



HM Prison &
Probation Service

Rebuttal

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1. Need rebuttal

1. This Rebuttal document has been prepared by Robin Seaton in response to the Proof of Evidence of Tamsin Cottle and Emma Curtis, specifically in relation to the need case for the new prison. The evidence that I have provided for this appeal is true and I confirm it has been prepared in accordance with the Civil Service core values; integrity, honesty, objectivity and impartiality.
2. This Rebuttal is not intended to be comprehensive and lack of response to any particular point does not indicate acceptance.

Response to Cottle §5.88 – §5.94

3. In her proof, Tamsin Cottle asserts that Ministry of Justice (MoJ) has not put forward a case for the need for a new prison and that the prison should be scaled to meet a specific cohort of offenders in November 2020. Tamsin Cottle quotes the original planning statement:

“1,121 Category C men with less than 24 months sentence remaining and who had a home address in the Northwest were being held in prisons outside of the region.”

4. In Chorley Council’s Statement Of Common Ground, the Council agreed that *‘the prison population is forecast to increase over the next ten years, reaching unprecedented levels by 2030’*. As I set out in Section 4 of my Proof of Evidence (**CD/E3**), the prison is being built to respond to that *future* demand for prison places. In relation to the group of prisoners that Tamsin Cottle refers, §4.15 of my Proof of Evidence shows that as of May 2022 there are 1,350 Category C men with less than 24 months sentence remaining and who had a home address in the North West being held in prisons outside of the region; an increase of 20% over a period of 18 months. The regional need for prison places is covered in more detail in my Proof from §4.12.

Response to Curtis §6

5. In her proof at §6, Emma Curtis questions whether planned police officer recruitment will lead to an increase in custodial sentences. In Ulnes Walton’s Action Group’s (UWAG) Statement Of Common Ground, UWAG agreed that *‘the prison population is forecast to increase over the next ten years, but the extent of that growth is not agreed’*.
6. Forecasting of the future requirement is, by its nature, based on a series of assumptions and the range and limitation of the modelling is explored in the published forecasts (**CD/J14**). The forecasted increase in custodial sentences and therefore people in prison is on the basis that there will be more police to investigate crime, make arrests and charge suspects, which will result in more convictions and custodial sentences. As I set out in my Proof, ‘assumptions for modelling were agreed through consultation with policy and operational experts at MoJ, HMPPS, Home Office and Crown Prosecution Service’ and the conclusion of the published forecast is that the prison population is projected to reach 98,500 by March 2026.
7. This is compounded by the impact of policy changes, as set out in the published forecasts (**CD/J14**):

“Changes in the prison population are expected as the result of a range of policies, including those already in effect but not yet fully represented in the population and those expected to commence over the projection horizon. In addition to the impacts from the additional 23,400 police officers, estimates of the following are also factored into the central projections:

- *The impacts of the proposals in the Police, Crime, Sentencing and Courts Bill, which includes provisions for changing the automatic release point for violent and sexual offenders sentenced to a standard determinate sentence of 4-7 years;*
- *The impacts of the Statutory Instrument to increase custodial sentences for serious offenders with a custodial sentence of 7 years or more; and*
- *The impacts of the Domestic Abuse Act 2021, including extending extraterritorial jurisdiction over specified offences (necessary for ratification of the Istanbul Convention)."*

Response to Curtis §7

8. In her proof at §7, Emma Curtis refers to the '*Public Accounts Committee (PAC) Forty-Third Report of Session 2021-22: Reducing the backlog in criminal courts*' and submits the full PAC report at **Appendix IV**. MoJ responded to the PAC's report and that response should be considered in response to the points raised by Emma Curtis. I include MoJ's response as an Appendix to my Rebuttal. To give some additional context, MoJ is taking action to tackle the backlog of work in the courts, which will increase the number of people moving into custody. This includes:

- Investing an extra £477 million for the Criminal Justice System to help improve waiting times for victims of crime and reduce the Crown Court backlog from around 58,300 at the end of April to an estimated 53,000 cases by March 2025.
- Reopening over 60 Crown courtrooms, which were previously unavailable due to the pandemic and extending 22 Nightingale Crown courtrooms beyond March 2022. This means around 500 Crown courtrooms are now available for hearings and trials, which is higher than pre-pandemic levels.
- Opening two new 'super courtrooms' in Manchester and Loughborough, allowing up to an extra 250 cases a year to be heard across England and Wales.
- Increasing Magistrates' court sentencing powers from 6 to 12 months for a single Triable Either Way offence to allow more cases to be heard in the magistrates' court. This new power is expected to free up around 1,700 extra days of Crown Court time each year.

Response to Curtis §9-§12

9. In her proof at §9-§12, Emma Curtis questions the accuracy of the prison projection forecast and the speed at which the prison population will return to pre-pandemic levels.
10. The latest forecast (**CD/J14**) was published in November 2021. Prisoner numbers are tracking below this projection as the model assumed pre-pandemic demand at the start of the forecasting period. The lifting of Covid restrictions in March 2022 is later than was expected when the projections were published and has pushed back the timing of the forecast increase by 9 months. This shift is not forecast to impact the scale or the demand for prison places, that would see demand outstrip supply.
11. My Proof of evidence sets out that '*the forecast rise in prison population is unprecedented territory for HMPPS and it is essential that we build capacity to respond to that rise, and to continue to protect the public.*' Pushing this forecast back by 9 months does not impact the urgent need for capacity when this prison would be due to open, around Q3 2027.

Robin Seaton

28 June 2022