



National Audit Office

**REPORT BY THE
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Managing offenders on short custodial sentences

Summary

Background

1 Over 60,000 adults per year receive custodial sentences of less than 12 months, referred to as short-sentenced prisoners in this report. On any given day they make up around 9 per cent of all prisoners, but account for some 65 per cent of all sentenced admissions and releases. The National Offender Management Service (NOMS), an executive agency of the Ministry of Justice (the Department), is responsible for managing short-sentenced prisoners.

2 The majority of short sentences are for three months or less, whilst only 10 per cent are for more than six months. This means that most short-sentenced prisoners serve less than six weeks as they are automatically released when they have served half their sentence, and only 18-21-year-olds receive statutory probation supervision on release. We estimate that, in 2008-09, the cost of looking after short-sentenced prisoners, not including education and healthcare, was £286 million.

3 Short-sentenced prisoners are most commonly convicted of theft and violence offences. On average, they have 16 previous convictions, which is more than any other group of offenders. They are also more likely to re-offend: around 60 per cent are convicted of at least one offence in the year after release.¹ Based on previous work by the Home Office, we estimate that, in 2007-08, re-offending by all recent ex-prisoners cost the economy between £9.5 billion and £13 billion and that as much as three quarters of this cost can be attributed to former short-sentenced prisoners: some £7 billion to £10 billion a year.²

4 NOMS' goals for custody are to hold prisoners securely, to provide safe and well-ordered establishments in which they are treated humanely, decently and lawfully, and to reduce the risk of them re-offending.

¹ Based on Departmental analysis of those released in the first quarter of 2007.

² See paragraph 1.17.

5 Homelessness, unemployment, substance abuse, mental health and other problems affect short-sentenced offenders more than other prisoners. NOMS has only a short time to try to motivate and support prisoners who may be very needy, unstable from substance misuse, or on remand (thereby delaying the point at which they can start work to address their offending). NOMS addresses these problems through assistance that is organised into seven “Reducing Re-offending Pathways”:

- accommodation;
- education, training and employment;
- mental and physical health;
- drugs and alcohol;
- children and families of offenders;
- finance, benefit and debt; and
- attitudes, thinking and behaviour.

For some pathways, NOMS relies in large part on the efforts of other public bodies that have responsibilities to offenders, for instance, local authorities.

6 The Government has a Public Service Agreement to reduce the frequency of proven adult re-offending by 10 per cent between 2005 and 2011 which it is on course to meet, despite a 3 per cent rise in re-offending (between 2005 and 2007) by those released from short sentences. At the time of our audit the Department was working on a strategy for the short-sentenced prisoner group which it expects to finalise in 2010. Proposals for implementing the strategy’s recommendations will be developed in the light of pilots that are testing and costing some of the emerging recommendations.

7 This report looks at NOMS’ management of adult short-sentenced prisoners including analysis of:

- the offenders who receive short sentences;
- how well NOMS meets their immediate needs in custody; and
- whether NOMS is helping them reduce their risk of re-offending.

Our methods included a survey of 91 prisons holding short-sentenced prisoners, visits to seven prisons, and prisoner interviews and focus groups. In the absence of other sources of quantitative data, we analysed prisoner activity at three prisons and conducted a bottom-up analysis of costs at two prisons. We also interviewed Departmental and agency staff and other stakeholders, and analysed unpublished Departmental data (Appendix 1).

Key findings

Assessing needs

8 Prisons assess the immediate and longer-term needs of most short-sentenced prisoners, but there is wasteful repetition. Processes vary between prisons and assessments are repeated when prisoners move. Background information is usually collected afresh by each prison department as prisoners seek assistance. NOMS does not know the cost of such unnecessary assessments. A simple custody screening tool has been developed which will be tested in Yorkshire and Humberside from April 2010.

Meeting immediate needs

9 The large majority of short-sentenced prisoners feel physically safe in prison. Serious assaults against them are rare and NOMS has improved procedures for identifying those who are suicidal or at risk of self-harm. Nonetheless, more than 1,100 short-sentenced prisoners harmed themselves while in custody in 2008.

10 All prisoners are checked for suicide risk and severe mental illness on arrival. However, only 82 per cent of prisons conduct more detailed assessments of the mental health and emotional needs of all new short-sentenced prisoners. The level of need identified outstrips the supply of care. Departmental data indicate that, while one in three short-sentenced prisoners suffers from anxiety or depression, and one in ten may have a psychotic illness, only one in fifteen receives help for mental or emotional problems.

11 Induction procedures vary greatly between prisons and a significant minority of short-sentenced prisoners find them inadequate. Induction tells most short-sentenced prisoners what they need to know about prison, but some are not in a fit state to take on new information at the start of their sentence, for instance, because of detoxification. A quarter of short-sentenced prisoners said they remained confused after induction, potentially limiting their ability to access prison activities intended to reduce their risk of re-offending.

Providing access to activity

12 The provision of daytime activity for short-sentenced prisoners varies between prisons, but is generally inadequate to meet Her Majesty's Inspectorate of Prisons' standard for a healthy prison. Partly because of overcrowding and the constraints of physical space, there are not enough activity spaces for all prisoners. Between a third and a half of short-sentenced prisoners, including the least motivated, are not involved in work or courses and spend almost all day in their cells.

Reducing the risk of re-offending

13 There is a good match between the Reducing Re-Offending Pathways and the characteristic offending-related needs of short-sentenced prisoners as a group. With the exception of drug services, however, prisons often do not match individual prisoners with appropriate assistance. Prisons were unable to tell us how many short-sentenced prisoners accessed their interventions and assistance; however, the majority of short-sentenced prisoners say they do not get the help they need.³

14 While the primary limitation on what can be done with a short-sentenced prisoner is the time available, prisons are taking too long to give them access to assistance. Even though the majority spend 45 days or less in custody, they wait, on average, for 26 days to get access to an activity in one of the pathways. At male local prisons, where most are held, the average wait is 21 days. The wait is shortest for assistance with accommodation (12 days) and longest for help with their attitudes, thinking and behaviour (57 days).

15 NOMS does not know the cost of its work with short-sentenced prisoners across the pathways, but this is likely to be a small proportion of overall budgets at most prisons.

16 We observed in fieldwork that prisons make a positive difference to some of the short-sentenced prisoners they help, but they do not assess the quality or effectiveness of the activities offered, and there is no evidence that this work reduces re-offending. It is hard to track offenders after release and to connect rates of re-offending with work done in prison. The Department and NOMS are only at an early stage of this analysis. NOMS' new IT system, P-NOMIS, should make it easier to analyse this by keeping better records of the assistance prisoners access.

17 NOMS does not know how many short-sentenced prisoners are having accommodation and employment needs addressed successfully whilst in custody. It is not possible to identify the specific contribution that prisons make to solving these problems by looking at existing Key Performance Targets.

18 Prisons generally provide good joined-up care for short-sentenced prisoners who are illegal drug users, but they do much less with those whose offending is alcohol-related. The prioritisation of help for drug users and the connections made to community services are examples of good practice. However, prisons and their partners put fewer resources into addressing problematic alcohol use, which a third of short-sentenced prisoners said was connected with their offending.

19 Efforts by prisons to link short-sentenced prisoners to other services in the community vary in quality, but tend to be limited and inconsistent. They are made more complex in that prisons may return prisoners to numerous local authorities. NOMS does not provide guidance to prisons on how to develop effective relationships with local authorities and other external bodies, even though all short-sentenced prisoners return quickly to their communities. But we note the plan, published by the Government in November 2009, to improve the way offenders access health services, including mental health and alcohol services.

³ See paragraph 3.11.

The new strategy

20 The Department's intended strategy for short-sentenced prisoners is likely to focus prisons' efforts on what can be achieved in a short time, but the Department has described only in broad terms which types of assistance and which short-sentenced prisoners should be prioritised.

21 The Department and NOMS are also yet to describe how they will monitor the outcomes of work with short-sentenced prisoners, specifically the impact of that work on re-offending rates.

Value for money conclusion

22 NOMS' goals for offenders in prison are to provide safe, lawful custody with humane treatment, to run well-ordered establishments, and to reduce the risk of prisoners re-offending. NOMS is successfully achieving its objectives in terms of keeping the vast majority of short-sentenced prisoners safe and well, a notable achievement in a time of overcrowding, and in this respect it is delivering value.

23 There is, however, little evidence to indicate that NOMS is achieving its goal to reduce the risk of short-sentenced prisoners re-offending, beyond the deterrent effect that prison may have for some of them, and to this extent the delivery of value for money falls short. We recognise that achieving this goal is challenging due to the large size and relatively transient nature of the short-sentenced prisoner population. Nonetheless, it remains NOMS' stated goal, and we consider that more coherent plans, tailored to reducing the risk of re-offending among short-sentenced prisoners, and evidence of progress towards the goal can reasonably be expected.

Recommendations

The draft strategy accepts that NOMS needs to improve its work to address the offending-related needs of short-sentenced prisoners. The challenge is made more difficult, however, because offenders serving longer sentences usually pose a greater risk to the public and, therefore, receive more resources; because NOMS' spend per prisoner is planned to reduce; and because the time that short-sentenced offenders spend in custody is so short. NOMS' focus should be on designing assistance that demonstrably works, rather than the current approach of applying processes to the greatest number of short-sentenced offenders, with little understanding of what the outcome will be.

a **There are weaknesses in how prisons identify and address the offending-related needs of short-sentenced prisoners.** To improve, NOMS should:

- assess short-sentenced prisoners through a single methodology and record the information on a common system that is accessible by all prison departments and by any receiving prison;
- use this information to prioritise which short-sentenced prisoners to focus on;

- define what prisons can expect to achieve in each pathway with offenders serving different lengths of short sentence;
 - streamline the process for allocating prisoners to work and education to reduce average waiting times; and
 - establish a framework for prisons to share good practice.
- b** **There are particular weaknesses in specific pathways.** To address these, NOMS should:
- implement the recommendations of its internal review of prison housing services;
 - provide better access to job-searching tools; and
 - pilot new approaches to alcohol-related offending for short-sentenced offenders.
- c** **There is little knowledge of the outcomes achieved through work with short-sentenced prisoners.** To improve how the effectiveness of prisons' efforts is measured, NOMS should:
- revise Key Performance Targets on accommodation and employment to measure the actual change that prisons effect;
 - set and measure specific targets for other work with short-sentenced prisoners;
 - help prisons form information-sharing arrangements with local authorities and other bodies so they know more about what happens to prisoners after release; and
 - use forthcoming information on the re-offending rates of individual prisons in conjunction with available data about what short-sentenced prisoners do in custody to develop a picture of which interventions are most effective.
- d** **In the coming years, NOMS' resources are likely to remain constrained, and many short-sentenced prisoners, especially those who are unmotivated, will, therefore, spend most of their time in their cells without much purposeful activity.** As resources allow, the Department and NOMS should specifically:
- increase the range of purposeful activities that can be done in-cell; and
 - plan for new prisons to have enough work, educational and other purposeful activity spaces for the maximum population they will hold.