

# Prison Governors Association

Representing: The Prison Governors of the United Kingdom since 1987



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## PRESS RELEASE

**22 May 2024**

### **PRISON GOVERNORS' ASSOCIATION – PRISON SPACES AND GUIDANCE TO PAUSE THE ARRESTING OF SOME PEOPLE**

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The Prison Governors' Association (PGA) has been calling on Government to take decisive action to ensure that the demands on prison capacity do not exceed available spaces across the prison estate; today's leaked article which appears to offer guidance to individual police forces to consider delaying the arrest or detention of certain cohorts is not decisive action.

It is a desperate, but necessary, act to ensure that the Prison Service can limp on until the 70-day early release scheme kicks in from 23 May 2024. It is not clear what - if any - reduction in demand on prison places delaying arrests will have, but any relief it does provide is likely to be short-term.

The use of police cells extends the capacity of the prison estate in the short term, it allows the peak in demand experienced in the prison system to be managed in the very short term. However, this should normally see prisoners held in police custody overnight, not for significant periods of time. The limited amount of space left in the prison system is often in the wrong place and is predominantly in the lowest security level of prison – the very limited space available is not readily accessible for court receptions.

Previous Governments have used public sector prisons as a cash cow for savings: through savage and deep budget cuts, or through the sustained lack of capital investment in the prison estate. We are seeing the consequences of these political decisions now: the extension of early release schemes, delays in arrests and potential delays in off bail court cases are short-term fixes to maintain some space in the prison system.

The term 'Safeguard' is used to describe the process where police forces are required to provide cellular spaces to accommodate prisoners who would normally be held in the custody of the Prison Service; 'Safeguard' also requires the relevant police force to staff and supervise the people held in their custody. The use of police cells under these conditions is an exceptional measure and, in our

view, should be reserved for unforeseen circumstances where no other options exist. Given Government have been aware of this crisis for some time, this is not unforeseen.

We believe there are other options open to Government. The use of police cells will place additional stress and pressures on an already fragile police service, and it will inevitably reduce the available number of police personnel to attend their core, frontline duties. We see today that police forces are being asked to consider delaying operations or arresting suspects.

The use of police cells increases the risk to prisoners who would normally be in prison custody, and whilst we accept that additional measures will be put in place to mitigate some of these risks, a police custody suite should never be considered an alternative to prison. The use of police cells under 'Safeguard' has previously taken place during the early and mid-2000s. On 9 October 2006, the then Home Secretary, John Reid, announced the implementation of 'Safeguard' as the prison population had reached 79,843, leaving only 125 spaces.

Today, the latest figures show nearly 88,000 people in prison custody. The reasons for the increase in demand on the prison estate's capacity are complex but have been created by successive Governments' attempts to be tough on crime – various Acts of Parliament since 1998 has seen the steady increase in the recalled prison population to over 9,000 in 2020: IPP prisoners remain locked into the prison system, creating additional capacity demands. The system did not have the resilience prior to COVID, and it certainly does not have the capability to safely manage this unprecedented pressure on capacity.

Buildings which were once seen as marvels of Victorian ingenuity and reformation are now crumbling behemoths of a bygone era, in which our members strive to make the best of the overcrowded and often dilapidated conditions. Investment in prison maintenance has restarted; recent capital investment is for the first time in decades allowing statutory and essential maintenance to take place. It has been reported that investment of over £500 million per year, over a 10-year period, is needed to resolve the current maintenance backlog. Most, but not all of the prisons which receive people from courts are the oldest and most neglected within the prison estate.

Over recent years, Government has allocated as little as £2million per year for prison maintenance. If sustained investment in prison maintenance had not been sacrificed by Government, more capacity would now be available, similarly with investment in its workforce. Government have provided too little, too late – their gamble has not paid off, which has resulted in this extreme measure to use police cells taking place. This is not just the fault of this Government; it just happens that they are holding the cards, and their hand goes bust.

We estimate that over 1,000 spaces are currently lost to major refurbishment works, to life critical infrastructure repairs or other essential building works. While we welcome the investment, these projects have come too late, as is the Government's investment in its workforce.

Recovery from the pandemic must not be seen as cause of the current capacity issue: On the contrary, we believe the pandemic was a lost opportunity for Government to reset the public's expectations about what imprisonment is for. We saw significant reductions in the prison population during the pandemic, with little or no outcry from most of the country that prisons were not full.

As an organisation, we have been predicting that prisons would become full and that we would run out of space. We have been publicly saying this for years, and that urgent action needs to be taken

by Government before we run out of space. The use of police cells is ill-thought through and is typical of a government who is unwilling to do the brave thing.

We call upon this Government to reduce demands on the prison system, not to further increase them. What we see today is a government in panic. They have had sufficient time and warning to realise spaces were running out, and a more sensible approach would have seen the following being announced:

- An extension to the current release at the 50% mark for all sentenced prisoners to release at the 40% point of sentence.
- A review of those convicted - yet unsentenced - cohort of prisoners. To identify and release those who will not be sentenced to additional time in custody.
- Greater use of non-custodial sentences and bail conditions. Instead, we see an unsophisticated approach being taken, which will cost the taxpayer more, and put additional pressures on an already stressed criminal justice system.

We are clear that prisons are full, that we do not have enough staff or the space for more people: at what point will Government be brave enough to limit the use of prison solely for those who present the greatest risk to the public?

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Note for editors:

The Prison Governors Association was founded in October 1987 to represent the higher operational managers in the Prison Service in England and Wales. The PGA was placed on the register of Trade Unions on 6 November 1987 (No. 639T). On 28 July 1988 the Certification Officer under the Trade Union and Labour Relations Act 1974 issued the Prison Governors Association with a Certificate of Independence. The status of the Prison Governors Association is that of an independent registered Trade Union.

For more information contact the PGA at [pga@justice.gov.uk](mailto:pga@justice.gov.uk) or telephone James Bryant, PGA Office Manager, on 07846 021597 who can take requests for interviews.

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