

Written evidence submitted by the Howard League for Penal Reform (PCB 12)

Briefing on the Prisons and Courts Bill

House of Commons, Committee Stage

This briefing focuses on Clause 1. A joint briefing with Liberty, the Prison Reform Trust and the Prisoners' Advice Service on the topic of legal aid has also been circulated to committee members.

Overview

Many of the changes contained in the Bill are sensible and welcome, but will do little to arrest the decline in the prison system. The Bill should be amended in order to increase the impact the changes in the law will have in practice.

Part 1

The Howard League supports the principle of clear statutory purposes for the prison system. Clarity of purpose could help, and certainly will not hinder, those in operational and policy roles work to improve conditions in our prisons.

There are some important omissions in the list of purposes that the prison system must aim to achieve. The first is the absence of any timescale for achieving the stated aims of rehabilitation and preparation for life outside prison. Unlike many other systems, the way in which the prison system and sentencing regime operates in England and Wales means that what happens in prisons has a large impact on when people are released. For example, there are 12,092 people in prison serving either IPPs or life sentences. Whether they will be released at or near to their earliest possible release date depends, in large part, on whether they have been able to access work, education and offender behaviour courses and to move through the prison system into less secure conditions. Many eligible prisoners are not released on Home Detention Curfew as their case is not reviewed or the necessary arrangements have not been put in place in time.

There are thousands of prisoners clogging up the system as insufficient attention is placed on preparing people for release at their earliest eligible date. Thousands are held in higher security (and more expensive) prisons than they need to be or are stuck in prisons which do not offer the courses they need to progress. The requirements in clause 1 that prisons rehabilitate prisoners and prepare them for life outside prison would be enhanced if accompanied by a requirement to do so in the shortest appropriate period of time.

The Howard League recommends that committee members adopt the following amendment:

Clause 1, page 1, line 13, after "prepare prisoners for life outside prison" insert "in the shortest appropriate period of time"

Requiring prisons to work to ensure that prisoners are ready to be released at their earliest eligible date will encourage the development and delivery of individualised sentence plans and ease the pressure on the prison population.

The Howard League's legal team frequently work to secure the release of children and young adults detained because of administrative delays or a lack of focus on ensuring people are able to be released at their earliest eligible date. The case studies below show the impact the amendment above would have on efficient release and easing the prison population.

Case 1

On the last working day before the Christmas holidays, the mother of a teenager called the Howard League's legal advice line to complain that her son's home detention curfew application had not yet been processed. The teenager had been eligible to be released on an electronic tag in November. All the professionals involved were supporting release as he had made excellent progress in prison, however, prison staff had not completed the paperwork in time.

In that case, a call from a Howard League solicitor to the prison governor resolved the issue. The governor agreed to look at the paperwork and authorised the teenager's release. In the governor's words, it was a 'no-brainer'. The young man was released to his mother's address just before New Year.

Due to a lack of focus on preparing for release at the earliest eligibility date, even in this straightforward case an eighteen year old was held in prison for six weeks longer than he needed to be.

Case 2

Howard League lawyers represented a young person serving an indeterminate sentence. The prison he was held in would not allow him to access any offender behaviour or education courses as he was serving a long sentence and was therefore not a priority. The Howard League lawyers raised these concerns with the prison and he was allowed to access and complete relevant courses.

The young person made considerable progress and as a result his minimum tariff was reduced. This means the young person is highly likely to spend less time in custody overall. This would not have been possible without the input from the Howard League to ensure he could access courses so he could demonstrate his progress.

There is no funding available for lawyers to get involved in early release applications or obtaining access to offending behaviour courses. In an ideal world, lawyers would not be needed to achieve release at or near to a prisoner's earliest eligible release date. Adopting the amendment to require prisons to prepare prisoners for release in the shortest appropriate period of time would have a real impact.

March 2017