

A photograph of a prison corridor seen through white metal bars. The corridor has a blue floor and white walls, with a door visible at the end. The lighting is bright, creating strong shadows on the floor.

Independent Review of Prison Capacity

August 2025

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The terms of reference of this review (Annex A) are to consider why prison supply and demand did not meet, the choices and governance structures, and the impact on other parts of the criminal justice system, as well as what can be learned from past prison capacity crises. I have been able to look at the decision-making processes in 2022-24, to discuss what happened with many of the individuals involved, and to talk to some of those who dealt with previous capacity crises. I have also looked at the impact on other parts of the criminal justice system, including probation and the courts. In the course of the review, I visited some of the prisons most directly affected by the crisis, in order to gauge the impact of population pressures on staff and prisoners, and I also talked to third sector organisations delivering services in prisons and in the community. I am grateful to all those who spoke to the review.

Dame Anne Owers
Independent Reviewer

Introduction

In May 2024, following the announcement of a general election, an official-level COBR¹ meeting was convened to discuss contingency plans in case the criminal justice system collapsed during the election campaign because prisons were unable to take in any more prisoners. This could involve invoking emergency powers under the Civil Contingencies Act 2004 to release prisoners early, in order to avert the risk of public disorder. Those meetings and discussions continued throughout the election period.

The risk was real: at one point there were fewer than 100 places in adult male prisons. However, the system had in fact been in crisis for over eighteen months. From 2023 onwards, prisons were running very close to the edge of capacity. On three occasions, this was only pulled back at the last minute by the use of early release schemes, gradually decreasing the amount of time many prisoners spent in custody, using powers designed to allow release on compassionate grounds. Senior officials were so concerned about a potential breakdown in the criminal justice system that an audit was kept of all decision-making and documents, in case there was a public or parliamentary inquiry.

The system in fact limped through the summer of 2024, helped by the knowledge that relief was coming, in the shape of the new government's pledge to reduce the custodial element of most standard determinate sentences from 50% to 40% (SDS40). This was a similar measure to the one that had been energetically but unsuccessfully pursued by the Lord Chancellor in the previous government. That government had also proposed to suspend most short prison sentences, alongside other measures, in legislation which fell when the general election was called. The new government commissioned an independent review of sentencing,² chaired by the former Conservative Lord Chancellor, David Gauke. It reported in May, at a time when prisons were within sight of yet another capacity crisis.³

The 2022-24 prison capacity crisis was a conjunction of some specific circumstances. However, it was also a symptom of a systemic and long-running problem: the apparently irresistible pressure for more and longer prison sentences coming up against the immovable object of the difficulty, expense and overall effectiveness of building and running more prisons. In general, population pressure has constrained prisons' capacity to operate safe, positive and purposeful environments that can reduce the likelihood of

¹ COBR meetings are convened to bring together different departments and agencies to respond to national emergencies or major disruption. COBR is the acronym for Cabinet Office Briefing Rooms.

² Independent Sentencing Review, Terms of Reference 2024-2025, (2024) <<https://www.gov.uk/guidance/independent-sentencing-review-2024-to-2025>>

³ Independent Sentencing Review, Final Report and Proposals for Reform, (2025) <<https://www.gov.uk/government/publications/independent-sentencing-review-final-report>>

reoffending. From time to time that pressure erupts into a crisis that requires executive action, sometimes unnoticed and sometimes public.

In 2007-08, the last Labour government faced a capacity crisis, due to the mismatch between the number of available prison spaces and the demand created by legislation that had increased some minimum sentences and introduced the now abolished imprisonment for public protection (IPP) sentence. The then Lord Chancellor had to introduce an early release scheme, not dissimilar to the 2023-24 schemes, but under different powers, to avoid the system collapsing.

During the austerity measures in the Coalition government between 2010 and 2015, the Ministry of Justice (MoJ) offered up savings based on the assumption that the prison population would reduce, but did not take any measures to reverse the inbuilt drivers of population increase. Eighteen expensive, mostly smaller, prisons were closed and only two new prisons were opened; overall prison officer numbers were reduced by 27%,⁴ with a significant loss of experienced staff; maintenance and capital budgets were cut or transferred to plug holes in running costs. By the summer of 2017, there were only around 900 prison spaces left,⁵ and real risks of a system collapse. This was averted by a series of barely-noticed executive measures, including a 60% increase in the use of home detention curfew⁶ (the use of electronic tags) and a steep rise in the executive re-release of recalled prisoners.⁷

The 2022-24 capacity crisis, which is the focus of this review, is therefore only the latest among a succession of crises, though it was probably the deepest and longest, described by many of those who lived through it as an 18-month ‘permacrisis’. It affected the prison service at every level, as well as much of the rest of the criminal justice system. As recent events have shown, it is far from over, as recent prison capacity figures show.⁸

Increasingly, during this time, the focus in the MoJ and the prison service, especially at senior level, was on managing the crisis, rather than managing prisons or supporting prisoners. Task forces, boards and committees, across and beyond prisons and the MoJ, were meeting weekly, and at times daily, to document, monitor and try to resolve capacity problems, at the expense of other aspects of prison strategy and policy (see Chapter 3 of this report). Only when this complex ecosystem signalled that the criminal justice system

⁴ Ministry of Justice and National Offender Management Service, NOMS workforce statistics bulletin: December 2015 Tables, Table 3 (2016) <[National Offender Management Service workforce statistics: December 2015 - GOV.UK](#)>

⁵ GOV.UK, Prisons Data - Offender Management, (2025) <<https://data.justice.gov.uk/prisons/offender-management>>

⁶ Ministry of Justice, Offender Management Statistics Quarterly: January to March 2018, Table 3_4i 2017 (2018) <<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F5b59d68ee5274a3ff828c717%2Freleases-Q12018.ods&wdOrigin=BROWSELINK>>

⁷ UK Parliament, Written Questions Answers and Statements, (2024) <<https://questions-statements.parliament.uk/written-questions/detail/2024-04-23/23202/>>

⁸ By the end of July 2025, available headroom was around 1,400. Ministry of Justice, Prison population: weekly estate figures 2025, (2025) <<https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F68874891ac2c821a74bbe10%2Fprison-pop-28-july-2025.ods&wdOrigin=BROWSELINK>>

was within seven, and then three, days of collapse was action taken. On each occasion this was just enough to avert breakdown and buy time until the next predictable cliff edge was reached.

During the crisis, senior officials struggled daily with the effort to keep the system running. This included those running prison escort services, transporting people to and from courts and prisons, as well as those responsible for population management or for working out how to implement the various interacting release and recategorisation schemes. At one point, under what was aptly called Operation Early Dawn, teams of officials worked from 5:30am until late at night to move people to and from prisons, police cells and courts, in a complex series of interrelated moves, many of people with risks and vulnerabilities. The capacity crisis also came with a financial cost. Police cells had to be used, under Operation Safeguard, to house prisoners overnight, or sometimes longer. Each police cell cost the prison service £688 a day, compared with the average daily cost of a prison place at £150: a total bill so far of over £70 million and rising.⁹

On the ground, the capacity crisis had a direct and damaging impact on those working and living in prisons, and on prisons' capacity to carry out positive and rehabilitative work. In prisons outside the high security estate, initially most acutely in the north, day-to-day life was dominated by numbers: creating enough space by moving prisoners in and out of prisons and police cells, transferring prisoners from one part of an overheated prison system to another, trying to avoid releases in error while implementing ever-changing and increasingly complex release schemes. And this all dropped into a prison system that was still recovering from earlier severe staffing reductions and had only just emerged from managing the COVID-19 crisis.

Demand for prison places has risen inexorably, checked only temporarily by the COVID-19 outbreak. This has been driven by a number of factors, set out in Chapter 1 of this report. They include greater use of custody, an escalation in the length of sentences for more serious offences, and increases in the proportion of time spent in custody.¹⁰ In addition, there has been a significant rise in the number of those recalled to prison, who accounted for nearly a quarter of prison admissions in 2023-24. Nearly one in five prisoners are also remanded or unsentenced, due to the continuing backlog in the criminal courts. Though the number of short-sentenced prisoners has dropped to only 3% of the population at any one time, they account for nearly half of all new receptions into prisons. Proposals for a presumption against short sentences, by this and the previous government, are designed to relieve this pressure.

Governments have responded by focusing on the supply side, with ambitious plans for more and more prison places. However, in practice this has not been a solution (see Chapter 2). Financial pressures and planning constraints, together with the need to ensure appropriate levels of security, have severely limited the ability to create new

⁹ Committee of Public Accounts, Prison Estate Capacity, p.5 (2025) <<https://committees.parliament.uk/publications/46985/documents/242927/default/>>

¹⁰ Independent Sentencing Review, History and Trends in Sentencing, (2025) <<https://assets.publishing.service.gov.uk/media/67c583a868a61757838d2196/independent-sentencing-review-part-1-report.pdf>>

prison places, or even, in the ambition of a previous Secretary of State, to replace old crumbling prisons with new and more efficient ones. At the same time, prison places were lost, due mainly to closures and critical infrastructure failings, so that total operational capacity fell between 2012 and 2025. But prison capacity is not just about creating enough spaces next month or next year: it is about whether prisons have the capacity and the resources to provide safe environments that can work effectively with prisoners to reduce the chances of reoffending. Moreover, prison capacity crises will keep recurring unless there is sufficient investment outside prison – both in probation and in other community services – to support those being released and to tackle some of the underlying causes of offending.

In this context, it is important to note that there are groups which have bucked the trend of a steadily rising prison population. Over the last 20 years the number of under-18s in custody has dropped from over 3,000 to around 400. This is seen as a direct result of focusing on a multidisciplinary, community-based preventive and supportive approach, with imprisonment reserved for the most serious offending. That has not just meant disinvesting in prison: it has meant reinvesting in the community services that can prevent offending or reoffending.

The introduction of SDS40 in late 2024, combined with more extended use of home detention curfew, has provided breathing space, but not a solution. By the spring of 2025, prison numbers were once again butting up against capacity, police cells were again being used, and the forums set up to manage capacity were revived. Emergency action to expand the use of fixed-term recalls has been announced, and home detention curfew ('tagging') has been further extended. The recommendations of the Independent Sentencing Review aim to cap the projected rise in prison numbers at its highest ever level of around 95,000. That will still be a challenge for the prison service. Meanwhile, early release measures and greater use of community alternatives do not by themselves reduce overall pressure: they displace it from prisons to probation, third sector and community services, which, as this report notes, have their own, less well-publicised, capacity problems. Significant and much-needed additional investment in these services has now been promised.¹¹

This report shows the risks and consequences of the cycle of prison capacity crises, and in particular the highly damaging impact of the acute crisis over the last few years. It also sets out the wider impacts: the opportunity costs at every level, of having to focus on capacity at the expense of more strategic planning, policy development and positive rehabilitative work. It concludes by proposing a change of approach from predicting to preventing crises, both in prisons and probation and community services.

¹¹ HM Treasury, Spending Review 2025, p.65 (2025) <<https://www.gov.uk/government/collections/spending-review-2025>>

Chapter 1

Demand for prison places

Population trends

The prison population grew rapidly in the first ten years of this century, rising from an average of 66,300 (then an all-time high) in 2001¹² to 85,002 by June 2010.¹³ By June 2024 it stood at 87,726.¹⁴ Average sentence lengths have also increased: the average length of custodial sentences for indictable offences was 14.7 months in 2001¹⁵ and 22.2 months in the year to September 2024.¹⁶ This excludes the significant rise in average tariff lengths (the minimum period in custody) for those serving mandatory life sentences: from 13 years in 2001¹⁷ to 22.5 years in 2023.¹⁸

There has been a significant drop in the number of short-sentenced prisoners and a rise in the number of those serving sentences of over four years. In June 2001, there were 8,573 prisoners with sentences of less than 12 months (15.8% of the prison population);¹⁹ in June 2024 there were only 2,814 (3.2% of the population).²⁰ By contrast, in June 2001, 25,579 adults (38.6% of the population) were serving sentences of four years or more (including life sentences),²¹ whereas in June 2024 there were 41,667 prisoners (47.5% of the population) serving either those sentences or the imprisonment for public protection

¹² Home Office, Prison Statistics England and Wales 2001, p.3 (2001) <<https://www.gov.uk/government/statistics/prison-statistics-england-and-wales-2001>>

¹³ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2010, Table 1.1 (2010) <[b-quarterly-bulletin-april-june-2010-prison-population-tables.xls](https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2010)>

¹⁴ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 1.Q.1 (2024) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024>>

¹⁵ Ministry of Justice, Sentencing Statistics main bulletin tables, Table 1.2 (2009) <[sentencing-stats-09-main-tables.xls](https://www.gov.uk/government/statistics/sentencing-stats-09-main-tables.xls)>

¹⁶ See Ministry of Justice, Criminal Justice Statistics Quarterly, (2024) <<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-september-2024/criminal-justice-statistics-quarterly-september-2024.html#sentencing>>; Independent Sentencing Review, Final Report, (2025) <https://assets.publishing.service.gov.uk/media/682d8d995ba51be7c0f45371/independent-sentencing-review-report-part_2.pdf>

¹⁷ UK Parliament, Written Questions Answers and Statements, (2022) <<https://questions-statements.parliament.uk/written-questions/detail/2022-03-23/HL7261>>

¹⁸ UK Parliament, Written Questions Answers and Statements, (2024) <<https://questions-statements.parliament.uk/written-questions/detail/2024-01-10/hl1419?>>

¹⁹ Home Office, Prison Statistics England and Wales 2001 (2003) <[Prison Statistics England and Wales 2001 - GOV.UK](https://www.gov.uk/government/statistics/prison-statistics-england-and-wales-2001)>

²⁰ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 1.Q.2 (2024) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024>>

²¹ Home Office, Prison Statistics England and Wales 2001 (2003) <[Prison Statistics England and Wales 2001 - GOV.UK](https://www.gov.uk/government/statistics/prison-statistics-england-and-wales-2001)>

(IPP) and extended determinate (EDS) sentences, created since 2001.²² In particular, the number of prisoners on EDS sentences, which replaced IPP sentences for serious sexual and violent offences and robbery, rose from 1,946²³ to 8,296²⁴ between 2015 and 2024 (to 9% of the prison population). Though the number of those serving life sentences has remained fairly static during that period, it is due to rise in the medium and long term, as average tariffs for murder have risen by nearly 70%.

Since 2008, the MoJ has published population projections on an annual basis as official statistics.²⁵ Annex B describes both the changes in, and the limitations of, projections, which are not predictions, and are based on known assumptions. They are most accurate in the short term, as policies, practices and legislation may change, and prison numbers are also affected by decisions and behaviours in other parts of the criminal justice system – courts, police and probation.

Projections are affected, for example, by changes in sentencing. Not only has the average length of sentences increased over time, but new sentences such as EDS or IPP meant that previous calculations had to be revised, without evidence of how those sentences were going to be used or operated in practice. Equally, there have recently been well-publicised problems with the recording of data on the backlog in the crown courts. This called into question the validity of population forecasts which were, at least in part, based on assumptions about the rate of crown court disposals. Recommendations were made to seek to avoid this kind of error in the future.

Real world outcomes are therefore affected by the behaviour and capacity of all the other parts of the criminal justice system. The recent significant rise in the remand population (see below) is due to current court delays. But it is also clear that, in the past, remand numbers have fluctuated considerably, at one point because of changes in time limits for police bail, and at others because of changes in police or judicial approach to custodial remand in marginal cases. Decisions about whether to impose a community, as opposed to a custodial, sentence will also be affected by the judiciary's confidence in the ability and capacity of the probation service to manage these sentences effectively. Similarly, the number of recalled prisoners (see below) is affected by capacity issues both in prisons (to carry out work to prevent reoffending) and in probation (to support and monitor those on licence).

Because the criminal justice system is not a single system, and responsibility for it is spread over two government departments, it is not clear that decisions made in one

²² Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 1.Q.2 (2024) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024>>

²³ Ministry of Justice, Offender Management Statistics Quarterly Bulletin: January to March 2015, (2015) <<https://assets.publishing.service.gov.uk/media/5a80835de5274a2e87dba3d6/offender-management-statistics-bulletin-jan-mar-2015.pdf>>

²⁴ Ministry of Justice, Offender Management Statistics Quarterly: January to March 2024, (2024) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2024/offender-management-statistics-quarterly-january-to-march-2024>>

²⁵ Ministry of Justice, Prison Population Projections <<https://www.gov.uk/government/statistics/prison-population-projections-ns>>

part of the system are properly impact-assessed, and supported, in other parts. The decision to appoint 20,000 new police officers between 2020 and 2023 was inevitably going to have an impact on the courts and the prison system. It would be a slow burn: those officers would need to be recruited and trained, and would not be fully effective immediately. That should not have stopped planning for its eventual impact, and indeed provided time for planning to be effective. But because projections overestimated the immediate impact, this became a reason or excuse for inaction, rather than an opportunity for early action. This should have included not just building prisons, but investing in probation and community services to manage and support those arrested and convicted.

The degree of uncertainty about the size and speed of prison population growth in the medium and longer term has meant that at times projections were disregarded, even when there was an immediate and visible actual population rise (see Chapter 3). However, the MoJ has consistently forecast that the prison population would rise in all plausible scenarios, particularly in the longer-term, unless there were further mitigating measures, and this has happened in reality, except for the COVID-19 period. The precise timing and scale may be variable, but the only major factor determining the eventual size of the prison population is changes on the demand side.

It is worth noting that there are exceptions to the overall rise in the prison population. The number of women in prison has levelled off, and indeed slightly dropped, from 3,904 in June 2015²⁶ to 3,683 in June 2024.²⁷ The Women's Justice Board is looking at reducing these numbers further through early interventions and more community support. This is the approach that has significantly reduced the number of children and young people under 18 in prison, which has dropped dramatically over the last 20 years. At one point, there were more than 3,000 children in prisons and other secure settings; there are now 398.²⁸ This reflects a preventative and multi-disciplinary approach to youth offending that goes well beyond criminal justice and involves health, education, local authorities and family support, so that custody is the last resort (see also comments about the youth justice service in Chapter 4).

It is less well known that the number of young adults (aged 18-20) in prisons has also dropped significantly. In 2005, there were 7,811 young adults in prison²⁹ (around 10% of the prison population and 13.9% of those sentenced to custody)³⁰. By 2024, there were

²⁶ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2015, Table 1.1 (2015) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2015>>

²⁷ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 1.Q.1 (2024) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2024>>

²⁸ HM Prison and Probation Service and Youth Custody Service, Youth Custody Report: April 2025, Table 1.1 (2025) <<https://www.gov.uk/government/publications/youth-custody-data>>

²⁹ Ministry of Justice, Offender Management Statistics Quarterly, Prison Population: 2002-2015, Table 1.Leg.1 <[Prison-population-2002-to-2015.ods](#)>

³⁰ Ministry of Justice, Offender Management Statistics Quarterly, Prison Receptions: 1990-2015, Table 2.Leg.4 <[Prison-receptions-1990-to-2015.ods](#)>

only 3,063³¹ (only 3.5% of the population and 4.4% of those sentenced to custody). This cannot be explained by demographics, and it is interesting to speculate whether the more intensive and wraparound service available to under-18s, or indeed programmes such as Sure Start, which focus on early years' interventions, has had a generational impact – and therefore whether there is something to be learnt about the approach to adults, both male and female, who offend or are likely to offend.

Demand reduction options

2007-20

There have been various measures during the recurring capacity crises to reduce demand. They typically come at crisis point, after predictable and predicted rises in the prison population, which are themselves often driven by legislative or policy decisions.

The Criminal Justice Act 2003 introduced IPP sentences and mandatory minimum terms for murder, which commensurately pulled up sentences for other serious violence and injury offences. It also lengthened the period to be served in custody before parole could be granted. The prison population then rose by 8.3%, resulting in a capacity crisis by mid-2007. The review was told by those involved at the time that the Treasury did not want to release more money for prison building (see Chapter 2) but that there was resistance from the centre of government to any formal reduction in the custodial element of sentence. This is a tension which has continued.

As prisons reached capacity in 2007, the reluctant compromise was the introduction of the end of custody licence (ECL), which allowed prisoners to be released 18 days before their automatic release date, using the provision in the Prison Rules for release on temporary licence (ROTL). ROTL is used primarily either for emergencies (for example, temporary releases to hospital for in-patient treatment) or for resettlement purposes (to allow prisoners who are low-risk and coming to the end of sentence to leave the prison during the day for employment or education, or to re-establish family ties). It can also be used for compassionate reasons. In the two and a half years of the ECL scheme's operation, nearly 80,000 prisoners were released up to 18 days early.³² At the same time, there was a push to increase the use of non-custodial sentences (including community payback schemes, and drug and alcohol orders), and in the use of home detention curfew ('tagging').

The scheme was ended just before the 2010 general election, and the Conservative manifesto for that election promised not to go down that path again. As noted in Chapter 2, the initial aspiration was to cap or reduce the prison population to produce savings as part of the austerity programme. This was based on optimistic projections of the likely size of the prison population, which were later criticised by the Prime Minister's Implementation Unit. In fact, prison numbers rose significantly by the summer of 2017,

³¹ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 1.Q.1 (2024) <[Offender management statistics quarterly: April to June 2024 - GOV.UK](https://gov.uk/offender-management-statistics-quarterly)>

³² House of Commons Library, The End of Custody Licence, (2010) <<https://commonslibrary.parliament.uk/research-briefings/sn04851/>>

at the same time as some prisons had closed and the prison service was coping with the impact of severe staffing cuts. For over three months in mid-2017, the prison estate was within 900 spaces of reaching capacity.

Given the promise not to repeat the early release scheme, the solutions to managing demand were both limited and unpublicised. One was to expand the use of home detention curfew (HDC). The criteria did not change, but a new policy and process was introduced in January 2018, to encourage its use, with the result that for the first three quarters of the year there were respectively 63%, 69% and 60% more home detention curfews granted than in the same periods in 2017. Overall, 14,769 prisoners were released on a tag in 2018 as compared to 9,320 in 2017.³³

There were also attempts to drive down the number of recalled prisoners. More use was made of short fixed-term recalls (see below), and there was also much greater use of the executive re-release scheme (now known as risk assessed recall review) first introduced in 2009, under which the Lord Chancellor could order the release of recalled prisoners. Nearly 3,000 recalled prisoners were released in this way during 2017-18, but the number then declined significantly to 92 in 2022.³⁴

Finally, there was increased use of schemes designed to remove foreign national offenders (FNOs) from the prison system. The early removal scheme (ERS) introduced in the Criminal Justice Act 2003 allowed FNOs serving determinate sentences to be removed to their country of origin up to 135 days before their earliest release date, subject to having served a minimum term. It was expanded to allow for release up to 270 days early in 2008. In 2012, the minister was given powers to deport FNOs serving indeterminate sentences, once the minimum tariff period had expired. In addition, some foreign nationals can be transferred to serve their prison sentence in their home country, if there is a prisoner transfer agreement with that country. The overall number of FNOs removed from prison under the ERS rose to 2,161 in 2016, the highest number since reporting started in 2010.

The prison population levelled off between 2018-20, but this was recognised to be only a temporary respite because of the inherent drivers in the system: longer sentences and longer proportions of time spent in custody. All the projections indicated that numbers would exceed capacity by August 2020; indeed the then Lord Chancellor called an urgent meeting in early 2020 to discuss options for dealing with this, but it was called off when the COVID-19 pandemic struck.

2020-24

Prison numbers were depressed during COVID-19: there were fewer arrests and court appearances and some emergency compassionate releases. However, by 2021, projections showed a likely capacity gap from early 2023; after the October 2021

³³ Ministry of Justice, Offender Management statistics quarterly, Prison releases: 2018, Table A3.5 (2019) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2018>>

³⁴ UK Parliament, Written Questions Answers and Statements, (2024) <<https://questions-statements.parliament.uk/written-questions/detail/2024-04-23/23202/#>>

Spending Review, there was a predicted capacity gap of around 900 places; and by 2022 it was evident that the deferred crisis was imminent. In November 2022, as well as agreeing the HM Prison and Probation Service's (HMPPS) 'red lines' which set limits on the capacity to absorb more prisoners (see Chapter 2), various potential measures to reduce demand were put forward.

These proposals included legislating for a presumption against custodial sentences of less than six months (which was included, and extended to 12 months, in the 2024 Sentencing Bill which fell after the general election was called). There was also a strong recommendation to begin working up an early release scheme as a contingency, but this was not agreed. Instead, various short-term options were agreed and implemented. They included resurrecting the executive re-release scheme, which had effectively fallen into disuse; and reversing the extension of magistrates' custodial sentencing powers from 12 months back to six months, which was expected to save 500 places over the next two years. It also included extending the period that people could spend on HDC, which was estimated to save around 300 places a year, as well as reversing the dip in the use of HDC during 2022-23, so that it returned to previous levels. It was clear, however, that these moderate reductions in demand would not be sufficient to meet the impending capacity problem, and it was accepted that Operation Safeguard – the use of police cells – would need to be activated (see below).

In addition, there was increased pressure either to move foreign nationals into immigration removal centres or to release and remove them from the country early. Returns of FNOs had decreased between 2016 and 2019, and the onset of the COVID-19 pandemic had reduced the capability for removals further. Early removal under the ERS was increased from 270 days to 12 months in June 2022, and then to 18 months in January 2024, and more prisoner transfer agreements were signed with other countries.

Operation Safeguard and Operation Early Dawn

In previous population crises, prisoners were held in court cells overnight, but the court service has since developed its own 'red line', agreed with ministers, that this should not happen, as these cells are wholly inappropriate for overnight stay. The only pressure valve outside prisons was therefore the use of police cells, under Operation Safeguard, which had last been used in 2007-08. It was reactivated in February 2023, initially as an emergency measure in the most pressured regions, but remained available and was used as needed anywhere until October 2024. It has recently had to be reactivated.

Operation Safeguard involves holding prisoners in police cells until a place is available in a reception prison, usually overnight but potentially for longer. It is both very expensive and very disruptive. The cost of an Operation Safeguard cell is £688 per night, as compared with the average cost of a prison cell at £150. By January 2025, Operation Safeguard had cost HMPPS £70 million.³⁵ When it is operating, prisoners are taken from court to a police station, usually held overnight, and then moved early the next morning to the nearest prison that has space. The decision to make police cells available was made by each individual force, and might not correspond to the areas where population

³⁵ Committee of Public Accounts, Prison Estate Capacity, p.5 (2025) <<https://committees.parliament.uk/publications/46985/documents/242927/default/>>

pressure was at its most acute, or the courts where prisoners were appearing. The review was told that as this became business as usual, the system became more sophisticated at local level, with regions able to be 'turned on or off' at two weeks' notice.

On a number of occasions between October 2023 and September 2024, when capacity problems were most acute, a further emergency measure, Operation Early Dawn, was activated: those in police custody would only be produced to court if there was a certainty that there would be a prison place, or police space, available should they be remanded in custody. This involved a complex and demanding process of assessment and calculation every day, from early morning until the last prisoner was received, assessing prisoner by prisoner whether there was a location they could be sent to. This was particularly complex for cohorts who could only be sent to certain prisons, such as women, high risk prisoners, those with specific vulnerabilities, and those accused or convicted of sexual offences.

Early Dawn involved officials meeting at 5:30am, reviewing all data, including how many overnight stays there had been in police cells, what were the likely remands, where there were spaces, how many recalls were coming in, and how many discharges and transfers were planned. It was described as having to do a logistics and maths operation every morning. At 6:30am, the plan was signed off by HMPPS Gold. The team would meet twice more during the day at 11:30am and 1:30pm to review the situation, and people would be on call until late evening to check that everyone had been located in a prison or police cell.

Chapter 4 discusses the impact of these measures in practice.

Increased use of open prisons

There were also measures to maximise the use of open prisons, which were operating at only around 87% of capacity, and, in one case at barely 50%. The temporary presumptive recategorisation scheme (TPRS) was introduced in March 2023. Prisoners in category C prisons with less than 12 weeks left to serve would be presumed to be eligible to move to open prisons, unless there were contra-indications related to the type of offence. Initially, the scheme did not specifically exclude prisoners who had behavioural issues – for example, those who were on the basic level of the incentives scheme,³⁶ who were in segregation or who were facing additional assault charges. Prisoners could also be transferred even if they only had days left to serve: the review was told of prisoners moving within a week or 10 days of release. Later iterations of the scheme tightened the criteria.

This created considerable pressure on the open prison estate, which is relatively lightly staffed, with low levels of physical security. Open prisons also have limited facilities and purposeful activity on site, as they rely on a significant proportion of the population being able to work or train outside the prison and attend outside healthcare facilities, on ROTL, as a way of reintegrating into the community. The new arrivals also had problems that many open prisons were not accustomed to or necessarily equipped to deal with:

³⁶ 'Basic level' is the lowest level of the incentives and earned privileges scheme, for prisoners who have not abided by behaviour principles.

prisoners with unresolved addiction issues, or who had been unwillingly moved further away from home for days rather than months.

“73% of the population had less than 12 months left to serve, and 43% had been in the prison for less than three months. Eligibility for ROTL normally takes about three months, as such, a large proportion of the population would probably be unable to access ROTL, and there were limited opportunities on the prison site.”

Staff in open prison

Over time, TPRS increased the occupancy in the open estate (to 97.6% in April 2025), but it also transferred pressures from the closed estate to open prisons, and significantly changed the dynamic in open prisons. On the one hand, there have been few absconds from these low security environments, and some open prisons were able to cope with the changed population. There was, however, a rise in the number of prisoners who had to be returned to closed conditions after they were deemed unsuitable, particularly in some prisons. HMP Kirkham, which experienced a significant and sudden increase in population, received 66 prisoners in one month under TPRS and returned 23 to closed prisons.

Other parts of the criminal justice system

As already stated, what happens in the rest of the criminal justice system directly affects prisons, and vice versa. It is clear that during the times of maximum crisis, the recognition that prisons were close to capacity temporarily affected the way that the courts and police behaved.

Chapter 3 on Governance describes the ‘cliff-edge approach’ which preceded each of the early release schemes. This meant that action was not taken until there was a real risk of the criminal justice system collapsing within seven (and later three) days. In October 2023, the Senior Presiding Judge, knowing that action was finally going to be taken within a few days, was concerned about whether the system could keep going until that point. In one of his regular discussions with resident judges, he therefore suggested that some cases – for example, people out on bail and due to come to court for sentence – might temporarily be deferred (‘delisted’) for a month or two until capacity was made available. The potential interaction between prison conditions and capacity and court sentencing decisions had earlier been established in court judgments³⁷ and indeed had previously been recognised by the Lord Chancellor (see Chapter 4). However, the proposal was leaked to the press, misrepresenting the discussion, implying wrongly that judges had, or could be, directed in relation to listing or sentencing. It was subsequently made clear to ministers that the judiciary would not take exceptional measures in future, without evidence of a clear path to medium-term stability.

³⁷ See *R v Manning* [2020] EWCA CRIM 592; *R v Ali* [2023] EWCA CRIM 232

Similarly, just before Operation Early Dawn was implemented, when capacity was so tight that there was a risk of prisoners not being collected from police stations, the National Police Chiefs' Council (NPCC) suggested to chief officers that they should consider postponing any planned non-urgent big operations until Early Dawn came into play, provided that there was no risk to public safety or of losing evidence. Again, this was leaked to the media and led to a public spat between the Metropolitan Police and the NPCC.

The early release schemes

By May 2023, it was obvious that existing measures to reduce demand would be insufficient to avoid the system reaching capacity by the autumn. It was therefore finally agreed that officials could work up options for some form of early release scheme, but without legislation to formally reduce the minimum custodial period of those serving determinate sentences. There were two possible options under consideration: using ROTL provisions, as the previous Labour government had done, or using powers under the Criminal Justice Act 2003,³⁸ which allow the Secretary of State to release prisoners for compassionate reasons.

It was decided not to use the former, because technically prisoners released on ROTL have to return to custody before being finally released (by definition they are only out on 'temporary' licence), even though this had not happened in practice in 2007-10. Instead, it was decided to use the compassionate release powers, under a scheme called 'end of custody supervised licence' (ECSL) and to justify this on the grounds that otherwise it would be impossible to hold prisoners safely and decently. The use of a power designed to allow individual prisoners to be released on compassionate grounds – for example because of imminent death or compelling family circumstances – to allow routine early release because of a failure to align sentencing and capacity is, on the face of it, as questionable as the use of ROTL powers were said to be. In both cases, this avoids the necessity of facing up to what one someone described to the review as the 'wicked problem' that demand was always going to outstrip supply, and therefore some more stable option would eventually be required.

Although departmental ministers were convinced by mid-2023 that some form of early release was both necessary and urgent, this required Prime Ministerial agreement, which was not forthcoming until the system was within three days of potential collapse, and only in incremental stages (see Chapter 3). There then followed three iterations of end of custody supervised licence (ECSL): ECSL18 (in October 2023), ECSL35 (in March 2024) and ECSL70 (in May 2024), allowing most prisoners on determinate sentences to be released 18, 35 and 70 days earlier than their automatic release date. In total, over 13,000 prisoners were released early under ECSL between October 2023 and September 2024.³⁹

³⁸ Criminal Justice Act 2003, s248 <<https://www.legislation.gov.uk/ukpga/2003/44/section/248>>

³⁹ Ministry of Justice, Transparency Data on End of Custody Supervised License, (2024) <https://assets.publishing.service.gov.uk/media/6723620e46aa392ce3565530/ECSL_Commentary_Transparency.pdf>

As described in Chapter 3, the period leading up to, and immediately after, the 2024 general election, and before SDS40 came into operation, was the point of maximum crisis, especially after the disturbances in cities following the tragic events in Southport in July. This was described as ‘every indicator flashing red’ and emergency measures were considered (see Chapter 3). It is clear that all the parts of the criminal justice system took action to ensure that the system could survive until SDS40 brought some relief. Operation Early Dawn was re-activated, and some court cases were deferred, although this time judges were more reluctant and there were fewer suitable cases. Some prison maintenance projects were also deferred, and new wings opened (one of which filled up in three days).

The new government then implemented a formal early release process, instead of ECSL, legislating to reduce the automatic release date from 50% to 40% of sentence for most standard determinate sentences (certain sentences including sex offences were excluded). There were two tranches of SDS40 releases, in September and October 2024: one for people serving sentences of less than five years, and the second for those with sentences of more than five years. In total, 3,112 prisoners were released under the first two tranches of SDS40.^{40,41} Releases for both tranches continued after the initial ‘bulk release’ dates.

Both ECSL and SDS40 operated at the same time as home detention curfew by which prisoners could be released on an electronic tag halfway through the custodial part of their sentence, for a maximum of six months (extended from four and a half months in June 2023 as one of the first incremental measures to deal with the capacity crisis). The interaction between these schemes was complex. Under the two later versions of ECSL, some prisoners could be released even earlier than under SDS40, without any electronic tagging. A prisoner with a six-month sentence would be released under ECSL35 after eight weeks in custody with no tagging restrictions, and after just under three weeks under ECSL70. Under SDS40, the same prisoner is released automatically at ten weeks, or at five weeks if fitted with a tag for the remaining five weeks.

This puts into context the proposal for a presumption against short custodial sentences, which would create a more honest and transparent sentencing framework, rather than sentences that appear to mean one thing, but in practice mean another.

Impact of early release schemes

The constantly shifting release dates under ECSL, brought in at the last minute, created significant pressure and stress for prison staff, and compromised resettlement outcomes for some prisoners. Prisons had to implement complex new provisions and sentence calculations within days of receiving new guidance. In one case, a governor spoke of guidance being issued over a weekend for implementation on Monday morning, and others said that their inbox was often crowded with urgent changes and new policies.

⁴⁰ Tranche 1 was for eligible prisoners with determinate sentences of under five years, Tranche 2 for such prisoners with over 5 year sentences.

⁴¹ Ministry of Justice and HM Prison and Probation Service, Standard Determinate Sentences (SDS40) Tranche release data , (2020) <<https://www.gov.uk/government/publications/standard-determinate-sentences-sds40-tranche-release-data>>

All the offender management units (OMUs) this review spoke to in closed prisons described the impact of these multiple and complex changes: the pressure they were under to release as many eligible prisoners as quickly as possible but also the fear of the consequences of releasing someone in error. Someone spoke of 'waiting for the headline'. This pressure exposed any underlying weaknesses in an OMU. In spite of some mitigating actions, many units remained under-resourced, with high levels of attrition, which was difficult to manage as the work required specific training.

"Big tranches of releases with little notice were the most difficult thing ... the criteria kept changing."

Prison staff

"For the first time, I was logging in in the evenings to get ahead of things for the next day, sending emails at 9pm and getting replies. Everyone wanted to do a good job, but that way of working is not right ... you are never away from your laptop and there were so many targets to hit and reviews to be done."

Prison staff

"There was a lot of sickness absence, which had a ripple effect ... staff wanted to do more, but were spending all their time on process."

Prison staff

"There is frustration at reintroducing early release schemes which are not properly planned ... women have been particularly impacted due to being sent to accommodation that was unsuitable or unsafe."

Third sector

"ECSL was a disaster as people were released without preparation or knowing where to go ... some were sent to the wrong probation office 60 or 70 miles away, then breached for being late to appointments and recalled."

Third sector

OMU staff were often managing much higher caseloads, or caseloads that changed every week. A number of OMU staff raised the fact that the pace and volume of work made it difficult to do the positive work of developing relationships with prisoners to help them progress. Instead of being on the wings and interacting with prisoners, they were in the office, checking and re-checking release dates.

The constant changes and shortened deadlines also directly affected the successful resettlement of prisoners. Pre-release planning for sentenced prisoners should start 12 weeks before the automatic release date. This is when connections should be made with appropriate community services, like healthcare, drug and alcohol services and accommodation, as well as with outside probation officers (COMs). This was truncated,

or even lost, when prisoners were released ahead of schedule without warning, or transferred out to another prison at short notice.

“If release dates change, accommodation is a problem – someone may be booked into an approved premise (AP) but released earlier than planned, so there is not space ... more people are released to no fixed abode ... sometimes if release dates change I have to refer them to the council and cross fingers.”

Prison staff

Most of the people who spoke to the review, in prisons and the third sector, said that SDS40 was preferable to the ECSL schemes, since it gave them time to prepare and was a fixed, not constantly-changing, scheme. However, there were considerable pressures. All prisoners had to be assessed within a short time, even in prisons where few would in fact be eligible. One training prison had to assess 600 prisoners, leading to fewer than 30 releases, and one local prison had only seven releases out of nearly 1,000 prisoners assessed. The resettlement team in another local prison was worried about the scarcity of accommodation for the number of prisoners all released at the same time under the two SDS40 tranches. Others spoke of the number of late releases, given the checks that needed to be done and the times that prisoners arrived back from court.

“For some men, there are over 100 different checks before release, and this may result in releases late in the day.”

OMU staff

“Late releases are a problem, especially when prisoners have been transferred out of area... some prisoners are hundreds of miles from home.”

OMU staff

This was against the backdrop of a prison system that was running at the very edge of capacity, and with significant staffing challenges. The impacts of this on safety and opportunities for rehabilitation are described further in Chapter 4.

Specific populations

This review, like the Independent Sentencing Review, has looked at three populations that particularly impact on prison capacity: those with short-term sentences, and those who are remanded or recalled to prison.

Short sentences

In the adult male population, short-sentenced prisoners (those on sentences of 12 months or less) are a small proportion of the population at any one time. However, in 2024 they represented 45.7% of sentenced adults who entered prison, and 76.6% of

that cohort were serving sentences of under six months. This ‘churn’ involves a significant amount of work and risk in order to manage reception and discharge. The early days of custody are the riskiest, and handoffs to probation and community services are challenging.

The value and impact of short-term sentences have been questioned for many years, as they provide the maximum amount of disruption for an individual, often repeatedly, with the minimum possibility of effective work to address the causes of offending. Analysis in 2018 showed that 77% of those sentenced to 12 months or less had already had at least one custodial sentence.⁴² Accommodation and employment outcomes are worse for those on short sentences, and over half will reoffend within a year of release.⁴³ Research has shown that those on community orders are less likely to reoffend than those given short custodial sentences.⁴⁴

“Repeated short sentences do more harm than good, especially for people with substance abuse issues, as there can be no sustained intervention.”

Third sector

For those reasons, ministers and officials have recognised for some time that short sentences are ineffective, but equally that their abolition or reduction required greater confidence and therefore investment in community alternatives. A presumption against custodial sentences of under 12 months was therefore included in the last government’s Sentencing Bill, which fell when the general election was called (see below). This has again been recommended by the Independent Sentencing Review, and has been accepted by the current government. However, as noted later in this report, this does not as such reduce demand within the criminal justice system: it displaces it from prisons to probation and other community services.

⁴² Ministry of Justice, The Mix of Prior Disposals in Offending Histories: Ad Hoc Statistics, p.2 (2019) <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/813982/mix-disposal-histories-ad-hoc-stats.pdf>

⁴³ Ministry of Justice, Proven Reoffending Statistics, (2025) <[proven-reoffending-apr23-jun23-3https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F6807a1a04dd7e0f8897a6198%2Fproven-reoffending-apr23-jun23-3-monthly.ods&wdOrigin=BROWSELINK-monthly.ods](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F6807a1a04dd7e0f8897a6198%2Fproven-reoffending-apr23-jun23-3-monthly.ods&wdOrigin=BROWSELINK-monthly.ods)>

⁴⁴ The Ministry of Justice, The impact of short custodial sentences, community orders and suspended sentence orders on reoffending, p.1 (2019) <<https://assets.publishing.service.gov.uk/media/5d1c732ee5274a08cdbc45c4/impact-short-custodial-sentences.pdf>>

Remand

Remanded prisoners (those untried or unsentenced) were nearly 14% of the prison population (11,785 people) in June 2015,⁴⁵ but 20% (17,582) by March 2025⁴⁶ – the highest figure in at least the last 50 years. Among them, the number convicted but as yet unsentenced has nearly doubled over the same period to 6,229 (35% of the total remand population).⁴⁷

The rise in the remand population has largely been the result of court pressures over recent years. This began before the COVID-19 crisis, with restrictions on funding and therefore court sitting days, but was exacerbated by the effect of COVID-19 and the subsequent industrial action by the Criminal Bar Association. More recently, there has also been an increase in the number of those going to court, due to the recruitment of an additional 20,000 police officers and a shift towards higher-end offences, particularly serious sexual offences, where early guilty pleas are less likely. Those who spoke to the review expressed some frustration about the difficulty of getting accurate information about court backlogs and flows.

The prison capacity crisis itself affected, and was affected by, the operation of the courts: sometimes prisoners were not produced to court, or produced late, and on occasions the review was told that court days had to be shortened in order to ensure that prisoners could be returned to a prison, sometimes at some distance from the court.

It has sometimes been argued that the rise in the remand population is the main cause of the prison capacity crisis, as the numbers have risen to nearly one in five prisoners. However, without court delays, a significant number of those remanded prisoners would be serving a prison sentence, along with some others currently on bail in the community. As mentioned above, about a third of remanded prisoners are already convicted, but unsentenced. The majority of those remanded in custody will in fact receive a custodial sentence: 71% of those remanded in custody from crown courts (the great majority of those on remand) received a custodial sentence in 2023.⁴⁸ Indeed a number are released directly from court when they finally get there, as they have already served their sentence on remand (see below). This is supported by MoJ analysts:

“We do not consider the rising court backlog to be the singular cause of the current capacity crisis. Had the backlog not increased, a substantial proportion of the growth we have seen in the remand population would have taken place in the sentenced population.”

⁴⁵ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2015, Table 1.1 (2015) <[Offender management statistics quarterly: April to June 2015 - GOV.UK](#)>

⁴⁶ Ministry of Justice, Offender Management Statistics Quarterly: October to December 2024, Table 1.Q.1 (2025) <[Offender management statistics quarterly: October to December 2024 - GOV.UK](#)>

⁴⁷ See Ministry of Justice, Offender Management Statistics Quarterly: April to June 2015, Table 1.1 (2015) <[Offender management statistics quarterly: April to June 2015 - GOV.UK](#)>; Ministry of Justice, Offender Management Statistics Quarterly: October to December 2024, Table 1.Q.1 (2025) <[Offender management statistics quarterly: October to December 2024 - GOV.UK](#)>

⁴⁸ Ministry of Justice, Criminal Justice Statistics Quarterly, (2023) <<https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2023/criminal-justice-statistics-quarterly-december-2023-html#remands>>

However, the very lengthy periods those prisoners are now spending on remand has had an extremely detrimental impact on them (as well as on prisons). Some prisons became almost exclusively remand prisons, holding prisoners who are there for an uncertain period, cannot be obliged to take part in work, may not have access to the range of activities normally available, and by definition do not have sentence plans and cannot do courses to reduce their risk of offending. The review spoke to two men in a local prison who had been on remand for two years and 22 months respectively. Both had pleaded guilty and were likely to be released directly from court due to time already served.

“There is a limit to what you can do for people with drug and alcohol problems on remand. It disrupts family, jobs etc, and may result in people becoming ‘intentionally homeless’.”

Third sector

“There is a scramble to find safe accommodation especially for women on remand – it can be incredibly difficult, particularly for those facing domestic abuse, managing contact with children ... Many women don’t go on to receive a custodial sentence and this short period in custody has a huge negative impact.”

Third sector

The local prisons visited during the review were particularly concerned about the number of remand prisoners released directly from court. One London prison was releasing around 70 prisoners a week, 20 to 25 of whom were immediate releases from court. In one week, there were 35 such releases. Those people are often released late in the afternoon and will have had no pre-release resettlement support, to address issues like housing, benefits, continuing healthcare or drug and alcohol support. Some, of course, will be found not guilty, and are therefore entitled to no support at all. Those who are eventually convicted, but have served their sentences on remand, will not have had any contact with prison offender managers (POMs) while in prison, as POMs only deal with sentenced prisoners. The review was told that some of those released on licence do not even know their licence conditions until they manage to contact their community offender manager (COM). An offender management unit (OMU) staff member recalled being ordered by the court to release a prisoner after a habeas corpus application, without having had any time to arrange specific licence conditions, and her concern about the public protection risk this posed.

There have been suggestions of alternative provision for those who are remanded because of their chaotic lifestyles, or lack of secure accommodation. The review was told that the Youth Justice Board is already piloting some such schemes for young people. A number of women’s centres around the country already offer alternative holistic support to women at risk of offending, and that model could be built on as an alternative to remand or bail supervision. It would require a systematic approach to funding such provision, which is too often fragile and unpredictable. Given the fact that the court backlog is likely to reduce only slowly, alongside the disruptive impact of custodial remands, these are options that should be considered.

Recall

The number of those in custody recalled to prison after being released on licence doubled between June 2015 and June 2024, from 6,176 (7% of the population)⁴⁹ to 12,199 (14% of the population).⁵⁰ By 2024, recalls accounted for 24% of prison admissions.⁵¹ There are two kinds of recall to prison. The first is standard recall, which could mean someone serving the whole of the rest of their sentence in prison, unless the Parole Board directs release earlier or the Secretary of State grants early re-release under the risk assessed recall review (RARR) process. The second is fixed-term recall (FTR) which has existed since 2008, where someone is recalled to prison for either 28 or 14 days, depending on the length of their initial sentence, and automatically released at the end of that period. Its use has fluctuated over the years (see page 11).

In April 2024, fixed-term recalls of 14 days were made mandatory for prisoners with sentences of under 12 months. Since then, and since early release schemes were implemented, the number of recalls has increased significantly: from 6,814 in the quarter April to June 2023⁵² to between 9,000 and 10,500 in each of the three quarters since April 2024.⁵³

It is noticeable that the majority of recalls are not because people have committed further criminal offences, or are facing further charges. While there is usually more than one reason for recalling someone, the most commonly listed reason is 'non-compliance', which covers a range of behaviours, including failing to attend a probation interview or moving address without permission. Given an overstretched probation service, with a high proportion of relatively inexperienced staff, many of those who spoke to the review said that recall often appears to be the first, or a very early, response to any concerning behaviour.

"Recall has just become an administrative process, based on subjective assessments by overwhelmed probation officers ... For probation, there is no career risk of recalling, but there is of not recalling and getting one case wrong."

Third sector

The review was told of some clearly inappropriate recalls for missing probation appointments, including a man who had broken his back and was in hospital. A number of people, both in prisons and third sector organisations, said that the pressures on

⁴⁹ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2015, Table 1.1 (2015) <[Offender management statistics quarterly: April to June 2015 - GOV.UK](#)>

⁵⁰ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 1.Q.2 (2024) <[Offender management statistics quarterly: April to June 2024 - GOV.UK](#)>

⁵¹ Ministry of Justice, Offender Management Statistics Quarterly: April to June 2024, Table 2.Q.6, 2.Q.8, 5.Q.2 (2024) <[Offender management statistics quarterly: April to June 2024 - GOV.UK](#)>

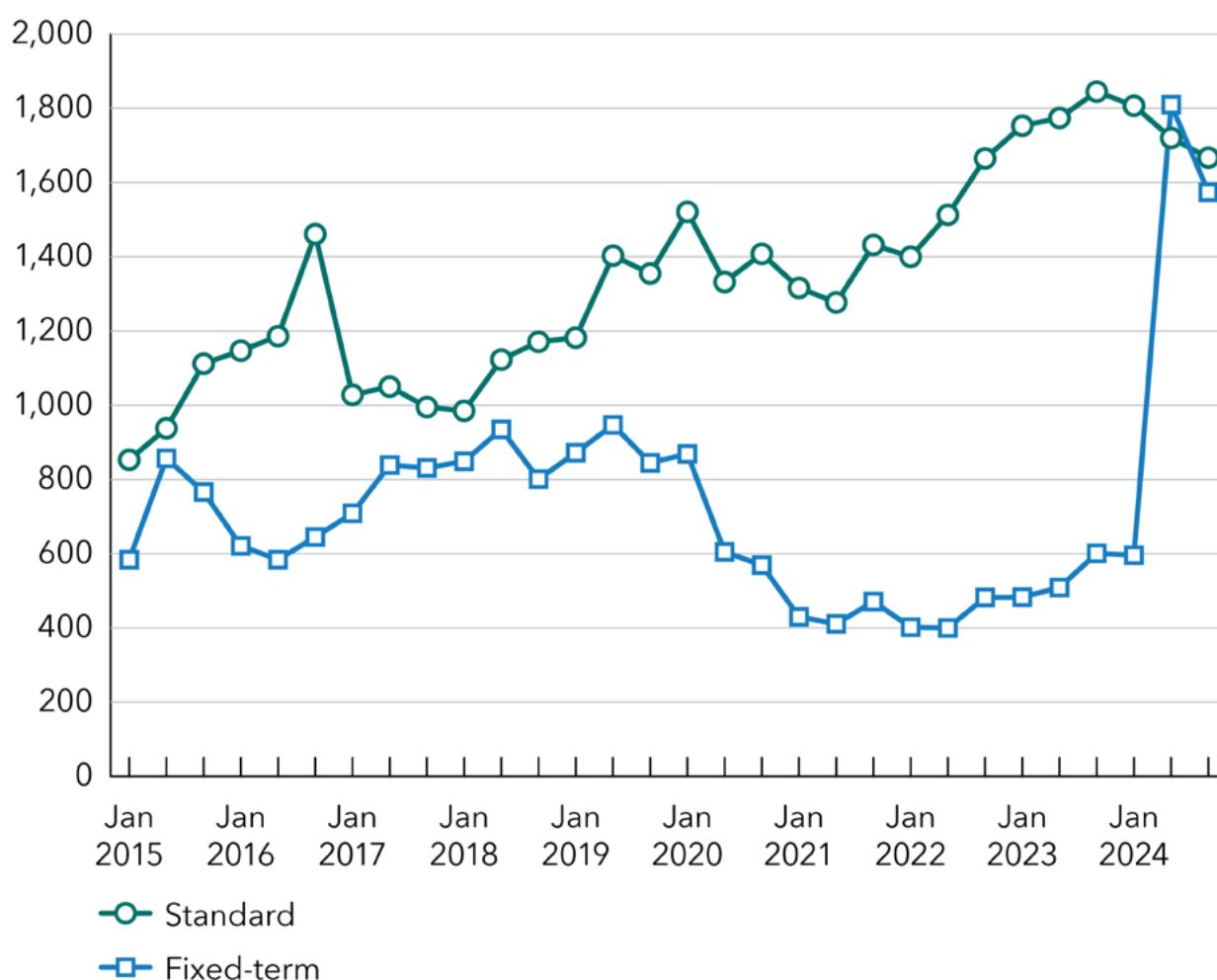
⁵² Ministry of Justice, Offender Management Statistics Quarterly: April to June 2023, Table 5.6 (2023) <[Offender Management Statistics quarterly: April to June 2023 - GOV.UK](#)>

⁵³ Ministry of Justice, Offender Management Statistics Quarterly: October to December 2024, Table 5.Q.2 (2025) <[Offender management statistics quarterly: October to December 2024 - GOV.UK](#)>

prisons and probation in the emergency early release schemes meant that people were 'set up to fail', with insufficient pre-release planning, coordination or community support driving up recall and further offending.

By 2015, FTRs accounted for 42% of all recalls but the number then dropped considerably to 25% by the final quarter of 2023, possibly due to changing attitudes to risk. In order to reverse this trend, the previous government introduced a statutory instrument that mandated the use of FTRs for those with sentences of under 12 months (who are all subject to 14-day recalls), and the number then rose substantially, to around half of all recalls by the end of 2024.⁵⁴

Figure 1. Number of recalls by month and type, 2015 to 2024⁵⁵



⁵⁴ Due to some fixed-term recalls having been recorded as 'emergency' recalls without reference to whether they are fixed-term or standard, and because emergency recalls have historically been reported as standard recalls, the number of fixed-term recalls may be an undercount. Nonetheless, the data still shows a decline in the number of fixed-term recalls in the years after the criteria were tightened, followed by a spike once they were mandated for sentences of under 12 months.

⁵⁵ Ministry of Justice and HM Prison and Probation Service, Offender Management Statistics Quarterly, <<https://www.gov.uk/government/collections/offender-management-statistics-quarterly>>

All those spoken to in reception prisons believed that there was no point to, and a great deal of harm and risk caused by, short fixed-term recalls:

"Some are recalled many times, on fixed-term 14- or 28-day recalls ... nothing can be done for men who are in prison for such a short time."

Prison staff

"Recalls are predominantly 14-day fixed-term recalls, which makes it difficult to do anything positive e.g. education, if they are, in practice, only in the prison for three to four days."

Prison staff

"Fixed-term recalls are too short to have any impact, but at the same time supported accommodation can be lost, and it takes a long time for vacancies to come up ... the combination of probation Reset (the focus on higher risk offenders) and 14-day recall makes people think 'what's the point of engaging?'"

Third sector

Some people also said that the pressure on staff in offender management units (OMUs), together with the suddenness of release under the early release schemes (see above), meant that there was insufficient time to properly explain licence conditions to prisoners being released, which increased the probability of them breaching their licence and being recalled.

However, there are also significant issues with standard recalls, which have also more than doubled since 2015. Those prisoners can only be released before the end of their sentence if the Parole Board agrees, and the prisoner can show reduced risk. Ministers in previous governments had for some time been pressing to reduce the delays and backlogs in parole hearings. The review was told that, due to the pressures on the Parole Board and in prisons, in practice many recalled prisoners will in effect serve the rest of their sentence in prison, irrespective of whether they have addressed their risk of reoffending. This has again driven up the prison population.

Most recently, the government has announced that it will bring forward legislation to ensure that those serving sentences of between one and four years can only be recalled to prison for a fixed 28-day period.⁵⁶ It remains to be seen whether there will be the same revolving door as there appears to have been with 14-day recalls, particularly given the pressures on the probation service and its capacity to supervise low-level but prolific offenders.

⁵⁶ Ministry of Justice, HM Prison and Probation Service and The Rt Hon Shabana Mahmood MP, Lord Chancellor and MoJ Permanent Secretary Prison Capacity Press Conference, (2025) <<https://www.gov.uk/government/speeches/lord-chancellor-and-moj-permanent-secretary-prison-capacity-press-conference>>

The Independent Sentencing Review recommends a more radical change: the abolition of both standard recalls and 14- or 28-day fixed-term recalls, in favour of a tighter threshold for recalling and a 56-day recall period for all those then recalled. Once again, this would displace pressure onto the probation service, both in relation to assessing risk and providing effective support and supervision, especially as it is also proposed by the review that two-thirds of most custodial sentences should be served in the community.

Chapter 2

Supply of prison places

Capacity planning and delivery

As the prison population has grown (see Chapter 1), successive governments have focused on increasing the number of prison places, rather than demand in any significant way. Over the past 20 years, they have committed to increasingly ambitious prison building targets. However, these plans have been repeatedly revised or delayed when they have been exposed to the realities of funding, planning and building pressures. Meanwhile, the stock of places has been eroded by a programme of prison closures, and the loss of individual cells and units due to their poor condition. The net effect is that fewer than 500 places have been added to total operational capacity between 2010 and 2024.⁵⁷

2001-2010

As the previous chapter shows, the capacity crisis in 2023-24 was not the only time when demand for prison places clashed with the reality of prison capacity. Under the last Labour government, in the early 2000s, the review was told of very difficult conversations between the Home Office (then responsible for prisons) and the Treasury. On the one hand, the prison population was rising significantly, partly as a result of the Criminal Justice Act 2003; on the other, the Treasury resisted paying or planning for more prison places. This was partly for financial reasons, but also, the review was told, because Treasury ministers did not believe that a rising prison population was desirable. This tension between policy and funding decisions has continued for the next two decades.

When the prison population eventually reached crisis point in 2007, the government introduced the early release scheme (see Chapter 1), but at the same time committed to building three 'Titan' prisons, each holding 2,500 prisoners, with separate units on the same site. There was considerable criticism of this approach, including from the Conservative opposition, which produced an alternative blueprint for expansion, proposing instead that there should be 'small, local jails' closer to home to support effective rehabilitation.⁵⁸ In the end, the Labour government amended its plan, instead proposing to build up to five 1,500-place prisons. Three new prisons, HMPs Oakwood (a modified Titan design), Isis and Thameside, were commissioned, and opened between 2010 and 2012.

⁵⁷ Ministry of Justice and The Rt Hon Shabana Mahmood MP, Transparency Data: The number of prison places built and closed (2010-2024), (2024) <<https://www.gov.uk/government/publications/the-number-of-prison-places-built-and-closed-2010-2024>>

⁵⁸ Conservative Party, Policy Green Paper, Prisons with a Purpose: Our Sentencing and Rehabilitation Revolution to Break the Cycle of Crime, (2008)

2010-2024

The 2010 Conservative manifesto stated that '[we] are determined that early release will not be introduced again, so we will redevelop the prison estate and increase capacity as necessary to stop it.'⁵⁹ In spite of the earlier 'blueprint' referred to above, one of the first stages of this redevelopment was to close many small and local prisons. Between 2010 and 2015, 18 prisons were closed, with the loss of 5,300 places. It was unfeasible to keep some running, but some were carrying out a specialist function, such as holding women, older prisoners or those serving life sentences. As the NAO concluded, this was done entirely for economic reasons, to save an estimated £70 million a year in running costs.⁶⁰

This was flagged as part of a 'new for old' programme, where older prisons would be replaced by larger, more modern ones. The initial aim in 2010 was not to increase the number of prison places, but rather to reduce them. The new Lord Chancellor, Kenneth Clarke, produced a 'modest' proposal, supported by a sentencing review, to reduce the prison population by 3,000 within four years. This aligned with the government's need to save money under the austerity programme: the review was told that the Treasury said that HMPPS's funding and planning should be based only on a medium population projection (rather than the spread of possibilities), which left nothing for contingencies or operational risks.

The ambition to reduce the prison population was neither met nor continued. However, building new capacity proved more challenging than closing old prisons. Two new prisons were opened during the Coalition government, but total useable operational capacity had fallen slightly to 88,053 places by the time of the 2015 general election.⁶¹ The next Conservative government's 2016 Prison Safety and Reform white paper contained a pledge to invest £1.3 billion⁶² (of which, this review was told, £500,000 was to be from the sale of existing sites in prime locations), to build up to 10,000 new adult prison places under the prison estate transformation programme (PETP). A great deal of design work was done, but the programme was never delivered. In spite of serious capacity problems during 2017 (see Chapter 1), and the creation of a capacity task force, the MoJ, under financial pressure, agreed in March 2018 to divert some of the capital funding into HMPPS's revenue shortfall, so that around 6,500 places were removed from the programme. At this time, total useable operational capacity stood at only 86,515 places.⁶³

⁵⁹ The Conservative Party, Invitation to Join the Government of Britain - The Conservative Manifesto, p.57 (2010) <<https://general-election-2010.co.uk/2010-general-election-manifestos/Conservative-Party-Manifesto-2010.pdf>>

⁶⁰ National Audit Office, Managing the Prison Estate, p.23 (2013) <<https://www.nao.org.uk/wp-content/uploads/2013/12/10304-001-Full-Report.pdf>>

⁶¹ Ministry of Justice, National Offender Management Service and HM Prison Service, Prison Population Figures, (2015) <<https://www.gov.uk/government/statistics/prison-population-figures-2015>>

⁶² Ministry of Justice, Prison Safety and Reform, p.11 (2016) <https://assets.publishing.service.gov.uk/media/5a80aa1040f0b62302694ceb/cm-9350-prison-safety-and-reform_web_.pdf>

⁶³ Ministry of Justice, National Offender Management Service, HM Prison Service and HM Prison and Probation Service, Prison Population Figures, (2017) <<https://www.gov.uk/government/statistics/prison-population-figures-2017>>

In August 2019, the Johnson government announced yet another capital programme, of up to £2.5 billion, to create 10,000 additional places in ‘modern, efficient prisons’.⁶⁴ The majority of these places, around 6,500, were to come from building new category C (training) prisons, with the remainder from expanding existing category D (open) prisons, additional houseblocks, and repairs. There were no further planned closures (though there were some forced and unplanned ones): the ‘new for old’ policy had become ‘new and old’. The 10,000 places would be in addition to those in the new prisons being built at Wellingborough (now HMP Five Wells) and Glen Parva (now HMP Fosse Way). This was confirmed in the September 2019 spending review.⁶⁵ In June 2020, the MoJ announced that four new prisons – two in the north and two in the south – would be built as part of this commitment.⁶⁶ By this time, total useable operational capacity had fallen to 81,749, partly due to units being taken out of use for repairs and safety reasons (see below).⁶⁷

As part of Project Speed, a programme initiated by the Cabinet Office in June 2020 to accelerate the delivery of public sector infrastructure projects, HMPPS was to deliver an additional 3,000 prison places by 2023: 2,500 under the accelerated houseblock delivery programme (AHDP), and the remainder as a new 500-place open prison. It is clear that there was considerable tension between the Cabinet Office and MoJ about the feasibility of the pace, scale and cost of this programme and the lack of detail as to how it would be achieved. In fact, the necessary changes in the planning approval process proposed in Project Speed never materialised. It was recognised in 2021 that the timescale for this programme was not realistic and these units will not be delivered before 2029.

Building in existing sites inevitably encountered unexpected issues. Senior MoJ and HMPPS officials, in evidence to the Public Accounts Committee, noted numerous challenges, including the discovery of asbestos, unsuitable ground conditions, environmental regulations, and operational constraints.⁶⁸ It is also true, as the NAO has pointed out, that the MoJ’s own capacity for managing large infrastructure projects was not at the time well-developed,⁶⁹ though this review was told that it has since been strengthened.

In the 2020 spending review, the government committed more than £4 billion to make ‘significant progress in delivering 18,000 prison places across England and Wales by the mid-2020s’, as well as £315 million to improve the condition of the existing prison

⁶⁴ Ministry of Justice, Prime Minister’s Office, 10 Downing Street and The Rt Hon Robert Buckland KC, 10,000 extra prison places to keep the public safe, (2019) <<https://www.gov.uk/government/news/10-000-extra-prison-places-to-keep-the-public-safe>>

⁶⁵ HM Treasury, Spending Round, (2019) <<https://www.gov.uk/government/publications/spending-round-2019-document/spending-round-2019>>

⁶⁶ Ministry of Justice, HM Prison and Probation Service, The Rt Hon Steve Barclay MP and The Rt Hon Lucy Frazer KC, Four New Prisons Boost Rehabilitation and Support Economy, (2020) <<https://www.gov.uk/government/news/four-new-prisons-boost-rehabilitation-and-support-economy>>

⁶⁷ Ministry of Justice, HM Prison Service and HM Prison and Probation Service, Prison Population Figures, (2020) <<https://www.gov.uk/government/statistics/prison-population-figures-2020>>

⁶⁸ Public Accounts Committee, Oral Evidence: Prison Estate Capacity, (2025) <committees.parliament.uk/oralevidence/15359/pdf/>

⁶⁹ National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.8 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

estate.⁷⁰ This total was inclusive of the 3,400 places already planned in the two new prisons, and the 10,000 pledged in summer 2019. In the years that followed, ambitions for prison building continued to encounter delays and challenges, partly driven by the state of the public finances and partly by a lack of confidence in the MoJ's ability to deliver on time and to cost. Building plans were also scrutinised, and sometimes delayed, by the MoJ's own investment committee (InvestCo). These constraints and debates are outlined in detail in reports from the NAO.⁷¹

The prison places target was further revised upward in October 2021, when the government confirmed a £3.8 billion investment over three years to deliver 20,000 additional prison places by the mid-2020s.⁷² This did not include funding for all the MoJ's proposals, though an additional £250 million was provided for small new units. The MoJ forecast that this would leave a capacity gap of around 900 places by 2024, a risk that was acknowledged by the Treasury.⁷³ Spending on three of the planned new prisons was deferred because of planning delays, and in the 2022 'efficiency and savings review', this funding, and some planned capital maintenance, was instead used to support day-to-day running costs. This had a knock-on effect on delivery of the planned new prisons. The commitment was therefore revised to delivering 10,000 new prison places by the end of 2025, with a long-term, but undated, commitment to build 20,000 new prison places overall.⁷⁴

⁷⁰ HM Treasury, Spending Review, (2020) <<https://www.gov.uk/government/publications/spending-review-2020-documents/spending-review-2020#executive-summary>>

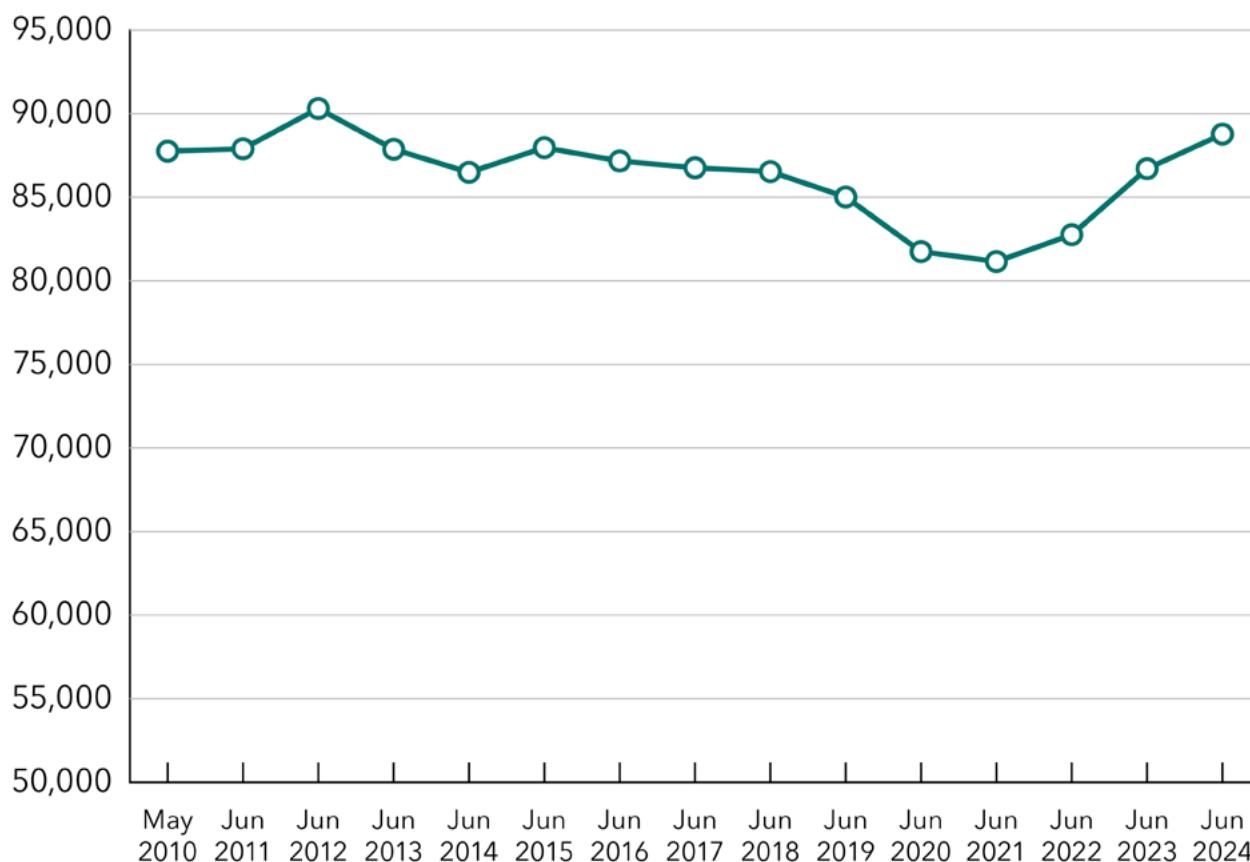
⁷¹ See National Audit Office, Improving the Prison Estate, (2020) <<https://www.nao.org.uk/wp-content/uploads/2020/02/Improving-the-prison-estate.pdf>>; National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

⁷² HM Treasury, Autumn Budget and Spending Review, p.101 (2021) <<https://www.gov.uk/government/publications/autumn-budget-and-spending-review-2021-documents>>

⁷³ National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.44 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

⁷⁴ UK Parliament, Written Questions, Answers and Statements - Update on Foreign National Offenders, Prison and Probation, (2024) <<https://questions-statements.parliament.uk/written-statements/detail/2024-03-11/hcws332>>

Figure 2. Useable Operational Capacity, June 2010 to June 2024⁷⁵



The overall result was that, by the end of May 2025, just over 8,500 prison places had been created, against a target of around 10,500. Most are from the new prisons at Five Wells, Fosse Way and Millsike; the remainder have been achieved by a range of expansion programmes, as well as some additional crowding at a number of private prisons. In the interim, the cost of building prisons has significantly increased (see below).

In the latest spending review, in June 2025, the government committed £7 billion over a five-year period, to build 14,000 new prison places by 2031.⁷⁶

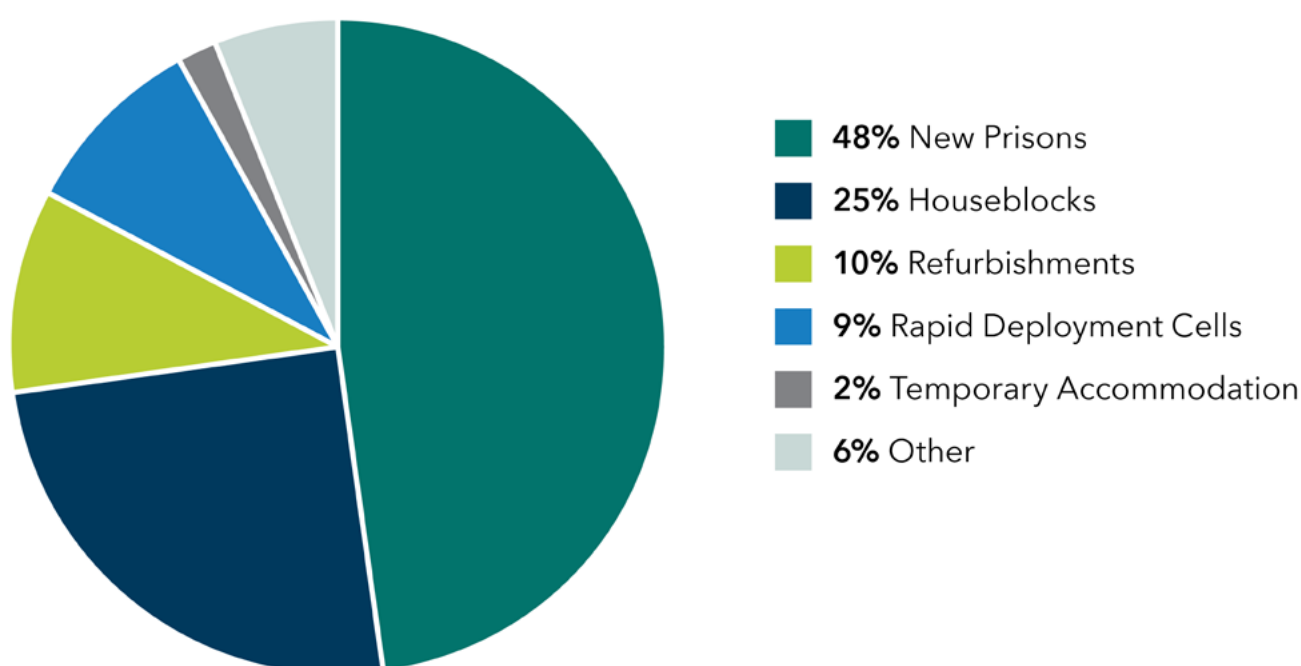
⁷⁵ Ministry of Justice, Prison Population Statistics, (2024) <<https://data.justice.gov.uk/prisons/offender-management>>. The operational capacity of a prison is the total number of prisoners that an establishment can hold taking into account control, security and the proper operation of the planned regime. This measure is the sum of all establishments' operational capacity less an operating margin. Figures are taken on the last working Friday of June each year, meaning the time period refers to this single day, except for the 2010 figure which represents an annual snapshot taken in May of that year.

⁷⁶ HM Treasury, Spending Review 2025, p.26 <<https://www.gov.uk/government/collections/spending-review-2025>>

Composition of capacity measures

The proposed size of the prison estate has therefore changed from a reduction of 3,000 places in 2010, to a break-even situation by replacing old prisons with new ones, to creating an additional 10,000 prison spaces in 2016, and then to planning 20,000 additional spaces in 2021. The composition of that total has also altered. The proposed 20,000 places currently include six new build prisons (three of which have opened), expansion of existing sites, refurbishments, temporary accommodation, and rapid deployment cells (RDCs).

Figure 3. Composition of 20,000 prisons programme⁷⁷



New build prisons

Approximately 50% (9,950) of the 20,000 places are expected to come from new prisons. HMP Five Wells and HMP Fosse Way, announced in 2018 and opened in 2022 and 2023 respectively, have added around 3,400 new category C places to the adult male estate. HMP Millsike, a category C prison near York, was announced in June 2020 and took its first prisoners in April 2025. It will provide a further 1,500 places.

Three more new prisons are planned at the sites of HMPs Garth and Wymott in Lancashire, HMPs Grendon and Spring Hill in Buckinghamshire, and HMP Gartree in Leicestershire, adding around 4,850 places. However, these projects have been beset by challenges including funding pressures, planning permission, and capacity in the construction industry, which have caused significant delays (see below).

⁷⁷ The figures in this section were provided by the MoJ in March 2025. They represent current rounded forecast delivery figures and may be subject to change.

Table 1. New Build Prisons

Prison	Announced	Planning Permission	Cost	Opening	Type	Capacity
HMP Five Wells	June 2018 (PETP)	September 2017 - outline planning September 2019 - full planning	£253m	March 2022	Category C Resettlement Adult Male	c. 1,700
HMP Fosse Way	June 2018 (PETP)	September 2017 - outline planning September 2019 - full planning August 2022 - permission to increase capacity by c. 250 places	£283m	May 2023	Category C Resettlement Adult Male	c. 1,950
HMP Millisike	June 2020	September 2019 - outline planning November 2021 - full planning	£400m	April 2025	Category C Resettlement Adult Male	c. 1,450
New prison next to HMP Gartree	June 2020	November 2023 - outline planning granted by MHCLG following a planning appeal June 2024 - full planning	TBD	By 2031	Category B Training Adult Male	c. 1,700
New prison next to HMPs Grendon & Spring Hill	June 2020	January 2024 - outline planning granted by MHCLG following a planning appeal	TBD	By 2031	Category C Resettlement Adult Male	c. 1,450
New prison next to HMPs Garth & Wymott	June 2020	December 2024 - outline planning granted by MHCLG following a planning appeal (subject to an ongoing request for statutory review)	TBD	By 2031	Category C Resettlement Adult Male	c. 1,700

Source: Ministry of Justice, March 2025⁷⁸

⁷⁸ Cost estimates, where available, represent main works contract values. Final detailed costs may be subject to change and are commercially sensitive.

Houseblocks

Though building new prisons is generally better value for money than expanding existing sites, the 20,000 programme also contains plans for around 5,800 additional prison places in houseblocks on existing prison sites. There are several different programmes and various design specifications. Like new prison builds, the rollout of houseblocks has been subject to significant delays, due to problems securing planning permission, finding suitable sites, and, more recently, the collapse of a major supplier, ISG, the full impact of which is still being worked through.⁷⁹ The accelerated houseblocks commissioned under Project Speed (see above), which are part of this total, are not expected to be delivered until 2029.

Rapid deployment cells

As part of the November 2020 spending review, the MoJ was tasked with creating 1,000 spaces via rapid deployment cells (RDCs). These are prefabricated, self-contained units which can be erected relatively quickly on existing prison sites. They are only suitable for lower risk prisoners (category D or risk-assessed category C) and have a lifespan of around 15 years. There were attempts to source modular accommodation to higher security standards, but this did not prove feasible. RDCs are the quickest supply solution, but the MoJ still estimates that the fastest an RDC can be brought online is 67-75 weeks (this figure has been endorsed by the Infrastructure and Project Authority).

Initially, 1,000 RDCs were to be delivered in two phases (tranches 1 and 2), which were expected to be completed by December 2022. A further two phases (tranches 3 and 4), with an additional 770 places, were agreed in 2024, and are expected to be completed in mid-2027. Work on a proposed fifth phase (tranche 5) was paused in August 2023 to enable further work on costs and feasibility. In February 2024, it was decided not to proceed with tranche 5 on the basis that there was not a suitable cohort to fill the units, in part as a result of the increased use of the open estate through the temporary presumptive recategorisation scheme (TPRS), and therefore they would not be value for money.⁸⁰ To date, 767 RDCs have been delivered across 14 sites, with 1,000 in the pipeline.

Throughout, the RDC programmes have faced challenges which have caused delivery deadlines to be extended, and costs to increase (see below). Even the 67-75 week timeline relies on gaining exemptions from planning permission and nutrient neutrality requirements, which have so far not been achieved. A number of tranche 2 sites have also been impacted by ISG going into administration and are not expected to be completed until early 2026 (against an initial deadline of December 2022).

⁷⁹ ISG went into administration in September 2024 and was due to provide 3,634 prison places. See National Audit Office, *Increasing the Capacity of the Prison Estate to meet Demand*, p.17 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

⁸⁰ A previous minister, the Rt Hon Damian Hinds MP, had asked officials to source more secure RDCs, but this had not proved possible.

Other options

Further supply options in the 20,000 prisons programme include around 400 places delivered as urgent temporary accommodation during the COVID-19 pandemic, and around 500 from the reroll and expansion of HMP Cookham Wood, previously a young offender institution, and the reroll of HMP Morton Hall, which for some time was an immigration removal centre.

However, as it was increasingly clear that demand would outstrip supply, the review was told that there was pressure to consider a range of other options, even those that were in practice unfeasible. This included holding remand prisoners in high security prisons that lacked videolinks to courts, reopening closed and dilapidated prisons, and using prison ships. It also involved examining whether any other accommodation such as care homes, community centres, abandoned RAF bases or youth hostels could be designated as prisons, or whether prisoners could be housed in tents or static caravans.

None of these options proved viable, and in most cases the security levels they would provide meant that they would only be suitable for low-risk prisoners: the same population that was already being housed in RDCs and the open estate (which, as above, had already reached the total useable capacity). Even when departmental ministers had been convinced of the unviability of these schemes, they were then under pressure from the centre of government to find any possible alternative to early release (see Chapter 3). So, exactly the same arguments had to be rehearsed again with Number 10 or their special advisers. While it is reasonable for governments to explore all options, many of the people the review spoke to voiced their frustration at repeatedly being asked to 'kick the tyres' of projects that had, for good reason, been considered and rejected a number of times.

Overcrowding

While not included in the 20,000 target, one of the measures HMPPS has used to maximise the capacity of the prison estate is overcrowding (referred to by HMPPS as 'crowding'). Prisons have two measures of occupancy: certified normal accommodation (CNA) and operational capacity (OpCap). The latter is held to be the 'safe overcrowding' limit, and is in fact the norm, allowing two prisoners to be held in cells originally designed for one, or indeed three in a two-person cell. Overcrowding remained relatively stable at around 25% above CNA between 2003 and 2018.⁸¹ Successive governments pledged to tackle this, and it dropped slightly by 2019. It dropped still further during the pandemic, because of safety measures, but has since risen to nearly 24%.⁸²

⁸¹ House of Lords, Library Briefing: Prison Overcrowding, p.3 (2017) <<https://researchbriefings.files.parliament.uk/documents/LLN-2017-0049/LLN-2017-0049.pdf>>

⁸² GOV.UK, Justice Data - Prisons Crowding, (2024) <<https://data.justice.gov.uk/prisons/additional/crowding>>

The prison system is therefore running on the basis of safe overcrowding, even though this can compromise the ability to run safe and decent regimes and provide effective rehabilitation, education and training, particularly in light of staffing shortages and inexperience (see Chapter 4). Nonetheless, prison capacity pressures became so acute that, by October 2021, there was pressure to go further and increase overcrowding beyond this level in some prisons as a means of rapidly generating additional places.

In October 2022, as a response to these pressures, HMPPS leadership, with the agreement of the HMPPS Board, set out three operational ‘red lines’: the limits beyond which they would not and could not go without compromising the safety of staff and prisoners. They are: (i) all new prison places must be staffed at a minimum of 80% of target staffing; (ii) essential maintenance required to meet statutory obligations must continue (1,500 places would be kept out of use at any time for this purpose); and (iii) contingency crowding is capped at the maximum viable level, set by HMPPS. Those red lines were agreed by ministers and to date have not been crossed. This has provided a hard stop to further overcrowding as the solution to capacity crises. At one point, the Prison Governors Association wrote to the Lord Chancellor to say that they would take ‘legal advice with a view to immediate legal action’ if the red lines were breached. While overcrowding did increase in aggregate, HMPPS used the red lines to develop a ‘capacity challenge’ process, using six criteria, including staffing, regime and decency, to decide whether additional prison spaces could be provided.

As of January 2025, MoJ’s supply projections assume that overcrowding will continue to be at the current level of 23.6% for the foreseeable future.⁸³

Costs

Construction costs

The original forecasted cost for providing 20,000 new prison places was £5.2 billion. It has now nearly doubled to between £9.4 billion and £10.1 billion.⁸⁴ The NAO has noted unrealistic timelines, insufficient risk management, and a lack of prioritisation, as well as the need to deliver places urgently (prioritising speed over value for money) and a challenging economic environment.⁸⁵ However, the rising cost also reflects significant cost increases for basic construction materials since 2020, including a 50% rise in the price of ready mixed concrete and a 70% rise in fabricated structural steel between 2020 and 2024. If any of this building is deferred, it will add to cost: the review was told that delays to new prison builds cost around £8 million per quarter.

⁸³ Public Accounts Committee, Oral Evidence: Prison Estate Capacity, Q68-Q75 (2025) <committees.parliament.uk/oralevidence/15359/pdf/>

⁸⁴ National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.19 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

⁸⁵ National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.21 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

The new build prisons at HMPs Five Wells and Fosse Way came in broadly on budget, but the costs of the other four proposed new prisons are expected to be around 55-60% higher, due to the pressures noted above. The costs of delivering tranches 1 and 2 of the RDCs are now forecast to be around 259% more expensive than budgeted for, due to HMPPS underestimates of the scope of what was needed.⁸⁶

As of March 2025, the updated capital cost per place for the remainder of the 20,000 programme is £600,000, compared to an estimated £500,000 a year earlier.⁸⁷ Due to commercial sensitivities, this figure cannot be broken down any further, though clearly some additional prison places are cheaper to construct than others (refurbishments are cheaper than new places; places in the open estate are cheaper than those in closed prisons).⁸⁸

Running costs

The overall cost of operating prisons in England and Wales grew from £2.975 billion in 2019-20⁸⁹ to £3.747 billion in 2023-24.⁹⁰ Even allowing for some anomalies caused by the COVID-19 pandemic, costs have increased steadily year on year, with the higher expenditure in the 2023-24 financial year attributed to staff pay uplifts, Operation Safeguard (see Chapter 1), the impact of inflation and the growing population. Even in a steady state, the costs of running the prison service would be expected to increase each year, but HMPPS estimates that the expanded prison estate will cost around an additional £480 million a year by 2027-28, and around £670 million extra a year (at 2024 prices) if the 20,000 places programme is fully delivered.⁹¹

⁸⁶ National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.19 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

⁸⁷ 2024/25 prices

⁸⁸ Committee of Public Accounts, Prison Estate Capacity, p.4 (2025) <<https://committees.parliament.uk/publications/46985/documents/242927/default/>>

⁸⁹ HM Prison & Probation Service, Annual Report and Accounts 2019-2020, p.16 (2020) <https://assets.publishing.service.gov.uk/media/5f6cb02ce90e07751687e85c/HMPPS_Annual_Report_and_Accounts_2019-20.pdf>

⁹⁰ HM Prison & Probation Service, Annual Report and Accounts 2023-24, p.25 (2024) <https://assets.publishing.service.gov.uk/media/6735cf1a37aabe56c416110c/25.1_HMPPS_ARA_2023-24_V20_WEB.pdf>

⁹¹ National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.43 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

Blocks and delays to capacity building

Planning permission

Securing planning permission has been a major block to plans to build new prisons. New prisons were to account for around 10,000 of the 20,000 places. However, 4,500 of those places have been impacted by planning delays. The NAO has criticised HMPPS for not engaging early enough with local authorities to pre-empt such challenges.⁹² There was an initial assumption that planning approvals could be obtained in 26 weeks, which proved to be highly over-optimistic. It has taken years to secure permission for the three prisons planned in June 2020; between December 2021 and April 2022, all three planning applications were rejected by the respective local authorities. These decisions were appealed, but took years to resolve, so that meaningful work has only started on one of them, and the status of another is unresolved.

In September 2023, the then Lord Chancellor, Alex Chalk, wrote to the Minister for Levelling Up, Housing and Communities to express his frustration at these delays. Eventually all three planning refusals were overturned by government, but the last not until December 2024. As set out in the present government's prison capacity strategy (December 2024), the MoJ is now planning to use a new streamlined planning process for developments of 'national importance'.⁹³

Closures and dilapidations

At the same time as new prisons have been built or planned, prison spaces have been lost because of closures and dilapidations. Since 2010, around 7,500 places have been lost as a result of the closure of prisons or wings.⁹⁴ An additional 4,000 places have been lost due to dilapidations, due to critical infrastructure failings, and in particular fire safety concerns following the Grenfell Tower tragedy.⁹⁵ In autumn 2020, an issue was identified with the fire safety compliance of a modular unit; all similar units across the estate were surveyed, and 1,875 places at 25 establishments were affected. These units were taken out of use during 2021 and have since been demolished, many of them in the women's and open estates. While a proportion of the cells lost due to dilapidation will be returned to use under the 20,000 places programme, many – such as the modular units – have been lost permanently.

⁹² National Audit Office, Increasing the Capacity of the Prison Estate to meet Demand, p.23 (2024) <<https://www.nao.org.uk/wp-content/uploads/2024/12/increasing-the-capacity-of-the-prison-estate-to-meet-demand.pdf>>

⁹³ Ministry of Justice, 10-Year Prison Capacity Strategy, p.12 (2024) <[Ministry of Justice - 10-Year Prison Capacity Strategy](#)>

⁹⁴ Ministry of Justice, Estimate of the Number of Prison Places Built and Closed between 2010 and 2024, (2024) <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F671ba52c1037a76fc9903e48%2FThe_number_of_prison_places_built_and_closed__2010-2024_.docx&wdOrigin=BROWSELINK>

⁹⁵ Home Office and The Rt Hon Chris Philp MP, New fire safety regulations come into force in England, (2023) <<https://www.gov.uk/government/news/new-fire-safety-regulations-come-into-force-in-england>>

The maintenance of an ageing estate is, in general, a constant struggle. The review was told that the overall maintenance backlog has risen from £1.2 billion to £1.8 billion. One team in HMPPS looks at the 100 or so maintenance projects every week to track and forecast capacity, and when the prison service is operating under the centralised Gold Command, because capacity is reaching critical levels, the capacity Gold Commander monitors every out-of-use cell and how soon it can come back into use.

Day-to-day prison maintenance is organised through two large central contracts, for the north and the south (the latter is a government contract after the collapse of the private sector contractor in 2018).⁹⁶ A number of those the review spoke to regretted the loss of in-house prison works departments, governors' inability to get relatively minor but essential jobs done quickly enough, and the limitations of the dynamic purchasing model. The review was told in one prison that the maintenance contractor was 'in special measures.' The Prisons Inspectorate regularly reports serious infrastructure issues: damaged cables, temporary boilers, cells that are not properly checked before new occupants move in, and delays in procurement of essential equipment. The 2018 national report of the Independent Monitoring Boards listed 55 prisons with major maintenance issues,⁹⁷ and its two most recent annual reports have continued to raise serious concerns, noting that capacity pressures and the constant churn of prisoners could mean compromising safety and decency.⁹⁸

⁹⁶ These contracts cover facilities management including planned preventative maintenance and minor works. Major maintenance projects are delivered through separate contracts.

⁹⁷ Independent Monitoring Boards, National Annual Report, (2019) <<https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/13/2022/11/IMB-NATIONAL-ANNUAL-REPORT-PUBL-5-JUNE-2019.pdf>>

⁹⁸ See Independent Monitoring Boards, IMB National Annual Report, (2023) <<https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/13/2024/05/IMB-2023-National-Annual-Report-.pdf>>; Independent Monitoring Boards, IMB National Annual Report, (2024) <<https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/13/2025/06/IMB-2024-national-annual-report-final-for-circulation.pdf>>

Chapter 3

Governance structures and decision making

The structures

As the prison capacity crisis developed after 2022, new governance structures were set up, specifically to monitor, discuss and propose action on capacity. These were additional to, and fed into, existing governance bodies such as the cross-departmental Criminal Justice Board and Criminal Justice Action Group and the MoJ's Executive Committee. Alongside these, there is also a separate HMPPS Board, with four non-executive directors, to which an executive management group reports.

In October 2022, the **Capacity Options Taskforce (COT)** was set up to meet at least weekly, specifically to coordinate and lead the strategic response to short-term prison capacity pressures, with oversight of the objectives and milestones for tackling these pressures. Its members are the senior decision-makers across MoJ, HMPPS and His Majesty's Courts and Tribunals Service (HMCTS). It is not a decision-making body, but a mechanism for providing advice to ministers and other stakeholders on capacity issues.

In February 2023, this was supplemented by the **Criminal Justice System Strategic Command (CJSSC)**, a cross-departmental body which included representatives from the judiciary, police and Cabinet Office COBR unit, as well as MoJ, HMPPS and COT. This body was first convened as an emergency measure to manage the response to the public disorder of 2011, and then again during the COVID-19 pandemic. It was re-convened in order to manage prison capacity pressures. Its focus was operational rather than strategic: to provide an accurate picture of prison capacity pressures and their impact on the criminal justice system, and to coordinate contingency planning and operational decision-making.

The CJSSC monitored headline indicators that measured and assessed critical capacity (for example whether there were fewer than 300 remaining male adult prison places and more than 50% occupancy of Operation Safeguard cells). Those assessments allowed a sub-group of the CJSSC (with representatives from HMPPS, HM Courts and Tribunals Service (HMCTS), Prisoner Escort and Custody Services (PECS), the police and COT) to decide whether they had confidence that there was sufficient capacity in prisons for the criminal justice system to continue to function effectively for the next seven days; and subsequently whether it could function for the next three days. This was clearly a process for flagging that a serious crisis was imminent, rather than one designed to avoid crises occurring. Many of those the review spoke to believed that the margins were too tight for good decision-making.

When population pressures were at their height, the main CJSSC and its sub-group would meet daily; indeed for a few weeks in March 2023, the CJSSC was meeting daily

and its sub-group was meeting twice daily, at times also at weekends. It was stood down after the second tranche of releases under SDS40, but was stood up again in March 2025 because of the resurgent capacity pressures.

The MoJ **Executive Committee (ExCo)** is essentially its senior executive leadership team, reporting to the departmental board, and chaired by the Permanent Secretary. It oversees the delivery of outcomes and priorities and allocates resources. Normally, it meets weekly. At one point, however, there were twice-weekly meetings, one of which would be solely focused on prison capacity, receiving weekly updates from the CJSSC.

The **Criminal Justice Action Group (CJAG)** is chaired by the MoJ Permanent Secretary. Its focus is the long-term strategic vision for the criminal justice system alongside dealing with immediate challenges. CJAG's membership consists of senior leaders from the MoJ, the Home Office, the Crown Prosecution Service (CPS), HMCTS, the police, the judiciary and others. In 2023, some of the ongoing work at CJAG was deprioritised to focus on the cross-system response to the prison capacity crisis.

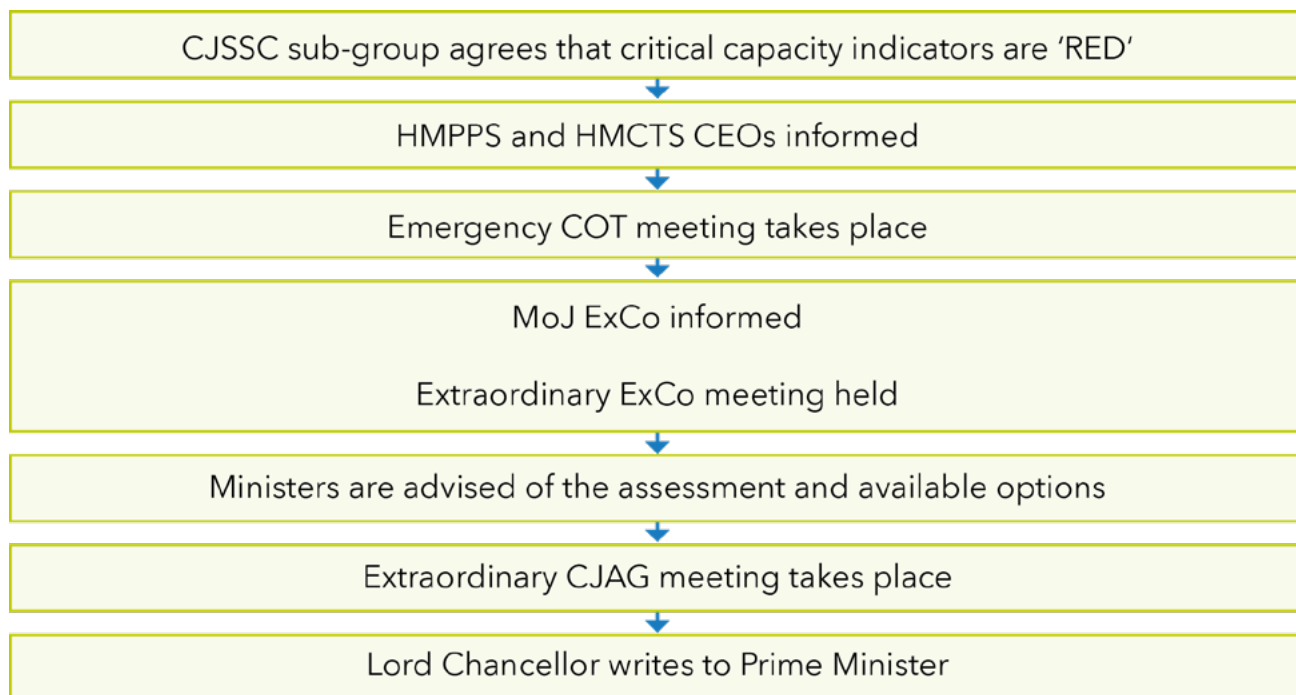
HMPPS, as an executive agency of the MoJ, also has its own governance structure. The **HMPPS Board**, with its four non-executive directors (NEDs), is the first reporting line for the HMPPS executive team. It is responsible for strategy, finance, risk assessment and performance management. Since 2020, it has had an independent chair (it was previously chaired by the CEO of the National Offender Management Service, the predecessor of HMPPS). It provides independent advice to the HMPPS management team and assurance to the department. It was initially the HMPPS Board that agreed the HMPPS CEO's 'red lines' beyond which the prison service would not crowd (see Chapter 2), which were then agreed by ministers.

In addition to this, on an operational level, HMPPS can activate its **Gold Command** structure if business continuity is threatened by prison capacity. The capacity Gold Commander reports directly to the chief operating officer for prisons and is responsible for managing available prison spaces, for example by directing moves into and out of prisons, reviewing cells that are out of action, and maximising the use of open prisons and home detention curfew. Capacity Gold Command was stood up from February 2023 to September 2024 and was reactivated in March 2025. It is still in operation.

In March 2023, an **escalation mechanism** was agreed, so that these groups could rapidly alert senior officials and ministers if they believed that the prison system was approaching critical capacity. If the CJSSC sub-group concluded that they could not be confident that the criminal justice system could continue to function for the next seven days, they would inform the chief executives of HMPPS and HMCTS, who would decide whether to hold an emergency COT meeting to validate this decision. If the CEOs agreed with the assessment of the CJSSC sub-group and COT, they would inform ExCo that critical capacity had been reached, leading to an extraordinary ExCo meeting to verify the data and test the assumption of critical capacity. Ministers would then be advised of this, alongside any mitigating options, and would agree to an extraordinary meeting of CJAG, to tell all criminal justice partners to be ready to deploy contingency measures, as the system had reached critical capacity. Following ministerial agreement, the MoJ Permanent Secretary would write to the National Security Adviser, and the Lord

Chancellor would write to the Prime Minister, to alert them to the position. At this point the COBR unit in the Cabinet Office might also wish to advise the Prime Minister to hold a cross-government COBR meeting. Once the seven-day escalation mechanism had been triggered, the CJSSC sub-group would continue to assess capacity, and at the point when they were not confident of the criminal justice system's ability to operate for the next three days, the same escalation mechanism would again be followed.

Figure 4. The escalation mechanism



The outcomes

There are two observations about the governance and decision-making process in relation to prison capacity. First, it is, on the face of it, a complex and repetitive process, often involving the same individuals gathered in different groups and sub-groups, sometimes all meeting within a short space of time. A number of those spoken to considered that the COT structure in particular had grown too big, and that more people were having the same conversations again and again in different boardrooms. However, those involved were clear that these layers of assurance were essential, especially in the face of resistance – initially from departmental ministers, and then from the centre of government – to accept the scale and imminence of the crisis.

Nevertheless, this was an exceptionally long line of assurance, from the HMPPS Board through all the other layers. It certainly provided clear-cut evidence of the scale and imminence of the crisis, but it is reasonable to ask why so many layers were necessary, and why, despite all these layers, their conclusions and warnings were not acted on until the very last minute.

Many of those spoken to expressed considerable frustration that they were accused of 'crying wolf' even when the wolf was visibly at the door. Prisons are not intrinsically safe

spaces, and the strength of the system has been its ability to live with and manage the possibility of critical incidents. Ironically, this may have proved to be a disadvantage, leading to a false assumption that any crisis was manageable if only the service put its mind to it, or that there were as yet untried supply-side solutions to the evident demand pressures (see Chapter 2).

The second observation is that the plethora of groups and the frequency of meetings indicate the extent to which the single issue of prison capacity dominated the work of senior officials in the MoJ and HMPPS, with inevitable opportunity costs for wider strategic and operational thinking and planning. It was discussed at every ExCo meeting, and the work of many senior officials in 2023-24 was dominated by the need to prevent a meltdown of the criminal justice system. It was a system predicated on there being a crisis that needed urgent action, rather than a system that was managing events so that crises did not occur. In the end, surviving the day – checking whether the criminal justice system was within seven or three days of meltdown because prisons were full – became a primary focus. What is more, other parts of the system, such as probation and the courts, with their own challenges, might legitimately wonder why their acute but less visible crises did not get the same attention.

The necessity of working together to monitor and avert crises did, however, have some benefits. Drawing on the experience of managing during the COVID-19 pandemic, elements of the criminal justice system which often have separate, and sometimes competing, aims and objectives came together in order to manage the capacity crisis. Even within the prison environment, there has in the past often been unproductive tension between MoJ officials and HMPPS about the divide between policy and operations, which is never in practice a clear one. More generally, the way the courts and the police operate have implications for, and are affected by, the operation of prisons. It is clear from those the review spoke to that there was more effective cross-working both at national and regional level, a greater understanding that this was a shared problem, and an appreciation of the different pressures faced by different parts of the system and the need to work across boundaries.

It is not yet clear whether this is something that can be built on as a permanent way of working, or whether it only comes into play when cooperation is essential to avoid mutual collapse. What is clear, however, is that this shared understanding was not sufficient to trigger timely action.

The various interwoven layers of assurance in the criminal justice system were meant to create an unarguable case for action. However, for this to happen, it was necessary to convince, and get agreement from, government as a whole. In parallel to the departmental groups described above, a separate **Small Ministerial Group** (SMG, previously the Prime Minister's Task Force) was convened in June 2023, chaired by the Deputy Prime Minister, with ministers from the MoJ, Home Office and Treasury, shadowed by a group of senior officials. It was a mechanism for departmental ministers to inform their colleagues and Number 10 of the potential impact of hitting critical prison capacity and therefore creating gridlock in the criminal justice system. Between June 2023 and June 2024, the review was told that there were nine prison SMGs.

In spite of the layers of assurance already in place, it is clear that the analysis the MoJ and HMPPS had provided and cross-checked was subject to further challenge, and the proposals to deal with it faced rejection, at this level. Former ministers expressed to me their frustration about poor communication with the centre of government, the lack of credible plans, and an extreme reluctance to take action. For example, from mid-2023, the then Lord Chancellor has made clear that he was advocating, without success, a version of the SDS early release scheme in order to get ahead of the crisis, rather than the minimal salami-slicing approach that was eventually taken.

Without exception, all those the review spoke to expressed frustration and sometimes anger at the reluctance to accept and then act on the well-documented and imminent crisis, or to agree any coherent plan to avert it. In spite of the layers of assurance, arguments and evidence had to be repeated and rehashed, options already long-discussed and proven to be undeliverable had to be resurrected and re-argued. Many believed that the default position was to do as little as possible as late as possible, with the consequence that the system repeatedly reached the brink of collapse, rather than accepting the inevitable and getting ahead of the crisis.

Because decisions were made at the last possible moment, they then had to be implemented across the whole prison service within very few days, at a point of maximum crisis. The escalation procedure was first triggered on 9 October 2023: by then the prison system had been running close to critical capacity for eight months, at or above 99% occupancy in the adult male estate. Chapter 4 describes the impact on prisons, prisoners and other services of the multiple moves, long days and last-minute decisions that were necessary to prevent the system collapsing.

By the time the escalation procedure was first triggered, there were only 212 places remaining in the adult male estate. The Lord Chancellor therefore formally wrote to the Prime Minister, asking for authorisation to activate end of custody supervised licence (ECSL), allowing certain prisoners to be released 18 days before their automatic release date (see Chapter 1), noting that any delay would significantly increase risk, including the risk of release in error.

Three days later, on 12 October, it was assessed that the criminal justice system was within three days of meltdown. The MoJ was then authorised to trigger ECSL in 21 target prisons. By the time this was implemented and announced to Parliament on 16 October, there were only 183 spaces in the adult male estate. ECSL was announced along with a commitment to legislate for serious sexual offenders to serve the whole of their custodial term when prison capacity allowed (although this was never in fact implemented). Over the next seven months, there were two further extensions of ECSL, to 35 and then to 70 days, always when critical capacity had already been reached, and always recognised within the MoJ as only temporary fixes. By the end, ironically, the scheme was more generous for some short-sentenced prisoners than the later formal early release scheme (see Chapter 1).

At the beginning of May 2024, when it was clear that capacity had again reached a critical point, the review was told that there were proposals to lay a statutory instrument alongside the Sentencing Bill to implement a formal early release scheme for most of

those serving determinate sentences. However, it was impossible to get agreement on this in the short time before the dissolution of Parliament on 30 May. All those spoken to say that the period after the general election was the worst time of all, with no opportunities to legislate and no more options for prison capacity. The final ECSL – release 70 days early – was implemented the day after the general election was called, and an emergency official-level COBR meeting was called, to consider whether it would be necessary to use the Civil Contingencies Act, to allow ministers to make emergency regulations in case the criminal justice system broke down during the pre-election period.

So, from October 2023 to the summer of 2024, there were repeated crises, with the minimum necessary being done to avoid meltdown, at the last possible moment, before the system moved towards the next predictable cliff edge. That was not for the want of other, more durable, solutions being put forward. Officials and then MoJ ministers had been pressing for some time for a formalised and planned way of reducing demand by reducing the custodial period for standard determinate sentences, since it was clear that all supply options had been exhausted. Discussions within the MoJ centred on what proportion of the custodial period should be cut, and what exemptions there should be.

The systems that were set up were not in fact governance systems: they were the equivalent of hurricane warning systems, designed to monitor and ride out storms, rather than to build and plan safe systems that can prevent or withstand them. Nearly all of those spoken to in the course of this review regretted the time and effort that went into determining whether the system would collapse in two or in three weeks and then trying to stave it off for a week or two, rather than being able to focus on running an effective prison system. It was pointed out that the constant state of crisis had a wider detrimental effect: a focus on instant fixes, piecemeal decisions and numbers (described as being like playing ‘whack-a-mole’) which deskilled policy work and strategic planning.

Current issues

There have been moves towards a more strategic approach. COT has now been divided into two functions: its original operational capacity monitoring arm, and a strategic arm overseeing the Lord Chancellor’s reform priorities for prisons and probation. Though this creates yet another departmental sub-group, the specific focus on strategy could be a positive development, so long as it is not overtaken by the urgent need to manage yet another capacity crisis.

There is now a commitment to publish an annual statement on prison capacity, setting out prison population projections alongside the MoJ’s projections for prison supply. Although some of those spoken to were not sure who should own this assessment, and what consequences it will then have, the responsibility for providing it currently sits with policy officials in the MoJ. However, given the experience of the last 20 years, and the continuing crisis, there is understandably concern about how and whether this process will be able to avert, rather than predict or chronicle, capacity crises.

Others have spoken about the tension between the objectives and funding arrangements of the two most relevant government departments, the MoJ and the Home Office, ever since they were split in 2007. This happened suddenly, and with a funding split that

from the beginning disadvantaged the MoJ, according to some of those the review has spoken to. The priorities of the two departments may not coincide: one ex-minister told us that in moving from one department to the other, he found himself being asked to argue against a policy he had himself drafted. Yet it is clear that actions taken in one part of the criminal justice system – for example, the decision to appoint 20,000 more police officers – directly affect another, and that prisons are often the downstream recipient of those consequences.

It is probably not practical, even if desirable, to reunite the departments. However, the processes for signalling and responding to prison capacity will only be effective if they take account of, and can impact on, decisions and actions in the parts of the criminal justice system which are outside the MoJ's control. Equally, the operation and funding of other parts of criminal justice have a downstream impact on prisons and probation. Some people referred to the need for operational platforms for business as usual, not just during a crisis, looking at how the different parts of the system impact on each other, and how to build relationships in order to avoid, not just manage, crisis.

Chapter 4

Impact of the crisis

Other chapters refer to the specific impact of the early release schemes and the interrelationship between the population capacity crisis and other parts of the criminal justice system. This chapter looks more generally at how the capacity crisis has impacted on the running of prisons, the probation service, the courts, and the prisoner escort service.

Prisons

Throughout this review, it was clear that the capacity crisis in 2023-24 dominated work and planning at every level in HMPPS. This report has already described the complex and demanding governance systems set up to monitor capacity and signal a potential breakdown of the system. Many interviewees made the point that strategic change was almost impossible when so much of the focus of the organisation was on crisis management and firefighting.

The dominance of the capacity crisis was a point made by everyone, whether at national, regional or individual prison level. This became a preoccupation at almost every level, with the system skewed towards managing capacity on a day-to-day basis, making it difficult to make performance improvements or develop new policies.

Those in the central HMPPS population management unit spoke of ‘relentless’ pressure, directing prisoner moves each day, organising redirections, linking with prisoner escort custody services (PECS), checking court numbers and individual prisons, as well as the routine organisation of planned prisoner transfers. Senior managers at national level pointed out that, though they kept the system going, it was at a cost: individual needs were deprioritised at the expense of filling all available spaces, with an overriding focus on basic people movement. The marker of success was ‘whether everyone got a bed last night’, which was not where they wanted the system to be. This pressure at national level then transferred downwards to individual prisons, so that prison managers talked about ‘just getting through the day’.

The impact of the capacity crisis across the prison system is clearly set out in the 2024 annual report of the Chief Inspector of Prisons,⁹⁹ and repeated in his 2025 annual report.¹⁰⁰

⁹⁹ HM Chief Inspector of Prisons for England and Wales, Annual Report 2023-24, (2024)

<https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report/>

¹⁰⁰ HM Chief Inspector of Prisons for England and Wales, Annual Report 2024-25, p.3 (2025)

<https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report-2024-25/>

Reception

The initial pressure was felt in prison reception areas, receiving prisoners who were being transferred as well as new arrivals. The numbers rose significantly in some prisons: for example, in one north-west prison visited as part of the review, they went from receiving about 300 prisoners a month to around 650. Normally, receptions in local prisons are staffed so that they can focus on discharges (either to court, or on release) in the morning, and admissions (from court or other prisons) in the afternoon and evening. However, during Operation Safeguard, after reception staff had discharged prisoners to court early in the morning, they were then receiving prisoners from police cells later that morning. Prisoners would then return from court or arrive on transfer in the afternoon, but this often stretched into the evening or late evening as courts sat later, and population management teams struggled to find places (see section on escorts below).

Reception staff in local prisons would normally be profiled to leave by around 7pm, but during the period of most acute pressure the review was told that they regularly stayed until between 9pm and 10pm, and sometimes as late as 11pm. Recently, prisoners were still being transported from distant courts in some areas, as the nearest local prisons were full: one north-west prison reported a prisoner arriving at 1am, having left a north-east court at 8:30pm.

Late arrivals in prison meant that both prison officers and healthcare staff, who carry out essential first night health screening, might need to stay on until after midnight, and some prisoners would not reach their cells until the small hours of the morning, sometimes then needing to get up for court at 6am. Staff were very conscious of the risks this posed:

“The problem is that by that time prisoners just want to get their heads down; they don’t want to have to answer a lot of questions, so we can’t be sure we know all the risks.”

Prison staff

“Prisons were receiving people later who had been on the road for hours. This means they tell staff what they think they want to hear so they can get to the cells quickly. Staff are also tired as they’re working late so are less patient.”

Third sector

In one local prison, because cells were not yet available, staff were very concerned that prisoners were held for three to four hours in a waiting area, without their risks or needs having been assessed.

Offender management and resettlement

Chapter 1 of this report describes the pressure of the varying early release schemes on offender management and resettlement teams, carrying out complex and changing release calculations and trying to organise last-minute releases. Individual caseloads had

gone up in one prison from 30 to 50, and this could be a different 50 people within a week due to the churn.

This meant that those teams were less able to carry out proactive resettlement work with prisoners. In every prison the review visited, staff spoke about the frustration at having to spend all the time on process, such as sentence management calculations, rather than getting out on the wings to contact prisoners directly.

“The needs of individual prisoners were lost ... we tried to ensure prisoners doing programmes had enough time and support, but it was not always possible.”

OMU staff

They said that in the end this was a vicious circle: if people were not properly prepared for release and resettlement, they were more likely to come back. Links with the outside were also compromised: staff in one prison said that they used to attend team meetings with community offender managers to coordinate work, but that had lapsed because of the pressures.

Offender management teams were also often under-resourced, and carried high levels of staff sickness associated with the pressure of work and the risk of error. They were often described to us as ‘beleaguered’. Prison staff working in OMUs need specific training, in order to work out sentence calculations – the review was told that for some prisoners there were more than 100 checks to be made – and it could be hard to fill vacancies on the team. One prison reluctantly transferred people in from the safety team, conscious of the risks of doing so. There were also problems in recruiting enough probation staff (POMs) in the team (see below for probation pressures). In one local prison visited during the review, there were only 25% of the complement of probation staff, and in another only half.

Securing accommodation on release was a particular challenge when release dates changed and were brought forward. This was compounded by late unexpected releases, as sometimes accommodation providers were only available from 9am to 5pm. For those prisoners who had to live in approved premises (APs) it could mean they were reallocated to somewhere further away; for others, 12-week temporary accommodation that had been arranged under the community accommodation service tier 3 (CAS-3) programme might no longer be available when release dates changed.

The capacity crisis led not only to early releases, but also to sudden and sometimes unwelcome moves between prisons in order to create space in reception prisons. These moves could set off a chain reaction: for example, the review was told that when Durham prison was under particular pressure, they would have to send prisoners to Yorkshire prisons, which would in turn have to send some of their prisoners to the Midlands, and so on. At the height of the crisis, Durham was sending men directly to Peterborough prison, 180 miles away, as it was the only reception prison with space. Even in February 2025, prisoners were still being moved from the north-west to the north-east over the weekend.

As prisoners were moved between establishments, often further away from home, there was less contact with local services in the community where they would eventually be released. Frequent last-minute moves compromised resettlement planning and opportunities. By the 12-week window for pre-release preparation, some prisoners had already moved on or moved out. Initially, no one was moved to another prison unless they had at least a month to serve, but the review was told of people in some areas being moved to category C prisons for two weeks 'to create a few more beds in reception'. One senior manager described the 'relentless' pace and impact of movements, which 'became a numbers game' without the scope to choose the prisoners most likely to benefit from, or not be disadvantaged by, the move.

Equally, there was often a chain reaction within prisons to meet capacity pressures. In one prison, the review was told that prisoners were being asked whether they would voluntarily transfer to the vulnerable prisoner wing (mainly holding men convicted of sexual offences) or to the segregation unit to create more space. There might need to be two or three consecutive moves across wings to make enough initial space, sometimes having to be done under restraint, with prisoners reluctant either to move or to share cells.

The rapid churn in category C prisons also severely restricted their role as training prisons. They might not have time to assess prisoners to go to workshops as they were moving through so quickly. It was difficult to meet education contracts, when prisoners would not be at a prison long enough to complete a course, or to liaise with partner agencies outside prison, when prisoners could be released or moved at little or no notice. One prison governor was clear that the need to reduce reoffending was sacrificed to the need to move prisoners around to maintain capacity. Others said that it impacted on wider relationships with external partners, for example those providing healthcare and employment.

In general, offender management in custody (OMiC) and key work (officers working proactively with a small number of prisoners) suffered during the crisis, and some positive schemes were dropped: for example, a multi-disciplinary 'enhanced support service' at one category B prison, which had reduced violence and adjudications. In one prison, staff told the review that key work 'got lost during COVID-19, and we are now doing reactive work'.

Another consequence of the early release schemes was a change in the composition of the prison population. It was pointed out that the presence of many older prisoners, serving longer sentences and keen to make progress, had provided a 'stability cohort' in prisons, lowering the temperature. This was lost, as it was precisely that cohort which was rapidly moved to open prisons. Other prisons were rerolled and/or expanded rapidly, but without the infrastructure or additional resources necessary to support the growing and changed population, such as spaces for work and training, or kitchen facilities.

While moves to open prisons were necessary for capacity reasons, many of those prisons did not have many activities on-site. They rely on a significant number of prisoners being able to work outside the prison under ROTL. Yet the stable population, eligible for ROTL, were those most likely to be released in the various early release and home

detention curfew schemes (see Chapter 1). Staff in one open prison said that, even for those who were eligible, there was a backlog of cases before ROTL boards, which had been de-prioritised in favour of work on time-bound early release schemes. Essentially, the new and different population was a stress test for open prisons: some undoubtedly managed the challenge better than others, where there were strong existing structures that supported resettlement and rehabilitation.

The composition of the prison population as a whole was also changed as a result of the early release schemes. Some prisoners, including those convicted of sexual offences (PCOSO), were excluded from the scheme. These prisoners are held in separate wings for their own protection. In some prisons, wings had to be rerolled for this purpose – in one prison half the population became PCOSO – yet they lacked resources, such as specific offending behaviour programmes or the healthcare support needed for this largely older population. This also affected reception prisons: in one prison visited during the review, the dedicated PCOSO wing was full, and so those prisoners occupied half of the induction wing, which impacted on the regime for everyone there. This also affected reception prisons. In one prison visited during the review the dedicated PCOSO wing was full, and so those prisoners occupied half of the induction wing, which impacted on the regime for everyone there.

There has undoubtedly been considerable additional investment in work and programmes to reduce reoffending since 2021. This has included the CAS-3 provision (see above), drawing on the arrangements established during the COVID-19 pandemic, as well as the creation of prison employment boards and specialist roles, such as employment leads and work coaches, and administrators to sort out banking and ID arrangements. The review was told that this has increased the number of prisoners who are able to go straight to work. However, it is also recognised that the capacity challenge and the early release schemes have slowed down the rate of progress: ‘if capacity was less tight, we could do even more.’ That could stand as an epitaph for the prison system as a whole.

Healthcare

The impact of late arrivals on healthcare staff is referred to above. Healthcare provision in general was also affected by the population crisis. In prisons operating under capacity pressure, it can be difficult to run healthcare sessions to manage and prevent health conditions, or for prisoners to get to them. The focus, particularly in reception prisons, becomes triaging prisoners to ensure their safety and immediate needs when they arrive in prison, and trying to ensure that those needs can be met in the community when they are released. Rapid moves between prisons could also mean that there was no immediate access to case records to continue treatment or medication. The review was told that there was greater emphasis on dealing with emergency problems, which creates long-term challenges.

Continuity of care can be a particular problem in early releases. Healthcare staff cannot make certain referrals until they know where the person is being released to; people can be pre-registered with GPs, but only if they have proof of address. The review was told that there were improvements under SDS40: indeed some people spoke of

‘reinvigorated partnerships’, which they hoped would continue. There was also positive work in prisons to try to minimise risk: for example, providing a digital prescription for prisoners being released late in the day, which they could collect the next day from any pharmacy.

However, the crisis had opportunity costs in healthcare, as elsewhere. Those responsible for prison healthcare expressed disappointment that just as they were getting better at understanding the needs of the prison population, including better diagnosis, the population crisis meant that they were less able to respond to those needs. Before the crisis, according to healthcare commissioners, only 4-5% of prisons had reported difficulties delivering a full suite of healthcare services, but that was now said to be as high as 40%. The principal cause was churn: the swift movement around, and out, of the prison system. There were also problems in recruitment and retention, with vacancies of 20% to 30% in some areas and an over-reliance on agency staff. This has always been an area of concern, but it appears to have become worse because of the pressure of population. The review was told that rebalancing the prison population would give an opportunity for staff to do work that they currently have the capability, but not the capacity, to do.

There is also the well-documented issue of the interplay between mental health needs and external secure and community mental health services. It has been more than 20 years since HMI Prisons produced a thematic report on mental health in prisons.¹⁰¹ In that report, prisoners with mental health issues, when surveyed, said that what would help most was having something to do and someone to talk to. Both of those were in increasingly short supply. At the acute end of mental health, transfers to secure mental health facilities remained difficult, in spite of attempts to speed them up. The review was told that the process tends to take months, not weeks, and in the meantime these prisoners are either in segregation or overstretched inpatient facilities.

Staffing and regimes

The prison service has faced staffing problems ever since the austerity measures under the Coalition government, leading to a shortage of both staff and experience. Between 2010 and 2017, the number of prison officers declined by 26% from 24,830¹⁰² to 18,403.¹⁰³ Officer numbers were cut by 30% in three years, with some prisons losing as many as 50% of their prison officers between August 2010 and June 2014.¹⁰⁴

¹⁰¹ HM Inspectorate of Prisons, The mental health of prisoners, (2007) <<https://hmiprisons.justiceinspectorates.gov.uk/2007/10/24/the-mental-health-of-prisoners-a-thematic-review-of-the-care-and-support-of-prisoners-with-mental-health-needs/>>

¹⁰² Ministry of Justice, National Offender Management Service Workforce Statistics Tables 30 June 2013, Table 3 2010 (2013) <<https://www.gov.uk/government/statistics/national-offender-management-service-workforce-statistics-bulletin-june-2013>>

¹⁰³ Ministry of Justice and HM Prison and Probation Service, Workforce Statistics Bulletin December 2022 Tables, Table 3 2017 (2022) <<https://www.gov.uk/government/collections/hm-prison-probation-service-workforce-statistics>>

¹⁰⁴ Howard League for Penal Reform, Public-sector Prison Officer Numbers cut by 41 per cent, (2014) <<https://howardleague.org/news/prisonofficernumberscut/#:~:text=The%20number%20of%20officers%20at%20publicsector%20prisons%20in,for%20Penal%20Reform%20reveal%20today%20%28Monday%2020%20October%29.>>>

There was then a recruitment campaign, but at the same time the rate of those leaving the service rose to nearly 15% by 2023. Many new recruits were leaving early, and at the same time the proportion of experienced staff, with more than ten years in post, declined from 61% in 2017 to only 25% in 2024.¹⁰⁵ The two trends are not unconnected, and became a vicious circle: new staff were much less likely to stay without the stability of an experienced staff cohort, in prisons operating at capacity and with lower ratios of staff to prisoners. The MoJ's own research in 2017 identified leadership, career progression and health and wellbeing as key drivers of staff attrition, as well as the fact that other services, like Border Force and the police, offered higher salaries, better conditions and more stable environments.¹⁰⁶

Although there has been recent investment in staff recruitment, and the service is at present close to target staffing levels, there is now a high proportion of relatively inexperienced and young staff. By the end of December 2024, nearly 40% of band 3 to band 5 prison officers had less than three years' experience.¹⁰⁷ In one local prison visited, 60% of prison officers were in their first two years of service. One training prison had had a 17% churn in prison officers. There have been similar recruitment problems for other essential prison staff, such as healthcare workers and educators.

These staffing issues have added to the problems of overcrowding, and contributed to a significant decline in purposeful activity, as evidenced repeatedly in HMI Prison inspection reports. In both the 2024 and 2025 annual reports, Charlie Taylor, the Chief Inspector, noted the impact:

"With many prisons severely overcrowded and understaffed, inspectors found men and women continued to spend far too long locked in their cells with nothing to do thanks to the woeful provision of education, training or work. Out of the 32 closed prisons the report covers, 30 were rated poor or insufficiently good in our assessment for purposeful activity." (2024)¹⁰⁸

"Purposeful activity continued to be the worst performing of our four healthy prison assessments and in many prisons we reported on prisoners stuck in their cells or on the wings with little to do ... 28 out of the 38 adult prisons that we inspected were judged to be 'poor' or 'not sufficiently good.'" (2025)¹⁰⁹

These problems were evident in the review's visits to prisons. In one training prison whose population had expanded considerably, at least 40% of prisoners were locked in

¹⁰⁵ Ministry of Justice and HM Prison and Probation Service, Workforce Statistics, <<https://www.gov.uk/government/collections/hm-prison-probation-service-workforce-statistics>>

¹⁰⁶ Ministry of Justice, Written Evidence (PRI0022), (2023) <committees.parliament.uk/writtenevidence/114656/pdf/><https://committees.parliament.uk/writtenevidence/114656/pdf/>>

¹⁰⁷ Public Accounts Committee, Oral Evidence: Prison Estate Capacity, Q116 (2025) <committees.parliament.uk/oralevidence/15359/pdf/>

¹⁰⁸ HM Chief Inspector of Prisons for England and Wales, Annual Report 2023-24, (2024) <https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report/>

¹⁰⁹ HM Chief Inspector of Prisons for England and Wales, Annual Report 2024-25, (2025) <https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report-2024-25/>

their cells at any one time: most prisoners who were in activity were only there part-time, and at one point the regime had to be halved due to staffing issues. Meanwhile, there were empty classrooms because the education contract did not provide enough funding for staff. Moreover, the churn of prisoners meant that many were not staying long enough to complete vocational training courses, and were instead being funnelled towards shorter courses with no qualifications. Yet it was planned for the prison to double in size, without a commensurate increase in activity spaces. The prison was also, unsurprisingly, recording lower numbers of men in employment six weeks after release, which had fallen to as low as 14%. In the local prisons visited, regimes were even more constrained, and activity opportunities even fewer.

In prisoner surveys carried out by HMI Prisons in 2024, two thirds of prisoners said that they were spending most of their time in cells, with little to occupy them.¹¹⁰ The link between inactivity and the availability and use of drugs was raised by the inspectorate, the independent monitoring boards, prison governors and the government's independent adviser on drugs in evidence to the Justice Committee inquiry in February 2025.¹¹¹

While too many prisoners may be inactive, the organised crime groups that look for (literally) captive markets for their illicit drugs are, conversely, extremely active. In one local prison visited, the prevalence of spice and opioids meant frequent emergency calls (code blues) to healthcare staff, who had had to administer naloxone, to reverse overdoses, to 50 men in one week. The ingress of drugs also inevitably led to prisoners accumulating debts, which led to violence. In a training prison with a wide perimeter, which was therefore very susceptible to drone deliveries, the review was told that not a day went by without a prisoner being 'under the influence'. This is an issue highlighted in the most recent HMI Prisons annual report.¹¹²

Safety

It is clear that prisons are significantly less safe than they were ten years ago. There has not been a significant rise in self-inflicted deaths over the last ten years (indeed the numbers were lower in 2022-24 than they were in 2014-16). However, the number of self-harm incidents has risen threefold since 2014, among both men and women, peaking at 79,027 in the year to December 2024.¹¹³ Some are serious and life-threatening: during the review team's visit to one local prison there was an emergency alarm when a prisoner was found with a ligature around his neck.

¹¹⁰ HM Inspectorate of Prisons, Purposeful Prisons: Time out of Cell, p.5 (2024) <[Purposeful prisons: time out of cell. A key findings paper by HM Chief Inspector of Prisons, September 2024](#)>

¹¹¹ Justice Committee, Oral Evidence: Tackling Drugs in Prisons, (2025) <committees.parliament.uk/oralevidence/15420/pdf/>

¹¹² HM Chief Inspector of Prisons for England and Wales, Annual Report 2024-25, p.21 (2025) <https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report-2024-25/>

¹¹³ Ministry of Justice and HM Prison and Probation Service, Safety in Custody: Quarterly Updates to December 2024, Safety in Custody Summary Tables to December 2024, Table_6 (2025) <[Safety in custody: quarterly update to December 2024 - GOV.UK](#)>

Over the same period, the overall number of assaults in prison has nearly doubled, to over 30,000. Among these, the steepest rise has been in assaults against staff (to 122 per 1,000 prisoners in 2024), an increase of 13% compared to the previous year.¹¹⁴ Although there are many causes for these increases, including poor mental health and societal changes, these are undoubtedly exacerbated in prisons that are overcrowded, and are short both of purposeful activity and experienced staff. The Prisons Inspectorate's 2025 annual report recorded a 67% increase in the rate of assaults and noted its 'concerns in relation to violence and managing behaviour in 18 prisons, usually in conjunction with concerns around poor regimes, relationships and living conditions, all of which contributed to unsafe environments.'¹¹⁵

Probation

Two major themes emerged from discussions with those involved in probation, both at national and individual prison level. First, the probation service is experiencing at least as great a capacity crisis as the prison service, if not greater. Second, it has experienced significant and disruptive structural changes, as well as changes to its role and focus. Both of these factors directly impact on, and are directly affected by, prison capacity issues.

Structural changes

Both the structures and the expectations of probation have been subject to considerable change and disruption over the last 20 years. The Criminal Justice Act 2003 changed the principal focus of the probation service from supporting people on community sentences to supporting people in prison and out on licence. This shift was even more pronounced after the Offender Rehabilitation Act 2014, which extended probation supervision on licence to those with sentences of 12 months or less. As a consequence, two thirds of the probation caseload became supporting people on licence in the community. Those who spoke to the review noted that these changes fundamentally changed the mindset of probation staff towards an enforcement role, given that they were going to be held accountable if someone reoffended, particularly if it was a serious offence.

At the same time, in 2013, probation was fundamentally restructured, in what has now been recognised as an ill-thought-out and disruptive reorganisation, Transforming Rehabilitation (TR). The national probation service became responsible only for high-risk offenders, while less serious offences were managed by newly created community rehabilitation companies (CRCs), with contracts given mostly to private sector providers paid by results. This certainly transformed rehabilitation, but not in the anticipated way. It proved to be an expensive failure, with the collapse of some CRCs and, the review was told, a lack of effective performance management or training.

¹¹⁴ Ministry of Justice and HM Prison and Probation Service, Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2025 Assaults and Self-Harm to December 2024 (2025) <<https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2024/safety-in-custody-statistics-england-and-wales-deaths-in-prison-custody-to-march-2025-assaults-and-self-harm-to-december-2024?>>

¹¹⁵ HM Chief Inspector of Prisons for England and Wales, Annual Report 2024-25, p.23 (2025) <https://hmiprisons.justiceinspectorates.gov.uk/hmipris_reports/annual-report-2024-25/>

In 2021, the probation service was reunified under an executive chief probation officer. As HMI Probation reported, this was yet another upheaval, with implications for workforce morale, and the challenge of bringing together different operating systems. The structure at the top of the organisation was changed yet again in 2023, under the 'one HMPPS' structure, so that prison and probation regional heads both report to area executive directors, who then report upwards to the director general of operations in HMPPS. The chief probation officer now operates alongside this management structure, acting as the 'head of profession', advising on probation services and with responsibility for the overall performance and strategic development of probation. While these arrangements cemented the structural relationships between prisons and probation at senior level, there was not an immediate read-across at local level. Though the risks of capacity and unification were recognised and systems set up to manage them, there was a concern that, at the most senior level, it was prisons, and particularly the prisons crisis, that dominated discussions and actions (see Chapter 3).

These changes and upheavals, some of them still controversial, were taking place at the same time as the various prisons crises, and indeed contributed to them. For example, the review was told that during TR the judiciary lost faith in the service's capacity and ability to manage community sentences. There are also many fewer probation officers in court to write pre-sentence reports which may encourage, and give confidence in, community, rather than custodial, disposals.

Probation has also had its own capacity crisis: even before the early releases from prison, it was dealing with a quarter of a million cases with only 75% of its target staff, many of them inexperienced. Probation's capacity problems are much less visible than those in prisons, but just as real. In London, there were vacancy rates of up to 41% in 2024,¹¹⁶ and in Essex South the vacancy rate of probation officers reached 55%.¹¹⁷ These cannot quickly be filled, as there is a training requirement of 15-21 months. As in prisons, this becomes a vicious circle, with staff describing feeling overwhelmed, lacking support from equally overstretched and relatively inexperienced managers, and therefore leaving. The consequences are the same as in prisons: the equivalent of poor regimes in prisons is limited access to supervision and support in the community. The 2024 annual report of HMI Probation found that, of the 24 probation delivery units (PDUs) inspected that year, 14 were rated as inadequate and 10 required improvement.¹¹⁸

The pressure on probation has also been a factor in inflating the recall population, partly because of the size of caseloads and partly because of inexperience and risk aversion – an approach that was described to us as 'sweeping people up just in case'. Arguably, this approach may have increased risk; the review was told that some of those on probation

¹¹⁶ HM Prison and Probation Service and The Rt Hon Shabana Mahmood, HM Prison and Probation Service Workforce Quarterly: December 2024, Prison and Probation Officer Recruitment Annex: December 2024, Table _2 2024 (2025) <<https://www.gov.uk/government/statistics/hm-prison-probation-service-workforce-quarterly-december-2024>>

¹¹⁷ HM Inspectorate of Probation, An Inspection of Probation Services in Essex South PDU, p.10 (2024) <<https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/32/2025/02/An-inspection-of-probation-services-in-Essex-South-v1.0.pdf>>

¹¹⁸ HM Inspectorate of Probation, 2024 Annual Report: Inspection of Probation Services, p.3 (2025) <[2024 Annual Report: inspection of probation services](#)>

were reluctant to talk about behaviour that might require more support for fear of being recalled. Several people reported that junior staff could not rely on cover from their seniors if they made a mistake; many pointed to the fact that a great number of the things that people need in order to stop offending – such as housing, employment, mental health or substance use support – are not in the gift of probation, and are also under pressure in the community.

Unlike the prison service and the courts, the probation service did not develop its own red lines, in spite of its serious capacity problems. Yet the early release schemes displaced pressure from an overstretched prison service onto an equally overstretched probation service. Before early release was formalised in SDS40, HMPPS introduced the RESET programme, to try to create more headroom. This reduced probation supervision in the last third of most licence periods and community sentences in order to increase the supervision of those with higher risk of harm. This has reduced supervision in over 40,000 cases.¹¹⁹ This cohort includes prolific offenders who are most likely to experience fixed-term recalls (see Chapter 1).

There have been various attempts to replace or reduce short sentences in favour of probation supervision. The 2003 Act proposed a ‘custody plus’ sentence, under which those with a 12-month sentence would spend only three months in prison, with a licence period afterwards. This was never implemented, partly because of the lack of capacity in probation. As already stated, the previous government planned to legislate for a presumption against sentences of under 12 months, and this has now been recommended by the Independent Sentencing Review and accepted by the current government.

This reflects the understanding that short prison sentences are in general ineffective and even counterproductive. However, the change will place even greater pressure on probation and on the ancillary services that are needed to support people who may have chaotic and unstable lives. In its national inspection of all 12 probation regions, published in April 2025, HMI Probation found that the probation service was not adequately prepared to respond effectively to ‘ongoing challenges’ facing the criminal justice system. It was rated as requiring improvement under three headings, and as inadequate in relation to the implementation and delivery of services.¹²⁰ Those challenges will be even greater if the proposals of the Independent Sentencing Review are accepted. As well as a presumption against short custodial sentences, the review recommends an ‘earned progression’ model so that most of those with standard determinate sentences will be able to serve two-thirds of custodial sentences in the community, with intensive supervision in the first third of this period.¹²¹

The pressure on an already stretched probation service is therefore likely to increase. There have been proposals, from the probation union and others, for a return to more

¹¹⁹ HM Inspectorate of Probation, National Inspection – April 2025, (2025) <<https://hmiprobation.justiceinspectorates.gov.uk/document/national-inspection-april-2025/>>

¹²⁰ HM Inspectorate of Probation, National Inspection – April 2025, (2025) <<https://hmiprobation.justiceinspectorates.gov.uk/document/national-inspection-april-2025/>>

¹²¹ Independent Sentencing Review, Final Report, pp. 53-74 (2025) <<https://www.gov.uk/government/publications/independent-sentencing-review-final-report>>

localised services to connect better with local services. Indeed, the previous Chief Inspector of Probation recommended this in his final annual report, though there is a strong counterargument that yet another restructuring, at a time of renewed pressure, would be disastrous. There was, however, a strong view among those who spoke to this review that a more local approach is needed, and that it would be beneficial to detach the welfare support side of the work from the enforcement side, and locate it primarily within community or third sector provision. That would require considerable resource and long-term commitment, which has not been evident in the past: funding models that rely on short-term contracts are problematic for many third sector organisations, especially smaller niche providers. They would not want to repeat their experience during TR, when they were largely excluded from major contracts, and were promised subcontracting work which rarely materialised. Many have also reported negatively on their experience of the dynamic purchasing system, set up to allow the MoJ to purchase niche services in prison education and training.

There is a final point. HMI Probation also inspects the youth justice service (YJS). This consists of local multi-agency arrangements, involving police, children's social care and education as well as probation, which take a preventive and holistic approach to children who have offended or are on the brink of offending. In contrast to adult PDUs (see above), 75% of YJS inspections found that the service they provided was 'good or outstanding.' Given that there has at the same time been a dramatic fall in the under-18 prison population (see Chapter 1), it is reasonable to ask why a similar multi-agency approach might not also yield positive results in adult justice.

Escort services

The prison escort system is a less well-known but essential part of HMPPS: moving people to and from courts and prisons, between prisons and, during Operation Safeguard, to and from police cells. It carries out around 600,000 moves a year, including around 25,000 to 28,000 moves to and from court every month. A number of those working on capacity issues at national level spoke of the 'heroic' role it played in averting system collapse.

PECS oversees contracts with two private sector providers, GEOAmey and Serco, which provide staff in the courts as well as staff to transport prisoners to and from court, between one prison and another and, during Operation Safeguard, to and from police cells, courts and prisons. The new escort contracts in 2020 assumed a continuing reduction in escort work, because of increased use of videolinks. This proved not to be the case: increased demand post-COVID-19, plus the prison capacity crisis, required over 400 contractual changes. For example, the capacity crisis led to the need for a large number of smaller moves both into and between prisons in order to find space, rather than the predicted smaller number of movements of larger groups of prisoners to and from a local prison and the courts it usually served.

Like the probation service, PECS did not have its own red lines: indeed, it was described to us as 'working between others' red lines'. One factor that increased demand was the significant increase in redirections (when there is no space in the local prison to which the contractor would usually take a prisoner). As prisons reached capacity, and some

local prisons locked out, this could affect 1,000 prisoners a month. The review was told that redirections in the northern region nearly doubled, from the baseline of 6,800 in the 2018 contract to 12,800 in 2024, and have increased by 25% since 2023. This could be a chain reaction: rather than one prisoner travelling 65 miles, one might travel 10 miles, another five, yet another five and so on. This was recognised as being highly undesirable but was the only way the system kept running. At the same time, PECS had to ensure that individual risks were managed effectively: all prisoners cannot safely be held in all prisons, because of age, gender or vulnerability.

Redirections are only half the story. If someone ends up in the wrong local prison, they will have to return to the right court for trial or sentencing. The review was told that in February this year there were still 15% of prisoners in the wrong prison for the court they will need to go to (the operating model says this should not exceed 5%). This means that prisoners regularly have to be moved considerable distances to get to court, and the escort service will need to provide additional vehicles to collect prisoners from disparate prisons. Court capacity issues and late running also increase the likelihood of prison lockouts and therefore longer journeys at the end of the day.

The logistical challenges grew greater after the introduction of Operation Safeguard. This involved additional journeys to and from police stations, prisons and courts, together with individual risk assessments, as not all prisoners are suitable for the reduced services available in police stations, which, for example, have very limited after-hours healthcare provision. In the northern region, which was hardest hit, the review was told that there were up to 500 people a month locked out in police cells in 2024, as opposed to around 25 a month in 2018.

During the capacity crisis, as explained in Chapter 3, this became an even more complex exercise. It was the Head of PECS who developed the aptly-named Operation Early Dawn, to avoid having to move to a situation where one prisoner could not be remanded or sentenced until another had been released ('one in, one out': see Chapter 1). The police were also encouraged, against some resistance, to use videolinks to court to reduce journeys.

These emergency measures carried a human cost for both prisoners and staff. There was considerable pressure on those running the service, who were very aware that they were seen as the single point of failure by both courts and prisons if they failed to get prisoners to and from courts and prisons in time. Court-based staff worked longer days; escort staff might be on shift for 12-14 hours including a 100-mile drive. The review was told that this pace and pressure of work affected the staff attrition level.

As noted above, this could involve prisoners being woken at 6am for a court production, waiting in court for hours after their hearing and then returning to an entirely different prison at midnight, at some distance from family and therefore family visits. Prison staff also became frustrated about late arrivals and communication with escort services. At every level, people were focused on averting the breakdown of the system and trying to keep people safe.

It was recognised that in this area, as in others, the crisis stimulated greater cooperation, cross-agency working and respect for other organisations' challenges. However, this

came at considerable cost, and there is still a legacy of redirections: the review was told that there are an estimated 3,500 future court productions where prisoners are not in the local prison. As elsewhere in the system, there was no space or time for forward planning to realign prison spaces and court productions: the capacity crisis is likely to cast a long shadow.

Courts

This report has already noted the impact of court backlogs, particularly post-COVID-19, on the prison population, as well as the impact on the courts of prison and population pressures (see Chapter 1). Like escort staff, court staff often had to stay late, and late productions to courts also hindered attempts to bring down the court backlog. Similarly, capacity pressures in probation can result in cases being delayed because of late pre-sentence reports.

Chapter 1 also refers to the publicity around the proposal in 2023 that some court cases could be ‘delisted’ (deferred) temporarily while measures were being taken to provide sufficient capacity in prison. This was not, however, the first or only occasion that prison conditions have been recognised as a factor in sentencing or listing. During the COVID-19 pandemic, the case of *R v Manning* allowed judges to take account of the impact of the risks of the pandemic in deciding whether to sentence someone to prison.¹²² This was further developed in *R v Ali*, where it was held that the courts could take account of pressure on prison capacity when considering whether to suspend a custodial sentence or impose a community order instead of a short custodial sentence.¹²³ Indeed, that judgment referred to an earlier letter sent to the judiciary by the Lord Chancellor in February 2023, just before Operation Safeguard had been implemented, in which he said:

“You will appreciate that operating very close to prison capacity will have consequences for the conditions in which prisoners are held. More of them will be in crowded conditions while in custody, have reduced access to rehabilitative programmes, as well as being further away from home (affecting the ability for family visits). Prisoners held in police cells under Operation Safeguard will not have access to the full range of services normally offered in custody, including rehabilitative programmes.”

It has therefore been accepted by both politicians and the courts that there is an interaction between prison conditions and capacity and decisions on sentencing and listing. Interestingly, the Lord Chancellor’s 2023 letter, quoted above, stated that the government would inform the judiciary when prison capacity returned to normal: this has never happened.

¹²² [2020] EWCA CRIM 592

¹²³ [2023] EWCA CRIM 232

As in other aspects of criminal justice, the COVID-19 pandemic and capacity crises have also resulted in positive changes, some of which would previously have been discounted or resisted. Judges have more readily accepted the improved and increased use of videolinks and videoconferencing, which has prevented unnecessary and disruptive journeys to court. This was described as a 'minor revolution'. Plans are also in train for lawyers to book remote interviews with clients in prison.

Communication across the criminal justice system improved during the pandemic. A number of working groups were set up, sometimes informally. This included the Crown Court Improvement Group (CCIG) with representatives from prisons, police, MoJ, the courts service, PECS, legal aid, probation, the legal profession and the CPS. Chaired by the senior presiding judge, it consisted of those responsible for operational delivery, rather than the most senior representatives of those agencies. It is also clear that the crises have stimulated cooperation between criminal justice agencies at local level: such as the meetings between prisons and the London resident judges to discuss any problems or blockages in the system.

The role of the courts and tribunal service (HMCTS) was referred to during discussions in this review. It is clear that, like all other parts of the criminal justice system, managing the prison capacity crisis took up a great deal of senior time and effort in HMCTS. The court system developed its own red lines, agreed with ministers, that prisoners would not be held overnight in court cells, as they had been in previous prison capacity crises. The CEO of the courts service sat on the various capacity management groups, (see Chapter 3), and was a key part of the decision on when and whether to escalate matters to ministers and the centre of government.

There was some frustration on the courts' side that so much of those meetings focused on prisons, and not on capacity pressures elsewhere. Equally, there was some frustration in the rest of the system that HMCTS's predictions in relation to numbers and the size of the backlog proved unreliable (see Chapter 1). However, it was clear that, as with prison population projections, all the indicators were signalling an imminent and serious problem.

Conclusion and recommendations

This review was specifically charged with examining the causes, impact and governance of the prison capacity crisis of 2022-24, in light of other recent crises, and to reflect on the lessons for the future. The Independent Sentencing Review has now reported, and part 1 of Sir Brian Leveson's review of the criminal courts has also been published.¹²⁴ The NAO has produced a number of reports on the value for money aspects of the mismatch between prison supply and demand. In addition, the prisons and probation inspectorates continue to publish highly critical reports of the current state of those two services. This report refers to some of those issues, but I do not propose to go over the same ground or repeat the findings of those reviews and reports.

As this review makes clear, the prison system, and potentially the whole of the criminal justice system, came within days of collapse on several occasions during the last three years. This was not the first time that there had been a capacity crisis that required last-minute emergency action, but it was the most acute and most long-lasting crisis. The problem is not yet solved, which suggests it is systemic.

Structures and oversight mechanisms – internal departmental processes, parliamentary select committees and independent inspectorates – could not have been clearer in signalling the scale, likelihood, risks and consequences of the most recent capacity crisis, as this report shows. However, the response to these signals has been last-minute short-term fixes rather than long-term solutions to the underlying problems. Reviews like this one and the Independent Sentencing Review are commissioned after, not instead of, crises.

My proposals are aimed at preventing that happening again, by setting up and reinforcing systems that do not just signal problems and approaching crises, but stimulate preventive action to avoid them.

My principal conclusions are

1. Structures and decision-making processes have focused on managing, rather than avoiding, crisis, leading to damaging delays and short-term solutions. There has been no independent, forward-looking assessment of the impact of policy and legislative changes.
2. Prisons will still be operating at full capacity, with considerable challenges, but there is a need to move from crisis management to strategic and systemic improvements.

¹²⁴ Independent Review of the Criminal Courts: Part 1, (2025) <<https://www.gov.uk/government/publications/independent-review-of-the-criminal-courts-part-1>>

3. Measures proposed to deal with the prison capacity crisis will put significant additional pressure on the probation service and other community services.
4. It is important to build on and strengthen mechanisms for cross-working both within the MoJ and across the criminal justice system, as business as usual, not just for crisis management.
5. There are lessons that can be learnt from the way that the youth justice service (YJS) operates, in a locally-based model across different agencies to prevent offending and reoffending. Similarly, the Women's Justice Board is looking at effective early interventions and alternatives to custody. There are at present no such proposals for adult men.

Recommendations

The Annual Statement on Prison Capacity,¹²⁵ first presented to Parliament last December, is a step forward. However, this is a mechanism for reporting and projecting capacity, not a strategy for managing it, and it focuses mainly on prisons. Within five months of its publication, emergency action was needed to avert another capacity crisis. The accompanying ten-year strategy is the latest of many, and again deals only with prison capacity.

I recommend that there should be a published ten-year strategy for developing capacity within probation and community services.

Within the MoJ, it is helpful that there is now a separate strategic arm of the capacity options taskforce. However, past history strongly suggests that such strategies may not survive contact with reality, and also that the plethora of internal systems and processes set up in recent years has not been able to ensure timely action across departments and at governmental level.

I recommend that there should be an independent advisory body to provide advice and external validation of the capacity strategies and challenges in both prisons and probation, and in particular the impact of any proposed changes in the criminal justice system.

I note that the Independent Sentencing review, and a number of its witnesses, also recommend the creation of an independent external advisory body.¹²⁶ There would need to be consultation on its precise composition and remit, but, like the Sentencing Review, I believe that it should assess the impact on prisons and probation of structural, financial or legislative changes or guidance planned or implemented in any part of the criminal justice system, including funding and organisational implications. It should provide independent advice and commentary on prison and probation capacity strategies and relevant policies. It should draw on the findings of the independent inspectorates

¹²⁵ Ministry of Justice and The Rt Hon Shabana Mahmood MP, Annual Statement of Prison Capacity: 2024, (2024) <<https://www.gov.uk/government/publications/annual-statement-on-prison-capacity-2024>>

¹²⁶ Independent Sentencing Review, Final Report, Chapter 9 (2025) <<https://www.gov.uk/government/publications/independent-sentencing-review-final-report>>

of prisons and probation in order to provide a reality check. This process would take these discussions out of the shadows of inter-departmental or intra-governmental tugs of war, and move towards a preventative, rather than a crisis management, approach. The decisions on whether and how to legislate and where to invest resources are rightly political decisions, but this mechanism would provide greater transparency and accountability.

In the course of this review, some strong views were expressed about the structure and focus of HMPPS. In prisons, this focused on the organisational structure, and the relationship between governors and local and central management structures. In probation, this centred on the need for a more local focus, including partnerships with organisations outside criminal justice.

Even if the proposals in the Independent Sentencing Review are implemented and have the desired effect, the prison population will still be at its highest ever level, with pressure on the capacity to run safe and rehabilitative regimes. HMI Prisons will continue to report on the outcomes for prisoners in each prison, and those reports clearly show the scale of the challenge for most prisons, in the light of changing risks. However, some of those findings reflect, or are the result of wider organisational and resource issues within the prison service. There is no independent evaluation of the prison service as a whole – its central, regional and local management structures, strategic capability, and staffing, training and resource needs.

I recommend that the HMPPS Board should be mandated to carry out an evaluation of the prison service, in consultation with the Chief Inspector of Prisons. It should also monitor and report on progress against the 10-year prison capacity strategy and the proposed strategy for probation and community capacity.

The capacity crisis in probation and the shortfalls in the provision of community services are much less visible than in prisons but are equally real and damaging.¹²⁷ Given the changes proposed in the Independent Sentencing Review, and accepted by the government, those services will now have to take on much greater responsibility for supervision and support in the community. There is the promise of considerable additional funding over the next four years, but it is not clear how much of this will be in control mechanisms – extended electronic monitoring – and how much in the essential support services, within and outside criminal justice, that can prevent offending and reoffending. Probation, community services and the third sector are not pressure valves that can be turned on or off at will to relieve an overwhelmed prison system: they should be an integral part of leadership, planning and funding. That will require creating and strengthening genuine operational partnerships, not hand-offs, particularly at local level, learning from the failings of the Transforming Rehabilitation process.

¹²⁷ See Clinks, Annual Report and Financial Review 2023-2024, (2024) <<https://www.clinks.org/sites/default/files/2024-12/Clinks%20Annual%20Report%20and%20Annual%20Accounts%202023-2024.pdf>>; HM Inspectorate of Probation, National Inspection-April 2025 <[National Inspection - April 2025 - HM Inspectorate of Probation](#)>

I recommend that both the Chief Inspector of Probation and the third sector should be involved in discussing the design, as well as the delivery, of community services. This should include the engagement and resourcing of essential non-criminal justice support such as addiction, health, housing, and employment services.

There have been tensions between policies and funding in different parts of the criminal justice system, particularly since the MoJ was detached from the Home Office. These tensions, both at national and local level, have at times led to blame-shifting, not problem-solving. More recently, as this review records, there have been examples of constructive operational relationships, developed during the COVID-19 pandemic and capacity crises, which can be built on to tackle underlying causes rather than symptoms. The integrated offender management (IOM) approach, when properly implemented and resourced, brought together local agencies to deal with repeat and persistent offenders.

I recommend that the IOM model should be reinvigorated, properly funded, and rolled out in a consistent way as a model for cross-agency work.

The terms of reference of this review do not include sentencing, which has been considered by the Independent Sentencing Review, and I refer above to some of its recommendations. That review also referred to the impact of sentence inflation on the size and composition of the prison population, but did not have the time or scope to make specific recommendations. It notes, for example, that the rise in mandatory minimum sentences has created 'additional and unsustainable pressure' on prison capacity, as well as the nearly 70% rise in average minimum tariffs for murder. As both of these factors have a continuing impact on prison capacity, I support the Independent Sentencing Review's proposal that there should be a separate review of the impact and effect of minimum sentences, and that the Law Commission should examine minimum murder tariffs as part of its review of homicide law and sentencing.

Annex A

Terms of Reference

Review into handling of prison capacity: terms of reference

The review will consider the available data and intelligence in order to:

- consider the reasons prison supply and demand did not meet;
- make recommendations that may help future governments avoid the cycle of repeated prison capacity crises.

Specifically, the following areas will be considered to shine a light on relevant decision making and an analysis of impacts on the wider criminal justice system:

Strategic supply and demand choices

Including:

- How these choices affected projected capacity gaps
- The extent to which options to manage the level of demand into the system were considered
- The commitments to prison build and the delivery of those commitments and how and with what impact wider investment choices were made that affected supply and demand
- To what extent were impacts on wider criminal justice partners considered, including impacts from contingency measures introduced in response to capacity crises?

Operational police decisions with regard to their duties to protect the public and to seek to bring offenders to justice are outside the scope of the review.

Structures and early warning signs

- To what extent were the structures in place to monitor and manage prison capacity sufficient to enable decisions to be made about capacity?

Lessons for future governments

- What action or structures, if any, would help future governments avoid the cycle of repeated prison capacity crises

Arrangements for the review

The review will be led by Dame Anne Owers. The reviewer will be supported by a dedicated secretariat team. Civil servants supporting the review will be drawn from areas unrelated to prison capacity matters.

The reviewer will be given access to papers and meetings with relevant individuals as appropriate. However, this will not include legal advice and the Law Officers' convention will be protected. Any papers of a previous administration which are necessary for the reviewer to conduct their work will be provided to the Reviewer and her team, but in doing so the government has not accepted that they should be disclosed further in any form, including being published, either in full or as extracts. Ministers and special advisers will not, including by way of sight of the report, be given access to such papers and the proceedings of Cabinet and its committees will be kept confidential, and legal privilege.

The reviewer will also invite former Lord Chancellors and prisons ministers to contribute to the review. The review will report within 3 months.

Annex B

Population projections

Since 2008, the MoJ has published prison population projections on an annual basis as official statistics. These publications forecast the total prison population over a five-year horizon, taking account of known changes to policy or legislation. Prison population projections are produced using a model – which has remained fairly consistent since its introduction in 2010 – of ‘stock and flow’: the impact of the flow of people into and out of prison on the number (the stock) of people in prison.

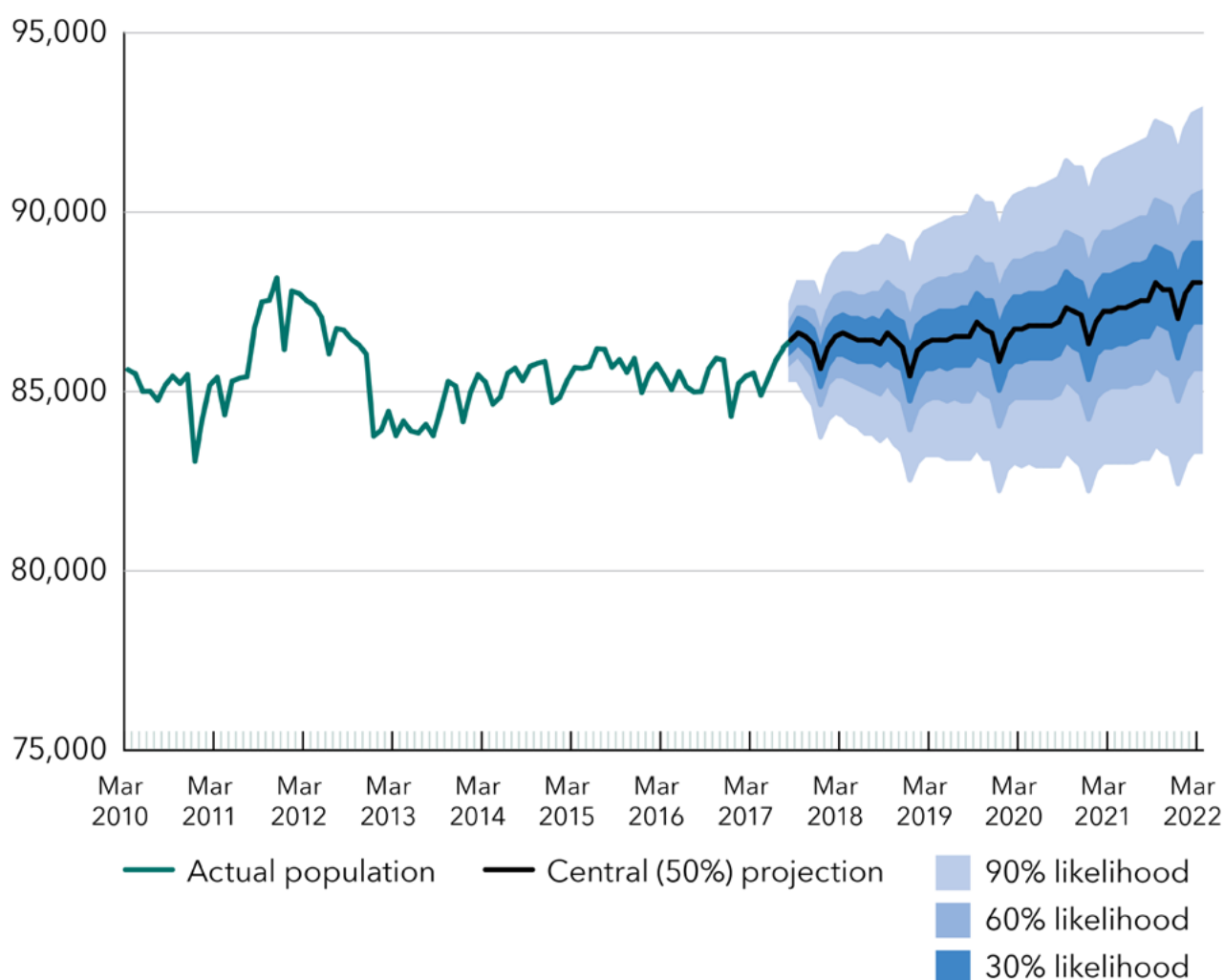
Analysts adopt a series of assumptions to produce a forecast of future changes in the population, and the projections are only as accurate as the assumed scenario. Any changes to sentencing policy and practice, or to the capacity and behaviour of other parts of the criminal justice system, will necessarily affect the size and composition of the prison population. For that reason, analysts are clear that projections are not predictions: they are based on what is known at the time and what has previously occurred.

Over time, the way in which population projections have been produced has changed. Officials have recognised that forecasting capabilities were not as reliable in earlier years, but have improved, particularly as a result of closer cross-government working. Former ministers recognised that projections provided a forecast of where the population was headed, if not exactly when, though they expressed frustration that key data on the performance of the courts, which directly affected the prison population, had been less reliable. The statistical methods used have been validated by external regulators such as the Office for Statistics Regulation (OSR) in 2018 and the National Audit Office (NAO) since 2020.

From 2010 to 2014, projections were expressed as three scenarios capturing different assumed sentencing trends (and other assumptions) which would put upward, downward, or consistent pressure on the prison population. Broadly, until 2014, the actual prison population was close to, or above, the medium projection. From 2014 to 2020, even before COVID-19, the projections tended to outstrip actual population numbers: the 2014 projection for 2019 was 8,000 higher than the actual number.

From 2015 to 2020, projections were expressed not as three scenarios, but as a fan chart, with a single line representing the assumed most likely projection, given current assumptions, surrounded by three bands with estimated 30%, 60% and 90% likelihoods.

Figure 5. Fan chart showing uncertainty in the 2017 prison population projection, March 2010 to March 2022¹²⁸



This is a way of indicating the uncertainty of projecting these figures, which grows with distance. The central projection reflects a 50% likelihood of the prison population reaching that level, which means that there is also a 50% chance of it being higher. Prior to COVID-19, the prison population was within 10% of the central projections published between 2010 and 2019.

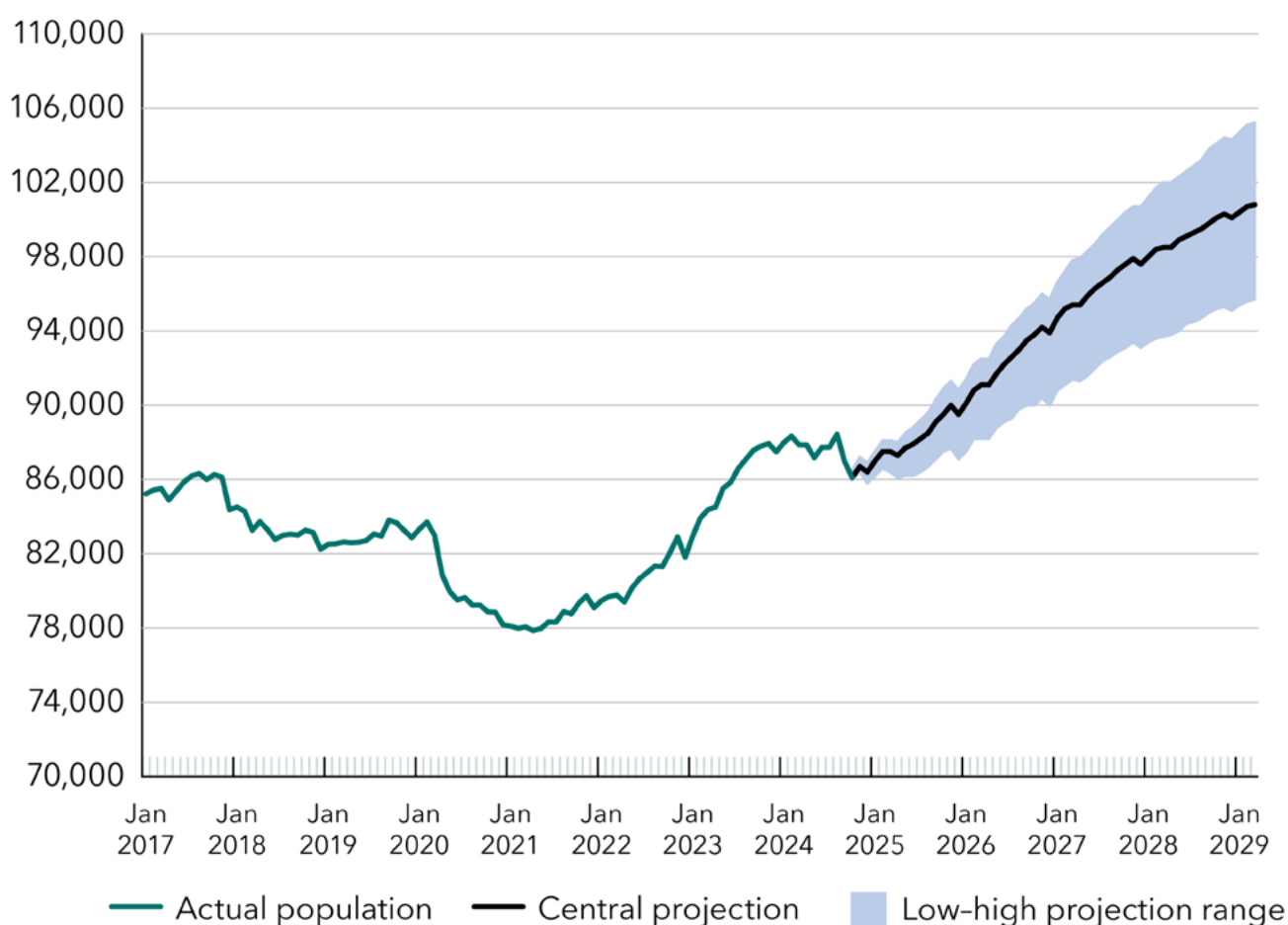
The projections after COVID-19 had to take account of the pace of court recovery after the pandemic and the commitment to appoint 20,000 more police officers, of whom 3,400 had already been recruited. Scenarios were developed for a lower and higher number of police and the pace of court recovery. They assumed court capacity would increase at a faster rate than it did, and underestimated the time that it would take for new police officers to be recruited, trained and become effective. They also, of course, could not take into account measures brought in to reduce demand for prison places, as

¹²⁸ Ministry of Justice, Prison Population Projections 2017 to 2022, England and Wales (2017) <<https://assets.publishing.service.gov.uk/media/5a823ebaed915d74e62368f2/prison-population-projections-2017-2022.pdf>>

described above. Demand modelling projections up till 2020 had been accurate to an average of 3-4% over a three-year timeline. The 2021 projection had a larger error, as a result of the demand reduction measures.

The latest projection shows a projected rise in the prison population to between 95,700 and 105,200 by March 2029, with a central estimate of 100,800.¹²⁹ As of March 2025, the prison population was 87,919.¹³⁰

Figure 6. Total Prison Population Projection, October 2024 to March 2029¹³¹



¹²⁹ Ministry of Justice, Prison population Projections: 2024 to 2029, (2024) <<https://www.gov.uk/government/statistics/prison-population-projections-2024-to-2029/prison-population-projections-2024-to-2029>>

¹³⁰ Ministry of Justice, Offender Management Statistics Quarterly: October to December 2024, (2025) <<https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2024/offender-management-statistics-quarterly-october-to-december-2024>>

¹³¹ Ministry of Justice, Prison Population Projections 2024 to 2029, England and Wales (2024) <https://assets.publishing.service.gov.uk/media/6750480cd12a2dad3bc97a80/Prison_Population_Projections_2024_to_2029.pdf>

