

# Welsh Affairs Committee

## Oral evidence: Prisons in Wales, HC 101

Wednesday 17 January 2024

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### [Watch the meeting](#)

Members present: Stephen Crabb (Chair); Virginia Crosbie; Ruth Jones; Ben Lake; Mr Rob Roberts; Beth Winter.

Questions 1 - 78

### Witnesses

**I:** Dr Robert Jones, Lecturer in the Welsh Criminal Justice System at Cardiff University's School of Law and Politics; Terry McCarthy, National Executive Committee Representative for North Wales, Prison Officers' Association.

**II:** Bryn Hall, Senior Development Officer for Wales, Clinks; Katie Fraser, Head of Prisons and Participation, Women in Prison.

Written evidence from witnesses:

- [Dr Robert Jones](#)
- [Clinks](#)

### Examination of witnesses

Witnesses: Dr Robert Jones and Terry McCarthy.

**Chair:** Good morning and welcome to this session of the Welsh Affairs Committee. We are beginning our inquiry into prisons in Wales. The previous Welsh Affairs Committee looked at this issue in the last Parliament and published a report in 2019, so this is us revisiting the issue. I am very pleased that we have two panels of expert witnesses in front of us this morning. We are joined for the first panel by Terry McCarthy, who is the North Wales representative on the national executive of the Prison Officers' Association. I hope I have got that right, Mr McCarthy.

**Terry McCarthy:** That's right.

Q1 **Chair:** We are also joined by Dr Robert Jones from Cardiff University. I think it is fair to say, Dr Jones, that you pioneered a lot of the academic work around the criminal justice system in Wales, looking specifically at data relating to Welsh prisons. We are particularly interested to get your



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latest thoughts on that. You gave evidence to the predecessor Welsh Affairs Committee when it looked at the issue.

I will start the discussion by asking you, Dr Jones, what you feel has changed four or five years on from when you last appeared in front of a Welsh Affairs Committee talking about this issue? Do you feel that the insights that you gave last time round are still valid? Where are you seeing improvements? Can you give us a strategic overview from your perspective?

**Dr Jones:** I think many of the concerns that were raised then are still valid now. You have alluded to data there and I am sure we may have an opportunity to come back to that, as it is still relevant to us, to this Committee and indeed to any committee that wants to scrutinise the Welsh justice system effectively.

The big caveat of course is covid. In terms of where we are at now, one of the things I have observed in preparing my written evidence to the Committee and indeed the prisons in Wales Factfile for 2022 is that we are almost recovering to the same level in terms of numbers and in terms of—I will not say incidences just yet—the number of Welsh people in prison as we had pre-covid.

On the subject of people held in Welsh prisons, that has increased quite significantly since I was here last, largely because of an increase at Berwyn; as Berwyn has almost reached its operational capacity we have seen the number of people held in the Welsh prison estate increase, and that includes the number of people from Wales held in Welsh prisons, which has increased as well.

On safety in custody, which is something I referred to in my written evidence, what we have seen, and I am sure that Mr McCarthy can talk about this as well, is that across all of the outcomes that we have looked at before—self-harm, assaults—the numbers had come down in the previous 12 months. But what we have seen in 2023—of course there is a lag on the data and we have to wait—is that those incidences have started to go up. Of course, that speaks directly to the regimes that have been in place to deal with the covid pandemic and perhaps the sense of those prisons and lock-ins. In short, if we were to zoom back to 2018, I would still be outlining many of those same concerns, but I think that there are also differences, with the rise in the number of people in prisons being the big one.

Q2 **Chair:** That “Berwyn effect” of it reaching its operational capacity, does that explain almost entirely the rise in prisoner numbers that you have just talked about?

**Dr Jones:** Almost entirely, yes. This is off the top of my head—you will get variations in different prisons as well; Parc might go up and so on—but in terms of significant change that is the one you would point to.

Q3 **Chair:** If one was to look at the inspection scores for the prison estate across Wales and compare the most recent findings with the previous



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reports, one could think that actually there has been a general improvement in outcomes and performance across the estate. Do you take that at face value? Does that chime with your experiences as well?

**Dr Jones:** I think how we measure performance is an interesting question and it would be an interesting discussion to have with the inspectorate. In terms of the rating of 1, 2, 3 or 4, with every inspection it is always a good thing to see elements of good practice and things that have improved. One thing I often struggle with is looking at an inspection that says that things have improved and then looking at some of the data I get and seeing that these things sometimes do not speak to one another. That is not to say that there is something going wrong here or that something deliberate is happening, but sometimes I do not quite see how they really speak to one another. I see what you are saying with regard to the inspection reports, but I still think there are some pretty significant problems, as borne out by some of the data.

Q4 **Chair:** My final question, just to set the scene, is: do you feel there is a stable policy framework around the prison estate in Wales? The reason I ask that is that if we scroll back to 2015, we find that the UK Government here were talking about selling off inner-city Victorian prison estate—Cardiff Prison was earmarked as one that was going to be sold for housing—and we do not hear that being talked about now. Have those ideas been canned? Do you get the sense that there is a stable framework that the Government are pursuing?

**Dr Jones:** No, I don't think there is a stable framework. How many Justice Secretaries and Prison Ministers have we gone through since 2015? I do not have enough fingers to count them.

I think that we don't. Whether it is Wales or England and Wales, that is a problem writ large that we do not have a set policy for this. What is the trajectory of the justice system in England and Wales? In 2015, we were talking about transformation and rehabilitation, as well. We were talking about lots of things then that we are not talking about now.

The short answer to your question is no.

Q5 **Ben Lake:** Thank you for appearing before us this morning, gentlemen. Mr McCarthy, I would like to ask a little bit about the experiences of staff working in the Welsh prison estate. To begin with, would you care to comment on how the situation has improved—or changed, rather—since 2018, which is when your organisation last appeared before this Committee?

**Terry McCarthy:** As Rob has just said, covid came along in 2019. That was a huge challenge for the prison service. In a lot of ways, it was a good thing. It gave the prison service a chance to stop, look at what it was doing and reset.

Levels of assault went through the roof in 2019. Self-harm was through the roof in 2019. Covid came along and gave the prison service a chance to look at what it was doing. A lot of lessons were learned from covid, but



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unfortunately, they have been ignored. We saw the benefits of having smaller groups of prisoners with a high ratio of officers to them. As a result, during the covid period, assaults—on prisoners and on staff—fell dramatically. More importantly, self-harm reduced significantly. That was because prison officers had control of jails in England and Wales once again. We have never had that for the last 10 or 15 years. Perverse as it sounds, covid was not a bad thing for the prison service.

Then we move on to coming out of covid. There was a big rush among prison service managers to return to the crisis and chaos that we had before covid. I do not have the figures in front of me, but I know that assaults and self-harm have risen again. We are pretty much getting back to where we were before covid came in 2019.

**Q6 Ben Lake:** Is that return to the chaos, as you put it, purely a result of decreasing ratios of prison officers to prisoners?

**Terry McCarthy:** Well, before covid, we did not have enough prison officers to deliver the regimes that were wanted anyway, hence those levels of assault and self-harm. Since covid, we have expanded the regimes pretty much back to what they were before. Now we have a huge amount of inexperienced staff in the prison service. Their skillset is just not up to delivering the regimes that management want them to deliver.

**Q7 Ben Lake:** I know one of my colleagues will want to ask you a bit more about retention and morale and what have you, but I will just finish on this. Are these experiences common across the prison estate of England and Wales, or are they in any way unique to Wales?

**Terry McCarthy:** The operating experience of a prison officer is pretty much similar in England and Wales. There is not a great deal of significant difference.

**Ben Lake:** That is very useful. Thank you.

**Q8 Mr Roberts:** Just to pick up on what Ben was asking, Mr McCarthy, you said that lessons were learned during covid, but that they have been forgotten. You touched on broad themes, but were there any specific things that you could drill into and say, "We really learned this; this was the most impactful and useful thing that we learned, and now it has disappeared"?

**Terry McCarthy:** Smaller groups of prisoners out at any one time and the significant or structured ongoing activities that we had during covid. There were specific things that we were supposed to do during covid because of the pandemic, and we did those. Now we have returned to the chaos of releasing maybe 150 prisoners onto a wing with one pool table. That serves no purpose at all.

**Q9 Mr Roberts:** Do you think that there was a conscious decision to change it back to that? Was there a kind of lethargy whereby people slowly, over time, fell back into old routines, or was it consciously done that way?



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**Terry McCarthy:** A bit of both, to be honest. Lethargy has set in, but don't forget that the regimes that are dictated in any prison are dictated by the Prison Service. That is what the managers have been told to deliver; they have been told to deliver expanding regimes and increasing time out of cells.

- Q10 **Mr Roberts:** As Ben said, last time your association was before the Committee, which was in 2018, you talked about retention being more important than recruitment. At that time, I think that 78 out of the 101 officers in Swansea had less than two years' service. Your report in 2022 said the same thing: "prison officer retention crisis". Why is there such a struggle to retain officers, and what specifically can be done to address the issues that make staff leave?

**Terry McCarthy:** The Prison Service cannot compete with market forces. We cannot compete with the police force or the Border Agency: they are the two biggest agencies to which we lose experienced staff.

- Q11 **Mr Roberts:** When you say you cannot compete, do you mean in terms of pay or the attractiveness of the job?

**Terry McCarthy:** In pay terms, and when people turn up to the jail for the first time and realise that it is not the job for them. You have to remember that there is no interview process to be a prison officer at the moment. The first time you see a person who has applied to be a prison officer and been successful is when they turn up for training. When they walk through the gates of a prison, are given a set of keys and walk on to a wing—wow! It is a big shock for anybody.

- Q12 **Mr Roberts:** It is interesting. I got that: I watched the BBC drama "Time", and that happened in it. The girl turned up on her first shift and had no training. I thought, "That can't really happen." Is that how it works?

**Terry McCarthy:** They have had training. Don't forget: when you turn up for your training, you go through eight weeks of training to be a prison officer and are then assigned to your jail. You go in and do your first shift by yourself on a wing. You might be with a prison officer who has three months' experience, and that is who you learn from.

- Q13 **Mr Roberts:** That is an amazing process. What is the impact of that on staff retention and shortages? What is the impact on prisoners, not just on individuals and their immediate day-to-day care but on things like educational programmes, outreach, workshops, substance misuse treatments and all those things? What impact does it have in terms of things that prisoners miss out on?

**Terry McCarthy:** Staff shortages obviously lead to us having to curtail regimes in jail on a daily basis, so prisoners might be missing out on work and so on. You have to remember that prisons run on consistency and relationships. At the minute, we cannot offer consistency, and staff are not there long enough or experienced enough to build up relationships with prisoners.



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- Q14 **Mr Roberts:** What are the first things to disappear? When there are not enough staff, what are the first programmes to get cut? What is the first thing to get sacrificed?

**Terry McCarthy:** It is usually education. In a jail, we have a regime monitoring plan. If we have 80 people, we cannot do 100 jobs, so 20 jobs have to be knocked off straight away. Basically, we have to concentrate on delivering what we can—the basics of making sure people are fed, medicated and exercised. Those are the basics that we have to deliver. Everything else is great if we can deliver it, but staff levels will dictate what we can deliver daily.

- Q15 **Mr Roberts:** And that will be decided very much in the moment. It is not something you can plan very much in advance.

**Terry McCarthy:** It should be planned. You should have specifics that should be the last to be knocked off the list, but that is not always the case.

- Q16 **Mr Roberts:** Dr Jones, I appreciate that this is very much Mr McCarthy's area. Do you have anything to add?

**Dr Jones:** I have nothing to add.

- Q17 **Chair:** Mr McCarthy, on the issue of pay, is your point that prison officers do not feel that the salary they get is adequate compensation for the risks and arduousness of the job, or is it that the salary itself just is not competitive? I think an entry-level prison officer gets around £30,000, which is very comparable to what an entry-level police officer gets, so give us your insight on the salary issue.

**Terry McCarthy:** The salary starts off the same but police progression to a higher salary is a lot quicker. The police do not have to work until they are 68 to receive a full pension. And you can go and work elsewhere—I will use Berwyn as an example, because Wrexham industrial estate is right next to it—and earn exactly the same money if not more for working a 37-hour week in less arduous conditions.

- Q18 **Chair:** Notwithstanding the 7% uplift in salary, the Prison Officers' Association is pushing for further increases in pay.

**Terry McCarthy:** Further increases in pay and a reduction in the pension age.

**Chair:** Okay. That is helpful.

- Q19 **Ben Lake:** Mr McCarthy, to take you back to the changes that have taken place or the practices to which we have returned since covid, and the point you made about releasing large groups, is there any practical reason why the covid regime of smaller groups could not be maintained?

**Terry McCarthy:** None whatsoever. As an association, we are pushing for that on a regular basis.

- Q20 **Ben Lake:** Without going into too much detail, would it just be a matter



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of timetabling to make sure that different groups were out at different times?

**Terry McCarthy:** Pretty much. It is about organising. Contrary to popular belief, prisoners enjoy knowing what is happening on a day-to-day basis. They enjoy knowing the fact that they are going to be safe at the end of the day, because they are not subject to being amongst a huge group of prisoners.

Q21 **Chair:** Who makes the decision on the regime? Is it a governor decision or is it a policy decision from the centre?

**Terry McCarthy:** It is the governor's job to implement it, but it is a policy decision from the centre, which obviously forms his opinion.

Q22 **Chair:** So in terms of trying to go back to some of what you described as healthy covid practices within the prison, that would be something for the policy makers at the Ministry of Justice to decide on.

**Terry McCarthy:** Yes, that is right.

Q23 **Virginia Crosbie:** Thank you, gentlemen, for coming here today. Mr McCarthy, you said that prison officers have had control of the prisons in Wales and England for the first time during covid. That is a really strong statement. But what I want to dig deeper on is the impact that population pressures are having on the experience of prisoners. Wales has the highest imprisonment rates in western Europe. What does that actually mean for the prisoner experience in Wales, compared to that in England?

**Terry McCarthy:** I do not think the experience differs greatly, actually, inside the jail. The difference with Wales is that you have the external stakeholders because of devolution. The prisoner experience will be pretty much the same. Every prison in Wales at the minute is pretty much full to capacity. There are only a few spaces left in the Welsh prison estate. Obviously, the numbers will dictate what we can deliver on a day-to-day basis, as will staffing levels.

Q24 **Virginia Crosbie:** But in terms of the experience, if you were a prisoner in England versus a prisoner in Wales, what things are better and what things are worse? Are there any learnings between the two?

**Terry McCarthy:** In all honesty, I have spoken to people in Welsh prisons who have worked in English prisons, and I have asked them, what are the significant differences about being a prison officer or a prisoner in Wales or England? They could not come up with anything, really. There was no significant difference.

**Dr Jones:** It is a really good question. In typical academic fashion, I think there is a real project in terms of the qualitative experiences of being in a Welsh or English prison. If you blindfolded a prisoner and moved them from one to the other, would they know those differences?

One of the things I would say about the stakeholders is that health is, of course, devolved. There are different structures in terms of how that is managed and run. Of course, the health board structure means that there



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can often be a bit of a lottery in terms of which prison you are in and, obviously, which health board area you are in.

I know that there have previously been concerns raised about substance misuse and the different systems that exist between England and Wales. From memory, there was a piece in *The Economist* in, I think, 2018 or 2019 that dealt with that. There was a thematic review by the inspectorate in 2015 which looked at that as well. Education is another area, but it is unclear how it diverges between Wales and England—but it can, which is the point.

In terms of the population, Wales has the highest, as you correctly say, but England's is also very high. In terms of there being differences, if we were looking at England having a rate similar to say, Norway or Sweden, you would expect those differences to be far more extreme, but let's not forget that the rate in England is also concerningly high. So I don't think those kinds of problems will manifest themselves in the way that they would if you had a very different comparator in England. England and Wales both have high rates. It is just that Wales has a higher rate.

**Q25 Virginia Crosbie:** In terms of crowding, how does that actually impact prison officers, the prisoners and the prison estate?

**Terry McCarthy:** In terms of overcrowding, the two jails in Wales which are subject to that are Swansea and Cardiff. As we alluded to before, they are old Victorian jails, and in an ideal world we would knock them down and start again. The prison experience in Swansea in Cardiff would differ significantly from Berwyn, where Berwyn is a brand-new, state-of-the-art jail and not subject to overcrowding.

**Q26 Virginia Crosbie:** How does that impact the officers and also the prisoners?

**Terry McCarthy:** Obviously, with overcrowding the pressure is on the officers to deliver on a day-to-day basis all the basic necessities. As opposed to 200 people, we might have 300 people to deliver for on a daily basis.

**Q27 Ruth Jones:** Thank you, gentlemen, for coming in this morning; it is really helpful to have you here in the room. Dr Jones has already alluded to the healthcare issues being slightly different in Wales. Mr McCarthy, how are the links with your local health board working now—we looked at it in 2019—in terms of ongoing support and help for your prisoners with, say, mental health or medication?

**Terry McCarthy:** I cannot really speak for the jails in south Wales, but I spoke to Berwyn last week. Berwyn has a problem with Welsh prisoners getting treated in the nearest hospital, which is Chester Hospital. Surprisingly, I have heard of Welsh prisoners being refused treatment at that hospital and being referred back to a Welsh hospital. I have asked for some more details on that so I can follow it up. So there are differences there. I shouldn't think that that would apply to Swansea, Cardiff, Usk or Prescoed.



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**Q28 Ruth Jones:** Thank you. That is helpful. Obviously, there have been a number of unexplained or unexpected deaths in Welsh prisons, as there have in English ones. How are those reviewed and looked at afterwards, in terms of lessons learned, to ensure that such things do not happen again?

**Terry McCarthy:** Obviously, every death will be investigated by the prisons ombudsman. We take that very seriously. We look for the recommendations from the ombudsman and try to implement them as much as we practically can.

**Q29 Ruth Jones:** How quickly does the ombudsman report?

**Terry McCarthy:** The ombudsman reports within six months of a death in custody. Obviously, it takes a long time to implement any recommendations.

**Q30 Mr Roberts:** Just to touch on your issue about Chester Hospital, that is not necessarily a prison thing. There were people in my constituency of Delyn who also had difficulty using Chester Hospital, and it came back to an issue with the Welsh Government not necessarily being too quick to pay the bills for cross-border treatment. That is long-standing issue that we have been dealing with for many years in north Wales.

You responded to Virginia about staffing issues, and we talked earlier about the non-essentials sometimes being sacrificed. Do you know roughly how many vacancies there are in Welsh prisons? More importantly, if there were no vacancies, would there be sufficient staff? If the prisons were at capacity and had all the staff that were advertised for, would that still be insufficient or would it be enough?

**Terry McCarthy:** Most prisons in Wales are fully staffed at the moment and have actually sent people on detached duty. Berwyn Prison has 292 band 3 prison officers in post today; it should have 352. It currently has 84 under training. For the first time in its short lifespan, Berwyn will be fully staffed in March this year. Then, we have 84 brand-new, inexperienced prison officers getting put into the mixing pot, which brings its own problems.

**Q31 Mr Roberts:** So the problem is not necessarily that the positions are not filled; it is sickness, people not coming in on the day and there not being enough staff to fill in for them.

**Terry McCarthy:** Pretty much so. Out of the 292 staff that Berwyn has at the moment, 45 are off on long or short-term sick, and 15 are on restricted duties—that is 60 taken out of the equation straightaway. That impacts on what you should do. So 292 goes down to 232, and there should be 352 band 3s in post. That is the problem the prison is facing on a daily basis, and that is what it is going to try to deliver with.

**Q32 Chair:** So about a quarter of the staff at Berwyn are off sick at the moment.

**Terry McCarthy:** Forty-five are off sick and 15 are on restricted duties—so, 60 out of 292. When it is fully staffed, it should have 352 in post.



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Q33 **Chair:** Are those proportions similar to the other prisons in Wales?

**Terry McCarthy:** No, no. Berwyn has always been hugely understaffed. This time last year, Berwyn had only 191 prison officers out of what it should have had, which is 352. Recruitment has improved drastically. The problem we have now is trying to keep those people in post.

Q34 **Chair:** What I am interested in exploring, following your previous answer, is the proportion of staff who are not working at Berwyn at the moment because of long-term sickness issues. Does that proportion feel similar to the number of prison officers in other prisons in Wales who are facing long-term sickness?

**Terry McCarthy:** Pretty much, yes.

Q35 **Chair:** Okay. So there is not a particular problem at Berwyn in that respect?

**Terry McCarthy:** No. Berwyn is not the highest by a long way for people being off sick.

Q36 **Chair:** You used a phrase earlier about Berwyn—that it is intended to be a “state-of-the-art” prison. I was reading some of the material ahead of this session, which indicated that the relatively high proportion of shared cells at Berwyn was problematic. Are you able to say anything about the number of prisoners sharing cells in Berwyn?

**Terry McCarthy:** From my understanding, the majority of cells in Berwyn are single cells and not a great deal of prisoners at Berwyn share cells. There are shared cells—sometimes out of necessity, when somebody needs to have a cellmate—but the majority of prisoners at Berwyn have their own cell.

Q37 **Chair:** Okay. While we are on Berwyn, there have been a number of high-profile cases of problems involving officers at Berwyn, and some of the tabloids have enjoyed reporting on that. Are you able to say anything about cultural issues at Berwyn? Are they any different from those at other prisons in Wales?

**Terry McCarthy:** No, that is not particular to Berwyn; that is across the prison estate in the whole of England and Wales. It is down to staff being conditioned by prisoners. It is not particular to Berwyn by any means.

Q38 **Chair:** Do you think that staff in Welsh prisons—particularly female staff—get adequate protection?

**Terry McCarthy:** What we lack, in not just Welsh prisons but all prisons, is experienced staff to guide younger staff when they first join the Prison Service as to what is right and what is wrong—where the line is that we do not cross. That is what is lacking in a lot of prisons at the minute.

**Chair:** Okay. That is helpful, thank you.

Q39 **Ben Lake:** Dr Jones, may I turn to data on Welsh prisoners and prisons? Our predecessor Committee recommended that there should be



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disaggregated data for Wales. Indeed, I think it was a recommendation that the Government agreed to, or at least agreed to work towards. Since 2019, have you noticed any effort to disaggregate data? Have more data sources been made available to researchers such as you?

**Dr Jones:** The answer to the latter question is no. Many of the sources of data that I have presented to this Committee in the past are still only accessible by FOI. The requests for last year have already gone in. Whether things are happening in that regard is a matter for HMPPS—you have to ask them. I hear that there are lots of conversations and positive noises. In response to at least two Westminster Hall debates on this topic, this has been described by the Minister as “not an unreasonable request”, so there is an acknowledgment.

On the HMPPS in Wales side, I think they understand that this is good policy; people understand that this is good policy—it makes sense to do this—but what is now lacking is actually putting it into practice. I do not know what the block is. In my evidence, I alluded to whether this is being caught in the crossfire of discussion and the two polar-opposite opinions on devolution. Is data seen as conceding to the question of Wales and further making Wales a distinct system? I don't know.

There are noises, but what it is important for the Committee to try to establish is what is blocking this. Everybody seems to be on the same page, but we never quite get through to disaggregating the data and making it publicly available for me and many other people.

Q40 **Ben Lake:** I am sure that is something that we will pursue further as a Committee. You outlined this very coherently in your written evidence but, for the sake of the record, how does having disaggregated or Wales-specific data help you as academics scrutinising and looking at policy? Also, how might it help those responsible for provisioning different services for offenders in Wales?

**Dr Jones:** On the latter, I think it was in the 2018 inquiry—it might have been the 2015 inquiry—that I included in my written evidence a story where I was asked by a service provider whether I could share my data with them because they did not know where people from Wrexham were in prison. So you have this bizarre scenario where the researcher is having to help somebody to do their job.

I can happily talk about the problems that I face and why I think this is important from an academic standpoint, but there are also the practical realities. Public Health Wales said the same in a National Assembly inquiry into prisoner health; we have seen lots of different organisations make the same arguments. It is important even in terms of understanding the system and understanding where people from your constituencies are in prison—where are they being held?

I wanted to come back to the point about overcrowding. One of the biggest problems with overcrowding—I think Phil Wheatley gave evidence about overcrowding to the Welsh Affairs Committee inquiry in 2007<sup>1</sup>—is



that, once one prison locks out, those who would ordinarily be held there then have to be shipped to another prison and another prison and another prison. We see distance and dispersal as a big issue.

In terms of the data, I could probably take up the whole session talking about why it is important, but I think that that the voices of practitioners make those arguments far more powerfully and compellingly than I can.

- Q41 **Ben Lake:** Very briefly, Mr McCarthy, something you said earlier struck me. We have heard quite a bit about Berwyn being a state-of-the-art prison. I know that the old Victorian prisons in Swansea and Cardiff are no longer sufficient—as you said earlier, if we had our way, we would demolish them and start again—but from a prison officer’s point of view, inside the prison, what are the real problems with the old Victorian prisons? I know that those problems are well accepted, but it might be useful as part of our inquiry for us to understand why Berwyn’s structure and layout is so much better than that in the old Victorian prisons.

**Terry McCarthy:** Take Berwyn and compare it to Swansea. The cells at Berwyn were made with in-cell sanitation and showers and in-cell telephony and digital access. When you have not got enough staff, a prisoner can still access the shower. He can still use the telephone and so on. There is an ongoing programme of in-cell telephony throughout the old Victorian jails—I am not sure where we are up to with Swansea and Cardiff. But in places like that you are not going to be able to put a shower in a cell, so if you are short of prison officers on a particular day and you cannot offer this, at least people still have access to a shower and sanitation. That is the major difference.

**Ben Lake:** Thank you. That is very useful.

**Dr Jones:** Can I just make a quick point on that? I only say this because of a paper that we recently had published, or that will be published soon, about the use of modernisation. I went to the archives to trace this narrative within Government policy, where newer prisons will tackle all the problems we are talking about. We think the veritable birth is the 1959 White Paper, “Penal Practice in a Changing Society”, which describes modern prisons as a prerequisite for progress.

One of the things that is consistent is that the prison that is built now is modern. When Oakwood was opened, it was state of the art; it was going to be the prison that dealt with all the issues. Well, very quickly that appeared to be not the case. Next it was Berwyn, which was going to be the answer to these problems and issues, and we have talked about some of the problems. Now it is Five Wells. In fact, when you ask the Ministry of Justice, which I have done, if they can provide the data—the evidence—which shows that modern prisons outperform older prisons, their response is that they do not have the data.

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<sup>1</sup> The witness later pointed out that the correct date was in fact 2012 and that the evidence was given to the House of Commons Justice Committee.



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When we look at the measures of 1, 2, 3 and 4—the scorings—if you have gone to HMPPS performance statistics, they compare by function and region; they do not compare by age. When we look at the safety in custody statistics, there is no comparison by age of prisons. Although there are clear differences in terms of the facilities—I do not think that is to be dismissed—in terms of performance and whether these prisons are a prerequisite for progress, I think that there is a very fragile evidence base, but it continues to be used as a narrative to support future prison building, which includes the four new prisons programme in England. But it has never really been subjected to any kind of serious empirical scrutiny, including by the MOJ themselves.

**Ben Lake:** Thank you. That is interesting.

- Q42 **Chair:** But presumably, Dr Jones, somebody could do that analysis in a fairly straightforward way. There is plenty of data out there. We know the ages of the prisons. We know the different performance measures that they are being measured on. There are other variables that you bring in and regression analysis.

**Dr Jones:** Correct. Absolutely. Somebody could do it, but it is not there at the moment. That is the point. The evidence base for this is rather speculative, to say the least.

- Q43 **Chair:** To follow up Ben Lake's point about data and Welsh-specific data, is there a particular problem with the lack of data about where Welsh female prisoners are being held? Have you done any work on that?

**Dr Jones:** Yes, we have those data, and there is a PhD researcher at Cardiff University whose research is looking at Welsh women in prison and who is now very much taking that on. But yes, that is a huge problem. To come back to dispersal, very often the debate in the north is that Welsh women are in Styal or maybe Drake Hall, and in the south it's that Welsh women are in Eastwood Park. Again, we know, because of the data, that Welsh women are in at least 11 of the 12 prisons in England. So yes, completely—the problems with data with regard to women are a big problem.

- Q44 **Chair:** I was on this Committee in 2005, and we visited Eastwood Park Prison in Gloucestershire to meet Welsh women being held there. One of the recommendations of the Committee 18 years ago was that Government should look at enabling more Welsh women, if they do need to be held in the prison estate, to be held in Wales and closer to their homes. Does it feel like any progress has been made on that front? We have had the announcements about women's residential centres, but we still don't know exactly when that is going to be delivered, do we?

**Dr Jones:** No, we don't. On progress, you said, "If they need to be," and I think that that is the bit that needs focus. One in two of all Welsh women sentenced to prison last year were there for a month or less. That is the problem we need to deal with first, not building prisons or enhancing capacity. Let's deal with that first. Two years after you visited Eastwood Park there was the publication of the Corston review. We are still waiting



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for the implementation of many of those recommendations. I think that, on a Wales-only level and the question of women, the thing that should really exercise us the most is the continual use of short-term sentences, which are incredibly harmful, incredibly destructive. Sadly, what you found in 2005 would, I suspect, be consistent with what you would find if you went into Eastwood Park today.

- Q45 **Chair:** I am conscious that the time for this first panel of the session is drawing to an end. I just want to ask you again about this, Dr Jones. Mr McCarthy referred to problems that prisoners at Berwyn have had in getting medical treatment at Chester hospital. Have you observed any other issues where devolved services have proved difficult in terms of delivery and that jagged edge? I think you coined that phrase for the devolution settlement on criminal justice. Do you see any other practical areas where this is biting?

**Dr Jones:** Previously, housing has been a big one; there was a divergence there. In terms of the Chester example, I don't have any further examples of that. We know that at Altcourse, before Berwyn opened, there were issues about English prisoners wanting to access the "priority need" provision for Welsh prison leavers, and obviously that wasn't always possible, because they didn't have a local connection. But I would point towards substance misuse as a very clear example of the practical realities of this.

- Q46 **Chair:** I have one final question. There are governmental structures that look at the criminal justice system in Wales: there is the inter-ministerial working group and the Criminal Justice Board for Wales. In your experience, how effective are these bodies?

**Dr Jones:** How many people have heard of them, or had heard of them before this inquiry? They exist. On the extent to which they are successful, I have absolutely no idea, because very little is known about them. If they had a website or something where you could actually learn a little bit more about them, that would be helpful.

But I think the clear issue is about the jagged edge, which I will say came from the Richard commission before I can be seen as stealing that from anyone! It's about the structures. We are talking about powers, law and, of course, the Executive. That jagged edge simply can't be smoothed over by various working groups, no matter how much good will there is on the part of the people involved—and there is a serious amount of good will on the part of the people involved—on either side of the jagged edge, to make it work.

We are fundamentally talking about a lack of structural alignment. We know that Wales is an anomaly—the only common-law country in the world to have a Government and a Parliament but not its own justice function. So, no matter what those structures and the best intentions of the people involved, that anomaly will still exist.

- Q47 **Chair:** Thank you very much. It has been a really interesting 45 minutes. Dr Jones, we have had some really interesting policy insights from you;



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Mr McCarthy, you have made some really valuable comments on the practical, operational side. Is there anything that you want to add before we bring this part of the session to a close?

**Terry McCarthy:** I would just highlight Berwyn Prison again. It has a capacity of 2,000, and there are 1,984 in there as we speak. Only 583 are Welsh prisoners; the rest are from the north-west of England and the midlands. That creates huge problems when it comes to resettlement back into England. There is a big problem that needs looking at.

**Chair:** Thank you both very much: that was really helpful. We will keep the cameras running and move seamlessly over to the second panel.

### Examination of witnesses

Witnesses: Bryn Hall and Katie Fraser.

**Chair:** Good morning. I am delighted that for our second panel this morning we are joined by Katie Fraser, who is the head of prisons and co-production for Women in Prison, which is a national charity, and Bryn Hall, who is the development officer for Wales for the charity Clinks. Welcome to you both.

Q48 **Mr Roberts:** I will start with Mr Hall. You have 15 years' worth of experience in various roles in the third sector and public sector in a variety of ways. How have things changed? How has the situation facing voluntary sectors or organisations specifically changed in prisons in Wales in the last five years or so?

**Bryn Hall:** I think the situation for the voluntary sector across the board across England and Wales working in criminal justice is stark at the moment. Funding is really difficult for the voluntary sector; it is a key delivery partner when it comes to work in prisons and probation, and the voluntary sector is facing significant challenges when it comes to staffing and actually getting people in the prison. There are issues around vetting and the length of time it takes for staff to be vetted to go into the prison and deliver those services. There are issues around the length of time in commissioning, and there are issues around there being sufficient funding to deliver those services.

Q49 **Mr Roberts:** You mentioned the vetting. Who is responsible for the vetting and the amount of time that it takes?

**Bryn Hall:** I think that would be the vetting service in HMPPS. I would have to get back to you on that as to who exactly is responsible for that.

Q50 **Mr Roberts:** You did a report, "State of the sector", in 2022. You said that 80% of respondents "reported an increase in...the level and complexity" of service users' needs, with "over half" reporting an increase in the urgency of need. How have the needs of voluntary organisations changed? Can you pinpoint the reasons why 80% have reported an increase in urgency?



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**Bryn Hall:** That would be the needs of the service users who the voluntary sector works with. We have obviously seen covid and the impact that that has had on mental and physical wellbeing. We also know that we have recently done our "State of the sector" for 2023, and the complexity and urgency of their needs are continuing to increase—we are finding that as well. It is about being able to do that service delivery, and the complexity and urgency of those needs are increasing, which makes that service delivery even more difficult for the voluntary sector in an atmosphere or time when we know that funding is a struggle for the voluntary sector when it comes to the commissioning of criminal justice services.

- Q51 **Mr Roberts:** In the last panel, Mr McCarthy mentioned that lots of lessons were learned in 2019 during covid, but it seems to have regressed back to previous practices. Have you noticed a similar thing in how third sector organisations are dealt with?

**Bryn Hall:** I think third sector organisations are still struggling to get back into the prisons since the pandemic. Because of the regime changes during covid—there were restricted regimes within the prisons that obviously made the job of prison officers easier—that had a negative effect on third sector organisations in being able to get in and deliver those commissioned services.

- Q52 **Mr Roberts:** From a third sector point of view, would you say that you should now be back to, or at least progressing back to, how things were before and a lot of those restrictions should now be gone?

**Bryn Hall:** They should be, but as we heard from the previous panel, we know there are still staffing issues within the prison when it comes to prison officers and that has an effect on third sector organisations then being able to get into the prisons to deliver those services. To allude back to the issue around vetting and the length of time it is taking for people to be given clearance to come in, the sector is also similarly struggling with recruitment and retention because of those issues. The fact that funding is unstable and commissioning takes such a long time also has a knock-on effect, and the sector is struggling with that recruitment and retainment of staff as well.

- Q53 **Mr Roberts:** As we heard from Mr McCarthy, lack of staff generally cuts down on provisions and services. If you cannot get in there, how much of an impact is the disappearance of the third sector having on prisoners, their rehabilitation and other desirables?

**Bryn Hall:** From our point of view, we feel that that has an impact. We know that the safe custody rates are alarming. Dr Jones alluded to that in his factfile. Deaths in custody over that period have increased in Wales as well. The scant data that we have would suggest that that is having a negative effect on people in prisons.

- Q54 **Mr Roberts:** That was all I had to ask. Does Ms Fraser have anything to add in that respect? I am sure there are going to be some specific questions about women coming your way shortly, but do you have



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anything generally to add to Mr Hall's comments?

**Katie Fraser:** When we think about the impact on prisoners and the impact on Welsh women serving their sentences in English prisons, the operational impact is actually huge. We talk about not having enough staff and the regime not being back to normal. What that actually means for those women can be quite significant.

I worked with a woman recently whose relative had died and she wanted to go and light a candle in the chapel. She had to put an application in to do so, but it took two weeks for that application to be carried out and for there to be enough staff to come to take her to the chapel to light that candle. If we think about that in the context of applying for a mental health service within a prison, those are very real impacts that are happening for those women in prison.

Q55 **Chair:** Mr Hall, can you give a quick summary of Clinks' activities in the Welsh prison estate? Are you active in all the prisons in Wales?

**Bryn Hall:** No. Clinks is the infrastructure organisation. We are a membership organisation so we look after the organisations that do that work in the prisons. We do not actively provide services within the prisons ourselves, but we represent the organisations that do.

Q56 **Chair:** So the comments that you make refer to your member organisations and the difficulties that they have had getting access, post-covid, back into prisons and the funding issues that they face as well.

**Bryn Hall:** Yes, and we have regular contact with our members, as you can probably imagine.

Q57 **Ruth Jones:** Thank you both for your time this morning and for coming in earlier to save us repeating ourselves. Ms Fraser, in terms of women in prison, during the first panel's evidence the Chair mentioned meeting Welsh female prisoners at Gloucester Prison back in 2005. Since that time, how have things changed for Welsh female prisoners?

**Katie Fraser:** I have to say, I do not think they have changed very much, really. In a sense, women are doubly punished. They are punished by being sent to prison, but doubly punished by being sent to a prison that is not in their home country. It is far away from their children and it is harder to maintain family contact. If your children go into local authority care, it is almost impossible for you to get somebody to bring your children to visit you. In terms of resettlement, it is going to be much, much harder, with organisations working in English prisons not having the same knowledge about what opportunities might be available. There is also Travel—the list goes on and on.

I think it is fair to say that even post-Corston, those issues remain the same. Those women really are having a hard time of it. As you yourself said, we see most of those women at either Styal if they are from north Wales or Eastwood Park if they are from south Wales, but our organisation works with women in Send, Downview and a number of other prisons. Again, it is a real problem for those women in terms of resettlement. They



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are already experiencing problems because there aren't the same number of open prisons, and they are not able to access those services or, most importantly, community connections.

A prison's responsibility lies with women while they are in prison. As soon as that woman sets foot outside the prison gate, she is no longer its responsibility. So, who is there to pick up that woman to ensure that any support that was given to her while she was in custody carries through into the community? There are patches of some really good provision. The Nelson Trust, which works out of Eastwood Park, is delivering a really great service; I think its funding may just be coming to an end. The Women's Centre in Eastwood Park, which delivers a through-the-gate service, is really able to hold on to those women and give them the support that they need to maintain those family ties and get them back out into their communities. All those things obviously have an impact on women's mental health and on self-harming.

**Q58 Ruth Jones:** Going back a step, Doctor Jones on the first panel alluded to the fact that women are in prison for different lengths of time. We've all seen the series with Jodie Whittaker and it still beggars belief. Was that series overblowing it, or is that a true representation of women being locked up for certain offences? I'll leave it to you to say.

**Katie Fraser:** Yes, absolutely. Women are being sentenced disproportionately. They are being prosecuted for non-payment of council tax, non-payment of a television licence and children not attending school. Of course, mum may be the one who actually holds the tenancy or may be the sole carer, so she is the one who's going to be prosecuted. We may think that three or four weeks in custody isn't a long time, but it's long enough to lose your children, your job and your self-esteem, and to develop mental health issues, which will of course have an ongoing impact. We also see prison being used as a place of safety. Women who are mentally unwell who have no provision in the community are being sent to prison as a place of safety. But with self-harm rates across the women's estate being the highest that they've ever been—11 times higher than across the male estate—we know that, in fact, prison is not a safe place for women.

There are a number of issues. Obviously, there are some around intervention, but, as my colleagues said, we really need to look at why women are being sent to prison in the first place and some of those issues. Women in prison tell me quite often, "If I'd got the help that I actually needed when I was in the community, I wouldn't have got involved in crime in the first place." Quite often that is related to mental health. Obviously, addiction services come into play and domestic violence is a huge driver for women's offending, but there are lots of issues around mental health for women.

**Ruth Jones:** Thank you; you make your points very clearly. I will hand back to the Chair.

**Q59 Chair:** Is the ratio of prison officers to women prisoners roughly the



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same at any one time compared with male prisons?

**Katie Fraser:** I don't know because I don't work in men's prisons, but what I will tell you is that men's prisons obviously have much higher rates of assault on staff. When we're talking about issues across the male and female estate, self-harm is a really big issue. As a colleague said earlier, often it is not about the number of prison staff; it's about being able to maintain those relationships. Women who are entering the criminal justice system and who are in prison often experience huge amounts of trauma, so it is about being able to maintain those relationships, and having that continuity and consistency of service where women feel that they are able to talk about some of those issues. Sometimes we see women being in custody for very short periods of time—perhaps three months—and having up to five or six offender managers. Imagine a woman who has perhaps experienced domestic abuse having to talk about that with an offender manager, and then again with another one and another one. So it's often about the consistency and the continuity that is provided.

**Q60 Chair:** The point about short sentences was made to this Committee on the visit to Eastwood Park all those years ago that I talked about earlier. I remember one of the educators in the prison—there was a youth wing there at the time; I do not know whether there still is—making the point to us that a lot of the women and girls there are just not there long enough to do meaningful work that has really strong outcomes for them.

**Katie Fraser:** Absolutely, that is the problem. Really, unless you are doing three months or more, you are not going to be able to access some of the programmes that can really help you. For a lot of the services and a lot of the provision, there is such a long waiting list. Trauma-informed services and all the things that might really produce meaningful outcomes are very difficult to get on. That is underpinned by the fact that there are long waiting lists for mental health provision as well. If you are not feeling good about yourself, you are not going to start thinking about education, looking for a job or volunteering on release. All those things create this perfect storm where women are really suffering in English prisons.

**Q61 Chair:** We talked to the first panel about the scores for Welsh prisons in terms of performance. Thinking about the female prison estate, what is the data telling you? Are things getting worse? Are they just ticking over, much as they have always done? Are there points of real success and reasons to be optimistic?

**Katie Fraser:** It is interesting, really. Again, I would agree with the previous panel that sometimes what I read in a report is not backed up by what I actually see in prisons. I do see some improvements—for example, the previous panel talked about access to in-cell telephony or laptops for women—but what I see in women's prisons is that actually sometimes there is a lack of access to resources just to maintain their basic dignity.

I met a woman in prison last year who was wearing flip-flops in December. I said, "Why have you got flip-flops on?" She said, "I got nicked in August when it was sunny." That woman had been in prison for six months and



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still did not have a pair of shoes. Nobody could send her any money for a pair of shoes. She had been convicted. She was not earning enough to be able to buy a pair of shoes from the prison catalogue, where things are very expensive, and there were not any shoes that fitted her from donated prison articles.

We are not just talking about access to the provision that is there; we are talking about things just to maintain women's basic human dignity. Often, I read these reports and think, "Oh, it's great! Things do seem to be improving, definitely. There is a focus on looking at self-harm rates," but it does not mirror what women are actually telling us. Bear in mind that women will tell voluntary sector agencies things that they will never tell an inspectorate team, the IMB or even the officer on their wing.

**Chair:** That is really helpful. Thank you.

Q62 **Ben Lake:** Thank you both for your time this morning. I would like to ask a few questions about prisoner placement, particularly the link between the placement of a prisoner at a particular location and their chances of a successful rehabilitation.

Can I ask you both to comment on how important it is for a prisoner to be imprisoned in a location that is as close as possible to their home area? I know it is a specifically troublesome issue for women from Wales, but perhaps you could comment in general terms.

**Katie Fraser:** For women, it is so important. There is lots of evidence from the Farmer report and the Bradley report about the importance of family ties and being able to maintain those relationships. We also know that there is a lot of guilt and shame attached to women's offending. Women feel that, and it can be a driver for them to go back into criminality, having been separated from their children.

On a practical level, it is just about your family being able to afford to visit because it is closer, and your children being able to visit because it is closer. Also, in terms of resettlement, it is about being able to apply for jobs and housing, and the resettlement team in your prison having that knowledge, which can often be inadequate.

I am going to quote the Greater Manchester Women's Support Alliance, which has a model with a network of women's centres. Those women's centres are already based in those local communities. They know what the local resources are and they have relationships with the local housing officers, the local drug and alcohol teams, the school nurses and GPs—they have all that local knowledge. What we see from the women's alliance is having women on probation, attending their probation at those women's centres, with really good partnership work with probation, so that those women can be supported to stay in their communities—they're not going to lose their children or their housing. They are really getting that support. It is providing local solutions for local problems, rather than taking a woman to a prison that is 200 to 300 miles away, where that support will effectively stop unless she gets a really long sentence.



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The Nelson Trust delivers something similar with its project out of Eastwood Park, supporting women from the women's centre with the Through the Gate service to give them the dedicated support they need to get back out into their community. They are not trying to take those women to a different community, but taking them back to the one they came from, where they can pick up those family ties.

**Q63 Ben Lake:** That is very useful. Mr Hall, is it a similar situation for male prisoners, in terms of the importance of being as close as possible to their home area?

**Bryn Hall:** Absolutely. I agree with everything that Women in Prisons has said. I will talk initially about women in prisons, and then go on to men. It is so key. We also need to factor in the fact that when we talk about resettlement, we are talking about women being resettled from English prisons back into Wales. Those prisons don't always necessarily have an understanding of the Welsh systems, such as Welsh housing legislation and things relating to healthcare and even employment, education and training—those things need to be factored in as well. It is a specific issue for Welsh women, because they are all in English prisons. But we see the same for Welsh men who are in English prisons. I would say that being close to your community, having those family ties and not being too far from your community is key for men in prison as well. It is certainly key with a view to resettlement as well.

**Q64 Ben Lake:** Are you aware of information or analysis that shows the impact on the rehabilitation of prisoners of the location in which they are imprisoned? It strikes me that your points are eminently sensible, and you can understand how being closer to family and support networks that understand the relevant legislation, regulations and conditions at home would help an offender to rehabilitate. But are you aware of any studies or surveys that could quantify that? I am interested in how the rates of successful rehabilitation of Welsh women compare to their English colleagues, as well as for men—if a prisoner from my constituency of Ceredigion, for example, was held in Berwyn, he may as well be in England in terms of how practical it would be for family or support networks to reach him. I am interested in that. Is that sort of analysis and data available?

**Bryn Hall:** This goes back to the point that Dr Jones was making in the first panel on the importance of having Welsh-specific data and being able to disaggregate that data. It is very difficult to get to the bottom of how well Welsh-specific policies, or policies that could affect Welsh people in prisons, are actually working if we do not have that Welsh-specific data. That is the key takeaway here: we need that disaggregated Welsh data so that we can actually do some proper analysis. We need that consistently collected data, and not just to rely on freedom of information requests, because we don't then get that consistent dataset.

**Q65 Ben Lake:** Ms Fraser, I suppose that challenge also impacts on any ability to compare the successful rehabilitation rates of English and Welsh females.



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**Katie Fraser:** Absolutely, yes.

**Chair:** Rob Roberts has a supplementary question.

- Q66 **Mr Roberts:** Yes, to Ms Fraser. This is on the subject of women, following up on Ben's questions about location. At the end of 2022, Welsh women were held at 11 out of the 12 women's prisons in England; 77% were split between Eastwood Park and Styal, and just 23% were split over the other nine, which means that there was an average of five in each prison. The Prisoner Learning Alliance told us that it is the statutory responsibility of the Welsh Government to offer them education and skills. Does having five women here and five women there, rather than them all being in one mass, produce logistical difficulties? If it does, are they missing out on education and skills by only being a very small cohort of four or five in a particular prison? Do the Welsh Government find it difficult to provide education and skills in those locations?

**Katie Fraser:** I don't work directly with the Education Department, so I don't have any information about that, but I will take a guess and say, "You bet your life it will make it a logistical issue." If you can't get somebody to take you to the chapel to light a candle, it will be hard to ensure your local authority is offering the education provision that you should be getting when you haven't got enough officers to take you to education if anybody is sick on any given day. I imagine it is not going to make things any better.

- Q67 **Mr Roberts:** So without having any firm evidence, anecdotally you would say that having a small number under the control of the Welsh Government would be problematic.

**Katie Fraser:** I would say so.

**Mr Roberts:** That will do me. Thank you.

- Q68 **Virginia Crosbie:** Croeso—welcome. The new Residential Women's Centre in Swansea is due to open, and obviously only female offenders from the local community will be able to stay there. We have had feedback from organisations such as the Prison Reform Trust that say they are concerned that the centre will become a prison in all but name. I am interested in your view of what the centre will deliver.

**Katie Fraser:** It remains to be seen. From our point of view, there has been a lack of information about it, but obviously it doesn't solve the problem of women who are given a custodial sentence and are going to go to prison anyway. It depends again on where the women are drawn from, because we don't want to draw women very far from home. Without knowing more about what is going to be delivered, it is hard to say.

What I can say is that millions of pounds have been spent on it already, and only one planning application has been submitted so far, but there is provision out there already. Local women's community centres that offer similar services in partnership with probation deliver resettlement services for women leaving custody and those who are on community sentences, so I have to question whether that money could have been better spent on

investing in those local organisations, which have that local knowledge and are already delivering those services.

**Bryn Hall:** I agree with what Ms Fraser says. For us, the interesting question about the Residential Women's Centre in Swansea is what side of the door the key is on. Obviously that will determine whether it is custody in all but name. The implication is that it may become a very small women's prison in Swansea, and we do not feel that that is needed.

I want to back up what Ms Fraser said about investment in the already existing network of women's centres. We have really successful women's centres in the north of Wales, which deliver services holistically, in the true sense of the word. That is how the Corston report recommended that women's centres should function. We need to have much more of a view of prevention and we must tackle the question of why Welsh women are ending up in custody. As we know, the vast majority are in custody for short sentences. If we invest in a community approach and in the existing network of women's centres from third sector organisations, that would be a much better way of keeping women out of custody and within their communities.

Q69 **Virginia Crosbie:** Obviously, for Welsh women serving their sentence in Wales or England, the education provision is the Welsh Government's responsibility. The 2019 Hanson review said that the most concerning area of its investigation was female offender education. We had feedback from the Prisoner Learning Alliance, which said that it is still unclear whether that has actually been addressed. The alliance also said that in some of the recent reports from the inspectorate on the two prisons that have the most Welsh women offenders, one of which was Eastwood Park, there was no mention of the educational experiences of Welsh women serving custodial sentences there. Are Welsh women getting the educational support that they should be getting?

**Katie Fraser:** I cannot answer that, I am afraid; I just do not have the information. It doesn't sound like it, does it? But we would be happy to look into that and clarify that for you by letter.

Q70 **Virginia Crosbie:** So you will report back on that?

**Katie Fraser:** Yes.

Q71 **Virginia Crosbie:** Thank you very much. Mr Hall?

**Bryn Hall:** Again, I would say that we will write back to you. The very fact of the matter is that Welsh women are in English prisons, and therefore there is an issue; they are in prisons in a different country that has a different education system from Wales. Anecdotally, we would assume that that would bring issues we would need to look into. But we can provide more information on that.

**Katie Fraser:** Could I add something? It is important to look at how prisons operate and what actual impact that has on people who are in prisons. Prisons probably have a KPI around education, don't they? I met a woman last week who has a PhD, but she still had to go in and do a level 1



and level 2 maths and English. She was quite happy to do it, because it got her out of herself for a couple of hours. But if we are really talking about the needs of people and the needs of women—there may be a push to get them through level 1 and level 2 maths and English, whatever that is, and I absolutely agree that is a good thing. But let's really think about women who are serving very short sentences; who may not achieve the levels of education you might if you were doing a long sentence; who are coming in with massive amounts of debt; who are coming from an abusive relationship; who have been separated from their children; who have quite often experienced huge amounts of trauma. Those short prison sentences will retraumatise them again and again.

While we are talking about provision, as we absolutely should, for women, the focus should really be on the fact that quite a lot of them should not be going to prison in the first place, and on looking at diversion projects to really make sure that those women are not getting caught up in the criminal justice system. If we invest early on, we will not have to invest the 50 grand a year it costs to keep a woman in prison later on down the line, when we know that is damaging for women, their children and the communities that they come from.

**Bryn Hall:** I completely agree. In Wales, certainly in south Wales and Gwent, there are some quite well-established diversion projects, and the women's whole system approach, which is currently co-commissioned through the two PCCs in South Wales and Gwent and HMPPS in Wales. That is where our focus should be: on prevention. I absolutely back up what Ms Fraser said.

Q72 **Chair:** Ms Fraser, if the policy direction should be not to incarcerate women wherever possible, and we accept Mr Hall's argument that we need to invest more in prevention—those arguments would apply to male prisoners as well—then, if the number of women from Wales going to prison declines, you will not have the numbers to support a custodial institution for women in Wales.

I think back to previous reports that this Committee has done where the call for a women's prison has been seen as the default answer. The truth is that we are still going to have relatively small numbers of women from Wales in English prisons. For a woman going to prison from Newport or Cardiff, Eastwood Park is not such a difficult journey, particularly now, with the bridge tolls removed. Would you agree that one area we should be looking at is innovative and imaginative ways to make it easier for families to support women being held in English institutions and to ensure that community links are retained?

**Katie Fraser:** There has to be more than one option. We should be looking at how we avoid sending women to prison in the first place. The female offender strategy definitely has that focus on sending less women to prison. We should be looking at prevention in the first place, focusing on short sentences, such as in the Sentencing Bill; that could be highly beneficial for women in terms of them not doing those sentences of 12 months or less. Then we should be looking at ensuring that those women



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who may pose a significant risk to the community, who do need to be in custody—which is very small number of Welsh women and an even smaller number of women who commit very dangerous crimes—are able to maintain those family contacts and relationships.

- Q73 **Chair:** Can you give us a sense of what proportion of women being held in custody—this may not just be a Welsh-specific point—should not be there at all? Is it 80:20? Is it 60:40?

**Katie Fraser:** Bryn, do you have any information on women who commit violent crimes—any statistics?

**Bryn Hall:** I haven't got that in front of me, but we know that around three quarters of Welsh women in prisons are serving sentences of 12 months or less, so that would indicate that the vast majority of Welsh women in prison are in custody for non-violent offences. That is what we need to look at tackling. It is surely those women who should not be in custody.

- Q74 **Chair:** We are basically talking about getting the bulk of women out of custodial institutions and doing something more creative and more effective, right? That is the essence of your argument.

**Katie Fraser:** Absolutely. I think if you were to go back to Eastwood Park and speak to those women again, you would be appalled by some of their stories of how they became swept up in the criminal justice system. I worked with a woman who had severe, enduring mental health issues, and set fire to herself in a local park, and she was prosecuted for criminal damage because she happened to set fire to a tree while she set fire to herself and was given a custodial sentence. I think everybody here in this room can accept that prison is not where that woman should be—that, actually, she would need some mental health support.

It is the same for women who are sent to prison as a place of safety. Anybody who's ever been to prison knows it is not a safe place. I always have this argument—we work very closely with prison governors, and I keep saying, "Stop taking magistrates around the duck pond and where you make your hanging baskets. Take them up on the wings or take them up on to the segregation area, where women are self-harming continuously, swallowing batteries, and taking chunks out of themselves." We need to really have a look at those real issues, because it is quite a lot of sentences.

Prison can look like a really great option where women will get the help that they need. In reality, we know that if you go in with debt, you are coming out with debt—probably more debt, because it will have accumulated. If you went in with a house, you are probably not coming back out to a house. If you went in with a three-bedroom house for your kids and your kids have been removed, you are going back out to single homeless accommodation, which is going to make it harder to get your kids back. If you went in with a job, you are probably not coming back out to one.



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Those are really big issues. Then, when you are coming back out, you are coming back out with a record, which makes everything harder in terms of getting jobs, going into education and employment and all those sorts of things. So yes—I would say getting the bulk of those women out of prison and not sending any new ones in there, except for those women who really pose a risk to the community, would be the best idea.

**Q75 Ruth Jones:** Ms Fraser, you mentioned that women should not be in prison in the first place. You have already expressed some reservations about the residential centre in Swansea. When they were looking for a site, it was portrayed to us MPs by the Government Minister as a step down from prison, but also as helping the women get away from their dangerous circumstances and whatever else. It has been badged as that to us. Is that your understanding of what this residential centre will be?

**Katie Fraser:** As has been said already, it depends where the key is held and what provision could be offered there. We do know that it's drawing people in from the local community. It takes more than a key and a door to keep you away from acquaintances that you have used drugs with, or abusive partners who may still be exerting some kind of coercive control—from all those factors that make up women's lives, and men's lives as well, that are a driver for them moving into criminality.

I think that there should be a number of options. The residential women's centre may be one. Local women's centres know what is going on in their local communities. They see who is hanging about. They get told things and they can work holistically with women in a really trauma-informed way. I would always advocate for those services because those are the services that women are already accessing. It is not just a service for offenders; they are women's centres where you can go and get yourself a food parcel or a voucher for a food bank. You could probably go and get some clothing for your children.

I say "centres", but it does not really matter what the building is. It could be a room above a pub if women are going to go and access it. It could be at the back of your local health centre one day a week. They are centres that women are already using, which removes the stigma from attending them, but with that joint work and with probation. That means women are not seen at a probation office—because they are full of lots of men who have been abusive, or who women have used drugs with, or who may be partners that women have gone out grafting to pay for drugs for. It is about having a safe, gender-specific space that women are already accessing and where they feel comfortable. They would be working with voluntary sector staff who they feel safe enough to open up to, but they would be doing that in partnership with probation to ensure that those structures are in place for women so they can complete those community orders.

**Q76 Chair:** Those were really helpful and interesting answers. Mr Hall, can I ask you about the prisons strategy White Paper and what you feel are the implications of it for voluntary organisations working on the prison estate in Wales?



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**Bryn Hall:** For us, what was really lacking from the White Paper was mention of the voluntary sector; it was mentioned only briefly. What we really want to get across to this Committee today is that there are key service delivery partners in the third sector when it comes to justice provision across England and Wales. That is certainly the case within Wales. We would like to see the position of the voluntary sector much strengthened in that White Paper. That goes back to what I was saying around the funding and the commissioning of services, but also the expertise that the third sector has when it comes to understanding service user need and having local knowledge. We would very much like to see that.

From a Welsh-specific point of view, we are very keen to see officials in Whitehall working in partnership with Welsh Government officials when it comes to policy in devolved areas. When it comes to accommodation, we know that, in Wales, there is the ending homelessness White paper that is currently going through the Senedd. That has a lot of talk about re-settlement. We want Whitehall officials to understand what the Welsh Government are doing around accommodation and re-settlement when it comes to people in prison and we would like to see that strengthened partnership working between what is devolved and what is not devolved.

**Katie Fraser:** The strategy White Paper for Welsh women talked about a commitment to a safer women's estate that was trauma-responsive and that empowered women. It was also obviously committed to improving conditions and to better conditions for pregnant women and those with small children. In reality, from what I see on the ground, none of that has been achieved. Self-harm, as I said before, is at the highest rates that it has ever been, so prison is not a safe place for women. Women are spending more time in their cells or on one wing, unable to access those mental health services or other services that are provided for them. We also know that a baby has died in custody by a woman giving birth in her cell. I would say that, in terms of the implications of the White Paper, very little has been achieved.

Q77 **Chair:** Ms Fraser, can I ask a question on jobs and training in prisons? There has been quite a lot of emphasis on enabling prisoners to fill gaps in the labour market. Some quite high-profile companies get held up as good examples of companies that are being really progressive on this issue. They almost always relate to men and have images of men—blokey men doing blokey jobs. Do you think that there is a real gap in thinking about employment opportunities for female prisoners?

**Katie Fraser:** I do. I think there has to be a different approach. You are absolutely right, when a lot of men go into custody, they want to get their forklift or their CSCS card, and go off to do blokey stuff, exactly as you say, whereas when most women go to prison, what they want when they come out is not a job, but to see their children. They hold lots of guilt and shame about being separated from their children, so when we are able to have those conversations with women about employment and what they want to do, they are focused on getting back to their families.



I think that there is a gap in those employment opportunities. We need to work with women in that holistic, trauma-informed way to do all the things that the Committee has talked about this morning—maintaining family ties, or being able to do that in the community when they haven't gone to custody in the first place—so that we can really think about what those opportunities are for women who by and large have not had a great deal of choice in their lives. A lot of the women have been through the care system and lots have been in abusive relationships. I go into prisons to deliver workshops to women and I ask, "What should we do?", and women are shocked: "Somebody is asking me my opinion of what we should be doing here!" We are talking about women who have been extremely traumatised. They might have committed some quite serious crimes—there are no two ways around that—but women require a different approach from that delivered to men, so yes, I think there is a gap.

**Q78 Chair:** I once visited Parc Prison in Bridgend to see a project—probably almost 10 years ago—that focused on whole-family experiences. I think it was an award-winning project, confronting that issue you have just spoken about: shame on the part of the prisoner. It was talking about male prisoners in this respect, and bringing the children to meet their father in a prison situation to have a structured conversation—supported—about why their dad is not at home, but in prison. Do you see examples of that in the female estate? Is there some good practice?

**Katie Fraser:** Definitely. It is just so difficult for women. The guilt and the shame that is attached is so hard. A piece of work done by the University of Surrey recently was about food in prison—I think it was imaginatively called "Doing Porridge". It was a great report, which looked at how food is a big thing for women—women like to feed their children and if you are unable to feed your child, that takes away from you being a mother. It talked about a woman just being able to get up in the visiting room to buy a piece of cake—not having to sit there and let someone else buy that piece of cake—and give it to their child. The impact of just that on that woman's mental health has been huge. I see pockets of stuff like that going on around the country.

Obviously, this stuff costs money to run and is often delivered by third sector organisations. There is a real lack of investment in those projects. With funders, there is often a constant push to deliver new and innovative projects. What is wrong with the one that is working already? We often find that third sector organisations have to spend hours and hours thinking of something new and innovative when what we are doing already has shown good results. I would also say—sorry, I am on a bit of a run here, aren't I—we need to think about the length of funding in which to deliver those projects. Often, it is 12 months of funding, and it is really hard to prove the efficacy of a project over a 12-month period, particularly in the criminal justice system with the length of time it takes to get stats. Those are some issues with being able to deliver those really important projects that you talked about.

**Bryn Hall:** May I come in on that as well, Chair? I know the project at Parc that you are referring to, and it is a fantastic one. It does a lot of



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work with local schools, including bringing teachers in to speak to the person in a prison as the parent of a child. That is really good, but what is key is that people there are local, so there is that locality of the schools and being able to get that support in. That is therefore what is lacking for Welsh women who are in English prisons—being able to access that. I think we need to think more innovatively around that, as with family ties. Everything comes back down to funding, but how do we ensure that Welsh women have that opportunity to attend a parents' evening or speak to their child's teacher within the custodial setting? We will, unfortunately, have women who have to go into custody, so what are we doing to ensure that Welsh women in English prisons have that equality of access when it comes to things like that? We need to look at Welsh language provision as well. There will be some Welsh women in prisons who want to access things via the Welsh language, and we need to do much more about that provision.

**Chair:** That is helpful. I am conscious that we have slightly run over our allotted time. On behalf of all members of the Committee, a huge thank you to you both for being brilliant advocates and great communicators, and giving us a lot of interesting and useful food for thought.