

Written evidence submitted by JUSTICE (FPP0010)

Introduction

JUSTICE is a cross-party law reform and human rights organisation working to strengthen the justice system – administrative, civil, and criminal – in the United Kingdom. It is the UK section of the International Commission of Jurists. Our vision is of fair, accessible, and efficient legal processes in which the individual's rights are protected and which reflect the country's international reputation for upholding and promoting the rule of law.

This submission addresses the questions posed by the Justice Committee concerning future prison population and estate capacity. In responding to the questions, we have drawn on our forthcoming observational research report exploring remand hearings in the magistrates' courts¹ and our working parties: *A Parole System Fit for Purpose* (2022) and *Tackling Racial Injustice: Children and the Youth System* (2021).

We refer also to JUSTICE's ongoing working party exploring administrative decision-making in prison, particularly in the adult estate. Whilst in its initial stages, the impact of the current capacity pressures is undeniably extensive.

What changes are expected in the size and composition of the prison population in the short, medium and long term?

On 13 October 2023, the total prison population in England and Wales stood at 88,225, just 557 shy of the latest published "useable operational capacity", and an increase of 6,589 on the figure 12 months prior.² According to the Government's latest projections this figure is only expected to increase, with the number of prisoners in England and Wales predicted to reach 94,400 by March 2025, and between 93,100 and 106,300 by March 2027.³ This increase is anticipated across all quarters of the estate - adult males, adult females, and children (15- to 17-year-olds) housed in Young Offender Institutions ("YOIs").⁴ The prison population is also ageing: the number of prisoners aged 50 years and over is due to rise between 2023 and 2027.⁵ Considering the extensive overcrowding of the prisons in England and Wales, particularly in the adult male estate, plus the ineffectiveness of ongoing measures to target this issue, JUSTICE considers these figures greatly concerning. As explored in JUSTICE's report, *A Parole System fit for Purpose* (2022), overcrowding fundamentally decreases prisoners' quality of life and prospects of successful rehabilitation.⁶

¹ See <https://justice.org.uk/our-work/criminal-justice-system/current-work-criminal-justice/remand-decision-making-in-the-magistrates-court/>. The final report on the first stage of this work is to be published and made available online on 9 November 2023.

²Ministry of Justice, *Population bulletin: weekly 13 October 2023* (2023).

Useable operational capacity is the total number of prisoners that an establishment can hold considering control, security, and the proper operation of the planned regime, as determined by the Prison Group Directors based on their operational judgement and experience. Although a number of different measures are used to analyse prison capacity, all indicate widespread overpopulation. See Ministry of Justice, [Prison Population Projections 2022 to 2027, England and Wales](#) (2023).

³ Ministry of Justice, [Prison Population Projections 2022 to 2027, England and Wales](#) (2023), p.1.

⁴ Ibid.

⁵ Ibid.

The overcrowding of the adult male estate is also affecting the youth estate. In response to the capacity pressures present in the adult male estate, December 2022 saw the Prisons Minister raise the age at which prisoners transfer from youth custody into an adult prison from 18 to 19 years old.⁷ In April 2023, 22% of the whole children's estate population and roughly 28% of the YOI population were young adults rather than children.⁸ Further, as of June 2023 there were 148 18-year-olds being held in young offender institutions.⁹ Considering the continuing pressures on the adult male estate, JUSTICE expects the number of young adults being held in the youth estate to increase, to the detriment of both children in the youth estate and the young adults who ought to be progressing through their sentences.

Apart from the potential increase in population size of the youth estate, JUSTICE urges the Ministry of Justice to consider the impact of such changes on the culture of the children's secure estate. Indeed, overcrowding is a source of tension in prison, which in turn leads to the use of excessive control by overstretched prison officers.¹⁰ For example, according to the Prison Reform Trust, around half (49%) of prisoners reported being in their cell for more than 22 hours a day.¹¹ Whilst the impact of the COVID-19 pandemic should not be underestimated, this demonstrates a deterioration from 2018–19 when around a quarter were locked up during the working day.¹² At a time when the Children's Commissioner has expressed extreme concern at the prospect of the use of the incapacitant spray, pelargonic acid vanillylamide ("**PAVA**") in children's custody, it is crucial that such excessive control does not lead to the use of excessive force.¹³ This is particularly important within a prison estate in which children can be 'adultised', as explored in JUSTICE's report *Tackling Racial Injustice: Children and the Youth Justice System* (2021).¹⁴

It should also be noted that the number of prisoners remanded in custody has seen a significant increase, from 12,800 at the end of July 2021 to 14,700 at the end of November 2022.¹⁵ This subpopulation is predicted to decrease along with the backlogs to reach 12,500

⁶ JUSTICE, [A Parole System Fit for Purpose](#) (2022), pp. 4, 103 -104 . See also Criminal Justice Alliance, ['Crowded Out? The Impact of Prison Overcrowding on Rehabilitation'](#) (2012).

⁷ Ministry of Justice (Damian Hinds) [Letter from Minister of State for Justice to Sir Bob Neil MP: Youth Custody Update](#) (December 2022), p. 2.

⁸ Transition to Adulthood, [T2A Position Statement on Young Adults in Youth Custody](#) (July 2023), accessed 10 October 2023.

⁹ House of Commons written question 196011, 12 September 2023.

¹⁰ Prison Reform Trust, [Bromley Briefings Prison Factfile January 2023](#) (2023), p. 28.

¹¹ Ibid, p.53.

¹² Ibid.

¹³ Children's Commissioner, [Children's Commissioner raises concerns about the possible introduction of incapacitant spray into Young Offenders Institutions](#) (27 September 2023), accessed 10 October 2023.

¹⁴ JUSTICE, [Tackling Racial Injustice: Children and the Youth Justice System](#) (2021), pp. 52 – 53.

Children are "adultised" when they are inappropriately considered to be more mature than they are: their perceived age influences their treatment rather than their chronological or developmental age. Such adultification has been shown to disproportionately effect BAME children and leads to worse outcomes during sentencing and within the prison estate.

¹⁵ Ministry of Justice, [Prison Population Projections 2022 to 2027](#), England and Wales (2023), p. 12.

by the end of November 2024.¹⁶ Considering that 25% of defendants remanded in custody end up being released post-trial, this is certainly a sub-population of the adult male estate which may be reduced.¹⁷ As highlighted in JUSTICE's forthcoming observational research report exploring remand hearings in the magistrates' courts, data raises concerns about the quality of remand decision-making and suggests that the processes for determining bail are not being properly followed.¹⁸ Further research is needed in order to understand why and in what circumstances decision-makers favour custodial remand over conditional bail, the outcome of which may help to reduce capacity pressures.

What is the Ministry of Justice's current strategy for safely and effectively managing the prison population, and how effective is it?

To what extent has the activation of Operation Safeguard and the rolling out of Rapid Deployment Cells helped to manage capacity pressures?

In the Prisons Strategy White Paper published in December 2021, the Government made a commitment to create an additional 20,000 prison places by the mid-2020s.¹⁹ November 2022 also saw the Government re-activate Operation Safeguard.²⁰ Through the temporary use of up to 400 police cells when faced with insufficient space at local prisons, the Government aims to ensure "*enough places to cut crime and keep the public safe*".²¹ This was reinforced by the announcement this year of the use of Rapid Deployment Cells: prefabricated units with a lifespan of around 15 years placed on existing prison sites including at HMPs Norwich, Wymott and Hollesley Bay.²²

Major refurbishments are said to be taking place at HMPs Birmingham, Liverpool and Norwich, delivering around 800 additional places, and construction has begun on new house blocks at HMPs Stocken, Hatfield, Sudbury, and Rye Hill.²³ HMP Millsike, a new 'all-electric' prison designed to hold 1,500 prisoners, is also due to open in 2025.²⁴

It is important to note, however, that the Government's communication of the above strategy has its inconsistencies. The delivery of the additional 20,000 places has been announced as a £4 billion and £3.8 billion investment, and the Government have also referred to an additional 18,000 places, rather than 20,000.²⁵ It is also unclear how many of these new

¹⁶ Ibid.

¹⁷ JUSTICE, [Justice Committee Written Evidence: the role of adult custodial remand in the criminal justice system](#), p.9.

¹⁸ See <https://justice.org.uk/our-work/criminal-justice-system/current-work-criminal-justice/remand-decision-making-in-the-magistrates-court/>. The final report on the first stage of this work is to be published and made available online on 9 November 2023.

¹⁹ Ministry of Justice, [Prisons Strategy White Paper](#) (2021), p. 8.

²⁰ HC deb, 30 November 2022, vol 723, col 915.

²¹ Ibid, col 916.

²² Prison Reform Trust, [Prison Capacity Crisis won't be solved by newly opened HMP Fosse Way figures reveal](#) (30 June 2023), accessed 10 October 2023. See also HC debate, 4 July 2023, vol 735, col 762.

²³ HC Deb, 4 July 2023, vol 735, col 759.

²⁴ Ibid.

places are due to be temporary, and the progress of such strategy has been hard to track.²⁶ Indeed, Operation Safeguard is described as a “*temporary measure*”, but there has been no indication of when this will cease.²⁷

The inadequacy of such a strategy is also clear. In her address to the All-Party Parliamentary Group on Penal Affairs in May 2023, the President of the Prison Governors’ Association Andrea Albutt warned that the prison system is facing a capacity crisis.²⁸ Whilst acknowledging the use of police cells for the overflow of prisoners, she stated that “*there is no more room at the inn*”: further overcrowding will lead prisons to become “*warehouses of despair, danger, and degradation*”.²⁹

JUSTICE agrees with this assessment. All the data we have encountered shows that capacity pressures, particularly in the adult male estate, remain significant. Of the 122 prisons in England and Wales, 74 (61%) are overcrowded, meaning they hold more prisoners than the number for which they were designed.³⁰ Over 16,300 prisoners are currently held in such conditions, with two men often sharing a cell meant for a single occupant.³¹ HMPs Leeds, Durham and Wandsworth are operating at 172%, 171% and 170% capacity respectively and, while designed to hold 520 prisoners, HMP Pentonville today holds 1,183.³² Indeed, overcrowding remains so prevalent that the Government is actively considering renting prison space abroad to increase estate capacity.³³

Whilst the figures speak for themselves, sentencing practice also demonstrates the persistence of the capacity crisis. In *R v Ali (Arie)* [2023] EWCA Crim 232 Lord Justice Edis issued guidance on the consideration of prison capacity in sentencing decisions.³⁴ On 11 October 2023 it was announced that sentencing hearings for convicted defendants on bail would be delayed owing to the lack of capacity in the prison estate.³⁵ Our prisons are full, but temporary caution and delays will not solve the problem: a fundamental rethink is required.

²⁵ Prison Reform Trust, [Blog: Deconstructing the government’s prison building plan](#) (15 July 2022), accessed 10 October 2023. See also HM Treasury, [Autumn Budget and Spending Review 2021](#) (2021), p. 101.

²⁶ Ibid.

²⁷ House of Commons Written Question 182566, 2 May 2023.

²⁸ Prison Reform Trust, [Prison Capacity Crisis won’t be solved by newly opened HMP Fosse Way figures reveal](#) (30 June 2023), accessed 10 October 2023.

²⁹ All-party Parliamentary Group on Penal Affairs, Andrea Albutt, [Minutes of the Annual General Meeting of the All-Party Group on Penal Affairs](#) (2023), p. 5.

³⁰ Ministry of Justice (2022), [HM Prison and Probation Service Annual digest: April 2021 to March 2022](#), Tables 2.2 and 2.3. See also Prison Reform Trust (2023), [Bromley Briefings Prison Factfile January 2023](#) (2023), p. 23.

³¹ Ibid.

³² The Howard League for Penal Reform, [Prisons](#), accessed 5 October 2023

Prison Reform Trust, [Prison Capacity Crisis won’t be solved by newly opened HMP Fosse Way figures reveal](#) (30 June 2023), accessed 10 October 2023.

³³ Haroon Siddique, [UK could rent space in foreign jails to ease shortage of cells](#) (3 October 2023), The Guardian, accessed 10 October 2023.

³⁴ *R v Ali (Arie)* [2023] EWCA Crim 232.

³⁵ Catherine Baksi, Jonathan Ames, Matt Dathan, *Judges told not to jail rapists as prisons are full* (11 October 2023), *The Times*, accessed 11 October 2023.

Is the Government's commitment to deliver 20,000 prison places by the mid-2020s achievable and sufficient to manage the projected demand for places?

JUSTICE considers the Government's commitment both unachievable and insufficient. Of the 20,000 proposed prison places, only 5,202 had been built by 5 June 2023 and the Government remains significantly behind schedule on its commitment.³⁶ Only around 6,400 new prison places are anticipated to be delivered and made operational by the end of May 2024, rising to approximately 8,200 by the end of May 2025.³⁷ If progress continues at the current pace, the Government will fall 11,800 places short of its 20,000 target by 2025.³⁸

Further, according to a withdrawn internal memo published at the start of June, the March 2022 demand and supply forecast shows that even if all planned capacity projects were to be delivered on time, there will still be a shortfall of 2,300 prison places by March 2025.³⁹

What is clear, however, is that increasing the number of prison places is not the answer to the current capacity crisis. According to the Government's 2021 Prisons White Paper Strategy, public protection is a fundamental purpose of incarceration.⁴⁰ Bearing in mind that the vast majority of those who receive a prison sentence will ultimately be released, the best way to ensure this is to foster effective rehabilitation. Simply locking people away in prison does not achieve this end: instead, prisons have become "*an expensive way of making bad people worse*".⁴¹ Accordingly, it is JUSTICE's view that the Ministry of Justice should focus on reducing both the number of people facing incarceration and the length of the sentences served by those who are incarcerated, while simultaneously improving rehabilitation opportunities both within and outside prison, and aiding reintegration of prison-leavers into the community.

What are the implications of the rise in the prison population for the resources required to manage prisons safely and effectively?

What is HM Prison and Probation Service's current capacity to manage overcrowding safely and effectively?

JUSTICE considers that there are two key implications of the rise in prison population for the resources required to manage prisons safely and effectively.

First, prison overcrowding prevents the basic material needs of prisoners from being met. Living conditions are commonly reported as poor: frequently, two prisoners in a cell designed

³⁶ House of Commons written question 187206, 7 June 2023, Prison Reform Trust (2023), [Prison: the facts, Bromley Briefings 2023](#) (2023), p. 5.

³⁷ House of Commons written question 187210, 12 June 2023.

³⁸ HC Deb 4 July 2023, vol 735, col 739.

³⁹ Inside Time, [We'll run out of cells, admits Moj in written memo](#) (19 June 2023), accessed on 4 October 2023. Prison Reform Trust, (2023), p. 5. [Prison: the facts, Bromley Briefings 2023](#) (2023), p. 5.

⁴⁰ Ministry of Justice, [Prisons Strategy White Paper](#) (2021), p. 5.

⁴¹ Home Office, *Crime, Justice and Protecting the Public: The Government's Proposals for Legislation* (1990, HMSO), para. 2.7.

for one meaning space is extremely limited, the screening of toilets inadequate, and beds and mattresses small and in poor condition.⁴² Further, prisoners told the Prison Reform Trust that they wanted access to essential provisions including fresh air, fresh fruit, towels, and underwear that fits.⁴³ Basic psychological needs, such as feeling safe, were also reported as absent.⁴⁴

Second, prison overcrowding puts a strain on educational resources. As highlighted in JUSTICE's report, *A Parole System Fit for Purpose* (2022), prison overcrowding contributes to a lack of education and training.⁴⁵ Indeed, whilst the ongoing impact of the COVID-19 pandemic should not be underestimated, of the 22 inspections of prisons and young offender institutions conducted by Ofsted in 2021–22 only one institution was judged to be providing education, work or skills at a 'good' standard.⁴⁶ Further, only 49,855 adults in the prison system participated in education in the 2021-22 academic year, and courses are not being delivered as intended.⁴⁷ This lack of resources is only exacerbated by the neglect of prisoners' basic material needs: even where education and training are available, many people feel unable to positively engage with them.⁴⁸ As one prisoner put it in the context of Incentives and Earned Privileges, "*How can we talk about incentives when we can't get the basics right, like safety, toilet roll and clean socks?*"⁴⁹

It is also important to note that prison overcrowding coexists alongside a huge departure of prison staff. More than one in seven prison officers left HMPPS in 2022, 47% of whom had been in the role for less than three years.⁵⁰ This means that staff are often incredibly overstretched, and work and education is routinely cancelled, placing further pressure on the resources fundamental to a safe and effective prison estate.⁵¹

Such staffing issues also have a disproportionately negative affect on ageing prisoners. The number of prisoners aged number of prisoners aged 50 years and over is projected to reach 14,700 in November 2024 (up from 14,193 in November 2022), and these are the prisoners most likely to suffer from poorer health.⁵² This forces staff to take on increased caring

⁴² HM Chief Inspector of Prisons for England and Wales, [Annual Report 2022 - 23](#) (2023), p. 34.

Prison Reform Trust, *Bromley Briefings Prison Factfile January 2023* (2023), p. 28.

⁴³ Prison Reform Trust, *Bromley Briefings Prison Factfile January 2023* (2023), p. 28.

⁴⁴ Ibid.

⁴⁵ JUSTICE, [A Parole System Fit for Purpose](#) (2022), p. 23.

⁴⁶ Ofsted, [The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2021/22](#) (2022), 6.10, accessed 13 October 2023.

Prison Reform Trust, [Prison: The Facts, Bromley Briefings Summer 2023](#) (2023) p. 15.

⁴⁷ Prison Reform Trust, [Prison: The Facts, Bromley Briefing Summer 2023](#) (2023), p. 15.

HC Deb, 4 July 2023, vol 735, col 742.

⁴⁸ Prison Reform Trust, *Bromley Briefings Prison Factfile January 2023* (2023), p. 28.

⁴⁹ Ibid, p. 28.

⁵⁰ Prison Reform Trust, *Prison Capacity Crisis won't be solved by newly opened HMP Fosse Way figures reveal* (30 June 2023), accessed 10 October 2023.

⁵¹ The Howard League for Penal Reform, [Howard League responds to urgent notification for Woodhill Prison](#) (September 2023), accessed 13 October 2023.

responsibilities and, in the context of extreme overcrowding and inadequate staffing levels, means the needs of ageing prisoners are too often neglected.⁵³ Fewer ageing prisoners are admitted to hospital than those in the general population, for example, which is particularly concerning considering their comparatively poorer health.⁵⁴ INQUEST, moreover, found that the death of ageing prisoners from natural causes often occur after “*serious lapses in healthcare*”.⁵⁵

As such, it is JUSTICE’s view that HMPPS is currently unable to manage overcrowding safely and effectively. Indeed, the conditions and lack of support that overcrowding breeds is a clear source of poor wellbeing and violence. HMP Bristol, for example, which holds 160 prisoners above its certified normal accommodation level, is described as one of the most unsafe prisons in the country.⁵⁶ An inspection in July 2023 revealed that six prisoners had taken their own lives in the preceding 10 months, and one man had recently been charged with murdering his cellmate.⁵⁷ The realities of the adult male estate have also been recognised further afield. In March 2023, the German Higher Regional Court of Karlsruhe refused the extradition of a person to the UK owing to the country’s inability to guarantee protection of the requested person’s fundamental rights.⁵⁸

Crucially, and as explored in JUSTICE’s report *A Parole System Fit for Purpose* (2022), the lack of resources combined with overcrowding also contributes to prominent levels of reoffending.⁵⁹ The overall proven reoffending rate was 25.2% for the July-September 2021 offender cohort, for example, and a recent study has estimated the annual total economic and social costs of reoffending at £18.1bn.⁶⁰ Prison overcrowding therefore not only drains the resources required to maintain the safety and wellbeing of prisoners, but also undermines one of the key aims of incarceration: effective rehabilitation and accordingly, public protection.

Considering the presently unsafe and ineffective condition of much of the adult estate, plus our ongoing working party research, JUSTICE recommends that the Ministry of Justice question whether any further prisoners should be admitted to the adult male estate in

⁵² Ministry of Justice, [Prison Population Projections, 2022 to 2027, England and Wales](#) (2023), p. 14.

Nuffield Trust, [Living \(and Dying\) as an Older Person in Prison](#) (2023), p. 4.

⁵³ BBC News, [Ageing Prison Population “Sees Officers Working as Carers”](#) (22 October 2019), accessed 13 October 2023. See also Nuffield Trust, [Living \(and Dying\) as an Older Person in Prison](#) (2023).

⁵⁴ Nuffield Trust, [Living \(and Dying\) as an Older Person in Prison](#) (2023), p. 13.

⁵⁵ Ibid, p. 11.

⁵⁶ The Howard League for Penal Reform, [Prisons](#), accessed 9 October 2023.

HM Chief Inspector of Prisons Charlie Taylor, [Urgent Notification: HMP Bristol](#) (28 July 2023).

⁵⁷ HM Chief Inspector of Prisons Charlie Taylor, [Urgent Notification: HMP Bristol](#) (28 July 2023).

⁵⁸ eucrim, [German Court Denies Extradition to UK Because of Bad Detentions](#) (7 August 2023), accessed 10 October 2023.

⁵⁹ JUSTICE, [A Parole System Fit for Purpose](#) (2022), pp. 103 – 104.

⁶⁰ Ministry of Justice, [Proven Reoffending Statistics: July to September 2021](#) (2023), accessed 13 October 2023.

Ministry of Justice, [The Economic and Social Costs of Reoffending](#) (2019), p. 2.

Prison Reform Trust (2023), [Prison: The Facts, Bromley Briefings 2023](#) (2023), p. 15.

particular. Indeed, this is already a reality to an extent, given that sentencing hearings for those on bail are presently being delayed. Alternatives to incarceration, such as community sentences, electronic monitoring, and GPS tagging should all be considered. Inspiration may also be taken from other jurisdictions such as Norway, where queues of convicted prisoners waiting to enter prison are preferred to compromising standards due to overcrowding.⁶¹ It should be noted, however, that despite the Government appearing to work to reduce the size of the adult male estate, policy is inconsistent. The Victim and Prisoners Bill, currently at the report stage in the House of Commons and predicted to cost up to £1.3bn over 10 years, is set to provide a ministerial veto over the release of some prisoners.⁶² In order to be effective, moves to reduce the size of the adult male estate, by reducing admissions or increasing the number of prisoners released, must be consistent.

What is the impact of an ageing infrastructure and are Victorian prisons fit for purpose?

JUSTICE considers that much of the prison estate's ageing infrastructure is not fit for purpose. Thirty-two of the 122 prisons in England and Wales are Victorian and, whilst they have undergone significant alteration, they are nonetheless "*dilapidated*" due to historical under-investment in maintenance and upkeep.⁶³ In his 2021 annual report, the Chief Inspector of Prisons, Charlie Taylor, described some of the oldest prisons (including Leicester, Pentonville, and parts of Erlestoke) as "*cold, dark and shabby cells... often plagued by damp and cockroaches, leaking pipes and toilets, and broken or missing furniture and windows*".⁶⁴ Further, Taylor more recently told *The Guardian* that an estimated 14 Victorian prisons provide unfit accommodation.⁶⁵ As such, the ageing infrastructure of the prison estate too often inhibit a key aim of incarceration: as noted above, if a prison fails to fulfil even basic needs, prospects of rehabilitation are poor.

Such conditions also directly exacerbate the issue of overcrowding. In June 2023, nearly 10,700 prison places had closed since 2010, largely due to dilapidation, and as of 22 October 2022, 2,550 places were out of use, either undergoing or awaiting repair.⁶⁶

The potential impact of reinforced autoclaved aerated concrete ("**RAAC**") should also not be overlooked.⁶⁷ Although the presence of RAAC within the estate of the Ministry of Justice has

⁶¹ Norwegian Correctional Service, [The Norwegian Approach to Electronic Monitoring: Changing the System and Making a Difference \(2018\)](#), Federal Sentencing Reporter, vol 31, No 1, October 2018, p. 75.

⁶² Ministry of Justice, [Impact Assessment: Victims and Prisoners Bill – Parole Clauses](#) (2023), p.2.

⁶³ Prison Service Journal No 254, [The Long Shadow of the Victorian Prison \(September 2021\)](#), p. 11.

HC deb, 4 July 2023, vol 735, col 741.

⁶⁴ HM Chief Inspector of Prisons for England and Wales, [Annual Report 2020 - 21](#) (2021), p. 53.

⁶⁵ Rajeev Syal, [One in 10 Prisons in England and Wales Should Be Shut Down, Watchdog Says](#), *The Guardian*, The Guardian, accessed 10 October 2023.

⁶⁶ Prison Reform Trust, *Prison Capacity Crisis won't be solved by newly opened HMP Fosse Way figures reveal* (30 June 2023), accessed 10 October 2023.

House of Commons written question 72996, 4 November 2022.

⁶⁷ RAAC is a lightweight form of concrete which was used in building construction from the 1950s until the mid 1990s, and which has raised building safety concerns due to its ability to collapse suddenly and with no apparent warning. See Department for Education, [Background on RAAC management information](#) (2023), accessed 12 October 2023, & Department for Education, [Reinforced Autoclaved Aerated Concrete \(RAAC\): Identification](#)

not yet been determined (surveys are ongoing), previous Government guidance stated that where RAAC is present, access should be restricted and the relevant area kept out of use.⁶⁸

Should such measures be required of prisons, worsening overcrowding is inevitable. JUSTICE recommends that urgent plans be made for appropriate alternative accommodation, and that the appropriate use of early release schemes be considered.

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[guidance](#) (2023), p. 8.

⁶⁸ House of Commons written question 198222, 12 September 2023.

Department for Education, Guidance for Responsible Bodies and education setting with confirmed RAAC in their buildings (2023), p. 6.