

Future Prison Population and Estate Capacity

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

Introduction

1. We welcome the opportunity to submit a response to the Justice Committee's inquiry about the Future Prison Population and Estate Capacity.
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 independent scrutiny of the conditions for and treatment of prisoners and other detainees and report on our findings.
3. Our response provides information that we hope may assist the Committee in its examination of points 2, 5, 6 and 7 in the inquiry terms of reference (What is the MoJ's current strategy for safely and effectively managing the prison population, and how effective is it? What are the implications of the rise in the prison population for the resources required to manage prisons safely and effectively? What is HMPPS's current capacity to manage overcrowding safely and effectively? What is the impact of an ageing infrastructure and are Victorian prisons fit for purpose?)
4. It provides:
 - An overview of our findings in 2023 to highlight outcomes across the prison and young offenders institution estate.
 - A summary of responses in the estate to population increases.
 - Detail about poor outcomes against our Expectations which we are finding to be associated at least in part with changes to the prison population.

Overview of HMI Prisons findings in 2023

5. Our 2022-23 Annual Report¹ revealed variable performance, with especially poor outcomes concerning purposeful activity. It highlighted ongoing issues with overcrowding, staff shortages, inexperience amongst managers and staff and the challenges of post-pandemic recovery.
6. Since the Annual Report, our inspection reports in England and Wales (n=24) published between 12 April – 17 October 2023 show:
 - a. Only 1 prison achieved 'Good' across all four healthy prison tests.
 - b. 71% of prisons were 'Not Sufficiently Good' or 'Poor' for Purposeful Activity.
 - c. 42% of prisons were 'Not Sufficiently Good' or 'Poor' for Rehabilitation and Release Planning.
 - d. 33% of prisons were 'Not Sufficiently Good' or 'Poor' for Respect.
 - e. 25% of prisons were 'Not Sufficiently Good' or 'Poor' for Safety.
7. Out of the local, Category B and Category C training prisons inspected during this period (n=13):
 - a. None achieved 'Good' across all four healthy prison tests.

¹ [HMI Chief Inspector of Prisons for England and Wales Annual Report 2022–23 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmi-prisons/annual-reports/2022-23/)

- b. 77% were 'Not Sufficiently Good' or 'Poor' for Purposeful Activity.
 - c. 46% were 'Not Sufficiently Good' or 'Poor' for Rehabilitation and Release Planning.
 - d. 31% were 'Not Sufficiently Good' or 'Poor' for Respect.
 - e. 15% were 'Not Sufficiently Good' or 'Poor' for Safety.
8. For information about each of the inspection reports mentioned throughout this document, please refer to 'Our Reports' on the HMI Prisons website - [Search results \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/search-results).

Responding to a rising prison population

9. In October 2023, the prison population reached 88,225, surpassing a previous peak in 2011.² A record 15,523 are individuals on remand³ and 1,312 are unreleased prisoners serving Imprisonment for Public Protection (IPP) sentences.⁴ The Ministry of Justice forecasts a decrease in both cohorts, but overall the populations of adult men, women and children are all projected to increase.⁵ The number of prisoners aged over 50 is anticipated to rise and the long-term prison population in particular is expected to continue growing, which means that prisons will be expected to hold more people, for longer.⁶
10. Despite plans to increase capacity, many prisons in 2023 continued to receive more prisoners and operate above their Certified Normal Accommodation (CNA) level. As of September 2023, 66% (79) of prison establishments were overcrowded.⁷ For example, at HMP Pentonville, despite overcrowding being cited as one of our priority concerns, when we returned for an IRP earlier this year, the prison had received more prisoners, with plans for further increases.
11. Our inspection reports reveal many prisons having to adapt to atypical arrangements because of sustained national population pressures, at a time when the service continues to experience staff recruitment and retention issues. Arrangements that we have reported on recently included, but were not limited to: movement of category C prisoners out of long-term and high secure prisons being paused (HMP Long Lartin, HMP Gartree); open prisons being required to take in additional cohorts of prisoners (for example, short-sentenced prisoners at HMP North Sea Camp); prisoners being held in category C training prisons instead of being moved on to appropriate local resettlement prisons (HMP Stocken); prisons having to hold significant, and growing, proportions of men on remand (HMP Birmingham, HMP Preston); young adults not routinely being transferred to the adult estate shortly after their 18th birthday (HMYOI Cookham Wood); and prisons that were due to close remaining in operation (HMP Dartmoor).
12. As the sections below detail, these changes have implications for those living and working in prisons which need to be understood, with potential risks and issues identified and managed. The areas highlighted below are not exhaustive,

² [Prison population figures: 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/prison-population-figures-2023), weekly 13 October 2023

³ [Offender management statistics quarterly: January to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2023): prison population as at 30-Jun-2023

⁴ [Offender management statistics quarterly: January to March 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2023)

⁵ [Prison Population Projections 2022 to 2027.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118888/prison-population-projections-2022-to-2027.pdf)

⁶ [Prison Population Projections 2022 to 2027.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118888/prison-population-projections-2022-to-2027.pdf)

⁷ [Prison population figures: 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/prison-population-figures-2023), monthly September 2023

but, we hope, help to provide the Committee with information about some of the ways population pressures, often in combination with other factors, can impact prisoner outcomes.

Living conditions

13. We expect prisoners to live in a clean and decent environment which is in a good state of repair and fit for purpose. This is harder to achieve in overcrowded establishments, and in prisons with deteriorating infrastructure.
14. Many prisons, especially inner-city Victorian prisons, are accommodating significantly more prisoners than they were initially designed for. As in previous years, during 2023 we have consistently reported on cells designed to hold one prisoner being used to hold two. The issue was particularly prevalent at HMP Leeds, HMP Leicester, HMP Preston and HMP Bristol. At Bristol almost half of prisoners were living in double cells designed for one man, at Leicester and Preston it was around two-thirds of the population and at Leeds, the issue affected 80% of prisoners. Doubling prisoners up in single cells was also noted at category C prisons including HMP Dartmoor, HMP & YOI Moorland, HMP Risley, HMP Stocken and HMP & YOI Stoke Heath, although to a lesser extent.
15. Cramped living spaces are much too common across the estate, and we continue to note the lack of decency afforded by unscreened in-cell toilets. At night at HMP Long Lartin, half of the population often had to use a bucket. We find that many Victorian prisons are more susceptible to issues like vermin infestations; at HMP Preston we found cells affected by damp and mould, as well as rat and mice infestations, despite considerable efforts to eradicate them.
16. A need for often significant additional investment to improve living conditions was raised by our inspectors at establishments including HMP Preston, HMP Long Lartin and HMP Ford. Population pressures only add to the urgency of this work being carried out, whilst simultaneously making maintenance of prison buildings much harder.



Showers at HMP Risley



*A shared cell at HMP Leeds (left) and HMP Dartmoor (right)
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Time out of cell and availability of activity places

17. In 2022-23 we considered only one establishment holding adult and young adult men to be 'good' for purposeful activity. The consequences of limited regimes are wide-ranging and vary across prisons. Our 'Weekends in Prison' thematic highlighted potential links between limited time out of cell and poor prisoner mental health and well-being⁸. Having little to do also risks frustration, feelings of hopelessness and fuels demand for drugs. Crucially, a lack of purposeful activity whilst in prison also impacts prisoners' chances of successful reintegration back into the community.
18. Recent inspections show little signs of improvement in purposeful activity, with availability of spaces often a concern. Although sufficient activity places were identified at HMP & YOI Askham Grange, HMP Leyhill and HMP Ford, outside of the open estate prisoner access to full-time activity is not guaranteed.
19. A shortage of activity spaces was reported in inspections including HMP Woodhill, HMP Dartmoor, HMP/YOI Brinsford, HMP Lowdham Grange, HMP Risley, HMP Stocken and in Independent Reviews of Progress (IRPs) of HMP Wayland, HMP Leeds and HMP Aylesbury. The shortages described are often significant – at Brinsford and Stocken there were only enough full-time activity spaces for one-third of their population.

⁸ [A thematic review of weekends in prison by HM Chief Inspector of Prisons March 2023 \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

20. A range of factors explain this and often we criticise a lack of management ambition in driving forward more productive regimes. However, if local prison leaders are being asked to take on more prisoners with the same number of staff and without any new infrastructure, then achieving much needed improvements in purposeful activity is harder. We have praised some local efforts to try to ensure sufficient part-time education, skills and workplaces in overcrowded prisons like HMP Leeds, HMP Leicester and HMP Preston, but these jails continue not to have enough space for the population they hold. Without learning the skills that will lead them to get a job on release, these prisoners are more likely to reoffend and create more victims of crime.

Preparation for release

21. In 2022-23 we rated just 5% of prisons as 'good' for prison rehabilitation and release planning. Our joint thematic inspection with HMI Probation uncovered significant issues with the Offender Management in Custody (OMiC) model that underpins much of prison resettlement activity.⁹

22. Our report made 16 recommendations, some of which called for a fundamental re-think in approach by the prison service. Helping Offender Management Units (OMUs) to achieve these much-needed changes is harder if they are also overseeing population increases and/or staffing issues. At HMP Pentonville IRP for example, we found an OMU with very low morale due to frustration at the high turnover of the population and the number of prisoners at the prison.

Delivery of key work

23. Our OMiC thematic called for prison leaders to make sure that their regimes provide time needed for prison officers to undertake the key worker role. Disappointingly, during 2022-23 we found effective key work in only two prisons that we inspected. Too often it was being disrupted or cancelled because of staff shortages, and few prisoners were getting the support for which it was designed. The potential of key work to support staff-prisoner relationships and resettlement is clear, and yet we rarely find prisons prioritising its implementation. At HMP & YOI Moorland we reported positively of the key work being undertaken with young adults, IPP prisoners and those with complex personal issues, but this represented only a fifth of the population.

Resettlement provision for those on remand

24. The changing make-up of the population of some prisons has implications for resettlement. Provision that was once suitable may no longer be appropriate. This is especially true of prisons experiencing increased remand populations. At HMP Birmingham we found that offender management and resettlement provision no longer met the needs of what had become a mostly unsentenced population. At HMP Preston nearly two-thirds of prisoners were now remanded or unsentenced and were unable to receive help with matters such as accommodation or debt. We are also frequently told about remand prisoners being released straight from court on "time served" because they have been in custody for so long, meaning they have had no preparation for release.

⁹ [A thematic inspection of Offender Management in Custody – pre-release \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk)

25. Although ultimately the population of remanded or unsentenced prisoners is projected to decrease, given current levels, the lack of resettlement provision for this cohort is a serious concern.

Availability of accredited programmes and impact on 'progression'

26. Prison-based accredited programmes aim to change the thinking, attitudes, and behaviours of prisoners, supporting efforts to reduce re-offending. Accredited programmes are often included in prisoners' sentence plans and where they have not been completed, the parole board is less likely to authorise release. The lack of programmes available to prisoners was highlighted in the OMiC thematic and is a source of ongoing frustration for prisoners, especially those serving long or indeterminate sentences, who are unable to progress in jails where accredited programmes are not available. A recent PPO bulletin about IPP prisoners serves as a useful reminder that setbacks in sentence progression can have significant consequences for safety, potentially increasing a prisoner's risk of suicide and self-harm.¹⁰

27. Inspectors reported a shortage at prisons including HMP Dartmoor, HMP Lowdham Grange, HMP Holme House, HMP Risley and HMP/YOI Isis IRP. We also highlighted challenges with transferring prisoners elsewhere to complete the relevant programmes. At HMP & YOI Stoke Heath, HMP Long Lartin and HMP & YOI Moorland prison transfers were now harder to achieve due to limited spare places across the estate and a lack of escort vehicles.

Family ties

28. Visits from prisoners' families are important to maintain ties and improve the likelihood of successful resettlement. Population pressures mean many prisoners are being held far from home resulting in families finding it expensive and difficult to visit.

29. At HMP & YOI Moorland we found some prisoners experienced delays moving closer to their home for release. At HMP Stocken transfers to be closer to home ahead of release were limited and often took a long time, owing to national population pressures, and at HMP Leicester we found that many prisoners who should have been released from Leicester were having to transfer to Lincoln in the final six months of their sentence, which significantly increased the distance for visitors to travel.

Safety

30. Safety was a serious concern driving our two recent Urgent Notifications. At HMP Bristol we found an unsafe, overcrowded prison that had had its capacity repeatedly increased in recent years.¹¹ At HMP Woodhill, we found a fundamentally unsafe prison, where its ability to operate effectively was undermined by chronic staff shortages.¹² Both serve as stark warnings of the fragility of prison safety.

31. Whilst safety at Bristol and Woodhill was especially concerning, we have reported on various safety-related matters associated with population changes that might be of interest to the Committee. These included but are not limited

¹⁰ [Learning Lessons Bulletin - Fatal incident investigations – Issue 18](#)

¹¹ [HMP Bristol Urgent Notification \(justiceinspectorates.gov.uk\)](#)

¹² [HMP Woodhill Urgent Notification \(justiceinspectorates.gov.uk\)](#)

to: combining cohorts of prisoners who would not otherwise mix (e.g. HMP North Sea Camp); overcrowding that had exacerbated tensions between the prisoners living there (e.g. HMP Leicester); an insufficient number of Listeners - prisoners trained by the Samaritans to provide confidential emotional support to fellow prisoners - being provided for the population (e.g. HMP/YOI Brinsford and HMP Gartree); prisoners arriving at unfamiliar prisons far from home due to a lack of spaces nearby and pressures on reception areas when prisoners first arrive due to the high churn of prisoners (HMP Preston; HMP Bristol). Staffing shortfalls also continue to affect access and waiting times for health care (e.g. HMP Dartmoor, HMP Lowdham Grange).

32. Effective management of risk locally will be crucial to make sure that, despite some of the changes listed above, these risks do not translate to serious safety incidents. However, if prison staff, many of whom are relatively inexperienced, must repeatedly adapt to new and emerging risks from both population increases and/or staffing issues, maintaining a safe prison becomes more challenging. Robust processes, for example in relation to cell-sharing arrangements, are even more important in this context.

Older prisoners

33. MoJ analysis indicates that prisoners over 50 will continue to increase in number¹³. Despite this having been predicted for some time, provision for this cohort continues to be highly variable. We found some positive progress had been made at HMP Grendon but often there is very limited provision for older prisoners, with insufficient activities to occupy and engage them. In some instances, provision that had once been available has now ceased. For example, at HMP Whitemoor a previous dedicated wing for prisoners over 50 no longer existed and at HMP Long Lartin specific activities that were taking place during the previous inspection, such as a garden project and library sessions, were no longer offered.

Conclusion

34. These are challenging times for the prison service. Achieving much-needed improvements, for example access to meaningful or productive education and work, should be a top priority. However, in the current context, a preoccupation with available space risks the needs of the estate being prioritised over outcomes for prisoners, with consequences for prisoners, prison staff and, ultimately, the communities into which most prisoners will eventually be released.
35. Until recently, the focus was on increasing capacity, and fast. We hope that this inquiry might also provide a space for more wide-ranging reflection about what we want prisons to achieve. A commitment to longer-term planning and timely delivery of new prison places and other capital projects can only be one element of an effective response, which must include a clear focus on how best to manage, and ultimately reduce, risk.
36. Beyond the issues listed, there are and will continue to be other effects caused by the changing prison population. Rarely are increases in operational capacity accompanied by corresponding increases in infrastructure, for example to the

¹³ [Prison Population Projections 2022 to 2027.pdf \(publishing.service.gov.uk\)](#)

size of prison kitchens or healthcare facilities. At the Inspectorate we will be watching developments very closely and will continue, as always, to report our findings.

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

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