Executive Summary

1. We outlined our plans for reform of the prison system in our White Paper on prison safety and reform published last year. This included an ambitious agenda to modernise the prison estate, improve education and empower Governors, to help tackle violence, reduce reoffending and keep staff and prisoners safe. As part of our programme of reform, we have closed older prisons that are not fit for purpose and are creating high-quality, modern establishments in their place.

2. Prison numbers can fluctuate, which is why we have a robust set of plans in place to ensure we will always have enough places for offenders committed to custody by the courts. We published our latest prison population projections for the period up to March 2022 in August. They predict that over this period the population will increase with some changes in the types of offenders, mainly due to increases in custody rates and sentence lengths for indictable offences. Our plans reflect the projected, as well as the current prison population, including an assessment of the necessary margin to manage prison population fluctuations. However, we remain alive to the challenges associated with a high prison population and are taking all necessary action to ensure the integrity of the system as a whole.

3. To address the level of reoffending, which remains unacceptably high, we are committed to transforming all prisons into places of safety and reform. Reducing reoffending will lead to important benefits to individuals and society as a whole, and a calm and ordered prison environment will allow more effective rehabilitation of offenders in custody.

Response

What is the current and projected make-up of the (sentenced and unsentenced) prison population in England and Wales up to 2022?

Current population

4. We publish key statistics relating to offenders who are in prison every quarter. As at 30 September 2017 (the latest period for which these statistics are available), the total prison population stood at 85,997.
5. The largest part of the population (87%) is made up of sentenced offenders. Of those, 14% have indeterminate sentences, 44% have determinate sentences of 4 years or more, 24% have sentences of 1-4 years, 8% have sentences of less than 12 months (including fine defaulters) and 8% have been recalled. The remainder of the population comprises remand prisoners (12%) and non-criminal prisoners, largely immigration detainees (2%).

6. The vast majority of the population is made up of male offenders (95%). In terms of age profile, most offenders are adult (94%), of which 10% are aged between 50 and 59, 4% are aged between 60 and 69 and 2% are aged over 70. In addition to the adult population there are a further 5% of offenders aged between 18 and 20 and 1% aged between 15 and 17. The breakdown in the ethnicity of the population is 73% white and 27% BAME.

7. A more detailed breakdown of the population is provided in the quarterly statistics bulletin and covers: type of custody; offence group, tariff length, sex; ethnic group; religion and nationality.

Projected population

8. We publish prison population projections on an annual basis. The latest projections\(^2\) are for August 2017 to March 2022. They predict that over this period the population will increase, reaching 88,000 in early 2022.

9. An important caveat is that, as with any forecast, there is a degree of uncertainty in the prison population projections. This arises from several sources. Future changes in policy or behaviour may be unclear or unexpected at the time of the projection, as well as uncertainty in the level of demand we expect to come through the courts.

10. The projections include forecasts of the make-up of the population where they drive demand or are required for our effective management of the prison population. We therefore have projections for tariff length, age group and sex.

11. Alongside the growth in the size of the prison population, the projections anticipate some changes in the types of offenders. While the proportion of offenders with indeterminate sentences is expected to fall, following the abolition of sentences of imprisonment for public protection (IPPs) in 2012, the proportion of offenders with longer determinate sentences is forecast to rise. As part of this trend it is predicted

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that there will be a growth in the proportion of adult male prisoners and also in prisoners aged over 50.

**What has led to the current size and make-up of the prison population?**

12. The prison population has increased steadily from 44,552 in 1993 to 85,134 in 2016\(^3\), although since 2012 when it hit 86,634, it has been broadly stable. The increase is being driven by a number of factors, including both a shift to a more serious mix of offences in the criminal justice system and legislative changes, that has led to more offenders being given a custodial sentence and custodial sentence lengths becoming longer.

13. The Story of the Prison Population 1993 – 2016\(^4\) provides an overview of the key changes:

- The offence make-up of the population is changing with there being a shift to offences that carry longer sentences. In 1993, violence against the person, sexual offences and drug offences accounted for two in every five sentenced prisoners (excluding recalls); by 2016 this had increased to three in every five.

- The average custodial sentence length (ACSL) for those sentenced to immediate custody for all indictable offences, handed down by judges has increased from 16.0 months in 1993 to 18.8 months in 2016. Only around 34% of prisoners were serving sentences of less than 4 years in June 2016 compared to 54% in June 1993.

- The indeterminate prison population (including life sentences and IPPs) increased from 3,095 in June 1993 to 10,600 in June 2016. This increase includes the introduction of IPPs in 2005 (previously the only indeterminate sentence was a life sentence) and a 41% increase in the number of offenders in prison serving life sentences since 2002.

- The number of recalled offenders in prison has increased substantially, from roughly 150 in 1995 to 6,000 in June 2016. Much of this increase can be attributed to legislative changes which increased or created licence period including the Crime & Disorder Act (1998), Criminal Justice Act (2003) and most recently the Offender Rehabilitation Act (2014), whereby for the first time

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offenders sentenced to less than 12 months receive supervision in the community and are liable to be recalled.

**To what extent are these factors taken into account in prison population projections?**

14. The prison population projections are underpinned by a suite of analytical models relating to the criminal courts and offender management. These models have been developed to project demand for our services. They therefore include an analysis of the factors driving the changes to the prison population, including:
   - the mix of offences entering the courts, including the increasing severity of these offences;
   - the changing sentence lengths, including those driven by changing case mix and legislation; and
   - the impact of changes relating to the indeterminate prison population, including IPPs (Imprisonment for Public Protection), EDS (Extended Determinate Sentence) and parole hearings.

15. There are two key models which we use for our prison population projections: the custodial sentencing model; and the prison population projections model.

16. The custodial sentencing model is driven by projections of the number of defendants being dealt with in the criminal courts. In order to project the volume being given a custodial sentence, it also takes into account: the age band, sex, and offence of the defendants; the likely court outcomes of the category of defendants; and for those who receive custodial sentences, the sentences which those concluded cases attract. The model then converts the projections of custodial convictions into prison receptions.

17. The prison population projection model takes the projections of prison receptions, and then models the amount of time these offenders will spend in prison of their given sentence, in order to calculate the resulting prison population. Within this, the population of indeterminate offenders is modelled separately, based on expected future parole board resourcing, the likelihood of an offender to pass a hearing, and the time since an offender’s previous hearing. The model also simulates the ageing of the prison population over time.
18. This approach allows us to project explicitly custodial convictions (rather than just convictions) and understand the criminal justice system factors which contribute to changes in the prison population, such as time served, sentences given, changes to court processes, or shifts in defendant demographics. It also allows us to model more easily the impact on the prison population of specific Ministry of Justice and other criminal justice agency policy changes relating to specific offences or specific sentences.

What is the Ministry of Justice's existing strategy for managing safely and effectively the prison population?

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

19. We set out our ambition for a reformed prison estate in the Prison Safety and Reform White Paper published last year. Our reforms will close down ageing and ineffective prisons and replace them with buildings fit for today’s demands. This will include the construction of two new prisons and redevelopment of four prisons. Our new prison estate will create the physical conditions for Governors to achieve better educational, training and rehabilitation outcomes, which evidence suggests will reduce levels of violence, reoffending or both.

- As part of our programme of reform, we have closed prisons which did not have a future role in the estate, including HMP and YOI Holloway and HMP Kennet; HMP and YOI Glen Parva has been closed in advance of its redevelopment. In addition, we have closed former immigration removal centres at Dover and Haslar.

- Alongside these closures, we opened HMP and YOI Berwyn in Wrexham on 27 February 2017. When fully operational, this will create 2,106 modern and efficient prison places. Work has already begun on the construction of a new 206 place houseblock at HMP Stocken, in Rutland.

- Following the announcement in November 2016 of our intention to redevelop HMP and YOI Glen Parva and the former HMP Wellingborough, we received outline planning permission on 5 April for Wellingborough and on 15 June for Glen Parva.

- In addition on 22 March we announced plans, subject to planning approvals, value for money and affordability, to build four modern prisons: adjacent to HMP Full
Sutton in Yorkshire, Port Talbot in Neath, and redevelop HM Prison and Young Offender Institution Rochester in Kent and HM Prison and YOI Hindley in Greater Manchester. Outline planning permission was received in July 2017 to build a new prison on land adjacent to HMP Full Sutton.

- To achieve a prison estate which is more flexible, less crowded and better organised, we also intend, through our programme of reforms, to simplify the existing prison estate into three key functions: reception; training; and resettlement. Reconfiguring the estate in this way will mean that the types of prison places available will match the needs of prisoners based on their risk, safety, and rehabilitation needs.

- Important progress has been made already on this front, including completing the reconfiguration of HMP and YOI Durham to a reception and HMP and YOI Holme House to a training prison at the end of May 2017.

- The female prison population contains a higher proportion of short-sentenced offenders\(^5\) and we recognise that there is scope for diverting more female offenders from custody. For those women who do need to be held in prison, we want to provide the best physical environment and rehabilitative regimes possible and break the reoffending cycle. We are continuing to explore options for doing so and will publish a strategy on female offenders in due course.

20. Our plans on the future size of the prison estate are robust and reflect the projected, as well as the current prison population, including an assessment of the necessary margin to manage population fluctuations. We will always ensure that we have enough prison places for those sent to us by the courts. However, we remain alive to the challenges associated with a high prison population and are taking all necessary action to ensure the integrity of the system as a whole.

- In July we announced that the proposed redevelopment of HMPs Hindley and Rochester would be delayed until at least 2019 to help manage the projected increase in the prison population. Additionally, in October we announced that following the Home Office’s decision that it no longer needs former prison, The Verne, to hold detainees, the site will re-open as a category C prison in 2018.

\(^5\) Latest published statistics as of 30 September 2017 are 7.8% for males and 17.8% for females for sentences of < 12 months as a percentage of sentenced population.
We are recruiting 2,500 additional prison officers to support our ongoing capacity requirements and ensure that prisons are run safely. We remain on track to achieve this by the end of 2018, with a net increase of 1,255 prison officers already in post since October 2016. This is not just about numbers, however, and key to our plans for improving safety is how we deploy staff. We have made a recent investment in the delivery of the new Offender Management in Custody (OMiC) model to give staff more time to directly supervise offenders. Under the OMiC Model each key worker will be responsible for supporting six prisoners, and this one-to-one support is intended to deliver transformational benefits needed to improve regimes and staff-prisoner relationships and so promote genuine reform and rehabilitation.

What impact does reducing reoffending by existing prisoners and those under the supervision of probation services have on the size and make-up of the prison population?

21. We know that reoffending is a large source of demand on the criminal justice system, including on the prison population. Roughly one in three offenders go on to commit proven reoffences in the following year. The vast majority of prisoners (87%) have committed at least one previous proven offence before their current conviction and 34% have committed 15 or more proven reoffences.

22. Reductions in reoffending will lead to important benefits for individuals, as well as to society more widely. The impact on the criminal justice system and prison population in particular is very difficult to predict, as this is driven by a wide range of factors affecting the level of demand, mix of cases and background of offenders coming through the system.

23. On 26 October 2017, we published reoffending rates under a new measure of reoffending, changing to align with the Payment by Result statistics for CRCs, and to assess the progress of the rehabilitation reforms. On average, the new reoffending rate is around 4-5 percentage points higher for adult offenders compared to the previous proven reoffending measure. Nevertheless, despite the change in methodology both measures show similar trends over time.

24. Overall, around 35,000 adult offenders who were cautioned, received a non-custodial conviction at court or released from custody in October to December 2015 committed

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7 The change from 12 month offender cohorts to 3 month offender cohorts results in a greater proportion of prolific offenders and hence higher reoffending rates.
a proven re-offence within a year\textsuperscript{8}. This represents an overall adult proven reoffending rate of 28.7%. The adult proven reoffending rate has remained fairly flat over time, fluctuating between 28% and 31%.

25. For adult offenders starting a court order (community sentence or suspended sentence order) the proven reoffending rate was 33.9%. The rate for this group has declined since 2005 by around 3-5 percentage points.

26. The proven reoffending rate for adult offenders released from custody was 49.2%. Within this, the rate for those released from short sentences has been consistently higher compared to those released from longer sentences. Adults released from sentences of less than 12 months reoffended at a rate of 65.5%, compared to 29.9% for those released from determinate sentences of 12 months or more. The trend for adults released from less than 12 month custodial sentences has remained broadly flat since 2004, whereas the reoffending rate has been decreasing since 2010 for adults who were released from custodial sentences of 12 months or more.

27. Partly these varying reoffending rates are due to underlying differences between the custody and community cohorts. However, when comparing similar offenders matched across multiple characteristics, immediate custodial sentences of under 12 months duration without supervision on release are associated with higher proven reoffending than court orders (3 percentage points higher than community orders and 7 percentage points higher than suspended sentence orders).

28. To address the particularly high reoffending rate of offenders on short custodial sentences, under the Offender Rehabilitation Act 2014 we extended supervision on licence to offenders serving custodial sentences of less than 12 months. We also introduced post-sentence supervision to supplement licence to ensure that all offenders serving a custodial sentence will spend at least 12 months on supervision on release.

29. To further support the rehabilitation of prisoners, our reform plans include a focus on ensuring prisoners gain the skills and qualifications they need to secure employment on release and also that they have accommodation.

30. Employment

Note: the figures for the latest Cohort, October 2015 to December 2015, use a new data source and so are not directly comparable to previous cohorts.
We plan to launch a new national taskforce, the New Futures Network in 2018, to help Governors give offenders skills and training, and match them to vacancies in national and local businesses upon release. We are keen to increase the number of employers who can provide valuable vocational work for offenders in prison, and offer employment on release. We also want more opportunities such as those with Timpson and Halfords, who deliver work and training in prisons leading to employment on release.

31. Accommodation
We will introduce shared performance measures for accommodation outcomes, for Prison Governors and Probation Providers and will work with the Department for Communities and Local Government to ensure that the new Homelessness Reduction Bill supports offenders. Under this legislation, youth Offending Teams, Prisons and Probation providers will be subject to a new duty to refer to the local housing authority someone who they support who might be at risk of becoming homeless. Through this Act, and wider work in this area, we are also working with partners across Government to remove the complex barriers offenders face when looking to secure accommodation.

32. Alongside our commitment to create a prison and probation service that reforms offenders, we are working across Government to reduce the number of vulnerable people in prison. This includes the continued roll out of Liaison and Diversion (L&D) services in England, which place clinical staff at police stations and courts to provide assessments and referrals to treatment and support. Health information can then be shared so that charging and sentencing decisions can be tailored to meet needs. Wales has a separate but similar Criminal Justice L&D service. In addition, we have been working with the Department of Health, NHS England and Public Health England to develop a protocol for community sentence treatment requirements, building on information from the L&D assessment. This sets out what action is required by health and justice staff to ensure pathways into timely and appropriate mental health and substance misuse treatment are in place, and that greater use is made of treatment requirements as part of community sentences. The protocol includes a new minimum standard of service, a new maximum waiting time for court ordered treatment which is in line with waiting times for the general population, and a new single point of contact within a local mental health service and substance misuse services. It will give us a consistent approach, providing better and quicker access to treatment. We are going to test this out in a number of areas to make sure it works and offers those
offenders who need, it the right support to keep them out of prison and break the cycle of reoffending.

What is Her Majesty's Prison and Probation Service's current capacity to manage safely and effectively the prison population?

33. In our Prison Safety and Reform White Paper, we recognised that the levels of violence and self-harm in our prisons were too high. Making prisons safer is an immediate priority. As well as safety being important in its own right, it is also a necessary precondition for turning prisons into places of genuine reform and rehabilitation.

34. Our strategy to improve safety combines the transformation of our workforce, immediate operational improvements, and targeted reform of our policies and key processes, such as how we identify risk.

35. Recruitment and other workforce measures
   We are now over half way to meeting our target of recruiting 2,500 additional prison officers by December 2018, with a net increase of 1,255 officers since October 2016. Training for these officers has been extended by two weeks to ten weeks in total. Alongside this we are rolling out a new Offender Management in Custody (OMiC) model, as described in paragraph 19, to give staff more time to directly supervise offenders.

36. Operational measures
   We have made immediate operational improvements and increased the level of support to prisons to help deliver them, through training, audit, more effective use of data and bolstering regional support teams. We have also made targeted reform of our policies and key processes, such as how we identify and manage risk of suicide and self-harm, and violence.

37. Tackling the supply and use of drugs
   Drugs, including psychoactive substances, are damaging and potentially fatal to individual users, and can lead to violence and instability in prisons. Across the estate, there are a range of security measures in place to tackle drugs in prison, including surveillance, detection dogs, body scanners and intelligence-led searches. We have also invested £3 million in enhanced intelligence, to improve our targeted intelligence and search capabilities, and we take a zero-tolerance approach – anyone found with
contraband will be subject to disciplinary action and police investigation. We have introduced new drug tests for psychoactive substances, rolled out to all prisons in September 2016, and we have trained more than 300 sniffer dogs specifically to detect psychoactive substances. We know that we cannot resolve the issues within our prisons overnight, but we are determined to make progress as quickly as possible.

38. We are working with other government departments and agencies to identify, investigate and convict suppliers of drugs and those involved with Organised Crime Gangs. In aggregate over 50 years’ worth of prison sentences have been given by the courts for using drones to smuggle drugs into prison, including one sentence of over 7 years imprisonment. We are also working with NHS England and other health partners to ensure that the treatment needs of drug users are met properly.

December 2017