Legal Aid, Sentencing and Punishment of Offenders Bill
House of Commons Public Bill Committee

Prison Reform Trust Submission
7 July 2011

Overview of the Bill

1. The Prison Reform Trust welcomes the opportunity to submit evidence to the Committee on the Legal Aid, Sentencing and Punishment of Offenders Bill. The Bill presents an opportunity to get to grips with a distorted, often ineffective, system which places too much store on what imprisonment can achieve. The Ministry of Justice Green Paper *Breaking the Cycle* presented a coherent programme of legislative reform which should reduce unnecessary use of imprisonment. Such reform, supported by a thorough going consultation, is designed to make better use of scarce public funds and ameliorate the damaging effects of populist criminal justice legislation from the past fifteen years or so. The Bill retains many important features of the Green Paper, with the potential for more to follow in the autumn. It has, however, lost some of its clarity of purpose. Massive overuse of custody since the mid-1990s leaves us with a society where seven per cent of school children experience their father's imprisonment and more children are affected by parental imprisonment than by divorce in the family. It is to be hoped that the legislative process will create a fairer and more effective justice system.

Prison Reform Trust Submission

2. The Prison Reform Trust is a registered charity that works to create a just, humane and effective justice system. It aims to improve prison regimes and conditions, defend and promote prisoners’ human rights, address the needs of prisoners’ families, and promote alternatives to custody. The charity conducts a widespread programme of applied research, runs an advice and information service that responds to around 6,000 prisoners and their families each year and provides the secretariat to the All Party Parliamentary Penal Affairs Group.
3. This submission outlines our main areas of concern in relation to specific clauses in the Bill. It then identifies a number of additional issues we believe the Bill should be amended to address, including:

- Indeterminate Sentences of Imprisonment for Public Protection (IPPs)
- Restorative Justice
- Young Adults (18-20 year-olds)
- Women in custody
- Vulnerable adults
- Older People
- Rehabilitation of Offenders Act 1974

While the charity has an informed interest in access to justice and a fair and proper system of legal aid, at this stage in the Bill, the Prison Reform Trust commentary is focussed on clauses that relate to sentencing and regime reform.

**Clause 54: Duty to give reasons for and to explain effect of sentence**

4. The Prison Reform Trust believes that specific duties to explain the court’s consideration of the thresholds for imposing a custodial sentence or community order should be retained. Prison remains the most serious punishment of last resort. It should only be imposed following the careful consideration of all other options and with a clear statement as to why a higher level community sentence is not appropriate. As our report *The Decision to Imprison*¹ shows, sentencers are now more likely to imprison offenders who previously would have received a community penalty or even a fine. Removing the specific duty on sentencers to explain when the custody threshold has been passed would weaken the seriousness with which the imposition of a custodial sentence ought to be considered.

5. Clause 54 maintains the duty outlined in the Criminal Justice and Immigration Act 2008 for the court to explain its reasons for passing a youth rehabilitation order or custodial sentence for under 18s. We would like to see a similar test extended to all adults.

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6. Clause 54 also includes the duty to “state in open court, in ordinary language and in general terms, the court’s reasons for deciding on the sentence”. We are concerned that this does not take adequate account of the needs of victims, witnesses and defendants with low cognitive ability, such as people with learning disabilities and difficulties, and people with speech, language and communication needs. Our No One Knows\(^2\) programme has shown that the needs of people with learning disabilities and difficulties in the justice system are not properly recognised or met. “Ordinary language” can pose a challenge to certain individuals which can severely limit their ability to understand and, in particular, to participate effectively in court proceedings – so limiting their access to the right to a fair trial. Therefore, appropriate support to ensure full engagement with criminal justice services and provisions will be necessary and an obligation placed on criminal justice services, in particular during trial proceedings, to ensure full understanding on the part of the individual concerned. All criminal justice services and provisions should be available in a form that is accessible to individual suspects, defendants and offenders. All written information from criminal justice services should be routinely available in a form that is accessible to individual offenders - for example, published in easy read.

Note: ‘ordinary language’ relates also to Clause 76, paragraph 7a; Clause 85, paragraph 4b; Clause 97/256B, paragraphs 5 and 6; Clause 109/66ZA paragraph 3.

Clause 56: Breach of community orders

7. The Prison Reform Trust welcomes the flexibility the Bill would allow a court in dealing with breaches of community sentences. It introduces the options of taking no action and fining an offender in relation to a breach. Such measures recognise that a return to court can of itself prove a sufficiently salutary experience in many cases. To guard against the excessive use of custody in breach cases, the Prison Reform Trust favours an amendment to introduce a presumption against custody which can be displaced where there is no reasonable prospect that the offender will comply with supervision.

8. The Prison Reform Trust is opposed to the proposal in Clause 56 which allows a court to re-sentence someone to custody even if the original offence was not serious enough to justify a custodial sentence. For offenders with particular impairments, such as learning disabilities, we are concerned that community orders are

appropriate and that the terms and conditions of the order are fully understood by individual offenders.

**Clauses 57-58: Suspended sentence orders**

9. Past concerns about increasing the scope of suspended sentences have centred on their use in cases that would probably not otherwise have attracted a custodial sentence, thereby contributing unwittingly to an increase in the prison population. This has happened in the past even though courts are statutorily bound to decide first that only a custodial sentence will suffice. Suspended sentences have also tended to be for longer periods than any immediate custodial term that might have been imposed, a further inflationary factor. Such a risk may somewhat be alleviated by a new power (Clause 58) to impose a fine for a breach of a suspended sentence supervision order. None the less, past evidence suggests that extending the scope of suspended sentences without adequate safeguards in place could have a net widening effect. The Prison Reform Trust would like to see suspended sentences used in exceptional circumstances.

**Clause 60: Curfew requirement**

10. The Prison Reform Trust has serious concerns about the increased maximum period of curfew in Clause 60 from 12 to 16 hours and the extension of the maximum period for which a curfew requirement can be imposed from six month to 12 months. This also applies to the similar change to curfews in the Youth Rehabilitation Order contained in Clause 67, which we believe could result in courts setting children up to fail and an increased occurrence of breach of YROs. Research published by the Prison Reform Trust and the National Children’s Bureau\(^3\) suggests that many children have difficulties complying with curfews as a result of factors including lack of parental support, domestic violence and living in unsafe accommodation. If Ministers are unable to provide sufficient reassurance as to how this measure will reduce reoffending, we believe these clauses should be deleted from the Bill.

11. The Prison Reform Trust considers that courts should be required to consider any potentially harmful impact on the offender and in particular any increased risk of domestic violence as a result of a curfew requirement.

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Clauses 59, 62, 63 and 64: Community sentences

12. The Prison Reform Trust welcomes the reforms to Community Orders allowing greater discretion for supervising officers and more flexibility in relation to the drug rehabilitation and alcohol treatment requirements. Our *No One Knows* programme underlines the importance of ensuring programmes are fully accessible to people with learning disabilities and difficulties. All interventions (CBT programmes, health treatment programmes, substance abuse programmes, community and prison based work and activities) should be routinely available in a form that ensures equality of access. Where, due to the particular needs of individual offenders (for example low cognitive ability), such programmes, activities and work are not accessible, alternatives of similar quality should be routinely available and additional support provided as required. Programmes for poor cognitive skills must be routinely available for offenders with low cognitive skills, for example those with an IQ <70 and with an IQ between 71 – 80.

13. In addition, while we understand the requirement in Clause 62 for the court no longer to require the evidence of a registered mental health practitioner is also designed to increase flexibility, we would welcome greater clarity from Ministers about who will be able to make such assessments. We have similar concerns about the mental health assessment of children contained in Clause 68.

14. More generally, we believe the Bill provides an opportunity for further reform of community sentences to make them more effective in reforming offenders’ behaviour. Recent Ministry of Justice research shows that community sentences are more effective than short prison sentences for matched offenders. This is achieved at a fraction of the budget for incarceration. Community sentences have lacked consistent political support and adequate investment, and both should be put right if prison is to be reserved for those who have committed serious offences. The Prison Reform Trust continues to advocate replacing the generic Community Order with a number of substantive orders, such as an unpaid work order, curfew order, drug treatment and testing order, attendance centre order and probation order. This would allow the various disposals to be evaluated and promoted. It would also potentially allow the courts to consider matching different community penalties to particular offences and

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circumstances, rather than yielding to the temptation to consider that, because one experience of a community order has ended in failure, a custodial sentence is inevitable.

**Clauses 65 – 70: Youth sentences**

15. The Prison Reform Trust welcomes the reform in Clause 65 requiring that the court no longer has to choose between making a Referral Order and absolutely discharging the young offender. As a result of these amendments to sections 16 and 17 of the Powers of Criminal Courts (Sentencing) Act 2000, the court will now be able to choose to conditionally discharge the offender instead. It also allows offenders to receive a Referral Order if they have had one in the past, which gives courts the flexibility needed to respond to individual offences and the specific support needed to reform a child’s offending behaviour. We would support a similar approach being taken with young adults (18-20 year-olds).

**Clause 66: Breach of detention and training order**

16. The Prison Reform Trust welcomes re-affirmation in Clause 66 that the sentence of Detention in a Young Offender Institution (DYOI) will remain for the time being. The sentence, contained in the Powers of Criminal Courts (Sentencing) Act 2000, states that “an offender sentenced to detention in a young offender institution shall be detained in such an institution” unless, “from time to time”, the Secretary of State directs otherwise. We believe that 18-21 year-old offenders in custody are a potentially vulnerable group whose safety and rehabilitation is enhanced by the rules and facilities in a YOI. It would be helpful if Ministers could provide further assurance that any young adults co-located in adult local prisons, whether on remand or under the Sentence of Detention in a Young Offender Institution will always be held separately from adults.

**Clause 69 and 70: Youth Rehabilitation Order – Duration and fine for breach**

17. The Prison Reform Trust has concerns about Clause 69, which extends the maximum period of a Youth Rehabilitation Order to three and a half years, and Clause 70 which increases the maximum fine to £2,500. The latter in particular appears to have simply been replicated from the new provisions affecting adults, and is not at an appropriate level for either young children, whose parents would
invariably be forced to pay, or 16 and 17 year-olds who may have a modest income of their own.

Clause 73 and Schedule 10: Amendment of bail enactments

18. The Prison Reform Trust welcomes the intention to remove the power of courts to remand in custody defendants who would be unlikely to receive a custodial sentence. In 2007, 11,400 of the 55,305 people remanded into custody (21%) were subsequently acquitted without compensation; another 30% received a non-custodial sentence. Expensive prison places are being filled unnecessarily by people on remand. The average waiting time for those remanded into custody awaiting cases committed for trial at the crown court was 13 weeks. While these people are legally innocent, they are subjected to a damaging legal sanction. The fact that a majority of people remanded to prison awaiting trial do not subsequently receive a custodial sentence demonstrates that current practice is:

• Unjust and arbitrary, imposing a punishment disproportionate to the alleged offence
• A waste of public funds

19. It also causes harm that goes well beyond the impact on the individual in custody. Even a relatively short period in custody can have a devastating impact, leading to family breakdown, loss of employment and housing and wider social stigmatisation. This damage provides a strong case for ensuring that remanding people in prison is used sparingly. However, evidence suggests that court practice is moving in the wrong direction. In 2009, 55,207 people were remanded into custody to await trial.

20. Concerns raised by courts about the exceptions to the presumption of bail include the risk that the defendant will fail to attend trial, will interfere with witnesses, or commit an offence while on bail. But courts have the power to impose bail conditions to address these concerns. None of these justifies a remand to custody where the offence would not result in a custodial sentence.

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6 Hansard HC, 1 September 2009, c1775W
21. Courts also report that they must frequently make decisions while lacking vital information. In current English law, remanding to custody pending the production of such further information is legal only when the offence is deemed imprisonable. Therefore, for example, a decision to remand to custody with the primary aim of obtaining a psychiatric assessment is not valid if the offence is not an imprisonable one. The proposed ‘no real prospect test’ would helpfully remind courts of their duty to exercise the presumption in favour of bail when the court lacks sufficient information.

22. The government’s proposal to require the presumption in favour of bail when there is no real prospect of custody provides the courts with sufficient flexibility and contains safeguards to ensure the protection of witnesses and victims. To avoid recourse to custodial remands for want of other options, each court area should be served by a bail information and support scheme.

Clauses 74 – 89: Remands of children otherwise than on bail

23. The longstanding legal anomaly of treating 17 year-olds differently to other children for the purposes of bail will be rectified by Clause 74, which we welcome. This requires a child (under-18) who has not been granted bail and who has either been charged with or convicted of an offence and is awaiting trial or sentence to be remanded to local authority accommodation. We hope Ministers will also be persuaded to raise the minimum age that a child can be subject to custodial remand from 12 to 14 years. Where there are significant concerns of risk of harm to the public associated with releasing children under the age of 14 on bail, the court can request, and local authorities can apply for, a secure placement under welfare legislation, as is currently the case for 10 and 11 year-olds.

Clause 75: Remands to local authority accommodation

24. The Prison Reform Trust has serious concerns about the paucity of support provided to children, and particularly young adults leaving custody. In Clause 87, the Bill includes a very welcome confirmation that any child held in custody is to be considered as a looked after child by their local authority. It would be helpful, therefore, if Ministers could confirm that local authorities will have an ongoing responsibility to those individuals up to the age of 21 years-old.
Clause 77: Requirements for electronic monitoring

25. The Prison Reform Trust is concerned about the use of electronic monitoring for young children and would welcome an amendment to Clauses 77 and 78, raising the age limit for tagging from 12 to 14 years-old.

Clauses 81 and 82: Conditions for remand to youth detention accommodation

26. The Prison Reform Trust welcomes the introduction of a single remand order for children and the specific requirement in Clause 82 that a child should only be remanded to youth detention accommodation if there is a “real prospect” that s/he will be sentenced to a custodial sentence for the offence. We would support this “real prospect” test being incorporated into Clause 81, as the 14 year threshold contained in subsection 3(b) would apply in the case of a child who has committed certain non-violent offences.

Clause 85: Remands to youth detention accommodation

27. We welcome the clarity about the specific types of youth detention accommodation in Clause 85, i.e. Secure Childrens’ Homes, Secure Training Centres and Young Offenders Institutions. It would be helpful to have confirmation that the particular accommodation to which a young person is sent will continue to be decided according to their vulnerability.

Clause 94: Restrictions on early release subject to curfew

28. The proposal to prevent anyone serving a sentence of four years or more from being eligible for early release on home detention curfew would prove detrimental to public safety and limit the professional discretion of prison staff in planning for the successful resettlement and rehabilitation of prisoners. Long term prisoners need a planned, phased resettlement process to enable them to adjust to life outside prison. This process should include provision for such measures as: release on temporary licence; a period in a category D ‘open’ prison; home detention curfew; and supervision on post-custody licence. Arbitrary restriction of such options serves only to reduce opportunities for sentence planning that will encourage a law abiding life on release.
Clause 97: Supervision of young offenders after release

29. The Prison Reform Trust strongly supports the re-affirmation in Clause 97 that young adult (18-20 year-old) prisoners released from a DYOI sentence of less than 12 months should receive three months supervision, potentially including drug testing and treatment. We hope Ministers will give a more detailed explanation about the importance and delivery of this provision.

Clause 103: Employment in prisons: deductions etc from payments to prisoners

30. The Prison Reform Trust welcomes the commitment to provide worthwhile employment experience to people in prison. Between 2007-08 and 2009-10 the average hours per prisoner per week spent in work decreased from 12.6 hours to 11.8 hours. We also believe that ‘real work’ should be matched by ‘real wages’. There is scope for reparation to victims. Opportunities for worthwhile employment in prison should be accessible to all prisoners regardless of cognitive or physical disability.

Clause 106 and Schedule 16: Penalty notices for disorderly behaviour

31. There is now strong evidence for the effectiveness of out of court disposals, particularly educational courses, and so PRT supports the provisions in Clause 106 and Schedule 16 increasing the number of offences for which a Penalty Notice for Disorderly Behaviour can apply.

32. Vulnerable adults should be accorded the same access to penalty notices as any other individual, with the appropriate safeguards and protections. We are concerned that vulnerable adults fully understand the terms and conditions of the penalty notice and the reasons why the notice is being given.

Clauses 107-112: Conditional cautions

33. Clause 107 removes the requirement for the Crown Prosecution Service to be involved in a decision to offer or vary a conditional caution. While in some ways this is welcome, the Prison Reform Trust would wish to see safeguards built in to ensure that vulnerable adults are not subjected to conditional cautions where a prosecutor might have found that there is insufficient evidence to bring a charge. The same safeguards would need to apply to Clause 108 should that measure be introduced. Vulnerable adults should be accorded the same access to the conditional caution as any other individual, with the appropriate safeguards and protections. We are
concerned that vulnerable adults fully understand the terms and conditions of the conditional caution and the reasons why the conditional caution is being given.

Clause 109/66ZA: Youth cautions

34. The Prison Reform Trust welcomes the additional flexibility provided by the new framework for new cautions and considers that a similar approach would also be beneficial for young adult offenders. Paragraph 3b: change ‘under the age of 17’ to ‘under the age of 18’ to bring arrangements for the provision of appropriate adults into line with the UN Convention on the rights of the child.

35. Paragraph 2a and 3a: the type of assessment should be stated and, wherever possible, specialist assessments used locally by universal children’s services should be used. The assessment should consider the physical and mental health and well being of the child, and should include, for example, learning disabilities and speech, language and communication needs.

Clause 113 and Schedule 16: Offence of threatening with article with blade or point or offensive weapon in public or in school premises

36. Sentences of the court should be proportionate to the seriousness of the offence, taking account of the harm caused and the offender’s culpability, then considering aggravating and mitigating factors. The judge or magistrate(s) in a particular case is best placed to make such a judgment having heard all the evidence and information presented to the court. In order to ensure sufficient consistency of approach such judgments will take place within the framework of guidelines determined by the Sentencing Council. For these reasons mandatory minimum sentences are neither desirable nor appropriate.

Additional Issues

Indeterminate Sentences for Public Protection (IPPs)

37. The Prison Reform Trust welcomes the Prime Minister’s announcement of an urgent review of sentences of imprisonment for public protection (IPP). Indeterminate sentences should be abolished, except in wholly exceptional circumstances. The current system is unclear and satisfies neither victims, offenders nor the wider
The sentence has attracted near universal criticism from judges, Parole Board members, the prisons inspectorate, prison governors, staff and prisoners and families alike. A return to the ‘just deserts’ model would enable all concerned to see that the severity of the sentence was proportionate to the seriousness of the offence, taking into account aggravating and mitigating factors. Sentencing would be clear and transparent. For those currently serving IPPs who have reached their tariff, it should be incumbent on the state to demonstrate that an individual poses a serious risk of future harm.

38. The number of people sentenced to IPPs has far exceeded what was intended when the sentence was introduced in 2005. In 2003, the former Prisons Minister Hilary Benn estimated that “there would be an additional 900 in the prison population” as a result of the IPP sentence.\(^9\) On 17 November 2010 there were 6,375 prisoners serving an indeterminate IPP sentence or Detention for Public Protection. Of these 3,173 of those prisoners are held beyond their tariff expiry date. Since 2005 just 202 people serving IPP sentences have been released from custody. In 2008 the then Labour government was forced to raise the tariff for people sentenced to an IPP to a minimum of two years in an attempt to limit the relentless rise in the IPP prisoner population, which has placed an impossible burden on an already overstretched prison service and Parole Board (see paragraph 6). Since then the courts have continued to impose IPP sentences at a rate of around 70 per month. On June 15 2010 Crispin Blunt told parliament that many IPP prisoners “cannot get on courses because our prisons are wholly overcrowded and unable to address offending behaviour. That is not a defensible position.”

39. The Prison Reform Trust’s Advice and Information Service hears from many IPP prisoners who, because of lack of resources for risk-reduction courses, cannot gain a place on programmes that act as a condition of release. The situation is even worse for prisoners who are mentally ill and those with learning disabilities because they are barred from attending offending behaviour programmes, thus effectively blocking their one means of exit from this unjust maze.

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10 House of Commons, Standing Committee, 11 February 2003, col 917
40. The problems of unfairness and uncertainty associated with the IPP sentence are at their most intense for those with tariffs of under two years who were sentenced prior to the amendments to the sentence introduced by the Criminal Justice and Immigration Act 2008, which set a minimum tariff for an IPP sentence of two years and over. Almost all of this group remain in prison, serving terms well in excess of their tariff in the knowledge that people sentenced for similar offences after the amendments will have already have completed their sentences. The mother of an IPP prisoner sentenced to an original tariff of 18 months described the impact of the sentence on her son and her family in a letter to the Prison Reform Trust: “We feel that the situation created by the imposition of an IPP on our son, for what is not now classified as a serious offence, is cruel and inhumane. We should be able to plan for his release, having a date to work towards. All we have is this Kafkaesque nightmare, to which there seems no end.”

41. The Prison Reform Trust will comment in detail on the proposed scheme to replace IPP sentences when the Government brings forwards the relevant amendments at a later stage of the Bill.

**Restorative justice**

42. Together with the Restorative Justice Council, the Prison Reform Trust hopes Ministers will be persuaded to amend the Bill by introducing a provision to require criminal justice agencies to offer restorative justice to victims pre-sentence, when the offender pleads guilty at first appearance.11 Without a duty to offer it at this point in the process, Government is unlikely to see anything like the increase in pre-sentence restorative justice that was proposed in *Breaking the Cycle*.

**Young Adults**

43. The Prison Reform Trust has been greatly impressed by the success of the pilot Intensive Alternative to Custody (IAC) schemes established in Derbyshire, Dyfed-Powys, Humberside, Manchester, Merseyside, South Wales and West Yorkshire. The pilot IACs run by Greater Manchester Probation Trust and West Yorkshire Probation Trust are tailored to the specific needs of young adults and are achieving very good compliance rates. Early indications demonstrate that they are proving successful in reducing reoffending rates amongst participants. Experienced probation

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officers describe it as the first real opportunity that they have had to create a package of requirements that will change offending behaviour. Local magistrates have responded positively and are very supportive of the IAC model.

44. Ministry of Justice funding for the seven IAC pilot schemes ended in April 2011. A process evaluation of the IAC pilots is due to be published in July, and Ministers are considering whether it is feasible and affordable to commission a full evaluation of its impact on reoffending rates. In the meantime, each of the Probation Trusts managing the pilot schemes is attempting to mainstream these initiatives – a process that is difficult in the current funding climate. Young adults continue to be significantly over-represented in the prison population, with high reoffending rates following short periods in custody, and so PRT believes that the Bill should be amended to include a requirement that each Probation Trust establish an IAC or Intensive Community Order for this group in their area.

Women

45. The Prison Reform Trust is concerned about the lack of priority in the bill given to women in justice system. Over the past 15 years the women’s prison population has risen from 1,800 to over 4,000 today – an increase of 114%. Most women serve short sentences for non-violent crime and for those serving sentences of less than 12 months, almost two thirds are reconvicted within a year of release. The average cost of a women’s prison place is £56,415. By contrast, an intensive community order costs in the region of £10,000 - £15,000.

46. The Women’s Justice Taskforce was established in 2010 by the Prison Reform Trust, supported by the Bromley Trust, to examine the economics, structure and accountability of women’s justice. Chaired by Fiona Cannon OBE, Diversity and Inclusion Director at Lloyds Banking Group, its membership includes senior representatives from the Magistrates’ Association, the Association of Chief Police Officers, probation, prisons, women’s centres, politics, the media and former offenders.

47. The Taskforce’s report, Reforming Women’s Justice,\textsuperscript{12} includes an economic analysis by Dr James Robertson, former chief economist at the National Audit Office.

It concludes that there is “an overall net advantage for society from community based intervention for women offenders, compared to custodial sentences.” The report recommends a cross-government strategy to be developed to divert women from crime and reduce the women’s prison population, which includes measures of success and a clear monitoring framework. Responsibility for implementation to lie with a designated minister and accountability for the strategy to be built into relevant roles within government departments and local authorities. This central recommendation could be used to inform a substantive and constructive amendment to the Bill.

Vulnerable adults

48. Vulnerable suspects and defendants should be accorded the same safeguards and protections – in law – as vulnerable victims and witnesses. To do otherwise is potentially discriminatory practice. Further, the lack of such safeguards and protections reduces the chance for individuals to participate effectively in the criminal justice process to which they are subject, including their right to a fair trial.¹³

49. Evidence demonstrates that the particular support needs of suspects, defendants and offenders with learning disabilities and difficulties are frequently neither recognised nor met. In the absence of routine screening and, where appropriate, assessment at the point of arrest, criminal justice staff often remain unaware that certain individuals require support including, for example, the requirement for an appropriate adult during police interview.

Older prisoners

50. People aged 60 and over are now the fastest growing age group in the prison estate. Some older prisons will have a physical health status of 10 years older than their contemporaries in the community. More than half of all elderly prisoners suffer from a mental disorder, the most common of which is depression, which often emerges as a result of imprisonment. In the Prison Reform Trust’s report, Doing time,¹⁴ prison staff raised concerns about their capacity to meet the requirements to older people under the Equalities Act. Prison staff are struggling to support people needing end of life support.

care and there is little specialised health provision for older prison in custody. A lack of central direction with few clear polices and standards coupled with regimes, buildings and systems designed for younger inmates make the job of caring for older prisoners incredibly difficult. The lack of input from other statutory services in providing for older people was also a cause of concern with 93% of prison staff stating that social services had no involvement in their prison. We would welcome amendments to the bill to help respond to the needs of older people in custody and on release by engaging social care services.

51. The Prison Reform Trust will seek amendments regarding prisoners’ pension rights, as follows:

a) Sentenced prisoners in the UK, who would if living in the community be eligible for a State Pension, should receive their pension as a right, having paid contributions to it.

b) The “dependent’s benefit”, and any increases associated with the State Pension that would apply if the prisoner was living in the community should, as a right, be paid to dependents who qualify.

c) People in prison should be able to build up pension entitlement through credits, based on notional contributions if they are working or credits where they are unable to work.

Rehabilitation of Offenders Act

52. Following the debate on Lord Dholakia’s private members bill, the Prison Reform Trust hopes Ministers will take the opportunity to re-affirm the Government’s intention to reform the Rehabilitation of Offenders Act 1974, either by amending this Bill or by introducing separate legislation to this effect in the current Parliamentary session.