

The estates strategy and sentencing

The estates and sentencing strategy at a glance

- protect the public, maintain a high security prison system for the most serious offenders and prevent escapes;
- provide the prison places required by the courts as they sentence within the framework provided by the 2003 Criminal Justice Act;
- in keeping with the Act, focus on the risk posed to the public;
- use prison to punish dangerous offenders who will remain there until the risk they pose is assessed to be safely manageable in the community;
- achieve greater use of the best community sentences, where evidence shows that they reduce re-offending and offer more effective punishment for example than some custodial sentences of less than twelve months;
- achieve value for money in building and running prisons and deliver a modernised estate with facilities such as education, health care and drug treatment to reduce re-offending;
- hold women and juvenile prisoners in separate units which address their particular needs.

The estate of the National Offender Management Service comprises a wide-ranging portfolio of buildings and facilities. It includes prisons, approved premises in the community, probation offices within courts and field offices as well as training centres and administrative buildings. The estate has to be flexible to meet future and potentially rapid changes in custodial and non-custodial demands. It must effectively manage the introduction of new sentencing policies and be able to adjust to new technologies, such as electronic tagging and video links between courts and prisons.

It is crucial that prisons and the wider estate have the facilities to deliver services for reducing re-offending. This is a critical component of the Government's strategy to reduce crime and the harm caused by illegal drug use. It also contributes to Government priorities such as reducing child poverty and increasing productivity and employment.

Key facts about prison

- There are currently 80,700 prison places in 141 prisons and young offender institutions.
- Since 1997, prison capacity has increased by 20,000 places including an increase of 3,500 in the last two years.
- We are building an additional 8,000 places by 2012.
- Eleven prisons are currently run by private providers – accounting for 10 per cent of capacity.

The Prison Estate – size and growth

The current prison estate provides nearly 80,700 places. Up to 400 further temporary places are also currently being used in police cells. Within the prison estate there are 141 establishments that support the objectives of the National Offender Management Service to protect the public by holding securely and managing humanely the people committed to custody by the courts.

We have made good progress in improving the estate. Slopping out was effectively discontinued in 1996 and the practice of holding three prisoners in cells meant for one was ended in 1994. We have also improved conditions, for instance through significant investment in healthcare facilities in partnership with Primary Care Trusts, but there is still more to do to ensure consistent accommodation standards across the wider estate.

Since 1997 the government has also increased prison capacity by around 20,000 places. In the last two years alone there has been an increase of over 3,500 places which includes building additional places at existing prisons and the new 840 place prison at Peterborough.

Forward strategy

We are building an additional 8,000 places by 2012 and this and previous programmes will deliver over 2,000 places this year. This investment will provide around 5,000 additional good quality jobs in prisons, not only in custodial work but in health care and education.

Subject to resources, we aim over time to replace those prisons that are no longer fit for use, or are not in appropriate places.

We want to examine how the prison estate might be modernised to provide more cost effective facilities that are better able to deliver rehabilitation services to reduce re-offending. We also want to identify whether the resources in our current estate can be used to finance new accommodation, be that new, large state of the art prisons or smaller local provision for women and young offenders.

I have asked Lord Carter to lead a review providing an assessment of the short term building plans for the 8,000 prison places and the longer term issues affecting the estate, including the inter-relationship between prisons and the rest of the Ministry of Justice estate to ensure that we have a coherent strategy.

Sentencing to protect the public and reduce re-offending

Sentencing is central to how we use our prison and probation resources to protect the public and reduce re-offending. The Criminal Justice Act 2003 was designed to achieve a major shift in sentencing policy and introduced substantial improvements to the sentencing framework. It makes clear that prison should be used to protect the public and to the extent and for the periods necessary (Sections 152 and 153).

The Act placed an emphasis on those offenders who present the most danger to the public. Those sentenced to unlimited sentences such as life sentences and Imprisonment for Public Protection (IPP) will only be released when they no longer pose a risk, which in some cases will be never. This contrasts with earlier legislation that distinguished between offenders according to the length of sentence but not the risk they posed to the public.

Those serving sentences of 12 months or more now remain on licence and subject to recall until the end of their sentence rather than before when they were on licence only until the three quarter point. New arrangements were introduced for the recall and re-release of prisoners on licence. Breach of requirements is liable to lead to recall to custody right up to the end of the sentence. Under these recall provisions, the decision whether to recall an offender is made administratively. The Parole Board review all recall decisions once the offender has returned to custody and consider whether to set a re-release date for the prisoner or a date for a further review of detention.

The suspended sentence order was introduced – a sentence of imprisonment suspended for a period of time during which the offender has to comply with community requirements with the threat of imprisonment hanging over them if they do not co-operate.

There is evidence that community punishments can work to reduce re-offending. The new community order provides a robust sentence for those who can be dealt with in the community in a way that can punish, reduce re-offending and provide a means to pay back to the community.

The Sentencing Guidelines Council (SGC)

The Sentencing Guidelines Council was also established by the Criminal Justice Act 2003. It began work in 2004. Its remit is to produce guidelines for all courts to promote greater consistency in sentencing, and to take into account cost-effectiveness and the need to promote public confidence in the Criminal Justice System. All courts are required to take the guidelines into account when sentencing offenders and the court must give reasons for departing from them in any particular case.

The legislation provides for the Secretary of State to ask the Council to frame or revise guidelines relating to: the allocation of cases between courts, a general matter affecting sentencing, a particular category of offender, or a particular offence.

In the process of producing guidelines, there is wide consultation and the opportunity for Government Ministers and for Parliament, through the Home Affairs Select Committee, to contribute to the consideration of what should be contained in the guidelines. But the final decision is that of the independent Council.

The Sentencing Advisory Panel provides advice to the Council following public consultation.

The impact of the Act

The courts have made a great deal of use of the new sentences for dangerous offenders which were implemented in April 2005. Over 2,200 sentences of indeterminate Imprisonment for Public Protection (IPP) have been issued so far.

On determinate sentences, there was a significant increase in lengths from 1995, and there has been only a very limited decrease since the introduction of the 2003 Act. The anticipated shift from short custodial to community sentences has not taken place although we now have much more effective community sentences in place, including programmes for prolific offenders. The evidence also suggests that the new suspended sentences are being used in cases where a community order might previously have been used and for summary offences, rather than for more serious offences and in place of custody. Just over 40 per cent of suspended sentence orders are being used for the less serious, summary only offences.

There has also been an increase in the number of recalled offenders in prison, reflecting the longer periods for which recallees are being held before they are re-released. It is important that dangerous offenders are kept in prison until they no longer pose a danger, and that the Parole Board can focus on assessing their risk. The recall population has increased from around 3,400 in April 2005 (when CJA 2003 was implemented) to nearly 5,000 in February 2007, an increase of 47 per cent.

The way forward

We must use prison and probation resources to best effect to protect the public, punish the offender and reduce re-offending. We have strong sentencing options in place and we need to ensure that they are used for the right people at the right time.

In order to achieve this the following reforms are proposed:

- Sentencing policy must align with the strategy of using prison when necessary to protect the public and to the extent and for the periods necessary to deliver on the statutory aims of sentencing in the Criminal Justice Act 2003. And to use alternatives to custody when they are more effective in reducing re-offending and provide payback to the community.

- The Secretary of State for Justice will ask the SGC to review whether their guidelines fully reflect the principles set out in the Criminal Justice Act 2003. He will also ask them to look at their processes to ensure that they can operate in the way that they consider best enables them effectively to produce such guidelines as are necessary.
- We will propose to make new arrangements so that in appropriate cases non-dangerous prisoners can be given a fixed term, punitive recall to prison for 28 days.
- We will also propose to provide that Suspended Sentence Orders are used for the more serious offences, as we originally intended when they were created in 2003. They will apply to indictable offences including either way offences, but not to summary (less serious) offences.

Reducing re-offending in prison and the community

Keeping the public safe is the first duty of the Criminal Justice System, and must be the overriding priority of those working with offenders. We will maintain a high security prison system to hold violent and dangerous prisoners in a very secure environment and we continue to recognise the highly skilled nature of working with these offenders.

We aim to ensure that local plans and partnerships are geared up to reduce re-offending and develop a network of prisons that engage with services in the community to deliver high quality support in health, education, drugs and alcohol, housing and employment. This is particularly valuable to those serving very short sentences, or who are reaching the end of their custodial period. We plan to improve the transition from custody into the community by developing alliances with services in the community. The next chapter of this paper sets out in detail how we punish and rehabilitate offenders in the community.

Women in the Criminal Justice System and the Corston Review

There are currently around 4,400 women in prison, many of whom have complex personal needs and often difficult family circumstances. A high proportion of women in custody are at risk of harming themselves; many have experienced sexual, physical or emotional abuse and mental health problems; many are lone parents who are anxious about their children; and substance and alcohol misuse are common. Staff and management need high levels of resilience to maintain effective support to meet their needs.

Baroness Corston's Review of *Women with Particular Vulnerabilities in the Criminal Justice System* (<http://www.homeoffice.gov.uk/documents/corston-report/>) makes a number of significant recommendations about the way women are dealt with within the system. There are 43 recommendations which are wide-ranging and propose action by a number of different Government departments and other organisations. For example, Baroness Corston recommends replacing women's prisons with smaller local secure units. This would be a radical change and would require a significant shift in resources and consideration of how it would fit in with broader proposals for managing the prison population in general and women offenders in particular. All the recommendations will be carefully explored and the Government will develop a detailed response and set out an agreed way forward. In doing so, we will look to build on the good work that is already being done in this area. For example, a Women's Offending Reduction Programme is already in place. Launched in 2004 it focuses on improving community based services and interventions to ensure they are appropriate for women and to support greater use of community sentences wherever possible. As part of this Programme, £9.15 million has been allocated to set up new initiatives for women to demonstrate how a multi-agency 'one-stop-shop' approach in the community can be more effective at addressing their multiple and complex needs and avoid the use of custody.

Young People

Young people in custody are a particularly vulnerable group. They are accommodated in dedicated facilities separate from other prisoners.

The Youth Justice Board has defined principles for these young people that focus on the reduction of harm and ensuring more is done to address drug and alcohol problems, behavioural and mental health problems, and education. The Youth Justice Board is producing estate plans:

- to ensure a better geographical match between supply and demand for custodial accommodation, and
- to develop high-dependency units for more vulnerable males aged 15 and 16;
- where possible to develop bespoke facilities separate from the adult estate.

A project is under way to develop a 48-bed unit at Wetherby Young Offender Institution (YOI) for young people who have been identified as being at risk because of their vulnerability factors or needing more intensive staff support. Significant capital is being invested in this facility, intended to open in summer 2008.

The Role of Competition

In my statement today I reiterated the Government's commitment to the vision of the National Offender Management Service. Competition is central to achieving this. In order to ensure that we get the best value for money, with prisons built and run as effectively and efficiently as they can be, we have introduced competition. The first privately managed prison, HMP Wolds, opened in 1992. There are now eleven prisons operated by the private sector providing just over 8,700 places, about 10 per cent of total capacity. The introduction of competition has been supported by Lord Carter's report of 2001 and the benefits noted by the National Audit Office.

We continue to look at how the prison estate could be modernised to provide more cost effective facilities that are better able to protect the public and to deliver services to reduce re-offending. Competition will be central to this strategy.