



Ministry  
of Justice

**Rt Hon Edward  
Argar MP**

Minister of State for  
Justice

Sir Robert Neill KC (Hon) MP

Justice Committee

House of Commons

Palace of Westminster

SW1A 0AA

1<sup>st</sup> May 2024

*Dear Sir,*

### **Future prison population and estate capacity inquiry session: follow-up**

Thank you for your letter dated 20 March, and your more recent letter dated 17 April raising further follow-up questions from the Committee's inquiry into the future prison population and estate capacity. I have addressed each of the Committee's questions below.

#### **Purposeful activity**

1. Which prisons put red regimes in place in the 6-month period between 1 October 2023 and 31 March 2024, and for how long did the red regime operate in each instance?

Between 1 October 2023 and 31 March 2024, HMP Lowdham Grange operated in a red regime on three separate occasions, spanning five weeks, one week and two weeks respectively. During the same timeframe, HMP Portland also operated under a red regime for four weeks.

#### **Maintenance and fire safety**

2. During our roundtable discussion with prison governors, many voiced their frustration with the facilities management contracts that were in place for their prisons, which they said provided poor value for money and restricted their ability to respond quickly to routine maintenance issues. This was contrasted with the situation in private prisons where governors felt they had greater autonomy to deal with such issues quickly and cost-effectively. Has HMPPS assessed whether prison governors would welcome greater autonomy in their ability to commission services that are currently provided under facilities management contracts?

Most day-to-day works required at prison level are already determined by Governors with their local Facilities Management (FM) providers and Governors can raise

specific concerns with their suppliers locally, including to deal with emergencies. There are also regular opportunities every year for governors to bid for capital works.

HMPPS prioritises works very carefully to make best use of funding, focusing on risk to life and risk to capacity and decency. As a result, difficult decisions may need to be made to prioritise maintenance funding to priority works.

3. Does HMPPS plan to consult governors on what they would like to see from the upcoming procurement of new facilities management services, and what criteria will HMPPS use to assess those bidding for new contracts?

We will be going out to the market in the next few months to procure the next generation of services. With this we are aiming to improve FM service delivery, including statutory and legal compliance; drive value from supplier contracts by improving supplier relationships and contract management capabilities; support MoJ sustainability objectives through clear supplier obligations; and enhance social value obligations from suppliers. Contract specifications have been developed in partnership with HMPPS where we have taken the opportunity to consult with governor groups through a series of workshops to understand how future service delivery can be improved in the next generation of contracts.

Once the new contracts are operational, we will ensure value for money by monitoring the performance of the suppliers against standards set in the contract, including key performance indicators. Where the supplier does not achieve the required standards, we will make deductions from the monthly contractual payments for non-performance.

Bidders for upcoming contracts will be assessed on a comprehensive range of criteria to ensure the best value-for-money suppliers are selected. In addition to price, bidders will be evaluated on their technical ability, health & safety, digital and data management, sustainability, social value, and collaborative behaviour.

4. Following HMPPS's analysis of the estate-wide programme of surveys of the condition of each public sector prison, what is the estimated cost of the current backlog of maintenance works?

We continue to assess the adequacy of the estate. In December 2023, we completed an estate-wide programme of surveys to assess the condition of each public sector prison and a sample of the privately managed prisons. We are currently analysing the results from these surveys, which from 2024/25 onwards will provide us with a much more detailed understanding of the condition of the fabric and critical infrastructure in prisons including the backlog of maintenance works.

5. What was the gross number of prison places closed due to dilapidation in each of the last five years?

As of 24 April 2024, internal MI data indicates the gross number of prison places lost due to dilapidation was 2,763 places since 2019.

The gross annual breakdown of prison places lost due to dilapidation is as follows:

- 2019 - 572
- 2020 - 0
- 2021 - 1875
- 2022 - 132
- 2023 - 70
- 2024 - 114 (as of 24 April 2024)

Between 2010 and 2023, c.15,000 places were opened across the prison estate including new builds, expansions and temporary accommodation.

6. How many prison places have been brought up to modern fire safety standards in each year of the fire safety improvement programme to date, and how many places will be brought up to standard in each year to 2027 when the programme is due to complete?

At the start of 2024/25, over 12,000 prison places have been remediated and we plan to bring the remaining 23,000 places in need of fire safety improvement up to standard by end-2027. The run rate of the Fire Safety Improvement Programme to date has been c.4,000 places per year. This rises to c.6,000 places per year from 2025/26 and is dependent on additional funding being secured.

**20K prison build programme**

7. Your letter describes more than 400 prison places delivered through the 20k prison build programme as being “urgent temporary accommodation”. Please could you provide more information on the nature of this accommodation, and the timeframe in which it is expected to be in use?

This refers to retaining c400 modular cells that were originally deployed in the estate during Covid-19 and have been retained and placed into operational capacity. We have estimated that the lifespan of this accommodation is around five years so we currently forecast removing them all from use by the end of March 2027. These units will remain under regular review while they are in use.

**Short custodial sentences and the presumption against short sentences**

8. How many prisoners serving a short custodial sentence were First Time Entrants to the justice system in the most recent year for which figures are available?

Data on First Time Entrants to the justice system is published annually and provides information on the sentencing disposal that FTEs receive, however it does not break this down by sentence length. This information has also never been published or calculated for any ad hoc publication, PQ or FOI.

9. What methodology did the Department use to estimate the reduction in demand for prison places arising from the proposed introduction of a presumption against short sentences?

The estimated reduction in prison places arising from the introduction of the presumption against short sentences uses the current volume of offenders sentenced for immediate custodial sentences of 12 months or less and their average sentence lengths as the baseline of those eligible for the presumption. It then applies assumptions to estimate how many of these offenders would still spend time in custody, either because they would be exempted (e.g. they pose a significant risk of harm or have previously breached an order of the court); or they may be sentenced to more than 12 months; or that they subsequently breach the SSO. The estimates range across a low, central and high scenario to account for the uncertainty of judicial and offender behaviour. As with any modelling, the estimates carry a level of uncertainty and should be considered indicative only.

For more detailed information please see the Impact Assessment within the Sentencing Bill 2023:

[https://assets.publishing.service.gov.uk/media/65537ccdc684c4000db64d21/Sentencing\\_Bill\\_-\\_IA\\_-\\_Short\\_Sentences.pdf](https://assets.publishing.service.gov.uk/media/65537ccdc684c4000db64d21/Sentencing_Bill_-_IA_-_Short_Sentences.pdf)



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