



Ministry
of Justice

Damian Hinds
Minister of State for Justice

Alice Gotto,
Chair, Independent Monitoring Board,
HMP Pentonville

MoJ ref: ADR101753

By e-mail: [REDACTED]

29 December 2022

Dear Ms Gotto,

HMP PENTONVILLE

Thank you for your letter of 12 December to the Secretary of State, in which you raise concerns about HMP Pentonville. I am replying as Minister for Prisons and Probation. You have also written to the Chief Executive Officer of His Majesty's Prison & Probation Service (HMPPS), please treat this as a reply to both letters.

I am grateful to you and your colleagues for the vital work you do at HMP Pentonville. Thank you for setting out so clearly the IMB's appreciation of the challenges the prison faces at present. We recognise that the acute and sudden increase in the prison population we have experienced in recent months – in part due to the aftermath of the Criminal Bar Association's strike over the summer – has led to significantly higher numbers of offenders on remand across the prison estate. With court hearings resuming, a surge in offenders is coming through the criminal justice system, placing capacity pressures on adult male prisons in particular, including HMP Pentonville .

There are other, longer-term, factors at work. The first responsibility of Government is to keep people safe. That means taking dangerous criminals off the streets: we have legislated to introduce tougher sentences for the most serious crimes, and we are committed to driving down the backlog of outstanding court cases following the Covid-19 pandemic. We have long anticipated the effect of these measures on the prison population, and we are delivering the largest prison building programme since the Victorian era, investing £3.8 billion to deliver 20,000 additional places. We have already created over 3,100 of them, including the recent change of use of HMP Morton Hall and our brand-new prison, HMP Five Wells. A further 1,700 places are due to come progressively online from next spring, with the opening of HMP Fosse Way. This is in addition to the thousands of further places that will become available through building additional house blocks across the prison estate.

As part of our vision for prisons of the future, laid out in the Prisons Strategy White Paper, investing in making prisons safer and more purposeful is central to the Ministry of Justice's ongoing work to design future prison regimes. I acknowledge that overcrowding was a priority concern highlighted by His Majesty's Chief Inspector of Prisons in his recent inspection of HMP Pentonville in July 2022. HMP Pentonville's operational capacity level was set at 1,140 in mid-August 2022. Once all refurbishment and

maintenance work currently under way is complete, operational capacity is scheduled to increase to 1,205. This remains below the historical operational capacity of 1,310 and, while some crowding will be necessary at HMP Pentonville for the foreseeable future, as we work through the effect of the court backlog, this ongoing capacity reduction should serve, in part, to alleviate the current operational challenges.

There may be options in future further to reduce crowding levels: for instance, if population growth is slower than projected. Should that be the case, it will allow targeted reductions of the least suitable prison places (including crowded places). The latest projected population does, however, make it difficult to commit to this at present. It is also difficult to predict how national trends will influence the situation at a local level, and the proportion of prisoners held in crowded cells at HMP Pentonville will ultimately depend on the level of need to hold prisoners on remand in London and the South East.

HMPPS recently published a revised Certification of Prisoner Accommodation Policy Framework, setting out the useable operational capacity of the prison estate. While most single cells in the prison system could physically hold two people, the determination of the maximum crowded capacity is a matter of operational judgement, taking into account risks to safety and stability. Holding two prisoners in a cell designed for one is never desirable, but it may be necessary, to accommodate all those committed to custody by the courts. In times of severe population pressure, prisons will be expected to hold as many prisoners as they can safely accommodate, and this number should be determined by those operational managers responsible for managing the prison, not by a central process or by wider supply and demand issues.

You also expressed concern about staffing shortfalls at the prison: we are already beginning to see early signs of an increase in the number of applicants for prison officer roles, following the improved pay offer implemented earlier this year, as a result of proposals by the Prison Service Pay Review Body. In the longer term, we remain committed to employing up to 5,000 additional prison officers nationally by the middle of this decade.

Thank you for your suggestion of a visit to HMP Pentonville. I regularly visit prisons throughout England and Wales to speak with staff and prisoners, and to see the work taking place. I look forward to visiting HMP Pentonville as part of that programme of visits, as time and my other responsibilities allow.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Damian Hinds', is positioned above the printed name.

Damian Hinds
Minister for Prisons and Probation