

Independent Sentencing Review: Written evidence from Independent Monitoring Boards

About Independent Monitoring Boards

Appointed by Ministers under the Prison Act 1952, Independent Monitoring Boards (IMBs) are an integral part of the independent oversight of prisons. IMB members are a regular presence, visiting the establishment, monitoring the treatment and conditions of prisoners, reporting what they find to those running the prison, and dealing with queries and concerns from individual prisoners. They are unpaid but have statutory powers, granting them unrestricted access. IMBs are part of the United Kingdom's National Preventive Mechanism set up under the Optional Protocol to the UN Convention against Torture (OPCAT).

5. How should custodial sentences be reformed to deliver justice and improve outcomes for offenders, victims and communities?

IMBs have consistently raised the destabilising effect of short sentences, which often serve to disrupt both the prison environment and the lives of those serving them. This is particularly evident in the women's estate, where such sentences are common; for example, Foston Hall reports that of the women released from the prison in October, 71% had less than 12 weeks to serve prior to release, with 34% serving 14 days or less. Resettlement services struggle to prepare these women adequately for release, with Boards across the closed women's estate reporting high numbers of women released without vital arrangements in place, often without any stable accommodation.

Short-term recalls have a similar disrupting effect; not only do prisoners frequently lose their employment or accommodation as a result of recall, but resettlement staff have an even smaller window in which to assist them. Styal IMB notes that every breakdown in post-release arrangements makes it increasingly likely that a subsequent placement will break down and the woman recalled. Some prisoners were recalled to Styal two or three times in one month. Many Boards in the men's estate report similar shortfalls in preparation for release, particularly at reception and resettlement (or 'local') prisons. For example, the IMB Winchester 2023-24 annual report stated that 20% of men were released homeless, and 8% of men were back in prison by the sixth day of the following week.

It is important to note that the impact of short sentences is not only felt by the prisoners who receive them. IMBs across the estate report on strained and under-resourced offender management units and probation staff, and the toll taken by short sentences and short-term recalls is a significant factor in this. As a result, prisoners of all sentence lengths receive limited support for their progression and little or no contact with key points of support such as their prison offender manager. This is distressing and demotivating for these prisoners, who tell Board members they feel unsupported and overlooked.

In addition, IMBs across the prison estate have consistently raised increasing concerns about the imprisonment of people for whom prison is not, and often has never been, an appropriate or a humane environment. Their most prominent concern is prisoners with severe mental illness. Prisoners who require transfer to a secure mental health facility should be transferred within 28 days, but Boards continue to report very unwell prisoners waiting hundreds of days for a transfer due to a shortage of beds, and often spend this time segregated in the prison's care and separation units. Other prisoners have their referrals declined despite being unsuitable for a prison environment; at Erlestoke, a prisoner with a personality disorder spent approximately eight months in the constant watch cell due to repeated attempts of self-harm. This location was both distressing for the prisoner and a heavy drain on staff. Boards frequently comment that prisoners' conditions deteriorate further the longer they are held in unsuitable conditions; Aylesbury IMB described a prisoner with severe learning disabilities and mental illness who lost extreme amounts of weight and was hospitalised for self-harm attempts several times whilst being segregated for approximately six months.

Severe mental illness is a particularly acute problem in the women's estate. Many Boards report that the necessity of caring for very unwell women, many of whom self-harm prolifically, severely strain prison staff's ability to provide a normal regime for the wider prison, and that staff lack the training to care for these women properly. Styal IMB notes that in their 2023-24 reporting year, seven women were immediately sectioned under the Mental Health Act upon their release from the prison, aptly demonstrating that prison had never been an appropriate environment for them. In addition, Boards continue to raise concerns about the number of women imprisoned solely on mental health grounds as a 'place of safety' under the Mental Health Act, or for their 'own protection' under the Bail Act. Many Boards believe these women are effectively being criminalised for being mentally ill.

6. How should we reform the way offenders progress through their custodial sentences to ensure we are delivering justice and improving outcomes for offenders, victims, and communities?

It is clear from IMBs' findings that current sentencing practices are not effectively promoting rehabilitation and are, in some cases, contributing to increased risk of reoffending. Prisoners serving extremely long sentences are not sufficiently enabled to progress through the system or to reduce their risk. When considering the efficacy of longer sentences, the review panel should take into account the considerable resource required to adequately support long-sentenced prisoners, particularly those who are high risk and/or have complex needs.

IMBs regularly report that prisoners serving long or indeterminate sentences are too often left without direction for much or all of their sentence. This is a key concern of IMBs monitoring the Long-Term High Security Estate (LTHSE), who widely report that prisoners are not effectively motivated to engage with the prison regime. One

factor in this is the lack of suitable vocational activity: Boards across the LTHSE report limited work placements and vocational training courses, with the limited offerings often being uninspiring and of little interest to prisoners. In addition, Long Lartin IMB notes that the education offer lacks advanced courses, so there is little for more able and engaged prisoners to work towards. This deprives prisoners of the sense of purpose and achievement that is vital for those serving long sentences. Key work is also considered far less effective within the LTHSE, as its focus on progression is unsuited to long-sentenced prisoners.

LTHSE Boards also have particular concerns about the increasing number of young adults arriving at the beginning of very long sentences. These young men are more likely to be volatile and less likely to engage in purposeful activity or programmes – Boards comment that, knowing they will spend the majority of their lives in prison, they feel they have little to lose. This impacts not only on these prisoners' progression, but also on the safety and stability of the wider prison.

IMBs across the prison estate raise concerns about the number of prisoners who are unable to access the offending behaviour courses they require to progress. This is a particular problem for prisoners convicted of sexual offences. At Swaleside, for example, no specific offending behaviour courses for prisoners convicted of sexual offences (PCoSO) are offered, despite the prison having a PCoSO wing. This problem has become increasingly common over the last few years as the rising prison population has gridlocked the system, making it harder for prisoners to be moved to suitable locations.

However, where prisoners are given a clear path to progression – and supported to follow this path – Boards' findings are much more promising. Boards in the open estate, such as Hatfield, report positively on sentence management and on the opportunities for constructive purposeful activity – though it is worth noting that these Boards have a far less positive outlook on outcomes for prisoners who were transferred in shortly before the end of their sentence under the Temporary Presumptive Recategorisation Scheme, emphasising the importance of a linear and predictable progression route. Hollesley Bay IMB report particularly good outcomes as a result of the prison providing a sequenced and clearly signposted journey from the time of arrival through to release.

Incentives, when used well, can also have a positive effect on prisoners' progression through the system. The Board at Haverigg, another open prison, notes that prisoners who refuse to engage in purposeful activity lose privileges unless they have a valid reason such as illness or retirement. Oakwood, a category C prison, also praise the use of incentives at the prison, reporting that a violence-reduction incentives-based scheme called Enough has had significant success. However, a common theme of Boards' findings is that the Prison Service incentives scheme is not being deployed effectively. Many Boards note that the highest 'Enhanced' level does not offer enough benefits compared to the Standard level, or that for long-sentenced prisoners there is not enough motivation to exhibit good behaviour after they have attained Enhanced behaviour. Others report that the scheme is enforced inconsistently, particularly by inexperienced staff.

7. What, if any, changes are needed in sentencing to meet the individual needs of different victims and offenders and to drive better outcomes?

The increasing length of sentences has contributed to an older, and aging, prison population. The review panel should consider this when weighing the impact of longer sentences. These issues will only become more pressing with the ageing of the prison population and the increased length of sentences. An HMPPS ageing prisoners' strategy has failed to materialise, despite being promised for several years. In the absence of adequate strategies to address this issue (which could include, for example, secure care homes, dedicated social care units within prisons and/or increased use of compassionate release), the prison estate will continue to house prisoners for whom prison is no longer an appropriate or humane environment.

Boards are increasingly concerned about the treatment of older prisoners within the prison system, particularly those with dementia or other significant social care needs. This issue is exacerbated by the shortage of accessible cells, and the estate-wide population pressures which make it harder to ensure that the prisoners most in need of these cells can be allocated to them. At Dartmoor, for example, two elderly prisoners were allocated to a bunk-bedded cell where neither could climb to the top bunk, forcing them to take turns sleeping on the floor. Dartmoor IMB also report that prisoners with walking sticks were located on the fifth-floor landing as the demand for ground-floor cells exceeded availability. Even when more suitable cells are available, they can still be an unsuitable environment for prisoners with extremely high needs; Erlestoke IMB describes a very elderly prisoner who could no longer reach his in-cell toilet and as a result regularly soiled himself, with staff unable to find a dignified solution.

Equally concerning is the increased number of prisoners presenting with advanced dementia, with prison staff unable to care for them properly. Dartmoor IMB highlights examples of prisoners with dementia spending 23.5 hours a day in their cells, being unable to access their 'buddies' (prisoners assigned to help with some aspects of their care) due to regime restrictions, and going 21 hours without being reminded to eat or drink. At Bristol, a prisoner with dementia who had a personal alarm had his alarm turned off as it was sounding too often.