



Bromley Briefings Prison Factfile

December 2010

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

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Introduction

With public expenditure under scrutiny as never before and a justice green paper imminent, it is essential that policy is based on proven, cost-effective solutions to crime.

A bloated, hugely expensive and in many ways ineffective prison estate cannot be justified. The prison population is above 85,000, having been less than 45,000 when Ken Clarke was last in charge of prisons and probation in 1992-93. In Germany with over 20 million more people the figure is 72,000 and in France, with the same population less than 60,000 are in prison.

Prison has a poor record for reducing reoffending – 49% of adults are reconvicted within one year of being released – for those serving sentences of less than 12 months this increases to 61%. We have a higher per capita level of expenditure on our criminal justice system than the US or any EU country. Over the five years to 2008-09 prison expenditure increased by nearly 40% in real terms. The overall average cost of each prison place is now £45,000. The social costs of over use of custody also need to be considered. During their time at school 7% of children experience their father's imprisonment.

In assessing the potential for alternative approaches it is important to know more about people in prison. More than seven out of ten children in custody have been involved with, or in the care of, social services. More than four out of five had at some time been excluded from school. Nearly a quarter have learning difficulties with an IQ below 70 and more than one in three have borderline learning difficulties. Over half of women in custody report having suffered domestic abuse and one in three has experienced sexual abuse. More than a third have attempted suicide at some time in their life and more than a half have severe and enduring mental illness. The number of sentenced prisoners aged 60 and over more than doubled over the last decade.

As is evident from even a cursory glance at the characteristics of those held in prison, action to reduce reoffending must be on a far broader front than just the criminal justice system. Lord Bradley's review showed that improvements could be achieved in both clinical outcomes and reoffending rates through a national network of schemes to divert many offenders with mental health problems and learning disabilities to

community based treatment facilities. The same is true of those with a history of drug and alcohol abuse. The Corston review championed the role of women's centres to enable those with multiple problems and chaotic lives to cope without recourse to damaging, institutional settings.

We can learn many lessons from the Youth Conference Service, established in Northern Ireland in 2003, which placed restorative justice at the heart of the youth justice system. After more than 5,500 referrals there is sound evidence that victims are more satisfied with the process and outcomes and encouraging signs of a reduction in reoffending rates. Home Office research suggests there is much to be gained from applying a similar model to adults as well as young people.

Society places major obstacles in the way of offenders trying to rebuild their lives. The ability to secure employment and basic financial services has a profound impact on reoffending rates. There is an urgent need to reform the Rehabilitation of Offenders Act 1974, and to enable people who have a criminal record to open a bank account and gain insurance cover.

The main driver of the huge increase in prison numbers is an increase in sentence lengths and in the number of indeterminate sentences. There are already more than 6,000 people serving sentences of imprisonment for public protection introduced in 2005, nearly 3,000 of them being beyond tariff. If not abolished by the green paper, this draconian sentence requires fundamental reform, sharply restricting those on whom it can be targeted and ensuring that those held beyond tariff are released unless it can be proved beyond doubt that there is a significant risk of serious harm.

The cross-party House of Commons Justice Committee began 2010 with a comprehensive report Justice Reinvestment which suggested that the prison population could be safely reduced by one third over the next few years. It offered a blueprint for change, with more resources being channelled through local services to prevent crime, thus enabling a reduced prison estate to concentrate its expensive efforts on those serious and violent offenders for whom custody is the only option. The green paper should be able to utilise all available evidence to create a fairer, more effective and more efficient criminal justice system.

Prison overview

On 19 November 2010, the prison population in England and Wales was 85,393.¹ When Ken Clarke was last home secretary from 1992-93, the average prison population was 44,628.²

In France, with the same population, the figure is 59,655 and in Germany with over 20 million more people, 72,043.³

England and Wales has an imprisonment rate of 154 per 100,000 of the population. France has an imprisonment rate of 96 per 100,000 and Germany has a rate of 88 per 100,000.⁴

With no change in criminal justice policy, by the end of June 2016 the prison population is projected to increase to between 83,100 and 93,600.⁵

However, the government plans to reduce the prison population by 3,000 by 2014 through a new approach to sentencing and rehabilitation which will be outlined in a forthcoming green paper.⁶

Proposals will include the use of tough community penalties where they are more effective than short prison sentences; using restorative justice; and paying private and voluntary providers by results for delivering reductions in reoffending. The government will also take forward proposals to invest in mental health liaison services at police stations and courts to intervene at an early stage, diverting mentally ill offenders away from the justice system and into treatment.⁷

Trends and outcomes

Between 1995 and 2009, the prison population in England and Wales grew by 32,500 or 66%. Almost all of this increase took place within those sentenced to immediate custody (78% of the increase) and those recalled to prison for breaking the conditions of their release (16%).⁸

Approximately 70% of the increase in demand for prison places between 1995 and 2005 is

1 NOMS, Prison Population and Accommodation Briefing for 19 November 2010

2 HMPS (1993) Prison Service Annual Report April 1992-1993, London: HMSO

3 International Centre for Prison Studies, <http://www.kcl.ac.uk/schools/law/research/icps>

4 Ibid.

5 Ministry of Justice Statistical Bulletin (2010) Prison Population Projections, England and Wales, 2010-2016, London: Ministry of Justice

6 Hansard HC, 1 November 2010, c514W

7 HM Treasury (2010) Spending Review 2010, London: HM Treasury

8 Ministry of Justice (2009) Story of the prison population 1995-2009, England and Wales, London: Ministry of Justice

estimated to have arisen owing to changes in custody rate and sentence length.⁹

Since 1997, 27,000 additional prison places have been provided – 6,700 of them since April 2007.¹⁰

1,405,900 people were sentenced by the courts in 2009.¹¹

The proportion of defendants sentenced to immediate custody has remained stable over the past 11 years while the trend in average sentence lengths has been increasing, now 2.2 months higher than in 1999.¹²

36,042 sentences of up to and including three months were given by the courts in 2009.¹³

11,469 people entered prison in 2009 for breaching a court order.¹⁴

On 5 July 2010, there were 6,130 people serving indeterminate sentences for public protection (IPP).¹⁵

On 5 July 2010, 2,850 of those sentenced to imprisonment for public protection were being held beyond their tariff expiry date.¹⁶ On 5 February 2010 there were 476 people serving IPP sentences who were two years or more over tariff expiry.¹⁷

The number of women in prison has increased by 33% over the past decade, compared to 28% for men.¹⁸ On 19 November 2010 the women's prison population stood at 4,267.¹⁹

At the end of September 2010 there were 10,114 young adults aged 18-20 years old in prisons in England and Wales, 5% more than the previous year. There were 2,070 children under 18 years old in custody, 453 fewer than a year ago.²⁰

Research by the Prime Minister's Strategy Unit says that a 22% increase in the prison population since 1997 is estimated to have reduced crime by around 5% during a period when overall crime fell by 30%. The report states: 'there is no convincing evidence that further

9 Carter, P. (2007) Lord Carter's Review of Prisons, Securing the future, London: Ministry of Justice

10 Hansard, HC, 5 January 2010, c14

11 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

12 Ibid.

13 Ibid.

14 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

15 Hansard HC, 26 July 2010, c691W

16 Ibid.

17 Hansard HC, 9 February 2010, c945W

18 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

19 NOMS, Prison Population and Accommodation Briefing, 19 November 2010

20 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

increases in the use of custody would significantly reduce crime'.²¹

Prison has a poor record for reducing reoffending - 49% of adults are reconvicted within one year of being released - for those serving sentences of less than 12 months this increases to 61%. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 79%.²²

74% of children released from custody in 2008 reoffended within a year.²³

Court ordered community sentences were more effective (by seven percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.²⁴

Prisoners who have problems with both employment and accommodation on release from prison had a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems.²⁵

The majority of offenders (97%) express a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, the majority gave importance primarily to 'having a job' (68%) and 'having a place to live' (60%).²⁶

7.5% of the male population born in 1953 had been given at least one custodial sentence before the age of 46. 33% of men born in 1953 had at least one conviction for a 'standard list' offence before the age of 46.²⁷

The prison system as a whole has been overcrowded in every year since 1994.²⁸

In 2008-09 an average of 20,452 prisoners were either doubled up in cells designed for one or held three in a cell designed for two. This accounts for 24.7% of the prison population.²⁹ This is up from 9,498 in 1996-07.

It is estimated that there are 160,000 children with a parent in prison each year. This is around two and a half times the number of children in care, and over six times the number of children on the Child Protection Register.³⁰

During their time at school 7% of children experience their father's imprisonment.³¹ In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.³²

Costs

According to the government, the overall cost of the criminal justice system has risen from 2% of GDP to 2.5% over the last 10 years. That is a higher per capita level than the US or any EU country.³³



Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

21 Carter, P. (2003) Managing Offenders, Reducing Crime, London: Strategy Unit

22 Ministry of Justice (2010), Reoffending of adults: results from the 2008 cohort, London: The Stationery Office

23 Ministry of Justice (2010), Reoffending of juveniles: results from the 2008 cohort, London: The Stationery Office

24 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

25 Ministry of Justice (2008) Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004, London: Ministry of Justice

26 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

27 Home Office (2001) Criminal careers of those born between 1953 and 1978

28 Home Office (2001) Prison Statistics 2000, London: Home Office, and Ministry of Justice (2009) Offender Management Caseload Statistics 2008, London: The Stationery Office

29 Hansard HC, 19 June 2009, c541W

30 Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007

31 Department for Education and Skills, (2003) Every Child Matters, London: Stationery Office

32 Action for Prisoners' Families, CLINKS, Prison Advice & Care Trust, Prison Reform Trust, The children and families of prisoners: recommendations for government, 5 December 2007

33 Rt Hon Lord Falconer, the Today Programme, BBC Radio 4, 23 January 2007

Following the 2010 spending review the Ministry of Justice will have to make overall resource savings of 23% in real terms by 2014-15.³⁴

Capital savings of 50% will be made over the spending review period. The settlement provides sufficient capital funding to maintain the existing prison estate and to fund essential new build projects. Plans for a 1,500 place new-for-old prison will be deferred to the next spending review period, and spending on new IT and court projects will be limited to essential capacity.³⁵

Between 2003-04 and 2008-09 prison expenditure increased nearly 40% in real terms, from £2.52bn to £3.98bn a year.³⁶

The overall average cost per prison place, including prison related costs met by the National Offender Management Service, but excluding expenditure met by other government departments such as health and education, is £45,000.³⁷

The cost of the crown court process of imposing a prison sentence is approximately £30,500, made up of court and other legal costs.³⁸

The cost per place per year in a secure children's home is £215,000; in a secure training centre it is £160,000 and in a young offender institution it is £60,000.³⁹

In 2008-09 the cost to purchase places and regimes for children and young people in the secure estate was £297,952,000. This equates to 63% of the Youth Justice Board's annual budget.⁴⁰

In 2008-09, the cost of looking after short-sentenced prisoners (sentences of less than 12 months), not including education and healthcare, was £286 million.⁴¹

The average construction cost for the 'core capacity programme' (not all new build), including costs of providing ancillary facilities, and excluding running costs, is approximately £170,000 per place across the lifetime of the accommodation.⁴²

34 HM Treasury (2010) Spending Review 2010, London: HM Treasury
35 HM Treasury (2010) Spending Review 2010, London: HM Treasury

36 Grimshaw, R. et al (2010) Prison and probation expenditure, 1999-2009, London: Centre for Crime and Justice Studies

37 Hansard HC, 3 March 2010, c1251W

38 Harries, R. (1999) Home Office research, development and statistics directorate, Research findings No. 103, London: Home Office

39 Hansard HC, 15 October 2009, c1018W

40 Hansard HC, 25 February 2010, c665W

41 National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office

42 Hansard HC, 12 October 2009, c141W

The total 2009-10 budget for public prisons is £1,980m and for private prisons is £284m.⁴³ Private prisons hold 11.3% of the total prison population and receive 12.5% of the overall prisons budget.

Given that prison building is financed through private finance initiatives that spread building costs over the period of the contract (which can be up to 35 years), the full cost of prison building is not accounted for in any publicly available figures.⁴⁴

In 2008-09 the prison service's capital expenditure was 18% over budget.⁴⁵

Prison service inquest costs since April 2004 total £6,080,000. Costs have risen from £901,000 in 2004-05 to £1,962,000 in 2007-08.⁴⁶

To meet the 3% year-on-year efficiency savings, the Prison Service decided, with ministerial support, to reduce the core week for prisoners as from April 2008. Prisoners are now locked up for half-a-day more thus reducing constructive activity and time outside cells.⁴⁷

In 2007-08, reoffending by all recent ex-prisoners cost the economy between £9.5 billion and £13 billion and as much as three quarters of this cost can be attributed to former short-sentenced prisoners: some £7 billion to £10 billion a year.⁴⁸

Imprisoning mothers for non-violent offences carries a cost to children and the state of more than £17 million over a 10 year period.⁴⁹

People in prison: a snapshot

71% of children in custody have been involved with, or in the care of, social services before entering custody.⁵⁰

86% of boys and 79% of girls in custody aged between 15 and 18 years old had at some time been excluded from school.⁵¹

43 Hansard HC, 12 October 2009, c114W

44 Grimshaw, R. et al (2010) Prison and probation expenditure, 1999-2009, London: Centre for Crime and Justice Studies

45 Hansard HC, 9 September 2009, c2030W

46 Hansard HC, 13 March 2008, c633W

47 Paul Tidball, Prison Governors' Association, Justice Select Committee, Oral evidence, Towards effective sentencing, 12 December 2007

48 National Audit Office (2010) Managing offenders on short custodial sentences, London: The Stationery Office

49 new economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation

50 Youth Justice Board, Accommodation needs and experiences, 2007, as cited in Legal Action, February 2008

51 Parke, S., (2009) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison, London: HMIP

30% of young men and 47% of young women in custody reported having had no visits in the last month or never had visits.⁵²

23% of young offenders have learning difficulties (IQ below 70) and 36% borderline learning difficulties (IQ 70-80%).⁵³

The average age of those sentenced to custody in 2006 was 27. A quarter was aged 21 or under.⁵⁴

Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.⁵⁵ 51% have severe and enduring mental illness, 47% a major depressive disorder, 6% any psychosis and 3% schizophrenia.⁵⁶

Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.⁵⁷

On 30 June 2009 just under 27% of the prison population, 22,292 prisoners, was from a minority ethnic group.⁵⁸ This is the same proportion as in the previous year (2008), but is an increase on 2005 (25%). This also compares to one in 11 of the general population.

At the end of September 2010 there were 11,062 foreign national prisoners (defined as non-UK passport holders), 13% of the overall prison population.⁵⁹

The number of sentenced prisoners aged 60 and over rose by 119% between 1999 and 2009.⁶⁰

According to the Ministry of Defence, around 3% of the prison population in England and Wales are former armed forces personnel. This equated to over 2,500 people on 6 April 2010.⁶¹

20 – 30% of all offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.⁶²

52 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

53 Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness provision for young offenders in custody and in the community. London: YJB

54 Hansard HC, 8 January 2008, c432W

55 Corston, J. (2007) The Corston Report, London: Home Office

56 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office

57 Corston, J. (2007) The Corston Report, London: Home Office

58 Ministry of Justice (2010) Statistics on Race and the Criminal Justice System 2008/09, London: Ministry of Justice

59 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

60 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

61 Hansard HC, 12 January 2010, c934W

62 Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

72% of male and 70% of female sentenced prisoners suffer from two or more mental health disorders. 20% of prisoners have four of the five major mental health disorders.⁶³

In HM Inspectorate of Prison surveys, 15% of people in prison reported having a disability.⁶⁴

49% of the total prison population are Christian (of whom 53% are Anglican, 35% Roman Catholic, 9% other Christian and 3% Free Church), 12% are Muslim, 2% are Buddhist and 35% report having no religion.⁶⁵

Just 36% of people leaving prison go into education, training or employment.⁶⁶

Performance and plans

Prison performance is formally monitored by the Prison Service against its strategic priorities of decency; diversity and equality; maintaining order and control; organisational effectiveness; public protection; reducing reoffending; and security.⁶⁷ Prisons are also monitored by HM Chief Inspector of Prisons using 'expectations' criteria: safety; respect, purposeful activity and resettlement.⁶⁸

In an analysis of prison characteristics that predict prisons being assessed as performing 'well', the size of the prison was the most influential factor. In most cases the largest prisons performed least well against the tests of safety and respect, and overall.⁶⁹

The average size of a prison's population is 620, ranging from 86 to 1,656. Following an extensive building programme on existing sites, 39 prisons now hold over 800 prisoners and 24 hold over 1,000.⁷⁰

A prison with a population of 400 prisoners or under was four times more likely to perform 'well' than a prison with a population of over 800.⁷¹ Public prisons were over five times more likely to perform well for safety than private prisons.⁷²

63 Paul Goggins, former minister for prisons and probation speaking in a debate on prisons and mental health, Hansard, 17 March 2004

64 HM Chief Inspector of Prisons for England and Wales (2009), Disabled prisoners: A short thematic review on the care and support of prisoners with a disability, London: HM Inspectorate of Prisons

65 Ministry of Justice (2010), Offender Management Caseload Statistics 2009, London: The Stationery Office

66 Hansard, HC, 23 March 2010, c115

67 HM Prison Service (2008) Annual report and accounts 2007-2008, London: The Stationery Office

68 HM Inspectorate of Prisons (2006) Expectations: Criteria for assessing the conditions in prisons and the treatment of prisoners: London, HM Inspectorate of Prisons

69 HM Inspectorate of Prisons (2009) The prison characteristics that predict prisons being assessed as performing 'well': A thematic review by HM Chief Inspector of Prisons, London: HM Inspectorate of Prisons

70 NOMS Monthly Bulletin – April 2010

71 HM Inspectorate of Prisons (2009) The prison characteristics that predict prisons being assessed as performing 'well': A thematic review by HM Chief Inspector of Prisons, London: HM Inspectorate of Prisons

72 Ibid.

Scottish prison overview

On 5 November 2010 the total population of prisoners in custody in Scotland stood at 7,680.⁷³

The official capacity for the total of all 15 Scottish prisons stands at 7,483. This puts the occupancy level at 102.5%.⁷⁴

45% of prisoners in Scotland reported that high prisoner numbers have had an impact on both their safety and privacy in their cell, access to medical services (62%), opportunities for training and education (61%), and quality of life generally (58%).⁷⁵

The imprisonment rate for Scotland stands at 147 per 100,000.⁷⁶

Young adults (18-21) make up 10% of the prison population.⁷⁷

87% of the population of Polmont Young Offenders Institute in Scotland have been there before their present sentence.⁷⁸

Since the year 1999-00 the average daily female prison population in Scotland has increased by 97%. The 2008-09 female prison population was 413, an increase from 371 in 2007-08.⁷⁹

The number of custodial sentences imposed by courts during 2008-09 was just under 16,900, up 1% on 2007-08 and the highest figure recorded during the last 10 years.⁸⁰

In Scotland, the average daily remand population in 2008-09 was 1,678, up 8% on the previous year.⁸¹

In 2008-09 the number of women remanded in custody stood at 2,338, nearly double the figure for 1999-2000.⁸²

The average daily population of prisoners in Scotland recalled from supervision or licence has risen substantially, increasing by 18% to 614 in 2007-08, from 519 in 2006-07.⁸³

Justice Secretary Kenny MacAskill has said: 'Short sentences simply don't work. They are ineffective and of no practical benefit to communities. If we are serious about improving the safety of our communities, we need to ensure that our prisons focus on the most serious criminals for whom prison is the only option.'⁸⁴

On 6 August 2010 a statutory presumption against short periods of imprisonment was decreed in the Scottish Parliament. The Criminal Justice and Licensing (Scotland) Act 2010 states that 'a court must not pass a sentence of imprisonment for a term of three months or less on a person unless the court considers that no other method of dealing with the person is appropriate.'⁸⁵

In February 2008, Scottish Justice Secretary, Kenny MacAskill announced a decision to end the use of custodial remand for children under the age of 16. In a statement he said, 'I don't believe that in the long run Scotland will be well served by jailing children. Lock up a youth alongside hardened criminals, and there's a risk you'll lock them into a life of crime.'⁸⁶

HM Chief Inspector of Prisons for Scotland has stated that 'prison is no place for a child.'⁸⁷

1% of Scottish children have been in care; 50% of Scottish prisoners have been in care; 80% of Scottish prisoners convicted of violence have been in care.⁸⁸

The annual cost per prisoner place for 2008-09 was £44,447.⁸⁹

Call charges from Scottish prisons have reduced from 1 April 2010. Following the successful supercomplaint to Ofcom brought by the Counsumer Councils and the Prison Reform Trust, calls to UK landlines have fallen by 23% to

73 Scottish Prison Service, <http://www.sps.gov.uk/Default.aspx?DocumentID=7811a7f1-6c61-4667-a12c-f102bbf5b808>

74 International Centre for Prison Studies http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=171

75 Scottish Prison Service, 12th prisoner survey 2009

76 International Centre for Prison Studies http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=171

77 Scottish Prison Service, <http://www.sps.gov.uk/default.aspx?documentid=7811a7f1-6c61-4667-a12c-f102bbf5b808>

78 HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09, Edinburgh: The Scottish Government

79 Scottish Executive Statistical Bulletin (2009), Criminal Justice Series, Prison Statistics Scotland, 2008-09

80 Scottish Executive (2010) Statistical Bulletin, Criminal Justice Series, Criminal Proceedings in Scottish Courts, 2008-09

81 Scottish Executive Statistical Bulletin (2009), Criminal Justice Series, Prison Statistics Scotland, 2008-09

82 Scottish Executive (2009) Statistical Bulletin, Criminal Justice Series, Prison Statistics Scotland 2008-09

83 Scottish Executive, Statistical Bulletin, Criminal Justice Series, Prison Statistics Scotland 2007/08

84 <http://www.dailyrecord.co.uk/news/politics-news/2009/09/01/fury-at-justice-secretary-kenny-macaskill-over-plans-to-release-short-term-prisoners-86908-21639184/>

85 http://www.legislation.gov.uk/asp/2010/13/pdfs/asp_20100013_en.pdf

86 Scottish Government press release, 21 February 2008, <http://openscotland.gov.uk/News/Releases/2008/02/21081302>

87 HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09, Edinburgh: The Scottish Government

88 HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09, Edinburgh: The Scottish Government

89 Scottish Prison Service Annual Report and Accounts 2008-09, July 2009

8.4 pence per minute and calls to mobiles have dropped 63% to 23.5 pence per minute.⁹⁰

81% of prisoners in Scotland reported positively on access to family and friends and the ability to arrange visits. However, 61% of prisoners reported that their visitors experienced problems when visiting them in prison. The problem most frequently reported was the distance of the prison from their home (69%); this was followed by the cost involved in getting to the prison (57%).⁹¹

45% of Scottish prisoners reported being under the influence of drugs at the time of their offence, and 19% reported that they committed their offence to get money for drugs.⁹²

20% of respondents to the 2009 Scottish Prison Service prisoner survey had been seen by mental health staff.⁹³

50% of Scottish prisoners reported being drunk at the time of their offence. 24% reported that drinking affected their ability to hold down a job and 38% noted that their drinking affected their relationship with their family.⁹⁴

According to Justice Secretary Kenny MacAskill, two thirds of the women at Cornton Vale, Scotland's only all-women prison, were serving sentences of six months or less. Commenting on this MacAskill said they had 'typically been jailed for low level offences'. 'The statistics speak for themselves - four out of five women going to Cornton Vale have a mental health problem and seven out of 10 have a disclosed history of abuse or trauma.' 'So while the staff at Cornton Vale are doing a fantastic job, a short-term prison environment is not always conducive to identifying root problems and dealing with them effectively.'⁹⁵

There was a 140% increase in the average number of prisoner self-harm attempts across Scottish prisons from 2004 to 2008.⁹⁶

72% of people discharged from custody after a short sentence of six months or less are reconvicted within two years, compared to 25% of those who served a sentence of four years or more.⁹⁷

Prisoners in Peterhead still do not have access to proper sanitation. HM Chief Inspector of Prisons for Scotland states that the continuation of slopping out 'remains the worst single feature of prisons in Scotland.'⁹⁸

There are two privately financed designed, built, and operating prisons in Scotland; Serco-run Kilmarnock and Kalyx-run Addiewell. Combined they hold some 1,340 prisoners, approximately 16.5% of Scotland's prisoner population.⁹⁹

The Scottish prison population is predicted to rise to 9,300 by 2015.¹⁰⁰

The Scottish Prison Service has awarded a contract to Carillion Construction Limited to design and construct a new prison in Bishopbriggs. The prison, which will be known as HMP Low Moss, is expected to open in 2010.¹⁰¹

The design and construction works will cost around £116m and will be completed around the end of 2011.

90 Information from Consumer Focus, 10 May 2010

91 Scottish Prison Service, 12th prisoner survey 2009

92 Scottish Prison Service, 12th Prisoner Survey 2009

93 Scottish Prison Service, 12th Prisoner Survey 2009

94 Scottish Prison Service, 12th Prisoner Survey 2009

95 <http://news.stv.tv/scotland/112781-kenny-macaskill-argues-against-short-prison-sentences/>

96 Scottish Parliament, written answers 28 April 2009, S3W-23051

97 <http://www.scotland.gov.uk/Publications/2010/08/27112240/2>

98 HM Chief Inspector of Prisons for Scotland (2009) Annual Report 2008-09, Edinburgh: The Scottish Government

99 Scottish Prison Service, Prisoner Population 24 April 2009

100 BBC News online, 25 November 2005

101 <http://www.sps.gov.uk/ViewNewsDoc.aspx?DocumentID=5a144302-c97d-4e06-a5a7-634308317702>

Northern Ireland prison overview

On 12 April 2010 policing and criminal justice powers were devolved from Westminster to the Northern Ireland Assembly.¹⁰²

On the 8 November 2010 the total prison population for Northern Ireland stood at 1,526. This figure is a 15% increase from 2005.¹⁰³

The imprisonment rate for Northern Ireland is 85 per 100,000.¹⁰⁴

The current combined design capacity for the three Northern Ireland prison services is 1,775, meaning the current occupancy level stands at 82%.¹⁰⁵

A high proportion of people in prison in Northern Ireland are being held on remand. The total percentage for the remand population 2007 was 38.2%, compared to 16.5% for England and Wales, and 19.5% for Scotland.¹⁰⁶

There has been considerable increase in the number of foreign national prisoners held in NI prisons, from 181 committals in 2006-07 to 547 in 2008-09 (a 202% increase).¹⁰⁷

From 1 April 2009 electronic monitoring became available for courts as an alternative to custody and remand, in some circumstances. Provision has been made for 500 electronic tags to be issued over the next two years.¹⁰⁸

The Northern Ireland prison service currently has a capital works building budget of approximately £60 million to cover April 2008 – March 2011. The budget is set to improve the overall prison estate, as well as to provide 400 extra places in prisons, including raising HMP Magilligan's capacity to 800.¹⁰⁹

In 2007-08 the average cost per prisoner place was £81,030. For the total 1,445 people in custody during this time period the annual cost for the Northern Ireland prison service was £117,088,350.¹¹⁰

The number of people sent to prison throughout 2007 for failure to pay fines was over 1,700, every day throughout this year 25-30 individuals were incorporated into the prisoner population. The cost of holding these people in custody amounts to over £1million for the prison service.¹¹¹

In 2006 the combined reoffending rate for youth conferencing, a restorative justice programme in Northern Ireland, was 38% – this compared to 52% for community sentences and 71% for custodial sentences.¹¹²

Victims were present in two-thirds of all conferences held in 2008-09 – 89% expressed satisfaction with the conference outcome and 90% said they would recommend restorative justice to a friend.¹¹³

The number of children sentenced to immediate custody in Northern Ireland dropped from 139 in 2003 to 89 in 2006.¹¹⁴

The prison population is expected to rise in Northern Ireland by 6%, year on year for the next five years, and by 5% in the following years, with the population of life sentenced prisoners up by 50% within 10 years.¹¹⁵

On 21 June 2010 Justice Minister David Ford announced Dame Anne Owers as chair of the team which will review the conditions of detention, management and oversight of prisons in Northern Ireland.¹¹⁶

102 http://www.opsi.gov.uk/si/si2010/uksi_20100976_en_1

103 Northern Ireland Prison Service, <http://www.niprisonservice.gov.uk/module.cfm/opt/8/area/Population%20Report/page/population/>

104 International Centre for Prison Studies http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=170

105 Ibid.

106 <http://www.kcl.ac.uk/depsta/law/research/icps/downloads/WPTRIL.pdf>

107 The Prisoner Ombudsman for Northern Ireland Annual Report 2008-2009, Belfast: The Prisoner Ombudsman

108 Hansard HC, 9 March 2009, c60W

109 Hansard HC, 24 June 2009, cWA293

110 Hansard HC, 21 January 2009, c1453W

111 www.nio.gov.uk/government-publishes-consultation-on-fine-default/media-detail.htm?newsID-15342

112 Jacobson, J. and Gibbs, P. (2009) Making Amends: restorative justice in Northern Ireland, London: Prison Reform Trust

113 Ibid.

114 Ibid.

115 Interview with Robin Masefield, Director General of the Northern Ireland Prison Service, 12 February 2006 – Belfast Telegraph

116 <http://www.northernireland.gov.uk/news-doj-210610-minister-announces-prison>

Prison overcrowding

Prison overcrowding is defined by the Prison Service as a prison containing more prisoners than the establishment's Certified Normal Accommodation (CNA). 'CNA, or uncrowded capacity, is the Prison Service's own measure of accommodation. CNA represents the good, decent standard of accommodation that the service aspires to provide all prisoners.'¹¹⁷

The limit to overcrowding in prison is called the Operational Capacity. The Prison Service defines it as: 'the total number of prisoners that an establishment can hold without serious risk to good order, security and the proper running of the planned regime.'¹¹⁸ For the first time, recorded figures showed that on 22 February 2008, at 82,068 the prison population breached the Prison Service's own safe overcrowding limit.¹¹⁹

The prison population was 110% of the 'in use CNA' (77,163) on 30 April 2010.¹²⁰

HM Inspectorate of Prisons found that healthcare beds were often part of a prison's CNA when this should not be the case. Admission to in-patient care should only be on assessment of clinical need.¹²¹

The end of custody licence scheme was withdrawn on 12 March 2010. This was expected to increase the prison population by an additional 1,000 to 1,200 prisoners by the end of April 2010.¹²²

At the end of April 2010, 80 of the 137 prisons in England and Wales were overcrowded.¹²³

In 2008-09 an average of 20,452 prisoners were either doubled up in cells designed for one or held three in a cell designed for two. This accounts for 24.7% of the prison population.¹²⁴ This is up from 9,498 in 1996-07.

In 2008 there were 2,195 in-cell assaults recorded – 18% of all prisoner-on-prisoner assaults.¹²⁵

Approximately 70% of the increase in demand for prison places between 1995 and 2005 is

estimated to have arisen owing to changes in custody rate and sentence length.¹²⁶

There were 270,000 prisoner transfers between July 2007 and June 2009 – an average of 2,600 a week.¹²⁷

The 10 most overcrowded prisons in England and Wales, October 2010:

Prison	In use CNA	Operational capacity	Population	% Overcrowded
Shrewsbury	184	340	323	176%
Preston	453	840	780	172%
Leicester	210	392	347	165%
Swansea	240	428	392	163%
Exeter	316	545	513	162%
Dorchester	146	260	234	160%
Canterbury	195	314	306	157%
Bedford	321	506	497	155%
Cardiff	555	824	837	151%
Durham	606	1,012	915	151%

NOMS Monthly Bulletin - October 2010

The Prisons and Probation Ombudsman (PPO) has highlighted the damaging effects of prisoners being transferred on 'overcrowding drafts'. Prisoners are often moved from jails that they know and are known, to other busy prisons where they may feel less safe. A number of PPO investigations have drawn attention to the potentially tragic consequences of this.¹²⁸

In an interview with *The Times* on 12 July 2007, Jack Straw, then incoming Secretary of State for Justice, stated that 'we cannot just build our way out of overcrowding'. He called for a 'national conversation' on the use of prison and said that he would still want this to take place even if he could 'magic an extra 10,000 places'.¹²⁹

Justice minister Crispin Blunt told the House of Commons on 23 November 2010 that 'we are not in a position to create enough prison places to be able to address the problem of overcrowding'.¹³⁰

117 The Prison Service, Prison Service Order 1900, Certified Prisoner Accommodation

118 Ibid.

119 http://www.hmprisonservice.gov.uk/assets/documents/100035D522022008_web_report.doc

120 NOMS Monthly Bulletin – April 2010

121 HM Chief Inspector of Prisons (2010) Annual report

122 Hansard, HC, 23 March 2010, c182W

123 NOMS Monthly Bulletin – April 2010

124 Hansard HC, 19 June 2009, c541W

125 NOMS, Safer Custody News, July/August 2009

126 Carter, P. (2007) Lord Carter's Review of Prisons, Securing the future, London: Ministry of Justice

127 Ministry of Justice (2010) Review of prison transfers prior to HMCIP inspection, London, MoJ

128 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

129 Rt Hon Jack Straw, *The Times*, 12 July 2007

130 Hansard HC, 23 November 2010, c155

Sentencing trends

1,405,900 people were sentenced by the courts in 2009. This marked an increase of 3% compared to 2008 in magistrates' courts and an increase of 6% at the crown court. 7% of people (100,200) were sentenced to immediate custody with an average sentence length of 13.7 months.¹³¹

Approximately 70% of the increase in demand for prison places between 1995 and 2005 is estimated to have arisen owing to changes in custody rate and sentence length.¹³²

The proportion of defendants sentenced to immediate custody has remained stable over the past 11 years while the trend in average sentence lengths has been increasing, now 2.2 months higher than in 1999.¹³³

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 18% in 2010. If these longer sentences were included, the average time served would be higher.¹³⁴

There were 71,744 sentenced prisoners at 30 September 2010, up 2,318 from a year earlier.¹³⁵

The number of prisoners serving a sentence of less than six months rose 6% between March 2009 and September 2010 (up 289). The number of people serving a sentence equal to and greater than six months and less than 12 months increased by 3%.¹³⁶

The sentencing guidelines working group, when looking at sentences given for four different offences in the crown court, found that 71 out of these 222 sentences were above the guideline ranges for the relevant level of seriousness.¹³⁷

93,621 people entered prison under sentence in 2009, down 5% on the previous year but 4% higher than in 1999.¹³⁸

This rise was proportionally far greater for women (up 66%) than for men (up 8%). Among

women there were large rises in theft and handling, and breaches of court orders.¹³⁹

Magistrates' courts accounted for 48,389 sentences of immediate custody, down 4% on 2008. The percentage of people sentenced to immediate custody for all offences has remained stable over the past five years.¹⁴⁰

At magistrates' courts the average sentence length for sentences of immediate custody remained stable at 2.7 months.¹⁴¹

55% of people sentenced at the crown court received an immediate custodial sentence, a total of 51,800. This is a rise of 5% from 2008 and is the highest use of custody at the crown court in the last 11 years.¹⁴²

36,042 people were given sentences up to and including three months in 2009 – up 1% compared to 2008.¹⁴³

38% of women entering prison under sentence serve sentences of up to and including three months, compared to 28% of men.¹⁴⁴

Women serve shorter prison sentences than men and for less serious offences. While prisoners serving sentences of six months or under make up 9% of the total prison population, women serving these short sentences make up 16% of the female prison population.¹⁴⁵

People sentenced to six months or under constituted 57% of those 100,190 people sentenced to immediate custody in 2009.¹⁴⁶

Of those in prison on short sentences of six months or under, 42% have 15 or more previous convictions, 15% between 11 and 14, 16% between seven and 10, and only 5% have no previous convictions. 12% of women serving sentences of six months or under have no previous convictions.¹⁴⁷

46% of adults given custodial sentences have already had at least three previous custodial sentences.¹⁴⁸

131 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

132 Carter, P. (2007) Lord Carter's Review of Prisons, Securing the future, London: Ministry of Justice

133 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

134 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice

135 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

136 Ibid.

137 Hansard, WH 5 February 2009, c328WH

138 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

139 Ibid.

140 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

141 Ibid.

142 Ibid.

143 Ibid.

144 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

145 Ibid.

146 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

147 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

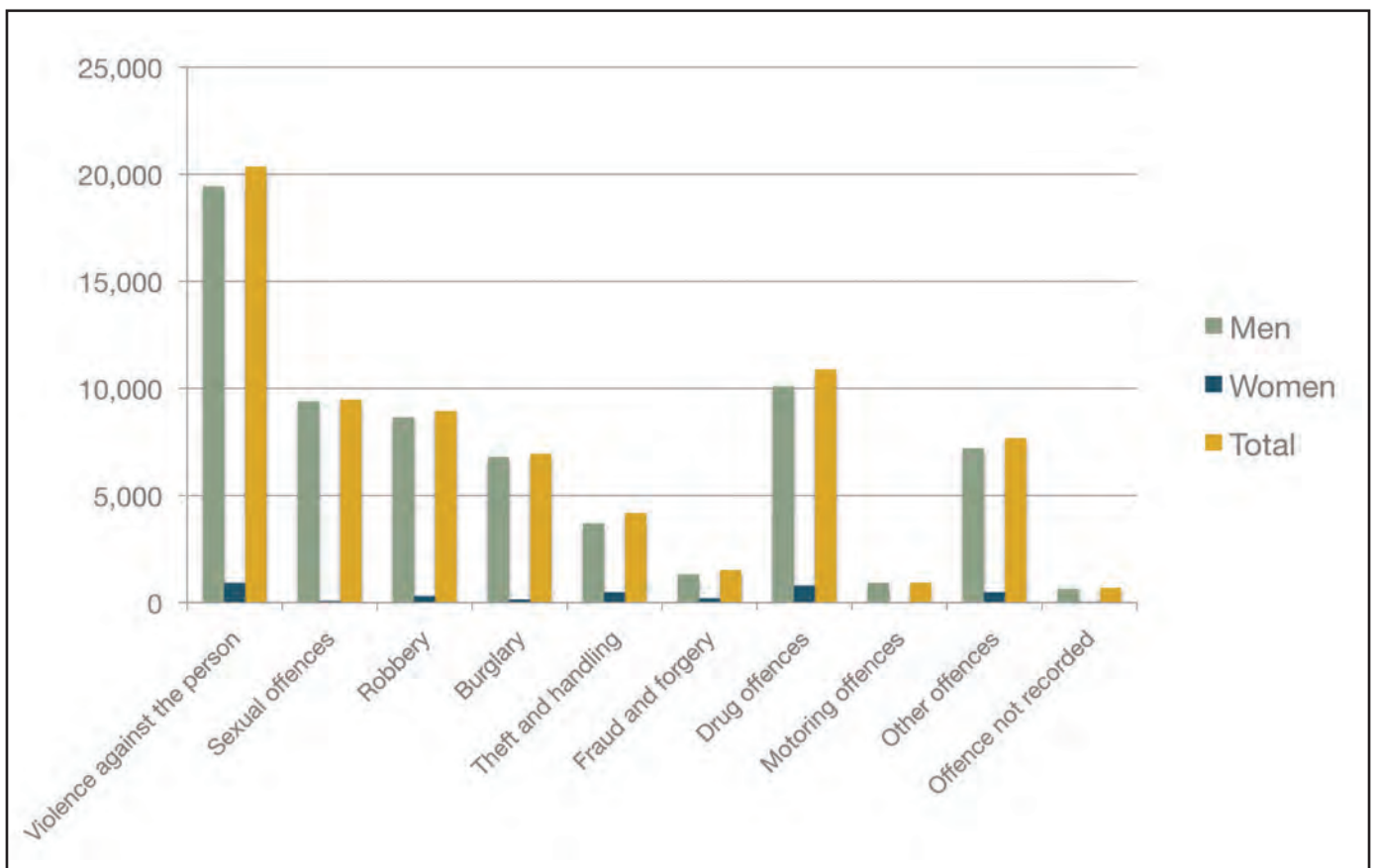
148 Hansard, WH, 5 February 2009, c302WH

Reconviction rates for sentences of 12 months or less were almost twice those of offenders sentenced to carry out unpaid work – 70% compared to 38%.¹⁴⁹

The government is also specifically examining ‘the implications for the Rehabilitation of Offenders Act’.¹⁵¹

The government has been conducting a review of sentencing policy which has looked in detail at ‘the full range of penalties and restorative measures available in the criminal justice system, both in and out of court; the adult and youth sentencing framework, ensuring that appropriate links are made between the two; and [...] issues of which court is used to try which offence.’¹⁵⁰

Sentenced population by offence, September 2010



Ministry of Justice (2010) *Offender Management Statistics Quarterly Bulletin, April to June 2010*, London: Ministry of Justice

149 House of Commons Justice Committee (2008) *Towards Effective Sentencing*, Fifth Report of Session 2007-08, Vol 1, London: The Stationery Office

150 Letter from Crispin Blunt MP, Parliamentary Under-Secretary of State for Justice to Prison Reform Trust, 8 July 2010

151 Ibid.

Prisoners serving life sentences and indeterminate sentences for public protection (IPP)

The number of life sentenced and IPP sentenced prisoners has increased considerably in recent years. There were 13,271 people serving indefinite sentences at the end of September 2010, a rise of 9% in the last 18 months.¹⁵² This compares with fewer than 4,000 in 1998 and 3,000 in 1992.¹⁵³

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 18% in 2010.¹⁵⁴

Life sentences

421 people were given a life sentence in 2009, a decrease of 102 from 2008.¹⁵⁵

At the end of 2007 there were 35 prisoners in England and Wales serving a 'whole life' tariff.¹⁵⁶

The average time served for those given a mandatory life sentence has increased from 13 years in 1999 to 17.5 years in 2009.¹⁵⁷

As at 1 September 2008, England and Wales had by far the highest number (6,922) of life sentenced prisoners in Europe. It had more than Turkey (2,571), Germany (1,985), Italy (1,396) and France (531) combined.¹⁵⁸

IPP

1,001 people were given an IPP sentence in 2009, a decrease of 35% since 2008.¹⁵⁹

On 5 July 2010, there were 6,130 prisoners serving IPP sentences.¹⁶⁰

On 5 July 2010, 2,850 of those sentenced to imprisonment for public protection were being held beyond their tariff expiry date.¹⁶¹ On 5 February 2010 there were 476 people serving IPP

sentences who were two years or more over tariff expiry.¹⁶²

Since 2005 just 94 people serving IPP sentences have been released from custody.¹⁶³

Changes have been made to the legislation – which came into effect on 14 July 2008 – limiting the availability of IPP sentences to those with a minimum tariff of two years and over. This should reduce the numbers sentenced to an IPP by up to an estimated 30%. However, those sentenced to an indeterminate sentence are likely to stay well beyond tariff.¹⁶⁴

Many people given an IPP sentence under the old legislation, subsequently amended, are still in custody.

About 10% of the entire prison population will be serving IPP sentences by 2015 at the present rate of progress.¹⁶⁵

On 9 October 2009, there were 1,225 people serving IPP sentences who were being held beyond their tariff of two years or less. The average time this group has been held beyond tariff was 486 days.¹⁶⁶

Initially a third of IPP prisoners had tariffs of two years (equivalent to a determinate sentence of four years) or less. After the amendments of 2008, 18% had tariffs of two years or less; 24% had tariffs of five years or more.¹⁶⁷

As of 16 December 2009 over half of those IPP prisoners who were over tariff were still awaiting a Parole Board review of their case or a decision from a review.¹⁶⁸

On 19 January 2010, of the 2,468 people being held beyond tariff, 466 had completed no accredited offending behaviour programmes.¹⁶⁹

HM Chief Inspectors of Prisons and Probation have stated that 'the current situation is not sustainable. IPP prisoners now constitute around one in 15 of the total prison population ... even with the recent changes in legislation, these

152 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

153 Home Office (2003) Prison Statistics England and Wales 2002, London: Stationery Office

154 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice

155 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

156 Hansard HC, 5 February 2008, c1115W

157 Hansard HC, 22 February 2010, c256W

158 Aebi, M. (2010) Council of Europe Annual Penal Statistics, Survey 2008

159 Ministry of Justice (2010) Sentencing Statistics 2009, London: Ministry of Justice

160 Hansard HC, 26 July 2010, c691W

161 Ibid.

162 Hansard HC, 9 February 2010, c945W

163 Hansard HC, 26 January 2010, c733W

164 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Prisons Inspectorate

165 Hansard HC, 23 November 2010, c147

166 Letter from Lord Bach to Baroness Stern, 23 January 2010

167 Jacobson, J. and Hough, M. (2010) Unjust Deserts: imprisonment for public protection, London: Prison Reform Trust

168 Letter from Maria Eagle MP to Andrew Stunnell MP, 19 January 2010

169 Hansard HC, 26 January 2010, c732W

numbers far exceed the capacity of the probation service and the prison system (and the Parole Board for that matter) to deliver the necessary quality of service.¹⁷⁰

HM Chief Inspectors of Prisons and Probation have described those serving IPP sentences as ‘prisoners with many and complex needs, including mental health, learning disability and a risk of self-harm.’¹⁷¹

Nearly one in five IPP prisoners have previously received psychiatric treatment, while one in 10 is receiving mental health treatment in prison and one in five is receiving medication. One IPP prisoner in 20 is, or has been, a patient in a special hospital or regional secure unit.¹⁷²

Data from the Prison Service’s Safer Custody Group also confirm that IPP prisoners have a raised incidence of self-harm.¹⁷³

Three people serving IPP sentences took their own lives in 2009.¹⁷⁴

Nearly 80% of IPP sentences for women surveyed by the Chief Inspectors of Prisons and Probation were for offences of arson, which is often an indicator of serious mental illness or self-harm.¹⁷⁵

According to HM Chief Inspector of Prisons, many IPP prisoners remain unclear about the implications of their sentence. The Prison Service has not produced any information specifically for IPP prisoners.¹⁷⁶

There is a significant shortage of accredited offender behaviour programmes for IPP prisoners, especially in local prisons. Many IPP prisoners attend their Parole Board hearing with little or nothing to show for their time in prison.¹⁷⁷

170 Criminal Justice Joint Inspection (2010) Indeterminate sentences for public protection: A Joint Inspection by HMI Probation and HMI Prisons, London: CJI

171 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

172 Sainsbury Centre for Mental Health (2008) In the dark: The mental health implications of Imprisonment for Public Protection, London: Sainsbury Centre for Mental Health

173 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

174 Hansard HC, 8 March 2010, c97W

175 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

176 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006/2007, London: HM Inspectorate of Prisons

177 Sainsbury Centre for Mental Health (2008) In the dark: The mental health implications of Imprisonment for Public Protection, London: Sainsbury Centre for Mental Health

On 5 July 2010, 2,120 people serving an IPP sentence had not completed at least one course.¹⁷⁸

Prisoners whom staff consider to be unsuitable to participate because of mental illness or emotional instability are often excluded from taking part in programmes entirely.¹⁷⁹

Research by the Prison Reform Trust has found that there are a significant number of prisoners who, because they have a learning disability or difficulty, are excluded from aspects of the prison regime including offending behaviour programmes.¹⁸⁰ A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as ‘kafkaesque’.¹⁸¹

The Joint Committee on Human Rights found, in response to evidence submitted by the Prison Reform Trust, that ‘people with learning disabilities may serve longer custodial sentences than others convicted of comparable crimes.’ The report went on to say that ‘this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination).¹⁸²

According to HM Chief Inspectors of Prison and Probation, ‘life-sentenced prisoners, too, were increasingly angry and frustrated as short-tariff IPP prisoners were prioritised for scarce courses and programmes.’¹⁸³

The president of the Prison Governors Association has called for the release of the 2,500 prisoners who were jailed indefinitely for the public’s protection (IPP) and have now served more than their minimum tariff.¹⁸⁴

178 Hansard HC, 26 July 2010, c691W

179 Ibid.

180 Talbot, J. Written evidence submitted by Prison Reform Trust to the Joint Committee on Human Rights: The Human Rights of Adults with Learning Disabilities, 2007

181 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

182 Joint Committee on Human Rights (2007-08) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

183 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Prisons Inspectorate

184 <http://www.independent.co.uk/news/uk/crime/call-for-public-protection-prisoners-to-be-freed-2104311.html>

People on remand

In 2009, 55,207 people were remanded into custody to await trial. In the same year 37,003 people were remanded into prison convicted but awaiting sentence.¹⁸⁵

In 2007, 11,400 people remanded in custody were subsequently acquitted.¹⁸⁶

The remand population in prison at the end of September 2010 was 12,706, down 6% from the previous year. Within this total, the untried population decreased 5% to 8,398 and the convicted unsentenced population decreased 8% to 4,308.¹⁸⁷

In 2008-09, 4,963 children under 18 were remanded in custody. Of these, 985 spent between one and six months in custody on remand; 194 between six and 12 months; and four were held on remand in custody between 12 months and three years.¹⁸⁸

In 2008, 2,602 children who were remanded in custody were subsequently acquitted or given a community sentence.¹⁸⁹

An acquitted defendant is not automatically entitled to compensation, and it has been the exception rather than the rule for any compensation to be payable.¹⁹⁰

The average waiting time for those remanded into custody awaiting cases committed for trial at the crown court was 13 weeks.¹⁹¹ This is up from 10 weeks in 2001.¹⁹²

Of those people remanded into custody in 2007, 30% went on to receive a non-custodial sentence.¹⁹³

Just under two-thirds of people received into prison on remand awaiting trial are accused of non-violent offences. In 2008, 13% were remanded into custody for theft and handling of stolen goods.¹⁹⁴

185 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office. NB, the same person can be remanded before and after trial, so counting twice

186 Hansard HC, 1 September 2009, c1775W

187 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

188 Hansard HC, 12 October 2009, c92W

189 Hansard HC, 10 February 2010, c1084W

190 Sally Broadbridge (2009) Compensation for acquitted defendants, London: House of Commons Library

191 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office

192 Office for Criminal Justice Reform (2008) Criminal Statistics: England and Wales 2007 statistics bulletin, London: Office for Criminal Justice Reform

193 Hansard HC, 21 April 2009, c623W

194 Ministry of Justice (2009) Offender Management Caseload Statistics 2008, London: The Stationery Office

In the year up to the end of September 2010 the number of women on remand fell 4% to 781. Women on remand make up 18% of the female prison population.¹⁹⁵

The number of women entering prison on remand awaiting trial has decreased 15% from 2008. This comes after an increase of 22% over the period between 2004 and 2008.¹⁹⁶

One fifth of children in custody in England and Wales are locked up on remand – approximately 600 at any one time. The number of children imprisoned on remand has increased by 41% since 2000.¹⁹⁷

Use of the important alternative to custodial remand – remand to non-secure local authority accommodation – has declined by 43% in the last four years. In most areas of England and Wales there is no specialist accommodation for under-18 year olds on bail or remand to non-secure local authority accommodation.¹⁹⁸

As at 1 April 2009 the average cost of placing a young person remanded to custody in a Secure Training Centre was £209,000 per annum (excluding VAT).¹⁹⁹

According to research by the Office for National Statistics, more than a quarter of men on remand have attempted suicide at some stage in their life. For women remand prisoners the figure is even higher. More than 40% have attempted suicide before entering prison.²⁰⁰

Remand prisoners have a range of mental health problems. According to the Office for National Statistics more than three-quarters of men on remand suffer from a personality disorder. One in 10 have a functional psychosis and more than half experience depression. For women on remand, nearly two-thirds suffer from depression. Once again these figures are higher than for sentenced prisoners. Research has found that 9% of remand prisoners require immediate transfer to the NHS.²⁰¹

Remand prisoners, 16% of the prison population, accounted for half of self-inflicted deaths in 2008-09.²⁰²

195 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

196 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

197 Gibbs, P. and Hickson, S (2009) Children: Innocent until proven guilty? A briefing on the overuse of remand for children in England and Wales and how it can be addressed, London: Prison Reform Trust

198 Ibid.

199 Hansard HC, 4 November 2009, c1025W

200 Singleton, N et al (1998) Psychiatric Morbidity among Prisoners in England and Wales, London: Office for National Statistics

201 Ibid.

202 HM Chief Inspector of Prisons for England and Wales (2010),

A significant proportion of those held on remand have been in prison previously. One study found that 65% of respondents had been remanded into custody before.²⁰³

One in four men and half of all women on remand receive no visits from their family.²⁰⁴

Research by the Prison Reform Trust found that prisons are failing to equip remand prisoners to prepare for trial. The study found that only 48% of prison libraries in jails holding remand prisoners stocked the standard legal texts that under Prison Service regulations they must provide.²⁰⁵

Remand prisoners are more likely than sentenced prisoners to have a history of living in unstable or unsuitable accommodation.

Research by the National Association for the Care and Resettlement of Offenders (nacro) shows they are five times more likely to have lived in a hostel prior to imprisonment.²⁰⁶

Remand prisoners receive no financial help from the Prison Service at the point of release. They are also not eligible for practical support with resettlement from the Probation Service, even though they can be held on remand for as long as 12 months.²⁰⁷

More than two in three of all prisoners are unemployed when they go to jail. But research by nacro has found that remand prisoners are less likely than sentenced prisoners to have had a job before prison. The minority of remand prisoners who do have jobs are very likely to lose them whilst in prison.²⁰⁸

Remand population by offence type September 2010:²⁰⁹

Offence group	Total
Violence against the person	3,266
Other offences	2,036
Drug offences	1,801
Robbery	1,409
Burglary	1,374
Sexual offences	1,121
Theft and handling	936
Fraud and forgery	370
Offence not recorded	336

Annual Report 2008-09, London: HMIP.

203 nacro (2000) Prisoner Resettlement Surveys, Unpublished

204 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

205 Ruthven, D and Seward, E (2002) Restricted Access: Legal Information for Remand Prisoners, London: Prison Reform Trust.

206 nacro (2000) Prisoner Resettlement Surveys, unpublished

207 Citizens Advice (2007) Locked Out: CAB evidence on prisoners and ex-offenders, London: Citizens Advice

208 Ibid.

209 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

Releases from and recalls to prison²¹⁰

There was a total of 91,200 prisoners released from determinate sentences in 2009.²¹¹

The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison population over the period. Changes to the law have meant that more offenders are liable to be recalled, and to spend longer in custody having been recalled.²¹²

There were 5,659 recall prisoners in prison on 30 September 2010.²¹³

In the five years to 2007, there has been a 350% increase in the number of offenders recalled to prison for apparent breach of their conditions.²¹⁴ This is despite the fact that the number of ex-prisoners on licence in the community has increased by less than 15%. Rates of recall for those technically eligible rose from 53% in 2000, to 86% in 2004.²¹⁵

Recalled prisoners make up nearly 11% of the population of local prisons.²¹⁶

In 2009-10, 13,919 determinate sentence offenders were recalled, an increase of 18% on 2008-09.²¹⁷

Between April and June 2005, 2,100 people were recalled for a breach of their licence. Of these the largest proportion, 30%, were 'out of touch', 18% were breached for problems with their behaviour, 8% for breaking their residency conditions and 18% for 'other reasons'. Only a quarter were recalled to face a further charge.²¹⁸

48 prisoners have been granted permanent early release on compassionate grounds in the last five years.²¹⁹ This equates to some 28% of applications.²²⁰

In 2009, 11,534 people were released on Home Detention Curfew (HDC). This was 22% lower

than in 1999. One of the main reasons associated with this fall were assessors becoming more risk aware or averse.²²¹ On 19 November 2010, 2,698 people were on HDC.²²²

In 2009 there were 1,441 decisions to recall from HDC. Of those recalled, just 16% were for a new offence.²²³

Under the provisions of the Criminal Justice Act 2003, the time served under licence is increasing markedly. Those serving long sentences will be under supervision for the whole sentence, instead of until the three-quarters point and the new public protection sentences include long periods on licence.

The Prisons and Probation Ombudsman reports seeing more complaints about delays or omissions in delivering sentence plans, and about the content of reports. Decisions about release on HDC or release on temporary licence also feature to a degree that was not the case at the beginning of the decade.²²⁴

The end of custody licence scheme was withdrawn on 12 March 2010. This was expected to increase the prison population by an additional 1,000 to 1,200 prisoners by the end of April 2010.²²⁵

210 Unless otherwise stated, all facts in this section are drawn from the Prison Reform Trust's briefing paper, Recycling Offenders through Prison, May 2005

211 Hansard HC, 25 October 2010, c35W

212 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice

213 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

214 Hansard, WH, 5 February 2009, c311WH

215 HM Inspectorate of Prisons (2005) Recalled prisoners, London: HM Inspectorate of Prisons

216 Ibid.

217 Ministry of Justice (2010) Offender management caseload statistics 2009, London: The Stationery Office

218 NOMS Recall newsletter edition 7, annex A

219 Hansard HC, 17 June 2009, c401W

220 Hansard, WH, 20 October 2009, c208 WH

221 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

222 NOMS, Prison Population and Accommodation Briefing, 19 November 2010

223 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

224 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

225 Hansard, HC, 23 March 2010, c182W

Reoffending

Prison has a poor record for reducing reoffending – 49% of adults are reconvicted within one year of being released – for those serving sentences of less than 12 months this increases to 61%. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 79%.²²⁶

54% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 64%. For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 90%.²²⁷

74% of young people released from custody in the first quarter of 2008 reoffended within a year.²²⁸

74% of children released from custody in 2008 reoffended within a year.²²⁹

Factors affecting reoffending²³⁰

Court ordered community sentences were more effective (by seven percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.

41% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported having observed violence in the home as a child. These offenders had a higher one-year reconviction rate than those who did not (58% compared with 48%).

29% of offenders reported experiencing emotional, sexual, or physical abuse as a child. These offenders had a higher one-year reconviction rate than those who did not (58% compared with 50%).

Over a third (37%) said that someone in their family (other than themselves) had been found guilty of a non-motoring criminal offence. Of these convicted family members, 84% had been in prison, a young offenders' institution or borstal. 59% of offenders with a family member convicted of a non-motoring criminal offence were reconvicted within a year after release compared with 48% who did not have a convicted family member.

²²⁶ Ministry of Justice (2010), Reoffending of adults: results from the 2008 cohort, London: The Stationery Office

²²⁷ Ibid.

²²⁸ Hansard HC, 22 October 2010, c911W

²²⁹ Ministry of Justice (2010), Reoffending of juveniles: results from the 2008 cohort, London: The Stationery Office

²³⁰ The following statistics are all taken from Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

42% of prisoners had been expelled or permanently excluded from school. 63% of offenders who had been expelled or permanently excluded from school were reconvicted for an offence within a year, compared with 44% of offenders who were not.

Just over half (53%) of the sample reported to have at least one qualification. 60% of those with no qualifications were reconvicted within a year of leaving prison compared with 45% of those with qualifications.

51% of prisoners had been in employment in the year before custody. 40% of offenders who were in employment in the year before prison were reconvicted within a year of leaving prison compared with 65% of those who had not been in employment.

Almost two thirds (64%) said they had claimed benefits during the 12 months before they went to prison. Those who reported having claimed benefits were more likely to be reconvicted (58% compared with 41% than those who did not report having claimed benefits.

15% of offenders were homeless prior to custody. 79% of offenders who had been homeless prior to custody were reconvicted within a year compared with 47% of those who had accommodation.

71% reported using drugs in the year before custody and 64% reported using drugs in the four weeks prior to custody.

The highest reconviction rate was observed for the 33% of the sample who reported being poly-drug users in the four weeks before custody. Of these prisoners, 71% were reconvicted compared with 48% of those who only used Class B and/or C drugs in the four weeks before custody.

22% of the sample drank alcohol every day in the four weeks before custody. These prisoners were more likely to be reconvicted compared with those who did not drink every day in the four weeks before custody (62% compared with 49%).

The majority of offenders (97%) expressed a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, the majority gave importance primarily to 'having a job' (68%) and 'having a place to live' (60%).

Social characteristics of prisoners

Characteristic	General population	Prison population
Ran away from home as a child	11%	47% of male sentenced prisoners and 50% of female sentenced prisoners
Taken into care as a child	2%	27%
Regularly truanted from school	3%	30%
Excluded from school	2%	49% of male and 33% of female sentenced prisoners
No qualifications	15%	52% of men and 71% of women
Numeracy at or below Level 1 (the level expected of an 11 year-old)	23%	65%
Reading ability at or below Level 1	21-23%	48%
Unemployed before imprisonment	5%	67%
Homeless	0.90%	32%
Suffer from two or more mental disorders	5% of men and 2% of women	72% of male sentenced prisoners and 70% of female sentenced prisoners
Psychotic disorder	0.5% of men and 0.6% of women	7% of male sentenced prisoners and 14% of female sentenced prisoners
Drug use in the previous year	13% of men 8% of women	66% of male sentenced prisoners and 55% of female sentenced prisoners
Hazardous drinking	38% of men and 15% of women	63% of male sentenced prisoners and 39% of female sentenced prisoners

Social Exclusion Unit Report 'Reducing reoffending by ex-prisoners', July 2002

Mothers and fathers in custody, prisoners' children

It is estimated that there are 160,000 children with a parent in prison each year. This is around two and a half times the number of children in care, and over six times the number of children on the Child Protection Register. Based on the projected prison population growth, this group could rise to around 200,000 within the next five years.²³¹

In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.²³²

During their time at school 7% of children experience their father's imprisonment.²³³

Home Office research has found that 66% of women and 59% of men in prison have dependent children under 18. Of those women, 34% had children under five, a further 40% children aged from 5 to 10.²³⁴ Each year it is estimated that more than 17,700 children are separated from their mother by imprisonment.

Over half (54%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study had children under the age of 18 at the time they entered prison. About two fifths of these respondents reported being single (43%). About three quarters of the whole sample (74%) strongly agreed or agreed that they were close to their family. The vast majority felt that they have let their family down by being sent to prison (82%).²³⁵

Only 9% of children whose mothers are in prison are cared for by their fathers in their mothers' absence.²³⁶

At least a third of mothers are lone parents before imprisonment.²³⁷ Black and ethnic minority women are particularly likely to be single mothers, as more than half of black African and black Caribbean families in the UK are headed by a lone parent, compared with less than a quarter of white families and just over a tenth of Asian families.²³⁸

231 Ministry of Justice and Department for Children, Schools and Families, *Children of Offenders Review*, June 2007

232 Action for Prisoners' Families, CLINKS, Prison Advice & Care Trust, Prison Reform Trust (2007) *The children and families of prisoners: recommendations for government*, London: Prison Reform Trust

233 Department for Education and Skills, (2003) *Every Child Matters*, London: Stationery Office

234 Home Office Research Study 208, and Hansard, HC, 28 April 2003

235 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

236 Baroness Corston (2006) *A Review of Women with Particular Vulnerabilities in the Criminal Justice System*, London: Home Office

237 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

238 HM Chief Inspector of Prisons (2009) *Race relations in*

prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

Only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.²³⁹

One Home Office study showed that for 85% of mothers, prison was the first time they had been separated from their children for any significant length of period. It also showed that 65% of mothers in prison were receiving their first custodial sentence.²⁴⁰

An ICM public opinion poll, commissioned by SmartJustice in March 2007, found that, of 1,006 respondents across the UK, 73% thought that mothers of young children should not be sent to prison for non-violent crime.²⁴¹

Imprisoning mothers for non-violent offences has a damaging impact on children and carries a cost to the state of more than £17 million over a 10 year period.²⁴²

The main social cost incurred by the children of imprisoned mothers – and by the state in relation to these children – results from the increased likelihood of their becoming 'NEET' (Not in Education, Employment or Training).²⁴³

Additional savings can be made with non-custodial sentences because of the reduced likelihood of children becoming problem drug users, or becoming involved in crime, if their mothers avoid prison.²⁴⁴

Between April 2005 and July 2008, 283 children were born to women prisoners. This is a rate of almost two births a week in England and Wales.²⁴⁵

However, between April 2008 and June 2008, 49 women in prison gave birth, at a rate of nearly four a week.²⁴⁶ 23 births were to mothers aged 18 and 19.²⁴⁷

Seven young women aged 16 and 17 years old in secure training centres gave birth and one in a

prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

239 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

240 Home Office Research Study 162 (1997), *Imprisoned Women and Mothers*, Home Office: London

241 SmartJustice (2007) *Public say: stop locking up so many women*, London: Prison Reform Trust

242 new economic foundation (2008) *Unlocking value: How we all benefit from investing in alternatives to prison for women offenders*, London: new economics foundation

243 Ibid.

244 Ibid.

245 <http://www.libdems.org.uk/home/200-babies-due-to-be-born-to-prisoners-this-year-howarth-37047303>

246 Ibid.

247 Ibid.

secure children's home gave birth between April 2006 and March 2009.²⁴⁸

Women with babies in prison may be unable to claim benefits for their children.²⁴⁹

25% of young men in young offender institutions are, or are shortly to become, fathers.²⁵⁰

According to a Prisons Inspectorate and Youth Justice Board survey, 10% of young men and 9% of young women, aged between 15 and 18 years old had children themselves.²⁵¹

In 2004, for the first time the government announced that a record will be kept of prisoners' children.²⁵² The Prison-NOMIS case management system is now in place but this commitment to record details of prisoners' children is not mandatory.

A government review of the children of offenders carried out in 2007 stated that 'children of offenders are an 'invisible' group: there is no shared, robust information on who they are, little awareness of their needs and no systematic support.'²⁵³

HM Chief Inspector of Prisons found 'a greater awareness in women's prisons of the need to ask about care for dependants, but little awareness in men's prisons that men may have similar concerns.'²⁵⁴

55% of men described themselves as living with a partner before imprisonment²⁵⁵ and a third of women described themselves as living with a husband or partner before imprisonment.²⁵⁶

Prisoners' families, including their children, often experience increased financial, housing, emotional and health problems during a sentence. Children of prisoners have about three times the risk of mental health problems and the

risk of anti-social/delinquent behaviour compared to other children.²⁵⁷

65% of boys with a convicted parent, go on to offend.²⁵⁸

Over a third (37%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study said that someone in their family (other than themselves) had been found guilty of a non-motoring criminal offence. Of these convicted family members, 84% had been in prison, a young offenders' institution or borstal. 59% of offenders with a family member convicted of a non-motoring criminal offence were reconvicted within a year after release compared with 48% who did not have a convicted family member.²⁵⁹

During their sentence 45% of people lose contact with their families and many separate from their partners.²⁶⁰

Charles Clarke, when Home Secretary, stressed the importance of family for successful resettlement. 'As we consider the practical steps intended to equip offenders with the means to avoid reoffending we also need to remember the vital role of family, friends and community. I believe that we sometimes fail to give enough emphasis to the powerful impact of supportive relationships to prisoners – to realise that offenders often care deeply about letting down those closest to them, and want to show that they can change, but somehow just never get there. An offender is much less likely to reoffend if he feels part of a family and community, from which he receives support as well as owes obligations.'²⁶¹

Research indicates that having family ties can reduce the likelihood of reoffending by 39%.²⁶²

However, many prisoners are still held a long way from their homes. On 8 May 2009, 32,126 people in prison were being held over 50 miles away from their normal place of residence.²⁶³

248 Hansard HC, 29 April 2009, c1332W

249 Citizens Advice (2007) *Locked Out: CAB evidence on prisoners and ex-offenders*, London, Citizens Advice

250 Ministry of Justice and Department for Children, Schools and Families, *Children of Offenders Review*, June 2007

251 Parke, S., (2009) *HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison*, London: HM Inspectorate of Prisons

252 Hansard HC, 12 September 2004

253 Ministry of Justice and Department for Children, Schools and Families, *Children of Offenders Review*, June 2007

254 HM Chief Inspector of Prisons for England and Wales (2010), *Annual Report 2008-09*, London: HMIP

255 Home Office (2001) *Criminality Survey: Drugs Follow-Up*, London: Home Office

256 Hamlyn, B. and Lews, D. (2000) *Women prisoners: a survey of their work and training experiences in custody and on release*, Home Office Research Study 2000, London: Home Office

257 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit, and Murry, J and Farrington D P (forthcoming) *Effects of Parental Imprisonment on Children*. Cited in *Reaching Out: Think Family, Analysis and themes from the Families at Risk Review*, Cabinet Office, January 2008

258 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

259 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

260 Nacro (2000) *The forgotten majority*, London: Nacro

261 PRT Annual Lecture 2005, Rt Hon Charles Clark MP

262 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

263 A prisoner's home area is defined as their home address on their reception into prison. For prisoners with no address, the address of the relevant committal court is used as the home address. Hansard HC, 20 October 2009, c1374W

In recent years the number of prison visits has fallen despite an increasing prison population.²⁶⁴

30% of young men and 47% of young women in custody reported having had no visits in the last month or never had visits. There were poorer responses from black and ethnic minority young men to all the questions on keeping in touch with family and friends. Only 49% said that they could use the telephone daily compared with 60% of white young men.²⁶⁵

Just a third of children and young people said that it was easy or very easy for a loved one to visit them.²⁶⁶

One in four men and half of all women on remand receive no visits from their family.²⁶⁷

21 prisoners with dependent children took their own life in the 12 months to 31 August 2009.²⁶⁸ Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.²⁶⁹

In 2008-09 closed visiting conditions were imposed on 1,817 occasions.²⁷⁰ Closed visits are imposed when there is a risk drugs may be smuggled through visits.

Black, minority ethnic and foreign national women were more likely to report that they had not had a visit within their first week in prison compared with white and British women.²⁷¹

In a survey of visitors' centres commissioned by the Prison Service, Action for Prisoners' Families found that 65% of respondents would like to book visits via the internet or email. One third expressed their frustration at problems in getting through on the phone to book visits.

In her most recent annual report, HM Chief Inspector of Prisons noted more children and family days: in 40 prisons as opposed to only 27 the year before. However, the Inspectorate has 'learnt with concern that family days in some

prisons (including women's prisons) may be among the victims of budget cuts'.²⁷²

Since April 2010 the Assisted Prison Visits Unit has stopped reimbursing taxi fares for older people or people with disabilities who have difficulty using public transport.

The number of incidents where visitors are found to be in possession of drugs has decreased significantly in the last five years.

The number of drug related incidents involving visitors has declined from 831 in 2002-03 to 680 in 2006-07. The total number of attempted smuggling incidents was 3,488 (which include prison staff, prisoners and other means of entry such as throwing substances over prison walls and sending them by post).²⁷³

HM Inspectorate of Prisons has found that an average of 40% of prisoners in closed prisons reported difficulties with sending or receiving mail. A third of those in male local prisons reported difficulties accessing phones.²⁷⁴

From May 2010 BT reduced the prohibitively high cost of calls from prison payphones in England and Wales. This followed a successful super-complaint issued by the National Consumer Council, now Consumer Focus, and the Prison Reform Trust to the regulator Ofcom. Prison payphone calls to landlines have only dropped from 11 pence to nine pence per minute on weekdays and eight pence per minute on weekends. Costs of calls to mobiles during the day on weekdays were reduced from 63 pence to 20 pence per minute; 13 pence on weekends.²⁷⁵

264 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

265 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

266 Ibid.

267 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

268 Ryan-Mills, D. (2010) Review: Fatal Incidents Reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

269 NOMS, Safer Custody News, January/February 2010

270 Hansard HC, 22 March 2010, c21W

271 HM Chief Inspector of Prisons (2009) Race relations in prisons: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

272 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

273 Hansard HC, 21 January 2008, c1678W

274 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

275 <http://www.prisonreformtrust.org.uk/standard.asp?id=1735>

Women in prison

On 19 November 2010 the number of women in prison in England and Wales stood at 4,267, 18 fewer than a year before.²⁷⁶ In the last decade the women's prison population has gone up by 33%. In 1995 the mid-year female prison population was 1,979. In 2000 it stood at 3,355 and in 2007 it was 4,283. A total of 11,044 women were received into prison in 2009.²⁷⁷

There are 14 women's prisons in England and none in Wales. Women represent 5% of the overall prison population.²⁷⁸

27% of women in prison had no previous convictions – more than double the figure for men.²⁷⁹

16% of women serving sentences of under 12 months had no previous convictions, compared with only 6% of men.²⁸⁰

In the year up to the end of September 2010 the number of women on remand fell 4% to 781.

Women on remand make up 18% of the female prison population.²⁸¹

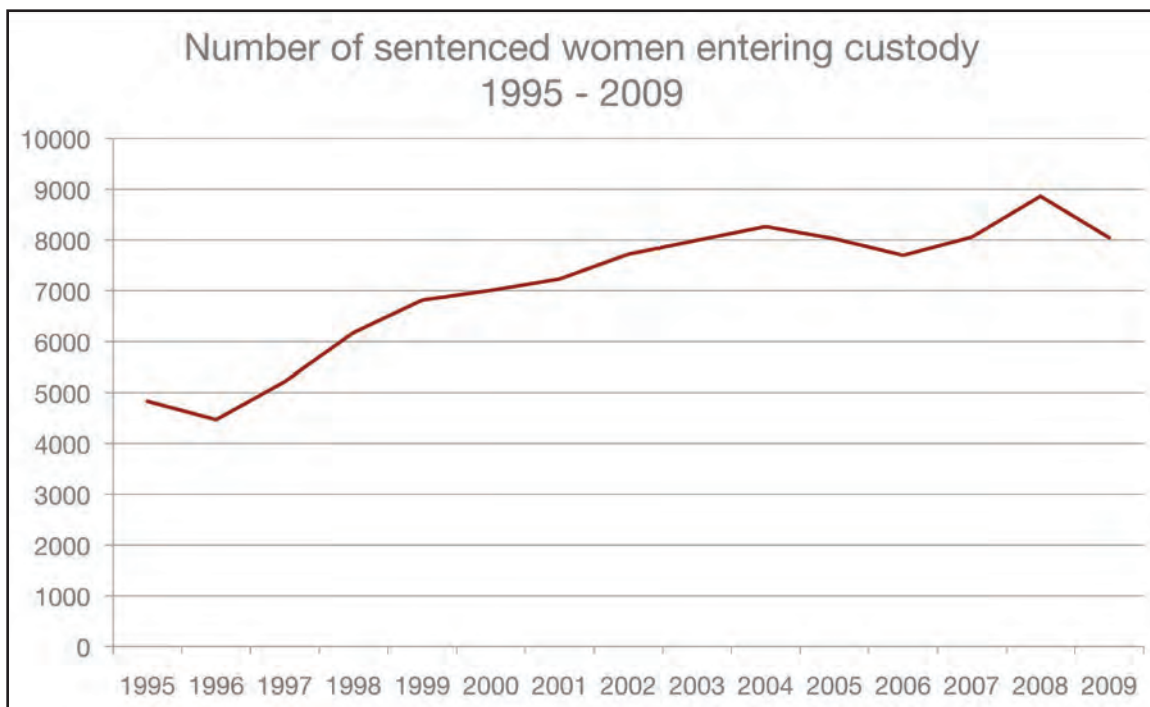
There has been a 13% decrease in the number of women remanded into custody between 8,522 in 1999 and 7,390 in 2009.²⁸² These women spend an average of four to six weeks in prison and nearly 60% do not go on to receive a custodial sentence.²⁸³

54% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 64%. For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 90%.²⁸⁴

At the end of September 2010 there were 736 foreign national women in prison, 17% of the female population.²⁸⁵

63% of women are in prison for non-violent offences, compared with 45% of men.²⁸⁶

More women were sent to prison in 2009 for the offence of 'theft and handling stolen goods'.



Ministry of Justice (2010), *Offender Management Caseload Statistics 2009*, London: The Stationery Office

276 NOMS, Prison Population and Accommodation Briefing, 19 November 2010

277 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: The Stationery Office

278 NOMS, Prison Population and Accommodation Briefing, 7 May 2010

279 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: The Stationery Office

280 Ibid.

281 Ministry of Justice (2010) *Offender Management Statistics Quarterly Bulletin*, April to June 2010, London: Ministry of Justice

282 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: The Stationery Office

283 Department of Health (2009) *The Bradley Report*, Lord Bradley's report on people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

284 Ibid.

285 Ministry of Justice (2010) *Offender Management Statistics Quarterly Bulletin*, April to June 2010, London: Ministry of Justice

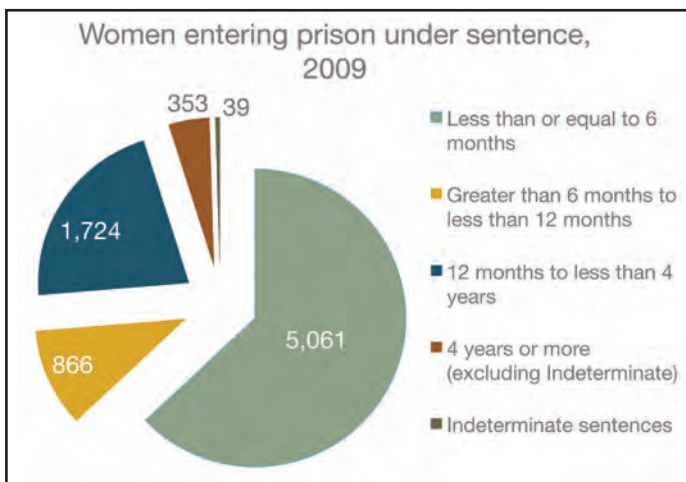
286 Ibid.

They accounted for 42% of all women sentenced to immediate custody in 2009.²⁸⁷

28% of women offenders' crimes were financially motivated, compared to 20% of men.²⁸⁸

1,052 women entered prison in 2009 for breaching a court order. This represents 13% of all women entering prison under an immediate custodial sentence.²⁸⁹

Most women serve very short sentences. In 2009 61% were sentenced to custody for six months or less.²⁹⁰



Ministry of Justice (2010), *Offender Management Caseload Statistics 2009*, London: The Stationery Office

Most of the rise in the female prison population can be explained by a significant increase in the severity of sentences. In 1996, 10% of women convicted of an indictable offence were sent to prison, in 2009 14% were.²⁹¹

The government's strategy for diverting women away from crime made a commitment to reduce the women's prison estate by 300 places by March 2011 and 400 places by March 2012.²⁹²

The average distance adult women in prison were held from their home or committal court address is 57 miles. In 2007, around 800 women were held over 100 miles away.²⁹³

287 Ministry of Justice (2010) *Sentencing Statistics 2009*, London: Ministry of Justice

288 Cabinet Office Social Exclusion Task Force (2009) *Short Study on Women Offenders*, London: Cabinet Office. Note: evidence from analysis of Offender Assessment System data

289 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: The Stationery Office

290 Ibid

291 Ministry of Justice (2010) *Sentencing Statistics 2009*, London: The Stationery Office

292 Ministry of Justice (2009) *A Report on the Government's Strategy for Diverting Women Away from Crime*, London: MoJ

293 A prisoner's home area is defined as their home address on their reception into prison. For prisoners with no address, the address of the relevant committal court is used as the home address. Hansard HC, 31

A University of Oxford report on the health of 500 women prisoners, showed that: 'women in custody are five times more likely to have a mental health concern than women in the general population, with 78% exhibiting some level of psychological disturbance when measured on reception to prison, compared with a figure of 15% for the general adult female population'. 58% of women had used drugs daily in the six months before prison and 75% of women prisoners had taken an illicit drug in those six months. Crack cocaine, heroine, cannabis and benzodiazepines were the most widely used. Oxford researchers also found that women entering prison had very poor physical, psychological and social health, worse than that of women in social class V, the group within the general population who have the poorest health.²⁹⁴

Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.²⁹⁵

There were 55 self-inflicted deaths of women prisoners between 2002 and 2009.²⁹⁶

In 2009, there were a total of 24,114 incidents of self-harm in prisons, with 6,977 prisoners recorded as having self-harmed. Of these, 5,403 (77%) involved men and 1,574 (23%) involved women.²⁹⁷ Yet women represent just 5% of the overall prison population.

Overall, more than one-third of female prisoners (37%) self-harmed in 2009, compared with 7% of male prisoners.²⁹⁸

Nearly 80% of IPP sentences for women surveyed by the Chief Inspectors of Prisons and Probation were for offences of arson, which is often an indicator of serious mental illness or self-harm.²⁹⁹

As at 19 January 2010 there were 155 women serving IPP sentences, under 3% of the total IPP population.³⁰⁰

One in four women in prison has spent time in local authority care as a child. Nearly 40% of

January 2008, and 18 March 2009, c1222W

294 <http://www.admin.ox.ac.uk/po/070213%20prison.shtml>

295 Corston, J. (2007) *The Corston Report*, London: Home Office

296 Ministry of Justice (2009), *Statistics on Women and the Criminal Justice System*, London: Ministry of Justice, and <http://www.justice.gov.uk/news/newsrelease010110a.htm>

297 Ministry of Justice (2010) *Statistics on Women and the Criminal Justice System*, London: Ministry of Justice

298 Ibid.

299 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) *The indeterminate sentence for public protection: A thematic review*, London: HM Inspectorate of Prisons

300 Hansard HC, 26 January 2010, c731W

women in prison left school before the age of 16 years, almost one in 10 were aged 13 or younger.³⁰¹

Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.³⁰²

Women prisoners are subject to higher rates of disciplinary proceedings than men. In 2009 there were 150 proven breaches against discipline per 100 women in prison compared to 124 per 100 men. According to the Ministry of Justice, 'women may be less able (due for example to mental health issues) to conform to prison rules.'³⁰³

The proportion of women prisoners aged 40 and over has risen from 18% in 2002 to 29% in 2009.³⁰⁴

Around one-third of women prisoners lose their homes, and often their possessions, whilst in prison.³⁰⁵

Women prisoners are often inadequately prepared for release. According to the Social Exclusion Unit report only 24% of women with a prior skill had the chance to put their skills into practice through prison work. Just 11% of women received help with housing matters. Home Office research found that 41% of women in prison did not have accommodation arranged on release. Only a third of women prisoners who wanted help and advice about benefits and debt received it.³⁰⁶

In March 2007, the Corston review of vulnerable women in the criminal justice system, commissioned by the Home Secretary following the deaths of six women at Styal prison, stated: 'Community solutions for non-violent women offenders should be the norm'. In his evidence to the Corston review, the Cheshire Coroner Nicholas Reinberg said '... The Corston review concluded that 'There must be a strong consistent message right from the top of government, with full reasons given, in support of its stated policy that prison is not the right place for women offenders who pose no risk to the public.'³⁰⁷

An ICM public opinion poll commissioned by SmartJustice in March 2007 found that, of 1,006 respondents across the UK, 86% supported

the development of local centres for women to address the causes of their offending. Over two thirds (67%) said that prison was not likely to reduce offending.³⁰⁸

In 2009 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders and suspended sentence orders.³⁰⁹

The new economics foundation has found that for every pound invested in support-focused alternatives to prison, £14 worth of social value is generated to women and their children, victims and society generally over 10 years.³¹⁰

If alternatives to prison were to achieve an additional reduction of just 6% in reoffending, the state would recoup the investment required to achieve this in just one year.³¹¹ The long-run value of these benefits is in excess of £100 million over 10 years.³¹²

New international standards for the treatment of women prisoners and non-custodial measures for women offenders, have been approved and should now be adopted by the UN General Assembly. The text includes 70 rules intended to improve the treatment of women prisoners, and follow-up on the Standard Minimum Rules for the Treatment of Prisoners adopted in 1955. Included is an annex that addresses such issues as gender-sensitive prisoner classification and security risk assessments, gender-specific health-care services, treatment of children living with their mothers in prison, the specific safety concerns of women prisoners, and the development of pre- and post-release programmes that take into account the stigmatization and discrimination that women face once released from prison.³¹³

301 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

302 Ibid.

303 Ministry of Justice (2010) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

304 Ibid.

305 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

306 Ibid.

307 Corston, J. (2007) The Corston Report, London: Home Office

308 SmartJustice (2007) Public say: stop locking up so many women, London: Prison Reform Trust

309 Ministry of Justice (2009) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

310 new economics foundation (2008) Unlocking value: How we all benefit from investing in alternatives to prison for women offenders, London: new economics foundation

311 Ibid.

312 Ibid.

313 <http://www.un.org/News/Press/docs/2010/gashc3980.doc.htm>

Minority ethnic prisoners

On 30 June 2009 just under 27% of the prison population, 22,292 prisoners, was from a minority ethnic group. This is the same proportion as in the previous year (2008), but represents an increase on that recorded for 2005 (25%).³¹⁴ This compares to one in 11 of the general population.

Out of the British national prison population, 10% are black and 4% are Asian.³¹⁵ For black Britons this is significantly higher than the 2% of the general population they represent.³¹⁶

Black people constituted 15% of those who were stopped by the police in 2008-09; other ethnic minority groups were also over-represented.³¹⁷

Overall black prisoners account for the largest number of minority ethnic prisoners (54%).³¹⁸ Between 1999 and 2002 the total prison population grew by just over 12% but the number of black prisoners increased by 51%.³¹⁹

At the end of June 2009, 33% of minority ethnic prisoners were foreign nationals.³²⁰

At the end of June 2009, 31% mixed, 30% white, 28% of Asian, 26% of black, and 16% of Chinese or other prisoners were serving a sentence for offences of violence against the person. 48% of

Chinese or other prisoners, 26% of black, 24% of Asian, 19% of mixed, and 12% of white prisoners were serving sentences for drugs offences.³²¹

There is now greater disproportionality in the number of black people in prisons in the UK than in the United States.³²²

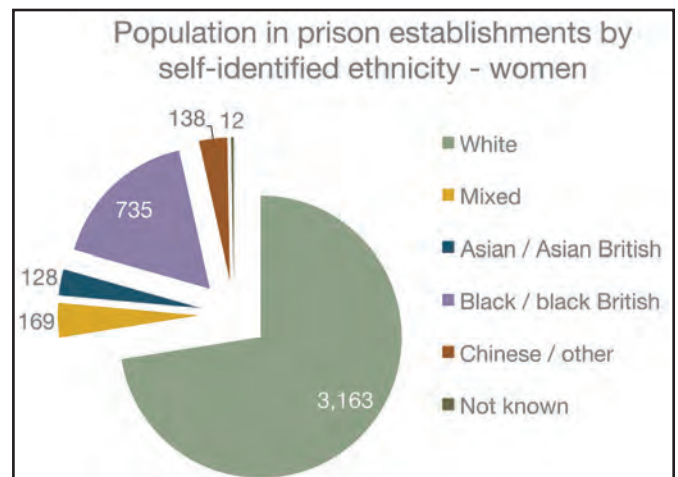
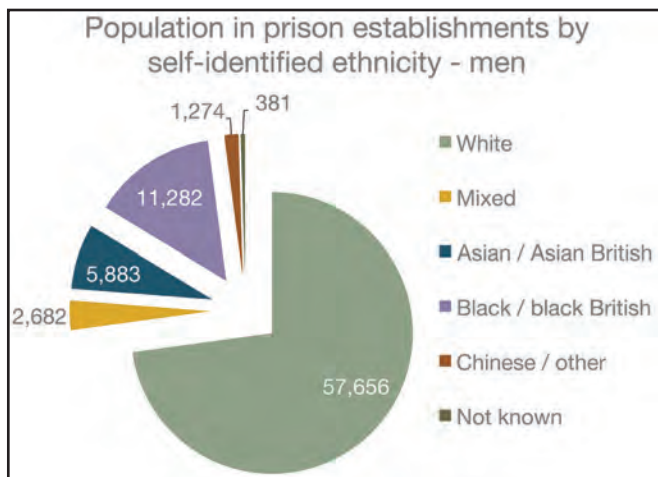
In 2002 there were more African Caribbean entrants to prison (over 11,500) than there were to UK universities (around 8,000).³²³

The perceptions of black and minority ethnic prisoners in HM Inspectorate of Prisons' surveys are more negative than those of white prisoners in key areas such as safety and relationships with staff.³²⁴

White men were twice as likely as black men to agree that complaints are sorted out fairly in their prison.³²⁵

Research undertaken by the Prison Reform Trust found that 41 of 71 prisoners interviewed said that they had experienced racism in the previous six months in the prison. Almost two-thirds of those prisoners said that they did not submit a complaint about it.³²⁶

Just under a quarter of Muslim prisoners said they felt unsafe, and over a third said they had been victimized by staff: both significantly higher than the findings for non-Muslims.³²⁷



Ministry of Justice (2010) Statistics on Race and the Criminal Justice System 2008-09 London: Ministry of Justice

314 Ministry of Justice (2010) Statistics on Race and the Criminal Justice System 2008/09, London: Ministry of Justice

315 Ibid.

316 <http://www.statistics.gov.uk/cci/nugget.asp?id=273>

317 Equality and Human Rights Commission (2010) How fair is Britain? London: Equality and Human Rights Commission

318 Ministry of Justice (2010) Statistics on Race and the Criminal Justice System 2008/09, London: Ministry of Justice

319 HM Prison Service and Commission for Racial Equality (2003) Implementing Race Equality in Prisons - a shared agenda for change, London: HM Prison Service

320 Ministry of Justice (2010) Statistics on Race and the Criminal Justice System 2008/09, London: Ministry of Justice

321 Ibid.

322 Equality and Human Rights Commission (2010) How fair is Britain? London: Equality and Human Rights Commission

323 HM Prison Service and Commission for Racial Equality (2003) Implementing Race Equality in Prisons - a shared agenda for change, London: HM Prison Service

324 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

325 HM Prison Service and Commission for Racial Equality (2003) Implementing Race Equality in Prisons - a shared agenda for change, London: HM Prison Service

326 Edgar, K. (2010) A Fair Response: developing responses to racist incidents that earn the confidence of black and minority ethnic prisoners, London: Prison Reform Trust

327 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

Foreign national prisoners

At the end of September 2010 there were 11,062 foreign national prisoners (defined as non-UK passport holders), 13% of the overall prison population.³²⁸

These prisoners come from 160 countries, but just under half are from 10 countries (Jamaica, Republic of Ireland, Nigeria, Poland, Vietnam, Pakistan, Somalia, Lithuania, Romania and India).³²⁹

In 2009 11,268 untried foreign national people were received into custody. The number of untried foreign national receptions has increased 136% since 1999. In comparison, untried receptions of British nationals have decreased 28% between 1999 and 2009.³³⁰

The total number of foreign nationals in prison has increased by 111% between 1999 and 2009. This compares to a 21% increase in British nationals.³³¹

17% of women in prison, 736, are foreign nationals, some of whom are known to have been coerced or trafficked into offending.³³²

48% of foreign national women in prison are serving a custodial sentence for drug offences, compared to 22% of women of British nationality. 27% of foreign national men are serving a custodial sentence for drug offences, while the most common offence for British men is violence against the person at 30%.³³³

Those women sentenced for drugs importation are largely from Nigeria, Jamaica and South Africa.³³⁴

The number of foreign national women imprisoned for fraud and forgery offences (usually possession of false documents) has risen dramatically – they made up 24% of foreign national women in prison in 2009.³³⁵

41% of women within the current Hibiscus caseload were charged with offences such as deception and fraud, in relation to their immigration status and related paperwork. The average sentences for false documents were 8½ months and for deception 12 months.³³⁶

Hibiscus, Female Prisoners Welfare Project, has seen a dramatic rise in numbers of women from Eastern European countries, representing 20% of all new cases. This group account for the majority of those charged with theft. The other growth is in relation to women from China and Vietnam who have been charged with false documents and employment in illegal activities.³³⁷

In 13 prisons, foreign national prisoners make up a quarter or more of the population. In 2006, two prisons, Canterbury and Bullwood Hall were reserved for an entirely foreign national population.³³⁸

Since 2007 the UK Border Agency has removed or deported over 15,000 foreign national offenders.³³⁹

The government has said they are ‘committed to exploring ways of removing [foreign national prisoners] even earlier’.³⁴⁰

On 5 July 2010, 581 foreign national prisoners were being held in prison under immigration powers after completion of their sentences.³⁴¹

16% of self-inflicted deaths in 2008 were of foreign national prisoners, although in that year foreign national prisoners represented 14% of the population in custody.³⁴²

328 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

329 Ibid.

330 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

331 Ibid.

332 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

333 Ibid.

334 Forthcoming (2010) briefing paper by Prison Reform Trust and Hibiscus

335 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

336 Forthcoming (2010) briefing paper by Prison Reform Trust and Hibiscus

337 Ibid.

338 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

339 Hansard HC, 4 March 2010, c1386W

340 Hansard HC, 4 November 2010, c878W

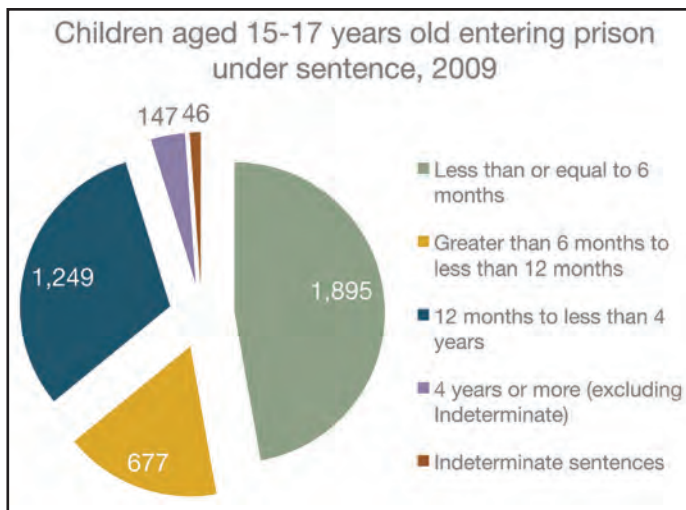
341 Hansard HC, 26 October 2010, c223W

342 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

Children in prison

At the end of September 2010 there were 2,070 children (under-18s) in custody – a decrease of 453 from the same point last year. There were 1,637 children held in young offender institutions, 273 in secure training centres and 160 in secure children's homes.³⁴³

In August 2010, there were 107 children aged 14 and under in the secure estate in England and Wales. 19 were aged 13, three were aged 12 and one was aged 11.³⁴⁴



Ministry of Justice (2010), *Offender Management Caseload Statistics 2009*, London: The Stationery Office

Between 1997-2007, the number of 10-14 year olds imprisoned in England and Wales increased by 295%.³⁴⁵

In 2009, 4,014 children aged between 15 and 17 entered prison under sentence. 1,895 of those entering prison were to serve sentences up to and including six months.³⁴⁶

513 children aged 12, 13 and 14 were sentenced to custody in 2007. Of these children, it would have been unlawful to incarcerate 465 of them until 1998. Just 48 were sentenced for grave crimes or were given extended sentences for serious offending.³⁴⁷

In 2008-09, 377 children (10-17) with no previous convictions received a custodial sentence.³⁴⁸

343 Ministry of Justice (2010) *Offender Management Statistics Quarterly Bulletin*, April to June 2010, London: Ministry of Justice

344 Youth Justice Board, *Custody figures*, August 2010, www.yjb.gov.uk

345 House of Commons written answers 26th Feb 2010

346 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: The Stationery Office

347 Glover, J. and Hibbert, P. (2009) *Locking up or giving up? Why custody thresholds for teenagers aged 12, 13 and 14 need to be raised*. An analysis of the cases of 214 children sentenced to custody in England in 2007-08, Ilford: Barnardos

348 Hansard HC, 7 December 2009

At June 2009, 9% of children in prison (15-17) had no previous convictions.³⁴⁹

In 2008, 723 children (15-17) were imprisoned for breaching a court order.³⁵⁰ In 2008-9, 22% of 12 year olds and more than a quarter of 13 year olds in custody were imprisoned for breach of a statutory order.³⁵¹

22% of those children in custody aged 12, 13 and 14 received their sentence for a breach of a community intervention – such as an ASBO, a supervision order or a curfew. 28% had not committed a 'serious or violent' index offence and 9% were not persistent offenders.³⁵²

According to Barnardos, 35% of 12-14 year olds in custody did not appear to meet the custody thresholds defined in the Powers of Criminal Courts (Sentencing) Act 2000.³⁵³

During the period 1 April 2008 to 31 March 2009, 1,308 young people under 18 were remanded into custody for a period of seven days or less; and 173 were remanded for a period of seven days or less to the care of a local authority with a requirement that they be accommodated in secure conditions.³⁵⁴

In 2009, 50% of children who were remanded in custody were subsequently acquitted or given a community sentence.³⁵⁵

In 2008-09, 4,963 children under 18 were remanded in custody. Of these, 985 spent between one and six months in custody on remand; 194 between six and 12 months; and four were held on remand in custody between 12 months and three years.³⁵⁶

In 2009, more 17 year olds were received into prison on remand than under sentence.³⁵⁷

61% of young men and 65% of young women said that they had been in custody more than once, with 7% of young men having been in custody more than five times.³⁵⁸

349 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: Ministry of Justice

350 Ministry of Justice (2009) *Offender Management Caseload Statistics 2008*, London: Ministry of Justice

351 National Children's Bureau (2010) *Children and young people in 'breach'*

352 Ibid.

353 Ibid.

354 Hansard HC, 28 April 2009, c1263W

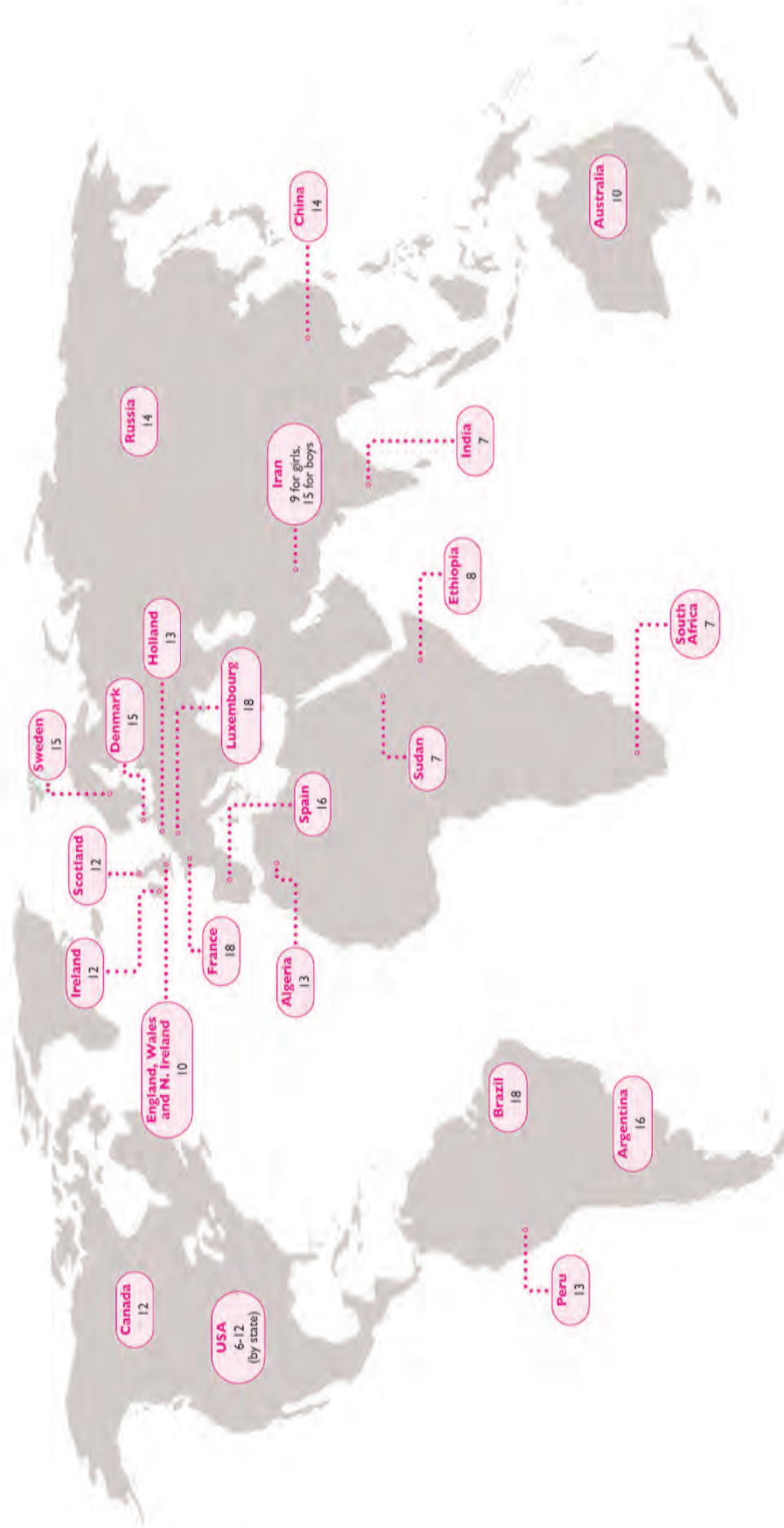
355 Hansard HC 3 November 2010, c834W

356 Hansard HC, 12 October 2009, c92W

357 Ministry of Justice (2010) *Offender Management Caseload Statistics 2009*, London: Ministry of Justice

358 Cripps, H., (2010) *HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010*, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

International ages of criminal responsibility



The UN Committee on the Rights of the Child has stated that an age of criminal responsibility below 12 is 'not acceptable'.

Source: Jacobson, J. and Talbot, J. (2009) Vulnerable Defendants in the Criminal Courts: a review of provision for adults and children, London: Prison Reform Trust, and <http://www.scottish.parliament.uk/s3/bills/24-CrimJustLc/index.htm>

Reconviction rates are very high for children, 74% of those released from custody in 2008 reoffended within a year.³⁵⁹

17% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study were arrested for the first time before their 13th birthday. Just over half (54%) were arrested for the first time before their 16th birthday.³⁶⁰

Incarceration is very expensive and uses up almost two-thirds (63%) of the Youth Justice Board's budget. It costs £160,080 per place in a secure training centre (STC)³⁶¹ and £298 million is spent on the whole secure estate for children each year.³⁶²

On 30 June 2009 there were 127 children in prison for theft and handling, 62 for breaching a court order, 10 for criminal damage and 11 for disorderly behaviour.³⁶³

On 30 September 2010 more children were in prison for offences of 'violence against the person' than any other offence.³⁶⁴

Around half of children in prison were imprisoned for non-violent crimes.³⁶⁵

Many children in prison have a background of severe social exclusion.

71% of children in custody have been involved with, or in the care of, social services before entering custody. 75% of children in custody have lived with someone other than a parent at some time (compared with only 1.5% of children in the general population).³⁶⁶

Prison Reform Trust research has found that one in eight children in prison had experienced the death of a parent or sibling. 76% had an absent father and 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.³⁶⁷

40% of children in custody in England and Wales have previously been homeless.³⁶⁸

359 Ministry of Justice (2010) Reoffending of juveniles: results from the 2008 cohort, England and Wales, London: The Stationery Office
360 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice
361 Costs supplied to the Foyer Federation by the YJB at May 2009.
362 Youth Justice Board (2009) Annual Report and Accounts 2008-9
363 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office
364 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice
365 Jacobson J. et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust
366 Youth Justice Board, Accommodation needs and experiences, 2007, as cited in Legal Action, February 2008
367 Jacobson J. et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust
368 Youth Justice Board, Accommodation needs and experiences,

Two out of five girls and one out of four boys in custody report suffering violence at home. One in three girls and one in 20 boys in prison report having been sexually abused.³⁶⁹ One in 10 girls in custody has been paid for sex.³⁷⁰

41% of adult prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported having observed violence in the home as a child. These offenders had a higher one-year reconviction rate than those who did not (58% compared with 48%). 29% of offenders reported experiencing emotional, sexual, or physical abuse as a child. These offenders had a higher one-year reconviction rate than those who did not (58% compared with 50%).³⁷¹

The number of children assessed as vulnerable in custody was 1,148 in 2007, a rise of 12% on 2006, which rose by 12% on 2005.³⁷²

25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.³⁷³ 38% of boys screened on admission in 2000-01 had the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy.³⁷⁴

90% of young men and 75% of young women in prison have been excluded from school. 40% and 53% respectively said they were under 14 when they last attended school.³⁷⁵

Research commissioned by the YJB in 2006 found that 19% of 13-18 year olds in custody had depression, 11% anxiety, 11% post-traumatic stress disorder and 5% psychotic symptoms.³⁷⁶

Research suggests that prevalence of mental health problems for young people in contact with the criminal justice system range from 25 to 81%, being highest for those in custody.

2007, as cited in Legal Action, February 2008

369 Ibid.

370 Youth Justice Board, Female health needs in young offender institutions, 2006, as cited in Legal Action, February 2008

371 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

372 Hansard HC, 28 March 2007, c1652W

373 Youth Justice Board (2006) Barriers to engaging in education, training and employment, London: YJB

374 HM Inspectorate of Prisons (2002) A second chance: a review of education and supporting arrangements within units for juveniles managed by HM Prison Service, a thematic review carried out jointly with the Office for Standards in Education

375 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

376 Chitsabesan et al (2006) Mental health needs of young offenders in custody and in the community, British Journal of Psychiatry Vol. 188, 534-540

A cautious estimate based on the figures in the literature would indicate the rates of mental health problems to be at least three times as high for those within the criminal justice system as within the general population.³⁷⁷

Young women under 18 are twice as likely to injure themselves as adult women. In 2007, 89% of girls under 18 had self-harmed.³⁷⁸

In 2008 there were 686 recorded incidents of self-harm by girls in custody, and 743 by boys in custody. This compares with 430 and 434 incidents respectively in 2003.³⁷⁹

Children in prison are 18 times more prone to take their own life than children of the same age in the community.³⁸⁰

11% of children in prison have attempted suicide.³⁸¹

Twenty-nine children have died in penal custody since 1990 most by self inflicted death but one following restraint.³⁸²

In August 2004, 14 year old Adam Rickwood became the youngest child to die in penal custody in recent memory.

The use of restraint in YOIs has increased by 25% in the last year – across the whole secure estate, there were almost 8,000 incidences of restrictive physical interventions during 2008-09.³⁸³

31% of boys and 25% of girls in prison report having been physically restrained.³⁸⁴

Over a two-year period, children and young people in Castington YOI sustained seven confirmed and three suspected fractures following the use of control and restraint techniques by staff.³⁸⁵

In the last five years children in one secure training centre were restrained using handcuffs on 57 occasions.³⁸⁶

Almost a third of prisoners involved in assaults classified as serious are children, despite children accounting for only 3% of the prison population.³⁸⁷

31% of boys and 22% of girls have felt unsafe at some point in custody.³⁸⁸

Of children interviewed in prison, 13% reported being regular crack users, and 12% regular heroin users. Poly drug use was also high.³⁸⁹

39% of girls and 34% of boys had a problem with drugs when they first arrived at their establishment. For boys this marked an increase from 22% in 2008-09.³⁹⁰

In September 2008, 46% of 15 year olds, 41% of 16 year olds and 41% of 17 year olds in prison were held over 50 miles from their home address.³⁹¹

30% of young men and 47% of young women in custody reported having had no visits in the last month or never had visits. There were poorer responses from black and ethnic minority young men to all the questions on keeping in touch with family and friends. Only 49% said that they could use the telephone daily compared with 60% of white young men.³⁹²

In September 2009, children in YOIs spent on average 15 hours each day locked in their cells.³⁹³

According to a Prisons Inspectorate and Youth Justice Board survey 91% of young men and 97% of young women said that they wanted to stop offending. 49% of sentenced young men and women said that they had done something or something had happened to them while they had been in custody to make them less likely to offend in the future. Both young men and young women felt that getting a job would be the most likely thing to stop them reoffending in the future.³⁹⁴

377 Hagell, A. (2002) The mental health of young offenders, London: Mental Health Foundation

378 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006/2007, London: HM Inspectorate of Prisons

379 Hansard HC, 12 October 2009, c166W

380 Frühwald, S., and Frottier, P., Suicide in prison, The Lancet, vol 366, issue 9493, 8 October 2005, as cited in Legal Action, February 2008

381 Jacobson J. et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

382 <http://www.inquest.org.uk/>

383 <http://www.parliament.uk/deposits/depositedpapers/2009/DEP2009-2165.pdf>

384 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

385 http://www.howardleague.org/fileadmin/howard_league/user/pdf/Press_2009/YOI_audit_17_August_2009.pdf

386 Hansard HC, 7 September 2010, c516W

387 Ministry of Justice (2010) Safety in Custody Statistics 2008

388 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

389 Youth Justice Board (2004) Substance misuse and juvenile offenders

390 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

391 Hansard HC, 18 March 2009, c1228W

392 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

393 Hansard HC, 11 January 2010, c800W

394 Cripps, H., (2010) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2009-2010, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

Young people in prison (18-20 year olds)

At the end of September 2010 there were 10,114 young people aged 18-20 in prison in England and Wales, up 5% on the previous year.³⁹⁵

At the end of September 2010 more young people were in prison for the offence of violence against the person than any other offence.³⁹⁶

In 2008 14,300 young people were sent to prison under sentence. In the last fifteen years the number of sentenced young adults entering prison has increased by 30%. Over that time the number of sentenced young women imprisoned has more than trebled.³⁹⁷

While people aged 18-24 account for one in 10 of the UK population, they account for a third of those sentenced to prison each year; a third of the probation service caseload and a third of the total economic and social costs of crime.³⁹⁸

Between 1997 and 2007 the number of young adults that received a life sentence has increased by 40%.³⁹⁹

Nearly half (42%) of first time offenders are young adults.⁴⁰⁰

Reconviction rates are particularly high for young people. 74% of young people released from custody in the first quarter of 2008 reoffended within a year.⁴⁰¹

HM Chief Inspector of Prisons has commented that ‘the high reoffending rate among young adult men is unlikely to reduce without significant changes in approach, funding and focus.’⁴⁰²

Young people between 18 and 21 were held an average of 50 miles away from their home or

committal court address.⁴⁰³ Around 1,300 were held over 100 miles away. HM Chief Inspector of Prisons has commented that: ‘these considerable distances from home compromises the resettlement and rehabilitation of young adults’.⁴⁰⁴

Fewer than half the young people in surveys conducted by HM Prisons Inspectorate said that they had two or more visits a month.⁴⁰⁵

Fewer than half of young adults surveyed said that they knew where to get help to find accommodation, drug treatment or continuing education when they left prison.⁴⁰⁶

23% of young offenders have learning difficulties (IQ below 70) and 36% borderline learning difficulties (IQ 70-80%).⁴⁰⁷ At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.⁴⁰⁸

Just over a third (35%) of sentenced young men say they have gained a qualification whilst in prison.⁴⁰⁹

HM Prisons Inspectorate has found that too many young adult establishments have high levels of unemployment and poor quality work placements which did not provide vocational qualifications.⁴¹⁰

An average of 3.3 hours per week is spent on physical education in young offender institutions in 2006-07. An average of eight hours per week is spent on other educational activities.⁴¹¹

Young offender institutions and juvenile establishments have the highest assault rates of any prisons in England and Wales.⁴¹²

395 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice. This figure includes some 21 year-olds not classified as part of the adult population

396 Ibid.

397 Home Office (1999) Prison Statistics England and Wales 1999, and Ministry of Justice (2009) Offender Management Caseload Statistics 2008, London: The Stationery Office

398 Transition to Adulthood (2010) Why is the criminal justice system failing young adults? London: Transition to Adulthood

399 Devitt, K., Knighton, L., and Lowe, K. (2009) Young Adults Today. Key data on 16-25 year-olds, transitions, disadvantage and crime, London: Young People in Focus

400 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

401 Hansard HC, 22 October 2010, c911W

402 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

403 Hansard HC, 31 January 2008

404 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report 2005-06, London, HM Inspectorate of Prisons

405 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

406 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report 2005-06, London, HM Inspectorate of Prisons

407 Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness provision for young offenders in custody and in the community. London: YJB

408 Bryan, K., and Mackenzie, J. (2008) Meeting the speech, language and communication needs of vulnerable young children, London: RCSLT

409 Home Office (2001) Jobs and Homes - a survey of prisoners nearing release, Findings 173, London: Home Office

410 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

411 Hansard HC, 19 July 2007, c592W

412 Solomon, E. (2003) A Measure of Success: An analysis of the Prison Service's performance against its Key Performance Indicators, London: Prison Reform Trust

Mental health problems, drug and alcohol abuse are common amongst young people in prison.

They are more likely than adults to suffer from mental health problems and are more likely to take, or try to take, their own life than both younger and older prisoners.⁴¹³

19% of prisoners surveyed by HM Inspectorate of Prisons reported having an alcohol problem when they entered their prison. It was even higher among young adults (30%) and women (29%). These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.⁴¹⁴

37% of young offenders have a problem with alcohol and/or are regular binge-drinkers. In addition, 32% behave violently which is related to their alcohol abuse.⁴¹⁵

Young adults account for 19% of individuals in prison who self-harm although they represent 12% of the population in custody.⁴¹⁶

In 2007, 69% of young women in custody had harmed themselves.⁴¹⁷

25% of men in young offender institutions are, or are shortly to become, fathers.⁴¹⁸ It is estimated that four out of 10 young women in prison are mothers.⁴¹⁹

According to the British Crime Survey, 16-24 year-olds are more likely than any other age group to become a victim of violent crime or a victim of theft.⁴²⁰

Up to 30% of young women in custody report having been sexually abused in childhood.⁴²¹

Young people who are not in education or employment are twenty times more likely to commit a crime. 47% of young adults aged 17-24 were in employment or education at the time of their arrest.⁴²²

'We've all been through social services, foster, children's homes, getting kicked out of school, secure unit....I'm sure we've all been through that road. It's like a journey and we've all collected our tickets along the way.'⁴²³

413 Singleton et al (2000) Psychiatric Morbidity among young offenders in England and Wales, London: Office for National Statistics

414 HM Chief Inspector of Prisons for England and Wales (2010) Alcohol services in prisons: an unmet need, London: HMCIP

415 Devitt, K., Knighton, L., and Lowe, K. (2009) Young Adults Today. Key data on 16-25 year-olds, transitions, disadvantage and crime, London: Young People in Focus

416 Ministry of Justice (2010) Safety in Custody Statistics 2008, London: Ministry of Justice

417 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: HM Inspectorate of Prisons

418 Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007

419 A survey carried out by Young Voice in 2001 found that 51 % of men in prison under the age of 23 and 79 % of women in the same age group were parents, Young Voice (2001) Parenting Under Pressure, London: Young Voice

420 Devitt, K., Knighton, L., and Lowe, K. (2009) Young Adults Today. Key data on 16-25 year-olds, transitions, disadvantage and crime, London: Young People in Focus

421 Solomon, E. (2004) A Lost Generation: the experiences of young people in prison, London: Prison Reform Trust

422 Ibid.

423 Lyon J, Dennison C, Wilson A (2000) 'Tell Them So They Listen. Messages from young people in custody,' Research study 201 London: Home Office

Older prisoners (aged 50 and over)

On 31 March 2010 there were 8,120 prisoners aged over 50 in England and Wales, including 2,167 aged between 60 and 69 and 605 over 70.⁴²⁴

People aged 60 and over are now the fastest growing age group in the prison estate.⁴²⁵ The number of sentenced prisoners aged 60 and over rose by 119% between 1999 and 2009.⁴²⁶

In 2008 there was one woman and 25 men in prison aged over 80.⁴²⁷ HM Inspectorate of Prisons noted that the oldest prisoner at HMP Hewell in November 2009 was 91.⁴²⁸

More than one in 10 older prisoners belong to a minority ethnic group, far higher than the proportion of the general population.⁴²⁹

41% of men in prison aged over 50 have been convicted of sex offences. The next highest offence is violence against the person (22%) followed by drug offences (13%). For women, the most common offence was violence against the person (30%).⁴³⁰

On 30 June 2009 there were 2,008 people aged 50 and over serving life sentences. 3,224 were serving sentences of more than four years, but less than life.⁴³¹

The number and proportion of men aged over 60 sentenced to prison by the courts has increased significantly. Between 1995 and 2000 the number of elderly males given custodial sentences increased by 55%. In 1995 fines accounted for the majority of sentences (31%). By 2000 imprisonment accounted for the majority of sentences (31%) and fines accounted for 24%.⁴³²

The significant rise in the number of male prisoners aged over 60 is not matched by a corresponding rise in the number of men convicted by the courts for indictable offences.

424 Prison Reform Trust, information from Offender Policy and Rights Unit, 1 July 2010

425 NOMS, Safer Custody News, January/February 2008

426 Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: The Stationery Office

427 Hansard HC, 15 July 2009, c444W

428 HM Inspectorate of Prisons (2010) Report on an announced inspection of HMP Hewell, London: HMIP

429 Prison Reform Trust (2003) Growing Old in Prison, London: Prison Reform Trust

430 Prison Reform Trust, information from Offender Policy and Rights Unit, 1 July 2010

431 Prison Reform Trust, information from Offender Policy and Rights Unit, 30 June 2009

432 HM Inspectorate of Prisons (2004) 'No problems – old and quiet': Older prisoners in England and Wales, a thematic review by HM Chief Inspector of Prisons, London: HM Inspectorate of Prisons

Between 1995 and 2000 the number of convictions for this age group increased by only 8%.⁴³³

The increase in the elderly prison population is not explained by demographic changes, nor can it be explained by a so-called 'elderly crime wave'. The increases are due to harsher sentencing policies which have resulted in the courts sending a larger proportion of criminals aged over 60 to prison to serve longer sentences. This has particularly been the case in relation to those convicted of sex offences and drug trafficking.⁴³⁴

A report by the Prisons Inspectorate has indicated 'little evidence of multidisciplinary working' and found it 'disappointing that the social care needs of older and disabled prisoners were still considered the responsibility of health services only'.⁴³⁵

Over 90% of prison staff responded to a survey conducted by the Prison Reform Trust said that social services had no involvement in their prisons. Only five prisons reported that an occupational therapist came in to the prison when required and would provide daily living aids.⁴³⁶

Some older prisoners will have a physical health status of 10 years older than their contemporaries in the community.⁴³⁷

Prison Reform Trust research has found that services for older people in prison did not meet those that would be available for the elderly in the community.⁴³⁸

The report expresses concern that some older people entering prison had the medication they were receiving in the community stopped.⁴³⁹

More than half of all elderly prisoners suffer from a mental disorder. The most common disorder is depression which often emerges as a result of imprisonment.⁴⁴⁰

HM Inspectorate of Prisons has identified 'a complete lack of staff training in identifying the

433 Ibid.

434 Ibid.

435 HM Chief Inspector of Prisons for England and Wales (2008) Older Prisoners in England and Wales: A follow up to the 2004 thematic review, London: HM Inspectorate of Prisons

436 Cooney, F. with Braggins, J. (2010) Doing Time: Good practice with older people in prison – the views of prison staff, London: Prison Reform Trust. 92 responses to the survey conducted as part of this research were received – over three-quarters of eligible prisons.

437 Ibid.

438 Prison Reform Trust (2008) Doing Time: the experiences and needs of older people in prison, London: Prison Reform Trust

439 Ibid.

440 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: HM Inspectorate of Prisons

signs of mental health problems among the elderly.⁴⁴¹ Few prisons had a designated nurse for older prisoners.⁴⁴²

In 2007, 35 people aged 60 and over died of natural causes whilst in prison.⁴⁴³

98 people died from natural causes in prison custody in England and Wales during 2008.⁴⁴⁴

Lack of palliative care for the terminally ill is a major concern. Apart from HMP Norwich there is no hospital/hospice facility for the terminally ill within the prison system.⁴⁴⁵

Most older prisoners are held more than 50 miles from home, and a third are more than 100 miles away from home. This causes particular problems for visitors, many of whom are themselves older people.⁴⁴⁶

40% of prisons responding to the recent PRT survey reported that no specific age related assessments or arrangements were in place. No specific arrangements for older prisoners were reported in relation to sentence planning, and no respondent mentioned offending behaviour courses specifically designed, or adapted, for older prisoners.⁴⁴⁷

However, PRT's recent survey does indicate areas of good practice. One quarter of respondents are working with Age UK local groups or other voluntary sector organisations to provide services.⁴⁴⁸

Prison staff identified the availability or lack of funding and the age or design of prison buildings as the main barriers to change.⁴⁴⁹

Four years after a thematic review of older prisoners, HM Chief Inspector of Prisons stated that 'eight of [their] key recommendations have not been implemented.' This is while 'the issues older prisoners pose are likely to become more

acute, as an increasing number of long-sentenced prisoners grow old and frail in prison.'⁴⁵⁰

In 2010 HM Chief Inspector of Prisons noted that not all prisons had policies that reflected the specific needs of older men and women.⁴⁵¹

Despite the dramatic rise in the number of elderly prisoners, the Prison Service does not yet have a Prison Service Order or national strategy for older prisoners, although this is being considered. The Department of Health has developed 'a pathway to care for older offenders: a toolkit for good practice. The Disability Discrimination Act (2005) now applies to prison.'⁴⁵²

The Association of Directors of Adult Social Services (ADASS) appointed Phil Lloyd to lead on social care for offenders and their families in 2010.⁴⁵³

441 HM Chief Inspector of Prisons for England and Wales (2008) Older Prisoners in England and Wales: A follow up to the 2004 thematic review, London: HM Inspectorate of Prisons

442 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office

443 Hansard HC, 19 July 2007, c583W

444 Hansard HC, 13 October 2009, c881W

445 Prison Reform Trust (2008) Doing Time: the experiences and needs of older people in prison, London: Prison Reform Trust

446 HM Inspectorate of Prisons (2004) 'No problems – old and quiet': Older prisoners in England and Wales A thematic review by HM Chief Inspector of Prisons, London: HM Inspectorate of Prisons

447 Cooney, F. with Braggins, J. (2010) Doing Time: Good practice with older people in prison – the views of prison staff, London: Prison Reform Trust.

448 Ibid.

449 Ibid.

450 HM Chief Inspector of Prisons for England and Wales (2008), Older Prisoners in England and Wales: A follow up to the 2004 thematic review, London: HM Inspectorate of Prisons

451 HM Chief Inspector of Prisons Annual Report 2008-09

452 Communication between Prison Reform Trust, CPA and Department of Health.

453 The National Children and Adult Services Conference, October 2010

Prisoners with learning disabilities and difficulties⁴⁵⁴

20 – 30% of offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.⁴⁵⁵ The term learning disabilities or difficulties includes people who: experience difficulties in communicating and expressing themselves and understanding ordinary social cues; have unseen or hidden disabilities such as dyslexia; experience difficulties with learning and/or have had disrupted learning experiences that have led them to function at a significantly lower level than the majority of their peers; are on the autistic spectrum, including people with Asperger syndrome.

7% of prisoners have an IQ of less than 70 and a further 25% have an IQ of less than 80.⁴⁵⁶

23% of young offenders have very low IQs of below 70, and a further 36% have borderline learning difficulties.⁴⁵⁷ At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.⁴⁵⁸

25% of children in the youth justice system have identified special educational needs, 46% are rated as underachieving at school and 29% have difficulties with literacy and numeracy.⁴⁵⁹

However, most youth offending teams do not use screening or assessment tools or procedures to identify children with learning disabilities, specific learning difficulties, communication difficulties, ADHD, or autistic spectrum disorder.⁴⁶⁰

454 Unless marked otherwise, all the figures in this section are from Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust, and Talbot, J. (2007) No One Knows: Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff, London: Prison Reform Trust. Research as part of the No One Knows programme was also conducted in prisons in Scotland and Northern Ireland.

455 Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

456 Mottram, P. G. (2007) HMP Liverpool, Styal and Hindley Study Report. Liverpool: University of Liverpool

457 Harrington, R., and Bailey, S. (2005) Mental health needs and effectiveness provision for young offenders in custody and in the community. London: YJB

458 Bryan, K., and Mackenzie, J. (2008) Meeting the speech, language and communication needs of vulnerable young children, London: RCLSLT

459 Youth Justice Board (2006) Barriers to engaging in education, training and employment, London: YJB

460 Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

Most youth offending team staff report that children who offend with learning disabilities, communication difficulties, mental health problems, ADHD, and low levels of literacy were more likely than children without such impairments to receive a custodial sentence.⁴⁶¹

Dyslexia is three to four times more common amongst prisoners than the general population.⁴⁶²

Over 80% of prison staff say that information accompanying people into prison is unlikely to show that the presence of learning disabilities or difficulties had been identified prior to their arrival. Once in prison there is no routine or systematic procedure for identifying prisoners with learning disabilities or learning difficulties. Consequently the particular needs of such prisoners are rarely recognized or met.

A learning disability screening tool, the LDSQ, was piloted in four prisons under the auspices of the Department of Health. The results, reported in March 2010, established that it was an effective tool for use in prisons. Discussions are underway with NOMS on the next steps for implementation across the prison service. Further work needs to be undertaken, as a matter of urgency, to identify a screening tool for use across the wider criminal justice system, in particular at the point of arrest.

Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimized and bullied than other prisoners. Over half of prisoners say they had been scared while in prison and almost half say they had been bullied or that people had been nasty to them.

Prisoners with learning disabilities or difficulties are unable to access prison information routinely; over two-thirds have difficulties reading prison information, which rises to four-fifths for those with learning disabilities. Over two-thirds have difficulties filling in prison forms, which rises to three-quarters for those with learning disabilities. Consequently many miss out on things such as family visits and going to the gym, or getting the wrong things delivered such as canteen goods. Over half say they have difficulties making themselves understood in prison, which rises to more than two-thirds for those with learning disabilities. The use of a learning disability screening tool shows that over two-thirds experience difficulties in verbal comprehension

461 Ibid.

462 Rack, J. (2005) The Incidence of Hidden Disabilities in the Prison Population, Egham, Surrey: Dyslexia Institute

skills, including difficulties understanding certain words and in expressing themselves.

Youth offending team staff reported that children with impairments and difficulties had difficulty understanding, for example, the consequences of failing to comply with court orders and what they needed to do to successfully complete an intervention.⁴⁶³

People in prison are excluded from elements of the prison regime including opportunities to address their offending behaviour. 'It's hard, hard dealing with the sentence let alone dealing with the stresses of not being able to do the course. The pressure of just being here ... and knowing that you'll have to be here longer because you can't read is hard.'⁴⁶⁴

A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as 'kafka-esque'.⁴⁶⁵ On the same issue the Joint Committee on Human Rights noted that 'people with learning disabilities may serve longer custodial sentences than others convicted of comparable crimes.' The report went on to say that 'this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination).'⁴⁶⁶

In February 2010 a prisoner with learning disabilities, who had served over twice his tariff, was awarded a case for breach of the Disability Discrimination Act and for breach by the Secretary of State for Justice for failing in his duties to take steps to enable the prisoner in question to undertake some type of offending behaviour work.

Prisoners' inability to participate fully in the prison regime leaves them at greater psychological risk as they spend more time

463 Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

464 This interviewee was unable to progress through his sentence plan because the cognitive behaviour treatment programme he was required to complete demanded a level of literacy that he did not have; he was on an indeterminate public protection sentence, IPP, which means that until (and unless) he was able to demonstrate a reduction in risk, achieved by progressing through his sentence plan, he would be unlikely to get parole and was likely to remain longer in prison as a result. This situation has been strongly criticised by the Joint Committee on Human Rights. Joint Committee on Human Rights (2007-08) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

465 HM Chief Inspector of Prisons, HM Chief Inspector of Probation (2008) The indeterminate sentence for public protection: A thematic review, London: HM Inspectorate of Prisons

466 Joint Committee on Human Rights (2007-08) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

alone with little to occupy themselves. People with learning disabilities are the most likely to spend time on their own and have fewer things to do.

Prisoners with learning disabilities or difficulties are five times as likely as prisoners without such impairments to have been subject to control and restraint techniques and more than three times as likely to have spent time in segregation.

Prisoners with learning disabilities or difficulties are more than three times as likely as prisoners without such impairments to have clinically significant depression or anxiety.

Over half of prison staff are not confident that their prison has the skills and expertise to support this group of prisoners.

Over half of prison staff believe that the overall quality of support available for this group of prisoners at their prison is low.

Specific disability awareness training on learning disabilities and difficulties is not readily available for prison staff.

Prison staff would like greater strategic and operational direction to assist their work with this group of prisoners.

Youth offending team staff often do not know what specialist service provision is available, or what benefits access to such support might bring.⁴⁶⁷

Youth offending team staff would like greater input from specialist workers to assist in identifying and supporting children with impairments and difficulties and lower thresholds to access service provision, in particular for children with learning disabilities and mental health problems.⁴⁶⁸

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. Criminal justice staff and those responsible for providing services are failing in their duty to promote equality of opportunity and to eliminate discrimination. As such they are not complying with the requirements of the Disability Discrimination Act (2005) and the Disability Equality Duty in particular.

467 Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

468 Ibid.

Mental health

‘On the wing there was plenty of evidence of behaviour brought on by mental distress... one young man only ever wore the same pair of jeans and a green nylon cagoule. He never wore shoes or socks, never went out on exercise, hardly ever spoke to anyone and was understood to have been taken advantage of sexually by predatory prisoners. He was in his early 20s with many years in prison still ahead of him. Another had a habit of inserting objects into his body: a pencil in an arm, matchsticks in his ankles.’⁴⁶⁹

Many prisoners have mental health problems. 72% of male and 70% of female sentenced prisoners suffer from two or more mental health disorders. 20% of prisoners have four of the five major mental health disorders.⁴⁷⁰

10% of men and 30% of women have had a previous psychiatric admission before they come into prison.⁴⁷¹

Neurotic and personality disorders are particularly prevalent - 40% of male and 63% of female sentenced prisoners have a neurotic disorder, over three times the level in the general population. 62% of male and 57% of female sentenced prisoners have a personality disorder.⁴⁷²

According to Michael Spurr, NOMS Chief Operating Officer, at any one time 10% of the prison population has ‘serious mental health problems’.⁴⁷³

A significant number of prisoners suffer from a psychotic disorder. 7% of male and 14% of female sentenced prisoners have a psychotic disorder; 14 and 23 times the level in the general population.⁴⁷⁴

Women in prison are twice as likely to have an eating disorder as women in the general population.⁴⁷⁵

In an assessment of 13-18 year-olds in custody, 35% of girls and 13% of boys were identified with depression, 17% and 7% respectively were identified with deliberate self-harm, and 16% and 7% respectively were identified with post-traumatic stress disorder.⁴⁷⁶

There is considerable concern about the misuse of custodial remand in order to obtain a mental health assessment.

There is currently no data to identify how many individuals are remanded in custody pending a psychiatric report, how many are assessed as having a mental health problem, and how many are so unwell that they require transferring out of custody for treatment.⁴⁷⁷

In 2009-10, just over 1,200 prisoners were transferred to National Health Service secure services. This number has remained relatively stable for the past five years.⁴⁷⁸

An NHS medium secure bed costs £481 per day. The majority of transfers are to medium secure care.⁴⁷⁹ This compares with an average cost of £112 per prisoner per day.⁴⁸⁰

HM Chief Inspector of Prisons noted in her last annual report that ‘the transfer of prisoners to NHS facilities had improved, but was sometimes still beset by delays. In one prison, for example, eight prisoners were awaiting transfer to secure NHS mental health beds. One had been waiting for 22 months. In another, rapid tranquillisation had been used six times in the previous six months for prisoners awaiting transfer.⁴⁸¹

Research undertaken by the national evaluation of prison mental health in-reach services in August 2008 at a local establishment for young and adult women found that of all of those screened, 51% had severe and enduring mental illness, 47% a major depressive disorder, 6% any psychosis and 3% schizophrenia.⁴⁸²

469 Erwin James, Foreword to Edgar, K., and Rickford, D. (2005) *Troubled Inside: Responding to the mental health needs of men in prison*, London: Prison Reform Trust

470 Paul Goggins, minister for prisons and probation speaking in a debate on prisons and mental health, Hansard, 17 March 2004

471 Department of Health, Conference Report, Sharing Good Practice in Prison Health, 4/5 June 2007

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

473 Michael Spurr, Chief Operating Officer of the National Offender Management Service, speaking on the Today Programme, 2 September 2008

474 All the statistics in this section are taken from Singleton et al (1998) *Psychiatric Morbidity among Prisoners in England and Wales*, London: Office for National Statistics, unless otherwise stated.

475 Devitt, K., Knighton, L., and Lowe, K. (2009) *Young Adults Today. Key data on 16-25 year-olds, transitions, disadvantage and crime*, London: Young People in Focus

476 Harrington, R., and Bailey, S. (2005) *Mental health needs and effectiveness provision for young offenders in custody and in the community*. London: YJB

477 Department of Health (2009) *The Bradley Report, Lord Bradley's report on people with mental health problems or learning disabilities in the criminal justice system*, London: Department of Health

478 Hansard HL, 4 November 2010, cWA445

479 Ibid.

480 Hansard HC, 25 October 2010, c40W

481 HM Chief Inspector of Prisons for England and Wales (2010), *Annual Report 2008-09*, London: HMIP

482 Cabinet Office Social Exclusion Task Force (2009) *Short Study on Women Offenders*, London: Cabinet Office

In 2008, there were 24,686 recorded incidents of self-harm – 11,747 for men and 12,938 for women.⁴⁸³

Many incidents reflect prolific self-harm by the same women. In 2008 an average of nine incidents were recorded for each woman harming herself compared to two incidents for each man.⁴⁸⁴ Holloway, with a reported 2,256 self-harm incidents, recorded over 331 incidents in its worst month – averaging over 10 a day.⁴⁸⁵

In 2008 there were 1,628 young people aged 20 or under who deliberately harmed themselves. This represents 26% of all individuals who self-harmed during that year.⁴⁸⁶

28% of self-harm incidents occurred within the first month of arriving in a prison.⁴⁸⁷ Prison overcrowding and the ‘churn’ of sentenced prisoners from one establishment to another exacerbates this problem.

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.⁴⁸⁸

In a case study conducted by the Safer Custody Group of 50 ‘prolific self-harmers’, only 12 of the women studied had not experienced abuse or rape in their lives. Of those who had experienced rape or abuse, 18 were children when it happened. Half had been in a psychiatric inpatient unit in the past, and 19 had been receiving psychiatric treatment prior to custody.⁴⁸⁹

Only 30% of mental health in-reach team records looked at by the Prisons Inspectorate recorded ethnicity, even though this is a minimum requirement within the NHS dataset.⁴⁹⁰

Black and minority ethnic groups are 40% more likely to access mental health services via a criminal justice system gateway.⁴⁹¹

The number of restricted patients under the Mental Health Act in England and Wales was

3,395 at the end 2005, the highest for a decade. 779 of the patients were transferred from prison to hospital. Those released from restricted hospitals in 2003 have a 7% reconviction rate after two years.⁴⁹²

In the quarter ending December 2006, 38 prisoners had been assessed and were waiting three months or more before being transferred to hospital. Many prisoners also have long waits before an assessment takes place.⁴⁹³

The Prisons and Probation Ombudsman has drawn attention to cases when prisoners give no outward indication to staff or peers that they are feeling low or depressed as many prisoners choose to hide their real feelings from staff, and wish to keep their personal circumstances private.⁴⁹⁴

Prisoners with severe mental health problems are often not diverted to more appropriate secure provision. The Chief Inspector of Prisons has estimated, based on visits to local prisons, that 41% of prisoners being held in health care centres should have been in secure NHS accommodation.⁴⁹⁵ Research has found that there are up to 500 patients in prison health care centres with mental health problems sufficiently ill to require immediate NHS admission.⁴⁹⁶

After an analysis of over 21,000 custody records in four police stations in cities in the East Midlands area of England, the appropriate adult was used in only 38 instances (0.016%). Based on the lowest or most conservative extract of the rates of mental illness in the population, there should have been about 400 instances (1.9%), and on the more generous estimate 3,000 (14%).⁴⁹⁷

75% of all prisoners have a dual diagnosis (mental health problems combined with alcohol or drug misuse).⁴⁹⁸ Yet HM Prisons Inspectorate found that dual diagnosis services remain patchy.⁴⁹⁹

483 Ministry of Justice (2010) Safety in custody statistics 2008-09, London: Ministry of Justice

484 Ibid.

485 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

486 Ministry of Justice (2010) Safety in custody statistics 2008-09, London: Ministry of Justice

487 Ibid.

488 Ministry of Justice, Deaths in Prison Custody 2007, <http://www.justice.gov.uk/news/newsrelease010108a.htm>

489 HM Chief Inspector of Prisons (2009) Race relations in prison: responding to adult women from black and minority ethnic backgrounds, London: The Stationery Office

490 Ibid.

491 Department of Health (2009) The Bradley Report, Lord Bradley's report of people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

492 Home Office Statistical Bulletin, Statistics of Mentally Disordered Offenders 2005, 1 March 2007

493 Hansard HC, 27 March 2007, c1454W

494 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

495 HM Inspectorate of Prisons (2004) Annual Report of HM Chief Inspector of Prisons for England and Wales 2002-03, London: Stationery Office

496 Reed, J. (2003) Mental Health Care in Prisons, British Journal of Psychiatry 182

497 Department of Health (2009) The Bradley Report, Lord Bradley's report on people with mental health problems or learning disabilities in the criminal justice system, London: Department of Health

498 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office

499 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: HM Inspectorate of Prisons

The resettlement needs of prisoners with mental health problems are not being met.

Research found that 96% of mentally-disordered prisoners were returned to the community without supported housing, including 80% of those who had committed the most serious offences; more than three quarters had been given no appointment with outside carers.⁵⁰⁰ Many people have a right to services under health and social care legislation.⁵⁰¹

In a thematic review of the care and support of prisoners with mental health needs, HM Chief Inspector of Prisons said that 'prison has become, to far too large an extent, the default setting for those with a wide range of mental and emotional disorders.'⁵⁰²

On 30 April 2009, Lord Bradley, a former Minister of State at the Home Office, published the findings of his government commissioned review of diversion services for offenders with mental health problems or learning disabilities.

His report calls for all police custody suites to have access to the services of Criminal Justice Mental Health Teams, including: screening for vulnerable people and assessing their needs; sharing information with police to enable diversion; and signposting to local health and social care services.⁵⁰³

The Bradley review calls for adequate community alternatives to prison for vulnerable offenders where appropriate. It heard evidence that 2,000 prison places per year could be saved if a proportion of eligible, short-term prisoners who committed offences while suffering mental health problems were given appropriate community sentences.⁵⁰⁴

The review also calls for the Department of Health to introduce a new 14 day maximum wait to transfer prisoners with acute, severe mental illnesses to an appropriate health setting. A 2005 Department of Health audit had found that at any one time in the prison estate there are on average 282 prisoners waiting initial psychiatric assessment. The review finds the absence of timely assessments and the lack of specialist beds accounts for two-thirds of the delays.⁵⁰⁵

HM Chief Inspector of Prisons commented in her annual report that the Bradley review has not yet led to major changes in mental healthcare in prisons. 'We continue to have particular concerns about the lack of primary mental health services, and of daycare provision for those less able to cope on the wings – though there is some better support from child and adolescent mental health services (CAMHS).'⁵⁰⁶

Following three months of debate in every branch in England and Wales, delegates at the WI national conference in Liverpool in June 2008 voted overwhelmingly - 6,205 in favour and 173 against - to call a halt to the inappropriate imprisonment of the mentally ill.⁵⁰⁷

500 Melzer et al (2002) Prisoners with psychosis in England and Wales: a one-year national follow-up study, *The Howard Journal* 41

501 Edgar, K., and Rickford, D. (2009) *Too little too late: an independent review of unmet mental health need in prison*, London: Prison Reform Trust

502 HM Inspectorate of Prisons (2007) *The mental health of prisoners, a thematic review of the care and support of prisoners with mental health needs*, London: HM Prisons Inspectorate

503 http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_098694).

504 Ibid.

505 Ibid.

506 HM Chief Inspector of Prisons for England and Wales (2010), *Annual Report 2008-09*, London: HMIP

507 <http://www.thewi.org.uk/standard.aspx?id=14999>

Prison suicides

There were 60 apparent self-inflicted deaths in custody in England and Wales in 2009. This is down from 92 in 2007.⁵⁰⁸

This figure includes the death of three women, five young people aged 18-20 and no children.

The three-year rolling average to the end of 2009 was 86 self-inflicted deaths per 100,000 of the population. This is down from 130 per 100,000 in 2004.⁵⁰⁹

The suicide rate for men in prison is five times greater than that for men in the community. Boys aged 15-17 are 18 times more likely to take their own lives in prison than in the community.⁵¹⁰

Men recently released from prison were eight times more likely, than the general population, to take their own life. Women were 36 times more likely to take their own life.⁵¹¹

Twelve self-inflicted deaths in 2009 occurred within the first seven days in prison.⁵¹²

People on remand, 16% of the prison population, accounted for half of self-inflicted deaths in 2008-09.⁵¹³

Twenty four of the 65 prisoners who took their own lives in the 12 months to 31 August 2009 had reported a history of attempted suicide prior to reception into their final establishment. Seventeen of these reported having attempted suicide in the previous 12 months: 10 whilst in custody and 7 whilst in the community. Eight of the 65 had a documented history of attempted suicide in their final establishment.⁵¹⁴

Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.⁵¹⁵

According to the government's Social Exclusion Unit, more than 50 prisoners take their own lives shortly after release each year.⁵¹⁶

Number of self-inflicted deaths in prisons in England and Wales, 1999 - 2009:

Year	Number	Rate of suicides per 100,000
1998	76	127
1999	89	140
2000	80	124
2001	73	110
2002	95	130
2003	94	126
2004	95	127
2005	78	103
2006	67	87
2007	92	114
2008	60	73
2009	60	72
Total	959	

<http://www.justice.gov.uk/news/newsrelease010110a.htm>

508 <http://www.justice.gov.uk/news/newsrelease010110a.htm>

509 Ibid.

510 Fazel, Seena et al, Suicides in male prisoners in England and Wales, 1978-2003, The Lancet, Vol 366, 2005

511 Pratt, D. Piper, M, Appleby, L. Webb, R. Shaw, J. Suicide in recently released prisoners: a population-based cohort study, The Lancet - Vol. 368, Issue 9530, 8 July 2006

512 Ministry of Justice (2010) Safety in custody statistics 2008-09, London: Ministry of Justice

513 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

514 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

515 NOMS, Safer Custody News, January/February 2010

516 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

Disability, health and welfare

A survey by the Ministry of Justice found that over a quarter of newly sentenced prisoners reported a long-standing physical disorder or disability. Musculo-skeletal and respiratory complaints were most commonly reported.⁵¹⁷

24% of prisoners who responded to the Prison Reform Trust's advice and information service survey said they had a disability. A hearing impairment and arthritis were most common.

In HM Inspectorate of Prisons surveys, 15% of prisoners reported having a disability.⁵¹⁸

Through its reports, the Inspectorate found that many prisons did not have a disability policy and it was rare to find any form of needs analysis or consultation with prisoners to help establishments to carry out their duties under the Disability Discrimination Act.⁵¹⁹

People with disabilities reported worse experiences than other prisoners in response to 130 out of 190 questions on Inspectorate surveys, although they were often more positive about healthcare. This indicates that disability is still seen largely as a healthcare issue.⁵²⁰

In 18 out of 24 inspections carried out by HM Inspectorate of Prisons, disability officers said they did not have enough time, support or training to carry out their task.⁵²¹

Following a judicial review by a disabled inmate (who had not been provided with accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) will be amended to comply with the requirements of the DDA. This has resulted in new guidance being issued in PSI 31/2008: Allocation of prisoners with disabilities.

In 2010 HM Chief Inspector of Prisons said in her annual report, that often inspectors found that prisoners with mobility difficulties suffered considerable disadvantage because of the refusal of prison staff to push wheelchairs

517 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

518 HM Chief Inspector of Prisons for England and Wales (2009), Disabled prisoners: A short thematic review on the care and support of prisoners with a disability, London: HM Inspectorate of Prisons

519 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: HM Inspectorate of Prisons

520 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

521 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: HM Inspectorate of Prisons

without training. Anne Owers added that 'it is unacceptable that this has not been resolved.'⁵²²

Fewer than one in 10 youth offending team (YOT) staff said there was somebody at their YOT who carried responsibility for children with disabilities.⁵²³

Fewer than one in 10 YOT staff said their YOT either had an action plan integral to their local authority's disability equality scheme or that their local authority reflected the actions of the YOT within its own scheme.

Half of all those sentenced to custody are not registered with a GP prior to being sent to prison.⁵²⁴

According to a recent study, 83% of women in prison stated that they had longstanding illness, compared with 32% of the general female population. 73% were on medication on arrival at prison – mainly benzodiazepines (42%), methadone (36%), antidepressants (14%), and sleeping pills (10%).⁵²⁵

Prior to imprisonment 85% of women were smokers, 75% had used illegal drugs and 40% drank alcohol in excess of the recommended limits.⁵²⁶

HM Inspectorate of Prisons has found that ethnicity is not recorded in clinical records. Staff concluded that ethnicity was not relevant as all patients were treated the same way, which contravenes the 'Nursing and Midwifery Council Code of Professional Conduct' on recognizing the diverse needs of patients.⁵²⁷

HM Inspectorate of Prisons also noted a paucity of health information in different languages and, of particular concern, the use of prisoners to translate for others.⁵²⁸

98 people died from natural causes in prison custody in England and Wales during 2008.⁵²⁹

522 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

523 YOT report

524 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

525 HM Chief Inspector of Prisons (2009) Race relations in prison: responding to adult women from black and minority ethnic backgrounds, London: HM Inspectorate of Prisons

526 Ministry of Justice (2009) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

527 HM Chief Inspector of Prisons (2009) Race relations in prison: responding to adult women from black and minority ethnic backgrounds, London: HM Inspectorate of Prisons

528 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: HM Inspectorate of Prisons

529 Hansard HC, 13 October 2009, c881W

Analysis of Prisons and Probation Ombudsman's reports into 130 deaths from natural causes in prison found that the average age was 52 years-old for men and 44 years-old for women. The most common causes of the deaths were heart attacks or cancer. In 14% of the investigations the care provided was found to be less than satisfactory.⁵³⁰

The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes in prison studied, restraints were used during final inpatient stays on 29 out of 52 occasions.⁵³¹

Across the prison estate only 40% of prisoners participate in exercise.⁵³²

In nearly half of establishments holding young men aged 15 – 18 years-of-age, the proportion of young men able to exercise outside daily was 10% or less.⁵³³

77% of young men and 90% of young women (15-18) reported visiting the gym once, or more than once a week.⁵³⁴

The average number of hours prisoners spend exercising per week is 2.4 for adults, 3.5 for young people, and 3.9 for children.⁵³⁵

An average of £2.20 per day was spent on food and drink per prisoner in 2010.⁵³⁶

The average time out of cell on a weekday for each prisoner was 10 hours exactly in 2005-06, a fall from 11.2 in 1996-07.⁵³⁷ 48% of young men and 69% of young women (15-18) said they had periods of association more than five times a week.⁵³⁸

In Prisons Inspectorate surveys, fewer than 20% of men reported spending the mandated 10 hours out of their cell on a week day.⁵³⁹ To meet the 3% year-on-year efficiency savings, the Prison Service decided, with ministerial support, to reduce the core week for prisoners from April 2008. Prisoners are now locked up for half-a-day more than before thus reducing constructive activity and time outside cells.⁵⁴⁰

In March 2009, 2,117 prison places did not have in-cell sanitation or open access to toilet facilities.⁵⁴¹

A survey conducted by the National AIDS Trust and the Prison Reform Trust among prison healthcare managers across the UK, found that a third of prisons surveyed had no HIV policy, one in five had no hepatitis C policy and well over half had no sexual health policy. This is despite the fact that the most recent survey of prevalence in prison found HIV was 15 times higher than in the community.⁵⁴²

Investment in prison healthcare has increased from £118 million in 2002-03 to £200 million in 2006-07.⁵⁴³

56% of young men and 72% young women (15-18) reported that the quality of prison healthcare was either good or very good.⁵⁴⁴

530 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI

531 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

532 House of Commons, Committee of Public Accounts, Serving time: prisoner diet and exercise, 56th Report of Session 2005-06

533 Parke, S., (2009) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

534 Ibid.

535 Hansard HC, 29 January 2008, c304W

536 Hansard HC, 25 October 2010, c40W

537 Hansard HC, 9 January 2007, c543W

538 Parke, S., (2009) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

539 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: HM Inspectorate of Prisons

540 Paul Tidball, Prison Governors' Association, Justice Select Committee, Oral evidence, Towards effective sentencing, 12 December 2007

541 Hansard HC, 29 June 2009, cWA21

542 HIV and Hepatitis in UK Prisons: Addressing Prisoners' Healthcare Needs, Prison Reform Trust and National AIDS Trust, 2005

543 Hansard, HC, 19 June 2007, c1709W

544 Parke, S., (2009) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2006-2008, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

Drugs

At the end of September 2010, 15% of male sentenced prisoners had been convicted of drug offences. For the sentenced female prison population at the end of September 2010, drug offences accounted for 23% of prisoners.⁵⁴⁵

There is a much wider group of prisoners whose offence is in some way drug related. Shoplifting, burglary, vehicle crime and theft can be linked to drug misuse. Over half of prisoners (55%) report committing offences connected to their drug taking, with the need for money to buy drugs the most commonly cited factor.⁵⁴⁶

81% of arrestees who used heroin and/or crack at least once a week said they committed an acquisitive crime in the previous 12 months, compared with 30% of other arrestees. 31% reported an average of at least one crime a day, compared with 3% of other arrestees.⁵⁴⁷

In 18% of violent crimes reported to the 2004-05 British Crime Survey, the victim believed that the offender was under the influence of drugs. More than a quarter (29%) of robbery victims believed their attacker to be under the influence of drugs.⁵⁴⁸

Between a third and a half of new receptions into prison are estimated to be problem drug users (equivalent to between 45,000 and 65,000 prisoners in England and Wales).⁵⁴⁹

A report by the Cabinet Office Social Exclusion Unit found that around 70% of women coming into custody require clinical detoxification and that 65% had used a drug during the year before custody. 49% of women had used crack cocaine and 44% had used heroin compared to 30% of men.⁵⁵⁰ Rates of using heroin, cocaine or crack were higher (44% to 35%) for prisoners sentenced to less than one year than those serving longer terms.⁵⁵¹ However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.

In some inner city local prisons as many as eight out of 10 men are found to have class A drugs in their system on reception⁵⁵² and in the local women's prison, Styal, the same number of new arrivals are thought to have drug problems.⁵⁵³

Many prisoners have never received help with their drug problems. According to the Social Exclusion Unit officers at HMP Manchester have estimated that 70% of prisoners come into the jail with a drug misuse problem but that 80% of these have never had any contact with drug treatment services.⁵⁵⁴

Prisoners interviewed for the Surveying Prisoner Crime Reduction study who had been taken into care as a child were more likely to have used drugs in the past year (84% compared with 67% of those who were not taken into care).⁵⁵⁵

Prisoners were also more likely to have taken drugs in the past year if they had experienced abuse as a child (80% compared with 67% of those who did not experience abuse) or observed violence in the home (81% compared with 64% of those who did not witness violence).⁵⁵⁶

Drug use amongst prisoners in custody is reported to be high. A Home Office study found that four out of 10 prisoners said they had used drugs at least once whilst in their current prison, a quarter had used in the past month and 16% in the past week. Cannabis and opiates were the drugs most often used. Almost a third of prisoners reported cannabis use and one in five opiate use in their current prison, while 9% and 10% respectively reported using these drugs in the past week.⁵⁵⁷

Almost one in five (19%) of the 3,489 prisoners interviewed for the Surveying Prisoner Crime Reduction study who had ever used heroin reported first using heroin in prison. This means that between 7% and 8% of all prisoners in the sample started using heroin whilst in custody.⁵⁵⁸

In local and high secure prisons, Prisons Inspectorate surveys showed that over a third

545 Ministry of Justice (2010) Offender Management Statistics Quarterly Bulletin, April to June 2010, London: Ministry of Justice

546 Ramsay, M. (ed.) (2003) Prisoners' drug use and treatment: seven studies, Home Office Research Findings 186, London: Home Office

547 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

548 Home Office Statistical Bulletin, 02/06, January 2006: Violent Crime Overview, Homicide and Gun Crime 2004/5, 2nd edition

549 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

550 Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office

551 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

552 Interview with Prison Service Director General, Phil Wheatley, Independent, 1 December 2003

553 HM Prisons Inspectorate (2004) Report on a full unannounced inspection of HMP and YOI Styal 19-23 January 2004, London: Home Office

554 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

555 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

556 Ibid.

557 Singleton et al (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, Findings 223 London: Home Office

558 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

of prisoners reported that it was easy to access drugs in prison – and in some it was nearer half.⁵⁵⁹

Prisoners being held in large prisons find it easier to get illegal drugs than those in small prisons (38% compared to 26%). They are also less likely to know who to contact to get help with drug addiction.⁵⁶⁰

All prisoners are subject to random mandatory drug tests. 9% of the prison population tested positive from random mandatory drug tests compared with over 20% 10 years ago.⁵⁶¹ But a Home Office study found that ‘mandatory drug testing results generally underestimate the level of drug misuse as reported by prisoners’.⁵⁶²

Research has found that arrangements for detoxification appear to vary considerably between different prisons.⁵⁶³

Less than a third of prisoners in surveys carried out by the Prisons Inspectorate in local, high secure and women’s prisons reported that they felt their drug or alcohol programme would help them on release.⁵⁶⁴

Analysis shows that drug treatment programmes in prison, especially psycho-social programmes and therapeutic communities, was associated with a 26% reduction in criminal behaviour.⁵⁶⁵

Nine out of 10 young adult prisoners say they used drugs prior to imprisonment but only one in three Young Offender Institutions provide intensive drug treatment programmes.⁵⁶⁶

According to HM Chief Inspector of Prisons, funding for the new integrated drug treatment system, to provide interventions and support for those coming off drugs is nearly 60% less than was hoped for.⁵⁶⁷ Investment in prison treatment

in England and Wales has increased from £7m in 1997-98 to £80m in 2007-08.⁵⁶⁸

Transfers between prisons due to overcrowding often disrupt drug treatment. National Audit Office research found that a third of prisons were unlikely to be able to continue the treatment of prisoners transferred to them.⁵⁶⁹

Drug use on release from prison is very high. One survey of prisoners who had mostly served short sentences and had used drugs in the 12 months before imprisonment, found that 77% admitted taking illegal drugs since release.⁵⁷⁰

The Social Exclusion Unit found that the ‘chances of continuing drugs programmes and support on release are very slim’ and concluded, ‘prisoners are often viewed as ‘new cases’ when they are released and have to join the back of the queue’.⁵⁷¹

A Home Office study found that the risk of death for men released from prison is forty times higher in the first week of release than for the general population. This is ascribed largely to drug-related deaths. 342 deaths were recorded among their sample group of men in the year after release whereas in a sample matched for age and gender in the general population, only 46 deaths would be expected.⁵⁷²

Offenders who receive residential drug treatment are 45% less likely to reoffend after release than comparable offenders receiving prison sentences.⁵⁷³

559 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: HM Inspectorate of Prisons

560 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

561 HM Prison Service (2007) Annual Report and Accounts April 2006 – March 2007, London: HM Prison Service

562 Singleton et al (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, London: Home Office

563 Home Office (2003) Differential substance misuse, treatment needs of women, ethnic minorities and young offenders in prison: prevalence of substance misuse and treatment needs, Home Office Online Report 33/03

564 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: HM Inspectorate of Prisons

565 National Offender Management Service (2010) What works with offenders who misuse drugs?, London: MoJ

566 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

567 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report, 2005-06, London: HM Inspectorate of Prisons

568 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

569 National Audit Office (2002) Reducing reoffending, London: National Audit Office

570 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

571 Ibid.

572 Drug-related mortality among newly released offenders 1998 to 2000, Home Office online report 40/05

573 Matrix Knowledge Group (2007) The economic case for and against prison, London: Matrix Knowledge Group

Alcohol

In almost half of violent crimes (48%) the victim believed the offender or offenders to be under the influence of alcohol.⁵⁷⁴

Nearly two-thirds of sentenced male prisoners (63%) and two-fifths of female sentenced prisoners (39%) admit to hazardous drinking which carries the risk of physical or mental harm. Of these, about half have a severe alcohol dependency.⁵⁷⁵

According to HM Chief Inspector of Prisons the level of alcohol use on entering custody was not properly assessed in many prisons.⁵⁷⁶

19% of prisoners surveyed by HM Inspectorate of Prisons reported having an alcohol problem when they entered their prison. It was even higher among young adults (30%) and women (29%). These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.⁵⁷⁷

54% of the surveyed prisoners with alcohol problems also reported a problem with drugs, and 44% said they had emotional or mental health issues in addition to their alcohol problems. The correlation with emotional or mental health problems was especially pronounced among the women surveyed.⁵⁷⁸

Over a quarter of those who came into prison with only an alcohol problem said that they were likely to leave with a drug problem, suggesting that in the absence of either alcohol or treatment, a new dependency had been created. 60% said they would leave with an ongoing alcohol problem.⁵⁷⁹

Alcohol use is accepted as a key risk factor in predicting violent reoffending.⁵⁸⁰

Over three quarters (78%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study said they had drunk alcohol in the 12 months prior to custody. 22% had drunk alcohol every day in the four weeks prior to custody. However, less than one in 10 respondents (9%) said they would need a lot of help for an alcohol problem, and a further 6% said they needed a little help.⁵⁸¹

574 Home Office Statistical Bulletin, 02/06, January 2006: Violent Crime Overview, Homicide and Gun Crime 2004/5, 2nd edition

575 Prison Reform Trust (2004) *Alcohol and reoffending: who cares?* London: PRT

576 HM Chief Inspector of Prisons for England and Wales (2009) *Annual Report 2007-08*, London: HM Inspectorate of Prisons

577 HM Chief Inspector of Prisons for England and Wales (2010) *Alcohol services in prisons: an unmet need*, London: HMCIP

578 Ibid.

579 Ibid.

580 Ibid.

581 Ministry of Justice (2010) *Compendium of reoffending statistics*

Almost a third (32%) of the prisoners who said that they had a family member with an alcohol problem drank every day in the four weeks prior to custody. Daily-drinking prisoners (before custody) had a higher rate of reconviction, with 62% reconvicted within a year after release compared with those who drank less (49%). These prisoners were also less likely to have been employed during the same period than those who drank less frequently (24% compared with 34%).⁵⁸²

In response to the Prison Reform Trust briefing 'Alcohol and reoffending: who cares?', in December 2004 the Prison Service published its long awaited *Alcohol Strategy for Prisoners*, which focuses primarily on improving consistency of measures to prevent future hazardous drinking across the prison estate and builds on existing good practice. But it has not been supported by additional resources.

HM Inspectorate of Prisons has found that a considerable number of establishments have no alcohol strategy. Where strategies existed, inspections often found them inadequate.⁵⁸³

The Inspectorate found that at every stage in prison, the needs of prisoners with alcohol problems are less likely to be either assessed or met than those with illicit drug problems. Services for alcohol users were very limited, particularly for those who did not also use illicit drugs.⁵⁸⁴

Misuse of alcohol and irresponsible drinking result in economic and social costs in the region of £18 – 20 billion per year.⁵⁸⁵

44% of young adults (18-24) are binge drinkers. 27% of binge drinkers admitted committing an offence in 2005 – compared with 13% of drinkers who did not binge.⁵⁸⁶

Children who have begun binge drinking by the age of 16 are 90% more likely to have criminal convictions by the age of 30.⁵⁸⁷

HM Chief Inspector of Prisons has said that 'the growing salience of alcohol as both a health and a criminogenic problem is not yet reflected in national or local substance misuse strategies.'⁵⁸⁸

and analysis, London: Ministry of Justice

582 Ibid.

583 HM Chief Inspector of Prisons for England and Wales (2010) *Alcohol services in prisons: an unmet need*, London: HMCIP

584 Ibid.

585 Home Office Departmental Report 2007, May 2007

586 Home Office, *Alcohol-related crime and disorder*, 2005

587 Viner, R. M., and Taylor, B., (2007) *Adult outcomes of binge drinking in adolescence: findings from a UK national birth cohort*, *J Epidemiol Community Health* 2007; 61

588 HM Chief Inspector of Prisons for England and Wales (2009)

Housing and employment

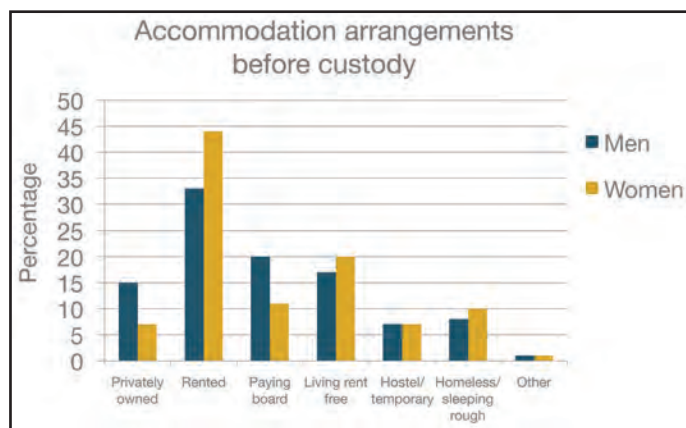
15% of men, 19% of women and 10% of young people were not in permanent accommodation before entering custody. 8% of men, 10% of women and 6% of young people were sleeping rough.⁵⁸⁹

Prior to entering prison, 63% of prisoners were renting from a local authority or housing association.⁵⁹⁰

12% of prisoners depend on housing benefit to help with their rent before they enter custody.⁵⁹¹

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

Surveys indicate 30% of people released from prison will have nowhere to live.⁵⁹² This is despite the fact that stable accommodation can reduce reoffending by over 20%.⁵⁹³



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

15% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study were homeless prior to coming into custody. Around 19% of respondents who had served a previous custodial sentence were classified as homeless, compared with 6% of those who had not been in prison before. Those offenders who had been homeless prior to custody had a higher one-year reconviction rate than offenders who had been in accommodation (79% compared with 47%).⁵⁹⁴

Annual Report 2007-08, London: HM Inspectorate of Prisons

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

590 Ibid.

591 Ibid.

592 Niven, S. and Stewart, D. (2005) *Resettlement outcomes on release from prison*, Home Office Findings 248, London: Home Office

593 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

594 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

75% of 'prolific and other priority offenders' were found to have a housing need compared to 30% for the general offender population.⁵⁹⁵

People serving short prison sentences are two to three times more likely to reoffend if they do not have suitable housing.

35% of young people aged 16-25 felt a lack of accommodation was the factor most likely to make them offend.⁵⁹⁶

The Home Office found that women prisoners are particularly likely not to have accommodation arranged for their release. Just 62% of women had accommodation arranged, compared with 90% of young male offenders and 69% of adult men.⁵⁹⁷

In surveys by HM Inspectorate of Prisons, half of those leaving local prisons and only slightly fewer leaving women's prisons thought they would have difficulty in finding accommodation on release. Prisoners from Wales could rely on the guarantee of accommodation provided by the Welsh Assembly.⁵⁹⁸

Fewer women than men in prison were returning to rented or owned property and more to temporary accommodation with family and friends.⁵⁹⁹

Many prisoners do not receive advice on housing. A Big Issue survey of its vendors found that 13% had received housing advice and the House of Commons Home Affairs Committee found that only 19% of prisoners received advice or guidance about accommodation.⁶⁰⁰

Prisoners held in large prisons are much less likely to receive help arranging accommodation than those held in small prisons.⁶⁰¹

130 out of 137 prisons have access to housing advice services, but in a 2006 survey only 56% reported that their accommodation advice service could meet demand.⁶⁰²

595 Homeless Link (2009) *Criminal justice policy briefing*, London: Homeless Link

596 Ibid.

597 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

598 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2008-09*, London: The Stationery Office

599 Ministry of Justice (2009) *Statistics on Women and the Criminal Justice System*, London: Ministry of Justice

600 House of Commons Home Affairs Committee, *Rehabilitation of Prisoners*, First Report of Session 2004-2005, Volume 1 and 2. More than one-third of Big Issue vendors are ex-prisoners

601 Prison Reform Trust (2008) *Titan prisons: a gigantic mistake*, London: Prison Reform Trust

602 Homeless Link (2009) *Criminal justice policy briefing*, London: Homeless Link

18% of clients in an average homelessness project are prison leavers.⁶⁰³

The Revolving Doors Agency found that 49% of prisoners with mental health problems had no fixed address on leaving prison. Of those who had a secure tenancy before going to prison, 40% lost it on release.⁶⁰⁴

A lack of accommodation can also severely hinder former prisoners' chances of finding employment. Almost one quarter of employers would not consider employing a homeless person.⁶⁰⁵

Homelessness can also prevent former prisoners from accessing support services such as benefits or registering with a GP.⁶⁰⁶

Getting ex-prisoners into stable housing can act as a gateway to effective resettlement. Home Office research has found that prisoners who have accommodation arranged on release are four times more likely to have employment, education or training arranged than those who do not have accommodation in place.⁶⁰⁷

37% of people are unemployed at the time of imprisonment - around seven times the national unemployment rate. 13% are unable to work because of long-term sickness or disability. A recent Ministry of Justice study found that 13% of prisoners said they had never had a paid job before custody.⁶⁰⁸

51% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study had been in employment in the year before custody. 40% of offenders who were in employment in the year before prison were reconvicted within a year of leaving prison compared with 65% of those who had not been in employment.⁶⁰⁹

Around two-thirds of those who do have a job lose it whilst in custody.⁶¹⁰

A survey by the Chartered Institute of Personnel and Development showed that people with a

criminal record are part of the 'core jobless group' that more than 60% of employers deliberately exclude when recruiting.⁶¹¹

Prisoners being held in small prisons are more likely to know who to contact for help in finding a job than those held in large prisons (47% compared with 36%).⁶¹²

In 2008-09, 27% of men and 13% of women entered employment on release from prison.⁶¹³

58% of women and 53% of men in prison identified unemployment and lack of skills as issues contributing to their offending.⁶¹⁴

A Home Office study which followed up prisoners between two and 12 months after release found that only half had done some paid work; 2% were on a government training scheme, and 48% had not found any work. Of those who had done some paid work, nearly two-thirds found it after leaving prison. Only 9% arranged a job whilst in custody.⁶¹⁵

Prisoners who have problems with both employment and accommodation on release from prison had a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems.⁶¹⁶

The majority of offenders interviewed for the *Surveying Prisoner Crime Reduction* study (97%) expressed a desire to stop offending. When asked which factors would be important in stopping them from reoffending in the future, the majority gave importance primarily to 'having a job' (68%) and 'having a place to live' (60%).⁶¹⁷

Breaking the circle, published in 2002, is the Home Office's consultation on important amendments to the *Rehabilitation of Offenders Act (1974)*. To date these proposals have not been carried forward in legislation.

603 Ibid.

604 Revolving Doors Agency (2002) *Where Do They Go? Housing, Mental Health and Leaving Prison*, London: Revolving Doors

605 Citizens Advice (2007) *Locked Out: CAB evidence on prisoners and ex-offenders*, London: Citizens Advice

606 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

607 Niven, S. and Stewart, D. (2005) *Resettlement outcomes on release from prison*, Home Office Findings 248, London: Home Office; Home Office (2001) *Jobs and Homes - a survey of prisoners nearing release*, Findings 173, London: Home Office

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

609 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

610 Home Office (2001) *Through the Prison Gate: a joint thematic review by HM Inspectorates of Prisons and Probation*, London: Stationery Office

611 Chartered Institute of Personnel and Development, *Labour Market Outlook*, Summer 2005

612 Prison Reform Trust (2008) *Titan prisons: a gigantic mistake*, London: Prison Reform Trust

613 Hansard HC, 14 September 2009, c2146W

614 Cabinet Office Social Exclusion Task Force (2009) *Short Study on Women Offenders*, London: Cabinet Office. Note: evidence from analysis of Offender Assessment System data

615 Stewart, D. *An evaluation of basic skills training for prisoners*, Home Office Findings 260, London: Home Office (2005)

616 Ministry of Justice (2008) *Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004*, London: Ministry of Justice

617 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

Education and skills

48% of prisoners are at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing.⁶¹⁸ Nearly half those in prison have no qualifications at all.⁶¹⁹

Half of all prisoners do not have the skills required by 96% of jobs and only one in five are able to complete a job application form.⁶²⁰

41% of men, 30% of women and 52% of young offenders were permanently excluded from school.⁶²¹

63% of offenders who had been expelled or permanently excluded from school were reconvicted for an offence within a year, compared with 44% of offenders who were not.⁶²²

Just over half (53%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported to have at least one qualification. 60% of those with no qualifications were reconvicted within a year of leaving prison compared with 45% of those with qualifications.⁶²³

In the 2008-09 academic year, there were 98,324 prisoners engaged in learning and skills in custody.⁶²⁴

In 2008-09 an average of £1,631 per prisoner per year was spent on education in custody. This is less than half the average cost of secondary school education at £2,590 per student per year, which many prisoners have missed.⁶²⁵

In 2009-10, the government spent £181 million on education and training in prison.⁶²⁶

Government funding for prison education more than doubled in five years from £47.5m in 1999-2000 to £122m in 2004-2005.⁶²⁷

According to the Offenders Learning and Skills Unit in the Department for Education, just under

a third of the prison population is attending education classes at any one time.⁶²⁸

The National Audit Office has found that only around a fifth of prisoners with serious literacy or numeracy needs enroll on a course that would help them.⁶²⁹

Research by NATFHE and the Association of College Lecturers has found that only one third of education managers regularly receive prisoners' records following transfers.⁶³⁰

Ofsted's latest annual report on education in England noted that only two prisons were judged to be inadequate, compared with 24% in the previous year. For the first time one adult prison was assessed as outstanding.⁶³¹

The Social Exclusion Unit found that basic skills learning can contribute to a reduction in reoffending of around 12%.⁶³² However, the House of Commons education and skills committee has expressed concern that 'the heavy concentration on basic skills qualifications is based on little more than a hunch' and urged the government to undertake more research.⁶³³

In 2007-08 the Inspectorate found that only half the prisoners in training prisons felt that their education would help them on release, and even fewer (42%) felt that they had gained useful vocational skills.⁶³⁴

Just 36% of people leaving prison go into education, training or employment.⁶³⁵

618 Hansard HC, 9 January 2007, c548W

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

620 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

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

622 Ministry of Justice (2010) *Compendium of reoffending statistics and analysis*, London: Ministry of Justice

623 Ibid.

624 Hansard HC, 25 October 2010, c38W

625 Ibid.

626 Hansard HC, 25 October 2010, c37W

627 House of Commons Education and Skills Committee, *Prison Education*, Seventh Report of Session 2004-2005

628 Hansard HC, 31 March 2008, c558W

629 House of Commons Committee of Public Accounts (2008) *Meeting needs? The Offenders' Learning and Skills Service*, London: The Stationery Office

630 Braggins, J. (2002) *Shared Responsibilities: Education for prisoners at a time of change*, London: NATFHE

631 HM Chief Inspector of Prisons for England and Wales (2010), *Annual Report 2008-09*, London: HMIP

632 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit

633 House of Commons Education and Skills Committee, *Prison Education*, Seventh Report of Session 2004-2005

634 HM Chief Inspector of Prisons for England and Wales (2009) *Annual Report 2007-08*, London: HM Inspectorate of Prisons

635 Hansard, HC, 23 March 2010, c115

Financial exclusion

The Ministry of Justice has identified 'finance, benefit and debt' as reasons for reoffending.⁶³⁶

Assessments for 2007 suggest over 23,000 offenders had financial problems linked to their offending.⁶³⁷

Home Office statistics on women in the criminal justice system found that the most common reason given for offending by women (54% of cases) was lack of money.⁶³⁸

In 2010, HM Chief Inspector of Prisons said that 'finance, benefit and debt remained one of the weakest resettlement pathways, often focusing on little more than closing down tenancies and ensuring that benefits were discontinued.'⁶³⁹

A third of prisoners interviewed for a Prison Reform Trust and UNLOCK report said they did not have a bank account; and of these, 31% had never had one.⁶⁴⁰

48% of people in prison have a history of debt which can present problems for both prisoners and families on release.⁶⁴¹

40% of prisoners and 64% of former prisoners felt that their debts had worsened during their sentence. Over half of families of prisoners had had to borrow money since the imprisonment of their relative.⁶⁴²

More than half of people in prison said that they had been rejected for a bank loan and 8% said they had tried to borrow from a loan shark (a rate over 10 times higher than the average UK household).⁶⁴³

In a survey of prison outreach services run by Citizens Advice, all respondents said that debt is one of the top five issues that can cause reoffending or poor reintegration into society.⁶⁴⁴

636 New Philanthropy Capital (2008) Short changed: financial exclusion, a guide for donors and funders, London: New Philanthropy Capital

637 http://noms.justice.gov.uk/managing-offenders/reducing_re-offending/reducing_re-offending_pathways/finance-benefit-debt/

638 <http://www.probation.homeoffice.gov.uk/files/pdf/PC68%202005.pdf>

639 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

640 Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

641 http://www.noms.homeoffice.gov.uk/news-publicationevents/publications/strategy/FBD_Guidance_2007?view=Standard&pubID=479644

642 Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

643 Ibid.

644 Citizens' Advice Bureau (2007) Locked Out: CAB evidence on prisoners and ex-offenders, London: Citizens Advice

HM Prisons Inspectorate has found that debt advice has reduced in many prisons over the year 2008-09.⁶⁴⁵

Although less than a third of prisoners were unsure, or very unsure, about managing their money, more than half were unsure, or very unsure, dealing with banks.⁶⁴⁶

Only 5% of people in prison said they had been asked about how their families would cope financially while in prison.⁶⁴⁷

One significant area of need for people leaving prison is insurance.⁶⁴⁸ All sentenced prisoners leave custody with an unspent conviction, while they are still in their 'rehabilitation period'. This typically ranges from 10 years following a six month sentence, to forever for prison sentences over 30 months. Non-disclosure is illegal, and will invalidate insurance or lead to prosecution.

Over four in five former prisoners said it was harder to get insurance and four-fifths said that, when they did get insurance, they were charged more. 77% of prisoners who had stable accommodation did not have home insurance. The inability to access insurance has implications including preventing access to mortgages and many forms of employment or self-employment.⁶⁴⁹

62% of people in prison surveyed by the Ministry of Justice reported claiming benefits during the 12 months before custody.⁶⁵⁰

The amount of discharge grant has remained fixed at £46.75 since 1997. According to Citizens Advice, 'this amount is insufficient to last for a week, let alone the 11 to 18 days which are the target benefit claim processing times.'⁶⁵¹ A recommendation to close this 'benefit gap' was made by the Social Exclusion Unit in 2002.⁶⁵²

Just 36% of people on release from prison go into education, training or employment, leaving most former offenders in need of support.⁶⁵³

645 HM Chief Inspector of Prisons for England and Wales (2010), Annual Report 2008-09, London: HMIP

646 Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

647 Ibid.

648 UNLOCK (2008) Unlocking Insurance, issues and evidence, Kent: UNLOCK. See also, Bath, C. (2008) Time served: unlocking insurance to help reintegrate offenders into society, The Chartered Insurance Institute: <http://www.cii.co.uk/pages/research/thinkpieces.aspx>

649 Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

650 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

651 Ibid.

652 Social Exclusion Unit (2002) Reducing reoffending by ex-prisoners, London: Social Exclusion Unit

653 Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

Prison work and volunteering

Overall there are around 24,000 work places for prisoners across the estate in workshops, catering, cleaning, land based activities and day release programmes – most entail low grade menial work.⁶⁵⁴ This means that at most, under a third of the prison population is engaged in work activities at any one time.

In October 2010, Justice Secretary Ken Clarke stated that ‘we would need to ensure that, whenever possible, the hours spent in productive employment by prisoners reintroduced to the work habit were similar to those to which they would have to adapt if they obtained a job when they left prison, and that they would be able to produce goods, for instance, generating earnings that would help them to make a contribution to compensation for victims.’⁶⁵⁵

An average of 10,000 prisoners are employed in nearly 300 workshops across the prison estate in a diverse range of industries that include; clothing and textiles, woodwork, engineering, print and laundries.⁶⁵⁶

40% of the 10,000 prisoners who work across these industries work for ‘contract services’ and are producing goods and services for an external, commercial market. This can range from laundry contracts for hospitals to manufacturing camouflage jackets for the Ministry of Defence.⁶⁵⁷

Clothing and textiles is the biggest employer in prison workshops with roughly 3,000 prisoners involved across 60 prisons. Almost all (95%) of textile products are for the internal market.⁶⁵⁸

As survey carried out in June 2009 recorded 482 prisoners held in England and Wales working outside prisons in a variety of employment and work experience placements.⁶⁵⁹

For 10 years, the average rate of pay for employed prisoners has been £8 per week. The Prison Service sets a minimum rate of pay which is currently £4.00 per week but each prison has devolved responsibility to enable it to set its own pay rates.⁶⁶⁰

654 House of Commons Home Affairs Committee, Rehabilitation of Prisoners, First Report of Session 2004-2005

655 Hansard HC, 19 October 2010, c793

656 ‘Service on the verge of industrial revolution’ Prison Service News, September 2003

657 Ibid.

658 Ibid.

659 Hansard HC, 11 October 2010, c149W

660 Hansard HC, 23 March 2007.

The Prison Service has acknowledged that prison industries have ‘rather got left behind by other developments within the system’ and that providing work opportunities for prisoners is not currently a central and essential part of the prison regime.⁶⁶¹

Between 2007-08 and 2009-10 the average hours per prisoner per week spent in work have decreased from 12.6 hours to 11.8 hours.⁶⁶²

The large majority of prisons which responded to a survey undertaken by the Prison Reform Trust provide at least some opportunities for active citizenship among prisoners. 95% have race representatives, 89% have Samaritan Listeners and 72% have suicide prevention representatives.⁶⁶³

Two examples of peer support schemes in which prisoners offer direct practical and/or emotional help to other prisoners include the Peer Advice Project of the St Giles Trust which offers training and a recognised qualification to prisoners who deliver housing advice in a number of prisons in London and the south-east of England; and the Toe by Toe reading plan run by the Shannon Trust in a large number of establishments, under which prisoners act as peer mentors to support other prisoners who are learning to read.⁶⁶⁴

The PRT survey also found that among male prisons, between 47% (local prisons) and 75% (open prisons) provided opportunities for peer drug support. Among the seven prisons for women responding to the survey only one (14%) provided opportunities for prisoners to provide peer support for drug misusers.⁶⁶⁵

1,525 Samaritans Listeners were selected and trained during 2008 and there are 1,380 active Listeners in place. Listeners play an invaluable role in making prisons safer by offering emotional support to fellow prisoners in crisis.⁶⁶⁶

There were 61,410 Listeners contacts during 2008.⁶⁶⁷

There is considerable scope to develop more opportunities for volunteering, peer support, representation and prisoner councils.⁶⁶⁸

661 House of Commons, Home Affairs Committee, Rehabilitation of Prisoners, First Report of Session 2004-2005

662 Hansard HL, 20 October cWA184

663 Prison Reform Trust survey conducted 2009, findings to be published in forthcoming report

664 Ibid.

665 Ibid.

666 NOMS, Safer Custody News, September/October 2009

667 Ibid.

668 Farrant, F. and Levenson, J. (2002) Barred citizens: volunteering and Active Citizenship by Prisoners, London: Prison Reform Trust

Ministry of Justice compliance, Prison Service performance and staffing

In March 2004 in a case brought by life sentenced prisoner, John Hirst, the European Court of Human Rights ruled that the ban on sentenced prisoners voting violated Article Three of the European Convention on Human Rights. The Prison Reform Trust lodged several formal complaints with the Council of Europe about the UK Government's non-compliance with this 2004 ruling.⁶⁶⁹

After a succession of warnings, The Committee of Ministers at the Council of Europe has given the UK coalition government three months in which to overturn the blanket ban on sentenced prisoners voting. Deputy Prime Minister Nick Clegg has said 'we need to bring our law into line with the court judgments, and that is what we will now seek to do'. The government is currently considering how to implement the judgment and will report to the Committee of Ministers on 30 November 2010.⁶⁷⁰ Meanwhile the ECHR has ordered full compliance.⁶⁷¹

Through its reports, the Prisons Inspectorate found that many prisons did not have a disability policy and it was rare to find any form of needs analysis or consultation with prisoners to help establishments to carry out their duties under the Disability Discrimination Act (2005).⁶⁷²

Following a judicial review by a disabled inmate (who had not been provided with accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) will be amended to comply with the requirements of the DDA. A new guidance has been issued (PSI 31/2008: Allocation of prisoners with disabilities).

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system.⁶⁷³

669 <http://www.prisonreformtrust.org.uk/subsection.asp?id=839>

670 Council of Europe, committee of ministers, decisions 18, 1086e DH – 3 June 2010, Hansard HC, 10 November 2010, c287 and Hansard HC, 2 November 2010, c771

671 [http://www.codex-online.com/codex/contents.nsf/vWebAccessDocuments/EC4A122CBC22CC90C22577E4005B2FBD/\\$file/Chamber+judgment+Greens+and+M.T.+v.+the+UK+23.11.10.pdf](http://www.codex-online.com/codex/contents.nsf/vWebAccessDocuments/EC4A122CBC22CC90C22577E4005B2FBD/$file/Chamber+judgment+Greens+and+M.T.+v.+the+UK+23.11.10.pdf)

672 Ibid

673 Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust, and Jacobson, J. (2008) No One Knows: Police responses to suspects with learning disabilities and learning difficulties: a review of policy and practice, London: Prison Reform Trust

Criminal justice staff and those responsible for providing services are failing in their duty to promote equality of opportunity and to eliminate discrimination. As such they are not complying with the requirements of the Disability Discrimination Act and the Disability Equality Duty in particular.

The Corporate Manslaughter and Corporate Homicide Act sets out a new offence for convicting an organisation where a gross failure in the way activities were managed or organised results in a person's death. The majority of the Act was implemented on 6 April 2008, with the exception of section 2(l)(d) (due to be enacted in 2011) which makes the duty of care a custody provider owes to a person who is detained a relevant duty of care.⁶⁷⁴

Breaking the circle, published in 2002, was the Home Office's consultation on important amendments to the Rehabilitation of Offenders Act (1974). To date these proposals have not been carried forward in legislation. New consideration may be given in the forthcoming Justice green paper.

A five year follow-up report by the National Offender Management Service (NOMS) on race equality in the Prison Service concludes that while the actions taken over the last five years have generated substantial improvements, it also acknowledges that the experience of BME prisoners and staff has not been transformed.⁶⁷⁵

HM Inspectorate of Prisons has found that ethnicity is not recorded in clinical records. Staff concluded that ethnicity was not relevant as all patients were treated the same way, which contravenes the 'Nursing and Midwifery Council Code of Professional Conduct' on recognizing the diverse needs of patients.⁶⁷⁶

The National Offender Management Service currently has no published policy on gender identity or the management, treatment and care of transgender offenders.⁶⁷⁷

Data on the sexual orientation of offenders is not routinely collected by prisons or probation areas. It is therefore difficult to assess the extent to which NOMS is meeting its commitment to

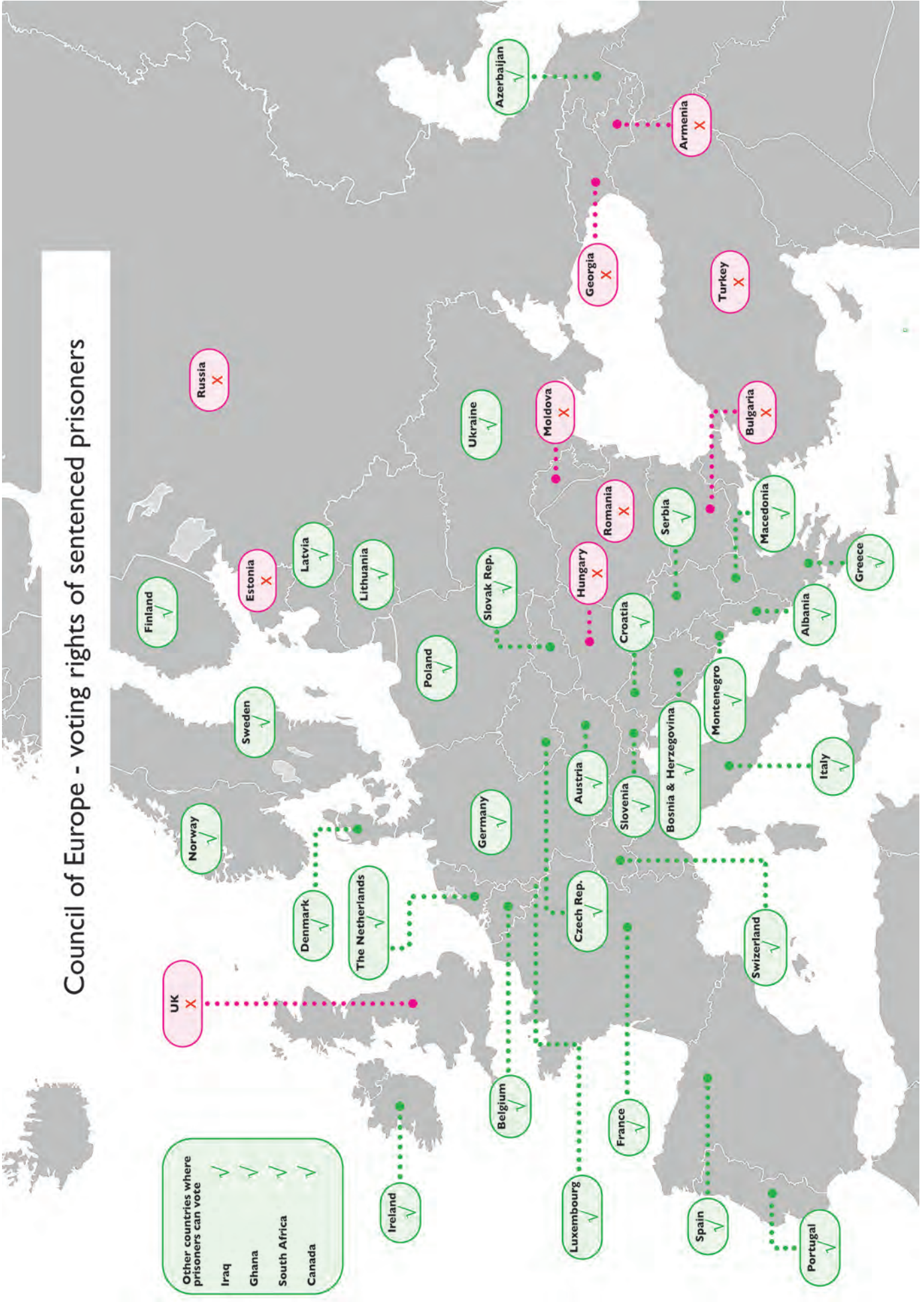
674 Hansard, HC, 21 July 2008, c75WS

675 Ministry of Justice (2008) Race Review 2008, implementing race equality in prisons – five years on, London: National Offender Management Service

676 HM Chief Inspector of Prisons (2009) Race relations in prison: responding to adult women from black and minority ethnic backgrounds, London: HM Inspectorate of Prisons

677 Ministry of Justice (2009) Promoting Equality in Prisons and Probation: The National Offender Management Service Single Equality Scheme 2009 – 2012, London: Race and Equalities Action Group

Council of Europe - voting rights of sentenced prisoners



This chart is drawn from available international government sources and is subject to amendment.

equality of treatment.⁶⁷⁸ NOMS has no formal policy regarding sexual orientation issues and no national system for reporting homophobic incidents. NOMS may now be in breach of equalities legislation.⁶⁷⁹

The Prison Service did not meet its overcrowding target, having 24.1% of the prison population held in ‘accommodation units intended for fewer prisoners’, the target was under 24%.⁶⁸⁰

The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes in prison studied, restraints were used during final inpatient stays on 29 out of 52 occasions.⁶⁸¹

Targets on serious assaults, ethnic diversity among the staff were not met. Some progress towards them had been made in all areas.

In 2006 there were 11,520 recorded prisoner on prisoner assaults and 3,123 recorded prisoner on officer assaults.⁶⁸²

Prisoners in large prisons were more likely to say that they had been assaulted or insulted by a member of staff or by another prisoner than those held in small prisons.⁶⁸³

Between February 2009 and January 2010, 4,461 mobile phones and 4,325 SIM cards were sent to a central prison service unit for analysis. Justice minister Maria Eagle added that ‘these figures understate the actual number of finds’.⁶⁸⁴

The Prison Service is faced with high sickness levels amongst prison officers. The average number of working days lost due to staff sickness in 2006-07 was 11.6.⁶⁸⁵

In 2009 there were 151 disciplinary cases and 170 dismissals of prison officers in Prison Service prisons. There is no requirement for privately managed prisons to notify NOMS

headquarters of any disciplinary action taken against their employees.⁶⁸⁶

The number of full-time equivalent prison officers employed between 1997 and 2009 has increased by 24%. In the same period the prison population has increased by 37%.⁶⁸⁷

There has been a high turnover of prison governors. In the five years to March 2002 just under a third of all prisons (44) had had four or more governors or acting governors in charge.⁶⁸⁸

The average tenure for governing governors in an establishment is 2.4 years.⁶⁸⁹

By 2009 the number of minority ethnic staff in the Prison Service overall was 6%. The number of black and minority ethnic staff in governor grade positions represents 4% of all governor grades.⁶⁹⁰

61% of black and minority ethnic prison staff have experienced direct racial discrimination while employed in the service. Over half chose not to report it.⁶⁹¹

Stonewall’s 2008 workplace equality index ranked the Prison Service as 17th in Britain’s top 100 employers for lesbian, gay, bisexual and transgendered people.⁶⁹²

678 Ibid.

679 Ibid.

680 HM Prison Service (2007) Annual Report and Accounts, April 2006 – March 2007, London: HM Prison Service

681 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

682 Hansard, House of Commons written answers, 30 October 2007: C 1150W

683 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

684 Hansard HC, 5 March 2010, c1484W

685 HM Prison Service (2007) Annual Report and Accounts, April 2006 – March 2007, London: HM Prison Service

686 Hansard HC, 23 February 2010 c501W

687 Hansard HC, 27 October 2009 c336W

688 Hansard HC, 31 January 2003 c1091W

689 Hansard HC, 2 November 2009 c746W

690 Ministry of Justice, (2009), Statistics on Race and the Criminal Justice System 2007/08 London: Ministry of Justice

691 Prison Reform Trust (2006) Briefing: Experiences of Minority Ethnic Employees in Prisons, London: Prison Reform Trust

692 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: HM Inspectorate of Prisons

Private prisons⁶⁹³

The UK has the most privatised prison systems in Europe. In England and Wales 9,618 prisoners (11.3 % of the prisoner population) are held in private prisons.⁶⁹⁴

Private prison contracts are shared between just three companies: Serco operates, Ashfield, Dovegate, Lowdham Grange and Doncaster; G4S operates Altcourse, Parc, Rye Hill, and The Wolds; Kalyx operates Bronzefield, Forest Bank, and Peterborough.

Wolds and Doncaster are let on 10 year management-only contracts; the remaining nine are financed, designed, built and operated by the private sector on 25 year contracts.

A Serco led consortium, partnering with voluntary sector organisations Turning Point and Catch22, was selected as the preferred bidder to provide and operate two new prisons at Belmarsh West and Maghull in Liverpool, with a combined value to the company of around £600 million over 26 ½ year contracts.⁶⁹⁵ The contract for the Belmarsh West prison was signed on 30 June 2010 and construction has started. The estimated construction cost is £97 million.⁶⁹⁶

A number of existing public prisons are to be competitively tendered, along with Doncaster and The Wolds when their contracts are due to expire.

Some 25% of the prison population of England and Wales could be held privately by 2014 if all new private prisons come on stream as scheduled and if the private sector wins all tendering competitions.

The operating costs of privately managed prisons in 2008-09 was £309.0 million.⁶⁹⁷

When questioned whether the government proposes to reduce the running costs of contracted-out prisons at the same level as reductions being made in the public prison service, Lord Bach, the parliamentary under-secretary of state, Ministry of Justice replied: 'services provided by prisons run by private sector operators are stipulated and priced within a contract and therefore cannot be varied in

the same way as public sector prisons, without agreement between the authority and the contractor.'⁶⁹⁸

According to a parliamentary written answer⁶⁹⁹, the costs of private prisons per place are higher than public sector prisons in most categories:

Function	Contracted sector cost per place £000s	Public sector cost per place £000s
Male category B	26,813	25,881
Male category C	20,855	21,976
Female closed	44,400	34,617
Male juvenile	48,669	42,143
Male local	33,805	31,912

The ratio of prisoners to prison officers in all public sector prisons in England and Wales on 31 March 2010 is one officer to 3.03 prisoners. In private prisons the ratio is one officer to 3.78 prisoners.⁷⁰⁰

In 2006, basic pay for private sector custody officers was 39% less than their public sector equivalents. Taking a valuation of benefits such as pensions and holidays into account, the public sector advantage rose to 61%.⁷⁰¹

An average of 40% of private sector staff have over five years' service.⁷⁰² High staff turnover remains a problem in a number of private prisons.

Private prison staff turnover: 703

	2006	2005	2004	2003	2002
Altcourse	5	11	9	10	(1)
Ashfield	19.5	29.4	(1)	34.6	(1)
Bronzefield	17.2	30.5	27.2	(2)	(2)
Doncaster	14.6	17.9	19.8	9.1	(1)
Dovegate	21.7	22.3	41.5	43.9	(1)
Forest Bank	19.8	25.5	25.5	25.3	22.7
Lowdham Grange	30.2	24.7	29.1	30.9	(1)
Parc	12.9	19.4	16.2	27.1	23.1
Peterborough	29.2	18.8	(3)	(3)	(3)
Rye Hill	15	39	27	36	(1)
Wolds	10	11	11	8	(1)

698 Hansard HL, 14 December 2009, cWA179

699 Hansard HC, 9 January 2007, c546W

700 Hansard HC, 15 September 2010, c1037W

701 Prison Service Pay Review Body, Privately Managed Custodial Service, September 2006

702 Hansard HC, 1 March 2007, c1510W

703 Ibid. Notes: staff turnover expressed as a percentage of the total staff for each year since 2002. (1) Unavailable (2) Opened June 2005 (3) Opened March 2005

693 For more information on the performance of private prisons, the companies and their profits see Prison Reform Trust (2005) Private Punishment: Who Profits?, London: Prison Reform Trust

694 NOMS Monthly Bulletin, May 2010

695 Serco, (2010) Stock exchange announcement, 26 February 2010

696 Hansard HC, 8 September 2010, c584W

697 Hansard HC, 9 December 2009, c453W

In 2006 resignations of prison custody officer and detention custody officers in the private sector averaged 24%, with very large variations between establishments.⁷⁰⁴

According to the National Audit Office, staffing problems mean private prisons can struggle to create a safe environment for prisoners. It noted high levels of assaults at Dovegate, Ashfield, Rye Hill, Forest Bank and Altcourse. It said that prisoners in these jails expressed concerns about their safety due to the relative inexperience of staff.⁷⁰⁵

Healthy prison and establishment assessments by HM Inspectorate of Prisons between 1 September 2008 and 31 August 2009:⁷⁰⁶

Prison	Safety	Respect	Purposeful activity	Resettlement
Parc	3	2	2	3
Ashfield	3	3	4	3
Peterborough (f)	3	2	3	2
Peterborough (m)	3	2	3	3
Dovegate (B)	3	3	3	2
Lowdham Grange	3	3	3	2
Dovegate TC	3	3	3	2

Private prisons' performance in the fourth quarter of 2009-10 according to the most recent Prison Service performance ratings was as follows⁷⁰⁷:

Establishment	Previous qtr	Qtr 4
Altcourse	4	3
Ashfield	3	3
Bronzefield	3	3
Doncaster	2	3
Dovegate	3	3
Forest Bank	3	3
Lowdham Grange	4	4
Parc	3	3
Peterborough	2	2
Rye Hill	3	3
Wolds	3	2

704 Prison Service Pay Review Body, Sixth Report on England and Wales, March 2007

705 National Audit Office (2003) The Operational Performance of PFI Prisons, London: Stationery Office

706 HM Chief Inspector of Prisons (2010) Annual report 2008-2009, London: HMIP. Key: 1 - performing poorly; 2 - not performing sufficiently well; 3 - performing reasonably well; 4 - performing well

707 Ministry of Justice (2010) Prison quarterly ratings, quarter 4 2009-10. Key: 4 = exceptional performance; 3 = good performance; 2 = requiring development

Long term trends and future prison building

Estimates of future prison numbers vary widely. By the end of June 2015 the demand for prison spaces is projected to increase to between 83,300 and 93,900.⁷⁰⁸

On 5 December 2007 in its response to Lord Carter's review of prisons the government announced an additional 10,500 places to be built by 2014. This is on top of the existing 9,500 capacity programme.⁷⁰⁹ The Labour government was committed to building new prisons to increase the net capacity of the prison estate to 96,000 by 2014.⁷¹⁰

3,393 new prison places have been created so far in 2010.⁷¹¹

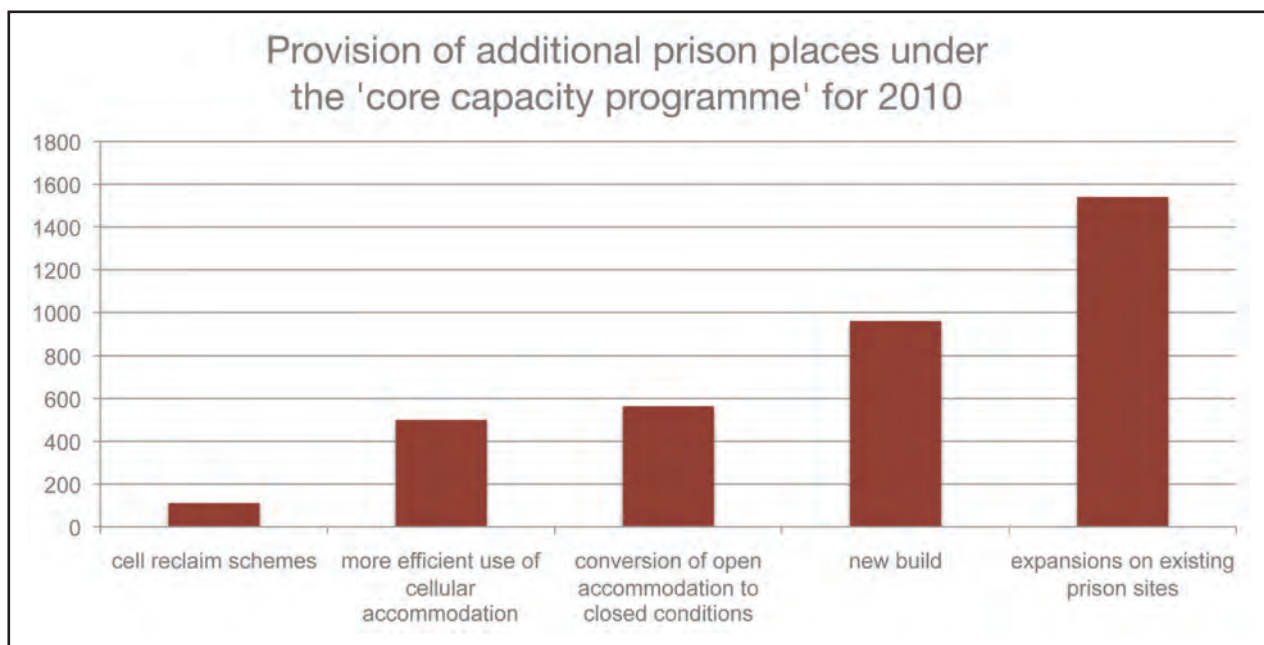
However, the coalition government now plans to reduce the prison population by 3,000 by 2014 through a new approach to sentencing and rehabilitation which will be outlined in a forthcoming green paper.⁷¹²

Proposals will include the use of tough community penalties where they are more effective than short prison sentences; using

restorative justice; and paying private and voluntary providers by results for delivering reductions in reoffending. The government will also take forward proposals to invest in mental health liaison services at police stations and courts to intervene at an early stage, diverting mentally ill offenders away from the justice system and into treatment.⁷¹³

Following the 2010 spending review the Ministry of Justice will have to make overall resource savings of 23% in real terms by 2014-15.⁷¹⁴

Capital savings of 50% will be made over the spending review period. The settlement provides sufficient capital funding to maintain the existing prison estate and to fund essential new build projects. Plans for a 1,500 place new-for-old prison will be deferred to the next spending review period, and spending on new IT and court projects will be limited to essential capacity.⁷¹⁵



Hansard HC, 24 February 2010, c587W

708 Ministry of Justice Statistical Bulletin (2009) Prison Population Projections, England and Wales, 2009-2015, London: Ministry of Justice

709 Jack Straw, Oral statement to the House of Commons, http://www.justice.gov.uk/news/announcement_051207a.htm

710 Ministry of Justice (2009) Capacity and Competition Policy for Prisons and Probation, London: Ministry of Justice

711 Hansard HC, 13 September 2010, c848W

712 Hansard HC, 1 November 2010, c514W

713 HM Treasury (2010) Spending Review 2010, London: HM Treasury

714 HM Treasury (2010) Spending Review 2010, London: HM Treasury

715 HM Treasury (2010) Spending Review 2010, London: HM Treasury

Community solutions

Court ordered community sentences were more effective (by seven percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.⁷¹⁶

In 2007-08, 55,771 people successfully completed community payback sentences. This amounts to over eight million hours of labour, which was used to benefit the community.⁷¹⁷

The total number of community sentences has seen a steady increase between 1999 and 2009 with the number increasing by 22% from 249,381 to 303,615.⁷¹⁸

The government acknowledges that ‘...sentencers have increased the use of community punishments, but only for those who would previously have got fines...’⁷¹⁹

The government has initiated a pilot programme at Peterborough prison to reduce reoffending. A social investment firm Social Finance is using a new funding arrangement known as ‘social impact bonds’ to finance the programme. Under the programme, investors will see a return on their investment against a 7.5% reduction in reoffending among participants. Some of the services are being delivered by St Giles Trust.

The government are committed to introducing payment by results as part of a new approach to offender rehabilitation. Providers will be commissioned to work with offenders to reduce reoffending, paid for by the subsequent savings generated in the criminal justice system.⁷²⁰

Since the creation of the Ministry of Justice, £630,000 has been spent on advertising community payback across 59 pioneer areas in England and Wales.⁷²¹

The average length of a Community Order is 14 months. 85% of orders comprise one or two requirements. The two most frequently used are supervision (37%) and unpaid work (31%).⁷²²

716 Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

717 Hansard HC, 8 May 2009, c483W

718 Ministry of Justice (2010) Sentencing Statistics 2009, London: The Stationery Office

719 Cabinet Office, 2006. As cited in Seymour, L. and Rutherford, M. (2008) The Community Order and the Mental Health Treatment Requirement, London: Sainsbury Centre for Mental Health

720 Hansard HC, 28 October 2010, c487W

721 Ibid.

722 Seymour, L. and Rutherford, M. (2008) The Community Order and the Mental Health Treatment Requirement, London: Sainsbury Centre for Mental Health

In 2009 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders and suspended sentence orders.⁷²³

A recent study has indicated that nearly half of those serving sentences in the community have mental health needs. Half have an alcohol problem and a quarter have a drug problem.⁷²⁴

In 2006, only 725 mental health treatment requirements (MHTRs) were issued out of a total of 203,323 requirements. This compares with 11,361 drug treatment requirements. One of the most substantial factors preventing courts from issuing an MHTR is the difficulty in obtaining access to psychiatric assessment, on which the requirement depends.⁷²⁵

Two in three people, of over 1,000 polled in an ICM survey for SmartJustice, think that prisons are universities of crime - and 65% think they are not effective in reducing young people's offending. Instead, the vast majority (eight out of 10) back mental health and drug or alcohol treatment.⁷²⁶

Nine out of 10 want better support of young people by parents and more constructive activities for young people to stop them getting into crime.⁷²⁷

An ICM public opinion poll commissioned by SmartJustice in March 2007 found that, of 1,006 respondents, 86% supported the development of local centres for women to address the causes of their offending. Over two thirds (67%) said that prison was not likely to reduce offending.⁷²⁸

An Impact Assessment of the Prolific and other Priority Offender Programme shows that conviction rates for 7,800 offenders who had been through an intensive programme of supervision fell by 62% after 17 months of the scheme. The Prolific and other Priority Offender Programme (PPO), which was launched in September 2004, aims to prevent prolific offenders from reoffending by monitoring, training, accommodation and drug treatment over a period of two years.⁷²⁹

723 Ministry of Justice (2009) Statistics on Women and the Criminal Justice System, London: Ministry of Justice

724 Solomon, E. and Rutherford, M. (2007) Community Sentences Digest, London: Centre for Crime and Justice Studies.

725 Seymour, L. and Rutherford, M. (2008) The Community Order and the Mental Health Treatment Requirement, London: Sainsbury Centre for Mental Health

726 SmartJustice (2007) Public Say: prison doesn't work for young offenders, <http://www.smartjustice.org/pr4jan08.html>

727 SmartJustice (2007) Public Say: prison doesn't work for young offenders, <http://www.smartjustice.org/pr4jan08.html>

728 SmartJustice (2007) Public say: stop locking up so many women, London: Prison Reform Trust

729 Home Office Press Release, 20 February 2007

Public perceptions of crime

The UK spends more per head on law and order than any other country in the Organisation for Economic Co-operation and Development (OECD), including the US, France and Germany. Total spending for public order and safety by the government was £29.5 billion in 2006.⁷³⁰

Actual crime rates have fallen since 1997 with crime overall reduced by 32%.⁷³¹

There are now record police numbers, 141,000 compared with 127,000 in 1997.⁷³²

However, most people do not believe these figures: only one in five is willing to accept that crime is falling and less than half (43%) believes there are more police.⁷³³

83% of people think violent crime is rising, despite the proportion of people 'very worried about' violent crime falling from 25% in 1998 to 17% in 2006-07.⁷³⁴

British people have the lowest confidence in their government when it comes to crime. Only 25% of British people feel confident in their government when it comes to 'cracking down on crime and violence' compared to 44% in the US, 46% in France and 48% in Germany.⁷³⁵

Between February and April 2010, 25% of interviewees thought crime and law and order were the most important issues facing Britain today.⁷³⁶

60% of those who think crime is rising say it is because of what they see on television, and 46% because of what they read in the newspapers.⁷³⁷

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.⁷³⁸

730 HM Treasury (2006), Public Expenditure Statistical Analysis 2006, London: HM Treasury

731 Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

732 Solomon, E., Eades, C., Garside, R., Rutherford, R. (2007), Ten years of criminal justice under Labour – An independent audit, Centre for Crime and Justice Studies. As cited in Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

733 Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

734 Ibid.

735 Ipsos MORI (2006), International Social Trends Monitor, London: Ipsos MORI

736 Ipsos MORI (2010), Issues Index: Trends since 1997, London: Ipsos MORI

737 Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

738 Ibid.

The British Crime Survey 2008-09 shows that there is a gap between people's judgment on the likelihood of becoming a victim of crime and the actual risk to them. 24% of people believed they were fairly or very likely to be a victim of car crime, when the actual risk was 6%.⁷³⁹

People have more positive perceptions of crime locally than nationally; 75% thought crime in the country as a whole was rising, compared with 36% who thought crime in their local area had increased.⁷⁴⁰

Young people are more likely than those over 65 to say crime was a problem in their local area.⁷⁴¹

Only 11% of people surveyed believe that increasing the number of offenders in prisons would 'do most' to reduce crime in Britain. The public is more focused on intervening at the level of families and young people, with 55% thinking that better parenting, and 42% thinking that more constructive activities for young people would have most effect.⁷⁴²

An ICM poll of 1,000 victims of crime commissioned by SmartJustice in partnership with Victim Support, shows that almost two thirds of victims of crime do not believe that prison works to reduce non-violent crime.⁷⁴³

According to a poll commissioned by the Prison Reform Trust's Out of Trouble campaign published in September 2010, nearly two-thirds of the public do not want to see children in prison until at least the age of 12, rising to 14 for young people convicted of a non-violent crime.⁷⁴⁴

Better supervision by parents, treatment to tackle drug addiction, treatment to tackle binge drinking and better mental health care are all rated much more effective than a prison sentence at preventing young offenders from returning to crime.⁷⁴⁵

739 Ministry of Justice (2010) Sentencing Statistics 2008, London: The Stationery Office

740 Ibid.

741 Gottschalk, E. (2009) Public perceptions of organized crime – results from an opinion poll, London: Home Office

742 Ibid.

743 SmartJustice (2006) Briefing: Crime victims say jail doesn't work, <http://www.smartjustice.org/pr16jan06.html>

744 PRT (2010) YouGov poll

745 Ibid.

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