

# Prison: the facts

Bromley Briefings Summer 2022



Facts and figures provide a better basis than opinion for policy and practice change. Drawn largely from government sources, these facts chart the extraordinary rise in prison numbers over the last twenty years, inflation in sentencing and the social and economic consequences of overuse of custody. They reveal the state of our overcrowded prisons and the state of people in them, the impact of deep budget cuts, the pace and scale of change in the justice system and the scope for community solutions to crime.

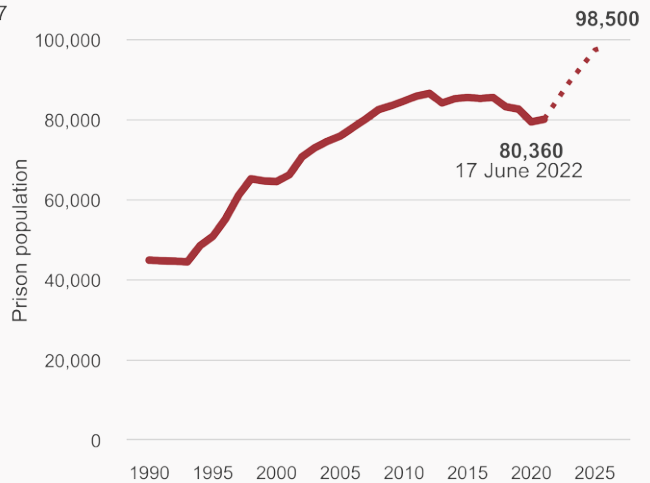
## Sentencing and the use of custody

Scotland and England and Wales have the highest imprisonment rates in western Europe.



Source: World Prison Brief, Institute for Crime & Justice Policy Research, 28 April 2022

The prison population has risen by 70% in the last 30 years—and it is currently projected to rise by a further 18,000 people by 2026.<sup>1</sup>



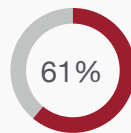
Source: Offender management statistics, Prison population 2021 and Population and capacity briefing for 17 June 2022 and Prison population projections 2021 to 2026

In England and Wales, we overuse prison for petty and persistent crime.<sup>2</sup> In 2021, despite the pandemic

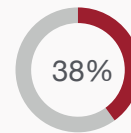
Over

# 42,000

people were sent to prison to serve a sentence



The majority had committed a non-violent offence

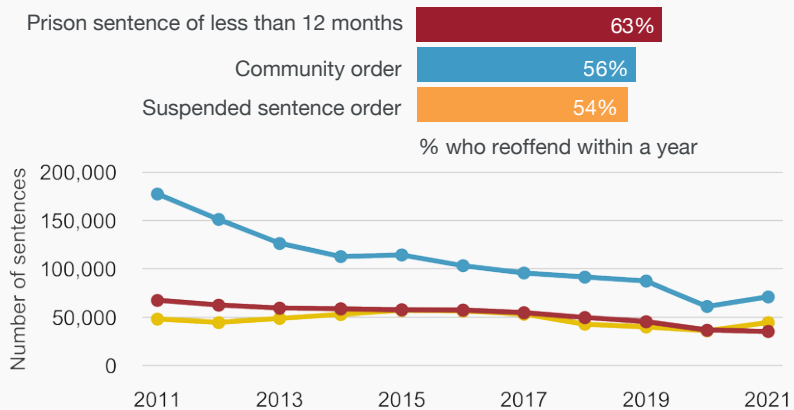


Nearly two in five were sentenced to serve six months or less

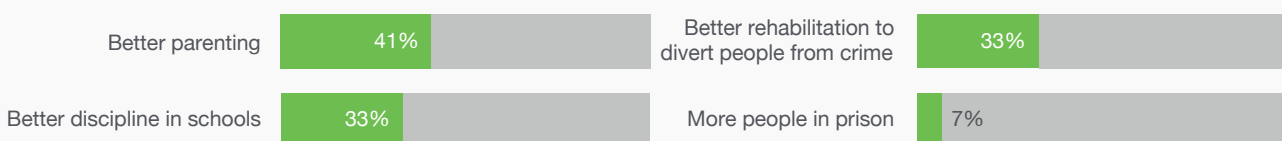
Short prison sentences are less effective than community sentences at reducing reoffending.<sup>3</sup>

Community sentences are particularly effective for those who have a large number of previous offences and people with mental health problems.<sup>4</sup> Yet, their use has more than halved in only a decade.

Suspended sentences account for just 5% of all sentences.<sup>5</sup>



Fewer than one in 10 people surveyed said that having more people in prison was the most effective way to deal with crime. Early intervention, such as better parenting, discipline in schools and better rehabilitation, were all rated as more effective responses.<sup>6</sup>



<sup>1</sup> Ministry of Justice (2021) Prison Population Projections: 2021 to 2026, London: Ministry of Justice

<sup>2</sup> Table A2.7 and A2.9i, Ministry of Justice (2022) Offender management statistics: Prison receptions 2021, London: Ministry of Justice

<sup>3</sup> Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice

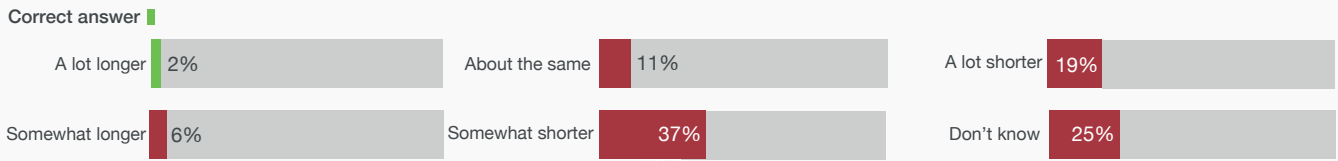
<sup>4</sup> Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

<sup>5</sup> Table Q5.1b and Q5.4, Ministry of Justice (2022) Criminal justice statistics quarterly December 2021, London: Ministry of Justice

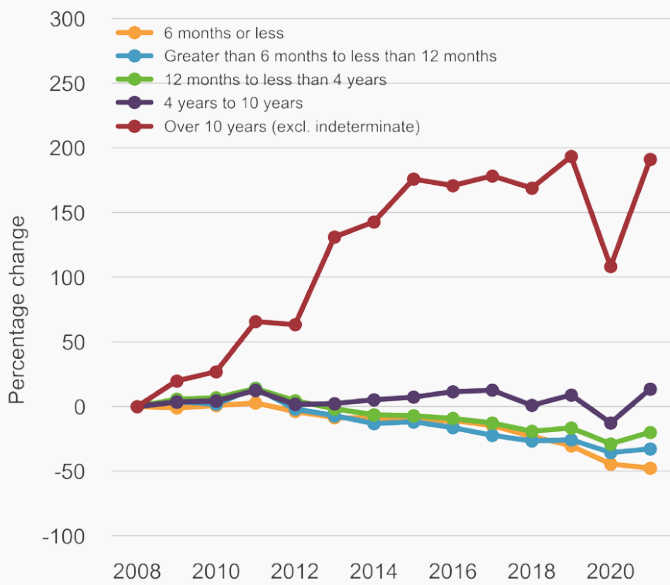
<sup>6</sup> Crest Advisory (2018) Rewiring justice: Transforming punishment and rehabilitation for the 21st century, London: Crest Advisory

**Around two-thirds of people surveyed believe that sentencing is not harsh enough.<sup>9</sup>**

The average prison sentence is much longer now than it was 25 years ago. Yet over half (56%) of people surveyed believed sentences were shorter now—rising to three-quarters (75%) if those who said they didn't know are excluded.<sup>8</sup>

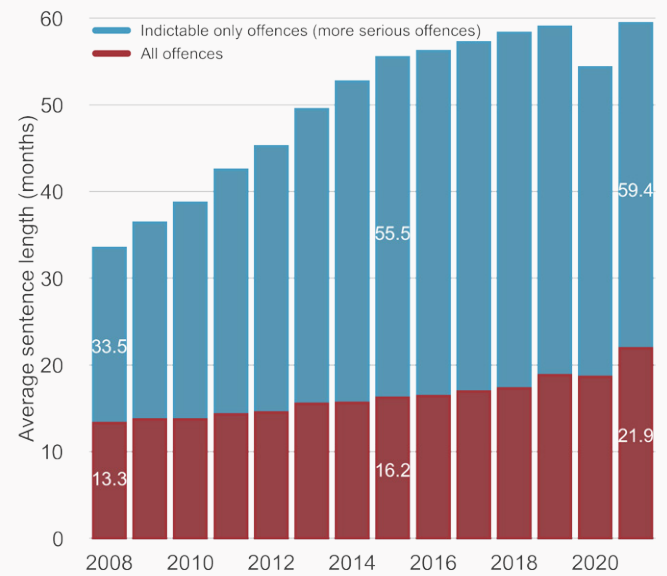


Almost three times as many were sentenced to more than 10 years in 2021 than in 2008. Prosecutions since 2020 have declined due to court closures and the pandemic.<sup>9</sup>



Source: Criminal justice statistics quarterly December 2021

For more serious, indictable offences, the average prison sentence is now 59.4 months—more than two years longer than in 2008.<sup>10</sup>



Source: Criminal justice statistics quarterly December 2021

**People serving life sentences are spending more of their sentence in prison. On average they spend 18 years in custody, up from 13 years in 2002.<sup>11</sup>**

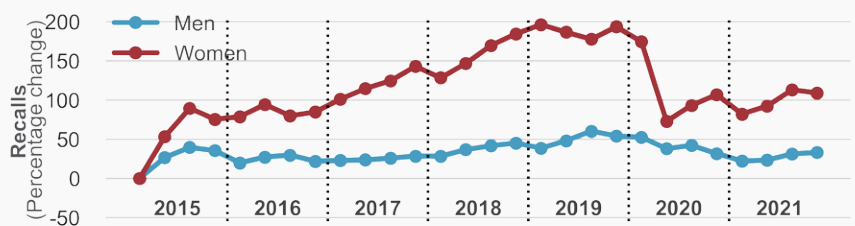
**This is set to rapidly increase as judges are imposing substantially longer tariff periods.<sup>12</sup> The average minimum term imposed for murder rose from 13 years in 2000 to 21 years in 2021.<sup>13</sup>**

**Many are released from prison, only to return there shortly after.**

More than four in 10 adults (44%) are reconvicted of another offence within one year of release.<sup>14</sup>

Anyone leaving custody who has served two days or more is now required to serve a minimum of 12 months under supervision in the community.<sup>15</sup>

**As a result, the number of people recalled back to custody has increased, particularly amongst women. 7,006 people serving a sentence of less than 12 months were recalled to prison in the year to December 2021.<sup>16</sup>**



7 YouGov, available at <https://yougov.co.uk/topics/politics/articles-reports/2022/03/30/criminal-sentencing-too-soft-say-two-thirds-briton>, accessed on 30 June 2022

8 Roberts, J. V. et al. (2022) Public Knowledge of Sentencing Practice and Trends, London: Sentencing Academy

9 Table Q5.4, Ministry of Justice (2022) Criminal justice statistics quarterly December 2021, London: Ministry of Justice

10 Table Q5.1a, Ibid.

11 Table A3.3, Ministry of Justice (2022) Offender management statistics: Prison releases 2021, London: Ministry of Justice

12 Criminal Justice Joint Inspection (2013) A joint inspection of life sentenced prisoners, London: HM Inspectorate of Probation

13 Ministry of Justice (2014) Freedom of Information request 89346, London: Ministry of Justice and House of Lords written question HL7261, 6 April 2022

14 Table C1a, Ministry of Justice (2022) Proven reoffending statistics quarterly: January to March 2020, London: Ministry of Justice

15 Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

16 Table 5.2, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice



## Covid-19 and the prison system

**The Covid-19 pandemic has created major disruption in the normal running of the prison system.** This has led to urgent changes to prison regimes in order to prevent transmission and protect health. While the outside world might have moved on from the pandemic, Covid-19 still looms large in prison. Time out of cell in general has not recovered to anywhere near pre-pandemic levels and levels of purposeful activity are also very low.<sup>17</sup>

**From mid-March 2020 until around February 2021 almost all people in prison in the UK spent 23 hours or more out of every day locked in a cell, typically around 3m by 2m in size.** Two-thirds of them have been in conditions that amount to solitary confinement, the other third are sharing a cell, or in dormitory accommodation.<sup>18</sup>

**As of Spring 2022 HMPPS has decommissioned the National Framework for Prison Regimes and Services which had placed many restrictions on prison life in order to control the spread of Covid-19.** Nonetheless many difficulties remain due to staff shortages and continuing outbreaks.<sup>19</sup>

### Pandemic conditions

**Inspectors found all people in prison confined to their cell for 23 hours or more a day following the introduction of regime restrictions.** Most people in local and high security prisons were allowed 30 minutes a day to shower and exercise.<sup>20</sup>

**Lockdowns and restrictions have endured far longer in prison than they have in the outside community.** A User Voice survey of 1,421 people in prison conducted in the summer and autumn of 2021 found that fewer than 20% of participants reported experiencing three hours or more out of their cell each weekday.<sup>21</sup>

**A joint inspectorate report released in May 2022 found that recovery in prisons has generally been slow and inconsistent, with little progress made to improve time out of cell, which is far below pre-pandemic levels.** Inspectors found it common to find prisoners locked in their cells for 22.5 hours a day.<sup>22</sup>

**Inspectors found the provision of purposeful activity to be poor, with a lack of education and work provision for the majority of prisoners.** Rehabilitation work has been hampered by low staffing levels, as well as high numbers of inexperienced staff who had no experience of a full regime in operation.<sup>23</sup>

**Over two out of five (44%) survey participants reported experiencing thoughts that they would “be better off dead” or considered hurting themselves in the preceding two weeks.** Almost one in five (19%) reported experiencing these thoughts every day.<sup>24</sup>

### Courts backlog

**Before Covid-19 restrictions were introduced there was a backlog of around 40,000 cases in the Crown Court and nearly 328,000 cases in the magistrates’ courts.** By 31 December 2021 these backlogs had increased by 43% and 10%, respectively.<sup>25</sup>

**In the Crown Courts, where the most serious cases are held, waiting times have continued to rise almost uninterrupted since March 2020.** Defendants in the Crown Court are waiting 20 months on average for their trial to begin than they were before the pandemic, a rise of 79%.<sup>26</sup>

**Magistrates’ powers of sentencing has been increased in order to try and reduce the backlog in the Crown Court.** Magistrates may now hand out sentences of up to 12 months in custody to people coming before the court, up from a maximum of six months before the pandemic.<sup>27</sup>

<sup>17</sup> Criminal Justice Joint Inspection (2022) The impact of the Covid-19 pandemic on the criminal justice system—a progress report, May 2022, London: Ministry of Justice

<sup>18</sup> HM Chief Inspector of Prisons (2021) What happens to prisoners in a pandemic?, London: HM Stationery Office

<sup>19</sup> Government website, <https://www.gov.uk/government/publications/living-with-covid-19-prisons-and-youth-custody-settings>, accessed on 28 June 2022

<sup>20</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>21</sup> User Voice website, available at <https://www.uservice.org/wp-content/uploads/2022/07/User-Voice-QUB-Coping-with-Covid.pdf>, accessed on 12 July 2022

<sup>22</sup> Criminal Justice Joint Inspection (2022) The impact of the Covid-19 pandemic on the criminal justice system—a progress report, May 2022, London: Ministry of Justice

<sup>23</sup> Ibid.

<sup>24</sup> User Voice website, available at <https://www.uservice.org/wp-content/uploads/2022/07/User-Voice-QUB-Coping-with-Covid.pdf>, accessed on 12 July 2022

<sup>25</sup> Tables C1 and M1, Ministry of Justice (2022) Criminal court statistics quarterly: October to December 2021, London: Ministry of Justice

<sup>26</sup> Table C7, Ibid.

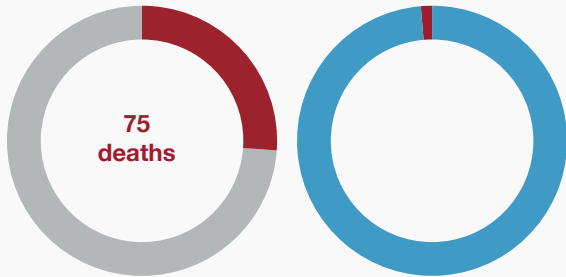
<sup>27</sup> Government website, <https://www.gov.uk/government/news/magistrates-to-help-tackle-backlog-as-sentencing-powers-doubled>, accessed on 5 May 2022

## Safety in prisons

Safety in prisons has deteriorated rapidly during the last nine years. However, the pandemic and associated regime has muddled the picture. In the last year recorded assaults have fallen; and recorded self-harm has decreased slightly but remains close to historically high levels.

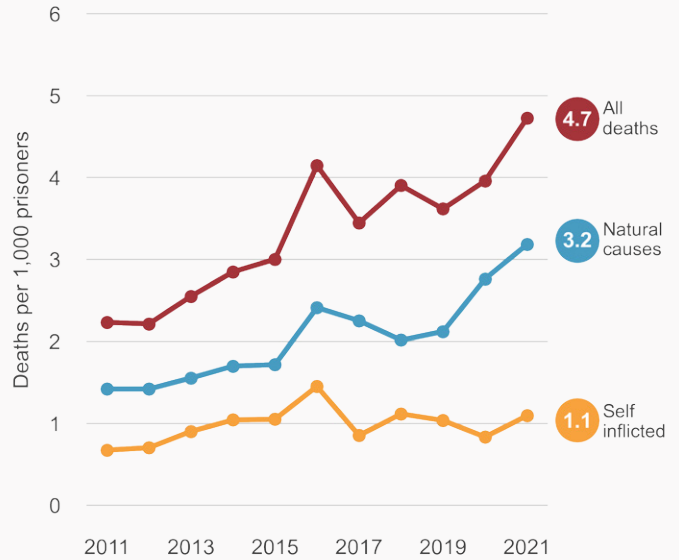
# 287

People died in prison in the year to March 2022



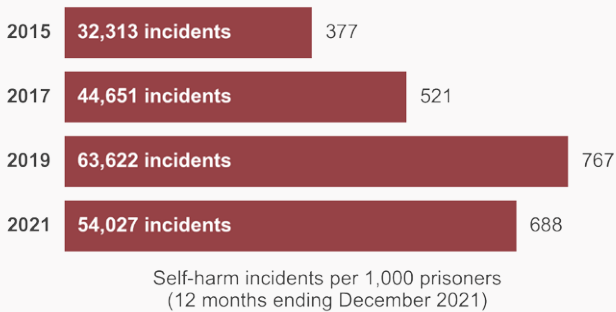
More than a quarter of which 74 were men and 1 was a woman were self-inflicted

Rates of death in prison continue to rise after a brief decline. Due to the pandemic, last year recorded the highest number of deaths on record



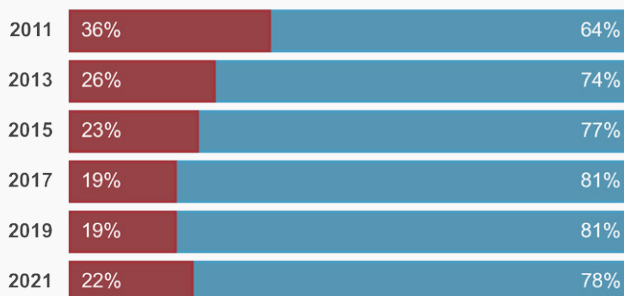
### Self-harm

Recorded rates of self-harm remain close to record levels



Women account for a disproportionate number of self-harm incidents in prison—despite making up only 4% of the total prison population.

But in recent years there has been a significant rise in self-harm incidents by men.

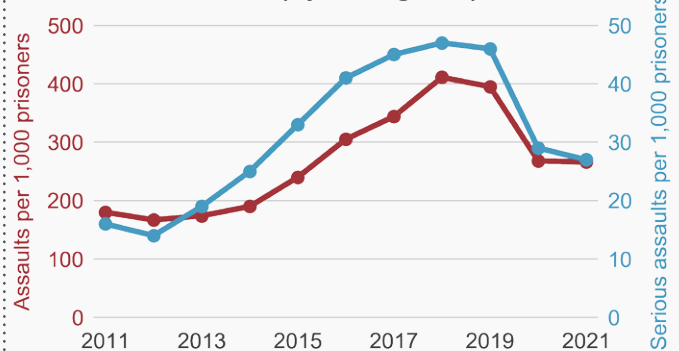


Proportion of all self-harm incidents

Source: Safety in custody statistics quarterly update to December 2021

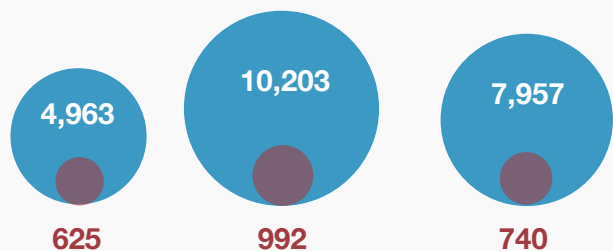
### Assaults

The recorded rates of assault and serious assault have fallen sharply during the pandemic



Assaults on staff have reduced but remain close to historically high levels

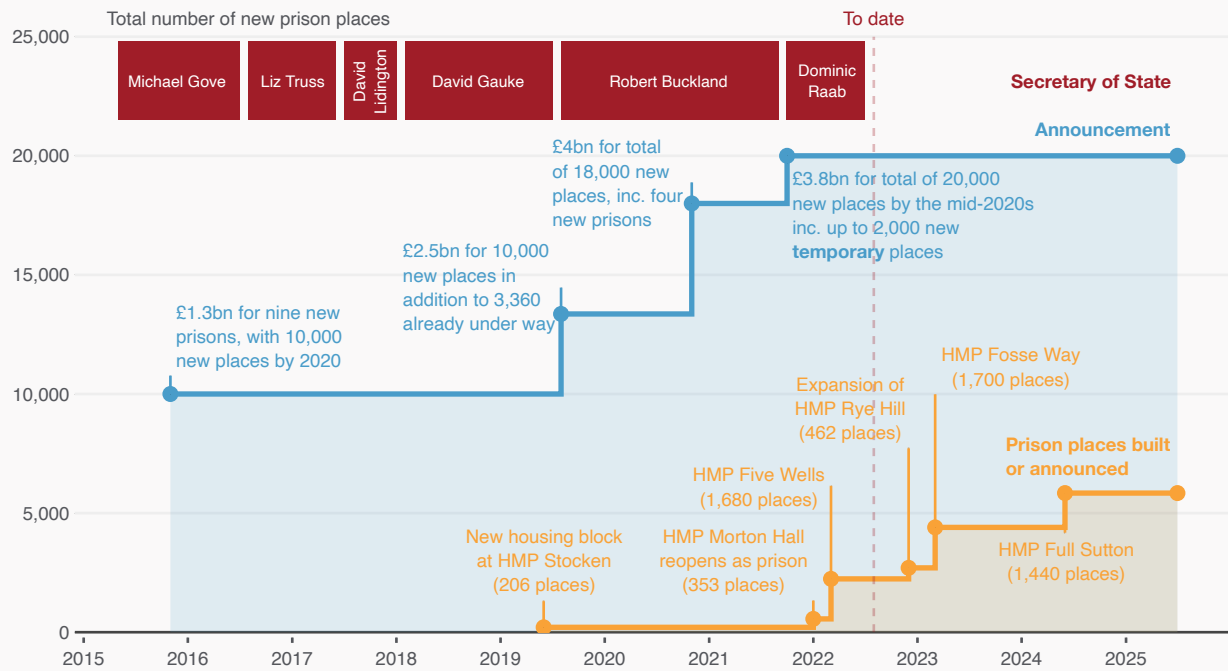
2015                      2018                      2021



Serious assaults on staff have dropped by around a quarter over the previous year.

## Prison service resources and staffing

Many justice secretaries, many promises, but little delivered



Source: Ministry of Justice announcements and HM Treasury Autumn Budget and Spending Review 2021

The government has committed to building 20,000 new prison places by the mid-2020s. But published details of what is being built and when are both unclear and confusing.<sup>28</sup>

HM Prisons and Probation Service (HMPPS) has experienced significant cuts to its budget in recent years. Between 2010–11 and 2014–15 its budget reduced by around 20%, and despite increases its resource budget remains 6% lower in real terms than in 2010–11.<sup>29</sup>

The government projects that the prison population will rise by more than 20,000 people from its current level in the next four years—placing further pressure on places.<sup>30</sup>

The cost of a prison place reduced by 13% in real terms between 2009–10 and 2020–21. The average annual overall cost of a prison place in England and Wales is now £48,162.<sup>31</sup>

The number of frontline operational prison staff (bands 3–5) was cut by 26% between 2010–2017.<sup>32</sup>

The government announced £100m to partially reverse the decline, committing to recruit a further 2,500 officers by December 2018.<sup>33</sup> This target was achieved, but there are still 2,828 (11%) fewer staff than there were in 2010.<sup>34</sup> More than one in seven (15%) of employed officers left the service last year.<sup>35</sup>

Staff retention remains a problem—Half of officers (50%) who left the service last year had been in the role for less than three years, more than a quarter (26%) left after less than a year.<sup>36</sup>

Staff experience has declined as a consequence. Almost three in 10 (29%) of officers have been in their post for less than three years, up from around one in eight (13%) in 2010.<sup>37</sup>

28 House of Commons written question 133194, 9 March 2022 and House of Commons written question 134023, 9 March 2022.

For a fuller analysis of the government's prison building commitments and progress to date, visit <https://bit.ly/prison-building-analysis>

29 Ministry of Justice (2020) Ministry of Justice annual report and accounts 2019–20, London: Ministry of Justice and previous editions; HM Prison and Probation Service (2019) Annual report and accounts 2019–20, London: HMPPS; and HM Treasury (2021) GDP deflators at market prices, and money GDP March 2021 (Quarterly national accounts), London: HM Treasury

30 Ministry of Justice (2020) Prison population projections 2020 to 2026, England and Wales, London: Ministry of Justice

31 Table 1, Ministry of Justice (2020) Costs per prison place and cost per prisoner by individual prison establishment 2019 to 2020 tables, London: Ministry of Justice; Table 42, Ministry of Justice (2011) National Offender Management Service Annual report 2009/10: Management Information Addendum, London: Ministry of Justice; and HM Treasury (2020) GDP deflators at market prices, and money GDP September 2020 (Quarterly National Accounts), London: HM Treasury

32 Table 3, Ministry of Justice (2021) HM Prison and Probation Service workforce statistics: March 2021, London: Ministry of Justice and previous editions

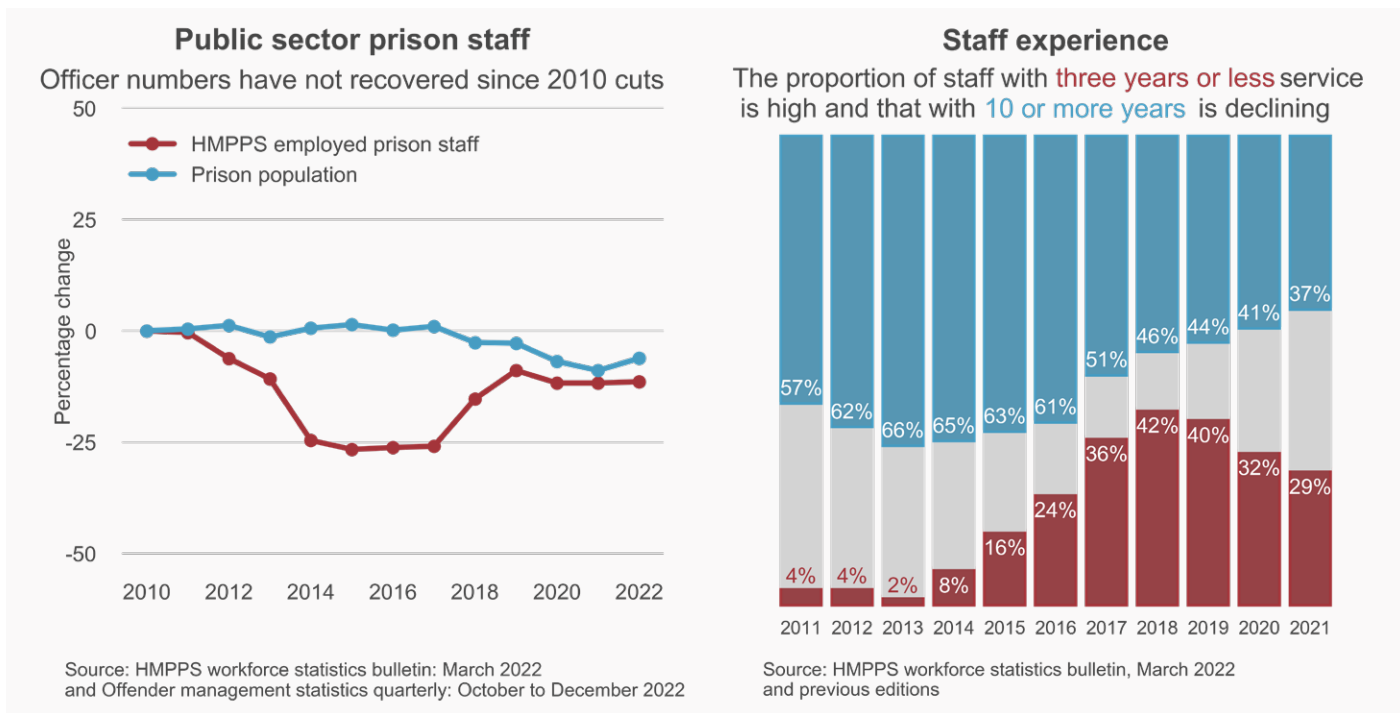
33 House of Lords written question HL1680, 18 October 2017

34 Ibid. and Table 3, Ministry of Justice (2021) HM Prison and Probation Service workforce statistics: March 2021, London: Ministry of Justice

35 Table 8c, Ministry of Justice (2021) HM Prison and Probation Service workforce statistics: March 2021, London: Ministry of Justice

36 Table 13, Ibid.

37 Table 4, Ibid.



## People on remand

**For many people, their first experience of prison is on remand.** This might be ahead of their trial, or whilst they are awaiting sentencing having been found guilty.

**People remanded to custody to await trial are innocent until proven guilty.** 27,660 people were sent to prison before their trial in 2021 – down by nearly a fifth (19%) in five years.<sup>38</sup>

**Despite this, on 30 June 2021 there were 12,727 people in prison on remand, an increase of more than a third (39%) in two years.** This is the highest number of people since 2010, in part due to the impact of the pandemic on the courts. Before 2020 the number had been largely decreasing over the previous decade.<sup>39</sup>

**More than half (56%) of people entering prison on remand in 2021 awaiting trial are accused of non-violent offences** – 22% of drug offences and 13% of summary non-motoring offences.<sup>40</sup>

**People on remand currently make up more than one in seven people in prison (16%)** – 12,747 people. The majority are awaiting trial (64%), whilst the rest await sentencing.<sup>41</sup>

**One in 10 people (10%) remanded into custody by the magistrates' courts in 2021 were subsequently acquitted.** A further 12% of people received a non-custodial sentence. In the Crown Court, the figures were 11% and 15%, respectively.<sup>42</sup>

**Black men are 26%, and mixed ethnicity men 22% more likely to be remanded in custody at the Crown Court than white men.**<sup>43</sup>

**More than third (37%) of self-inflicted deaths in 2021 involved people held on remand** – far higher than the proportion of the prison population they represent (16%).<sup>44</sup>

**Four in 10 (40%) children in custody are on remand.**<sup>45</sup>

**Almost three-quarters of children remanded in custody in the year to March 2021 were either subsequently acquitted (37%) or given a non-custodial sentence (37%).**<sup>46</sup>

<sup>38</sup> Table A2.1i, Ministry of Justice (2022) Offender management statistics: Prison receptions 2021, London: Ministry of Justice

<sup>39</sup> Table A1.1, Ministry of Justice (2021) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>40</sup> Table A2.5i, Ibid.

<sup>41</sup> Table 1.1, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice

<sup>42</sup> Table Q4.4a, Ministry of Justice (2022) Criminal justice statistics quarterly December 2021, London: Ministry of Justice

<sup>43</sup> Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice

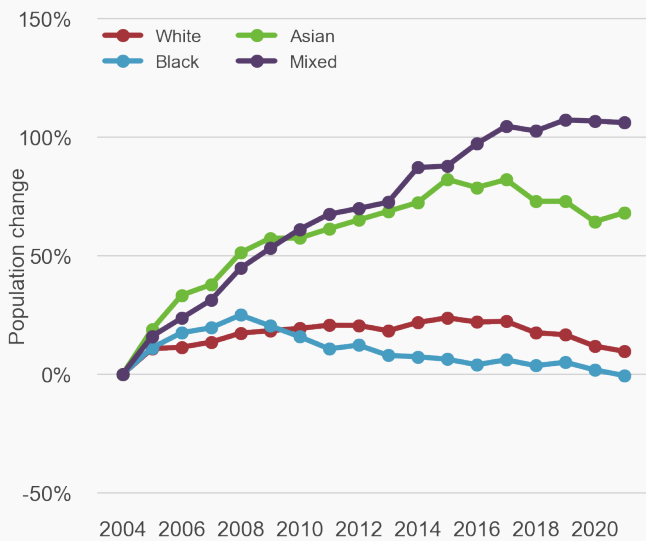
<sup>44</sup> Table 1.7, Ministry of Justice (2022) Safety in custody statistics quarterly update to December 2021, London: Ministry of Justice

<sup>45</sup> Table 7.5, Ministry of Justice (2022) Youth Justice Statistics 2020–21, London: Ministry of Justice

<sup>46</sup> Table 6.6, Ibid.

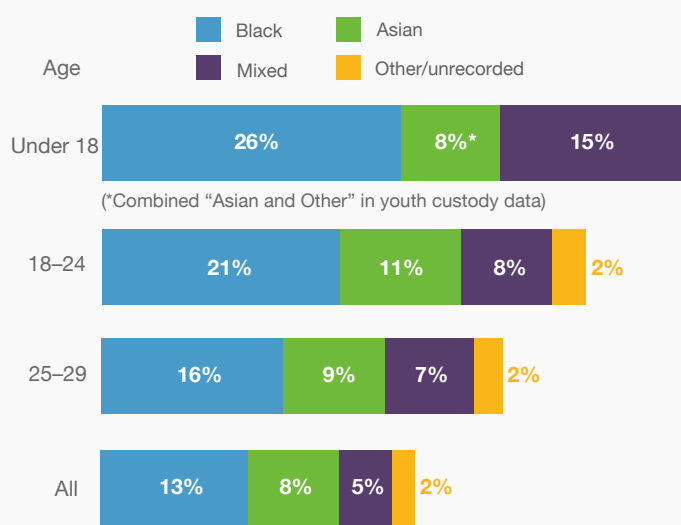
## Black, Asian and minority ethnic people in prison

The number of Asian and mixed ethnicity prisoners has risen sharply since 2004



Source: Offender management statistics, Prison population 2021

BAME overrepresentation is greatest amongst younger prisoners



Source: House of Lords written question HL3924, 24 November 2021 and Monthly youth custody report, September 2021

**Over a quarter (27%) of the prison population, 21,804 people, are from a minority ethnic group.** The largest minority ethnic groups are Black or Black British (13%), followed by Asian or Asian British (8%), Mixed (5%) and other ethnic groups (2%).<sup>47</sup>

**The economic cost of black, Asian and minority ethnic (BAME) over-representation in our prison system is estimated to be £234 million a year.**<sup>48</sup>

**Research has found a clear direct association between ethnic group and the odds of receiving a custodial sentence.** Black people are 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.<sup>49</sup>

**Black and Asian people in prison are more likely to be serving long sentences than other groups.** 17% of people in prison on a life sentence identify as black, and 8% as Asian. 15% of people serving a determinate sentence of over 20 years identify as black, and 12% as Asian.<sup>50</sup>

**The number of Muslim prisoners is now two and a half times higher than in 2002.** In 2002 there were 5,502 Muslims in prison, by 2021 this had risen to 13,724.<sup>51</sup> They now account for 18% of the prison population but just 5% of the general population.<sup>52</sup>

**Muslims in prison are far from being a homogeneous group.** Some were born into Muslim families, and others have converted. 37% are Asian, 29% are black, 19% are white and 10% are mixed.<sup>53</sup>

**Only 159 people, 1% of Muslims in prison, are currently there for Islamist extremist terrorism-related offences.** The number of Muslims in prison for terror offences peaked at 192 in 2017. By contrast the number of people in prison for right-wing extremism has risen to 57, up from six people in 2016.<sup>54</sup>

**5% of men and 7% of women in prison said that they are Gypsy, Roma or Traveller, compared to an estimated 0.1% of the general population in England.** Inspectors found that most prisons they visited were still not aware of their existence or needs.<sup>55</sup>

**Inspectors found that prison staff underestimate the cultural requirements of Gypsy, Roma or Traveller and BAME people in prison.** A third of BAME prisoners said their ethnicity directly influenced their rehabilitation and resettlement planning, whereas almost no staff considered ethnicity to have any impact.<sup>56</sup>

47 Table 1.4, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice

48 Kneen, H. (2017) An exploratory estimate of the economic cost of Black, Asian and Minority Ethnic net overrepresentation in the Criminal Justice System in 2015, London: Ministry of Justice

49 Hopkins, K., et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice

50 House of Lords written question HL3861, 23 November 2021 and House of Lords written question HL14483, 8 April 2021

51 Table A1.10, Ministry of Justice (2022) Offender management statistics, Prison population 2021, London: Ministry of Justice

52 Ibid. and Lammy, D. (2017) The Lammy Review, London: Ministry of Justice

53 House of Lords written question HL10577, 7 December 2020

54 Table P.01, Home Office (2022) Operation of police powers under the Terrorism Act 2000: quarterly update to June 2021, London: Home Office and

Table A1.10, Ministry of Justice (2022) Offender management statistics, Prison population 2021, London: Ministry of Justice

55 HM Chief Inspector of Prisons (2020) Annual Report 2019-20, London: HM Stationery Office and Irish Traveller Movement in Britain (2013) Gypsy and Traveller population in England and the

2011 Census, London: ITMB and Office for National Statistics (2013) Annual Mid-year Population Estimates, 2011 and 2012, London: ONS

56 HM Inspectorate of Prisons (2020) Minority ethnic prisoners' experiences of rehabilitation and release planning, London: HMIP



## Older people in prison

**With prison sentences getting longer, more people are growing old behind bars.** People aged 60 and over are the fastest growing age group in the prison estate. The population has more than trebled in under two decades.<sup>57</sup>

**More than one in six people (17%) in prison are aged 50 or over—13,659 people.** Of these, 3,561 are in their 60s and a further 1,699 people are 70 or older.<sup>58</sup>

**The prison population is projected to grow by a quarter in the next four years.** The government anticipates that the older population will increase at a similar rate.<sup>59</sup>

**44% of men in prison aged over 50 have been convicted of sex offences.** The next highest offence category is violence against the person (25%) followed by drug offences (8%).<sup>60</sup>

**331 people in prison were aged 80 or over as of 31 December 2021.** 329 were men and two were women.<sup>61</sup>

## Life and indeterminate sentences

**Many people in prison don't know when, or if, they might be released.** 10,663 people are currently in prison serving an indeterminate sentence—16% of the sentenced prison population, up from 9% in 1993.<sup>62</sup>

**Of those 10,663 people, 8,610 people have yet to be released.** 7,056 people are serving a life sentence and 1,554 people are serving sentences of Imprisonment for Public Protection (IPP). The remainder, 2,053 people, are back in prison having been recalled from licence.<sup>63</sup>

**Despite its abolition in 2012, almost all (96%) people still in prison serving an IPP sentence have passed their tariff expiry date**—the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.<sup>64</sup>

**244 people are still in prison despite being given a tariff of less than two years**—most of these (196 people) are still in prison over a decade after their original tariff expired.<sup>65</sup>

**There are currently almost as many IPP-sentenced people being recalled back to prison as are being released.** In the last 12 months 612 people serving an IPP sentence on licence were recalled and returned to custody, whereas only 734 people were either released for the first time or re-released having been previously recalled.<sup>66</sup>

**7,056 people are currently in prison serving a life sentence.** One in six (16%) have a tariff of 10 years or less, almost half (49%) have more than 10 and up to and including 20 years, and nearly a third (32%) have over 20 years. A further 661 and 1,392 people serving life and IPP sentences are in prison having been recalled.<sup>67</sup>

**England and Wales have more people serving life sentences than Austria, Belgium, France, Germany, Italy, the Netherlands, Russia, and Sweden combined.**<sup>68</sup>

**Lifers continue to serve their sentence on release from prison for the rest of their lives.** They are subject to monitoring and restrictions and can be returned to custody at any point if they break the terms of their licence.

**There are currently 64 people serving a whole life sentence—they are unlikely to ever be released.**<sup>69</sup>

**The Legal Aid, Sentencing and Punishment of Offenders Act 2012 replaced IPP sentences with new Extended Determinate Sentences (EDS).** While not indeterminate, they both extend the period of custody that offenders serve, and revoke automatic release at a fixed point in their sentence.

**As of March 2022, there were 6,639 people serving EDS—one in 10 (10%) of the sentenced prison population.** This figure is 10% higher than the previous year.<sup>70</sup>

57 Table A1.7, Ministry of Justice (2022) Offender management statistics, Prison population 2021, London: Ministry of Justice

58 Table 1.3, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice

59 Table 4.1, Ministry of Justice (2021) Prison population projections 2021 to 2026, London: Ministry of Justice

60 House of Lords written question HL10578, 23 November 2020

61 House of Lords written question HL7259, 6 April 2022

62 Tables 1.1 and 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice and Ministry of Justice (2013) Story of the prison population: 1993–2012 England and Wales, London: Ministry of Justice

63 Table 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice

64 Ibid.

65 Table 1.9b, Ibid.

66 Tables 3.1, 5.4 and 5.11, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice

67 Table 1.9a, Ibid.

68 Table 10, Aebi, M., et al. (2022) Council of Europe annual penal statistics, survey 2021, Strasbourg: Council of Europe

69 Table 1.9a, Ministry of Justice (2022) Offender management statistics quarterly: October to December 2021, London: Ministry of Justice

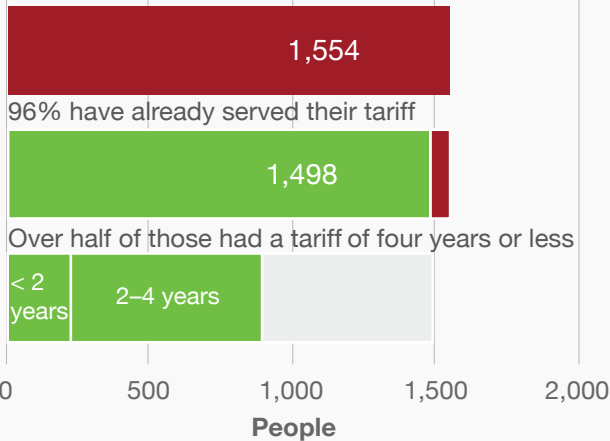
70 Table 1.1, Ibid.

# Life and indeterminate sentences

## The legacy of the IPP

Nearly all are stuck in prison beyond tariff

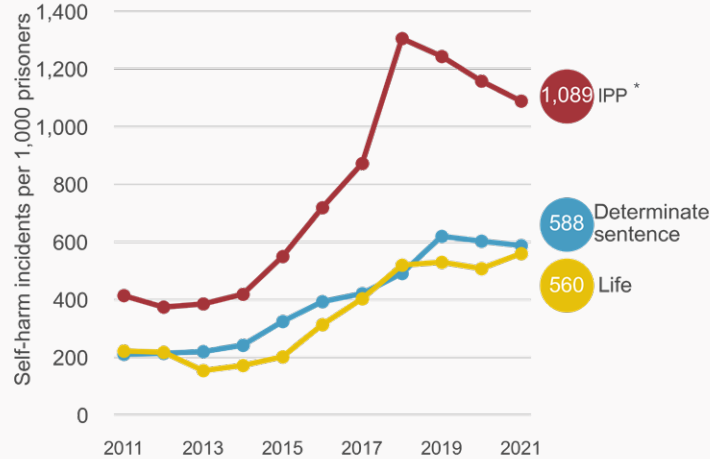
People in prison serving an IPP yet to be released



Source: Offender management statistics quarterly: October to December 2021

## Risk of harm?

IPP prisoners are more vulnerable to self-harm

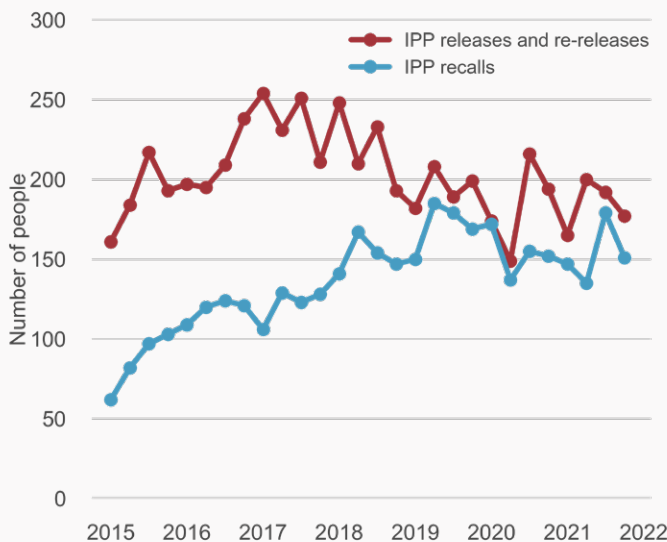


\*Recalled population not included in the underlying data

Source: Safety in custody statistics quarterly update to December 2021 and Offender management statistics, Prison population 2021

## Revolving doors

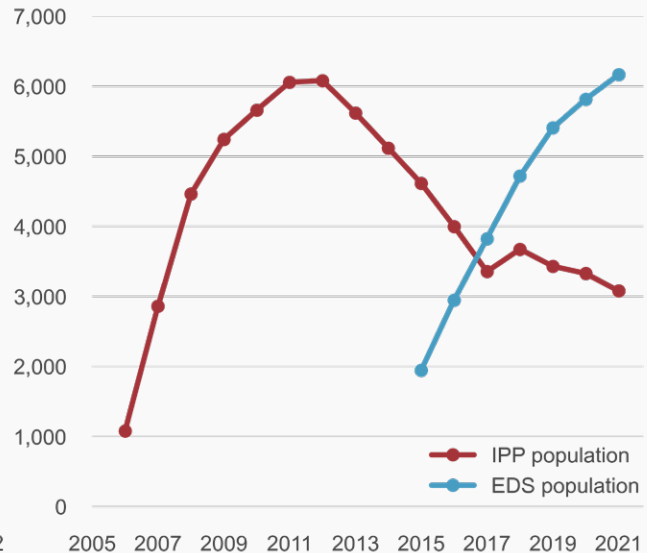
The gap between the number of people released from prison and the number recalled has closed in recent years



Source: Offender management statistics quarterly: October to December 2021

## The new IPP?

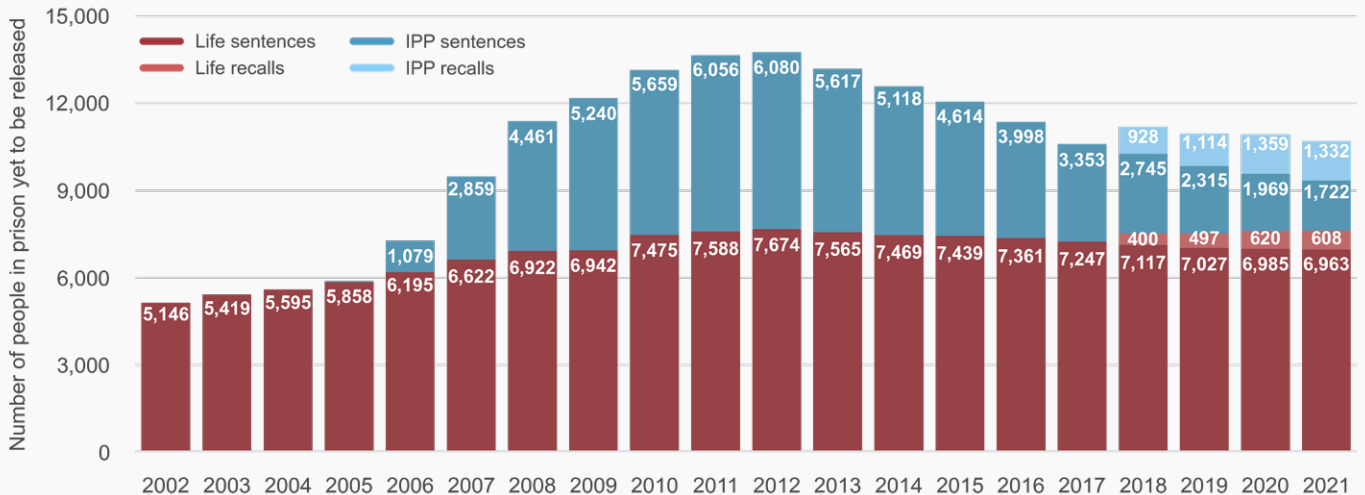
Extended Determinate Sentences now look likely to surpass the IPP sentences they replaced



Source: Offender management statistics quarterly: October to December 2021

## The growth of indeterminate sentences

Use of indeterminate sentences has risen significantly—with recalls now driving up numbers again



Source: Offender management statistics, Prison population 2021 and Offender management statistics quarterly: June to August 2021

## People with neurodivergent conditions

**A recent joint review by criminal justice inspectorates estimates that around half of those entering prison have some form of neurodivergent condition which impacts their ability to engage.** This is much higher than in the outside community, where the working consensus among professionals is that around 15–20% of individuals have at least one neurodivergent condition.<sup>71</sup>

**Around three in 10 people (29%) who chose to participate in education in prison were identified as having a learning disability or difficulty following assessment in 2019–20.**<sup>72</sup> Despite this, the Offender Assessment System (OASys) only records 924 prisoners (1%) as having a learning disability.<sup>73</sup>

**A recent Equality and Human Rights Commission report into inclusive justice found that three out of four criminal justice professionals surveyed in England and Wales said that defendants' impairments were sometimes or always missed.**<sup>74</sup>

**A study has estimated that a quarter (25%) of people in prison have an attention deficit/hyperactivity disorder (ADHD), around one in 10 (9%) have an autism spectrum disorder, and around one in 10 (9%) have an intellectual disability.**<sup>75</sup>

**Prisoners with learning disabilities or difficulties were almost three times as likely as other prisoners to have clinically significant anxiety or depression—many were both anxious and depressed.**<sup>76</sup>

**The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.**<sup>77</sup> In 2018/19 98,200 people engaged with liaison and diversion services.<sup>78</sup>

**The roll-out of liaison and diversion services achieved 100% coverage across England in March 2020.**<sup>79</sup>

## Foreign nationals in prison

**The term 'foreign national prisoner' encompasses many different people.** They may have come to the UK as children with parents, or been second generation immigrants; they may have been asylum seekers or been given indefinite leave to remain as a refugee; they could be European nationals; they may have entered the UK illegally or have been in the UK as students, visitors or workers who have become involved in the criminal justice system.

**Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales.** On 31 March 2022 there were 9,661 foreign nationals in prison.<sup>80</sup>

**Foreign national prisoners come from 165 countries**—but over half are from eight countries (Albania, Poland, Romania, Ireland, Lithuania, Jamaica, Vietnam, Pakistan).<sup>81</sup>

**More than a quarter of foreign nationals are in prison for drug offences (29%) or for violence against the person (28%).** One in seven are in prison for sex offences (15%).<sup>82</sup>

**One in 10 (10%) women in prison are foreign nationals.**<sup>83</sup> Some are known to have been coerced or trafficked into offending.<sup>84</sup>

**More than 60,000 foreign national offenders have been removed from the UK since 2010.** 2,673 of these were removed in 2021.<sup>85</sup>

**621 people were still held in prison at the end of March 2022 under immigration powers, despite having completed their custodial sentence.** This has increased by almost three-quarters (73%) from 359 before the pandemic at the end of December 2019.<sup>86</sup>

<sup>71</sup> Criminal Justice Joint Inspection (2021) Neurodiversity in the criminal justice system, London: HM Inspectorate of Prisons

<sup>72</sup> Ministry of Justice (2021) Prison education 2019–20, London: Ministry of Justice

<sup>73</sup> House of Commons written question 16886, 16 June 2022

<sup>74</sup> Equality and Human Rights Commission (2020) Inclusive justice: a system designed for all, London: EHRC

<sup>75</sup> Young, S. et al. (2018) Neurodevelopmental disorders in prison inmates: comorbidity and combined associations with psychiatric symptoms and behavioural disturbance, *Psych. Res.*, 216, 109

<sup>76</sup> Talbot, J. (2008) Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, London: Prison Reform Trust

<sup>77</sup> Department of Health website, accessed on 20 September 2021, available at <https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country>

<sup>78</sup> Ministry of Justice (2020) Women and the Criminal Justice System 2019, London: Ministry of Justice

<sup>79</sup> House of Commons written question 249321, 11 November 2019

<sup>80</sup> Table 1.7, Ministry of Justice (2022) Offender management statistics quarterly, October to December 2021, London: Ministry of Justice

<sup>81</sup> Ibid.

<sup>82</sup> House of Lords written question HL7536, 14 April 2022

<sup>83</sup> Table 1.7, Ministry of Justice (2022) Offender management statistics quarterly, October to December 2021, London: Ministry of Justice

<sup>84</sup> Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

<sup>85</sup> Table Ret\_02a, Home Office (2021) Immigration statistics, year ending March 2021, London: Home Office

<sup>86</sup> Table Det\_03a, Home Office (2021) Immigration enforcement data: February 2021, London: Home Office

## Women in prison

Women make up only

# 4%

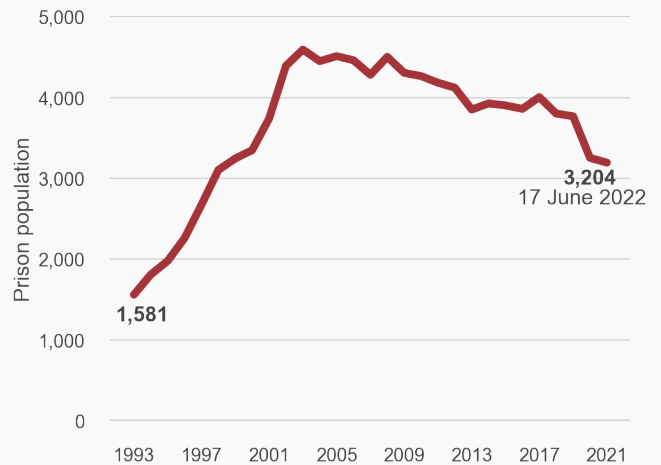
of the total prison population

In 2021

# 4,806

women were sent to prison—either on remand or to serve a sentence

Despite a recent decline there are still twice as many women in prison today as there were 28 years ago

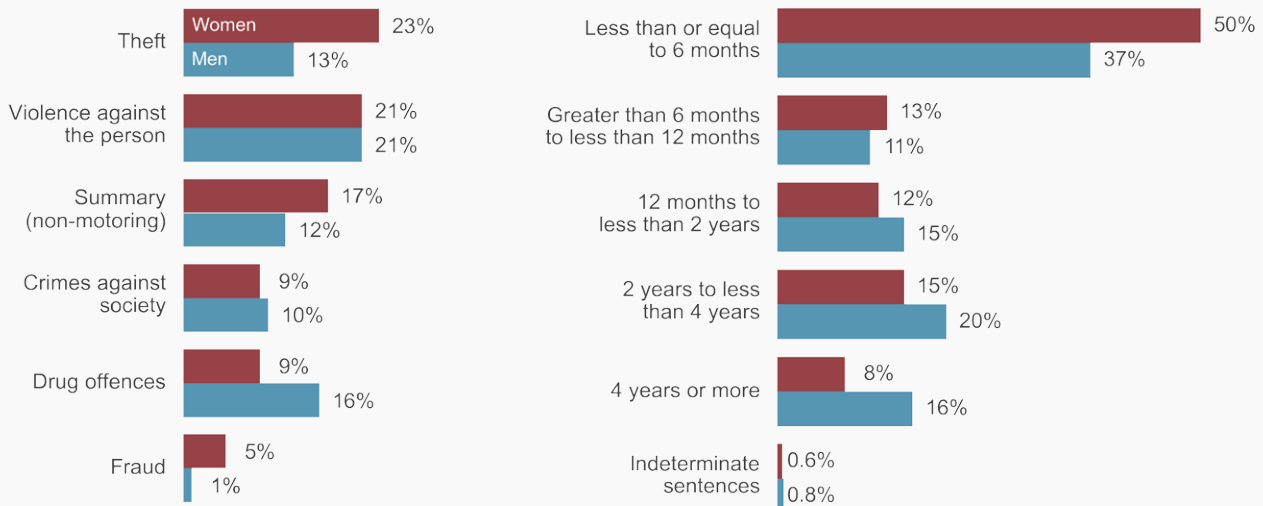


Source: Offender management statistics quarterly: October to December 2021 and Offender management statistics: Prison receptions 2021

Source: Population and capacity briefing for 17 June 2022 and Offender management statistics: Prison population 2021

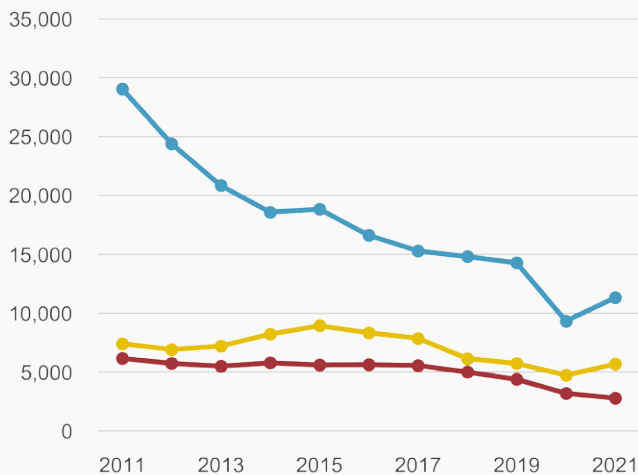
### Women tend to commit less serious offences—many serve prison sentences of less than 12 months

In 2021, people entered prison for committing the following offences and to serve the following sentences



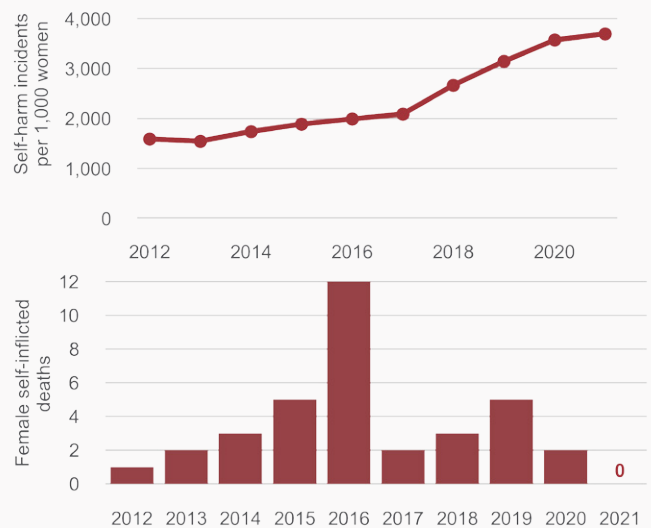
Source: Offender management statistics quarterly: October to December 2021

Community sentences for women have dropped by two-thirds in a decade. Use of suspended sentences has fluctuated, but only account for 3% of all sentences. Use of short prison sentences has declined by a half



Source: Criminal justice statistics quarterly December 2021, Outcomes by offence data tool

Many women in prison have high levels of mental health needs and histories of abuse. Self-harm rates are rising and deaths are high



Source: Safety in custody statistics quarterly update to June 2021



**Most women (68%) in 2021 who entered prison under sentence committed a non-violent offence.<sup>87</sup>**

**More women were sent to prison to serve a sentence in 2021 for theft than for robbery, sexual offences, drugs, possession of weapons and motoring offences combined.<sup>88</sup>**

**Half of women (50%) entering prison in 2021 to serve a sentence had received a sentence of less than six months. This has decreased from 62% in 2019.<sup>89</sup>**

**Seven in 10 women in prison (71%) reported that they had mental health issues compared with nearly half of men (47%).<sup>90</sup>**

**Rates of self-harm amongst women are at the highest level since available records began in 2004. Women account for a disproportionate level of self-harm in prison—last year 22% of all self-harm incidents in prison were by women, despite making up only 4% of the total prison population.<sup>91</sup>**

**Half of women (50%) left prison without settled accommodation in 2020–21.<sup>92</sup>**

### **Children and young adults in prison**

**The number of children (under-18s) in custody has fallen by 86% since its peak in 2008.<sup>93</sup> They are also committing fewer crimes—with proven offences also down by 86% between 2008 and 2021.<sup>94</sup>**

**At the end of March 2022 there were 422 children in custody—12 children were aged 14 or younger.<sup>95</sup>**

**A quarter (25%) of children in custody in 2020–21 were there for non-violent crimes.<sup>96</sup>**

**A disproportionate number of children in custody come from a care background. Fewer than 1% of all children in England are in care,<sup>97</sup> but around two-fifths of children in secure training centres (44%) and more than half in young offender institutions (54%) have been in care.<sup>98</sup>**

**Almost half of children in custody (48%) are from a black, Asian or minority ethnic background.<sup>99</sup> One in five (22%) of children in custody self-report as Muslim and one in 10 (9%) as from a traveller background.<sup>100</sup>**

**Many children who are alleged to have committed offences are tried and sentenced in the Crown Court as adults after turning 18 while awaiting a trial. In the year to June 2021, 1,225 people who were alleged to have committed offences as children were dealt with in the Crown Court. Equivalent data for the magistrates' courts does not exist.<sup>101</sup>**

**Two of the three secure training centres in England and Wales (Rainsbrook and Oakhill) were declared inadequate and issued with urgent notifications in 2021 due to serious and widespread concerns about the care and safety of children, leadership, and staffing.<sup>102</sup>**

**Restraint of children in custody remains high, with an average of 358 restraint incidents a month. In the year to March 2021, there were 55 incidents of restraint per 100 children in custody, up from 18 in 2010.<sup>103</sup>**

**The number of incidents of self-harm by children in custody is increasing. In the year to March 2021 there were 18.6 incidents of self-harm for every 100 young people in custody each month, up from 9.8 six years ago.<sup>104</sup>**

<sup>87</sup> Table A2.9i, Ministry of Justice (2022) Offender management statistics: Prison receptions 2021, London: Ministry of Justice

<sup>88</sup> Ibid.

<sup>89</sup> Table A2.7, Ministry of Justice (2022) Offender management statistics: Prison receptions 2021, London: Ministry of Justice

<sup>90</sup> HM Chief Inspector of Prisons (2020) Annual Report 2019–20, London: The Stationery Office

<sup>91</sup> Table 3, Ministry of Justice (2022) Safety in custody quarterly update to December 2021, London: Ministry of Justice

<sup>92</sup> Table 11, Ministry of Justice (2021) Community performance quarterly MI, update to March 2021, London: Ministry of Justice

<sup>93</sup> Table 1, Ministry of Justice (2022) Monthly youth custody report—March 2022, London: Youth Justice Board

<sup>94</sup> Table 4.1, Ministry of Justice (2022) Youth Justice Statistics 2020–21, London: Ministry of Justice and previous editions

<sup>95</sup> Tables 1 and 9, Youth Justice Board (2022) Monthly youth custody report—March 2022, London: Youth Justice Board

<sup>96</sup> Table 7.6, Ministry of Justice (2022) Youth Justice Statistics 2020–21, London: Ministry of Justice

<sup>97</sup> Department for Education (2020) Children looked after in England including adoption: 2019 to 2020, London: DfE and

Table MYE1 – All, Office for National Statistics (2020) Population Estimates for UK, England and Wales, Scotland and Northern Ireland, mid-2019, London: ONS

<sup>98</sup> HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

<sup>99</sup> Table 6, Ministry of Justice (2022) Monthly youth custody report—March 2022, London: Youth Justice Board

<sup>100</sup> HM Inspectorate of Prisons (2021) Children in custody 2019–20, London: HM Stationery Office

<sup>101</sup> House of Commons written question 4577, 23 May 2022

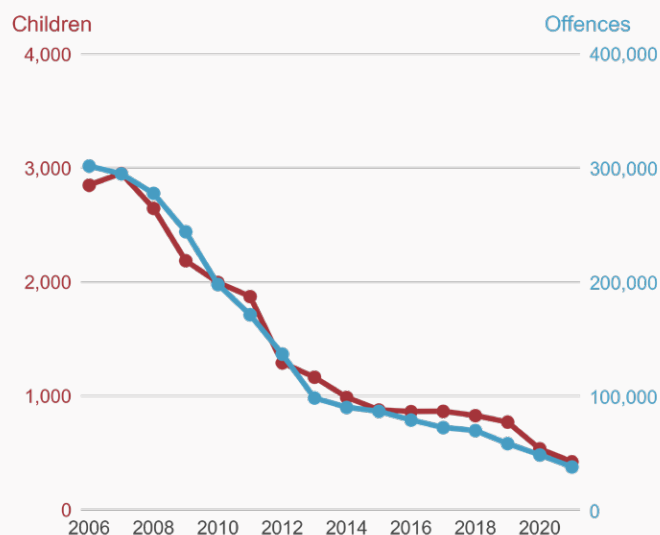
<sup>102</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>103</sup> Table 8.1, Ministry of Justice (2022) Youth Justice Statistics 2020–21, London: Ministry of Justice and previous editions

<sup>104</sup> Tables 8.1 and 8.3, Ibid.

### Prison works?

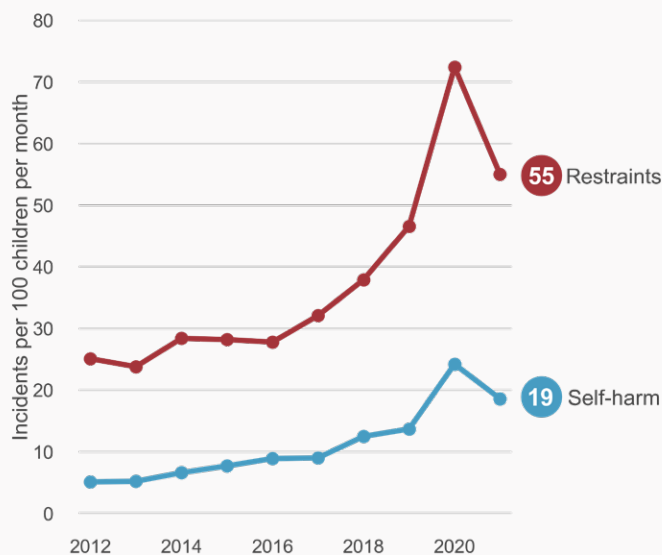
Child custody has dropped significantly—and so has offending



Source: Youth Justice Board Monthly youth custody report March 2022 and Youth Justice Statistics 2020–21

### Falling numbers—but declining safety

Rates of self-harm and use of restraints are high



Source: Table 8.3, Youth Justice Statistics 2020–21

**11,468 young adults (aged 18–24) are currently in prison in England and Wales—they account for 14% of the total prison population.**<sup>105</sup>

**There are now half (50%) as many young adults in prison in England and Wales than in 2010.**<sup>106</sup>

**Young adults are disproportionately involved in violence in prison.** Young adults were identified as the assailants in more than a third (34%) of assaults in prison in 2021.<sup>107</sup>

### Mental health

**More than half (52%) of people in prison surveyed by inspectors between 1 July 2020 and 31 March 2021 reported having mental health problems.** Only around a fifth (22%) said it was easy to see a mental health worker.<sup>108</sup>

**Seven in 10 women in prison (71%) reported that they had mental health issues compared with less than half of men (47%).**<sup>109</sup>

**A study of 469 male and female prisoners found that 42% of participants had been previously diagnosed with a mental illness.** Some of the most common diagnoses include personality disorders (27%), anxiety disorders (27%), PTSD (20%), psychotic disorders (10%) and autism (4%).<sup>110</sup>

**70% of people who died from self-inflicted means whilst in prison had already been identified with mental health needs.** However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.<sup>111</sup>

**1,095 people were transferred from prison to a secure hospital in 2021, the highest number since records began.**<sup>112</sup>

**At a third of prisons inspected in 2019–20 officers had not undergone adequate mental health awareness training, despite repeated recommendations.**<sup>113</sup>

**Reoffending rates are lower for people given a community sentence subject to a mental health treatment requirement.** Rates were 3.5 and 5 percentage points lower, respectively, for people on a community order or a suspended order, than those without such a requirement.<sup>114</sup>

<sup>105</sup> Table 1.3, Ministry of Justice (2022) Offender management statistics quarterly, October to December 2021, London: Ministry of Justice

<sup>106</sup> Table A1.7, Ministry of Justice (2022) Offender management statistics, Prison population 2021, London: Ministry of Justice

<sup>107</sup> Table 3.3, Ministry of Justice (2022) Safety in custody quarterly: update to December 2021, London: Ministry of Justice

<sup>108</sup> HM Chief Inspector of Prisons (2021) Annual report 2020–21, London: HM Stationery Office

<sup>109</sup> HM Chief Inspector of Prisons (2020) Annual report 2019–20, London: HM Stationery Office

<sup>110</sup> Tyler, N. et al. (2019) An updated picture of the mental health needs of male and female prisoners in the UK: prevalence, comorbidity, and gender differences. *Social Psychiatry and Psychiatric Epidemiology*, 54, 1134, Springer: Berlin Heidelberg

<sup>111</sup> Prisons and Probation Ombudsman (2016) Prisoner mental health, London: PPO

<sup>112</sup> Table 7, Ministry of Justice (2022) Offender management statistics: Restricted patients 2021, London: Ministry of Justice

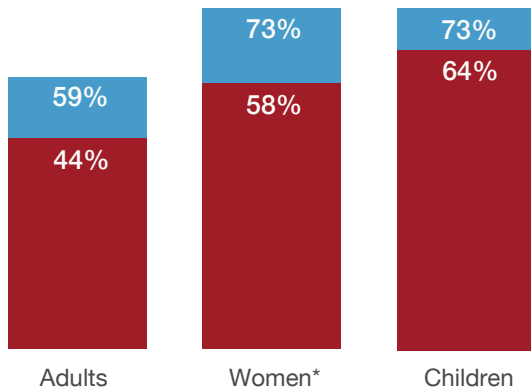
<sup>113</sup> HM Chief Inspector of Prisons (2020) Annual Report 2019–20, London: The Stationery Office

<sup>114</sup> Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?, London: Ministry of Justice

## Rehabilitation and resettlement

Reoffending rates are hard, if not impossible, to measure. Published figures almost invariably use reconviction as a proxy measure. But reconviction can be affected by many factors, in particular the ability of the police to detect crime and the priorities they set in doing so. In this section, we use published material on reconvictions as the best available indicator of probable trends in reoffending.

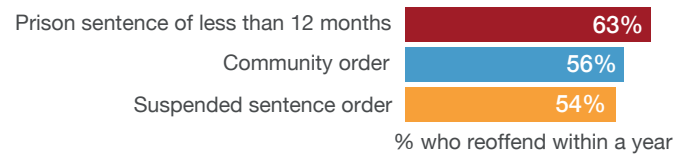
**Reconviction rates within a year of release are high**—for those serving short sentences of **less than 12 months**, the rates are even higher.



\*Latest available data for women taken from Proven reoffending statistics: January to March 2017

Sources: Proven reoffending statistics: April 2019 to March 2020 and previous editions; 2013 Compendium of re-offending statistics and analysis and Hillier, J. and Mews, A. (2018) Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?

Short prison sentences have been shown to be **less effective** at reducing reoffending than community orders for people committing the same types of crime.



For people with **more than 50 previous offences**, the odds of reconviction

when a short prison sentence is used rather than a community sentence.

**↑ 36%**

**A recent study by the Ministry of Justice has estimated the annual total estimated economic and social cost of reoffending at £18.1bn.<sup>115</sup>**

### Purposeful Activity

**Prison education in England is in a poor state according to a cross-party committee of MPs.** The House of Commons Education Committee's inquiry found a long-term decline in both the quality of education and the number of prisoners participating in learning or training.<sup>116</sup>

**In December 2020, Ofsted reported that nearly two-thirds of inspections showed poor management of the quality of education, skills and work.** Only nine of the 32 institutions inspected were judged to be good or outstanding.<sup>117</sup>

**There has been a marked decline in the number of adult prisoners in England participating in educational qualifications.** In the 2017/18 academic year, 31,700 prisoners participated in level 2 courses (equivalent to GCSE), and just 200 participated in a level 3 course (equivalent to AS-levels and above). This was an 18% and 90% decrease, respectively, compared to the 2010/11 academic year.<sup>118</sup>

### Resettlement

**Nearly everyone in prison will be released at some point.** Last year 47,014 people were released.<sup>119</sup>

**Some people are entitled to receive a Subsistence Payment to help them on release.** In August 2021 the government raised it from £46 to £76, the first increase since 1995.<sup>120</sup> However, thousands of prisoners are ineligible, including those released from remand, fine defaulters and people serving less than 15 days.<sup>121</sup>

**The government has published plans in its Prisons Strategy White Paper to spend £200m per year by 2024–25 supporting prison leavers to access employment, accommodation and substance misuse treatment post release.** This includes plans to set up local employment boards in all resettlement prisons.<sup>122</sup>

115 Ministry of Justice (2019) The economic and social costs of reoffending, London: Ministry of Justice

116 House of Commons Education Committee (2022) Not just another brick in the wall: why prisoners need an education to climb the ladder of opportunity, London: HM Stationery Office

117 Ibid. and Ofsted (2020) The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2019/20, HC 972, London: Ofsted

118 House of Commons Education Committee (2022) Not just another brick in the wall: why prisoners need an education to climb the ladder of opportunity, London: HM Stationery Office

119 Table A3.1, Ministry of Justice (2022) Offender management statistics, Prison releases 2021, London: Ministry of Justice

120 House of Lords written question HL4485, 14 December 2021

121 Hansard, 15 March 2004, Col. 143W and Prison Service Instruction 72/2011 Discharge, Annex B

122 Ministry of Justice (2021) Prisons Strategy White Paper, London: Ministry of Justice

## Employment

**For many, having a criminal conviction is a barrier to leading a law-abiding life on release.** The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs. The Police, Crime, Sentencing and Court Act contains measures that will reduce the time it takes for a conviction to be spent, including for some sentences of over 4 years.<sup>123</sup>

**Just one in six (16%) of people are in employment six weeks after leaving prison.** After six months, the figure rises to fewer than one in four (23%). Although both figures are low, they represent a rise from the previous year from 10% and 14%, respectively.<sup>124</sup>

**However, more than 150 employers so far, including the entire Civil Service, have signed up to Ban the Box**—removing the need to disclose convictions at the initial job application stage as a first step towards creating fairer employment opportunities for ex-offenders.<sup>125</sup>

## Accommodation

**Only slightly more than half (56%) of people released from prison between March 2020–21, 30,220 people, had settled accommodation on release.** Around one in seven (14%) were homeless or sleeping rough. People serving sentences under 12 months and those aged between 40–49 were more likely to be released homeless.<sup>126</sup>

**A report on accommodation and support for adults leaving prison found that between February 2019–20, 65% of those without settled accommodation had reoffended within 12 months compared with 44% of those with settled housing.**<sup>127</sup>

**The Homelessness Reduction Act 2017 means that prisons and probation providers are now required by law to refer people who might be at risk of becoming homeless to the local housing authority.** Between October and December 2021, 1,840 people in England were referred under the scheme by probation services, and 410 people were referred by prisons.<sup>128</sup>

**HMPPS has developed the Community Accommodation Service (CAS) intended to combine the existing Approved Premises (AP) and Bail Accommodation and Support Service (BASS), and provide additional transitional accommodation.** In its first year the service is expected to support 3,000 people for up to 12 weeks of temporary accommodation, with additional support to get them into long-term settled accommodation.<sup>129</sup>

## Financial exclusion

**People cannot make a claim for Universal Credit until they have been released from prison.**

Concerns have been raised that this is placing people into unnecessary hardship on release. As part of the government's response to Covid-19, the Department for Work and Pensions have established a helpline specifically for prison leavers, who are issued with information about the line as part of their discharge pack on leaving prison.<sup>130</sup>

<sup>123</sup> The government website, accessed on 21 June 2022, available at

<https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-rehabilitation-factsheet>

<sup>124</sup> Ministry of Justice (2022) Employment Rates following release from custody — Ad hoc release, London: Ministry of Justice

<sup>125</sup> Business in the Community website, accessed on 12 May 2022, available at [www.bitc.org.uk/banthebox](http://www.bitc.org.uk/banthebox)

<sup>126</sup> Table 8, Ministry of Justice (2021) Community Performance Quarterly, update to March 2021, London: Ministry of Justice

<sup>127</sup> HMI Probation (2020) Accommodation and support for adult offenders in the community and on release from prison in England: An inspection by HMI Probation, London: HMI Probation

<sup>128</sup> House of Commons written question 7749, 12 September 2017, and

Ministry of Housing, communities and local government (2022) Statutory homelessness: Detailed local authority-level tables, London: MHCLG

<sup>129</sup> House of Commons written question 43639, 13 September 2021

<sup>130</sup> Day, A. (2018) Huffington Post, 'Universal Credit: Prisoners "Lured Back Into Crime" By Benefit Delays', available at

[https://www.huffingtonpost.co.uk/entry/universal-credit-prisoners-being-set-up-to-fail-and-lured-back-into-crime-by-benefit-delays\\_uk\\_5be595aae4b0dbe871aa26f2](https://www.huffingtonpost.co.uk/entry/universal-credit-prisoners-being-set-up-to-fail-and-lured-back-into-crime-by-benefit-delays_uk_5be595aae4b0dbe871aa26f2) and

House of Lords, written question HL10478, 18 November 2020

The Prison Reform Trust works to create a just, humane and effective penal system.  
To find out more and support our work visit [www.prisonreformtrust.org.uk/donate](http://www.prisonreformtrust.org.uk/donate)

The Prison Reform Trust is grateful to the Bromley Trust for kindly supporting the production of this briefing and the more detailed Bromley Briefings Prison Factfile. Next edition due Winter 2023.

For more information about the Bromley Trust visit [www.thebromleytrust.org.uk](http://www.thebromleytrust.org.uk)

Cover image by AndyAitchison.uk

Prison Reform Trust, London EC1V 0JR 020 7251 5070 [prt@prisonreformtrust.org.uk](mailto:prt@prisonreformtrust.org.uk)  
Registered in England, Charity No 1035525. Company Limited by Guarantee No 2906362