

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

OFFENDERS (DAY OF RELEASE FROM DETENTION) BILL

Wednesday 8 February 2023

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CLAUSES 1 to 3 agreed to.
Bill to be reported, without amendment.

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The Committee consisted of the following Members:

Chair: MARTIN VICKERS

† Bacon, Gareth (<i>Orpington</i>) (Con)	† Jenkinson, Mark (<i>Workington</i>) (Con)
† Baillie, Siobhan (<i>Stroud</i>) (Con)	Johnson, Dame Diana (<i>Kingston upon Hull North</i>) (Lab)
† Baynes, Simon (<i>Clwyd South</i>) (Con)	McDonald, Stuart C. (<i>Cumbernauld, Kilsyth and</i> <i>Kirkintilloch East</i>) (SNP)
Butler, Rob (<i>Aylesbury</i>) (Con)	Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab)
† Eastwood, Mark (<i>Dewsbury</i>) (Con)	Spellar, John (<i>Warley</i>) (Lab)
Farron, Tim (<i>Westmorland and Lonsdale</i>) (LD)	Timms, Sir Stephen (<i>East Ham</i>) (Lab)
Grundy, James (<i>Leigh</i>) (Con)	Anne-Marie Griffiths, <i>Committee Clerk</i>
† Hart, Sally-Ann (<i>Hastings and Rye</i>) (Con)	
† Hinds, Damian (<i>Minister of State, Ministry of</i> <i>Justice</i>)	
Hodge, Dame Margaret (<i>Barking</i>) (Lab)	
† Hunt, Jane (<i>Loughborough</i>) (Con)	† attended the Committee

Public Bill Committee

Wednesday 8 February 2023

[MARTIN VICKERS *in the Chair*]

Offenders (Day of Release from Detention) Bill

9.25 am

The Chair: Before we begin, may I remind Members to switch off all electronic devices and that no food and drink is permitted during proceedings? No amendments have been tabled. We will have a single debate on all the clauses in the Bill.

Clause 1

DAYS ON WHICH OFFENDERS MAY BE RELEASED FROM
DETENTION

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider clauses 2 and 3 stand part.

Mark Jenkinson (Workington) (Con): I am delighted to serve under your chairmanship today, Mr Vickers—I apologise if I lose my voice part way through the sitting—and to commend this Bill to the Committee for scrutiny on behalf of my Conservative colleague and fellow Cumbrian MP, my hon. Friend the Member for Barrow and Furness (Simon Fell), whose private Member's Bill it is. Unfortunately, he is unable to be here because this sitting clashes with a Select Committee visit, which I am sure is not as exciting. I am honoured to step into the breach, although I know my hon. Friend is looking forward to picking up the reins for Third Reading on his return.

This is a particular pleasure because I introduced the Bill to the House after being drawn in the ballot, before entrusting it to the safe hands of my hon. Friend when I entered Government for a short period, so I have some knowledge of this excellent piece of legislation and understand just how important it is to cut reoffending rates and to protect the wider public.

For many offenders, accessing timely support on release can be particularly challenging on a Friday. The Bill will provide a chance for these individuals to turn their backs on crime for good by removing the practical challenges that would otherwise be presented by a weekend release. Those who need to access support services such as local authority housing and mental health services before they close for the day can face a race against the clock. By removing such barriers, we can ensure that prison leavers have a better chance to access the support they need to reintegrate into the community, so that victims and the public are better protected in the long term.

Clause 1 forms the main part of the Bill. It ensures that offenders no longer need to be released on a Friday or the day before a bank holiday. It effectively provides the Secretary of State for Justice with a discretionary power to bring forward their release date by up to two eligible working days. This means that offenders can be

released earlier in the week, making it easier for them to find accommodation or access medication and support before services close for the weekend.

Clause 2 stops clause 1 applying to offenders who are currently held in the UK and have been convicted of war crimes or similar by the International Criminal Court. It is a necessary part of the Bill. The UK has a treaty obligation to enforce the full duration of International Criminal Court sentences and not to modify them, and the clause will ensure that we continue to do that. Changing the sentences of those offenders would place the UK in breach of a treaty obligation.

Clause 3 simply confirms the Bill's short title, makes provision for the Bill to come into force by regulations and provides that clause 1 will extend to England and Wales only, as offender management is devolved in Scotland and Northern Ireland. Clauses 2 and 3 do extend to Northern Ireland, due to clause 2 making an amendment to the International Criminal Court Act 2001.

The Bill is a proportionate response to the issues caused for offenders by Friday releases under current policy and will help Government efforts to cut crime. By removing the barriers that a Friday release can create, public protection can be maintained by ensuring that custody leavers have a better chance to access the support they need to adjust to life outside prison. This will ultimately result in fewer victims and less crime.

The Bill applies to adults and children sentenced to detention and will ensure that the provisions relating to Friday, bank holiday and weekend releases apply in respect of all youth settings, including the recently created secure 16-to-19 academies. That is only right. Despite the various safeguards and legal duties that exist for children leaving custody, being released on a Friday still means that a child goes for at least two days with no meaningful contact with their supervising officer, when in some cases they are at their most vulnerable. In practical terms, it will be for a prison governor, director or appropriate equivalent official in a youth establishment to apply the power to bring forward an individual's release date, supported by policy guidance.

I thank Governor Sean Ormerod, and the team at His Majesty's Prison Holme House, who spent so much time with me showing me the good work that they do in the field of offender rehabilitation. They gave me the benefit of their experience when the Bill was in its infancy.

Around one in three offenders leaves jail on a Friday—a symptom of already bringing forward weekend releases—and they often struggle to sort out accommodation, register with a GP and sign up for job support in such a narrow timeframe. In the first 24 hours after release, a prisoner is expected to meet the probation officer, submit a claim for universal credit and, if homeless, contact their local housing authority to sort out emergency accommodation. Trying to get that done late in the afternoon on the Friday of a bank holiday weekend is challenging, to say the least. It also creates an entirely avoidable bottleneck, heaping pressure on offender managers, housing services and the full range of local services.

Fridays are busy days for prisons, as staff are needed to prepare prisoners for court. At the same time, a higher number of people are released later in the day. That leaves a very narrow timeframe for offenders to present to services before the weekend. The issues are compounded by the fact that some of the most important

housing-resettlement agencies run reduced services on Fridays, close early and run few or even no services over the weekend.

This is not just about the welfare of offenders: there are clear issues for prison staff, local service provision and the safety of the wider community. Adult offenders without stable accommodation are almost 50% more likely to reoffend when released. It should go without saying that having a place to stay is important in helping offenders to access employment and training opportunities that may support their rehabilitation. About 80% of crimes committed by reoffenders and repeat offenders cost taxpayers £18 billion a year.

We must ensure that criminals get robust sentences, and the victims of crime rightly demand that justice is served, but research shows that the release date can make a difference of up to 5% in the likelihood in reoffending: 35% of those freed on a Monday reconvict within a year, compared with 40% of those released on a Friday. More crime means more victims. Many of those instances of reoffending represent lost opportunities to reform criminals with the capacity to change.

The Bill is designed to take into account the offender's personal circumstances and ensure that public protection is maintained at all times. We are not talking about dangerous or high-risk offenders, and there will be strict security screening of eligible prisoners; rather, it is aimed at helping vulnerable individuals with complex needs who may need a bit of extra help to make a full return to their communities.

Siobhan Baillie (Stroud) (Con): I congratulate my hon. Friend and my hon. Friend the Member for Barrow and Furness on bringing this Bill to the House. A few years ago, Lord Farmer and Dr Samantha Callan did some work on strengthening family ties that showed that when prisoners maintain their relationship with their families, there is a significant reduction in reoffending. This Bill is one of those things about which we say, "Of course, this should happen." There should be an organised release from prison so that offenders are not thrown into a weekend with no support. If they come out mid-week and their first organised, precious, important contact with their family goes well, that can assist in reducing reoffending. That is why this Bill, which is a completely common-sense change, is important not just for the prisoner but for their wider family and society.

Mark Jenkinson: I thank my hon. Friend for her support. She makes a really important point about the strength of families and the support that prisoners need to make a full and meaningful return to family and community life, which would reduce the risk of reoffending.

Offenders leaving prison need access to a broad range of resettlement services, in addition to mandatory probation appointments. Because they cannot submit claims for benefits while serving a custodial sentence, they have no choice but to do so on their release. Not having ID or a bank account can lead to additional appointments, creating yet further delay. If efforts to rehabilitate prisoners are to have any chance of success, we should be removing obstacles, not setting people up to fail. It is in everybody's interest to give offenders the support they need to contribute positively to our communities; they must not find themselves straight back behind bars following a cliff edge release.

Offenders released on a Friday are aware that any issues are unlikely to be addressed. Anecdotally, I know of examples of offenders breaking into abandoned buildings upon finding the council offices closed and the housing officers gone for the day, or no spaces at the night shelter. Without making excuses for such behaviour, it is not difficult to see how an individual facing the prospect of sleeping rough might be tempted to reoffend, if only to secure a roof over their head.

Adult offenders released on a Friday from sentences of less than 12 months have a slightly higher rate of reoffending within two weeks of release—14.8%—than those released on other days of the week, whose average reoffending rate is just over 13%, but issues also exist for younger people, with 15% of those detained being held more than 100 miles from their home, and 41% more than 50 miles away. Inevitably, that is hugely detrimental to vulnerable offenders with complex needs who require greater support.

The Bill will ensure that the same release provisions relate to public holiday and weekend releases in respect of secure children's homes and the recently created secure academies, just as for young offender institutions and secure training centres. I commend the Bill to the Committee for further scrutiny.

Jane Hunt (Loughborough) (Con): I am delighted to speak in favour of the Bill. I might go over some of the points that have been made, but I will make others as well. The estimated economic and social cost to this country of reoffending is £18.1 billion a year. Research has found that those who have chaotic experiences in the community before or after custody, such as insecure accommodation, employment needs or substance misuse, are more likely to reoffend. In 2018-19, approximately 40% of adult prisoners were released to unsettled accommodation, rough sleeping or homelessness, or their accommodation status was unknown on the first night of release. Around 42% of prisoners have either an alcohol or drugs need, or both.

The prison strategy White Paper set out a number of ways to improve the situation, including education services, dealing with dependency on drugs and help to get people into work following release, all of which are excellent ideas. They all cost money, though, and that money could be wasted with an ex-offender leaving prison on a Friday with a few pounds in their pocket and potentially nowhere to go, with no agencies open to offer support over the weekend.

As a councillor with Charnwood Borough Council—I refer Members to my entry in the Register of Members' Financial Interests because I still am a councillor—I was lucky enough to chair a series of panels on reducing reoffending, and I met not only ex-offenders, police and housing support officers, but local charities that work to support ex-offenders, which Loughborough simply could not do without. Charities such as Exaireo, the Carpenter's Arms, the Bridge and Futures Unlocked all offer outstanding service to ex-offenders and others from across the country to help them to turn their lives around. I have seen the work of those charities; it is exemplary. I continue to support them in all they do.

As part of one panel's work, we took evidence and made a series of recommendations. There are six pages of recommendations, but I will refer only to one, which states:

[Jane Hunt]

“The Panel makes representations to the local MPs, in respect of the day of the week prisoners are released from prison and highlight the issues surrounding Friday release.”

This is the reason for that recommendation:

“Support for offenders is not readily available on a Friday or over the weekend. Therefore a release earlier in the week provides officers with greater opportunities to divert offenders away from previous habits and ‘friends’ towards services to provide support in respect of housing, benefits and health related issues.”

That work was done in 2011, so it has taken us some time, but I believe we are making good progress today.

While I have the Minister’s ear, I will briefly mention another recommendation we made. Offenders who live in social accommodation can lose their accommodation after 13 weeks and two days. The relevant council or arm’s length organisation can empty the property of all the contents, including important documents that might be used to gain employment after leaving prison, such as birth certificates, passports and driving licences, all of which cost money and time to replace. Perhaps the next Bill we should see before us is one that asks councils to preserve such documents so that a person leaving prison can take up employment at the first opportunity.

I congratulate my hon. Friend the Member for Workington, who introduced the Bill, and my hon. Friend the Member for Barrow and Furness, who has taken up the challenge. With one small Bill, they are going to make a big difference to people’s lives, and I thank them for doing so.

The Minister of State, Ministry of Justice (Damian Hinds): It is a real pleasure to see you in the Chair, Mr Vickers, and to serve under your chairmanship for the first time. I thank my hon. Friends the Members for Workington and for Barrow and Furness. It has been a remarkable Cumbrian double act and partnership to bring the Bill to Parliament. My hon. Friend the Member for Workington spoke passionately and comprehensively about the content of the Bill and its effect.

The Bill is a simple measure, but a highly leveraged one that will have far-reaching and positive consequences. It will give custody leavers a better chance to access the services and support that they need to reintegrate into the community and turn their backs on a life of crime. Ultimately, as my hon. Friend the Member for Workington said, that is a matter of public safety and fewer people becoming victims.

As the Committee has heard, the Bill will ensure that those with resettlement needs will no longer need to be released on a Friday or the day before a bank holiday. The Secretary of State will be provided with a discretionary power to bring forward a release date by up to two eligible working days. As my hon. Friend said, currently offenders leaving on a Friday have only a short period—sometimes a very short period after travel—to access services before they close for the weekend. That can put them at risk of not being able to gain access to essential support such as accommodation, medication and financial support until Monday, or even longer if there is a bank holiday, and that brings obvious risks. It is a real challenge for people with complex needs and those with long distances to travel. The Bill will help to bring an end to that. My hon. Friend the Member for Stroud

made the point about family ties—we know how important they are—and being able to make stable reconnections on release.

The Government are committed to the rehabilitation of offenders. The Bill forms part of a much wider strategy to improve the services offered to offenders before they leave prison and on release. I am pleased and proud to set out the tangible progress that has already been made in tackling the huge cost of reoffending, which my hon. Friend the Member for Loughborough mentioned. The latest published data show that in the decade from 2009-10 to 2019-20, overall proven reoffending has decreased. It is still too high, but it has decreased from 30.9% to 25.6%, and of course we want to continue to drive that rate down.

We are investing in prison leavers’ access to accommodation and in building stronger links with employers through dedicated prison employment leads and prison employment advisory boards, at which local business leaders can interface with their local prison. Members of Parliament also have an important role to play in bringing business and future employers together with future employment opportunities. We are also offering more chances to work while in prison—it is important to have that rhythm, routine and experience of ongoing work.

We are delivering a prisoner education service to raise the skills of offenders, including by focusing on poor literacy, numeracy and the vocational skills that employers look for and that are in demand today. We are increasing access to drugs rehabilitation through the recruitment of health and justice partnership co-ordinators to better link up services for offenders. That programme of work should improve resettlement opportunities for all offenders.

The Bill that my hon. Friend the Member for Workington has introduced will help to address the practical challenges that hold offenders back from taking full advantage of the services on offer. It is part of our drive to give offenders the best possible chance of living law-abiding and productive lives in the community. As the Committee has heard, the Bill also applies to children sentenced to detention and will operate across all youth settings, including the recently created secure 16-to-19 academies.

I thank all Committee members—including my hon. Friends the Members for Orpington, for Clwyd South, for Dewsbury and for Hastings and Rye—for their diligent examination of the Bill. On the point that my hon. Friend the Member for Loughborough made about documentation, I reassure her that work on identity documents and the things people need to have in place for employment is a focus for us in the Department. The particular suggestion she made was very interesting and, if she is amenable, I would be keen to hear further from her on that.

Finally, I thank my hon. Friends the Members for Workington and for Barrow and Furness for bringing forward the Bill. I am pleased to confirm that the Government back it.

9.45 am

Mark Jenkinson: I rise to thank, on my own behalf and that of my hon. Friend the Member for Barrow and Furness, everybody who has contributed, and particularly the Minister, his private office and my hon. Friends who are present. We heard some great contributions from my hon. Friend the Member for Loughborough, with

her great insight from the work that she has done, and from my hon. Friend the Member for Stroud, who set out the important work that others have done on the importance of family ties. I also thank His Majesty's loyal Opposition and others for their support in not actively objecting to the Bill.

I put on the record my thanks to the Committee staff, probation staff and representatives of Nacro, who have engaged extensively with me, my office and that of my

hon. Friend the Member for Barrow and Furness, as well as to staff from His Majesty's Prison Service for their support, engagement and advice throughout.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clauses 2 and 3 ordered to stand part of the Bill.

Bill to be reported, without amendment.

9.47 am

Committee rose.

