



Bromley Briefings Prison Factfile

Autumn 2013

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

Even those who support rehabilitation and reform are beginning to ask questions about the scale and pace of change in the justice system.

A rapid round of prison closures and re-roles, re-designation of up to 70 establishments across England and Wales as resettlement prisons, a risky review of the incentives scheme and a punishing benchmarking process, plus outsourcing most probation and resettlement services to the private and voluntary sector are all happening at a time when the National Offender Management Service has to make overall resource savings of almost 25% in real terms by 2014-15. The spending review saw a further 10% reduction in the Ministry of Justice's budget. And, on government estimates, a looming Offender Rehabilitation Bill threatens to add hundreds, if not thousands, to the prison population.

Meanwhile challenges remain to bring down overcrowding levels and to tackle unacceptably high reconviction rates. The Prisons Inspectorate has raised concerns about whether there are sufficient resources available to provide a safe and secure service and do anything useful with people whilst they are in custody. "Resources are now stretched very thinly...there is a pretty clear choice for politicians and policy makers - reduce prison populations or increase prison budgets," the Chief Inspector Nick Hardwick has said.

Under pressure of budget cuts and economies of scale, prisons are getting fewer and larger, with a drive to close small community and open prisons, build larger jails and add additional capacity to existing establishments. Since 2010 there have been 13 prison closures and a further six still to come. To boost economic regeneration, the Government plans to build a 2,000 place prison in Wrexham and is conducting a feasibility study for a second giant institution.

Titan prisons are not so much marching as creeping by stealth across England and Wales. There are now 28 prisons holding more than 1,000 men each: that's 40% of the prison population already warehoused in grossly large establishments. Ten years ago fewer than one in five prisoners were held in jumbo jails. This is despite evidence indicating that smaller prisons tend to be safer and more effective than larger establishments, holding people closer to home and with a higher ratio of prison staff to prisoners.

The recent disastrous HM Inspectorate report into G4S run Oakwood prison, housing 1,600 people at one third of the average cost per prisoner place, ought to give pause for thought in the rush to build ever larger establishments with ever lower staffing levels.

Lord Woolf, now Chair of the Prison Reform Trust, in his seminal report on the prison system following the disturbances at Strangeways prison, recommended prisons "should not normally hold more than 400 prisoners ... the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison." In 2009 David Cameron made it clear that "the idea that big is beautiful with prisons is wrong."

And who are the people swept up into this brave new justice system? The line between victim and offender isn't as clear cut as many would like to believe. Many of the people who end up in custody are themselves victims. If you consider women in custody – most have committed petty, albeit persistent, offences and most are victims of violent crimes: domestic violence, sexual abuse or rape. Largely due to family breakdown and neglect, almost a third of the women and one quarter of the men in prison were taken into care as children compared with 2% of the general population. Far more likely to have no qualifications, be homeless and unemployed, to have lived in poverty, to have used class A drugs and to suffer from a psychotic illness, none of these are excuses for offending but this is not a group of happy, healthy people who suddenly turn to crime.

Rehabilitation is a worthwhile objective and complex problems require complex solutions. The needs of vulnerable people should concern every department of national and local government, not be monopolised by Justice. Prisons cannot, and should not, continue to pick up the tab for a range of social and health needs. Minds could be concentrated by severely limited resources. A more effective and far-sighted use of public monies would see addicts receiving treatment in the community, or in residential centres, and people who are mentally ill, or those with learning disabilities, getting the health and social care they need to lead responsible lives in their communities. Our current overuse of custody is a social and economic disaster.

Prison overview

Trends

On 11 October 2013, the prison population in England and Wales was 84,078.¹ In 1992-93, the average prison population was 44,628.²

England and Wales has an imprisonment rate of 149 per 100,000 of the population. France has an imprisonment rate of 102 per 100,000 and Germany has a rate of 83 per 100,000.³

Between 2002 and 2012, the prison population in England and Wales grew by 14,830 or 21%. During this period the number on remand fell by 13%, while those sentenced to immediate custody rose by 28%.⁴

26,386 new prison places were provided between 1997-98 and 2011-12.⁵

Prisons are getting larger, with a drive to close small community and open prisons, build larger jails and add additional capacity to existing establishments. There are now 28 prisons in England and Wales holding more than 1,000 men each.⁶

1,193,459 people were sentenced by the courts in the 12 months ending March 2013, a decrease of 7% overall from the previous 12 months. Of these, 94,350 people were sentenced to immediate custody in the 12 months ending March 2013, a decrease of 11% compared to the previous 12 months.⁷

Average sentence length has been increasing, it is now 2.7 months longer than in 2002.⁸ The average sentence length is 14.7 months.⁹

The proportion of the sentenced prison population serving indeterminate or life sentences increased from 9% in 1993 to 19% in 2012.¹⁰

At the end of June 2013 there were 5,620 people in custody serving an indeterminate sentence for public protection (IPP). 3,549 (63%) remained in prison held beyond their tariff expiry date.¹¹

1 Ministry of Justice (2013) Population and Capacity briefing for 11 October 2013, London: Ministry of Justice

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

3 International Centre for Prison Studies website, <http://www.prisonstudies.org/info/worldbrief/?search=europe&x=Europe>, accessed on 30 August 2013

4 Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

5 Hansard, HC, 26 April 2012 c1072W

6 NOMS (2013) Population Bulletin – Monthly September 2013

7 Table Q5.4, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

8 Table Q5.6, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice and Criminal Justice Statistics Quarterly Update to March 2012

9 Ibid

10 Ministry of Justice (2013) Story of the prison population: 1993 - 2012 England and Wales, London: Ministry of Justice

11 Table 1.4, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

Since 2005, 946 people serving IPP sentences have been released from custody.¹²

At the end of June 2013 there were 43 prisoners in England and Wales serving a 'whole life' tariff.¹³

The average time served for people serving mandatory life sentences increased from 13 years in 2001 to 16 years in 2012.¹⁴

In the 12 months ending March 2013, 48,584 people were remanded into custody to await trial.¹⁵ In the 12 months ending March 2013, 10,900 people remanded in custody were subsequently acquitted.¹⁶

The recall population grew rapidly between 1993 and 2012, accounting for 13% of the overall increase in the prison population. This reflected a higher recall rate caused by changes to the law making it easier to recall prisoners, and changes introduced in the Criminal Justice Act 2003 which lengthened the licence period for most offenders.¹⁷ On 30 June 2013 the recall population stood at 5,113.¹⁸

35,165 people were given sentences up to and including three months in the 12 months ending March 2013 – 10% fewer than the same time last year.¹⁹

In the 12 months ending March 2013, 57% of all custodial sentences were for six months or less.²⁰

At the end of September 2013, 69 of the 124 prisons in England and Wales were overcrowded.²¹

In 2011-12 an average of 21,027 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 20,157.²²

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past 15 years.²³

12 Table A3.5, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

13 Table 1.4, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

14 Table A3.5, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice and Offender Management Caseload Statistics 2010

15 Table 2.2a, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice. NB, the same person can be remanded before and after trial, so counting twice

16 Table Q3a, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

17 Ministry of Justice (2013) Story of the prison population: 1993 - 2012 England and Wales, London: Ministry of Justice

18 Table 1.1a Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

19 Table Q5.6, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

20 Ibid

21 Ministry of Justice (2013) Prison Population Monthly Bulletin September 2013, London: Ministry of Justice

22 Hansard HC, 20 November 2012, c428W and Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin January to March 2012, London: Ministry of Justice

23 Ministry of Justice (2013) Prison and Probation Trusts performance

In 2012-13 private prisons held an average of 29.3% of prisoners in overcrowded accommodation, compared to 21.8% in the public sector. Forest Bank, Birmingham, Doncaster and Altcourse have particularly high rates of overcrowding, with 41.4%, 47.2%, 65.9% and 67.4% of prisoners held in overcrowded accommodation respectively.²⁴

66% of women and 38% of men in prison report committing offences in order to get money to buy drugs.²⁵

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.²⁶

On 11 October 2013, the women's prison population stood at 3,952, that is 178 fewer than a year ago.²⁷ Between 2000 and 2010 the women's prison population increased by 26%. 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 9,832 women were received into prison in 2012, that is 349 fewer than 2011.²⁸

There are 1,780 fewer children in custody than there were five years ago - a drop of 59%.²⁹ Numbers of children (under-18s) peaked at an average of just over 3,000 in custody in 2007-08. At the end of August 2013 there were 1,239 children in prison.³⁰

Overall there were 137,335 proven offences by children aged 10-17 in 2011/12, down 22% from 2010/11 and down 47% since 2001/02. In the last year there has been a notable reduction in offences committed by young people, in particular; criminal damage (down 28%), public order (down 27%), theft and handling (down 23%) and violence against the person offences (down 22%).³¹

At the end of June 2013 there were 6,272 young people aged 18-20 in prison in England and Wales. This is 16% fewer than the previous year.³²

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 122% between 2002 and 2012.³³

statistics 2012/13: Prison performance digest 2012-13, London: Ministry of Justice

²⁴ Ibid.

²⁵ Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

²⁶ Table 7.10, Home Office (2011) Nature of Violent Crime, London: Home Office

²⁷ Ministry of Justice (2013) Population and capacity briefing for 11 October 2013, London: Ministry of Justice

²⁸ Table A2.1c, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

²⁹ Figure 2.1, Youth Justice Board (2013) Monthly Youth Custody Report - August 2013, London: Youth Justice Board.

³⁰ Figure 1.0, Ibid.

³¹ Ministry of Justice (2013) Youth Justice Statistics 2011/12, London: Ministry of Justice

³² Table 1.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

³³ Table A1.11, Ministry of Justice (2013) Offender Management Caseload

7% 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 46.³⁴

Approximately 200,000 children in England and Wales had a parent in prison at some point in 2009.³⁵ In the same year more than double the number of children were affected by the imprisonment of a parent than by divorce in the family.³⁶

During their time at school an estimated 7% of children experience their father's imprisonment.³⁷

It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.³⁸

Costs

The overall cost of public order and safety is 2.8% of GDP, this is higher than the US or any EU country.³⁹ Spending on public order and safety has grown rapidly, at an average annual real rate of 4.6% between 2000-01 and 2008-09.⁴⁰

The National Offender Management Service has to make overall resource savings of almost 25% in real terms by 2014-15.⁴¹ The 2013 spending round confirmed that the Ministry of Justice budget would be cut by a further 10% from 2014-15 to 2015-16.⁴²

In the 2012-13 spending review period the Ministry of Justice announced plans to spend £583 million on capital investment in the prison estate.⁴³

Between 2003-04 and 2008-09 prison expenditure increased by nearly 40% in real terms, from £2.52bn to £3.98bn a year.⁴⁴

Statistics 2012, London: Ministry of Justice

³⁴ Home Office (2001) Criminal careers of those born between 1953 and 1978, London: Home Office

³⁵ Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice

³⁶ Office for National Statistics (2011) Divorces in England and Wales 2009, Fareham: Office for National Statistics

³⁷ Department for Education and Skills (2003) Every Child Matters, London: The Stationery Office

³⁸ Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

³⁹ OECD (2011) OECD Factbook 2011-2012: Economic, Environmental and Social Statistics, Law, order and defence expenditure, Paris: OECD Publishing

⁴⁰ Crawford, R. et al. (2009) A Survey of Public Spending in the UK, London: Institute for Fiscal Studies

⁴¹ Ministry of Justice (2013) NOMS Business Plan 2013-14, London: Ministry of Justice

⁴² Table 1, HM Treasury (2013) Spending Round 2013, London: HM Treasury

⁴³ Hansard HC 15 March 2012 c366W

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

The average annual overall cost of a prison place in England and Wales for financial year 2011-12 is £37,648. 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.⁴⁵

For the year 2013-14 the cost per place per year in a secure children's home is £209,000; in a secure training centre it is £187,000 and in an under-18 young offender institution it is £60,000.⁴⁶

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.⁴⁷

On 9 May 2013 the Justice Secretary announced plans for all prisoners leaving custody to serve a minimum of 12 months under supervision in the community. At present around 50,000 prisoners serve sentences of under 12 months and receive no supervision after release.⁴⁸ The government has not provided an estimate of the cost of the scheme on the grounds of 'commercial confidentiality'.

The Ministry of Justice has estimated that there could be a cost of around £25 million per year associated with breach of licence and supervision conditions for short sentenced offenders. They also acknowledged there may be an additional burden to the police from extending supervision. This could cost up to £5 million per year.⁴⁹

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.⁵⁰

The planned NOMS total budget for the financial year 2012-2013 for public prisons was £1,751 million and private prisons £434 million.⁵¹ In 2008-09 the prison service's capital expenditure was 18% over budget.⁵²

The resource budget for the National Offender Management Service for 2011-12 was £3.679 billion, £2.181 billion of which relates directly to expenditure incurred in prisons.⁵³

45 Table 1, Ministry of Justice (2012) Costs per place and costs per prisoner by individual prison, National Offender Management Service Annual Report and Accounts 2011-12: Management Information Addendum, London: Ministry of Justice

46 Hansard HC, 27 June 2013, c368W

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

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

49 Ibid.

50 Hansard HC, 13 September 2010, c847W

51 Hansard HC, 18 October 2012, c408W

52 Hansard HC, 9 September 2009, c2030W

53 Hansard HC, 29 March 2011, c156

One consequence of budget cuts is that since 2007 prisoners have been locked up for half-a-day more per week thus reducing constructive activity and time outside cells.⁵⁴

Imprisoning mothers for non-violent offences carries a cost to children and the state of more than £17 million over a 10 year period.⁵⁵

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.⁵⁶

People in prison: a snapshot

Fewer than 1% of all children in England are in care,⁵⁷ but looked after children make up 30% of boys and 44% of girls in custody.⁵⁸

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.⁵⁹ 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.⁶⁰

The educational background of children in custody is poor: 88% of boys and 74% of girls surveyed said they had been excluded from school. 36% of boys and 41% of girls said they were 14 years or younger when they were last in education.⁶¹

35% of boys and 12% of girls usually had one or more visits per week from family or friends.⁶² 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.⁶³

54 Paul Tidball, Prison Governors' Association, Justice Select Committee, Oral evidence, Towards effective sentencing Vo. 2, 12 December 2007

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

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

57 Department for Education (2012) Children looked after by local authorities in England year ending 31 March 2012, London: DfE, and Office for National Statistics, 2011 Census for England and Wales

58 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

59 Table 3.2 Youth Justice Board (2006) Barriers to engaging in education, training and employment, London: YJB

60 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

61 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

62 Ibid

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

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, 33% an absent mother. 39% had been on the child protection register or had experienced neglect or abuse.⁶⁴

The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons fell by 40% in three years from 472 in 2008-09 to 282 in 2010-11.⁶⁵

In 2006 the average age of people entering prison under sentence was 27. A quarter were aged 21 or under.⁶⁶

46% of women prisoners surveyed reported having attempted suicide at some point in their lives. This compares with 7% of women in the general population.⁶⁷

49% of women in prison suffer from anxiety and depression and 25% report symptoms indicative of psychosis.⁶⁸

Half of women in prison report having suffered domestic violence and one in three has experienced sexual abuse.⁶⁹

In 2012 there were a total of 23,158 incidents of self-harm in prisons, a decrease of 6% compared with the previous year. There were 6,761 individuals who were recorded as having injured themselves, a decrease of 2% compared with the previous year.⁷⁰

Women accounted for 28% of all incidents of self-harm in 2012 despite representing just 5% of the total prison population. The rates of women harming themselves continue to be much higher than for men but the gap has reduced in recent years.⁷¹

Men recently released from prison are eight times more likely and women 36 times more likely than the general population to take their own lives.⁷²

In 2012, 30% of self-inflicted deaths were by prisoners held on remand, despite comprising 13% of the prison population on average during the year.⁷³

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

65 Hansard HC, 3 May 2011, c628W

66 Ministry of Justice (2007) Offender Management Caseload Statistics 2006, London: Ministry of Justice

67 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

68 Ibid.

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

70 Table 2.1, Ministry of Justice (2013) Safety in Custody Statistics

England and Wales, Update to March 2013, London: Ministry of Justice

71 Ibid. and Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

72 Pratt, D., Piper, M., Appleby, L., Webb, R and Shaw, J. Suicide in recently released prisoners: a population-based cohort study, The Lancet - Vol. 368, Issue 9530, 8 July 2006

73 Table 1.8, Ministry of Justice (2013) Safety in Custody Statistics update to March 2013, London: Ministry of Justice, and Table A1.1,

The number of veterans in prison is estimated to be 2,820. This is about 3.5% of the prison population.⁷⁴

Of prisoners who reported consuming alcohol in the previous year, more men (87%) reported drinking alcohol in the four weeks before custody compared with women (75%). Of those prisoners who reported drinking in the four weeks before custody, 32% said they drank on a daily basis.⁷⁵

10% of men and 30% of women have had a previous psychiatric admission before they entered prison.⁷⁶

20-30% of all offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.⁷⁷

23% of young offenders have learning difficulties (IQs of below 70) and a further 36% have borderline learning difficulties (IQ 70-80).⁷⁸

47% of prisoners say they have no qualifications.⁷⁹

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.⁸⁰

At the end of June 2013 there were 10,786 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13% of the overall prison population.⁸¹

On 30 June 2013, 26% of the prison population, 21,543 prisoners, was from a minority ethnic group.⁸² This compares to around 14% of the general population.⁸³

Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

74 Hansard HC, 3 July 2013, c652W

75 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

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

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

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

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

81 Table 1.6, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

82 Table 1.7, Ibid.

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

50% of the total prison population are Christian (of whom 44% are Anglican, 35% Roman Catholic, 19% other Christian, 2% Free Church), 13% are Muslim, 2% Buddhist and 29% report having no religion.⁸⁴

Outcomes

Prison has a poor record for reducing reoffending – 46.9% of adults are reconvicted within one year of being released. For those serving sentences of less than 12 months this increases to 58.5% - an increase of 4.3 percentage points from 2000. For those who have served more than 11 previous custodial sentences the rate of reoffending rises to 68.9%.⁸⁵

Figures for 2010 show that 45% of women leaving prison are reconvicted within one year.⁸⁶

72.3% of children (10-17 years old) released from custody in the 12 months ending September 2011 reoffended within a year.⁸⁷

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 800.⁸⁸ Public prisons are over five times more likely to perform well for safety than private prisons.⁸⁹

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 such problems.⁹⁰

In 2012-13, 26% of prisoners entered employment on release from prison.⁹¹

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%).⁹²

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 their relatives' imprisonment.⁹³

Court Orders (Community Orders and Suspended Sentence Orders) are more effective (by nearly seven percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.⁹⁴

Police recorded crime and Crime Survey for England and Wales (formerly the British Crime Survey) figures show that crime rates are around a third lower than in 2002-03.⁹⁵

The likelihood of becoming a victim of crime is lower than people believe. 13% of respondents thought that they were very likely or fairly likely to be a victim of violent crime, compared with 3% who reported having been a victim of such a crime in the year before interview.⁹⁶

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.⁹⁷

According to the National Audit Office, there is no consistent correlation between prison numbers and levels of crime.⁹⁸

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.⁹⁹

In August 2012 a Populus poll of victims of lower level crime showed that 63% support community sentences as an alternative to prison for lower level offenders.¹⁰⁰

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.¹⁰¹

London: Equality and Human Rights Commission

84 Table A1.24, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

85 Table 18a, 19a and 7a, Ministry of Justice (2013) Proven re-offending quarterly October 2010 - September 2011, London: Ministry of Justice

86 Tables S5.26 and S5.28, Ministry of Justice (2011) Adult re-convictions: results from the 2009 cohort, London: Ministry of Justice

87 Table 18b, Ministry of Justice (2013) Proven re-offending quarterly October 2010 - September 2011, London: Ministry of Justice

88 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

89 Ibid.

90 Table 7, Ministry of Justice (2008) Factors linked to reoffending: a one-year follow-up of prisoners who took part in the Resettlement Surveys 2001, 2003 and 2004, London: Ministry of Justice

91 Table 13, Ministry of Justice (2013) National Offender Management Service Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

92 Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice

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

94 Table A1, Ministry of Justice (2013) 2013 Compendium of reoffending statistics and analysis, London: Ministry of Justice

95 Office for National Statistics (2013) Crime in England and Wales, year ending September 2012, Fareham: Office for National Statistics

96 Table D22 and D30, Office for National Statistics (2012) Crime in England & Wales Quarterly First Release to March 2012 - annual trend and demographic tables, London: ONS

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

98 National Audit Office (2012) Comparing International Criminal Justice Systems, London: National Audit Office

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

100 Victim Support and Make Justice Work (2012) Out in the open: What victims really think about community sentencing, London: Victim Support

101 SmartJustice (2006) Briefing: Crime victims say jail doesn't work, London: SmartJustice

Scottish prison overview¹⁰²

Trends

On 4 October 2013 the total population of prisoners in custody in Scotland stood at 7,845.¹⁰³

Over one-third of the adult male population, and nearly one-tenth of the adult female population in Scotland is likely to have at least one criminal conviction.¹⁰⁴

The imprisonment rate for Scotland stands at 147 per 100,000. France has an imprisonment rate of 102 per 100,000 and Germany has a rate of 83 per 100,000.¹⁰⁵

The number of convictions resulting in a custodial sentence increased by 4% in 2011-12 to 15,880. The proportion of people sentenced to custody increased by 2% to 15%.¹⁰⁶

The average length of custodial sentences in 2011-12 was over nine months (284 days). This is the highest figure in the past decade.¹⁰⁷

The prison population serving sentences of three months or less has been falling steadily over the past five years. This decrease accelerated during 2011-12 with a drop of about a third.¹⁰⁸

The official capacity for all 16 Scottish prisons is 7,816.¹⁰⁹ **The average daily prison population in 2012-13 fell slightly to 8,014 (2%) from the previous year, meaning they held 198 more people than they were designed for.**¹¹⁰ A recent government report highlighted that population levels remain very high in relation to the current design capacity.¹¹¹

¹⁰² This section has not been updated as extensively as we would like due to the delay in the publication of Prison Statistics and Population Projections 2012-13 and the Scottish Prisoner Survey 2013. We have however provided updates where at all possible.

¹⁰³ Scottish Prison Service website at <http://www.sps.gov.uk/Publications/ScottishPrisonPopulation.aspx>

¹⁰⁴ Scottish Government (2013) Discussion Paper on the Rehabilitation of Offenders Act 1974, Edinburgh: The Scottish Government

¹⁰⁵ International Centre for Prison Studies website, <http://www.prisonstudies.org/info/worldbrief/?search=europe&x=Europe>, accessed on 30 August 2013

¹⁰⁶ Table 7, The Scottish Government (2012) Criminal Proceedings in Scotland 2011-12, Edinburgh: The Scottish Government

¹⁰⁷ Table 10(c), The Scottish Government (2012) Criminal Proceedings in Scotland 2011-12, Edinburgh: The Scottish Government

¹⁰⁸ Annex D, The Scottish Government (2012) Prison Statistics Scotland: 2011-12, Edinburgh: The Scottish Government. Note: While this has been accompanied by an increase of about 10 per cent in the population serving sentences over three months to six months, a similar pattern of change has also occurred during 2004-05 and 2008-09. Therefore it cannot be inferred from the most recent data alone that there has been a displacement from sentences of three months or less to slightly higher sentences as a result of the presumption against sentences of three months or less implemented in February 2011.

¹⁰⁹ International Centre for Prison Studies website, http://www.prisonstudies.org/info/worldbrief/wp_b_country.php?country=171, accessed on 29 August 2013

¹¹⁰ Scottish Prison Service (2013) Annual Report and Accounts 2012-13, Edinburgh: SPS

¹¹¹ Table 1, The Scottish Government (2012) Prison statistics and population projections Scotland: 2011-12, Edinburgh: The Scottish Government

The average daily population of sentenced prisoners remained almost the same in 2012-13 compared with the previous year, at 6,577. The remand population saw a 10% reduction over the same period, falling to 1,437.¹¹²

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”.¹¹³

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%).¹¹⁴

The Scottish prison population is predicted to rise to 9,500 by 2020-21.¹¹⁵

There are two privately financed, designed, built, and operated prisons in Scotland; Serco-run Kilmarnock and Sodexo-run Addiewell. Combined they held some 1,408 prisoners in 2011-12, 17.2% of Scotland's prison population.¹¹⁶

In 2009 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.¹¹⁷

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.”¹¹⁸

The average daily population on Home Detention Curfew (HDC) during 2011-12 was 365, slightly higher than the previous year. The number of releases from prison on HDC was 1,942.¹¹⁹

¹¹² Scottish Prison Service (2013) Annual Report and Accounts 2012-13, Edinburgh: SPS and Table A.1, Ibid.

¹¹³ <http://www.scotlibdems.org.uk/news/2011/02/lib-dems-reveal-%C2%A385-million-compensation-bill-overcrowded-scottish-prisons>

¹¹⁴ Table 6 Scottish Prison Service, (2011) Prisoner Survey 2011, Edinburgh, Scottish Prison Service

¹¹⁵ Table 4.2 The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

¹¹⁶ Table A.2, Ibid

¹¹⁷ Carillion website, http://web.archive.org/web/20091207110459/http://www.carillionplc.com/news/news_story.asp?id=783, accessed on 3 September 2013

¹¹⁸ <http://www.sps.gov.uk/MediaCentre/News-3176.aspx>

¹¹⁹ Table A.8, The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

From July 2006 to March 2010, 7,292 people were released on HDC; 21% were recalled, an average of 34 people per month.¹²⁰

The average daily population of prisoners in Scotland recalled from supervision or licence has risen substantially, increasing by 36% to 701 in 2011-12, from 514 in 2006-07.¹²¹

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).¹²²

In 2009-10, 21 custodial sentences were imposed on children under the age of 16.¹²³

Costs

It costs £126 per week to keep someone on HDC, compared to a notional cost of £610 per week to keep them in prison.¹²⁴

The annual cost per prisoner place for 2011-12 was £32,371, excluding capital charges, exceptional compensation claims and the cost of the escort contract.¹²⁵

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.”¹²⁶

Of the £419 million that Audit Scotland estimated was spent by authorities to deal with people sentenced in court in 2010-11, £254 million (61%) was spent restricting the liberty of offenders. 14% (£60.8 million) was spent on rehabilitation and 16% (£66.7 million) was spent on reintegration services to support prisoners moving back into the community.¹²⁷

120 Armstrong, S. et al. (2011) Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland, Research Findings No.32/2011, Edinburgh: The Scottish Government

121 Table A.1, The Scottish Government (2012) Prison Statistics Scotland: 2011-12, Edinburgh: The Scottish Government.

122 Armstrong, S. et al. (2011) Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland, Research Findings No.32/2011, Edinburgh: The Scottish Government

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

124 Armstrong, S. et al. (2011) Evaluating the Effectiveness of Home Detention Curfew and Open Prison in Scotland, Research Findings No.32/2011, Edinburgh: The Scottish Government.

125 Scottish Prison Service (2012) Scottish Prison Service Annual Report and Accounts 2011-12, Edinburgh: Scottish Prison Service

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

127 Audit Scotland (2012) Reducing Reoffending in Scotland 2012, Edinburgh: Audit Scotland

The Scottish Government estimates that the total economic and social costs of reoffending are around £3 billion a year. Further research carried out by the Scottish Government estimated the total cost of reoffending by a single cohort of offenders who had three or more previous convictions over a ten-year period was £5.4 billion. This is considered an under-estimate as it does not include all the costs incurred by bodies outside the criminal justice system.¹²⁸

People in prison: a snapshot

48% of those who responded to the Scottish prisoner survey reported having children.¹²⁹

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.¹³⁰

An average of 56% of all offenders received into Scottish prisons test positive for drugs.¹³¹

20% of respondents to the 2011 prisoner survey reported use of illegal drugs in prison in the previous month.¹³²

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.¹³³

24% of respondents to the 2011 prisoner survey had been seen by mental health staff.¹³⁴

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 support was available in their prison, though an additional fifth (19%) said they did not know whether it was available.¹³⁵

128 Ibid.

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

130 Ibid.

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

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

133 Ibid.

134 Ibid.

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

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.¹³⁶

There were 1,735 recorded 'minor & no injury' prisoner on prisoner assaults in Scottish prisons in 2012-13, down 27% on the previous year. However, there was a rise in 'serious' assaults from 65 to 74 over the same period.¹³⁷

There were a total of 12 absconds from custody in 2012-13 (two from the establishment, and 10 on licence), one fewer than in 2011-12.¹³⁸

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%).¹³⁹

One per cent 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%.¹⁴⁰

The former HM Chief Inspector of Prisons for Scotland has stated that "prison is no place for a child."¹⁴¹

Scotland has witnessed a significant increase in female imprisonment in the last 10 years. Since 2002-03 the average daily women's prison population in Scotland has increased by 66%. The 2011-12 average daily women's prison population was 468.¹⁴²

The proportion of prisoners on remand is higher for women than men (23% compared to 19%).¹⁴³ Only around 30% of women on remand go on to receive a custodial sentence.¹⁴⁴

In 2011-12, 1,979 women were received into custody on remand, 5% higher than the previous year.¹⁴⁵ The number of women remanded to custody almost doubled between 1999-2000 and 2008-09 (from 1,176 to 2,338).¹⁴⁶

A report produced by The Scottish Centre for Crime and Justice Research (SCCJR) has considered possible explanations for this increasing trend in women's imprisonment. There is evidence that women are being imprisoned for longer periods of time. The average length of custodial sentences imposed on women has increased from 228 days in 1999-2000 to 271 in 2008-09. This difference is largely explained by the significant increase in the number of women sentenced to between six months and two years.¹⁴⁷

The SCCJR has found no evidence of increasing participation of women in crime. Data from five police forces showed that the number of recorded crimes involving females has remained relatively stable between 1999-2000 and 2009-10, with some fluctuations in the Strathclyde and Fife area.¹⁴⁸

Women continue to commit relatively minor crimes. The total number of recorded crimes of violence involving females has remained stable since 2001. There have been some changes in the pattern of offences committed by women, with increases in minor assaults and breaches of the peace. This may reflect changes in policing rather than a change in female behaviour per se.¹⁴⁹

The SCCJR found no evidence of an increase in the number of women prosecuted. Results from the analysis of data provided by the Crown Office and Procurator Fiscal Service (COPFS) showed a decrease in the number and proportion of women whose cases were marked for court since 2002-03 onwards. This downward trend has coincided with a steady increase in the use of direct measures since 2004-05.¹⁵⁰

The proportion of women over 21 years of age sentenced to custody for crimes against public justice, drug-related crimes, common assaults and breaches of the peace has increased steadily since 1999-2000. By contrast, courts have become less likely to imprison young women under 21 years of age convicted of property offences.¹⁵¹

136 Ibid.

137 Scottish Prison Service (2013) Annual Report and Accounts 2012-13, Edinburgh: SPS

138 Ibid.

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

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

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

142 Table A.1, The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

143 Ibid.

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

145 Table A.9, The Scottish Government (2012) Prison statistics Scotland: 2011-12, Edinburgh: The Scottish Government

146 Mclvor, G. and Burman, M. (2011) Understanding the Drivers of Female Imprisonment in Scotland, Glasgow: The Scottish Centre for Crime and Justice Research

147 Ibid.

148 Ibid.

149 Ibid.

150 Ibid.

151 Ibid.

SCCJR analyses suggest that the growth in the women's prison population is more likely attributed to the increasing use of custodial sentences by courts than changes in the pattern of female offending.¹⁵²

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."¹⁵³

HM Chief Inspector of Prisons for Scotland, Hugh Monro, stated in his 2010-11 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, Dame 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

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

Outcomes

46% of offenders released from custody are reconvicted within one year, compared to 24% 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%.¹⁵⁷

Young people are more likely to be reconvicted than older people, but the gap has been closing in recent years. In 1997-98 the under 21 age group had a reconviction frequency rate of 93.4, but this had fallen to 70.3 in 2008-09, a decrease of just over 23 reconvictions for every 100 young offenders.¹⁵⁸

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."¹⁵⁹

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."¹⁶⁰

In 2011-12 a total of 6.6 million hours of purposeful activity was completed, with prisoners completing an average of 18 hours a week. This total was projected to rise in 2012-13 to nearly 7 million hours.¹⁶¹

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."¹⁶²

¹⁵⁷ Table 6 and Table 10, The Scottish Government (2012)

Reconviction rates in Scotland: 2009-10 offender cohorts

¹⁵⁸ The Scottish Government (2012) The Strategy for Justice in Scotland: Evidence, Edinburgh: The Scottish Government

¹⁵⁹ <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/>

¹⁶⁰ http://www.legislation.gov.uk/asp/2010/13/pdfs/asp_20100013_en.pdf

¹⁶¹ Scottish Prison Service (2013) Written evidence to the Justice Committee inquiry on purposeful activity (PA18), Edinburgh: The Scottish Parliament

¹⁶² Scottish Government press release, 21 February 2008, <http://openscotland.gov.uk/News/Releases/2008/02/21081302>

¹⁵² Ibid.

¹⁵³ 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/>

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

¹⁵⁶ Ibid.

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.¹⁶³

On 29 October 2012 Justice Secretary Kenny MacAskill announced proposals to develop Inverclyde, a ‘custom made’ national prison for women offenders, and build a new specialist unit for women at HMP Edinburgh.¹⁶⁴ These would replace Cornton Vale, but increase women’s prison capacity and could pose difficulties for maintaining family ties.

The 2010-11 Scottish Crime and Justice Survey found that 72% agreed (strongly or slightly) that community sentencing is a good idea for minor crimes and 67% agreed that drug users need treatment not prison.¹⁶⁵ The survey found that in 74% 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.¹⁶⁶

The Scottish Justice Committee has called for a national strategy on purposeful activity to ensure all prisoners in Scotland are offered equal access to opportunities such as work, education and rehabilitation programmes.¹⁶⁷

163 Information from Consumer Focus, 10 May 2010: <http://www.consumerfocus.org.uk/news/bt-drops-price-of-prison-payphone-calls>

164 <http://www.scotland.gov.uk/News/Releases/2012/10/women29102012>

165 Scottish Government (2011) 2010/11 Scottish Crime And Justice Survey

166 Ibid.

167 Justice Committee’s 5th Report 2013 (Session 4): Inquiry into purposeful activity in prisons (SP Paper 299)

Northern Ireland prison overview

On 12 April 2010 policing and criminal justice powers were devolved from Westminster to the Northern Ireland Assembly.¹⁶⁸

Trends

On 4 October 2013 the total prison population for Northern Ireland stood at 1,858, an increase of 101 people on the previous year.¹⁶⁹

The imprisonment rate for Northern Ireland is 100 per 100,000. France has an imprisonment rate of 102 per 100,000 and Germany has a rate of 83 per 100,000.¹⁷⁰

The average sentence length for those in prison on 31 March 2013 was 4.44 years. For adult women it was 5.16 years.¹⁷¹

On 31 March 2013, 20% of the prison population (262 people) were serving sentences of under 12 months. 14% (188 people) were serving life sentences.¹⁷²

Between January and March 2013, 291 people entered prison under sentence and 694 people entered prison on remand. 183 people entered prison for fine default.¹⁷³

In 2012, the average number of people being held in prison on remand in Northern Ireland was 545.¹⁷⁴

For many years, a high proportion of people in prison in Northern Ireland were being held on remand but the figures are now falling. The total percentage for the remand population at the end of March 2012 was 29% and at the end of March 2013 it was 27%. This compares to 13% for England and Wales, and 20% for Scotland (2011-12 average).¹⁷⁵

As at the end of March 2013, the average time people spent in prison on remand was 5.95 months.¹⁷⁶

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

169 Northern Ireland Prison Service, situation report for 4 October 2013

170 International Centre for Prison Studies website, <http://www.prisonstudies.org/info/worldbrief/?search=europe&x=Europe>, accessed on 30 August 2013

171 Northern Ireland Prison Service (2012) Analysis of NIPS Prison Population from 01/01/2012 to 31/03/2013, Belfast: Department of Justice.

172 Ibid.

173 Ibid.

174 Department of Justice (2013) The Northern Ireland Average Prison Population in 2012, Belfast: Department of Justice

175 Northern Ireland Prison Service (2012) Analysis of NIPS Prison Population from 01/01/2012 to 31/03/2013, Belfast: Department of Justice; Table A1.1, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice; and Table A.1, The Scottish Government (2012) Prison statistics and population projections Scotland: 2011-12, Edinburgh: The Scottish Government

176 Northern Ireland Prison Service (2012) Analysis of NIPS Prison Population from 01/01/2012 to 31/03/2013, Belfast: Department of Justice.

The current capacity for Northern Ireland prisons is 1,885, with a current occupancy level of 89.7%.¹⁷⁷

As at 4 October 2013 there were 60 women in prison in Northern Ireland.¹⁷⁸ This is more than double the number of women in prison 10 years ago.¹⁷⁹

The number of children sentenced to immediate custody in Northern Ireland dropped from 139 in 2003 to 89 in 2006.¹⁸⁰

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.¹⁸¹

Costs

The estimated cost of reoffending in Northern Ireland is approximately £80 million.¹⁸²

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.¹⁸³ A total of £128.8 million was spent in operating costs, of which £91.2 million were staff costs.¹⁸⁴

24% (1,394) of people sent to prison in 2009 were imprisoned for failure to pay fines.¹⁸⁵ They spent an average of only four days in custody making it almost impossible to do anything useful to address their resettlement needs.¹⁸⁶ It has been estimated that it costs £3,000 for a four-day committal of a prisoner.¹⁸⁷

177 International Centre for Prison Studies website, http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=170, accessed on 29 August 2013

178 Northern Ireland Prison Service, situation report for 4 October 2013

179 Table 1, Department of Justice (2013) The Northern Ireland Average Prison Population in 2012, Belfast: Department of Justice

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

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

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

183 Department of Justice (2012) Digest of Information on the Northern Ireland Criminal Justice System - Volume Four, Belfast: Department of Justice, and Criminal Justice Inspection Northern Ireland

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

184 Department of Justice (2012) Digest of Information on the Northern Ireland Criminal Justice System - Volume Four, Belfast: Department of Justice

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

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

187 Torney, K. (2011) Thousands imprisoned every year for minor

People in prison: a snapshot

There has been a considerable increase in the number of foreign national prisoners held in prisons in Northern Ireland, from 181 committals in 2006-07 to 547 in 2008-09 (a 202% increase).¹⁸⁸

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 one per cent of the prison population is Black or South Asian. Irish Travellers also account for about one per cent of the population.¹⁸⁹

Between September 2005 and May 2013, 43 people died in prisons in Northern Ireland. 42 men and one woman.¹⁹⁰

There were two reported deaths in custody in 2011, both were young people held in Hydebank Wood.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

72% of women sentenced to prison in 2009 were convicted of non-violent offences, and one in five women entering prison was imprisoned for fine default.¹⁹³

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”.¹⁹⁴

Women in prison in Northern Ireland are in general an older population than men: the majority are aged between 30 and 50.¹⁹⁵

crimes, The Detail: <http://www.thedetail.tv/issues/51/finedefaulters/thousands-imprisoned-every-year-for-minor-crimes>

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

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

190 The Prisoner Ombudsman for Northern Ireland (2013) Annual Report 2012/13, Belfast: The Prisoner Ombudsman for Northern Ireland

191 Northern Ireland Prison Service website at <http://www.niprisonservice.gov.uk/module.cfm/opt/10/area/Press%20Releases/page/pressrel/year/2011/month/05/pid/599>

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

193 Table 12 and Table 7, Department of Justice (2010) The Northern Ireland Prison Population in 2009, Belfast: Department of Justice

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

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

Around 40% of women prisoners have no previous convictions.¹⁹⁶

64% of women were receiving some form of social security benefit before entering prison.¹⁹⁷

66% of women in prison in Ash House have children under the age of 18.¹⁹⁸

A snapshot view of women prisoners in Northern Ireland early in 2008 shows that half had a history of alcohol misuse, with 40% misusing drugs.¹⁹⁹

Experiences of physical abuse and sexual abuse were recorded in the majority of women’s pre-sentence reports (74.5% physical abuse, 10.5% sexual abuse).²⁰⁰

88% of women had experienced depression while in prison. 60% had been taking some form of medication prior to their imprisonment.²⁰¹

48% had experienced suicidal thoughts, 32% had self-harmed, and 32% had attempted to take their own lives.²⁰²

The number of children and young people received into the Juvenile Justice Centre in 2011-12 decreased to 400 from 411 in the previous year. Of these 59% (234) were admitted under the Police and Criminal Evidence Order 1989 (PACE), 36% (142) were received on remand and 6% (24) were received after sentence.²⁰³

The majority of those received into the Juvenile Justice Centre are male; in 2011-12, 87% of those admitted were boys and 13% were girls.²⁰⁴

The largest proportion of those received in 2011-12 were aged 17 (34%). A further 33% were aged 16 and 16% were aged 15.²⁰⁵

196 Northern Ireland Office (2009) Addressing Offending by Women: a literature review, Belfast: Northern Ireland Office

197 Ibid.

198 Department of Justice (2010) Women’s Offending Behaviour in Northern Ireland: a strategy to manage women offenders and those vulnerable to offending behaviour 2010-2013, Belfast: Department of Justice

199 Ibid.

200 Northern Ireland Office (2009) Addressing Offending by Women: a literature review, Belfast: Northern Ireland Office

201 Ibid.

202 Ibid.

203 Table 4, Tate, S. and Lyness, D. (2012) Youth Justice Agency Annual Workload Statistics 2011/12, Statistical Bulletin 1/2012, Belfast: Youth Justice Agency

204 Ibid.

205 Ibid.

Outcomes

33% of women were reconvicted within two years of release from prison, compared to 48% of men.²⁰⁶

In 2008 the combined reoffending rate for youth conferencing, a restorative justice programme in Northern Ireland, was 42% – this compared to 50% for community sentences and 68% for custodial sentences.²⁰⁷

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.²⁰⁸

Prison Service Performance

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 1,200.²⁰⁹

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.”²¹⁰

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.”²¹¹

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.²¹²

The average absenteeism for each member of staff was 14.4 days in 2011-12, up from 13.5 in 2010-11.²¹³ The cost of sick absence was £4.6 million per annum, and at Hydebank Wood alone is £1.33 million per annum - equivalent to 5.5% of the entire operating budget.²¹⁴

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.”²¹⁵

Within the Northern Ireland Prison Service there are 1,883 uniformed grade officers supported by almost 400 civilian grades. The 2010 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.”²¹⁶

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.”²¹⁷

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).²¹⁸

212 Ibid.

213 Northern Ireland Prison Service (2012) Annual Report and Accounts 2011-12, London: The Stationery Office

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

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

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

217 Ibid.

218 Ibid.

206 Table 1: Department of Justice (2011) Adult reconviction in Northern Ireland 2005, Belfast: Department of Justice

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

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

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

210 Ibid.

211 Ibid.

Prison overcrowding, pressure on resources and long term plans

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."²¹⁹

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."²²⁰ 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.²²¹

The prison population was 109% of the 'in use CNA' (76,849) at the end of September 2013.²²²

At the end of September 2013, 69 of the 124 prisons in England and Wales were overcrowded.²²³

In 2012-13, HMPs Wellingborough, Bullwood Hall, Canterbury, Gloucester, Kingston, Shepton Mallet and Shrewsbury were closed and capacity was significantly reduced at HMPs Chelmsford, Hull and within the Isle of Wight cluster - through the closure of the Camphill site. In addition, a significant number of crowded private sector places were closed. HMP Maidstone will hold foreign national prisoners to accommodate those displaced by the closures of HMPs Bullwood Hall and Canterbury. The National Offender Management Service is also reviewing the women's estate.²²⁴

New prisons at HMP Thameside (capacity 900) and HMP Oakwood (capacity 1,605) were opened in spring 2012. They both reached full capacity during the year. Preparatory work is underway to build new houseblocks at HMPs Thameside, The Mount, Parc and Peterborough.²²⁵

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

220 Ibid.

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

222 Ministry of Justice (2013) Monthly Population Bulletin October 2013, London: Ministry of Justice

223 Ministry of Justice (2013) Prison Population Monthly Bulletin September 2013, London: Ministry of Justice

224 Ministry of Justice (2013) National Offender Management Service Annual Report 2012/13, London: Ministry of Justice

225 Ibid.

In September 2013 the Justice Secretary announced that a new 2,000 place prison will be built in Wrexham, North Wales. Four prisons are also set to close (Blundeston, Dorchester, Northallerton and Reading), and the role of three others is set to change (Downview, The Verne and Warren Hill).²²⁶

The Ministry of Justice is currently undertaking a feasibility study for a second large new prison with the intention of replacing HMYOI Feltham with a large new adult prison and a new youth facility on adjoining sites in West London.²²⁷

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past 15 years. In 2012-13 the private prisons average was 29.3%, compared to an average of 21.8% in the public sector. Forest Bank, Birmingham, Doncaster and Altcourse have particularly high rates of overcrowding, with 41.4%, 47.2%, 65.9% and 67.4% of prisoners held in overcrowded accommodation respectively.²²⁸

HM Inspectorate of Prisons found in 2008-09 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.²²⁹

In 2011-12 an average of 21,027 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 20,157 (23% of the total prison population) and there were on average 870 prisoners held three to a cell in cells designed for two (1% of population).²³⁰

The rate of overcrowding in male local establishments is almost twice the national rate.²³¹

In 2012 there were 11,584 recorded prisoner on prisoner assaults, whilst this is 6% lower than the previous year, this masks a significant rise (33%) since 2002.²³² The prison population has risen 21% over the same period.²³³

226 Ministry of Justice website, <https://www.gov.uk/government/news/modernisation-of-the-prison-estate>, accessed on 19 September 2013

227 Ibid.

228 Ministry of Justice (2013) Prison and Probation Trusts performance statistics 2012/13: Prison performance digest 2012-13, London: Ministry of Justice

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

230 Hansard HC, 20 November 2012, c428W and Table 1.1a Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin January to March 2012, London: Ministry of Justice

231 Table 17, Ministry of Justice (2013) National Offender Management Service Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

232 Table 3.8, Ministry of Justice (2013) Safety in Custody Statistics Quarterly Update to March 2013, London: Ministry of Justice

233 Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

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.²³⁴

In 2012-13, the total cost of transferring prisoners was £134.3 million. This excludes category A prisoners. During this time there were 74,054 inter-prison transfers, an average of 1,424 transfers a week.²³⁵

The 10 most overcrowded prisons in England and Wales, September 2013:²³⁶

Prison	In use CNA	Operational Capacity	Population	% Overcrowded
Kennet	175	342	336	92%
Swansea	240	435	447	86%
Wandsworth	709	1,284	1,218	72%
Leicester	214	408	363	70%
Exeter	318	561	538	69%
Lincoln	403	727	674	67%
Preston	406	743	647	59%
Doncaster	733	1,145	1,146	56%
Bedford	322	506	487	51%
Durham	592	990	880	49%

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.²³⁷

HM Chief Inspector of Prisons found that the establishments they inspected in 2011-12 were less overcrowded than the year before. However, he emphasised that “the issue was whether there were the resources available to hold all detainees safely and securely and do anything useful with them when they were there. Resources are now stretched very thinly.” His view overall is that their “inspection findings suggest that there is a risk of undermining the progress that has been made in recent years and threatening the delivery of the government’s rehabilitation revolution. If a rehabilitation is to be delivered [...] there is a pretty clear choice for politicians and policy makers - reduce prison populations or increase prison budgets.”²³⁸

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

235 Hansard HC, 21 May 2013, c752W and Hansard HC, 24 June 2013, c20W

236 Ministry of Justice (2013) Monthly Population Bulletin September 2013, London: Ministry of Justice

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

238 HM Chief Inspector of Prisons (2012) Annual Report 2011-12, London: The Stationery Office

In 2011-12, 41% of prisoners who responded to the Prisons Inspectorate’s surveys reported feeling unsafe. Feelings of safety were poorest at high security prisons, followed by local prisons. At both types of prisons, the proportion of prisons feeling unsafe was higher than at the same types last year.²³⁹

The Prisons Inspectorate expect that prisoners spend at least 10 hours out of their cells on weekdays but over the course of 2011-12 this was rarely achieved, particularly among young adults: only 5% of young adults were unlocked for the expected length of time. In local prisons, time out of cell was dramatically lower than those inspected last year, mostly due to a reduction of evening association from four to just two or three nights a week or an earlier lock up time in an effort to reduce costs. In high security, Category B trainers and open prisons, however, time out of cell had improved.²⁴⁰

In spot checks, inspectors repeatedly found at least 25% of a prison’s population locked up during the day with nothing to do.²⁴¹

Between 31 March 2010 and 30 June 2013 the number of Full Time Equivalent (FTE) staff employed in the prison estate fell by 17.7%, a reduction of 7,980 staff. This is likely to be the result of prison closures and staff transfers to the private sector.²⁴²

In 1997 the ratio of officers to prisoners was one officer per 2.4 prisoners; falling to one officer per 3.3 prisoners in 2012.²⁴³

The National Offender Management Service has to make overall resource savings of almost 25% in real terms by 2014-15.²⁴⁴ The 2013 Spending Round confirmed that the Ministry of Justice budget would be cut by a further 10% from 2014-15 to 2015-16.²⁴⁵

Estimates of future prison numbers vary widely. By the end of June 2018 the demand for prison spaces is projected to be between 80,300 and 90,900.²⁴⁶

239 Ibid.

240 Ibid.

241 Ibid.

242 Table 2, Ministry of Justice (2013) National Offender Management Service workforce statistics bulletin - 30 June 2013, London: Ministry of Justice

243 Hansard HC, 22 October 2012, c687W, and Ministry of Justice (2012) Prison Population Monthly Bulletin 31 August 2012, London: Ministry of Justice

244 Ministry of Justice (2013) NOMS Business Plan 2013-14, London: Ministry of Justice

245 Table 1, HM Treasury (2013) Spending Round 2013, London: HM Treasury

246 Table 1, Ministry of Justice (2012) Prison Population Projections 2012-2018, London: Ministry of Justice

Sentencing trends and legislation

1,193,459 people were sentenced by the courts in the 12 months ending March 2013, a decrease of 7% overall from the previous 12 months.²⁴⁷

94,350 people were sentenced to immediate custody in the 12 months ending March 2013, a decrease of 11% compared to the previous 12 months.²⁴⁸

8% of defendants were sentenced to immediate custody in the 12 months ending March 2013.²⁴⁹

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.²⁵⁰

The trend in average sentence lengths has been increasing, they are now 2.7 months longer than in 2002.²⁵¹

The proportion of the sentenced prison population serving a life or indeterminate sentence for public protection (IPP) increased from 9% in 1993 to 19% in 2012.²⁵² If these longer sentences were included the average sentence length would be higher.

The average time served by people serving mandatory life sentences increased from 13 years in 2001 to 16 years in 2012.²⁵³

There were 71,233 prisoners under sentence at 30 June 2013, down 3% from a year earlier.²⁵⁴

Magistrates' courts accounted for 45,611 sentences of immediate custody in the 12 months ending March 2013, down 8% on the previous year.²⁵⁵

At magistrates' courts the average sentence length for immediate custody is 2.5 months.²⁵⁶

247 Table Q5.4, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

248 Ibid.

249 Ibid.

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

251 Table Q5.6, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice and Criminal Justice Statistics Quarterly Update to March 2012

252 Ministry of Justice (2013) Story of the prison population: 1993 - 2012 England and Wales, London: Ministry of Justice

253 Table A3.5, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice and Offender Management Caseload Statistics 2010

254 Table 1.1a Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

255 Table Q5.2, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

256 Ibid.

48,739 people received an immediate custodial sentence at the crown court. This is a fall of 13% on the same time last year.²⁵⁷

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.²⁵⁸

In the 12 months ending March 2013, 57% of immediate custodial sentences given were for six months or less.²⁵⁹

35,165 people were given sentences up to and including three months in the 12 months ending March 2013 – 10% lower than the same time last year.²⁶⁰

613 IPP sentences were handed down in the 12 months ending March 2013. This is down from 834 the previous year and is down 64% on its peak in 2008. 368 life sentences were handed down in the 12 months ending March 2013, 17 fewer than the previous year.²⁶¹

The overall decrease in indeterminate sentences coincides with an increase in long determinate sentences (10 years or more). In the 12 months ending March 2013 there were 699 people sentenced to 10 years or more - over double the number sentenced in 2008.²⁶²

In the 12 months ending March 2013, 59% of women entering prison under sentence were to serve sentences of up to and including six months, compared with 45% of men.²⁶³ Theft and handling accounted for 38% of sentenced women and 21% of sentenced men entering prison.²⁶⁴

638 men and 74 women were imprisoned for breaching antisocial behaviour orders in 2011.²⁶⁵

Of those in prison on short sentences of six months or under, 50% have 15 or more previous convictions, 12% between 11 and 14, 13% between 7 and 10, and only 6% have no previous convictions.²⁶⁶

257 Table Q5.3, Ibid.

258 Hansard, Westminster Hall 5 February 2009, c328WH

259 Table Q5.6, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

260 Ibid.

261 Ibid.

262 Ibid.

263 Tables 2.1b and 2.1c, Ministry of Justice (2013) Offender Management Caseload Statistics (quarterly) January to March 2013, London: Ministry of Justice

264 Table 2.2b, Ibid.

265 Hansard HC 19 October 2012 c476W

266 Table A1.29, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

31% of women serving sentences of under twelve months have no previous convictions compared to 14% of men.²⁶⁷

On 9 May 2013 the Justice Secretary announced plans for all prisoners leaving custody to serve a minimum of 12 months under supervision in the community. At present around 50,000 prisoners serve sentences of less than 12 months and receive no supervision after release.²⁶⁸

Court Orders (Community Orders and Suspended Sentence Orders) are more effective (by nearly seven percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.²⁶⁹

The Legal Aid, Sentencing and Punishment of Offenders Act became law on 1 May 2012.²⁷⁰

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 Crime and Courts Act 2013 introduced a new mandatory punitive element for all community sentences, unless there are exceptional circumstances.

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.²⁷¹

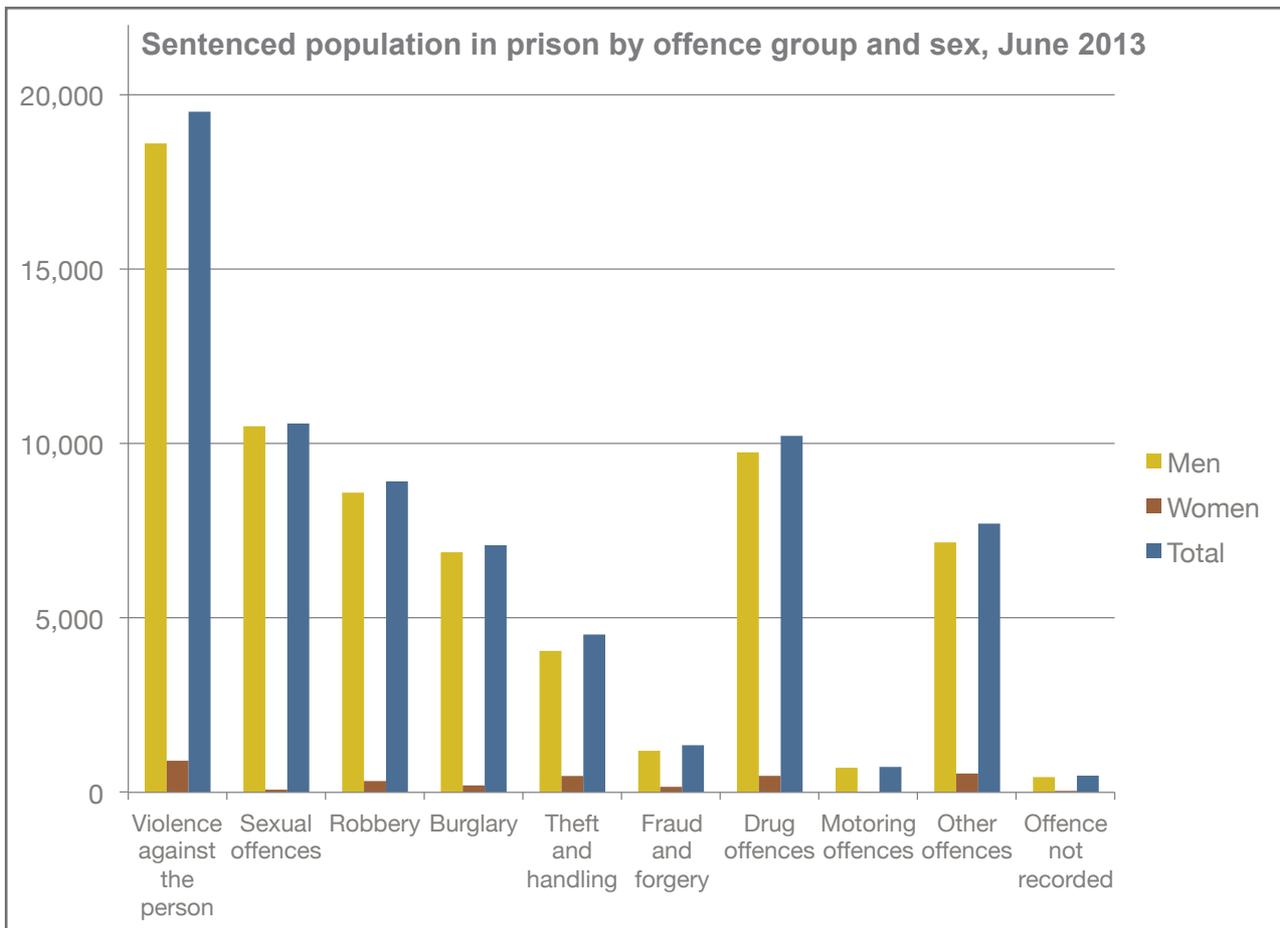


Table 1.3a, Ministry of Justice (2013) Offender Management Caseload Statistics (quarterly) January to March 2013, London: Ministry of Justice

²⁶⁷ Ibid.

²⁶⁸ Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

²⁶⁹ Table A1, Ministry of Justice (2013) 2013 Compendium of reoffending statistics and analysis, London: Ministry of Justice

²⁷⁰ <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

²⁷¹ Table 6.9, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

Life and indeterminate sentences

The number of people serving life and indeterminate sentences for public protection (IPP) has increased considerably in recent years. There were 13,186 people serving indeterminate sentences at the end of June 2013.²⁷² This compares with fewer than 4,000 in 1998 and 3,000 in 1992.²⁷³

The proportion of the sentenced prison population serving a life or IPP sentence increased from 9% in 1993 to 19% in 2012.²⁷⁴

As of 1 September 2011, England and Wales had by far the highest number (7,588) of sentenced prisoners serving indeterminate sentences in Europe - more than France, Germany and Italy added together.²⁷⁵

In the 12 months ending March 2013, 981 people were given indeterminate custodial sentences, down 20% on the previous year.²⁷⁶

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 held in closed conditions.²⁷⁷

In February 2012 the total backlog figure of Parole Board cases awaiting consideration involving prisoners serving indeterminate sentences was 1,493. Of these, 52% of these people were serving IPP sentences, and 48% were serving life sentences.²⁷⁸

Life sentences

At the end of June 2013 there were 7,566 people serving life sentences in prison. 4,066 of these people had a tariff length of 10 to 20 years, 2,175 had a tariff length of less than 10 years and a further 1,111 had a tariff length of greater than 20 years.²⁷⁹

At the end of June 2013 there were 2,647 people in prison serving life sentences who were beyond their tariff expiry date. This makes up 35% of all life sentenced prisoners.²⁸⁰

272 Table 1.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice
273 Table 1.8, Home Office (2003) Prison Statistics England and Wales 2002, London: The Stationery Office

274 Ministry of Justice (2013) Story of the prison population: 1993 - 2012 England and Wales, London: Ministry of Justice

275 Table 8, Aebi, M. (2013) Council of Europe Annual Penal Statistics, Survey 2011

276 Table Q5.6, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

277 Hansard HC, 7 March 2012, c756W

278 Hansard HC, 27 February 2012, c84W

279 Table 1.4, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

280 Ibid.

At the end of June 2013 there were 43 prisoners in England and Wales serving a 'whole life' tariff.²⁸¹

The average time served for people serving mandatory life sentences increased from 13 years in 2001 to 16 years in 2012.²⁸²

11 people serving life sentences took their own lives in 2012.²⁸³

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 has been 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 is also to be a new Extended Determinate Sentence (EDS) whereby all people convicted of serious sexual and violent crimes are 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.²⁸⁴ It is as yet unclear what will happen to prisoners currently serving IPP sentences. The Act gives the Secretary of State power to change the release test with the potential to place the burden of proof on the state to demonstrate dangerousness.

Recent changes to the arrangements for sentence planning are intended to help more IPP prisoners work towards their legitimate release.²⁸⁵

613 IPP sentences were handed down in the 12 months ending March 2013. This is down from 834 the previous year and is down 64% on its peak in 2008.²⁸⁶

At the end of June 2013 there were 5,620 people serving an IPP sentence in prison.²⁸⁷

Initially a third of IPP prisoners had tariffs of two years or less. At the end of June 2013, 19% of prisoners (1,059) serving IPPs had a tariff of less than two years, and 46% (2,557) had a tariff of between two and four years.²⁸⁸ On 31 December 2011 there were 189 people with a tariff of a year or less.²⁸⁹

281 Ibid

282 Table A3.5, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice and Offender Management Caseload Statistics 2010

283 Table 1.11, Ministry of Justice (2013) Safety in Custody Statistics update to March 2013, London: Ministry of Justice

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

285 NOMS (2012) Prison Service Instruction 41/2012, London: Ministry of Justice

286 Table Q5.6, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

287 Table 1.4, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

288 Ibid.

289 Hansard HC, 28 February 2012, c182W

A total of 3,549 IPP prisoners (63%) had passed their tariff expiry date by the end of June 2013, 1,008 of whom have a tariff of less than two years.²⁹⁰ As at 31 December 2011, 2,667 had been held for over a year beyond tariff, 311 for four years beyond tariff.²⁹¹

Since 2005, 946 people serving IPP sentences have been released from custody.²⁹²

On 19 January 2010, of the 2,468 people being held beyond tariff, 466 had completed no accredited offending behaviour programmes.²⁹³

On 5 July 2010, 2,120 people serving an IPP sentence “had not completed at least one course”.²⁹⁴

HM Chief Inspectors of Prisons and Probation have stated that “the current situation is not sustainable. “...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.”²⁹⁵

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.”²⁹⁶

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.²⁹⁷

Data from the Prison Service’s Safer Custody Group also confirm that IPP prisoners have a raised incidence of self-harm.²⁹⁸

In January 2008, nearly 80% of female IPP sentenced prisoners surveyed by the Prisons Inspectorate were serving sentences for arson, which is often an indicator of serious mental illness or self-harm.²⁹⁹

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.³⁰⁰

The 2010-11 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.³⁰¹ The most recent annual report shows signs that the backlog is reducing, however, as of April 2013 there were still 1,323 cases outstanding.³⁰²

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.³⁰³ A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release as “Kafka-esque”.³⁰⁴

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)”.³⁰⁵

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.³⁰⁶

290 Table 1.4, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

291 Hansard HC 28 February 2012, c184W

292 Table A3.5, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

293 Hansard HC, 26 January 2010, c732W

294 Hansard HC, 26 July 2010, c691W

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

296 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

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

298 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

299 Ibid.

300 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

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

302 Parole Board (2013) Annual Report and Accounts 2012/13, London: The Stationery Office

303 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

304 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

305 Joint Committee on Human Rights (2008) A life like any other? Human rights of adults with learning disabilities, London: The Stationery Office

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

People on remand

In the 12 months ending March 2013, 48,584 people were remanded into custody to await trial. In the same year 35,470 people were remanded into prison convicted but awaiting sentence. This represented a decrease of 11% and 10% respectively from the same time last year.³⁰⁷

In the 12 months ending March 2013, 10,900 people remanded in custody were subsequently acquitted. This is significantly lower than in the previous 12 months, however there were 7,400 cases in the Magistrates' court where the remand category was 'not known'.³⁰⁸

In the 12 months ending March 2013, 13,900 people remanded into custody went on to be given a non-custodial sentence.³⁰⁹

The remand population in prison at the end of June 2013 was 10,986, down 3% from the previous year. Within this total, the untried population increased 1% to 7,755 and the convicted unsentenced population decreased 12% to 3,231.³¹⁰ This is partly due to measures introduced by the Legal Aid Sentencing and Punishment of Offenders (2012) Act enacted in December 2012, to restrict the use of remand.

On 30 June 2013, 184 children (under 18) in prison (21% of the total child prison population) were on remand, 35% fewer than the previous year.³¹¹

In 2011-12 there were 3,621 custodial remand episodes given by the courts to children, an increase of 4% from the previous year.³¹² 60% of children remanded in 2011/12 went on to be given a non-custodial sentence, including 26% who were acquitted.³¹³

Remand prisoners spend an average of nine weeks held in custody awaiting trial and/or sentencing.³¹⁴

307 Table 2.2a, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013 and April to June 2012, London: Ministry of Justice. NB, the same person can be remanded before and after trial, so counting twice

308 Table Q3a, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013, London: Ministry of Justice

309 Ibid.

310 Table 1.1a, Ministry of Justice (2013) Offender Management Statistics Quarterly Bulletin January to March 2013, London: Ministry of Justice

311 Ibid.

312 Table 6.1, Ministry of Justice (2013) Youth Justice Statistics 2011/12 England and Wales, London: Ministry of Justice

313 Table 6.5, Ibid.

314 Hansard HC, 21 January 2013, c51W

In the 12 months ending March 2013, 64% 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.³¹⁵

Untried remand receptions by offence type 12 months ending March 2013:³¹⁶

Offence Group	Total
Violence against the person	11,967
Other offences	10,394
Theft and handling	7,345
Burglary	5,896
Drug offences	3,937
Robbery	3,533
Sexual offences	1,902
Offence not recorded	1,482
Fraud and forgery	1,118
Motoring offences	1,010

In the past year the number of women on remand has fallen by 5%. On 30 June 2013, 604 women were in prison on remand, making up 16% of the female prison population.³¹⁷

3,631 women entered prison on remand awaiting trial in the 12 months ending March 2013 - a decrease of 13% from the previous year.³¹⁸ This comes after an increase of 22% over the period between 2004 and 2008.³¹⁹

Between 2007/08 and 2011/12 use of remand to local authority accommodation, the alternative to custodial remand, fell by 68%. In December 2012, a new legal threshold for remand to youth detention accommodation was introduced, and the secure remand budget was devolved to local authorities. It is anticipated that these changes will reduce use of secure remand, and encourage investment in community alternatives.³²⁰

In 2013-14 the average cost of placing a child remanded to custody in a Secure Training Centre was £187,000 per annum. This excludes associated costs of custody such as education and transportation.³²¹

315 Table 2.2a, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

316 Ibid.

317 Table 1.1c, Ibid.

318 Table 2.2a, Ibid. and Table 2.2a, Ministry of Justice (2012) Offender Management Statistics (quarterly), April to June 2012, London: Ministry of Justice

319 Table 6.1F, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

320 Youth Justice Board (2013) Youth Justice Statistics 2011/12, London: YJB and Youth Justice Annual Workload Data 2007/08

321 Hansard HC, 27 June 2013, c368W

In 2012, 30% of self-inflicted deaths were by prisoners held on remand, despite comprising 13% of the prison population on average during the year. In 2011, they accounted for 35% of all self-inflicted deaths, and made up 15% of the population.³²²

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.³²³

In Prisons Inspectorate surveys almost a third of all remand prisoners said they were from a black or other minority ethnic background (compared with just over a quarter in the prison population as a whole), which rose to just over two-fifths in the young adult estate. Similarly, foreign nationals were over-represented, especially in the women's estate where over a quarter said they were foreign nationals.³²⁴

Half of all remand prisoners reported to the Prisons Inspectorate that they had been in prison on two or more previous occasions, 34% reported that this was their first time in prison.³²⁵

Over a third (35%) of remand prisoners reported a drug problem and over a quarter (27%) an alcohol problem. 66% of those who reported substance misuse problems said they had received some treatment or help, although only 48% said they knew who could help to put them in contact with services in the community. Remanded young adults with a substance misuse problem were much less likely than those sentenced to say they had received an intervention - 65% compared with 81%.³²⁶

In Prisons Inspectorate surveys, 47% of remand prisoners concerned about bail said they had found it difficult to get bail information.³²⁷

Remand prisoners reported feeling less safe than sentenced prisoners.³²⁸

High rates of both unconvicted (40%) and convicted unsentenced (37%) prisoners reported they were not involved in any activities at the time of the survey.³²⁹

Information on the number of unconvicted prisoners who have received no social visits from family is not centrally collated.³³⁰

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.³³¹

A Ministry of Justice survey found that only 32% of prisoners reported being in paid employment in the four weeks prior to custody.³³²

322 Table 1.8, Ministry of Justice (2013) Safety in Custody Statistics update to March 2013, London: Ministry of Justice, and Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

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

324 HM Inspectorate of Prisons (2012) Remand prisoners, a thematic review, London: The Stationery Office

325 Ibid.

326 Ibid.

327 Ibid.

328 Ibid.

329 Ibid.

330 Hansard HC, 7 December 2010, c201W

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

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

Releases from and recalls to prison

In the 12 months ending March 2013, a total of 83,662 prisoners were released from determinate sentences, 3% lower than the same period in 2012.³³³

In the 12 months ending March 2013, 16,307 people were recalled to custody, a fall of 2% on the previous year.³³⁴

There were 5,113 recall prisoners in prison on 30 June 2013, down 6% compared to the previous year.³³⁵

The recall population grew rapidly between 1993 and 2012, increasing by 5,300. This reflected a higher recall rate caused by changes to the law making it easier to recall prisoners, and changes introduced in the Criminal Justice Act 2003 which lengthened the licence period for most offenders.³³⁶

Recalled prisoners currently make up 6% of the prison population.³³⁷

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.³³⁸

The Crime and Courts Act 2013 introduced a new mandatory punitive element for all community sentences, unless there are exceptional circumstances. 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.

In 2009, 3,996 people were received into prison in England and Wales for breach of a community sentence.³³⁹

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

³³³ Table 3.1, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013 and April to June 2012, London: Ministry of Justice

³³⁴ Table 5.4, Ibid.

³³⁵ Table 1.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

³³⁶ Ministry of Justice (2013) Story of the prison population: 1993 - 2012 England and Wales, London: Ministry of Justice

³³⁷ Table 1.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

³³⁸ NOMS Recall newsletter edition 7, annex A

³³⁹ Table 6.9, Ministry of Justice (2010) Offender Management Caseload Statistics 2009, London: Ministry of Justice

On 9 May 2013 the Justice Secretary announced plans for all prisoners leaving custody to serve a minimum of 12 months under supervision in the community. At present around 50,000 prisoners serve sentences of less than 12 months and receive no supervision after release.³⁴⁰

The government has estimated that 13,000 people a year will be recalled to custody as a result of these proposals if the Offender Rehabilitation Bill is passed and enacted.³⁴¹

The Ministry of Justice has estimated that there could be a cost of around £25 million per year associated with breach of licence and supervision conditions for short sentenced offenders. The Ministry of Justice has also acknowledged that there may be an additional burden to the police from extending supervision in the community to offenders released from custodial sentences of less than 12 months. This could cost up to £5 million per year.³⁴²

On 4 July 2013 the Justice Secretary announced that 70 prisons across England and Wales will become resettlement prisons. The intention is that the vast majority of prisoners are released from prisons in, or close to, the area in which they will live. The government hopes that private, voluntary and public service providers in the community can work with prisoners at the earliest opportunity and enable them to come out to employment and training, and support to tackle drug and alcohol addictions.³⁴³

Between 2009 and 2011, 28 prisoners have been granted early release on compassionate grounds.³⁴⁴

In the 12 months ending March 2013, 12,316 people were released on Home Detention Curfew (HDC).³⁴⁵ This is 5% lower than in the same period the year before.³⁴⁶ In 2012 just 25% of those eligible were released. There were 37% fewer people on HDC in 2012 than in 2002.³⁴⁷ On 11 October 2013, 2,408 people were on HDC.³⁴⁸

In 2012 there were 924 decisions to recall from HDC. Of those recalled, just 6% were for a new offence.³⁴⁹

³⁴⁰ Ministry of Justice (2013) Offender Rehabilitation Bill Impact Assessment, London: Ministry of Justice

³⁴¹ Ministry of Justice (2013) Updated Impact Assessment for the Offender Rehabilitation Bill, London: Ministry of Justice

³⁴² Ibid.

³⁴³ Ministry of Justice press release: <https://www.gov.uk/government/news/70-resettlement-prisons-announced-for-england-and-wales>

³⁴⁴ Hansard HC, 30 April 2012, c1164W

³⁴⁵ Table 3.3, Ministry of Justice (2013) Offender Management Statistics Quarterly Bulletin January to March 2013, London: Ministry of Justice

³⁴⁶ Table 3.3, Ministry of Justice (2012) Offender Management Statistics Quarterly Bulletin April to June 2012, London: Ministry of Justice

³⁴⁷ Table A3.4, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

³⁴⁸ Ministry of Justice (2012) Population and Capacity Briefing for Friday 30 November 2012, London: Ministry of Justice

³⁴⁹ Table A3.6, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

Reoffending

Prison has a poor record for reducing reoffending – 46.9% of adults are reconvicted within one year of being released. For those serving sentences of less than 12 months this increases to 58.5% - an increase of 4.3 percentage points from 2000. For those who have served more than 11 previous custodial sentences the rate of reoffending rises to 68.9%.³⁵⁰

Figures for 2010 show that 45% of women leaving prison are reconvicted within one year.

For those women who have served more than 11 previous custodial sentences the reoffending rate rises to 75%.³⁵¹

58% of young people (18-20) released from custody in the first quarter of 2008 reoffended within a year.³⁵²

72.3% of children (10-17) released from custody in the 12 months ending September 2011 reoffended within a year.³⁵³

Court ordered community sentences are more effective (by nearly seven 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 sentence.³⁵⁴

For 2010, almost a third of matched offenders released from custody (31.4%) had reoffended within two months of their release. In comparison, less than a quarter (23.7%) of matched offenders receiving a community sentence had re-offended within two months of their order starting; a difference of 7.7 percentage points.³⁵⁵

350 Table 18a, 19a and 7a, Ministry of Justice (2013) Proven re-offending quarterly October 2010 - September 2011, London: Ministry of Justice

351 Tables S5.26 and S5.28, Ministry of Justice (2012) Statistics on Women and the Criminal Justice System 2011, London: Ministry of Justice

352 Hansard HC, 17 January 2011, c653W

353 Table 18b, Ministry of Justice (2013) Proven re-offending quarterly October 2010 - September 2011, London: Ministry of Justice

354 Ministry of Justice (2013) 2013 Compendium of re-offending statistics and analysis, London: Ministry of Justice

355 Ibid.

Factors affecting reoffending³⁵⁶

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%).³⁵⁷

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 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.

356 The following statistics are taken from Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice
357 Ministry of Justice (2012) Prisoners' childhood and family backgrounds: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners, London: Ministry of Justice

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 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%).

Only 52% of prisoners who responded to Prisons Inspectorate surveys thought they had done something, or that something had happened to them while in prison, that would make them less likely to offend in future.³⁵⁸

³⁵⁸ HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

Social characteristics of adult prisoners

Characteristic	Prison population	General population
Taken into care as a child	24% (31% for women, 24% for men)	2%
Experienced abuse as a child	29% (53% for women, 27% for men)	20%
Observed violence in the home as a child	41% (50% for women, 40% for men)	14%
Regularly truant from school	59%	5.2% (England) and 4.8% (Wales)
Expelled or permanently excluded from school	42% (32% for women, 43% for men)	In 2005 >1% of school pupils were permanently excluded (England)
No qualifications	47%	15% of working age population
Unemployed in the four weeks before custody	68% (81% for women, 67% for men)	7.7% of the economically active population are unemployed
Never had a job	13%	3.9%
Homeless before entering custody	15%	4% have been homeless or in temporary accommodation
Have children under the age of 18	54%	Approximately 27% of the over 18 population*
Have symptoms indicative of psychosis	16% (25% for women, 15% for men)	4%
Identified as suffering from both anxiety and depression	25% (49% for women, 23% for men)	15%
Have attempted suicide at some point	46% for women, 21% for men	6%
Have ever used Class A drugs	64%	13%
Drank alcohol every day in the four weeks before custody	22%	16% of men and 10% of women reported drinking on a daily basis

Prison population data taken from Results from the Ministry of Justice Surveying Prisoner Crime Reduction (SPCR) survey published in:
 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice
 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice
 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners, London: Ministry of Justice
 Ministry of Justice (2010) Compendium of reoffending statistics, London: Ministry of Justice

General population data taken from:
 Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice
 Harker, L. et al. (2013) How safe are our children, London: NSPCC
 Department for Education (2013) Pupil absence in schools in England, including pupil characteristics, London: DfE
 Welsh Government (2013) Absenteeism by Pupil Characteristics 2011/12, Cardiff: Welsh Government
 Ministry of Justice (2012) The pre-custody employment, training and education status of newly sentenced prisoners, London: Ministry of Justice
 Office for National Statistics (2013) Labour Market Statistics, September 2013, London: ONS
 Table KS611EW, Office for National Statistics (2012) 2011 Census, London: ONS
 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice
 Wiles, N. et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519-526
 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

*This figure has been extrapolated using data from Table 1, ONS (2013) Families and Households, 2012 and Table 1 (Reference Tables), ONS (2013) Population Estimates for UK, England and Wales, Scotland and Northern Ireland - Mid 2012.

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.

Approximately 200,000 children in England and Wales had a parent in prison at some point in 2009.³⁵⁹ This is over three times the number of children in care (65,565), and over five times the number of children on the Child Protection Register (36,610).³⁶⁰

In the same year more than double the number of children were affected by the imprisonment of a parent than by divorce in the family.³⁶¹

The Department of Education estimated in 2003 that, during their time at school, 7% of children experience their father's imprisonment.³⁶²

It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.³⁶³

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 £5,860.³⁶⁴

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 only estimates and likely to be higher.³⁶⁵

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.³⁶⁶

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

360 Table A1, Department for Education (2012) Children looked after by local authorities in England, London: Department for Education; StatsWales website, <https://statswales.wales.gov.uk/v/Lh2> accessed on 18 October 2013; NSPCC child protection register statistics, http://www.nspcc.org.uk/Inform/research/statistics/child_protection_register_statistics_wda48723.html

361 Office for National Statistics (2011) Divorces in England and Wales 2009, Fareham: Office for National Statistics

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

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

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

365 Ibid.

366 Centre for Social Justice (2009) Locked up potential: A strategy for reforming prisons and rehabilitating prisoners, London: Centre for Social Justice

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. 61% of respondents reported being single. 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%).³⁶⁷

Only 9% of children whose mothers are in prison are cared for by their fathers in their mothers' absence.³⁶⁸

At least a fifth of mothers are lone parents before imprisonment, compared to around 9% of the general population.³⁶⁹

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.³⁷⁰

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.³⁷¹

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.³⁷²

A survey of 711 remand prisoners in 2000 found that one in four men and half of women received no visits from their family.³⁷³

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.³⁷⁴

The average distance adult women in prison are held from their home or committal court address is 60 miles.³⁷⁵

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

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

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

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

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

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

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

374 Hansard HC, 7 January 2010, c548W

375 Women in Prison (2013) State of the Estate: Women in Prison's report on the women's custodial estate 2011-12 London: WiP

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.³⁷⁶

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.³⁷⁷

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.³⁷⁸

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.³⁷⁹

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).³⁸⁰

Adult children of imprisoned mothers are more likely to be convicted than adult children from imprisoned fathers.³⁸¹

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.³⁸² However, information on the number of women who have given birth in prison is now no longer collected centrally.³⁸³

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.³⁸⁴

The National Offender Management Service began to collect information centrally on how many mothers with babies were held in prisons in England and Wales from 2010. The average number of women in prison with babies on a Mother and Baby Unit from June 2010 to May 2012 was 49.³⁸⁵

376 Hansard HC, 25 November 2009, c238W

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

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

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

380 Ibid.

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

382 Hansard HC, 26 January 2009, c202W

383 Hansard HC, 10 May 2011, c1072W

384 Hansard HC, 29 April 2009, c1332W

385 Hansard HC, 5 July 2012, c790W

Women with babies in prison may be unable to claim benefits for their children.³⁸⁶

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.³⁸⁷

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.³⁸⁸

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."³⁸⁹

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."³⁹⁰

35% of men and 28% of women described themselves as living with a partner before entering custody.³⁹¹

Prisoners' families, including their children, often experience increased financial, housing, emotional and health problems during a sentence.³⁹²

Parental imprisonment approximately trebles the risk for antisocial/delinquent behaviour of children.³⁹³

Over a third (37%) of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study said that someone in their family (other than themselves) had been found guilty of a non-motoring criminal offence. Of these convicted family members, 84% had been in prison, a young offender institution or borstal.³⁹⁴

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

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

388 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

389 Ministry of Justice and Department for Children, Schools and Families (2007) Children of Offenders Review, London: MoJ

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

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

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

393 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.

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

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.³⁹⁵

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.³⁹⁶

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.³⁹⁷

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.³⁹⁸

Although two-thirds of boys said they could use the telephone every day, only 42% said it was easy for their friends and family to visit them. The situation was even worse for girls, with only 19% saying visiting was easy, down from 44% in 2010-11.³⁹⁹

A minority of under 18 year olds in custody, 35% of boys and 12% of girls, usually had one or more visits per week from family or friends.⁴⁰⁰

Fewer black and minority ethnic than white boys said that it was easy or very easy for their family and friends to visit them (35% compared with 48%) and they were more negative about the timeliness of visits and their visitors' treatment by staff.⁴⁰¹

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.⁴⁰²

395 Ibid.

396 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

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

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

399 Murray, R. (2012) Children and Young People in Custody 2011-12, London: Youth Justice Board

400 Ibid.

401 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

402 HM Chief Inspector of Prisons (2009) Race relations in prisons: responding to adult women from black and minority ethnic

In 2008-09 closed visiting conditions were imposed on 1,817 occasions.⁴⁰³ Closed visits are imposed when there is a risk drugs may be smuggled through visits.

Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.⁴⁰⁴

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. The Inspectorate has "learnt with concern that family days in some prisons (including women's prisons) may be among the victims of budget cuts".⁴⁰⁵

The number of visitors arrested or apprehended who have been suspected of smuggling drugs into prisons fell by 35% from 472 in 2008-09 to 282 in 2010-11.⁴⁰⁶

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.⁴⁰⁷

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 dropped from 11 pence to 10 pence per minute. Costs of calls to mobiles during the day on weekdays were reduced from 63 pence to 37.5 pence per minute, the existing rate for weekday evenings.

backgrounds, London: The Stationery Office

403 Hansard HC, 22 March 2010, c21W

404 NOMS, Safer Custody News, January/February 2010

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

406 Hansard HC, 3 May 2011, c628W

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

Women in prison

On 11 October 2013, the women's prison population stood at 3,952, that is 178 fewer than a year ago.⁴⁰⁸ Between 2000 and 2010 the women's prison population increased by 26%. 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 9,832 women were received into prison in 2012, that is 349 fewer than 2011.⁴⁰⁹

The government recently announced the planned re-role of HMP Downview to house male prisoners which will bring the total number of women's prisons to 12.⁴¹⁰

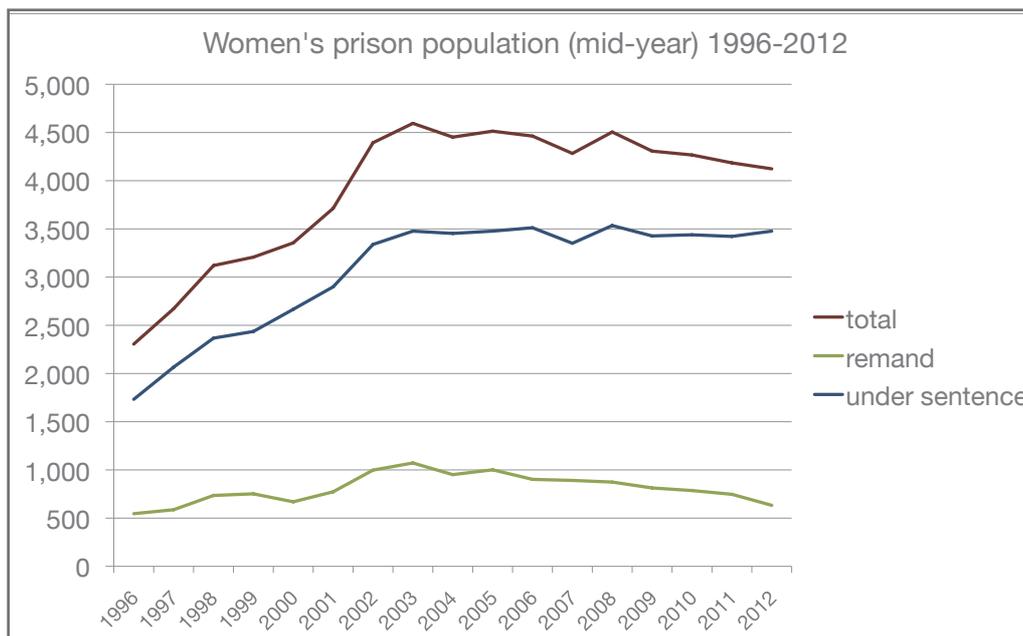
Women represent 4.8% of the overall prison population, compared to a high of 6.2% in 2003.⁴¹¹ However, these percentage figures need to be viewed in the context of the rapid increase in the male prison population over the same period of time. In the 12 months ending March 2013, women accounted for 9% of prison receptions.⁴¹² Since their average length of sentence is shorter than that of men, both from magistrates' courts and the Crown Court, their turnover is higher.⁴¹³

Most women entering prison serve very short sentences. In the year ending March 2013, 59% of women entering prison under sentence were to serve six months or less. This is a decrease of 1% from the previous year.⁴¹⁴ In 1993 only a third of women entering custody were serving sentences of six months or less.⁴¹⁵

In 2012, 4,991 women were received into prison to serve sentences of 6 months or less. The majority (2,458) were sentenced to 3 months or less - 22 women had been given the shortest possible sentence (10 days or less).⁴¹⁶

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.⁴¹⁷ In many of these cases, the original offence or behaviour would have been unlikely to have resulted in a custodial sentence.⁴¹⁸

The number of women in prison on remand has fallen by 5% to 604 in the year to 30 June 2013. Women on remand make up 16% of the female prison population.⁴¹⁹



Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice and Table 8.1, Offender Management Caseload Statistics 2006, London: Ministry of Justice

408 Ministry of Justice (2013) Population and capacity briefing for 11 October 2013, London: Ministry of Justice

409 Table A2.1c, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

410 Ministry of Justice press release, <https://www.gov.uk/government/news/modernisation-of-the-prison-estate>, accessed on 5 September 2013

411 Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2013, London: Ministry of Justice

412 Tables 2.1a and 2.1c, Ministry of Justice (2013) Offender Management Statistics (Quarterly) October to December 2012, London: Ministry of Justice

413 Criminal Justice Joint Inspection (2011) Equal but Different? An inspection of the use of alternatives to custody for women offenders, A Joint Inspection by HMI Probation, HMCPSP and HMI Prisons, London: Criminal Justice Joint Inspection

414 Table 2.1c, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice and Offender Management Statistics (quarterly) April to June 2012

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

416 Ministry of Justice Freedom of Information number 82495, May 2013

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

418 Criminal Justice Joint Inspection (2011) Equal but Different? An inspection of the use of alternatives to custody for women offenders, A Joint Inspection by HMI Probation, HMCPSP and HMI Prisons, London: Criminal Justice Joint Inspection

419 Table 1.1c, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

3,631 women entered prison on remand awaiting trial in the 12 months ending March 2013 - a decrease of 13% from the previous year.⁴²⁰ This comes after an increase of 43% over the period between 2000 and 2008.⁴²¹ These women spend an average of four to six weeks in prison.⁴²²

Less than half of women remanded by magistrates' courts and subsequently found guilty (700 of 1,600) are given a prison sentence. 70% of women remanded into custody received an immediate custodial sentence at the Crown Court, compared to 83% of men.⁴²³

In the 12 months ending March 2013, 81% of women entering prison under sentence had committed a non-violent offence, compared with 71% of men.⁴²⁴

The offence of theft and handling accounted for 38% of all women entering prison under sentence in the 12 months ending March 2013 - the most common offence.⁴²⁵

A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of men.⁴²⁶

A survey of prisoners found that nearly half of all women (48%), compared to just over one-fifth of men (22%), reported having committed offences to support someone else's drug use.⁴²⁷

26% of women in prison had no previous convictions, compared to 12% of men. 28% of women serving sentences of under 12 months had no previous convictions, compared with only 12% of men.⁴²⁸

The rise in the female prison population can partly be explained by an increase in the severity of sentences. In 1996, 10% of women sentenced for an indictable offence were sent to prison; in 2012, 16% were.⁴²⁹

⁴²⁰ Table 2.1c, *Ibid.* and Offender Management Statistics (quarterly) April to June 2012

⁴²¹ Table 6.2 Ministry of Justice (2009) Offender Management Caseload Statistics 2008, London: Ministry of Justice

⁴²² 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

⁴²³ Tables S4.61, S4.62 and S4.63 Ministry of Justice (2012) Statistics on Women and the Criminal Justice System 2011, London: Ministry of Justice

⁴²⁴ Table 2.2b, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

⁴²⁵ *Ibid.*

⁴²⁶ Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: Cabinet Office. Note: evidence from analysis of Offender Assessment System data

⁴²⁷ Light, M. et al. (2013) Gender differences in substance misuse and mental health amongst prisoners - Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners, London: Ministry of Justice

⁴²⁸ Tables A1.28 and A1.29, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice

⁴²⁹ Table A5.19, Ministry of Justice (2012) Criminal Justice Statistics

Currently 15% of women in prison, 581, are foreign nationals.⁴³⁰ Some of whom are known to have been coerced or trafficked into offending.⁴³¹

Figures for 2010 show that 45% of women leaving prison are reconvicted within one year. For those women who have served more than 11 previous custodial sentences the reoffending rate rises to 75%.⁴³²

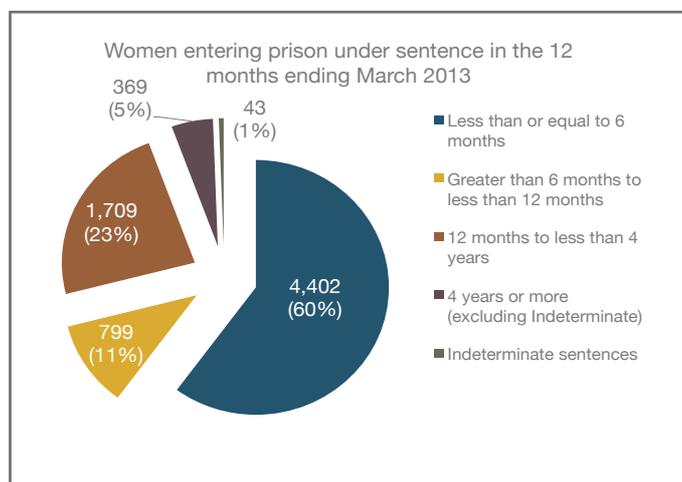


Table 2.1c, Ministry of Justice (2013) Offender Management Statistics (Quarterly) January to March 2013, London: Ministry of Justice

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.⁴³³ The re-role of HMP Downview will reduce capacity by around 355 places.⁴³⁴

The average distance adult women in prison are held from their home or committal court address is 60 miles.⁴³⁵ In 2009 753 women were held over 100 miles away.⁴³⁶

It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.⁴³⁷

Quarterly to December 2012, London: Ministry of Justice and Table 1.8, Ministry of Justice (2007) Sentencing Statistics 2006, London: Ministry of Justice

⁴³⁰ Table 1.6, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

⁴³¹ Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

⁴³² Table S5.28 Ministry of Justice (2012) Women and the Criminal Justice System, London: Ministry of Justice

⁴³³ Ministry of Justice (2009) A Report on the Government's Strategy for Diverting Women Away from Crime, London: Ministry of Justice

⁴³⁴ Ministry of Justice (2013) Population monthly bulletin - July 2013, London: Ministry of Justice

⁴³⁵ Women in Prison (2013) State of the Estate: Women in Prison's report on the women's custodial estate 2011-12, London: WiP

⁴³⁶ Hansard HC, 25 November 2009, c238W

⁴³⁷ Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

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”.⁴³⁸

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.⁴³⁹

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.⁴⁴⁰

46% of women in prison have attempted suicide at some point in their lifetime.⁴⁴¹

There were 94 self-inflicted deaths of women prisoners between 1990 and 2012.⁴⁴²

Women account for 28% of all incidents of self-harm despite representing just 5% of the total prison population. The rates of women harming themselves continue to be much higher than for men but the gap has reduced in recent years.⁴⁴³

In January 2008, nearly 80% of female prisoners serving Indeterminate Sentences for Public Protection (IPP) surveyed by the Prisons Inspectorate were for offences of arson, which is often an indicator of serious mental illness or self-harm.⁴⁴⁴

As of 30 June 2012 there were 131 women in prison serving IPP sentences, just over 2% of the total IPP population.⁴⁴⁵

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.⁴⁴⁶

53% of women reported having experienced emotional, physical or sexual abuse as a child, compared to 27% of men.⁴⁴⁷

In 2002, over half the women in prison reported having suffered domestic violence and one in three had experienced sexual abuse.⁴⁴⁸

Women prisoners are subject to higher rates of disciplinary proceedings than men. In 2012 there were 124 proven offences punished per 100 women in prison compared to 99 per 100 men.⁴⁴⁹ According to the Ministry of Justice, “women may be less able (due for example to mental health issues) to conform to prison rules.”⁴⁵⁰

33% of women in prison at the end of June 2013 were aged 40 and over.⁴⁵¹

Around one-third of women prisoners lose their homes, and often their possessions, whilst in prison.⁴⁵²

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.⁴⁵³ Just 11% of women received help with housing matters.⁴⁵⁴

In 2011/12, just 8.4% of women leaving prison had a positive resettlement outcome on employment. For men the proportion was 27.3%.⁴⁵⁵

A Prisons Inspectorate survey found that 38% of women in prison did not have accommodation arranged on release.⁴⁵⁶ Only a third of women prisoners who wanted help and advice about benefits and debt received it.⁴⁵⁷

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

447 Ibid.

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

449 Table A5.2, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

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

451 Table 1.8 Ministry of Justice (2013) Offender Management Statistics (Quarterly), October to December 2012, London: Ministry of Justice

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

453 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

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

455 Table 2b (offenders data), Ministry of Justice (2012) NOMS Equalities Annual Report, London: Ministry of Justice

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

457 Ibid.

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

439 Ibid.

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

441 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

442 Table 1.2, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013

443 Table 2.1, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice

and Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

444 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

445 Table A1.13, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

In 2011 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (70%) and suspended sentence orders (76%) versus 65% and 67% respectively for men.⁴⁵⁸

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.”⁴⁵⁹

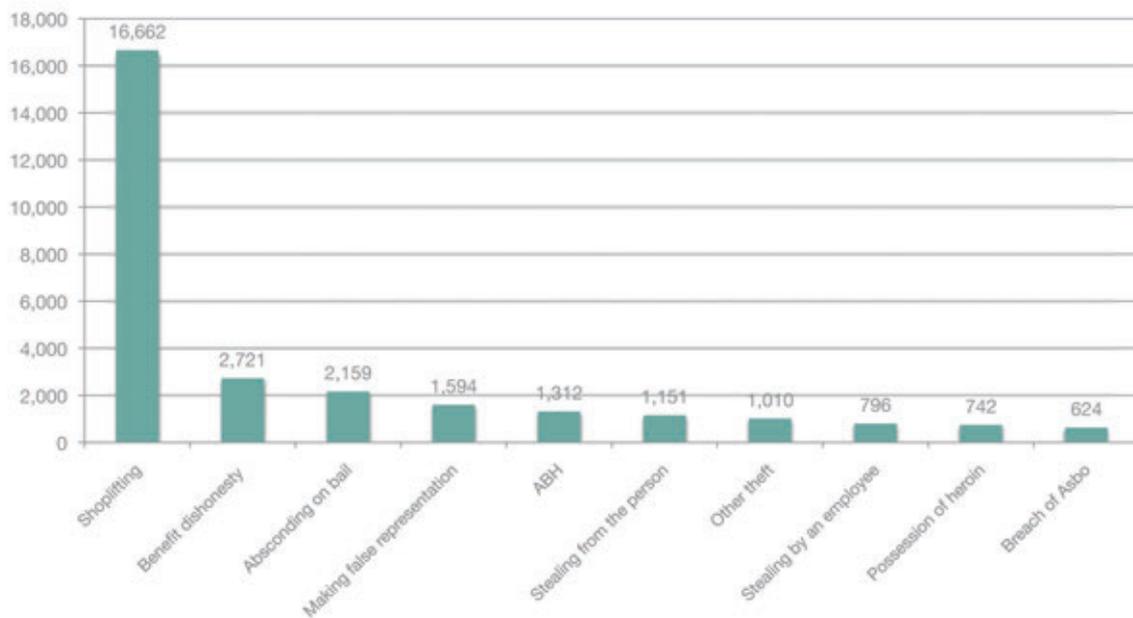
An ICM public opinion poll commissioned by SmartJustice in March 2007 found that, of 1,006 respondents across the UK, 86% supported the development of local centres for women to address the causes of their offending. Over two thirds (67%) said that prison was not likely to reduce offending.⁴⁶⁰ A more recent YouGov poll, from November 2012, found strong support for public health measures to tackle women’s offending, with treatment for drug addiction considered the most effective at reducing the risk of reoffending by nearly 7 in 10 (69%) respondents.⁴⁶¹

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.⁴⁶²

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.⁴⁶³ The long-run value of these benefits is in excess of £100 million over 10 years.⁴⁶⁴

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 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’).⁴⁶⁵

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
* indictable offences includes indictable only offences and triable either way offences

458 Table A4.23, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

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

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

461 Prison Reform Trust (2012) Public say top three solutions to women’s offending lie in health not criminal justice – press release 26 November 2012, London: Prison Reform Trust

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

463 Ibid.

464 Ibid.

465 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

The 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 particular 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.⁴⁶⁶

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, with a designated minister to take responsibility for implementation and accountability for the strategy to be built into relevant roles within government departments and local authorities.⁴⁶⁷

In March 2013, the Government published its Strategic Objectives for Female Offenders and announced its intention to establish an Advisory Board to advise on implementation.⁴⁶⁸

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.⁴⁶⁹

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 are working with local authorities, police, probation, magistrates and crown courts, and voluntary groups across the UK to gather information on effective options for women in trouble with the law and press for reform.⁴⁷⁰

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.⁴⁷¹

Social characteristics of male and female prisoners

Characteristic	Men	Women
Committed their offence in order to support the drug use of someone else	22%	48%
Have experienced emotional, physical or sexual abuse	27%	53%
Serving a prison sentence for a non-violent offence	71%	81%
Have no previous convictions	12%	26%
Have spent time in local authority care	24%	31%
Have symptoms indicative of psychosis	15%	25%
Have attempted suicide at some point	21%	46%

Sources:

- Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
- Ministry of Justice (2012) Prisoners’ childhood and family backgrounds, London: Ministry of Justice
- Table 2.2b, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice
- Tables A1.28 and A1.29, Ministry of Justice (2012) Offender Management Caseload Statistics 2011, London: Ministry of Justice
- Ministry of Justice (2012) Prisoners’ childhood and family backgrounds, London: Ministry of Justice
- Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice
- ibid.

466 <http://www.un.org/News/Press/docs/2010/gashc3980.doc.htm>
 467 Prison Reform Trust (2011) Reforming Women’s Justice, Final report of the Women’s Justice Taskforce, London: Prison Reform Trust
 468 Ministry of Justice press release ‘Greater focus on support and rehabilitation for female offenders’ - 22 March 2013, London: Ministry of Justice

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

Minority ethnic prisoners

On 30 June 2013, 26% of the prison population, 21,543 prisoners, was from a minority ethnic group.⁴⁷² This compares to around 14% of the general population.⁴⁷³

Out of the British national prison population, 11% are black and 6% are Asian.⁴⁷⁴ For black Britons this is significantly higher than the 2.8% of the general population they represent.⁴⁷⁵

Overall black prisoners account for the largest number of minority ethnic prisoners (50%).⁴⁷⁶

At the end of June 2012, 29% of minority ethnic prisoners were foreign nationals.⁴⁷⁷

According to the Equality and Human Rights Commission, there is now greater disproportionality in the number of black people in prisons in the UK than in the United States.⁴⁷⁸

In 2002 there were more African Caribbean entrants to prison (over 11,500) than there were to UK universities (around 8,000).⁴⁷⁹

A higher percentage of people in BAME groups were sentenced to immediate custody for indictable offences than white people in the 12 months ending March 2013 (white 26%, black 29%, Asian 31% and other 44%). This may in part be due to differences in plea between ethnic groups.⁴⁸⁰

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 respectively. The lowest ACSL was recorded for the white group at 14.9 months.⁴⁸¹

472 Table 1.7, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

473 Figure 1, Office for National Statistics (2012) Ethnicity and National Identity in England and Wales 2011, London: ONS

474 Table A1.19, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

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

476 Table 1.7, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

477 Table A1.19, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

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

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

480 Table Q5.9, Ministry of Justice (2013) Criminal Justice Statistics Quarterly Update to March 2013

481 Table 4.08, Ibid.

At the end of June 2012, 29% of mixed, 28% of white, 27% of Asian, 26% of black, and 21% of Chinese or other prisoners were serving a sentence for offences of violence against the person. 29% of Chinese or other prisoners, 25% of Asian, 23% of black, 16% of mixed, and 12% of white prisoners were serving sentences for drugs offences.⁴⁸²

A Home Office survey in 2003 found that the disproportionate number of black people in prison did not reflect higher offending rates by them. “The prevalence of lifetime offending varied considerably across different ethnic groups. Overall, White respondents and those of Mixed ethnic origin had the highest levels of self-reported offending with around four in ten saying they had committed at least one of the offences in their lifetime. Respondents of Asian, Black or other ethnic origin had significantly lower levels (21%, 28% and 23%).”⁴⁸³

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.⁴⁸⁴

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 and black and minority ethnic prisoners had consistently more negative perceptions than the prison population as a whole, responses were classed as ‘significantly worse’ in 55% of the Inspectorate’s questions in 2012.⁴⁸⁵

Black and minority ethnic prisoner perceptions of the complaints system remain more negative than those of their white counterparts. NOMS have accepted that this still remains a challenge.⁴⁸⁶

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.⁴⁸⁷

482 Table A1.21, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

483 Sharp, C. and Budd, T. (2003) Minority ethnic groups and crime: findings from the Offending, Crime and Justice Survey 2003, London: Home Office

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

485 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

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

487 Ibid.

Black and minority ethnic prisoners are under-represented in those granted release on temporary licence.⁴⁸⁸

Research undertaken by the Prison Reform Trust found that 49 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.⁴⁸⁹

Survey findings by HM Inspectorate of Prisons indicate that prisoners from a black or minority ethnic background, 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.⁴⁹⁰

The HM Inspectorate of Prisons' annual report for 2011-12 said that "one issue not sufficiently addressed was the strikingly high proportion of prisoners who described themselves in our surveys as being of Gypsy, Romany or Traveller background - almost one in 10 in Wormwood Scrubs and frequently as high as 5% elsewhere. Not enough is understood about how best to meet their needs and address their offending behaviour."⁴⁹¹

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.'⁴⁹²

The population of Irish Travellers in England is estimated to be between 55,000 and 123,000, accounting for between 0.1-0.2% of the population.⁴⁹³

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

489 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

490 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

491 Ibid.

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

493 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

For every 100 prisoners, there were on average 131 days in segregation for good order and discipline. Rates were higher for men than women; higher than average for black, black British, and mixed ethnicity prisoners; and lower than average for prisoners from the Chinese or other ethnic group.⁴⁹⁴

For every 100 proven adjudications, there were on average 78 days of cellular confinement. Rates were higher for men than women, higher than average for those in the black or black British ethnic group and lower than average for prisoners in the Chinese or other, Asian or Asian British and mixed ethnic groups.⁴⁹⁵

494 Ministry of Justice (2012) NOMS Equalities Annual Report 2011/12, London: Ministry of Justice

495 Ibid.

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.⁴⁹⁶

At the end of June 2013 there were 10,786 foreign nationals (defined as non-UK passport holders) held in prisons in England and Wales, 13% of the overall prison population.⁴⁹⁷

However, these figures include people who are held administratively under Immigration Act powers in Immigration Removal Centres and who are not serving criminal sentences. If we exclude Immigration Removal Centres then they account for 12% of the prison population.⁴⁹⁸

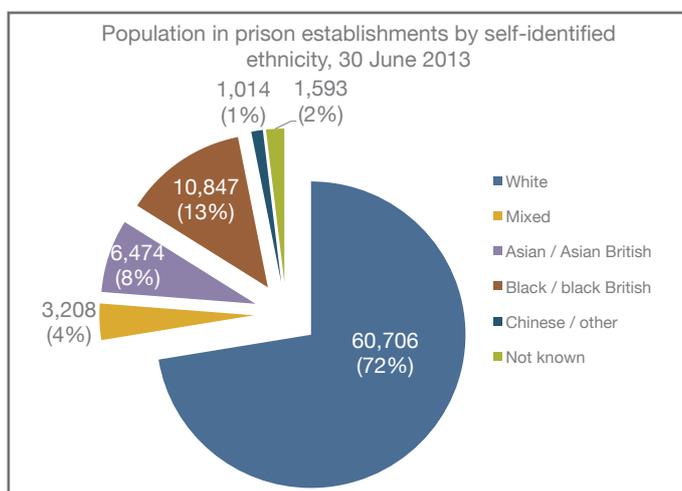


Table 1.7, Ministry of Justice (2013) Offender Management Statistics (Quarterly) January to March 2013, London: Ministry of Justice

These prisoners come from 159 countries, but over half are from 9 countries (Poland, Republic of Ireland, Jamaica, Romania, Nigeria, Pakistan, India, Lithuania, and Somalia).⁴⁹⁹

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

497 Table 1.6, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

498 Corporate Watch (2013) The myth of foreign national prisoners, London: Corporate Watch

499 Ibid.

The number of non-criminal prisoners has increased by 40% in the past year. On 30 June 2013 there were 1,623 non-criminal prisoners held in prison and they are largely immigration detainees.⁵⁰⁰ The increase in the non-criminal population is a direct result of an agreement with the Home Office to hold a number of immigration detainees in the prison estate.

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 2009.⁵⁰¹

The total number of foreign nationals in prison increased by 41% between 2002 and 2012. This compares to a 17% increase in British nationals.⁵⁰²

Currently 15% of women in prison, 581, are foreign nationals.⁵⁰³ Some of whom are known to have been coerced or trafficked into offending.⁵⁰⁴

33% of foreign national women in prison are serving a custodial sentence for drug offences, compared to 14% of women of British nationality. 22% of foreign national men are serving a custodial sentence for drug offences, compared with 14% of British men. The most common offence for British men is violence against the person at 28%.⁵⁰⁵

Women imprisoned for drugs importation are largely from Nigeria, Jamaica and South Africa.⁵⁰⁶

14% of foreign national women imprisoned are there for fraud and forgery offences (usually possession of false documents).⁵⁰⁷

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.⁵⁰⁸

500 Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013 and Ministry of Justice (2012) Offender Management Statistics, January to March 2012

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

502 Table A1.18, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

503 Table 1.6, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

504 Hales, L. and Gelsthorpe, L. (2012) The criminalisation of migrant women, Cambridge: University of Cambridge

505 Table A1.21, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

506 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

507 Table A1.21, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

508 Prison Reform Trust and Hibiscus (2012) No Way Out: a briefing

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.⁵⁰⁹

In ten prisons, foreign national prisoners made up a quarter or more of the population in June 2013.⁵¹⁰

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. HMP Maidstone will hold foreign national prisoners due to the closure of two specialist foreign national prisons, HMPs Bullwood Hall and Canterbury.⁵¹¹

4,589 foreign national offenders were removed or deported in 2012, 38 per cent of whom left voluntarily under the Facilitated Removal Scheme.⁵¹²

The government has said it is "committed to exploring ways of removing [foreign national prisoners] even earlier".⁵¹³

The average number of days taken to remove a foreign national offender has remained broadly the same from 131 days in 2008 to 126 in 2011.⁵¹⁴

It costs the UK Border Agency £102 per night to keep an individual in immigration detention.⁵¹⁵

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories.⁵¹⁶ 14 countries have implemented the EU Prisoner Transfer Arrangement, which 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. A compulsory prisoner transfer agreement with Albania has also been signed.⁵¹⁷

The majority of arrangements however are voluntary agreements which require the consent of both states involved, as well as that of the prisoner concerned, before transfer can take place.⁵¹⁸

As of 1 August 2008, with the introduction of the UK Borders Act 2007, all foreign national prisoners who have been sentenced to a period of imprisonment of 12 months or more are subject to automatic deportation from the UK unless they fall within one of the Act's six exceptions.⁵¹⁹

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 2009.⁵²⁰

In September 2012, 547 foreign national offenders were detained by the UK Border Agency in prisons following completion of their custodial sentence. A further 919 foreign national offenders were detained beyond the end of their sentence in immigration removal centres.⁵²¹

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.⁵²²

The Legal Aid, Sentencing and Punishment of Offenders Act (2012) introduced 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.⁵²³

paper on foreign national women in prison in England and Wales, London: Prison Reform Trust

509 Ibid.

510 Table 1.5, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

511 Ministry of Justice (2013) NOMS Annual Report and Accounts 2012-13, London: Ministry of Justice

512 Hansard HL, 20 June 2013, cWA72

513 Hansard HC, 4 November 2010, c878W

514 House of Commons Home Affairs Committee (2013) Written evidence: The work of the UK Border Agency (Jan - March 2013), London: The Stationery Office

515 Hansard HC, 5 December 2011, c26W

516 Hansard HC, 25 February 2013, c173W

517 Hansard HC, 3 July 2013, c643W

518 Hansard HC, 1 November 2010, c510W

519 The Migration Observatory website - migrationobservatory.ox.ac.uk/briefings/immigration-detention-uk, accessed on 13 August 2013

520 Hansard HC, 2 November 2011, c644W

521 Hansard HC, 8 January 2013, c245W

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

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

Children in prison

At the end of August 2013 there were 1,239 children (under-18s) in custody – a decrease of 404 from the same point last year. There were 842 children held in young offender institutions (YOIs), 270 in secure training centres and 127 in secure children’s homes.⁵²⁴

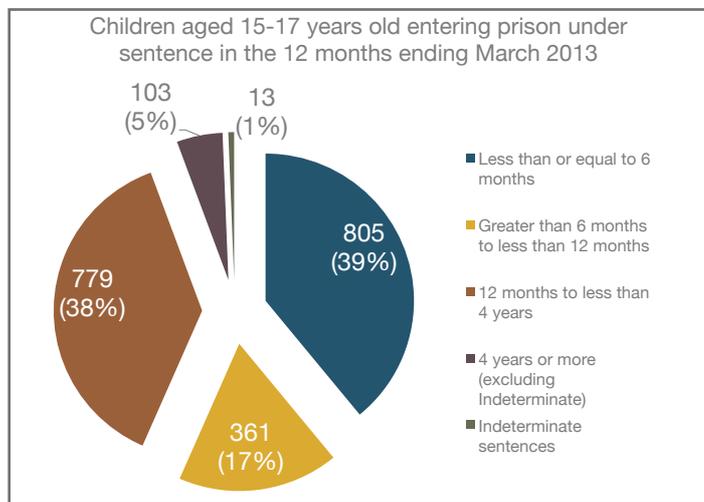


Table 2.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

In August 2013, there were 44 children aged 14 and 4 aged 13 in the secure estate in England and Wales.⁵²⁵

Overall there are 1,780 fewer children in custody than there were five years ago - a drop of 59%.⁵²⁶

In August 2013, 736 of the children in custody were white and 468 were from black or minority ethnic backgrounds. 50 were girls and 1,189 were boys.⁵²⁷

According to the Prisons Inspectorate in the last two years the proportion of black and minority ethnic boys (15-18) in YOIs has risen to 42% (from 33% in 2009-10). The number who identified themselves as Muslim also rose, from 13% to 21% in 2011-12.⁵²⁸ 5% of young men surveyed said that they were foreign nationals.⁵²⁹

The falling number of children in custody is partly attributable to the reduction in those serving Detention and Training Orders (DTOs): between 2007-08 and 2010-11 this fell by 37%.⁵³⁰ The proportion of children in custody serving DTOs of between 12 and 24 months fell by 15% between March 2010 and March 2011.⁵³¹

524 Figure 1, Youth Justice Board (2013) Monthly Youth Custody Report - August 2013, London: Youth Justice Board

525 Figure 1, Ibid.

526 Figure 2.1, Ibid.

527 Figure 1, Ibid.

528 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board and Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

529 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

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

531 Summerfield, A. (2011) Children and Young People in Custody

In 2003 there were 28 Secure Children’s Homes in England. Since then no new homes have opened while 12 have closed.⁵³²

The Youth Justice Board (YJB) has decommissioned 360 places in the children’s estate in 2013, most recently taking HMYOI Ashfield out of the YJB commissioned estate.⁵³³

In September 2013 the government announced its intention to re-role HMYOI Warren Hill. It will stop holding young offenders and will hold adult male prisoners.⁵³⁴

The Ministry of Justice is undertaking a feasibility study for a second large new prison with the intention of replacing HMYOI Feltham with a large new adult prison and a new youth facility on adjoining sites in West London.⁵³⁵

As a consequence children may now be held further from home than before.⁵³⁶ The problem of distance from home is particularly pronounced in London and the South East, where demand for secure places outstrips provision. The YJB plans to tackle this by increasing capacity at HMYOI Cookham Wood in Kent, with an additional 77 places available by autumn 2013.⁵³⁷

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.⁵³⁸

In the 12 months to March 2013, 2,061 children aged between 15 and 17 entered prison under sentence. 805 of those entering prison were to serve sentences up to and including six months, indicating scope for further reductions.⁵³⁹

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 2000.⁵⁴⁰

2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

532 Hansard HC, 4 July 2012, c728W

533 Youth Justice Board (2013) Annual Report and Accounts 2012/13, London: Youth Justice Board

534 Ministry of Justice press release, <https://www.gov.uk/government/news/modernisation-of-the-prison-estate>, accessed on 5 September 2013

535 Ibid.

536 Youth Justice Board (2013) Annual Report and Accounts 2012/13, London: Youth Justice Board.

537 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

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

539 Table 2.1a Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

540 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

At the end of June 2012, 10% of children in prison (15-17) had no previous convictions.⁵⁴¹

Between 2005-06 and 2009-10, 178 children (10-17) started an indeterminate sentence in custody, only 11 were released before their 18th birthday.⁵⁴²

In 2010-11, there were an average of 275 15-17 year olds in prison for breaching a court order. This equates to 14% of the total child custody population.⁵⁴³ 30% of 10-14 year olds were in custody for having breached a statutory order and, for 18%, it was their primary offence.⁵⁴⁴

During the period 1 April 2009 to 31 March 2010, children under 18 were remanded into custody for a period of seven days or less on 974 occasions; and there were 147 cases where children 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.⁵⁴⁵

Children were remanded in custody in 2011-12 on 3,621 occasions. 773 of these were subsequently acquitted and 1,031 were given a non-custodial sentence.⁵⁴⁶

£224 million was spent on the provision of secure accommodation for children in 2012/13.⁵⁴⁷

Average cost of a place by accommodation type⁵⁴⁸

Accommodation type	Cost per annum
Secure Training Centre	£187,000
Secure Children's Home	£209,000
Young Offender Institution	£60,000

In 2011-12 over half of boys (53%; an increase from 39% in 2009-10) and 52% of girls (up from 35% in 2009-10) told HM Inspectorate of Prisons it was their first time in custody – a group more likely to report feeling unsafe.⁵⁴⁹

541 Table A1.28, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

542 Hansard HC, 26 October 2011, c240W

543 Table 7.5a, Ministry of Justice (2013) Youth Justice Statistics 2011/12 England and Wales, London: Ministry of Justice

544 Hart, D. (2011) Into the Breach, the enforcement of statutory orders in the youth justice system, London: Prison Reform Trust

545 Hansard HC, 6 September 2011 c387W

546 Tables 6.1 and 6.5, Ministry of Justice (2013) Youth Justice Statistics 2011/12 England and Wales, London: Ministry of Justice

547 Youth Justice Board (2013) Annual Report and Accounts 2012/13, London: Youth Justice Board

548 Hansard HC, 27 June 2013, c368W

549 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board and Summerfield, A. (2011) Children and Young People in Custody 2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

72% of children (10-17) released from custody in the 12 months ending September 2011 reoffended within a year.⁵⁵⁰

45% of children in prison in 2011-12 were in prison for non-violent crimes. On 30 June 2012 there were 72 children aged 15-17 in prison for theft and handling.⁵⁵¹

27% of those brought before the courts for offences relating to the August 2011 public disorder were aged 10-17. This is different to the age distribution of those appearing before the courts for similar offences in 2010 when the proportion of juveniles was 16 per cent.⁵⁵²

The riots in August 2011 had more impact on young offender institutions for children and young people than on adult prisons. The Prisons Inspectorate found that young people were moved from Feltham in the south-east to Hindley in the north-west to make room for new arrivals. This was inevitably disruptive. There was an increase in assaults and the use of restraint. Feltham saw a 200% increase in the number of young people placed on suicide and self-harm procedures.⁵⁵³

Only half (50%) of girls in custody surveyed by the Prisons Inspectorate believed that most staff treated them with respect, compared with 64% of boys.⁵⁵⁴

Black and minority ethnic boys surveyed were less positive about relationships with staff than their white counterparts. Just 59% said there was a member of staff they could turn to if they had a problem, compared with 72% of all white boys. 61% said they felt most staff treated them with respect, compared to 67% of white boys.⁵⁵⁵

More black and minority ethnic boys reported they had been victimised by a member of staff, 27% compared with 20% of white boys. They also felt that it was less likely that victimisation would be taken seriously if they reported it (21% compared with 33% of white young men).⁵⁵⁶

A recent HM Inspectorate report found that 30% of boys and 44% of girls had spent some time in care.⁵⁵⁷

550 Table 18b, Ministry of Justice (2012) Proven re-offending quarterly October 2010 to September 2011, London: Ministry of Justice

551 Table 7.5a, Ministry of Justice (2012) Youth Justice Statistics 2011/12 England and Wales, London: Ministry of Justice and Table A1.6, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

552 Ministry of Justice (2012) Statistical Bulletin on the public disorder of 6th-9th August 2011 - September 2012 update, London: Ministry of Justice

553 HM Chief Inspector of Prisons (2012) Annual Report 2011-12, London: The Stationery Office

554 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

555 Ibid.

556 Ibid.

557 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

It is estimated that there are around 400 children in custody at any one time who have spent time in care.⁵⁵⁸

Boys who reported that they have been in care are more likely than other young men to report problems with drugs (42%) and alcohol (14%) and to report having mental health problems (32%).⁵⁵⁹

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.⁵⁶⁰

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.⁵⁶¹

One in 10 girls in custody has been paid for sex.⁵⁶²

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 2005.⁵⁶³

The educational background of children in custody is poor: 88% of boys and 74% of girls surveyed said they had been excluded from school. 36% of boys and 41% of girls said they were 14 years or younger when they were last in education.⁵⁶⁴

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.⁵⁶⁵ 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.⁵⁶⁶

23% of young offenders have learning difficulties (IQ below 70) and 36% borderline learning difficulties (IQ 70-80%).⁵⁶⁷ At least 60% have difficulties with speech, language and communication that adversely affect their ability to participate in certain elements of the custodial regime.⁵⁶⁸

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

559 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

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

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

562 Youth Justice Board (2006) Female health needs in young offender institutions, London: YJB

563 Hansard HC, 28 March 2007, c1652W

564 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

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

566 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

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

568 Bryan, K. and Mackenzie, J. (2008) Meeting the speech, language and

15-17 year-olds in prison service YOIs receive an average of 27.5 hours per week of education, training and personal development. In private YOIs the equivalent figure is 33.9 hours per week.⁵⁶⁹

Of children interviewed in prison, 13% reported being regular crack users, and 11% had used heroin daily. Poly-drug use was also high.⁵⁷⁰

Research commissioned by the YJB in 2006 found that 18% of 13-18 year olds in custody had depression, 10% anxiety, 9% post-traumatic stress disorder and 5% psychotic symptoms.⁵⁷¹

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.⁵⁷²

58% of boys and 60% of girls who reported a drug problem on arrival to custody were receiving help in custody.⁵⁷³ Only half of boys who reported a mental health problem said that they were receiving help.⁵⁷⁴

Prevalence of psycho-social and educational problems among a sample of 200 sentenced children.⁵⁷⁵

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 2012 there were 139 recorded incidents of self-harm by 15-17 year-old girls in custody, and 532 by 15-17 year-old boys in custody. 256 children accounted for these incidents.⁵⁷⁶

communication needs of vulnerable young children, London: RCLSLT

569 Hansard HC, 18 January 2010, c27W

570 Youth Justice Board (2004) Substance misuse and juvenile offenders, London: Youth Justice Board

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

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

573 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

574 Ibid.

575 Table 6.1, Jacobson, J. et al. (2010) Punishing Disadvantage: a profile of children in custody, London: Prison Reform Trust

576 Table 2.3, Ministry of Justice (2013) Safety in Custody Statistics England and Wales Update to March 2013, 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.⁵⁷⁷

11% of children in prison have attempted suicide.⁵⁷⁸

Thirty-two children have died in penal custody since 1990 almost all by self inflicted death, but two were homicide.⁵⁷⁹

In August 2004, 14 year old Adam Rickwood became the youngest child to die in penal custody in recent memory.⁵⁸⁰

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 2011/12 there were 8,419 incidents of restraint involving children in custody, up 17% on the previous year. There were, on average, 702 incidents involving 474 children every month.⁵⁸¹

37% of boys and 15% of girls report they have been physically restrained. Both Muslim and black and minority ethnic boys reported higher rates of restraint (44%) compared to non-Muslim (36%) and white boys (32%).⁵⁸²

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.⁵⁸³

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.”⁵⁸⁴

There were 377 incidents of segregation in HMYOI Ashfield in 2011 - an increase of 101% from 2008. There were 75 incidents of children spending periods of between 7-14 days in segregation, 56 of 15-27 days and 24 of over 28 days.⁵⁸⁵

32% of boys and 22% of girls have felt unsafe at some point in custody. Only half (50%) of boys who considered themselves to have a disability reported feeling safe in custody.⁵⁸⁶

56% of boys in prison said they would be able to tell someone if they were being victimised and just 28% (a fall from 40% in 2009–10) said that they believed a member of staff would take it seriously - this fell to 21% for both black and minority ethnic boys and Muslim boys.

There has been a considerable fall in the number of girls in prison who said they would be able to tell someone if they were being victimised - 65% compared with 82% in 2010-11. Only 35% believed that a member of staff would take their reports of victimisation seriously, down from 46% in 2010-11.⁵⁸⁷

Two-thirds of boys said they could use the telephone every day. Only 42% said it was easy for their friends and family to visit them. The situation was even worse for girls, with only 19% saying visiting was easy, down from 44% in 2010-11.⁵⁸⁸

35% of boys and 12% of girls usually had one or more visits per week from family or friends.⁵⁸⁹

Fewer black and minority ethnic than white boys said that it was easy or very easy for their family and friends to visit them (35% compared to 48%). They were more negative about the timeliness of visits and their visitors’ treatment by staff.⁵⁹⁰

In 2011-12, boys in custody spent on average 14.4 hours each day locked in their cells.⁵⁹¹

80% of boys and almost all girls (92%) surveyed said that they were taking part in education. Yet only 63% of boys, and 56% of girls felt that this would help them on release.⁵⁹²

89% of boys and 100% of girls surveyed in YOIs said that they wanted to stop offending. 45% of sentenced boys and 53% 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.⁵⁹³

577 Fazel, S. et al., Suicides in male prisons 1978-2003, The Lancet, vol 366, issue 9493, 8 October 2005

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

579 Table 1.3, Ministry of Justice (2013) Safety in Custody Statistics England and Wales Update to March 2013, London: Ministry of Justice

580 Allison, E. (2011) ‘Second inquest into death of youngest person to die in custody begins’, The Guardian, 10 January 2011

581 Tables 8a.1 and 8a.2, Youth Justice Board (2013) Youth Justice Statistics 2011/12 England and Wales, London: Ministry of Justice

582 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

583 Howard League for Penal Reform (2009) News Release: Hardhitting audit reveals scandal inside children’s prisons, available at http://www.howardleague.org/fileadmin/howard_league/user/pdf/Press/Press_2009/YOI_audit_17_August_2009.pdf

584 <http://www.independent.co.uk/news/uk/crime/restraint-used-on-young-offenders-is-too-harsh-2293213.html>

585 Hansard HC, 12 March 2012, c102W

586 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

587 Ibid.

588 Ibid.

589 Ibid.

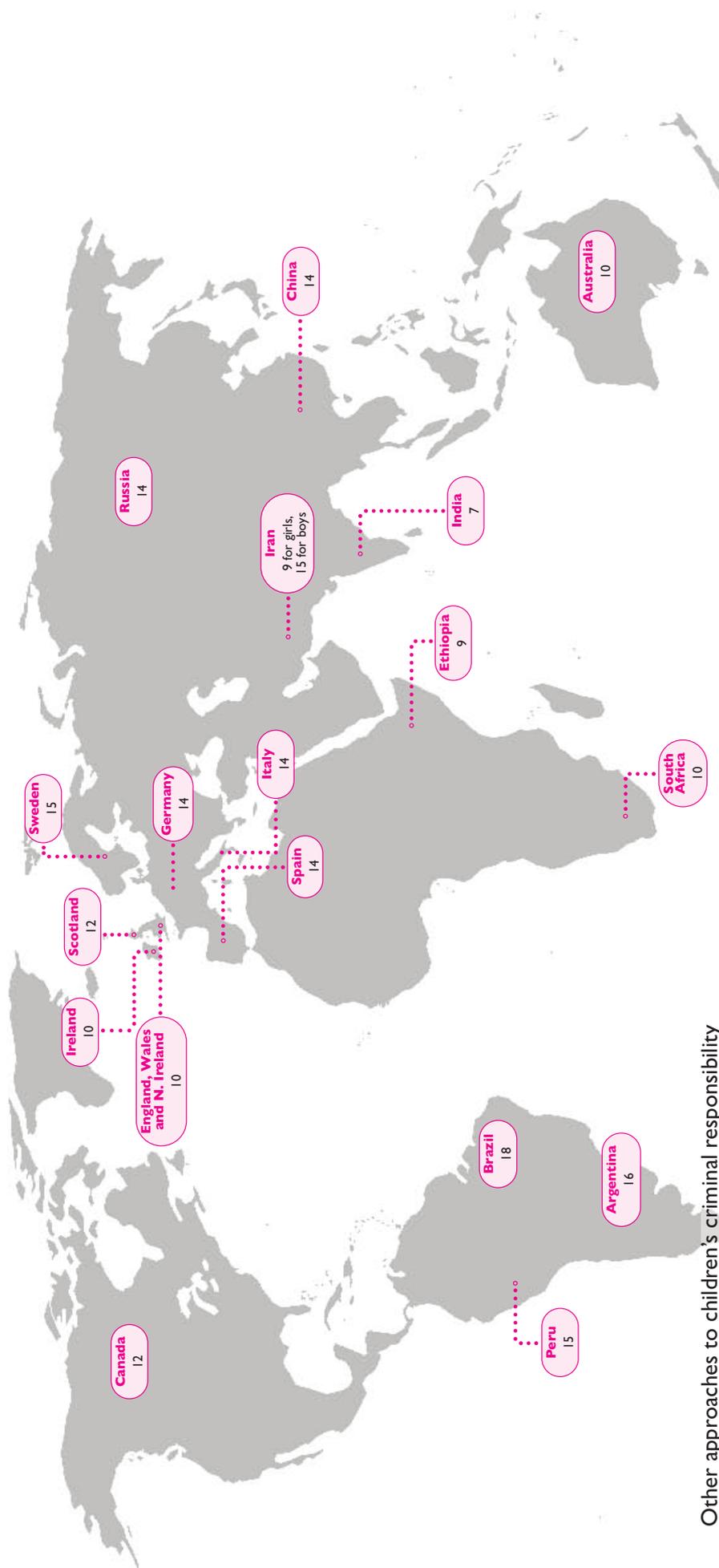
590 Ibid.

591 Hansard HC, 6 June 2013, c1295W

592 Murray, R. (2012) Children and Young People in Custody 2011-12, London: HM Inspectorate of Prisons and Youth Justice Board

593 Ibid.

Youngest age at which a person may be prosecuted in a criminal trial



Other approaches to children's criminal responsibility

Sweden
No sanction can be imposed for a crime committed before the age of 15. Before the age of 18, imprisonment may only be imposed if there are extraordinary reasons for it.

Algeria
Before the age of 18, children have their cases dealt with by the Court for Minors. They cannot impose criminal sanctions on children under 13 but can impose measures of protection or re-education. Criminal sanctions are available for children aged 13-18, but are at a reduced level to adults.

France
Whilst 13 is the youngest age someone can be subject to criminal sanctions, France has a graduated system of penalties. This includes educative measures for those under 10 and educative sanctions for those aged 10-13. Criminal sanctions for 13-15 year olds are half of that of adults, with full criminal sanctions available from age 16.

China (exc. Hong Kong & Macau)
14 is the age of criminal responsibility for serious offences such as homicide, rape, robbery and drug trafficking. However, for other less serious offences criminal responsibility begins at 16. Less severe punishments are given to those under 18.

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

Source: Prison Reform Trust research

Young adults in prison (18-20 year olds)

At the end of June 2013 there were 6,272 young adults aged 18-20 in prison in England and Wales. This is 16% less than the previous year.⁵⁹⁴

In the 12 months ending March 2013 there were 10,223 young adults sent to prison under sentence, a fall of 19% from the previous year. 6,003 young adults entered prison to await trial, a fall of 16% from the previous year.⁵⁹⁵

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.⁵⁹⁶

More young adults were in prison for the offence of violence against the person than any other offence.⁵⁹⁷

26% of those brought before the courts for offences relating to the public disorder of August 2011 were 18-20.⁵⁹⁸

Between 2000 and 2010 the number of young adults sentenced to life imprisonment increased by 310%.⁵⁹⁹

58% of young adults released from custody in the first quarter of 2008 reoffended within a year.⁶⁰⁰ HM Chief Inspector of Prisons has stated that “the high rate of reoffending among young adult men is unlikely to reduce without significant changes in approach, funding and focus.”⁶⁰¹

964 young people aged 18-20 were received into custody for breach of a community sentence in 2008. 1,040 were received into custody for breach of a suspended sentence order in 2008.⁶⁰²

In May 2009 young adults between the ages of 18 and 20 were held an average of 50 miles away from their home or committal court address.⁶⁰³

594 Table 1.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

595 Table 2.1a, Ibid.

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

597 Table 1.3c, Ministry of Justice (2013) Offender Management Statistics (quarterly), January to March 2013, London: Ministry of Justice

598 Ministry of Justice (2012) Statistical bulletin on the public disorder of 6th to 9th August 2011 – September 2012 update. London: Ministry of Justice

599 Table A5.14, Ministry of Justice (2011) Criminal Justice Statistics, England and Wales 2010, London: Ministry of Justice

600 Hansard HC, 17 January 2011, c654W

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

602 Hansard HC 11 July 2012 c268W, and Hansard HC 17 January 2011, c657W

603 Hansard HC, 7 January 2010, c548W

HM Chief Inspector of Prisons has commented that: “resettlement and rehabilitation for young adults is compromised by the considerable distances from home of the establishments where they are held.”⁶⁰⁴

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.⁶⁰⁵

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.⁶⁰⁶

An average of 3.8 hours per week was spent on physical education in young offender institutions in 2009-10.⁶⁰⁷

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 five or more times a week.⁶⁰⁸

In 2010-11, 12% of young adults surveyed by HM Inspectorate of Prisons had experienced some form of physical abuse from other prisoners.⁶⁰⁹

On average, 38% of prisoners in young adult prisons report feeling unsafe at some point.⁶¹⁰

In Prisons Inspectorate surveys, 18% of young adults said they had been physically restrained by staff in the last six months compared to no more than 7% in local, training, high security and open prisons.⁶¹¹

In Prisons Inspectorate surveys, 69% of young adults said they could have a shower every day compared to 82% of all prisoners.⁶¹²

64% of young adults think most staff treat them with respect, compared to 70% of all prisoners.⁶¹³

Mental health problems, and 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.⁶¹⁴

604 HM Chief Inspector of Prisons for England and Wales (2007) Annual Report 2005-06, London: The Stationery Office

605 Ibid.

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

607 Hansard HC, 7 December 2010, c207W

608 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

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

610 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

611 Ibid.

612 Ibid.

613 Ibid.

614 Singleton et al. (2000) Psychiatric Morbidity among young offenders

20% of young male remand and a third of young female sentenced prisoners had attempted suicide at some point in their lives.⁶¹⁵

There were two self-inflicted deaths of young adult prisoners in 2012, the lowest since 2006.⁶¹⁶

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.⁶¹⁷

A quarter of the young adult population surveyed by HM Prisons Inspectorate thought they would leave prison with a drug problem.⁶¹⁸

Young adults account for 18% of all self-harm incidents although they represent 9% of the population in custody.⁶¹⁹

23% of young adults surveyed reported having spent a night in the segregation unit, against an overall average of 11% of prisoners.⁶²⁰

Only 1 of the 5 young adult prisons inspected during 2011-12 was assessed positively against all four healthy prison tests. None received the highest rating of 'good' in any of the four areas.⁶²¹

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.⁶²²

According to Crime in England and Wales (formerly the British Crime Survey), 16-24 year-olds are more likely than any other age group to become a victim of crime.⁶²³

29% of young women in custody report having been sexually abused in childhood.⁶²⁴

in England and Wales, London: Office for National Statistics

615 Ibid.

616 Table 1.6, Ministry of Justice (2013) Safety in Custody Statistics

England and Wales Update to March 2013, London: Ministry of Justice

617 HM Chief Inspector of Prisons for England and Wales (2011)

Annual Report 2010-11, London: The Stationery Office

618 Ibid.

619 Table 2.3, Ministry of Justice (2013) Safety in Custody Statistics

England and Wales Update to March 2013, London: Ministry of Justice

and Table 1.1a, Ministry of Justice (2013) Offender Management

Statistics (quarterly) January to March 2013, London: Ministry of Justice

620 HM Chief Inspector of Prisons for England and Wales (2012)

Annual Report 2011-12, London: The Stationery Office

621 Ibid.

622 Ministry of Justice (2012) Prisoners' childhood and family

backgrounds, London: Ministry of Justice

623 Table D1, Office for National Statistics (2013) Annual Trend and

Demographic Tables - Crime in England and Wales, Year Ending March

2013, London: ONS

624 Farrant, F. (2001) *Troubled Inside: Responding to the mental health*

needs of children and young people in prison, London: Prison Reform

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 education, training or employment at the time of their arrest.⁶²⁵

"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."⁶²⁶

The government has announced its intention to close HMYOI Reading, a male prison holding young adults and remand prisoners.⁶²⁷

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 approach that is proportionate to their maturity and responsive to their specific needs."⁶²⁸

An evaluation of three T2A pilot projects working with young 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.⁶²⁹

The Offender Rehabilitation Bill, currently before Parliament, includes provisions which mean that young people sentenced as juveniles but who are over the age of 18 on release from custody will face a 12 month period of mandatory supervision. The Youth Justice Board has raised concerns that the proposals could undermine effective transition arrangements for young adults and increase the likelihood of their reoffending.

Trust

625 Young People in Focus (2009) *Young Adults Today: Education, Training and Employment*, London: Young People in Focus

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

627 Ministry of Justice press release, <https://www.gov.uk/government/news/modernisation-of-the-prison-estate>, accessed on 5 September 2013

628 Transition to Adulthood (2012) *Pathways from Crime*, London:

Barrow Cadbury Trust

629 Ibid.

Older people in prison

On 30 June 2013, there were 10,231 prisoners aged 50 and over in England and Wales, including 3,471 aged 60 and over. This group makes up 12% of the total prison population.⁶³⁰

People in prison are described as ‘older’ when they are 50 as research to date suggests that older prisoners possess a physiological age approximately ten years in excess of their chronological age. Many offenders experience chronic health problems prior to or during incarceration as a result of poverty, diet, inadequate access to healthcare, alcoholism, smoking and other substance abuse. The psychological strains of prison life further accelerate the ageing process.⁶³¹

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 122% between 2002 and 2012.⁶³²

On 31 March 2011 there were 42 people in prison aged 81 and over. The oldest prisoner is 92 years of age.⁶³³

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, courts being more willing to order custodial sentences for breaches of bail and supervision orders, as well as imposing indeterminate sentences. In recent years, improvements in forensics have assisted a surge in retrospective prosecutions for more serious crimes.⁶³⁴

42% of men in prison aged over 50 have been convicted of sex offences. The next highest offence is violence against the person (25%) followed by drug offences (11%). For women, the most common offence was also violence against the person (31%).⁶³⁵

On 30 June 2012 there were 1,951 people aged 50 and over serving life sentences and 714 serving IPP sentences.⁶³⁶

630 Table 1.8, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

631 Moll, A. (2013) Losing Track of Time. Dementia and the ageing prison population: treatment challenges and examples of good practice, London: Mental Health Foundation

632 Table A1.11, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

633 Hansard HC, 29 June 2011, c812W

634 Moll, A. (2013) Losing Track of Time. Dementia and the ageing prison population: treatment challenges and examples of good practice, London: Mental Health Foundation

635 Table A1.7, Ministry of Justice (2013) Offender Management Caseload Statistics 2013, London: Ministry of Justice

636 Table A1.14, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

14% of older prisoners belong to a minority ethnic group, far higher than the proportion of the general population.⁶³⁷

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.

Prison Reform Trust research found that services for older people in prison did not meet those that would be available for the elderly in the community.⁶³⁸

The report expresses concern that some older people entering prison had the medication they were receiving in the community stopped.⁶³⁹

Four years after a thematic review of older prisoners, HM Chief Inspector of Prisons stated that “eight of [their] key recommendations have not been implemented.” This is while “the issues older prisoners pose are likely to become more acute, as an increasing number of long-sentenced prisoners grow old and frail in prison.”⁶⁴⁰

In 2010 HM Chief Inspector of Prisons noted that not all prisons had policies that reflected the specific needs of older men and women.⁶⁴¹

In their 2008 thematic review of older prisoners, the Prisons Inspectorate found “little evidence of multidisciplinary working” and said it was “disappointing that the social care needs of older and disabled prisoners were still considered the responsibility of health services only.”⁶⁴²

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.⁶⁴³

637 Hansard HC, 29 February 2012, c374W

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

639 Ibid.

640 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

641 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

642 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

643 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.

In his 2010-11 annual report the Prisons and Probation Ombudsman called for a formal revision of restraints policy relating to seriously ill prisoners in order to promote less risk averse decisions and enable more prisoners to die with dignity. Such a review has not taken place and in his 2011-12 annual report the Ombudsman says it continues to investigate deaths where elderly people with limited mobility have been restrained with handcuffs and chains, even when they had been assessed as a low escape risk and a low risk to the public. In some cases, restraints had restricted their access to appropriate healthcare intervention.⁶⁴⁴

HM Inspectorate of Prisons has identified “a complete lack of staff training in identifying the signs of mental health problems among the elderly.”⁶⁴⁵ Few prisons had a designated nurse for older prisoners.⁶⁴⁶

While the prevalence of dementia among older prisoners remains largely undetermined, combining rates in the community with the theory of accelerated ageing in prison would suggest it affects approximately 5% of prisoners over 55.⁶⁴⁷

The challenges of identifying detainees with dementia are exacerbated by deficiencies in staff training and prison healthcare. While all custodial establishments conduct a medical screening of new arrivals, most assessments are not designed to detect issues associated with ageing, including cognitive impairment.⁶⁴⁸

In 2012, 91 people aged 50 and over died of natural causes whilst in prison, the highest recorded figure yet.⁶⁴⁹

Most older prisoners are held more than 50 miles from home, and over a third are more than 100 miles away from home. This causes particular problems for visitors, many of whom are themselves older people.⁶⁵⁰

644 Prisons and Probation Ombudsman (2012) Annual Report 2011-12, London: Prisons and Probation Ombudsman

645 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

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

647 Moll, A. (2013) Losing Track of Time. Dementia and the ageing prison population: treatment challenges and examples of good practice, London: Mental Health Foundation

648 Ibid.

649 Table 1.3, Ministry of Justice (2013) Safety in Custody Quarterly update to March 2013, London: Ministry of Justice

650 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

40% of prisons responding to a Prison Reform Trust survey reported that no specific age related assessments or arrangements were in place.⁶⁵¹

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.⁶⁵²

However, a 2010 PRT survey indicates areas of good practice. One quarter of respondents are working with Age UK local groups or other voluntary sector organisations to provide services.⁶⁵³

Prison staff identified the availability or lack of funding and the age or design of prison buildings as the main barriers to change.⁶⁵⁴

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%.⁶⁵⁵

The older prisoners’ clinic at HMP Stafford offers diagnoses and care in prison and also provides an assessment for care services in the community. This screening is conducted in the two months prior to the offender’s release before being forwarded to any applicable agencies with the aim of combating resettlement problems and prisoner anxieties about returning to the community.⁶⁵⁶

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 Care Bill, currently before Parliament, will for the first time introduce a statutory framework for the provision of social care in prison.

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

652 Ibid

653 Ibid.

654 Ibid.

655 Prison Reform Trust, information from NOMS Equality Group, 9 November 2011

656 Moll, A. (2013) Losing Track of Time. Dementia and the ageing prison population: treatment challenges and examples of good practice, London: Mental Health Foundation

Prisoners with learning disabilities and difficulties

20 – 30% of offenders have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.⁶⁵⁷

People with learning disabilities or difficulties can experience problems communicating and expressing themselves, and in understanding ordinary social cues. Many people struggle with reading; some might be able to read words but not fully understand what they mean. Jargon can be especially difficult. Some people within this group might have had disrupted learning experiences, which have led them to function at a significantly lower level than most of their peers; others might have specific learning difficulties such as dyslexia, learning disabilities or be on the autistic spectrum.

7% of prisoners have an IQ of less than 70 and a further 25% have an IQ between 70 - 79.⁶⁵⁸

23% of children who offend have very low IQs of below 70, and a further 36% have an IQ between 70-79.⁶⁵⁹

60% of children who offend have difficulties with speech, language and communication, and half of this group have poor or very poor communication skills.⁶⁶⁰

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.⁶⁶¹

Dyslexia is three to four times more common amongst prisoners than the general population.⁶⁶²

Youth justice screening tools often overlook the physical health problems and underestimate the rate of mental health problems of children who offend. They do not assess for learning disability, for speech, language and communication needs, or for conduct disorder.⁶⁶³

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

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

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

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

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

662 Rack, J. (2005) The Incidence of Hidden Disabilities in the Prison Population, Surrey: Dyslexia Institute

663 HM Government (2009) Healthy Children, Safer Communities, London: Department of Health

The Youth Justice Board (YJB) and the Department of Health have jointly developed a new Comprehensive Health Assessment Tool. The tool, which screens for learning disabilities, specific learning difficulties, communication difficulties, ADHD and autistic spectrum disorder, also has a section on neuro-disability. While it is hoped that all Youth Offending Teams will adopt the new tool, the YJB is unable to mandate its use.⁶⁶⁴

Most youth offending team staff believe that children who offend with learning disabilities, communication difficulties, mental health problems, ADHD, and low levels of literacy are more likely than children without such impairments to receive a custodial sentence.⁶⁶⁵

Over 80% of prison staff say that information accompanying people into prison is unlikely to show that the presence of learning disabilities had been identified prior to their arrival. Once in prison there is no routine or systematic procedure for identifying prisoners with learning disabilities. Consequently the particular needs of such prisoners are rarely recognised or met.⁶⁶⁶

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. The tool has still not been made routinely available. Further work needs to be undertaken to ensure that the support needs of people with learning disabilities, and other impairments, are recognised and met at the point of arrest.

HM Chief Inspector of Prisons has noted during inspections that a few prisons, including Rye Hill, had introduced the Learning Disability Screening Questionnaire (LDSQ), which was good practice.⁶⁶⁷

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.⁶⁶⁸

664 Provided by Youth Justice Board

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

666 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

667 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

668 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

The Bradley Report calls for all police custody suites and courts to have access to liaison and diversion services. These services would work with criminal justice staff to identify people with mental health needs or learning disabilities.

Information gathered by liaison and diversion services will help inform disposal options including, where appropriate, diversion away from criminal justice into treatment and care.⁶⁶⁹

The government is taking forward proposals to invest £50 million by 2014 in establishing liaison and diversion services at police stations and courts.

Services will help to ensure the most appropriate intervention for people with mental health needs and learning disabilities including, where appropriate, diversion away from criminal justice and into treatment and care.⁶⁷⁰

In order to ensure that the government's proposals for a national roll-out of liaison and diversion services across England are fully implemented, the Prison Reform Trust and the National Federation of Women's Institutes formed the *Care not Custody* coalition. The coalition comprises 30 allied professional groups and charities representing almost 2 million people across the health, social care and justice sectors and wider civic society.⁶⁷¹

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 have been bullied or that people have been nasty to them.⁶⁷²

Youth offending team staff reported that children with impairments and difficulties had problems understanding the consequences of failing to comply with court orders and what they needed to do to successfully complete an intervention.⁶⁷³

Prisoners with learning disabilities or difficulties are routinely unable to access prison information; over two-thirds have problems reading prison information, which rises to four-fifths for those with learning disabilities.⁶⁷⁴

669 Ibid.

670 Hansard HC, 15 February 2011, c811

671 www.prisonreformtrust.org.uk/ProjectsResearch/Mentalhealth/CarenotCustody

672 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

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

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

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.⁶⁷⁵

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."⁶⁷⁶

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.⁶⁷⁷

A report by HM Chief Inspectors of Prison and Probation described this predicament – prisoners being unable to access the interventions they needed to secure their release – as “Kafka-esque”.⁶⁷⁸

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).”⁶⁷⁹

675 Ibid.

676 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.

677 Davies, K. et al. (2004) *An evaluation of the literacy demands of general offending behaviour programmes*, Home Office Findings, 233, London: Home Office

678 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

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

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.⁶⁸⁰

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.⁶⁸¹

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.⁶⁸²

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.⁶⁸³

Over half of prison staff are not confident that their prison has the skills and expertise to support this group of prisoners.⁶⁸⁴

Over half of prison staff believe that the overall quality of support available for this group of prisoners at their prison is low.⁶⁸⁵

Specific disability awareness training on learning disabilities and difficulties is not readily available for prison staff.⁶⁸⁶

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.⁶⁸⁷

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.⁶⁸⁸

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.⁶⁸⁹

Care not Custody coalition members

Action for Prisoners' Families	National Appropriate Adult Network
Advocacy Training Council	National Federation of Women's Institutes
Bar Council	Probation Chiefs Association
British Association for Counselling & Psychotherapy	Police Federation of England and Wales
Centre for Mental Health	Police Foundation
Children's Commissioner	Prison Governors Association
Clinks	Prison Officers Association
Criminal Bar Association	Prison Reform Trust
Criminal Justice Alliance	Rethink Mental Health
Howard League for Penal Reform	Revolving Doors Agency
KeyRing Living Support Networks	Royal College of Nursing
Law Society	Royal College of Psychiatrists
Mencap	Victim Support
Mind	Women in Prison
NHS Confederation, Mental Health Network	Women's Breakout

680 Gill v Secretary of State for Justice, available at <http://www.bailii.org/ew/cases/EWHC/Admin/2010/364.html>

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

682 Ibid.

683 Ibid.

684 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

685 Ibid.

686 Ibid.

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

688 Ibid.

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

Mental health

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.”⁶⁹⁰

A significant number of prisoners suffer from a psychotic disorder. 14% of women and 7% of men serving prison sentences have a psychotic disorder; 23 and 14 times the level in the general population.⁶⁹¹ A more recent study found that 25% of women and 15% of men in prison reported symptoms indicative of psychosis.⁶⁹² The rate among the general public is about 4%.⁶⁹³

10% of men and 30% of women have had a previous psychiatric admission before they entered prison.⁶⁹⁴

26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.⁶⁹⁵

Personality disorders are particularly prevalent among people in prison. 62% of male and 57% of female sentenced prisoners have a personality disorder.⁶⁹⁶

49% of women and 23% of male prisoners in a Ministry of Justice study were assessed as suffering from anxiety and depression. 16% of the general UK population (12% of men and 19% of women) are estimated to be suffering from different types of anxiety and depression.⁶⁹⁷

46% of women prisoners reported having attempted suicide at some point in their lives. This is more than twice the rate of male prisoners (21%) and higher than in the general UK population amongst whom around 6% report having ever attempted suicide.⁶⁹⁸

690 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

691 Singleton, N. et al. (1998) Psychiatric morbidity among prisoners in England and Wales, London: Office for National Statistics

692 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

693 Wiles, N. et al. (2006) Self-reported psychotic symptoms in the general population, The British Journal of Psychiatry, 188: 519-526

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

695 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

697 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

698 Ibid.

An analysis of over 21,000 custody records in four police stations in cities in the East Midlands area of England showed that 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%).⁶⁹⁹

Only 30% of mental health in-reach team records looked at in 2009 by the Prisons Inspectorate recorded ethnicity, even though this is a minimum requirement within the NHS dataset.⁷⁰⁰

Black and minority ethnic groups are 40% more likely than average to access mental health services via a criminal justice system gateway.⁷⁰¹

An assessment of 13-18 year-olds in custody conducted in 2005 found that 35% of girls and 13% of boys were identified with depression, and 19% and 6% respectively were identified with post-traumatic stress disorder.⁷⁰²

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.⁷⁰³

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.⁷⁰⁴

According to the Bradley Report 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.⁷⁰⁵

699 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

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

701 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

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

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

704 Cockbain, E. and Brayley, H. (2011) Briefing Document: CSE and Youth Offending, Jill Dando Institute of Security and Crime Science, London: UCL

705 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

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 found an absence of timely assessments and a lack of specialist beds accounted for two-thirds of the delays.⁷⁰⁶

HM Chief Inspector of Prisons noted in his most recent annual report that patients with more complex mental health problems had good access to mental health staff, but services for patients with common mental health problems were less developed. In some prisons daytime therapeutic support services and access to counselling were limited.⁷⁰⁷

In 2011, 953 prisoners were transferred to National Health Service secure services.⁷⁰⁸ An NHS medium secure bed costs £481 per day. The majority of transfers are to medium secure care.⁷⁰⁹ This compares with an average cost of £112 per prisoner per day.⁷¹⁰

Prisoners with severe mental health problems are often not diverted to more appropriate secure provision. 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.⁷¹¹

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. The Bradley Report 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.⁷¹²

Lord Bradley 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.⁷¹³

706 Ibid.

707 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

708 Hansard HL, 22 October 2012 cWA39

709 Hansard HL, 4 November 2010, c445W.

710 Hansard HC, 25 October 2010, c40W

711 Reed, J. (2003) Mental Health Care in Prisons, British Journal of Psychiatry 182

712 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

713 Ibid.

HM Chief Inspector of Prisons has noted that transfer times for patients accessing secure NHS facilities continued to improve over 2011-12 but in certain areas of the country, including London, they remain problematic. At the time of the inspection of Brixton, for example, 14 patients were awaiting transfer to NHS mental health beds, one of whom had been waiting over six months.⁷¹⁴

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.⁷¹⁵

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.⁷¹⁶ Many people have a right to services under health and social care legislation.

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.⁷¹⁷

Following a three year campaign led by the WI in partnership with the Prison Reform Trust, the then Health Secretary Andrew Lansley and the then 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 of £50 million for 100 "diversion sites" across England and Wales.⁷¹⁸

The then prisons minister, Crispin Blunt, outlined in February 2011 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.⁷¹⁹

714 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

715 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

716 Melzer et al. (2002) Prisoners with psychosis in England and Wales: a one-year national follow-up study, The Howard Journal 41

717 <http://www.thewi.org.uk/campaigns/current-campaigns-and-initiatives/care-not-custody>

718 Prison Reform Trust website, <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/121>

719 Hansard HC, 15 February 2011, c811

Speaking at the joint WI and Prison Reform Trust Care not Custody reception, the then Secretary of State for Health, Andrew Lansley said that “true justice for the vulnerable is about drawing them into treatment”.

Self harm

In an assessment of 13-18 year olds in custody, 17% of girls and 7% of boys deliberately harmed themselves.⁷²⁰

In 2012 there were a total of 23,158 incidents of self-harm in prisons, a decrease of 6% compared with the previous year. There were 6,761 individuals who were recorded as having injured themselves, a decrease of 2% compared with the previous year.⁷²¹

The rates of men harming themselves have increased over the last five years, from 153 self-harm incidents per 1,000 prisoners in 2007 to 201 per 1,000 prisoners in 2012. The rates for women have fallen over the last two years. In 2010 there were 2,982 self-harm incidents per 1,000 women in prison, this fell to 1,589 in 2012, a reduction of 47%.⁷²²

Women accounted for 28% of all self-harm incidents in 2012 despite representing just 5% of the total prison population. The rates of women harming themselves continue to be much higher than for men but the gap has reduced in recent years.⁷²³

Many incidents reflect prolific self-harm by the same women. Of the prisoners who did injure themselves in 2012, 43% of women and 58% of men did so once, while 6% of women and 1% of men did so more than 20 times.⁷²⁴

Younger adults are more likely to self-harm than older prisoners. In 2012 prisoners aged 18-20 accounted for 9% of the prison population but 18% of all self-harm incidents.⁷²⁵

16% of self-harm incidents in 2012 occurred within the first month of arriving in a prison.⁷²⁶

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.⁷²⁷

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.⁷²⁸

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

721 Table 2.1, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice

722 Ibid.

723 Ibid. and Table A1.1, Ministry of Justice (2013) Offender

Management Caseload Statistics 2012, London: Ministry of Justice

724 Table 2.12, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice

725 Table 2.3 Ibid. and Table A1.1, Ministry of Justice (2013) Offender

Management Caseload Statistics 2012, London: Ministry of Justice

726 Table 2.5, Ibid.

727 <http://webarchive.nationalarchives.gov.uk/20080107205404/http://www.justice.gov.uk/news/newsrelease010108a.htm>

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

Deaths in custody

Between 1 January 2000 and 31 December 2012 there were 2,270 deaths in prison custody. This includes 1,210 as a result of natural causes, 973 self-inflicted deaths and 16 homicides.⁷²⁹

In 2012 there were 60 self-inflicted deaths in prisons in England and Wales, an increase of 3% compared with the previous year.⁷³⁰ This figure includes the death of one woman, two young people aged 18-20 and two children.⁷³¹

People on the basic regime represent 2% of the prison population, but accounted for 8% of self-inflicted deaths in custody between 2007 and 2012.⁷³²

Thirty-two children have died in penal custody since 1990 most by self inflicted death but two were by homicide.⁷³³

462 young people aged 18-24 died in prison between 1990 and 2012. 85% of these deaths were classified as self-inflicted.⁷³⁴

In 2012 there were 119 deaths from natural causes, a fall of 2% compared with the previous year. The number of deaths from natural causes has increased by 80% over the last ten years.⁷³⁵

Between 2000 and 2009, 319 natural deaths occurred in those aged 21-50 years which are regarded as premature deaths by the IAPDC.⁷³⁶

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.⁷³⁷

729 Table 1.1, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice 730 Ibid.

731 Table 1.2 and Table 1.3, Ibid.

732 Prisons and Probation Ombudsman for England and Wales (2013) Learning Lessons Bulletin: Fatal incidents investigations issue 4, London: Prisons and Probation Ombudsman

733 Table 1.3, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice 734 Ibid.

735 Table 1.1, Ibid.

736 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

737 Prisons and Probation Ombudsman (2012) Learning from PPO investigations: Natural cause deaths in prison custody 2007-2010, London: Prisons and Probation Ombudsman

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.⁷³⁸

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.⁷³⁹

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.⁷⁴⁰

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.⁷⁴¹

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.⁷⁴²

46% of women prisoners surveyed reported having attempted suicide at some point in their lives, over twice the rate of male prisoners (21%); the rate of the general population is 6%.⁷⁴³

5 self-inflicted deaths in 2012 occurred within the first seven days in prison.⁷⁴⁴

In 2012, 30% of self-inflicted deaths were by prisoners held on remand, despite comprising 13% of the prison population on average during the year. In 2011, they accounted for 35% of all self-inflicted deaths, and made up 15% of the population.⁷⁴⁵

738 Ibid.

739 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

740 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

741 Fazel, S. et al., Suicides in male prisons 1978-2003, The Lancet, vol 366, issue 9493, 8 October 2005

742 Pratt, D. et al., Suicide in recently released prisoners: a population-based cohort study, The Lancet - Vol. 368, Issue 9530, 8 July 2006

743 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

744 Table 1.7, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice

745 Table 1.8, Ministry of Justice (2013) Safety in Custody Statistics update to March 2013, London: Ministry of Justice, and Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

In an analysis of over 200 reports into self-inflicted deaths in custody, the Prisons and Probation Ombudsman found that nearly two-thirds of deaths took place in local prisons.⁷⁴⁶

24 of the 65 prisoners who took their own lives in the 12 months ending 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.⁷⁴⁷

Over 100 prisoners were resuscitated during 2007 after serious self-harm incidents.⁷⁴⁸

Approximately 30% of prisoners who take their own lives had no family contact prior to their deaths.⁷⁴⁹

According to the government's Social Exclusion Unit, more than 50 prisoners take their own lives shortly after release each year.⁷⁵⁰

Deaths in prison custody and rates by apparent cause, 2000-2012 England and Wales

Year	Homicides	Natural Causes	Self-inflicted	Other	TOTAL DEATHS	POPULATION	DEATHS PER 1,000 PRISONERS			
							Natural Causes	Self-inflicted	Other	All deaths
Males and Females										
2000	3	61	81	1	146	64,602	0.94	1.25	0.02	2.26
2001	0	68	73	1	142	66,301	1.03	1.10	0.02	2.14
2002	0	66	95	3	164	70,861	0.93	1.34	0.04	2.31
2003	1	86	95	1	183	73,038	1.18	1.30	0.01	2.51
2004	2	101	96	9	208	74,658	1.35	1.29	0.12	2.79
2005	3	88	78	5	174	75,980	1.16	1.03	0.07	2.29
2006	0	83	66	4	153	78,151	1.06	0.84	0.05	1.96
2007	1	89	92	3	185	80,380	1.11	1.14	0.04	2.30
2008	3	98	61	3	165	82,636	1.19	0.74	0.04	2.00
2009	0	105	61	3	169	83,559	1.26	0.73	0.04	2.02
2010	1	125	58	13	197	84,725	1.48	0.68	0.15	2.33
2011	2	121	57	12	192	85,851	1.41	0.66	0.14	2.24
2012	0	119	60	13	192	86,048	1.38	0.70	0.15	2.23

Table 1.1, Ministry of Justice (2013) Safety in Custody Statistics England and Wales, Update to March 2013, London: Ministry of Justice

746 Prisons and Probation Ombudsman (2012) Annual Report 2011-12, London: Prisons and Probation Ombudsman

747 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

748 <http://webarchive.nationalarchives.gov.uk/20080107205404/http://www.justice.gov.uk/news/newsrelease010108a.htm>

749 NOMS, Safer Custody News, January/February 2010

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

Disability, health and wellbeing

An estimate of 36% of 1,435 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.⁷⁵¹

18% of prisoners interviewed were considered to have a physical disability.⁷⁵²

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.⁷⁵³

When asked about their entry into custody, prisoners with a disability were more likely to state that they felt extremely alone during their first days in prison (55%) than prisoners who do not have a disability (36%), and that they felt worried and confused when they arrived (60% compared to 42%).⁷⁵⁴

A higher proportion of prisoners with a disability than those without a disability 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 prisoners with a disability than those without a disability stated that they had ever self-harmed, and that they had ever attempted suicide (24% compared to 9%, and 40% compared to 15% respectively).⁷⁵⁵

HM Inspectorate of Prisons reported in its last annual report that disability liaison officers were in place in some establishments but that many lacked sufficient time to develop work with prisoners with a disability and older prisoners.⁷⁵⁶

The Inspectorate also found that sometimes questionable security imperatives got in the way of making reasonable adjustments required by the Equality Act 2010.⁷⁵⁷

751 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

752 Ibid.

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

754 Ministry of Justice (2012) Estimating the prevalence of disability amongst prisoners: results from the Surveying Prisoner Crime Reduction (SPCR) survey, London: Ministry of Justice

755 Ibid.

756 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

757 Ibid.

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."⁷⁵⁸

Despite this, the 2010-11 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."⁷⁵⁹

In surveys conducted by HM Inspectorate of Prisons, prisoners with a disability continued to report reduced access to the regime - including education, exercise and association - compared to prisoners without a disability.⁷⁶⁰

Fewer than one in 10 youth offending team (YOT) staff said there was somebody at their YOT who carried responsibility for children with disabilities.⁷⁶¹

Half of all those sentenced to custody are not registered with a GP prior to being sent to prison.⁷⁶²

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.⁷⁶³

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%). Prior to imprisonment 85% of women were smokers.⁷⁶⁴

HM Inspectorate of Prisons noted in 2007-08 a paucity of health information in different languages and, of particular concern, the use of prisoners to translate for others.⁷⁶⁵

758 HM Chief Inspector of Prisons for England and Wales (2010) Annual Report 2008-09, 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 (2012) Annual Report 2011-12, London: The Stationery Office

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

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

763 Care Quality Commission and HM Inspectorate of Prisons (2010) Commissioning health care in prisons, London: Care Quality Commission and HM Inspectorate of Prisons

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

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

Across the prison estate only 40% of prisoners participate in exercise.⁷⁶⁶

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.⁷⁶⁷

79% of boys (15-18) reported visiting the gym once or more than once a week.⁷⁶⁸

The average number of hours prisoners spend exercising per week is 2.4 for adults, 3.8 for young people, and 3.9 for under 18 year olds.⁷⁶⁹

An average of £2.20 per day was spent on food and drink per prisoner in 2010-11 financial year.⁷⁷⁰

Only 15% of prisoners surveyed said that on average they spend 10 or more hours out of their cell on a weekday.⁷⁷¹

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.⁷⁷²

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.⁷⁷³

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.”⁷⁷⁴

The proportion of boys who can go on association every day had increased to 70% from 59% in 2009-10, and remains the same for girls at 93%.⁷⁷⁵

766 House of Commons Committee of Public Accounts (2006) Serving time: prisoner diet and exercise, London: The Stationery Office

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

768 Figure 32, Ibid.

769 Hansard HC, 29 January 2008, c304W and Hansard HC, 7 December 2010, c207W

770 Hansard HC, 26 April 2011, c171W

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

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

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

774 HM Inspectorate of Prisons (2008) Time Out of Cell Thematic Review, London: The Stationery Office

775 Summerfield, A. (2011) Children and Young People in Custody

In March 2010, 1,973 prison places did not have in-cell sanitation or open access to toilet facilities.⁷⁷⁶

A survey conducted in 2005 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 a survey of prevalence in prison found HIV was 15 times higher than in the community.⁷⁷⁷

Investment in prison healthcare in 2011-12 stood at £231.7 million, this has increased from £130 million in 2003-04.⁷⁷⁸

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 2009-10.⁷⁷⁹

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.⁷⁸⁰

In its 2011-12 annual report HM Chief Inspector of Prisons noted that many more prisons had developed excellent evidence-based approaches to palliative care and the care of lifelong incapacitating illnesses. They saw good and caring practices in several prisons to ease the suffering of terminally ill patients and their relatives. At HMP Manchester, a dedicated care room had been created on the inpatient unit and families were allowed to visit.⁷⁸¹

However, a recent report on end of life care by the Prisons and Probation Ombudsman found that care is not universally good. Over a quarter of prisoners in their sample of foreseeable deaths had no palliative care plan, support for families was variable and greater efforts could have been made to obtain temporary or compassionate release to allow prisoners to die with dignity in the community.⁷⁸²

2010-11, London: HM Inspectorate of Prisons and Youth Justice Board

776 Hansard HC, 7 December 2010, c204W

777 Prison Reform Trust and National AIDS Trust (2005) HIV and Hepatitis in UK Prisons: Addressing Prisoners' Healthcare Needs, London: Prison Reform Trust

778 Hansard HC, 7 July 2011, c1341W

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

780 Ibid.

781 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

782 Prisons and Probation Ombudsman (2013) Learning from PPO Investigations: End of life care, London: Prisons and Probation Ombudsman

Drugs

At the end of June 2013, 14% of men and 15% of women in prison were serving sentences for drug offences.⁷⁸³

There is a much wider group of prisoners whose offence is in some way drug related. 66% of women and 38% of men in prison report committing offences in order to get money to buy drugs. 48% of women prisoners said they committed their offence in order to support the drug use of someone else, compared to 22% of men in prison.⁷⁸⁴

Levels of drug use are high amongst offenders, with the highest levels of use found amongst the most prolific offenders. 64% of prisoners reported having used drugs in the four weeks before custody.⁷⁸⁵

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.⁷⁸⁶

58% of women and 43% of men in prison report having used Class A drugs in the four weeks before custody.⁷⁸⁷

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.⁷⁸⁸

Of those prisoners who had used heroin on a daily basis, on average women spent £50 per day on heroin and men £30.⁷⁸⁹

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).⁷⁹⁰

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).⁷⁹¹

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.⁷⁹²

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.⁷⁹³

24% of prisoners reported to the Prisons Inspectorate that it was easy or very easy to get drugs in their prison.⁷⁹⁴

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.⁷⁹⁵

All prisoners are subject to random mandatory drug tests (MDTs). In 2011-12, 7% of the prison population tested positive from random mandatory drug tests.⁷⁹⁶ But a Home Office study found that "mandatory drug testing results generally underestimate the level of drug misuse as reported by prisoners".⁷⁹⁷ 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.⁷⁹⁸

783 Table 1.3a, Ministry of Justice (2013) Offender Management Statistics (quarterly) January to March 2013, London: Ministry of Justice

784 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

785 Ibid.

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

787 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

789 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

791 Ibid.

792 Table 3.1, Singleton et al. (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, Findings 223, London: Home Office

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

794 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

795 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

796 Ministry of Justice (2011) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

797 Singleton, N. et al. (2005) The impact and effectiveness of Mandatory Drugs Tests in prison, London: Home Office

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

49% of women and 29% of men in prison reported needing help with a drug problem on entry to prison.⁷⁹⁹

37% of women and 25% of men in prison reported attending an accredited drugs programme in custody. 52% of women and 33% of men reported receiving treatment (e.g. methadone replacement) for drug or alcohol problems in prison.⁸⁰⁰

Analysis shows that drug treatment programmes in prison, especially psycho-social programmes and therapeutic communities, were associated with a 26% reduction in criminal behaviour.⁸⁰¹

One factor that has improved safety in prisons was the continued development of the integrated drug treatment system which had improved the clinical management of substance misuse.⁸⁰²

During 2011-12 the Prisons Inspectorate welcomed a shift in emphasis from long-term methadone maintenance prescribing to a recovery-orientated drug treatment approach.⁸⁰³

The Prisons Inspectorate had previously reported on the diversion of prescription drugs in high security and vulnerable prisoner populations. In 2012 the Inspectorate saw this problem spreading to mainstream populations and it has become a major concern. These prescription drugs are not routinely detected under current mandatory drug testing procedures which therefore understate the availability of abused drugs in prison. Diverted medication is now reported in the majority of prisons inspected, resulting in problems such as drug debts, bullying, unknown interactions with other prescribed drugs and the risk of overdose.⁸⁰⁴

£120.4 million was allocated in 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 2011-12.⁸⁰⁵

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.⁸⁰⁶

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.⁸⁰⁷

Reconviction rates more than double for prisoners who reported using drugs in the four weeks before custody compared with prisoners who had never used drugs (62% compared with 30%).⁸⁰⁸

Offenders who receive residential drug treatment are 43% less likely to reoffend after release than comparable offenders receiving prison sentences.⁸⁰⁹

Men who return to live with their partners are less likely to relapse to substance misuse and reoffend, while the opposite is true for women.⁸¹⁰ Women prisoners are more likely to be in relationships with partners who use drugs, commit crime and trigger relapse and reoffending.⁸¹¹

799 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

800 Ibid.

801 National Offender Management Service (2010) What works with offenders who misuse drugs?, London: Ministry of Justice

802 HM Chief Inspector of Prisons for England and Wales (2012) Annual Report 2011-12, London: The Stationery Office

803 Ibid.

804 Ibid.

805 Hansard HC, 7 July 2011, c1341V

806 National Audit Office (2002) Reducing prisoner reoffending, London: National Audit Office

807 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

808 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

809 Matrix Knowledge Group (2007) The economic case for and against prison, London: Matrix Knowledge Group

810 Walitzer, K. and Dearing, R. (2006) Gender differences in alcohol and substance misuse relapse. *Clinical Psychology Review*, 26, cited in Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

811 Hollin, C. R. and Palmer, E. J. (2006) Criminogenic need and women offenders: a critique of literature. *Legal and Criminological Psychology*, 11, and, Hser, Y. I., Huang, D., Teruya, C. and Anglin, M. D. (2003) Gender comparisons of drug abuse treatment outcomes and predictors. *Drug and Alcohol Dependence*, 72(3), cited in Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

Alcohol

In 44% of violent crimes the victim believed the offender or offenders to be under the influence of alcohol.⁸¹²

Of prisoners who reported consuming alcohol in the previous year, more men (87%) reported drinking alcohol in the four weeks before custody compared with women (75%). Of those prisoners who reported drinking in the four weeks before custody, 32% said they drank on a daily basis.⁸¹³

The proportion of the general UK population who reported drinking on a daily basis during the previous year was considerably lower than amongst prisoners - 16% of men and 10% of women.⁸¹⁴

Men and women prisoners who reported drinking daily drank an average of 20 units per day. This was equivalent to drinking four bottles of wine or ten pints of beer in a single day.⁸¹⁵

54% of 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.⁸¹⁶

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.⁸¹⁷

22% of prisoners who reported drinking in the four weeks before custody reported needing help for an alcohol problem. Nearly half of those (46%) who drank in the four weeks before custody reported having some concern about their drinking.⁸¹⁸

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.⁸¹⁹

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.⁸²⁰

According to surveys conducted by HM Inspectorate of Prisons, 26% of the local and 23% of the young adult prison populations believed they would leave with an alcohol problem.⁸²¹

Alcohol use is accepted as a key risk factor in predicting violent reoffending.⁸²²

People who drank daily before custody had a higher rate of reconviction, with 62% reconvicted within a year after release compared to 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%).⁸²³

Misuse of alcohol and irresponsible drinking result in economic and social costs in the region of £12-18 billion per year.⁸²⁴

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.⁸²⁵

Children who have begun binge drinking by the age of 16 are 90% more likely to have criminal convictions by the age of 30.⁸²⁶

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.”⁸²⁷

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

813 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

814 Ibid.

815 Ibid.

816 HM Chief Inspector of Prisons for England and Wales (2010) Alcohol services in prisons: an unmet need, London: The Stationery Office

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

818 Ministry of Justice (2013) Gender differences in substance misuse and mental health amongst prisoners, London: Ministry of Justice

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

820 Ibid.

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

822 HM Chief Inspector of Prisons for England and Wales (2010) Alcohol services in prisons: an unmet need, London: The Stationery Office

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

824 Home Office (2009) Home Office Departmental Report 2009, London: The Stationery Office

825 Home Office, Alcohol-related crime and disorder, 2005

826 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

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

Housing and employment

In 2012 15% of newly sentenced prisoners reported being homeless before custody. 9% were sleeping rough. 44% of prisoners reported living in their accommodation prior to custody for less than a year and 28% had lived there for less than six months.⁸²⁸

12% of prisoners released from custody in 2012/13 had no settled accommodation.⁸²⁹

12% of prisoners depend on housing benefit to help with their rent before they enter custody.⁸³⁰

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.⁸³¹

60% of prisoners reported that having a place to live would help them stop reoffending.⁸³²

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).⁸³³

75% of 'prolific and other priority offenders' were found to have a housing need compared to 30% for the general offender population.⁸³⁴

35% of young people aged 16-25 felt a lack of accommodation was the factor most likely to make them offend.⁸³⁵

828 Ministry of Justice (2012) Accommodation, homelessness and reoffending of prisoners, London: Ministry of Justice

829 Table 15, Ministry of Justice (2013) NOMS Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

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

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

832 Ibid.

833 Ibid.

834 Homeless Link (2009) Criminal justice policy briefing, London: Homeless Link

835 Ibid.

Many prisoners do not receive advice on housing. The House of Commons Home Affairs Committee found that only 19% of prisoners received advice or guidance about accommodation.⁸³⁶

Prisoners held in large prisons are much less likely to receive help arranging accommodation than those held in small prisons.⁸³⁷

18% of clients in an average homelessness project are prison leavers.⁸³⁸

46% of homeless people surveyed across six UK cities had been in prison or young offender institution, first occurring at an average age of 21.⁸³⁹

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.⁸⁴⁰

Homelessness can prevent former prisoners from accessing support services such as benefits or registering with a GP.⁸⁴¹

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.⁸⁴²

On 4 July 2013 the Justice Secretary announced that 70 prisons across England and Wales will become resettlement prisons. The intention is that the vast majority of prisoners are released from prisons in, or close to, the area in which they will live. The government hopes that service providers in the community can work with prisoners at the earliest opportunity and enable them to come out to employment and training, and support them in tackling drug and alcohol addictions.⁸⁴³

836 House of Commons Home Affairs Committee (2005) Rehabilitation of Prisoners, First Report of Session 2004-2005, London: The Stationery Office.

837 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

838 Homeless Link (2009) Criminal justice policy briefing, London: Homeless Link

839 Fitzpatrick, S. et al. (2010) Multiple exclusion homelessness across the UK: A quantitative survey, London: Heriot-Watt University

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

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

842 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

843 Ministry of Justice press release: <https://www.gov.uk/government/news/70-resettlement-prisons-announced-for-england-and-wales>

32% of prisoners interviewed for the *Surveying Prisoner Crime Reduction* study reported being in paid employment in the four weeks before custody. 13% reported never having had a job.⁸⁴⁴

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).⁸⁴⁵

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%).⁸⁴⁶

A study by the Chartered Institute of Personnel and Development found that ex-offenders are the most disadvantaged of all the labour market. In 2010 only 12% of employers surveyed said that they had employed somebody with a criminal record in the past three years.⁸⁴⁷

Around one in five employers (19%) said they did exclude or were likely to exclude them from the recruitment process. In 2005, more than one in three (37%) employers said that they deliberately exclude those with a criminal record when recruiting staff.

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.⁸⁴⁸

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.⁸⁴⁹

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%).⁸⁵⁰

68% of prisoners thought that 'having a job' was important in stopping reoffending.⁸⁵¹

In 2012-13, just 26% of prisoners entered employment on release from prison.⁸⁵²

National Grid's Young Offender Programme involves business in the rehabilitation of offenders, with over 80 companies now engaged and more than 2,000 offenders having taken part. The programme has very low reoffending rates for participants, currently at less than 6% - substantially less than the national average. The programme has engaged with over 22 prisons - both adult and young offender establishments.⁸⁵³

A 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.⁸⁵⁴

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.⁸⁵⁵

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.⁸⁵⁶

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

845 Ibid.

846 Ibid.

847 Chartered Institute of Personnel and Development (2010) Disadvantaged Groups in the Labour Market, London: CIPD

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

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

850 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

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

852 Table 13, Ministry of Justice (2013) National Offender Management Service Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

853 National Grid website, <http://www.nationalgrid.com/>

youngoffender/steve-holliday.asp, accessed on 16 October 2013

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

855 Department for Work and Pensions and Ministry of Justice (2011) Provisional estimate of benefit claims by recently released prisoners, London: Ministry of Justice

856 <http://www.legislation.gov.uk/ukpga/2012/10/part/3/chapter/8/enacted>

Education and skills

In 2012 47% of prisoners said that they had no qualifications.⁸⁵⁷

21% of prisoners reported needing help with reading and writing or numeracy, 41% with education, and 40% to improve work-related skills.⁸⁵⁸

Educational attainment at GCSE level at grades A-C was similar amongst prisoners and the general population, although this may be due to prison education programmes. Around 5% of prisoners were educated to a level higher than A-levels, with approximately 3% having university degrees. In 2003, the percentage of the population of working age in the UK holding a degree was approximately 16%.⁸⁵⁹

41% of men, 30% of women and 52% of young offenders were permanently excluded from school.⁸⁶⁰

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.⁸⁶¹

It has been estimated that 48% of prisoners are at, or below, GCSE level (grades D-G) in reading, 65% in numeracy and 82% in writing.⁸⁶²

The Social Exclusion Unit also found that basic skills learning can contribute to a reduction in reoffending of around 12%.⁸⁶³ However, the House of Commons education and skills committee 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.⁸⁶⁴

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

858 Ibid.

859 Ibid.

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

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

862 Office for National Statistics (2003) Prison Statistics England and Wales 2001, London: ONS, and Annex: Definition of Skill Levels in Department for Business, Innovation and Skills (2011) 2011 Skills for Life Survey, London: BIS. For a detailed explanation of how these figures were calculated, and their limitations, see Champion, N. (2012) Brain Cells, second edition, Listening to Prisoner Learners, London: Prisoners Education Trust

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

864 House of Commons Education and Skills Committee (2005) Prison Education, London: The Stationery Office

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.⁸⁶⁵

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.⁸⁶⁶

In the 2008-09 academic year, there were 98,324 prisoners engaged in learning and skills in custody.⁸⁶⁷

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.⁸⁶⁸

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.⁸⁶⁹

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.⁸⁷⁰

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.⁸⁷¹

Whilst the overall profile of prisons inspected by Ofsted in 2010-11 is slightly more positive than the previous 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.⁸⁷²

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

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

867 Hansard HC, 25 October 2010, c38W

868 Ibid.

869 Hansard HC, 18 January 2011, c687W

870 House of Commons Committee of Public Accounts (2008) Meeting needs? The Offenders' Learning and Skills Service, London: The Stationery Office

871 Hansard HC, 18 January 2010, c27W

872 Ofsted (2011) The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2010/11, London: The Stationery Office

Five young offender institutions inspected in 2010/11 for their provision for 15–17-year-olds were judged good, one satisfactory and one inadequate.⁸⁷³

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.⁸⁷⁴

Of the 21% of survey respondents with no qualifications before entering prison, 70% stated they had gained qualifications whilst in prison. However of the 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.⁸⁷⁵

16% of prisoners had education and training places in the community at the end of their sentence in 2011-12.⁸⁷⁶

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.⁸⁷⁷

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.⁸⁷⁸

Over 100 prisons in England & Wales now have the Virtual Campus, a secure web based IT platform which provides education, training and employment resources to people in prison. There are about 1000 new Virtual Campus users registering each month.⁸⁷⁹

Nearly three quarters (74%) of respondents to a Prison Reform Trust and Prisoner Education Trust survey of prisons agreed that prisoners should have access to the internet.⁸⁸⁰

A 2011 survey of 532 prisoners by the Prisoner Education Trust found that 70% of prisoner respondents said better access to a PC would help them learn.⁸⁸¹

47% of prisoner respondents said that they would like access to online courses, but only eight per cent said that they had access to them.⁸⁸²

873 Ibid.

874 Inside Time (2012) Prisoners Education Trust Survey, Inside Time May 2012

875 Ibid.

876 Table 16, Ministry of Justice (2011) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice

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

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

879 Champion, N. and Edgar, K. (2013) Through the Gateway: How computers can transform rehabilitation, London: Prison Reform Trust

880 Ibid.

881 Champion, N. (2012) Brain Cells: Listening to Prison Learners, London: Prisoners Education Trust

882 Ibid.

Financial exclusion

Assessments for 2005 suggest over 23,000 offenders had financial problems linked to their offending.⁸⁸³

A Cabinet Office study found that 28% of women offenders' crimes were financially motivated, compared to 20% of crimes committed by men.⁸⁸⁴

Between one-fifth and one-third of prisoners surveyed by the Prisons Inspectorate believed they would experience difficulties with their finances and claiming benefits after release.⁸⁸⁵

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.⁸⁸⁶

Almost three-quarters (72%) of prisoners interviewed for a 2010 report by Prison Reform Trust and UNLOCK said they had not been asked about their finances. A third said they did not have a bank account; and of these, 31% had never had one.⁸⁸⁷

67% of prisons which responded to a joint Prison Reform Trust and Prisoner Education Trust survey said that prisoners should be able to set up bank accounts while in prison via ICT.⁸⁸⁸

48% of people in prison have a history of debt.⁸⁸⁹ 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.⁸⁹⁰

40% of prisoners and 64% of former prisoners felt that their debts had worsened during their sentence. Over half of prisoners' families have had to borrow money since the imprisonment of their relative.⁸⁹¹

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).⁸⁹²

883 Home Office (2005) The National Reducing Re-offending Delivery Plan, London: Home Office

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

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

886 Ibid.

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

888 Champion, N. and Edgar, K. (2013) Through the Gateway: How Computers Can Transform Rehabilitation, London: Prison Reform Trust

889 National Offender Management Service (2007) Signposting Offenders to Financial Capability Training, Debt Advice and Financial Services, London: Ministry of Justice

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

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

892 Ibid.

Although less than a third of prisoners were unsure about managing their money, more than half were unsure, or very unsure, dealing with banks.⁸⁹³

Only 5% of people in prison said they had been asked about how their families would cope financially while in prison.⁸⁹⁴

One significant area of need for people leaving prison is insurance.⁸⁹⁵ 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.⁸⁹⁶

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.⁸⁹⁷

The amount of discharge grant has remained fixed at £46.75 since 1997.⁸⁹⁸ 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."⁸⁹⁹ A recommendation to close this 'benefit gap' was made to the Prime Minister by the Social Exclusion Unit in 2002.⁹⁰⁰

In 2012-13, just 26% of prisoners entered employment on release from prison.⁹⁰¹

The government has committed to bring forward jobseeker's allowance (JSA) claims whilst people are in prison. This forms part of plans to introduce all prison leavers claiming JSA to the Work Programme on release from custody.

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

894 Ibid.

895 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

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

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

898 Prison Service Instruction 72/2011 Discharge, Annex B

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

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

901 Table 13, Ministry of Justice (2013) National Offender Management Service Annual Report 2012-13: Management Information Addendum, London: Ministry of Justice

Prison work and volunteering

At present some 9,700 prisoners are employed in industrial workshops across the prison estate engaged in a wide range of activity from printing to commercial laundry, textile production, manufacturing and distribution. In 2012/13 they worked in total for 13.1 million hours.⁹⁰²

The National Offender Management Service aims to at least double that number over the next decade.⁹⁰³ Even at that higher number, only around 20% of the prison population would be employed.

High rates of both unconvicted (40%) and convicted unsentenced prisoners (37%) reported they were not involved in any activities at the time they were surveyed by the Prisons Inspectorate.⁹⁰⁴

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.⁹⁰⁵

Between October 2011 and September 2012 there were a total of 1,007 active prisoners working out of prison on licence and subject to the Prisoners' Earnings Act levy. The total amount raised from this levy during the 12 month period was £757,906. It is estimated that the amount raised during this time was on average around 35% of applicable earnings after the £20 allowance.⁹⁰⁶

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.⁹⁰⁷

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.⁹⁰⁸

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.⁹⁰⁹

902 Table 20, Ministry of Justice (2013) National Offender Management Service Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

903 Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

904 HM Inspectorate of Prisons (2012) Remand prisoners, a thematic review, London: HM Inspectorate of Prisons

905 Ministry of Justice (2012) Statistical Notice - Prisoners' earnings subject to the Prisoners' Earnings Act levy during 2011/12, London: Ministry of Justice

906 Hansard HC, 3 July 2013, c647W

907 Hansard HC, 21 November 2011, c175W

908 Hansard HL, 20 October 2010 cWA184

909 Table 2.1, Edgar, K. et al. (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust

84% of prisons have prison-wide consultations in the form of committees or a prison council.⁹¹⁰

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.⁹¹¹

47% of male local prisons and 75% of open prisons provide opportunities for peer drug support. Among the seven prisons for women responding to the survey only one (14%) provided opportunities for prisoners to give peer support for drug misusers.⁹¹²

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%.⁹¹³

Timpson actively recruit ex-offenders to work for them. They have set up a full time training facility at HMP Liverpool and HMP Wandsworth in London, and the women's prison HMP New Hall. A Prison Excellence Centre also runs at HMP Forest Bank in Salford. Timpson colleagues train people in a prison workshop environment.⁹¹⁴

The Samaritans' Listener Scheme was active in 145 prisons across the UK in 2012. At the end of 2012, there were a total of 1,651 Listeners who responded to approximately 86,276 contacts during the year. 1,874 Listeners were trained during 2012 in 110 of the 145 prison establishments. Listeners play an invaluable role in making prisons safer by offering emotional support to fellow prisoners in crisis.⁹¹⁵

There is considerable scope to develop more opportunities for volunteering, peer support, representation and prisoner councils.⁹¹⁶

910 Clinks (2011) Service User Involvement: A Review of service user involvement in prisons and probation trusts, London: Clinks

911 Edgar, K. et al. (2011) Time Well Spent: A practical guide to active citizenship and volunteering in prison, London: Prison Reform Trust 912 Ibid.

913 <http://www.nationalgrid.com/corporate/Media+Centre/Press+Releases/Global+Press+Releases/2000th+YO.htm>

914 Timpson website, <http://www.timpson.co.uk/timpson-academy.php>, accessed on 29 August 2013

915 Information from the Samaritans

916 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.⁹¹⁷

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 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]."⁹¹⁸

On 22 November 2012 the Government published a draft Bill, the **Voting Eligibility (Prisoners) Draft Bill, for pre-legislative scrutiny by a joint Committee of both Houses**. The Draft Bill proposes three options:

- A ban for prisoners sentenced to 4 years or more;
- A ban for prisoners sentenced to more than 6 months; or
- A ban for all convicted prisoners – a restatement of the existing ban.

The Committee of Ministers at the Council of Europe has made clear that the third option is incompatible with the UK's obligations under the European Convention. The Committee is to report by 31 October 2013.⁹¹⁹

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.⁹²⁰

917 <http://www.prisonreformtrust.org.uk/PressPolicy/News/Votingandcitizenship>

918 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>

919 White, I. (2013) Prisoners' voting rights, London: House of Commons Library

920 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

Prisoners with learning disabilities and difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system.⁹²¹ 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.⁹²²

A five year follow-up report by the National Offender Management Service (NOMS) on race equality in the Prison Service concluded that while the actions taken over the preceding five years generated substantial improvements, it acknowledged that the experience of BME prisoners and staff had not been transformed.⁹²³

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.⁹²⁴

921 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

922 <http://www.legislation.gov.uk/ukpga/2012/10/part/3/chapter/8/enacted>

923 Ministry of Justice (2008) Race Review 2008, implementing race equality in prisons – five years on, London: National Offender Management Service

924 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.⁹²⁵

The Prisons and Probation Ombudsman has found that in the 52 cases of deaths from natural causes of prisoners in outside hospitals, restraints were used during final inpatient stays on 29 occasions.⁹²⁶

In 2012 there were 11,584 recorded prisoner on prisoner assaults, whilst this is 6% lower than the previous year, this masks a significant rise (33%) since 2002.⁹²⁷ The prison population has risen 21% over the same period.⁹²⁸

In 2012 there were 2,636 prisoner on officer assaults, falling slightly on the previous year (45). Assaults on officers have increased slightly in the past two years following a gradual decline between 2006 to 2010.⁹²⁹

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.⁹³⁰

Between September 2011 and August 2012 there were a total of 3,499 occasions where mobile phones or SIM cards were found on prisoners and young offenders.⁹³¹

In 2012-13 there was 1 escape from prison and 1 escape from a prisoner escort. The level of absconds from prisons rose slightly in 2012/13 to 204 from 175 in 2011/12.⁹³² However, absconds have significantly reduced from 1,310 in 2003-04.

The Prison Service is faced with high sickness levels amongst prison officers. For the 12 months up to 30 September 2012 the average number of working days lost to sickness absence by prison officers in public sector prisons in England was 11.5. The equivalent figure for Wales was 8 days.⁹³³ This compares with an estimated 9.5 days for NHS workers in England⁹³⁴ and 7.9 days in the public sector as a whole.⁹³⁵

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.⁹³⁶

The average tenure of a prison governor (governing governor, deputy governor, head of residence) employed by NOMS is 8 years.⁹³⁷

In 2009 the average tenure for operational managers in an establishment was 5.8 years.⁹³⁸

Between 31 March 2010 and 30 June 2013 the number of Full Time Equivalent (FTE) staff employed in the public prison estate fell by 17.7%, a reduction of 7,980 staff. This is likely to be the result of prison closures and staff transfers to the private sector.⁹³⁹

In 2012-13 the percentage of black and minority ethnic staff in the National Offender Management Service and Probation Trusts overall was 9.1%.⁹⁴⁰

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.⁹⁴¹

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.⁹⁴²

925 Ministry of Justice (2009) Promoting Equality in Prisons and Probation: The National Offender Management Service Single Equality Scheme 2009-2012, London: Ministry of Justice

926 Ryan-Mills, D. (2010) Review: fatal incidents reports from September 2008 to August 2009, London: Prisons and Probation Ombudsman for England and Wales

927 Table 3.8, Ministry of Justice (2013) Safety in Custody Statistics Quarterly Update to March 2013, London: Ministry of Justice

928 Table A1.1, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

929 Table 3.8, Ministry of Justice (2013) Safety in Custody England and Wales, Update to March 2013, London: Ministry of Justice

930 Prison Reform Trust (2008) Titan prisons: a gigantic mistake, London: Prison Reform Trust

931 Hansard HC, 11 September 2012, c193W

932 Table 1 and 2, Ministry of Justice (2013) NOMS Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

933 Hansard HC, 21 January 2013, c54W

934 Health and Social Care Information Centre (2013) Sickness Absence Rates in the NHS: January – March 2013 and Annual Summary 2009-10 to 2012-13, Leeds: HSCIC

935 CIPD website, <http://www.cipd.co.uk/pm/peoplemanagement/b/weblog/archive/2012/10/09/sickness-absence-falls-by-nearly-a-day-annual-survey-reveals-2012-10.aspx>, accessed on 9 October 2013

936 Hansard HC, 23 February 2010 c501W

937 Hansard HC, 7 December 2010, c201W

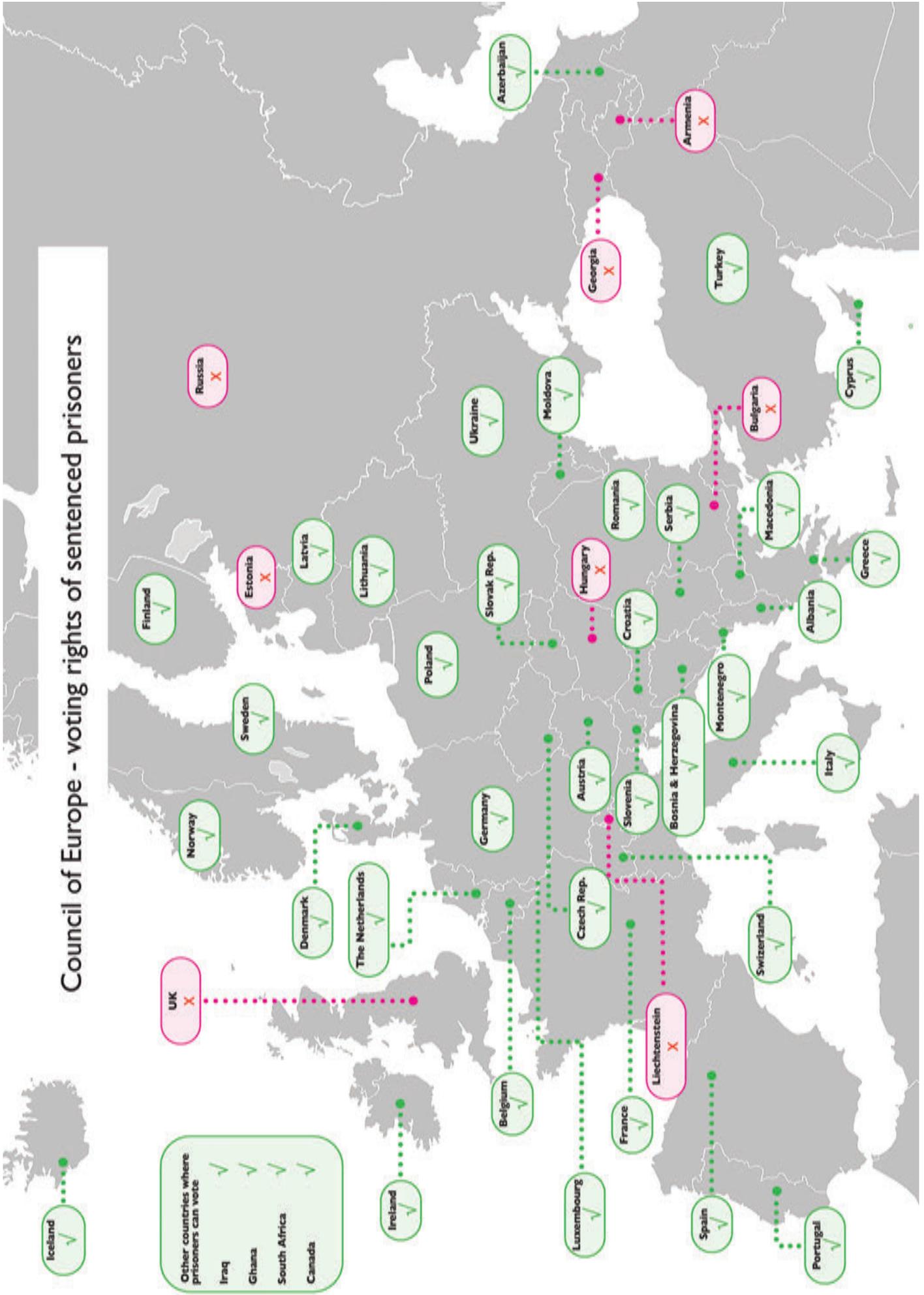
938 Hansard HC, 23 February 2010, c509W

939 Table 2, Ministry of Justice (2013) National Offender Management Service workforce statistics bulletin - 30 June 2013, London: Ministry of Justice

940 Ministry of Justice (2013) National Offender Management Service Annual Report 2012/13, London: Ministry of Justice

941 Prison Reform Trust (2006) Briefing: Experiences of Minority Ethnic Employees in Prisons, London: Prison Reform Trust

942 Hansard HC, 4 July 2011 c1021W



White, I. (2013) Prisoners' voting rights, London: House of Commons Library

Private prisons

The UK has the most privatised prison system in Europe. In England and Wales there were 13,027 prisoners (16% of the prisoner population) held in private prisons as at 27 September 2013.⁹⁴³

There are a total of 13 private prisons in England and Wales.

On 1 October 2011 HMP Birmingham became the first existing publicly run prison to be contracted out to the private sector. The estimated value over the 15 year life of the contract is £468.3 million.⁹⁴⁴

Private prison contracts are currently shared between just three companies:

G4S - Altcourse, Birmingham, Oakwood, Parc, and Rye Hill.

Serco - Ashfield, Doncaster, Dovegate, Lowdham Grange, and Thameside.

Sodexo - Bronzefield, Forest Bank, and Peterborough.

In England and Wales ten prisons are currently financed, designed, built and operated by the private sector on at least 25 year contracts.

Contracts for Doncaster, Birmingham, Oakwood and Northumberland are for 15 years each.

The management of HMP Wolds transferred from G4S to the Prison Service on 1 July 2013.

Wolds had been privately run since opening in 1992.

Sodexo will run HMP Northumberland from December 2013. A management contract estimated at £250 million for the merged Acklington and Castington prisons with a capacity of 1,300 was announced in July 2013.

The failed bidders for this contract were HMPS, Serco, G4S and a joint venture between US prison management firm Management & Training Corporation (MTC) and Amey.

NOMS director Ian Blakeman said Sodexo had produced a “compelling bid” to run HMP Northumberland. “We are confident that under their management the prison will go from strength to strength and, ultimately, deliver better outcomes for the public while also generating savings of £129.8m over the lifetime of the contract.”⁹⁴⁵

943 Ministry of Justice (2013) Prison Population Monthly Bulletin September 2013, London: Ministry of Justice

944 Hansard HC, 30 November 2011, c922W

945 Sodexo website, <http://uk.sodexo.com/uk/en/media/press-releases/HMP-Northumberland-win.aspx>, accessed on 2 September 2013

Serco has been chosen as the preferred bidder for a contract to manage HMPs Moorland, Hatfield and Lindholme combined as a South Yorkshire cluster. A contract was due to be awarded to the company but this has been suspended pending the outcome of inquiries into alleged irregularities relating to the operation of some other Serco contracts for the Ministry of Justice.

The government has estimated that the privatisation of HMPs Birmingham and Oakwood will lead to savings of £36 million over the remaining years of the comprehensive spending review period (2011-2015).⁹⁴⁶

In the future all publicly run prisons in England and Wales will put out to tender resettlement, maintenance, and other ancillary services leaving the public sector operating custodial functions.

As of July 2013, HMP Doncaster was overcrowded by 54%, the most overcrowded privately-run prison. Other overcrowded privately run prisons were:⁹⁴⁷

Prison	% overcrowded
Thameside	42%
Birmingham	28%
Altcourse	25%
Forest Bank	25%
Parc	13%
Rye Hill	3%

Private prisons have held a higher percentage of their prisoners in overcrowded accommodation than public sector prisons every year for the past 15 years. In 2012-13 the private prisons average was 29.3%, compared to an average of 21.8% in the public sector.⁹⁴⁸

HMPs Oakwood and Thameside were amongst the worst performing prisons in England and Wales in 2012-2013, receiving ratings of ‘overall performance is of serious concern’. Only one private prison, HMP Parc, gained a rating of ‘exceptional performance’.⁹⁴⁹

946 Hansard HC, 17 October 2011, c668W (note: HMP Oakwood was originally named Featherstone II)

947 Ministry of Justice (2013) Prison Population Monthly Bulletin July 2013, London: Ministry of Justice

948 Ministry of Justice (2013) Prison and Probation Trusts performance statistics 2012/13: Prison performance digest 2012-13, London: Ministry of Justice

949 Ministry of Justice (2013) Prison annual performance ratings 2012/13, London: Ministry of Justice

Prison	Rating
Altcourse	3
Ashfield	3
Birmingham	2
Bronzefield	2
Doncaster	3
Dovegate	3
Forest Bank	3
Lowdham Grange	3
Oakwood	1
Parc	4
Peterborough (Female)	3
Peterborough (Male)	3
Rye Hill	3
Thameside	1
Wolds*	3

Rating 4 = Exceptional performance
 Rating 3 = Meeting the Majority of Targets
 Rating 2 = Overall performance is of concern
 Rating 1 = Overall performance is of serious concern

*HMP Wolds has now transferred to the Prison Service

Prison contractors have been charged an estimated £573,000 in fines for custodial service failures in the last two years.⁹⁵⁰

Estimated charges to prison contractors for custodial service failure 2010/11 and 2011/12		
Prison	2010/11 £	2011/12 £
Altcourse	130,000	-
Ashfield	16,000	14,000
Bronzefield	70,000	20,000
Lowdham Grange	-	20,000
Peterborough	-	23,000
Rye Hill	109,000	165,000
Wolds	5,000	1,000
Total	330,000	243,000

In 2011-12 the overall resource expenditure of private prisons was £368.5 million.⁹⁵¹

Prison	Overall resource expenditure (£m)	Cost per place (£k)	Cost per prisoner (£k)
Dovegate	37.4	35,119	33,412
Lowdham G	27.6	30,656	30,017
Rye Hill	19.5	32,464	31,545
Wolds	10.6	33,008	29,761
Bronzefield	28.5	54,094	56,469
Ashfield	25.9	63,695	77,791
Altcourse	47.3	59,617	40,588

⁹⁵⁰ Hansard HC, 19 October 2012, c496W

Note: This table reflects the number of points applied (less any credit/baseline deductions) and the associated charge to the contractor. Performance points are accrued on the occurrence of a custodial service failure which are recorded on a quarterly and annual basis in each contract. Charges are then applied when these total points exceed the relevant performance baseline. Under certain circumstances these charges may be waived, for example on the basis that the failure could be in part or direct result of an authority/ NOMS default.

⁹⁵¹ Table 3, Ministry of Justice (2012) National Offender Management Service Annual Report 2011-12: Management Information Addendum, London: Ministry of Justice

Note: The unit costs of private and public prisons are not directly comparable because of different methods of financing and scope. Birmingham costs are for six months under G4S management, Thameside had just opened and Oakwood is excluded as it was not yet open.

Prison	Overall resource expenditure (£m)	Cost per place (£k)	Cost per prisoner (£k)
Birmingham	15.4	27,835	21,222
Doncaster	25.8	36,181	23,332
Forest Bank	36.8	34,928	27,342
Parc	59.1	50,522	40,656
P'borough	34.4	40,909	36,383
Thameside	0.2		
Total	368.5		

Payments to private prison contractors were £428.1 million in 2012-2013. The NOMS budget for payments in 2013-2014 is £424.1 million.⁹⁵²

£ Million					
	Out-turn			Budget	
	2010-11	2011-12	2012-13	2013-14	
Private Finance Initiative prisons					
Altcourse	47.596	47.213	47.488	46.960	
Ashfield	25.015	26.285	27.529	28.713	
Bronzefield	26.490	27.925	29.168	30.486	
Dovegate	36.670	38.065	39.402	40.539	
Forest Bank	35.572	35.467	36.510	38.093	
Lowdham Grange	25.758	26.558	27.972	28.899	
Parc	47.946	58.526	59.628	57.517	
Peterborough	32.866	33.118	33.776	34.880	
Rye Hill	17.944	18.845	19.322	20.610	
Thameside	n/a	0.143	27.505	30.806	
Contract Managed prisons					
Birmingham	n/a	14.148	28.812	29.139	
Doncaster	22.527	19.983	18.547	17.125	
Oakwood	n/a	n/a	23.631	18.049	
Wolds	9.104	8.662	8.789	2.323	
Total	327.489	354.938	428.078	424.138	

A recent Inspectorate report on the new 1,600 place HMP Oakwood found that “too many prisoners felt unsafe and indicators of levels of violence were high”. Inspectors had “no confidence in the quality of recorded data or the structures and arrangements to reduce violence”. Staff-prisoner relationships were “not respectful” and “prisoners had little confidence in staff to act consistently or to get things done”.⁹⁵³

⁹⁵² Hansard HC, 18 July 2013, c844W

Note: Thameside became operational on 27 March 2012.

Birmingham transferred to private sector management on 1 October 2011. Doncaster contract re-competed with revised pricing effective from 1 October 2011. Oakwood became operational on 24 April 2012; expenditure in 2012-13 included £7.2 million of initial set-up costs. Wolds transferred to public sector management on 1 July 2013.

⁹⁵³ HM Inspectorate of Prisons (2013) Report on an unannounced inspection of HMP Oakwood, London: HMIP

Community solutions

Court Orders (Community Orders and Suspended Sentence Orders) are more effective (by nearly seven percentage points) at reducing one-year proven reoffending rates than custodial sentences of less than 12 months for similar offenders.⁹⁵⁴

The cost of a six-week stay in prison is, on average, £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.⁹⁵⁵

In 2011-12, 65,587 people successfully completed community payback sentences. This amounts to over 8.3 million hours of unpaid work, which was used to benefit the community. Calculated at the National Minimum Wage the value of this work exceeds £50 million.⁹⁵⁶

The government has initiated pilot programmes at Peterborough and Doncaster prisons to reduce reoffending. Under the programme, investors will see a return on their investment according to their results. At Peterborough the frequency of reconviction must be 10% lower than its control group. At Doncaster the re-conviction rate must be 5 percentage points lower than in 2009. Early results have been inconclusive.⁹⁵⁷

People sentenced to less than 12 months in custody currently receive no supervision on release. The government plans to introduce statutory supervision and support and open up probation services to private and voluntary sector providers.

The Crime and Courts Act 2013 introduced a new mandatory punitive element for all community sentences, unless there are exceptional circumstances. 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. In 2009, 3,996 people were received into prison in England and Wales for breach of a community sentence.⁹⁵⁸

954 Table A1, Ministry of Justice (2013) 2013 Compendium of reoffending statistics and analysis, London: Ministry of Justice

955 National Audit Office (2010) Managing offenders on short custodial sentences, London: National Audit Office

956 Ministry of Justice (2012) National Offender Management Service Annual Report 2011/12: Management Information Addendum, London: Ministry of Justice

957 Ministry of Justice (2013) Interim re-conviction figures for the Peterborough and Doncaster Payment by Results pilots, London: Ministry of Justice

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

The average length of a Community Order is 14.5 months, and 17.9 months for a Suspended Sentence Order. The two most frequently used requirements on a Community Order are unpaid work (33%) and supervision (10%), and for a Suspended Sentence Order it is unpaid work (23%) and supervision and unpaid work (9%).⁹⁵⁹

In 2011 a higher proportion of women than men completed their community sentence successfully or had their sentences terminated for good progress on both community orders (70%) and suspended sentence orders (74%) versus 65% and 66% respectively for men.⁹⁶⁰

In 2012, only 764 mental health treatment requirements (MHTRs) were issued, making up less than 0.3% of all community sentence requirements.⁹⁶¹ There have been a number of barriers to its effective use, including uncertainty as to who should receive an MHTR, how breaches of the order are managed and the need for a formal psychiatric report.⁹⁶²

Some estimates show that at least 39% of offenders supervised by probation services have mental health problems, and that around 60% have substance abuse problems.⁹⁶³

In a recent survey of 2,919 people on Community Orders, nearly all of those surveyed (96%) agreed that they had tried hard to do all the things in the Community Order, 77% agreed that the Community Order made them less likely to commit crime, and 64% agreed that it had given them an opportunity to give something back to society.⁹⁶⁴

83% of offenders who said staff had involved them in deciding the aims of the plan agreed that the Community Order made them less likely to reoffend. The equivalent figure for those who said they were not involved was 65%.⁹⁶⁵

When people serving community sentences were asked what would help them stop offending, 62% said having a job, and 50% said having a place to live.⁹⁶⁶

959 Table A4.14 and A4.10, Ministry of Justice (2013) Offender Management Caseload Statistics 2012, London: Ministry of Justice

960 Table S5.33, Ministry of Justice (2012) Statistics on Women and the Criminal Justice System 2011, London: Ministry of Justice

961 Table 4.4, Ministry of Justice (2013) Offender Management Caseload Statistics (quarterly) October-December 2012, London: Ministry of Justice

962 Scott, G. and Moffatt, S. (2012) The Mental Health Treatment Requirement: Realising a better future, London: Centre for Mental Health

963 Brooker, C. et al. (2012) Probation and mental illness. Journal of Forensic Psychiatry and Psychology, 23(4): 522-537

964 Ministry of Justice (2013) Results from the Offender Management Community Cohort Study: Assessment and sentence planning, London: Ministry of Justice

965 Ibid.

966 Table 4.6, Ibid.

Restorative justice

The Crime and Courts Act 2013 allows courts to defer at the pre-sentence stage in order for the victim and offender to be offered restorative justice at the earliest opportunity. This is the biggest development for restorative justice in England and Wales since legislation introducing referral order panels to the youth justice system.⁹⁶⁷

The government funded a £7 million seven year research programme looking into restorative justice. Published in 2007 findings were encouraging.

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).⁹⁶⁸

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.⁹⁶⁹

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.⁹⁷⁰

27% fewer crimes were committed by offenders who had experienced restorative conferencing, compared with those offenders who did not.⁹⁷¹

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.⁹⁷²

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).⁹⁷³

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 (74%).⁹⁷⁴

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.⁹⁷⁵

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. In 2011 funding for training and capacity building in NOMS, for pre- and post-sentence restorative justice with adult offenders, was announced.⁹⁷⁶

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'.⁹⁷⁷

967 Prison Reform Trust (2012) Crime and Courts Bill, House of Lords Committee Stage briefing - October 2012, London: PRT

968 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

969 Ibid.

970 Ibid.

971 Restorative Justice Council (2011) What does the Ministry of Justice RJ research tell us? London: RJC

972 Ibid.

973 Sherman, L. and Strang, H. (2007) Restorative Justice: the evidence, London: The Smith Institute

974 Jacobson, J. and Gibbs, P. (2009) Making Amends: restorative youth justice in Northern Ireland, London: Prison Reform Trust and Table A5, Ministry of Justice (2008) Reoffending of juveniles: results from the 2006 cohort, London: Ministry of Justice

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

976 Crispin Blunt MP, Considering Restorative Justice Lecture, 24 November 2011

977 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 £31.5 billion in 2012-13.⁹⁷⁸

There were 129,584 full-time equivalent police officers in the 43 police forces of England and Wales as at 31 March 2013. This is a decrease of 3.4%, or 4,516 officers, compared to a year earlier. It is the fourth consecutive annual fall in the officer total, with the 31 March 2013 figure being 14,186 or 9.9% lower than that for 31 March 2009. It is also the lowest total since 2002.⁹⁷⁹

Crime rates have fallen by 9% in the year ending March 2013.⁹⁸⁰ **The prison population has fallen by over 3,762 over the same period.**⁹⁸¹ Crime is at the lowest level since the survey began in 1981 and is now less than half its peak level in 1995.⁹⁸²

When asked what they thought has happened to the level of crime nationally over the past year, 66% of people thought it had risen ‘a little more’ or ‘a lot more’ than two years ago.⁹⁸³

People have more positive perceptions of crime locally than nationally; with 29% saying they thought crime in their local area had increased.⁹⁸⁴

In 2012, 12% of adults were worried about burglary, 8% about car crime and 13% of adults were worried about violent crime.⁹⁸⁵

In November 2012, 21% of interviewees thought that crime was one of the most important issues facing Britain today, the highest figure in the EU.⁹⁸⁶

978 Table 4.2, HM Treasury (2011) Public Expenditure Statistical Analyses 2013, London: HM Treasury

979 Table 1 and Figure 1, Home Office (2013) Police Workforce, England and Wales, 31 March 2013, London: Home Office

980 Office for National Statistics (2013) Crime in England and Wales, Year Ending March 2013, London: ONS

981 Table 1.1a, Ministry of Justice (2013) Offender Management Statistics (quarterly), London: Ministry of Justice

982 Office for National Statistics (2013) Crime in England and Wales, Year Ending March 2013, London: ONS

983 Table D26, Office for National Statistics (2012) Crime in England & Wales Quarterly First Release to March 2012 - annual trend and demographic tables, London: ONS

984 Ibid.

985 Table PM1, Office for National Statistics (2013) Crime in England and Wales, year ending December 2012 - perception measure tables, London: ONS

986 Table QA5A, TNS Opinion and Social (2012) Public Opinion in the European Union, Standard Eurobarometer 78, Autumn 2012, European Commission

British people have the lowest confidence in their government when it comes to crime. Only 31% of British people feel confident in their government when it comes to ‘cracking down on crime and violence’ compared to 44% in the US, 55% in France and 57% in Germany.⁹⁸⁷

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”.⁹⁸⁸

Most people surveyed underestimated the severity of sentencing and thought that the courts were too lenient; however they were relatively lenient when expressing a sentencing preference for a specific (hypothetical) case.⁹⁸⁹

In August 2012 a Populus poll of victims of lower level crime showed that 63% support community sentences as an alternative to prison for lower level offenders.⁹⁹⁰

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.⁹⁹¹

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.⁹⁹²

Almost three quarters (71%) believe victims should have a say in how the offender can best make amends for the harm they have caused.⁹⁹³

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.⁹⁹⁴

987 Ipsos MORI (2006) A new British Model? Ratings of economic and public policy, London: Ipsos MORI

988 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

989 Hough, M. et al. (2013) Attitudes to Sentencing and Trust in Justice: Exploring Trends from the Crime Survey for England and Wales, London: Ministry of Justice

990 Victim Support and Make Justice Work (2012) Out in the open: What victims really think about community sentencing, London: Victim Support

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

992 Ibid.

993 Ibid.

994 Ibid.

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%). Around two-thirds (65%) consider that a prison sentence would be effective in preventing crime and disorder.⁹⁹⁵

57% of those who think crime is rising say it is because of what they see on television, and 48% because of what they read in tabloid newspapers.⁹⁹⁶

45% of crimes reported in newspapers in the UK involve sex or violence, compared with only 3% of actual reported crime.⁹⁹⁷

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, compared with 3% who reported having been a victim of such a crime in the year before interview.⁹⁹⁸

16-24 year olds are the most likely age group to be victims of crime. The likelihood of being a victim falls with age.⁹⁹⁹

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.¹⁰⁰⁰

An ICM poll showed that 80% of 1,000 people 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.¹⁰⁰¹

According to a poll commissioned by the Prison Reform Trust 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.¹⁰⁰²

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.¹⁰⁰³

A YouGov opinion poll commissioned by the Prison Reform Trust in November 2012 revealed strong public support for effective community and public health measures to prevent crime and disorder. Treatment for drug addiction (67%), intensive supervision of community orders (63%), and mental health care (60%) were the top three solutions cited in the poll of 1,552 people across Britain. After these measures, stopping binge drinking and imprisonment tied fourth as effective means to prevent crime and disorder.¹⁰⁰⁴

995 Ibid.

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

997 Ibid.

998 Table D22 and D30, Office for National Statistics (2012) Crime in England & Wales Quarterly First Release to March 2012 - annual trend and demographic tables, London: ONS

999 Table D1, Ibid.

1000 SmartJustice (2006) Briefing: Crime victims say jail doesn’t work, London: Prison Reform Trust

1001 ICM opinion poll for the Corston Coalition, 26-28 November

2010. Sample of 1000 adults 18+ in GB, by telephone omnibus

1002 PRT (2010) YouGov poll for ‘Out of Trouble’

1003 Ibid.

1004 Prison Reform Trust (2012) Public back community and health solutions to cutting crime, 18 December 2012

Prison Reform Trust publications and briefings

- HIV and hepatitis in UK Prisons: Addressing Prisoners' Healthcare Needs (PRT & National Aids Trust) 2005
- The Impact of Volunteering: a Review of the CSV national day release prisoner volunteering project, 2006
- Experiences of Minority Ethnic Employees in Prison, 2006 (Briefing Paper)
- Crime Victims Say Jail Doesn't Work, 2006 (SmartJustice Victim Support survey - Briefing Paper)
- No One Knows - identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff, 2007 - £10
- Indefinitely Maybe? The indeterminate sentence for public protection, 2007 (Briefing Paper)
- Mitigation: the role of personal factors in sentencing, 2007 - £12
- No One Knows - identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff in Scotland, 2007 - £10
- There When You Need Them Most: pact's first night in custody service, 2007 - £10
- The Children & Families of Prisoners: recommendations for government, 2008 (Briefing with APF, pact and Clinks)
- Prisoners' Information Book, Male Prisoners and Young Offenders, 2008
- No One Knows - police responses to suspects with learning disabilities and learning difficulties: a review of policy and practice, 2008 - £10
- Criminal Damage: why we should lock up fewer children, 2008
- Crises in Criminal Justice: A report on the work of the All-Party Parliamentary Penal Affairs Group, 2008
- Creating a Sentencing Commission for England and Wales, 2008 - £10
- Titan Prisons: A gigantic mistake, 2008
- Prisoners' Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties, 2008 - £20
- Too Little Too Late: an independent review of unmet mental health need in prison, 2009 - £10
- Information Book for Prisoners with a Disability, 2009
- Children: Innocent Until Proven Guilty? 2009
- Out of Trouble: Reducing child imprisonment in England and Wales - lessons from abroad, 2009 - £10
- Out of Trouble: Making Amends - restorative youth justice in Northern Ireland, 2009
- Vulnerable defendants in the criminal courts: a review of provision for adults and children, 2009 - £10
- Barred from Voting: the Right to Vote for Sentenced Prisoners - 2010 (Briefing Paper with UNLOCK)
- A Fair Response: developing responses to racist incidents that earn the confidence of black and minority ethnic prisoners - 2010
- Too Many Prisoners: The All-Party Parliamentary Penal Affairs Group January 2008 - March 2010
- Doing Time: Good practice with older people in prison - the view of prison staff - June 2010
- Unjust Deserts: Imprisonment for Public Protection - June 2010
- Out of Trouble: Punishing Disadvantage, a profile of children in custody - September 2010
- Time is Money: financial responsibility after prison, UNLOCK and Prison Reform Trust - October 2010 - £15
- Seen and Heard: supporting vulnerable children in the youth justice system - November 2010 - £15
- Double Trouble: Black, Asian and minority ethnic offenders' experiences of resettlement - November 2010
- Into the Breach: the enforcement of statutory orders in the youth justice system - May 2011 - £12
- Time Well Spent: A practical guide to active citizenship and volunteering in prison - May 2011 - £10
- Reforming Women's Justice: report of the Women's Justice Taskforce - June 2011 - £10
- Last Resort? exploring the reduction in child imprisonment 2008-11 - July 2011 - £6
- Public want offenders to make amends - September 2011 (Briefing Paper)
- Care - a stepping stone to custody? - December 2011 - £12
- No Way Out? A briefing paper on foreign national women in prison in England and Wales - January 2012 (PRT and Hibiscus)
- Old Enough to Know Better? A briefing on young adults in the criminal justice system in England and Wales - January 2012
- Fair Access to Justice?: Support for vulnerable defendants in the criminal courts - June 2012
- Out for Good: Taking responsibility for resettlement - July 2012
- Prisoner Rehabilitation: the work of the All Party Parliamentary Penal Affairs Group June 2010 - July 2012
- Fatally Flawed: has the state learned from the deaths of children and young people in prison? - October 2012 (PRT and INQUEST)
- Turning young lives around: How health and justice services can respond to children with mental health problems and learning disabilities who offend, November 2012 (PRT and Young Minds)
- Making the Difference: the role of adult social care services in supporting vulnerable offenders - April 2013
- Reducing Women's Imprisonment Action Pack - April 2013 (PRT and Soroptimists)
- Talking Justice: Where do you stand? (information and discussion tools about prisons and community sentencing) and Talking Justice: What can I do? (volunteering guide) - May 2013
- Prison: The Facts, Bromley Briefings Online, is available on the App Store, Google Play and the Amazon Appstore - Updated October 2013
- Mental health and learning disabilities in the criminal courts: Information for magistrates, district judges and court staff - October 2013
- Through the Gateway: How computers can transform rehabilitation - October 2013 (PRT and Prisoners' Education Trust)

The logo for Prison Reform Trust, featuring the words "PRISON REFORM TRUST" in white, uppercase, sans-serif font, stacked vertically on a dark red rectangular background.

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