

The Rt Hon David Lammy MP

Deputy Prime Minister, Lord Chancellor and
Secretary of State for Justice
Ministry of Justice
102 Petty France
London SW1H 9AJ

10 November 2025

Dear Deputy Prime Minister,

We write to urge the Government to use the Sentencing Bill to remove the courts' power to remand defendants in custody for their own protection, or for their welfare in the case of children. This misguided power is currently available even when the defendant is not facing a criminal charge that could result in a custodial sentence. Removing this power would be a win-win outcome for the government, freeing up expensive prison spaces and ensuring vulnerable people have access to the right tools to stabilise their lives.

Remanding individuals in custody for their own protection or welfare stems from the mistaken belief that prisons are suitable places for people at risk of harm. Prisons are not places of care and are fundamentally ill-equipped to address the social issues, such as homelessness or addiction, that often underpin this use of remand. In reality, custodial remand worsens these vulnerabilities rather than solving them. This is especially true given the current prison capacity crisis and the limited support available to people in prison, particularly those held on remand. As the Justice Committee has rightly observed, "*prisons should not be regarded as a solution to failings of care and protection in the community.*"¹

This practice disproportionately impacts women and girls.² The Ministry of Justice's own Female Offender Strategy highlighted that women can be held on remand due to lack of appropriate community provision, rather than any threat they pose to the public.³ Women remanded in custody already face serious detriment: the limited number of women's prison places mean they are often held far from home, making it difficult to maintain ties with family and community services – both of which are key protective factors against offending.⁴ Alarming, 40% of women remanded into custody do not go on to receive a custodial sentence.⁵

We welcome the Government's recognition - through the proposed Mental Health Bill – that custody is inappropriate where the sole concern is the defendant's mental health. However, the Government now has an opportunity to go further. The Justice Committee has repeatedly recommended that the

¹ Justice Committee, Draft Mental Health Bill call for evidence (2022); Justice Committee, Women in Prison, First Report of Session 2022-23, HC 265,

² Susannah Hancock, Delivering the Best for Girls in Custody (2025), Ministry of Justice, p.9; Justice Committee, Seventh Report of Session 2022-23, The role of adult custodial remand in the criminal justice system, HC 264 (2023), para 56; Justice Committee, First Report of Session 2022-23, Women in Prison, HC 265 (2022), paras 129-130; All Party Parliamentary Group on Women in the Penal System, Prison for their own protection: The case for repeal (2020).

³ Ministry of Justice, Female Offender Strategy (2018); Justice Committee, Seventh Report of Session 2022-23, The role of adult custodial remand in the criminal justice system, HC 264 (2023).

⁴ Justice Committee, Seventh Report of Session 2022-23, The role of adult custodial remand in the criminal justice system, HC 264 (2023).

⁵ *ibid*, para 90.

provision for remanding people into custody for their own protection be removed in all situations.⁶ As highlighted by HM Chief Inspector of Prisons, *“it is hard to think who could or should be remanded to custody for their own protection.”*⁷

The Sentencing Bill provides a crucial moment to improve outcomes for some of society’s most vulnerable - many of whom would otherwise spend no time in custody – by ensuring they receive the support they need in the community. This would help preserve employment, housing, and family relationships, all of which are proven to reduce the risk of offending and promote long term stability. We urge you to amend the Sentencing Bill to remove remand for one’s own protection and welfare. In doing so, you would have our full support.

Yours sincerely,

Fiona Rutherford, Chief Executive, JUSTICE

The Rt Hon. the Baroness Chakrabarti CBE

Kate Green, Deputy Mayor of Greater Manchester for Safer and Stronger Communities

Sonya Ruparel, Chief Executive Officer, Women in Prison

Sir Bob Neill KC

Riel Karmy-Jones KC, Chair of the Criminal Bar Association

Andrew Thomas KC, Vice Chair of the Criminal Bar Association

Stephen Bell OBE, Chief Executive Officer, Changing Lives

Nicola Padfield, KC (Hon), Emeritus Professor, University of Cambridge

Professor Nicola Lacey CBE FBA, Professor of Law, Gender and Social Policy, London School of Economics and Political Science

Andrea Simon, Executive Director, End Violence Against Women Coalition

Professor (Emerita) Loraine Gelsthorpe, Institute of Criminology, University of Cambridge.
Chair, Probation Institute England and Wales.

Annette So, Director, Criminal Justice Alliance

Pavan Dhaliwal, Chief Executive Officer, Revolving Doors

Anne Fox, Chief Executive, Clinks

Penelope Gibbs, Director, Transform Justice

Pia Sinha, Chief Executive, Prison Reform Trust

Richard Garside, Director, Centre for Crime and Justice Studies

⁶ Justice Committee, Seventh Report of Session 2022-23, The role of adult custodial remand in the criminal justice system, HC 264 (2023); Justice Committee, First Report of Session 2022-23, Women in Prison, HC 265 (2022).

⁷ Justice Committee, Oral evidence: The role of adult custodial remand in the criminal justice system, HC 264 (2022), Q181.

Andrea Coomber KC (Hon), Chief Executive, The Howard League

Dr Sarah Hughes, Chief Executive Officer, Mind

Dr Miranda Bevan, Lecturer, King's College London

Niamh Eastwood, Executive Director, Release

Caroline Liggins, Partner & Head of Youth Team, Hodge Jones and Allen Solicitors/YPA

Dr Lucy Welsh, Reader (Associate Professor) in Criminal Justice, University of Sussex

Christina Line, Chief Executive Officer, The Nelson Trust

Phil Bowen, Director, Centre for Justice Innovation

Harriet Wistrich, Solicitor and Director, Centre for Women's Justice

Janey Starling, Co-director, Level Up

Dr Tom Smith, Associate Professor in Law, University of the West of England (UWE)

Helen Berresford, Director of Engagement and Impact, Nacro

Jess Mullen, Chief Executive, Alliance for Youth Justice

Aika Stephenson, Co-lead and Legal Director, Just for Kids Law (including the Children's Rights Alliance for England)

Rona Epstein, Honorary Research Fellow, Coventry Law School; Honorary Visiting Research Fellow, Law School, University of York

Mike Nellis, clerk of Quakers in Criminal Justice

Aqsa Suleman, Senior Policy Officer, Runnymede

Baljit Banga, Chief Executive Officer, Hibiscus Initiatives

Deb Coles, Executive Director, INQUEST

Casey Lee Jenkins, President, London Criminal Solicitors' Association

Dr Laura Janes KC (Hon)

Jo Martin KC, Devon Changers

Dr Natalie Booth, Senior Lecturer in Criminology, Bath Spa University

Dr Isla Masson, Senior Lecturer in Criminology, The Open University