

Build, baby, build



A new generation of prisons

By David Spencer

Foreword by Peter Clarke CVO OBE QPM, HM
Chief Inspector of Prisons (2016 – 2020)



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About the Author

David Spencer is Policy Exchange's Head of Crime & Justice. He was previously a Detective Chief Inspector with the Metropolitan Police Service. David was the Co-Founder and Chief Executive Officer of the graduate recruitment and leadership development social enterprise Police Now.

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Published by
Policy Exchange, 1 Old Queen Street, Westminster, London SW1H 9JA

www.policyexchange.org.uk

ISBN: 978-1-917201-45-2

Endorsements

“Policy Exchange’s timely paper provides a route map for the government and indeed David Gauke and his review team. In a nutshell, it recommends 53,000 more prison spaces. This can be achieved by fast-track planning permissions and an essential increase in capital expenditure and annual support. Such money has to be provided and must come from other parts of the public sector. That will provide more prison spaces and modern prisons. This should be coupled with more ‘open’ prisons and proper work, education, training and drug rehabilitation programmes. There must be wholesale rebuilding of so-called purposeful activities. Finally, only prisoners who have demonstrated that there are no longer at risk of reoffending will earn early release.”

Lord Sandhurst KC, Member of the House of Lords Justice and Home Affairs Committee, former Deputy High Court Judge and former Recorder of the Crown Court

“The public are clear that more of the most prolific and serious criminals should be in prison. I agree. Alongside more work to rehabilitate criminals and make good use of their time behind bars, we need longer custodial sentences for the offenders who cause the most crime. The Government must take the recommendations of this report seriously.”

Danny Kruger MP, founder of Only Connect and current Shadow Minister of State for Work and Pensions

Acknowledgements

The author would like to thank those who provided their feedback on earlier drafts of this report. Thanks are particularly due to officers and staff working within the prison system who spoke with the author on the condition of anonymity and provided the details of their day to day experience working on the frontline. Any errors are, of course, the responsibility of the author.

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Foreword

Peter Clarke CVO OBE QPM, HM Chief Inspector of Prisons (2016- 2020)

Our prisons are not protecting the public as they should. Michael Howard's dictum from some 30 years ago that 'prison works' remains true, but only in the narrow sense that criminals are not committing more crimes while they are incarcerated. In every other way, prisons are not working. There is very limited evidence that they deter. Effective rehabilitation and reducing the risk of re-offending are but pipe dreams. This has become an enormous and shameful failure of public policy, for which successive governments must take the blame.

The public interest is not being served by our prisons. Thousands of prisoners are held in appallingly squalid and embittering conditions. Their lives are blighted by illicit drugs, together with the debt and violence to which these give rise. Training, education and meaningful rehabilitative activity has all but collapsed. Many prisoners look for glimmers of hope that they can turn their lives around, but all too often any glimmers are snuffed out. Prisoners are released unready to lead productive lives, and prisons are thus failing in their primary purpose of protecting the public.

So why is building more prisons essential? It is quite simply that poor policy choices and failures across the criminal justice system have left no alternative. The destruction of the probation service a decade ago, followed by the decision more recently to reverse that policy, means that it will be many years before there is the capacity and experience to offer effective supervision of offenders.

Meanwhile, the pressure on prison numbers grows. Sentences for all kinds of violent crime are inevitably and rightly lengthy. Delays in the courts have given us an unprecedented number of prisoners on remand in custody. Recalls following release are staggeringly high.

And what has been the response of government to this crisis? In reality, it has amounted to little more than some short-term and inappropriate fixes that will do little to address the long-term systemic problems. Early release schemes might ease some pressure for a few months, but that is only until recalls and remands fill the jails up beyond capacity again. Even more futile and misguided have been suggestions that police should arrest fewer people, or that judges should take prison overcrowding into account when sentencing. Communities are crying out for relief from the predations of prolific offenders, while there is a simultaneous outcry about the ineffectiveness of short prison sentences. Meanwhile, far too many

people suffering from mental illness are being held in prisons, but the lack of alternative therapeutic facilities makes this inevitable. The pressure on prison places is inexorable, and unmet.

In the short to medium term there are few viable alternatives to imprisonment. The current provision is not fit for purpose, and all too often brutalises inmates. Put simply, the public cannot and will not be protected unless prisons are given a chance to work properly. That means creating enough places for prisoners to be held in decent conditions. Where staff can work collaboratively with prisoners, and not in a drug fuelled, violent and purposeless sea of misery.

Without a sense of purpose, prisons will never be able to restore hope to those in their care.

Some will argue that if prisons are indeed failing, it must be perverse to argue, as this Policy Exchange report does, that there needs to be an urgent programme to build more of them. The reality is that there is no realistic alternative to increasing the capacity of our prisons. Not to do so would amount to an acceptance that the protection of the public is no longer the highest priority – an obviously untenable position for any government.

As HM Chief Inspector of Prisons I saw for myself the very best, and the very worst of our prisons. The best was when well led and hardworking staff, supported by inspirational leadership, were able to offer hope to those prisoners who wanted to turn their lives around. The worst was when any hope had been extinguished by drugs, violence, filth and despair. Policy Exchange has for many years been arguing that prisoners need to be given the chance to improve their lives should they choose to do so. This important report argues that in the absence of effective policy alternatives that will genuinely protect the public, it is essential that more prison spaces are made available as a matter of urgency.

Executive Summary

We need more prisons.

Amongst the “small stratum of intellectuals, semi-intellectuals and hooligans”¹ who have a “politically motivated contempt for law and order”², it may well be fashionable to suggest otherwise.

However, a lack of prison places has led to the Government choosing to release prison inmates earlier than they would otherwise have been. Police officers have been instructed to consider “pausing” arrests due to the lack of prison space.³ The judiciary have been told to consider prison capacity limits when sentencing those convicted of criminal offences.⁴ The most prolific offenders, when convicted of ‘indictable-only’ or ‘either-way’ offences, are imprisoned on only 46.2% of occasions.⁵ A substantial majority of the public, 80% according to recent polling, believe the country should build more prisons.⁶

The Labour Party’s 2024 General Election Manifesto said: **“Labour recognises that prisons are of national importance and therefore will use all relevant powers to build the prisons so badly needed.”**

In this report, we outline:

1. **The current state of the prison estate and Prison Service:** demonstrating that the English and Welsh prison system is in an utterly parlous state and as a result failing across almost every aspect of its core purpose. A wholesale change in leadership and culture across the Prison Service is required.
2. **How many more prison places the system requires:** recommending a substantial increase in the size of the prison estate with an additional 43,000 prison places (and an additional 10,000 prison cells to eliminate over-crowding) over the next decade.
3. **The costs involved:** to deliver the substantial increase in the prison estate, we recommend a reallocation of funding from other Government departments, with an increase in public spending on prisons of approximately £6.5bn in capital expenditure and approximately £1.7bn in annual resource expenditure.
4. **The necessary changes to the regulatory regime:** the Government has announced that it intends for prisons to receive planning permission through the Crown Development Route in order

1. K. Joseph (1976), Stranded on the Middle Ground? Reflections on Circumstances and Policies, “The Quest for Common Ground”, Speech to the Oxford Union, 6th December 1975, Centre for Policy Studies, [link](#)
2. Ibid.
3. BBC News, Police urged to consider making fewer arrests, 22nd May 2024, [link](#)
4. BBC News, Courts told to delay sentencings over prison space, 23rd August 2024, [link](#)
5. Ministry of Justice, First time entrants (FTE) into the Criminal Justice System and Offender Histories: year ending December 2023, 16th May 2024, [link](#)
6. YouGov, Prison overcrowding: what solutions would the public support?, 24th July 2024, [link](#): 80% of the public strongly support or somewhat support the building of more prisons

to reduce the amount of time taken for new prisons to receive planning permission.⁷ All future prisons should receive planning permission through this route.

5. What type of prisons the Government should deliver: the substantial prison building programme we propose will require an expansion of all types of the male prison estate, with new standards in the design and a shift in the location of the estate to ensure that every prisoner is able to undertake the necessary training, education and rehabilitation we envisage.

Building a new generation of prisons is a challenging prospect. As great, or an even greater challenge, will be simultaneously creating a prison system which treats those in the State's care in such a way that on release prisoners have a greater chance of leading productive lives, without continuing to commit crime. Properly incentivising prisoners towards such an objective is vital – that is why we condemn the current practice of automatic early release for almost all prisoners. We recommend a shift to a system of 'earned early release'.

In addition, the Government should examine previous recommendations in this domain made by Policy Exchange – relating to sentencing reform, prison reform and a bolstering of the entire community sentence regime.⁸

On additional funding: there is no scope to increase overall government spending. So any increase in funding to finance additional prisons must come from reductions in other sorts of public spending. This paper does not lay out in detail what other spending ought to be cut, but with government spending as a share of GDP at a post-war high, there is ample scope for the level of savings that would be required. Civil service staffing, the benefits bill, overseas aid and the regime for uprating pensions should all be reviewed.

This Labour Government has come to believe that it has only a 'narrow path' to tread when it comes to law and order. On one side maintaining the confidence of the law-abiding majority; on the other acting in the interests of the 'stakeholders' and noisy activists who seek a more 'progressive' approach to those who choose to commit crime.

This is exactly the kind of challenge that Labour Party strategists will have to navigate amidst its own internal 'coalition politics'. It is also a debate which readily plays out in the Parliamentary Labour Party. On one side are those MPs, often hailing from the 'Red Wall', who understand that only a Labour Party that is "tough on crime, tough on the causes of crime" has any chance of retaining and winning support beyond a narrow sliver of ultra-progressives. On the other side are the Labour MPs who have, amongst other activities, vigorously campaigned against joint-enterprise laws (which are key in the fight against crime) and claimed that some communities are "over-policed" despite those communities simultaneously being ravaged by knife and gang crime.

Labour's challenge in Government is to show to ordinary working

7. Ministry of Justice, 10-Year Prison Capacity Strategy, December 2024, [link](#)

8. D. Spencer (2023), The Wicked and the Redeemable, Policy Exchange, [link](#)

people that it understands that the greatest threats they face come not from State oppression in the form of more prison places, but rather from an insufficiency of law and order – thus empowering the criminals and gangs who wilfully immiserate their lives.

Too often Ministers, senior civil servants and the judiciary are insulated from the real-life consequences of their decisions relating to law and order. Many do not live or walk on dangerous and messy streets, or have to live next to those who have made criminality and anti-social behaviour a way of life. If Government wishes to genuinely serve the public – the vast majority of whom are living productive and law-abiding lives – Ministers must recognise that a less permissive environment for crime is required. Central to that is that the minority of people who do commit most crime should be far more likely to be in prison than is currently the case.

This report shows Ministers how to deliver on a core element of such a plan.

Summary of Recommendations

1. As part of delivering a less permissive environment for crime and reducing the number of prisoners living in overcrowded conditions the Government must increase the number of prison places by 43,000 (plus an additional 10,000 prison cells to eliminate overcrowding) over the next decade.
2. The Government must appoint an entirely new executive leadership team – they must urgently reform His Majesty’s Prison and Probation Service. At a minimum new leadership should focus on the frontline by rooting out corruption, increasing standards of recruitment and training and a cull of the bureaucrats which insulate prison leaders from the realities of protecting the public and their own staff.
3. As part of a wholesale refocusing of how sentencing and the Prison Service operates, towards a model which incentivises education and training in readiness for work – prisoners should no longer be automatically eligible for early release. Early release should be in return for prisoners undertaking activities such as productive work, education, training and drug rehabilitation programmes. This will require the wholesale rebuilding of ‘purposeful’ activities in prisons from its current – almost non-existent – state. To have the option for ‘earned early release’ prisoners must also be able to demonstrate that they are no longer at risk of reoffending on release.
4. Integrated into the design of every prison should be an infrastructure which enables every prisoner to undertake an extensive programme of training and skills development which enables prisoners to take up productive work on release from custody. There should also be gymnasium facilities on site available to prisoners. This should be part of the HMPPS Certified Prisoner Accommodation Framework. Every prisoner (excluding Foreign National Offenders who should in due course be deported) should have a full time placement in education or work (minimum 8 hours per day).
5. The Government should phase out the use of the ‘Operational Capacity’ measure in favour of the ‘Certified Normal Accommodation Measure’ as part of a plan to reduce overcrowding

across the prison estate.

6. The Government should ensure that all future prisons receive planning permission through the new Crown Development Route, as legislated for in section 109 of the Levelling-up and Regeneration Act 2023 – the Government must stand up for the national interest. The Government should also issue a National Policy Statement on prison infrastructure to safeguard planning applications for building a new generation of prisons.
7. As part of delivering a less permissive environment for crime the Government should invest an additional £6.5bn in a prison building programme over the next decade and an additional annual investment of £1.7bn per year. In total this represents a shift of less than 0.2% of total public expenditure over the coming decade which should be found from savings elsewhere in public spending rather than increases in taxation.
8. In addition to a programme of prison building, the Victorian-era prison estate should be subject to a large-scale refurbishment to ensure these institutions meet a modern standard. This should include a reduction in the number of prisoners held in these institutions.
9. When choosing sites for new prisons, the Government should aim to site them in locations which are easily accessible from major towns and cities via public transport – providing a significant potential pool of new prison officers and enabling prisoners to maintain family ties and access opportunities for employment, education and training.
10. When building new prisons, the Government should increase the proportion of the prison estate which are ‘open’ category D prisons – locating them near to population centres providing access to external employment and training opportunities while supporting prisoners for their eventual release.

1. How many prison places do we need?

The Criminal Law, as laid down by Parliament, codifies the extreme limits of what is acceptable behaviour in our society. Not everything we might consider to be unsavoury or unpleasant is criminalised – nor should it be. In the year to June 2024 1.15 million people were convicted of a criminal offence – of them 75,300 were sentenced to a term of immediate custody by a judge or magistrate.⁹

Prisons have broadly four roles: to punish those who break the law; to protect the public; to deter individuals from breaking the law; and to support offenders to live productive lives when they are released. It is often suggested – wrongly – that prison doesn't work. The validity of such a contention depends on only measuring against one of the four purposes of prison the existing system is being measured against. Because the existing system is failing in one area does not negate the entirety of the prison system's purpose.

It is right that those who break the extreme limits of our society's rules – as determined by Parliament – are punished. The public and victims should be protected from those who have proven themselves to cause harm to both society and individuals – and may well choose to do so again.

Offenders sent to prison often have a litany of failed community sentences behind them – for those who continue offending despite having had such opportunities prison should be a necessary and reasonable consequence.

And, even if it were possible to create a perfect system of education, community-based substance-abuse rehabilitation and family support there would still be those who chose to commit crime. We cannot shy away from the fact that there are some in our society who are simply wicked.

In such circumstances, those individuals – for a period of time proportionate to the severity and frequency of their offending – should be in prison. The law-abiding majority should not have to tolerate the behaviours of those who chose not to abide by the laws which enable our society to function.

The current prison population

Between 1997 and 2010 the annual average number of individuals incarcerated in England and Wales, under Labour governments, increased from 61,114 to 84,725 – an increase from 119 inmates to 152 per

9. Ministry of Justice, Criminal justice statistics quarterly: Year ending June 2024, [link](#)

100,000 of the population. During that period, according to the Crime Survey of England and Wales, crime went down substantially – from 17.2 million offences in the year to December 1997 to 9.5 million offences in the year to March 2010.¹⁰

Overall Crime in England and Wales (1980 – 2024)



Between 2010 and 2023 while the annual average number of individuals incarcerated, under coalition and Conservative governments, increased from 84,725 to 85,968 – the number of inmates per 100,000 of the population actually fell from 152 to 141.¹¹ As of September 2024, there were 86,526 individuals held in prison in England and Wales.¹² Despite an increase in population of nearly 5 million people over the period 2010 – 2024 the net increase in prison places was only 500.¹³ As a result, too often, the sentencing regime is now focused primarily on the number of prison places remaining available in the system – rather than the volume and severity of crime committed by offenders.

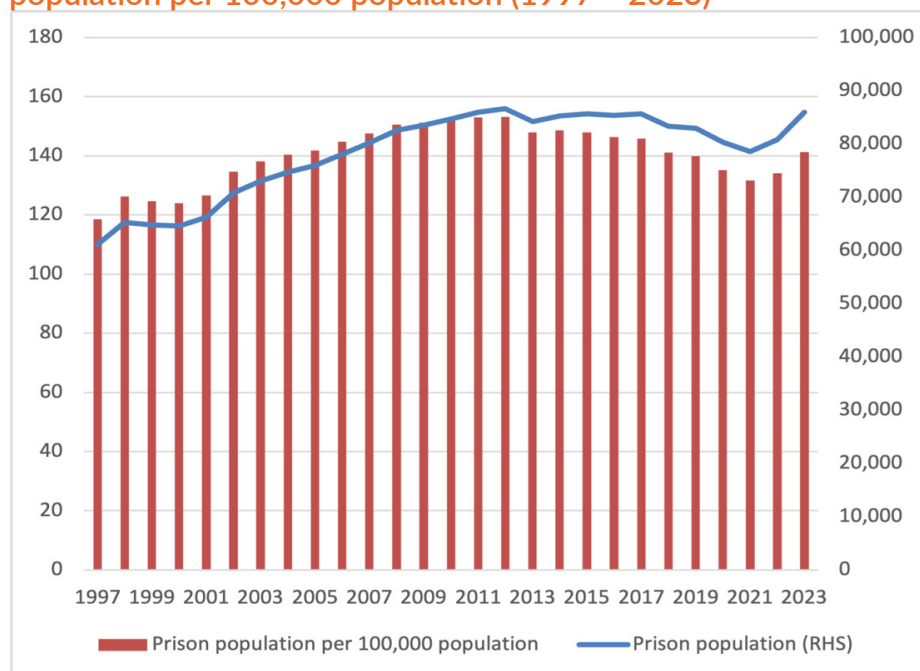
10. Crime Survey of England and Wales, Crime in England and Wales: year ending September 2024, 30th January 2025, [link](#)

11. Ministry of Justice, Offender Management statistics quarterly: January to March 2023, [link](#)

12. Ministry of Justice, Prison population: weekly estate figures 2024, Population and capacity briefing for Friday 27th September 2024, [link](#)

13. Ministry of Justice, The number of prison places built and closed (2010-2024), 25th October 2024, [link](#)

England and Wales average annual prison population and prison population per 100,000 population (1997 – 2023)¹⁴



The Crime Survey of England and Wales – which estimates only ‘personal crime’ such as assault, theft or criminal damage and does not include offending against businesses or so-called ‘offences against the state’ such as drug dealing – estimates there were 9.5 million criminal offences committed in England and Wales in the year to September 2024.¹⁵ According to the Ministry of Justice 1.15 million people were convicted of criminal offences in the year to June 2024.¹⁶ Compared to these huge numbers we send comparatively few people to prison each year.

The vast majority of prisoners are male – representing 95.6% of those in custody.¹⁷ As of June 2024 there were 437 children (between the ages of 10 and 17) in custody.¹⁸ 13 of those children are between the ages of 10 and 14 years old.¹⁹

Most prisoners are serving ‘determinate sentences’, where a court has specified how long their sentence should be. As of June 2024, nearly a fifth of prisoners – 19.5% of the prison population were on remand awaiting trial or sentencing. This represents a substantial increase over the past decade – in June 2015 13.7% of prisoners were on remand.²⁰ The proportion serving short sentences (below 12 months) has more than halved, from 7.2% in June 2015 to 3.2% in June 2024, while those serving sentences of 4 years or more has increased from 33.4% to 37.8% over the same period. The proportion serving indeterminate sentences has fallen from 14.0% to 9.7% primarily due to the reduction in prisoners serving Imprisonment for Public Protection sentences since their abolition.²¹

14. Population Data: 1900-2016: Bank of England, A millennia of macroeconomic data, [link](#) & 2017-2023: Office of National Statistics, Population estimates time data series, [link](#); Ministry of Justice, Offender management statistics quarterly: January to March 2024, [link](#)

15. Office for National Statistics, Crime Survey of England and Wales: year ending September 2024, [link](#)

16. Ministry of Justice, Criminal justice statistics quarterly: Year ending June 2024, [link](#)

17. Ministry of Justice, Prison population: weekly estate figures 2024, Population and capacity briefing for Friday 27th September 2024, [link](#)

18. HM Prison and Probation Service, Youth custody data: July 2024, [link](#)

19. Ibid.

20. Ministry of Justice & HM Prison and Probation Service, Offender Management Statistics quarterly: January to March 2024, [link](#)

21. Imprisonment for Public Protection sentences were introduced by the Labour Government through the Criminal Justice Act 2003 and were available to the courts between 2005 and 2012. On their introduction, an IPP sentence was required for offenders who had committed a specified serious violent or sexual offence (where the seriousness of the offence did not merit a life sentence) and the court considered that the offender posed a “significant risk of serious harm” in the future. The coalition Government abolished them through the Legal Aid, Sentencing and Punishment of Offenders Act 2012, although not for existing prisoners.

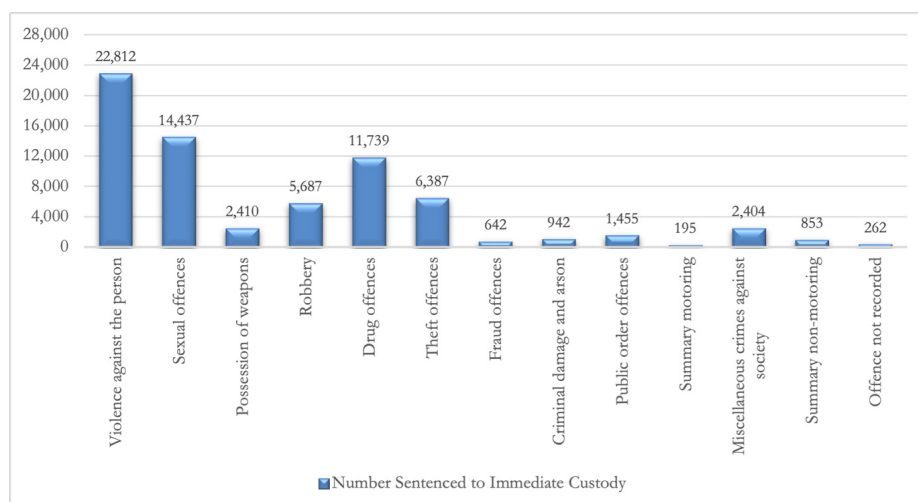
England and Wales prison population by custody type (June 2015 and June 2024)²²

| Type of Sentence ²³ | Proportion of Prisoners | |
|--|----------------------------|----------------------------|
| | 30 th June 2015 | 30 th June 2024 |
| Remand (Awaiting trial) | 9.6% | 12.6% |
| Remand (Convicted and awaiting sentence) | 4.1% | 6.9% |
| Less than or equal to 12 months | 7.2% | 3.2% |
| Greater than 12 months to less than four years | 21.6% | 14.9% |
| Four years or more (excluding indeterminate sentences) | 33.4% | 37.8% |
| Indeterminate sentences (including IPP and life sentences) | 14.0% | 9.7% |
| Recalled to Prison ²⁴ | 7.2% | 13.9% |

The turnover of prisoners through the system is considerable, with most entering and leaving prison in less than 12 months. In the year to March 2024, of the 23,005 individuals arriving in prison well over half (57.8%) were sentenced to a term of imprisonment of 6 months or less.²⁵ Only 1,707 – 7% of those arriving in prison – had been sentenced to serve four years or more in custody.²⁶

Of those prisoners serving an immediate custodial sentence 61.1% were for violent, sexual or robbery offences; 16.7% were for drugs offences; 10.0% for fraud or theft; and 3.4% for the possession of weapons.²⁷ It is an error to imagine that most of those in prison do not deserve to be in custody. In nearly two thirds of cases those in prison left a victim of a violent, sexual or robbery offence who has to live with the consequences of having been attacked.

England and Wales prison population under immediate custodial sentence by offence type (30th June 2024)²⁸



22. Ministry of Justice & HM Prison and Probation Service, Offender Management Statistics quarterly: January to March 2024, [link](#)

25. Ibid.

26. Ibid.

27. Ibid.

28. Ibid.

23. Excludes where the sentence is not recorded, non-criminal prisoners (such as contempt of court prisoners) and fine defaulters.

24. Where a prisoner has been released 'on licence' they are supervised by an Offender Manager in the community. On release, they receive a copy of their licence with the conditions they need to adhere to. If they do not keep to the conditions of their licence they can be recalled and returned to prison.

Prolific offenders, early releases and a less permissive approach to crime

Policy Exchange has long advocated for a less permissive approach to crime – this paper continues that tradition. The reality is that there are many individuals who have committed violent criminal offences or are highly prolific in their offending.

The Policy Exchange paper, *The Wicked and the Redeemable* (2023), summarised examples of individuals with over a hundred previous convictions who, having been convicted of a new tranche of offences, were sentenced to community or suspended sentences rather than terms of imprisonment.²⁹ In the year to December 2022 of those offenders who had 45 or more previous criminal convictions, which we refer to as ‘hyper-prolific offenders’, only half were sentenced to a term of imprisonment on further conviction for an indictable or ‘either-way’ offence.³⁰ For the year to December 2023 the proportion was even lower – only 46.2% were sentenced to a term of imprisonment.³¹

Rate of Types of Sentencing for Hyper-Prolific Offenders (year to December 2023)³²

| Disposal Type | ‘Hyper-prolific offender’ Disposal Year to December 2023 (%) |
|------------------------------|---|
| Caution | 0.88% |
| Absolute discharge | 0.3% |
| Conditional discharge | 6.8% |
| Fine | 12.8% |
| Community sentence | 9.7% |
| Suspended sentence | 11.0% |
| Immediate custodial sentence | 46.2% |
| Other | 12.3% |

Neither is this a new trend – in each of the ten years between 2014 to 2023: 48.3% to 53.8% of ‘hyper-prolific’ offenders were sentenced to a non-custodial sentence.³³ It is difficult to conceive of a statistic which more demonstrates the contempt with which the criminal justice system is treating the law-abiding majority.

In the year to December 2023 there were 10,183 occasions that hyper-prolific offenders were convicted of criminal offences.³⁴ It is our view that on every single occasion these individuals are convicted they should be sentenced to a term of immediate imprisonment which reflects the impact that they have on the law-abiding public. It is essential that the prison estate has sufficient capacity to do so.

In addition to the failure to consistently sentence the most prolific offenders to sentences which would support the protection of the public, the current limit on prison places is having unintended, or at least inadvisable,

29. D. Spencer (2023), *The Wicked and the Redeemable*, Policy Exchange, [link](#)
30. Ministry of Justice, *First time entrants (FTE) into the Criminal Justice System and Offender Histories: year ending December 2023*, 16th May 2024, [link](#)
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.

effects on the rest of the criminal justice pipeline. Police officers have been told to consider “pausing” arrests;³⁵ crown courts continue to suffer from huge backlogs with the inevitable impact on the public, victims and defendants³⁶; and the judiciary have been advised to consider the existing capacity limits in the prisons system when considering when to sentence those convicted of criminal offences.³⁷

Both the current and previous governments introduced a series of measures to ensure the prison population did not exceed the operational capacity. In October 2023 the then Secretary of State announced an intention to release on licence prisoners up to 18 days before their automatic release date alongside, the early deportation of Foreign National Offenders held in English and Welsh prisons and an increase in the use of GPS tagging for those serving community-based sentences.³⁸ He also announced an intention to legislate to presume that sentences of less than twelve months in prison would be suspended.³⁹

The current Government has also undertaken a large-scale early prisoner release. On the 16th July 2024 the Secretary of State announced her intention to allow prisoners serving less than five years to be released having served 40%, rather than 50%, of their sentence. This came into effect on the 10th September 2024 with approximately 1,700 prisoners released. For those serving sentences of five years or more the effective date would be the 22nd October 2024. The Secretary of State said that this was intended as an emergency measure:

*“This is not a permanent change. I am unapologetic in my belief that criminals must be punished. I do not think that this 40 percent level should stand forever more. And that is why I am committing to reviewing this again, in 18 months’ time, when we believe the situation in our prisons will have stabilised.”*⁴⁰

Rt Hon Shabana Mahmood KC MP, Lord Chancellor and Secretary of State for Justice

It is vitally important that, within the 18-month timescale the Secretary of State has set herself, the prison estate has sufficiently recovered from its current crisis in order that prisoners are not continuing to be automatically released having served only 40 percent of their sentence.

A decade of prison building

As of the 4th October 2024, the Useable Operational Capacity of prisons in England and Wales was 89,313.⁴¹ Recent projections published by the Ministry of Justice estimates the number of prisoners held in England and Wales over the coming years will be between 94,600 and 114,800 by March 2028 – with a central estimate of 105,800 prisoners.⁴²

35. BBC News, Police urged to consider making fewer arrests, 22nd May 2024, [link](#)

36. Ministry of Justice, Criminal Justice Statistics quarterly: March 2024, 15th August 2024, [link](#)

37. BBC News, Courts told to delay sentencings over prison space, 23rd August 2024, [link](#)

38. J. Beard (2023), What is the Government doing to reduce pressure on prison capacity?, 19th October 2023, House of Commons Library, [link](#)

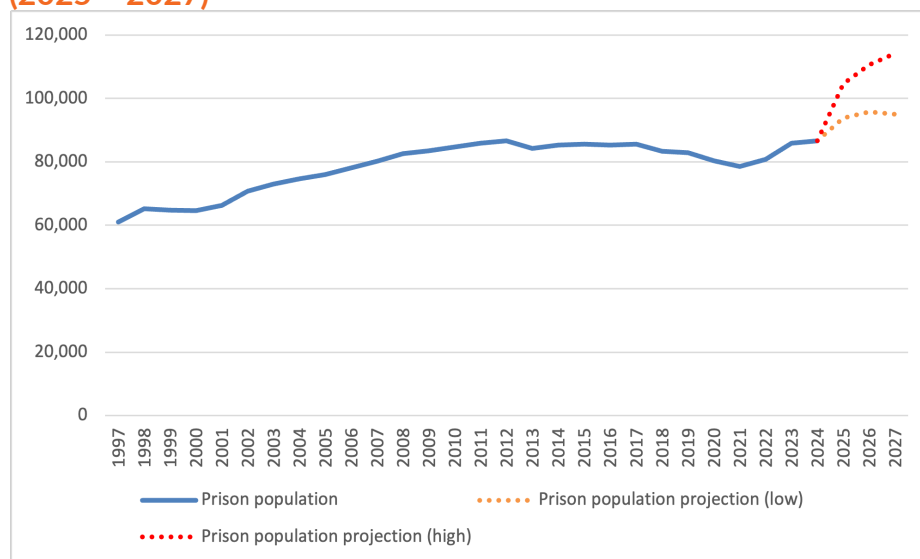
39. Ibid.

40. Ministry of Justice, Speech by Rt Hon Shabana Mahmood KC MP delivered at HMP Five Wells, “New Lord Chancellor sets out measures to avert prison capacity crisis”, 16th July 2024, [link](#)

41. The ‘Useable Operational Capacity’ of the prison estate is defined by the Ministry of Justice as, “the sum of all establishments’ operational capacity less 1350 places. This is known as the operating margin and reflects the constraints imposed by the need to provide appropriate accommodation for different classes of prisoner i.e. by sex, age, security category, conviction status, single cell risk assessment and also due to geographical distribution.”; Ministry of Justice, Prison population: weekly estate figures 2024, 4th October 2024, [link](#)

42. Ministry of Justice, Prison population projections: 2023 to 2028, [link](#)

Prison population (1997 – 2024) and Prison population projections (2025 – 2027)⁴³



While these projections are dependent on a range of scenarios, and are particularly sensitive to changes in Government policy, the Ministry of Justice's most recent projections make clear that the prison population will over the coming years increase well beyond the estate's existing capacity.

At the 2021 Spending Review, the previous Government committed to delivering 20,000 more prison spaces by the mid 2020s, primarily through the building of four new prisons. As of 2023, 5,400 places had been delivered.⁴⁴ As part of their General Election manifesto the Labour Government committed to: "deliver the 20,000 promised jail places to ensure there is always enough space to lock up the most dangerous offenders".⁴⁵ This 20,000 prison places stated in the Labour Manifesto includes 5,400 which the previous Government had already delivered, so in reality the new Government has committed to delivering an additional 14,600 prison places beyond the existing estate taking the maximum capacity of the estate to 103,913.

The intention of the Government to increase the prison estate capacity to 103,913 places remains below the Ministry of Justice's central projection of 105,800 prisoners, and far below the higher end of their projections of 114,800 prisoners, by November 2027.

In a stable liberal democracy freedom from the fear of crime should be the entitlement of the law-abiding majority. It cannot be right that decision making on arrests or sentencing is a function of prison capacity. The existing permissiveness of the regime, which allows violent and prolific offenders to escape a prison sentence while victims and the law-abiding majority live in fear, makes a mockery of that objective.

There should be capacity within the prison system for every single one of the most prolific offenders to be sentenced to a lengthy term of imprisonment – to be served in full. Similarly the opportunity for early release should not be automatic – it should be dependent on factors which

43. Ministry of Justice, Offender management statistics quarterly: January to March 2024, [link](#); Ministry of Justice, Prison population projections: 2023 to 2028, [link](#)

44. J. Beard (2023), The prison estate in England and Wales, House of Commons Library, 29th June 2023, [link](#)

45. Labour Party 2024 Manifesto, "Labour Party prisons policy: How we will fix the prisons crisis and keep criminals behind bars", [link](#)

include risk to the public of further offending and prisoners' compliance with an effective 'purposeful activity' regime of education and work.

We therefore recommend that the Government increase their ambitions substantially – delivering:

- the 14,600 prison places Government has already committed plus a further 10,900 prison places to achieve the higher prisoner projections (14,800 places) within the next five years;
- a further 17,500 prison places within the next ten years to guarantee that every violent and prolific offender receives a prison sentence on conviction; and
- a further 10,000 prison cells within the next ten years to eliminate the necessity of prisoners living in crowded conditions.

Given where the most acute pressure is located within the prison system these additional prison places should be focused on increasing the size of the adult male estate.

Recommendation: As part of delivering a less permissive environment for crime and reducing the number of prisoners living in overcrowded conditions the Government must increase the number of prison places by 43,000 (plus an additional 10,000 cells to eliminate over-crowding) over the next ten years.

2. The state of our prisons

The conditions under which many of the prisons in England and Wales are operating are an example of catastrophic State failure. Those responsible for running both His Majesty's Prison and Probation Service and the Ministry of Justice must be held to account for the performance of these organisations. Where senior leaders are found to have been wanting – yet continue to remain in their post or even subsequently receive a promotion – it calls into question the entire regime of public service leadership and performance management.

A grossly unsafe and insecure prison estate and regime: Great swathes of our prison estate are dangerous and frightening places, where the prevailing culture is a significant distance from the level of control and order required to safely operate these establishments. In too many cases, they are not safe for either those who are entrusted to the State's care nor the men and women tasked with running these institutions.

In the 12 months to March 2024 there were 28,292 assaults in prison, an increase in the rate of assaults by 27% on the previous year.⁴⁶ Of those assaults 3,215 were classified by the prison service as being 'serious', an increase in the rate of 'serious' assaults by 18% on the previous year.⁴⁷ 85 prisoners committed suicide in the year to March 2024.⁴⁸ There were 9,847 assaults on staff – an increase in the rate of assaults on staff by 32% on the previous year. Of these, 3,215 were classified as 'serious' – an increase in the rate of 'serious' assaults on staff of 25% on the previous year.⁴⁹ Counter to the frequent statements issued by the senior leaders of His Majesty's Prison and Probation Service, these numbers demonstrate that there is an unacceptable level of tolerance for violence within our prisons – both amongst prisoners and against prison officers and staff.

As the Chief Inspector of Prisons said in his 2023-2024 Annual Report:

"Perhaps unsurprisingly, given the levels of overcrowding and shortage of experienced officers, key indicators of how safe our prisons are, such as the rates of assaults, self-harm and self-inflicted deaths, all remained high or increased over the past year."⁵⁰

"The ingress of drugs either over the wall or through the gate were a common cause of violence, bullying and debt. Prisons are a lucrative market for organised crime gangs and restricting the supply through rigorous security measures was still not good enough in many jails."⁵¹

Charlie Taylor, HM Chief Inspector of Prisons

46. Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to June 2023 & Assaults and Self-harm to March 2024, 25th July 2024, [link](#)

47. Ibid.

48. Ibid.

49. Ibid.

50. HM Inspectorate of Prisons, HM Chief Inspector of Prisons Annual Report 2023 – 2024, [link](#)

51. Ibid.

Drugs in prison: 'Black Mamba'

Spice, a synthetic cannabinoid, also known as 'black mamba' and 'bird killer', contributes to the significant levels of violence within prisons. The drug is widely used by prisoners, despite efforts to control the substance in prisons through the Psychoactive Substances Act 2016. It can result in seizures, difficulties breathing and extreme paranoia. Spice has been associated with rises in self-harm and suicidal ideation amongst prisoners in addition to increasing the risk of violence towards prison officers and staff.⁵² The drug was implicated in 62 deaths in English and Welsh prisons between 2015 and 2020.⁵³

Prison officers report prisoners being beaten or being forced to engage in sexual favours to receive small quantities of the drug. Vulnerable prisoners are encouraged by other prisoners to participate in humiliating behaviours as a form of entertainment after taking the drug – including prisoners being forced to drink their own urine or to strip naked and fight one another while under the influence of the drug.

A sheet of paper the size of a credit card which contains spice can be sold for £50 – almost four times a prisoner's typical weekly wage – resulting in prisoners becoming indebted to drug dealers within the prison.⁵⁴

Spice is particularly easy to smuggle into prison establishments. In its liquid form, the synthetic cannabinoid can be sprayed onto paper or clothes and then posted or smuggled into prisons where it can be smoked using tampered vapes. Contaminated materials remain odourless, meaning it can be almost impossible for prison staff to detect the drug, without the use of specialist detection equipment or sniffer dogs. Prisoners can also organise for papers contaminated with spice to be posted in to the prison, often disguised as legal correspondence – known as 'Rule 39's' – which under section 39 of The Prison Rules 1999 statutory instrument "may only be opened, read and stopped if the governor has reasonable cause to believe its contents endanger prison security or the safety of others or are otherwise of a criminal nature".⁵⁵

One prison officer told the author of this report: "the sheer volume of movement of prisoners and paperwork, combined with the failure to provide proper detection systems means that a crackdown on spice feels impossible".

The management of risk within our prisons and on release is grossly misunderstood. Too often offenders convicted of very serious crimes but who are apparently 'well-behaved' and 'compliant' while in custody are assessed at a lower risk than they should be despite representing a very grave risk to the public and other prisoners. The September 2023 escape from HMP Wandsworth of a prisoner, Daniel Khalife, on remand awaiting trial on suspicion of offences relating to terrorism and breaching the Official Secrets Act is one such example.

In a subsequent inspection of HMP Wandsworth only 7 months later

52. User Voice (2016), Spice: The Bird Killer – What prisoners think about the use of spice and other legal highs in prison, [link](#)

53. K. Duke, H. Gleeson, S. MacGregor, B. Thom (2023), *The risk matrix: Drug-related deaths in prisons in England and Wales 2015–2020*, *Journal of Community Psychology*, [link](#)

54. S. Craft, A. Austin, T. Tooth, C. Glover, T. Garrett, L. Blagbrough, P. Sunderland, C. Pudney, T. Freeman (2023), Synthetic cannabinoid use in an adult male prison in the UK, *International Journal of Drug Policy*, [link](#)

55. Section 39, The Prison Rule 1999, [link](#)

the Chief Inspector of Prisons said:

“Despite a high-profile escape from Wandsworth in September 2023, inspectors found significant weaknesses in many aspects of security. Wings were chaotic and staff across most units were unable to confirm where all prisoners were during the working day. There was no reliable roll that could assure leaders that all prisoners were accounted for. Given the recent escape, it was unfathomable that leaders had not focussed their attention on this area.”⁵⁶

Charlie Taylor, HM Chief Inspector of Prisons

An Independent Investigation of the circumstances of the escape was commissioned by the Government – to be conducted by former Director General of the National Crime Agency, Keith Bristow QPM.⁵⁷ In January 2024 the then Lord Chancellor confirmed that the Investigation had been completed and made a series of recommendations – but was not being published due to Mr Khalife awaiting trial for unlawfully escaping custody.⁵⁸ Mr Khalife subsequently pleaded guilty to the offence during his trial in February 2025 and was sentenced to a total of 14 years 3 months in custody for his various offences.⁵⁹ The Independent Investigation has not – as yet – been published by the Ministry of Justice.



Cells in HMP Wandsworth⁶⁰

56. HM Inspectorate of Prisons, Urgent Notification Letter from Chief Inspector of Prisons to Lord Chancellor and Secretary of State for Justice, 8th May 2024, [link](#)

57. Ministry of Justice, Independent investigation into HMP Wandsworth escape, [link](#)

58. Letter from Lord Chancellor to Chair of the Justice Select Committee, Independent Investigation into HMP Wandsworth alleged escape, 8th January 2024, [link](#)

59. Judiciary of England and Wales, Sentencing Remarks: R v Daniel Khalife before Mrs Justice Cheema-Grubb, 3rd February 2025, [link](#)

60. HM Inspectorate of Prisons, Report on unannounced inspection of HMP Wandsworth, 22 April – 2 May 2024, [link](#)

61. BBC News, Manchester Arena bomber attacks prison officers, 12th April 2025, [link](#)

Even where there is pre-existing evidence that prisoners pose a substantial risk to others adequate steps to protect staff and other inmates are not taken. In April 2025 the Manchester Arena terrorist, Hashem Abedi, was alleged to have attacked three prison officers in a kitchen area at HMP Frankland using hot cooking oil and weapons created from equipment he had access to.⁶¹ The prison officers were reported to have sustained very serious burn and stab injuries. The attack took place at HMP Frankland’s ‘separation centre’ which is designed to house offenders who pose a risk of being able to influence and radicalise other prisoners. Abedi has

previously been convicted of attacks against two prison officers at HMP Belmarsh.

An Independent Investigation, led by an appropriately qualified individual, into the circumstances that occurred at HMP Frankland must be completed and published without delay. The Independent Investigation into the escape by Daniel Khalife from HMP Wandsworth should also be published in due course. If it transpires in either case that leaders within the Prison Service allowed either situation to exist this would quite clearly be unacceptable. If this is the case, there must be consequences for the senior leaders responsible.

Overcrowding and out of use cells – ‘Operational Capacity’ versus ‘Certified Normal Accommodation’: While the overcrowding of prisons should not be used as an excuse for ineffective leadership and management, there is no doubt that the impact of overcrowding within the prison estate makes it harder to meet the necessary minimum standards required to run an effective prison service.

Out of use and dilapidated cells

HMPPS estimate that at any one point there are approximately 1,700 cells out of use across their estate.⁶² This is in addition to the pre-existing 4,151 dilapidated cells indefinitely closed since 2010.⁶³

The disrepair of older parts of the prison estates poses a threat not only to the safety and wellbeing of prisoners and staff, but also to wider security. Broken windows and security features commonly allow drones to deliver drugs and mobile phones to prisoners with ease – one prisoner reporting to prison inspectors that it was “now an airport” rather than a prison.⁶⁴

The crumbling walls of HMP Winchester enabled nineteen prisoners to escape their cells overnight in August 2019.⁶⁵ In scenes reminiscent of *The Shawshank Redemption*, offenders used plastic cutlery and furniture to break through their cell walls and cause disruption on the wing. One individual used a hose in an effort to flood the wing – this was filmed by another prisoner on a smart phone and subsequently uploaded to YouTube. On the film prisoners can be seen celebrating, wearing prison officers’ uniform and jubilantly placing cones on their heads. The situation was subsequently controlled following the arrival of the Prison Service’s National Tactical Response Group.

HMP Dartmoor remains closed following the detection of the radioactive gas radon in July 2024,⁶⁶ the cause of 1000 lung cancer deaths in the UK every year. According to the Chief Executive of the Prison Service there is currently no estimate for when the prison will return to operational use, requiring its operational capacity of 689 prisoners to be relocated elsewhere.⁶⁷

In March 2024, the National Audit Office found that 23,000 cells fell short of fire safety standards, with the current capacity crisis meaning

62. Justice Committee, Oral Evidence: Work of the Ministry of Justice, 4th March 2025, [link](#)

63. National Audit Office (2024), Increasing the capacity of the prison estate to meet demand, [link](#)

64. HM Chief Inspector of Prisons, Report on an unannounced inspection of HMP Garth, 29 July – 8 August 2024, [link](#)

65. BBC News, Winchester prison: Inmates breach ‘weak walls’ in mass cell breakout, 21st August 2019, [link](#)

66. BBC News, People ‘left in the dark’ over prison closure, 26th July 2024, [link](#)

67. Justice Committee, Oral Evidence: Work of the Ministry of Justice, 4th March 2025, [link](#)

that these cells remain in use.⁶⁸ HMPPS had committed to making all cells fire compliant by the end of 2027, promising that cells with outstanding work will not be occupied after 2027.⁶⁹ Given the collapse of Carillion in 2018 and ISG in 2024, it is increasingly doubtful that this ambition will be achieved – as recently acknowledged by the Chief Executive of the Prison Service.⁷⁰



Cell in HMP Rochester⁷¹

The Prison Service uses two measures to determine the capacity of the prison estate:

The **‘Operational Capacity’** of a prison is: “the total number of prisoners that an establishment can hold taking into account control, security and the proper operation of the planned regime. It is determined by the Prison Group Directors on the basis of operational judgement and experience.”

The **‘Certified Normal Accommodation’** or ‘uncrowded capacity’ of a prison meanwhile: “represents the good, decent standard of accommodation that the Service aspires to provide all prisoners.”

While the Operational Capacity of the prison estate was 89,313 in October 2024 the in-use ‘Certified Normal Accommodation’ (in August 2024) was 79,333 – with the difference being prisoners held in ‘crowded conditions’. The problem is particularly acute in the male estate with over half of prisoners in Male Reception prisons (which receive remand prisoners and post-conviction prisoners prior to their allocation to other establishments) being held in overcrowded conditions.

71. HM Inspectorate of Prisons, Report on unannounced inspection of HMP/YOI Rochester, 4 and 11-15 October 2021, [link](#)

68. National Audit Office (2024), Prison expansion plan was ‘unrealistic and not prioritised’, [link](#)

69. FPA Media (2025). A quarter of UK prison places do not meet fire safety standards, [link](#)

70. Justice Committee, Oral Evidence: Work of the Ministry of Justice, 4th March 2025, [link](#)

Proportion and number of prisoners in England and Wales currently being held in overcrowded conditions (year ending March 2024)⁷²

| Prison Function | Crowding Rate (%) | Total Number of Prisoners held in crowded conditions |
|----------------------------------|-------------------|--|
| Male Dispersal ⁷³ | 0 | 0 |
| Male Reception ⁷⁴ | 50.3% | 13,143 |
| Male category B | 3.8% | 281 |
| Male category C | 16.2% | 6,715 |
| Male Open | 2.2% | 117 |
| Female Local | 11.0% | 277 |
| Female Closed | 0 | 0 |
| Female Open | 0 | 0 |
| Male Young Offender Institutions | 0 | 0 |
| All prisons | 23.6% | 20,533 |

There are many who would use the current state of prison overcrowding as a reason to contend that fewer individuals should be sent to prison. We disagree – creating a less permissive environment for crime means sending more of those who have chosen to commit crime to prison. The solution is therefore not to send fewer offenders to prison, but for Government to recognise that substantial investment is required to increase the number of prison places in order that sufficient prisoners can be held safely in environments which provide the opportunity for them to undertake purposeful activities.

Recommendation: The Government should phase out the use of the ‘Operational Capacity’ measure in favour of the ‘Certified Normal Accommodation Measure’ as part of a plan to reduce overcrowding across the prison estate.

A purposeless regime: Despite considerable evidence on how they could be reduced, reoffending rates remain high. For offenders who had started a community order (including suspended sentences) in the most recent period for which data is available, the proven reoffending rate was 26.5%.⁷⁵ For those who had served a short sentence of less than 12 months the rate was far higher, at 56.9%.⁷⁶ The overall proven rate of reoffending over the last decade has fluctuated between 22.7% and 30.6% since 2011.⁷⁷ Perhaps unsurprisingly, the more previous convictions a prisoner has, the more likely they are to then be reconvicted.⁷⁸ The annual economic costs of reoffending are estimated to be £18.1 billion.⁷⁹ The cost in the human suffering of victims, families and communities is incalculable.

72. Ministry of Justice, HMPPS Annual Digest 2023/24, 25th July 2024, [link](#)

75. A proven reoffence is defined as any offence committed in a one-year follow-up period that leads to a

court conviction, caution, reprimand, or warning in the one-year follow-up period or within a further six-month

waiting period to allow the offence to be proven in court: Ministry of Justice, Proven Reoffending Statistics Quarterly Bulletin, July to September 2022, [link](#)

76. Ibid.

77. Ibid.

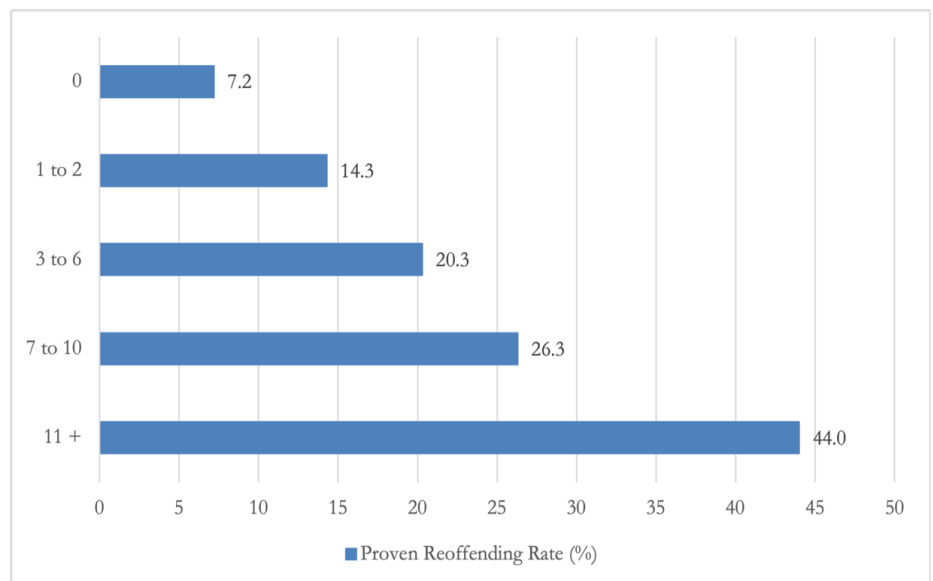
78. Ibid.

79. A. Newton, X. May, S. Eames & M. Ahmad (2019), Economic and Social Costs of Reoffending: Analytical Report, Ministry of Justice, [link](#)

73. Male Dispersal prisons hold the most difficult and dangerous prisoners including those assessed as category A.

74. Male Reception prisons (also called local prisons) mainly take prisoners on remand, those who have recently been sentenced or those on very short sentences.

Percentage of adult offenders in England and Wales who commit a proven reoffence within one year by the number of previous offences (July - September 2022 offender cohort)⁸⁰



While it is ultimately the choice of offenders whether they commit criminal offences or not, the continuing failure to rehabilitate prisoners while they are in custody is at least partially due to the ongoing failure of the Prison Service to operate an effective ‘purposeful activities’ regime in almost every prison. During 2023 – 2024, His Majesty’s Inspectorate of Prisons conducted 39 inspections of men’s and women’s adult prisons. The Inspectorate judged purposeful activity to be poor or not sufficiently good in 31 of the 39, and in 18 of the prisons the outcomes had got worse since the previous inspection.⁸¹



HMP Manchester External Exercise Yard⁸²

80. Ministry of Justice, Proven Reoffending Statistics Quarterly Bulletin, July to September 2022, [link](#)

81. HM Inspectorate of Prisons, HM Chief Inspector of Prisons Annual Report 2023 – 2024, [link](#)

82. His Majesty’s Inspectorate of Prisons, Report on an unannounced inspection of HMP Manchester, 6-7 and 13-17 September 2021, [link](#)

'22-hour bang up'

For many inmates held in prisons in England and Wales '22-hour bang up' – where prisoners are locked in their cell for almost the entirety of a 24-hour period has become the norm.⁸³ HM Chief Inspector of Prisons reports that in some cases this appears to be a hangover from systems originally implemented during the COVID-19 pandemic – five years on however, regimes in some establishments have still not returned to a normal pre-pandemic state.⁸⁴

The reality of '22-hour bang up' contrasts with the vast majority (81%) of prison officers reporting to HM Chief Inspector of Prisons that they believe that prisoners had enough time out of their cells.⁸⁵ Prison officers have told the author of this report that the approach personally taken by prison staff can contribute to specific prisoners on a wing experiencing lengthy lock-ins. Prison officers report that this is due to staff displaying favouritism amongst prisoners, and keeping certain offenders – particularly those known for being more difficult – pre-emptively locked behind in their cells.

Prison officers have also reported that staff shortages lead to an increased likelihood of prisoners being locked in their cells for very extended periods – insufficient staff meaning that it is not possible for some regimes such as access to training or work activities.

Locking prisoners in their cell – often originally designed for single occupancy but now frequently shared by two inmates with only a 'privacy' curtain separating the toilet and the occupants – for very extended periods has the potential to contribute to a range of negative outcomes. In such circumstances prisoners lack opportunities for social interaction and access to key-workers within the prison which could lead to reduced self-harm and violence. Alleviating boredom – a reality if a prisoner spends the vast majority of their time locked in their cell – is reported to be one of the key reasons for substance misuse in prisons.⁸⁶ Recorded annual incidents of self-harm have risen by 46.7% since September 2018.⁸⁷

Any improvements in the likelihood of prisoners not reoffending on release is contingent on a wholesale change in the Prison Service approach to prisoners undertaking productive activities such as training and work. The current standard which is accepted almost universally across the prison estate is far from what is required.

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While the focus of this report is on building more prisons, this cannot be wholly isolated from an even more vital task – the rebuilding of the Prison Service as an effective law enforcement agency and part of the criminal justice system. The success of any public service – particularly one which is concerned with protecting the public from some of the most

83. HM Inspectorate of Prisons (2024). HM Chief Inspector of Prisons for England and Wales: Annual Report 2023-24, [link](#)

84. Ibid.

85. Ibid.

86. HM Inspectorate of Prisons (2024). HM Chief Inspector of Prisons for England and Wales, [link](#)

87. Ministry of Justice, Safety in Custody – Summary Tables (Self-harm and assaults to September 2024), [link](#)

dangerous people in our society – rests on the shoulders of the men and women charged with its operation. It would be woefully naïve to believe that new buildings, facilities or décor could make up for inadequate leadership, recruitment or training.

There are many hard working and committed public servants working in the prisons system, yet the Prison Service has a prevailing leadership culture of low accountability and low standards. Good prison governors have insufficient autonomy to make decisions which would lead to better and more efficiently run prisons, considerable improvements for prisoners and reduced risks to the public once prisoners are released. Bad prison governors are not held to account for even their most egregious failings. Those in the most senior positions of the Ministry of Justice and His Majesty's Prison and Probation Service have too often demonstrated poor judgement in their leadership of this vital public service – despite this promotion is more likely than removal on the grounds of poor performance.

The most senior leaders of the Prison Service have allowed a culture to permeate the organisation which puts prison officers and staff at a far greater risk than is acceptable. As Policy Exchange has written previously, senior leaders are insulated from the realities of the frontline by a large and, over recent years, growing bureaucracy. The division between staff and managers is made clear by the failure of governors and executives to wear uniforms – despite being members of what should be a disciplined service. The provision of personal protective equipment for those on the frontline is inadequate. Many prisons are porous – with drugs and other contraband entering the estate because of inadequate searching operations and staff corruption.

Prison officer morale and retention

In a 2023 survey of prison staff, conducted by the House of Commons Justice Committee, 81% of uniformed prison officers stated that they did not believe staff morale was good in the prison where they worked.⁸⁸ Half of uniformed prison officers reported not feeling safe in the prison they work at.⁸⁹

In the 12 months to September 2024, there were 10,496 recorded assaults on staff, an increase of 19% on the previous year.⁹⁰ Prison officers told the author of this report that after being assaulted by an inmate, prison officers can be required to return to the same landings and expect to resume normal interactions with the individuals who have assaulted them. In one establishment, an officer's attempt to deescalate a fight resulted in a prisoner assaulting them – the prisoner did not receive any disciplinary measures and was merely asked to write a letter of apology to the prison officer.

Difficulties in staff retention and recruitment within the Prison Service have led to increasing pressure on new and inexperienced staff to

88. Justice Committee, Prison operational workforce survey (PRI0066), [link](#)

89. Ibid.

90. Ministry of Justice, Safety in Custody Statistics – England and Wales, January 2025 [link](#)

manage high pressure and volatile situations. In March 2019, 46% of prison officers (band 3-5) had a minimum of ten years' experience, but this has since fallen to 24.4% by March 2024.⁹¹ Inexperienced prison officers can be expected to manage up to 40 prisoners on a wing on their own without supervision, sometimes just two weeks after returning from their initial training period.

For the year to March 2024, the national leaver rate of uniformed prison officers was 12.8% -over the same period the rate for the Kent, Surrey and Sussex division was as high as 17.5% while in the Youth Custody Estate the leaver rate was 20.4%.⁹² This compares to a leaver rate in policing of 6.2% of police officers for the same period.⁹³

While building a new generation of prisons, the Government must simultaneously and urgently reform His Majesty's Prison and Probation Service. Ministers cannot avoid the reality that the state of the Prison Service is nothing less than a crisis which requires a different approach to the complacency which currently permeates this vitally important public service. A new executive leadership team is the first step the Government must take.

Recommendation: The Government must appoint an entirely new executive leadership team – they must urgently reform His Majesty's Prison and Probation Service. At a minimum new leadership should focus on the frontline by rooting out corruption, increased standards of recruitment and training and a cull of the bureaucrats which insulate prison leaders from the realities of protecting the public.

91. Ministry of Justice, HMPPS workforce statistics bulletin, 20th February 2025, [link](#)

92. Ministry of Justice, HMPPS workforce statistics bulletin, 31st March 2024, [link](#)

93. Home Office, Police workforce, England and Wales: 31 March 2024: data tables, [link](#)

3. Building new prisons: construction, planning and costs

Once the case for building new prisons has been made – often in the face of opposition from an industry of prison abolitionists – the process of funding, site selection, planning requirements, construction and staff recruitment represents a series of substantial challenges to be overcome before the arrival of any prisoners.

Of the ten prisons built over the last two decades half have been built either on land which was the site of a previous prison or next to an existing prison, with around 70% built on land which was previously in public ownership. For example, HMP Isis was built on land on the HMP Belmarsh estate, whilst HMP Boreas is on the site of a decommissioned RAF base.⁹⁴

Recent examples of prison construction give some indication of the timescales involved in building new prisons.

HMP Five Wells

After announcing plans to build a new prison on the site of the former Wellingborough prison in 2016, initial planning permission was secured in 2017. Construction work was expected to begin one year later. In reality, most of the work took place in 2020, with the construction process being relatively rapid – taking just 45 weeks.⁹⁵



HMP Five Wells exterior⁹⁶

94. His Majesty's Inspectorate of Prisons, Report on unannounced inspection of HMP/YOI Isis by HM Chief Inspector of Prisons 17-28 February 2014, [link](#) & His Majesty's Inspectorate of Prisons, Report on unannounced inspection of HMP Boreas by HM Chief Inspector of Prisons 2-12 October 2023, [link](#)

95. Northamptonshire Telegraph, Nine buildings and 1,680 prison cells constructed at Wellingborough's new prison in just 45 weeks, 3rd February 2021, [link](#)

96. HLM Architects, Case Study: HMP Five Wells, [link](#)

HMP Five Wells opened in February 2022 as a category C prison in Wellingborough, roughly 10 miles east of Northampton.⁹⁷ The full process in the case of Five Wells therefore took six years to complete. The balance of time shown by the Five Wells case is indicative of the challenge, with the planning process absorbing far more time than construction.



HMP Five Wells Communal Area⁹⁸

As of August 2024 the prison had 1722 inmates relative to an operational capacity of 1761.⁹⁹ The cost of building the prison was £253 million.¹⁰⁰ With 24 workshops to support prisoners gain new skills it is also a ‘smart prison’ with integrated technology such as measures to prevent drug smuggling and a new cell block design.¹⁰¹ Demonstrating that being new is not an assurance of being effective however, in its 2024 His Majesty’s Inspectorate of Prisons inspection report, Five Wells was rated not sufficiently good for safety, not sufficiently good for respect, good for purposeful activity and reasonably good for preparation for release.¹⁰²

97. BBC News, Wellingborough HMP Five Wells prison opened, 11th February 2024, [link](#)

98. HM Inspectorate of Prisons, Report in unannounced inspection of HMP Five Wells, 2-12 January 2024, [link](#)

99. Ministry of Justice, Prison population: monthly prison figures 2024, 13th September 2024, [link](#)

100. BBC News, Wellingborough HMP Five Wells prison opened, 11th February 2022, [link](#)

101. Ministry of Justice, Britain’s first ‘smart’ prison to drive down crime, 4th March 2022, [link](#)

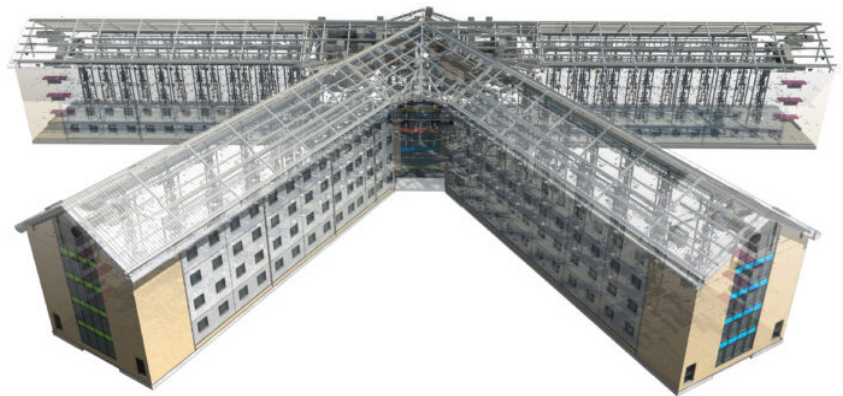
102. His Majesty’s Inspectorate of Prisons, Report on unannounced inspection of HMP Five Wells, 2-12 January 2024, [link](#)



HMP Five Wells Cell Interior¹⁰³

HMP Berwyn

Built on the site of a demolished factory near Wrexham, HMP Berwyn opened in February 2017 as a category C prison. The site, operated by His Majesty's Prison and Probation Service, has three residential four storey blocks.¹⁰⁴ As of August 2024 the prison had 1976 prisoners and an operational capacity of 2000.¹⁰⁵ The prison was built at a cost of £250 million.¹⁰⁶



Architectural Drawing of HMP Berwyn¹⁰⁷

103.HM Inspectorate of Prisons, Report in un-announced inspection of HMP Five Wells, 2-12 January 2024, [link](#)

104.TP Bennett, HMP Berwyn, [link](#)

105.Ministry of Justice, Prison population: monthly prison figures 2024, 13th September 2024, [link](#)

106.BBC News, Super-prison: How does HMP Berwyn compare to others?, 28th February 2017, [link](#)

107.TP Bennett, HMP Berwyn, [link](#)

108.Wrexham County Borough Council, Planning Permission Documents – HMP Berwyn, [link](#)

109.Wrexham County Borough Council, Planning Permission Documents – HMP Berwyn, [link](#)

The initial application for planning permission was submitted by the Ministry of Justice in 2013¹⁰⁸ and subsequently approved by Wrexham Council in 2014 with 23 conditions attached.¹⁰⁹ Months after opening for prisoners Wrexham Council were threatening to take action in relation

to a number of planning permission related items they believed were outstanding in relation to development of the site – including landscaping of parts of the prison, the installation of two bus shelters, a signal controlled crossing near the prison and the production of certificates showing it had met environmental construction standards.¹¹⁰



HMP Berwyn – Communal Area¹¹¹

Again demonstrating that being new is no guarantee of being a well-run establishment – in a recent inspection by His Majesty’s Inspectorate of Prisons in 2022, HMP Berwyn was rated ‘Reasonably good’ for Safety, ‘Reasonably good’ for Respect, ‘Not sufficiently good’ for purposeful activity and ‘Not sufficiently good’ for preparation for release.¹¹²

HMP Fosse Way

Built on the site of the former prison HMP Glen Parva, HMP Fosse Way opened in May 2023 as a category C prison near Leicester. The prison is operated privately by Serco. As of August 2024 the prison had an operational capacity of 1769 prisoners and had 1755 prisoners in custody at that time.¹¹³ The prison was built at a cost of £286 million.¹¹⁴ Construction work began in 2020.¹¹⁵ Like HMP Five Wells it is a ‘smart prison’ employing new technology such as bar-less cell windows and a layout that enables mixing in units smaller than full prison wings.

110.North Wales Live, Wrexham super prison warned it faces enforcement over building issues, 7th June 2017, [link](#)

111.His Majesty’s Inspectorate of Prisons, Report on an unannounced inspection of HMP Berwyn, 16-17 and 23-27 May 2022, [link](#)

112.Ibid.

113.Ministry of Justice, Prison population: monthly prison figures 2024, 13th September 2024, [link](#)

114.Inside Time, Fosse Way prison opens for business, 12th June 2023, [link](#)

115.Serco, HMP Fosse Way, [link](#)



*HMP Fosse Way*¹¹⁶

The prison operates over seven houseblocks and six ancillary buildings with prisoners having access to a central services hub, which includes a gym, library, educational classrooms, faith halls and education workshops.¹¹⁷ A range of training courses are available on-site including hairdressing and barista training.¹¹⁸ At the time of writing Fosse Way was yet to be inspected by His Majesty's Inspectorate of Prisons.

Streamlining the planning process for prison building

Prison building is subject to the standard planning rules established by the Town and Country Planning Act 1947.¹¹⁹ Until the Planning and Compulsory Purchase Act 2004 Crown development was exempt from the planning system, meaning prison building has only been subject to these rules for the last twenty years.¹²⁰

Under the Town and Country Planning Act 1947 ability to grant planning permission is held by the relevant Minister and then delegated to local authorities. Under section 15 of the Act, the Minister may reassert his rights over any planning decision:

“The Minister may give directions to any local planning authority, or to local planning authorities generally, requiring that any application for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the local planning authority, and any such application shall be so referred accordingly.”¹²¹

Section 15, Town and Country Planning Act 1947

Appeals against planning decisions made by local authorities are made directly to the Minister, although these are then delegated to the Planning Inspectorate for review and recommendation.

The planning issues which blight prison construction are highlighted by the recent development of HMP Millsike, which is situated on a site

116. Pick Everard, Delivery of a complete new, sustainable prison using innovative design solutions, [link](#)

117. Ibid.

118. Inside Time, A glimpse inside Fosse Way, 2nd June 2024, [link](#)

119. Town and Country Planning Act 1947, [link](#)

120. Planning and Compulsory Purchase Act 2004, [link](#)

121. Section 15, Town and Country Planning Act 1947

opposite the existing HMP Full Sutton, near York. In total 2,700 objections were received for a whole range of reasons – which included “the potential for unexploded ordinance”, “Britain has too many prisons”, “Any private sector development of this size in this location would be refused”, “Full Sutton is gateway to the Wolds”, “Prison staff do not use local buses” and “Prisoners roaming the village unsupervised”.¹²²

Objections were received from both individuals and a host of bodies – including several local Parish Councils, the East Riding and Derwent Ramblers, and remarkably Humberside Police – who one might have hoped would have been in favour of an increase in prison capacity.¹²³ HMP Millsike eventually received planning permission in September 2019.¹²⁴ The construction, which commenced in 2021, was delivered by the Alliance 4 New Prisons – a collaboration between Kier, ISG, Laing O’Rourke and Wates.¹²⁵ The new prison opened in March 2025.¹²⁶

Plans for prisons in Leicestershire, Buckinghamshire and Lancashire – which in all three cases were intended to be situated next to existing prisons – were rejected by the relevant local authorities. Ministers subsequently overruled the decisions relating to Leicestershire and Buckinghamshire.¹²⁷ The proposed prison in Lancashire was mired in bureaucratic wrangling – it having taken three years since the planning application was submitted to Chorley Council for a conclusion to be reached.¹²⁸ With various appeals and inquiries undertaken over that time the decision to grant planning permission was finally given by the Deputy Prime Minister in December 2024.¹²⁹

Policy Exchange has long argued that the existing planning regime is responsible for a great many of the challenges we face as a country. In ‘The UK’s Broken Housing Market: Causes, Consequences and Cures’ (2024) we argued that the current planning regime is biased against development and that the 1947 Act should be repealed and replaced in order to deliver a “comprehensive, radical change in the planning regime”.¹³⁰

As indicated by Labour’s election manifesto and recent Government announcements, and as previously recommended by Policy Exchange, planning for prisons should be completed through the Crown Development Route as permitted through section 109 Levelling-up and Regeneration Act 2023 which amended the Town and Country Planning Act 1990. This regime was introduced to streamline the planning process by enabling the Secretary of State to be the relevant authority for planning decisions on Crown land.

Even once this hurdle has been overcome there is the risk that such applications may be subject to legal challenge. To support safeguarding legitimate planning applications for new prisons from legal challenge the Government should produce a new National Policy Statement on prison infrastructure.

Recommendation: The Government should ensure that all future prisons receive planning permission through the new Crown Development Route, as legislated for in section 109 of the Levelling-

122. East Riding of Yorkshire Council, Planning Committee, Agenda, 12th September 2019, [link](#)

123. Ibid.

124. Ibid.

125. HMP Millsike: Building the UK’s first all-electric prison, Kier, [link](#)

126. Ministry of Justice, New 1,500-place prison opens as government grips crisis, 28th March 2025, [link](#)

127. Letter from Minister of State for Justice Rt Hon Edward Argar MP to Chair of the House of Commons Justice Committee Sir Bob Neill KC (Hon) MP, 14th February 2024, [link](#)

128. Application for Outline Planning Permission: New prison on land adjacent to HMP Garth and HMP Wymott, 20th August 2021, [link](#)

<https://chorley.gov.uk/downloads/file/788/a1-application-form>

129. BBC News, Government overrules inspector to back prison plan, 3rd December 2024, [link](#)

130. R. Bootle and J. Vitali (2024), The UK’s Broken Housing Market: Causes, Consequences and Cures, [link](#)

up and Regeneration Act 2023 – the Government must stand up for the national interest. The Government should also issue a National Policy Statement on prison infrastructure to safeguard planning applications for building a new generation of prisons.

The Costs

The cost of the increase in prison places across the prison estate will require additional funding in annual direct resource expenditure as well as capital investment to construct the additional prisons.

Based on the costs of building HMP Berwyn (2017), HMP Five Wells (2022) and HMP Fosse Way (2023) we estimate the capital cost (taking account for inflation) of building an additional 38,400 prison cells (in addition to the 14,600 already committed to by Government) to be approximately £6.5 billion over the next ten years. Every effort should be made to reduce the costs of prison building by using modular design and offsite building wherever possible.

The costs of running the prison estate vary considerably dependent on the function, with some institutions representing considerable outliers within their functional category. HMP Manchester for example costs £51,406 per prisoner per year compared to £27,100 per prisoner per year at HMP Swaleside and an average of £37,075 per prisoner per year across the Male category B Trainer prisons.¹³¹

Average cost per place and proportion of prisoners held in each functional type of prison in the male estate in England and Wales (2022-23)¹³²

| Function | Certified Normal Accommodation | Proportion of Estate | Total Direct Resource Expenditure | Cost per Place |
|--|--------------------------------|----------------------|-----------------------------------|----------------|
| Male reception | 21,258 | 27.72% | £863,661,333 | £40,628 |
| Male dispersal | 3,290 | 4.29% | £165,492,931 | £50,309 |
| Male category B Trainer | 7,567 | 9.87% | £280,532,317 | £37,075 |
| Male category C & YOI Trainer and Resettlement | 38,804 | 50.6% | £1,093,306,153 | £28,175 |
| Male open | 5,767 | 7.52% | £128,058,591 | £22,205 |
| Totals | 76,686 | 100% | £2,531,051,325 | £33,005 |

As outlined elsewhere in this report we propose over the coming decade delivering an increase in prison places, while eliminating overcrowding and amending the proportion of prisoners held in different parts of the estate. Specifically, we propose reducing the proportion of prisoners held in category C Trainer prisons while increasing the proportion of prisoners being held in the open estate. Based upon these we estimate that over the coming decade the costs will be £4.3bn per annum to run the male prison

131. Ministry of Justice, Prison performance data 2022 to 2023: Supplement to the HMPPS Annual Report and Accounts 2022 to 2023 – costs per prison place, 31st March 2024, [link](#)

132. Ibid.

estate – an increase of £1.7bn a year.

| Function | Certified Normal Accommodation | Increase from Current | Proposed Proportion of Estate | Total Direct Resource Expenditure | Increase from Current |
|-------------------------|--------------------------------|-----------------------|-------------------------------|-----------------------------------|-----------------------|
| Male reception | 32,422 | 11,164 | 25 | £1,317,207,447 | £453,546,114 |
| Male dispersal | 6,484 | 3,194 | 5 | £326,171,979 | £160,679,048 |
| Male category B Trainer | 19,453 | 11,886 | 15 | £721,179,742 | £440,647,425 |
| Male category C | 51,874 | 13,070 | 40 | £1,461,565,836 | £368,259,683 |
| Male open | 19,453 | 13,686 | 15 | £431,959,592 | £303,901,001 |
| Totals | 129,686 | 53,000 | 100 | £4,258,084,596 | £1,727,033,271 |

On additional funding: there is no scope to increase overall government spending. So any increase in funding to finance additional prisons must come from reductions in other sorts of public spending. This paper does not lay out in detail what other spending ought to be cut, but with government spending as a share of GDP at a post-war high, there is ample scope for the level of savings that would be required. Civil service staffing, the benefits bill, overseas aid and the regime for uprating pensions should all be reviewed.

Simultaneously, given the global threats faced by the United Kingdom, the defence of the realm requires more funding. This must come at the top of the list of priorities. Alongside national defence, however, the case for why spending on prisons should also rank highly in the list of spending priorities is clear. The threats to the security of the United Kingdom are no longer purely from conventional warfare. They are hybrid and include the sponsorship of terrorism, cyber warfare, attacks on critical infrastructure, and campaigns to widen divisions in our society – all activities which undermine the public's confidence in the nation's security at home. Maintaining a strong criminal justice system is fundamental to protecting the public and countering the threats to the nation which originate both at home and abroad.

Recommendation: As part of delivering a less permissive environment for crime the Government should invest an additional £6.5bn in a prison building programme over the next decade and an additional annual investment of £1.7bn per year. In total this represents a shift of less than 0.2% of annual total public expenditure over the coming decade which should be found from savings elsewhere in public spending rather than increases in taxation.

4. What type of prisons should be built?

The scale of prison building and investment that we propose is at least on a scale comparable with that of the Victorian-era. Previous examinations of this issue have focused primarily on a single aspect of the prison estate – such as the ‘new for old’ policy of closing the Victorian estate in favour of new prisons or the building of so-called ‘Titan Prisons’ designed to hold thousands of prisoners in one location. The scale of prison building that we propose will require an increase in the number of every type of prison in both city and town centre locations as well as elsewhere.

Prisoner categories¹³³

Prisoners are generally assigned to a prison based on their personal security category. Adult male prisoners are assigned an alphabetical categorisation between A and D (where ‘A’ signifies highest risk and ‘D’ signifies lowest risk). The risk factors assessed when categorising an individual to a particular security category are the prisoner’s risks of:

- escape or abscond
- harm to the public
- ongoing criminality in custody
- violent or other behaviour that impacts the safety of those within the prison
- control issues that disrupt the security and good order of the prison

Category A: Those whose escape would be highly dangerous to the public or the police or the security of the State and for whom the aim must be to make escape impossible.

Category B: Offenders whose assessed risks require that they are held in the closed estate and who need security measures additional to those in a standard closed prison.

Category C: Offenders who are assessed as requiring standard closed conditions, and do not need additional security.

Category D: Offenders who are either assessed as presenting a low risk

133. Ministry of Justice, Security Categorisation Framework, February 2020, [link](#)

or whose previously identified risk factors are now assessed as manageable in low security conditions. An individual with an “abscond history” cannot be held in a category D open prison. They are classed as this if they have: absconded from open conditions; failed to return from a period of Release on Temporary Licence (ROTL); been convicted of a criminal offence that took place while on ROTL or escaped or attempted to escape from custody (in the last two years or on more than one occasion during their sentence).

Types of prison¹³⁴

His Majesty’s Prison and Probation Service organises the adult male prison estate into three main functions: reception, training and resettlement. A prison can serve more than one function.

Reception prisons (also called local prisons) mainly take prisoners sent from courts in the local area when they have been placed on remand awaiting trial or have been convicted and are awaiting sentence. They may also accommodate prisoners on very short sentences.

Training prisons are designed to accommodate offenders for the bulk of their sentence.

Resettlement prisons can be category C or category D (open) prisons. These prisons prepare prisoners for release. In an open prison some prisoners can leave to go to work or training, or to visit their family.

High security prisons, which can serve all three functions, can hold category A prisoners or those serving longer sentences.

Rehabilitating the Victorian Prison Estate

In addition to the building of new prisons it will also be necessary to address the vast swathes of the current estate that are almost derelict and barely fit for human habitation. As far back as 1922 the Report of the Prison System Enquiry Committee argued of the Victorian prison estate, that “the only reform to which the buildings can be usefully subjected is dynamite”.¹³⁵ While Victorian-era prisons are largely in a thoroughly parlous state – they do have their virtues.

Key amongst those virtues is the location of the Victorian prison estate – having often been built either centrally or on the outskirts of city centres, these prisons have subsequently been enveloped into city centre locations due to the urban expansion. Examples include: HMP Pentonville, opened in 1842, is close to Kings Cross and St Pancras mainline train stations in central London; HMP Manchester (previously named Strangeways) opened in 1868 and is close to the city centre’s Bury New Road.; and HMP Hull, opened in 1870, is close to the banks of the River Humber –

135. English Prisons Today: Being the Report of the Prison System Enquiry Committee, 1922

134. J. Beard (2023), The Prison Estate in England and Wales, House of Commons Library, [link](#)

overlooking the Alexandra Docks.

This contrasts with more modern prisons and provides the obvious benefits of these city and town centre locations – close as they are to public transport infrastructure and a potentially plentiful labour supply. Their urban proximity often enables prisoners to maintain relationships with family members including their children – important factors in supporting individuals on release to live more productive lives.

Also, it is key to note that simply being built in the Victorian-era does not mean that it is impossible for a prison to provide a decent environment for staff and prisoners. In his 2024 Annual Report the Chief Inspector of Prisons said: “reports on Preston, Swansea and Leicester showed that even the most overcrowded Victorian reception prisons can be safe and decent.”¹³⁶ He highlighted that “good leadership was central to the success of the best prisons, in which governors walked the wings, listened to prisoners and staff, used data effectively, set clear priorities, monitored progress and dealt with poor performance.”

Recommendation: In addition to a programme of prison building, the Victorian-era prison estate should be subject to a large-scale refurbishment to ensure these institutions meet a modern standard. This should include a reduction in the number of prisoners held in these institutions.

Recommendation: When choosing sites for new prisons, the Government should aim to site them in locations which are easily accessible from major towns and cities via public transport – providing a significant potential pool of new prison officers and enabling prisoners to maintain family ties and access opportunities for employment, education and training.

Designing prisons to support both rehabilitation and security

As outlined earlier in this report, punishment by a term of imprisonment is an entirely reasonable consequence for those who choose to commit the most egregious of wrongdoing. The loss of liberty is, somewhat obviously, the primary consequence of being sentenced to a term of imprisonment. However, once they have served their sentence, most inmates will return to live their lives in neighbourhoods alongside everyone else. Ensuring that inmates’ time in prison has been spent productively – so they leave prison less likely to choose to commit crime than the day they went in – must therefore be central to the experience of every prisoner.

In the construction and building of a new generation of prisons the design of these institutions should be aligned with that objective – providing prisoners with the opportunity to look forward towards a more purposeful future. This does not of course mean that there is any expectation that prisons are institutions of luxury – the deprivation of liberty ensures

136. His Majesty’s Inspectorate of Prisons, Annual Report 2023-24 HM Chief Inspector of Prisons for England and Wales, 10th September 2024, [link](#)

that no prisoner should be able to ‘forget’ that they are being subjected to a punishment because of the crimes they have committed. But in the design and construction of prisons it is possible to strike the right balance – by using an approach the criminologist Yvonne Jewkes describes as the “architecture of hope”.¹³⁷

Jewkes advocates that prisons should as far as possible approximate a ‘normal’ living environment. This includes features in the design of prisons such as gardens and outside spaces, communal living areas, and soft furnishings – even the option for prisoners to cook for one another. Several countries have experimented with such designs, with the hope that this may lead to reductions in prisoners reoffending on release. While good design alone certainly will not have such an impact, bad design can with equal certainty make things worse for those who are incarcerated and work in those institutions.

Aligned with design principles which enable the creation of a rehabilitative environment prisons must also be ensuring that prisons are secure by design. The ability of prisoners to escape from prison (such as the escape from HMP Wandsworth in September 2023) and the apparent ease with which illicit materials – in particular, but not limited to, illegal drugs can be smuggled into prisons is a shocking indictment of the failings within the prison service. These failures are due to the widespread acceptance of a lax security regime across great swathes of the prison estate and insufficient efforts to put in place the necessary physical and technological barriers. HMP Garth in Lancaster was recently described by one prisoner as an “airport” in the report into the establishment by His Majesty’s Inspectorate of Prisons.¹³⁸ At a minimum it should be impossible for drones to fly drugs into prison and a wholesale shift in the security regime at every establishment across the estate is required.

Limerick Prison, Ireland

The female wing of Limerick Prison opened in October 2023 to replace the old institution, originally built in 1821. With an operational capacity of 56, attached to the male estate which has an operational capacity of 286, it is far smaller than those prisons built in England and Wales in recent years.¹³⁹ While still meeting the security requirements of the Prison Service, the design of the prison seeks to create an environment vastly different from the traditional Victorian model of prisons still commonly operational in England and Wales.

137.Y.Jewkes (2024), *An Architecture of Hope*, Scribe

138.HM Inspectorate of Prisons, *Report into Unannounced Inspection of HMP Garth by HM Chief Inspector of Prisons (29 July – 9 August 2024)*, [link](#)

139.Irish Prison Service, *Limerick Prison*, [link](#)



Limerick Women's Prison Wing¹⁴⁰

The cells are single occupancy – the windows are secure but have no bars on the windows. The walls and floors are painted in an array of colours including lilac and pale blue. There are workshops and a gymnasium. Notably, despite the quality of the environment created, the design was cheaper than at least one other design submitted to the Irish Prison Service.¹⁴¹



Limerick Women's Prison External Communal Yard¹⁴²

Limerick Prison is designed not only for the benefit of the inmates who live there, but also to be a welcoming place to visit (or at least as welcoming as a prison ever can be) for the children and relatives of inmates. Retaining connection with families is central to a lower likelihood of reoffending on release – those who regularly receive visits from a family member during their prison sentence are 39% less likely to reoffend.¹⁴³ The visiting room in Limerick Prison overlooks the prison gardens and includes a play area for children. It is decorated in bright colours and efforts have been made in the design to give it a 'normal' rather than institutional sense.

140. Ibid.

141. Y. Jewkes (2024), Limerick women's prison: an architecture of hope, 14th July 2022, Architects Journal, [link](#)

142. Hegarty Building Contractors, Limerick Prison B-Wing and Female Wing, [link](#)

143. Ministry of Justice, The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, August 2017, [link](#)



Limerick Women's Prison Cell¹⁴⁴

However, again demonstrating that newness or good design cannot eliminate the problems caused by an inadequately run prison system, the female wing of Limerick Prison has already succumbed to overcrowding. Less than a year after opening the prison was running at 138% capacity with all the attendant difficulties that might be expected in an overcrowded system coming to the fore.¹⁴⁵

HMP & YOI Stirling

HMP & YOI Stirling is a women's prison which opened in June 2023. Designed to hold 117 inmates, it was built on a site adjacent to the HMP Cornton Vale which closed in April 2023.¹⁴⁶ The design of the institution is vastly different to the traditional Victorian design of prisons and far smaller than the prisons most recently built and opened in England and Wales, such as HMP Fosse Way and HMP Five Wells.



HMP & YOI Stirling¹⁴⁷

144. Irish Examiner, 'It's a great move forward for society': Limerick Prison opens new luxury women's wing, 18th October 2023, [link](#)

145. Irish Prison Service, Prison Population on Tuesday 1st October 2024, [link](#)

146. Scottish Prison Service, HMP & YOI Stirling, [link](#)

147. Holmes Miller, HMP & YOI Stirling, [link](#)

The cells are single occupancy, without bars on the windows. The architects responsible for the design of the estate state: “Transparency and a feeling of welcoming are at the core of the design, with high levels of glazing and views through buildings exploited to maximise the biophilic benefits of the external spaces. This connection to nature and openness assists in reducing stress and anxiety, a critical requirement within the challenging brief.”¹⁴⁸



Cell in HMP & YOI Stirling¹⁴⁹

The February 2024 inspection by His Majesty’s Inspectorate of Prisons for Scotland stated that: “The prison assists prisoners to use their time purposefully and constructively and provides a broad range of activities, opportunities and services based on the profile of needs of the prisoner population. Prisoners are supported to maintain positive relationships with family and friends in the community.”¹⁵⁰

However, the Inspectorate also noted a major flaw in the design of the prison relating to the location of the prison’s high dependency units and Separation and Reintegration Unit. The proximity of those units to local residents’ homes and the resultant noise levels (which reportedly include “screaming, shouting, swearing, singing and threats of violence”) are clearly having a significant and detrimental impact on the law-abiding local residents.¹⁵¹

The inevitable impact of such a poor design choice is that in future prison building projects local residents, already concerned by the close proximity of violent or abusive criminals being located nearby, will have every reason to wish to resist their construction. Designing prisons which are appropriate for the needs of inmates are important, but far from the only requirement. In this case it would appear that the reasonable

148.Ibid.

149.HM Inspectorate of Prisons for Scotland, HMP & YOI Stirling Full Inspection, 19 – 23 February 2024, [link](#)

150.Ibid.

151.The Courier, How will prison bosses solve HMP Stirling noise issues?, 16th August 2024, [link](#)

expectations of local residents were either ignored or not considered at all. This is a serious error which must not be repeated in as ambitious a prison building project as the one proposed in this report.

Storstrøm Prison, Denmark

Opened in 2017, Storstrøm Prison situated on the island of Falster south of Copenhagen, has a capacity of 250 prisoners. The prison has four standard prison wings and one maximum-security wing. The cells are structured in units with between four to seven cells each, located around a social 'living room' area and shared kitchen – where inmates can prepare meals for one another.¹⁵² Designed to be similar in appearance to a small urban community, the prison has curved walls and furniture in an effort to reduce the likelihood of self-harm or the infrastructure being used as a weapon.¹⁵³ A central 'hub' area has a church, library, music room, healthcare unit, sports hall and 'supermarket'.¹⁵⁴ The estate has a running track and 7-a-side football pitch.



Prison Cell at Storstrøm¹⁵⁵

Inmates must be 'occupied' for 37 hours a week in return for which they receive payment. While the majority of this occupation is based around work in the workshop facilities there are alternative activities available which include skills training and rehabilitative treatment programmes.¹⁵⁶ The visitors centre has individual visiting rooms, a common room with children's toys and an outdoor children's playground.¹⁵⁷

152.Arch Daily, Storstrøm Prison / C.F. Møller, [link](#)

153.Urban Next Lexicon, Storstrøm Prison: A Modern, Human, High-security Prison that Uses Architecture to Promote Prisoners' Social Rehabilitation, [link](#)

154.DesignCurial, The Danish maximum-security prison where wellbeing comes first, 5th February 2018, [link](#)

155.Ibid.

156.Ibid.

157.Ibid.



Outdoor playground for inmates' children at Stromson Prison¹⁵⁸

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Prisons should not be designed purely for the comfort of inmates. It is, of course, in their own gift whether individuals choose whether to commit a crime or not. However, once the choice has been made that a prisoner will be incarcerated the State should ensure that each inmate's time in prison is focused on ensuring that they leave with increased prospects of living a productive and law-abiding life on release.

Beyond keeping the public safe and removing prisoners' liberty, the primary focus of an offender's time in prison should therefore be on developing the skills necessary to live a productive working life on release. The design of prisons should reflect that requirement, as should the prison regime. Rather than prisoners being locked in their cell entirely inactive or watching television for most of their time in prison they should be in classrooms, libraries and workshops.

The substantial prison building programme we advocate in this report should be underpinned by the design and creation of an estate which has appropriate facilities to ensure this is possible. Most prison cells (accepting that due to security reasons it will not be possible in all) should have a desk, chair and suitable lighting to enable reading and writing. Every prison should have a library, workshops, classrooms and the technology infrastructure to enable online and in-person teaching.

Recommendation: Integrated into the design of every prison should be an infrastructure which enables every prisoner to undertake an extensive programme of training and skills development which enables prisoners to take up productive work on release from custody. There should also be gymnasium facilities on site available to prisoners. This should be part of the HMPPS Certified Prisoner Accommodation

158. Ibid.

Framework. Every prisoner (excluding Foreign National Offenders who should in due course be deported) should have a full time placement in education or work (minimum 8 hours per day).

Recommendation: When building new prisons, the Government should increase the proportion of the prison estate which are ‘open’ category D prisons – locating them near to population centres providing access to external employment and training opportunities while supporting prisoners for their eventual release.

Incentivising prisoners so they are less likely to commit crimes in the future: from ‘automatic release’ to ‘earned release’

Having been found guilty of a criminal offence, the length of any term of imprisonment (if applied) is set by the judge or magistrate – guided by the law and guidelines established by the Sentencing Council. Once sentenced, in relation to the defendant, the job of the court is broadly complete. Most prisoners sentenced to a term of immediate imprisonment receive a Standard Determinate Sentence – where their sentence is for a specified period in custody. In almost all cases some of this sentence will be served in prison and some in the community. Time spent on remand or on certain types of curfew can also be taken into account and reduce the amount of time, after sentencing, which an offender spends in prison. Decisions as to what type of prison the offender serves their term of imprisonment are for His Majesty’s Prison and Probation Service.

Previously many prisoners could be released from prison partway through their sentence, to serve the remainder of their sentence in the community ‘on licence’, at the 50% point - if they breach the conditions of their licence they can be ‘recalled’ to prison. In response to the prison capacity crisis, the Government reduced this to 40% of their sentence for many prisoners through the Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024.¹⁵⁹ For prisoners with sentences of less than five years this applied from the 10th September 2024 and for those with sentences of five years or more this applied from the 22nd October 2024.¹⁶⁰ This change in the law led to much-reported jubilant scenes (for the prisoners, if not their victims) of prisoners leaving prison earlier than they would otherwise have expected. Excluded from the change in release provisions were those who had been convicted of a number of specified offences – including violent offences, sexual offences, domestic abusers and national security and terrorism related offences.¹⁶¹

That prisoners can be automatically released from custody before they have completed their term of imprisonment, without having *earned* that early release, makes a mockery of the law-abiding majority of people and, in particular, victims of crime. That it is now the case that offenders can be released without having served even half of their sentence makes this doubly so. Early release should be an incentive earned by prisoners only

159.The Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024, [link](#)

160.Ibid.

161.Ibid.

where they have complied, in full, with the regime during their time in prison custody. In particular, this should include participating in the steps necessary to reduce the likelihood of them re-offending on release – such as compliance with drug addiction treatment, education and training programmes and opportunities for work and employment while in custody. To have the option for ‘earned early release’ prisoners must also be able to demonstrate that they are no longer at risk of reoffending on release.

Recommendation: As part of a wholesale refocusing of how sentencing and the Prison Service operates, towards a model which incentivises education and training in readiness for work – prisoners should no longer be automatically eligible for early release. Early release should be in return for prisoners undertaking activities such as productive work, education, training and drug rehabilitation programmes. This will require the wholesale rebuilding of ‘purposeful’ activities in prisons from its current – almost non-existent – state. To have the option for ‘earned early release’ prisoners must also be able to demonstrate that they are no longer at risk of reoffending on release.

5. Conclusion

The building of new prisons – as advocated within this report – is a necessary, albeit insufficient, condition if the Government is to deliver on its core competency of keeping its citizens safe from criminals and the crime they commit. In addition, the Government must also construct an organisation capable of providing those it has responsibility for incarcerating with a better chance of living a purposeful and law-abiding life on release than they had when they entered the prison system.

Currently, the prison system is abysmally badly run. Our prisons are often unsafe, drug-ridden warehouses for the addicted and the unwell. While elements of the calamitous state of our prisons can be attributed to the failures of previous administrations, the current Government must recognise the significant contribution made by the failings of the senior leaders of His Majesty's Prison and Probation Service and Ministry of Justice. Leaders within these institutions have overseen a practice of bureaucratic expansion which has done little to improve the condition of prisons or the safety of the public.

The first step the Government should take is replacing the most senior managers of His Majesty's Prison Service and the Ministry of Justice with a cadre of leaders who will focus on empowering Governors to run their establishments effectively and on holding them account to do so. Simultaneously, the Government must make clear the small number of measures against which prison Governors should be held to account – with the results for each prison made public and with appropriate consequences following for prison leaders who are successful and those who fail.

It is often said, but we know much of what works in reducing the likelihood in people reoffending on their release from custody. Central is the opportunity while in prison to undertake purposeful activity – in particular the training and skills development which would prepare inmates for work on release. Well over half of prisoners have levels of literacy (65%) and maths (68%) below that expected of an 11-year old.¹⁶² If we are to send more people to prison – as this paper argues – the prison system should be underpinned by a regime of skills development and training for every prisoner. Each inmate should leave prison with a skill that would enable them to undertake purposeful work on release.

That the system is currently failing, does not mean that an alternative is beyond our reach. It certainly does not mean that we should follow the path that a small cadre of ultra-progressives and abolitionists would advocate for: even lower chances of being sent to prison when found guilty of a crime. A prison system which punishes wrong-doers, protects

162. Ministry of Justice, Prison Education and Accredited Programme Statistics 2022 – 2023, 25th September 2024, [link](#)

the public, deters criminals and provides opportunities for those in its care to live purposeful lives on release can be achieved.

The law-abiding majority deserve to go about their lives free from the fear of crime. Central to that freedom is creating an environment which is less permissive of crime and those who choose to commit crime.

Crime often disproportionately impacts the less well off in our society. Yet too often those who set the rules are sheltered from the actual consequences of them. While ultra-progressive intellectuals and their activist cheerleaders may choose to burnish their credentials through a barely veiled contempt for law and order, the public are clear that central to creating a safer country is that more criminals are sent to prison. This must particularly be the case for those offenders who choose to be violent, predatory or prolific in their offending.

The Government has a choice. It can choose to surrender to a version of what has become a failed status quo with the current limits on prison places ensuring that our communities are less safe than they might be. Alternatively, the Government can make clear that it takes the views of the law-abiding majority seriously – by launching a programme of prison building which would make one thing clear to the criminals that stalk our streets and homes: their time is up.



£10.00
ISBN: 978-1-917201-45-2

Policy Exchange
1 Old Queen Street
Westminster
London SW1H 9JA

www.policyexchange.org.uk