



House of Commons  
Home Affairs Committee

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# Rehabilitation of Prisoners

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## Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Home Office and its associated public bodies; and the administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office.

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### Footnotes

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated by the page number as in 'Ev 12'. All evidence for this inquiry is printed in Volume II.

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## Summary

We have carried out an inquiry into the rehabilitation of offenders as law-abiding and useful members of the wider community. The best way of reducing re-offending is to ensure that prisoners on their release have the ability to get into work and a home to go to. We focus especially on ways of delivering these aims.

As a result of recent official reports and government initiatives, a basic policy framework is now largely in place which could make possible the more effective rehabilitation of offenders. However, implementation has been patchy. Progress has been made in developing more credible and effective sentencing, and in reviewing sentencing guidelines. The merger of the Prison and Probation Services to form a National Offender Management Service (NOMS) is a step towards 'end to end' management of prisoners from sentence to resettlement, but NOMS is still in its early stages and much remains to be done.

We welcome the Government's publication of a National Action Plan on reducing re-offending, but are disappointed at the elementary nature of many of its action points. We recommend that it should be reissued in a revised and more detailed form, and that the Home Office should report annually to Parliament on progress made in implementing the Plan.

Despite a welcome recent decrease in re-offending rates, the scale of the problem is massive—it remains the case that nearly three in five prisoners are reconvicted within two years of leaving prison.

We support the use of reconviction rates as a measure of re-offending, and therefore of the success or otherwise of rehabilitation, but we criticise the current 'two-year post-release snapshot' as a blunt measuring tool, and recommend the adoption of more sophisticated measures. We regret the decision by the Home Office to reclassify its PSA Target (of reducing re-offending by 5%) as a 'standard' (committing it not to allow re-offending rates to deteriorate), and call for the reinstatement of the target.

Overcrowding is having a hugely damaging impact on the delivery of rehabilitative regimes across the prison estate, both in terms of quality and quantity of appropriate interventions. We express scepticism about the Home Office's projection that the prison population will stabilise at about 80,000 by the end of the present decade, exactly matching estimated capacity. This projection depends on very large assumptions about the net effect of sentencing changes.

Regrettably, overcrowding is likely to remain a feature of our prison system for the foreseeable future. It should not be used as an excuse for ignoring the issue of rehabilitation and failing to follow examples of good practice.

The Prison Service has repeatedly failed to meet its target of providing an average of 24 hours' worth of purposeful activity for each prisoner per week. The situation may be even more serious than the official figures suggest. We carried out a 'Prison Diaries Project' which investigates prisoners' own experience of rehabilitative regimes. Data from this

project suggests that disturbingly high proportions of prisoners are engaged in little or no purposeful activity. The consequences are too many hours ‘banged up’ in their cells, with harmful impacts on their mental and physical health. We criticise the dropping of the Key Performance Indicator for purposeful activity, and suspect this has been done to avoid embarrassment arising from the Prison Service’s continuing failure to meet the target.

A consequence of overcrowding is the very high level of transfers of prisoners between prisons. This disrupts intervention programmes and damages rehabilitative work.

The first step in rehabilitation is accurate individual assessment of prisoners on admission to prison. A full assessment of needs and risk is as essential for a prisoner entering prison as for a patient entering hospital. Until recently the Prison Service has failed to take this essential first step. We welcome the introduction of the Offenders Assessment System (OASys), but criticise the slippage in its implementation timetable. We call for OASys to be extended to apply to remand and short-term prisoners.

We agree with the Prison Industries Internal Review that it is indefensible that the Prison Service cannot find enough work or purposeful activity for prisoners. While a maximum of 30% of prisoners may be involved in some form of work activity, only a third of those are placed in prison workshops, the type of work activity which most closely reflects real working life. This suggests that involving prisoners in work schemes remains a low priority for the Government.

We recommend that the prison regime should be reconstructed to support prisoners working a conventional 9 am to 5 pm working day, in education, vocational training or work programmes. This would foster the work ethic and encourage prisoners to obtain qualifications and marketable skills.

We also recommend that the Prison Service should run a small number of pilot schemes to assess the impact of paying prisoners market rates for their work, with appropriate deductions to cover the cost of accommodation, food, child support and—as a requirement—reparation for victims.

We were impressed by the work done by the National Grid Transco Foundation in training and resettling young offenders, and support a major extension of the Transco approach. This directly meets the employment needs of a private sector company, but also offers a higher quality of training than the vast majority of prison-based training.

Partnerships between the prison sector, companies and their supply chains should be established as a matter of priority to provide sustainable employment opportunities for offenders. Basic labour shortages and skills gaps in the external labour market should be identified and matched to vocational training and work programmes in prisons. Some of the labour shortages in the economy that are currently met through managed migration could be met by enhancing the employment potential of the prison population. A business case should be formulated for the creation of a specialist not-for-profit agency outside the Prison Service, to co-ordinate investment, marketing and supply for prison industries.

There should be much greater use of day release schemes on the German model to enable prisoners to experience work in the community prior to their release, and demonstrate

their abilities and trustworthiness to employers.

The Prison Service has a good record in recent years in meeting its targets in relation to basic skills education. However, access to educational opportunities varies across the prison estate. The 'churn' of prisoners through an overcrowded system disrupts educational provision. We recommend that the DfES should impose minimum standards by way of key performance indicator targets. Every prisoner should have a personal record of achievement which they will take with them when transferred to a new prison. In the medium to long term, we consider that an overly narrow emphasis on basic education should not be encouraged. We make other recommendations in respect of prison education, and look forward to the forthcoming report from the Education and Skills Select Committee on this subject.

We share the Government's disappointment at the results of the most recent research into the impact of offending behaviour programmes. The priority given to these programmes should be reduced, and a more sophisticated selection process for the programmes be introduced.

We support the work of therapeutic communities such as those at HMP Grendon. The Government should maintain and if possible increase the present level of resourcing of such communities.

The expanding use of remand is a cause for concern. The Government should commission a comprehensive review of the role of remand in the criminal justice system. While respecting remand prisoners' status as (in most cases) unconvicted prisoners, measures should be put in place to ensure the time they spend in custody is used constructively.

The complacent thinking that nothing can be done to rehabilitate short-term prisoners has crippled the response to rehabilitative treatment of those prisoners. A radical rethink is required. This should comprise effective assessment, provision of work and training, and assistance with resettlement. Special intensive courses in basic education and drug treatment should be designed to be completed by short-term prisoners while in custody.

We recommend that every prisoner should receive health care screening, including mandatory drug testing, on admission to prison. We are critical of the limited number of places on prison drug treatment programmes and the restrictions on accessing those programmes. The number of places available should be substantially increased. The guaranteed quality of access to drug treatment for prisoners should never be less than that offered to offenders in the community. Care must be taken not to focus on the availability of treatment to those entering the criminal justice system at the expense of those with drug problems already in the prison system. In addition, an overall strategy should be developed for dealing with prisoner alcohol misuse or addiction.

The sharp rise in the number of women prisoners deserves particular attention. The vast majority of these women are in prison for non-violent offences and have never been a danger to the public. The Government should consider setting targets for reducing the numbers of women offenders sentenced to prison, and should develop a more focussed rehabilitation strategy for women prisoners. We recommend the appointment of accountable officers with responsibility for women prisoners at each establishment where

women are held. The number of places for women in open prisons should be substantially increased. Except in the most serious cases, there should be a presumption that home leave is available for women prisoners. Rehabilitative programmes should be adapted to meet the specific needs of women prisoners. NOMS should take active steps to learn from models of good practice such as the Asha Centre.

We note that recent efforts to reform the prison regime for young prisoners have focussed on the juvenile estate, and that as a result 18 to 21 year old prisoners have been overlooked. Levels of constructive activity and intervention programmes for the young adult prison population are woefully inadequate. The Government should match the investment it has made in developing a rehabilitation strategy for juveniles by designing an equivalent tailored range of interventions for young adults.

We are deeply concerned at the over-representation of minority ethnic groups, particularly black men, across the criminal justice system. The absence of comprehensive ethnic and religious monitoring across the prison estate is much to be regretted. We make recommendations for the systematic collation of data in this field. We call on the Government's Criminal Justice System Race Unit to conduct an internal audit of the Prison Service's rehabilitative interventions to assess whether they comply with the needs of minority ethnic and religious groups.

The current system of prison provision for mental health care is failing in two ways. First, some individuals suffering mental illness are committing crimes, being convicted and sent to prison because of the failures of mental health care in the community. Second, prisoners who become severely mentally ill in prison are not being diverted out of the prison system to appropriate specialist secure units in the community. We deplore the delays in assessing prisoners' mental health care needs on admission to prison. More places should be made available in specialist secure units in the community. We recommend that the Healthcare Commission be given statutory authority to monitor and evaluate the adequacy of mental health care provision across the prison estate.

The resettlement of offenders should become a cornerstone in the new approach to offender management envisaged by NOMS. A more detailed resettlement model should be incorporated in the National Action Plan. Crime Reduction Partnerships should be actively involved in the resettlement of ex-prisoners. In the short term, co-ordinated communication systems should be established to enable prison staff and prisoners to make contact with key agencies in the local areas to which prisoners are returning. In the medium term, resettlement teams should be established in each of the ten NOMS regions.

# PART I—THE SITUATION TO DATE

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## 1 Introduction

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### The Committee's inquiry

1. We have carried out an inquiry into the rehabilitation of prisoners, looking in particular at the effectiveness of prisons in reducing re-offending through rehabilitation. We recognise the context of prison overcrowding and have focused on what can be achieved in overcrowded conditions. We have looked in depth at the provision of education, vocational training, paid work and offending behaviour/cognitive skills programmes and have sought to address the following issues:

- Are an adequate number of educational, vocational and work programmes being provided to rehabilitate prisoners?
- Are the programmes having an effect in reducing re-offending? If not, what should be done differently?
- Are certain groups of prisoners—remand and short-term prisoners, women prisoners, young offenders and prisoners with mental health problems—receiving adequate rehabilitation?

2. During the course of the inquiry we took oral evidence on six occasions and received 73 memoranda. Details of the written and oral evidence received are given at pages 165-166 below.

3. Prison visits were a key part of the inquiry. We visited the following establishments:

HMYOI Aylesbury, a young offenders' institution  
 HMP Brockhill, a women's local prison (housing young offenders and remand prisoners)  
 HMP Coldingley, a Category C industrial training prison  
 HMP Elmley, a male local prison  
 HMP Grendon, a therapeutic community in Category B secure conditions  
 HMP Springhill, a Category D open prison  
 HMP Stanford Hill, Category D open prison  
 HMP Swaleside, a Category B training prison.

4. A short summary of the type and nature of each of these prisons is provided at Annex 3. During our visits we inspected workshops, classrooms, medical facilities, gymnasiums and prison cells. We would like to extend our warm thanks to all the Governors, prison staff and prisoners we met. We also visited the Asha Centre in Worcestershire, which was established to assist women experiencing social exclusion. We are grateful to the organisers

of the Centre for giving us full access and the opportunity to meet with some of their clients.

5. In May 2004, we visited Sweden and Germany in connection with our inquiries into rehabilitation of prisoners and identity cards. In Sweden, we held discussions with representatives of the Swedish Ministry of Justice, the Swedish Government's Crime Policy Division and NGOs working with ex-offenders, and we visited Österåker Prison near Stockholm. In Germany, we held discussions with the State Secretary of the Berlin State Government, representatives of the Justice Ministry, and academics, and visited Tegel Prison in Berlin.

6. We regarded it as important to investigate prisoners' own experience of rehabilitation regimes. To this end, we asked over 1,000 prisoners to participate in a "Prison Diary Project" in May and June 2004. We wrote to randomly selected individuals in six prison establishments and asked them to complete a 7-day diary of their prison routine. Analysis of the diaries has given us a valuable insight into the number of hours prisoners spend in education, vocational training, rehabilitative programmes, work schemes and leisure activities. A full analysis of the results of the Prison Diary Project is set out at Annex 4. We are grateful to the Prison Service for giving its support to the project and to the Governors of each of the target prisons who gave their permission for us to conduct the project and assisted with its implementation.

7. We would like to extend particular thanks to our two Specialist Advisers in this inquiry. They were Mr Bobby Cummines, Chief Executive of UNLOCK (the National Association of Ex-offenders) and Mr Robert Duncan, formerly Governor of HMP Pentonville. We are also grateful for the assistance with statistical analysis provided by Paul Bolton of the House of Commons Committee Office Scrutiny Unit and Gavin Berman of the House of Commons Library.

8. In this report we consider the meaning and purpose of rehabilitation and the types of interventions most commonly employed in prison rehabilitation regimes before looking at the nature of the prison population and identifying the key challenges facing the prison system today. We consider the major reviews conducted in relation to rehabilitation and reducing re-offending over the last five years and Government action in response to these reviews. We examine the current levels of rehabilitative interventions available across the prison estate. We consider how offenders' needs and offending behaviour of prisoners are assessed and examine the key elements of an effective rehabilitation regime, including resettlement following release from prison.

## The purpose of rehabilitation

9. 'Rehabilitation' means literally 're-enabling' or 'making fit again' (from the Latin *rehabilitare*). In the prison context it means readying prisoners to rejoin society, as useful and law-abiding members of the wider community. It was pointed out to us in evidence that 'rehabilitation' can be a misnomer, because many prisoners have never been 'habilitated' in society in the first place.<sup>1</sup>

10. The ‘Prison Rules’ published by the Government require the Prison Service to ensure that “the purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life”<sup>2</sup> and the Criminal Justice Act 2003 includes the “reform and rehabilitation of prisoners” among the statutory purposes of sentencing.<sup>3</sup>

11. The Government defines one of its main objectives in rehabilitating offenders as reducing re-offending. In 2002, the Home Office set a Public Service Agreement Target of reducing the predicted rate of re-offending by 5% by April 2004 and again by 5% by April 2006. The Prison Service has stated that “reducing re-offending by released prisoners is central to reducing crime and is therefore part of the Prison Service’s core business of protecting the public”<sup>4</sup>

12. In our visits to Germany and to Sweden we explored those countries’ attitudes to the rehabilitation of prisoners. In both cases rehabilitation strategy has a clear purpose and is based on well-defined principles. The fundamental principles underlying the German penal system are (i) the goal of re-socialization or rehabilitation (*Resozialisierungsziel*): “during imprisonment, the prisoner shall be enabled to lead, in social responsibility, a life without criminal offences”; (ii) the principle of normalisation (*Angleichungsgrundsatz*) which requires that life in corrections shall as much as possible resemble general living conditions outside prison; and (iii) the principle of damage reduction (*Gegenwirkungsgrundsatz*) which requires correctional authorities to address and counteract the damaging consequences of imprisonment.

13. In Sweden, the treatment of prisoners is directed from the outset to promote the prisoner’s readjustment and reintegration into society on release and to counteract the negative consequences of imprisonment. Prison is viewed as the last possible resort. When imprisonment is unavoidable, the underlying penal philosophy is for the prisoner to maintain close contact and co-operation with society, through contacts with family, support services and restorative community projects, including work with victims of crime.

## Models of intervention

14. Rehabilitation regimes around the world comprise a number of different types of interventions which are employed in varying degrees to provide purposeful activity for prisoners, challenge offending behaviour, provide basic education to tackle illiteracy and innumeracy and equip prisoners with life and work skills. The most common interventions are:

- Needs assessment to identify the offender’s needs and classify the types of intervention required. This is a core ingredient in sentence and resettlement planning.
- Education to address the prisoner’s educational deficits.

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2 The Prison Rules 1999 (S.I. (1999) No. 728), consolidated September 2002, rule 3

3 Criminal Justice Act 2003, Explanatory Notes

4 Ev 117 (paras 1.1.1–3)

- Behavioural and cognitive skills programmes to challenge offending behaviour and offending-related risks, and provide treatment for substance misuse.
- Vocational training to provide transferable and recognised skills to increase prospects of employment on release.
- Work to give prisoners—often for the first time—experience of the working day and increase prospects of employment on release.
- Resettlement to provide assistance to prisoners with finding accommodation and employment after their release.

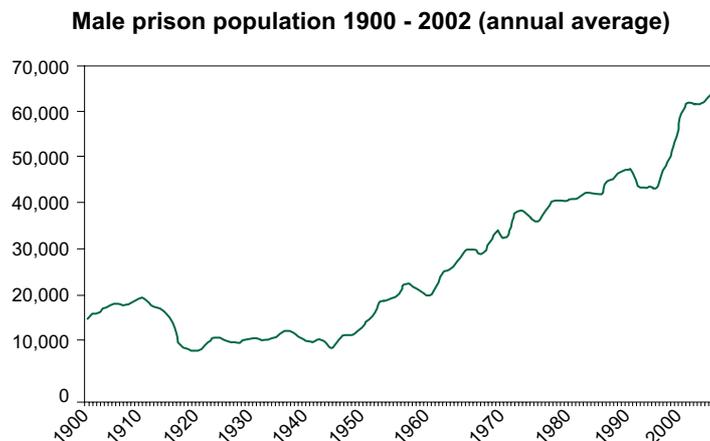
## 2 The Context of Rehabilitation

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15. In this chapter we explain the context within which strategies of rehabilitation must be pursued: that of a sharp rise in the prison population, prison overcrowding with its attendant problems, and the high degree of social exclusion characteristic of the prison population. We look at the difficulties the Prison Service faces in providing purposeful activity within prisons, and at those caused by the current high level of transfers between prisons. We examine the high level of reconviction of ex-prisoners, and the appropriateness of reconviction rates as a measure of re-offending and therefore of the success of rehabilitation. We emphasise throughout that, although these various pressures and constraints on the Prison Service must be acknowledged, they must not be used as an excuse for neglecting the issue of rehabilitation.

### The rise in the prison population

16. Any strategy for rehabilitating prisoners has to take account of the recent increase in the prison population and the current overcrowding in prisons. The following table shows the rise in the male prison population in England and Wales from 1900 to 2002.



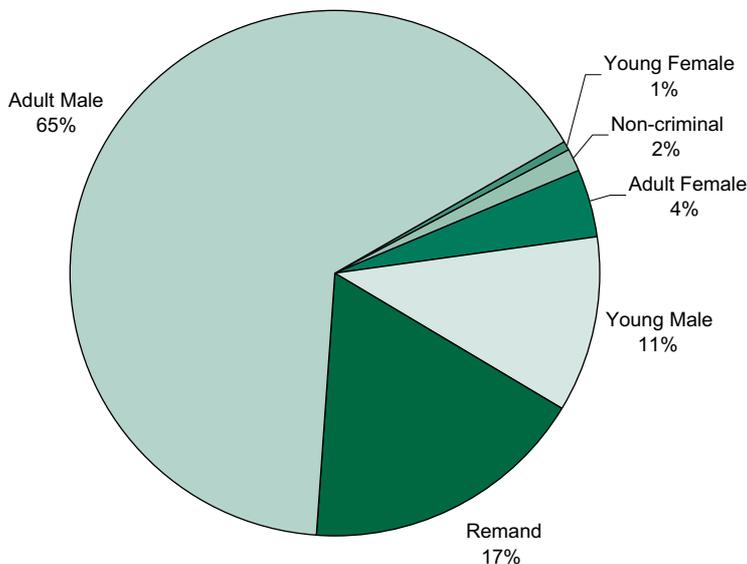
Source: *Prison Statistics England and Wales 2002*, figure 1.2a

17. The number of prisoners in England and Wales has increased by more than 25,000 over the last ten years and continues to rise. The prison population reached its highest ever recorded figure of 75,544 in April 2004. The prison population on 19 November 2004 was 75,145, with 70,774 male prisoners and 4,371 female prisoners.<sup>5</sup>

England and Wales have the highest prison population rate in Europe. Our rate of imprisonment has risen dramatically over the last five years, from 125 per 100,000 of the national population in 1999 to 141 per 100,000 in 2004.<sup>6</sup> It is significantly higher than that of our Western European neighbours: for example, 44% higher than the equivalent rate in Germany (98 per 100,000) and 52% higher than that in France (93 per 100,000).<sup>7</sup> A table of comparative prison statistics for England and Wales and the two other European countries we visited, Sweden and Germany, is provided at the end of Annex 5.

18. The pie-chart below indicates the composition of the prison population by offender type in November 2003. Adult males constituted by far the largest prisoner group, comprising 65% of the prison population as compared to 4% adult female. Young offenders made up 12% of the prison population and (11% males and 1% female). Unconvicted prisoners—those on remand—made up 17% of the prison population.

**Prison population, England and Wales, at 30 November 2003**



Source: Home Office Prison Population Brief, November 2003

19. The steep rise in the prison population over the last decade does not appear to be attributable to an increase in the level of crime. Rather it arises from a significant increase in the proportion of offenders given a custodial sentence and an increase in the average

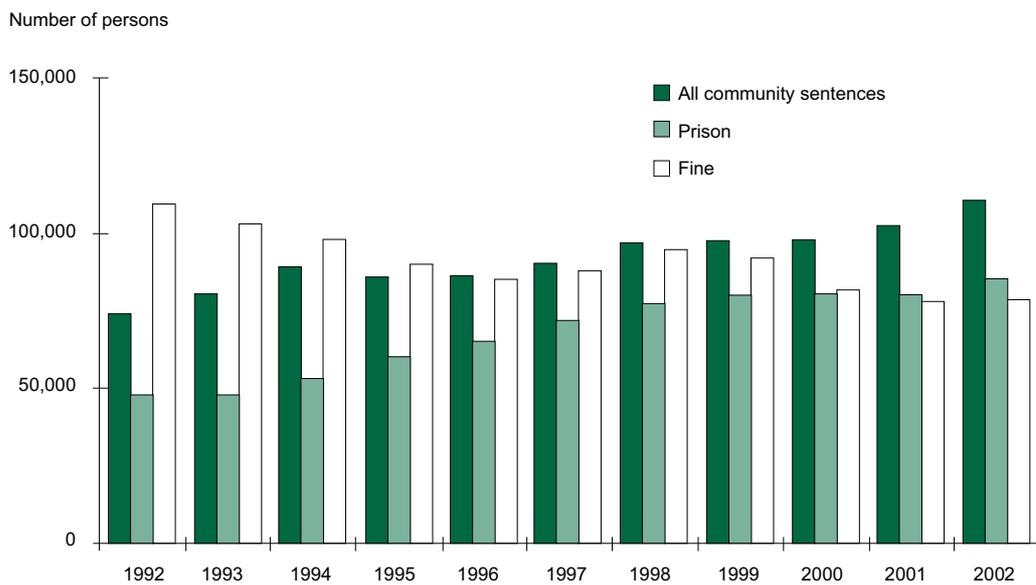
5 HM Prison Service Prison Population and Accommodation Briefing available at [www.hmprisonservice.gov.uk](http://www.hmprisonservice.gov.uk)

6 Based on an estimated national population of 52.85 million at end of June 2004 (Office for National Statistics figures); Walmsley (2004) *World Prison Population List, Findings 234*, London: Home Office RDS Directorate

7 Prison Reform Trust statistical briefing (February 2004), p 3

length of prison sentences.<sup>8</sup> In 2003, 23,160 men were serving sentences of four years and over, constituting more than half of the sentenced male population. This compares with 11,360 in 1993, an increase of 104%. The number of prisoners serving short sentences has also increased, with the number of adults sent to prison for sentences of 6 months or less nearly doubling between 1993 and 2003.<sup>9</sup> In 2003, more than half of those sent to prison were there for jail terms of six months or less.<sup>10</sup> The chart below shows the breakdown of sentences between prison, community sentences and fines from 1992 to 2002, and clearly demonstrates a fall in the use of fines, an increase in community sentences, and a steep increase in prison sentences.

#### Offenders sentenced for indictable offences: England and Wales



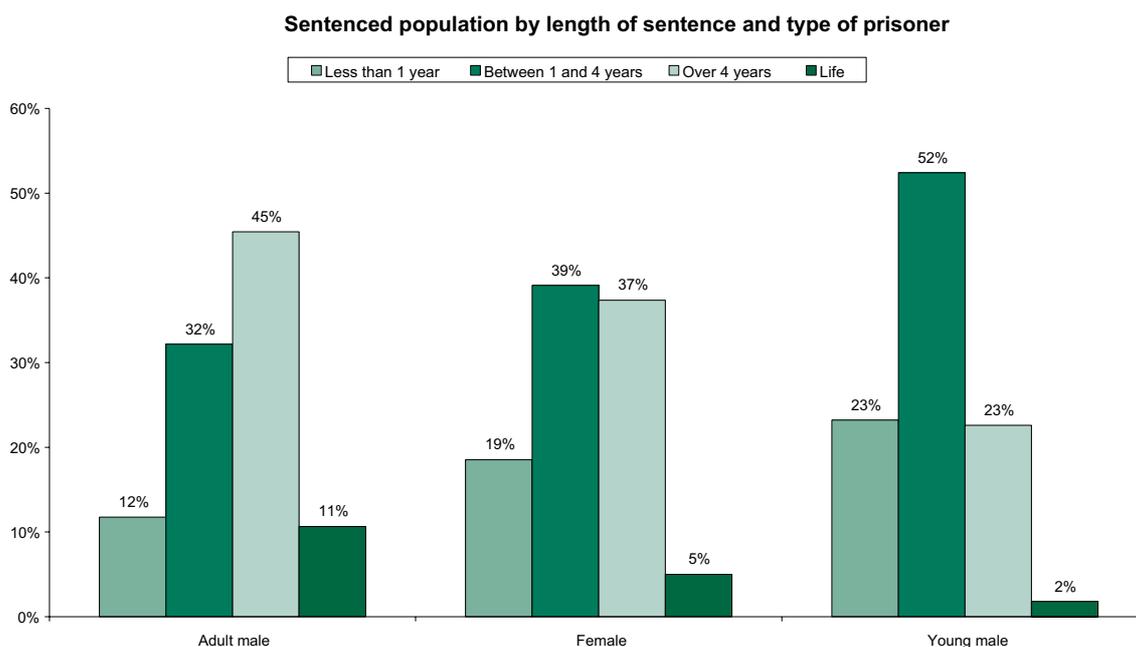
Source: *Probation Statistics England and Wales 2002* (published January 2004), p 2

20. The graph on the following page provides a break down of the lengths of sentences of sentenced male, female and young male prisoners in 2003. 45% of male prisoners and 52% of young male prisoners were serving sentences of over four years.

8 For a detailed discussion of the reasons for an increase in the prison population, see *Crime, Courts and Confidence: Report of an Independent Inquiry into Alternatives to Prison*, chaired by Lord Coolsfield (TSO, November 2004), pp 18–19

9 Home Office, *Offender Management Caseload Statistics 2003* (December 2004), para 8.5, table 8.1

10 Home Office, *Population in Custody Quarterly Brief, January to March 2004* (2004)



Source: Home Office Prison Population Brief, November 2003

21. In contrast to the prison population figure, the overall crime rate has fallen by over 35% in the last decade. According to Home Office National Crime Statistics for June 2004, the risk of being a victim of crime is 25%, lower than it was in 1981, the year of the first British Crime Survey.<sup>11</sup>

22. People entering prison have typically experienced high levels of social exclusion. 27% of prisoners were taken into care as a child compared to 2% of the population. Two in three are unemployed, and half have run away from home as children. 66% of male and 55% of female sentenced prisoners have used drugs in the last year. 52% of male and 71% of female sentenced prisoners have no qualifications as compared to 15% of the general population. Two thirds of prisoners have numeracy skills at or below the level expected of an 11 year old. 50% have a reading ability and 82% have a writing ability at or below this level.<sup>12</sup> A report by the Cabinet Office's Social Exclusion Unit, suggests a potential cyclical pattern of cause and effect, with the imposition of custodial sentences, even short-term sentences, increasing the likelihood of a person re-offending. For example, a third of all offenders lose their home while in prison, two thirds lose their job, over a fifth face increased financial problems and over two-thirds lost contact with their family.<sup>13</sup>

**23. The rise in the number of prisoners and the high level of social exclusion amongst offenders both raise serious questions about sentencing policy and the effectiveness of current measures to tackle social exclusion. Our inquiry did not examine these issues in depth. We acknowledge their importance. However, we reject any suggestions that the existence of these broader issues obviate the need to examine critically the treatment of prisoners in custody and the nature and scope of the prison rehabilitation regime.**

11 Home Office, *Crime in England and Wales: Quarterly Update to June 2004*, published on 21 October 2004

12 Report by the Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (ODPM), July 2002

13 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (July 2002)

**Changes in sentencing patterns and levels of social exclusion will take place only in the long term. Until then, the prison system will continue to have a significant impact on the lives of prisoners and wider society.**

### Prison overcrowding

24. Over the last 12 months, prison overcrowding has been at its highest recorded levels. At the end of October 2004, 82 of the 139 prisons in England and Wales were overcrowded. The population in custody was 75,180, an increase of 1% on a year earlier. Occupancy level, based on official capacity, was at 106%. In May 2004 we were told that at that time 17,000 prisoners were held two to a cell designed for one.<sup>14</sup>

25. The Government has acknowledged the negative impact overcrowding has on the prison regime. Giving oral evidence to us in April 2003, the Home Secretary stated that overcrowding—

“reduces the speed with which we can improve ... purposeful activities. As you know I was responsible when I was Education Secretary for working with the then Home Secretary to transfer issues on literacy and numeracy, which are absolutely crucial to the avoidance of re-offending and to rehabilitation and, secondly, because I held the work brief at the time for setting in train the process of moving people into a situation of not only preparing for work but being able to reach out to employers ... to actually get people into jobs... that is more difficult, not less, if the prison is overcrowded and if it is more difficult to organise those purposeful activities...”<sup>15</sup>

26. The Prison Service concedes that it is inevitable that at times of high population pressures, rehabilitative provision may become disrupted.<sup>16</sup> The Chief Inspector of Prisons, Anne Owers, told us that—

“at every level of the prison system, overcrowding is having an effect on the ability of prisons to deliver rehabilitative programmes. In spite of additional resources, the movement of prisoners and the gap between the number of prisoners and the spaces available are making it very difficult to provide sufficient positive activity for enough prisoners.”<sup>17</sup>

**27. From our own investigations over the course of the inquiry and the oral and written evidence presented to us, it is clear that overcrowding is having a hugely damaging impact on the delivery of rehabilitative regimes across the prison estate, both in terms of quality and quantity of appropriate interventions. The challenge of delivering effective prison rehabilitation regimes is bound to be greater in overcrowded prisons. Nonetheless, models of good practice do exist and we discuss these later in this report. Regrettably, overcrowding is likely to remain a feature of our prison system for the**

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14 Prison Service Monthly Bulletin, October 2004; *Population in Custody, October 2004*; Q 483; International Centre for Prison Studies, King's College London, *Prison Brief for United Kingdom* (November 2004)

15 Q 69

16 Ev 149 (para 5.1.2)

17 Ev 208 (para 6)

**foreseeable future. It should not be used to excuse failures to replicate and translate these models of good practice on a wider scale and to address areas of weakness.**

## Purposeful activity

28. ‘Purposeful activity’ within prison encompasses various activities including time spent at work, education, training, physical education, and other activities such as offending behaviour programmes; it does not include association with other prisoners or time spent outside the establishment.<sup>18</sup> Until 2004, the Prison Service had a Key Performance Indicator (KPI) target for purposeful activity. This was that every prisoner should spend on average 24 hours per week engaged in purposeful activity. The Prison Service has only met its purposeful activity KPI once in the last eight years. In 2002–03 only 44% of prisons met the purposeful activity target, with the average across the prison estate as a whole being 22.6 hours per prisoner each week spent in purposeful activity. Mr Martin Narey, the Chief Executive of NOMS, told us that in 2003 the Prison Service increased activity hours for prisoners by about two and half million; however, this increase “was absorbed entirely by the increase in the population of 2,000 people, so the average 23.4 [hours of purposeful activity per prisoner] did not shift at all despite this huge expansion in work.”<sup>19</sup>

29. In July 2004 it was announced that in 2003–04 the average had been 23.2 hours per week, a small improvement on the previous year but still falling short of the target.<sup>20</sup> The Prison Service commented that

“This KPI is becoming increasingly difficult to meet as population escalates. On average the number of weekly hours of activity per prisoner was below target, however there has been an improvement on last year and efforts continue to increase the amount of genuinely constructive activity available to prisoners.”<sup>21</sup>

30. The Prison Service has recently abandoned the purposeful activity KPI. In February 2004, the Director General of the Prison Service, Mr Phil Wheatley, stated that the KPI was—

“a target which was never properly resourced and was in danger of distracting us from our more important work in reducing re-offending, particularly delivering education and offending behaviour programmes.”<sup>22</sup>

31. The Home Office has confirmed that with effect from 2004–05 purposeful activity has ceased to be a KPI. They gave the following explanation of this decision:

“The focus of the Prison Service in terms of rehabilitation has changed from the hours of activity delivered to measures that reflect positive outcomes for prisoners

18 The full range of activities defined as ‘purposeful activity’ also includes “tackling substance abuse, including prisoner drug rehabilitation and detoxification programmes, anti-bullying initiatives, pre-release work, family visits and a range of work responsibilities within the prison and in prison farms and gardens” (Ev 301).

19 Q508

20 Prison Service press release, 15 July 2004

21 Home Office Planning Group, *Briefing on Prison Service KPI Performance for 2003–04* (issued 8 July 2004)

22 From a speech delivered to the Prison Service annual conference; quoted in Enver Solomon, *A Measure of Success: An analysis of the Prison Service’s performance against its Key Performance Indicators 2003–04* (Prison Reform Trust, August 2004), p 11

prior to and after release. In recent years performance indicators and targets have been introduced in respect of basic skills qualifications, drug treatment programmes and the number leaving prison with an education, training or employment place arranged. These measures provide a clearer demonstration of work being undertaken in prisons to reduce re-offending.”

The Home Office added that “Purposeful Activity remains an important measure and has been retained as lower level Key Performance Target for each establishment”.<sup>23</sup>

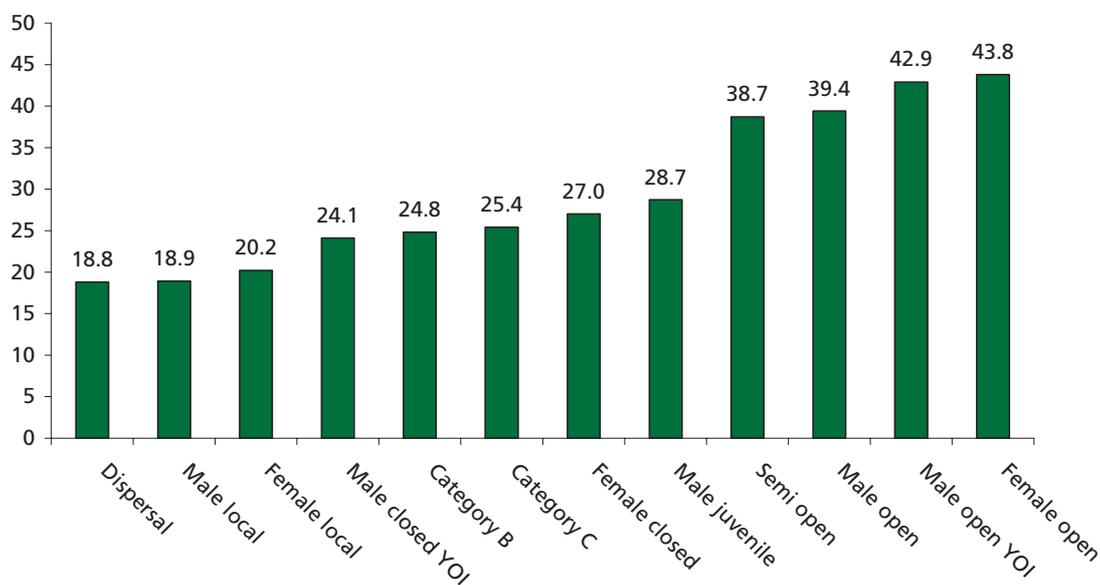
32. The table and graph below illustrate the variation in hours of purposeful activity across the prison estate by prison category and activity type. It will be seen that there is a great degree of variation. On average, prisoners in open prisons spend the most time engaged in purposeful activity. Prisoners in dispersal and male local prisons spend the least time engaged in such activities.

#### Purposeful activity by category of prison

	Classroom education	Vocational workshops	Production workshops	Exercise	OBP	Other	Total Purposeful Activity
Dispersal	3.2	2.3	2.3	2.1	0.7	8.1	18.8
Male local	2.7	1.1	2.2	1.7	0.2	11	18.9
Female local	4.2	0.8	1.4	1.2	0.3	12.2	20.2
Male closed YOI	5.5	1.9	1	3.6	0.3	11.7	24.1
Category B	3.6	2.6	3.2	1.8	0.8	12.8	24.8
Category C	3.9	1.7	4.4	2.5	0.3	12.5	25.4
Female closed	5.4	2.5	2.2	1.7	0.2	15	27.0
Male juvenile	7.3	2.6	0	4.8	0.5	13.5	28.7
Semi open	3.8	3.7	2	2.3	0	26.8	38.7
Male open	3.8	1.5	2.9	3.7	0.1	27.4	39.4
Male open YOI	7.9	4.4	0	9	1.2	20.5	42.9
Female open	6.3	2.6	0	1.1	0	33.8	43.8

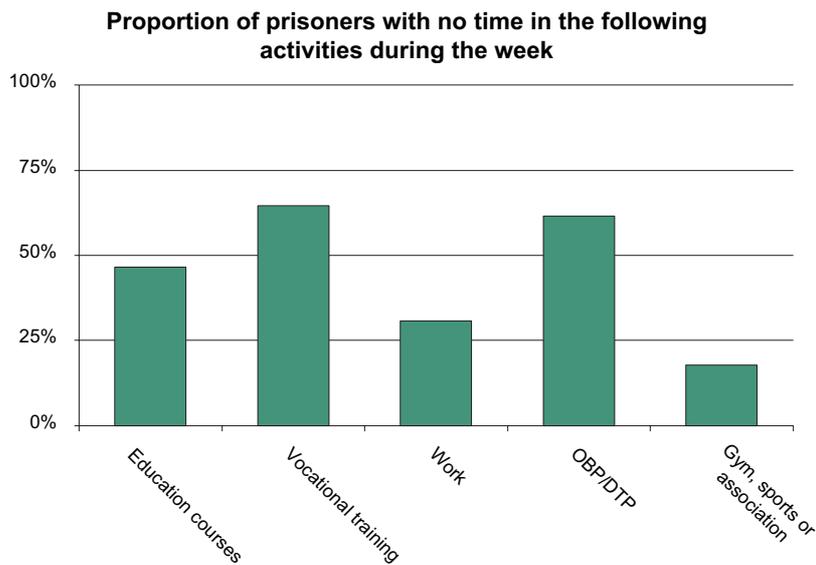
Source: HMPS April 2004

Hours spent on purposeful activity by category



33. As a means of cross-checking the Prison Service's statistics, we conducted a 'Prison Diary Project' aimed at finding out from prisoners themselves how much time they spend out of their cell engaged in useful activities. We wrote directly to 1,036 randomly selected prisoners in six establishments (HMPs Brockhill, Elmley, Springhill, Swaleside and Wolds, and HMYOI Aylesbury). The prisoners invited to take part in the project were provided with a diary booklet, which contained an entry for each day of the week, with questions to be completed by way of tick boxes. Each prisoner taking part was provided with a pre-paid envelope in which to return the completed diary. From analysis of the diaries, we have gained an insight into the number of hours prisoners in each of the six prisons routinely spend in education, vocational training, rehabilitative programmes, work schemes and leisure activities (e.g. gym, association). A total of 299 prison diaries were completed and returned to us. After allowing for 71 forms that were returned by the prisons because prisoners had been released or transferred, this gave a response rate of 31%. Full details of the methodology of this project are given in Annex 4.

34. The purposeful activity statistics obtained from our Prison Diary Project present a picture which is significantly bleaker than that provided by Home Office statistics. The chart below shows the proportion of prisoners who told us that they spend no time each week engaging in each main category of activity. These statistics raise serious concerns. Over 60% of prisoners told us that they spent no time in vocational training or offending behaviour programmes/drug treatment programmes, 47% spent no time in education and 31% no time in prison work. One in six spent no time during the week in sporting or gymnasium activities or in association.



35. One respondent to our Prison Diaries project contrasted the levels of purposeful activity in his present prison and in a previous prison which he claimed was comparable in size and other respects:

“I find it hard to understand why I have spent 12 hrs out of my cell in the last 8 days ... that is ridiculous when you know that in 8 days there are 192 hrs. I am serving 8 yrs I need to get as many courses under my belt as I can. So I ask for the things what interest me. They say there are long waiting lists. ... Basically from the inside to me it feels like we have been locked away and forgotten about to give the public a break. The jail I’m in now should operate no different from the one I just came from they was poor staffed and managed to get us out of our cell 43 hrs in 8 days which is a massive difference. I wake up at 745 am and am lucky to get a full 30 mins on the exercise yard. Then I am locked away until 6 pm. Association till 745 pm that has been my routine. All locking prisoners up does is mentally scars us.<sup>24</sup>”

36. The Prison Diary responses revealed that, in general, most prisons that had a particularly high level of one type of purposeful activity had correspondingly low rates of other types of activity. Hence HMPs Springhill and Swaleside, which had high levels of participation in prison work, had lower than average levels of education and vocational training courses. HMP Brockhill and HMYOI Aylesbury had higher levels of education and vocational training courses, but lower levels of prisoners engaged in work. HMP Wolds was something of an exception, with prisoners having above-average levels of activity in education, vocational training and prison work as well as gym, sports and association. A more detailed analysis of the prison regimes operating at the six prison establishments which took part in our Prison Diary Project is provided at Annex 4.

**37. The Prison Service has repeatedly failed to meet its target of providing an average of 24 hours’ worth of purposeful activity for each prisoner per week. The situation may be even more serious than the official figures suggest. Data from our Prison Diaries Project, based on direct contacts with prisoners, indicates that disturbingly high proportions of prisoners are engaged in little or no purposeful activity. Very few**

prisons provide for adequate amounts of purposeful activity across all, or even most, or the main categories of such activity. The reasons for this include overcrowding and disruptions to educational, vocational and treatment programmes caused by prisoner transfers, reduced prison staffing levels and generally poor administration. The consequences for prisoners are too many hours ‘banged up’ up their cells, with an adverse impact on their mental and physical health, and missed opportunities for rehabilitation.

38. It is regrettable that the purposeful activity Key Performance Indicator has been abandoned. Although the Home Office claims that this reflects a change in focus from “hours of activity” to “measures that reflect positive outcomes”, it is difficult to avoid the suspicion that the KPI has been dropped to avoid embarrassment arising from the Prison Service’s continuing failure to meet the target. We welcome the introduction of performance measures and targets relating to particular qualifications obtained and programmes attended. However, we believe that a target relating to overall hours spent in purposeful activity is useful as a means of monitoring the level of such activity and a stimulus to providing it. We recommend that the KPI should be reinstated.

### Management of transfers

39. The steep rise in the prison population has meant that transfers between prisons occur more frequently, as prisoners are moved around to fill available space. This in turn causes disruption to rehabilitation programmes across the estate.

40. In 2000–01 there were at least 60,000 transfers between prisons. This was in the context of an overall prison population of about 65,000. In 2003–04 there was a massive increase, to over 100,000 prisoner transfers.<sup>25</sup> At the end of February 2003, 27,000 prisoners (over one third of the prison population) were held over 50 miles from their committal court town and 12,500 were held over 100 miles away.<sup>26</sup> As a result of the current levels of transfers, prisoners often cannot obtain access to the rehabilitation programmes they need, or they are transferred from a prison before they have a chance to start or when they are in the middle of the programme they need. HM Chief Inspector of Prisons, Ms Anne Owers, has criticised the Prison Service’s failure to limit and effectively manage transfers in order to minimise their impact on the prison rehabilitative regime:

"transfers do have a huge effect [on rehabilitation]... I do not think it is always managed as well as it could be. I do recognise that the pressure on the front end of the prison system at the moment means that the pressure on managers and those managing the population is to find spaces, but it does have a very damaging effect. I think we need to look at it more from a regional area focus..."<sup>27</sup>

41. **We are critical of the management of transfers of prisoners across the prison estate which appears to be more ad hoc and pragmatic than strategic in design. The very high levels of transfers have a direct and significant negative impact on rehabilitation measures, both through disruption caused to intervention programmes and failure to**

25 Ev 275

26 Ev 203 (para 6.1)

27 Q 167

provide prisoners with the particular interventions they need, as identified through assessment and sentence planning.

42. The Committee was impressed with the manner in which transfers are handled in Germany, which is based on a federal system. On conviction, offenders are transferred back to prison in their home region (*Land*). This has the four-fold benefit of (i) reducing transfers during sentence, (ii) increasing stability in sentence planning, (iii) allowing prisoners to maintain links with family and local community, and (iv) assisting prisoners' resettlement on release. We recommend that the National Offender Management Service turn its attention to reducing transfer rates as part of its regionalisation policy.

### Reconviction rates

43. Reconviction is generally used as a measure of re-offending. The table below sets out the two-year reconviction rates for those given community penalties and those given custodial sentences in 1999. 59% of adult offenders discharged from prison in 1999 were reconvicted within two years of discharge.<sup>28</sup> The reconviction rate for young offenders over the same period is higher than those for adult offenders, standing at 74% in 1999 for young male offenders. The Social Exclusion Unit has assessed that re-offending by ex-prisoners costs society at least £11 billion per year.<sup>29</sup>

Two year reconviction rates for those given community penalties and those given custodial sentences (1999)

	Community Penalty	Custodial sentence
Males	57%	59%
Females	47%	55%
All persons	56%	59%

44. It is arguable that two-year reconviction rates are unsatisfactory yardsticks against which to measure re-offending rates, for several reasons:

- Not all offenders who re-offend will be caught or prosecuted.
- First offenders and those subject to more intensive supervision are more likely to be caught re-offending.
- Comparing reconviction rates for different sentence types or different sentence lengths can be misleading.
- An ex-prisoner's further offence or offences may be less serious and more infrequent than their previous offences.
- Some serious offences, like domestic murder, have very low re-offending rates.

Two-year reconviction rates are therefore not sufficiently sophisticated to present a completely accurate reflection of the offending behaviour habits of ex-prisoners.

28 Home Office, *Prison Statistics England and Wales 2002* (2003)

29 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (July 2002)

45. Comparisons between the reconviction rates for community punishments and those for custodial sentences are also problematic. As the two types of disposal are generally targeted at different types of offender, it is not easy to conclude definitively whether one is more effective than the other. Further, the likelihood that offenders will offend again after going through the criminal justice system is influenced by a prisoner's characteristics and criminal history.<sup>30</sup>

**46. We conclude that reconviction rates should remain the central focus against which re-offending is measured. However, the two-year post-release snapshot is a blunt measuring tool. Currently no differentiation is made between different types of offenders. As such, the current measure is too basic to provide an accurate assessment of the effective prison rehabilitation regime. We suggest the adoption of a more sophisticated measure which includes criteria based on an offender's sentence length and offence type.**

## 3 Recent Government Initiatives

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### A time of rapid change

47. In the mid-1990s, escapes from prisons, particularly by convicted terrorists, led to an emphasis on improving security. The need to keep prisoners in safe custody was seen as a higher priority than tackling prisoners' behaviour and rehabilitation initiatives. A reduction in constructive work with prisoners coincided with a rise in the prison population. In 1998, following a significant decline in the number of escapes, the Government allocated the Prison Service an additional £155 million over the period 1999–2002 to spend on programmes aimed at reducing re-offending and on factors which research suggested could contribute to re-offending, specifically drugs misuse, and poor literacy and numeracy.<sup>31</sup>

48. As part of its programme of reform to tackle crime and reduce re-offending, the Government has in the last few years conducted a number of wide-ranging reviews of rehabilitation initiatives, work regimes operating within the prison estate, and of the role of custody. These reviews have proposed reforms to sentencing policy, the prison regime and the management of offenders inside and outside prison. The intention is to provide a robust framework for reduced dependence on prison by offering sentencers and the public credible non-custodial sentences, a prison regime better able to address the causes of offending behaviour and enable ex-prisoners to live productive lives, and improved supervision and support of prisoners in the community.

49. In this section of our report, we summarise the findings of these major recent reviews and the Government proposals made in response to them—now in process of being implemented. Our inquiry has been conducted at a time of rapid change, most notably in relation to the introduction of the National Offenders Management Service and the new

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30 Ibid.

31 Committee of Public Accounts, Fifty-third Report of Session 2001–02, *Reducing Prisoner Re-offending* (HC 619), para 11

sentencing framework provided by the Criminal Justice Act 2003. We discuss the Government's reforms and assess their implementation insofar as they relate to rehabilitation.

## Social Exclusion Unit report (2002)

50. In 2001, the Government commissioned its Social Exclusion Unit<sup>32</sup> to investigate what steps could be taken to stop repeat offending. This was in response to concern about the high rates of re-offending by ex-prisoners. The Unit's report was published in July 2002.<sup>33</sup> In a foreword, the Prime Minister expressed his commitment to rehabilitation of prisoners in the following terms:

“People who have been in prison account for one in five of all crimes. Nearly three in five prisoners are re-convicted within two years of leaving prison. Offending by ex-prisoners costs society at least £11 billion a year. This all tells us we are failing to capitalise in the opportunity prison provides to stop people offending for good.

We need to make sure that a prison sentence punishes the offender, but also provides the maximum opportunity for reducing the likelihood of re-offending. That means we need to redouble efforts to rehabilitate prisoners back into society effectively.”

51. The report stated that “prison sentences are not succeeding in turning the majority of offenders away from crime.”<sup>34</sup> It identified a number of complex factors behind the increasing reconviction rates in the 1990s, including:

- an erosion in post-release support for short-term prisoners
- changes in benefit rules for prisoners
- a sharp rise in social exclusion, in areas such as child poverty, drug use, school exclusion and inequality.

52. In assessing the cost of re-offending by ex-prisoners, the Social Exclusion Unit reported that a re-offending ex-prisoner was likely to be responsible for costing the criminal justice system an average of £65,000. On top of this was the cost of a prison sentence imposed at crown court, averaging around £30,500 (made up of court fees and other legal costs) and the cost of a prison place, averaging £37,500 per year.<sup>35</sup>

53. The report recognised that “many prisoners have experienced a lifetime of social exclusion” and identified nine key factors that influence re-offending: education; employment; drug and alcohol misuse; mental and physical health; attitudes and self control; institutional and life skills; housing; financial support and debt; and family networks.

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32 Set up in 1997 as part of the Cabinet Office; now transferred to the Office of the Deputy Prime Minister (ODPM).

33 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (July 2002)

34 Of prisoners sentenced in 1997, 58% were reconvicted of another crime within two years, with the system struggling particularly to reform younger offenders: 18-20 year old male prisoners were reconvicted at a rate of 72% over the same period (Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (July 2002), from the summary).

35 HC Deb, 19 July 2001, col 343W

54. In investigating what works in tackling the problems of offenders, and reducing re-offending, the report found some limited examples of good practice across the prison estate. It noted that offending behaviour programmes “can reduce reconviction rates by up to 14%”, whilst the RAPt Alcohol and Drug Addiction Recovery Project can reduce reconviction rates by 11% amongst the two-thirds of prisoners who complete its programme. However, the Unit was critical of the absence of a unified rehabilitation strategy:

“No one is ultimately responsible for the rehabilitation process at any level—from national policy, to the level of the individual prisoner. Responsibility and accountability for outcomes can be very unclear. The problems in prisoners’ lives are often highly complicated and inter-related. They require a co-ordinated multi-agency response, within prison, across the crucial transitions between community and custody, and sustained long after release. Without this, they are likely to fall into the gaps between services.”<sup>36</sup>

55. The Unit found that joint-working mechanisms were not robust, nor were they backed by shared targets or up-to-date management information, with the result that opportunities for innovation in rehabilitation work were far too limited. In addition, the system was not designed to deal with the different factors affecting the re-offending of certain groups, particularly women, young adults, black and minority ethnic groups and remand prisoners. The report concluded that long-term change was needed “to ensure that all those dealing with prisoners and ex-prisoners make the maximum possible impact on re-offending.”<sup>37</sup>

56. The main recommendations in the Unit’s report are set out in the box on the following page.<sup>38</sup>

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36 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (July 2002), p 9

37 *Ibid*, p 10

38 *Ibid*, pp 10–11 and 121

### Social Exclusion Unit report recommendations (2002)

- i. Prison should only be used where absolutely necessary. In particular, (a) the overall value of short prison sentences should be acknowledged as doubtful in many cases with the negative effect compounded by the lack of post-custody supervision, and (b) improvements should be made to diversion schemes in court to identify severely mentally ill persons before they are placed in prison and to provide them with appropriate mental health care.
- ii. There should be a long-term, wide-ranging National Rehabilitation Strategy involving a cross-government approach to rehabilitation and reducing re-offending.
- iii. Each individual prisoner should have a 'Going Straight Contract', delivering an integrated approach to rehabilitative programmes and support and tailored to his or her circumstances. The Contract should be based on a comprehensive assessment of need, with a full programme of activities and support devised by a case manager to cover the prisoner's entire sentence, in and out of custody.
- iv. Measures should be taken at national level to tackle financial and housing need among newly released prisoners.
- v. Effective reception and resettlement procedures should be developed, to improve access to housing, healthcare, benefits, employment, education and training.
- vi. There should be an increase in the range and number of programmes and support available in the community in areas such as education and training, mental health, drugs and alcohol treatment and family support.

*Source: Social Exclusion Unit, 'Reducing re-offending by ex-prisoners' (July 2002), pp 10–11 and 121*

### Prison Industries Review (2003)

57. As part of its ongoing audit of the prison regime, the Prison Service in 2003 commissioned an internal review of the strategic oversight and management of public sector prison industries.<sup>39</sup> The Prison Service was concerned to address wastage, maladministration and other weaknesses within the system in order to develop a workable strategy for prison industries. The Prison Industries Review's terms of reference were to review the purpose, structures and operation of prison industries (defined as including prison workshops and contract services activities but *not* vocational training workshops, laundries, prison kitchens or land based activities). It was charged with identifying a strategy for prison workshop-based activities that would contribute to the Prison Service's objective of providing prisoners with purposeful and cost-effective out of cell activity at the same time as improving their employment prospects post-release.

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<sup>39</sup> The review was conducted under the auspices of the Prison Service Headquarters Review Programme.

58. The Prison Industries Review reported in July 2003.<sup>40</sup> The report criticised the failure of the Prison Service to define the role of prison industries. It stated that—

“it is indefensible that the Service has reached the point that it cannot find enough work or purposeful activity for prisoners (and with the expected continued increases in the prisoner population this will only be further exacerbated) whilst it has to find funds to purchase goods it doesn’t have the capacity to make”.<sup>41</sup>

59. We summarise and discuss the detailed findings of the Review in our section dealing with prison work at paragraphs 147 to 154 below.

### Home Office rehabilitation target (2002) and standard (2004)

60. In 2002, the Home Office identified seven aims to inform and direct its core activities and business. Aim 4 related to rehabilitation. It committed the Government:

“to deliver effective custodial and community sentences to reduce re-offending and protect the public, through the prison and probation services in conjunction with the Youth Justice Board.”

At the same time the Home Office adopted ten Public Service Agreement (PSA) targets. PSA target 5 included a commitment to reduce the rate of all offenders punished by imprisonment or by community supervision by 5% by 2004 compared to the predicted rate.<sup>42</sup>

61. In the 2004 Spending Review, announced in July 2004, the Home Office announced five high-level ‘objectives’ which would replace the previous seven ‘aims’. Objective II was that “more offenders are caught, punished and *stop offending* [our italics], and victims are better supported”. Seven new PSA targets were announced at the same time, replacing the previous ten. These seven targets contain no mention of rehabilitation, which is now dealt with in a ‘standard’, to be “achieved and maintained”. The standard is to:

“Protect the public by ensuring there is no deterioration in the levels of re-offending for young offenders, for adults sentenced to imprisonment and adults sentenced to community sentences, maintaining the current low rate of prisoner escapes including Category A escapes.”

62. In defence of its decision to replace a rehabilitation target with a ‘standard’, the Home Office has argued that the provisions in the standard—

“will remain key performance indicators for the National Offender Management Service and the Youth Justice Board, and are vital contributions to the new PSAs on crime reduction, drug treatment and fear of crime / CJS confidence.”<sup>43</sup>

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40 *Prison Industries: an internal review of the strategic oversight and management of public sector prison Industries in England and Wales*, Report by the Prison Industries Review Team (July 2003)

41 Prison Industries Internal Review Report, p 63 (para 196)

42 Home Office Departmental Report April 2004

43 Home Office, Consultation on Strategic Targets 2005–06 to 2007–08 (March 2004), consultation briefing note at p 8

63. We explored the issues surrounding a target for re-offending in oral evidence from the Permanent Secretary at the Home Office, Mr John Gieve, and the Chief Executive of NOMS, Mr Martin Narey:

Mr Narey: Well, I have [Key Performance Indicators] for both the Prison and Probation Services which go much further than the PSAs which we are discussing today and cover a much greater range. I have not done a KPI in terms of closeness to home because it would be deceitful to produce one when the Service is under so much strain. ...

Mr Gieve: Can I just say on re-offending, which has been, and is, one of our PSA targets from the last Spending Review that we achieve a 5% reduction, we have got it in our new set of objectives as a standard that we should keep re-offending down, but that is really because it is part of simplifying our crime targets. However, ... we are looking to a reduction in re-offending as one principal lever, if you like, to reduce overall crime, so the fact that we have not got a separate PSA does not mean that we are relaxed on re-offending.<sup>44</sup>

64. ‘Standards’ imply a commitment to maintaining, rather than improving upon, current levels of achievement, and that to this extent it can be argued that they represent a lesser commitment by the Home Office than the targets they replace, and may therefore be less effective as a driver of performance, and less conducive to accountability.

65. The situation as outlined above is further complicated by the fact that although the Home Office, as part of the Government-wide PSA process, has replaced the 5% target for reducing re-offending with a standard committing it not to allow re-offending rates to deteriorate, it has actually retained the 5% target as an internal target. This was not announced in the Spending Review 2004, but in another document, also published in July 2004, the ‘Strategic Plan for Criminal Justice 2004–08’, which stated that:

“We will continue to protect the public by setting targets for reducing re-offending by 5%, compared to 2002–03, by 2008, leading towards 10% by the end of the decade.”<sup>45</sup>

This internal target was not alluded to in the Home Office’s ‘autumn performance report’ on progress towards meeting its targets, issued in December 2004.<sup>46</sup>

66. We asked the Home Office to explain how it could reconcile its commitment to a ‘standard’ of no deterioration in re-offending rates with an internal target of reducing them by 5%. In response, the Home Office told us that while the standard was “the minimum achievement to be delivered by the Spending Review settlement”, the “more ambitious” internal target was seen as a mechanism for achieving another PSA target, that of reducing crime by 15%. In summary,

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44 Home Affairs Committee, oral evidence taken on 20 July 2004 on *Home Office Departmental Report: Work of the Department in 2003–04*, Qq 93, 94

45 Office for Criminal Justice Reform [on behalf of the Home Office, the Department for Constitutional Affairs and the Law Officers’ Departments], *Cutting Crime, Delivering Justice: A Strategic Plan for Criminal Justice 2004–08* (Cm 6288) (July 2004), p 15

46 Home Office, *Home Office Targets Autumn Performance Report 2004* (Cm 6423) (December 2004)

“The key commitment is to reduce crime, with a further commitment that in doing so we have ensured that there is no deterioration in re-offending, and a third that we actually reduce re-offending”.<sup>47</sup>

**67. We regret the decision by the Home Office to reclassify the PSA Target 5 as a standard. Whilst we recognise that targets can have perverse effects, and we support the overall trend towards fewer and simpler targets, it is difficult to justify the dropping of this particular target. Reduction in offending is a central part of the Government’s strategy. By dropping the PSA target we are concerned that the Home Office may well undermine its own overall objective in crime reduction, and may leave NOMS without any publicly explainable measure of success. We recommend the reinstatement of the PSA target as evidence of the Government’s commitment to overhaul the current sentencing framework and to reduce the numbers of offenders sentenced to prison and community supervision. This would be in line with the Carter Report and the initiatives it has recently introduced.**

**68. We do not regard the adoption by the Home Office of an ‘internal target’ of reducing re-offending by 5% as an acceptable substitute for the dropped PSA target. An internal target is inevitably seen as representing less of a public commitment than a PSA target agreed with the Treasury. We note that this internal target was announced unobtrusively, and was not mentioned in the Home Office’s latest report on progress in meeting its targets. We also regard it as inherently confusing that the Home Office is simultaneously committed to ‘no deterioration in re-offending rates’ and to a quantified reduction in those rates.**

### **‘Measuring the Quality of Prison Life’ Audit**

69. The Prison Service’s Standards Audit Unit introduced “Measuring the Quality of Prison Life” (MQPL) in 2002 as a method by which to measure prisoners’ perceptions of prison life and obtain a ‘temperature gauge’ of a prison’s social climate.<sup>48</sup> The Unit conducts a survey of prisoners (through a written questionnaire sent out to randomly selected groups of prisoners) in each prison establishment every two years. Questionnaire statements are grouped into 16 dimensions addressing aspects of prison life including order and security, safety, respect, development and resettlement. Responses to rehabilitation interventions are most closely linked to the four ‘development’ dimensions. An MQPL visit to a prison usually takes four days and involves the participation of about 100 prisoners. The first MQPL was conducted in December 2002. To date, MQPLs have been conducted in 81 prison establishments.

70. The Standards Audit Unit has supplied us with an analysis of the key findings of the MQPL programme. Statistically significant differences are discernible across the five categories of prison types (training prisons, women’s closed prisons, young offenders institutions, open prisons and local prisons). 50% of the statistical differences were found in those dimensions most obviously related to rehabilitation, implying a vast disparity in prison rehabilitation regimes across the different prison types. Local prisons produced the

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<sup>47</sup> Ev 309

<sup>48</sup> Ev 287 ff

most negative results overall in relation to rehabilitation. The statistics most relevant to our inquiry are set out below.

- Whilst 52.7% of prisoners considered that their time in prison “seems like a chance to change”, a significant 72% of prisoners did not agree that “every effort is made by this prison to help prisoners stop committing offences on release from custody”.
- Over 60% of prisoners did not agree with the statement that “this prison allows me to make good use of my time”.
- 61.4% of prisoners did not feel that the prison in which they were held encouraged them to think and plan for their release.
- 67.2% of prisoners did not agree that they were being helped to lead a law-abiding life on release in the community.<sup>49</sup>

## The new sentencing framework

71. The Government, Prison Service and senior judiciary have for some time been aware of the negative impacts of the rising prison population and unacceptable levels of prison overcrowding, and the consequences for the prison system’s capacity to rehabilitate offenders. The Halliday report in 2001 recommended the creation of a new sentencing framework in order to tackle these problems.<sup>50</sup> The Government accepted the Halliday report’s conclusions, and made provision by means of the Criminal Justice Act 2003 for setting up the new framework. The Act defines for the first time the purposes of sentencing, which include “punishment, crime reduction, reform and rehabilitation, public protection and reparation.”<sup>51</sup> It replaces the various kinds of community order previously available with a single community order with a range of possible requirements, including unpaid work, prohibited activity, curfew, mental health treatment, drug or alcohol treatment and supervision.<sup>52</sup> These can be attached to a number of different options, considered below. The Act also creates a Sentencing Guidelines Council with responsibility for issuing a comprehensive code of sentencing guidelines over the next four or five years. The aim is to eliminate inconsistency, and to make sentencing more systematic and coherent. The overall result is likely to be similar to the penal codes adopted in many other jurisdictions.

### *New Community Sentences*

72. The Act introduces a range of sentencing choices designed to reduce the size of the prison population, including:

- a) Community sentences: these will be made up of one or more requirements (as listed in the previous paragraph) seeking to address the causes of offending, and involving a

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49 Ev 292

50 Home Office, *Making Punishments Work: Report of a Review of the Sentencing Framework for England and Wales* (July 2001). The review was chaired by John Halliday, former Director of Criminal Justice Policy at the Home Office.

51 Explanatory Notes, para 6

52 Criminal Justice Act 2003 [henceforward ‘CJ Act 2003’], s177

challenging amount of work and thought on the part of offenders, combined with supervision.

- b) Custody Plus: sentences of less than 12 months that will include a short period in custody, followed by a substantial period (at least 26 weeks) of supervision and rehabilitation requirements served in the community.
- c) Custody Minus: a community sentence with a short suspended prison sentence which is imposed if the offender breaks the conditions of the community sentence.
- d) Intermittent Custody: prison sentences to be served at weekends, and to be combined with restrictions or obligations during the period spent in the community.
- e) Deferred Sentences: these will be subject to the fulfilment of similar community obligations.

Longer sentences of more than 12 months will result in automatic release at the half-way point, but accompanied by similar community requirements and supervision for the whole of the rest of the sentence. Violent and sex offenders who are considered dangerous will be subject to extended or indeterminate sentences, with parole board review.

73. The Act provides that the particular requirements that will form part of the community sentence must be the most suitable ones for the offender, and that restrictions on the liberty of the offender, such as a curfew requirement, must be in line with the seriousness of the offence.<sup>53</sup> Pre-sentence drug testing is available to assist the court when it is considering imposing a community sentence or a suspended sentence.<sup>54</sup> If an offence is not serious enough for a community sentence, then a fine, conditional discharge or absolute discharge will be imposed.<sup>55</sup>

74. As with community sentences, a court cannot impose a custodial sentence except where the offence, taken in combination with any past offences, merits it.<sup>56</sup> The Act extends the length of sentence which can be imposed by a magistrate, from 6 months to 12 months.<sup>57</sup>

**75. We endorse the extension of community penalties and the range of ‘hybrid’ prison and community sentences introduced by the Criminal Justice Act 2003. Both sentencers and the public have an overwhelming interest in sentencing which rehabilitates offenders and reduces the rate of re-offending. We support the development of more extensive and intensive supervision of offenders as both an alternative to, and an extension of, custodial regimes.**

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53 CJ Act 2003, s148(2)

54 CJ Act 2003, s161(1)

55 CJ Act 2003, s148(1)

56 CJ Act 2003, s152(2)

57 CJ Act 2003, s146. Some commentators have seen this as likely to result in an increase in numbers of offenders in custody: "experience shows that the magistrates' courts often tend to use their sentencing power to the maximum" (Liberty's submission to the Committee's inquiry into the Criminal Justice Bill: Home Affairs Committee, Second Report of Session 2002–03 (HC 83), Ev 77).

**76. To ensure confidence in the new sentencing regime, there must be public education about the new sentencing measures, and publicity about actual sentences imposed, to demonstrate that they are robust and legitimate alternatives to prison in terms of punishment, public protection and rehabilitation.**

**77. Enforcement of the new orders will be critical to their success and it is imperative that the Government puts in place strong enforcement machinery which is used effectively to ensure compliance with conditions or requirements imposed on Orders and their satisfactory completion.**

**78. The Committee supports the emphasis in the sentencing framework on formulating a community sentence which imposes the most suitable requirements for the individual offender.**

### *Home Detention Curfew Scheme*

79. The home detention curfew scheme was introduced with effect from 28 January 1999. Prisoners with sentences of between 3 months and under 4 years can be released up to 2 months early, subject to home detention curfew monitored by an electronic tag. In May 2002, the scheme was extended. Those with sentences of 3 to 12 months not convicted of a sexual, violent or drug-related offence<sup>58</sup> were presumed suitable for release unless there were exceptional and compelling reasons why release should not be granted. In 16 December 2002, the maximum home detention curfew period was increased from 2 to 3 months.<sup>59</sup> It was increased again from 3 to 4.5 months in 14 July 2003. In addition juvenile offenders became eligible for consideration for the scheme.

80. Home Office research on the reconviction rates for those on home detention curfew (which covered a sample of those released in 1999) indicated that those granted curfew had lower reconviction rates after the end of the curfew than those refused home detention curfew.<sup>60</sup> However, this partly reflects the fact that the chance of being released on curfew falls as the predicted risk of re-offending increases. 8.3% of those released on home detention curfew in May or June 1999 were reconvicted within 4 months compared to 31.4% of those not released on home detention curfew. Within 6 months, 9.3% of those granted home detention curfew had been reconvicted compared to 40.5% of those not granted home detention curfew.<sup>61</sup>

**81. We recognise that home detention curfew has a role to play in the Criminal Justice System. We recommend that the Government continue to monitor carefully the re-offending rates for those on home detention curfew.**

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58 Or a conviction for such an offence within 3 years of the date of sentence for the current offence. In August 2002, those with previous convictions for possession of drugs were no longer excluded from the presumptive scheme.

59 Subject to at least a quarter of the sentence being served in custody.

60 *Electronic monitoring of released prisoners: an evaluation of the Home Detention Curfew Scheme*, Home Office Research Study 222 (March 2001)

61 In order to allow for meaningful comparison between the two groups, these figures relate to offences committed after the 'normal discharge date' (i.e. the date on which the prisoners would have been discharged had they been refused home detention curfew) and exclude offences committed during the curfew period itself.

### **The Sentencing Guidelines Council**

82. The Criminal Justice Act 2003 created a Sentencing Guidelines Council to formulate guidelines relating to the sentencing of offenders (sentencing guidelines) and the allocation of cases (allocation guidelines), to enable all courts dealing with criminal cases to approach the sentencing of offenders from a common starting point. The Act also provides for the continuation of the existing Sentencing Advisory Panel.<sup>62</sup>

83. The Home Secretary can ask the Sentencing Guidelines Council to frame or revise guidelines relating to sentencing or allocation. The Council can itself decide to frame such guidelines, with or without a proposal from the Home Secretary or the Sentencing Advisory Panel. The Council is obliged to keep its guidelines under review (where they have been formally issued) and review them if appropriate. The Council is required to inform the Sentencing Advisory Panel when it decides to frame new guidelines or to revise existing guidelines. This enables the Panel to prepare advice to assist the Council. The Panel itself also has the power to advise the Council that guidelines are framed or revised.<sup>63</sup>

84. It has been agreed that the Home Affairs Committee will be included in the process of consultation on draft guidelines produced by the Sentencing Guidelines Council. The first two draft guidelines were published in September 2004, and we reported on them in November 2004.<sup>64</sup> Our report discusses the two drafts and reviews our likely future role in scrutiny of guidelines.

**85. We welcome our role in the new sentencing framework which for the first time gives Parliament a voice in influencing the guidance given to sentencers. We look forward to continuing to exercise these new responsibilities. We hope that we can assist in making the sentencing system more rational, fair and effective.**

### **The Carter Report (2003)**

86. As part of a widespread review of the criminal justice system, in March 2003 the Government commissioned the businessman Patrick Carter (now Lord Carter of Coles) to review correctional services in England and Wales, with the objective of establishing a “credible and effective system, which is focused on reducing crime and maintaining public confidence, whilst remaining affordable.”<sup>65</sup>

87. The Carter Report was published in December 2003.<sup>66</sup> It concluded that the huge increase in the use of prison and probation over the last 6 years reflects the increased severity of sentencing for specific offences rather than either an increase in the number of

62 CJ Act 2003, ss 170(1), 169. The Lord Chief Justice is Chairman of the Council which comprises seven judicial members and four non-judicial member (s 167).

63 CJ Act 2003, ss 171–71

64 Home Affairs Committee, Fifth Report of Session 2003–04, *Draft Sentencing Guidelines 1 and 2* (HC 1207), published on 4 November 2004

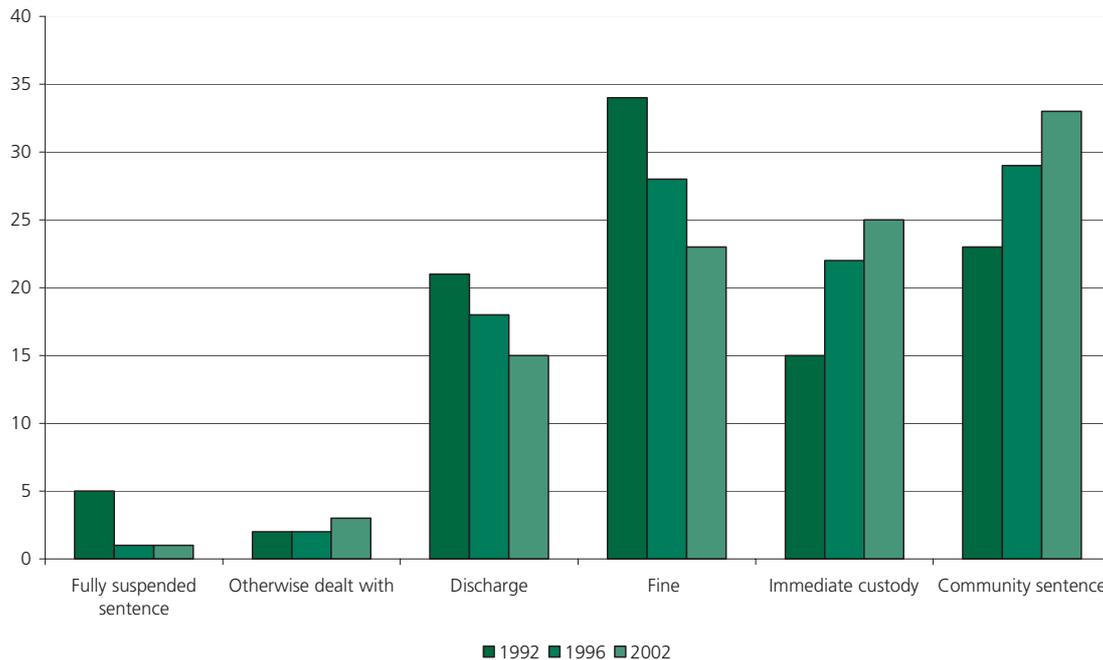
65 Patrick Carter, *Managing Offenders, Reducing Crime: A New Approach* (December 2003) [henceforward cited as ‘Carter Report’], p 13

66 See previous footnote.

offenders caught and convicted or an increase in the overall seriousness of the crimes brought to justice—both of which have remained broadly constant.<sup>67</sup>

88. The bar chart below shows all offenders sentenced for indictable offences by sentence type in England and Wales in 1992, 1996 and 2002 respectively. The chart illustrates the changing approach to sentencing over the period, with a steep increase in community sentencing and immediate custody in preference to fines, discharges or suspended sentences.

**All offenders sentenced for indictable offences, by sentence type, England and Wales, 1992, 1996 and 2002**



Source: Table 4.2, Criminal Statistics, England and Wales, 2002 (Cm 6054)

89. The Carter Report acknowledged that whilst prison is vital to protect the public, by incapacitating serious, dangerous and highly persistent offenders, the increased use of prison and probation has only a limited impact on crime and there is little evidence to suggest that increased severity of punishment is a significant deterrent to committing crimes.<sup>68</sup> The report was critical of sentencing practice, which it found to be poorly targeted, failing to get to grips with persistent offenders and too focused on offenders with no previous convictions.<sup>69</sup>

90. The report concluded that rehabilitation has an important role to play in the prison regime:

67 Carter Report, p 10. In 1991, 15% of those found guilty of an indictable offence received a custodial sentence. By 1996, this had increased to 22% and by 2001, it was 25%. There has been a similar increase in community sentencing, with 22% of convictions for indictable offences resulting in a community sentence in 1991 rising to 32% in 2001. (See Home Office, *Criminal Statistics England and Wales 2001*, Tables 7.13 and 7.2.)

68 Carter Report, p 15. In 2001, 3,387 murderers and 2,754 rapists were held in prison; and of the 100,000 persistent offenders who commit 50% of all crime, around 15,000 are held in prison at any one time.

69 Carter Report, pp 17 and <sup>18</sup>

“well-designed, well-run and well-targeted rehabilitation programmes can reduce reconviction rates by 5–10 per cent. ... The maximum effect is achieved when programmes target a spectrum of risk factors—employment and education, along with behavioural or cognitive programmes. Although drug treatment is difficult, evidence suggests that it can be cost-effective in reducing crime and social harms.”<sup>70</sup>

91. However, the report found that interventions to help reduce re-offending were ineffectively targeted, highlighting the following systemic failures:<sup>71</sup>

- a) With the increase in short term offenders and large numbers of transfers during the prison sentence, many offenders are not in the same place long enough to receive effective interventions.
- b) In probation, interventions available are largely dependent on the court order issued, which often does not address the needs of the offender.
- c) The quality of interventions varies greatly depending on the prison establishment in which the offender is held.

92. The report was critical of the lack of coherence between the prison and probation services, finding that their separation one from the other encouraged concentration on the day-to-day operation of the services rather than a more strategic approach to the end-to-end management of offenders across their sentence—with the result that “no front line organisation ultimately owns the target for reducing re-offending”.<sup>72</sup>

93. The report advocated a new approach for dealing with offenders, based on three core ‘action points’:

- i. There should be a range of targeted, credible and effective sentences that are robustly enforced. Fines should replace community sentences for low-risk offenders. Community penalties should be made more demanding, with three levels available (*Community Punishment*, *Community Rehabilitation* and *Intensive Supervision and Monitoring*),<sup>73</sup> depending on the risk assessment of the particular offender. More extensive use should be made of electronic monitoring and satellite tracking.
- ii. The judiciary should play a new role in managing demand for probation and prisons, to ensure greater consistency of sentencing practice based on sentencing guidelines informed by evidence of what reduces offending and makes cost-effective use of existing capacity.<sup>74</sup>

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70 Carter Report, p 16

71 Carter Report, p 19

72 Carter Report, p 23

73 *Community Punishment* would involve the local community but be more visible than current community sentences; *Community Rehabilitation* would tackle offenders’ risk-assessed needs including education, drugs, thinking and behaviour; and *Intensive Supervision and Monitoring* would be for persistent offenders, requiring a minimum number of hours of supervision a week, including attendance at programmes as well as surveillance through tagging.

74 Carter Report, p 31

- iii. A National Offender Management Service should be established, combining the functions of the present Prison and Probation Services. It should have a clear objective to punish offenders and reduce re-offending. Headed by a single Chief Executive, it should be responsible for the end-to-end management of the offender throughout his sentence, based on evidence of what works to reduce re-offending and regardless of whether the offender is serving a custodial or community service.<sup>75</sup>

94. The Government fully endorsed the Carter Report and drew heavily on its recommendations in its proposals “to improve the effectiveness of the criminal justice system and in particular correctional services” set out in a white paper published in January 2004.<sup>76</sup> The Government is now in process of implementing the Carter Report’s three core action points through the implementation of the new sentencing provisions in the Criminal Justice Act 2003, and the creation of a new Sentencing Guidelines Council, which we have discussed in paragraphs 71–85 above; and through the establishment of a National Offenders Management Service, which we discuss in paragraphs 79–108 below.

### Reducing Re-offending National Action Plan (2004)

95. In July 2004, the Government published its *Reducing Re-offending National Action Plan*.<sup>77</sup> This National Action Plan “aims to address the concerns raised in a number of important reports on the issue, such as the Social Exclusion Unit’s report.”<sup>78</sup> It sets out over 60 action points which have been agreed across Government and are designed to cover “all the key areas, or pathways, to support the rehabilitation of offenders, in a concerted effort to reduce re-offending.”<sup>79</sup> For each action point, the National Action Plan suggests complementary activity at regional and local levels. A cross-government board of senior officials, chaired by the Chief Executive of NOMS and including representatives from key government departments, will oversee the delivery of the Plan.<sup>80</sup>

96. A summary of the main provisions of the National Action Plan is set out in the box on the next page.

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75 Carter Report, p 33

76 Home Office, *Reducing Crime—Changing Lives: The Government’s plans for transforming the management of offenders* (January 2004)

77 Home Office, *Reducing Re-offending National Action Plan* (July 2004) [henceforward ‘National Action Plan’]

78 Ibid, Introduction by Paul Goggins MP, Parliamentary Under-Secretary of State, Home Office

79 Ibid.

80 Departments represented included those responsible for health, education and training, employment and housing.

### **National Action Plan on Reducing Re-offending (2004): Key Recommendations**

#### ***a) Framework for Reducing Re-offending***

- Develop and implement multi-agency regional strategies.
- Develop an effective case management approach.
- Establish processes through which agencies can communicate with each other.
- Respond to the diverse needs of individual offenders.
- Work with juvenile offenders.

#### ***b) Accommodation***

- Short term: Identify offenders' housing needs and increase number of offenders released with known addresses.
- Medium Term: Housing Advice.
- Longer Term: Accommodation Strategy.

#### ***c) Education, Training and Employment***

- Develop a new integrated Learning and Skills Service.
- Devise arrangements for partnership working.
- Publish strategy for working with the voluntary and community sector.
- Develop strategy for a more coherent information and advice service to help plan learning in custody and after release.
- Integrate vocational training into education in prisons.
- Improve standards of learning and training in prison.
- Engage with employers.

#### ***d) Mental and Physical Health***

- Develop service-wide strategy for offenders in the community.
- Issue guidance on improving continuity of care.
- Provide practical advice to prisoners on how to access healthcare.
- Improve healthcare information sharing and develop guidance for healthcare staff.
- Develop NHS Women's Mental Health Strategy and a National Service Framework for the healthcare of women prisoners.

#### ***e) Drugs and Alcohol***

- Review of CARATS [Counselling, Assessment, Referral Advice Throughcare]
- Research relating to women's substance misuse and offending.
- Develop short duration drug programme for short-term prisoners.
- Initiate joint pilot to develop a supportive strategy for short-term prisoners with substance misuse problems.
- Introduce alcohol strategies.

**f) Finance, Benefit and Debt**

- Bridge finance gap between release from prison until first benefit payment.
- Examine possibility of easing access to Social Fund Loans for ex-prisoners.
- Develop strategic approach to increase numbers of long-term prisoners who are able to save money during their time in custody to have sufficient income to cover them on release.
- Improve offenders' access to financial services and advice.

**g) Children and Families of Offenders**

- Implement *Every Child Matters* Green Paper.
- Devise method to capture information regarding a prisoner's family circumstances (at all points from arrest to imprisonment to release).
- Improve quality and quantity of education on parent craft, family relationships, healthy living, life skills and sex education.

**h) Attitudes, thinking and behaviour**

- Develop strategies to enhance the effectiveness of offending behaviour programmes.
- Develop programmes specifically for women offenders.

97. We welcome the Government's publication of its National Action Plan, which has been awaited since 2002. We support the Plan's approach in setting out complementary activity at national, regional and local levels and its emphasis on 'joined-up working' across Government, through information sharing between agencies and the development of partnerships to support regional working.

98. However, we are disappointed at the elementary nature of many of the National Action Plan's action points: for example, establishing processes through which agencies can communicate, developing an accommodation strategy for ex-prisoners in the long term, and developing guidance for healthcare staff. Many of these issues have already been explored in detail and best practice identified, in other recent reports and reviews, and in evidence submitted to our inquiry. We recommend that the National Action Plan should be reissued in an expanded form, incorporating the key recommendations of these reviews and current best practice and setting clear timetables for their implementation. Further, we recommend that the Home Office should report annually to Parliament on the progress made in implementing the Plan. This reporting should take the form either of a detailed Written Statement or a memorandum submitted to this Committee.

## The establishment of NOMS

99. On 6 January 2004, in an instant response to the Carter Report published the same day (see paragraphs 86–94 above), the Government announced the establishment of an integrated National Offender Management Service (NOMS) which would have the twin aims of reducing re-offending and providing end-to-end management of offenders.

100. NOMS was formally established on 1 June 2004. Its Chief Executive, Mr Martin Narey, has set out his five-year strategy.<sup>81</sup> He intends that NOMS will, over this period—

- i. Reduce re-offending and crime and provide genuine end-to-end management of offenders, whether in custody or the community, appropriately balancing the need for punishment and the protection of the public with helping offenders to address the causes of their offending.
- ii. Work with partners in other agencies, and service providers in the public, private and voluntary sectors, and offer sentencers and offenders a coherent and comprehensive range of support and interventions designed to reduce re-offending.
- iii. Engage with sentencers locally and nationally, and provide them with professional, appropriate and timely advice both in individual cases, and on the impact and outcomes of their collective sentencing decisions.

101. It was originally intended that NOMS would have a regional structure. Ten Regional Management Boards (coterminous with the nine English regions and Wales) would have responsibility for commissioning, offender management and employing the staff involved in offender management. Each Board would be chaired by a Regional Offender Managers (line managed by the National Offender Manager), and would have responsibility for (i) specifying, procuring and commissioning the delivery of interventions (including custody places, accredited programmes and other interventions) from a range of providers, (ii) undertaking risk assessments, (iii) working with the courts and (iv) managing the offender throughout his or her whole sentence. The Regional Offender Managers would have responsibility to establish firm links with other structures, including local authorities, community and neighbourhood networks.<sup>82</sup>

102. On 7 May 2004, Mr Narey sent a consultation letter to stakeholders focusing on the proposed new structure for NOMS. The responses to this consultation revealed widespread resentment at the speed of the changes and perceived inadequacies of the consultation process, uncertainty as to how the changes will affect the organisation of prison and probation staff, anxiety as to the possibility of redundancies, and concern over the failure hitherto to publish a detailed business case for the creation of NOMS.

103. The National Association of Probation Officers (Napo), the trade union and professional association for family court and probation staff, has argued to us that the case for NOMS as the most appropriate vehicle to achieve the Government's strategic objectives has still not been made out. Napo has criticised the Government for the speed with which the decision to introduce NOMS was taken, without prior consultation. Napo makes three main points:

- i. Whilst the concept of offender management could improve liaison between the Prison and Probation Services, it does not of itself require the formation of NOMS.

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81 Martin Narey, "My emerging vision for NOMS", published in *Metamorphosis*, Issue 5, 10 May 2004

82 A separate administrative Commissioning Advisory Board, with members drawn from main stakeholders, such as Government Office, Court Service, Public Health, Job Centre Plus, Crime Reduction Director, Local Authorities, Police, Private, Voluntary and Community Sectors and victims, will provide a forum for discussion of commissioning issues.

- ii. The need to ‘get a grip’ on sentencing policy is not a measure dependent on the introduction of NOMS.
- iii. NOMS as proposed, based on the current models of ‘contestability’, could lead to increased competition between the Prison and Probation Services and the voluntary sector at a time when they should be seeking to work in partnership.<sup>83</sup>

104. Ms Christine Knott, formerly Chief Officer of Greater Manchester Probation, has been appointed as National Offender Manager. The first meeting of the National Offender Management Board took place on 24 May 2004 with members from across the Prison and Probation Services, trade unions, other government departments and non-executives. The Regional Offender Managers should all be in position by the end of 2004.

105. The initial plans for the ‘regionalisation’ of NOMS have suffered a setback. On 20 July 2004, the Parliamentary Under-Secretary for Correctional Services and Reducing Re-offending, Mr Paul Goggins MP, announced that the Government had decided to postpone its original proposal for the immediate establishment of NOMS’ ten regional boards and the separation of Probation staff into ‘offender management’ and ‘intervention’. The present structure based on 42 Probation Boards (coterminous with the 42 police forces) will be maintained for the present, with the disaggregation of ‘offender management’ work from ‘interventions’ work at an unspecified time in the future. Regional Offender Managers will for the present “drive” performance and the concept of offender management forward. They will also work with sentencers. Although they will technically hold the budgets for Probation Areas, this will mean relatively little until 2006–07 when it is intended that they will manage budgets for prisons as well as probation.

**106. We welcome in principle the introduction of the National Offender Management Service, although we regret the lack of prior consultation and the failure to publish a comprehensive business case. These failures have undoubtedly created unnecessary difficulties in developing NOMS. We welcome recent signs that the Government has recognised these problems. A more collaborative approach with those working in the Prison and Probation Services will produce effective change more swiftly.**

107. The Government’s National Action Plan requires each region to have a Regional Rehabilitation Strategy (initially led by the Prison and Probation Services) in place by April 2005. Each Regional Rehabilitation Strategy must identify key stakeholders and lead partners for each area of work at the regional level, as well as mapping current provision.

**108. We welcome the target set in the Government’s National Action Plan requiring each region to develop and implement a Regional Rehabilitation Strategy. We endorse the objective of collaborative inter-agency partnerships at the national, regional and local levels.**

### **Impact of current developments on the future prison population**

109. An effective strategy for rehabilitation of prisoners must take account of the likely future size of the prison population. Pressure of numbers, and the consequent increase in

transfers between prisons, makes it more difficult to provide prisoners with appropriate assistance with literacy, numeracy, and employment and other life skills. The recent developments outlined in previous pages—in particular the implementation of the Carter Report and sentencing reforms—will have an impact on the future size of the prison population.

110. In December 2002 the Home Office issued estimates for the prison population as it will be in June 2009. These ranged from 91,400 to 109,600.<sup>84</sup> The projections were based on a range of sentencing scenarios and assumptions about the impact of policy changes, including custody rate (the proportion of those found guilty by a court who receive a prison sentence), average sentence lengths and the number of cases passing through the courts.

111. The analysis in the Carter Report, published in December 2003, suggested that, current trends continued, by the end of the present decade there would be a prison population of some 93,000, with a further 300,000 people under community supervision.<sup>85</sup> The Government in their response to the Carter Report, published in January 2004, argued that the various proposed reforms would “check the projected increase in the numbers in custody (80,000 by 2009 rather than 93,000 as currently projected) and under supervision in the community (240,000 rather than 300,000)”.<sup>86</sup>

112. We asked the Home Office to supply details of the assumptions on which these latest projections were based. In reply, the Parliamentary Under-Secretary for Prisons and Reducing Re-offending, Mr Paul Goggins MP, stated that the figure of 80,000 was arrived at by taking the previous projection of 93,000 as a starting point.<sup>87</sup> This figure was then modified according to the results of a model developed by the Carter review team “to facilitate the analysis of sentencing practice and to determine the volume and cost implications of changes to that practice”. The Carter team had used the model “to work through several different scenarios based on different treatment of offenders depending on the seriousness of the offence and the approximate risk of re-offending”. In arriving at its revised project of the future prison population, the Home Office used the “main Carter scenario”, which envisaged six changes to present practice:

- The use of pre-court diversions for minor offenders
- Fines rebuilt as a credible punishment (reversing the decline in recent years in the use of fines)
- More focused use of community sentences
- Reservation of custody for the most serious offenders
- Changes in custodial sentence lengths

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84 Home Office, *Projections of Long Term Trends in the Prison Population to 2009*, December 2002

85 Carter Report, p 39

86 *Reducing Crime—Changing Lives: The Government’s plans for transforming the management of offenders* (January 2004), p 15 (para 47)

87 Letter from Mr Goggins dated 13 October 2004 (Ev 298)

- Intensive bail packages to reduce remand.

113. This modelling revealed the following projected outcomes by 2009:

*Measures which serve to increase the prison population:*

- 1,000 more prisoners due to tougher fine enforcement
- 200 more due to additional community breaches

*Measures which serve to decrease the prison population:*

- 2,364 fewer due to fewer custodial sentences
- 5,612 fewer due to changes in sentence lengths
- 1,869 fewer due to new remand packages.

The overall effect was therefore a reduction of 8,645 places compared to the projected population. Further account was taken of “increased flows by 2009 [and] the impact of changes in sentencing behaviour over the period” to arrive at the projection of a prison population of 80,000 by 2009.

114. We asked the Home Office to supply details of the other scenarios which were produced by the Carter inquiry. In response, they told us that the main alternative scenario was a ‘heavy custody’ model, based on an assumption of increasing use of custody and less use of fines and probation. The outcome of this projection was an extra 8,000 prison places, 17,000 fewer fines, a reduction of 8,000 in the probation caseload and 3,000 fewer discharges. There was “no evidence of benefits to offset the extra cost of the prison places.”<sup>88</sup>

115. The Home Office calculates that by 2009 the prison population will match the prison capacity expected to be available at that time, which is also planned to be about 80,000 (as against a present capacity of about 77,000). However, a revised projection of the future prison population is expected to be published in January 2005.<sup>89</sup>

116. The increase in capacity reflects investment in prison-building over the past ten years. Since 1995, over 15,200 additional prison places have been provided at a cost of more than £2 billion.<sup>90</sup> In 2002–03, the average annual cost per prisoner was £36,268.<sup>91</sup> The table below sets out the operating costs for public and private prisons for the period 2002–05.<sup>92</sup>

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88 Ev 303

89 Ibid.

90 HC Deb, 25 June 2003, col 876W

91 Solomon, E, *A Measure of Success: An analysis of the Prison Service’s performance against its Key Performance Indicators* (Prison Reform Trust, 2003)

92 Home Office response to the Committee’s questionnaire on the HO Departmental Report (June 2004) (to be printed); see also Departmental Report, table 2

	2002-03 £m	2003-04 £m	2004-05 £m (planned)
Public prisons general operating costs <sup>93</sup>	1,838	1,866	1,919
Private prisons contracts	169	174	184
HQ and area offices <sup>94</sup>	145	149	150
Non drug treatment regimes (offender behaviour, industries etc)	58	84	84
Drug treatment regimes	70	70	74
<b>Total Net Resource</b>	<b>2,280</b>	<b>2,343</b>	<b>2,410</b>

117. The Prison Service reports that it is investing £1.3 billion in the three years up to 2005-06 on buildings and additional operating capacity, and aims to provide nearly 3,500 additional places in existing prisons by 2006. A further 1,290 places will be provided through the new prisons currently under construction at Ashford and Peterborough.<sup>95</sup>

118. We await the publication of the Home Office's revised projection of the future prison population. There are considerable grounds for scepticism about the accuracy of the present projection—of 80,000 by 2009—not least because it rests on very large assumptions about the net effect of sentencing changes arising from the Criminal Justice Act 2003, and because it produces a result in which, conveniently, population exactly matches capacity. Any prison population above 80,000—and certainly a prison population reaching up from 91,000 to 109,000 as previously projected by the Home Office—would continue to impose intolerable strains upon the prison regime and prospects for rehabilitation. In the absence of a fuller statement of its methodology than the Home Office has been able to supply us with, there must be a suspicion that the actual calculation may have been the other way round to what is claimed: i.e. that the Government started from a basis of the maximum prison population that the Treasury was willing to pay for, and then adopted sentencing assumptions which delivered that required total.

93 Includes depreciation and cost of capital. Excludes drugs and non-drugs regimes.

94 Many Area Offices provide services in support of regimes to prisons in their geographic regions.

95 Ev 150 (para 5.1.3)

## 4 The Situation to Date: Conclusions

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119. The principle of rehabilitation has been established at the heart of government penal policy. Rule 3 of the Prison Rules 1999 obliges the Prison Service to ensure that “the purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life”;<sup>96</sup> and the Criminal Justice Act 2003 includes the “reform and rehabilitation of prisoners” among the statutory purposes of sentencing.<sup>97</sup>

120. The Government has defined one of its main objectives in rehabilitating offenders as being to reduce re-offending. The ‘Strategic Plan for Criminal Justice 2004–08’, published in July 2004, undertakes that “smarter sentences will punish the offender and protect the public but will also help criminals to stop offending, including through intensive drug treatment”.<sup>98</sup> The latest figures, released in December 2004, show improvements in the re-offending rate, and the Home Office claims it is on course to reducing re-offending by 5% by 2008, and by 10% by the end of the decade.<sup>99</sup> The Prison Service has stated that “reducing re-offending by released prisoners is central to reducing crime and is therefore part of the Prison Service’s core business of protecting the public” and states that “key interventions under the headings Offending Behaviour Programmes, Drug Rehabilitation Programmes, Basic Skills provision and Prisoners into Employment are leading the push towards the challenging target”.<sup>100</sup>

121. As we have seen, in recent years this focus on reducing re-offending has been combined with publication of a series of official reports relevant to different aspects of rehabilitation. The Halliday report in 2001 drew attention to the damage done by the rise in prison population and high levels of overcrowding to the prison system’s capacity to rehabilitate offenders, and recommended a new sentencing framework to tackle these problems. The Social Exclusion Unit report in 2002 identified the scale and costs of re-offending, and the correlation between high recidivism rates and social exclusion. The Prison Industries Review in 2003 produced a series of recommendations aimed at providing prisoners with purposeful out-of-cell activity at the same time as improving their future employment prospects. The Carter Report in 2003 endorsed the importance of rehabilitation as part of a wider strategy for dealing with offenders; it recommended more credible and consistent sentencing, and the creating of a merged Prison and Probation Service which would take responsibility for end-to-end management of the offender throughout his sentence. Finally, the *Reducing Re-offending National Action Plan* published in July 2004 is an initial attempt at setting out an outline national rehabilitation strategy.

122. Taken together, these reports provide a relatively coherent high-level policy strategy for the offender regime. Since their publication, the Government has taken a number of

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96 The Prison Rules 1999 (S.I. (1999) No. 728), consolidated September 2002

97 CJ Act 2003, Explanatory Notes

98 Office for Criminal Justice Reform, *Cutting Crime, Delivering Justice: A Strategic Plan for Criminal Justice 2004–08* (Cm 6288) (July 2004), p 10

99 Home Office press release no. 379/2004, issued on 2 December 2004

100 Ev 117

practical initiatives aimed at implementing aspects of that strategy. These include the merger of the Prison and Probation Services to form the National Offender Management Service, the introduction of new sentencing powers under the Criminal Justice Act 2003 (most of which will come into operation in April 2005); and the creation of the Sentencing Guidelines Council to provide a systematic overhaul of sentencing guidelines.

**123. As a consequence of the recent reports and government initiatives, the basic framework is now largely in place to make possible the more effective rehabilitation of offenders. Nonetheless, the evidence we have taken in our inquiry reveals that much remains to be done: there is concern about how some of the recent initiatives (such as the introduction of NOMS) are being implemented; and despite the welcome recent decrease in re-offending rates, the scale of the problem is massive—it remains the case that nearly three in five prisoners are reconvicted within two years of leaving prison. As we have seen, the Government’s optimistic assessment that by 2009 the prison population will neatly match prison capacity rests on some questionable assumptions. It is not clear that the combined effect of sentencing reforms and the prison-building programme will be to relieve overcrowding, as the Government projections assume. Meanwhile the current high level of the prison population creates a constant ‘churn’ of prisoners through the system, and high levels of transfers between prisons, which makes it much more difficult to provide effective rehabilitative interventions. In this as in other respects, overcrowding is having a significant impact on the management of prisons.**

**124. The Social Exclusion Unit report in 2002 pointed out that the best way of reducing re-offending is to ensure that prisoners on their release have the ability to get into work and a home to go to. In the remainder of this report, we investigate the current levels of provision of training, education and employment opportunities within prison, and of resettlement arrangements after release.**

## PART II—THE CHALLENGE FOR THE FUTURE

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125. In this section of the report, we look at the current prison regime. We examine how the needs and offending behaviour of offenders is assessed to enable the most effective prison rehabilitation regime and post-sentence management to be identified, the contribution prison can make to assisting ex-offenders to return to employment, and the efforts that can be made to tackle factors such as poor literacy and numeracy which can reinforce social exclusion. We also assess the role of prison in tackling drug misuse and other behavioural problems that may lead to re-offending. Finally, we consider the particular problems faced by minority groups of prisoners, such as women, young people, minority ethnic and religious groups and those suffering from mental illness.

### 5 Initial Assessment

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126. The first step in any rehabilitation regime is assessment of the individual prisoner. The investigation of the prisoner's background and needs is necessary to devise an individually tailored sentence plan which identifies at the beginning of the sentence a number of specific interventions to address the prisoner's offending behaviour and assist with his or her return to society.

127. Some years ago the Chief Inspector of Prisons, Sir David Ramsbotham, drew an analogy between the need to assess patients when they arrive at a hospital and an equivalent need to assess prisoners on arrival at prison:

“In the same way that hospitals represent the acute part of the NHS, where what is done for an individual is a multidisciplinary operation based on careful needs assessment, so do prisons represent the acute part of the CJS. Both needs assessment and operation must be based on all available information about what has happened to the individual before admission, and the details of treatment, the response to treatment, and information about future needs, must be passed on to those responsible for aftercare in the community.”<sup>101</sup>

128. The Prison and Probation Services have jointly developed a new Offenders Assessment System, known as “OASys”. This is designed to identify offending-related needs, such as lack of accommodation, poor educational and employment skills, substance misuse and attitudinal difficulties for offenders over 18 years of age. It also assesses the risk of harm offenders pose to themselves and others.<sup>102</sup> The objective is two-fold: (i) to devise individual sentence plans from these assessments which manage and reduce the risks and needs identified and target the appropriate types of intervention for each offender and (ii) to enable probation officers who will have access to an offender's OASys assessment and

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101 HM Chief Inspector of Prisons, *Young Prisoners: A Thematic Review (1997)*, preface

102 Ev 123 (section 2.2)

sentence plan prior to his release on licence, to make advance arrangements in relation to matters such as accommodation or post-release drug treatment—or public protection in cases where the prisoner presents a significant risk of harm.<sup>103</sup> OASys will not, however, cover all prisoners—in particular, prisoners serving terms of less than 12 months, and remand prisoners, will be excluded from the system.<sup>104</sup>

129. OASys is still in process of being introduced. The Prison Service and the Probation Service have adopted different approaches to its introduction. In 2001 the Probation Service decided to move to early implementation of OASys as a paper-based system, but the Prison Service decided not to implement it until an electronic system (OASys IT) was available.<sup>105</sup> Subsequent delay in the introduction of OASys were attributed to “project management issues”.<sup>106</sup> The Probation Service is now replacing the paper-based system with the electronic system. All 42 probation areas were using OASys IT by June 2004, though usage in several areas was described as “still low”. The Prison Service’s version of OASys IT was piloted at HMP Preston and has now been introduced in all Prison Service areas with 124 establishments using the system. Full implementation of OASys IT for both services was scheduled for late 2004 but has been delayed till autumn 2005.<sup>107</sup>

130. A focus on thorough initial assessment of risks and needs reflects international good practice. In Sweden, for instance, one of the most important elements of the reception of a prisoner into the prison institution is the preparation of an individual treatment plan. In order to ensure effective implementation of the treatment plan, a Treatment Board geared towards preparing and executing the treatment plan is established within each prison establishment.

131. The Prison Service Director of Resettlement, Mr Peter Wrench, acknowledged to us that at present there is inadequate assessment of prisoners with a view to identifying how best to assist in the task of rehabilitation:

“what we are not yet good enough at is analysing the characteristics of our population and deciding what interventions they need in what order at what time to give them the best possible chances.”

He added that “OASys and other [new] approaches to sentence management ... will help us to do that better”.<sup>108</sup>

**132. Accurate individual assessment of prisoners on admission to prison is vital as a means of identifying factors underlying criminal behaviour and individual problems, such as illiteracy or drug dependence. We note the admission by the Prison Service’s Director of Resettlement that hitherto the Service has failed to take this essential first step in the rehabilitation process. We agree with Sir David Ramsbotham that a full**

103 Ev 123 (paras 2.2.1-8)

104 Q 242

105 Ev 123, para 2.2.5

106 See Computer Weekly, 6 June 2002

107 Ev 275 (section 15); Ev 309-11

108 Q 311

assessment of needs and risk is as essential for a prisoner entering prison as for a patient entering hospital.

133. This assessment should inform sentence planning for each stage of the custodial process. It should assist in determining the selection of proportionate and appropriate targeted interventions to address criminogenic factors plus the prisoner's personal deficiencies. Resettlement objectives should be incorporated within needs assessment and sentence planning at the outset. The Prison Service should move away from viewing prisoners as passive objects to be managed and seek actively to engage prisoners, requiring them to take responsibility for themselves and their behaviour, and to play an active role in their own rehabilitation, from sentence planning through to resettlement.

134. Both needs assessment and the resulting rehabilitative regime must be based on all available relevant information about what has happened to the individual before admission. The details of required treatment, response to treatment, and information regarding future needs, must be passed on to those responsible for offender management both in prison and in the community.

135. We welcome the development of OASys and recognise its importance in offender management. The OASys model has the potential to become a building block in multi-agency information exchange, linking the various elements of the criminal justice system, including social support services and voluntary agencies, in order to achieve closer co-operation in meeting the needs of prisoners in custody as well as those serving community penalties.

136. We are concerned at the slippage in the OASys implementation timetable and emphasise the importance of implementing OASys across both the Prison and Probation Services as a matter of urgency. In particular, attention must be focused on ensuring that both Prison and Probation Services are running IT versions of OASys which are mutually compatible and freely able to exchange information electronically.

137. We recommend that the OASys assessment tool should be extended as soon as possible to apply to remand and short-term prisoners.

## 6 Increasing Ex-prisoners' Opportunity to Work

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138. At present only about one in four released prisoners has the prospect of immediate employment. A large-scale survey of prisoners about to be discharged, conducted in 2001, showed that 24% had a job to go to, with a further 6% being released to a training or education place. A further survey conducted in 2003 on the same basis as the earlier one again found that a total of 30% of prisoners had an employment, training or education place to go to on release (32,992 prisoners).<sup>109</sup>

139. Employment on release from prison reduces the risk of re-offending between a third and a half.<sup>110</sup> Several studies have charted the relationship between employment and return to crime and found that starting work after release reduced rates re-offending whilst ceasing to work resulted in a return to offending.<sup>111</sup> One of the best ways of rehabilitating prisoners is to take action within prison which increases their chances of finding employment on release. Such action will include prison work as well as training and education.

### The Custody to Work initiative

140. The Prison Service's 'Custody to Work' initiative is aimed at assisting more prisoners to gain employment on release and have access to accommodation. There are three main strands to the initiative:

- Making prisoners more employable by addressing basic skills, vocational training, prison work, drugs, offending behaviour and motivational programmes;
- Connecting more prisoners with jobs or training places and accommodation on release by closer joint working with employers, Jobcentre Plus, housing providers and the voluntary sector;
- Connecting unemployed prisoners on release with the employment, training and benefits advice and support available from their local Jobcentre through the FRESHSTART initiative, which involves liaison between the Prison Service and Jobcentre Plus to ensure that all released prisoners who need one have a New Jobseekers Interview at their local Jobcentre to help them return to the labour market.<sup>112</sup>

### Prison work

141. Prison work has the potential to provide prisoners with the following:

- employment on release from prison;
- experience of work and the normal working day (a significant proportion of the prison population will never have been exposed to real work before: over two thirds of prisoners are unemployed before going to prison)
- a reduction in 'unstructured' time whilst in prison;
- for those on day release work programmes, interaction with members of the wider community.

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110 Home Office, *An evaluation of prison work and training* (1996)

111 Uggen, "Work as a turning point in the life course of criminals: a duration model of age, employment and recidivism", *American Sociological Review* (2000); Horney, Osgood and Haen Marshall, "Criminal careers in the short term: intra-individual variability in crime and its relation to local life circumstances", *American Sociological Review* (1995); Mischkowitz, "Desistance from the delinquent way of life?", in Weitekamp and Kerner (eds), *Cross-national Longitudinal Research on Human development and Criminal Behaviour* (1994)

112 Ev 141-42 (paras 3.4.2, 3.4.9)

142. In this section of the report we consider the contribution that prison work can make to the prison rehabilitation regime. We identify the types of work available across the prison estate, from cleaning prison wings and working in the prison laundry to working in the structured business environment of a prison workshop. We distinguish clearly between these different types of activities: to blur them together under the general heading of 'prison work' does not help in the search to identify the most effective work models. In our investigations of prison work, we were most impressed with structured working environments that offered most similarity to working outside. We identify the work schemes which we think should be adopted more widely as part of an effective, integrated prison work strategy.

143. Each week on average about 32,000 prisoners (that is, about 43% of the current prison population) are employed in prisons. Most of this work is to meet the Prison Service's own needs. In a number of prisons, voluntary organisations are also involved in providing work for prisoners. The Prison Service has around 300 workshops covering industries including clothing and textiles, woodwork, engineering, printing, laundries and contract services. During 2003–04 around 10,000 prisoners (or about 13% of the total prison population) were employed in these workshops, working an average of 25 hours a week in the following areas: 40% in contract services (filling external contracts requiring low-level, menial work), 27% in clothing and textiles, 10% in laundry, 9% in woodwork, 9% in engineering, 2% in printing, 2% in footwear and 1% in sewing machine repair.<sup>113</sup> Prisoners receive pay for this work (see paragraph 187 below).<sup>114</sup> It should be noted that prison work is specifically exempted from the International Labour Organisation convention prohibiting forced labour.<sup>115</sup>

144. The Prison Service divides work in prisons in England and Wales into four main categories:<sup>116</sup>

- i. work for the internal market, including complex and challenging production tasks, such as clothing, window frames, furniture, plastic goods and light engineering (produced through prison production workshops);<sup>117</sup>
- ii. work to maintain and service the prison, including cleaning cells and landings, working in the kitchen or laundry (prison maintenance work);
- iii. work for external contractors, such as filling mail-shot envelopes and assembling electrical components (co-ordinated through contract services workshops<sup>118</sup>); and

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113 Prison Industries Internal Review Report, pp 12 and 24

114 Ev 142 (paras 3.5.1–2, 7, 11)

115 International Labour Organisation Convention (No. 29) Concerning Forced Labour 1930; this was ratified by the UK in 1931.

116 Ev 174

117 Production workshops constitute the majority of operational workshops across the prison estate. The summary of the range and number of production workshops offering work experience to prisoners is set out at Annex 8.

118 Contract Service workshops employ just over 4,000 prisoners on external contract work, which ranges from very simple packing to complex assembly work, at around 24 hours per week.

- iv. various land-based activities such as market garden operations, ground maintenance, landscaping and animal husbandry . There has recently been a shift from agricultural to horticultural work within prisons.<sup>119</sup>

145. Although all the above activities are grouped together under the heading ‘prison work’, they should not all be regarded as being of equal value. There has been little research into the correlation between types of prison work and ex-prisoners’ ability to secure employment on release, but it is clear that there is a great difference between work such as cleaning cells and doing laundry, and workshop-based activities which offer an element of training and which replicate, to some degree, the structured working environment to be found outside prisons.

146. As we commented in paragraph 57 above, the Prison Service recently commissioned an internal review of prison industries.<sup>120</sup> The review’s terms of reference were to study the purpose, structures and operation of prison industries (defined as including prison workshops and contract services activities but *not* vocational training workshops, laundries, prison kitchens or land-based activities). It was charged with identifying a strategy for prison workshop-based activities that would contribute to the Prison Service’s objective of providing prisoners with purposeful and cost-effective out of cell activity at the same time as improving their employment prospects post-release.

147. The Prison Industries Review reported in July 2003.<sup>121</sup> **We endorse its conclusion that:**

**“Industrial workshops are one of the best means, within prison walls, to reflect real working life. A proportion of the prison population will never have been exposed to real work before, and this may be their first opportunity to gain some transferable employment skills. In order to advance the resettlement agenda prison work needs to be targeted at those who are least likely to want to work. These individuals should be allocated for work, particularly on work initially that requires little training. They should not be ignored if they are difficult, or lack motivation. They should be the target audience of industries, and will benefit most from prison work. They have the potential for most return in terms of reduced re-offending on release.”<sup>122</sup>**

148. The Review’s main recommendations are set out in the text box on the following page.

119 Following a review of Prison Service agricultural enterprises in 1996, the decision was taken to close the pig industry together with three farm units. According to the Prison Service statistics, the number of prisoners employed on prison farms reduced from 1047 to 249 between 1996 and 2001. A further review was undertaken in 2000/2001. At that time, 21 farms were in operation, including 12 dairy units, with a total of 295 prisoners employed. The total acreage of these farms amounted to 5500 acres. The recommendations of the 2001 Review were considered by the then Prisons Minister and the Minister for Rural Affairs at DEFRA. In February 2003, approval was given to implement the main recommendations, which were to (i) phase out field scale agriculture including livestock, where few or no prisoners were employed; (ii) sell land related to this reduction, where it was not required for prison building; (iii) reinvest the receipts in horticulture and other related resettlement activities. Between the summer of 2003 and spring of 2006, 12 farms will be closed, including ten dairy units, and approx. 2770 acres will be sold. The Prison Service justifies its decision to reduce land-based activities on the ground that as agriculture as a proportion of total workforce has fallen to 2.2%, employment opportunities in agriculture are decreasing.

120 The review was conducted under the auspices of the Prison Service Headquarters Review Programme.

121 *Prison Industries: an internal review of the strategic oversight and management of public sector prison Industries in England and Wales*, Report by the Prison Industries Review Team (July 2003) [henceforward ‘Prison Industries Internal Review Report’]

122 *Ibid*, p 19

### **Prison Industries Review 2003: Summary of Main Recommendations**

- There should be a clear strategic Statement of Purpose of prison industries.
- Prison industries activities should not be run in isolation from other activities designed to address re-offending, such as education, but should fit alongside them as part of a complement of rehabilitative measures. The industries strategy should be integrated into prisoners' needs assessment and sentence planning.
- There should be a substantial increase in the number of hours that many workshops operate. The prison regime should try to reflect the same kind of working week as outside. Gym, library visits, probation meetings, etc., should, where possible, be accommodated outside the normal working hours of the workshop.
- An Industries Management Board should be created. This would establish links with outside industry and ensure industries' activities meet commitments and performance targets.
- A small policy team should be established with responsibility for long-term strategy, planning and monitoring of prison industries and for overseeing and developing links with internal Prison Service departments, government departments, local authorities and voluntary sector organisations.
- Where possible, prisons should build relationships with local employers to meet specific skills shortages. Ideally they should provide training in skills that can directly lead to employment on release.
- Prison industries should be monitored for success in the same way as other interventions.
- There should be a review of the differences in prisoner pay levels across the prison estate.

149. In response to the publication of the Review, the Prison Service has adopted the following Statement of Purpose on prison industries:

“The aim of Prison Industries is to occupy prisoners in out-of-cell activity and wherever possible to help them gain skills, qualifications and work experience to improve their employment prospects upon release. The management of industries must weigh the true costs and benefits to the organisation and constantly strive for greater efficiency in providing developmental opportunities for prisoners.”<sup>123</sup>

The Prison Service has supplied us with a checklist showing progress with implementing the other recommendations in the Review.<sup>124</sup>

150. The dramatic expansion of the prison population has not been matched with a corresponding growth in workshop facilities. Currently fewer than 10,000 prisoners out of a prison population of over 74,000 are employed in prison workshops. Whilst there are other work opportunities for prisoners within the prison estate (e.g. in catering, cleaning, land-based activities and day release programmes), the total proportion of prisoners engaged in any kind of prison work is well below 50%. The majority of the places that are available offer low-grade, menial work which supplies neither vocational qualifications nor transferable work skills.

151. One prisoner who took part in our Prison Diaries project expressed his wish for such skills to be taught more widely in prisons:

“the way to stop—or at least reduce—released prisoners re-offending is to help qualify them in legal jobs that they would like to do. Here are a few things that I have heard people talking about: Electrical Engineering / Basic Engineering, Construction, NVQ / GNVQ Information Technology, Computer Repairs, Plumbing, Plastering, Electrician ... etc ... etc. If prisoners were given the chance to be qualified in such crafts then maybe they wouldn’t be released and left claiming benefits or packing shelves ... .<sup>125</sup>

152. Giving evidence to us, senior officials in the Prison Service acknowledged the deficiencies of the current system of prison industries. The Service’s Director of Resettlement, Mr Peter Wrench, told us that, historically, decisions regarding the types and location of particular workshops across the prison estate “has not been [taken] in a properly informed way”.<sup>126</sup> He stated that prison industries “have rather got left behind by other developments within the system”, and accepted that the impression was currently given that providing work opportunities for prisoners was not a central and essential part of the prison regime.<sup>127</sup> Mr Mike Newall, President of the Prison Governors’ Association, gave us a vivid example of outmoded prison work:

“When I went to Durham [as Governor in 1999], I had sewing machines for men and we were still making nets. Both of those, I am afraid, are quaint positions. They are not going to get anyone a job in society.”<sup>128</sup>

**153. We agree with the Prison Industries Review that it is “indefensible” that the Prison Service cannot find enough work or purposeful activity for prisoners. There continues to be an unacceptable disparity in the provision of work opportunities for prisoners across the prison estate. Whilst a maximum of just over 30% of prisoners may be involved in some form of prison work activity, only a third of those have placed in prison workshops, the type of work activity which most closely reflects “real working**

124 Ev 305-308

125 Evidence not printed

126 Q 352

127 Q 312

128 Q 466

life". This suggests that involving prisoners in work schemes remains a low priority in the Government's current rehabilitation agenda.

154. Whilst the Home Office claim that the key recommendations of the Prison Industries Review are being implemented, it is clear that prison industries remain peripheral to the Prison Service's strategy for rehabilitation. Prison industries continue to be run in isolation from other activities rather than as a complement to other rehabilitation measures. There has been no substantial increase in the number of hours workshops operate. Hardly anywhere in the prison estate does the work regime yet reflect the structured working week found in outside work. Of particular concern is the failure of the Government to include outstanding recommendations from the Prison Industries Review within Pathway 2 (Education, Training and Employment) of its Reducing Re-offending National Action Plan published in July 2004. We take the omission of these recommendations as a sign that the Government has no intention of implementing them. This would be a great mistake. We recommend that this omission from the Plan be remedied as a matter of urgency.

155. It should also be a priority of the Prison Service to establish a policy team to develop a long-term prison work strategy, and foster links with internal Prison Service departments, government departments, employers and local authorities.

### Examples of good practice

156. The two core aims of a prison industries strategy should be (i) provision of *constructive* work activities for the majority of the prison population when they are in prison and (ii) the employment of prisoners at the end of their sentence. In our view, the closer the work and training activities provided by prisons relate to the needs of the labour market, the greater are the chances of prisoners securing employment on release. During the course of our inquiry we have come across two prison work schemes which we suggest should form the basis of a modern, integrated prison work strategy. The first scheme is operated at HMP Coldingley and is based on the traditional prison workshop template, where the workshop is designed on the basis of a small private business. The second work scheme involves private employers providing prisoners with vocational training and external work placements, with continuation in employment following release. This is operated by the Transco Foundation. We consider each of these schemes in the following paragraphs. We also discuss the German experience of extended use of day release, from which we think lessons can also be learnt.

#### *HMP Coldingley Prison Workshop Scheme*

157. In May 2004 we visited HMP Coldingley, a Category C industrial training prison in Surrey, to see at first hand the types of work available for prisoners at one of the most productive and industrially active prisons in the prison estate. Eighty per cent of HMP Coldingley's population are from the London area, serving medium- to long-term sentences. One of the criteria that this prison imposes in accepted prisoners transfers is that the prisoners must be willing to work full-time. If prisoners refuse to accept this part of the prison regime, they will be moved on to other prison establishments. (We note that this aspect of the regime at Coldingley is contrary to the recommendation in the Prison Industries Review that time off should be negotiable with the workshop manager, as should

part-time working to encourage education: see paragraph 148 above.) The main aim of the prison, as set out in its mission statement, is to increase the employability of prisoners post-release by providing opportunities to address offending behaviour and acquire qualifications and work experience.

158. We inspected the workshops run at HMP Coldingley, all of which are run as small businesses. The three main industrial workshops, which provide full-time employment for 165 prisoners, are:

- i. A general engineering workshop, servicing the Prison Service and commercial contracts, providing 60 work places for prisoners, working 37½ hours per week (half day on Friday).
- ii. A signs workshop, including a specialist order unit processing contracts as they are received and proceed to completion. The workshop serves the Prison Service, the Ministry of Defence and commercial contracts, providing 54 work places for prisoners, working 37½ hours per week.
- iii. A laundry, providing 60 work places for prisoners, turning over £1.2m of commercial contracts and £1m of internal prison work.

159. Workplace vocational training is delivered alongside the two main workshops, the engineering workshop offering a National Vocational Qualification (NVQ) in production engineering and welding, as well as a forklift driving training course and a signs workshop offering various City and Guilds qualifications, including a computer design course. In addition, NVQs are being developed by both the prison cleaning department and the kitchens. The prison also runs an education scheme allowing suitable prisoners day release to attend classes for courses including basic skills (literacy and numeracy), information technology and preparation for work. As part of its resettlement strategy, HMP Coldingley is in process of creating a dedicated job centre to co-ordinate prisoners' progress during their time at the prison, acting as the main link for both internal and external job markets. The prison is also attempting to establish partnerships with local and national companies.

**160. The model of HMP Coldingley demonstrates that through a coherent, focused prison work strategy, prisoners can obtain transferable skills and qualifications at the same time as gaining experience of a real working environment and routine. We recommend that the Prison Service develop a prison industrial strategy to ensure that—in the words of the President of the Prison Governors' Association—"prison after prison does the same thing and does it in a very businesslike way to very high standards and very competitively".<sup>129</sup>**

**161. In one respect only we consider that the Coldingley regime is open to criticism: that it does not allow prisoners to work part-time in order to accommodate other rehabilitative activities such as education, as recommended by the Prison Industries Review. We recommend that in this respect the regime should be modified.**

**162. We recommend that the Prison Industries Review recommendation to extend prisoners' working hours should be adopted across the prison estate as a matter of**

prison policy. A key performance indicator target should be set requiring individual prison establishments to provide a full working day for prisoners. We consider that the prison regime should be restructured to support prisoners working a conventional 9am to 5pm working day (in education, vocational training or work programmes, or a mixture of these), fostering the work ethic and giving prisoners responsibility for their future post-release by encouraging them to obtain recognised qualifications and marketable skills through on the job training.

163. We believe that the Prison Service should make the development of structured work a central part of the national prisons strategy. Every effort should be made to use the Coldingley system as a model for other establishments, adapted as necessary to extend it to those who have little previous experience of work or who are reluctant to take on prison work.

164. A coherent constructive prison work strategy will not be developed while the responsibility rests on *ad hoc* initiatives by individual prison governors.

### **Day release: the German experience**

165. One way of increasing prisoners' employability on release is to permit them to sample the world of work by arrangement with external employers through day release schemes during their imprisonment. We describe below the very extensive use of such day release schemes in Germany.

166. In England and Wales, prisoners may be released on temporary licence for a number of purposes, including compassionate reasons, training, employment and voluntary work, to re-establish family ties and help prisoners make the transition from prison to life in the community. On most occasions the licences recorded are for one day ('day release'). For resettlement activities, however, the licence may cover up to five days away from the prison.<sup>130</sup> In 2003, over 328,000 temporary licences were issued. Of these, over 50,000 were granted to assist prisoners with resettlement, and over 211,000 were granted to allow prisoners to take part in training, education, community service projects or some form of reparation. In the same year there were only 367 'temporary release failures' (i.e. prisoners on day release absconding).<sup>131</sup>

167. During our visit to Tegel prison in Germany, we were impressed by the large numbers of prisoners on day release. In Germany, home leaves and other 'relaxations' have become one of the most important features of the contemporary prison system. Since 1977, every prisoner has been entitled to up to 21 days of home leave per year, together with further entitlement to day leaves.<sup>132</sup> Day release for training and work placements are seen as important components of the 'normalisation' principle. The rate of abuse of these entitlements is low: less than one per cent of all prisoners who are granted home leave fail to return unescorted. Reported criminal offences committed during home leaves are

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130 HC Deb, 1 September 2003, col 997W

131 Home Office, *Offender Management Caseload Statistics 2003* (December 2004), tables 10.6 and 10.10; see also National Action Plan, p 4

132 Between 1977 and 1996 the number of periods of home leave granted increased from 243 to 649 per 100 prisoners and the number of periods of short prison leave increased from 219 to 1,069 per 100 prisoners of the daily sentenced population.

relatively rare and usually minor. Denial of home leaves and other relaxations has become an important and effective disciplinary measure.

168. Sixty per cent of all prisoners in Tegel Prison are engaged in some form of prison work activity. In recent years, Tegel prison has invested heavily in equipping 14 prison workshops with the technical infrastructure and facilities equivalent in standard to those in the external market place. Whilst the workshops require some level of subsidy, they provide prisoners with directly transferable skills training and work experience.

169. Once prisoners transfer to an open prison in Germany, they are entitled to day release to attend education and training courses or work placements in the community. Tegel prison runs an extensive Day Release Work Programme. Over 70% of prisoners on the scheme continue to work for their employer after they are released from prison. We have been informed that even those prisoners on temporary work contracts with employers are in the main successful in securing permanent contracts once they demonstrate that they are reliable workers.

170. Home leave and day release arguably reduce some of the most typical negative consequences of imprisonment: loss of contact with friends and relatives, and ignorance of employment and societal developments. **We note that prisoners do external work under day release schemes from open prisons on a much greater scale in Germany than in the UK. We recommend that the Prison Service should expand its current system of day release along the lines of the Tegel model set out above, to allow a wider number of prisoners to take part in work and educational programmes in the community as part of their preparation for release. Home leave can provide prisoners with the only chance of sustaining the family unit, and is particularly pertinent to women prisoners, the majority of whom are desperately trying to maintain relationships with children. Save in the most serious cases, there should be a presumption that home leave is available for women prisoners. Day release and home leave plans should become an integral part of the Prison Service's broader resettlement strategy.**

### ***The Transco Work Scheme***

171. Whilst prison work can provide a work-like experience for prisoners, there is considerable potential in schemes which offer the possibility of guaranteed employment on release. The Prison Service Internal Review Report noted that “it is apparent that over recent years the current organisation has lost a lot of links with outside industry.”<sup>133</sup> We turn now to consider the involvement of the private sector in providing work opportunities for prisoners.

172. We were very impressed with the evidence we received from The National Grid Transco Foundation (“Transco”) regarding its involvement with the resettlement of young offenders.<sup>134</sup> Transco initiated a pilot scheme in partnership with the Kennet young offenders’ resettlement wing of HMP Reading in 1998 to train initially up to 50 young offenders for jobs as forklift truck drivers. The aim of the pilot scheme was both to reduce

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133 Prison Industries Internal review Report, para 58

134 The Foundation leads and co-ordinates the strategic community investment activities of National Grid Transco in Great Britain.

re-offending rates and meet an identified skills shortage of forklift truck drivers around the M4 corridor.<sup>135</sup> To date, over 100 young offenders have been trained as forklift truck drivers.

173. Building on the success of this first project, in 2002, Transco established a second project in partnership with HMP Reading, Advantica and Transco's contractors, to train and employ up to 50 selected young offenders as gas distribution technicians. Transco is now working with four prisons to train prisoners for employment in the gas industry.<sup>136</sup> This initiative is targeted at prisoners who are eligible for release on temporary licence to undertake part of the training in the community, and who have the necessary basic skills and are motivated to work. By the end of 2003, 26 offenders had completed NVQs to qualify as Gas Network Operatives Level 1. All are now in employment.

174. In 2004, the Gas Network Operative training scheme has been expanded to 10 prisons, including for the first time Scotland. Successful completion of the course guarantees employment with Transco's supply chain.<sup>137</sup>

175. Transco has identified a number of factors which it defines as critical to the success of the projects:

- a) identification of skills shortage in the local area;
- b) establishment of a public/private partnership between the company and the prison establishment;
- c) strong business leadership in bringing together the scheme partners, including lead contractors, particularly in providing the initial work placements; providing funding for training, co-ordinating of provision and quality of training; liaising with Government departments, and monitoring and evaluating the scheme.<sup>138</sup>

176. In the 2003 Budget Statement, the Government stated that it wished to consider the possibility of extending the Transco model.<sup>139</sup> In February 2004, a Steering Committee was established, chaired by Sir John Parker, with members from the Home Office, the CBI and five industry sectors which have given a commitment to supporting the project (engineering; construction, transport and logistics; utility contractors; electricity and gas; water). The Prison Service, with the help of the CBI, Nacro and others, is attempting, through its 'Custody to Work' initiative, to put the business case for employing ex-prisoners to employers at national, regional and local level. Many prisons are beginning to develop relationships with employers, particularly within the context of regional resettlement strategies and partnerships.<sup>140</sup>

135 Ev 218 (para 2.1.3)

136 The prisons are HMP Reading, HMP Rochester, HMYOI Glen Parva and HMYOI Wymott. The duration of the course is 13 weeks. Prisoners are selected for training in the final stages of their rehabilitation and trained within the prison for the theoretical parts of the course. Transco has provided a secure location in Slough for the practical elements of the course. During the training programme, all trainees are given a half-day course on driving theory, and five-day intensive practical tuition followed by a driving test.

137 Ev 222 (para 4.2.1)

138 Ev 219–20 (paras 6.1 and 6.2)

139 HC Deb, 9 April 2003, col 281

140 Ev 182 (para 69)

177. We support a major extension of the Transco approach. We recognise that it directly meets the employment needs of a private sector company. The programmes are driven by those needs, rather than by charitable or educational aims. However, in identifying and meeting those needs, the Transco work scheme offers a higher quality of education, training and motivation than the vast majority of prison-based education or training.

178. We note that the Transco work scheme demonstrates that some of the labour shortages in the economy that are currently met through managed migration could be met by enhancing the employment potential of the prison population (see paragraph 184 below).

179. We endorse efforts to develop the Transco work scheme across other industries and sectors. However, whilst the Prison Service offers support to the programme, we do not believe that there is yet a central drive from within the Prison Service to maximise its potential. The Prison Service now needs to give priority to supporting this type of initiative. The development of training programmes leading to guaranteed employment requires stability in the prison population and longer-term commitments to individual prisoners. We are not convinced that the Prison Service is yet committed to providing such opportunities.

### A new strategy for prison work

180. We believe that a radical reprioritisation of work within the prison rehabilitation agenda is necessary. Partnerships between the prison sector, companies and their supply chains should be established as a matter of priority to identify and provide sustainable employment opportunities for offenders on successful completion of relevant training courses. Basic labour shortages and skills gaps in the external labour market should be identified and matched to vocational training and work programmes in prison. There should be much greater use of day release schemes on the German model to enable prisoners to experience work in the community prior to their release, and demonstrate their abilities and trustworthiness to employers.

181. Development and implementation of the HMP Coldingley and Transco prison work models and the formulation of an integrated prison industries strategy will require commercial expertise. The Committee is aware that the senior management team at HMP Coldingley is unusual in the prison service in that a number of its members come from a commercial background and have the financial and corporate expertise necessary to operate the industrial activities of the prison with an annual turnover in excess of £1million. Due to the low priority given to prison work, the Prison Service has not historically recruited staff from the commercial sector on a widespread basis. **We recommend that a business case should be formulated for the creation of a specialist not-for-profit agency outside the Prison Service, staffed by personnel with the necessary financial and commercial expertise and experience, to co-ordinate investment, marketing and supply for prison industries.**

182. The Prison Service's Director of Resettlement, Mr Peter Wrench, told us that it is preferable to have "more individuals attending some form of work than the working day

being lengthened for those individuals who were in work.”<sup>141</sup> We agreed with this view. There is inevitably a tension between providing work places with a definable skilled component which will equip prisoners for work outside, and providing the largest volume of work places to engage the largest number of prisoners in some form of work activity. **We recommend that the emphasis on prison work should be on employing the largest number of prisoners in some form of productive work scheme for the standard number of hours of the working week, rather than design a system facilitating full-time work for a very small number of highly trained prisoners.**

183. **Building on the recommendations of the Internal Review Report, we suggest that the Prison Service consider developing a more structured sequence of work opportunities for prisoners. Contract workshops offering basic, low-level work can still have value where linked in an integrated manner with the teaching of basic skills, such as numeracy or accounting skills. Workshops should provide prisoners with experience of the real working day which will be a new experience for many of them. As they proceed through their sentence, and on condition of successfully completing requisite elements of their sentence plan (e.g. education courses, offending behaviour programmes and drug treatment programmes), prisoners should have the opportunity to apply for higher skilled work, ultimately moving towards training and working in a prison workshop or on day release in education and training programmes. As the sentence progressed, the emphasis should increasingly be on getting prisoners into work outside. The advantage of this more structured sequence of prison work is that it would give prisoners clear staging posts. It would also provide prisoners with an incentive for completing the other rehabilitative elements of their sentence plan, not least basic education and treatment programmes.**

184. We have little sense that the Government has assessed the potential contribution of ex-offenders to the UK labour market. Whilst economic migration is being encouraged in order to fill a range of skilled and semi-skilled (with 145,000 work permits issued for such jobs in 2003),<sup>142</sup> and many employers are looking for similar labour from new members of the EU (between May and September 2004, just under 91,000 accession state nationals applied to register for work in the UK),<sup>143</sup> about 100,000 offenders are released every year of whom only about a quarter get a job.<sup>144</sup>

185. As we have seen, the Transco work scheme demonstrates that prisoners can meet labour needs. When we visited HMYOI Aylesbury, the Governor told us that in his view ex-offenders could make a much bigger contribution towards the labour needs of projects like Heathrow Terminal 5. In discussions during our various prison visits, many inmates showed that they had clear ideas of the sort of skills that they needed to enable them to get jobs.

**186. We believe that extra investment in prison work, training and education is much more likely to be forthcoming if a strong business case can be made in terms of benefits for the UK economy as a whole. We recommend that HM Treasury, in conjunction**

141 Q 373

142 HC Deb, 12 July 2004, col 988W

143 HC Deb, 10 November 2004, col 26WS

144 Ev 141 (paras 3.4.3–5)

**with the Home Office, should carry out an assessment of the potential of ex-offenders to meet UK skill needs.**

## Prisoners' pay

187. It is Prison Service policy that “all prisoners who participate in purposeful activity in prison such as work that supports the running of the prison, in workshops that enable them to obtain work skills, induction programmes, education, training or offending behaviour programmes must be paid. The purpose of paying convicted prisoners is to encourage and reward their constructive participation in the regime of the establishment”.<sup>145</sup> Likewise, Governors and Directors of contracted-out prisons are required to provide a fair, open and affordable local pay structure that is clear to staff and prisoners, reflects Prison Service priorities and supports and encourages constructive participation in regime activities.<sup>146</sup>

188. The National Minimum Wage Act 1998 specifically excludes prisoners. A prisoner “does not qualify for the national minimum wage in respect of any work which he does in pursuance of prison rules”.<sup>147</sup> Prisoners are not deemed “workers” within the meaning of the Act on the ground that they do not work pursuant to a contract of employment or a contract for services.<sup>148</sup> As prisoners are not employees, the usual range of employment law protections is not available to them.

189. The current minimum rate of pay for employed prisoners is £4.00 per week. Governors or Directors of contracted-out prisons have established pay schemes that are higher than the minimum employed rate. Prisoners can earn up to £9.50 per week at HMP The Verne and some prisoners at HMP Ford earn up to £30 per week. A small number of prisoners who are very close to the end of their sentences, and who have been assessed as posing no risk, are employed by private employers outside the prison, as part of the Custody to Work programme, at the same rates of pay as any other employee.<sup>149</sup>

190. The Howard League for Prison Reform argues that prisoners should be paid a fair working wage with deductions made to reflect real work and financial responsibilities outside. With the co-operation of the Prison Service, the League is setting up a pilot project at HMP The Mount, a category C training prison, with the intention of demonstrating the practical and financial viability of this approach. The Howard League will set up a small printing enterprise, employing 11 prisoners and aiming to make a profit within four years. Prisoners involved in the project will be given on-the-job training and the opportunity to acquire relevant printing qualifications. They will earn the statutory minimum wage or above, will be liable to pay tax, national insurance and child support, and will be encouraged to save for their release and make a donation to Victim Support.<sup>150</sup> **We urge the Prison Service to monitor closely the development of this project.**

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145 Ev 181 (para 55)

146 Ev 181 (para 56)

147 National Minimum Wage Act 1998, s 45(1)

148 A contract of employment is a pre-requisite to application of the Act (see s 54).

149 Ev 181 (para 57)

150 Ev 194

191. The National Action Plan commits the Government in the longer term to developing a strategic approach to increase the number of prisoners who are able to save money during their time in prison “so that they have sufficient income on release to cover them, without recourse to the Discharge Grant or the Social Fund”.<sup>151</sup>

**192. We recognise that the argument for paying prisoners a more representative wage is not to make them better off while they are in prison, but to give them experience of paying tax, national insurance and living costs, and facing up to the same responsibilities as other citizens. We recognise the complexity of developing such a policy, not least in terms of public perception, the costs of administration of such a system and the setting of deductions. We recommend that the Prison Service run a small number of pilot schemes to assess the impact of paying market rates with appropriate deductions to cover the cost of accommodation, food, child support and—as a requirement—reparation for victims. This might help overcome objections that prison work undercuts local companies.**

## 7 Education

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### A focus on basic skills

193. The majority of offenders have low basic skills and few qualifications: 52% of male and 71% of female adult prisoners have no qualifications at all. Half the prisoners screened at reception are at or below Level 1 in reading (the level expected from an 11-year-old); two-thirds are below Level 1 in numeracy and four-fifths in writing. Nearly a third of all prisoners have been regular truants; almost four out of five young prisoners have been excluded from school; and 89% of male prisoners and 84% of female prisoners have left school at 15 or 16, compared to 32% of the general population.<sup>152</sup> Half of all prisoners do not have the skills necessary for 96% of jobs and only one in five ex-prisoners is able to complete a job application form.<sup>153</sup>

194. The Prison Rules 1999 provide that “every prisoner able to profit from the education facilities provided at a prison shall be encouraged to do so”. The Rules state that educational classes must be arranged at every prison and reasonable facilities made available to prisoners who wish to improve their education by training by “distance learning, private study and recreational classes, in their spare time”. The Rules make specific reference to prisoners with special educational needs and require that “special attention shall be paid” to their education and training.<sup>154</sup>

195. The “Measuring the Quality of Prison Life” audit in 2002 found that 58.4% of prisoners believed that the education programmes in which they were participating in prison helped them with personal development.<sup>155</sup> Research by the Social Exclusion Unit found that prisoners who do not take part in education or training are three times more

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151 National Action Plan, p 35

152 Prison Reform Trust, appendix to memorandum (not printed)

153 Social Exclusion Unit, *Reducing Re-offending by Ex-Prisoners* (July 2002); HC Deb, 14 January 2004, col 240WH

154 Prison Rules 1999 (S.I., 1999, No. 728), Rule 32

155 Ev 292 MQPL (June 2004) Figure 6.3.1

likely to be reconvicted, and that basic skills learning can contribute to a reduction in re-offending of around 12%.<sup>156</sup>

196. The Prison Service has not in general tended to employ community resources for rehabilitative intervention, preferring instead to establish parallel structures inside the prison estate. However, in relation to education it has adopted a different approach. Since 1993, the Prison Service has contracted with local further education colleges or community colleges for the provision of education services in prisons. Each prison has an Education Manager responsible for the delivery of prisoner education. From 2004, all prisons also have a Head of Learning and Skills, a governor-grade employee who is employed to monitor the education contract and ensure that education is fully integrated within the prison regime.<sup>157</sup>

197. In 2000, the DfES and the Prison Service announced a “new strategic partnership” for the delivery of prisoner education. This resulted in the creation of a Prisoners’ Learning and Skills Unit within DfES which assumed responsibility for prisoner education in April 2001, working in partnership with the Prison Service, National Probation Service, Youth Justice Board, Learning and Skills Council and others. In 2003 it was renamed the Offenders’ Learning and Skills Unit (OLSU). OLSU co-ordinates the development and delivery of change. It has put in place a core curriculum for prison education, setting out priority areas for learning and stipulating the courses and facilities that should be available. These include basic mathematics, basic English, art and computer skills. From 2004–05, OLSU will have responsibility for the education of offenders in the community.<sup>158</sup>

198. Funding for education in prisons was ring-fenced for the first time from 2001–02 and transferred to the DfES. Funding for dedicated vocational training was similarly ring-fenced and transferred from 2003–04. In 2003–04 and 2004–05, £97m and £122m respectively of additional investment has been provided to support learning and skills provision in prisons. Most of this expenditure will fund new Prison Service contracts for the delivery of learning and skills.<sup>159</sup>

199. The table below sets out the number of educational and vocational awards over the triennium 2001–04. In 2003–04 prisoners achieved over 46,000 qualifications in literacy, language and numeracy, as well as nearly 110,000 qualifications in work-related skills.<sup>160</sup>

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156 Ev 201 (para 4.1); see also Ev 139 (para 3.3.2)

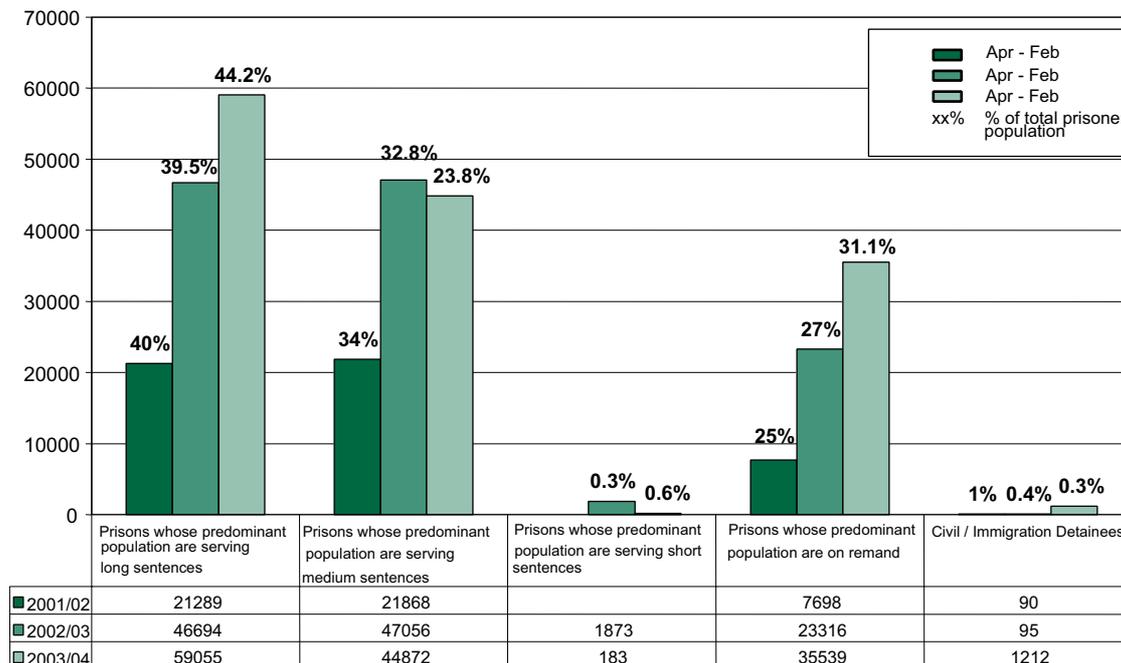
157 HC Deb, 25 March 2004, col 1015W

158 HM Prison Service, *Annual Report and Accounts 2002–03* (2003)

159 Ev 139. Other specific areas of spending include capital expenditure to improve equipment and build capacity; the appointment of Heads of Learning and Skills for all prisons to act as a “champions” for the management and organisation of learning and skills provision in each prison and enhanced advice and guidance services for young people in juvenile establishments.

160 DfES memorandum submitted to the Education and Skills Committee (to be published), p 3

**Number of Educational / Vocational award in 2003/04 YTD ,  
2002/03 YTD, 2001/02 YTD**



The Prison Service has a good record in recent years for meeting its targets in relation to basic skills education. In 2003–04 performance was significantly above target for Key Work Skills (double the target) and for Basic Skills at entry level (exceeded by 70%) and level 1 (exceeded by over 30%). Performance at Basic Skills level 2 was just under target (by 2%).<sup>161</sup>

200. However, much remains to be done in the field of prison education. The Prison Reform Trust claims that the Prison Service’s success in delivering basic skills programmes for literacy and numeracy masks “significant shortcomings in the opportunities for learning available to all prisoners across the estate”.<sup>162</sup> The Trust argues that “if prison education is seen as remedial activity to tackle perceived skills deficits at the basic level then it would be best not to pretend otherwise”.<sup>163</sup>

The Howard League levelled a similar criticism, claiming that the adult education curriculum in prisons is increasingly focused on basic skills and meeting the Key Performance Indicators on Level 1 and 2 qualifications, with access to Further Education and Higher Education courses becoming increasingly limited.<sup>164</sup>

201. The Director of the Prison Reform Trust, Ms Juliet Lyon, told us that the recent achievements in relation to basic skills could be eroded as a consequence of prison overcrowding:

“the number of basic skills hours that have been achieved in education ... are tremendous. [However,] they do not, in fact, mop up the increased numbers ... and

161 Prison Service Annual Report and Accounts 2003–04 (HC 718 of Session 2003–04), published on 15 July 2004, p 31

162 Ev 201 (para 4.2)

163 Ev 202 (paras 4.4–5)

164 Ev 192

the impact of that. What we are seeing are improvements that are constantly eroded by ever increasing numbers.”<sup>165</sup>

The Trust pointed out that the *per capita* level of spending on prisoner’s education is considerably less than that on school pupils. In 2002–03 an average of £1,185 per prisoner was spent on education in jails. That was less than half the average cost of secondary school education at £2,590 per student per year—even though many prisoners have missed out on schooling.<sup>166</sup>

202. A particularly damaging consequence of prison overcrowding is the ‘churn’ of prisoners through the system arising from a high level of transfers between prisons. This can cause disruption to individual prisoners’ participation in education and training. The Chief Executive of Nacro, Mr Paul Cavadino, told us that—

“moves around the system ... impact badly on education courses when they are disrupted or when people have not yet got on them because they are on a waiting list for a course which does not exist at the prison they are going to.”<sup>167</sup>

203. The Director of the Prison Reform Trust, Ms Juliet Lyons, gave a vivid example of the problems caused by the ‘churn’:

“This is a refrain we are hearing time and again. We have 4,000 prisoners and their families contact our office every year and probably the biggest central theme in a number of letters and calls we get is about transfers to establishments and the business of being re-assessed and re-assessed and re-assessed so that people never move beyond an assessment stage. Yesterday we heard from the mother of a young man at Feltham who, in just a few days, had moved between Feltham, Reading, Onley in Rugby, Rochester, Feltham again and in each establishment he had been assessed. He barely got started on anything before it stopped.”<sup>168</sup>

Ms Lyons also cited the case of “a young man at a young offenders institution who was about to sit an A level and he was moved the day before it. That was just shattering.”<sup>169</sup> These problems are augmented by frequent failure of prisons to transfer educational records or information when prisoners are moved.<sup>170</sup>

204. In October 2003 the Prison Reform Trust produced a report which investigated prisoners’ own perspectives on prison education.<sup>171</sup> It concluded that “despite the highly appreciated efforts of some education staff, there was a desultory second best feel to

165 Q 4

166 Prison Reform Trust memorandum submitted to the House of Commons Education and Skills Committee in its inquiry into prison education (to be published), para 3.4

167 Q 25

168 Ibid.

169 Q 33

170 Ev 202 (para 4.4)

171 Prison Reform Trust, *Time to Learn* (2003)

prisoners' accounts of education". The report identified core failings in educational provision, including transfers disrupting education classes, disparities in funding and curriculum between prisons, lower rates of pay for attending education courses, poor sentence planning neglecting education and skills needs and a general shortage of places on courses and in workshops resulting in long waiting lists.

205. The Prison Reform Trust report made five principal recommendations:—

- i. Significant extra resources should be invested in education and skills within prisons to make them comparable to those in mainstream provision.
- ii. The rates of pay for undertaking education and training should be raised to make them comparable to those for other prison work.
- iii. The prison curriculum should reflect the wide range of abilities and backgrounds of the prison population.
- iv. Every prisoner should have a 'learning passport' or personal record of achievement.
- v. Peer support schemes in prison education should be extended.

206. Both the Social Exclusion Unit and the Chief Inspector of Prisons have highlighted the problem of disparate access to educational opportunities across the prison estate. In 2002, a report by the Public Accounts Committee stated that a prisoner's access to programmes owes much to where he or she is sent. The report commented that the average annual expenditure per prisoner on education varies significantly, even between prisons within the same category. For example, amongst prisons holding lower security risk (Category C) prisoners, the amount spent per head in 1999–2000 varied between £205 and £1595.<sup>172</sup>

207. The most recent annual report from the Chief Inspector of Adult Learning, Mr David Sherlock, published in November 2004, contains comments on prison education.<sup>173</sup> The Chief Inspector concluded that most prisons give education and training a high priority, that their understanding of the importance of education to the resettlement of offenders was growing, and that the impact of the newly appointed heads of learning and skills was beginning to be felt. However, he made a number of criticisms, including the following:

- Co-ordination of education or training between prisons is very poor. Records and information are not passed on.
- The range of programmes was too narrow: prisons do not give sufficient opportunities to prisoners who would benefit from other levels of programme, whether higher or lower.
- Evaluation of learning programmes is poor.

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172 Committee of Public Accounts, Fifty-third Report of Session 2001–02, *Reducing Prisoner Re-offending* (HC 619), para 8

173 Adult Learning Inspectorate, *Annual Report of the Chief Inspector 2003–04*, published on 24 November 2004. The Inspectorate is a government-funded body set up in 2001 to monitor "standards of education and training for young people and adults in England, publicly grading the training providers on the quality of learning provision they supply and making focused improvements possible". Its remit includes "learning in prisons".

- Planning to meet individual learners' needs was inadequate, with many prisoners not being allocated to the most appropriate type of training.
- About one in five prisons have unsatisfactory provision for literacy, numeracy and language support.<sup>174</sup>

208. We note that the House of Commons Education and Skills Committee is currently conducting a major inquiry into prison education, which will examine in greater detail at the issues we have discussed in this section of our report. We look forward to receiving our sister committee's conclusions in due course.

209. There are models of good practice which could be more widely employed across the prison estate. We mention in particular the 'Toe-by-Toe' system, promoted by a charity, the Shannon Trust. This is a 'buddy system' whereby prisoners who can read and write teach those who cannot, using a manual called *Toe by Toe*, building up the self-esteem of both parties. Originally devised for use in schools, the Toe-by-Toe system has been demonstrated to work successfully in a prison environment. Having been piloted at HMP Wandsworth, the scheme is now functional at over 80 establishments, with a network of about 300 prisoner 'mentors'. It has received the support of the Prison Officers' Association. Being based on peer group teaching, the system requires only modest extra resources.<sup>175</sup>

## Prison education: conclusions

**210. The provision of basic education to address the very high levels of illiteracy and innumeracy amongst prisoners has hitherto been a successful intervention strategy by the Prison Service. Impressive targets have been met, as the statistics demonstrate. We commend the Prison Service's efforts to date.**

**211. We recognise, however, the challenges that remain. The evidence suggests that implementation remains incomplete. The number of basic skills awards gained in 2003–04 was over 46,000. This is a fine achievement, but needs to be placed in the context of the 130,000 prisoners estimated to pass through the prison system in a year.<sup>176</sup> We note the other deficiencies to which the Adult Learning Inspectorate has drawn attention, which reflect our own observations.**

**212. There is a disturbing degree of variation between individual prisons in the extent of prisoners' access to education and the provision of educational programmes. Such variation reflects disparate investment in education by individual prisons and demonstrates the lack of a unified education policy across the prison estate. We recommend that minimum standards be imposed by the DfES by way of key performance indicator targets which every prison must meet.**

**213. In the medium to long term, we consider that an overly narrow emphasis on basic education should not be encouraged. We welcome the appointment of Heads of**

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<sup>174</sup> Ibid., "Keynotes: prisons"

<sup>175</sup> See [www.toe-by-toe.co.uk/prison\\_project.html](http://www.toe-by-toe.co.uk/prison_project.html); and memorandum from the Shannon Trust to the Education and Skills Committee inquiry into prison education (to be published)

<sup>176</sup> See DfES memorandum to the Education and Skills Committee inquiry, p 1

**Learning and Skills in each prison to take forward a broader education strategy. In particular, we consider there to be a strong case for widening the methods of delivering education. Transplanting the formal educational classroom model into the prison rehabilitation regime is not necessarily the best method of encouraging prisoners to learn.**

**214. We recommend that consultative forums be established in each prison to allow prisoners the opportunity to contribute to decisions regarding delivery and content of educational programmes.**

**215. Consideration should be given to the feasibility and desirability of raising the payments given to prisoners attending education and training courses, with a view to ensuring that there is no significant disincentive to prisoners to attend such courses.**

**216. We note the damage done to prisoners' education by the 'churn' of prisoners through an overcrowded system. We support the proposal by the Prison Reform Trust that every prisoner should have a personal record of achievement which they will take with them when transferred to a new prison. Communication between prisons, and co-ordination of educational provision within the prison system, should be improved to minimise the disruption caused to prison education by transfers.**

**217. We recommend that the Prison Service consider encouraging more extensive use of the 'Toe-by-Toe' system of teaching basic reading and writing skills.**

## **Vocational training**

218. 'Vocational training' is defined by the Prison Service as "workshop activities where the primary function is to provide prisoners with the skills and qualifications needed for employment on release". The Service told us that vocational training workshops and work areas offer a wide range of occupational skills for the majority of prisoners.<sup>177</sup> However, HM Chief Inspector of Prisons, Anne Owers, was critical of the state of vocational training provision across the prison estate. She said that—

"when we were compiling the material for the Annual Report [2003–04] ... we inspected 19 training prisons whose functions should be focused on training, and in only five of those did we find that there was actually enough of the right kind of education and training happening. We found those that were managing those resources well, and those that were managing less well."<sup>178</sup>

219. The Prison Service recognises that there are "major issues" in relation to current inadequate provision of vocational training. These include:

- i. poor initial assessment, advice and guidance leading to prisoners inappropriately placed on training courses.
- ii. delivery of training at substandard levels not valued by employers.

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177 Ev 179 (paras 43, 44)

178 Q 163

- iii. delivery of training in occupational areas where the chances of employment are poor.
- iv. duration of courses not appropriate to the length of stay of prisoners.
- v. poor outcomes from training and few qualifications achieved.<sup>179</sup>

220. The Prison Service has invested £4.5 million over the past two years in upgrading vocational training workshops across the prison estate.<sup>180</sup> From 2004, the Offenders Learning and Skills Unit (OLSU) in DfES has taken over the budget for vocational training (ringfenced at £12 million per annum).<sup>181</sup> The long-term objective is that as new arrangements are put in place for delivering education in prisons, vocational training will be incorporated.<sup>182</sup>

221. Under the National Action Plan, OLSU is working in partnership with the Prison Service Enterprise and Supplies Services to introduce accredited training into prison industries workshops through a pilot scheme in 2004–05. At regional level, Regional Offender Managers will be expected to identify and enlist employers to provide opportunities for offenders and ensure regional skills gaps are targeted.<sup>183</sup>

222. During our visit to HMYOI Aylesbury we visited a motor mechanics training centre run by the prison in partnership with Toyota. This is based in a fully equipped workshop where young adult prisoners can obtain NVQ qualifications from Levels 1 through to 4. This training facility was praised by HM Chief Inspector of Prisons following an announced inspection in 2003.<sup>184</sup>

**223. We welcome plans to integrate accredited training into prison workshops. Nonetheless, the Prison Service deserves criticism for having failed hitherto to remedy the core defects that it has itself identified in its vocational training programme. Vocational training workshops enable a more innovative and integrated approach to education and work, setting training alongside work opportunities for those prisoners who reject the formal classroom model of education. We were impressed by the well-equipped motor mechanics training centre at HMYOI Aylesbury, jointly run by the prison and Toyota; but we note also the massive gap between this and the standard provision that is available in YOIs and in the prison estate as a whole. During our prison visits, many prisoners told us that they attended particular classes because they were the only ones available, not because they thought they would help them get jobs.**

**224. We consider that the management of vocational training by DfES provides the potential for a more holistic approach to the delivery of education and skills.**

179 Ev 179 (para 45)

180 Home Office answers to Committee Questionnaire on Departmental Annual Report (June 2004) (to be printed). For example, at HMP Wellingborough, an out-of-date workshop has been refitted with modern technical equipment, including MOT test equipment, to enable prisoners to be trained in motor skills.

181 Ev 180 (para 49)

182 Q 339

183 National Action Plan, p 19

184 HM Chief Inspector of Prisons, *Report of an Announced Inspection of HMYOI Aylesbury, 28 April to 2 May 2003*, pp 13–14

225. We welcome the investment in upgrading vocational training workshops and recommend that this should be sustained to re-equip and modernise all workshop equipment. It is vitally important that all vocational training workshops should be designed to meet the relevant industry standard and provide recognised qualifications or awards.

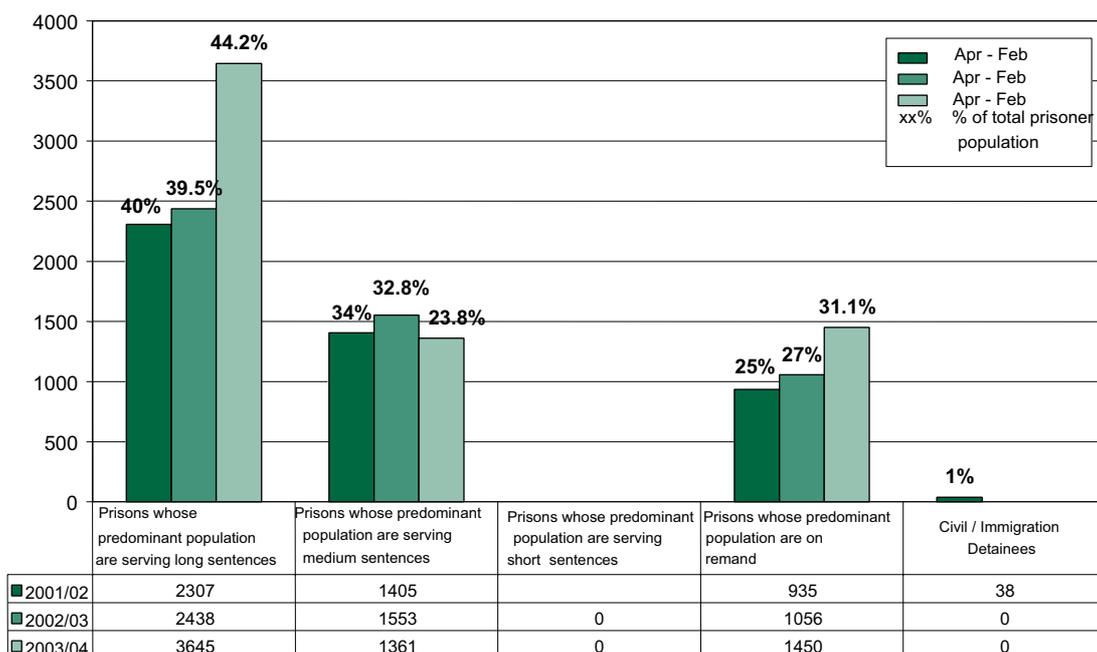
226. Without this investment, prisoners will be trained on machines which are out-of-date in practices which are no longer relevant in the modern workplace. Prisons with appropriate, well-resourced workshops, in favourable locations and with medium- to long-term prisoners are likely to be better able to attract work contracts, provide a fuller working day and pay enhanced or 'real' wages.

## 8 Addressing Offending Behaviour

### Offending behaviour programmes

227. Offending behaviour (or cognitive skills) programmes were introduced during the early 1990s. They aim to teach offenders the process of consequential thinking in order to avoid patterns of thinking which lead them to offend. The Prison Service offers a broad range of programmes designed to challenge behaviour which has contributed to a prisoner's criminality or is a factor which may lead to further offending. The full range of Offending Behaviour Programmes are set out in Annex XX. In 2002–03, prisoners in 108 establishments completed accredited offending behaviour programmes. Details are given in the table below. Prisoners serving long sentences are the main recipients of these programmes. In 2003–04, 3,645 long-term prisoners completed some type of offending behaviour programme.

**Number of Offender Behaviour Programme completions in 2003/04 YTD, 2002/03 YTD, 2001/02 YTD**



228. The findings of recent research into the effectiveness of cognitive skills programmes in rehabilitating prisoners present a somewhat confusing picture. The most recent evaluation of cognitive skills programmes, published by the Home Office in 2003, found no difference in the reconviction rates for prisoners who had participated in either an Enhanced Thinking Skills or a Reasoning and Rehabilitation programme between 1996 and 1998, and a matched comparison group.<sup>185</sup> This study was in marked contrast to an earlier Home Office study, conducted in 2002, which showed a reduction in reconviction for prisoners who had participated in a programme between 1994 and 1996.<sup>186</sup>

229. A further Home Office study in 2003 assessed reconviction outcomes for a prison-based sample of adult male *sexual* offenders who had completed a specifically designed treatment programme against a comparison group of similar offenders who had not participated in the programme.<sup>187</sup> The former showed a statistically significant reduction in reconviction for sexual and violent offences. Further, the study indicated that although the programme focused explicitly on sexual offending, violent offending also appeared to be reduced by programme participation.

230. The Home Office findings on offending behaviour programmes indicate that the number of high-risk offenders attending the programmes decreased over the three studies whilst the proportion of medium-risk offenders increased. The proportion within the low-risk group also increased, peaking in the second evaluation. This suggests a shift in programme targeting over the course of the large-scale implementation of these programmes within the Prison Service in recent years.

231. The Director of Nacro, Mr Paul Cavadino, told us that:

“The reality ... is that some of these courses work some of the time for some people in some circumstances if they are very well targeted, but simply to argue that if you put a prisoner through an anger management course or a thinking skills course, it will make any difference, is very questionable.”<sup>188</sup>

232. The “Measuring the Quality of Prison Life” audit in 2002 has provided valuable data on prisoners’ own perceptions of offending behaviour programmes. Of those prisoners who had participated in such behaviour programmes, 63.7% agreed that they had “learned a lot” from them, 70.6% agreed that their thinking had improved, and 62.4% believed that their chances of “going straight” were better as a result of their having attended the programmes.<sup>189</sup>

**233. We share the Government’s disappointment at the results of the most recent research into the impact of offending behaviour programmes. We consider that the great expansion in offending behaviour programmes since they were introduced in the early 1990s, and the alteration in focus of whom they were delivered to, have compromised programme delivery.**

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185 Home Office Research Findings 206 (2003)

186 Home Office Research Findings 161 (2002)

187 Home Office Research Findings 205 (2003)

188 Q 202

189 Ev 293

234. **In our view, the results of the Home Office research argue in favour of reducing the priority given to offending behaviour programmes. They should continue to be offered as part of the range of interventions for prisoners but fitted into a much wider rehabilitation agenda. We welcome the Government’s plans to develop strategies to evaluate the effectiveness of current programmes through reviews of (i) the targeting of programmes and (ii) the approach to auditing the quality of delivery.<sup>190</sup> We recommend that a much more sophisticated selection process be introduced to ensure that appropriate prisoners attend each of the particular courses, and that providers of programmes be carefully scrutinised on an ongoing basis to ensure satisfactory and consistent high standards of delivery of the programmes across the prison estate.**

235. **We consider that the current Prison Service Key Performance Indicator for offending behaviour programmes is misplaced, because it measures their success by the number of courses run, rather than by outcomes. We recommend that the Prison Service put in place ongoing monitoring programmes evaluating outcomes in terms of completion rates and impact on reconviction rates on an annual basis.**

### **The Grendon model**

236. A programme designed to address offending behaviour of the most severe kind has been operating at HMP Grendon, near Aylesbury in Buckinghamshire, for over 40 years. Prisoners volunteer to come to Grendon. The aim is to treat antisocial personality disorders, or psychopathy. The prison contains five ‘therapeutic communities’ with 40 or so prisoners resident in each, held in Category B secure conditions. A therapeutic process has evolved at Grendon based on regular meetings of each community and of smaller, eight strong, groups within the communities. Residents stay at Grendon for at least 18 months, so membership of the small groups tends to be stable, and “conducive to genuine disclosure and psychodynamic working through”.

237. These group meetings are at the core of the ‘Grendon system’. The Prison Service described the interaction between prisoners in the groups as follows:

“Small groups go through historical exploration, clarification and reconstruction; the sharing and catharsis of trauma in a situation where trust and genuine intimacy begins to develop; interpretation and challenge of unconscious drives and wishes, and the recognition of the re-enactment of previous situations and difficulties. The work in groups is amplified by the therapeutic community environment, providing each prisoner with forty ‘therapists’—fellow prisoners who are able to challenge and ferret out evasions and disassembling by the client with tenacity and vigour that far surpasses what the facilitators can muster—as the prisoners say ‘you can’t con a con’.”

238. We visited Grendon in February 2004 and were impressed by what we saw and learnt. We held intensive discussions with a group of about a dozen prisoners and explored with them in detail how the therapeutic communities operate and heard graphic accounts of how they as individuals had been challenged to address their behaviour and personality problems.

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190 National Action Plan, p 35

239. In recent years there has been some anxiety about the future of HMP Grendon. The Board of Visitors' report for 2001–02 expressed “serious concern” about the detrimental impact of funding constraints and staff shortages on the therapeutic regime at Grendon, which the Board described as “a high quality, clinically effective process of immense benefit to prisoners”.<sup>191</sup> In March 2004 a prisoner at Grendon wrote to us, following our visit, expressing concern about a possible erosion of the benefits of the regime as a result of prisoners being sent to Grendon to alleviate overcrowding elsewhere in the prison estate, even if they had no interest in being involved with therapy. We raised this matter with the Prisons Minister, Mr Paul Goggins MP. He told us that:

“While every effort is made to maximise the use of the estate in order to meet current population pressures, it is not intended that this will be at the expense of the regime at Grendon. ... In order to make full use of any capacity at Grendon, I understand that the Governor has taken steps to instruct staff to re-visit current waiting lists urgently. This is in order to expedite the transfers of prisoners who are suitable for the therapeutic regime offered by the establishment. Any increase in the population of Grendon can be expected to consist of prisoners who have indicated their willingness to co-operate with the regime, and have been assessed as suitable for allocation there.”<sup>192</sup>

240. **We endorse the view of the Prison Service that HMP Grendon is “a model of good prison practice and a leader in the treatment of severe personality-disordered offenders”.**<sup>193</sup> **Although by its nature this model of treatment will only be suitable for a minority of offenders, we consider it important that the work done at Grendon should continue. We recommend that the Government should commit itself to maintain and if possible increase the present level of resourcing of Grendon and other therapeutic units. We agree with the Minister that prisoners should only be sent to Grendon if they are willing to benefit from that regime and have been assessed as suitable for allocation there.**

## 9 Remand Prisoners

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241. We have focused on two issues relating to remand prisoners: (i) the disproportionate use of remand, as evidenced by the very high figures of remand prisoners as a proportion of the prison estate and (ii) the ‘rehabilitative’ strategy designed for remand prisoners (most of whom have not been convicted of any offence) and their general treatment whilst in custody.

242. The remand prison population comprises people awaiting trial (the majority) and those who have been convicted but are awaiting sentence. In June 2003, the population of untried prisoners was 7,900, and of convicted but unsentenced prisoners just under

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191 HMP Grendon and Springhill Board of Visitors Annual Report 2001–02, p 2

192 Evidence not printed

193 HMPS briefing for Committee visit (not printed)

5,200.<sup>194</sup> Over 17% of the prison population are currently remanded in custody, as the table below demonstrates.

**Percentage of prison population that are on remand or serving sentences of less than 12 months at 30 June 2004<sup>195</sup>**

	1998	1999	2000	2001	2002	2003
% population on remand	19.6	19.4	17.5	16.7	18.4	17.7
% population serving sentences of less than 12 months	11.7	11.5	13.6	12.9	11.0	11.1
Total prison population	65,727	64,829	65,194	66,403	71,218	73,657

243. The Bail Act 1976 asserts a presumption in favour of bail for all people awaiting trial except those on charges of murder, attempted murder, manslaughter, rape or attempted rape. Yet eight out of ten people received into prison on remand are charged with a non-violent offence. 20% of those held on remand are acquitted. 50% of male prisoners held on remand in 2002 received a non-custodial sentence whilst 59% of female remanded prisoners received a non-custodial sentence.

244. In 2002, the average age of a remand prisoner was 29. Over 20% were under 21. In 2002, 36 remand prisoners committed suicide, representing one every ten days.<sup>196</sup>

245. Ninety-three per cent of remand prisoners are men. Although women are in a small minority, the number of women on remand has more than trebled in the last decade. Remand prisoners represent almost a quarter of the current female prison population and constitute the majority of women who enter prison each year: of the 12,000 women sent to prison in 2002, two thirds were on remand. A recent Prison Reform Trust report on remand prisoners, published in September 2004, concludes that custodial remand of women is used too frequently by the courts due to a general failure in the provision of information to the courts regarding the needs and experiences of women offenders, in particular, adequate social, psychiatric and probation reports, prior to the court's decision whether or not to grant bail.<sup>197</sup>

246. One specific issue was raised by several witnesses, including HM Chief Inspector of Prisons, the Independent Monitoring Boards, the Howard League for Prison Reform and the Prison Reform Trust. They expressed concern that a court may decide to remand an individual in custody to allow assessments to be made, including mental health evaluations, in preference to relying on already over-burdened community social services. Indeed, a representative of the Independent Monitoring Boards told us that

“It is easier to get a psychiatric report by sending someone on remand to High Down for 28 days for an offence that may not be punishable by imprisonment anyway.”<sup>198</sup>

<sup>194</sup> *Offender Management Caseload Statistics 2003* (December 2004), table 8.1

<sup>195</sup> HMPS response to Home Affairs Committee follow-up question (April 2004)

<sup>196</sup> *Prison Statistics England and Wales 2002*

<sup>197</sup> Prison Reform Trust, *Lacking Conviction: the rise of the women's remand population* (September 2004)

<sup>198</sup> Q 115

247. **We consider that the expanding use of remand is cause for concern. The growing numbers of remand prisoners are impacting significantly on the already overcrowded prison estate. The fact that over 50% of all remand prisoners are not subsequently given a custodial sentence points to an urgent need for reform to reduce the numbers of remand prisoners. It is unfortunate that the Government's National Action Plan contains no reference to remand prisoners. We recommend that the Government should commission a comprehensive review of the role of remand in the criminal justice system as a matter of priority, particularly in light of the weakening of the presumption in favour of bail introduced by the Criminal Justice Act 2003.**

248. We turn now to look at the treatment of remand prisoners. Remand prisoners are held in local prisons, which are in the main the most overcrowded and have the most basic prison regimes. The present Lord Chief Justice, Lord Woolf, has commented that remand prisoners “are often at the bottom of the pack when they should be, as unconvicted prisoners, at the top of the pack”. He advocates that remand prisoners should have separate conditions and generally a lower security categorisation.<sup>199</sup>

249. Remand prisoners as a prison group suffer some of the highest levels of social deprivation and exclusion, and present on admission to prison with some of the greatest needs.<sup>200</sup> Research by Nacro demonstrates that remand prisoners are five times more likely to have lived in a hostel prior to imprisonment than sentenced prisoners, are less likely to have had a job before prison and have higher levels of drug dependency than sentenced prisoners: two-thirds of male remand prisoners and a half of female remand prisoners have used at least one drug in the year before coming to prison.<sup>201</sup>

250. The President of the Prison Governors' Association, Mr Mike Newall, told us that:

“This group of people is more expensive during their period on remand than they are going to be at any other time and they are also going to be much more demanding - they are going to come in with drug problems of one kind and another - and work has to start with these people immediately...The National Offender Management Service talks about offenders rather than people who are remanded and therefore innocent at this stage, but these people are going to be extremely expensive and, unless the work starts there, they will be half-way through their sentence before they are convicted. So you are not going to have the opportunity to deal with them.”<sup>202</sup>

251. Remand prisoners do not currently undergo any needs assessment on admission to prison, nor do they receive any sentence or regime plan. The Prison Service does not operate a separate programme of education or work for remand prisoners. In addition, the Prison Service does not collate statistics on attendance of remand prisoners at work or education. The justification for this absence of provision is that remand prisoners are, for the most part, unconvicted of any offence, and there is an inherent contradiction in talking

199 Lord Woolf's address to the Prison Reform Trust, 2001

200 See Social Exclusion Unit report, *Reducing re-offending by ex-prisoners* (July 2002)

201 Prison Reform Trust website at [www.innocentuntilproven guilty.com](http://www.innocentuntilproven guilty.com), quoting the Office of National Statistics

202 Q 467

about the ‘rehabilitation’ of potentially innocent people. For this reason remand prisoners cannot be required to work or attend education classes.<sup>203</sup>

**252. Whilst respecting remand prisoners’ status as (in most cases) unconvicted prisoners, we believe that measures should be put in place to ensure the time remand prisoners spend in custody is used constructively.**

**253. We recommend that remand prisoners should undergo a needs assessment on reception to prison, including mandatory drug testing, and that the Prison Service should develop a separate prison regime tailored to meet their specific needs. This regime should include a short induction programme, education and work opportunities and drug and alcohol treatment programmes, with arrangements in place for continuation of treatment and programmes in the community. Participation in these programmes would of course be on a voluntary basis. Short, intensive basic literacy and numeracy programmes should also be made available to those remand prisoners who need them. We recommend that Jobcentre Plus surgeries in prisons should assist remand prisoners with benefits and employment issues arising as a result of their imprisonment, and that prison housing advice and support services should try where possible to preserve the accommodation to which the prisoner will be returning.**

## 10 Short-term Prisoners

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254. There is currently no prison rehabilitation regime specifically designed to meet the needs of short-term prisoners. The claimed justification for this is that prisoners serving short sentences are not inside long enough for rehabilitation programmes to make a difference. However, it has been argued that the lack of attention paid to short-term prisoners during their stay in prison, combined with the lack of resettlement services or social support following their release, helps to create a ‘revolving doors’ pattern of those prisoners re-offending and returning to prison within a short space of time after release.

255. Short-term prisoners are defined as prisoners sentenced to less than 12 months in prison. They constitute the majority of those sentenced to imprisonment each year: in 2003, 64% of all adult males sent to prison were sentenced to less than 12 months.<sup>204</sup> In 2002, 95,000 people in total were sentenced to prison and of those, 53,000 were sentenced to six months or less. Short-term prisoners have higher reconviction rates than other offenders.<sup>205</sup> The Halliday Report acknowledged that many short-term prisoners are persistent offenders and commit the majority of crimes that impinge upon the community.<sup>206</sup>

256. Short-term prisoners constitute one of the biggest challenges to a prison rehabilitation strategy. They have a wide range of offending motivators, most critically in relation to accommodation, employment, alcohol or drug dependency. The majority will also have

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203 Though they are *permitted* to work if they choose to do so (Prison Rules 1999, rule 31 (5)).

204 HMP Canterbury briefing note to the Committee, April 2004 (not printed)

205 Q 470

206 Halliday Report: *Making punishments work: Report of a review of the sentencing framework for England and Wales* (2001)

significant educational and behavioural needs and deficiencies. However, like remand prisoners, the majority of short-term prisoners spend their time in local prisons, which are the most overcrowded and provide the most basic prison regime. As HM Chief Inspector of Prisons has commented, because of the ‘churn’ of prisoners through the system, local prisons achieve little more than ‘humane containment’: “the prisons where they are held are struggling to provide the basics of decency and safety, let alone purposeful activity and rehabilitation”.<sup>207</sup>

257. Thus traditionally there has been very little rehabilitative work done with short-term prisoners. The Social Exclusion Unit report in 2002 found that the “majority of prisoners, particularly those serving short-term sentences, receive little practical support, before release or afterwards”. There has been a tendency to justify this lack of attention to the rehabilitative needs of short-term prisoners on the ground that nothing effective can be done within such a short timeframe.<sup>208</sup>

258. It has been argued that significant work needs to be done with this high-profile, high-problem group as a matter of priority. The Director of Nacro, Mr Paul Cavadino, told us that:

“You can assess people’s educational needs; you can assess their training and employment needs; you can assess their health needs, their needs for help with addiction to drugs or alcohol, for example. You can assess a range of things which, even if you cannot then meet them in prison, you can do some emergency first aid ... to stop them getting worse and make arrangements by liaison with community agencies that can help with those problems if the person is going to be released within a short time. I think we need to be very much more systematic about this.

Mr Cavadino added that the following interventions should take place in the case of each short-term prisoner:

Every prisoner—male or female—needs to have a team of people with the specific responsibility of taking the immediate steps that are needed to stop matters from getting worse, to retain accommodation, to retain employment (because a third of people going to prison do have a job) and where it is possible to remain in contact with the employer and arrange for that to happen. Also, then to set up practical resettlement plan for the prisoner’s release.”<sup>209</sup>

259. An example of good practice in relation to the rehabilitation of short-term prisoners is provided by the Kent and Medway Short-term Prisoner Project. This is a voluntary project which has operated since 2002 with the aim of breaking the re-offending cycle of short-term prisoners released in the Margate area. Offenders serving between three and 12 months with previous convictions “demonstrating a sustained pattern of offending” are asked whether they wish to take part in the project. If they agree, they receive assessment and are subject to multi-agency interventions before and after release, and to supervision

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207 Ev 209 (para 9)

208 Social Exclusion Unit Report, *Reducing re-offending by ex-prisoners* (July 2002)

209 Q 54

for a limited period. An external evaluation of the project was positive, showing significant reductions in re-offending. Fuller details of the project are given in the box below.

### **The Kent and Medway Short-Term Prisoner Project**

The Kent and Medway Short-Term Prisoner Project is part of a wider Resettlement Programme aimed at facilitating the effective resettlement of both short-term prisoners and those released on licence from three Kent prisons (HMPs Canterbury, Elmley and Standford Hill). The project is supported by the local employment services, benefits agencies, health authorities, district councils and voluntary organisations, and has been operating since April 2002. It was piloted by HMP Canterbury, Kent Probation Area and Thanet police.

When an offender serving between three and 12 months with a persistent criminal history enters prison, he is asked whether he would like to participate in the project. If he agrees, he is required to sign a compact giving consent for personal information to be shared with a variety of agencies. He is then asked to complete a self-assessment form and a benefits questionnaire. The prison authorities use this to design a custodial strategy, comprising an individual programme of interventions (drug counselling/treatment, education classes, mentoring). As the prisoner approaches the end of his sentence, a multi-agency casework review takes place to identify a release strategy: an agreed action plan to prepare for the prisoner's release and the nature of the external support he will need to assist his resettlement. A number of housing agencies endeavour to find suitable accommodation and if the prisoner is judged suitable, employment interviews are arranged with the employment centre. On release, the prisoner is subject to targeted interventions by participating agencies. He is also subject to supervision by police and volunteer mentors for a limited period.

An external evaluation of the project in 2002 was positive. It found that 17% of project participants re-offended within eight weeks of release, compared to 31% of prisoners from a control group. In addition, in cases where ex-prisoners re-offended, there was a discernible difference in the overall seriousness of the new offences between the group of prisoners who had taken part in the project and the control group who had not: 25% of those who re-offended after participating in the project committed a less serious offence than their original offence, and only 6.8% committed a more serious offence. The comparable figures for the control group were 5.1% and 28.8%. [Source: L Berriman, *The role of social support with the Short-Term Prisoner Project designed to address resettlement and recidivism* (University of Kent, 2002).]

**260. A radical rethink about the treatment of short-term prisoners is urgently required. The complacent thinking that nothing effective can be done to rehabilitate short-term prisoners has crippled the response to regime provision for short-term prisoners. Inaction towards and neglect of this majority group of prisoners can no longer be justified.**

**261. We welcome the Government's attempts, through the introduction of the new sentencing framework in the Criminal Justice Act 2003 (for which, see paragraph 71 above), to rebalance the criminal justice system and enhance the use of robust community penalties such as Custody Plus as a effective alternative to imprisonment. We hope these measures will have a significant impact on reducing the number of prisoners who serve a short prison term with no supervision post-release.**

262. **However, we are critical of the failure to include in the Government's National Action Plan strategies for the short to medium term to improve the prison rehabilitation regime for short-term prisoners. We recommend that this omission be remedied as a matter of priority.**

263. **In addition, it is not yet clear how many prisoners even after the introduction of Custody Plus will continue to serve relatively short-term sentences. We recommend that the Home Office should publish their estimates of how many prisoners will, after the introduction of the new sentencing framework, serve custodial sentences of between six months and two years. The introduction of the new community penalties will not eliminate the need for a fundamental overhaul of the Prison Service's attitude to short-term prisoners, which is currently dominated by the view that nothing constructive can be done.**

264. The Kent and Medway Short-Term Prisoner Project provides evidence that a tailored rehabilitative regime for short term prisoners which directly challenges their re-offending motivators and addresses the particular risks and needs of this prolific and persistent group of re-offenders can positively impact on re-offending rates. We need to stop looking at short-term prison sentences as individual episodes of an offender going to prison and being released and start seeing the majority of short term offenders as prisoners who come back time and again and are, as it were, serving a long sentence episodically. Then the justification for investing significant resources into this prisoner group becomes clear.

265. **We recommend that the Prison Service should introduce a properly structured approach to the treatment of short-term offenders. This should comprise effective assessment (possibly using a variant of OASys, which does not at present extend to short-term prisoners), provision of work and training, and assistance with resettlement.**

266. **We recommend that special intensive courses in basic education and drug treatment be designed which can be completed by short-term prisoners whilst in custody. Building on these, short-term prisoners should have the opportunity to commence longer-term education, vocational and treatment programmes in prison which are directly linked with programmes available in the local community. This will allow them to continue the programmes after release.**

267. A substantial body of research supports the Kent and Medway Short Term Prison Project evaluation's finding that supervision of ex-prisoners after release makes their adjusting back into society easier.<sup>210</sup> The introduction of Custody Plus, one of the new sentencing options available under the Criminal Justice Act 2003, will go some way to addressing the current lack of supervision and community support for short-term prisoners but alternatives should be investigated and evaluated at an early stage to discern any value they may add. **We commend the key elements of the Kent and Medway Short Term Prison Project, in particular its use of continuing targeted intervention and**

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210 Alexander K, *Blocking the fast track from prison to rough sleeping*. London Research Centre (2000). Alexander interviewed 71 prisoners at HMP Brixton and HMP Wandsworth and found that prisoners who had been in prison several times had frequently experienced the same problems regarding accommodation, employment, debt and substance abuse each time they were released.

**police and volunteer supervision. We recommend that this be developed nationally and taken forward by NOMS.**

## 11 Drug Treatment

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### The scale of the problem

268. Eighty per cent of people arriving in prison have serious drug or alcohol problems. In some inner city prisons as many as eight out of 10 men are found to have class A drugs in their system on reception.<sup>211</sup> However, many prisoners have never received help with their drug problems.<sup>212</sup> Drug misusers commit a high proportion of acquisitive crime: in nine areas where mandatory drug testing was carried out on people charged with offences such as shoplifting, burglary and drug offences, between 36 and 66% tested positive for the use of heroin, other opiates or cocaine.<sup>213</sup> These statistics underline the need for effective detoxification and drug treatment programmes, both in prison and continuing on release in the community, for all those prisoners identified as misusing or addicted to drugs.

### The need for compulsory drug testing

269. At present, prisoners are not compulsorily drug tested on admission to prison. Prisoners are asked to disclose whether they have a drug habit or addiction. This is problematic on two counts. First, if a prisoner fails to disclose a drug habit, he will not automatically be referred to the detoxification unit or recommended for a drug treatment programme. Second, no comprehensive data of the true extent of the drug problem besetting the prison system is available to inform a pro-active drug treatment strategy.

270. The non-mandatory drug testing of prisoners on admission to prison is in direct contrast to the new powers of drug testing in police custody. Under the Criminal Justice and Court Services Act 2000, the police have the power to drug test detainees aged 18 or over who have been charged with a 'trigger offence' (these include theft, burglary, robbery, and possession and supply of Class A drugs).<sup>214</sup> Drug testing on charge was extended with effect from 1 August 2004 to include young persons from the ages of 14 to 17 inclusive in ten pilot sites. In addition, courts have power under the Act to order a pre-sentence drug test if a defendant over the age of 18 has been convicted of any offence and the court is considering passing a community sentence.<sup>215</sup>

**271. We recommend that every prisoner should receive health care screening, including mandatory drug testing, on admission to prison, as part of their needs assessment. Whilst we are aware of the arguments against such a potentially invasive mandatory**

211 Interview with the Director General of the Prison Service, Mr Phil Wheatley, *Independent*, 1 December 2003

212 According to the Social Exclusion Unit Report (2002), prison officers at HMP Manchester have estimated that 70% of prisoners come into the jail with a drugs misuse problem but that 80% of these have never had any contact with drug treatment services.

213 Evaluation of drug testing in the criminal justice system in nine pilot areas, Home Office Research findings 180 (2003)

214 Criminal Justice and Court Services Act 2000, section 57. An officer of the rank of Inspector or above can authorise a test of an individual charged with a non-trigger offences if there are reasonable grounds for suspecting that the misuse of heroin and/or cocaine contributed to the offence.

215 Criminal Justice and Court Services Act 2000, s 48

drug testing requirement,<sup>216</sup> we consider such a step justified in light of the current statistical evidence of the high levels of drug misuse by very many entering the prison system. It does not seem to us unreasonable that there should be a power to drug-test those who have been convicted and sentenced equivalent to the existing power to drug-test those who are arrested. We recommend that this provision should be introduced by way of Government amendment to the Drugs Bill expected to be introduced in the present Session of Parliament.

272. **Mandatory drug testing on admission will benefit prisoners by facilitating more accurate assessments of the types of treatment required, thereby ensuring the most appropriate package of rehabilitative interventions for individual prisoners. In addition, mandatory testing will generate data which can be used to inform the development of a more targeted prison drug treatment strategy, and which will allow comparisons to be made with the results of compulsory drug testing on arrest.**

273. Random mandatory drug testing of prisoners is conducted on a daily basis across the prison estate. Random drug testing indicates the availability of all classes of drugs within prisons. After five years of gradual reductions in the rate of recorded drug use, there was a very slight increase in 2002-03 to 11.7% from 11.6% in 2001-02. Research has suggested that the testing has not led to a significant overall reduction in drug use.<sup>217</sup> During the course of our prison visits, prisoners complained to us about the widespread availability of drugs and the consequent impact on morale for those trying to get off and stay off drugs. A Home Office Study found that 75% of prisoners interviewed had taken drugs whilst in prison, most commonly heroin (53%) and cannabis (55%).<sup>218</sup> We are aware that the Prison Service is attempting to address this ongoing problem. **We encourage the Prison Service to continue to focus on reducing the numbers of drugs available in prison through strict security measures and continued use of random drug testing.**

## Drug treatment in prison

274. From our visits of various prison establishments, we discovered a wide variation in availability and approach to drug treatment for prisoners. The foundational drug treatment programme is the Counselling, Assessment, Referral, Advice and Throughcare (CARAT) Services. CARAT is a non-clinical, low-intensity drug misuse intervention service. Intensive Treatment Programmes are designed for prisoners with moderate to severe drug misuse problems but are less widely available. There are drug treatment and rehabilitation programmes in 60 of the 139 prisons across the prison estate, aimed at prisoners with moderate to severe drug misuse problems.

275. There are examples of particular good practice. For instance, during our visit to HMP Swaleside we learned about a RAPt (Rehabilitation for Addicted Prisoners Trust) Drug Treatment Programme, and met a group of adult male prisoners attending this. It is a 12-step programme based on total abstinence. Each course has around 10 places and runs approximately 16 weeks. The RAPt programme was the first drug treatment programme to

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216 Such as prisoners' rights to privacy under ECHR Article 8.

217 Prison Service, *Annual Report and Accounts 2002-03* (2003)

218 *Mandatory drug testing in prisons*, RDS Study 189, Home Office (1998)

gain national accreditation. There is evidence that the reconviction rates 2 years after release of those prisoners who successfully completed the RAPt course were significantly lower (40%) than rates for a similar group who did not participate in the programme.<sup>219</sup>

276. In 2003–04, 4,703 prisoners entered drug treatment programmes. The limited number of places on such programmes is a serious cause for concern. Access to the programmes is limited to those sentenced to two years or more because of the length of the treatment courses, which are a minimum of 12 weeks. The Prison Service does not keep records of prisoners with drug problems who actually receive treatment; however, according to a Home Office study, only 10% who had used drugs in the previous 12 months were receiving drug treatment. More than 40% of prisoners who had used drugs over that period wanted drug treatment but were not receiving any.<sup>220</sup> It is also a matter for concern that nearly half of the prisoners who enter drug treatment programmes do not complete them.<sup>221</sup>

277. The Home Office has acknowledged that it is currently resourced only to meet approximately 30% of the rehabilitation needs of drug misusing prisoners.<sup>222</sup> In its Updated Drugs Strategy 2002, the Government only committed itself to creating an additional 2,000 intensive treatment programme places in prisons, with low-intensity interventions being made available to short-term prisoners. We do not consider this an adequate response to the problem. **In our view, the management of the delivery of drug treatment programmes constitutes a key element in the prison rehabilitation regime. We are critical of the limited number of places on prison drug treatment programmes and the restrictions on accessing those programmes. The provision of drug treatment services to only 10% of prisoners misusing drugs is inadequate when an estimated 80% of prisoners arriving in prison have serious drug or alcohol problems.**

278. **We recommend that the number of places available on intensive drug treatment programmes be substantially increased, and that resources invested in community drug treatment services should be made available to the prison population, with prisons being directly linked with local community drug treatment providers.**

279. **In addition, we recommend that short, intensive, drug treatment programmes be made available to short-term prisoners, who are currently excluded from any form of intensive drug treatment programmes. We welcome the Government's commitment to developing a short duration drug treatment programme for short-term prisoners as an action point in its National Action Plan.**<sup>223</sup>

280. **We recommend that the Government should make a public commitment to ensuring that the guaranteed quality of access to drug treatment for prisoners will never be less than that offered to offenders in the community.**

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219 Ev 137 (para 3.1.14)

220 *Prisoners' drug use and treatment: seven studies*, Home Office Research Finding 186 (2003)

221 HC Deb, 15 November 2004, col 1126W. Out of the 4,703 prisoners who entered programmes in 2003–04, there were 2,418 completions.

222 HC Deb, 12 February 2003

223 National Action Plan, p 31

## Drug treatment in the community

281. The National Treatment Agency for Substance Misuse and the National Institute for Mental Health in England have developed a national programme to improve access to drug treatment for drug misusers in the community. In 2004, the pooled drug treatment budget allocated by the Government for the treatment of drug misusers was increased to £253 million. Nevertheless, whilst the total number of treatments has increased from 128,000 in 2001–02 to 140,900 in 2002–03, a significant gap between demand for and supply of drug treatment programmes remains, with an average waiting time of between 1.5 to 4 weeks for all types of drug treatment.<sup>224</sup>

282. The Criminal Justice Interventions Programme (“CJIP”), which was introduced in 2003 in 25 high crime areas with Drug Action Teams, aims to “develop and integrate measures for directing drug misusing offenders out of crime and into treatment”<sup>225</sup> and to co-ordinate the treatment of drug misusing offenders more effectively by increasing co-operation between criminal justice agencies and drug treatment agencies. The interventions available under the CJIP include Enhanced Arrest Referral of drug mis-using offenders into treatment by drug workers in custody suites, drug testing for cocaine and opiates for offenders with ‘trigger’ offences and community sentences with treatment conditions attached, such as Drug Treatment and Testing Orders (DTTOs).<sup>226</sup> It is still too early to assess the results of the CJIP initiative.

283. There remains a discernible disparity in provision of drug treatment programmes for ex-prisoners in the community. We have been informed of waiting lists for drug treatment for ex-prisoners of between 6 weeks and 6 months. In comparison, 70% of those offenders put on a Drug Treatment and Testing Order, a community sentence for offenders who misuse drugs, see a treatment provider within two days of the Order.<sup>227</sup> The National Treatment Agency for Substance Misuse acknowledges that “bridging the gap between prison and community has been challenging in a number of areas”.<sup>228</sup>

284. The CJIP Enhanced Arrest Referral provides direct and immediate access to drug treatment services in direct contrast to the long waiting period imposed on the majority of ex-prisoners. One of most vulnerable times for a discharged prisoner who has had a drug problem is the first few days after he or she has been released. It is vital that there is a seamless transition in drug treatment provision.

224 Ev 282

225 National Action Plan, Pathway 4, Drugs and Alcohol, p 27

226 Introduced by the Crime and Disorder Act 1998, the Drug Testing and Treatment Order (‘DTTO’) is imposed for a minimum of six months to a maximum of three years. It requires offenders to submit to regular drug testing, to attend an intensive treatment and rehabilitation programme, and to have their progress reviewed regularly by the court. It is supervised by the Probation Service. As of December 2003, the courts had made 18,414 DTTOs. In 2003–04, the Home office allocated £53.7 million to probation areas and treatment services to support implementation and supervision of DTTOs in England and Wales. (See National Audit Office Report, *The Drug Treatment and Testing Order: early lessons* (HC 366 of Session 2003–04), published on 26 March 2004.) The Probation Service hopes to meet its target of achieving 9,000 DTTOs in 2004. Whilst there is evidence of some success with a number of drug misusers in terms of reducing drug misuse and lower reconviction rates, only around 25% of DTTOs are completed in full, or terminated early for good progress (see NAO report cited above).

227 Q 541

228 Ev 282 (para 3.5)

285. We recognise the significant investment that the Government is making in drug treatment services. However, care must be taken not to focus on the availability of treatment to those entering the Criminal Justice System at the expense of those with drug problems already in the prison system. As a first step, targets for access to services for new offenders and for existing prisoners should be aligned. The longer-term objective should be to move towards continuity of care for released prisoners, which is critical to avoid wasted investment.

286. We recommend that the Government work in partnership with community providers to put in place a tracking system to monitor prisoners' access to community drug treatment and report to Parliament on the progress made in levelling out access to and provision of drug treatment as part of its Reducing Re-offending National Action Plan.

### Alcohol misuse

287. Alcohol misuse and addiction is widespread amongst prisoners. HM Chief Inspector of Prisons, Anne Owers, stated that there is “no specific funding, and no overall strategy, for programmes to manage alcohol consumption”. She commented that in one young offender institution she visited, 42% of the young people expected to have an alcohol problem on release.<sup>229</sup> **The Committee is critical of the failure to date to develop any overall strategy for dealing with prisoner alcohol misuse or addiction as an important element in its prison rehabilitation strategy, particularly in light of the alarming upward trend in alcohol-related crime. We welcome the Government's commitment in its National Action Plan to introduce alcohol strategies for approval by March 2005.<sup>230</sup> These strategies will comprise the twin elements of treatment interventions and alcohol testing. We urge the Government not to let the timetable on the introduction of these strategies slip. There needs to be rapid progress in setting up mechanisms to implement the national strategies at the regional and local level.**

## 12 Women Prisoners

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288. Any discussion of how best to rehabilitate women prisoners must take account of a number of related issues: in particular, the particular characteristics of the female prison population, the reasons for the recent steep increase in the number of women prisoners, and the Government's strategy for tackling problems related to the imprisonment of women. In this section of our report we address each of these issues in turn.

### The rise in the number of women in prison

289. Women represent 51.3% of the population in England and Wales, according to the 2001 Census, but only 6.1% of the total prison population. The annual average number of women in prison has increased by 173% since 1992, compared to a 50% increase for men

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229 Ev 208 (para 8)

230 National Action Plan, pp 29 and 32

over the same period. In 1994, the average number of women in prison in England and Wales was 1,811; in July 2004, the corresponding figure was 4,487.<sup>231</sup>

290. The majority of women prisoners are mothers and primary carers of children aged under 16, and have accommodation difficulties, poor employment and educational backgrounds. More than 30% of women prisoners have suffered sexual abuse. In the words of the Prison Reform Trust—

“The women’s prison population is made up of a disproportionate number of vulnerable and disturbed individuals. Two thirds of women in prison show symptoms of at least one neurotic disorder such as depression, anxiety and phobias. More than half are suffering from a personality disorder. Forty per cent of women in custody have attempted suicide at some stage in their life.”<sup>232</sup>

291. The Chief Inspector of Prisons, Anne Owers, confirmed this analysis. She told us that:

“The extent of mental illness, of self-harm, of substance abuse in women’s prisons is much higher even than that of men’s prisons. The statistics are astonishing. I was in New Hall Prison in Yorkshire last week. Eighty per cent of the women coming into that prison go straight to the drug detoxification unit. That is the level of needs that the prison is responding to.”<sup>233</sup>

292. The table below shows the breakdown of the female sentenced prisoner population by offence type. As the table demonstrates, a large percentage of female prisoners are serving sentences for drugs-related offences. This group accounted for 37% of the female prisoner population in 2002. This is unsurprising given that around 40% of women prisoners can be diagnosed as harmful or dependent users of drugs.<sup>234</sup> A significant (and increasing) number of women in prison are foreign nationals serving comparatively long sentences for drug trafficking.<sup>235</sup>

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231 Home Office, *Statistics on Women and the Criminal Justice System Report* (2003), published annually pursuant to section 95 of the Criminal Justice Act 1991

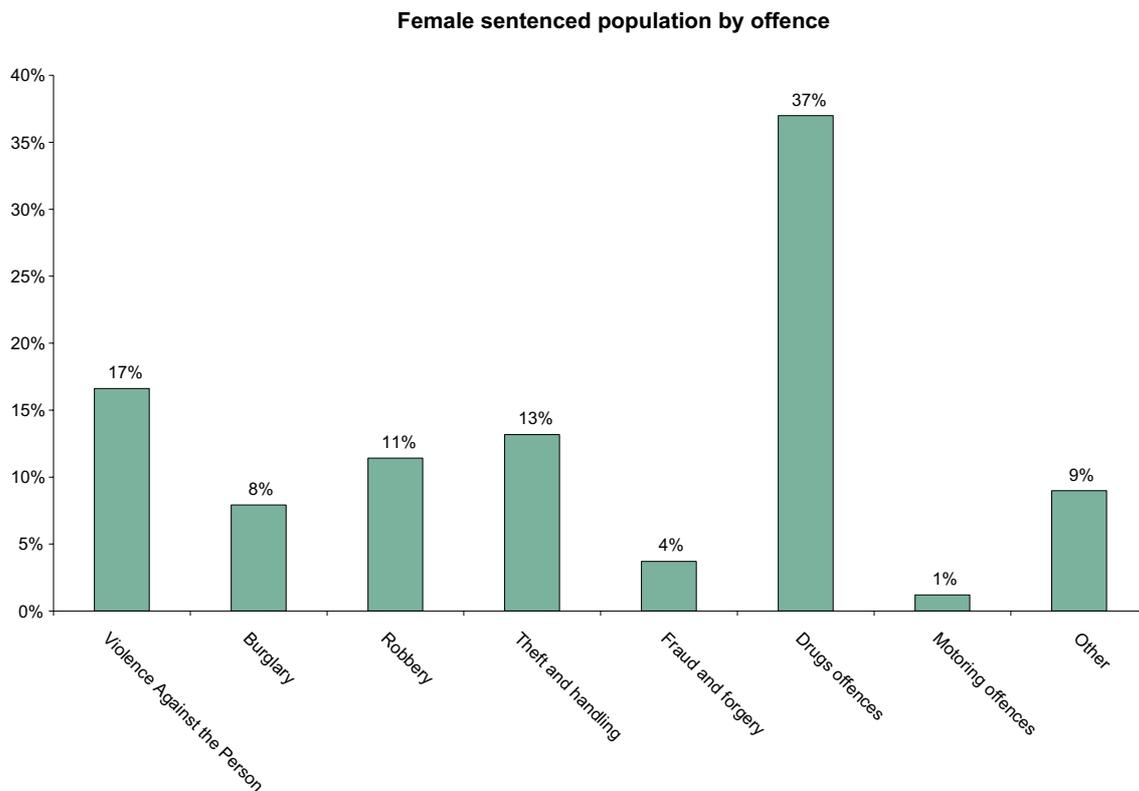
232 Ev 203 (para 7.1.1)

233 Q 218

234 Prison Reform Trust Factfile (July 2004), citing Singleton et al, *Psychiatric Morbidity among Prisoners in England and Wales*, (Office of National Statistics, 1998)

235 **Ref.**

### Female sentenced prisoner population, by offence type, England and Wales, at 30 June 2002



Source: Table 1.7, *Prison statistics, England and Wales 2002, Cm 5996*

293. Two-thirds of women in prison have dependent children. Their imprisonment has therefore a particularly acute impact on young children. The Prison Reform Trust estimates that up to 16,000 children are affected by the imprisonment of female offenders.<sup>236</sup> Whilst 90% of fathers in prison expect their children to be cared for by the children's mother, only about 25% of mothers in prison expect their children to be cared for by the children's father, the remainder being cared for by grandmothers, female relatives, friends or the local authority.<sup>237</sup> The Chairman of the Independent Monitoring Boards, Mr Bryan Baker, told us that:

“Men go into prison and they expect the women will maintain the house and family and look after all the things while they are in. It is not true in every case, and it is easy to make generalisations, but the great majority are more concerned about themselves and what will happen to them when they come out than what is happening out there. Women have an entirely different mental approach to it when they go in. They are concerned will the house still be there; what is happening to the children; can they see the children?”<sup>238</sup>

294. Women are more likely to be discharged or given community sentences for indictable offences and are less likely to be fined or sentenced to custody than men.<sup>239</sup> In 2001, a total

236 Q 54

237 *Statistics on Women and the Criminal Justice System (2001)*

238 Q 119

239 *Statistics on Women and the Criminal Justice System (2001)*

of 141,395 people were sent to prison and of these, 11,946 were women—around 8%.<sup>240</sup> The higher proportion of female receptions ('receptions' meaning prisoners received into prison during a particular time period) indicates that women are more likely than men to receive short sentences or to be held on remand.

295. The reason for this difference in treatment is that women's offending is different from men's. Statistics demonstrate that women commit far fewer offences and generally have far shorter and less serious criminal careers. In 2001, 40% of female prisoners were held for drug offences, 20% for theft and fraud offences and only 15% were held for violent offences. In 2002, 40% of female prisoners served a sentence of 3 months or less, whilst 75% were sentenced to 12 months or less.<sup>241</sup>

296. The huge rise in the female prison population is largely due to a significant increase in the severity of sentencing. The number of women sentenced to custody by magistrates tripled between 1992 and 2000. The use of custody for women by magistrates' courts rose from 4% in 1994 to 11% in 2002, whilst in Crown Courts it rose from less than 30% in 1994 to just over 43% in 2002.<sup>242</sup>

297. A two-year independent inquiry into women's imprisonment commissioned by the Prison Reform Trust concluded that—

“the vast majority of women in prison are in prison for non-violent offences and have never been a danger to the public. They are women who the system has failed time and time again. These women are socially excluded. Imprisonment will only isolate them further.”<sup>243</sup>

Approximately 40% of women prisoners are first-time offenders, compared with 13% of men prisoners.<sup>244</sup>

**298. Whilst the Government has said that it wishes to constrain the overall growth in prisoner numbers, the sharp rise in women prisoners would appear to deserve particular attention. The vast majority of these women are in prison for non-violent offences and have never been a danger to the public. We recommend that the Government consider setting targets for reducing the numbers of women offenders sentenced to prison and monitor the use of the community sentences available under the Criminal Justice Act 2003 and their impact on reducing the female prison population.**

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240 *Prison Statistics England and Wales 2001* (Cm 5743)

241 *Statistics on Women and the Criminal Justice System* (2003)

242 *Ibid.*

243 *Justice for Women: The Need for Reform*, (2000). The Inquiry was chaired by Dorothy Wedderburn.

244 *Prison Statistics England and Wales 2000* (Cm 5743)

## The Government's strategy for women prisoners

299. In March 2004, in answer to criticism that it was failing to address the needs of the female prison population, the Government published its *Women's Offending Reduction Programme*. This was described as “a multi-agency strategic plan of action to deliver a distinct and joined-up response to the needs and characteristics of women offenders”. It runs over three years, with annual reviews and a final evaluation. Its purpose is:

“to reduce women’s offending and the number of women in custody, by providing a better-tailored and more appropriate response to the particular factors which have an impact on why women offend. The intention is not to give women offenders preferential treatment but to achieve equality of treatment and access to provision.”<sup>245</sup>

Priorities for 2004–05 include making community interventions and programmes more appropriate and accessible for women; meeting women prisoners’ mental health needs and dealing with substance misuse; and “communicating, training and providing guidance on gender issues”.<sup>246</sup> A Women’s Policy Group is monitoring progress towards agreed action points and a final evaluation of the Programme is due to be completed at the end of 2006–07.

300. In a separate development, in November 2003 the Government announced the disbandment of the separate women’s prison estate. From 1 April 2004, the 17 women prisons (and two women’s wings attached to male prisons) have been integrated for management purposes within their geographical areas rather than managed as a separate bloc. The separate women’s estate had itself been created relatively recently, in 1999, in order “to cope with the rapid increase in the number of female prisoners and provide a focus on the specific needs of this population”. The latest reorganisation was justified on the basis that “returning management to the geographical areas would fully exploit the opportunities available to prisoners to address their offending behaviour and resettlement needs”. Under the new arrangements, “the particular needs of female prisoners will continue to be met by a dedicated section of staff with a senior manager in overall charge”. This Women’s Policy Group, within the Prison Service Directorate of Operations, is intended to maintain the specialist knowledge accumulated within the women’s estate, and to provide support on gender-related issues to area managers.<sup>247</sup>

301. In April 2004 we visited HMP Brockhill, a women’s local prison near Birmingham. Through our discussions with the Governor, prison staff and prisoners held at the establishment, we were made aware of the very different nature of a female prison establishment and the very different needs with which the female prison population present.

**302. We welcome the Government’s publication of a programme specifically focused on reducing female offending, but we note with disappointment that this is couched in very general terms. A clearer and more detailed statement of planned actions and**

<sup>245</sup> Home Office, *Women's Offending Reduction Programme: Action Plan*, published on 11 March 2004, p 5

<sup>246</sup> Home Office answers to Committee questionnaire on Departmental Annual Report (June 2004) (to be printed)

<sup>247</sup> Prison Service press release, “Management change for women’s prisons”, issued 12 November 2003

**expected benefits is needed. We recommend that the Government develops a more focused prison rehabilitation strategy for women prisoners which can be incorporated into the National Action Plan.**

**303. We are concerned about the lines of accountability and operational responsibility for women prisoners as a minority group, following the abolition of the separate women's estate in April 2004. In the absence of a senior operational manager with specific responsibility for that estate, we recommend the appointment of accountable officers with responsibility for women prisoners at each establishment where women are held. The responsibilities of the accountable officer should include monitoring the development of a women-oriented prison rehabilitation regime.**

304. Unlike men who are categorised into four security categories, women are only categorised as suitable for closed (high security) or open (low security) conditions. Women are held in 19 prisons, of which 17 are designated as 'female establishments'. Despite the increase in the female prison population, the number of open places for women has declined from almost 500 prior to 2000 to fewer than 250.<sup>248</sup> Thus the location of women is more heavily dependent on the number and type of places available across the prison estate, as dictated by the general prison regime and the demands of the male prisoners who form a massive numerical majority, than on the actual risk the female prisoner poses. As a result, women are more likely than men to be in a prison a long distance from home, making it harder to receive visits and keep in touch with family. At the end of 2003, 50% of women prisoners were held more than 50 miles from their home town and 25% were held more than 100 miles away.<sup>249</sup> It remains the case that around 94% of all prisoners are male and that prisons are organised on a male ethos. The costs of both custody and the provision of services to women prisoners held in predominantly male prisons are not broken down as a percentage of budget and the Governor does not have to report to a dedicated manager with responsibility for women prisoners.

**305. In our view, women prisoners, like men prisoners, should be held in prisons according to the security category that is appropriate to the risks they pose. As we have already noted, women prisoners in general pose much less of a security risk to society than men prisoners. Current sentencing policy and the number of open places available for women prisoners means that the security conditions under which they are held are not necessarily correlated with actual risk. We recommend that the Government take action to remedy this mismatch as a matter of urgency. In particular, we recommend that the number of places for women in open prisons be substantially increased.**

**306. The relatively small number of women's prisons in relation to the size of the present female prison population means that women prisoners are scattered about the country to a greater degree than men prisoners, a long way from home and family and unable to benefit from resettlement strategies. The only way to address this is either to invest substantially in the women's prison estate, or to invest in reducing prisoner numbers—and the latter is likely to prove more cost effective.**

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<sup>248</sup> Carlen, P and Worrall, A, *Analysing Women's Imprisonment*, (2004), p 36

<sup>249</sup> Prison Reform Trust Factfile, July 2004

## The rehabilitative regime for women prisoners

307. HM Chief Inspector of Prisons, Anne Owers, told us that “the conditions and treatment in many women’s prisons fall far short of what we require”.<sup>250</sup> Very few of the rehabilitative interventions which can be accessed by women prisoners were designed with women’s distinct needs and circumstances in mind. For example, neither of the two accredited offending behaviour programmes run in women’s prisons (the Enhanced Thinking Skills Programme and the Cognitive Skills Booster Programme) were designed specifically for female offenders. A number of women’s prisons run short ad hoc offending behaviour programmes for women prisoners, specifically devised by the staff of the particular establishment and addressing topics such as domestic violence, self-injury and anger management. The Prison Service has stated that it is currently developing an offending behaviour programme specifically for women.<sup>251</sup> This programme (known as Choices, Actions, Relationships and Emotions, or CARE) is designed for women serving longer custodial sentences for more serious or persistent offending, and who are deemed to present a medium to high risk of being reconvicted within two years of release. It follows that the programme will be relevant to a very limited number of women prisoners.

**308. We recommend that the delivery and content of offending behaviour programmes should be adapted to meet the specific needs of women prisoners, taking account of those women’s different life experiences and placing their offending within the context of what may often be long-term victimisation or abuse.**

309. The same problems arise in relation to drug treatment programmes: whilst a variety of basic and intensive drug treatment programmes have been devised and accredited for male offenders, no efforts have been made to construct equivalent programmes for female offenders. For example, the four ‘Action on Drugs’ rehabilitation programmes running in women’s prisons have been accredited for men in custody but not women. The Women’s Policy Group is only now undertaking necessary adaptations to accredit these programmes for women in custody. **We welcome the Government’s commitment in its National Action Plan that research will be carried out into the specific risk factors relating to women’s substance misuse and offending.**<sup>252</sup> However, we do not think this response to the problem is adequate, given that around 40% of all women prisoners can be diagnosed as harmful or dependent users of drugs.<sup>253</sup> **We recommend that the substantial increase in the female prison population be matched with a proportionate increase in the number of intensive drug treatment programme places available in women’s prisons from the 455 places currently available.**

310. Our general recommendations on drugs in prison are applicable to women prisoners as well as to men prisoners: see paragraphs 268–87 above.

311. Marginalisation of women prisoners is discernible in relation to education, vocational training and work programmes. As far as women’s educational provision is concerned, we

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250 Q 218

251 An initial pilot of the programme is scheduled for September 2004 with the intention of submitting the programme for accreditation in 2005 (Ev 274).

252 National Action Plan, p 30

253 Office for National Statistics, *Psychiatric Morbidity among prisoners in England and Wales* (1998)

have seen nothing that counters the criticism made by the then Chief Inspector of Prisons in 1997 that there is an

“absence of an overall assessment of the educational and vocational needs of the [female] prisoner population and a policy to identify the role education services are expected to play in women’s prisons ... There is little co-ordination and co-operation on educational matters among prisoners for women.”<sup>254</sup>

312. Women prisoners have significantly fewer opportunities to attend courses vocationally geared to practical work than male prisoners, and do not have access to the same range of opportunities for work and education. The Social Exclusion Unit’s report in 2002 found that only 24% of women with a prior skill had the chance to put their skills into practice through prison work. The statistics from HMP Brockhill obtained as part of our ‘Prison Diary Project’ indicate that 65% of women prisoners spent no time in vocational programmes or prison work. It appears that because the majority of women prisoners are mothers, the expectation is that they will not seek work when they are released from prison.

**313. We consider that whilst the majority of women prisoner’s first priority on release may be to secure accommodation for themselves and their children, women prisoners should nevertheless be given equal opportunities to access education, relevant skills training and work programmes as part of their prison regime. In devising a work strategy for women prisoners, we recommend that the Prison Service should consult with women prisoners themselves to identify the types of skills training and work programmes they would find most useful and relevant to them. The general focus on work-like experience and relevant training we have set out in respect of men prisoners is equally important for women prisoners. Outside prison the Government has supported women—including mothers—into work through the New Deal, on the grounds that this is best for them and their children. It is perverse to apply a different attitude to women prisoners who, arguably, have most to gain from secure employment on increased incomes.**

314. Resettlement is another area where provision for women prisoners is even worse than that for men prisoners. The Prison Service has only recently begun to redesign a resettlement programme tailored originally for male short-term prisoners to reflect the needs of female offenders. This followed criticism from the Correctional Services Accreditation Panel. The Prison Service intends to pilot this programme during 2004–05.<sup>255</sup> The primary preoccupation for the majority of women prisoners is supporting their children whilst they are in custody and finding a home for themselves and their children on release. Until these basic concerns are met, there is a very real difficulty in engaging women prisoners in other forms of rehabilitative intervention.

**315. We recommend that the Prison Service, in partnership with relevant community agencies and social support services, devises a resettlement plan for women prisoners, the contents of which should include basic advice on the care of children whilst women**

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254 HM Chief Inspector of Prisons, *Women in Prison: A Thematic Review* (1997), p 120

255 Ev 274

**prisoners are in prison, and guidance on childcare, benefits entitlement and housing needs on release.**

316. There is a need to ensure that community support services reach the people most in need of their help. This observation is particularly pertinent in relation to socially excluded women, including ex-prisoners. In an effort to consider how best to foster the links between the care group and the care provider, the Committee visited a women's centre in April 2004. The Asha Centre in Worcestershire works in the community with social service and community support agency partners to help socially excluded women, including female offenders recently released from prison. Details of the work of the Centre are set out in the box below.

**The Asha Centre**

The Centre opened in November 1994. It was established in response to criticism of the probation services for failing to make relevant provision for the specific needs of female offenders following release. The Centre helps women who have difficulty accessing or engaging with mainstream community support organisations to get the services they need. Over 15 local agencies provide services (part-time) on site. The Centre receives up to 20 referrals per month. It is currently funded by the Government Office for the West Midlands.

Female offenders—defined as women serving a suspended sentence, a community sentence, on probation or former short-term prisoners—are a particular focus of the Centre's work. It runs a 16-week programme led by probation officers specifically designed for female offenders. The programme focuses on women's offending behaviour and offending-related problems, at the same time as attempting to identify services relevant to each offender's needs. An independent report on the Centre, published by the London School of Economics in April 2004, concluded that it was successfully achieving its aims and objectives (Dr J Rungay, *The Asha Centre: Report of an Evaluation*). The report found that women offenders were taking up community support services of which they had previously been unaware or which they had been deterred from pursuing. In addition, women were being helped to identify specific, concrete goals for their continuing resettlement. Interviews with the community agencies involved in the project identified mutual benefits, including accessing a new population group of socially disadvantaged

women, reduction of pressure on core services, facilitation of service delivery and complementarity of services.

**317. We were impressed by the innovative work in which the Asha Centre is involved. The Centre is assisting women in transition to have the confidence to take the first steps away from re-offending lifestyles, and to challenge patterns of abuse and offending behaviour. In our view, this is an important part of the resettlement process for ex-prisoners. It demonstrates the positive role of independent organisations in fostering community support networks which facilitate reintegration and resettlement. We recommend that NOMS should take active steps to learn from such models of good practice in developing its resettlement strategy.**

318. A further area of concern is that of the recruitment and training of staff responsible for women prisoners. HM Chief Inspector of Prisons noted in 2001 that approximately two thirds of women's prisons were governed by male governors.<sup>256</sup> Male senior managers continue to dominate. It is important to ensure that women officers can reach the most senior positions in the Prison Service. Both male and female prison officers need training on how to manage female prisoners and address the specific risks and needs they present. The Prison Service has adopted a staff training pack, *Understanding and Working With Women In Custody*.<sup>257</sup> **We commend the recent introduction of gender-sensitive training. We recommend that the Prison Service monitor the ratio of male/female personnel within women's prisons to ensure so far as possible the presence of adequate numbers of female prison officers at all levels of the prison management structure.**

319. It is clear from previous paragraphs that women prisoners suffer differential treatment regarding the level of purposeful activity they are offered in prison, from provision of cognitive skills programmes to work opportunities to resettlement planning. Keeping women constructively occupied in prison is not viewed with the same priority as keeping men occupied. The types of rehabilitative interventions designed for women prisoners are limited.

320. We do not see any justification for lower levels of rehabilitative interventions for women prisoners. **We recommend the development of a specific and focused rehabilitation strategy for women prisoners informed by independent research identifying trends across the women's estate in relation to levels of mental illness amongst women prisoners, the extent of drug misuse, and problems emerging from mother and baby units.**<sup>258</sup> **We recommend that the Government develop national policies in relation to women prisoners' health care, childcare, education, employment, contacts with families, alcohol and drug misuse, and counselling and resettlement .**

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256 HMCIP Follow-Up Report (2001)

257 Commissioned by the (then) Women's Policy Group and produced by the Trust for the Study of Adolescence, the training pack is designed to be of use to all staff working in women's prisons, together with other professionals who work with women in custody (Ev 274).

258 Currently, four prisons accommodate new mothers in mother and baby units: HMP Holloway, HMP Styal, HMP New Hall and HMP Askham Grange provide 80 places for women prisoners in these units. The Prison Service has plans for two further units providing an additional 22 more places to be opened sometime this year.

321. We recommend the development of a comprehensive needs assessment programme orientated to women prisoners which identifies the individual female prisoner's problems at the same time as investigating the wider context of social exclusion and abuse suffered by those prisoners.

## 13 Young Prisoners

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322. Young prisoners are those prisoners aged between 15 and 21 years, the group being broken down into juveniles (15–17 years) and young adults (18–21 years). The majority of young prisoners have suffered multiple deprivations in the shape of physical and sexual abuse, physical and mental health problems, parental neglect, poor educational attendance and substance misuse. Between 40% and 49% of young people in custody have been in local authority care. Forty per cent of girls and 25% of boys report having suffered violence at home. Over 30% of girls report sexual abuse. Nearly 50% of those in custody who are of school age have literacy and numeracy levels below those of the average 11 year old. Research estimates that between 46% and 81% have mental health problems, with 10% exhibiting signs of psychotic illness. Fifty-one per cent were poly-drug users and approximately 40% had been dependent on a substance at some point in their lives.<sup>259</sup>

### Juvenile prisoners

323. The focus of our inquiry was on adult and young adult prisoners, and we did not have the opportunity to take detailed evidence on the specific needs and problems of juveniles. Nonetheless this is an important topic and we therefore set out here some basic information about juveniles, and make a number of recommendations.

324. Over the first six months of 2004, the number of juvenile prisoners increased by 11%: on 2 July 2004, there were 2,586 juvenile prisoners in England and Wales. Reconviction rates are very high amongst this group: in 1999, 80% of 14-17 year olds discharged from prison were reconvicted within two years.<sup>260</sup> The majority of juvenile prisoners have a background of severe social exclusion—over a quarter of those of school age have literacy and numeracy levels of the average seven-year old. Over 50% have a history of being in care or social services involvement.

325. The number of juveniles who received custodial sentences in 2003-04 was 5,400. The Detention and Training Order (DTO)<sup>261</sup> is the main custodial sentence used for juvenile prisoners. Of the sentenced juvenile population, approx. two-thirds are serving DTOs. The average length of time spent in custody under a DTO is 4½ months. The remainder of the sentenced population are serving sentences for “grave crimes”,<sup>262</sup> spending on average about 11 months in the juvenile estate, although many are transferred thereafter to adult custody where they spend a significant additional amount of time before release.

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<sup>259</sup> Ev 263-264 (para 13)

<sup>260</sup> Prison population and accommodation briefing for 2 July 2004 and YJB information

<sup>261</sup> A DTO is half served in custody and half in the community under the supervision of a Youth Offending Team.

<sup>262</sup> Under sections 90 and 91 of the Powers of Criminal Courts (Sentencing) Act 2000.

326. Intensive Supervision and Surveillance Programmes (ISSPs) are also available for persistent and serious young offenders under 18 years. Between April 2003 and March 2004, 4,700 ISSPs were imposed on juvenile offenders as compared to 3,350 for the same period in 2002–03. 412 ISSPs were commenced in the first month of the 2004–05 financial year. The overall completion rate since the introduction of ISSPs is 51%.<sup>263</sup>

327. The juvenile secure estate consists of four sectors:

- i. Young offender institutions for boys, comprising approximately 85% of the available accommodation for juveniles. About 2,600 boys are accommodated in 14 establishments.
- ii. Prison service accommodation for girls. Since the end of 2003, no girls under the age of 17 have been placed in prison service accommodation. At present around 80 girls aged 17 are placed at any one time in prison accommodation shared with older female prisoners. The Home Office has undertaken that all these girls will be moved to discrete juvenile units by early 2006. £16 million has been allocated to the Youth Justice Board to establish the new units, in addition to £3.5 million earlier set aside for a new unit for under 18s at HMP Downview, to which girls will be transferred from HMP Holloway.<sup>264</sup> **We welcome the Home Office’s undertaking and look forward to seeing it implemented on schedule.**
- iii. Secure training centres, providing 194 accommodation places for 12–14 year olds and some of the more vulnerable sentenced and remanded 15–16 year old girls and boys.
- iv. Local authority secure children’s homes, providing places for children from the age of 10 upwards who need to be held securely for welfare reasons as well as criminal justice reasons.<sup>265</sup>

328. The Crime and Disorder Act 1998 established a new principal aim for the youth justice system—“to prevent offending by children and young people”.<sup>266</sup> The Youth Justice Board for England and Wales (YJB) was established under the Act to monitor the operation and performance of the youth justice system and to identify and disseminate good practice in youth justice and in preventing offending by children and young people.<sup>267</sup> In addition, youth offending teams were created, requiring local authorities, social services and education authorities to work with the police, probation services and health authorities in a multi-agency approach to administering community sentences and interventions and working with juvenile custodial establishments.

329. Since April 2000, the YJB has been responsible for commissioning services for juvenile prisoners who are sentenced and remanded to secure facilities. The YJB considers that this

<sup>263</sup> Home Office answers to Committee questionnaire on Home Office Departmental Report 2004 (June 2004) (to be printed)

<sup>264</sup> Prison Service, *Prison Service News*, No. 229 (May 2004)

<sup>265</sup> Ev 262

<sup>266</sup> Section 37 of the Act

<sup>267</sup> Ev 262

“commissioning approach has enabled the Board to influence the standards of custodial regimes for young offenders”.<sup>268</sup>

330. The Prison Service has established a five-year Partnership Agreement with the YJB to improve rehabilitative provision for juveniles. The Youth Justice Board *National Standards* require there to be

“an educational assessment [of all juvenile prisoners] on arrival; educational needs must be continually addressed in the individual training plan with appropriate goals. All education should be delivered in line with the national specification for learning and skills.”<sup>269</sup>

331. The Prison Rules 1999 require arrangements to be made for all prisoners of compulsory school age to participate in education or training courses for at least 15 hours a week within the normal working week.<sup>270</sup> However, as the table below demonstrates, the average number of hours spent in education by juvenile prisoners has been falling in recent years.

**Average number of hours spent by juveniles in education**

<b>Year</b>	<b>Hours per week</b>
2000–01	8.32
2001–02	7.20
2002–03	6.77

332. The YJB aims to provide young offenders with 30 hours a week of purposeful activity, including good quality education and training provision, whilst in custody. However, according to HM Chief Inspector of Prisons, Anne Owers, “no juvenile establishment has yet succeeded in meeting the YJB target of 30 hours per week in education and training”.<sup>271</sup> There are currently no offending behaviour programmes for juvenile offenders. The Prison Service states that Juvenile Enhanced Thinking Skills and sex offender programmes are currently being developed.<sup>272</sup>

**333. We welcome the Youth Justice Board’s efforts to date to reform the operation and performance of the youth justice system and the work it has completed, in partnership with the Prison Service, to improve rehabilitative provision for juvenile prisoners.**

**334. However, we regret the consistent failure to meet the YJB target of 30 hours of constructive activity per week for this prisoner group, and the Government’s failure to meet its statutory obligation regarding the number of hours juvenile prisoners spend in education and training courses. The very low literacy and numeracy levels of this prisoner group dictate that education and training should form the cornerstone of the prison rehabilitation strategy for juvenile prisoners, with the adoption of innovative approaches to education, training schemes and work placements.**

268 Ibid. (para 1.3)

269 Youth Justice Board, *National Standards for Youth Justice Services 2004* (2004)

270 S.I., 1999, No. 728

271 HM Chief Inspector of Prisons, *Annual Report of Chief Inspector of Prisons 2002–03* (2004)

272 Ev 146 (para 4.1.8)

335. Nacro has been running a rehabilitation scheme, known as the 'On-side' Programme, for juvenile prisoners since 1999. The scheme provides each youngster with a tailor-made programme overseen by a key worker based at the prison. The programme seeks to tackle problems such as drug-dependency, and offers practical help on addressing housing, employment and training needs. An evaluation of the programme commissioned by Nacro shows a significant reduction in re-offending rates for 15–17 year old programme participants between 1999 and 2001: 58% of project participants re-offended following release, compared with a national rate of 84% for young offenders leaving prison service institutions. The evaluation found that continued contact with the programme after release was particularly effective in reducing the likelihood of the young person returning to crime. Nearly two-thirds of those who were supported after release managed to stay away from further trouble.

**336. It is regrettable that the Government's National Action Plan for rehabilitation does not provide a strategy for dealing with juvenile prisoners. We recommend that a the Government develop a comprehensive prison rehabilitation regime for juvenile prisoners. This should address the lack of provision of appropriate housing for young people and the difficulties in securing education and training post-custody. In addition, access to and provision of drug treatment programmes should be improved for juvenile prisoners.**

### Young adult prisoners

337. A report by Nacro, published in 2001, concluded that 18–21 year old offenders are a particularly vulnerable group. Nearly 75% of young adult prisoners were excluded from school at some stage and 63% were unemployed at the time of their arrest. Young adult prisoners constitute 42% of first time offenders and receive short-term sentences of less than 12 months.<sup>273</sup> The average time spent in custody for young adult prisoners serving a short-term sentence is eight weeks and one day.<sup>274</sup> In July 2004, there were more than 8,000 young adults in prison.<sup>275</sup>

338. Young adult males exhibit the highest level of re-offending of any other age range, and young adult prisoners are particularly vulnerable to suicide and self harm. Young adult prisoners are more likely than adults to suffer from mental health problems and are more likely to commit or attempt suicide than both younger and older prisoners.<sup>276</sup> Nearly two thirds of young female prisoners under 21 years self-harmed in 2003.<sup>277</sup> In 2003 no juveniles died in custody but 11 young adult prisoners did. Between January 1990 and December 2003, there were 177 self-inflicted deaths of young people in prison; this represents 19% of all self-inflicted deaths during that period.<sup>278</sup>

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273 Social Exclusion Unit, *Reducing re-offending by ex-prisoners* (July 2002)

274 *Prison Statistics England and Wales 2002* (2003)

275 Prison population and accommodation briefing for 2 July 2004

276 Office for National Statistics, *Psychiatric Morbidity among young offenders in England and Wales* (2000)

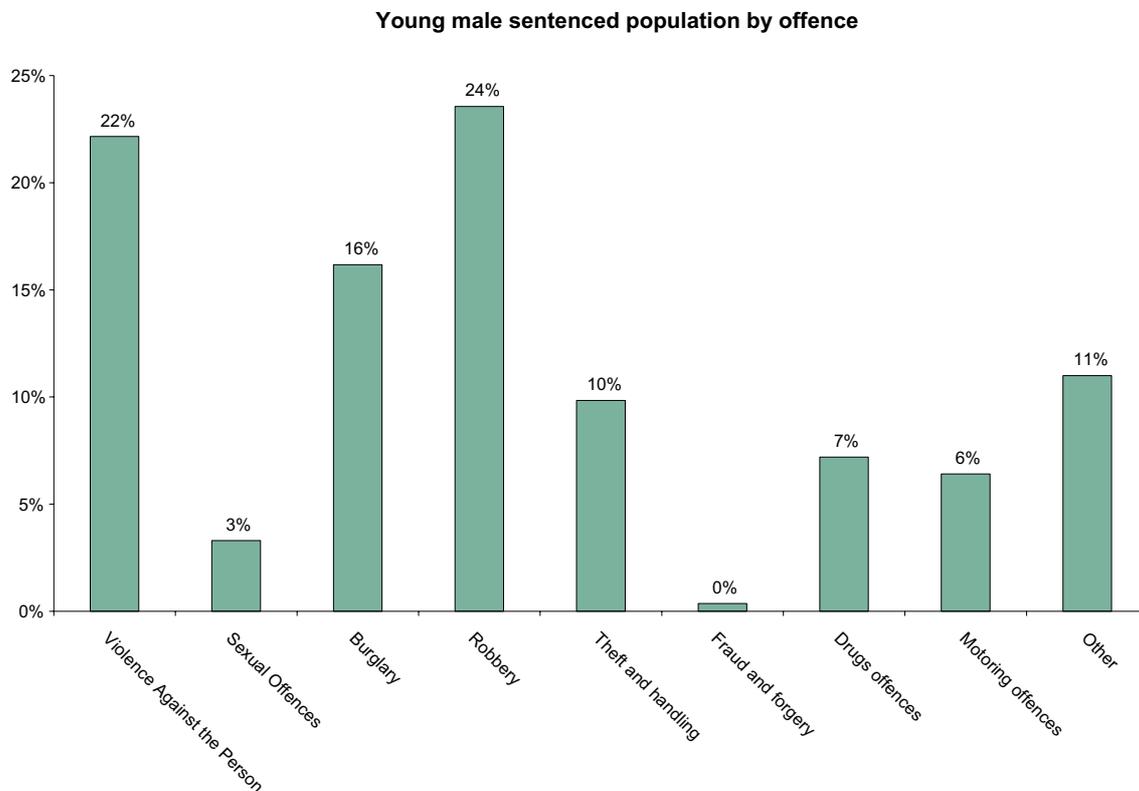
277 Prison Service, *Safer Custody News* (2004)

278 Joint Committee on Human Rights, Third Report of Session 2004–05, *Deaths in Custody* (HL 15-I, HC 137-I), para 51

339. The Joint Committee on Human Rights has recently produced a report on deaths in custody.<sup>279</sup> This highlighted the deaths in custody of children and young people as “especially distressing”. The report noted practical measures taken by the Youth Justice Board to minimise the risk of self-harm and suicide, but commented “there have been some deeply worrying cases of children and young people who have died while in the care of the state”. It drew attention in particular to the case of Joseph Scholes, who hanged himself in HMYOI Stoke Heath in March 2002 at the age of just 16. He had been placed in prison service custody rather than local authority secure accommodation despite the trial judge having wanted warnings about his history of self-harming and sexual abuse to be “most expressly drawn to the attention of the authorities”. The Joint Committee recommended that there should be a public inquiry into Joseph Scholes’s death (as had been urged by the coroner who presided over the inquest), noting that there has never been a public inquiry into the death of a child in custody.<sup>280</sup>

340. Effective resettlement of young adults is often hampered by lower levels of benefit, lower minimum wage levels and an increased likelihood of unemployment and homelessness. Currently, about 72% of 18–20 year olds are reconvicted within 2 years of release.<sup>281</sup>

341. The graph below provides a break down of the young male population by offence.<sup>282</sup> The majority of young adult prisoners have been convicted of non-violent offences. In 2003 over a third of young males in prison were serving sentences for robbery and theft.



<sup>279</sup> See previous footnote.

<sup>280</sup> *Deaths in Custody*, paras 73–76

<sup>281</sup> Young Adult Offenders, A Period of Transition, Nacro Press Release, 25 March 2003, ROP 21.

<sup>282</sup> No such break down is available for young female offenders.

Source: *Prison Statistics England and Wales, November 2003.*

342. The Government has attempted to create more effective intervention programmes of sufficient punitive weight and rehabilitative content for young adult offenders in the community. The Intensive Control and Change Programme (“ICCP”) is a community based sentence for offenders who would otherwise face up to 12 months in prison. It contains an electronically monitored curfew where the young adult is curfewed for up to 12 hours a day. The Probation Service works with the police on oversight of the ICCPs in the community and the enforcement of the terms and conditions. Those subject to an ICCP also do up to seven hours a week (unpaid) community service and complete up to 18 hours a week rehabilitation programmes, depending on the needs and risks identified by the OASys. In the 11 pilot areas for ICCPs, there were 58 ICCPs commenced in April 2004 and 66 in May 2004.

343. HM Chief Inspector of Prisons has criticised the “relative impoverishment” of the regimes and activities available for young adult prisoners, reporting that in nearly all prison establishments inspected, there is insufficient rehabilitative work for young adult prisoners. The statistics relating to young adult prisoners from our ‘Prison Diary Project’ confirm the Chief Inspector's findings. Seventy per cent of young adult prisoners spent less than four hours a day out of their cell in constructive activity. The statistics also indicated that the proportion of young offenders who received advice about accommodation or work after release were only 32% and 26% respectively, whilst over 75% of responding prisoners did not have a job to go to on release.<sup>283</sup>

344. In February 2004 we visited at HMYOI Aylesbury to find out about the approach to rehabilitation adopted there. In 1989, this establishment was designated a long-term young offender institution, holding young male prisoners aged 18 to 21 serving sentences from two years up to life imprisonment. From the prisoner’s arrival onwards, sentence planning is geared to education and skills training. The prison runs, in partnership with Toyota, a successful mechanics training course with a fully equipped workshop where young adult prisoners can obtain NVQ qualifications from Levels 1 through to 4. It also runs a fitness instructor training programme with a range of recognised qualifications; it participates in the Duke of Edinburgh Award Scheme; and there are plans to create a painting and decorating workshop. As far as possible, the prison day is structured to reflect the normal working day, with recreational use of the gym and other facilities in the evenings. In addition, the resettlement agenda has been prioritised by the Deputy Governor (Head of Resettlement) through the appointment of a full-time member of staff with responsibility for resettlement planning.

**345. Recent efforts to reform the prison regime for young prisoners have focused on the juvenile prison estate. As a result, 18 to 21 year old prisoners have been overlooked. We recommend that the Government match the investment it has made, through the Youth Justice Board, in developing a prison rehabilitation strategy for juveniles, by designing an equivalent tailored range of rehabilitative interventions for young adult offenders.**

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283 See Annex 4.

346. Levels of constructive activity and intervention programmes for the young adult prison population are woefully inadequate. We commend the Governor and his staff at HMYOI Aylesbury on the rehabilitation initiatives they are running for young adult offenders. We recommend that the Prison Service incorporate such models of good practice into a national rehabilitation strategy for young adult offenders, to be set out in a revised edition of the National Action Plan.

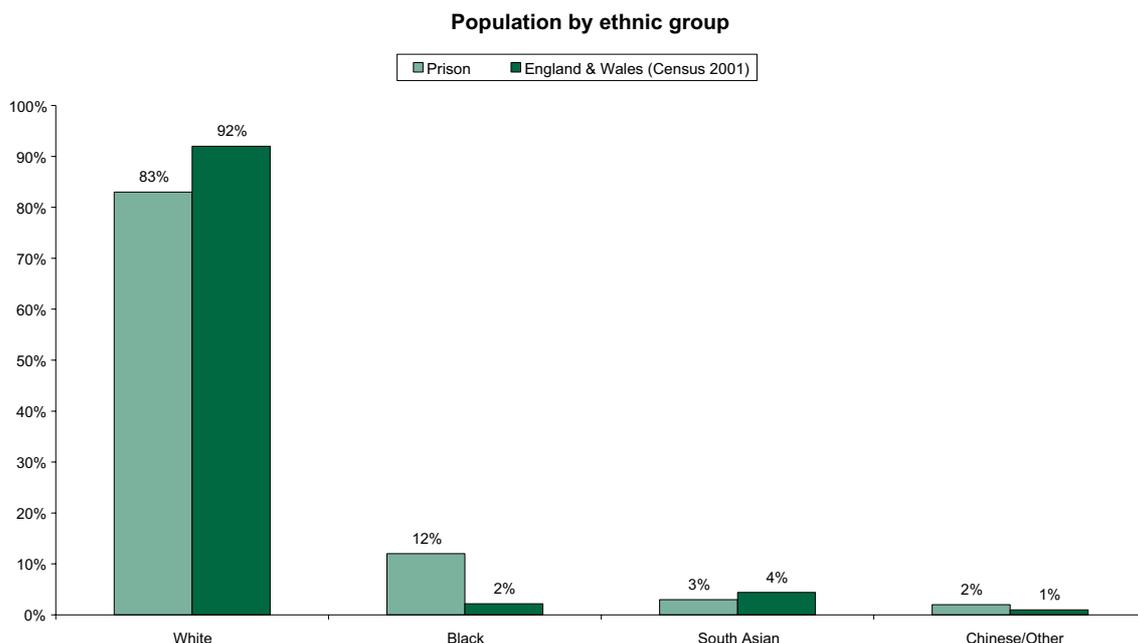
347. Evidence demonstrates that young prisoners need intensive support following release to (i) deal with day-to-day practicalities, (ii) complete educational courses commenced in custody and (iii) ensure they do not fall back into crime.

348. We recommend that the Government conduct a small number of pilot schemes for appropriately trained mentors of young adult offenders. The scheme should be independently monitored and evaluated to assess its impact on re-offending rates.

## 14 Prisoners from Minority Ethnic and Religious Groups

349. The graph below compares the prison population by ethnic group with that of the adult population of England and Wales by ethnic group as at 28 February 2003. At the end of February 2003, one in four of the prison population—17,762 prisoners—belonged to a minority ethnic group. This compares to one in 11 in the general population. More than a third (6,623) were foreign nationals.

350. Among British nationals belonging to a minority ethnic group, 12% were black and 3% South Asian. Black prisoners are significantly over-represented in the prison system. In November 2003, black men constituted around 15% of the male prison population. Black men make up an even larger disproportion of the remand population than of the sentenced offender population.



Source: *Prison Population Brief, November 2003, Home Office*

351. The most recent religious statistics were published in 2000. At that time, the largest group of prisoners were Anglicans, who comprised 39% of the prison population. Next in size was the group with no religion (32%), followed by Roman Catholics at 17% and Muslims at 7% of the prison population (the number of Muslims in prison doubled between 1993 and 2000). Buddhists, Hindus and Sikhs each accounted for around half of one percent of the prison population.<sup>284</sup>

352. Once arrested, black people are more likely to be remanded in custody than other offenders charged with similar offences and more likely to be given longer sentences than either white or Asian prisoners.<sup>285</sup> Additionally, once in prison, black people are more likely to be found guilty of disciplinary offences: in Part 2 of its Report on *Racial Equality in Prisons* (December 2003),<sup>286</sup> the Commission for Racial Equality noted that prison statistics clearly suggest a consistent over-representation of black male prisoners in the prison disciplinary system and disproportionate numbers of black prisoners on the basic level of the Incentives and Earned Privilege schemes at certain establishments, such as HMP Brixton and YOI Feltham. The Commission reports that although prisons have been required since 1991 to monitor the area of disciplinary charges, they have failed to do so effectively and even where records indicated a consistent pattern of apparent discrimination, prisons have largely failed to investigate their causes or take any action.

**353. We are deeply concerned at the over-representation of minority ethnic groups, particularly black men, across the criminal justice system, and by suggestions that black prisoners are more likely to be found guilty of disciplinary offences and less likely to have access to constructive activities in prison.<sup>287</sup> The absence of comprehensive ethnic and religious monitoring across the prison estate is much to be regretted, as is the resultant lack of empirical data regarding the treatment of minority ethnic and religious groups within the prison system. We recommend that mechanisms be put in place for the systematic collation and comparison of data relating to the ethnic and religious backgrounds of prisoners (i) on disciplinary charges, (ii) in segregation, (iii) on basic regimes, and (iv) allocated the most basic prison work opportunities. This data is important to the development of prison diversity policies at the national, regional and local levels. It is also essential as a means of alerting the Prison Service to practices and procedures which may be directly or indirectly discriminatory by disproportionately adversely affecting minority ethnic prisoners.**

354. Prison Service Order 2800 makes it mandatory for every prison establishment to establish a Race Relations Management Team.<sup>288</sup> In its National Action Plan, the Government commits itself to “mainstream all aspects of diversity to ensure that the needs

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284 National Statistics Office, *Religion in Prisons 1999 and 2000, England and Wales* (2001)

285 Prison Reform Trust Factfile, July 2004

286 The CRE Report was published further to a formal investigation by the Commission for Racial Equality, under sections 48-52 of the Race Relations Act 1976, into HM Prison Service of England and Wales.

287 Social Exclusion Unit report, *Reducing re-offending by ex-prisoners* (2002) and CRE report, *Racial Equality in Prisons* (2003)

288 Issued in 1997 and revised in part in 2000

of particular groups are properly addressed.”<sup>289</sup> The specific needs of minority ethnic and religious groups may be quite different from the needs of white prisoners, for complex social reasons, as the Commission for Racial Equality points out in its report on *Racial Equality in Prisons*, published in December 2003:

“To a significant degree, the high incarceration rate for the black group reflects greater police attention driven by ethnic identity rather than social circumstances... In society at large, it is the suspect’s blackness which attracts primary police attention, as opposed to the manifestations of aspects of social exclusion ... which attracts police attention to particular individuals in the white group. It would, therefore, be particularly wrong to see the black group in prison as necessarily reflecting the social indices of a socially excluded group as compared to a socially included white group. In fact, it is the white group of prisoners who more predominantly reflect the socially excluded sections of the white population in society at large, and therefore carry into prison some of the consequential problems such as high rates of illiteracy.

The black male group in prison experiences an inversion of some of the social experiences imposed on the black group outside prison ... inside it is less likely than the white group to fail to cope mentally with imprisonment and much less likely to commit suicide. It is more likely to want to be educated and trained and less likely to try to escape, though it faces a higher rate of guilty verdicts in disciplinary hearings.”<sup>290</sup>

355. In 2002 the Government set up a Criminal Justice System Race Unit to:

“to get beneath the surface of race issues in the justice system. It will work across all criminal justice departments and agencies, looking at the system as a whole, and identifying what works and actively managing change.”<sup>291</sup>

The Unit has not yet looked in detail at the experience of prisoners from minority ethnic groups.

**356. We welcome the Government’s commitment in its National Action Plan to ‘mainstream’ diversity. However, we consider that that specific measures with set timetables are required to address the problems identified by the Commission for Racial Equality in its recent report on racial equality in prisons. We recommend that, in the short term, the Government’s Criminal Justice System Race Unit should conduct an internal audit of the Prison Service’s rehabilitation interventions to assess whether they comply with the needs of minority ethnic and religious groups. A revised version of the National Action Plan should contain specific action points identified by the audit as necessary to remedy deficiencies in the current provision of rehabilitation interventions to minority ethnic and religious prisoners, together with targets for implementation and mechanisms for ongoing monitoring.**

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289 National Action Plan, p 5

290 CRE, *Racial Equality in Prisons* (2003), p 28

291 <http://www.homeoffice.gov.uk/docs3/raceandthecjs.html>

## 15 Mental Healthcare in Prisons

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357. The Prison Reform Trust estimates that around 90% of prisoners can be diagnosed as suffering from at least one of the five main categories of mental disorder: psychosis; neurosis; personality disorder; alcohol misuse; and drug dependency.<sup>292</sup> Seventy-two per cent of male and 70% of female sentenced prisoners suffer from two or more of these mental health disorders. Around 20% of those on remand and 12% to 15% of those serving sentences suffer from four of these five mental disorders. A high proportion of prisoners have been treated in psychiatric hospitals : 20% of male and 15% of female sentenced prisoners have previously been admitted for in-patient psychiatric care.<sup>293</sup>

358. Concern about the quality of health services available to prisoners increased in the mid-1990s. In 1997, the Report of the Independent Standing Health Advisory Committee for the Prison Service stressed the importance of “equivalence” in mental health care provision; that is, that the mental health services available to prisoners should be of the same type and range, and of the same quality, as those available to NHS patients in the community.

359. In the late 1990s, the then Home Secretary and Health Secretary jointly established a Working Group from the Prison Service and the NHS Executive to consider the future organisation of, and ways of improving, prisoners’ health care. The Group accepted the principle of equivalence, both in terms of mental health services and of prison health care generally. The strategy now being implemented by the Prison Service stems from the findings and recommendations of that Working Group, as set out in its Report, *The Future Organisation of Prison Health Care* (1999).

**360. We welcome the Government’s adoption of the principle of equivalence in relation to the provision of mental health care for prisoners, and the dedicated NHS funding to support the introduction of multi-disciplinary teams in prisons designed to provide mental health services for prisoners along the lines of community mental health teams. However, there is a long way to go before prison health care provision matches the NHS standards of care in the community.**

361. In April 2003, responsibility for funding for prison health services was transferred from the Home Office to the Department of Health. It is planned that within five years NHS Primary Health Care Trusts will be responsible for health care provision in prisons in their area. Dedicated funding has now been made available from the NHS budget to support the introduction into prisons of multi-disciplinary teams which are designed to provide mental health services for prisoners along the lines of community mental health teams which provide services to the population at large. By the end of 2004, there are due to be mental health in-reach teams in 88 prisons in England and Wales. The Department of Health’s NHS Plan (July 2000) included the commitment that

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<sup>292</sup> 7% of male and 14% of female sentenced prisoners have a psychotic disorder, 14 and 23 times the level in the general population: Prison Reform Trust Factfile (July 2004).

<sup>293</sup> Prison Reform Trust Factfile, July 2004

“by 2004, 5,000 prisoners at any time should be receiving more comprehensive mental health services in prison. All people with severe mental illness will be in receipt of treatment, and no prisoner with serious mental illness will leave prison without a care plan and a care co-ordinator.”<sup>294</sup>

362. By April 2006, funding responsibility for healthcare within the Prison Service will transfer to the NHS, with Primary Care trusts taking on full responsibility for commissioning prison health services. One of the results of the closer links between prisons and their local health providers has been that prisons are finding it easier to get people into secure NHS provision. This is now largely accomplished within three months of someone being sectioned. A further benefit is the increasing number of mental health in-reach services across the prison estate which are both supporting prisoners and, in some prisons, training staff.<sup>295</sup>

363. The Prison Service states that on any one day in prisons in England and Wales, there will be around 5,000 prisoners with a severe and enduring mental disorder requiring specialist treatment in a secure mental health unit.<sup>296</sup> In oral evidence, the Chief Inspector of Prisons estimated (from the Inspectorate’s visits to local prisons) that 41% of prisoners held in prison health care centres should be held in secure NHS accommodation.<sup>297</sup>

**364. We consider that the current system of prison mental health care provision is failing in two fundamental respects. First, some individuals suffering mental illness are committing crimes, being convicted and being sent to prison because of the failures of mental health care provision in the community. Second, prisoners who become severely mentally ill in prison are not being diverted out of the prison system to appropriate specialist secure units in the community.**

365. The Office for National Statistics states that prisoners are twice as likely to be refused treatment for mental health problems inside prison as outside.<sup>298</sup> The Prison Reform Trust estimates that at any one time there are likely to be at least 40 prisoners having been assessed who have to wait three months or more before being transferred to hospital. The Trust argues that the long periods prisoners routinely have to wait before being assessed or transferred demonstrates the overstretched position of the prison mental health care system.<sup>299</sup> We were told about prisoners with acute mental illness being moved to prison segregation units in an attempt to minimise disruption to the daily prison regime. This is an unacceptable practice and it is improper to expect untrained prison staff to try to provide the interim care these prisoners require whilst they await transfer.

**366. We deplore the delays in assessing the mental health care needs of prisoners on admission to prison and throughout their sentences. The Government’s National Action Plan fails to include specific action points aimed at improving access to and provision of high quality mental healthcare to prisoners. We recommend that this gap**

294 Ev 144 (para 3.6.5)

295 Q 209

296 Ev 144 (para 3.6.4)

297 HM Inspectorate of Prisons, *Annual Report of Chief Inspector of Prisons for England and Wales, 2002–03* (2003)

298 Office for National Statistics, *Psychiatric Morbidity among young offenders in England and Wales* (2000)

299 Prison Reform Trust Factfile, July 2004

in strategic policy planning be addressed as a matter of urgency. In particular, we recommend that more places be made available in specialist secure units in the community to provide the expert mental health care prisoners need within proper facilities.

367. We recommend that the Healthcare Commission be given statutory authority to monitor, inspect and evaluate the adequacy of mental health care provision across the prison estate, both on a thematic and prison-by-prison basis, indicating models of best practice and providing recommendations for action.

## 16 Resettlement

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368. The Public Accounts Committee (PAC) stated in 2002 that “the three key factors to reducing re-offending are work, accommodation and family support”.<sup>300</sup> Research conducted by Nacro suggests that ex-prisoners with accommodation are between 20% and 50% less likely to re-offend than homeless ex-prisoners<sup>301</sup> whilst a Home Office evaluation of prison work and training in found that employment on release reduces the risk of re-offending between a third and a half.<sup>302</sup> Yet the PAC reported that four out of ten prisoners were homeless on release, and that over 40% of prisoners lose contact with families or friends in the course of a prison sentence.<sup>303</sup> The Government’s National Action Plan states that “only a third of prisoners return to some form of settled accommodation on release”.<sup>304</sup> Statistics from our ‘Prison Diary Project’ completed in June 2004 paint the same negative picture, with 66.6% of prisoners having no job on release and only 19% of prisoners receiving advice or guidance about accommodation and even less (16%) receiving advice or guidance about finding a job. As the General Secretary of the Prison Officers’ Association pointed out to us in oral evidence,

“if you approach the rehabilitation of offenders purely from a prison perspective, ... then I think it is a bit short-sighted ... when people leave prison they need to be looked after, and need to continue the rehabilitative process. If that process ends, for whatever reason, if you go back into the same kind of social climate you have come out of which contributed or caused your criminal behaviour, if your mental health problems cease to be adjusted or corrected at the prison gate, if you cease to take medication for mental health problems, if you cease to get intervention with regard to your personality disorder, or if you go back into a community where hard drugs are normal then one should not be surprised, when you compare those people coming out of prison, that the re-offending rate is not as good as anyone would like.”<sup>305</sup>

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300 Committee of Public Accounts, Fifty-third Report of Session 2001–02, *Reducing Prisoner Re-offending* (HC 619), para 2

301 Ev 197 (para 3)

302 Home Office, *An evaluation of prison work and training* (1996)

303 HC (2001–02) 619, para 31

304 National Action Plan, p 9

305 Q237

369. The statistics underline the importance of a resettlement planning as an integrated element of the prison rehabilitation strategy. The result of failure to provide an adequate level of support for prisoners preparing for release is the continuation of the cycle of re-offending.

370. Rule 5 of the Prison Rules 1999 requires that “from the beginning of a prisoner’s sentence, consideration shall be given, in consultation with the appropriate after-care organisation, to the prisoner’s future and the assistance to be given him on and after his release”.<sup>306</sup> The Prison Service informed us that about 50 prisons now operate some form of housing advice and support service, and that it is developing a prison-based housing advice and support service, drawing on the experience of prison projects originally developed with the Rough Sleepers Unit.

371. In her Annual Report for 2001–02, HM Chief Inspector of Prisons, Anne Owers, commented that, more often than not, her inspectors noted the absence of a coherent and effective resettlement strategy. The Prison Service’s “Measuring the Quality of Prison Life” audit in 2002 found that the area of resettlement produced the most wide ranging prisoner responses across establishments, with levels of facilities, help and support varying substantially from prison to prison. During our prison visits, we saw had experience of a number of models of good practice in relation to settlement programmes, with some prisons running small-scale advice and job centres. However, in the main such schemes are in their infancy.

372. The Resettlement Key Performance Indicator target for 2002–03 was for 28,200 prisoners to find employment, training or education places after release. The Home Office Annual Report 2004 states that 21,919 prisoners entered employment in 2003. However, this statistic is based upon employment, training or education outcomes which are defined as a full or part-time paid job, part-time training or education place on release (each scoring one point towards the target) or attendance at a booked interview at the prisoner’s local JobCentre after release (scoring a ½ -point towards the target). This statistic included 14,173 unemployed prisoners who attended a FRESHSTART interview at their local Jobcentre on release.<sup>307</sup> The Prison Service has given no indication of the outcomes of these initial interviews. **We do not find the Home Office’s Resettlement Key Performance Indicator helpful. We suggest the adoption of an indicator which is a more accurate gauge of the employment levels of ex-prisoners.**

373. The Prison Service’s efforts to date regarding resettlement of prisoners have been very much *ad hoc*. The extent and nature of assistance provided to prisoners prior to release is uneven across the prison estate, reflecting the priorities of individual prison governors.

**374. We regret that the Government’s National Action Plan limits resettlement activities to the provision of housing advice and improving “accommodation outcomes”. We recommend that the Government develops a more comprehensive resettlement model to be incorporated into its National Action Plan, with the aim of providing prisoners close to release with practical advice and support to address accommodation, employment and family matters.**

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306 S.I., 1999, No. 728

307 Ev 141 (para 3.4.5)

375. Historically, when prisoners are released, social services and community support agencies are far from pro-active in identifying them, and indeed there is evidence that prisoners are actively deprioritised. Many ex-prisoners experience real obstacles to re-engaging in learning or drug programmes on release; but these pale into insignificance compared with the difficulties they encounter when trying to access housing and benefits.

**376. We welcome the Government's initial attempts in its National Action Plan to address the issue of accommodation for ex-prisoners. We recommend that the resettlement of offenders become a cornerstone in the new approach to offender management envisaged by NOMS, with the development of comprehensive resettlement strategies as integrated parts of the Regional Rehabilitation Strategies.**

**377. We also recommend that Crime Reduction Partnerships should be actively involved in the resettlement of ex-prisoners. Resettlement strategies should be integrated into local crime reduction strategies so that health, education and housing agencies, together with social services, are committed to dealing with the resettlement of offenders.**

378. We note the difficulties created by the current levels of overcrowding with regard to implementing the resettlement programme we have advocated. At present, and for some time to come, significant numbers of prisoners will not be released from a prison close to their home locality. Basic logistical problems can impact detrimentally on out-reach work attempting to link prisoners with local services, employers and accommodation agencies. **We recommend that in the short-term, co-ordinated communication systems be established to enable prison staff (and prisoners) to make contact with key agencies in the local areas to which prisoners are returning. In the medium term, resettlement teams should be established in each of the ten NOMS regions with responsibility for the practical resettlement of prisoners to that region, identifying housing and training or employment opportunities within the region, as well as liaising with housing agencies, training providers and employers and arranging support for offenders from mentors.**

379. In his report on Prison Disturbances in April 1990, Lord Woolf recommended the establishment of local community prisons on the grounds that (i) prisoners would maintain better links with their families if they were imprisoned locally; (ii) better links with families would in turn assist with ex-prisoners return to the community; (iii) local custody would also help with obtaining employment and accommodation on release as well as facilitating continuity in links with the probation service both before and after release.<sup>308</sup> The current Director General of HM Prison Service, Mr Phil Wheatley, has acknowledged that “the reason why we do not have community prisons is not because they are not a good idea, it is because the prison estate is where it is and it does not actually line up with where prisoners come from”.<sup>309</sup>

**380. In our view, to achieve the objective of reducing re-offending there are sound reasons in the long term to move from the regional to the local model of offender management, particularly in light in the shift towards community sentencing**

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308 *Prison Disturbances, April 1990. Report of an Inquiry* by the Rt Hon Lord Justice Woolf (Parts I and II) and His Honour Judge Tummim (Part II)

309 Q 273

introduced by the Criminal Justice Act 2003. We recommend that the Government develop a long-term local community strategy in tandem with its implementation of regional offender management.

## 17 Overall Conclusions

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381. The recent series of Government reports, taken together, provides a reasonably coherent and sensible framework for sentencing, prison regime and resettlement. However, implementation has been patchy. Progress has been made in developing more credible and effective sentencing, and in reviewing sentencing guidelines. The creation of NOMS contains at least the potential for integrating the day-to-day work of the prison and probation services and providing ‘end to end’ management of prisoners from sentence to resettlement. NOMS is in its early stages and we will be monitoring closely how the new organisation develops.

382. There has, however, been markedly uneven achievement in regard to the prison regime and resettlement. Progress has undoubtedly been made on drug treatment and provision of basic education. However, the ability of prisoners to return to work—or find work for the first time—is an essential part of rehabilitation. We found little evidence that serious efforts are being made within the Prison Service to prepare prisoners for the world of work. Much other provision for rehabilitation and resettlement continues to be inadequate—as previous chapters of this report illustrate graphically. We are particularly concerned about the failure to make appropriate provision for vulnerable groups: women, young prisoners, mentally ill prisoners and those from minority ethnic backgrounds. Too few attempts are made, either, to provide rehabilitative services to short-term or remand prisoners.

383. In previous chapters we have made recommendations aimed at tackling these specific problems. In the remainder of this report we set out general principles which we think should govern rehabilitation policy. We believe these can be integrated within the framework the Government has already set up, and will help to turn the Government’s aspirations into reality.

### An effective rehabilitation strategy

384. We agree with the Government that the core purpose and measure of rehabilitation must be to reduce re-offending. However, a reduction in re-offending can only be achieved through a rehabilitative strategy which reintegrates offenders into society by giving them the opportunity and assistance needed to reform.

385. An effective prison rehabilitation strategy must look not only at the offending criminal behaviour but also at the individual prisoner himself or herself. A prison rehabilitation regime must, where appropriate, challenge a prisoner’s chaotic and deprived lifestyle by—

- investigating the prisoner’s background and needs in order to develop specific measures for his or her reintegration into society

- addressing offending behaviour and other deficiencies such as drug and alcohol misuse
- offering alternative life choices to the offender through the provision of education, training and work opportunities.

Further, the rehabilitation regime must be designed to deal with the different needs of different types of prisoner and the different factors affecting the re-offending of certain groups—in particular, women, young adults, black and minority ethnic groups, remand prisoners and short-term prisoners.

386. Wherever possible, offenders should be actively engaged in their own rehabilitation, and encouraged to take responsibility for themselves and their behaviour, from sentence planning through to resettlement.

387. The objectives we have set out in the previous paragraphs can only be achieved if there are significant changes in the regime within prisons. We have set out specific proposals earlier in this report. To summarise, the changes that are needed are (in order of priority):

- (i) a major drive to provide work and work-like regimes and training within prisons;
- (ii) an extension of this provision and other rehabilitative interventions to short-term and remand prisoners;
- (iii) significant improvements to drug and alcohol treatment;
- (iv) independent inspection of mental health provision; and
- (v) specific provision to address the needs of minority and vulnerable groups.

388. Prison rehabilitation initiatives should aim to link offenders into resources existing in the community. Through this ‘community provision’ approach, the prison rehabilitation regime can successfully align the identified needs of the individual prisoner with the portfolio of interventions available both within the prison system and within the community. This is the model operated in Sweden under the principle of “normalisation”. This means that **the Prison and Probation Service should not provide services which are available in the community. Rather, the task of the Prison and Probation Service should be to make sure that the offender has access to the community services that he needs.** In our view, this approach is imperative as a method of normalising the prison experience, (i.e. maintaining close ties between the inside and the outside, through links to social support services, voluntary organisations, church organisations and family members). Further, resources are invested in building up and sustaining adequate community provision rather than spending ever increasing sums on ever increasing numbers of prison places and wasting resources building a second—arguably substandard—tier of treatment within the prison estate.

389. This community approach to prisons has been advocated as long ago as the early 1990s. In his report on Prison Disturbances, Lord Woolf recommended the establishment

of community prisons on the grounds that prisoners would maintain better links with their families if they were imprisoned locally, better links with families would in turn assist with ex-prisoners return to the community, and local custody would also help with obtaining employment and accommodation on release as well as facilitating continuity in links with the probation service both before and after release.

390. A major impediment to rehabilitation within the existing system is that too many prisoners are held in prisons that are geographically remote from their homes, families and communities. This is partly a legacy of past decisions about where prisons should be built and how large they should be. The Director General of the Prison Service, Mr Phil Wheatley, told us that “the reason why we do not have community prisons is not because they are not a good idea, it is because the prison estate is where it is and it does not actually line up with where prisoners come from”.<sup>310</sup> This situation is exacerbated by over-crowding and the consequent high level of transfers of prisoners across the country as places become available. **We recommend that, in future, rehabilitative needs should be taken into account when decisions are taken on the locations of new prisons.** New prisons should be built with the right facilities to deliver a rehabilitative regime that meets the needs of the local prison population. The Prison Service should focus on developing a variety of types of prisons across a region. **It is particularly important that a network of local community prisons be built up to benefit short-term prisoners and prisoners close to the end of their sentence.**

391. **Overcrowding is undoubtedly causing severe problems within the prison system. However, overcrowding should not be used as an excuse for poor management. We are not convinced that every effort is currently being made to minimise transfers between prisons where these impede the work of rehabilitation.**

392. Historically, in England and Wales, the focus of prison rehabilitation regimes within individual prison establishments has depended more upon the views of the governor than on any overarching Prison Service strategy. As we have seen in many different contexts earlier in this report, the result has been a wide divergence from prison to prison in what is provided by way of education, training, work activities and offending behaviour programmes.

393. **The current situation means that it is something of a lottery as to whether a particular prisoner actually benefits from rehabilitative interventions appropriate to his or her needs. We believe that this is unfair to the individuals concerned. We recommend that the Prison Service should move towards ensuring greater consistency of provision across the prison estate, by means of common standards and, where appropriate, ring-fenced funding for particular rehabilitative provisions. We accept that this will inevitably entail some loss of prison governors’ present autonomy, but consider that this would be a price worth paying.**

## Conclusions and recommendations

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1. The rise in the number of prisoners and the high level of social exclusion amongst offenders both raise serious questions about sentencing policy and the effectiveness of current measures to tackle social exclusion. Our inquiry did not examine these issues in depth. We acknowledge their importance. However, we reject any suggestions that the existence of these broader issues obviate the need to examine critically the treatment of prisoners in custody and the nature and scope of the prison rehabilitation regime. Changes in sentencing patterns and levels of social exclusion will take place only in the long term. Until then, the prison system will continue to have a significant impact on the lives of prisoners and wider society. (Paragraph 23)
2. From our own investigations over the course of the inquiry and the oral and written evidence presented to us, it is clear that overcrowding is having a hugely damaging impact on the delivery of rehabilitative regimes across the prison estate, both in terms of quality and quantity of appropriate interventions. The challenge of delivering effective prison rehabilitation regimes is bound to be greater in overcrowded prisons. Nonetheless, models of good practice do exist and we discuss these later in this report. Regrettably, overcrowding is likely to remain a feature of our prison system for the foreseeable future. It should not be used to excuse failures to replicate and translate these models of good practice on a wider scale and to address areas of weakness. (Paragraph 27)
3. The Prison Service has repeatedly failed to meet its target of providing an average of 24 hours' worth of purposeful activity for each prisoner per week. The situation may be even more serious than the official figures suggest. Data from our Prison Diaries Project, based on direct contacts with prisoners, indicates that disturbingly high proportions of prisoners are engaged in little or no purposeful activity. Very few prisons provide for adequate amounts of purposeful activity across all, or even most, or the main categories of such activity. The reasons for this include overcrowding and disruptions to educational, vocational and treatment programmes caused by prisoner transfers, reduced prison staffing levels and generally poor administration. The consequences for prisoners are too many hours 'banged up' up their cells, with an adverse impact on their mental and physical health, and missed opportunities for rehabilitation. (Paragraph 37)
4. It is regrettable that the purposeful activity Key Performance Indicator has been abandoned. Although the Home Office claims that this reflects a change in focus from "hours of activity" to "measures that reflect positive outcomes", it is difficult to avoid the suspicion that the KPI has been dropped to avoid embarrassment arising from the Prison Service's continuing failure to meet the target. We welcome the introduction of performance measures and targets relating to particular qualifications obtained and programmes attended. However, we believe that a target relating to overall hours spent in purposeful activity is useful as a means of monitoring the level of such activity and a stimulus to providing it. We recommend that the KPI should be reinstated. (Paragraph 38)

5. We are critical of the management of transfers of prisoners across the prison estate which appears to be more ad hoc and pragmatic than strategic in design. The very high levels of transfers have a direct and significant negative impact on rehabilitation measures, both through disruption caused to intervention programmes and failure to provide prisoners with the particular interventions they need, as identified through assessment and sentence planning. (Paragraph 41)
6. The Committee was impressed with the manner in which transfers are handled in Germany, which is based on a federal system. On conviction, offenders are transferred back to prison in their home region (Land). This has the four-fold benefit of (i) reducing transfers during sentence, (ii) increasing stability in sentence planning, (iii) allowing prisoners to maintain links with family and local community, and (iv) assisting prisoners' resettlement on release. We recommend that the National Offender Management Service turn its attention to reducing transfer rates as part of its regionalisation policy. (Paragraph 42)
7. We conclude that reconviction rates should remain the central focus against which re-offending is measured. However, the two-year post-release snapshot is a blunt measuring tool. Currently no differentiation is made between different types of offenders. As such, the current measure is too basic to provide an accurate assessment of the effective prison rehabilitation regime. We suggest the adoption of a more sophisticated measure which includes criteria based on an offender's sentence length and offence type. (Paragraph 46)
8. We regret the decision by the Home Office to reclassify the PSA Target 5 as a standard. Whilst we recognise that targets can have perverse effects, and we support the overall trend towards fewer and simpler targets, it is difficult to justify the dropping of this particular target. Reduction in offending is a central part of the Government's strategy. By dropping the PSA target we are concerned that the Home Office may well undermine its own overall objective in crime reduction, and may leave NOMS without any publicly explainable measure of success. We recommend the reinstatement of the PSA target as evidence of the Government's commitment to overhaul the current sentencing framework and to reduce the numbers of offenders sentenced to prison and community supervision. This would be in line with the Carter Report and the initiatives it has recently introduced. (Paragraph 67)
9. We do not regard the adoption by the Home Office of an 'internal target' of reducing re-offending by 5% as an acceptable substitute for the dropped PSA target. An internal target is inevitably seen as representing less of a public commitment than a PSA target agreed with the Treasury. We note that this internal target was announced unobtrusively, and was not mentioned in the Home Office's latest report on progress in meeting its targets. We also regard it as inherently confusing that the Home Office is simultaneously committed to 'no deterioration in re-offending rates' and to a quantified reduction in those rates. (Paragraph 68)
10. We endorse the extension of community penalties and the range of 'hybrid' prison and community sentences introduced by the Criminal Justice Act 2003. Both sentencers and the public have an overwhelming interest in sentencing which rehabilitates offenders and reduces the rate of re-offending. We support the

development of more extensive and intensive supervision of offenders as both an alternative to, and an extension of, custodial regimes. (Paragraph 75)

11. To ensure confidence in the new sentencing regime, there must be public education about the new sentencing measures, and publicity about actual sentences imposed, to demonstrate that they are robust and legitimate alternatives to prison in terms of punishment, public protection and rehabilitation. (Paragraph 76)
12. Enforcement of the new orders will be critical to their success and it is imperative that the Government puts in place strong enforcement machinery which is used effectively to ensure compliance with conditions or requirements imposed on Orders and their satisfactory completion. (Paragraph 77)
13. The Committee supports the emphasis in the sentencing framework on formulating a community sentence which imposes the most suitable requirements for the individual offender. (Paragraph 78)
14. We recognise that home detention curfew has a role to play in the Criminal Justice System. We recommend that the Government continue to monitor carefully the re-offending rates for those on home detention curfew. (Paragraph 81)
15. We welcome our role in the new sentencing framework which for the first time gives Parliament a voice in influencing the guidance given to sentencers. We look forward to continuing to exercise these new responsibilities. We hope that we can assist in making the sentencing system more rational, fair and effective. (Paragraph 85)
16. We welcome the Government's publication of its National Action Plan, which has been awaited since 2002. We support the Plan's approach in setting out complementary activity at national, regional and local levels and its emphasis on 'joined-up working' across Government, through information sharing between agencies and the development of partnerships to support regional working. (Paragraph 97)
17. However, we are disappointed at the elementary nature of many of the National Action Plan's action points: for example, establishing processes through which agencies can communicate, developing an accommodation strategy for ex-prisoners in the long term, and developing guidance for healthcare staff. Many of these issues have already been explored in detail and best practice identified, in other recent reports and reviews, and in evidence submitted to our inquiry. We recommend that the National Action Plan should be reissued in an expanded form, incorporating the key recommendations of these reviews and current best practice and setting clear timetables for their implementation. Further, we recommend that the Home Office should report annually to Parliament on the progress made in implementing the Plan. This reporting should take the form either of a detailed Written Statement or a memorandum submitted to this Committee. (Paragraph 98)
18. We welcome in principle the introduction of the National Offender Management Service, although we regret the lack of prior consultation and the failure to publish a comprehensive business case. These failures have undoubtedly created unnecessary difficulties in developing NOMS. We welcome recent signs that the Government has

recognised these problems. A more collaborative approach with those working in the Prison and Probation Services will produce effective change more swiftly. (Paragraph 106)

19. We welcome the target set in the Government's National Action Plan requiring each region to develop and implement a Regional Rehabilitation Strategy. We endorse the objective of collaborative inter-agency partnerships at the national, regional and local levels. (Paragraph 108)
20. We await the publication of the Home Office's revised projection of the future prison population. There are considerable grounds for scepticism about the accuracy of the present projection—of 80,000 by 2009—not least because it rests on very large assumptions about the net effect of sentencing changes arising from the Criminal Justice Act 2003, and because it produces a result in which, conveniently, population exactly matches capacity. Any prison population above 80,000—and certainly a prison population reaching up from 91,000 to 109,000 as previously projected by the Home Office—would continue to impose intolerable strains upon the prison regime and prospects for rehabilitation. In the absence of a fuller statement of its methodology than the Home Office has been able to supply us with, there must be a suspicion that the actual calculation may have been the other way round to what is claimed: i.e. that the Government started from a basis of the maximum prison population that the Treasury was willing to pay for, and then adopted sentencing assumptions which delivered that required total. (Paragraph 118)
21. As a consequence of the recent reports and government initiatives, the basic framework is now largely in place to make possible the more effective rehabilitation of offenders. Nonetheless, the evidence we have taken in our inquiry reveals that much remains to be done: there is concern about how some of the recent initiatives (such as the introduction of NOMS) are being implemented; and despite the welcome recent decrease in re-offending rates, the scale of the problem is massive—it remains the case that nearly three in five prisoners are reconvicted within two years of leaving prison. As we have seen, the Government's optimistic assessment that by 2009 the prison population will neatly match prison capacity rests on some questionable assumptions. It is not clear that the combined effect of sentencing reforms and the prison-building programme will be to relieve overcrowding, as the Government projections assume. Meanwhile the current high level of the prison population creates a constant 'churn' of prisoners through the system, and high levels of transfers between prisons, which makes it much more difficult to provide effective rehabilitative interventions. In this as in other respects, overcrowding is having a significant impact on the management of prisons. (Paragraph 123)
22. The Social Exclusion Unit report in 2002 pointed out that the best way of reducing re-offending is to ensure that prisoners on their release have the ability to get into work and a home to go to. In the remainder of this report, we investigate the current levels of provision of training, education and employment opportunities within prison, and of resettlement arrangements after release. (Paragraph 124)
23. Accurate individual assessment of prisoners on admission to prison is vital as a means of identifying factors underlying criminal behaviour and individual problems,

such as illiteracy or drug dependence. We note the admission by the Prison Service's Director of Resettlement that hitherto the Service has failed to take this essential first step in the rehabilitation process. We agree with Sir David Ramsbotham that a full assessment of needs and risk is as essential for a prisoner entering prison as for a patient entering hospital. (Paragraph 132)

24. This assessment should inform sentence planning for each stage of the custodial process. It should assist in determining the selection of proportionate and appropriate targeted interventions to address criminogenic factors plus the prisoner's personal deficiencies. Resettlement objectives should be incorporated within needs assessment and sentence planning at the outset. The Prison Service should move away from viewing prisoners as passive objects to be managed and seek actively to engage prisoners, requiring them to take responsibility for themselves and their behaviour, and to play an active role in their own rehabilitation, from sentence planning through to resettlement. (Paragraph 133)
25. Both needs assessment and the resulting rehabilitative regime must be based on all available relevant information about what has happened to the individual before admission. The details of required treatment, response to treatment, and information regarding future needs, must be passed on to those responsible for offender management both in prison and in the community. (Paragraph 134)
26. We welcome the development of OASys and recognise its importance in offender management. The OASys model has the potential to become a building block in multi-agency information exchange, linking the various elements of the criminal justice system, including social support services and voluntary agencies, in order to achieve closer co-operation in meeting the needs of prisoners in custody as well as those serving community penalties. (Paragraph 135)
27. We are concerned at the slippage in the OASys implementation timetable and emphasise the importance of implementing OASys across both the Prison and Probation Services as a matter of urgency. In particular, attention must be focused on ensuring that both Prison and Probation Services are running IT versions of OASys which are mutually compatible and freely able to exchange information electronically. (Paragraph 136)
28. We recommend that the OASys assessment tool should be extended as soon as possible to apply to remand and short-term prisoners. (Paragraph 137)
29. We endorse the conclusion of the Prison Industries Review that: "Industrial workshops are one of the best means, within prison walls, to reflect real working life. A proportion of the prison population will never have been exposed to real work before, and this may be their first opportunity to gain some transferable employment skills. In order to advance the resettlement agenda prison work needs to be targeted at those who are least likely to want to work. These individuals should be allocated for work, particularly on work initially that requires little training. They should not be ignored if they are difficult, or lack motivation. They should be the target audience of industries, and will benefit most from prison work. They have the potential for most return in terms of reduced re-offending on release." (Paragraph 147)

30. We agree with the Prison Industries Review that it is “indefensible” that the Prison Service cannot find enough work or purposeful activity for prisoners. There continues to be an unacceptable disparity in the provision of work opportunities for prisoners across the prison estate. Whilst a maximum of just over 30% of prisoners may be involved in some form of prison work activity, only a third of those have placed in prison workshops, the type of work activity which most closely reflects “real working life”. This suggests that involving prisoners in work schemes remains a low priority in the Government’s current rehabilitation agenda. (Paragraph 153)
31. Whilst the Home Office claim that the key recommendations of the Prison Industries Review are being implemented, it is clear that prison industries remain peripheral to the Prison Service’s strategy for rehabilitation. Prison industries continue to be run in isolation from other activities rather than as a complement to other rehabilitation measures. There has been no substantial increase in the number of hours workshops operate. Hardly anywhere in the prison estate does the work regime yet reflect the structured working week found in outside work. Of particular concern is the failure of the Government to include outstanding recommendations from the Prison Industries Review within Pathway 2 (Education, Training and Employment) of its Reducing Re-offending National Action Plan published in July 2004. We take the omission of these recommendations as a sign that the Government has no intention of implementing them. This would be a great mistake. We recommend that this omission from the Plan be remedied as a matter of urgency. (Paragraph 154)
32. It should also be a priority of the Prison Service to established a policy team to develop a long-term prison work strategy, and foster links with internal Prison Service departments, government departments, employers and local authorities. (Paragraph 155)
33. The model of HMP Coldingley demonstrates that through a coherent, focused prison work strategy, prisoners can obtain transferable skills and qualifications at the same time as gaining experience of a real working environment and routine. We recommend that the Prison Service develop a prison industrial strategy to ensure that—in the words of the President of the Prison Governors’ Association—“prison after prison does the same thing and does it in a very businesslike way to very high standards and very competitively”. (Paragraph 160)
34. In one respect only we consider that the Coldingley regime is open to criticism: that it does not allow prisoners to work part-time in order to accommodate other rehabilitative activities such as education, as recommended by the Prison Industries Review. We recommend that in this respect the regime should be modified. (Paragraph 161)
35. We recommend that the Prison Industries Review recommendation to extend prisoners’ working hours should be adopted across the prison estate as a matter of prison policy. A key performance indicator target should be set requiring individual prison establishments to provide a full working day for prisoners. We consider that the prison regime should be restructured to support prisoners working a conventional 9am to 5pm working day (in education, vocational training or work

programmes, or a mixture of these), fostering the work ethic and giving prisoners responsibility for their future post-release by encouraging them to obtain recognised qualifications and marketable skills through on the job training. (Paragraph 162)

36. We believe that the Prison Service should make the development of structured work a central part of the national prisons strategy. Every effort should be made to use the Coldingley system as a model for other establishments, adapted as necessary to extend it to those who have little previous experience of work or who are reluctant to take on prison work. (Paragraph 163)
37. A coherent constructive prison work strategy will not be developed while the responsibility rests on *ad hoc* initiatives by individual prison governors. (Paragraph 164)
38. We note that prisoners do external work under day release schemes from open prisons on a much greater scale in Germany than in the UK. We recommend that the Prison Service should expand its current system of day release along the lines of the Tegel model set out above, to allow a wider number of prisoners to take part in work and educational programmes in the community as part of their preparation for release. Home leave can provide prisoners with the only chance of sustaining the family unit, and is particularly pertinent to women prisoners, the majority of whom are desperately trying to maintain relationships with children. Save in the most serious cases, there should be a presumption that home leave is available for women prisoners. Day release and home leave plans should become an integral part of the Prison Service's broader resettlement strategy. (Paragraph 170)
39. We support a major extension of the Transco approach. We recognise that it directly meets the employment needs of a private sector company. The programmes are driven by those needs, rather than by charitable or educational aims. However, in identifying and meeting those needs, the Transco work scheme offers a higher quality of education, training and motivation than the vast majority of prison-based education or training. (Paragraph 177)
40. We note that the Transco work scheme demonstrates that some of the labour shortages in the economy that are currently met through managed migration could be met by enhancing the employment potential of the prison population (Paragraph 178)
41. We endorse efforts to develop the Transco work scheme across other industries and sectors. However, whilst the Prison Service offers support to the programme, we do not believe that there is yet a central drive from within the Prison Service to maximise its potential. The Prison Service now needs to give priority to supporting this type of initiative. The development of training programmes leading to guaranteed employment requires stability in the prison population and longer-term commitments to individual prisoners. We are not convinced that the Prison Service is yet committed to providing such opportunities. (Paragraph 179)
42. We believe that a radical reprioritisation of work within the prison rehabilitation agenda is necessary. Partnerships between the prison sector, companies and their supply chains should be established as a matter of priority to identify and provide

sustainable employment opportunities for offenders on successful completion of relevant training courses. Basic labour shortages and skills gaps in the external labour market should be identified and matched to vocational training and work programmes in prison. There should be much greater use of day release schemes on the German model to enable prisoners to experience work in the community prior to their release, and demonstrate their abilities and trustworthiness to employers. (Paragraph 180)

43. We recommend that a business case should be formulated for the creation of a specialist not-for-profit agency outside the Prison Service, staffed by personnel with the necessary financial and commercial expertise and experience, to co-ordinate investment, marketing and supply for prison industries. (Paragraph 181)
44. We recommend that the emphasis on prison work should be on employing the largest number of prisoners in some form of productive work scheme for the standard number of hours of the working week, rather than design a system facilitating full-time work for a very small number of highly trained prisoners. (Paragraph 182)
45. Building on the recommendations of the Internal Review Report, we suggest that the Prison Service consider developing a more structured sequence of work opportunities for prisoners. Contract workshops offering basic, low-level work can still have value where linked in an integrated manner with the teaching of basic skills, such as numeracy or accounting skills. Workshops should provide prisoners with experience of the real working day which will be a new experience for many of them. As they proceed through their sentence, and on condition of successfully completing requisite elements of their sentence plan (e.g. education courses, offending behaviour programmes and drug treatment programmes), prisoners should have the opportunity to apply for higher skilled work, ultimately moving towards training and working in a prison workshop or on day release in education and training programmes. As the sentence progressed, the emphasis should increasingly be on getting prisoners into work outside. The advantage of this more structured sequence of prison work is that it would give prisoners clear staging posts. It would also provide prisoners with an incentive for completing the other rehabilitative elements of their sentence plan, not least basic education and treatment programmes. (Paragraph 183)
46. We believe that extra investment in prison work, training and education is much more likely to be forthcoming if a strong business case can be made in terms of benefits for the UK economy as a whole. We recommend that HM Treasury, in conjunction with the Home Office, should carry out an assessment of the potential of ex-offenders to meet UK skill needs. (Paragraph 186)
47. We urge the Prison Service to monitor closely the development of the Howard League's pilot project at HMP The Mount. (Paragraph 190)
48. We recognise that the argument for paying prisoners a more representative wage is not to make them better off while they are in prison, but to give them experience of paying tax, national insurance and living costs, and facing up to the same

responsibilities as other citizens. We recognise the complexity of developing such a policy, not least in terms of public perception, the costs of administration of such a system and the setting of deductions. We recommend that the Prison Service run a small number of pilot schemes to assess the impact of paying market rates with appropriate deductions to cover the cost of accommodation, food, child support and—as a requirement—reparation for victims. This might help overcome objections that prison work undercuts local companies. (Paragraph 192)

49. The provision of basic education to address the very high levels of illiteracy and innumeracy amongst prisoners has hitherto been a successful intervention strategy by the Prison Service. Impressive targets have been met, as the statistics demonstrate. We commend the Prison Service's efforts to date. (Paragraph 210)
50. We recognise, however, the challenges that remain. The evidence suggests that implementation remains incomplete. The number of basic skills awards gained in 2003–04 was over 46,000. This is a fine achievement, but needs to be placed in the context of the 130,000 prisoners estimated to pass through the prison system in a year. We note the other deficiencies to which the Adult Learning Inspectorate has drawn attention, which reflect our own observations. (Paragraph 211)
51. There is a disturbing degree of variation between individual prisons in the extent of prisoners' access to education and the provision of educational programmes. Such variation reflects disparate investment in education by individual prisons and demonstrates the lack of a unified education policy across the prison estate. We recommend that minimum standards be imposed by the DfES by way of key performance indicator targets which every prison must meet. (Paragraph 212)
52. In the medium to long term, we consider that an overly narrow emphasis on basic education should not be encouraged. We welcome the appointment of Heads of Learning and Skills in each prison to take forward a broader education strategy. In particular, we consider there to be a strong case for widening the methods of delivering education. Transplanting the formal educational classroom model into the prison rehabilitation regime is not necessarily the best method of encouraging prisoners to learn. (Paragraph 213)
53. We recommend that consultative forums be established in each prison to allow prisoners the opportunity to contribute to decisions regarding delivery and content of educational programmes. (Paragraph 214)
54. Consideration should be given to the feasibility and desirability of raising the payments given to prisoners attending education and training courses, with a view to ensuring that there is no significant disincentive to prisoners to attend such courses. (Paragraph 215)
55. We note the damage done to prisoners' education by the 'churn' of prisoners through an overcrowded system. We support the proposal by the Prison Reform Trust that every prisoner should have a personal record of achievement which they will take with them when transferred to a new prison. Communication between prisons, and co-ordination of educational provision within the prison system, should

be improved to minimise the disruption caused to prison education by transfers. (Paragraph 216)

56. We recommend that the Prison Service consider encouraging more extensive use of the 'Toe-by-Toe' system of teaching basic reading and writing skills. (Paragraph 217)
57. We welcome plans to integrate accredited training into prison workshops. Nonetheless, the Prison Service deserves criticism for having failed hitherto to remedy the core defects that it has itself identified in its vocational training programme. Vocational training workshops enable a more innovative and integrated approach to education and work, setting training alongside work opportunities for those prisoners who reject the formal classroom model of education. We were impressed by the well-equipped motor mechanics training centre at HMYOI Aylesbury, jointly run by the prison and Toyota; but we note also the massive gap between this and the standard provision that is available in YOIs and in the prison estate as a whole. During our prison visits, many prisoners told us that they attended particular classes because they were the only ones available, not because they thought they would help them get jobs. (Paragraph 223)
58. We consider that the management of vocational training by DfES provides the potential for a more holistic approach to the delivery of education and skills. (Paragraph 224)
59. We welcome the investment in upgrading vocational training workshops and recommend that this should be sustained to re-equip and modernise all workshop equipment. It is vitally important that all vocational training workshops should be designed to meet the relevant industry standard and provide recognised qualifications or awards. (Paragraph 225)
60. Without this investment, prisoners will be trained on machines which are out-of-date in practices which are no longer relevant in the modern workplace. Prisons with appropriate, well-resourced workshops, in favourable locations and with medium- to long-term prisoners are likely to be better able to attract work contracts, provide a fuller working day and pay enhanced or 'real' wages. (Paragraph 226)
61. We share the Government's disappointment at the results of the most recent research into the impact of offending behaviour programmes. We consider that the great expansion in offending behaviour programmes since they were introduced in the early 1990s, and the alteration in focus of whom they were delivered to, have compromised programme delivery. (Paragraph 233)
62. In our view, the results of the Home Office research argue in favour of reducing the priority given to offending behaviour programmes. They should continue to be offered as part of the range of interventions for prisoners but fitted into a much wider rehabilitation agenda. We welcome the Government's plans to develop strategies to evaluate the effectiveness of current programmes through reviews of (i) the targeting of programmes and (ii) the approach to auditing the quality of delivery. We recommend that a much more sophisticated selection process be introduced to ensure that appropriate prisoners attend each of the particular courses, and that

providers of programmes be carefully scrutinised on an ongoing basis to ensure satisfactory and consistent high standards of delivery of the programmes across the prison estate. (Paragraph 234)

63. We consider that the current Prison Service Key Performance Indicator for offending behaviour programmes is misplaced, because it measures their success by the number of courses run, rather than by outcomes. We recommend that the Prison Service put in place ongoing monitoring programmes evaluating outcomes in terms of completion rates and impact on reconviction rates on an annual basis. (Paragraph 235)
64. We endorse the view of the Prison Service that HMP Grendon is “a model of good prison practice and a leader in the treatment of severe personality-disordered offenders”. Although by its nature this model of treatment will only be suitable for a minority of offenders, we consider it important that the work done at Grendon should continue. We recommend that the Government should commit itself to maintain and if possible increase the present level of resourcing of Grendon and other therapeutic units. We agree with the Minister that prisoners should only be sent to Grendon if they are willing to benefit from that regime and have been assessed as suitable for allocation there. (Paragraph 240)
65. We consider that the expanding use of remand is cause for concern. The growing numbers of remand prisoners are impacting significantly on the already overcrowded prison estate. The fact that over 50% of all remand prisoners are not subsequently given a custodial sentence points to an urgent need for reform to reduce the numbers of remand prisoners. It is unfortunate that the Government’s National Action Plan contains no reference to remand prisoners. We recommend that the Government should commission a comprehensive review of the role of remand in the criminal justice system as a matter of priority, particularly in light of the weakening of the presumption in favour of bail introduced by the Criminal Justice Act 2003. (Paragraph 247)
66. Whilst respecting remand prisoners’ status as (in most cases) unconvicted prisoners, we believe that measures should be put in place to ensure the time remand prisoners spend in custody is used constructively. (Paragraph 252)
67. We recommend that remand prisoners should undergo a needs assessment on reception to prison, including mandatory drug testing, and that the Prison Service should develop a separate prison regime tailored to meet their specific needs. This regime should include a short induction programme, education and work opportunities and drug and alcohol treatment programmes, with arrangements in place for continuation of treatment and programmes in the community. Participation in these programmes would of course be on a voluntary basis. Short, intensive basic literacy and numeracy programmes should also be made available to those remand prisoners who need them. We recommend that Jobcentre Plus surgeries in prisons should assist remand prisoners with benefits and employment issues arising as a result of their imprisonment, and that prison housing advice and support services should try where possible to preserve the accommodation to which the prisoner will be returning. (Paragraph 253)

68. A radical rethink about the treatment of short-term prisoners is urgently required. The complacent thinking that nothing effective can be done to rehabilitate short-term prisoners has crippled the response to regime provision for short-term prisoners. Inaction towards and neglect of this majority group of prisoners can no longer be justified. (Paragraph 260)
69. We welcome the Government's attempts, through the introduction of the new sentencing framework in the Criminal Justice Act 2003, to rebalance the criminal justice system and enhance the use of robust community penalties such as Custody Plus as a effective alternative to imprisonment. We hope these measures will have a significant impact on reducing the number of prisoners who serve a short prison term with no supervision post-release. (Paragraph 261)
70. However, we are critical of the failure to include in the Government's National Action Plan strategies for the short to medium term to improve the prison rehabilitation regime for short-term prisoners. We recommend that this omission be remedied as a matter of priority. (Paragraph 262)
71. In addition, it is not yet clear how many prisoners even after the introduction of Custody Plus will continue to serve relatively short-term sentences. We recommend that the Home Office should publish their estimates of how many prisoners will, after the introduction of the new sentencing framework, serve custodial sentences of between six months and two years. The introduction of the new community penalties will not eliminate the need for a fundamental overhaul of the Prison Service's attitude to short-term prisoners, which is currently dominated by the view that nothing constructive can be done. (Paragraph 263)
72. We recommend that the Prison Service should introduce a properly structured approach to the treatment of short-term offenders. This should comprise effective assessment (possibly using a variant of OASys, which does not at present extend to short-term prisoners), provision of work and training, and assistance with resettlement. (Paragraph 265)
73. We recommend that special intensive courses in basic education and drug treatment be designed which can be completed by short-term prisoners whilst in custody. Building on these, short-term prisoners should have the opportunity to commence longer-term education, vocational and treatment programmes in prison which are directly linked with programmes available in the local community. This will allow them to continue the programmes after release. (Paragraph 266)
74. We commend the key elements of the Kent and Medway Short Term Prison Project, in particular its use of continuing targeted intervention and police and volunteer supervision. We recommend that this be developed nationally and taken forward by NOMS. (Paragraph 267)
75. We recommend that every prisoner should receive health care screening, including mandatory drug testing, on admission to prison, as part of their needs assessment. Whilst we are aware of the arguments against such a potentially invasive mandatory drug testing requirement, we consider such a step justified in light of the current statistical evidence of the high levels of drug misuse by very many entering the prison

system. It does not seem to us unreasonable that there should be a power to drug-test those who have been convicted and sentenced equivalent to the existing power to drug-test those who are arrested. We recommend that this provision should be introduced by way of Government amendment to the Drugs Bill expected to be introduced in the present Session of Parliament. (Paragraph 271)

76. Mandatory drug testing on admission will benefit prisoners by facilitating more accurate assessments of the types of treatment required, thereby ensuring the most appropriate package of rehabilitative interventions for individual prisoners. In addition, mandatory testing will generate data which can be used to inform the development of a more targeted prison drug treatment strategy, and which will allow comparisons to be made with the results of compulsory drug testing on arrest. (Paragraph 272)
77. We encourage the Prison Service to continue to focus on reducing the numbers of drugs available in prison through strict security measures and continued use of random drug testing. (Paragraph 273)
78. In our view, the management of the delivery of drug treatment programmes constitutes a key element in the prison rehabilitation regime. We are critical of the limited number of places on prison drug treatment programmes and the restrictions on accessing those programmes. The provision of drug treatment services to only 10% of prisoners misusing drugs is inadequate when an estimated 80% of prisoners arriving in prison have serious drug or alcohol problems. (Paragraph 277)
79. We recommend that the number of places available on intensive drug treatment programmes be substantially increased, and that resources invested in community drug treatment services should be made available to the prison population, with prisons being directly linked with local community drug treatment providers. (Paragraph 278)
80. In addition, we recommend that short, intensive, drug treatment programmes be made available to short-term prisoners, who are currently excluded from any form of intensive drug treatment programmes. We welcome the Government's commitment to developing a short duration drug treatment programme for short-term prisoners as an action point in its National Action Plan. (Paragraph 279)
81. We recommend that the Government should make a public commitment to ensuring that the guaranteed quality of access to drug treatment for prisoners will never be less than that offered to offenders in the community. (Paragraph 280)
82. We recognise the significant investment that the Government is making in drug treatment services. However, care must be taken not to focus on the availability of treatment to those entering the Criminal Justice System at the expense of those with drug problems already in the prison system. As a first step, targets for access to services for new offenders and for existing prisoners should be aligned. The longer-term objective should be to move towards continuity of care for released prisoners, which is critical to avoid wasted investment. (Paragraph 285)

83. We recommend that the Government work in partnership with community providers to put in place a tracking system to monitor prisoners' access to community drug treatment and report to Parliament on the progress made in levelling out access to and provision of drug treatment as part of its Reducing Re-offending National Action Plan. (Paragraph 286)
84. The Committee is critical of the failure to date to develop any overall strategy for dealing with prisoner alcohol misuse or addiction as an important element in its prison rehabilitation strategy, particularly in light of the alarming upward trend in alcohol-related crime. We welcome the Government's commitment in its National Action Plan to introduce alcohol strategies for approval by March 2005. These strategies will comprise the twin elements of treatment interventions and alcohol testing. We urge the Government not to let the timetable on the introduction of these strategies slip. There needs to be rapid progress in setting up mechanisms to implement the national strategies at the regional and local level. (Paragraph 287)
85. Whilst the Government has said that it wishes to constrain the overall growth in prisoner numbers, the sharp rise in women prisoners would appear to deserve particular attention. The vast majority of these women are in prison for non-violent offences and have never been a danger to the public. We recommend that the Government consider setting targets for reducing the numbers of women offenders sentenced to prison and monitor the use of the community sentences available under the Criminal Justice Act 2003 and their impact on reducing the female prison population. (Paragraph 298)
86. We welcome the Government's publication of a programme specifically focused on reducing female offending, but we note with disappointment that this is couched in very general terms. A clearer and more detailed statement of planned actions and expected benefits is needed. We recommend that the Government develops a more focused prison rehabilitation strategy for women prisoners which can be incorporated into the National Action Plan. (Paragraph 302)
87. We are concerned about the lines of accountability and operational responsibility for women prisoners as a minority group, following the abolition of the separate women's estate in April 2004. In the absence of a senior operational manager with specific responsibility for that estate, we recommend the appointment of accountable officers with responsibility for women prisoners at each establishment where women are held. The responsibilities of the accountable officer should include monitoring the development of a women-oriented prison rehabilitation regime. (Paragraph 303)
88. In our view, women prisoners, like men prisoners, should be held in prisons according to the security category that is appropriate to the risks they pose. As we have already noted, women prisoners in general pose much less of a security risk to society than men prisoners. Current sentencing policy and the number of open places available for women prisoners means that the security conditions under which they are held are not necessarily correlated with actual risk. We recommend that the Government take action to remedy this mismatch as a matter of urgency. In particular, we recommend that the number of places for women in open prisons be substantially increased. (Paragraph 305)

89. The relatively small number of women's prisons in relation to the size of the present female prison population means that women prisoners are scattered about the country to a greater degree than men prisoners, a long way from home and family and unable to benefit from resettlement strategies. The only way to address this is either to invest substantially in the women's prison estate, or to invest in reducing prisoner numbers—and the latter is likely to prove more cost effective. (Paragraph 306)
90. We recommend that the delivery and content of offending behaviour programmes should be adapted to meet the specific needs of women prisoners, taking account of those women's different life experiences and placing their offending within the context of what may often be long-term victimisation or abuse. (Paragraph 308)
91. We welcome the Government's commitment in its National Action Plan that research will be carried out into the specific risk factors relating to women's substance misuse and offending. However, we do not think this response to the problem is adequate, given that around 40% of all women prisoners can be diagnosed as harmful or dependent users of drugs. We recommend that the substantial increase in the female prison population be matched with a proportionate increase in the number of intensive drug treatment programme places available in women's prisons from the 455 places currently available. (Paragraph 309)
92. We consider that whilst the majority of women prisoner's first priority on release may be to secure accommodation for themselves and their children, women prisoners should nevertheless be given equal opportunities to access education, relevant skills training and work programmes as part of their prison regime. In devising a work strategy for women prisoners, we recommend that the Prison Service should consult with women prisoners themselves to identify the types of skills training and work programmes they would find most useful and relevant to them. The general focus on work-like experience and relevant training we have set out in respect of men prisoners is equally important for women prisoners. Outside prison the Government has supported women—including mothers—into work through the New Deal, on the grounds that this is best for them and their children. It is perverse to apply a different attitude to women prisoners who, arguably, have most to gain from secure employment on increased incomes. (Paragraph 313)
93. We recommend that the Prison Service, in partnership with relevant community agencies and social support services, devises a resettlement plan for women prisoners, the contents of which should include basic advice on the care of children whilst women prisoners are in prison, and guidance on childcare, benefits entitlement and housing needs on release. (Paragraph 315)
94. We were impressed by the innovative work in which the Asha Centre is involved. The Centre is assisting women in transition to have the confidence to take the first steps away from re-offending lifestyles, and to challenge patterns of abuse and offending behaviour. In our view, this is an important part of the resettlement process for ex-prisoners. It demonstrates the positive role of independent organisations in fostering community support networks which facilitate reintegration and resettlement. We recommend that NOMS should take active steps

to learn from such models of good practice in developing its resettlement strategy. (Paragraph 317)

95. We commend the recent introduction of gender-sensitive training. We recommend that the Prison Service monitor the ratio of male/female personnel within women's prisons to ensure so far as possible the presence of adequate numbers of female prison officers at all levels of the prison management structure. (Paragraph 318)
96. We recommend the development of a specific and focused rehabilitation strategy for women prisoners informed by independent research identifying trends across the women's estate in relation to levels of mental illness amongst women prisoners, the extent of drug misuse, and problems emerging from mother and baby units. We recommend that the Government develop national policies in relation to women prisoners' health care, childcare, education, employment, contacts with families, alcohol and drug misuse, and counselling and resettlement. (Paragraph 320)
97. We recommend the development of a comprehensive needs assessment programme orientated to women prisoners which identifies the individual female prisoner's problems at the same time as investigating the wider context of social exclusion and abuse suffered by those prisoners. (Paragraph 321)
98. We welcome the Home Office's undertaking [that all 17 year old girls will be moved to discrete juvenile units by 2006] and look forward to seeing it implemented on schedule. (Paragraph 327 ii)
99. We welcome the Youth Justice Board's efforts to date to reform the operation and performance of the youth justice system and the work it has completed, in partnership with the Prison Service, to improve rehabilitative provision for juvenile prisoners. (Paragraph 333)
100. However, we regret the consistent failure to meet the YJB target of 30 hours of constructive activity per week for this prisoner group, and the Government's failure to meet its statutory obligation regarding the number of hours juvenile prisoners spend in education and training courses. The very low literacy and numeracy levels of this prisoner group dictate that education and training should form the cornerstone of the prison rehabilitation strategy for juvenile prisoners, with the adoption of innovative approaches to education, training schemes and work placements. (Paragraph 334)
101. It is regrettable that the Government's National Action Plan for rehabilitation does not provide a strategy for dealing with juvenile prisoners. We recommend that the Government develop a comprehensive prison rehabilitation regime for juvenile prisoners. This should address the lack of provision of appropriate housing for young people and the difficulties in securing education and training post-custody. In addition, access to and provision of drug treatment programmes should be improved for juvenile prisoners. (Paragraph 336)
102. Recent efforts to reform the prison regime for young prisoners have focused on the juvenile prison estate. As a result, 18 to 21 year old prisoners have been overlooked. We recommend that the Government match the investment it has made, through

the Youth Justice Board, in developing a prison rehabilitation strategy for juveniles, by designing an equivalent tailored range of rehabilitative interventions for young adult offenders. (Paragraph 345)

103. Levels of constructive activity and intervention programmes for the young adult prison population are woefully inadequate. We commend the Governor and his staff at HMYOI Aylesbury on the rehabilitation initiatives they are running for young adult offenders. We recommend that the Prison Service incorporate such models of good practice into a national rehabilitation strategy for young adult offenders, to be set out in a revised edition of the National Action Plan. (Paragraph 346)
104. We recommend that the Government conduct a small number of pilot schemes for appropriately trained mentors of young adult offenders. The scheme should be independently monitored and evaluated to assess its impact on re-offending rates. (Paragraph 348)
105. We are deeply concerned at the over-representation of minority ethnic groups, particularly black men, across the criminal justice system, and by suggestions that black prisoners are more likely to be found guilty of disciplinary offences and less likely to have access to constructive activities in prison. The absence of comprehensive ethnic and religious monitoring across the prison estate is much to be regretted, as is the resultant lack of empirical data regarding the treatment of minority ethnic and religious groups within the prison system. We recommend that mechanisms be put in place for the systematic collation and comparison of data relating to the ethnic and religious backgrounds of prisoners (i) on disciplinary charges, (ii) in segregation, (iii) on basic regimes, and (iv) allocated the most basic prison work opportunities. This data is important to the development of prison diversity policies at the national, regional and local levels. It is also essential as a means of alerting the Prison Service to practices and procedures which may be directly or indirectly discriminatory by disproportionately adversely affecting minority ethnic prisoners. (Paragraph 353)
106. We welcome the Government's commitment in its National Action Plan to 'mainstream' diversity. However, we consider that that specific measures with set timetables are required to address the problems identified by the Commission for Racial Equality in its recent report on racial equality in prisons. We recommend that, in the short term, the Government's Criminal Justice System Race Unit should conduct an internal audit of the Prison Service's rehabilitation interventions to assess whether they comply with the needs of minority ethnic and religious groups. A revised version of the National Action Plan should contain specific action points identified by the audit as necessary to remedy deficiencies in the current provision of rehabilitation interventions to minority ethnic and religious prisoners, together with targets for implementation and mechanisms for ongoing monitoring. (Paragraph 356)
107. We welcome the Government's adoption of the principle of equivalence in relation to the provision of mental health care for prisoners, and the dedicated NHS funding to support the introduction of multi-disciplinary teams in prisons designed to provide mental health services for prisoners along the lines of community mental

health teams. However, there is a long way to go before prison health care provision matches the NHS standards of care in the community. (Paragraph 360)

108. We consider that the current system of prison mental health care provision is failing in two fundamental respects. First, some individuals suffering mental illness are committing crimes, being convicted and being sent to prison because of the failures of mental health care provision in the community. Second, prisoners who become severely mentally ill in prison are not being diverted out of the prison system to appropriate specialist secure units in the community. (Paragraph 364)
109. We deplore the delays in assessing the mental health care needs of prisoners on admission to prison and throughout their sentences. The Government's National Action Plan fails to include specific action points aimed at improving access to and provision of high quality mental healthcare to prisoners. We recommend that this gap in strategic policy planning be addressed as a matter of urgency. In particular, we recommend that more places be made available in specialist secure units in the community to provide the expert mental health care prisoners need within proper facilities. (Paragraph 366)
110. We recommend that the Healthcare Commission be given statutory authority to monitor, inspect and evaluate the adequacy of mental health care provision across the prison estate, both on a thematic and prison-by-prison basis, indicating models of best practice and providing recommendations for action. (Paragraph 367)
111. We do not find the Home Office's Resettlement Key Performance Indicator helpful. We suggest the adoption of an indicator which is a more accurate gauge of the employment levels of ex-prisoners. (Paragraph 372)
112. We regret that the Government's National Action Plan limits resettlement activities to the provision of housing advice and improving "accommodation outcomes". We recommend that the Government develops a more comprehensive resettlement model to be incorporated into its National Action Plan, with the aim of providing prisoners close to release with practical advice and support to address accommodation, employment and family matters. (Paragraph 374)
113. We welcome the Government's initial attempts in its National Action Plan to address the issue of accommodation for ex-prisoners. We recommend that the resettlement of offenders become a cornerstone in the new approach to offender management envisaged by NOMS, with the development of comprehensive resettlement strategies as integrated parts of the Regional Rehabilitation Strategies. (Paragraph 376)
114. We also recommend that Crime Reduction Partnerships should be actively involved in the resettlement of ex-prisoners. Resettlement strategies should be integrated into local crime reduction strategies so that health, education and housing agencies, together with social services, are committed to dealing with the resettlement of offenders. (Paragraph 377)
115. We recommend that in the short-term, co-ordinated communication systems be established to enable prison staff (and prisoners) to make contact with key agencies

in the local areas to which prisoners are returning. In the medium term, resettlement teams should be established in each of the ten NOMS regions with responsibility for the practical resettlement of prisoners to that region, identifying housing and training or employment opportunities within the region, as well as liaising with housing agencies, training providers and employers and arranging support for offenders from mentors. (Paragraph 378)

- 116.** In our view, to achieve the objective of reducing re-offending there are sound reasons in the long term to move from the regional to the local model of offender management, particularly in light in the shift towards community sentencing introduced by the Criminal Justice Act 2003. We recommend that the Government develop a long-term local community strategy in tandem with its implementation of regional offender management. (Paragraph 380)
- 117.** The recent series of Government reports, taken together, provides a reasonably coherent and sensible framework for sentencing, prison regime and resettlement. However, implementation has been patchy. Progress has been made in developing more credible and effective sentencing, and in reviewing sentencing guidelines. The creation of NOMS contains at least the potential for integrating the day-to-day work of the prison and probation services and providing ‘end to end’ management of prisoners from sentence to resettlement. NOMS is in its early stages and we will be monitoring closely how the new organisation develops. (Paragraph 381)
- 118.** There has, however, been markedly uneven achievement in regard to the prison regime and resettlement. Progress has undoubtedly been made on drug treatment and provision of basic education. However, the ability of prisoners to return to work—or find work for the first time—is an essential part of rehabilitation. We found little evidence that serious efforts are being made within the Prison Service to prepare prisoners for the world of work. Much other provision for rehabilitation and resettlement continues to be inadequate—as previous chapters of this report illustrate graphically. We are particularly concerned about the failure to make appropriate provision for vulnerable groups: women, young prisoners, mentally ill prisoners and those from minority ethnic backgrounds. Too few attempts are made, either, to provide rehabilitative services to short-term or remand prisoners. (Paragraph 382)
- 119.** We agree with the Government that the core purpose and measure of rehabilitation must be to reduce re-offending. However, a reduction in re-offending can only be achieved through a rehabilitative strategy which reintegrates offenders into society by giving them the opportunity and assistance needed to reform. (Paragraph 384)
- 120.** An effective prison rehabilitation strategy must look not only at the offending criminal behaviour but also at the individual prisoner himself or herself. A prison rehabilitation regime must, where appropriate, challenge a prisoner’s chaotic and deprived lifestyle by—
- investigating the prisoner’s background and needs in order to develop specific measures for his or her reintegration into society

- addressing offending behaviour and other deficiencies such as drug and alcohol misuse
- offering alternative life choices to the offender through the provision of education, training and work opportunities.

Further, the rehabilitation regime must be designed to deal with the different needs of different types of prisoner and the different factors affecting the re-offending of certain groups—in particular, women, young adults, black and minority ethnic groups, remand prisoners and short-term prisoners. (Paragraph 385)

- 121.** Wherever possible, offenders should be actively engaged in their own rehabilitation, and encouraged to take responsibility for themselves and their behaviour, from sentence planning through to resettlement. (Paragraph 386)
- 122.** The objectives we have set out in the previous paragraphs can only be achieved if there are significant changes in the regime within prisons. We have set out specific proposals earlier in this report. To summarise, the changes that are needed are (in order of priority):
- a major drive to provide work and work-like regimes and training within prisons;
  - an extension of this provision and other rehabilitative interventions to short-term and remand prisoners;
  - significant improvements to drug and alcohol treatment;
  - independent inspection of mental health provision; and
  - specific provision to address the needs of minority and vulnerable groups. (Paragraph 387)
- 123.** The Prison and Probation Service should not provide services which are available in the community. Rather, the task of the Prison and Probation Service should be to make sure that the offender has access to the community services that he needs. (Paragraph 388)
- 124.** We recommend that, in future, rehabilitative needs should be taken into account when decisions are taken on the locations of new prisons. It is particularly important that a network of local community prisons be built up to benefit short-term prisoners and prisoners close to the end of their sentence. (Paragraph 390)
- 125.** Overcrowding is undoubtedly causing severe problems within the prison system. However, overcrowding should not be used as an excuse for poor management. We are not convinced that every effort is currently being made to minimise transfers between prisons where these impede the work of rehabilitation. (Paragraph 391)
- 126.** The current situation means that it is something of a lottery as to whether a particular prisoner actually benefits from rehabilitative interventions appropriate to his or her needs. We believe that this is unfair to the individuals concerned. We

recommend that the Prison Service should move towards ensuring greater consistency of provision across the prison estate, by means of common standards and, where appropriate, ring-fenced funding for particular rehabilitative provisions. We accept that this will inevitably entail some loss of prison governors' present autonomy, but consider that this would be a price worth paying. (Paragraph 393)

# Annex 1

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## BACKGROUND INFORMATION AND DEFINITIONS

### Prison Establishments

#### Local Prisons

The main function of a local prison is to serve its geographical area. It receives prisoners direct from the courts, either sentenced or remanded awaiting trial or reports. Normally it accommodates all male remands and male adult convicted serving up to four-year sentences. Local prisons may also accommodate females and long-term prisoners. These prisons need to be near the population centres because prisoners have to go to court, receive legal visits, and be visited by their families.

#### Short-term Prisons

Although these prisons deal with a local area, they are not local prisons in that they do not take remands and do not receive prisoners direct from courts.

#### Long-term Prisons

These prisons do not receive long-term prisoners direct from the courts but rather from local prisons or from the National Induction Centre. Dispersal prisons form part of the high security estate and take a specific quota of category A prisoners. The rest of the population is made up largely of category B prisoners and a small number of category C or D prisoner. Category B prisons tend to have a secure perimeter and relatively high staffing levels. However they offer a less restricted regime than high security prisons with less internal security. Category C prisons make up one of the largest parts of the prison estate. They vary enormously from prison to prison. In general, they have a lower level of security but often more rules in operation.

#### Open Prisons

These establishments primarily hold adult male long-term prisoners in open conditions ,preparing them for release. They also accommodate some short-term prisoners of the lowest security category. They have less security and prisoners tend not to be locked up. Prisoners are transferred to open prisons if the Prison Service is satisfied that they can be trusted not to abscond. Prisoners are likely to be released regularly on temporary licence from prisons in order to work.

#### Women's Prisons

These were previously categorised as open, closed or local prisons. However, semi-open prisons have recently been introduced. Female young offenders are held in prisons with adult prisoners, although they should be held in designated young offender wings.

### Young Offenders Institutions

Young Offenders Institutions hold male prisoners between 15 and 21 years. There is no equivalent for young female prisoners.

## **Categories of Prisoner**

### Category A

Prisoners whose escape would be highly dangerous to the public or the police or the security of the state, no matter how unlikely that escape might be, and for whom the aim must be to make escape impossible.

### Category B

Prisoners for whom the very highest conditions of security are not necessary, but for whom escape must be made very difficult.

### Category C

Prisoners who cannot be trusted in open conditions, but who do not have the resources and will to make a determined escape attempt.

### Category D

Prisoners who can be reasonably trusted in open conditions.

## **Operational Capacity**

The operational capacity of a prison is the maximum safe, overcrowded capacity of a prison: i.e. the total number of prisoners that an establishment can hold taking into account control, security and the proper operation of the planned regime. It is determined by area managers on the basis of operational judgement and experience.

## **Useable Operational Capacity**

Useable Operational Capacity of the prison estate is the sum of all establishments' operational capacity less 1,700 places. This is known as the operating margin and reflects the constraints imposed by the need to provide separate accommodation for different classes of prisoner i.e. by sex, age, security category, conviction status, single cell risk assessment and also due to geographical distribution.

## Annex 2

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### INTERNATIONAL LEGAL STANDARDS FOR THE TREATMENT OF OFFENDERS

#### General Principles

1. Every human being has the inherent right to life (Universal Declaration of Human Rights (“UDHR”), Article 3; International Covenant on Civil and Political Rights (“ICCPR”) Article 6; European Convention on Human Rights (“ECHR”) Article 2).
2. Everyone has the right to liberty and security of their person. No one shall be subjected to arbitrary arrest or detention (UDHR Articles 3 and 9, ICCPR Article 9(1); ECHR Article 5(1)).
3. Torture, cruel, inhuman or degrading treatment or punishment is prohibited absolutely (UDHR Article 5; ICCPR Article 7; Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”) Article 2(1); Convention on the Rights of the Child (“CRC”) Article 37(a); ECHR Article 3).
4. Torture includes deliberate inhuman treatment causing very serious and cruel suffering (*Ireland v UK* (1978) 2 EHRR 25, ECtHR) which has a purpose, such as the obtaining of information or confession, or the infliction of punishment (*The Greek Case* (1969) 12 Yearbook 1; *Aksoy v Turkey* (1996) 23 EHRR 553).

#### Detention

5. All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person (ICCPR Article 10; CRC Article 37(c); UN Basic Principles for the Treatment of Prisoners, Article 1; UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles), Principle 1).
6. There shall be no restriction upon or derogation from any of the human rights of persons under any form of detention or imprisonment recognised or existing in any State pursuant to law, conventions, regulations or custom on the pretext that this Body of Principles does not recognise such rights or that it recognises them to a lesser extent (UN Body of Principles, Principle 3).
7. Persons deprived of their liberty may not be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation. Neither may they be subjected to any hardship or constraint other than that resulting from their liberty. Respect for the dignity of such detainees and prisoners must be guaranteed under the same conditions as that of free persons. Persons deprived of their liberty enjoy all the rights set forth in the ICCPR, subject to the restrictions that are unavoidable in a closed environment (UN Human Rights Committee General Comment 21, para 3).

## Medical Treatment

8. The full protection of the health of persons in custody should be ensured and medical attention provided when required (UN Standard Minimum Rules for the Treatment of Prisoners, Rule 22).

9. At every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality (UN Standard Minimum Rules for the Treatment of Offenders, Rule 22(1)).

10. Prisoners who suffer from other mental diseases or abnormalities shall be observed and treated in specialised institutions under medical management (UN Standard Minimum Rules for the Treatment of Offenders, Rule 82(2)).

## Ill-treatment

11. Allegations of ill-treatment must be properly, promptly and impartially investigated (CAT Articles 12 and 13; UN Body of Principles, Principle 7).

## Education and Training

12. All appropriate means should be used, including education, vocational guidance and training, social casework, employment counselling, physical development and strengthening of moral character, in accordance with the individual needs of each prisoner, taking account of his social and criminal history, his physical and mental capacities and aptitudes, his personal temperament, the length of his sentence and his prospects after release (UN Basic Principles for the Treatment of Prisoners, Article 6; UN Standard Minimum Rules for the Treatment of Offenders, Rule 66(1)).

13. Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country's labour market and permit them to contribute to their own financial support and to that of their families (UN Basic Principles for the Treatment of Prisoners, Article 8).

14. With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions (UN Basic Principles for the Treatment of Prisoners, Article 10).

## Young Offenders

15. Young prisoners shall be kept separate from adults (UN Standard Minimum Rules for the Treatment of Offenders, Rule 8(d)).

16. The placement of a juvenile in an institution should always be a disposition of last resort and for the minimum necessary period (UN Standard Minimum Rules for the Administration of Juvenile Justice, Rule 19.1).

17. The objective of training and treatment of juveniles placed in institutions is to provide care, protection, education and vocational skills, with a view to assisting them to assume socially constructive and productive roles in society (UN Standard Minimum Rules for the Administration of Juvenile Justice, Rule 26.1).

18. Young female offenders placed in institutions deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured (UN Standard Minimum Rules for the Administration of Juvenile Justice, Rule 26.4).

## Annex 3

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### PRISONS VISITED BY THE COMMITTEE

#### HMYOI Aylesbury (5 February 2004)

In 1969, HMYOI Aylesbury was designated a prison for young adult males offenders aged 17–21 serving long term sentences. In October 1989, following changes in the custodial sentencing policy and management of young offenders, Aylesbury was designated a long-term young offender institution from prisoners aged 18–20 and this remains its current role. It holds prisoners on the escape list and has a population of up to 50 life-sentenced prisoners. Some prisoners will spend three years in the establishment. Re-offending rates within this age group are high: 76% of young adults are convicted within two years.

#### *Statistics (as at May 2003)*<sup>311</sup>

No of prisoners held: 350

Certified normal allocation: 353

Operational capacity: 355

Last full inspection: 28 April – 2 May 2003

#### *Residential units*

A, B and C Wings are of a Victorian-style prison, with A Wing already having gone through a refurbishment programme. B and C Wings went through a refurbishment programme in 2003. A Wing is a drug free wing holding up to 66 young men. B Wing is classed as a general wing and holds up to 66 young men. D Wing (built in 1997) is the induction wing and holds up to 57 young men. E wing (built in 1997) is designated an enhanced wing and holds up to 72 young men. F Wing (about 35 years old) is classified as the 'poor copers' wing. It holds young men completing the Sex Offender Treatment Programme. Its full capacity is 48 young men. G Wing (about 35 years old) houses the therapeutic community and the anti-bullying support unit. It holds up to 48 young men.

#### HMP Brockhill (29 April 2004)

HMP Brockhill is a local prison for women, serving ten Crown Courts and associated Magistrates Courts. It was opened as a purpose-built remand centre in May 1965, originally accommodating 115 men and 23 women. It began as a satellite of Birmingham prison but became managerially independent in 1967. From 1968-1991, HMP Brockhill ceased to be a women's establishment and was exclusively used to house male prisoners.

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<sup>311</sup> Source: HM Chief Inspector of Prisons, *Report of an Announced Inspection of HMYOI Aylesbury, 28 April–2 May 2003*

In 1991, HMP Brockhill was redesignated as a women's training prison. It became a local prison in 1997. The catchment area for the prison is large: currently Brockhill is the only women's local prison between Gloucester and Manchester. Most prisoners, however, come from Birmingham and the surrounding areas.

The Governor is Barbara Treen (appointed 22 May 2002).

#### **Statistics (as at November 2001)**<sup>312</sup>

Average daily population: 151

Cost per place per annum: £29,266

Cost per prisoner Place: £30,570

Certified Normal Accommodation: 167

Operational capacity: 167

Last full inspection: November 1998

#### **Residential units**

Remand and convicted prisoners held on 4 wings. Until 18 March 2004, Brockhill had a small unit for juveniles (14 places).

#### **HMP Coldingley (20 May 2004)**

HMP Coldingley is a Category C industrial training prison. It opened in 1969 as a Category B industrial prison. In 1993, it was redesignated as a Category C trainer prison and in 1995/6 the prison was re-assigned as an industrial prison.

HMP Coldingley accepts prisoners serving four years and over including life sentenced prisoners. The main aim of the prison (set out in the establishment's mission statement) is to increase the employability of prisoners post-release by providing opportunities to address offending behaviour and acquire qualifications and work experience.

#### **Statistics**

Operational Capacity (as at February 2004): 370<sup>313</sup>

Cost per place per annum (2000) £18,811.<sup>314</sup>

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312 Source: *HM Chief Inspector Report of an Unannounced Inspection of HMP and YOI Brockhill 12–15 November 2001*

313 HM Prison Service website at [www.hmprisonservice.gov.uk/prisons](http://www.hmprisonservice.gov.uk/prisons) as at 16 February 2004

314 Source: *HM Chief Inspector of Prisons, Report of a Full Announced Inspection of HMP Coldingley, 12–16 June 2000*

Last full inspection: June 2000.

Prison population: at the time of HMCI 2000 Report, 66% of the convicted population had been awarded sentences of between 4 and 10 years, with drug offences being the most common type of offence (33%). 53% of the prison population were white and 38% were black. The majority of the prison population were from the London and Surrey areas whilst 7% were foreign nationals.

### **Residential units**

Each of the main wings, A, B, C and F wings, has four landings with offices, an association room, a launderette, a storeroom, showers and three card telephones. All cells are single except cells on F wing.

### **Prison Work**

The Executive Summary of HM Chief Inspector's report of the latest inspection of the prison stated that "it was difficult for us to establish exactly what the designation [i.e. 'industrial'] meant in practice and how it related to addressing prisoners' offending behaviour, individual needs and preparation for release."<sup>315</sup>

At the time of the inspection in June 2000, HMP Coldingley employed approximately 50% of its prisoners in workshops which offered "good to high quality work and without doubt helped to encourage them in their work habit and to save money from enhanced wages in preparation for release." However, the report was critical that the emphasis was "too strongly biased towards production and revenue generation at the expense of offering a wider range of opportunities to improve employability on release".

The Chief Inspector of Prisons suggested that the following initiatives should be considered:

- (i) work based qualifications;
- (ii) work experience on temporary release;
- (iii) contacts with employment services and job centres.

The report queried the efficacy of the 'integrated regime' at HMP Coldingley, noting that "most departments felt or were made to feel that they existed simply to support the workshops" and "some prisoners were financially disadvantaged by leaving the workshops for regime reasons beyond their control such as random mandatory drug testing, voluntary drug testing and parole interviews which would not occur if the regime was, indeed, fully integrated."

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315 HM Chief Inspector of Prisons, *Report of a Full Announced Inspection of HMP Coldingley, 12–16 June 2000*

### **HMP Elmley (20 January 2004)**

HMP Elmley is a purpose-built local prison. Opened in 1992, an additional block was added in 1997. In April 2003, Elmley became the sole local prison serving the Kent courts.

#### ***Statistics (as at May 2003)***<sup>316</sup>

No of prisoners held (as at 12 May 2003): 985

Certified normal allocation: 760

Operational capacity: 985

Last full inspection: 30 April - 4 May 2001

Last un-announced follow-up inspection: 12-14 May 2003

#### ***Residential units***

Houseblock 1 holds mainly trial and remand prisoners. It includes the induction regime and has a population of 179. Houseblock 2 holds uncategorised prisoners and any overspill of trial and remand prisoners. It also houses convicted young prisoners. And contains the drug strategy programme. It has a population of 179. Houseblock 3 holds mainly sentenced category C and uncategorised prisoners waiting transfer or labour. Its population is 178. Houseblock 4 houses the vulnerable prisoner unit. It contains sex offender treatment programme. It has a population of 178. Houseblock 5 holds mainly enhanced-status category C and D prisoners awaiting transfers, as well as core workers, such as kitchen workers. Its population is 240.

### **HMP Grendon (5 February 2004)**

HMP Grendon houses 231 residents in category B secure conditions. Grendon opened in 1962 as an 'experimental prison' running a series of therapeutic communities in which therapy is the core business. Therapeutic community process has evolved with a focus on group work.

Further information on HMP Grendon is given in paragraphs 236–40 of the Report.

### **HMP Springhill (5 February 2004)**

HMP Springhill is an open, category D establishment working on the resettlement of prisoners. It opened in 1953 as an open establishment. HMP Springhill is adjacent to and jointly managed with HMP Grendon. Historically, the needs of HMP Grendon have taken precedence and HMP Springhill has lacked its own separate identity. The current management recognises that this has impeded the development of HMP Springhill and has sought to increase the independence of the two prisons. However, at the time of HMIP

<sup>316</sup> HM Chief Inspector of Prisons, *Report of an Unannounced Follow-up Inspection of HMP Elmley, 12–14 May 2003*

Inspection in July 2003, many services continued to be shared by the two prisons and even performance measures were recorded jointly.

**Statistics (as at July 2003)<sup>317</sup>**

No of prisoners held: 312

Cost per place per annum: £10,904

Certified normal allocation: 336

Operational capacity: 336

Last announced inspection: July 2003

Until recently, prisoners have been screened for suitability before being accepted at HMP Springhill, but because of population pressures prisoners are received from overcrowded local prisons without screening. Many of these prisoners are serving short sentences and were not prepared for life in an open prison.

**Residential units**

Nine huts, J-S, each have 22 places, with single and double accommodation. T hut is the induction unit with 18 places, all double accommodation. X unit has 40 places, with single, en-suite toilet, shower and washing facilities. Y and Z units also have 40 places, with single, en-suite toilet.

**HMP Stanford Hill (20 January 2004)**

HMP Stanford Hill is a category D (open) prison accommodating sentenced adult males.

**Statistics (as at 7 January 2002)<sup>318</sup>**

No. of prisoners held: 308

Certified normal allocation: 384

Operational capacity: 384

Last full inspection: 7-11 January 2002.

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317 HM Chief Inspector of Prisons, *Report of an Announced Inspection of HMP Springhill, 21–25 July 2003*

318 HM Chief Inspector of Prisons, *Report of a Full Announced Inspection of HMP Stanford Hill, 7–11 January 2002.*

**Residential units**

Prisoners are housed in two detached wings that date from 1986. Accommodation is in single cells and prisoners have privacy keys. Lavatories and showers are provided communally for each landing.

**HMP Swaleside (20 January 2004)**

HMP Swaleside is a category B training prison for adult male sentenced prisoners, normally those sentenced to 4+ years. It is a first and second stage Lifer Centre, holding around 300 life sentence prisoners.

**Statistics (as at July 2002)<sup>319</sup>**

No. of prisoners held (as at July 2002): 770

Certified normal allocation: 747

Operational capacity: 777

Last announced inspection: July 2002

**Residential units**

A Wing has no specialised purpose. B Wing houses the Kainos community. C and F Wings house the Lifer Units. D Wing is the Induction wing. E Wing houses the drugs treatment unit and voluntary testing unit.

## Annex 4

### THE COMMITTEE'S PRISON DIARY PROJECT

For an outline description of the project, see paragraphs 33–37 of the Report.

#### Results

##### 1. *Length of Sentence and Distance from Home*

Table 1 shows details of sentence length for the survey respondents. The majority of responding prisoners (57%) were serving four years or longer, very few were serving sentences of less than one year. Similar numbers had spent less than six months (37.5%) or between six months and two years (38.8%) at their current prison establishment. Together these groups accounted for almost 80% of responding prisoners. Whilst about 34% of prisoner were held between 10 and 50 miles from their home, a third of responding prisoners were held between 50 and 100 miles from their home and another 30% were held over 100 miles from home. 17% of responding prisoners were held more than 200 miles away from their home.

**Table 1**  
**Sentences, time in prison and distance from home**

<b>Length of prison sentence</b>	<b>number</b>	<b>% of total</b>
Not yet sentenced	35	11.7%
Less than 12 months	21	7.0%
12 months-4 years	64	21.4%
4 years +	171	57.2%
Not answered	8	2.7%

<b>Length of time in current prison</b>	<b>number</b>	<b>% of total</b>
Less than 6 months	112	37.5%
6 months -2 years	116	38.8%
2-4 years	44	14.7%
4 years +	18	6.0%
Not answered	9	3.0%

<b>Distance from home (miles)</b>	<b>number</b>	<b>% of total</b>
Less than 10	5	1.7%
10-50	101	33.8%
50-100	87	29.1%
100-200	41	13.7%
200+	51	17.1%
Not answered	14	4.7%

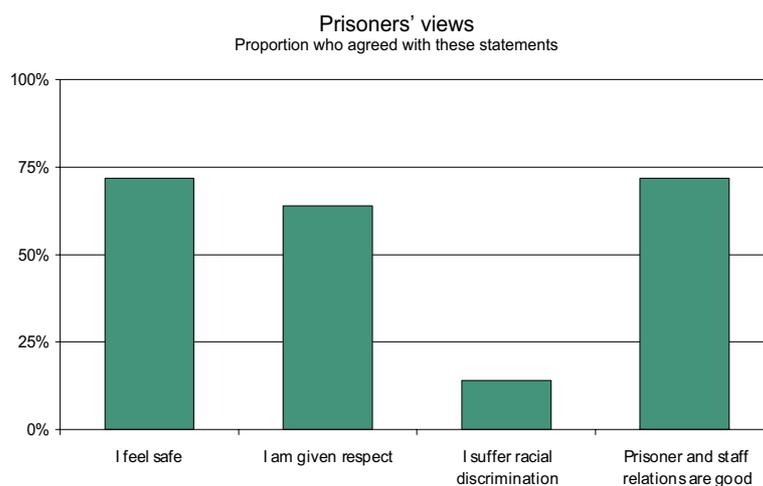
## 2. Prisoners' Views of Prison

The chart below and Table 2 set out prisoners' views about their current prison. The Diary included a section on prisoners' views of the prison in which they were held. Prisoners were asked whether or not they agreed with a series of statements. 72% agreed with statements that they felt safe and that prisoner and staff relations were good. 36% disagreed with the statement that they were given respect. 14% of responding prisoners stated that they suffered from racial discrimination. This figure rose to 37% among those that identified their ethnic group as non-white.

Both HMP Springhill and HMP Wolds had a consistently above average level of agreement with the statements that prisoners felt safe, were given respect and that relations with staff were good. HMYOI Aylesbury and HMP Elmley had above average numbers disagreeing with the statement that they felt safe (although still the minority) and HMP Elmley had a relatively high number disagreeing with the statement that they felt safe. HMP Elmley had a below average proportion of prisoners on the incentive and earned privilege scheme and HMP Brockhill had only a minority. HMP Springhill, HMP Swaleside and HMP Wolds all had high levels.

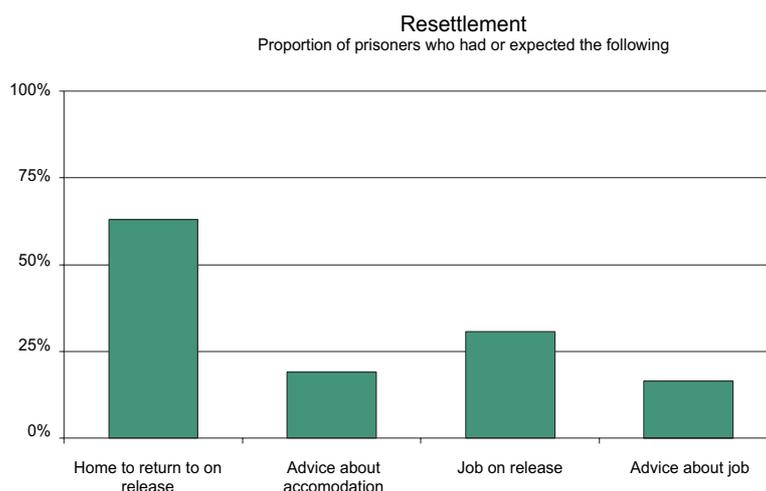
### Prisoners' views and resettlement activity

Responses to the following statement <sup>s</sup>	Yes		No		Not answered	
In this prison, I feel safe	215	71.9%	73	24.5%	11	3.7%
In this prison, I am given respect	191	63.9%	91	30.4%	17	5.7%
In this prison, I suffer racial discrimination	42	14.0%	240	80.3%	17	5.7%
among all non-white groups that answered	18	36.7%	28	59.2%	3	59.2%
I am on the Incentive and Earned Privilege Scheme	191	63.9%	88	29.4%	20	6.7%
Prisoner and staff relations are good here	215	71.9%	61	20.4%	23	7.7%
I have a home to return to on release	188	62.9%	108	36.1%	3	1.0%
I have been given advice about finding accommodation	57	19.1%	223	74.6%	19	6.4%
I have a job to go to on release	92	30.8%	199	66.6%	8	2.7%
I have been given advice about finding a job	49	16.4%	235	78.6%	15	5.0%



### 3. Resettlement

The chart below shows that over 60% of responding prisoners indicated they had a home to return to on release but less than 30% had a job on release. Significantly, levels of advice about accommodation and jobs were both low at 19% and 16% respectively.



Prisoner responses about resettlement activity varied greatly according to prison establishment. HMYOI Aylesbury, HMP Wolds and HMP Springhill all had higher than average proportions of prisoners who had received advice about accommodation or work on release. Very few prisoners at HMP Elmley or HMP Swaleside had received such advice. This is unsurprising at HMP Swaleside, which is a category B prison where virtually all prisoners are serving long sentences. The proportion of respondents with a home to return to on release also varied, from the average at HMP Elmley which had particularly low levels and HMP Wolds where they were well above average.

### 4. Purposeful Activity

Although this survey was not specifically designed to calculate whether prisoners spent less than 24 hours out of their cell in this week, it can be used to make an estimate. On this basis, 19% of responding prisoners spent less than 26 hours out of their cell each week. The rate of day releases and cancelled classes were both 11%.

The table below provides a full breakdown of time spent in education, vocational training, prison work, offending behaviour programmes/drug treatment programmes and gym, sports or association.

**Daily number of hours spent on the various activities**

Prisoners days	Education		Vocational skills		Work		OBP/DTP	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
0 hrs	1,489	80.3%	1,687	93.3%	1,031	55.1%	1,672	93.4%
0-3 hrs	179	9.6%	73	4.0%	272	14.5%	69	3.9%
3-6 hrs	174	9.4%	45	2.5%	306	16.4%	39	2.2%
6 hrs+	13	0.7%	3	0.2%	262	14.0%	11	0.6%
Prisoners who spent no time during the week in each activities	139	46.5%	193	64.5%	92	30.8%	184	61.5%
Time spent in gym, sports or association								
0 hrs	944		49.3%					
1 hr	434		22.7%					
2 hrs	326		17.0%					
4 hrs	100		5.2%					
5+ hrs	111		5.8%					
Prisoners who spent no time in these activities	53		17.7%					

Over 60% of responding prisoners spent no time in vocational training or offending behaviour programmes/drug treatment programmes, 47% spent no time in education and 31% spent no time in prison work. One in six had no time during the week in gym, sports or association.

Prisoners at HMYOI Aylesbury spent less time out of their cells on average, reflecting low levels of prison work. The opposite was true for HMP Wolds and HMP Springhill, the latter having a particularly high level of day releases (33%). In general, most prisons that had a particularly high level of one type of purposeful activity had correlating low rates of other types of activity. Hence HMP Springhill and HMP Swaleside, which had high levels of participation in prison work, had lower than average levels of education and vocational training courses. HMP Brockhill and HMYOI Aylesbury had higher levels of education and vocational training courses, but lower levels of less prisoners engaged in work. HMP Wolds was something of an exception: prisoners had above average levels in education, vocational training and prison work as well as gym, sports or association.

The results for the 171 prisoners on sentences of four years of more were, overall, similar to the average for the whole sample. There were a few differences however. These prisoners were more likely to be on the incentive and earned privilege scheme. They also tended to spend less time out of their cell each day and were more likely to do prison work for more than three hours a day.

## 5. Profile of Individual Prisons

### HMYOI Aylesbury

At the time of our visit, Aylesbury Young Offenders' Institution held 330 prisoners. The majority of responding prisoners (56%) were white, just under one-third were black with the remainder came from Asian or mixed ethnic background. Around one in seven were serving sentences of between 12 months and four years, the rest were serving sentences of over 4 years. 89% of prisoners had a current sentence plan.

HMYOI Aylesbury provided four different offending behaviour programmes, 11 education and 5 vocational courses. Each of the education and vocational courses had recognised qualifications. Prisoners spent an average of 19.3 hours per week on purposeful activity in the year to date. HMYOI Aylesbury has a 12-step drug treatment (RAPt) course, with 62 entrants in 2002/03 and 54 in 2003/04.

The response rate from HMYOI Aylesbury was 55%, the highest of any of the prisons targeted. Completed responses represented just over one-sixth of the March 2004 population. The respondents from HMYOI Aylesbury were typically serving longer sentences than the Project sample as a whole, with 68% serving four years or more. Distances from prisoners' homes were further than average and this is partly due to the smaller number of YOIs across the prison estate. The majority of responding prisoners felt they were safe, were given respect and that relations with staff were good, although the proportion who agreed with these statements was slightly smaller than at other prisons studied. The proportion who received advice about accommodation or work after release were 32% and 26% respectively, a minority, although above the average of the other prisons in the Project. Over 75% of responding prisoners did not have a job to go to on release, higher than most other prisons studied.

Prisoners at HMYOI Aylesbury tended to spend less time out of their cell. In over 70% of cases, this was less than four hours a day. Despite the high rate of cancelled classes, responding prisoners were more likely to attend education or vocational classes as compared to the other prisons studied. They were significantly less likely to spend time in work at the prison.

### HMP Brockhill

There were a relatively small number of responses from HMP Brockhill, but due to the size of the prison, these represented almost one-quarter of its March 2004 population. Prisoners at HMP Brockhill typically had not yet been sentenced and had been held at the prison for a short length of time. Respondents also tended to live relatively close, with just under 50% living between 50 and 100 miles away. Views of the institution were fairly uniform, with the majority of responding prisoners agreeing with statements that they felt safe, were given respect and that relations with staff were good. A smaller number of prisoners were on the incentive and earned privilege scheme, probably reflecting the short length of time they had been there. The proportion who had received some advice about accommodation was relatively high at 29%.

Respondents from HMP Brockhill had a similar number of hours out of their cell to the average from other prisons studied, although they were less likely to have less than two hours out a day. The proportion of days where prisoners attended education classes was high, with a noticeable number on courses lasting more than 3 hours. There were few responding prisoners who attended any vocational courses, a trend repeated elsewhere. Prisoners at HMP Brockhill were less likely to do any prison work and time spent in gym, sports or association was well below that for the other prisons taking part in the Project. On 65% of occasions, no time was spent on these activities in a day and in 30% of cases, only one hour.

### **HMP Elmley**

HMP Elmley currently runs 18 educational and vocational courses, the majority of which have recognised qualifications on completion, and seven offending behaviour programmes. Further courses are in development. The main types of purposeful activity at the prison in 2003-04 were association (47%) and core work (21%). Educational and vocational time accounted for 7% and 4% respectively. In 2003/04, the first full year that the substance misuse team was in operation, 1,331 prisoners underwent a Detoxification programme. In the same year, 193 prisoners started tier 2 and 3 interventions for drug rehabilitation, 72% completed these interventions.

Prisoners are not put on community placement at HMP Elmley: those that are suitable are progressed to open conditions.

The Committee received 71 responses from prisoners at HMP Elmley, a slightly worse than average response rate. Respondents from HMP Elmley tended to be on shorter sentences, or had not yet been sentenced; only 30% were serving 4 years or more. Around 50% of responding prisoners had been at HMP Elmley for less than six months and the majority lived within 50 miles of the prison. All these findings are consistent with would be expected in the case of a local prison. Although, as at the other prisons selected for the Project, a majority agreed with statements that they felt safe, were given respect and that relations with staff were good, the majority was markedly smaller than in the case of any other prison studied, and a significant minority at HMP Elmley did not agree with these statements. A smaller proportion of prisoners was on the incentive and earned privilege scheme. Those with and without homes to go to on release were found in equal measure. In addition, very few prisoners had received advice about accommodation (7%) or jobs (12%).

Time out of cell followed a broadly similar pattern to that seen on average across all the prisons selected to take part in the Project. Fewer prisoners attended education classes than at other prisons and on just three occasions in the week did any of the responding prisoners participate in vocational training programmes.

### **HM Prisons Grendon and Springhill**

At mid-March 2004, HMP Grendon held 222 prisoners: 168 (76%) category B, 50 (23%) category C and 3 category D. A large majority (82%) of prisoners were white, with prisoners from the different black ethnic backgrounds forming the largest (10%) minority group. Only one prisoner was serving less than 4 years. At the same date, HMP Springhill

held 321 prisoners, all of whom were category D. The majority of prisoners (67%) were serving sentences of four years or more, 28% were serving between 12 months and four years and 5% less than 12 months. The only ethnic group with a significantly different distribution of sentence lengths was Black Caribbean. In this group, over 90% were serving sentences of four years or more. 87% and 90% of prisoners had current sentence plans at HMP Grendon and HMP Springhill respectively.

A total of 33 education courses were listed on the education contract at HMP Grendon and 37 at Springhill. Neither prison offers offending behaviour programmes or alcohol or drug treatment programmes, although as a Therapeutic Community prison, HMP Grendon automatically builds such courses into its basic regime. The number of prisoners on day release at HMP Springhill varies from 90-110 (in the region of one-third of the current population). In 2003, 60% of prisoners released from Springhill went on to employment or education, whilst 88% had accommodation. The average distance from home to Springhill was 46.5 miles.

All responding prisoners from HMP Springhill had been sentenced: one-third to between one and four years and two-thirds to more than four years. About a half of responding prisoners had been held at HMP Springhill for less than six months. The respondents were positive about the prison environment, with 80% agreeing with the statements that they felt safe and were given respect. Only slightly fewer thought that relations with staff were good. 87% were on the incentive and earned privilege scheme, again above average. Similar relatively high numbers had received advice about work and accommodation and a majority had a job to go to on release.

80% of responding prisoners indicated that they spent more than eight hours out of their cell in a day, well above any other prison taking part in the Project. This figure of course relates to the high levels of day release at the prison, which at 33% is well above the average rate seen elsewhere. Prison work patterns were also different: work took up 6 or more hours of the day, which is double the average of the other prisons studied. High levels of day release also explain the lower amount of time spent on education or vocational training.

### **HMP Stanford Hill**

In early April 2004, the prison population of HMP Stanford Hill stood at 433 category D prisoners. 63% were white, 24% black and 8% Asian. The largest group (46%) was serving sentences of over four years, 37% were serving sentence terms of between 12 months and four years and 18% were serving less than 12 months.

HMP Stanford Hill provides a range of education courses, taught at a variety of levels. It offers Enhanced Thinking Skills, an offending behaviour programme. It also runs 13 vocational courses, almost all sports related. All but one of these courses provides a recognised qualification on completion. The prison does not deliver any drug or alcohol detoxification services, although it does run short intervention group programmes. According to statistics provided to us by HMP Stanford, on average each prisoner spent 37-40 hours in purposeful activity per month and 55 hours per month in association in to year 2003-04.

Prisoners with more than 18 months left to serve when they arrive at HMP Stanford Hill are eligible for community and work placements outside the prison. At mid-June 2004, 28 prisoners from HMP Stanford were attending community placements, 19 were on paid work placements, 2 were on jobseeker programmes and 17 were attending external education and training. The prison also operates a job centre and a housing advice centre.

### **HM Prison Swaleside**

In early April 2004, HMP Swaleside held 776 prisoners, the vast majority of who were category B (82%) with a further 12% in category C and 6% uncategorised. 61% of the prison population was white, 27% black and 6% Asian. No prisoners were serving sentences of less than one year and only 20 had sentences of less than five years. 74.4% of prisoners had current sentence plans.

According to information provided to us by the prison, education and vocational courses come under ten broad headings, with a range of qualifications and study levels available. In addition HMP Swaleside runs ten offending behaviour courses, a drug detox course, a RAPt and two CARAT courses. In 2002–03 and 2003–04, 77 prisoners completed the drug detox course, 54 the CARAT courses and 90 the RAPt course. The average number of purposeful activity hours per prisoner varied greatly from week to week over 2003-04.

Only a small number of prisoners are directly released from HMP Swaleside due to their security status. Prisoners that are released are seen 10 weeks beforehand by the education department and jobcentre plus. On average, these departments see one such prisoner a week. No statistics have been provided by the prison on post-release education or employment.

HMP Swaleside was the only category B prison selected for the Prison Diary Project. This is reflected in the fact that responding prisoners tended to be on long sentences, had been held at the prison for some time and live further away than average from their home locality. An average proportion of responding prisoners agreed with statements that they felt safe, were respected and that relations with staff were good. A high number were on the incentive and earned privilege scheme. A significant proportion of responding prisoners (26%) said they suffered from racial discrimination, including a number of prisoners who identified themselves as white. A very small proportion of inmates had received advice about jobs or accommodation on release.

On the whole, more time was spent out of cell at HMP Swaleside than the average seen at the other prisons studied. Levels of education and vocation courses were typical, as was the proportion that did some prison work, although those that worked tended to do so for longer periods than the average.

### **HM Prison Wolds**

Responding prisoners from HMP Wolds had an average sentence pattern, but they were more likely to have been at HMP Wolds for less than six months (58%). 50% lived within 50 miles of the prison. Although there was a relatively small number of returns from HMP Wolds (26), those received expressed overwhelmingly positive views about the prison. A very large majority agreed with statements that they felt safe, were given respect and that

relations with staff were good. A higher than average number had a home to return to on release and had received advice about accommodation. Respondents from HMP Wolds were, however, less likely to have a job on release.

Two-thirds of responding prisoners spent more than eight hours out of their cell in a day. Participation in education courses, vocational training, and prison work were all above average levels. Similarly, respondents were more likely to spend more than 4 hours a day in gym, sports or association.

## Annex 5

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### THE GERMAN AND SWEDISH REHABILITATION SYSTEMS

The Committee visited Sweden and Germany in May 2004.

#### Germany

The German Prison Act 1976, which came into force on 1 January 1977 and applies only to adult corrections, is the legal basis for prisoners' rights and duties. Like all aspects of the German criminal justice system, correctional practices are based on civil rather than common law.

The Prison Act includes a number of underlying general principles as well as 200 articles setting out the detailed regulation of the prison system. The fundamental principle underlying the German penal system is the re-socialization or rehabilitation goal. The other core principles include the principle of normalization: life in prison will resemble general living conditions outside prison as much as possible; and the principle of damage reduction: prison authorities will counteract the damaging consequences of imprisonment.

Of central importance for the implementation of the reconciliation goal are the norms regarding individual correctional planning (Articles 6 and 7 of the German Prison Act 1976). They stipulate that, as a rule, the prison administration is obliged to investigate the prisoner's background and needs in order to develop specific measures for his reintegration into society. In practice, the most important of these measures are the so-called relaxations, i.e. home leaves, work furloughs, open prisons and other ways to give the prisoner a chance to be outside the prison while still serving the sentence. The only prerequisites for such measures are that there is neither a risk of absconding nor of committing new offences.

While the Prison Act 1976 is a federal law, its implementation and administration rests with the hands of the individual states. The Prison Act is supplemented by a large number of administrative regulations on the level of individual states as well as on the level of particular prisons. The Minister of Justice of the respective state is responsible for the supervision of the prisons of his territory. The Justice Ministries are competent to promulgate general administrative guidelines, binding for the staff of all its prisons. Such guidelines also specify conditions for which the Ministry of Justice reserves decisions for itself or makes them subject to their approval.

German law differentiates only between "open prisons" and "closed prisons": the latter imply the presence of effective measures against absconding while the former make do with little or no such measures. In practice, however, special high security units were introduced in the 1970s.

In principle the entire German prison regime (planning, relaxations, early release, etc.) is geared towards the goal of rehabilitation. However, since 1998 some politicians have begun to question the rehabilitation goal enshrined in the German Prison Act 1976, partly as a result of 'penal populism', the idea that the population demands more emphasis on security from imprisoned offenders than on their eventual resocialization. Statistics of

home leaves and other relaxations have significantly reduced in many German states in the last five years.

### ***Prison Population***

Since 1991, the rate of imprisonment in Germany has increased and the prison population now stands at 96 per 100,000 of the population.<sup>320</sup> This increase is not due to a similar increase in major crime, but rather to more and longer prison sentences and to a reduction of parole. Since the 1980s, this was particularly true for drug offenders, who by now make-up at least one-third of the prison population. Furthermore, since 1990, the number of life sentences has more than doubled (while the number of paroled lifers has remained the same).

### ***Prison Staff***

Prison staff are mainly full-time guards. Employment of prison personnel staff is left to the competency of each individual state; there are no national criteria. Until the 1970s, female prison personnel were employed only in women's prisons. Now female staff also work in male prisons. Prison personnel receive mainly on-the-job training. In addition, there is a long tradition of staff members with an agricultural or artesian background, to run the prison industries. The employment of academically trained personnel became more common after the Prison Act 1976 made specific reference to clerics, medical doctors, educators, psychologists and social workers. These full-time services are supplemented by visits from some of the regular social services of the community or the state (e.g. drug counsellors, labour counsellors, etc.) and private NGOs offering after-care services. Legal services for prisoners are mostly lacking since legal advice may only be offered by practicing lawyers.

### ***Women Prisoners***

Women form only a small part (about 4%) of the prison population. As a rule, they have to be kept separate from male prisoners. There are eight women prisons in Germany. The remainder of the female prison population is housed in separate wings of men's prisons. Exceptions from this 'principle of separation' are legally possible in favour of joint treatment measures. Among the few examples of such practices are:

- The small socio-therapeutic institution in Hamburg-Altengamme, which is run on a completely co-correctional basis;
- The training kitchen of the women's institution in Vechta (Lower Saxony) accepts also male trainees.

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<sup>320</sup> Based on an estimated national population of 82.62 million at November 2003 (from Council of Europe figures).

## **Drugs**

Since the 1970s, there has been a continual increase in drug arrests, in sentences for drug-related offences and in the numbers of drug users in prison. The latter number cannot be easily obtained from official statistics but it has been suggested that over 50% of the prison population are drug users. Estimates indicate that at least one-third of the prison population is dependant on illegal drugs. Needle-sharing and ensuing HIV-infections have become a major concern for prison medical services. But, unlike many of their European counterparts, German prisons do not provide hepatitis B vaccinations to prisoners. To reduce this risk, methadone programs in prison were introduced in the 1990s. A few prisons have successfully experimented with supplying sterile hypodermic needles to addicts. For example, the women's prison in Vechta and the Lingen I men's prison have been using prevention measures including sterile syringes since 1996. Drug treatment programmes have not been implemented uniformly throughout the prison estate.

## **Privatisation**

In recent years, privatisation has been impacting on correctional practices. Legal experts in Germany are largely in agreement that some aspects of the prison operations, especially those pertaining to the deprivation of liberty, the use of physical force and disciplinary matters have to remain a monopoly of the state. Other areas are seen as legally valid candidates for outsourcing (e.g. medical services, providing food for prisoners, etc.). Experience with local outsourcing indicates, however, that the attempt to separate these areas causes considerable organizational problems that may reduce the advantages hoped for. No published research studies exist, but the state of Bremen is, after only a few years, reconsidering its outsourcing of medical, educational and labour services.

## **Sweden**

Swedish penal legislation emphasizes the importance of handling offenders without deprivation of liberty. Prison is viewed as the last possible resort. Alternative sanctions available include fines, conditional sentences, probation and committal to special care. When imprisonment is unavoidable, the underlying penal philosophy is for the prisoner to maintain close contact and co-operation with society, through contacts with family, NGOs and restorative community projects, including work with victims of crime. The treatment of prisoners is designed to promote the prisoner's readjustment and reintegration into society on release and counteract the negative consequences of imprisonment. Treatment is directed from the outset towards preparing the prisoner for life outside prison.

Children who have committed crimes are almost never committed to prison. It is the opinion of the Swedish Government and the Prison and Probation Service that children should only live in prison in exceptional cases.

The development of the Swedish penal law has over the years aimed at reducing the use of shorter prison sentences. Much work has been carried out to find alternatives that do not entail deprivation of a person's liberty, e.g. community service.

### ***Prison Population***

Sweden has a prison population rate of 75 per 100,000 of the national population.<sup>321</sup> Each year about 14,000 people in Sweden are sentenced to imprisonment. The number of prisoners entering prison has dropped however in the last few years to around 9,500. This is mainly due to use of intensive supervision with electronic monitoring as an alternative way of serving prison sentences of up to three months.

### ***The Prison Estate***

In the main, Swedish prisons are small and locally based. There are currently 55 prisons in operation spread throughout the country, six of which are designated for women prisoners. Swedish prisons are classified as open or closed. Most prisons are small with a capacity, on average, of around 45 beds. There are a small number of larger prisons with a capacity of 100 to 200 beds. These prisons house inmates convicted of serious crimes and sentenced to longer terms of imprisonment.

The majority of prisoners in Sweden have their own cell. In some open prisons there are a few cells for more than one prisoner. Prison cells have an area of six square meters. They are equipped with a bed, a wardrobe, a chair and a bookshelf. Inmates are permitted to have few personal belongings. Most cells also have a TV and a radio.

### ***The National Prison and Probation Administration***

The Ministry of Justice administers the Prison and Probation Service in Sweden. The Service has been unitary since 1943. Until 1998 this meant in practice that there were joint national and regional administrations but the actual delivery of both services was organised separately. The National Prison and Probation Administration is the central administration unit of the Swedish Prison and Probation Service. Since 1998 within the five regional administrations there are 36 integrated local prison and probation administrations which are responsible for the all the remand and ordinary prisons and probations offices within their boundaries. The chief officers of the local administrations are based in either one of the prisons or one of the probation offices. The National Prison and Probation Administration is responsible for the direction and supervision of correctional treatment in penal institutions, including remand prisons where persons who await trial are detained. It is responsible for enforcing prison sentences, supervising probationers and parolees. (Act on Correctional Treatment in Institutions, section 2.)

An important feature of the Swedish system is its operational independence, which has applied in all public agencies in Sweden for the last 250 years. The Minister of Justice has parliamentary responsibility for the legislative system, covering courts, police, prosecution, prison and probation. However, each part of the system has its own director general who is responsible to the government as a whole for his or her agency. According to the Swedish constitution the Minister is not allowed to intervene in any operational matters. The director general is appointed by the government rather than by the respective minister for 6 years, a period usually extended for a further 3 years. The consequence of this constitutional arrangement is that when there is a major operational incident, such as an

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321 Based on an estimated national population of 8.96 million at September 2003 (from Council of Europe figures).

escape or a riot, the Minister does not interfere and is not held responsible. Instead, the director general is held accountable by parliament.

### ***Prison Staff***

The Swedish Prison and Probation Service employs approximately 7,500 people, of whom 809 were probation officers and 4,460 were prison officers. There were also 320 senior prison staff and over 400 'treatment' staff. Approximately 43% of all employees are women. Just over one fourth of the prison officers and 71% of probation officers are women.

### ***Education and Work***

The Prison Administration is under a statutory duty to provide a prisoner with work. As a corollary, prisoners are under an obligation to work or to participate in a course or study.<sup>322</sup> The principle is that every person deprived of freedom must spend the time in a useful way, therefore work or education must be available.<sup>323</sup> Prison work includes vocational training and specially arranged activity outside the institution during working hours.<sup>324</sup>

### ***Women Prisoners***

The Swedish Prison Service takes into consideration the specific situation of women prisoners. The Prison Treatment Act 1998, section 8a (Women) provides that "a woman shall normally be placed in a prison especially designed for women only. A woman may not be placed in prison where men are placed without her agreement". Of the women appearing before a court each year, just over 500 receive prison sentences. Their most common crime is theft, followed by narcotics offences, fraud, embezzlement and drunken driving. Most women in prison are between 35 and 44 years of age, and the majority receive short sentences (less than one year).

### ***Transfers***

Decisions concerning the inmate's transfer from one institution to another are vested with relevant directors and with the National Prison and Probation Administration. The regional director decides on matters of transfer of inmates between local institutions in his/her region. The director of a national institution considers the inmate's transfer to a local institution. The National Prison and Probation Administration decide on transfers of inmates between national institutions.

### ***Resettlement***

To facilitate inmates' social readjustment and reintegration, short-term release programmes are operated. Swedish law refers to "appropriate period of time", which affords discretion in deciding how long an inmate remains outside a prison institution. A prisoner may be allowed to work, study or participate in vocational training or other

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322 Section 12 SFS 1974:203.

323 Section 10 SFS 1974:203.

324 Section 11 SFS 1974:203.

specially arranged activities outside the prison during working hours. This is usually only granted in the final phase of the sentence prior to conditional release when a prisoner is transferred to an open prison.<sup>325</sup> A prisoner in need of treatment for drug abuse may likewise apply to receive such treatment externally. This is usually only granted at a later stage of a prison sentence prior to conditional release but may extend into the period after the prisoner has been released on conditional parole.

### ***The Probation Service***

There are 45 probation offices within the local integrated administrations. There are just over 800 probation officers, each with an average of 45 offenders under supervision. They are responsible for preparing pre-sentence reports for courts, for finding suitable work or community treatment programmes for offenders, for supervising offenders on probation or conditional release and, increasingly, for supervising those under intensive supervision with electronic monitoring.

While all offenders are allocated to a named probation officer, much of the supervision is actually carried out by trained volunteers. The national Association of Lay Supervisors has about 4,500 members who carry out this work, as well as visiting prisoners and increasing public awareness of the need for this work.

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325 Section 34 SFS 1974:203.

## GENERAL COMPARATIVE STATISTICS<sup>326</sup>

Country	England and Wales	Sweden	Germany
Ministry responsible for prisons	Home Office	Ministry of Justice	Ministry of Justice
Prison administration	HM Prison Service	Swedish Prison and Probation Administration	Prison and Probation Service
Prison population total (including pre-trial detainees and remand prisoners)	<b>75,167</b> (as at 26 March 2004).	<b>6,473</b> (as at 1 September 2003).	<b>81,176</b> (as at 31 March 2003).
Prison population rate (per 100,000 of national population)	<b>142</b> (based on estimated national population of 52.79 million at March 2004).	<b>72</b> (based on estimated national population of 8.96 million at September 2003).	<b>98</b> (based on estimated national population of 82.56 million at end March 2003).
Pre-trial detainees/remand prisoners (% of prison population)	<b>17.8%</b> (31 March 2003)	<b>26.8%</b> (1 Sept 2003)	<b>20.9%</b> (31 March 2003)
Female prisoners	<b>6.1%</b> (26 March 2004)	<b>5.3%</b> (1 Oct 2002)	<b>4.8%</b> (31 March 2003)
Juveniles/minors/young prisoners	<b>3.1%</b> (30 April 2003 – under 18)	<b>0%</b> (1 Oct 2002 – under 18)	<b>1.4%</b> (of sentenced prisoners only 31 March 2001–under 18)
Foreign prisoners	<b>10.8%</b> (30 June 2002)	<b>27.2%</b> (1 Oct 2002, of sentenced prisoners only)	<b>29.9%</b> (31 March 2003)
Number of establishments	<b>138</b> (2003)	<b>83</b> (2002)	<b>222</b> (2002)
Official capacity of the prisons system	<b>66,722</b> (26 March 2004)	<b>6,051</b> (1 Oct 2001)	<b>78,103</b> (31 March 2003)
Occupancy level (based on official capacity)	<b>112.7%</b> (26 March 2004)	<b>107.5%</b> (1 Oct 2002)	<b>103.9%</b> (31 March 2003)
Recent prison population trend	1992 <b>45,817</b> 1998 <b>65,298</b> 2001 <b>66,301</b>	1992 <b>5,431</b> 1998 <b>5,290</b> 2001 <b>6,089</b>	1992 <b>57,448</b> 1998 <b>78,584</b> 2001 <b>78,707</b>

326 Collated from statistics provided by the International Centre for Prison Studies World Prison Brief available at [www.icps.kcl.ac.uk](http://www.icps.kcl.ac.uk).

## Annex 6

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### OFFENDING BEHAVIOUR PROGRAMMES

#### Core Programmes

##### Enhanced Thinking Skills

Addresses thinking and behaviour associated with offending. The programme employs a sequenced series of structured exercises designed to teach interpersonal problem solving skills. It is targeted at male and female medium to medium-high risk offenders, and can be sequenced with other programmes. It is primarily aimed at sex, violent or drug offenders. The programme is 20 sessions of 2 to 2.5 hours over a 4 to 10 week period (40 to 50 hours total).

##### Reasoning and Rehabilitation

Teaches offenders a range of social and cognitive skills. It provides a sequenced series of structured sessions designed to teach inter-personal problem solving. It is targeted at male and female high-risk offenders. The programme is 38 sessions of 2 to 2.5 hours each, over up to 13 weeks at three sessions per week or 19 weeks at two sessions per week (76 hours total).

##### Controlling Anger and Learning to Manage it

This programme aims to reduce aggressive and offending behaviour that is related to poor emotional management, through teaching social skills and emotional management techniques. The programme is targeted at medium-risk male offenders convicted of assault, public order or criminal damage. The programme contains 24 sessions of 2 to 2.5 hours plus three individual sessions over an 8 to 24 week period.

##### Cognitive Self-Change Programme

A rolling programme that is aimed to reduce instrumental violence and offending behaviour by targeting and addressing anti-social thinking patterns, lack of insight into violent behaviour and violent fantasy. It is aimed at adult men aged between 24 and 50. They will be high-risk offenders convicted of at least two violent offences. The programme is approximately 160 sessions of group work lasting 1 hour 15 minutes and every two weeks an offender will have an individual session. The programme takes approximately one year to complete but is dependent on individual progress.

##### Cognitive Skills Booster Programme

This programme is designed to reinforce learning from general offending programmes through skills rehearsal and relapse prevention. It is targeted at both male and female offenders who have already completed a general offending programme. The programme consists of 10 2 to 2.5 hour sessions if delivered as a group session, or may be slightly shorter if undertaken on a one-to-one basis. A programme lasts between 3 and 10 weeks (20 to 25 hours in total).

## Sex Offender Treatment Programmes

### Core programme

The treatment goals of this programme include helping offenders develop understanding of how and why sexual offences were committed, to increase awareness of victim harm issues, and to develop meaningful life goals as part of a relapsed prevention plan. The programme is targeted at male medium- and high-risk sex offenders, and challenges thinking patterns, develops victim empathy and relapse prevention skills. The programme consists of 86 group sessions of 2 to 2.5 hours each, and lasts approximately five months (at four sessions per week).

### Extended programme

A supplementary programme for high-risk offenders covering five treatment-need areas: dysfunctional thinking styles; emotion management; offence related sexual fantasy; intimacy skills and inadequate relapse prevention plans. It is targeted at male high and very high-risk sex offenders. The programme lasts for 73 group sessions of 2 to 2.5 hours each, and takes approximately four months (at four sessions per week).

### Adapted programme

Treatment goals are similar to the core programme, but methods are adapted to suit learning-disabled sex offenders across all risk levels. The programme is designed to increase sexual knowledge, modify offence-justifying thinking, develop ability to recognise feelings in themselves and others, to gain an understanding of victim harm, and develop relapse prevention skills. The programme consists of 85 group sessions of 2 to 2.5 hours each, and lasts approximately five months (at four sessions per week).

### Rolling Programme

This programme covers the same topics as the core programme but with less emphasis on obtaining an adequate offence account, and more emphasis on relationship skills and attachment deficits. It is targeted at male low and medium risk sex offenders, but sex offenders who have completed primary treatment programmes and who are serving long sentences can attend as a “top up” programme. The programme lasts for 45-60 sessions of 2 to 2.5 hours.

### Booster programme

This programme is designed to refresh clients’ memories about their learning in treatment and to provide additional relapse prevention and release preparation work. It is targeted at male sex offenders and lasts for 28 sessions of 2 to 2.5 hours over a six-week period.

## Annex 7

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### LEGAL REGULATION OF PRISON WORK

#### Prison Rules 1999<sup>327</sup>

31(1) A convicted prisoner shall be required to do useful work for not more than 10 hours a day, and arrangements shall be made to allow prisoners to work, where possible, outside the cells and in association with one another.

(2) The medical officer or a medical practitioner such as is mentioned in rule 20(30) may excuse a prisoner from work on medical grounds, and no prisoner shall be set to do work which is not of a class for which he has been passed by the medical officer or by a medical practitioner such as is mentioned in rule 20(3) as being fit.

(3) No prisoner shall be set to do work of a kind not authorised by the Secretary of State.

(4) No prisoner shall work in the service of another prisoner or an officer, or for the private benefit of any person, without the authority of the Secretary of State.

(5) An unconvicted prisoner shall be permitted, if he wishes, to work as if he were a convicted prisoner.

(6) Prisoners may be paid for their work at rates approved by the Secretary of State, either generally or in relation to particular cases.

#### International Labour Convention Concerning Forced Labour<sup>328</sup>

The International Labour Organisation (the “ILO”) Convention Concerning Forced Labour (the “Forced Labour Convention”) is one of the ILO’s eight core standards protecting fundamental human rights. Convention 29 entered into force in 1932 and is the most widely ratified ILO Convention with over 156 State parties.

The principle objective of the Forced Labour Convention is “to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.”<sup>329</sup> The Convention specifically exempts five forms of forced or compulsory labour from the otherwise absolute prohibition on its use, including prison labour. Prison labour is defined in the Convention as

“any work or service exacted from a person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the

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327 Statutory Instrument 1999/728 which came into force on 1 April 1999.

328 International Labour Convention (No. 29) Concerning Forced Labour was adopted on 28 June 1930 by the General Conference of the International Labour Organisation at its fourteenth session and came into force 1 May 1932 in accordance with Article 28.

329 ILO Forced Labour Convention, Article 1(1)

supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, corporations or associations.”<sup>330</sup>

When the International Labour Conference adopted the Forced Labour Convention in 1932, it debated and rejected a proposal that would have allowed the use of forced labour in public works carried out by private undertakings. Thus, the conditions in Article 2(2)(c) are also “important guarantees against the administration of the penal system being diverted from its true course by coming to be considered as a means of meeting labour requirements.”<sup>331</sup>

The ILO Committee of Experts stated in 2001 that “it is at the heart of all the exemptions that if forced labour is exacted then the beneficiaries should not be private entities but the public.”<sup>332</sup> The ILO Committee of Experts has explained that the reason for the requirement of public supervision contained in Article 2(2)(c) is

“to prevent the conditions under which prisoners work being determined otherwise than by the public authorities, in a situation in which the workers concerned do not enjoy the rights of free workers. The supervision of the public authorities is therefore required to ensure that conditions remain within acceptable limits.”<sup>333</sup>

The potential incompatibility between the reformative aims of the State and the business interests of the private entity justifies public supervision and control of prison labour. It is also intended to ensure that a broad public benefit derives from any forced prison labour rather than a merely private benefit.

Article 2(2)(c) prohibits forced prison labour for private benefit. It does not however prevent voluntary prison labour for private benefit.<sup>334</sup> Two general conditions must be met to demonstrate “voluntariness”:

- (i) the formal consent of the person concerned.
- (ii) in light of the circumstances of that consent, guarantees and safeguards in respect of wages and social security that are such as to justify the relationship being regarded as a free one.<sup>335</sup>

The option to work must be a true option and not one in which the alternative to the provision of work is a detriment.<sup>336</sup> Work performed by a prisoner whose alternative is, for example, confinement to cells, is “work or service exacted under the menace of ...penalty” within the meaning of the Forced Labour Convention. So too is work performed where the

330 ILO Forced Labour Convention, Article 2(2)(c)

331 ILO, General Survey on the Reports concerning the Forced Labour Convention 1930 (No 29) and the Abolition of Forced Labour Convention 1957 (No 105), International Labour Conference (1968)

332 ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations [hereafter CEACR], International Labour Conference (2001)

333 ILO, Report of the CEACR, International Labour Conference (1998)

334 ILO, Report of the CEACR, International Labour Conference (1955)

335 ILO, Report of the CEACR, International Labour Conference (1994)

336 ILO, Report of the CEACR, International Labour Conference (2001)

prisoner's good performance at work might be taken into account to reduce sentence, even where refusal to work could not be taken into account to lengthen sentence.<sup>337</sup>

### **European Convention on Human Rights and Fundamental Freedoms**

Article 4(3) of the European Convention on Human Rights excludes 'any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention' from the term 'forced or compulsory labour'.

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337 ILO, Report of the CEACR, International Labour Conference (1996)

## Annex 8

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### HM PRISON SERVICE PRODUCTION WORKSHOPS<sup>338</sup>

Production workshops constitute the majority of operational workshops across the prison estate. A summary of the range and number of production workshops offering work experience to prisoners is set out below.

#### Engineering

15 workshops, offering 885 work experience places and formal training including basic/key skills and NVQs. Products produced in the main for the internal market ranging from simple repair work and cell doors to sophisticated bespoke items such as fire escapes and spiral staircases.

#### Woodwork

Work provided for 763 prisoners in 14 workshops including the manufacture of “safer cell” furniture. NVQs available at some production units.

#### Furniture

HM Prison Service’s largest production partnership is with a US office furniture company, Leggatt and Platt, who have extensive experience of working with correctional facilities in the USA. High quality office furniture is assembled in a number of establishments, currently produced for the internal market but with the aim of eventually supplying to the external market.

#### Plastics

Work provided for 165 prisoners in 7 workshops.

#### Footwear

4 workshops offering 203 work places.

#### Printing

9 workshops: 7 conventional and digital printing workshops and 2 Desk Top Publishing units. 179 prisoners currently employed. Products produced mainly for the internal market with a small amount of external printing produced mainly for charities and hospital trusts.

Prison Service currently in discussion with the British Printing Industries Federation to introduce NVQ training across printing workshops.

## Textiles and Clothing

74 workshops in 59 establishments, offering 2918 work places. Also 3 Sewing Machine Repair workshops, employing 65 prisoners.

The Clothing and Textiles workshops constitute 27% of all prison workshops and produce almost exclusively for the Internal Prison Market, providing over £12m worth of goods to establishments. It provides employment for 2,673 prisoners at an average of 27.5 hours per week. The Internal Review Report quoted an annual loss for the industry of £4.8m.

## Concrete

3 workshops employing 33 prisoners.

## Catering

Approx. 4,000 prisoners involved in food service preparation and packaging, producing 82 million meals per annum. 78 prisons are currently registered for the delivery of a range of food preparations qualifications, allied to basic and key skills.

## Laundry

42 industrial laundries servicing all prison establishments, offering 1049 work experience places. Laundry processed in the main for the internal market at an annual commercial value of approximately £17m. A number of establishments also operate external contracts to fill free capacity.

Formal training available in the form of the Guild of Launderers and Cleaners accredited course in Laundering. One national laundry company has guaranteed to provide job interviews for successful students from this course. A similar accredited course is now available for Laundry Instructors.

An investment programme, costing £2.3m, is underway to replace some of the inefficient and worn out laundry machinery that has hindered the provision of a modern and reliable service. All laundry machinery purchased is similar to that which prisoners would operate in commercial laundries on release.

## Formal minutes

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**Tuesday 21 December 2004**

Members present:

Mr John Denham, in the Chair

Mr James Clappison

Mr Marsha Singh

Mrs Janet Dean

Mr John Taylor

Mr Damian Green

David Winnick

Mr Gwyn Prosser

The Committee deliberated.

Draft Report (Rehabilitation of Prisoners), proposed by the Chairman, brought up and read.

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

Paragraphs 1 to 80 read and agreed to.

Paragraph 81 read, as follows:

**We recognise that home detention curfew has a role to play in the Criminal Justice System. We recommend that the Government continue to monitor carefully the re-offending rates for those on home detention curfew.**

Amendment proposed, in line 1, to leave out from the beginning to the word "We" in line 2.—(*Mr James Clappison.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Noes, 4

Mr James Clappison

Mrs Janet Dean

Mr Damian Green

Mr Gwyn Prosser

Mr John Taylor

Mr Marsha Singh

David Winnick

Paragraph agreed to.

Paragraphs 82 to 393 agreed to.

Annexes agreed to.

Summary read and agreed to.

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

*Ordered,* That the Chairman do make the Report to the House.

*Ordered,* That the provisions of Standing Order No. 134 (Select committee (reports)) be applied to the Report.

*Ordered,* That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till Tuesday 11 January 2005 at 2.15 pm

## Witnesses

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### Tuesday 4 November 2003

Page

**Ms Frances Crook**, Director, Howard League for Penal Reform, **Mr Paul Cavadino**, Chief Executive, and **Ms Jackie Worrall**, Director of Prison and Race Services, National Association for the Care and Resettlement of Offenders (NACRO), and **Ms Juliet Lyon**, Director, and **Mr Enver Solomon**, Policy Officer, Prison Reform Trust.

Ev 1

### Tuesday 11 November 2003

**Mr Brian Baker**, Chairman of National Advisory Council for Independent Monitoring Boards, **Mrs Jill Berliand**, member of National Advisory Council representing the South East, and **Mr Neil Orr**, Chairman of the Chelmsford Independent Monitoring Board, the National Advisory Council of the Independent Boards.

Ev 22

### Tuesday 18 November 2003

**Ms Anne Owers, CBE**, HM Chief Inspector of Prisons, **Ms Una Padel, OBE**, Director, the Centre for Crime and Justice Studies, and **Professor Andrew Coyle, CMG**, the International Centre for Prison Studies.

Ev 34

### Tuesday 2 December 2003

**Mr Phil Wheatley**, Director General, and **Mr Peter Wrench**, Director of Resettlement, HM Prison Service, **Ms Eithne Wallis**, Director General, the National Probation Service, and **Mr Brian Caton**, General Secretary, the Prison Officer's Association.

Ev 54

### Tuesday 16 March 2004

**Mr Michael Spurr**, Director of Operations, **Mr Peter Wrench**, Director of Resettlement, and **Mr Simon Boddis**, Head of Regime Services, HM Prison Service.

Ev 74

**Sir John Parker**, Chairman, National Grid Transco, **Dr Mary Harris**, Director, National Grid Transco Foundation, **Ms Samantha Sherratt**, Real Work Project Director, Howard League for Penal Reform, and **Mr Peter Wrench**, Director of Resettlement, HM Prison Service.

Ev 86

### Tuesday 25 May 2004

**Mr Mike Newell**, President, and **Mr Charles Bushell**, General Secretary, Prison Governors Association.

Ev 95

**Paul Goggins MP**, Parliamentary Under-Secretary for Correctional Services and Reducing Re-offending, and **Mr Martin Narey**, Chief Executive, National Offender Management Service, Home Office.

Ev 100

## List of written evidence

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HM Prison Service, Home Office	Ev 115, Ev 167, Ev 174, Ev 272, Ev 281, Ev 287, Ev 300, Ev 302, Ev 303, Ev 304, Ev 309, Ev 311
Commissioner for the Correctional Services, Home Office	Ev 166
Chief Executive Designate of the National Offender Management Service	Ev 172
Howard League for Penal Reform	Ev 191, Ev 193
NACRO	Ev 197
Prison Reform Trust	Ev 200
Independent Monitoring Boards	Ev 205
HM Chief Inspector of Prisons	Ev 208
Centre for Crime and Justice Studies	Ev 211
International Centre for Prison Studies, King's College London	Ev 214
Prison Officers' Association	Ev 216
National Grid Transco Foundation	Ev 218, Ev 220
Prison Governors Association	Ev 222
Action for Prisoners' Families	Ev 224
Association of Chief Police Officers	Ev 227
Citizens Advice Bureau	Ev 230
Esmée Fairbairn Foundation's Rethinking Crime and Punishment Initiative	Ev 232
Ray Mallon, Mayor of Middlesbrough	Ev 235
Parole Board of England and Wales	Ev 236
Rehabilitation for Addiction Prisoners Trust	Ev 237
Royal College of Psychiatrists (Forensic Psychiatry Faculty)	Ev 240
Royal College of Psychiatrists (Rehabilitation and Social Psychiatry Section)	Ev 242
Securicor Justice Services	Ev 243
Forum on Prisoner Education	Ev 245
Churches' Criminal Justice Forum	Ev 248
National Probation Service for England and Wales	Ev 252
Youth Justice Board for England and Wales	Ev 261
Napo	Ev 276
Paul Goggins MP, Parliamentary Under-Secretary of State, Home Office	Ev 298

# Reports from the Home Affairs Committee since 2001

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The following reports have been produced by the Committee since the start of the 2001 Parliament. Government Responses to the Committee's reports are published as Special Reports from the Committee or as Command Papers by the Government. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2003–04

First Report	Asylum and Immigration (Treatment of Claimants, etc.) Bill	HC 109 ( <i>Cm 6132</i> )
Second Report	Asylum Applications	HC 218 ( <i>Cm 6166</i> )
Third Report	The Work of the Home Affairs Committee in 2003	HC 345
Fourth Report	Identity Cards	HC 130 ( <i>Cm 6359</i> )
Fifth Report	Draft Sentencing Guidelines 1 and 2	HC 1207

## Session 2002–03

First Report	Extradition Bill	HC 138 ( <i>HC 475</i> )
Second Report	Criminal Justice Bill	HC 83 ( <i>Cm 5787</i> )
Third Report	The Work of the Home Affairs Committee in 2002	HC 336
Fourth Report	Asylum Removals	HC 654 ( <i>HC1006</i> )
Fifth Report	Sexual Offences Bill	HC 639 ( <i>Cm 5986</i> )

## Session 2001–02

First Report	The Anti-Terrorism, Crime and Security Bill 2001	HC 351
Second Report	Police Reform Bill	HC 612 ( <i>HC 1052</i> )
Third Report	The Government's Drugs Policy: Is it Working?	HC 318 ( <i>Cm 5573</i> )
Fourth Report	The Conduct of Investigations into Past Cases of Abuse in Children's Homes	HC 836 ( <i>Cm 5799</i> )