



House of Commons
Justice Committee

**Prison Population 2022:
Planning for the future:
Government Response
to the Committee's
Sixteenth Report of
2017–19**

**Seventh Special Report of Session
2017–19**

*Ordered by the House of Commons
to be printed 5 June 2019*

Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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Publication

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are David Weir (Clerk), Fiona Hoban (Second Clerk), Nony Ardill (Legal Specialist), Ben Rodin (Committee Specialist), Christine

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Seventh Special Report

We have received the Government's Response to the Committee's Sixteenth Report of Session 2017–2019, *Prison population 2022: planning for the future*, HC 483. The response came in a letter dated 24 May 2019 to the Chair of the Committee from Rt Hon David Gauke MP, Secretary of State for Justice. We publish this letter as an Appendix to this Special Report.

Appendix: Government Response

The Government welcomes the Justice Committee's report on the Prison Population 2022: Planning for the Future on how the Ministry of Justice plans to deal with expected changes in the prison population. We are grateful to the Committee for their continued engagement with us, alongside all who gave evidence in the preparation of the report.

We recognise the key themes drawn out in the Committee's report represent the key pillars of an effective prison system. This government is committed to reducing crime. We know that reoffending is a major driver of crime and short sentences can be counter-productive as reoffending rates from short sentences are much higher than community sentences for equivalent crimes. This is why our priorities are to rehabilitate offenders and reduce the £15 billion annual cost to society of re-offending by ex-prisoners.

The Government believes that there are three key purposes of prison: protection of the public from the most dangerous and violent offenders; punishment as a deterrent; and rehabilitation, to provide offenders with the opportunity take responsibility for their crimes and prepare for law-abiding life when they are released for the benefit of wider society.

The Committee has drawn out some of the critical challenges that we need to overcome to deliver an effective prison system. We agree that for prisons to be effective, we must get the basics right. Safe, decent prisons go hand in hand with rehabilitation and provide the foundation for the relationship between the prison officer and the prisoner. We are developing a long-term prison estate strategy that focuses on the sustainability of a decent, safe and secure estate that can meet the needs of a changing prison population. The Committee also explored some themes beyond the shape and size of the prison estate, particularly examining choices around sentencing and offender management in the community and their impact on the prison population. The Government is clear that we do not want to reverse the sentencing approach for the most serious offenders. Equally, we should be extremely cautious about continuing to increase sentences as a routine response to concerns over crime. We agree with the Committee that there is a case for reform of short custodial sentences. There is persuasive evidence showing that they do not work in terms of rehabilitation and helping some offenders turn their backs on crime. The level of churn generated by offenders receiving short sentences is a major driver of instability in the prison estate.

As the Committee notes, if we are to make appropriate use of prison places it is essential that we have robust alternatives to custody and a probation system in which sentence and the public have confidence. We set out in our response to the consultation *Strengthening Probation, Building Confidence* our proposals for improving the delivery of probation

services once current CRC contracts end. These proposals build on the Transforming Rehabilitation reforms while aiming to address some of the challenges the probation system is currently facing. Significantly our proposals will see responsibility for the management of all offenders transferred to the National Probation Service. Alongside these changes we will develop a more clearly defined role for the private and voluntary sector in delivering core interventions to offenders and securing innovation in the provision of these services.

In addition, when parliamentary time allows, we will look to bring forward legislation to implement a statutory professional regulatory framework, putting probation on a par with teaching or social work. This will see ethical and training standards for different roles, to recognise the skills and expertise of probation staff and support their ongoing professional development and expertise in providing a critical public service.

Our proposals for future probation services should mean that in the future, it will be easier to respond to the changing profiles of offenders and to drive improvements across the probation system. We will continue to leverage the innovation of the private and voluntary sector, and to ensure probation is working with partners across the criminal justice system to reduce reoffending.

We welcome the Committee's recognition that additional investment will support us to deliver reforms that will ultimately benefit society. To optimise our ability to rehabilitate offenders and reduce re-offending outside of the prison estate we need to continue to work effectively across government, and ultimately stop the revolving door from release back to prison.

We remain committed to greater transparency, where possible, to allow the public and others to better understand what we do, the challenges we face and the costs of the criminal justice system. We are grateful for the Committee's thorough inquiry on this issue, and will reflect on their recommendations in developing our approach to addressing the complex issue of prison population management within the estate and more widely. In this response, we provide further detail in response to the Committee's recommendations, in line with the themes identified. We look forward to further engagement with the Committee on these questions.

The Ministry's current approach to managing the prison population and its financial sustainability

Recommendation 1

The Government must legislate in the next Queen's Speech on the purpose of prisons and to strengthen the statutory foundations of the Prison and Probation Ombudsman and National Preventive Mechanism, as our predecessor Committee recommended in 2017. (Paragraph 29)

Response

The Secretary of State has set out his view of the three purposes of the prison system: to protect the public, punish offenders by depriving them of their liberty and rehabilitate offenders by providing them with the opportunity to take responsibility for their crimes

and prepare them for a law-abiding life when they are released. We have no immediate plans to legislate but will consider this alongside putting the Prisons and Probation Ombudsman on a statutory footing, if Parliamentary time becomes available.

We recognise that the National Preventive Mechanism (NPM) does not have a statutory footing; however, its member organisations do. We will continue to explore with the NPM, its members and the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) whether there are additional practical benefits of the NPM having a statutory basis.

Recommendation 2

The frequent changes in Ministers at the MOJ and the inevitable changes in priorities that follow have hindered the sustained implementation of an overarching strategic approach to prisons policy. A clear dedicated effort will be needed to ensure that the ever-worsening decline in safety, which has now been going on for five-years, is reversed. Reversals in cuts in spending on prisons and investment into staffing, training, infrastructure and guidance will be needed and the Secretary of State for Justice and the Prisons Minister must demonstrate decisive action to achieve this. (Paragraph 34)

Response

Our overarching strategic approach has been consistently based on making prisons safe, secure and decent by getting the basics right, increasing staff numbers and rehabilitating prisoners.

Our strategy to improve safety is based both on addressing the drivers that have driven the recent decline in safety. Our Drugs Strategy published in April 2019 set out how we are tackling drugs: restricting supply, reducing demand and building recovery. To restrict supply, we are strengthening our gate and perimeter security, increasing the availability of specialist search teams across the estate, and investing in procedural, physical and technical security counter-measures. To reduce demand, we are supporting prisoners by increasing the range of purposeful activity available and providing positive incentives to stay clean, such as supporting the introduction of incentivised substance-free living (ISFL) wings. To build recovery, we are continuing to work closely with health partners to provide an effective treatment offer to prisoners and have invested £9 million to pilot different approaches at HMP Holme House.

Having the right staffing levels in prisons is key. Our recruitment campaign resulted in 4,675 additional officers joining the service since the end of 2016, exceeding the 2,500 prison officers target set out in the White Paper. We are using these additional officer numbers to introduce the key worker model, aimed at improving safety and reducing reoffending.

Reforms to the system as a whole need to be complemented by strong leadership and robust operational grip at individual prison level. We have supported governors to develop individual safety strategies by giving them a new framework based around 5 Ps—People, Physical, Population, Partnerships, Procedures—allowing them to put in place bespoke action plans tailored to address the drivers behind the safety issues in their own

establishment. Beyond this, the 10 Prisons Project has given us an opportunity to test additional interventions focussed on tackling the supply and use of drugs, improving decency and improving the consistency of leadership. We will learn from this project to share best practice across the estate and replicate what works elsewhere. Further details are set out in the response to recommendation 16.

Effective rehabilitation of offenders in prisons and managing in the community those who are better off there remains our focus and will lead to reduced reoffending.

Recommendation 3

We also welcome the Ministry of Justice’s efforts to devise strategies that seek to address some of the factors that contribute to reoffending. The philosophy behind each of the individual strategies is welcome, but the current overall approach is largely a collection of operational policies and lacks a coherent means of driving reform, including processes that link plans, data on outcomes, and the evaluation and dissemination of good practice. They are also woefully under-resourced and it is unclear what resources, if any, have been allocated to future planning. There should be an overarching strategy for reoffending and a clear vision for what prisons will look like in the future. The Ministry’s rehabilitative strategies should each be underpinned by clear governance arrangements, action plans, timetables and resources. (Paragraph 35)

Response

We understand the diverse and complex drivers behind reoffending; accommodation, employment, and health concerns all play a significant role. The levers to address reoffending are dispersed across the MoJ and Government more widely. We agree with the Committee that an overarching strategy focused on reducing reoffending is required. The Cabinet Office-led Reducing Reoffending Board (RRB) plays an integral role in ensuring a joined-up approach across Whitehall to delivering policies that reduce reoffending. We will continue to work across Government using an evidence based approach to tackling the causes of reoffending.

Within MoJ, we have made good progress on rehabilitation programmes to address the key drivers of reoffending. Our Single Departmental Plan (SDP), published in May 2018, set the objective of getting the basics of creating a safe and decent environment right, since that enables rehabilitation and ultimately reduces reoffending. Our refreshed SDP for 2019 will be published shortly and will reaffirm the importance of this.

To do this, we are implementing a cohesive plan to ensure prisoners receive the right interventions to meet their needs. This includes giving Governors more control over their budgets to strengthen their education provision, £7 million investment for in-cell telephones to allow prisoners to maintain important family ties, and tackling health issues such as drug addiction.

As prisoners approach release, our strategy turns to securing accommodation and employment. The New Futures Network brokers partnerships between prisons and employers in England and Wales from prison industries inside the walls, through to employment on Release on Temporary Licence (ROTL) and then jobs on release. Holding

down a job means offenders need support with accommodation and so, through the Government Rough Sleeping Strategy, we will invest up to £6.4 million in a pilot scheme to support individuals released from three prisons.

We have already established joined-up governance across prisons, probation and the Youth Custody Service (YCS). Offender Management in Custody (OMiC) is an example of how we have brought probation expertise into prisons to enhance the delivery of services for prisoners. This model is based on individualised planning to match and sequence specific interventions and support to help individuals change their lives based on identifying rehabilitation needs and goals. The role of the individual in jointly owning both the planning of, and monitoring of progress against, their own rehabilitation pathway is critical and built into the core OMiC model.

Recognising the Committee's recommendation to link plans to data, we know that short sentences can result in offenders losing access to benefits and drug or alcohol support services and treatment making outcomes worse. As part of the national debate on punishment, we want to reconsider what is effective in reducing reoffending, including through community orders, and what makes best use of taxpayer money through using prison officers' time and resources more effectively.

Recommendation 4

The Ministry of Justice and HMPPS are increasingly making more transparent and positive use of the evidence base in articulating the rationale for strategic approaches. This is essential if the public are to better understand who is in prison and how best to stop them from committing further crime. The creation of a small number of pilots which will be properly evaluated is welcome. Nevertheless, piloting is only helpful if expansion in programmes which prove successful are followed through and funded. The Ministry should set out in its response to this report how it intends to replicate those pilots which prove effective to the extent necessary to achieve substantial reductions in reoffending. (Paragraph 36)

Response

We welcome the Committee's recognition of the positive steps we are taking to make our evidence base in articulating the rationale for strategic approaches more transparent. We want to understand what works before we commit significant resources. We will monitor and evaluate our pilots, and their outcomes will be taken in consideration when we make allocation decisions.

Recommendation 5

It cannot be efficient to continue to spend money maintaining often dilapidated buildings, many of which were built in Victorian times. It is ineffective and inefficient in economic terms and does not represent smart justice. (Paragraph 42)

Response

We are committed to the provision of safe, secure and decent accommodation across the prison estate which provides a rehabilitative environment. We are developing a long-

term estate strategy which will also balance investment in the existing estate to ensure that accommodation is brought up to and maintained at a decent standard while also providing investment in new builds to create modern, purpose-built establishments, that improve rehabilitation and create safe and secure environments.

We are making progress in modernising our estate by opening HMP Berwyn and progressing with plans to redevelop HMP Wellingborough and Glen Parva. Construction work starts in May at Wellingborough with detailed design also commencing on Glen Parva. We are taking steps to address facilities management performance with our providers. In addition to the current capital maintenance allocation, we have made c£30 million additional investment in 2018/19 to improve the fabric of prisons, targeting those with the most pressing maintenance issues to begin bringing them back to acceptable standards. This has delivered refurbishments of cells, showers and serveries at a number of prisons including HMP Liverpool, Wandsworth and Wormwood Scrubs, as well as essential fire safety work.

Recommendation 6

Maintaining a tight grip on finances is a laudable aim, but it is not sustainable if it results in driving down standards of decency and fails to capitalise on opportunities to reduce reoffending. We do not consider that the Government's existing approach to prison reform is sufficient to resolve major structural deficits to provision to reduce crime. Modernising the prison estate is imperative but ploughing funding into building prisons to accommodate prison projections is not a sustainable approach in the medium or long-term. Our evidence demonstrates an urgent need for significant additional resources for cross-departmental provision to reduce reoffending. This would save the Ministry money in the long-term and would reduce the cost to society of reoffending in the long-term. We are open-minded about the solutions and encourage the Government and wider public to be so, too. We agree with the Justice Secretary that there is a need for a refreshed narrative around the use of imprisonment and how as a society we wish to deal with crime. We are encouraged by his direction of travel in examining the role that prisons should play in modern society. This should include an explicit recognition that social problems cannot be meaningfully addressed through the criminal justice system. This is not only a moral imperative but also now a financial necessity. (Paragraph 43)

Response

We agree with the Committee that social problems cannot be addressed solely through the criminal justice system. We have adopted a Government-wide approach to tackling the drivers behind reoffending. Alongside this, we need to get our sentencing approach right. This means balancing the need for tougher sentences for serious offences and recognising that a routine sentencing approach will inevitably lead to increasing the prison population. A smarter justice system will support offenders and be effective in reducing reoffending, ultimately leading to improved public safety.

Please also refer to our responses to recommendation 3 in relation to Government approach to reducing reoffending and recommendations 13-15 in relation to the prison population.

Recommendation 7

The Government must recognise the extent of the impact of reductions in funding during the current Spending Review period for prisons and probation services on the quality of these essential public services, relative to the size of the overall resource commitment. We welcome the Ministry’s proposed approach to amassing evidence about the funding required to deliver decent and well-performing prisons for the next Spending Review. Nevertheless, resources to close the hole in the Ministry’s finances, address major maintenance problems and run decent and rehabilitative prisons up to 2022 are unlikely to be found. We note the additional £18 million resource DEL and £13 million capital DEL announced as part of the 2018 Budget for measures in support of prison decency, but this is not sufficient. There appears to be some way to go to ensure that there is evidence of sufficient strength to convince the Treasury to change direction. Once the Ministry has a clear picture of the current and projected costs of running prisons over the next Spending Review period, we recommend that they are published. (Paragraph 44)

Response

Over the past year, we have been working as a department to develop a clear understanding of our outcomes and the activities that we need to prioritise over the Spending Review period. Providing safe, decent and secure prisons with reduced levels of violence and self-harm has been identified as a key strategic priority for the department through this process.

As we move towards the Spending Review, we will bring together the data and evidence that demonstrates why each priority needs to be an area of focus over the next five years, and how targeted action in that area could improve the department’s outcomes. As part of this process we are exploring a range of choices related to the prison estate and supporting rehabilitation with the prison and probation system.

This work will support us as we work with HM Treasury to agree a sustainable settlement which ensures we are able to deliver our services both as effectively and as efficiently as possible, and that our funding is targeted towards the activities that will improve our outcomes.

Recommendation 8

The Treasury must now be able to recognise the wider implications of the decision not to invest in the prison and probation systems in recent years. It should take this into account for the future. The Spending Review exercise for 2020 to 2025 should be broadened to encompass a more systemic approach to managing the £15bn a year costs of reoffending. This should include downstream measures, which are out of the control of the Ministry of Justice. To inform such an approach, the Reducing Reoffending Group should commission urgently a systemic review of cross-departmental activity to reduce crime, including mapping demand and identifying trends in the funding and outcomes achieved by a range of public agencies over the current Spending Review period. Such analyses have been conducted to positive effect in other jurisdictions, notably the US, enabling a shift in resources from prisons to community measures. In the medium-term, the Ministry must conduct a wide-ranging and transparent

consultation on its Justice 2030 project, which should be broadened out to consider the cross-departmental impact on demand for criminal justice services. Should the Government choose not to undertake such work itself, we propose that an independent commission should be established to consult on and create a sustainable strategic approach to prison and crime reduction policy up to 2030. A similar commission was set up in Scotland, reporting in 2008 and the Commission on Justice in Wales, chaired by Lord Thomas of Cwmgiedd is currently underway. (Paragraph 45)

Response

The Government supports a cross-departmental approach to reducing crime and are actively progressing this approach through the Reducing Reoffending Board and other fora. Please refer to our response at recommendation 3.

The prison population current and projected

Recommendation 9

The prison population has become increasingly challenging in nature, with prisoners often having complex health and social needs. Many have learning disabilities or mental health conditions, such as psychosis, that make it difficult to cope with the criminal justice system and places an addition burden on the prison service to manage their needs. The Ministry needs acknowledge the challenge it faces and demonstrate that it has a long-term strategy to deal with these. (Paragraph 52)

Response

We agree with the Committee's view that prisoners often have high levels of complex needs and that effective partnership working is essential to addressing these. NHS England have statutory and financial responsibility for healthcare within English prisons (including for mental health and substance misuse services), the Health and Justice Partnership Agreement which was published in April 2018 sets out how we work together and sets out agreed priorities for delivering safe, effective and decent healthcare in prisons. Similarly, community healthcare services are commissioned by local Clinical Commissioning Groups and substance misuse services by local authorities.

We recognise that gaps remain in the available data and we are working to improve this picture through work with academics on the evidence base and what works to support this cohort. Health and justice partners are also working to establish the new Health and Justice Information Service to improve the link prison healthcare systems to those in the community. The Data, Evidence and Intelligence Group, comprising health and justice partners, also looks to enhance the analytical capability across the health and justice pathway.

We are also leading work with the Association of Directors of Adult Social Services, DHSC, NHS England and the Welsh Government to support the system to get the basics right for social care everywhere.

We also recognise the need to ensure individuals with complex needs are appropriately supported upon release from prison to prevent further reoffending. A Connecting

Communities Team has been established at the Drug Recovery Prison (DRP), HMP Holme House, to aid the transition of prisoners from custody to the community and help to ensure that recovery continues post-release. We welcome NHS England's work to improve continuity of care and particularly their commitment to engaging more people in their RECONNECT care after custody service. Public Health England (PHE) produced a continuity of care toolkit in August 2018 to support prison healthcare teams and community-based substance misuse services to improve engagement in treatment after release. We are working closely with PHE to implement this toolkit across the regions.

We acknowledge the challenge we face in accommodating men and women in prison who are severely mentally ill. Working closely with our NHS partners, there is now much better evidence of the number of people in prison awaiting transfer to hospital for mental health assessment and treatment. We will continue to work with our partners to seek improvements to these care pathways.

As of April 2019, approximately 33,000 offenders have been identified to be in scope for the Offender Personality Disorder Pathway programme. This is a joint national strategy that provides services for offenders in custody and the community with complex mental health needs that are linked to offending. The strategy is also delivering system-wide workforce development for improving effective working with those with a personality disorder.

Whilst effective partnership working is improving our capability to manage the complex needs of prisoners, we also acknowledge that some key challenges remain. Where this is the case we are fully committed to working with partners to address these and ensure that we take a holistic approach to reducing reoffending. Forums that are key to this include the Health and Justice Partnership Board and the National Prison Healthcare Board.

Recommendation 10

The prison population is projected to grow for the foreseeable future. Prison population projections are limited in their focus on criminal justice system specific factors and the likely age and gender of prisoners. We consider that the projections should not be produced solely for the purposes of understanding the absolute numbers of prison places required, and of what nature, but also to ensure that governors and other commissioners are able to provide facilities and interventions that enables them to manage the prison population safely and effectively, with the ultimate outcome of preventing further crime when those imprisoned re-enter society. The existing approach limits the scope for thinking more laterally about how best to accommodate the challenging and complex needs of those remanded in custody and sentenced to imprisonment as part of a longer-term strategy. The more challenging mix of those sentenced to custody is likely to be partly attributable to the impact of wider social policies which do not currently factor into the Ministry's planning. (Paragraph 60)

Response

We agree with the Committee that it is important to understand the impact of offenders' complex needs and wider social policies on future prison populations. Reliably forecasting the future makeup of the prison population by a wide range of characteristics is extremely challenging, so we will prioritise those aspects of the prison population that are most

important to the management of those in custody. We will, however, review the current scope of the prison population projections and assess whether there are any other characteristics of the prison population that would add significant value to departmental planning and can be reliably included in our forecasts.

However, in many areas, we have a good understanding of these and how they are developing. Self-harm continues to rise in both the male and female estates, with the latest safety statistics showing a record high of 55,598 incidents in 2018 (a 25% increase from 2017). Changes in the profile of drug use, and particularly the emergence of psychoactive substances, contribute to violence, crime and vulnerability within prisons. That is why we have put in place a Drug Strategy and actions on prison safety as described in recommendation 2. The health needs of offenders are particularly complex and we know that offenders have higher rates of substance misuse issues, mental health problems and complications with physical health than the general population. For example, an MoJ study of adult offenders sentenced to prison in 2005 and 2006 found that nearly half (49%) of prisoners were assessed as being at risk of suffering from anxiety and/or depression, compared to 16% of the general population. To meet these needs, we are introducing an improved induction and support programme and the existing substance misuse and mental health training offer for all staff is currently being reviewed. Women offenders have distinct needs. They are more than twice as likely as male prisoners to report needing help for mental health problems, are more likely to have been taken into care, experienced abuse, and witnessed violence in the home as a child. That is why we have developed a bespoke offender management approach for women as described in recommendation 18.

Recommendation 11

Trends in ethnicity and the social drivers of complex and challenging behaviour should be more explicitly identified in modelling of the future prison population to inform a more comprehensive planning strategy which is properly resourced to manage effectively people in custody. Understanding the reasons for ethnic and racial disproportionality and seeking to reduce it must form part of a longer-term strategy for ensuring the sustainability of the prison population. The Ministry must monitor and take seriously the trend of racial and ethnic disparity in the prison population. We intend to carry out further work in this area. (Paragraph 61)

Response

As described in recommendation 10, reliably forecasting the future makeup of the prison population is challenging. However, we are committed to understanding and tackling racial and ethnic disproportionality in the criminal justice system. We welcomed David Lammy's review into the treatment of Black, Asian and Minority Ethnic (BAME) individuals in the criminal justice system and have an ongoing programme of work to address his recommendations and take steps above and beyond these. In October 2018 we published a comprehensive update on this[1], and will do so again by the end of this year, in addition to an updated Race and the Criminal Justice System statistical publication[2].

We have established a Race and Ethnicity Board chaired at senior official level that holds key partners across the criminal justice system responsible for improvement. We accept the principle that we must explain or reform where we find disproportionate outcomes.

In terms of responding to disproportionate outcomes for BAME people in prison, we are working to improve the quality, timeliness and breadth of data available. This will enable enhanced understanding and effective monitoring of disparity of outcome for any group across the prison estate.

Please also see response to recommendation 10.

Recommendation 12

To close the large gap between the money allocated to prisons by the Treasury and the current costs of running and maintaining them, the Ministry of Justice has estimated that it would have to reduce the prison population by 20,000 places. By the Ministry's own admission this is not achievable under existing strategies and funding arrangements. (Paragraph 65)

Response

Decisions on the future size of the prison estate will reflect the current and projected prison population, including an assessment of the necessary margin to manage population fluctuations to ensure that there is always sufficient capacity.

Please refer to responses to recommendations 13 and 14 in relation to the size of the prison population.

Explaining the growth in the prison population

Recommendation 13

The rise in the prison population has resulted from a greater proportion of those convicted being given a custodial sentence and from custodial sentences becoming longer. This has been driven by a complex set of factors, including more minor offending being diverted from the courts. The most significant contributor has been legislative factors created by a series of political and policy choices by successive Governments and parliaments. The fact that a greater proportion of those who are being sentenced by the courts are convicted of violent and sexual offences, who will tend to get longer sentences, contributes to the increase in the size of the prison population. However, this can only partially be attributed to changes in underlying crime patterns and leads us to look at the impact of legislation, the Sentencing Council and the question of how we should be using imprisonment. (Paragraph 91)

Recommendation 14

The extent to which sentencing guidelines have collectively influenced sentencing practice is not clear. We welcome the Sentencing Council's efforts to predict the impact of changes to the guidelines on Ministry of Justice resources and we consistently note the limitations of these (owing to a lack of data and resources and through no fault of the Council) in the responses we make to the guidelines in our role as a statutory consultee. In making such assessments, the Council needs to have better quality data, which in turn Ministry of Justice needs to resolve as part of its drive for better data.

There will be opportunity for the Ministry to collect better data through its court reform programme. The Ministry must also increase the resources it provides to the Sentencing Council to conduct explanatory research on sentencing practice and trends. (Paragraph 92)

Response (to recommendations 13 and 14 combined):

We agree with the Committee’s assessment of the complex drivers of the prison population and the reasons for changes to sentencing outcomes.

Custody should be a last resort but there will be times when an immediate custodial sentence is the only option. Ultimately, sentencing must match the severity of a crime and we will always want to hold in prison those criminals whose offences, including sexual and violent offences, are so grave that no other penalty will suffice. We want to see prison numbers come down but only by carefully considering the drivers of demand, our approach to sentencing, and the most effective use of the prison estate.

We note the Committee’s observation about the opportunities to improve data collection to support the work of the Sentencing Council and its call for additional resources to be provided to the Council. The Tailored Review of the Council published by the Cabinet Office in February 2019 concluded that the Council was effective and efficient in fulfilling its statutory functions, and should continue to carry out the functions required by the Coroners and Justice Act 2009, including derivative functions such as assessing the impact of guidelines. We will work with the Sentencing Council to review the opportunities for improving the evidence base on sentencing practice and trends.

Recommendation 15

We welcome the Government’s acknowledgement that there are choices to be made over the future sustainability of the prison population, and to ask questions about how as a society we should use imprisonment. We support the Secretary of State’s commitment to look at the sentencing of both short- and longer-term prisoners. As changes to the prison population have largely stemmed from legislative change, it stands to reason that legislative change should be a primary consideration when examining these choices. In the short-term, we recommend that when changes to sentencing legislation are being debated in Parliament, the Ministry considers what more it might do to make Parliamentarians aware of the likely impact on exceedingly constrained resources. Any strategy for improving the sustainability of the prison population will require a review of sentencing legislation which should include the role of the Sentencing Council. We may return to the question of the role of the Sentencing Council, which is coming up to its 10th anniversary, in a future inquiry. (Paragraph 93)

Response

We agree that the impact on the prison population and on other resources should always be considered when changes to sentencing legislation are considered, and more broadly to the criminal justice system are proposed. Implications for the prison estate are already routinely assessed during the formulation of policy and published as part of impact assessments. However, as noted in our evidence, we agree with the Committee that changes to the prison population are not solely due to legislative change.

Prison will be the right place for some offenders and we need to ensure their time in custody is used effectively to cut reoffending and crime. We see a need to think more imaginatively about different and more modern forms of punishment in the community. There is persuasive evidence showing community sentences, in certain circumstances, are more effective than short custodial sentences in reducing reoffending. We are exploring options to restrict the use of short sentences but at this stage have not reached any conclusions. We note the Committee's recommendations regarding the scope of any review of sentencing legislation.

The Sentencing Council's primary statutory role is the production of guidelines. The statutory responsibilities also include a duty to consider consistency in sentencing and the effectiveness of sentences, but it is not a specific function of the Council to manage the prison population. We do not think it would be right to redefine the statutory remit to require the Council to work towards influencing the prison population level through sentencing guidelines.

Getting the basics right and providing strong incentives for prisoners to reform

Recommendation 16

There is a grave and worsening situation in the safety of prisons in England and Wales despite significant recent, welcome advances in effort and resources. Over the last five years, the Ministry and Treasury have essentially adopted a crisis management approach, despite repeated warnings from us and other key stakeholders of the consequences. The Urgent Notification process would not be necessary if the Ministry's own oversight arrangements were working effectively. Nevertheless, its introduction undoubtedly has had a positive impact on the targeting of resources. We are cautiously encouraged by signs of a more proactive approach with significant investment in 10 challenging prisons. The 'green shoots' we are promised by the Prisons Minister are not borne out in the safety statistics, but we eagerly await them. They are urgently necessary for those working in prisons, prisoners and their families, increasing numbers of whom are bearing the scars of years of underinvestment. We have very real concerns that support given to the ten prisons could be at the expense of others in serious need and we are concerned about the diversion of resources. All prisons should have the resources that they need to foster a safe and decent environment. The Prisons Minister has set clear aspirational targets to improve safety and we will judge him by the extent to which these are achieved. (Paragraph 104)

Response

We recognise the scale of the challenge in prison safety, our most recent safety statistics make clear the scale of the issues we are facing showing that the number of assaults in 2018 rose compared to 2017. They also offer cause for measured optimism that the steps we are taking are beginning to have an effect as the latest quarter (October to December 2018) has seen an 11% reduction in assault incidents. Self-harm incidents also increased overall over the past year, but decreased by 7% over the last quarter (October to December 2018).

We need prisons to focus on getting the basics right. The 10 Prisons Project has been testing ways to address this, focusing on three areas—drugs, decency and leadership. We have ensured that support given to the 10 prisons is not at the expense of the wider estate. Whilst around 30 staff members have been temporarily deployed from the wider prison estate to support the project, they received additional training, and shared these new skills and experience back in their home establishment. Their home establishments were risk-assessed to ensure they could safely lend resource.

We will learn from this project and identify what works so that it will help inform priorities for future investment across the estate. We agree with the Committee that all prisons should have the resources that they need to foster a safe and decent environment, and the 10 Prisons Project forms just one part of a larger, £70 million investment in the prison estate.

We have introduced Prison Group Directors each of whom is responsible for the operational delivery and strategic oversight of 4 to 7 prisons. This provides enhanced oversight of a small cluster of prisons. We have also established a new Performance Directorate in HMPPS, reporting directly to the CEO. The Directorate sets performance expectations and monitors outcomes across HMPPS, ensuring that internal assurance is working effectively and to support/enable improvement activity.

Public sector prisons are subject to a Performance and Assurance Framework which adopts a balanced approach of outcome measures, audits and operationally important indicators. High importance is being placed on measures relating to violence and drugs levels, security measures, decency of prisoner living conditions audit and HM Inspectorate of Prisons (HMIP) healthy prison test scores. The framework is used to manage prison performance throughout the year and identify those prisons performing well, most at risk, and to share good practice.

All prisons whether public or private sector are subject to the independent scrutiny of Independent Monitoring Boards, HMIP and, the Prisons and Probation Ombudsman.

The introduction in November 2017 of Urgent Notifications (UNs) by the Chief Inspector of Prisons, underpins our commitment to transparency and accountability. The Secretary of State is now held publicly accountable for delivering an urgent and robust response when HMIP has significant concerns about the performance of a prison. We also now routinely publish our action plan responses to inspection reports online. In response to an earlier Committee recommendation from the inquiry into HMP Liverpool, we have provided funding to HMIP for new Independent Reviews of Progress (IRPs) (follow up visits to assess progress in implementing key recommendations) in 15 to 20 prisons of most concern, and these were introduced in April 2019.

We continue to learn about how best to provide support to prisons where performance is of concern. Learning from the support given to prisons subject to UNs and the 10 Prisons Project is already informing our approach. This will include better dissemination of best practice across the system to learn about what works and ensure that prompt action can be taken.

Recommendation 17

Prison governors are expected to implement several rehabilitative strategies at a time when they are beginning to benefit from a higher complement of staff and are seeking to focus on reversing the deep decline in safety. While we agree that it is right to focus on both decency and rehabilitation, governors have limited capacity, with prison population at current levels, to deal with the range of competing and challenging demands on their time. They also continue to lack meaningful control over their budgets to enable them to implement these strategies effectively. We welcome the fact that there appears to have been a shift by Ministers from seeing the problems facing prisons primarily as a leadership problem to primarily a resources problem, over the last two years. Nevertheless, owing to a lack of resources, the limitations with leadership training, which our predecessor Committee commented on in 2017, appear unresolved despite a welcome aspiration to improve it. This is a matter we may return to in a future inquiry. (Paragraph 118)

Response

We agree with the Committee's view that managing prisons is extremely complex. We want to have safe, secure and decent prisons; these are the foundations to build effective regimes and engage prisoners in rehabilitation. We are committed to developing leaders that can deliver this. We are currently completing a review of leadership at all levels in HMPPS which will inform further improvements to the leadership development offer. Some aspects are being piloted as part of the 10 Prisons Project to test how best to offer support that drives such improvement. We have introduced new high potential development programmes that provide routes for our most promising staff to progress into leadership positions and new opportunities for talented external candidates to join the prison workforce through the Senior Leaders Direct Entry Programme.

Inspections this year are showing that positive progress has been made in decency and rehabilitation. As part of their existing role and through recent changes, governors have the authority to manage some areas locally and make changes based on their detailed knowledge of the particular circumstances in a particular prison. This authority covers:

- The core prison day;
- The organisation of their staffing structure;
- An increased flexibility over their delegated budget;
- Some scope to vary the industries provided in their prison; and
- Some scope to vary the offender behaviour programmes they run.

We recognise that continual improvement will require investment and remain committed to finding ways in which this can be effectively addressed.

Recommendation 18

Good relationships foster more settled and safer prisons. Our evidence demonstrates a need for greater emphasis on sentence planning, including preparation for release

and resettlement which should stem from the Offender Management in Custody model when fully implemented. While it is a matter for offender managers to plan individual sentences, it is not yet clear how this will work for those representing a low and medium risk, who Community Rehabilitation Companies (CRCs) are responsible for managing. Another matter to be clarified is how sentence planning will feed into planning at establishment level or nationally. The Ministry should provide details of sentence planning arrangements, including those handled by CRCs, and on its planned evaluation of the Offender Management in Custody model in its response to this report. (Paragraph 128)

Response

In November 2016, we secured £100 million investment to fund additional prison officers and have since recruited 4,675 officers to improve safety and deliver the Offender Management in Custody Model (OMiC). OMiC is making improvements in the way we support and case manage prisoners through their sentences by providing a key worker for each prisoner which will provide a consistent individual with whom prisoners can establish a relationship, build trust and receive encouragement and support them to change their lives. All 92 prisons in the closed male estate have now begun the rollout of key worker. Our focus is on providing the right management and assurance at every level of HMPPS to ensure that key worker sessions are routinely provided and become a standard, consistent part of the prison regime. To support this, we are developing a new performance metric for prisons on the percentage of key worker sessions conducted out of those that were meant to take place in a given month.

To evaluate the impact of key workers on wider outcomes, in the short term we are conducting qualitative research with staff and prisoners to capture their views on the effectiveness of the new key worker process, and quantitative analysis of assaults on staff, assaults on prisoners and self-harm in prisons at different stages of implementation. Feedback so far from staff and prisoners has been positive. In the longer-term, the final evaluation is planned to report in the summer of 2020. This will cover a longer time series analysis for the outcome measures above, further analysis of staff and prisoner experience including focus groups and questions in the Measuring the Quality of Prison Life (MQPL) and Staff Quality of Life (SQL) surveys, and synthesis of data from other sources such as HMIP reports.

Case management will be implemented in September 2019. This will see the development of a Prison Offender Manager (POM) role and will move responsibility for case management into the prison for the duration of the custodial period for prisoners serving longer-term sentences. Longer-term prisoners will receive improved sentence planning and one-to-one supervision which will be structured and work to support the reduction of risk of serious harm and reoffending.

There are some specific cohorts of prisoners that would not receive sentence planning whilst in custody, however they will all have a Risk of Serious Harm screening completed at Court and the community Offender Manager will be responsible for sentence planning pre- and post-release. These cohorts are as follows:

- CRC prisoners with less than 10 months left to serve both low and medium Risk of Serious Harm;

- CRC prisoners with 10 to 48 months left to serve who are assessed as low Risk of Serious Harm; and
- NPS and CRC Fixed Term Recall: Prisoners who have been recalled on a Fixed Term.

A bespoke offender management approach for women in prison has been developed which incorporates both complexity of need and risk of harm. It recognises the different challenges and opportunities in the women's estate, where self-harm and the complex needs of some women are of significant concern. The model includes prison offender managers managing long-term cases in prisons and acting in support of community offender managers for shorter term prisoners, with the same handover timings as in the male model to make sure we have a consistent model for probation to deliver in the community.

Recommendation 19

Prison is often the endpoint for people with complex histories who can present challenging behaviours in different ways, including through violence, self-harm, and suicide attempts as well as their offending behaviour. The experience of imprisonment can make these problems worse or provide an opportunity for them to be addressed. The approach taken by professionals who deal with them, including probation officers, forensic and clinical psychologists and other health professionals, and prison officers can be invaluable in addressing offending behaviour and supporting change. (Paragraph 134)

Response

We agree with the Committee's view on the intrinsic value of a professional approach taken by all staff who interact with offenders, particularly those with complex needs, across the estate and in the community. We recruited 4,675 officers using the £100 million investment to fund additional officer posts to improve safety and deliver OMiC to support our wider reform agenda to improve safety in our prisons as referenced in our response to recommendation 18 and our approach to working with health professionals is set out in recommendation 9.

Recommendation 20

A key priority for improving the evidence base should be to understand better the implications of having a more 'challenging mix of prisoners', including the prevalence of more complex needs and vulnerabilities, and how best to address them. Adopting a more balanced approach to violence reduction in prisons would not mean that violent incidents should not be addressed, but rather that effort is also made to understand the reasons behind that behaviour as well as challenge it. Our evidence suggests that existing responses are largely punitive, although there are some promising attempts to adopt alternative approaches. (Paragraph 135)

Response

We acknowledge that prisoners often have high levels of complex needs and understand the challenges that this brings and we welcome the Committee's acknowledgement of the efforts being made to adopt alternative approaches to understanding the reasons behind violent behaviour. See our responses to recommendations 2, 18, 26 and 27.

We have set out our approach to behaviour management and the Incentives and Earned Privileges Scheme in relation to recommendation 26.

Recommendation 21

We have not yet seen evidence that improvements in safety can be achieved with the prison population at current levels. For example, we are not satisfied that staffing levels are sufficient to stabilise prisons and facilitate meaningful relationships and to deal with the growing complexity and challenge of prisoners. We are also concerned about the loss of experienced staff and the high turnover of prison officers. As well as monitoring staffing levels, the diversity of prison officers should be monitored to ensure that they can relate to an increasingly diverse prison population. Where there are signs of improvement in prisons that have received urgent notifications, these have been achieved at reduced prison population levels. The Ministry has recognised in its recruitment practices that the skills required of prison officers have changed but it is not clear to us how the Ministry and HMPPS plan to ensure that prisons are equipped with the staffing expertise to handle the challenges and complexities. Overcrowded and under-resourced prisons will not rehabilitate those suffering from mental ill health, addiction and illiteracy. (Paragraph 136)

Response

We have set out our response to managing the prison population at current levels and the increasingly complex needs of offenders at recommendations 9, 13 to 16 and 24 respectively. In response to our ability to run safe and meaningful regimes we met our target to recruit an additional 2,500 prison officers ahead of schedule. Between October 2016 and March 2019, we recruited a net increase of 4,675 FTE of Band 3 to 5 prison officers. We now have a total of 22,630 prison officers. The leaving rate for band 3 to 5 prison officers is 11.5%, a slight increase of 1.2% compared to 31 March 2018 and we have plans in place to address this through the creation of an HMPPS retention board and we are actively working with sites with the biggest retention issues.

We have many skilled and experienced staff who we want to retain but we are considering how we can open up the service to others and bring in a wider range of experience. Some steps have been taken, such as the Unlocked Graduate Scheme and the re-introduction of the Direct Entry Scheme for future leaders, but more can be done. There are people with relevant experience who can bring in new skills and complement the skills of experienced staff already working in prisons. We want to be ambitious in this respect and our plans will reflect this.

We have also accepted the recommendations from the Lammy Review to increase the proportion of BAME people amongst our workforce. This includes our senior leaders

and we have committed to ensure BAME representation is reflective of the wider UK population, currently 14%, by 2030. We are implementing action plans and are monitoring progress against this target.

Recommendation 22

Managing a more complex and challenging population safely and effectively will undoubtedly require greater resource in terms of staffing and training. While there is some recognition of the importance of this including in developing a longer basic training course there is not yet a credible plan for dealing with staffing up to 2022 and beyond. The Ministry of Justice should set out such a plan in its response to this report. (Paragraph 137)

Response

We note the Committee's recommendation but disagree that we do not have longer-term staffing plans for HMPPS. To date, we have increased our staffing levels to implement OMiC as set out in response to recommendation 18. We have further committed to continue recruitment at a rate that replaces those who leave the service (approximately 2,000 to 2,500 prison officers). We welcome the Committee's recognition of our plans to extend training for periods up to 12 months for new staff on the existing Prison Officer Entry Level Training programme (POELT). This will combine classroom modules and more time spent in establishments gaining experiential learning. From January 2020, this training will be delivered as an apprenticeship to facilitate this.

We are also addressing long-term challenges through schemes such as the Senior Leaders Direct Entry Programme which attracts individuals with transferrable skills from other sectors and prepares them to take on deputy governor roles and beyond on completion. The Unlocked Graduates programme, introduced in 2017, saw the first cohort of graduates in July 2019 with a Master's degrees in Leadership and Custodial Environments resulting in 150 officers placed in 14 prisons across London and the South East. Demand for the programme is growing yearly with over 1,500 applications for 2019 and half of these coming from top target universities.

Recommendation 23

The Minister, Rory Stewart, has rightly focussed on safety and decency in prisons, however this has come at the expense of rehabilitation and purposeful activity. The Ministry needs to refocus its efforts to enable a dual approach to maintain both safety and decency, as well as improve rehabilitation. The Ministry should review its regime measurement statistics to properly monitor the amount of time prisoners spend outside of their cells, as well as access to purposeful activity, such as education. (Paragraph 148)

Response

The Government is committed to rehabilitation but this needs to be built on a foundation of safety and decency within prisons as set out in our earlier responses. We already have plans to update our performance framework from 2020/21 to include offender Time Out

of Cell and time spent on Purposeful Activity. This will also include the time offenders spend doing paid work on Release on Temporary Licence (ROTL); and the time spent in education to assess attainment in English and Maths.

We are also developing a ‘new families and significant other’ performance measure which we will pilot in 2019/20 for future implementation.

Recommendation 24

Our evidence strongly demonstrates that prisons are not currently maximising opportunities for rehabilitation. Regime restrictions related to staffing shortages and other disruptions severely undermine the delivery of rehabilitative services including education, mental health treatment, substance misuse treatment and offending behaviour programmes. Not only does this result in immeasurable wasted costs, it can put those providers delivering services at risk by undermining the viability of their funding. The nature of regimes and restricted access to rehabilitative activities has a cyclical impact on the degradation of regimes and safety, owing to the boredom and frustration of prisoners enduring impoverished regimes, which can in turn lead to violence and self-harm. Regimes need to be reported upon in a meaningful way to enable monitoring of their operation, especially since they are key to rehabilitation. Staffing levels mean many prisons are not delivering their intended regimes. The Government must inform the Committee of the extent to which prisons are able to operate their stated regimes through regular updates and the first such should be produced within six months from the publication of this report. (Paragraph 156)

Response

Regime Management Planning (RMP) is managed locally by governors to effectively manage resources to deliver safe, decent, secure and rehabilitative regimes. A RMP will clearly set out the full range of prisoner activities and services that will be delivered within the prison. It identifies and communicates required staffing levels, safe operating procedures and processes to manage short and long-term regime planning. The additional resources we secured in 2016 has resulted in an additional 4,675 Band 3 to 5 prison officers. Governors are beginning to increase regime activity in prisons as the new staff arrive in their establishments and begin to gain experience. Governors will be assessing the needs of their population and the activities on offer to make sure that they increase activity in a safe and controlled way so that the stability of the prison is not impacted upon.

We are committed to enhancing the rehabilitative nature of our prisons whilst balancing the need to maintain safety and stability. We have further elaborated on our approaches to further integrating rehabilitation to the standard working day in our response to recommendation 18 and 23.

As explained in response to recommendation 23, we will be publishing more data about the regime as part of our performance framework from 2020/21. This will provide the Committee with regime information for individual prisons.

Recommendation 25

We note that there have also been problems recruiting for other staff, including forensic psychologists and teachers which must also be addressed. Creating a rehabilitative culture will entail greater integration between the various professionals working in prisons, which should be part of the role of prison leadership. Greater integration between rehabilitative services provided in prisons should be reflected in strategies on rehabilitative culture. Greater integration between rehabilitative services provided in prisons should be reflected in strategies on rehabilitative culture. We recommend that prisons are monitored on their capacity to meet the identified needs of prisoners, which would also inform the Ministry's evidence about resources. These data should be used to review the adequacy of existing recruitment targets to foster the relationships required to support the high volume of prisoners who have complex needs. (Paragraph 157)

Response

We note the Committee's recommendation and we will continue to review what additional skills we need across the service at all levels against the backdrop of the programme of work as set out in response to recommendation 9.

We are developing plans to deliver against identified needs for all our prisons. We recognise the need for all professionals in prisons, whether directly employed or those responsible for commissioned services, to deliver effective rehabilitation in prisons.

We have further enhanced this by the increased presence of probation officers into prisons to work with long-term prisoners to address questions of reoffending as part of OMiC as set out in our response to recommendations 18, 21 and 22.

Recommendation 26

Considerable change is required to foster rehabilitative cultures. The incentives and earned privileges scheme and the use of incapacitant spray for managing behaviour highlight the potential tensions between the various purposes of imprisonment in prison operations. We note the potential benefits of incapacitant spray in helping prison staff to feel safe. While there is of course a balance to be struck, there is an overemphasis on punitive approaches, including the use of IEP to remove privileges and the overuse of disciplinary processes. We welcome the greater discretion afforded to governors and recognition in guidance that punishment and deterrence are not always effective in reducing violence. HMPPS should encourage governors to review the balance between punishment and rewards as part of their strategy for implementing a rehabilitative culture. (Paragraph 166)

Recommendation 27

The clear documentation by David Lammy of the strikingly disproportionate impact of imprisonment on BAME prisoners appears to have had little impact on prison practice to date. It is disappointing that the Chief Inspector of Prisons was unable to provide more than one example of a prison having embraced the principle of 'explain

or reform’. We welcome the Ministry’s new approach but note the expectation that this must be achieved within existing resources and amongst other priorities. (Paragraph 167)

Response (to recommendations 26 and 27 combined):

We welcome the committee’s acknowledgement of the ongoing work that has been done to enable governors to achieve a better balance between punishments and rewards as part of their local strategies for implementing rehabilitative culture. We are continuing to develop a system which better incentivises prisoners to abide by the rules and engage in the prison regime, including education, work and substance misuse interventions. In parallel, we want to ensure swift justice for those who break the rules by administering fair and proportionate sanctions. Our reforms will support and challenge prisoners to make the right choices to prepare them to lead crime-free lives when they leave prison.

We are mindful that inspection reports from Her Majesty’s Inspectorate of Prisons (HMIP) state that the day-to-day operation of the current system of incentives is focused disproportionately on punishment, and is rarely used to effectively motivate good behaviour. Separately, the Lammy Review noted that Black and Minority Ethnic prisoners widely regard the Incentives and Earned Privileges scheme as unfair.

We consulted stakeholders, including HMIP and the Lammy External Advice and Scrutiny Panel on our proposed new Incentives and Earned Privileges Policy. It focuses on incentivising and reinforcing good behaviour and encouraging activities which reduce reoffending; whilst ensuring poor behaviour results in a loss of privileges. We have analysed stakeholder responses to the consultation and expect to publish the new policy in summer 2019.

As an interim measure, we have published a revised adjudications policy which consolidates the operational updates to the prison discipline system since 2011, and introduces key procedural changes to make adjudications quicker and less bureaucratic, whilst maintaining the necessary safeguards.

However, we recognise that there is more to do which is why we are undertaking a whole system review of how we manage, and respond to prisoner rule-breaking. The review will include revisiting the fundamentals of a prison discipline system; the purpose of punishment and the extent to which the current range of punishments achieve this in a procedurally just manner. We will also consider the interface with, systems such as Incentives and Earned Privileges and the promotion of a rehabilitative culture.

Recommendation 28

We expect to see clear evidence of progress in monitoring and explaining BAME disproportionality in prisons by the next annual update, following the expectation laid down by Lammy that the system must “explain or reform”. Again, significant cultural change will be required to change outcomes and we expect this to be addressed in the Ministry’s Justice 2030 strategy. In the short-term, the Ministry should focus on seeking to reduce disproportionality in outcomes in the youth custodial estate. We expect to be kept updated directly on this matter. (Paragraph 168)

Response

We are currently developing an offender equalities performance measure (in response to recommendation 30 of the Lammy Review: ‘HMPPS should develop performance indicators for prisons that aim for equality of treatment and of outcomes for BAME and White prisoners’). This new measure is planned for implementation in the 2020/21 performance framework. There is also ongoing work to review the Equalities Monitoring Tool used on internal data systems by prisons and regional equalities leads to monitor disproportionate outcomes across a range of protected characteristics, providing prisons with more frequent and meaningful insights into disproportionate outcomes. We continue to monitor equalities staffing data to improve the quality of ongoing work such as recruitment.

The Youth Custody Service (YCS) has made addressing disproportionality a priority for 2019/20, driven by an Equalities Delivery Board which will be chaired by the Executive Director as part of the Departments overarching governance in response to Lammy (see response to recommendation 11). Work is underway to raise awareness (through the development of a series of effective practice guides and staff training on protected characteristic groups), analysis-led initiatives (completing quantitative and qualitative analysis on priority areas such as use of force, and identifying actions to address issues), and establishment led improvement (through local plans to address disproportionality). The newly-launched ‘Building Bridges’ Framework on positive behaviour introduces a range of requirements for developing positive, proactive practice and cultures and requires each Secure Setting to demonstrate a commitment to addressing discrimination and disadvantage and to promote equitable outcomes for children. The requirements from Building Bridges are being built into the YCS assurance processes.

Recommendation 29

Whilst it is almost certain that there will remain a hard core of IPP prisoners who present a significant risk and may not be safe to release, the aim of the system should be to ensure that most IPP prisoners are safely managed back into communities at the earliest opportunity. We welcome improvements in rates of release stemming from the concerted effort to ensure that IPP prisoners are managed more effectively towards release. This is important to reduce the disproportionate rates of self-harm which may be indicative of loss of hope which in turn can undermine rehabilitation. The high rates of recall are troubling. As part of its review of sentencing the Ministry should consult on legislative solutions to both release and recall of indeterminate sentenced prisoners to bring about sentencing certainty. (Paragraph 182)

Response

Our primary responsibility is to protect the public. Many long-term prisoners, including those serving sentences of imprisonment for public protection (IPPs), pose a high risk of committing serious sexual or violent offences on release.

We are committed to providing long-term prisoners with opportunities for rehabilitation so they can demonstrate that they can be released safely back into the community and we welcome the Committee’s acknowledgement of our efforts to improve the progression prospects of IPP prisoners. Through the joint HMPPS/Parole Board action plan we are

continuing to prioritise post-tariff prisoners in accessing rehabilitative interventions, including Psychology Services-led reviews, and enhanced case management for those prisoners with a complex set of risks and needs. We have also developed Progression Regimes at four prisons across the country, which are dedicated to progressing indeterminate prisoners struggling to achieve release via the usual routes.

These measures are working. The latest published figures show the population standing at 2,489 at the end of December 2018. This represents good progress since the population reached its peak at the end of 2012, at over 6,000 and demonstrates that where prisoners engage in the sentence planning process and work with those managing them, they are able to progress towards release.

We are aware that the rate of self-harm amongst those serving IPP sentences is higher than in the general prison population. Reducing the numbers of incidents of self-harm and self-inflicted deaths in the adult secure estate are key priority areas. We have rolled out revised and improved Introduction to Suicide and Self-harm Prevention training, which has reached nearly 25,000 new and existing staff, with over 14,000 having completed all six modules. We have also refreshed our partnership with the Samaritans who support the excellent Listeners scheme, through which selected prisoners are trained to provide emotional support to their fellow prisoners (see response to recommendation 20). Furthermore, the rollout of the Offender Management in Custody (OMiC) model has enabled us to deliver a greater level of individual support.

While the number of IPP prisoners recalled to custody has increased, this rise reflects the increasing numbers that are now on licence in the community. The power to recall an offender on licence to prison is a vital public protection measure. Offenders on an IPP or life licence are recalled only where they have breached their licence conditions in such a way as to indicate that they may no longer be safely managed in the community. However, we are exploring ways to reduce the recall rate of released IPP prisoners, including by helping them to understand better the constraints within which they will need to live in the community to avoid being recalled to custody. We note the Committee's support for legislating in this area.

Recommendation 30

Many prisons are operating well over their operational capacity. Our evidence points strongly to need to provide high quality care to an increasingly complex, challenging and vulnerable prison population. Prisons are not equipped to deal with this range of issues and their inability to do so limits opportunities for rehabilitation, even for those who represent a serious risk to the public. We agree that all prisoners should be given hope. When prisons are unable to provide access to effective treatment and interventions to prisoners eligible for parole this extends unnecessarily the sentences of those who may be safe to release, with robust supervision in the community, but are unable to demonstrate it. As part of its strategy for a sustainable prison population, the Ministry should explain how it intends to ensure that opportunities for long-term prisoners to progress their sentences will be optimised. This should include consideration of the potential benefits of legislative and other options for managing prisoners serving IPP sentences, particularly those over-tariff and on recall. (Paragraph 189)

Response

All prisons are operating within their operational capacity, but we acknowledge that meeting the needs of an increasingly complex, challenging and vulnerable prison population is demanding and we agree that all prisoners should be given hope and we recognise the role that rehabilitative activities play in supporting their progression. We have also set out plans on how we intend to address this in response to recommendation 11.

GPS enabled location monitoring is an important tool in controlling and restricting the movement and certain activities of offenders. It is now available nationally as an option for eligible offenders, subject to release by the Parole Board, including IPP prisoners. The tags are fully enabled to provide accurate data about offenders' movements 24 hours a day. They will allow monitoring of offenders' compliance with exclusion zones, attendance at programmes, curfew requirements (GPS tags can monitor curfew in addition to GPS requirements) and an individual's whereabouts known as trail monitoring. While numbers are likely to be small, we are confident that providing this additional option to the Parole Board will enable the release of certain IPP prisoners who might have otherwise not been released. GPS location monitoring can also be used, where it is considered appropriate to do so, for IPP offenders who have been released on licence as an alternative to recall; and in cases where consideration is being given to re-release following recall.

Recommendation 31

The issue of the efficacy of sex offender treatment needs urgent resolution. We expect the Ministry to clarify how it is evaluating the Kaizen programme and when it intends to publish the research. The evaluation should include consideration of the impact on outcomes of the level of qualification of those delivering it and should also address whether the Ministry intends to review its policy of recruiting trainee psychologists to fill vacancies, or whether it might be necessary to take steps to attract qualified psychologists to the role. (Paragraph 190)

Response

The treatment of men with sexual convictions is a complex issue subject to ongoing monitoring, research and international scrutiny.

Our programmes are accredited by the Correctional Services Accreditation and Advice Panel; a group of independent expert practitioners and academics who verify that the programme has been designed in line with the latest evidence about what works.

We are committed to undertaking evaluation of offending behaviour programmes. However, Kaizen is a relatively new offender programme and has a relatively low volume of participants. It is not yet possible to evaluate its effect on reoffending rates. Given the relatively low rate of proven reoffending among sexual offenders, impact evaluations for these types of programmes require larger sample sizes than many other programmes. Therefore, a robust evaluation requires a sufficient number of programme participants to have ideally spent up to five years in the community after the completion of what, for those

eligible for Kaizen, can often be long sentences. An evaluability assessment is currently underway to aid the design of future impact evaluations. This internal assessment is due to be completed by the end of 2019.

Staff are carefully selected and trained to deliver all offending behaviour programmes in line with accreditation standards. Session delivery is monitored to ensure that treatment is delivered as intended. All programmes for men with sexual convictions are managed by specially trained and experienced staff (Forensic Psychologists and Probation staff).

Registered Forensic Psychologists are in significant demand within the UK job market. We are the biggest single employer of this staff group in the UK. We do not have a policy of recruiting trainee psychologists only. However, we have put in place a range of activities to attract registered psychologists. This includes a ‘rolling’ monthly recruitment campaign for registered psychologists along with targeted recruitment for more senior registered psychologists. We also recruit and will continue to recruit; trainee psychologists and we have in place a clear strategy to progress these staff to registered status. A strategy of external recruitment and internal training and promotion is reducing the shortage of registered practitioner psychologists.

Recommendation 32

Release on temporary licence provides opportunities for prisoners to demonstrate that they are prepared for a law-abiding life in the community. The arrangement whereby private prison directors must seek permission from HMPPS to release prisoners on temporary licence strikes us as unnecessarily bureaucratic and we hope that the Ministry’s commitment to review this process results in its cessation by a fixed date determined in the response to this report. (Paragraph 192)

Response

The restrictions on Directors of Private Prisons regarding Release on Temporary Licence (ROTL) decisions were put in place to ensure suitable checks were undertaken and ROTL was used appropriately.

We agree with the Committee that this is no longer necessary and we have updated our policy to allow Directors of contracted prisons to take ROTL decisions as part of our new ROTL Policy Framework published on 16 May.

Recommendation 33

Whilst progress made on the Prison Estates Transformation Programme is welcome, the new-for-old strategy is not working as intended. Sites for new prisons have proven difficult to obtain, older and decrepit prisons have been forced to remain open owing to population pressures and receipts from the sale of existing sites do not cover the cost of building new prisons. In the short-term this is being recognised by the Treasury which is funding new prison building. Refurbishing older prisons like HMP Birmingham, where accommodation is substandard, is unlikely to represent value for money. We recommend that as part of its Justice 2030 project the Ministry develops a realistic, properly costed, long-term estate strategy, that enables it to meet the needs of an ever-changing prison population. (Paragraph 201)

Response

Please refer to our response as set out to recommendation 5.

Recommendation 34

We welcome the Prison Minister's drive to improve the decency of prisons and his recognition that this is essential both for ensuring that our society treats prisoners humanely and with dignity and for providing the foundations for prison reform. While the deterioration in prison standards can be attributed partially to the failure of one of the providers contracted to maintain prisons and the complexity of the service, when the Ministry outsourced prison maintenance it did so in an uninformed, under-resourced, and unsustainable manner. The Ministry is now prioritising bringing down maintenance backlogs, auditing the true state of the prison estate, and developing long-overdue minimum standards for good quality prison accommodation. We welcome the Ministry's commitment to build new prisons that are uncrowded and to reduce incrementally overcrowding across the estate. Nevertheless, the backlog continues to grow, and many prisoners continue to live in cells designed for fewer people. On the Ministry's current spending trajectory, it will take many years before these major issues are resolved. We recommend that the Ministry publishes the results of HMPPS's audits of the prison estate along with an action plan setting out how it will achieve the minimum standards it is setting and how it will manage the maintenance backlog. Transparency about the costs of the estate is essential to support public understanding of the costs of imprisonment. This should include a realistic assessment of the viability of refurbishing existing accommodation over the medium and long-term. (Paragraph 208)

Response

As highlighted in our response to recommendations 5 and 33, we are developing a long-term estate strategy addressing the issues identified by the Committee. A high-level survey of the estate was completed at the end of 2018, the findings of which are being used to inform the development of this strategy. The strategy will respond fully to the recommendations made by the Committee in their report. The strategy and a summary of the findings of the high-level condition survey will be published in due course.

Recommendation 35

We welcome the Ministry's commitment to creating smaller, more normalised prison environments with improved rehabilitative facilities. The Ministry must consider how best to develop the estate more creatively to diversify provision and cater for the future needs of key cohorts of the prison population. A long-term prison estate strategy should be created as part of the Justice 2030 project. This should include provision for trials of alternative approaches for accommodating and caring for elderly and otherwise infirm prisoners, for women who do not represent a high risk to the public, and for the treatment of young adults to resolve the long-standing anomaly of the sentence to detention in a young offender institution no longer meaning that they are accommodated in suitably specialist provision. (Paragraph 215)

Response

We are developing a long-term estate strategy as part of the Justice 2030 project in which we will consider how best to meet future demand on the system, including meeting the needs of different cohorts. There is a balance to be struck between specialist provision and maintaining flexibility in the estate.

Through our categorisation review and reconfiguration programme we are identifying the capacity required for different offender cohorts and the key roles of individual prisons within the estate.

To support the future prison estate, we have developed evidence-based Models for Operational Delivery (MODs) which recognise the need to consider the varying requirements of prisoners including men convicted of sexual offences, young adults, older prisoners and foreign nationals.

We thank the Committee for their recommendations which we will consider as part of the development of the strategy.

Recommendation 36

We welcome the roll-out of in-cell telephony which will enable prisoners to build and maintain stronger family relationships. A modernised prison estate could benefit significantly from greater use of technology to support purposeful activity, including education and training, and to free prison staff from tasks which could be automated enabling them to spend more time engaging meaningfully with prisoners. We welcome the Ministry’s commitment to examine how best to utilise technology as part of the Justice 2030 project and encourage them to consider the cost benefits of a major expansion in its use. (Paragraph 216)

Response

We welcome the Committee’s support of our commitment to examine how best to utilise technology as part of the Justice 2030 project and take on board your encouragement to consider the cost benefits.

Tackling reoffending through a cross-departmental approach

Recommendation 37

The ability of former prisoners and those on community sentences to be able to access appropriate support in the community is vital to supporting their rehabilitation and reducing reoffending in the future, potentially reducing the repeated use of imprisonment. We welcome the Government’s recognition of the need for the new iteration of the Transforming Rehabilitation programme to address the shortcomings of the previous one in terms of funding for probation services. The challenges facing the Government in ensuring a sustainable prison population are not related solely to the balance between funding for prisons and probation. It is as important to ensure that other agencies are playing their part in providing services which are a necessary pre-cursor to reducing the use of short prison sentences. While the Justice Secretary has

signalled his intention to move resources within the justice system, such an approach will not be possible unless other Ministers take responsibility for funding crime reduction measures. Action must be taken in the 2019 Spending Review to address cuts in funding for substance misuse and mental health treatment which places unnecessary demands on prisons and can reverse some of the positive work that prisons can do. The adequacy of funding for such provision is a matter for central Government despite the responsibility for provision being devolved to local Government. (Paragraph 228)

Response

Please refer to our response to recommendation 3.

Recommendation 38

The commitment in the Female Offender Strategy to reduce the use of short sentences for women by taking a more preventive, community-based approach represents an opportunity to do something radical in seeking to shrink the prison population. While imprisonment is necessary for some women, this would provide a model for adopting similar initiatives in future for others who do not represent a high risk of harm to the public. Nevertheless, the existing funding is unlikely to have sufficient impact. The Government should be more bold in investing in community alternatives for women cross-departmentally, not only via the justice system. Reallocating the £50m from building women's community prisons had the potential to generate a step-change in the sustainability of community-based provision that is proven to reduce crime. While it is undoubtedly necessary for money to be found to stabilise the safety of prisons, this is a clear example of the exorbitant costs of imprisonment sucking up resources that would have a more beneficial impact on our society in the long-term if used in other ways. That the issue of mainstream cross-Government funding for women's centres remains unresolved by consecutive Governments over the last 10 years is a grossly wasted opportunity to reduce the costly intergenerational impact of crime. This must be addressed in the 2019 Spending Review. (Paragraph 229)

Response

Ministers have made a public commitment to ensure that there is sufficient funding to deliver the female offender strategy, which places a strong emphasis on partnership working, early intervention and holistic support for this cohort of women, and more women managed in the community rather than a short custodial sentence. Ministers have also committed publicly to looking at how to make the women's community sector more sustainable. These commitments will form part of our considerations for the 20/19 spending review.

Recommendation 39

The Ministry has identified and accepted that reducing homelessness and providing sufficient suitable accommodation are crucial to halt the unnecessary revolving door of prisons. This is welcome but a credible means of addressing this major structural problem is missing from the current approach. For genuine cross-departmental

progress to be made in ensuring access to housing for those leaving prison, a basic requirement to generating stable and crime-free lives, Government must urgently publish an accommodation strategy and action plan. (Paragraph 234)

Response

Given the wider societal issues which feed in to homelessness, it was decided that concentrating resources into a more strategic, cross-Whitehall approach would provide the most credible means of addressing this issue. We are now actively feeding in to the MHCLG-owned Rough Sleeping Strategy and Delivery plan.

The current position of this work is:

- A joint MoJ and MHCLG three-year offender accommodation pilot will begin in July, aiming to support individuals released from HMP Bristol, Leeds and Pentonville who are at risk of becoming homeless or sleeping rough. The pilots will test a new partnership approach with prisons, Probation Providers and Local Authorities working together, to secure and sustain accommodation for offenders on their release. Lessons learnt from the pilots will inform future provision of accommodation for ex-offenders as part of the longer-term reform to probation services.
- Since November 2018 DWP and MoJ have been working together to improve the process for prisoners claiming benefit payments on release, including through testing improvements in HMP Belmarsh, Wayland and Norwich.
- A new accommodation performance measure is now included in the 2019/20 prison performance framework. This measure relates to the proportion of individuals released from prison into accommodation in line with Section 10 (Duty to Refer) of the Homelessness Reduction Act 2017. This will operate alongside the existing CRC Assurance Metric C (Allocated Person Resettlement Services–Accommodation), and it is hoped that this joint approach will engender improved collaborative working and collective accountability.

Recommendation 40

We welcome the pilots of drug and alcohol treatment requirements attached to community orders and for supporting those likely to be facing homelessness on release. Nevertheless, these fundamental issues require a large-scale, nationwide, adequately funded response. Further cuts to local authorities are likely to further undermine this. Should the accommodation and treatment pilots be successful, the Ministry should consider as part of their case to the Treasury the implications of these pilots for resources to replicate them, which are likely to be significant. The pressures on the prison population are too great not to act soon. A key issue for the Government which must be addressed in the 2019 Spending Review and the Justice 2030 strategy must be funding drug and alcohol support services, mental health services, housing and community-based therapeutic centres to the extent which will have a medium- and longer-term impact on the size of the prison population. (Paragraph 235)

Response

We welcome the Committee's recommendation and will actively work with colleagues across government to ensure the learning and evaluation from the accommodation and treatment pilots inform our bid to the Treasury for future funding.

As explained in recommendation 3 we are working with Ministers across government to develop a joined-up approach.

Recommendation 41

We support the Government's approach to the abolition of short, ineffective prison sentences. The scale of the prison population crisis is such that it requires a fresh and decisive response. We note with interest the move in Scotland towards a statutory presumption against custodial sentences of under 12 months. We repeat the recommendation we made in our report on Transforming Rehabilitation that the Government should introduce a presumption against short custodial sentences and believe, in addition to their welcome move towards avoiding the use of sentences under 6 months, they should model the effects of abolishing sentences of fewer than 12 months. We welcome clarification by the Secretary of State as to what he means by a robust community sentence. We heard that it is possible to create sentences which provide a balance between robustness and effectiveness, but note that tough sentences are not the same as effective ones in terms of reducing reoffending. We wish to hear in response to this report how specifically he intends to improve sentencer confidence in community penalties, which is a significant issue and challenging to remedy. This should include an assessment of the adequacy of existing advice provided to courts by the National Probation Service about a defendant's history to enable sentencers to base their decisions on a fuller understanding of offending behaviour and personal circumstances. (Paragraph 251)

Response

We welcome the Committee's support for sentencing reform and the recommendation to restrict the use of short custodial sentences. There is a strong case to abolish sentences of six months or less, with some exceptions. We are currently exploring options, including looking at the approach taken in Scotland and whether we can go further than this. At this stage we have not reached any conclusions.

We note the Committee's remarks on the potential for tension between punishment and rehabilitation. Community Orders can be an effective alternative to a custodial sentence and are not a "soft option". Current legislation gives courts the flexibility to impose robust community sentences that also address the criminogenic needs of the offender and can be tailored to the individual's circumstances.

We know that sentencers have concerns about delivery of probation services. We set out in our strategic consultation to the response 'Strengthening Probation, Building Confidence' proposals for improving services that build on the Transforming Rehabilitation reforms, with clear roles for public, private and voluntary sector providers. In our future approach, we intend that all offender management services will be delivered by the National Probation Service (NPS). We also want to harness the innovation that private and not-for-

profit organisations have demonstrated that they can bring to the delivery of interventions as demonstrated by the Transforming Rehabilitation reforms. We will retain and build on this success by contracting for innovation partners to deliver key services, such as Unpaid Work, Accredited Programmes. Contracts will be designed flexibly so that innovative approaches can be quickly identified and spread across the system. We will also develop a dynamic framework for directly commissioning, resettlement and rehabilitative interventions from the private and voluntary sector markets, ensuring that the NPS source interventions from the wider market. In steady state we anticipate the value of outsourced serviced and interventions to be around £280 million per annum. We will complement this by ring-fencing up to £20 million in a targeted innovation fund to attract match funding from other Government Departments or commissioning bodies, including social finance providers. The fund will be reserved for innovative, cross-cutting approaches and will enable us to test ‘proof of concept’ services before scaling these up.

We are also aware that many sentencers want more knowledge of the interventions which are delivered locally. We are planning to impose more specific contractual obligations for suppliers to deliver up-to-date information on their services for offenders and in relation to the efficacy of the interventions and activities. We will introduce NPS Regional Directors with responsibility for working with partners and local stakeholders to develop shared priorities and directly commission services.

This will ensure the Judiciary receive a better service and more detailed information about available community sentence options. We are looking at how we can better train and equip our court-based staff to improve the assessment of risk and needs and the assessment of suitability for appropriate interventions.

We also anticipate that the introduction of GPS enabled location monitoring will increase confidence in community orders, by improving the protection of the public and providing support for offender management in the community.

Recommendation 42

We praise the efforts of the Judiciary and the Ministry to ensure that sentencers have the information required about the interventions provided by CRCs. The Judiciary is entitled to expect that, in addition to being punished, those who are subject to probation supervision have good quality support, good quality interventions and an opportunity to move on with their lives. This should be more explicitly addressed in sentencing guidelines. We expect the Ministry to explain in its response to our report how it intends to deliver this under its revised Transforming Rehabilitation programme. The Government should as a medium-term priority consider the value of judicial monitoring in its effort to improve sentencer confidence, and as part of a wider strategy for reducing reoffending which integrates the role of the courts. (Paragraph 252)

Response

Regular engagement with offenders is critical to effective supervision. It is vital that probation staff are seeing offenders regularly, and that the form and quality of this contact supports the challenging and candid conversations that will often be required to assess risk and promote change. There is little evidence on the optimal form or frequency of

contact with offenders. Nevertheless, we know that inspections by HMI Probation have found some offenders are not being seen frequently enough, and missed appointments are not always being properly challenged. To ensure courts have confidence that sentences are being delivered and enforced, we have established an enforcement hub to share good practice and drive performance, and we are regularly sharing data with the judiciary. We also recognise the concerns, noted by the Committee, that remote supervision should not be used as the only means by which an offender is supervised, and that the physical environment in which offenders are seen must be conducive to fostering open and honest engagement and maintaining confidentiality.

By bringing responsibility for delivery of all offender management within the NPS in future, we will remove some of the complexities that have caused challenges in the current model of delivery. This will make it more likely that an offender will have continuity of supervision through their sentence while strengthening processes for managing risk.

We intend to more tightly specify Rehabilitation Activity Requirements (RAR) provision in future probation arrangements and will mandate centrally the core areas of need where we expect interventions to be available for those with a RAR and for those on licence. These interventions will address the areas of need either strongly associated with reoffending or which provide the stabilisation that an individual need to focus on other issues. We anticipate that this focus on ensuring delivery of a core suite of rehabilitative interventions will provide reassurance to sentencers and will mean that there is a geographically consistent range of interventions which cover the basic frequently occurring needs without precluding the delivery of additional interventions to reflect local and regional needs and priorities.

Court progress reviews have been used in this jurisdiction primarily in the context of designated problem-solving courts, and as part of treatment orders. The North Liverpool Community Justice Centre, which operated a problem-solving approach, showed little evidence of an impact on reoffending rates when evaluated. There are also practical difficulties, particularly in the magistrates' courts, of facilitating ongoing contact between offenders and individual sentencers in substantial numbers of cases. We have not discounted that elements of the problem-solving approach, including court progress reviews, might contribute to better outcomes for offenders in appropriate cases and we are exploring whether returns to court to revoke or review for good progress could support offenders' motivation to desist. Currently, the Drug Rehabilitation Requirement (DRR) allows for court progress reviews. They have proved to be a useful way of monitoring the sentence and holding the offender to account. We have introduced the Community Sentence Treatment Requirement programme in five courts to increase the use of DRRs, alongside Alcohol Treatment Requirements and Mental Health Treatment Requirements, working with NHS and public health partners.

Recommendation 43

The recent reduction in the prison population through administrative steps taken to increase the use of Home Detention Curfew is encouraging and has created necessary headroom. We agree that there is potential for further reductions using GPS electronic monitoring and welcome the evaluation published by the Government in February 2019. Nevertheless, these measures and reducing short prison sentences cannot alone solve the prisons crisis. (Paragraph 257)

Response

We welcome the Committee's support of measures to increase the use of Home Detention Curfew (HDC). We agree that HDC alone is not the solution to the challenge of the prison population. However, HDC has an important role in supporting the transition of offenders back in to the community.

On 28 March 2019 we published a Policy Framework on HDC. Among other changes, this takes account of the availability of location monitoring technology and enables it to be used where it would enable prisoners to be safely released on HDC who otherwise may not be.

Conclusion

Recommendation 44

Greater transparency is necessary to enable the public and others to understand the true costs and the challenging and testing nature of decisions which needs to be made about public spending on prisons and other aspects of criminal justice. This should form the first step of the Justice Secretary's 'national conversation' about these matters, which cannot continue to be hidden behind either prison gates or within the Ministry of Justice at Queen Anne's Gate (Paragraph 264)

Response

We would like to reassure the Committee that we are committed to greater transparency, where possible, to allow the public and others to better understand what we do, the challenges we face and the costs of the criminal justice system.

Glossary

ACCT	Assessment, Care in Custody and Teamwork
BAME	Black, Asian and Minority Ethnic
CO	Cabinet Office
CRCs	Community Rehabilitation Companies
CSIP	Challenge, Support and Intervention Plan
DEL	Departmental Expenditure Limits
DfE	Department for Education
DHSC	Department of Health and Social Care
DRP	Drug Recovery Prison
DWP	Department for Work and Pensions
FM	Facilities Management
FTE	Full time equivalent
GPS	Global Positioning System
HDCC	Home Detention Curfew
HMIP	Her Majesty’s Inspectorate of Prisons for England and Wales
HMP	Her Majesty’s Prison
HMPPS	Her Majesty’s Prison and Probation Service
HO	Home Office
IMB	Independent Monitoring Board
IPPs	Imprisonment for Public Protection
IRPs	Independent Reviews of Progress
ISFL	incentivised substance-free living
MHCLG	Ministry of Housing, Communities and Local Government
MODs	Models for Operational Delivery
MOJ	Ministry of Justice
NHS	National Health Service
NPM	National Preventive Mechanism
NPS	National Probation Service

OMiC	Offender Management in Custody
PHE	Public Health England
POELT	Prison Officer Entry Level Training programme
POM	Prison Offender Manager
RAR	Rehabilitation Activity Requirements
RMP	Regime Management Planning
ROTL	Release on Temporary Licence
RRB	Reducing Reoffending Board
SDP	Single Departmental Plan
SPT	UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
SR	Spending Review
UNs	Urgent Notifications
YCS	Youth Custody Service