



National Audit Office

National Offender Management Service: Dealing with increased numbers in custody

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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 2002.¹ According to Home Office research², 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.

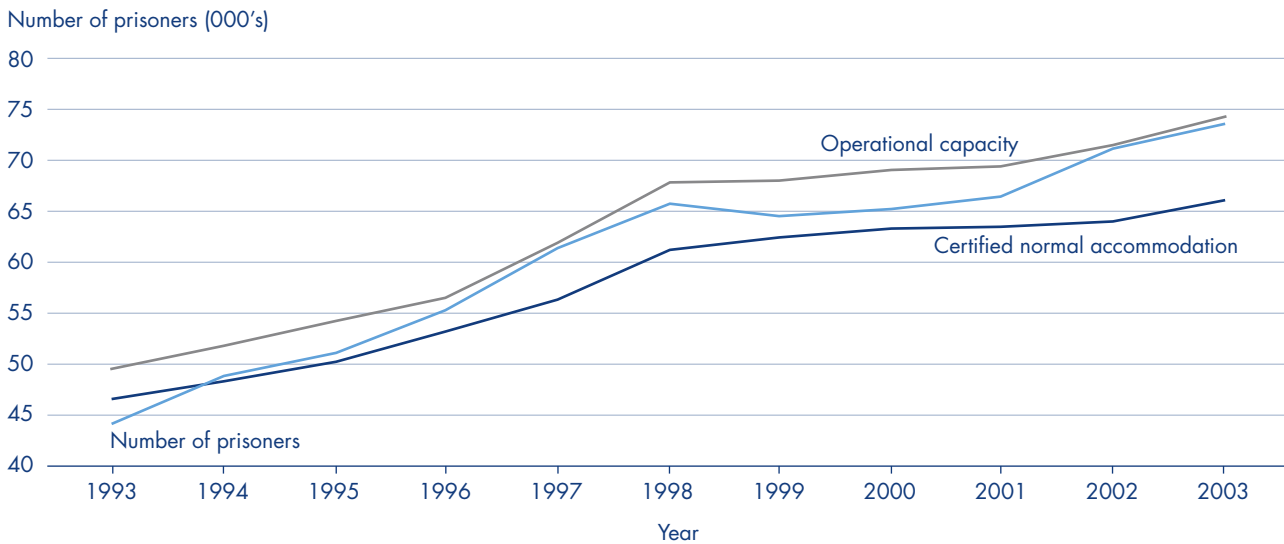
3 Responsibility for managing and accommodating prisoners rests with the National Offender Management Service. The organisation aims to introduce end to end offender management by bringing together the work of prisons and probation staff. Better management of offenders should reduce the likelihood of 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.

¹ 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.

² 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.³ 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.

³ 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.⁴ 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 margin⁵). 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'.⁶

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 2003⁷ 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 regions⁸ 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.⁹ 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.

⁷ 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).

⁸ 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.

⁹ 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.¹⁰

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.

¹⁰ 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.