

## England Prison Capacity Strained by Sentencing Policies

August 6, 2025

– Categories: Human Rights



Download IPFS

England's prison system is operating on the brink, with a damning independent report revealing it narrowly avoided collapse three times within a year. The review, led by Dame Anne Owers, a former Chief Inspector of Prisons, pointed to longer sentences, higher recall rates, and inconsistent political leadership as the key drivers behind the crisis.

Between autumn 2023 and summer 2024, repeated failures in ministerial planning left prisons struggling to cope. Civil servants, anticipating the scale of the crisis, reportedly documented internal decisions in case a formal inquiry was called.

In October 2023, the government began releasing prisoners 18 days early to ease pressure. That figure quickly rose to 35, then 70 days. Upon entering office in 2024, Labour escalated the policy further, allowing releases after just 40% of a sentence, yet overcrowding remains a serious issue.

According to official figures, prisons are running at approximately 97.5% capacity. Several large-scale protests expected over the coming weekend are likely to put further pressure on the criminal justice system.

Nick Hardwick, former Chief Inspector of Prisons and now chair of rehabilitation charity Nacro, told *The Guardian* the system is failing across the board. He outlined four key purposes of imprisonment: to incapacitate, deter, rehabilitate, and punish. According to Hardwick, none are being properly delivered.

“People are incapacitated while in prison, but most will eventually be released,” he said. “The evidence doesn’t support the idea that longer sentences deter crime, and efforts to rehabilitate offenders are seriously underfunded.”

Hardwick noted that public frustration, fuelled by high-profile cases, has led to an overemphasis on punishment. “It appeals politically because it’s easy to sell. But longer sentences alone are not fixing the problem; if anything, they’re fuelling it.”

Dame Anne’s report accused successive governments of applying a “salami-slicing” approach, small changes that failed to address core structural issues. Hardwick said he had forecast a crisis as early as 2021.

He compared the situation to a bathtub: “Water keeps flowing in, but the drain is blocked. Without releasing prisoners at pace, the system overflows.”

Statistics from the Ministry of Justice show the average sentence for all offences rose from 13.7 months in 2010 to 20.9 months by 2023. A sharp rise occurred between 2020 and 2023, when sentences increased from 17.1 to 20.9 months.

Hardwick explained that increases in maximum sentences for serious offences, such as murder and knife crime, have had a knock-on effect, pushing up sentences for less serious crimes as well.

Another major strain on capacity is the increase in prisoner recalls. Hardwick pointed out that many individuals are returned to custody not for committing new crimes, but for breaching licence conditions. “That’s a growing problem. It increases the population without any real gain in terms of public safety or rehabilitation.”

The practice, originally intended to ensure safe reintegration, is now contributing to systemic gridlock.

Solutions that could genuinely reduce pressure, such as reviewing sentencing lengths or recall policies, remain politically unpopular. Meanwhile, the Treasury has committed over £10 billion to building new prison capacity, with hundreds of millions spent annually on maintenance.

Hardwick questioned the value of such an investment. “In any other public service, spending billions on something that isn’t delivering would be unthinkable,” he said. “I’m not against prisons per se, but what’s happening now is not working and is doing more harm than good.”

Without decisive action, the burden on the prison estate is likely to intensify. Public money is being spent at scale, but overcrowding, inefficiency, and short-term policies remain entrenched.