

**Submission to Public Accounts Committee inquiry:
Prison estate capacity**

**About the Howard League for Penal Reform**

The Howard League for Penal Reform is a charity working for less crime, safer communities and fewer people in prison. Established in 1866 and named after the prison reformer John Howard, the charity was at the forefront of the campaign to abolish capital punishment and helped to create the probation service. Today, through research, campaigning and legal work, and with the support of our members, including members in prison and their families, we promote solutions that deliver better justice and minimise the harms of prison, for prisoners, victims and society at large.

**Context to submission**

We are writing in response to the Public Accounts Committee’s consultation on the National Audit Office’s (NAO) report, *Increasing the capacity of the prison estate to meet demand.[[1]](#footnote-2)* The report sheds light on the state of the capacity crisis in the prison system, in which over half of jails in England and Wales are holding more people than they are designed to accommodate.

The government recently announced plans to build 14,000 more prison places by 2031, as part of their new 10-year strategy.[[2]](#footnote-3) The Howard League is concerned that, even if this highly ambitious building programme is achieved, it would not be enough to accommodate the projected increase in the prison population, according to the Ministry of Justice’s (MoJ) own analysis, of 22% in the next four years.[[3]](#footnote-4) The system would still be overcrowded by over 5,000 places.

The Howard League welcomes the NAO report, which is right to highlight the fundamental flaws in the government’s prison building programme and underscores the urgent need for a strategic shift in resources from custodial sentences to community-based solutions. The evidence in the report demonstrates that expanding the prison estate is not only financially unsustainable but also counterproductive in addressing the root causes of the crisis.

**Prison building will fail to address capacity need**

The prison estate in England and Wales is experiencing acute pressure. As of 13 January 2025, there are 85,853 people in prison. Under the MoJ’s own definition of safety and decency, the prison estate should not hold more than 79,409 people. There are currently 6,444 men and women held above this level.[[4]](#footnote-5)

A large and rising prison population has well-documented and serious implications for safe, effective and purposeful management of prisons. It causes overcrowding and renders accommodation indecent. Compounded by staff shortages, regimes are curtailed, therefore impacting rehabilitative work. Overcrowding fosters an increase in the pressures and strains of the prison environment, impacting on the physical and mental wellbeing of people in prison and staff, and leading to an increase in frustration and violence.

The NAO report states that a commitment made by the previous government in 2021, to create 20,000 additional prison places by the mid-2020s, was “unrealistic and not prioritised”.[[5]](#footnote-6) It concludes that the plans will not be delivered until 2031, will cost far more than estimated, and will be insufficient to meet the rising demand for the additional projected population increase by the MoJ from today’s population of nearly 86,000 to 105,200 by March 2029.

**Prison building is not cost efficient and government policy risks being incoherent**

The NAO says that the MoJ and HM Prison and Probation Service (HMPPS) now expect the prison expansion plans to cost between £9.4 billion and £10.1 billion, which will be at least £4.2 billion more than previous estimates stated in 2021.[[6]](#footnote-7) Not only will these plans fail to meet the projected growth in the prison population but prisons themselves will remain overcrowded.

This drastic jump in the cost of prison building plans that will nevertheless fall short in their goal to tackle the capacity problem underlines that it is not possible to build our way out of this crisis. Instead, the government should seek to reduce demand on a system that is being asked to do too much with limited resources. The NAO is correct to emphasise the current crisis is a consequence of previous governments’ failure to align criminal justice policies with funding for the prison estate, leading to reactive solutions which represent poor value for money. Introducing tougher sentences have led to steep increases in expected demand for prison places, while years of under-investment put the MoJ and HMPPS in a weak position to respond to these increases.

The NAO report outlines a number of concerns about the poor physical condition of much of the existing prison estate, and in particular an extremely worrying picture around fire safety – with approximately a quarter of cells not meeting current safety standards. Again, the prison building programme does not address this, as there are no plans to use the new prison places to close poor quality or unsafe accommodation.

At the same time as the government presses ahead with a new strategy for prison building, the former Secretary of State for Justice, David Gauke, has been asked to lead an independent sentencing review. The Howard League, having called for such a review, welcomes this. In September 2024, we published *Sentence inflation: a judicial critique,* signed by the four surviving former Lords Chief Justice of England and Wales.[[7]](#footnote-8) The paper calls on the government to reverse the trend of imposing ever longer sentences andshows how sentencing inflation has put an intolerable strain on the prison system, taken valuable resources away from preventing crime and supporting victims, and fuelled problems that have held the country back.

Anticipating that the review will almost certainly look to reverse the trend of sentencing inflation to some degree and reduce the use of custody in a bid to avert further critical shortages in prison capacity, it makes little sense that the Ministry of Justice has already made spending commitments that prioritise prison building over investing in other relevant areas of the criminal justice system.

The billions of pounds earmarked for building new prisons would be better invested in securing an effective and responsive probation service, working to cut crime in the community, and to improve conditions in existing jails with a view to ensuring they are safe places of accommodation, with adequate staff levels and the resources required to rehabilitate people serving custodial sentences. The NAO analysis stresses the current crisis position will not represent value for money until there is greater coherence between the government’s wider policy agenda and funding for the prison estate.

Beyond sentencing itself there are other areas where the government could devote more attention in order to reduce the prison population. In the most recent offender management statistics, the recall population on 30 September 2024 was 12,579, a 5% increase on the previous year and a record high. While the remand prison population as at 30 September 2024 was 17,662, over August it reached 17,711 – itself a record high and the highest level of remand prisoners for at least 50 years. Around a fifth of men and a quarter of women in prison are on remand; many of them will be released as soon as their case is resolved by the courts either because they will have been acquitted, or because they have served the length of their sentence already while on remand.

In a welcome shift from the stance of successive previous governments, ministers have acknowledged that is impossible to build a way out of the prison capacity crisis.[[8]](#footnote-9) But unless they follow the logic of this and divert funding away from prison building in the way we suggest, there is a real danger that the Ministry of Justice will end up with the worst of all worlds – responsible for services that lack the resources to reduce the prison population safely and responsible for even more prisons, filling rapidly. The net result would be an even larger prison system still facing acute overcrowding and on the verge of another capacity crisis. Given expected pressures on public spending over the rest of this Parliament, government policy in this area risks being incoherent.

1. National Audit Office, [*Increasing the capacity of the prison estate to meet demand*](https://www.nao.org.uk/reports/increasing-the-capacity-of-the-prison-estate-to-meet-demand/)[December 2024] [↑](#footnote-ref-2)
2. Ministry of Justice, [*10-year prison capacity strategy*](https://www.gov.uk/government/publications/10-year-prison-capacity-strategy)*,* [December 2024] [↑](#footnote-ref-3)
3. Ministry of Justice, [*Prison population projections*](https://www.gov.uk/government/statistics/prison-population-projections-ns)[December 2024] [↑](#footnote-ref-4)
4. Ministry of Justice, [*Prison population statistics*](https://www.gov.uk/government/collections/prison-population-statistics)[January 2025] [↑](#footnote-ref-5)
5. NAO, [*Increasing the capacity of the prison estate to meet demand*](https://www.nao.org.uk/reports/increasing-the-capacity-of-the-prison-estate-to-meet-demand/), p. 11. [↑](#footnote-ref-6)
6. Ibid, p. 19. [↑](#footnote-ref-7)
7. The Howard League for Penal Reform, [*Sentence Inflation: A judicial critique*](https://howardleague.org/news/sentence-inflation-a-judicial-critique/)[September 2024] [↑](#footnote-ref-8)
8. UK Parliament, *Statement:* [*Sentencing review and prison capacity package*](https://questions-statements.parliament.uk/written-statements/detail/2024-10-22/hcws156)*,* [October 2024] [↑](#footnote-ref-9)