

Prison Reform Trust submission to the Comprehensive Spending Review – September 2020

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

The Prison Reform Trust's main objectives are:

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

www.prisonreformtrust.org.uk

We are grateful for the opportunity to submit representations, and mindful of the pressures created for the Government's spending plans by the impact of Covid 19. Our submission therefore concentrates on the potential to avoid unnecessary expenditure and to reduce waste. It is relevant to two of the priorities set out:

- levelling up economic opportunity across all nations and regions of the country by investing in infrastructure, innovation and people – thus closing the gap with our competitors by spreading opportunity, maximising productivity and improving the value add of each hour worked.
- improving outcomes in public services, including supporting the NHS and taking steps to cut crime and ensure every young person receives a superb education.

The waste in our prisons

The Public Accounts Committee in its report published on 10 September this year concerning the prison estate <https://committees.parliament.uk/committee/127/public-accounts-committee/publications/> , stated

“the Ministry has once again exposed taxpayers to higher than expected costs as a result of inadequate planning, unrealistic assumptions and poor performance whilst managing facilities within prisons”

The report describes a prison system characterised by dilapidated facilities, crippled by a £900m maintenance backlog, and a spectacular failure to deliver on a promise of 10,000 new prison places. It seems improbable that a new promise of 10,000 additional places will be delivered on time, on budget, and possibly at all.

The PAC also describes how the chronic mismatch between the government's ambitions for the prison system and its ability to deliver on those promises leads to poor conditions within prisons and very high rates of reoffending. An overcrowded system, with prisoners often held far from home and with a daily regime that provides no more than a few hours of constructive activity, typically does little to mitigate the obvious and unavoidable harm that imprisonment does to the prospect of a person leading a "law abiding and useful life after release".

A less well publicised waste within the prison system, but one that has increased very significantly since the turn of the century concerns the length of sentences. PRT's own analysis shows, for example, that the typical time served in custody on a life sentence has risen from 14 years in 2002 to 17 years in 2017. That average will inevitably increase substantially because of the much more dramatic inflation in "tariff" length (the minimum period of incarceration set by the court) from 12.5 years to over 21 years in the same period.

An analysis for PRT <http://www.prisonreformtrust.org.uk/Publications/vw/1/ItemID/578> completed in 2017 by Dr Savas Hadjipavlou of Justice Episteme showed that without the inflationary sentencing measures contained in the Criminal Justice Act 2003, the prison population would have been around 70,000 in that year, effectively eliminating the requirement to overcrowd. A separate analysis by the former director of finance for the prison service, Julian LeVay, estimated the capital cost of prison building since 1980 to have been £3.7bn, generating an annual resource cost of £1.5bn. The Ministry of Justice's own analysis puts the annual economic and social cost of reoffending at over £18bn https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814650/economic-social-costs-reoffending.pdf

Our current prison system, and the forced inactivity of the over 80,000 citizens that it holds, therefore does nothing to level up economic opportunity. By contrast, to a greater degree than any of our European neighbours, through excessive use of prison we destroy the potential of people to contribute to our economy and instead create a drain upon it through the direct costs of their incarceration and the wider costs consequent upon the damage we do to their future prospects. But far from building new prisons to allow for the closure of inhumane and inefficient parts of the estate, the government is now committed to building new prisons at rapidly inflating prices (<https://www.bbc.co.uk/news/uk-england-leicestershire-53999384>), while continuing to use and service the mounting repair costs of many prisons that should no longer be in use.

In a previous submission to the 2015 spending review we set out the elements of a strategy to reduce the prison population and the waste it represents. <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Consultation%20responses/Spending%20Review%202015%20representation.pdf>

Such a strategy remains what the evidence and an interest in value for money demands. Unfortunately, the current government appears to be wed to an evidence-free belief in the utility of an ever more punitive approach. Without a fundamental change in direction, it is destined to continue to waste the taxpayers' cash in the way so comprehensively described by the Public Accounts Committee.

Women

Paradoxically, the previous government appeared to grasp the logic of an evidence led approach to imprisonment when it published its female offender strategy in 2018. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf The current government has indicated that it

remains committed to implementing that strategy, but has done little to do so and invested only the most modest and short term funding in its support.

This spending review represents just the latest opportunity to implement a whole system approach to the treatment of women who offend or at risk of offending, based on a national network of women's centres. The Treasury's own analysis in 2017 estimated direct costs to government of female offending of around £1.7bn in 2015/16, yet the total funding so far allocated to the implementation of the female offenders strategy so far amounts to £5m with a further £2.5m promised. The evidence is clear and comprehensively described in the government's own strategy – a costed and timetabled plan for that strategy's implementation is long overdue.

People who need treatment

The prison population includes a disproportionate number of people whose offending is related to issues around alcohol or substance misuse, and/or mental health issues, including learning disabilities. Community sentence treatment requirements have been available to the courts since 2005 but rarely used. The government is currently funding pilots in 9 courts to promote the use of these requirements and the evaluation shows that they are popular with sentencers and lead to dramatically improved compliance rates by the people who receive such orders, often instead of being sent to prison.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810010/cstr-process-evaluation-report.pdf

This review represents an opportunity to roll out the pilot arrangements across England and Wales.

Digital services in prisons

The pandemic has highlighted the historic under-investment in prisoner-facing ICT in prisons. In-cell technology with restricted internet access would have transformed the ability of prisons to maintain a humane regime. Technology that is now ubiquitous outside prisons could support work, education, resettlement and the maintenance of family ties, exactly as it has done in the wider community during the pandemic. But it is almost completely absent within prisons.

This review should make money available for a digital transformation in prisons, allowing prisoners to take far greater responsibility for their own welfare and future. Exactly as it does in most industries and services, the provision of in-cell ICT has the potential to free up the time of trained prison staff to use their skills for the tasks which technology cannot perform, and in particular the maintenance of a safe and caring environment. It also prepares prisoners for the life they will lead after release. It is a crucial "levelling up" tool for a group of citizens characterised by social exclusion and historic disadvantage.

Conclusion

While we welcome the invitation to submit representations and applaud the request that such representations should be evidence based, we have to point out that the government's approach to the punishment of crime, and the use of prison in particular, continues to be driven by political expediency. In relation to sentencing it is made for the most part without reference to one of the statutory purposes of sentencing, to promote rehabilitation, and with apparent disregard for the resource consequences of doing so. As a consequence, money

provided by previous spending reviews for the improvement of the prison estate and the provision of decent conditions has not been spent on the purposes for which it was voted by parliament. The prison system continues to lurch from crisis to crisis, crippled by systemic overcrowding that prevents it from delivering any of the ambitions successive ministers set for it. It is surely time to bring such a chronic waste of public money to an end, which a rational and evidence based approach to the prevention and punishment of crime would permit.