Dear Lord Brown,

Cross Bench Debate on Prison Overcrowding 7 September

During the recent debate on overcrowding in prisons, I undertook to address the specific points raised during what was a most interesting and helpful debate.

Sentencing reform

Firstly, I turn to sentencing. A large number of queries and concerns were raised from many Noble Lords in relation to current sentencing practices.

We recognise the challenges facing our prisons, and we recognise that changes to sentencing are not the only way to combat the pressures that exist. The additional 2,500 officers we are on course to recruit by the end of 2018 and ongoing efforts to improve safety and tackle the supply of drugs will all contribute to relieving that pressure.

We want to reduce reoffending through better rehabilitation and make better use of community punishments that command the confidence of the courts and the public that effective sentences can be handed down and delivered.

The Secretary of State and Lord Chancellor and his ministerial team continue to keep sentencing matters under review.

Safety in the youth offending estate

The second issue I wish to raise is in relation to the safety of our Youth Offending Institutions following the recent comments from the Chief Inspector of Prisons. The safety and welfare of

The Rt Hon the Lord Brown of Eaton-under-Heywood
House of Lords
every young person in custody is our absolute priority and we are clear that more needs to be done to achieve this. We want custody to improve the life chances of children in our care and to deliver improvements to education and health services within youth custody.

That is why we have created a new Youth Custody Service, with an Executive Director for the first time in the Department’s history, to make sure this vital area is given the priority and weight it deserves. The new Director will lead on reforms to the running of the youth estate, including boosting the number of frontline staff in Young Offender Institutions by 20%.

**Independent Monitoring Boards**

Turning to the queries raised by the Noble Lady, Baroness Masham of Ilton in relation to prison monitors. The role of prison monitors has been replaced by the current Independent Monitoring Boards (IMBs) system that we have in operation today.

Until April 2003 IMBs in prisons were known as ‘Boards of Visitors’ and IMBs in immigration removal centres were known as ‘Visiting Committees’. By law every prison and immigration removal centre must have an Independent Monitoring Board.

IMBs in prisons derive their responsibilities from the Prison Act 1952 (Section 6), and IMBs in immigration removal centres derive their responsibilities from the Immigration and Asylum Act 1999.

IMBS continue the essential scrutiny work that Prison Monitors did to ensure that proper standards of care and decency are maintained and the Ministry of Justice continues to work.

**Scotland and the presumption against imposing shorter custodial sentences**

A number of Noble Lords asked whether the government for England and Wales intends to follow the actions of the Scottish government who have said it is considering a presumption against sentences of less than 12 months.

Sentencing law in Scotland is of course different from that in England and Wales. I should point out that the law in England and Wales already requires a court, before imposing a custodial sentence of any length, to be satisfied that the offence is so serious that only custody is merited. A court, even when it considers the offence so serious to merit custody should consider whether a community sentence is still justified on the basis that it will result in a better outcome, for example whether it will be more likely to lead to an offender being rehabilitated. The law also requires that once a court has decided on a custodial sentence, it should be for the shortest time commensurate with the seriousness of the offence.

We therefore already have a requirement in law, contained in the Criminal Justice Act 2003, that reflects the fact that custody should be a last resort.

**Rehabilitative culture**

Lastly, I wish to reiterate the absolute commitment that the Government has to reforming our prisons into places of safety with a focus on effective prisoner rehabilitation. The work of the Prison Safety and Reform Programme has already made significant progress in recruiting more Prison Officers, closing aging and ineffective prisons and building new fit for purpose facilities, and these reforms will continue unabated.
I would like to once again thank the noble and learned Lord Brown of Eaton-under-Heywood for securing the debate last week. I trust that you, like I, felt it to be a most constructive debate on one of the most important issues our prison are currently facing and that this letter has provided clarification on the key issues that I was unable to address at the time of the debate.

I am copying this letter to all who spoke in the debate and placing a copy in the Library of the House.

BARONESS VERE OF NORBITON