessed on 22 December 2020, available at <https://www.bbc.co.uk/news/uk-northern-ireland-52157100>

⁴⁶¹ Table 1, Redmond, R. and Palmer, P. (2020) The Northern Ireland Prison Population 2019/20, Belfast: Department of Justice and Northern Ireland Prison Service, situation report for 11 December 2020, accessed on 15 January 2021, available at <https://www.justice-ni.gov.uk/articles/weekly-situation-reports-october-2015>

⁴⁶² World Prison Brief, Institute for Crime & Justice Policy Research website, accessed on 17 December 2020, available at http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=14

⁴⁶³ Table 7, Redmond, R. and Palmer, P. (2020) The Northern Ireland Prison Population 2019/20, Belfast: Department of Justice

⁴⁶⁴ Ibid.

⁴⁶⁵ Tables 1 and 5a, Department of Justice (2020) Court Prosecutions, Conviction and Out of Court Disposals Statistics for Northern Ireland 2020, Belfast: Department of Justice and Table 6c, Department of Justice (2014) Northern Ireland Conviction and Sentencing Statistics 2010–2012, Belfast: Department of Justice

⁴⁶⁶ Table 1, Redmond, R. and Palmer, P. (2020) The Northern Ireland Prison Population 2019/20, Belfast: Department of Justice; Table A1.1, Ministry of Justice (2020) Offender management statistics, Prison population 2020, London: Ministry of Justice; and The Scottish Government (2020) Coronavirus (COVID-19): Justice Analytical Services data report – July 2020, Edinburgh: The Scottish Government

⁴⁶⁷ Tables 1 and 7, Redmond, R. and Palmer, P. (2020) The Northern Ireland prison population 2019/20, Belfast: Department of Justice and Northern Ireland Prison Service (2020) Analysis of NIPS prison population from 01/10/2018 to 31/12/2019, Belfast: Department of Justice

⁴⁶⁸ Table 10, Redmond, R. and Palmer, P. (2020) The Northern Ireland prison population 2019/20, Belfast: Department of Justice

The average cost of keeping a person in prison has fallen from historically high levels—costing £43,029 per year in 2019–20, down from £73,732 in 2010.⁴⁶⁹

Safety in custody

During 2018–19 there were eight deaths in custody—five at HMP Maghaberry and three at HMP Magilligan. Five appeared to be self-inflicted and the remaining three appeared to be the result of natural causes.⁴⁷⁰ An “immediate” review of vulnerable people in custody was announced in 2016 but has been beset with delays. Delivery of the final report is now expected in May 2021.⁴⁷¹

A study estimated the prevalence of mental illness as 25% higher in Northern Ireland than the rest of the UK. Despite this, the needs of prisoners suffering from mental illness are poorly understood.⁴⁷²

Half of people reported feeling unsafe at some time during their time in custody. 42% reported they had been bullied and of those, 19% reported the incident and 23% did not.⁴⁷³

Almost one in 10 people (8%) reported they had developed a drug problem since entering prison.⁴⁷⁴

Around one in 10 people tested positive for drugs—HMP Magilligan (10%) and HMP Maghaberry (9%).⁴⁷⁵

Treatment and conditions

Availability of constructive activity in prisons varies widely. At HMP Magilligan, people spent around 70 hours a month in constructive activity, whereas at HMP Maghaberry people only spent around 20 hours per month. However, inspectors have questioned the accuracy of this data, and warned that it doesn’t provide any indication of quality.⁴⁷⁶

Inspectors found significant improvements at HMP Maghaberry—staff-prisoner relationships were much more positive, there was better supervision and a predictable regime had been introduced which contributed to a safer environment.⁴⁷⁷

However, despite a reduction in violence at HMP Maghaberry, nearly one in three people (29%) still said they felt unsafe.⁴⁷⁸

Inspectors continue to find worse outcomes for Catholics in prison than Protestants. Inspectors said that “a serious attempt was being made” at Maghaberry prison, to help understand the reasons.⁴⁷⁹

People in prison

Almost 40% of people reported that they had a problem with drugs when they came into prison—31% reported having a problem with prescription drugs.⁴⁸⁰

44% of people reported having a problem with alcohol when they came into prison.⁴⁸¹

A total of 67% of all people in prison are on prescribed medication—80% at HMP Maghaberry, 58% at HMP Magilligan and 38% at HMP Hydebank Wood. The levels of prescribing reflect the fact that prisoners tend to have poorer physical and mental health than the general population.⁴⁸²

34% of people entering prison have a literacy ability, and 51% a numeracy ability, at a level broadly equated to that expected of a nine year old.⁴⁸³

469 Northern Ireland Prison Service (2020) Northern Ireland Prison Service annual report and accounts 2019–20, Belfast: Department of Justice and Committee for Justice (2014) Prison service reform and management of drugs misuse: Northern Ireland Prison Service, Belfast: Northern Ireland Assembly

470 The Prisoner Ombudsman for Northern Ireland (2019) Annual report 2018–19, Belfast: The Prisoner Ombudsman for Northern Ireland

471 Kearney, V. (2017) BBC News, ‘Maghaberry Prison: Concern for vulnerable inmates’, available at <http://www.bbc.com/news/uk-northern-ireland-41005688> and Northern Ireland Assembly (2020) Vulnerable Prisoners: Care Review oral question, 6 October 2020

472 Criminal Justice Inspection Northern Ireland (2019) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

473 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

474 Ibid.

475 Criminal Justice Inspection Northern Ireland (2019) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

476 Criminal Justice Inspection Northern Ireland (2018) An inspection of resettlement in the Northern Ireland Prison Service, Belfast: CJINI

477 Criminal Justice Inspection Northern Ireland (2018) Report on an unannounced visit to Maghaberry Prison, 9–19 April 2018, Belfast: CJINI

478 Ibid.

479 Ibid. and Criminal Justice Inspection Northern Ireland (2017) Report on an unannounced inspection of Magilligan Prison, 12–22 June 2017, Belfast: CJINI

480 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI

481 Ibid.

482 Ibid.

483 Northern Ireland Prison Service (2014) Building for the future—Northern Ireland Prison Service estate strategy, Belfast: Department of Justice

12% of the prison population are foreign nationals—more than two-thirds (67%) are on remand.⁴⁸⁴

Women in prison

On 18 December 2020 there were 54 women in prison in Northern Ireland.⁴⁸⁵ They accounted for 8% of receptions into prison in 2019–20.⁴⁸⁶

Receptions to prison increased by a third (34%) for women between 2014–15 and 2019–20—whilst men’s rose by 9%. Much of the increase has been due to a rise in the number of women remanded into custody.⁴⁸⁷

Four out of five (80%) women entering prison to serve a sentence are there for non-violent offences. The majority of these are for theft.⁴⁸⁸

Two in five women (42%) in prison surveyed said they had children under the age of 18. More than half (53%) said it was difficult or very difficult for family and friends to visit. Almost a quarter (24%) said they received no visits.⁴⁸⁹

Children and young adults in prison

126 children (aged 10–17) entered custody in 2019–20, a 21% decrease in the last year. The majority were boys (86%). 17 children were held in custody on average.⁴⁹⁰

Most children are in custody on remand—accounting for almost two-thirds (65%) of the population.⁴⁹¹

Nearly two in five children in custody (39%) were in care in 2019–20.⁴⁹²

Inspectors have raised concerns that children continue to be inappropriately placed in custody at times of crisis when no alternative accommodation is available, and when offending is not serious.⁴⁹³

127 young adults (aged 18–20) entered custody in 2019–20 to serve a sentence.⁴⁹⁴

More than half of young adults (55%) in custody said they had felt unsafe at some time—one in six (16%) told inspectors they currently felt unsafe.⁴⁹⁵

Rehabilitation and resettlement

Inspectors have raised concerns at the lack of targets, performance data or outcomes available to assess measures to reduce risk, reoffending, and preparing people to return to the community.⁴⁹⁶

45% of adults released from custody went on to be reconvicted within a year. Two-thirds of people (66%) who reoffended did so within four months of release; almost four out of five (78%) had within six months.⁴⁹⁷

Over a third of people (36%) had no accommodation confirmed to go to on release from prison.⁴⁹⁸

Inspectors found increased use of home leave to support rehabilitation, and that work to maintain relationships with children, families and friends “remained very strong” at HMP Magilligan.⁴⁹⁹

The number of people recalled to custody has been increasing in recent years. 202 people were recalled back to prison in 2019–20, up from 186 in the previous year. Inspectors have called for an analysis of the reasons for recall to learn lessons.⁵⁰⁰

484 Northern Ireland Prison Service (2020) Analysis of NIPS prison population from 01/10/2019 to 31/12/2019, Belfast: Department of Justice

485 Northern Ireland Prison Service, situation report for 18 December 2020, accessed on 21 December 2020, available at <https://www.justice-ni.gov.uk/articles/weekly-situation-reports-october-2015>

486 Table 7, Redmond, R. and Palmer, P. (2020) The Northern Ireland prison population 2019/20, Belfast: Department of Justice

487 Ibid.

488 Table 12, Ibid.

489 National Preventive Mechanism (2020) Report on an unannounced inspection of Ash House, Hydebank Wood women’s prison, Belfast: CJINI

490 Tables 13 and 28, Brown, T. (2020) Northern Ireland Youth Justice Agency annual workload statistics 2019/20, Belfast: Youth Justice Agency

491 Table 28, Ibid.

492 Table 22, Ibid.

493 Criminal Justice Inspection Northern Ireland (2018) An announced inspection of Woodlands Juvenile Justice Centre, Belfast: CJINI

494 Table 8, Redmond, R. and Palmer, P. (2020) The Northern Ireland prison population 2019/20, Belfast: Department of Justice

495 Criminal Justice Inspection Northern Ireland (2016) Report on an unannounced inspection of Hydebank Wood secure college, Belfast: CJINI

496 Criminal Justice Inspection Northern Ireland (2018) An inspection of resettlement in the Northern Ireland Prison Service, Belfast: CJINI

497 Tables 8 and 2b, Millar, R. and Browne, S. (2020) Adult and youth reoffending in Northern Ireland (2017/18 cohort), Belfast: Department of Justice

498 Northern Ireland Prison Service (2017) Prisons 2020, Belfast: Department of Justice

499 Criminal Justice Inspection Northern Ireland (2018) Report on an unannounced inspection of Magilligan prison, Belfast: CJINI

500 Parole Commissioners for Northern Ireland (2020) Annual report 2019–20, Belfast: PCNI and Criminal Justice Inspection Northern Ireland (2018) An inspection of resettlement in the Northern Ireland Prison Service, Belfast: CJINI

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