



Bromley Briefings Prison Factfile

June 2012

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

People are sent to prison as a punishment not for punishment. Deprivation of liberty is the most extreme punishment that can be meted out to an offender in the UK and, as such, must be reserved as a just desert for those adults who have committed the most serious or violent crimes.

Politicians have long tried to combine the punishment of imprisonment with prospects for rehabilitation and reform. In his well known House of Commons speech, given as Home Secretary in July 1910, Winston Churchill said:

'The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country. A calm and dispassionate recognition of the rights of the accused against the state, and even of convicted criminals against the state, a constant heart-searching by all charged with the duty of punishment, a desire and eagerness to rehabilitate in the world of industry all those who have paid their dues in the hard coinage of punishment, tireless efforts towards the discovery of curative and regenerating processes, and an unfaltering faith that there is a treasure, if you can only find it, in the heart of every man these are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it.'

Long before they get into trouble and become caught up in the justice system, very many offenders are used to punishment, not as a measured, proportionate response to wrongdoing but as random acts of cruelty often born of frustration and ignorance. Figures show that 39% of children in custody had been on the child protection register or had experienced neglect and abuse and a staggering 71% had been involved with, or in the care of, social services prior to imprisonment. Over half the women in prison report having suffered domestic violence and one in three has been sexually abused. Around half of all the men and women in prison ran away from home as a child. Lives have been characterised by loss and untimely bereavement. In the light of this, a good case could be made for punishing less and understanding more, or, at the least, making sensible connections between criminal justice and social policy.

Our justice system has been beleaguered by tough political rhetoric, media hype and now swingeing budget cuts. In twenty years the prison population has all but doubled. This is largely due, not to any crime wave, but to increased sentence lengths,

the introduction of mandatory penalties and an earlier recourse to custody for those who, in the past, would have been required to pay a fine or do community service.

Now, 83 of 134 prisons in England and Wales are overcrowded. Outcomes of excessive use of imprisonment are bleak. There are high levels of violence and self-harm. Just 36% of people leaving prison go into education, training or employment. Very many are homeless and in debt on release. Prison has a poor record for reducing reoffending with 47% of all adults reconvicted within one year of release, rising to 57% for those serving sentences of less than 12 months and almost 70% for under 18 year olds.

A 45% drop in the number of children and young people entering the youth justice system, with 1,000 fewer young people in custody today than there were 10 years ago, offers hope for the future. Community sentences are now outperforming short prison sentences and are almost 10% more effective in reducing reoffending rates. Their hallmarks are intensive offender management and supervision, community payback, restorative justice, developing personal responsibility, and responding to support needs such as housing, employment, addictions, mental health and learning disabilities and difficulties.

It would be a great shame if, rather than building on this success, in a misplaced drive to win public confidence, the government moved to make community sentences more punitive. Its 46 page consultation was littered with 42 uses of 'punitive' and 48 references to 'punishment' with far less emphasis on rehabilitation and reform. Yet our ICM poll, commissioned just after the riots last summer, indicated widespread support for a justice system with making amends to victims at its heart. The Ministry of Justice recognises that restorative justice is both demanding and effective. A mark of civilisation today would be a radical shift from a retributive to a reparative approach to justice.

And, before considering what can be done to make imprisonment more effective for the serious and violent adult offenders for whom there is no alternative to custody, it is worth returning to that same Churchill speech where he reminded politicians that, after improving treatment and conditions, and ...*'when the doctors, chaplains and prison visitors have come and gone, the convict stands deprived of everything that a free man calls life. We must not forget that all these improvements, which are sometimes salves to our consciences, do not change that position.'*

Prison overview

On 22 June 2012, the prison population in England and Wales was 85,697.¹ When Ken Clarke was last home secretary from 1992-93, the average prison population was 44,628.²

The Legal Aid, Sentencing and Punishment of Offenders Act became law on 1 May 2012.³

Provision was made in the Act to abolish the indeterminate sentence for public protection (IPP), restrict the unnecessary use of custodial remand and increase discretion in response to technical breach of licence.

The IPP sentence will be replaced by a ‘two strikes’ policy so that a mandatory life sentence will be given to anyone convicted of a second very serious sexual or violent crime. There will also be a new Extended Determinate Sentence (EDS) whereby all people convicted of serious sexual and violent crimes will be imprisoned for at least two-thirds of their sentence, with an extended period of licence on release of up to five years for violent offences, and eight for sexual offences. There will also be mandatory minimum sentences for knife crimes.

The government’s plans for reform of community sentencing are set out in the Ministry of Justice’s consultation paper, *Punishment and reform: effective community sentencing*.⁴ The review of community sentencing is taking place in parallel with a review of probation services.⁵ The consultations close on 22 June 2012.

Under the proposals set out in the community sentencing consultation the government will: ensure that there is a “clear punitive element” in every community order handed down by the court; explore the creation of a “robust and intensive punitive community disposal”, which courts can use for offenders who merit a significant level of punishment; support greater use of financial penalties alongside community penalties, ensuring that they are set at the right level and effectively enforced. Alongside, the government proposes significant reforms to the Probation Service. The consultation further extends the principles of **competition to more of community-based offender**

1 Ministry of Justice (2012) Population and Capacity briefing for 22 June 2012, London: Ministry of Justice

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

3 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

4 Available at <https://consult.justice.gov.uk/digital-communications/effective-community-services-1>

5 <https://consult.justice.gov.uk/digital-communications/effective-probation-services>

management, building on the provisions of the Offender Management Act 2007, and it explores how best to ensure that probation can lever in the expertise of the voluntary and private sectors, building on existing policies to pay community sentence providers by results.⁶

Following the Bradley Review and backed by the *Care not Custody* coalition,⁷ the government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services at police stations and courts across England wherever possible to divert offenders with mental health needs and learning disabilities away from the justice system and into treatment and care.⁸

Trends

England and Wales has an imprisonment rate of 155 per 100,000 of the population. France has an imprisonment rate of 115 per 100,000 and Germany has a rate of 83 per 100,000.⁹

Between 2001 and 2011, the prison population in England and Wales grew by 19,650 or 30%.

A rise in the number of people sentenced to immediate custody accounts for 65% of the increase.¹⁰

26,386 new prison places were provided between 1997-98 and 2011-12.¹¹

1,299,251 people were sentenced by the courts in 2011, a decrease of 5% from the year before. 102,700 people were sentenced to immediate custody, an increase of 1.2% from 2010 but 8% lower than the peak of 111,600 people sentenced in 2002.¹²

Average sentence length has been increasing, it is now 2.9 months longer than in the same period in 2001. The average sentence length is 14.7 months.¹³

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 19% in 2011.¹⁴

6 Ibid.

7 State must keep Care Not Custody promise, The Guardian, 30 March 2011, available at <http://www.guardian.co.uk/society/2011/mar/30/keep-care-not-custody-promise>

8 Hansard HC, 15 February 2011, c793

9 International Centre for Prison Studies (2012) World Prison Brief available at <http://www.prisonstudies.org/info/worldbrief/>

10 Table A1.2, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice and Table 8.1, Ministry of Justice (2007) Offender Management Caseload Statistics 2006, London: Ministry of Justice

11 Hansard, HC, 26 April 2012 c 1072W

12 Table Q5.1, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

13 Ibid

14 Table A1.8, Ministry of Justice (2012) Offender Management

At the end of March 2012 there were 6,017 prisoners serving an indeterminate sentence for public protection (IPP). 3,506 of these prisoners are held beyond their tariff expiry date.¹⁵

Since 2005 just 502 people serving IPP sentences have been released from custody.¹⁶

At the end of March 2012 there were 41 prisoners in England and Wales serving a 'whole life' tariff.¹⁷

The average tariff given for those sentenced to a mandatory life sentence has increased from 13.2 years in 2002 to 17.5 years in 2009.¹⁸

In 2011, 54,837 people were remanded into custody to await trial.¹⁹ In 2011, of those remanded in custody, 11,500 were subsequently acquitted.²⁰

The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison numbers over the period.²¹ On 31 March 2012 the recall population stood at 5,512.²²

36,952 people were given custodial sentences of up to and including three months in 2011.²³

In 2011, 55% of custodial sentences were for six months or less.²⁴

At the end of April 2012, 83 of the 134 prisons in England and Wales were overcrowded.²⁵

In 2010-11 an average of 20,211 prisoners were held in overcrowded accommodation, accounting for 24% of the total prison population. Within this total the number of prisoners doubling up in cells designed for one occupant was 19,268 (22.7% of the total prison population) and there were on average

Caseload Statistics 2011, London: Ministry of Justice and Table A1.1, Ministry of Justice (2011) Offender Management Caseload Statistics, London: Ministry of Justice

15 Table A1.13, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

16 Table A3.5, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

17 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, England and Wales, London: Ministry of Justice

18 Hansard HC, 22 February 2010, c256W

19 Table 2.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice. NB, the same person can be remanded before and after trial, so counting twice

20 Table Q3a Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

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

22 Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, England and Wales, London: Ministry of Justice

23 Table Q5.6 Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to September 2011, London: Ministry of Justice

24 Ibid

25 Ministry of Justice (2012) Monthly Population Bulletin April 2012, London: Ministry of Justice

829 prisoners held three to a cell in cells designed for two (1% of population).²⁶

The rate of overcrowding in male local establishments is still almost twice the national rate.²⁷

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past thirteen years. In 2010-11 the private prisons average was 31.8%, compared to an average of 22.8% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 48.9%, 61.7%, and 72.9% of prisoners held in overcrowded accommodation respectively.²⁸

A prison with a population of 400 prisoners or under is four times more likely to perform 'well' than a prison with a population of over 800.²⁹ Public prisons are over five times more likely to perform well for safety than private prisons.³⁰

In 2011, 14% of men and 21% of women in prison were serving sentences for drug offences.³¹ 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.³²

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.³³

The number of women in prison has increased by 85% over the past 15 years (1996-2011).³⁴ On 22 June 2012, the women's prison population stood at 4,116.³⁵

There has been a 45% drop in the number of children and young people entering the youth

26 Hansard HL, 3 October 2011, cWA135

27 Ministry of Justice (2011), National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

28 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Performance ratings digest 2010/11, London: Ministry of Justice

29 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

30 Ibid.

31 Table A1.21, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

32 Ramsay, M. (ed.) (2003) Prisoners' drug use and treatment: seven studies, Home Office Research Findings 186, London: Home Office

33 Table 7.10, Home Office (2011) Nature of Violent Crime, London: Home Office

34 Table A1.2, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

35 Ministry of Justice (2012) Population and capacity briefing for 22 June 2012, London: Ministry of Justice

justice system and there are 1,000 fewer young people in custody than there were 10 years ago.³⁶ Numbers of children (under-18s) peaked at an average of just over 3,000 in custody in 2007-08. By the end of October 2011 they had fallen to 2,021, despite the preceding riots.³⁷

There were 198,449 proven offences committed by children aged 10-17 which resulted in a disposal (pre-court or formal court conviction) in 2009-10. This is a decrease of 19% from 2008-09 and 33% from 2006-07. The number of offences is now at its lowest level since the Youth Justice Board began to collect this data. The biggest falls since 2006-07 have been in motoring offences (59%), criminal damage (42%) and violence against the person (31%).³⁸

At the end of March 2012 there were 7,816 young people aged 18-20 in prison in England and Wales. This is 4% fewer than the previous year.³⁹

People aged 60 and over are now the fastest growing age group in the prison estate. The number of sentenced prisoners aged 60 and over rose by 103% between 2002 and 2011.⁴⁰

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 46.⁴¹

There were approximately 200,000 children in England and Wales who had a parent in prison at some point in 2009.⁴² This is over three times the number of children in care (65,545), and over five times the number of children on the Child Protection Register (36,610).⁴³

During their time at school 7% of children experience their father's imprisonment.⁴⁴ In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.⁴⁵

36 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

37 Youth Justice Board (2011) Monthly data and analysis custody report - October 2011, London: Youth Justice Board

38 Ministry of Justice (2011) Youth Justice Statistics 2009/10, London: Ministry of Justice

39 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

40 Ibid

41 Home Office (2001) Criminal careers of those born between 1953 and 1978, London: Home Office

42 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

43 Table A1, Department for Education (2010) Children looked after by local authorities in England, London: Department for Education; Welsh Assembly Government (2011) 2011 Children and young people monitor for Wales, Cardiff: Welsh Assembly Government; NSPCC child protection register statistics, http://www.nspcc.org.uk/Inform/research/statistics/child_protection_register_statistics_wda48723.html

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

45 Action for Prisoners' Families, CLINKS, Prison Advice & Care Trust,

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%.⁴⁶

Costs

The overall cost of the criminal justice system is 2.3% of GDP, this is higher than the US or any EU country.⁴⁷ Spending on public order and safety has grown rapidly, at an average annual real rate of 4.6% between 2000-01 and 2008-09.⁴⁸

Following the 2010 spending review the Ministry of Justice will have to make overall resource savings of 23% in real terms by 2014-15.⁴⁹

In the current spending review period the Ministry of Justice plans to spend £583 million on capital investment in the prison estate.⁵⁰

Between 2003-04 and 2008-09 prison expenditure increased nearly 40% in real terms, from £2.52bn to £3.98bn a year.⁵¹

The average annual overall cost of a prison place in England and Wales for financial year 2010-11 is £39,573. This includes prison related costs met by the National Offender Management Service, but excludes expenditure met by other government departments such as health and education.⁵²

The cost of the crown court process of imposing a prison sentence is approximately £30,500, made up of court and other legal costs.⁵³

The cost per place per year in a secure children's home is £211,000; in a secure training centre it is £170,000 and in a young offender institution it is £57,000.⁵⁴

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.⁵⁵

Prison Reform Trust (2007) The children and families of prisoners: recommendations for government, 5 December 2007

46 Hansard HC, 27 October 2009 c336W

47 Table 4.4, HM Treasury (2011) Public Expenditure Statistical Analyses 2011, London: HM Treasury and OECD (2011) OECD Factbook 2011-2012: Economic, Environmental and Social Statistics, Law, order and defence expenditure, Paris: OECD Publishing

48 Crawford, R. et al (2009) A Survey of Public Spending in the UK, London: Institute for Fiscal Studies

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

50 Hansard HC 15 March 2012 c366W

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

52 Table 1, Ministry of Justice (2011) Costs per place and costs per prisoner by individual prison, National Offender Management Service Annual Report and Accounts 2010-11: Management Information Addendum, London: Ministry of Justice

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

54 Hansard HC, 20 March 2012 c681W

55 National Audit Office (2010) Managing offenders on short custodial

The average construction cost for new prison places, including costs of providing ancillary facilities, and excluding running costs, is approximately £170,000 per place across the lifetime of the accommodation.⁵⁶

The NOMS total budget for the financial year 2011-2012 for public prisons is £1,870 million and private prisons £311 million.⁵⁷

In 2008-09 the prison service's capital expenditure was 18% over budget.⁵⁸

The resource budget for the National Offender Management Service for 2011-12 is £3.679 billion, £2.181 billion of which relates directly to expenditure incurred in prisons.⁵⁹

To meet 3% year-on-year efficiency savings, the Prison Service decided, with ministerial support, to reduce the core week for prisoners as from April 2008. Since then, prisoners have been locked up for half-a-day more per week thus reducing constructive activity and time outside cells.⁶⁰

Imprisoning mothers for non-violent offences carries a cost to children and the state of more than £17 million over a 10 year period.⁶¹

In 2007-08, reoffending by all recent ex-prisoners cost the economy between £9.5 billion and £13 billion. As much as three quarters of this cost can be attributed to former short-sentenced prisoners: some £7-10 billion a year.⁶²

People in prison: a snapshot

Less than 1% of all children in England are in care,⁶³ but looked after children make up 27% of young men and 55% of young women in custody.⁶⁴

71% of children in custody have been involved with, or in the care of, social services before entering custody.⁶⁵

sentences, London: The Stationery Office

56 Hansard HC, 13 September 2010, c847W

57 Hansard HC, 4 April 2011, c642W

58 Hansard HC, 9 September 2009, c2030W

59 Hansard HC, 29 March 2011, c156

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

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

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

63 Department for Education (2011) Children looked after by local authorities in England year ending 31 March 2011, London: Department for Education

64 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

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

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.⁶⁶ 38% of boys screened on admission to custody in 2000-01 were at the level expected of a seven-year-old in numeracy and 31% in literacy. 4% had levels lower than this in numeracy and literacy.⁶⁷

The educational background of young people in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.⁶⁸

38% of boys and 18% of girls said they usually received one or more visits a week.⁶⁹

Half of the children interviewed who had been in care said that they did not know who would be collecting them on the day of their release.⁷⁰

Prison Reform Trust research 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.⁷¹

40% of children in custody in England and Wales have previously been homeless.⁷²

The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons has fallen by 40% in the last three years from 472 in 2008-09 to 282 in 2010-11.⁷³

In 2006 the average age of people sentenced to custody was 27. A quarter was aged 21 or under.⁷⁴

Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.⁷⁵ 51% have severe and enduring mental illness, 47% a major depressive disorder, 6% psychosis and 3% schizophrenia.⁷⁶

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

67 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

68 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

69 Ibid.

70 HM Inspectorate of Prisons (2011) The care of looked after children in custody, London: The Stationery Office

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

72 Youth Justice Board (2007) Accommodation needs and experiences of young people who offend, London: YJB

73 Hansard HC, 3 May 2011, c628W

74 Hansard HC, 8 January 2008, c432W

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

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

Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.⁷⁷

In 2010, there were a total of 26,983 incidents of self-harm in prisons, with 6,639 prisoners recorded as having injured themselves. Women accounted for 47% of all incidents of self harm despite representing just 5% of the total prison population.⁷⁸

Men recently released from prison are eight times more likely than the general population to take their own life. Women are 36 times more likely to take their own life.⁷⁹

Remand prisoners, 18% of the prison population, accounted for half of all self-inflicted deaths in 2010.⁸⁰

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.⁸¹

10% of men and 30% of women have had a previous psychiatric admission before they entered prison.⁸²

At the end of March 2012 there were 10,337 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 12% of the overall prison population.⁸³

20–30% of all offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.⁸⁴

23% of young offenders have learning difficulties (IQs of below 70) and a further 36% have borderline learning difficulties (IQ 70-80).⁸⁵

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

78 Table 1, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice

79 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

80 Table 8, Ministry of Justice (2011) Safety in Custody Statistics 2010, London: Ministry of Justice

81 Prison Reform Trust (2004) Alcohol and reoffending: who cares? London: Prison Reform Trust

82 Department of Health, Conference Report, Sharing Good Practice in Prison Health, 4/5 June 2007

83 Table 1.5, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

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

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

48% of all prisoners are at, or below, the level expected of an 11 year old in reading, 65% in numeracy and 82% in writing.⁸⁶ 47% of prisoners say they have no qualifications.⁸⁷

Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimised and bullied than other prisoners. Over half of such prisoners say they had been scared while in prison and almost half say they had been bullied or that people had been nasty to them.⁸⁸

On 30 June 2011 just under 27% of the prison population, 23,475 prisoners, was from a minority ethnic group.⁸⁹ This compares to one in 10 of the general population.⁹⁰

50% of the total prison population are Christian (of whom 46% are Anglican, 35% Roman Catholic, 16% other Christian and 3% Free Church), 13% are Muslim, 2% are Buddhist and 31% report having no religion.⁹¹

Outcomes

Prison has a poor record for reducing reoffending – 47% of adults are reconvicted within one year of being released. For those serving sentences of less than 12 months this increases to 57%. For those who have served 11 or more previous custodial sentences the rate of reoffending rises to 67%.⁹²

51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%.⁹³

69.3% of children (10-17) released from custody in the 12 months ending June 2010 reoffended within a year.⁹⁴

Prisoners who have problems with both employment and accommodation on release from prison have a reoffending rate of 74% during the year after custody, compared to 43% for those with no problems.⁹⁵

86 Hansard HC, 9 January 2007, c548W

87 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

88 Talbot, J. (2007) No One Knows: Identifying and supporting prisoners with learning disabilities and learning difficulties: the views of prison staff, London: Prison Reform Trust

89 Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

90 Table A3.5.2, Equality and Human Rights Commission (2010) How fair is Britain? Equality, Human Rights and Good Relations in 2010, London: Equality and Human Rights Commission

91 Table A1.24, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

92 Table 19 and 7a, Ministry of Justice (2012) Proven Re-offending Statistics Quarterly Bulletin July 2009 to June 2010, London: Ministry of Justice

93 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

94 Table 18b, Ministry of Justice (2012) Proven Re-offending Statistics Quarterly Bulletin July 2009 to June 2010, London: Ministry of Justice

95 Ministry of Justice (2008) Factors linked to reoffending: a one-year

Just 36% of people leaving prison go into education, training or employment.⁹⁶

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, most stressed the importance of 'having a job' (68%) and 'having a place to live' (60%).⁹⁷

40% of prisoners and 64% of former prisoners feel that their debts had worsened during their sentence. Over half of prisoners' families have had to borrow money since the imprisonment of their relative.⁹⁸

Court ordered community sentences are more effective (by over eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.⁹⁹

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 through monitoring, training, accommodation and drug treatment over a period of two years.¹⁰⁰

Since 1997 British Crime Survey crime rates have fallen by 42%. However in the past year there has been no statistically significant change in the numbers of crime estimated from the 2010-11 survey (9.6 million offences) compared to the previous year (9.5 million offences), consistent with a flattening trend in crime.¹⁰¹

The British Crime Survey 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. 13% of respondents thought that they were very likely or fairly likely to be a victim of violent crime in the next 12 months, compared with 3% who reported having been a victim of such a crime in the year before interview.¹⁰²

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.¹⁰³

Research by the Prime Minister's Strategy Unit showed 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 stated: "there is no convincing evidence that further increases in the use of custody would significantly reduce crime".¹⁰⁴

A recent survey found that "while the public may 'talk tough' in response to opinion polls which ask whether sentencing is harsh enough, when considering specific criminal cases and individual circumstances, there is considerable support for mitigating punishments".¹⁰⁵

In an ICM survey on behalf of the Prison Reform Trust conducted one month after the riots in August 2011 a majority of the public (94%) supported opportunities for offenders who have committed offences such as theft or vandalism to do unpaid work in the community, as part of their sentence, to pay back for what they have done.¹⁰⁶

In a poll 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% that more constructive activities for young people would have most effect.¹⁰⁷

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.¹⁰⁸

follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004, London: Ministry of Justice

96 Hansard, HC, 23 March 2010, c115

97 Ministry of Justice (2012) Research Summary 3/12, Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

98 Bath, C. and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

99 Table 1, Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice

100 Home Office Press Release, 20 February 2007

101 Table 2.01, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office and Table 2.01, Home Office (2010)

Crime in England and Wales 2009/10, London: Home Office

102 Tables 2.03 and 5.02, Home Office (2011) Crime in England and

Wales 2010/11, London: Home Office

103 Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

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

105 Roberts, J. and Hough, M. (2011) Custody or community? Exploring the boundaries of public punitiveness in England and Wales, Criminology & Criminal Justice 11(2) pp181-197, Norwich: Page Bros

106 Prison Reform Trust (2011) Public want offenders to make amends briefing paper, London: Prison Reform Trust

107 Gottschalk, E. (2009) Public perceptions of organized crime - results from an opinion poll, London: Home Office

108 SmartJustice (2006) Briefing: Crime victims say jail doesn't work, <http://www.smartjustice.org/pr16jan06.html>

Scottish prison overview

On 15 June 2012 the total population of prisoners in custody in Scotland stood at 8,242.¹⁰⁹

The official capacity for all 15 Scottish prisons stands at 7,844. This puts the occupancy level at 105%.¹¹⁰

The Scottish government has paid out over £8.5 million in overcrowding compensation payments since 2007 for “the expenditure associated with holding prisoners in addition to the number they are resourced to hold”.¹¹¹

In 2011, 44% of prisoners in Scotland reported that high prisoner numbers have had an impact on their safety, privacy in their cell (50%), access to medical services (64%), opportunities for training and education (64%), and quality of life generally (57%).¹¹²

The average daily population for 2010-11 shows a small dip of 1% compared to the previous year, dropping to 7,853. This is primarily due to marked reductions in the young offender population for both remand and direct sentenced prisoners by 14% and 17% respectively.¹¹³

Whilst the average daily population has fallen slightly, life sentence and recall populations have increased by 5 and 10% respectively in the past year.¹¹⁴

47% of offenders released from custody are reconvicted within one year, compared to 27% of those on a Community Sentence Order. For those who have served more than 10 previous custodial sentences the rate of reoffending rises to 68%.¹¹⁵

The imprisonment rate for Scotland stands at 157 per 100,000.¹¹⁶

Young adults (18-21) make up 10% of the prison population.¹¹⁷

109 Scottish Prison Service website at <http://www.sps.gov.uk/Publications/ScottishPrisonPopulation.aspx>

110 International Centre for Prison Studies website at <http://www.prisonstudies.org/info/worldbrief/wpbcountry.php?country=171>

111 <http://www.scotlibdems.org.uk/news/2011/02/lib-dems-reveal-C2%A385-million-compensation-bill-overcrowded-scottish-prisons>

112 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

113 Table 1, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government

114 Table 3, Ibid.

115 Table 5 and Table 9, The Scottish Government (2011)

Reconviction rates in Scotland: 2007-08 and 2008-09 offender cohorts

116 International Centre for Prison Studies website at <http://www.prisonstudies.org/info/worldbrief/wpbcountry.php?country=171>

117 Table 4, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government

87% of the population of Polmont young offenders institute in Scotland had been there before their present sentence.¹¹⁸

Since 2001-02 the average daily women’s prison population in Scotland has increased by 69%. The 2010-11 average daily women’s prison population was 435.¹¹⁹

The number of convictions resulting in a custodial sentence decreased 7% in 2009-10 to 15,733, the lowest figure since 2005-06 (15,082). The proportion of people sentenced to custody remained the same as in 2008-09 (13%).¹²⁰

In Scotland, the average daily remand population in 2010-11 was 1,474, down 3% on the previous year.¹²¹

In 2010-11, 1,893 women were received into custody on remand, 46% higher than 2001-02.¹²²

The proportion of prisoners on remand is higher for women than men (25% compared to 18%). Only around 30% of women on remand go on to receive a custodial sentence.¹²³

While there has been a decrease in the number of women under the age of 21 given a custodial sentence in Scotland, there has been an increase in the number of women in custody who are over the age of 30. Some evidence suggests that the increase in the latter age group may be the result of an increase in the number of older drug users, who have accumulated significant previous convictions.¹²⁴

The average daily population on Home Detention Curfew (HDC) during 2010-11 was 303, a drop of 18% over the previous year. The number of releases from prison on HDC was 1,820, a drop of 3% compared to the previous year.¹²⁵

From July 2006 to March 2010, 7,292 people were released on HDC; 21% were recalled, which equates to an average of 34 people per month.¹²⁶

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

119 Table 1, The Scottish Government (2011) Prison statistics

Scotland: 2010-11, Edinburgh: The Scottish Government

120 Table 7, The Scottish Government (2011) Criminal Proceedings in Scotland 2009-10, Edinburgh: The Scottish Government

121 Table 1, The Scottish Government (2011) Prison statistics

Scotland: 2010-11, Edinburgh: The Scottish Government

122 Table 9, Ibid

123 Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh, The Scottish Government

124 Ibid

125 Table 8, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government

126 Armstrong, S. et al. (2011) Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland, Research Findings

The most common reason for being recalled is for failure to comply with the technical conditions of the curfew rather than committing crimes while on HDC. Being out of curfew for more than six hours (38% of all recalls) and breach of licence conditions (24%) accounted for most recall activity. Offending while on licence appears only rarely to be the cause of recall (7% recalled for a new warrant served).¹²⁷

The average daily population of prisoners in Scotland recalled from supervision or licence has risen substantially, increasing by 32% to 682 in 2010-11, from 515 in 2006-07.¹²⁸

It costs £126 per week to keep someone on HDC, compared to a notional cost of £610 per week to keep them in prison.¹²⁹

The average length of custodial sentences in 2009-10 was over nine months (281 days) and was the highest level in the previous decade. The average custodial sentence length has increased by almost two months (23%) since the recent low (229 days) in 2005-06.¹³⁰

38% of all custodial sentences in 2009-10 were for three months or less (down from 41% in 2008-09 and 50% in 2007-08). However, there have been corresponding increases in the proportions of sentences of over three months and up to two years.¹³¹

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.”¹³²

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 “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.”¹³³

No.32/2011, Edinburgh: The Scottish Government

127 Ibid.

128 Table 1, Ibid.

129 Ibid.

130 Table 10(c), The Scottish Government (2011) Criminal Proceedings in Scotland 2009-10, Edinburgh: The Scottish Government

131 Table 10(a), Ibid.

132 <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/>

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

In 2009-10, 21 custodial sentences were imposed on children under the age of 16.¹³⁴

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.”¹³⁵

The former HM Chief Inspector of Prisons for Scotland has stated that “prison is no place for a child.”¹³⁶

1% of Scottish children have been in care, 50% of Scottish prisoners have been in care, for Scottish prisoners convicted of violence the proportion is 80%.¹³⁷

The annual cost per prisoner place for 2010-11 was £32,146, excluding capital charges, exceptional compensation claims and the cost of the escort contract.¹³⁸

Hugh Monro, Chief Inspector of Prisons for Scotland, has stated that “Securing children, young offenders or prisoners is not a cheap option...the cost of keeping a child in a Secure Unit can be as high as £250k per annum.”¹³⁹

Call charges from Scottish prisons have reduced from 1 April 2010. Following the successful supercomplaint to Ofcom brought by the National Consumer Council and the Prison Reform Trust, calls to UK landlines have fallen by 23% to 8.4 pence per minute and calls to mobiles have dropped 63% to 23.5 pence per minute.¹⁴⁰

84% of prisoners in Scotland reported positively on access to family and friends and the ability to arrange visits. However, 63% 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 (64%); this was followed by the cost involved in getting to the prison (62%).¹⁴¹

134 Table 2, McCallum, F. (2011) Children and the Scottish Criminal Justice System, SPICe Briefing 11/53, Edinburgh: The Scottish Parliament

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

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

137 Ibid.

138 Scottish Prison Service (2011) Scottish Prison Service Annual Report and Accounts 2010-11, Edinburgh: Scottish Prison Service

139 HM Chief Inspector of Prisons for Scotland (2010) Annual Report 2009-2010, Edinburgh: The Scottish Government

140 Information from Consumer Focus, 10 May 2010

141 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

48% of those who responded to the Scottish prisoner survey reported having children.¹⁴²

44% of Scottish prisoners reported being under the influence of drugs at the time of their offence, and 18% reported that they committed their offence to get money for drugs.¹⁴³

An average of 56% of all offenders admitted to Scottish prisons test positive for drugs.¹⁴⁴

Illicit use of benzodiazepines were detected in 38% of 1,093 prisoners tested on reception and 9% of the 710 prisoners tested on release. Opiates were detected in 36% of prisoners tested on reception and 8% of prisoners tested on release. Cannabis was detected in 28% of prisoners at arrival and 5% at release.¹⁴⁵

20% of respondents to the 2011 prisoner survey reported use of illegal drugs in prison in the previous month. Of these, 71% reported use of heroin in the previous month, 64% reported use of cannabis and 48% use of benzodiazepines. 29% reported using Subutex while 24% reported using other opiates (other than heroin and methadone) and a smaller proportion (14%) reported methadone (without prescription).¹⁴⁶

50% of Scottish prisoners reported being drunk at the time of their offence. 25% reported that drinking affected their ability to hold down a job and 38% noted that their drinking affected their relationship with their family.¹⁴⁷

24% of respondents to the 2011 prisoner survey had been seen by mental health staff.¹⁴⁸

The Inspectorate of Prisons for Scotland reported that more than 70% of prisoners are known to have mental health problems, and as many as 7% may have a psychotic illness – a rate seven times higher than in the general population.¹⁴⁹

Just over a third of respondents to a Prison Reform Trust survey of prisons in Scotland said their prison had a dedicated learning disability nurse. Similarly, just under a third said that specific learning disability in-reach was available in their prison, though an additional fifth (19%) said they

142 Ibid.

143 Ibid.

144 HM Chief Inspector of Prisons for Scotland (2010) Annual Report 2009-2010, Edinburgh: The Scottish Government

145 Drug Misuse Information Scotland (2010) Drug Misuse Statistics Scotland 2010, Edinburgh: NHS National Services Scotland

146 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

147 Ibid.

148 Ibid.

149 HM Chief Inspector of Prisons for Scotland (2006) Standards Used in the Inspection of Prisons in Scotland, Edinburgh: Scottish Executive

did not know whether it was available.¹⁵⁰

Almost three-quarters of prison staff responding described the support as ‘low’ or ‘fairly low’ quality. None of the respondents described the support available as being of high quality. Just over a quarter described the quality of support for people with learning difficulties or learning disabilities as fairly high.¹⁵¹

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.”¹⁵²

There was a 254% increase in incidents of self-harm by prisoners in Scotland from 2005 to 2010. Most of this increase represents a rapid rise in self-harm amongst women in Cornton Vale, from 12 incidents to 105. There have also been substantial rises in Addiewell and Perth prisons.¹⁵³

HM Chief Inspector of Prisons for Scotland, Hugh Monro stated in his most recent annual report “perhaps the most depressing aspect of Cornton Vale is the sheer boredom experienced by most prisoners, with some 65% locked in their cells and only 35% at education or employability training or work during the working day.”¹⁵⁴

A report by the Commission on Women Offenders, chaired by former Lord Advocate Elish Angiolini and published in April 2012, stated that “Cornton Vale is not fit for purpose” and recommended that it is replaced with a smaller specialist prison for those women offenders serving a statutory defined long-term sentence and those who present a significant risk to the public.¹⁵⁵

150 Loucks, N. & Talbot, J. (2007) No One Knows: prisoners with learning difficulties and learning disabilities, Scotland, London: Prison Reform Trust

151 Ibid.

152 Kenny MacAskill argues against short prison sentences, STV, 30 July 2009, available at <http://news.stv.tv/scotland/112781-kenny-macaskill-argues-against-short-prison-sentences/>

153 Scottish Parliament, written answers 8 March 2011, S3W-38887 and 28 April 2009, S3W-23051

154 HM Chief Inspector of Prisons for Scotland (2011) Annual Report 2010-11, Edinburgh: The Scottish Government

155 Commission on Women Offenders (2012) Commission on Women Offenders Final Report: Edinburgh, The Scottish Government

The Commission visited the 218 Service in Glasgow and the Willow project in Edinburgh where the services had been specifically designed to meet the complex needs of women offenders. Women who use the services at 218 identified significant decreases in drug and/or alcohol use (83%), improvements in their health and wellbeing (67%), access to stable accommodation and referrals to longer-term support services. Research suggests that the programmes offered by 218 may contribute to reductions in offending in the longer term.¹⁵⁶

There are two privately financed, designed, built, and operating prisons in Scotland; Serco-run Kilmarnock and Sodexo-run Addiewell. Combined they held some 1,269 prisoners in 2010-11, approximately 16.1% of Scotland's prison population.¹⁵⁷

The Scottish prison population is predicted to rise to 9,500 by 2019.¹⁵⁸

The Scottish Prison Service awarded a £116m contract to Carillion Construction Limited to design and construct a new prison in Bishopbriggs. HMP Low Moss opened in March 2012 and replaced an old prison on the same site.¹⁵⁹

The 2009-10 Scottish Crime and Justice Survey found that 85% agreed (strongly or slightly) that community sentencing is a good idea for minor crimes and 66% agreed that drug users need treatment not prison.¹⁶⁰

The same survey found that in 72% of crimes where the victim thought that the offender(s) should have been prosecuted, the victim thought the offender(s) should have been given a sentence other than custody.¹⁶¹

HMP Open Estate at Noranside closed on 31 October 2011, with all prisoners transferred to the remaining open estate at Castle Huntly.

The number of prisoners qualifying to move to open conditions has reduced as a result of stricter criteria for progression and the facility at Noranside was deemed "surplus to requirements."¹⁶²

156 Ibid

157 Table 2, The Scottish Government (2011) Prison statistics Scotland: 2010-11, Edinburgh: The Scottish Government

158 The Scottish Government (2011) Scottish prison population projections: 2010-11 to 2019-20, Edinburgh: The Scottish Government

159 <http://www.sps.gov.uk/Prisons/LowMoss/low-moss.aspx>

160 Page, L. et al. (2010) 2009/10 Scottish Crime And Justice Survey

161 Ibid.

162 <http://www.sps.gov.uk/MediaCentre/News-3176.aspx>

Northern Ireland prison overview

On 8 June 2012 the total prison population for Northern Ireland stood at 1,779.¹⁶³

The prison population in Northern Ireland has increased by 6% in a year.¹⁶⁴ The Northern Ireland Prison Review Team's final report states that "the population rise reflects a continuing failure to get to grips with long-standing population drivers, such as the number of remand prisoners and fine defaulters, together with a new driver, the number of prisoners recalled under the Criminal Justice (Northern Ireland) Order 2008."¹⁶⁵

The imprisonment rate for Northern Ireland is 99 per 100,000.¹⁶⁶

On 12 April 2010 policing and criminal justice powers were devolved from Westminster to the Northern Ireland Assembly.¹⁶⁷

The current capacity for Northern Ireland prisons is 1,765, meaning the current occupancy level stands at 102%.¹⁶⁸

A high proportion of people in prison in Northern Ireland are being held on remand and this has remained the case over the last 13 years. The total percentage for the remand population in 2009 was 34%, compared to 16% for England and Wales, and 19% for Scotland.¹⁶⁹

The problem is particularly acute at Maghaberry, where 55% of prisoners were on remand in December 2010.

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).¹⁷⁰

The national and ethnic mix in prisons in Northern Ireland has changed considerably in recent years. The majority of foreign nationals are from eastern Europe, primarily Lithuania and Poland, or from China. Only around 1% of the prison population is Black or South Asian. Irish Travellers also account for about 1% of the population.¹⁷¹

Over half the women who arrived in prison in 2010 were there because of fine default.¹⁷²

Women prisoners in Northern Ireland are still held on the same site as young male prisoners, a situation described by the Criminal Justice Inspectorate as "fundamentally unsatisfactory".¹⁷³

Women in prison in Northern Ireland are in general an older population than men: the majority are aged between 30 and 50.¹⁷⁴

The most recent reconviction rates for women offenders are much lower than those for men, at 20%.¹⁷⁵

In 2010-11 the average cost per prisoner place was £73,762, although a different and more realistic calculation (the cost per occupied place) by prison inspectors revealed it was some £16,000 higher than suggested.¹⁷⁶ A total of £128.8m was spent in operating costs, of which £91.2m were staff costs.¹⁷⁷

24% (1,394) of people sent to prison in 2009 were imprisoned for failure to pay fines.¹⁷⁸ They spend an average of only four days in custody so it is almost impossible to do anything useful to address their resettlement needs during that time.¹⁷⁹

It has been estimated that it costs £3,000 for a four-day committal of a prisoner.¹⁸⁰

171 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Final Report, Belfast: Prison Review Team

172 Ibid.

173 Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland

174 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Final Report, Belfast: Prison Review Team

175 Ibid.

176 Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland

177 Department of Justice (2011) Digest of Information on the Northern Ireland Criminal Justice System - Volume Three, Belfast: Department of Justice

178 Table 7, Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice

179 Criminal Justice Inspection Northern Ireland (2011) An inspection of prisoner resettlement by the Northern Ireland Prison Service, Belfast: Criminal Justice Inspection Northern Ireland

180 Torney, K. (2011) Thousands imprisoned every year for minor crimes, The Detail: <http://www.thedetail.tv/issues/51/finedefaulters/thousands-imprisoned-every-year-for-minor-crimes>

163 Northern Ireland Prison Service, situation report for 8 June 2012

164 Ibid

165 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Final Report, Belfast: Prison Review Team

166 International Centre for Prison Studies http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=170

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

168 International Centre for Prison Studies http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=170

169 Table 1, Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice; Table A1.1, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice; and Table 1, The Scottish Government (2010) Prison statistics Scotland: 2009-10, Edinburgh: The Scottish Government

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

During 2009-10, 67% of sentenced receptions into prison had sentences of one year or less.¹⁸¹

The number of children and young people admitted into the Juvenile Justice Centre in 2010-11 increased to 411 from 349 in the previous year. Of these 62% (256) were admitted under the Police and Criminal Evidence Order 1989 (PACE), 34% (138) were admitted directly onto remand and 4% (17) were admitted after sentence.¹⁸²

The majority of those admitted into the Juvenile Justice Centre are male; in 2010-11, 84% of those admitted were boys and 16% were girls.¹⁸³

The largest proportion of those admitted in 2010-11 were aged 16 (41%). A further 24% were aged 15 and 25% were aged 17 or above.¹⁸⁴

In 2008 the combined reoffending rate for youth conferencing, a restorative justice programme in Northern Ireland, was 40% – this compared to 50% for community sentences and 68% for custodial sentences.¹⁸⁵

Victims were present in two-thirds of all restorative conferences held in 2008-09 – 89% expressed satisfaction with the conference outcome and 90% said they would recommend restorative justice to a friend.¹⁸⁶

The number of children sentenced to immediate custody in Northern Ireland dropped from 139 in 2003 to 89 in 2006.¹⁸⁷

Typically, in any one day, around three-quarters of the child custody population is on remand, many of whom come directly from residential care. Most are neither serious nor persistent offenders and most do not go on to serve a custodial sentence.¹⁸⁸

In 2009-10, 190 incidents of self-harm were reported.¹⁸⁹ There have been two reported deaths in custody in 2011, both were young people held in Hydebank Wood.¹⁹⁰

181 Ibid.

182 Table 4, Tate, S. and Lyness, D. (2011) Youth Justice Agency Annual Workload Statistics 2010/11, Statistical Bulletin 3/2011, Belfast: Youth Justice Agency

183 Ibid.

184 Ibid.

185 Table 1, Lyness, D. and Tate, S. (2011) Northern Ireland Youth Re-offending: Results from the 2008 Cohort, Belfast: Youth Justice Agency

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

187 Ibid.

188 Youth Justice Review Team (2011) A Review of the Youth Justice System in Northern Ireland, Belfast: Department of Justice

189 Ibid.

190 Northern Ireland Prison Service website at <http://www.niprisonservice.gov.uk/module.cfm/opt/10/area/Press%20Releases/>

Since September 2005, 30 people have died in prisons in Northern Ireland. Out of the 29 deaths investigated by the Prisoner Ombudsman for Northern Ireland by April 2011, 28 were men and one was a woman. Ten people had taken their own lives.¹⁹¹

At 5 September 2011, 67% of all prisoners were on prescribed medication. The levels of prescribing at the three Northern Ireland prison establishments were HMP Maghaberry, 80%; HMP Magilligan, 58%; and HMP Hydebank Wood, 38%.¹⁹²

The estimated cost of reoffending in Northern Ireland is approximately £80 million.¹⁹³

Statistical measures of sentence effectiveness suggest that community sentences are more effective and cheaper than custody in tackling reoffending by adults convicted for less serious offences. The one year reoffending rate for adult offenders in Northern Ireland sentenced to community disposals in 2007 was significantly less for Community Service Orders (23.5% at a unit cost of £4,200) and Probation Orders (24.4% at a unit cost of £2,000) than custodial discharges after sentences of less than six months (40.2%).¹⁹⁴

There were approximately 2,500 applications for home leave during 2009-10, of which 79% were successful, with higher ratios granted to female prisoners and young offenders.¹⁹⁵

The ratio of staff to prisoners in Northern Ireland is almost two and a half times that of England and Wales and prison officers are paid on average a third more.¹⁹⁶

The most recent Inspection report highlights that “the history of the Northern Ireland Prison Service is inextricably linked to the ‘Troubles’ and the political and security situation in Northern Ireland since 1969. During that time 29 members of the Prison Service were murdered and many others were permanently or seriously injured. The effects of this, and the threat to prison officers and their families, cannot be under-estimated.”¹⁹⁷

page/pressrel/year/2011/month/05/pid/599

191 The Prisoner Ombudsman for Northern Ireland (2011) Annual Report 2010/11, Belfast: The Prisoner Ombudsman for Northern Ireland

192 Northern Ireland Assembly Debates, 19 September 2011, Prisoners: Medication, AQO 330/11-15

193 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

194 Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice

195 Ibid.

196 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

197 Criminal Justice Inspection Northern Ireland (2010) Northern

The report also states that “the context within which the Prison Service operates now is significantly different although the threat level against prison staff remains ‘substantial’. While a significant management issue, separated prisoners comprise only a relatively small (4%) proportion of the prisoner population.”¹⁹⁸

The average absenteeism for each member of staff was 12.64 days.¹⁹⁹ The cost of sick absence is £4.6m per annum or 115 whole time equivalents (WTEs), and at Hydebank Wood alone is £1.33m per annum - equivalent to 5.5% of the entire operating budget.²⁰⁰

During inspection fieldwork it was found that on one day there were 70 staff on sick leave from Maghaberry, causing rolling lock-downs for prisoners.

The interim report by the independent Prison Review Team, chaired by Dame Anne Owers, found that “despite considerable expense, all three prisons, and Maghaberry in particular, have unacceptably poor regimes, which waste resources and do not allow prisoners access to the activities and interventions they need to support change and reduce reoffending.”²⁰¹

The Northern Ireland Prison Service has been under considerable scrutiny in recent years and since 2005 there have been over 20 external reviews and inspection reports, most of which have identified the pressing need for reform. A Northern Ireland Prison Service internal report to the Prison Service Management Board in July 2009 put the number of outstanding recommendations from scrutiny bodies and internal reviews/reports in the region of 600. The total number of recommendations was nearly 1,200.²⁰²

Within the Northern Ireland Prison Service there are 1,883 uniformed grade officers supported by almost 400 civilian grades. The recent review of the Service’s corporate governance highlighted that “despite this complement of staff there are many occasions when there is insufficient staffing levels to deliver an effective service.”²⁰³

In addition “the practice, for example, of managing staff absences through a daily realignment of the prison regime is unproductive and meant substantial lockdowns with restrictions on time out of cell and the delivery of meaningful purposeful activity for prisoners such as workshops or education classes.”²⁰⁴

The percentage age breakdown for all Northern Ireland Prison Service staff shows a significant proportion of staff in the higher age groups; 52% of staff were in the 35-49 age group (35% male, 17% female) and 34% were 50-64 (28% male, 6% female).²⁰⁵

Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

198 Ibid.

199 Northern Ireland Prison Service (2010) Annual Report and Accounts 2009-10, London: The Stationery Office

200 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

201 Prison Review Team (2011) Review of the Northern Ireland Prison Service Conditions, Management and Oversight of all Prisons: Interim Report, Belfast: Prison Review Team

202 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

203 Criminal Justice Inspection Northern Ireland (2010) Northern Ireland Prison Service Corporate Governance Arrangements, Belfast: Criminal Justice Inspection Northern Ireland

204 Ibid.

205 Ibid.

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."²⁰⁶

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."²⁰⁷ 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.²⁰⁸

The prison population was 111% of the 'in use CNA' (77,732) at the end of April 2012.²⁰⁹

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past thirteen years. In 2010-11 the private prisons average was 31.8%, compared to an average of 22.8% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 48.9%, 61.7%, and 72.9% of prisoners held in overcrowded accommodation respectively.²¹⁰

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.²¹¹

The end of custody licence (ECL) scheme was withdrawn on 12 March 2010. The withdrawal of the End of Custody Licence (ECL) early release scheme added around 1,000 to the prison population.²¹²

At the end of April 2012, 83 of the 134 prisons in England and Wales were overcrowded.²¹³

In 2010-11 an average of 20,211 prisoners were held in overcrowded accommodation, accounting for 24% of the total prison population. Within this total the average number of prisoners doubling up in cells designed for one occupant was 19,268 (22.7% of the total prison population) and there were on average 829 prisoners held three to a cell in cells designed for two (1% of population).²¹⁴

The rate of overcrowding in male local establishments is almost twice the national rate.²¹⁵

In 2010, 11,252 prisoner-on-prisoner assaults were recorded.²¹⁶ In 2008 in-cell assaults accounted for 18% of all prisoner-on-prisoner assaults.²¹⁷

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.²¹⁸

In 2009-10, the average cost of transferring a prisoner was £98.16. During this time 82,521 prisoners were transferred, an average of 1,587 per week.²¹⁹

The 10 most overcrowded prisons in England and Wales, April 2012:²²⁰

Prison	In use CNA	Operational Capacity	Population	% Overcrowded
Shrewsbury	170	340	335	197%
Kennet	175	342	338	193%
Swansea	240	445	440	183%
Usk	153	266	257	168%
Wandsworth	730	1,284	1,217	167%
Dorchester	148	271	241	163%
Preston	455	842	742	163%
Exeter	317	561	506	160%
Northallerton	146	252	233	160%
Canterbury	195	314	300	154%

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

207 Ibid.

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

209 Ministry of Justice (2012) Monthly Population Bulletin April 2012, London: Ministry of Justice

210 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Performance ratings digest 2010/11, London: Ministry of Justice

211 HM Chief Inspector of Prisons (2010) Annual Report 2008-09, London: The Stationery Office

212 Ministry of Justice (2011) Monthly Population Bulletin May 2011, London: Ministry of Justice

213 Ministry of Justice (2012) Monthly Population Bulletin April 2012,

London: Ministry of Justice

214 Hansard HL, 3 October 2011, cWA135

215 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

216 Table 8, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice

217 NOMS, Safer Custody News, July/August 2009

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

219 Hansard HC, 7 December 2010, c202W

220 Ministry of Justice (2012) Monthly Population Bulletin April 2012, London: Ministry of Justice

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 by 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.²²¹

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”.²²²

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”.²²³

Justice Secretary Ken Clarke has said that “closing outdated and expensive prisons is an important step in our strategy to provide a secure and modern, fit for purpose prison estate”.²²⁴

221 Prisons and Probation Ombudsman (2009) Annual Report 2008-2009, London: COI
222 Rt Hon Jack Straw, The Times, 12 July 2007

223 Hansard HC, 23 November 2010, c155
224 13 January 2011, BBC News, Prisons shutdown unveiled by government available at <http://www.bbc.co.uk/news/uk-12178498>

Sentencing trends

1,292,302 people were sentenced by the courts in 2011, a decrease of 5% overall from the previous year.²²⁵

102,698 people were sentenced to immediate custody in 2011, an increase of 1.2% compared to the previous year but 8% lower than the peak of 111,600 people sentenced in 2001.²²⁶

The proportion of defendants sentenced to immediate custody in 2011 of 7.9% is the highest since 2002 when it was 8.1%.²²⁷

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.²²⁸

The trend in average sentence lengths has been increasing, they are now 2.9 months longer than in the same period in 2001.²²⁹

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 19% at the end of March 2012. If these longer sentences were included, average time served would be higher.²³⁰

There were 74,402 prisoners under sentence at 31 March 2012, up 3% from a year earlier.²³¹

This increase includes the impact of the public disorder in UK cities from 6 to 9 August 2011. As at 1 February 2012, 945 people had been sentenced to immediate custody for offences relating to the disorder with an average custodial sentence length of 14.2 months.²³²

The average custodial sentence length for offences related to the riots of 6 to 9 August 2011 at magistrates' courts was 6.4 months. At the crown court the average custodial sentence length was 16.9 months compared with 11.3 months for similar offences in 2010.²³³

225 Table Q5.1, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

226 Ibid.

227 Table Q5.6, Ibid

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

229 Table Q5.6, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

230 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice and Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

231 Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

232 Table 8.1b Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

233 Ministry of Justice (2012) Statistical bulletin on the public disorder of 6 to 9 August 2011. February 2012 update, London: Ministry of

Magistrates' courts accounted for 46,035 sentences of immediate custody in 2011, down 6% on 2010.²³⁴

At magistrates' courts the average sentence length for immediate custody is 2.6 months.²³⁵ 56,663 people received an immediate custodial sentence at the crown court. This is a rise of 28% from 2001.²³⁶

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.²³⁷

In 2011 55% of immediate custodial sentences given were for six months or less.²³⁸

36,952 people were given sentences up to and including three months in 2011 – 10% lower than in 2001.²³⁹

819 IPP sentences were handed down in 2011. This is down from 1,019 the previous year. 395 life sentences were handed down in 2011, 11 more than in 2010.²⁴⁰

The overall decrease in indeterminate sentences coincides with an increase in long determinate sentences (10 years or more) of 31% from the previous year. During 2011 there were 671 people sentenced to 10 years or more - the highest number in the last 11 years.²⁴¹

Women serve shorter prison sentences than men and for less serious offences. In the 12 months ending December 2011, 58% of women entering prison under sentence were to serve sentences of up to and including six months, compared with 48% of men.²⁴² Theft and handling was by far the most common offence, accounting for 34% of sentenced receptions.²⁴³

Of those in prison on short sentences of six months or under, 50% have 15 or more previous convictions, 12% between 11 and 14, 14% between seven and 10, and only 5% have no previous convictions.²⁴⁴

Justice

234 Table Q5.2, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

235 Ibid.

236 Table Q5.3, Ibid.

237 Hansard, WH 5 February 2009, c328WH

238 Table Q5.6, Ibid

239 Ibid.

240 Ibid

241 Ibid

242 Tables 2.1b and 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

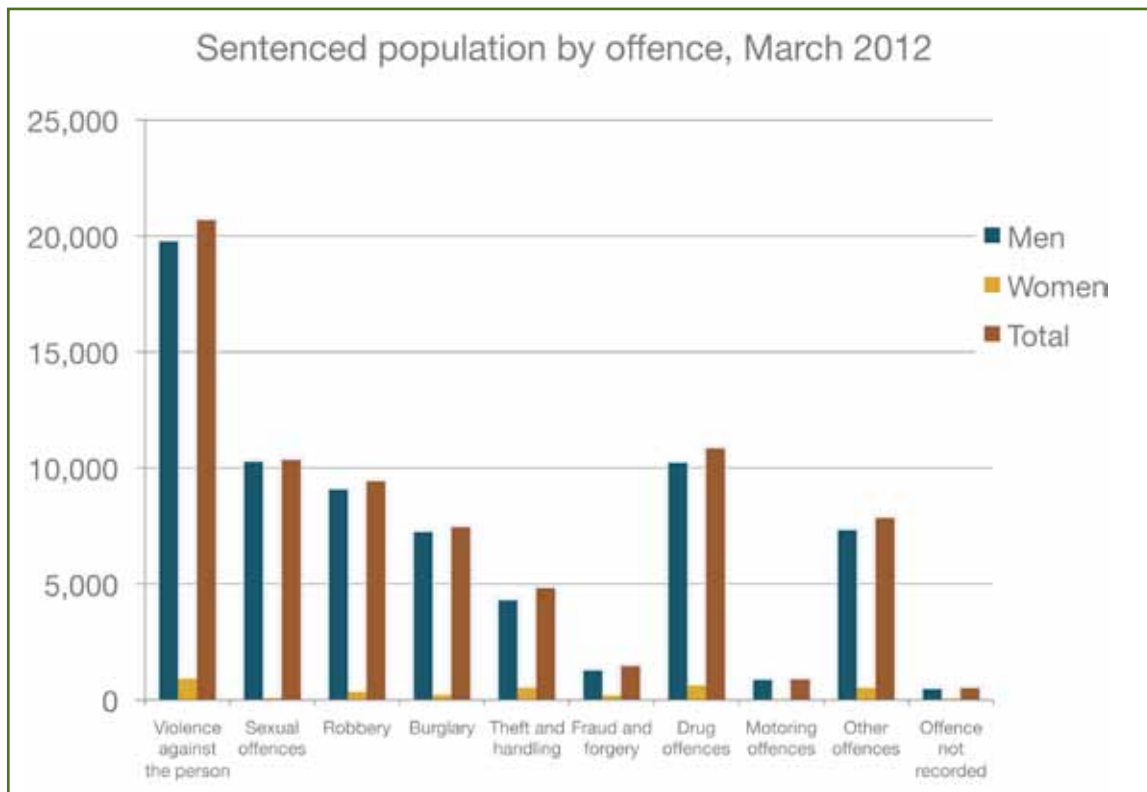
243 Table 2.2b, Ibid.

244 Table A1.29, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

29% of women serving sentences of under twelve months have no previous convictions compared to 12% of men.²⁴⁵

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.²⁴⁶

The Ministry of Justice has signalled its intention to provide greater alternatives to short term custodial sentences. Speaking about short term sentences Ken Clarke, the Justice Secretary, said: “It is virtually impossible to do anything productive with offenders on short sentences. And many of them end up losing their jobs, their homes and their families during their short time inside”.²⁴⁷



Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

245 Ibid

246 Table 1, Ministry of Justice (2011) 2011 Compendium of re-offending statistics and analysis, London: Ministry of Justice

247 <http://www.telegraph.co.uk/news/uknews/crime/7862003/Kenneth-Clarke-Fewer-criminals-will-go-to-prison.html>

Life and indeterminate sentences

The number of life and IPP sentenced prisoners has increased considerably in recent years and is now at its highest ever. There were 13,836 people serving indeterminate sentences at the end of March 2012, a rise of 2% in the last 12 months.²⁴⁸ This compares with fewer than 4,000 in 1998 and 3,000 in 1992.²⁴⁹

The proportion of the sentenced prison population serving indeterminate sentences (life sentences and IPPs) increased from 9% in 1995 to 19% at the end of March 2012.²⁵⁰

As of 1 September 2009, England and Wales has by far the highest number (12,521) of sentenced prisoners serving indeterminate sentences in Europe.²⁵¹

In 2011 1,214 indeterminate custodial sentences were handed down, 14% less than in the previous year.²⁵²

As at 2 December 2011, there were 405 indeterminate sentenced prisoners who had passed their tariff expiry date and had been approved by the Secretary of State for transfer to open conditions but were located in closed.²⁵³

In February 2012 the total backlog figure of Parole Board cases awaiting consideration involving prisoners serving indeterminate sentences was 1,493. 52% of these people were serving IPP sentences, and 48% were serving life sentences.²⁵⁴

Life sentences

At the end of March 2012 there were 7,819 people serving life sentences in prison. 4,143 of these people had a tariff length of 10 to 20 years and a further 2,517 had a tariff length of less than 10 years.²⁵⁵

At the end of March 2012 there were 41 prisoners in England and Wales serving a 'whole life' tariff.²⁵⁶

248 Table 1 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

249 Table 1.8, Home Office (2003) Prison Statistics England and Wales 2002, London: The Stationery Office

250 Ministry of Justice (2009) Story of the prison population 1995 – 2009, England and Wales, London: Ministry of Justice and Table A1.1, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

251 Table 8, Aebi, M. (2011) Council of Europe Annual Penal Statistics, Survey 2009

252 Table Q5.6, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

253 Hansard HC, 7 March 2012, c756W

254 Hansard HC, 27 February 2012, c83W

255 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

256 Ibid

The average tariff given for those sentenced to a mandatory life sentence increased from 13.2 years in 2002 to 17.5 years in 2009.²⁵⁷

Nine people serving life sentences took their own lives in 2010.²⁵⁸

Indeterminate Sentences for Public Protection (IPP)

The government has abolished the current IPP sentence as part of the Legal Aid, Sentencing and Punishment of Offenders Act (2012). It will be replaced by a 'two strikes' policy so that a mandatory life sentence will be given to anyone convicted of a second very serious sexual or violent crime. There will also be a new Extended Determinate Sentence (EDS) whereby all people convicted of serious sexual and violent crimes will be imprisoned for at least two-thirds of their sentence, with an extended period of licence on release of up to five years for violent offences, and eight for sexual offences.²⁵⁹ It is as yet unclear what will happen to prisoners currently serving IPP sentences although the Act gives the Secretary of State power to change the release test.

819 IPP sentences were handed down in 2011. This is down from 1,019 the previous year and 52% fewer than in 2007.²⁶⁰

At the end of March 2012 there were 6,017 people serving an IPP sentence in prison.²⁶¹

Changes were 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 (equivalent to a determinate sentence of four years).

Initially a third of IPP prisoners had tariffs of two years or less. Currently 21% of prisoners (1,255) serving IPPs have a tariff of less than two years, and 47% (2,855) have a tariff of between two and four years.²⁶² On 31 December 2011 there were 189 people with a tariff of a year or less.²⁶³

A total of 3,506 IPP prisoners (58%) had passed their tariff expiry date by the end of March 2012, 1,156 of whom have a tariff of less than two years.²⁶⁴ 2,667 had been held for over a year beyond tariff, 311 for four years beyond tariff.²⁶⁵

257 Hansard HC, 22 February 2010, c256W

258 Table 11, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice

259 <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

260 Table Q5.6, Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

261 Table 1.4 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

262 Ibid

263 Hansard HC, 28 February 2012, c182W

264 Table 1.4 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

265 Hansard HC 28 February 2012, c184W

Since 2005 just 502 people serving IPP sentences have been released from custody.²⁶⁶

On 19 January 2010, of the 2,468 people being held beyond tariff, 466 had completed no accredited offending behaviour programmes.²⁶⁷

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 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.”²⁶⁸

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.”²⁶⁹

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 on prescribed medication. One IPP prisoner in 20 is, or has been, a patient in a special hospital or regional secure unit.²⁷⁰

Data from the Prison Service’s Safer Custody Group also confirm that IPP prisoners have a raised incidence of self-harm.²⁷¹

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.²⁷²

A 2012 report by the Ministry of Justice shows that Parole Board members feel that access to suitable programmes, lack of approved premises places for prisoners on release, resource constraints and delays in the system continue to be barriers to the release of IPP prisoners on parole. Some Parole Board members expressed concerns that prisoners with mental health problems

and learning disabilities or difficulties might not be able to gain full benefit from the traditional programme group-facilitation method, and instead would benefit from one-to-one work.²⁷³

The latest Parole Board Annual review highlights the appointment of 57 additional judicial members and 48 new independent and specialist members during the last year. This has led to 40% more lifer and IPP oral hearings panels than before.²⁷⁴

On 5 July 2010, 2,120 people serving an IPP sentence “had not completed at least one course”.²⁷⁵

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.²⁷⁶ 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”.²⁷⁷

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).’²⁷⁸

In October 2010 the president of the Prison Governors Association called for the release of the 2,500 prisoners who were jailed indefinitely for the public’s protection (IPP) and had served more than their minimum tariff.²⁷⁹

266 Table A3.5, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

267 Hansard HC, 26 January 2010, c732W

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

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

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

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

272 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

273 Ministry of Justice (2012) Research Summary 1/12 The decision making process at parole reviews (Indefinite Imprisonment for Public Protection sentences), London: Ministry of Justice

274 Parole Board (2011) Annual Report and Accounts 2010/11, London: The Stationery Office

275 Hansard HC, 26 July 2010, c691W

276 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

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

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

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

People on remand

In 2011, 54,837 people were remanded into custody to await trial. In the same year 39,391 people were remanded into prison convicted but awaiting sentence.²⁸⁰

In 2011, 11,500 people remanded in custody were subsequently acquitted.²⁸¹

In 2011, 15,000 people remanded into custody went on to be given a non-custodial sentence.²⁸²

The remand population in prison at the end of March 2012 was 11,907, down 3% from the previous year. Within this total, the untried population decreased 5% to 7,890 and the convicted unsentenced population remained unchanged.²⁸³

On 31 March 2012, 21% of children in prison were on remand, 34% fewer than the previous year.²⁸⁴

In 2010/11 there were 3,485 remand episodes given by the courts to children. 810 of these were subsequently acquitted and 992 were given a non-custodial sentence.²⁸⁵

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.²⁸⁶

63% of people who entered prison on untried remand in the first quarter of 2009 spent less than three months on remand. 28% spent between three and six months on remand and 8% spent between six months and a year on remand.²⁸⁷

In the 12 months ending December 2011, 63% of people received into prison on remand awaiting trial were accused of non-violent offences. 15% were remanded into custody for theft and handling of stolen goods, and 9% for drug offences.²⁸⁸

280 Table 2.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice. NB, the same person can be remanded before and after trial, so counting twice

281 Table Q3a Ministry of Justice (2012) Criminal Justice Statistics Quarterly Update to December 2011, London: Ministry of Justice

282 Ibid.

283 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

284 Ibid

285 Tables Ch6.1 and Ch6.5 Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

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

287 Hansard HC, 18 April 2012 c436W

288 Table 2.2a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

Untried remand receptions by offence type 12 months ending December 2011²⁸⁹

Offence Group	Total
Violence against the person	13,778
Other offences	11,475
Theft and handling	8,043
Burglary	6,508
Drug offences	4,720
Robbery	4,155
Sexual offences	2,209
Offence not recorded	1,524
Fraud and forgery	1,489
Motoring offences	936

The number of women on remand has fallen by 12% in the year to 31 March 2012. Women on remand make up 12% of the female prison population.²⁹⁰

4,260 women entered prison on remand awaiting trial in the 12 months ending December 2011 - a decrease of 7% from the previous year.²⁹¹ This comes after an increase of 22% over the period between 2004 and 2008.²⁹²

Use of the important alternative to custodial remand – remand to non-secure local authority accommodation – declined by 47% between 2003-4 and 2007-8. 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.²⁹³

As at 1 April 2009 the average cost of placing a child remanded to custody in a Secure Training Centre was £160,000 per annum (excluding VAT).²⁹⁴

Between 2001-2010 35% of self-inflicted deaths were by prisoners held on remand, despite comprising 17% of the prison population on average during this period. In 2010, they accounted for half of all self-inflicted deaths, and made up 18% of the population.²⁹⁵

289 Ibid.

290 Table 1.1c, Ibid.

291 Table 2.2a, Ibid.

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

293 Youth Justice Board (2009) Youth Justice Annual Workload Data 2007/08, London: YJB and earlier reports from the series.

294 Hansard HC, 18 January 2011, c690W

295 Table 8, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice

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.²⁹⁶

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.²⁹⁷

Information on the number of unconvicted prisoners who have received no social visits from family is not centrally collated.²⁹⁸ However the Social Exclusion Unit found that one in four men and half of all women on remand receive no visits from their family.²⁹⁹

Research by the Prison Reform Trust found that prisons were 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.³⁰⁰

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.³⁰¹

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.³⁰²

A Ministry of Justice survey found that only 32% of prisoners reported being in paid employment in the four weeks prior to custody.³⁰³ 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.³⁰⁴

The Legal Aid, Sentencing and Punishment of Offenders Act (2012) establishes a test of a reasonable probability that an offence is imprisonable as a criterion of whether the court can deny bail. The “no real prospect test” would mean that defendants should not be remanded to custody if the offence is such that they are unlikely to receive a custodial sentence.

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

297 nacro (2000) Prisoner Resettlement Surveys, Unpublished

298 Hansard HC, 7 December 2010, c201W

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

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

301 nacro (2000) Prisoner Resettlement Surveys, unpublished

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

303 Table 2.36, Ministry of Justice (2010) Compendium of reoffending statistics and analysis, London: Ministry of Justice

304 Ibid.

Releases from and recalls to prison³⁰⁵

In 2011, a total of 85,540 prisoners were released from determinate sentences, down 5% from 2010 but 3% higher than in 2001. The longer term trend is due to a 10% rise in adult discharges since 2001, while the number of young offenders discharged has fallen 24% over the same period.³⁰⁶

In 2011, 16,227 people were recalled to custody.³⁰⁷

There were 5,512 recall prisoners in prison on 31 March 2012.³⁰⁸

The recall population rose by 5,300 between 1995 and 2009, and accounted for 16% of the overall increase in prison numbers 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.³⁰⁹

Recalled prisoners currently make up 6% of the prison population.³¹⁰

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.³¹¹

The Ministry of Justice published a consultation on community sentences on 27 March 2012.

Under the proposals set out in the consultation, the government will ensure that there is a "clear punitive element" in every community order handed down by the court.³¹² Extra punitive requirements on community orders, such as extended curfews or other complex, additional restrictions are likely to lead to an increase in breach of license requirements, particularly by young people. Data published for the calendar year 2009 show that 3,996 people were received into prison in England and Wales for breach of a community sentence.³¹³

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

306 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

307 Table 5.4, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

308 Table 1.1A, Ibid

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

310 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

311 NOMS Recall newsletter edition 7, annex A

312 Ministry of Justice (2012) Punishment and reform: effective community sentencing, London: Ministry of Justice

313 Table 6.9, Offender Management Caseload Statistics 2009, Ministry of Justice

In the last two years 26 prisoners have been granted early release on compassionate grounds.³¹⁴

In 2011, 12,727 people were released on Home Detention Curfew (HDC).³¹⁵ Whilst this is 4% higher than in the same period the year before, it is 7% lower than in 2001, and constituted just 30% of those eligible for release on HDC.³¹⁶ On 4 May 2012, 2,871 people were on HDC.³¹⁷

In 2011 there were 1,179 decisions to recall from HDC. Of those recalled, just 19% were for a new offence.³¹⁸

Under the provisions of the Criminal Justice Act 2003, the time served under licence is increasing markedly. Those serving long sentences are under supervision for the whole sentence, instead of until the three-quarters point.

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 introduces a new extended determinate sentence where prisoners will serve at least two-thirds of their custodial sentence, and be subject to an extended period of licence on release of up to five years for violent offences, and eight for sexual offences.

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 higher degree than at the beginning of the decade.³¹⁹

The end of custody licence (ECL) scheme was withdrawn on 12 March 2010. The withdrawal of the scheme has added around 1,000 to the prison population.³²⁰

Over the lifetime of the scheme a total of 81,578 prisoners were released on ECL. 1,234 offenders have allegedly reoffended during their period on ECL, 1.5% of all prisoners released on the scheme.³²¹

314 Freedom of Information request 4 October 2011, available at http://www.whatdotheyknow.com/request/elderly_prisoners_and_compassion

315 Table 3.3, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

316 Ibid.

317 Ministry of Justice (2012) Population and Capacity Briefing for Friday 4 May 2012, London: Ministry of Justice

318 Table A3.9, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

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

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

321 Table 1 and Table 3c, Ministry of Justice (2010) End of Custody Licence releases and recalls March and April 2010 England and Wales, London: Ministry of Justice

Reoffending

Prison has a poor record for reducing reoffending – 47.3% of adults are reconvicted within one year of being released. For those serving sentences of less than 12 months this increases to 56.8% - an increase of 2.6 percentage points from 2000. For those who have served more than 11 previous custodial sentences the rate of reoffending rises to 67%.³²²

51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%. For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 88%.³²³

58% of young people (18-20) released from custody in the first quarter of 2008 reoffended within a year.³²⁴

69% of children (10-17) released from custody in the 12 months ending June 2010 reoffended within a year.³²⁵

Factors affecting reoffending³²⁶

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders. Offenders discharged from immediate custodial sentences also committed more reoffences than matched offenders given a Community Order, with a difference of 80.3 reoffences per 100 offenders in 2008.

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%).

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.

Over a third (37%) said that someone in their family (other than themselves) had been found

322 Table 18a, 19 and 7a, Ministry of Justice (2012) Proven re-offending quarterly July 2009 to June 2010, London: Ministry of Justice

323 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

324 Hansard HC, 17 January 2011, c653W

325 Table 18b, Ministry of Justice (2012) Proven re-offending quarterly July 2009 to June 2010, London: Ministry of Justice

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

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.

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, most stressed the importance of '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	0.9%	32%
Suffer from two or more mental disorders	5% of men and 2% of women	72% of male and 70% of female sentenced prisoners
Psychotic disorder	0.5% of men and 0.6% of women	7% of male and 14% of female sentenced prisoners
Drug use in the previous year	13% of men and 8% of women	65% of male and 55% of female sentenced prisoners
Hazardous drinking	38% of men and 15% of women	63% of male and 39% of female sentenced prisoners

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

Mothers and fathers in custody, prisoners' children

No-one routinely monitors the parental status of prisoners in the UK or systematically identifies children of prisoners, where they live or which services they are accessing; where this information is collected, it is patchy and not always shared.

There were approximately 200,000 children in England and Wales who had a parent in prison at some point in 2009.³²⁷ This is over three times the number of children in care (65,545), and over five times the number of children on the Child Protection Register (36,610).³²⁸

In 2006, more children were affected by the imprisonment of a parent than by divorce in the family.³²⁹

The Department of Education estimated in 2003 that, during their time at school, 7% of children experience their father's imprisonment.³³⁰

It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.³³¹

Imprisonment carries costs to families and wider society. The full cost per family over six months, including the cost to agencies and the cost of support provided by family and relatives, is estimated to average £5,860.³³²

Prisoners' families are vulnerable to financial instability, poverty, debt and potential housing disruption, and it is estimated that the average personal cost to relatives of a prisoner is £175 per month, although these figures are conservative estimates and likely to be higher.³³³

Prison governors receive no specific funding to meet the costs of family support work, parenting courses, family visitor centres or supervised play areas. This means any family provision must come from a governor's already stretched and shrinking general prison budget.³³⁴

327 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

328 Table A1, Department for Education (2010) Children looked after by local authorities in England, London: Department for Education; Welsh Assembly Government (2011) 2011 Children and young people monitor for Wales, Cardiff: Welsh Assembly Government; NSPCC child protection register statistics, http://www.nspcc.org.uk/Inform/research/statistics/child_protection_register_statistics_wda48723.html

329 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

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

331 Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

332 Smith, R et al (2007) Poverty and disadvantage among prisoners' families, York: Joseph Rowntree Foundation

333 Ibid.

334 Centre for Social Justice (2009) Locked up potential: A strategy

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 had let their family down by being sent to prison (82%).³³⁵

Only 9% of children whose mothers are in prison are cared for by their fathers in their mothers' absence.³³⁶

At least a fifth of mothers are lone parents before imprisonment, compared to around 9% of the general population.³³⁷

Black and ethnic minority women in prison 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.³³⁸

61% of women interviewed at HMP Styal had partners; however a third of these partners were currently also in prison. The same study showed that children had been taken away from 70% of the mothers, and that the remainder were with family.³³⁹

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.³⁴⁰

One in four men and half of all women on remand receive no visits from their family.³⁴¹

Maintaining contact with children is made more difficult by the distance that many prisoners are held from their home area; in 2009 the average distance for men was 50 miles and 55 miles for women.³⁴² This is particularly acute for women given the small number of women's prisons; in 2009 there were 753 women held over 100 miles from home.³⁴³

for reforming prisons and rehabilitating prisoners, London: Centre for Social Justice

335 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

336 Baroness Corston (2007) A Review of Women with Particular Vulnerabilities in the Criminal Justice System, London: Home Office

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

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

339 Hamilton, S. and Fitzpatrick, R. (2006) Working with Complexity: Meeting the Resettlement Needs of Women at HMP Styal, London: Revolving Doors Agency

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

341 HM Inspectorate of Prisons (2000) Unjust Deserts, London: The Stationery Office

342 Hansard HC, 7 January 2010, c548W

343 Hansard HC, 25 November 2009, c238W

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 time. It also showed that 65% of mothers in prison were serving their first custodial sentence.³⁴⁴

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.³⁴⁵

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.³⁴⁶

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).³⁴⁷

Adult children of imprisoned mothers were more likely to be convicted than adult children from imprisoned fathers.³⁴⁸

Between April 2005 and December 2008, 382 children were born to women prisoners. This is a rate of almost two births a week in England and Wales.³⁴⁹ However, information on the number of women who have given birth in prison is now no longer collected centrally.³⁵⁰

Between April 2006 and March 2009 seven girls aged 16 and 17 years old in secure training centres and one in a secure children’s home gave birth.³⁵¹

Women with babies in prison may be unable to claim benefits for their children.³⁵²

19% of prisoners between 18-20 years old interviewed for the *Surveying Prisoner Crime Reduction* study stated that they had children under 18 years old. This compares to 4% of the general population who are young fathers.³⁵³

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

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

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

347 Ibid.

348 Ministry of Justice (2012) *Prisoners’ childhood and family backgrounds*, London: Ministry of Justice

349 Hansard HC, 26 January 2009, c202W

350 Hansard HC, 10 May 2011, c1072W

351 Hansard HC, 29 April 2009, c1332W

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

353 Ministry of Justice (2012) *Prisoners’ childhood and family backgrounds*, London: Ministry of Justice

According to a Prisons Inspectorate and Youth Justice Board survey, 10% of boys and 9% of girls, aged between 15 and 18 years old had children themselves.³⁵⁴

In 2004, for the first time the government announced that a record will be kept of prisoners’ children.³⁵⁵ 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.”³⁵⁶

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.”³⁵⁷

35% of men and 28% of women described themselves as living with a partner before entering custody.³⁵⁸

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/or anti-social/delinquent behaviour compared to other children.³⁵⁹

Parental imprisonment approximately trebles the risk for antisocial/delinquent behaviour of children.³⁶⁰

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

354 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: The Stationery Office

355 Hansard HC, 12 September 2004

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

357 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2008-09*, London: The Stationery Office

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

359 Social Exclusion Unit (2002) *Reducing reoffending by ex-prisoners*, London: Social Exclusion Unit, and Murray, J., & Farrington, D. P. (2008) ‘The effects of parental imprisonment on children’. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 37, pp. 133-206). Chicago: University of Chicago Press.

360 Murray, J., & Farrington, D. P. (2008) ‘The effects of parental imprisonment on children’. In M. Tonry (Ed.), *Crime and justice: A review of research* (Vol. 37, pp. 133-206). Chicago: University of Chicago Press.

family members, 84% had been in prison, a young offender institution or borstal.³⁶¹

15% of prisoners stated that they needed help concerning problems related to family or children, with 8% requiring a lot of help. Women (27%) were more likely than men (13%) to report being in need of help with a problem concerning family or children.³⁶²

During their sentence 45% of people lose contact with their families and many separate from their partners.³⁶³

Research indicates that the odds of reoffending were 39% higher for prisoners who had not received visits whilst in prison compared to those who had.³⁶⁴

40% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study stated that support from their family, and 36% that seeing their children, would help them stop reoffending in the future. Women (51%) were more likely than men (39%) to say that getting support from their family would help them stop reoffending.³⁶⁵

A recent study looked at the risk and protective factors in the resettlement of imprisoned fathers with their families. The study demonstrated the importance of frequent contact between imprisoned fathers and their families during imprisonment.³⁶⁶

30% of boys and 47% of girls 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 boys.³⁶⁷

Just a third of children said that it was easy or very easy for a loved one to visit them.³⁶⁸

21 prisoners with dependent children took their own life in the 12 months to 31 August 2009.³⁶⁹

361 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

362 Ibid

363 Nacro (2000) The forgotten majority, London: Nacro

364 May, C. et al. (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

365 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

366 Losel, F. et al (2012) Risk and protective factors in the resettlement of imprisoned fathers with their families, Cambridge: University of Cambridge and Ormiston

367 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: The Stationery Office

368 Ibid.

369 Ryan-Mills, D. (2010) Review: Fatal Incidents Reports from

Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.³⁷⁰

In 2008-09 closed visiting conditions were imposed on 1,817 occasions.³⁷¹ 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.³⁷²

The HM Chief Inspector of Prisons 2010 annual report 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".³⁷³

The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons has fallen by 40% in the last three years from 472 in 2008-09 to 282 in 2010-11.³⁷⁴

HM Inspectorate of Prisons has found that an average of 40% of prisoners reported difficulties with sending or receiving mail, and around a quarter of prisoners reported difficulty in accessing telephones. Alterations to prison regimes have reduced the opportunity for prisoners to use the telephone. The inspectorate found instances where unemployed prisoners were not allowed to use the telephone in the evening and so were unable to contact children and working relatives and friends.³⁷⁵

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.³⁷⁶

September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

370 NOMS, Safer Custody News, January/February 2010

371 Hansard HC, 22 March 2010, c21W

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

373 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

374 Hansard HC, 3 May 2011, c628W

375 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

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

Women in prison

On 22 June 2012 the number of women in prison in England and Wales stood at 4,116, that is 47 fewer than a year before.³⁷⁷ Between 2000 and 2010 the women's prison population increased by 27%. In 1995 the mid-year female prison population was 1,979. In 2000 it stood at 3,355 and in 2010 it was 4,267. A total of 10,181 women were received into prison in 2011, that is 153 fewer than 2010.³⁷⁸

Following the re-role of HMP Morton Hall to an Immigration Removal Centre there are now 13 women's prisons in England and none in Wales. Women represent 5% of the overall prison population.³⁷⁹

26% of women in prison had no previous convictions – more than double the figure for men (12%).³⁸⁰

29% of women serving sentences of under 12 months had no previous convictions, compared with only 12% of men.³⁸¹

The number of women on remand has fallen by 12% in the year to 31 March 2012 to 689. Women on remand make up 12% of the female prison population.³⁸²

4,260 women entered prison on remand awaiting trial in the 12 months ending December 2011 - a decrease of 7% from the previous year.³⁸³ This comes after an increase of 22% over the period between 2004 and 2008.³⁸⁴ These women spend an average of four to six weeks in prison and nearly 60% do not go on to receive a custodial sentence.³⁸⁵

51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%. For those women who have served more than 10 previous custodial sentences the reoffending rate rises to 88%.³⁸⁶

At the end of March 2012 there were 630 foreign national women in prison, 15% of the women's prison population.³⁸⁷

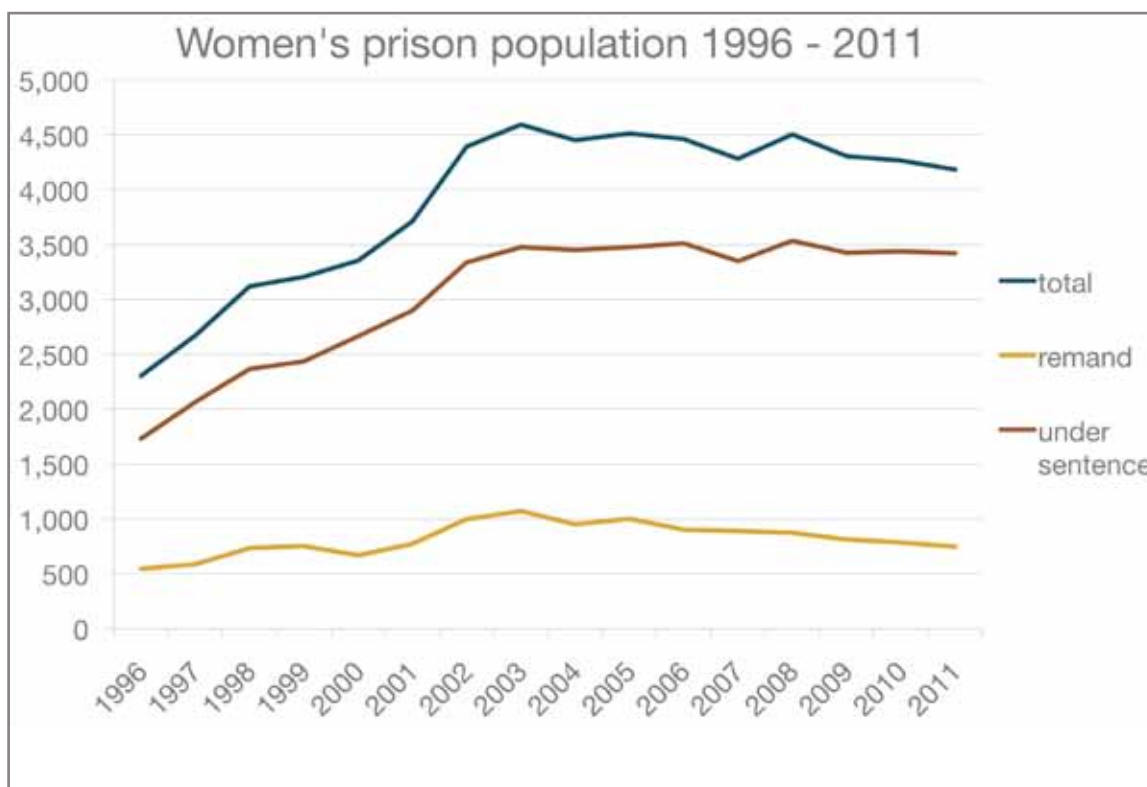


Table A1.1 Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice, and Table 8.1 Offender Management Caseload Statistics 2006, London: Ministry of Justice

377 Ministry of Justice (2012) Population and Capacity briefing for Friday 22 June 2012, London: Ministry of Justice

378 Table 2.1c Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

379 Ministry of Justice (2012) Weekly Prison Population Bulletin - 11 May 2012, London: Ministry of Justice

380 Table A1.28, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

381 Table A1.29, Ibid.

382 Table 1.1c, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

383 Table 2.2a, Ibid

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

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

386 Table A5(F) and A9(F), Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

387 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

In the 12 months to December 2011 81% of women entering custody under sentence had committed a non-violent offence, compared with 70% of men.³⁸⁸

Theft and handling was the most common offence that women were serving a custodial sentence for during the same period. They accounted for 34% of all women serving custodial sentences.³⁸⁹

A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of men.³⁹⁰

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.³⁹¹

Most women entering prison serve very short sentences. In 2011 58% were sentenced to custody for six months or less.³⁹² In 1993 only a third of women entering custody were serving sentences of six months or less.³⁹³

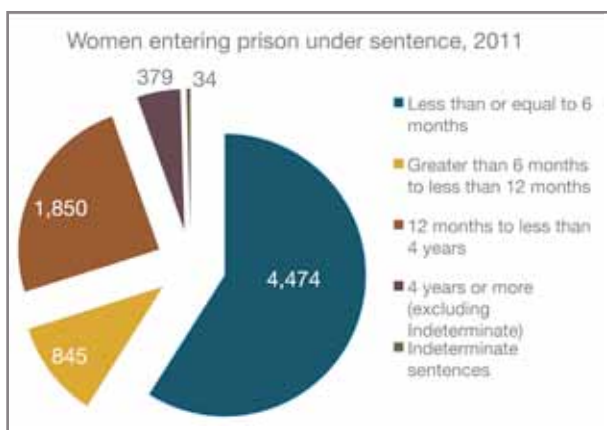


Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

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 2010, 14% were.³⁹⁴

388 Table 2.2b, Ibid.

389 Ibid.

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

391 Table 6.9, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

392 Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

393 Hedderman, C. (2012) Empty cells or empty words, government policy on reducing the number of women going to prison, London: Criminal Justice Alliance

394 Table A5.19, Ministry of Justice (2011) Criminal Justice Statistics

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.

The re-role of HMP Morton Hall to an Immigration Removal Centre has reduced the operational capacity of the female estate by 392 places.³⁹⁵

The average distance adult women in prison are held from their home or committal court address is 55 miles.³⁹⁶ In 2009 753 women were held over 100 miles away.³⁹⁷

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".

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.³⁹⁸

52% of women surveyed said that they had used heroin, crack, or cocaine powder in the four weeks prior to custody, compared to 40% of men. However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.³⁹⁹

Of all the women who are sent to prison, 37% say they have attempted suicide at some time in their life.⁴⁰⁰

There were 95 self-inflicted deaths of women prisoners between 1990 and 2011.⁴⁰¹

In 2010, there were a total of 26,983 incidents of self-harm in prisons, with 6,639 prisoners recorded as having injured themselves. Women accounted for 47% of all incidents of self harm despite representing just 5% of the total prison population.⁴⁰²

Quarterly Update to December 2010, London: Ministry of Justice and Table 1.8, Ministry of Justice (2007) Sentencing Statistics 2006, London: Ministry of Justice

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

396 Hansard HC, 7 January 2010, c548W

397 Hansard HC, 25 November 2009, c238W

398 Plugge, E. et al. (2006) The Health of Women in Prison, Oxford: Department of Public Health, University of Oxford

399 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

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

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

402 Table 1, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice

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.⁴⁰³

As of 30 June 2011 there were 132 women in prison serving IPP sentences, just over 2% of the total IPP population.⁴⁰⁴

31% of women interviewed for the *Surveying Prisoner Crime Reduction* study reported having spent time in local authority care. This compares to 24% of men in prison.⁴⁰⁵

53% of women reported having experienced emotional, physical or sexual abuse as a child, compared to 27% of men.⁴⁰⁶

Over half the women in prison report having suffered domestic violence and one in three has experienced sexual abuse.⁴⁰⁷

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.”⁴⁰⁸

The proportion of women prisoners under sentence aged 40 and over has risen from 18% in 2002 to 28% in 2009.⁴⁰⁹

Around one-third of women prisoners lose their homes, and often their possessions, whilst in prison.⁴¹⁰

Women prisoners are often inadequately prepared for release. Only 24% of women with a prior skill had the chance to put their skills into practice through prison work.⁴¹¹ Just 11% of women received help with housing matters.⁴¹²

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

404 Table A1.13, Ministry of Justice (2012) *Offender Management Caseload Statistics 2011*, London: Ministry of Justice

405 Ministry of Justice (2012) *Prisoners' childhood and family backgrounds*, London: Ministry of Justice

406 Ibid

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

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

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

410 Wedderburn, D. (2000) *Justice for Women: The Need for Reform*, London: Prison Reform Trust

411 Hamlyn, B. and Lewis, D. (2000) *Women Prisoners: A Survey of their Work and Training Experiences in Custody and on Release*, Home Office Research Study 208, London: Home Office

412 HM Inspectorate of Prisons and HM Inspectorate of Probation (2001) *Through the Prison Gate*, London: Home Office

A Prisons Inspectorate survey found that 38% of women in prison did not have accommodation arranged on release.⁴¹³ Only a third of women prisoners who wanted help and advice about benefits and debt received it.⁴¹⁴

In 2010 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (69%) and suspended sentence orders (74%).⁴¹⁵

In March 2007, the Corston review of vulnerable women in the criminal justice system, commissioned following the deaths of six women at Styal prison, stated: “Community solutions for non-violent women offenders should be the norm”. The report 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.”⁴¹⁶

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.⁴¹⁷

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.⁴¹⁸

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.⁴¹⁹ The long-run value of these benefits is in excess of £100 million over 10 years.⁴²⁰

On 21 December 2010 the UN General Assembly took an important step towards meeting the needs and characteristics of women in the criminal justice system. By adopting Resolution A/RES/65/229, it approved the UN Rules for the Treatment of Women Prisoners and Non-custodial

413 Ibid.

414 Ibid.

415 Table A4.23, Ministry of Justice (2011) *Offender Management Caseload Statistics 2010*, London: Ministry of Justice

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

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

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

419 Ibid.

420 Ibid.

Measures for Women Offenders (known as the 'Bangkok Rules'). The Rules supplement but do not replace the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Non-custodial Measures (the 'Tokyo Rules').⁴²¹

The new Bangkok Rules include an annex that addresses such issues as gender-sensitive prisoner classification and security risk assessments, gender-specific healthcare 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 stigmatisation and discrimination that women face once released from prison.⁴²²

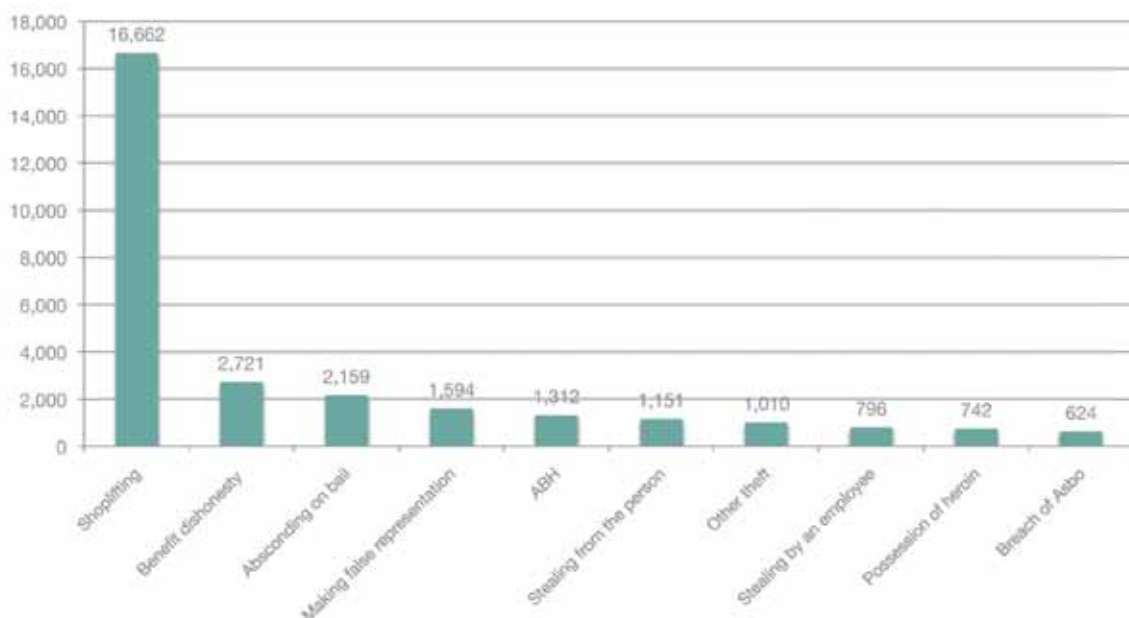
In July 2011 the final report of the Women's Justice Taskforce recommended a cross-government strategy to be developed to divert women from crime and reduce the women's prison population, which includes measures of success and a clear monitoring framework. Responsibility for implementation to lie with a designated minister and accountability for the strategy to be built into relevant roles within government departments and local authorities.⁴²³

On 16 October 2011 the National Council of Women (NCW) unanimously adopted a resolution to reduce women's imprisonment. They are calling on the government to prioritise the sustained and determined implementation of measures to divert women from crime, reduce offending and reoffending by women, and stop sending so many women to prison.⁴²⁴

In December 2011 the Soroptimist International UK Programme Action Committee took the decision to mount a campaign in partnership with the Prison Reform Trust to reduce women's imprisonment. The Soroptimists will work with local authorities, police, probation, magistrates and crown courts, and voluntary groups to gather information on effective options for women in trouble with the law and press for reform.⁴²⁵

The Prison Reform Trust, supported by the Pilgrim Trust, has developed a three year strategy to work with national and local government and allied agencies to reduce women's imprisonment.⁴²⁶

Number of women, aged 18+, sentenced in all courts in 2009 for indictable offences*, 10 most common offences



Sentencing Council (2011), unpublished statistics from the Ministry of Justice Court Proceedings Database 2009

421 Penal Reform International (2011) Briefing on the UN rules for the treatment of women prisoners and non-custodial measures for women offenders ('Bangkok rules'), London: Penal Reform International
 422 <http://www.un.org/News/Press/docs/2010/gashc3980.doc.htm>
 423 Prison Reform Trust (2011) Reforming Women's Justice, Final report of the Women's Justice Taskforce, London: Prison Reform Trust

424 National Council of Women website, available at <http://www.ncwgb.org/news.php>
 425 <http://www.soroptimist-ukpac.org/>
 426 <http://www.prisonreformtrust.org.uk/ProjectsResearch/Women>

Minority ethnic prisoners

On 30 June 2011, 25% of the prison population, 21,357 prisoners, was from a minority ethnic group - slightly fewer than in 2010.⁴²⁷ This compares to one in 10 of the general population.⁴²⁸

Out of the British national prison population, 10% are black and 6% are Asian.⁴²⁹ For black Britons this is significantly higher than the 2.8% of the general population they represent.⁴³⁰

Overall black prisoners account for the largest number of minority ethnic prisoners (52%).⁴³¹

At the end of June 2011, 30% of minority ethnic prisoners were foreign nationals.⁴³²

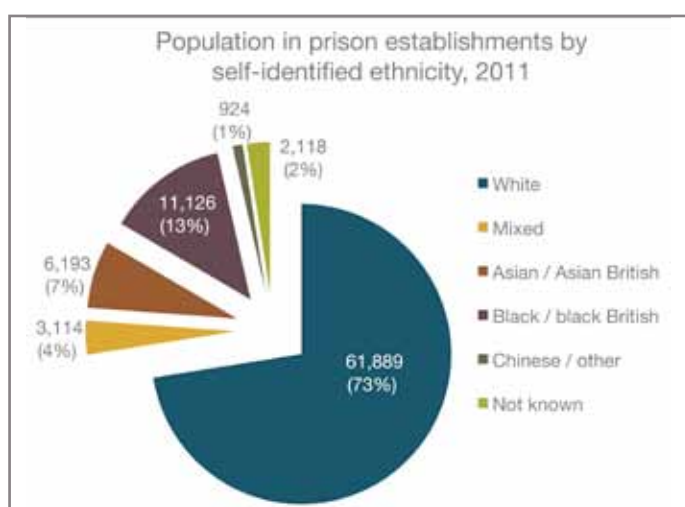


Table A1.19 Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

A higher percentage of those in BAME groups were sentenced to immediate custody for indictable offences than in the white group in 2010 (white 23%, black 27%, Asian 29% and Other 42%). This may in part be due to differences in plea between ethnic groups.⁴³³

In 2010, the highest average custodial sentence length (ACSL) for those given determinate sentences for indictable offences was recorded for the black ethnic group, at 20.8 months, followed by the Asian and Other groups with averages of 19.9 months and 19.7 months

427 Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

428 Table A3.5.2, Equality and Human Rights Commission (2010) How fair is Britain? Equality, Human Rights and Good Relations in 2010, London: Equality and Human Rights Commission

429 Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

430 Table 4, Office for National Statistics (2011-) Population Estimates by Ethnic Group 2002 – 2009, London: Office for National Statistics

431 Table A1.19, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

432 Ibid.

433 Ministry of Justice (2011) Race and the Criminal Justice System 2010, London: Ministry of Justice

respectively. The lowest ACSL was recorded for the White group at 14.9 months.⁴³⁴

At the end of June 2010, 30% of mixed, 29% of white, 28% of Asian, 28% of black, and 15% of Chinese or other prisoners were serving a sentence for offences of violence against the person. 47% of Chinese or other prisoners, 26% of Asian, 25% of black, 19% of mixed, and 13% of white prisoners were serving sentences for drugs offences.⁴³⁵

There is now greater disproportionality in the number of black people in prisons in the UK than in the United States.⁴³⁶

In 2002 there were more African Caribbean entrants to prison (over 11,500) than there were to UK universities (around 8,000).⁴³⁷

Although a growing number of establishments have an overarching diversity policy covering all of the main protected characteristics under equalities legislation, almost half do not.⁴³⁸

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. Muslim prisoners in particular had consistently more negative perceptions than the prison population as a whole, responses were negative in 60% of the Inspectorate's questions, compared to 55% from black and minority ethnic prisoners, and 51% from foreign nationals.⁴³⁹

White men were twice as likely as black men to agree that complaints are sorted out fairly in their prison.⁴⁴⁰ NOMS have accepted that this still remains a challenge.⁴⁴¹

Black prisoners are consistently more likely than white British prisoners to be on basic regime, to be in the segregation unit for reasons of good order or discipline and to have force used against them.⁴⁴²

434 Ibid.

435 A1.19, Ibid.

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

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

438 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

439 Ibid.

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

441 Ministry of Justice (2008) Race Review 2008, Implementing Race Equality in Prisons - Five Years On, London: Ministry of Justice

442 Ibid.

Black and minority ethnic prisoners are under-represented in those granted release on temporary licence.⁴⁴³

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.⁴⁴⁴

Survey findings by HM Inspectorate of Prisons indicate that prisoners from a black or minority ethnic background, foreign nationals, Muslim prisoners and those under the age of 21 are more likely to report having spent time in the segregation or care and separation unit in the last six months.⁴⁴⁵

The HM Inspectorate of Prisons' annual report for 2010-11 also noted that 'provision for Gypsy and Traveller prisoners, whose numbers appeared to be growing, was also weak and was hampered by the inability of the National Offender Management Service (NOMS) systems to identify and monitor them.'⁴⁴⁶

Since September 2011 Gypsy, Roma and Travellers were identified as an ethnic category recorded by the Prison-NOMIS case management system. This information is not yet publicly available.

A study of Irish Travellers in prison found that Irish Travellers represent between 0.6% and 1% of the entire prison population and between 2.5% and 4% of the minority ethnic population in prison. The survey report notes that this number 'must be seen as a minimum.'⁴⁴⁷

443 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

444 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

445 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

446 Ibid

447 Conn MacGabhann (2011) Voices Unheard: A study of Irish travellers in prison, London: Irish Chaplaincy in Britain

Foreign national prisoners

Foreign national prisoners are a diverse group. The term encompasses people not only of different nationalities, but also differing statuses, some may have travelled to Britain as economic migrants seeking a better life, others may be fleeing persecution from their homeland.

Asylum seekers who may have fallen foul of the law, for example, may have little in common with those incarcerated for drug importation, whilst those held in prison for transgressing immigration laws may feel aggrieved at being housed with those they view as 'criminals' but who incidentally happen also to be of foreign national origin.⁴⁴⁸

At the end of March 2012 there were 11,127 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13% of the overall prison population.⁴⁴⁹

These prisoners come from 156 countries, but over half are from 10 countries (Jamaica, Poland, Republic of Ireland, Nigeria, Pakistan, Romania, Lithuania, India, Vietnam and Somalia).⁴⁵⁰

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 2009.⁴⁵¹

The total number of foreign nationals in prison nearly doubled (99%) between 2000 and 2010. This compares to a 20% increase in British nationals.⁴⁵²

Currently 15% of women in prison, 630, are foreign nationals, some of whom are known to have been coerced or trafficked into offending.⁴⁵³

46% of foreign national women in prison are serving a custodial sentence for drug offences, compared to 21% of women of British nationality. 25% 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%.⁴⁵⁴

448 Nacro (2010) Foreign national offenders, mental health and the criminal justice system, London: Nacro

449 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

450 Ibid.

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

452 Table A1.17, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

453 Table 1.6, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

454 Table A1.19, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

Women imprisoned for drugs importation are largely from Nigeria, Jamaica and South Africa.⁴⁵⁵

16% of foreign national women imprisoned are there for fraud and forgery offences (usually possession of false documents).⁴⁵⁶

41% of women within the current Hibiscus, Female Prisoners Welfare Project, 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 8.5 months and for deception 12 months.⁴⁵⁷

Hibiscus 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.⁴⁵⁸

In 13 prisons, foreign national prisoners make up a quarter or more of the population.⁴⁵⁹ In 2006, two prisons, Canterbury and Bullwood Hall were reserved for a foreign national population; and in 2009 six additional prisons were designated as 'hubs' where foreign national prisoners might be concentrated - HMP Risley, Hewell, Morton Hall (since re-roled as an Immigration Removal Centre), The Mount, The Verne, and Wormwood Scrubs.

5,342 foreign national offenders were removed or deported in 2010.⁴⁶⁰

The government has said it is "committed to exploring ways of removing [foreign national prisoners] even earlier".⁴⁶¹

The average number of days taken to remove a foreign national offender following the completion of their custodial sentence has fallen from 131 days in 2008 to 77 in 2011.⁴⁶²

It costs the UK Border Agency £102 per night to keep an individual in immigration detention.⁴⁶³

455 Prison Reform Trust and Hibiscus (2012) No Way Out: a briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust

456 Table A1.19, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

457 Prison Reform Trust and Hibiscus (2012) No Way Out: a briefing paper on foreign national women in prison in England and Wales, London: Prison Reform Trust

458 Ibid.

459 Table 1.4, Ministry of Justice (2011) Offender Management Statistics Quarterly Bulletin, April to June 2011, London: Ministry of Justice

460 Hansard HC, 10 January 2012 c159W

461 Hansard HC, 4 November 2010, c878W

462 Hansard HC, 24 October 2011, c41W

463 Hansard HC, 5 December 2011, c26W

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. The majority of these arrangements are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place.⁴⁶⁴

On 5 December 2011 the Council Framework Decision 2008/909/JHA came into force. This allows the transfer of convicted prisoners back to their EU country of nationality, habitual residence or another EU country with which they have close ties, without prior consent. Poland will have a further three years for implementation.⁴⁶⁵

In 2010, for an average month, approximately 635 foreign national prisoners were detained in prisons and 1,135 detained in immigration removal centres beyond the end of their custodial sentence while deportation was considered.⁴⁶⁶

In May 2010, there were 3,808 foreign national offenders who had not been removed at the end of their sentence and were not being detained for immigration purposes, an increase of 53% since 2009.⁴⁶⁷

Whilst healthcare in prisons is commissioned by the NHS, services in Immigration Removal Centres are still provided by private agencies under contract to the Home Office and are therefore not provided by the NHS nor regulated by the Care Quality Commission.⁴⁶⁸

The Legal Aid, Sentencing and Punishment of Offenders Act (2012) introduces a new Tariff Expired Removal Scheme for indeterminate foreign national prisoners. The scheme allows indeterminate foreign national prisoners, who are confirmed by the United Kingdom Border Agency to be liable to removal from the UK, to be removed from prison and the country upon, or any date after, the expiry of their tariff without reference to the Parole Board. The Tariff Expired Removal Scheme is mandatory; all indeterminate foreign national prisoners who are liable to removal must be considered by the Public Protection Casework Section for removal under the scheme.⁴⁶⁹

464 Hansard HC, 1 November 2010, c510W

465 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2008F0909:20090328:en:PDF> and <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:146:0021:0021:EN:PDF>

466 Hansard HC, 29 June 2011, c440W

467 Hansard HC, 2 November 2011, c641W

468 Nacro (2010) Foreign national offenders, mental health and the criminal justice system, London: Nacro

469 Ministry of Justice (2012) Prison Service Instruction 18/2012 Tariff Expired Removal Scheme, London: Ministry of Justice

Children in prison

At the end of March 2012 there were 1,804 children (under-18s) in custody – a decrease of 223 from the same point last year. There were 1,362 children held in young offender institutions (YOIs), 280 in secure training centres and 162 in secure children’s homes.⁴⁷⁰

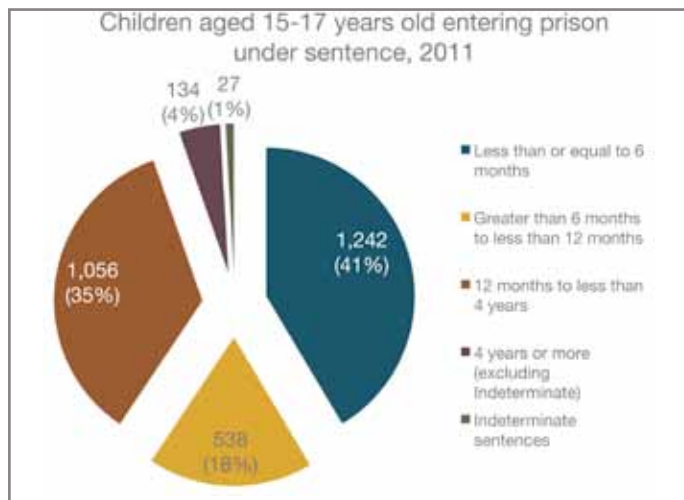


Table 2.1a, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

In March 2012, there were 77 children aged 14 and under in the secure estate in England and Wales. 10 were aged 13 and four were aged 12.⁴⁷¹

There has been a 45% drop in the number of children and young people entering the youth justice system and there are 1,000 fewer children in custody than there were 10 years ago.⁴⁷²

The falling number of children and children in custody is partly attributable to the reduction in those serving Detention and Training Orders (DTOs): between 2007 and 2011 this fell by 37%.⁴⁷³ The proportion of children in custody serving DTOs of between 12 and 24 months has fallen by 15% between March 2010 and March 2011.⁴⁷⁴

However, although the total population is falling, the average length of time spent in custody by each child increased by four days between 2007–08 and 2009–10.⁴⁷⁵

The Youth Justice Board (YJB) decommissioned 598 places in the children’s estate in 2010–11. One inevitable consequence however is that children may now be held further from home than before.⁴⁷⁶

470 Youth Justice Board (2012) Monthly Youth Custody Report - March 2012, London: Youth Justice Board

471 Figure 1, Ibid.

472 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

473 Allen, R. (2011) Last Resort? Exploring the reduction in child imprisonment 2008–11, London: Prison Reform Trust

474 Summerfield, A. (2011) Children and Young People in Custody 2010–11, London: HM Inspectorate of Prisons and Youth Justice Board

475 Ibid.

476 Youth Justice Board (2011) Annual Report and Accounts 2010/11,

In March 2010, 24% of children were held over 50 miles from their home, including 7% held over 100 miles away. In March 2011 this increased to 30% and 10% of children respectively.⁴⁷⁷

In 2011, 2,997 children aged between 15 and 17 entered prison under sentence. 1,242 of those entering prison were to serve sentences up to and including six months.⁴⁷⁸

Research from Barnardos found that 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 2000.⁴⁷⁹

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.⁴⁸⁰

In 2009, 349 children (under-18) with no previous convictions received a custodial sentence.⁴⁸¹

At June 2011, 9% of children in prison (15-17) had no previous convictions.⁴⁸²

Between 2005 and 2010, 178 children (10-17) started an indeterminate sentence in custody, only 11 were released before their 18th birthday.⁴⁸³

In 2010/11, there were an average of 322 15-17 year olds in prison for breaching a court order. This equates to 16% of the total child custody population.⁴⁸⁴

22% of those children in custody aged 12, 13 and 14 received their sentence for 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.⁴⁸⁵

London: Youth Justice Board

477 Summerfield, A. (2011) Children and Young People in Custody 2010–11, London: HM Inspectorate of Prisons and Youth Justice Board

478 Table 2.1 Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

479 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

480 Ibid.

481 Hansard HC, 7 December 2010, c208W

482 Table A1.28, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

483 Hansard HC, 26 October 2011, c240W

484 Tables Ch7 Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

485 National Children’s Bureau (2010) Children and young people in ‘breach’, London: NCB.

During the period 1 April 2009 to 31 March 2010, there were 974 children under 18 remanded into custody for a period of seven days or less; and 147 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.⁴⁸⁶

Average cost of remand per bed per night by accommodation type⁴⁸⁷

Accommodation type	Cost per night
Secure Training Centre	£760.50
Secure Children's Home	£578.08
Young Offender Institution	£156.16

3,485 children were remanded in custody in 2010/11. 810 of these were subsequently acquitted and 992 were given a non-custodial sentence.⁴⁸⁸

In 2011 more 15-17 year olds were received into prison on remand than under sentence.⁴⁸⁹

In 2010-11 over half of boys (53%; an increase from 39% in 2009-10) and 48% of girls told HM Inspectorate of Prisons it was their first time in custody – a group more likely to report feeling unsafe.⁴⁹⁰

69.3% of children (10-17) released from custody in the 12 months ending June 2010 reoffended within a year.⁴⁹¹

Incarceration is very expensive. In 2010-11 it accounted for 59% of the YJB's expenditure.⁴⁹² £268.9 million was spent on the whole secure estate for children last year.⁴⁹³

Around half of children in prison are in prison for non-violent crimes. On 30 June 2011 there were 86 children aged 15-17 in prison for theft and handling, 13 for criminal damage and 4 for disorderly behaviour.⁴⁹⁴

27% of those brought before the courts for offences relating to the August 2011 public disorder were aged 10-17.⁴⁹⁵

In 2010-11 the proportion of black and minority ethnic children in YOIs rose to 39% (from 33% in 2009-10), the number of foreign national young men increased to 6% (from 4% in 2009-10) and the number who identified themselves as Muslim rose to 16% (compared with 13% in 2009-10).⁴⁹⁶

Both black and minority ethnic and Muslim boys surveyed were less positive about their relationships with staff than their white and non-Muslim counterparts. Almost a third of Muslim boys said they had been victimised by a member of staff, compared with 23% of non-Muslim boys.⁴⁹⁷

Looked after children are over-represented in the youth justice system and are more than twice as likely to be cautioned or convicted of an offence as other children of the same age.⁴⁹⁸

A recent HM Inspectorate report found that 27% of boys and 55% of girls had spent some time in care.⁴⁹⁹ It is estimated that there are around 400 children in custody at any one time who have spent time in care.⁵⁰⁰

Children who report that they have been in care are more likely to report problems with drugs (40%) and alcohol (18%) and to report having mental health issues (29%).⁵⁰¹

Half of the children interviewed who had been in care said that they did not know who would be collecting them on the day of their release.⁵⁰²

Prison Reform Trust research 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.⁵⁰³

486 Hansard HC, 6 September 2011 c387W

487 http://www.cypnow.co.uk/Youth_Justice/article/1093354/councils-stung-500m-youth-remand-bill/

488 Tables Ch6.1 and Ch6.5 Ministry of Justice (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

489 Table 2.1a Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

490 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

491 Table 18b, Ministry of Justice (2012) Proven re-offending quarterly July 2009 to June 2010, London: Ministry of Justice

492 Youth Justice Board (2011) Annual Report and Accounts 2010/11, London: Youth Justice Board

493 Ibid.

494 Table A1.6, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

495 Ministry of Justice (2012) Statistical bulletin on the public disorder of 6 to 9 August 2011. February 2012 update. London: Ministry of Justice

496 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

497 Ibid.

498 Department for Children, Schools and Families (2009) Children Looked After in England (including adoption and care leavers) year ending 31 March 2009, London: DCSF

499 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

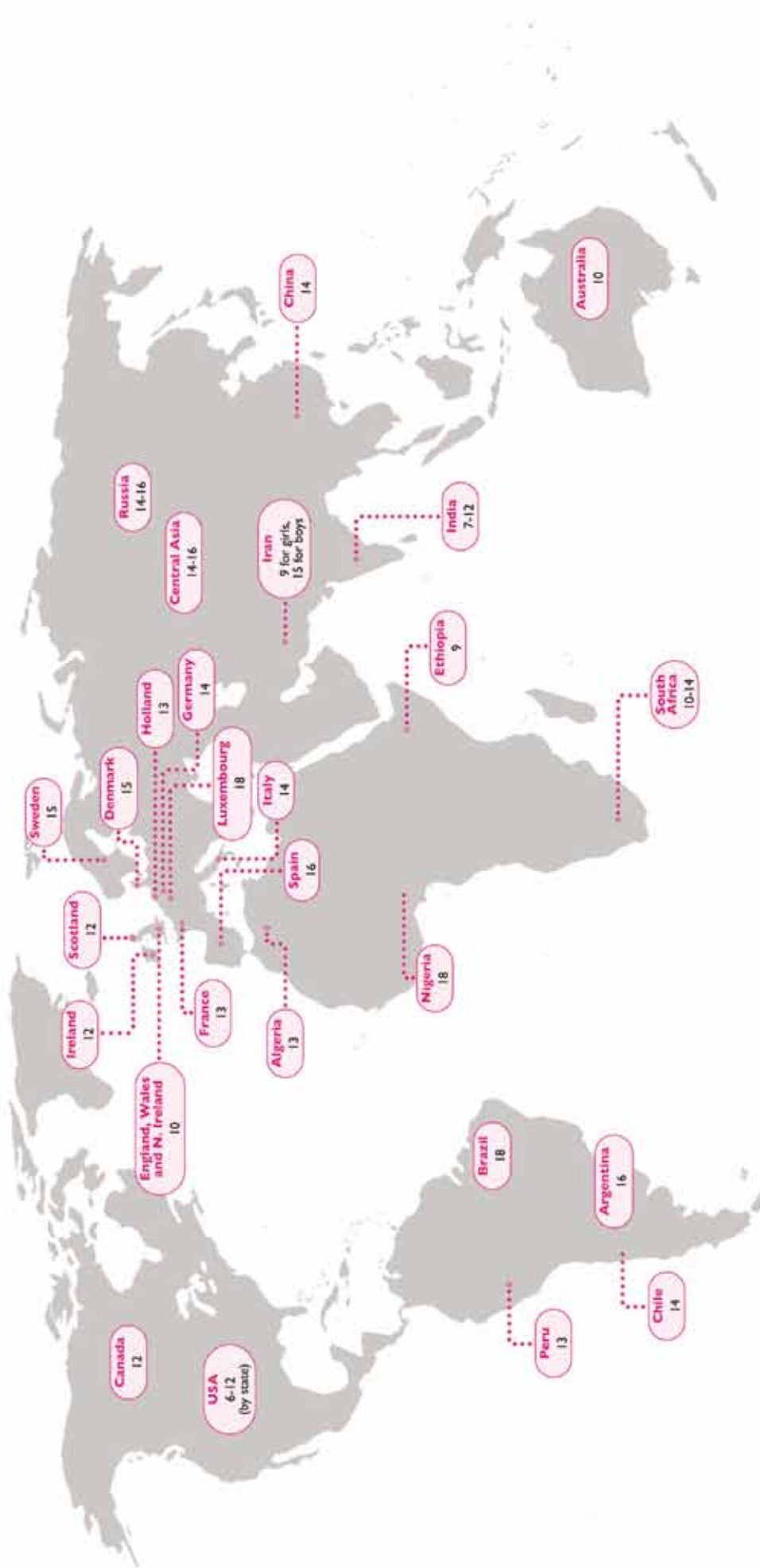
500 HM Inspectorate of Prisons (2011) The Care of Looked After Children in Custody, a short thematic review, London: The Stationery Office

501 Ibid.

502 Ibid.

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

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; <http://www.scottish.parliament.uk/s3/bills/24-CrimJustLc/index.htm>; and The African Child Policy Forum available at http://www.africanchildforum.org/site/index.php?option=com_content&view=article&id=175&Itemid=97

In Scotland the age of criminal responsibility is still 8 but the age of prosecution is now 12.

40% of children in custody in England and Wales have previously been homeless.⁵⁰⁴

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.⁵⁰⁵ One in 10 girls in custody has been paid for sex.⁵⁰⁶

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 2005.⁵⁰⁷

The educational background of children in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.⁵⁰⁸

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.⁵⁰⁹ 38% of boys screened on admission to prison 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.⁵¹⁰

23% of young offenders have learning difficulties (IQ below 70) and 36% borderline learning difficulties (IQ 70-80%).⁵¹¹ At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.⁵¹²

15-17 year-olds in prison service YOIs receive an average of 27.5 hours per person per week of education, training and personal development. In private YOIs the equivalent figure is 33.9 hours per week.⁵¹³

Of children interviewed in prison, 13% reported being regular crack users, and 12% regular

504 Youth Justice Board (2007) Accommodation needs and experiences of young people who offend. London: YJB

505 Ibid.

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

507 Hansard HC, 28 March 2007, c1652W

508 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

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

510 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

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

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

513 Hansard HC, 18 January 2010, c27W

heroin users. Poly drug use was also high.⁵¹⁴

A third of boys and girls in YOIs had a problem with drugs when they first arrived at their establishment. For boys this marked an increase from 22% in 2008-09.⁵¹⁵

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.⁵¹⁶

Research suggests that prevalence of mental health problems for children in contact with the criminal justice system ranges from 25 to 81%, being highest for those in custody. A cautious estimate based on the figures in the literature would indicate that rates of mental health problems are at least three times as high for those within the criminal justice system as within the general population.⁵¹⁷

Only half of boys and 69% of girls who reported a mental health problem said that they were receiving help at their establishment.⁵¹⁸

Prevalence of psycho-social and educational problems among a sample of 200 sentenced children.⁵¹⁹

Factor	% cases
Associated with predominantly criminal peers	70%
Substance use viewed as positive and essential to life	26%
Difficulties with literacy and/or numeracy	26%
Evidence of self-harm	20%
Attempted suicide	11%
Has been bullied at school	10%
Has statement of special educational needs	18%

In 2010 there were 114 recorded incidents of self-harm by 15-17 year-old girls in custody, and 611 by 15-17 year-old boys in custody.⁵²⁰

514 Youth Justice Board (2004) Substance misuse and juvenile offenders, London: YJB

515 Summerfield, A. (2011) HM Inspector of Prisons and Youth Justice Board, Children and Young People in Custody 2010-2011, an analysis of the experiences of 15-18-year-olds in prison, London: HM Inspectorate of Prisons

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

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

518 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

519 Table 6.1, Jacobson, J., et al (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

520 Table 3, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice

Boys (15-17) in prison are 18 times more prone to take their own life than children of the same age in the community.⁵²¹

11% of children in prison have attempted suicide.⁵²²

Thirty-three children have died in penal custody since 1990 most by self inflicted death but one following restraint and one homicide.⁵²³

In August 2004, 14 year old Adam Rickwood became the youngest child to die in penal custody in recent memory.⁵²⁴

In the first month of 2012 two children took their own lives in prison.⁵²⁵

Use of restrictive physical interventions (or restraint as it is more commonly known) on children are intended 'as a last resort, for example to prevent them causing harm to themselves or others.' In 2010/11 there were 7,191 incidents of restraint involving children in custody, up 4% on the previous year. There were, on average, 659 incidents involving 429 children every month.⁵²⁶

A third of boys and 16% of girls report they have been physically restrained.⁵²⁷ 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.⁵²⁸

More Muslim than non-Muslim boys report that they have been physically restrained: 40% compared with 32%.⁵²⁹

Giving evidence to Lord Carlile's five year follow up review on the use of force on children in custody, Nick Hardwick, HM Chief Inspector of Prisons, stated that "HMI Prisons does not accept that pain-compliance techniques should ever be used".⁵³⁰

For the period April 2007 to March 2009, 101 injuries were sustained by children during

521 Fazel, S., Suicide in prison, The Lancet, vol 366, issue 9493, 8 October 2005

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

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

524 Allison, E. (2011) 'Second inquest into death of youngest person to die in custody begins', The Guardian, 10 January 2011

525 Forthcoming report from Inquest and Prison Reform Trust (2012)

526 Youth Justice Board (2012) Youth Justice Statistics 2010/11 England and Wales, London: Ministry of Justice

527 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

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

529 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

530 <http://www.independent.co.uk/news/uk/crime/restraint-used-on-young-offenders-is-too-harsh-2293213.html>

restraint at the privately run Medway STC.⁵³¹ In the last five years children in one secure training centre were restrained using handcuffs on 57 occasions.⁵³²

There were 317 incidents of segregation in Ashfield YOI in 2012 - an increase of 101% from 2008. There were 75 incidents of children spending periods of between 7-14 days in segregation, 56 incidents of 15-27 days and 24 incidents of over 28 days.⁵³³

Juvenile establishments have the highest assault rates of any prisons in England and Wales.⁵³⁴

27% of boys and 20% of girls have felt unsafe at some point in custody. 75% of black and minority ethnic boys report feeling safe on their first night, compared with 81% of white boys.⁵³⁵

56% of boys in prison (a fall from 62% in 2009-10) said they would be able to tell someone if they were being victimised and just 31% (a fall from 40% in 2009-10) said that they believed a member of staff would take it seriously. 82% of young women said they would be able to tell someone, but less than half (46%) believed staff would take their reports of victimisation seriously.⁵³⁶

63% of boys said that they had a member of staff to turn to if they had a problem and that most staff treated them with respect. For girls these figures were 84% and 67% respectively.⁵³⁷

The experiences of boys in dedicated sites, holding young people (15-18) only, was broadly more positive than those in split or mixed sites. Notably, boys in dedicated sites were less likely to say that they had ever felt unsafe in their establishment. They also reported better experiences with health care and were more likely to be involved in purposeful activity.⁵³⁸

Although two-thirds of boys said they could use the telephone every day - an improvement on 2009-10 - only 43% said it was easy for their friends and family to visit them.⁵³⁹

38% of boys and 18% of girls usually had one or more visits per week from family or friends.⁵⁴⁰

531 <http://www.howardleague.org/restraint/>

532 Hansard HC, 7 September 2010, c516W

533 Hansard HC 12 March 2012 c102W

534 Table 34, Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

535 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

536 Ibid.

537 Ibid.

538 Ibid.

539 Ibid.

540 Ibid.

Fewer black and minority ethnic than white boys said that they usually had one or more visits per week (33% compared with 41%) and they were more negative about the timeliness of visits and their visitors' treatment by staff.⁵⁴¹

The majority of children return to live with their families on release. Consequently, ongoing contact with families is an essential component of effective resettlement planning. However, families attend only half of training planning review meetings and very little action is taken to try to increase their attendance.⁵⁴²

In 2009-2010, children in YOIs spent on average 15 hours each day locked in their cells.⁵⁴³

Around three-quarters of boys and almost all girls surveyed said that they were taking part in education. Yet only 64% of boys felt that this would help them on release and 60%, a fall from 64% in 2009-10, said they planned to go into education once released.⁵⁴⁴

71% of boys surveyed said they could shower every day if they wanted to. However there was significant variation across the youth estate, ranging from 29% to 98% in the non-specialist male establishments.⁵⁴⁵

The proportion of boys who could go on association every day increased to 70% from 59% in 2009-10, and remained high for girls at 93%.⁵⁴⁶

92% of boys and 93% of girls surveyed in YOIs said that they wanted to stop offending. 47% of sentenced boys and 56% of girls 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 boys and girls felt that getting a job would be the most likely thing to stop them reoffending in the future, yet fewer than half said they knew who to contact in the establishment for help with finding employment.⁵⁴⁷

541 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

542 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

543 Hansard HC, 24 May 2011, c569W

544 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

545 Ibid.

546 Ibid.

547 Ibid.

Young adults in prison (18-20 year olds)

At the end of March 2012 there were 7,816 young adults aged 18-20 in prison in England and Wales. This is 4% less than the previous year.⁵⁴⁸

More young adults were in prison for the offence of violence against the person than any other offence.⁵⁴⁹

In the 12 months to December 2011 there were 12,788 young adults sent to prison under sentence.⁵⁵⁰

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.⁵⁵¹

26% of those brought before the courts for offences relating to the public disorder of August 2011 were 18-20.⁵⁵²

Between 2000 and 2010 the number of young adults sentenced to life imprisonment increased by 310%.⁵⁵³

58% of young adults released from custody in the first quarter of 2008 reoffended within a year.⁵⁵⁴ 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.”⁵⁵⁵

In May 2009 young adults between the ages of 18 and 21 were held an average of 50 miles away from their home or committal court address.⁵⁵⁶ HM Chief Inspector of Prisons has commented that: “these considerable distances from home compromise the resettlement and rehabilitation of young adults”.⁵⁵⁷

548 Table 1.1a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

549 Table 1.3c, Ibid.

550 Table 2.1a, Ibid.

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

552 Ministry of Justice (2012) Statistical bulletin on the public disorder of 6 to 9 August 2011. February 2012 update. London: Ministry of Justice

553 Table A5.14, Ministry of Justice (2011) Criminal Justice Statistics, England and Wales 2010, London: Ministry of Justice

554 Hansard HC, 17 January 2011, c653W

555 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

556 Hansard HC, 7 January 2010, c548W

557 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report 2005-06, London: The Stationery Office

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.⁵⁵⁸

HM Prisons Inspectorate has found that too many young adult establishments have high levels of unemployment and poor quality work placements which do not provide vocational qualifications.⁵⁵⁹

An average of 3.8 hours per week was spent on physical education in young offender institutions in 2009-10.⁵⁶⁰ An average of eight hours per week is spent on other educational activities.⁵⁶¹

Only 5% of young adults surveyed spend 10 or more hours a day out of cell in purposeful activity and just over half said they have association 5 or more times a week.⁵⁶²

In 2010-11, 12% of young adults surveyed by HM Inspectorate of Prisons had experienced some form of physical abuse from other prisoners.⁵⁶³

On average, 38% of prisoners in young adult prisons report feeling unsafe at some point.⁵⁶⁴

65% of young adults think most staff treat them with respect, compared to 73% of over 21s.⁵⁶⁵

Mental health problems, drug and alcohol abuse are common amongst young people aged 16-20 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.⁵⁶⁶

20% of young male remand and 32% of young female sentenced prisoners had ever attempted suicide.⁵⁶⁷

27% of young adults reported arriving into prison with an alcohol problem and 23% believe they will leave with an alcohol problem. These figures almost certainly underestimate the scale of the problem, as many of those with alcohol problems will fail to recognise or acknowledge them.⁵⁶⁸

558 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report 2005-06, London: The Stationery Office

559 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

560 Hansard HC, 7 December 2010, c207W

561 Hansard HC, 19 July 2007, c592W

562 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

563 Ibid.

564 Ibid.

565 Ibid.

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

567 Ibid

568 HM Chief Inspector of Prisons for England and Wales (2011) Annual

A quarter of the young adult population surveyed by HM Prisons Inspectorate thought they would leave prison with a drug problem.⁵⁶⁹

Young adults account for 20% of individuals in prison who self-harm although they represent 12% of the population in custody.⁵⁷⁰

There were seven self-inflicted deaths of young adult prisoners in 2011.⁵⁷¹

Only 1 in 4 young adult prisons were assessed positively against all 4 healthy prison tests.⁵⁷²

19% of prisoners between 18-20 years old interviewed for the *Surveying Prisoner Crime Reduction* study stated that they had children themselves. This compares to 4% of the general population who are young fathers.⁵⁷³

According to the British Crime Survey, 16-24 year-olds are more likely than any other age group to become a victim of crime.⁵⁷⁴

Up to 30% of young women in custody report having been sexually abused in childhood.⁵⁷⁵

Young people who are not in education or employment are twenty times more likely to commit a crime. 47% of young people aged 17-24 were in employment or education at the time of their arrest.⁵⁷⁶

“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.”⁵⁷⁷

The Transition to Adulthood Alliance evidences and promotes ‘the need for a distinct and radically different approach to young adults [and young people] in the criminal justice system; an

Report 2010-11, London: The Stationery Office

569 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

570 Table 4, Ministry of Justice (2011) Safety in Custody Statistics 2010, London: Ministry of Justice and Table A1.1, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

571 Ministry of Justice (2012) Deaths in prison custody, London: Ministry of Justice

572 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

573 Ministry of Justice (2012) Prisoners’ childhood and family backgrounds, London: Ministry of Justice

574 Table 2.05, Chaplin, R. et al (2011) Crime in England and Wales 2010, London: Home Office

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

576 Ibid.

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

approach that is proportionate to their maturity and responsive to their specific needs.⁵⁷⁸

An evaluation of three T2A pilot projects working with young people offenders in the community and prior to release from prison found that, over a six month period, only 9% were reconvicted of a new offence (all non-violent); 9% breached the terms of their community order or licence; the number in employment trebled; and the number classified NEET halved. In comparison with young adults who only received probation support, those from the T2A cohort had more positive outcomes.⁵⁷⁹

The intensive alternative to custody (IAC) pilots in Greater Manchester and West Yorkshire have demonstrated the value of focussing these orders on young people aged 18-25. While the Ministry of Justice has not yet completed the impact evaluation of the IACs, the early indications are that reoffending rates in these two areas are significantly lower and many of the young men engaged have been helped into education, training and employment, which is widely-acknowledged as being crucial to successful rehabilitation.⁵⁸⁰

578 Transition to Adulthood (2012) Pathways from Crime: Ten steps to a more effective approach for young adults in the criminal justice process, London: Barrow Cadbury Trust

579 Ibid

580 Prison Reform Trust (2012) briefing on community sentences: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Crime%20and%20Courts%20Bill,%20House%20of%20Lords,%202nd%20reading,%2028May2012.pdf>

Older people in prison (aged 50 and over)

On 30 June 2011, there were 8,125 prisoners aged 50 and over in England and Wales, including 2,811 aged 60 and over. This group makes up 11% of the total prison population.⁵⁸¹

People aged 60 and over are now the fastest growing age group in the prison estate. The number of sentenced prisoners aged 60 and over rose by 103% between 2002 and 2011.⁵⁸²

On 31 March 2011 there were 42 people in prison aged 81 and over.⁵⁸³ The oldest prisoner is 92 years of age.⁵⁸⁴

More than one in 10 older prisoners belong to a minority ethnic group, far higher than the proportion of the general population.⁵⁸⁵

40% of men in prison aged over 50 have been convicted of sex offences. The next highest offence is violence against the person (26%) followed by drug offences (12%). For women, the most common offence was also violence against the person (32%).⁵⁸⁶

On 30 June 2011 there were 1,807 people aged 50 and over serving life sentences and 618 serving IPP sentences.⁵⁸⁷

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%.⁵⁸⁸

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. Between 1995 and 2000 the number of convictions for this age group increased by only 8%.⁵⁸⁹

581 Table A1.11, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

582 Ibid

583 Hansard HC, 15 July 2009, c444W

584 Hansard HC, 29 June 2011, c812W

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

586 Table A1.7, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

587 Table A1.14, Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

588 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: The Stationery Office

589 Ibid.

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.⁵⁹⁰

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."⁵⁹¹

Over 90% of prison staff who 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.⁵⁹²

Some older prisoners will have a physical health status of 10 years older than their contemporaries in the community.⁵⁹³

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.⁵⁹⁴

The report expresses concern that some older people entering prison had the medication they were receiving in the community stopped.⁵⁹⁵

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.⁵⁹⁶

590 Ibid.

591 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: The Stationery Office

592 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.

593 Ibid.

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

595 Ibid.

596 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: The Stationery Office

HM Inspectorate of Prisons has identified ‘a complete lack of staff training in identifying the signs of mental health problems among the elderly.’⁵⁹⁷ Few prisons had a designated nurse for older prisoners.⁵⁹⁸

In 2010, 84 people aged 50 and over died of natural causes whilst in prison.⁵⁹⁹

Lack of palliative care for the terminally ill is a major concern despite the opening of The Retreat - HMP Whatton’s specially designed palliative care suite for terminally ill prisoners - in 2011.⁶⁰⁰

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.⁶⁰¹

The likelihood of having accommodation on release from custody decreases the older a prisoner is. In 2010-11 the proportion of positive accommodation outcomes on release from custody were lower for those aged 50-59 (81%) and 60 and over (79%) than the average of 86%.⁶⁰²

40% of prisons responding to a recent Prison Reform Trust 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.⁶⁰³

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.⁶⁰⁴

Prison staff identified the availability or lack of funding and the age or design of prison buildings as the main barriers to change.⁶⁰⁵

Four years after a thematic review of older prisons, 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.”⁶⁰⁶

In 2010 HM Chief Inspector of Prisons noted that not all prisons had policies that reflected the specific needs of older men and women.⁶⁰⁷

Age is a protected characteristic under the Equality Act. The prison service has issued PSI 32/2011 which describes the duties prison staff have under the act. This gives no guidance to staff about working with older people in their care.

The Prison Reform Trust, along with HM Chief Inspectorate of Prisons, Age UK and other organisations has called for a national strategy for work with older people in prison. NOMS and the Department of Health are assessing the possibility of a national allocations strategy for people with significant social care needs.

The Association of Directors of Adult Social Services (ADASS) appointed Phil Lloyd to lead on social care for offenders and their families in 2010.⁶⁰⁸

597 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: The Stationery Office

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

599 Table 3, Ministry of Justice (2011) Safety in Custody 2010, London: Ministry of Justice

600 Prison Reform Trust (2008) Doing Time: the experiences and needs of older people in prison, London: Prison Reform Trust, and Independent Monitoring Boards (2011) HMP Whatton annual report 2010-11, London: Ministry of Justice

601 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: The Stationery Office

602 Prison Reform Trust, information from NOMS Equality Group, 9 November 2011

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

604 Ibid.

605 Ibid.

606 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: The Stationery Office

607 HM Chief Inspector of Prisons for England and Wales (2010) HM Chief Inspector of Prisons for England and Wales Annual Report 2008-09, London: The Stationery Office

608 The National Children and Adult Services Conference, October 2010

Prisoners with learning disabilities and difficulties⁶⁰⁹

20 – 30% of offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.⁶¹⁰ 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 between 70 - 79.⁶¹¹

23% of young offenders have very low IQs of below 70, and a further 36% have an IQ between 70-79.⁶¹² At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.⁶¹³

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.⁶¹⁴

Youth justice screening tools often overlook the physical health problems and underestimate the rate of mental health problems of children who offend; further, they do not assess for learning disability, for speech, language and communication needs, or for conduct disorder.⁶¹⁵

609 Unless stated 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.

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

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

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

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

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

615 HM Government (2009) Healthy Children, Safer Communities, London: Department of Health

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.⁶¹⁶

Dyslexia is three to four times more common amongst prisoners than the general population.⁶¹⁷

Most youth offending team staff believe 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.⁶¹⁸

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 recognised 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. However the tool has still not been made routinely available. Further work needs to be undertaken, as a matter of urgency, to ensure that the support needs of people with learning disabilities, and other impairments, are recognised and met at the point of arrest.

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 and courts to have access to liaison and diversion services, 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.⁶¹⁹

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

617 Rack, J. (2005) The Incidence of Hidden Disabilities in the Prison Population, Egham, Surrey: Dyslexia Institute

618 Ibid.

619 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

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 such 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.

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.⁶²⁰

Prisoners with learning disabilities or difficulties are unable to access prison information routinely; over two-thirds have problems reading prison information, which rises to four-fifths for those with learning disabilities. Over two-thirds have problems 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 problems making themselves understood in prison, which rises to more than two-thirds for those with learning disabilities. Over two-thirds experience problems in verbal comprehension skills, including difficulties understanding certain words and in expressing themselves.

Prisoners with learning disabilities are frequently 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.”⁶²¹

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

621 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

Offending behaviour programmes are not generally accessible for offenders with an IQ below 80. There is a mismatch between the literacy demands of programmes and the skill level of offenders, which is particularly significant with regard to speaking and listening skills.⁶²²

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”.⁶²³

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.” Responding to evidence submitted by the Prison Reform Trust, the committee went on to say that “this clearly breaches Article 5 ECHR (right to liberty) and Article 14 ECHR (enjoyment of ECHR rights without discrimination)”⁶²⁴

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 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.

622 Davies, K. et al (2004) *An evaluation of the literacy demands of general offending behaviour programmes*, Home Office Findings, 233, London: Home Office

623 HM Chief Inspector of Prisons and HM Chief Inspector of Probation (2008) *The indeterminate sentence for public protection: A thematic review*, London: The Stationery Office

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

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.⁶²⁵

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.⁶²⁶

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.

The government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services at police stations and courts wherever possible to divert offenders with mental health needs and learning disabilities away from the justice system and into treatment and care.⁶²⁷

⁶²⁵ Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust
⁶²⁶ Ibid.

⁶²⁷ Hansard HC, 15 February 2011, c793

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.”⁶²⁸

10% of men and 30% of women have had a previous psychiatric admission before entered prison.⁶²⁹

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.⁶³⁰

According to Michael Spurr, then NOMS Chief Operating Officer, at any one time 10% of the prison population has “serious mental health problems”.⁶³¹

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.⁶³²

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.⁶³³

Women in prison are twice as likely to have an eating disorder as women in the general population.⁶³⁴

628 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

629 Department of Health, Conference Report, *Sharing Good Practice in Prison Health*, 4/5 June 2007

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

631 Michael Spurr, Chief Operating Officer of the National Offender Management Service, speaking on the Today Programme, 2 September 2008

632 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.

633 The Offender Health Research Network (2009) *A National Evaluation of Prison Mental Health In-Reach Services*, Manchester: University of Manchester

634 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

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 deliberately harmed themselves, and 16% and 7% respectively were identified with post-traumatic stress disorder.⁶³⁵

According to a Ministry of Justice self-report study amongst those who had been abused as a child, 28% reported having been treated/ counselled for a mental health/ emotional problem in the year prior to custody compared with 12% of those who had not experienced abuse.⁶³⁶

The same study found that more than a quarter of women reported having been treated/ counselled for a mental health/ emotional problem in the year before custody, compared with 16% of men.⁶³⁷

A recent study by UCL found that 40% of child sexual exploitation victims were involved in offending behaviour. 50% of the offending group had committed their first offence by 14 and 75% by 15; and that 70% of offenders reoffended, with one quarter committing 10 or more offences.⁶³⁸

There is currently insufficient 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.⁶³⁹

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.⁶⁴⁰

An NHS medium secure bed costs £481 per day. The majority of transfers are to medium secure care.⁶⁴¹ This compares with an average cost of £112 per prisoner per day.⁶⁴²

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

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

637 Ibid.

638 Cockbain, E., and Brayley, H. (2011) *Briefing Document: CSE and Youth Offending*, Jill Dando Institute of Security and Crime Science, London: UCL

639 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

640 Hansard HL, 4 November 2010, cWA445

641 Ibid.

642 Hansard HC, 25 October 2010, c40W

The former 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.”⁶⁴³

In 2010, there were a total of 26,983 incidents of self-harm in prisons, with 6,639 prisoners recorded as having injured themselves. Women accounted for 47% of all incidents of self-harm despite representing just 5% of the total prison population.⁶⁴⁴

Many incidents reflect prolific self-harm by the same women. In 2009 an average of seven incidents were recorded for each woman harming herself compared to two incidents for each man.⁶⁴⁵ Holloway, with a reported 2,256 self-harm incidents, recorded over 331 incidents in its worst month – averaging over 10 a day.⁶⁴⁶

In 2010 there were 1,646 young people aged 20 or under who deliberately harmed themselves. This represents 25% of all individuals who self-harmed during that year.⁶⁴⁷

26% of self-harm incidents occurred within the first month of arriving in a prison.⁶⁴⁸ 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.⁶⁴⁹

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.⁶⁵⁰

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.⁶⁵¹

Black and minority ethnic groups are 40% more likely than average to access mental health services via a criminal justice system gateway.⁶⁵²

The number of restricted patients under the Mental Health Act in England and Wales was 3,395 at the end of 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.⁶⁵³

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.⁶⁵⁴

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.⁶⁵⁵ 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.⁶⁵⁶

After an analysis of over 21,000 custody records in four police stations in cities in the East Midlands area of England, an 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%).⁶⁵⁷

651 Ibid.

652 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

653 Home Office Statistical Bulletin, Statistics of Mentally Disordered Offenders 2005, 1 March 2007

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

655 HM Inspectorate of Prisons (2004) Annual Report of HM Chief Inspector of Prisons for England and Wales 2002-03, London: The Stationery Office

656 Reed, J. (2003) Mental Health Care in Prisons, British Journal of Psychiatry 182

657 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

643 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

644 Table 1, Ministry of Justice (2011) Safety in Custody 2010 England and Wales, London: Ministry of Justice

645 Ibid.

646 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

647 Table 4, Ministry of Justice (2011) Safety in custody statistics 2010, London: Ministry of Justice

648 Table 5, Ibid.

649 Ministry of Justice, Deaths in Prison Custody 2007, <http://www.justice.gov.uk/news/newsrelease010108a.htm>

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

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.⁶⁵⁸ Many people have a right to services under health and social care legislation.⁶⁵⁹

Prisoners considered to be suffering from anxiety and depression were more likely to be reconvicted, (59% compared with 50% than those who were not, in the year after release from custody).⁶⁶⁰

In a thematic review of the care and support of prisoners with mental health needs, the then 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.”⁶⁶¹

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 and courts to have access to liaison and diversion services, 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.⁶⁶²

The Bradley review called 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.⁶⁶³

The review also called 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.⁶⁶⁴

The then HM Chief Inspector of Prisons commented in her annual report that the Bradley review had 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).”⁶⁶⁵

Following 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 - for a resolution to call a halt to the inappropriate imprisonment of the mentally ill.⁶⁶⁶

Following a three year campaign led by the WI in partnership with the Prison Reform Trust, the Health Secretary Andrew Lansley and the Justice Secretary Ken Clarke announced plans to set up a national service for the diversion of the mentally ill from the justice system into treatment and care. The two cabinet ministers committed initial funding for 100 “diversion sites” across England and Wales.⁶⁶⁷

Prisons Minister, Crispin Blunt, has outlined that the Ministry of Justice, with the Department of Health, will invest £50 million by 2014 in establishing a liaison and diversion service, both in the police stations and in courts, to ensure that people who should more appropriately be treated in the health service do not go to prison.⁶⁶⁸

Speaking at the joint WI and Prison Reform Trust Care not Custody reception, Secretary of State for Health, Andrew Lansley said that “true justice for the vulnerable is about drawing them into treatment”.

658 Melzer et al (2002) Prisoners with psychosis in England and Wales: a one-year national follow-up study, *The Howard Journal* 41

659 Edgar, K., and Rickford, D. (2009) *Too little too late: an independent review of unmet mental health need in prison*, London: Prison Reform Trust

660 Ministry of Justice (2012) *Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey*, London: Ministry of Justice

661 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: The Stationery Office

662 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

663 Ibid.

664 Ibid.

665 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2008-09*, London: The Stationery Office

666 <http://www.thewi.org.uk/standard.aspx?id=14999>

667 Prison Reform Trust (2011) ‘Ken Clarke and Andrew Lansley announce plans for Care Not Custody’ taken from <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/121>

668 Hansard HC, 15 February 2011, c793

Deaths in custody

Between 1 January 2000 and 31 December 2010 there were 1,885 deaths in prison custody. This includes 970 as a result of natural causes, 857 self-inflicted deaths, and 15 homicides.⁶⁶⁹

There was a slight increase in prison deaths from 2008 to 2009 (165 in 2008 and 169 in 2009), followed by a further increase to 196 in 2010.⁶⁷⁰

The number of natural cause deaths in prison has generally increased each year between 2000 and 2010. The number of deaths as a result of natural causes increased by 19% from 2008 (98) to 2010 (124).⁶⁷¹

In 2000, there were 0.94 natural cause deaths per 1000 prisoners, this rose to 1.35 in 2004 and fell again to 1.06 in 2006. In 2009 (the last year for which all cases have been classified), this figure had risen to 1.26 natural cause deaths per 1000 prisoners. The Independent Advisory Panel on Deaths in Custody (IAPDC) has expressed its concern at these rising figures and has undertaken to look at the issue of natural cause deaths in custody in more detail.⁶⁷²

Between 2000 and 2009, 319 natural deaths occurred in those aged between 21-50 years which are regarded as premature deaths by the IAPDC.⁶⁷³

The average age of people dying from natural causes in prison between 2007 and 2010 inclusive was 56 years old, with the youngest aged 19 and the oldest 88 years old. A large number of deaths are those prisoners aged between 35 and 54 years (39% of all deaths). Whilst these prisoners may be described as 'middle-aged' by community standards, they are considered to be 'older prisoners' by medical practitioners once over the age of 50. This reflects how people may age more quickly while in prison.⁶⁷⁴

Only half of those in the youngest age group (15-34) received care equivalent to that which they could have expected in the community. Equity of care improved with age.⁶⁷⁵

669 Table 1, Ministry of Justice (2011) Safety in Custody Statistics 2010, London: Ministry of Justice

670 Independent Advisory Panel on Deaths in Custody (2011) Statistical Analysis of all recorded deaths of individuals detained in state custody between 1 January 2000 and 31 December 2010, London: IAP on Deaths in Custody

671 Ibid.

672 Ibid.

673 Ibid.

674 Prisons and Probation Ombudsman (2012) Learning from PPO investigations: Natural cause deaths in prison custody 2007-2010, London: Prisons and Probation Ombudsman

675 Ibid

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.⁶⁷⁶

There were 57 apparent self-inflicted deaths in custody in England and Wales in 2011. This is down from 58 in 2010, and is the lowest annual figure since 1995.⁶⁷⁷

This figure includes the death of two women, seven young people aged 18-20 and one child.

In the first month of 2012 two children took their own lives in prison.⁶⁷⁸

Thirty-one children have died in penal custody since 1990 most by self inflicted death but one following restraint and one by homicide.⁶⁷⁹

The three-year rolling average to the end of 2009 was 71 self-inflicted deaths per 100,000 of the population. This is down from 130 per 100,000 in 2004.⁶⁸⁰ Safer custody programmes, improved drug detoxification and first night in custody schemes are all thought to have contributed to this reduction.⁶⁸¹

20% of the Prison and Probation Ombudsman's investigations into self-inflicted deaths in custody between 2007-09 found evidence that the deceased was subject to bullying or intimidation by other prisoners in the three months prior to their death.⁶⁸²

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.⁶⁸³

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.⁶⁸⁴

676 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

677 Ministry of Justice Press Release (2012) Deaths in prison custody, London: Ministry of Justice

678 Forthcoming report from Inquest and Prison Reform Trust (2012)

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

680 Ministry of Justice (2011) Deaths in prison custody 2010 taken from <http://www.justice.gov.uk/news/press-releases/moj/press-release-020111a.htm>

681 Jacobson, J. et al (2007) There When You Need Them Most: pacts First Night in Custody Services, London: Prison Reform Trust

682 Prisons and Probation Ombudsman (2011) Learning from fatal incident investigations: Self-inflicted deaths in prison custody 2007-2009, London: Prisons and Probation Ombudsman for England and Wales

683 Fazel, S. et al, Suicides in male prisoners in England and Wales, 1978-2003, The Lancet, Vol 366, 2005

684 Pratt, D. Piper, M, Appleby, L. Webb, R. Shaw, J. Suicide in

10 self-inflicted deaths in 2010 occurred within the first seven days in prison.⁶⁸⁵

Remand prisoners, 18% of the prison population, accounted for half of all self-inflicted deaths in 2010.⁶⁸⁶

24 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.⁶⁸⁷

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.⁶⁸⁸

Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.⁶⁸⁹

According to the government's Social Exclusion Unit, more than 50 prisoners take their own lives shortly after release each year.⁶⁹⁰

Number of self-inflicted deaths in prisons in England and Wales, 1999 - 2010:

Year	Number	Rate of suicides per 100,000
2000	81	124
2001	73	110
2002	95	133
2003	95	128
2004	95	128
2005	78	102
2006	67	86
2007	92	114
2008	60	73
2009	61	73
2010	58	68
Total	855	

www.justice.gov.uk/news/press-releases/moj/press-release-020111a.htm

recently released prisoners: a population-based cohort study, *The Lancet* - Vol. 368, Issue 9530, 8 July 2006

685 Table 7, Ministry of Justice (2011) *Safety in Custody Statistics 2010*, London: Ministry of Justice

686 Table 8, Ministry of Justice (2011) *Safety in Custody Statistics 2010*, London: Ministry of Justice

687 Ryan-Mills, D. (2010) *Review: fatal incidents reports from September 2008 to August 2009*, London: Prisons and Probation Ombudsman for England and Wales

688 Ministry of Justice, *Deaths in Prison Custody 2007*, <http://www.justice.gov.uk/news/newsrelease010108a.htm>

689 NOMS, *Safer Custody News*, January/February 2010

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

Disability, health and wellbeing

An estimate of 36% of prisoners interviewed in the *Surveying Prisoner Crime Reduction* study were considered to have a disability when survey answers about disability and health, including mental health, were screened.⁶⁹¹

18% of prisoners interviewed were considered to have a physical disability.⁶⁹²

There is a large variation in the current estimates of the prevalence of disability amongst prisoners, from 5% on the prison database to 34% of surveyed prisoners self-reporting disability.⁶⁹³

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, 19% of prisoners reported having a disability.⁶⁹⁴

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.⁶⁹⁵

When asked about their entry into custody, disabled prisoners were more likely to state that they felt extremely alone during their first days in prison (55%) than non-disabled prisoners (36%), and that they felt worried and confused when they arrived (60% compared to 42%).⁶⁹⁶

A higher proportion of disabled prisoners than non-disabled prisoners stated that they need help with a medical problem (35% compared to 10%) and with a mental health or emotional problem (40% compared to 9%). A higher proportion of disabled prisoners than non-disabled prisoners stated that they had ever self-harmed, and that they had ever attempted suicide (24% compared to 9%, and 40% compared to 15% respectively).⁶⁹⁷

In 18 out of 24 inspections carried out by HM

691 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

692 Ibid.

693 Ibid.

694 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

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

696 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

697 Ibid.

Inspectorate of Prisons, disability officers said they did not have enough time, support or training to carry out their task.⁶⁹⁸

Following a judicial review by a disabled prisoner (who had not been provided with an accessible cell or motorised wheelchair) the Prison Service accepted that both PSO 2855 (prisoners with disabilities) and PSO 0900 (categorisation and allocation) would be amended to comply with the requirements of the DDA. This resulted in new guidance being issued in PSI 31/2008 now superseded by PSI 32/2011.

In 2010 the then 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 by prison staff to push wheelchairs without training. Anne Owers added that "it is unacceptable that this has not been resolved."⁶⁹⁹

Despite this, the most recent Inspectorate report states "we remained concerned that while some prisons had clearly identified schemes for assisting disabled prisoners in wheelchairs, in some cases, staff still declined to do so."⁷⁰⁰

Fewer than one in 10 youth offending team (YOT) staff said there was somebody at their YOT who carried responsibility for children with disabilities.⁷⁰¹

Half of all those sentenced to custody are not registered with a GP prior to being sent to prison.⁷⁰²

The most recent joint report by the Inspectorate of Prisons and Care Quality Commission found that of their sample of 21 PCTs only one had a policy in place to ensure continuity of healthcare during transfer and release, and that the situation seems to be getting worse rather than better.⁷⁰³

83% of women in prison stated that they had long-standing 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%).⁷⁰⁴

698 HM Chief Inspector of Prisons for England and Wales (2008) Annual Report 2006-07, London: The Stationery Office

699 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, London: The Stationery Office

700 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

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

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

703 Care Quality Commission and HM Inspectorate of Prisons (2010) Commissioning health care in prisons, London: Care Quality Commission and HM Inspectorate of Prisons

704 Plugge, E., et al (2006) The Health of Women in Prison, Oxford:

Prior to imprisonment 85% of women were smokers, 75% had used illegal drugs and 40% drank alcohol in excess of the recommended limits.⁷⁰⁵

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.⁷⁰⁶

Across the prison estate only 40% of prisoners participate in exercise.⁷⁰⁷

40% of boys aged 15-18 years old (an increase from 31% in 2009-10) and 88% of young women surveyed said they could take daily exercise.⁷⁰⁸

79% of boys (15-18) reported visiting the gym once or more than once a week.⁷⁰⁹

The average number of hours prisoners spend exercising per week is 2.4 for adults, 3.8 for young people, and 3.9 for children.⁷¹⁰

An average of £2.20 per day was spent on food and drink per prisoner in 2010-11 financial year.⁷¹¹

Only 15% of prisoners surveyed said that on average they spend 10 or more hours out of their cell on a weekday.⁷¹²

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 a week more than before, thus reducing constructive activity and time outside cells.⁷¹³

The majority of adult male prisons offer prisoners between seven and nine hours out of their cells. Prisoners are sometimes locked up as early as 6.30pm during the week due to the reduction in the core day. This makes it very difficult to telephone family and friends in the evenings. The reduced core day also meant prisoners were locked up after the evening meal on weekends.⁷¹⁴

Department of Public Health

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

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

707 House of Commons Committee of Public Accounts (2006) Serving time: prisoner diet and exercise, 56th Report of Session 2005-06, London: The Stationery Office

708 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

709 Figure 32, Ibid.

710 Hansard HC, 29 January 2008, c304W and Hansard HC, 7 December 2010, c207W

711 Hansard HC, 26 April 2011, c171W

712 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

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

714 HM Chief Inspector of Prisons for England and Wales (2011)

However the Prisons Inspectorate maintain that official figures on time out of cell "often make heroic assumptions – that every prisoner is out for all the time possible; that every workshop is filled to capacity; and in some cases that none are unemployed".⁷¹⁵

The proportion of boys who can go on association every day had increased to 70% from 59% in 2009-10, and remains high for girls at 93%.⁷¹⁶

In March 2010, 1,973 prison places did not have in-cell sanitation or open access to toilet facilities.⁷¹⁷

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.⁷¹⁸

Investment in prison healthcare in 2011-12 stood at £231.7 million, this has increased from £130 million in 2003-04.⁷¹⁹

56% of boys and 72% girls (15-18) reported that the quality of prison healthcare was either good or very good.⁷²⁰

For boys who had been to healthcare, 61% thought that the overall quality was good/very good, compared to 75% of girls, down from 65% and 82% in 2009-10.⁷²¹

Black and minority ethnic boys reported worse access to healthcare services in all areas, and only 55% said they thought the overall quality of healthcare was good or very good, compared with 66% of white boys.

Annual Report 2010-11, London: The Stationery Office

715 HM Inspectorate of Prisons (2008) Time Out of Cell Thematic Review, London: The Stationery Office

716 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

717 Hansard HC, 7 December 2010, c204W

718 Prison Reform Trust and National AIDS Trust (2005) HIV and Hepatitis in UK Prisons: Addressing Prisoners' Healthcare Needs, London: Prison Reform Trust

719 Hansard HC, 7 July 2011, c1341W

720 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: The Stationery Office

721 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

Drugs

At the end of March 2012, 14% of men and 18% of women in prison were serving sentences for drug offences.⁷²²

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.⁷²³

81% of people arrested 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.⁷²⁴

In 20% of violent crimes reported to the 2010-11 British Crime Survey, the victim believed that the offender was under the influence of drugs. 20% of robbery victims believed their attacker to be under the influence of drugs.⁷²⁵

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).⁷²⁶

A report by the Cabinet Office Social Exclusion Task Force found that around 70% of women coming into custody require clinical detoxification and that 65% had used a drug during the year before custody.⁷²⁷

52% of women surveyed said that they had used heroin, crack, or cocaine powder in the four weeks prior to custody, compared to 40% of men. However, practitioners report that women may hide or underplay substance misuse through fear of losing their children.⁷²⁸

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.⁷²⁹

722 Table 1.3a, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin, October to December 2011, London: Ministry of Justice

723 Ramsay, M. (ed.) (2003) Prisoners' drug use and treatment: seven studies, Home Office Research Findings 186, London: Home Office

724 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

725 Table 7.10, Home Office (2011) Nature of Violent Crime, London: Home Office

726 UK Drug Policy Commission (2008) Reducing drug use, reducing reoffending, London: UKDPC

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

728 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

729 Ibid.

28% of all adult and young adult men surveyed by the Inspectorate reported they had arrived at prison with a drug problem and 7% said that they had developed a drug problem in prison.⁷³⁰

The proportion arriving with a drug problem is highest in local prisons (38%). In local prisons, 9% of survey respondents said they had developed a drug problem in the prison, with a similar proportion in category C prisons and high security prisons. Nearly a third of the local and a quarter of the young adult population thought they would leave prison with a drug problem.⁷³¹

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 reception⁷³² **and in the local women's prison, Styal, the same number of new arrivals are thought to have drug problems.**⁷³³

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.⁷³⁴

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).⁷³⁵

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).⁷³⁶

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.⁷³⁷

730 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

731 Ibid.

732 Interview with Prison Service Director General, Phil Wheatley, Independent, 1 December 2003

733 HM Prisons Inspectorate (2004) Report on a full unannounced inspection of HMP and YO1 Styal 19-23 January 2004, London: Home Office

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

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

736 Ibid.

737 Singleton et al (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, Findings 223 London: Home Office

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.⁷³⁸

In local and high secure prisons, Prisons Inspectorate surveys showed that over a third of prisoners reported that it was easy to access drugs in prison – and in some it was nearer half.⁷³⁹

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.⁷⁴⁰

All prisoners are subject to random mandatory drug tests (MDTs). In 2010-11 7.1% of the prison population tested positive from random mandatory drug tests compared with 9.3% in 2008-09.⁷⁴¹ But a Home Office study found that “mandatory drug testing results generally underestimate the level of drug misuse as reported by prisoners”.⁷⁴² In addition HM Inspectorate of Prisons reported frequently seeing MDT programme staff diverted to other duties, resulting in a lack of timely target testing and abandoned tests.⁷⁴³

Research has found that arrangements for detoxification appear to vary considerably between different prisons.⁷⁴⁴

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.⁷⁴⁵

Analysis shows that drug treatment programmes in prison, especially psycho-social programmes and therapeutic communities, were associated with a 26% reduction in criminal behaviour.⁷⁴⁶

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

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

740 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

741 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

742 Singleton et al (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, London: Home Office

743 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

744 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

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

746 National Offender Management Service (2010) What works with offenders who misuse drugs?, London: Ministry of Justice

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.⁷⁴⁷

In 2010-11 the Ministry of Justice allocated a total of £71.4 million for drug and alcohol treatment services in prisons and young offender institutions across England and Wales.⁷⁴⁸

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.⁷⁴⁹

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.⁷⁵⁰

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”.⁷⁵¹

The risk of death is strikingly acute in the first and second weeks following release from prison. Relative to the general population, male prisoners are 29 times more likely to die during the week following release, while female prisoners are 69 times more likely to die during this period. The same study found that 59% of deaths following release were drug related.⁷⁵²

Offenders who receive residential drug treatment are 45% less likely to reoffend after release than comparable offenders receiving prison sentences.⁷⁵³

£120.4 million has been allocated for 2011-12 for all drug treatment to adult prisoners. Investment in the prisons Integrated Drug Treatment System increased from £39.9 million in 2009-10 to £44.5 million in both 2010-11 and 2011-12.⁷⁵⁴

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

748 Hansard HC, 21 December 2010, c1166W

749 National Audit Office (2002) Reducing reoffending, London: National Audit Office

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

751 Ibid.

752 Farrell, M. and Marsden, J. (2005) Drug-related mortality among newly released offenders 1998 to 2000, Home Office online report 40/05, London: Home Office

753 Matrix Knowledge Group (2007) The economic case for and against prison, London: Matrix Knowledge Group

754 Hansard HC, 7 July 2011, c1341W

Alcohol

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.⁷⁵⁵

Nearly two-thirds of sentenced men (63%) and two-fifths of sentenced women (39%) admit to hazardous drinking which carries the risk of physical or mental harm. Of these, about half have a severe alcohol dependency.⁷⁵⁶

According to HM Chief Inspector of Prisons the level of alcohol use on entering custody was not properly assessed in many prisons.⁷⁵⁷

22% 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 (27%) 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.⁷⁵⁸

26% of the local and 23% of the young adult prison populations believed they would leave with an alcohol problem.⁷⁵⁹

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.⁷⁶⁰

Alcohol use is accepted as a key risk factor in predicting violent reoffending.⁷⁶¹

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.⁷⁶²

755 Table 7.10, Home Office (2011) *Nature of Violent Crime*, London: Home Office

756 Prison Reform Trust (2004) *Alcohol and reoffending: who cares?* London: Prison Reform Trust

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

758 HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11*, London: HMIP and HM Chief Inspector of Prisons for England and Wales (2010) *Alcohol services in prisons: an unmet need*, London: The Stationery Office

759 HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11*, London: The Stationery Office

760 HM Chief Inspector of Prisons for England and Wales (2010) *Annual Report 2009-10*, London: The Stationery Office

761 HM Chief Inspector of Prisons for England and Wales (2010) *Alcohol services in prisons: an unmet need*, London: The Stationery Office

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

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%).⁷⁶³

Of the prisons inspected in 2010-11, the Inspectorate found that 88% had drug strategies in place and 75% had either a combined or separate alcohol strategy. Just under half of the prisons inspected had no alcohol-related services or programmes available.⁷⁶⁴

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.⁷⁶⁵

Misuse of alcohol and irresponsible drinking result in economic and social costs in the region of £12-18 billion per year.⁷⁶⁶

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.⁷⁶⁷

Children who have begun binge drinking by the age of 16 are 90% more likely to have criminal convictions by the age of 30.⁷⁶⁸

The then HM Chief Inspector of Prisons 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.”⁷⁶⁹

763 Ibid.

764 HM Chief Inspector of Prisons for England and Wales (2011) *Annual Report 2010-11*, London: The Stationery Office

765 Ibid.

766 Home Office (2009) *Home Office Departmental Report 2009*, London: The Stationery Office

767 Home Office, *Alcohol-related crime and disorder, 2005*

768 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

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

Housing and employment

15% of newly sentenced prisoners reported being homeless before custody. 9% were sleeping rough. 44% of prisoners reported being in their accommodation prior to custody for less than a year and 28% of those were living there for less than six months.⁷⁷⁰

12% of prisoners depend on housing benefit to help with their rent before they enter custody.⁷⁷¹

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.

37% of newly sentenced prisoners stated that they would need help finding a place to live when released.⁷⁷²

60% of prisoners reported that having a place to live would help them stop reoffending.⁷⁷³

Prisoners who reported being homeless before custody were more likely to be reconvicted upon release than prisoners who didn't report being homeless (79% compared to 47% in the first year and 84% compared to 60% in the second year after release). Those who had been in their accommodation for less than a year were also more likely to be reconvicted than those who had been in their accommodation for more than a year (52% compared to 43% in the first year and 67% compared to 57% in the second year after release).⁷⁷⁴

75% of 'prolific and other priority offenders' were found to have a housing need compared to 30% for the general offender population.⁷⁷⁵

People serving short prison sentences are two to three times more likely to reoffend if they do not have suitable housing.⁷⁷⁶

35% of young people aged 16-25 felt a lack of accommodation was the factor most likely to make them offend.⁷⁷⁷

770 Ministry of Justice (2012) Research Summary 3/12, Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

771 Ibid.

772 Ibid

773 Ibid

774 Ibid

775 Homeless Link (2009) Criminal justice policy briefing, London: Homeless Link

776 Ibid.

777 Ibid.

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.⁷⁷⁸

Prisoners held in large prisons are much less likely to receive help arranging accommodation than those held in small prisons.⁷⁷⁹

18% of clients in an average homelessness project are prison leavers.⁷⁸⁰

46% of homeless people surveyed across six UK cities had been in prison or young offender institution, first occurring at an average age of 21.⁷⁸¹

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.⁷⁸²

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.⁷⁸³

Homelessness can prevent former prisoners from accessing support services such as benefits or registering with a GP.⁷⁸⁴

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.⁷⁸⁵

32% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported being

778 House of Commons Home Affairs Committee (2005) Rehabilitation of Prisoners, First Report of Session 2004-2005, London: The Stationery Office. More than one-third of Big Issue vendors are ex-prisoners

779 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

780 Ibid.

781 Fitzpatrick et al. (2010) Multiple exclusion homelessness across the UK: A quantitative survey, London: Heriot-Watt University

782 Revolving Doors Agency (2002) Where Do They Go? Housing, Mental Health and Leaving Prison, London: Revolving Doors Agency

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

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

785 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

in paid employment in the four weeks before custody. 13% reported never having had a job.⁷⁸⁶

37% of prisoners did not expect to return to their jobs upon release. A quarter of these job losses were because of a reason connected with offending (being sent to prison or because of their criminal record).⁷⁸⁷

Prisoners who reported having been employed at some point in the year before custody were less likely to be reconvicted in the year after release than those who didn't report having been employed (40% compared with 65%).⁷⁸⁸

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.⁷⁸⁹

48% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* survey reported needing help with finding a job on release, with 34% reporting needing a lot of help.⁷⁹⁰

Prison Inspectorate surveys show that relatively few prisoners knew who to contact for help in finding a job. With the exception of open prisons, between 43% and 52% of prisoners believed they would have problems finding a job on release.⁷⁹¹

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%).⁷⁹²

68% of prisoners thought that 'having a job' was important in stopping reoffending.⁷⁹³

In 2010-11 26% of prisoners entered employment on release from prison.⁷⁹⁴

A recent report on the resettlement of fathers with their families showed that fewer fathers were employed after prison (34.2%) compared to before prison (55%). The fathers' income had also decreased from before to after prison by over £100 per week.⁷⁹⁵

The Department for Work and Pensions estimates that 49% of the 12 months following release from prison were spent claiming Job Seekers Allowance, Incapacity Benefit or Employment Support Allowance and 49% of offenders were on benefits at the 12 months point after release.⁷⁹⁶

The Legal Aid, Sentencing and Punishment of Offenders Act (2012) has reformed the Rehabilitation of Offenders Act (1974) by extending the maximum sentence that can become "spent" from 30 months to four years and significantly reducing the period before which fines, community orders and short custodial sentences become spent. When implemented, under the new system they will start from the point when an offender completes their sentence, rather than at the date of their conviction.⁷⁹⁷

786 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

787 Ibid

788 Ibid

789 Chartered Institute of Personnel and Development, Labour Market Outlook, Summer 2005

790 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

791 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

792 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

793 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

794 Table 24, Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

795 Losel, F. et al (2012) Risk and protective factors in the resettlement of imprisoned fathers with their families, Cambridge: University of Cambridge and Ormiston

796 Department for Work and Pensions, Ministry of Justice (2011) Provisional estimate of benefit claims by recently released prisoners, London: Ministry of Justice

797 <http://www.legislation.gov.uk/ukpga/2012/10/part/3/chapter/8/enacted>

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.⁷⁹⁸ 47% of prisoners say they have no qualifications.⁷⁹⁹

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.⁸⁰⁰

21% of prisoners reported needing help with reading and writing or ability with numbers.⁸⁰¹

41% of men, 30% of women and 52% of young offenders were permanently excluded from school.⁸⁰²

The educational background of children in custody is poor: 86% of boys and 82% of girls surveyed said they had been excluded from school and around half said they were 14 years or younger when they were last in education.⁸⁰³

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.⁸⁰⁴

Prisoners who reported having a qualification were less likely to be reconvicted in the year after release from custody (45% compared to 60%) than those who reported having no qualifications.⁸⁰⁵

In the 2008-09 academic year, there were 98,324 prisoners engaged in learning and skills in custody.⁸⁰⁶

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.⁸⁰⁷

In 2010-11, the Department for Business, Innovation and Skills planned to spend £171 million on offender learning in English public sector prisons. In addition £2.4 million is allocated for education in public sector prisons in Wales.⁸⁰⁸

The National Audit Office has found that only around a fifth of prisoners with serious literacy or numeracy needs enrol on a course that would help them.⁸⁰⁹

Research by NATFHE and the Association of College Lecturers has found that only one third of education managers regularly receive prisoners' records following transfers.⁸¹⁰

Young people in prison service YOIs receive an average of 27.5 hours per person per week of education, training and personal development. This is 6.4 hours less than in private YOIs, where young people receive an average of 33.9 hours of education, training and personal development activity per week.⁸¹¹

Whilst the overall profile of prisons inspected by Ofsted in 2010-11 is slightly more positive than last year, none of the 24 prisons inspected received an overall outstanding judgement for the quality of teaching, and 15 (63%) were rated no better than satisfactory.⁸¹²

Five young offender institutions inspected in 2010/11 for their provision for 15-17-year-olds were judged good, one satisfactory and one inadequate.⁸¹³

The Social Exclusion Unit found that basic skills learning can contribute to a reduction in reoffending of around 12%.⁸¹⁴ 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.⁸¹⁵

798 Hansard HC, 9 January 2007, c548W

799 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

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

801 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

802 Stewart, D. (2008) The problems and needs of newly sentenced prisoners: results from a national survey, London: Ministry of Justice

803 Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

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

805 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice

806 Hansard HC, 25 October 2010, c38W

807 Ibid.

808 Hansard HC, 18 January 2011, c687W

809 House of Commons Committee of Public Accounts (2008) Meeting needs? The Offenders' Learning and Skills Service, London: The Stationery Office

810 Braggins, J. (2002) Shared Responsibilities: Education for prisoners at a time of change, London: NATFHE

811 Hansard HC, 18 January 2010, c27W

812 Ofsted (2011) The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2010/11, London: The Stationery Office

813 Ibid.

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

815 House of Commons Education and Skills Committee, Prison Education, Seventh Report of Session 2004-2005

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.⁸¹⁶

In a survey by the Prisoners Education Trust, 70% of respondents said that ‘improving employability’ was a motivating factor in learning, particularly for those under 30. Over 80% of respondents felt that learning had improved their ‘outlook on life’ and three quarters noted improved self-discipline and communication skills. Importantly these are exactly the personal skills which employers are looking for when considering hiring ex-offenders, according to a report by CfBT Education Trust.⁸¹⁷

Of the 21% of survey respondents with no qualifications before entering prison, 70% stated they had gained qualifications whilst in prison. However 18% of respondents who already had level three qualifications (e.g. A-levels or NVQ3) before going into prison, a third gained a level one qualification and 36% gained a level two, meaning they had regressed to levels below that which they had already achieved.⁸¹⁸

Just 36% of people leaving prison go into education, training or employment.⁸¹⁹

While in custody, the majority of young people undertake some form of education or training. 69% of young men and 70% of young women surveyed said they thought this would help them on release. Most young people were able to gain some form of meaningful accreditation during their time in custody, and for many this was their first experience of educational achievement.⁸²⁰

Around three-quarters of boys and almost all girls surveyed said that they were taking part in education. Yet only 64% of boys felt that this education would help them on release and 60% – a fall from 64% in 2009–10 – said they planned to go into education once released.⁸²¹

816 HM Chief Inspector of Prisons for England and Wales (2009) Annual Report 2007-08, London: The Stationery Office
817 Inside Time (2012) Prisoners Education Trust Survey, Inside Time May 2012
818 Ibid

819 Hansard, HC, 23 March 2010, c115
820 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office
821 Summerfield, A. (2011) Children and Young People in Custody 2010–11, London: HM Inspectorate of Prisons and Youth Justice Board

Financial exclusion

Assessments for 2007 suggest over 23,000 offenders had financial problems linked to their offending.⁸²²

A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of men.⁸²³

Between one-fifth and one-third of prisoners surveyed believed they would experience difficulties with their finances and claiming benefits after release.⁸²⁴

Many prisons provide money management or budgeting courses through their education department and almost half of the prisons inspected in 2010-11 gave prisoners the opportunity to open bank accounts. Disappointingly, the take up of many of these services was limited and outcomes were not rigorously assessed.⁸²⁵

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.⁸²⁶

48% of people in prison have a history of debt which can present problems for both prisoners and families on release.⁸²⁷

40% of prisoners and 64% of former prisoners feel that their debts had worsened during their sentence. Over half of prisoners families have had to borrow money since the imprisonment of their relative.⁸²⁸

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).⁸²⁹

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.⁸³⁰

HM Prisons Inspectorate has found that debt advice has reduced in many prisons over the year 2008-09.⁸³¹

822 Home Office (2005) The National Reducing Re-offending Delivery Plan, London: Home Office

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

824 HM Chief Inspector of Prisons for England and Wales (2011) Annual Report 2010-11, London: The Stationery Office

825 Ibid.

826 Bath, C., and Edgar, K. (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

827 National Offender Management Service (2007) Signposting Offenders to Financial Capability Training, Debt Advice and Financial Services, London: Ministry of Justice

828 Bath, C., and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

829 Ibid.

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

831 HM Chief Inspector of Prisons for England and Wales (2010) Annual

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.⁸³²

Only 5% of people in prison said they had been asked about how their families would cope financially while in prison.⁸³³

One significant area of need for people leaving prison is insurance.⁸³⁴ 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.⁸³⁵

Almost two thirds of prisoners surveyed (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.⁸³⁶

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."⁸³⁷ A recommendation to close this 'benefit gap' was made to the Prime Minister by the Social Exclusion Unit in 2002.⁸³⁸

Just 36% of people on release from prison go into education, training or employment, leaving most former offenders in need of support.⁸³⁹

The government has committed to bring forward jobseeker's allowance (JSA) claims whilst people are in prison. This forms part of their plans to introduce all prison leavers claiming JSA to the new Work Programme on release from custody.

Report 2008-09, London: The Stationery Office

832 Bath, C., and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

833 Ibid.

834 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>

835 Bath, C., and Edgar, K., (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust

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

837 Ibid.

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

839 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.⁸⁴⁰ 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.”⁸⁴¹

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.⁸⁴²

In March 2011 there were a total of 9,995 prisoners employed in workshops (9,834 men and 161 women). This excludes prisoners working on licence in the community. Figures recorded in 2010 indicated that there were around 459 prisoners in Category D prisons working on licence.⁸⁴³

The Prisoners’ Earnings Act (1996) commenced on 26 September 2011. It enables prison governors to impose a levy of up to and including 40% on wages over £20 per week (after tax, national insurance, any court ordered payments and any child support payments) of prisoners who are allowed to work outside of prison on temporary licence. Amounts raised by the levy will be directed to Victim Support.⁸⁴⁴

A one-off survey of prisoner pay was conducted in 2007 and found that the average rate of pay for activity inside prisons was £9.60 per week.⁸⁴⁵

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.⁸⁴⁶

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.⁸⁴⁷

840 House of Commons Home Affairs Committee (2005) Rehabilitation of Prisoners, First Report of Session 2004-2005, London: The Stationery Office.

841 Hansard HC, 19 October 2010, c793

842 Ibid.

843 Hansard HC, 26 October 2011, c240W

844 Ministry of Justice (2012) Statistical Notice - Prisoners’ earnings subject to the Prisoners’ Earnings Act levy during 2011/12, London: Ministry of Justice

845 Hansard HC, 21 November 2011, c175W

846 Hansard HL, 20 October 2010 cWA184

847 Table 2.1, Edgar, K. et al (2011) Time Well Spent: A practical guide to

A 2004 Prison Reform Trust report found that about one in six had a prison council.⁸⁴⁸ Six years later, more than half of prisons now have a council, and the number is growing each year.⁸⁴⁹

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.⁸⁵⁰

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.⁸⁵¹

The National Grid-led offender training and employment programme works with prisoners coming to the end of their sentences and provides training and a job on release for those who pass a rigorous selection. Over 2,000 prisoners have passed through the scheme which has a reoffending rate of just 6%.⁸⁵²

Timpson actively recruit ex-offenders to work for them, and they have also set up a full time training facility at HMP Liverpool and HMP Wandsworth in London. Timpson colleagues train prisoners in a prison workshop environment.⁸⁵³

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.⁸⁵⁴ There were 85,000 Samaritans contacts during 2009.⁸⁵⁵

There is considerable scope to develop more opportunities for volunteering, peer support, representation and prisoner councils.⁸⁵⁶

active citizenship and volunteering in prison, London: Prison Reform Trust

848 Solomon, E., and Edgar, K. (2004) Having Their Say: The Work of Prisoner Councils, London: Prison Reform Trust

849 Edgar, K. et al (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust

850 Ibid.

851 Ibid.

852 <http://www.nationalgrid.com/corporate/Media+Centre/Press+Releases/Global+Press+Releases/2000th+YO.htm>

853 <http://www.timpson.co.uk/about/80/timpson-foundation>

854 NOMS, Safer Custody News, September/October 2009

855 Samaritans (2010) Information resource pack 2010, London: Samaritans

856 Edgar, K. et al (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, 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.⁸⁵⁷

On Tuesday 22 May 2012 the European Court of Human Rights published its judgment in the case of Scoppola v. Italy (No 3). The ruling in the case of Scoppola v Italy (No 3) makes clear that most sentenced prisoners in the UK have the right to vote. It upholds the principles set out in the original Hirst (No 2) judgment, in particular that the disenfranchisement of "a group of people generally, automatically and indiscriminately, based solely on the fact that they were serving a prison sentence, irrespective of the length of the sentence and irrespective of the nature or gravity of their offence and their individual circumstances, is not compatible with Article 3 of the Protocol No 1 [of the European Convention on Human Rights]." The government must now bring forward proposals by the end of November to comply with the Court's judgment or it will be in breach of its legal obligations under the European Convention.⁸⁵⁸

The Prisons Inspectorate found although all Disability Liaison Officers reported that their prison had a disability policy, less than half were based on a recent needs assessment.⁸⁵⁹

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) would be amended to comply with the requirements of the Disability Discrimination Act (2005). New guidance has been issued (PSI 31/2008: Allocation of prisoners with disabilities), followed by PSI 32/2011: Equalities Act.

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system.⁸⁶⁰ 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.

On 1 September 2011 the Corporate Manslaughter and Corporate Homicide Act was extended to include prisoners held in custody. The 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 Legal Aid, Sentencing and Punishment of Offenders Act (2012) has reformed the Rehabilitation of Offenders Act (1974) by extending the maximum sentence that can become "spent" from 30 months to four years and significantly reducing the period before which fines, community orders and short custodial sentences become spent. Under the new system they will start from the point when an offender completes their sentence, rather than at the date of their conviction.⁸⁶¹

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 acknowledges that the experience of BAME prisoners and staff has not been transformed.⁸⁶²

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 recognising the diverse needs of patients.⁸⁶³

857 <http://www.prisonreformtrust.org.uk/subsection.asp?id=839>

858 European Court of Human Rights press release 22 May 2012: <http://adam1cor.files.wordpress.com/2012/05/3953519-v1-implications-of-scoppola-no-3-grand-chamber-judgment-22-05-2012.pdf>

859 HM Inspectorate of Prisons (2009) Disabled Prisoners: a short thematic review of the care and support of prisoners with a disability, London: HM Inspectorate of Prisons

860 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

861 <http://www.legislation.gov.uk/ukpga/2012/10/part/3/chapter/8/enacted>

862 Ministry of Justice (2008) Race Review 2008, implementing race equality in prisons – five years on, London: National Offender Management Service

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

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 equality of treatment.⁸⁶⁴

The Prisons and Probation Ombudsman has found that in the 92 cases of deaths from natural causes of prisoners in outside hospitals, restraints were used during final inpatient stays on 29 out of 52 occasions.⁸⁶⁵

In 2010 there were 11,252 recorded prisoner on prisoner assaults, a rise of 41% since 2001, and 2,376 recorded prisoner on officer assaults.⁸⁶⁶

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.⁸⁶⁷

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. Then Justice minister Maria Eagle added that “these figures understate the actual number of finds”.⁸⁶⁸

In 2010-11 there were two escapes from prison, the lowest total ever recorded. The level of absconds from open prisons has reduced from 1,310 in 2003-04 to 240 in 2010-11.⁸⁶⁹

The Prison Service is faced with high sickness levels amongst prison officers. The average number of working days lost due to staff sickness in 2010-11 was 9.8.⁸⁷⁰

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.⁸⁷¹

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%.⁸⁷²

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.⁸⁷³

The average tenure of a prison governor (governing governor, deputy governor, head of residence) employed by NOMS is 8 years.⁸⁷⁴

The average tenure for governing governors in an establishment is 2.4 years.⁸⁷⁵

In 2009 the average tenure for operational managers in an establishment was 5.8 years.⁸⁷⁶

In 2010-11 the number of minority ethnic staff in the Prison Service overall was 6.6%.⁸⁷⁷

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.⁸⁷⁸

There are at least 245 voluntary and community sector organisations, social enterprises and charities which support the rehabilitation of offenders in prisons, and 79 private sector organisations supporting rehabilitation activities in prison.⁸⁷⁹

864 Ibid.

865 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

866 Table 8 (Assaults), Ministry of Justice (2011) Safety in Custody Statistics 2010, London: Ministry of Justice

867 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

868 Hansard HC, 5 March 2010, c1484W

869 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

870 Ibid.

871 Hansard HC, 23 February 2010 c501W

872 Hansard HC, 27 October 2009 c336W

873 Hansard HC, 31 January 2003 c1091W

874 Hansard HC, 7 December 2010, c201W

875 Hansard HC, 2 November 2009 c746W

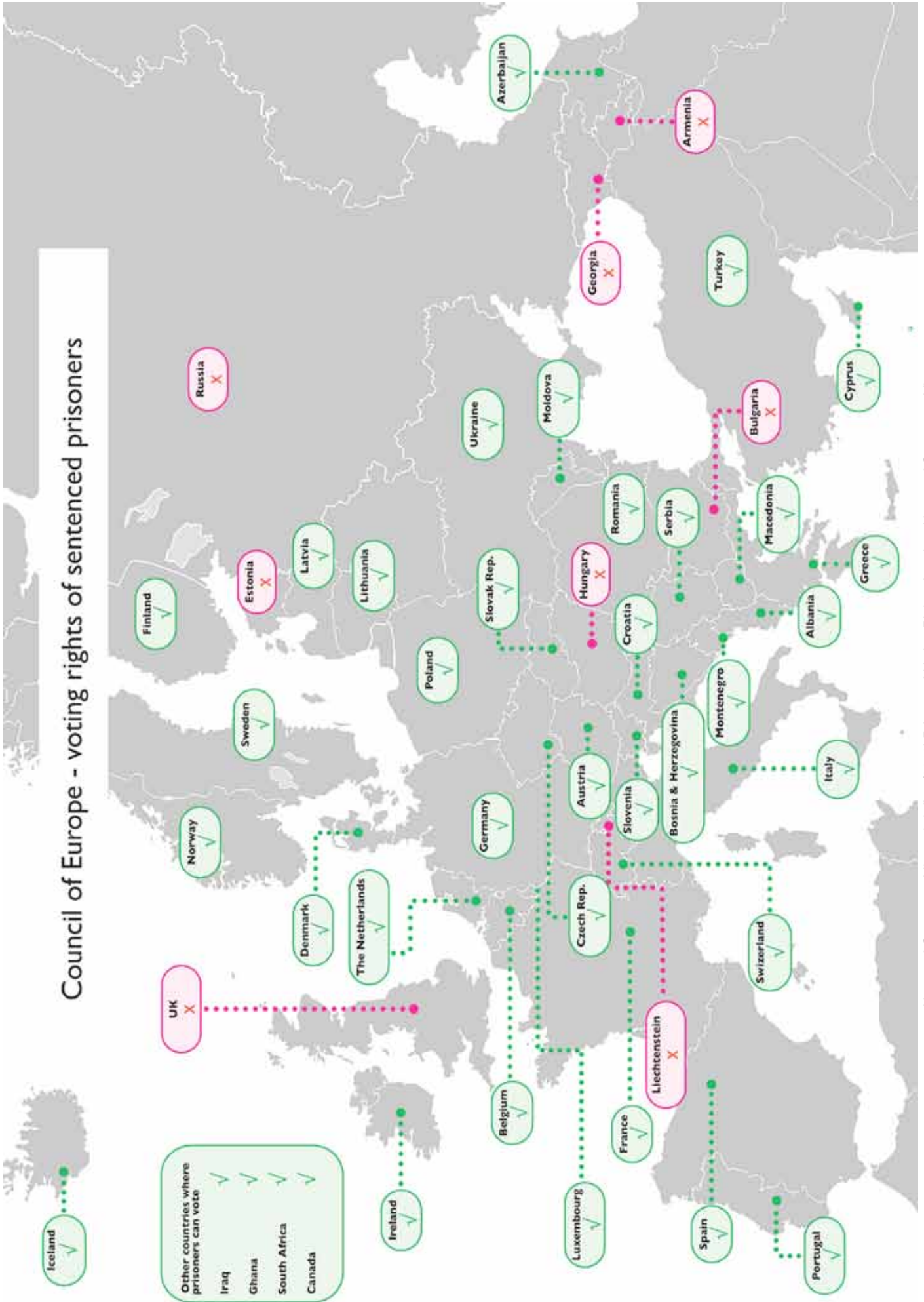
876 Hansard HC, 23 February 2010, c509W

877 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

878 Prison Reform Trust (2006) Briefing: Experiences of Minority Ethnic Employees in Prisons, London: Prison Reform Trust

879 Hansard HC, 4 July 2011 c1021W

Council of Europe - voting rights of sentenced prisoners



Private prisons⁸⁸⁰

The UK has the most privatised prison system in Europe. In England and Wales 10,958 prisoners (13% of the prisoner population) are held in private prisons.⁸⁸¹

The recent privatisation of HMP Birmingham and the opening of two new private prisons HMP Oakwood and HMP Thameside in 2012 has taken the total number of private prisons in England and Wales to 14.

HMP Oakwood has a capacity of 1,605 and HMP Thameside a capacity of 900.⁸⁸²

The market testing of eight existing public prisons and G4S-run HMP Wolds is underway. The estimated value of these contracts over 15.5 years is £2.5 billion. The eight public prisons are: Acklington, Castington, Coldingley, Durham, Hatfield, Lindholme, Moorland and Onley. If the private sector wins the competition for all eight existing public prisons this could add approximately 5,700 prisoners to the privately-run estate.

On 1 October 2011 HMP Birmingham became the first existing publicly run prison to be contracted out to the private sector. The estimated value of the contract over the 15 year life of the contract is £468.3 million.⁸⁸³

Private prison contracts are currently shared between just three companies:

G4S - Altcourse, Birmingham, Parc, Rye Hill, The Wolds and Oakwood.

Serco - Ashfield, Dovegate, Lowdham Grange, Doncaster and Thameside.

Sodexo Justice Services (formerly Kalyx) – Forest Bank, Bronzefield and Peterborough.

HMP Wolds is let on 10 year management-only contract; nine prisons are financed, designed, built and operated by the private sector on 25 year contracts. Both HMP Birmingham and HMP Oakwood contracts are for 15 years each, with an estimated total value of around £750 million for the life of the contracts.⁸⁸⁴

Serco's contract to operate HMP Doncaster was renewed for a further 15 years at a value of £338.7

million.⁸⁸⁵ This contract was awarded on the basis of 'payment by results' whereby payment of up to 10% of the annual contract fee will be dependant upon the contractor reducing reoffending rates. Serco is working in partnership with Catch 22 and Turning Point on this contract.

The contract for HMP Thameside (Belmarsh West) was won by a consortium comprising Serco and voluntary organisations Catch 22 and Turning Point. This was the first prison contract to be awarded to such a consortium.⁸⁸⁶ The estimated construction cost is £97 million.⁸⁸⁷

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past thirteen years. In 2010-11 the private prisons average was 31.8%, compared to an average of 22.8% in the public sector. Forest Bank, Doncaster and Altcourse have particularly high rates of overcrowding, with 48.9%, 61.7%, and 72.9% of prisoners held in overcrowded accommodation respectively.⁸⁸⁸

Prisoners in most privately-run prisons are spending more time locked in their cells. In 2009-10 prisoners spent an average of just over an hour more per day than they did in 2007-08. In HMP Wolds prisoners are locked in their cells for nearly three hours a day more, and at HMP Bronzefield by nearly two hours a day more.⁸⁸⁹

In 2010-11 a total of £328.1 million was paid to privately managed prisons.⁸⁹⁰ This compares with a cost of £309 million in 2008-2009.⁸⁹¹

Prison	2010-11 cost (£)
Altcourse	47,349,574
Ashfield	24,929,971
Bronzefield	26,691,539
Doncaster	24,143,901
Dovegate	36,986,311
Forest Bank	36,394,936
Lowdham Grange	25,744,375
Parc	46,515,892
Peterborough	31,901,497
Rye Hill	18,244,416
Wolds	9,195,005

The government has estimated that the privatisation of HMP Birmingham and HMP

880 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

881 Ministry of Justice (2012) Prison Population Monthly Bulletin April 2012, London: Ministry of Justice

882 <http://www.hmpthameside.org/> and <http://www.hmpoakwood.co.uk/>

883 Hansard HC, 30 November 2011, c922W

884 G4S website at <http://www.g4s.com/en/Media%20Centre/News/2011/03/31/HMP%20Birmingham%20and%20Featherstone%20/>

885 Hansard HC, 28 November 2011, c747W

886 Serco (2010) Stock exchange announcement, 26 February 2010

887 Hansard HC, 8 September 2010, c584W

888 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Performance ratings digest 2010/11, London: Ministry of Justice

889 Hansard, HC 24 May 2011 c567W

890 Hansard HC, 12 October 2011, c413

891 Hansard HC, 9 December 2009, c460W

Oakwood will lead to savings of £36 million over the remaining years of the comprehensive spending review period (2011-2015).⁸⁹²

The government forecast in 2011 costs of the competitive tendering process of HMP Birmingham, HMP Buckley Hall, HMP Doncaster, HMP Oakwood and HMP Wellingborough will reach £5.84 million.⁸⁹³

In 2007 according to a parliamentary written answer the costs of private prisons per place were higher than public sector prisons in most categories:⁸⁹⁴

Function	Contracted sector cost per place £s	Public sector cost per place £s
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 was one officer to 3.03 prisoners. In private prisons the ratio is one officer to 3.78 prisoners.⁸⁹⁵

A recent parliamentary question highlighted that the average gross salary for a private sector prison officer was 30% less than public sector equivalents.⁸⁹⁶

In 2007 an average of 40% of private sector staff had over five years' service.⁸⁹⁷ High staff turnover remains a problem in a number of private prisons.

In 2006 resignations of prison custody officers and detention custody officers in the private sector averaged 24%, with large variations between establishments.⁸⁹⁸

Healthy prison and establishment assessments by HM Inspectorate of Prisons between 1 September 2008 and 31 March 2011:⁸⁹⁹

Prison	Safety	Respect	Purposeful activity	Resettlement
Parc	3	4	4	4
Ashfield	4	3	4	4
Altcourse	4	3	4	2
Forest Bank	2	3	3	4
Bronzefield	3	2	3	3
Lowdham Grange	3	3	3	2
Dovegate TC	3	3	3	2
Peterborough (m)	3	2	3	3
Dovegate (B)	3	3	3	2
Peterborough (f)	3	2	3	2

4 - exceptional performance
3 - good performance
2 - requiring development

Private prisons' performance in 2010-11 according to the most recent Prison Service performance ratings was as follows:⁹⁰⁰

Prison	2010-11	Previously
Altcourse	3	3
Ashfield	3	3
Bronzefield	3	3
Doncaster	3	3
Dovegate	3	3
Forest Bank*	2	3
Lowdham Grange	4	4
Parc	3	3
Peterborough	3	2
Rye Hill	3	3
Wolds	3	2

Overall performance is graded into one of four bands. These bands are: Exceptional Performance (4); Meeting Majority of Targets (3); Overall Performance is of concern (2); and, Overall Performance is of serious concern (1).

There is the opportunity for the ratings to be considered for moderation. A moderation proposal is submitted by prisons and is a request to adjust the data-driven performance rating on the basis of additional non data-driven evidence. Establishments for which a moderation proposal was considered are marked with an asterisk.

892 Hansard HC, 17 October 2011, c668W

893 Hansard HC, 17 October 2011, c669W

894 Hansard HC, 9 January 2007, c546W

895 Hansard HC, 15 September 2010, c1037W

896 Hansard HC, 9 November 2011, c393W

897 Hansard HC, 1 March 2007, c1510W

898 Prison Service Pay Review Body, Sixth Report on England and Wales, March 2007

899 HM Chief Inspector of Prisons (2011) Annual report 2010-2011, London: HMIP and HM Chief Inspector of Prisons (2010) Annual report 2008-2009, London: The Stationery Office

900 Ministry of Justice (2011) Prison annual performance ratings 2010/11, London: Ministry of Justice

Long term trends and future prison building

Estimates of future prison numbers vary widely. By the end of June 2017 the demand for prison spaces is projected to be between 83,100 and 94,800.⁹⁰¹

The Labour government was committed to building new prisons to increase the net capacity of the prison estate to 96,000 by 2014.⁹⁰²

However the government have since stated that there are no current plans to build further new prisons in England and Wales, with the exception of those already underway.⁹⁰³

Two new prisons have opened so far in 2012 - HMP Oakwood in Staffordshire which has a capacity of 1,605 places and is run by G4S, and HMP Thameside in south-east London which is run by Serco and has a capacity of 900.⁹⁰⁴

The government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services at police stations and courts wherever possible to divert offenders with mental health needs and learning disabilities away from the justice system and into treatment and care.⁹⁰⁵

Following the 2010 spending review the Ministry of Justice has to make overall resource savings of 23% in real terms by 2014-15.⁹⁰⁶

On 13 January 2011 the Secretary of State for Justice, Ken Clarke, announced the closure of HMP Lancaster Castle and HMP Ashwell prisons and the change of use of HMP Morton Hall to an Immigration Removal Centre. Talking about the closures Ken Clarke has said that “closing outdated and expensive prisons is an important step in our strategy to provide a secure and modern, fit for purpose prison estate.”

In the current spending review period the Ministry of Justice plans to spend £583 million on capital investment in the prison estate.⁹⁰⁷

The market testing of eight existing public prisons and G4S-run HMP Wolds is underway. The estimated value of these contracts over 15.5 years is £2.5 billion. The eight public prisons are: Acklington, Castington, Coldingley, Durham, Hatfield, Lindholme, Moorland and Onley. If the private sector wins the competition for all eight existing public prisons this could add approximately 5,700 prisoners to the privately-run estate.

901 Table 1, Ministry of Justice (2011) Prison Population Projections 2011-2017, London: Ministry of Justice

902 Ministry of Justice (2009) Capacity and Competition Policy for Prisons and Probation, London: Ministry of Justice

903 Hansard HC, 15 October 2011, c782W

904 <http://www.hmpthameside.org/> and <http://www.hmpoakwood.co.uk/>

905 Hansard HC, 15 February 2011, c793

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

907 Hansard HC 15 March 2012 c366W

Community solutions

Court ordered community sentences are more effective (by eight percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.⁹⁰⁸

The cost of a six-week stay in prison is £4,500 and during that time many prisoners undertake no education or rehabilitative work. The cost of a high-intensity two-year community order, containing 80 hours of unpaid work and mandatory accredited programmes was £4,200. Shorter community sentences cost much less.⁹⁰⁹

In 2010-11, 67,611 people successfully completed community payback sentences, 75% of those sentenced. This amounts to over 8.4 million hours of unpaid work, which was used to benefit the community.⁹¹⁰

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 is 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.⁹¹¹

The Ministry of Justice published a consultation on community sentences on 27 March 2012.

Under the proposals set out in the consultation, the government will ensure that there is a "clear punitive element" in every community order handed down by the court.⁹¹² Extra punitive requirements on community orders, such as extended curfews or other complex, additional restrictions are likely to lead to an increase in breach of license requirements, particularly by young people. Data published for the calendar year 2009 show that 3,996 people were received into prison England and Wales for breach of a community sentence.⁹¹³

908 Table 1, Ministry of Justice (2011) 2011 Compendium of reoffending statistics and analysis, London: Ministry of Justice
909 National Audit Office (2010) Managing offenders on short custodial sentences, London: National Audit Office

910 Ministry of Justice (2011) National Offender Management Service Annual Report 2010/11: Management Information Addendum, London: Ministry of Justice

911 Hansard HC, 28 October 2010, c487W

912 Ministry of Justice (2012) Punishment and reform: effective community sentencing, London: Ministry of Justice

913 Table 6.9, Offender Management Caseload Statistics 2009,

The average length of a Community Order is 12.7 months, and 17.1 months for a Suspended Sentence Order. 85% of Community Orders, and 79% of Suspended Sentence Orders consist of one or two requirements. The two most frequently used on a Community Order are unpaid work (33%) and supervision (11%), and unpaid work (22%) and supervision and unpaid work (11%) for a Suspended Sentence Order.⁹¹⁴

In 2010 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (69%) and suspended sentence orders (74%) versus 65% on both orders for men.⁹¹⁵

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.⁹¹⁶

In 2006, only 725 mental health treatment requirements (MHTRs) were issued out of a total of 203,323 requirements. One substantial factor preventing courts from issuing an MHTR is the difficulty in obtaining access to psychiatric assessment, on which the requirement depends.⁹¹⁷

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, 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.⁹¹⁸

The intensive alternative to custody (IAC) pilots in Greater Manchester and West Yorkshire have demonstrated the value of focussing these orders on this cohort. While the Ministry of Justice has not yet completed the impact evaluation of the IACs, the early indications are that reoffending rates in these two areas are significantly lower and many of the young men engaged have been helped into education, training and employment, which is widely-acknowledged as being crucial to successful rehabilitation.⁹¹⁹

Ministry of Justice

914 Ministry of Justice (2011) Offender Management Caseload Statistics 2010, London: Ministry of Justice

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

916 Solomon, E., and Rutherford, M. (2007) Community Sentences Digest, London: Centre for Crime and Justice Studies.

917 Seymour, L., and Rutherford, M. (2008) The Community Order and the Mental Health Treatment Requirement, London: Sainsbury Centre for Mental Health

918 Home Office Press Release, 20 February 2007

919 Prison Reform Trust (2012) briefing on community sentences: <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Crime%20>

Restorative justice⁹²⁰

Delivering a recent lecture on restorative justice, Crispin Blunt, Parliamentary Under-Secretary of State for Justice said “It is our ambition that all prisons and probation trusts will develop capability to deliver Restorative Justice to victims and offenders in appropriate circumstances based upon best practice principles.”⁹²¹

The government funded a £7 million seven year research programme looking into restorative justice. Published in 2007 findings were encouraging.

Victim participation rates were high, with up to 77% victim participation in cases involving adult offenders, and up to 89% victim participation in cases involving young offenders. Offender participation rates were similarly high. All the projects devoted significant time and resources to good preparation with both victims and offenders.⁹²²

85% of victims surveyed as part of the research were either ‘very’ or ‘quite’ satisfied with their experience of the restorative conference (80% of offenders in the Justice Research Consortium’s (JRC) conferences were ‘very’ or ‘quite’ satisfied).⁹²³

98% of conferences ended with the participants reaching an outcome agreement, which was usually focused on what the offender would do next to repair the harm, address their problems and reorientate their life away from crime.⁹²⁴

Although victims tended to opt for a restorative meeting with an intermediary when this was offered, indirect processes tended to lead to lower levels of victim satisfaction than face-to-face meetings.⁹²⁵

27% fewer crimes were committed by offenders who had experienced restorative conferencing, compared with those offenders who did not.⁹²⁶

and%20Courts%20Bill,%20House%20of%20Lords,%202nd%20reading,%2028May2012.pdf

920 All figures taken from Ministry of Justice commissioned independent evaluation reports by Professor Joanna Shapland unless otherwise stated.

921 Crispin Blunt MP, Considering Restorative Justice Lecture, 24 November 2011

922 Shapland, J et al (2006) Restorative justice in practice – findings from the second phase of the evaluation of three schemes, London: Ministry of Justice

923 Shapland, J et al (2007) Restorative Justice: the views of victims. The third report from the evaluation of three schemes. Ministry of Justice Research Series 3/07. London: Ministry of Justice

924 Ibid.

925 Ibid.

926 Restorative Justice Council (2011) What does the Ministry of Justice RJ research tell us? London: RJC, available at http://www.restorativejustice.org.uk/resource/ministry_of_justice_evaluation_of_restorative_justice/

Restorative justice approaches are cost effective. As a result of reductions in the frequency of offending the JRC restorative justice projects saved the criminal justice system nine times what it cost to deliver.⁹²⁷

Another evaluation of restorative justice found that young girls involved in a final warning restorative scheme were significantly less likely to reoffend than the control group (118 fewer arrests per 100 offenders compared to 47 fewer for the control group).⁹²⁸

Northern Ireland’s well established Youth Conference Service has a significant proportion of victims taking part in conferences, with 89% expressing satisfaction with the outcome. In addition, court ordered youth conferences have a reoffending rate of 47.4%, significantly lower than that of the supervision order used in England and Wales (71%).⁹²⁹

In an ICM survey commissioned by the Prison Reform Trust conducted one month after the riots in August 2011, nearly nine out of 10 people (88%) agreed that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused. Almost three quarters (71%) believe that victims should have a say in how the offender can best make amends for the harm they have caused.⁹³⁰

The government has made a commitment to provide funding to youth offending teams (YOTs) for training staff and volunteers involved in Youth Referral Order panels in restorative practices with the aim of bringing practice up to the level of Youth Conferencing in Northern Ireland. Funding for training and capacity building in NOMS, for pre- and post-sentence restorative justice with adult offenders, has also been announced.⁹³¹

In its consultation entitled *Getting it right for victims and witnesses*, the Ministry of Justice stated that ‘the government is committed to increasing the use of restorative justice both as part of and an alternative to the traditional model of criminal justice’.⁹³²

restorativejustice.org.uk/resource/ministry_of_justice_evaluation_of_restorative_justice/

927 Ibid.

928 Sherman, L. and Strang, H (2007) Restorative Justice: the evidence, London: The Smith Institute

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

930 Prison Reform Trust (2011) Public want offenders to make amends briefing paper, London: Prison Reform Trust

931 Crispin Blunt MP, Considering Restorative Justice Lecture, 24 November 2011

932 Ministry of Justice (2012) *Getting it right for victims and witnesses*, London: Ministry of Justice

Public perceptions of crime

Total spending for public order and safety by the government was £33.6 billion in 2010-11.⁹³³

There are 139,110 full-time equivalent police officers in the 43 police forces of England and Wales. This is a decrease of 3.2% or 4,625 officers compared to a year earlier, but still significantly higher than 125,051 in 1997.⁹³⁴

Since 1997 British Crime Survey crime rates have fallen by 42%. However in the past year there has been no statistically significant change in the numbers of crime estimated from the 2010-11 survey (9.6 million offences) compared to the previous year (9.5 million offences), consistent with a flattening trend in crime.⁹³⁵

However when asked what they thought had happened to the level of crime nationally over the past year, only 4% believed it had gone down.

83% of people think violent crime is rising. However, the proportion of people who are 'very worried about' violent crime has fallen from 25% in 1998 to 13% in 2010-11.⁹³⁶

In 2009-10 and 2010-11, 10% of adults were worried about burglary and car crime and 13% of adults were worried about violent crime. These proportions are the lowest recorded since the questions were introduced in the 1990s.⁹³⁷

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.⁹³⁸

In November 2011, 23% of interviewees thought crime and law and order were the most important issues facing Britain today.⁹³⁹

A recent survey found that "while the public may 'talk tough' in response to opinion polls which ask whether sentencing is harsh enough, when considering specific criminal cases and individual circumstances, there is considerable support for mitigating punishments".⁹⁴⁰

In a survey on behalf of the Prison Reform Trust conducted one month after the riots in August 2011 a huge majority of the public (94%) support opportunities for offenders who have committed offences such as theft or vandalism to do unpaid work in the community, as part of their sentence, to pay back for what they have done.⁹⁴¹

Nearly nine out of 10 people (88%) agree that victims of theft and vandalism should be given the opportunity to inform offenders of the harm and distress they have caused.⁹⁴²

Almost three quarters (71%) believe victims should have a say in how the offender can best make amends for the harm they have caused.⁹⁴³

Offered a range of measures to prevent crime and disorder, most people (84%) consider that better supervision of young people by parents would be effective.⁹⁴⁴

There was widespread support for 'better mental health care' (80%); 'making amends to victims' (79%); 'unpaid community work' (76%); and 'treatment to tackle drug addiction' (74%). Less than two-thirds (65%) consider that a prison sentence would be effective in preventing crime and disorder.⁹⁴⁵

62% of those who think crime is rising say it is because of what they see on television, and 35% because of what they read in tabloid newspapers.⁹⁴⁶

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.⁹⁴⁷

933 Table 4.2, HM Treasury (2011) Public Expenditure Statistical Analyses 2010, London: HM Treasury

934 Table A, Home Office (2011) Police Service Strength England and Wales, 31 March 2011, London: Home Office and Table 1, Allen, G. (2001), Police Service Strength, Research Paper 01/28, London: House of Commons Library

935 Table 2.01, Home Office (2010) Crime in England and Wales 2009/10, London: Home Office

936 Ibid. and Table 5.03, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

937 Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

938 Ipsos MORI (2006) International Social Trends Monitor, London: Ipsos MORI

939 Ipsos MORI (2011) Economist/Ipsos MORI November Issues Index, London: Ipsos MORI

940 Roberts, J. and Hough, M. (2011) Custody or community? Exploring the boundaries of public punitiveness in England and Wales, Criminology & Criminal Justice 11(2) pp181-197, Norwich: Page Bros

941 Prison Reform Trust (2011) Public want offenders to make amends briefing paper, London: Prison Reform Trust

942 Ibid.

943 Ibid.

944 Ibid.

945 Ibid.

946 Table 3.01, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

947 Duffy, B., Wake, R., Burrows, T., and Bremner, P., (2007) Closing the Gaps, Crime and Public Perceptions, London: Ipsos MORI

The British Crime Survey 2009-10 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. 13% of respondents thought that they were very likely or fairly likely to be a victim of violent crime in the next 12 months, compared with 3% who reported having been a victim of such a crime in the year before interview.⁹⁴⁸

People have more positive perceptions of crime locally than nationally; 60% thought crime in the country as a whole was rising, compared with 28% who thought crime in their local area had increased.⁹⁴⁹

Young people are more likely than those over 65 to say that there has been an increase in crime in their local area.⁹⁵⁰ 16-24 year olds are also the most likely age group to be victims of crime.⁹⁵¹

In a recent poll 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.⁹⁵²

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.⁹⁵³

A recent ICM poll showed that 80% of those surveyed strongly agreed that local women's centres where women address the root causes of their crime and do compulsory work in the community to payback should be available.⁹⁵⁴

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.⁹⁵⁵

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.⁹⁵⁶

948 Tables 2.03 and 5.02, Home Office (2011) Crime in England and Wales 2010/11, London: Home Office

949 Figure 5.01, Ibid.

950 Table 5.01, Home Office (2010) Crime in England and Wales 2009/10, London: Home Office

951 Table 2.05, Ibid

952 Gottschalk, E. (2009) Public perceptions of organized crime - results from an opinion poll, London: Home Office

953 SmartJustice (2006) Briefing: Crime victims say jail doesn't work, <http://www.smartjustice.org/pr16jan06.html>

954 ICM opinion poll for the Corston Coalition, 26-28 November 2010. Sample of 1000 adults 18+ in GB, by telephone omnibus

955 PRT (2010) YouGov poll

956 Ibid.

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