

Criminal Justice System items to note

Meeting on 4.6.24

1. Statistics

1.1 Offender Management Statistics (Prison population end March 2024)

- Prison population up 4% on last year
- 34% more adjudications and 90% rise in the award of additional days as punishment
- Prison recalls up yet again by 17%
- Probation caseload falls by 1% (238,765 offenders)
- Remands up by 13%, the highest figure in at least the last 50 years (untried up 10% and convicted/unsentenced up 19%)
- 73% of the sentenced population and 66% of the remand population were white
- On 31.3.2024, there were 8,526 (8,181 male; 345 female) 'unreleased' prisoners serving indeterminate sentences (IPP and life sentences)
- Unreleased lifers (7,346) increased by 3% and unreleased IPPs fell by 13% to 1,180 (60% of have been held for at >10 years beyond the end of their tariff)
- Recalled lifers increased by 6% to 853, whilst recalled IPPs increased by 4% to 1,616
- Smaller proportion of people supervised by probation are serving community sentences with increases in suspended sentence orders and pre-release supervision

1.2 MoJ Female Offender Strategy Dashboard

The dashboard provides a range of data on the four priority areas of the strategy:

- *Fewer women entering the CJS* Those prosecuted for TV licence evasion <11.8% although there were still 32,092 prosecutions in 2022. There was a bigger fall for those prosecuted for benefit fraud, but 3,835 women were prosecuted for truancy offences relating to their children
- *Fewer women serving short custodial sentences* In 2022, 2836 were sentenced to immediate custody of <12 months, most receiving <6 months. The percentage of women remanded in custody at Crown Court increased from 29% in 2021 to 32% in 2022
- *Better outcomes for women in custody* In 2022, the self-harm rate increased by 36% (9.9 times the equivalent rate in male prisons)
- *Protecting the public through better outcomes for women on release* The main area of concern is that in 2022 there were 1,593 recalls of women, up 10%

The data means the MoJ is accountable for its (failure to) deliver on its female offender strategy and the commitment to update the information annually provides a healthy challenge to the next Government.

1.3 Reducing Women's Imprisonment Factsheet for West Mercia

- 47 immediate prison sentences were given in West Mercia in 2022 (<59% since 2014)
- 47% were for less than six months (53% nationally), and 30% for theft offences
- The use of community sentences for women in West Mercia has decreased by 55% since 2012
- The use of cautions decreased by 66% since 2012

Nationally, there are twice as many women in prison now than in 1993 (3,599 on 12.4.24). In the year to June 2023 there were 1,743 recalls of women (54% serving sentences of <12 months)

1.4 MoJ Prison Population Projection statistics (ONS)

The prison population is projected to increase to between 94,600 and 114,800 by March 2028 (estimate of 105,800) due to continued growth in police charging and prosecution activity, falling Crown Court outstanding caseloads, and changes in sentencing policy and behaviour to keep the most serious offenders in prison for longer. There is considerable uncertainty as to how the courts will reduce the outstanding caseload and the impact of police charging activity. Both main political parties are currently entrenched in a communication battle to present themselves as tougher on crime than the alternative. In the long-term, changes in sentencing policy and behaviour lead to a build-up of prisoners serving longer sentences. The recall population is projected to increase.

1.5 Cardiff University's Violence Research Group analysed data from hospital emergency departments/minor injury units/walk-in-centres for injuries sustained in violence and found that despite increases in the two previous years, the overall trend is for a long-term decline in serious violence. The fall was driven by reductions among 18 to 30-year-olds (down by 25%), and the work showed that "England and Wales are safer now than they were a year ago, and much safer than two decades ago." This could be attributable to the effectiveness of violence prevention strategies by police and other bodies including police targeting hotspots, and the growing numbers of young adults staying at home with their parents may also be a factor.

1.6 HMPPS workforce quarterly gave the number of staff in post on 31st March this year. Over the past year 7,251 people joined the public sector prison service, (increase of 4.7%). 11.3% (just over 1 in 9) left the service. This, while the prison service still faces serious staffing issues, not least the ever-increasing prison population, this is a better set of statistics than last year. More joined the service, fewer left and people had an average of two days' fewer off sick. Unfortunately, things are not so good for probation. In the past year, 1,074 PSOs were appointed, some training to become qualified POs (a 55% decrease). 3,212 joined the probation service, a fall of 27.7%, and staff leaving increased by 12.5%. More than three out of five days lost to sickness (60.7%) were due to mental ill health cf 55.3% the previous year. Recent media attention has focused on the prison capacity crisis but it shouldn't be forgotten that more in prison and released early results in bigger workloads for prison and probation staff. It remains a national priority to fully staff both services.

2. CJS agencies

2.1 Courts

2.1.1 Operation Early Dawn Ministers have triggered a plan which allows the CJS to delay some court cases because of prison overcrowding. This emergency measure means some will be released on bail because their trial will be put off. The Law Society said they were hearing "quite disturbing accounts" from members in courts describing the situation to delay court cases as 'administrative carnage.' "We're having victims, witnesses, lawyers and defendants turning up at magistrates' courts today only to find that the case has been cancelled and delayed to some point in the future." The Justice Secretary said there were currently nearly 16,000 in custody awaiting trial and "plainly that has an impact". The MoJ says that it now needs to control the flow of cases reaching their first day in court because of the pressure on cells. In a briefing sent to criminal solicitors, officials said their aim was to prioritise which defendants are dealt with. It is acknowledged by those in government to be a significant move in response to a difficult situation.

2.1.2 Court Fines (Report by the Centre for Justice Innovation)

Almost everyone who is convicted in court leaves with a bill to pay yet there is a striking gap in our knowledge of its impact. The research during the cost-of-living crisis suggests that this is often highly disproportionate with better off people experiencing only minor hardships (eg forgoing a holiday). For a significant number of those on the lowest incomes paying their court fine pushed them deeper towards unmanageable debt, destitution and significant levels of anxiety & mental anguish. Contrary to court sentencing objectives, the financial impact of fines and charges are not experienced equally by people with different levels of means. The research also found major gaps on the data collected so there is not a clear picture of who gets fined, who pays and who doesn't (and why). Findings include:

- Over 75% are sentenced to a fine pa yet while many of the offences are deemed "minor," the research suggests that, for people on low incomes, the impact of fines is anything but
- Many such offences are strongly linked to people's pre-existing poverty eg TV licence evasion. Many said the financial burdens had pushed them further into debt, with some pushed into destitution and into further offending to pay off the court fine
- For some, the financial burdens took a severe toll on their mental and physical health
- While fine amounts are meant to be determined by an individual's financial circumstances, this system did not seem to work effectively in practice

- The imposition of other non-means tested charges alongside the fine (eg prosecution costs) often pushed the total amount up from something affordable to an impossible amount to pay in the time allowed
- Court fine enforcement action (particularly the threat of bailiffs), added further financial and wellbeing strains
- Magistrates suggested that they often felt their hands were tied, leaving them to sentence people on low incomes to fines, and which the magistrates knew they could not pay
- Many felt that a fine was, in theory, an appropriate punishment for the offence they committed, but the confusing processes of the current system often meant that the total amount they eventually needed to pay was seen as excessive.

Key challenges were identified as:

- The MoJ to ensure a consistent flexible & responsive framework for setting the levels of fines and financial charges, with considerations of affordability and proportionality, and to develop a more comprehensive court fine data system
- The court service needs a system for collecting and assessing fit for purpose financial information at court, & an administrative process to save court time by resolving issues earlier
- Sentencers need to adopt a problem-solving approach to fine non-payment, with opportunities for people struggling to voice their difficulties and explore alternatives
- Sentencers need a clear alternative to fines and financial charges including re-consideration of unpaid work

The report concludes that addressing these will help create a fairer system, and also has the potential to make financial gains, reduce unpaid fines & the administrative burdens/costs of fine enforcement.

2.2 Police

2.2.1 Shoplifting crackdown

The government is investing more than £55m in expanding facial recognition systems, including vans that will scan crowded high streets, as part of a renewed crackdown on shoplifting. This was announced alongside plans for tougher punishments for serial or abusive shoplifters, including being forced to wear a tag to ensure they do not revisit the scene of their crime, under a new standalone criminal offence of assaulting a retail worker. The new law, under which perpetrators could be sent to prison for up to six months and receive unlimited fines, will be introduced via an amendment to the CJ bill. The civil liberties campaign group said the government's investment in this technology was "an abysmal waste of public money. This Orwellian tech has no place in Britain. Criminals should be brought to justice, but papering over the cracks of broken policing with this tech is not the solution. It is completely absurd to inflict mass surveillance on the general public under the premise of fighting theft while police are failing to even turn up to 40% of violent shoplifting incidents or to properly investigate many more serious crimes." The £55.5m will come out of a £240m investment in police productivity announced in the budget.

2.3 Prisons

2.3.1 Overcrowding

2.3.1.1 Government Statement on increasing prison capacity

Foreign National Offenders (FNOs)

These have increased and now make up over 10,000 (12%) of prisoners, at an average cost to the taxpayer of £50,000pa. They should be removed back to their own countries of origin wherever possible. We have made progress: last year the Government returned nearly 4,000 FNOs from prison and the community, 27% more than the year before. In January, the Government extended the Early Removal Scheme from a maximum period of 12 to 18 months so eligible FNOs can be deported up to 6 months earlier. We have also signed a robust new agreement with Albania which has restarted transfers of Albanian FNOs; and we are legislating in the CJ Bill to enable prisoners to be transferred and held in rented prisons overseas. We must now build on this progress by ensuring that even more FNOs are removed from the country as quickly as possible and spurious barriers to removal are quickly dismissed. So, we will:

- Create a new taskforce across the HO and MoJ to prioritise FNOs by streamlining the end-to-end removal process
- Expedite prisoner transfers with priority countries such as Albania and conclude new transfer agreements with partner countries such as Italy
- Be fully prepared to make use of the existing powers to restrict visas where no progress on FNO removals can be made
- Amend our existing deportation policy to enable FNOs given suspended sentences of >6 mths to be considered for deportation, enabling us to remove more FNOs from the country

Remand population

We must also address the unsustainable growth in the remand population since the pandemic and Criminal Bar Association action. Since 2019, the remand population has increased by over 6,000 to more than 16,000 today, in part because we made the right decision for public protection and did not release tens of thousands of prisoners at the start of the pandemic, as many other countries did. We will invest £53m extra to expand the Bail Information Service, and a further £22m to fund community accommodation. We express our deep gratitude for the efforts of all those working in the CJS: prisons, probation and courts staff, the police, prosecutors and lawyers, and the Judiciary. They deserve credit for their enormous commitment and professionalism in their vital work to keep the country safe.

2.3.1.2 Operation Safeguard (blog)

The MoJ announced on 9.5.24 that it was once more having to use police cells to hold people. This was triggered for the second time in two years and was described as a response “to acute capacity pressures caused in part by barristers’ industrial action and the aftermath of the pandemic.” The statement is at best misleading as it implies an acute rather than a chronic problem as a direct consequence of policy decisions made over recent years (and decades). The repeated claims by all politicians that crime is out of control and that their party is the toughest on crime have led to a widespread belief amongst many that prisoners are given shorter sentences than most countries which is factually untrue. The prison population has risen by 75% in the last 30 years and currently stands at 87,982. Our desire to lock up more for longer coincides with a huge drop in the number of crimes committed over the last 25-30 years. The main reasons for the big increase in court delays, resulting in our highest ever remand population, are lack of staffing and dilapidated court buildings. The early release scheme has raised quite reasonable concern that a chronically understaffed probation service would be unable to properly supervise this big increase in numbers.

2.3.1.3 State of prisons (*Justice Select Committee evidence*)

As jails are forced to release prisoners early due to a shortage of capacity, it has emerged that more than 3,000 prison places have fallen out of use due to poor maintenance. The revelation follows years of complaints about underspending on prison maintenance, leading to individual cells or whole wings having to be taken out of service because they are no longer habitable. In 2020 the NAO Government spending watchdog, identified a £1b backlog of repairs needed. The £315m announced in 2020/21 was deemed to be “significantly below what is required to maintain decent, safe prison places”.

2.3.1.4 Women’s Prison Places (*Letter to the Justice Committee*)

Amidst the headlong rush to build enough prison places to keep pace with demand, it is perhaps surprising to see the UK government pause plans to expand capacity for women prisoners. The Prison Service said that high inflation levels have had a material impact on estimated costs so they are taking “a responsible approach” by pausing plans to build Gender-Specific and Trauma-Informed accommodation at 5 sites. The government wants fewer women in prison. Better community sentences and more alternative residential options could help achieve that, along with more constructive sentencing guidelines which are currently being prepared.

2.3.2 Ageing prisoners

A prison governor in Scotland has called for ageing prisoners to be housed in secure care homes rather than in standard jails – 50 of the 730 men in her prison have personalised healthcare

requirements, and the prison was not built to cope with their needs. Across the UK, around 1 in 12 prisoners is aged over 60, a significant increase in recent years of elderly men in jail, largely due to convictions being handed out for historical sex offences. The Howard League Scotland said it was “sobering” to enter a prison and see banks of wheelchairs and hoists, and notice the significant number of prisoners needing 24-hour assistance

2.3.3 Plans for clampdown on prisoners’ social media use

People who distribute photos or videos created by prisoners on illicit mobile phones will face prosecution under a proposed new law. The Government is backing a private member’s bill to create a new criminal offence of uploading such content onto social media. The Prison Media Bill would make it an offence to create or upload unauthorised media of the inside of a prison from outside (eg filming from a drone) or of prison workers on prison land. Social media companies will be compelled to rapidly remove illegal content.

2.3.4 Prisoner telephones

A major project to install a landline phone in every public sector closed prison cell has now been completed – allowing prisoners to keep in touch with their families & friends more easily. Previously, prisoners used payphones on landings but there were complaints about calls being overheard and fights in queues. The in-cell PIN phones work in the same way, with prisoners buying credits and restricted to security-cleared numbers. Open & privately managed prisons are excluded.

2.3.5 Improving behaviour in prisons (HMI Prisons thematic report)

These are challenging times to live and work in prisons, with rising drugs, violence and self-harm and overcrowded, squalid conditions in many jails. Reoffending rates remain stubbornly high, at almost 37%, and the proportion of prisoners recalled to prison is 13% higher than last year. Most prisons are struggling to provide any kind of activity to reduce the likelihood that people will end up back inside. However, a small number of prisons (8) are safe and calm and have created more positive cultures that encourage prisoners to take part in employment and education that should help them to secure employment on their release. A number of common features were found including setting very clear rules and boundaries for prisoners, with a shift in the focus of behaviour management strategies to reward rather than punishment eg prisoners were motivated by and would work hard to earn extended family visits or the possibility of moving to a better wing with more privileges. A positive prison culture was defined as “One that invests in prisoners and staff and values their contribution, encouraging and supporting prisoners to engage and progress in their sentences”. 5 key elements were identified that leaders used to encourage positive behaviour in prisons:

- Leadership was critical and governors had a clear vision and objectives, successfully communicated to their senior teams/staff groups, gaining their commitment and support
- Leaders set and reinforced clear boundaries, with high standards expected from prisoners and staff. Peer workers played a key role in explaining these to new prisoners
- A focus on reward rather than formal disciplinary procedures motivated prisoners to change their behaviour. Staff sought to understand the reasons for poor behaviour and to address them constructively. Punishments were proportionate and staff acknowledged improved behaviour in a meaningful way. Mutual respect underpinned the principles
- The quality of the incentives and rewards available was key to creating a motivational culture eg high quality and fairly paid education, employment and other enrichment activities; dedicated wings with more freedom and time out of cell; use of extended visits with families in a private space; prisoner involvement in deciding incentives and in becoming peer mentors; dedicated multi-agency resettlement teams; and attention to the physical environment

An investment in ICT had enabled some prisons to produce high quality written, audio and visual communication. In cell television and radio channels advertised activities, clubs and events and celebrated prisoners’ achievements. Peer workers wore bright, distinguishing T-shirts, posters displayed their roles, and their intrinsic involvement in the running of the prison promoted the benefits of positive behaviour and engagement to other prisoners.

2.3.6 Prison Suicide

The death of a man who took his own life in HMP Woodhill (Cat A) has been recorded as an unlawful killing, in what is believed to be the first finding of its type by an inquest jury. Two prison officers' conduct was found by the jury to have been so exceptionally bad as to amount to a criminal failure. They also concluded that there was a serious failure by authorities to implement previous recommendations made after earlier losses of life at Woodhill, which had the highest number of self-inflicted deaths of any prison in the country at the time he died. Failures and inadequacies found to have contributed included failing to follow procedures and inadequate staff training.

2.3.7 Prisoners early release scheme

Ministers have already authorised the extension of a rolling early release scheme for some offenders who are near to the end of their sentence. This will now direct the release to home curfew of some up to 70 days before the end of their jail term - up from 18 days when the scheme was first introduced last October. Separately, about 400 police station cells have been set aside to help prisons deal with overcrowding. Despite the Justice Secretary pledging the scheme would only apply to "low-level offenders", an Inspectorate report stated that the MoJ's plan to relieve the pressure in overcrowded jails raised "serious concerns" and had undermined safety and risk management. Examples were given of "high-risk" inmates being inappropriately released. The Howard League for Penal Reform stated: "The public will rightly be worried to hear of cases where violent prisoners are being released without a proper assessment of the risk they pose to the public, specifically children. It's being left to prison inspectors to tell the public the truth because this government is refusing to level with them on the scale of the prisons and probation crisis. It is imperative that the government publishes data on the early release scheme's operation and makes a commitment to transparency as a matter of urgency. While action to ease pressure on jails is necessary, this temporary measure is no substitute for what is really needed: a more sensible response to crime that puts fewer people behind bars and more money into services that can help them." The MoJ said: "While we will always ensure there is enough capacity to keep dangerous offenders behind bars, this scheme allows us to ease short-term pressures on prisons by moving some lower-level offenders at the end of their custodial term on to licence. These offenders will continue to be supervised under strict conditions such as tagging and curfews, and the prison service can block the earlier release of any individual who poses a heightened risk."

2.3.8 Dangerous prisons

2.3.8.1 HMP Wandsworth

The chief inspector of prisons has 'urgent and significant concern' over HMP Wandsworth branded by the local IMB as 'unsafe and inhumane'. This was the prison where the accused escapee resided and the governor has now quit the service ahead of an urgent notification placing the jail under special measures. The IMB found that years of underinvestment in the site, facilities and staff had led to an unsafe environment where "violence levels continue to rise". During the past year, staff shortages had undermined the prison's ability to function effectively, with the number of available officers rarely reaching above 50%. Assaults had risen by more than 20%. Overcrowding was raised as a concern, with most men sharing cells designed for single occupancy. In two wings, there were only 11 shower stalls for 265 men. The grim conditions were confirmed at a public meeting attended by 250 people ex-prisoners, prisoners' relatives, and politicians giving accounts of a jail crawling with vermin, where men share Victorian-era cells built for single occupancy, are denied their prescribed medication, and have less than two hours a day unlocked in which to shower, make phone calls, and select menu choices. The meeting was spearheaded by a volunteer Quaker chaplain who worked there for 10 years until she was dismissed last year for giving small cash gifts to prisoners approaching release. She told the meeting that Wandsworth prison is "an incredibly nasty place, both to serve a sentence and to work". One said he wore the same clothes every day for his first 6 weeks because the prison had no clothing in his size, and emergency cell bells took more than an hour to be responded to. One said "There's a fundamental inhumanity in places like Wandsworth. It's so institutionally callous that people who work there switch off their compassion, or else leave. At every point, the system seeks to prevent prisoners accessing healthcare and I've never seen so much overt racism in my whole life until I went to Wandsworth."

2.3.8.2 *Extract from an article in The Guardian on dangerous prisons*

Many, though not all, of England's prisons are in a terrible state. The failures at Wandsworth are acute, leading the prisons inspectorate to send an urgent notification to the Justice Secretary criticising "poor leadership at every level" including the MoJ. These problems are far from unique. Last year, 5 other prisons were subject to urgent notifications – the highest number in a single year since the mechanism was introduced. While the mood inside Wandsworth was judged to be exceptionally low, many of the reasons cited are wearily familiar. While more than half of inmates were on remand, waiting to be tried, staff were inexperienced and burnt-out. Cells were seriously overcrowded and filthy, and the smell of cannabis was "ubiquitous". There was a chronic lack of purposeful activity and officers did not know what prisoners were doing. Nationally, keeping thousands of men locked up in tiny, unhygienic cells with nothing to do not only fails to rehabilitate them, it exacerbates problems. If offenders are to become better at functioning within the law outside prison, they need to be able to work while carrying out their sentences, mixing with staff and each other. Yet ministers' promises of more prison places have not been linked to a strategy for education and employment. Mental health care is another area of concern. Prisons needing reform is obvious but just as urgent is serious work on alternatives to prison, to reduce the ceaseless churn that so destabilises them. The current, highly centralised model of prison and probation management, including staffing, has not succeeded. Why not make governors part of wider, ongoing discussions about devolution? There is so much room for improvement.

2.3.9 *Food in prisons (briefing from the charity Food Matters)*

Research suggests that good nutrition not only improves wellbeing, security and safety in prisons, it may have an effect on rehabilitation and keep people from returning to prison. So does a region with one of the lowest reoffending rates in the world (c30%) and a humane approach to incarceration treat prison food differently from countries with higher recidivism and a more punitive culture? In Denmark, in a high-security male establishment, 65% of the prisoners cook all of their meals themselves, in kitchens they share with about six others. They plan meals and budget together, and twice a week they shop for ingredients in the in-house grocery store. They dine together, often with the on-duty prison officers. The less confident cooks quickly learn vital kitchen skills from their peers. In the prison kitchen, the catering manager enrolls every prison kitchen worker in a 4-year culinary diploma. The kitchen's in-house nutritionist is required, by Danish law, to measure the nutritional breakdown of each dish and display it to prisoners. In the UK a rat-infested prison kitchen and a food poisoning incident that left six people seriously ill in hospital recently hit the headlines. In Finland, prisoners fished for their dinner in a lake during summer and foraged in the woodland for mushrooms and lingonberries of UK prisoners routinely eat unhealthy, processed, tasteless food, sometimes alone in their cell, often next to their toilet. A smaller prison population and more public money puts Nordic prisons at an obvious advantage. The daily budget for prison food here is just £2.70 per prisoner. Prisoners are leaving prison in poorer health than when they entered, making recovery and rehabilitation difficult, and for many impossible. Some have simply forgotten how to do the things we take for granted eg how to eat around a table or how to cook. For one prisoner suffering from Crohn's disease and self-neglect, malnutrition was recorded as a cause of death. Better quality food has the potential to reduce violence, improve mental health and reduce reoffending. In Scandinavia, the prison system successfully prioritises the wellbeing of prisoners through opportunities to cook, eat and learn about nutritious food. It is rooted in the principles of respect, rehabilitation and equality. Respect is a good place to start.

2.4 *Probation*

2.4.1 *Probation Reset (Written Ministerial Statement to Parliament)*

This announced the HMPPS 'Probation Re-set', designed to reduce demands on probation and strengthen capacity to engage with people on community supervision at the points in their sentence where the evidence shows it has the most impact. Cases continuing with probation contact throughout are:

- All MAPPA cases
- All cases directly managed by the National Security Division
- All cases identified as very high risk of serious harm

- All cases with current active child protection procedures in place

For other cases, the following will apply:

- Active licence supervision appointments will cease after the two-thirds point. One further follow-up appointment is required only midway through the final part of the licence
- Active post-sentence supervision appointments will also cease to be delivered
- For Community Orders/Suspended Sentence Orders with a Rehabilitation Activity Requirement, appointments & delivery of activity days will cease after two-thirds of the order has passed.

2.4.2 Interventions landscape (*HMI Probation research bulletin*)

This examines probation interventions, providing an overview of how well the post-unification landscape is operating, and considering good practices and areas for improvement. There are many current difficulties besetting the probation service prior to the re-commissioning of many interventions. The landscape is now more varied than it used to be with a number of less intensive interventions alongside the long-established accredited programmes. Findings include:

- Evidence supports the use of various probation interventions, and clearly demonstrates the potential for high-quality implementation & delivery to reduce reoffending/support desistance
- About half of recent inspection cases did not receive sufficient/sufficient quality interventions
- Accredited programmes were viewed positively but there were concerns about waiting lists and the ability to access the programmes in a timely

Recommendations include empowering local probation leaders to engage with local services and communities and match the interventions offer to the needs of the local probation caseload. It concludes “Unmanageable workloads have led probation professionals to retreat into risk management at the expense of generative rehabilitative work. This is self-defeating as the best way to reduce risk of harm is to tackle offending-related needs and build upon strengths through evidence-informed and evidence-based interventions.”

2.4.3 Review of Beyond Building Better Relationships programme (*Thematic inspection*)

This is the only accredited intervention for domestic abuse offenders on probation which the MoJ intends to replace with a new ‘generation of programmes’, despite no evaluation following 10 years of its delivery. This describes a service that has struggled to surmount many years of under-resourcing and under-valuing those who work within it. The result has been an understaffed, overworked and (in part) inexperienced workforce, who nevertheless shoulder the burden of negative press attention when failures transpire into another domestic homicide that could have been prevented. The research highlights the importance of:

- Providing practitioners with the time, supervision and skills to develop a therapeutic alliance
- Listening carefully to men’s rationalisations for violence (however unpalatable) and engaging thoughtfully with their accounts of what happened
- Understanding that clients will also need support after groupwork programmes have concluded, anticipating that feeling abandoned can evoke new crises
- Support for practitioners to utilise their own lived experiences in positive ways.

2.5 Youth Justice

2.5.1 Effectiveness of diversion processes for children with SEND & disabilities

(*Report from the Centre for Justice Innovation*)

SEND children are hugely over-represented at all points in the CJS with evidence that 70–90% have some form of SEND. Yet the lack of support for their communication needs may make these children’s experiences particularly difficult and the impact of educational disruptions due to justice system involvement can be particularly severe. Youth diversion offers many children a pathway out of the CJS with evidence that this benefits children by reducing their likelihood of coming back into the justice system or getting further entrenched into it. The research concluded that many parts of the CJS are currently not working appropriately to provide SEND children with the opportunity to avoid harmful CJS outcomes in the same way as their peers. Ensuring that inclusive processes for youth diversion will ensure that this does not compound the disproportionate number of children with SEND in the justice system but will also benefit all children in this system by contributing to a culture which is sensitive to their needs.

2.5.2 Trauma-Informed Practice within the YJS (Insights Report)

This term is increasingly used across public services, intended to increase awareness of the negative impact of trauma, while also preventing re-traumatisation and ultimately reducing offending. While its use is increasing, the practice itself lacks evidence of its effectiveness and the way in which it is understood and applied. This report contributes to the evidence base for trauma-informed practice, examining how the practice is understood and applied in youth justice services. Findings included:

- YJS practitioners have a clear and consistent understanding of this practice, but clarity is needed around the overlap with other practice frameworks eg Child First & systemic working
- Its application is well-understood but there are implementation challenges eg a lack of consistency across partners who work with young offenders, balancing the practice with risk management, & creating an enabling environment for trauma-informed working
- ‘Softer’ outcomes indicating progress towards desistance (eg improved engagement and behavioural changes), are difficult to capture under current service monitoring frameworks. Data primarily focuses on reoffending as an outcome measure, and systems are not set up to see how trauma-informed practice is embedded and applied. Without this evidence base, it is hard to know what is working, where gaps are and how improvements can be made

3. Other issues

3.1 CJS Funding decisions

The March Spring budget included billions in cuts, the impact of which would not fall equally across departments because some, including schools and the NHS, are protected. Under the Treasury’s assumptions, “unprotected” government departments will have a 13% real terms cut from 2025-29. This collectively amounts to a £19bn cut, comparable to the austerity round in 2010. Crucially, virtually no one thinks these cuts will actually be implemented but experts believe the MoJ will bear the brunt, which is already grappling with overflowing prisons and a huge courts backlog. The announced cuts offer little hope of stemming a tide of lawyers quitting rape and sexual assault cases (64% of prosecutors said they planned to stop such work, mainly because of low fees). Equally, the budget offers little hope of addressing the crumbling court estate, which also causes delays. The government has a fairly modest target of getting the backlog in crown courts down to 53,000 by next March (it was 37,000 before Covid) but even that looks difficult to achieve at the moment, with the figure now more than 65,000. The Home Office is also at risk but cuts to eg police or border control would be politically unpalatable for any government.

3.2 Prisoner Accommodation on release (Clinks report - Breaking down the barriers – how to ensure access to the Private Rented Sector (PRS) for people leaving prison)

This highlights the barriers to accessing accommodation (temporary or settled) for people leaving prison or with a criminal record. The Reducing Reoffending Third Sector Advisory Group provides the key interface between the voluntary sector, the MoJ and HMPPS to increase mutual understanding and building a strong and effective partnership. Key findings include:

- Private rental is increasingly unaffordable and inaccessible for people leaving prison, driven by financial insecurity. This is despite private accommodation becoming the default option for many given the increasing barriers to accessing LA accommodation
- This is exacerbated by wider societal issues linked to a broader housing and affordability crisis, and mainly driven by an acute shortage of affordable, rented accommodation
- There are additional barriers to accessing private rentals for people leaving prison, who are disproportionately likely to be faced with financial insecurity
- LHA rates were frozen in April 2020 which meant that almost all rental properties were no longer affordable to people in receipt of Universal Credit and Housing Benefit
- Most landlords are reluctant to let to people leaving prison due to eg discrimination, a tendency to ask for a guarantor which many prison leavers simply do not have, and unscrupulous landlords who receive enhanced housing benefit (for providing support, supervision or care), but then provide low standard accommodation and no support

- Low prison pay rates making it virtually impossible to save money for rent deposits, plus rising rents and stagnant benefit levels
- The Universal Credit system exacerbates financial insecurity, particularly given that claims for the payment cannot be submitted until the day a person has been released from prison often with a significant wait until the first payment is processed. Advance loans need to be repaid

3.3 Drugs

3.3.1 New drugs New super-strength synthetic opioids 250 times stronger than heroin have already claimed lives in British prisons. Drug treatment services have been sounding the alarm for months over fears the potent substances, known as nitazenes, could flood British drugs markets as the Taliban's opium ban restricts heroin supplies, causing more drug deaths. With inspectors and MPs warning it is "inevitable" they will find their way into prisons if prevalent on the outside, experts said that, with the drugs market on prison wings currently "as bad as it's ever been", nitazenes "could take hold very quickly". Urging the government to draw up rapid plans to protect inmates, they warned that "we may already have moved too slowly" – as data reveals the substances have already infiltrated prisons, with fatal consequences.

3.3.2 Drugs and disorder *(Extract from Chief Inspectors blog)*

Over the past year, I have been increasingly concerned about the levels of illicit drugs in prisons, and whilst this is nothing new, I was shocked when we found that, in random tests, more than half the prisoners at a Cat C prison tested positive for illicit drug use. For the first time in my experience, more were under the influence of drugs than sober. We could smell cannabis on the wings and its effects on prisoners were evident. Drugs either get into prisons through the gate; smuggled in by visitors, staff or in the post; or over the fence. Drones can cost thousands of pounds and can be in and out of a jail within 20 seconds. If drugs get in through the gate, all too often it is through corrupt staff, either involving organised crime or individual officers corrupted by prisoners - young and inexperienced officers and health staff can get tempted by large sums of money. Prisons focus on preventing the supply of drugs (eg airport-style body scanners, the use of sniffer dogs and the use of "incentivised substance free wings"/drug-free wings). Disrupting drugs supply, however, will never work without sustained work to reduce the demand, fuelled by boredom (tens of thousands of prisoners continue to spend less than 2 hours out of their cells each day instead of being in full-time education or employment that prepares them to return to the community. Most will one day be released. If they have spent their sentence penned in overcrowded, squalid conditions developing a worsening drug addiction, that has consequences for us all.

3.4 IPPs

3.4.1 Injustice *(Article by Sir Bob Neill, chair of the justice select committee)*

Last year I tried to lay to rest a ghost that has haunted four successive governments: the fate of IPPs still in prison. These are now widely acknowledged as both wrong in principle and unworkable in practice yet there is still a lack of political will to end this injustice with neither the government nor the opposition supporting my amendment to the victims and prisoners bill. There are still over 2,800 IPPs (99% over tariff). 700 have been detained at least 10 years over tariff ie five times longer than the sentencing judge thought appropriate for the offence, and for which others who committed the same crime at the same time might have been sentenced. That is not justice. A clear cross-party consensus holds that IPP sentences are unjust but to date there has been a lack of government will to act. Parliament must now address the fate of those still serving IPP sentences. It is not for parliament to determine the outcome of the resentencing exercise, which is a matter for the judiciary, but the Post Office (Horizon system) offences bill shows that, when the government decides to tackle an injustice, it can be done.

3.4.2 View of progress *(Extract from newspaper article)*

The IPP scandal should not be seen in isolation. It is all part of today's politics by vilification. Everyone agrees that IPP sentences are a disgrace. Yet, since their abolition, policy to remedy the continuing injustice has been at best begrudging. The recommendation for new legislation to allow all IPPs still in jail to be "resentenced". was rejected and instead a new scheme was introduced to

reduce the length of licence to 3 from 5 years The IPP regime is a morbid illustration of how the moralising of social problems can lead politicians to leverage cruelty as a social good. The regime was introduced as part of New Labour's "respect" agenda but, like the Windrush scandal, it was also the product of a deliberately engineered "hostile environment" against people judged not to be sufficiently morally fit. Policies of the respect agenda singled out certain social groups, from "problem families" to benefit scroungers, as moral obstacles. This helped reduce respect for certain groups of people and thereby eroded our sense of mutual obligation. The current Tory government, faced with electoral oblivion, has come to rely on little more than such performative cruelty, displayed in policies from the Rwanda deportation scheme to the two-child benefit cap to the latest assault on "sicknote culture". The continuing reluctance to properly remedy the IPP injustices is scandalous but should not be seen in isolation. It exposes most brutally the consequences of politics by demonisation. We need a final reckoning with the continuing distressing legacy of IPPs. We need a reckoning, too, with the politics of vilification, in whatever form it arises.

3.5 Mental health (*NACRO statement*)

Prisoners are more likely to suffer with mental health problems than the general population and over half of prisoners report mental health issues such as depression, PTSD and anxiety. Mental health is often central to why people commit crime and a prison sentence could be an opportunity for people to address this, getting the help they need and reducing the likelihood of someone reoffending. Unfortunately, it is often a wasted opportunity as many don't get the help they need while they are inside, and often their mental health gets worse. Many face long waiting lists for support, medication disruptions, a lack of meaningful activity and some are locked in their cells for over 22 hours a day. It is no wonder the level of mental health need is high and is getting worse.

3.6 Voluntary Sector (*Clinks annual State of the Sector report*).

Three key themes emerged from the 2023 research:

- The voluntary sector working in CJ is continuing to operate in a challenging environment
- Organisations preferred grant funding over contract arrangements
- Organisations were cautiously confident about their financial sustainability over the next two years but uncertain what service delivery might look like in that time.

Organisations and funders identified what they want a new government to focus on:

- Investment in prevention and rehabilitation
- Leaning on the expertise of voluntary organisations
- Empowering local organisations to deliver in their communities.
- People using services

An overwhelming majority of organisations continued to report an increase in the level, complexity, and urgency of service user need, due to the cost-of-living crisis, the impact of the pandemic, and the longer-term trend towards reductions in public services, creating more acute issues while there were fewer ways for people to access support. Together, these findings raise serious concerns about the quality of services that organisations can deliver, the sustainability of maintaining those caseloads for both staff and service users, and staff welfare and retention.

3.7 Women offenders (*survey by Level Up and the women's charity One Small Thing*)

A majority of the British public backs more lenient sentences for pregnant women and mothers who are convicted of crimes. 53% agreed that a mother with a baby should not be sent to prison (only 28% disagreed) and believed the long-term effect on children should be a key consideration for courts. There is currently no duty in law for judges to consider pregnancy or maternity when sentencing, although there are sentencing guidelines which say that pregnancy must be considered. The finding follows a number of high-profile tragic cases within prisons for newborns and their mothers. Figures show the chances of stillbirth are seven times higher in prison than outside, and evidence showed women were less likely to commit further offences when given community sentences. The MoJ said that improvements had been made which "includes employing specialist mother and baby liaison officers in every women's prison, additional welfare checks and stepping up screening and social services support."