



## Prison Reform Trust Representation to the 2015 Spending Review

### Who we are

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective prison 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 prisoners and their families.

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.

[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

### Our proposal

We have taken careful note of both the guidance and the launch document for this spending review. Our core representation is that a significant reduction in the use of imprisonment fits precisely with the majority of criteria set out in those documents. We believe it is reasonable to expect resource savings ultimately in excess of £1bn annually<sup>1</sup>. We are not in a position to assess the short term consequences for capital expenditure, although we do make proposals about the principles that should govern capital spending on the prison estate. In the long term, a smaller, modernised estate would offer significant and enduring resource savings.

It is well known that the use of imprisonment in England and Wales has grown dramatically over the last two decades. A succession of expert reviews has charted the reasons for that growth.<sup>2 3</sup> What is clear is that the growth in the population has not been caused by an increase in crime, which has fallen on all measures during the same period. Nor has an increase in imprisonment been pursued as an object of policy. With the exception of a brief interlude in the late 1990s, when the then Home Secretary, Michael Howard, declared that "prison works", successive administrations have accepted the consistent and persuasive evidence that community penalties have a better record in terms of reducing reoffending than custodial penalties for an equivalent cohort<sup>4</sup>. Instead, the growth in the population reflects a series of individual decisions, often prompted by a desire to respond to public

---

<sup>1</sup> Estimates of the cost of a prison place vary, but NOMS Annual Report and accounts for 2013/14 reported an average annual cost of £36,237 per prison place. A reduction of 27,600 prison places would produce a saving of £1bn

<sup>2</sup> Story of the Prison Population. Ministry of justice 2013

<sup>3</sup> A Presumption against Imprisonment, British Academy for Humanities and Social sciences 2014, which in turn cites a number of previous studies and reports

<sup>4</sup> 2013 Compendium of re-offending statistics and analysis Ministry of Justice Statistics bulletin Published 11 July 2013

concern over particular cases, and the impact of which on long term population growth has either been misunderstood or considered secondary to the need to maintain public confidence. These have led to harsher sentencing overall, a dramatic increase in the use of indeterminate sentences, and a significantly more risk-averse approach to decisions associated with discretionary release and recall of long term prisoners.<sup>5</sup>

The consequence has been a 90% increase in the use of imprisonment since 1993, and, despite a dramatic cost cutting exercise in public prisons, a **direct** expenditure on prisons in 2013/14 of £2.8bn.<sup>6</sup>

Our submission is that the prison population could safely be returned to 1993 levels by a variety of interventions aimed at:

- reducing the flow of suspects and convicted offenders into custody,
- increasing the intensity but reducing the length of sentences, which should in future be served largely in local community prisons;
- and adjusting the framework within which discretionary decisions affecting release and recall are taken.

That conclusion echoes the finding of the Justice Select Committee's March 2015 Report on Prisons: Planning and Policies. It concluded that, "the size of the prison budget, the fact that it completely dominates expenditure on crime, the importance of reducing crime, and other problems identified in this report all indicate that we need to re-evaluate how we use custody and alternatives to custody in a cost-effective way which best promotes the safety of the public and reduces future crime"<sup>7</sup>

The Prison Reform Trust has played an important role in designing and helping to carry through a comparable strategic 5 year programme to reduce the use of imprisonment for children. That programme has been independently researched and evaluated<sup>8</sup>, and contributed to a reduction of two thirds in the number of children imprisoned between 2007 and 2014.<sup>9</sup> Proven offences by the same age group also fell by 72% during that period<sup>10</sup>.

We examine later in this representation some of the potential components of an overall strategy, much of which reflects work with which PRT is already closely involved. We believe it meets the criteria set out in the guidance and launch document in the following ways:

## **Spending Review guidance**

### **Effectiveness and Feasibility**

Prisons serve a number of different purposes, which need to be held in balance. The long standing statement of purpose for the Prison Service states:

---

<sup>5</sup> When Kenneth Clarke became Justice Minister in the new Coalition Government in 2010, he asked 'why is the prison population twice what it was when I was the home secretary not so very long ago?' (in 1992), and committed the government to a serious review of sentencing policies. He noted 'it's not to be soft on sentencing, it's to be sensible on sentencing, and bear in mind everybody who is sent to prison costs more than it costs to send a boy to Eton'.

<sup>6</sup> National Offender Management Service Annual Report and Accounts 2013-14, Management Information Addendum 28 October 2014

<sup>7</sup> HC 309 Published on 18 March 2015 by authority of the House of Commons London: The Stationery Office Limited

<sup>8</sup> An Independent Review of the Out of Trouble programme, Annabelle Jackson Associates 2012

<sup>9</sup> Table 2.1 Youth Justice Board (2015) Monthly youth custody report – March 2015, London: Ministry of Justice

<sup>10</sup> Table 4.2, Ministry of Justice (2015) Youth Justice Statistics 2013/14, England and Wales

*Her Majesty's Prison Service serves the public by keeping in custody those committed by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in custody and after release.*

The Prison Service's record for secure custody has improved beyond recognition over the last two decades. Escapes are rare, and the failure rate for prisoners released under the Governor or Director's discretionary power of temporary release is now vanishingly small<sup>11</sup>. None of these achievements are put in jeopardy in a smaller estate – indeed, the reverse is true, if a modest amount of the overall saving is reinvested in promoting better staff-prisoner relationships with the increase in intelligence and compliance that that brings with it.

The Service's record on treating prisoners with humanity, by contrast, is deteriorating in the face of staffing cuts<sup>12</sup> made while prisons remain overcrowded and in the absence of investment in both regime facilities and prisoner-facing ICT. After several years of steady improvement, the rate of suicide increased sharply in 2014. Her Majesty's Chief Inspector for Prisons, in his 2015 Annual Report<sup>13</sup> has observed that:

*“assessed outcomes in the prisons we reported on in 2014–15 fell sharply across all areas and, overall, the outcomes we reported on in 2014–15 were the worst for 10 years.”*

That deterioration includes the task of helping prisoners to lead law abiding lives in custody. Levels of illicit drug use remain high but are increasingly difficult to assess because of the widespread use of new psychoactive substances, which are currently undetectable. They may well have contributed to a significant rise in violent crime within prison where prisoners are both perpetrators and victims, with an increase of one third in serious assaults in 2014<sup>14</sup>.

The objective of helping prisoners to lead law abiding lives after release has received a great deal of dedicated attention for much of the last two decades. There have been modest improvements in reoffending rates for longer term prisoners, and some evidence of a treatment impact from cognitive behavioural programmes that typically take around 6 weeks to complete<sup>15</sup>. But the reoffending rate for prisoners serving short sentences remains stubbornly high. Overall, half of prisoners released from custody are reconvicted within a year of release from prison, roughly double the reconviction rate for all offenders. The Chief Inspector comments that overcrowding – the inevitable consequence of a rising population –

*“is not simply a matter of two prisoners sharing a cell designed for one with an unscreened toilet – undesirable though that is. It means that a prison will not have the activity places, the support mechanisms or the rehabilitation programmes it needs for the size of its population”<sup>16</sup>*

In short, in all but one of its balanced elements, the unnecessary use of imprisonment is seriously undermining the effectiveness of the Prison Service. The Service's own analysis of its performance supports the Chief Inspector's conclusions with the proportion of prisons

---

<sup>11</sup> Ministry of Justice (2014) Statistical Notice: Releases on Temporary Licence. Of 485,000 releases in 2012, there were 428 failures, with only 26 of those involving a prisoner being arrested on suspicion of committing an offence

<sup>12</sup> Table 2, Ministry of Justice (2015) National Offender Management Service workforce statistics bulletin: December 2014, London: Ministry of Justice

<sup>13</sup> HM Chief Inspector of Prisons for England and Wales Annual Report 2014–15 Presented to Parliament pursuant to Section 5A of the Prison Act 1952 as amended by Section 57 of the Criminal Justice Act 1982. Ordered by the House of Commons to be printed on 14 July 2015

<sup>14</sup> Table 3.1, Ministry of Justice (2015) Safety in custody statistics quarterly update to December 2014, London: Ministry of Justice

<sup>15</sup> Evaluation of the impact of the HM Prison Service Enhanced Thinking Skills programme on reoffending Outcomes of the Surveying Prisoner Crime Reduction (SPCR) sample Greg Sadlier Ministry of Justice Research Series 19/10 November 2010

<sup>16</sup> HMCIP Annual Report 2015 Ibid

judged to be “of concern” or “of serious concern” rising from 13% in 2012/13 to 24% in 2014/15<sup>17</sup>

In relation to feasibility, the example of reducing child imprisonment is instructive. We recognise the critical importance of maintaining public confidence. However, the raft of adjustments needed to achieve a significant reduction in unnecessary imprisonment would not impinge either on the just and proportionate punishment of serious offending nor on the incidence of crime generally. The reverse is likely to be true, with lower reoffending rates for community based punishments, and a wide range of social benefits from a reduction in the damage done to families and other factors that tend to reduce the prevalence of offending, including employment and housing. We set out below areas in which work is already underway or could be started which is both feasible and likely to contribute to the overall benefit of a smaller prison population.

### **Value for Money**

As with other areas of public service, prisons have been subject to continuous efficiency measures for many years. Competition and, more recently, benchmarking have driven down the cost of imprisonment dramatically<sup>18</sup>. The scope for further efficiency gains is now limited, however, especially in an operation where the maintenance of good professional relationships between staff and prisoners is the cornerstone of every aspect of the service delivered -security, safety and rehabilitation. The quality of prison regimes in many prisons is now severely compromised, and the attention that should be paid to sensible investment – for example, in ICT that could improve many aspects of prison life, or in staff training to raise skill levels and improve their impact on the lives of offenders – is curtailed by the incessant pressure to create new spaces.

Paradoxically, the effect of overcrowded prisons now operating with little or no margin is that the existing facilities within the prison – often contracted separately at considerable cost – tend to be underused. The Chief Inspector’s Annual Report for 2015 shows only 1 in 4 prisons providing an acceptable level of purposeful activity. Even in the best scenario, there is now an acceptance as a matter of policy that education, gymnasium and visits facilities, for example, will lie idle every evening, 7 days a week. This is in sharp contrast to facilities in the community, where similar physical assets are expected to be in use for far more of every day, providing both value and choice.

Similarly, the retrenching of prison regimes to save money has had the effect of ensuring that all the unusual fixed costs of the prison environment – the investment in security and safety systems, for example, and catering, health, heating, lighting and maintenance – represent a higher proportion of the overall cost of a prison sentence than they otherwise would. Crudely, the amount of time spent in constructive, purposeful engagement with prisoners, likely to impact on their future behaviour, is in much smaller proportion to the overall cost of keeping them incarcerated than it needs to be. Prisons waste far more time than they use. Shorter periods of custody, but of greater intensity, would represent far greater value for money than the public currently expects or receives from imprisonment. Our view is that only a modest portion of the overall saving from a reduced prison population would need to be reinvested to create this new paradigm for the prison experience.

---

<sup>17</sup> National Offender Management Service Prison Annual Performance Ratings 2014/15

<sup>18</sup> National Offender Management Service Annual Report and Accounts 2013-14 Management Information Addendum Ministry of Justice Information Release Published 28 October 2014

## **Macro-economic implications**

The Secretary of State for Justice has rightly referred to offenders as potential assets to society<sup>19</sup>. However, incarceration obliterates a person's contribution to the economy, and is likely to do the same for their family. There is no tax yield from prisoners, and families are more likely to require state support following imprisonment than with a community penalty. Assistance with housing, employment, benefit and debt is required for a majority of released prisoners<sup>20</sup>. The cost to the economy of reoffending has been estimated by the NAO as between £9.5bn and £13bn annually<sup>21</sup>. In summary, the potential savings to the public purse of a reduction in the prison population are in addition to, and far greater than, the direct and cashable savings associated with the operation of prisons.

## **Legislative and operational requirements**

Most of the programme of change required is not reliant on primary legislation. Although the statutory basis for prisons is old (the Prison Act 1952), and the sentencing framework has been confused by a plethora of criminal justice legislation under successive governments, practical improvements are possible without primary legislation and might even be delayed by it.

Operationally, a reduction in overcrowding and modest reinvestment of a small part of the overall saving from reducing the population could have a transformative effect on the quality of delivery in prisons and its outcomes.

## **Sectoral and distributional impacts**

Elements of a programme to reduce imprisonment may impact on other services – in particular the diversion of people with mental health needs and learning disabilities from the criminal justice system. These are described below and a detailed business case is under construction to demonstrate the saving overall in relation to that specific and well advanced reform. This spending review is a vital opportunity to complete that unusual programme of cross departmental co-operation, which reduces both the overall cost to the taxpayer and harm to individuals and their families.

## **Administrative and compliance costs and issues**

These are materially affected by a reduction in the prison population, insofar as they should reduce, with fewer prisons to inspect and a reduction in central overheads.

---

<sup>19</sup> "The Treasure in the Heart of Man – Making Prisons work" – 17 July 2015

<sup>20</sup> Cf "Time is Money", K Edgar and C Bath, Prison Reform Trust and Unlock 2010

<sup>21</sup> National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office

## **The Government's Priorities for spending**

Reducing imprisonment fits with the Review's stated priorities in the following ways:

### **Promoting innovation and greater collaboration in public services**

Since the Woolf Report of 1991<sup>22</sup>, PRT has championed the central recommendation of that report that the ideal model for the prison estate is the community prison<sup>23</sup>. Prisons sited in the communities where they are needed, rather than in remote locations determined only by the historic availability of land or buildings, have the ability to integrate with relevant local services. The best local prisons do this already, but are undermined by the relocation of prisoners to distant "training" prisons. Typically these are on sites that have been chosen for their remoteness, such as former RAF bases, prisoner of war camps and asylums. As a consequence, the relationships built up in local prisons with local health, education and housing services, and with local employers, do not produce the dividend of which they are capable. A reduction in the prison population and the consequent changes to the prison estate would allow for a more rational and cost effective approach to where prisoners spend their sentence –close to home, family support and the services that will assist their eventual resettlement.

### **Promoting growth and productivity, including through the radical devolution of powers to local areas in England**

One of the curious features of imprisonment is that its cost is neither known nor considered by the communities which create the demand for it. It is a "free good" in the criminal justice system, with no local accountability for controlling demand or meeting its cost. The public is informed only in the broadest terms of the cost of imprisonment and there is no local benefit to reducing it. A recent study of "justice reinvestment" pilots shows that local authorities are able to influence demand<sup>24</sup>, and we urge that further work be undertaken to make the local costs of imprisonment transparent, and to allow for the reinvestment of at least a portion of savings from its reduction to be invested locally rather than absorbed centrally.

Specifically in relation to Greater Manchester, we are aware that local agencies have collaborated in detail and for some time to redesign the delivery of local services in ways that reduce reoffending and avoid duplication. Prisons in the area are involved, but inevitably on the periphery when their management and resourcing is centrally determined and controlled. We suggest that Greater Manchester represents a promising area to consider absorbing the responsibility and funding for imprisonment as part of the devolution deal in its next iteration. We believe this would require far greater transparency about the costs of imprisonment and prompt more radical consideration of how to provide a service to the public and local courts which both commands their confidence and achieves best value for money. It would symbolise and reinforce the reality that offenders from the region, including those in custody, remain the responsibility of local services and are most likely to refrain from further offending if those local services collaborate effectively both during and after their sentence.

---

<sup>22</sup> Woolf Report (1991) Prison Disturbances April 1990 - Report of an Enquiry By the Right Hon Lord Justice Woolf and His Honour Judge Stephen Tumin. Cm. 1456. London: HMSO

<sup>23</sup> Cf Strangeways 25 Years On – achieving fairness and justice in our prisons, M Dat, A Hewson and C Spiropoulos, Prison Reform Trust 2015

<sup>24</sup> Local Justice Reinvestment Pilot: Final process evaluation report Kevin Wong, Dan Ellingworth and Linda Meadows Hallam Centre for Community Justice, Sheffield Hallam University Ministry of Justice Analytical Series 2015

## **Delivering high quality services**

At the risk of labouring the point, all of the indicators of performance for the Prison Service, both external and internal, demonstrate an underlying deterioration of the quality of service in the last two to three years. This is not true for all prisons, but the systemic trend is very clear and unlikely to be reversed in the face of further cuts unless demand is radically reduced.

## **Promoting choice and competition**

As explained above, the way in which prison services are provided is centrally driven, and largely determined by the perpetual struggle to provide enough spaces for whatever the justice system produces nationally. Competition to operate whole prisons was similarly centralised, as is the current piecemeal contracting out of “ancillary” functions that has replaced it. As a consequence, there is no choice for local communities in how money is spent, and the scale of the opportunities put out to tender militates against the involvement of smaller, more local and specialised providers. Prison governors have no discretion to invest locally, and even regional discretion is limited. A community prison model would reverse this trend.

## **Driving efficiency and value for money across the public sector**

As we have explained above, the impact of changes in prison resourcing over recent years has been to reduce cost but not to improve either efficiency or value for money. Performance has deteriorated as cost has reduced. Our current approach is characterised by the waste of both human and physical assets. Pockets of excellent practice now, and many historic examples, demonstrate that this is avoidable, but the system as a whole requires the breathing space of a reduction in demand and the modest reinvestment of a portion of the resulting savings in order to deliver a high quality service comprehensively.

## **An outline programme to reduce imprisonment**

As we have indicated, we believe a programme to reduce the unnecessary use of imprisonment can be described under three broad headings:

- controlling the flow of people into the system;
- making better and more intense use of a shorter custodial period, which should in future be served largely in local community prisons;
- and adjusting our attitude to those releases from prison which have a discretionary element.

## **Controlling the flow of people into the system**

### **People with mental health problems or a learning disability**

Many people who come into contact with criminal justice services have multiple needs, and high numbers have mental health problems or learning disabilities.

The high incidence of mental health problems amongst people who offend, especially prisoners, has long been acknowledged; see for example, Singleton, N. et al (1998)<sup>25</sup>; Social Exclusion Unit (2002)<sup>26</sup>; Stewart, D. (2008)<sup>27</sup>; Centre for Mental Health (2009)<sup>28</sup>; Brooker et al (2011)<sup>29</sup>. Some groups of offenders are especially vulnerable to mental health conditions; for example poor mental health amongst women prisoners is higher than for men (Ministry of Justice, 2013)<sup>30</sup>; while the rates of mental health conditions amongst children who offend are around three times higher than within the general children's population (Hagell, 2002<sup>31</sup>; Chitsabesan, 2006)<sup>32</sup>. Research shows that 43% of children on community orders have emotional and health needs, and rates amongst children in custody are even higher (Healthcare Commission, 2009)<sup>33</sup>. Black and minority ethnic communities are disproportionately represented in both mental health care and in the criminal justice system (Race for Justice, 2008<sup>34</sup>; Centre for Mental Health, 2013)<sup>35</sup>; yet, despite such over-representation, evidence suggests that BME prisoners are under-represented in prison mental health team case loads (Centre for Mental Health, 2011)<sup>36</sup>.

More recently, the incidence of prisoners with a learning disability has come to the fore. It is estimated that around 2% of the general population has a learning disability (Department of Health, 2001<sup>37</sup>; Emerson and Hatton, 2008<sup>38</sup>), compared to around 7% of the prison population (Mottram, 2007)<sup>39</sup>; while 20-30% of the prison population has a learning disability or difficulty that interferes with their ability to cope within the criminal justice system (Prison Reform Trust, 2007)<sup>40</sup>. In 2008, the UK Joint Committee on Human Rights raised concerns about 'serious failings in the criminal justice system, which gives rise to the discriminatory treatment of people with learning disabilities' (paragraph 212, March 2008)<sup>41</sup>; which, according to two joint thematic reports on the treatment of offenders with learning disabilities

---

<sup>25</sup> Singleton, N. et al (1998) *Psychiatric morbidity among prisoners in England and Wales*, ONS 1998, London; HMSO

<sup>26</sup> Social Exclusion Unit (2002) *Reducing re-offending by ex-prisoners*, London: Social Exclusion Unit

<sup>27</sup> Stewart, D. (2008) *The problems and needs of newly sentenced prisoners: results from a national survey*, London: Ministry of Justice

<sup>28</sup> Centre for Mental Health (2009) *Mental Health Care and the Criminal Justice System*, London: Centre for Mental Health

<sup>29</sup> Brooker, C., Sirdifield, C., Blizard, R., Maxwell-Harrison, D., Tetley, D., Moran, P., Pluck, G., Chafer, A., Denney, D. & Turner, M. (2011) *An investigation into the prevalence of mental health disorder and patterns of health service access in a probation population*. Lincoln: University of Lincoln.

<sup>30</sup> Ministry of Justice (2013) *Gender differences in substance misuse and mental health amongst prisoners*. London: Ministry of Justice

<sup>31</sup> Hagell, A. (2002) *The mental health of young offenders, a report commissioned by the Mental Health Foundation*, London: Mental Health Foundation

<sup>32</sup> Chitsabesan, P., Kroll, L., Bailey, S., Kenning, C., Sneider, S., MacDonald, W. and Theodosiou, L. (2006) 'Mental health needs of young offenders in custody and in the community' *The British Journal of Psychiatry*, 188, 534-540

<sup>33</sup> Healthcare Commission (2009) *Actions speak louder: a second review of healthcare in the community for young people who offend*, Commission for Healthcare Audit and Inspection and HM Inspectorate of Probation

<sup>34</sup> Race for Justice (2008) *Les equal than others: Ethnic minorities and the criminal justice system*

<sup>35</sup> Centre for Mental Health (2013) *The Bradley Commission: Black and Minority Ethnic Communities, mental health and criminal justice*, London: Centre for Mental Health

<sup>36</sup> Centre for Mental Health (2011) Briefing 39: Mental health care and the criminal justice system, London: Centre for Mental Health

<sup>37</sup> Department of Health (2001) *Valuing People*; White Paper, Cm 5086, London: Department of Health

<sup>38</sup> Emerson, E. and Hatton, C. (2008) *People with Learning Disabilities in England*, Lancaster University: Centre for Disability Research

<sup>39</sup> Mottram, P.G. (2007) *HMP Liverpool, Styal and Hindley Study Report*, Liverpool: University of Liverpool

<sup>40</sup> Prison Reform Trust (2007) *Prisoners with learning disabilities and learning difficulties – review of prevalence and associated needs*, London: Prison Reform Trust

<sup>41</sup> Joint Committee on Human Rights (2008) *A life like any other? Human Rights of Adults with Learning Disabilities*, Seventh Report of Session 2007-08, London: TSO



within the criminal justice system, continues to this day (HM Inspectorate of Probation, 2014 and 2015)<sup>42</sup>.

In December 2007 Lord Bradley was invited by the government to undertake an independent review of people with mental health problems or learning disabilities in the criminal justice system. Lord Bradley's subsequent report, *The Bradley Report* (Department of Health, 2009)<sup>43</sup>, made 82 recommendations, most of which are being taken forward, one being for a nationwide liaison and diversion service.

Liaison and diversion trial sites became operational in April 2014, with 22% population coverage across England in the first year. Services work with the police to identify suspects with mental health problems, learning disabilities or substance misuse problems, and help to secure the most appropriate response to improve their health and wellbeing and reduce reoffending. For example, an appropriate response might be to address an individual's mental health and/or substance misuse problems; a referral to social support, such as a women's centre, housing or independent living; reasonable adjustments to ensure an individual can understand and participate effectively in criminal justice proceedings; or diversion away from criminal justice into treatment or care.

At around the same time as Lord Bradley's review, the *Care not Custody* campaign called for a more appropriate response to people with mental health problems or learning disabilities in contact with criminal justice services. A partnership between the National Federation of Women's Institutes and the Prison Reform Trust, *Care not Custody* was inspired by the tragic experience of a WI member whose son, a young man with mental health problems, killed himself while in prison. In March 2011, at a reception hosted by the WI and PRT, the Secretaries of State for Health and Justice jointly announced their commitment to developing liaison and diversion services across England, and the investment of £50 million to support this initiative. Following this reception, the *Care not Custody* Coalition was convened. The Coalition, which comprises 31 allied professional groups and charities, representing almost two million people across the health, social care and justice sectors and wider civic society, show the breadth of support that there is for the development of liaison and diversion services. The organisations and professional bodies in membership have agreed to work together to support the government in keeping its 'care not custody' promise, and to hold government to account for effective delivery. The Coalition is well placed to monitor the implementation of liaison and diversion arrangements, offering support for positive steps and raising concerns where they arise.

In 2014/15, the first full year of trial site liaison and diversion services – and with only 22% population coverage – 16,273 adults and 2,431 children benefitted from intervention support. Over half of these individuals were identified in police custody, so reducing unnecessary use of police time in managing vulnerable individuals and their subsequent progression through the criminal justice system.

Population coverage for 2015/16 has increased to 53% and, according to NHS England, the number of vulnerable suspects receiving support has grown proportionately. Full rollout of liaison and diversion services, by 2017/18, should see around 100,000 vulnerable individuals receiving support year on year, which has the potential to make a significant impact on prison numbers. Opportunities would further arise to review sentencing guidelines, with liaison and diversion services providing a 'safeguard' for vulnerable adults and children who come into contact with criminal justice services.

---

<sup>42</sup> HMI Probation (2014 and 2015) *Criminal Justice Joint Inspection: A joint inspection of the treatment of offenders with learning disabilities within the criminal justice system – phase one* (2014) from arrest to sentence; phase two (2015) in custody and the community, HMI Probation: London

<sup>43</sup> Department of Health (2009) *The Bradley Report: Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system*, Department of Health: London

For adults identified by liaison and diversion services as having particular needs, who continue along the justice pathway and are sentenced by the courts, it is noteworthy that community orders and suspended sentence orders are more effective, by almost seven percentage points, at reducing one-year proven reoffending rates than custodial sentences of less than 12 months (Ministry of Justice, 2013a)<sup>44</sup>. Support facilitated by liaison and diversion, or referrals made to local services have the potential to add value; for example, when offenders serving community sentences were asked what would help them to stop offending, 50% said having somewhere to live (Ministry of Justice, 2013b)<sup>45</sup>, while the independent living support charity, KeyRing<sup>46</sup>, has calculated that the support they provide for their members who are ex-offenders can save at least £349 for every week that an individual is kept out of prison<sup>47</sup>.

Many individuals identified by liaison and diversion services are 'high-frequency/high-cost' users of public services. For example, in 2014/15, 55% of adults identified with mental health needs also had problems with substance abuse, alcohol abuse or both. Amongst those with alcohol abuse problems, three-quarters also experienced mental health problems; while for adults with substance abuse problems, the percentage with mental health problems was higher, at 79%. Amongst children who come into contact with liaison and diversion services, slightly fewer than a fifth are identified as having suspected learning disabilities, autism, and/or communication difficulties; and slightly more than a fifth experience family conflict. Intervention by liaison and diversion services, and referral to local services, can help to prevent the escalation of situations that may require a more intensive and costly response at a later date.

Timely intervention from liaison and diversion services should further help to build a clearer picture of local need, so helping to inform joint strategic needs assessments and health and wellbeing strategies. Opportunities for co-commissioning, utilising aligned or pooled budgets, where appropriate, should result in value for money and, ultimately, better outcomes for offenders, for the families of offenders, and the wider community. While the integration of liaison and diversion services with healthcare in police custody, alongside street triage, place of safety (s136)<sup>48</sup> and Appropriate Adult services<sup>49</sup> offers further value for money potential.

Liaison and diversion services have an important role to play in reducing prison numbers; they are well placed to identify need at an individual's first point of contact with criminal justice services, and can help to ensure necessary treatment or support to reduce reoffending and improve health and wellbeing.

The existing level of investment for liaison and diversion services should be base-lined within mandate funding for NHS England, and finances made available from 2016/17 to extend liaison and diversion services to 100% population coverage – so meeting the *Care not Custody* promise.

---

<sup>44</sup> Table A1, Ministry of Justice (2013a) *2013 Compendium of reoffending statistics and analysis*, London: Ministry of Justice

<sup>45</sup> Ministry of Justice (2013b) *Results from the Offender Management Community Cohort Study: Assessment and sentence planning*, London: Ministry of Justice

<sup>46</sup> [www.keyring.org](http://www.keyring.org)

<sup>47</sup> This calculation is based on a prison placement costing £40,000 per annum compared with KeyRing costs, housing benefit, job seekers allowance and council tax but does not include savings made by police and courts.

<sup>48</sup> <sup>48</sup> See, HMI Constabulary (2013) '*A Criminal Use of Police Cells? The use of police custody as a place of safety for people with mental health needs*'; a joint review by HMI of Constabulary, HMI of Prisons, the Care Quality Commission and Healthcare Inspectorate Wales to examine the extent to which police custody is used as a place of safety under section 136 of the Mental Health Act 1983.

<sup>49</sup> See, National Appropriate Adult Network (2015) *There to help: ensuring provision of appropriate adults for mentally vulnerable adults detained or interviewed by police*, London: NAAN

## Women

A series of inquiries and reports in recent decades, most notably the 2000 report of the Prison Reform Trust's Committee on Women's Imprisonment (the Wedderburn Report), the 2007 Review of Women with Particular Vulnerabilities in the Criminal Justice System (the Corston Report), the 2011 report of the Women's Justice Taskforce (Reforming Women's Justice), and the Scottish Government's Commission on Women's Offenders in 2012<sup>50</sup>, have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who get caught up in the criminal justice system. The Justice Select Committee inquiry into women offenders concluded that "prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety" and called for "a significant increase in residential alternatives to custody as well as the maintenance of the network of women's centres" seen as "more effective, and cheaper...than short custodial sentences"<sup>51</sup>.

Despite this mass of evidence to support a more economic and effective approach, the prison population in England and Wales more than doubled between 1995 and 2010, from 1,979 to 4,267. Encouragingly, more recently the numbers declined by 10% – from 4,279 women in April 2012 to 3,841 in April 2015, although this still represents an annual total of new receptions into custody of over 9,000 women. The Prison Reform Trust has now started a major three year drive supported by the Big Lottery Fund to reduce the number of women who are sent to prison for minor non-violent offences.

The economic case for reducing the use of imprisonment for women is especially compelling because of the prevalence of women in prison who are also primary carers. 6 out of 10 women in prison are parent to two or more dependent children, but less than one in ten of those children are cared for by their father during the mother's imprisonment. A much lower proportion of women leave prison to go into employment than men (8% against 27%), and a 2008 study by the New Economics Foundation (NEF) estimated the cost over 10 years of children of imprisoned mothers becoming NEET (not in education, employment or training) as £170m<sup>52</sup>. The average annual cost per year for a woman is also higher than for a man's prison place (£44,329 against £36327)<sup>53</sup> reflecting in part the significantly higher proportion of women presenting with serious mental health and other health and social care needs.

The PRT programme, "Transforming Lives: Reducing Women's Imprisonment", will focus in particular on reducing the flow of women into prison. Even more women than men (80% against 70%) enter prison for non-violent offences, and the proportion of women entering prison on sentences of under one year is 71% against 55% for men. Women are more likely than men to be in prison for a first offence - one in five enter custody with no criminal record (against 1 in 10 men). But as with men, the effectiveness of community penalties in preventing reoffending compared to custodial penalties is well established – with a difference in "treatment effect" of 9% for comparable offenders.<sup>54</sup> In fact women are more likely than men to complete community orders successfully or have them terminated early for good behaviour. The difference in outcomes between community orders and custody is greater for women than for men.

---

<sup>50</sup> The Fawcett Society enquiry: [www.fawcettsociety.org.uk/wp-content/uploads/2013/03/2006-Annual-Review-of-the-Women-and-the-Criminal-Justice-Commission.pdf](http://www.fawcettsociety.org.uk/wp-content/uploads/2013/03/2006-Annual-Review-of-the-Women-and-the-Criminal-Justice-Commission.pdf). Breaking the Silence: Women's Imprisonment, London Strategic Policy Unit, 1985. For the Scottish Government Commission on Women Offenders, known as the Angiolini report see [www.scotland.gov.uk/About/Review/commissiononwomenoffenders/finalreport-2012](http://www.scotland.gov.uk/About/Review/commissiononwomenoffenders/finalreport-2012)

<sup>51</sup> House of Commons Justice Committee (2013) Women offenders: after the Corston report London: TSO

<sup>52</sup> New economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offender, London.

<sup>53</sup> Ministry of Justice (2014) Costs per place and costs per prisoner – National Offender Management Service annual report and accounts 2013-14 management information addendum London: MoJ

<sup>54</sup> Why focus on reducing women's imprisonment? a Prison Reform Trust briefing, 29 July 2015

Our report *Brighter Futures: working together to reduce women's offending* brings together the evidence for, and examples of, effective early intervention. The case for change was recognised in the March 2015 budget, which outlined plans to “[design] a more integrated, multi-agency approach to divert female offenders convicted of petty, non-violent offences from custody where appropriate” as part of broader work “exploring the cost-effectiveness of integrated spending around some of the most vulnerable groups of people”<sup>55</sup>. The Conservative manifesto for the 2015 general election also included a commitment to improve the treatment of women offenders, exploring how new technology may enable more women with young children to serve their sentence in the community<sup>56</sup>. Section 10 of the Offender Rehabilitation Act 2014 places a duty on the Secretary of State for Justice to ensure that arrangements for the supervision or rehabilitation of offenders identify any specific provision for women

It is vital that this spending review allows those commitments to be honoured. Practically, that means resourcing the policy work centrally, protecting the services in the community which divert women from the criminal justice system, improving co-ordination between domestic abuse and women offender services and programmes,<sup>57</sup> protecting the services which provide a sentencing alternative when women do come to court, as well as the services in prison and the community that contain the reoffending rate after release. PRT is able to support that work in a wide range of different ways, from public education through to detailed analysis of practice in geographical areas with high custody rates. Our view is that it is realistic to aim for a 30% reduction in women being received into prison by 2018.

### *Young Adults*

Lord Harris' recent report concerning the premature deaths of young people in custody makes radical recommendations for a fundamental change in the way this age group is dealt with<sup>58</sup>. The Justice Committee's decision to prioritise an investigation into the same group underlines the opportunity to learn from the transformation in value for money of our approach to children at risk of imprisonment, and to apply those lessons to a broader cohort. An encouraging fall in the number of young adults in custody may imply that the benefits of our approach to the imprisonment of children are feeding through into the adult system, delaying or avoiding altogether the corrosive impact of imprisonment on a person's life and potential to contribute to society. As these issues are debated in the coming months, the Prison Reform Trust will emphasise:

- the importance of recognising maturity (and, in particular, the absence of maturity) at every stage of the process. In particular, opportunities to divert people from the expense and damage of the formal criminal justice system should be taken at arrest, charge and prosecution stages;
- the need for Community Rehabilitation Companies to have a credible and effective range of non-custodial interventions for young adults which commands the confidence of victims, the courts and local communities;
- the very significant risk that the availability of extended periods of supervision triggered by very short custodial sentences may lead to an increase in the use of custody simply to access that supervision. Any shift in that direction would require prompt guidance to sentencing courts to underline the evidence base of the Transforming Rehabilitation reforms, which is that effective community intervention is

---

<sup>55</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/416330/47881\\_Budget\\_2015\\_Web\\_Accessible.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416330/47881_Budget_2015_Web_Accessible.pdf)

<sup>56</sup> <https://s3-eu-west-1.amazonaws.com/manifesto2015/ConservativeManifesto2015.pdf>

<sup>57</sup> See The Llwybrau Project, undertaken with NOMS Innovation Funding to Llamau, August 2015

<sup>58</sup> Changing Prisons, Saving Lives Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds, July 2015

more effective at reducing reoffending than short periods in custody. Young adults may be especially at risk from an over use of short custodial sentences.

### *Use of custodial remands*

In 2014, 14% of the prison population comprised people on remand<sup>59</sup>. 10% of those people were subsequently acquitted and a further 15% received a non-custodial sentence<sup>60</sup>. 84,000 people went through the risk and expense of a reception into prison custody as a result of being remanded from court pending either conviction or sentence<sup>61</sup>, with all of those decisions carrying the potential risks to families, jobs and housing that imprisonment of any kind carries. The average length of remand while the court process was completed was 9 weeks<sup>62</sup>. Prisoners on remand typically account for around a third of self inflicted deaths in custody.

The introduction of the “no real prospect” test in the Legal Aid Sentencing and Punishment of Offenders Act 2012 held out the promise of a significant reduction in these figures, but that has not materialised – a short term temporary reduction having been quickly reversed. There are wide differences between areas in the proportion of remanded defendants who go on to receive custodial sentences, and the need for a renewed focus on the over-use of custodial remands is urgent.

### *Alternatives to Custody*

Historically, the provision of new and more demanding alternatives to custody has not always achieved the outcome governments have wanted. The risk is that courts will pull cases “up-tariff” – using the more expensive community alternatives instead of fines or conditional discharges, rather than as a substitute for custody. Nevertheless, it is vital that the new community rehabilitation companies deliver on their promise to provide courts with credible sentencing options across a broad spectrum of severity. The use of tagging technology is useful if it gives courts the confidence to allow people to serve a sentence in the community rather than in custody, and supports the effective completion of community penalties.

The “Transforming Rehabilitation” reforms are in their infancy. There is a significant risk that the availability of short sentences with a year’s supervision guaranteed will drive up the unnecessary use of custody, and make the task of reducing reoffending more rather than less difficult. However, the reforms do present an opportunity, at least in principle, to establish a dialogue between new providers and local sentencers about a compelling range of community disposals which can be shown to reduce reoffending. There has also been significant development in many areas in recent years of integrated offender management schemes, normally led by police and probation together, which have benefitted from close joint working to target prolific offenders in particular. The adoption of similar ways of working to underpin joint working with offenders posing a risk of serious harm has been adopted in the Bristol based IRIS scheme, evaluated in 2014 by the University of Portsmouth. These locally created and locally well publicised schemes demonstrate that a concern for victims and a rigorous approach to reducing crime are perfectly compatible with a reluctance to use imprisonment when it is not essential.

---

<sup>59</sup> Table 1.1, Ministry of Justice (2015) Offender management statistics quarterly: October to December 2014, London: Ministry of Justice

<sup>60</sup> Table Q3a, Ministry of Justice (2014) Criminal Justice Statistics Quarterly Update to March 2014, London: Ministry of Justice

<sup>61</sup> Ibid

<sup>62</sup> Hansard HC 21 January 2013 c51W

There is space also for a much greater use of problem solving courts, giving courts the opportunity to hold offenders to account for promised changes in lifestyle and attitude before resorting to imprisonment. There are well established international examples but closer to home an outstanding example is the pioneering Family Drug and Alcohol Court piloted by Judge Crichton with funding from 4 separate government departments and 3 local authorities.

### **Making better and more intense use of a shorter custodial period, which should in future be served largely in local community prisons.**

#### *Intensity*

For many years, community penalties have been denominated in hours of activity to be completed, rather than a length of sentence to be served. If a similar approach were applied to the current use of custody, the results would be revelatory. Successive Chief Inspector's reports show that the normal day for thousands of prisoners is almost entirely spent in a cell, idle. Only one in four prisons are now judged by inspectors to be delivering an acceptable level of purposeful activity, and even that assessment accepts as a regrettable fact of life the idea that purposeful activity is confined to a shortened version of office hours, Monday to noon on Friday.

That approach is not inevitable. Since 2012, PRT has worked in partnership with the Winston Churchill Memorial Trust to support fellows travelling overseas to learn more about criminal justice practice, including the use of imprisonment. It has also facilitated new thinking inspired by overseas practice. A prime example concerns Finland, one of the few European countries that has realised a dividend from a falling crime rate in a falling incarceration rate as well<sup>63</sup>. Although it reserves the use of custody to more serious offences, with an incarceration rate roughly one third of that in England and Wales its average sentence length is *also* lower. Its approach to imprisonment is characterised by an intensive rehabilitative effort from the moment of incarceration in institutions where prisoners both take more responsibility and are held more accountable.

Prisoners themselves can contribute far more to the creation of a type of imprisonment which promotes citizenship and accountability. PRT's Reports "Time Well Spent"<sup>64</sup> and "Out for Good"<sup>65</sup> collated existing good practice, but this remains haphazard rather than systematic and is jeopardised by the amount of time prisoners now spend in their cells, and the paucity of staff resources to develop innovative work.

In similar vein, PRT and Prisoners Education Trust 2013 Report "Through The Gateway"<sup>66</sup> set out a comprehensive description of how ICT within prisons could safely transform both the day to day routine and the prospects for successful resettlement. The use of ICT within prisons remains significantly under-developed though a mixture of caution and lack of investment, with examples of excellent practice left uncopied. In its best form, ICT safely liberates staff time to be spent in constructive engagement with prisoners and puts prisoners in a position to do much of the work towards their own resettlement, including the resumption of responsibilities towards their families and wider community.

---

<sup>63</sup> Reducing the use of imprisonment **What can we learn from Europe?** By Rob Allen May 2012  
Criminal Justice Alliance

<sup>64</sup> "Time well spent" K Edgar, J Jacobson, K Biggar – Prison Reform Trust 2011

<sup>65</sup> "Out for Good" K Edgar, A Aresti, N Cornish – Prison Reform Trust 2012

<sup>66</sup> "Through The Gateway", How Computers can transform Rehabilitation, Prison Reform Trust, Nina Champion and Kimmet Edgar, 2013

Any prison professional will agree that prisons are safer, more secure and more likely to have an impact on reoffending when prisoners are unlocked for the whole day and their time is constructively filled with meaningful activity that equates as closely as possible to a “normal” working day. The hours available to make a prison sentence both demanding and constructive are in easy supply, and the means to create a more intense experience are already to hand. In no non-custodial environment would such under-utilisation of both physical and human capital be tolerated. A modest re-investment of the dividend of a lower population could achieve a dramatic recalibration of what serving a prison sentence is like.

#### *A rational approach to estate planning*

As noted earlier, the prison estate reflects historical accident rather than a strategic approach. The pressure of a rising population has kept prisons in use for decades that were intended to be temporary and short term solutions to a crisis. With the advent of “Transforming Rehabilitation”, there has been a welcome attempt to identify clusters of prisons regionally to limit the disruption and expense of prisoner transfers, and to make the best use of the estate with which the service is saddled. But the basic premise – that it is somehow in a prisoner’s interest to be transferred out to a remote training prison many miles from home, and then transferred back shortly before their release to an overcrowded local prison with a poor regime – is plainly the best of a bad job rather than the best way to manage a sentence.

The large reduction in population which we argue is realistic would allow for a genuinely strategic approach to the prison estate that would be most cost effective. Like schools or hospitals, prison locations should be driven by the needs of the communities they serve. There should be an expectation that, for the majority of prisoners, they will serve their sentence close to those communities, receiving services provided by them and, as the sentence progresses, starting to contribute to them in a positive way. The potential to progress to conditions of lower security could and should be provided within the context of a community prison, both through the designation of accommodation and the use of existing powers of temporary release, rather than at one of the few large open prisons dotted around the country. That in turn provides the means to manage behaviour in the prison as a whole in a way that improves both safety and security.

Local community prisons could be accountable to their communities – and for their performance in all aspects of their task, including the reduction of reoffending – in a way which is not possible in the current fragmented estate. This would fit well with the government’s strategic aim to devolve both power and accountability from the centre. Whilst we recognise that this is a long term goal, our submission is that it continues to represent the best strategic guiding aim for the prison estate, and should help to determine how the dividend of a reduced population is realised.

#### *Sentencing*

We understand that, whatever the success of policies to divert people from custody where that is appropriate, the decisions of sentencing courts will continue to provide the main driver for either growth or reduction in the prison population. They operate within the framework that Parliament sets, in terms of the offences which carry the potential for imprisonment, the range of sentences available for particular crimes, and the factors which the court may take into account in fitting the sentence to the particular circumstances of the case and the offender. They operate too within a climate of public opinion which can be significantly affected by the politics of the day.

The growth in the average length of prison sentence has been both incremental and accidental. Our submission is that its reduction should also be incremental, but not left to chance. A coherent and comprehensive approach should include:

- a review of the offences for which imprisonment is available;
- a review of guidelines concerning both aggravating and mitigating factors in sentencing, with particular emphasis on the mitigating impact of both lack of maturity and mental health considerations
- an incremental review of guidelines for the more serious offences taking into account the existing statutory duty of the Sentencing Council to *'have regard to the cost of different sentences and their relative effectiveness in preventing re-offending'*<sup>67</sup>

A variety of means have been proposed to allow the political space for the calm and dispassionate analysis required for this to happen<sup>68</sup>. The case for bringing imprisonment properly within the scope of the first principles debate that this Spending Review requires is clear. It is indefensible that proposals to reduce the cost of imprisonment should be limited to unit cost reductions when other public services – including the police and armed services for example – are being required to take fundamental decisions about the scope and volume of their activity. If that political argument is made effectively, the practical means to make the incremental adjustments required largely exist already, notably in the shape of the Sentencing Council and its system of guidelines, to which sentencing courts now adhere.

## **Adjusting our attitude to those releases from prison which have a discretionary element.**

### *Indeterminate sentences*

This country's appetite for indeterminate sentences of imprisonment is startling. We have more than three times as many people serving life sentences of one kind or another than France, Germany and Italy combined<sup>69</sup>. Nearly 1 in 5 of the sentenced prisoners in England and Wales is serving an indeterminate sentence<sup>70</sup>. The number has mushroomed in recent years fuelled by two factors. First the length of time served in custody by people serving a mandatory life sentence (i.e. the penalty for murder) has grown from 13 years in 2001 to 17 years now<sup>71</sup>. That in turn has been driven by a much greater political influence over the issue, with mandatory minimum terms set by statute for certain circumstances of murder, including so called "whole life tariffs". Over 50 people now have such a tariff.

The second driver has been the introduction in 2005 of the indeterminate sentence for public protection (IPP). Although subsequently abolished, the legacy of the IPP legislation is around 4,750 people serving the IPP sentence, three quarters of whom have passed the date at which they would have been released under previous legislation<sup>72</sup>.

---

<sup>67</sup> Coroners and Justice Act 2009.

<sup>68</sup> Cf The British Academy "A Presumption Against Imprisonment" 2014, which proposed a new Penal Policy Committee, to mimic the influence of the Monetary Policy Committee over fiscal policy

<sup>69</sup> Table 7, Aebi, M. and Delgrande, N. (2015) Council of Europe Annual Penal Statistics, Survey 2013, Strasbourg: Council of Europe

<sup>70</sup> Table A1.1, Ministry of Justice (2014) Offender management statistics prison population 2014, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993 - 2012 England and Wales, London: Ministry of Justice

<sup>71</sup> Table A3.4, Ministry of Justice (2015) Offender management statistics annual tables 2014, London: Ministry of Justice and Table A3.4, Ministry of Justice (2014) Offender management statistics annual tables 2013, London: Ministry of Justice

<sup>72</sup> Table 1.9, Ministry of Justice (2015) Offender management statistics quarterly: October to December 2014, London: Ministry of Justice



For all indeterminate sentence prisoners, eventual release is likely to be dependent on progressing to lower security conditions, including a spell in an open prison. That in turn, is likely to depend on attending a variety of offending behaviour programmes, and successfully completing short periods of temporary release on licence at the Governor's discretion (known as ROTL). The rate of failure on ROTL is very low – of 485,000 releases in 2012, just 26 ended in a prisoner being arrested on suspicion of committing a further offence<sup>73</sup>. But a small number of high profile and very serious failures prompted a tightening of eligibility criteria in 2014, making progression to discretionary release still harder for the large number of indeterminate sentence prisoners involved.

The release of indeterminate sentence prisoners is ultimately subject to the view of the Parole Board. The Board must also sanction the re-release of a prisoner recalled to custody for breach of a life licence.

In November 2014 only just over one in 5 Parole Board reviews resulted in the prisoner's release<sup>74</sup>. The Board has a major backlog of cases awaiting listing, and faces the prospect of having to conduct many more oral hearings following a key judgement in 2014. At the current rate of release, the IPP backlog will not be cleared for the best part of a decade.

The situation could be improved quickly and practically by:

- converting existing IPP sentences to determinate sentences equivalent to the tariff set by the sentencing court
- creating a new statutory presumption that the Secretary of State must provide evidence to show that a post tariff prisoner is not safe to release for release to be denied by the Parole Board;
- removing the administrative requirement for the Parole Board to sanction the transfer of an indeterminate sentence prisoner to open conditions (thus freeing resource for release hearings)
- bringing forward the promised review of ROTL to ease the restrictions created in 2014
- adequately resourcing the provision of offending behaviour programmes

## Conclusion

This is not intended as an exhaustive description of the programme required to reduce the prison population to levels last seen in the 1990s. It does demonstrate, however, that such a programme is feasible and capable of reversing the cumulative impact of many successive decisions from the last two decades. Those decisions have produced a fiscally irresponsible reliance on imprisonment. There has never been an evidence base to justify that growth and for much of the period, the policy framework has been largely reactive rather than strategic. We do not underestimate the political challenge that a new approach represents. Our submission, however, is that the use of imprisonment which two decades of reactive policy making has permitted is no longer economically sustainable, and has never represented value for money. Reversing the trend offers the opportunity to create a smaller, safer and more effective prison system.

---

<sup>73</sup> Ministry of Justice (2014) Statistical Notice: Releases on temporary licence, 2012, London: Ministry of Justice

<sup>74</sup> The Parole Board "Board Sheet", issue 50, 2015