

Independent Review of the prison system in England and Wales: Call for Evidence

August 2026

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About us

1. JUSTICE is a cross-party law reform and human rights organisation working to create a fair justice system within everyone's reach. In this submission, we set out our organisational response to the call for evidence on the [Independent Review of the Prison System in England and Wales](#). We draw on our previous findings and recommendations including in *Time Better Spent: Improving Administrative Decision-Making in Prisons* (2024), *A Parole System Fit for Purpose* (2022), *The Probation Service: A Fresh Start* (2020), and our responses to the Independent Sentencing Review.

Theme 1: Key outcomes, risks and opportunities

Question 1: What do you think are the three most important outcomes that the prison system should deliver?

Selected outcomes:

- Protecting the public
- Reducing reoffending and rehabilitating offenders
- Delivering justice for victims

Why do you think these outcomes are the most important?

2. The prison system should be judged by whether it reduces crime and makes communities safer.¹ The three outcomes selected reflect this aim and align with HM Prison and Probation Service's own priority outcomes.²
3. As the Lords' Justice and Home Affairs Committee observed in its 2025 report, 80% of offending is reoffending, at an estimated economic and social cost of around £18 billion each year.³ Therefore, the central question for this Review should be whether prisons enable individuals to return safely to the community, to protect the public and allow for rehabilitation and resettlement.
4. With the prison population projected to rise to 100,600 individuals by 2030,⁴ against a usable operational capacity of under 89,000,⁵ the system continues to face an impending risk of collapse.

Protecting the public

5. For people who pose an immediate risk of serious harm, custody may be needed to manage risk and protect others, however, public protection cannot rest on incarceration alone.⁶
6. Most people in prison will eventually be released into the community.⁷ Therefore, the public is best protected when custody reduces, rather than entrenches, the drivers of offending. Simply locking people away in unsafe, overcrowded prisons with little meaningful activity does not achieve this end.⁸ Opportunities to help people move away from offending must not be sacrificed in favour of punishment for its own sake.

¹ Ministry of Justice, [Prisons Strategy White Paper](#), (2021) frames this as the core of the Government's strategy and states prisons can only "bring down crime and keep the public safer in the longer-term if they properly reform and rehabilitate offenders", p.3.

² HMPPS's [Annual Report and Accounts](#) (2023-24) p.4 lists two priority outcomes: "1. Protect the public from serious offenders and improve the safety and security of our prisons – effecting the order of the courts and increasing prison capacity to run safe and healthy regimes that enable every prisoner to turn their lives around. 2. Reduce reoffending – working with cross government partners to reduce crime, tackling the known drivers to reoffending by improving prisoners' and prison leavers' access to employment, accommodation, substance misuse treatment, and tackling antisocial behaviour."; See also: HMPPS' [Annual report 2024 to 2025](#), (October 2025), p.7.

³ House of Lords Justice and Home Affairs Committee, [Better prisons: less crime](#), 1st Report of Session 2024–25, HL Paper 153, 16 (July 2025), p.4.

⁴ Ministry of Justice, [Prison Population Projections: 2025 to 2030](#), (2025).

⁵ Ministry of Justice, [Weekly population and capacity bulletin](#), (24 August 2026).

⁶ Erik Luna, [Reforming Criminal Justice, Volume 4: Punishment, Incarceration, and Release](#) (Academy for Justice, Arizona State University, 2017), p. 37–49.

⁷ Prison Reform Trust, [Bromley Briefings Prison Factfile](#), p. 77, citing Ministry of Justice, Offender Management Statistics stated "Nearly everyone in prison will be released at some point. In 2024, 57,277 people were released at the end of the custodial term of their sentence."

⁸ HM Chief Inspector of Prisons for England and Wales, [Annual Report 2022–23](#), HC 1451 (5 July 2023), p. 5 Chief Inspector's foreword.

7. Evidence from the US also demonstrates the unsustainability of mass incarceration.⁹ Conversely, Finland substantially reduced its imprisonment rate over several decades without a corresponding increase in crime.¹⁰

Reducing reoffending and rehabilitating offenders

8. Reducing reoffending should be the key purpose of prisons.¹¹ To protect the public, prisons must provide the practical conditions that support desistance: education, training, meaningful work, treatment for mental health and substance misuse, healthcare, family contact, sentence planning and coordinated resettlement.¹²
9. As we set out in our 2024 report, *"investment is required in the future of those members of our society" who are, for the time being, imprisoned.*"¹³ Individuals in prison should be provided with rehabilitative opportunities to lead a positive life upon release and public safety is best served by offering opportunities for those leaving prison to lead such new lives.¹⁴

Delivering justice for victims

10. Victims have a strong interest in a system that prevents further offending, effectively manages risk, and treats victims with dignity and respect. Delivering justice for victims is not necessarily in tension with rehabilitation.¹⁵ Preventing repeat victimisation is one of the most important ways to serve victims' interests. Victim Support research found that 94% of surveyed victims considered it important that the person responsible does not reoffend, while 81% preferred an "effective" sentence to a "harsh" one.¹⁶
11. Victims require clear, timely and accessible information about the process and decisions concerning risk and release.¹⁷

⁹ Dr Nasrul Ismail, [written evidence submitted to the Public Accounts Committee's Prison Estate Capacity inquiry](#) (PEC0003), (December 2024); Hindpal Singh Bhui, *What Are Prisons For?* (Bristol: Bristol University Press, 2024), p. 61: On the rapid expansion of incarceration in the US: *"from the mid 1990s there was in fact no evidence that the relentless rise in incarceration was having any effect on crime at all"*.

¹⁰ Tapio Lappi-Seppälä, ["The Fall of the Finnish Prison Population,"](#) *Journal of Scandinavian Studies in Criminology and Crime Prevention*, (2000) p.29–38.

¹¹ HMPPS' [Annual report 2024 to 2025](#), (October, 2025), p.7 *"The role of HMPPS is to carry out sentences given by the courts, in custody and the community, and to rehabilitate people in our care by addressing education, employment, accommodation, and health and substance misuse needs."*; House of Lords Justice and Home Affairs Committee, [Better prisons: less crime](#), 1st Report of Session 2024–25, HL Paper 153, 16 July 2025, p.20 para 14.

¹² Ibid; JUSTICE, [The Probation Service: A Fresh Start](#) (2025).

¹³ JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#) (2024), p. 99.

¹⁴ Ibid

¹⁵ Restorative Justice Council, [RJC Responds to the 2024-2025 Independent Sentencing Review](#) (2025): "Longer and more severe sentences do not equate to justice for victims". See also: Victim Support, [Victims' justice? What victims and witnesses really want from sentencing](#) (2019)

¹⁶ Victim Support, [Victims' justice? What victims and witnesses really want from sentencing](#) *Victims' justice? What victims and witnesses really want from sentencing* (2019), p.9.

¹⁷ JUSTICE, [A Parole System fit for Purpose](#) (2022), Recommendations 12 and 13.

12. Our 2022 report, *A Parole System fit for Purpose*, recommended more transparent and accessible parole processes for victims, including a dedicated helpline for victims and families.¹⁸ Victims should be supported to understand and, where appropriate, remain informed about processes intended to manage risk and support safe rehabilitation.¹⁹

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Question 2: Looking over the next five to 15 years, what do you think are the three biggest risks that need to be addressed to support the future of the prison system?

Selected risks:

- Demand for prison places against available capacity
- Risks to the ability of prisons to rehabilitate prisoners and reduce reoffending
- The size, capability, wellbeing and retention of the prison workforce

Why do you think these risks are the most important?

13. In 1990, Lord Justice Woolf concluded that the Strangeways riot was "*not caused by any single factor,*" but by a prison system that had allowed overcrowding, poor conditions and a collapse of prisoners' sense of fair treatment to combine until the prison reached "*breaking point.*"²⁰
14. 36 years on, the adult male estate is running at close to 98% occupancy.²¹ The Prison Governors' Association president has warned that "*the precursors to major prison disturbances are there,*" while the Prison Officers' Association reports "*mini-riots*" occurring roughly weekly across the estate.²² Ministry of Justice analysis found overcrowded cells carry a 19% higher likelihood of assault, exposing staff and prisoners to danger and driving unsustainable workforce churn.²³ This Review must confront this evidence directly and target the drivers of capacity pressure to avoid a Strangeways-level crisis.
15. As Dame Anne Owers noted in the Independent Review of Prison Capacity ("**The Owers Review**"), "*prison capacity is not just about creating enough spaces next month or next year: it is about whether prisons have the capacity and the resources to provide safe environments that can work effectively with prisoners to reduce the chances of*

¹⁸ *ibid* Recommendations 11.

¹⁹ *ibid*, pp.73-75.

²⁰ The Rt Hon Lord Justice Woolf, *Prison Disturbances April 1990: Report of an Inquiry*, Cm 1456 (February 1991) ; Lord Woolf, [Strangeways 25 years' on: Achieving Fairness & Justice in Prison](#) (Prison Reform Trust, 2015), noting that chronic overcrowding stemmed from "*a lack of coordination between [the prison system's] different parts*" and repeating his report's recommendation that "*there should be a new Prison Rule...providing that no establishment should hold prisoners in excess of its certified normal accommodation*", with some "*limited qualifications*".

²¹ Ministry of Justice, [Weekly population and capacity bulletin](#), (24 August 2026) showed Population: 86,843 total (83,170 adult male, 3,388 female, 285 children). Useable operational capacity: 88,937. Occupancy: approximately 98% of useable operational capacity.

²² L.Deardon, [Prison mini-riots 'happening all over the place' as overcrowding fuels violence](#), (iNews, 2024).

²³ Ministry of Justice, [Overcrowded jails fuel prisoner violence](#) (18 June 2025).

reoffending."²⁴ Capacity determines whether prisons operate safely and decently, whether staff can build the trusting relationships upon which risk management and rehabilitation depend, and whether people can access the purposeful activity needed to progress towards safe release.²⁵

16. Jonathan Hall KC's review of terrorism in prisons found that overcrowding and understaffing create conditions in which extremism and violence take hold: chronic idleness and overcrowding increase uncertain, unsupervised interactions in which "*charismatic radicalisers*" are likely to gain influence, while poor staff to prisoner ratios and staff turnover mean overstretched, inexperienced staff may leave concerning behaviour "*unchallenged*."²⁶
17. The capacity crisis should therefore be simultaneously understood as a safety, decency, recruitment, retention and rehabilitation crisis.²⁷
18. Staffing shortages have "*added to the problems of overcrowding and contributed to a significant decline in purposeful activity*";²⁸ according to the Owers Review.
19. The Chief Inspector's 2024-2025 Annual report found prisons severely overcrowded and understaffed, where inmates spend far too long locked in their cells with nothing to do.²⁹ Crowding and instability reduce time out of cell, strain healthcare, restrict access to work and rehabilitative programmes, and increase pressure on "*beleaguered*" staff.³⁰
20. A prison cannot credibly require people to demonstrate reduced risk if it does not provide fair, meaningful opportunities to do so.³¹ The Owers Review found that rebalancing the population would let staff "*do work that they currently have the capability, but not the capacity, to do*."³² This is particularly acute where release decisions depend on courses or evidence of risk reduction a person may be unable to obtain through no fault of their own – as one Governor admitted "*the need to reduce reoffending was sacrificed to the need to move prisoners around to maintain capacity*."³³
21. The workforce is fundamental to every part of the system. Staff capacity, experience and retention affect safety, relationships, sentence planning and resettlement. The prison and

²⁴ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), p.6.

²⁵ Ibid p 48.

²⁶ Jonathon Hall KC, [Terrorism in Prisons](#) (2022), p14-15; see fn 50, where Hall notes separate research on US penitentiaries that found a "terrorist threat primarily fuelled by the incarceration of inmates in disorderly, overcrowded maximum-security prisons, noting chronic idleness, and overcrowding which increased the number of social interactions involving uncertainty, and victimisation and predatory violence, where charismatic radicalisers were likely to take hold."

²⁷ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), Chapter 4.

²⁸ Ibid p. 52.

²⁹ HM Chief Inspector of Prisons for England and Wales, [Annual Report 2024-2025](#), (2025).

³⁰ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), p 48.

³¹ JUSTICE, [A Parole System fit for Purpose](#) (2022).

³² Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), p.51.

³³ Ibid p.49.

probation workforce cannot be treated as separate: poor handovers and insufficient resettlement support lead to failed releases and avoidable recall, increasing prison demand.³⁴ Without rehabilitative ability and joined-up release planning, capacity pressures will simply be displaced to the community, creating real risk of reproducing the cycle of offending, recall and re-imprisonment.³⁵

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Question 3: Thinking about the next five to 15 years, what are the biggest opportunities to address the risks facing the system and improve outcomes?

- **Opportunity one:** Manage demand, primarily by reforming recall and expanding funding and confidence in community alternatives to custody.
- **Opportunity two:** Make reducing future harm the purpose of custody, with guaranteed and equitable access to activity, treatment, education, work and release preparation.
- **Opportunity three:** Invest in a stable, skilled workforce and relationship-based sentence management, supported by proportionate technology that reduces administrative burdens.

Why do you think these are the biggest opportunities?

Managing demand

22. The greatest opportunity available is replacement of reactive capacity management with long term, evidence-based planning.³⁶ Prison places should be reserved for people who cannot be safely managed in the community, rather than for ineffective short sentences, avoidable recalls or delayed progression. This requires joined-up thinking between prisons and probation, and continued investment in community-based sentences.³⁷ The capacity crises will keep recurring *"unless there is sufficient investment outside prison"* in community-based alternatives.³⁸

23. Individuals released from prison on licence can be recalled to custody until they reach their sentence expiry date. Many recalls arise from alleged non-compliance rather than a

³⁴ JUSTICE, [The Probation Service: A Fresh Start](#) (2025) ; Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), p 6 and 19.

³⁵ *ibid*, p.55 the Owers Review found pressure on over-stretched probation service *"has also been a factor in inflating the recall population, partly because of the size of caseloads and partly because of inexperience and risk aversion – an approach that was described to us as 'sweeping people up just in case'"; see also p.48, on resettlement and release planning specifically, offender management staff warned of "a vicious circle: if people were not properly prepared for release and resettlement, they were more likely to come back" (p.48), while poor handovers meant that "links with the outside were also compromised" as staff lost the capacity to coordinate with community offender managers.*

³⁶ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), for example, p.61 *"Structures and oversight mechanisms – internal departmental processes, parliamentary select committees and independent inspectorates – could not have been clearer in signalling the scale, likelihood, risks and consequences of the most recent capacity crisis, as this report shows. However, the response to these signals has been last-minute short-term fixes rather than long-term solutions to the underlying problems. Reviews like this one and the Independent Sentencing Review are commissioned after, not instead of, crises. My proposals are aimed at preventing that happening again, by setting up and reinforcing systems that do not just signal problems and approaching crises, but stimulate preventive action to avoid them."*

³⁷ *Ibid*, p. 63 - 64

³⁸ *Ibid*, p.6.

new charge, adding pressure to an overcrowded estate without demonstrable public-safety benefits.³⁹ The recall population more than doubled between 2011 and 2023, while serious further offences remained broadly stable (260 versus 287).⁴⁰ For the first time on record, more people were sent back to prison than were released.⁴¹ Only 22% of recalls involved a charge of further offending – the rest were breaches, such as non-compliance (9,683) or failing to keep in touch (5,025).⁴²

24. Recall should not be used for minor or ‘technical’ breaches.⁴³ It should only be used where risk cannot be managed safely in the community and after proportionate alternatives, including treatment, counselling and practical support have been exhausted. Homelessness should never in and of itself justify recall. Where housing instability creates risk, probation and local authorities should provide urgent support and grant ‘priority need’ housing status under the Housing Act 1996.⁴⁴ The review should also consider how greater independent scrutiny of recall decisions can be embedded.⁴⁵
25. Demand can also be reduced upstream, before arrest or sentencing. We endorse the Independent Courts call to expand Out of Court Resolutions to divert suitable low-level offending away from courts and custody.⁴⁶

Reducing future harm through safe, decent and purposeful custody

26. Prisons should be organised around reducing future harm. This does not displace punishment or public protection; it is the most sustainable way to achieve both.⁴⁷
27. Throughout the Independent Review of Prison Capacity report, Dame Owers recognised that safe, rehabilitative and decent conditions must be treated as operational requirements

³⁹ JUSTICE, [The Probation Service: A Fresh Start](#) (2025).

⁴⁰ Ibid see p.77 Fig.1

⁴¹ Per Ministry of Justice, [Offender management statistics quarterly: January to March 2026](#), (July 2026), there were 13,193 recalls between January and March 2026, a 31% increase on the same quarter in 2025; Pact, [More people sent back to prison than released as recall rate passes 100% for the first time on record](#), (30 July 2026).

⁴² Ministry of Justice and HM Prison and Probation Service, *Offender Management Statistics Quarterly: January to March 2026* (29 July 2026): between January and March 2026, 12,977 people were released from prison while 13,193 were recalled – a recall rate of 101.6%, the first time on record more people were recalled than released. Just 22% of recalls (2,891) involved a charge of further offending; the most common reasons cited were "non-compliance" (9,683) and "failed to keep in touch" (5,025). See also BBC News, *Large rise in offenders sent back to prison, figures reveal* (29 July 2026).

⁴³ JUSTICE, [The Probation Service: A Fresh Start](#) (2025), pp. 78-89

⁴⁴ Ibid, p. 80.

⁴⁵ JUSTICE, [The Probation Service: A Fresh Start](#) (2025)

⁴⁶ Rt Hon Sir Brian Leveson, [Independent Review of the Criminal Courts: Part I](#) (2025), Recommendation 8. This is vital given that those sentenced to short sentence short-sentenced prisoners, though just 3% of the population at any time, account for nearly half of all new receptions. This is also consistent with the [Independent Sentencing Review's](#) emphasis on early intervention to prevent unnecessary entry into the criminal justice system, p.11.

⁴⁷ HMPPS, [Annual report 2024 to 2025](#), (October 2025), at p.7, describes its core strategic outcomes as delivering "Punishment that cuts crime".

of capacity, not simply aspirations.⁴⁸ Every prison should provide access to education, work, treatment and tailored support for disability, addiction and mental ill-health.

28. Early evidence from the Prison Service's Vanguard Wing trials at HMP Wandsworth and HMP Pentonville show what a more relational model can achieve. Randomly allocated prisoners, including some with histories of violence against staff, were placed on Scandinavian-style units with more time out of cell and staff trained to build relationships. Interim findings show 45% fewer assaults, 57% less self-harm, 62% less disorder, lower staff sickness and higher retention, at unchanged cost and staffing ratios.⁴⁹⁵⁰

A skilled workforce and relationship-based practice

29. Workforce investment offers major benefits for staff and public protection.⁵¹ Prisons need sufficient staff capacity and expertise to support constructive prisoner-staff relationships, deliver rehabilitative work, undertake meaningful sentence planning and contribute to sound risk assessment.⁵² These functions are central to prison decisions that are lawful, fair and effective.⁵³

30. Technology can reduce bureaucracy and free staff time, but must not replace relationships or operate through opaque, unaccountable systems. Tools affecting liberty or progression should be independently assessed, piloted and reviewed.⁵⁴

31. Together, these opportunities would make prisons safer, reduce reoffending and finally shift spending from crisis management⁵⁵ to better long-term outcomes.

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⁴⁸ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025) e.g. p.6 "At the same time, prison places were lost, due mainly to closures and critical infrastructure failings, so that total operational capacity fell between 2012 and 2025. But prison capacity is not just about creating enough spaces next month or next year: it is about whether prisons have the capacity and the resources to provide safe environments that can work effectively with prisoners to reduce the chances of reoffending. Moreover, prison capacity crises will keep recurring unless there is sufficient investment outside prison – both in probation and in other community services – to support those being released and to tackle some of the underlying causes of offending"

⁴⁹ The Observer, [Scandi wings' offering pianos, pool and tea parties could help solve prison crisis](#) (9 August 2026);

See also US-based 'Little Scandinavia unit' run by Scandinavian Prison Project, ['Empowering change: Transforming American prison units with Scandinavian-inspired policies'](#) (26 August 2026).

⁵¹ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), pp.51–54: the share of prison officers with over ten years' experience fell from 61% to 25% in seven years; assaults on staff rose 13% in a single year, linked by the Chief Inspector to "poor regimes, relationships and living conditions".

⁵² JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#), (March 2024)

⁵³ JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#) (2024), p. 2, 5, 7, 9. The report explains that fair treatment and legitimate, effective means of raising concerns are crucial to "safe and well-ordered prisons"; describes effective complaints processes as a foundation of system legitimacy "on which order and constructive progress depends"; and stresses that prison decision-making must be lawful and fair.

⁵⁴ See JUSTICE, [AI in our Justice System](#) (January 2025) and JUSTICE, [AI in Policing: International Lessons and Domestic Solutions](#) (2025), recommending that AI tools affecting individuals be independently assessed against mandatory technical and governance standards, piloted, and evaluated both before and after deployment, with proportionate safeguards and routes to redress. See also Q19 for further recommendations in respect to the use of technology.

⁵⁵ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), pp.4–5: Operation Safeguard cost £70 million housing prisoners in police cells at £688 a night, against £150 for an ordinary prison place.

Theme 2: The prison estate and its capacity

Question 4: What are the main current and future risks relating to prison capacity in England and Wales?

32. The prison population is projected to continue to rise. Without sufficient prison capacity, the system risks complete collapse. The effects would be felt across the criminal justice system: the police would no longer be able to make arrests and courts would no longer be able to sentence prisoners to custody.⁵⁶
33. The prison estate is holding more people than ever intended and some of the cells that individuals are crammed into are unfit for human habitation.⁵⁷ Overcrowding prevents prisons from meeting the basic material needs of prisoners, individuals are living in cramped cells, there is insufficient screening around toilets and vermin infestations are not uncommon.⁵⁸ The conditions are so dire that there is a risk of breaching prisoners' Article 3 rights.⁵⁹ In 2023, a German court refused an extradition request by the United Kingdom as it was unable to assume *"with sufficient certainty that the prosecuted person would receive humane conditions of detention"*⁶⁰ given the *"chronic overcrowding, staff shortages and violence among inmates in British prisons."*⁶¹
34. One of the tests, of HM Inspectorate of Prisons ('HMIP'), of a healthy prison is that those in prison are able and expected to engage in purposeful activity that is likely to benefit them.⁶² Yet, overcrowding restricts the availability of purposeful activity. In 2025, 34% of men and 15% of women reported spending over 22 hours locked up in their cells on weekdays.⁶³ Individuals are unable to access education, training, and healthcare sufficiently, which is detrimental to rehabilitation.⁶⁴ Critically, overcrowding has also been associated with a greater risk of reoffending.⁶⁵
35. Prison overcrowding coexists alongside a severely understaffed system, HMPPS data indicates there were 2.39 prisoners per full-time equivalent (FTE) group staff member at the end of September 2025, and 3.06 prisoners per FTE Band 3 to 5 officer.⁶⁶ This means

⁵⁶ Institute for government ['How will the new prison early release scheme work?' \(2026\)](#)

⁵⁷ The Howard League, ['Why are prisons overcrowded?' \(2026\)](#)

⁵⁸ Prison Reform Trust, ['Bromley Briefings Prison Factfile' \(February 2026\)](#) p.28

⁵⁹ Justice Committee, ['Ending the cycle of reoffending – part one: rehabilitation in prisons'](#) (Seventh Report of Session 2024-26) HC 469 p.17

⁶⁰ See: Constitutions Rights and Justice Research Group – University of Worcester ['Written evidence'](#) (RAR0030) (January 2025); Thomas Wahl ['German Court Denies Extradition to UK Because of Bad Detentions'](#) (eucrim) (7 August 2023)

⁶¹ The Guardian, ['Germany refuses to extradite man to UK over concerns about British jail conditions'](#) (5 Sep 2023)

⁶² HM Chief Inspector of Prisons for England and Wales ['Annual Report 2025-26'](#) HC 432 (7 July 2026)

⁶³ The Justice Gap ['Prisoners locked up 22 hours a day as drugs spread through jails, watchdog reveals'](#) (8 July 2026)

⁶⁴ Justice Committee, ['Ending the cycle of reoffending – part one: rehabilitation in prisons'](#) (Seventh Report of Session 2024-26) HC 469 p.17

⁶⁵ Esther F.J.C. van Ginneken ['Is There a Relationship Between Prison Conditions and Recidivism?' \(2022\)](#) "Overcrowding, another operationalization of harsh prison conditions, has also been associated with greater odds of reoffending in England and Wales."

⁶⁶ Prison Service Pay Review Body ['Prison Service Pay Review Body – Twenty-Fifth Report on England and Wales'](#) (2026) p. 6 para 2.5

that staff are often overstretched and work, activities and education are routinely cancelled, leaving prisoners locked up for longer⁶⁷ and placing further pressure on the resources fundamental to a safe and effective prison estate.

36. A higher proportion of prisoners in overcrowded facilities is also associated with higher rates of violence.⁶⁸ Whilst the rate of self-harm fell, assault incidents increased in the 12 months to December 2025,⁶⁹ suggesting that levels of hostility within prisons remain high. Additionally, whilst a causal relationship between overcrowding and violence cannot be made, violence is more likely to occur in places that offer less purpose, have fewer formal ground rules, and lower staff oversight.⁷⁰

37. Insufficient staffing to facilitate rehabilitation, overuse of recall, restricted access to purposeful activity and rising levels of violence exacerbate prison capacity issues. Reform is necessary as below to mitigate these risks.

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Question 5: What are the biggest opportunities to address these risks in the next five to 15 years, and ensure there is space to best accommodate the current and future projected prison population?

38. The presumption to suspend sentences of 12 months' custody or less⁷¹ is a logical response to evidence that short-term custodial sentences are often less effective than community sentences and result in a higher reoffending rate.⁷² Around 6,000 people in England and Wales are serving a short sentence at any given time,⁷³ and research found that replacing certain short sentences with community alternatives could lead to 32,000 fewer proven reoffences per year.⁷⁴ Therefore, reducing reliance on incarceration is an opportunity to reduce the prison population, risks associated with prison overcrowding and instances of reoffending. Probation and third-sector organisations require adequate staffing, resourcing, training and sustained funding to support greater numbers of individuals in the community.

39. To address risks associated with the capacity crisis, the government must urgently commit to ensuring education, employment and rehabilitation programmes are equally accessible

⁶⁷ Prison Reform Trust [Written evidence from the Prison Reform Trust](#) (PPP0012) para 6

⁶⁸ Institute for Government [Inside England and Wales's prisons crisis: What might be driving differences in performance?](#) (7 March 2025)

⁶⁹ Ministry of Justice [Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2026 Assaults and Self-harm to December 2025](#) (30 April 2026)

⁷⁰ HM Prison & Probation Service [Understanding Prison Violence: A Rapid Evidence Assessment](#) (2018)

⁷¹ Introduced by the [Sentencing Act 2026](#), s 1.

⁷² Ministry of Justice [Sentencing Bill Factsheet: Short Sentences](#) (5 December 2023), for instance, more than half of those serving a custodial sentence of less than 12 months go reoffend, whilst for those serving Suspended Sentence Orders with requirements in the community, the reoffending rate is 24%; Ministry of Justice [Proven reoffending statistics: July to September 2024](#) (30 July 2026) the latest statistics show a reoffending rate of 68.2% for those serving a custodial sentence of less than 12 months.

⁷³ St Mary's University [Sentencing Act 2026: why ending short prison sentences could reduce crime](#) (18 May 2026)

⁷⁴ House of Lords Library, [Short prison sentences: Calls for change](#) (2020)

to all prisoners.⁷⁵ The Ministry of Justice acknowledges that the provision of purposeful activity is central to rehabilitation, and can have a transformative effect on reoffending rates, help enable safe and decent prisons and reduce the likelihood of prisoner violence.⁷⁶ Ensuring meaningful access to such opportunities is critical to both rehabilitation and the effective and safe operation of the prison estate.

40. Ensuring individuals do not unnecessarily remain in custody is also key to addressing overcrowding. Around 24,000 people in prison are likely to appear before the Parole Board to apply for release before the end of their sentence.⁷⁷ Efficient, timely and well-reasoned Parole Board decision-making is vital. Delays in programme engagement, reports and hearings can result in individuals remaining in custody beyond the point at which they could be safely released, placing unnecessary pressure on the prison estate. The Parole Board cannot currently enforce its directions and must request the issuance of a witness summons from the High Court to give effect to its directions; this causes many cases to be adjourned or delayed, keeping individuals unnecessarily in custody.⁷⁸ To improve parole decision-making, we recommend that the Parole Board is reconstituted as a Tribunal within HMCTS (the 'Parole Tribunal') and furnished with case management powers and procedural rules.⁷⁹

41. As of March 2026, the recall population stood at 12,145 individuals.⁸⁰ As we explain above, another opportunity to address the prison capacity crisis is to restrict recall so that is used only where necessary.

42. The remand population stood at 15,386 as of 30 June 2026, representing 18% of the prison population.⁸¹ Given that an estimated 30-40% of remanded individuals are ultimately acquitted or receive a non-custodial sentence⁸² reducing unnecessary use of remand presents an opportunity to reduce pressure on the prison estate. This is particularly important given the evidence that individuals held on remand often experience poor outcomes, including being held in overcrowded cells designed for one person, receiving less support from a named prison officer, and facing barriers to accessing healthcare,

⁷⁵ HM Inspectorate of Prisons [Chief Inspector: act now to improve woeful levels of activity in prisons and reduce demand for drugs](#) (7 July 2026)

⁷⁶ Justice Committee, [Ending the cycle of reoffending – part one: rehabilitation in prisons](#) (Seventh Report of Session 2024-26) HC 469 para 86

⁷⁷ Ministry of Justice [Offender management statistics quarterly: January to March 2026](#) (30 July 2026): As of March 2026, there were 13,193 licence recalls (however, only 28% were standard determinate or indeterminate recalls, approx. 3695), 8,473 'unreleased' prisoners serving either IPP or life sentences, 908 recalled prisoners serving life sentences, 1,415 recalled prisoners serving IPP sentences, 9,697 prisoners serving EDS sentences

⁷⁸ JUSTICE, [A Parole System fit for Purpose](#) (2022), para 2.11

⁷⁹ Ibid para 2.13

⁸⁰ Ministry of Justice [Offender management statistics quarterly: January to March 2026](#) (30 July 2026)

⁸¹ Ibid

⁸² Institute for Government [Performance Tracker 2025: Prisons](#) (23 October 2025): Institute for Government analysis of Ministry of Justice, 'Offender management statistics quarterly', March 2013 to March 2025, and Ministry of Justice, 'Criminal justice system statistics quarterly, December 2024' (Remands data tool 2017-2024)

purposeful activity and family visits.⁸³ JUSTICE has made detailed recommendations on reducing unnecessary remand in the Magistrates' Courts in our 2025 report.⁸⁴

43. Imprisonment for Public Protection (IPP) Sentences, created in 2005, have no fixed release date, meaning that detention in prison can be for an unlimited period until the individual can prove that they are no longer a threat to the public.⁸⁵ IPP Sentences were abolished in 2012, but this was not applied retrospectively. As of June 2026, there were still 2,271 people serving an IPP sentence in prison.⁸⁶ JUSTICE supports the urgent resentencing of all individuals serving IPP sentences.⁸⁷

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Question 6: What are the biggest changes that need to be made to the design, configuration and condition of the prison estate in the next five to 15 years to improve outcomes?

44. The physical prison estate is in extremely poor condition, 32 prisons in England and Wales are Victorian and "living conditions in many prisons have deteriorated where routine work has not been completed".⁸⁸ In March 2024, over 3,000 prison places were lost to dilapidation,⁸⁹ and 23,000 cells did not meet fire safety standards.⁹⁰ In July 2024, HMP Dartmoor was closed after high levels of radon were discovered,⁹¹ and concerns raised during inspections led to four urgent notifications being issued to prisons in 2025-2026.⁹²

45. Prisoners are held in inappropriate settings without access to required services,⁹³ in part, due to a mismatch between supply and demand for certain prison places, for example, a surplus of 18,700 places in local prisons serving local courts and a shortfall of 15,000 training and resettlement places.⁹⁴ Local prisons are intended to hold individuals serving short sentences or on remand, yet increasingly longer-sentenced prisoners are being held in these prisons due to the shortage in places to support prisoners' transition into the

⁸³ HM Inspectorate of Prisons, [Everything is after sentencing': The experiences of remand prisoners. A key findings paper by HM Chief Inspector of Prisons](#) (March 2026)

⁸⁴ JUSTICE, [Improving Remand Decisions in the Magistrates' Courts](#) (2025)

⁸⁵ Prison Reform Trust [Imprisonment for Public Protection \(IPP\)](#)

⁸⁶ Ministry of Justice [Offender management statistics quarterly: January to March 2026](#) (30 July 2026); 856 unreleased, 1415 recalled to prison.

⁸⁷ JUSTICE [Joint letter on reform of the Imprisonment for Public Protection Sentence](#) (11 July 2024)

⁸⁸ HM Chief Inspector of Prisons for England and Wales [Annual Report 2025-26](#) HC 432 (7 July 2026) p. 7

⁸⁹ Inside Times, [Government failures caused prison capacity crisis, say MPs](#) (18 April 2024)

⁹⁰ NAO, [Prison expansion plan was 'unrealistic and not prioritised'](#) (4 Dec 2024)

⁹¹ BBC News [Future of Dartmoor prison rests on spending review](#) (14 January 2025)

⁹² HM Chief Inspector of Prisons for England and Wales [Annual Report 2025-26](#) HC 432 (7 July 2026) p.15

⁹³ NAO ['Improving the prison estate'](#) (2020) p.6

⁹⁴ *ibid*

community.⁹⁵ This also means that many prisoners live in security conditions that do not match their risk levels.⁹⁶

46. Given evidence that the prison environment, including the condition of buildings and facilities influences how prisoners behave,⁹⁷ improving the physical estate and ensuring prisoners are held in settings appropriate to their needs and risk levels could enhance safety, wellbeing, and rehabilitation outcomes across the prison system.

47. The government has promised 14,000 new or refurbished prison spaces by 2031.⁹⁸ However, even if the government successfully delivers on this commitment, capacity pressures are likely to persist.⁹⁹ We, therefore, recommend the government focus on reducing both the number of people facing incarceration and the length of the sentences served by those who are incarcerated,¹⁰⁰ whilst improving rehabilitation and reintegration opportunities both inside and outside of prisons.

48. In our 2024 report,¹⁰¹ we recommended the introduction of a Norwegian style 'queuing system'. Such system pauses all new admissions to prison so that the urgent and significant performance concerns in the prison estate can be addressed properly. Individuals would then be placed under monitored home detention whilst they await a prison place, ensuring that immediate prison spaces are given to those who pose the most significant risk. The time individuals spend on home detention curfew would be deducted from the subsequent prison sentence. This would have the benefits of:

- a. Reducing overcrowding through managing the flow of individuals into the prison estate.
- b. Ensuring that prison resources are allocated where they are most needed.
- c. Creating an opportunity to develop rehabilitation approaches that work in a home detention setting to assist individuals in the 'queue' to move away from offending on their release from custody.

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⁹⁵ *ibid*

⁹⁶ *ibid*

⁹⁷ *ibid* p.14

⁹⁸ Speech, [Lord Chancellor and MOJ Permanent Secretary Prison Capacity Press Conference](#) (14 May 2025)

⁹⁹ Institute for Government [Performance Tracker 2025: Prisons](#) (23 Oct 2025)

¹⁰⁰ See JUSTICE, [JUSTICE's response to the Independent Sentencing Review](#) (2025) "*JUSTICE recommends the concept of 'dynamic sentencing' as a solution to sentence inflation. Dynamic sentencing would involve sentences being varied by the Parole Board, meaning that "penalties can be adapted weeks or months after conviction" to accord with factors like an offender's good behaviour or reduction in risk. Dynamic sentencing not only has the potential to shorten sentence lengths but also incentivises progression through the prison system and encourages prisoners to engage with rehabilitative programmes.*" p.9

¹⁰¹ JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#), (2024)

Theme 4: Prison leadership and workforce

Question 9: What are the main current and future risks relating to the prison workforce in England and Wales?

49. Despite prison staff numbers growing over the last few years,¹⁰² in 2025 there were still fewer prison officers than in 2010.¹⁰³ In HM Chief Inspector of Prisons 2025-26 annual report, a prominent theme was a lack of prison offender managers ('POMs') and excessive caseloads.¹⁰⁴ Staff shortages divert uniformed POMs from their core duties and at HMP Fosse Way, some POMs were responsible for more than 100 prisoners.¹⁰⁵ Chronic staff shortages remain a significant challenge within the prison estate, limiting prisons' ability to provide individuals with time out of cell, access to education, employment, healthcare, and rehabilitative interventions.¹⁰⁶
50. Workforce risks are not limited to staffing numbers. JUSTICE's 2024 report, found that prison staff are routinely required to make complex decisions affecting individuals' progression, discipline and release, yet decision-making processes are often inconsistent and hinder prisoners' progression.¹⁰⁷
51. Prison Officers report feeling undervalued, stressed and being frequently exposed to abuse, violence and aggression in an understaffed and overcrowded system.¹⁰⁸ A POA survey found that 85% of Prison Officers believe there are not enough staff to safely supervise prisoners, 83% said there is not enough space for prisoners, 72% said they are frequently stressed at work and 74% want to be issued with slash/bite proof vests to help protect them in the course of their duties.¹⁰⁹ Further, 45% of staff have been assaulted at least once at work and 91% have been verbally abused or threatened.¹¹⁰
52. Despite regularly supporting distressed individuals, prison staff often receive insufficient mental health training.¹¹¹ This is particularly concerning at a time when the mental health of prison staff is poor, due to dealing with unacceptably high levels of self-harm and violence with "no real support".¹¹²

¹⁰² HM Prison and Probation Service, [HM Prison and Probation Service workforce quarterly: June 2026](#), (20 August 2026)

¹⁰³ Prison Reform Trust, [Bromley Briefings Prison Factfile](#), February 2026, p.33.

¹⁰⁴ HM Inspectorate of Prisons, [HM Chief Inspector of Prisons for England and Wales Annual Report 2025-26](#), HC 432, 7 July 2026, p.35.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., p.25; Independent Monitoring Boards, [National Annual Report 2025: Adult prisons, young offender institutions and immigration detention](#), June 2026, p.12.

¹⁰⁷ JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#), (2024)

¹⁰⁸ Institute of Employment Rights, [Overcrowded, understaffed prison system in crisis](#), 13 November 2025.

¹⁰⁹ Prison Officers' Association, [Overcrowded, understaffed prison system in crisis new report finds](#), 13 November 2025.

¹¹⁰ Ibid.

¹¹¹ HM Inspectorate of Prisons, [HM Chief Inspector of Prisons for England and Wales Annual Report 2025-26](#), HC 432, 7 July 2026, p.32.

¹¹² BBC News, [Prison staff 'begging for help' as mental health sick days rise](#), 2 December 2025.

53. Staff shortages are also prominent within the Probation Service. In August 2026, the probation staff deficit was reported to be around 10,000.¹¹³ As of 31 March 2026, 258,332 individuals were being supervised by the Probation Service in England and Wales.¹¹⁴ Yet, the Probation Service is greatly overstretched with caseloads higher than probation practitioners should be expected to handle.¹¹⁵ Even if HMPPS were to recruit as many staff as planned, it would still need to address a staff shortage of at least 3,150 staff (out of 15,000 sentence management staff needed).¹¹⁶

54. Additionally, whilst recruitment efforts are welcome, there are high levels of inexperience amongst probation and prison officers.¹¹⁷ For prison officers, this risks a lack of confidence in interactions with prisoners, reduced willingness to build relationships and leaves them less equipped to de-escalate situations. For probation, inexperience raises concerns as to their ability to rehabilitate individuals and protect the public.¹¹⁸

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Question 10: What are the biggest opportunities in the next five to 15 years to address these risks and improve outcomes for staff and the wider prison system?

55. A fully resourced and staffed Prison and Probation Service is essential if it is to provide effective routes to rehabilitation and ensure public safety. Sustained investment in staff wellbeing, including trauma-informed and mental health training and support, should be provided to all prison staff.

56. Reducing overcrowding in prisons, through the opportunities identified above, will help to reduce the pressure on staff working within prisons. This would reduce prison officers' caseloads and help balance the staff to prisoner ratio, which would allow staff more time and capacity to meet individual needs and provide access to purposeful activity.

57. As outlined above, measures such as reducing reliance on incarceration through reforms to sentencing, ensuring the effective and timely release of suitable individuals and reducing the recall population also rely on a well-functioning prison and probation workforce.

58. Prison staff must be able to deliver therapeutic interventions and other rehabilitative programmes to ensure prisoners' timely sentence progression and the probation service must be equipped to manage individuals on community sentences and on licence through provision of rehabilitation and reintegration services. Improving the use and quality of pre-sentence reports will also be beneficial in ensuring that courts can have confidence in

¹¹³ BBC News, [Leaked report shows 10,000 shortfall in probation staff](#), 20 August 2025.

¹¹⁴ Ministry of Justice and HM Prison & Probation Service, [Offender management statistics quarterly: January to March 2026](#), 30 July 2026.

¹¹⁵ Ministry of Justice, [Lord Chancellor sets out her vision for the probation service](#), 12 February 2025.

¹¹⁶ House of Commons Committee of Public Accounts, [Efficiency and resilience of the Probation Service](#), Sixty-fifth Report of Session 2024–26, HC 1235, 4 February 2026, p.16.

¹¹⁷ Institute for Government, [Performance Tracker 2025: Prisons](#), 23 October 2025.

¹¹⁸ National Audit Office, [Government must actively manage plan to boost weak Probation Service performance](#), 2 October 2025.

community sentences.¹¹⁹ The government's pledge to recruit 1,300 trainee probation officers by 2026¹²⁰ and make a £700 million investment in the Probation service is welcome, especially given the government's plans to release certain individuals at earlier stages in their sentence.¹²¹

59. Additionally, to improve resettlement planning, JUSTICE recommends that HMPPS bring forward the point at which the handover takes place between a prison offender manager and a community offender manager, to ensure sufficient time to build effective working relationships before release. Sufficient time and resources must also be allocated so that all individuals have regular face-to-face meetings with their prison and probation officers.¹²²

60. Focus should also be placed on ensuring the retention of staff. This will promote continuity in supervision of individuals by probation officers.¹²³ Data should be gathered by the Probation Service on staffing, recruitment and retention should be regularly published to support transparency, public scrutiny and accountability.

61. Our 2025 Probation report calls for the Ministry of Justice to publish and implement an evidence-based strategy to address probation staffing shortages and strengthen community supervision.¹²⁴ The strategy should address issues including:

- a. the use of technology to increase probation practitioners' capacity for face to-face work with people on probation;
- b. prioritisation of tasks within the Probation Service, and ways to focus staff capacity where it is most needed;
- c. pay within the Probation Service;
- d. recruitment processes for the Probation Service, including recruitment of a more diverse workforce; and
- e. improvement of retention rates.

62. It is also essential that services such as, Prisons, Probation, mental health, drug and alcohol treatment, housing, education and employment services take a joined-up approach to individuals leaving prison both under the earned progression scheme and more widely. To reduce offending and reoffending and protect the public, a coordinated approach is needed for interventions and support, to prevent poor mental health,

¹¹⁹ JUSTICE, [The Probation Service: A Fresh Start](#), December 2025, p.6.

¹²⁰ Ministry of Justice, [Tens of thousands more to be tagged under biggest ever expansion](#), 2 September 2025.

¹²¹ [Sentencing Act 2026](#); Ministry of Justice [Progression model: changes to prison release arrangements](#) (10 August 2026); For people serving SDS where automatic release is usually at the halfway or 40% point, they will be released after serving a third of their sentence. For people serving SDS for serious sexual or violent offences, where the current automatic release point is at two thirds, they will be released at the halfway point.

¹²² JUSTICE, [The Probation Service: A Fresh Start](#), December 2025, pp.53–55.

¹²³ JUSTICE, [The Probation Service: A Fresh Start](#), December 2025, p.91.

¹²⁴ Ibid.

homelessness and substance abuse which are all factors that can increase the likelihood of offending and reoffending.¹²⁵

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Theme 5: Safety and decency

Question 11: What are the main current and future risks relating to safety and decency in prisons in England and Wales?

Violence and self-harm

63. Whilst recent figures show a decrease in self-harm incidents in the year to March 2026, rates have still nearly trebled in the last decade from 25,843 incidents in 2014¹²⁶ to 70,632 incidents in 2026.¹²⁷ Additionally, the rate of prisoner-on-prisoner assaults increased by 2.9% in the year to March 2026 to 21,254 incidents, with 2,571 of these incidents considered to be serious assaults.¹²⁸

64. Against a backdrop of prison conditions that are so poor that they risk breaching prisoners' rights under Article 3 ECHR, the ability of prisons to ensure safety and decency is limited. For example, Dame Anne Owers described the system as *"running very close to the edge of capacity"* and at times the overcrowding left the system within *"seven or three days of meltdown, because the prisons were full"*.¹²⁹

65. HMP Swaleside is the third high-security prison¹³⁰ to receive an 'urgent notification'.¹³¹ According to HMIP, *"chronic, long-term understaffing and constant high levels of violence left staff, many of whom were inexperienced, burnt out and demoralised."*¹³² Severe regime restrictions had been implemented which gave 44% of the population only 30 minutes unlocked on most weekdays.¹³³ While this was increased to just over an hour during the inspection, it *"remained wholly insufficient and inhumane."*¹³⁴ The prison was

¹²⁵ Ministry of Justice, [Reducing Reoffending: Evidence Synthesis](#), April 2025, p.20.

¹²⁶ Prison Advice and Care Trust (Pact), [Invest in better mental health support for people in the criminal justice system, say charities](#), 22 July 2025.

¹²⁷ Ministry of Justice, Safety in Custody Statistics, [England and Wales: Deaths in Prison Custody to June 2026, Assaults and Self-Harm to March 2026](#), 30 July 2026.

¹²⁸ Ibid

¹²⁹ Dame Anne Owers, [Independent Review of Prison Capacity](#) (2025), p.3.

¹³⁰ After HMP Manchester and HMP Woodhill: HM Inspectorate of Prisons, [Publication \(by type and year\): Urgent notifications](#) (19 March 2026)

¹³¹ HM Inspectorate of Prisons, [Urgent Notifications and Independent Reviews of Progress](#): An 'urgent notification' is issued when inspectors find serious concerns during an inspection; HM Inspectorate of Prisons, [Dangerous Levels of Violence Creating Fear and Despair at High-Risk Prison](#), 17 December 2025.

¹³² HM Inspectorate of Prisons, [HMP Swaleside Urgent Notification](#), (17 December 2025)

¹³³ Ibid

¹³⁴ HM Inspectorate of prisons [Debriefing paper for the inspection of HMP Swaleside](#) (1st to 11th December 2025) p.4

*"failing in its core function as a training prison", and "too many men had nothing to do all day, and activities that improved employability on release had ceased because of HMPPS cuts to education provision."*¹³⁵

66. Further, *"dangerous levels of violence"* proliferated within the prison which scored the lowest ranking of all four of the healthy prisons' tests.¹³⁶ Six men were stabbed or assaulted on their first night in 2025, a third of men reported being assaulted, and inspectors found filthy, damaged conditions, a consistently high level of self-harm, and a worrying number of fires set in cells.¹³⁷

Racial disproportionality

67. Black men in prison face a use of force rate of 409 incidents per 1,000 compared to 209 for White British or Irish men,¹³⁸ and are eight times more likely to have a baton used against them.¹³⁹ Our 2024 *Achieving Racial Justice at Inquests: A Practitioner's Guide* found that Black and racialised people in prison are more likely to be subject to negative treatment and have poorer outcomes.¹⁴⁰ For instance, Black prisoners are consistently overrepresented in the prison adjudication process, despite adjudications against Black prisoners being less likely to be proven.¹⁴¹

68. Between 2019 and 2022 Black prisoners were seven times more likely to have PAVA spray¹⁴² used against them than white prisoners.¹⁴³ Prisoners identifying as Asian, Asian British, mixed or other ethnic group were three times more likely than white prisoners to have PAVA spray used against them.¹⁴⁴ In 2024, PAVA use rose 47%, with about 38% of PAVA use impacting Black people, despite them comprising approximately 12% of the whole prison population.¹⁴⁵

69. PAVA spray has also been used disproportionately against Muslim people in prison, with about 40% of those impacted being Muslim, despite them making up only 18% of the

¹³⁵ HM Inspectorate of Prisons, [HMP Swaleside Urgent Notification](#), (17 December 2025)

¹³⁶ HM Inspectorate of Prisons, [Dangerous Levels of Violence Creating Fear and Despair at High-Risk Prison](#), 17 December 2025, note 5

¹³⁷ Ibid.

¹³⁸ Institute of Race Relations, *Criminal Justice System Statistics*, citing Bosworth, G.J. et al., [Use of Force: An Exploratory Analysis of Use of Force in Prisons 2018–2023](#), (HMPPS, 2025), p.24.

¹³⁹ Bosworth, G.J. et al., [Use of Force: An Exploratory Analysis of Use of Force in Prisons 2018–2023](#), (HMPPS, 2025), p.23.

¹⁴⁰ JUSTICE and INQUEST, [Achieving Racial Justice at Inquests: A Practitioner's Guide](#), 21 February 2024, p.17.

¹⁴¹ Ibid, p.17. citing HM Chief Inspector of Prisons [The experiences of adult black male prisoners and black prison staff](#) (2022) p.64; Ministry of Justice [Adjudications: England and Wales, 2011-2018](#) (2019) p.6.

¹⁴² Howard League for Penal Reform, [PAVA Spray](#), 2025, explains that pelargonic acid vanillylamide (PAVA) is a chemical irritant spray that can cause severe pain. It is classified as a prohibited weapon under the Firearms Act 1968 but has been authorised for use in prisons.

¹⁴³ JUSTICE and INQUEST, [Achieving Racial Justice at Inquests: A Practitioner's Guide](#), February 2024, p.17.

¹⁴⁴ Ibid.

¹⁴⁵ Howard League for Penal Reform, [PAVA Spray](#), 2025.

prison population.¹⁴⁶ Research also indicates that Muslim men are disproportionately subjected to rigid bar cuffs and pain-inducing restraint techniques.¹⁴⁷

70. In addition to causing unnecessary harm to individuals and raising serious human rights concerns relating to discriminatory ill-treatment, disproportionate treatment risks undermining the legitimacy of prison authorities, damaging staff-prisoner relationships, and increasing mistrust and conflict.

Other cohorts

71. Unmet mental health needs can exacerbate risks to safety and decency in prisons. As Pact notes, *"seriously mentally unwell prisoners who should be receiving treatment in secure hospitals languish in prison cells where they get worse, not better. This systemic failure places huge pressure on prison officers who are simply not trained to deal with these situations."*¹⁴⁸¹⁴⁹

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Question 12: What are the biggest opportunities in the next five to 15 years to address these risks and improve prison safety and decency?

72. Please see our answers to Questions 3, 5 and 6 in respect to improving prison conditions, tackling the risks associated with the capacity crisis, and addressing concerns around safety and decency within prisons. Below, we identify two further opportunities in relation to anti-racist practices and mental health treatment.

73. Racial disproportionality is well-established across the criminal justice system.¹⁵⁰ This provides an opportunity to ensure that disproportionate outcomes are not merely monitored but also are investigated, addressed and prevented. Lessons can be learnt from JUSTICE's 2021 report *Tackling Racial Injustice* which, among other recommendations, calls for all parts of the criminal justice system to embed an understanding of the duty to meet the needs of BAME individuals, and the responsibility to directly address the circumstances in which discrimination and bias arise.¹⁵¹

74. The Ministry of Justice should embed anti-racist practices and policies throughout the criminal justice system.¹⁵² Recruitment drives of Prison and Probation staff presents an opportunity to diversify the workforce. Additionally, we support the recommendation that

¹⁴⁶ Ibid.

¹⁴⁷ Maslaha, *Maslaha #2 Briefing: The Hidden Life of Muslims in Prison*, 2025, p.5; Maslaha, *Muslim Prisoners in England More Likely to Be Subjected to Force, Charity Finds*, 16 April 2025.

¹⁴⁸ Prison Advice and Care Trust (Pact), *Invest in Better Mental Health Support for People in the Criminal Justice System, Say Charities*, 22 July 2025;

¹⁵⁰ Centre for Justice Innovation, *Building Trust: How our courts can improve the criminal court experience for Black, Asian and Minority Ethnic defendants* (2019); Crown Prosecution Service, *Disproportionality Action Plan* November 2024 page 1; Ministry of Justice, *Statistics on Ethnicity and the Criminal Justice System* 2024 (see Main Points section)

¹⁵¹ JUSTICE, *Tackling Racial Injustice: Children and the Youth Justice System*, 25 February 2021 p.97 para 5.7

¹⁵² Women in Prison and Women's Justice Reimagined, *Ending Racial Disproportionality in the Criminal Justice System: Recommendations from the Women's Justice Reimagined Partnership and the APPG on Women Affected by the Criminal Justice System*, September 2025, p.9.

use of force should be used as a last resort, with mandatory external scrutiny triggered automatically for prolonged or repeated incidents.¹⁵³

75. The drive towards increasing the use of Out of Court Resolutions¹⁵⁴ provides an opportunity to consider the use of community sentences with mental health treatment requirements to divert those with mental health conditions away from custody to enhance their chance of successful rehabilitation.¹⁵⁵ Additionally, for individuals who are already in custody and are acutely unwell, section 37 of the Mental Health Act 2025 is a welcome step in speeding up the transfer of individuals who need treatment in a mental health hospital.¹⁵⁶

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Theme 6: Rehabilitation and reducing reoffending

Question 13: What are the main current and future risks which might prevent prisons from effectively rehabilitating prisoners and reducing reoffending?

76. The prison service has an obligation to protect the public by making those in prison less likely to reoffend when they are released. Findings demonstrate the current failure of our prisons to fulfil this duty.¹⁵⁷ Such failures can largely be attributed to:

- a. Overcrowding of the prison estate;
- b. Limited resources;
- c. Unstable prison conditions; and
- d. Staffing shortages.

77. The minimal time individuals are provided out of their cell limits access to rehabilitative activities.¹⁵⁸ Prisoners are forced to decide between attending education or work, having visits, or attending medical appointments or offending behaviour programmes.¹⁵⁹

78. There are often insufficient resources to meet rehabilitation requirements. For example, there are limited numbers of specialist staff, some programmes are only available in certain prisons and shortages of prison staff mean that there is a limit to the number of courses that can be delivered in a given year.¹⁶⁰ Prisoners may be released without having taken part in interventions that are part of their sentence plan.¹⁶¹ This is largely due to prison

¹⁵³ Howard League for Penal Reform, [Response to the HMPPS Consultation on the Use of Force Policy Framework](#), June 2020, para.6.3.2: "All use of force lasting five minutes (three hundred seconds) should be subject to external review and scrutiny"; paras.3.7–3.10: "guidance should be absolutely clear about what last resort means in practice and that this is a legal requirement".

¹⁵⁴ Rt Hon Sir Brian Leveson, [Independent Review of the Criminal Courts: Part I](#) (2025)

¹⁵⁵ Pact and The Centre for Mental Health, [Mental health in prisons: crisis and opportunity](#), (2025).

¹⁵⁶ Ibid, pp. 11, 13; UK Parliament, [Victims and Prisoners Act 2025](#).

¹⁵⁷ HM Chief Inspector of Prisons, ['Just passing time': A review of work and training provision in adult prisons. A thematic review by HM Chief Inspector of Prisons](#), (2025).

¹⁵⁸ House of Commons Justice Committee, [Ending the Cycle of Reoffending – Part One: Rehabilitation in Prisons](#), Seventh Report of Session 2024–26, HC 469, 14 November 2025.

¹⁵⁹ Ibid

¹⁶⁰ Ibid

¹⁶¹ Ibid

overcrowding, resulting in individuals being unable to transfer to prisons that run relevant programmes.¹⁶²

79. Further, overcrowding affects the ability of many staff to carry out their roles, including facilitating purposeful activity access, and some prisons have more prisoners than activity places.¹⁶³ The result is too many prisoners unemployed and underoccupied.¹⁶⁴

80. Release on temporary licence ('ROTL') plays an important role in rehabilitation, allowing people to reconnect with the world that they will rejoin.¹⁶⁵ Individuals who are given ROTL have lower rates of reoffending on release.¹⁶⁶ Nevertheless, ROTL is not being used regularly or consistently due to overcrowding and other pressures in prisons, for example instances occurring on a wing and the wing's closure preventing individuals being given ROTL.¹⁶⁷

81. Insufficient resources also limits the provision of education, which is vital in promoting rehabilitation: *"even if 100 per cent of prison education resources were utilised for the provision of maths, English and English for Speakers of Other Languages, there would still be insufficient resources to meet this need for all prisoners. To progress all learners by just 1 level in maths and English would exceed the entire prison education budget."*¹⁶⁸

82. Proper resettlement and licence supervision are crucial to reducing reoffending, yet there are significant shortcomings in coordination between prisons, probation and third-sector partners. Licence conditions may also be overly restrictive.¹⁶⁹ Prison, probation staff and third-sector organisations must be equipped with investment, training and resources to increase and improve the support for individuals leaving prison to enable them to secure accommodation, employment or education and training opportunities, financial support and appropriate healthcare.

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Question 14: What specific activities and interventions in prison would be most effective in supporting prisoner rehabilitation and reducing reoffending?

83. JUSTICE recommends that a 'minimum purposeful activity regime' be established across the prison estate. Interventions which address a wide range of needs, offences, and factors underlying offending behaviour should be equally accessible to all prisoners. Cognitive behaviour interventions designed to help people develop skills to manage their

¹⁶² Ibid

¹⁶³ Ibid.

¹⁶⁴ HM Inspectorate of Prisons, [HM Chief Inspector of Prisons for England and Wales Annual Report 2025–26](#), HC 432, 7 July 2026, p.26.

¹⁶⁵ Prison Reform Trust, [Rehabilitation and Resettlement](#).

¹⁶⁶ Ibid.

¹⁶⁷ House of Commons Justice Committee, [Ending the Cycle of Reoffending – Part One: Rehabilitation in Prisons](#), Seventh Report of Session 2024–26, HC 469, 14 November 2025, para.93.

¹⁶⁸ Ibid.

¹⁶⁹ JUSTICE, [The Probation Service: A Fresh Start](#), December 2025

offending, including problem solving, perspective taking, managing relationships and emotional self-management are particularly important in providing individuals with the tools to live crime-free lives and support engagement with wider rehabilitative opportunities, for example, substance misuse services.¹⁷⁰

84. Education, employment and opportunities to engage in ROTL should also be prioritised to equip individuals with the tools needed to secure employment on release.¹⁷¹ Appropriate healthcare must also be provided to individuals in prison to ensure that they can address any mental or physical health issues, including addiction, which may have played a role in their offending behaviour.¹⁷²

85. To ensure that specific activities and interventions are delivered across prisons, we reiterate our recommendation for the development of a national strategy around the offender behaviour programmes developed, the number of locations in which they should be delivered, and the staff and training required to do so effectively.¹⁷³ Such strategy should be informed by a transparent programme accreditation process (for example, along the lines used by the National Institute for Health and Care Excellence) to *"increase the likelihood that interventions will have positive effects; reduce the need for transfers in many instances; and potentially allow prisoners to be allocated to establishments closer to home, aiding prospects of rehabilitation."*¹⁷⁴

86. Further, the Parole Board currently cannot direct that certain opportunities or activities be made to individuals even if they are set out in the individual's sentence plan. We reiterate our recommendation that the Parole Board is reconstituted as a Tribunal within HMCTS ('Parole Tribunal') and furnished with case management powers and procedural rules.¹⁷⁵ The Parole Tribunal should have powers to enforce its own directions and, when assessing risk, to consider the negative effects of continued detention on rehabilitation and direct that arrangements be made for an individual to undertake rehabilitation activity where their progression has been hampered by lack of access to it.¹⁷⁶ This would ensure parole decisions are more conducive to ensuring public protection and reducing reoffending in the long term, and it would improve sentence efficacy and the sustainability of the prison system.

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¹⁷⁰ Ministry of Justice, [Reducing Reoffending: A Synthesis of Evidence on Effectiveness of Interventions](#), 2025, p.38.

¹⁷¹ House of Commons Justice Committee, [Ending the Cycle of Reoffending – Part One: Rehabilitation in Prisons](#), Seventh Report of Session 2024–26, HC 469, 14 November 2025.

¹⁷² Ministry of Justice, [The Health of People in Prison, on Probation and in the Secure NHS Estate in England: Executive Summary and Recommendations](#), 30 March 2026.

¹⁷³ JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#) (2024) p.101

¹⁷⁴ *ibid* p.51-52

¹⁷⁵ JUSTICE, [A Parole System fit for purpose](#), 2022 p.20

¹⁷⁶ JUSTICE, [Time Better Spent: Improving Decision-making in Prisons](#), (2024), para. 3.40, 3.44.

Theme 7: Women's prisons

Question 15: What are the biggest risks facing women's prisons within the English and Welsh justice system, including risks that may affect outcomes for women during custody and following release?

87. Women are often sentenced to custody for non-violent, low-level but persistent offences.¹⁷⁷ A disproportionate number of women in prison have been subjected to sexual violence, domestic and physical abuse.¹⁷⁸ Custody can re-traumatise women with such histories, including through strip-searches.¹⁷⁹ The Victim's Commissioner notes in respect to women offenders *"there is a well-established link between abuse/coercion and offending."*¹⁸⁰ We support Ministry of Justice's Female Offender Strategy that sets out that custody should be a measure of last resort for women.^{181,182}
88. As of 30 December 2024, 26% of women in prison were held on remand despite nine out of 10 being assessed as a low or medium risk of serious harm.¹⁸³ In 2023, 68% of women remanded at magistrates' courts in 2023 subsequently received no custodial sentence.¹⁸⁴ This suggests an overuse of remand for women.
89. In the year to September 2025, women were recalled over 3,500 times, a 31% increase on the previous year.¹⁸⁵ 59% of women recalled were serving 14-day fixed-term recalls, which is concerning given HMIP found that women on fixed-term recalls were more likely to be released homeless, to leave prison again with ongoing addiction and mental health issues, unable to access help with finances, benefits and identification, and were insufficiently supported by staff.¹⁸⁶
90. Self-harm in the women's estate was 5,643 incidents per 1,000 prisoners, in the 12 months to March 2026.¹⁸⁷ The rate of self-harm is over nine times higher in female establishments than male establishments. Prison is especially dangerous for pregnant women, who are five times as likely to suffer a still-birth in prison.¹⁸⁸ Independent monitors at Eastwood Park reported in March 2026 that acutely unwell women wait excessive periods for transfer to secure hospital, rates of self-harm are "concerningly high", and funding for

¹⁷⁷ House of Commons Justice Committee, [Women in Prison](#), HC 265, First Report of Session 2022–23 (2022), p. 3.

¹⁷⁸ Prison Reform Trust, ["There's a reason we're in trouble" Domestic abuse as a driver to women's offending](#) (2017).

¹⁷⁹ [The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System](#), (Home Office, 2007), Executive Summary, para. 9.

¹⁸⁰ [Victims' Commissioner's Submissions To The Sentencing Review 2024/25](#)

¹⁸¹ Ministry of Justice, [The Female Offender Strategy](#), (2018).

¹⁸² JUSTICE, [Independent Sentencing Review 2024–25: Response to Call for Evidence](#), (2025), para 103.

¹⁸³ Prison Reform Trust, ["One in four women in prison held on remand"](#) (2025), p.3.

¹⁸⁴ Prison Reform Trust, [Bromley Briefings Prison Factfile](#) (Winter 2025), p. 53.

¹⁸⁵ Prison Reform Trust, ["Government urged not to lose momentum on its commitment to reduce women's imprisonment"](#) (15 July 2026).

¹⁸⁶ HM Inspectorate of Prisons. [Recall, release, repeat](#). (2025).

¹⁸⁷ Ministry of Justice, [Safety in Custody Statistics, England and Wales: assaults and self-harm to March 2026](#), (30 July 2026), p.3.

¹⁸⁸ Maternity and Midwifery Forum, [It's time to end prison sentencing for pregnant women](#)

gender-specific, trauma-informed accommodation recommended under the Female Offender Strategy Delivery Plan had not been provided.¹⁸⁹

91. In our 2024 report, we found that women are reported to be more at risk of segregation than men, and this is particularly true of Black women experiencing poor mental health.¹⁹⁰ This is concerning given the harmful effects of time in segregation units on mental health and wellbeing.¹⁹¹

92. Due to the small size of the women's estate, women are often held far from family ties, on average this is 63 miles from home.¹⁹² There are no women's prisons in Wales, meaning Welsh women are dispersed across prisons in England.¹⁹³ This may weaken family relationships and undermine rehabilitation, as maintaining meaningful family ties is one of the most effective factors in supporting rehabilitation and reducing reoffending.¹⁹⁴

93. Women are disproportionately impacted by short prison sentences, with 62% of women sentenced to prison receiving a short prison sentence in 2025.¹⁹⁵ As is true of short sentences in general, this approach fails to address the root causes of women's offending which are overwhelmingly linked to inequality, for example, poverty and mental health issues.¹⁹⁶

94. Only 47% of women left prison with settled accommodation in the year ending March 2024.¹⁹⁷ There are still no Approved Premises ("APs")¹⁹⁸ for women in Wales, creating a significant risk to safe reintegration for many of the women leaving prison with the highest support needs.

95. There are currently only eight women-only APs in England (and none in Wales), compared to 96 APs for men.¹⁹⁹ In *R (Coll) v Secretary of State for Justice* [2017] UKSC 40, the Supreme Court declared the provision of APs to be direct discrimination against women, as a woman is much more likely to live in an AP far from home because of the geographical

¹⁸⁹ Independent Monitoring Boards, "Prisoners with acute mental illness suffering lengthy delays before transfer to secure mental health hospitals" – IMB HMP Eastwood Park annual report 2024-25 (18 March 2026).

¹⁹⁰ JUSTICE, Time Better Spent: Improving Administrative Decision Making in Prisons (March 2024), p.78.

¹⁹¹ S. Shalev & K. Edgar, Deep Custody: Segregation Units and Close Supervision Centres in England and Wales, (Prison Reform Trust, 2010).

¹⁹² Prison Reform Trust, Resetting the Approach (April 2025).

¹⁹³ Cardiff University, Prisons and Sentencing in Wales: 2023 Factfile. (2024).

¹⁹⁴ Lord Farmer, The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, (2017).

¹⁹⁵ A. Wolcke, Prison Sentences of 12 Months or Less - Sentencing Academy, (Sentencing Academy, July 2026)

¹⁹⁶ Women in Prison, Women in Prison respond to Government Announcement of Sentencing Review, (October 2024).

¹⁹⁷ Brighton Women's Centre, Safe Accommodation for Women Leaving Prison: Feasibility Study Report (March 2026), citing MoJ accommodation outcomes for the year to March 2024. p19

¹⁹⁸ APs are single-sex residential establishments where certain offenders must live as a condition of release, providing supervised support during resettlement.

¹⁹⁹ HMIP, Approved Premises Inspection, (2025).

distribution of the small number of APs available for women.²⁰⁰ As such, *"an individual woman who is less favourably treated as a result of the provision of APs may bring a sex discrimination claim in the county court"*, and the discrimination would be unlawful unless justified.²⁰¹

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Question 16: What changes to the custodial estate and targeted interventions would have the greatest impact on improving outcomes for women over the next five to 15 years?

96. The presumption to suspend short sentences will likely have the incidental effect of reducing the number of women in prison, which is welcome, so too would making greater use of diversionary measures, including women's specific pathways for Drug and Alcohol treatment requirements, as recommended by the Independent Sentencing Review.²⁰² This must be matched by sufficient investment, resourcing and training of the Probation service and third-sector organisations to maximise the impact of community sentences and ensure that women in the community are not set up to fail.²⁰³

97. Our above recommendations to reform the recall system will also assist in reducing the female prisoner cohort. Any expansion of electronic monitoring alongside managing individuals in the community must account for the evidence that electronic monitoring tags can be particularly detrimental to women. Rates of compliance with such tags are lower for women than for men, due to women running essential errands or attending to childcare.²⁰⁴ Additionally, being fitted with a tag can also increase women's risk of exposure to criminal exploitation and re-traumatisation for those with histories of coercive control.²⁰⁵ Steps must be taken to prevent disproportionate outcomes for women when electronic monitoring is used.

98. Provision of APs must be expanded, including within Wales. Further, the positive outcomes of women's centres²⁰⁶ should be built upon. Women's centres achieved a statistically significant reduction in one-year reoffending (30% against a matched 35%).²⁰⁷ JUSTICE

²⁰⁰ *R (on the application of Coll) (Appellant) v Secretary of State for Justice (Respondent)* [2017] UKSC 40, para 26. At the time of this judgement there were 94 APs for men and six APs for women.

²⁰¹ Ibid, para 45; Equality Act 2010, Sch 3, para 26. At the time of the Supreme Court hearing justification had not been shown by the Secretary of State.

²⁰² Ministry of Justice, *Independent Sentencing Review 2024–25: Final Report — Part 2* (2025), Recommendation 6.3: "Ensure female offenders receive appropriate support by (1) expanding the use of liaison and diversion and (2) considering a women's specific pathway as part of Drug and Alcohol treatment requirements".

²⁰³ Ministry of Justice, *Independent Sentencing Review 2024–25: Final Report — Part 2* (2025), Recommendation 6.2: "Provide more sustainable and long-term funding to Women's Centres". The review also notes at p.22 that *"if punishment in the community is to be as successful as it can be, investment in the Probation Service and third sector organisations delivering requirements must increase"*.

²⁰⁴ JUSTICE, *The Probation Service: A Fresh Start* (December 2025), citing Kelly Grehan, *Revolving Doors*, *A closer look at electronic monitoring and women* (October 2024).

²⁰⁵ JUSTICE, *The Probation Service: A Fresh Start* (December 2025), citing Kelly Grehan, *Revolving Doors*, *A closer look at electronic monitoring and women* (October 2024).

²⁰⁶ Ministry of Justice, *Justice Data Lab, Together Women report* (October 2024).

²⁰⁷ Ministry of Justice, *Justice Data Lab, Women's Centres throughout England re-offending analysis* (2015).

recommends that all women are asked whether they would prefer to complete their sentence in women-only spaces and given the opportunity to do so if they wish, including through the increased use of women's centres for sentence delivery.²⁰⁸ We also recommend expansion of the Problem-Solving Court model, and that it be adapted to meet the needs of women.²⁰⁹ Greater Manchester's court has supported over 500 women by 2024, with adult female reoffending in the area at 14.9% against an England and Wales average of 20.7%, and a reported £17.60 saved for every £1 invested.²¹⁰

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Theme 8: Different Cohorts

Question 17: Which cohorts of prisoners have specific needs and vulnerabilities in prison?

Older prisoners

99. As of September 2025, 18% of the prison population (16,163 people), were older prisoners (age 50 and above).²¹¹ This is projected to reach 18,600 by 2029.²¹² This cohort have greater physical health needs, including chronic kidney disease, cardiovascular comorbidity, depression and dementia, face greater risk of bullying, and reoffend significantly less.²¹³ In 2024, 171 people aged 50 or over died of natural causes in prison, nearly two and a half times the figure two decades earlier.²¹⁴ Social care and palliative provision remain insufficient, and Early Release on Compassionate Grounds ('ERCG') is so narrow that it is unavailable to most of the ageing population. Even in an extreme case where bed-watch in an external hospital or hospice is needed, this will not necessarily justify an ERCG under the current policy framework.²¹⁵

Disabled prisoners

100. 46% of men and 56% of women in prison report having a disability.²¹⁶ The prison estate often lacks the infrastructure to hold disabled individuals safely or lawfully. For example,

²⁰⁸ JUSTICE, The Probation Service: A Fresh Start (2025), recommendations 14–15, echoing the Independent Sentencing Review's recommendation on sustainable funding for women's centres.

²⁰⁹ JUSTICE, The Probation Service: A Fresh Start (2025), recommendation 13.

²¹⁰ Ibid., citing HMPPS, Greater Manchester's Problem Solving Court for Women (2024), p. 6; Criminal Justice Joint Inspection, The quality of work undertaken with women (May 2024), pp. 40–41; Greater Manchester Police and Crime Panel, Quarterly Scorecard (2024), p. 3.

²¹¹ Ministry of Justice, Prison Population Projections: 2025 to 2030 (4 December 2025), Table 4.1, adopting the HMPPS definition of 'older'.

²¹² Ministry of Justice, Prison Population Projections: 2025 to 2030 (4 December 2025), Table 4.1.

²¹³ JUSTICE, Independent Sentencing Review submission (January 2025), para 92, citing Rachel Hutchings, What does it mean to be an older person in prison?, (Nuffield Trust, 2023); and House of Commons Justice Committee, Ageing prison population, HC 304 (2020), pp. 9, 10, 21.

²¹⁴ Prison Reform Trust, Bromley Briefings Prison Factfile (Winter 2026), p. 47.

²¹⁵ JUSTICE, Independent Sentencing Review submission (January 2025), paras 93–94, citing HMPPS, Early Release on Compassionate Grounds Policy Framework, paras 4.17 and 4.20.

²¹⁶ Prison Reform Trust, Health in prison (May 2026), citing HM Chief Inspector of Prisons, Annual Report 2024–25, (2025) comparator workbooks.

people are held in cells which are not appropriately adapted for their disability, wheelchairs are too wide for cell doors, and users are often unable to reach classrooms or workshops.²¹⁷ Disabled prisoners are less likely to feel treated with respect and spend more time in their cell with less access to rehabilitation and education.²¹⁸

Neurodivergent prisoners and those with mental health or learning difficulties

101. Around half of those entering prison have some form of neurodivergent condition affecting their ability to engage,²¹⁹ and 34% were identified with a learning disability or difficulty on entry. Yet there is no uniform system for recording neurodivergence.²²⁰ The adjudication system is of particular concern where those with mental health or learning difficulties “*are often wrongly adjudicated*”.²²¹ Ministry of Justice research found learning difficulties and mental health difficulties were over-represented among those adjudicated.²²² Prisoners in segregation are often among the most vulnerable, including those with mental health difficulties and histories of self-harm and suicide.²²³ Disproportionate prison discipline outcomes are concerning given such decisions affect individuals’ ability to progress within the prison regime and prepare for release.

Prolific offenders

102. In 2020-21, prolific offenders constituted approximately one tenth of all offenders (500,000) but were responsible for nearly half of sentencing before the courts (10.5 million).²²⁴ Additionally, prolific offenders received twice as many custodial sentences as the rest of the offending population between 2000-2021.²²⁵ A characteristic of prolific offenders is having previous convictions and this is treated as an aggravating factor when a court determines a sentence;²²⁶ however, sentencing provisions do not target or address the experiences of mental health issues, substance misuse, and poverty that underpin prolific offending.²²⁷

Transgender prisoners

²¹⁷ HM Chief Inspector of Prisons, [Annual Report 2025–26](#), (2026).

²¹⁸ Ministry of Justice, [Disabled people's experiences of and access to justice in the UK: an evidence review](#) (28 May 2026), summarising HMIP's thematic review on the care and support of disabled prisoners.

²¹⁹ Criminal Justice Joint Inspection, [Neurodiversity in the Criminal Justice System: a Review of the Evidence](#) (July 2021), p. 8, as cited in JUSTICE, [A Parole System Fit for Purpose](#) (January 2022), para 4.10 fn 193.; [Neurodiversity in Prisons: Inclusive Education](#)

²²⁰ JUSTICE, [A Parole System Fit for Purpose](#) (January 2022), paras 4.61 and 4.65.

²²¹ [Written evidence from the Howard League for Penal Reform](#) (MHP0013) to Joint Committee on Human Rights inquiry into mental health and deaths in prisons.

²²² JUSTICE, [Time Better Spent: Improving Administrative Decision Making in Prisons](#) (March 2024), para 4.29, citing Ben Fortescue et al, [Examining the Impact of Sanctions on Custodial Misconduct Following Disciplinary Adjudications](#) (MoJ, 2021), pp. 1–2, 20, and Ofsted, [Education for Prisoners with Learning Difficulties and/or Disabilities](#) (2022).

²²³ [Written evidence from the Howard League for Penal Reform](#) (MHP0013) to Joint Committee on Human Rights inquiry into mental health and deaths in prisons.

²²⁴ R. Syal, [Specialist courts proposed to break addictions of prolific offenders in England and Wales](#), (Guardian, Dec 2024).

²²⁵ *ibid*

²²⁶ Sentencing Act 2020, s. 65

²²⁷ House of Lords Justice and Home Affairs Committee, [Cutting Crime: Better Community Sentences](#), 1st Report of Session 2023–24, HL Paper 27 (28 December 2023)

103. Transgender prisoners face many challenges in prison, including lack of support, exclusion and discrimination.²²⁸ They report receiving unwanted sexual advances from other prisoners, bullying and being treated less favourably.²²⁹ Staff are often unaware of the issues that transgender prisoners face, such as, deadnaming and misgendering, complex family situations, high risk of homelessness and abuse upon release.²³⁰ Further, for transgender women in prisons for men, a key issue is the “‘allowability’, accessibility, and affordability” of gender affirming clothing, toiletries and makeup and it is extremely difficult for trans prisoners to access gender-affirming care, due to barriers to both prison healthcare and external gender identity clinics.²³¹ Catch 22 recommends that trans prisoners be provided with dedicated support, trained staff and specialist services on release and prisons must foster a culture of respect and dignity in which every person’s identity is respected and protected.²³²

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Question 18: What are the biggest changes that are needed to address the needs of different cohorts in order to improve outcomes for the prison system?

104. We recommend universal reception screening for neurodivergence, acquired brain injury and cognitive impairment, through OASys, sentence planning and improved pre-sentence report templates, so that the drivers of offending – disability, neurodivergence, substance misuse and poverty – are before the court and on record from the outset.²³³ It is not uncommon for a prisoner’s mental health needs to be identified during the parole process after three to five years in custody. JUSTICE supports the Parole Board’s recommendation that assessment should be completed at reception, with periodic review.²³⁴
105. HMPPS should conduct a comprehensive audit of prisons’ physical compliance with Equality Act 2010 duties, and adapted, accessible cells and bathrooms should be a core capacity requirement in future estate planning.²³⁵ Where lifts, ramps or step-free access are insufficient to reach education, workshops or offending behaviour programmes, the activity – not the prisoner – should be relocated, given that inaccessible buildings are already restricting disabled and older prisoners’ access to healthcare and education departments.²³⁶

²²⁸ Catch 22, [The challenges of being transgender in prison](#) | Catch22, (May 2024).

²²⁹ *ibid*

²³⁰ *ibid*

²³¹ University of Leicester, [New book sheds light on the experiences of transgender and non-binary inmates in UK prisons](#), (Dec 2024)

²³² Catch 22, [The challenges of being transgender in prison](#) | Catch22, (May 2024).

²³³ JUSTICE, [A Parole System Fit for Purpose](#) (January 2022), paras 4.61–4.64, endorsing Criminal Justice Joint Inspection (HMICFRS, HMI Probation, HMI Prisons, HMI Constabulary, CQC, Ofsted), [Neurodiversity in the Criminal Justice System: A Review of the Evidence](#) (July 2021), pp.6–8, 21; [The Probation Service: A Fresh Start](#) (December 2025), Recommendations 1(f)–(g), 4(b)–(c), and 22(c)); JUSTICE, Independent Sentencing Review submission (January 2025), para 98(c) and paras 60–62, 55.

²³⁴ JUSTICE, [A Parole System Fit for Purpose](#) (January 2022), paras 4.63–4.64, citing the Parole Board’s written and oral evidence to the [House of Commons Justice Committee inquiry into mental health in prisons](#) (2021).

²³⁵ House of Commons Justice Committee, [Older Prisoners](#), Fifth Report of Session 2013–14, HC 89 (July 2013), para 35

²³⁶ House of Commons Justice Committee, [Ageing Prison Population](#), Fifth Report of Session 2019–21, HC 304 (July 2020), p.3.

- 106.** The Review should consider whether prisoners should be automatically entitled to support at adjudications where screening indicates neurodivergence or cognitive impairment that may impact on the fairness of proceedings,²³⁷ as well as how Independent Adjudicators can be better trained to consider whether the conduct charged is a manifestation of an impairment. We recommend publicly funded legal advice and representation at adjudications, advance disclosure of material relied upon, and tracking of those facing repeated adjudications.²³⁸ Changes brought in by the Sentencing Act 2026 mean disciplinary findings can now have a greater impact on release dates.²³⁹ Without adjustments, disparities in adjudications may translate into disproportionality in time served. We recommend equality-impact monitoring of adjudication and progression outcomes by disability (including neurodivergence), ethnicity, age and sex.
- 107.** In respect to older offenders, JUSTICE recommends:²⁴⁰
- a. Expanding ERCG to older prisoners who are nearing the end of their lives, require hospice care by virtue of age, or are vulnerable and pose little risk to public safety;
 - b. Reconsidering sentences on grounds of old age as part of a dynamic sentencing regime;
 - c. Making greater use of non-custodial sentences for a cohort with markedly lower reoffending rates.
 - d. Ensuring units are resourced with social care, dementia-appropriate design and palliative provision commissioned with the NHS and hospice sector, rather than healthcare wings that isolate people from the regime; and
 - e. Reviewing accommodation on release for older people and those with complex health needs.²⁴¹
- 108.** Psychologically Informed Planned Environments are specialist units that serve people with personality difficulties, staffed by officers with additional psychological training.²⁴²

²³⁷ Notably, M. Butler & S. Maruna, Rethinking Prison Disciplinary Processes: A Potential Future for Restorative Justice (2016) quoted one adjudication governor who stated: "There's a thing called the Tarrant principles. Basically it's three or four different ways in which a prisoner can ask for representation on an adjudication. I have never in the past granted it. Under the Tarrant principles I've never found a reason why I should. The vast majority of them, the vast majority of them are more than capable of representing themselves. More than capable. And I have to also look at it from our staff's perspective. A lot of our staff aren't the brightest. You don't need a huge amount of qualifications to be a prison officer you know. And to have them be in, being given the third degree by a solicitor, I have to be fair to everybody".

²³⁸ JUSTICE, Time Better Spent (March 2024), recommendations 14, 15 and 17.

²³⁹ Sentencing Act (2026), s.23 and The Prison (Governor's and Adjudicators' Punishments) (Amendment) Rules 2026, explanatory note, taken together, mean that if a person seriously breaches prison rules, an Independent Adjudicator may impose additional custodial days, delaying their release. The number of days that can be added for each adjudication is being doubled from 42 to 84. This can be done until the end of sentence, with no cumulative cap.

²⁴⁰ JUSTICE, Independent Sentencing Review submission (January 2025), para 95.

²⁴¹ JUSTICE, The Probation Service: A Fresh Start (December 2025), recommendation 23, reiterating *A Parole System Fit for Purpose* (2022), paras 5.60–5.61.

²⁴² *Ibid.*, pp. 67–68, citing HMIP's 2022 inspection findings on liaison with PIPEs.

Expansion of these environments, with consistent staffing and third-sector partners, may help women, care-experienced prisoners and those with complex trauma.²⁴³

109. The Prison Segregation Safety Policy Framework states that use of segregation for individuals managed under suicide and self-harm procedures (ACCT) *"is only defensible in exceptional circumstances."*²⁴⁴ Yet, the Prison and Probation Ombudsman continues to investigate deaths of this type. Out of the 14 individuals located in the segregation unit, who died between 1 April 2024 and 31 December 2025, 8 of them were on an open ACCT at the time of their death.²⁴⁵ We recommend that segregation only be used only as a last resort and never to manage mental ill-health; therapeutic and mental health units be prioritised.²⁴⁶

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Theme 9: Technology

Question 19: What further role should technology and digital tools play over the next five to 15 years in helping to address the risks highlighted in this Call for Evidence and improve prison outcomes?

110. Technology and digital tools, including those using artificial intelligence,¹ have the potential to improve prison safety, support staff, enhance rehabilitation, and reduce reoffending. However, their use must be guided by clear objectives, robust evidence, and strong governance. As JUSTICE has argued in *AI in our Justice System*, technology should not be treated as an end in itself.²⁴⁷ Any deployment should be demonstrably directed towards core justice goals, ensuring equal and effective access to justice, improving fair and lawful decision-making, enhancing transparency and improving outcomes for individuals.²
111. There are clear opportunities for technology in prisons over the next 5 to 15 years. Digital tools may assist staff in managing administrative workloads, analysing large volumes of information, improving access to education and rehabilitative services, and identifying operational risks. However, the evidence base for many emerging technologies, particularly AI systems that influence decision-making, remains limited. Consistent with JUSTICE's recent work on AI in policing, technologies should be subject to rigorous pre-deployment testing and ongoing evaluation to ensure they are fit for purpose in the specific context in which they are used.³
112. The lessons identified by JUSTICE in relation to policing are equally applicable to prisons. Human oversight must be meaningful rather than nominal; impacts must be understood before and after deployment; safeguards, accountability mechanisms and routes to redress must be effective; and public trust requires transparency and participation. These considerations are particularly important in prisons, where decisions can have significant consequences for liberty, safety, progression, release, and access to services.⁴

²⁴³ L. Kuester et al., [Evaluation of Psychologically Informed Planned Environments \(PIPEs\) Assessing the first five years](#), (MoJ, 2022).

²⁴⁴ MoJ/HMPPS, [\[I Prison Safety Policy Framework\]](#), (Re-issued: 14 January 2026).

²⁴⁵ Prisons and Probation Ombudsman, [The risk of placing prisoners in segregation](#), (March 2026).

²⁴⁶ JUSTICE, [Time Better Spent](#) (March 2024), recommendations 18 and 19.

²⁴⁷ JUSTICE, [AI in Our Justice System](#), (2025).

113. A major barrier to responsible adoption is the absence of a sufficiently mature governance framework for AI across the justice system. While the Ministry of Justice has established the Justice AI Unit its primary focus is on delivery, rather than deliberative policy development on *if and why* AI would be used in any particular context, or on independent oversight, public participation, or strategic governance. There is currently limited stakeholder engagement on where AI should be prioritised, little opportunity for affected communities to shape its development, and insufficient transparency regarding evaluations of deployed systems.
114. This lack of transparency undermines accountability and public confidence. For example, where efficiency gains are reported from AI tools, such as Justice Transcribes for Probation,⁵ there is often limited public information about accuracy rates, error patterns, wider impacts on outcomes, or how risks were mitigated. Before AI is more widely deployed in prisons, government should address this governance gap through independent oversight, transparent evaluation, public engagement mechanisms, and publication of impact assessments. These foundations are essential to ensuring that AI use in prisons is legitimate, trustworthy, rights-compliant, and capable of delivering genuine improvements in prison outcomes.

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Theme 10: Best practice in England and Wales

Question 20: Are there any further examples of best practice in prisons in England and Wales that the review should consider?

Incentivised substance free living (ISFL) wings

115. Residents sign a compact, agree to regular voluntary drug testing and receive incentives such as extra time out of cell for engaging.²⁴⁸ A Ministry of Justice waitlist randomised controlled trial published in December 2025 found that ISFL wings provide a more stable environment, with a median 31% reduction in assaults and comparable falls in self-harm and disorder.²⁴⁹ HMPPS stated in March 2026 that ISFL units have been funded in 88 prisons.²⁵⁰

Arts based programmes

116. Inspiring Futures (2020–24, Cambridge Institute of Criminology/ESRC), evaluating drama and music projects across UK prisons, found consistent qualitative benefits.²⁵¹ For instance, programmes strengthened staff-prisoner relationships and gave officers a rare "*different form of interaction*" with prisoners - one prison officer described seeing "a

²⁴⁸ Letter from the Director General of Operations to HM Coroner, Regulation 28 report to prevent future deaths (31 March 2026); RAND Europe, [Tackling Drug Misuse in Prisons: A Qualitative Study](#) (Ministry of Justice, December 2024), examining staff and prisoner experiences of ISFL wings across three prisons.

²⁴⁹ D. Churchward et al, [A Randomised Controlled Trial in Four Prisons: Impact of Incentivised Substance Free Living Wings on Prison Stability](#) (Ministry of Justice, 2025); See also: Ministry of Justice, [Better by Design: MoJ Evaluation and Prototyping Strategy](#) (July 2026), summarising the trial as finding "over 90%" probability of reduced assault, self-harm and disorder, with "the most likely effect size" around a 30% reduction across all three outcomes.

²⁵⁰ Letter from the Director General of Operations to HM Coroner, Regulation 28 report to prevent future deaths (31 March 2026).

²⁵¹ Lanskey, C., Doxat-Pratt, S. and Gelsthorpe, L., [An Evaluation of the Meaning and Impact of Arts Programmes in Criminal Justice Settings](#), Institute of Criminology, University of Cambridge (ESRC Project No. ES/S0126061), 2024. Two short films on the project are available [here](#) and [here](#).

much softer side to them... you can see them vulnerable sometimes" - while boosting staff job satisfaction and wellbeing.²⁵² Findings showed improvements in wellbeing, self-concept and "*creative capital*," alongside stronger social bonds and bridging capital with people outside their usual networks.²⁵³

Time4Change (HMP Pentonville)

117. Time4Change is a bottom-up programme co-designed by staff and prisoners, illustrating best practice in prison innovation. It is a 12-week accredited course combining education, mentorship, trauma counselling and discussion groups, grown from an informal wing forum into a prison-wide initiative with a dedicated Custodial Manager post. ²⁵⁴ The programme is designed for young adult prisoners aged 18–25; a cohort which "*presents low levels of engagement in prison services across the board*" and that are often seen as "*problematic and difficult to manage*".²⁵⁵ However, Time4Change state "*this may be the result of their complex needs being overlooked and a potential lack of understanding and education from staff*".²⁵⁶ The Time4Change programme seeks to address some of these issues. It delivers peer mentoring, City & Guilds education, trauma support, and sessions on knife crime, gang culture, fatherhood and mental health. The programme is reported to have improved staff-prisoner relationships, reduced violence, higher self-esteem and confidence, and resulted in "*a huge uptake in engagement*" with mental health services.²⁵⁷

Greater Manchester Integrated Rehabilitative Services (GMIRS).

118. Under a justice devolution memorandum of understanding, HMPPS devolved its Dynamic Commissioning Framework responsibilities to the Greater Manchester Combined Authority, which co-commissions wellbeing hubs, women's services, employment, dependency and recovery, peer support and accommodation.²⁵⁸ Probation staff are co-located in women's centres under the Whole System Approach for Women; the principles were later adapted for men.²⁵⁹ The House of Lords Justice and Home Affairs Committee

²⁵² Lanskey, C., Doxat-Pratt, S. and Gelsthorpe, L., *An Evaluation of the Meaning and Impact of Arts Programmes in Criminal Justice Settings*, Institute of Criminology, University of Cambridge (ESRC Project No. ES/S0126061), 2024, at pp. 90-91

²⁵³ Lanskey, C., Doxat-Pratt, S. and Gelsthorpe, L., *An Evaluation of the Meaning and Impact of Arts Programmes in Criminal Justice Settings*, Institute of Criminology, University of Cambridge (ESRC Project No. ES/S0126061), 2024, at pp. 53 -56 (Creative Capital), 56–60 (Wellbeing, Self-Concept, Personal Development), 62–66 (Bonding and Bridging Social Capital).

²⁵⁴ Chance to Change Foundation, *Friends of Pentonville: Time4Change*

²⁵⁵ Ibid.

²⁵⁶ Ibid.

²⁵⁷ Camden New Journal, '*Free thinking: the quiet revolution changing lives at Pentonville prison*', (April 2025)

²⁵⁸ JUSTICE North, *Closer to Home: Principles for a Justice System Shaped by Communities*, (2026), paras 33-37.

²⁵⁹ Greater Manchester Combined Authority, *Written evidence (JCS0044)*, (2023), p.3.

found co-commissioning and co-location to be best practice, and that "*the best example came from the Greater Manchester Combined Authority*".²⁶⁰²⁶¹

HMP Berwyn

119. Matter Architecture's 'Wellbeing in prison design' funded by the RIBA and Innovate UK and developed with the Ministry of Justice's Prison Estate Transformation Programme, surveyed over 300 men at HMP Berwyn – around 45% of the population.²⁶² The project used the survey findings in conjunction with "*environmental psychology to determine design measures that will improve the prison environment for staff, visitors and prisoners alike*".²⁶³ Noise was the factor most often identified as having the most negative effect on wellbeing, followed by the ability to move around.²⁶⁴ Findings from this project can be implemented into wider prison design.

(3,671 characters)

Question 21: Are there any further examples of best practice in Northern Ireland, Scotland and overseas that should be applied in England and Wales? (4000 characters)

Scotland: Community Custody Units

120. Scotland opened two small custody units in 2022 – the Bella Centre in Dundee and the Liliass Centre in Glasgow.²⁶⁵ Instead of a traditional large prison wing, the units are set up like shared houses with a communal hub, designed for women deemed suitable for a lower-security, more community-integrated form of custody. The Scottish Government's own early survey found that women who moved into these units rated their experience better across all six measures used to assess prison "*climate*" (things like relationships with staff, safety, contact with the outside world, and so on).²⁶⁶

'Little Scandinavia', the Chester State Correctional Institution, USA, noise reducing design

²⁶⁰ House of Lords Justice and Home Affairs Committee, [Cutting Crime: Better Community Sentences](#), (28 December 2023), p.52

²⁶¹ However, the problem has faced some problems, as explored in JUSTICE North, [Closer to Home: Principles for a Justice System Shaped by Communities](#), (2026), paras 38-39, citing an [HMIP inspection](#) which found that between July 2025 and September 2025, 27 per cent of referrals across all GMIRS were cancelled.' While the majority of cases were being referred, that not all were being translated into successful delivery of services, often as a result of probation practitioners having a full understanding of the needs of those they were supervising.

²⁶² Matter Architecture, [Wellbeing in Prisons: A design](#) guide, (Dec 2017).

²⁶³ *ibid*

²⁶⁴ *Ibid*, p. 56, 119. Survey showed key design factors negatively affecting health and wellbeing, with acoustics/noise and the ability to move around identified as the most damaging to welfare.

²⁶⁵ Scottish Government, [Scottish Prisons Assessment and Review of Outcomes for Women \(SPAROW\): exploratory baseline study](#) (17 December 2025)

²⁶⁶ However, a separate, independent evaluation found limitations around accessing the community- integrated aspects of the project. Only 28% of women at Liliass actually achieved community access (things like day release, work, or activities outside the unit), meaning most residents didn't get the community-facing element that's supposed to be the whole point of these units. See Scottish Government, [Scottish Prisons Assessment and Review of Outcomes for Women \(SPAROW\) – Full report](#), (December 2025).

121. The unit has been redesigned to encourage human interaction in line with the Scandinavian principles of 'normalisation'.²⁶⁷ Staff installed noise-absorbing ceiling discs, which *"greatly reduced the clang of the wing"*.²⁶⁸ Inspection team leader at HMIP and visiting Law Professor at University of Oxford's Centre for Criminology, Hindpal Singh Bhui, observed after visiting the unit that *"it was amazing how this simple change, along with a few other modifications, had changed the atmosphere of the unit. Prisoners could sit and talk together easily in the communal areas of the unit, which included comfortable chairs and a kitchen where they could cook and eat together"*.²⁶⁹

Belfast Substance Misuse Court

122. In Belfast, the Department of Justice is trialling an initiative called a Substance Misuse Court ("SMC"), which offers eligible individuals an opportunity to engage in an intensive treatment programme *before* sentencing, to help them address their addiction.²⁷⁰ The scheme works as a form of deferred sentencing. Eligibility screening is carried out by probation staff and Addiction Northern Ireland.²⁷¹ Individuals on the programme are subject to bail conditions and must attend review hearings with the judge to monitor progress. If the judge is of the opinion that progress is not being made, the programme can be terminated, and the court can proceed to sentence the individual.²⁷² The initial pilot achieved positive results: 26 of the 28 individuals who had completed or were nearing completion of the programme at the end of phase 1 showed *"a significant reduction in risk of re-offending and significant increases in self-efficacy, locus of control and well-being."*²⁷³ Similarly positive results were found at the end of phase 2.²⁷⁴ A key feature of the SMC scheme is that a small ceremony is organised for those who successfully complete the programme, where they are presented with a certificate by the judge.²⁷⁵

(2632 characters)

Additional evidence

123. Our 2024 report, *'Beyond the Blame Game: A responsible and rights-centred approach to government contracting'*,²⁷⁶ identified a key issue in markets, such as prisons, that a very

²⁶⁷ Prison Insider, [Nordic prisons, human prisons?](#) (15 October 2025): Normalisation is a rights-based approach that involves treating incarcerated persons as citizens and shaping life in prison to resemble life outside prison.

²⁶⁸ Prof. H. Singh Bhui, [What are prisons for?](#) (Bristol University Press, 2024), p. 99-100.

²⁶⁹ Prof. H. Singh Bhui, [What are prisons for?](#) (Bristol University Press, 2024), pp. 99-100.

²⁷⁰ Centre for Justice Innovation, [Belfast Substance Misuse Court](#), (2020).

²⁷¹ Ibid.

²⁷² Ibid.

²⁷³ Ibid, see also: See also: Conor Coyle, Inside the court where "graduations" are held for offenders with drug and alcohol issues, The Irish News.

²⁷⁴ Northern Ireland Courts and Tribunals Service, Evaluation of the Substance Misuse Court – Phase 2, (2021)

²⁷⁵ See also: Conor Coyle, Inside the court where "graduations" are held for offenders with drug and alcohol issues, The Irish News

²⁷⁶ JUSTICE, [Beyond the Blame Game: A responsible and rights-centred approach to government contracting](#) (2024)

limited number of potential suppliers have significant influence over the price and standards of quality.

124. To human rights standards, early engagement with prisoners, their families and representative groups²⁷⁷ should be required before a service is put out to tender. The aim should be to understand how previous human rights issues are to be addressed. A Rights Impact Assessment should consider how rights were affected during the previous contract. Award criteria should invite the provider to address how they will uphold the rights of those in the prison. Human rights standards should be key performance measures of the contract. If the Impact Assessment identifies serious concerns about rights breaches and the public authority's ability to comply with its legal obligations if the service is contracted out, and risks cannot be mitigated, the proposed service should not be outsourced.
125. Price and quality should be considered separately, to ensure both are evaluated properly. The Scottish Prison Service's standard practice is to have separate persons evaluating the technical and commercial aspects of the tender, with each person being "blind" to the other.²⁷⁸ This is important, as the Procurement Act 2023 has changed the basis of award to 'most advantageous tender' (from the previous 'most economically advantageous tender').
126. Issues with service delivery for contracted out services and breaches of individual rights often stem from inadequate training of providers' staff. In *LW & Ors*, the High Court found that four prisoners had been illegally strip-searched at HMP Peterborough (then run by Sodexo). Knowles J found the failings '*happened because of the lack of proper training*'.²⁷⁹ The contract contained an absolute obligation on the contractor to train staff to a suitable level. However, the Secretary of State did not undertake routine monitoring or assessment of Sodexo's training. The Court held that the Secretary of State could not rely on leaving training up to the provider,²⁸⁰ as '*his obligation was to have an adequate and effective system in place to prevent infringements in the first place*'.⁵
127. The judgment made practical suggestions as to how the Secretary of State could fulfil the '*monitoring and supervisory responsibility*', with a framework that contained '*adequate and effective safeguards against systemic breaches*' of human rights. This included requiring Sodexo to set out details of training, methods of delivery, and competency assessment as part of its tender application, with proactive monitoring by the Secretary of State.²⁸¹ It was not enough to find out, after the event, that there had been breaches of rights.
128. The Ministry of Justice must ensure that documents are fully uploaded with only limited and proportionate redactions (which should not include key performance measures). Our

²⁷⁷ (permitted under preliminary market engagement)

²⁷⁸ The Scottish Prison Service told us that technical aspects and commercial aspects are provided in separate Schedules and are evaluated separately from one another. They are then brought together to make the overall recommendation.

²⁷⁹ *LW & Ors v Sodexo Limited & Secretary of State for Justice* [2019] EWHC 362 (Admin) para 88

²⁸⁰ Ibid, para 105 as '*his obligation was to have an adequate and effective system in place to prevent infringements in the first place*'.

²⁸¹ Ibid, para 114: The Secretary of State could have then "*continued proactively and on an ongoing basis to monitor the quality of the training*"

2024 report analysed 14 private prison contracts, many of which were heavily redacted or simply unpublished. 11 contracts did not have published performance measures, and only four contained a reference to the need to comply with 'all legislation applicable', including the Human Rights Act. Contractual requirements on prison training varied significantly, ranging from '*proper training*' to requiring training in mental health awareness (HMP Five Wells) or reporting on the number of training days per staff member (HMP Northumberland and HMP Oakwood).²⁸²

129. We recommend that independent oversight bodies be used to hold prison providers accountable.²⁸³ HMIP and other expert bodies should have insight into the procurement process and contract delivery.

(3794 characters)

For more information, please contact: Leyya Kitmitto, JUSTICE Ikitmitto@justice.org.uk

²⁸² JUSTICE, [Beyond the Blame Game: A responsible and rights-centred approach to government contracting](#) (2024) p. 43

²⁸³ For example, HMIP have written important reports of prison conditions and publish Independent Reviews of Progress, an independent assessment of how far prisons have met their recommendations.