

Howard League for Penal Reform's submission to the Ministry of Justice's consultation on the Prisons Strategy White Paper

February 2022

Summary

1. The Howard League welcomes the opportunity to respond to the Ministry of Justice's consultation on the Prisons Strategy White Paper.
2. The section on the "purposes of prisons" is of little practical use and conflates ideas about what prisons are for with ideas about how they should be run. There is no need to reinvent obligations which are already set out in the prison rules.
3. The government's prison expansion plans will compound the very problems which the White Paper seeks to solve.
4. Nearly five years after the Lammy Review, the White Paper does not even mention the stark racial disparities which persist throughout the criminal justice system, and which are likely to get even worse as the prison estate expands.
5. Future regimes must give people as much time as possible out of cell and ensure that they have opportunities to socialise, receive visits from their loved ones and take part in meaningful work and/or education.
6. The plan to introduce "clear consequences" for people who do not engage with resettlement support is misguided and counterproductive.
7. The proposed changes to adjudications seek to address low-level, repeat incidents which do not merit a full disciplinary process. The Howard League questions whether these incidents should lead to a formal charge, which can impact parole, minimum term reviews and sentencing.
8. Work in prison should be comparable to work in the community and paid at the same rates. This will help people to secure stable employment on release.
9. The Howard League is concerned by the proposals on performance measurement and league tables. These proposals lack detail, risk creating perverse incentives and are unlikely to prioritise the experiences of people in prison.
10. The proposals for "earned autonomy" could entrench perverse incentives and reward the wrong governors. Governor autonomy will be limited unless it is accompanied by devolution of budgets.
11. The Howard League acts as secretariat to the All-Party Parliamentary Group on Women in the Penal System and supports the points raised in the APPG submission to this consultation.

1. About the Howard League for Penal Reform and summary of response

- 1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.
- 1.2 The Howard League works for less crime, safer communities and fewer people in prison. We 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 parliamentary work, research, legal and participation work as well as its projects.
- 1.3 The Howard League has drawn on its legal and policy work in responding to this consultation.
- 1.4 The Howard League acts as secretariat to the All-Party Parliamentary Group on Women in the Penal System and endorses the APPG's response to this consultation. The Howard League also runs the Commission on Crime and Problem Gambling, which has commissioned extensive research to explore the relationship between crime and gambling harms.¹ Dr Lauren Smith's response to this consultation draws on her ongoing research for the Commission (Smith, forthcoming).
- 1.5 The proposals in the White Paper seek to resolve longstanding problems in the prison estate. Yet they are part of an overarching vision which will imprison more people for longer periods of time, storing up additional problems and piling more pressure on an already strained system. After two years of near-constant lockdown in prisons, the priority must be increasing time out of cell and giving people opportunities to socialise, learn, take part in fairly compensated work and maintain their family ties.
- 1.6 The Howard League would welcome the opportunity to provide further information about any of the points below.

2. The section on the "purposes of prison" is of little practical use

- 2.1 If the Ministry of Justice wishes to set down in writing what prisons are for, this explanation should help prison governors and staff to understand how their day-to-day work fits into the bigger picture of what they are trying to achieve. It should also help people who are detained in prisons to understand why they are there, what they are entitled to and what is expected of them. This is important both on a practical level and for the sake of legitimacy.
- 2.2 The overview of the "purposes of prison" in the White Paper would be of little practical use to a prison governor or someone who has been sent to prison. The range of purposes are vague, conflating the potential purposes of prison (protecting the public, tackling the underlying causes of offending to prevent future victims of crime, promoting

¹ For more information about the Commission, see <https://howardleague.org/commission-on-crime-and-problem-gambling/>

reform and rehabilitation to reduce reoffending) with how prisons are run (ensuring good order and discipline).

- 2.3 The White Paper fails to acknowledge the existing and comprehensive set of statutory obligations under the Prison and Young Offender Institution Rules. For example, the purpose of prisons and YOIs is already set out in legislation: the White Paper cannot and should not attempt to redefine it in a vacuum. The Prison Rules provide that the *“purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life”* (Prison Rules 1999, Rule 3). The YOI Rules provide that the *“aim of a young offender institution shall be to help offenders to prepare for their return to the community”*, which YOIs must achieve by providing a programme of activities, fostering links with the outside community, and co-operating with the services responsible for a child’s supervision on release (Young Offender Institution Rules 2000, Rule 3).
 - 2.4 The Howard League is concerned by the inclusion of *“good order and discipline”* as a purpose of prison. Firstly, the way a prison is run is not in itself a purpose. Secondly, good order and discipline is often interpreted in harmful and counterproductive ways. Howard League lawyers find that good order and discipline is cited as a justification for the unnecessary use of segregation or force, including restraints of young people whose behaviour is passive and who do not present any risk. During the pandemic, the Howard League has also been troubled by the simplistic narrative that prisons are more orderly when people are kept in conditions amounting to solitary confinement, and that restricted regimes are therefore a good thing for maintaining order.
 - 2.5 A focus on good order and discipline must not erode the rights of people in prison. It should not be presented in isolation and must instead be considered within the context of the prison rules and guidance, including the safeguards and emphasis on persuasion and de-escalation set out in the Prison Service Order on use of force (PSO 1600).
3. **Prison expansion will compound the problems which the White Paper seeks to solve**
 - 3.1 The proposals in the White Paper are part of an overarching vision which involves the creation of 20,000 new prison places over the next three years, followed by a longer-term programme of prison expansion. The funding for measures which could help people in prison is miniscule compared to the £3.5 billion devoted to expanding the estate. Yet prison itself either creates or exacerbates many of the problems which the White Paper seeks to solve.
 - 3.2 By 2026, the prison population is projected to increase to nearly 100,000 (Ministry of Justice, 2021a). This predicted increase reflects decisions about sentencing and policing rather than a real rise in (non-fraud) crime (Office for National Statistics, 2021). Changes to sentencing policy will mean that more people are sent to prison and that people are kept there for longer, while the recruitment of an additional 20,000 police officers is expected to increase the number of people who are brought into the criminal justice system overall.
 - 3.3 The White Paper hopes to improve both the experience of imprisonment and the outcomes of prison leavers. Under the proposals, staff will focus on identifying and addressing the problems faced by people in prison from day one. Prison regimes will promote hope and engagement, while staff will have strong relationships with those in their care and will understand their needs and histories. Prison leavers will gain skills

and work experience in prison and will be able to secure stable employment on release, bringing down reoffending rates.

3.4 These proposals reflect deep-seated problems in the prison estate. Unmet needs routinely go unrecognised, regimes are severely restricted, too few people can take part in real work or progress in education and many prison leavers are effectively set up to fail. Many staff are demoralised, and many have only worked in prisons under the restricted Covid regimes.

3.5 Recent inspection reports underline the distance between the current state of prisons and the proposals in the White Paper. In August 2021, inspectors issued an urgent notification for HMP Chelmsford after finding that:

A dominant staff culture, which we describe as negative and damaging, led to the failure to support or promote safety, decency or rehabilitation among prisoners. Too many staff were dismissive in their dealings with prisoners or evidenced only limited empathy for those for whom they were responsible. A lack of accountability and management oversight of staff enabled poor practice to go unchallenged and in our staff survey, too few felt that managers set high standards of behaviour.

Forty-four per cent of staff reported that they had witnessed colleagues treating prisoners inappropriately, while almost half of the prisoners who responded to the inspectorate's survey reported that they had been victimised by staff. Resettlement support was also deeply inadequate. Seventy per cent of those who expected to be released in the following three months needed support with employment, but only 14 per cent were getting this; 61 per cent needed support with housing, but only five per cent were getting it (HM Inspectorate of Prisons, 2021a).

3.6 Similarly, at HMP Styal, inspectors found that *"so prevalent was the churn of women coming and going from the prison that there were shelves in reception holding the belongings of women who expected to return to prison almost immediately after release"*. Far from the in-depth understanding envisioned by the White Paper, inspectors observed that some staff showed little empathy for the women in their care and gave dismissive responses to basic requests (HM Inspectorate of Prisons, 2022).

3.7 Through its legal work, the Howard League has heard troubling examples of a lack of empathy and support in other prisons. In a letter to the Howard League, one young woman vividly described how staff in the prison she was in bullied and mocked the women and refused to challenge racial slurs. She told us that: *"I have spoken to officers who genuinely want to help the prisoners, about my time here and what happens behind these walls and even though they try to help us they get no justice. Instead I have been told that they themselves get called liars when raising issues for the prisoners."*

3.8 There have been serious failures in youth custody during the past year. Urgent notifications were issued for both Rainsbrook and Oakhill secure training centres, on the grounds that they could not keep children safe (Ofsted, 2021a; Ofsted, 2021b). In July, the Independent Monitoring Board for Werrington YOI escalated concerns about the safety of children in the prison to the Executive Director of the Youth Custody Service and the Director General for Prisons (Independent Monitoring Boards, 2022).

3.9 If prisons cannot effectively support even their current populations, which have been artificially lowered by court backlogs, the prospects for a prison estate which holds 20,000 more people are extremely bleak. Prison expansion will inevitably increase the

damage done by imprisonment and will undermine the other, potentially positive proposals in the White Paper.

4. The White Paper does not address the stark racial disparities which persist throughout the criminal justice system

4.1 It is now nearly five years since the publication of the Lammy Review, and since the government's promise that it would "Explain or Change" racial disparities in the criminal justice system (Ministry of Justice, 2017). Yet the White Paper does not even recognise stark inequalities in the use and experience of imprisonment, far from proposing measures to address discrimination.

4.2 Though only around three per cent of the general population is Black, Black people make up 13 per cent of the prison population (Ministry of Justice, 2022a). In the youth secure estate, most children are from racially minoritised backgrounds and 29 per cent are Black (Ministry of Justice, 2022b). In the absence of sustained work to address discrimination in policing and sentencing, the recruitment of more police officers and the expansion of the prison estate will make the system still more unequal.

4.3 Within prisons, racially minoritised people report significantly worse treatment (HM Inspectorate of Prisons, 2020a; Ministry of Justice, 2022). In August 2021, inspectors at HMP Erlestoke found that "*on every residential unit, we were overwhelmed by black and Asian prisoners complaining about inequitable, racist or discriminatory treatment, describing specific incidents they had experienced*" (HM Inspectorate of Prisons, 2021b: 43). The White Paper offers no measures to address racism in prison, even though its vision of constructive staff-prisoner relationships cannot be achieved for as long as racially minoritised people in prison continue to experience unjust treatment.

5. Future regimes must give people as much time as possible out of cell

5.1 For much of the past two years, tens of thousands of people in prison have been trapped in their cells for up to 23 hours a day. Visits, education, release on temporary licence, work and sentence progression have all been disrupted. Court backlogs have increased the number of people who are held in custody on remand for extremely long periods of time, including children who are being tried alongside adult defendants. One young person supported by the Howard League was held in prison on remand for a year and five months before receiving a community order. He turned 18 towards the end of this time and was transferred to the adult estate, where he spent more than 23 hours a day in his cell (Howard League, 2021).

5.2 Since the emergence of the Omicron variant towards the end of 2021, gradual improvements in prison regimes have been reversed. As the Ministry of Justice does not publish information about which stage of the National Framework for Prisons and Services each prison is in, it is impossible to assess which restrictions are theoretically in place across the estate. However, young people on the Howard League's advice line report that regimes are significantly restricted due to Covid-related staff absences.

5.3 A thematic review by HM Inspectorate of Prisons found that by autumn 2020, when restrictions had eased elsewhere but not in prisons, people in prison felt that they were being locked down as a punishment rather than an infection control measure. Inspectors felt that the "*most disturbing effect of the restrictions was the decline in prisoners' emotional, psychological and physical well-being*" (HM Inspectorate of Prisons, 2021c). Since then, successive reports have described the impact of a growing divide between restrictions in custody and those in the community – including frustration, violence and

mental ill-health (Independent Monitoring Boards, 2021; HM Inspectorate of Prisons, 2021a; HM Inspectorate of Prisons, 2021b; HM Inspectorate of Prisons, 2022).

- 5.4 The White Paper risks drawing simplistic lessons about the impact of Covid and how this should inform the design of future regimes. It suggests that the pandemic has shown that mass, unstructured association leads to violence and bullying, and that Governors may wish to replace it with structured and small-group activity. Yet regimes were often pared down because of staff shortages even before the pandemic. Regime designs which could only work with a significant increase in staff will lead to people being locked up for even longer.
 - 5.5 If socialising is only permitted in small groups in future prison regimes, staff absences and low retention rates are likely to frequently prevent people from spending time out of cell. Socialising should instead be a basic entitlement for people in prison, with prisons offering small group options if they have enough staff for this. As the Chief Inspector of Prisons has pointed out, time dedicated to socialising is especially important for the growing number of people who are on very long prison sentences, and who cannot realistically spend their entire time preparing for release (Inside Time Reports, 2022).
 - 5.6 The Howard League understands that the Ministry of Justice has commissioned a “*lessons learned*” exercise about the ongoing impact of restricted regimes, to inform plans for future regime design. This is positive and should be published for greater scrutiny.
 - 5.7 However, regime design must also consider the long-term impact of conditions amounting to solitary confinement, which cannot yet be captured in rapid research. People who have spent time in prison under the restricted regimes must be supported to readjust to a full regime and to prepare for release. In a recent qualitative study, interviewees who had spent time in separation in Israeli prisons explained that they had experienced long-term mental distress afterwards and struggled to adjust to social life. Paradoxically, those who had been released found themselves now avoiding social interactions and open spaces because they felt alienated and/or unable to cope (Tayer et al, 2021).
 - 5.8 The priority must be giving people as much time as possible out of cell and ensuring that they have opportunities to socialise, work, learn and maintain social and family ties. In designing future regimes, Governors should be encouraged to consider whether a regime will narrow the distance between people in prison and the outside world and effectively prepare people to re-integrate into the community, as well as how people in prison make sense of the regime and whether it feels fair and legitimate to them.
- 6. Non-engagement should be met with understanding and support, not punishment**
- 6.1 The White Paper suggests that the new resettlement passports will establish a “*compact between the prison leaver and wider society*”. People leaving prison will be required to take personal responsibility for engaging with rehabilitative and resettlement support, with “*clear consequences if they fail to comply*”. The consultation asks which consequences should be in place for people who do not comply with new conditions and expectations.
 - 6.2 Engagement is a mutual process and should not be seen as the responsibility of prison leavers. For example, the Target Operating Model for the reunified National Probation Service emphasises that – according to the evidence base on effective practice –

engagement depends on staff skills in motivating people and creating strong relationships (Her Majesty's Prison and Probation Service, 2021: 172).

- 6.3 The sample resettlement passport includes participation in training and support with housing, benefits payments, primary care, substance misuse, behavioural addiction and mental ill-health. Penalising prison leavers for non-engagement with these services would be misguided and counterproductive.
- 6.4 When someone does not engage with services which seek to meet their needs, the priority must be finding out why they are unwilling or unable to take part. Non-engagement may be a sign that services are failing to meet someone's needs or to recognise the underlying causes of their behaviour: mistrust can be a rational response to histories of trauma, adversity, and past poor treatment by professionals (O'Meara, 2020; Revolving Doors Agency, 2017).
- 6.5 People who have experienced the restricted Covid regimes are likely to find the transition from custody to the community especially challenging. The impact of Covid must be factored into any new expectations or conditions.

7. Low-level incidents should be diverted from the formal adjudication system

- 7.1 The White Paper proposes a new adjudication process to address minor but repeated rule-breaking. People who intend to plead guilty will be able to enter an early plea and bypass the adjudication hearing, instead moving straight to punishment. The White Paper also proposes "*rehabilitative sanctions*" such as repairing a damaged cell.
- 7.2 Charges for breaking prison rules have implications far beyond the adjudication process. They are considered at parole hearings, minimum term reviews and (for those on remand) sentencing. Given this context, minor behavioural incidents should not lead to a charge and should be dealt with outside the formal adjudication process.
- 7.3 If fast-track adjudications are introduced, the decision to put in an early guilty plea must be made on a truly informed basis. People who have been charged with rule-breaking must not be pressured into pleading guilty and must be given the opportunity to opt for due process and to seek legal advice.
- 7.4 The Ministry of Justice should think carefully before creating new incentives to plead guilty, especially incentives which will apply to children. Research on child guilty pleas has shown that children are more vulnerable to pressure to plead guilty, can be swayed by small, superficial incentives, and consider a range of factors to be more important than whether they are in fact guilty. For example, children rate the desire to get a trial over with as more important than factual guilt (Helm, 2021).
- 7.5 In its legal service for young people aged 21 and under, the Howard League provides advice on governor's adjudications and helps young people to appeal unlawful outcomes. The Howard League's legal work suggests that at present, adjudications do not uphold due process and young people's arguments are not fairly heard.
- 7.6 For example, in one recent case, the Howard League supported a child whose defence was completely ignored at his adjudication hearing. At the hearing, the child explained that he had been charged with fighting but had acted in self-defence: he had been physically prevented from walking away and had no option other than using force. Though an advocate present at the hearing confirmed that he had put forward this defence, it was ignored by the adjudicating governor and later denied by the Prisoner

Casework Unit. The Howard League escalated the case to the Prison and Probation Ombudsman, which confirmed that the child's defence had not been considered and quashed the adjudication.

- 7.7 During January 2022, the Howard League spoke to eighteen young adults in contact with its legal service about their experiences of adjudications and their thoughts on the government's plans. Young adults are disproportionately likely to face adjudications: in 2019/20, young adults aged 18 to 25 made up 16 per cent of the prison population but accounted for 30 per cent of all adjudications (HM Inspectorate of Prisons, 2021d).
- 7.8 Six young adults told the Howard League that they had faced more than 20 adjudications, and one thought that he had faced more than 50. Three young adults had never experienced an adjudication. None of the three felt that the possibility of adjudications acted as a deterrent: they explained that they would be on their best behaviour anyway or that other incentives (such as release on Home Detention Curfew) mattered more.
- 7.9 Thirteen young adults expressed a view on the changes to adjudications. Eight were concerned about fast-track adjudications, on the grounds that they would not be able to have their say and officers would have more power over them. Five felt that it would be good to get the process over more quickly, explaining that it felt too long, caused stress, clashed with work or that they were indifferent to it. Young adults were more likely to see the benefit of fast-track adjudications when they were told that it should only apply where someone would have pleaded guilty anyway.
- 7.10 Overall, young adults had little faith in the adjudication system. This was true whether they supported the new proposals or not. For example, one young adult who supported a fast-track system felt that neither the risk of adjudications nor the sanctions made any difference, as *"being in a calm environment is what helps change your behaviour"*. Another young adult was concerned about any changes to adjudication: he felt that people needed a chance to explain why they had done something wrong and to set out their mitigation. However, he also described the current system as *"rigged against you ... outside world [you] would need evidence to get convicted, in jail they don't need evidence to convict you and will always believe a member of the prison system"*.
- 7.11 Similarly, young adults who were unsure about the changes criticised the adjudications process. One felt that people are punished from the time an incident happens, without staff waiting for an adjudication. Another explained that *"regardless of what you say you get punished anyway ... they don't listen"*. These responses suggest that adjudication hearings must be (and are not currently perceived as) procedurally fair. However, they also suggest that the proposals in the White Paper would not improve young adults' trust in the system.
- 7.12 In the Howard League's experience, staff choose to bring charges based on inconsistent and discriminatory perceptions about which young people are a problem. Neither fast-track adjudications nor rehabilitative sanctions can address this source of everyday injustice. Staff should instead prioritise sitting down with young people and trying to understand the underlying causes of their behaviour, as the White Paper envisions in staff-prisoner relationships more generally. As one young adult told the Howard League:

I had this the other day where I nearly kicked off then instead of restraining me he spoke to me and gave me some time, and in that time I changed my mind ... Some staff may not know the person and might not want to speak to them – they might be

scared of the person but if you are speaking to someone you can work out their mindframe and where they are at.

8. The White Paper is not introducing real work in prison

- 8.1 The Howard League agrees that employers should be able to provide real work for people in prison. However, the “*real work experience*” described in the White Paper does not live up to this description. The Prison Service Order on Prisoners’ Pay sets the minimum wage for work in prisons at £4 per week. Only those who are allowed to leave prison to work for outside employers must be paid at or above minimum wage (PSO 4450).
- 8.2 If employers come into prisons to provide work, it must come under the provisions for people who work for outside employers on facility licence and must be paid at the same rate as equivalent work in the community. This is the best way to achieve the White Paper’s aim of ensuring that prison leavers can find stable employment on release: the transition to work outside of prison will be far easier if people have already been carrying out the same work under the same contractual conditions.
- 8.3 In 2005, the Howard League set up a graphic design studio called Barbed in Coldingley prison. Employees in the prison had a contractual relationship with the business, received the going rate for the job, paid tax and national insurance and contributed to a charitable fund for victims out of their earnings. An independent evaluation found that:

Barbed represents an economically rational, meaningful and socially productive approach to prison work ... It offers prisoner employees the opportunity to engage in constructive, challenging and rewarding work which, as the testimony of Barbed employees affirm, enhances their experience of family and community life (Green, 2008).

- 8.4 Sadly, the unpredictability of the prison regime restricted employees’ ability to get to work and led to the premature closure of the programme in 2008 (Howard League, 2010). If the government wishes to both redesign prison regimes and to promote real work in prison, future regimes should ensure that people can get to work reliably and that it is possible to run a viable business in prison. For more guidance on how this could be achieved, the Howard League’s *Business behind bars: Making real work in prison work* remains germane (Howard League, 2011).

9. The proposals on performance are vague and risk creating perverse incentives

- 9.1 The White Paper seeks to introduce new or reworked performance metrics which will reflect the government’s priorities for prisons, and which will be published in the form of league tables.
- 9.2 League tables were also proposed in the last White Paper on prisons, but do not seem to have been thought through in greater detail since then (Ministry of Justice, 2016). The Howard League would welcome the opportunity for further consultation on the proposals about league tables as they are developed. Additional engagement with stakeholders could helpfully explore whether league tables are appropriate for prisons, how to make sure that they measure the right things, and the likely consequences of putting prison governors in competition with one another.

9.3 In response to the last prisons White Paper, witnesses to the Justice Select Committee expressed concerns about perverse incentives created by league tables. Andrea Albutt, the president of the Prison Governors Association, felt that “*if you are to have a performance measure, it needs to be specific to the prison and the issues the prisoner has*”. She warned that league tables would simply reflect the type of prison and “*could be very demoralising*”. Ralph Valerio, then vice chair of the Prison Officers Association, explained that the union had:

always had a strong view about league tables, largely because they encourage misrecording of events ... as long as you have a league table with a tick-box mentality, where someone’s career could be at risk as a result, you will never get the true picture of what prison is really like (Justice Committee, 2017a).

9.4 Perhaps in response to these issues, the then-Prisons and Probations Minister told the Justice Committee that the Ministry of Justice would not itself be producing league tables (Justice Committee, 2017b). However, the current White Paper again commits to publishing league tables. The White Paper does not explain how prisons with different populations and characteristics will be meaningfully compared to one another, or how individual-level outcomes will be assigned to a prison when people frequently move within the estate. Again, the Ministry of Justice could benefit from further consultation with stakeholders about these issues as the proposals are developed.

10. Earned autonomy may reward governors for the wrong things and will mean little without control of budgets

10.1 The White Paper proposes that governors will be able to earn autonomy through their success at meeting performance indicators. This autonomy may include freedom to move away from prison service instructions and policy frameworks.

10.2 The Howard League is broadly supportive of governor autonomy. Prison governors are better placed to recognise the needs of their populations than central government, and they should be able to do what works best for the people in their prison. However, autonomy will only work if governors have the resources and budgetary freedom to genuinely innovate, factoring in the lost savings from standardised block contracts. Governors must be able to negotiate their own contracts with suppliers and make their own decisions about staffing.

10.3 The Ministry of Justice should think carefully before allowing governors to move away from the existing prison service instructions and policy frameworks: this must not water down the entitlements set out in existing rules and guidance or erode procedural fairness across the estate.

10.4 The model of earned autonomy raises further questions which – like the concerns about league tables – the White Paper does not address. For example, will a prison remain autonomous if its high-performing governor leaves? How will different performance metrics be weighted in deciding whether a governor has earned autonomy? How will the Ministry of Justice ensure that governors are not rewarded for gaming the system, or deprived of autonomy because of metrics which reflect the underlying characteristics of their prison?

10.5 The Howard League would be happy to explore these issues in further consultation with the Ministry of Justice.

11. The Howard League endorses the submission of the All-Party Parliamentary Group on Women in the Penal System

11.1 The Howard League acts as secretariat to the All-Party Parliamentary Group (APPG) on Women in the Penal System, which has submitted its own response to the White Paper.

11.2 The Howard League endorses the issues raised by the APPG. The White Paper commits to the expansion of prison places for women, even though this contradicts the government's own Female Offenders Strategy. It does not recognise the limitations of "trauma-informed" practice within a traumatising prison system, the misuse of prison as a place of safety, the overwhelming evidence against short prison sentences, or the problems with making children sleep over in prison rather than allowing their mothers to stay with them in the community.

12. Conclusion

12.1 The overarching vision of more people in prison compromises the proposals in the White Paper. The Howard League does not believe that day-to-day life in prison will be improved by performance measures which are published in a new way, or by faster punishments for people who break minor prison rules. The Ministry of Justice should instead prioritise a return to full regimes and measures to address the endemic unfairness, including racial discrimination, which persists throughout the penal system.

**The Howard League for Penal Reform
4 February 2022**

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