

Submission to the Public Accounts Committee for evidence session on Improving the prison estate

Executive summary

- The government's pledge to create 10,000 'new-for-old' prison places is a waste of money and compounds the mistakes made by successive governments in expanding the prison estate
- Spending capital on new prisons has been shown to compound existing problems in the prison estate and will stretch resources further
- Instead of building new prisons the government should be closing prisons that are no longer fit for purpose and in order to save money
- The government should manage demand on the estate by reducing the prison population
- This means the priority for investment should be in the community and not in custody, as properly resourced community responses to crime will reduce pressure on the prisons
- Once the prison population is reduced and prisons are closed, money can be invested in modernising the remaining prison estate and invested in staffing so that prisons are safe and decent places providing purposeful regimes
- The current investment in technology in response to the coronavirus pandemic is welcome, as long as the technology is properly delivered
- Investment in technology should be seen as a long-term addition to complement pre-pandemic practices, rather than as a replacement

1. About the Howard League for Penal Reform

1.1. Founded in 1866, the Howard League is the oldest penal reform charity in the world. We have some 13,000 members, including lawyers, politicians, business leaders, practitioners, prisoners and their families and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and receives no grant funding from the UK government.

- 1.2. The Howard League works for less crime, safer communities and fewer people in prison. We aim to achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's work.
- 1.3. Our submission, drawing on our policy work, argues that the government's current strategy on expanding the prison estate is flawed and that only through managing the prison population down will safe, decent and purposeful prisons be achieved.

2. The Prison Estate Transformation Programme is an expensive flawed initiative

- 2.1. The Howard League welcomed publication of the National Audit Office (NAO) report in February of this year. The report provides an extensive overview of the failure of successive administrations and Secretaries of State to provide and maintain safe, secure and decent prisons.
- 2.2. The NAO report examined the government pledge to create 10,000 'new-for-old' prison places, finding that the Prison Estate Transformation Programme is only expected to deliver just over a third of these places. The Howard League would go further and say the Programme is itself a mistake which compounds the mistakes made by successive governments.
- 2.3. As the NAO report details, a succession of flagship initiatives has failed to deliver meaningful and lasting improvements in recent years. Going further back, successive governments have placed an emphasis on supplying new prison places, rather than better managing demand on the estate by reducing the prison population. This is a thoroughly discredited and failed approach.
- 2.4. Under Labour administrations in the 2000s, thousands of new prison places were built and yet prisons remained overcrowded and outcomes for prisoners remained poor. The prison population almost doubled from where it stood in the mid-1990s and serious challenges, such as post-tariff prisoners still imprisoned under indeterminate sentences for public protection, remain in place even to this day.
- 2.5. Spending money on new prisons has been shown to compound existing problems in the prison estate and will stretch resources further. Two 'flagship' prisons built by different governments, one opened in 1992 and the other opened more recently in 2017, exemplify the failure of this approach.

2.6. Woodhill prison was opened in 1992 and expanded in size in 1996. It has been the subject of many critical inspection reports. The most recent inspection in 2018¹ found a “significant deterioration in the areas of safety and activity” and outcomes for prisoners were judged to be poor in both. Chronic staff shortages and inexperience underpinned all the concerns highlighted by inspectors, leading to poor time out of cell and limited activity. A restricted regime had been in place for three years and during the working day half the population was found locked in their cells. Levels of violence were high, and inspectors found the prison’s response to be insufficient or lacking in “nearly all respects”. The number of self-inflicted deaths at Woodhill remained a “huge concern”. A prison less than three decades old is now an extremely troubled establishment facing serious problems.

2.7. Berwyn prison in north Wales demonstrates how even the newest prisons simply exacerbate problems in the prison estate. Built at a cost of £250m and designed to house 2,106 men, the prison was holding only 1,273 prisoners when inspectors visited in March of last year. Despite its population being kept at this level, the inspection² found a number of serious problems. Use of force was higher than in similar prisons and incidents usually involved the full application of restraints. Staff were inexperienced and levels of violence against staff were high. Almost half of prisoners said drugs were easy to get. Despite Berwyn’s designation as a training prison, 28 per cent of prisoners were locked up during the working day. Inspectors also found 25 prisoners self-isolating who were completely unsupported by staff.

2.8. As long as the government persists in expanding prison capacity, we will continue to see a record of failure in the prison system. Instead of building new prisons, the government should be closing prisons that are no longer fit for purpose.

3. Reducing the prison population and investing resources in the community

3.1. An effective strategy, which does not simply focus on reacting to immediate population and maintenance problems, should manage demand on the prison estate by reducing the prison population.

3.2. This means the priority for investment should be in the community and not in custody, as properly resourced community responses to crime will reduce pressure on the prisons, improve public safety and protect victims.

¹ <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/06/Woodhill-Web-2018.pdf>

² <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2019/07/Berwyn-Web-2019.pdf>

- 3.3. The government's record on this since last year's general election presents a mixed picture. On the one hand, the recent decision to abandon proposals to end the use of short prison sentences is a retrograde step and the government's manifesto commitments will lengthen sentences, increase time served in custody and load even more pressure on a system already struggling to cope.
- 3.4. At the same time, the prison population has fallen during the pandemic – primarily because lockdown has greatly restricted courts business. As of Friday 26 June, the prison population in England and Wales stood at 79,393 people. This is 3,029 fewer people in prison than this time last year.
- 3.5. The Ministry of Justice has also made recent welcome announcements about the future of probation which effectively abandon the failed experiment in market reforms introduced by Chris Grayling when he was the Secretary of State. With prison numbers falling and a renewed focus on rebuilding the probation service, the government could yet change course and begin investing money where the system really needs it – in the community.
- 3.6. Once the prison population is reduced and prisons are closed, then money can be invested in modernising the remaining prison estate and invested in staffing so that prisons are safe and decent places providing purposeful regimes.

4. New investment in technology in response to the coronavirus pandemic

- 4.1. The current investment in technology in response to the coronavirus pandemic is welcome, as long as the technology is properly delivered.
- 4.2. So far the Ministry of Justice's record in this area has been poor. The roll-out of video-calling for prisons to alleviate the enforced solitary confinement and lack of visits caused by lockdown has been painfully slow. It was due to commence in the week 22 May 2020 following a pilot in Berwyn prison,³ but as of 18 June 2020 only 15 prisons/YOI had video-calling facilities.⁴ Likewise, digital devices in cells (laptops or tablets) are only available in two prisons (both adult male prisons), although there are plans to extend this provision to YOIs.⁵

³ LF in response to a PQ, HC Deb 22 May 2020, cW <https://www.theyworkforyou.com/wrans/?id=2020-05-13.46590.h&s=speaker%3A11921+section%3Awrans#g46590.q0>

⁴ LF in response to a PQ, HC Deb 18 June 2020, cW <https://www.theyworkforyou.com/wrans/?id=2020-06-11.58630.h&s=Lucy+Frazer+section%3Awrans#g58630.r0>

⁵ LF in response to a PQ, HC Deb, 12 June 2020, cW <https://www.theyworkforyou.com/wrans/?id=2020-06-03.54067.h&s=YOI#g54067.r0>

4.3. Investment in technology should be seen as a long-term addition to complement pre-pandemic practices, rather than as a replacement. The Ministry of Justice should continue to roll-out video-calling and digital devices in cells after current restrictions in prisons are eased, and these should sit alongside in-person visits, staff contact and purposeful activity taking place out of cell.

Howard League for Penal Reform, 26 June 2020