



House of Commons  
Public Accounts Committee

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# Improving the prison estate

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## Summary

The Ministry of Justice and HM Prison and Probation Service have failed in their attempts to improve the condition and suitability of the prison estate. Despite promises to create 10,000 new-for-old prison places by 2020, just 206 new places have been delivered so far, and prisoners continue to be held in unsafe, crowded conditions that do not meet their needs. Budget cuts imposed at a time of much promised reform across the department have exacerbated the challenges to these ambitious programmes which have been on the cards for over a decade. As we saw with the Ministry's inability to successfully contract out services during probation reforms, the Ministry has once again exposed taxpayers to higher than expected costs as a result of inadequate planning, unrealistic assumptions and poor performance whilst managing facilities within prisons. HMPPS has allowed a staggering backlog of maintenance work to build up that will cost more than £900 million to address. This means that 500 prison places are taken permanently out of action each year due to their poor condition. Prisons play a crucial role in supporting prisoners to stay away from crime on their release and reduce the £18.1 billion cost to the economy of reoffending each year. The poor condition of many prisons, coupled with high levels of overcrowding, are contributing to dangerously high levels of violence and self-harm in prisons. Despite our recommendations in May 2019, there is still no sign of a cross-government strategy for reducing reoffending.

Although COVID-19 has eased pressure on demand for prison places in the short-term, we are concerned about the Ministry's ability to both improve the condition of the estate, and meet rising demand through building new prison places in the medium to long-term. The Ministry's track record does not inspire confidence, and there is limited headroom in the prison estate to allow the space for vital maintenance work. The Ministry is now optimistic about both its capacity and capability to improve the prison estate and its future financial position. But it will need to demonstrate it has learnt lessons from its past failures and that it has a coherent long-term and fully funded plan in order to make genuine progress.

## Introduction

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There are 117 prisons across England & Wales. HM Prison & Probation Service (HMPPS) is an executive agency of the Ministry of Justice (the Ministry), and is responsible for managing the prison estate in England and Wales, and protecting the public from harm caused by offenders. It aims to rehabilitate offenders by ensuring that prisons are decent, safe and productive places to live and work.

Against a backdrop of worsening living conditions for prisoners, HMPPS has changed the way in which it maintains prisons and launched a programme to improve the condition and suitability of prison accommodation. In 2015 it contracted Amey and Carillion to provide facilities management across the prison estate in an attempt to save £79 million. Following Carillion's collapse in January 2018, the Ministry established Gov Facility Services Limited (GFSL), a not-for-profit government company, to assume responsibility for its work.

In 2016, HMPPS launched the Prison Estate Transformation Programme to address concerns about crowded and unsafe prison conditions and reconfigure the estate. The programme was expected to be part-funded by closing and disposing of old, unsuitable prisons, and aimed to save £80 million each year. The programme ran for almost three years before it was superseded by a government announcement in August 2019 committing to create a further 10,000 prison places, in addition to those expected to be built under the programme. HMPPS now aims to deliver the 10,000 new prison places, including 6,500 places by 2025–26 through four new prisons.

## Conclusions and recommendations

1. **The Prison Service has been operating hand to mouth, by reacting to immediate crises rather than developing a long-term strategy for the prison estate.** As an unprotected department, the Ministry has been subject to budget cuts over the past 10 years, and the settlement it agreed as part of the 2015 Spending Review was insufficient to meet its needs. As a result, it has needed to prop up funding for day-to-day operations by reallocating money from its capital budget, exacerbating the backlog of maintenance issues. The condition of the prison estate has deteriorated markedly. There is now a £900 million major maintenance backlog. 500 prison places are taken permanently out of use each year due to poor conditions. A lack of available funding also meant that the Prison Estate Transformation Programme fell badly behind schedule, with just 206 prison places delivered so far. The Ministry expects that additional funding of £156 million in 2020–21 and new prisons opening will help stabilise the situation, but this will not be enough to meet its longer-term liabilities for ongoing maintenance of £194 million each year over the next 25 years. The Ministry and HMPPS have been slow to develop a strategy for the prison estate and we are not convinced by their assurance that they now have the ingredients for a long-term strategy to come together in time for the next Spending Review.

**Recommendation:** *The Ministry should write to the Committee within three months of the 2020 Spending Review setting out a comprehensive long-term strategy for the prison estate. This should encompass the existing prison estate as well as forthcoming new builds and include:*

- *sustainable plans and a timetable to eliminate overcrowding and maintenance backlogs;*
  - *how its strategy is aligned with other strategies, including workforce and ICT;*
  - *the steps it will take to manage demand for prison places; and*
  - *its Plan B if it fails to secure a multi-year funding settlement from HM Treasury.*
2. **We are disappointed that the Ministry places inadequate importance on the living conditions of female prisoners.** Twelve of the 117 prisons in England & Wales hold female offenders, none of which are in Wales. Despite women making up 5% of the prison population, the Ministry was unable to answer basic questions about the female prison estate or demonstrate that conditions in these prisons are adequate for the needs and safety of prisoners. The Ministry has not prioritised investing in the female prison estate, meaning women continue to serve their sentences in locations far from home. HMP Holloway, a women’s prison with a track-record of high-quality prisoner care and services, was sold in March 2019. But the £81.5 million raised was used to fund the Prison Estate Transformation Programme, which was focused on improving the male estate, and to ease pressures elsewhere, rather than being re-invested in the female prison estate. The Ministry’s strategy for female offenders focuses on community centres. It is unable to show how it ensures that its female prisons get proper investment and meet the needs of female offenders. The prison

environment, including the condition of buildings and facilities, plays an important role in how prisoners behave. We are deeply concerned that women's prisons have by far the highest levels of self-harm across the prison estate. Proper investment in the female estate is necessary to ensure female offenders do not become further marginalised. The Ministry has promised a greater focus on investing in women's prisons and community provision for women as part of its long-term strategy.

**Recommendation:** *The Ministry should write to the Committee within three months explaining how it plans to improve conditions in women's prisons.*

3. **In 2015, the Ministry failed to protect taxpayers' interests through its naïve approach to the outsourcing of facilities management services.** The Ministry admits that its approach prioritised delivering at speed and achieving predicted £79 million in cost savings at the expense of the quality of the service provided. It outsourced a complex service without fully understanding what it was contracting out, the condition of the assets in the prison estate or the services required, and without properly testing its assumptions. Demand for reactive maintenance work as a result of poor-quality assets or vandalism has cost the taxpayer almost £143 million more than expected. In attempting to outsource a problem rather than first understand and address it, the Ministry has repeated many of the mistakes that we observed in its Transforming Rehabilitation programme. Five years after the contracts were first let, the Ministry still does not fully understand the condition of the assets within the prison estate. We have seen across government that once a fundamental mistake is made, it can take years to unpick. The Ministry's contract with Carillion went badly wrong, but it asserts that the terms of the contract it agreed meant it was too expensive for the Department to exit early. The consequences of its poor handling of outsourcing facilities management services could be felt for many years to come. The Ministry must learn lessons from its failed approach and get a better grip on its assets and providers.

**Recommendation:** *On completion of its asset survey across prisons, the Ministry should write to the Committee explaining how it:*

- *has applied learning from this exercise to improve facilities management services and inform future commercial decisions; and*
  - *will ensure that it captures detailed asset records up front for new prison builds to avoid repeating past mistakes.*
4. **We are not convinced that the Ministry's plans to create more capacity will allow it to match the expected increase in the prison population whilst keeping prisoners safe under its care.** Rising demand for prison places, places being taken out of use and delays in building new prisons have put significant pressure on the capacity of the prison estate. Almost two-thirds of adult prisons in England and Wales are already crowded, with the top ten most crowded prisons running at 147% or higher than their intended capacity. Demand for prison places could outstrip supply by 2022–23. A lack of capacity within some types of prison means that many prisoners already live in unnecessarily stringent security conditions while others live in low-security environments relative to their higher risks. Current demand for prison places has slowed as a result of the cancellation of jury trials during the COVID-19

pandemic, creating a backlog of over 524,000 cases that will eventually flow through into the prison system. Both the Ministry and HMPSS expect demand for prison places to increase as the courts and the Crown Prosecution Service return to full capacity. HMPPS needs headroom in the prison estate to deliver its reconfiguration project, undertake essential maintenance and deal with potential further waves of COVID-19. It has so far averted major loss of life from the COVID-19 pandemic thanks in part to the heroic efforts of prison staff. It will need robust plans to manage further waves of the virus and the impact on staff and prisoners.

**Recommendation:** *The Ministry should write to us in six months to explain how its plans to create the right type of capacity within the prison estate will be resilient to rising demand and further potential shocks from Covid-19, and create sufficient headroom to allow it to address the maintenance backlog. It should set out:*

- *How it expects the prison population to change in the coming years (including the impact of the court system returning to full capacity);*
- *The headroom it will need to manage further Covid-19 pressures;*
- *When new prison places will become available; and*
- *How it plans to use temporary accommodation (including how long this will be used).*

5. **The Ministry's efforts to reduce the £18.1 billion cost of reoffending are being put at risk by the absence of a cross-government strategy.** Reoffending has a substantial cost to the economy, in addition to its considerable impact on the emotional wellbeing of victims and wider society. The Ministry recognises that the best way to tackle crime is to reduce reoffending, and that this must involve Departments across government. HMPPS has recently appointed a Director responsible for reducing reoffending and is working with the Department for Work and Pensions and the Ministry for Housing, Communities and Local Government to reduce reoffending through initiatives such as the Prison Leavers Project and the Through the Gate programme. Despite our recommendations in May 2019, there is still no sign of a cross-government strategy for reducing reoffending. The way offenders are treated on their release from prison has a significant impact on how they re-integrate into society. Sustained progress in reducing reoffending relies on providing the support offenders desperately need on leaving prison, including securing stable accommodation. While the Ministry and HMPPS assure us that they have carefully sought to secure stable accommodation for those who have left prison during the pandemic, we are concerned by cases of prisoners being released without settled accommodation.

**Recommendation:** *As we have previously recommended, the Ministry should publish a cross-government reducing reoffending strategy within three months. This should:*

- *set out roles and responsibilities, clear targets supported by activities and how it will measure whether the strategy is working; and*

- *explain how its long-term strategy for the prison estate will contribute to reducing reoffending.*
6. **The Ministry is still reeling from the long-term consequences of its unrealistic 2015 Spending Review settlement, and bears the financial and human cost of sustained underinvestment.** The Ministry admits that its 2015 Spending Review settlement was over-optimistic and fundamentally unbalanced. It over-estimated how much income it would receive and overestimated the level of savings it could make in areas such as Legal Aid. This has created an insecure financial footing for the Department over the past five years, resulting in it repeatedly going cap-in-hand to HM Treasury to ask for additional funds or having to use funds from elsewhere. Prisoners and prison staff have been forced to bear the human cost of the maintenance backlogs, lack of capacity and poor-quality services that have been created as a result. Prisoner assaults on staff have increased by 100% between 2015–2019, with one assault now taking place every hour. There were also over 50,000 incidents of self-harm in 2018; the Ministry is right to be worried by these numbers. Despite this position, the Ministry asserts it is confident that it has the necessary support from HM Treasury to deliver a safer and more sustainable prison estate.

**Recommendation:** *The Ministry should write to the Committee within three months setting out how it has incorporated lessons from the 2015 Spending Review in its preparations for the 2020 Spending Review. This should include demonstrating that it has robust contingency plans should it fail to secure the funding commitments it hopes for.*

# 1 Maintaining the prison estate

1. On the basis of a report by the Comptroller and Auditor General, we took evidence from the Ministry of Justice and HM Prison & Probation Service on improving the prison estate.<sup>1</sup>

2. There were 79,393 people in prison in England and Wales on 26 June 2020 across the 117 prisons within the prison estate.<sup>2</sup> HM Prison & Probation Service (HMPPS), an executive agency of the Ministry of Justice (the Ministry), is responsible for managing the prison estate in England and Wales and protecting the public from harm caused by offenders. It aims to rehabilitate offenders by ensuring that prisons are decent, safe and productive places to live and work. In 2018–19, HMPPS spent around £1.67 billion to operate prisons and £183 million on capital spending. This included £113 million on maintenance and £71 million on constructing prisons and reorganising the estate.<sup>3</sup>

## The Ministry's 2015 spending review settlement

3. As an unprotected department, the Ministry was subject to budget cuts over the past 10 years. In practice, this meant less money was available for prisons.<sup>4</sup> The Ministry admitted that its 2015 Spending Review settlement was “fundamentally unbalanced” and placed it on an insecure financial footing. We asked the Ministry what had gone so badly wrong and what steps it had taken to ensure it was not in a similar position in future. It explained that, with hindsight, the settlement was based on “vastly undercooked” estimates of its resource spending and unrealistic expectations of both how much income it would receive and how much money it could drive out of the legal aid system. It admitted that “twice a year we had to go cap in hand to the Treasury, and it was not a great position for the Department to be in”. In order to balance its books, the Ministry was forced to divert capital spending from within the Department to cover day-to-day operating costs.<sup>5</sup>

4. Unrealistic expectations and the financial pressures created by the Ministry's spending review settlement meant that the Ministry and HMPPS were unable to deliver the Prison Estate Transformation programme (the Programme) as planned. In 2016, HMPPS launched the Programme to address concerns about crowded and unsafe prison conditions and reconfigure the estate.<sup>6</sup> It originally planned to create 10,000 new-for-old-prison places by 2020 by building five new prisons and two new residential blocks.<sup>7</sup> The Programme was expected to be part-funded by closing and disposing of old, unsuitable prisons and aimed to save £80 million each year. By January 2020, HMPPS had created 206 prison places. The Programme ran for almost three years before it was superseded by a government announcement in August 2019 committing to create a further 10,000 prison places, in addition to the 3,566 now expected to be built under the Programme.<sup>8</sup> HMPPS now aims to deliver a total of 13,566 new prison places, including 6,500 places by

1 C&AG's report, *Improving the Prison Estate*, HC 41, Session 2019–20, 7 February 2020

2 Qq 1, 21, IPE0009 - [Improving the prison estate](#), Howard League for Penal Reform, 1 July 2020

3 C&AG's report, paras 1.1–1.2, IPE0006 - [Improving the prison estate](#), Professor Nicola Padfield, University of Cambridge, 1 July 2020

4 Qq 53–54, C&AG's report, para 1.2

5 Qq 34, 53–55

6 C&AG's report, paras 13, 3.1

7 C&AG's report, Figure 9

8 Qq 1, 107, 111, C&AG's report, paras 3.1–3.3

2025–26 through four new prisons.<sup>9</sup>

5. The Ministry accepted that the Programme had also been characterised by over-ambitious and unrealistic targets. It told us that its financial settlement had forced it to rely on the Treasury to bail it out, and that Treasury had withdrawn backing for the Programme as it needed the Ministry to spend the money intended for the Programme elsewhere. The Ministry therefore had to submit a new business case for the Programme on four separate occasions. We asked whether the Ministry was confident that it would not get into a similar situation in the future. The Ministry assured us that it had learned the lessons that it needed to and was now in a “better and more sustainable” financial position with the money it needed to deliver.<sup>10</sup>

6. The NAO concluded that achieving value for money within the prison estate would ultimately depend on HMPPS working with the Ministry of Justice and HM Treasury to develop a long-term, deliverable strategy that will provide an estate that is fit for purpose.<sup>11</sup> In the absence of an approved long-term strategy, HMPPS has been focussing on the immediate needs of the prison estate, investing its resources on addressing prison population pressures and deteriorating prison conditions.<sup>12</sup> We were concerned that this approach, together with the Ministry’s 2015 spending review settlement, had resulted in it living hand-to-mouth without an overall strategy for the prison estate. The Ministry accepted that it had been slow to develop a prison strategy, but told us that it now had the ingredients of a strategy and was confident it was moving in the right direction. It hoped that, if we were to revisit the issue in six months after the next Spending Review, it would have a strategy in place.<sup>13</sup>

## Living conditions within prisons

7. Deteriorating conditions within the prison estate have been a concern for many years. HM Inspectorate of Prisons (the Inspectorate) has consistently reported that many prisoners endure unsafe, poor and overcrowded living conditions. Between 2015–16 and 2019–20, the Inspectorate rated more than 40% of prisons it inspected as ‘poor’ or ‘not sufficiently good’ for safety.<sup>14</sup> In their written evidence to us, stakeholders and academics also told us of the “dreadful ... and often totally inappropriate conditions” within prisons.<sup>15</sup> The Ministry recognised that the prison estate did not meet the basic standards of being decent and secure, and told us that this was a key driver in its aspiration to renew the estate.<sup>16</sup>

8. Poor conditions and crowding within the prison estate are in large part the result of historical under-investment in maintenance. HMPPS regularly has to take prison cells out of permanent use because of the state of disrepair. Between 2009–10 and 2019–20, HMPPS took 1,730 prison cells permanently out of use for failing to meet the required

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9 Qq 6–8

10 Qq 53, 56

11 Q 112, C&AG’s report Appendix 1

12 C&AG’s report, para 1.17

13 Qq 95, 112

14 Q 32, C&AG’s report, para 5, 1.4–1.5

15 IPE0006 - [Improving the prison estate](#), Professor Nicola Padfield (Professor of Criminal and Penal Justice at University of Cambridge), 1 July 2020; IPE0008 - [Improving the prison estate](#), Transition to Adulthood Alliance, 1 July 2020; IPE0003 - [Improving the prison estate](#), Prison Reform Trust, 1 July 2020

16 Q 29

legislative and prison standards. The rate at which prison cells are lost has increased, with HMPPS taking 939 cells (54%) out of use in the last three years. Based on recent trends, HMPPS expected to lose a further 500 places annually owing to the scale of disrepair.<sup>17</sup>

9. Lack of investment has also resulted in severe maintenance backlogs within the prison estate. As at April 2019, HMPPS had around 63,200 outstanding maintenance jobs. HMPPS also estimated that it would cost £916 million to address its backlog of major capital works. It forecasts that it will need to spend £194 million each year over the next 25 years for maintenance costs. We asked it why, despite this, it had underspent its budget for capital maintenance by £24 million. HMPPS told us that its maintenance programmes relied on certainty of funding across several years in order to go ahead, and that the rising prison population meant that the programmes were more complex to schedule. It told us that it was working hard to put any underspends into prison maintenance and that the £156 million additional funding secured from government would help bring more cells back into use. It assured us that the funding available for this year would stabilise the prison estate so that it would not continue to lose 500 places per year.<sup>18</sup> We similarly asked the Ministry what its plans were to tackle the £900 million maintenance backlog that had built up across the estate. The Ministry accepted that major investment in maintenance within the prison estate was needed to improve conditions, and told us that it was starting work on this.<sup>19</sup>

10. Research commissioned by HMPPS found that the prison environment, including the condition of accommodation, played a role in how prisoners behave.<sup>20</sup> Between 2015 and 2018, among adult prisoners, key indicators of poor safety in prisons reached all-time highs. This included a 110% increase in prisoner assaults on staff; a 63% increase in prisoner-on-prisoner assaults; and an alarming 73% increase in self-harm incidents. In addition, between 2015 and 2018, there were 378 self-inflicted deaths in prison custody.<sup>21</sup> We heard from Professor Dominique Moran, who told us that records levels of self-harm and violence within prisons came at immense personal cost to the prisoners and staff involved, as well as carrying significant costs for the prison system.<sup>22</sup>

11. We asked HMPPS why it tolerated such unacceptable levels of prisoner assaults on staff and what it was doing to reduce levels of assaults on staff and self-inflicted deaths. HMPPS asserted that it was very concerned by the number of assaults on staff and was working to reduce this through more staff, the introduction of key workers to improve relations between prisoners and staff, the offender management programme and other activities. It told us that in the 12 months to March 2020 the number of prisoner assaults on staff had fallen 4%, although we note this figure is nonetheless a substantial increase since 2015. HMPPS similarly told us that it was very worried by the extent of self-harm within prisons. It explained it was working to help prisoners with their mental health and to feel safe and secure in prison, including new procedures and processes for people who were of concern.<sup>23</sup>

17 Q 31, C&AG's report paras 8, 1.4, 1.12

18 Qq 34–37, C&AG's report paras 8, 1.13–1.14

19 Qq 31–33

20 HM Prison & Probation Service, *Understanding prison violence: A rapid evidence assessment*, analytical summary, 2018, C&AG's report, para 1.4

21 Qq 47, 52, C&AG's report, para 1.4

22 IPE0002 - [Improving the prison estate](#), Professor Dominique Moran, 1 July 2020

23 Q 47–50, 52

## Facilities management in the prison estate

12. Against a backdrop of worsening living conditions for prisoners, HMPPS changed the way in which it maintains prisons and launched a programme to improve the condition and suitability of prison accommodation. In 2015 it contracted Amey and Carillion to provide facilities management across the prison estate. HMPPS' decision to outsource facilities management was driven by the need to make savings and meet spending reduction commitments made by the Ministry. It estimated that outsourcing facilities management would save £79 million a year between 2014–15 and 2020–21.<sup>24</sup> The Ministry admitted that “everything was driven by cost savings and by price”.<sup>25</sup>

13. We last examined the Ministry's progress in outsourcing its probation services in May 2019. We concluded that in its haste to rush through its reforms, the Ministry of Justice had not only failed to deliver its ‘rehabilitation revolution’ but left probation services underfunded and fragile. We warned that if it did not put into practice the lessons from its failed reforms, the Ministry was in danger of repeating the same mistakes again.<sup>26</sup> The Ministry accepted that there were similarities between its transforming rehabilitation programme and its approach to outsourcing facilities management. It admitted that it had prioritised acting quickly and achieving savings that were unrealistic and had made mistakes as a result. It recognised that it had taken a complex service to a market that was brand new, with complicated contracts, cost incentives that were in the wrong place and assumptions that were not properly tested. It also explained that it had outsourced “hundreds and hundreds” of small contracts or in-house services and put them out to the sector “without what it was that we were asking the sector to do”. As a result, providers had taken on the facilities management contracts without being able to fully understand what they were taking on.<sup>27</sup>

14. We asked the Ministry why it kept making the same mistakes when it came to contracting out services and how it would avoid these in future. The Ministry told us that it would no longer let contracts using the approach that it took in 2015. It explained that the main lesson it had learned from first-generation outsourcing was that it needed to know what it was outsourcing in much more detail. It told us that in both transforming rehabilitation and facilities management, it had been a mistake to try to outsource a problem, and that it would have been better to first work out what the problem was, fix it and then outsource the service. It assured us that with the next generation of contracts it was taking its time, including undertaking a comprehensive asset survey, and that it was pricing the contracts correctly to incentivise quality rather than cost.<sup>28</sup>

15. Following Carillion's collapse in January 2018, the Ministry established Gov Facility Services Limited (GFSL), a not-for-profit government company, to assume responsibility for its work.<sup>29</sup> The Ministry told us that its contract with Carillion was “a mess” and badly managed.<sup>30</sup> It explained that it had known that its contract with Carillion was going “badly wrong” and it had looked at whether it could exit. It explained that it had been locked into

24 C&AG's report, para 2, 2.2–2.3

25 Q 63

26 Committee of Public Accounts, [Transforming Rehabilitation: A progress review](#), Ninety-Fourth Report of Session 2017–19, HC 1747, 3 May 2019

27 Qq 53, 63, 65

28 Qq 63, 65

29 C&AG's report, para 2.3

30 Qq 63, 77

the contract and it would have been very expensive to exit and bring the services in-house. The Ministry told us that it now had a much stronger commercial function, with skilled and capable staff, and that the Crown commercial function was also stronger, so it was confident it was now much better at outsourcing.<sup>31</sup>

16. One of the consequences of the Ministry not understanding its assets prior to letting the contracts was that demand for reactive maintenance work as a result of poor-quality assets or vandalism cost the taxpayer almost £143 million more than expected between 2015–16 and the first half of 2019–20.<sup>32</sup> We asked why it had taken HMPPS so long to understand the condition of the assets in the prison estate. HMPPS told us that, under the first generation of contracts, providers were responsible for producing a detailed survey but the quality of what was provided was mixed so it had decided to undertake this centrally. It expected to start the survey in January 2019 but had difficulty finding providers to take on the work due to a lack of interest. HMPPS started a pilot survey using its own staff in two prisons in April 2020. It told us that it was now two-thirds of the way through its asset survey and had captured data for three-quarters of the sites it needed to include in the survey. It also told us that two prisons, at Birmingham and Onley, were now using live asset data to manage their day-to-day operations. Prior to the pandemic, HMPPS expected the pilot surveys to be complete by August 2020.<sup>33</sup> It explained it had revised its timetable and was now “working quickly”. HMPPS accepted that it had been somewhat naïve to expect providers to be able to produce a better quality asset registers than it was able to, and asserted that it had learned lessons from this experience.<sup>34</sup> Both the Ministry and HMPPS told us that the survey that was now being undertaken would provide a much more comprehensive and detailed inventory of the assets in the prison estate.<sup>35</sup>

## The female prison estate

17. We asked the Ministry what percentage of those in prison were women and how many prisons in England and Wales held female offenders. The Ministry accepted that these were numbers that it could reasonably be expected to know, but it was not able to provide them when we asked. Of the 117 prisons in England and Wales, 12 hold female offenders. Female prisoners represent around 5% of the overall prison population.<sup>36</sup>

18. As a result of our questioning, we were concerned that the female prison estate was a Cinderella service within the prison system. HMPPS removed plans to build new places for female prisoners from the Prison Estate Transformation Programme, as its Female Offender Strategy, launched in June 2018, superseded the programme’s plans. We asked why the Prison Estate Transformation programme did not cover the female estate and how witnesses would ensure that the estate did not deteriorate because it was forgotten. The Ministry explained that the government’s strategy for the female prison estate was different to that for offenders overall to take into account the “different nature of women offending and the positions in which women find themselves when they get into trouble with the law”.<sup>37</sup> In written evidence, De Montfort University similarly told us that women

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31 Qq 67–68

32 Q 77, C&AG’s report Figure 6

33 Qq 69, 71–72, C&AG’s report, para 2.9

34 Qq 70, 72

35 Qq 65, 69, 73

36 Qq 79–80, 82, C&AG’s report Figure 1

37 Qq 81–82, C&AG’s report, Figure 9

had gendered pathways into crime and therefore gendered pathways out of crime.<sup>38</sup> The Ministry told us that the government’s strategy for female offenders was focused on community services and the women’s centres rather than on building prisons. The strategy aims to reduce demand for female prison places by emphasising earlier intervention and community-based rehabilitation, so there are fewer women in the criminal justice system and serving custodial sentences.<sup>39</sup> Community alternatives to prison have shown to be effective for women, but to date have been starved of investment.<sup>40</sup>

19. One of the largest women’s prisons, HMP Holloway in London, was closed in 2016. HMPPS sold the prison in March 2019 and generated £81.5 million from the proceeds.<sup>41</sup> We were concerned that such a large amount of money had come out of the female prison estate but appeared to have been spent on improving the men’s prisons estate. We therefore asked how much of the money raised by the sale of HMP Holloway was reinvested in the female prison estate. HMPPS told us that some of the money was used in the female prison estate but did not tell us how much this was. It said that the money from the sale was returned to the Ministry and subsequently used for “a number of purposes”. The Ministry confirmed that the money went partly to its programme to build new prisons and partly to fund its general overspend.<sup>42</sup>

20. We acknowledged that the female prison estate was a small part of the overall prison estate, but asked whether the Ministry thought it was nonetheless important to ensure that some of its reinvestment benefitted women prisoners to avoid them becoming more marginalised. The Ministry committed to ensuring that “the right amount and proportion of the money available to us is invested in the women’s estate”.<sup>43</sup> HMPPS accepted that a lot remained to be done in investing in the women’s estate and it needed to think carefully about the issue. It told us that it had not yet decided how many of its planned new prison places, or its investment in maintenance to bring accommodation back into use, would be within the female prison estate.<sup>44</sup> The Ministry confirmed that its promised strategy for the prison estate would include the female prison estate when it was published later this year.<sup>45</sup>

21. In its written evidence, De Montfort University told us that ‘softer’ services such as contact with family, education, work based training, peer support and therapy were of huge importance in the rehabilitation of prisoners. It also told us that therapeutic community-based interventions had a greater success rate for female offenders than a prison sentence.<sup>46</sup> Despite there being other issues with the condition of the prison, HMP Holloway had a good reputation for therapeutic interventions. We were concerned that prisoners who would have been held at Holloway were now held in prisons outside London and no longer had access to the services it provided. HMPPS told us that it had tried to keep some of the good practice that had been established in Holloway and to ensure prisoners have access to therapeutic activities. In 2016, 22 women died in prison, of which 12 were self-inflicted

38 IPE0004 - [Improving the prison estate](#), DeMontford University, 1 July 2020, para 27

39 Q 81, C&AG’s report, Figure 9

40 IPE0003 - [Improving the prison estate](#), Prison Reform Trust, 1 July 2020; IPE0004 - [Improving the prison estate](#), DeMontford University, 1 July 2020; and IPE0009 - IPE0009 - [Improving the prison estate](#), Howard League for Penal Reform 1 July 2020

41 Qq 84–86, 89, HMPPS, Annual Report and Accounts 2018–19, HC 2291, 18 July 2019

42 Qq 86, 91

43 Q 92

44 Q 86

45 Q 82

46 IPE0004 - [Improving the prison estate](#), DeMontford University, 1 July 2020, para 20

deaths, the highest level on record. We asked HMPPS whether it thought there was any links between the closure of HMP Holloway in 2016 and the number of women who die in prison. HMPPS told us that it had not seen any evidence to suggest that there was a link between the two. It confirmed that it was concerned about the extent of self-harm within women's prisons, and was focused on ensuring people had access to the right support.<sup>47</sup>

22. We also received written evidence from the Prison Reform Trust, which told us that women continue to serve their sentences largely in prisons designed for men and in locations far from home.<sup>48</sup> We were therefore concerned that there were no female prisons in Wales. HMPPS recognised that enabling offenders to keep in contact with their families was important. It told us that it tried to place women as close to their home as possible, but that this was difficult for offenders from Wales. It explained that it had prioritised introducing in-cell technology within the female prison estate so that female offenders could stay in contact with their families. The Ministry confirmed that five of the 12 women's prisons now had in-cell technology, and that four more would receive it this year, meaning that all closed women's prisons would then have in-cell technology. HMPPS told us that women prisoners had found the in-cell technology enormously beneficial. We also welcomed HMPPS' confirmation that it would be introducing a women's centre in Wales as an alternative to custody.<sup>49</sup>

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47 Qq 88–90, IPE0002 - [Improving the prison estate](#), Professor Dominique Moran, 1 July 2020

48 IPE0003 - [Improving the prison estate](#), Prison Reform Trust, 1 July 2020

49 Qq 82, 86–87, 90, 93

## 2 Responding to demands on the prison estate

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### Crowding within the prison estate

23. Rising demand for prison places, places being taken out of use and delays in building new prisons have put significant pressure on the capacity of the prison estate. At December 2019, the prison population had reached 98% of the usable capacity of the estate. 60% of adult prisons are crowded, meaning prisoners are sharing prison cells designed for fewer prisoners. The NAO found that the top ten most crowded prisons were operating at between 147% and 163% of their uncrowded capacity.<sup>50</sup> Some prisons, such as Wandsworth and Durham, were hugely over capacity, at 152% and 157% respectively.<sup>51</sup> Population pressures mean that prisoners are not always held in prisons that meet their needs. As at November 2018, there was a surplus of 18,700 places in local prisons serving local courts, and a shortfall of 15,000 places in prisons which provide training and resettlement support. This means that many prisoners live in unnecessarily stringent security conditions while others live in low-security environments relative to their higher risks.<sup>52</sup> We received written evidence from Middlesex University, which told us that this lack of capacity resulted in prisoners “becoming trapped within a prison unable to meet their needs and denied a sense of progression to a lower security facility, cementing individuals into the local prison system”.<sup>53</sup>

24. We asked HMPPS how it was managing crowding in prisons given the extent of the issue. HMPPS told us that its reconfiguration programme across the prison estate would help ensure that people were in the right environment for their sentence, as well as help ensure that it had the space to carry out maintenance in areas of the estate that are too crowded. In January 2020, HMPPS re-categorised HMP Haverigg, from a category C to a category D prison which increased the number of places available. In February 2020, it similarly changed HMP Manchester to a local category B training prison with category A remand functions. HMPPS explained that some of the programme had been put on hold during COVID-19, but that it was now back on track and expected further delivery by September. It expected that it would take a further two years to complete the work.<sup>54</sup>

25. Before the COVID-19 pandemic, HMPPS expected demand for prison places to rise because of the government’s August 2019 announcement to recruit an additional 20,000 police officers. The NAO reported that HMPPS could need new prisons to be ready from late 2022 to avoid demand outstripping supply.<sup>55</sup> We asked whether the new prisons would be available soon enough to meet this demand. The Ministry told us that its aim was to bring the new prisons into use in time to avoid this situation. It explained the first two these prisons, at Glen Parva and Wellingborough, were already being built, and that it had contingency plans if demand for prisons places rose faster than expected.<sup>56</sup>

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50 C&AG’s report, paras 6, 1.9, Figure 4

51 Q 42

52 Qq 38–39, C&AG’s report para 1.10

53 IPE0005 - [Improving the prison estate](#), Dr Matthew Cracknell, Middlesex University, London, 1 July 202

54 Qq 38–39, 42

55 Q 74, C&AG’s report para 1.11, Figure 5

56 Qq 42, 74

## The impact of COVID-19

26. By 19 June 2020, some 500 prisoners and 10 children in custody had tested positive for COVID-19. A further 992 staff within HMPPS had tested positive for the virus. Up to 26 June 2020, 44 people categorised as ‘HMPPS service users’ had died where COVID-19 was the suspected cause. Of these, 23 were prisoners and 21 were probation service users. At the time of our evidence session, there had been no COVID-19 related deaths of service users since the week ending 29 May.<sup>57</sup>

27. When infections take hold in prisons they can be very serious, so we were relieved to hear that the scale of the pandemic in prisons had not been as bad as was predicted at the outset. The Ministry and HMPPS nonetheless needed to make changes to the prison estate to try to reduce infection rates in prisons. The Ministry told us that it had worked with Public Health England to identify how best to respond to the pandemic within the prison estate. This included measures such as compartmentalisation and ‘reverse cohorting’ – making sure that new or transferring prisoners were separated from others for 14 days. The Ministry told us that while it initially thought that it would need to release a “fairly dramatic” number of prisoners, the measures it had taken meant this had not been the case.<sup>58</sup> The Ministry also created extra prison capacity by using shipping containers as temporary cells.<sup>59</sup> HMPPS told us that the dedication and excellent performance of working across prisons and probation could be clearly seen throughout the pandemic.<sup>60</sup> The Ministry agreed that the quality of care and staffing provided by prison and probation staff during the pandemic had been extraordinary.<sup>61</sup>

28. As part of our inquiry, we received written evidence from the Prison Reform Trust, Professor Nicola Padfield the University of Cambridge, and from Professor Loraine Gelsthorpe at the Institute of Criminology at the University of Cambridge. They told us that shortcomings in the prison estate, particularly the extent of crowding in prisons, had been exposed by the COVID-19 pandemic. The Institute of Criminology was concerned that people were essentially being left to “rot” in their cells, “bored out of their minds and sometimes banged up in overcrowded cells”.<sup>62</sup> Both Dr Padfield and the Institute of Criminology told us that prisoners were being locked up to 23 hours per day, often with poor sanitation, with inadequate access to exercise, education or rehabilitation activity and that family visits had been suspended.<sup>63</sup> The Prison Reform Trust told us that the Ministry’s compartmentalisation approach was made much more difficult to implement by crowding in prisons. It explained that crowding in prisons meant that there was no reliable means of ensuring that someone with COVID-19 was not sharing a cell with a prisoner who did not yet have the virus. It also said that overcrowding meant that keeping cells clean was an “impossibility” which increased the risk of transmitting disease and, in

57 Qq 14–15, Ministry of Justice, [HM Prison and Probation Service COVID-19 Official Statistics Data to 26 June 2020](#), 3 July 2020

58 Qq 20–21

59 Q 108, IPE0007 - [Improving the prison estate](#), Professor Loraine Gelsthorpe (Professor of Criminology & Criminal Justice, Director of the Institute of Criminology at Institute of Criminology, University of Cambridge) 1 July 2020

60 Q 98

61 Q 103

62 IPE0007 - [Improving the prison estate](#), Professor Loraine Gelsthorpe (Professor of Criminology & Criminal Justice, Director of the Institute of Criminology at Institute of Criminology, University of Cambridge) 1 July 2020

63 Professor Nicola Padfield (Professor of Criminal and Penal Justice at University of Cambridge), 1 July 2020; and IPE0007 - [Improving the prison estate](#), Professor Loraine Gelsthorpe (Professor of Criminology & Criminal Justice, Director of the Institute of Criminology at Institute of Criminology, University of Cambridge) 1 July 2020

the worst cases, outdated sanitation arrangements had led to the return of “slopping out”.<sup>64</sup>

29. Both the Institute of Criminology at the University of Cambridge and the Prison Reform Trust told us that while the worst-case scenario for deaths from the pandemic had been avoided, the cost to the mental health of prisoners was certain to be very high.<sup>65</sup> We asked how HMPPS was addressing the impact of this on the mental health of prisoners. HMPPS recognised how difficult it could be for people to be locked in their cells for longer than usual. It told us that, despite this, it had seen some “positive indicators” of mental health during the pandemic, including a reduction in the number of self-inflicted deaths in custody and a reduction in the rates of self-harm in prisons. It explained that it had worked with prisoners to make sure their mental health was looked after, including providing distraction packs, key worker arrangements and working with health partners on its mental health provision. It told us that it was considering that lessons it could learn from the pandemic that would better support prisoners’ mental health in future.<sup>66</sup>

### Future demand for prison places

30. The prison population fell during the COVID-19 pandemic as a result of the cancellation of jury trials and fewer cases coming through from the courts.<sup>67</sup> In March 2020, almost half of all courts were closed and jury trials were paused to minimise social interaction between court users.<sup>68</sup> By June 2020, the media reported that this had created a backlog of 483,000 cases in the magistrates courts and 41,000 in the Crown courts, and that this was increasing by up to 3,000 cases per week. We asked the Ministry what plans it had to manage the impact of this backlog on the prison estate. The Ministry told us that it was determined to get the Crown courts back up and running. It was unable, however, to give us a month or year by which we could expect it to have cleared the backlog of cases.<sup>69</sup> The Ministry told us that the Lord Chancellor would be making an announcement “very shortly” which would provide more information. Following our evidence session, the Lord Chancellor announced a recovery plan for the Courts and Tribunals Service on 1 July 2020. The plan committed to reopening all courts and tribunals which had been closed to public and stated that all remaining sites would be opened in July.<sup>70</sup>

31. The Ministry and HMPPS told us that the fall in cases coming through from the courts, and the subsequent lower demand for prison places, had given it the headroom it needed to manage the prison estate during the pandemic. They explained that at the start of the pandemic they had aimed for headroom of between 3,500 and 5,550 places to deliver a safe COVID-19 regime. HMPPS said that, despite the need to create opportunities for people to shield and to isolate prisoners with symptoms of COVID-19, it had “got pretty close to that”.<sup>71</sup> The Ministry recognised that it was vital that it was able to provide the places that would be needed as courts started sending people to prison again.<sup>72</sup>

64 IPE0003 - [Improving the prison estate](#), Prison Reform Trust, 1 July 2020

65 IPE0003 - [Improving the prison estate](#), Prison Reform Trust, 1 July 2020; and IPE0007 - [Improving the prison estate](#), Professor Loraine Gelsthorpe (Professor of Criminology & Criminal Justice, Director of the Institute of Criminology at Institute of Criminology, University of Cambridge) 1 July 2020

66 Qq 27–28

67 Qq 21, 61, IPE0009 - [Improving the prison estate](#), Howard League for Penal Reform, 1 July 2020

68 Ministry of Justice, [Press Release – Priority courts to make sure justice is served](#), 27 March 2020; and Courts and Tribunals Judiciary, [Review of court arrangements due to COVID-19](#), 23 March 2020

69 Q 116

70 HM Courts and Tribunals Service, [COVID-19: Overview of HMCTS response](#), 1 July 2020

71 Qq 21, 61, 108

72 Qq 46, 116

32. In its written evidence to us, The Prison Reform Trust asserted that there was nothing in the government's planning, short or long term, which would better prepare the prison service for a future outbreak of COVID-19 or a similar pandemic. It told us that, in the immediate future, the prison service was likely to be in an even worse position should infection rates rise.<sup>73</sup> We asked HMPPS what plans it had in place to ensure that it was as prepared as possible if there was a second wave. HMPPS told us that it was making sure that it kept the headroom that it needed, including working with Public Health England to identify what options were available to it. This included exploring whether it could quarantine incoming prisoners more efficiently and move people out more quickly than 14 days. It assured us that it was confident that it could cope with a second wave.<sup>74</sup>

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73 IPE0003 - [Improving the prison estate](#), Prison Reform Trust, 1 July 2020

74 Qq 61, 109

### 3 Reducing re-offending

33. Almost half of those who spend time in prison will go on to reoffend within a year of their release. Reoffending costs society and the economy £18.1 billion each year. Over half of this (£10 billion) is the direct costs to individuals and services due to a crime taking place.<sup>75</sup> Reoffending can also have a considerable impact on the emotional wellbeing of victims and on wider society. The Ministry recognised that the best way to tackle crime was to reduce reoffending. HMPPS similarly told us that it was working hard to ensure that when people leave prison, they have the right support in place and do not reoffend. It told us that it had recruited a new director for reducing reoffending, specifically to help it look more widely at how it could reduce reoffending, as well as having established resettlement and training prisons to help prisoners address the behaviour that led to them to reoffend. HMPPS also told us that it was working closely with the Department for Work and Pensions and the Ministry for Housing, Communities and Local Government to identify how they could provide the proper support for people leaving prison through initiatives such as the Prison Leavers Project. It explained that this was aligned with its Through the Gate programme, which looked at the needs of people leaving prison and started working with them several weeks before they leave prison to try to address their needs. Witnesses explained that reoffending was not just an issue for HMPPS or the Ministry and that addressing it would require a cross-government effort.<sup>76</sup>

34. In our 2019 review of the Ministry's progress in transforming rehabilitation, we concluded that the Ministry would not make sustained progress with reducing reoffending until it could provide the support offenders desperately needed on leaving prison, including securing stable accommodation. We recommended that the Ministry, working with the Reducing Reoffending Board should report back to us, setting out a cross-government strategy to reduce reoffending, by the end of June 2019.<sup>77</sup> The Government accepted our recommendation in July 2019. In its response to our report, it agreed that an overarching strategy focused on reducing reoffending was required and committed to implementing our recommendation by the summer of 2020.<sup>78</sup> Despite this, a cross-government strategy has not yet been published. We therefore asked the Ministry when this was likely to take place. It said that it was "not sure if there is an imminent publication". It committed to taking advice and coming back to us on this issue.<sup>79</sup>

35. The way offenders were treated on their release from prison has a significant impact on how they re-integrate into society.<sup>80</sup> We received written evidence from Middlesex University, which told us that poor or inadequate resettlement pathways had resulted in lack of adequate housing options for prisoners on their release.<sup>81</sup> On 4th April 2020, the Government announced that up to 4,000 prisoners could be released to prevent the spread

75 Q 43, Ministry of Justice, [Economic and social costs of reoffending](#), Alexander Newton, Xennor May, Steven Eames & Maryam Ahmad, 2019

76 Qq 43–44

77 Committee of Public Accounts, [Transforming Rehabilitation: A progress review](#), Ninety-Fourth Report of Session 2017–19, HC 1747, 3 May 2019

78 HM Treasury, [Government response to the Committee of Public Accounts on the Ninety-Third to the Ninety-Fourth and Ninety-Sixth to the Ninety Eighth reports from Session 2017–19](#), CP 151, July 2019

79 Q 45

80 IPE0007 - [Improving the prison estate](#), Professor Loraine Gelsthorpe (Professor of Criminology & Criminal Justice, Director of the Institute of Criminology at Institute of Criminology, University of Cambridge) 1 July 2020; Committee of Public Accounts, [Transforming Rehabilitation: A progress review](#), Ninety-Fourth Report of Session 2017–19, HC 1747, 3 May 2019

81 IPE0005 - [Improving the prison estate](#), Dr Matthew Cracknell, Middlesex University, London, 1 July 2020

of the disease. Eighty-one prisoners had been released by 8th June 2020.<sup>82</sup> We asked the Ministry how many of those who had been released did not have settled accommodation to go to on their release. The Ministry told us that it had set clear conditions that people would not be released unless there was a housing solution available to them on their release. Both the Ministry and HMPPS told us that accommodation had been available in 100% of cases. HMPPS explained that this was often accommodation that the prisoner had arranged for themselves, and that it had worked with local authorities and the voluntary sector to make sure people had secure accommodation to go to on their release. We asked what proportion of this accommodation had been provided by local authorities and by the private sector, and whether any of this accommodation had been temporary accommodation hostels or hotels. HMPPS was unable to provide this breakdown but committed to getting back to us.<sup>83</sup>

36. In April 2020, the Chief Inspector of Prisons similarly found that, within local prisons, resettlement assessments and planning for release had been limited as a result of COVID-19. It found that good efforts had been made to address accommodation needs at several prisons and few prisoners were released homeless. However, it was clear that for many prisoners the only provision was short-term, emergency accommodation that was often found only on the day of release. It also heard of one instance where proactive work by the health care department in liaison with a community housing provider had ensured that temporary accommodation was found for a man who had recently recovered from COVID-19 who would otherwise have been released homeless.<sup>84</sup>

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82 IPE0007 - [Improving the prison estate](#), Professor Loraine Gelsthorpe (Professor of Criminology & Criminal Justice, Director of the Institute of Criminology at Institute of Criminology, University of Cambridge) 1 July 2020

83 Qq 22–26

84 HM Chief Inspector of Prisons, [Report on short scrutiny visits to Local prisons](#), 28 April 2020

# Formal minutes

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**Monday 7 September 2020**

Virtual meeting

Members present:

Meg Hillier, in the Chair

Gareth Bacon	Craig Mackinlay
Olivia Blake	Mr Gagan Mohindra
Peter Grant	Sarah Olney
Mr Richard Holden	James Wild

Draft Report (*Improving the prison estate*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 36 read and agreed to.

Summary agreed to.

Introduction agreed to.

Conclusions and recommendations agreed to.

*Resolved*, That the Report be the Fifteenth of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Thursday 10 September at 9:30am

# Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

## Monday 29 June 2020

**Sir Richard Heaton**, Permanent Secretary, Ministry of Justice; **Dr Jo Farrar**, Chief Executive, Her Majesty's Prison and Probation Service; **Clive Beard**, Deputy Director, Prisons and Maintenance Change, Her Majesty's Prison and Probation Service

[Q1-122](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

IPE numbers are generated by the evidence processing system and so may not be complete.

- 1 De Montfort University ([IPE0004](#))
- 2 Howard League for Penal Reform ([IPE0009](#))
- 3 Institute of Criminology, University of Cambridge (Professor Loraine Gelsthorpe, Professor of Criminology & Criminal Justice, Director of the Institute of Criminology) ([IPE0007](#))
- 4 Middlesex University (Dr Matthew Cracknell, Lecturer) ([IPE0005](#))
- 5 Moran, Professor Dominique ([IPE0002](#))
- 6 Prison Reform Trust ([IPE0003](#))
- 7 Transition to Adulthood Alliance ([IPE0008](#))
- 8 University of Cambridge (Professor Nicola Padfield, Professor of Criminal and Penal Justice) ([IPE0006](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2019–21

First Report	Support for children with special educational needs and disabilities	HC 85
Second Report	Defence Nuclear Infrastructure	HC 86
Third Report	High Speed 2: Spring 2020 Update	HC 84
Fourth Report	EU Exit: Get ready for Brexit Campaign	HC 131
Fifth Report	University Technical Colleges	HC 87
Sixth Report	Excess votes 2018–19	HC 243
Seventh Report	Gambling regulation: problem gambling and protecting vulnerable people	HC 134
Eighth Report	NHS expenditure and financial management	HC 344
Ninth Report	Water supply and demand	HC 378
Tenth Report	Defence Capability and the Equipment Plan	HC 247
Eleventh Report	Local authority investment in commercial property	HC 312
Twelfth Report	Management of tax reliefs	HC 379
Thirteenth Report	Whole of Government Response to Covid-19	HC 404
Fourteenth Report	Readying the NHS and social care for the COVID-19 peak	HC 405