



## BRIEFING PAPER

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# The prison estate

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### Contents:

1. Understanding the prison estate
2. Living conditions
3. Prison Estate Transformation Programme (PETP)



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## Summary

The prison estate in England and Wales contains 117 prisons holding people who have been sentenced or are on remand awaiting trial for a range of crimes.<sup>1</sup>

The prison estate has a mixture of publicly and privately-run institutions some of which are newly built, while others date back to the Victorian era.

There has been growing concern that the prison estate is unfit for purpose. The estate includes many dilapidated and overcrowded prisons.

The Chief Inspector of Prisons, in his 2017/18 annual report, said that the inspectorate had “documented some of the most disturbing prison conditions we have ever seen”. Such conditions have persisted with the Chief Inspector’s 2018/19 annual report stating that far too many prisoners still endure very poor and overcrowded living conditions. The Chief Inspector described squalid conditions in some prisons. He repeated that broken windows, unscreened lavatories in shared cells, vermin and filth should not feature in 21<sup>st</sup> century jails.

The Government is running a ‘Prison Estate Transformation Programme’ with the aim of building 10,000 new prison places, investing in repairs and renovations and reorganising the functions of individual prisons.

Many interest groups have been critical of the Government’s approach, arguing that it does not go far enough to improve conditions and that projected rises in the prison population will continue to put pressure on the system.

This paper discusses the prison estate in England and Wales.

### Other Library briefing papers about prisons and prisoners

- [UK Prison Population Statistics](#), July 2019
- [Safety in prisons in England and Wales](#), December 2019

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<sup>1</sup> Some people held in the estate are immigration detainees awaiting removal, or people held for civil offences.

# 1. Understanding the prison estate

## England and Wales

[Her Majesty's Prison & Probation Service](#) (HMPPS) has responsibility for running prison services in England and Wales. It manages public sector prisons and the contracts for private sector prisons.<sup>2</sup>

HMPPS is an executive agency, sponsored by the Ministry of Justice.<sup>3</sup> Prior to April 2017, HMPPS was known as the National Offender Management Service (NOMS).<sup>4</sup>

HMPPS operates a directorate in Wales which coordinates prison and probation services there.

Her Majesty's Inspectorate of Prisons is the independent body which reports on conditions and the treatment of those in held in custody.<sup>5</sup>

## Scotland and Northern Ireland

Prisons in Scotland are managed by the [Scottish Prison Service](#).

Prisons in Northern Ireland are managed by the [Northern Ireland Prison Service](#).

## 1.1 The HMPPS estate

HMPPS manages an estate of 117 prisons, an Immigration Removal Centre and three 'Secure Training Centres'. Outside the HMPPS estate, there are further immigration removal centres.<sup>6</sup>

## Prisons and Young Offenders Institutions

There are several different types of prisons which nominally serve different categories of prisoner (see section 1.2 below). Most prisons are managed directly by HMPPS, but some are run by private sector companies through contracts (see section 1.3 for more details).

## Immigration Removal Centres

Separate from prisons, Immigration Removal Centres (IRCs) are used solely for the detention of people detained under the *Immigration Act 1971* or under section 62 of the *Nationality, Immigration and Asylum Act 2002*. Prior to 2003, IRCs were called 'detention centres'.

Most IRCs are managed by private sector companies under contract to the Home Office. Only one, [Morton Hall](#), is within the HMPPS estate. [The Verne](#) was an Immigration Removal Centre but was converted to a public-sector prison in 2018.<sup>7</sup>

The Library briefing paper [Immigration detention in the UK: an overview](#) provides an overview of the policy and practice of immigration detention in the UK

<sup>2</sup> GOV.UK, [Her Majesty's Prison & Probation Service: About us](#)

<sup>3</sup> GOV.UK, [Her Majesty's Prison & Probation Service](#)

<sup>4</sup> [HCWS468, Prisons and Probation: Written statement](#), 08 February 2017

<sup>5</sup> HM Inspectorate of Prisons, [What we do](#)

<sup>6</sup> GOV.UK, [Prisons and their resettlement providers- July 2019](#), Home Office, [User Guide to Home Office Immigration Statistics](#), August 2019, p88

<sup>7</sup> MoJ, [HMP The Verne](#)

## Secure Training Centres

Secure Training Centres (STCs) are institutions for children up to the age of 17.<sup>8</sup> There are three STCs in England and Wales which were all originally operated by private companies.

In October 2018, it was announced that Medway STC would be closed and reopened as a Secure School.<sup>9</sup> The Library briefing paper [Youth Custody](#) discusses STCs and Secure Schools.

## 1.2 Types of prison and young offender institutions

Prisons are categorised based on their 'predominant function'. Individual institutions may contain units that serve different kinds of prisoner, but the prison is categorised by HMPPS as one type of prison.

The Ministry of Justice website [Prisons in England and Wales](#) contains an information page for each prison in the HMPPS estate. These pages describe the types of offenders that are held in each prison and the services which are provided to them.

The Ministry of Justice has published a [map of the HMPPS prison estate](#) on its website

### Adult male prisons

There are four main types of prison for adult males:<sup>10</sup>

- 1 Trainer
- 2 Local
- 3 High Security
- 4 Open

Nominally, prisoners are assigned to a prison based on their personal security category. However, HMPPS may transfer a prisoner to another prison with a different security category at any time.<sup>11</sup>

#### Prisoner categories

Adult male prisoners are assigned an alphabetical categorisation between A and D (where 'A' signifies highest risk and 'D' signifies lowest risk) based on three factors:

- likelihood of escape or abscond
- the risk of harm to the public in the event of an escape or abscond
- any control issues that impact on the security and good order of the prison and the safety of those within it.<sup>12</sup>

### Trainer prisons

There are 43 Category 'C' and 8 Category 'B' 'Trainer' prisons in England and Wales.<sup>13</sup> These prisons are designed to house offenders at their corresponding category. Some category 'C' trainer prisons are "resettlement prisons" which hold prisoners on shorter sentences

<sup>8</sup> Medway Improvement Board, [Final Report of the Board's Advice to Secretary of State for Justice](#), 30 March 2016, p10

<sup>9</sup> [Secure Schools: Written Statement – HCWS1052](#), 31 October 2018

<sup>10</sup> GOV.UK, [Prisons and their resettlement providers- July 2019](#)

<sup>11</sup> GOV.UK, [Prison life](#)

<sup>12</sup> Prison Service Instruction 40/2011, Categorisation and recategorization of adult male prisoners

<sup>13</sup> GOV.UK, [Prisons and their resettlement providers- July 2019](#)

(between 12 months and 4 years) who will work with resettlement providers in the last three months of their sentence to prepare for release.

### Local prisons

There are 30 'Local' prisons in England and Wales. These prisons hold those on short sentences, those awaiting trial or sentencing, and those awaiting allocation to another establishment.

### Open

There are 10 'Open' prisons in England and Wales. Open prisons house category 'D' prisoners (those considered to be 'lowest risk'). Sometimes these are prisoners who have worked their way down the prisoner categories and are coming to the end of their sentence.<sup>14</sup>

### High Security

There are 8 prisons in England and Wales which are predominately 'High Security'. There are two types of High Security prison: 'Core locals' and 'Dispersals'. 'Core locals' serve a population as described above under the 'Local' heading. Dispersals spread category 'A' prisoners to ensure that the most dangerous prisoners are not held in a single establishment.<sup>15</sup>

### Simplifying the prison estate

As part of the Prison Estate Transformation Programme (PETP, see Section 3) HMPPS have developed three new 'operating models' for prisons: 'reception', 'training' and 'resettlement'. HMPPS have said that the necessary changes to adopt the models will be complete by 2021.<sup>16</sup>

### Adult female prisons

There are 12 prisons in England and Wales which house adult female offenders. Two of the twelve operate as 'open' prisons ([Askham Grange](#) and [East Sutton Park](#)).<sup>17</sup>

### Prisons for young offenders

Young offenders are housed in three types of institution: 'Young Offender Institutions' (YOIs), 'Secure Training Centres' (see Section 1.1 above) and 'Secure Children's Homes'. The Youth Custody Service (part of the MoJ) decides on the type of institution in which a young offender will be held.<sup>18</sup>

YOIs house young male offenders aged between 15 -17 and 18 -20 in separate institutions. There are seven institutions in England and Wales which are predominately YOIs.

<sup>14</sup> Ibid

<sup>15</sup> Ibid

<sup>16</sup> [Her Majesty's Prison and Probation Service Annual Report and Accounts 2017-18](#), HC1175, p22

<sup>17</sup> Note that Peterborough has both male and female units and is sometimes reported as one institution rather than two separate institutions: Ministry of Justice, [Peterborough Prison information](#)

<sup>18</sup> HMPPS, [Guidance: Placing young people in custody: guide for youth justice practitioners](#), July 2014

Secure Children’s Homes are run by local authorities and house children aged ten to fourteen.<sup>19</sup> They are not part of the HMPPS estate, but places are commissioned by the Youth Custody Service.

The Library briefing [Youth Custody](#) provides more information.

### Number of prison places

The operational capacity of the HMPPS prison estate<sup>20</sup> is roughly **87,000**.<sup>21</sup>

Of these 87,000 prison places around 3,700 are in institutions predominately for females and 2,600 are in institutions predominately for young people. The remainder are in institutions predominately for adult males.

## 1.3 Private sector prisons

There has been private sector involvement in the prison system in England and Wales since 1992. The timeline below, taken from an Institute for Government research paper, details the early history of private sector involvement in the prison estate:

1987	Select Committee on Home Affairs report recommends that the Home Office should enable private sector companies to tender for the management of prisons.
1991	Criminal Justice Act introduces competition into offender management services.
1992	HMP Wolds, the UK’s first privately run prison opens.
1992	Conservative government announces its private finance initiative (PFI).
1997	New Labour government comes to power and adopts the PFI approach.
2000	Two privately run prisons are returned to the public sector.
2003	Carter Review recommends greater use of competition in the prisons sector.
2004	National Offender Management Service (NOMS) is established.
2010	Coalition Government comes to power and pushes ahead with a policy of privatisation.
2011	HMP Doncaster becomes the first prison to be run on a ‘payment by results’ (PBR) basis.
2011	HMP Birmingham becomes the first public sector prison to be privatised.
2011	Coalition Government announces competition for nine prisons.

[Source: Institute for Government, [Competition in prisons](#), November 2012, p1]

## Which prisons are operated by private sector companies?

There are thirteen prisons in England and Wales that are managed by private sector companies.<sup>22</sup> Three different companies operate these prisons: G4S (four prisons), Serco (five prisons) and Sodexo (four prisons).

Most privately managed prisons in England and Wales hold adult male offenders.<sup>23</sup> Only [Bronzefield](#) and [Peterborough](#) (female unit), which are both managed by Sodexo, are prisons for female offenders.

<sup>19</sup> GOV.UK, [Young people in custody: What custody is like for young people](#)

<sup>20</sup> i.e. excluding Immigration Removal Centres and Secure Training Centres.

<sup>21</sup> HMPPS, [Prison population figures: 2019](#), Population bulletin: monthly October 2019

<sup>22</sup> GOV.UK, [Prisons and their resettlement providers- July 2019](#)

<sup>23</sup> GOV.UK, [Prisons and their resettlement providers- July 2019](#)

## 8 The prison estate

Of the twelve privately managed prisons serving male offenders five are local prisons and seven are trainer prisons (four Category C and three Category B).<sup>24</sup>

The combined operational capacity of privately managed prisons in England and Wales is around **15,000**<sup>25</sup>

Prisons operated by private companies in England and Wales						
	Operator	Predominate function	Operational capacity	Contract type	Contract details	
Altcourse	G4S	Local	1,164	PFI	Expires 2021-22	
Ashfield	Serco	Cat C Trainer	400	PFI	Expires 2023-24	
Bronzefield	Sodexo	Female	552	PFI	Expires 2028-29	
Doncaster	Serco	Local	1,145	Contracted out	15.5 year contract awarded Mar- 11	
Dovegate	Serco	Cat B Trainer	1,160	PFI	Expires 2024-25	
Forest Bank	Sodexo	Local	1,460	PFI	Expires 2023-24	
Lowdham Grange	Serco	Cat B Trainer	888	PFI	Expires 2021-22	
Northumberland	Sodexo	Cat C Trainer	1,348	Contracted out	15 year contract awarded Jul- 13	
Oakwood	G4S	Cat C Trainer	2,106	Contracted out	16 year contract awarded Apr- 11	
Parc	G4S	Cat C Trainer	1,699	PFI	Expires 2021-22	
Peterborough	Sodexo	Local	1,240	PFI	Expires 2028-29	
Rye Hill	G4S	Cat B Trainer	664	PFI	Expires 2024-25	
Thameside	Serco	Local	1,232	PFI	Expires 2036-37	

Notes: Operational capacity correct as of October 2019

Source: HMPPS, Prisons and their resettlement providers, July 2019

HMPPS, Prison populations figures: 2019 (monthly October 2019)

Ministry of Justice, Contracted-out prisons, updated 4 September 2017

HM Treasury, Private Finance Initiative and Private Finance 2 projects: 2016 summary data, Dec 2016 - covers all current projects as at 31 March 2016

ContractsFinder, Contract for the Provision of a custodial service at HMP Birmingham

ContractsFinder, Contract for the provision of a custodial service at HMP&YOI Doncaster

ContractsFinder, The provision of a custodial service at HMP Northumberland

ContractsFinder, Contract for the provision of a custodial service at HMP Featherstone II

### HMP Birmingham

HMP Birmingham was run under contract by G4S from April 2011 until it was moved back into the public sector from 1 July 2019.<sup>26</sup> From August 2018 Birmingham was managed by the public sector as part of a 'step-in' plan.<sup>27</sup> The 'step in' followed the Chief Inspector of Prisons triggering the urgent notification process. This process, introduced at the end of 2017, allows the Chief Inspector to bring urgent concerns to the attention of the Secretary of State who is then required to respond with an action plan. The urgent notification from the Chief Inspector for Birmingham said the inspectorate had found a dramatic deterioration since the last inspection and concluded that the prison was in an appalling state.<sup>28</sup>

<sup>24</sup> Ibid

<sup>25</sup> HMPPS, [Prison population figures: 2019](#), Population bulletin: monthly October 2019

<sup>26</sup> [HMP Birmingham: Written statement - HCWS1475](#), 2 April 2019

<sup>27</sup> [Urgent Question HMP Birmingham](#), 4 September 2018

<sup>28</sup> HMIP, [HMP Birmingham - Urgent Notification](#), 16 August 2018



Private sector prisons tend to be newly built and relatively large. There are no private prisons that operate predominately as 'High Security', 'Open' or 'Young Offenders Institutions'. This contrasts with public sector prisons which are a mix of prisons of different size, age and predominate function.

### Current Government policy

The Government has said it remains committed to a mixed estate of both private and public sector prisons:

The Government remains committed to ensuring a mixed market for delivery of services in the justice system. Partnering with the private and voluntary sectors offers the taxpayer greater value for money, greater diversity of provision and greater innovation than we would see from the public sector alone.<sup>29</sup>

The Government confirmed in November 2018 that it was seeking private sector operators to manage the new prisons being built at Glen Parva and Wellingborough.<sup>30</sup>

On the 29 November 2018 then Prisons Minister Rory Stewart announced the launch of a new 'Prison Operator Services Framework' by which private sector providers could be chosen for new prisons and for current private sector prisons contracts when they expire. Rory Stewart said:

The competition launched today will seek to build on the innovation and different ways of working that the private sector has previously introduced to the system. The sector has an important role to play, and currently runs some high-performing prisons, as part of a decent and secure prison estate.<sup>31</sup>

In June 2019 it was announced that six bidders had been accepted onto the Framework and were therefore eligible to bid in future mini-competitions to operate individual prisons. The six were: G4S Care and Custody Services UK Limited, Interserve Investments Limited, Management and Training Corporation Works Limited, Mitie Care & Custody, Serco Limited, and Sodexo Limited.<sup>32</sup>

### Comment

The Labour Party has opposed the use of private sector providers in the prison system and has stated that there would be no new private prisons and PFI prisons would be brought back in-house under a Labour Government.<sup>33</sup>

Similarly, the POA (the trade union for prison correctional and secure psychiatric workers) have opposed the privatisation of prisons. They supported a TUC call for an independent inquiry into private sector involvement in the estate.<sup>34</sup>

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<sup>29</sup> [HCWS1783, Prisons and Probation: Written statement](#), 22 July 2019

<sup>30</sup> [PQ186403, Prisons: Construction](#), answered 05 November 2018

<sup>31</sup> [HCWS1123, Prisons Update: Written statement](#), 29 November 2018

<sup>32</sup> [PQ271527, Glen Pava Prison and Wellingborough Prison: Contracts](#), 9 July 2019

<sup>33</sup> The Labour Party, [It's time for real change: Labour Manifesto 2019](#), p46

<sup>34</sup> POA, [Unions call for safer prisons and an end to prison privatisation at TUC 150th Congress](#), 10 September 2018

## 2. Living conditions

Living conditions across much of the prison estate are poor. As of October 2019, 60% (70) of prison establishments were overcrowded.<sup>35</sup> Many prison buildings are old and poorly designed. There are unresolved maintenance issues across much of the estate. Some prison accommodation has been found to be dirty and squalid.

### Age of the prison estate

There have been three major periods of prison construction during which the vast majority of the current prison estate was built: the Victorian era, the mid-20<sup>th</sup> century and the turn of the 21<sup>st</sup> century. Around a third of the prison estate was built during the Victorian era. Victorian prisons tend to be 'purpose built'. Many Victorian prisons are located in town centres and many now function as 'local prisons'.

A little under a third of the prison estate dates from the mid-20<sup>th</sup> century (1940s-1970s). Whilst many of these buildings are 'purpose built', some have been repurposed, often from military bases or internment camps used during (or after) World War Two.

Around a quarter of the prison estate dates from the late 20<sup>th</sup> and early 21<sup>st</sup> century. These buildings tend to be 'purpose built'.

### 2.1 Chief Inspector of Prisons' assessment of living conditions

Her Majesty's Chief Inspector of Prisons, Peter Clarke, described the state of living conditions in prisons across England and Wales in his 2017/18 annual report:

The year 2017–18 was a dramatic period in which HM Inspectorate of Prisons documented some of the most disturbing prison conditions we have ever seen – conditions which have no place in an advanced nation in the 21st century.<sup>36</sup>

Such conditions have persisted, with the Chief Inspector's [Annual report 2018-19](#) stating that far too many prisoners still endure very poor and overcrowded living conditions.<sup>37</sup> The Chief Inspector found living conditions in prisons where he invoked the urgent notification process to be some of the most squalid conditions seen.

In October 2017, the inspectorate published a '[thematic report](#)' on [living conditions](#) across the prison estate. The inspectorate highlighted four main areas of concern:

- Too many prisoners live in cells that are far too small for multi-occupancy.
- Too many prisoners live in squalid cell conditions with inadequate ventilation, damaged furniture and unscreened toilets.

The Library's [briefing UK Prison Population Statistics](#) provides statistics on prison overcrowding

<sup>35</sup> MoJ, [Population bulletin: monthly October 2019](#)

<sup>36</sup> HMIP, Annual Report 2017-18, HC1245, p7

<sup>37</sup> HMIP, Annual Report 2018-19, HC 2469, p11

- In-cell toilets are unhygienic and when in shared cells lead to a loss of dignity and respect for prisoners who use them.
- Prisoners spend far too long locked in their cells with limited access to association or purposeful activity.<sup>38</sup>

In this report, the inspectorate made five recommendations relating to these areas of concern:

1. HMPPS should review all current cells to assess those which do not meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) minimum standards and provide a plan for reducing the number of prisoners in crowded cells.
2. Cells being built as part of the future prisons programme should meet the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment's (CPT) minimum standards for living space per prisoner.
3. All cells should be in good physical condition and contain appropriate facilities and equipment for day-to-day life.
4. In-cell toilets should have lids and a floor-to-ceiling partition with a closable door to protect the privacy of prisoners sharing cells and also to reduce the transmission of bacteria within cells.
5. Prisoners should spend at least 10 hours out of their cells and have access to a wide range of stimulating in-cell activities.

Peter Clarke told the Justice Committee that HMPPS has rejected four of his five recommendations relating to living conditions:

The Prison Service rejected four of [the] five recommendations and partly agreed the fifth, which I found disappointing, to say the least, particularly as the rationale for rejecting the vast majority of the recommendations was that, even if the cells were not fully compliant with the European Committee for the prevention of torture standards, that could be mitigated by the significant amount of time out of cell that prisoners were enjoying. Of course, we all know that prisoners are not enjoying a significant amount of time out of cell at the moment.<sup>39</sup>

In September 2019 the Chief Inspector described conditions at the open site at Hewell Grange to be the worst he had seen in this type of establishment saying it was squalid, demeaning and depressing.<sup>40</sup> The Ministry of Justice said it expected the open jail to close by March 2020.<sup>41</sup>

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<sup>38</sup> HMIP, [Life in prison: Living conditions](#), October 2017, p28

<sup>39</sup> HMIP, [Life in prison: Living conditions](#), October 2017, p28

<sup>40</sup> HMIP, [Report on an unannounced inspection of HMP Hewell](#), September 2019

<sup>41</sup> [The Grange 'open' prison to shut after being called 'squalid'](#), BBC, 16 October 2019

## 2.2 Measuring accommodation standards

There are international human rights standards for accommodation in prison. The [UN Standard Minimum Rules for the Treatment of Prisoners](#) and the [European Prison Rules](#) both include expectations that prisoners' accommodation should be clean, well ventilated, that prisons should have enough space and that they should have access to private WC facilities. Both sets of standards expect single occupancy cells to be the norm.

The European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) has published minimum standards for living space per prisoner:

- 6m<sup>2</sup> of living space for a single-occupancy cell plus sanitary facility
- 4m<sup>2</sup> of living space per prisoner in a multiple-occupancy cell plus fully-partitioned sanitary facility
- at least 2m between the walls of the cell at least 2.5m between the floor and the ceiling of the cell.<sup>42</sup>

### Prison Service Instruction on Certified Prisoner Accommodation

Prison Service Instructions are non-statutory guidance to those who run prisons in England and Wales.<sup>43</sup> [Prison Service Instruction 17/2012 'Certified Prisoner Accommodation'](#) advises on the minimum standards for the certification of prisoner accommodation in England and Wales. It states that each prisoner should have a:

- A single bed (the establishment may choose between single beds and bunk beds for shared cells).
- Storage for personal possessions.
- A chair and table area (for dining and for personal pursuits).
- Circulation and movement

In uncrowded conditions there is an expectation that prisoners should be able to use the WC in private. In crowded conditions the expectation is that prisoners should be able to use the WC with 'some privacy'.<sup>44</sup>

## 2.3 Maintenance of prisons

The maintenance of public sector prisons was fully contracted out to private sector companies in 2015. There have been concerns that the performance of these companies has been poor.

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<sup>42</sup> Council of Europe, [Living space per prisoner in prison establishments: CPT standards](#), December 2015

<sup>43</sup> Livingstone, Owen and Macdonald on Prison Law: Fifth edition, Oxford, paragraph 1.55, p27

<sup>44</sup> Prison Service Instruction 17/2012 'Certified Prisoner Accommodation', see also HMIP, [Life in prison: Living conditions](#), October 2017, p5

## History of private sector involvement in prison maintenance

Prior to 2012, prison maintenance of public sector prisons was managed by HMPPS (then NOMS). Private sector prisons have always managed their own maintenance contracts.

In 2012, Mitie was awarded the contract for prison facility management of HMP Brixton. Mitie has since been awarded the maintenance contract for Isis prison.<sup>45</sup>

In June 2015, the facility management of the rest of the public-sector prison estate was contracted out. Amey won the contracts for the North of England, the Midlands and Wales; Carillion won the contracts for London and the South of England.<sup>46</sup>

Following the [liquidation of Carillion in January 2018](#) the Government set up 'Gov Facility Services Ltd', a government owned company, to manage the contracts in London and the South of England.<sup>47</sup> This, in effect, brought the maintenance of these prisons back into the public sector.

## Performance of maintenance contracts.

There have been concerns raised at the number of outstanding maintenance issues under the current contracts.

As at 1 June 2018, there were 39,600 'reactive' maintenance issues and 39,400 'planned' maintenance issues outstanding across the public sector estate. At that time, 'Gov Facility Services', which had inherited Carillion contracts, accounted for 67% of these outstanding maintenance issues.<sup>48</sup>

Andrea Albutt, the President of the Prison Governors Association, has said that maintenance contracts have "failed in their entirety, leaving accommodation and maintenance in a far worse state than when governors owned their own works departments".<sup>49</sup>

HMPPS has recognised concerns regarding the quality of service being provided by facility management companies. Its most recent annual report states that it has taken action to strengthen facilities management contract management arrangements.<sup>50</sup>

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<sup>45</sup> [PQ 3715, Prisons: Repairs and Maintenance](#), Answered 10 July 2017

<sup>46</sup> Ibid

<sup>47</sup> Ministry of Justice, [Press release: Ministry of Justice launches new facilities management company](#), 26 January 2018

<sup>48</sup> [DEP2018-0661](#), Ministry of Justice, Table showing the number of outstanding reactive and planned maintenance tasks, as of 1 June 2018, at each prison in England and Wales, 3 July 2018. Note: This information is subject to the inaccuracies inherent in any large-scale recording system. In particular, these figures are likely to over-estimate the number of open maintenance tasks as a result of delays in closing tasks down on the system after work is complete or an action is superseded by a subsequent task.

<sup>49</sup> The Guardian, [Interview Andrea Albutt: 'Carillion has left our prisons in a terrible state'](#), January 2018

<sup>50</sup> HMPPS, [Her Majesty's Prison and Probation Service Annual Report and Accounts 2018-19](#), HC 2291, p88

## Costs

The Government has stated that prison service maintenance contracts have not delivered the savings they had anticipated owing to an underestimation of historical costs.<sup>51</sup>

The Ministry of Justice in November 2019 estimated the current size of the priority maintenance backlog as £900 million. The Ministry said that a figure for each individual establishment is not available and would represent disproportionate cost to obtain.<sup>52</sup>

The cost of the backlog has increased from around £750m in 2018. The Ministry explained that the cost increases each year owing largely to degradation of an aging estate.<sup>53</sup> The Justice Secretary in October 2019 said that 500 places a year would be lost due to dilapidation if investment was not made.<sup>54</sup>

## 2.4 Investment in the prison estate

In July 2018 the Government committed £40 million of funding to improve the prison estate including £16 million for renovations and repairs to the estate. The Ministry of Justice said that this money would be targeted to “establishments with the most pressing maintenance issues”. A further £30 million was committed in the Autumn 2018 budget to “improve security and decency across the prison estate”.<sup>55</sup> £100 million for prison security was announced in August 2019.<sup>56</sup>

The Government has acknowledged the significant need for investment in maintenance and that funds currently secured are not sufficient:

We acknowledge there is a significant need for maintenance investment in the existing prison estate and are committed to reducing the level of outstanding prison repairs.

We are therefore providing additional funding to improve the condition of the estate. In 2020/21 we have secured an additional £156m on top of existing funding, which will be targeted at addressing the most urgent maintenance needs including health & safety, fire safety, and critical prison capacity issues.

However, we are aware that even this enhanced level of funding will not, on its own, be sufficient to manage the existing backlog and so we will also be seeking further maintenance funding in future spending rounds.<sup>57</sup>

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<sup>51</sup> [PQ 123269, Prisons: Repairs and Maintenance](#), Answered 17 January 2018

<sup>52</sup> [PQ 7781, Prisons: Repairs and Maintenance](#), Answered 4 November 2019

<sup>53</sup> [PQ 5065, Prisons: Repairs and Maintenance](#), Answered 1 November 2019

<sup>54</sup> Justice Committee, [Oral evidence: The work of the Lord Chancellor](#), HC 41, 16 October 2019, Q62

<sup>55</sup> HM Treasury, [Budget 2018](#), para 5.26, p76

<sup>56</sup> Gov.uk, [£100 million crackdown on crime in prison](#), 13 August 2019

<sup>57</sup> [PQ 1746, Prisons: Repairs and Maintenance](#), Answered 24 October 2019

## 3. Prison Estate Transformation Programme (PETP)

### 3.1 Background to the PETP

The Conservative Government of 2015-2017 identified a need to transform the prison estate in its 2016 White Paper [Prison Safety and Reform](#):

The physical environment that many staff and prisoners face on a daily basis is not fostering the kind of culture or regime needed for prisoners to turn their lives around. For prisons to be places of safety and reform, there needs to be a fundamental shift in the way that the prison estate is organised and operates and a significant improvement in the overall quality of the buildings across the prison estate.<sup>58</sup>

### 3.2 Approach of the PETP

The PETP was set up with the following objectives:

- invest £1.3 billion to build up to 10,000 new adult prison places
- close prisons that are in poor condition and those that do not have a long-term future in the estate
- simplify the organisation of the estate, placing prisoners at the right level of security in prisons with appropriately tailored regimes
- build and open five new community prisons for women.<sup>59</sup>

#### 10,000 prison places

In its 2016 White Paper, the then Government committed £1.3 billion to create 10,000 new prison places, to replace old accommodation.<sup>60</sup>

In March 2017, the Government announced a mix of building projects to meet this pledge. Brand new prisons were announced as well as projects to rebuild or expand existing prison buildings. The programme was to involve seven prisons:

- New prisons in **Yorkshire** (which will be adjacent to the existing Full Sutton prison) and **Port Talbot**, South Wales.<sup>61</sup>
- The existing prisons at **Rochester, Hindley, Wellingborough** and **Glen Parva** to be redeveloped (in some cases completely rebuilt).<sup>62</sup>
- A new house block to be built at **Stocken**.<sup>63</sup>

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<sup>58</sup> Ministry of Justice, [Prison Safety and Reform](#), Cm 9350, November 2016, Chapter 7: Building the right estate for reform.

<sup>59</sup> [National Offender Management Service: Annual Report and Accounts 2016-17](#), p66

<sup>60</sup> Ministry of Justice, Prison Safety and Reform, Cm 9350, November 2016, box p58

<sup>61</sup> HCWS550, [Prison update: Written statement](#), 22 March 2017

<sup>62</sup> Ibid

<sup>63</sup> Ibid

### **Wellingborough and Glen Parva**

In June 2018, then Prisons Minister Rory Stewart confirmed that reconstruction of Wellingborough would be publicly financed whilst the Glen Parva project would be financed by a private finance initiative.<sup>64</sup> However, following the announcement in the 2018 Budget that the Treasury will no longer undertake new PFI contracts, the Government stated that it would fund the construction of Glen Parva.<sup>65</sup> Though the prisons will be built with public capital they will be contracted to private sector operators.

Construction began at Wellingborough in September 2019.<sup>66</sup>

### **Rochester and Hindley**

In its 2017/18 annual report HMPPS confirmed that the closure of Rochester and Hindley prisons had been put on hold. HMPPS said that a significant rise in the prison population had prevented them from closing the prisons.<sup>67</sup>

### **Port Talbot**

Plans for a prison in Port Talbot were withdrawn in January 2019 following strong objections in the community.<sup>68</sup>

### **Stocken**

The new house block was completed in 2019.

Of the £1.3 billion planned capital investment announced in 2015 the total spent by the end of July 2019 was around £0.25 billion. The Government said this has been spent on the early stages of long-term projects including the building of the new prisons at Wellingborough and Glen Parva.<sup>69</sup>

A total of approximately 3,500 prison places will be created at Wellingborough and Glen Parva and the new house block at Stocken.<sup>70</sup>

### **A further announcement**

In August 2019 the Government announced that it would spend up to £2.5 billion to create 10,000 prison places.<sup>71</sup> These 10,000 places, it said, would be in addition to the approximately 3,500 places created following the initial commitment to create 10,000 places made in the 2016 White Paper.<sup>72</sup>

The first of the prisons to be built as part of the August 2019 commitment to 10,000 places will be at Full Sutton where outline planning permission has been given to build a 1,440 place prison.<sup>73</sup> Future new prisons will be announced subject to receiving planning permission.

<sup>64</sup> HC Deb, [Privately Financed Prisons, 27 June 2018](#), Column 904

<sup>65</sup> HM Treasury, [Budget 2018 HC1629](#), paragraph 5.28, p76

<sup>66</sup> Gov.uk, [Building work starts on new Wellingborough jail](#), 19 September 2019

<sup>67</sup> HMPPS, [Her Majesty's Prison and Probation Service Annual Report and Accounts 2017-18](#), HC 1117, p11

<sup>68</sup> [Port Talbot super-prison proposals axed](#), BBC, 21 January 2019

<sup>69</sup> [Prisons: Written question - 286299](#), 9 September 2019

<sup>70</sup> Gov.uk, [10,000 extra prison places to keep the public safe](#), 11 August 2019

<sup>71</sup> Gov.uk, [10,000 extra prison places to keep the public safe](#), 11 August 2019

<sup>72</sup> Justice Committee, [Letter from Justice Secretary, Robert Buckland to Chair of the Justice Committee, Bob Neil](#), 9 September 2019

<sup>73</sup> [Prisons: Overcrowding: Written question - 4258](#), 1 November 2019



The Justice Secretary said in October 2019 that the Ministry was aiming to reach the 10,000 figure by 2025.<sup>74</sup>

The Justice Committee welcomed the additional investment in the prison system but recommended the Government set out further details of how the £2.5 billion would be used:

Given the Governments' poor track record in delivering promised new prison places, we recommend that the Ministry sets out further details of how and when it intends to use the £2.5 billion that has been committed to build 10,000 additional places and over what time period they will be built.<sup>75</sup>

## Closures

Plans to close old prisons in a poor condition are now on hold. The Justice Secretary, Robert Buckland, in October 2019 told the Justice Committee that he did not intend to close any prisons in the near future.<sup>76</sup> The Prisons Minister said in her evidence that Victorian prisons would need to be kept in operation to house the anticipated numbers of prisoners.<sup>77</sup>

## Simplifying and reorganising the estate

In the 2016 White Paper, the Government identified two problems with the way the prison estate is organised:

- that there is a mismatch between the types of places available and the composition of the offender population; and
- that the current system is too inflexible.<sup>78</sup>

To simplify the estate, HMPPS has developed three new 'operating models' for prisons: 'reception', 'training' and 'resettlement'. HMPPS has said that the necessary changes to adopt the models will be complete by 2021.<sup>79</sup>

## Community Prisons for Women

The Government had previously committed to building five new 'Community Prisons' for women.<sup>80</sup> However, in its [Female Offender Strategy](#) (June 2018) the Government confirmed its policy had changed, stating:

We want to reduce the female prison population, with fewer offenders sent to custody for short periods. We will therefore shift our emphasis from custody to the community, and as part of this we will not be building the five new Community Prisons for Women. Instead, we want to ensure that the public and judiciary

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<sup>74</sup> Justice Committee, [Oral evidence: The work of the Lord Chancellor](#), HC 41, 16 October 2019, Q44

<sup>75</sup> Justice Committee, [Prison Governance](#), HC 191, 31 October 2019

<sup>76</sup> Justice Committee, [Oral evidence: The work of the Lord Chancellor](#), HC 41, 16 October 2019, Q43

<sup>77</sup> Justice Committee, [Oral evidence: The work of the Prison Service](#), HC42, 22 October 2019

<sup>78</sup> Ministry of Justice, [Prison Safety and Reform](#), Cm9350, November 2016, para 244 to 253

<sup>79</sup> HMPPS, [Her Majesty's Prison and Probation Service Annual Report and Accounts 2017-18](#), HC1175, p22

<sup>80</sup> Ministry of Justice, [Prison Safety and Reform](#), Cm 9350, November 2016, para 255

have confidence in non-custodial sentences - such as effective community orders - which directly tackle the causes of reoffending, including alcohol or drug abuse. We will be looking at what more we can do to emphasise that short custodial sentences should be viewed as a last resort.<sup>81</sup>

### 3.3 Response to the PETP

Prison reform groups have been critical of the Government's programme for prison estate transformation.

The Howard League for Penal Reform has criticised the Government for focusing too heavily on expanding the operational capacity of the prison estate rather than reducing the size of the prison population. In their evidence to the House of Commons Justice Committee inquiry [Prison Population 2022: planning for the future](#), the League said that there has been a

...failure of a plan which erroneously assumed that capital investment in expanding the prison estate could be a means of managing an ever-growing prison population. However, the answer to this rapidly worsening crisis is not to build more prisons, it is to reduce the prison population.<sup>82</sup>

The Prison Reform Trust called for sentencing reform to ease pressure on prison numbers:

Limiting sentence inflation generally and curbing the growth in tariff length for indeterminate sentences would do more than any other measure to ease pressure on prison numbers, reduce overcrowding and free up resources to invest in rehabilitation.<sup>83</sup>

Andrea Albutt, the President of the Prison Governors Association, has said that there "needs to be massive capital investment in our buildings infrastructure to make them fit for purpose in the 21st Century." She said in October 2018 that the "strategy HMPPS is currently embarking on is the right one and the green shoots of recovery, however small, are showing".<sup>84</sup>

In its Prison Governance report the Justice Committee called for a specific strategy covering the PETP to be published:

The Prison Estates Transformation Programme has been under way for several years following the 2015 Spending Review, but no specific strategy covering the programme has ever been published.<sup>85</sup>

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<sup>81</sup> Ministry of Justice, [Female Offender Strategy](#), Cm 9642, June 2018, para 12

<sup>82</sup> Howard League for Penal Reform, [Response to the Justice Committee inquiry on the prison population in 2022](#), December 2017

<sup>83</sup> Prison Reform Trust, [Prison Reform Trust response to the Justice Committee Inquiry into the prison population 2022: planning for the future](#), December 2017

<sup>84</sup> Prison Governors Association, [Prison Governors' Association Annual Conference – President's opening address – the leadership of our prisons](#), 9 October 2018

<sup>85</sup> Justice Committee, [Prison Governance](#), HC 191, 31 October 2019

### 3.4 Design of new prisons

Recently built prisons have tended to have relatively large operational capacities.

The Government had previously said that recently opened Berwyn prison provided the prison building project with a “template on which to build the new category C prison design”.<sup>86</sup>

However, HMPPS has since said that

...the design of the new prisons ... are very different. They are built on much smaller units. The actual spurs themselves are only 20 men. The actual block is 60, and then you get a total house block of 240 compared with Berwyn’s 700-odd. That is a significant difference. Although they are quite big prisons, and their total population will be 1,680, we are trying to make them smaller. You can reconfigure the prison, if you are the governor or the operator, in a very different way, to create enabling environments and to think about it. We have thought a lot about how to create a proper, enabling environment.<sup>87</sup>

The Justice Secretary in October 2019 said that the design for Wellingborough prison would be replicated for future prisons as a model to take prisons into the 22<sup>nd</sup> century.<sup>88</sup>

Yvonne Jewkes, Professor in Criminology at the University of Bath has criticised recently built prisons for how closely they emulate Victorian prisons of the past:

...it appears that we are destined to keep building prisons that look very much like their forebears — only bigger. A case in point is the newly opened HMP Berwyn in North Wales, built in a similar style to, and with the same capacity (2,106) as, HMP Oakwood in the English midlands (opened in 2012); itself a faithful reproduction of many prison establishments that came before it. In fact, one of the astonishing features of new prisons is how similar they look and feel to their Victorian predecessors. The paint might be brighter, the ceilings higher and the sanitation more hygienic, but wings and cells remain the preferred living arrangement (and are not materially altered by the new preferred terminology of ‘corridors’ and ‘rooms’), the windows (where there are windows) are still needlessly barred, the workshops remain stuck in a time when there was a plethora of manufacturing jobs awaiting people when they finished their sentences, and there are few, if any, spaces for quiet reflection, aesthetic/sensory pleasure or even just tuning out of the institutional culture.<sup>89</sup>

Architects from Matter Architecture have published a guide to ‘wellbeing in prison design’. Matter Architecture have engaged with the Ministry of Justice’s Prison Estate Transformation Programme and consulted with staff and prisoners at HMP Berwyn. Their guide aims to

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<sup>86</sup> [HC Written Questions 165654](#), July 2018

<sup>87</sup> Justice Committee, [Oral evidence: Prison population 2022: planning for the future](#), HC 483, 13 November 2018, Q461

<sup>88</sup> Justice Committee, [Oral evidence: The work of the Lord Chancellor](#), HC 41, 16 October 2019

<sup>89</sup> Prison Service Journal, [Prison Planning and Design: Learning from the Past and Looking to the Future](#), May 2017, No 231

help design new prisons which take a holistic approach to help with desistance, rehabilitation and resettlement.<sup>90</sup>

The design for Wellingborough includes:

- Smaller house blocks in non-galleried landings accommodating 60 men between three spurs. HMPPS says this will allow men to benefit from a greater sense of community and less intimidating barriers between prison staff and each other
- Majority single cells with a shower, digital technology and bar-less windows
- Functional rooms on each floor including interview and group rooms, association spaces, and cardio facilities, HMPPS says this will ensure house blocks remain functional places of activity
- A central services hub which brings together education, healthcare, reception, the library and multi-faith space.<sup>91</sup>

In designing Wellingborough, HMPPS says that it has:

...invested significant efforts in researching, testing and refining the design based on international evidence on the built environment and the way in which it can facilitate meaningful interaction between staff and prisoners.<sup>92</sup>

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<sup>90</sup> Matter Architecture, [Wellbeing in prison design: A guide](#), December 2017

<sup>91</sup> HMPPS, [Prison Operator Competition Brochure: Operator Framework & the first new Resettlement Prison, Prison Estate Transformation Programme](#), November 2018

<sup>92</sup> Ibid

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