

Community Sentences

Response to the Justice and Home Affairs Committee inquiry
From His Majesty's Inspectorate of Prisons

Introduction

1. We welcome the opportunity to submit a response to the Justice and Home Affairs Committee inquiry about Community Sentences.
2. His Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. We provide scrutiny of the conditions for and treatment of prisoners and other detainees and report publicly on our findings.
3. HMI Prisons does not inspect the delivery of community sentences ordered by the court. However, our inspections provide detail about how needs are identified in the criminal justice system, the conditions and treatment of prisoners serving short sentences and the use of prison as a place of safety. Further information is set out below and we hope this is of assistance to the Committee.

Identification of needs in the Criminal Justice System

4. Our *Joint Thematic Inspection of the Criminal Justice Journey for Individuals with Mental Health Needs and Disorder*¹ found that mental health needs are not always identified in a timely manner in the criminal justice system and even when they are, information is often not shared. Missed opportunities to identify need, or divert individuals from the criminal justice system, were also found to be missed in our report, *Neurodiversity in the criminal justice system: A review of evidence*². These gaps need to be closed so that early identification of mental ill-health, neurodivergence and other needs takes place, enabling opportunities for diversion and community alternatives to be explored from the outset.

Short-term custodial sentences

5. The Call for Evidence seeks to understand the relative cost-effectiveness of community sentences as compared with short-term custodial sentences. This is not information we hold, but our inspections reveal some of the challenges faced by those on short-term custodial sentences. When prisoners spend a relatively short time at establishments and the turnover of arrivals and releases is high, our inspectors find that effective offender management can be challenging to achieve.
6. Occasionally we find provision that is specifically tailored to meet the needs of prisoners serving short sentences. For example, at HMP Northumberland education leaders and managers had accredited individual units of specific courses, meaning that prisoners could achieve elements of a course within the prison and carry on studying towards the whole qualification on release or transfer.³

¹ [A joint thematic inspection of the criminal justice journey for individuals with mental health needs and disorders \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

² [Neurodiversity in the criminal justice system: a review of evidence \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

³ [Report on an unannounced inspection of HMP Northumberland by HM Chief Inspector of Prisons 22-23 August and 5-8 September 2022 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

7. However, often our inspectors raise concerns about the extent to which establishments provide adequate offending behaviour work to those serving short-term custodial sentences. Gaps in the provision of brief interventions on attitudes, thinking and behaviour for prisoners serving short sentences were highlighted at prisons including HMP Leeds⁴, HMP Nottingham⁵, HMP Birmingham⁶ and HMP Hewell⁷ throughout 2022-23.
8. Demand for release and resettlement assistance among this cohort is high and yet making sure that these prisoners get the support they need in a relatively short period of time to reduce their likelihood of reoffending is a challenge. At prisons such as HMP Wealstun, it was evident that some short sentence prisoners were leaving the establishment with unmet treatment needs.⁸
9. Unless managed effectively, short-term custodial sentences can pose public protection risks. At HMP Birmingham, we highlighted how despite 45% of the sentenced population being assessed as presenting a high risk of serious harm to others, management of these cases was weak. Extremely short timeframes between arrival and release had meant that oversight and planning were severely impacted.⁹ Similarly at HMP Northumberland, we found some prisoners serving short sentences being released before any monitoring had started.¹⁰

Prison as a place of safety

10. Separately, we would like to take this opportunity to highlight that we continue to find acutely mentally unwell men and women entering custody as a place of safety, despite prison not being a suitable environment in which to hold them. Acutely mentally unwell people should be able to access appropriate assessment and diversion to community based mental health services instead of being sent to prison.
11. Throughout 2022-23 we regularly highlighted this practice, which appeared to be especially prevalent in the women's estate. At the start of 2022 we inspected HMP & YOI Bronzefield and identified this issue as a 'key concern'. A lack of appropriate mental health provision in the community had meant that 86 acutely mentally unwell women had been sent to Bronzefield in the previous two years, 46 of whom had subsequently been transferred to a secure hospital.¹¹
12. HMP/YOI Eastwood Park, inspected in October 2022, had similarly received seriously unwell women. Leaders told us that 31 women had been transferred

⁴ [Report on an unannounced inspection of HMP Leeds by HM Chief Inspector of Prisons 13 and 20-24 June 2022 \(justiceinspectorates.gov.uk\)](#)

⁵ [Report on an unannounced inspection of HMP Nottingham by HM Chief Inspector of Prisons 24-25 May and 6-10 June 2022 \(justiceinspectorates.gov.uk\)](#)

⁶ [Report on an unannounced inspection of HMP Birmingham by HM Chief Inspector of Prisons 30 January - 9 February 2023 \(justiceinspectorates.gov.uk\)](#)

⁷ [Report on an unannounced inspection of HMP Hewell by HM Chief Inspector of Prisons 22 November - 9 December 2022 \(justiceinspectorates.gov.uk\)](#)

⁸ [Report on an unannounced inspection of HMP Wealstun by HM Chief Inspector of Prisons 3-14 October 2022 \(justiceinspectorates.gov.uk\)](#)

⁹ [Report on an unannounced inspection of HMP Birmingham by HM Chief Inspector of Prisons 30 January - 9 February 2023 \(justiceinspectorates.gov.uk\)](#)

¹⁰ [Report on an unannounced inspection of HMP Northumberland by HM Chief Inspector of Prisons 22-23 August and 5-8 September 2022 \(justiceinspectorates.gov.uk\)](#)

¹¹ [Report on an unannounced inspection of HMP & YOI Bronzefield by HM Chief Inspector of Prisons 24 January and 31 January - 4 February 2022 \(justiceinspectorates.gov.uk\)](#)

to hospital in the previous year, highlighting the scale of the problem¹². HMP/YOI New Hall, inspected in November 2022, had received four acutely unwell women into custody as a place of safety since October 2021, all of whom had been referred to hospital under the Mental Health Act.¹³

13. Despite the best efforts of staff, prisons are unable to provide these individuals with the care they need. Too often inspectors find those in mental health crisis held in conditions that are detrimental to their health and well-being, usually in segregation or inpatient units. The demands on staff, who have not been trained to care for these individuals cannot be underestimated and ultimately limit the care available to others.
14. Those requiring transfer from prison to mental health settings often experience concerning delays. Over three-quarters of our reports published between 1 April 2022 and 31 March 2023 covering adult prisons and those holding children mentioned transfers to secure mental health treatment either as a recommendation (as per HMI Prison's previous methodology), a priority or key concern (as per HMI Prison's new methodology) or a concern within the body of the report.
15. As part of consultation on the draft Mental Health Bill, we therefore welcomed plans to remove prison as a place of safety, as well as remand for own protection solely for mental health reasons under the Bail Act. Acutely mentally unwell people should be able to access appropriate assessment and diversion to mental health services in the community without needing to go via custody.

I hope that you find this information useful and should you require anything further, please do not hesitate to contact me.

Charlie Taylor
HM Chief Inspector of Prisons

June 2023

¹² [Report on an unannounced inspection of HMP/YOI Eastwood Park by HM Chief Inspector of Prisons 17-28 October 2022 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

¹³ [Report on an unannounced inspection of HMP New Hall by HM Chief Inspector of Prisons 14 November - 1 December 2022 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)