



Justice Committee

Oral evidence: Future prison population and estate capacity, HC 29

Tuesday 9 January 2024

Ordered by the House of Commons to be published on 9 January 2024.

[Watch the meeting](#)

Members present: Sir Robert Neill (Chair); James Daly; Rachel Hopkins; Edward Timpson.

Questions 92 - 139

Witnesses

I: Professor Nicholas Hardwick, Professor of Criminal Justice, Royal Holloway University of London; Rob Allen, Independent Consultant on Prisons, Probation and Youth Justice; and Richard Garside, Director, the Centre for Crime and Justice Studies.

II: Mark Day, Deputy Director, Prison Reform Trust; Sonya Ruparel, CEO, Women in Prison; and Anne Fox, CEO, Clinks.

Written evidence from witnesses:

[Professor Nick Hardwick \(FPP0026\)](#)

[Centre for Crime and Justice Studies \(FPP0036\)](#)

[Prison Reform Trust \(FPP004\)](#)

[Women in Prison \(FPP0025\)](#)

[Clinks \(FPP0027\)](#)



Examination of witnesses

Witnesses: Professor Hardwick, Rob Allen and Richard Garside.

Chair: Welcome to this session of the Justice Committee, and welcome to our three witnesses who are helping us with our inquiry into future prison population and estate capacity. I will come to you again in a moment, gentlemen, but, as you know, at every meeting we have to make declarations of interest. I am a non-practising barrister and former consultant to a law firm.

Edward Timpson: I am a barrister with a current practising certificate but not undertaking any direct court work. I am also a former Solicitor General, former chair of the National Child Safeguarding Practice Review Panel and former chair of CAF/CASS, and my brother is chair of the Prison Reform Trust.

James Daly: I am a practising solicitor and partner in a firm of solicitors.

Chair: Gentlemen, thank you very much for coming to help us. Perhaps you would like to introduce yourselves, from my left to right.

Richard Garside: I am Richard Garside, director of the Centre for Crime and Justice Studies.

Professor Hardwick: I am Professor Nick Hardwick. I am currently professor of criminal justice at Royal Holloway, University of London. I have had various roles in the criminal justice system, including chief inspector of prisons and chair of the Parole Board.

Chair: It is good to see you again.

Professor Hardwick: Thank you.

Rob Allen: My name is Rob Allen. I am an independent researcher these days. I was director of the International Centre for Prison Studies at King's College. I was a special adviser to the predecessor of this Committee 15 years ago when it produced a report on justice reinvestment.

Q92 **Chair:** Welcome back. Let me kick off. Gentlemen, we have seen various projections for the prison population, and it is pretty clear that there will be significant growth. In the long term, there will be very significant numbers by 2025 and beyond. Do any of you argue with the figures and projections themselves?

Rob Allen: Up to a point. If you look at the projections that have been made, as I did in preparation for this, from 2010 onwards they are pretty inaccurate and crude. One of the points I want to make to you is that the way in which the Ministry prepares its projections needs much better scrutiny, in particular because of the problem that it takes five years to build a prison from getting planning permission to opening it. Five years



is a period over which the projections are particularly flaky. Over time it is very difficult to be sure. Personally, I think that the very high prison population for 2027 of 106,000 is very unlikely, but the range is very big. The basic underlying problem for planning capacity is the inaccuracy and difficulty in doing meaningful projections.

Chair: There is a projection of 106,000 by March 2027.

Rob Allen: There is a low, medium and high, and that is the high end.

Chair: Professor Hardwick, do you have any thoughts on that?

Professor Hardwick: I was looking at the numbers prior to the Lord Chancellor's announcement in October. At that point it seemed that the numbers were pretty much on track for at least the 2025 projection. What makes it particularly complicated in the longer term is the impact of the changes in the Sentencing Bill for people convicted of rape and other offences and what the consequences of that will be, and what effect some of the other measures that might reduce the population will have, such as those for short sentences. Since the projections were made—as Rob says, the further away you get from the current date the more difficult they become—there have been other changes to sentencing policy that will have an effect.

Chair: Mr Garside?

Richard Garside: To add to that and perhaps give a slightly different view, the projections are often inaccurate, but they broadly indicate the trajectory. The actual prison population tends to undershoot what the projection is saying, but the broad magnitudes are not necessarily way out. Certainly, if we look forward, I agree that the projections for the coming years look rather alarming. Hopefully, we will not hit anything close to 106,000, but that is a political choice. As we have already seen with the Lord Chancellor's announcement in mid-October, which I am sure we will come on to, as a result of those rather alarming projections the Government have taken some decisions that might ensure that those do not come true. Whatever the projections are saying, the actualities are, as much as anything, political choices. It depends on a number of decisions made by Ministers and others to try to mitigate those situations.

Chair: I get a sense from all of you that there are some caveats around the process but, all in all, clearly there is an increase of some significance.

Professor Hardwick: Clearly, there will be a significant increase.

Q93 **James Daly:** I want to ask one question based upon personal experience. When I was practising in the courts over the last two decades one thing that became extremely noticeable was the lack of people appearing for offences such as shoplifting. When I was appearing before the courts, I could perhaps be representing 10 people a day. It was more



than likely that, if they were recidivist offenders, all 10 would be going to prison for very short periods of time. That section of people receiving custodial sentences appears to have been taken out of the justice system somewhat. In any of the projections or any of the viewpoints as to where we are going, has that been taken into account?

Professor Hardwick: I think it has. It is clear that over the last decade the number of people doing short sentences, which is where your shoplifters might have ended up, has reduced quite sharply. It is important to be clear that what is driving the increase is not that we are sending more people to prison; it is that we are sending people to prison for longer, in particular for mid-range and more serious offences. I think the Prime Minister himself said that sentence lengths had increased by about two thirds. That is what is driving the increase, not that we are sending more people to prison. Indeed, for some of the very minor offences they are not going to prison; the numbers on short sentences have reduced.

Q94 **James Daly:** As learned scholars—I won't say academics—in this particular area, how do you think the system takes into account the mind of a magistrate or a judge? In different courts, different attitudes to sentencing are clear to people who experience the criminal courts. There isn't a standardised viewpoint of how each sentencing bench or judge approaches the individual in front of them, is there?

Rob Allen: We now have sentencing guidelines which mean that, while they should not necessarily constrain what magistrates and judges want to do, they are definitely there to provide some clear limits and steps in how they should reach decision making. Courts throughout the land should adopt the same step-by-step approach to reaching a decision. My own view is that the big rise in the prison population we have seen and are likely to see in part reflects a failure of those guidelines to do enough. We have seen more people getting custodial sentences when convicted and a rise in the average length of those custodial sentences. The sentencing guidelines in a sense were introduced to prevent that or act as a sort of brake. I have some concerns that in a sense that has not worked institutionally.

Chair: Any contrary view?

Professor Hardwick: It is an interesting point. I was reading the impact assessment of the measures to reduce short sentences and what would be its effect on population. One of the factors that the impact assessment takes into account is what it describes as up-tariffing. A magistrate wants someone to have a custodial sentence. They do not want to give a sentence of less than a year, so they give them a sentence of 15 months instead. There is a risk of up-tariffing, but the projections specifically took into account what they thought might be magistrates' behaviour.

Q95 **Chair:** On any view, we are at the stage where we have had an increase and we are already getting close to the usable limit, for want of a better



HOUSE OF COMMONS

expression, of prison places, and that could go yet further. Those pressures were being predicted back in 2020. Should more have been done by Government to anticipate them before the measures that we have been talking about recently?

Richard Garside: The Government were certainly taking steps. We can think about the prison estate transformation programme; we can think about the more recent prison building programmes. In a sense, the Government were aware of potential capacity pressures coming up and had started to take steps to address them. The question is whether they were any good at delivering that. We all know that very few prison places were delivered under the prison estate transformation programme. The current programme is somewhat mired in local planning disputes and all the rest.

It is not that the Government weren't doing anything. On the other hand, whether they were doing the right things is now a good point. The timing was unfortunate. The beginnings of these rather alarming projections came right in the middle of covid lockdown, so maybe the Government and the Prison Service were focused on other things. To be fair, they could have looked and said that from about 2017 the prison population was starting to decline, and certainly under covid it declined again quite sharply. That probably bought them a bit of time. I think there has been a bit of complacency since then.

My real concern is that the main game in show seems to be that we legislate and pursue policies that we know will create some upward pressures on the prison population, and then rush around trying to service that population either by increasing overcrowding or furiously trying to build prison places. The notion that, instead, we should be thinking about what the appropriate size of prison population is that we should have and build, maintain and then legislate accordingly so that we do not get into these cycles of crisis and crisis reaction still does not seem to be something which is particularly forward. I know it is something this Committee has looked at, but within the political class as a whole that kind of option does not seem to be very front and centre in any considerations.

Chair: Mr Allen?

Rob Allen: I have some concern about how well the Ministry of Justice really understands what is going on. I was surprised that when the Lord Chancellor made his statement on 16 October he said that the reason the prison population was nearly double the level it had been three decades ago was not principally because of the growth in the sentenced population. I don't know whether he misspoke, but there is absolutely no doubt that it is principally because of the growth in the sentenced population. Sure, in the recent past we have seen a large increase in remand prisoners that has put particular overcrowding pressures on local jails—for example, Birmingham, Leeds and the London prisons that take people directly from court. That is an important factor,



HOUSE OF COMMONS

and recall is an important factor, but it is about the way in which the going rate in sentencing, if you like, has gone up so drastically.

To disagree with Nick slightly, although it is not more people coming into the system, part of these projections reflects 20,000 new police officers. In a very crude equation, more police equals more people brought before the courts, which equals more prison. I have never seen the methodology, but clearly, if you have a higher going rate and then you start to pump in more people, that is when the thing starts to become apocalyptic.

Chair: Professor Hardwick?

Professor Hardwick: I don't disagree with Rob. My point was about what had happened up to now in terms of sentences getting longer. I am sure Rob is right that more police will have some impact on overall prison numbers. I would be quite critical of the Government. I think the fact that there would be a significant increase was very predictable. I teach about prisons. This time last year, I was teaching my students that in about October 2023 we would hit the ceiling. It was predictable because it is baked in. You know that if you have this number of people serving this length of sentence that element of the increase is baked in. There will be extraneous factors on top of that, but you know that the population will increase.

The capacity issue is not simply a question of physical prison space; it is also a question of whether you have the staff you need to manage that number of prisoners safely and securely, and all the other facilities that you want. It was possible to see this coming, and it would have been possible to take action earlier to mitigate some of the effects.

Q96 **Chair:** Mr Garside, may I put a question specifically to you? We have talked a bit about data, for example. Does HMPPS have the data it really needs to understand the demands? Are there better ways we could use it? What more data should there be? How should it be used better?

Richard Garside: The prison population management unit at HMPPS works with a variety of data; crudely, the strategic data—the long-term projections we have already talked about—and tactical data, information from given prisons and regions and a degree of intelligence about what is going on in court areas and what might be coming down the chute, as it were. I suspect, as Rob hinted earlier, that it is possible to develop more sophisticated models for how we predict prison population in the long term. There are probably arguments about how HMPPS could have better systems for collecting and collating that data, but it would require investment and money to do that.

The real problem at the moment for HMPPS is that because capacity is so tight it is very difficult to do demand management and planning beyond whether you can just get through the rest of the day or to the end of the week, moving people around the system and not necessarily moving the



right prisoners to the right prisons because you are simply trying to find a few spaces here and there. By all means, you could certainly have better systems for managing and collating the data, but if HMPPS is effectively continuously in crisis management mode it will be very difficult to have a strategic approach.

Q97 Edward Timpson: Could we take a closer look at the Lord Chancellor's statement on 16 October last year and some of the measures set out there, to get your take on whether you think that will have a discernible impact on the pressures on prison capacity? We have touched a little on the suspending of short sentences and the fact that over the last decade there has been a fall of 43% in short sentences. Bearing that in mind, what impact do you think that measure of default against a short sentence, as it were—because there is still the ability of a judge or tribunal to make a short sentence in certain situations—will have on the prison population?

Professor Hardwick: I think the impact assessment on that suggests something in the range of 200 to 1,000 prison places, so it is not huge in steady state as to what was predicted.

Edward Timpson: Do you think that is a fair assessment?

Professor Hardwick: In so far as I can judge, it is. It will not be that huge. At any rate, I would be surprised if the impact was greater than 1,000.

Edward Timpson: When you refer to 200 to 1,000, over what period is that?

Professor Hardwick: That is in steady state.

Edward Timpson: It is on an ongoing basis.

Professor Hardwick: Once in steady state, that is what they are predicting.

Rob Allen: That is obviously a big range, isn't it? It betrays the fact that the Government are not very sure how courts will respond to the presumption of the number of cases that they will suspend, or the ones that they say are exceptional cases that they will not suspend. There is some evidence from Scotland where they have had this presumption for some time. I don't think it has had quite the impact they had hoped. There are still pretty large numbers of people going for short sentences.

Although you are right to say that the numbers have come down in recent years, there are still 6,000 cases a year that go for three months or less in England and Wales. There is some scope for doing it. It will not necessarily make a big impact on the stock of numbers on any one day, but in local prisons processing people in and out, they come for a few days or a few weeks; they take up a space and then leave. That puts a qualitative as well as a quantitative pressure on the Prison Service, which



needs to be factored into the potential benefit to the Prison Service if more of these cases do not come to prison.

Q98 Edward Timpson: Can we look at the potential impact or pressure not on a prison's capacity to deal with the number of prisoners going in and out, but on the community services and probation, which is something some of you will know a fair amount about from past roles? Clearly if it is at the top end of the range of 200 to 1,000, it may have quite a significant impact on the ability of probation to provide the necessary services, as well as on housing, mental health services and so on. What do you think we should be concerned about?

Professor Hardwick: It would certainly create a pressure on probation, and I think, as a service, probation is pretty sickly itself. One of the advantages is that for some other services it will not disrupt the continuity of care in the way that short sentences do. For instance, to take a housing provider, what won't be happening so much is that someone goes into prison for a short period of time, they are not paying their rent and they lose their accommodation, and new accommodation has to be found for them when they leave. That is work for everybody involved. That is one of the advantages of getting rid of short sentences. Some of those things are not just better for the prisoner, but they will take some pressure off those wider services as well. If probation can cope, leaving aside the impact on prison places, reducing the numbers of people doing short sentences is a good thing.

Rob Allen: On probation, to build on what Nick said, the fact of the matter is that in his last report the chief inspector of probation described the service as having chronic staff shortages. I am sure we will come on to talk about staffing shortages in the prison system and how the plans to build new prisons need to take account of that. Probation has its own staffing crisis. The findings in the annual report of the chief inspector were pretty dismal on performance. On the ability of that service to take on a new tranche of people, certainly the impact assessment says there will be £40 million-worth of new investment, but how to use that and employ and train people and get them ready is a big undertaking.

Q99 Edward Timpson: It is a big undertaking before we look at the additional measures and the extra capacity they may require. Another measure is about the potential of renting prison capacity outside the UK. Are there any potential benefits to that approach? Some of them may be obvious just in terms of the numbers.

Rob Allen: I have been in the arena of criminal justice for a long time and nothing really surprises me much, but with this one I was—what's the word?—flabbergasted when I read there was a serious proposal that somebody could be sentenced in that jurisdiction. It is not clear to me whether they would choose to serve that sentence or there would be a compulsion to go. The upside is that the Government say that 600 people can be housed in a foreign jurisdiction, at the cost of £24 million a year, plus healthcare costs, as I read it. The downsides are about knowing how



those people will be dealt with, how they will be inspected and how we ensure that their families are able to maintain contact.

The Lord Chancellor gave examples of previous experiences in Europe. One of them has not yet started: Denmark sending people to Kosovo. As I understand it, that plan is only for foreign national prisoners who will be deported at the end of their sentence. If our plan in England and Wales is to locate people who will be leaving the country, that is one thing, but I have not seen that undertaking. Frankly, I don't think that to transfer people in that way is a legitimate way of running a penal system.

Edward Timpson: Norway and Belgium have already set up that system.

Rob Allen: They had people in the Netherlands in two separate prisons. Cambridge University did an evaluation of one of those schemes and found that it was not straightforward. The clash of cultures among prison staff, the expectations, who is responsible for what, what stays the responsibility of HMPPS in our case and what is devolved to the host nation, is very problematic, not just in legal and technical terms but culturally. I see quite a heavy debit on that.

Richard Garside: The Norwegian parliamentary ombudsman did a review of that scheme back in 2017 and raised a number of concerns. They talked about lack of adequate protections against torture and ill-treatment; they talked about inadequate safeguarding of prisoner health, and lack of resettlement support, which is an obvious one if we are thinking about prisoners who will be coming out of prison in one jurisdiction and trying to return to another.

The main thing in all of this, whether or not it is a good or workable idea—in my view it probably isn't—is whether the Government are serious about pursuing it. I am not sure that it is a serious proposition, but if the Government are serious about pursuing it, they need to be clear that that does not mean they can get away from discharging their obligations to prisoners, both nationally and internationally, in relation to human rights, national laws and rules and all the rest. Seeking to manage a number of prisoners in another jurisdiction and take responsibility for that situation is very difficult. In the case of the Norwegian example, Norway sent an experienced governor who effectively governed the prison in Holland where a lot of the prisoners were held. If I was trying to find 300 or 400 places in the British prison system, I could certainly think of better, cheaper and more effective ways of doing it than trying to offshore prisoners in Estonia, or wherever they end up.

Q100 **Edward Timpson:** That sort of leads me to my final question in this tranche. Imagine that you are the Lord Chancellor. It may fill you with great thrill or great horror, but you are pressed with the issue of prison capacity and trying to alleviate the pressure. We have had the Lord Chancellor's statement and he has come up with his proposals. From your own different experiences, what more do you think could be done?



HOUSE OF COMMONS

You touched on something about 300 or 400 places being found within the jurisdiction. What other proposals do you think you as Lord Chancellor, as I have just appointed you, could consider to try to reduce pressure on the prison estate as it is today, and in the longer term?

Richard Garside: A few things can be done. This Committee recently produced a report on IPP sentences. The Government have decided they do not want to pursue the resentencing exercise. We need to keep talking about that, because at the moment we have over 1,000 IPP prisoners who are in prison for five or more years over tariff. We have 600 on 10 years or more over tariff and about 60 or 70 on 15 years or more over tariff. If the Government did something rather more energetic to expedite the release of IPP prisoners who are over tariff, it could make quite a big impact on the prison population quite quickly.

Recall is another obvious area. Back in 1993, there were under 100 prisoners in custody under recall; it is now in the thousands. Some relatively small tweaks to the way the recall regime works could potentially stop hundreds of prisoners being recalled to custody every year. The remand population will probably start to fall from its current high level, but again decisions about which prisoners are being remanded to custody pre-trial and trying to do more about that is another area. When the Justice Secretary announced the early release scheme, there seemed to be an immediate slight dip in the prison population, but since then it seems to be more or less in line with what we see at this time of year anyway; it tends to fall in the run-up to Christmas.

Under the end of custody release programme that Labour introduced in the late noughties, ultimately 80,000 or 90,000 prisoners benefited from that scheme. Maybe a slightly more energetic early release scheme could potentially free up 10, 20 or 30 prison places each week. At the moment, my sense is that it is not happening as energetically as it could.

Professor Hardwick: If you look at the figures, the measures that they have taken so far, including the early release scheme, have had some impact and have bought them some breathing space. There is a bit of a worrying sign that, after an initial dip in November, the numbers were starting to climb again and then went down, as they often do, at Christmas. It is still too early to say, but at the very least they have bought themselves some time. The difficulty that the Lord Chancellor has is that the actions or the policies of his predecessors have baked the increase into the system because there are longer sentences. There are some things that they are starting to hint that they could do, which would have a more significant impact.

First of all is the question of how much of a sentence a prisoner has to serve before they are released on licence. As you know, in a lot of cases that has been moved from half the sentence to two thirds. You could reverse that down again. That would have a big impact. The Lord Chancellor suggested in his October statement looking at the discount for an early guilty plea. You have to be quite careful about who that affects.



HOUSE OF COMMONS

One of the interesting things that came out in the Lammy report was that it tended not to work so well for black prisoners, but you could do things about that and that would have an impact, if you did it.

The big wins would be using some procedural measures to reverse the increases in very long sentences. You can do that around how long somebody has to serve and what discount they get for an early guilty plea. That would produce some big wins. There are obvious disadvantages to that. I can see some good reasons why you wouldn't do that, but if the Government have to choose, there are some choices. The increases that they propose in the prison estate will cost them £4 billion. Any Government after the election are going to have to think about whether that is a priority for public expenditure.

Looking hard at the alternatives, unpalatable though they might be to some degree, is something that will have to happen. If we are even starting to head towards some of the upper projections, there are no plans at the moment to build places to cope with that level of increase, and you cannot see it happening.

Rob Allen: I agree with that. I haven't seen the figures. The 18-day release system that was introduced in the middle of October is, in fact, based on releasing prisoners on compassionate grounds. Presumably, it is older or unwell prisoners, but I have not seen specific numbers on that. The numbers on home detention curfew have gone up a little bit since the middle of October, so we have seen some benefit there.

I think we are going to talk about the supply side changes, more prisons and so on, in due course. I think an opportunity has been missed to diversify the infrastructure in which people can be held. What do I mean by that? There was a lot of talk six, seven or eight years ago about doing better on the mental health side and being able to transfer more people with mental illness who were in prison to low-secure, medium-secure or high-secure forensic beds. Has there been an expansion of that estate? I don't think so. I think there are still about 7,500 forensic secure beds, which there were five or six years ago. If you were Lord Chancellor, you could try to have a word with your colleague in Health about that.

You mentioned probation. In 2021, a new approved premises hostel was opened in Bristol. I could not believe it when I read that this was the first new bail probation hostel for 30 years. There is a modest programme to create 200 places in approved places. Should we not be investing rather more of the £4 billion that is going into prisons into this alternative infrastructure, to provide courts, HMPPS and other relevant authorities with a greater range of options that do not just mean prison?

Professor Hardwick: On the question of the end of custody licence, I looked at the figures for 2010 when it was last in operation. Those figures are published. It was showing a steady state impact of about 1,000. That is what it achieved. That would be worth doing. I am not sure of the degree to which the current scheme replicates the 2010 one, but it is



worth noting that in the past that scheme did take about 1,000 off the population. I think that was worth doing.

Q101 James Daly: Gentlemen, you have been involved in this for a long time and I do not know whether you feel this: when we talk about the backlog or prison places, I feel like it is 15 or 18 years ago and that we are having a variation of the same conversation. Sometimes that point needs to be made. This is not some new, miraculous thing that has just suddenly appeared. This is something that has been there throughout all the time I have been involved in the criminal justice system.

When you have a system where a main party's judicial discretion, in terms of how you sentence people, is a general power given by Parliament, there will never be perfect answers about how many places are necessary. If magistrates or judges want to send people to prison, they are going to send people to prison unless they are told that they do not have the power to do it. I don't know of anybody who has proposed laws to stop that happening. In what the Government are proposing at the moment—I know you have some questions about suspended sentences—I think we are going to have a lot of sentences that are 13 months and things like that. It is an effort to address a problem, but it is a problem that was for ever thus.

I want to come back to probation. I have now been on this Committee for nearly four years. One of the things that has become very clear is risk averseness of probation when it comes to assessing parole. Frankly, I think we have far too many people in prison who have not committed further offences. Do any of you have a rough idea of the number of those? I am not asking you here on the spot, but it is a huge number.

In terms of parole, and even going into the Bail Act, those two issues make up a large proportion of the number of people in prison at this moment in time. They are not people, in my view, who are at risk of committing further offences. If you are in prison because you have not turned up to an appointment with the probation services at 4 o'clock, but you got there at 4.30, it seems a bit strange. What are your thoughts on that?

Professor Hardwick: I think you make a very important point. It is worth being clear about what risk practitioners are averse to. If they are averse to the risk of the individual concerned committing further harm and further crime, they should be averse to that risk. Quite often, I think what they are averse to is the personal and institutional reputational damage of a wrong decision, and that is more questionable.

Obviously, I have sat in that chair. There is no way that, with 100% accuracy, you can predict somebody's future behaviour. The only way that you are going to eliminate risk is not to release anybody. There is a problem. We have to distinguish between situations where people take a properly considered opinion and can show they have done that, but nevertheless things did not work out as they hoped, and where somebody was reckless or did not take appropriate care in making their decision. I



think there is a role for this Committee, among others, in trying to make that distinction so that, when practitioners make decisions, they feel they can make the decision on the evidence of the risk to the public alone and not feel that they have their bosses breathing down their neck around the institutional risk.

Q102 **James Daly:** Mr Allen and Mr Garside, it seems to me that we have an issue with remand. Remand could be related to the backlog, but I do not think it is just related to that. It is down to courts taking a very strict interpretation of the Bail Act. I keep asking the question about the Bail Act as part of this role, rather than necessarily discussing whether you increase the sentence for this or that. Do you think that we should be looking at the provisions of the Bail Act?

Rob Allen: I don't think we understand enough about the decisions that are made at that stage in proceedings. Generally, people will be denied bail if a court thinks that they are a flight risk, if they are going to interfere with witnesses or evidence or if they are going to commit more offences. But which of those reasons is the one that drives the most remands to custody, we do not really know. If it is flight risk, electronic monitoring should be suitable for at least some of those. The number of people on remand subject to electronic monitoring has increased, which I think is good, but I sense that there could be a greater use of electronic monitoring at the bail stage.

Q103 **James Daly:** We need a lot more academic research into it. I suspect that we have a lot of people in prison on remand for relatively minor offences, who have very few offences committed on bail. I believe we have people in custody at this moment in time who may have one failure to attend court on their record. We are not just talking about one or two people; we are talking about substantial numbers of people. I feel that all of these issues are as relevant to whether we are increasing a sentence or the attitude on that. Gentlemen, you may agree with me that we do not have clear enough information to make an informed decision as politicians as to how we potentially address those things at the moment.

Richard Garside: One of the things that we could and should do, as this Committee flagged up in its recent report, is to ensure that there is a much stricter adherence to the custody time limits on remand.

I understand clearly that the current problems have been massively exacerbated by covid and the closure of the courts. There always used to be a figure years ago, and I have not looked at it more recently, but something like half of all those on remand did not end up with a prison sentence, even if they had been convicted. There is something clearly going wrong at a certain level. Individuals are not, as it were, individual carriers of risk either. Part of the question on custodial remand, or not remanding people in custody, is what support there is around them in the community to ensure that, if they are in a slightly chaotic or difficult state in their life, they are getting the support they need in order not to get into further trouble.



Just doing some of the basics right, and making sure that if someone is remanded to custody we have very strict adherence to time limits on custody, would be a good start. Without doing anything else, it would at least help to reduce the number of people languishing in custody, sometimes for months if not years.

James Daly: I am now going to ask you, very briefly, the questions I was supposed to be asking you.

Professor Hardwick: Can I say something very quickly on remand because I think it is quite important? I think the figures have changed since you looked at them, Richard. Now, about 80% of those remanded at magistrates court were given an immediate custodial sentence when convicted. It was 70% of those remanded at Crown court. Quite a lot of people on remand would have been in prison if their case had been held more quickly. The figures have changed over time, but that may indicate the need for further research in the way you suggest, Mr Daly.

Q104 **James Daly:** You have touched on this, gentlemen, and I would appreciate a brief response. You are not planning lawyers, so I am not asking you to get into that. Is the Government's commitment to deliver 20,000 prison places by the mid-2020s achievable? You have talked about the planning issues and various other things. Do you have anything to add in respect of that?

Rob Allen: I have looked at this over time. I have never really been able to see in any one place a masterplan, if that is the right word, or an overarching document that says, "This is where these places are going to come from." I do not know whether that is something you might want to ask.

Clearly, there are about 10,000 envisaged through new builds. Two are open; one is opening next year; and the fourth, the Gartree one, has just been given the go-ahead. That leaves two outstanding. One, up in Lancashire, has a planning inquiry in March and the decision on the Grendon one is due to be made at the end of this month, so they will get some of that. That is 9,800 places altogether if they all get going.

Q105 **James Daly:** Mr Allen, when you are a politician it is amazing how we talk about these things but then suddenly, when a prison is proposed in your constituency, as an MP you get lots and lots of letters from people objecting to the prison being in that particular constituency. In terms of public policy—I won't say pressure because all MPs are clearly open-minded on these subjects—there is that to take into account as well.

Professor Hardwick: To be really clear, they have plans to build about 10,000 places, as Rob said. There is no plan that I am aware of to create the other 10,000, which they have said they will produce by 2025. They are not going to be able to do it.



HOUSE OF COMMONS

Richard Garside: The Minister has indicated that there will be over 8,000 by May 2025. The answer is no, they are not going to hit their 20,000 target.

Rob Allen: There are a variety of schemes such as the accelerated houseblock scheme, the brief houseblock scheme and the category D scheme, but I have never seen on one spreadsheet or paper, "This is how we are going to procure these additional ones."

Q106 **James Daly:** You get an architect and say: "Design me a prison and go and make a planning application" on a bit of land that you own. That is basically the process.

Professor Hardwick: If the population rises in line with the higher end of the projections, they are not going to be able to create the space to house those people in the time that is necessary. It is an arithmetical fact.

Chair: Yes, you cannot get round that.

Q107 **James Daly:** I will take the last two questions together. How effective is the Ministry of Justice's approach to ensuring the safe management of a growing prison population? To what extent can the Government achieve safe and decent living conditions in overcrowded prisons?

I went to visit Buckley Hall prison, which is in Rochdale. If a prison can be described as a positive environment, that is it. I could talk about the good work that is happening there. I could go to Forest Bank or HMP Manchester and it is a very different environment in terms of the safety of prisoners. Do you have any brief comments on that?

Professor Hardwick: In the last two quarters assaults have risen, on which the publicity is very alarming. Of course, there are variants in performance. It has a lot to do with how easy it is to recruit staff, and it is to do with the type of prison. As I said in my submission, I was in Wandsworth prison just prior to the escape. I could not see how they could make it work. It was impossible. They did not have the resources to do it.

Q108 **Chair:** Thank you very much. I do not know if any of you have come across the concept in planning of nationally significant infrastructure projects. Is there a case for treating prisons in that way?

Rob Allen: I guess it is one of the factors when applications are called in or appealed. The national significance of it gets taken into account. I was looking through the evidence in preparing for this inquiry. I think the leader of Buckinghamshire Council has submitted evidence to this inquiry, and makes some very interesting points about the impact of a huge number of prisoners in a rural location. He makes some quite strong points about the impact of having a prison on, for example, the NHS, the road network, transportation, traffic and all of that.



HOUSE OF COMMONS

Those are the things that are bread and butter in planning decisions, but there seems to be a slight lack of confidence on the part of local people. If you have ambulances going into prisons once or twice a day because people have overdosed or whatever, that is one less ambulance available for the local community. I think that is a not illegitimate concern.

Q109 **Rachel Hopkins:** You have talked about the increase in assaults. I would like your take on the effect that overcrowding is having on levels of self-harm and mental health.

Professor Hardwick: It is very obvious. If you go into a prison, you can see it. If you crowd people together in unsanitary conditions, it inevitably raises the level of stress and inevitably increases levels of self-harm and affects people's mental health.

I have been into a lot of prisons in my career. It is only recently that I have started to feel quite concerned about my personal security when I have been into prisons. That is not a surprise. You have guys who are banged up for 23 hours a day. They can get whatever substances they want, and they do not have the staff to manage them. They are all out on the wing on association, and you think, "Maybe I'm just going to scuttle along the corridor and get out of here because it doesn't feel safe." I pity the staff who work there and the impact that has on some of their mental health and wellbeing.

I am not going round prisons to the extent that I used to, but I would say that the ones I have been to, certainly in the autumn, were in a very volatile state. I think that would affect prisoners themselves in terms of their mental health and self-harm. It certainly affected staff and was obvious to see.

Rob Allen: Of course, the overcrowding means that there are fewer staff available to respond to the problems that prisoners have. We have the so-called ACCT scheme in the prison system, which is a suicide and self-harm prevention scheme. On paper it is a very good and world-leading scheme, but it is quite staff intensive. For the people who present most risk, it involves having very frequent meetings, exchanging information, checking on people and all of that. That is so much more difficult if you have too many prisoners and too few staff. There are countless examples of that.

Professor Hardwick: Often, certainly in some of the inner-city prisons, the staff who are there are very inexperienced, new and quite young. It is about developing the kind of dynamic security where you have a relationship with the prisoners. It is in both your interests to keep the place calm and working well. You do not have the people with the experience necessarily to do that. I think it is an alarming situation.

Q110 **Rachel Hopkins:** Building on that, with the likely increase in prison population, will there be a commensurate increase in poor mental health?



HOUSE OF COMMONS

Professor Hardwick: You will inevitably see that. You can see it. If you talked to experienced prison officers—the ones who are left—that is what they would say. The people they are dealing with now are different from the people they were dealing with before and, to some extent, even very experienced people tell you that they are beyond their skills to deal with. They are not mental health nurses.

Q111 **Rachel Hopkins:** As my final point on that, are there any suggestions about how Government could better manage prisoners with poor mental health in the more overcrowded establishments?

Richard Garside: I think your question presumes the answer. One answer is that we don't have overcrowded establishments. In prisons you have the so-called certified normal accommodation—what the prison should have—and then you have the operational capacity. Far too many prisons are operating at operational capacity levels rather than at the certified normal accommodation. If we can get back to a point where prisons are, as a matter of standard, operating at certified normal accommodation levels rather than operational capacity, it becomes possible to do other things. Prisoners do not feel as crammed into cells. Prisoners are not themselves making judgments about cell sharing, which may not be appropriate because some prisoners should not be put into the same cell together. It is easier to get services to prisoners that they need. But for as long as we are in this situation of ongoing overcrowding, which we then accept as the norm rather than the exception, as it should be, it is not going to get better.

Professor Hardwick: Being slightly more optimistic, I don't think you need to do much in terms of population to make the situation quite a lot more manageable. When there was not the same degree of overcrowding, prison managers were able to manage where their population was in their prison. You could have a wing that was a bit quieter when people were finding it a bit more difficult to cope. You could put them there. You could make sure you had a bit of space on your first-night wing for longer-term prisoners who had simply not adapted to life on the wing. You could put a prisoner who was struggling a bit with someone you felt might keep an eye on them. You could start to do those sorts of things. You would know your prisoners and you could work with the prisoners to make it work.

If what you are doing is operating at 99% capacity, which they are now, you simply have to put people where there is a space. If you bring it down just a little bit, you start to get back the flexibility where you can make it work better. There is almost a danger that we go along with the idea that nothing can be done. I think you can do things. Actually, some relatively small reductions in the population would give them a bit more scope for better governance and to be a bit more creative about how they are managing their population. I would be interested to see the next set of safety figures after there has been a bit of a reduction in the population.



Rob Allen: If you bring it down a little bit more than that, you can start to be more proactive and perhaps create more therapeutic wings, psychologically informed environments and special units. They are characterised by relatively smaller numbers of prisoners and relatively larger numbers of prison staff and healthcare staff. Of course, those are luxuries in the current population climate that cannot be done. I agree that we could look to a brighter future, but it depends on getting the numbers under control.

Q112 **Rachel Hopkins:** Talking of capacity, but also having a good prison estate, what are the impacts in both the medium and longer term of deferring non-urgent maintenance to meet some of the short-term capacity demands and pressures? What sort of impact is that having?

Rob Allen: One of the things I have become a bit concerned about in recent years is the question of fire risk in prisons. I think the Lord Chancellor told you that there were about 1,500 places out of commission when he gave evidence to you because of essential fire work going on to install proper alarms, spraying systems and so on. If you look at the last HMPPS report, something like 28,000 places do not meet current fire safety standards. That annual report says, "Capacity pressures have restricted our ability to take places out of use for refurbishment and compliance works."

I would be very concerned if we have reached the point where the fire safety order is not being complied with, and people are being placed at risk. I have argued for some time that perhaps this Committee should look into that question. The Crown Premises Fire Safety Inspectorate produced its latest report recently, which gives information about the numbers. There are 1,000 call-outs from fire services to prisons each year. That is an under-appreciated risk and safety issue. I would be very concerned about maintenance being deferred on something as essential as that.

I read a report last week that said that because of the need to keep cells in use they were not getting a repaint, so cells are covered in graffiti. It is not nice for a prisoner to come into a cell that is covered in offensive graffiti. It should be covered over and painted. To me, that is a different order of magnitude from the fire issue.

Professor Hardwick: I agree. The fire risk is something that needs attention. There are two other things that are linked to your question. One is about the adaptations that are necessary and the use of the space that makes it manageable for an increasingly elderly and infirm prison population. That is one of the issues around old Victorian prisons, where you have to go up three flights of narrow metal stairs to get to your cell. That has a big implication for the population as it now is.

The other thing, which links to Rob's point about fire, but might also link to disturbances or otherwise, is that one of my worries about the system at the moment is that it has absolutely no capacity for any contingencies.



Were something to happen that took a few hundred places out of use—say, a fire where nobody is hurt but you lose space, or a disturbance in a prison, whatever it might be—they would have a real problem. At the moment, as far as I am aware, they do not have any contingency for something going badly wrong and a significant number of places coming out of use. Historically, we know that happens at difficult to predict intervals. It should be a real concern and we should certainly be asking HMPPS, “What is your contingency plan?”

Richard Garside: Specifically on maintenance, the Public Accounts Committee in 2020 found that about 500 places are taken out of use each year due to poor conditions. We know that there is a maintenance backlog. It is at least £1 billion and probably more now. I think that estimate was done in 2021, so there may be £2 billion or £3 billion-worth of maintenance backlog.

The longer that that kind of stuff is deferred, the more problems you are storing up for the future and the more difficult you will find it to meet your long-term capacity demands. If you are deferring routine maintenance, the risk is that you lose more capacity more quickly, which then makes it more difficult for you to maintain the long-term capacity that you need, partly to deal with any immediate urgent situations, but more generally to have a properly planned and strategically managed estate.

Q113 **Rachel Hopkins:** What effect has the contracting out of estates maintenance contracts had on the quality of the estate?

Richard Garside: It is a bit of a mess, isn't it? There is still one company doing some of the maintenance. Some of it has been brought in-house. I have not seen anything to suggest that there has been a transformative impact from that, but Nick or Rob might know.

Professor Hardwick: My knowledge on that is a bit out of date. When I was looking at it, it was just so difficult for prison governors to get simple things done. You would have some argument about whether it was routine wear and tear or vandalism and those sorts of things. You would have governors tied down trying to sort out often quite minor maintenance issues and argue about the contract. I am talking historically. You had probably better ask Charlie Taylor some of that. As far as I am aware it is still a problem, but my knowledge is not very up to date.

Q114 **Rachel Hopkins:** I have a final question. You touched on the Victorian-era prisons with the metal stairs. The chief inspector of prisons has called for the closure of one in 10 prisons in England and Wales, particularly the Victorian-era inner-city jails, which are not fit for purpose. Do you agree, or are there any benefits of those purpose-built Victorian prisons?



Professor Hardwick: I agree with him, simply because of the physical state of those buildings, what it would cost to repair them and their inability to have modern IT systems, and so on. I do not disagree.

There are a couple of things about the Victorian prisons that are worth bearing in mind, though. One is that they are comparatively small compared with what we are building now. That seems to me a strength. Secondly, there is their accessibility. Families and friends can get to them. Thirdly, despite all the difficulties, in my experience prisoners quite like the Victorian prisons. One of the reasons for that is the design. They have clear sight lines. They do not feel as threatening as some of the more modern prisons where you have lots of corners and stairs, and you are worried someone is going to jump out at you.

I don't think most of the current Victorian estate is redeemable—it is in too bad a state of repair—but there were some things that the Victorians got right. There is a bit of a baby and bathwater issue, I think.

Richard Garside: We are in a Victorian-era building, I think. The notion that Victorian-era buildings or indeed Victorian-era prisons are somehow a bad thing needs some thought. Partly echoing what Nick was saying, a lot of the Victorian-era prisons are in areas of high population. They are often connected up with other criminal justice services, the courts and other things. If the alternative to that is building large, warehouse prisons, sometimes several miles away from any population settlement, in the teeth of local opposition, that does not strike me as a particularly sensible policy either.

I am very much in favour of closing one in 10 prisons because I think we need a much smaller prison population than we currently have. I think that would be a positive thing for the country and for the general public. Whether the Victorian-era prisons are the things to close, I do not know. I think they probably require a lot of maintenance, some long-term investment in some of the buildings and appropriate repurposing where needed, but let's make sure that we do not replace them with 3,000-place monsters on a brownfield site in the middle of nowhere.

Rob Allen: Each one needs to be considered. I understand that this Victorian building will potentially have to close down while it undergoes substantial repairs. That is probably the case with some prisons. Swansea is often put forward as a small, almost community, prison. Most of the people are from there. Most of the staff are from there. It is small. Even though there are all sorts of things objectively that are not very good about the conditions, prisoners and staff rate it quite highly.

I think that Richard and Nick are right. I am not sure that Charlie said they should be closed down. I think he said that, ideally, over time one might want to look at the ones that have a part to play, but it is not as straightforward as perhaps it seems.

Chair: This Victorian-era building sometimes has its issues, but it has its



advantages—understood. Gentlemen, thank you very much for your time and for your evidence. I am very grateful to you. We are much obliged.

Examination of witnesses

Witnesses: Mark Day, Sonya Ruparel and Anne Fox.

Chair: Welcome, ladies and gentleman. Thank you very much for coming to assist us with your evidence today. I invite you to introduce yourselves and your organisations.

Anne Fox: Good afternoon. Thanks for having us, Chair and the Committee. I am Anne Fox, the chief executive of Clinks, the infrastructure charity in England and Wales for criminal justice, charities and social enterprises.

Mark Day: Hello. I am Mark Day, the deputy director at the Prison Reform Trust. We are a charity that works to improve treatment and conditions in prison and reduce the unnecessary use of imprisonment.

Sonya Ruparel: I am Sonya Ruparel. I work for Women in Prison. I am the chief executive. We work in six women's prisons, and we also work in the community with women in contact with the criminal justice system.

Q115 **Chair:** Thank you all very much. You have heard some of the conversation we had with the previous panel, so we need not repeat all of it. We will come back to some of it as we are interested in your take on it.

We talked a lot at the beginning about the projections for prison population. Do you have any different views from those that you have already heard about the reliability, or otherwise, of the projections? Do they seem pretty accurate?

Mark Day: I largely cohere with what was said in the previous panel. There is always going to be uncertainty associated with any projection. Indeed, in the latest projection there were differences in what actually happened versus what was projected. The projection saw a slight fall in the remand population whereas actually it rose. What was noticeable was that the actual trend was largely in line with the topline figure. The previous panel said that the general trajectory seems to be right, but obviously there is going to be variation.

Q116 **Chair:** Of course, yes. The previous panel talked about things that could have been done to anticipate this. From your organisations' perspective, should it have been anticipated more? What do you suggest should have been done earlier, if anything, to try to anticipate and perhaps deal with the potential increase?

Anne Fox: It wasn't anticipated; it was known. These are projections based on who you are sending. The biggest thing for us in the voluntary



HOUSE OF COMMONS

sector is that we need to understand that prisons are attempting to address societal issues.

You asked the previous panel about the presumption against short sentences. One of the benefits for us is that we are wiring into the system the fact that we will not send people who are dependent on substances and facing multiple disadvantages to prison for very short periods of time when they can get nothing that will address their drivers and would lose everything else that they have. They are more likely, therefore, to reoffend when they come out. We need to focus resources on the front end of the system and look at reversing the increase that we have seen in punitive policy. That might not be politically palatable or very popular, but it is absolutely something that needs to be done.

I think the Lord Chancellor has started to grapple with that. The October statement looked at some things that might not be very palatable to others, but they are what is needed to make an effective change. The remand population, the ageing population and the short sentence population drive all of those issues.

Chair: Mark?

Mark Day: There are obviously elements that are going to be more in the Government's control than others. What was clear was that over the course of the projection the Government were legislating in a number of areas to increase the length of time people were serving in prison. There could be little doubt that those measures would put additional pressure on the prison population going forward.

A question I might ask of the Government is that they now look at what is currently before Parliament. The Sentencing Bill includes proposals to introduce a presumption on short sentences. It also includes changes to sentencing for serious sexual offences, which will put quite significant pressure on the population going forward if they are introduced. When they were originally proposed by the Lord Chancellor in October last year, he said that they would not be enacted unless they could guarantee sufficient prison places. I think it would be helpful for this Committee to interrogate a little further on that. What does it actually mean in practice? We know that any measure such as this will put long-term pressure on the prison system going forward for decades, not just for a matter of years. In a sense, you are accountable to Governments many years in advance. What that actually means in practice would be interesting to know.

Chair: Thanks. Sonya?

Sonya Ruparel: I want to make a point on the projections for the women's population. The women's prison population is projected to rise to 3,800 by this November and then up to 4,300 next year, which is a significant rise. Whether that is reasonable or feasible is unknown. We don't really know where those projections have come from for the



HOUSE OF COMMONS

women's estate. We believe they were just extrapolated from the data for the men's estate. It is unclear whether they are real, reasonable and likely to be right. However, it is going up.

To Anne's point, 22% of the women in custody at the moment are on remand. That is quite a high number of women in prison who are on remand, and 58% of women are on sentences of less than 12 months. If the Government had enacted the female offender strategy that was delivered in 2018, I assume that if it had been successful we would have seen a reduction in the women's prison population, which we have not. We have seen the reverse.

Q117 **Chair:** That is what I was going to raise with you. It seems to contradict the female offender strategy, which is posited on reducing the number of women in prison. The projections are otherwise. I think you are saying to me, Sonya, that actually in practice the numbers have gone up as well. Is that right?

Sonya Ruparel: Yes, that is right.

Q118 **Chair:** Why? Is it possible to explain?

Sonya Ruparel: It is a good question. I don't think women have become more criminal over that time period. I think it is about the much more punitive nature of sentencing. On the increase in the number of women on remand, it goes back to the conversation earlier. We do not know why women are particularly placed on remand. We know that it affects black and minoritised women more, and that is likely to continue. We assume that many women are put on remand for their own protection because they are experiencing poverty, homelessness and domestic violence and abuse. If we do not look at the reasons why they are going in on remand, we are not dealing with the issues that they face and the reasons they are committing the offences in the first place.

Q119 **Chair:** These are all issues which the Government referred to and flagged up in their own female offender strategy as indicating reasons why you would want to reduce the number of women in prison, it seems.

Anne Fox: It was a very good strategy, which we were all very supportive of at the time. If you look at the Corston report and the publication of the strategy, as well as the gendered aspects of poverty and disadvantage and the things driving that, as long as you still have the ability to send someone to prison as a place of safety or because there isn't mental health treatment, anywhere for them to live or any substance misuse services, that is what you are going to get.

The other thing I want to say about what they could have done differently is that in the covid period they and we made a number of proposals. I ran a reference group for them for about 18 months of voluntary sector leaders in early release schemes. There were all of those ideas, but nothing amounted to much. There were very small numbers. We could have achieved quite lasting change by being braver at that time. Maybe it



HOUSE OF COMMONS

was because of the other pressures that were coming up, with overcrowding and staffing being among the main things. To me, it seems a really missed opportunity for things to have been done differently in the covid period, particularly about release and the proposals around women. The amount of work that we are doing for the small yield is a real shame.

Chair: That is very helpful; thank you.

Q120 **Edward Timpson:** I want to ask some questions that are quite similar to some of those you have already heard in the first panel, but it is all the more important that I ask them. First of all, in relation to the suspended short sentences that were announced in October last year, and understanding what impact we think they might have, clearly it is in its very early days, but what do you believe the effect will be on the overall size of the prison population? From Sonya's point of view, I am particularly interested in relation to women, bearing in mind the figures. I think you said that 58% of women are effectively on a short sentence.

Sonya Ruparel: We think the announcement by the Lord Chancellor is a good thing. I think the presumption against short sentences will make a difference to the women's prison population given that extraordinary number and given that 69% of women are in prison for non-violent offences. There is an obvious link.

We welcome it, but we have concerns about how it will actually be achieved in practice without the proper investment in services outside prison in the community and in the probation service. We recognise that the impact assessment part of the Act said that there needed to be a commensurate increase in probation funding, but that is going to take a long time to deliver. There is a concern that what might happen is that women will have a presumption against short sentences but then breach orders and end up in prison anyway, becoming criminalised as a result. If it is not properly put into practice, with the commensurate investment in the community and in probation, we are concerned about it, but it is a step in the right direction.

Q121 **Edward Timpson:** I am sure that the others will want to contribute to that. Anne, I think there is an opportunity—maybe it is the missed opportunity that you talked about earlier—for the voluntary sector to help some of those who may no longer potentially have a short sentence but will have a community sentence, and provide some of those services.

Anne Fox: Yes, I think there absolutely is. There is quite a lot of learning from the last few years from community sentence treatment requirement work. I think the Committee itself had quite a lot to say about that.

There have been delivery and investment issues with those schemes. One of the things that we need to think about is how we educate and support magistrates and all sentencers to have the sentencer confidence that is always presumed about prison but does not necessarily meet the driving factors for why people ended up in front of the bench in the first place. How can we get confidence that there is a service that you could send



people to, or that there is support? The majority of people sentenced to very short sentences—anything under 12 months—are generally there because they have ended up in the criminal justice system. Other things have gone wrong, probably throughout their life, and the root cause is probably better met elsewhere.

There is a paucity of provision, but there are a lot of organisations which, with the right investment, the right partnership working and commissioned in the right way, could step in tomorrow. Some of that has been decimated. I am sorry to come in front of the Committee and say transforming rehabilitation, again. I had hoped not to. Somebody in the previous panel talked about the Lord Chancellor having to undo or live with the decisions of his predecessors, and no more so than the impact on the probation service. We need to look at how the probation system works with the voluntary sector. How can the voluntary sector work with people on underlying needs and the things that they will need, on those desistance factors, in a way that is not linked to their supervision and management—that you don't have to become a responsible officer? If that is to be successful longer term, it could change who goes to prison and what prison is seen as being for, particularly the churn of people going in. You can work on more purposeful activity for people who are in prison for longer if you do not have a massive churn of people who are drug-dependent coming in for 60 or 70 days.

We have to figure out how to take more people out of probation-intensive management. The introduction of post-sentence supervision under TR has not worked. It has given people supervision but not support, so it has led to increased recall. What we need is a system that helps people to get the support they need. That does not have to be mandated. Many of our members and organisations in the sector would be more than happy to work with people with sufficient funding, without having to be licence revokers, recallers and responsible officers. That is not what we do best.

Edward Timpson: Mark, is there anything you want to add?

Mark Day: It is important to distinguish the reasons why this might be a beneficial proposal. First of all, a presumption would be a good thing in and of itself if it led to fewer short sentences being passed and there wasn't up-tariffing, which is obviously always a potential risk. One of the reasons for that is that we know that short sentences, compared to community orders and suspended sentences, have a much worse record in terms of reoffending. There will be a benefit regardless of its impact on the prison population itself.

A presumption will have greater impacts on demand reduction in certain prisons than others. It will have a greater impact in women's prisons, where a higher proportion of women are on short sentences. It will also, hopefully, have an impact in reception prisons by reducing the churn in the numbers of people coming in and out on short sentences. We need to be realistic overall about the impact it will have on reducing levels of demand. It is the difference between the stock and flow figure in the



prison population. Only about 4% of people in prison overall are on a short sentence. Even if all of those people ended up not getting a short sentence, it is not massive numbers of people. But it will have an impact and it would definitely be a good thing in and of itself. It is an important policy for the Government to be pushing.

Q122 Edward Timpson: It is only fair to ask you the question about the proposal to rent out prison places. You can either wax lyrical about it or give it short shrift. What are your views about any potential benefits or pitfalls that that approach could have, thinking about it from the prison capacity perspective?

Anne Fox: It is a massive distraction at a very busy time, when we are facing a number of crises. It was a surprise to very many people. Obviously, it was made in a party conference speech. I think the sector was up in arms. People were very distressed about where it had come from. I was Lord Farmer's deputy chair on his review of family ties of men in prison. There are family considerations. Who is going to be picked? How do you pick people? How do you make sure that they get what they should get from the system in another country? The amount of time that it will take to broker any kind of deal is going to have little to no impact even in the medium to long term, and then you are going to have an extra almost sub-system to look after.

In this country we already send people to prison in another country. Mr Timpson, there are probably some of your constituents in HMP Berwyn. We have people dotted around all over the place. Welsh women go to prison in England. We already know that that does not work very well. We are really not fans. I have the assurance that the voluntary sector will be able to be involved as the detail gets drawn up, but if there was one thing that they wanted off their desk, this is the thing that I would drop.

Edward Timpson: Anyone else?

Mark Day: It is a very expensive and a very complicated way of increasing prison capacity. Just looking at the legislation currently before Parliament, it leaves so many questions unanswered. Indeed, it leaves much of the detail of how this would work in practice to an agreement between the UK and a foreign state. There are no assurances around oversight in terms of the inspectorate or the prisons and probation ombudsman or our obligations under OPCAT and the functioning of the national preventive mechanism. All of those questions are unanswered.

You then have the practical, moral and ethical questions about whether it is right that we should be sending people from the UK to foreign jurisdictions to serve their sentences, in terms of the knock-on impacts on family contact. How do we arrange for effective resettlement arrangements for people who are released from the prison back to the UK, and for the join-up of services? There are so many unanswered questions in this proposal.



If you look at the experience of other countries, certainly Norway and Belgium, who rented places from the Netherlands, in Belgium—looking at the research—it did not deal with the problem of overcrowding. It seemed to have got worse in Belgium. The situation in Norway is not really comparable because it was not introduced to reduce overcrowding, but to reduce something called the prison queue system. We do not have the evidence that it would even necessarily achieve what the Government say they want it to achieve. The latest case, with Denmark and Kosovo, highlights all sorts of concerns around the human rights implications. The UN has just reported on its concerns about that. I think it is quite an extraordinary proposal and I question how serious the Government really are about pursuing it.

Edward Timpson: Sonya, I do not want to put words into your mouth, but I guess that you might vigorously agree with some of what has been said.

Sonya Ruparel: I vigorously agree.

Q123 **Edward Timpson:** Do add anything else if you want to. I am conscious of the time, Chair, so this is the final question from me. We talked about a lot of the Government's proposals and the measures that they have introduced or want to introduce, but are there any other aspects of the prison system and the supporting systems around it that you think have not been looked at or that could provide some ways of alleviating the pressures, both now and in the future, on the Prison Service, particularly on capacity within prisons themselves?

Sonya Ruparel: I raised one earlier, which was around remand. We should look hard at the use of remand, who we are remanding and why we are remanding them in custody. We should stop using prison as a place of safety. It is not a safe place for women. We should stop imprisoning people with mental health issues. I know that we will probably come back to some of those questions later, but it is very important that we recognise that it is not a safe place. There aren't provisions to support people with mental health issues. Those are a few ways that we could quite quickly reduce the women's population, particularly on those points.

Mark Day: One of the things that has not been mentioned so far, including in the previous panel, was the commitment that the Lord Chancellor made when he announced the emergency measures in October to produce an annual statement on prison capacity. That is a welcome measure, and a recognition that up to this point the Government have been very poor in matching projected demand to their plans to meet it. Indeed, anything that would improve accountability and transparency of that process would be very much welcomed. I think it should go further. I know that this Committee has proposed that that annual report should be put on a statutory basis. That would be a good idea, perhaps marrying it up with a duty on the Lord Chancellor to report,



HOUSE OF COMMONS

similarly to how he has to on the courts, on running a decent and effective prison system.

What is missing in the whole debate about capacity is decency and the treatment and conditions we ought to expect of our prison system. At the moment it is all about chasing the tail of increased demand and ensuring we can meet that demand. There is nothing said about what should be the minimum standards that we expect of prisons. There should be something around putting standards of decency on a statutory basis and something around reducing overcrowding as well, which has been the absolute problem in our system for decades. It is almost baked in that we have an overcrowded system.

Anne Fox: I agree with both of my colleagues on those points, so I won't focus on that. One of the things I want to draw attention to is that this Committee called for the publication of an ageing prisoner strategy. It is awaiting publication and is something that we need to look at in terms of population drivers, especially with the foreign prison rental scheme on the books.

How are we going to address the massive needs of an ageing prison population? There are a number of drivers of it—one being how we meet the overall healthcare needs of people who would have died younger with poverty and disadvantage. There are also people who have gone to prison for the first time in their lives in their old age, who may have been very healthy until then and will live a long time. Not only do we have physically inaccessible prisons, but we have no social care. Things are not good enough. We need to look at how you do that. You cannot do it in prisons that are totally overcrowded. We need to look at alternative ways.

Some of our members, for example, have tried and tested models of running secure care homes and how you provide those kinds of models. The earlier panel talked about mental health treatment. We have members who previously took people who were drug dependent for residential rehab. That does not get commissioned now. The overall impact of the reduction in resources across our communities, in our social care and in our mental health and drug treatment services, is having a knock-on effect in driving the disadvantage and inequality in prisons. It is really important to bear in mind that prisons are part of communities. If we send people there, warehousing them, we are stocking up extra problems.

Q124 **James Daly:** One of the problems of this debate, as I said to the other panel, is that it was ever thus. You could have been sat in front of me 15 years ago talking about prison overcrowding, inequalities and the nature of offenders, because it has not changed. I was representing people 20 years ago who came from the same socioeconomic background, with the same mental health challenges and everything else like that.

One of the things that frustrates me is that we should not just take this



in. Certainly, the majority of my constituents are interested in the concept of how they are protected from people committing offences against them. A lot of them would not recognise this. Clearly, we want people to be treated humanely and in conditions where rehabilitation happens, but the concept of why people are in there in the first place is the issue, rather than things that happen.

I am really interested in this concept that short-term custodial sentences are something that we should think about phasing out of the system. My problem with that is quite simply this. If you decide as a state that shoplifting is an offence, it is nearly always committed by recidivist drug offenders. This was the point I was trying to make to the last panel. If you have somebody who commits a first offence of a serious assault in a nightclub in a certain set of circumstances, that is a serious offence. The evidence would suggest that they are highly unlikely to do it again. They could be a first-time offender in their thirties. If they are a repeat drug addict with 100 previous convictions, you can wish that a rehabilitation order is going to do it, but it is not. They are going to go back out and commit another offence. Is the point on low-level offending that we just have to forgive the fact that some of the people who are in front of us are going to go back out and commit an offence in the community?

Anne Fox: Certainly, for me, this is not about treats for cheats and goodies for baddies. It is about driving your car in the right gear. I think the system is obsessed with prison. We cannot afford it and it does not actually work. If you look at recidivists who have long-term drug dependency, the issue of being sent to prison for a short sentence, when you will not get effective treatment, is then what drives that recidivism.

There is good evidence of rehabilitation, activity requirements and RARs, DTRs—

Q125 **James Daly:** So the answer, from what you have just said to me, is that every single person who has a drug addiction needs to go to a facility where that is going to be addressed correctly, and they should not in any circumstances go to prison. Is that right? Is that what you are saying?

Anne Fox: Not necessarily. It very much depends what crime they have committed, but prison is not going to give them drug treatment, in most cases.

James Daly: What if it is protecting the public?

Anne Fox: For a short period of time, and then that person comes out again.

James Daly: It may be a short period of time, but it is protecting the public for a period of time. What is wrong with that?

Anne Fox: Do the public want people to keep coming out? The public generally—if you talk to victims, for example—are very keen on restorative models. If somebody has gone into prison with a stable family and an address and comes out of prison with neither—



HOUSE OF COMMONS

Q126 **James Daly:** Thank you. Sonya, can I ask you a question? You said, and I agree with the sentiment, that people who have mental health problems should not receive a custodial sentence. Can you explain to me how that is actually possible to do? How are you going to diagnose somebody with a mental health problem if they are appearing before a court prior to going into custody? Are you telling this Committee that every single person—every single one—with a diagnosed mental health condition should not be in a prison environment?

Sonya Ruparel: It is really important that the reasons people commit offences are looked at properly. Part of the problem with the system at the moment is that that is not understood. Pretty much every woman I have met in prison has said, "If I had got the support I asked for in the community"—it was not even that it was undiagnosed—"I would not have committed the offence that I committed." It is really quite important that we recognise—

Q127 **James Daly:** I don't dispute any of that. I think you're right, so don't think that I am disagreeing with you. I think you made a statement in answer to Mr Timpson, saying that nobody with a mental health problem should go to prison. I am just asking you, as you are giving evidence to a parliamentary Committee, how does that possibly work? Can you confirm that every single person with a mental health condition should not be going into custody?

Sonya Ruparel: What I am saying is that prisons are not set up to support women with mental health issues. The rate of self-harm in women's prisons is 11 times higher than in the male estate. It is a harmful place. They need the support. They might need to be excluded from society if they are a danger, but they need mental health support, and prison is not set up to give mental health support.

Q128 **James Daly:** I am assuming that one of the things that courts take into consideration when somebody goes into a custodial environment is the protection of the public. I am assuming that from all three of your perspectives protection of the public is an important part of the sentencing exercise. Do you feel that there is anything that can be done in how courts interpret protection of the public that may have an impact on the prison population?

Anne Fox: Information provided to the courts and the support provided to the courts about deciding what happens to people, and therefore to the public that they have harmed or are a risk to, is something we need to look at very carefully. Pre-sentence reports, for example, have really reduced in quality. They have been affected by all sorts of drivers in the last few years.

Mr Daly, you would have been doing this a number of years ago. It is done very differently now. People do not always appear in front of the court. The previous chief inspector of probation did an inquiry into pre-sentence reports. For example, gender and having children is supposed



HOUSE OF COMMONS

to be a mitigating factor in terms of prison, but there was a very high number of pre-sentence reports in the sample that did not state the gender of the—

Q129 **James Daly:** Do you therefore think that the lack of appropriate information before the sentencing court in recent times has been exacerbated, and that people are being sent to prison because the courts do not have sufficient information upon which to make a reasoned decision?

Anne Fox: Yes, and also do not necessarily have knowledge of how to deal with that person better. "How do I have the confidence that that person is not going to reoffend tomorrow because I have sent them out on a community order? I know they cannot reoffend tomorrow if I send them to prison."

Q130 **James Daly:** I am very interested in the point about parole and the nature of conditions on parole. Recalls are a major and significant number of people in prison. I do not think that the vast majority of people who are recalled are a risk to the public.

My experience and evidence given to this Committee, both in public and in camera, is that there is a very risk averse attitude. What you have said is striking. I think that people who have mental health problems in prison are viewed as a risk in terms of them reoffending. Inappropriate conditions are imposed on parole, which leads to an inevitable breach, and they go back into custody. Sometimes those people can be going back into custody for years, having not committed a previous offence. Can you tell me, so that we can tell somebody else, what the secret is to get that right?

Mark Day: An area I have been looking at quite a bit recently is the IPP and the high numbers who are recalled on IPP. We have just had a thematic from the probation inspectorate on this very issue. Generally, it found that, while the recall decision may have been appropriate in terms of strict following of the guidance, what was at fault was the lack of support available to people in the community in order to make a success of their release. What we know is that a significant number of IPPs are recalled, not for committing further offences but for administrative breach.

Q131 **James Daly:** But if people keep putting these conditions on, they are going to breach them. If you are on a seven-day-a-week curfew, or you have to go somewhere 20 miles away for an appointment and you do not have access to transport, you are going to breach it. We can talk about this forever, but how do we affect the mindset of the people who are imposing those conditions to give people a fair chance of succeeding in the community? Do you think there is a way? I don't know.

Mark Day: It might also partly be a function of the pressure that the probation service is under. A service under greater pressure is more likely to make decisions which might lead to recall. One of the answers is to



HOUSE OF COMMONS

make sure that the probation service is properly resourced. In relation to some of the demand reduction measures that the Government are putting forward, they have to answer the question of how we ensure, if we are to have more people supervised in the community, that probation has sufficient resource to make a success of it. Otherwise, you will get a problem where you might be getting people coming into the system from other angles, such as for increased rates of recall.

Anne Fox: There is something as well about looking at the expertise of staff. One of the possible benefits under the TR arrangement was that the National Probation Service staff were focusing more on people at higher risk. Therefore, they had a bit more time to think about what people needed.

One of the issues we have now is that we do not have a range of options; for example, the rehabilitative activity requirement—the RAR—is a bit of a blanket measure. There are a lot of blanket measures in probation and around licence and recall. We need to look at some of the nuances—for example, for people on life licences. It is looking at how you reduce the time or their frequency. I have had staff in the past who have been asked to go and meet them. There is absolutely no need. They are not able to evidence how the stuff they do for us meets some of those conditions or why those administrative burdens are there. We need to talk to people who have spent a long time on probation. We need to think about it differently if we are going to make a success of everything else.

Q132 **Rachel Hopkins:** I am going to come back to the impact of overcrowding on self-harm and mental health across the prison estate. Have you had any further thoughts about what was discussed earlier?

Anne Fox: As a sector we are hugely concerned that the impact of overcrowding is felt by people in prison and by their families. One of the impacts for us is the combination of overcrowding and staffing. There is insufficient staffing to meet the needs of an overcrowded population, so my members cannot get into prisons. People are locked up for very long periods of time in the day with other people, maybe who are also unwell. They cannot get the services that they need, particularly bearing in mind that those services often meet the underlying drivers and needs.

We are concerned about where the evidence comes from. I was at a presentation recently about assaults. Can we trust the information that prisoners give us? Who are they giving that information to? It would be useful if there was more investment in organisations like the work that Mark and others do in PRT, the Revolving Doors agency and User Voice, where you get information from people in prison about what the concerns are for them and what the drivers are.

A few years ago, the Samaritans produced an assessment of why people had gone to services from listeners in prison. It was really interesting to see what the main concerns were. It was things like being in debt in prison. There was also concern about family. If you are locked up all the



HOUSE OF COMMONS

time and you are overcrowded and not able to get out and speak to your family in a Victorian prison without in-cell telephony, those things are only going to get worse. We are really concerned about the spikes in self-harm and suicide. We do not even know if that is a reality. We think that in fact the situation is a lot worse. We are still not back to any sense of pre-covid day to day.

Sonya Ruparel: Can I share a quote from a woman in prison? It just clarifies Anne's point. She said to us, "If feels different when there's too many women in prison. You can tell. All the staff look worried, and even the good ones don't have time for you. It's like they all look like they're waiting for something bad to happen, and that leaks over to us. You start to feel like you're not safe, and women are self-harming then all the time. At night on the wings, you can just hear them poor lasses crying for help over and over."

Q133 **Rachel Hopkins:** Self-harm among women is a lot higher than with the male estate. Again, with the increase in prison population, do you have any thoughts around the increased risk, particularly for women who might need or want to access support and healthcare provision?

Sonya Ruparel: Yes. All the women we speak to have said pretty much the same thing. They are not able to access the support that they need. They wait a really long time to get the support that they need. They put in an application and it takes weeks—months even—to get seen, at which point they do not have their medications. I have a few other quotes but I cannot dig them out right now.

The more women who go into prison, the less ability the staff have to cope with the issues that they are faced with on a regular basis. I want to mention again the point around the women I have met on remand. The system is not set up for them. The system was not set up for women anyway, and it is not set up for women on remand. They fall through the gaps in the system and that is acknowledged in the prisons I have been into: "Oh well, yes, we don't really get to those women." You get women who do not have a toothbrush for three weeks or trousers for three months. I met someone like that. It is appalling.

The fact is that they are not even getting the basics that they need for their dignity. How they are to have strong mental health and be able to access the health service is another big issue. It is a serious concern from our perspective.

Q134 **Rachel Hopkins:** Are there any further observations on the facilities to support mental health, or the lack of it?

Anne Fox: They are not really there. There is not enough understanding about what the mental health needs of people are in prison and what will exacerbate or alleviate them. We definitely pick that up all the time when talking to our members working in prison or aiming to work in prison. It is about the impact of overcrowding on the environment. People who



HOUSE OF COMMONS

have worked in prisons for 25 years are saying to us that this is the first time that they themselves worry about their staff. Prisons do not feel safe. Imagine that is where we lived all the time.

As part of this inquiry, we particularly need to think about and understand the impact on people of being in prison in covid. There are people still in prison who were in prison for the first time in covid. They were the most extraordinary circumstances. We must think about mental health much more holistically. If we go back to the remand discussion, the only thing that people on remand get is family support or access to their family. Families are seeing people who are very unwell. They are very concerned and not able to get the basics. That drives the need for family support from our sector.

The voluntary sector can be much more supportive in meeting a range of needs. It is not just the reading or the writing skills that are being commissioned. It is having a relationship with someone who comes from outside and is not of the system. We get beautiful transformations that happen when people work with voluntary sector staff and volunteers. That has been proven over time, but we are not able to get in and work with people within the system, bringing light in and additional services. We need to prioritise how you get voluntary organisations in and co-ordinate them. We have a model around co-ordination that works really well. It had unpredicted positive outcomes, when we did it in three prisons in the south-west, on self-harm rates and referral rates for mental health. People were meeting organisations and volunteers more, and talking to them about what else was going on. You can compound that with the lack of experienced staff; 30.8% of prison officers have less than three years' experience. That is the national average.

Mark Day: It is important to say that there is a commitment to provide equivalence of care in prison as in the community, and that would include mental health in terms of health services. Mental health ought to be commissioned as part of general health services in prison. The reports we get through our advice and information service, through what prisons tell us, is that the level of support does not match the need in prison. What we particularly hear is that it is often people with low to medium levels of mental health need who are neglected and are not getting the support they need. An overcrowded system is more likely to make that problem worse.

Inspectorates have reported on problems with the key worker model in overcrowded prisons, when there are particularly high numbers of prisoners to staff. You are not able to deliver the meaningful contact between staff and prisoners that means that problems can be picked up and acted on. There is not the level of support for people's mental health in prison that there needs to be, and an overcrowded system makes that much harder to deliver.

Q135 **Rachel Hopkins:** Building on the point about activities, contact and a



HOUSE OF COMMONS

good regime, what is the impact of overcrowding and increased prisoners to staff or staffing issues on having a good regime?

Anne Fox: It is always the first thing to go. We saw that en masse when it was almost like a national project in covid. Regime was the first thing to go. There is some really good work happening. There is an overall project around regimes. Come April, every prison should have a new tiered regime. It is sound in terms of the model. Tier 1 would be fairly similarly based on the systems created around health visiting, disabled children and SEND. You would have a universal offer regime for people, and then people with identified additional needs would get tier 2 level support.

That is really good. It has been consulted on extensively with our sector, but prisons are now supposed to be introducing models for April. What we are hearing is that that is not happening and is not being developed. The potential of that missed opportunity is phenomenal. There is still a huge level of very long lockdown and bang-up. You have very inexperienced staff, who need the confidence to be able to put in the regime and develop relationships with prisoners who can be red-banded or work in a more autonomous way across prisons.

There is also an impact on peer-led work. There has been a lot of investment over the years in good peer-led models. When you have a staffing shortage, having seasoned, skilled, well-trained and well-supported peers is an obvious way of compensating for that. It also gives people useful skills and gives people somebody who looks like them and sounds like them. We have massive issues about race and diversity in our prison staffing compared with the disproportionate population, but we now cannot get people unlocked to do their peer jobs. That then impacts on whether somebody is on enhanced status and all those things. It feels like a never-ending crisis in many ways, but there are models in which the regime could work quite well.

Regimes could be very purposeful, but we cannot get people in. We cannot get people vetted at the moment. We have a massive crisis in our sector around staff and volunteers being vetted to go in, with some extra punishment added—about needing to get people vetted to different levels for different establishments. I am very happy to send a document to the Committee on that. There are a lot of practical things that need to be done just to make regimes work better. I comment a report done by the Traveller Movement—one of our members—on the issues around purposeful activity for people from Gypsy, Roma and Traveller communities.

It is all the things about how you schedule activities and how you get things done. You are not going to be able to achieve all of those in an overcrowded, understaffed and under-experienced staff model. I would say to prison governors that they need to work more with their voluntary sector partners. We have people working in prisons longer than the



HOUSE OF COMMONS

governor has been there. The knowledge that those people have needs to be tapped up.

Q136 **Chair:** Thank you. There are a couple more things before we need to finish because we have some votes coming up. Rachel raised the issue earlier around maintenance backlogs. Is there any assessment from your organisations' perspectives about the impact that the maintenance backlogs are having?

Anne Fox: We have organisations that are commissioned to deliver family services and education interventions in classrooms, and visit halls and centres. They are heavy traffic spaces. There have been a lot of issues around how you get the general maintenance done. A lot of them are out of commission and cannot be used or might be being used for different things because of overcrowding. There is a lack of facility because you cannot get the maintenance done.

Q137 **Chair:** Sonya, do you have any thoughts?

Sonya Ruparel: Only that if the female offender strategy were successful and there was a reduction in the women's prison population, we would need less investment. Our interest is more to reduce the women's population and have less need to invest in the prison estate itself.

Q138 **Chair:** Mark, you raised this in your evidence. You might have a general view, but you also raised a question about the privatisation of the maintenance contracts.

Mark Day: Yes, indeed. We were speaking to governors who were actually governing at the time when the contracts were introduced. One of the impacts seems to have been that in the run-up to the contracts being privatised, and because there were rumours that it was going to happen, there was a recruitment freeze in people brought in to deliver maintenance on the estate. When the private contract took over, there was then a built-in problem of growing problems of maintenance on the estate. Clearly, there was a failure to properly plan for the impacts of a privatised contract coming in to take over the maintenance.

The National Audit Office has done a very good report looking at the deficiencies with the contracts. Clearly, they were introduced in order to improve efficiencies. That did not happen. One of the providers went bankrupt as a result of taking on the contract. There are clearly lessons to be learnt from what happened with that. There are very well documented problems with how the contract is constructed, in terms of the lack of autonomy that governors seemed to have under those contracts to deliver improvements in their prisons. They did not have the autonomy to be able to do that.

Chair: That's helpful.



HOUSE OF COMMONS

Anne Fox: Public service contracting in prisons, not just for maintenance, needs to be looked at more broadly. How do you effectively allow prison governors and people commissioning in prisons to get what they need for the people they are supporting? How do they then work with the best partners?

My sector consistently experiences horrendous problems in being commissioned and getting to do the work. We recently met with a previous Prisons Minister, who is now Charities Minister, about how we think contracts are deliberately underpriced when you know they are going to be let to the voluntary sector because the subsidisation is so high. During covid we had a massive issue when the previous family and significant other services contracts enabled the provider to take X money for the contract and then Y from the sale of goods and services—tea and coffee and Capri-Sun—in their tea bars. When covid came they could not open their tea bars, so they needed to get subsidisation and contract relief. Some of those organisations nearly went under before we were able to get that contract relief. We need to look at how you develop the best processes, contracts and grant systems that will enable prisons to have what they need from local providers and specialist providers.

Q139 **Chair:** That is very interesting. The final thing is about a discussion we had with the previous panel. Mr Taylor, the current chief inspector of prisons, thinks we should close one in 10 prisons. He particularly points the finger at the old inner-city Victorian prisons. What is your take on both of those points? Should we be closing one in 10? Are the Victorian-era prisons the right ones?

Mark Day: I don't think you can make a blanket condemnation of all Victorian prisons. There are some pluses to the Victorian prisons in terms of location, particularly closeness to home, but there is no doubt that on maintenance and getting them up to spec on technology, internet, and so on, there are really big challenges.

Prison design has moved on. Victorian prisons were built for their time. They were designed to send out quite a punitive message. Now, a lot of the debate on prison design is around having trauma-informed environments. Clearly, Victorian prisons would not be designed for that purpose. There is no doubt that a lot of the Victorian stock is not fit for purpose, but I would not want to lose some of the benefits, particularly around location and size.

Chair: Sonya, do you have any particular thoughts?

Sonya Ruparel: It probably relates more to the male estate than the female estate. Again, my point is the same. We want to see the prison population dramatically reduced. Closing prisons is a good thing, as long as they are not replaced by more prisons. We want the investment in the community where the underlying issues that women face are tackled at root within the community.



HOUSE OF COMMONS

Chair: There was an issue raised when Holloway was closed about travel distances, for example, for families. I think most of the prisoners went to Downview.

Anne Fox: Or Bronzefield. There was the cost of visiting and all of those things. We have closed the only local women's prison in the whole of England and Wales. For us, with everybody else, we would reduce the need for that number of prisons. What is important is making sure that we have places of safety and places of an appropriate nature to meet the needs of the people who are sent there, so that they never go back to anywhere like that again, and go back into their community safely. They need to be close to the things that they will need and the lives we want them to lead in the future.

One of the issues we have at the moment is not just the Titan prisons that are so far from anything else. I was in a prison in the north-east and a young man asked me where he was. He was from London. I said where he was and he said, "Yeah, but where is that?" He had no idea. He was hundreds of miles from where he would be going back to. He is serving a long sentence and moving around the country. There are the services that people will need and their staff population. In that prison, the majority of the young men on the wing where I was were black. The majority of staff certainly were not. How do we make sure that we have places that are rehabilitative in nature and that are linked to the community, where people can be visited by their family and can go in and out to work on ROTL and the different schemes that we have? That is what I would be looking at. It is how you make your prison part of your community.

Chair: Thank you all very much. That has been very helpful. We are very grateful to you for taking the time to come and give evidence to us this afternoon. If there is any follow-up that you want to send us or anything else you want to add, we are always happy to have it. Many thanks.