



National Audit Office

# National Offender Management Service: Dealing with increased numbers in custody

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL | HC 458 Session 2005-2006 | 27 October 2005



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LONDON: The Stationery Office  
£10.75

Ordered by the  
House of Commons  
to be printed on 24 October 2005

This report has been prepared under Section 6 of the National Audit Act 1983 for presentation to the House of Commons in accordance with Section 9 of the Act.

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17 October 2005

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## SUMMARY AND CONCLUSIONS



**1** At the end of September 2005 prisons in England and Wales held their highest ever recorded population of 77,300. The prison population is dependent on the number and length of custodial sentences imposed by the courts and numbers of prisoners has increased by 25,000 over the last ten years. Several Home Office initiatives to reform the criminal justice system could limit the future growth of the prisoner population, such as the introduction of the Sentencing Guidelines Council which provides advice on sentencing practices, but many of these reforms will take several years to implement fully.

**2** The large prison population has led to increased levels of overcrowding, stretched resources and, at times, an urgent need to increase capacity. Our analysis of data since 1993 shows that the overall number of people in custody exceeded the certified accommodation available each year from 1994 onwards (see **Figure 1 overleaf**), although numbers were within the useable operating capacity for each year except 2002.<sup>1</sup> According to Home Office research<sup>2</sup>, there were 141 people in custody per 100,000 of the population in England and Wales in 2004, compared to 98 per 100,000 in Germany and 93 per 100,000 in France.

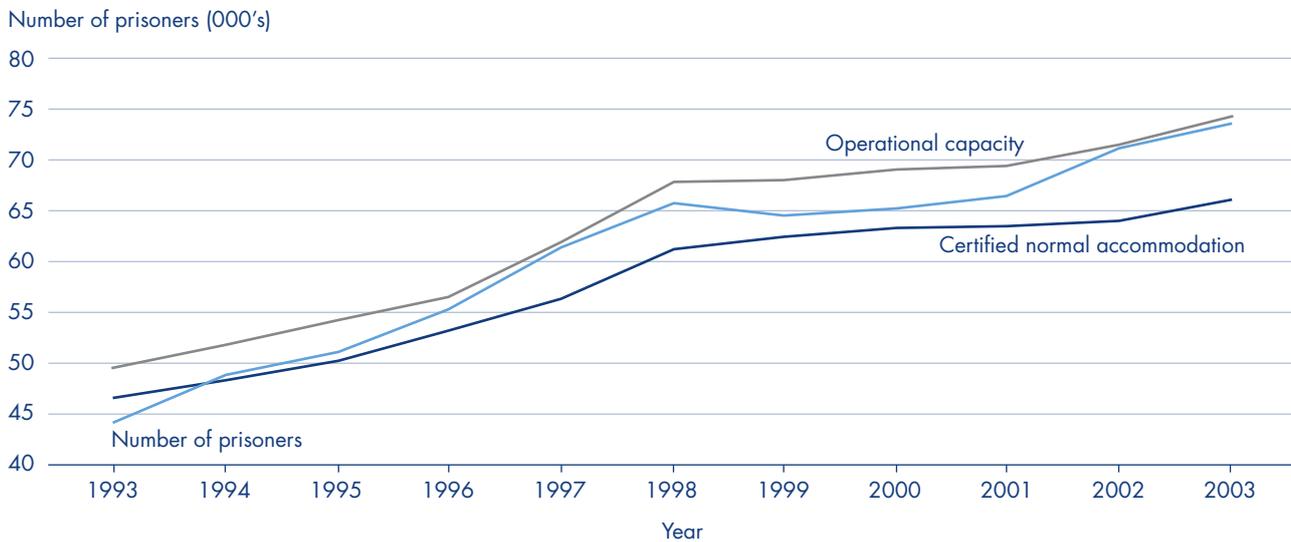
**3** Responsibility for managing and accommodating prisoners rests with the National Offender Management Service. The organisation aims to introduce end to end offender management by bringing together the work of prisons and probation staff. Better management of offenders should reduce the likelihood of re-offending and, hence, future demand for prison places. In the meantime, prisons have had to deal with the pressure on places by increasing the number of cells, increasing the occupancy of cells (for example, by accommodating two prisoners in a cell designed for one), and releasing prisoners early under Home Detention Curfew. Each day the National Offender Management Service assesses the current population as well as the predicted influx from the courts and transfers prisoners between establishments in order to free up suitable places for the new arrivals.

**4** This report examines how the National Offender Management Service dealt with the pressure on places and the implications for performance. In particular, we examined the accuracy of Home Office projections of the future population and the impacts of overcrowding on the adult prison estate (whether the Prison Service had minimised the risks of disruption to prisoner education, and the costs of providing additional cells). Sentencing policy was outside the scope of our remit.

<sup>1</sup> Certified Normal Accommodation (or uncrowded capacity) is the Prison Service's measure of accommodation. It represents the good, decent standard of accommodation that the Service aspires to provide for all prisoners. Any prisoner places provided above Certified Normal Accommodation are referred to as overcrowding places. A governor can exceed the Certified Normal Accommodation, but overcrowding cannot exceed the Operational Capacity of the prison. The useable operational capacity of the Prison Service is the sum of all prisons operational capacity less 1700 places. This is known as the operating margin and reflects the constraints imposed by geographical distribution and the need to provide separate accommodation for different classes of prisoner (i.e. by sex, age, security category, conviction status, and risk assessment). In 2002, the additional prisoners had to be accommodated in police cells.

<sup>2</sup> Walmsley, World Prison Population List (Fifth Edition), Home Office Research Development and Statistics Directorate Findings 234.

**1** The number of prisoners exceeds the certified normal capacity and exceeded the useable operational capacity in 2002 when Police cells were used



Source: National Audit Office analysis of National Offender Management Service data

## Main Conclusions

**5** The prison estate has accommodated a 17 per cent increase in the average prison population between 2002 and 2004 and without any significant increase in prisoner unrest. Sharing a single cell with another prisoner can have its benefits: prisoners can welcome the company and it might deter some prisoners from attempting suicide or self-harm. On occasion, however, requiring a prisoner to share a cell with another person can cause problems: prisoners suggested that not having somewhere to relax alone and being locked in with someone else can result in trivial issues escalating quickly into confrontation or dispute. Nevertheless, most of the prisoners who participated in our study spoke positively about prison officers and other staff taking time to resolve concerns.

**6** Within this context, we concluded that:

- **Projections of the future prisoner population have not proved reliable over the longer term.** The projections are critical to determining the number of places required. Estimating future numbers in custody is complex, being dependent on those administering justice and other factors, such as new initiatives and legislation, sentencing practices, fluctuations in levels of crime, and demographic changes. The potential impact of the Criminal Justice Act 2003, which has yet to be fully implemented, has proved particularly difficult to quantify.<sup>3</sup> Although the projections have proved useful to the National Offender Management Service by illustrating the likely impact of different scenarios, the figures are not sufficiently accurate to determine future prison capacity requirements with much reliability. It is incumbent on the National Offender Management Service, therefore, to maintain flexible working practices so that establishments and staff can, if necessary, be reassigned at short notice to respond to changes in demand for accommodation.

<sup>3</sup> The Criminal Justice Act 2003 introduced a range of new penalties (such as Custody Plus and Custody Minus) and changes in sentences (such as automatic half-way release for non-dangerous offenders with a custodial sentence of 4 years or more).

- **Overcrowding disrupts work to prevent re-offending but the impact of overcrowding could be reduced if prisons changed the way they delivered education courses.** Overcrowding tends to increase the frequency of prisoner moves between prisons and in some cases prisoners spend their entire sentence in a local prison.<sup>4</sup> Our visits to six local prisons confirmed that opportunities for education and other courses are limited. Educational information on each prisoner should be readily available when a prisoner is moved to another establishment. The Offender Learning and Skills Service aspiration that at least 50 per cent of offenders in custody will participate in learning will require local prisons to increase access to courses. One option available to the National Offender Management Service would be greater use of week-end and evening classes, although the Prison Service noted that such activities would require additional funding, including for the provision of such courses and staffing.
- **Future plans to provide temporary accommodation in response to sudden increases in the prisoner population should take account of the lessons learned from the last such building programme.** The Prison Service constructed pre-fabricated quick-build units within existing prisons between 2002 and 2003 to accommodate additional prisoners, but the modular temporary units in particular took longer to put up than envisaged. Delays in assembling modular temporary units arose from the extent of the infrastructure works required to construct the level platform for the units due to the inexperience of the main contractors in procuring the works and provision of on-site services. The contractors also experienced difficulties in getting security clearance from each prison to access the construction sites. Contingency plans to provide further accommodation if the prisoner population rises again need to take account of these lessons in order to minimise the risk that any future delays in construction could require the interim use of police cells.

## Our findings in more detail

Projections of the future prisoner population have not proved reliable over the longer term

7 Unexpected changes in the prison population can cause problems for the prison estate. Despite increases in the number of prison places available, the increase in the average population since 1994 has left the estate close to its operational capacity (the total number of prisoners that establishments can hold without serious risk to good order, security and the proper running of planned regimes, less an operating margin<sup>5</sup>). To meet peaks in demand for custodial places, the Prison Service has relied on police forces to provide cells to accommodate extra prisoners. Police cells were used in 2002, when 23 forces provided around 600 cells for approximately 80 nights, at an average cost of £362 a night, compared to an average cost of £66 a night for a prisoner in a prison establishment. Conversely, any under utilisation of the prison estate would also be expensive: a prison place could cost the National Offender Management Service around £28,000 a year if it remained empty in 2005, although in practice the Prison Service would reduce these costs by transferring staff and prisoners so that a whole prison wing could be 'mothballed'.<sup>6</sup>

8 Previous projections of the number of prison places required have not proved reliable in the longer term and the estimates published by the Home Office have a wide margin of error of plus or minus 1,500 places. By the end of 2004, the actual population was 4,400 below the middle projections issued in September 2002. A National Statistics Quality Review, published in 2002, recommended improvements in the timeliness of data required for the projections. The Home Office confirmed that it does estimate the likely impact on the prison population when developing policy changes, but the estimates cannot be included in the projections until the exact framework for the policy and its implementation has been confirmed.

4 A local prison is a custodial establishment whose primary role is to serve the courts in its catchment area by holding remand and sentenced adult male prisoners. Sentenced prisoners typically comprise newly sentenced prisoners and those on a short custodial sentence.

5 The National Offender Management Service maintains a safety buffer of 1,700 prison places. This buffer, known as the operating margin, reflects the constraints imposed by geographical distribution and the need to provide separate accommodation for different classes of prisoner (i.e. by sex, age, security category, conviction status, and risk assessment).

6 Based on the unaudited cost per prison place from the Prison Service Annual Report 2004-05.

**9** Estimating the future prison population is a difficult task, and unexpected changes are likely to lead to deviations between the projections and actual population over time. The estimates published in January 2005 acknowledged the difficulties in quantifying the impact of the Criminal Justice Act 2003<sup>7</sup> and these estimates had to be revised again in July 2005 when the actual prison population had significantly departed from the projected figures. Although the projections have proved useful to the National Offender Management Service by illustrating the likely impacts of different scenarios, the figures are not sufficiently accurate to determine future prison capacity requirements with much reliability. Reliable projections depend upon reasonable assessments of the likely impact of policy initiatives on the criminal justice system. It is incumbent on the Prison Service, therefore, to maintain flexible working practices so that establishments and staff can, if necessary, be reassigned at short notice to respond to changes in demand for accommodation.

### Overcrowding disrupts work to prevent re-offending and prisons should therefore change the way they deliver education courses

**10** Prisoners, particularly those serving short term sentences, will often serve their entire custodial sentence in a local prison. The National Offender Management Service noted, however, that the principal role of local prisons is to serve the courts in their catchment area by holding sentenced and remand prisoners. As a consequence, their primary function is not to provide offending behaviour courses or other programmes for prisoners. Staff may be reluctant to move shorter term prisoners to places in training prisons because there are few courses they can complete within their sentence. The difficulties in matching prisoners to training prison places may be compounded by delays in assessing the security risk of each prisoner due to difficulties in getting key information from the courts.

**11** Local prisons have limited capacity to provide education and other regimes. Many establishments have introduced a rota system so that all prisoners have some opportunity to attend classes, but courses are likely to take longer to complete as a result, and short-term prisoners may not have the opportunity to complete their education course before their release.

**12** The Learning and Skills Council has begun to take over responsibility for planning and funding offender learning and skills since August 2005 from the Prison Service. The Council has an aspiration to get at least 50 per cent of prisoners involved in learning. The introduction of the 'Offender's Learning Journey', which is being implemented in three development regions<sup>8</sup> before national roll-out in August 2006, requires early assessment of the skills of each new prisoner and development of an Individual Learning Plan. Learning opportunities in custody and the community can then be tailored to the offender's requirements.

**13** The high prisoner population relative to the available capacity also increases the likelihood of prisoners being moved around the estate to free up spaces for those offenders recently sentenced by the courts. Around 5,000 prisoners were moved on 'overcrowding drafts' in 2003-04. Moving prisoners between establishments is expensive: overcrowding drafts cost around £470,000 a year.<sup>9</sup> Short notice moves can also disrupt prisoners' involvement in education courses and, therefore, are likely to be expensive. A prisoner mid-way through a course is unlikely to be able to recommence the same course at the same point at the new prison. The National Offender Management Service does not record how many prisoners start an education course and fail to complete it. As adult prison education is likely to cost £71 million in 2005-06 (excluding high security prisoners), however, the cost of disruption is likely to be considerable. When the cost per completed course amounts to some £1,100 per prisoner, even if only one in ten prisoners moved on an overcrowding draft is unable to complete their education course, this would represent some £550,000 a year.

<sup>7</sup> The Criminal Justice Act 2003 introduced a range of new penalties (such as Custody Plus and Custody Minus) and changes in sentences (such as automatic half-way release for non-dangerous offenders with a custodial sentence of 4 years or more).

<sup>8</sup> The Council took over responsibility for offender learning and skills in North West England, North East England, and South West England from August 2005. The Council will become responsible for all other areas of England by August 2006.

<sup>9</sup> The Prison Service contracted out the transportation of prisoners between establishments for a fixed price. The overcrowding drafts amount to some seven per cent of all transfers made each year. The £470,000 cost represents seven per cent of the total annual cost of the contract (inclusive of VAT).

**14** The introduction of the new offender learning and skills arrangements by the Learning and Skills Council will see the introduction of new arrangements for exchanging data on offender learners' aspirations, achievements and individual learning plans when the offender is moved between establishments or to community-based arrangements. The measures are a short term solution pending the introduction of a National Offender Management Service information system which will include learning and skills data and obviate the need for data to be transferred between establishments. Until these new arrangements are in place, it is incumbent on prison officers to make sure education records are transferred when prisoners are moved between establishments or returned to their community.

### Future plans to provide temporary accommodation in response to sudden increases in the prison population should take account of the lessons learned for the last such building programme

**15** Building new prisons and large houseblocks within existing prisons to accommodate additional prisoners takes time and cannot provide additional places at short notice. Two new prisons were built at Ashford (near Heathrow) and Peterborough in 2004-05 and both establishments took around four to five years to plan, fund and obtain approval, and two to three years to design, procure and build. Houseblocks at existing prisons are quicker, but still take between 18 to 24 months to construct. To meet population pressures between 2002 and 2004, the Prison Service used a mix of different types of accommodation to house the extra prisoners at existing prisons. Besides houseblocks and reclaiming cells by making better use of existing accommodation, two types of 'quick build' accommodation were also used.

**16** The most cost-effective quick-build solution in response to sudden increases in the prisoner population has proved to be brick-clad steel framed units, based on a design used to provide accommodation for on-shore oil field accommodation. The units are manufactured off-site and erected in the prison in an average of 183 days. The units cost around £1,700 to construct per place for a year.<sup>10</sup>

**17** The other solution used in 2002 involved installing modular temporary units. These units can last 15 to 25 years when used in schools and as offices, but due to the demands of prisoners and the specification adopted by the Prison Service, the units are unlikely to last more than ten years. The Prison Service opted to use modular temporary units as a low cost, practical solution to providing new accommodation in the shortest possible time. Contracts with suppliers were let quickly due to the imperative to provide additional prisoner places as soon as possible, and the Prison Service's original programme of work did not take account of the specific infrastructure requirements of each site. The project managers subsequently developed comprehensive site plans when they were appointed, but the contractors had underestimated the site preparation work required. Unlike the brick-clad steel framed units, this was the first time the Prison Service and contractors had built such units in prisons. As a consequence, the units cost £5,600 per place for a year and took on average 134 days to construct, compared to an expected 49 days in the original business case. Although the expected 49 days was probably unrealistic, more detailed initial planning could have reduced the construction time and increased the capacity of the prison estate when the pressures from the prisoner population were at their highest.

<sup>10</sup> Costs are based on the actual capital cost divided by the estimated lifespan of the accommodation.

**18** Whether the National Offender Management Service will require further quick-build accommodation at short notice in future will depend on the changes in the prisoner population. If such a requirement did arise, a detailed contingency plan could reduce the risk of time and cost over-runs during construction. Apart from the £7 million cost over-run for the quick build accommodation constructed in 2002 and 2003, reducing the construction time of modular temporary units in future from an average of 134 days to 100 days could save £10.8 million if the National Offender Management Service would otherwise need to use police cells.

**19** The National Offender Management Service will need a clear strategy to replace the 22 modular temporary units as they come to the end of their useful life. As the foundations and basic services (such as water

and electricity) are already in place for this type of unit, replacing the original units with new modular temporary units may be the most appropriate option. However, these units are only suitable for prisoners who would otherwise be sent to an open prison, or with appropriate additional measures, for “risk assessed” category C prisoners. Replacing those units located in category C or closed prisons with brick-clad steel framed units would enable the National Offender Management Service to use the accommodation to house a wider range of offenders.

## Our approach

**20** In carrying out this examination we sought evidence from a range of sources (see Figure 2). Further details of our methodology can be found in Appendix 1.

## 2 Our sources of evidence in carrying out this examination

### Method

- Visits to local prisons affected by population pressures
- Visits to prisons using quick-build accommodation
- Review of the prison population forecasting model, National Offender Management Service data and planning procedures relating to quick-build accommodation
- Visits to contractors and external project managers involved in building of quick-build accommodation
- Visits to police forces to interview staff involved in Operation Safeguard
- Review of third party opinions, including those of HM Inspectorate of Prisons and the Independent Monitoring Boards
- Obtain information from other national prison bodies on their responses to overcrowding

### Purpose

- To establish how population pressures are affecting the day-to-day running of prisons and how the National Offender Management Service is responding
- To measure the impacts which quick-build accommodation has on the operations of a prison and to determine its cost effectiveness
- To determine whether the forecasts give a sound foundation for planning and to establish the timeliness and cost effectiveness of the quick-build accommodation building programme
- To establish the contractors’ and external project managers’ views on the construction process and to find examples of good practice and difficulties encountered
- To establish the cost effectiveness of use of police cells as emergency accommodation and to determine any operational difficulties encountered
- To determine how external bodies regard prison overcrowding and to establish whether there are any patterns of opinion between those prisons that are or are not overcrowded
- To find examples of good practice in countries that have also experienced prison population pressures



## RECOMMENDATIONS

21 We recommend:

### Providing an integrated and consistent education and rehabilitation programme

- a) The National Offender Management Service, in conjunction with the Learning and Skills Council and with the Department for Education and Skills, should develop shorter, modular, education courses which can be standardised across establishments to minimise disruption when prisoners are transferred.
- b) Until the introduction of electronic information systems to improve access to education records, establishments should arrange for relevant education records to be transferred when a prisoner is moved from one establishment to another.
- c) The National Offender Management Service should, in conjunction with the Learning and Skills Council and with the Department for Education and Skills, explore the feasibility of introducing evening or week-end courses in local prisons to increase learning opportunities for prisoners.

### Building accommodation more quickly

- d) The National Offender Management Service should develop a clear action plan specifying how it would replace the modular temporary buildings before the units become due for renewal. In developing this plan, they should explore the feasibility of replacing the modular temporary buildings with brick-clad steel framed units or with traditionally constructed units.
- e) The National Offender Management Service should develop contingency plans for an emergency building programme which include a list of potential sites within the existing prison estate, detailed building and site specifications, and a list of potential contractors who have the experience and resources for such work. The plans should include arrangements to recruit additional staff for the accommodation and an assessment of the impact of the new building on existing services, such as sewerage capacity.
- f) Prison security requirements should be revised so that when a contractor's staff obtain security clearance at one prison they do not have to go through the same procedures at any subsequent prisons.

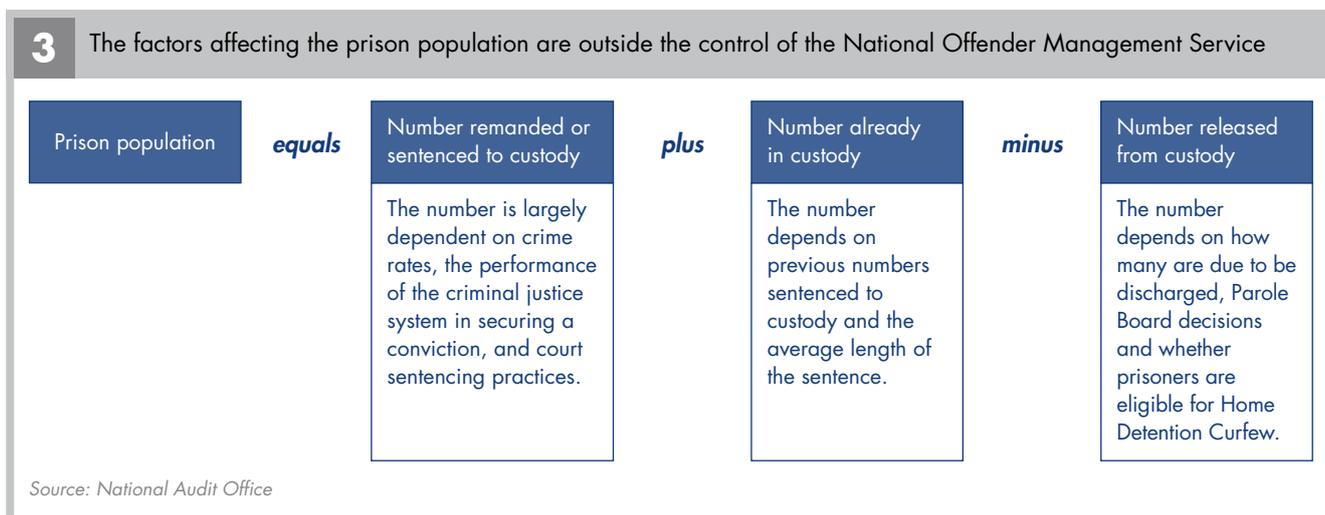
## PART ONE

The prison population has expanded rapidly over the last ten years



**1.1** England and Wales have the highest rate of imprisonment in Western Europe. According to research by the Home Office<sup>11</sup>, there were 141 people in custody per 100,000 of the population in 2004, compared to 98 per 100,000 in Germany and 93 per 100,000 in France. The number of people in prison in England and Wales increased by 26,000 between 1994 and 2004, reaching 77,300 in September 2005. Home Office projections indicate the prison population could be between 76,900 and 87,840 by 2010.

**1.2** The size of the prison population is largely dependent on three key factors: the number of people remanded or sentenced to custody; the average length of sentence; and whether a prisoner can be released early. As **Figure 3** shows, these factors are outside of the National Offender Management Service’s control.



11 Walmsley, World Prison Population List (Fifth Edition), Home Office Research Development and Statistics Directorate Findings no. 234.

**1.3** The Population Management Unit within National Offender Management Service headquarters assesses the prisoner population each day and the predicted influx from the courts. The unit notifies those prisons who will need to transfer prisoners in order to free up sufficient space for those received from the courts. It is the responsibility of each prison to identify who should be moved. Prison Service Orders<sup>12</sup> specify the primary considerations to take into account are the need for security and the needs of individual prisoners (including factors such as vulnerability, medical needs, offence related behavioural programmes, maintenance of family ties, and educational and training needs).

**1.4** This part of the report outlines how the Prison Service sought to accommodate the additional prisoners, Home Office initiatives which might reduce numbers in custody, and its projections of future demand for custody. Our key findings are:

- Prisons in England and Wales have been overcrowded for many years.
- Around two in five prisoners shared a cell in 2004.
- Home Office initiatives to reform the criminal justice system could limit the growth in the custodial population in the longer term.
- The large number of changes to the criminal justice system have meant projections of the future prison population are difficult to quantify.

## Prisons in England and Wales have been overcrowded for many years

**1.5** Local prisons<sup>13</sup> have frequently been overcrowded: the Woolf report into the Strangeways riot in 1991<sup>14</sup>, for example, cited overcrowding as a factor. Our analysis of data since 1993 shows that the increase in the average prison population since 1994 has led to the overall number of people in custody exceeding the certified accommodation available each year, although the estate has kept within its operating capacity. Certified Normal

Accommodation (or uncrowded capacity) is the National Offender Management Service's measure of uncrowded accommodation. It represents the good, decent standard of accommodation that the Service aspires to provide for all prisoners. Any prisoner places provided above Certified Normal Accommodation are referred to as overcrowding places. A governor can exceed the Certified Normal Accommodation, but overcrowding cannot exceed the Operational Capacity of the prison.<sup>15</sup> The Operational Capacity represents the total number of prisoners that an establishment can hold without serious risk to good order, security and the proper running of the planned regimes.<sup>16</sup> Her Majesty's Inspectorate of Prisons and the Independent Monitoring Board at each establishment scrutinize the treatment of prisoners and whether their living conditions comply with human rights requirements.

## Around two in five prisoners share a cell

**1.6** The Prison Service sought to minimise the proportion of prisoners required to share a cell intended for fewer prisoners. The Service had a target to keep the proportion below 18 per cent of prisoners, but the target was exceeded in 2002-03 and 2003-04 (when 22 per cent of prisoners had to share a cell).<sup>17</sup> It should be noted that sharing a cell does not always constitute overcrowding, as many cells are certified to hold multiple prisoners. Overcrowding occurs when two prisoners share a cell designed for one or three share a cell designed for two, and can also occur in dormitory accommodation. One in five prisoners share accommodation that is not crowded in cells or units of accommodation designed to be shared. Overcrowding remained high in 2004, with most of the overcrowding in local prisons for adult males (see Figure 4). The National Offender Management Service has revised the target to reflect the increased number of prisoners and now aims to keep overcrowding to below 24 per cent for public prisons and 35 per cent for private prisons. The higher target for private sector prisons reflects their more modern establishments (with larger cells more suitable for doubling) and their use mainly for adult male prisoners.

<sup>12</sup> PSO 0900 'Categorisation' and PSO 2300 'Resettlement'.

<sup>13</sup> A local prison is a custodial establishment whose primary role is to serve the courts in its catchment area by holding remand and sentenced adult male prisoners. Sentenced prisoners typically comprise newly sentenced prisoners and those on a short custodial sentence.

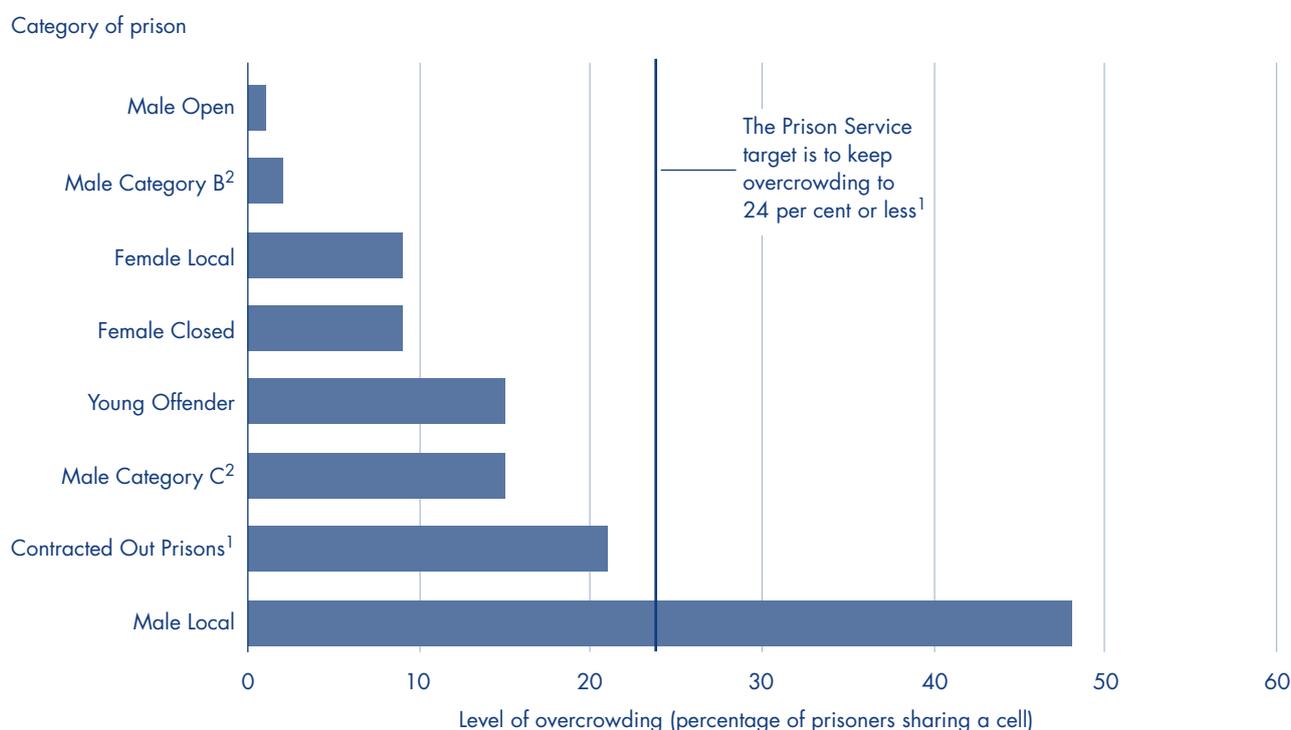
<sup>14</sup> *Prison disturbances April 1990: Report of an Enquiry*, Lord Justice Woolf and Steven Tumin, HMSO 1991.

<sup>15</sup> The useable operational capacity of the Prison Service is the sum of all prisons' operational capacity less 1700 places. This is known as the operating margin and reflects the constraints imposed by geographical distribution and the need to provide separate accommodation for different classes of prisoner (i.e. by sex, age, security category, conviction status, and risk assessment).

<sup>16</sup> Prison Service Order 1900.

<sup>17</sup> The target refers to the proportion of prisoners accommodated in another prisoner's cell. Hence, if one in five prisoners are placed with other prisoners, two in five prisoners share a cell.

#### 4 Local prisons experienced the highest level of overcrowding in 2004



Source: National Audit Office analysis of National Offender Management Service data

#### NOTES

- 1 Contracted out prisons have a separate target to keep overcrowding to less than 35 per cent of prisoners.
- 2 Category B and C refer to the security classification of prisoners. A category B prison is suitable for prisoners who pose a risk to society but do not warrant the highest security conditions. Category C prisoners pose less of a risk and such prisons have a greater emphasis on training.

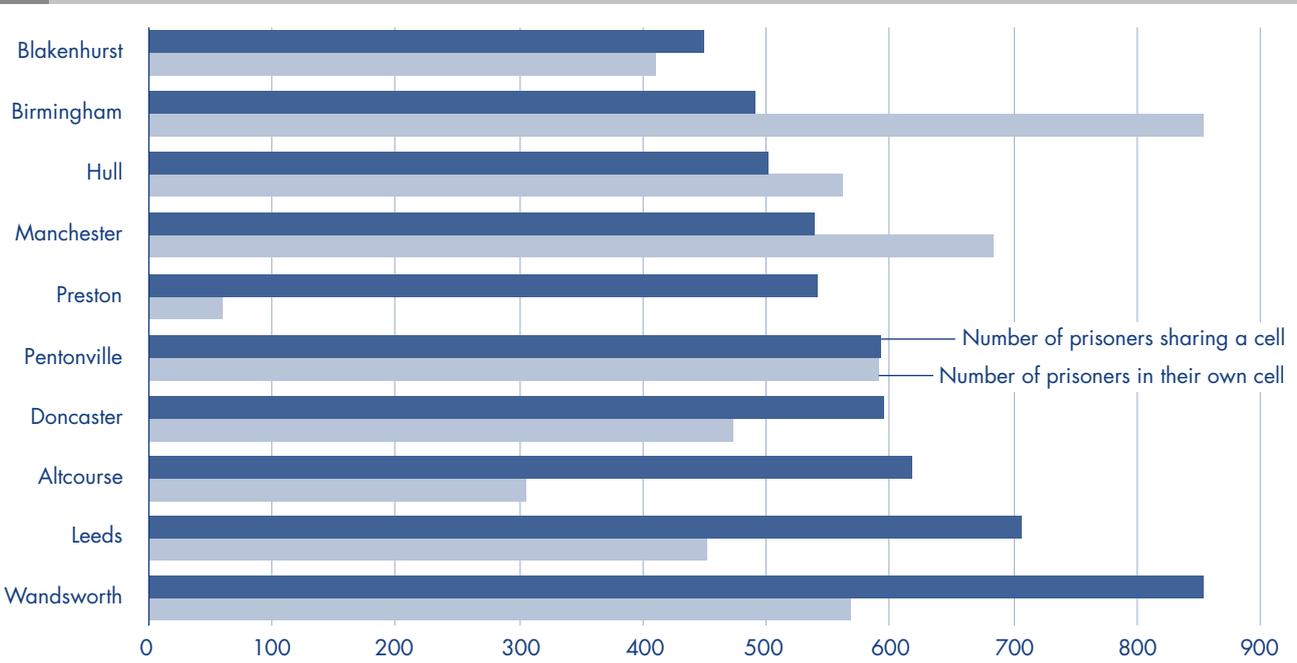
**1.7** The ten most overcrowded prisons in England in 2004 accounted for 5,900 out of the 18,400 prisoners required to share a cell in crowded conditions (see Figure 5 overleaf). Our visit to Preston prison, for example, confirmed that single cells were typically used to accommodate two prisoners, including the cells in the induction wing and the voluntary drug testing wing. The only single cells were those in the care and separation unit used for vulnerable prisoners. Other countries have also experienced overcrowding (see Appendix 2). We were unable to determine whether prisoners in more overcrowded establishments were more likely to re-offend after release than those in less crowded prisons. This was partly because prisoners are often moved between prisons during their sentence and because any variations in re-offending rates could reflect the difference in the security classification of prisoners held in each type of accommodation.

## Home Office initiatives to reform the criminal justice system could limit growth in the custodial population in the longer term

**1.8** The Home Office commissioned Lord Carter to review the use of correctional services. His December 2003 report<sup>18</sup> concluded that far greater use was being made of prison and probation, despite the number of people being arrested and sentenced remaining broadly constant; sentences were poorly targeted and did not bear down sufficiently on serious, dangerous and persistent offenders; and the variation in sentencing practice between areas remained too large. His report recommended that custody should be reserved for serious, dangerous and persistent offenders.

18 Patrick Carter, "Managing Offenders, Reducing Crime. A New Approach" December 2003.

**5** The number of prisoners sharing a cell or on their own at the ten most overcrowded prisons in England and Wales in 2004



Source: National Audit Office analysis of National Offender Management Service data

**NOTE**

Doncaster and Altcourse are private prisons.

**1.9** Following the Carter Report the Government and the Home Office instigated a number of initiatives which could limit the growth in the prison population in the longer term:

- **The establishment of The National Offender Management Service.** Set up in June 2004, its aim is to bring together probation and prison services. Regional offender managers will be responsible for managing offenders in the nine English regions and Wales to source prison places, community punishment, supervision and other interventions through contracts with public, private and voluntary sector providers.

- **The Criminal Justice Act 2003.** The Criminal Justice Act received Royal Assent in November 2003 and many of its provisions were introduced in April 2005. Legislative changes include the introduction of a new framework for mandatory life sentence prisoners; new sentences (custody plus and custody minus) to deliver a seamless use of community and custodial punishment; a new sentence of intermittent custody (where offenders take an extended time to serve a prison sentence during part of the week and remain in the community for the remainder of the time); a new generic community sentence; new arrangements for the automatic release, at the halfway point for those prisoners serving over 12 months who are not considered dangerous; and new sentences for dangerous offenders geared towards public protection.

- **The establishment of the Sentencing Guidelines Council.** The Council was set up to provide advice to the courts on sentencing practice and to provide a framework for improving consistency. Council members include representatives from the judiciary, and the Chief Executive of the National Offender Management Service attends as an observer. The Council has published three guidelines on the seriousness of an offence, the reduction of sentence for a guilty plea, and the new sentences introduced by the Criminal Justice Act 2003 which could limit the growth of the prison population. However, the Council is likely to take at least five years to produce guidelines covering the majority of types of offence.
  - **The use of electronic tagging.** Two initiatives using electronic monitoring technology have been introduced. Home Detention Curfew allows some offenders sentenced to between three months and four years imprisonment to be released between two weeks and four-and-a-half months early on an electronically monitored curfew. Adult Curfew Orders are an alternative to custody and can be given to offenders for terms of up to six months.
- 1.10** The Home Office expect these initiatives to limit the prison population to a ceiling of around 80,000 places by 2008 (see Figure 6). In the interim, however, the Home Office expects the prison population to continue to rise.
- The large number of changes to the criminal justice system have made it difficult to quantify projections of the future prison population
- 1.11** The Home Office's Research Development and Statistics Directorate produce short-term and long term prison population projections:
- **Short-term projections** are used for estate planning and development, and financial planning. The projections use data on the current prison population, projected numbers of receptions, estimates of release dates and seasonal variations to estimate the prison population at the end of each month for the next two years.

**6** The Carter Report reforms are expected to reduce the prison population to a ceiling of around 80,000 places by 2008



Source: Home Office Spending Review submission

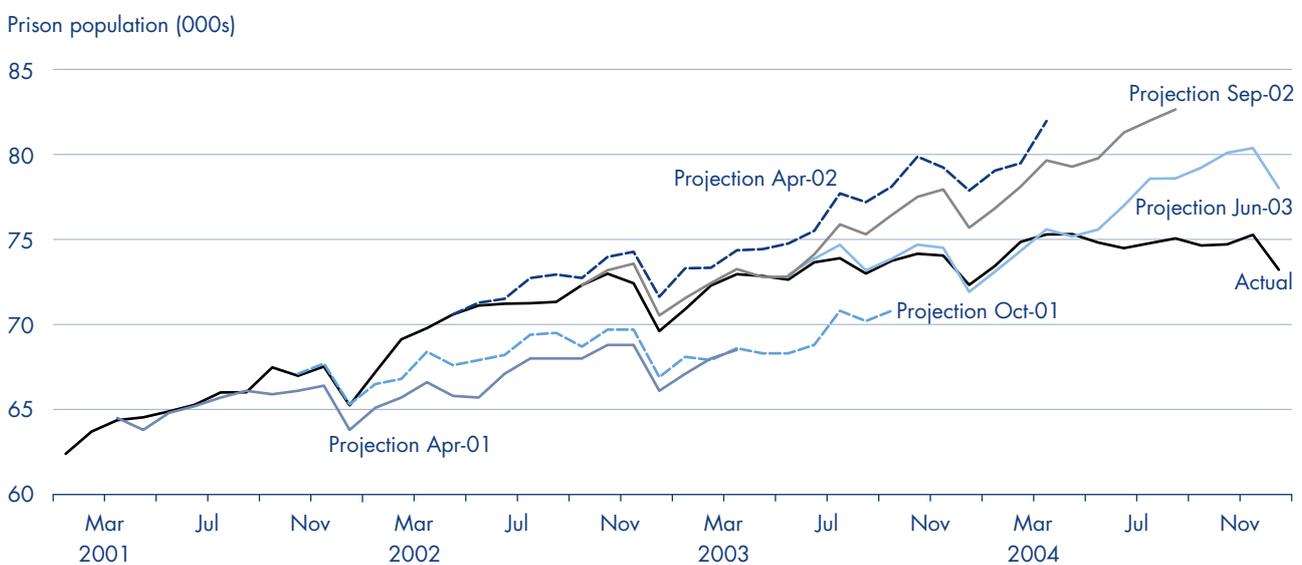
■ **Long-term projections** are used to determine the future workload for prisons. The model uses demographic data, and existing custody rates, adjusted to take account of seasonal variations, legislative changes and other initiatives likely to impact on the numbers in custody. The long term projections are for seven years, although the first two years of the model are the same as the short-term model.

**1.12** Previous projections have not proved reliable in the longer term. Projections issued in 2001 did not predict the rapid increase in the prison population during 2002. By June of that year the actual prison population was around 3,000 higher than the projection (see Figure 7). The projection issued in September 2002 overestimated numbers and by September 2003 the actual population was 2,700 less than the projection. The projection was revised in June 2003 and proved accurate up to May 2004. By the end of 2004, however, the actual population was 4,400 below the projection.

**1.13** The assumptions that underpin the projections are based on consultations with the policy teams within the Home Office and other external organisations. For instance, the projections published in January 2005 included input from the Prison Service, National Probation Service, Sentencing Guidelines Council Secretariat, National Offender Management Service, Office of Criminal Justice Reform, the Crown Prosecution Service, and the Department for Constitutional Affairs. Where there is an agreed timescale of implementation for the strategy, policy or initiative, the likely impact on the prison population is included in the projections.

**1.14** The Home Office issued revised projections of the prison population in January 2005.<sup>19</sup> There were ten projections, covering different scenarios, which indicated that the prison population would increase to between 76,900 and 87,840 by 2010. The projections identified five key factors which were likely to influence the prison population:

**7** Previous projections of the prison population quickly became inaccurate



Source: Home Office Research Development and Statistics Directorate

19 N de Silva, Prison Population Projections 2005-2011, England and Wales, January 2005.

- **Sentencing trends.** Changes in sentencing practices by the judiciary can affect the number of people in custody. The lowest projection of prisoner numbers assumed that the proportion of defendants sentenced to custody and the average length of sentence remained the same. The highest projection assumed a one per cent increase in each factor each year between 2004 and 2006 and a 0.5 per cent increase in the average custodial sentence length, and a one per cent increase in the custody rate in each subsequent year.
  - **The impact of the Sentencing Guidelines Council.** The lowest projection of the prison population assumed the Council's work and other similar initiatives would lead to a 15 per cent reduction in average sentence lengths for those sentenced to custody for a year or more (in line with the recommendation made by the Council in its Guideline on the Criminal Justice Act). The highest projection assumed that the Council would not have an impact on the average length of a custodial sentence.
  - **Implementation of the Criminal Justice Act 2003.** Key legislative changes were put through the Criminal Justice System Model to determine what impact they were likely to have on the prison population.<sup>20</sup> **Figure 8 overleaf** summarises the main anticipated impacts of the legislation. In the absence of an agreed timetable for full implementation, the projections did not take account of the potential roll out of existing pilots of intermittent custody or the implementation of bail measures. The lowest projection of the prison population took account of what policy makers considered to be the most likely outcomes, whilst the highest projection assumed the legislation had minimal impact.
  - **Initiatives to reduce crime and narrow the justice gap.** Narrowing the justice gap refers to initiatives to reduce the proportion of crimes where the offender is not brought to justice. The lowest and highest projections assumed that the number of reported crimes would decrease by 5 per cent each year and that the arrest rate would increase by 6.5 per cent a year.
  - **Home Detention Curfew and other policy initiatives.** The highest and lowest projections of the prison population assumed a reduction of around 500 places by April 2006 as a result of the extension of Home Detention Curfew to offenders with a custodial sentence of four years or more. The projections also assumed a steady increase of up to 1,500 additional prisoners over the projected period as a result of the introduction of a mandatory minimum sentence for third time domestic burglars.<sup>21</sup>
- 1.15** Prison population projections provide an approximate indication of the likely need for custodial places in the future. The Home Office estimated that the January 2005 projections were accurate to within plus or minus two per cent each year, equivalent to around plus or minus 1,500 prisoners by 2007. However, the projected changes to the population as a result of the future implementation of the Criminal Justice Act have proved difficult to quantify and the population could deviate from the forecasts by more than plus or minus two per cent. By the end of June 2005 the actual prison population differed significantly from the projections: the population was nearly 2,000 above the high scenario projection. As a consequence, the Home Office revised the projections in July 2005.

20 The Criminal Justice System Model is a simulation model designed to assess the impact of legislation and other significant changes affecting the Criminal Justice System of England and Wales. The model simulates offenders as they are processed through the system.

21 S.111 of the Powers of Criminal Courts (Sentencing) Act 2000.

## 8 Projected impact of the Criminal Justice Act 2003 on the prison population

Legislative change	Impact	Projected impact on the prison population
The introduction of Custody Plus.	Negative	Custody Plus refers to the new sentence of under 12 months imprisonment, in which an offender spends between two weeks and 3 months in custody and a minimum of 6 months on licence in the community. The projection assumes that the initiative will come into effect from April 2006.
The introduction of Custody Minus.	Negative	Custody Minus is a new suspended sentence: the offender will complete a community sentence but a breach will result in custody. The projections assume custody minus would be used for offences committed from April 2005 onwards. The projections estimate that between 25 per cent and all offenders who would otherwise receive a custodial sentence of one to two months will get Custody Minus instead.
The introduction of the Community Order	Negative	The Community Order is a new single community sentence which can be tailored to include any combination of different requirements. The projections assume that the Community Order would be used for offences committed from April 2005 onwards.
Sentences for public protection	Positive	Offenders who are convicted of a serious offence and who are considered by the sentencer to pose a future threat will be regarded as 'dangerous'. The offender will be given either an extended or indeterminate custodial sentence. The model assumes this provision will apply to all relevant offences committed after April 2005. The projections assume such offenders are likely to spend a greater proportion of their sentence in custody.
Half-way release for offenders with a custodial sentence of 12 months or more	Negative	All offenders given a custodial sentence of 12 months or more (and not just those serving between 12 months and 4 years as now) will automatically be released after serving half their sentence unless deemed 'dangerous' (see above). The projections assume that this provision will apply to all such offenders for offences committed from April 2005.
Charging Programme	Neutral	The Crown Prosecution Service will determine what charges should be brought against defendants in all but the most minor offences. The model assumes that from April 2005, there will be an 11 per cent increase in the likelihood of a defendant due to appear in a Crown Court pleading guilty, counter-balanced by guilty pleas reducing sentence length.
Extended sentences for firearms offences	Positive	The introduction of a mandatory minimum sentence of five years for certain firearms related offences. Although this provision came into effect in 2004, the model assumes it will have little impact before 2005. The projections assume that all such offenders will receive a sentence of at least five years.

Source: National Audit Office summary of Home Office papers



## PART TWO

### Prisoners' attitudes on the impact of overcrowding in a local prison



**2.1** This part of the report summarises the views and comments raised by prisoners during our discussion groups at each of the local prisons we visited. Comments from prisoners do not necessarily reflect the actual performance of prisons; their perceptions are based on only limited information. Nevertheless, prisoners' views are important in assessing the impact of an increased prisoner population, for example whether overcrowding is likely to increase tensions and, therefore, the risk of prisoner unrest.

**2.2** The research comprised five focus groups, at Leeds, Cardiff, Wandsworth, Altcourse and Preston prisons. Between five and eight prisoners were recruited at each prison: the prisoners had a range of sentence lengths, shared or had shared a cell, had been in other prisons before and were generally from different parts of each prison. The focus groups were concentrated in local prisons as this tends to be where overcrowding is at its highest. The National Offender Management Service noted, however, that the principal role of local prisons is to serve the courts in their catchment area by holding sentenced and remand prisoners. As a consequence, their primary function is not to provide offending behaviour courses and other programmes for prisoners. Our key findings were:

- There is a risk of tension between prisoners required to share a cell.
- Prisoners considered that overcrowding limited their access to facilities.
- Relations with staff can become strained, but time spent by Prison Officers dealing with prisoners' personal problems is appreciated.

## There is a risk of tension between prisoners required to share a cell

**2.3** Sharing a single cell with another prisoner can have its benefits – prisoners can welcome the company and it might deter some prisoners from attempting suicide or self-harm. At other times, however, requiring prisoners to share a cell can cause problems and, in worst cases, endanger life. Putting incompatible prisoners together in a closed environment has, in the past, led to violence. Most of the prisoners we interviewed shared a cell: reaction to this was both positive and negative. If they were able to share with someone with whom they got on well they enjoyed the company. However, problems could be caused by loss of possessions, personal hygiene and even arguments over which TV channel to watch. Importantly, many prisoners noted that when sharing a cell they had no opportunity to have time alone to relax and unwind. Prisoners also commented that shared cells could be cramped, noisy and unhygienic, but that a part of prison life was learning how to adapt to these conditions.

*“If you're having a bad day there's no way you could just get in that room and just chill-out on your own for an hour or two - there's nothing like that here, is there?”*

**2.4** Our interviews with staff confirmed that officers do take account of preferences (such as whether someone smokes) wherever possible when allocating prisoners to cells. Prisoners' preferences have to be weighed against other criteria, however, such as security implications and the availability of spare beds. A cell-sharing risk assessment must be completed for every new prisoner received into custody or moving location. This guides staff to look out for violent, racist or homophobic tendencies, risk of self-harm, anti-social behaviour or mental illness.

## Prisoners considered that overcrowding had limited their access to facilities

**2.5** Prison facilities in general were often seen by prisoners to be inadequate. In particular, insufficient access to meals, telephones, showers and the gymnasium were cited as some of the main causes of tension in prison. The comments are prisoners' perceptions and in practice do not necessarily reflect the actual facilities at each prison. Independent Monitoring Board reports and Her Majesty's Inspectorate of Prisons reports have noted the progress made by establishments in providing access to facilities.

*"The original jail was meant for 600 people, there's 1,100 people here now but nothing's changed; the kitchen hasn't got bigger .. the education blocks aren't getting bigger, the food's got worse."*

**2.6** Medical and dental services were thought to be lacking with dentists especially tending to have long waiting lists for appointments. Prisoners' perceptions were that stretched prison resources were being directed towards drug related problems in priority to other areas and that prisoners who were drug free were being unfairly treated as a result. Our review of Independent Monitoring Board reports and subsequent interviews with Board members at prisons we visited confirmed that prisoners might have to wait longer than the public for an appointment with a doctor or dentist. The focus on drug treatment reflects the extent of the problem in prisons, however: on average prisoners tested positive for drugs in 11.8 per cent of Mandatory Drugs Test (MDT) in 2004-05.

*"'Excellent healthcare' and all that lot; that is just a joke – honestly, it is – it's a joke – we're meant to get the same healthcare in here as you get outside ..."*

*"Which is where we come to; it doesn't matter what you talk about in the prison .. we'll go round in a circle and it'll come back to the same spot every single time; everything revolves about people rehabilitating from drugs – everything."*

**2.7** Prisoners also raised concerns that overcrowding meant the visitor system was under strain. Booking systems were regarded as inadequate in some prisons and if a visitor misses their time for any reason it is often perceived to be impossible to rearrange the visit.

*"In Belmarsh it's worse than it is here. My wife ... would take between 3-5 days to get through and that's ringing constantly (as much as you can with the children) and when she does get through the bookings would be in excess of 5 days. Here it's a little bit better – like she could get through on the Monday and perhaps get one for Thursday/Friday and that's a sore point because with all of them that's been so important, the visiting's so important .. do you know what I mean? ..and the telephone calls because if you lost that link .. then your relationships will start to die away – it's really important"*

## Relations with staff can become strained, but time spent by Prison Officers dealing with prisoners' personal problems is appreciated

**2.8** Our interviews with offenders indicate that there was some disappointment that association or exercise time could be lost because of a lack of staff resources. However most of those interviewed confirmed that staff worked hard to deal with their concerns and minimise the risk of self-harm, bullying or suicide. Many prisons operate a Personal Officer scheme where each prisoner has a named officer whom they can approach for support and advice. Typically, an officer will act as a mentor to prisoners during their imprisonment. Even where such a scheme was not in operation, most of the prisoners in our focus groups spoke positively about prison officers and other staff spending time with individuals. In addition, the National Offender Management Service have devised a new staff training scheme, in conjunction with the Department of Health and the National Institute for Mental Health in England, to improve suicide risk assessment, crisis management and mental health awareness. The National Offender Management Service has similarly revised the training for newly recruited prison officers.

*“You used to get association on a Saturday morning, they’ve stopped it for the simple reason that there’s that many people receiving drugs (prescription drugs), who are, so-called, ‘druggies’ - they had to stop it because they haven’t got the staff to cover that and to cover association”*

*“They’re just doing their job, innit but I’ve had loads of conversations with them on the landing and you can pull up next to them and they’re there when you’re on association (just to make sure there’s no fighting going on) and I’ve talked to many of them .. and they’ve made me feel better, just talking about life in general and asking them questions and everything and they’re more or less a help but then obviously anyone can come in and they’ve had a bad day... but I’d say the majority are just doing their job and there’s just a mutual respect and everything’s all right, I’ve got no problems with the officers and they haven’t got any problems with me.”*

*“Some officers try anything to help you, you know, they try their best. A couple of days ago I was really depressed and, you know, the officer came in my cell and got me out, sat there for about an hour with me, talking to me and it really helped, it really, really helped me and that was really nice of him, you know”.*

**2.9** Some prisoners recognised that it was possible for them to support each other when staff were unavailable, for example through the use of the Listener scheme (where designated, trained prisoners are available for other prisoners to confide in). In addition to Listener schemes, some establishments have introduced the ‘Insiders’ scheme. Insiders are peer supporters, selected and trained by officers, to offer information and practical support to new prisoners during reception and their first night in custody. The role includes welcoming new prisoners in reception, first night and induction, addressing immediate concerns and sharing basic information, including countering misinformation.

**2.10** Any formal requests that prisoners have, for example to see a doctor, to change cell mate or to move prison must be made through a written application to the relevant prison officer. There was concern that the length of time taken to answer some of these requests was too long and that sometimes many requests must be made for the same thing before any action is taken.

*“I had to put three applications in to change my clothes... That’s like an unwritten rule; you don’t just put one in.”*

## PART THREE

Plans to encourage more prisoners to improve their education depend upon overcoming the problems caused by overcrowding



## Improving prisoners' skills is key to helping them find a job in their community after release

**3.1** The effective resettlement of prisoners into their community is a key priority of the National Offender Management Service, and it depends in part upon giving prisoners the opportunity to improve their skills so that they have a better chance of finding a job. Our report on 'Reducing Prisoner Reoffending' established that 60 per cent of prisoners had poor literacy skills and 75 per cent poor numeracy skills.<sup>22</sup> The report found that although the link between the provision of basic education and the level of reoffending was indirect, the National Offender Management Service should ensure all prisoners who would benefit from such courses are given the opportunity to do so.

**3.2** Since 2001 the Prison Service had shared responsibility for the planning and provision of education programmes in prisons with the Department for Education and Skills. In March 2001 the introduction of the Skills for Life strategy began a long term programme to break the cycle of low literacy and numeracy skills in England.<sup>23</sup> The number of courses completed by prisoners has increased each year thereafter. The number of basic and key skills courses completed by prisoners has increased

from 130,500 in 2002-03 to nearly 220,000 in 2004-05. As a result, prisons are one of the largest providers of education for language, literacy and numeracy in England and Wales; prisoners comprise over 10 per cent of those who achieve the National Skills for Life qualification.

**3.3** The Learning and Skills Council has begun to take over responsibility for planning and funding offender learning and skills work from the Offenders' Learning and Skills Unit in the Department for Education and Skills. The Council provided such services in North West, North East and South East England from August 2005, and will take over the remaining regions of England by August 2006. The National Offender Management Service believes the changes will bring the learning and skills arrangements for prisoners more into line with mainstream arrangements for adult learners.

**3.4** Overcrowding in prisons can disrupt activities like education. Our key findings are:

- Overcrowding in local prisons can restrict opportunities for prisoners to complete education courses.
- Overcrowding has increased the likelihood that prisoners will be moved around the estate, with consequent disruption to their programmes and courses.

<sup>22</sup> Reducing Prisoner Re-offending, HC548 Session 2001-02.

<sup>23</sup> Further details of progress made by the Department in meeting this strategy can be found in the NAO report 'Skills for Life: Improving Adult Literacy and Numeracy'; HC 20 Session 2004-05.

**3.5** Experience in other countries also appears to demonstrate that overcrowding can lead to disruption. The Department of Corrections in New Zealand, for example, explained that the potential consequences of overcrowding can include a rise in prison tensions, increased levels of stress, a potential reduction in the out-of-cell (unlock) time available to prisoners and a reduction in their ability to receive programmes and other structured activities. The prison services in Norway and Denmark have sought to resolve the problem by introducing a queuing system for offenders sentenced for less serious crimes so they can go into custody when a place is available.

## Overcrowding in local prisons can restrict opportunities for prisoners to complete education courses

**3.6** At the beginning of February 2005, male local prisons were holding around 16,000 sentenced prisoners eligible for a move to a training prison. In practice, however, it can be difficult to transfer prisoners to lower category prisons when establishments are overcrowded and many prisoners may serve their entire custodial sentence in a local prison. Our visits to establishments identified a number of reasons why prisoners are not moved:

- **There is a perception that the Service can do little for prisoners with short custodial sentences.** A prisoner serving a 12 month custodial sentence may serve only two months in prison once time on remand has been deducted, and where eligible the prisoner is released early on Home Detention Curfew. Staff at Leeds prison explained that they do not transfer prisoners with sentences of less than six months, because few training prisons would have worthwhile courses or activities for them in such a short time.
- **It is difficult to match prisoners to available places:** At Preston prison there were 350 prisoners waiting for an allocation to another prison out of a population of 660. The two main recipient prisons (Kirkham and Haverigg), however, were taking no more than ten people each week.

- **Difficulties in receiving paper work from courts leads to delay in assessing a prisoner’s needs.** Prisoners cannot be transferred to lower security establishments unless staff are satisfied that they do not pose a risk to staff and the public. Our review at Wandsworth, for example, showed that out of the 845 most recently sentenced prisoners at the time of our visit, 233 could not be security assessed because full warrants specifying their crimes had not been received from the courts.

**3.7** There are limited opportunities for prisoners spending their entire sentence in a local prison to attend work or attend education classes (see figure 9). At the time of our visit to Preston prison, for example, there were 600 inmates, one-third of whom had no purposeful activity at any one time. The Governor was concerned that when the wing currently being refurbished was reopened, and the population increased to 800, the opportunities for purposeful activity would become more difficult. Around the time of our visit to Leeds prison, over 30 prisoners were on a waiting list to attend an education class. Even where there are places available, our analysis of Independent Monitoring Board<sup>24</sup> reports suggests little constructive activity may take place due to pressures on staff. Examples noted by the Boards include prisoners taken to a workshop where there is no work to be done, and occupying themselves by watching videos or playing cards.

**9** Work and education places were limited in the local prisons we visited

Prison	Convicted <sup>1</sup> prisoners available for work and education	Work		Education	
		No.	%	No.	%
Preston	463	193	41.7	180	38.9
Cardiff	627	528	84.2	75	12.0
Altcourse	822	195	23.7	196	23.8
Leeds	1042	492	47.2	312	29.9
Birmingham	1044	220	21.1	360	34.5
Wandsworth	1136	828	72.9	113	9.9

*Source: National Audit Office, November 2004*

NOTE  
 1 convicted includes convicted unsentenced, sentenced and fine defaulters

<sup>24</sup> Independent Monitoring Boards provide an independent oversight of prisons and immigration removal centres. Its volunteers can access their establishment at any time to talk to staff, inmates or detainees, hear their concerns and check on their living and working conditions. Each Board submits an annual report on its establishment to the Home Secretary.

## Many prisoners lack the motivation to attend an education course

**3.8** Many of the offenders in local prisons we interviewed commented that there were insufficient work or education places for those who wanted them. Prisoners noted that without good routines to follow time tended to drag through boredom. In particular, prisoners found weekends difficult as they were not working and had little opportunity for association or exercise.

*“Yeah, that’s one thing, the lack of fresh air and sunlight, which I think is essential, you know, I’m not getting enough of it and it’s not good for my health I don’t think.”*

**3.9** There was acknowledgement from some that how much anyone got out of prison would depend on their attitude towards it. If someone tried hard they would be rewarded, but conversely it would be possible to spend a long time in prison without engaging in any constructive activity. The limited motivation to attend work within a prison was partly due to a perceived lack of reward. Many prisoners complained that their wages were insufficient; some saying that wages had not increased in many years despite prices in the prisons’ shop going up.

*“I’ve done everything....I’ve had two jobs; I worked on the hotplate and now I work in the kitchen.....All the re-offending courses I’ve done off my own back....I’ve done all the education, I’ve done everything, I’ve done all the computer courses,.....I’ve even got a forklift licence”*

*“If you want to lie around and do absolutely nothing then they’re not going to stop ya, they’re going to let you do that but you can educate yourself and you can get out and get out and about”*

*“If people were working for a half decent wage and they paid some of that to the prison – rent or whatever you call it – do you know what I mean? – so you could put something back into the prison as well and if they put some away for you when you’re released and the other half you can spend. Otherwise you just go back to crime and back to what you done before”.*

## Increasing the number of offenders completing an education course depends on providing targeted, short modular courses

**3.10** The arrangements for delivering offender learning and skills by the Learning and Skills Council recognise that education provision should be flexible to adapt to the different assessed requirements for each offender and the different types of prison. The introduction of the ‘Offender Learning Journey’ from August 2005 aims to assess each offender and then to provide tailored learning opportunities whilst they are in custody and which can be continued when they return to their community. The new offender learning and skills delivery arrangements are being implemented in North East England, the North West and South West before national roll out in August 2006. The Council has an aspirational target to get up to half of prisoners involved in learning by 2010.

**3.11** As part of the ‘Offender Learning Journey’, the new providers commissioned by the Learning and Skills Council are required to provide short, intensive modular courses so that each offender, subject to their individually assessed needs, has an opportunity to learn something before their discharge or commence an activity that can be continued through community-based provision afterwards. However, the introduction of such courses will require local prisons to extend class room availability to include evenings and week-ends. At present, the prisons we visited had sought to increase availability through the introduction of part-time working (such as one wing working in the morning and another in the afternoon). But part-time working extends the duration of each course and increases the likelihood that prisoners on short sentences will be moved or released mid way through their course.

## Overcrowding has increased the likelihood that prisoners will be moved around the estate, with consequent disruption to their programmes and courses

**3.12** The primary role of local prisons is to serve the courts and to free up space for newly-sentenced and remand prisoners by moving prisoners to training establishments more suited to their needs. When there is an unexpected population pressure on a local prison, overcrowding drafts take place. The draft tends to be at short notice and prisoners may not know they are due to be moved until the day of the move itself. The Prison Service planned for over 6,000 prisoners to be moved on overcrowding drafts in 2003-04, of which an estimated 5,000 proceeded. Further transfers took place in 2004. **Figure 10** shows which prisons were the main exporters and importers of prisoners as a result of overcrowding drafts between April and September 2004.

**3.13** The pool of eligible prisoners for overcrowding drafts is often very small. When selecting prisoners for an overcrowding draft the moving prison will look for short term Category C prisoners with less than six months to serve. Prisoners can be held back to allow them to complete education, training courses or offending behaviour programmes, and for compassionate reasons. Doctors can request a medical hold on a prisoner with health problems which require on-going medical treatment or hospital appointments. In practice, however, it is inevitable that some prisoners are moved when ideally they should not be. Our visits to five local prisons identified a number of examples:

- Forty nine out of the 81 prisoners moved from Leeds prison between September and November were in the last six weeks of their sentence. Moving prisoners at this stage can disrupt preparations to resettle prisoners into their community, such as efforts to organise accommodation and employment.

**10** The main exporters and importers of prisoners as a result of overcrowding drafts

Main Exporters	Number of planned prisoner exports (top 3 destinations)	Main Importers	Number of planned prisoner imports (top 3 suppliers)
Blakenhurst	407 Liverpool (182) Altcourse (116) Shrewsbury (36)	Liverpool	457 Blakenhurst (182) Birmingham (110) Bristol & Nottingham (36 each)
Birmingham	222 Liverpool (110) Altcourse (50) Forest Bank (50)	Altcourse	245 Blakenhurst (116) Birmingham (50) Forest Bank & Leicester (16 each)
Highdown	176 Reading (75) Wandsworth (61) Lewes (12)	Glen Parva	179 Feltham (88) Chelmsford (31) Woodhill (22)
Wandsworth	161 Bullington (72) Elmley (40) Belmarsh (20)	Holme House	173 Durham (63) Leeds (56) Castington (17)
Brixton	148 Wormwood Scrubs (101) Wandsworth (24) Pentonville & Bullington (10 each)	Forest Bank	166 Birmingham (50) Blakenhurst (30) Doncaster (23)
Other	1,596	Other	1,490
Total	2,710	Total	2,710

Source: National Offender Management Service Population Management Unit and Estate Planning and Development Group, April to September 2004

- Three prisoners were transferred to Altcourse prison despite serious ongoing medical problems.
- One prisoner who was transferred from Brixton prison to Camphill prison on the Isle of Wight had to be returned the following week to attend a court sentence.

**3.14** Overcrowding drafts are necessary to free up space in local prisons, but inevitably increase tensions within establishments. Prisoners chosen for an overcrowding draft will have little warning of a move, and may have only a short time to collect their belongings before leaving the prison. Our discussions with prisoners confirmed that their main concerns about being transferred are that they have become accustomed to where they are and that friends and family may find it difficult to visit them in another prison. Whilst compliant prisoners can be transferred by the Prisoner Escort Services, on occasion prisoners might resist attempts to be moved and in these circumstances they are usually held in the segregation unit until higher security transport can be arranged to move them under restraint.

**3.15** The need to move prisoners at short notice to free up space in local prisons can disrupt education courses. Our interviews with key staff in local prisons and training prisons confirmed that a prisoner's full records are not typically transferred when the person is moved. Although a prisoner's security file must be sent, other records (such as details of offending behaviour work underway and education courses planned or attended) are unlikely to be sent at the same time. As a consequence, each prisoner has to be re-assessed after arrival at the new prison and then wait to be enrolled in the next available relevant training or offending behaviour course. At Morton Hall prison (a prison holding 353 adult females), for example, we found that around 500 induction assessments took place in 2004, which include an assessment of their offending behaviour and educational requirements. As Morton Hall receives all its prisoners from other establishments, much of this work should have already been done elsewhere and could have been sent to the prison when the prisoner arrived. The National Offender Management Service does not record how many prisoners start an education course and fail to complete it. As adult prisoner education is likely to cost £71 million in 2005-06 (excluding high security prisoners), however, the cost of disruption from overcrowding drafts is likely to be high. When the cost per completed course amounts to some

£1,100 per person, even if only one in ten prisoners moved on an overcrowding draft are unable to complete their education course, this would represent some £550,000 a year.

**3.16** The introduction of the 'Offenders Learning Journey' will require early assessment of offenders and the development of an Individual Learning Plan with detailed goals and milestones to enable staff to monitor progress. As a consequence, it is critical that the plan can move with the offender through the criminal justice system. The introduction of the OASys computer system for recording risk assessments and sentence plans for offenders aims to improve co-ordination, but will not enable education or health records to be transferred electronically. The relevant Office of Government Commerce gateway reviews were completed, and the National Offender Management Service has confirmed that the system was fully installed in all public sector prisons by December 2004. The system is primarily used for sentence planning work, however, and does not cover prisoners sentenced to less than 12 months in custody, and is not intended for custody plus prisoners (although the reports initiated by the probation service will be available electronically to prisons).

**3.17** The National Offender Management Service, together with the Learning and Skills Council and the Department for Education and Skills, recognise that significant improvements are required to the collection and sharing of offender learning records. The three development regions which introduced the 'Offender's Learning Journey' in August 2005 implemented electronic data transfer arrangements to record and exchange information on individual learners' achievements and plans. Following the failure of a trial for an interim paper-based data transfer arrangements in the East Midlands, the intention is to roll out electronic data transfer across the rest of the estate, pending the longer term introduction of the National Offender Management Information System (NOMIS).<sup>25</sup>

**3.18** Although the new system should improve the transfer of key information between establishments, it remains incumbent on prison officers to make sure each offender placed on an overcrowding draft takes a copy of their Individual Learning Plan with them. The success of the Individual Learning Plan depends on the commitment of the learner and each offender must keep a copy of their plan so they can refer to it at all times and measure their own progress.

<sup>25</sup> NOMIS is intended to provide a single national database to replace systems used by both the Prison and the Probation Services. The system is designed to support the entire offender life cycle across both prison and probation, and to improve the planning of the offender's assessment, education and resettlement. It is being rolled out in three phases, with phase three being rolled out in Summer 2006.

## PART FOUR

The Prison Service had accommodated the increased number of prisoners successfully, but sometimes at a high cost



**4.1** This part of the report examines how the Prison Service responded to the rising prison population by increasing the capacity of the prison estate. The key findings are:

- The Prison Service had used police cells to provide short term accommodation, but the costs were very high.
- The Prison Service had used a range of solutions to provide additional quick-build accommodation, of which its brick-clad steel framed units proved the best value for money.
- Better planning and closer working with prison staff could have reduced costs.
- The temporary nature of the units and teething problems with quality has reduced their operational effectiveness.

## The Prison Service had used police cells to provide short term emergency accommodation, but the costs were very high

**4.2** In 2002 the pressures on the prison population were such that the Prison Service was forced, as a last resort, to use Police cells to accommodate its prisoners on a short-term basis. As part of Operation Safeguard (for a copy of the protocol see Appendix 3), 23 police forces were prepared to provide around 600 police cells for approximately 80 nights, equivalent to 48,000 'cell nights' between June and December 2002. In practice, the Prison Service managed to restrict its need for police cells and only used 29,000 (60 per cent) of these 'cell nights'. The cells were intended to be used for adult male prisoners who had been newly committed by a Magistrate or remanded to appear in court. On occasion, however, some vulnerable prisoners (women and juveniles aged 16 and 17 years old) had to be held in police cells.

**4.3** Police cells typically provide limited facilities and prisoners should only be held in such cells for one night. Whilst prisons are subject to regular inspection and review by Independent Monitoring Boards and Her Majesty's Inspectorate of Prisons, police cells are inspected by appointed 'lay visitors' for police stations who have a remit to inspect and comment upon the condition of custody facilities and the welfare of detainees. West Midlands Police confirmed that prisoners were often locked up for 23 hours a day as there was only limited space for an exercise yard, association area and communal facilities. There were also no facilities for visitors. When the pressures on prison accommodation were at their highest in 2002, prisoners often had to spend more than one night in such accommodation. West Midlands Police confirmed that the average length of stay was three to four nights, although seven to eight nights was not unknown and in one case a prisoner was held in such accommodation for 10 days.

**4.4** Operation Safeguard cost the Prison Service £10.4 million, equivalent to £216 per place available each night. Many of the costs were fixed, such as up to £12 a night for meals, £8 per night for the cell and £55 per callout for healthcare. The main cost was staff time: it was up to each police force to determine the level of supervision required and hence the number of staff needed. There were wide variations in staffing: West Midland Police allocated four staff hours per cell each night, whereas Cheshire Police allocated 14.5 staff hours to cells able to provide double occupancy.

**4.5** Staffing costs were charged for the whole period that Operation Safeguard was in force, regardless of whether or not the cells were occupied. As only 60 per cent of the police 'cell nights' available were used, the costs had to be divided amongst a smaller number of cells and, as a consequence, the actual cost per cell used each night averaged £362. Dedicated Safeguard sites had to maintain staff in order to receive detainees at short notice, the staffing level reflecting the maximum-pledged capacity of the Safeguard site. It was not therefore operationally possible for police forces to deploy staff on a demand-led basis to mitigate costs. In addition, since the majority of staff were deployed on overtime, the Chief Officer was constrained by relevant police regulations, which did not permit the allocation or cancellation of staff time on such operations without there being a significant cost involved.

**4.6** The Prison Service recognised that police cells are expensive and do not provide accommodation to the same standard as its prisons. It cost the Prison Service £66 on average to accommodate a prisoner for one night in its establishments, compared to £362 per night in a police cell. The Prison Service (and latterly the National Offender Management Service) has managed to avoid using police cells since 2002. Due to the difficulties in estimating prisoner numbers accurately, and the time needed to plan, finance and construct extra accommodation, however it is necessary to be able to provide additional spaces in its existing prisons at short notice.

### The Prison Service had used a range of solutions to provide additional accommodation, of which its brick-clad steel framed units have proved the best value for money

**4.7** The Prison Service (and latterly the National Offender Management Service) has built new prisons to accommodate the increased number of prisoners. Bronzefield prison (in Ashford, Middlesex) opened in July 2004 to provide 450 places for female offenders; and Peterborough prison opened in Spring 2005 to provide 450 places for men and 360 places for women. The National Offender Management Service also has outline planning permission for two 600 place prisons in Ashworth (Middlesex) and next to Belmarsh prison in London, but no plans, at the present time, to build prisons on these sites. New prisons take time to plan and build, however, and cannot provide short term accommodation to supplement the existing places. The National Offender Management Service confirmed that Peterborough and Bronzefield prisons, for example, took around 3 to 4 years to plan, fund and obtain approval, and 3 to 4 years to design, procure and build.

**4.8** The Prison Service used a range of different types of accommodation to house the increased number of prisoners – see **Figure 11**. Additional houseblocks, modular temporary buildings and brick-clad steel framed units provided most of the additional spaces and have been built within existing prisons (see Appendix 4). The Prison Service built three new houseblocks in existing prisons in 2002-03 and 2003-04, providing an additional

916 places. Between June 2002 and January 2004, the Prison Service constructed 29 modular temporary buildings in 21 existing prisons (providing 1,160 places) and 24 brick-clad steel frame units in 14 existing prisons (providing 920 additional places). The Prison Service also reclaimed a further 198 cells and converted a building in Norwich Prison to provide 40 additional places (see **Figure 12 overleaf**).

## 11 The Prison Service used a range of different solutions to accommodate the increased number of prisoners



**Modular temporary units** are prefabricated two-story buildings, similar to portacabins. Each unit provides 40 cells, separate communal toilet and washing facilities, an association room, a food servery, and staff office.



**Brick-clad steel framed units**, are based on the on-shore accommodation units used in oil fields. The units are primarily manufactured off-site with erection and completion taking place on site. A standard unit has 40 cells each with its own sanitary facilities.

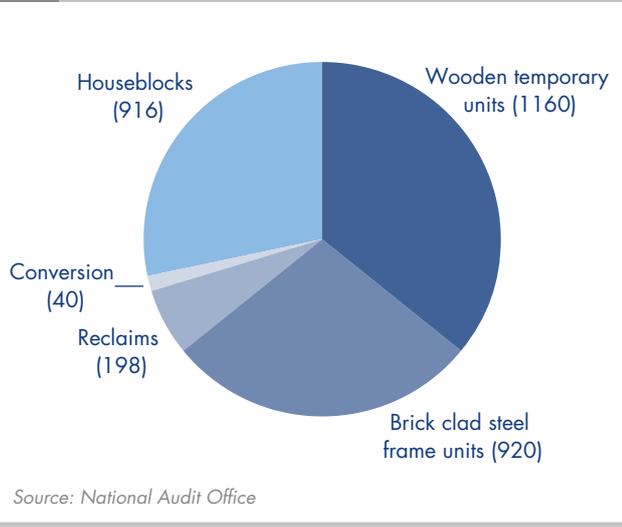


**Houseblocks** are standard prison accommodation constructed from either reinforced concrete or built from steel modular units. New houseblocks can be built in existing prisons.



**Prison ship - HMP Weare** was originally purchased in 1997 by the Prison Service as a temporary measure. The ship could accommodate 400 prisoners and was taken out of service in August 2005.

**12** The number of additional places provided between 2002 and 2004 by type



**4.9** Our analysis of the construction and operation of each type of quick-build accommodation suggests the brick-clad steel framed units have offered the best value for money when additional places are required at short notice (see Figure 13). The units have proved relatively cheap to construct, offer broadly the same facilities as a typical houseblock and are quicker to build. Houseblocks are a more expensive long-term solution but offer more secure accommodation. The modular temporary units have proved expensive to construct and are only suitable for low security prisoners.

**13** An analysis of the different types of quick build accommodation provided by the Prison Service against eight construction and operation criteria

Criteria	Modular temporary unit	Brick clad steel framed unit	Prison Ship
<b>Construction</b>			
Cost per place per year <sup>1</sup>	£5,600	£1,700	£3,300
Cost per place over ten years <sup>2</sup>	£11,100	£6,600	£4,100
The accommodation could be provided at short notice	Partially	Partially	No
<b>Operation</b>			
Maintenance costs are similar to the average cost	Higher	Lower	Higher
Staff running costs are similar to the average cost	Lower	Similar	Higher
The accommodation can be used for a wide range of different types of prisoner	Suitable for low security prisoners or risk-assessed category C prisoners	Suitable for category C assessed prisoners	Suitable for prisoners on a short sentence only
The accommodation is safe and secure	Yes, when enclosed within its own secure fence	Yes	Yes
Prisoners have the same access to programmes and activities as those in standard cells	Yes	Yes	Partially

Source: National Audit Office analysis of unaudited National Offender Management Service data

**NOTES**

- Costs are based on the actual capital cost divided by the estimated lifespan of the accommodation. The cost for the prison ship has not been adjusted for any potential re-sale or scrap value.
- Costs are based on the actual capital cost divided over ten years. As the modular temporary units were originally specified to last five years, the figure assumes the units were rebuilt mid-way through the ten year period. Similarly, the brick-clad steel framed units are expected to last 30 years, compared to 60 years for a typical houseblock. In practice, the lives of the modular temporary units may be extended with regular corrective works, which would reduce the unit costs.

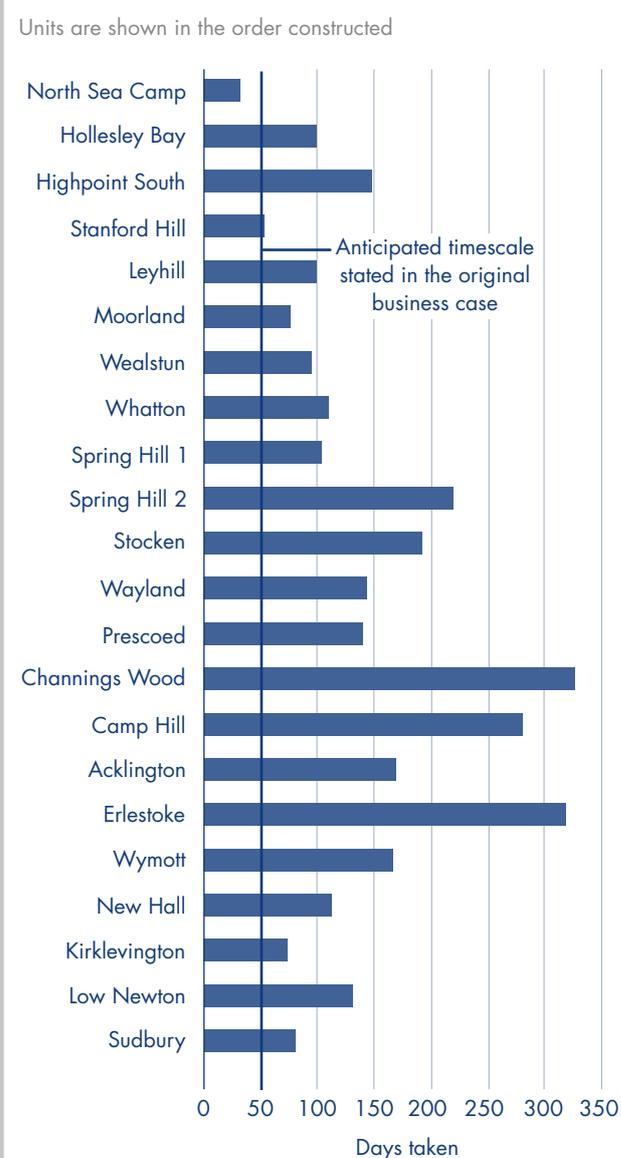
## Better planning and closer working with local prison management could have improved construction time

**4.10** The modular temporary units and brick-clad steel frame units had to be purchased and built quickly in order to accommodate the increased number of prisoners. Based on their experience in constructing a modular temporary unit at North Sea Camp open prison in June 2002, the Prison Service estimated each modular temporary unit would cost £1 million and take six to seven weeks to construct. By comparison, the Prison Service estimated that brick-clad steel frame units would take around six months to build and cost £2.5 million. The modular temporary units were a new type of accommodation for the Prison Service, although utilising existing building techniques, whereas the brick-clad steel framed units had been used in two previous prison building programmes.

**4.11** In practice, our review of 22 modular temporary units and 15 brick-clad steel framed units found that they took, on average, 134 days and 183 days respectively to complete. Apart from the first modular temporary unit at North Sea Camp open prison, none of the subsequent modular temporary units were completed within 49 days and seven took more than 150 days (see Figure 14). The cumulative difference between the time taken to construct each modular temporary unit and the original estimate of 49 days amounted to over 2,000 days, equivalent to 83,500 nights when prisoners had to be found accommodation elsewhere. The original estimate of 49 days was probably unrealistic, as each site was different and required a bespoke approach. Nevertheless, reducing the construction time to an average of 100 days would have saved up to £10.8 million, based on the average cost of Police cell accommodation. By comparison, six of the 15 brick-clad steel frame units were completed within the target of 178 days (see Figure 15 on page 34), although two units took over 250 days.

**4.12** The Prison Service had drawn up a design specification for the units and identified sites within prisons for the accommodation. Contracts for building the units off-site and erecting them on-site were awarded to three companies. Due to the urgency of the programme all three building contractors were also asked to carry out the site preparation works, which included perimeter fencing, bringing in mains services and constructing foundations. One building contractor was able to provide a full build programme as part of their normal service, but the two others did not have the experience for such work.

### 14 Modular temporary units took longer to complete than planned

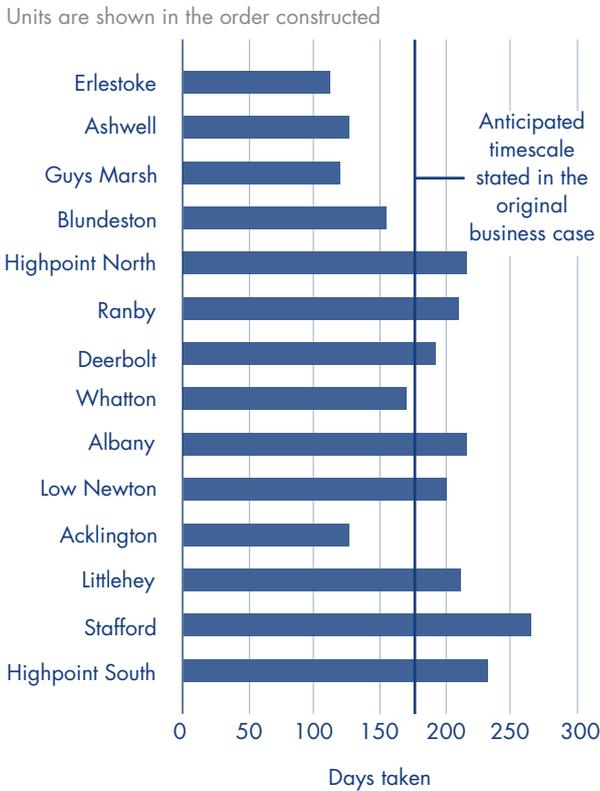


Source: National Audit Office analysis of HM Prison Service data

**4.13** Our file examination, visits to six sites and discussions with the contractors identified two main reasons for the delays:

- **The Prison Service employed design and build contractors to undertake most of the design and site preparation, but the companies lacked experience in this aspect of the work.** The original specification drawn up by the Prison Service was a generic design and did not provide detailed site drawings for each location. Comprehensive site plans

**15** Six of the 15 brick-clad steel framed units were completed before time



Source: National Audit Office analysis of HM Prison Service data

were subsequently drawn up once project managers had been appointed. The contractors explained to us, however, that although they had agreed to prepare the foundations, supply the units and connect up the services, they had not initially anticipated having to undertake so much initial site work. One contractor noted the original brief did not mention major site works and as a manufacturer of buildings rather than a construction company, they did not have the skills or resources to undertake such work. The National Offender Management Service noted, however, that this admission of a lack of experience was not stated at the time the contracts were let, and that the contractor could have bought in such expertise during the contract. The initial site work typically took longer than anticipated and the contractors encountered problems during construction. There were obstructions where the security fencing was meant to be placed, and underground pipes and cables where the foundations had to be laid.

- **The contractors encountered difficulties in getting access to construction sites within prisons.** Contractors typically had to bring staff, equipment and tools inside the prison in order to construct units. The need to maintain security meant access was dependent on up-front security checks of the contractors' staff, and prison officers being available to check people and equipment and to escort contractors to the site. The contractors explained that every prison required its own security checks, which could take up to 21 days before workers were allowed on site. Even when clearance had been obtained, contractors had underestimated how long it would take for staff to access the site. One of the contractors, Elliott Redispace, explained that out of a contracted seven hour day, their working time in winter was often as low as four hours, because of entry and security restrictions for contractors working within establishments.

**4.14** The demand for additional accommodation at short notice meant the contracts had to manage a number of projects at different sites over a relatively short period of time. The National Offender Management Service noted that it had sought to reallocate work between the contractors, but as there was no spare capacity to take on additional work, the delays continued until the peak in the work had subsided. In addition to delaying the completion date of units, the factors above contributed to a cost over-run. The average construction cost of the modular temporary units cost was £1.2 million, compared to an estimate of £1 million. The brick-clad steel framed units cost £2.65 million to construct, compared to an estimate of £2.5 million. The cost over-runs amounted to some £7 million.<sup>26</sup>

### The temporary nature of the units and teething problems with quality has reduced their operational effectiveness

**4.15** The addition of new accommodation units in existing prisons had a knock-on effect on the running of the establishment which had not always been fully anticipated. The National Offender Management Service confirmed that the pressure on existing facilities and the need to recruit additional staff was taken into account when finalising plans. At Morton Hall, however, one of the additional accommodation units was ready by September 2003 but could not open until January 2004 because the prison had to recruit and train additional staff

<sup>26</sup> Based on the average cost difference of £0.2 million for 22 modular temporary units, and the average cost difference of £0.15 million for 17 brick-clad steel framed units.

to supervise the prisoners. In three out of the five prisons we visited, the additional accommodation put pressure on existing electricity, gas and water supplies, and sewerage.

**4.16** The specification of the modular temporary units has restricted their potential use. The units are constructed of wood on a steel frame, have plasterboard walls with a light steel outer frame and the windows do not have bars. The risk of fire means prisoners have their own keys to get in and out of the building and in Category C prisons security is maintained by the security fence around the unit. Each unit has a communal block of six toilets and washbasins. The accommodation is only suitable for low risk prisoners nearing the end of their sentence due to the low level of security. Independent Monitoring Boards and Her Majesty's Inspectorate of Prisons have expressed concerns to us, however, that there is potentially a high risk of bullying or intimidation between prisoners in these units. The prisons we visited confirmed that because they are unable to lock prisoners in their cell at night, it is difficult for prison officers to enter these buildings without sufficient back up support.

**4.17** The modular temporary units have had a large number of faults which the contractors have had to repair during the two year warranty period. The units we examined at Camp Hill, Erlestoke, High Point and New Hall prisons had experienced the same problems (see Figure 16) and our interviews with the project managers confirmed the same faults had occurred elsewhere. At the time of our visit to New Hall prison, 14 out of the 40 cells had water damage due to roof and window leaks, although the cost of repairs would fall on the contractor. The problems, such as roof leaks around the 'H' shape building joins, window leaks and shower tray leaks were partly due to the contractors' poor design and construction, which was rushed through. The brick-clad steel framed units, by contrast, had very few faults, the main one being leaks to shower trays, which were resolved quickly and not repeated in later builds. However, these units were the latest version of a design that has evolved over the years and which has taken on board many design improvements.

**4.18** The pressure to open the accommodation on time led the Prison Service to put prisoners into one of the brick-clad steel framed units at Morton Hall prison (built as part of an earlier building programme) before it had mains electricity and sewerage. Health and Safety inspectors had not certified the building to confirm it met statutory standards before it opened and the prison had to install temporary generators and store sewage in a nearby deep well for several months before it could be pumped

into tankers. Although the Prison Service considered that this solution did not risk health and safety, the Environment Agency subsequently issued several letters of warning that the prison was potentially in breach of the Water Resources Act 1991. The Prison Service subsequently had to build a new public sewer to resolve the problem.

**4.19** From our visits to prisons we found that despite their drawbacks prisoners were positive about the modular temporary units, as they offered larger single cell accommodation and a more relaxed environment, and because of this prisoners have to earn their places, with strict rules being set down, the breaking of which means that they will be moved back to standard accommodation. Prisoners were prepared to tolerate the faults, even to the extent of living with leaks in their cells and not drawing them to the attention of the staff. The brick-clad steel framed units are also popular as every cell has its own shower and toilet facilities, unlike older accommodation and some newer houseblocks.

**4.20** The contractors confirmed that modular temporary units met industry standard specifications with a life of 15 to 25 years if used as temporary offices or classrooms. Levels of wear and tear are much higher, however, when used for prisoners. The initial design specification expected the units to last for five years, but reports prepared by the North of England project managers suggest life expectancies of between 7 – 10 years with regular corrective works. At present, the National Offender Management Service does not have a clear strategy for how it will accommodate the prisoners held in such units when they are due to be replaced. Contingency plans need to be put in place to minimise the risk of having to rely on police cells and to avoid the construction problems encountered when the units were first installed.

## 16 Modular temporary units have experienced a number of recurring faults

- 1 Roof leaks (particularly at the joints between units)
- 2 Mid-panel leaks (where the flashing band connecting the ground and first floor units has not been correctly sealed)
- 3 Condensation in roof voids (attributable to the stairwell pods blocking the roof vents)
- 4 Window leaks (due to incorrect use of sealant, the units being delivered before the mastic had set, and blocked drainage holes)
- 5 Leaking shower trays

Source: National Audit Office

# APPENDIX 1

## Our Audit Approach

### 1 Visits to male local prisons affected by population pressures

We carried out a preliminary visit to one local prison to test our methodology, and extended our visit programme to a further five prisons (see figure 21). During our visits we interviewed the Prison Governor and Prison staff in reception; observation, classification and allocation; wing officers; works staff; education and training staff. We collected data from each prison visited to demonstrate how overcrowding had affected them. We interviewed a representative from the Independent Monitoring Board, and reviewed their reports. We visited the prison wings to see the accommodation, and we held focus groups with selected prisoners. The members of the focus groups were selected to represent those affected by prison overcrowding; for example, they were accommodated in double occupation cells or had been subject to frequent moves within the prison estate. As we could only invite a relatively small number of prisoners to attend our focus groups, however, their views are not necessarily representative of the prison population.

### 2 Visits to six prisons using quick build accommodation

We carried out a preliminary visit to one prison using quick-build accommodation to test our methodology, and extended our visit programme to a further five prisons, including HMP Weare, the prison ship, for comparison purposes (see figure 22, page 37). During our visits we interviewed the prison Governor and Prison staff in reception; observation, classification and allocation; wing officers; works staff; education and training staff to assess the effect on the prison of the new accommodation. We interviewed a representative from the Independent Monitoring Board, and reviewed their reports. We visited the quick-build accommodation and the other prison wings and spoke to prisoners in the accommodation. Detailed analysis of the location of the quick-build accommodation is in Appendix 4.

**21** Male local prisons visited by the National Audit Office

Prison visited	Area	Certified normal accommodation <sup>1</sup>	Average population	Over-crowding	Prisoners sharing cells
Altcourse <sup>2</sup>	North West	614	1010	164%	792
Birmingham	West Midlands	1100	1357	123%	514
Cardiff	Wales	525	747	142%	444
Leeds	Yorkshire and Humberside	806	1245	154%	878
Preston	North West	331	638	193%	614
Wandsworth	London	995	1481	149%	972

Source: National Offender Management Service monthly population bulletin: November 2004

NOTES

- 1 Prisoners accommodated in cells designed for the numbers held.
- 2 Altcourse is a private sector local prison.

**22** Prisons with quick-build accommodation visited by the National Audit Office

Prison visited and type of prison	Certified normal accommodation	Average population	Number of places in quick-build accommodation
Camp Hill (Category C)	508	565	40 in modular temporary units
Erlestoke (Category C)	416	410	40 in modular temporary units 40 in ready-to-use units
Highpoint (Category C)	712	739	80 in modular temporary units 120 in ready-to-use units
Morton Hall (Semi-Open)	372	332	160 in ready-to-use units 40 in intermittent custody centres
New Hall (Female local)	360	361	40 in modular temporary units
Weare (Category C)	400	376	n/a

Source: Annual Report 2003-04 and National Audit Office

### 3 Review of National Offender Management Service data and planning procedures relating to quick-build accommodation

We visited the National Offender Management Service Estates Planning and Development Group, the Property Service Group, the Planning Group and the Procurement Group to interview staff and review papers relating to the emergency building programme, in particular papers relating to the prisons we had visited where quick-build accommodation had been constructed. In addition we visited the Home Office Research Development and Statistics Directorate, interviewed staff and reviewed papers relating to the prison population forecasting model.

### 4 Visits to contractors involved in building of quick-build accommodation

We visited the contractors responsible for the building of the quick-build accommodation units, interviewed staff and reviewed documentation relating to the construction project (see figure 23).

**23** Contractors involved in the quick-build accommodation programme

Contractor	Type of accommodation built	Number of 40-cell units built
Elliott Redispace	Modular temporary units	19 units at 14 locations
Premier Transline	Modular temporary units	10 units at 6 locations
Caledonian Building Systems Limited	Ready-to-use units Intermittent custody centres	23 units at 14 locations

Source: National Audit Office

### 5 Visits to external project managers overseeing the building of quick-build accommodation

We visited the external project managers responsible for overseeing the building of the quick-build accommodation units, interviewed staff and reviewed documentation relating to the construction project (see figure 24, page 38).

**24** External project managers overseeing the quick-build accommodation programme

External project managers	Area responsible for	Number of units managed
W Dunn & Co Ltd	North England	12 Modular temporary units 7 Ready-to-use units 2 Intermittent custody centres
CHQ <sup>1</sup>	South England	10 Modular temporary units 10 Ready-to-use units
Herbert & Partners	South England	6 Modular temporary units 3 Ready-to-use units

*Source: National Audit Office*

**NOTE**

1 CHQ were succeeded by Herbert & Partners.

## 6 Visits to police forces involved in Operation Safeguard

We visited two police forces (West Midlands Police, and North Yorkshire Police) involved in Operation Safeguard to interview police officers responsible for running the operation locally, visited the accommodation used for National Offender Management Service prisoners and reviewed papers relating to Operation Safeguard. The Operation Safeguard protocol can be found at Appendix 3.

## 7 Review of third party reports and opinions

We wrote to third parties to seek their opinions on prison overcrowding and obtain copies of relevant reports. The bodies we contacted were:

- Action for Prisoners’ Families
- The Centre for Crime and Justice Studies
- The Forum on Prisoner Education
- HM Inspectorate of Prisons
- The Howard League for Penal Reform
- The International Centre for Prison Studies
- The National Association for the Care and Resettlement of Prisoners
- The National Council of Independent Monitoring Boards
- Partners of Prisoners and Families Support Group
- The Prison Governors’ Association
- The Prison Officers’ Association
- The Prison Reform Trust
- The Samaritans
- Women in Prison

## 8 International comparisons

We wrote to the prison services of a number of countries to ask about their experiences of population pressures, and we wrote to the national audit bodies of the same countries to establish whether they had done any work relating to prison population pressures. We used other publicly available information such as Annual Reports and websites to inform these responses, and we met with representatives of the International Centre for Prison Studies. Our work in this area is summarised in Appendix 2.

## APPENDIX 2

### International comparisons

**1** This appendix summarises the findings of our research into the extent of overcrowding in other developed countries, and their policies and practices in dealing with high numbers of prisoners.

**2** We wrote to the relevant authorities in other countries with a standard list of questions on the extent of their prison population pressures. We also contacted their associated state audit institution to confirm the data and to request copies of any reports they had prepared on this issue.

### Findings

Country	Prison population per 100,000 people	Increase or decrease in the population in the last three years	Occupancy Rate	Comments
Scotland	129	+ 1%	109%	The Scottish Prison Service population continues to increase with the highest levels of overcrowding to be found in the smaller regional locals. Two new house blocks were opened during 2002-03 in Polmont and Edinburgh Prisons, and two further houseblocks are planned for August 2005. Fast track accommodation is about to be added to two establishments in August 2005 giving 241 additional places based on doubling up. Other measures are being used to reduce the prison population, which include electronic tagging as an alternative to custody. Extended home leave for selected long term prisoners is planned for later in 2005.
Republic of Ireland	85	+25%	94%	In the five years from 1997 to 2002, the Irish Prison Service invested heavily in their prison infrastructure, increasing the permanent capacity by over 50 per cent.  It also makes use of temporary release measures to free up space for new inmates, although the need for this has decreased with the growing capacity.  The combination of these measures has enabled the Irish Prison Service to cope with a 50 per cent increase in the Irish prison population between 1997 and 2002 with only localised overcrowding.
Denmark	86	+16%	96%	Politicians agree on an acceptable occupancy rate of Danish Prisons, which was 92 per cent in 2004.  Whilst the demand for prison places has been increasing, the population is kept largely to an acceptable occupancy rate through: the use of a queuing system for low risk offenders who must wait for a cell to become available; conditional early release at the end of a sentence; and doubling of prisoners in cells where necessary.  On occasion, however, the Danish Prison and Probation Service has had to rely on temporary accommodation (part of which was formerly refugee accommodation) and recent construction of new permanent accommodation.

Country	Prison population per 100,000 people	Increase or decrease in the population in the last three years	Occupancy Rate	Comments
Norway	57	+17%	96%	<p>The Department of Corrections in Norway partly controls its prison population through use of a queuing system (under which around 42 per cent of those in the queue begin their sentence within six months of receiving it) and through conditional early release.</p> <p>There are also long and short term building projects underway to increase the overall capacity.</p>
Finland	68	+14%	110% (closed institutions)  99% (open institutions)	<p>The Criminal Sanctions Agency in Finland has attempted to control its high prison population through the use of changed sentencing practices, particularly through community sentences being used as alternatives to imprisonment. Greater use of community sentences in the past contributed to a reduction in the prisoner population from 4,500 in 1984 to 2,700 in 1999. However since 1999 the population has grown due to changes in the types of crime.</p> <p>The Agency has also built new prisons although these were mostly replacements for old prisons. Prison places have also been lost in modernizing the older institutions, so overall the changes did not result in any increase in the capacity.</p>
USA	701	+13%	c.106%	<p>Each state in the Unites States has its own method of dealing with its population pressure. For example, Florida has a high and increasing prison population, but state law disallows overcrowding of prisons.</p>

## APPENDIX 3

# Operation Safeguard - a Protocol for the use of police cells to hold Prison Service prisoners

### Background

**1** Operation Safeguard is the formal recognition of the use of police cells to hold Home Office prisoners when prisons have reached their operational capacity. The legal authority for the use of police cells comes from the Imprisonment (Temporary Provisions) Act of 1980, which enables prisoners committed into Prison Service custody by the courts to be held by a constable if they cannot be received into a Prison Service establishment.

### Authority to implement the use of police cells

**2** The implementation of Operation Safeguard can be authorised only by the Director General of the Prison Service.

### Request to police services to use police cells

**3** Following authority from the Director General of the Prison Service to activate Operation Safeguard, the Prison Service population management unit at Prison Service headquarters will identify those police service areas which will be used.

**4** The initial request to individual police service areas will be made five days before accommodation is needed.

**5** A formal request to use police cells in the selected area will be made to the Chief Constable of that area by the Police Commander at Prison Service headquarters.

**6** Once in use, the authority to use a police service area's cells will be in force for a month.

**7** Any extension to the month will be formally requested and negotiated between the individual police service area and population management unit at Prison Service headquarters.

### Ending of the use of police cells in individual areas

**8** Five days notice of the end of use of police cells will be given to individual police service areas by Prison Service population management units.

### Type of prisoners to be held in police cells

**9** Operation Safeguard will be used to hold either adult male prisoners who have been newly committed by a magistrate's court or those prisoners who have been remanded to appear in court and who are unable to return to a prison.

**10** Operation Safeguard will not normally be used to hold the following prisoners in police cells:

- female prisoners;
- juvenile prisoners (those under 18) [and see paragraphs 12 and 13];
- prisoners who are undergoing a Crown Court trial should be returned to prison each night;
- any prisoner needing admittance to a prison health care centre;
- prisoners at risk of self-harm being moved with an open F2052SH (self-harm report form);
- prisoners remanded for serious offences and who are potentially category A; and
- prisoners who have a history of either escape attempts or disruptive behaviour.

**11** Should one of the above type of prisoner need to be held in a police cell in exceptional circumstances, the relevant Prisoner Escort & Custody Services (PECS) Monitor or nominated Liaison Governor in the respective Prison Service area should be contacted before the prisoner is placed in police custody.

## Juvenile prisoners

- 12** A juvenile is any prisoner aged less than 18 years.
- 13** The management of juvenile prisoners is the responsibility of the Youth Justice Board. The Board should be contacted if it is not possible for a juvenile to be located in the intended Prison Service establishment.

## Emergency bed watch cover

- 14** It is the responsibility of the holding police service to arrange for emergency admittance into outside hospital of a prisoner in their care. The police will also provide the immediate close escort.
- 15** The prison to which the prisoner was committed initially will provide officers to replace the police officer within four hours of the prisoner's admittance to hospital. The PECS monitor or nominated Liaison Governor will arrange the necessary cover with the Governor of the originating establishment.

## Timescales for holding prisoners in police cells

- 16** Whenever possible prisoners will be held in police cells for no more than one night. In difficult, exceptional or sensitive circumstances and at weekends it will be necessary to hold some prisoners for more than one night. Through the contractor the Prison Service Population Management Unit will prioritise movements to ensure that those prisoners who have had the longest stay in a police cell return to prison first.
- 17** Whenever possible, prisoners will be returned from police cells to their originating establishment.

## Responsibility and accountability for prisoners and their property while in police cells

- 18** At times prisoners may have to be held in police cells in a PECS area which is different to their originating prison's area. In such cases the movement of the prisoner becomes the responsibility of the contractor within the new PECS area. For example: Area 5 lockouts located to a police station in Area 6 will become the responsibility of the Area 6 contractor and will be located in an Area 6 prison, when a vacancy is available.
- 19** The responsibility and accountability for prisoners while being held in police cells rests with individual police service areas. This includes:
- the safe and secure custody of prisoners;
  - prisoners' rights to visits, exercise, reading material and other rights and needs while in police cells; and
  - the provision of medical care.
- 20** Prisoners leaving a Prison Service establishment to go to court for trial should leave the establishment with only basic personal items such as their washing kit, smoking requisites and some reading material.
- 21** Prisons will continue to hold the property left at the establishment while the prisoner is being held in a police cell.

## Monitoring and auditing procedures

- 22** Prison Service population management unit will inform PECS of what police cells are to be used in specific police service areas. PECS will liaise with the individual police service to confirm the suitability of the cells.
- 23** The Prison Service has to maintain accurate records of the number of prisoners held under Operation Safeguard each day. Every police service must ensure that the correct form is completed and faxed to the number shown on the form by 08:00 hours daily (forms are available from the Prison Service Population Management Unit).

## APPENDIX 4

### Prison Accommodation constructed during 2002-2004

Establishment	Area	Type of establishment	Number of places	Date opened
Modular temporary units				
North Sea Camp	East Midlands (North)	Male Open	80	June 2002
Standford Hill	Kent	Male Open	80	August 2002
Hollesley Bay	Eastern	Male Open	80	October 2002
Leyhill	South West	Male Open	80	October 2002
Highpoint South	Eastern	Category C	80	November 2002
Moorland	Yorkshire & Humberside	Category C	80	November 2002
Spring Hill	Thames Valley, Hampshire & Isle of Wight	Male Open	40	December 2002
Wealstun	Yorkshire & Humberside	Category C	80	January 2003
Prescoed	Wales	Open Young Offender	40	February 2003
Wayland	Eastern	Category C	40	March 2003
Whatton	East Midlands (North)	Category C	40	February 2003
Stocken	East Midlands (South)	Category C	40	April 2003
Acklington	North East	Category C	40	April 2003
Kirklevington	North East	Semi-Open	40	May 2003
New Hall	Yorkshire & Humberside	Female Local	40	June 2003
Spring Hill	Thames Valley, Hampshire & Isle of Wight	Male Open	40	June 2003
Erlestoke	South West	Category C	40	June 2003
Low Newton	North East	Female Local	40	June 2003
Wymott	North West	Category C	40	July 2003
Camp Hill	Thames Valley, Hampshire & Isle of Wight	Category C	40	July 2003
Sudbury	East Midlands (North)	Male Open	40	July 2003
Channings Wood	South West	Category C	40	September 2003

<b>Establishment</b>	<b>Area</b>	<b>Type of establishment</b>	<b>Number of places</b>	<b>Date opened</b>
Brick clad steel framed units				
Morton Hall	East Midlands (North)	Semi-Open	80	August 2002
Erlestoke	South West	Category C	40	November 2002
Ashwell	East Midlands (South)	Category C	40	December 2002
Blundeston	Eastern	Category C	40	December 2002
Guys Marsh	South West	Category C	40	December 2002
Whatton	East Midlands (North)	Category C	40	December 2002
Deerbolt	North East	Closed Young Offender	40	March 2003
Highpoint North	Eastern	Female Closed	80	March 2003
Ranby	East Midlands (North)	Category C	80	March 2003
Morton Hall	East Midlands (North)	Semi-Open	80	January 2003
Albany	Thames Valley, Hampshire & Isle of Wight	Category B	80	May 2003
Acklington	North East	Category C	40	June 2003
Low Newton	North East	Female Local	40	July 2003
Highpoint South	Eastern	Category C	120	October 2003
Littlehey	Eastern	Category C	40	January 2004
Morton Hall	East Midlands (North)	Semi-Open	40	October 2003
Kirkham	North West	Male Open	40	January 2004
Cell Reclaims				
Werrington	West Midlands	Male Juvenile	29	September 2002
Risley	North West	Category C	102	November 2002
Manchester	North West	Male Local	11	January 2003
Low Newton	North East	Female Local	16	March 2003
Houseblocks				
Hull	Yorkshire & Humberside	Male Local	346	November 2002
Risley	North West	Category C	118	March 2003
Birmingham	West Midlands	Male Local	452	October 2003
Conversion				
Norwich	Eastern	Male Local	40	March 2004

*Source: National Audit Office analysis of National Offender Management Service data*