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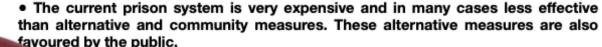
Briefing Note

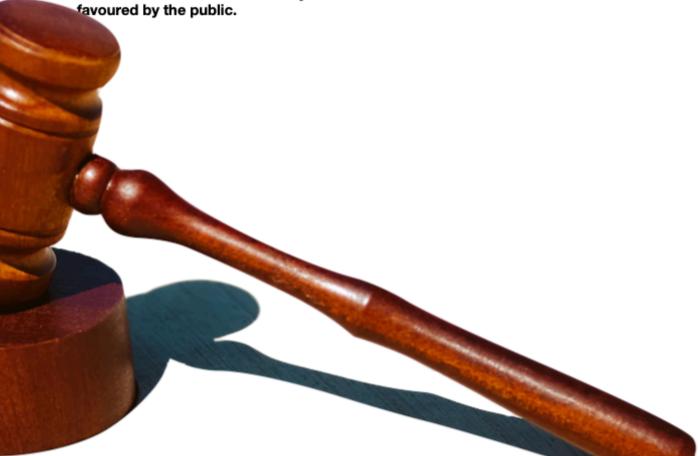
This section will highlight some particularly striking problems faced by the UK justice system, which result in largely undesirable outcomes for both offenders and British society.

*It is worth noting that Ministry of Justice reports highlight some volatility in statistics for 2019-21 due to the impact of Covid-19 (increased waiting times, delayed follow up periods etc). Therefore, in some cases where 2021-2022 data is unavailable, we have chosen to use pre-covid figures.

Overview

- Her Majesty's Prison and Probation Service is experiencing serious problems in recruiting and retaining staff which reduces levels of staffing experience and worsens outcomes for prisoners. Staff also experience high rates of stress and mental health issues.
- The UK justice system faces serious issues with its use of incarceration, particularly overcrowding which leads to increased levels of violence and reduced wellbeing for prisoners; high levels of mental health problems, self harm and suicide among prisoners; and a lack of sufficient mental and physical healthcare for prisoners.





PROBLEMS WITH RECRUITING AND TRAINING HMPPS STAFF

The HMPPS is facing severe staffing shortages constituting a "staffing crisis" in many prisons.

- In the HM Inspectorate for Prisons 2021 annual report, the Chief Inspector noted that "perhaps the biggest challenge facing the prison service is recruiting enough staff and stemming the flow of resignations that have, in some jails, become a flood."2
- Following Covid-19 lockdowns, increased buoyancy of the UK economy created new job opportunities and wage rises which lead to a decrease of new recruits and a further increase of HMPPS staff leaving the service, resulting in an "unprecedented staff shortfalls".³
- There is a strong upward trend for the number of HMPPS staff leaving the service; from 3,631 HMPPS staff leaving between March 2014-15 to 5,631 between March 2019-20.⁴
- The number of resignations amongst HMPPS staff has increased more than two-fold in five years; from 1,410 (3.2%) in March 2014-15 to 3,452 (6.6%) in March 2019-20.5
- The HM Inspectorate of Prisons' 2021 report on HMP Woodhill indicated a "staffing crisis" with staff leaving HMP Woodhill at the same rate as staff joining.⁶

HMPPS staff have low and declining levels of experience, which worsens outcomes.

• In 2021-22, the HMI for Prisons found that many prisons were run with some "very inexperienced staff". Most prisons had some mentoring resources, but

Ministry of Justice (2021) HMPPS workforce statistics bulletin. Accessed at:
 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98
 7559/hmpps-workforce-statistics-tables-mar-2021 Final_ods
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¹ HMI Prisons (2022) *HMP Woodhill - staffing crisis hinders progress*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/media/press-releases/2022/07/hmp-woodhill-staffing-crisis-hinders-progress/

² HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

³ Ibid

⁶ HMI Prisons (2022) *HMP Woodhill - staffing crisis hinders progress*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/media/press-releases/2022/07/hmp-woodhill-staffing-crisis-hinders-progress/

these resources did not provide sufficient support, challenge and development to new staff.⁷

- Due to low levels of staffing experience, inexperienced officers often supervise new recruits; and in prisons with long-serving inmates, prisoners had significantly more knowledge of prison life than many of the staff.⁸
- Typically, new staff were unable to fulfil the full requirements of the prison officer role.⁹
- Prison officers' experience is declining: the proportion of staff with three years or less experience has increased from 4% in 2011 to 29% in 2021; and the proportion of staff with more than 10 years experience has decreased from 57% in 2011 to 37% in 2021.¹⁰
- In 2019-20, 42% of prison officers leaving the service had worked for a year or less and 27% of leavers had worked in the service for over 10 years.¹¹
- High numbers of HMPPS staff leaving in their first year of service indicates that the recruitment process is somewhat ineffective as unsuitable candidates, possibly without understanding the role of prison officer, are recruited.¹²

The wellbeing and mental health of HMPPS staff poses a "serious cause for concern".13

 A report in the International Journal of Workplace Health Management found that "the high levels of stressors and strains experienced by UK prison officers gives serious cause for concern." The mental health and job satisfaction for prison officers were "considerably poorer" than among workers in other UK emergency and security services.¹⁴

⁷ HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

⁸ Ibid

⁹ Ibid

Ministry of Justice (2021) HMPPS workforce statistics bulletin. Accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/987559/hmpps-workforce-statistics-tables-mar-2021_Final_.ods

¹¹ Ibid

¹² HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

¹³ Kinman et al. (2016) Work-related wellbeing in UK prison officers: A benchmarking approach. Accessed at: https://www.researchgate.net/publication/307981096 Work-related wellbeing in UK prison officers A benchmarking approach
¹⁴ Ibid

- An HMI Prisons Staff Survey found that "the majority of respondents who were frontline operational staff had low or very low morale at work."¹⁵
- Due to the nature of their role, (and particularly due to the organisational structure and climate of prisons) prison officers typically experience higher rates of job stress and burnout than those in other occupations.¹⁶
- Job stress and burnout worsens outcomes for both the staff and the prison itself.¹⁷
- There are high levels of mental health problems among prison officers, particularly PTSD. Research from US prisons indicates that increasing rates of prisoner self-harm and assaults on staff puts prison officers at a similar risk level to war veterans of PTSD.¹⁸

¹⁵ HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

¹⁶ Finney et al. (2013) Organizational stressors associated with job stress and burnout in correctional officers: a systematic review. Accessed at: https://pubmed.ncbi.nlm.nih.gov/23356379/

¹⁸ Clements et al. (2020) *Stress and wellbeing in prison officers.* Accessed at: https://uobrep.openrepository.com/handle/10547/623276

DANGEROUS AND DAMAGING CONDITIONS IN PRISONS

There are high rates of mental health problems among those in the justice system.

- In a survey done by HM Chief Inspector of Prisons, the findings showed that more than half of prisoners (52%) suffer from mental health problems yet less than a fourth of them are able to access mental health services.¹⁹
- A Criminal Justice Joint Inspectorate report found that 44% of survey participants testified that they had felt they would "be better off dead" or contemplated self-harm in the two week survey period; 19% of participants testified that they had these thoughts daily.²⁰
- Based on a survey done with a sample size of 469 prisoners across 13 prisons in the UK, common pre-existing mental health conditions that were found are personality disorders (27%), anxiety disorders (27%), PTSD (20%), psychotic disorders (10%), and autism (4%).²¹

There are high rates self-harm and suicide among those in incarceration.

- From June 2021-22, "52,792 incidents of self harm" were reported with a 0.2 and 1 percent increase by men and women respectively.²²
- From the Safety in Custody Statistics of 2021, it was reported that "52% of prisoners who engaged in self harm did so more than once." 23
- Out of the 307 deaths in the 12 months to September 2022, "70 deaths were self inflicted (23%)."²⁴

¹⁹ HMI (2021) *HM Chief Inspector of Prisons for England and Wales Annual Report 2020–21*. Accessed at:

 $[\]frac{https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment \ data/file/10}{03082/hmip-annual-report-accounts-2020-21.pdf}$

²⁰ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

²¹ NIH (2022) An updated picture of the mental health needs of male and female prisoners in the UK: prevalence, comorbidity, and gender differences. Accessed at: https://pubmed.ncbi.nlm.nih.gov/30903239/

²² GOV.UK (2022) *Safety in Custody Statistics, England and Wales.* Accessed at: https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2022/safety-in-custody-to-september-2022-assaults-and-self-harm-to-june-2022.

²³ Ibid

²⁴ Ibid

 In 2021, there was a disproportionate number of self harm cases committed by women (22%) who made up 4% of the prison population.²⁵

High rates of incarceration result in "frighteningly high" figures of overcrowding in prisons.

- Three in five of men's prisons are housing more inmates than they are certified to house. Thus, on any given day, 18,000 inmates are forced into cells holding too many people.²⁷
- The Howard League for Penal Reform notes that prisons with high levels of overcrowding typically also have high levels of violence.²⁸
- The Chief Executive of the Howard League of Penal Reform described the "thousands of men cooped up like battery hens in overcrowded cells" as an "intolerable situation".²⁹
- The HM Inspectorate of Prisons stated that overcrowding was a persistent issue.³⁰
- The HM Inspectorate of Prisons' 2021 report on HMP Woodhill noted that across UK prisons, there were "far too many prisoners sharing a small cell designed for one." In particular, HMP Wandsworth had around 1000 prisoners living in "cramped conditions".³¹

There are high rates of violence in prisons.

- In the Prison Health Report of 2017-2019, one half of prisoners felt "unsafe and vulnerable" due to factors such as threats of violent attacks, bullying and assault.³²
- The 12 months leading up to June 2022 took a 21% leap in assault cases which occurred at a rate of "20 per 1000 prisoners".³³

²⁵ Prison Reform Trust (2022) *Why focus on reducing women's imprisonment.* Accessed at: https://prisonreformtrust.org.uk/women-on-remand-more-likely-to-self-harm

²⁶ Howard League of Penal Reform (2019) *Revealed: The scale of prison overcrowding in England and Wales.* Accessed at: https://howardleague.org/news/revealed-the-scale-of-prison-overcrowding-in-england-and-wales/

²⁷ Ibid

²⁸ Ibid

²⁹ Ibid

³⁰ HM Inspectorate Of Prisons (2022) *HM Chief Inspector of Prisons for England and Wales Annual Report 2021-22*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

³¹ Ibid

³² Nick Bostock (2018) *Prisoners wait months to see a GP, finds damning report on prison healthcare.* Accessed at: https://www.gponline.com/prisoners-wait-months-gp-finds-damning-report-prison-healthcare/article/1497780.

³³GOV.UK (2022) *Safety in Custody Statistics, England and Wales.* Accessed at: <a href="https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-june-2022/safety-in-custody-quarterly-update-to-june

 Prisoner-to-prisoner assaults come in the form of sexual assaults, internal injuries, blindness, concussions, broken bones.³⁴

There is a lack of access to proper mental and physical health services.

- From 2016 to 2021, due to shortages and delays in the NHS, there was an increase in 81% of mentally ill prisoners who were denied hospital transfers and treatment.³⁵
- Current processes such as initial screening of mental health have been deemed as "not fit for the purpose" as prisoners are not ready to discuss their mental health status as they enter prison let alone self refer themselves to the mental health services.³⁶
- Despite mandatory initial health screenings and follow up screenings to identify the physical and mental health concerns or disabilities of a prisoner, minority groups from Asian or Black ethnicity have a smaller proportion of people who are screened compared to white prisoners.³⁷
- In 2017, a survey done of prisoners in Kent, Surrey and Sussex noted that "majority (72%) report struggling to access services, while over half report being dissatisfied with the quality of care received".³⁸
- Prisoners claimed to have struggles with convincing prison staff in times of health emergencies such as "suspected strokes, heart attacks or cancer diagnosis", they are treated with delayed or no response in call bells and "flippant and dismissive attitudes".³⁹
- Prisoners are denied vital medication that they need including "beta blockers, insulin, mental health medication and pain relief".⁴⁰

 $\underline{\text{custody-statistics-england-and-wales-deaths-in-prison-custody-to-september-2022-assaults-and-self-harm-to-june-2022}.$

³⁵ Tom Wall (2021) *Hundreds of mentally ill prisoners denied urgent treatment in England.* Accessed at: https://www.theguardian.com/society/2022/may/10/hundreds-mentally-ill-prisoners-denied-urgent-treatment-england.

³⁴ Ibid

³⁶ House of Commons (2021) *Mental health in prison.* Accessed at: https://committees.parliament.uk/publications/7455/documents/78054/default/37 lbid

³⁸ User Voice (2018) *Written evidence from User Voice*. Accessed at: http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/health-and-social-care-committee/prison-health/written/83453.html

³⁹ House of Commons (2018) *Prison Health*. Accessed at: http://offlinehbpl.hbpl.co.uk/NewsAttachments/PGH/Prison_health.pdf
⁴⁰ Ibid

INCARCERATION IS OVERUSED AND OFTEN INEFFECTIVE

The high and rising prison population is economically costly.

- Scotland and England and Wales have the highest rates of incarceration in Western Europe.⁴¹
- The prison population in England and Wales has increased by 70% in the last 30 years.
- By 2026, England and Wales' current prison population is projected to rise by 18,000 people.⁴² (The current prison population is almost 80,000 people⁴³).
- In 2021, the cost per prisoner for incarceration was £48,000.⁴⁴
- The estimated total economic and social cost of reoffending is £18.1 billion annually.⁴⁵

Incarceration is less effective than other alternatives for reducing recidivism.

- In their annual report, the Prison Reform Trust stated that "we overuse prison for petty and persistent crime".⁴⁶
- In 2021, of those sent to prison: 61% were for non-violent offences; and 38% received sentences of six months or less.⁴⁷
- 39% of incarcerated adult offenders reoffend within one year of release from prison; reoffenders commit on average 4.2 offences within a year of release.⁴⁸
- The reoffending rate for incarcerated adult offenders serving short sentences
 (< 1 year) is significantly higher than for those serving longer sentences: in

⁴⁵ Ministry of Justice (2019) *Economic and social costs of reoffending*. Accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814650/economic-social-costs-reoffending.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/87 2390/bulletin_Jan_to_Mar_2018.pdf

⁴¹ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

⁴³ Ministry of Justice (2022) *Costs per place and costs per prisoner by individual prison*. Accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment data/file/10 50046/costs-per-place-costs-per-prisoner-2020 -2021.pdf

⁴⁴ Ibid

⁴⁶ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

⁴⁸ Ministry of Justice (2020) *Proven reoffending statistics quarterly bulletin, England and Wales, January 2018 to March 2018.* Accessed at:

- 2017, the recidivism rate for adult male offenders released from incarceration was 15% higher for short sentences.⁴⁹
- Community orders are more effective than short prison sentences (< 1 year) at reducing proven reoffending rates for people committing the same sorts of crime: there is a recidivism rate of 63% for short prison sentences and 56% for community orders.⁵⁰
- Short prison sentences are very ineffective for people with more than 50 prior offences: the recidivism rate is 36% higher for short prison sentences than community sentences.⁵¹

Public perception does not support the increased use of incarceration.

- A Crest Advisory poll showed that only 7% of participants said that increasing the number of people in prison would be an effective way to reduce crime.⁵²
- Instead, more popular alternatives to incarceration include: better rehabilitation of offenders to encourage them not to commit crime (33% of participants); tougher punishments in the community (30%); and better drugs and alcohol treatment (23%).⁵³
- The public also support early intervention (eg. better parenting and better discipline in schools) over incarceration as the most effective way to reduce crime.⁵⁴
- Ministry of Justice findings on public confidence in the current CJS from 2010-11, show that only 26% of UK citizens are confident that prisons are effective at punishing offenders; and only 21% are confident that prisons are effective at rehabilitating offenders.⁵⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/23 0186/Attitudes to Sentencing and Trust in Justice web .pdf

⁴⁹ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

⁵⁰ Ibid

⁵¹ Ibid

⁵² Crest Advisory (2018) *Rewiring justice: Transforming punishment and rehabilitation for the 21st century.* Accessed at:

https://static.wixstatic.com/ugd/b9cf6c b3c99171330247b89ed34a86a37c043a.pdf

⁵³ Crest Advisory (2018) *Rewiring justice: Transforming punishment and rehabilitation for the 21st century.* Accessed at:

https://static.wixstatic.com/ugd/b9cf6c b3c99171330247b89ed34a86a37c043a.pdf

⁵⁴ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

⁵⁵ Ministry of Justice (2013) Revision to Attitudes to Sentencing and Trust in Justice: Exploring Trends from the Crime Survey for England and Wales. Accessed at:

INSGHT

In the briefing section above, we established three key issues with the UK prison system which we deem the most problematic and intractable with current policy. In this section, we delve deeper into the primary causes underpinning these issues. Firstly, we explore the causes of staffing shortages and retention problems; focusing on a declining justice budget, pay cuts and low job satisfaction. We then examine the ineffective rehabilitation and education programs which limit the effectiveness of prisons overall. We lastly explore the impact of last Covid-19 restrictions in creating dangerous and damaging conditions, particularly regarding mental and physical wellbeing and provision.

Budget cuts, low job satisfaction and little incentivisation for HMPPS jobs have led to staffing shortages and staff retention problems.

The severe shortage in prison officers has been reported to be occurring since 2010. To make matters worse, the retention rates of experienced prison officers are low. The lack of skilled personnel is causing management problems within the prisons where the well-being of prisoners are being dismissed because demands are too high to cope with.

The continuous insufficient funding and budget cuts that started in 2010 and has continued until now is one of the leading causes to the lack of staff. Prison spending was reported to be 14% lower in real terms in 2017-2018 than spending in 2009/10. Since then, although the government has pledged and committed to an increase in spending, the current workforce in prison is still insufficient to meet the demanding workload. The job of a prison officer goes beyond doing rounds, they are there to ensure the safety and wellbeing of prisoners. For example, engaging in positive behaviour with prisoners and making sure that they are mentally and physically healthy. This job requires time and numbers in order to be appropriately attended to. Right now, there is a positive trend in budget cuts and the increased level of suffering experienced by prisoners. For example, 15% of medical appointments were missed due to the lack of staff being able to escort prisoners. This clearly indicates that more officers are needed in order for prisons to function well.

In 2021's HMPPS People Survey, 82% of participating prison staff claimed that they did not feel like their pay reflected their performance and 79% were not satisfied with the benefits package that came with the job. 58 With more than half of surveyed officers showing dissatisfaction, this shows why so many are willing to resign as they seek better opportunities with better monetary and non-monetary benefits. Experienced officers that have been in the workforce for many years have complained that they were initially "proud" to be working for HMPPS yet now they are only under much more stress with 'longer working hours and less money'59. Experienced prison officers are crucial for smooth operation in prisons since they know the workings of how to handle the often heavy challenges that come with the job. The newer recruits that are coming in are becoming progressively younger with many of them just having left school. Prison staff have said that although certain recruits have the capabilities of becoming

⁵⁶ Institute for Government (2019) *Prisons*. Accessed at: https://www.instituteforgovernment.org.uk/publication/performance-tracker-2019/prisons

⁵⁷ House of Commons Committee of Public Accounts (2017) *Mental health in prisons*. Accessed at: https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/400/400.pdf.

⁵⁸ POA (2022) *POA Members need a proper pay rise to end the recruitment and retention crisis.* Accessed at: https://www.poauk.org.uk/media/2102/poa-psprb-sub-2022.pdf.

⁵⁹ Bill (2017) *Prison officers are over-stressed and underpaid. We need a fair pay rise now.* Accessed at: https://www.tuc.org.uk/blogs/prison-officers-are-over-stressed-and-underpaid-we-need-fair-pay-rise-now. Accessed 22 Nov. 2022.

worthy officers they still require much support and guidance of experienced prison officers.⁶⁰

Another crucial reason behind the lack of interest in recruitment and staff leaving the workforce is due to the high number of assaults on staff. Although prison staff have the right to assert force on prisoners they are also under constant risk of an orchestrated attack. With the number of assaults of prison officers peaking in 2018 (10,203), assaults have decreased to 7,957 in 2021 yet these figures are still relatively high considering the numbers in the past 10 years. Prison staff suffer from a wide range of assaults such as being physically beaten up by inmates, stabbing, being thrown objects and are victims of much verbal abuse. Statistics show that on an average day there are at least 22 assaults among officers in the UK.

Ultimately, the lack of benefits, harsh and long working conditions alongside the constant fear of danger results in burnout among officers. Many staff fall into struggles such as Post-traumatic stress disorder where they lack the outlets in helping them deal with these issues. BBC cited that in 2019, "1,000 prison officers took time off work with another 8,000 struggling from anxiety and depression." In the long term, former prison officers are still plagued with the consequences of trauma that come with their jobs. This also suggests why potential candidates are disincentivized to join the prison workforce.

Overall, prisons have been and will continue to be in crisis without proper quantity and quality of staffing. Prison officers need to be prioritised as without them there will be a negative domino effect on the wellbeing of prisoners. The key areas to focus on are the mental and physical wellbeing of officers as well as job satisfaction. It is also integral to ensure that qualified new staff are brought in so it reduces the stress of existing prison officers having to be hyper-vigilant in their daily jobs.

⁶⁰ Taylor, C. (2022) *HMP Woodhill*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/Woodhill-IRP-web-2022.pdf

⁶¹ Statista (2022) *Prison assaults on staff in England and Wales 2000-2021*. Accessed at: https://www.statista.com/statistics/315132/assaults-on-prison-staff-in-england-and-wales/.

⁶² Community Trade Union (2022) *Assaults on prison staff unacceptably high*. Accessed at: https://community-tu.org/assaults-on-prison-staff-unacceptably-high/.

⁶³ BBC (2020) *Prison officers describe struggles with anxiety and depression.* Accessed at: https://www.bbc.co.uk/news/av/uk-51301775.



The impact of Covid-19 in creating dangerous and damaging conditions in prisons by worsening inmates' physical and mental health.

We have established the dangerous and damaging nature of incarceration for many inmates. In particular, we have highlighted the harmful impact of prisons on physical and mental health outcomes (including high levels of self harm and suicide) and high levels of violence. In this section, we demonstrate the large extent to which these problems are caused or aggravated by Covid-19.

Covid-19 restrictions were stringent in prisons. At the height of the pandemic this seems justified. Firstly, the prison population has "poorer baseline health" than the general population.⁶⁴ Therefore, prisoners were at a "higher risk of infection, and of death, than the wider population".⁶⁵ Secondly, "prisons are... high-risk environments for outbreaks of infectious disease" due to overcrowding, shared facilities and contact with a large number of staff.⁶⁶ Therefore, restrictions were quickly and strictly imposed in prisons which "likely protected health within prison settings".⁶⁷

However, the lasting Covid-19 restrictions have had a negative impact on inmates' mental health outcomes. Given the high rate of mental health problems among the prison population⁶⁸, a working paper by The Health Foundation found that "the psychological impact of lockdown is likely to have been more pronounced [than the general population]... but the true scale of this is, as yet, unknown".⁶⁹ The pandemic led to long daily lockdowns in prisons of up to 23 hours per day, giving inmates just one hour outside of their cell.⁷⁰ In particular, from March 2020 to February 2021, almost all inmates spent 23 hours or more locked in the cell every day, usually around 3m x 2m large.⁷¹ Two thirds of prisoners were in "conditions that amount to solitary confinement".⁷² Prison lockdowns affected a range of social and rehabilitative activities: ceasing family visits; reducing prisoners' social time with other inmates; limiting education, training and work opportunities; and ending rehabilitation programs,

⁶⁴ Mehay, A. (et al.) (2021) *COVID-19 and the prison population: Working paper for the COVID-19 impact inquiry*, The Health Foundation. Available at: https://www.health.org.uk/publications/covid-19-and-the-prison-population

⁶⁵ Ibid

⁶⁶ Ibid

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

⁷¹ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

⁷² Ibid

group therapy and opportunities for inmates after release.⁷³ These changes are dangerous for prisoners' mental health as social support and family visits are considered a "life-line" and a "protective factor for mental health and suicide prevention".⁷⁴ Additionally, the state of "blank inactivity" in which inmates are "spending their time sleeping or watching daytime television" is certainly a compounding factor in prisoners' worsening mental health.⁷⁵

Restrictions brought in due to the Covid-19 pandemic also risked inmates' physical health. The Health Foundation reported that "prolonged prison lockdown affected prisoners' ability to maintain their own physical health". The In particular, the lockdown reduced opportunities to eat healthily and exercise. Most inmates in local and high security prisons were only allowed 30 minutes per day to shower and exercise. The lockdown resulted in "inactivity [and] reported weight gain" among prisoners which "exacerbat[ed] existing health conditions".

The Covid-19 pandemic also worsened health provision in prisons which risks physical health outcomes. While the NHS continued to provide face-to-face primary health care services seven days a week⁸⁰, healthcare provision was nonetheless adversely affected by pandemic restrictions. Primary health care providers had to adapt eg. telemedicine.⁸¹ Prisoners cited increased waiting times, disruption to medication and poor communication as key problems with healthcare provision during the pandemic.⁸² Additionally, prisoners had reduced access to secondary healthcare (healthcare provided in hospitals). Inmates had "no access to secondary care during the pandemic, except for cancer referrals and emergency care".⁸³

⁷³ HMI Prisons (2022) *HMI Prisons Annual Report.* Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

⁷⁴ Mehay, A. (et al.) (2021) *COVID-19 and the prison population: Working paper for the COVID-19 impact inquiry*, The Health Foundation. Available at: https://www.health.org.uk/publications/covid-19-and-the-prison-population

⁷⁵ HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

⁷⁶ Mehay, A. (et al.) (2021) *COVID-19 and the prison population: Working paper for the COVID-19 impact inquiry*, The Health Foundation. Available at: https://www.health.org.uk/publications/covid-19-and-the-prison-population

⁷⁷ Ibid

⁷⁸Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

⁷⁹ Mehay, A. (et al.) (2021) *COVID-19 and the prison population: Working paper for the COVID-19 impact inquiry*, The Health Foundation. Available at: https://www.health.org.uk/publications/covid-19-and-the-prison-population

⁸⁰ Mehay, A. (et al.) (2021) *COVID-19 and the prison population: Working paper for the COVID-19 impact inquiry*, The Health Foundation. Available at: https://www.health.org.uk/publications/covid-19-and-the-prison-population

⁸¹ Ibid

⁸² Ibid

⁸³ Ibid

However, it is important to note that the continuation of Covid-19 measures and restrictions is no longer mandated by the government or by health outcomes. Rather, the Inspectorate for Prisons suggested that the damaging conditions in prisons may be aggravated by a feeling of apathy toward lifting restrictions among management and providers.⁸⁴ In Spring 2022, the National Framework for Prison Regimes and Services – which introduced restrictions in prisons to limit the spread of Covid-19 – was decommissioned.⁸⁵ However, these strict lockdowns now continue in some prisons despite low levels of infection and lifted government guidelines. The Chief Inspector of Prisons for England and Wales found "no good reason" for prisoners to be locked up for 22 or 23 hours per day.⁸⁶ However, time spent by prisoners outside of their cells has not nearly recovered to pre-pandemic levels.⁸⁷ While this may also be due to staff shortages and continuing outbreaks⁸⁸, lockdown restrictions remain in place in many prisons because there is "not enough ambition from some governors or the prison service to restart activity" and a feeling of "reluctance" among many education and training course providers to restart their programs.

Incarceration is often ineffective due to a lack of worthwhile education and rehabilitation programs in prisons.

The argument as to why incarceration is deemed as 'ineffective' can be proven through high reoffending rates. The UK has particularly high reoffending rates: 44% of adults who leave prison are reconvicted within a year of release. Despite large amounts of money invested, current practices in prisons seem counter productive as they do not serve the purpose of preventing crime. The following section will focus on why education and rehabilitation programs offered to inmates (or lack thereof) should be questioned and revised in order to improve the effectiveness of incarceration.

The lack of rehabilitation and education programmes in prisons is a key factor to high reoffending rates. Methods of intervention such as rehabilitation programmes aim to deliver a "change in thinking, attitudes and behaviour" to prisoners who may potentially reoffend. These programmes are not limited to focusing on the mindset of prisoners but also help engage them in "pro social attitudes and goals for the future". Skills

⁸⁴ HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at: https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

 ⁸⁵ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022*. Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf
 ⁸⁶ HMI Prisons (2022) *HMI Prisons Annual Report*. Accessed at:

https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/07/HMIP-Annual-Report-web-2021-22.pdf

⁸⁷ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022.* Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf
⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ GOV.UK (2018) *Offending behaviour programmes and interventions*. Accessed at: https://www.gov.uk/guidance/offending-behaviour-programmes-and-interventions.

⁹¹ Ibid

such as managing relationships and problem solving are practised in hopes of preparing prisoners to fit into the post-prison world. However, between 2009 and 2019, freedom of information data revealed that the participation in rehabilitation courses fell by 62% despite an increase in prison population.⁹²

In a study done on factors associated with reoffending rates, there was a strong relationship between low levels of education and recidivism. Prisoners who had participated in education while in prison were 7.5% less likely to reoffend within a year of release compared to prisoners who had not.⁹³ Education helps prisoners in the short run with their wellbeing and also in the long run to unlock skills needed when it comes to seeking employment.⁹⁴ Without the right support of education, many prisoners end up reoffending due to their inability to find jobs. For example, if equipped with the right skills, securing employment helps reduce the chance of reoffending by 9%.⁹⁵

Incarceration methods are also ineffective since they lack preparation in support on release. When released from prisons, prisoners are faced with the overwhelming situation of reintegrating back into society. Many struggle with handling housing, employment, family ties, settling debts and dealing with no source of income. One third of prisoners lose their homes while in prison, approximately half cut ties with family and one third face mounting debts hence turning back to crime. The lack of support brings prisoners back to the start and is a heavy burden to the prison system. Reoffending costs approximately 15 billion each year due to the lack of support provided to prisoners. The lack of support provided to prisoners.

With incarceration still causing reoffending to take place, other alternatives should be considered. "Short term custody with supervision on release was found to be linked with higher proven reoffending than if they had received community sentences instead.98" However, in both England and Wales, there was a 46% decline in the use

⁹² Allison, E. & Grierson, J. (2021) *England and Wales prisoners taking fewer rehabilitation courses*. Accessed at: https://www.theguardian.com/society/2021/may/17/england-and-wales-prisoners-taking-fewer-rehabilitation-courses.

⁹³ House of Commons Education Committee (2022) *Not just another brick in the wall: why prisoners need an education to climb the ladder of opportunity.* Accessed at: https://publications.parliament.uk/pa/cm5803/cmselect/cmeduc/56/summary.html.

⁹⁴ Coates, D.S (2016) *Unlocking potential A review of education in prison. Accessed at:* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524013/education-review-report.pdf.

⁹⁵ House of Commons Education Committee (2022) *Not just another brick in the wall: why prisoners need an education to climb the ladder of opportunity.* Accessed at: https://publications.parliament.uk/pa/cm5803/cmselect/cmeduc/56/summary.html.

⁹⁶ Gaines, S. (2007) *Lack of support puts prisoners at risk of re-offending, says report.* Accessed at: https://www.theguardian.com/society/2007/mar/20/homeaffairs.politics.

⁹⁷ Newton, A. et.al., (2019) *Economic and social costs of reoffending*. Accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814650/economic-social-costs-reoffending.pdf.

⁹⁸ Eaton. G & Mews. A (2019) *The impact of short custodial sentences, community orders and suspended sentence orders on reoffending.* Accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/81 4177/impact-short-custodial-sentences.pdf.



⁹⁹ Centre for Justice Innovation (n.d.) *Smarter Community Sentences*. Accessed at: https://www.justiceinnovation.org/sites/default/files/media/documents/2020-09/smarter-community-sentences.pdf.

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Conclusion:

The main takeaways from this section are as follows:

- The lack of qualified staff is causing a spillover effect on many areas within the prison system. Existing staff are being demoralised from overworking and the wellbeing of prisoners are at stake due to demands not being met.
- The lasting use of Covid-19 restrictions is having a detrimental impact on inmates' health.
- Poor support in the form of rehabilitation, education and reintegration back into society are three key reasons to reoffending rates remaining high.

POLICY SECOND STORES

Overview:

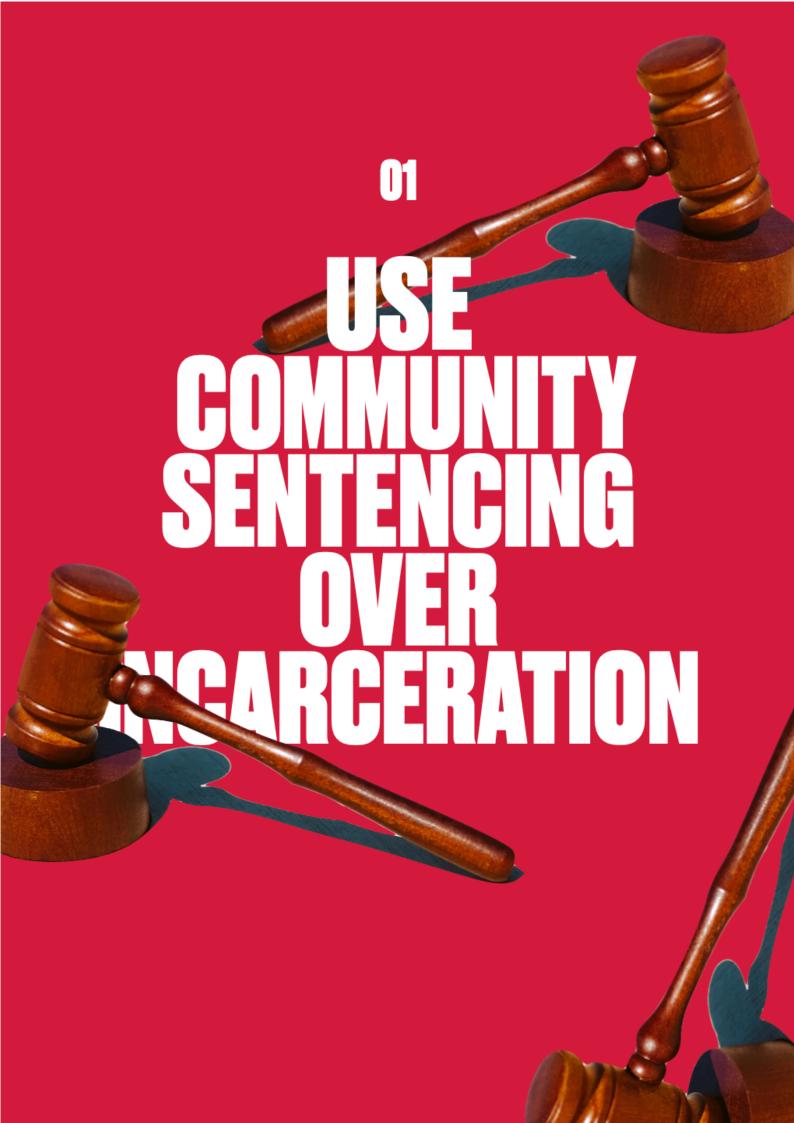
A House of Commons Committee Special Report published in February 2022 highlights that the government is committed to prioritising mental health provision in prisons.[100] Its recommendations seem comprehensive and involve cooperation between the NHS, Ministry of Justice and HMPPS staff to offer better mental health provisions. While improving prisoners' mental health is certainly a focus of our report, we have chosen to focus on three policy recommendations which are not currently under governmental focus.

Action 1 - Use community sentencing rather than incarceration to sanction non-violent, persistent and petty offences.

Action 2 - Establish rehabilitation hubs for male offenders.

Action 3 - Increase job satisfaction for HMPPS staff.

[100] UK Parliament (2022) Mental health in prison: Government Response to the Committee's Fifth Report. Available at: https://publications.parliament.uk/pa/cm5802/cmselect/cmjust/1117/report.html



Action 1: Use community sentencing rather than incarceration to sanction non-violent, persistent and petty offences.

We are advocating for the use of community sentencing rather than incarceration in specific (and easily definable) cases: for offenders convicted for petty crimes, persistent offending and non-violent offences. As we established in the briefing, 61% of people incarcerated in 2021 were punished for non-violent offences and 38% of people incarcerated in 2021 received sentences of six months or less. ¹⁰¹ Therefore, inmates incarcerated for petty and non-violent crime constitute a large slice of the prison population which carries a large social and economic cost.

Community sentences combine rehabilitation and incarceration which can be used to optimise outcomes for both offenders and communities.

The evidence for using community sentencing rather than incarceration in these cases is clear. Firstly, community sentencing reduces rates of recidivism (from 63% for those serving sentences of less than a year to 56% with community sentencing; and reduces recidivism by 36% for offenders with over 50 prior convictions). High rates of recidivism carry a high social and economic cost (around £18.1 billion annually for the UK¹⁰³), so reducing rates of recidivism is socially and economically beneficial. Also, community sentencing costs less than 1/10 of the cost of incarceration; community sentences cost around £4,135¹⁰⁴ compared to the cost of £48,000 for a prison place.

Crest advisory¹⁰⁶ – a UK justice system consultancy – recommends that Police and Crime Commissioners and Mayors should be empowered to reform and control community sentencing in order to optimise its effectiveness for both offenders and the community. Crest advisory recommends "designing and investing in sentences which genuinely involve intensive, visible work valued by local communities and supported to succeed by local partners". Delegating the management and oversight of offenders and the decisions over community programs and funding to officials with an understanding of the local area is likely to be more effective than blanket programs enforced vertically from the Justice Department in London. Crest Advisory also

¹⁰¹ Prison Reform Trust (2022) *Prison: the facts - Bromley Briefings Summer 2022*. Accessed at: https://prisonreformtrust.org.uk/wp-content/uploads/2022/07/Prison-the-facts-2022.pdf

¹⁰³ Ministry of Justice (2019) *Economic and social costs of reoffending*. Accessed at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814650/economic-social-costs-reoffending.pdf

¹⁰⁴ Redgrave, H. et al. (2018) *Rewiring justice: Transforming punishment and rehabilitation for the 21st century.* Accessed at:

https://static.wixstatic.com/ugd/b9cf6c b3c99171330247b89ed34a86a37c043a.pdf

¹⁰⁵ Ministry of Justice (2022) *Costs per place and costs per prisoner by individual prison*. Accessed at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/10 50046/costs-per-place-costs-per-prisoner-2020 -2021.pdf

¹⁰⁶ Redgrave, H. et al. (2018) *Rewiring justice: Transforming punishment and rehabilitation for the 21st century.* Accessed at:

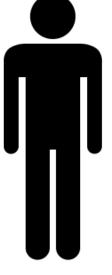
https://static.wixstatic.com/ugd/b9cf6c b3c99171330247b89ed34a86a37c043a.pdf

recommends minimum standards pertaining to swiftness, intensity, enforcement and transparency to ensure that community sentences are sufficiently punitive and strongly enforced to not be a 'soft option'.

Importantly, our policy suggestion does not advocate using community sentencing for violent offenders. Incarceration serves an additional purpose for violent offenders – not only punishment through restricting freedom, but also protecting citizens from possible violent crime committed by these offenders. Therefore, the rigid physical separation of violent offenders from society is effective in restricting the possibility for committing violent crimes.

Additionally, we are also not suggesting that offenders convicted of serious crimes punishable with long terms in incarceration are sanctioned with community sentences. Firstly, reducing the severity of punishment for violent and serious offences may carry a large political cost. Public demands for retribution and harsher sentencing are likely to be catalysed or aggravated by extreme cases of serious or violent crimes met with 'insufficient' punishment. Indeed, there may be a greater moral or ethical case for the use of severe punishment (eg. incarceration) to punish people convicted of serious violent offences regardless of the effectiveness of the punishment. Therefore, politicians and policymakers may face public backlash for seeking to sanction serious and violent offenders with community sentencing rather than incarceration. Secondly, we would advocate evaluating the effectiveness of a widespread community sentencing program among people convicted of petty and non-violent offences before suggesting widening the program to other offenders.







Action 2: Establish 'rehabilitation hubs' for male offenders.

Currently, rehabilitation services are only offered during an inmate's time in prison. Even then, access to consistent support is uncertain. Although efforts to rehabilitate prisoners within prisons should persist, opening 'rehabilitation hubs' outside of prisons in addition should be taken into consideration. Recovery and the need for specialist support goes beyond a prisoner's term time, therefore hubs or 'one-stop shops' should be available. We are basing our recommendation on the model suggested by Crest Advisory.¹⁰⁷

These hubs will offer services such as counselling, skill related programmes, drug treatment, employment skills, literary & CV support, financial knowledge programmes and housing assistance.¹⁰⁸ These skills are instrumental for prisoners to smoothly reintegrate back into society without resorting back to recidivism. Furthermore, they should be offered as a free 24/7 hotline service that is available without the need to pre-book services.

In England and Wales, the economic and social costs of recidivism amount to a total of 18 billion pounds a year. ¹⁰⁹ To overcome such a large problem, the government should be called to action in the funding of these rehabilitation hubs. Establishing the infrastructure and gathering the necessary talents may pose short term costs yet the long term benefits will be reaped as reoffending rates decrease. According to an estimate done by CREST, each individual hub within the police force area would cost around 2 million pounds to develop. ¹¹⁰ These costs could even be spread to the budget of local authorities as it also serves as a social benefit to local communities.

The outcomes of building the rehabilitation hubs will have a positive impact on 3 different stakeholders: society, prisons and prisoners. In society, it will help reduce crimes and improve safety since prisoners are now able to reach out to accessible services in desperate times. Furthermore, it will help alleviate the significant problem of overcrowding in prisons, with lower recidivism rates there will be less offenders serving prison sentences. Finally, it will help benefit the wellbeing of prisoners as the process of reintegrating back into society will be less overwhelming.

In 2021, the government announced the 'Prisons Strategy White Paper' that aims to reform the current justice system. In the section focusing on reducing reoffending rates, the proposal suggested investments in the education and rehabilitation of inmates yet there was no mention of support available upon release. Support after

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¹⁰⁷ Redgrave, H. et al. (2018) *Rewiring justice: Transforming punishment and rehabilitation for the 21st century.* Accessed at:

¹⁰⁹ UK Parliament (2022) *Reoffenders: Costs.* Accessed at: https://questions-statements.parliament.uk/written-questions/detail/2022-03-09/137323#

¹¹⁰Redgrave, H. et al. (2018) *Rewiring justice: Transforming punishment and rehabilitation for the 21st century.* Accessed at:

prison is crucial because the skills learnt do not compare to applying them in real life where a huge bulk of prisoners are often left on their own.

A noteworthy case study to learn from is how prisoners from Norway are rehabilitated after life in prison. Upon release, prisoners are given the option of being transferred to a rehabilitation facility called 'Bastoy'. Bastoy is the world's largest low security prison where prisoners are able to partake in recreational activities, build their skill sets and have a recollection of what life outside of prison is like. ¹¹¹ In addition to that, similar to the proposed rehabilitation hubs, all prisoners have access to community services that will help them with their necessary problems. Consequently, Norway has proved to have a successful strategy as they achieved the lowest global recidivism rates with approximately 20% reoffended within 2 years. ¹¹²

In conclusion, the UK and Wales should follow the footsteps of countries like Norway. With plenty of public expenditure wasted on reoffending, the money should instead be redistributed to other avenues which will help prisoners in the long run.

111 Gray, A. (2017) *This Norwegian prison is the nicest in the world.* Accessed at: https://www.weforum.org/agenda/2017/06/this-norwegian-prison-is-the-nicest-in-the-world/

¹¹² Richards, E. (2017) Rehabilitation not recidivism: Norway's success in keeping re-offending rates low. Accessed at: https://www.prisonersabroad.org.uk/news/rehabilitation-not-recidivism-norways-success-in-keeping-re-offending-rates-low

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JOB SATISFACTION FOR HMPPS STAFF

Action 3: Increase job satisfaction for HMPPS staff.

As we established in the briefing, the poor mental health and wellbeing of HMPPS staff is highly concerning. Poor mental health and wellbeing is likely a confounding factor for the high numbers of HMPPS staff leaving the Justice System every year, which worsens outcomes in prisons. Therefore, finding policy solutions which can improve job satisfaction of HMPPS staff is critical, not only for staff members' wellbeing, but also for the safety and effectiveness of the prison system itself.

We suggest that the HMPPS sign up to the Mental Health at Work Commitments¹¹³; six guidelines formulated by the charity Mind to improve people's mental health (quoted below):

- 1. Prioritise mental health in the workplace by developing and delivering a systematic programme of activity.
- 2. Proactively ensure work design and organisational culture drive positive mental health outcomes.
- 3. Promote an open culture around mental health.
- 4. Increase organisational confidence and capability.
- 5. Provide mental health tools and support.
- 6. Increase transparency and accountability through internal and external reporting.

While these guidelines may seem somewhat vague and elementary, Mind¹¹⁴ highlights that transforming workplace environments to prioritise mental health support is vital for improving workers mental health and wellbeing. Furthermore, as part of its Blue Light Program¹¹⁵ (a campaign aiming to improve the mental health of emergency support workers), Mind recommends that managers in the emergency services sign these guidelines to support their employees. Therefore, enacting these guidelines seems to be a solid starting point for enacting policies to improve HMPPS staff's mental health outcomes.

Interestingly, a report in the International Journal of Workplace Health Management¹¹⁶ found that the mental health and job satisfaction for prison officers were "considerably poorer" than among workers in other UK emergency and security services. Given the similarities in pressures and stressors between the work of prison officers and other emergency and security services but the difference is mental health and wellbeing outcomes, we suggest that this difference can be largely attributed to the differing support services offered across the emergency and prison services. Our recommendations therefore focus on implementing support systems similar to those

¹¹³ Mind (2019) *Mental Health at Work Commitments Launch*. Accessed at: https://www.mind.org.uk/news-campaigns/news/launch-of-mental-health-at-work-commitment/

¹¹⁴ Mind (2022) About the Blue Light Program. Accessed at: https://www.mind.org.uk/news-campaigns/blue-light-programme/about-the-blue-light-programme/
¹¹⁵ Ibid

¹¹⁶ Kinman et al. (2016) *Work-related wellbeing in UK prison officers: A benchmarking approach*. Accessed at: https://www.researchgate.net/publication/307981096 Work-related wellbeing in UK prison officers A benchmarking approach

available to other emergency workers (particularly police officers as we deem the roles the most similar) into the workplace for HMPPS frontline staff.

We recommend that the HMPPS implement a welfare support program offering a range of mental health services which can be accessed through a hotline and available to all frontline HMPPS staff. This program would be modelled around the existing 'Welfare Support Program' in the police service. This program should be accessible by phone which offers staff easy and confidential access. It would provide key services such as: practical and emotional support; counselling and clinical assessment by professionals; and referrals where necessary.

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¹¹⁷ Police Federation, *Welfare Support Program (WSP)*. Accessed at: https://www.polfed.org/support/welfare-support-programme-wsp/#:~:text=The%20WSP%20provides%20invaluable%20support,practical%20and%20mental%20support

Conclusion:

These three recommended policies are integral to improving the justice system. Firstly, traditional methods of incarceration should be replaced with more innovative and efficient ways. Secondly, there should be a setting up of 'one-stop shops' that provide support for ex-inmates. Last but not least, it is vital we advocate for a better working environment for prison staff. The implementation of these policies would significantly help reduce the number of people in prisons and support vulnerable stakeholders within the justice system.