House of Commons
Welsh Affairs Committee

Prisons in Wales and the treatment of Welsh offenders

Fourth Report of Session 2014–15

Report, together with formal minutes relating to the report

Ordered by the House of Commons to be printed 17 March 2015
The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National Assembly for Wales).

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Guto Bebb MP (Conservative, Aberconwy)
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The following Members were also members of the Committee during this Parliament

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Alun Cairns MP (Conservative, Vale of Glamorgan)
Susan Elan Jones MP (Labour, Clwyd South)
Owen Smith MP (Labour, Pontypridd)
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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/welshcom.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in printed volumes.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee is Richard Ward (Clerk), Anwen Rees (Committee Specialist), Shane Murray (Senior Committee Assistant), Baris Tufekci (Committee Assistant), and Jessica Bridges-Palmer (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Welsh Affairs Committee, House of Commons, 14 Tothill Street, London SW1H 9NB. The telephone number for general enquiries is 020 7219 3264 and the Committee’s email address is welshcom@parliament.uk.
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Summary

There are 4,679 people in prison with a home address in Wales, 2,653 of whom are currently serving their sentence in a prison in Wales. The four Welsh prisons—Cardiff, Swansea, Usk/Prescoed and Parc in Bridgend—are all overcrowded by an average of 137%. The comparable figure in England is 111%. Despite this severe overcrowding, prisons in Wales are generally performing better than prisons in England. The consequences of overcrowding go beyond cramped living accommodation: the real problem lies in a shortage of activity places and resettlement processes, and this poses a serious barrier to the effective rehabilitation of offenders.

The new prison at Wrexham will play an important role in allowing more Welsh prisoners to serve part or all of their sentence in Wales. However, it would be incorrect to portray the new North Wales Prison as a facility created to serve Welsh justice requirements alone. The Government should learn the clear lessons from the opening of HMP Oakwood, and open the new prison slowly and steadily. Each of the three blocks at Wrexham should have its own identity and be run by a head of unit invested with significant autonomy and visibility.

The data collected on Welsh speakers in prison is unacceptably poor. We recommend that the Ministry of Justice, NOMS, the Welsh Language and HM Inspectorate of Prisons work together to evaluate thoroughly the need for and quality of Welsh language support in prisons in England and Wales.

Although criminal justice is currently the responsibility of the UK Government, the Welsh Government has significant responsibilities, particularly in the areas of health, education, housing and substance misuse. Co-ordination and co-operation between all the relevant parties must continue.
1 Background to our inquiry

1. We chose to inquire into prisons in Wales and the treatment of Welsh offenders in order to consider the adequacy of custodial arrangements in Wales, along with the Government’s proposals for a new prison to be built on the site of the former Firestone factory site at Wrexham. The second report of the Commission on Devolution in Wales (the ‘Silk Commission’) was published in March 2014, and recommended the devolution of youth justice by 2017, and a study into the devolution of prisons and justice to complete by 2018, with implementation of the recommendations of any such review by 2025. The Commission described the case for devolution of prisons and probation as persuasive, and we were interested in how a more distinctively Welsh system might operate.

2. Our predecessor Committee inquired into prisons in 2006-07, and published a Report on Welsh Prisoners in the Prison Estate on 6 June 2007. A follow-up inquiry was conducted and Report published on 3 March 2010, just before the last Election. We announced this inquiry in May 2014, and sought written evidence by July.

3. We issued the following terms of reference:

- The relative need for particular categories of prison places in Wales including high security, young offender and female places;
- The plans for the new prison at Wrexham in North Wales including the merits or otherwise of building large prisons, the potential for places for different types of prisoner, and the structural organisation of the prison;
- The provision of education and rehabilitation facilities for Welsh prisoners, particularly for young offenders, and Welsh language facilities;
- The consistency of support for Welsh prisoners after their release depending on whether they were held in an English or Welsh prison;
- The extent of co-operation and co-ordination between non-devolved and devolved bodies to support Welsh prisoners;
- The impact of the Ministry of Justice’s Transforming Rehabilitation programme on Welsh prisoners; and
- The merits of the devolution of aspects of the justice system including youth justice and prisons to Wales, as recommended by the Silk Commission.

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1 Commission on Devolution in Wales, Empowerment and responsibility: Legislative Powers to Strengthen Wales, March 2014
2 Empowerment and responsibility: Legislative Powers to Strengthen Wales, 10.3.21
4 Welsh Affairs Committee, Ninth Report of Session 2009-10, Welsh prisoners in the prison estate: follow-up, HC 143
4. Although not formally cast as a follow-up to the work of our predecessor committee, we were interested to see what progress had been made against previous conclusions and recommendations. Our predecessor committee highlighted the lack of custodial facilities for young prisoners, the absence of any custodial facilities for women and the fact that each of Wales’s four prisons was located in the south. The committee also expressed concern at the inability of many Welsh prisoners to be able to serve all or part of their sentence near to home, and identified this as a barrier to successful rehabilitation and resettlement upon release.5

5. The follow-up report, published in March 2010, was largely concerned with the decision not to proceed with the construction of a new prison on the former Dynamex site near Caernarfon after the due diligence process revealed problems with contamination, legal ownership and suitability. That report reiterated the need for new custodial facilities in north Wales, and Wrexham was announced as the Government’s preferred location in September 2013.6

6. We have benefited from the work of other committees, particularly the Justice Committee’s 2013 inquiry into Women offenders: after the Corston Report,7 and the Public Accounts Committee’s scrutiny of the Government’s management of the prison estate, including its proposals for the new prison at Wrexham. The prison is yet to be named but is currently referred to by the Government as North Wales Prison.8 Alongside our inquiry, the Justice Committee has also been inquiring into the planning and policies of prisons. At our final evidence session on Tuesday 24 February 2015, we were told by Andrew Selous MP, Minister for Prisons, Probation and Rehabilitation, that the new prison at Wrexham would be operated by Her Majesty’s Prison Service, with 34% of the service provision being outsourced.9 A written statement, setting out the Government’s plans, was given that morning.10

7. We held five oral evidence sessions between October 2014 and February 2015, four of which took place in Westminster and one at the National Assembly in Cardiff. We visited HMP Oakwood at Wolverhampton to see what lessons could be taken from the opening and operation of a new large modern prison at Wrexham, and HMP Swansea, to see the challenges of delivering a positive rehabilitative experience in a Victorian building. We also took the opportunity to visit Swansea Youth Offending Service,11 where we saw excellent work being done to tackle youth offending at an early stage, and the Joe Calzaghe Boxing Academy at Cardiff City FC, which provides an alternative route into education for young people struggling with traditional educational settings.

5 Welsh Prisoners in the Prison Estate, para 181
6 Ministry of Justice, Modernisation of the prison estate, 4 September 2013
7 Justice Committee, Second Report of Session 2013-14, Women offenders: after the Corston Report, HC 92, para 195
9 Q189
10 North Wales Prison, HCWS297
11 Now known as the Western Bay Youth Offending Team.
2 Prisons in Wales

8. The four Welsh prisons—Cardiff, Swansea, Usk/Prescoed and Parc in Bridgend—are all overcrowded, and to a greater extent than the average across England and Wales. As of January 2015, the average overcrowding of prisons in the UK was 111%; the equivalent figure across the Welsh prison estate was 137%.

Table 1: Population of Welsh prisons, January 2015

<table>
<thead>
<tr>
<th>Prison</th>
<th>Operated by</th>
<th>Year opened</th>
<th>Capacity¹</th>
<th>Prisoners in January 2015</th>
<th>Percentage of capacity used</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardiff</td>
<td>HMPS</td>
<td>1832</td>
<td>539</td>
<td>810</td>
<td>150%</td>
</tr>
<tr>
<td>Parc (Bridgend)</td>
<td>G4S</td>
<td>1997</td>
<td>1,170</td>
<td>1,452</td>
<td>124%</td>
</tr>
<tr>
<td>Swansea</td>
<td>HMPS</td>
<td>1861</td>
<td>242</td>
<td>422</td>
<td>174%</td>
</tr>
<tr>
<td>Usk/Prescoed</td>
<td>HMPS</td>
<td>1844, 1939</td>
<td>378</td>
<td>496</td>
<td>131%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>-</td>
<td>-</td>
<td><strong>2,329</strong></td>
<td><strong>3,180</strong></td>
<td><strong>137%</strong></td>
</tr>
<tr>
<td><strong>UK</strong></td>
<td>-</td>
<td>-</td>
<td><strong>75,374</strong></td>
<td><strong>83,680</strong></td>
<td><strong>111%</strong></td>
</tr>
</tbody>
</table>


¹ Capacity is given as ‘certified normal accommodation’ (CNA), the Prison Service’s own measure of accommodation. CNA represents the “good, decent standard of accommodation that the Service aspires to provide all prisoners.”

Performance of Welsh prisons

9. Her Majesty’s Inspectorate of Prisons (HMI Prisons) inspects adult male prisons at least once every five years. Almost all inspections are unannounced, and check for progress made against previous recommendations. Prisons are assessed against four ‘healthy prison’ tests: safety, respect, purposeful activity and resettlement. Each criterion is scored on a scale from ‘Good’ (no evidence that outcomes for prisoners are adversely affected in any significant areas), through to ‘Reasonably good’ (adverse outcomes in only a small number of areas), ‘Not sufficiently good’ (adverse effects in many areas, or areas of great importance) and finally ‘Poor’ (outcomes are seriously affected by current practice).

10. Despite the high level of overcrowding in Welsh prisons, we were pleased to hear from Nick Hardwick, Her Majesty’s Chief Inspector of Prisons, that Welsh prisons were performing better than English prisons. Each of the prisons in Wales was last inspected on the following occasions:
Table 2: HMI Prisons inspections of prisons in Wales

<table>
<thead>
<tr>
<th>Prison</th>
<th>Date of inspection</th>
<th>Inspection published Announced/not announced</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Safety</td>
<td>Respect</td>
</tr>
<tr>
<td>Cardiff</td>
<td>Reasonably good</td>
<td>Reasonably good</td>
</tr>
<tr>
<td>18-22 March 2013</td>
<td>16 July 2013</td>
<td>Announced</td>
</tr>
<tr>
<td>Parc (Bridgend)</td>
<td>Good</td>
<td>Reasonably good</td>
</tr>
<tr>
<td>9-19 July 2013</td>
<td>21 January 2014</td>
<td>Unannounced</td>
</tr>
<tr>
<td>Swansea</td>
<td>Reasonably good</td>
<td>Not sufficiently good</td>
</tr>
<tr>
<td>6-10 October 2014</td>
<td>25 February 2015</td>
<td>Unannounced</td>
</tr>
<tr>
<td>Usk</td>
<td>Good</td>
<td>Reasonably good</td>
</tr>
<tr>
<td>22 April-3 May 2013</td>
<td>13 August 2013</td>
<td>Unannounced</td>
</tr>
<tr>
<td>Prescoed</td>
<td>Good</td>
<td>Good</td>
</tr>
<tr>
<td>22 April-3 May 2013</td>
<td>13 August 2013</td>
<td>Unannounced</td>
</tr>
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Source: HMI Prisons website

11. HMP Swansea had previously been inspected in December 2012,13 a short unannounced follow-up to an announced inspection in February 2010.14 That follow-up found that “the prison had made sufficient progress in implementing our recommendations on safety and resettlement, but that insufficient progress had been made in the areas of respect and purposeful activity”.15 “The most recent inspection found that it had deteriorated, but was redeemed to a certain extent by good relationships between staff and prisoners.”16 Sarah Payne, Director of NOMS in Wales, told us that Cardiff and Swansea, both previously rated as ‘Not Sufficiently Good’ in relation to resettlement, had since worked hard to increase the activity that prepared prisoners for release.17 The introduction of a ‘through-the-gate’ service provided by Working Links, the company that will now have responsibility for rehabilitation in Wales, is specifically designed to improve resettlement outcomes.

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13 HMI Prisons, Report on an unannounced short follow-up inspection of HMP Swansea, 17-19 December 2012
14 HMI Prisons, Report on an announced inspection of HMP Swansea, 8-12 February 2010
15 Report on an unannounced short follow-up inspection of HMP Swansea, Summary
16 Q1
17 Q194
Consequences of overcrowding

12. Nick Hardwick told us that the consequences of overcrowding went beyond cramped living accommodation, and that the real problem lay in a shortage of activity places and resettlement processes for the prison population.\(^{18}\) Juliet Lyon, Director of the Prison Reform Trust, agreed, adding that staffing ratios and rising levels of self-harm were also issues of concern.\(^{19}\)

13. Witnesses expressed specific concerns about the effect of overcrowding on the availability of healthcare and educational opportunities.\(^{20}\) The Minister suggested that a new prison would go some of the way to reduce overcrowding.\(^{21}\) However, we were also told that any temporary increases in new capacity will be offset by the closure of smaller, older facilities elsewhere across the prison estate in Wales and England.\(^{22}\)

Age and size of existing prisons

14. We were told throughout our inquiry that smaller prisons were easier to run.\(^{23}\) Several of those people who submitted written evidence were critical of the Government’s plans for the new prison at Wrexham, partly on grounds of its size.\(^{24}\) However, we were also told that larger prisons were not necessarily poorer performers: indeed, it was put to us that the size of larger establishments enabled a greater range of activities and interventions.\(^{25}\) Nick Hardwick explicitly rejected the notion that “big equals bad and small equals good”,\(^{26}\) and gave Parc as an example of a well-performing large prison, attributing much of its success to the fact that individual residential managers knew their parts of the prison well.\(^{27}\) The importance of senior management visibility arose later in our evidence.\(^{28}\)

15. Kevin Lockyer, a former prison governor, argued that the age of a prison was as important as its size, and had advocated a strategy of “new for old” in a 2013 report for Policy Exchange entitled *Future Prisons: A radical plan to reform the prison estate*.\(^{29}\) He recommended the closing of small prisons and replacing them with fewer (but crucially, much larger) ‘modular’ prisons, which could accommodate a range of prisoners on one site with a shared perimeter. He suggested that the added difficulties of running large prisons

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\(^{18}\) Q4  
\(^{19}\) Q75  
\(^{20}\) Qq 78-9  
\(^{21}\) Q203  
\(^{22}\) HMP Haverigg was identified as one such candidate, see Q139; See also North Wales Prison, HCWS297  
\(^{23}\) Q5; Q110  
\(^{24}\) Prison Reform Trust (PIW 12); Robert Jones, Wales Governance Centre (PIW 18); Howard League for Penal Reform (PIW 7)  
\(^{25}\) Q5  
\(^{26}\) Q6  
\(^{27}\) Q5  
\(^{28}\) Q121  
was a price worth paying for the outcomes that could be achieved.\textsuperscript{30} He looked to Pentonville as an example of “a Victorian penal establishment, which the Prison Service has tried heroically to drag into the 21st century to deliver 21st-century outcomes, but it struggles because of its design”.\textsuperscript{31} Pentonville’s ‘certified normal accommodation’ in January 2015 was 915, more than three and a half times that of Swansea.

16. The overcrowding of Welsh prisons poses a serious barrier to the effective rehabilitation of offenders. Given the limitations of Swansea’s siting and size, there is little wonder it is struggling to match the performance of less overcrowded prisons. At its most basic level, lack of prison capacity can be dealt with by increasing supply or reducing demand. It is unlikely that the former will be sufficient, no matter how fast new prisons are constructed. In any event, the new North Wales Prison is not expected to open until 2017.

17. \textit{We recommend that the Government takes urgent action to reduce the severe overcrowding of prisons in Wales, particularly HMP Cardiff and HMP Swansea.}

\section*{North Wales Prison}

18. In its 2007 Report, our predecessor committee recommended the development of:

\begin{quote}
...new prison facilities in North Wales for male prisoners, including young adult offenders (aged 18-20) and remand prisoners. This would enable prisoners to maintain better contact with their families and communities, and assist their resettlement on release. It would improve the efficiency and effectiveness of those agencies working with prisoners, in particular the probation service, by reducing the resources they devote to travelling to prisons outside Wales…\textsuperscript{32}
\end{quote}

19. Following the withdrawal of plans for the Dynamex site at Caernarfon, the Government announced on 27 June 2013 that it would pursue the construction of a new large prison in north Wales in an attempt to accelerate its policy of new-for-old in the prison estate. In doing so, it promised significant economic benefits for the region, citing the construction of HMP Oakwood as a recent precedent.\textsuperscript{33} The former Firestone factory at Wrexham was announced as the Government’s preferred site for a new prison in September 2013.\textsuperscript{34}

\begin{flushleft}
\textsuperscript{30} Q110
\textsuperscript{31} Q116
\textsuperscript{32} \textit{Welsh Prisoners in the Prison Estate}, para 47; The Committee recommended that the new prison be medium-sized, with at least 500 places, and catering for prisoners of low and medium security categories.
\textsuperscript{33} Ministry of Justice, \textit{New prison creates major boost to Welsh economy}, 27 June 2013
\textsuperscript{34} \textit{Modernisation of the prison estate}
\end{flushleft}
**For Wales or in Wales?**

20. Several witnesses challenged the assumption that the new prison was being designed with a predominantly Welsh population in mind. Robert Jones told us that “figures from December last year showed that about 857 people from across the six local authorities in north Wales were in prison”, not all of whom would be suitable to be held at a category C prison of adult males. The Minister’s evidence supported this rough calculation. He told us that there were “around 900 prisoners from north Wales who are not in prison in north Wales at the moment” and that he hoped that at least 700 of those prisoners could be accommodated at Wrexham. Kevin Lockyer, whilst freely admitting that in his previous incarnation as a civil servant a large prison in North Wales would have been useful, told us that there was no case for such a large prison solely for Welsh prisoners.

21. Councillor Hugh Jones from Wrexham Council acknowledged that whilst Wrexham would serve a useful purpose in helping Welsh prisoners serve their sentence closer to home, even if only for the last three months as envisaged under the plans for transformed rehabilitation, Wrexham would play an important role in being a regional prison serving the north-west of England.

22. The new prison at Wrexham will play an important role in allowing more Welsh prisoners to serve part or all of their sentence in Wales. Not all prisoners at Wrexham will be from north Wales; the prison has a role to play in reducing the serious overcrowding at some of the existing prisons in south Wales. However, it will also host a significant number—perhaps even a majority—of prisoners from England. Serious consideration will need to be given to how the needs of English prisoners will be met in a prison designed to be distinctively Welsh.

**Design and operation**

23. The Government intends for the new prison at Wrexham to have a capacity of 2,106, comprising three 702-bed units. Witnesses expressed concern that this was in effect three medium-sized to large prisons, and that it would be a challenge to have a sufficient degree of senior management visibility. Kevin Lockyer suggested that the way to mitigate that risk would be to “create smaller units, with a recognisable head of unit whom prisoners have a good chance of seeing”.

24. When we put these concerns to the Minister, he told us that each of the 702-strong house blocks would be subdivided into ‘communities’ of 88, which he told us was close to the “the optimum number of prisoners in terms of safety, decency, security, good sight
lines and so on.” Sarah Payne spoke of the need for strong leadership within the living units of 88, with Wrexham comprising three K-shaped units, each with four spurs and two living units on each spur. Lee Robinson, Wrexham Council’s Strategic and Performance Director, assured us that the Ministry of Justice had given every impression of having learned the lessons of prison design and factored that into its plans for Wrexham.

25. We were pleased to hear the Minister’s assurance that the new prison at Wrexham would be divided into ‘communities’ of 88. It remains to be seen, however, just how real those communities will be in practice. If they are to be meaningful, a distinctive identity and some stability in population will be required.

26. We recommend that each of the three blocks at Wrexham has its own identity and be run by a head of unit invested with significant autonomy and visibility. Each head of unit should exercise most of the day-to-day responsibility for the unit and, to all intents and purposes, act as de facto Governor in order to mitigate the risk of Wrexham becoming simply a large, one-size-fits-all prison comprising three house blocks.

27. We were told by Kevin Lockyer that two crucial elements in opening a new prison were the speed of opening and mix of staff:

The material issue for any new prison—whether it is for 2,100 or for 600—is how quickly you fill it. The faster you fill a new prison, the greater the problems that you face in running it effectively. The chances are that you will be staffing that prison predominantly with staff who have never worked in a prison before and are relatively inexperienced. You may be able to bring in a cadre of experienced managers from elsewhere, but a chunk of your staff will be newly recruited and trained. A significant proportion of the prisoners you move there will know more about prison than the staff who are supervising them.

28. We were told in evidence and on our visit that Oakwood suffered from having “overwhelmingly” new staff who lacked the experience necessary to work with authority. The employment opportunities for local people have been emphasised throughout the planning process, but the Minister acknowledged that Wrexham would need a mix of experienced and new prison officers, some of whom will need to be fluent Welsh speakers, if the aspirations for the new prison are to be fully realised. However, Robert Jones noted that only 12% of people in Wrexham speak Welsh, which was below the national average of 19% according to the 2011 census. He suggested that it might be

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41 Q212
42 Q219
43 Q225
44 Q148
45 Q135
46 Q59
47 Q212; Q219
necessary to go further afield—if only further into north-west Wales in order to recruit relatively local Welsh-speaking staff. At present, it is envisaged that Wrexham will open slowly, opening initially in February 2017 and becoming fully operational nine months later in September 2017.

29. The speed at which Wrexham becomes fully operational should be governed by the progress it makes, not by a timetable decided years in advance. We urge the Government to learn the clear lessons from Oakwood, and open the new prison slowly and steadily, even if it means not realising all the benefits of the additional capacity straight away.
3 The treatment of Welsh offenders

Dispersal of Welsh prisoners

30. In December 2014, there were 4,679 people in prison with a home address in Wales, 2,653 of whom were serving their sentence in a prison in Wales.\(^{49}\) The size of the prison estate in Wales means that the remaining 2,026 Welsh prisoners are held in prisons in England.\(^{50}\) In addition, there are certain categories of prisoner for whom there is no custodial accommodation: women, young adults between the ages of 18 and 20, and adult male ‘Cat A’ prisoners—those who pose the greatest security risk. There is no prospect of such prisoners being held in Wales for the foreseeable future: the Ministry of Justice told us in its written evidence that “Operating a small number of prisons for small numbers of prisoners, and operating dual-sites for male and female prisoners is not always effective, nor economically viable”.\(^{51}\)

31. Many Welsh prisoners are held at HMP Altcourse in Liverpool, a category B local prison holding sentenced and remanded adult and young adult male prisoners.\(^{52}\) HMI Prisons noted in its most recent inspection report of Altcourse that around 15% of prisoners returned to Wales on release.\(^{53}\) Despite being reasonably close to north Wales, it is still a significant journey for many, more so for those families from further south in Wales.\(^{54}\) We were told at an early stage of our inquiry that Welsh prisoners could be found throughout the prison estate in England and Wales.\(^{55}\)

Education and purposeful activity

32. Nick Hardwick told us that the test applied to education and purposeful activity in prison is that prisoners are both expected and able to take part in activities that are likely to benefit them, which might take the form of paid work, vocational training activities and educational activities.\(^{56}\) He told us that Parc and Usk/Prescoed were performing well, but

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49 Although the certified normal accommodation of prisons in Wales is lower than this figure (2,329 in January 2015), operational capacities mean that a higher number of prisoners are accommodated in Welsh prisons than might otherwise be supposed.

50 These figures were provided to the Committee by the Ministry of Justice. Around 97% of prisoners have origin locations. Those with no origin are typically foreign nationals or recently received into custody. The detail collected is subject to the inaccuracies inherent in any large-scale recording system. While the figures shown have been checked as far as practicable, they should be regarded as approximate and not necessarily accurate to the last whole number shown.

51 Ministry of Justice (PIW 14)

52 Q198; There were 1,127 prisoners at Altcourse in January 2015, against a certified normal accommodation of 794 and operational capacity of 1,133. HMP Altcourse was therefore 142% overcrowded in January 2015.

53 HMI Prisons, Report on an unannounced inspection of HMP Altcourse, 9-20 June 2014

54 Report on an unannounced inspection of HMP Altcourse, S2

55 Q109

56 Q26
that Cardiff and Swansea were not performing as well as they ought to have been, with the notable exception of the Clink restaurant at Cardiff.57

33. We were told during the course of our inquiry that there was a particular problem with the transfer of prisoners’ education records.58 Sarah Payne acknowledged that problems with such transfers were demoralising, and told us that prisoners should be able to continue with unfinished courses during the final 12 weeks of their sentence in a resettlement prison.59 The 12-week resettlement period is a welcome step, but will not address several of the problems experienced by Welsh prisoners throughout their time in the prison.

**Use of the Welsh language**

34. The use of the Welsh language in prison arose throughout our inquiry. Robert Jones identified the poor quality of data as a barrier to understanding the true requirements of Welsh speakers in the prison estate in both England and Wales, and subsequent witnesses agreed.61 Meri Huws, the Welsh Language Commissioner, told us that she had found that:

> …the service is very, very patchy. There are examples of good practice that you have heard about, both in and outside of Wales, where an effort is made to meet demands, but it is not very effective and it is not consistent—it is very patchy across England and Wales.62

35. Under Article 6.3 of section I of the European Convention on Human Rights, individuals should be provided with information relating to sentencing or transgression of the law in the language that he or she understands.63 Meri Huws also drew attention to the fact that the Committee of Experts’ evaluation report on the performance of the United Kingdom against its obligations under the European Charter for Regional or Minority Languages had concluded that “the provision of public services through the medium of Welsh is still weak across the UK”, which she suggested was relevant to prison services as well as the wider public sector.64 Both the Ministry of Justice and NOMS operate Welsh Language Schemes. The Ministry of Justice scheme was published in March 2010 and provides an overarching framework. The NOMS scheme was approved in May 2013 and provides more detail on the practical arrangements for Welsh prisoners.

36. Accurate figures on the number of Welsh-speaking prisoners are not collected, so it is impossible to estimate accurately the number of prisoners for whom Welsh is their first or

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57 Ibid.; The Clink Restaurant is run by The Clink Charity, which operates Clink Restaurants in partnership with Her Majesty’s Prison Service.
58 Q92
59 Q202
60 Q93
61 Q96; Q180
62 Q180
63 Q178
64 Ibid.
chosen language, much less the proportion of Welsh-speakers unable to interact with the criminal justice system in English. Nevertheless, Nick Hardwick said that from the perspective of HM Inspectorate, the fact that someone leaving prison able to speak Welsh will have their employment prospects improved was sufficient justification for making sure that they can.\textsuperscript{65} For those Welsh-speaking prisoners unable to communicate effectively in English, it is of even greater importance that they receive the support they need, particularly in relation to sensitive matters.\textsuperscript{66}

37. In terms of current performance, we were told that Cardiff was doing a reasonable job, but that “not enough was being done to encourage prisoners to learn and think about it in terms of its value to their future employment prospects and what it might open up” and that “there was not enough encouragement of prisoners to take advantage of it”.\textsuperscript{67} Parc’s provision was “too limited for the people who already had a basic level, as it was not stretching them enough”.\textsuperscript{68} Swansea’s performance had declined, along with a more general weakening of education provision.\textsuperscript{69} In terms of prisons in England, there was “not nearly enough” provision, beyond some work taking place at Eastwood Park.\textsuperscript{70}

38. Witnesses from Cymdeithas yr Iaith Gymraeg (Welsh Language Society) told us that whilst they had not received reports of specific instances of Welsh-speaking prisoners being prevented from speaking Welsh in prison,\textsuperscript{71} there had been problems in the past, some of which had been documented in a report by Cwmni Iaith.\textsuperscript{72} We were told that access to Welsh-language books and S4C was patchy, but that Altcourse’s provision of Welsh books had improved. When we visited Swansea, there were only a couple of shelves of Welsh language books, but the prisoners working in the library reported that demand for the books was not high. Perhaps the most serious concern that Cymdeithas raised was that for Welsh-speaking prisoners who, in most circumstances, would be in a minority, there could be a reluctance to make a fuss and request that inadequate provision be improved.\textsuperscript{73} Heledd Williams from Cymdeithas suggested that if Welsh speaking prisoners were imprisoned in England, the same rules and linguistic rights should apply to them as would be the case in Wales.\textsuperscript{74}

39. \textit{The data collected on Welsh language speakers in prison needs to be improved. We recommend that the interested parties—the Ministry of Justice, NOMS, the Welsh Language Commissioner and HMI Prisons—work together to evaluate thoroughly the need for and quality of Welsh language support in prisons in England and Wales.}

\textsuperscript{65} Q42
\textsuperscript{66} Ibid.
\textsuperscript{67} Q34
\textsuperscript{68} Ibid.
\textsuperscript{69} Ibid.
\textsuperscript{70} Q35
\textsuperscript{71} Q160; Q164
\textsuperscript{72} Q160; Cwmni Iaith, \textit{The Provision of Welsh Language Choice in the North Wales Criminal Justice Sector}, April 2008.
\textsuperscript{73} Q164
\textsuperscript{74} Q173
Young offenders

40. The Youth Justice Board for England and Wales told us that there had been a fall in the number of young Welsh people in secure establishments. In 2009/10, 121 young Welsh people were held in such establishments—by 2013/14, that figure had fallen to 49. Dusty Kennedy, Director of YJB Cymru, attributed this success to having adopted a systems-based approach, concentrating on early intervention and prevention, encouraging local authorities to take more responsibility for what happened inside and outside custodial settings and introducing youth offending teams into local resettlement arrangements. He told us that:

What is happening is that when that offending behaviour is displayed, before it is an arrest situation, when it is troublesome behaviour at school or in the community, or antisocial behaviour, agencies are getting together to address that behaviour, so you have fewer young people in the youth justice system. All the research suggests that the earlier you get into the formal criminal justice system, the more you are stigmatised and the more you will progress through it.

41. He went on to tell us that a key element of reducing the number of young offenders had been improving the support available to young people after a sentence was served. The best support available—the family—was often not strong enough to support a young person in such a case, and YJB Cymru had worked to create a “web of support”, comprising several agencies which create an action plan for each young person. This tapering-off had helped create the success of tackling youth offending in Wales. The vast majority of the few young people from Wales who do offend and serve custodial sentences are held in Wales. However, a small number of boys have been held at Hindley YOI—provision which has now ceased due to the low numbers involved—and girls are held in secure training centres outside Wales. Nick Hardwick told us that “For a small number of young Welsh girls in custody, the system is very disjointed, and they do not get as good a deal as other detainees.”

42. The rapid fall in the number of young Welsh people serving custodial sentences speaks volumes for the success of the approach taken by the Youth Justice Board. We commend it as an example of an intensive—but ultimately worthwhile—approach to tackling offending.
Women prisoners

43. There are no custodial facilities for women in Wales. Female Welsh prisoners are held for the most part at HMP Eastwood Park in Gloucestershire and HMP Styal in Cheshire. Nick Hardwick told us that Eastwood Park did “a reasonable job of trying to mitigate some of the distance issues and family connection issues that exist there”, but that he would like to see “women prisoners in much smaller units that offer levels of support appropriate to what is a much needier population than the male population”. He also told us that “[f]or women, even more than for men—it is true for men as well—those family connections and responsibilities for children are likely to be greater and of more importance.” Rachel Halford, Director of Women in Prison, agreed:

> Women’s needs are very different from men’s needs. It goes without saying that there are some similar needs, but women’s routes into criminality are very different from men’s. A majority of women—at least 65%—will have experienced some kind of domestic sexual violence. Mental health issues and substance misuse issues are really prominent. A huge percentage of women are carers and have families dependent on them. If they are sent to prison, there is the issue of their child care and so on, so there is disruption to their families.

44. A particular challenge facing women in prison whose families live in Wales is the ability to be visited by relations and maintain the connections upon which they might depend after their release. We were told by the Chief Inspector that not only were families often unaware of the financial support available to help with visits but that it was the practicalities rather than the money that prevented more regular contact. This issue was shared by male prisoners. According to the Prison Reform Trust:

> Changes to the incentives and earned privileges policy have led to shorter visits allowances, in terms of the time available, so people who are travelling end up with a short visit. The assisted prison visits unit funding, which supports visitors on low incomes with travel costs, has also been reduced, so there are now two disincentives for families to visit.

45. Elsewhere in the UK, on 26 January 2015, the Scottish Cabinet Secretary for Justice, Michael Matheson MSP, announced that plans for a new women’s prison at Inverclyde would not go ahead. He announced that the Scottish Government would instead follow the recommendations of the Commission on Women Offenders, which was chaired by the former Lord Advocate, Dame Elish Angiolini.

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83 Q8
84 Q14
85 Q65
86 Q13
87 Q98
88 Scottish Government, Plans for female prison in Inverclyde will not go ahead, 26 January 2015
46. In its 2013 Report on Women offenders: after the Corston Report, the Justice Committee concluded that the Government should “as a matter of urgency, find a solution to the unacceptable lack of secure provision for women in Wales. We consider that the situation in Wales provides an ideal opportunity to test the combination of residential alternatives to custody and a small custodial unit”.89 This followed the conclusion of our predecessor committee:

We also recommend the development of a network of locally-based residential women’s centres as proposed in the Corston report, to address the needs of those women serving shorter custodial sentences, those on remand, and those for whom stable accommodation is a condition of sentence. Such centres would also provide resources for women serving community sentences.90

47. Juliet Lyon drew attention to the conclusions of the Prison Reform Trust’s joint report with Soroptimist International UK Programme Action Committee, Transforming Lives: Reducing women’s imprisonment.91 The report was presented to Rt Hon Simon Hughes MP, Minister of State for Justice and Civil Liberties on 16 December 2014. Robert Jones used the example of the JusticeHome programme run by the Women’s Prison Association in New York, which uses alternatives to incarceration to improve rehabilitative outcomes.92 The Soroptimist report highlighted the work of the Integrated Offender Management Cymru Women’s Pathfinder project, which works across Wales to tackle offending at an early stage by including a the full spectrum of agencies.

48. We note the conclusions of the Soroptimist International report on reducing women’s offending, and look forward to the UK and Welsh Government responses.

49. Rachel Halford told us that over half of women who serve a custodial sentence go on to reoffend.93 Juliet Lyon suggested that the success in reducing youth offending could serve as a template for female offending:

We think that there are enough parallels to examine how that has happened and to see how it could be applied to women. Levels of vulnerability are not dissimilar, and the numbers are similar. We can see that the idea that there should be a Welsh Government Minister would make sense in terms of leadership and governance and refusing to let women become lost in a list of priorities.94

89 Justice Committee, Second Report of Session 2013-14, Women offenders: after the Corston Report, HC 92, para 195
90 Welsh Affairs Committee, Third Report of Session 2006-07, Welsh Prisoners in the Prison Estate, HC 74, para 84
91 Q67; Soroptomist International UKPAC/Prison Reform Trust, Transforming Lives: Reducing women’s imprisonment, January 2016
92 Q74
93 Q64
94 Q74
50. The Minister told us that he thought there was a good level of service for Welsh women held at Styal and Eastwood Park.\textsuperscript{95} Sarah Payne told us that NOMS in Wales was doing as much as it could, and described a wide programme of work to support women in prison. She explained that low numbers and consequent isolation was a particular challenge in rehabilitating and resettling women offenders, but that a lot of work was being delivered through partner organisations.\textsuperscript{96}

51. Although Rachel Halford opposed the creation of a women’s prison in Wales, she supported a “small custodial unit—a specialist unit that would house mental health professionals” and which would be funded locally.\textsuperscript{97} She argued that anything which housed more than 20 or 30 women would “cause havoc”.\textsuperscript{98} Juliet Lyon had been a member of the Baroness Corston’s reference group and reminded us that Baroness Corston had concluded that “Wales offered a unique opportunity because of health being devolved in that country. That seemed to offer the opportunity to do something that would be intensive and multidisciplinary, involving the things that have been proven to work, not only in the UK but across Europe.”\textsuperscript{99}

52. We have heard of excellent work being done before, within and beyond prison for women offenders, but remain concerned that this work is still limited by the fact that the only custodial provision for women is in England. Given the low numbers involved, we believe that both new accommodation and alternatives to custody should be considered.

\textsuperscript{95} Q207
\textsuperscript{96} Q207; Q210
\textsuperscript{97} Q68
\textsuperscript{98} Qq 68-9
\textsuperscript{99} Q69
Rehabilitation and resettlement

53. The Ministry of Justice’s Transforming Rehabilitation programme, introduced in 2013, encompasses a range of reforms to the probation service and arrangements for rehabilitation. It will include the establishment of direct links between new probation providers and resettlement prisons which will cover specific areas. The designated resettlement prisons for the Wales Contract Package Area (CPA 11) are Cardiff, Swansea, Parc, Eastwood Park (for women prisoners), Stoke Heath and Prescoed. The contracts for Transforming Rehabilitation have been agreed, and Working Links will run the Community Rehabilitation Company in Wales in partnership with Innovation Wessex. Working Links will also be running Bristol, Gloucestershire, Somerset & Wiltshire and Dorset along with Devon & Cornwall. We asked Sarah Payne whether she was confident that Working Links would have the local knowledge necessary to provide a good service to prisoners resettling in Wales. She assured us that although NOMS did not yet have not yet have all of the details of the working model, the specification for Wales was very clear that the community rehabilitation company needed to understand the delivery landscape in Wales, to work with Welsh partners and to work across the system.\(^\text{100}\)

54. Successful rehabilitation and resettlement will, for the vast majority of prisoners, be the primary objective upon release from custody. Nick Hardwick told us that a recent joint report by the HM Inspectorate of Prisons and HM Inspectorate of Probation had concluded quite clearly that a prisoner’s family was the most successful resettlement agency:

\begin{quote}
They are the people who fix them up with jobs. They are the people who fix them up with accommodation; if the wife will not have them back their mum will put them up, and that sort of thing. Those family connections are very important, and they are not given enough priority within the system.\(^\text{101}\)
\end{quote}

55. This point was supported by Robert Jones, who agreed that family members were a “huge source of accommodation, education, training and employment”, highlighting several previous reviews which had reached the same conclusion.\(^\text{102}\) In order for prisoners to be able to make the most of whatever family support is available, prisoners should, so far as is possible, be held near to their home address.

56. We welcome the fact that under the new arrangements for rehabilitation, more Welsh prisoners will spend the final period of their sentence in Wales. We are, however, concerned that until late 2017, the closest to home that prisoners from north Wales can be will be Liverpool, and that for women, success will depend on the ability of Working Links—as will be the case with the other Community Rehabilitation Companies—to provide a tailored service to a very large and diverse area.

\(^{100}\) Q195
\(^{101}\) Q11; Criminal Justice Joint Inspection, Resettlement provision for adult offenders, September 2014
\(^{102}\) Q97
4 The future for prisons and probation in Wales

57. We included in the scope of our inquiry a specific reference to “The merits of the devolution of aspects of the justice system including youth justice and prisons to Wales, as recommended by the Silk Commission”.\textsuperscript{103} Despite describing the case for the devolution of prisons and probation as ‘persuasive’, the Commission acknowledged that there would be difficulties in implementation,\textsuperscript{104} concluding that there was:

…not a broad consensus in favour of wholesale devolution of the justice system at the present time. However the youth justice system should be devolved, given its close links with local government and other devolved functions. Following the devolution of policing, there should be an implementation review for devolving probation and prisons.\textsuperscript{105}

58. Robert Jones, a Research Associate at the Wales Governance Centre at Cardiff University, described a ‘jagged edge’ between devolved and non-devolved powers and responsibilities, brought about by the fact that although powers over the prison estate and criminal justice lay squarely with the Secretary of State for Justice, structural changes to justice agencies and devolution settlements meant that the Welsh Government had acquired responsibility for prisoners in Wales and prison leavers from Wales in a number of areas: specifically, health, education, housing and substance misuse.\textsuperscript{106} His written evidence, whilst describing a general spirit of co-operation between the two administrations, pointed to a number of areas of practice and policy where co-ordination could be improved.

59. However, the prospect of further devolution has now been put on hold by the St David’s Day announcement of further powers for Wales.\textsuperscript{107} There was no consensus between the political parties on either the devolution of youth justice, or for a feasibility study into the devolution of prisons and probation.\textsuperscript{108}

60. Although criminal justice is currently the responsibility of the UK Government, the Welsh Government has significant responsibilities, particularly in the areas of health, education, housing and substance misuse. Co-ordination and co-operation between all the relevant parties must continue.
Conclusions and recommendations

Prisons in Wales

1. The overcrowding of Welsh prisons poses a serious barrier to the effective rehabilitation of offenders. Given the limitations of Swansea’s siting and size, there is little wonder it is struggling to match the performance of less overcrowded prisons. At its most basic level, lack of prison capacity can be dealt with by increasing supply or reducing demand. It is unlikely that the former will be sufficient, no matter how fast new prisons are constructed. In any event, the new North Wales Prison is not expected to open until 2017. (Paragraph 16)

2. We recommend that the Government takes urgent action to reduce the severe overcrowding of prisons in Wales, particularly HMP Cardiff and HMP Swansea. (Paragraph 17)

3. The new prison at Wrexham will play an important role in allowing more Welsh prisoners to serve part or all of their sentence in Wales. Not all prisoners at Wrexham will be from north Wales; the prison has a role to play in reducing the serious overcrowding at some of the existing prisons in south Wales. However, it will also host a significant number—perhaps even a majority—of prisoners from England. Serious consideration will need to be given to how the needs of English prisoners will be met in a prison designed to be distinctively Welsh. (Paragraph 22)

4. We were pleased to hear the Minister’s assurance that the new prison at Wrexham would be divided into ‘communities’ of 88. It remains to be seen, however, just how real those communities will be in practice. If they are to be meaningful, a distinctive identity and some stability in population will be required. (Paragraph 25)

5. We recommend that each of the three blocks at Wrexham has its own identity and be run by a head of unit invested with significant autonomy and visibility. Each head of unit should exercise most of the day-to-day responsibility for the unit and, to all intents and purposes, act as de facto Governor in order to mitigate the risk of Wrexham becoming simply a large, one-size-fits-all prison comprising three house blocks. (Paragraph 26)

6. The speed at which Wrexham becomes fully operational should be governed by the progress it makes, not by a timetable decided years in advance. We urge the Government to learn the clear lessons from Oakwood, and open the new prison slowly and steadily, even if it means not realising all the benefits of the additional capacity straight away. (Paragraph 29)

The treatment of Welsh offenders

7. The data collected on Welsh language speakers in prison needs to be improved. We recommend that the interested parties—the Ministry of Justice, NOMS, the Welsh Language Commissioner and HMI Prisons—work together to evaluate thoroughly
the need for and quality of Welsh language support in prisons in England and Wales. (Paragraph 39)

8. The rapid fall in the number of young Welsh people serving custodial sentences speaks volumes for the success of the approach taken by the Youth Justice Board. We commend it as an example of an intensive—but ultimately worthwhile—approach to tackling offending. (Paragraph 42)

9. We note the conclusions of the Soroptimist International report on reducing women’s offending, and look forward to the UK and Welsh Government responses. (Paragraph 48)

10. We have heard of excellent work being done before, within and beyond prison for women offenders, but remain concerned that this work is still limited by the fact that the only custodial provision for women is in England. Given the low numbers involved, we believe that both new accommodation and alternatives to custody should be considered. (Paragraph 52)

11. We welcome the fact that under the new arrangements for rehabilitation, more Welsh prisoners will spend the final period of their sentence in Wales. We are, however, concerned that until late 2017, the closest to home that prisoners from north Wales can be will be Liverpool, and that for women, success will depend on the ability of Working Links—as will be the case with the other Community Rehabilitation Companies—to provide a tailored service to a very large and diverse area. (Paragraph 56)

The future for prisons and probation in Wales

12. Although criminal justice is currently the responsibility of the UK Government, the Welsh Government has significant responsibilities, particularly in the areas of health, education, housing and substance misuse. Co-ordination and co-operation between all the relevant parties must continue. (Paragraph 60)
Prisons in Wales and the treatment of Welsh offenders

Formal Minutes

Tuesday 17 March 2015

Members present:

David T.C. Davies, in the Chair

Geraint Davies
Glyn Davies
Stephen Doughty
Jonathan Edwards

Nia Griffith
Simon Hart
Mrs Siân C. James
Jessica Morden

Draft Report (Prisons in Wales and the treatment of Welsh offenders), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 21 read and agreed to.

Paragraph 22 read.

Motion made, to leave out paragraph 22 and insert the following new paragraph:

“There is no prison for women in Wales. There is no current prison for adult males in North Wales, and no custodial provision for young offenders in North Wales. As opposed to building the largest prison facility in Europe to house a majority of adult male prisoners from outside Wales in Wrexham, we believe it would have been more appropriate to build a prison complex in North Wales to serve Welsh requirements. This would include a smaller facility for adult males housing all categories, and a dedicated complex for women and young offenders to serve North Wales and the country as a whole.”—(Jonathan Edwards)

Question put, That the new paragraph be read a second time.

The Committee divided:

Ayes, 1
Jonathan Edwards

Noes, 4
Stephen Doughty
Nia Griffith
Mrs Siân C. James
Jessica Morden

Question accordingly negatived.

Paragraphs 23 to 60 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available (Standing Order No. 134).

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[The Committee adjourned.]
Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at www.parliament.uk/welshcom.

Tuesday 28 October 2014

Nick Hardwick, HM Chief Inspector of Prisons, and Dusty Kennedy, Head of Youth Justice Board Cymru, Youth Justice Board for England and Wales  Q1-59

Tuesday 13 January 2015

Juliet Lyon, Director, Prison Reform Trust, Rachel Halford, Women in Prison, and Robert Jones, Wales Governance Centre, Cardiff University  Q60-108

Tuesday 20 January 2015

Kevin Lockyer, Adaptus Consulting  Q109-145

Councillor Hugh Jones, Lead Member for Communities, Partnerships and Collaboration, Wrexham County Borough Council, and Lee Robinson, Strategic and Performance Director, Wrexham County Borough Council  Q146-157

Thursday 5 February 2015

Heledd Williams and Cen Llwyd, Cymdeithas yr Iaith Gymraeg (Welsh Language Society)  Q158-177

Meri Huws and Huw Gapper, Comisiynydd y Gymraeg (Welsh Language Commissioner)  Q178-188

Tuesday 24 February 2015

Andrew Selous MP, Parliamentary Under-Secretary of State, Minister for Prisons, Probation and Rehabilitation, Ministry of Justice, and Sarah Payne, Director, National Offender Management Service in Wales  Q189-239
Published written evidence

The following written evidence was received and can be viewed on the Committee’s inquiry web page at www.parliament.uk/welshcom. PIW numbers are generated by the evidence processing system and so may not be complete.

1. Barnardo’s Cymru (PIW0015)
2. Christopher Salmon, PCC for Dyfed-Powys (PIW0004)
3. Comisiynydd Y Gymraeg / Welsh Language Commissioner (PIW0017)
4. Cymdeithas Yr Iaith Gymraeg (PIW0013)
5. Gwenda Thomas AM, Welsh Government (PIW0003)
6. HM Inspectorate Of Prisons (PIW0002)
7. Howard League For Penal Reform (PIW0007)
8. Kevin Lockyer (PIW0020)
9. Ministry Of Justice (PIW0014)
10. North Wales Local Authority Leaders’ Group (PIW0008)
11. POA (PIW0006)
12. Prison Governors Association (PIW0021)
13. Prison Reform Trust (PIW0012)
14. Robert Jones, Wales Governance Centre (PIW0018)
15. Standing Committee For Youth Justice (PIW0019)
16. Welsh Government (PIW0009)
17. Women In Prison (PIW0001)
18. Wrexham County Borough Council (PIW0011)
19. Youth Justice Board For England And Wales (PIW0005)
## List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee’s website at [www.parliament.uk/welshcom](http://www.parliament.uk/welshcom).

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Inward Investment in Wales: Government Response to the Committee’s Eighth Report of Session 2010–12  
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Broadband Services in Wales: Ofcom Response to the Committee’s First Report of Session 2012–13  
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Welsh prisoners in the prison estate: follow up: Government Response to the Committee's Ninth Report of Session 2009-10  
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Wales and Whitehall: Government Response to the Committee's Eleventh Report of Session 2009-10  
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Cross-border provision of public services for Wales: follow up: Government Response to the Committee’s Tenth Report of Session 2009-10  
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The implications for Wales of the Government's proposals on constitutional reform - Government’s Response to the Committee's First Report of Session 2010-11  
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Sixth Report  
Pre-appointment hearing with the Government’s preferred candidate for the Chairman of the S4C Authority  
HC 1061-I

Seventh Report  
Representation of consumer interests in Wales  
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