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Sentencing Act 2026: Impacts on provision of healthcare in Wales

Applying A Wider Determinants of Health Lens to Proposed Changes

Part 2: Background to Reform & Detailed Findings





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Introduction

Part 2 of this report provides more detail on the background to the reform that led to implementation of the Sentencing Act 2026 and provides detailed findings from the Health Impact Assessment (HIA) workshop. This information has been summarised in Part 1 of the report which is available on the Wales Health Impact Assessment Support Unit (WHIASU) website accessible at https://phwwhocc.co.uk/whiasu/

See Part 1 of the report for: -

- Summary of background to reform
- Summary of sentencing changes
- Summary of impacts on prisons, probation and devolved services
- Methodology
- Summary of key findings (including population groups impacts)
- Recommendations

Detailed Background to Reform

Independent Sentencing Review

The Independent Sentencing Review (ISR) was commissioned by the UK Government in October 2024 in response to a persistent overcrowding and capacity crisis within prisons in England and Wales. The review was chaired by David Gauke. The review was tasked with recommending reforms that would place the prisons system on a "sustainable footing" and this required a reduction in demand on prison spaces by 9,500 prison places[1].

The ISR published its final report in May 2025 containing 46 wide-ranging recommendations. Most of the recommendations have now been enacted into law[i].

Prison Overcrowding

The ISR found a prison service "dangerously close to collapse". Prisons across England and Wales were facing an overcrowding crisis and were housing more individuals than they were designed to accommodate[2].

[i] The Sentencing Act 2026 received royal assent on 22nd January 2026. The government rejected the recommendation for a progression model for Extended Determinate Sentences, see https://www.gov.uk/government/publications/sentencing-bill-2025/sentencing-bill-progression-measures-factsheet.

To continue to operate safely the prison service implemented emergency measures to relieve capacity pressures. These measures included:

- Transferring up to 400 prisoners from the prison estate to police custody suites **(Operation Safeguard, November 2022)**[3]
- Making greater use of open prison spaces by moving prisoners in Category C prisons ('closed prisons') to Category D prisons ('open prisons') **(Temporary Presumptive Recategorisation Scheme/TPRS36, March 2023)**[4]
- Temporary Early Release Schemes up to 70 days before conditional release date for male prisoners and up to 18 days before conditional release date for female prisoners. **(Emergency End of Custody Supervised Licence, October 2023)**[5]
- Changing the automatic release point of individuals serving standard determinate sentences from 50% point of sentence to 40% of sentence, excluding certain categories of offenders **(SDS40, September 2024)**[6]
- Expanding eligibility for Home Detention Curfew (HDC) for individuals serving sentences over 48 months, and expanding the maximum length of HDC from 180 days to 365 days **(HDC365, November 2024)**[7]
- Removed Standard Recalls in the vast majority of cases for individuals serving determinate sentences of 4 years and less in length **(FTR48, September 2025)**[8]

Probation Pressures

Many of these emergency measures moved individuals from prison custody into the community. The introduction of SDS40 led to the release of 3,112 serving prisoners across England and Wales[9]. These prisoners were released in two tranches in September and October 2024. The introduction of FTR48 similarly involved the on-mass release of "hundreds" of recalled prisoners into the community between September and November 2025[10].

These early release schemes, whilst relieving pressure on prisons, have increased workloads within the Probation Service. This was followed by the introduction of measures to relieve workload pressures whilst prioritising management of cases that raised public protection concerns and safeguarding issues. Some of these measures include: -

- Suspending active supervision of individuals at the 2/3rd point of post-release licence periods and community sentences, and throughout the entirety of post sentence supervision licence periods. Eligible cases are subject only to reactive management during the period in response to a situation or information received. Exemptions apply to ensure the most serious offenders continue to be supervised. **(Probation Reset)**[11]

- Prioritising intervention at the beginning of a sentence period. Active supervision of cases will cease after 16 weeks for those individuals assessed as posing a lower risk of serious re-offending and a low risk of serious harm. **(IMPACT)**[12]

ISR and Other Complementary Reforms

The Sentencing Act 2026 is intended to place the prison and probation service on a steady footing, ensuring there is sufficient capacity within prisons to accommodate all those sentenced to imprisonment and that the probation service can adequately support those under its supervision in the community.

Many of the proposals for reform in the ISR, now enacted by the Sentencing Act 2026, either mirror or build upon the emergency measures taken by HM Prison and Probation Service (HMPPS). For example, SDS40 brought the release date for some serving SDS sentences forward from 50% to 40%[13]. The Sentencing Act has now brought this even earlier to 33% stage of sentence[14]. Similarly, the Probation Reset which curtailed supervision in the final third of a sentence has been somewhat replicated in the progression model[15].

The reforms introduced in the Sentencing Act 2026 are intended to be complemented by other reforms undertaken by HMPPS and the Ministry of Justice (MoJ).

10-Year Prison Capacity Strategy

The MoJ 10-year Prison Capacity Strategy intends to deliver an additional 14,000 prison spaces within England and Wales by 2031[16] through building new prisons and expanding the existing estate. This expansion combined with an immediate reduction in prison population through implementing the Sentencing Act 2026 should provide sufficient capacity within the prison estate to house the projected prison population whilst also relieving overcrowding[17].

Our Future Probation Service (OFPS) & Probation Workforce Strategy (2023–2025)

OFPS intends to improve capacity in Probation through introducing streamlined processes including innovative digital solutions as well as implementing changes to the scope of supervision (i.e. which offender cohorts are supervised and for how long)[18].

HMPPS is also committed to recruiting an additional 1,300 probation practitioners by March 2026 in addition to the 3,000 that were planned to be recruited through 2021/22 to 2024/25[19].



Sentencing Changes

Summary of Changes

For ease of reading the changes made in the Sentencing Act 2026 have been grouped into four separate categories: -

- **Greater use of community sentencing**
- **Earlier release from custody**
- **Changes to the scope of community supervision**
- **Miscellaneous changes**

The changes relating to each group are outlined below.

Greater Use of Community Sentencing

The Sentencing Act seeks to make greater use of community sentences as an alternative to short term prison sentences (i.e. those under 12 months in length). It also aims to limit the remand population that has been rising in recent years[20]. These reforms have been undertaken in the context of relieving pressures on overcrowded prisons but also against a backdrop of evidence showing that short term prison sentences have often failed to rehabilitate those imprisoned and have a higher rate of re-offending compared to community sentencing options[21]. It achieves this by: -

- Introducing a **presumption to suspend short term custodial sentences.** Some offenders who have breached court orders such as restraining orders and stalking protections orders or breached the terms of their community orders or suspended sentence order may still go to prison[22]. This will be complemented by: -
    - An increase in use of **Community Sentence Treatment Requirements** (CSTR's) to support drug and alcohol rehabilitation and support mental health treatment[23]
    - An expansion to the number of Individuals subjected to **electronic monitoring** with estimates of an extra 22,000 more individuals subject to tagging each year[24]

- Extending powers to **suspend custodial sentences up to a maximum of three years**
    - Courts can currently suspend custodial sentences up to a maximum of two years. This will increase to a maximum of three years and bring an approximately additional 8,858 individuals per year into the scope to potentially receive a suspended sentence they can serve in the community (based on 2025 figures)[25]

- **Extending the maximum period of deferment** orders from 6 months to 12 months
    - Periods of deferment allow offenders to consider their conduct and make progress with alcohol treatment or mental health treatment. Individuals demonstrating good compliance with conditions may receive a lesser sentence (such as a suspended sentence order). This can be particularly useful for individuals going through a transition such as pregnancy[26]

- Changing bail so that **remand in custody is disfavoured where there is no real prospect of immediate custody**[27]
    - This change complements the introduction of the presumption to suspended short custodial sentences by limiting the use of remand in custody where immediate custody is unlikely (i.e. when an individual is likely to receive a Community Order or Suspended Sentence Order)
    - Expands the availability of electronic monitoring as a bail requirement

- **Introducing new community sentence requirements** such as restriction zones, bans from sporting events and drinking establishments and driving prohibitions[28]



The Sentencing Act 2026 introduces changes to the release point for SDS and SDS+ sentences, bringing forward the point at which individuals are released. It also implements stricter criteria for recalls, which is expected to reduce the recall population in custody that has been rising in recent years[29].

These reforms build on earlier emergency measures, including SDS40 and FTR48, which similarly enabled earlier releases and placed limits on recalls. The key changes include:

- **Earlier release from Custody at 33% stage** of a custodial sentence for Standard Determinate Sentences **(SDS)**[30]
    - Individuals serving SDS will, subject to good behaviour in prison, be eligible for release at the one-third point of their sentence. Offenders subject to SDS+, Extended Determinate Sentences (EDS) are excluded from this measure
    - This measure also removes early release on Home Detention Curfew (HDC), although electronic tagging can still be imposed as a requirement upon release as part of community supervision licence conditions

- **Earlier release from Custody at 50% stage** of a custodial sentence for Standard Determinate Sentences over 4 years in length for certain serious violent and sexual offences **(SDS+)**[31]

    - Individuals serving SDS+ will, subject to good behaviour in prison, be eligible for release at the half-way point of their sentence. Offenders subject to EDS are excluded from this measure
    - Similarly to SDS, HDC is removed for SDS+ cases

- Introduction of a new **Fixed-Term Recall of 56 days**
    - The number of recalled prisoners has risen substantially over the last few years, placing pressure on prison spaces. This measure replaces the existing fixed term recall periods of 14 and 28 days which will allow more time to support offenders to be re-released into the community
    - This measure will (with a range of exceptions) remove the use of standard recalls which returned offenders to custody until the end of their sentence or until release was directed by the Parole Board or Secretary of State. This means some individuals subject to recall will be released at an earlier juncture



The following changes to community supervision were introduced to create capacity within the Probation system to manage the increased demand arising from earlier releases from custody and a greater reliance on community sentencing. These changes reflect the approach taken in earlier emergency measures by prioritising supervision where it is most likely to support rehabilitation and focusing resources on higher-risk cases.

- **Repeal of Post Sentence Supervision (PSS)**
    - PSS was introduced in 2015 to extend supervision to those released from short term prison sentences (i.e. sentences of 2 years or less) with an aim to reduce reoffending. This supervision will be removed from April 2026
    - PSS ensured every individual released from prison received supervision by the Probation Service for at least one year. Individuals released will no longer receive this 'top up' period of supervision and those released from short term custodial sentence will now receive only a short period of supervision on licence. It is noted that the presumption to suspend short term sentences is envisioned to lead to a substantial reduction in the number of short-term custodial sentences imposed

- **Post-Release Progression Scheme**
    - A new progression model will be introduced for SDS sentences. Custodial Sentences will be split into three stages i) the custody stage ii) the intensive supervision stage and iii) final licence stage[32]. Upon release there will be a presumption individuals will be electronically tagged
    - Some offenders will not be subject to active supervision by Probation in the final third of their sentence (exceptions apply to ensure the highest risk offenders will continue to be supervised)[33]

- **Community Sentence Progression Scheme**
    - Probation supervision will end early for offenders that fully complete all Court ordered requirements and fully complete their sentence plan[34]

- **Reduction in Unpaid Work Hours as an incentive for good behaviour**
    - Up to 25% reduction in unpaid work hours can be earned for sustained compliance[35]

Miscellaneous Changes

Miscellaneous Changes made in the Sentencing Act 2026[36] include: -

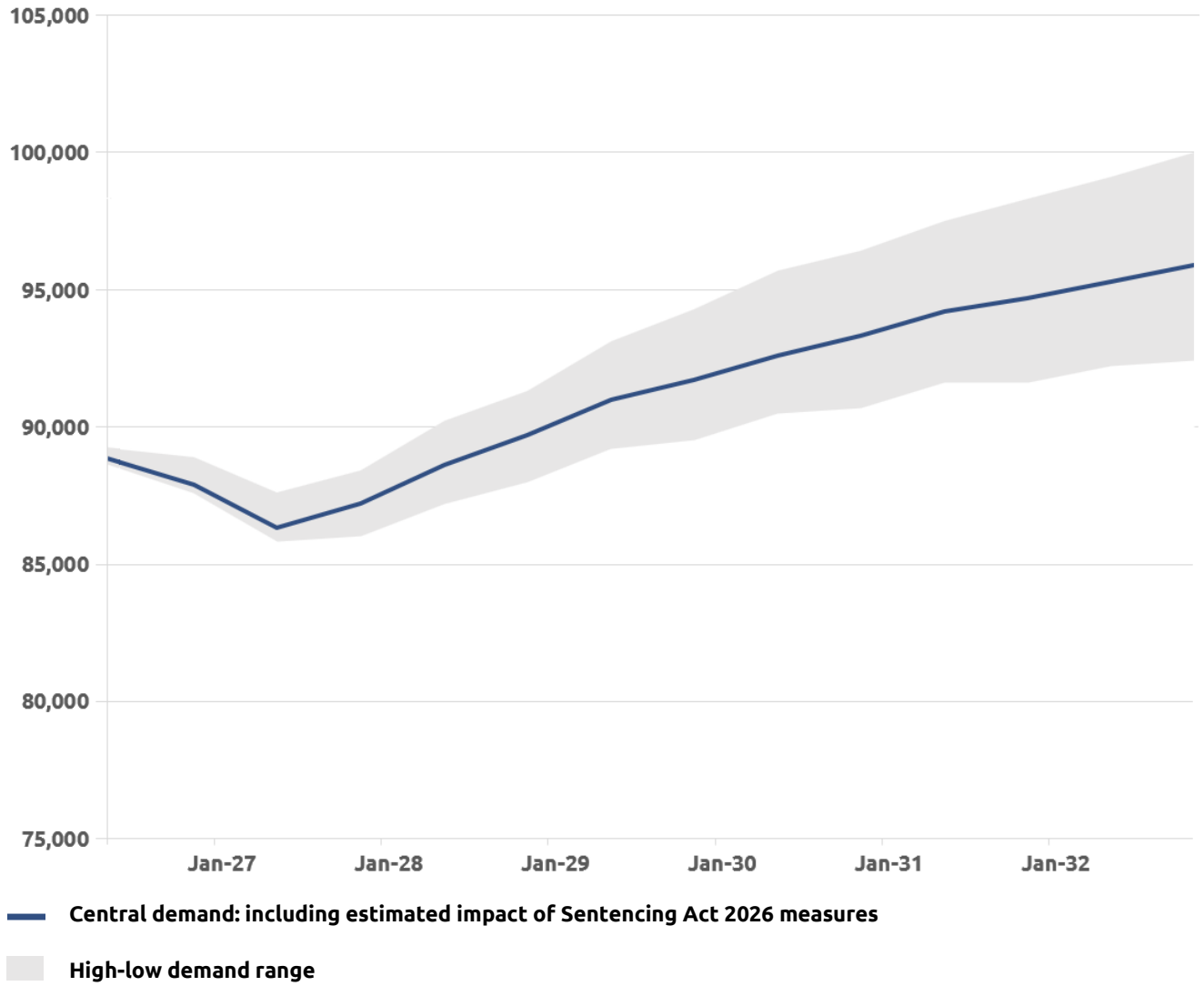
- **Introduces Income Reduction Orders**
    - Creates a sentence requirement that can be attached to suspended sentence, requiring offenders to pay a proportion of their income throughout the duration of an order
- **Amends the statutory purposes of sentencing to emphasise protecting victims**
    - Updates the purposes of sentencing to make clear that protecting the public includes protecting victims of crime
- **Removal of the 12-month delivery restriction on completing Unpaid Work**
    - Adds flexibility by removing the requirement that Unpaid Work is completed within 12 months
- **Reforming the Rehabilitation Activity Requirements (RAR)**
    - Replaces RAR with a Probation requirement offering greater flexibility to probation practitioners to tailor interventions to offender's individual needs
- **Creating a Judicial Finding of Domestic Abuse**
    - Improves identification of domestic abuse offenders
- **Greater Democratic oversight of the Sentencing Council**
    - Strengthens parliamentary and ministerial oversight of the Sentencing Council's work and guidelines
- **Clarify powers for High Court Referral of Some Parole Board Decisions**
    - Extends the power of High Court review of parole board decisions to include situations where individuals are directed to be released without licence conditions
- **Repatriated offenders serving fixed term sentences for murder will now be subject to release at the two-third stage of their custodial sentence**
    - This closed a "loophole" that would have meant repatriated murder offenders would have been released at 33% stage
- **Individuals convicted of certain national security offences will be released at the two-third stage of their custodial sentence**

Impacts on Prisons and Probation

Prisons: Continuing population rise

The changes in the Sentencing Act 2026 are projected to lead to an immediate reduction in the prison population over the next one to two years. However, thereafter the prison population will continue to increase (see figure 1 below).

Figure 1: Predicted Prison Population (2026 – 2032)[37]



The Ministry of Justice stated in its latest Annual Statement on Prison Capacity that "when accounting for the Sentencing Act 2026 measures, the adult prison population is projected to rise to between 92,400 and 100,000 by November 2032, with a central estimate of 95,900"[38].

This predicted population remains elevated well above the current prison population which stands at 87,465 as of 30th September 2025[39]. The central projection of 95,900 in November 2032 is an increase of 9.6% above 2025 levels (this means approximately 8,400

more people in prison across England and Wales within the next 7 years).

The prison population in England and Wales "nearly doubled" from 44,000 to 87,000 between 1993 and 2012[40]. The United Kingdom will continue to have an incarceration rate in excess of many other Western European counties[41], the reforms will not reverse the long-term trend of longer prison sentences and an increasing prison population.

Prisons: Increased capacity in Wales



The Ministry of Justice (MoJ) 10-year Prison Capacity Strategy[42] intends to deliver an additional 14,000 prison spaces within England and Wales by 2031. The MoJ predicts there will be adequate space from additional prison buildings and expansions to meet the demand for prison spaces[43].

Of the 14,000 additional prison spaces, 425 additional spaces are planned to be within Wales. The announced expansion of HMP Parc will provide an additional 345 closed prison spaces[44] and expansion of HMP Prescoed will provide an additional 80 open prison spaces[45].

Across the six prisons in Wales, the current maximum operational capacity is 5,611[46] (this is the maximum number of prisoners that can be held without serious risk to safety, security, good order and the proper running of the planned regime and is higher than the 'normal prison capacity'). An increase of 425 spaces will increase this to a maximum operational capacity of 6,036 (an increase of 7.6% above 2025 levels).

The increase in prison population at HMP Parc and HMP Usk/Prescoed will have implications on the demand for healthcare services within those prisons, including staff resourcing and consultation space[47].

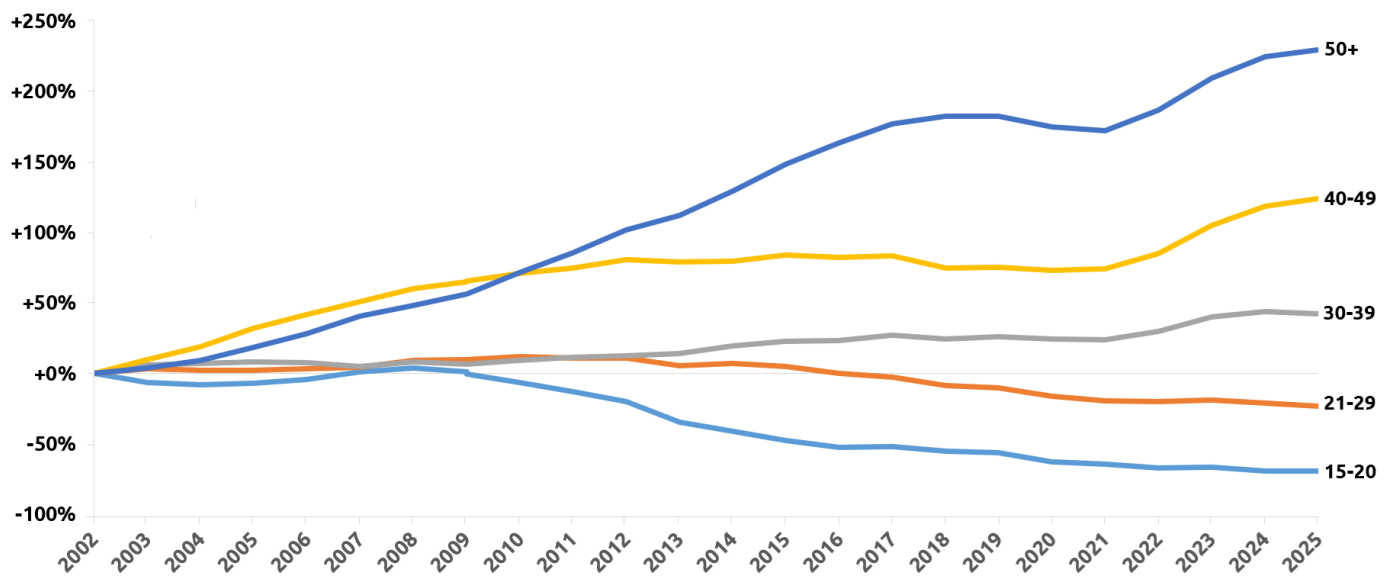
Prisons: An aging prison population with complex health needs

The prison population has been rapidly aging with a rise in England and Wales from 1,511 prisoners aged over 60 in June 2002[48] to 6,711 in December 2025[49]. As of March 2024 around 17% of the prison population is aged over 50[50].

Older prisoners are more likely to have complex health needs and require management of chronic health conditions. Aging prisoners will be more likely to suffer from poor health requiring more intensive health and social care. Those in prison often have worse health

compared to peers in the community due to accelerated aging attributed to lifestyles involving addiction and homelessness[51].

Figure 2: Changes in Prison Population by Age category between 2002 and 2025[52]



As such healthcare delivery in prison will continue to be in high demand, fuelled by dual drivers of an increasing population and an aging population with more complex needs compared to those in the community. Even those prisons not undertaking expansions will likely be affected by increased demand for healthcare services.

Probation: Continuing community pressures

The Probation Service has spent the last decade under "significant strain" brought about by two major reorganisations and subsequent staffing shortages[53]. The Service in recent years has aimed to reduce workloads by reducing supervision for low and medium risk cases whilst prioritising continued management of high-risk cases[54]. Workload reduction will be further aided by some Sentencing Act 2026 changes such as the removal of Post Sentence Supervision.

However, other changes such as making greater use of community sentencing through the presumption against short term sentences and the extension of suspended sentence order operational periods will increase the number of individuals supervised by the Probation Service in the community. The National Audit office recently published a report stating the policy changes in the Sentencing Act 2026 will increase overall demand on the Probation Service rather than reduce demand[55].

The Probation Service also has a programme of change called 'Our Future Probation Programme' that aims to drive efficiencies through the use of digital and process changes. However, the National Audit Office suggests these changes will still leave a gap of 1,950 full time equivalent staff members requiring further action by HMPPS to curtail the scope of probation supervision[56].

As such, the Probation Service will have even greater demand for the services it offers to people on probation.

People on Probation: Change to Scope of Supervision

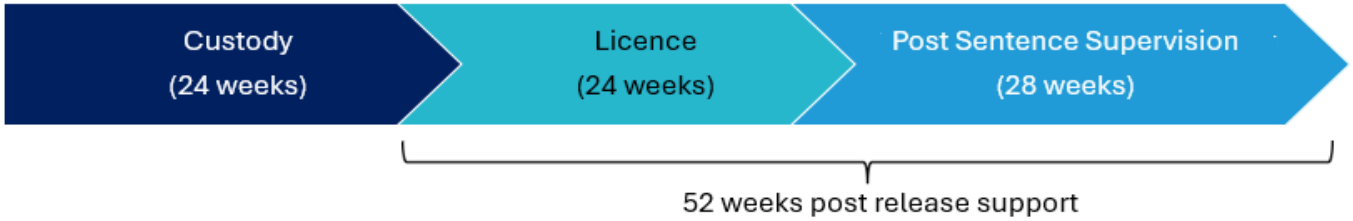
The Probation Service will introduce changes to the scope of supervision, so some individuals (usually those posing a low or medium risk) will receive less intensive supervision and support will be focused on the early stages of a sentence and reduced in the later stages (see page 6 for further details)

These changes will create additional capacity in the system. However, some individuals may experience a reduction in support (see illustration below).

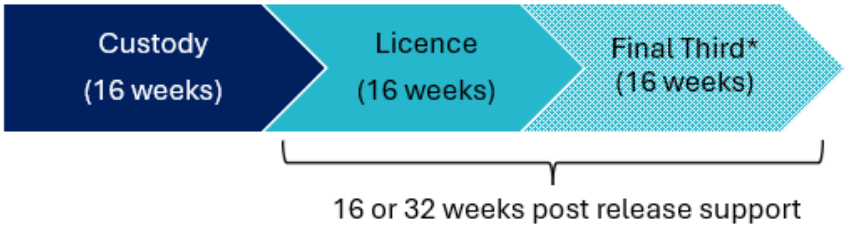
Figure 3: Illustration of Change in Scope of Supervision

In this example, an individual received an immediate custodial sentence of 48 weeks for an offence of Breach of Restraining Order (A domestic abuse related offence).

Prior to Probation Reset (April 2024), SDS40 (September 2024), Repeal of Post Sentence Supervision (April 2026)*



Post Sentencing Act 2026^



* Under the old sentencing regime an individual would serve 50% of sentence in custody (24 weeks), the remainder on license (24 weeks) and an additional up to 52 weeks post-custody supervision (28 weeks). An individual may have been able to apply for earlier release on home detention curfew and have a potential earlier release.

^ Under the new sentencing regime an individual would serve 33% of sentence in custody (16 weeks), another third supervised on licence (16 weeks) and then the final third they would only have active supervision if they met the exemption criteria for the progression model i.e. cases that are MAPPA Level 1-3, Terrorism-related offenders, certain offences linked to national security, assessed as posing a High or Very High risk of serious harm or be a relevant adult named in a child protection plan. In this example the presumption against short term custodial sentence did not apply because the offence was a breach of restraining order.

In sum, the individual would have received 52 weeks post-custody supervision under the old regime. Under the new regime this would be reduced to either 16 or 32 weeks. This highlights that the Probation Service will need to focus on putting in place continuity of support (where needed) with other services once supervision is completed.

Detailed Findings

The key findings from the Health Impact Assessment workshop are outlined below. Please see appendix methodology in Part 1 of the report for more information on how the workshop was conducted.

For ease of presentation the findings are presented below in four parts which group the changes that are of a similar nature. The four sections are: -

- **Greater Use of Community Sentencing**
- **Earlier Release from Custody**
- **Changes to Scope of Community Supervision**
- **Miscellaneous Changes**

The workshop explored which population groups were likely to be most impacted by the proposed changes and analysed the proposed changes through a wider determinants of health lens; with particular focus on social, economic, environmental and cultural factors that can influence an individuals' health outcomes. The potential impacts of the changes are categorised as either 'positive impact' or an 'unintended negative impact'.

Greater Use of Community Sentencing

Feedback related to the following changes: -

- Presumption to suspend short-term sentences
- Extend powers to suspend custodial sentences up to a maximum of three years
- Extending maximum period of deferment orders
- Changes to bail so that remand in custody is disfavoured where there is no real prospect of immediate custody

Behaviours affecting health

Positive Impacts	Unintended Negative Impacts
Diet/nutrition Individuals may have access to a wider range of healthier, more varied food options in the community[57] – ***People in Criminal Justice System***	**Diet/nutrition** Some individuals may struggle to afford nutritious food or may experience food insecurity, whereas basic meals would have been guaranteed in custody – ***People on Low Incomes***
Use of substances Community sentencing reduces exposure to harmful or unknown substances commonly circulating in prison environments – ***People who use substances***	**Use of substances** Most prisons provide 24/7 healthcare staff to support with any drug overdose or adverse reactions. This level of access to healthcare is not the same in the community and there may be more drug-related deaths – ***People who use substances***
Breastfeeding Reduced use of short custodial sentences (particularly for women) prevents disruption to breastfeeding when mothers enter custody – ***Children and Young People, People in Criminal Justice System, Females (specifically those that are Mothers)***	**Physical activity** Prisons offer free, easily accessible gym facilities. In the community, cost or access may limit physical activity – ***People on Low Incomes, People in Criminal Justice System***
	Use of cigarettes Prison smoking bans (in Wales since 2016) increased uptake of nicotine replacement therapies and improved respiratory health[58]. Those subjects to Community sentences may be less likely to give up smoking. – ***People in the Criminal Justice System***

Social and Community Influences on health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Adverse childhood experiences Community Sentences reduce parent-child separation via incarceration. Incarceration often leads to children being placed with relatives or foster carers - ***Children and Young People***	**Adverse childhood experiences** Some parents or caregivers remaining in the family home may have a negative impact upon children. A prison sentence may offer respite to some children from experiencing neglect, physical, sexual abuse, or other household disfunction – ***Children and Young People***
Family relationships, organisation, and roles Women must serve custodial sentences outside of Wales which limits opportunities to maintain ties with children and wider family. Community sentences will support stronger family connections - ***Children and Young People, Females (Mothers)*** Prison sentences have an impact on maintaining family bonds. Weakened family ties are linked to poorer rehabilitation outcomes. Community sentencing may support stronger family bonds and improve rehabilitation outcomes[59] – ***People in Criminal Justice System***	**Cultural and spiritual ethos** Prisons offer good access to faith leaders and religious communities. In the community, individuals may be less likely to access these communities – ***People in Criminal Justice System***
	Domestic violence Custodial sentences may be used as period of safety offering a reprieve to victims from domestic abuse[60] – ***Domestic Abuse Victims***
Parental and Infant attachment Mother and baby units have limited capacity (and are all based in England) so are not readily accessible to all mothers[61], and within these units' mothers and babies time together can be limited. Community sentences help promote early bonding - ***Children and Young People, Females (Mothers)***	**Sense of belonging / Social Isolation and Loneliness** Some individuals (particularly those that have spent considerable time in custody) may feel a stronger sense of community in prison than in the outside world. Community sentencing may increase loneliness – ***People in Criminal Justice System***
Peer Pressure Restriction of short-term custodial sentences may reduce opportunities of smuggling illegal drugs into prisons. Individuals can be coerced by others to partake in this behaviour via violence or intimidation or to settle debts – ***People in Criminal Justice System, People who use substances***	
Social Capital, Support and Networks / Social Isolation and Loneliness Individuals in custody lack access to social media which is playing an ever-more prominent role in creating and maintaining connections within the community, and with family and peers. Greater use of community sentencing will allow individuals to maintain these connections and avoid feelings of isolation and loneliness – ***People in Criminal Justice System***	
Racism and Discrimination Individuals from minority backgrounds experience discrimination in custody[62]. Community sentencing may reduce exposure to racism and other forms of discrimination. – ***Transgender, Black and Minority Ethnic Groups***	

Mental Health and Wellbeing

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Emotional wellbeing, life satisfaction, or Resilience Prison settings can negatively impact individuals' mental wellbeing, particularly those with a history of trauma, pre-existing mental health difficulties and adverse life experiences. This can be exacerbated in custody setting due to isolation, lack of support and separation from families. Community sentences will help avoid these harms – ***People with mental health conditions*** Incidents of suicide are higher in prison settings than the community[63]. Increased use of community sentences may therefore reduce the number of deaths in custody –– ***People in Criminal Justice System***	**Emotional wellbeing, life satisfaction, or Resilience** Incident of suicide and self-harm are far greater amongst individuals with a history of committing violent crimes and those serving life sentences[64]. With the changes to the makeup of prisoners in custody (i.e. more prisoners serving longer sentences for more serious offences) suicide and self-harm may become more prevalent amongst the remaining prison population – ***Staff in Criminal Justice System***
	Uncertainty or Anxiety Emergency measures to manage prison capacity has led to significant changes to those working in the criminal justice system. Sentencing Act changes may create further instability for criminal justice staff. There may be increased workloads for probation officers and other staff in support agencies such as housing, drug and alcohol support and mental health services – ***Staff in Criminal Justice System***

Living and environmental conditions affecting health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Housing quality and tenure Custodial sentences can lead to loss of housing through being unable to maintain mortgage payments, rent payments and housing benefit being stopped after 13 weeks or more in custody. Community sentences help individuals retain their accommodation, reducing the risk of homelessness and easing pressure on emergency housing services – ***People in Criminal Justice System, Criminal Justice & Third Sector Organisations*** People with conditions such as neurodiversity, dementia, or other disabilities often struggle to secure suitable housing upon release. Being able to remain in existing adapted properties while serving community sentences is beneficial – ***People with physical, sensory, or learning disabilities/difficulties***	**Housing quality and tenure** Individuals may be more likely to maintain housing in the community, but this housing may be of poor quality which can have negative health impacts – ***People in Criminal Justice System, People on low incomes*** Prisons are smoke-free. Housing in the community, particularly shared accommodation, may not be smoke-free, leading to increased exposure to secondhand smoke which can have health implications – ***People in Criminal Justice System, People on low incomes***
Community Safety Short term prison sentences offer a short period of incapacitation where offenders are unable to offend in the community, however, research has shown these sentences to have the highest rate of re-offending. Greater use of community sentences will be more effective at reducing crime levels in the longer term[65] - ***Victims, Community***	**Community Safety** Custodial sentences remove individuals from the community protecting the community from offending (at least for a period of time). More individuals serving community-based sentences may increase community concerns about safety and crime levels in their communities – ***Victims, Community***
Access to green and natural spaces Prisoners often have limited access to outside spaces and will be able to enjoy more green spaces. Community sentences such as unpaid work are often undertaken in green spaces increasing exposure – ***People in Criminal Justice System***	
Noise and Odours Prisons can be overwhelming places for those with neurodiversity due to noise levels and odours so community sentences will be better for these individuals. – ***People with mental health conditions***	
Health & Safety The prison environment is often difficult for individuals with dementia and other physical difficulties due to a lack of adaptations for those with these conditions. Less exposure to this environment through greater community sentencing will be beneficial - ***People with physical, sensory, or learning disabilities/difficulties***	

Economic conditions affecting health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Unemployment Individuals who enter custody are at risk of losing employment and statistics show that levels of employment are three times higher amongst individuals subject to community supervision compared to those released after serving a prison sentence[66] therefore employment is likely to be positively impacted by greater use of community sentencing – ***General Adult Population***	**Poverty including food and fuel poverty** Individuals in the United Kingdom with temporary, uncertain, or no legal status have no resource to public funds such as welfare benefits, public housing, and other government assistance. This population face challenges to support themselves and may find it difficult to engage with community sentences – ***People seeking Asylum (and other migrants)***

Macro-economic, environmental and sustainability factors

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Government Policies Greater use of community sentencing can lead to improved long-term outcomes by breaking the cycle of prison including reduction in reoffending rates and reducing demand upon government funded resources such as housing, education, social benefits, etc. – ***Criminal Justice & Third-Party Organisations, Victims, Community***	**Third Sector and Volunteering** There will be greater demand for community-based services from more individuals serving community sentences; this will impact government funded services as well as third sector agencies that provide support to individuals in the criminal justice system. The current funding model may be insufficient to cope with rising demand which may lead to less overall support for individuals. - ***Criminal Justice & Third-Party Organisations, People in Criminal Justice System***

Access and quality of services

⊕ Positive Impacts

Medical and Health Services

Individuals serving community sentences will be able to maintain their links with community-based services, such as their GP practice, mental health worker, and maintaining place in waiting list for hospital treatment which may always be the case in prison[67]. These links are often disrupted by custody - ***People with Long Term Health Conditions, People with Physical, sensory of learning difficulties, People with health conditions***

Prisoners with physical difficulties may not always be able to access all services within the prison due to the physical layout of prisons. Community services are likely to be able to better cater to these individual's needs. - ***People with Physical, sensory of learning difficulties***

Short-term custodial sentences and individuals out of geographical areas often experience difficulties with arranging appointments, GP registrations, and continued prescription medication upon release. Less short-term sentences may allow more time planning individuals releases to avoid such difficulties occurring. - ***People with Long Term Health Conditions***

Welfare and Legal Services

Third Sector providers supporting individuals within the criminal justice system may have less demand on their services due to the reduction in short-term sentences. This will allow them to focus their resources on those most in need (e.g. greater use of community sentencing will result in more individuals maintaining accommodation therefore there will be less demand on third sector accommodation support services) - ***People in Criminal Justice System, Criminal Justice & Third-Party Organisations***

⊖ Unintended Negative Impacts

Medical and health services

Blood Borne Virus screening is available upon reception into prisons as an opt-out service helping identify individuals with diseases such as Hepatis B, Hepatitis C and HIV and assist them in accessing treatment. This screening plays a valuable public health role in detecting and limiting onwards transmission of communicable diseases. Such testing is not as widely available across all Probation sites[68] – ***People in Criminal Justice System***

Health screening and ongoing healthcare provision in prison may identify chronic diseases and be used as a pathway into treatment. These individuals may be less likely to engage with health services in the community – ***People with long term health conditions; People unable to access services and facilities***

Sexually Transmitted Infection screening is available in prisons. Although this service is also available in the community individuals may be less likely to access this service – ***People in Criminal Justice System, People unable to access services and facilities***

Dental and GP appointment waiting times are sometimes shorter in custody than the community. Therefore, these individuals may have to wait longer for treatment in the community – ***General adult population***

Education and Training / Careers Advice

Prison education and vocational training improve prisoners' employability on release. Access to these services is incentivised through the Incentives and Earned Privileges Scheme that operated in prison – individuals in the community may not be as motivated to access this support.
There may also be less training and education support opportunities readily available and accessible in the community. – ***People in Criminal Justice System, Unemployed or Workless***

Those at risk of unemployment within prisons are offered tailored support to assist in developing skills, undertaking training and obtaining qualifications to improve employment prospects upon release. There are often opportunities with employers participating in Employment Advisory Boards. Similar support may not be as readily accessible in the community. – ***People in Criminal Justice System, Unemployed or Workless***

	Transport including parking, public transport and active travel Individuals within the criminal justice system are more reliant on public transportation and they may not be able to access community services if public transport is poor within their locality. – ***People living in rural, isolated, or over-populated areas***
	Other Caring Services Prison environments provide structure and routine, making it easier to engage some difficult-to-engage individuals with services such as substance support, health care, mental wellbeing services, and employment or training programmes. It may be more difficult to engage these individuals in the community – ***People in Criminal Justice System***

Earlier Release from Custody

Feedback relates to the following changes: -

- Custody Progression Model; release at 33% stage for SDS sentences and 50% stage for SDS+ sentences
- Introducing 56-day fixed term recall and limiting eligibility for standard recalls

Behaviours affecting health

Positive Impacts	Unintended Negative Impacts
Use of substances, non-prescribed medication, and abuse of prescription medication Reduced time in custody lowers exposure to harmful substances such as synthetic cannabinoids (e.g., "spice") and other drugs that prisoners use that they have limited knowledge of its true contents which increase the risk of adverse reactions and overdoses - ***People who use substances***	**Use of substances, nonprescribed medication, and abuse of prescription medication** Prison is chance to detox and an opportunity to reflect upon any substance use. Shorter sentences may mean less time to detox from drug use and complete treatment prior to release - ***People who use substances***
Breastfeeding Earlier release may help with the continuation of breastfeeding. Mothers are encouraged to breastfeed when in prison, however time to spend and bond with their babies is limited – ***People in Criminal Justice System, Females (specifically those that are mothers)***	**Diet / Nutrition** Some individuals may struggle to afford nutritious food or may experience food insecurity, whereas basic meals would have been guaranteed in custody. – ***People in Criminal Justice System, People on Low Incomes***

Social and Community Influences on health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Family relationships and organisation Early release will reduce time of separation of parents and children and help maintain stronger bonds with wider family – ***Children and Young People, Families of People in Criminal Justice System, Parents***	**Adverse Childhood Experiences (i.e. physical, emotional, or sexual abuse)** Some offenders returning earlier to the family home may increase the risk of neglect, physical, sexual abuse, or exposure to other household disfunction – ***Children and Young People***
Parenting and infant attachment (strong early bond between infant and primary caregiver) Early release will limit separation between parents and children which can have negative impacts on children's emotional development, behaviour, and academic achievement – ***Children and Young People***	**Domestic violence** Early release may place victims at risk where relationships are unsafe[i] – ***Victims***
Sense of belonging Shorter time in custody will reduce disruption to individuals' community ties and can support smoother reintegration – ***People in Criminal Justice System***	**Sense of belonging** Some individuals (particularly those that have spent considerable time in custody) may feel a stronger sense of community in prison than in the outside world. Earlier release may increase loneliness – ***People in Criminal Justice System***
	Peer Pressure Shorter period of recall (56-day recall cf. standard recall[ii]) may increase opportunities for smuggling illegal drugs into prison. Some Individuals may be coerced by others to partake in this behavior via violence or intimidation or to settle drug related debts – ***People in Criminal Justice System, People who use substances***

[i] Although domestic abuse perpetrators may be released from custody, they will be subject to community supervision and restrictive measures such as electronic curfew and exclusion zones to reduce the risk posed to victims.

[ii] Some recall periods will also be longer. For example, fixed term recalls of 56-day instead of 14 or 28 days, could decrease opportunities to smuggle drugs into prison.

Mental Health and Wellbeing

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Uncertainty or Anxiety The custody progression model will lead to more predictable release dates (at 33% stage for those with good behaviour) compared to the prior system when there were various emergency custodial release schemes and opportunities for early release on home detention curfew (which will be removed). This will reduce anxiety and uncertainty for prisoners and for victims – ***People in Criminal Justice System, Victims*** Prison settings can negatively impact individuals' mental wellbeing, particularly those with a history of trauma, pre-existing mental health difficulties and adverse life experiences. Earlier release will limit exposure to this environment. – ***People with mental health conditions***	**Uncertainty and Anxiety** When the change to SDS custodial sentences (from 40% to 33%) is first implemented this will bring some individuals release date forward for imminent release. There is currently uncertainty when this change will be implemented which may cause anxiety for prisoners and victims – ***People in Criminal Justice System, Victims*** Implementation of these changes will cause uncertainty and anxiety for staff due to increase in workload. This could impact prison officers, probation officers, and other staff in support agencies such as housing, drug and alcohol support and mental health services. – ***Staff in Criminal Justice System***
Emotional wellbeing, life satisfaction, or resilience The Prison environment can exacerbate mental health conditions and earlier release may reduce instances of suicide and self-harm – ***People with mental health conditions***	
Feeling Safe and Secure Measures such as early release will lead to reduction in overcrowding. Research indicates there is a 19% increase in likelihood of being involved in an assault when a prisoner is in overcrowded cell[69]. Therefore, there should be a reduction in violence and improvement in feeling of safety. – ***People in Criminal Justice System***	

Living and environmental conditions affecting health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Noise and Odours Prisons can be overwhelming places for those with neurodiversity due to noise levels and odours. Early release will reduce exposure to this environment – ***People with mental health conditions***	
Health & Safety The prison environment is often difficult for individuals with dementia and other physical difficulties due to a lack of adaptations for those with these conditions. Less exposure to this environment through early release will be beneficial – ***People with physical, sensory, or learning disabilities/difficulties***	

Access and quality of services

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Medical and health services (continuity of care) Longer fixed term recall periods will allow additional time to plan for re-release and ensure appropriate levels of support, such as with mental health, accommodation and substance use services. ***– People with mental health conditions, People who use substances***	**Medical/Healthcare Services (general)** Access to healthcare in prison settings does not have a stigma attached as opposed to community services where individuals may feel stigmatised. Individuals once released from prison may need to be encouraged to access community-based services. Individuals having an electronic monitoring ankle tag may feel especially stigmatised – ***People in Criminal Justice System***
Medical and health services (mental health) Restriction of short-term custodial sentences means most prisoners will now be serving longer sentences (i.e. sentences of 1+ years) providing adequate time to assess individuals with complex mental health conditions, to create treatment plans and for prisoners to engage with these. In particular women who have more complex needs – ***People with mental health conditions***	**Medical and health services (mental health)** Early release from prison may interrupt an individual's current mental health treatment in custody – ***People with mental health conditions***
Other caring services (substance use support) Treatment plans take a lot of time to plan and organise, and these were sometimes frustrated by early release schemes (previous extraordinary measures). The new progression model will provide more certainty around release dates allowing more effective planning of treatment in custody – ***People who use substances***	**Medical/Healthcare Services (dental)** Within some prisons there is a shorter waiting list for dental treatment than in the community. Individuals may also find it difficult to access NHS provided dental care in the community – ***People in Criminal Justice System***
Other caring services (substance use support/general healthcare) More predictable release dates for prisoners will assist with better joined up working between the prison healthcare/substance use support provider and the community services. Release is a particularly vulnerable time for offenders and if not correctly managed the risk of overdose is much higher – ***People who use substances***	**Medical and health services** For offenders who live further away from the prisons which they are placed in there may be a significant impact on their ability to access services upon release. Sharing personal information across health boards/borders may impact continuity of care. – ***People in Criminal Justice System***
	Other caring services (residential treatment) Moving individuals release dates earlier may disrupt move-on plans into residential treatment for drugs and alcohol. This support is usually for a fixed date and changes to release may not be able to be accommodated leading to a loss of support – ***People who use substances***

	Education and training Prisoners have access to employment, training and education support services which may not be as readily available within the community. Individuals may be part way through a course or qualification that cannot be continued in the community – ***People in the Criminal Justice System***

Changes to Scope of Community Supervision

Feedback related to the following changes: -

- Repeals Post Sentence Supervision (PSS) that provides support for prison leavers for one-year following short term custodial sentences
- Community Sentence Progression Scheme: Early cessation of community supervision for some offenders and less intensive supervision for those that pose a lower risk
- Custody Progression Model: introduces three stages of custody and post-custody release. Some offenders will not be subject to supervision in the final third of sentences.
- Reduction in Unpaid Work Hours as an incentive for good behaviour

Behaviours affecting health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
	Diet/Nutrition Individuals on low incomes may lose access to support services such as food banks and vouchers. Probation often have access to these on site or are able to signpost to local support services – ***People on low incomes***

Economic conditions affecting health

⊕ Positive Impacts	⊖ Unintended Negative Impacts
Unemployment Reducing supervision and licence requirements for eligible individuals may support improved access to, and retention in, employment or job-seeking activity by minimising barriers and disruptions associated with criminal justice supervision including the removal of stigma of being 'on probation' – ***People in the Criminal Justice System***	

Access and quality of services

Positive Impacts	Unintended Negative Impacts
	Careers advice / Education and training Early termination of supervision will reduce access to career fairs hosted in Probation offices for People on Probation reducing opportunities to develop relationships with potential employers – ***People in Criminal Justice System, Unemployed/Workless, Economically Inactive***
	Medical and health services Early termination of supervision will reduce access to health services provider in (some) probation sites such as; blood borne virus screening, sexual transmitted infection screening – ***People in Criminal Justice System***
	Mental Health support services Reduced supervision requirements may have a negative impact on some individuals by limiting contact with probation practitioners, thereby reducing opportunities to identify deteriorating mental health, escalating distress, or risks of self-harm and suicide, and to connect individuals with appropriate support services – ***People in Criminal Justice System***
	Substance use support services Reduced supervision requirements may have a negative impact on some individuals by decreasing contact with probation practitioners, potentially reducing opportunities to identify substance misuse, intervene following relapse, and connect individuals with appropriate treatment and recovery support. This could potentially lead to an increase in drug related deaths unless additional support services are put in place prior to reduction in supervision – ***People in Criminal Justice System, People who use substances***
	Financial/debt support services Supervision appointments can provide opportunities for probation practitioners to identify financial hardship, debt problems, and welfare needs, as well as signpost or refer individuals to relevant support services. Reduced intensity of supervision, or the early termination of supervision, may limit opportunities to recognise emerging financial difficulties and connect individuals with advice, benefits, housing, and debt support services – ***People in Criminal Justice System, People on low incomes***

Miscellaneous Changes

No specific feedback from HIA workshop in relation to these changes

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