

Committee of Public Accounts

Prison estate capacity

Fifteenth Report of Session 2024–25

HC 366

Committee of Public Accounts

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Contacts

All correspondence should be addressed to the Clerk of the Public Accounts Committee, House of Commons, London SW1A 0AA. The telephone number for enquiries is 020 7219 8480 (strictly media enquiries only – contact us via our email for general enquiries); the Committee's email address is pubaccomm@parliament.uk. You can follow the Committee on X (formerly Twitter) using [@CommonsPAC](https://twitter.com/CommonsPAC).

Contents

Summary	1
Introduction	2
Conclusions and recommendations	3
1 Delivering a prison estate to meet demand	8
Introduction	8
Delays and increased costs	9
Delivering the remaining 14,000 prison places	11
Future prison capacity	12
2 Costs and impacts of the prison crisis	14
Costs of the crisis	14
Impact of prison capacity crisis on safety and outcomes for prisoners	15
Effective rehabilitation and reducing reoffending	17
Formal minutes	19
Witnesses	21
Published written evidence	22
List of Reports from the Committee during the current Parliament	23

Summary

The Ministry of Justice's (MoJ's) and HM Prison and Probation Service's (HMPPS's) failure to increase prison capacity in line with demand has led to a prison estate in crisis. Their plans to deliver 20,000 additional prison places in England and Wales by the mid-2020s have been delayed by approximately five years until 2031, and will cost at least £4.2 billion more than planned. MoJ's and HMPPS's original plans were unrealistic and they did not work effectively with others in Government to address delivery risks. As at September 2024, HMPPS had delivered just 6,518 additional places, and its plans to deliver the remaining 14,000 are still subject to significant risk. The Lord Chancellor, in her December 2024 announcement of MoJ's 10-year prison capacity strategy, emphasised the continued need for prison places, as it projected the prison population to increase by an average of 3,000 annually over the coming years.

As a result of poor planning and delays, the adult male prison estate was operating at 98.0% to 99.7% occupancy between October 2022 and August 2024 and remains alarmingly full. Overcrowding is endemic, staff are overburdened, and access to services and purposeful activity is poor. The current prison system has had to focus on ensuring there are sufficient places to house prisoners. While the efforts of HMPPS staff to avert disaster are admirable, this state of crisis undermines their efforts to rehabilitate prisoners and reduce reoffending. It also represents poor value for money for the taxpayer, with MoJ and HMPPS unable to make sufficient progress on maintaining existing cells, and needing to rent police cells due to a lack of capacity.

MoJ and HMPPS have relied on the early release of prisoners to prevent total gridlock in the criminal justice system. Despite releasing thousands of prisoners early, MoJ still forecasts it will run out of capacity by early 2026. It is relying on the ongoing independent Sentencing Review to prevent this. However, any decisions to divert more people from prison will likely increase pressures on other parts of the system, particularly the Probation Service, which already has issues with staff shortages and high caseloads.

This Committee has recently reported on the Crown Court backlog, which is significantly delaying access to justice. Courts and prisons cannot be viewed in isolation: creating sufficient capacity in prisons is vital to enabling a reduction in the courts backlog, and in turn if the courts backlog is reduced this will decrease the number of people on remand. If prisons continue to operate at near-full capacity, this will exacerbate the backlog and stymie efforts to improve efficiency in the justice system.

Introduction

The Ministry of Justice (MoJ) is responsible for justice policy, while its executive agency, HM Prison and Probation Service (HMPPS), is responsible for managing prison and probation services in England and Wales. As at 28 October 2024 there were 85,900 people held in 124 prisons in England and Wales, 108 of which are publicly operated.

In response to projected increases in demand, MoJ committed in October 2021 to deliver 20,000 additional prison places by the mid-2020s through a mixture of new prisons, additional houseblocks and refurbishments, and temporary accommodation. Between 2020 and September 2024, HMPPS delivered 6,518 of these places. MoJ now estimates it will deliver its commitment around five years later than planned. Estimated costs have increased significantly by at least £4.2 billion (80%).

Consequently, the prison estate has been operating at close to full capacity since autumn 2022, with many prisons severely overcrowded. MoJ has had to implement various emergency measures, such as releasing prisoners early, to ensure that the criminal justice system continues to function.

Conclusions and recommendations

1. **MoJ's and HMPPS's efforts to increase prison capacity since 2021 have failed to deliver the number of additional places needed.**

In 2021, MoJ committed to delivering 20,000 additional prison places by the mid-2020s, but by September 2024 it had delivered just 6,500 places. It does not expect to deliver all of the remaining places until 2031, around five years late, and at a cost of £4.2 billion (80%) more than planned. The net position is worse; between May 2010 and September 2024, HMPPS only added a net 1,005 places to its estate (new prison places minus places lost). MoJ's and HMPPS's plans were completely unrealistic. For example, they assumed they could gain planning permission for new prisons in 26 weeks. MoJ and HMPPS also relied in part on assurances from HM Treasury and Cabinet Office to deliver some projects quickly, but did not receive the required support. The Committee recognises that MoJ and HMPPS were delivering the additional places in challenging economic conditions. However, their urgent need to deliver places quickly has also led to sizeable cost increases. For example, MoJ and HMPPS tried to develop and deliver Rapid Deployment Cells (RDCs), a new type of accommodation, quickly. This led to them being under scoped and MoJ now estimates they will cost 259% more than expected.

RECOMMENDATION

MoJ and HMPPS should set out how they will ensure that lessons learned to date from their projects to increase prison places are incorporated into the remainder of the programme and into future major estate projects.

2. **MoJ's and HMPPS's plans to deliver the remaining 14,000 places by 2031 are still fraught with risk and uncertainty.** MoJ and HMPPS acknowledge that they have not delivered prison places on time. We accept that they faced several challenges expanding the estate, such as dealing with environmental regulations and site-specific difficulties, but many of these were predictable and could have been managed more effectively with better planning. Furthermore, the difficulty and cost of remaining expansion projects is likely to increase, as HMPPS has already used sites where development is easiest. HMPPS must also re-tender many of its building

contracts as one of its major contractors, ISG, went into administration in September 2024. This may further increase delays. Given past issues, MoJ is proposing changes to how government approves planning permission for new prisons through the Crown Development Route; this is yet to come into effect and would bypass local planning committees entirely. HMPPS noted that there is contingency within its revised plans, but that planning permission for one of its new prisons remains uncertain due to an ongoing judicial review.

RECOMMENDATION

In the Treasury Minute response, MoJ and HMPPS should outline what they are doing to assure themselves and Parliament that their plans are now realistic. The response should state how MoJ and HMPPS will manage risks and monitor the feasibility of their plans, particularly in relation to gaining required planning permission.

- 3. Despite releasing thousands of prisoners early, MoJ forecasts it will run out of capacity again in early 2026.** According to its central prison population forecast, MoJ will run out of places again in 2026, and be short of 5,400 prison places by November 2027. Consequently, HMPPS is entirely reliant on uncertain future demand reduction measures, which it hopes will come from the independent Sentencing Review, to prevent it from running out of places. It is also assuming it can introduce any required legislative changes very quickly. HMPPS's future capacity position is worsened because it will not meet its deadline to make all cells fire safety compliant by 2027—approximately 23,000 cells did not meet safety standards at March 2024. It has committed to taking the cells that are not remediated by its 2027 deadline out of use. The condition of the estate also poses a risk to future capacity. MoJ received £520 million funding for maintenance over the next two years, but this is a small proportion of the £2.8 billion it estimates it needs to bring the estate into a fair condition, which would also require more headroom in the estate. Its current maintenance schedule has also been disrupted by the collapse of ISG. MoJ acknowledged that it is generally cheaper to maintain an existing cell than build a new one. It is also possible that the Independent Sentencing Review will recommend greater use of community sentencing rather than short prison sentences for relatively low-level offences. This may help reduce demand for prison places, but may also affect the amount of supervision and support required from probation services.

RECOMMENDATION

Alongside the Treasury Minute response, MoJ should produce a business case setting out steps to address the prison estate maintenance backlog much more rapidly, including any extra resources that would be required and its progress on re-tendering contracts for maintenance projects held by ISG. Once the next phase of the Sentencing Review is published in spring 2025, MoJ should provide an update to the Committee, within two months, outlining:

- a. how this will affect the forecast prison place shortage and any further mitigation that may be required.
- b. how it will use any resulting increase in headroom in the estate to accelerate plans to reduce its maintenance backlog and progress its fire safety works.
- c. how many cells it estimates will not meet the required fire safety standards by its 2027 deadline.
- d. how much additional funding it is seeking from Phase 2 of the Spending Review to help it tackle its maintenance backlog.
- e. how it plans to deal with any consequent impact on the demand for probation services.

4. **The prison capacity crisis has led to decisions and inefficiencies which represent poor value for money.** Maintaining and making best use of the existing prison estate represents better value than building new places. However, capacity constraints mean that MoJ and HMPPS are unable to make cost-effective decisions. For example, HMPPS needs cells to be empty to undertake essential maintenance work but it cannot do so when there is little flexibility in the system and cells have to be kept occupied constantly. Its maintenance backlog has doubled to £1.8 billion in the last four years and its Spending Review allocation of £220 million in 2024–25 is not sufficient to reverse this trend. MoJ also extended its lease at HMP Dartmoor despite the presence of radon gas, but has since had to close the prison due to high radon readings. HMPPS has paid additional costs to accelerate delivery at some sites, and its contingency measure to rent police cells overnight (Operation Safeguard) has cost £70 million to date. Efforts to reduce the Crown Court backlog are also being stymied as prisoner transport services are at full capacity and prisoners on remand are not necessarily housed at the prison closest to the relevant court, leading to inefficiency if prisoners do not attend hearings on time. Reception prisons are under particular pressure, and the remand population was at a record high of 17,711 in August 2024.

RECOMMENDATION

In its Treasury Minute response, MoJ should set out how it will estimate the costs to the Criminal Justice System caused by acute prison capacity pressures, in order to strengthen its strategic case for longer term planning and investment.

5. The prison capacity crisis risks undermining the safety and security of prisons and reduces HMPPS’s ability to rehabilitate offenders.

Due to MoJ’s and HMPPS’s failure to deliver additional prison capacity, the adult male prison estate was operating at 98.0% to 99.7% occupancy between October 2022 and August 2024 and remains alarmingly full. HMPPS cites 95% occupancy as the limit at which it can run the estate efficiently. A quarter of prisoners are doubled up in cells designed for one person. Greater crowding is linked to higher rates of violence and self-harm—the rate of assaults, such as fights between prisoners and attacks on staff, increased significantly in the year to September 2024. Furthermore, admissions procedures within prisons are under strain, meaning some prisoners are not receiving health care assessments or safety interviews to assess risk. Education and drug treatment are essential to rehabilitating offenders. However, crowding and a lack of headroom in the estate creates barriers to prisoners accessing education and makes it difficult for HMPPS to tackle high levels of drug usage in prison.

RECOMMENDATION

In its Treasury Minute response, MoJ and HMPPS should set out how they intend to evaluate the impact of prison capacity pressures on key areas such as:

- a.** completeness of risk assessments for new prisoners
- b.** self-harm and levels of violence
- c.** access to prison services such as education, drug rehabilitation, and work opportunities
- d.** access to purposeful activity and time spent outside of cells.

6. MoJ’s and HMPPS’s main focus has been on managing the capacity crisis rather than rehabilitating offenders to reduce reoffending.

In 2020, the previous Public Accounts Committee reported that HMPPS was operating hand to mouth by reacting to immediate crises. This remains the case. MoJ’s demand and supply forecasts assume high levels of crowding will continue, but it acknowledges this is detrimental for rehabilitative outcomes. Poor quality service delivery and a lack of purposeful activity within prisons is storing up problems for the future. According to MoJ’s most recent estimate, reoffending in England and Wales costs society

approximately £18 billion a year (2017–2018 prices). Increasing prisoner numbers and potential changes to sentencing will also increase pressure on probation officers, who are already reducing supervision of medium and low risk offenders due to high workloads. In September 2024, HMPPS had 5,413 full time equivalent probation officers in post against a target of 7,115, giving a staffing level of 76%. It estimates it will need to supervise around 20% more prison leavers by 2028 compared with December 2023. HMPPS acknowledges that the probation service cannot absorb additional demand without making further decisions on how it might focus its efforts.

RECOMMENDATION

Once the next phase of the Sentencing Review is published in spring 2025, within two months, MoJ should write to the Committee setting out:

- a. how it plans to improve the rehabilitative environment in prison, for example, by reducing crowding.
- b. what additional funding it requires to increase probation capacity and provision of community support, including substance misuse treatment.
- c. how it will evaluate the impacts of any future changes to probation and community sentencing on reoffending rates.

This plan should include both a target and a timetable to reduce reoffending and set out a forecast reduction in demand for prison places over time if successfully implemented.

1 Delivering a prison estate to meet demand

Introduction

1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Ministry of Justice (MoJ) and HM Prison and Probation Service (HMPPS) on their progress in expanding the prison estate.¹
2. MoJ is responsible for justice policy, while its executive agency, HMPPS, is responsible for managing the prison and probation service in England and Wales. As at 28 October 2024 there were 85,900 people held in prisons in England and Wales. The prison estate comprises 124 prisons, of which 108 are publicly operated.²
3. In response to projected increases in demand, MoJ committed in October 2021 to deliver 20,000 additional prison places by the mid-2020s. HMPPS is delivering these places through a portfolio of projects which includes building new prisons, expanding and refurbishing existing prisons, and installing temporary accommodation.³ HMPPS delivered 6,518 additional places between 2020 and September 2024 and MoJ now estimates it will deliver its commitment around five years later than planned.⁴ Estimated costs have increased by at least £4.2 billion (80%).⁵
4. Delays in delivering additional prison places have worsened pressure on the prison estate, which has been operating at close to full capacity since autumn 2022, with many prisons severely overcrowded. If prisons reach full capacity, there would be significant impacts on the wider criminal justice system. For example, courts would not be able to try cases where suspects may be given prison sentences. MoJ has had to implement various emergency measures, such as releasing prisoners early, to ensure that the criminal justice system continues to function.⁶

1 C&AG's Report, [Increasing the capacity of the prison estate to meet demand](#), Session 2024–25, HC 376, 4 December 2024

2 C&AG's Report, para 1

3 C&AG's Report, para 3

4 C&AG's Report, para 9

5 C&AG's Report, para 10

6 C&AG's Report, paras 4, 1.11

Delays and increased costs

5. In 2020, the previous Committee raised concerns about MoJ’s ability to improve the condition of the prison estate and meet rising demand by building new prison places.⁷ In 2021, following projected increases in demand, MoJ increased the number of places it planned to deliver from around 13,400 to 20,000 additional prison places by the mid-2020s.⁸ However, the NAO reported that by September 2024, MoJ and HMPPS had delivered only 6,518 places.⁹ The report stated that MoJ and HMPPS do not expect to deliver the last of the remaining places until 2031, around five years later than planned. MoJ now estimates the total cost (in cash terms) to range between £9.4 billion and £10.1 billion, at least £4.2 billion (80%) more than its original estimate.¹⁰ Changes in cost per place vary across projects, with increases of up to 259% for MoJ’s Rapid Deployment Cells (RDCs), modular units with a lifespan of 15 years.¹¹
6. Between May 2010 and September 2024, HMPPS only added a net 1,005 prison places to its estate (new places minus prison places lost), although the prison population increased by about 3,000 during this period.¹² We asked MoJ why it had been unable to increase capacity sufficiently, despite knowing about expected increases in demand for many years.¹³ MoJ acknowledged that it had known it was going to be “under a lot of pressure”, which was why it had established its programme to deliver the 20,000 prison places.¹⁴ It stated that while several factors had contributed to delays, the main challenge had been obtaining planning permission—one of its new prisons, Garth, has been awaiting planning approval for over three years.¹⁵ It said that this degree of delay could not have been predicted and therefore it would view this as a normal part of a major infrastructure programme rather than a project management failure.¹⁶ MoJ explained that while funding had sometimes been a limiting factor, more funding would not necessarily have helped it to avoid running out of places.¹⁷

7 Committee of Public Accounts, [Improving the prison estate](#), Fifteenth Report of Session 2019–21, HC 244

8 C&AG’s Report, paras 1.6, 1.7

9 C&AG’s Report, para 9

10 C&AG’s Report, para 10

11 C&AG’s Report, paras 9, 10

12 C&AG’s Report para 6

13 Q 2

14 Q 3

15 Q 9

16 Q 8

17 Q 5

7. In 2021, MoJ had planned to deliver three of its new prisons by 2026, despite having no planning permission in place.¹⁸ It also told us it factored in just 26 weeks to gain approvals, even though sites were not earmarked in local plans.¹⁹ We challenged MoJ on whether it felt its plans were over-ambitious and if it should have better anticipated planning delays.²⁰ MoJ said that it did not regret making the commitment given the places were required.²¹ It argued that it was relying on ‘Project Speed’, a HM Treasury and Cabinet Office-led initiative, to streamline and speed-up planning approvals but that the project did not deliver.²² It also said that there were delays it could not have anticipated, for example where two sites were recommended for approval by the local planning official but were later rejected.²³ MoJ conceded that with hindsight it would have been better not to have planned on the basis that Project Speed would be successful.²⁴
8. We asked HMPPS why the costs of its Rapid Deployment Cells (RDCs) had risen so significantly.²⁵ HMPPS said that increases were due to three factors: design changes as it developed its understanding of what was needed; site-specific costs due to unforeseen issues such as asbestos; and nutrient neutrality regulations, which require it to offset the impact of projects on the environment.²⁶ We asked MoJ if it had a maximum price that it was willing to pay for a prison place.²⁷ MoJ explained that, while there have been some instances where it had not progressed projects because of cost, there is no specific point at which it would regard a project as too expensive. It told us that decisions to progress projects depend on several factors such as how urgent the need for additional capacity is and how quickly places can be delivered.²⁸

18 C&AG’s Report, para 1.15

19 Qq 23–27

20 Qq 11–13

21 Q 8

22 Q 13

23 Q 23

24 Qq 13–18

25 Q 30

26 Q 31

27 Qq 33,34

28 Q 34

Delivering the remaining 14,000 prison places

9. In December 2024, MoJ published its 10-year capacity strategy which set out its plans to deliver the remaining 14,000 prison places by 2031.²⁹ The majority of the remaining places will come from four new prisons (6,500) and additional houseblocks (6,400), with a further 1,100 from Rapid Deployment Cells and around 1,150 places from refurbishments of cells.³⁰ The strategy emphasised the continued need for prison places, stating, “we still project the prison population to increase by an average of 3,000 annually over the coming years”.³¹
10. We asked HMPPS whether it was certain that it could meet the revised deadline.³² HMPPS told us that while it could not give absolute assurance that it would deliver to schedule, it had built contingency into its timelines to allow for factors outside of its control. It explained that this included an assessment of how likely things were to go to plan, using learning from other government projects, which allows it to build in more contingency where it identifies a higher level of risk.³³ However, HMPPS also indicated that the remaining delivery sites carried more risk as it had started with sites it considered would be more straightforward.³⁴
11. HMPPS also acknowledged that while 95% of the remaining places had outline planning permission, permission for one of its new prisons, Garth, is currently under judicial review.³⁵ MoJ and HMPPS explained that they are relying on proposed policy changes to how government approves planning permission through the Crown Development Route to avoid similar delays in the future. They told us that engaging with local communities remained important, but acknowledged that the changes would centralise decision-making, bypassing local planning committees.³⁶
12. HMPPS explained that the collapse of ISG, one of its main contractors which entered administration in September 2024, had been challenging, but that expected delays were already factored into its revised timelines.³⁷ However, it noted that this was based on its assumptions about potential delays. It told us that ISG was contracted to deliver around 3,500 places of the 20,000 places portfolio across 13 projects and that it was in the process of

29 Ministry of Justice, [10-year Prison Capacity Strategy](#), December 2024, page 3

30 Ministry of Justice, [10-year Prison Capacity Strategy](#), December 2024, page 7

31 Ministry of Justice, [10-year Prison Capacity Strategy](#), December 2024, page 2

32 Q 29

33 Q 29

34 Q 32

35 Q 29

36 Qq 55–60

37 Q 43

retendering contracts as quickly as possible.³⁸ It explained that while the collapse had affected its expansion plans, it was more exposed in terms of ongoing maintenance projects that ISG had been delivering.³⁹

Future prison capacity

13. According to its December 2024 statement on prison capacity, in its central forecast MoJ will run out of capacity again by early 2026 and will be 5,400 places short by November 2027.⁴⁰ This is lower than the 12,400 places shortfall reported by the NAO.⁴¹ MoJ confirmed this is because its forecasts now assume that its early release scheme (SDS40), which set the automatic release point for some prisoners to be when they had served 40% of their sentence instead of 50%, will remain in place to 2029.⁴² The government had implemented the scheme as a temporary release measure in September 2024 in response to a critical shortage of prison places.⁴³ MoJ launched a sentencing review on 21 October 2024. The aims of this review include ending the prisons crisis and ensuring no government is forced into the emergency release of prisoners again.⁴⁴ MoJ published part one of the review on 18 February 2025, which included an analysis of trends in custody and set out principles for effective sentencing.⁴⁵
14. MoJ confirmed that it is relying on the Government’s response to the sentencing review to help it manage the expected gap between capacity and demand.⁴⁶ Given its forecasts suggest it could run out of places again in early 2026, we challenged MoJ on whether there would be sufficient time to implement measures resulting from the review.⁴⁷ It told us that it did not think the timeline was impossible. MoJ explained that timelines for the review had been considered with projected shortfalls in mind and it had been planning carefully for this.⁴⁸ However, it stressed that the review is independent and it will have to ‘wait and see’ what the outcomes are.⁴⁹
15. The NAO report highlighted several risks to existing prison capacity. This included that around a quarter (23,000) of occupied prison places are at risk of enforcement by the Crown Premises Fire Safety Inspectorate

38 Q 43

39 Qq 43,46

40 Ministry of Justice, [Annual Statement on Prison Capacity: 2024](#), December 2024, page 7

41 C&AG’s Report, Figure 9

42 Q 84

43 C&AG’s Report, para 2.11

44 Ministry of Justice, [Landmark Sentencing Review launched to end prison crisis](#), 21 October 2024

45 Independent Sentencing Review, [History and Trends in Sentencing](#), 18 February 2025

46 Q 7

47 Q 98

48 Q 98

49 Q 105

if HMPPS do not make them fire-safety compliant by the end of 2027.⁵⁰ HMPPS acknowledged that it will be “impossible” to meet this target, largely because of the collapse of one of its main contractors, ISG.⁵¹ It explained that there are issues with market capacity to take on these projects and that it would need to re-sequence where it takes cells out of use in order to manage capacity in the estate.⁵² HMPPS stressed that if places are not remediated by the end of 2027 it will take them out of use.⁵³

16. The condition of the estate also poses a risk to future capacity. Since the government’s 2010 prisons strategy, HMPPS has indefinitely closed 4,151 cells due to dilapidation.⁵⁴ Furthermore, HMPPS’s maintenance backlog has doubled from £0.9 billion to £1.8 billion between 2020 and September 2024.⁵⁵ MoJ estimates it needs £2.8 billion to bring the estate into a fair condition.⁵⁶ MoJ acknowledged that it is generally cheaper to maintain an existing cell than to build a new one.⁵⁷ MoJ and HMPPS agreed that the funding it received for maintenance in the Spending Review, £220 million in 2024–25 and £300 million in 2025–26, is not enough to make sufficient inroads into the backlog.⁵⁸ However, HMPPS clarified it would need more headroom in prisons and greater market capacity to complete more than around £300 million of maintenance works per year.⁵⁹
17. HMPPS told us that probation officers and probation services officers were already dealing with a workload equivalent to 102% of capacity.⁶⁰ We raised the potential impact on probation services if the sentencing review recommends alternatives to custody, possibly requiring more support from the probation service. HMPPS commented that if more people shift from short custody into probation this would need more support from probation officers. It told us that additional work could not be given to probation services without establishing what probation services would not be doing in future. It told us that “the lowest rung” of the probation caseload is those people who would only receive community sentence, not a prison sentence, and that there is no evidence that intensive supervision is very helpful for these people.⁶¹

50 C&AG’s Report, para 3.8

51 Q 134

52 Q 45

53 Q 44

54 C&AG’s Report, para 1.25

55 C&AG’s Report, para 1.24

56 C&AG’s Report, para 3.8

57 Q 47

58 Q 50

59 Qq 49–50

60 Q 118

61 Qq 119–121

2 Costs and impacts of the prison crisis

Costs of the crisis

18. We asked MoJ if it has assessed the costs of needing to deliver prison places so urgently, such as paying contractors more to take on a higher level of risk.⁶² MoJ said it had not and indicated this could be difficult to disaggregate. It conceded that needing to do things quickly will likely cost more, but it also pointed to other factors which have increased costs such as inflation, which it said had meant delays have been more costly as prices increased.⁶³ HMPPS explained that in some cases it paid to accelerate the delivery of projects, for example one of its new houseblocks, Rye Hill, so that it could be delivered several months earlier.⁶⁴ It has also paid £70 million to date to house prisoners in police cells under Operation Safeguard to provide additional one-night contingency in the system.⁶⁵
19. To help with capacity pressures, HMPPS recently extended its lease for HMP Dartmoor by 25 years, starting in 2023–24, despite the detection of radon gas in 2020. It closed the prison temporarily in July 2024, following the detection of high radon readings.⁶⁶ Given the likely substantial costs involved with any remediation, we asked HMPPS whether it had negotiated a reduced price when extending the lease. HMPPS told us that it had secured some investment in the negotiation which it plans to use towards solutions for reopening the prison.⁶⁷
20. HMPPS told us that operating at 99% occupancy creates inefficiencies in the estate and wider justice system. For example, it explained that prisoners often arrive in the wrong part of the estate or wrong part of the country. This means that prisoners often arrive late at night and it also impacts HMPPS’s ability to get them to court on time the next day. It explained that this has a knock-on effect on the Crown Court backlog.⁶⁸ HMPPS told us that

62 Q 38

63 Qq 38–40

64 Q 40

65 Q 92

66 C&AG’s Report, para 2.14

67 Qq 125–129

68 Q 66

reception prisons are under particular pressure, and the remand population was at a record high of 17,711 in August 2024. HMPPS explained that the increasing proportion of prisoners on remand makes it more difficult for HMPPS to use its estate most efficiently, as prisoners on remand need to stay near to the local court where their case will be heard.⁶⁹ High occupancy levels also reduce HMPPS’s ability to carry out maintenance essential to keep prison places in use. We asked HMPPS what level of occupancy would allow it to operate an efficient estate. It told us that it would not want to be operating above 95% occupancy, but 90% would be ideal. It explained that this would provide staff with more time to, for example, assess prisoners, and that it would allow it to place prisoners in different areas of the country more efficiently.⁷⁰

Impact of prison capacity crisis on safety and outcomes for prisoners

21. The adult male estate was operating at 98.0% to 99.7% occupancy between October 2022 and August 2024, with many prisons severely overcrowded.⁷¹ HMPPS confirmed that around a quarter (23.6%) of prisoners are sharing cells designed for one person, often with an open toilet.⁷² The Howard League for Penal Reform provided written evidence which noted that overcrowding increases pressures in the prison environment, reducing prisoners’ wellbeing and leading to an increase in violence.⁷³ This is reflected in increases in the rate of assaults, such as fights between prisoners which increased by 14%, and attacks on staff which increased by 19% in the year to September 2024.⁷⁴
22. We asked HMPPS what it was doing to keep prisoners safe in the context of prisons being so overcrowded.⁷⁵ It explained that it had introduced three “red lines” which it had stuck to rigidly. These included: keeping at least 1,500 cells that require fire maintenance out of use so that it could continue with remediation work; only crowding cells where operational assessments had considered factors such as whether staffing and ancillary services will allow it to do so safely; and ensuring that cells were only in use if they were staffed to at least 75%.⁷⁶ HMPPS explained that it was always trying to improve safety metrics, for example, by implementing airport-style security

69 Q 88

70 Q 68

71 C&AG’s Report, para 2.2

72 Q 68

73 [PEC007](#)

74 Ministry of Justice, [Safety in Custody Statistics: quarterly update to September 2024](#)

75 Q 66

76 Qq 66,69

to stop people bringing contraband into prisons, and helping staff or prisoners who are struggling. But it acknowledged that this was challenging even before it was running the estate at 99% occupancy.⁷⁷

- 23.** Several stakeholders provided written evidence on how crowding and capacity pressures are impacting health and drug treatment in prisons.⁷⁸ For example, HM Inspectorate of Prisons (HMIP) noted that the strain at some reception prisons are under means that prisoners do not always receive the required health assessments or safety interviews. It warned that this creates significant risks as many prisoners report feeling suicidal when they first arrive and have health problems, including drug and alcohol dependency.⁷⁹
- 24.** We also received evidence on how the crisis has impacted education and pre-release services. For example, the Prisoners' Education Trust told us that overcrowding means education departments in prisons are unlikely to have the capacity needed, and prisoners are more likely to be moved at short notice, without their educational needs being considered.⁸⁰ HMIP noted that pressures were having an impact on preparing prisoners for release as they are less able to progress through the estate and are often placed far from their families, making it difficult to maintain relationships which are important to successful reintegration into the community.⁸¹
- 25.** We asked MoJ what it had done to understand the impact of the crisis on prisoners and prisoner outcomes.⁸² MoJ said that the fact it had managed to continue running such a full estate was a testament to the huge efforts of its staff and those in the wider justice system, who were dealing with increased workloads. While HMPPS told us it had done everything it could to get out of this position, it acknowledged that running the estate at full capacity inevitably impacts on prison regimes. It added that the crisis also significantly impacts victims of crime, as early release schemes used to manage capacity pressures are not what victims would want.⁸³

77 Q 66

78 [PEC0007](#), [PEC0008](#), [PEC0009](#)

79 [PEC0008](#)

80 [PEC0011](#)

81 [PEC008](#)

82 Q 65

83 Q 65

Effective rehabilitation and reducing reoffending

- 26.** According to MoJ’s most recent estimate, reoffending in England and Wales costs society approximately £18 billion a year (2017–2018 prices).⁸⁴ Given MoJ’s and HMPPS’s acknowledgement that crowding impacts prison regimes and can reduce access to purposeful activity and harm rehabilitation, we asked MoJ what level of crowding it had factored into its latest projections.⁸⁵ It told us that its supply projections assume that around a quarter of the estate (23.6%) would continue to be crowded. However, it noted that this does not commit it to using crowding at this level in the future.⁸⁶ MoJ was candid that given high occupancy levels, it had set the safety of its staff and prisoners as its priority, and accepted that this had reduced time available for resettlement activity and would therefore affect rehabilitation outcomes.⁸⁷
- 27.** MoJ and HMPPS told us that the impact of the prison capacity crisis on probation is “significant” and “rising” with pressures likely to increase further if Ministers make decisions to decrease the prison population.⁸⁸ In September 2024, HMPPS had 5,413 full time equivalent probation officers in post against a target of 7,115, giving a staffing level of 76%.⁸⁹ It estimates it will need to supervise around 20% more prison leavers by 2028 compared with December 2023.⁹⁰ HMPPS stressed that it is not just the Probation Service that is facing increased pressures from rising demand as other services that people need to access such as healthcare are also affected.⁹¹ It has since announced, in February 2025, that probation officers will focus more time on high risk offenders. The probation service has stated it will free up probation officer time to do so by intervening earlier with low risk offenders to understand the support they require and referring them to appropriate services.⁹²
- 28.** MoJ assured us that it models the impact of any demand and supply measures on staffing levels and has governance structures in place to ensure the system can cope with proposed changes.⁹³ However, HMPPS

84 Ministry of Justice, [Economic and social costs of reoffending - GOV.UK](#), July 2019

85 Qq 65, 72, 81

86 Qq 72–75

87 Qq 65–66

88 Q 99

89 Ministry of Justice, [Annual Statement on Prison Capacity: 2024](#), December 2024, page 9

90 C&AG’s Report, para 3.9

91 Q 99

92 Ministry of Justice, [probation press release](#), 12 February 2025

93 Q 100

acknowledged that if decisions from the sentencing review lead to increased volumes of offenders under the Probation Service, it will need to look at how it will prioritise work due to the strain the system is already under.⁹⁴

94 Q 100

Formal minutes

Thursday 6 March 2025

Members present

Sir Geoffrey Clifton-Brown, in the Chair

Mr Clive Betts

Nesil Caliskan

Rachel Gilmour

Lloyd Hatton

Chris Kane

Rebecca Paul

Oliver Ryan

Prison estate capacity

Draft Report (*Prison estate capacity*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 28 read and agreed to.

Summary agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

Resolved, That the Report be the Fifteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

Adjournment

Adjourned till Monday 10 March at 3 p.m.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 27 January 2025

Dame Antonia Romeo DCB, Permanent Secretary and the Clerk of the Crown in Chancery, Ministry of Justice; **Ross Gribbin**, Director General, Prisons, Offenders and International Justice, Ministry of Justice;

Amy Rees, Director General Chief Executive, HMPPS;

Jim Barton, Executive Director HMPPS Change,
HM Prison and Probation Service

[Q1-144](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

PEC numbers are generated by the evidence processing system and so may not be complete.

1	Guiney, Dr Thomas (Assistant Professor of Criminology, University of Nottingham); and Yeomans, Professor Henry (Professor of Criminology, University of Leeds)	PEC0005
2	Allen, Mr Rob (Independent Researcher and Consultant, Independent)	PEC0001
3	Camurus Ltd.	PEC0009
4	Centre for Crime and Justice Studies	PEC0006
5	Clinks	PEC0010
6	Cook, Mr Nigel D (Retired–P3M Expert)	PEC0002
7	HMI Prisons	PEC0008
8	Howard League for Penal Reform	PEC0007
9	Ismail, Dr Nasrul (Senior Lecturer in Criminology, University of Bristol)	PEC0003
10	Molina, Dr Julian (Lecturer in Public Policy, University of Bristol)	PEC0004
11	Prisoners' Education Trust	PEC0011

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2024–25

Number	Title	Reference
14th	Public charge points for electric vehicles	HC 512
13th	Improving educational outcomes for disadvantaged children	HC 365
12th	Crown Court backlogs	HC 348
11th	Excess votes 2023-24	HC 719
10th	HS2: Update following the Northern leg cancellation	HC 357
9th	Tax evasion in the retail sector	HC 355
8th	Carbon Capture, Usage and Storage	HC 351
7th	Asylum accommodation: Home Office acquisition of former HMP Northeye	HC 361
6th	DWP Customer Service and Accounts 2023-24	HC 354
5th	NHS financial sustainability	HC 350
4th	Tackling homelessness	HC 352
3rd	HMRC Customer Service and Accounts	HC 347
2nd	Condition and maintenance of Local Roads in England	HC 349
1st	Support for children and young people with special educational needs	HC 353