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

324 people died in prison in the year to September 2016, the highest number on record. A third of these deaths were self-inflicted.

Serious assaults in prison have more than doubled in the last three years.

Nearly half of the adult male prisons inspected in 2015–16 were judged to be failing on safety.

Very few people will have missed the news coverage prompted by these appalling facts over the last year. It is to the new Secretary of State’s credit both that she acknowledges her personal accountability for making prisons safe, and that she has found the money for an additional 2,500 prison officers to back that up.

But there are statistics in this regular annual briefing which should cause alarm precisely because they are now so familiar. The UK continues to have the highest rate of imprisonment in western Europe. Sentence lengths in the Crown Court have risen by a scarcely believable 30% over ten years. In just two months in the autumn of this year, an unpredicted rise in the population swallowed up the equivalent of a new prison. Our prison population is nearly twice what it was in 1993.

As a result, overcrowding still cripples the system’s ability to provide a decent and constructive public service. This is not just because 20,000 people still share cells designed for fewer occupants, often eating their meals in the same space as the toilet they share. It is also because every day prisoners are bussed around the country to extraordinarily remote locations just to make sure that every last bed space is filled. Inspections regularly find a third or more of prisoners unoccupied during the working day because a prison holds more people than it should. Prisoners progressing well are suddenly told they must move on, regardless of their sentence plan. It is a chaotic, wasteful nonsense, with no regard for the impact on prisoners, their families or the reasonable public demand for lower reoffending rates when prisoners are released.

This is a political not an operational failure, shared by all governments of the last two and a half decades. Three years of austerity have now brutally exposed the system’s inherent vulnerability, and a comprehensive strategy to control the demand for prison, and so to end overcrowding, must form part of this government’s response.

The components of that strategy are not mysterious:

- Parliament must review the framework for sentencing to custody. Sentence lengths for serious crimes requiring prison can safely be returned to the levels of a decade ago, and the use of pointless short sentences for people who could be safely and more effectively punished in the community must be curtailed;
- The scandal of indeterminate sentenced prisoners held far beyond their “tariff”—the point at which the needs of punishment have been served—must finally be tackled, taking the strategic advice of the Parole Board chair;
- The use of community based solutions for people who need treatment more than punishment must increase;
- The recall of people to custody on purely administrative grounds and for charges that do not justify a custodial sentence should be abandoned; and
- The structure of custodial sentences should be altered to create an incentive through early release for those prisoners who make constructive use of their time inside.

An uncrowded prison system holding only those who really need to be there, and only for as long as punishment requires, has the potential to deliver the improved resettlement outcomes to which this and many previous governments have aspired. But it seems the “inconvenient truth” that this can only be delivered through sentencing reform is more easily acknowledged after release from the pressure of high office than during it.

This comprehensive annual summary of facts shows how urgently political courage is now required of current as well as former incumbents, and across party lines. The well being of those who work and live in prisons, their families, and of potential future victims, all depend upon it.
THE STATE OF OUR PRISONS
Sentencing and the use of custody

England and Wales have the highest imprisonment rate in Western Europe—locking up 147 people per 100,000 of the population.¹

Between 1993 and 2015 the prison population in England and Wales has nearly doubled—with an extra 41,000 people behind bars.² 89,332 people entered custody in the year to June 2016.³

On 25 November 2016, the prison population in England and Wales was 84,976.⁴

Prison sentences are continuing to get longer. The average prison sentence is now over four months longer than 10 years ago at 16.4 months. For more serious, indictable offences, the average is now 57.1 months—20 months longer than 10 years ago.⁵

Use of very long determinate sentences has increased dramatically over the last 10 years. More than three times as many people were sentenced to 10 years or more in the 12 months to June 2016 than at the same time in 2006.⁶

Increasing numbers of people in prison don’t know if, or when, they might be released. 11,178 people are currently in prison serving an indeterminate sentence.⁷ This compares with fewer than 4,000 in 1998 and 3,000 in 1992⁸, and is more than twice as many people as France, Germany and Italy combined—the highest in Europe by a significant margin.⁹

According to the National Audit Office, there is no consistent correlation between prison numbers and levels of crime.¹⁰ International comparisons also show there is no consistent link between the two.¹¹

56% of people entering prison on remand awaiting trial in the year to June 2016 were accused of non-violent offences—nearly 21,000 people.¹²

Short prison sentences are less effective than community sentences at reducing reoffending.¹³ Despite this, nearly half (47%) of all people entering prison under sentence in the year to June 2016 are serving a sentence of six months or less.¹⁴

Furthermore, the use of community sentences has nearly halved (46%) since 2006—accounting for just 9% of all sentences in the year to June 2016, compared with 14% at the same time in 2006.¹⁵

Anyone leaving custody who has served two days or more is now required to serve a minimum of 12 months under supervision in the community.¹⁶

As a result, the number of people recalled to custody following their release has increased dramatically. The recall population is now 19% higher than when the changes were introduced in February 2015—nearly 1,100 more people.¹⁷

The government has estimated that around 13,000 people will be recalled or committed to custody as a result of these changes—requiring around 600 additional prison places, at a cost of £16m per year.¹⁸

7,542 people serving a sentence of less than 12 months have been recalled to prison in the year to June 2016.¹⁹
### Imprisonment rates across Western Europe

<table>
<thead>
<tr>
<th>Country</th>
<th>Rate (per 100,000 population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>England &amp; Wales</td>
<td>147</td>
</tr>
<tr>
<td>Scotland</td>
<td>142</td>
</tr>
<tr>
<td>Portugal</td>
<td>135</td>
</tr>
<tr>
<td>France</td>
<td>103</td>
</tr>
<tr>
<td>Northern Ireland</td>
<td>80</td>
</tr>
<tr>
<td>Germany</td>
<td>78</td>
</tr>
<tr>
<td>Norway</td>
<td>74</td>
</tr>
<tr>
<td>Finland</td>
<td>55</td>
</tr>
<tr>
<td>Sweden</td>
<td>53</td>
</tr>
</tbody>
</table>

Source: International Centre for Prison Studies

### A growing problem

The prison population in England and Wales has nearly doubled in 20 years

Source: Offender management statistics

### Who is going to prison?

Sentenced prison receptions by offence type, year to June 2016

Source: Offender management statistics quarterly: April to June 2016

### Determined to keep them locked up

The increase in long, determinate sentences

Source: Criminal justice statistics June 2016

### The threat of prison

The rise of the suspended prison sentence

Source: Criminal justice statistics June 2016

### Boomerang sentences

Rising numbers being returned to custody after release

Source: Offender management statistics quarterly, April to June 2016 and October to March 2015
The state of our prisons

Safety in prisons

People in prison, prisoners and staff, are much less safe than they were five years ago. More prisoners killed themselves, self-harmed and were victims of assaults.\(^{20}\)

324 people died in prison in the year to September 2016, the highest number on record. A third of these deaths were self-inflicted.\(^ {21}\)

There were eight self-inflicted deaths of women in prisons in England and Wales in the year to September 2016—the highest number since 2007.\(^ {22}\)

There were five homicides in prison in the year to September 2016 and another seven the year before, the highest numbers ever recorded.\(^ {23}\)

Serious assaults in prison have more than doubled in the last three years. There were 2,462 serious prisoner on prisoner assaults in the year to June 2016.\(^ {24}\)

Sexual assaults have more than doubled since 2011. There were 300 recorded assaults in 2015.\(^ {25}\)

Safety within adult male prisons was not good enough in nearly half of the prisons inspected in 2015–16. More than four in 10 men (42%) and nearly half of women (49%) said they felt unsafe at some point whilst in custody.\(^ {26}\)

Self-harm

Rates of self-harm are at the highest level ever recorded. There were 36,440 self-harm incidents in the year to June 2016—a 52% rise in just two years.\(^ {27}\)

A quarter of self-harm incidents occurred within the first month of arriving in a prison—9% were during the first week.\(^ {28}\)

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\(^{20}\) Tables 1, 3 and 4, Ministry of Justice (2016) Safety in custody statistics quarterly update to June 2016, London: Ministry of Justice

\(^{21}\) Table 1 and 1.1, Ibid.

\(^{22}\) Table 2, Ibid. and Corston, J (2007) A report by Baroness Joan Corston of a review of women with particular vulnerabilities in the criminal justice system, London: Home Office


\(^{24}\) Table 4, Ibid.

\(^{25}\) Table 3.9, Ibid.


\(^{27}\) Table 3, Ministry of Justice (2016) Safety in custody statistics quarterly update to June 2016, London: Ministry of Justice

\(^{28}\) Table 2.5, Ibid.
More than one-in-four (28%) self-inflicted deaths in the last five years occurred in the first month of arrival in prison—over half (55%) of these deaths were in the first week.29

Only a third of people who were in custody for the first time said they had access to a Listener and/or Samaritan phone when they arrived.30

Women accounted for 21% of all incidents of self-harm in the year to June 2016 despite representing just 5% of the total prison population. This has fallen sharply since 2009 when women accounted for nearly half of all incidents, and reflects a sharp rise in incidents amongst men.31

Rates of self-harm amongst men have doubled in the last six years. Whilst rates for women had fallen in recent years, they have once again started to rise and remain significantly higher than for men.32

People serving the indeterminate sentence for public protection (IPP) have one of the highest rates of self-harm in prison. For every 1,000 people serving an IPP there were 550 incidents of self-harm. This compares with 324 incidents for people serving a determinate sentence, and is more than twice the rate for people serving life sentences.33

Deaths in prison

There were 107 self-inflicted deaths in prisons in England and Wales in the year to September 2016, the highest number on record.34 Eight were women—the highest number since 2007, when Baroness Corston published her report following the deaths of six women at HMP Styal within a 13-month period.35

The rate of self-inflicted deaths amongst the prison population is 130 per 100,000 people—amongst the general population it’s 10.8 per 100,000 people.36

There were 58 deaths in prison that occurred between June 2013 and January 2016, where the prisoner was known, or strongly suspected, to have been using new psychoactive substances (NPS) before their death. 39 of these were self-inflicted.37

Rates of deaths from natural causes have doubled in only eight years. 179 people died of natural causes in the year to September 2016, a 17% rise on the previous year.38 The average age of people dying from natural causes in prison between 2007 and 2010 was 56 years old.39

Incidents in prison

The National Tactical Response Group, a specialist unit assisting in safely managing and resolving serious incidents in prisons responded to over 400 incidents in the first eight months of 2016—more than the whole of 2015.40

Emergency services were called out more than 26,600 times to incidents in UK prisons in 2015.41

There were 1,935 fires in 2015—an average of more than 160 a month.42

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29 Table 1.7, Ibid.
32 Ibid.
34 Table 1 and 1.1, Ministry of Justice (2016) Safety in custody statistics quarterly update to June 2016, London: Ministry of Justice
35 Table 2, Ibid. and Corston, J (2007) A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system, London: Home Office
38 Table 2, Ministry of Justice (2016) Safety in custody statistics quarterly update to June 2016, London: Ministry of Justice
40 House of Commons written question 45566, 16 September 2016 and House of Commons written question 19422, 21 December 2015
42 House of Commons written question 26250, 11 February 2016
The state of our prisons

Treatment and conditions

The performance of more than a quarter (26%) of prisons is rated “of concern” or “of serious concern”—double the proportion three years ago.43

The number of prisons rated “exceptional” has plummeted from 43 in 2011–12 to only eight in 2015–16.44

Only two in five men said that they had been given information explaining what would happen to them when they first arrived in prison.45

Three-quarters of people told inspectors that most staff treated them with respect. Good relationships between staff and prisoners have mitigated the worst effects of problems elsewhere.46

Only one in seven people said they spent 10 hours or more out of their cell each day.47

Nearly one in three people (31%) held in a local prison said they spent less than two hours out of their cell each day.48 People are sent to a local prison when they are first remanded or sentenced to custody and when they are approaching release.

In most prisons people are only able to spend 30 minutes outside a day. In some prisons, men had to choose whether to go outside or undertake other essential activities, such as collect shop orders or medication.49

Most people are locked up for the night at 6.30pm—often even earlier during weekends. This means some prisoners (especially those in full-time employment) were unable to shower every day. Some also struggled to telephone their families and friends.50

The number of people on the basic level of the incentives and earned privileges scheme increased by over a third (34%) in the last year—yet the prison population has risen by 1% during the same period.51

Nearly 5% of people in prison are on basic.52 Prisons are required to provide “access to the safe, legal and decent requirement of a regime on normal location.” However, inspectors have consistently found that the treatment of people on the basic regime is overly-punitive, including being held in conditions like segregation units, but without the same safeguards.53

Inspectors found that regimes were inadequate in two-thirds of segregation units inspected—most people were locked up for more than 22 hours a day with nothing meaningful to occupy them. Access to showers and telephone calls was minimal and sometimes restricted further as a punishment for minor rule breaking.54

Research on segregation has established that it is harmful to health and wellbeing. Over half of segregated prisoners interviewed said they had problems with three or more of the following: anger, anxiety, insomnia, depression, difficulty in concentration, and self-harm.55

During the first three months of 2014 almost one in ten people in segregation units had spent longer than 84 days there. One in five had spent between 14 and 42 days; and 71% had been segregated for less than 14 days.56

47 Ibid.
48 Ibid.
49 Ibid.
52 Table 5.2, Ibid.
56 Ibid.
Nearly two-fifths, 19 out of a total of 50 people, had deliberately engineered a move to the segregation unit. Reasons included trying to transfer to a different prison, evading a debt, or getting away from drugs or violence on the wings.57

If a person has a request or concern they can raise it through the application process. It is a means of dealing with routine issues before they escalate into formal complaints. However, inspectors found that the applications process continued to be poor—only half (52%) of prisoners felt that their applications were dealt with fairly.58

If a person is not happy with the outcome of their application they can make an internal complaint. However, just over half (54%) said that it was easy to make a complaint and only 30% felt their complaints were dealt with fairly.59

The Prisons and Probation Ombudsman provides the last means of redress in the formal complaints process.

The number of complaints upheld by the Prisons and Probation Ombudsman is rising. Only a quarter (26%) of complaints were upheld in 2011–12, compared to 40% last year.60

The Ombudsman reported that this high uphold rate “not only reflects high numbers of cases where prisons simply got things wrong but also indicates poor complaints handling at a local level”.61

Complaints from high security prisons accounted for 30% of completed investigations, despite high security prisoners making up only 7% of the male prison population.62

The daily prison food budget within public sector prisons for 2014–15 was £2.02 per person.63
Overcrowding and changes to the prison estate

Overcrowding

Prison overcrowding is defined by the prison service as a prison containing more prisoners than the establishment’s Certified Normal Accommodation (CNA). CNA represents “the good, decent standard of accommodation that the [prison] service aspires to provide all prisoners.”

The prison system as a whole has been overcrowded in every year since 1994. Overcrowding affects whether activities, staff and other resources are available to reduce risk of reoffending.

At the end of October 2016, 77 of the 117 prisons in England and Wales were overcrowded—holding 9,762 people more than they were designed to.

20,995 people were held in overcrowded accommodation on average in 2015–16—nearly a quarter of the prison population. The majority were doubling up in cells designed for one.

This level of overcrowding has remained broadly unchanged for the last 12 years.

Overcrowding remains a significant problem. Particularly in local and category C training prisons, where most prisoners are held.

Nearly half (49%) of male local prisons are overcrowded.

Changes to the prison estate

£1.3bn has been announced to invest in reforming and modernising the prison estate. The government has committed to build nine new prisons, five of these by 2020.

A new 2,106 place prison in Wrexham, North Wales is currently under construction and is scheduled to open from early 2017 at a cost of £212m.

Eighteen prisons have closed since 2011 and a further two have transferred to the private sector.

Following the closure of HMP Holloway this year there is now no prison for women in London. Women are now sent 23 miles away to HMP Bronzefield in Surrey; 19 miles away to HMP Downview on the Surrey border; over 90 miles to HMP Peterborough or even further afield.

A further 78 places have been opened at HMP Eastwood Park in Kent.
**Prison service resources and staffing**

**Resources**

The National Offender Management Service (NOMS) has reduced its budget by nearly a quarter since 2010–11. Between 2010–11 and 2014–15 it delivered cumulative savings of £900m.\(^77\)

NOMS had a savings target of a further £91m for 2015–16.\(^78\) However they failed to meet this, spending £210m more than the year before. This was mostly due to increased costs in staffing for the National Probation Service, new facilities management contracts and Community Rehabilitation Company contracts.\(^79\)

The cost of a prison place reduced by 20% between 2009–10 and 2015–16. The average annual overall cost of a prison place in England and Wales is now £35,182.\(^80\)

**Staffing**

There are now fewer staff looking after more prisoners. The number of frontline operational staff employed in the public prison estate has fallen by over a quarter (26%) in the last six years—6,335 fewer staff looking after 450 more people. There are over 500 fewer staff in the last year alone.\(^81\)

There is currently an overall shortfall of 800 frontline operational staff against target ‘Benchmark’ numbers.\(^82\) The government has committed to recruit a further 2,500 additional officers by 2018.\(^83\)

13.5% of frontline operational staff appointed in 2014–15 quit within their first year.\(^84\)

Staff shortages have required the use of detached duty. During June 2015, there were 270 people redeployed to a different prison to ensure that there was a safe number of staff.\(^85\)

Prisons are faced with high sickness levels amongst staff. In 2015–16 the average number of working days lost to sickness absence was 10.4 days, a rise from 9.8 days in 2011–12.\(^86\)

Assaults on staff have risen by 43% in the last year alone—with 5,954 in the year to June 2016.\(^87\)
Private prisons

The UK has the most privatised prison system in Europe. In England and Wales there were 15,992 people (19% of the prisoner population) held in private prisons as at 28 October 2016. 88

There are a total of 14 private prisons in England and Wales—they are contracted to three companies. 89

10 of these are currently financed, designed, built and operated by the private sector on contracts of 25 years or more. Contracts for Doncaster, Birmingham, Oakwood and Northumberland are for 15 years each. 90

In 2015–16 the overall cost of private prisons was £508.4m—£10.5m more than the year before. 91

A total of £2.7m has been levied from eight private prisons for breach of contract since 2010—there were 100 separate instances of breach. 92

The National Offender Management Service (NOMS) hopes to deliver ongoing annual savings of £306m (15%) in public sector prisons through contracting works and facilities management services in public prisons. 93 Five year contracts totalling nearly £470m have been awarded to Carillion and Amey. 94

However, concerns have been raised about performance by Carillion—with long delays in repair and maintenance work, and shortages of toothbrushes, towels and soap cited by Independent Monitoring Boards. 95

Performance

National Offender Management System prison ratings 2015–16

<table>
<thead>
<tr>
<th>Prison</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Altcourse</td>
<td>3</td>
</tr>
<tr>
<td>Ashfield</td>
<td>3</td>
</tr>
<tr>
<td>Birmingham</td>
<td>3</td>
</tr>
<tr>
<td>Bronzefield</td>
<td>3</td>
</tr>
<tr>
<td>Doncaster</td>
<td>1</td>
</tr>
<tr>
<td>Dovegate</td>
<td>2</td>
</tr>
<tr>
<td>Forest Bank</td>
<td>3</td>
</tr>
<tr>
<td>Lowdham Grange</td>
<td>3</td>
</tr>
<tr>
<td>Northumberland</td>
<td>2</td>
</tr>
<tr>
<td>Oakwood</td>
<td>3</td>
</tr>
<tr>
<td>Parc</td>
<td>3</td>
</tr>
<tr>
<td>Peterborough (Female)</td>
<td>3</td>
</tr>
<tr>
<td>Peterborough (Male)</td>
<td>3</td>
</tr>
<tr>
<td>Rye Hill</td>
<td>3</td>
</tr>
<tr>
<td>Thameside</td>
<td>3</td>
</tr>
</tbody>
</table>

Rating 4—Exceptional performance
Rating 3—Meeting the majority of targets
Rating 2—Overall performance is of concern
Red—worse than previous year

90 Hansard HC, 4 December 2013, c719W
91 Table 3, Ministry of Justice (2016) Costs per prison place and cost per prisoner by individual prison establishment 2015 to 2016 tables, Prison performance statistics 2015 to 2016, London: Ministry of Justice and Table 3, Costs per prison place and cost per prisoner by individual prison establishment 2014 to 2015: restated tables
PEOPLE IN PRISON
# Social characteristics of adult prisoners

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Prison population</th>
<th>General population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taken into care as a child</td>
<td>24% (31% for women, 24% for men)</td>
<td>2%</td>
</tr>
<tr>
<td>Experienced abuse as a child</td>
<td>29% (53% for women, 27% for men)</td>
<td>20%</td>
</tr>
<tr>
<td>Observed violence in the home as a child</td>
<td>41% (50% for women, 40% for men)</td>
<td>14%</td>
</tr>
<tr>
<td>Regularly truant from school</td>
<td>59%</td>
<td>5.2% (England) and 4.8% (Wales)</td>
</tr>
<tr>
<td>Expelled or permanently excluded from school</td>
<td>42% (32% for women, 43% for men)</td>
<td>In 2005 &gt;1% of school pupils were permanently excluded (England)</td>
</tr>
<tr>
<td>No qualifications</td>
<td>47%</td>
<td>15% of working age population</td>
</tr>
<tr>
<td>Unemployed in the four weeks before custody</td>
<td>68% (81% for women, 67% for men)</td>
<td>7.7% of the economically active population are unemployed</td>
</tr>
<tr>
<td>Never had a job</td>
<td>13%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Homeless before entering custody</td>
<td>15%</td>
<td>4% have been homeless or in temporary accommodation</td>
</tr>
<tr>
<td>Have children under the age of 18</td>
<td>54%</td>
<td>Approximately 27% of the over 18 population*</td>
</tr>
<tr>
<td>Are young fathers (aged 18–20)</td>
<td>19%</td>
<td>4%</td>
</tr>
<tr>
<td>Have symptoms indicative of psychosis</td>
<td>16% (25% for women, 15% for men)</td>
<td>4%</td>
</tr>
<tr>
<td>Identified as suffering from both anxiety and depression</td>
<td>25% (49% for women, 23% for men)</td>
<td>15%</td>
</tr>
<tr>
<td>Have attempted suicide at some point</td>
<td>46% for women, 21% for men</td>
<td>6%</td>
</tr>
<tr>
<td>Have ever used Class A drugs</td>
<td>64%</td>
<td>13%</td>
</tr>
<tr>
<td>Drank alcohol every day in the four weeks before custody</td>
<td>22%</td>
<td>16% of men and 10% of women reported drinking on a daily basis</td>
</tr>
</tbody>
</table>

Prison population data taken from Results from the Ministry of Justice Surveying Prisoner Crime Reduction (SPCR) survey published in:

General population data taken from:

*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.
People on remand

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

People remanded to custody to await trial are innocent until proven guilty. 37,002 people were sent to prison before their trial in the year to June 2016.96

More than half (56%) of people entering prison on remand awaiting trial are accused of non-violent offences—17% were for theft offences, and 10% for drug offences.97

People may also be remanded to custody after they have been found guilty, but are yet to be sentenced. 23,066 people were remanded into prison awaiting sentence in the year to June 2016.98

People on remand currently make up 11% of the total prison population—9,288 people. The majority are awaiting trial (68%), whilst the rest await sentencing.99

More than one in ten people (10,631) remanded in custody during the year to June 2016 were subsequently acquitted. A further 15% of people (14,378) received a non-custodial sentence.100

People spend an average of just over 10 weeks in custody whilst on remand.101 However, some may be held considerably longer.

Remand prisoners receive no financial help from the prison service at the point of release. Those acquitted receive no compensation.

Treatment and conditions

Two in every five self-inflicted deaths in 2015 were by prisoners held on remand.102

In prison inspectorate surveys, just under half (47%) of remand prisoners concerned about bail said they had found it difficult to get bail information.103

High rates of both unconvicted (40%) and unsentenced (37%) people on remand reported to inspectors that they were not involved in any purposeful activity within the prison.104

Children on remand

Use of remand for children has plummeted in the last eight years—the average number of children on remand is 62% lower than its peak in 2007.105

On average 240 children were in held in prison on remand in 2015. They account for just under a quarter (23%) of the children in prison—this has remained roughly the same over the last eight years.106

Nearly a third (32%) of children remanded into custody were subsequently acquitted in 2015—a further third (34%) were given a non-custodial sentence.107

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96 Table 2.3a, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
97 Table 2.3b, Ibid.
98 Table 2.3a, Ibid.
102 Table 1.8, Ministry of Justice (2016) Safety in custody statistics quarterly update to December 2015, London: Ministry of Justice
104 Ibid.
106 Ibid.
107 Table 6.5a, Ibid.
Black and minority ethnic prisoners

26% of the prison population, 22,236 people, are from a minority ethnic group.\textsuperscript{108} This compares to 14% of the general population.\textsuperscript{109}

12% of British prisoners are black and 8% are Asian.\textsuperscript{110} For black Britons this is four times higher than the 3% of the general population they represent.\textsuperscript{111}

Analysis conducted for the Lammy Review found a clear direct association between ethnic group and the odds of receiving a custodial sentence. With black people 53%, Asian 55%, and other ethnic groups 81% more likely to be sent to prison for an indictable offence at the Crown Court, even when factoring in higher not-guilty plea rates.\textsuperscript{112}

The number of people in prison of mixed ethnicity has nearly doubled since 2004 and there are nearly 80% more Asian people in prison—during the same period the number of white people in prison increased by 22%.\textsuperscript{113}

Whilst the number of black people in prison rose by 4% over the same period, numbers have been falling steadily, dropping 17% since 2008.\textsuperscript{114}

Black men are 26% more likely than white men to be remanded in custody. They are also nearly 60% more likely to plead not guilty.\textsuperscript{115}

The number of white people sentenced for drug offences fell by 20% between 2010 and 2014—for black people the number fell by only 10%.\textsuperscript{116}

Muslim prisoners

The number of Muslim prisoners has more than doubled over the past 14 years. In 2002 there were 5,502 Muslims in prison, by 2016 this had risen to 12,663. They now account for 15% of the prison population.\textsuperscript{117}

Muslims in prison are far from being a homogeneous group. Some were born into Muslim families, and others have converted. 41% are Asian, 31% are black, 14% are white and 8% are mixed.\textsuperscript{118}

Only one per cent of Muslims in prison are currently there for terrorism related offences.\textsuperscript{119}

Despite this they make up half of all people held in close supervision centres (CSCs)—25 of 50 people. CSCs are designed to manage highly disruptive and high risk prisoners who have demonstrated violent and/or highly disruptive behaviour.\textsuperscript{120}

Treatment and conditions

Black and minority ethnic (BME) and Muslim prisoners often report more negatively about their experience in prison and relationships with staff. Fewer said they felt safe on their first night or at the time of the inspectorate’s survey; fewer had a member of staff they could turn to for help, fewer said staff treated them with respect, and more said they had been victimised by staff.\textsuperscript{121}

A disproportionate number of black people in prison are held in segregation, and held there for long periods. Between January to March 2014 they accounted for 15.5% of people in segregation and 18.5% of those segregated for longer than 85 days, but only 12.6% of the prison population.\textsuperscript{122}

\textsuperscript{108} Table 1.4, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
\textsuperscript{110} Table 1.4, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
\textsuperscript{112} Hopkins, K., et al. (2016) Associations between ethnic background and being sentenced to prison in the Crown Court in England and Wales in 2015, London: Ministry of Justice
\textsuperscript{113} Table A1.9, Ministry of Justice (2016) Offender management statistics prison population 2016, London: Ministry of Justice
\textsuperscript{114} Ibid.
\textsuperscript{115} Table 5.3, Uhrig, N. (2016) Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales, London: Ministry of Justice
\textsuperscript{117} Table A1.10, Offender management statistics prison population 2016, London: Ministry of Justice
\textsuperscript{118} Table A1.12, Ministry of Justice (2014) Offender management statistics annual tables 2013, London: Ministry of Justice
Gypsy, Roma and Traveller prisoners

5% of prisoners say they are Gypsy, Romany or Traveller, compared to an estimated 0.1% of the general population in England. However, “there is evidence of a possible reluctance by many prisoners to identify themselves as such.”

Disproportionality—a growing problem?

BME men more likely to be arrested, plead not guilty and be sent to prison by the Crown Court

Deviation from 0% shows evidence of disproportionality compared to white men
If it is above 0% it is more likely to occur than for white men
If it is below 0% it is less likely to occur than for white men

Source: Ministry of Justice (2016), Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

Drugs and disproportionality in arrests and the Crown Court

BME men over 5 times more likely to be arrested

Source: Ministry of Justice (2016), Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

Black and mixed ethnicity prisoners are more likely to get an adjudication—but less likely for it to be proven

Source: Ministry of Justice (2016), Black, Asian and minority ethnic disproportionality in the criminal justice system in England and Wales

Fewer black and minority ethnic and Muslim prisoners say that staff treat them with respect—and the gap persists


124 Department for Communities and Local Government (2012), Progress report by the ministerial working group on tackling inequalities experienced by Gypsies and Travellers, London: CLG
Older people in prison

Older prisoners can be split into four main profiles, each with different needs:

**Repeat prisoners.** People in and out of prison for less serious offences and have returned to prison at an older age.

**Grown old in prison.** People sentenced for a long sentence prior to the age of 50 and have grown old in prison.

**Short-term, first-time prisoners.** People sentenced to prison for the first time for a short sentence.

**Long-term, first-time prisoners.** People sentenced to prison for the first time for a long sentence, possibly for historic sexual or violent offences.

Many experience chronic health problems prior to or during imprisonment as a result of poverty, poor diet, inadequate access to healthcare, alcoholism, smoking and other substance abuse. The psychological strains of prison life can further accelerate the ageing process.

The Prison Reform Trust, along with HMCIP, Age UK and other organisations has called for a national strategy for work with older people in prison, something the Justice Committee agreed with and has stated: "It is inconsistent for the Ministry of Justice to recognise both the growth in the older prisoner population and the severity of their needs and not to articulate a strategy to properly account for this."126

The Care Act means that local authorities now have a duty to assess and give care and support to people who meet the threshold for care and are in prisons and probation hostels in their area. However inspectors found that in many prisons too little had been done to prepare and plan for these new arrangements.

With prison sentences getting longer, people are growing old behind bars. People aged 60 and over are the fastest growing age group in the prison estate. There are now nearly triple the number there were 14 years ago.127

15% of the prison population are aged 50 or over—12,710 people. Of these, 3,051 are in their 60s and a further 1,409 people are 70 or older.128

On 30 June 2015 there were 134 people in prison aged 80 and over.129

42% of men in prison aged over 50 have been convicted of sex offences. The next highest offence category is violence against the person (25%) followed by drug offences (11%).130

Over a quarter (27%) of people serving indeterminate sentences are aged 50 or over. 2,257 people were serving life sentences and a further 816 were serving an Indeterminate Sentence for Public Protection (IPP).131

Treatment and conditions

As the prison population ages, more people will die of natural causes whilst in prison. 113 people aged 50 or over died of natural causes whilst in prison in 2015—more than double the number a decade ago.132

Six out of 10 older prisoners (59%) report having a long-standing illness or disability. This compares with just over a quarter (27%) of younger prisoners.133

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128 Ibid.
129 House of Lords written question HL1895, 16 September 2015 and HL2447, 14 October 2015
132 Table 1.3, Ministry of Justice (2016) Safety in custody statistics quarterly update to June 2016, London: Ministry of Justice
People aged 50 or older are more likely to say they had been victimised because of their disability, medication, age or the nature of their offence. However they are more positive than younger people about most aspects of prison life.  

Older prisoners interviewed on entering prison for the first time often suffered from ‘entry shock’. This was made worse by a lack of information and an unfamiliarity with prison regimes and expectations. Delays in accessing health care and receiving medication were a particular cause of concern.

**Resettlement**

Our 2010 report, Doing Time found that 59 out of 92 prisons had nothing specific in place to support the resettlement needs of this group.  

A National Institute for Health Research study found that release planning for older prisoners was frequently non-existent. The lack of information received by prisoners in preparation for their release caused high levels of anxiety. Many reported minimal or no contact from probation workers or offender managers.

Three out of a total of five prisons surveyed said that their health care centre helped older people to register with a GP as part of their resettlement support. However, 13 out of a total of 14 former prisoners surveyed said they had no referral to a local GP. Despite the small size of the sample, the study suggests that many older people are being released without the continuity of medical care they require.

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%,

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139 Prison Reform Trust, information from NOMS Equality Group, 9 November 2011
Life and indeterminate sentences

Increasing numbers of people in prison don’t know if, or when, they might be released. Indeterminate sentences account for 15% of the sentenced prison population, up from 9% in 1993.\textsuperscript{140}

England and Wales have more than twice as many people serving indeterminate sentences than France, Germany and Italy combined—\textit{the highest in Europe by a significant margin.}\textsuperscript{141}

11,178 people are currently in prison serving an indeterminate sentence.\textsuperscript{142}

They must serve a minimum period in prison, set by the courts, before they can be considered for release by the Parole Board.

However, the Parole Board is under continued pressure to hold more hearings following a 2013 Supreme Court judgement. The number of completed oral hearings has nearly doubled in five years.\textsuperscript{143}

The cases of 2,093 people are still awaiting a decision from the Parole Board—\textit{potentially delaying their release.} It is planning to reduce this to 1,200 by December 2017.\textsuperscript{144}

Despite this, there is evidence that the backlog has begun to fall. The number of oral hearings listed each month has risen from 440 in 2013 to in excess of 700 in 2015.\textsuperscript{145}

\textbf{Indeterminate Sentence for Public Protection (IPP)}

Despite its abolition in 2012 there are still 3,859 people in prison serving an IPP sentence who have yet to be released. A further 662 people have been recalled to custody following their release.\textsuperscript{146}

Over four-fifths (83%) are still in prison despite having passed their tariff expiry date—\textit{the minimum period they must spend in custody and considered necessary to serve as punishment for the offence.}\textsuperscript{147}

16\% of people currently serving an IPP have a tariff of less than two years, and 43\% have a tariff of between two and four years.\textsuperscript{148}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{indeterminate_prison_sentences_in_europe.png}
\caption{Indefinitely maybe? Use of indeterminate prison sentences in Europe}
\end{figure}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{the_legacy_of_the_ipp.png}
\caption{The legacy of the IPP More than eight in 10 are stuck in prison beyond tariff}
\end{figure}

\begin{table}[]
\centering
\begin{tabular}{|l|c|c|}
\hline
Country & Life & IPP \\
\hline
England & 7,319 & 3,859 \\
Other European countries* & 6,600 & 9,000 \\
\hline
\end{tabular}
\caption{People in prison on an IPP}
\end{table}

\begin{table}[]
\centering
\begin{tabular}{|l|c|c|}
\hline
Group & People \\
\hline
Less than 2 years & 820 \\
2–4 years & 3,200 \\
\hline
\end{tabular}
\caption{Nearly three-quarters of these had a tariff of four years or less}
\end{table}


\textsuperscript{141} Table 7, Aebi, M., et al. (2016) Council of Europe Annual Penal Statistics, Survey 2014, Strasbourg: Council of Europe

\textsuperscript{142} Table 1.9a, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice


\textsuperscript{144} HM Inspectorate of Prisons (2016) Unintended consequences: Finding a way forward for prisoners serving sentences of imprisonment for public protection, London: HMIP


\textsuperscript{146} Table 1.9a, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice

\textsuperscript{147} Ibid.

\textsuperscript{148} Ibid.
634 people are still in prison despite being given a tariff of less than two years—222 have served between eight and 10 years beyond their original tariff, still held in prison.\(^\text{149}\)

However, the rate of release for IPP prisoners has increased sharply in the past year. In 2015 for every 1,000 people serving an IPP sentence 122 were released.\(^\text{150}\)

The Lord Chancellor has the power to change the release test for IPP prisoners—but this power has yet to be used.\(^\text{151}\)

“[T]he time has now come, indeed has long since passed, for the Lord Chancellor to exercise the power he has been given…If these prisoners were being sentenced today they would be given a determinate sentence…at the end of which they would be released…those serving these sentences should, so far as possible, be brought into line with what would be lawful now.”\(^\text{152}\)

Lord Lloyd, former law lord

### Life sentences

7,319 people are currently in prison serving a life sentence. Over half (53%) had a tariff of 10–20 years, nearly a quarter (24%) had up to 10 years and a one-in-five (21%) had 20 years or more.\(^\text{153}\)

Nearly a third (31%) of people currently in prison on a life sentence have already served their minimum tariff.\(^\text{154}\)

People serving mandatory life sentences are spending more of their sentence in prison. On average they spend 17 years in custody, up from 13 years in 2001.\(^\text{155}\)

Judges are also imposing longer tariff periods.\(^\text{156}\) The average minimum term imposed for murder rose from 12.5 years in 2003 to 21 years in 2013.\(^\text{157}\)

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

There are currently 56 people serving a whole life sentence—they are unlikely to ever be released.\(^\text{158}\)

Inspectors found it was often harder for men on life sentences to access courses, particularly sex offenders, as many were only run for determinate sentence prisoners. Spaces were also often taken by IPP prisoners who were treated as a higher priority especially if they were beyond tariff.\(^\text{159}\)

The vast majority of life sentenced prisoners are successfully integrated back into the community on release. 3.5% of those sentenced to a mandatory life sentence reoffended on release, compared to 46% of the overall prison population.\(^\text{160}\)

149 Table 1.9b, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
151 Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 128
153 Table 1.9a, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
154 Ibid.
158 Table 1.9a, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice

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### Risk of harm?

IPP prisoners are more likely to self-harm

<table>
<thead>
<tr>
<th>Year</th>
<th>Self-harm incidents per 1,000 prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>550 IPP</td>
</tr>
<tr>
<td>2011</td>
<td>550 IPP</td>
</tr>
<tr>
<td>2013</td>
<td>324 Determinate sentence</td>
</tr>
<tr>
<td>2015</td>
<td>200 Life</td>
</tr>
</tbody>
</table>

Source: Safety in custody statistics quarterly update to December 2015 and Offender management statistics prison population 2015
People with learning disabilities or difficulties are discriminated against personally, systemically and routinely as they enter and travel through the criminal justice system. They are frequently excluded from elements of the prison regime including opportunities to address their offending behaviour.161

Following a review by Lord Bradley of people with mental health and learning disabilities in the criminal justice system, and his subsequent report (The Bradley Report, 2009), the government invested in liaison and diversion services in police custody suites and the criminal courts. Liaison and diversion services help to identify people with mental health and learning disabilities, autism and other needs as early as possible as they enter the criminal justice system. Information from liaison and diversion services helps to inform criminal justice decision making and referrals into local services, as appropriate, including diversion away from the criminal justice system.

A joint inspection of the treatment of offenders with learning disabilities, published in 2015, found that improvements to services for this group have been limited and slow to implement; there was evidence that many prisons and probation trusts were either unaware of or unwilling to implement National Offender Management Service instructions and the Equality Act 2010, with probation and prison leaders often unclear of their statutory duty to make reasonable adjustments to services for people with a disability.

The Care Act 2014 places a duty on local authorities to assess the social care needs of prisoners and people living in probation hostels and, where eligible needs are identified, to ensure the necessary care and support is provided. While there are examples of promising practice, progress has been slow.

20–30% of people in prison have learning disabilities or difficulties that interfere with their ability to cope with the criminal justice system.162 However, inspectors found that people with learning disabilities or difficulties are not identified adequately.163

7% of people in contact with the criminal justice system have a learning disability—this compares with only 2% of the general population.164

Inspectors found that “little thought was given to the need to adapt regimes to meet the needs of prisoners with learning disabilities who may find understanding and following prison routines very difficult.”165

Prisoners with learning disabilities or difficulties are more likely than other prisoners to have broken a prison rule; they are five times as likely to have been subject to control and restraint, and around three times as likely to report having spent time in segregation.166

Prisoners with learning disabilities or difficulties were almost three times as likely as other prisoners to have clinically significant anxiety or depression—many were both anxious and depressed.167

Over half of prison staff believe that prisoners with learning disabilities or difficulties are more likely to be victimised and bullied than other prisoners.168 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.169

Despite isolated good practice, for example at HMPs Parc and Littlehey, inspectors found that there has been a lack of focus and leadership from central government which has meant that little discernible progress has been made in improving the lives of this vulnerable group of offenders.170

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167 Ibid.
The government has invested £75m in liaison and diversion services in police custody suites and the criminal courts.\footnote{Department of Health website, accessed on 21 April 2015, available at https://www.gov.uk/government/news/extra-funding-for-mental-health-nurses-to-be-based-at-police-stations-and-courts-across-the-country}

There is 53% population coverage of liaison and diversion services across England, which will rise to 75% by 2018—full roll out of services should be achieved by 2020–21.\footnote{Ibid.}

People who were referred valued liaison and diversion workers. They provided reassurance during a distressing time, giving practical support for referrals into local services as well as advocacy.\footnote{Disley, E., et al. (2016) Evaluation of the offender liaison and diversion trial schemes, Cambridge: RAND}

There was also a small but significant increase in the number and proportion of adults offered appointments with learning disability services and support for financial need.\footnote{Ibid.}

An independent review found that “significant progress has been made towards achieving the vision laid out in The Bradley Report. The Crisis Care Concordat, the National Liaison and Diversion Development Programme...and Street Triage pilots are considerable achievements”.\footnote{Durcan, G., et al. (2014) The Bradley report five years on: an independent review of progress to date and priorities for further development, London: Centre for Mental Health}

However, it repeated Lord Bradley's call for mental health and learning disability awareness training for all frontline criminal justice and health staff, which should be regularly updated.\footnote{Ibid.}

To ensure 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. As of September 2016 the coalition comprises 35 allied professional groups and charities representing almost two million people across the health, social care and justice sectors and wider civic society.

In 2013 the Welsh Government published policy implementation guidance for Criminal Justice Liaison Services in Wales. A survey in 2016 found some local innovative practice but that understanding of the service, availability of provision and collaboration varied across Wales. Service improvements will be taken forward as part of the Welsh Government’s delivery plan for Together for Mental Health.\footnote{Correspondence between the Prison Reform Trust, Welsh Government, Department of Health and Social Services}

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### Learning disabilities and difficulties in prisons

**Struggling to understand and be understood**

- **Problems reading prison information**: 85% of people with possible learning disabilities struggle
- **Problems filling in prison forms**: 78% of people with possible learning disabilities struggle
- **Problems making themselves understood**: 50% of people with possible learning disabilities struggle

Source: Prison Reform Trust, Prisoners’ Voices: Experiences of the criminal justice system by prisoners with learning disabilities and difficulties
Foreign nationals in prison

The term ‘foreign national prisoner’ encompasses many different people. People may have come to the UK as children with parents, or are second generation: often from former colonies, asylum seekers or people who have been given indefinite leave to remain as refugees, European and European Economic Area nationals or Irish nationals, trafficked persons or people who would be persecuted if they returned to their country of origin, people who were entering or leaving the UK, on false documents, and were arrested at port of entry/exit, those who have entered the UK illegally or were in the UK as students, visitors or workers who have got involved in the criminal justice system.

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 defined exceptions. People contesting their deportation because they have family in the UK are no longer entitled to legal aid.

The United Kingdom has prisoner transfer arrangements with over 100 countries and territories. 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. However transfers within the EU, and to Nigeria and Albania can take place without the consent of the prisoner; the implications of the decision to leave the EU on the transfer agreement are as yet unclear. The government signed a transfer agreement with Jamaica in September 2015 and will provide £25m from the aid budget to help fund the construction of a new 1500-place prison.

People who have served their sentence but are not UK nationals can be held in prison after their sentence has finished, released or moved to an immigration detention centre.

The Legal Aid, Sentencing and Punishment of Offenders Act introduced a new Tariff Expired Removal Scheme (TERS) for indeterminate foreign national prisoners. The scheme allows indeterminate foreign national prisoners, who are confirmed by UK Visas and Immigration to be liable for 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. TERS is mandatory; all indeterminate foreign national prisoners who are liable must be considered for removal under the scheme.
Foreign nationals (non-UK passport holders) currently make up 12% of the prison population in England and Wales. On 30 June 2016 there were 9,980 foreign nationals in prison.\(^{178}\)

Foreign national prisoners come from 172 countries—but over half are from nine countries (Poland, Ireland, Romania, Albania, Jamaica, Lithuania, Pakistan, India and Somalia).\(^{179}\)

There was a rapid increase in foreign national prisoners between 2002–08. Numbers rose by nearly 50%, compared with a 13% increase in British nationals. Since then, numbers have very steadily fallen.\(^{180}\)

11% of women in prison are foreign nationals.\(^{181}\) Some are known to have been coerced or trafficked into offending.\(^{182}\)

Three-quarters of foreign nationals entering prison to serve a sentence in 2015 were sent there for non-violent offences.\(^{183}\)

Foreign nationals accounted for nearly 20% of self-inflicted deaths investigated by the Prisons and Probation Ombudsman in 2015–16.\(^{184}\)

**Removal and deportation**

822 people are not serving criminal sentences but are held administratively under Immigration Act powers in Immigration Removal Centres.\(^{185}\)

More than 29,000 foreign national offenders have been removed from the UK since 2010.\(^{186}\) 5,891 of these were removed in the year ending June 2016.\(^{187}\)

The average number of days taken to remove a foreign national offender is currently 121 days—however many people are detained for considerably longer.\(^{188}\)

100 people are still in detention after a year or more, awaiting deportation.\(^{189}\)

**Immigration detainees**

427 people were still held in prison at the end of June 2016 under immigration powers, despite having completed their custodial sentence.\(^{190}\)

People held in Immigration Removal Centres are entitled access to mobile phones, the internet, legal advice and additional safeguards.\(^{191}\)

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, has stated that holding immigration detainees in prison is “fundamentally flawed”.\(^{192}\) A 2013 inspection of HMP Pentonville found that it was not a suitable environment to hold immigration detainees.\(^{193}\)

An inspection of HMP Wormwood Scrubs found a man still in prison 18 months after completing his sentence.\(^{194}\)

Over £18m has been awarded in compensation for the unlawful detention of foreign nationals since 2011.\(^{195}\)

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\(^{178}\) Table 1.7, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice

\(^{179}\) Ibid.


\(^{181}\) Table 1.7, Ministry of Justice (2016) Offender management statistics quarterly: April to June 2016, London: Ministry of Justice


\(^{183}\) House of Commons written question 36554, 11 May 2016


\(^{186}\) House of Commons written question 35472, 25 April 2016


\(^{189}\) Ibid.

\(^{190}\) European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2013) CPT Standards, Strasbourg: Council of Europe


\(^{193}\) House of Commons Home Affairs Committee (2016) The work of the immigration directorates (Q4 2015), London: The Stationery Office
Women in prison

Women are a minority within the criminal justice system, accounting for around 15% of the probation caseload and less than 5% of the prison population. The drivers to their offending differ significantly from mens’ and they often have more complex needs.

A series of inquiries and reports in recent decades have all concluded that prison is rarely a necessary, appropriate or proportionate response to women who get caught up in the criminal justice system. It is nearly ten years since the influential Corston Report on women in contact with the criminal justice system.

The House of Commons Justice Committee, following its inquiry into women offenders, concluded that “prison is an expensive and ineffective way of dealing with many women offenders who do not pose a significant risk of harm to public safety” and called for “a significant increase in residential alternatives to custody as well as the maintenance of the network of women’s centres” seen as “more effective, and cheaper…than short custodial sentences”.

Ministers in England, Wales and Scotland have all recently committed to reducing women’s imprisonment. For data on women in Scotland and Northern Ireland please see pages 53 and 57.

Use of custody

The number of women in prison nearly trebled between 1993 and 2005. Numbers have started slowly to reduce, but there are still nearly 2,300 more women in prison today than there were in 1993. On 25 November 2016 there were 3,921 women in prison in England and Wales. 8,562 women were sent to prison in the year to June 2016, either on remand or to serve a sentence. Yet most women entering prison under sentence (84%) have committed a non-violent offence. Theft offences accounted for half of all custodial sentences given to women in 2015. More women were sent to prison in the year to June 2016 to serve a sentence for theft than for violence against the person, robbery, sexual offences, fraud, drugs, and motoring offences combined. As a result, most women entering prison serve very short sentences. 70% of sentenced women entering prison in the year to June 2016 were serving six months or less. This has grown significantly since 1993 when only a third of women were given these very short sentences.

Rehabilitation and resettlement

48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences. The number of women recalled to custody whilst under supervision following their release has increased by over four-fifths (82%) since the end of 2014. 1,379 women were recalled in the year to June 2016. Women released from prison are more likely to reoffend, and reoffend earlier, than those serving community sentences.

Women are often inadequately prepared for release from prison. Just 8.5% of women leaving prison secured employment. For men the proportion was 26.2%.
Women are more likely to successfully complete their community sentence or licence period on release than men—95% of women compared with 76% of men.208

Family

Family contact can help reduce the risk of reoffending on release.209 Keeping in touch with loved ones is often made more difficult by being held in prison, many miles away from home. The average distance for women is 64 miles, but is often significantly more.210

It is estimated that more than 17,240 children were separated from their mother in 2010 by imprisonment.211

35 babies were held in prison in a mother and baby unit (MBU) in March 2016.212 Whilst Prime Minister, David Cameron committed to finding alternative ways of dealing with women offenders with babies.213

Applications for admission to an MBU were only successful in 63% of cases where a board made a decision. 64 women moved into a unit in 2015–16.214

Abuse and trauma

53% of women in prison reported experiencing emotional, physical or sexual abuse as a child, compared to 27% of men.215

46% of women in prison report having attempted suicide at some point in their lifetime. This is twice the rate of men (21%) and more than seven times higher than the general population (6%).216

Women accounted for 21% of all incidents of self-harm in prison in the year to June 2016 despite representing just 5% of the total population. Whilst this is lower than it has been historically, rates of self-harm amongst women have once again started to rise and remain significantly higher than for men.217

There were eight self-inflicted deaths of women in prisons in England and Wales in the year to September 2016—the highest number since 2007, when Baroness Corston published her report following the deaths of six women at HMP Styal within a 13-month period.218

Addictions

More than half (59%) of women in prison who drank in the four weeks before custody thought they had a problem with alcohol. 52% thought their drinking was out of control, and 41% wished they could stop.219

58% of women report having used Class A drugs in the four weeks before custody—compared with 43% of men.220

Nearly half of women report needing help with a drug problem on entry to prison—compared with nearly three in 10 men.221

Substance abuse treatment programmes, particularly when delivered in prison, can reduce women’s offending.222 However the number of women starting and completing substance misuse programmes fell by 92% and 89% respectively between 2009–10 and 2014–15.223

Nearly half of women (48%) and just over one-fifth of men (22%), reported having committed offences to support someone else’s drug use.224

219 Table 2, Ibid. and Corston, J (2007) A report by Baroness Joan Corston of a review of women with particular vulnerabilities in the criminal justice system, London: Home Office
221 Ibid.
Prison works?

Child custody has dropped significantly—and so has offending

Source: Youth Justice Board Monthly youth custody report March 2016 and Youth Justice Statistics 2014–15

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

Social characteristics of male and female prisoners

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Men</th>
<th>Women</th>
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<tr>
<td>Have experienced emotional, physical or sexual abuse</td>
<td>27%</td>
<td>53%</td>
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<tr>
<td>Committed their offence in order to support the drug use of someone else</td>
<td>22%</td>
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<td>12%</td>
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</tr>
<tr>
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<tr>
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</tr>
<tr>
<td>Have attempted suicide at some point</td>
<td>21%</td>
<td>46%</td>
</tr>
</tbody>
</table>

Sources:

Children in prison

Prison works?
Child custody has dropped significantly—and so has offending

Falling numbers—but declining safety
Restraint, assaults and self-harm amongst children rising

Source: Youth justice statistics 2014 to 2015

Source: Youth Justice Board Monthly youth custody report March 2016 and Youth Justice Statistics 2014–15
Children in prison

Use of custody

The number of children (under-18s) in custody has fallen by 71% in the last decade. They are also committing fewer crimes—with proven offences down by 71% from their peak in 2006.

At the end of September 2016 there were 877 children in custody in England and Wales. 36 children were aged 14 or younger.

29% of children in custody in 2014–15 were there for non-violent crimes.

Boys account for 97% of the children in custody. The number of girls in custody has fallen from around 240 in 2005 to fewer than 30 in 2016.

Fewer than 1% of all children in England are in care, but they make up nearly two-fifths of children in secure training centres (39%) and young offender institutions (37%).

Children in care were six times more likely to be sanctioned for an offence than children in the general population in 2014. The gap is widening; in 2010 it was more than two and a half times more likely.

More than two-fifths (44%) of children in custody are from a black or minority ethnic background. The drop in youth custody has not been as significant for black or minority ethnic children—in 2008 they accounted for a quarter (26%).

22% of children held in young offender institutions identified themselves as Muslim. 5% said that they were foreign nationals.

12% of children in secure training centres (STCs) said they were Gypsy, Romany or Traveller—nearly a hundred times greater than the estimated proportion in the general population. A further 7% of children in young offender institutions (YOIs) also said they were.

Nearly a third (32%) of children remanded in custody were subsequently acquitted in the year to March 2015. A further third (34%) were given a non-custodial sentence.

Safety in custody

Nearly half of children (46%) in YOIs said they had felt unsafe at some point, the highest figure ever recorded by inspectors. Inspectors found that for too many children in custody, violence, bullying and intimidation are a regular feature of life.

Outcomes for children in STCs had also deteriorated during 2015–16. Rainsbrook was inspected twice due to significant failings identified during the first inspection that brought into question whether the centre could hold children safely.

The situation at Rainsbrook did not appear to be unique. Following allegations made in a BBC TV programme, a team of inspectors made an unscheduled visit to Medway in January 2016. The National Offender Management Service took over the running of Medway from G4S in July 2016.

Rates of self-harm amongst children in custody continue to rise. There were 7.7 incidents of self harm per 100 children in the year to March 2015, a rise of 48% since 2013. On average there were 110 incidents of self-harm per month, involving 57 young people.

225 Table 1, Youth Justice Board (2016) Monthly youth custody report—September 2016, London: Ministry of Justice
227 Table 1 and 8, Youth Justice Board (2016) Monthly youth custody report—September 2016, London: Ministry of Justice
228 Table 7.5a, Ministry of Justice (2016) Youth Justice Statistics 2014–15 England and Wales, London: Ministry of Justice
234 Table 1 and 6, Youth Justice Board (2016) Monthly youth custody report—September 2016, London: Ministry of Justice
237 Table 6.5a, Ministry of Justice (2016) Youth justice statistics 2014 to 2015, London: Ministry of Justice
239 Ibid.
240 Ibid.
People in prison

Assault rates amongst children in custody are rising. There were 16 assaults per 100 children in custody in the year to March 2015, up from nine in 2010.242

Use of restraint on children in custody remains high. In the year to March 2015 there were 28 incidents of restraint per 100 children in custody, up from 18 in 2010.243 There were 429 injuries reported as a result of restraint in 2015.244

Children with disabilities have very poor perceptions of their safety—more than six in 10 had felt unsafe in their prison, and more than a third felt unsafe at the time it was being inspected.245

More than two-fifths (42%) of Muslim children in YOIs said that they had been victimised by staff—compared to fewer than one-in-three (29%) non-Muslims.246

11% of children in prison have attempted suicide at some point during their life.247

Drugs and alcohol

A third of boys in YOIs said they had a drug problem on arrival into custody—less than a quarter (22%) said they had received help and 7% said they had a current drug problem.248

Black and minority ethnic children were less likely to report having a drug addiction before entering custody—22% compared with 43% of white boys.249

Nearly a quarter (23%) of children said it was easy to get illegal drugs in their YOI.250

7% of boys said they had an alcohol problem on arrival into custody—4% said they had received help.251

Family

Just over half (51%) of children in STCs and only one in three (33%) children in YOIs said that they had visits at least once a week from family, carers or friends.252

Three-quarters of children in prison had an absent father, one-third had an absent mother. Two-fifths had been on the child protection register or had experienced neglect or abuse.253

One in 10 boys held in YOIs reported having children themselves.254

Education and skills

The educational background of children in custody is poor—almost nine out of 10 children (86%) in YOIs said they had been excluded from school.255

Almost two-fifths (37%) said that they were aged 14 or younger when they were last at school.256

76% of children in YOIs said they were taking part in education. However only 16% had a job, 16% said they were in offending behaviour programmes and 11% said that they were taking part in vocational or skills training—lower than at any point since 2010–11.257

Less than half children (44%) held in STCs said they had a care plan setting out targets for them to achieve while in custody.258

242 Ibid.
244 House of Commons written question 28142
251 Ibid.
256 Ibid.
258 Ibid.
Other approaches to children’s criminal responsibility

- **Sweden**: No sanction can be imposed for a crime committed before the age of 15. Imprisonment may only be imposed on under 18s if there are extraordinary reasons for it.

- **Algeria**: Before the age of 18, children have their cases dealt with by the Court for Minors. It cannot impose criminal sanctions. It 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 sanctions for children aged 10-13. Criminal sanctions for 13-15 year olds are half 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’ (2008)

Source: Prison Reform Trust research
Whilst the National Offender Management Service classify young adults as aged 18–20, evidence from the Transition to Adulthood Alliance suggests that the process of brain development and maturity takes place up to the age of 25. Therefore, the majority of these figures relate to people aged 18–20, and only 18–24 where explicitly specified.

Both the House of Commons Justice Committee and Lord Harris’ review into self-inflicted deaths in custody of young adult men aged 18 to 24 called for a “legal recognition of the concept of ‘maturity’. As well as chronological age, maturity should be a primary consideration in making decisions relating to diversion, sentencing and, where a custodial sentence must be given, how and where a young adult (18–24) should be accommodated.”

16,989 young adults (aged 18–24) are currently in prison in England and Wales—they account for 18% of the total prison population.259

There are now 30% fewer young adults (aged 18–24) in prison in England and Wales than in 2011.260

Despite this welcome reduction, the prisons inspectorate has cautioned that those who remain in custody are “some of the most vulnerable, troubled young adults”.261

Nearly two-fifths (38%) of young adults are in prison for violence against the person or robbery—over a third (34%) are there for a theft or drug offence.262

Safety in custody

People aged 18–24 accounted for 35% of all self-harm incidents in 2015.263

Only a third of young adult men (35%) said that, if they wanted to, they were able to speak to a Listener at any time—compared with half of adult men (52%).264

In more than four in ten assaults (42%) in 2015 the assailant was aged 18–24.265

More than one in 10 young adults (13%) surveyed said they had experienced some form of physical abuse from other prisoners—a similar proportion (10%) said staff had physically abused them.266

Treatment and conditions

Young adults have the least time out of cell of all prisoners. 38% said that they had less than two hours out of their cell on a weekday, and only 7% said they had over 10 hours.267

Purposeful activity, such as education and training opportunities, for young adults requires improvement. Only one of the three young adult prisons inspected this year was rated as reasonably good.268

Drugs and alcohol

Over half of young adults (18–24) in prison were assessed as having a drug problem.269 Nearly a third (31%) said it was easy or very easy to get drugs in their prison.270

24% of young adults (18–24) in prison were assessed as having an alcohol problem.271

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260 Ibid.
263 Table 2.3, Ministry of Justice (2016) Safety in custody statistics quarterly update to June 2016, London: Ministry of Justice
268 Ibid.
269 Table 1.3, Characteristics and needs of young adults in prison custody, England and Wales, Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
271 Table 1.3, Characteristics and needs of young adults in prison custody, England and Wales, Offender management statistics quarterly: April to June 2016, London: Ministry of Justice
HEALTH IN PRISON
Drugs and alcohol

Drugs

Chief Inspector of Prisons, Peter Clarke has said that new psychoactive substances (NPS) are “having a dramatic and destabilising effect in many of our prisons”.272 The growing use of NPS is leading to bullying, debt and medical emergencies requiring hospitalisation.273

More than a third (37%) of men, and 31% of women reported that it was easy to get drugs in their prison.274

The number of incidents where NPS drugs were found in prisons in England and Wales has jumped from 136 in 2011 to 4,261 in 2015—a rise of more than 30 times.275

In September, following a pilot in 34 prisons, nationwide mandatory testing for specified psychoactive substances was introduced in all prisons.276

There were 58 deaths in prison that occurred between June 2013 and January 2016, where the prisoner was known, or strongly suspected, to have been using NPS before their death. 39 of these were self-inflicted.277

There have been reports of prisoners, including at least one case where a man died, being given ‘spiked’ cigarettes. This was done by others who wanted to test new batches as a way of gauging the effect before taking it themselves.278

Lower rates of drug use were reported by people who spent more than ten hours a day out of their cells—13% compared with 19%.279

Inspectors have highlighted the importance of both peer and family support to reduce supply and demand of drugs in prisons—however many have inadequate peer support, and most offered no family support.280

9% of people reported that they had been pressured to give away their prescribed medication whilst in prison.281

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275 Smith, H. (2016) Press Association, ‘Seizure of former legal highs in prisons has rocketed in last five years’, London: PA
280 Ibid.
281 Ibid.
10% of women and 6% of men in prison reported that they had developed a problem with using prescription medication meant for other people whilst in prison.  

Four in ten women (41%) reported that they had a problem with drugs on arrival in prison—compared to over a quarter of men (27%).

Cannabis is the most commonly reported drug used before going into prison, followed by cocaine. Of those who reported taking drugs before prison 38% had taken cannabis and 29% had taken cocaine.

NPS use before going into prison was low relative to other substances with 6% reporting they had taken Spice/Black Mamba and 5% for other legal highs. Prisoners who said that they had used NPS in the community before going into prison had generally used it with other drugs or with illicit medication.

15% of men and 14% of women in prison are serving sentences for drug offences.

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

Nearly half of women in prison report having committed offences to support someone else’s drug use.

37% of women and 25% of men reported attending an accredited drugs programme whilst in prison—52% of women and 33% of men reported receiving some form of addiction treatment whilst in prison.

31% of people in prison receiving treatment for opioid addition were on a detox programme. Many people are not eligible to complete a structured drug treatment programme as their time in custody is not long enough.

**Alcohol**

In nearly half (47%) of all violent crimes the victim believed the offender or offenders to be under the influence of alcohol.

70% said they had been drinking when they committed the offence for which they were in prison. 38% of people surveyed in prison believed that their drinking was a big problem.

Women are nearly twice as likely to say they have a problem with alcohol on arrival to prison than men (30% against 16%).

One in five men said that it was easy to get alcohol in their prison—four times the level amongst women in prison.

58% of people surveyed said they had been offered support for their alcohol problems inside prison. However, only 22% found this support ‘very helpful’.

Only 40% of people surveyed were informed of help available for their drinking problems on release.
Mental health

There is currently insufficient data to identify how many people 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.

An independent review, conducted by the former Home Office minister, Lord Bradley (The Bradley Report, 2009) called for adequate community alternatives to prison for vulnerable people. Lord Bradley’s review heard evidence that 2,000 prison places per year could be saved if a proportion of eligible, short-term prisoners who committed offences while experiencing mental health problems were given appropriate community sentences.

Lord Bradley further called for all police custody suites and criminal courts to have access to liaison and diversion services. The government committed to invest in these services to identify and, where appropriate, divert people with mental health problems, learning disabilities and other support needs away from the criminal justice system and into treatment and care.

By April 2015 the government had invested £75m in liaison and diversion services. There is now 53% population coverage of liaison and diversion services across England, which will rise to 75% by 2018.

26% of women and 16% of men said they had received treatment for a mental health problem in the year before custody.297

25% of women and 15% of men in prison reported symptoms indicative of psychosis.298 The rate among the general public is about 4%.299

Suicide rates are significantly higher in custody than amongst the general population. In 2015 the rate of self-inflicted deaths amongst the prison population was 120 per 100,000 people, amongst the general population it is 10.8 per 100,000 people.300

70% of people who died from self-inflicted means whilst in prison had already been identified with mental health needs. However, the Prisons and Probation Ombudsman (PPO) found that concerns about mental health problems had only been flagged on entry to the prison for just over half of these people.301

The PPO’s investigation found that nearly one in five of those diagnosed with a mental health problem received no care from a mental health professional in prison.302

The PPO also found that no mental health referral was made when it should have been in 29% of self-inflicted deaths where mental health needs had already been identified.303

Inspectors found that many prisons had gaps in primary mental health care, in particular, an absence of counselling services.304

73% of transfers from prison to secure hospitals under the Mental Health Act in 2015–16 took more than 14 days, the Department of Health’s expectation.305

In half of the prisons inspected in 2015–16, patients waited too long to be transferred to NHS mental health units, and were often left to languish in segregation units for extended periods.306

9,093 people have been referred for mental health treatment since the start of liaison and diversion services in England. 13% were detained under the Mental Health Act and 3% were admitted to a mental health hospital.307

298 Ibid.
302 Ibid.
303 Ibid.
305 House of Commons written question 52459, 14 November 2016
307 House of Commons written question 27917, 26 February 2016
Disability and health

Disability and mobility needs within the prison population are both severe and commonplace. The House of Commons Justice Committee found that prisoners risk being isolated by a physical environment and regime which they cannot access. They recommended that older and disabled prisoners should no longer be held in institutions which are not able to meet their needs, or are unsuitable environments.

By law, prison governors must make reasonable adjustments to ensure that people with disabilities have full and equal access to a prison’s regime, including health care, education and visits.

However, HM Inspectorate of Prisons found that prisoners with a disability continue to report reduced access—including education or vocational training, access to the library, gym, exercise and association—compared to prisoners without a disability.

Since April 2013, NHS England became responsible for commissioning of all health services. Healthcare is a devolved responsibility in Wales.

The Care Act 2014 means that local authorities now have a duty to assess and give care and support to people who meet the threshold for care and are in prisons and probation hostels in their area.

Disability

36% of prisoners are estimated to have a physical or mental disability. This compares with 19% of the general population.\(^{308}\)

11% have a physical disability, 18% have a mental disability and 7% have both.\(^{309}\)

However, inspectors regularly found that disabled prisoners are not reliably identified.\(^{310}\)

The needs of many people requiring help or reasonable adjustments are not being met. The removal of Disability Liaison Officers in many prisons has also affected care.\(^{311}\)

Over half of people with a disability said they felt ‘extremely alone’ during their first days in prison (55%)—compared with around a third (36%) of people without a disability.\(^{312}\)

They also felt more ‘worried and confused’ when they arrived (60%)—compared with 42% of people without a disability.\(^{313}\)

Prisoners with disabilities are more negative about many key aspects of prison life.\(^{314}\)

More than half of prisoners with a disability report feeling unsafe (56%)—45% said they’d been victimised by other prisoners.\(^{315}\)

More than two-fifths (44%) of prisoners with a disability said they had been victimised by staff—a fifth said they were threatened or intimidated by staff.\(^{316}\)

Seven in 10 prisoners with a disability report having an emotional or mental health problem—compared with a quarter of people without a disability.\(^{317}\)

More than twice as many disabled prisoners (11%) reported that they had developed a problem with using prescription medication meant for other people whilst in prison than people without a disability (5%).\(^{318}\)

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309 Ibid.
311 Ibid.
313 Ibid.
315 Ibid.
316 Ibid.
317 Ibid.
318 Ibid.
A quarter of prisoners with a disability said they had harmed themselves at some point during their life (24%)—compared with 9% of people without a disability.\textsuperscript{319}

40% of prisoners with a disability said they had attempted suicide at some point during their life—compared with 15% of people without a disability.\textsuperscript{320}

Nearly one in five children (19%) held in young offender institutions said they had a disability.\textsuperscript{321}

Boys with disabilities were more likely to say they’d been victimised by other boys and staff, and felt unsafe at some time, including on their first night.\textsuperscript{322}

Health

The majority of health services for prisoners continued to be of a reasonably good standard according to inspectors. However in some prisons staff shortages continue to lead to late or missed appointments, cancelled external health appointments, and inpatient therapeutic support cut short.\textsuperscript{323}

Only just over a quarter of men (28%) and women (27%) said it was easy to see a doctor.\textsuperscript{324}

Seven in 10 women report currently taking medication, compared with just under half (48%) of men.\textsuperscript{325}

Approximately four times as many people in prisons smoke than in the general population.\textsuperscript{326}

Smoking was banned in all prisons in Wales in January 2016. Four early adopter sites in England (HMPs Exeter, Channings Wood, Dartmoor and Erlestoke) introduced a ban in March.\textsuperscript{327}

Only 30% of prisoners said they went to the gym three or more times a week.\textsuperscript{328} In some prisons, sessions were often cancelled because of staff shortages.

The Prisons and Probation Ombudsman found that end of life care is not universally good in prisons. 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.\textsuperscript{329}

People can apply for compassionate release if they have a life expectancy of less than three months, are bedridden or severely incapacitated.

The number of people released for compassionate reasons is low—between 2009 and 2013, 45 people were released.\textsuperscript{330}

Only 13 out of 78 people considered for compassionate release were granted release—26 died while the decision was pending.\textsuperscript{331}

\begin{itemize}
\item \textsuperscript{320} Ibid.
\item \textsuperscript{321} HM Inspectorate of Prisons (2016) Children in Custody 2015–16, London: HM Stationery Office
\item \textsuperscript{322} Ibid.
\item \textsuperscript{324} Ibid.
\item \textsuperscript{325} Ibid.
\item \textsuperscript{327} Ministry of Justice website, accessed on 2 October 2015, available at https://www.gov.uk/government/speeches/smoking-in-prisons
\item \textsuperscript{330} HC Hansard, 10 February 2014, c488W
\item \textsuperscript{331} Prisons and Probation Ombudsman (2013) Learning from PPO Investigations: End of life care, London: Prisons and Probation Ombudsman
\end{itemize}
REHABILITATION AND RESETTLEMENT
Reoffending

Reoffending by all recent ex-prisoners costs the economy between £9.5 and £13 billion annually. As much as three quarters of this cost can be attributed to former short-sentenced prisoners—some £7–10bn a year.332

Just half (52%) of prisoners surveyed thought they had done something, or that something had happened while in prison, that would make them less likely to reoffend.333

Prison has a poor record for reducing reoffending—46% of adults are reconvicted within one year of release. For those serving sentences of less than 12 months this increases to 60%.334

48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences.335

Nearly seven in 10 children (69%) sent to prison are reconvicted within a year of release—This rises to 77% for those serving sentences of less than 12 months.336

Short prison sentences are less effective than community sentences at reducing reoffending. People serving prison sentences of less than 12 months had a reoffending rate seven percentage points higher than similar offenders serving a community sentence—they also committed more crimes.337

Nearly all prisoners (97%) said they wanted to stop offending. When asked what would be important in stopping them, most said a job (68%) and a place to live (60%).338

40% of prisoners said that support from their family, and 36% said seeing their children, would help them stop reoffending.339

People are less likely to reoffend if they have a qualification—45% were reconvicted within a year compared with 60% with no qualifications.340

Fewer than one in six people (16%) released from prison went into education and training.341

Some factors affecting reoffending

<table>
<thead>
<tr>
<th>People are less likely to reoffend if they receive family visits whilst in prison</th>
<th>People are less likely to reoffend if they live with their immediate family on release</th>
</tr>
</thead>
<tbody>
<tr>
<td>69%</td>
<td>57%</td>
</tr>
<tr>
<td>of prisoners said they had received visits from family whilst in prison</td>
<td>said they were living with their immediate family on release</td>
</tr>
<tr>
<td>68%</td>
<td>61%</td>
</tr>
<tr>
<td>No visits</td>
<td>Not living with family</td>
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<tr>
<td>47%</td>
<td>48%</td>
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<tr>
<td>Visits</td>
<td>Living with family</td>
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People are less likely to reoffend if they use class A drugs on release

<table>
<thead>
<tr>
<th>People are more likely to reoffend if they use class A drugs on release</th>
<th>People are less likely to reoffend if they secure a job after their release</th>
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<tbody>
<tr>
<td>1 in 3</td>
<td>28%</td>
</tr>
<tr>
<td>said they had used class A drugs since leaving custody</td>
<td>of prisoners had been in employment the year after custody</td>
</tr>
<tr>
<td>76%</td>
<td>59%</td>
</tr>
<tr>
<td>Used class A drugs</td>
<td>Unemployed</td>
</tr>
<tr>
<td>43%</td>
<td>39%</td>
</tr>
<tr>
<td>Did not use class A drugs</td>
<td>Employed</td>
</tr>
</tbody>
</table>


336 Table C1b and Index disposal tool, Ministry of Justice (2016) Proven reoffending statistics quarterly: January to December 2014, London: Ministry of Justice
**Purposeful activity**

Purposeful activity includes education, work and other activities to aid rehabilitation whilst in prison.

However, fewer than half (44%) of prisons received a positive rating from inspectors in 2015–16 for purposeful activity work.342

**Time out of cell is very limited in local prisons and young adult prisons.** Three in 10 people in locals and nearly four in 10 people in young adult prisons said they spent less than 10 hours a day out of their cells.343

In 10 of the 34 adult male prisons inspected in 2015–16 there were not enough activity places to ensure all prisoners could access education or vocational training throughout the week. 21 of the prisons failed to fill their available places due to a combination of staff shortages, poor allocation processes and the failure of staff to challenge late or non-attendance.344

The quality of learning, employment and training advice provided by the National Careers Service was good in just over half the prisons inspected in 2015–16. The quality of advice was rarely linked with effective partnership with employers for opportunities on release.345

**Education**

Half (51%) of people entering prison were assessed as having literacy skills expected of an 11 year old346—over three times higher than in the general adult population (15%).347

But prison education standards are deteriorating. Almost three-quarters of prisons inspected by Ofsted were judged as requiring improvement or inadequate for learning and skills.348

Inspectors reported that “learning and skills in prisons and young offender institutions are not being prioritised by many prison governors, and as a result, standards that were previously low have further declined.”349

101,600 adults participated in education in the 2014–15 academic year—an increase of nearly 7% on 2013–14.350

The number of people achieving level 1 or 2 qualifications (GCSE level) has plummeted—falling by 37% in English and 34% in Maths between the 2011–12 and 2014–15 academic years.351

Only 200 people achieved a level 3 qualification (AS and A Level equivalent) in the 2014–15 academic year via mainstream prison learning—a third of the number seen the year before and 1,000 fewer people than in 2011–12.352

The number of people in prison studying for an Open University degree has fallen by 37% since 2010.353

Many people are also studying for qualifications below what they already have. 43% of prisoners with a previous degree and 41% of prisoners with A–levels took level 1 qualifications whilst there, whilst 70% with a previous degree and 68% with A–levels took qualifications at level 2.354

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343 Ibid.
344 Ibid.
345 Ibid.
349 Ibid.
Prisoners’ Education Trust provide grants to fund educational courses or learning materials. The Ministry of Justice found that one year reoffending rates were a quarter lower (six to eight percentage points) for people who were awarded grants than those in a matched group who did not.355

Over 100 prisons in England & Wales have Virtual Campus, a secure IT platform which provides education, training and employment resources to people in prison—however its ongoing use is limited. A review of prison education found that of nearly 30,000 recorded users only 10,000 had logged in to use it and nearly half of these were simply to register as a new user.356

**Employment**

An average of 9,300 prisoners are working in the public prison estate, and a further 1,700 are working in private prisons. They worked for a total of 16 million hours in 2015–16.357

Inspectors found that in too many prisons, work remains mundane, repetitive and is rarely linked to resettlement objectives. The skills that people had developed whilst in prison often went unrecorded and so failed to help their employment prospects on release.358

The National Offender Management Service aims to increase the number of employed prisoners to at least 18,000 by 2021.359 Even at that higher number, only around 20% of the prison population would be employed.

A Ministry of Justice survey of prisoners found that only 53% reported having had paid work in prison. Nearly one in three worked as cleaners.360

**Training**

Prisoners who attend vocational training in prison are more likely to secure employment shortly after release361—a view endorsed by Ofsted.362

The government has announced plans to introduce a Prisoner Apprenticeship Pathway to offer prisoners opportunities that will count towards the completion of a formal apprenticeship on release. The first people are expected to begin in 2017.363

National Grid offender training and employment programme works with people coming to the end of their sentences and provides training and a job on release for those selected. The Programme is linked with over 20 prisons and over 2,000 prisoners have completed the scheme which has a reoffending rate of less than 7%.364

Timpson actively recruit ex-offenders to work for them. It has set up a full-time training facility at HMP Liverpool and the women’s prison HMP New Hall. It runs a scheme at Forest Bank for shoe repairs and Thorn Cross for DVD transfers. It also employs prisoners on release on temporary licence (ROTL) who work in the day and return to prison in the evening.365

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357 Table 5 and 6, Ministry of Justice (2016) Annual NOMS Digest 2015/16, London: Ministry of Justice
364 National Grid website, accessed on 2 September 2015, http://www2.nationalgrid.com/UK/Young-Offender-Programme/
The Clink Charity operates restaurants, which are open to the public, at HMPs High Down, Cardiff, Brixton, and the women’s prison HMP Styal, in partnership with the prison service. It offers prisoners the chance to gain experience and qualifications in the food and hospitality industry, with mentoring and guidance to find full-time employment, and provide resettlement support upon release. Research by the Ministry of Justice showed a 41% reduction in the likelihood of re-offending and a lower frequency of reoffences.366

Lendlease, through their charitable trust Be Onsite, work with London prisons to provide training and employment opportunities in the construction industry. Be Onsite works with people whilst on ROTL and after completing their prison sentence. People are employed directly by Be Onsite in order to help overcome the difficulty that many construction workers are self employed.

Halfords, in response to the increasing popularity of cycling has opened a bike repair workshop at HMP Onley. The workshop provides training to prisoners before they can progress to ROTL with the aim of full time employment on release. This has proved sufficiently successful that there are plans to open a second workshop at HMP Drake Hall.

Peer-support

There has been an increase in the use of peer mentors. Inspectors noted “Prisoners often prefer support from their peers to other formal or professional sources of support, and peers are often easier to access, making them a more readily available source of support.”367

Roles they fulfil include providing practical and emotional support; acting as representatives to highlight issues and concerns amongst their peers to staff; de-escalating tensions between prisoners to prevent violence or bullying; and coaching or guiding those learning a new skill or preparing for release.

St Giles Trust offers training and a recognised qualification in advice and guidance to prisoners and ex-offenders in 33 prisons. 192 people qualified as peer advisors and 4,644 people were helped by them in 2015.368

The Toe by Toe reading plan run by the Shannon Trust enables prisoners to act as peer mentors to support other prisoners who are learning to read. 85% of learners surveyed felt their reading skills were improving.369

47% of male local prisons and 75% of open prisons surveyed said they provide opportunities for peer drug support. Only one of the seven prisons for women which responded said they provided this.370

The Samaritans’ Listener Scheme is active in almost every prison across the UK. At the end of 2015 there were 1,803 active Listeners in place—with 1,523 Listeners trained during 2015. Listeners play an invaluable role in making prisons safer by being there for other prisoners who might be struggling to cope; helping them to talk about their worries and try to find a positive way forward. Listeners were contacted more than 89,752 times during 2015.371

Release on Temporary Licence (ROTL)

ROTL can play an important part in helping people to prepare for release, particularly those who are serving long sentences. Following a full risk assessment, it allows people to take responsibility, and reconnect with the world they will be released in. People may take part in work and volunteering, re-establish contact with their families and try to find accommodation—factors which contribute to their safe management and supervision in the community on release.

6,757 people were granted ROTL in 2015.372
In 99.95% of cases ROTL is completed successfully. In 2012, just 26 cases involved the prisoner being arrested on suspicion of committing an offence.

Despite this, new restrictions on ROTL have seen a 40% drop in its use in the last two years. At the time restrictions were introduced the success rate was 99.93%.

Almost two-thirds (65%) of voluntary and private sector providers of ROTL placements surveyed said they had seen a decrease in ROTL—with some organisations reporting that their ROTL placements had "completely stopped" or become "almost impossible".

During 2015–16, there were a total of 1,467 people, on average only 335 per month, working out of the prison on licence.

They paid £247 per month on average to the Prisoners' Earnings Act levy—the equivalent of nearly 30% of their net earnings.

£4.3m has been paid to Victim Support since the introduction of the levy in October 2011.

**Home Detention Curfew (HDC)**

HDC allows people to live outside of prison, providing they do not breach strict conditions, to help prepare them for life on release. Only people serving sentences of between three months and under four years are eligible.

There were 8,608 releases on HDC in 2015.

This was just over a quarter (26%) of people who were eligible to be released—and half the level a decade ago.

7% of releases on HDC resulted in a person being recalled to custody in 2015.

The government has announced plans to pilot the use of GPS tagging, including for people eligible for HDC, to see whether approval rates for HDC can be increased.
Resettlement

74,713 people were released from prison in the year to June 2016. The majority (46%) were serving a sentence of six months or less, and nearly a third (32%) were sentenced to between one and four years.\(^{384}\)

Some people are entitled to receive a discharge grant to help them on release—however this has remained fixed at £46 since 1997. Thousands more prisoners are ineligible, including those released from remand, fine defaulters and people serving less than 15 days.\(^{385}\)

Employment

For many, having a criminal conviction is a barrier to leading a law-abiding life on release. The Rehabilitation of Offenders Act 1974 gives people with spent convictions and cautions the legal right not to disclose them when applying for most jobs.

Only one in four (27%) people had a job to go to on release from prison.\(^{386}\)

Only 12% of employers surveyed said that they had employed somebody with a criminal record in the past three years.\(^{387}\)

One in five employers (19%) said they excluded or were likely to exclude them from the recruitment process.\(^{388}\)

Just 18% of people leaving prison and referred to the Work Programme have found a job which they have held for six months or more.\(^{389}\) Of these, more than a third (37%) have subsequently gone back to Jobcentre Plus.\(^{390}\)

More than half of people released from prison were claiming out-of-work benefits one month after release—two-fifths were still claiming benefits after two years.\(^{391}\)

Accommodation

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.

One in 10 people (11%) released from custody in 2014–15 had no settled accommodation.\(^{392}\) Inspectors have said that the figures are “misleading” as “they do not take into account the suitability or sustainability of the accommodation.”\(^{393}\)

37% of prisoners said they needed help with their accommodation on release—only 22% reported getting it.\(^{394}\)

Financial exclusion

Almost three-quarters of prisoners surveyed said finance, benefits and debt were a very significant need on release—second only to accommodation.\(^{395}\)

Debts included social fund loans, court fines, money owed to families and friends, catalogue or mobile phone companies, and rent. Debts were often made worse by time in prison, for example when direct debits were not stopped or when tenancies were not closed.\(^{396}\)

More than four in five former prisoners surveyed said their conviction made it harder to get insurance and four-fifths said that when they did get insurance, they were charged more. The inability to obtain insurance can prevent access to many forms of employment or self-employment.\(^{397}\)

\(^{384}\) Table 3.1, Ministry of Justice (2016) Offender management statistics quarterly, April to June 2016, London: Ministry of Justice

\(^{385}\) Prison Service Instruction 72/2011 Discharge, Annex B


\(^{388}\) Ibid.

\(^{389}\) Table 2.8, Department for Work and Pensions (2016) Work programme official statistics to June 2016, London: DWP


\(^{393}\) Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HMIP


\(^{395}\) Figure C.5, Meadows, L. et al (2010) Investigating the Prisoner Finance Gap across four prisons in the North East, London: DWP

\(^{396}\) Ibid.

Family

Family and friends are the most important factor in enabling successful resettlement on release. Despite this, inspectors found no evidence that families were involved in sentence planning, even when a person said they were relying on them for support after release.\footnote{Criminal Justice Joint Inspection (2014) Resettlement provision for adult offenders: Accommodation and education, training and employment, London: HM Inspectorate of Prisons}

Furthermore, 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.\footnote{Office for National Statistics (2011) Divorces in England and Wales 2009, Fareham: Office for National Statistics}

More than double the number of children are affected by parental imprisonment than divorce in the family.\footnote{Approximately 200,000 children in England and Wales had a parent in prison at some point in 2009.} Approximately 200,000 children in England and Wales had a parent in prison at some point in 2009.\footnote{Ministry of Justice (2012) Prisoners' childhood and family backgrounds, London: Ministry of Justice}

While prisons do not regularly record whether people have children under the age of 18, half (52\%) of those surveyed by inspectors in 2015–16 reported that they did.\footnote{HM Inspectorate of Prisons (2015) Annual Report 2014–15, London: The Stationery Office}

Nearly one in five (19\%) young adults (18–20 years old) surveyed said they had children under 18 years old. This compares to 4\% of the general population who are young fathers.\footnote{Ministry of Justice (2012) Prisoners’ childhood and family backgrounds, London: Ministry of Justice}

One in ten children in young offender institutions told inspectors that they had children themselves.\footnote{HM Inspectorate of Prisons (2016) Children in Custody 2015–16, London: HM Stationery Office}

Women are often held further away from their families, making visiting difficult and expensive. The average distance is 64 miles, but many are held considerably further away.\footnote{Women in Prison (2015) State of the estate—Women in Prison’s report on the women’s custodial estate (2nd edition), London: Women in Prison} The government has committed to build and open five new community prisons for women to help to address this.\footnote{Ministry of Justice (2016) Prison safety and reform, London: Ministry of Justice}

40\% of people surveyed said that support from their family, and 36\% said that seeing their children, would help them to stop reoffending. Women (51\%) were more likely than men (39\%) to say that getting support from their family would help them.\footnote{HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP}

Reoffending rates are 21 percentage points higher for people who said they had not received family visits whilst in prison compared to those who had.\footnote{Ibid.}

Only around a third of prisoners said they had been helped by staff to maintain family ties. Inspectors found that “support for rebuilding and maintaining family ties remained inconsistent and in many cases limited to visits, letters and telephone calls”.\footnote{Brunton-Smith, I. and Hopkins, K. (2014) Prisoners’ experience of prison and outcomes on release: Waves 2 and 3 of SPCR, London: Ministry of Justice}

Most people were in contact with their family while in custody—even by letter (91\%), telephone (88\%) or through visits (70\%).\footnote{HM Inspectorate of Prisons (2016) Life in prison: earning and spending money, London: HMIP}

However, nearly half (44\%) of people said they had problems sending or receiving mail—and over a quarter (26\%) had problems accessing telephones.\footnote{HM Inspectorate of Prisons (2016) Life in prison: contact with families and friends, London: HMIP}

The cost of making a telephone call from prison is expensive. A 30 minute call during the working week to a landline costs £2.75 and for mobiles is £6.12.\footnote{HM Inspectorate of Prisons (2016) Life in prison: earning and spending money, London: HMIP}

Only three in ten prisoners reported that it was easy or very easy for family to visit them at their current prison—16\% said they did not receive visits.\footnote{Ibid.}

Two-thirds of families said their debts had increased since the imprisonment of their relative. The same proportion of former prisoners felt that their debts had worsened during their sentence.\footnote{Bath, C. and Edgar, K. (2010) Time is Money: Financial responsibility after prison, London: Prison Reform Trust}
OTHER UK PRISON SYSTEMS
Scotland

The Scottish Government is taking forward an ambitious prison reform programme which includes increasing the use of community sentences; reducing the use of short term custodial sentences and remand; and improving the reintegration of individuals from custody to community.

Following the introduction of legislation against the presumption of custodial sentences of less than three months in 2010, the Scottish Government has consulted on extending this further “with the aim of using prison primarily for those individuals who have committed serious offences and those cases involving issues of public safety.” It is now considering the submissions to the consultation.

The Scottish Government is also working to develop and roll out a new model for community justice from April 2017. Proposals for greater use of electronic monitoring and alcohol tagging have been recommended by a specially commissioned working group.

The Scottish Government has committed to reducing the number of women in prison and has set a target of 230 women across the new women’s estate. A new national 80-place unit for women will be built at HMP Cornton Vale along with five community custodial units, holding 20 women each, across Scotland to allow them to be closer to their communities and maintain contact with their families.

Use of custody

On 18 November 2016 the total population of people in custody in Scotland stood at 7,482. 33,626 people entered custody in 2013–14.

The prison population is falling—slowly. An average of 7,675 people were in custody during 2015–16, 56 fewer people than the year before, and the lowest level since 2007–08.

Over one-third of the adult male general population, and nearly one-tenth of adult women is likely to have at least one criminal conviction.

Scotland has one of the highest imprisonment rates in western Europe—142 people in prison per 100,000 of the population. England and Wales have an imprisonment rate of 147 per 100,000, France 103 per 100,000 and Germany 78 per 100,000.

13% of people sentenced by the courts were given a custodial sentence in 2014–15.

Prison sentences are getting longer. The average length of a custodial sentence in 2014–15 was over nine months (285 days)—56 days longer than in 2005–06.

There is a statutory presumption against prison sentences of less than three months—unless a court considers that no other method of dealing with the person is appropriate. However, they still accounted for nearly three in 10 custodial sentences given in 2014–15.

The number of people on remand remains high—accounting for 19% of the prison population compared with 11% in England and Wales. An average of 1,494 people were in prison on remand in 2015–16, down slightly from 1,525 the year before.

The cost of imprisonment continues to rise. It costs an average of £34,399 per prison place—an increase of nearly £2,500 in the last three years.

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421 The Criminal Justice and Licensing (Scotland) Act 2010
Safety in prisons

There have been 141 deaths in custody in the last five years—with 25 so far in 2016. 58 of these deaths are still under investigation.\(^{425}\)

In over a quarter of deaths (28%) in the last five years investigations have concluded that they were self-inflicted.\(^{426}\)

There was a 12% increase in recorded prisoner on prisoner assaults in 2015–16 on the year before. Serious assaults also rose by 20%.\(^{427}\)

There were 202 assaults on staff in 2015–16, a rise of a quarter on the year before.\(^{428}\)

More than four in 10 people (43%) reported using illegal drugs whilst in prison.\(^{429}\)

People in prison

84% of people entering prison to serve a sentence in 2013–14 were there for non-violent offences.\(^{430}\)

Nearly one in three men (29%) and over a quarter of women (26%) reported they had been in care as a child.\(^{431}\)

Women in prison

The women's prison population in Scotland increased by 38% since 2003–04.\(^{432}\) However, there are signs that this is starting to slowly decline, with a slight decrease in the last year. On average 404 women were held in prison during 2015–16.\(^{433}\)

Women in prison are more likely to be there on remand than men (25% compared to 18%).\(^{434}\) Only around 30% of women on remand go on to receive a custodial sentence.\(^{435}\)

Remand accounts for nearly two-thirds (64%) of all receptions of women into prison. There were 1,805 receptions on remand by women in 2013–14.\(^{436}\)

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\(^{426}\) Ibid.


\(^{428}\) Ibid.


Other UK prison systems

A third of women (34%) reported being drunk at the time of their offence—a quarter reported that it affected their ability to hold down a job.437

A higher proportion of women commit ‘crimes of dishonesty’ than men—15% of proven offences by women were for acquisitive crimes compared with 11% of men’s.438

10% of women reported having served more than ten sentences in prison.439

97 pregnant women have been held in prison in Scotland since 2012—nearly a third (32%) were on remand.440

30 children have been born in prison in Scotland since 2012.441

Children and young adults

There were 550 young people (under 21) in prison on average in 2013–14. The number of young people in prison has fallen by 45% since 2008–09.442

There were 78 children (under 18) in prison as of June 2013.443

Just four custodial sentences were imposed on children under the age of 16 in 2014–15.444

Over half (55%) of young people were under the influence of drugs at the time of their offence (compared to 39% adults). One-in-five (19%) committed their offence to get money to buy drugs.445

Six in 10 young people reported being drunk at the time of their offence (compared to 41% adults).446

A third of young people reported being in care as a child.447

A quarter of boys said they had no qualifications. Over half (56%) said that they were ‘often’ excluded from school and four in 10 (37%) said that they had ‘often’ attended a Children’s Panel.448

Rehabilitation and resettlement

44% of people released from custody are reconvicted within a year—rising to 59% for men and 63% for women with more than 10 previous convictions.449

Only three in 10 prisoners had accessed services while in prison to help them prepare for release. Of those who accessed services, 68% had sought advice about housing and 46% about employment.450

Three in 10 (29%) of prisoners surveyed said they didn’t know where they would be living on release.451

Fewer than a quarter (24%) of prisoners surveyed said that they had received help with their drug addiction during their sentence.452

693 people on average were held in prison in 2013–14 following recall from supervision or licence—nearly double the number in 2004–05.453

438 Tables 6(a) and 6(b), The Scottish Government (2016) Criminal proceedings in Scotland 2014–15, Edinburgh: The Scottish Government
441 Ibid.
443 Table A.4, Ibid.
446 Ibid.
447 Ibid.
451 Ibid.
452 Ibid.
Northern Ireland

March 2016 saw the end of the formal prison reform programme, with 36 of the 40 recommendations made by the Prison Review Team completed. However, the process of reform continues, with the Northern Ireland Prison Service committing to a reform programme lasting 10 years or more—focusing on effective leadership; purposeful activity opportunities; equality of outcomes for prisoners, with a more diverse workforce; improving accommodation; and a strong relationship with healthcare.

The murder of the prison officer Adrian Ismay following a terrorist attack in March 2016 brings into sharp focus the very real threats that staff face, and the impact that attacks and intimidation could have on the delivery of reforms.

At HMP Maghaberry, a new 360 cell block is scheduled to open in early 2019. A separate high security facility is also planned on the same site but is awaiting business case approval.

The £150m redevelopment at HMP Magilligan is awaiting business case approval and expected to take nine years to deliver.

Plans to build a new women’s prison on the site of HMP Magilligan are unlikely to happen for the foreseeable future.

Use of custody

On 18 November 2016 the total population of people in custody in Northern Ireland stood at 1,530—55 fewer people than the previous year.454

The number of people entering prison continues to fall, with 4,757 receptions during 2015—3% fewer than the year before.455

However, the number of people entering prison for fine default is once again on the rise. Numbers had initially fallen following a Judicial Review, yet 456 people went to prison in 2015 for failure to pay a fine—up from 139 in 2014.456

The imprisonment rate for Northern Ireland is 80 per 100,000 of the population. England and Wales have an imprisonment rate of 147 per 100,000, France has a rate of 103 per 100,000 and Germany has a rate of 78 per 100,000.457

The proportion of sentences resulting in custody is increasing. In 2010, 9% of people convicted were sentenced to custody, by 2015 this had risen to 12%. The proportion receiving suspended sentences has also risen from 11% to 15%.458

Northern Ireland continues to hold a high proportion of people in prison on remand compared with other countries. It currently holds nearly a quarter (24%) on remand compared with 11% in England and Wales, and 19% in Scotland.459

Remand accounted for more than half (55%) of all receptions into prison in 2015, with 2,633 receptions in total. 398 people on average were held in prison on remand—the fourth successive annual fall.460

The average cost per prisoner place continues to fall from historically high levels—costing £57,643 per year in 2015–16, down from £73,732 in 2010.461
Safety in custody

During 2015–16 there were two deaths in custody—both at Maghaberry prison, with one appearing to be self-inflicted.\textsuperscript{462} There have been a further two deaths at the prison in November, less than two weeks apart.\textsuperscript{463} A review of vulnerable people in custody has been announced following the deaths.\textsuperscript{464}

During 2013–14 there were a total of 96 assaults—a 10% rise on the previous year. 67 occurred at Maghaberry, 23 at Hydebank Wood and six at Magilligan. There was however a change in recording practices for assaults in 2013.\textsuperscript{465}

Ambulances were called out 1,100 times to prisons during the last three years—the equivalent of once a day. Over 80% of the calls were made from HMP Maghaberry.\textsuperscript{466}

Half of prisoners reported feeling unsafe at some time during their time in custody. 42% reported they had been bullied and of those that had, 19% reported the incident, 23% did not.\textsuperscript{467}

Inspectors have raised concerns about the availability of drugs within prisons. “They have been responsible for a number of deaths in custody and other serious incidents, and are a cause of a significant proportion of the bullying which takes place. This is true both for illicit and prescription drugs”.\textsuperscript{468}

Almost one in 10 prisoners (8%) reported they had developed a problem with drugs since coming into prison.\textsuperscript{469}

Treatment and conditions

Ongoing staff shortages at Maghaberry prison are still a problem. Despite the implementation of a core day, which allows prisoners in full-time work to spend over nine hours a day out of their cell, there are frequent restrictions to regimes—although there are signs this is decreasing.\textsuperscript{470}

Catholic prisoners are more negative about their experience in prison than Protestants. The Inspectorate has repeatedly called for prisons to do more to understand and address this.\textsuperscript{471}

At least ten people were held in solitary confinement in HMP Maghaberry for over 100 days each in 2015—four were held for over a year and in one case a prisoner was held for five years.\textsuperscript{472}

People in prison

Almost 40% of prisoners reported that they had a problem with drugs when they came into prison—31% with prescription drugs.\textsuperscript{473}

44% of prisoners reported having a problem with alcohol when they came into prison.\textsuperscript{474}

A total of 67% of all prisoners are on prescribed medication—80% at Maghaberry, 58% at Magilligan and 38% at Hydebank Wood Young Offender’s Centre. The levels of prescribing reflect the fact that prisoners tend to have poorer physical and mental health than the general population.\textsuperscript{475}

34% of prisoners entering prison have a literacy ability, and 51% have a numeracy ability, at a level broadly equated to that expected of a nine year old.\textsuperscript{476}

9% of the prison population are foreign nationals—Nearly two-thirds (63%) are on remand.\textsuperscript{477}

\textsuperscript{467} Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI
\textsuperscript{468} Ibid.
\textsuperscript{469} Ibid.
\textsuperscript{470} Ibid.
\textsuperscript{471} Criminal Justice Inspection Northern Ireland (2016) Report on an announced inspection of Maghaberry Prison, Belfast: CJINI
\textsuperscript{474} Criminal Justice Inspection Northern Ireland (2014) The safety of prisoners held by the Northern Ireland Prison Service, Belfast: CJINI
\textsuperscript{475} Ibid.
\textsuperscript{476} Ibid.
\textsuperscript{477} Northern Ireland Prison Service (2016) Analysis of NIPS prison population from 01/07/2015 to 30/9/2016, Belfast: Department of Justice
Women in prison

On 18 November 2016 there were 53 women in prison in Northern Ireland.478

Women accounted for 7% of receptions into prison in 2015.479

Receptions to prison increased by 5% in 2015 for women on the year before—men’s fell by 4%. This was due to growing numbers of women defaulting on fines (from 7 in 2014 to 53 in 2015).480

Over three-quarters of women (76%) entering prison to serve a sentence are there for non-violent offences. The majority are there for theft or criminal damage.481

More than half of women surveyed at Ash House, Northern Ireland’s only women’s prison, said they had felt unsafe at some time. Inspectors said that this was likely to have been because of the complex mix of the population, which includes young men on the same site, and the availability of drugs.482

Six in 10 women in prison surveyed said they had children under the age of 18. A third said it was difficult or very difficult for family and friends to visit, a further quarter (24%) said they didn’t receive visits.483

Children and young adults

163 children (aged 10–17) entered custody in 2015–16, the lowest number for seven years. On average 26 children were held in custody.484

The vast majority (88%) were boys—only 19 girls entered custody in 2015–16.485

Most children in custody are there on remand—accounting for over half (54%) of the population.486

Nearly three in 10 children in custody (29%) were in care.487

Inspectors have raised concerns that children are being inappropriately placed in custody at times of crisis when no alternative accommodation is available—at a cost of around £9.3m per year.488

155 young adults (aged 18–20) entered custody in 2015 to serve a sentence—a drop of 38% in the last two years.489

More than a third of young adults entering Hydebank Wood had literacy problems and over half had numeracy difficulties.490

Six in 10 (61%) said they had felt unsafe at some time—over a quarter (27%) told inspectors they currently felt unsafe. Inspectors were critical that “indicators of violence were not accurate enough and the secure college was not monitoring or analysing them sufficiently.”491

Rehabilitation and resettlement

42% of adults released from custody went on to reoffend within a year. More than half (55%) of those who reoffended had done so within the first three months of release; over three-quarters (78%) had within six months.492

Of the 35 children released from custody, 31 committed a proven reoffence—26 reoffended within the first four months.493

479 Table 7, Crone, E. (2016) The Northern Ireland prison population 2015 and 2015/16, Belfast: Department of Justice
480 Ibid.
481 Table 11, Ibid.
483 Ibid.
484 Table 1 and Figure 1 data, O’Neill, N. (2016) Youth Justice Agency annual workload statistics 2015/16, Belfast: Youth Justice Agency
485 Ibid.
486 Table 1, Ibid.
487 Table 12, Ibid.
489 Table 8, Crone, E. (2016) The Northern Ireland prison population 2015 and 2015/16, Belfast: Department of Justice
492 Table 8 and 2b, Duncan, L. (2016) Adult and youth reoffending in Northern Ireland (2013/14 cohort), Belfast: Department of Justice
493 Table 8 and 2c, Ibid.
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