



House of Commons  
Justice Committee

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**Ageing prison  
population:  
Government Response  
to the Committee's  
Fifth Report**

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**Sixth Special Report of Session  
2019–21**

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to be printed 10 November 2020*

## Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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The following were also Members of the Committee during this session.

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### Publication

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### Committee staff

The current staff of the Committee are, Chloë Cockett (Senior Specialist), Mark Doyle (Committee Media Officer), Alison Hill (Assistant Counsel), Su Panchanathan (Committee Operations Officer), Tracey Payne (Committee Specialist), Christine Randall (Committee Operations Manager), Jack Simson Caird (Assistant Counsel), Holly Tremain (Committee Specialist), Ellen Watson (Second Clerk) and David Weir (Clerk).

### Contacts

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# Sixth Special Report

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The Justice Committee published its Fifth Report of Session 2019–21, [Ageing prison population](#) (HC 304) on 27 July 2020. The Government Response was received on 26 October 2020 and is appended to this Report.

## Appendix: Government Response

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The Government welcomes the Justice Committee's report on the ageing prison population. We are grateful to the Committee for their continued engagement with us, as well as the time given and expertise shared from all who gave evidence in the preparation of the report.

The issues raised are of great importance and we recognise the themes identified in the report. We are committed to having an estate which can meet the needs of older prisoners, regimes which are purposeful and rehabilitative, access to health and care services equivalent to those in the community, and services which resettle older offenders effectively.

We have considered carefully the recommendations made by the Committee and set out our response in the annex below. As you will read, there is a range of work ongoing to meet the specific challenges posed by older offenders. However, as I set out when giving evidence to the Committee, we also recognise the need to look strategically across the prison system and estate to ensure we can best meet their needs. This is why, as recommended in the report, I have commissioned an older offenders strategy.

As this strategy is in development currently, work is ongoing on a number of the areas on which the committee has made recommendations. This means we are not yet in a position to answer each of your recommendations fully. However, each recommendation is being considered as we develop the strategy, and we will write to the Committee once the strategy is published to update on the action we are taking.

Yours sincerely

LUCY FRAZER QC MP

### Annex A – response to recommendations

#### The older prisoner cohort

##### *Recommendation*

In its response to this report, the Government should publish updated projections for the ageing prison population for the next five years. These should factor in, as far as possible, the effects of its planned increases to police numbers and changes to sentencing policy. (Paragraph 28)

## **Response**

- Each year we publish projections of the prison population as National Statistics reflecting the latest statistics and insight available at the time. Due to uncertainty caused by the COVID-19 pandemic, we were not in a position to publish these projections at the usual time in August (as pre-announced); however, these are now due to be published on the 26th November. This publication will factor in all of the latest announcements including the estimated effects of the recruitment of additional police officers and recent changes to sentencing policy.

## **Accommodation for older prisoners**

### **Recommendation**

We recommend that the long-term prison estate strategy in development specifically addresses the provision of reasonable adjustments and physical adaptations necessary to meeting the needs of the ageing population in existing prisons. In its response to this report, the Government should also update the Committee on the timeframe for publishing the long-term estate strategy in light of the Covid-19 pandemic, especially given the greater propensity of older people to contract the disease. (Paragraph 38)

### **Response**

- The Prime Minister has previously made clear his focus on tackling crime, and last year announced investment of up to £2.5 billion to provide 10,000 additional places that are decent, safe and secure. Alongside meeting the immediate need of protecting the prison population against the threat of covid-19, we are working towards delivering these additional places over the next six years, and the needs of older prisoners and those with mobility challenges have specifically been considered in the design of these new prisons, to ensure that buildings are accessible. For example, in the new build resettlement prisons at Wellingborough and Glen Parva, improvements include bedrooms suitable for those with reduced mobility, level access across the site, and provision of lifts in all buildings to ensure all areas of the prison are accessible, as well as finishes known to aid way-finding and orientation for those with reduced cognition or visual impairments.
- At the same time, we are also developing our long-term plans now to ensure we deliver a resilient and sustainable prison estate in the future. As part of this, we will build on learning from Wellingborough and other parts of our current expansion programme, to explore how the prison environment can best support all cohorts, but in particular those who are most vulnerable such older prisoners.
- We will provide an update and outline our plans towards the end of the year, allowing us to consult with the committee and others early next year, and move towards publication of a long-term estates strategy.

## **Recommendation**

In its response to this report, the Government should set out what processes are in place to ensure that older and disabled prisoners are accommodated in an appropriate setting. (Paragraph 39)

## **Response**

- We are considering models for accommodating older offenders as part of the older offenders strategy, and we will update further once this is published. Linked to this work, and as set out above, we are exploring how the prison environment can best support all cohorts, but in particular those who are most vulnerable such older prisoners.
- In addition, we are updating our security categorisation and allocation processes, which will help to ensure that older prisoners are held in the most appropriate setting.
- Security categorisation is an individual risk management process designed to ensure that those sentenced to custody are assigned the lowest security category appropriate to managing their risk of escape or abscond, harm to the public, ongoing criminality in custody, or violent or other behaviour that impacts the safety of those within the prison or disrupts the security and good order of the prison.
- HMPPS is implementing a new policy framework for categorising offenders. As part of the work, a Digital Categorisation Service (DCS) has been developed that supports staff in identifying relevant risk information and reaching a decision on an individual's security needs. It enables better access to information for those making categorisation decisions, particularly by taking advantage of data from partners and making more use of information known by prison security teams. It also includes a specific assessment for open conditions.
- Once an offender has been given a security category, they are then generally allocated to a prison of the equivalent security category that is able to meet their individual needs, which would include any needs that they have in respect of their age or any disability they may have.
- The implementation of the new framework and DCS is expected to be completed in the coming months for adult and young adult males, and during next year for female offenders.
- Age and disability in themselves do not influence an individual's category, which is based on an assessment of risk. However, where age or disability impacts risk, for example the likelihood of escape from a closed prison or of reoffending if the individual were to escape or abscond, then they are factors which will be taken into account when reaching a categorisation decision.
- Alongside the DCS, the recently updated Offender Flows and Interim National Allocation Protocol (NAP) went live across the adult male estate (age 18+) on 28th September 2020. The flows focus on men transferring, including on initial

allocation from Reception Prisons (once sentenced), on a 'time left to serve' basis. This is to ensure that men are sent to the most appropriate prison for their needs, including social care, and have enough time in custody to engage with the available services and interventions. Prior to transfer prisoners will be assessed on their most appropriate categorisation.

- Although the Offender Flows and NAP do not specifically focus on the aged population or disabilities, all prisoners transferring to other establishment must be clinically assessed prior to transfer. Some prisons are more able to accept prisoners in these categories due to, for example, prison layout and accessibility to required facilities.

### **Recommendation**

Good practice around the accommodation of older prisoners should be shared more widely. We recommend that all prisons housing a significant number of older prisoners designate appropriate accommodation for those with more complex health and care needs. We further recommend that the Ministry use the expansion of the prison estate to develop additional accommodation that is specifically adapted for older prisoners. The viability and cost of developing bespoke forms of custody for those with disabilities or nearing the end of their lives should also be explored. (Paragraph 45)

### **Response**

- We are considering models for accommodating older offenders as part of the older offenders strategy, and we will update further once this is published.

## **Regimes and activity for older prisoners**

### **Recommendation**

HMPPS should ensure that guidance and best practice on regime provisions for older prisoners is applied across the prison estate. We recommend that all prisons have a designated older prisoner lead, who can ensure that the older prison population has a voice and is managed most appropriately. (Paragraph 55)

### **Response**

- We have produced a model of operational delivery for older prisoners, which collates evidence on best practice for older offenders, sets out the nature of the services and activities a prison should deliver and includes case study examples from across the estate. In addition, HMPPS (then NOMS) commissioned the charity RECOOP to develop the Older Prisoners Good Practice Guide, to help prisons consider ways in which the regime could be tailored to suit older prisoners.
- Building on these documents, we are also, as part of the development of the older offenders strategy, exploring how best to embed good practice across the estate.

## The health and social care of older prisoners

### *Recommendation*

Amid the focus on protecting prisons from Coronavirus, HMPPS must continue to ensure that prisoners with existing health conditions are monitored and receive appropriate treatment and support. (Paragraph 62)

### *Response*

- NHS England and NHS Improvement continue working in partnership with HMPPS colleagues to ensure that all vulnerable patient populations are managed and supported through healthcare and supported through an appropriate enablement process to engage in the healthcare interventions they need.

### *Recommendation*

We recommend that all prison healthcare teams have a designated older prisoner lead, and that training on age-related health-issues is available to all prison staff. The Government must also ensure that prison healthcare services are resourced in line with the needs of an older population. (Paragraph 71)

### *Response*

- We are developing proposals on the models of staffing and training required to support older prisoners as part of the older offenders strategy, and will update further once the strategy is published.

### *Recommendation*

While increasing the number and availability of prison staff to escort prisoners to appointments is important, we also recommend that the Government review increasing the use of telemedicine and other innovative ways to give prisoners access to medical advice. (Paragraph 72)

### *Response*

- In response to the pandemic, and to ensure continued access to health services during the increased restrictions in place, NHS England and NHS Improvement have worked with HMPPS digital teams to assure a telemedicine model for use in the secure and detained estate. Approved telemedicine software and equipment has now been procured and rolled out in all English prisons, immigration removal centres and the Children and Young People's Secure Estate. All sites will have the capability to undertake health care video consultations on both static computers based in prison healthcare departments and on mobile 4G tablets.

### **Recommendation**

All older prisoners should have access to screening services for dementia, and prison officers who work with older prisoners should receive training on recognising and managing its symptoms. (Paragraph 76)

### **Response**

- Healthcare providers who are working with vulnerable older prisoner populations will be having targeted conversations with these patient groups to ensure they know what to look out for in relation to symptoms, and where these arise, what they need to do.

### **Recommendation**

The Government should review whether alternative arrangements for housing prisoners with advanced dementia would be more appropriate in some circumstances. (Paragraph 77)

### **Response**

- We are considering models for accommodating older offenders as part of the older offenders strategy, and we will update further once this is published.

### **Recommendation**

In its response to this report, the Government should update the Committee on the progress of the action plan for social care in prisons in England and Wales, published following HMIP and the CQC's joint thematic report. The Government should also set out its plans for the future provision of social care in prisons (Paragraph 87)

### **Response**

- In response to the HMIP and the CQC's joint thematic report, HMPPS continues to build on the findings of the report by developing social care in custody.
- This includes the introduction of the National Social Care Partnership Board, where HMPPS, MoJ, local authorities, NHS England, DHSC and Public Health England are all represented. This board is responsible for the strategic oversight of the enabling and delivery of social care services in prisons in England, and meets quarterly to provide assurance of prison and community social care performance and quality of service delivery.
- HMPPS have also worked with governors to put in place Memorandums of Understanding between prisons and local authorities. Further recent developments include the development and procurement of a Level 3 Apprenticeship in Social Care for prison officers, and the preparation of a social care model of operational delivery.

### **Recommendation**

Prisons must ensure that prisoners providing care to other inmates are suitably trained and have appropriate oversight. (Paragraph 90)

### **Response**

- In May 2018, MOJ and HMPPS launched guidance for peer-to-peer schemes with supporting operational tools for all prisons. In areas where local authorities and prisons work together to train, manage and support “buddies”, peer-to-peer schemes are being developed to support men and women with social care needs, and we are improving dissemination of this good practice.
- HMPPS are also currently looking at the possibility of procuring a national provider for Local Authorities and Prisons to be able to purchase a standard training package, ensuring a consistent standard quality of service.

### **Recommendation**

The MoJ must ensure that provision of end-of-life and palliative care is properly resourced and coordinated to reflect the current and future needs of the prison population. The MoJ should also review whether, in certain circumstances, terminally ill prisoners nearing the end of their lives would be better cared for outside of the prison estate and how effectively current arrangements for compassionate release are operating in practice. (Paragraph 96)

We recommend prisons identify a single member of staff to have overall responsibility for progressing an application for compassionate release. (Paragraph 97)

### **Response**

#### ***End-of-life and palliative care***

- HMPPS work with NHS England to identify men and women in our care who are at or near the end of their life, to ensure that services are in place prior to need and that, where possible, conversations have taken place to respect their wishes and those of their family when they are dying. This allows HMPPS, NHSE and local authorities to have relevant resources and support services including Hospice support for the patient. We continue to work with health providers and partners to ensure we have the right skill mix and staff to support a patient.

#### ***Early Release on Compassionate Grounds***

- The Secretary of State may release a prisoner on licence at any point in the sentence if he is satisfied that this is justified by “exceptional circumstances”. Early Release on Compassionate Grounds (ERCG) allows prisoners to be permanently released on licence early, but only in the most exceptional cases. As such, the bar for ERCG is set high to ensure it balances an individual prisoner’s circumstances with the requirement that the release will not put the safety of the public at risk and that it will serve a specific purpose, such as providing for the care of that prisoner that could not otherwise be provided in prison.

- The Government is committed to ensuring that the process for handling applications for ERCG is as quick and effective as possible, so as to ensure timely decisions are made, and will consider stakeholder feedback in any future reissue of the policy documents.

## The release and resettlement of older prisoners

### *Recommendation*

Release programmes and guidance that are age relevant, focusing on issues such as using technology, finding accommodation, and accessing pensions and benefits, should be available to all older prisoners. (Paragraph 102)

### *Response*

- Under the new resettlement model, pre-release planning with a service user will now include face to face interaction with a National Probation Service responsible community offender manager. These offender managers will be in a position to provide information and support specific to service users' requirements, including those which particularly affect older offenders.

### *Recommendation*

With the older prison population likely to rise further, and the number of prison places set to increase, the Government must ensure that there is suitable provision of age-appropriate post-release accommodation, including housing for those with complex health or care needs. (Paragraph 106)

### *Response*

- HMPPS established the Residential Accommodation and Support Service in April 2019 (RASS). This was primarily to raise the profile of offender accommodation on a national platform; previously, offender accommodation was managed along regional lines. RASS does not provide sustainable accommodation for offenders on release, but will provide temporary residence through its Approved Premises estate, the Bail Accommodation Support Service and Langley House Trust. Offenders in residence will receive support to find permanent, more suitable accommodation during their stay. While none of these services are targeted specifically at the older cohort, there is a recognition there will be a greater need to provide for this cohort in future. In particular, the provision at Langley House Trust specialises in providing residence for offenders with high support needs, and HMPPS is exploring how capacity can be increased. In addition, monies have been made available to improve the condition of the Approved Premises estate, including addressing accessibility issues.

### **Recommendation**

The development of the new RECONNECT service is welcome, but we recommend that the Government implement further measures to promote integration between organisations involved in continuity of prisoners' health and social care. (Paragraph 111)

### **Response**

- We welcome NHS England's commitment to develop their care after custody service, RECONNECT, to engage and support more people after custody. The NHS Long Term Plan, published in 2019, made a commitment to fund the RECONNECT service, which has been agreed at £20 million in year 5 (2023/24) of the roll out of the service delivery.
- RECONNECT is a care after custody service for prison leavers with vulnerabilities, who would otherwise struggle to engage with community health services. The RECONNECT service will engage with individuals prior to them leaving the prison in order to establish need, and then support them upon release to engage with community-based health services.
- Whilst the relationship between health difficulties and offending behavior is complex, in some areas health related interventions clearly offer the potential to reduce offending and re-offending rates. The RECONNECT service will help to safeguard the health of those leaving secure settings into the community, which will also contribute to a reduction in the health-related drivers of offending.

### **Recommendation**

We recommend all older prisoners are supported to register with a GP prior to release; where a prisoner is unable to do so, they should be provided with guidance and formal ID so they are able to register once they are released into the community. We further recommend that HMPPS implement safeguards to ensure all prisoners are provided with any prescription medication on their release. (Paragraph 112)

### **Response**

- Work is underway with healthcare teams across prisons to ensure that, as part of each site's discharge/release planning process, patients who do not currently have a registered GP are pre-registered with a GP in the area that they are due to be released to. This means that the relevant paperwork is worked through between the patient and the healthcare team and sent securely to the new GP practice. The formal registration itself is completed on the day of release by the receiving GP practice.

## **A national strategy for older prisoners**

### **Recommendation**

With the older prison population likely to rise further in the coming years, the MoJ should produce a national strategy for older prisoners. This strategy should encompass

the provision of suitable accommodation for older prisoners, health and social care on the prison estate, and the release of older prisoners, including continuity of medical treatment or care in the community. It must also ensure that the resourcing and expansion of the prison estate is aligned to projections of the older prisoner population. (Paragraph 122)

### **Response**

- We agree that now is the time to produce a national strategy for older offenders, to ensure the prison system is best-placed to meet the needs of these offenders, and that they are treated consistently across the estate. We have commenced work on producing this, and our strategic priorities are that it will ensure older offenders:
  - Are held in the most appropriate environments;
  - Can access a purposeful regime within prison;
  - Can access health and care services equivalent to those within the community; and
  - Are prepared for their release and resettled effectively.
- We have established a steering group to oversee progress on the strategy, which includes representation from many of the organisations which provided evidence for the Committee's report, and are carrying out fieldwork for the strategy currently. We will write again to the Committee once the strategy is published to update on the action we are taking.