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

The briefing was researched and written by Alex Hewson with assistance, additional research and fact checking by Emily Knight. We thank the Bromley Trust for their continued support which allows us to produce these briefings.

We are grateful to everyone who has provided updated information and statistics during the production of this edition.

Cover image by AndyAitchison.uk
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Introduction

Over the past few years the Bromley Briefings have charted a depressing decline in standards of safety and decency in our prisons. This year’s edition draws heavily on the shocking evidence of both the government’s own data on safety—or the lack of it—and on the Chief Inspector’s increasingly strident denunciation of the conditions in which many prisoners are required to live.

Everyone who cares about prisons—whether they live or work in them, or are close to someone who does—wants to believe that they are close to turning a corner. Anecdotally, both staff and prisoners welcome the introduction of key working in around half of prisons in England and Wales so far. Essentially, that means some protected time for staff to do what most of them joined for—helping prisoners cope with imprisonment and prepare for a better life when they leave. But it is too soon to make the call that the system as a whole is on the path to recovery—the damage done by the savage cuts of recent years is profound, and none of the key indicators are showing improvement as yet.

In innovations this year, this edition of the Bromley Briefings includes a short section about what prisoners say. In line with PRT’s core aim to give prisoners greater influence in strategic policy making about prisons, we intend to develop this aspect in future, reflecting both the insight of prisoners and their ability to provide solutions.

There is also a section setting out the current and historic performance of the “ten prisons” selected by the Prisons Minister for investment and a time limited drive to show tangible improvements, especially in safety.

As last year, however, we begin with a slightly longer analysis of a particular issue, drawing on evidence from a longer period, and this year from a broad geographical perspective. Professors Dirk van Zyl Smit and Catherine Appleton from the University of Nottingham will shortly publish a seminal book on life imprisonment worldwide, and we are delighted that they have authored “The long view” for us, comparing the use of indeterminate sentences in this country with jurisdictions overseas.

What their analysis demonstrates is that the UK’s use of indeterminate sentences is out of kilter with the majority of international comparators. But it is also at odds with our own domestic historical approach to sentencing. Draconian legislation passed by Parliament in 2003 inflated the punishment tariffs for formal life sentences and created the catastrophic growth in informal life sentences—the IPP—which was only partially reversed by legislation in 2012.

The inevitable consequence of decisions made on the sentencing and release framework for indeterminate sentences is a very long-term impact on the lives of the individuals affected and the make-up of the prison population as a whole. A substantial minority of that population is serving sentences characterised by an absence of hope and in many cases a sense that punishment, though deserved, has ceased to be proportionate or just in its administration. This has profound implications for the way of life prisons provide, if the treatment of those serving the longest sentences is to be both humane and purposeful.

There is an urgent need for Parliament to revisit the framework it has created for our response as a society to the most serious crime, and our treatment of those who commit it. Decisions made in the aftermath of particularly shocking individual cases have created a system which, on the long view, looks more like a cause of national shame than pride.
THE STATE OF OUR PRISONS
Indeterminate sentences, whether they are called life imprisonment or something else, have one particular feature that sets them aside from all other types of imprisonment. Persons on whom such sentences are imposed have no guarantee of ever being released. Their fate is fully in the hands of the state.

Whether the state should ever have such draconian powers is controversial. Particularly in the large majority of states worldwide that have abolished the death penalty, indeterminate sentences are the only punishments that place convicted offenders fully under state control. Some states outlaw all indeterminate sentences. Portugal for example, has done so since the late 19th century.

In most countries, however, concerns about allowing sentences that deprive convicted offenders of liberty for an indeterminate period are met by limiting, rather than outlawing, their imposition. They are regarded as acceptable, but only if they are imposed for very serious offences, and on offenders who are fully responsible for their actions. Moreover, persons who are serving such sentences should have a possibility of release. This applies to both sentences that are formally called life imprisonment and to other indeterminate penalties that can be described as informal life sentences.

**Life imprisonment: the worldwide picture**

Our new book, Life Imprisonment: A Global Human Rights Analysis, shows the position in respect of formal life sentences in every jurisdiction in the world. It reveals that there are 33 countries worldwide that do not allow sentences of life imprisonment at all. Of the 183 that do have life imprisonment, the majority (144 countries) have some routine procedure for considering the release of all life-sentenced prisoners. 65 countries however, provide for life imprisonment without the possibility of parole, sentences where release is never routinely considered.

How does all this play out in practice? In all, we estimate that there were about 479,000 prisoners serving formal sentences of life imprisonment worldwide in 2014, and those numbers are rising.

**How does the UK compare?**

Comparative statistics for 2016 highlight some dramatic differences in the number of individuals serving life imprisonment in various countries (see Table 1).

<table>
<thead>
<tr>
<th>Country</th>
<th>Life-sentenced prisoners</th>
<th>% sentenced prison population</th>
<th>Per 100,000 of national population</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>489</td>
<td>0.9</td>
<td>0.7</td>
</tr>
<tr>
<td>Russia</td>
<td>1,766</td>
<td>0.4</td>
<td>1.2</td>
</tr>
<tr>
<td>Germany</td>
<td>1,863</td>
<td>3.7</td>
<td>2.3</td>
</tr>
<tr>
<td>Turkey</td>
<td>7,303</td>
<td>6.0</td>
<td>9.3</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>8,554</td>
<td>10.5</td>
<td>13.0</td>
</tr>
<tr>
<td>United States</td>
<td>161,957</td>
<td>9.5</td>
<td>50.3</td>
</tr>
</tbody>
</table>

Just how much of an outlier the United Kingdom really is, is apparent from Table 1 and Figure 1. The figures and map show that the UK has more life-sentenced prisoners per 100,000 of population than any other country in Europe, even Russia. In fact, the UK has the highest absolute number of life-sentenced prisoners of any country in Europe. In 2016, the UK and Turkey between them comprised 66% of the total life-sentenced prison population in Europe. It is also significant that life-sentenced prisoners in the UK make up more than 10% of the total sentenced prison population, which is higher than that for any other European country—and higher than that for the United States.

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Note: Data for all countries are from 2016, except Russia, which are from 2014.
Why are the UK life imprisonment numbers so high?

There are a number of factors that combine to produce the very high number of life-sentenced prisoners in UK prisons:

- Following the abolition of the death penalty in 1965 (1973 in Northern Ireland) life imprisonment became a mandatory sentence for murder in the UK. This is not the case in most European countries.
- Murder is very widely defined in the UK, particularly in England and Wales and in Northern Ireland. A person can be convicted of murder despite having no intention to kill, and even by failing to intervene to prevent someone else from killing. These wide definitions increase the impact of the mandatory life sentence. In contrast, Germany, which also has mandatory life imprisonment for murder but defines it much more narrowly, has far fewer life sentences.
- Discretionary life imprisonment in various jurisdictions of the UK is imposed for a wider range of offences than in any other European country.
- The minimum terms that life-sentenced prisoners have to serve in the UK before their release (tariff) is considered are long and are getting longer still. The average minimum term imposed for murder has risen from 12.5 years in 2003 to 21.3 years in 2016 (Figure 2). This dramatic increase in punitiveness has been driven by legislation passed in 2003 that introduced mandatory minimum punishment tariffs for a very wide range of behaviour attracting a life sentence.²
- The rate of reconviction for released life-sentenced prisoners is low—4% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 48% of the overall prison population—but the number of people being sentenced to life imprisonment has remained relatively stable since the abolition of the IPP.³

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When life actually means death

A particularly draconian feature of life imprisonment in England and Wales, and in Northern Ireland, is that it can be combined with a whole life order, the severest life sentence that a court can pass. When a whole life order is made no minimum period is set and the expectation is that the person will end their life in prison. This means that there is no routine review or consideration of release.

Such sentences are imposed very often in the United States where they are known as ‘life without parole’ or LWOP. In England and Wales the number of whole life prisoners has risen significantly from none in 1982, to 22 in 2005 and 63 in 2018 (Figure 3). Whole life orders cannot be imposed in Scotland.

LWOP has been described as “death by incarceration”, and represents state power at its most extreme. As a result, the Grand Chamber of the European Court of Human Rights ruled in July 2013, in Vinter and others v United Kingdom, that all persons sentenced to life imprisonment including those subject to whole life orders must have a prospect of release.

In 2017, in Hutchinson v United Kingdom, the Grand Chamber held that the English whole life order does not contravene Article 3 because the possibility remains that the Secretary of State for Justice could use their exceptional powers to release a person subject to this order. But the then secretary of state did not clarify the procedure for using this exceptional power. Instead, she commented that it was “right that those who commit the most heinous crimes spend the rest of their lives behind bars”.

The result is that whole life orders continue to be made in England and Wales and judges continue to make clear that death in prison is the intended consequence. Neither the secretary of state nor the judges who are making whole life orders are even paying lip service to the release requirements set in European human rights law. Not surprisingly, no prisoner subject to a whole life order in the UK has ever been released.

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Informal life sentences

But what of indeterminate sentences that are not formally called “life imprisonment”, but have substantially the same effect? The best known example of such a sentence in England and Wales was Imprisonment for Public Protection (IPP), created by the Criminal Justice Act 2003 (Figure 4). It allowed persons convicted of a long list of “serious” offences, who had a previous conviction for a specified offence, to be imprisoned indefinitely, if the court was of the opinion that they were dangerous.8

In late 2012 these sentences were abolished (a similar sentence, an “order for lifelong restriction” continues to exist in Scotland).9 However, the abolition of IPPs had no retrospective effect, and the release of those prisoners left serving these sentences has proved to be a long and cumbersome process. In September 2012, there were 6,020 prisoners serving an IPP sentence, six years later in September 2018 there were still 2,598. Of these, nearly nine in 10 (89%) have now passed the period set by the sentencing court as punishment for their crime.10 They are being held on the basis of a judgement about what they might do in future, rather than for what they have done in the past.

Although the rate of release has quickened in the last three years, so has the rate of recall to prison of people considered to be breaching the terms of their release licence. The likely consequence is that the number of people serving IPP sentences in prison will soon start to rise again unless action is taken to improve the support they receive on release, and to set a finite term for their liability to recall in any circumstances.

In November 2018 a man who was not released from IPP, because his case was not heard at the due time, was awarded substantial damages for “delayed liberty” and “frustration, anxiety and distress”.11 If other prisoners bring similar actions, the government may face a damages bill running into millions of pounds. Only primary legislation to complete the abolition of the IPP sentence, with retrospective effect, can prevent its legacy from continuing to blight lives for decades to come.

Conclusion

The UK’s use of indeterminate sentences is plainly out of kilter with the majority of international comparators. But it is also at odds with its own historical approach to sentencing for the most serious crimes. The watershed was the legislation passed by Parliament in 2003, which inflated the punishment tariffs for formal life sentences and created the IPP. That dissonance poses serious and urgent questions for government, parliament and prison service alike.

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9 Criminal Justice (Scotland) Act 2003, s.1
Scotland and England & Wales have the highest imprisonment rates in western Europe.

The prison population has risen by 70% in the last 30 years—but it has fallen in the last two 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 non-violent and persistent crime.

Around 61,500 people were sent to prison to serve a sentence in the year to June 2018.

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

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

Suspended sentences have risen, but account for only 4% of all sentences—and fell in 2017 & 2018.

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16 Table Q5.1b and Q5.4, Ministry of Justice (2018) Criminal justice statistics quarterly: June 2018, London: Ministry of Justice
Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime. Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.\(^{18}\)

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

More than three times as many people were sentenced to 10 years or more in the 12 months to June 2018 than the same time a decade ago.\(^{19}\)

For more serious, indictable offences, the average prison sentence is now 58.4 months—26 and a half months longer than a decade ago.\(^{20}\)

People serving mandatory life sentences for murder are spending more of their sentence in prison. On average they spend 17 years in custody, up from 13 years in 2001.\(^{21}\)

Judges are also imposing longer tariff periods.\(^{22}\) The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.\(^{23}\)

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

Nearly half of adults (48%) are reconvicted for another offence within one year of release.\(^{24}\)

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.\(^{25}\)

As a result, the number of people recalled back to custody has increased, particularly amongst women. 8,911 people serving a sentence of less than 12 months were recalled to prison in the year to June 2018.\(^{26}\)


\(^{19}\) Table Q5.4, Ministry of Justice (2018) Criminal justice statistics quarterly June 2018, London: Ministry of Justice

\(^{20}\) Table Q5.1b, Ibid.


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. After a welcome decline last year, the number of self-inflicted deaths has risen once again.27

Inspectors found that safety was not good enough in nearly two-thirds of male prisons (64%) they visited last year. On average, half of people said that they had felt unsafe at some time whilst in prison. But at large inner city local prisons, like Liverpool, Leeds and Pentonville, this rose to around 70%.28

Deaths in prison

Rates of deaths from natural causes have nearly doubled in the last decade. 165 people died of natural causes in the year to September 2018.29

Self-inflicted deaths are over five times more likely in prison than in the general population.30

More than a quarter (27%) of 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.31

Many prisons are failing to learn lessons from self-inflicted deaths. Inspectors found that a third of prisons visited in 2017–18 has not implemented recommendations by the Prisons and Probation Ombudsman (PPO) well enough following a self-inflicted death—the same proportion as the year before.32

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.33

There were 117 deaths in prison between June 2013 and September 2018, where the person was known, or strongly suspected, to have used or possessed psychoactive substances, such as Spice, before their death.34

There were five homicides in prison in the year to September 2018 and another three the year before.35
Over 49,000 cases were opened in 2017 to support people assessed as at risk of suicide and self-harm whilst in prison—up 46% in four years.

Over 2,500 people are being managed under the prison service’s multi-disciplinary Assessment, Care in Custody and Teamwork (ACCT) process on any given day.

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.

The PPO received 71 complaints alleging physical abuse by staff in 2017–18, up from 53 the year before.

In the same year inspectors found increased use of force on prisoners in around two-thirds of prisons. In half of the prisons, there were concerns about the quality of documentation to justify the use of force.

Sexual assaults in prison have more than tripled since 2012.

The National Tactical Response Group, a specialist unit assisting in safely managing and resolving serious incidents in prisons, responded to 475 incidents in the first nine months of 2018—up from 386 incidents during the same period the year before.

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

Just under half (46%) of our prisons are rated “of concern” or “of serious concern” by HM Prisons and Probation Service—the highest level on record.\(^{43}\)

More prisons are rated “of serious concern” than “exceptional”. The number of prisons rated “exceptional” has plummeted from 43 in 2011–12 to only 14 in 2017–18.\(^{44}\)

Inspectors found that Welsh prisons have “generally performed better than those in England” in their healthy prison assessments—however, standards have declined at HMP Swansea in some areas.\(^{45}\)

Inspectors found that in most prisons, people are still only able to spend 30 minutes outside a day. Conflicting timetables also meant that people often have to choose whether to go outside or undertake other essential activities, such as taking showers or telephoning home.\(^{46}\)

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.\(^{47}\)

Segregation

Inspectors found that conditions and regimes in segregation units continued to be poor. Segregated prisoners were not given daily access to the telephone, a shower, time outside for exercise, or purposeful activity in most prisons they visited in 2017–18.\(^{48}\)

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.\(^{49}\)

Inspectors found meaningful work to reintegrate people back into the prison population in only a quarter of prisons they visited in 2017–18.\(^{50}\)

A 2016 study found that nearly two-fifths, 19 out of a total of 50 people, had deliberately engineered a move to the segregation unit. Reasons included trying to transfer to a different prison, evading a debt, or getting away from drugs or violence on the wings.\(^{51}\)

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\(^{44}\) Ibid.


\(^{46}\) Ibid.

\(^{47}\) Ibid.


10 prisons project

The government announced the 10 Prisons Project in August 2018 “to tackle the most persistent and urgent problems facing 10 of the most challenging prisons”.\(^{52}\)

The project will focus on **challenging violent and disruptive behaviour** and includes £10 million funding to **fight drugs, improve security** and **boost leadership capabilities** through new training.

It will be up and running in all 10 prisons by the end of the year. “Tangible results” will be expected within the following 12 months, and the prisons minister, Rory Stewart, has said that he will resign if the reforms don’t deliver. The 10 will serve as “models of excellence for the rest of the estate to follow”.

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**Prisoner on prisoner assaults**

- **Assaults**
- **Serious assaults**

<table>
<thead>
<tr>
<th>Hull</th>
<th>Humber*</th>
<th>Isis</th>
<th>Leeds</th>
<th>Lindholme</th>
<th>Moorland</th>
<th>Nottingham</th>
<th>Ranby</th>
<th>Wealstun</th>
<th>Wormwood Scrubs</th>
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<tbody>
<tr>
<td>2011</td>
<td>91/28</td>
<td>248</td>
<td>254</td>
<td>162</td>
<td>208</td>
<td>343</td>
<td>229</td>
<td>284</td>
<td>521</td>
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<td>2017</td>
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<td>14/20</td>
<td>49</td>
<td>31</td>
<td>28</td>
<td>7</td>
<td>9</td>
<td>99</td>
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**Prisoner on staff assaults**

- **Assaults**
- **Serious assaults**

<table>
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<th>Lindholme</th>
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<th>Ranby</th>
<th>Wealstun</th>
<th>Wormwood Scrubs</th>
</tr>
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<tbody>
<tr>
<td>2011</td>
<td>25/40</td>
<td>0/3</td>
<td>15/50</td>
<td>50/72</td>
<td>41</td>
<td>206</td>
<td>108</td>
<td>92</td>
<td>318</td>
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<tr>
<td>2017</td>
<td>0/3</td>
<td>25/40</td>
<td>12/2</td>
<td>6/7</td>
<td>12</td>
<td>115</td>
<td>108</td>
<td>6/17</td>
<td>167</td>
</tr>
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</table>

**Rate of self-harm (per 1,000 prisoners)**

- **2011**
- **2017**

<table>
<thead>
<tr>
<th>Hull</th>
<th>Humber*</th>
<th>Isis</th>
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<th>Ranby</th>
<th>Wealstun</th>
<th>Wormwood Scrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>154/487</td>
<td>545</td>
<td>330</td>
<td>631</td>
<td>430</td>
<td>243</td>
<td>72</td>
<td>130</td>
<td>466</td>
</tr>
<tr>
<td>2017</td>
<td>109/330</td>
<td>94</td>
<td>195</td>
<td>23/23</td>
<td>309</td>
<td>243/72</td>
<td>130</td>
<td>0</td>
<td>95</td>
</tr>
</tbody>
</table>

**Self-inflicted deaths in 2017**

- **0**
- **1**

**Incidents of concerted indiscipline**

- **2011**
- **2018**

<table>
<thead>
<tr>
<th>Hull</th>
<th>Humber*</th>
<th>Isis</th>
<th>Leeds</th>
<th>Lindholme</th>
<th>Moorland</th>
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<th>Ranby</th>
<th>Wealstun</th>
<th>Wormwood Scrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>0/2</td>
<td>0/2</td>
<td>0/2</td>
<td>3/0</td>
<td>0/0</td>
<td>0</td>
<td>1</td>
<td>0/0</td>
<td>0</td>
</tr>
<tr>
<td>2018</td>
<td>1/2</td>
<td>2/2</td>
<td>2/3</td>
<td>0/0</td>
<td>0/0</td>
<td>0</td>
<td>1</td>
<td>2/2</td>
<td>3</td>
</tr>
</tbody>
</table>

**HM Prison and Probation Service performance rating 2018 (scale 1–4)**

- **3**
- **3**
- **3**
- **2**
- **1**
- **3**
- **1**
- **2**
- **2**
- **3**

*HM Prison Humber became a cluster in 2014 of HMP Everthorpe and HMP Wolds. Figures for 2011 have been calculated by merging data for these two prisons. Source: Ministry of Justice, Safety in custody statistics quarterly update to June 2018; Annual HM Prison and Probation Service digest: 2017 to 2018; Prison performance ratings 2017 to 2018; and previous editions.

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 2017–18, two-thirds of prisons in England and Wales were overcrowded (81 of the 120 prisons). Nearly 20,700 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 15 years.

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

The prison population is projected to rise by a further 3,200 places by March 2023. £1.3bn has been announced to invest in reforming and modernising the prison estate. The government has committed to build 10,000 new prison places by 2020. To date, building work has not started. Plans to close HMPs Rochester and Hindley have been delayed due to pressure for prison places, and the Welsh Government has refused to give consent to build a prison at Port Talbot.

Treasury approval has been given to proceed with the first prisons at Wellingborough and Glen Parva, creating between 3,000 to 4,000 new places. Ministers anticipate work to begin at Wellingborough at the end of 2018. 206 new prison places are scheduled to open by the end of 2018, with a new houseblock at HMP Stocken.

Because the number of women in prison remains high, inspectors have found that the closure of HMP Holloway has resulted in more overcrowding in some women's prisons and more women are now being held further away from friends and family.

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**Prisons in decline**

21 prisons have closed in England and Wales since 2011

- **Closed**
- **Temporarily closed**
- **Reopened**

Source: National Audit Office Managing the prison estate and Safety in custody quarterly update to March 2018

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56 Table 2.2, 2.3 and 2.4, Ministry of Justice (2018) Annual HM Prison and Probation Service digest: 2017 to 2018, London: Ministry of Justice
57 Table 2.2, Ibid.
58 Table 2.5, Ibid.
64 House of Commons written question 151219, 12 June 2018
Prison service resources and staffing

Resources

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its budget reduced by around 20%, and despite increases since then, these have been almost entirely cancelled out by the effects of inflation.  

However, HMPPS’ resource budget has risen in real terms by 4% to £3,920m this year. Capital spending has also increased, as the government seeks to build 10,000 new prison places.  

The cost of a prison place reduced by 19% in real terms between 2009–10 and 2017–18. The average annual overall cost of a prison place in England and Wales is now £40,843.  

Staffing

The number of frontline operational prison staff was cut by 26% between 2010–2017. The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018. This target has been met, with the number of prison officers increasing by 3,109 in the last year.  

But retention remains a problem—with nearly half of officers (48%) who left the service in the last year having stayed in the role for less than two years.  

Staff experience has declined as a consequence. 40% of officers have been in post for less than three years—up from 13% in 2010.  

54 prisons are delivering key worker sessions to support people through their sentence. Officers have a caseload of around six people under the new Offender Management in Custody model currently being rolled out.
Private prisons

In England and Wales there were 15,813 people (19% of the prisoner population) held in private prisons as at 26 October 2018.74

There are 14 private prisons in England and Wales. They cost a total of £535.7m in 2017–18.75

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.76

There will be a competition to appoint prison operators for the new prisons at HMPs Wellingborough and Glen Parva. HM Prisons and Probation Service (HMPPS) will not bid to run either of the prisons.77

HMPPS has stepped in to take over the management of HMP Birmingham for an initial period of six months, following serious concerns over safety, security and decency.78

Five year contracts totalling nearly £470m were awarded to Carillion and Amey to provide works and facilities management services in public prisons.79 However, the prison service has admitted that they will not achieve the promised £115m efficiency savings.80

Following the collapse of Carillion in January 2018, HMPPS has taken back responsibility for the maintenance of 52 prisons in the south of England. The establishment of the new Gov Facility Services Limited cost £4m, with an annual budget of £73m.81

### Private prisons in England and Wales

<table>
<thead>
<tr>
<th>Private prison in England and Wales</th>
<th>Private prison performance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Growing numbers of prisons are of concern or of serious concern</td>
</tr>
<tr>
<td>Altcourse</td>
<td>2016–17</td>
</tr>
<tr>
<td>Ashfield</td>
<td>2017–18</td>
</tr>
<tr>
<td>Birmingham</td>
<td>2016–17</td>
</tr>
<tr>
<td>Bronzefield</td>
<td>2017–18</td>
</tr>
<tr>
<td>Doncaster</td>
<td>2016–17</td>
</tr>
<tr>
<td>Dovegate</td>
<td>2017–18</td>
</tr>
<tr>
<td>Forest Bank</td>
<td>2016–17</td>
</tr>
<tr>
<td>Lowdham Grange</td>
<td>2017–18</td>
</tr>
<tr>
<td>Northumberland</td>
<td>2016–17</td>
</tr>
<tr>
<td>Oakwood</td>
<td>2017–18</td>
</tr>
<tr>
<td>Par</td>
<td>2016–17</td>
</tr>
<tr>
<td>Peterborough (Female)</td>
<td>2017–18</td>
</tr>
<tr>
<td>Peterborough (Male)</td>
<td>2016–17</td>
</tr>
<tr>
<td>Rye Hill</td>
<td>2017–18</td>
</tr>
<tr>
<td>Thameside</td>
<td>2016–17</td>
</tr>
</tbody>
</table>

| 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) | Overall performance is of serious concern | Overall performance is of concern | Meeting the majority of targets | Exceptional performance |

### Private prison performance

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

75 Table 2b, Ministry of Justice (2018) Prison performance statistics: Costs per place and costs per prisoner by individual prison establishment 2017 to 2018 tables, London: Ministry of Justice
76 Hansard HC, 4 December 2013, c719W
77 House of Commons written question 186403, 5 November 2018
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.
What do people in prison say?

The Prison Reform Trust launched the Prisoner Policy Network in July 2018 to give people in prison a stronger voice in influencing how policy on prisons is made. Our first consultation question “what incentives work in prison?”, the findings of which will be published in January, received contributions from over 1,000 currently serving and former prisoners.

Many responses said that the current incentives and earned privileges (IEP) scheme is an almost predominately punishment based mechanism, rather than a means of incentivising positive behaviour. Respondents regularly said that its implementation was inconsistent both between and within prisons, and that the legitimacy of the scheme was undermined when disruptive behaviour was seen to be rewarded rather than challenged.

Around one in twenty people in prison (6%) are on the basic level of the IEP scheme. The number of people on basic has increased by 72% in the last three years—yet during the same period the number of people in prison has remained almost identical.

However, only two in five prisoners surveyed said that the IEP scheme had encouraged them to change their behaviour. 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.

Nearly three-quarters (73%) of men told inspectors that most staff treated them with respect. However, a lack of regular staff, inexperienced staff, and limited staff contact is affecting the ability to get even simple things done, resulting in conflict between staff and prisoners.

Only one in six people in prison (16%) said they spent 10 hours or more out of their cell each weekday.

One in five people in prison (20%) said they spent less than two hours out of their cell each day. In local prisons, where people are first remanded or sentenced to custody and many approaching release are held, this increased to nearly a third (32%).

Resolving disputes

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 (53%) of men and just under two-thirds of women (62%) felt that their applications were dealt with fairly.

If a person is not happy with the outcome of their application they can make an internal complaint. However, just over half of men (55%) said that it was easy to make a complaint. Just three in 10 men felt their complaints were dealt with fairly. Inspectors found that complaints “too often reflected prisoner frustration over issues that could have been dealt with through regular contact with staff.”

The Prisons and Probation Ombudsman provides the last means of redress in the 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 (38%) last year.

The ombudsman has said that this “reflects prison staff making more mistakes, not learning lessons from...previous investigations and...not resolving issues at a local level.”

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.

86 Ibid.
87 Ibid.
88 Ibid.
89 Ibid.
Black and minority ethnic people in prison (BAME)

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 said staff treated them with respect, and more said they had been bullied or victimised by staff. Responses by Muslim prisoners in these areas were even worse.93

BAME people in prison are more likely to report having been recently restrained or placed in segregation.94

Drugs and alcohol

Nearly half of men (47%) and 31% of women reported that it was easy to get drugs in their prison.95

More than one in 10 (13%) adult men surveyed by inspectors reported that they had developed a problem with illicit drugs since they had arrived at prison.96

A survey of nearly 700 people by User Voice found that the top three reasons for using psychoactive substances whilst in prison were ease of access, lack of drug testing and alleviating boredom. Many respondents said that there was an urgent need for more harm reduction services and peer support—such as training, advice and mentoring.97

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%).98

Disabilities and health

Nearly two-thirds of people in prison with a disability (63%) reported feeling unsafe—with nearly half (49%) saying they’d been victimised by other prisoners.99

Two-fifths of people in prison with a disability said they had been victimised by staff.100

One in seven people in prison with a disability said they had been restrained by staff in the last six months—compared with one in 10 people without a disability.101

People in prison with a disability were less likely to report being in training or having a job than those without a disability.102

They also report spending more time in their cells. A quarter of people with a disability said that they spent less that two hours out of their cells each weekday, compared with 18% of people without a disability.103

Under a quarter of men (23%) and less than one in five women (19%) said it was easy to see a doctor.104

Family contact

Families are a vital source of encouraging lasting positive behaviour according to respondents to our PPN consultation. Mechanisms to allow additional visits and maintain regular contact, including increases to rates of pay to fund the high costs of telephone calls were cited as solutions to improve behaviour.

Only three in 10 people in prison reported that it was easy or very easy for family to visit them at their current prison—16% said they did not receive visits.105

Secure in-cell telephones, with reduced call costs, have been introduced at a number of prisons to make keeping in touch more easier and more affordable. People in prison reported that their relationship with partners, children and wider family had deepened, strengthened, and become more resilient as a result.106

Nearly half of women (48%) and men (46%) said they had problems sending or receiving mail.107
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 33,235 receptions into prison before trial in the year to June 2018.  

More than half (55%) of those entering prison on remand awaiting trial are accused of non-violent offences—15% were for theft offences, and 12% for drug offences.

People may also be remanded to custody after they have been found guilty, but are yet to be sentenced. 20,368 people were remanded into prison awaiting sentence in the year to June 2018.

More than one in 10 people in prison (12%) are there on remand—9,571 people. The majority are awaiting trial (67%), whilst the rest await sentencing.

One in 10 people remanded into custody by magistrates’ courts were subsequently acquitted. A further 14% received a non-custodial sentence. In the Crown Court, both of these figures were 13%.

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

Nearly three in 10 (29%) self-inflicted deaths in 2017 were by people held on remand.

Use of remand for children has plummeted in the last decade—the average number of children on remand is 71% lower than its peak in 2007.

On average 183 children (under 18) were in held in prison on remand in 2017. They account for around one in five children in prison (21%)—this has remained roughly the same over the last decade.

Nearly one in three children (29%) remanded into custody in 2017 were subsequently acquitted—a further 36% were given a non-custodial sentence.

Falling remand
Remand numbers have dropped by nearly a third

<table>
<thead>
<tr>
<th>Year</th>
<th>People in prison on remand</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>20,000</td>
</tr>
<tr>
<td>2010</td>
<td>15,000</td>
</tr>
<tr>
<td>2012</td>
<td>10,000</td>
</tr>
<tr>
<td>2014</td>
<td>5,000</td>
</tr>
<tr>
<td>2016</td>
<td>5,000</td>
</tr>
<tr>
<td>2018</td>
<td>5,000</td>
</tr>
</tbody>
</table>

Source: Offender management statistics, Prison population 2018

Which offences are people accused of?
Top seven offences for untried admissions to prison

<table>
<thead>
<tr>
<th>Offence</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violence against the person</td>
<td>18%</td>
</tr>
<tr>
<td>Theft</td>
<td>15%</td>
</tr>
<tr>
<td>Summary (non-motoring)</td>
<td>15%</td>
</tr>
<tr>
<td>Drugs</td>
<td>12%</td>
</tr>
<tr>
<td>Crimes against society</td>
<td>8%</td>
</tr>
<tr>
<td>Robbery</td>
<td>6%</td>
</tr>
<tr>
<td>Possession of weapons</td>
<td>5%</td>
</tr>
</tbody>
</table>

Source: Offender management statistics, April to June 2018
People in prison

Black, Asian and minority ethnic people in prison

A quarter (26%) of the prison population, 21,981 people, are from a minority ethnic group.\(^{117}\)

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.\(^{118}\)

The economic cost of black, Asian and minority ethnic (BAME) overrepresentation in our prison system is estimated to be £234m a year.\(^{119}\)

There is a clear direct association between ethnic group and the odds of receiving a custodial sentence. Black people are 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.\(^{120}\)

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.\(^{121}\)

Muslim prisoners

The number of Muslim prisoners has more than doubled over the past 16 years. In 2002 there were 5,502 Muslims in prison, by 2018 this had risen to 12,894.\(^{122}\) They now account for 16% of the prison population, but just 5% of the general population.\(^{123}\)

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.\(^{124}\)

Only 1% of Muslims in prison are currently there for terrorism related offences.\(^{125}\)

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 people in prison.\(^{126}\)

Treatment and conditions

BAME people in prison often report more negatively about their experience in prison and relationships with staff. Fewer said they felt safe at the time of the inspectorate’s survey, fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been bullied or victimised by staff. Responses by Muslim prisoners in these areas were even worse.\(^{127}\)

BAME people in prison are more likely to report having been recently restrained or placed in segregation.\(^{128}\)

BAME men are more likely to be placed in high security prisons than white men who have committed similar types of offences. The difference was highest for public order offences, with black men over four times more likely and Asian men over six times more likely to be held in a high security prison.\(^{129}\)

Discrimination complaints are inadequately investigated “all too often” according to the Prisons and Probation Ombudsman. Investigations are subject to long delays, staff lack training and confidence, and prisons often fail to collect the equalities data needed to conduct a meaningful investigation.\(^{130}\)

Gypsy, Roma and Traveller prisoners

4% of people in prison said that they are Gypsy, Roma or Traveller, compared to an estimated 0.1% of the general population in England. Inspectors found that most prisons they visited were still not aware of their existence or needs.\(^{131}\)

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\(^{117}\) Table 1.4, Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, London: Ministry of Justice


\(^{120}\) Hopkins, K., et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice

\(^{121}\) Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

\(^{122}\) House of Lords written question HL3275, 5 January 2017

\(^{123}\) Table 5.4, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice


\(^{125}\) House of Lords written question HL3275, 5 January 2017


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\(^{128}\) House of Lords written question HL3275, 5 January 2017

\(^{129}\) Table 5.4, Uhrig, N (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice


Equal justice?

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

Deviation from 0% shows evidence of disproportionality compared to white men
Above 0%—more likely to occur than for white men
Below 0%—less likely to occur than for white men

<table>
<thead>
<tr>
<th>Likelihood compared to white men</th>
<th>Arrested</th>
<th>Convicted</th>
<th>Custodial sentence</th>
<th>Tried at Crown</th>
<th>Remanded</th>
<th>Plead not guilty</th>
<th>Custodial sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black men</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All BME men</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Magistrates’ court
Crown Court

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

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

<table>
<thead>
<tr>
<th>Year</th>
<th>White</th>
<th>Black</th>
<th>Asian</th>
<th>Mixed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td></td>
<td></td>
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<td>2008</td>
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<td>2010</td>
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<td>2012</td>
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<td>2014</td>
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<tr>
<td>2016</td>
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</tr>
<tr>
<td>2018</td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Offender management statistics, Prison population 2018

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

Mixed

Adjudication

Proven

Less likely

More likely

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

Average custodial sentence lengths are higher for black, Asian and mixed ethnicity people—and have risen sharply

<table>
<thead>
<tr>
<th>Year</th>
<th>White</th>
<th>Black</th>
<th>Asian</th>
<th>Mixed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2013</td>
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</tr>
<tr>
<td>2015</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2017</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Criminal justice statistics quarterly December 2017, Sentencing data tool

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

81% Complaint by staff about a prisoner
57% Complaint by a prisoner about a prisoner
9% Complaint by a prisoner about staff

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

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

**Repeat prisoners.** People in and out of prison for less serious offences and 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 or other substance abuse. The psychological strains of prison life can further accelerate the ageing process.

The Prison Reform Trust, along with HM Chief Inspector of Prisons, the Prisons and Probation Ombudsman, Age UK and other organisations have called for a national strategy for work with older people in prison, 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.”

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.

**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 16 years ago.

**16% of the prison population are aged 50 or over—13,636 people.** Of these 3,328 are in their 60s and a further 1,701 people are 70 or older.

**Despite the significant rise in the number of over 50s in prison in recent years, the government projects only a modest rise in their numbers by 2022—14,100 people, an increase of 3%.** The most significant change is anticipated in the over 70s, projected to rise by 19%.

**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%).

**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.

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

**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).
**Treatment and conditions**

159 people aged 50 or over died of natural causes whilst in prison in 2017—more than triple the number a decade ago.141

Six out of 10 older people in prison (59%) report having a long-standing illness or disability. This compares with just over a quarter (27%) of younger prisoners.142

Inspectors found that provision for older people in prison remains variable and underdeveloped. Whilst some prisons offered good facilities and age-specific activities, others had no specific provision and little meaningful activity for those not in work—in some prisons inspectors found retired prisoners locked up for most of the day.143

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.144

**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.145

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.146

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145 Ibid.
Life and indeterminate sentences

Many people in prison don't know if, or when, they might be released. 11,079 people are currently in prison serving an indeterminate sentence—13% of the sentenced prison population, up from 9% in 1993.\textsuperscript{147}

England and Wales have more than twice as many people serving indeterminate sentences than France, Germany and Italy combined—the highest in Europe by a significant margin.\textsuperscript{148}

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, nearly nine in 10 people (89%) serving an IPP sentence are still in prison 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{149}

15% 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{150}

397 people are still in prison despite being given a tariff of less than two years—over half of these (212 people) have served nine years or more beyond their original tariff.\textsuperscript{151}

There are a further 965 people serving an IPP sentence who are back in prison having previously been released—a 22% rise in only a year. The Parole Board has said it remains concerned about this.\textsuperscript{152}

The Parole Board predicts that, without legislation, there will still be 1,500 people in prison serving an IPP by 2020.\textsuperscript{153}

Last year the Parole Board ordered the release of 936 people on IPPs, including the re-release of 235 people recalled back to custody. However, in the same period 543 people on IPPs were recalled.\textsuperscript{154}

Life sentences

7,088 people are currently in prison serving a life sentence. Over half (52%) had a tariff of 10–20 years, a quarter had over 20 years and one in five (20%) had 10 years or less.\textsuperscript{155}

Over a quarter of people (27%) currently in prison on a life sentence have already served their minimum tariff.\textsuperscript{156}

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 17 years in custody, up from 13 years in 2001.\textsuperscript{157}

Judges are also imposing longer tariff periods.\textsuperscript{158} The average minimum term imposed for murder rose from 12.5 years in 2003 to 21.3 years in 2016.\textsuperscript{159}

There are currently 63 people serving a whole life sentence—they are unlikely to ever be released.\textsuperscript{160}

The vast majority of life sentenced prisoners are successfully integrated back into the community on release. 4% of those sentenced to a mandatory life sentence were reconvicted of any criminal offence within a year, compared to 48% of the overall prison population.\textsuperscript{161}

\textsuperscript{148} Table 7, Aebi, M., et al. (2018) Council of Europe annual penal statistics, survey 2016, Strasbourg: Council of Europe
\textsuperscript{149} Table 1.9a, Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, London: Ministry of Justice
\textsuperscript{150} Ibid.
\textsuperscript{151} Table 1.9b, Ibid.
\textsuperscript{155} Table 1.9a, Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, London: Ministry of Justice
\textsuperscript{156} Ibid.
\textsuperscript{158} Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation
\textsuperscript{159} Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL2315, 6 November 2017
\textsuperscript{160} Table 1.9a, Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, London: Ministry of Justice
\textsuperscript{161} Table C2a, Ministry of Justice (2018) Proven reoffending statistics: October to December 2016, London: Ministry of Justice
The legacy of the IPP

Nearly nine in 10 are stuck in prison beyond tariff

People in prison serving an IPP yet to be released

89% have already served their tariff

Over half of those had a tariff of four years or less

Source: Offender management statistics quarterly: April to June 2018

Risk of harm?

IPP prisoners are more likely to self-harm

Release rates for IPPs have risen sharply in the last three years

Source: Offender management statistics, Prison releases 2017 and Offender management statistics, Prison population 2017

But success is short lived for some

Growing numbers are ending up back in prison

Source: Offender management statistics quarterly: October to December 2018 and previous editions

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 2018
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.  

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.

A third of people (33%) were identified as having a learning disability or difficulty following assessment on entry to prison in 2016–17.  

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

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.

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.”

However, more than half of prisons inspected this year were actively identifying and supporting prisoners with learning disabilities—a marked improvement on previous years.

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.

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.

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

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

There is currently 82% population coverage of liaison and diversion services across England. This should rise to 90% by the end of March 2019, with full rollout by 2020–21.

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.

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.

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”.

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.

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.

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176 Ibid.
177 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
178 Ibid.
179 Correspondence between the Prison Reform Trust, Welsh Government, Department of Health and Social Services
The term ‘foreign national prisoner’ encompasses many different people. People may have come to the UK as children with parents; they may be second generation immigrants—often from former colonies; asylum seekers; people who have been given indefinite leave to remain as refugees; European and European Economic Area nationals or Irish nationals; people who have been trafficked into the country; people who would be persecuted if they returned to their country of origin; people who were entering or leaving the UK on false documents and were arrested at port of entry/exit; people who have entered the UK illegally; people who entered the UK as students and have over stayed on their visa; visitors or workers who have got involved in the criminal justice system.

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

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of arrangements 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 committed to provide £25m from the aid budget to help fund the construction of a new 1500-place prison—however, the prison building plan has since been rejected by the Jamaican government. Plans to construct a new 112-place prison wing in Nigeria were announced in March 2018.

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—a growing problem?

Numbers are falling…slowly

### Deportations on the rise

More than 45,000 people deported since 2010

Source: Offender management statistics, Prison population 2018 and previous editions

Source: Immigration statistics, April to June 2018

"year to June
Foreign nationals (non-UK passport holders) currently make up 11% of the prison population in England and Wales. On 30 September 2018 there were 9,047 foreign nationals in prison.  

Foreign national prisoners come from 161 countries—but over half are from nine countries (Poland, Albania, Ireland, Romania, Jamaica, Lithuania, Pakistan, Somalia and Portugal).  

The number of foreign nationals in prison in England and Wales is now lower than at any point since 2004. Between 2002–09 numbers rose by nearly 50%, compared with a 13% increase in British nationals. However, since then, numbers have steadily fallen.  

11% of women in prison are foreign nationals. Some are known to have been coerced or trafficked into offending.  

More than eight in 10 (81%) foreign nationals entering prison to serve a sentence in 2017 were sent there for non-violent offences.  

Foreign nationals accounted for 20% of self-inflicted deaths in 2017—all were men.  

Inspectors found that provision for foreign nationals was mixed. Interpreting services were not always used when they should have been, including the use of other prisoners when accuracy and confidentiality was required. In some prisons people struggled to access immigration-specific legal advice.  

Removal and deportation  

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

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

Immigration detainees  

321 people were still held in prison at the end of June 2018 under immigration powers, despite having completed their custodial sentence. Inspectors found that some people were notified late on in their sentences that they would continue to be held under immigration powers—in some cases the day before their sentence ended.  

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.  

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

Four men took their own lives in prison in 2017–18 while being held under immigration powers. They had all completed their prison sentences but were being held pending deportation from the UK.  

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”.  

Over £21m was awarded in compensation for the unlawful detention of foreign nationals between 2012 and 2017.

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181 Ibid.  
185 House of Commons written question 141741, 16 May 2018  
195 European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2013) CPT Standards, Strasbourg: Council of Europe  
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 offend, including the influential Corston Report on women with particular vulnerabilities in the criminal justice system—published over a decade ago.

In June 2018, the Ministry of Justice published its long awaited Female Offender Strategy. The strategy sets out three priorities: earlier intervention, an emphasis on community-based solutions and better custody for those women who do have to be in prison. It specifically commits to reducing the number of women serving short custodial sentences, and recognises “the major part that domestic abuse can play in female offending”. In September 2018 a cross-government Victims Strategy was published, and promises to “use trauma-informed approaches to support female offenders who are also victims”.

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

Use of custody

On 30 November 2018 there were 3,807 women in prison in England and Wales. 8,106 women entered prison in the year to June 2018—either on remand or to serve a sentence.

Many women remanded into custody don’t go on to receive a custodial sentence—in 2016, 60% of women remanded by the magistrates’ court and 41% by the Crown Court didn’t receive a custodial sentence.

Most women entering prison to serve a sentence (83%) have committed a non-violent offence.

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

The proportion of women serving very short prison sentences has risen sharply. In 1993 only a third of women given a custodial sentence were for less than six months—in 2017 it was nearly double this (62%).

Rehabilitation and resettlement

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

The number of women recalled to custody whilst under supervision after their release has more than doubled since the end of 2014—just before mandatory supervision was introduced for people serving sentences of 12 months or less on release. 1,762 women were recalled in the year to June 2018.

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

Women are generally more positive than men about the benefits of purposeful activity in prison in helping them on release. However, just 9% of women leaving prison secured employment—compared to 26% of men.

199 House of Commons written question 119151, 20 December 2017
200 Table 2.5b, Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, London: Ministry of Justice
201 Ibid.
207 Table 2, Ministry of Justice (2013) NOMS Offender equalities annual report 2012–13, London: Ministry of Justice
Women make up only **5%** of the total prison population.

**8,106** women entered prison in the year to June 2018—either on remand or to serve a sentence.

Source: Population and capacity briefing for 20 July 2018 and Offender management statistics quarterly: April to June 2018

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

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

<table>
<thead>
<tr>
<th>Offence</th>
<th>Women (%)</th>
<th>Men (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft</td>
<td>38%</td>
<td>20%</td>
</tr>
<tr>
<td>Summary (non-motoring)</td>
<td>20%</td>
<td>16%</td>
</tr>
<tr>
<td>Crimes against society</td>
<td>10%</td>
<td>11%</td>
</tr>
<tr>
<td>Violence against the person</td>
<td>9%</td>
<td>15%</td>
</tr>
<tr>
<td>Robbery</td>
<td>3%</td>
<td>4%</td>
</tr>
<tr>
<td>Sexual offences</td>
<td>1%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source: Offender management statistics, April to June 2018

Community sentences for women have halved in a decade—suspended sentences have risen, but account for only 3% of all sentences. Use of short prison sentences has remained stable.

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

Source: Criminal justice statistics quarterly December 2017, Sentencing data tool

Source: Safety in custody statistics quarterly update to June 2018

**There are now over 2,200 more women in prison today than there were 25 years ago.**

Source: Offender management statistics and Population and capacity briefing for 30 November 2018
Nearly two in five women (37%) left prison without settled accommodation—around one in seven (14%) were homeless and nearly one in 20 (4%) were sleeping rough on release in 2017–18.208

Family

Family contact can help reduce the risk of reoffending on release.209 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.210 The closure of HMP Holloway has increased this further according to inspectors.211

More than 17,240 children were estimated to be separated from their mother by imprisonment in 2010.212

39 babies were held in prison in a mother and baby unit (MBU) in March 2018. The number of applications to MBUs has fallen by 54% since 2011.213

Applications for admission to an MBU were successful in only three out of five cases (61%) where a board made a decision. 70 women moved into a unit in 2017–18.214

Mental health and addictions

Nearly two-thirds of women (65%) reported that they had mental health issues compared with over two-fifths of men (42%).215

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.216

58% of women reported having used Class A drugs in the four weeks before custody—compared with 43% of men.217

Nearly half of women reported needing help with a drug problem on entry to prison—compared with nearly three in 10 men.218

Social characteristics of female and male prisoners

- Entered prison to serve a sentence for a non-violent offence
- Have experienced emotional, physical or sexual abuse
- Committed their offence in order to support the drug use of someone else
- Have attempted suicide at some point
- Have spent time in local authority care
- Have symptoms indicative of psychosis
- Have no previous convictions/cautions

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entered prison to serve a sentence for a non-violent offence</td>
<td>83%</td>
<td>68%</td>
</tr>
<tr>
<td>Have experienced emotional, physical or sexual abuse</td>
<td>27%</td>
<td>53%</td>
</tr>
<tr>
<td>Committed their offence in order to support the drug use of someone else</td>
<td>22%</td>
<td>48%</td>
</tr>
<tr>
<td>Have attempted suicide at some point</td>
<td>21%</td>
<td>46%</td>
</tr>
<tr>
<td>Have spent time in local authority care</td>
<td>24%</td>
<td>31%</td>
</tr>
<tr>
<td>Have symptoms indicative of psychosis</td>
<td>15%</td>
<td>25%</td>
</tr>
<tr>
<td>Have no previous convictions/cautions</td>
<td>14%</td>
<td>22%</td>
</tr>
</tbody>
</table>

214 Ibid.
218 Ibid.
219 Table 2.4b, Ministry of Justice (2018) Offender management statistics quarterly: April to June 2018, 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.\textsuperscript{226} They are also committing fewer crimes—with proven offences down by 74% from their peak in 2006.\textsuperscript{227}

At the end of September 2018 there were 861 children in custody in England and Wales. 43 children were aged 14 or younger.\textsuperscript{228}

Three in 10 children in custody in 2016–17 were there for non-violent crimes.\textsuperscript{229}

Nearly three in 10 children (29%) remanded in custody were subsequently acquitted in the year to March 2017. More than a third (36%) went on to be given a non-custodial sentence.\textsuperscript{230}

Nearly half of all children in custody (46%) are from a black, Asian or minority ethnic background. The drop in youth custody has not been as significant for BAME children—a decade ago they accounted for a quarter (26%).\textsuperscript{231}

Children in care were five times more likely to be sanctioned for an offence than children in the general population in 2016.\textsuperscript{232} Fewer than 1% of all children in England are in care,\textsuperscript{233} but they make up around two-fifths of children in secure training centres (38%) and young offender institutions (42%).\textsuperscript{234}

22% of children held in young offender institutions identified themselves as Muslim.\textsuperscript{235}

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 8% of children in young offender institutions (YOIs) also said they were.\textsuperscript{236}

Sources: Youth Justice Board Monthly youth custody report May 2018 and Youth Justice Statistics 2016–17

\begin{figure}
\centering
\includegraphics[width=\textwidth]{chart.png}
\caption{Prison works?}
\end{figure}

\begin{figure}
\centering
\includegraphics[width=\textwidth]{chart2.png}
\caption{Falling numbers—but declining safety}
\end{figure}

\begin{table}
\centering
\begin{tabular}{|c|c|}
\hline
Prison works? & Falling numbers—but declining safety \\
\hline
Child custody has dropped significantly—and so has offending & Restraint, assaults and self-harm amongst children rising \\
\hline
\end{tabular}
\end{table}

\textsuperscript{226} Table 1, Youth Custody Service (2018) Monthly youth custody report—September 2018, London: Ministry of Justice
\textsuperscript{227} Table 4.2, Ministry of Justice (2017) Youth justice statistics 2015–16 England and Wales, London: Ministry of Justice
\textsuperscript{228} Table 1 and 8, Youth Custody Service (2018) Monthly youth custody report—September 2018, London: Ministry of Justice
\textsuperscript{229} Table 7.6, Ministry of Justice (2018) Youth Justice Statistics 2016–17, London: Ministry of Justice
\textsuperscript{230} Table 6.5, Ibid.
\textsuperscript{231} Table 1 and 6, Youth Custody Service (2018) Monthly youth custody report—September 2018, London: Ministry of Justice
\textsuperscript{232} Table II, Department for Education (2017) Children looked after in England including adoption: 2016 to 2017, London: DfE
\textsuperscript{235} Ibid.
People in prison

Safety in custody

Only three of the nine children’s establishments inspected in 2017–18 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.237

Children’s perceptions of their safety continues to be poor. 43% of children told inspectors that they had felt unsafe in their current YOI and 19% said they felt unsafe at the time of the inspection.238

Assault rates amongst children in custody remain high, with an average of 228 assaults a month. There were 20 assaults per 100 children in custody in the year to March 2017, up from nine in 2010.239

Measures to address increasing violence have reduced time out of cell. Inspectors found many boys spent most of their sentence locked up. Boys on the most restricted regimes could have as little as 30 minutes out of their cells for showers, telephone calls and exercise outside.240

Most incentive schemes focus on punitive measures rather than rewarding positive behaviour according to inspectors. Less than half (43%) of children in YOIs said that the different levels of the reward scheme made them change their behaviour.241

Restraint of children in custody remains high, with an average of 377 incidents a month. In the year to March 2017, there were 32 incidents of restraint per 100 children in custody, up from 18 in 2010.242

BAME children are more likely to be restrained. For every 100 children in custody there were 36 incidents of restraint on BAME children a month, compared with 30 incidents on white children.243

Drugs and alcohol

Nearly half of children entering custody (45%) were assessed as having a substance misuse concerns.244

More than one in five children (22%) said it was easy to get illegal drugs in their YOI.245

8% of boys said they had an alcohol problem on arrival into custody—5% said they had received help.246

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.247

One in 10 boys held in YOIs reported having children themselves.248

Education and skills

The educational background of children in custody is poor—nearly nine out of 10 children (89%) in YOIs said they had been excluded from school.249

Over two-fifths (41%) said that they were aged 14 or younger when they were last at school.250

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.251

238 Ibid.
243 Table 8.6, Ibid.
244 Youth Justice Board (2017) Key characteristics of admissions to youth custody April 2014 to March 2016, London: Ministry of Justice
246 Ibid.
248 Ibid.
250 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 DYOI sentence (a custodial sentence specifically for young adults) classifies young adults as aged 18–20, HMPPS policy and practice increasingly recognises that the process of brain development and maturity takes place up to the age of 25. 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.

13,870 young adults (aged 18–24) are currently in prison in England and Wales—they account for 17% of the total prison population.252

There are now over a third (37%) fewer young adults (aged 18–24) in prison in England and Wales than in 2011.253

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.254

Two-fifths (40%) of young adults are serving a prison sentence for violence against the person or robbery—nearly a third (32%) are there for a theft or drug offence.255

People aged 18–24 accounted for more than a quarter (28%) of all self-harm incidents in 2017.256

Rates of violence have also increased. 18–24-year-olds were responsible for over 7,000 assaults and more than 5,600 fights in 2017. This is more than double the number of assaults, and a 10% rise in fights since 2010—when the population was significantly higher.257

Inspectors found that most prisons made little distinction in the treatment of young adults—despite the evidence on brain development and maturity.258

People in young adults prisons have the least time out of cell. 38% said that they had less than two hours out of their cell on a weekday, and only 4% said they had over 10 hours.259

Purposeful activity, such as education and training opportunities, for young adults requires improvement. All three of the young adult prisons inspected this year were rated as not sufficiently good.260

BAME young adults often report more negatively about their relationships with staff. Fewer said that staff treated them with respect; fewer had a member of staff they could turn to for help; and fewer said that staff normally spoke to them when they were out of their cells.261

Nearly a quarter of young adults (aged 18–24) are on the basic level of the Incentives and Earned Privileges (IEP) scheme—up from 14% in 2014.262

Inspectors found that the IEP scheme was the least effective in young adult prisons. A focus on punitive measures and an inadequate regime for people on basic meant that many spent long periods on the lowest levels without any improvement in their behaviour.263

253 Ibid.
257 Table 3.3, Ibid.
261 Ibid.
HEALTH IN PRISON
Drugs and alcohol

Receiving treatment for drug and alcohol addictions in the community can reduce offending. More than two-fifths of people (44%) didn’t reoffend, and there was a 33% reduction in the number of offences committed, in the two years following treatment.²⁶⁵

Drugs

Chief Inspector of Prisons, Peter Clarke has said that psychoactive substances, such as Spice, are “having a dramatic and destabilising effect in many of our prisons”.²⁶⁶ They continue to be linked to violence, debt, organised crime and medical emergencies.²⁶⁷

Nearly half of men (47%) and 31% of women reported that it was easy to get drugs in their prison.²⁶⁸

189kg of drugs were confiscated from within prisons in 2017—a further 50kg were found in the first three months of 2018.²⁶⁹

The quantity of drugs seized by prison staff has increased by nearly a quarter (23%) in the last year. There were over 13,000 incidents where drugs were found in the year to March 2018.²⁷⁰

More than one in 10 (13%) adult men surveyed by inspectors reported that they had developed a problem with illicit drugs since they had arrived at prison.²⁷¹

More than one in 10 random mandatory drug tests (MDT) in prison in 2017–18 were positive—the highest level since the year ending March 2006. This doubles to one in five, when psychoactive substances are included.²⁷²

However, inspectors found that the MDT programme was not running effectively in nearly half (46%) of the men’s prisons they inspected in 2017–18—mainly due to staff shortages.²⁷³

Psychoactive substances are the most prevalent drug type in prison—accounting for 60% of positive drug test samples in the year to March 2018.²⁷⁴

Drug use amongst people in prison

Reported drug use in the two months before custody

- 64% Under 30 years old
- 19% 50 years old or over

Drugs—a gender divide?

- Had problem on arrival
- Developed problem in prison

Source: HM Inspectorate of Prisons, Changing patterns of substance misuse in adult prisons and service responses

²⁶⁸ Ibid.
²⁶⁹ House of Lords written question HL10989, 31 October 2018
There were 117 deaths in prison between June 2013 and September 2018, where the person was known, or strongly suspected, to have used or possessed psychoactive substances before their death.  

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%.  

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.  

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

One in 10 men in prison reported that they had developed a problem with using prescription medication meant for other people whilst in prison.  

15% of men and 14% of women in prison are serving sentences for drug offences.  

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

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

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

Over 55,000 people in prison received drug and alcohol treatment during 2016–17. Over half (52%) were for support with opioid use.  

Women in custody are more likely than men to be in treatment for opiate addiction. More than seven in 10 women (72%) receiving treatment in custody during 2016–17 were there for opiate addiction, compared with just under half of men (48%).  

However, a higher proportion of women than men (73% compared with 59%) said they had been helped with their drug problem in prison.  

Less than a third of adults in prison (30%) in need of substance misuse treatment following release in 2016–17 were successfully engaged in community-based treatment within 21 days.  

Alcohol  

Nearly half (49%) of all adults receiving treatment in custody during 2016–17 had problematic alcohol use—either as their only problem substance or alongside other drug use.  

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.  

Women are significantly more likely to say they have a problem with alcohol on arrival to prison than men (24% against 18%).  

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%).
Mental health

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

An independent review, conducted by former Home Office minister, Lord Bradley (The Bradley Report, 2009) called for adequate community alternatives to prison for vulnerable people. The 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. These services identify and, where appropriate, divert people with mental health problems, learning disabilities and other support needs away from the criminal justice system and into treatment and care. There is currently 82% population coverage of liaison and diversion services across England. This should rise to 90% by the end of March 2019, with full roll-out by 2020–21.

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

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

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

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

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.

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.

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.

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.

936 people were transferred from prison to a secure hospital in 2017.

Men waited too long to be transferred to mental health care in seven in 10 prisons in 2017–18 according to inspectors—this was mostly due to external issues, including the national shortage of secure mental health beds. NHS England introduced a national plan in 2018 to address these issues.

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

Disability

36% of people in prison are estimated to have a physical or mental disability. This compares with 19% of the general population.\(^{305}\)

11% have a physical disability, 18% have a mental disability and 7% have both.\(^{306}\)

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%).\(^{307}\)

People in prison with disabilities report more negatively about many key aspects of prison life.\(^{308}\)

Nearly two-thirds of people in prison with a disability (63%) reported feeling unsafe—with nearly half (49%) saying they’d been victimised by other prisoners.\(^{309}\)

Two-fifths of people in prison with a disability said they had been victimised by staff.\(^{310}\)

One in seven people in prison with a disability said they had been restrained by staff in the last six months—compared with one in 10 people without a disability.\(^{311}\)

People in prison with a disability were less likely to report being in training or having a job than those without a disability.\(^{312}\)

They also report spending more time in their cells. A quarter of people in prison with a disability said that they spent less that 2 hours out of their cells each weekday, compared with 18% of people without a disability.\(^{313}\)

Inspectors found that wheelchair and mobility access was generally poor in all but the newest prisons. It was not uncommon to see wheelchairs left outside cells that had doors too narrow to navigate, leaving some prisoners confined inside.\(^{314}\)

Nearly one in five children (19%) held in young offender institutions said they had a disability.\(^{315}\)

Boys with disabilities were more likely to say they’d been victimised by other boys and staff, and felt unsafe at some time.\(^{316}\)

Health and social care

The majority of prisons deliver a reasonably good standard of health care most of the time according to inspectors.\(^{317}\)

However, requirement notices were issued to over half of adult male prisons in England inspected by the Care Quality Commission in 2017–18 following breaches of regulations.\(^{318}\)

Recurrent concerns included low health staffing levels, excessive waiting times for some services, and inadequate management of lifelong conditions.\(^{319}\)

People in prison receive inequitable social care support in prisons according to inspectors. People could receive a poor, satisfactory or very good service based on which prison they were sent to.\(^{320}\)
Inspectors found significant delays between referrals and assessment of social care needs in some prisons, in some cases up to five months. They found people who had to wait several months to receive equipment, such as wheelchairs.\textsuperscript{321}

Under a quarter of men (23\%) and less than one in five women (19\%) said it was easy to see a doctor.\textsuperscript{322}

Three-quarters of women (76\%) report taking medication, compared with just over half (53\%) of men.\textsuperscript{323}

NHS England will introduce an IT upgrade in prison healthcare units to enable the exchange of health records between prisons and community GPs. Roll-out is due to be completed by February 2020.\textsuperscript{324}

Smoking has now been banned in all prisons in England and Wales. Inspectors found that the roll-out of the ban had “largely gone well”, however, in some prisons it had been linked to an increase in medical emergencies, as psychoactive substances were no longer diluted by tobacco. They also found that there had been some abuse of nicotine replacement products.\textsuperscript{325}

Approximately four times as many people in prisons smoke as in the general population, according to research conducted before the introduction of the ban.\textsuperscript{326}

The rate of infection for blood-borne viruses, such as Hepatitis B and C and HIV, is four times higher in prisons than in the general population.\textsuperscript{327}

The prevalence rate of TB amongst people in prison in England is nearly three times higher than in the general population.\textsuperscript{328}

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.\textsuperscript{329}

The Prisons and Probation Ombudsman (PPO) found that healthcare staff in many cases treated people who had died from natural causes in a caring and compassionate manner—judged to be equivalent to the treatment they could have expected to receive in the community.\textsuperscript{330}

However, the ombudsman also found “too many” healthcare failings—including investigations where healthcare staff failed to make urgent referrals to specialists, and a lack of continuity of care when people are transferred from prison to hospital, and back again.\textsuperscript{331}

People can apply for compassionate release if they have a life expectancy of less than three months, are bedridden or severely incapacitated.\textsuperscript{332}

The number of people granted compassionate release for health reasons is low—between 2012 and 2017, only 58 people were released. A further 14 people have been released to date in 2018.\textsuperscript{333}

Compassionate release was only considered in 36\% of 314 cases examined by the PPO. However, in 43\% of these cases, an application was still under consideration at the time of death.\textsuperscript{334}

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.\textsuperscript{335}

\textsuperscript{321} Ibid.
\textsuperscript{323} Ibid.
\textsuperscript{328} Ibid.
\textsuperscript{331} Ibid.
\textsuperscript{332} House of Lords written question HL2099, 1 November 2017 and House of Lords written question HL10937, 6 November 2018
\textsuperscript{337} House of Lords written question HL2099, 1 November 2017 and House of Lords written question HL10937, 6 November 2018
\textsuperscript{339} Ibid.

46
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.336

Prison has a poor record for reducing reoffending—nearly half of adults (48%) are reconvicted within one year of release. For those serving sentences of less than 12 months this increases to 64%.337

58% of women are reconvicted within one year of leaving prison. This rises to 73% for sentences of less than 12 months and to 83% for women who have served more than 11 previous custodial sentences.338

Over two-thirds of children (68%) sent to prison are reconvicted within a year of release. This rises to 74% for sentences of 6 months or less, and 71% for sentences between 6 and 12 months.339

Short prison sentences are less effective than community sentences at reducing reoffending. People serving prison sentences of less than 12 months had a reconviction rate over six percentage points higher than similar offenders serving a community sentence—they also committed more crimes.340

Community sentences are particularly effective for people who have committed a large number of previous offences (more than 50) and those with mental health problems.341

For people with more than 50 previous offences, the odds of reoffending were 36% higher when given a short custodial sentence rather than a community sentence.342

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

Receiving treatment for drug and alcohol addictions in the community can reduce offending. More than two-fifths of people (44%) didn’t reoffend, and there was a 33% reduction in the number of offences committed, in the two years following treatment.344

Some factors affecting reconviction

<table>
<thead>
<tr>
<th>People are less likely to be reconvicted if they receive family visits whilst in prison</th>
<th>People are less likely to be reconvicted if they live with their immediate family on release</th>
</tr>
</thead>
<tbody>
<tr>
<td>69%</td>
<td>57%</td>
</tr>
<tr>
<td>of prisoners said they had received visits from family whilst in prison</td>
<td>said they were living with their immediate family on release</td>
</tr>
<tr>
<td>68%</td>
<td>61%</td>
</tr>
<tr>
<td>No visits</td>
<td>Not living with family</td>
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<tr>
<td>47%</td>
<td>48%</td>
</tr>
<tr>
<td>Visits</td>
<td>Living with family</td>
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<tr>
<th>People are more likely to be reconvicted if they use class A drugs on release</th>
<th>People are less likely to be reconvicted if they secure a job after their release</th>
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<tbody>
<tr>
<td>1 in 3</td>
<td>28%</td>
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<tr>
<td>said they had used class A drugs since leaving custody</td>
<td>of prisoners had been in employment the year after custody</td>
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<tr>
<td>76%</td>
<td>59%</td>
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<tr>
<td>Used class A drugs</td>
<td>Unemployed</td>
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<tr>
<td>43%</td>
<td>39%</td>
</tr>
<tr>
<td>Did not use class A drugs</td>
<td>Employed</td>
</tr>
</tbody>
</table>


342 Ibid.
343 Ibid.
Purposeful activity

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

Just over two in five prisons (43%) received a positive rating from inspectors in 2017–18 for purposeful activity work—down from half of prisons the year before.346

Inspectors found that people continue to spend too long locked up in their cells—around a quarter were routinely locked up during the working day, and in some cases more than half. This is “leading to frustration, boredom, greater use of illicit substances and often deteriorating physical and mental health”.347

People are more likely to be locked up for longer in local prisons and young adult prisons. Nearly a third of people in local prisons (32%) and nearly four in 10 people in young adult prisons (38%) said they spent less than two hours a day out of their cells.348

Even in training prisons, where people serve most of their sentence and work to reduce their risk of reoffending, one in five people (20%) said they were locked up for more than 22 hours a day.349

In 18 of the 39 adult male prisons inspected in 2017–18, there were not enough places for all people to take part in education or vocational training throughout the week. Three in five prisons (60%) inspected failed to use all their activity places—leaving people without work, education or training.350

Education

Engagement with education can significantly reduce reoffending. The proven one year reoffending rate is 34% for prisoner learners compared to 43% for people who don’t engage in any form of learning.351

Over half (54%) of people entering prison were assessed as having literacy skills expected of an 11 year old352—more than three times higher than in the general adult population (15%).353

Changes to prison education contracts now allow greater flexibility to fund opportunities, such as arts, and informal learning to allow people to engage and progress during their sentence.354 The government is planning to allow prisons to commission education services once existing contracts end in 2019.355

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

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

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

The number of English and maths qualifications achieved has also plummeted—numbers fell by 29% between the 2011–12 and 2017–18 academic years.359
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. Students must be within six years of their release date to be eligible for a student loan, limiting opportunities for people serving long prison sentences.  

Just 200 people achieved a level 3 qualification in the 2016–17 academic year via mainstream prison learning—a small increase on the year before, but under a fifth of the number in 2011–12.  

However, the number of people studying with the Open University is rising again—there were over 1,200 people studying in England and Wales in 2017–18.  

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

Employment  
The number of people working in prison is increasing—numbers have risen by 17% since 2015.  

An average of 10,200 prisoners are working in the public prison estate, and a further 2,100 are working in private prisons. They worked for over 17 million hours in total during in 2017–18.  

However, inspectors found that in too many prisons, work remains mundane, unskilled and repetitive, such as packing boxes or cleaning wings. Where people did develop work skills, they were often not recorded, recognised or accredited, leaving people unable to demonstrate their abilities to prospective employers.  

The Government aims to encourage more employers to create employment opportunities for people in prison and on release. The New Futures Network has been established to develop partnerships between prisons and employers that create opportunities for people on release—in addition to delivering purposeful activity in prison.  

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

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362 Provided by Open University
363 Ibid.
365 Ibid.
The government plans to introduce a Prisoner Apprenticeship Pathway—a formal 12 month apprenticeship on release to provide resettlement with a guaranteed job and a guaranteed income.370

Timpson actively recruit people with convictions to work for them, and currently employ around 650 Foundation colleagues. There are seven prison training academies, including at HMPs Downview, New Hall, Blantyre House and Whitemoor—a High Security prison. 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.371

The Clink Charity operates restaurants, which are open to the public, at HMPs High Down, Cardiff, Brixton, the women’s prison HMP Styal, and a cafe in central Manchester, in partnership with the prison service. It offers prisoners the chance to gain experience and qualifications in the food and hospitality industry, with mentoring and guidance to find full-time employment, and provide resettlement support upon release. Research by the Ministry of Justice showed a 41% reduction in the likelihood of reoffending and a lower frequency of reoffences.372

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

Halfords has opened bike repair workshops at HMP Onley and women’s prison HMP Drake Hall with the aim of full time employment on release. The workshop provides training to people to become cycle mechanics, reconditioning used bikes and donating them along with new helmets to schools. Over 400 bikes have been donated so far.374

Peer-support

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

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

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

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

The Samaritans’ Listener Scheme is active in almost every prison across the UK. In 2017 there were 1,540 active Listeners in place—with 1,487 Listeners trained during 2017. 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 80,640 times during 2017.378

371 Provided by Timpson. James Timpson, Chief Executive of Timpson, is Chair of the Prison Reform Trust
373 Provided by Lendlease
376 Provided by St Giles Trust
377 Provided by Shannon Trust
378 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.

In 99.91% of cases ROTL is completed successfully. There were just 11 failures as a result of alleged further offending in 2017 out of more than 350,000 instances of ROTL.379

People who are given ROTL have lower rates of reoffending. The more that ROTL is used, the greater the impact on reoffending and the number of offences people commit.380

Despite this, restrictions were introduced on ROTL which have seen its use drop by a third in the last four years. At the time restrictions were introduced the success rate was 99.93%.381

The government has since said that it will consult governors and employers on proposals to increase the opportunities available to prisoners to gain experience in real workplaces through ROTL.382

A total of 2,224 people—an average of only 456 per month—were working out of the prison on licence during 2017–18.383

They paid £247 per month on average to the Prisoners’ Earnings Act levy — the equivalent of a quarter of their net earnings.384

£6.78m has been paid to Victim Support since the introduction of the levy in October 2011.385

Home Detention Curfew (HDC)

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

There were 9,312 releases on HDC in 2017 — a 3% increase on the year before. However, use of HDC has fallen significantly since 2002 when over 20,000 people were released.386

Just over a fifth (21%) of people who were eligible to be released were granted HDC in 2017.387

384 Ibid.
385 Ibid.
386 Ibid.
**Resettlement**

Nearly everyone in prison will be released at some point. Last year 71,495 people were released.\(^{388}\)

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.\(^{389}\)

**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.

Only 17% of people are in PAYE employment a year after leaving prison.\(^{390}\)

Half of respondents to a 2016 YouGov survey said that they would not consider employing an offender or ex-offender.\(^{391}\)

Just one in five people (22%) leaving prison and referred to the Work Programme have found a job which they have held for six months or more. Of these, more than two in five people (42%) have subsequently gone back to Jobcentre Plus.\(^{393}\)

However, more than 110 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.\(^{394}\)

**Accommodation**

Entitlement to housing benefit stops for all sentenced prisoners expected to be in prison for more than 13 weeks. This means that many people have very little chance of keeping their tenancy open until the end of their sentence and lose their housing.

One in seven people who left prison in the year to March 2018 were homeless. This increases to more than one in five people serving a prison sentence of less than six months.\(^{395}\)

The Homelessness Reduction Act 2017 means that prisons and probation providers are now required by law to refer people who might be at risk of becoming homeless to the local housing authority.\(^{396}\)

A £6m pilot has been announced to support people serving short sentences who are at high risk of returning to prison. The pilot aims to provide stable accommodation for up to two years from people leaving HMPs Leeds, Pentonville and Bristol.\(^{397}\)

**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.\(^{398}\)

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.\(^{399}\)

People cannot make a claim for Universal Credit until they have been released from prison. Concerns have been raised that this is placing people into unnecessary hardship on release.\(^{400}\)

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389 Prison Service Instruction 72/2011 Discharge, Annex B
392 Table 2.8, Department for Work and Pensions (2018) Work programme official statistics to December 2017, London: DWP
396 House of Commons written question 7749, 12 September 2017
398 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{401}

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{402}

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, 56\% of women and 47\% of men surveyed by inspectors in 2017–18 reported that they did.\textsuperscript{403}

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{404}

One in 10 boys in young offender institutions told inspectors that they had children themselves.\textsuperscript{405}

Only around half of men (46\%) and women (53\%) were offered a free telephone call on their first night in prison to let family know that they were okay.\textsuperscript{406}

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{407} The closure of HMP Holloway has resulted in more women being held further away from friends and family according to inspectors.\textsuperscript{408}

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{409}

However, only three in 10 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{410}

Nearly half of women (48\%) and men (46\%) said they had problems sending or receiving mail.\textsuperscript{411}

Inspectors found that in many prisons people were often locked up at 6pm or earlier—affecting their access to the telephone and contact with their family.\textsuperscript{412}

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{413}

Secure in-cell telephones, with reduced call costs, have been introduced at a number of prisons to make keeping in touch more easier and more affordable. People in prison reported that their relationship with partners, children and wider family had deepened, strengthened, and become more resilient as a result.\textsuperscript{414}

The government has announced £7m this year to expand in-cell telephones to other prisons, and digital kiosks to speed up arranging visits and other tasks.\textsuperscript{415}

\textsuperscript{401} Criminal Justice Joint Inspection (2014) resettlement provision for adult offenders: accommodation and education, training and employment, London: HM Inspectorate of Prisons
\textsuperscript{402} Farmer, M. (2017) the importance of strengthening prisoners' family ties to prevent reoffending and reduce Intergenerational Crime, London: Ministry of Justice and HM Inspectorate of Prisons
\textsuperscript{404} Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
\textsuperscript{410}HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP
\textsuperscript{413}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 people 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.” It is expected that this will be introduced in spring 2019, and if successful, should significantly reduce the numbers of individuals being sent to prison.

A new Management of Offenders Bill, currently before the Scottish Parliament, will allow an expansion of electronic monitoring and reduce the amount of time that a criminal record will have to be disclosed.

The Scottish Government has set a target to reduce the women’s prison population—with places for up to 230 women. A new national 80-place unit for women will be built along with five community custodial units, holding 20 women each, to allow them to be closer to their communities and families. The new national prison for women and the first two community custody units in Glasgow and Dundee will open in 2020.

Sentencing and the use of custody

On 23 November 2018 the total number of people in custody in Scotland stood at 7,917. Scotland now has the highest imprisonment rate in western Europe—143 people in prison per 100,000 of the population. England and Wales have an imprisonment rate of 141 per 100,000, France 104 per 100,000 and Germany 75 per 100,000.

14% of people sentenced by the courts were given a custodial sentence in 2016–17. This has remained broadly the same over the last decade. Three-quarters of people sentenced to custody in 2016–17 had committed non-violent offences.

Prison sentences are getting longer. The average length of a custodial sentence is now over 10 months (313 days)—over two and a half months (81 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 over a quarter (28%) of custodial sentences given in 2016–17.

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 1,358 people were in prison on remand in 2017–18, down from 1,370 the year before.

The cost of imprisonment has risen in recent years. It now costs an average of £35,293 per prison place—up by nearly £3,400 in the last five years.

The use of community sentences has risen by 16% in the last decade—they accounted for 20% of all sentences in 2016–17.

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416 This section has been updated as extensively as possible with the available information. Long-standing technical issues continue to affect the publication of up to date statistics on prisons in Scotland, with no clear timetable for when they will be resolved. According to the Scottish Government, data for 2014–15 have been affected by an unrelated critical incident and release will be further delayed pending resolution.
422 The Criminal Justice and Licensing (Scotland) Act 2010
Safety in prisons

There have been 131 deaths in custody in the last five years—with 26 so far in 2018. 76 of these deaths are still under investigation. 427

Of those cases where investigations have concluded, three in 10 (29%) deaths were found to be self-inflicted. 428

Self-harm incidents are increasing. There were 574 incidents in 2017, more than double the number in 2013. 429

Violence in prisons is increasing despite a fall in the prison population. There has been a 25% rise in recorded prisoner on prisoner assaults since 2012–13. 430

Assaults on staff have risen by 52% during the same period. There were 283 assaults on staff in 2017–18, 14 were serious. 431

People in prison

More than three-quarters (78%) of tests carried out on people entering prison in 2017–18 were positive for illegal drugs. 432

Many people in prison have previously been in care. Over a third of women (38%) and a quarter of men (25%) reported having been in care as a child. 433

There are now 345 people aged over 60 in prison. 434 This trend is likely to continue according to inspectors, due to an increase in prosecutions for historic sexual offences, and in sentence lengths. 435

Over a third of people in prison reported having a disability (34%) a similar proportion said they had a long term illness (35%). 436

Nearly seven in 10 women (69%) and six in 10 men (61%) in prison reported that they had children. 437

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428 Ibid.
431 Ibid.
Women in prison

The number of women in prison is virtually identical to a decade ago. There were 371 women in prison on average during 2017–18, one less than in 2007–08. Remand accounts for nearly two-thirds (64%) of all receptions of women into prison. Only around 30% of women on remand go on to receive a custodial sentence. A higher proportion of women commit ‘crimes of dishonesty’ than men—16% of proven offences by women were for acquisitive crimes compared with 11% of men’s.

Women are more likely to report being under the influence of drugs at the time they committed their offence—more than half (53%), compared with 37% of men.

104 pregnant women have been held in prison in Scotland between 2013–2017—during this time 31 children have been born whilst in prison.

Seven in 10 women in prison reported that they had been a victim of domestic violence.

Children and young adults in prison

There were 340 young people (under 21) in prison as of 23 November 2018—56 of these were under 18. The number of young people sent to prison has fallen by 68% in the last decade. Almost half (46%) of young people were under the influence of drugs at the time of their offence (compared to 38% adults). One-in-eight (12%) committed their offence to get money to buy drugs.

Over half (56%) of young people reported being drunk at the time of their offence.

Almost half (46%) of young people reported being in care as a child.

Rehabilitation and resettlement

43% of people released from custody are reconvicted within a year—rising to 58% for men and 61% for women with more than 10 previous convictions.

Only three in 10 people (29%) in prison said they had accessed services while in prison to help them prepare for release.

Nearly half of people in prison surveyed said that they lost their accommodation when they went to prison (49%). Over a third (35%) said they didn’t know where they would be living on release.

Two in five (40%) people in prison surveyed said that if they were offered help for their drug problem they would take it—however, just a quarter said they’d received it.

Nine in ten (89%) people in prison said they were in regular contact with someone outside. The most common forms of contact were telephone (71%), followed by letter (62%) and visits (52%).

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**

The Northern Ireland Prison Service has committed to a reform programme lasting 10 years or more—focusing on effective leadership; purposeful activity opportunities; equality of outcomes for prisoners, with a more diverse workforce; improving accommodation; and a strong relationship with healthcare.

However, the continued deadlock over power-sharing means that Northern Ireland is currently without a justice minister or a functioning Northern Ireland Executive and Assembly. The Chief Inspector of Criminal Justice in Northern Ireland, Brendan McGuigan, has delayed retirement and been reappointed to the post for another year, and has also undertaken the additional responsibility of the Prisoner Ombudsman’s office since 2017 following the retirement of Tom McGonigle.

At HMP Maghaberry, a new 360 cell block is scheduled to open in late 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.

### Sentencing and the use of custody

**The number of people in prison in Northern Ireland continues to fall.** On 23 November 2018 the total population stood at 14,208—35 fewer people than the previous year.456

**The number of people entering prison also fell by 3% last year.** There were 5,092 receptions into prison during 2017–18.457

**The number of people entering prison for fine default continues to remain high.** Numbers fell significantly in 2013 following a Judicial Review, but numbers have risen again in recent years. 611 people went to prison in 2017–18 for failure to pay a fine—up from 224 in 2014–15.458

**The imprisonment rate for Northern Ireland is 74 per 100,000 of the population.** England and Wales have an imprisonment rate of 141 per 100,000, France 104 per 100,000 and Germany 75 per 100,000.459

**The number of convictions has decreased by a quarter (26%) since 2010.** However, there has been a rise in the proportion of sentences resulting in custody. In 2010, 9% of people convicted were sentenced to custody, by 2017 this had risen to 12%. The proportion receiving suspended sentences has also risen from 11% to 16%.460

### 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.461

Remand accounted for more than half (55%) of all receptions into prison in 2017–18, with 2,786 receptions in total. 368 people on average were held in prison on remand. On average they spend four months in prison.462

**Sentences of a year or less accounted for over two-thirds (68%) of sentenced receptions in 2017–18.**463

**The average cost per prisoner place has fallen from historically high levels**—costing £55,304 per year in 2017–18, down from £73,732 in 2010.464

![Image](https://example.com/image.png) Other UK prison systems

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458 Figure 8, Ibid.


460 Table 6c, Department of Justice (2018) Court Prosecutions, Conviction and Out of Court Disposals Statistics for Northern Ireland 2017, Belfast: Department of Justice and Table 6c, Department of Justice (2014) Court Prosecutions, Conviction and Out of Court Disposals Statistics for Northern Ireland 2013, Belfast: Department of Justice


Safety in custody

During 2017–18 there were three deaths in custody—two at Maghaberry prison and one at Magilligan. Two appeared to be self-inflicted. There have been three further deaths announced so far this year. A review of vulnerable people in custody was announced in 2016 but has yet to report.

Concerns have been raised that lessons are not being learned. The Prisoner Ombudsman’s office has said that recommendations from death in custody reports which have been accepted “have not been implemented and on many occasions, recommendations have been repeated.”

Half of people 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.

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

Around one in 10 people tested positive for drugs—HMP Magilligan (10%) and HMP Maghaberry (9%).

Treatment and conditions

Availability of constructive activity in prisons varies widely. At Magilligan, people spent around 70 hours a month in constructive activity, whereas at Maghaberry people only spent around 20 hours per month. However, inspectors have questioned the accuracy of this data, and warned that it doesn’t provide any indication of quality.

Inspectors found significant improvements at HMP Maghaberry—staff-prisoner relationships were much more positive, there was better supervision and a predictable regime had been introduced which contributed to a safer environment.

However, despite a reduction in violence at HMP Maghaberry nearly one in three people (29%) still said they felt unsafe.

Inspectors continue to find worse outcomes for Catholics in prison than Protestants. Inspectors said that “a serious attempt was being made” at Maghaberry prison, to help understand the reasons.

People in prison

Almost 40% of people reported that they had a problem with drugs when they came into prison—31% with prescription drugs.

44% of people reported having a problem with alcohol when they came into prison.

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.

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.

9% of the prison population are foreign nationals—nearly two-thirds (62%) are on remand.

469 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI
470 Ibid.
474 Ibid.
476 Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI
477 Ibid.
478 Ibid.
Women in prison

On 23 November 2018 there were 65 women in prison in Northern Ireland. They accounted for 8% of receptions into prison in 2017–18.

Receptions to prison increased by 38% for women between 2014–15 and 2017–18—whilst men's rose by 4%. Much of the increase has been due to a rise in the number of women on remand and fine default.

Over three-quarters of women entering prison to serve a sentence are there for non-violent offences. The majority are for theft and public order offences.

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.

Children and young adults in prison

167 children (aged 10–17) entered custody in 2017–18, a 20% increase in the last year, the vast majority were boys (86%). 21 children were held in custody on average.

Most children are in custody on remand—accounting for nearly three-quarters (71%) of the population.

More than two in five children in custody (43%) were in care—they accounted for more than half of all receptions into custody in 2017–18.

Inspectors have raised concerns that children continue to be inappropriately placed in custody at times of crisis when no alternative accommodation is available, and when offending is not serious.

134 young adults (aged 18–20) entered custody in 2017/18 to serve a sentence.

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

Rehabilitation and resettlement

Inspectors have raised concerns at the lack of targets, performance data or outcomes available to assess measures to reduce risk, reoffending, and preparing people to return to the community.

39% of adults released from custody went on to be reconvicted within a year. Nearly three in five people (59%) who reoffended did so within three months of release; four in five (81%) had within six months.

Over a third of people (36%) had no accommodation confirmed to go to on release from prison.

Of the 41 children released from custody, 40 committed a proven reoffence—more than half had reoffended within the first two months.

Inspectors found increased use of home leave to support rehabilitation, and that work to maintain relationships with children, families and friends “remained very strong” at HMP Magilligan.

The number of people recalled to custody is increasing. 218 people were recalled back to prison in 2017–18, up from 189 two years ago. Inspectors have called for an analysis of the reasons for recall to learn lessons.
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