

To all panellists (5 minutes each): In your jurisdiction, do you experience overcrowding or net widening?

Good afternoon, and thank you for the opportunity to speak today.

In England and Wales we are indeed experiencing significant challenges with prison overcrowding. Over the last two years the adult male estate has been operating at near full capacity, consistently above the 95% efficiency threshold, and in the summer of 2024 demand for prison places came close to exceeding supply.

This overcrowding is not linked to crime rates. The independent sentencing review, commissioned by the Ministry of Justice in October 2024 and chaired by David Gauke, found that the demand for prison spaces reflects a combination of factors: longer custodial sentences, an increase in the use of recall, and a decline in the use of non-custodial sentences and suspended sentence orders. Although HMPPS committed to delivering 20,000 new prison places, our supply has not been able to keep pace with the demand and as a result, in autumn last year we introduced emergency measures to free up spaces, most significantly reducing the release point for some prisoners from 50% of their sentence to 40%, in a scheme known as SDS40.

Whilst this has helped relieve prison capacity, it has also introduced further pressures for probation services in terms of managing cases. Higher caseloads can reduce the time to engage meaningfully with the people they are supervising.

We also face pressures related to net widening. The increased use of remand, often due to delays in court proceedings, has led to more individuals entering custody who might otherwise be managed in the community. Short custodial sentences continue to be used for offences that could be addressed through community-based alternatives, placing further strain on both the prison and probation systems.

So yes, both overcrowding and net widening are present and pressing issues in our jurisdiction.

To Kim and Daniel (5 minutes): Can you provide solutions or promising examples to prevent or reduce overcrowding/net widening?

I'd like to highlight several measures—both legal and operational—that have been introduced or proposed to address these challenges in England & Wales.

The findings of the Independent Sentencing Review, chaired by David Gauke and the Independent Review of the Criminal Courts, chaired by Sir Brian Leveson, have set out a path for reducing prison demand and reforming criminal justice. The government has accepted numerous recommendations by the Independent Sentencing review and a comprehensive agenda for reform is being introduced through the Sentencing Bill which is currently progressing through parliament. This includes key measures to reduce our reliance on custody in England & Wales, a few of which include:

- **The introduction of an ‘earned progression model’** for the majority of sentences, which will enable prisoners who engage in their rehabilitation to be released at the one third point of their sentence.
- **Greater use of community sentences**, especially for low-level offences, and only imposing sentences under 12 months in exceptional circumstances.
- **An extension of suspended sentences** from two up to three years
- **Improved rehabilitation and resettlement support**, to reduce reoffending and the need for recall.
- All Standard Determinate Sentences to be subject to **Fixed Term Recall** periods (with some exclusions for the highest risk cohorts)

These reforms represent one of the biggest shake-ups to the way we deliver justice in recent history and are designed to ensure that custody is reserved for the most serious offences, while strengthening alternatives to custody.

For probation, the sentencing review has also identified ways we might reduce workload and find efficiencies through the use of innovations and technology. The government has invested up to £700 million in the Probation Service for this purpose, which will help deliver an expansion of electronic monitoring and the development of new supervision technologies and digital tools to reduce workload for probation officers.

In the shorter term, as we seek to implement the recommendations of the independent sentencing review, HMPPS has implemented a number of measures to temporarily relieve prison capacity. As I mentioned previously, in 2024, the government introduced a policy to reduce the custodial term for standard determinate sentences from 50% to 40%, allowing eligible prisoners to be released earlier under supervision on licence. Further to this, earlier this year changes were made to the rules for early release under home detention curfew – eligible prisoners can now be released up to 365 days ahead of their conditional release date, as opposed to the previous 180 days. We have also brought in a number of temporary measures to reduce the recall population. One example is the Presumptive Risk Assessed Re-Release (P-RARR) scheme which was aimed at mandating Probation to assess the potential for re-release for recalled prisoners where it was safe and appropriate to do so. Another current example is a new temporary measure which is being implemented to reduce the time some SDS prisoners spend in custody on recall.

These combined measures have helped alleviate immediate capacity pressures, though it has required careful management to maintain public confidence and safety. Ultimately, the lasting impact for preventing prisons reaching capacity will be brought about through the sentencing bill.