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.
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Introduction

In just a few days in August the riots not only caused harm and distress in communities but by the end of September had also propelled an extra 846 people into our already overcrowded jails. A further 1,000, mostly young adults, are likely to be brought to trial in 2012.

Those responsible for the justice system know only too well that one dreadful event, or a high profile court case, can have a devastating impact on prison numbers. The influx of people involved in the riots hit the prison service hard when it was already trying to cope with severe budget cuts and overcrowding largely driven by inflation in sentencing. At the same time it faces the demands of a new competition strategy and the juggernaut of privatisation.

Reviews underway should increase understanding of how and why people took to the streets and, if lessons can be learned, so reduce the risk of further public disorder. The question remains: will harsh sentencing decisions made in the light of exceptional circumstances, and largely upheld on appeal, leave a lasting legacy?

In a series of film clips those in charge of the system, regulators, offenders, victims and well known faces reflect on their experience and talk sense about justice. Colin Moses, National Chairman of the Prison Officers’ Association from 2002 to 2011 says: “What we are doing in this country currently is sending people to prison, many of whom are victims themselves, many of whom have been bullied, and will continue to be bullied in prisons.

“When it comes to lights out time and you then could stand outside those prison wings and hear the chatter that goes on from the windows and those who’ve been bullied at school, those who’ve been bullied in their homes, many of whom have been sexually abused before they’ve come to prison and you hear them themselves being bullied again or taunting. And that is the 24 hour cycle in a prison.

“The cries for help... Those young men who go to bed at night and become bedwetters... Those young men who go to the library and pick up the book with the biggest pictures in, because they don’t want people to know that they can’t read and write... They may have the muscles of an adult, but really they are young men crying out for help. Yes there are some bad offenders in there, there are people who’ve done some horrendous things but what we have is a system that is totally overburdened and under resourced that will not work in those circumstances.”

Outcomes of imprisonment are poor. Solutions lie across departments and local authorities in: education, health, social care, housing, employment and justice reinvestment. The footholds for reform in 2012 are a significant drop in youth crime and child imprisonment, plans to abolish IPP sentences and rein in unnecessary use of remand or breach of license, a commitment and Department of Health budget to divert people who are mentally ill and those with learning disabilities into treatment and care. No more money for wasteful prison building helps. If anything good were to come out of the riots, backed by our recent ICM poll, it would be more emphasis on making amends, community service and restorative justice.
Prison overview

On 9 December 2011, the prison population in England and Wales was 87,297. When Ken Clarke was last home secretary from 1992-93, the average prison population was 44,628.

The Legal Aid, Sentencing and Punishment of Offenders Bill was introduced to Parliament on 21 June 2011. Plans include reform of the indeterminate sentence for public protection, restrictions on the unnecessary use of custodial remand, and increased discretion in response to technical breach of licence. Following the Bradley Review and backed by the Care not Custody coalition, the government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services at police stations and courts across England wherever possible to divert offenders with mental health needs and learning disabilities away from the justice system and into treatment and care.

The impact assessment of the bill states: “It is estimated that the effects of the policies contained within the bill and the Green Paper will lead to a reduction in the prison population, relative to the medium prison projection, of 2,600 places by the end of the current spending review period.”

Previously, the impact assessment of the justice green paper, Breaking the Cycle, stated that: “We estimate that the package of proposals in Breaking the Cycle will lead to a reduction in demand of approximately 6,000 prison places by the end of the Spending Review period, leading to an estimated prison population 3,000 lower than it is today.”

Trends

England and Wales has an imprisonment rate of 156 per 100,000 of the population. France has an imprisonment rate of 109 per 100,000 and Germany has a rate of 87 per 100,000. Between 1996 and 2010, the prison population in England and Wales grew by 29,746 or 54%. A rise in the number of people sentenced to immediate custody accounts for 65% of the increase.

27,000 additional prison places were provided between 1997 and 2010 – just under 7,000 of them between 2007-10.

1,365,347 people were sentenced by the courts in 2010, a decrease of 3% from 2009.

While the number of defendants sentenced to immediate custody has increased, as a proportion of the overall number of defendants appearing before the courts they have remained stable over the past 11 years. However, the trend in average sentence length has been increasing, they are now 2.3 months longer than in the same period in 2001.

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 18% in 2010.

At the end of March 2011 there were 6,550 prisoners serving an Indeterminate sentence for Public Protection (IPP). 3,500 of these prisoners are held beyond their tariff expiry date.

Since 2005 just 320 people serving IPP sentences have been released from custody.

At the end of March 2011 there were 41 prisoners in England and Wales serving a 'whole life' tariff.

The average tariff given for those sentenced to a mandatory life sentence has increased from 13.2 years in 2002 to 17.5 years in 2009.
In 2010, 53,139 people were remanded into custody to await trial. In the same year 11,105 people remanded in custody were subsequently acquitted.

The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison population over the period.

36,042 people were given custodial sentences up to and including three months in 2009.

In the 12 months ending March 2011 57% of immediate custodial sentences given were for six months or less. Between 2001-2011 the number of people sentenced to immediate custody for more than six months and less than twelve months increased by 20%.

At the end of November 2011, 82 of the 132 prisons in England and Wales were overcrowded.

In 2010-11 an average of 20,211 prisoners were held in overcrowded accommodation, accounting for 24% of the total prison population. Within this total the average number of prisoners doubling up in cells designed for one occupant was 19,268 (22.7% of the total prison population) and there were on average 829 prisoners held three to a cell in cells designed for two (1% of population).

The rate of overcrowding in male local establishments is still almost twice the national rate.

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past thirteen years. In 2010-11 the private prisons average was 31.8%, compared to an average of 22.8% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 48.9%, 61.7%, and 72.9% of prisoners held in overcrowded accommodation respectively.

A prison with a population of 400 prisoners or under is four times more likely to perform ‘well’ than a prison with a population of over 800. Public prisons are over five times more likely to perform well for safety than private prisons.

In 2010, 15% of men and 24% of women in prison were serving sentences for drug offences. There is a much wider group of prisoners whose offence is in some way drug related. Shoplifting, burglary, vehicle crime and theft can be linked to drug misuse. Over half of prisoners (55%) report committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor.

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.

The number of women in prison has increased by 114% over the past 15 years (1995-2010). On 9 December 2011, the women’s prison population stood at 4,211.

There has been a 45% drop in the number of children and young people entering the youth justice system and there are 100 fewer young people in custody than there were 10 years ago. Numbers of children (under-18s) peaked at an average of just over 3,000 in custody in 2007-08. By the end of October 2011 they had fallen to 2,021, despite the riots.

There were 198,449 proven offences committed by children aged 10-17 which resulted in a disposal (pre-court or formal court conviction) in 2009-10. This is a decrease of 19% from 2008-09 and 33% from 2006-07. The number of offences is now at its lowest level since the YJB began to collect this data. The biggest falls since 2006-07 have been in motoring offences (59%), criminal damage (42%) and violence against the person (31%).

At the end of September 2011 there were 8,317 young people aged 18-20 in prison in England and Wales. This is 14% less than the previous year, however some of this fall is likely to be the result of statistical reporting changes, which no longer include the counting of some 21 year olds who were aged 20 or under at conviction and had not been reclassified as part of the adult population.\(^{37}\)

People aged 60 and over are now the fastest growing age group in the prison estate. The number of sentenced prisoners aged 60 and over rose by 128% between 2000 and 2010.\(^{38}\)

7.5% of the male population born in 1953 had been given at least one custodial sentence before the age of 46. 33% of men born in 1953 had at least one conviction for a ‘standard list’ offence before the age of 46.\(^{39}\)

It is estimated that there are 160,000 children with a parent in prison each year.\(^{40}\) This is nearly two and a half times the number of children in care (64,400), and over six times the number of children on the Child Protection Register (26,000).\(^{41}\)

During their time at school 7% of children experience their father’s imprisonment.\(^{42}\) In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.\(^{43}\)

Almost a third of prisoners involved in assaults classified as serious are children, despite children accounting for only 3% of the prison population.\(^{44}\)

The number of full-time equivalent prison officers employed between 1997 and 2009 has increased by 24%. In the same period the prison population has increased by 37%.\(^{45}\)

Costs

The overall cost of the criminal justice system is 2.3% of GDP, this is higher than the US or any EU country.\(^{46}\) Spending on public order and safety has grown rapidly, at an average annual real rate of 4.6% between 2000–01 and 2008–09.\(^{47}\)

Following the 2010 spending review the Ministry of Justice will have to make overall resource savings of 23% in real terms by 2014-15.\(^{48}\)

Capital savings of 50% will be made over the spending review period. The settlement provides sufficient capital funding to maintain the existing prison estate and to fund essential new build projects. Plans for a 1,500 place new-for-old prison will be deferred to the next spending review period, and spending on new IT and court projects will be limited to essential capacity.\(^{49}\)

Between 2003-04 and 2008-09 prison expenditure increased nearly 40% in real terms, from £2.52bn to £3.98bn a year.\(^{50}\)

The average annual overall cost of a prison place in England and Wales for financial year 2010-11 is £39,573. This includes prison related costs met by the National Offender Management Service, but excludes expenditure met by other government departments such as health and education.\(^{51}\)

The cost of the crown court process of imposing a prison sentence is approximately £30,500, made up of court and other legal costs.\(^{52}\)

The cost per place per year in a secure children’s home is £215,000; in a secure training centre it is £60,000.\(^{53}\)

In 2008-09, the cost of looking after short-sentence prisoners (sentences of less than 12 months), not including education and healthcare, was £286 million.\(^{54}\)

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45 Hansard HC, 27 October 2009 c336W  
49 Ibid.  
51 Table 1, Ministry of Justice (2011) Costs per place and costs per prisoner by individual prison, National Offender Management Service Annual Report and Accounts 2010-11: Management Information Addendum, London: Ministry of Justice  
53 Hansard HC, 18 January 2011, c690W  
The average construction cost for new prison places, including costs of providing ancillary facilities, and excluding running costs, is approximately £170,000 per place across the lifetime of the accommodation.55

The NOMS total budget for financial year 2011-2012 for public prisons is £1,870 million and private prisons £311 million.56

In 2008-09 the prison service’s capital expenditure was 18% over budget.57

The resource budget for the National Offender Management Service for 2011-12 is £3.679 billion, £2.181 billion of which relates directly to expenditure incurred in prisons.58

To meet 3% year-on-year efficiency savings, the Prison Service decided, with ministerial support, to reduce the core week for prisoners as from April 2008. Prisoners are locked up for half-a-day more per week thus reducing constructive activity and time outside cells.59

Imprisoning mothers for non-violent offences carries a cost to children and the state of more than £17 million over a 10 year period.60

In 2007-08, reoffending by all recent ex-prisoners cost the economy between £9.5 billion and £13 billion and as much as three quarters of this cost can be attributed to former short-sentenced prisoners: some £7-10 billion a year.61

People in prison: a snapshot
Less than 1% of all children in England are in care,62 but looked after children make up 27% of young men and 55% of young women in custody.63

71% of children in custody have been involved with, or in the care of, social services before entering custody.64

25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.65 38% of boys screened on admission to custody in 2000-01 had the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy.66

The educational background of young people in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.67

38% of boys and 18% of girls said they usually received one or more visits a week.68

Half of the children interviewed who had been in care said that they did not know who would be collecting them on the day of their release.69

Prison Reform Trust research has found that one in eight children in prison had experienced the death of a parent or sibling. 76% had an absent father and 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.70

40% of children in custody in England and Wales have previously been homeless.71

The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons has fallen by 40% in the last three years from 472 in 2008-09 to 282 in 2010-11.72

In 2006 the average age of people sentenced to custody was 27. A quarter was aged 21 or under.73

Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.74 51% have severe and enduring mental illness, 47% a major depressive disorder, 6% psychosis and 3% schizophrenia.75

55 Hansard HC, 13 September 2010, c647W
56 Hansard HC, 4 April 2011, c649W
57 Hansard HC, 9 September 2009, c2030W
58 Hansard HC, 29 March 2011, c156
59 Paul Tidball, Prison Governors’ Association, Justice Select Committee, Oral evidence, Towards effective sentencing, 12 December 2007
60 new economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation
64 Youth Justice Board, Accommodation needs and experiences, 2007, as cited in Legal Action, February 2008
66 HM Inspectorate of Prisons (2002) A second chance: a review of education and supporting arrangements within units for juveniles managed by HM Prison Service, a thematic review carried out jointly with the Office for Standards in Education
68 Ibid.
72 Hansard HC, 3 May 2011, c628W
73 Hansard HC, 8 January 2006, c432W
Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.78

In 2010, there were a total of 26,983 incidents of self-harm in prisons, with 6,639 prisoners recorded as having injured themselves. Women accounted for 47% of all incidents of self harm despite representing just 5% of the total prison population.77

Men recently released from prison are eight times more likely than the general population to take their own life. Women are 36 times more likely to take their own life.79

Remand prisoners, 18% of the prison population, accounted for half of all self-inflicted deaths in 2010.80

Nearly two-thirds of sentenced male prisoners (63%) and two-fifths of female sentenced prisoners (39%) admit to hazardous drinking which carries the risk of physical or mental harm. Of these, about half have a severe alcohol dependency.81

10% of men and 30% of women have had a previous psychiatric admission before they come into prison.82

At the end of September 2011 there were 11,076 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13% of the overall prison population.83

20–30% of all offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.84

23% of young offenders have learning difficulties (IQs of below 70) and a further 36% have borderline learning difficulties (IQ 70-80).85

48% of all prisoners are at, or below, the level expected of an 11 year old in writing. Nearly half those in prison have no qualifications at all.86

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

On 30 June 2010 just under 26% of the prison population, 21,878 prisoners, was from a minority ethnic group. This is slightly less than in 2009, but represents an increase on that recorded for 2005 (25%).87 This compares to one in 10 of the general population.88

49% of the total prison population are Christian (of whom 49% are Anglican, 35% Roman Catholic, 13% other Christian and 3% Free Church), 12% are Muslim, 2% are Buddhist and 32% report having no religion.89

Outcomes

Prison has a poor record for reducing reoffending – 47% of adults are reconvicted within one year of being released – for those serving sentences of less than 12 months this increases to 57%. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 66%.90

51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%.91

71% of children (10-17) released from custody in 2009 reoffended within a year.92

Prisoners who have problems with both employment and accommodation on release from prison have a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems.93

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77 Table 1, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice
81 Table 1, Ministry of Justice (2011) Safety in Custody Statistics 2010, London: Ministry of Justice
83 Table 1, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice
84 Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness provision for young offenders in custody and in the community. London: YJB
85 Hansard HC, 9 January 2007, c548W
92 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice
93 Ministry of Justice (2008) Factors linked to reoffending: a one-year
Just 36% of people leaving prison go into education, training or employment.\textsuperscript{94}

The majority of offenders (97%) expressed a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, most stressed the importance of ‘having a job’ (68%) and ‘having a place to live’ (60%).\textsuperscript{95}

40% of prisoners and 64% of former prisoners feel that their debts had worsened during their sentence. Over half of prisoners families have had to borrow money since the imprisonment of their relative.\textsuperscript{96}

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.\textsuperscript{97}

An impact assessment of the Prolific and other Priority Offender Programme shows that conviction rates for 7,800 offenders who had been through an intensive programme of supervision fell by 62% after 17 months of the scheme. The Prolific and other Priority Offender Programme (PPO), which was launched in September 2004, aims to prevent prolific offenders from reoffending through monitoring, training, accommodation and drug treatment over a period of two years.\textsuperscript{98}

Since 1997 British Crime Survey crime rates have fallen by 42%. However in the past year there has been no statistically significant change in the numbers of crime estimated from the 2010-11 survey (9.6 million offences) compared to the previous year (9.5 million offences), consistent with a flattening trend in crime.\textsuperscript{99}

The British Crime Survey shows that there is a gap between people’s judgment on the likelihood of becoming a victim of crime and the actual risk to them. 13% of respondents thought that they were very likely or fairly likely to be a victim of violent crime in the next 12 months, compared with 3% who reported having been a victim of such a crime in the year before interview.\textsuperscript{100}

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.\textsuperscript{101}

Research by the Prime Minister’s Strategy Unit shows that a 22% increase in the prison population since 1997 is estimated to have reduced crime by around 5% during a period when overall crime fell by 30%. The report states: “there is no convincing evidence that further increases in the use of custody would significantly reduce crime”.\textsuperscript{102}

A recent survey found that “while the public may ‘talk tough’ in response to opinion polls which ask whether sentencing is harsh enough, when considering specific criminal cases and individual circumstances, there is considerable support for mitigating punishments”.\textsuperscript{103}

In a survey on behalf of the Prison Reform Trust conducted one month after the riots in August 2011 a majority of the public (94%) supported opportunities for offenders who have committed offences such as theft or vandalism to do unpaid work in the community, as part of their sentence, to pay back for what they have done.\textsuperscript{104}

In a recent poll only 11% of people surveyed believe that increasing the number of offenders in prisons would ‘do most’ to reduce crime in Britain. The public is more focused on intervening at the level of families and young people, with 55% thinking that better parenting, and 42% that more constructive activities for young people would have most effect.\textsuperscript{105}

An ICM poll of 1,000 victims of crime commissioned by SmartJustice in partnership with Victim Support, shows that almost two thirds of victims of crime do not believe that prison works to reduce non-violent crime.\textsuperscript{106}

Scottish prison overview

On 9 December 2011 the total population of prisoners in custody in Scotland stood at 8,058.\(^{107}\)

The official capacity for all 15 Scottish prisons stands at 7,144. This puts the occupancy level at 113%.\(^{108}\)

The Scottish government has paid out over £8.5 million in overcrowding compensation payments since 2007 for “the expenditure associated with holding prisoners in addition to the number they are resourced to hold”.\(^{109}\)

In 2009 45% of prisoners in Scotland reported that high prisoner numbers have had an impact on both safety and privacy in their cell, access to medical services (62%), opportunities for training and education (61%), and quality of life generally (58%).\(^{110}\)

The average daily population for 2010-11 shows a small dip of 1% compared to the previous year, dropping to 7,853. This is primarily due to marked drops in the young offender population for both remand and direct sentenced prisoners by 14 and 17% respectively.\(^{111}\)

Whilst the average daily population has fallen slightly, life sentence and recall populations have increased by 5 and 10% respectively in the past year.\(^{112}\)

47% of offenders released from custody are reconvicted within one year, compared to 27% of those on a Community Sentence Order. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 68%.\(^{113}\)

The imprisonment rate for Scotland stands at 155 per 100,000.\(^{114}\)

Young adults (18-21) make up 10% of the prison population.\(^{115}\)

87% of the population of Polmont young offenders institute in Scotland have been there before their present sentence.\(^{116}\)

Since 2001-02 the average daily women’s prison population in Scotland has increased by 69%. The 2010-11 average daily women’s prison population was 435.\(^{117}\)

The number of convictions resulting in a custodial sentence decreased 7% in 2009-10 to 15,733, the lowest figure since 2005-06 (15,082). The proportion of people sentenced to custody remained the same as in 2008-09 (13%).\(^{118}\)

In Scotland, the average daily remand population in 2010-11 was 1,474, down 3% on the previous year.\(^{119}\)

In 2010-11 1,893 women were received into custody on remand, 46% higher than 2001-02.\(^{120}\)

The average daily population on Home Detention Curfew (HDC) during 2010-11 was 303, a drop of 18% over the previous year. The number of releases from prison on HDC was 1,820, a drop of 3% compared to the previous year.\(^{121}\)

From July 2006 to March 2010, 7,292 people were released on HDC; 21% were recalled, which equates to an average of 34 people per month.\(^{122}\)

The average daily population of prisoners in Scotland recalled from supervision or licence has risen substantially, increasing by 32% to 682 in 2010-11, from 515 in 2006-07.\(^{124}\)

The most common reason for being recalled is for failure to comply with the technical conditions of the curfew rather than committing crimes while on HDC. Being out of curfew for more than six hours (38% of all recalls) and breach of licence conditions (24%) accounted for most recall activity. Offending while on licence appears only rarely to be the cause of recall (7% recalled for a new warrant served).\(^{123}\)

The average daily population of prisoners in Scotland recalled from supervision or licence has risen substantially, increasing by 32% to 682 in 2010-11, from 515 in 2006-07.\(^{124}\)

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\(^{110}\) Scottish Prison Service, 12th prisoner survey 2009

\(^{111}\) Table 1, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government

\(^{112}\) Table 9 and Table 1, Ibid.

\(^{113}\) Table 5 and Table 9, The Scottish Government (2011) Reconviction rates in Scotland: 2007-08 and 2008-09 offender cohorts

\(^{114}\) International Centre for Prison Studies website at http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=171


\(^{117}\) Table 1, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government


\(^{119}\) Table 1, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government

\(^{120}\) Table 9, Ibid


\(^{123}\) Ibid.

\(^{124}\) Table 1, Ibid.
It costs £126 per week to keep someone on HDC, compared to a notional cost of £610 per week to keep them in prison. The average length of custodial sentences in 2009-10 was over 9 months (281 days) and is at the highest level in the last 10 years. The average custodial sentence length has increased by almost two months (23%) since the recent low (229 days) in 2005-06.

38% of all custodial sentences in 2009-10 were for three months or less (down from 41% in 2008-09 and 50% in 2007-08). However, there have been corresponding increases in the proportions of sentences of over three months and up to two years.

Justice Secretary Kenny MacAskill has said: “Short sentences simply don’t work. They are ineffective and of no practical benefit to communities. If we are serious about improving the safety of our communities, we need to ensure that our prisons focus on the most serious criminals for whom prison is the only option.”

On 6 August 2010 a statutory presumption against short periods of imprisonment was decreed in the Scottish Parliament. The Criminal Justice and Licensing (Scotland) Act 2010 states that “a court must not pass a sentence of imprisonment for a term of three months or less on a person unless the court considers that no other method of dealing with the person is appropriate.”

In 2009-10, 21 custodial sentences were imposed on children under the age of 16.

In February 2008, Scottish Justice Secretary, Kenny MacAskill announced a decision to end the use of custodial remand for children under the age of 16. In a statement he said, “I don’t believe that in the long run Scotland will be well served by jailing children. Lock up a youth alongside hardened criminals, and there’s a risk you’ll lock them into a life of crime.”

The former HM Chief Inspector of Prisons for Scotland has stated that “prison is no place for a child.”

1% of Scottish children have been in care; 50% of Scottish prisoners have been in care; for Scottish prisoners convicted of violence the proportion is 80%.

The annual cost per prisoner place for 2010-11 was £32,146, excluding capital charges, exceptional compensation claims and the cost of the escort contract.

Call charges from Scottish prisons have reduced from 1 April 2010. Following the successful supercomplaint to Ofcom brought by the National Consumer Council and the Prison Reform Trust, calls to UK landlines have fallen by 23% to 8.4 pence per minute and calls to mobiles have dropped 63% to 23.5 pence per minute.

81% of prisoners in Scotland reported positively on access to family and friends and the ability to arrange visits. However, 61% of prisoners reported that their visitors experienced problems when visiting them in prison. The problem most frequently reported was the distance of the prison from their home (69%); this was followed by the cost involved in getting to the prison (57%).

45% of Scottish prisoners reported being under the influence of drugs at the time of their offence, and 19% reported that they committed their offence to get money for drugs.

An average of 56% of all offenders admitted to Scottish prisons test positive for drugs.
Illicit use of benzodiazepines were detected in 38% of 1,093 prisoners tested on reception and 9% of the 710 prisoners tested on release. Opiates were detected in 36% of prisoners tested on reception and 8% of prisoners tested on release. Cannabis was detected in 28% of prisoners at arrival and 5% at release.\textsuperscript{140}

22% of respondents to the 2009 Prison Survey reported use of illegal drugs in prison in the previous month. Of these, 70% reported use of heroin in the previous month, 61% reported use of cannabis and 53% use of benzodiazepines. 31% reported using Subutex while 28% reported using other opiates (other than heroin and methadone) and a smaller proportion (18%) reported methadone (without prescription).\textsuperscript{141}

50% of Scottish prisoners reported being drunk at the time of their offence. 24% reported that drinking affected their ability to hold down a job and 38% noted that their drinking affected their relationship with their family.\textsuperscript{142}

20% of respondents to the 2009 Scottish Prison Service prisoner survey had been seen by mental health staff.\textsuperscript{143}

The Inspectorate of Prisons for Scotland reported that more than 70% of prisoners are known to have mental health problems, and as many as 7% may have psychotic illness – a rate seven times higher than in the general population.\textsuperscript{144}

Just over a third of respondents to a Prison Reform Trust survey said their prison had a dedicated learning disability nurse. Similarly, just under a third said that specific learning disability in-reach was available in their prison, though an additional fifth (19%) said they did not know whether it was available.\textsuperscript{145}

Almost three-quarters of prison staff responding described the support as ‘low’ or ‘fairly low’ quality. None of the respondents described the support available as being of high quality. Just over a quarter described the quality of support for people with learning difficulties or learning disabilities as fairly high.\textsuperscript{146}

According to Justice Secretary Kenny MacAskill, two thirds of the women at Cornton Vale, Scotland’s only all-women prison, were serving sentences of six months or less. Commenting on this MacAskill said they had “typically been jailed for low level offences”. “The statistics speak for themselves - four out of five women going to Cornton Vale have a mental health problem and seven out of 10 have a disclosed history of abuse or trauma.” “So while the staff at Cornton Vale are doing a fantastic job, a short-term prison environment is not always conducive to identifying root problems and dealing with them effectively.”\textsuperscript{147}

There was a 254% increase in incidents of self-harm by prisoners in Scotland from 2005 to 2010. Most of this increase represents a rapid rise in self-harm amongst women in Corston Vale, from 12 incidents to 105. There have also been substantial rises in Addiewell and Perth prisons.\textsuperscript{148}

HM Chief Inspector of Prisons for Scotland, Hugh Monro stated in his most recent annual report “perhaps the most depressing aspect of Cornton Vale is the sheer boredom experienced by most prisoners, with some 65% locked in their cells and only 35% at education or employability training or work during the working day.”\textsuperscript{149}

There are two privately financed, designed, built, and operating prisons in Scotland: Serco-run Kilmarnock and Sodexo-run Addiewell. Combined they held some 1,269 prisoners in 2010-11, approximately 16.1% of Scotland’s prison population.\textsuperscript{150}

The Scottish prison population is predicted to rise to 9,500 by 2019.\textsuperscript{151}

The Scottish Prison Service has awarded a £116m contract to Carillion Construction Limited to design and construct a new prison in Bishopbriggs. The prison, which will be known as HMP Low Moss, is expected to open in 2012.\textsuperscript{152}

\begin{itemize}
\item \textsuperscript{140} Drug Misuse Information Scotland (2010) Drug Misuse Statistics Scotland 2010, Edinburgh: NHS National Services Scotland
\item \textsuperscript{141} Scottish Prison Service, 12th Prisoner Survey 2009
\item \textsuperscript{142} Ibid.
\item \textsuperscript{143} Ibid.
\item \textsuperscript{144} HM Chief Inspector of Prisons for Scotland (2006) Standards Used in the Inspection of Prisons in Scotland, Edinburgh: Scottish Executive
\item \textsuperscript{145} Loucks, N. & Talbot, J. (2007) No One Knows: prisoners with learning difficulties and learning disabilities, Scotland, London: Prison Reform Trust
\item \textsuperscript{146} Ibid.
\item \textsuperscript{148} Scottish Parliament, written answers 8 March 2011, S3W-38887 and 28 April 2009, S3W-23051
\item \textsuperscript{149}HM Chief Inspector of Prisons for Scotland (2011) Annual Report 2010-11, Edinburgh: The Scottish Government
\item \textsuperscript{150} Table 2, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government
\item \textsuperscript{151} The Scottish Government (2011) Scottish prison population projections: 2010-11 to 2019-20, Edinburgh: The Scottish Government
\item \textsuperscript{152} Carillion website at http://www.carillionplc.com/investors/sea%20-%206th%20august%202009.asp
\end{itemize}
The 2009-10 Scottish Crime And Justice Survey found that 85% agreed (strongly or slightly) that community sentencing is a good idea for minor crimes and 66% agreed that drug users need treatment not prison.¹⁵³

The same survey found that in 72% of crimes where the victim thought that the offender(s) should have been prosecuted, the victim thought the offender(s) should have been given a sentence other than custody.¹⁵⁴

HMP Open Estate at Noranside closed on 31 October 2011, with all prisoners transferred to the remaining open estate at Castle Huntly.

The number of prisoners qualifying to move to open conditions has reduced as a result of more strict criteria for progression and the facility at Noranside was deemed “surplus to requirements.”¹⁵⁵

¹⁵³ Page, L. et al. (2010) 2009/10 Scottish Crime And Justice Survey
¹⁵⁴ Ibid.
¹⁵⁵ http://www.sps.gov.uk/MediaCentre/News-3176.aspx
Northern Ireland prison overview

On 17 November 2011 the total prison population for Northern Ireland stood at 1,828. The prison population in Northern Ireland has increased by 13% in a year. The Northern Ireland Prison Review Team’s final report states that “the population rise reflects a continuing failure to get to grips with long-standing population drivers, such as the number of remand prisoners and fine defaulters, together with a new driver, the number of prisoners recalled under the Criminal Justice (Northern Ireland) Order 2008.”

The national and ethnic mix in prisons in Northern Ireland has changed considerably in recent years. The majority of foreign nationals are from eastern Europe, primarily Lithuania and Poland, or from China. Only around 1% of the prison population is Black or South Asian. Irish Travellers also account for about 1% of the population.

Over half the women who arrived in prison in 2010 were there because of fine default.

Women prisoners in Northern Ireland are still held on the same site as young male prisoners, a situation described by the Criminal Justice Inspectorate as “fundamentally unsatisfactory”.

Women in prison in Northern Ireland are in general an older population than men: the majority are aged between 30 and 50.

The most recent reconviction rates for women offenders are much lower than those for men, at 20%.

In 2010-11 the average cost per prisoner place was £73,762, although a different and more realistic calculation (the cost per occupied place) by prison inspectors revealed it was some £16,000 higher than suggested. A total of £128.8m was spent in operating costs, of which £91.2m were staff costs.

24% (1,394) of people sent to prison in 2009 were imprisoned for failure to pay fines. They spend an average of only four days in custody so it is almost impossible to do anything useful to address their resettlement needs during that time.

During 2009-10, 67% of sentenced receptions into prison had sentences of one year or less.

The imprisonment rate for Northern Ireland is 92 per 100,000.

On 12 April 2010 policing and criminal justice powers were devolved from Westminster to the Northern Ireland Assembly.

The current combined design capacity for the three Northern Ireland prisons is 1,765, meaning the current occupancy level stands at 83%.

A high proportion of people in prison in Northern Ireland are being held on remand and this has remained the case over the last 13 years. The total percentage for the remand population in 2009 was 34%, compared to 16% for England and Wales, and 19% for Scotland.

The problem is particularly acute at Maghaberry, where 55% of prisoners were on remand in December 2010.

There has been considerable increase in the number of foreign national prisoners held in NI prisons, from 181 committals in 2006-07 to 547 in 2008-09 (a 202% increase).

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The number of children and young people admitted into the Juvenile Justice Centre in 2010-11 increased to 411 from 349 in the previous year. Of these 62% (256) were admitted under the Police and Criminal Evidence Order 1989 (PACE), 34% (138) were admitted directly onto remand and 4% (17) were admitted after sentence.173

The majority of those admitted into the Juvenile Justice Centre are male; in 2010-11, 84% of those admitted were boys and 16% were girls.174

The largest proportion of those admitted in 2010-11 were aged 16 (41%). A further 24% were aged 15 and 25% were aged 17 or above.175

In 2008 the combined reoffending rate for youth conferencing, a restorative justice programme in Northern Ireland, was 40% – this compared to 50% for community sentences and 68% for custodial sentences.176

Victims were present in two-thirds of all restorative conferences held in 2008-09 – 89% expressed satisfaction with the conference outcome and 90% said they would recommend restorative justice to a friend.177

The number of children sentenced to immediate custody in Northern Ireland dropped from 139 in 2003 to 89 in 2006.178

Around one quarter of the population of Northern Ireland is made up of people under the age of 18 and there are around 200,000 young people between the ages of 10 and 17.179

Typically, in any one day, around three-quarters of the child custody population is on remand, many of whom come directly from residential care. Most are neither serious nor persistent offenders and most do not go on to serve a custodial sentence.180

In 2009-10 190 incidents of self-harm were reported.181 There have been two reported deaths in custody in 2011, both were young people held in Hydebank Wood.182

At 5 September 2011, 67% of all prisoners were on prescribed medication. The levels of prescribing at the three Northern Ireland prison establishments were HMP Maghaberry, 80%; HMP Magilligan, 58%; and HMP Hydebank Wood, 38%.183

The estimated cost of reoffending in Northern Ireland is approximately £80 million.184

Statistical measures of sentence effectiveness suggest that community sentences are more effective and cheaper than custody in tackling reoffending by adults convicted for less serious offences. The one year reoffending rate for adult offenders in Northern Ireland sentenced to community disposals in 2007 was significantly less for Community Service Orders (23.5% at a unit cost of £4,200) and Probation Orders (24.4% at a unit cost of £2,000) than custodial discharges after sentences of less than six months (40.2%).185

138 offenders have been released on licence having served the custodial element of their sentence in full. Of those, there have been 58 (42%) requests to recall offenders. This has resulted in 45 offenders being recalled to prison. Of these, 19 reoffended while on licence and 26 breached their licence conditions. A total of 33 were recalled within three months of their release.186

There were approximately 2,500 applications for home leave during 2009-10, of which 79% were successful, with higher ratios granted to female prisoners and young offenders.187

The ratio of staff to prisoners in Northern Ireland is almost two and a half times that of England and Wales and prison officers are paid on average a third more.188

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174 Ibid.
175 Ibid.
176 Table 1, Lyness, D. and Tate, S. (2011) Northern Ireland Youth Reoffending: Results from the 2008 Cohort, Belfast: Youth Justice Agency
178 Ibid.
179 Criminal Justice Inspection Northern Ireland (2011) Youth Diversion, Belfast: Criminal Justice Inspection Northern Ireland
180 Youth Justice Review Team (2011) A Review of the Youth Justice System in Northern Ireland, Belfast: Department of Justice
181 Ibid.
183 Northern Ireland Assembly Debates, 19 September 2011, Prisoners: Medication, AQO 330/11-15
184 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland
186 Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland
187 Ibid.
188 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland
The most recent Inspection report highlights that “the history of the Northern Ireland Prison Service is inextricably linked to the ‘Troubles’ and the political and security situation in Northern Ireland since 1969. During that time 29 members of the Prison Service were murdered and many others were permanently or seriously injured. The effects of this, and the threat to prison officers and their families, cannot be under-estimated.”

The report also states that “the context within which the Prison Service operates now is significantly different although the threat level against prison staff remains ‘substantial’. While a significant management issue, separated prisoners comprise only a relatively small (4%) proportion of the prisoner population.”

The average absenteeism for each member of staff was 12.64 days. The cost of sick absence is £4.6m per annum or 115 whole time equivalents (WTEs), and at Hydebank Wood alone is £1.33m per annum - equivalent to 5.5% of the entire operating budget.

During inspection fieldwork it was found that on one day there were 70 staff on sick leave from Maghaberry, causing rolling lock-downs for prisoners.

The Northern Ireland Prison Service has been under considerable scrutiny in recent years and since 2005 there have been over 20 external reviews and inspection reports, most of which have identified the pressing need for reform. A Northern Ireland Prison Service internal report to the Prison Service Management Board in July 2009 put the number of outstanding recommendations from scrutiny bodies and internal reviews/reports in the region of 600. The total number of recommendations was nearly 1,200.

Within the Northern Ireland Prison Service there are 1,883 uniformed grade officers supported by almost 400 civilian grades. The recent review of the Service’s corporate governance highlighted that “despite this complement of staff there are many occasions when there is insufficient staffing levels to deliver an effective service.”

In addition “the practice, for example, of managing staff absences through a daily realignment of the prison regime is unproductive and meant substantial lockdowns with restrictions on time out of cell and the delivery of meaningful purposeful activity for prisoners such as workshops or education classes.”

The percentage age breakdown for all Northern Ireland Prison Service staff shows a significant proportion of staff in the higher age groups; 52% of staff were in the 35-49 age group (35% male, 17% female) and 34% were 50-64 (28% male, 6% female).
Prison overcrowding

Prison overcrowding is defined by the Prison Service as a prison containing more prisoners than the establishment’s Certified Normal Accommodation (CNA). “CNA, or uncrowded capacity, is the Prison Service’s own measure of accommodation. CNA represents the good, decent standard of accommodation that the service aspires to provide all prisoners.”

The limit to overcrowding in prison is called the Operational Capacity. The Prison Service defines it as: “the total number of prisoners that an establishment can hold without serious risk to good order, security and the proper running of the planned regime.” For the first time, recorded figures showed that on 22 February 2008, at 82,068 the prison population breached the Prison Service’s own safe overcrowding limit.

The prison population was 113% of the ‘in use CNA’ (77,512) on 25 November 2011.

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past ten years. In 2009-10 the private prisons average was 35.4%, compared to an average of 22.7% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 54.5%, 67%, and 78% of prisoners held in overcrowded accommodation respectively.

HM Inspectorate of Prisons found that healthcare beds were often part of a prison’s CNA when this should not be the case. Admission to in-patient care should only be on assessment of clinical need.

The end of custody licence (ECL) scheme was withdrawn on 12 March 2010. The withdrawal of the End of Custody Licence (ECL) early release scheme has added around 1,000 to the prison population.

At the end of November 2011, 82 of the 132 prisons in England and Wales were overcrowded.

In 2010-11 an average of 20,211 prisoners were held in overcrowded accommodation, accounting for 24% of the total prison population. Within this total the average number of prisoners doubling up in cells designed for one occupant was 19,268 (22.7% of the total prison population) and there were on average 829 prisoners held three to a cell in cells designed for two (1% of population).

The rate of overcrowding in male local establishments is almost twice the national rate.

In 2010 11,252 prisoner-on-prisoner assaults recorded. In 2008 in-cell assaults accounted for 18% of all prisoner-on-prisoner assaults.

Approximately 70% of the increase in demand for prison places between 1995 and 2005 is estimated to have arisen owing to changes in custody rate and sentence length.

In 2009-10, the average cost of transferring prisoners was £98.16. During this time 82,521 prisoners were transferred, an average of 1,587 per week.

The 10 most overcrowded prisons in England and Wales, November 2011:

<table>
<thead>
<tr>
<th>Prison</th>
<th>In use CNA</th>
<th>Operational Capacity</th>
<th>Population</th>
<th>% Overcrowded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shrewsbury</td>
<td>170</td>
<td>340</td>
<td>334</td>
<td>196%</td>
</tr>
<tr>
<td>Kennet</td>
<td>175</td>
<td>342</td>
<td>340</td>
<td>194%</td>
</tr>
<tr>
<td>Swansea</td>
<td>240</td>
<td>445</td>
<td>445</td>
<td>185%</td>
</tr>
<tr>
<td>Usk</td>
<td>153</td>
<td>266</td>
<td>260</td>
<td>170%</td>
</tr>
<tr>
<td>Leicester</td>
<td>210</td>
<td>398</td>
<td>353</td>
<td>168%</td>
</tr>
<tr>
<td>Northallerton</td>
<td>146</td>
<td>252</td>
<td>245</td>
<td>168%</td>
</tr>
<tr>
<td>Preston</td>
<td>455</td>
<td>842</td>
<td>763</td>
<td>168%</td>
</tr>
<tr>
<td>Exeter</td>
<td>316</td>
<td>545</td>
<td>526</td>
<td>166%</td>
</tr>
<tr>
<td>Dorchester</td>
<td>146</td>
<td>260</td>
<td>237</td>
<td>162%</td>
</tr>
<tr>
<td>Canterbury</td>
<td>195</td>
<td>314</td>
<td>310</td>
<td>159%</td>
</tr>
</tbody>
</table>

London: Ministry of Justice
206 Hansard HL, 3 October 2011, cWA135
208 Table 8, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice
209 NOMS, Safer Custody News, July/August 2009
211 Hansard HC, 7 December 2010, c202W
The Prisons and Probation Ombudsman (PPO) has highlighted the damaging effects of prisoners being transferred on ‘overcrowding drafts’. Prisoners are often moved from jails that they know and are known by to other busy prisons where they may feel less safe. A number of PPO investigations have drawn attention to the potentially tragic consequences of this.213

In an interview with The Times on 12 July 2007, Jack Straw, then incoming Secretary of State for Justice, stated that “we cannot just build our way out of overcrowding”. He called for a “national conversation” on the use of prison and said that he would still want this to take place even if he could “magic an extra 10,000 places”.214

Justice minister Crispin Blunt told the House of Commons on 23 November 2010 that “we are not in a position to create enough prison places to be able to address the problem of overcrowding”.215

Justice Secretary Ken Clarke has said that “closing outdated and expensive prisons is an important step in our strategy to provide a secure and modern, fit for purpose prison estate.”216

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214 Rt Hon Jack Straw, The Times, 12 July 2007
215 Hansard HC, 23 November 2010, c155
Sentencing trends

1,349,540 people were sentenced by the courts in the 12 months ending March 2011, a decrease of 3% overall from the previous year.217

Despite a 4% decrease in offenders sentenced at the magistrates’ court in the previous year, there was an 8% increase for those at the crown court. 7.6% of people (101,975) were sentenced to immediate custody with an average sentence length of 13.9 months.218

Approximately 70% of the increase in demand for prison places between 1995 and 2005 is estimated to have arisen owing to changes in custody rate and sentence length.219

The proportion of defendants sentenced to immediate custody in the 12 months ending March 2011 of 7.6% is the highest since 2003 when it was 7.8%.220

The trend in average sentence lengths has been increasing, they are now 2.3 months longer than in the same period in 2001.221

In the 12 months ending March 2011, 102,000 offenders were given a custodial sentence, just over 2% more compared to the same period in 2010.222

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 18% in 2010. If these longer sentences were included, the average time served would be higher.232

There were 72,777 prisoners under sentence at 30 September 2011, up 1,033 from a year earlier.224 This increase includes the impact of the public disorder in UK cities from 6 to 9 August 2011. As at 30 September 2011, there were 846 individuals in prison for offences relating to the disorder.225

In the 12 months ending March 2011 57% of immediate custodial sentences given were for 6 months or less. Between 2001- 2011 the number of people sentenced to immediate custody for more than six months and less than twelve months increased by 20%.226

The sentencing guidelines working group, when looking at sentences given for four different offences in the crown court, found that 71 out of these 222 sentences were above the guideline ranges for the relevant level of seriousness.227

Magistrates’ courts accounted for 48,211 sentences of immediate custody in the 12 months ending March 2011, down 1% on the same period in 2006.228

At magistrates’ courts the average sentence length for immediate custody is 2.5 months.229

52% of people sentenced at the crown court received an immediate custodial sentence, a total of 53,764. This is a rise of 20% from 2006 and is the highest number of people sentenced to custody at the crown court in the last 11 years.230

38,279 people were given sentences up to and including three months in the 12 months ending March 2011 – up 6% compared to the same period in 2010.231

Women serve shorter prison sentences than men and for less serious offences. In the 12 months ending June 2011, 59% of women entering prison under sentence serve sentences of up to and including six months, compared with 48% of men.232 Theft and handling was by far the most common offence, accounting for 34% of sentenced receptions.233

Of those in prison on short sentences of 12 months or under, 41% have 15 or more previous convictions, 13% between 11 and 14, 15% between seven and 10, and only 7% have no previous convictions.234

218 Ibid.
221 Ibid.
222 Ibid.
227 Hansard, WH 5 February 2009, c328WH
229 Ibid.
231 Table Q5.6. Ibid.
233 Table 2.2b. Ibid.
13% of women serving sentences of under twelve months have no previous convictions.235

46% of adults given custodial sentences have already had at least three previous custodial sentences.236

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.237

The Ministry of Justice has signalled its intention to provide greater alternatives to short term custodial sentences. Speaking about short term sentences Ken Clarke, the Justice Secretary, said: “It is virtually impossible to do anything productive with offenders on short sentences. And many of them end up losing their jobs, their homes and their families during their short time inside”.

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236 Hansard, WH, 5 February 2009, c302WH
237 Table 1, Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice

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Prison population under immediate custodial sentence by offence, 2010

Life and indeterminate sentences

The number of life and IPP sentenced prisoners has increased considerably in recent years and is now at its highest ever. There were 13,727 people serving indeterminate sentences at the end of September 2011, a rise of 7% in the last 18 months.\(^239\) This compares with fewer than 4,000 in 1998 and 3,000 in 1992.\(^240\)

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 18% in 2010.\(^241\)

As of 1 September 2009, England and Wales has by far the highest number (12,521) of sentenced prisoners serving indeterminate sentences in Europe.\(^242\)

In the 12 months ending March 2011 1,342 indeterminate custodial sentences were handed down, 5% less than in the previous year.\(^243\)

Life sentences

384 people were given a life sentence in 2010, a decrease of 37 from 2009.\(^244\)

At the end of March 2011 there were 41 prisoners in England and Wales serving a ‘whole life’ tariff.\(^245\)

The average tariff given for those sentenced to a mandatory life sentence has increased from 13.2 years in 2002 to 17.5 years in 2009.\(^246\)

Nine people serving life sentences took their own lives in 2010.\(^247\)

Indeterminate Sentences for Public Protection (IPPs)

The government has announced its intention to abolish the current IPP sentence as part of the Legal Aid, Sentencing and Punishment of Offenders Bill, currently before Parliament. It will be replaced by a ‘two strikes’ policy so that a mandatory life sentence will be given to anyone convicted of a second very serious sexual or violent crime as well as the Extended Determinate Sentence (EDS) whereby all people convicted of serious sexual and violent crimes will be imprisoned for at least two-thirds of their sentence, with an extended period of licence on release of up to five years for violent offences, and eight for sexual offences.\(^248\) It is as yet unclear what will happen to prisoners currently serving IPP sentences although the Bill contains provisions to change the release test.

1,019 people were given an IPP sentence in 2010, a decrease of 34% since 2008.\(^249\)

At the end of March 2011 there were 6,550 prisoners serving an indeterminate IPP sentence. 3,500 of these prisoners are held beyond their tariff expiry date.\(^250\)

Since 2005 just 320 people serving IPP sentences have been released from custody.\(^251\)

Changes were made to the legislation – which came into effect on 14 July 2008 – limiting the availability of IPP sentences to those with a minimum tariff of two years and over (equivalent to a determinate sentence of four years).

Initially a third of IPP prisoners had tariffs of two years or less. Currently 24% of prisoners serving IPPs have a tariff of less than 2 years, and 49% have a tariff of between 2 and 4 years.\(^252\)

As of 16 December 2009 over half of those IPP prisoners who were over tariff were still awaiting a Parole Board review of their case or a decision from a review.\(^253\) However the latest Parole Board Annual review highlights the appointment of 57 additional judicial members and 48 new independent and specialist members during the last year. This has led to 40% more lifer and IPP oral hearings panels than before.\(^254\)

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\(^{243}\) Table Q5.6, Ministry of Justice (2011) Criminal Justice Statistics Quarterly Update to March 2011, London: Ministry of Justice

\(^{244}\) Table 2, Ministry of Justice (2010) Sentencing Statistics 2009, London: Ministry of Justice

\(^{245}\) Table 3, Ministry of Justice (2011) Provisional figures relating to offenders serving indeterminate sentence of imprisonment for public protection (IPPs), London: Ministry of Justice

\(^{246}\) Hansard HC, 22 February 2010, c256W

\(^{247}\) Table 11, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice


\(^{249}\) Table A5.16, Ministry of Justice (2011) Criminal Justice Statistics 2010, London: Ministry of Justice

\(^{250}\) Ministry of Justice (2011) Provisional figures relating to offenders serving indeterminate sentence of imprisonment for public protection (IPPs), London: Ministry of Justice

\(^{251}\) Hansard HL, 21 November 2011, c825

\(^{252}\) Table 2, Ministry of Justice (2011) Provisional figures relating to offenders serving indeterminate sentence of imprisonment for public protection (IPPs), London: Ministry of Justice

\(^{253}\) Letter from Maria Eagle MP to Andrew Stunell MP, 19 January 2010

On 19 January 2010, of the 2,468 people being held beyond tariff, 466 had completed no accredited offending behaviour programmes.255

HM Chief Inspectors of Prisons and Probation have stated that “the current situation is not sustainable. IPP prisoners now constitute around one in 15 of the total prison population “…even with the recent changes in legislation, these numbers far exceed the capacity of the probation service and the prison system (and the Parole Board for that matter) to deliver the necessary quality of service.”256

HM Chief Inspectors of Prisons and Probation have described those serving IPP sentences as “prisoners with many and complex needs, including mental health, learning disability and a risk of self-harm.”257

Nearly one in five IPP prisoners have previously received psychiatric treatment, while one in 10 is receiving mental health treatment in prison and one in five is on prescribed medication. One IPP prisoner in 20 is, or has been, a patient in a special hospital or regional secure unit.258

Data from the Prison Service’s Safer Custody Group also confirm that IPP prisoners have raised incidence of self-harm.259

Three people serving IPP sentences took their own lives in 2010.260

Nearly 80% of IPP sentences for women surveyed by the Chief Inspectors of Prisons and Probation were for offences of arson, which is often an indicator of serious mental illness or self-harm.261

According to HM Chief Inspector of Prisons, many IPP prisoners remain unclear about the implications of their sentence.262

There is a significant shortage of accredited offending behaviour programmes for IPP prisoners, especially in local prisons. Many IPP prisoners attend their Parole Board hearing with little or nothing to show for their time in prison.263

On 5 July 2010, 2,120 people serving an IPP sentence “had not completed at least one course”.264

Prisoners whom staff consider to be unsuitable to participate because of mental illness, poor education or emotional instability are often excluded from taking part in programmes entirely.265

Research by the Prison Reform Trust has found that there are a significant number of prisoners who, because they have a learning disability or difficulty, are excluded from aspects of the prison regime including offending behaviour programmes.266 A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as “kafkaesque”.267

The Joint Committee on Human Rights found, in response to evidence submitted by the Prison Reform Trust, that “people with learning disabilities may serve longer custodial sentences than others convicted of comparable crimes.” The report went on to say that ‘this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination).268

According to HM Chief Inspectors of Prison and Probation, “life-sentenced prisoners, too, were increasingly angry and frustrated as short-tariff IPP prisoners were prioritised for scarce courses and programmes.”269

The president of the Prison Governors Association has called for the release of the 2,500 prisoners who were jailed indefinitely for the public’s protection (IPP) and have now served more than their minimum tariff.270

255 Hansard HC, 26 January 2010, c732W
258 Sainsbury Centre for Mental Health (2008) In the dark: The mental health implications of Imprisonment for Public Protection, London: Sainsbury Centre for Mental Health
263 Sainsbury Centre for Mental Health (2008) In the dark: The mental health implications of Imprisonment for Public Protection, London: Sainsbury Centre for Mental Health
264 Hansard HC, 26 July 2010, c691W
265 Ibid.
266 Talbot, J. Written evidence submitted by Prison Reform Trust to the Joint Committee on Human Rights: The Human Rights of Adults with Learning Disabilities, 2007
People on remand

In 2010, 53,139 people were remanded into custody to await trial. In the same year 38,297 people were remanded into prison convicted but awaiting sentence.\(^{271}\)

In 2010 11,105 people remanded in custody were subsequently acquitted.\(^{272}\)

In 2010 42% of people remanded into custody didn’t go on to receive a custodial sentence.\(^{273}\)

The remand population in prison at the end of September 2011 was 13,550, up 7% from the previous year. Within this total, the untried population increased 8% to 9,089 and the convicted unsentenced population increased 4% to 4,461.\(^{274}\)

In 2010 28% of children in prison were on remand.\(^{275}\)

In 2008-09 4,963 children under 18 were remanded in custody. Of these, 985 spent between one and six months in custody on remand; 194 between six and 12 months; and four were held on remand in custody between 12 months and three years.\(^{276}\)

In 2010 1,802 (61%) children who were remanded in custody were subsequently acquitted or given a non-custodial sentence.\(^{277}\)

An acquitted defendant is not automatically entitled to compensation, and it has been the exception rather than the rule for any compensation to be payable.\(^{278}\)

The average waiting time for those remanded into custody awaiting cases committed for trial at the crown court was 9 weeks.\(^{279}\)

<table>
<thead>
<tr>
<th>Offence Group</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence against the person</td>
<td>13,548</td>
</tr>
<tr>
<td>Other offences</td>
<td>10,810</td>
</tr>
<tr>
<td>Theft and handling</td>
<td>7,323</td>
</tr>
<tr>
<td>Burglary</td>
<td>6,015</td>
</tr>
<tr>
<td>Drug offences</td>
<td>4,704</td>
</tr>
<tr>
<td>Robbery</td>
<td>4,089</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>2,070</td>
</tr>
<tr>
<td>Fraud and forgery</td>
<td>1,791</td>
</tr>
<tr>
<td>Offence not recorded</td>
<td>1,401</td>
</tr>
<tr>
<td>Motoring offences</td>
<td>909</td>
</tr>
</tbody>
</table>

The number of women on remand has remained broadly static over the past year rising by 1% to 789 in September 2011. Women on remand make up 18% of the female prison population.\(^{282}\)

The number of women entering prison on remand awaiting trial has decreased by 13% in the 12 months ending June 2011.\(^{283}\) This comes after an increase of 22% over the period between 2004 and 2008.\(^{284}\)

The number of children imprisoned on remand has increased by 41% since 2000.\(^{285}\)

In 2009-10 nearly a quarter of children in custody in England and Wales were locked up on remand – an average of 587 at any one time.\(^{286}\) They spent 44 days in custody on average, 8 days more than in 2007-8.\(^{287}\)

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\(^{271}\) Table 2.1a, Ministry of Justice (2011) Offender Management Statistics Quarterly Bulletin January to March 2011, London: Ministry of Justice, NB, the same person can be remanded before and after trial, so counting twice

\(^{272}\) Hansard HC, 17 October 2011, c681W

\(^{273}\) Ibid.

\(^{274}\) Table 1.1A, Ministry of Justice (2011) Offender Management Statistics Quarterly Bulletin, April to June 2011, London: Ministry of Justice


\(^{276}\) Hansard HC, 5 September 2011, c297W


\(^{279}\) Table 2.2a, Ministry of Justice (2011) Offender Management Statistics Quarterly Bulletin, April to June 2011, London: Ministry of Justice

\(^{280}\) Table 2.1c, Ibid.

\(^{281}\) Hansard HC, 12 October 2009, c92W

\(^{282}\) Table 5.2, Ministry of Justice (2010) Youth Justice Statistics 2009/10, London: Ministry of Justice

\(^{283}\) Table 5.9, Ibid.
Use of the important alternative to custodial remand – remand to non-secure local authority accommodation – declined by 47% between 2003-4 and 2007-8. In most areas of England and Wales there is no specialist accommodation for under-18 year olds on bail or remand to non-secure local authority accommodation.\(^{288}\)

As at 1 April 2009 the average cost of placing a child remanded to custody in a Secure Training Centre was £160,000 per annum (excluding VAT).\(^{289}\)

Between 2001-2010 35% of self-inflicted deaths were by prisoners held on remand, despite comprising 17% of the prison population on average during this period. In 2010, they accounted for half of all self-inflicted deaths, and made up 18% of the population.\(^{290}\)

Remand prisoners have a range of mental health problems. According to the Office for National Statistics more than three-quarters of men on remand suffer from a personality disorder. One in 10 have a functional psychosis and more than half experience depression. For women on remand, nearly two-thirds suffer from depression. Once again these figures are higher than for sentenced prisoners. Research has found that 9% of remand prisoners require immediate transfer to the NHS.\(^{291}\)

A significant proportion of those held on remand have been in prison previously. One study found that 65% of respondents had been remanded into custody before.\(^{292}\)

Information on the number of unconvicted prisoners who have received no social visits from family is not centrally collated.\(^{293}\) However the Social Exclusion Unit found that one in four men and half of all women on remand receive no visits from their family.\(^{294}\)

Research by the Prison Reform Trust found that prisons are failing to equip remand prisoners to prepare for trial. The study found that only 48% of prison libraries in jails holding remand prisoners stocked the standard legal texts that under Prison Service regulations they must provide.\(^{295}\)

Remand prisoners are more likely than sentenced prisoners to have a history of living in unstable or unsuitable accommodation. Research by the National Association for the Care and Resettlement of Offenders (nacro) shows they are five times more likely to have lived in a hostel prior to imprisonment.\(^{296}\)

Remand prisoners receive no financial help from the Prison Service at the point of release. They are also not eligible for practical support with resettlement from the Probation Service, even though they can be held on remand for as long as 12 months.\(^{297}\)

A Ministry of Justice survey found that only 32% of prisoners reported being in paid employment in the four weeks prior to custody.\(^{298}\) But research by nacro has found that remand prisoners are less likely than sentenced prisoners to have had a job before prison. The minority of remand prisoners who do have jobs are very likely to lose them whilst in prison.\(^{299}\)

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289 Hansard HC, 18 January 2011, c690W
290 Table 8, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice
293 Hansard HC, 7 December 2010, c201W
298 Table 2.36, Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice
299 Ibid.
Releases from and recalls to prison

There was a total of 87,444 prisoners released from determinate sentences in the 12 months ending June 2011. The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison population over the period. Changes to the law have meant that more offenders are liable to be recalled, and to spend longer in custody having been recalled.

There were 5,731 recall prisoners in prison on 30 September 2011.

In the five years to 2007, there has been a 350% increase in the number of offenders recalled to prison for apparent breach of their conditions. This is despite the fact that the number of ex-prisoners on licence in the community has increased by less than 15%. Rates of recall for those technically eligible rose from 53% in 2000, to 86% in 2004.

Recalled prisoners currently make up nearly 8% of the prison population.

In 2010-11, 15,603 people were recalled to custody, an increase of 4% on 2009-10.

Between April and June 2005, 2,100 people were recalled for a breach of their licence. Of these the largest proportion, 30%, were ‘out of touch’, 18% were breached for problems with their behaviour, 8% for breaking their residency conditions and 18% for ‘other reasons’. Only a quarter were recalled to face a further charge.

In the last two years 26 prisoners have been granted early release on compassionate grounds.

In the 12 months ending June 2011, 12,798 people were released on Home Detention Curfew (HDC). Whilst this is nearly 11% higher than in the same period the year before, it is significantly lower than the 2003 high of 21,188. On 9 December 2011, 2,773 people were on HDC.

In 2010 there were 1,154 decisions to recall from HDC. Of those recalled, just 18% were for a new offence.

Under the provisions of the Criminal Justice Act 2003, the time served under licence is increasing markedly. Those serving long sentences are under supervision for the whole sentence, instead of until the three-quarters point.

Proposals currently in the Legal Aid, Sentencing and Punishment of Offenders Bill to introduce an Extended Determinate Sentence include an extended period of licence on release of up to five years for violent offences, and eight for sexual offences.

The Prisons and Probation Ombudsman reports seeing more complaints about delays or omissions in delivering sentence plans, and about the content of reports. Decisions about release on HDC or release on temporary licence also feature to a degree that was not the case at the beginning of the decade.

The end of custody licence (ECL) scheme was withdrawn on 12 March 2010. The withdrawal of the scheme has added around 1,000 to the prison population.

Over the lifetime of the scheme a total of 81,578 prisoners were released on ECL. 1,234 offenders have allegedly reoffended during their period on ECL, 1.5% of all prisoners released on the scheme.

300 Unless otherwise stated, all facts in this section are drawn from the Prison Reform Trust’s briefing paper, Recycling Offenders through Prison, May 2005
304 Hansard, WH, 5 February 2009, c311WH
308 NOMS Recall newsletter edition 7, annex A
Reoffending

Prison has a poor record for reducing reoffending – 47% of adults are reconvicted within one year of being released – for those serving sentences of less than 12 months this increases to 57%. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 66%.317

51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%. For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 88%.318

58% of young people (18-20) released from custody in the first quarter of 2008 reoffended within a year.320

71% of children (10-17) released from custody in 2009 reoffended within a year.320

Factors affecting reoffending321

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders. Offenders discharged from immediate custodial sentences also committed more reoffences than matched offenders given a Community Order, with a difference of 80.3 re-offences per 100 offenders in 2008.322

41% of prisoners interviewed for the Surveying Prisoner Crime Reduction study reported having observed violence in the home as a child. These offenders had a higher one-year reconviction rate than those who did not (58% compared with 48%).

29% of offenders reported experiencing emotional, sexual, or physical abuse as a child. These offenders had a higher one-year reconviction rate than those who did not (58% compared with 50%).

42% of prisoners had been expelled or permanently excluded from school. 63% of offenders who had been expelled or permanently excluded from school were reconvicted for an offence within a year, compared with 44% of offenders who were not.317


318 Table A7(F) and A8(F), Ministry of Justice (2011) Adult reconvictions: results from the 2009 cohort, London: Ministry of Justice

319 Hansard HC, 17 January 2011, c653W


321 The following statistics are all taken from Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

322 Table 1 and 2, Ministry of Justice (2011) Compendium of reoffending statistics and analysis, London: Ministry of Justice


Over a third (37%) said that someone in their family (other than themselves) had been found guilty of a non-motorling criminal offence. Of these convicted family members, 84% had been in prison, a young offenders’ institution or borstal. 59% of offenders with a family member convicted of a non-motorling criminal offence were reconvicted within a year after release compared with 48% who did not have a convicted family member.

Just over half (53%) of the sample reported to have at least one qualification. 60% of those with no qualifications were reconvicted within a year of leaving prison compared with 45% of those with qualifications.

51% of prisoners had been in employment in the year before custody. 40% of offenders who were in employment in the year before prison were reconvicted within a year of leaving prison compared with 65% of those who had not been in employment.

Almost two thirds (64%) said they had claimed benefits during the 12 months before they went to prison. Those who reported having claimed benefits were more likely to be reconvicted (58% compared with 41%) than those who did not report having claimed benefits.

15% of offenders were homeless prior to custody. 79% of offenders who had been homeless prior to custody were reconvicted within a year compared with 47% of those who had accommodation.

71% reported using drugs in the year before custody and 64% reported using drugs in the four weeks prior to custody.

The highest reconviction rate was observed for the 33% of the sample who reported being poly-drug users in the four weeks before custody. Of these prisoners, 71% were reconvicted compared with 48% of those who only used Class B and/or C drugs in the four weeks before custody.

22% of the sample drank alcohol every day in the four weeks before custody. These prisoners were more likely to be reconvicted compared with those who did not drink every day in the four weeks before custody (62% compared with 49%).

The majority of offenders (97%) expressed a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, most stressed the importance of ‘having a job’ (68%) and ‘having a place to live’ (60%).323
### Social characteristics of prisoners

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>General population</th>
<th>Prison population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ran away from home as a child</td>
<td>11%</td>
<td>47% of male sentenced prisoners and 50% of female sentenced prisoners</td>
</tr>
<tr>
<td>Taken into care as a child</td>
<td>2%</td>
<td>27%</td>
</tr>
<tr>
<td>Regularly truanted from school</td>
<td>3%</td>
<td>30%</td>
</tr>
<tr>
<td>Excluded from school</td>
<td>2%</td>
<td>49% of male and 33% of female sentenced prisoners</td>
</tr>
<tr>
<td>No qualifications</td>
<td>15%</td>
<td>52% of men and 71% of women</td>
</tr>
<tr>
<td>Numeracy at or below Level 1 (the level expected of an 11 year-old)</td>
<td>23%</td>
<td>65%</td>
</tr>
<tr>
<td>Reading ability at or below Level 1</td>
<td>21-23%</td>
<td>48%</td>
</tr>
<tr>
<td>Unemployed before imprisonment</td>
<td>5%</td>
<td>67%</td>
</tr>
<tr>
<td>Homeless</td>
<td>0.9%</td>
<td>32%</td>
</tr>
<tr>
<td>Suffer from two or more mental disorders</td>
<td>5% of men and 2% of women</td>
<td>72% of male and 70% of female sentenced prisoners</td>
</tr>
<tr>
<td>Psychotic disorder</td>
<td>0.5% of men and 0.6% of women</td>
<td>7% of male and 14% of female sentenced prisoners</td>
</tr>
<tr>
<td>Drug use in the previous year</td>
<td>13% of men and 8% of women</td>
<td>65% of male and 55% of female sentenced prisoners</td>
</tr>
<tr>
<td>Hazardous drinking</td>
<td>38% of men and 15% of women</td>
<td>63% of male and 39% of female sentenced prisoners</td>
</tr>
</tbody>
</table>

*Social Exclusion Unit Report ‘Reducing reoffending by ex-prisoners’, July 2002*
Mothers and fathers in custody, prisoners’ children

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; where this information is collected, it is patchy and not always shared.

It is estimated that there are 160,000 children with a parent in prison each year.324 This is around two and a half times the number of children in care (64,400), and over six times the number of children on the Child Protection Register (26,000).325

In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.326

The Department of Education estimated in 2003 that, during their time at school, 7% of children experience their father’s imprisonment.327

It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.328

Imprisonment carries costs to families and wider society. The full cost per family over six months, including the cost to agencies and the cost of support provided by family and relatives, is estimated to average £5,860.329

Prisoners’ families are vulnerable to financial instability, poverty, debt and potential housing disruption, and it is estimated that the average personal cost to the family and relatives of a prisoner is £175 per month, although these figures are conservative estimates and are likely to be higher.330

Prison governors receive no specific funding to meet the costs of family support work, parenting courses, family visitor centres or supervised play areas. This means any family provision must come from a governor’s already stretched and shrinking general prison budget.331

Over half (54%) of prisoners interviewed for the Surveying Prisoner Crime Reduction study had children under the age of 18 at the time they entered prison. About two fifths of these respondents reported being single (43%). About three quarters of the whole sample (74%) strongly agreed or agreed that they were close to their family. The vast majority felt that they had let their family down by being sent to prison (82%).332

Only 9% of children whose mothers are in prison are cared for by their fathers in their mothers’ absence.333

At least a fifth of mothers are lone parents before imprisonment, compared to around 9% of the general population.334

Black and ethnic minority women in prison are particularly likely to be single mothers, as more than half of black African and black Caribbean families in the UK are headed by a lone parent, compared with less than a quarter of white families and just over a tenth of Asian families.335

61% of women interviewed at HMP Styal had partners; however a third of these partners were currently also in prison. The same study showed that children had been taken away from 70% of the mothers, and that the remainder were with family.336

Only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.337

One in four men and half of all women on remand receive no visits from their family.338

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325 Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007
330 Ibid
Maintaining contact with children is made more difficult by the distance that many prisoners are held from their home area; in 2009 the average distance for men was 50 miles and 55 miles for women.\(^{330}\) This is particularly acute for women given the limited number of women’s prisons; in 2009 there were 753 women held over 100 miles from home.\(^{340}\)

One Home Office study showed that for 85% of mothers, prison was the first time they had been separated from their children for any significant length of period. It also showed that 65% of mothers in prison were serving their first custodial sentence.\(^{341}\)

An ICM public opinion poll, commissioned by SmartJustice in March 2007, found that, of 1,006 respondents across the UK, 73% thought that mothers of young children should not be sent to prison for non-violent crime.\(^{342}\)

Imprisoning mothers for non-violent offences has a damaging impact on children and carries a cost to the state of more than £17 million over a 10 year period.\(^{343}\)

The main social cost incurred by the children of imprisoned mothers – and by the state in relation to these children – results from the increased likelihood of their becoming ‘NEET’ (Not in Education, Employment or Training).\(^{344}\)

Between April 2005 and December 2008, 382 children were born to women prisoners. This is a rate of almost two births a week in England and Wales.\(^{345}\) However, information on the number of women who have given birth in prison is now no longer collected centrally.\(^{346}\)

Between April 2006 and March 2009 seven girls aged 16 and 17 years old in secure training centres and one in a secure children’s home gave birth.\(^{347}\)

Women with babies in prison may be unable to claim benefits for their children.\(^{348}\)

25% of young men in young offender institutions are, or are shortly to become, fathers.\(^{349}\)

According to a Prisons Inspectorate and Youth Justice Board survey, 10% of boys and 9% of girls, aged between 15 and 18 years old had children themselves.\(^{350}\)

In 2004, for the first time the government announced that a record will be kept of prisoners’ children.\(^{351}\) The Prison-NOMIS case management system is now in place but this commitment to record details of prisoners’ children is not mandatory.

A government review of the children of offenders carried out in 2007 stated that “children of offenders are an ‘invisible’ group: there is no shared, robust information on who they are, little awareness of their needs and no systematic support.”\(^{352}\)

HM Chief Inspector of Prisons found “a greater awareness in women’s prisons of the need to ask about care for dependants, but little awareness in men’s prisons that men may have similar concerns.”\(^{353}\)

35% of men and 28% of women described themselves as living with a partner before entering custody.\(^{354}\)

Prisoners’ families, including their children, often experience increased financial, housing, emotional and health problems during a sentence. Children of prisoners have about three times the risk of mental health problems and/or anti-social/delinquent behaviour compared to other children.\(^{355}\)

Parental imprisonment approximately trebles the risk for antisocial/delinquent behaviour of children.\(^{356}\)

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339 Hansard HC, 7 January 2010, c548W
340 Hansard HC, 26 November 2009, c238W
343 new economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation
344 Ibid.
345 Hansard HC, 26 January 2009, c202W
346 Hansard HC, 10 May 2011, c1072W
347 Hansard HC, 29 April 2009, c1332W
351 Hansard HC, 12 September 2004
352 Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007
Over a third (37%) of prisoners interviewed for the Surveying Prisoner Crime Reduction study said that someone in their family (other than themselves) had been found guilty of a non-motoring criminal offence. Of these convicted family members, 84% had been in prison, a young offenders’ institution or borstal. 59% of offenders with a family member convicted of a non-motoring criminal offence were reconvicted within a year after release compared with 48% who did not have a convicted family member.367

During their sentence 45% of people lose contact with their families and many separate from their partners.358

Research indicates that the odds of reoffending were 39% higher for prisoners who had not received visits whilst in prison compared to those who had.359

30% of boys and 47% of girls in custody reported having had no visits in the last month or never had visits. There were poorer responses from black and ethnic minority young men to all the questions on keeping in touch with family and friends. Only 49% said that they could use the telephone daily compared with 60% of white boys.360

Just a third of children said that it was easy or very easy for a loved one to visit them.361

21 prisoners with dependent children took their own life in the 12 months to 31 August 2009.362 Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.363

In 2008-09 closed visiting conditions were imposed on 1,817 occasions.364 Closed visits are imposed when there is a risk drugs may be smuggled through visits.

Black, minority ethnic and foreign national women were more likely to report that they had not had a visit within their first week in prison compared with white and British women.365

In a survey of visitors’ centres commissioned by the Prison Service, Action for Prisoners’ Families found that 65% of respondents would like to book visits via the internet or email. One third expressed their frustration at problems in getting through on the phone to book visits.

The HM Chief Inspector of Prisons 2010 annual report noted more children and family days in 40 prisons as opposed to only 27 the year before. However, the Inspectorate has “learnt with concern that family days in some prisons (including women’s prisons) may be among the victims of budget cuts”.366

The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons has fallen by 40% in the last three years from 472 in 2008-09 to 282 in 2010-11.367

HM Inspectorate of Prisons has found that an average of 40% of prisoners reported difficulties with sending or receiving mail, and around a quarter of prisoners reported difficulty in accessing telephones. Alterations to prison regimes have reduced the opportunity for prisoners to use the telephone. The inspectorate found instances where unemployed prisoners were not allowed to use the telephone in the evening and so were unable to contact children and working relatives and friends.368

From May 2010 BT reduced the prohibitively high cost of calls from prison payphones in England and Wales. This followed a successful super-complaint issued by the National Consumer Council, now Consumer Focus, and the Prison Reform Trust to the regulator Ofcom. Prison payphone calls to landlines have only dropped from 11 pence to nine pence per minute on weekdays and eight pence per minute on weekends. Costs of calls to mobiles during the day on weekdays were reduced from 63 pence to 20 pence per minute; 13 pence on weekends.369

361 Ibid.
363 NOMS, Safer Custody News, January/February 2010
364 Hansard HC, 22 March 2010, c21W
367 Hansard HC, 3 May 2011, d528W
Women in prison

On 9 December 2011 the number of women in prison in England and Wales stood at 4,211, 33 fewer than a year before. Between 2000 to 2010 the women’s prison population increased by 27%. In 1995 the mid-year female prison population was 1,979. In 2000 it stood at 3,355 and in 2010 it was 4,267. A total of 10,334 women were received into prison in 2010, a 6% decrease on 2009.

Following the re-role of HMP Morton Hall to an Immigration Removal Centre there are now 13 women’s prisons in England and none in Wales. Women represent 5% of the overall prison population.

28% of women in prison had no previous convictions – more than double the figure for men (13%).

13% of women serving sentences of under 12 months had no previous convictions, compared with only 8% of men.

The number of women on remand has remained broadly static over the past year rising by 1% to 789 in September 2011. Women on remand make up 18% of the female prison population.

There has been a 15% decrease in the number of women remanded into custody falling from 6,721 in 1999 to 5,724 in 2009. These women spend an average of four to six weeks in prison and nearly 60% do not go on to receive a custodial sentence.

51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%. For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 88%.

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374 Table A1.27, Ibid.
375 Table 1.1c, Ministry of Justice (2011) Offender Management Statistics Quarterly Bulletin, April to June 2011, London: Ministry of Justice
378 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice
At the end of September 2011 there were 650 foreign national women in prison, 15% of the women’s prison population.\(^{379}\)

In the 12 months to June 2011 80% of women entering custody under sentence had committed a non-violent offence, compared with 70% of men.\(^{380}\)

Theft and handling was the most common offence that women were serving a custodial sentence for during the same period. They accounted for 34% of all women serving custodial sentences.\(^{381}\)

A Cabinet Office study found that 28% of women offenders’ crimes were financially motivated, compared to 20% of men.\(^{382}\)

1,052 women entered prison in 2009 for breaching a court order. This represents 13% of all women entering prison under an immediate custodial sentence.\(^{383}\)

Most women serve very short sentences. In 2010 61% were sentenced to custody for six months or less.\(^{384}\)

Most of the rise in the female prison population can be explained by a significant increase in the severity of sentences. In 1996, 10% of women convicted of an indictable offence were sent to prison, in 2010 14% were.\(^{385}\)

The government’s strategy for diverting women away from crime made a commitment to reduce the women’s prison estate by 300 places by March 2011 and 400 places by March 2012. The re-role of HMP Morton Hall to an Immigration Removal Centre has reduced the operational capacity of the female estate by 392 places.\(^{386}\)

The average distance adult women in prison are held from their home or committal court address is 55 miles.\(^{387}\) In 2009 753 women were held over 100 miles away.\(^{388}\)

A University of Oxford report on the health of 500 women prisoners, showed that women in custody are five times more likely to have a mental health concern than women in the general population, with “78% exhibiting some level of psychological disturbance when measured on reception to prison, compared with a figure of 15% for the general adult female population”. Researchers also found that women entering prison had very poor physical, psychological and social health, worse than that of women in social class V, the group within the general population who have the poorest health.\(^{389}\)

52% of women surveyed said that they had used heroin, crack, or cocaine powder in the four weeks prior to custody, compared to 40% of men. However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.\(^{390}\)

Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.\(^{391}\)

There were 56 self-inflicted deaths of women prisoners between 2002 and 2010.\(^{392}\)


\(^380\) Table 2.2b, Ibid.

\(^381\) Ibid.


\(^384\) Table 2.1c, Ministry of Justice (2011) Offender Management Caseload Statistics Quarterly Bulletin, April to June 2011, London: Ministry of Justice


\(^387\) Hansard HC, 7 January 2010, c548W

\(^388\) Hansard HC, 25 November 2009, c238W


\(^392\) Table 5, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice
In 2010, there were a total of 26,983 incidents of self-harm in prisons, with 6,639 prisoners recorded as having injured themselves. Women accounted for 47% of all incidents of self harm despite representing just 5% of the total prison population.  

Nearly 80% of IPP sentences for women surveyed by the Chief Inspectors of Prisons and Probation were for offences of arson, which is often an indicator of serious mental illness or self-harm.

As of March 2011 there were 150 women in prison serving IPP sentences, just over 2% of the total IPP population.

One in four women in prison has spent time in local authority care as a child. Nearly 40% of women in prison left school before the age of 16 years, almost one in ten were aged 13 or younger.

Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.

Women prisoners are subject to higher rates of disciplinary proceedings than men. In 2009 there were 150 proven breaches against discipline per 100 women in prison compared to 124 per 100 men. According to the Ministry of Justice, “women may be less able (due for example to mental health issues) to conform to prison rules.”

The proportion of women prisoners under sentence aged 40 and over has risen from 18% in 2002 to 28% in 2009.

Around one-third of women prisoners lose their homes, and often their possessions, whilst in prison.

Women prisoners are often inadequately prepared for release. Only 24% of women with a prior skill had the chance to put their skills into practice through prison work. Just 11% of women received help with housing matters.

A Prisons Inspectorate survey found that 38% of women in prison did not have accommodation arranged on release. Only a third of women prisoners who wanted help and advice about benefits and debt received it.

In 2010 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (69%) and suspended sentence orders (74%).

In March 2007, the Corston review of vulnerable women in the criminal justice system, commissioned following the deaths of six women at Styal prison, stated: ‘Community solutions for non-violent women offenders should be the norm’. The report concluded that “There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.”

An ICM public opinion poll commissioned by SmartJustice in March 2007 found that, of 1,006 respondents across the UK, 86% supported the development of local centres for women to address the causes of their offending. Over two thirds (67%) said that prison was not likely to reduce offending.

The new economics foundation has found that for every pound invested in support-focused alternatives to prison, £14 worth of social value is generated to women and their children, victims and society generally over 10 years.
If alternatives to prison were to achieve an additional reduction of just 6% in reoffending, the state would recoup the investment required to achieve this in just one year. The long-run value of these benefits is in excess of £100 million over 10 years.

On 21 December 2010 the UN General Assembly took an important step towards meeting the needs and characteristics of women in the criminal justice system. By adopting Resolution A/RES/65/229, it approved the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (known as the ‘Bangkok Rules’). The Rules supplement but do not replace the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Non-custodial Measures (the ‘Tokyo Rules’).

The new Bangkok Rules include an annex that addresses such issues as gender-sensitive prisoner classification and security risk assessments, gender-specific health-care services, treatment of children living with their mothers in prison, the specific safety concerns of women prisoners, and the development of pre- and post-release programmes that take into account the stigmatisation and discrimination that women face once released from prison.

On 16 October the National Council of Women (NCW) unanimously adopted a resolution to reduce women’s imprisonment. They are calling on the government to prioritise the sustained and determined implementation of measures to divert women from crime, reduce offending and reoffending by women, and stop sending so many women to prison.

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Number of women, aged 18+, sentenced in all courts in 2009 for indictable offences*, 10 most common offences

<table>
<thead>
<tr>
<th>Offence</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stealing</td>
<td>16,662</td>
</tr>
<tr>
<td>Burglary</td>
<td>2,721</td>
</tr>
<tr>
<td>Receiving Stolen Property</td>
<td>2,159</td>
</tr>
<tr>
<td>Burglary with Violence</td>
<td>1,594</td>
</tr>
<tr>
<td>Robbery</td>
<td>1,312</td>
</tr>
<tr>
<td>Breach of Peace</td>
<td>1,151</td>
</tr>
<tr>
<td>Criminal Damage to Property</td>
<td>1,070</td>
</tr>
<tr>
<td>Burglary of House</td>
<td>796</td>
</tr>
<tr>
<td>Robbery from a Dwelling House</td>
<td>747</td>
</tr>
<tr>
<td>Theft of a Vehicle</td>
<td>624</td>
</tr>
</tbody>
</table>


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409 Ibid.
410 Ibid.
Minority ethnic prisoners

On 30 June 2010 just under 26% of the prison population, 21,878 prisoners, was from a minority ethnic group. This is slightly less than in 2009, but represents an increase on that recorded for 2005 (25%). This compares to one in 10 of the general population.

Out of the British national prison population, 11% are black and 5% are Asian. For black Britons this is significantly higher than the 2.8% of the general population they represent.

Overall black prisoners account for the largest number of minority ethnic prisoners (53%).

At the end of June 2010, 32% of minority ethnic prisoners were foreign nationals.

A higher percentage of those in BME groups were sentenced to immediate custody for indictable offences than in the white group in 2010 (white 23%, black 27%, Asian 29% and Other 42%). This may in part be due to differences in plea between ethnic groups.

In 2010, the highest average custodial sentence length (ACSL) for those given determinate sentences for indictable offences was recorded for the black ethnic group, at 20.8 months, followed by the Asian and Other groups with averages of 19.9 months and 19.7 months respectively. The lowest ACSL was recorded for the white group at 14.9 months.

At the end of June 2010, 30% of mixed, 29% of white, 28% of Asian, 28% of black, and 15% of Chinese or other prisoners were serving a sentence for offences of violence against the person. 47% of Chinese or other prisoners, 26% of Asian, 25% of black, 19% of mixed, and 13% of white prisoners were serving sentences for drugs offences.

There is now greater disproportionality in the number of black people in prisons in the UK than in the United States.

In 2002 there were more African Caribbean entrants to prison (over 11,500) than there were to UK universities (around 8,000).

Although a growing number of establishments have an overarching diversity policy covering all of the main protected characteristics, almost half do not.
The perceptions of black and minority ethnic prisoners in HM Inspectorate of Prisons’ surveys are more negative than those of white prisoners in key areas such as safety and relationships with staff. Muslim prisoners in particular had consistently more negative perceptions than the prison population as a whole, responses were negative in 60% of the Inspectorate’s questions, compared to 55% from black and minority ethnic prisoners, and 51% from foreign nationals.426

White men were twice as likely as black men to agree that complaints are sorted out fairly in their prison.427 NOMS have accepted that this still remains a challenge.428

Black prisoners are consistently more likely than white British prisoners to be on basic regime, to be in the segregation unit for reasons of good order or discipline and to have force used against them.429

Black and minority ethnic prisoners are under-represented in those granted release on temporary licence.430

Research undertaken by the Prison Reform Trust found that 41 of 71 prisoners interviewed said that they had experienced racism in the previous six months in the prison. Almost two-thirds of those prisoners said that they did not submit a complaint about it.431

Survey findings by HM Inspectorate of Prisons indicate that prisoners from a black or minority ethnic background, foreign nationals, Muslim prisoners and those under the age of 21 are more likely to report having spent time in the segregation or care and separation unit in the last six months.432

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426 Ibid.
429 Ibid.
Foreign national prisoners

Foreign national prisoners are a diverse group. The term encompasses people not only of different nationalities, but also differing statuses, some may have travelled to Britain as economic migrants seeking a better life, others may be fleeing persecution from their homeland.

Asylum seekers who may have fallen foul of the law, for example, may have little in common with those incarcerated for drug importation, whilst those held in prison for transgressing immigration laws may feel aggrieved at being housed with those they view as ‘criminals’ but who incidentally happen also to be of foreign national origin.\textsuperscript{433}

At the end of September 2011 there were 11,076 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13\% of the overall prison population.\textsuperscript{434}

These prisoners come from 159 countries, but over half are from 10 countries (Jamaica, Republic of Ireland, Poland, Nigeria, Vietnam, Pakistan, Romania, Lithuania, Somalia, and India).\textsuperscript{435}

In 2009 11,268 untried foreign national people were received into custody. The number of untried foreign national receptions has increased 136\% since 1999. In comparison, untried receptions of British nationals have decreased 28\% between 1999 and 2009.\textsuperscript{436}

The total number of foreign nationals in prison nearly doubled (99\%) between 2000 and 2010. This compares to a 20\% increase in British nationals.\textsuperscript{437}

Currently 15\% of women in prison, 650, are foreign nationals, some of whom are known to have been coerced or trafficked into offending.\textsuperscript{438} 46\% of foreign national women in prison are serving a custodial sentence for drug offences, compared to 21\% of women of British nationality. 25\% of foreign national men are serving a custodial sentence for drug offences, while the most common offence for British men is violence against the person at 30\%.\textsuperscript{439}

Women imprisoned for drugs importation are largely from Nigeria, Jamaica and South Africa.\textsuperscript{440}

16\% of foreign national women imprisoned are there for fraud and forgery offences (usually possession of false documents).\textsuperscript{441}

41\% of women within the current Hibiscus, Female Prisoners Welfare Project, caseload were charged with offences such as deception and fraud, in relation to their immigration status and related paperwork. The average sentences for false documents were 8½ months and for deception 12 months.\textsuperscript{442}

Hibiscus has seen a dramatic rise in numbers of women from Eastern European countries, representing 20\% of all new cases. This group account for the majority of those charged with theft. The other growth is in relation to women from China and Vietnam who have been charged with false documents and employment in illegal activities.\textsuperscript{443}

In 13 prisons, foreign national prisoners make up a quarter or more of the population.\textsuperscript{444} In 2006, two prisons, Canterbury and Bullwood Hall were reserved for a foreign national population; and in 2009 six additional prisons were designated as ‘hubs’ where foreign national prisoners might be concentrated - HMP Risley, Hewell, Morton Hall (since reroled as an Immigration Removal Centre), The Mount, The Verne, and Wormwood Scrubs.

Between 2007 and 2010 the UK Border Agency removed or deported 20,365 foreign national offenders.\textsuperscript{445}

The government has stated that it expects about 60 prisoners to be transferred in 2011-12 to serve their sentence in their country of origin.\textsuperscript{446}

435 Ibid.
440 Forthcoming (2012) briefing paper by Prison Reform Trust and Hibiscus
442 Forthcoming (2012) briefing paper by Prison Reform Trust and Hibiscus
443 Ibid.
445 Hansard HC, 11 July 2011, c68W
446 Hansard HC, 17 May 2011, c140
The government has said it is “committed to exploring ways of removing [foreign national prisoners] even earlier”. 447

The average number of days taken to remove a foreign national offender following the completion of their custodial sentence has fallen from 131 days in 2008 to 77 in 2011. 448

It costs the UK Border Agency £102 per night to keep an individual in immigration detention. 449

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of these 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. 450

On 5 December 2011 the Council Framework Decision 2008/909/JHA came into force. This allows the transfer of convicted prisoners back to their EU country of nationality, habitual residence or another EU country with which they have close ties, without prior consent. Poland will have a further three years for implementation. 451

In 2010, for an average month, approximately 635 foreign national prisoners were detained in prisons and 1,135 detained in immigration removal centres beyond the end of their custodial sentence while deportation was considered. 452

In May 2010, there were 3,808 foreign national offenders who had not been removed at the end of their sentence and were not being detained for immigration purposes, an increase of 53% since 2009. 453

Whilst healthcare in prisons is commissioned by the NHS, services in Immigration Removal Centres are still provided by private agencies under contract to the Home Office and are therefore not provided by the NHS nor regulated by the Care Quality Commission. 454

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447 Hansard HC, 4 November 2010, c878W
448 Hansard HC, 24 October 2011, c41W
449 Hansard HC, 5 December 2011, c26W
450 Hansard HC, 1 November 2010, c510W
452 Hansard HC, 29 June 2011, c440W
453 Hansard HC, 2 November 2011, c641W
Children in prison

At the end of September 2011 there were 2,061 children (under-18s) in custody – a decrease of 85 from the same point last year. There were 1,596 children held in young offender institutions (YOIs), 290 in secure training centres and 175 in secure children’s homes.455

In April 2011, there were 93 children aged 14 and under in the secure estate in England and Wales. 16 were aged 13 and 1 was aged 12.456

There has been a 45% drop in the number of children and young people entering the youth justice system and there are 1,000 fewer young people in custody than there were 10 years ago.457

The falling number of children and young people in custody is partly attributable to the reduction in those serving Detention and Training Orders (DTOs): between 2007 and 2011 this fell by 37%.458

However, although the total population is falling, the average length of time spent in custody by each child increased by four days between 2007–08 and 2009–10.460

The Youth Justice Board (YJB) decommissioned 598 places in the young people’s estate in 2010–11. One inevitable consequence however is that young people may now be held further from home than before.461

In March 2010, 24% of children were held over 50 miles from their home, including 7% held over 100 miles away. In March 2011 this increased to 30% who were held over 50 miles from home, including 10% held over 100 miles away.462

In 2009, 4,014 children aged between 15 and 17 entered prison under sentence. 1,895 of those entering prison were to serve sentences up to and including six months.463

According to Barnardos, 35% of 12-14 year olds in custody did not appear to meet the custody thresholds defined in the Powers of Criminal Courts (Sentencing) Act 2000.464

513 children aged 12, 13 and 14 were sentenced to custody in 2007. Of these children, it would have been unlawful to incarcerate 465 of them until 1998. Just 48 were sentenced for grave crimes or were given extended sentences for serious offending.465

In 2009, 349 children (under-18) with no previous convictions received a custodial sentence.466

At June 2010, 9% of children in prison (15-17) had no previous convictions.467

Between 2005 and 2010 178 children (10-17) started an indeterminate sentence in custody, only 11 were released before their 18th birthday.468

In 2008, 723 children (15-17) were imprisoned for breaching a court order.469 In 2008-9, 22% of 12 year olds and more than a quarter of 13 year olds in custody were imprisoned for breach of a statutory order.470

22% of those children in custody aged 12, 13 and 14 received their sentence for breach of a community intervention – such as an ASBO, a supervision order or a curfew. 28% had not committed a ‘serious or violent’ index offence and 9% were not persistent offenders.471
During the period 1 April 2008 to 31 March 2009, there were 1,308 young people under 18 remanded into custody for a period of seven days or less; and 173 were remanded for a period of seven days or less to the care of a local authority with a requirement that they be accommodated in secure conditions.  

Average cost of remand per bed per night by accommodation type

<table>
<thead>
<tr>
<th>Accommodation type</th>
<th>Cost per night</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secure Training Centre</td>
<td>£760.50</td>
</tr>
<tr>
<td>Secure Children's Home</td>
<td>£578.08</td>
</tr>
<tr>
<td>Young Offender Institution</td>
<td>£156.16</td>
</tr>
</tbody>
</table>

In 2010 61% of children who were remanded in custody were subsequently acquitted or given a non-custodial sentence.  

In 2009-10 there was a total of 1,121 cases of custodial remand of children lasting one week or less.  

In 2008-09 4,963 children under 18 were remanded in custody. Of these, 985 spent between one and six months in custody on remand; 194 between six and 12 months; and four were held on remand in custody between 12 months and three years.  

In 2009 more 17 year olds were received into prison on remand than under sentence.  

In 2010-11 over half of boys (53%; an increase from 39% in 2009–10) and 48% of girls told HM Inspectorate of Prisons it was their first time in custody – a group more likely to report feeling unsafe.  

Reconviction rates are very high for children, 71% of those released from custody in 2009 reoffended within a year.  

Incarceration is very expensive. In 2010-11 it accounted for 59% of the YJB’s expenditure. £268.9 million was spent on the whole secure estate for children last year.  

Around half of children in prison were imprisoned for non-violent crimes. On 30 June 2010 there were 78 children aged 15-17 in prison for theft and handling, 40 for breaching a court order, 7 for criminal damage and 5 for disorderly behaviour.  

The proportion of black and minority ethnic children in YOIs rose to 39% (from 33% in 2009–10), the number of foreign national young men increased to 6% (from 4% in 2009–10) and the number who identified themselves as Muslim is now 16% (compared with 13% in 2009–10).  

Both black and minority ethnic and Muslim young men surveyed were less positive about their relationships with staff than their white and non-Muslim counterparts. Almost a third of Muslim young men said they had been victimised by a member of staff, compared with 23% of non-Muslim young men.  

Looked after children are over-represented in the youth justice system and are more than twice as likely to be cautioned or convicted of an offence as other children of the same age.  

A recent HM Inspectorate report found that 27% of boys and 55% of girls reported that they have spent some time in care. It is estimated that there are around 400 children at any one time who have spent time in care.  

Young people who reported that they had been in care are more likely to report problems with drugs (40%) and alcohol (18%) and to report having mental health issues (29%).  

Half of the young people interviewed who had been in care said that they did not know who would be collecting them on the day of their release.  

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472 Hansard HC, 28 April 2009, c1263W  
473 http://www.cypnow.co.uk/Youth_Justice/article/1093354/councils-stung-500m-youth-remand-bill/  
474 Hansard HC, 5 September 2011, c297W  
475 Hansard HC, 6 September 2011, c387W  
476 Hansard HC, 12 October 2009, c355W  
481 Ibid.  
483 Table A1.6, Ibid.  
485 Ibid.  
489 Ibid.  
490 Ibid.
The UN Committee on the Rights of the Child has stated that an age of criminal responsibility below 12 is ‘not acceptable’.

Prison Reform Trust research has found that one in eight children in prison had experienced the death of a parent or sibling. 76% had an absent father and 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.491

40% of children in custody in England and Wales have previously been homeless.492

Two out of five girls and one out of four boys in custody report suffering violence at home. One in three girls and one in 20 boys in prison report having been sexually abused.493 One in 10 girls in custody has been paid for sex.494

The number of children assessed as vulnerable in custody was 1,148 in 2007, a rise of 12% on 2006, which rose by 12% on 2005.495

The educational background of children in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.496

25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.497 38% of boys screened on admission to prison in 2000-01 had the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy.498

23% of young offenders have learning difficulties (IQ below 70) and 36% borderline learning difficulties (IQ 70-80%).499 At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.500

39% of girls and 34% of boys had a problem with drugs when they first arrived at their establishment. For boys this marked an increase from 22% in 2008-09.503

Research commissioned by the YJB in 2006 found that 19% of 13-18 year olds in custody had depression, 11% anxiety, 11% post-traumatic stress disorder and 5% psychotic symptoms.504

Research suggests that prevalence of mental health problems for young people in contact with the criminal justice system range from 25 to 81%, being highest for those in custody. A cautious estimate based on the figures in the literature would indicate the rates of mental health problems to be at least three times as high for those within the criminal justice system as within the general population.505

Only half of boys and 69% of girls who reported a mental health problem said that they were receiving help at their establishment.506

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493 Ibid.
494 Youth Justice Board, Female health needs in young offender institutions, 2006, as cited in Legal Action, February 2008
495 Hansard HC, 28 March 2007, c1652W
498 HM Inspectorate of Prisons (2002) A second chance: a review of education and supporting arrangements within units for juveniles managed by HM Prison Service, a thematic review carried out jointly with the Office for Standards in Education
501 Hansard HC, 18 January 2010, c27W
Prevalence of psycho-social and educational problems among a sample of 200 sentenced children.  

<table>
<thead>
<tr>
<th>Factor</th>
<th>% cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associated with predominantly criminal peers</td>
<td>70%</td>
</tr>
<tr>
<td>Substance use viewed as positive and essential to life</td>
<td>26%</td>
</tr>
<tr>
<td>Difficulties with literacy and/or numeracy</td>
<td>26%</td>
</tr>
<tr>
<td>Evidence of self-harm</td>
<td>20%</td>
</tr>
<tr>
<td>Attempted suicide</td>
<td>11%</td>
</tr>
<tr>
<td>Has been bullied at school</td>
<td>10%</td>
</tr>
<tr>
<td>Has statement of special educational needs</td>
<td>18%</td>
</tr>
</tbody>
</table>

In 2010 there were 114 recorded incidents of self-harm by girls in custody, and 611 by boys in custody. 

Boys (15-17) in prison are 18 times more prone to take their own life than children of the same age in the community.

11% of children in prison have attempted suicide.

Twenty-nine children have died in penal custody since 1990 most by self inflicted death but one following restraint.

In August 2004, 14 year old Adam Rickwood became the youngest child to die in penal custody in recent memory.

There were 6,904 incidents of restraint in 2009-10, of which 257 (4%) resulted in injury. This is a fall of 13% from 2008-09, in line with the overall reduction of the number of children held in custody.

A third of boys and 16% of girls report they have been physically restrained. Over a two-year period, children and young people in Castington YOI sustained seven confirmed and three suspected fractures following the use of control and restraint techniques by staff.

More Muslim than non-Muslim young men report that they have been physically restrained: 40% compared with 32%.

Nick Hardwick, HM Chief Inspector of Prisons, giving evidence to Lord Carlile’s five year follow up review on the use of force on children in custody, stated that “HMI Prisons does not accept that pain-compliance techniques should ever be used”.

For the period April 2007 to March 2009, 101 injuries were sustained by children during restraint at the privately run Medway STC.

In the last five years children in one secure training centre were restrained using handcuffs on 57 occasions.

Juvenile establishments have the highest assault rates of any prisons in England and Wales.

Almost a third of prisoners involved in assaults classified as serious are children, despite children accounting for only 3% of the prison population.

27% of boys and 20% of girls have felt unsafe at some point in custody. Only 75% of black and minority ethnic boys reported feeling safe on their first night, compared with 81% of white boys.

56% of young men (a fall from 62% in 2009–10) said they would be able to tell someone if they were being victimised and just 31% (a fall from 40% in 2009–10) said that they believed a member of staff would take it seriously. 82% of young women said they would be able to tell someone, but less than half (46%) believed staff would take their reports of victimisation seriously.

63% of boys said that they had a member of staff to turn to if they had a problem and that most staff treated them with respect. For girls these figures were 84% and 67% respectively.

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509 Fazel, S., Suicide in prison, The Lancet, vol 366, issue 9493, 8 October 2005
511 http://www.inquest.org.uk/
514 Table 5.1, ibid.
516 http://www.howardleague.org/fileadmin/howard_league/user/pdf/
The experiences of boys in dedicated sites, holding young people (15-18) only, was broadly more positive than those in split or mixed sites. Notably, boys in dedicated sites were less likely to say that they had ever felt unsafe in their establishment. They also reported better experiences with health care and were more likely to be involved in purposeful activity.526

Although two-thirds of boys said they could use the telephone every day – an improvement on 2009–10 – but only 43% said it was easy for their friends and family to visit them.527

30% of boys and 47% of girls in custody reported having had no visits in the last month or never had visits. There were poorer responses from black and ethnic minority young men to all the questions on keeping in touch with family and friends. Only 49% said that they could use the telephone daily compared with 60% of white young men.528

Fewer black and minority ethnic than white boys said that they usually had one or more visits per week (33% compared with 41%) and they were more negative about the timeliness of visits and their visitors’ treatment by staff.529

The majority of children return to live with their families on release. Consequently, ongoing contact with families is an essential component of effective resettlement planning. However, families attended only half of training planning review meetings and very little action was taken to try to increase their attendance.530

In 2009-2010, children in YOIs spent on average 15 hours each day locked in their cells.531

Around three-quarters of boys and almost all girls surveyed said that they were taking part in education. Yet only 64% of boys felt that this education would help them on release and 60% – a fall from 64% in 2009–10 – said they planned to go into education once released.532

71% of boys surveyed said they could shower every day if they wanted to. However there was significant variation across the youth estate, ranging from 29% to 98% in the non-specialist male establishments.533

The proportion of boys who could go on association every day increased to 70% from 59% in 2009–10, and remained high for girls at 93%.534

According to a Prisons Inspectorate and Youth Justice Board survey 92% of boys and 93% of girls said that they wanted to stop offending. 47% of sentenced boys and 56% of girls said that they had done something or something had happened to them while they had been in custody to make them less likely to offend in the future. Both boys and girls felt that getting a job would be the most likely thing to stop them reoffending in the future, yet fewer than half said they knew who to contact in the establishment for help with finding employment.535

526 Ibid.
527 Ibid.
531 Hansard HC, 24 May 2011, c569W
533 Ibid.
534 Ibid.
535 Ibid.
Young people in prison (18-20 year olds)

At the end of September 2011 there were 8,317 young people aged 18-20 in prison in England and Wales. This is 14% less than the previous year, however some of this fall is likely to be the result of statistical reporting changes, which no longer include the counting of some 21 year olds who were aged 20 or under at conviction and had not been reclassified as part of the adult population.536

At the end of September 2011 more young people were in prison for the offence of violence against the person than any other offence.537

In the 12 months to June 2011 there were 12,509 young people sent to prison under sentence.538

While people aged 18-24 account for one in 10 of the UK population, they account for a third of those sentenced to prison each year; a third of the probation service caseload and a third of the total economic and social costs of crime.539

Between 2000 and 2010 the number of young adults sentenced to life imprisonment has increased by 310%.540

58% of young people released from custody in the first quarter of 2008 reoffended within a year.541 HM Chief Inspector of Prisons has commented that “the high reoffending rate among young adult men is unlikely to reduce without significant changes in approach, funding and focus.”542

In May 2009 young people between 18 and 21 were held an average of 50 miles away from their home or committal court address.543 HM Chief Inspector of Prisons has commented that: “these considerable distances from home compromises the resettlement and rehabilitation of young adults”.544

Fewer than half of young adults surveyed said that they knew where to get help to find accommodation, drug treatment or continuing education when they left prison.545

HM Prisons Inspectorate has found that too many young adult establishments have high levels of unemployment and poor quality work placements which do not provide vocational qualifications.546

An average of 3.8 hours per week is spent on physical education in young offender institutions in 2009-10.547 An average of eight hours per week is spent on other educational activities.548

Only 5% of young adults surveyed spend 10 or more hours a day out of cell in purposeful activity and just over half said they have association 5 or more times a week.549

In 2010–11, 12% of young adults surveyed by HM Inspectorate of Prisons had experienced some form of physical abuse from other prisoners.550

On average, 38% of prisoners in young adults prisons reported feeling unsafe at some point.551

65% of young adults think most staff treat them with respect (compared to 73% of over 21s).552

Mental health problems, drug and alcohol abuse are common amongst young people in prison. They are more likely than adults to suffer from mental health problems and are more likely to take, or try to take, their own life than both younger and older prisoners.553

27% of young adults reported arriving into prison with an alcohol problem and 23% believe they will leave with an alcohol problem. These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.554

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537 Table 1.3c, Ibid.
538 Table 2.1a, Ibid.
539 Transition to Adulthood (2010) Why is the criminal justice system failing young adults? London: Transition to Adulthood
541 Hansard HC, 17 January 2011, c653W
543 Hansard HC, 7 January 2010, c548W
547 Hansard HC, 19 July 2007, c207W
548 Hansard HC, 7 December 2010, c207W
550 Ibid.
551 Ibid.
552 Ibid.
A quarter of the young adult population surveyed by HM Prisons Inspectorate thought they would leave prison with a drug problem.  

37% of 16-25 year olds have a problem with alcohol and/or are regular binge-drinkers. In addition, 32% behave violently which is related to their alcohol abuse.

Young adults account for 20% of individuals in prison who self-harm although they represent 12% of the population in custody.

There were four self-inflicted deaths of young prisoners in 2010.

25% of young men in young offender institutions are, or are shortly to become, fathers. It is estimated that four out of 10 young women in prison are mothers.

According to the British Crime Survey, 16-24 year-olds are more likely than any other age group to become a victim of crime.

Up to 30% of young women in custody report having been sexually abused in childhood.

Young people who are not in education or employment are twenty times more likely to commit a crime. 47% of young adults aged 17-24 were in employment or education at the time of their arrest.

“We’ve all been through social services, foster, children’s homes, getting kicked out of school, secure unit….I’m sure we’ve all been through that road. It’s like a journey and we’ve all collected our tickets along the way.”

Only 1 in 4 young adult prisons were assessed positively against all 4 healthy prison tests.

558 Table 3, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice
559 Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007
560 A survey carried out by Young Voice in 2001 found that 51% of men in prison under the age of 23 and 79% of women in the same age group were parents. Young Voice (2001) Parenting Under Pressure, London: Young Voice
563 Ibid.
Older people in prison (aged 50 and over)

On 31 March 2011, there were 8,804 prisoners aged 50 and over in England and Wales, including 2,975 aged 60 and over. This group makes up 10% of the total prison population.566

People aged 60 and over are now the fastest growing age group in the prison estate. The number of sentenced prisoners aged 60 and over rose by 128% between 2000 and 2010.567

On 31 March 2011 there were 42 people in prison aged 81 and over.568 The oldest prisoner is 92 years of age.569

More than one in 10 older prisoners belong to a minority ethnic group, far higher than the proportion of the general population.570

41% of men in prison aged over 50 have been convicted of sex offences. The next highest offence is violence against the person (25%) followed by drug offences (13%). For women, the most common offence was drug offences (29%).571

On 30 June 2010 there were 925 people aged 50 and over serving life sentences and 508 serving IPP sentences.572

The number and proportion of men aged over 60 sentenced to prison by the courts has increased significantly. Between 1995 and 2000 the number of elderly males given custodial sentences increased by 55%. In 1995 fines accounted for the majority of sentences (31%). By 2000 imprisonment accounted for the majority of sentences (31%) and fines accounted for 24%.573

The significant rise in the number of male prisoners aged over 60 is not matched by a corresponding rise in the number of men convicted by the courts for indictable offences. Between 1995 and 2000 the number of convictions for this age group increased by only 8%.574

The increase in the elderly prison population is not explained by demographic changes, nor can it be explained by a so-called ‘elderly crime wave’. The increases are due to harsher sentencing policies which have resulted in the courts sending a larger proportion of criminals aged over 60 to prison to serve longer sentences. This has particularly been the case in relation to those convicted of sex offences and drug trafficking.575

A report by the Prisons Inspectorate has indicated “little evidence of multidisciplinary working” and found it “disappointing that the social care needs of older and disabled prisoners were still considered the responsibility of health services only.”576

Over 90% of prison staff who responded to a survey conducted by the Prison Reform Trust said that social services had no involvement in their prisons. Only five prisons reported that an occupational therapist came in to the prison when required and would provide daily living aids.577

Some older prisoners will have a physical health status of 10 years older than their contemporaries in the community.578

Prison Reform Trust research has found that services for older people in prison did not meet those that would be available for the elderly in the community.579

The report expresses concern that some older people entering prison had the medication they were receiving in the community stopped.580

More than half of all elderly prisoners suffer from a mental disorder. The most common disorder is depression which often emerges as a result of imprisonment.581

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566 Prison Reform Trust, information from NOMS Equality Group, 9 November 2011
568 Hansard HC, 15 July 2009, c444W
569 Hansard HC, 29 June 2011, c812W
574 Ibid.

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575 Ibid.
577 Cooney, F. with Braggins, J. (2010) Doing Time: Good practice with older people in prison – the views of prison staff, London: Prison Reform Trust. 92 responses to the survey conducted as part of this research were received – over three-quarters of eligible prisons.
578 Ibid.
580 Ibid.

www.prisonreformtrust.org.uk
HM Inspectorate of Prisons has identified a complete lack of staff training in identifying the signs of mental health problems among the elderly. Few prisons had a designated nurse for older prisoners.

In 2010, 84 people aged 50 and over died of natural causes whilst in prison.

Lack of palliative care for the terminally ill is a major concern. Apart from HMP Norwich there is no hospital/hospice facility for the terminally ill within the prison system.

Most older prisoners are held more than 50 miles from home, and a third are more than 100 miles away from home. This causes particular problems for visitors, many of whom are themselves older people.

The likelihood of having accommodation on release from custody decreases the older a prisoner is. In 2010-11 the proportion of positive accommodation outcomes on release from custody were lower for those aged 50-59 (81%) and 60 and over (79%) than the average of 86%.

40% of prisons responding to a recent Prison Reform Trust survey reported that no specific age related assessments or arrangements were in place. No specific arrangements for older prisoners were reported in relation to sentence planning, and no respondent mentioned offending behaviour courses specifically designed, or adapted, for older prisoners.

However, PRT’s recent survey does indicate areas of good practice. One quarter of respondents are working with Age UK local groups or other voluntary sector organisations to provide services.

Prison staff identified the availability or lack of funding and the age or design of prison buildings as the main barriers to change.

Four years after a thematic review of older prisons, HM Chief Inspector of Prisons stated that “eight of [their] key recommendations have not been implemented.” This is while “the issues older prisoners pose are likely to become more acute, as an increasing number of long-sentenced prisoners grow old and frail in prison.”

In 2010 HM Chief Inspector of Prisons noted that not all prisons had policies that reflected the specific needs of older men and women.

Age is a protected characteristic under the Equality Act. The prison service has issued PSI 32/2011 which describes the duties prison staff have under the act. This gives no guidance to staff about working with older people in their care.

The Prison Reform Trust, along with HM Chief Inspectorate of Prisons, Age UK and other organisations has called for a national strategy for work with older people in prison. NOMS and the Department of Health are assessing the possibility of a national allocations strategy for people with significant social care needs.

The Association of Directors of Adult Social Services (ADASS) appointed Phil Lloyd to lead on social care for offenders and their families in 2010.

584 Table 3, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice
587 Prison Reform Trust, information from NOMS Equality Group, 9 November 2011
589 Ibid.
590 Ibid.
593 The National Children and Adult Services Conference, October 2010
Prisoners with learning disabilities and difficulties

20 – 30% of offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system. The term learning disabilities or difficulties includes people who: experience difficulties in communicating and expressing themselves and understanding ordinary social cues; have unseen or hidden disabilities such as dyslexia; experience difficulties with learning and/or have had disrupted learning experiences that have led them to function at a significantly lower level than the majority of their peers; are on the autistic spectrum, including people with Asperger’s syndrome.

7% of prisoners have an IQ of less than 70 and a further 25% have an IQ between 70 - 79.

23% of young offenders have very low IQs of below 70, and a further 36% have an IQ between 70-79. At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.

25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.

Youth justice screening tools often overlook the physical health problems and underestimate the rate of mental health problems of children who offend; further, they do not assess for learning disability, for speech, language and communication needs, or for conduct disorder.

Most youth offending teams do not use screening or assessment tools or procedures to identify children with learning disabilities, specific learning difficulties, communication difficulties, ADHD, or autistic spectrum disorder.

Dyslexia is three to four times more common amongst prisoners than the general population.

Most youth offending team staff believe that children who offend with learning disabilities, communication difficulties, mental health problems, ADHD, and low levels of literacy were more likely than children without such impairments to receive a custodial sentence.

Over 80% of prison staff say that information accompanying people into prison is unlikely to show that the presence of learning disabilities or difficulties had been identified prior to their arrival. Once in prison there is no routine or systematic procedure for identifying prisoners with learning disabilities or learning difficulties. Consequently the particular needs of such prisoners are rarely recognized or met.

A learning disability screening tool, the LDSQ, was piloted in four prisons under the auspices of the Department of Health. The results, reported in March 2010, established that it was an effective tool for use in prisons. However the tool has still not been made routinely available. Further work needs to be undertaken, as a matter of urgency, to ensure that the support needs of people with learning disabilities, and other impairments, are recognised and met at the point of arrest.

On 30 April 2009, Lord Bradley, a former Minister of State at the Home Office, published the findings of his government commissioned review of diversion services for offenders with mental health problems or learning disabilities. His report calls for all police custody suites and courts to have access to liaison and diversion services, including: screening for vulnerable people and assessing their needs; sharing information with police to enable diversion; and signposting to local health and social services.

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603 Ibid.

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

Youth offending team staff reported that children with impairments and difficulties had difficulty understanding, for example, the consequences of failing to comply with court orders and what they needed to do to successfully complete an intervention.605

Prisoners with learning disabilities or difficulties are unable to access prison information routinely; over two-thirds have problems reading prison information, which rises to four-fifths for those with learning disabilities. Over two-thirds have problems filling in prison forms, which rises to three-quarters for those with learning disabilities. Consequently many miss out on things such as family visits and going to the gym, or getting the wrong things delivered such as canteen goods. Over half say they have problems making themselves understood in prison, which rises to more than two-thirds for those with learning disabilities. Over two-thirds experience problems in verbal comprehension skills, including difficulties understanding certain words and in expressing themselves.

Prisoners with learning disabilities are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour. “It’s hard, hard dealing with the sentence let alone dealing with the stresses of not being able to do the course. The pressure of just being here…and knowing that you’ll have to be here longer because you can’t read is hard.”606

Offending behaviour programmes are not generally accessible for offenders with an IQ below 80. There is a mismatch between the literacy demands of programmes and the skill level of offenders, which is particularly significant with regard to speaking and listening skills.607

A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as “kafkaesque”.608

On the same issue the Joint Committee on Human Rights noted that “people with learning disabilities may serve longer custodial sentences than others convicted of comparable crimes.” Responding to evidence submitted by the Prison Reform Trust, the committee went on to say that “this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination)”.609

In February 2010 a prisoner with learning disabilities, who had served over twice his tariff, was awarded a case for breach of the Disability Discrimination Act and for breach by the Secretary of State for Justice for failing in his duties to take steps to enable the prisoner in question to undertake some type of offending behaviour work.

Prisoners’ inability to participate fully in the prison regime leaves them at greater psychological risk as they spend more time alone with little to occupy themselves. People with learning disabilities are the most likely to spend time on their own and have fewer things to do.

Prisoners with learning disabilities or difficulties are five times as likely as prisoners without such impairments to have been subject to control and restraint techniques and more than three times as likely to have spent time in segregation.

Prisoners with learning disabilities or difficulties are more than three times as likely as prisoners without such impairments to have clinically significant depression or anxiety.

606 This interviewee was unable to progress through his sentence plan because the cognitive behaviour treatment programme he was required to complete demanded a level of literacy that he did not have; he was on an indeterminate public protection sentence, IPP, which means that until (and unless) he was able to demonstrate a reduction in risk, achieved by progressing through his sentence plan, he would be unlikely to get parole and was likely to remain longer in prison as a result. This situation has been strongly criticised by the Joint Committee on Human Rights. Joint Committee on Human Rights (2007–08) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office
Over half of prison staff are not confident that their prison has the skills and expertise to support this group of prisoners.

Over half of prison staff believe that the overall quality of support available for this group of prisoners at their prison is low.

Specific disability awareness training on learning disabilities and difficulties is not readily available for prison staff.

Prison staff would like greater strategic and operational direction to assist their work with this group of prisoners.

Youth offending team staff often do not know what specialist service provision is available, or what benefits access to such support might bring.\footnote{610}

Youth offending team staff would like greater input from specialist workers to assist in identifying and supporting children with impairments and difficulties and lower thresholds to access service provision, in particular for children with learning disabilities and mental health problems.\footnote{611}

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. Criminal justice staff and those responsible for providing services are failing in their duty to promote equality of opportunity and to eliminate discrimination. As such they are not complying with the requirements of the Disability Discrimination Act (2005) and the Disability Equality Duty in particular.


\footnotetext[611]{Ibid.}
Mental health

“On the wing there was plenty of evidence of behaviour brought on by mental distress... one young man only ever wore the same pair of jeans and a green nylon cagoule. He never wore shoes or socks, never went out on exercise, hardly ever spoke to anyone and was understood to have been taken advantage of sexually by predatory prisoners. He was in his early 20s with many years in prison still ahead of him. Another had a habit of inserting objects into his body: a pencil in an arm, matchsticks in his ankles.”612

10% of men and 30% of women have had a previous psychiatric admission before they come into prison.613

Neurotic and personality disorders are particularly prevalent - 40% of male and 63% of female sentenced prisoners have a neurotic disorder, over three times the level in the general population. 62% of male and 57% of female sentenced prisoners have a personality disorder.614

According to Michael Spurr, then NOMS Chief Operating Officer, at any one time 10% of the prison population has “serious mental health problems”.615

A significant number of prisoners suffer from a psychotic disorder. 7% of male and 14% of female sentenced prisoners have a psychotic disorder; 14 and 23 times the level in the general population. 616

Research undertaken by the national evaluation of prison mental health in-reach services in August 2008 at a local establishment for young and adult women found that of all of those screened, 51% had severe and enduring mental illness, 47% a major depressive disorder, 6% any psychosis and 3% schizophrenia.617

Women in prison are twice as likely to have an eating disorder as women in the general population.618

In an assessment of 13-18 year-olds in custody, 35% of girls and 13% of boys were identified with depression, 17% and 7% respectively deliberately harmed themselves, and 16% and 7% respectively were identified with post-traumatic stress disorder.619

According to a Ministry of Justice self-report study amongst those who had been abused as a child, 28% reported having been treated/ counselled for a mental health/ emotional problem in the year prior to custody compared with 12% of those who had not experienced abuse.620

The same study found that more than a quarter of women reported having been treated/ counselled for a mental health/ emotional problem in the year before custody, compared with 16% of men.621

A recent study by UCL found that 40% of child sexual exploitation victims were involved in offending behaviour. 50% of the offending group had committed their first offence by 14 and 75% by 15; and that 70% of offenders reoffended, with one quarter committing 10 or more offences.622

There is currently insufficient data to identify how many individuals 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.623

In 2009-10, just over 1,200 prisoners were transferred to National Health Service secure services. This number has remained relatively stable for the past five years.624

An NHS medium secure bed costs £481 per day. The majority of transfers are to medium secure care.625 This compares with an average cost of £112 per prisoner per day.626
The former HM Chief Inspector of Prisons noted in her last annual report that “the transfer of prisoners to NHS facilities had improved, but was sometimes still beset by delays. In one prison, for example, eight prisoners were awaiting transfer to secure NHS mental health beds. One had been waiting for 22 months. In another, rapid tranquillisation had been used six times in the previous six months for prisoners awaiting transfer.”

In 2010, there were a total of 26,983 incidents of self-harm in prisons, with 6,639 prisoners recorded as having injured themselves. Women accounted for 47% of all incidents of self harm despite representing just 5% of the total prison population.

Many incidents reflect prolific self-harm by the same women. In 2009 an average of seven incidents were recorded for each woman harming herself compared to two incidents for each man. Holloway, with a reported 2,256 self-harm incidents, recorded over 331 incidents in its worst month – averaging over 10 a day.

In 2010 there were 1,646 young people aged 20 or under who deliberately harmed themselves. This represents 25% of all individuals who self-harmed during that year.

26% of self-harm incidents occurred within the first month of arriving in a prison. Prison overcrowding and the ‘churn’ of sentenced prisoners from one establishment to another exacerbates this problem.

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.

In a case study conducted by the Safer Custody Group of 50 ‘prolific self-harmers’, only 12 of the women studied had not experienced abuse or rape in their lives. Of those who had experienced rape or abuse, 18 were children when it happened. Half had been in a psychiatric inpatient unit in the past, and 19 had been receiving psychiatric treatment prior to custody.

Only 30% of mental health in-reach team records looked at by the Prisons Inspectorate recorded ethnicity, even though this is a minimum requirement within the NHS dataset.

Black and minority ethnic groups are 40% more likely than average to access mental health services via a criminal justice system gateway.

The number of restricted patients under the Mental Health Act in England and Wales was 3,395 at the end 2005, the highest for a decade. 779 of the patients were transferred from prison to hospital. Those released from restricted hospitals in 2003 have a 7% reconviction rate after two years.

In the quarter ending December 2006, 38 prisoners had been assessed and were waiting three months or more before being transferred to hospital. Many prisoners also have long waits before an assessment takes place.

The Prisons and Probation Ombudsman has drawn attention to cases when prisoners give no outward indication to staff or peers that they are feeling low or depressed as many prisoners choose to hide their real feelings from staff, and wish to keep their personal circumstances private.

Prisoners with severe mental health problems are often not diverted to more appropriate secure provision. The Chief Inspector of Prisons has estimated, based on visits to local prisons, that 41% of prisoners being held in health care centres should have been in secure NHS accommodation. Research has found that there are up to 500 patients in prison health care centres with mental health problems sufficiently ill to require immediate NHS admission.

After an analysis of over 21,000 custody records in four police stations in cities in the East Midlands area of England, the appropriate adult was used in only 38 instances (0.016%). Based on the lowest or most conservative extract of the rates of mental illness in the population, there should have been about 400 instances (1.9%), and on the more generous estimate 3,000 (14%).

628 Table 1, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice
629 Ibid.
632 Table 5, Ibid.
635 Ibid.
638 Hansard HC, 27 March 2007, c1454W
642 Department of Health (2009) The Bradley Report, Lord Bradley’s report on people with mental health problems or learning disabilities in
75% of all prisoners have a dual diagnosis (mental health problems combined with alcohol or drug misuse). Yet HM Prisons Inspectorate found that dual diagnosis services remain patchy. The resettlement needs of prisoners with mental health problems are not being met. Research found that 96% of mentally-disordered prisoners were returned to the community without supported housing, including 80% of those who had committed the most serious offences; more than three quarters had been given no appointment with outside carers. Many people have a right to services under health and social care legislation.

In a thematic review of the care and support of prisoners with mental health needs, the then HM Chief Inspector of Prisons said that “prison has become, to far too large an extent, the default setting for those with a wide range of mental and emotional disorders.”

On 30 April 2009, Lord Bradley, a former Minister of State at the Home Office, published the findings of his government commissioned review of diversion services for offenders with mental health problems or learning disabilities. His report calls for all police custody suites and courts to have access to liaison and diversion services, including: screening for vulnerable people and assessing their needs; sharing information with police to enable diversion; and signposting to local health and social care services.

The Bradley review called for adequate community alternatives to prison for vulnerable offenders where appropriate. It heard evidence that 2,000 prison places per year could be saved if a proportion of eligible, short-term prisoners who committed offences while suffering mental health problems were given appropriate community sentences.

The review also called for the Department of Health to introduce a new 14 day maximum wait to transfer prisoners with acute, severe mental illnesses to an appropriate health setting. A 2005 Department of Health audit had found that at any one time in the prison estate there are on average 282 prisoners waiting initial psychiatric assessment. The review finds the absence of timely assessments and the lack of specialist beds accounts for two-thirds of the delays.

The then HM Chief Inspector of Prisons commented in her annual report that the Bradley review has not yet led to major changes in mental healthcare in prisons. “We continue to have particular concerns about the lack of primary mental health services, and of daycare provision for those less able to cope on the wings – though there is some better support from child and adolescent mental health services (CAMHS).”

Following debate in every branch in England and Wales, delegates at the WI national conference in Liverpool in June 2008 voted overwhelmingly - 6,205 in favour and 173 against - for a resolution to call a halt to the inappropriate imprisonment of the mentally ill.

Following a three year campaign led by the WI in partnership with the Prison Reform Trust, the Health Secretary Andrew Lansley and the Justice Secretary Ken Clarke announced plans to set up a national service for the diversion of the mentally ill from the justice system into treatment and care. The two cabinet ministers committed initial funding for 100 “diversion sites” across England and Wales.

Prisons Minister, Crispin Blunt, has outlined that the Ministry of Justice, with the Department of Health, will invest £50 million by 2014 in establishing a liaison and diversion service, both in the police stations and in courts, to ensure that people who should more appropriately be treated in the health service do not go to prison.

Speaking at the joint WI and Prison Reform Trust Care not Custody reception, Secretary of State for Health, Andrew Lansley said that “true justice for the vulnerable is about drawing them into treatment”.


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Deaths in custody

Between 1 January 2000 and 31 December 2010 there were 1,885 deaths in prison custody. This includes 970 as a result of natural causes, 857 self-inflicted deaths, and 15 homicides.655

There was a slight increase in prison deaths from 2008 to 2009 (165 in 2008 and 169 in 2009), followed by a further increase to 196 in 2010.656

The number of natural cause deaths in prison has generally increased each year between 2000 and 2010. The number of deaths as a result of natural causes increased by 19% from 2008 (98) to 2010 (124).657

In 2000, there were 0.94 natural cause deaths per 1000 prisoners, this rose to 1.35 in 2004 and fell again to 1.06 in 2006. In 2009 (the last year for which all cases have been classified), this figure had risen to 1.26 natural cause deaths per 1000 prisoners. The Independent Advisory Panel on Deaths in Custody (IAPDC) has expressed its concern at these rising figures and has undertaken to look at the issue of natural cause deaths in custody in more detail.658

Between 2000 and 2009, 319 natural deaths occurred in those aged between 21-50 years which are regarded as premature deaths by the IAPDC.659

Analysis of Prisons and Probation Ombudsman’s reports into 130 deaths from natural causes in prison found that the average age was 52 years-old for men and 44 years-old for women. The most common causes of the deaths were heart attacks or cancer. In 14% of the investigations the care provided was found to be less than satisfactory.660

The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes in prison studied, restraints were used during final inpatient stays on 29 out of 52 occasions.661

There were 58 apparent self-inflicted deaths in custody in England and Wales in 2010. This is down from 61 in 2009, and is the lowest annual figure since 1995.662

This figure includes the death of one woman and four young people aged 18-20.

The three-year rolling average to the end of 2009 was 71 self-inflicted deaths per 100,000 of the population. This is down from 130 per 100,000 in 2004.663 Safer custody programmes, improved drug detoxification and first night in custody schemes are all thought to have contributed to this reduction.664

20% of the Prison and Prohobation Ombudsman’s investigations into self-inflicted deaths in custody between 2007-09 found evidence that the deceased was subject to bullying or intimidation by other prisoners in the three months prior to their death.665

The suicide rate for men in prison is five times greater than that for men in the community. Boys aged 15-17 are 18 times more likely to take their own lives in prison than in the community.666

Men recently released from prison were eight times more likely, than the general population, to take their own life. Women were 36 times more likely to take their own life.667

10 self-inflicted deaths in 2010 occurred within the first seven days in prison.668

Remand prisoners, 18% of the prison population, accounted for half of all self-inflicted deaths in 2010.669

655 Table 1, Ministry of Justice (2011) Safety in Custody Statistics 2010, London: Ministry of Justice
657 Ibid.
658 Ibid.
659 Ibid.
24 of the 65 prisoners who took their own lives in the 12 months to 31 August 2009 had reported a history of attempted suicide prior to reception into their final establishment. Seventeen of these reported having attempted suicide in the previous 12 months: 10 whilst in custody and 7 whilst in the community. Eight of the 65 had a documented history of attempted suicide in their final establishment.\textsuperscript{670}

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.\textsuperscript{671}

Approximately 30\% of prisoners who take their own lives had no family contact prior to their deaths.\textsuperscript{672}

According to the government’s Social Exclusion Unit, more than 50 prisoners take their own lives shortly after release each year.\textsuperscript{673}

Number of self-inflicted deaths in prisons in England and Wales, 1999 - 2010:

<table>
<thead>
<tr>
<th>Year</th>
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</table>

\textsuperscript{672} NOMS, Safer Custody News, January/February 2010
\textsuperscript{673} Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit
Disability, health and wellbeing

A survey by the Ministry of Justice found that over a quarter of newly sentenced prisoners reported a long-standing physical disorder or disability. Musculoskeletal and respiratory complaints were most commonly reported.674

24% of prisoners who responded to the Prison Reform Trust’s advice and information service survey said they had a disability. A hearing impairment and arthritis were most common.

In HM Inspectorate of Prisons surveys, 19% of prisoners reported having a disability.675

Through its reports, the Inspectorate found that many prisons did not have a disability policy and it was rare to find any form of needs analysis or consultation with prisoners to help establishments to carry out their duties under the Disability Discrimination Act.676

People with disabilities reported worse experiences than other prisoners in response to 63% of questions on Inspectorate surveys, although they were often more positive about healthcare, suggesting that disability is still seen largely as a healthcare issue.677

In 18 out of 24 inspections carried out by HM Inspectorate of Prisons, disability officers said they did not have enough time, support or training to carry out their task.678

Following a judicial review by a disabled inmate (who had not been provided with an accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) would be amended to comply with the requirements of the DDA. This resulted in new guidance being issued in PSI 31/2008 now superseded by PSI 32/2011.

In 2010 the then HM Chief Inspector of Prisons said in her annual report, that often inspectors found that prisoners with mobility difficulties suffered considerable disadvantage because of the refusal by prison staff to push wheelchairs without training. Anne Owers added that “it is unacceptable that this has not been resolved.”679

Despite this, the most recent Inspectorate report states “we remained concerned that while some prisons had clearly identified schemes for assisting disabled prisoners in wheelchairs, in some cases, staff still declined to do so.”680

Fewer than one in 10 youth offending team (YOT) staff said there was somebody at their YOT who carried responsibility for children with disabilities.681

Half of all those sentenced to custody are not registered with a GP prior to being sent to prison.682

The most recent joint report by the Inspectorate of Prisons and Care Quality Commission found that of their sample of 21 PCTs only one had a policy in place to ensure continuity of health care during transfer and release, and that the situation seems to be getting worse rather than better.683

83% of women in prison stated that they had long-standing illness, compared with 32% of the general female population. 73% were on medication on arrival at prison – mainly benzodiazepines (42%), methadone (36%), antidepressants (14%), and sleeping pills (10%).684

Prior to imprisonment 85% of women were smokers, 75% had used illegal drugs and 40% drank alcohol in excess of the recommended limits.685

HM Inspectorate of Prisons has found that ethnicity is not recorded in clinical records. Staff concluded that ethnicity was not relevant as all patients were treated the same way, which contravenes the Nursing and Midwifery Council Code of Professional Conduct on recognizing the diverse needs of patients.686

HM Inspectorate of Prisons also noted a paucity of health information in different languages and, of particular concern, the use of prisoners to translate for others.687

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681 YOT report
Across the prison estate only 40% of prisoners participate in exercise.\textsuperscript{688}

40% of boys aged 15-18 years old (an increase from 31% in 2009–10) and 88% of young women surveyed said they could take daily exercise.\textsuperscript{689}

79% of boys (15-18) reported visiting the gym once or more than once a week.\textsuperscript{690}

The average number of hours prisoners spend exercising per week is 2.4 for adults, 3.8 for young people, and 3.9 for children.\textsuperscript{691}

An average of £2.20 per day was spent on food and drink per prisoner in 2010-11 financial year.\textsuperscript{692}

Only 15% of prisoners surveyed said that on average they spend 10 or more hours out of their cell on a weekday.\textsuperscript{693}

To meet the 3% year-on-year efficiency savings, the Prison Service decided, with ministerial support, to reduce the core week for prisoners from April 2008. Prisoners are now locked up for half-a-day a week more than before thus reducing constructive activity and time outside cells.\textsuperscript{694}

The majority of adult male prisons offer prisoners between seven and nine hours out of their cells. Prisoners are sometimes locked up as early as 6.30pm during the week due to the reduction in the core day. This makes it very difficult to telephone family and friends in the evenings, and the reduced core day also meant prisoners were locked up after the evening meal on weekends.\textsuperscript{695}

However the Prisons Inspectorate maintain that official figures on time out of cell “often make heroic assumptions – that every prisoner is out for all the time possible; that every workshop is filled to capacity; and in some cases that none are unemployed”.\textsuperscript{696}

The proportion of boys who can go on association every day had increased to 70% from 59% in 2009–10, and remains high for girls at 93%.\textsuperscript{697}

In March 2010, 1,973 prison places did not have in-cell sanitation or open access to toilet facilities.\textsuperscript{698}

A survey conducted by the National AIDS Trust and the Prison Reform Trust among prison healthcare managers across the UK, found that a third of prisons surveyed had no HIV policy, one in five had no hepatitis C policy and well over half had no sexual health policy. This is despite the fact that the most recent survey of prevalence in prison found HIV was 15 times higher than in the community.\textsuperscript{699}

Investment in prison healthcare in 2011-12 stood at £231.7 million, this has increased from £130 million in 2003-04.\textsuperscript{700}

56% of boys and 72% girls (15-18) reported that the quality of prison healthcare was either good or very good.\textsuperscript{701}

For boys who had been to health care, 61% thought that the overall quality was good/very good, compared to 75% of girls, down from 65% and 82% in 2009-10.\textsuperscript{702}

Black and minority ethnic boys reported worse access to health care services in all areas, and only 55% said they thought the overall quality of health care was good or very good, compared with 66% of white boys.


\textsuperscript{689} Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

\textsuperscript{690} Figure 32, Ibid.

\textsuperscript{691} Hansard HC, 29 January 2008, c304W and Hansard HC, 7 December 2010, c207W

\textsuperscript{692} Hansard HC, 26 April 2011, c171W


\textsuperscript{694} Paul Tidball, Prison Governors’ Association, Justice Select Committee, Oral evidence, Towards effective sentencing, 12 December 2007


\textsuperscript{698} Hansard HC, 7 December 2010, c204W


\textsuperscript{700} Hansard HC, 7 July 2011, c1341W


Drugs

In 2010, 15% of men and 24% of women in prison were serving sentences for drug offences.703

There is a much wider group of prisoners whose offence is in some way drug related. Shoplifting, burglary, vehicle crime and theft can be linked to drug misuse. Over half of prisoners (55%) report committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor.704

81% of people arrested who used heroin and/or crack at least once a week said they committed an acquisitive crime in the previous 12 months, compared with 30% of other arrestees. 31% reported an average of at least one crime a day, compared with 3% of other arrestees.705

In 20% of violent crimes reported to the 2010-11 British Crime Survey, the victim believed that the offender was under the influence of drugs. 20% of robbery victims believed their attacker to be under the influence of drugs.706

Between a third and a half of new receptions into prison are estimated to be problem drug users (equivalent to between 45,000 and 65,000 prisoners in England and Wales).707

A report by the Cabinet Office Social Exclusion Task Force found that around 70% of women coming into custody require clinical detoxification and that 65% had used a drug during the year before custody.708

52% of women surveyed said that they had used heroin, crack, or cocaine powder in the four weeks prior to custody, compared to 40% of men. However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.709

Rates of using heroin, cocaine or crack were higher (44% to 35%) for prisoners sentenced to less than one year than those serving longer terms.710

28% of all adult and young adult men surveyed by the Inspectorate reported they had arrived at prison with a drug problem and 7% said that they had developed a drug problem in prison.711

The proportion arriving with a drug problem is highest in local prisons (38%). In local prisons, 9% of survey respondents said they had developed a drug problem in the prison, with a similar proportion in category C trainers and high security prisons. Nearly a third of the local and a quarter of the young adult population thought they would leave prison with a drug problem.712

In some inner city local prisons as many as eight out of 10 men are found to have class A drugs in their system on reception713 and in the local women’s prison, Styal, the same number of new arrivals are thought to have drug problems.714

Many prisoners have never received help with their drug problems. According to the Social Exclusion Unit officers at HMP Manchester have estimated that 70% of prisoners come into the jail with a drug misuse problem but that 80% of these have never had any contact with drug treatment services.715

Prisoners interviewed for the Surveying Prisoner Crime Reduction study who had been taken into care as a child were more likely to have used drugs in the past year (84% compared with 67% of those who were not taken into care).716

Prisoners were also more likely to have taken drugs in the past year if they had experienced abuse as a child (80% compared with 67% of those who did not experience abuse) or observed violence in the home (81% compared with 64% of those who did not witness violence).717

Drug use amongst prisoners in custody is reported to be high. A Home Office study found that four out of 10 prisoners said they had used drugs at least once whilst in their current prison, a quarter had used in the past month and 16% in the past week. Cannabis and opiates were the drugs most often used. Almost a third of prisoners reported cannabis use and one in five opiate use in their current prison, while 9% and 10% respectively reported using these drugs in the past week.718

710 Ibid.
712 Ibid.
713 Interview with Prison Service Director General, Phil Wheatley, Independent, 1 December 2003
717 Ibid.
Almost one in five (19%) of the 3,489 prisoners interviewed for the Surveying Prisoner Crime Reduction study who had ever used heroin reported first using heroin in prison. This means that between 7% and 8% of all prisoners in the sample started using heroin whilst in custody.719

In local and high secure prisons, Prisons Inspectorate surveys showed that over a third of prisoners reported that it was easy to access drugs in prison – and in some it was nearer half.720

Prisoners being held in large prisons find it easier to get illegal drugs than those in small prisons (38% compared to 26%). They are also less likely to know who to contact to get help with drug addiction.721

All prisoners are subject to random mandatory drug tests (MDTs). In 2010-11 7.1% of the prison population tested positive from random mandatory drug tests compared with 9.3% in 2008-09.722 But a Home Office study found that “mandatory drug testing results generally underestimate the level of drug misuse as reported by prisoners”. 723 In addition HM Inspectorate of Prisons reported frequently seeing MDT programme staff diverted to other duties, resulting in a lack of timely target testing and abandoned tests.724

Research has found that arrangements for detoxification appear to vary considerably between different prisons.725

Less than a third of prisoners in surveys carried out by the Prisons Inspectorate in local, high secure and women’s prisons reported that they felt their drug or alcohol programme would help them on release.726

Analysis shows that drug treatment programmes in prison, especially psycho-social programmes and therapeutic communities, were associated with a 26% reduction in criminal behaviour.727

Nine out of 10 young adult prisoners say they used drugs prior to imprisonment but only one in three Young Offender Institutions provide intensive drug treatment programmes.728

In 2010-11 the Ministry of Justice allocated a total of £71.4 million for drug and alcohol treatment services in prisons and young offender institutions across England and Wales.729

Transfers between prisons due to overcrowding often disrupt drug treatment. National Audit Office research found that a third of prisons were unlikely to be able to continue the treatment of prisoners transferred to them.730

Drug use on release from prison is very high. One survey of prisoners who had mostly served short sentences and had used drugs in the 12 months before imprisonment, found that 77% admitted taking illegal drugs since release.731

The Social Exclusion Unit found that the “chances of continuing drugs programmes and support on release are very slim” and concluded, “prisoners are often viewed as ‘new cases’ when they are released and have to join the back of the queue”.732

The risk of death is strikingly acute in the first and second weeks following release from prison. Relative to the general population, male prisoners are 29 times more likely to die during the week following release, while female prisoners are 69 times more likely to die during this period. The same study found that 59% of deaths following release were drug related.733

Offenders who receive residential drug treatment are 45% less likely to reoffend after release than comparable offenders receiving prison sentences.734

£120.4 million has been allocated for 2011-12 for all drug treatment to adult prisoners. Investment in the prisons Integrated Drug Treatment System increased from £39.9 million in 2009-10 to £44.5 million in both 2010-11 and 2011-12.735

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729 Hansard HC, 21 December 2010, c1166W
732 Ibid.
735 Hansard HC, 7 July 2011, c1341W
Alcohol

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.736

Nearly two-thirds of sentenced men (63%) and two-fifths of sentenced women (39%) admit to hazardous drinking which carries the risk of physical or mental harm. Of these, about half have a severe alcohol dependency.737

According to HM Chief Inspector of Prisons the level of alcohol use on entering custody was not properly assessed in many prisons.738

22% of prisoners surveyed by HM Inspectorate of Prisons reported having an alcohol problem when they entered their prison. It was even higher among young adults (27%) and women (29%). These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.739

26% of the local and 23% of the young adult prison populations believed they would leave with an alcohol problem.740

54% of the surveyed prisoners with alcohol problems also reported a problem with drugs, and 44% said they had emotional or mental health issues in addition to their alcohol problems. The correlation with emotional or mental health problems was especially pronounced among the women surveyed.741

Alcohol use is accepted as a key risk factor in predicting violent reoffending.742

Over three quarters (78%) of prisoners interviewed for the Surveying Prisoner Crime Reduction study said they had drunk alcohol in the 12 months prior to custody. 22% had drunk alcohol every day in the four weeks prior to custody. However, less than one in 10 respondents (9%) said they would need a lot of help for an alcohol problem, and a further 6% said they needed a little help.743

Almost a third (32%) of the prisoners who said that they had a family member with an alcohol problem drank every day in the four weeks prior to custody. Daily-drinking prisoners (before custody) had a higher rate of reconviction, with 62% reconvicted within a year after release compared with those who drank less (49%). These prisoners were also less likely to have been employed during the same period than those who drank less frequently (24% compared with 34%).744

Of the prisons inspected in 2010-11, the Inspectorate found that 88% had drug strategies in place and 75% had either a combined or separate alcohol strategy. Just under half of the prisons inspected had no alcohol-related services or programmes available.745

The Inspectorate found that at every stage in prison, the needs of prisoners with alcohol problems are less likely to be either assessed or met than those with illicit drug problems. Services for alcohol users were very limited, particularly for those who did not also use illicit drugs.746

Misuse of alcohol and irresponsible drinking result in economic and social costs in the region of £12-18 billion per year.747

44% of young adults (18-24) are binge drinkers. 27% of binge drinkers admitted committing an offence in 2005 – compared with 13% of drinkers who did not binge.748

Children who have begun binge drinking by the age of 16 are 90% more likely to have criminal convictions by the age of 30.749

The then HM Chief Inspector of Prisons has said that “the growing salience of alcohol as both a health and a criminogenic problem is not yet reflected in national or local substance misuse strategies.”750

744 Ibid.
746 Ibid.
748 Home Office, Alcohol-related crime and disorder, 2006
Housing and employment

15% of men, 19% of women and 10% of young people were not in permanent accommodation before entering custody. 8% of men, 10% of women and 6% of young people were sleeping rough.751

Prior to entering prison, 63% of prisoners were renting from a local authority or housing association.752

12% of prisoners depend on housing benefit to help with their rent before they enter custody.753 However, entitlement to housing benefit stops for all sentenced prisoners expected to be in prison for more than 13 weeks. This means that many prisoners have very little chance of keeping their tenancy open until the end of their sentence and lose their housing.

Surveys indicate 30% of people released from prison will have nowhere to live.754 This is despite the fact that stable accommodation can reduce reoffending by over 20%.755

75% of ‘prolific and other priority offenders’ were found to have a housing need compared to 30% for the general offender population.757

People serving short prison sentences are two to three times more likely to reoffend if they do not have suitable housing.758

35% of young people aged 16-25 felt a lack of accommodation was the factor most likely to make them offend.759

In surveys by HM Inspectorate of Prisons, about a third of prisoners indicated that finding accommodation on release would be problematic. Even in open prisons, one-fifth of prisoners anticipated difficulties.760 Prisoners from Wales can rely on the guarantee of accommodation provided by the Welsh Assembly.761

Fewer women than men in prison were returning to rented or owned property and more to temporary accommodation with family and friends.762

Many prisoners do not receive advice on housing. A Big Issue survey of its vendors found that 13% had received housing advice and the House of Commons Home Affairs Committee found that only 19% of prisoners received advice or guidance about accommodation.763

Prisoners held in large prisons are much less likely to receive help arranging accommodation than those held in small prisons.764

18% of clients in an average homelessness project are prison leavers.765

46% of homeless people surveyed across six UK cities had been in prison or young offender institution, first occurring at an average age of 21.766

752 Ibid.
753 Ibid.
758 Ibid.
759 Ibid.
765 Ibid.
The Revolving Doors Agency found that 49% of prisoners with mental health problems had no fixed address on leaving prison. Of those who had a secure tenancy before going to prison, 40% lost it on release.\textsuperscript{767} A lack of accommodation can also severely hinder former prisoners’ chances of finding employment. Almost one quarter of employers would not consider employing a homeless person.\textsuperscript{768}

Homelessness can also prevent former prisoners from accessing support services such as benefits or registering with a GP.\textsuperscript{769}

Getting ex-prisoners into stable housing can act as a gateway to effective resettlement. Home Office research has found that prisoners who have accommodation arranged on release are four times more likely to have employment, education or training arranged than those who do not have accommodation in place.\textsuperscript{770}

37% of people are unemployed at the time of imprisonment - nearly five times the national unemployment rate. 13% are unable to work because of long-term sickness or disability. A Ministry of Justice study found that 13% of prisoners said they had never had a paid job before custody.\textsuperscript{771}

51% of prisoners interviewed for the Surveying Prisoner Crime Reduction study had been in employment in the year before custody. 40% of offenders who were in employment in the year before prison were reconvicted within a year of leaving prison compared with 65% of those who had not been in employment.\textsuperscript{772}

Around two-thirds of those who do have a job lose it whilst in custody.\textsuperscript{773}

A survey by the Chartered Institute of Personnel and Development showed that people with a criminal record are part of the “core jobless group” that more than 60% of employers deliberately exclude when recruiting.\textsuperscript{774}

Prison Inspectorate surveys show that relatively few prisoners knew who to contact for help in finding a job. With the exception of open prisons, between 43% and 52% of prisoners believed they would have problems finding a job on release.\textsuperscript{775}

Prisoners being held in small prisons are more likely to know who to contact for help in finding a job than those held in large prisons (47% compared with 36%).\textsuperscript{776}

In 2010-11 26% of prisoners entered employment on release from prison.\textsuperscript{777}

58% of women and 53% of men in prison identified unemployment and lack of skills as problems contributing to their offending.\textsuperscript{778}

A Home Office study which followed up prisoners between 2 and 12 months after release found that only half had done some paid work; 2% were on a government training scheme, and 48% had not found any work. Of those who had done some paid work, nearly two-thirds found it after leaving prison. Only 9% arranged a job whilst in custody.\textsuperscript{779}

Prisoners who have problems with both employment and accommodation on release from prison had a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems.\textsuperscript{780}

The majority of offenders interviewed for the Surveying Prisoner Crime Reduction study (97%) expressed a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, the majority gave importance primarily to ‘having a job’ (68%) and ‘having a place to live’ (60%).\textsuperscript{781}

On 28 November 2011 Justice Minister Lord McNally announced that the government intends to reform the Rehabilitation of Offenders Act (1974) by way of amendments to the Legal Aid, Sentencing and Punishment of Offenders Bill.\textsuperscript{782}

\textsuperscript{774} Chartered Institute of Personnel and Development, Labour Market Outlook, Summer 2005.
\textsuperscript{781} Ministry of Justice (2010), Compendium of reoffending statistics and analysis, London: Ministry of Justice.
\textsuperscript{782} Hansard HC, 28 November 2011, c746W.
Education and skills

48% of prisoners are at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing. Nearly half those in prison have no qualifications at all.

Half of all prisoners do not have the skills required by 96% of jobs and only one in five are able to complete a job application form.

41% of men, 30% of women and 52% of young offenders were permanently excluded from school.

The educational background of children in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.

63% of offenders who had been expelled or permanently excluded from school were reconvicted for an offence within a year, compared with 44% of offenders who were not.

Just over half (53%) of prisoners interviewed for the Surveying Prisoner Crime Reduction study reported to have at least one qualification. 60% of those with no qualifications were reconvicted within a year of leaving prison compared with 45% of those with qualifications.

In the 2008-09 academic year, there were 98,324 prisoners engaged in learning and skills in custody.

In 2008-09 an average of £1,631 per prisoner per year was spent on education in custody. This is less than half the average cost of secondary school education at £2,590 per student per year, which many prisoners have missed.

In 2010-11, the Department for Business, Innovation and Skills plans to spend £171 million on offender learning in English public sector prisons. In addition £2.4 million is allocated for education in public sector prisons in Wales.

The National Audit Office has found that only around a fifth of prisoners with serious literacy or numeracy needs enrol on a course that would help them.

Research by NATFHE and the Association of College Lecturers has found that only one third of education managers regularly receive prisoners’ records following transfers.

Young People in Prison Service YOIs receive an average of 27.5 hours per person per week of education, training and personal development. This is 6.4 hours less than in private YOIs, where young people receive an average of 33.9 hours of education, training and personal development activity per week.

Whilst the overall profile of prisons inspected by Ofsted in 2010-11 is slightly more positive than last year, none of the 24 prisons inspected received an overall outstanding judgement for the quality of teaching, and 15 (63%) were rated no better than satisfactory.

Five young offender institutions inspected this year for their provision for 15–17-year-olds were judged good, one satisfactory and one inadequate.

The Social Exclusion Unit found that basic skills learning can contribute to a reduction in reoffending of around 12%. However, the House of Commons education and skills committee has expressed concern that “the heavy concentration on basic skills qualifications is based on little more than a hunch” and urged the government to undertake more research.

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783 Hansard HC, 9 January 2007, c548W
789 Ibid.
790 Hansard HC, 25 October 2010, c38W
791 Ibid.
792 Hansard HC, 18 January 2011, c687W
795 Hansard HC, 18 January 2010, c27W
797 Ibid.
In 2007-08 the Inspectorate found that only half the prisoners in training prisons felt that their education would help them on release, and even fewer (42%) felt that they had gained useful vocational skills.  

Just 36% of people leaving prison go into education, training or employment.

While in custody, the majority of young people undertake some form of education or training. 69% of young men and 70% of young women surveyed said they thought this would help them on release. Most young people were able to gain some form of meaningful accreditation during their time in custody, and for many this was their first experience of educational achievement.

Around three-quarters of boys and almost all girls surveyed said that they were taking part in education. Yet only 64% of boys felt that this education would help them on release and 60% – a fall from 64% in 2009-10 – said they planned to go into education once released.

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801  Hansard, HC, 23 March 2010, c115  
Financial exclusion

Assessments for 2007 suggest over 23,000 offenders had financial problems linked to their offending.\textsuperscript{804} A Cabinet Office study found that 28% of women offenders’ crimes were financially motivated, compared to 20% of men.\textsuperscript{805} Between one-fifth and one-third of prisoners surveyed believed they would experience difficulties with their finances and claiming benefits after release.\textsuperscript{806}

Many prisons provide money management or budgeting courses through their education department and almost half of the prisons inspected in 2010-11 gave prisoners the opportunity to open bank accounts. Disappointingly, the take up of many of these services was limited and outcomes were not rigorously assessed.\textsuperscript{807}

A third of prisoners interviewed for a Prison Reform Trust and UNLOCK report said they did not have a bank account; and of these, 31% had never had one.\textsuperscript{808}

48% of people in prison have a history of debt which can present problems for both prisoners and families on release.\textsuperscript{809}

40% of prisoners and 64% of former prisoners feel that their debts had worsened during their sentence. Over half of prisoners families have had to borrow money since the imprisonment of their relative.\textsuperscript{810}

More than half of people in prison said that they had been rejected for a bank loan and 8% said they had tried to borrow from a loan shark (a rate over 10 times higher than the average UK household).\textsuperscript{811}

In a survey of prison outreach services run by Citizens Advice, all respondents said that debt is one of the top five issues that can cause reoffending or poor reintegration into society.\textsuperscript{812}

HM Prisons Inspectorate has found that debt advice has reduced in many prisons over the year 2008-09.\textsuperscript{813}

Although less than a third of prisoners were unsure, or very unsure, about managing their money, more than half were unsure, or very unsure, dealing with banks.\textsuperscript{814}

Only 5% of people in prison said they had been asked about how their families would cope financially while in prison.\textsuperscript{815}

One significant area of need for people leaving prison is insurance.\textsuperscript{816} All sentenced prisoners leave custody with an unspent conviction, while they are still in their ‘rehabilitation period’. This typically ranges from 10 years following a six month sentence, to forever for prison sentences over 30 months. Non-disclosure is illegal, and will invalidate insurance or lead to prosecution.

Over four in five former prisoners said it was harder to get insurance and four-fifths said that, when they did get insurance, they were charged more. 77% of prisoners who had stable accommodation did not have home insurance. The inability to access insurance has implications including preventing access to mortgages and many forms of employment or self-employment.\textsuperscript{817}

Almost two thirds of prisoners surveyed (64%) said they had claimed benefits during the 12 months before they went to prison. Those who reported having claimed benefits were more likely to be reconvicted (58% compared with 41%) than those who did not report having claimed benefits.\textsuperscript{818}

The amount of discharge grant has remained fixed at £46.75 since 1997. According to Citizens Advice, “this amount is insufficient to last for a week, let alone the 11 to 18 days which are the target benefit claim processing times.”\textsuperscript{819} A recommendation to close this ‘benefit gap’ was made to the Prime Minister by the Social Exclusion Unit in 2002.\textsuperscript{820}

Just 36% of people on release from prison go into education, training or employment, leaving most former offenders in need of support.\textsuperscript{821}

The government has committed to bring forward jobseeker’s allowance (JSA) claims whilst people are in prison. This forms part of their plans to introduce all prison leavers claiming JSA to the new Work Programme on release from custody.

807 Ibid.
811 Ibid.
815 Ibid.
819 Ibid.
Prison work and volunteering

Overall there are around 24,000 work places for prisoners across the estate in workshops, catering, cleaning, land based activities and day release programmes – most entail low grade menial work. This means that at most, under a third of the prison population is engaged in work activities at any one time.

In October 2010, Justice Secretary Ken Clarke stated that “we would need to ensure that, whenever possible, the hours spent in productive employment by prisoners reintroduced to the work habit were similar to those to which they would have to adapt if they obtained a job when they left prison, and that they would be able to produce goods, for instance, generating earnings that would help them to make a contribution to compensation for victims.”

Clothing and textiles is the biggest employer in prison workshops with roughly 3,000 prisoners involved across 60 prisons. Almost all (95%) of textile products are for the internal market.

In March 2011 there were a total of 9,995 prisoners in employed in workshops (9,834 men and 161 women). This excludes prisoners working on licence in the community. Figures recorded in 2010 indicated that there were around 459 prisoners in Category D prisons working on licence.

A one-off survey of prisoner pay was conducted in 2007 and found that the average rate of pay for activity inside prisons was £9.60 per week.

The Prison Service has acknowledged that prison industries have “rather got left behind by other developments within the system” and that providing work opportunities for prisoners is not currently a central and essential part of the prison regime.

Between 2007-08 and 2009-10 the average hours per prisoner per week spent in work have decreased from 12.6 hours to 11.8 hours.

The large majority of prisons which responded to a survey undertaken by the Prison Reform Trust provide at least some opportunities for active citizenship among prisoners. 95% have race representatives, 89% have Samaritan Listeners and 72% have suicide prevention representatives.

A 2004 Prison Reform Trust report found that about one in six had a prison council. Six years later, more than half of prisons now have a council, and the number is growing each year.

Two examples of peer support schemes in which prisoners offer direct practical and/or emotional help to other prisoners include the Peer Advice Project of the St Giles Trust which offers training and a recognised qualification to prisoners who deliver housing advice in a number of prisons in London and the south-east of England; and the Toe by Toe reading plan run by the Shannon Trust in a large number of establishments, under which prisoners act as peer mentors to support other prisoners who are learning to read.

The PRT survey also found that among male prisons, between 47% (local prisons) and 75% (open prisons) provided opportunities for peer drug support. Among the seven prisons for women responding to the survey only one (14%) provided opportunities for prisoners to provide peer support for drug misusers.

1,525 Samaritans Listeners were selected and trained during 2008 and there are 1,380 active Listeners in place. Listeners play an invaluable role in making prisons safer by offering emotional support to fellow prisoners in crisis.

There were 85,000 Listener contacts during 2009.

There is considerable scope to develop more opportunities for volunteering, peer support, representation and prisoner councils.
Ministry of Justice compliance, Prison Service performance and staffing

In March 2004 in a case brought by life sentenced prisoner, John Hirst, the European Court of Human Rights ruled that the ban on sentenced prisoners voting violated Article Three of the European Convention on Human Rights. The Prison Reform Trust lodged several formal complaints with the Council of Europe about the UK Government’s non-compliance with this 2004 ruling.837

The European Court of Human Rights rejected an attempt to overturn an earlier ruling that prisoners should get the vote. The Court gave the UK government until 11 October 2011 to introduce legislative proposals to bring the law in line with the European Convention. However, the Court has since granted a request from the UK government to extend their implementation deadline to 6 months after the delivery of the Grand Chamber judgment in the case of Scoppola No. 3 v. Italy.838

Through its reports, the Prisons Inspectorate found that many prisons did not have a disability policy and it was rare to find any form of needs analysis or consultation with prisoners to help establishments to carry out their duties under the Disability Discrimination Act (2005).839

Following a judicial review by a disabled inmate (who had not been provided with accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) would be amended to comply with the requirements of the DDA. New guidance has been issued (PSI 31/2008: Allocation of prisoners with disabilities), followed by PSI 32/2011: Equalities Act.

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system.840 Criminal justice staff and those responsible for providing services are failing in their duty to promote equality of opportunity and to eliminate discrimination. As such they are not complying with the requirements of the Disability Discrimination Act and the Disability Equality Duty in particular.

On 1 September 2011 the Corporate Manslaughter and Corporate Homicide Act was extended to include prisoners held in custody. The Act sets out a new offence for convicting an organisation where a gross failure in the way activities were managed or organised results in a person’s death.

On 28 November 2011 Justice Minister Lord McNally announced that the government intends to reform the Rehabilitation of Offenders Act (1974) by way of amendments to the Legal Aid, Sentencing and Punishment of Offenders Bill.841

A five year follow-up report by the National Offender Management Service (NOMS) on race equality in the Prison Service concludes that while the actions taken over the last five years have generated substantial improvements, it also acknowledges that the experience of BME prisoners and staff has not been transformed.842

HM Inspectorate of Prisons has found that ethnicity is not recorded in clinical records. Staff concluded that ethnicity was not relevant as all patients were treated the same way, which contravenes the ‘Nursing and Midwifery Council Code of Professional Conduct’ on recognizing the diverse needs of patients.843

Data on the sexual orientation of offenders is not routinely collected by prisons or probation areas. It is therefore difficult to assess the extent to which NOMS is meeting its commitment to equality of treatment.844

837  http://www.prisonreformtrust.org.uk/subsection.asp?id=839
838  European Court of Human Rights (2011) Prisoners’ right to vote factsheet, Strasbourg: European Court of Human Rights
839  Ibid
841  Hansard HC, 28 November 2011, c746W
844  Ibid.
The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes of prisoners in outside hospitals, restraints were used during final inpatient stays on 29 out of 52 occasions.845

In 2010 there were 11,252 recorded prisoner on prisoner assaults, a rise of 41% since 2001, and 2,376 recorded prisoner on officer assaults.846

Prisoners in large prisons were more likely to say that they had been assaulted or insulted by a member of staff or by another prisoner than those held in small prisons.847

Between February 2009 and January 2010, 4,461 mobile phones and 4,325 SIM cards were sent to a central prison service unit for analysis. Then Justice minister Maria Eagle added that “these figures understate the actual number of finds”.848

In 2010-11 there were two escapes from prison, the lowest total ever recorded. The level of absconds from open prisons has reduced from 1,310 in 2003-04 to 240 in 2010-11.849

The Prison Service is faced with high sickness levels amongst prison officers. The average number of working days lost due to staff sickness in 2010-11 was 9.8.850

In 2009 there were 151 disciplinary cases and 170 dismissals of prison officers in Prison Service prisons. There is no requirement for privately managed prisons to notify NOMS headquarters of any disciplinary action taken against their employees.851

The number of full-time equivalent prison officers employed between 1997 and 2009 has increased by 24%. In the same period the prison population has increased by 37%.852

There has been a high turnover of prison governors. In the five years to March 2002 just under a third of all prisons (44) had had four or more governors or acting governors in charge.853

The average tenure of a prison governor (governing governor, deputy governor, head of residence) employed by NOMS is 8 years.854

The average tenure for governing governors in an establishment is 2.4 years.855

In 2009 the average tenure for operational managers in an establishment is 5.8 years.856

In 2010-11 the number of minority ethnic staff in the Prison Service overall was 6.6%.857

61% of black and minority ethnic prison staff have experienced direct racial discrimination while employed in the service. Over half chose not to report it.858

848 Hansard HC, 5 March 2010, c1484W
850 Ibid
851 Hansard HC, 23 February 2010, c509W
852 Ibid
853 Hansard HC, 27 October 2009 c336W
854 Hansard HC, 7 December 2010, c201W
855 Hansard HC, 2 November 2009 c746W
856 Hansard HC, 23 February 2010, c509W

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Council of Europe - voting rights of sentenced prisoners

This chart is drawn from available international government sources and is subject to amendment.
Private prisons

The UK has the most privatised prison system in Europe. In England and Wales 11,446 prisoners (13.1% of the prisoner population) are held in private prisons. There are currently three privately managed and nine Private Finance Initiative (PFI) prisons in operation. The recent privatisation of HMP Birmingham and the opening of two new private prisons HMP Latchwood (due to open April 2012) and HMP Thameside (due to open March 2012) will take the total number of private prisons in England and Wales from 11 to 14.

The market testing of eight existing public prisons and G4S-run HMP Wolds is underway. The estimated value of these contracts over 15.5 years is £2.5 billion. The eight public prisons are: Acklington, Castington, Coldingley, Durham, Hatfield, Lindholme, Moorland and Onley. If the private sector wins the competition for all eight existing public prisons this could add approximately 5,700 prisoners to the privately-run estate.

On 1 October 2011 HMP Birmingham became the first existing publicly run prison to be contracted out to the private sector. The estimated value of the contract over the 15 year life of the contract is £468.3 million.

HMP Latchwood (Featherstone II) will have a capacity of 1,620 and HMP Thameside a capacity of 900.

Private prison contracts are currently shared between just three companies:

- G4S - Altcourse, Birmingham, Parc, Rye Hill, The Wolds and Latchwood (Featherstone II, due to open April 2012).
- Serco - Ashfield, Dovegate, Lowdham Grange, Doncaster and Thameside (due to open 2012).
- Sodexo Justice Services (formerly Kalyx) – Forest Bank, Bronzefield and Peterborough.

HMP Wolds is let on 10 year management-only contract; nine prisons are financed, designed, built and operated by the private sector on 25 year contracts. Both HMP Birmingham and HMP Latchwood contracts are for 15 years each, with an estimated total value of around £750 million for the life of the contracts.

Serco’s contract to operate HMP Doncaster was renewed for a further 15 years at a value of £338.7 million. This contract was awarded on the basis of ‘payment by results’ whereby payment of up to 10% of the annual contract fee will be dependant upon the contractor reducing reoffending rates. Serco is working in partnership with Catch 22 and Turning Point on this contract.

The contract for HMP Thameside (Belmarsh West) was won by a consortium comprising Serco and voluntary organisations Catch 22 and Turning Point. This was the first prison contract to be awarded to such a consortium. The contract for HMP Thameside was signed on 30 June 2010 and construction is underway. The estimated construction cost is £97 million.

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past thirteen years. In 2010-11 the private prisons average was 31.8%, compared to an average of 22.8% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 48.9%, 61.7%, and 72.9% of prisoners held in overcrowded accommodation respectively.

In 2010-11 a total of £328.1 million was paid to privately managed prisons. This compares with a cost of £309.0 million in 2008-2009.

### Prison 2010-11 cost (£)

<table>
<thead>
<tr>
<th>Prison</th>
<th>2010-11 cost (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altcourse</td>
<td>47,349,574</td>
</tr>
<tr>
<td>Ashfield</td>
<td>24,929,971</td>
</tr>
<tr>
<td>Bronzefield</td>
<td>26,691,539</td>
</tr>
<tr>
<td>Doncaster</td>
<td>24,143,901</td>
</tr>
<tr>
<td>Dovegate</td>
<td>36,986,311</td>
</tr>
<tr>
<td>Forest Bank</td>
<td>36,394,936</td>
</tr>
<tr>
<td>Lowdham Grange</td>
<td>25,744,375</td>
</tr>
<tr>
<td>Parc</td>
<td>46,515,892</td>
</tr>
<tr>
<td>Peterborough</td>
<td>31,901,497</td>
</tr>
<tr>
<td>Rye Hill</td>
<td>18,244,416</td>
</tr>
<tr>
<td>Wolds</td>
<td>9,195,005</td>
</tr>
</tbody>
</table>

861 Hansard HC, 30 November 2011, c922W
862 G4S website at http://www.g4s.com/en/Media%20Centre/News/2011/03/18/HMP%20Birmingham%20and%20Featherstone%20/
863 Hansard HC, 28 November 2011, c747W
864 Serco (2010) Stock exchange announcement, 26 February 2010
865 Hansard HC, 8 September 2010, c584W
867 Hansard HC, 12 October 2011, c413
868 Hansard HC, 9 December 2009, c460W
The government has estimated that the privatisation of HMP Birmingham and HMP Latchwood will lead to savings of £36 million over the remaining years of the comprehensive spending review period (2011-2015).

The government forecast in 2011 costs of the competitive tendering process of HMP Birmingham, HMP Buckley Hall, HMP Doncaster, HMP Featherstone 2 and HMP Wellingborough will reach £5.84 million.

In 2007 according to a parliamentary written answer the costs of private prisons per place were higher than public sector prisons in most categories.

<table>
<thead>
<tr>
<th>Function</th>
<th>Contracted sector cost per place £s</th>
<th>Public sector cost per place £s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male category B</td>
<td>26,813</td>
<td>25,881</td>
</tr>
<tr>
<td>Male category C</td>
<td>20,855</td>
<td>21,976</td>
</tr>
<tr>
<td>Female closed</td>
<td>44,400</td>
<td>34,617</td>
</tr>
<tr>
<td>Male juvenile</td>
<td>48,669</td>
<td>42,143</td>
</tr>
<tr>
<td>Male local</td>
<td>33,805</td>
<td>31,912</td>
</tr>
</tbody>
</table>

The ratio of prisoners to prison officers in all public sector prisons in England and Wales on 31 March 2010 was one officer to 3.03 prisoners. In private prisons the ratio is one officer to 3.78 prisoners.

A recent parliamentary question highlighted that the average gross salary for a private sector prison officer was 30% less than public sector equivalents.

In 2007 an average of 40% of private sector staff had over five years’ service. High staff turnover remains a problem in a number of private prisons.

In 2006 resignations of prison custody officers and detention custody officers in the private sector averaged 24%, with large variations between establishments.

Healthy prison and establishment assessments by HM Inspectorate of Prisons between 1 September 2008 and 31 March 2011:

<table>
<thead>
<tr>
<th>Prison</th>
<th>Safety</th>
<th>Respect</th>
<th>Purposeful activity</th>
<th>Resettlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parc</td>
<td>3</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Ashfield</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Altcourse</td>
<td>4</td>
<td>3</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Forest Bank</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Bronzefield</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Lowdham Grange</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Dovegate TC</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Peterborough (m)</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Dovegate (B)</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Peterborough (f)</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

4 - exceptional performance  
3 - good performance  
2 - requiring development

Private prisons’ performance in 2010-11 according to the most recent Prison Service performance ratings was as follows:

<table>
<thead>
<tr>
<th>Prison</th>
<th>2010-11</th>
<th>Previously</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altcourse</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Ashfield</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Bronzefield</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Doncaster</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Dovegate</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Forest Bank*</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Lowdham Grange</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Parc</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Peterborough</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Rye Hill</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Wolds</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

Overall performance is graded into one of four bands. These bands are: Exceptional Performance (4); Meeting Majority of Targets (3); Overall Performance is of concern (2); and, Overall Performance is of serious concern (1).

There is the opportunity for the ratings to be considered for moderation. A moderation proposal is submitted by prisons and is a request to adjust the data-driven performance rating on the basis of additional non data-driven evidence. Establishments for which a moderation proposal was considered are marked with an asterisk.

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869 Hansard HC, 17 October 2011, c668W  
870 Hansard HC, 17 October 2011, c669W  
871 Hansard HC, 9 January 2007, c546W  
872 Hansard HC, 15 September 2010, c1037W  
873 Hansard HC, 9 November 2011, c1033W  
874 Hansard HC, 1 March 2007, c669W  

Long term trends and future prison building

Estimates of future prison numbers vary widely. By the end of June 2017 the demand for prison spaces is projected to be between 83,100 and 94,800.\(^{878}\)

The Labour government was committed to building new prisons to increase the net capacity of the prison estate to 96,000 by 2014.\(^{879}\)

However the government have since stated that there are no current plans to build further new prisons in England and Wales, with the exception of those already underway.\(^{880}\)

In 2012 two new private prisons will open: HMP Latchwood (Featherstone II, due to open April 2012) with a capacity of 1,620 and HMP Thameside (due to open March 2012) with a capacity of 900.\(^{881}\)

The government plans to reduce the prison population by 2,600 places by the end of the current spending review period through a new approach to sentencing and rehabilitation, which it is currently taking through Parliament with its Legal Aid, Sentencing and Punishment of Offenders Bill.\(^{882}\)

Proposals include the use of community penalties where they are more effective than short prison sentences; using restorative justice; and paying private and voluntary providers by results for delivering reductions in reoffending. The government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services at police stations and courts across England wherever possible to divert offenders with mental health needs and learning disabilities away from the justice system and into treatment and care.\(^{883}\)

Following the 2010 spending review the Ministry of Justice has to make overall resource savings of 23% in real terms by 2014-15.\(^{884}\)

On 13 January 2011 the Secretary of State for Justice, Ken Clarke, announced the closure of HMP Lancaster Castle and HMP Ashwell prisons and the change of use of HMP Morton Hall to an Immigration Removal Centre. Talking about the closures Ken Clarke has said that “closing outdated and expensive prisons is an important step in our strategy to provide a secure and modern, fit for purpose prison estate.”

Capital savings of 50% will be made over the spending review period. The settlement provides sufficient capital funding to maintain the existing prison estate and to fund essential new build projects. Plans for a 1,500 place new-for-old prison will be deferred to the next spending review period, and spending on new IT and court projects will be limited to essential capacity.\(^{885}\)

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880 Hansard HC, 15 October 2011, c782W
881 http://www.hmpthameside.org/recruitment.php
883 Hansard HC, 15 February 2011, c793
Community solutions

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.\textsuperscript{886}

In 2010-11, 67,611 people successfully completed community payback sentences 75\% of those sentenced. This amounts to over 8.4 million hours of unpaid work, which was used to benefit the community.\textsuperscript{887}

The government has initiated a pilot programme at Peterborough prison to reduce reoffending. A social investment firm Social Finance is using a new funding arrangement known as ‘social impact bonds’ to finance the programme. Under the programme, investors will see a return on their investment against a 7.5\% reduction in reoffending among participants. Some of the services are being delivered by St Giles Trust.

The government is committed to introducing payment by results as part of a new approach to offender rehabilitation. Providers will be commissioned to work with offenders to reduce reoffending, paid for by the subsequent savings generated in the criminal justice system.\textsuperscript{888}

Since the creation of the Ministry of Justice, £630,000 has been spent on advertising community payback across 59 pioneer areas in England and Wales.\textsuperscript{889}

The average length of a Community Order is 12.7 months, and 17.1 months for a Suspended Sentence Order. 85\% of Community Orders, and 79\% of Suspended Sentence Orders consist of one or two requirements. The two most frequently used on a Community Order are unpaid work (33\%) and supervision (11\%), and unpaid work (22\%) and supervision and unpaid work (11\%) for a Suspended Sentence Order.\textsuperscript{890}

In 2010 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (69\%) and suspended sentence orders (74\%) versus 65\% on both orders for men.\textsuperscript{891}

A study has indicated that nearly half of those serving sentences in the community have mental health needs. Half have an alcohol problem and a quarter have a drug problem.\textsuperscript{892}

In 2006, only 725 mental health treatment requirements (MHTRs) were issued out of a total of 203,323 requirements. This compares with 11,361 drug treatment requirements. One of the most substantial factors preventing courts from issuing an MHTR is the difficulty in obtaining access to psychiatric assessment, on which the requirement depends.\textsuperscript{893}

An Impact Assessment of the Prolific and other Priority Offender Programme shows that conviction rates for 7,800 offenders who had been through an intensive programme of supervision fell by 62\% after 17 months of the scheme. The Prolific and other Priority Offender Programme (PPO), which was launched in September 2004, aims to prevent prolific offenders from reoffending by monitoring, training, accommodation and drug treatment over a period of two years.\textsuperscript{894}

\textsuperscript{886} Table 1, Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice
\textsuperscript{888} Hansard HC, 28 October 2010, c487W
\textsuperscript{889} Ibid.
\textsuperscript{891} Ministry of Justice (2009) Statistics on Women and the Criminal Justice System, London: Ministry of Justice
\textsuperscript{894} Home Office Press Release, 20 February 2007
Restorative justice

Delivering a recent lecture on restorative justice, Crispin Blunt, Parliamentary Under-Secretary of State for Justice said “It is our ambition that all prisons and probation trusts will develop capability to deliver Restorative Justice to victims and offenders in appropriate circumstances based upon best practice principles."

The government funded a £7 million seven year research programme looking into restorative justice. Published in 2007 findings were encouraging.

Victim participation rates were high, with up to 77% victim participation in cases involving adult offenders, and up to 89% victim participation in cases involving young offenders. Offender participation rates were similarly high. All the projects devoted significant time and resources to good preparation with both victims and offenders.

85% of victims surveyed as part of the research were either ‘very’ or ‘quite’ satisfied with their experience of the restorative conference (80% of offenders in the Justice Research Consortium’s (JRC) conferences were ‘very’ or ‘quite’ satisfied).

98% of conferences ended with the participants reaching an outcome agreement, which was usually focused on what the offender would do next to repair the harm, address their problems and reorientate their life away from crime.

Although victims tended to opt for a restorative meeting with an intermediary when this was offered, indirect processes tended to lead to lower levels of victim satisfaction than face-to-face meetings.

27% fewer crimes were committed by offenders who had experienced restorative conferencing, compared with those offenders who did not.

Restorative justice approaches are cost effective. As a result of reductions in the frequency of offending the JRC restorative justice projects saved the criminal justice system nine times what it cost to deliver.

Another evaluation of restorative justice found that young girls involved in a final warning restorative scheme were significantly less likely to reoffend than the control group (118 fewer arrests per 100 offenders compared to 47 fewer for the control group).

Northern Ireland’s well established Youth Conference Service has a significant proportion of victims taking part in conferences, with 89% expressing satisfaction with the outcome. In addition, court ordered youth conferences have a reoffending rate of 47.4%, significantly lower than that of the supervision order used in England and Wales (71%).

In an ICM survey commissioned by the Prison Reform Trust conducted one month after the riots in August 2011, nearly nine out of 10 people (88%) agreed that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused. Almost three quarters (71%) believe that victims should have a say in how the offender can best make amends for the harm they have caused.

The government has made a commitment to provide funding to youth offending teams (YOTs) for training staff and volunteers involved in Youth Referral Order panels in restorative practices with the aim of bringing practice up to the level of Youth Conferencing in Northern Ireland. Funding for training and capacity building in NOMS, for pre- and post-sentence restorative justice with adult offenders, has also been announced.

895 All figures taken from Ministry of Justice commissioned independent evaluation reports by Professor Joanna Shapland unless otherwise stated.
896 Crispin Blunt MP, Considering Restorative Justice Lecture, 24 November 2011
899 Ibid.
900 Ibid.
902 Ibid.
906 Crispin Blunt MP, Considering Restorative Justice Lecture, 24 November 2011

75
Public perceptions of crime

Total spending for public order and safety by the government was £33.6 billion in 2010-11.907

There are 139,110 full-time equivalent police officers in the 43 police forces of England and Wales. This is a decrease of 3.2% or 4,625 officers compared to a year earlier, but still significantly higher than 125,051 in 1997.908

Since 1997 British Crime Survey crime rates have fallen by 42%. However in the past year there has been no statistically significant change in the numbers of crime estimated from the 2010-11 survey (9.6 million offences) compared to the previous year (9.5 million offences), consistent with a flattening trend in crime.909

However when asked what they thought had happened to the level of crime nationally over the past year, only 4% believed it had gone down.

83% of people think violent crime is rising. However, the proportion of people who are ‘very worried about’ violent crime has fallen from 25% in 1998 to 13% in 2010-11.910

In 2009-10 and 2010-11, 10% of adults were worried about burglary and car crime and 13% of adults were worried about violent crime. These proportions are the lowest recorded since the questions were introduced in the 1990s.911

British people have the lowest confidence in their government when it comes to crime. Only 25% of British people feel confident in their government when it comes to ‘cracking down on crime and violence’ compared to 44% in the US, 46% in France and 48% in Germany.912

In November 2011 23% of interviewees thought crime and law and order were the most important issues facing Britain today.913

A recent survey found that “while the public may ‘talk tough’ in response to opinion polls which ask whether sentencing is harsh enough, when considering specific criminal cases and individual circumstances, there is considerable support for mitigating punishments”.914

In a survey on behalf of the Prison Reform Trust conducted one month after the riots in August 2011 a huge majority of the public (94%) support opportunities for offenders who have committed offences such as theft or vandalism to do unpaid work in the community, as part of their sentence, to pay back for what they have done.915

Nearly nine out of 10 people (88%) agree that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused.916

Almost three quarters (71%) believe victims should have a say in how the offender can best make amends for the harm they have caused.917

Offered a range of measures to prevent crime and disorder, most people (84%) consider that better supervision of young people by parents would be effective.918

There was widespread support for ‘better mental health care’ (80%); ‘making amends to victims’ (79%); ‘unpaid community work’ (76%); and ‘treatment to tackle drug addiction (74%). Less than two-thirds (65%) consider that a prison sentence would be effective in preventing crime and disorder.919

62% of those who think crime is rising say it is because of what they see on television, and 35% because of what they read in tabloid newspapers.920

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.921

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916 Ibid.
917 Ibid.
918 Ibid.
919 Ibid.
The British Crime Survey 2009-10 shows that there is a gap between people’s judgment on the likelihood of becoming a victim of crime and the actual risk to them. 13% of respondents thought that they were very likely or fairly likely to be a victim of violent crime in the next 12 months, compared with 3% who reported having been a victim of such a crime in the year before interview.922

People have more positive perceptions of crime locally than nationally; 60% thought crime in the country as a whole was rising, compared with 28% who thought crime in their local area had increased.923

Young people are more likely than those over 65 to say that there has been an increase in crime in their local area.924 16-24 year olds are also the most likely age group to be victims of crime.925

In a recent poll only 11% of people surveyed believe that increasing the number of offenders in prisons would ‘do most’ to reduce crime in Britain. The public is more focused on intervening at the level of families and young people, with 55% thinking that better parenting, and 42% thinking that more constructive activities for young people would have most effect.926

An ICM poll of 1,000 victims of crime commissioned by SmartJustice in partnership with Victim Support, shows that almost two thirds of victims of crime do not believe that prison works to reduce non-violent crime.927

A recent ICM poll showed that 80% of those surveyed strongly agreed that local women’s centres where women address the root causes of their crime and do compulsory work in the community to payback should be available.928

According to a poll commissioned by the Prison Reform Trust’s Out of Trouble campaign published in September 2010, nearly two-thirds of the public do not want to see children in prison until at least the age of 12, rising to 14 for young people convicted of a non-violent crime.929

Better supervision by parents, treatment to tackle drug addiction, treatment to tackle binge drinking and better mental health care are all rated much more effective than a prison sentence at preventing young offenders from returning to crime.930

923  Figure 5.01, Ibid.
925  Table 2.05, Ibid
928  ICM opinion poll for the Corston Coalition, 26–28 November 2010. Sample of 1000 adults 18+ in GB, by telephone omnibus
929  PRT (2010) YouGov poll
930  Ibid.
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- The Children & Families of Prisoners: recommendations for government, 2008 (Briefing with APF, pact and Clinks)
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- Information Book for Prisoners with a Disability, 2009
- Children: Innocent Until Proven Guilty? A briefing on the overuse of remand in England and Wales and how it can be addressed, 2009
- Out of Trouble: Reducing child imprisonment in England and Wales - lessons from abroad, 2009 - £10
- Out of Trouble: Making Amends - restorative youth justice in Northern Ireland, 2009
- Vulnerable defendants in the criminal courts: a review of provision for adults and children, 2009 - £10
- Barred from Voting: the Right to Vote for Sentenced Prisoners - 2010 (Briefing Paper with UNLOCK)
- A Fair Response: developing responses to racist incidents that earn the confidence of black and minority ethnic prisoners - 2010 (Briefing Paper)
- Doing Time: Good practice with older people in prison - the view of prison staff - June 2010
- Unjust Deserts: Imprisonment for Public Protection - June 2010
- Out of Trouble: Punishing Disadvantage, a profile of children in custody - September 2010
- Time is Money: financial responsibility after prison, Unlock and Prison Reform Trust - October 2010 - £15
- Seen and Heard: supporting vulnerable children in the youth justice system - November 2010 - £15
- Double Trouble: Black, Asian and minority ethnic offenders’ experiences of resettlement - November 2010
- Into the Breach: the enforcement of statutory orders in the youth justice system - May 2011 - £12
- Time Well Spent: A practical guide to active citizenship and volunteering in prison - May 2011 - £10
- Reforming Women’s Justice: Final report of the Women’s Justice Taskforce - June 2011 - £10
- Last Resort? exploring the reduction in child imprisonment 2008-11 - July 2011 - £6
- Public want offenders to make amends - September 2011 (Briefing Paper)
- Care - a stepping stone to custody? - December 2011 - £12

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