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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Cover image by AndyAitchison.uk
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Introduction

This year’s Bromley Briefings open with a brand new section which we have called “The long view”. The Prison Reform Trust has built its reputation over more than three decades on presenting accurate evidence about prisons and the people in them. In a world where ministers feel compelled to respond to issues with ever greater immediacy, “The long view” offers an antidote to the latest Twitter storm or early morning grilling in the media.

We have chosen to concentrate in this briefing on the issue of overcrowding. What the evidence shows is that the core of the current government’s approach—to spend more building more prison spaces—is identical to the actions of all its predecessors since the early 1990s.

There is every possible indication that it will meet the same fate. So PRT has commissioned two pieces of expert independent analysis relevant to any serious strategic policy to solve the problem of overcrowding.

First, we asked a former Director of Finance for the prison service, Julian Le Vay, to analyse the published data on the Ministry of Justice’s spending review settlement with the Treasury and its plans for future investment in new prisons. He concluded that the capital cost of a policy based on building more prisons since 1980 has been £3.7bn, and generated an additional annual running cost of £1.5bn—enough to have built 25,000 new homes, and to be employing 50,000 more nurses or teachers. But he also concludes that the ministry’s current ambitions are inadequately funded to the tune of £162m in 2018/19, rising to £463m in 2022/23. On current population projections, there is no prospect of any impact on overcrowding before 2022, and a further new programme of building will be needed from 2026.

Secondly, we asked Dr Savas Hadjipavlou, of Justice Episteme, to run a scenario on the sophisticated model he has created. This uses what we know about the typical life histories of people who end up in the criminal justice system, together with what we know about how that system operates, to assess the impact of demographic or other changes on key criminal justice outcomes—including the likely size of the prison population. The scenario removed the statutory changes that have inflated sentencing since 2003, and suggests that we would now have a prison population of 70,000 had those changes not been made—in other words, a population several thousand below the system’s current uncrowded capacity.

In 1990, the then Director General of the prison service said:

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

Few with any close knowledge of the system would take a different view now. Given this briefing’s depressing catalogue of failure to improve conditions in our prisons over the last 12 months, it is essential that the current justice secretary—a historian himself—learns the lessons of the past. He can no more build his way to a decent prison service than any of his predecessors. There is an affordable and practical route to reform, but it requires a fundamental rethink of who goes to prison, and for how long. A wise secretary of state should choose no other foundation on which to build.
THE STATE OF OUR PRISONS
In this section, we look at a familiar issue but from the perspective of over three decades of informed commentary. Overcrowding has been a constant in the operating context for the prison service since 1994, despite a virtually permanent programme of prison building. This section examines its impact, the policy response to it and its outcome so far.

Overcrowding was recognised as one of the essential causative factors in the series of disturbances triggered by the Strangeways riot in the spring of 1990.

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

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

In his seminal report following the disturbances the then Lord Justice Woolf consequently recommended a permanent statutory mechanism to end overcrowding…

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

Woolf report, 1990

…it which the then government accepted—in principle.

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

Home Office, Custody, Care and Justice, 1991

But this trenchant criticism of overcrowding in the report by Mr Justice Keith into the murder of Zahid Mubarek by his cell mate in a shared cell in HM YOI Feltham could still be made 15 years later.

“Overcrowding resulted in increased pressure on such facilities as Feltham offered, and the ever-changing level of its population affected the flow of information about individual prisoners. All of these factors helped to reduce the time prisoners had out of their cells to a minimum, and that made prisoners more likely to take out their frustrations on their cellmates.”

In response, the government’s principled commitment to end overcrowding was restated:

“The elimination of enforced cell sharing should remain the objective of the Prison Service, and the achievement of this goal should be regarded as a high priority.

“Accepted in principle. As noted in the initial response, the elimination of forced cell sharing will continue to be the objective of the Prison Service, but it will continue to be necessary for some time yet, owing to population pressures.”

But in an update in 2011, even this limited goal was abandoned.

“Following the Spending Review settlement in October 2010, the need for NOMS to reduce its costs means that we must reduce our capacity requirements where feasible against current population projections. As a result, it will not be feasible to provide the additional places required to eliminate enforced cell sharing.”

In reality, the existence or otherwise of a policy has made no difference to prisoners—two thirds of prisons have had some overcrowding for most of this century.

Overcrowding cripples the prison system's ability to provide a decent and constructive public service. This is not just because 21,000 people still share cells, for up to 23 hours a day, designed for fewer occupants, often eating their meals in the same space as the toilet they share. It is also because every day people are bussed around the country to extraordinarily remote locations just to make sure that every last bed space is filled.

Inspectors regularly find a third or more people unoccupied during the working day because a prison holds more people than it should. People progressing well with their sentence are suddenly told they must move on, regardless of any courses they may be undertaking, or their family ties to an area.

The effects of overcrowding have been spelt out in successive reports by inspectors and Independent Monitoring Boards for more than three decades.

“To relieve overcrowding, [HMP Brixton] is constantly having to select batches of prisoners to send to other establishments. Indeed, because of this overcrowding, a number of prisoners must be kept frequently in police custody overnight instead of being received into the prison.”

HM Inspectorate of Prisons, HMP Brixton 1983
In less than 30 years certified normal accommodation (uncrowded capacity) has increased by over 32,000 places, whilst the number of people in prison has grown by over 40,000. Our desire to lock up more people for ever increasing periods of time has not been matched by the necessary resources. As pressure for prison places has grown, our prison estate has grown. As our prison estate has grown, our population has grown further still. New prisons and specialist wings built with the promise of better conditions and greater opportunities for rehabilitation, have quickly succumbed to population management pressures—with additional places being certified, above the original plans. Where there was one person to a cell, now there are two, sharing space, staff, places on workshops and courses, and a toilet.

In 2012 HMP Oakwood, a brand new 1,600 place prison, opened, then the largest in England and Wales. Within four years the prison was told that it would need to make room for 500 more people.
While there has been intense focus and investment in building new capacity, there has been little or no attention given to reducing demand. As our section on sentencing and the use of custody (page 12) shows, it is the growth in sentence lengths for the most serious offences which keeps our imprisonment rate for men the highest in western Europe. Whilst for women, disproportionately sent to prison for non-violent crime and on short sentences, the answer lies largely in diverting people from custody altogether.

Whilst sentences are passed by the courts, in most cases they operate within guidelines devised by the independent Sentencing Council, who in turn are guided by the statutory framework debated and established by parliament. Politicians determine the maximum sentences available for the most serious crimes, from which all other sentencing guidelines flow. For three decades, there has been a constant stream of policy change, most of which has driven up the use of prison. The one sustained attempt to reduce the use of prison immediately following the Woolf Report in 1990 produced the only years in this period when capacity matched demand.

The government has now announced £1.3bn to invest in reforming and modernising the prison estate, committing to build nine new prisons—five of these by 2020. In part, this is designed to deliver a modest revival of a policy intention to reduce—not eliminate—overcrowding. However, prison population projections, published in September 2017, revealed that the population is expected to grow by around 1,600 above previous predictions by 2022. These raise serious doubts about the sustainability of the capacity programme. Without the option of closing older prisons, as now appears inevitable under the current population projections, no funds are released to run the new prisons planned—still less to finance the building and running of new prisons that will be required over and above those committed by the previous government. The doubts are reflected in apparently conflicting public statements:

“I anticipate that we won’t close any prisons this parliament”
Michael Spurr, Prison Governor’s Association Annual Conference, 11 October 2017

“Our first priority is to ensure public protection and provide accommodation for all those sentenced by the courts, but that commitment [to close old Victorian prisons] very much remains.”
Sam Gyimah MP, speaking in parliament, 12 October 2017

 “[T]he surge that we have seen in the prison population over this summer, when it went up slightly above 86,000, against our previous best forecasts, meant that we have had to keep Rochester and Hindley open when we hoped to have closed them as part of the new-for-old policy.”
David Lidington MP, Evidence to the House of Commons Justice Committee, 25 October 2017

If the long view teaches anything, it is surely that the scourge of overcrowding will not be ended by building more prisons.
England and Wales has the highest imprisonment rate in western Europe. The prison population has risen by 82% in the last 30 years.

- England & Wales: 146
- Scotland: 138
- Portugal: 133
- France: 103
- Germany: 77
- Northern Ireland: 76
- Norway: 74
- Finland: 57
- Sweden: 57

Prison population rate (per 100,000 population)

Source: International Centre for Prison Studies

The prison population has risen by 82% in the last 30 years.

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

In England and Wales, we overuse prison for petty and persistent crime.

Around 66,000 people were sent to prison to serve a sentence in the year to June 2017. The majority had committed a non-violent offence. Almost half were sentenced to serve six months or less.

Short prison sentences are less effective than community sentences at reducing reoffending. Yet, the use of community sentences has nearly halved in only a decade.

Suspended sentences have risen, but account for only 5% of all sentences.

Source: Offender management statistics and Population and capacity briefing for 24 November 2017

3 Table 2.4a and 2.4b Ministry of Justice (2017) Offender management statistics quarterly: April to June 2017, London: Ministry of Justice
5 Table Q5.1b and Q5.4, Ministry of Justice (2017) Criminal justice statistics quarterly June 2017, London: Ministry of Justice
More than three times as many people were sentenced to 10 years or more in the 12 months to June 2017 than at the same time in 2007. For more serious, indictable offences, the average prison sentence is now 56.6 months—23 and a half months longer than 10 years ago.5

Many are released from prison, only to return there shortly after. Anyone leaving custody who has served two days or more is now required to serve a minimum of 12 months under supervision in the community.

As a result, the number of people recalled to custody following their release has increased, particularly amongst women. 8,309 people serving a sentence of less than 12 months have been recalled to prison in the year to June 2017.6

For more serious, indictable offences, the average sentence is now 56.6 months—23 and a half months longer than 10 years ago.7

Reconviction rates for people on release from prison remain stubbornly high. Prison has a poor record for reducing reoffending—nearly half of adults (49%) are reconvicted within one year of release.8

Source: Criminal justice statistics quarterly June 2017

The number of people convicted and sent to prison for committing violent offences has risen since 2003—but it has fluctuated. Convictions for sexual offences have risen sharply.8

Average sentence lengths, and the minimum period of time people must spend in prison for murder (tariff), have risen markedly.9

As a result, the number of people recalled to custody following their release has increased, particularly amongst women. 8,309 people serving a sentence of less than 12 months have been recalled to prison in the year to June 2017.10
The state of our prisons

Safety in prisons

Safety in prisons has deteriorated rapidly during the last six years. People in prison, prisoners and staff, are less safe than they have been at any other point since records began, with more self-harm and assaults than ever before. Despite a welcome decline, the number of self-inflicted deaths remains high.12

Inspectors found that safety was not good enough in more than three in five male prisons (62%) they visited last year. Nearly half of men (48%) and over half of women (52%) said they felt unsafe at some point whilst in custody.13

Deaths in prison

Rates of deaths in prison have risen sharply in the last six years—but self-inflicted deaths have begun to fall at last.

Self-inflicted deaths are 8.6 times more likely in prison than in the general population—the highest level in at least six years.14

Rates of deaths from natural causes have more than doubled in the last nine years. 190 people died of natural causes in the year to September 2017.15

More than quarter (26%) self-inflicted deaths in the last five years occurred in the first 30 days of arrival in prison—over half (53%) of these deaths were in the first week.16

HM Inspectorate of Prisons found that one-third of the prisons inspected in 2016–17 had not implemented recommendations by the Prisons and Probation Ombudsman (PPO) well enough following a self-inflicted death.17

PPO investigations of deaths in segregation units often found that staff did not always follow, or even know about national instructions, including that prisoners at risk of suicide should only be segregated in exceptional circumstances.18

There were 79 deaths in prison between June 2013 and September 2016, where the person was known, or strongly suspected, to have used or possessed new psychoactive substances (NPS) before their death—56 of these were self-inflicted.19

15 Table 2, Ministry of Justice (2017) Safety in custody statistics quarterly update to June 2017, London: Ministry of Justice
16 Table 1.7, Ministry of Justice (2017) Safety in custody statistics quarterly update to June 2017, London: Ministry of Justice
Serious assaults are at the highest level ever recorded

Rates of self-harm are at the highest level ever recorded

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

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

People in around a third of prisons inspected in 2016–17 were negative about the overall care and support they received during their most vulnerable times.\(^{20}\)

The number of reported sexual assaults in prison is more than two and a half times higher than 2011. There were 345 recorded assaults in 2016.\(^{21}\)

The National Tactical Response Group, a specialist unit assisting in safely managing and resolving serious incidents in prisons responded to 386 incidents in the first nine months of 2017. Tornado teams, specialist staff trained to restore order within a prison following a riot, responded to 20 incidents over the same period.\(^{22}\)

Emergency services were called out more than 26,600 times to incidents in UK prisons in 2015.\(^{23}\)

There were 2,579 fires in prison in 2016—an average of 215 a month.\(^{24}\)

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\(^{21}\) Table 3.8, Ministry of Justice (2017) Safety in custody statistics quarterly update to June 2017, London: Ministry of Justice

\(^{22}\) House of Lords written question HL2169, 1 November 2017


\(^{24}\) House of Commons written question 59711, 9 March 2017
Treatment and conditions

More than two-fifths (42%) of our prisons are rated “of concern” or “of serious concern” by HM Prisons and Probation Service— the highest level ever recorded.25

There are now more prisons rated “of serious concern” than “exceptional”. The number of prisons rated “exceptional” has plummeted from 43 in 2011–12 to only nine in 2016–17.26

Only two in five men said that they had been given information explaining what would happen to them when they first arrived in prison.27

Three-quarters (74%) of people told inspectors that most staff treated them with respect. However, significantly reduced staffing in most prisons mean that many prisoners report felt unsupported and frustrated at not being able to get day-to-day concerns addressed.28

Only one in seven people said they spent 10 hours or more out of their cell each day.29

Nearly one in three people (31%) held in a local prison said they spent less than two hours out of their cell each day.30 People are sent to a local prison when they are first remanded or sentenced to custody and when they are approaching release.

Inspectors found that in most prisons, people are only able to spend 30 minutes outside a day. This means that men often have to choose whether to go outside or undertake other essential activities, such as taking showers or telephoning home.31

Inspectors also found that many prisons operated temporary restricted regimes to cope with staffing shortages, with prisoners locked up for the night at 6pm or earlier.32

The daily prison food budget within public sector prisons for 2015–16 was £2.02 per person.33

One in twenty people in prison are on the basic level of the incentives and earned privileges (IEP) scheme. The number of people on basic has increased by nearly 50% in two years—yet the prison population has risen by less than 1% during the same period.34

Only two in five prisoners surveyed said that the IEP scheme had encouraged them to change their behaviour.35 Prisons are required to provide “access to the safe, legal and decent requirement of a regime on normal location.” However, inspectors have consistently found that the treatment of people on the basic regime is overly-punitive, including being held in conditions like segregation units, but without the same safeguards.36

Segregation

Inspectors found that regimes were inadequate in two-thirds of segregation units inspected in 2015–16—most people were locked up for more than 22 hours a day with nothing meaningful to occupy them. Access to showers and telephone calls was minimal and sometimes restricted further as a punishment for minor rule breaking.37

Research on segregation has established that it is harmful to health and wellbeing. Over half of segregated prisoners interviewed said they had problems with three or more of the following: anger, anxiety, insomnia, depression, difficulty in concentration, and self-harm.38
During the first three months of 2014 almost one in ten people in segregation units had spent longer than 84 days there. One in five had spent between 14 and 42 days; and 71% had been segregated for less than 14 days.\(^{39}\)

Nearly two-fifths, 19 out of a total of 50 people, had deliberately engineered a move to the segregation unit. Reasons included trying to transfer to a different prison, evading a debt, or getting away from drugs or violence on the wings.\(^{40}\)

If a person has a request or concern they can raise it through the application process. It is a means of dealing with routine issues before they escalate into formal complaints. However, inspectors found that the applications process continued to be poor—only half (52%) of prisoners felt that their applications were dealt with fairly.\(^{41}\)

Resolving disputes

If a person is not happy with the outcome of their application they can make an internal complaint. However, just over half (54%) said that it was easy to make a complaint and only 28% felt their complaints were dealt with fairly.\(^{42}\)

The Prisons and Probation Ombudsman provides the last means of redress in the formal complaints process.

The number of complaints upheld by the Prisons and Probation Ombudsman has been rising. Less than a quarter (23%) of complaints were upheld in 2011–12, compared to nearly two in five (39%) last year.\(^{43}\)

The Ombudsman reported that this “reflects prison staff making more mistakes, not learning lessons from...previous investigations and...not resolving issues at a local level”.\(^{44}\)

Complaints from high security prisons accounted for 29% of completed investigations, despite high security prisoners making up only 7% of the male prison population.\(^{45}\)

Only one in 100 prisoners who made an allegation of discrimination against prison staff had their case upheld by the prison. By contrast, three in four staff (76%) reports of alleged discrimination by a prisoner were upheld.\(^{46}\)
Overcrowding and changes to the prison estate

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

The prison system as a whole has been overcrowded in every year since 1994. Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending, as well as distance from families and other support networks.

In 2016–17, two-thirds of prisons in England and Wales were overcrowded (79 of the 119 prisons). Nearly 21,000 people were held in overcrowded accommodation—almost a quarter of the prison population. The majority were doubling up in cells designed for one.

This level of overcrowding has remained broadly unchanged for the last 14 years.

Overcrowding remains a significant issue in most prisons according to inspectors. Particularly in local and category C training prisons, where most people are held.

£1.3bn has been announced to invest in reforming and modernising the prison estate. The government has committed to build nine new prisons, five of these by 2020.

Plans were announced for four more new prisons. Sites have been identified at Port Talbot and adjacent to HMP Full Sutton. The two remaining sites at HMP and YOI Rochester; and HMP and YOI Hindley have been halted because a sharp rise in the prison population this year has made it impossible to close the existing prison while a new one is built.

Planning permission has been granted for the former site of HMP Wellingborough, and an application has been submitted to redevelop the site at HMP and YOI Glen Parva.

There are also plans to build five community prisons for women. Each will have 60 beds.

Because nothing has been done to reduce the number of women sentenced to custody, Inspectors have found that the closure of HMP Holloway has resulted in more crowding in the remaining women’s prisons and more women are now being held further away from friends and family.
Prison service resources and staffing

Resources

HM Prisons and Probation Service (HMPPS), formerly the National Offender Management Service (NOMS) reduced its budget by nearly a quarter between 2010–11 and 2014–15.62

Spending has begun to increase. Total expenditure in 2016–17 was £3,723m—£206m more than the year before.63

Additional funding of up to £500m has been committed by the government in order to finance its safety and reform programme between 2017–18 and 2019–20.64

The cost of a prison place reduced by nearly a quarter (23%) between 2009–10 and 2016–17. The average annual overall cost of a prison place in England and Wales is now £38,042.65

Staffing

Following significant cuts since 2010 there are fewer staff looking after more people in prison. The number of frontline operational staff employed in the public prison estate has fallen by nearly a quarter (23%) in the last seven years—5,620 fewer staff looking after more than 800 additional people.66

The government is attempting to boost officer numbers. £100m has been committed to recruit a further 2,500 officers by December 2018.67 In the last year the number of prison officers has increased by 1,207.68

But retention remains a problem—with nearly a third of officers (31%) who left the service last year having stayed in the role for less than two years.69

Staff shortages have required the use of detached duty. In the year to August 2017, 117 officers were deployed to prisons on average to ensure that there was a safe number of staff.70

The reduction in staff numbers “has been detrimental to security, stability and good order in prisons” according to Ministry of Justice Permanent Secretary, Richard Heaton.71

<table>
<thead>
<tr>
<th>Expenditure has fallen by nearly £800m in the last six years</th>
<th>Staff numbers have fallen—but the prison population hasn’t</th>
</tr>
</thead>
<tbody>
<tr>
<td>£3,000m indexed to 2016–17 prices</td>
<td>NOMS frontline prison staff</td>
</tr>
<tr>
<td>£2,500m</td>
<td>Prison population</td>
</tr>
<tr>
<td>£2,000m</td>
<td>Percentage change</td>
</tr>
<tr>
<td>£1,500m</td>
<td>-25</td>
</tr>
<tr>
<td>£1,000m</td>
<td>0</td>
</tr>
<tr>
<td>£500m</td>
<td>25</td>
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</tbody>
</table>

Sources: National Offender Management Service Annual Report and Accounts 2016–17 and previous editions

References:

67 House of Lords written question HL1680, 18 October 2017
69 Table 10, Ibid.
70 House of Commons written question 9372, 12 September 2017
Private prisons

In England and Wales there were 16,469 people (19% of the prisoner population) held in private prisons as at 27 October 2017.\(^{72}\)

There are a total of 14 private prisons in England and Wales—they are contracted to three companies.\(^{73}\)

10 of these are currently financed, designed, built and operated by the private sector on contracts of 25 years or more. Contracts for Doncaster, Birmingham, Oakwood and Northumberland are for 15 years each.\(^{74}\)

In 2016–17 the overall cost of private prisons was £529.8m—a real terms increase of nearly £10m on the year before.\(^{75}\)

A total of £2.7m was levied from eight private prisons for breach of contract between 2010 and 2015—there were 100 separate instances of breach.\(^{76}\)

Five year contracts totalling nearly £470m have been awarded to Carillion and Amey to provide works and facilities management services in public prisons.\(^{77}\) However, the prison service has admitted that the contract is underfunded, as costs were not clearly understood, and so won’t achieve the promised £115m efficiency savings.\(^{78}\)

Concerns have also been raised about ongoing performance issues by Carillion—with long delays for necessary repairs, and failures to conduct legally required fire and legionella tests.\(^{79}\)

![Diagram of private prisons in England and Wales](https://www.justice.gov.uk/about/hmps/contracted-out)

### Private prisons in England and Wales

- Altcourse
- Ashfield
- Birmingham
- Bronzefield
- Doncaster
- Dovegate
- Forest Bank
- Lowdham Grange
- Northumberland
- Oakwood
- Parc
- Peterborough (Female)
- Peterborough (Male)
- Rye Hill
- Thameside

### Private prison performance

- Overall performance is of serious concern
- Overall performance is of concern
- Meeting the majority of targets
- Exceptional performance

Source: Ministry of Justice website, available at [https://www.justice.gov.uk/about/hmps/contracted-out](https://www.justice.gov.uk/about/hmps/contracted-out)

Source: Prison annual performance ratings 2016/17

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\(^{74}\) Hansard HC, 4 December 2013, c71999

\(^{75}\) Table 2b, Ministry of Justice (2017) Costs per place and costs per prisoner by individual prison: HM Prison & Probation Service Annual Report and Accounts 2016-17 Management Information Addendum, London: Ministry of Justice

\(^{76}\) Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope.

\(^{77}\) Table 2b, Ministry of Justice (2017) Costs per place and costs per prisoner by individual prison: HM Prison & Probation Service Annual Report and Accounts 2016-17 Management Information Addendum, London: Ministry of Justice

\(^{78}\) Mason, R (2016) The Guardian, ‘G4S fined 100 times since 2010 for breaching prison contracts’, available at [https://www.theguardian.com/society/2016/apr/15/g4s-fined-100-times-since-2010-prison-contracts](https://www.theguardian.com/society/2016/apr/15/g4s-fined-100-times-since-2010-prison-contracts)

PEOPLE IN PRISON
## Social characteristics of adult prisoners

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

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

General population data taken from:

*This figure has been extrapolated using data from Table 1, ONS (2013) Families and Households, 2012 and Table 1 (Reference Tables), ONS (2013) Population Estimates for UK, England and Wales, Scotland and Northern Ireland - Mid 2012.
People on remand

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

People remanded to custody to await trial are innocent until proven guilty. There were 33,817 receptions into prison before trial in the year to June 2017.80

More than half (56%) of those entering prison on remand awaiting trial are accused of non-violent offences—16% were for theft offences, and 11% for drug offences.81

People may also be remanded to custody after they have been found guilty, but are yet to be sentenced. 20,598 people were remanded into prison awaiting sentence in the year to June 2017.82

People on remand currently make up 12% of the total prison population—9,902 people. The majority are awaiting trial (70%), whilst the rest await sentencing.83

More than one in ten people (9,765) remanded in custody during the year to June 2017 were subsequently acquitted. A further 14% of people (12,593) received a non-custodial sentence.84

Remand prisoners receive no financial help from the prison service at the point of release. Those acquitted receive no compensation.

Nearly three in 10 (28%) self-inflicted deaths in 2016 were by people held on remand.85

Children on remand

Use of remand for children has plummeted in the last eight years—the average number of children on remand is 67% lower than its peak in 2007.86

On average 211 children were in held in prison on remand in 2016. They account for nearly one in five children in prison (22%)—this has remained roughly the same over the last decade.87

Over a quarter (27%) of children remanded into custody were subsequently acquitted in 2016—a further 38% were given a non-custodial sentence.88

<table>
<thead>
<tr>
<th>Year</th>
<th>People in prison on remand</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>20,000</td>
</tr>
<tr>
<td>2011</td>
<td>15,000</td>
</tr>
<tr>
<td>2013</td>
<td>10,000</td>
</tr>
<tr>
<td>2015</td>
<td>5,000</td>
</tr>
<tr>
<td>2017</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Offender management statistics, Prison population 2017

<table>
<thead>
<tr>
<th>Offence</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence against the person</td>
<td>17%</td>
</tr>
<tr>
<td>Theft</td>
<td>16%</td>
</tr>
<tr>
<td>Summary (non-motor)</td>
<td>15%</td>
</tr>
<tr>
<td>Drugs</td>
<td>11%</td>
</tr>
<tr>
<td>Crimes against society</td>
<td>9%</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>6%</td>
</tr>
<tr>
<td>Robbery</td>
<td>6%</td>
</tr>
</tbody>
</table>

Source: Offender management statistics, April to June 2017

80 Table 2.3a, Ministry of Justice (2017) Offender management statistics quarterly: April to June 2017, London: Ministry of Justice
81 Table 2.3b, Ibid.
82 Table 2.3a, Ibid.
83 Table 1.1, Ibid.
85 Table 1.8, Ministry of Justice (2017) Safety in custody statistics quarterly update to June 2017, London: Ministry of Justice
87 Ibid.
88 Table 6.5a, Ibid.
Black, Asian and minority ethnic people in prison

26% of the prison population, 22,683 people, are from a minority ethnic group.89

If our prison population reflected the make-up of England and Wales, we would have over 9,000 fewer people in prison—the equivalent of 12 average-sized prisons.90

The economic cost of black, Asian and minority ethnic (BAME) overrepresentation in our prison system is estimated to be £234 million a year.91

Analysis conducted for the Lammy Review found a clear direct association between ethnic group and the odds of receiving a custodial sentence. With black people 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.92

Black men are 26% more likely than white men to be remanded in custody. They are also nearly 60% more likely to plead not guilty.93

**Muslim prisoners**

The number of Muslim prisoners has more than doubled over the past 15 years. In 2002 there were 5,502 Muslims in prison, by 2017 this had risen to 13,185.94 They now account for 15% of the prison population but just 5% of the general population.95

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 40% are Asian, 29% are black, 16% are white and 9% are mixed.96

Only one per cent of Muslims in prison are currently there for terrorism related offences.97

Despite this they make up half of all people held in close supervision centres (CSCs)—25 of 50 people. CSCs are designed to manage highly disruptive and high risk prisoners who have demonstrated violent and/or highly disruptive behaviour.98

**Treatment and conditions**

BAME people in prison often report more negatively about their experience in prison and relationships with staff. Fewer said they felt safe at the time of the inspectorate’s survey; fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been victimised by staff. Responses by Muslim prisoners in these areas were even worse.99

They also report reduced access to opportunities and interventions that support rehabilitation. Fewer said they had a prison job, were taking part in offender behaviour programmes or spending ten hours outside of their cell on weekdays.100

A disproportionate number of black people in prison are held in segregation, and held there for long periods. Between January to March 2014 they accounted for 15.5% of people in segregation and 18.5% of those segregated for longer than 85 days, but only 12.6% of the prison population.101

BAME men are more likely to be placed in high security prisons than white men who have committed similar types of offences. The discrepancy was highest for public order offences, with black men just over 4 times more likely and Asian men more than 6 times more likely than white men to be held in a high security prison.102
Gypsy, Roma and Traveller prisoners

5% of prisoners say they are Gypsy, Romany or Traveller, compared to an estimated 0.1% of the general population in England. However, “there is evidence of a possible reluctance by many prisoners to identify themselves as such.”

Source: Offender management statistics, Prison population 2017

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

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

Data only available for indictable and triable either way offences

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

Source: Prison Reform Trust (2017) Tackling discrimination in prison (Based on 610 investigations from eight London prisons in 2014)
Older prisoners can be split into four main profiles, each with different needs:

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

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

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

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

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

The Prison Reform Trust, along with HM Chief Inspector of Prisons, the Prisons and Probation Ombudsman, Age UK and other organisations has called for a national strategy for work with older people in prison, something the Justice Committee agreed with and has stated: "It is inconsistent for the Ministry of Justice to recognise both the growth in the older prisoner population and the severity of their needs and not to articulate a strategy to properly account for this."106

The Care Act means that local authorities now have a duty to assess and give care and support to people who meet the threshold for care and are in prisons and probation hostels in their area.

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**With prison sentences getting longer, people are growing old behind bars.** People aged 60 and over are the fastest growing age group in the prison estate. There are now more than triple the number there were 15 years ago.107

16% of the prison population are aged 50 or over—13,601 people. Of these 3,251 are in their 60s and a further 1,601 people are 70 or older.108

The number of over 50s in prison is projected to rise to 14,800 by 2021—an increase of 11%. The most significant change is anticipated in the over 70s, projected to rise by 31%.109

45% of men in prison aged over 50 have been convicted of sex offences. The next highest offence category is violence against the person (23%) followed by drug offences (9%).110

234 people in prison were aged 80 or over as of 31 December 2016. 219 were in their 80s, 14 were in their 90s, and 1 was over 100 years old—87% were in prison for sexual offences.111

The majority of 80 year olds in prison (92%) were aged 70 or older when sentenced to custody.112

Three in 10 people serving an indeterminate sentence are aged 50 or over. 2,326 people were serving life sentences and a further 803 were serving an Indeterminate Sentence for Public Protection (IPP).113

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109 Table 4.1, Ministry of Justice (2017) Prison population projections 2017 to 2022, London: Ministry of Justice
110 House of Lords written question HL2097, 27 October 2017
111 House of Lords written question HL3278, 5 January 2017
112 Table 1, Ministry of Justice (2017) Further breakdown of the prison population by age and offence group as at 31 December 2016, London: Ministry of Justice
**Treatment and conditions**

64 people aged 50 or over died of natural causes whilst in prison in 2016—more than triple the number a decade ago.\textsuperscript{114}

Six out of 10 older prisoners (59%) report having a long-standing illness or disability. This compares with just over a quarter (27%) of younger prisoners.\textsuperscript{115}

People aged 50 or older are more likely to say they had been victimised because of their disability, medication, age or the nature of their offence. However they are more positive than younger people about most aspects of prison life.\textsuperscript{116}

Older prisoners interviewed on entering prison for the first time often suffered from ‘entry shock’. This was made worse by a lack of information and an unfamiliarity with prison regimes and expectations. Delays in accessing health care and receiving medication were a particular cause of concern.\textsuperscript{117}

**Resettlement**

A National Institute for Health Research study found that release planning for older prisoners was frequently non-existent. The lack of information received by prisoners in preparation for their release caused high levels of anxiety. Many reported minimal or no contact from probation workers or offender managers.\textsuperscript{118}

Three out of a total of five prisons surveyed said that their health care centre helped older people to register with a GP as part of their resettlement support. However, 13 out of a total of 14 former prisoners surveyed said they had no referral to a local GP. Despite the small size of the sample, the study suggests that many older people are being released without the continuity of medical care they require.\textsuperscript{119}

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\textsuperscript{114} Table 1.3, Ministry of Justice (2017) Safety in custody statistics quarterly update to June 2017, London: Ministry of Justice

\textsuperscript{115} Omolade, S. (2014) The needs and characteristics of older prisoners: Results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice


\textsuperscript{119} Prison Reform Trust and Restore Support Network (2016) Social care or systematic neglect: Older people on release from prison, London: Prison Reform Trust

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**Growing old behind bars**

Over 50s account for one in six people in prison

<table>
<thead>
<tr>
<th>Year</th>
<th>50-59</th>
<th>60-69</th>
<th>70 and over</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>20</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>22</td>
<td>42</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>29</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>26</td>
<td>56</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>33</td>
<td>74</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>40</td>
<td>124</td>
<td></td>
</tr>
</tbody>
</table>

Source: Offender management statistics, Prison population 2017
Life and indeterminate sentences

Many people in prison don’t know if, or when, they might be released. 10,378 people are currently in prison serving an indeterminate sentence—accounting for 14% of the sentenced prison population, up from 9% in 1993.\textsuperscript{120}

England and Wales have more than twice as many people serving indeterminate sentences than France, Germany and Italy combined—that the highest in Europe by a significant margin.\textsuperscript{121}

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

Indeterminate Sentence for Public Protection (IPP)

Despite its abolition in 2012, over four-fifths (86%) of people in prison currently serving an IPP sentence are still there despite having passed their tariff expiry date—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.\textsuperscript{122}

16% of people currently serving an IPP have a tariff of less than two years, and 41% have a tariff of between two and four years.\textsuperscript{123}

513 people are still in prison despite being given a tariff of less than two years—over half of these (277 people) have served eight years or more beyond their original tariff.\textsuperscript{124}

The Parole Board predicts that, without legislation, there will still be 1,500 people in prison serving an IPP by 2020.\textsuperscript{125}

Last year the Parole Board ordered the release of 905 people on IPPs, including the re-release of 249 people recalled back to custody. However, in the same period 481 people on IPPs were recalled.\textsuperscript{126}

Around 60% of those reviewed by the Parole Board at an oral hearing following a recall were re-released.\textsuperscript{127}

Life sentences

7,216 people are currently in prison serving a life sentence. Over half (52%) had a tariff of 10–20 years, nearly a quarter (23%) had over 20 years and a similar proportion (22%) had 10 years or less.\textsuperscript{128}

Around three in 10 people (29%) currently in prison on a life sentence have already served their minimum tariff.\textsuperscript{129}

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 18 years in custody, up from 13 years in 2001.\textsuperscript{130}

Judges are also imposing longer tariff periods.\textsuperscript{131} The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.\textsuperscript{132}

There are currently 59 people serving a whole life sentence—they are unlikely to ever be released.\textsuperscript{133}

The vast majority of life sentenced prisoners are successfully integrated back into the community on release. 4.3% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 48.3% of the overall prison population.\textsuperscript{134}
The legacy of the IPP
More than four-fifths are stuck in prison beyond tariff

People in prison on an IPP
3,162
86% have already served their tariff
2,718
Over two-thirds of those had a tariff of four years or less

Source: Offender management statistics quarterly: April to June 2017

Successful release
Release rates for IPPs have risen sharply in the last two years

But success is short lived for some
Growing numbers people on IPPs are ending up back in prison

The growth of indeterminate sentences
Use of indeterminate sentences has risen dramatically in the last decade—but is slowly starting to fall

Source: Offender management statistics prison population 2017 and previous editions

Risk of harm?
IPP prisoners are more likely to self-harm

Source: Safety in custody statistics quarterly update to June 2017 and Offender management statistics prison population 2017

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IPP prisoners are more likely to self-harm

Source: Safety in custody statistics quarterly update to June 2017 and Offender management statistics prison population 2017
People with learning disabilities and difficulties

People with learning disabilities or difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. They are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour.\(^\text{135}\)

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

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

The Care Act 2014 places a duty on local authorities to assess the social care needs of prisoners and people living in probation hostels and, where eligible needs are identified, to ensure the necessary care and support is provided. Inspectors found that most prisons worked effectively with their local authorities and care providers to deliver social care.\(^\text{136}\)

Nearly three in 10 people (29%) were identified as having a learning disability or difficulty following assessment on entry to prison in 2015–16.\(^\text{137}\)

7% of people in contact with the criminal justice system have a learning disability—this compares with around 2% of the general population.\(^\text{138}\)

Despite isolated good practice, for example at HMPs Parc and Littlehey, inspectors found that there has been a lack of focus and leadership from central government which has meant that little discernible progress has been made in improving the lives of this vulnerable group of offenders.\(^\text{139}\)

Inspectors have found that “little thought was given to the need to adapt regimes to meet the needs of prisoners with learning disabilities who may find understanding and following prison routines very difficult.”\(^\text{140}\)

However, more than half of prisons inspected this year were actively identifying and supporting prisoners with learning disabilities—a marked improvement on previous years.\(^\text{141}\)

Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule; they are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.\(^\text{142}\)

Prisoners with learning disabilities or difficulties were almost three times as likely as other prisoners to have clinically significant anxiety or depression—many were both anxious and depressed.\(^\text{143}\)

Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimised and bullied than other prisoners.\(^\text{144}\) Over half of such prisoners say they had been scared while in prison and almost half say they have been bullied or that people have been nasty to them.\(^\text{145}\)

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137 Skills Funding Agency (2017) OLASS English and maths assessments by ethnicity and learners with learning difficulties or disabilities: participation 2014/15 to 2015/16, London: SFA
140 Ibid.
141 Ibid.
142 Ibid.
144 Ibid.
The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.\(^{146}\)

There is 68% population coverage of liaison and diversion services across England, which will rise to 82% by April 2018—full roll out of services should be achieved by 2020–21.\(^{147}\)

People referred to liaison and diversion services valued their support. They provided reassurance during a distressing time, giving practical support for referrals into local services as well as advocacy.\(^{148}\)

There was also a small but significant increase in the number and proportion of adults offered appointments with learning disability services and support for financial need.\(^{149}\)

An independent review found that “significant progress has been made towards achieving the vision laid out in The Bradley Report. The Crisis Care Concordat, the National Liaison and Diversion Development Programme…and Street Triage pilots are considerable achievements”.\(^{150}\)

However, it repeated Lord Bradley’s call for mental health and learning disability awareness training for all frontline criminal justice and health staff, which should be regularly updated.\(^{151}\)

To ensure the government’s proposals for a national roll-out of liaison and diversion services across England are fully implemented, the Prison Reform Trust and the National Federation of Women's Institutes formed the Care not Custody coalition. The coalition comprises 37 allied professional groups and charities representing almost two million people across the health, social care and justice sectors and wider civic society.

In 2013 the Welsh Government published policy implementation guidance for Criminal Justice Liaison Services in Wales. A survey in 2016 found some local innovative practice but that understanding of the service, availability of provision and collaboration varied across Wales. Service improvements will be taken forward as part of the Welsh Government’s delivery plan for Together for Mental Health.\(^{152}\)


\(^{147}\) Ibid. and House of Commons written question 108451, 25 October 2017


\(^{149}\) Ibid.

\(^{150}\) Duncan, G., et al. (2014) The Bradley report five years on: an independent review of progress to date and priorities for further development, London: Centre for Mental Health

\(^{151}\) Ibid.

\(^{152}\) Correspondence between the Prison Reform Trust, Welsh Government, Department of Health and Social Services
Foreign nationals in prison

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

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

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of arrangements however are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place. However transfers within the EU, and to Nigeria and Albania can take place without the consent of the prisoner; the implications of the decision to leave the EU on the transfer agreement are as yet unclear. The government signed a transfer agreement with Jamaica in September 2015 and will provide £25m from the aid budget to help fund the construction of a new 1500-place prison.

People who have served their sentence but are not UK nationals can be held in prison after their sentence has finished, released or moved to an immigration detention centre.

The Legal Aid, Sentencing and Punishment of Offenders Act introduced a new Tariff Expired Removal Scheme (TERS) for indeterminate foreign national prisoners. The scheme allows indeterminate foreign national prisoners, who are confirmed by UK Visas and Immigration to be liable for removal from the UK, to be removed from prison and the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. TERS is mandatory; all indeterminate foreign national prisoners who are liable must be considered for removal under the scheme.
Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales. On 30 September 2017 there were 9,946 foreign nationals in prison.153

Foreign national prisoners come from 166 countries—but over half are from nine countries (Poland, Ireland, Albania, Romania, Jamaica, Pakistan, Lithuania, India and Somalia).154

There was a rapid increase in foreign national prisoners between 2002–09. Numbers rose by nearly 50%, compared with a 13% increase in British nationals. Since then, numbers have very steadily fallen.155

10% of women in prison are foreign nationals.156 Some are known to have been coerced or trafficked into offending.157

Three-quarters of foreign nationals entering prison to serve a sentence in 2015 were sent there for non-violent offences.158

Foreign nationals accounted for nearly 20% of self-inflicted deaths investigated by the Prisons and Probation Ombudsman in 2015–16.159

Inspectors found that provision for foreign nationals was mixed. There were rarely dedicated officers to assist these prisoners, and it was difficult for many foreign nationals to access immigration-specific legal advice.160

Removal and deportation

The average number of days taken to remove a foreign national offender is currently 100 days—however many people are detained for considerably longer.161

78 people are still in detention after a year or more, awaiting deportation.162

Immigration detainees

360 people were still held in prison at the end of June 2017 under immigration powers, despite having completed their custodial sentence.163

Inspectors found men at HMPs Nottingham and Cardiff who had been detained for six months—one man had been held for nine months in HMP Exeter.164

Unlike those held in prisons, people held in Immigration Removal Centres are entitled access to mobile phones, the internet, legal advice and additional safeguards.165

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has stated that holding immigration detainees in prison is “fundamentally flawed”.166

A 2013 inspection of HMP Pentonville found that it was not a suitable environment to hold immigration detainees.167

Over £18m was awarded in compensation for the unlawful detention of foreign nationals between 2011 and 2015.168
Women in prison

Women are a minority within the criminal justice system, accounting for around 15% of the probation caseload and less than 5% of the prison population. The drivers to their offending differ significantly from men’s and they often have more complex needs.

A series of inquiries and reports in recent decades have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who get caught up in the criminal justice system. It is now ten years since the influential Corston Report on women in contact with the criminal justice system.

The House of Commons Justice Committee, following its inquiry into women offenders, concluded that “prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety” and called for “a significant increase in residential alternatives to custody as well as the maintenance of the network of women’s centres” seen as “more effective, and cheaper…than short custodial sentences”.

Ministers in England, Wales and Scotland have all recently committed to reducing women’s imprisonment. For data on women in Scotland and Northern Ireland please see pages 56 and 59.

Use of custody

The number of women in prison has more than doubled since 1993. There are now around 2,400 more women in prison today than there were in 1993.\(^{169}\)

On 24 November 2017 there were 4,048 women in prison in England and Wales.\(^{170}\) There were 8,583 receptions of women into prison in the year to June 2017, either on remand or to serve a sentence.\(^{171}\)

Yet most women entering prison under sentence (83%) have committed a non-violent offence.\(^{172}\)

More women were sent to prison in the year to June 2017 to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined.\(^{173}\)

Mental health

Nearly two-thirds of women (65%) reported that they had mental health issues compared with over two-fifths of men (42%).\(^{174}\)

Too many women requiring assessment or treatment in hospital mental health units waited too long to be transferred according to inspectors—up to 12 weeks at HMPs Foston Hall and Bronzefield.\(^{175}\)

Rehabilitation and resettlement

48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences.\(^{176}\)

The number of women recalled to custody whilst under supervision after their release has doubled since the end of 2014—just before mandatory supervision was introduced for people serving sentences of 12 months or less on release. 1,458 women were recalled in the year to June 2017.\(^{177}\)

Women released from prison are more likely to reoffend, and reoffend sooner, than those serving community sentences.\(^{178}\)

Women are generally more positive than men about opportunities for purposeful activity in prison. They are more likely to report that they have a prison job, are undertaking training or are in education.\(^{179}\)

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\(^{171}\) Table 2.1, Ministry of Justice (2017) Offender management statistics quarterly: April to June 2017, London: Ministry of Justice

\(^{172}\) Table 2.4b, Ibid.

\(^{173}\) Ibid.


\(^{175}\) Ibid.


BAME women are more likely to be convicted at magistrates’ courts than white women and less likely to be sentenced to custody. But in the Crown court this trend reverses.

Community sentences for women have almost halved in a decade—suspended sentences have risen, but account for only 3% of all sentences

After years of decline, last year saw the highest number of self-inflicted deaths by women in 12 years

Self-harm rates have fallen from historic levels—but are rising once again

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

Source: Safety in custody statistics quarterly update to June 2017
People in prison

Just 9% of women leaving prison secured employment—compared to 26% of men.\textsuperscript{180}

Following reforms to probation services there is currently no reliable national data on homelessness on release.\textsuperscript{181}

Family

Family contact can help reduce the risk of reoffending on release.\textsuperscript{182} But keeping in touch is often made more difficult by being held in prison, many miles away from home. The average distance for women is 64 miles, but is often significantly more.\textsuperscript{183} The closure of HMP Holloway has increased this further according to inspectors.\textsuperscript{184}

It is estimated that more than 17,240 children were separated from their mother by imprisonment in 2010.\textsuperscript{185}

40 babies were held in prison in a mother and baby unit (MBU) in March 2017.\textsuperscript{186}

Applications for admission to an MBU were successful in nearly four out of five cases (79%) where a board made a decision. 61 women moved into a unit in 2016–17.\textsuperscript{187}

Addictions

More than half (59%) of women in prison who drank in the four weeks before custody thought they had a problem with alcohol. 52% thought their drinking was out of control, and 41% wished they could stop.\textsuperscript{188}

58% of women report having used Class A drugs in the four weeks before custody—compared with 43% of men.\textsuperscript{189}

Nearly half of women report needing help with a drug problem on entry to prison—compared with nearly three in 10 men.\textsuperscript{190}

\begin{table}
\centering
\begin{tabular}{|l|c|c|}
\hline
 & Men & Women \\
\hline
Entered prison to serve a sentence for a non-violent offence\textsuperscript{191} & 70% & 83% \\
Have experienced emotional, physical or sexual abuse\textsuperscript{192} & 27% & 53% \\
Have spent time in local authority care\textsuperscript{193} & 24% & 31% \\
Committed their offence in order to support the drug use of someone else\textsuperscript{194} & 22% & 48% \\
Have attempted suicide at some point\textsuperscript{195} & 21% & 46% \\
Have symptoms indicative of psychosis\textsuperscript{196} & 15% & 25% \\
Have no previous convictions/cautions\textsuperscript{197} & 13% & 22% \\
\hline
\end{tabular}
\caption{Social characteristics of male and female prisoners}
\end{table}

\textsuperscript{180} Table 2, Ministry of Justice (2013) NOMS Offender equalities annual report 2012–13, London: Ministry of Justice
\textsuperscript{181} House of Commons written question 109362, 1 November 2017
\textsuperscript{182} Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons
\textsuperscript{187} Ibid.
\textsuperscript{189} Light, M., et al. (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
\textsuperscript{190} Ibid.
\textsuperscript{191} Table 2.4b, Ministry of Justice (2017) Offender management statistics quarterly: April to June 2017, London: Ministry of Justice
\textsuperscript{192} Ibid.
\textsuperscript{193} Ibid.
\textsuperscript{194} Ibid.
\textsuperscript{195} Ibid.
\textsuperscript{196} Ibid.
\textsuperscript{197} Table A1.20, Ministry of Justice (2017) Offender management statistics prison population 2017, London: Ministry of Justice
Children in prison

Use of custody

The number of children (under-18s) in custody has fallen by 71% in the last decade. They are also committing fewer crimes—with proven offences down by 74% from their peak in 2006.

At the end of September 2017 there were 880 children in custody in England and Wales. 43 children were aged 14 or younger.

Nearly a third of children in custody in 2015–16 were there for non-violent crimes.

Boys account for 96% of the children in custody. The number of girls in custody has fallen from around 240 in 2005 to 34 in 2017.

The drop in youth custody has not been as significant for black, Asian or minority ethnic (BAME) children. More than two-fifths (45%) of children in custody are BAME—up from a quarter (26%) in 2008.

Fewer than 1% of all children in England are in care, but they make up around two-fifths of children in secure training centres (38%) and young offender institutions (42%).

Children in care were five times more likely to be sanctioned for an offence than children in the general population in 2015. In 2010 it was more than two and a half times more likely.

22% of children held in young offender institutions identified themselves as Muslim.

One in 10 children in secure training centres (STCs) said they were Gypsy, Romany or Traveller—a hundred times greater than the estimated proportion in the general population. A further 7% of children in young offender institutions (YOIs) also said they were.

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198 Table 1, Youth Justice Board (2017) Monthly youth custody report—September 2017, London: Ministry of Justice
200 Table 1 and 8, Youth Justice Board (2017) Monthly youth custody report—September 2017, London: Ministry of Justice
203 Table 1 and 6, Youth Justice Board (2017) Monthly youth custody report—September 2017, London: Ministry of Justice
207 Table I1, Department for Education (2016) Children looked after by local authorities in England, as at 31 March 2015, London: DfE
People in prison

Over a quarter (27%) of children remanded in custody were subsequently acquitted in the year to March 2016. Nearly one in five (38%) went on to be given a non-custodial sentence.210

Safety in custody

Only two out of the seven children’s establishments inspected in 2016–17 were rated as ‘reasonably good’ for safety and none were rated ‘good’—a sharp decline from 2013–14 when nine out of 12 establishments received these ratings.211

Nearly two in five children (39%) in YOIs said they had felt unsafe at some point.212

Rates of self-harm continue to rise. There were 8.9 incidents of self-harm per 100 children in the year to March 2016, a rise of 70% since 2013. On average there were 116 incidents of self-harm per month.213

Assault rates amongst children in custody continue to rise, with an average of 245 assaults a month. There were 19 assaults per 100 children in custody in the year to March 2016, up from nine in 2010.214

Measures to address increasing violence have reduced time out of cell. Inspectors found many boys spent most of their sentence locked up.215

Restraint of children in custody remains high, with an average of 360 incidents a month. In the year to March 2016, there were 28 incidents of restraint per 100 children in custody, up from 18 in 2010.216

BAME children are more likely to be restrained. For every 100 children in custody there were 32 incidents of restraint on BAME children a month, compared with 25 incidents on white children.217

Drugs and alcohol

Nearly half of children entering custody (45%) were assessed as having a substance misuse concerns.218

More than one in five children (22%) said it was easy to get illegal drugs in their YOI.219

8% of boys said they had an alcohol problem on arrival into custody—5% said they had received help.220

Family

Fewer than three in five children (58%) in STCs and only one in three children (34%) in YOIs said that they had visits at least once a week from family, carers or friends.221

One in 10 boys held in YOIs reported having children themselves.222

Education and skills

The educational background of children in custody is poor—nine out of 10 children (90%) in YOIs said they had been excluded from school.223

Over two-fifths (42%) said that they were aged 14 or younger when they were last at school.224

73% of children in YOIs said they were taking part in education. However only 21% said they were in offending behaviour programmes, 12% had a job, and 8% were in vocational or skills training.225

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213 Ibid. and Youth justice statistics 2014 to 2015
215 Table 8.6, Ibid.
216 Ibid.
217 Table 8.6, Ibid.
218 Youth Justice Board (2017) Key characteristics of admissions to youth custody April 2014 to March 2016, London: Ministry of Justice
219 Ibid.
221 Ibid.
222 Ibid.
223 Ibid.
224 Ibid.
Other approaches to children’s criminal responsibility

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

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

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

**China (exc. Hong Kong & Macau)**
14 is the age of criminal responsibility for serious offences such as homicide, rape, robbery and drug trafficking. However, for other less serious offences criminal responsibility begins at 16. Less severe punishments are given to those under 18.

The UN Committee on the Rights of the Child has stated that an age of criminal responsibility below 12 is ‘not acceptable’ (2008)

Source: Prison Reform Trust research
Young adults in prison

Whilst the National Offender Management Service classify young adults as aged 18–20, evidence from the Transition to Adulthood Alliance suggests that the process of brain development and maturity takes place up to the age of 25. Therefore, where available we have included information for 18–24 year olds. It is clearly stated when we are referring to this age group.

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

14,963 young adults (aged 18–24) are currently in prison in England and Wales—they account for 17% of the total prison population.226

There are now 32% fewer young adults (aged 18–24) in prison in England and Wales than in 2011.227

Despite this welcome reduction, the prisons inspectorate has cautioned that those who remain in custody are “some of the most vulnerable, troubled young adults”.228

Young adults (aged 18-24) have the highest level of black, Asian and minority ethnic (BAME) overrepresentation in the adult prison estate of all age groups. If our prison population reflected the make-up of England and Wales, we would have 2,850 fewer BAME young adults in prison.229

Two-fifths (40%) of young adults are in prison for violence against the person or robbery—more than a quarter (28%) are there for a theft or drug offence.230

Safety in custody

People aged 18–24 accounted for nearly a third (31%) of all self-harm incidents in 2016.231

In over a third of all assaults (34%) in 2016 the victim was aged 18–24.232

Treatment and conditions

Inspectors found that most prisons made little distinction in the treatment of young adults233—despite the evidence on brain development and maturity.254

People in young adults prisons have the least time out of cell. 37% said that they had less than two hours out of their cell on a weekday, and only 4% said they had over 10 hours.235

Purposeful activity, such as education and training opportunities, for young adults requires improvement. Both of the young adult prisons inspected this year were rated as poor.236

Drugs and alcohol

Over half of young adults (18–24) in prison were assessed as having a drug problem.237 Nearly a third (31%) said it was easy or very easy to get drugs in their prison.238

24% of young adults (18–24) in prison were assessed as having an alcohol problem.239
HEALTH IN PRISON
Drugs and alcohol

Drugs

Chief Inspector of Prisons, Peter Clarke has said that new psychoactive substances (NPS) are “having a dramatic and destabilising effect in many of our prisons”\(^ {240} \). NPS continues to be linked to violence, debt, organised crime and medical emergencies.\(^ {241} \)

Nearly half of men (47%) and 31% of women reported that it was easy to get drugs in their prison.\(^ {242} \)

An estimated 225kg of drugs were confiscated from within prisons in 2016—a further 104kg were found in the first six months of 2017.\(^ {243} \)

In September 2016, following a pilot in 34 prisons, nationwide mandatory testing for specified psychoactive substances was introduced in all prisons.\(^ {244} \)

More than 300 dogs have been trained to detect psychoactive substances in prisons. Between November 2014 and September 2017 there have been 821 incidents where psychoactive substances were found following an indication from a dog—an average of around 23 detections a month.\(^ {245} \)

There were 79 deaths in prison between June 2013 and September 2016, where the person was known, or strongly suspected, to have used or possessed new psychoactive substances (NPS) before their death—56 of these were self-inflicted.\(^ {246} \)

There have been reports of prisoners, including at least one case where a man died, being given ‘spiked’ cigarettes. This was done by others who wanted to test new batches as a way of gauging the effect before taking it themselves.\(^ {247} \)

Lower rates of drug use were reported by people who spent more than ten hours a day out of their cells—13% compared with 19%.\(^ {248} \)

Inspectors have highlighted the importance of both peer and family support to reduce supply and demand of drugs in prisons—however many have inadequate peer support, and most offered no family support.\(^ {249} \)

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**Drug use amongst prisoners**

![Graph showing drug use amongst prisoners](source: HM Inspectorate of Prisons, Changing patterns of substance misuse in adult prisons and service responses)

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\(^ {241} \) Ibid.
\(^ {242} \) House of Commons written question 5383, 20 July 2017
\(^ {244} \) House of Lords written question HL2313, 6 November 2017
\(^ {248} \) Ibid.
Nearly one in ten people (9%) reported that they had been pressured to give away their prescribed medication whilst in prison.\textsuperscript{250}

10% of women and 6% of men in prison reported that they had developed a problem with using prescription medication meant for other people whilst in prison.\textsuperscript{251}

Cannabis is the most commonly reported drug used before going into prison, followed by cocaine. Of those who reported taking drugs before prison 38% had taken cannabis and 29% had taken cocaine.\textsuperscript{252}

NPS use before going into prison was low relative to other substances with 6% reporting they had taken Spice/Black Mamba and 5% for other legal highs. Prisoners who said that they had used NPS in the community before going into prison had generally used it with other drugs or with illicit medication.\textsuperscript{253}

15% of men and 13% of women in prison are serving sentences for drug offences.\textsuperscript{254}

66% of women and 38% of men in prison report committing offences to get money to buy drugs.\textsuperscript{255}

Nearly half of women in prison report having committed offences to support someone else’s drug use.\textsuperscript{256}

NHS England estimates that it spends approximately 20% of all prison healthcare spending on substance misuse services—some £81m in 2016–17.\textsuperscript{257}

Half of people in prison receiving substance misuse treatment in 2015–16 were there for opiate addiction—28,500 people.\textsuperscript{258}

Less than a third of adults in prison (30%) in need of substance misuse treatment following release in 2015–16 were successfully engaged in community-based treatment within 21 days.\textsuperscript{259}

Alcohol

In two-fifths (40%) of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.\textsuperscript{260}

70% said they had been drinking when they committed the offence for which they were in prison. 38% of people surveyed in prison believed that their drinking was a big problem.\textsuperscript{261}

Women are nearly twice as likely to say they have a problem with alcohol on arrival to prison than men (30% against 16%).\textsuperscript{262}

Nearly a quarter of men (23%) said that it was easy to get alcohol in their prison—more than three times the level amongst women in prison (7%).\textsuperscript{263}

58% of people surveyed said they had been offered support for their alcohol problems inside prison. However, only 22% found this support ‘very helpful’.\textsuperscript{264}

Only 40% of people surveyed were informed of help available for their drinking problems on release.\textsuperscript{265}
Health in prison

Mental health

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

An independent review, conducted by the former Home Office minister, Lord Bradley (The Bradley Report, 2009) called for adequate community alternatives to prison for vulnerable people. Lord Bradley's review heard evidence that 2,000 prison places per year could be saved if a proportion of eligible, short-term prisoners who committed offences while experiencing mental health problems were given appropriate community sentences.

Lord Bradley further called for all police custody suites and criminal courts to have access to liaison and diversion services. The government committed to invest in these services to identify and, where appropriate, divert people with mental health problems, learning disabilities and other support needs away from the criminal justice system and into treatment and care.

There is now 68% population coverage of liaison and diversion services across England, which will rise to 82% by April 2018.266

26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.267

25% of women and 15% of men in prison reported symptoms indicative of psychosis.268 The rate among the general public is about 4%.269

Self-inflicted deaths are 8.6 times more likely in prison than in the general population.270

70% of people who died from self-inflicted means whilst in prison had already been identified as having mental health needs. However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.271

The PPO's investigation found that nearly one in five of those diagnosed with a mental health problem received no care from a mental health professional in prison.272

The PPO also found that no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified.273

40% of prisons inspected in 2016–17 had inadequate or no training for prison officers to know when to refer a person for mental health support.274

980 people were transferred from prison to a secure hospital in 2016.275 Nearly a third of these transfers (32%) took more than 14 days, the Department of Health's expectation.276

In nearly three-quarters of prisons inspected in 2016–17, people waited too long to be transferred to mental health care, due to NHS shortages. Many were left untreated and their condition sometimes deteriorating—often for several months, according to inspectors.277

9,093 people have been referred for mental health treatment since the start of liaison and diversion services in England. 13% were detained under the Mental Health Act and 3% were admitted to a mental health hospital.278

268 Ibid.
272 Ibid.
273 Ibid.
276 House of Lords written question HL2096, 27 October 2017
278 House of Commons written question 27917, 26 February 2016
Disability and health

Disability

36% of people in prison are estimated to have a physical or mental disability. This compares with 19% of the general population.279

11% have a physical disability, 18% have a mental disability and 7% have both.280

Over a third of people in prison with a disability (37%) reported feeling depressed or suicidal when they first arrived in prison—more than double that amongst people without a disability (16%).281

People in prison with disabilities report more negatively about many key aspects of prison life.282

Three in five people in prison with a disability (61%) reported feeling unsafe—with 44% saying they’d been victimised by other prisoners.283

One in 10 people in prison with a disability (11%) said they had been victimised by staff because of their disability—one in five (20%) said they were threatened or intimidated by staff.284

Nearly one in six people in prison with a disability (15%) said they had been restrained by staff in the last six months—compared with one in 10 people without a disability.285

Three-quarters of people in prison with a disability (74%) reported having an emotional or mental health problem—compared with a three in 10 people without a disability.286

Inspectors found that physical provision for those with the most severe disabilities was generally poor, with few adapted cells and little wheelchair access.287

Nearly one in five children (19%) held in young offender institutions said they had a disability.288

Boys with disabilities were more likely to say they’d been victimised by other boys and staff, and felt unsafe at some time.289

Health

The majority of prisons deliver a reasonably good standard of health care most of the time according to inspectors.290

However, inspectors found that too few operational staff had access to defibrillators and/or were first aid trained in over half the male adult prisons they inspected in 2016–17—this is particularly concerning given the high number of health emergencies in prisons.291

Health services in prisons are being impeded by prison officer shortages and restrictive regimes. Inspectors reported that this led to ‘serious detrimental effects’ in over half the services they inspected in 2016–17.292

Problems included people not being able to get to or from their internal or external healthcare appointments due to a lack of prison staff to escort them there; inpatients being kept in their cells rather than taking part in therapeutic activities to aid their recovery; and night time medication being given as early as 4:30pm.293

280 Ibid.
282 Ibid.
283 Ibid.
284 Ibid.
285 Ibid.
286 Ibid.
287 Ibid.
289 Ibid.
291 Ibid.
292 Ibid.
293 Ibid.
Problems with the recruitment of appropriate clinical staff affected the management of lifelong health conditions, such as diabetes and epilepsy, in more than a quarter of adult male prisons in 2016–17.294

Under a quarter of men (23%) and less than one in five women (19%) said it was easy to see a doctor.295

Three-quarters women (76%) report currently taking medication, compared with just over half (53%) of men.296

Approximately four times as many people in prisons smoke as in the general population.297

Smoking was banned in all prisons in Wales in January 2016. A smoking ban is being gradually rolled out across the prison estate in England, with 66 prisons currently smoke-free.298 The roll out of the ban is intended to continue until 2018 where all prisons will be smoke-free.299

The rate of infection for blood-bourne viruses, such as Hepatitis B and C and HIV, is four times higher in prisons than in the general population.300

The prevalence rate of TB amongst people in prison in England is nearly five times higher than in the general population.301

Just over a quarter (27%) of people in prison said they went to the gym three or more times a week. Inspectors routinely found that access was restricted because of staff shortages.302

The Prisons and Probation Ombudsman found that healthcare staff in many cases treated people who had died from natural causes, in a caring and compassionate manner—judged to be equivalent to the treatment they could have expected to receive in the community.303

However, the ombudsman also found that in too many investigations healthcare staff failed to make urgent referrals when they had concerns a person might have cancer.304

People can apply for compassionate release if they have a life expectancy of less than three months, are bedridden or severely incapacitated.305

The number of people granted compassionate release for health reasons is low—between 2012 and 2016, only 56 people were released. A further 5 people have been released to date in 2017.306

Compassionate release was only considered in 36% of 314 cases examined by the Prisons and Probation Ombudsman. However, in 43% of these cases, an application was still under consideration at the time of death.307

The ombudsman found that frequently, risk assessments conducted for compassionate or temporary release were judged based on the risk a person would have posed when healthy—not the actual risk they pose based on their current health condition.308
REHABILITATION AND RESETTLEMENT
Reoffending

In 2010, reoffending by all recent ex-prisoners was estimated to cost the economy between £9.5 and £13 billion annually. As much as three quarters of this cost can be attributed to former short-sentenced prisoners—some £7–10bn a year.\(^{309}\)

Prison has a poor record for reducing reoffending—nearly half of adults (49%) are reconvicted within one year of release. For those serving sentences of less than 12 months this increases to 66%.\(^{310}\)

48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences.\(^{311}\)

Nearly two-thirds of children (65%) sent to prison are reconvicted within a year of release. This rises to 69% for sentences of 6 months or less, and 71% for sentences between 6 and 12 months.\(^{312}\)

Short prison sentences are less effective than community sentences at reducing reconviction. People serving prison sentences of less than 12 months had a reconviction rate seven percentage points higher than similar offenders serving a community sentence—they also committed more crimes.\(^{313}\)

Nearly all prisoners (97%) said they wanted to stop offending. When asked what would be important in stopping them, most said a job (68%) and a place to live (60%).\(^{314}\)

40% of prisoners said that support from their family, and 36% said seeing their children, would help them stop reoffending.\(^{315}\)

Receiving treatment for drug and alcohol addictions can reduce offending. There was a 44% reduction in the number of people reconvicted, and a 33% reduction in offences, by people who had offended in the two years before starting community based alcohol and drug treatment.\(^{316}\)

People are less likely to reoffend if they have a qualification—45% were reconvicted within a year compared with 60% with no qualifications.\(^{317}\)

Fewer than one in six people (16%) released from prison in 2014–15 went into education and training.\(^{318}\)

Some factors affecting reconviction

- **People are less likely to be reconvicted if they receive family visits whilst in prison:**
  - of prisoners said they had received visits from family whilst in prison: 69%
  - No visits: 68%
  - Visits: 47%

- **People are less likely to be reconvicted if they live with their immediate family on release:**
  - said they were living with their immediate family on release: 57%
  - Not living with family: 61%
  - Living with family: 48%

- **People are more likely to be reconvicted if they use class A drugs on release:**
  - said they had used class A drugs since leaving custody: 1 in 3
  - Used class A drugs: 76%
  - Did not use class A drugs: 43%

- **People are less likely to be reconvicted if they secure a job after their release:**
  - of prisoners had been in employment the year after custody: 28%
  - Unemployed: 59%
  - Employed: 39%


310 Tables C1a (3 monthly) and C2a (3 monthly), Ministry of Justice (2017) Proven reoffending statistics quarterly: October to December 2015, London: Ministry of Justice
311 Tables C1b (3 monthly) and C2b (3 monthly), Ministry of Justice (2018) Women and the criminal Justice system 2015, London: Ministry of Justice
### Purposeful activity

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison.

Only half of prisons (51%) received a positive rating from inspectors in 2016–17 for purposeful activity work.\(^{319}\)

**Time out of cell is very limited in local prisons and young adult prisons.** Three in 10 people in local prisons (31%) and nearly four in 10 people in young adult prisons (37%) said they spent less than two hours a day out of their cells.\(^{320}\)

Inspectors regularly found more than a quarter of people in prison locked up during the working day. Even in training prisons, where the situation was better, between 11% and 16% of prisoners said they were locked up for more than 22 hours a day.\(^{321}\)

In 14 of the 35 adult male prisons inspected in 2016–17, there were not enough places for all prisoners to take part in education or vocational training throughout the week. Around half of prisons inspected failed to use all their activity places—leaving prisoners without work, education or training.\(^{322}\)

**Almost half of prisons were rated as ‘requiring improvement’ or ‘inadequate’ in their overall effectiveness for learning and skills and work**—whilst further progress is needed, this is a considerable reduction from just under two-thirds in 2015–16.\(^{323}\)

### Education

Over half (57%) of people entering prison were assessed as having literacy skills expected of an 11 year old\(^{324}\)—more than three times higher than in the general adult population (15%).\(^{325}\)

73,500 adults in the prison system participated in education in the first three quarters of the 2016–17 academic year—a decrease of nearly eight per cent on the same period in 2015–16.\(^{326}\)

The overall quality of teaching and learning in prisons has improved and was rated as ‘good’ or better in over 60% of the prisons inspected.\(^{327}\)

However, the number of English and maths qualifications achieved at level 1 or 2 (GCSE equivalent) has plummeted—numbers fell by 38% in English and 35% in maths between the 2011–12 and 2015–16 academic years.\(^{328}\)

Despite this, 11,300 people achieved a full level 2 qualification, the equivalent to 5 GCSEs, in the 2015–16 academic year via mainstream prison learning—more than five times as many as in 2011–12.\(^{329}\)

People in prison are now required to take out, and then repay, loans if they want to take part in Higher and Further Education courses.\(^{330}\)

Only 300 people achieved a level 3 qualification (AS and A Level equivalent) in the 2015–16 academic year via mainstream prison learning—a quarter of the number in 2011–12.\(^{331}\)

Since the new funding regime was introduced there has been a 42% fall in prisoners studying Open University degrees.\(^{332}\)
People in prison typically have higher completion rates and pass rates than their mainstream counterparts—with 75% completing and 88% passing their Open University course.\(^{333}\)

Engagement with education can reduce reoffending. The Ministry of Justice found that one year reoffending rates were a quarter lower (six to eight percentage points) for people who received support from Prisoners’ Education Trust for educational courses or learning materials compared to those in a matched group who did not.\(^{334}\)

Over 100 prisons in England & Wales have Virtual Campus, a secure IT platform which provides education, training and employment resources to people in prison—however its ongoing use is limited. A review of prison education found that of nearly 30,000 recorded users only 10,000 had logged in to use it and nearly half of these were simply to register as a new user.\(^{335}\)

**Employment**

An average of 9,400 prisoners are working in the public prison estate, and a further 1,800 are working in private prisons. They worked for a total of 16 million hours in 2016–17.\(^{336}\)

Inspectors found that in too many prisons, work remains mundane, repetitive and is rarely linked to resettlement objectives. The skills that people had developed whilst in prison often went unrecorded and so failed to help their employment prospects on release.\(^{337}\)

A Ministry of Justice survey of prisoners found that only around half (53%) reported having had paid work in prison. Nearly one in three worked as cleaners.\(^{338}\)

**Training**

Prisoners who attend vocational training in prison are more likely to secure employment shortly after release—a view endorsed by Ofsted.\(^{340}\)

The government has announced plans to introduce a Prisoner Apprenticeship Pathway to offer prisoners opportunities that will count towards the completion of a formal apprenticeship on release.\(^{341}\)

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\(^{333}\) Ibid.


The Young Offender Programme works with people who are in the final six months of their sentence and are considered suitable for Release on Temporary Licence (ROTL) to connect them with employers. It operates throughout the UK with the involvement of over 80 companies, including National Grid, Cadent, Morrison Utility Services, Skanska and Balfour Beatty. The employee retention rate is reported to be 10% higher than for those who are recruited through traditional routes.\(^{340}\)

**Timpson actively recruit ex-offenders to work for them.** It has a total of six prison training academies, including at HMPS Downview, New Hall and Blantyre House. In addition at HMP Thorn Cross there are three workshops where shoe repairs and specialist photo production takes place. Thorn Cross also releases people on ROTL who work in the day in other parts of the business and return to prison each evening.\(^{341}\)

The Clink Charity operates restaurants, which are open to the public, at HMPS High Down, Cardiff, Brixton, and the women's prison HMP Styol, in partnership with the prison service. It offers prisoners the chance to gain experience and qualifications in the food and hospitality industry, with mentoring and guidance to find full-time employment, and provide resettlement support upon release. Research by the Ministry of Justice showed a 41% reduction in the likelihood of re-offending and a lower frequency of reoffences.\(^{342}\)

Lendlease, through their charitable trust Be Onsite, work with London prisons to provide training and employment opportunities in the construction industry. Be Onsite works with people whilst on ROTL and after completing their prison sentence. People are employed directly by Be Onsite in order to help overcome the difficulty that many construction workers are self employed.

**Peer support**

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

Inspectors have noted “Prisoners often prefer support from their peers to other formal or professional sources of support, and peers are often easier to access, making them a more readily available source of support.”\(^{343}\)

**St Giles Trust offers training and a recognised Level 3 qualification in advice and guidance under its Peer Advisor Programme to prisoners and ex-offenders in prisons across England and Wales.** 13,227 people were helped in prison through the Peer Advisor Programme in 2016–17.\(^{344}\)

The Toe by Toe reading plan run by the Shannon Trust enables prisoners to act as peer mentors to support other prisoners who are learning to read. Nine out of 10 learners surveyed felt their reading skills were improving.\(^{345}\)

The Samaritans’ Listener Scheme is active in almost every prison across the UK. In 2016 there were 1,673 active Listeners in place—with 1,447 Listeners trained during 2016. Listeners play an invaluable role in making prisons safer by being there for other prisoners who might be struggling to cope; helping them to talk about their worries and try to find a positive way forward. Listeners were contacted more than 87,367 times during 2016.\(^{346}\)

\(^{340}\) Provided by Cadent  
\(^{341}\) Provided by Timpson. James Timpson, Chief Executive of Timpson, is Chair of the Prison Reform Trust  
\(^{342}\) Ministry of Justice (2016) Justice Data Lab analysis: Re-offending behaviour after participation in the Clink Restaurant training programme, London: Ministry of Justice  
\(^{344}\) Provided by St Giles Trust  
\(^{346}\) Statistics provided by Samaritans
Rehabilitation and resettlement

**Release on Temporary Licence (ROTL)**

ROTL can play an important part in helping people to prepare for release, particularly those who are serving long sentences. Following a full risk assessment, it allows people to take responsibility, and reconnect with the world they will be released in. People may take part in work and volunteering, re-establish contact with their families and try to find accommodation—factors which contribute to their safe management and supervision in the community on release.

7,036 people were granted ROTL in 2016.\(^{349}\)

In 99.92% of cases ROTL is completed successfully. There were just 17 failures as a result of alleged further offending in 2016 out of nearly 333,000 instances of ROTL.\(^{350}\)

Despite this, restrictions were introduced on ROTL which have seen a drop of nearly 40% in its use in the last three years. At the time restrictions were introduced the success rate was 99.93%.\(^{351}\)

During 2016–17, there were a total of 1,675 people, on average only 368 per month, working out of the prison on licence.\(^{352}\)

They paid £256 per month on average to the Prisoners’ Earnings Act levy—the equivalent of over a quarter (27%) of their net earnings.\(^{353}\)

£5.38m has been paid to Victim Support since the introduction of the levy in October 2011.\(^{354}\)

**Home Detention Curfew (HDC)**

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

There were 9,041 releases on HDC in 2016.\(^{355}\)

This was just over a fifth (21%) of people who were eligible to be released—a third fewer than a decade ago, and five percentage points lower than the year before.\(^{356}\)

5% of releases on HDC resulted in a person being recalled to custody in 2016.\(^{357}\)

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\(^{350}\) Ibid and House of Lords written question HL2314, 6 November 2017
\(^{353}\) Table 5.2, Ibid.
\(^{354}\) Table 5.1, Ibid.
\(^{356}\) Ibid.
\(^{357}\) Table A3.6i, Ibid.
Resettlement

Nearly everyone in prison will be released at some point. 72,395 people were released in the year to June 2017.358

Some people are entitled to receive a discharge grant to help them on release—however this has remained fixed at £46 since 1997. Thousands more prisoners are ineligible, including those released from remand, fine defaulters and people serving less than 15 days.359

At most prisons, there is little or no reliable recording of outcome data, such as the number of people released to sustainable accommodation or entering employment, training or education according to inspectors.360

Employment

For many, having a criminal conviction is a barrier to leading a law-abiding life on release. The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs.

However, only one in four (27%) people released from prison in 2014–15 had a job to go to.361

Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.362

Just one in five people (21%) leaving prison and referred to the Work Programme have found a job which they have held for six months or more.363 Of these, two in five (40%) have subsequently gone back to Jobcentre Plus.364

But, 87 employers so far, including the entire Civil Service, have signed up to Ban the Box—removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.365

Accommodation

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.

One in 10 people (11%) released from custody in 2014–15 had no settled accommodation.366

Inspectors have said that the figures are “misleading” as “they do not take into account the suitability or sustainability of the accommodation.”367

The Homelessness Reduction Act 2017 means that prisons and probation providers will be subject to the new duty to refer people who might be at risk of becoming homeless to the local housing authority.368

Financial exclusion

Many people in prison are released with debts which have built up during their sentence—adding to the problems they face on release. These include outstanding fines, rent or mobile phone contracts. Inspectors found that in many cases no action was taken before release, despite problems being apparent at the start of a sentence.369

More than four in five former prisoners surveyed said their conviction made it harder to get insurance and four-fifths said that when they did get insurance, they were charged more. The inability to obtain insurance can prevent access to many forms of employment or self-employment.370

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358 Table 3.1, Ministry of Justice (2017) Offender management statistics quarterly, April to June 2017, London: Ministry of Justice
359 Prison Service Instruction 72/2011 Discharge, Annex B
365 House of Commons written question 7749, 12 September 2017
366 Criminal Justice Joint Inspection (2017) An inspection of through the gate resettlement services for prisoners serving 12 months or more, London: HMIP
Family

Family and friends are the most important factor in enabling successful resettlement on release. Despite this, inspectors found no evidence that families were involved in sentence planning, even when a person said they were relying on them for support after release.\textsuperscript{371}

Furthermore, no-one routinely monitors the parental status of prisoners in the UK or systematically identifies children of prisoners, where they live or which services they are accessing.

Prisons do not regularly record whether people have children under the age of 18, however, 54% of women and 49% of men surveyed by inspectors in 2016–17 reported that they did.\textsuperscript{372}

Nearly one in five (19%) young adults (18–20 years old) surveyed said they had children. This compares to 4% of the general population who are young fathers.\textsuperscript{373}

One in 10 boys in young offender institutions told inspectors that they had children themselves.\textsuperscript{374}

Women are often held further away from their families, making visiting difficult and expensive. The average distance is 64 miles, but many are held considerably further away.\textsuperscript{375} The government has committed to build and open five new community prisons for women to help to address this—however the recent closure of HMP Holloway has resulted in more women being held further away from friends and family according to inspectors.\textsuperscript{376}

Reoffending rates are 21 percentage points higher for people who said they had not received family visits whilst in prison compared to those who had.\textsuperscript{377}

Only around a third of prisoners said they had been helped by staff to maintain family ties. Inspectors found that “support for rebuilding and maintaining family ties remained inconsistent and in many cases limited to visits, letters and telephone calls”\textsuperscript{378}

Arrangements to help prisoners maintain and strengthen family ties are too variable across prisons, and are not given sufficient priority or resources according to an independent government commissioned review and prisons inspectors.\textsuperscript{379}

Most people were in contact with their family while in custody—either by letter (91%), telephone (88%) or through visits (70%).\textsuperscript{380}

However, nearly half (44%) of people said they had problems sending or receiving mail—and over a quarter (26%) had problems accessing telephones.\textsuperscript{381}

The cost of making a telephone call from prison is expensive. A 30 minute call during the working week to a landline costs £2.75 and for mobiles is £6.12.\textsuperscript{382}

Secure in-cell telephones, with reduced call costs, have been introduced at HMP Wayland to make keeping in touch more easier and more affordable. Early evidence has shown an increase in calls and improved behaviour, and inspectors found that it was helping people to stay in touch with their families.\textsuperscript{383}

Only three in ten prisoners reported that it was easy or very easy for family to visit them at their current prison—16% said they did not receive visits.\textsuperscript{384}

\textsuperscript{371} Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons
\textsuperscript{373} Ministry of Justice (2012) Prisoners’ childhood and family backgrounds, London: Ministry of Justice
\textsuperscript{381} HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP
\textsuperscript{382} HM Inspectorate of Prisons (2016) Life in prison: Earning and spending money, London: HMIP
OTHER UK PRISON SYSTEMS
Scotland

The Scottish Government is taking forward an ambitious prison reform programme which includes increasing the use of community sentences; reducing the use of short term custodial sentences and remand; and improving the reintegration of individuals from custody to community.

Following the introduction of legislation against the presumption of custodial sentences of less than three months in 2010, the Scottish Government has announced it will extend this to sentences of less than 12 months “with the aim of using prison primarily for those individuals who have committed serious offences and those cases involving issues of public safety.”

A new model for community justice was launched in April 2017, and there are plans to introduce legislation to extend the use of electronic monitoring in the community.

The Scottish Government has committed to reducing the number of women in prison and has set a target of 230 women across the new women’s estate. A new national 80-place unit for women will be built at HMP Cornton Vale along with five community custodial units, holding 20 women each, across Scotland to allow them to be closer to their communities and families. The new national prison for women and the first two community custody units will open in 2020.

Use of custody

On 17 November 2017 the total number of people in custody in Scotland stood at 7,482. Scotland has one of the highest imprisonment rates in western Europe—138 people in prison per 100,000 of the population. England and Wales have an imprisonment rate of 146 per 100,000, France 103 per 100,000 and Germany 77 per 100,000.

Over one-third of the adult male general population, and nearly one-tenth of adult women is likely to have at least one criminal conviction.

However, the prison population in Scotland is continuing to fall. An average of 7,552 people were in custody during 2016–17, 123 fewer people than the year before.

14% of people sentenced by the courts were given a custodial sentence in 2015–16.

Prison sentences are getting longer. The average length of a custodial sentence in 2015–16 was over nine months (292 days)—over two months (63 days) longer than a decade ago.

There is a statutory presumption against prison sentences of less than three months—unless a court considers that no other method of dealing with the person is appropriate. However, they still accounted for three in 10 custodial sentences given in 2015–16.

The number of people on remand remains high—accounting for nearly one in five people in prison (18%) compared with 12% in England and Wales. An average of 1,370 people were in prison on remand in 2016–17, down from 1,494 the year before.

The cost of imprisonment continues to rise. It costs an average of £35,325 per prison place—an increase of nearly £3,400 in the last four years.

Whilst convictions have fallen in the last decade, the number of people given a community sentence has risen by 18% during the same period.


The Criminal Justice and Licensing (Scotland) Act 2010


Table 10(c), Ibid. and Criminal proceedings in Scotland 2014–15

The Criminal Justice and Licensing (Scotland) Act 2010


The Scottish Government is taking forward an ambitious prison reform programme which includes increasing the use of community sentences; reducing the use of short term custodial sentences and remand; and improving the reintegration of individuals from custody to community.
Safety in prisons

There have been 123 deaths in custody in the last five years—with 23 so far in 2017. 66 of these deaths are still under investigation.\(^{397}\)

In a quarter of deaths (25%) in the last five years investigations have concluded that they were self-inflicted.\(^{398}\)

Recorded prisoner on prisoner assaults rose by 21% between 2014–15 and 2016–17. Serious assaults also rose by 12%.\(^{399}\)

Assaults on staff have risen by 16% in the last two years. There were 198 assaults on staff in 2016–17, 5 were serious.\(^{400}\)

People in prison

84% of people entering prison to serve a sentence in 2013–14 were there for non-violent offences.\(^{401}\)

Three-quarters (76%) of tests carried out on people entering prison in 2016–17 were positive for illegal drugs.\(^{402}\)

Nearly one in three men (29%) and over a quarter of women (26%) reported they had been in care as a child.\(^{403}\)

There are more than 300 people aged over 60 in prison. Inspectors have warned that this trend is likely to continue, due to the increasing numbers of historic sexual offences being prosecuted in the courts, and the increasing lengths of prison sentences being issued by the courts.\(^{404}\)

Women in prison

The women’s prison population in Scotland increased by 38% since 2003–04.\(^{405}\) However, there are signs that this is starting to slowly decline. On average 366 women were held in prison during 2016–17.\(^{406}\)

Women in prison are more likely to be on remand than men (25% compared to 18%).\(^{407}\) Only around 30% of women on remand go on to receive a custodial sentence.\(^{408}\)

\(^{398}\) Ibid.
\(^{399}\) Appendix 8a, Scottish Prison Service (2017) Annual report and accounts 2016-17, Edinburgh: SPS and previous editions
\(^{400}\) Ibid.
\(^{404}\) HM Inspectorate of Prisons for Scotland (2017) Annual report 2016-17, Edinburgh: HMIPS
\(^{406}\) Appendix 2, Scottish Prison Service (2017) Annual report and accounts 2016-17, Edinburgh: SPS and previous editions
Other UK prison systems

Remand accounts for nearly two-thirds (64%) of all receptions of women into prison. There were 1,805 receptions on remand by women in 2013–14.  

A third of women (34%) reported being drunk at the time of their offence—a quarter reported that it affected their ability to hold down a job.  

A higher proportion of women commit ‘crimes of dishonesty’ than men—15% of proven offences by women were for acquisitive crimes compared with 11% of men’s.  

10% of women reported having served more than ten sentences in prison.  

128 pregnant women have been held in prison in Scotland since 2012—during this time 37 children have been born whilst in prison.  

Children and young adults

There were 334 young people (under 21) in prison as of 17 November 2017—41 of these were under 18. The number of young people sent to prison has fallen by 60% in the last nine years. 

Over half (55%) of young people were under the influence of drugs at the time of their offence (compared to 39% adults). One-in-five (19%) committed their offence to get money to buy drugs.  

Six in 10 young people reported being drunk at the time of their offence (compared to 41% adults).  

A third of young people reported being in care as a child.  

A quarter of boys said they had no qualifications. Over half (56%) said that they were ‘often’ excluded from school and four in 10 (37%) said that they had ‘often’ attended a Children’s Panel.  

Rehabilitation and resettlement

43% of people released from custody are reconvicted within a year—rising to 58% for men and 63% for women with more than 10 previous convictions.  

Only three in 10 prisoners had accessed services while in prison to help them prepare for release. Of those who accessed services, 68% had sought advice about housing and 46% about employment.  

Three in 10 (29%) of prisoners surveyed said they didn’t know where they would be living on release.  

Fewer than a quarter (24%) of prisoners surveyed said that they had received help with their drug addiction during their sentence.  

693 people on average were held in prison in 2013–14 following recall from supervision or licence—nearly double the number in 2004–05.  

However, an evaluation of the SPS Throughcare Service, which provides people serving short sentences with support to prepare for and on release from prison, found improved engagement with support services including benefits; housing; substance misuse treatment, education and employment, factors which are known to aid desistance from crime and reduce reoffending.
Northern Ireland

March 2016 saw the end of the formal prison reform programme, with 36 of the 40 recommendations made by the Prison Review Team completed. But, the process of reform continues, with the Northern Ireland Prison Service committing to a reform programme lasting 10 years or more—focusing on effective leadership; purposeful activity opportunities; equality of outcomes for prisoners, with a more diverse workforce; improving accommodation; and a strong relationship with healthcare.

However, the breakdown of power-sharing this year means that Northern Ireland is currently without a justice minister or a functioning Northern Ireland Executive and Assembly.

At HMP Maghaberry, a new 360 cell block is scheduled to open in May 2019. A separate high security facility is also planned on the same site but is awaiting business case approval.

The £150m redevelopment at HMP Magilligan is awaiting business case approval and expected to take nine years to deliver.

Plans to build a new women’s prison on the site of HMP Magilligan are unlikely to happen for the foreseeable future.

Use of custody

The number of people in prison in Northern Ireland continues to fall. On 17 November 2017 the total population stood at 1,438—93 fewer people than the previous year.426

However, the number of people entering prison increased by 9% last year—the first time it has done so since 2012. There were 5,199 receptions into prison during 2016.427

The number of people entering prison for fine default continues to rise. Numbers fell significantly in 2013 following a Judicial Review, but numbers have risen during the last two years. 627 people went to prison in 2016 for failure to pay a fine—up from 139 in 2014.428

The imprisonment rate for Northern Ireland is 76 per 100,000 of the population. England and Wales have an imprisonment rate of 146 per 100,000, France 103 per 100,000 and Germany 77 per 100,000.429

The proportion of sentences resulting in custody is increasing. In 2010, 9% of people convicted were sentenced to custody, by 2016 this had risen to 13%. The proportion receiving suspended sentences has also risen from 11% to 17%.430

Northern Ireland continues to hold a high proportion of people in prison on remand compared with other countries. It currently holds over a quarter (26%) on remand compared with 12% in England and Wales, and 18% in Scotland.431

Remand accounted for more than half (55%) of all receptions into prison in 2016, with 2,843 receptions in total, the first increase since 2011. 387 people on average were held in prison on remand.432

The average cost per prisoner place continues to fall from historically high levels—costing £53,408 per year in 2016–17, down from £73,732 in 2010.433
Safety in custody

During 2016–17 there were five deaths in custody—four at Maghaberry prison and one at Magilligan. Three of these appeared to be self-inflicted.\(^{434}\) There have been two further deaths announced so far this year.\(^{436}\) A review of vulnerable people in custody was announced last year but has yet to report.\(^{436}\)

The Chief Inspector has said that he is concerned that despite critical reports into deaths in custody and serious self-harm, “some important lessons have not been learnt”.\(^{437}\)

Ambulances were called out 1,100 times to prisons between 2013–15—the equivalent of once a day. Over 80% of the calls were made from HMP Maghaberry.\(^{438}\)

Half of prisoners reported feeling unsafe at some time during their time in custody. 42% reported they had been bullied and of those that had, 19% reported the incident, 23% did not.\(^{439}\)

Inspectors have raised concerns about the availability of drugs within prisons. “They have been responsible for a number of deaths in custody and other serious incidents, and are a cause of a significant proportion of the bullying which takes place. This is true both for illicit and prescription drugs”.\(^{440}\)

Almost one in 10 people (8%) reported they had developed a drug problem since entering prison.\(^{441}\)

One in five people at Maghaberry prison (19%) tested positive for drugs—significantly higher than the prison service’s target of 12%. A further 9% refused to take a mandatory test.\(^{442}\)

Treatment and conditions

Ongoing staff shortages at Maghaberry prison remain a problem. Despite improvements in the stability and predictability of the prison regime, significant numbers of people were locked in their cells during the day and there is still an over-reliance on agency staff.\(^{443}\)

Catholics are more negative about their experience in prison than Protestants. Maghaberry prison has begun to conduct analysis after repeated calls by inspectors.\(^{444}\)

At least ten people were held in solitary confinement in Maghaberry prison for over 100 days each in 2015—four were held for over a year and in one case a prisoner was held for five years.\(^{445}\)

People in prison

Almost 40% of people reported that they had a problem with drugs when they came into prison—31% with prescription drugs.\(^{446}\)

44% of people reported having a problem with alcohol when they came into prison.\(^{447}\)

A total of 67% of all people in prison are on prescribed medication—80% at Maghaberry, 58% at Magilligan and 38% at Hydebank Wood Young Offender’s Centre. The levels of prescribing reflect the fact that prisoners tend to have poorer physical and mental health than the general population.\(^{448}\)

34% of people entering prison have a literacy ability, and 51% have a numeracy ability, at a level broadly equated to that expected of a nine year old.\(^{449}\)

\(^{439}\) Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI
\(^{440}\) Ibid.
\(^{441}\) Ibid.
\(^{444}\) Ibid., and Criminal Justice Inspection Northern Ireland (2016) Report on an unannounced inspection of Magilligan Prison, Belfast: CJINI
\(^{446}\) Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI
\(^{447}\) Ibid.
\(^{448}\) Ibid.
\(^{449}\) Northern Ireland Prison Service (2014) Building for the future—Northern Ireland Prison Service estate strategy, Belfast: Department of Justice
9% of the prison population are foreign nationals—nearly two-thirds (64%) are on remand.450

Women in prison

On 17 November 2017 there were 60 women in prison in Northern Ireland.451

Women accounted for 8% of receptions into prison in 2016.452

Receptions to prison increased by 30% for women between 2014 and 2016—whilst men’s rose by 4%. Much of the increase has been due to women defaulting on fines (up from 7 in 2014 to 71 in 2016).453

Three-quarters of women entering prison to serve a sentence are there for non-violent offences. The majority are for theft or criminal damage.454

More than half of women surveyed at Ash House, Northern Ireland’s only women’s prison, said they had felt unsafe at some time. Inspectors said that this was likely to have been because of the complex mix of the population, which includes young men on the same site, and the availability of drugs.455

Six in 10 women in prison surveyed said they had children under the age of 18. A third said it was difficult or very difficult for family and friends to visit, a further quarter (24%) said they didn’t receive visits.456

Children and young adults

139 children (aged 10–17) entered custody in 2016–17, the lowest number for at least eight years. 23 children were held in custody on average.457

The vast majority (89%) were boys—only 15 girls entered custody in 2016–17.458

Most children in custody are there on remand—accounting for two-thirds (65%) of the population.459

Nearly four in 10 children in custody (39%) were in care—they accounted for nearly half of all receptions into custody in 2016–17.460

Inspectors have raised concerns that children are being inappropriately placed in custody at times of crisis when no alternative accommodation is available—at a cost of around £9.3m per year.461

159 young adults (aged 18–20) entered custody in 2016 to serve a sentence.462

Six in 10 (61%) said they had felt unsafe at some time—over a quarter (27%) told inspectors they currently felt unsafe.463

Rehabilitation and resettlement

37% of adults released from custody went on to be reconvicted within a year. More than half (55%) of those who reoffended had done so within the first three months of release; over three-quarters (79%) had within six months.464

Of the 39 children released from custody, 28 committed a proven reoffence—20 reoffended within the first three months.466

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453 Ibid.
454 Table 11, Ibid.
456 Ibid.
457 Table 1 and Figure 1 data, Spain, A. and McCaughey, J. (2017) Youth Justice Agency annual workload statistics 2016/17, Belfast: Youth Justice Agency
458 Table 9, Ibid.
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462 Table 8, Crone, E. (2017) The Northern Ireland Prison Population 2016 and 2016/17, Belfast: Department of Justice
464 Table 8 and 2b, Duncan, L. and Damkat, I. (2017) Adult and youth reoffending in Northern Ireland 2014/15 cohort), Belfast: Department of Justice
466 Table 8 and 2c, Duncan, L. and Damkat, I. (2017) Adult and youth reoffending in Northern Ireland 2014/15 cohort), Belfast: Department of Justice.
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