



Welsh Affairs Committee

Oral evidence: [Prisons in Wales and treatment of Welsh offenders](#), HC 113

Tuesday 13 January 2015

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Written evidence from witnesses:

- [Prison Reform Trust](#)
- [Women in Prison](#)
- [Robert Jones](#)

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Members present: David T. C. Davies (Chair); Guto Bebb; Jonathan Edwards; Nia Griffith; Mrs Siân C. James; Mr Mark Williams

Questions 60-108

Witnesses: **Juliet Lyon**, Director, Prison Reform Trust, **Rachel Halford**, Women in Prison, and **Robert Jones**, Wales Governance Centre, Cardiff University, gave evidence.

Q60 Chair: Good morning, Ms Lyon, Ms Halford and Mr Jones. Thank you very much for coming in to give evidence this morning. We are trying to get as much information as we can, so please feel free to enlighten us with your knowledge. If time runs on a little, I may have to speed up both the questions and the answers; I hope that you will not mind if I have to do that.

Her Majesty's inspector has stated that Welsh prisons are generally performing better than English prisons. To strike a slight note of controversy, possibly, I noticed in the report that, generally, the private prison seems to be doing somewhat better than the public prisons in Wales. Is that the case? What would be your comments on that?

Juliet Lyon: There is only one private prison in Wales, which is Parc.

Chair: Yes. That seemed to have scored—

Juliet Lyon: It seems to have settled—from a very difficult start, which is often the case. My understanding is that it has had a bit of a chequered career, but recent chief inspector's reports and the fact that it was commended recently on its youth justice work and comparatively recently on its family work, by the Barrow Cadbury Trust, indicate that Parc is doing well at the moment.

Q61 Chair: It had the second highest scores, just below Prescoed.

Juliet Lyon: Yes. As you know, the private and public prisons vary across the whole piece. You will get tremendous variation, particularly in the initial stages of a prison. Often the first few years are the most difficult. One thing that we have been disappointed to see across England and Wales is that some of the private prisons that went through a difficult teething period and then really developed have been dropping down the scale and not performing as well.

It might be useful to declare that, in its monitoring, the Prison Reform Trust recognises that both public and private performance can be both good and bad. What we are watching carefully is vested interests and whether those start to dictate policy or to reduce standards in any way. One thing we are concerned about is the benchmarking process. There is a reduction in staffing levels, which seems to have had pretty poor results all round in terms of reducing staff ratios and a rise in violence and suicide. It is fair to attribute that, at least in part, to an effort to benchmark against the lowest possible rate per prisoner place. That is a downwards pressure, if you start to benchmark public against private in that kind of way. It is quite a worrying trend.

Robert Jones: We also have to take into account the issue of overcrowding. I think that Parc has a lower level of overcrowding than Swansea and Cardiff, in particular. That is something that has to factor into any understanding of performance. Also, what are the rates of reoffending coming out of Parc? Are they markedly better than those of Swansea and Cardiff? I do not have them to hand, but those kinds of things need to go down and to be taken into consideration. Some of the work at Parc, particularly with families, has been used as a model not just in England and Wales but in other jurisdictions—the invisible walls project. I commend that.

Q62 Chair: You have just raised an interesting point, which I was going to try to slip in later. I do not know the answer, but do the Government publish reoffending rates by prison? I know that they publish reoffending rates generally. I presume that they do not do it by prison because prisons are so very different and have different types of people in them; a category A prison will obviously be very different from an open prison. However, is there an argument for doing that, so that we can see within, for example, category Bs whether one prison is offering better training, which could lead to less reoffending, than another? Would that be a good thing to publish?

Juliet Lyon: The primary reason that reoffending rates are not published prison by prison is the level of movement in the system. If you have overcrowding, of course, it means that the people on remand have to be held closest to the courts. Consequently, you have a permanent movement of sentenced people, often further and further from home. That is the reason that has usually been given for not calibrating reoffending rates by prison, because somebody may have served a one-year sentence in three or even four establishments. That is not something to be recommended in terms of consistency and developing reducing reoffending programmes.

Robert Jones: There was a website—open.justice.gov.uk—that tried to do that. As Juliet has pointed out, the issue is that, if you spend four years of your sentence in one prison but are moved to HMP Swansea just before your release, it is judged on the prison you are released from. Most of the good—or bad—work may have taken place in a prison in another part of the country; you have simply been released from another prison.

Q63 Chair: That is a fair answer. Ms Halford, I am sorry for not having brought you in. Do you have anything to add?

Rachel Halford: My expertise is within the female estate. Obviously, there are no female prisons in Wales.

Chair: No. That brings me nicely to the next set of questions.

Q64 Mrs James: Do you think that prison is working for women? I am very interested in this subject and am quite concerned.

Rachel Halford: The high rates of reoffending show that prison does not work for women. There are a lot of changes, but essentially it does not work. It is very simple—the reoffending rate is about 53%, so, with a majority of short sentences, it does not work. That in itself is the simple answer.

Q65 Mrs James: What do you think are the particular challenges that women face in prison?

Rachel Halford: 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.

Aside from that, I think that something like 80%—Juliet will correct me if I am wrong—of women's offences are non-violent, so strictly speaking they pose no risk to the public. The purpose of prison is to protect the public from risk and to rehabilitate. If these women pose no risk to the public, why are we sending them to prison? The damage that is done to them and their families—and the cost to the public purse—far outweighs what it would cost to address the root causes in local communities. There are many examples, from women's centres and so on, where the use of a women's centre and a community sentence is far more effective. It is by no means a soft option—in fact, on many occasions it is a much harder option—but it works better. I do not know whether you are all aware of the Corston report—

Mrs James: I was going to come to that.

Rachel Halford: Its recommendations were to change the estate to smaller custodial units. We have changes in the estate across England at the moment. We have the review of the estate, whereby all female prisons would be resettlement prisons. Going back to your point about measuring reoffending, that might be an area where it could be measured. In the men's estate, you have category D as the resettlement prisons. In the women's estate, because there are only 12 prisons, each of them would be a resettlement prison, so a majority of women would be able to stay in the prison that is closest to their local community and do their whole transition through that one stay.

Q66 Mrs James: We have a particular problem in Wales because we have no facilities at all, apart from a few charitable organisations that are doing sterling work in this area. My area is the city and county of Swansea. People from the south Wales area have to go to Eastwood Park, which places a huge stress and strain on the family. They cannot keep in contact, children can only stay with their mothers up to a certain age, and it is difficult and expensive to go and visit prisoners. Baroness Corston says quite clearly that there is an opportunity in Wales to look at a different way with women.

Rachel Halford: Absolutely. With the small numbers that you have, you have an opportunity to do something really innovative and different and to lead the way, particularly around community sentences against custodial sentences. The idea of building a prison in Wales is horrifying. There are examples internationally that show that, if you build prisons, you fill them.

A very small number of women in Wales offend, and go to Eastwood Park—or to Styal—and it is really distressing. However, they provide some fantastic services, so that is the prison that you would want for the small number of women who would go to prison. There is a lot of emphasis on families and maintaining contact with them. They are looking into Skype. You have organisations outside in Wales, such as Barnardo's, that provide support for families with parents who are in prisons. You also have the new Pact workers, who are across the whole estate and are about linking up families.

Q67 Mrs James: This question is to all of you. We have heard a little about what could be an opportunity in Wales. Have you any suggestions of practical ways in which we could improve the situation in Wales?

Juliet Lyon: One reason that I was pleased to be invited to come and give evidence was that in our written evidence we mentioned the Soroptimist review that was under way at that point. Soroptimist International has done a very detailed review, with a whole section specifically on Wales. It speaks quite specifically to the questions that you are raising and puts forward a set of recommendations. I wanted to present the report to you today.

There will not be time in the Committee to go through all of the recommendations, but their primary recommendation is that “A Welsh government Minister should be designated to lead development of the All-Wales Women’s Pathfinder project, including ensuring it is adequately resourced, the pan-Wales roll-out happens as planned and its objective of improving outcomes for women in the criminal justice system is met.” They go on to make recommendations about policing.

They were impressed by many of the opportunities for community sentences for women and have made a very helpful list of services that are available within the justice system in Wales and are quite distinctive. The integrated offender management system in Wales—integrated offender management Cymru—was particularly commended; we have been impressed by that as well. The Soroptimists have done a fantastic piece of work, gathering information across Wales, that we hope will be of use to the Committee.

Q68 Guto Bebb: I want to take up your point about the fact that building any prison would be a disaster in a Welsh context, because, if you build them, you fill them. I am fairly sympathetic to that argument. It is the same with any bypass—if you build it, you fill it—so I see what you are saying.

In the context of Wales, I accept the argument that perhaps we are guilty of sending too many people to prison, especially women, but there are some women from north Wales, for example, who will be given a custodial sentence. The fact that they are not able to serve that sentence close to their families in north Wales is surely an argument for a new build. Whether that is a 4,500-capacity prison is another matter, but surely there is an argument for building a prison so that you do not dislocate people from their families to the extent that is currently the case.

Rachel Halford: We would never advocate that you build a prison, but the number of women who need to be in prison is so small that you could look at being really innovative and building a very small custodial unit—a specialist unit that would house mental health professionals and that you would fund locally. You would address all of the core issues, such as substance misuse, and go through the rehabilitative process. However, building anything bigger than that would cause havoc.

Q69 Guto Bebb: The point that you are making is that some small custodial unit could be justified. It is scale you are concerned about.

Rachel Halford: Absolutely. We are talking not about a prison but about something very, very small, which might house 20 to 30 women.

Juliet Lyon: I was a member of Baroness Corston’s review group. One of the things we looked at in the course of that review was the idea of small secure centres. 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. That opportunity is still there. I agree with Rachel and Women in Prison. To invest in building a prison, when there is an opportunity to invest

in something that is proven from the research evidence to be more effective, would be a great shame.

Q70 Chair: Can I clarify something? If, hypothetically, a male and a female of the same age, with the same family circumstances, have committed exactly the same crime, are you saying that they should be treated differently or—if it is non-violent—that both should have non-custodial sentences? Are you saying that women should be treated differently just because they are women?

Juliet Lyon: Under the Equality Act, one has to respond to difference. The Act dictates not that people should be treated the same but that they should be treated differently, according to difference. When you look at the offending pathway of women and the kind of women who end up in the prison system, you see a very different cohort. You see women who have experienced domestic violence and sexual abuse; you see very high levels of mental health need.

Q71 Chair: You do see that with men, though, don't you?

Juliet Lyon: Yes, and it is important to remember that, but not to the same extent. When you look at offending, you see less likelihood of violent offending. The last thing, of course, is that you see primary care responsibilities. It is quite appropriate that people should pay attention—

Q72 Chair: With respect, my question was about two individuals, one male and one female, with exactly the same family circumstances—say, without any children or caring responsibilities.

Juliet Lyon: Yes, if you stay with the same family circumstances. However, in terms of the justice system, the vast majority—over 90%; I am not sure exactly how many—of people with primary care responsibilities are women, are mothers.

Chair: That is not my question. With all due respect—

Juliet Lyon: There are some fathers who are in that—

Chair: I am just trying to get to this point; maybe I asked the question badly. Obviously, this is hypothetical, but if you had two people, one male and one female, with exactly the same family circumstances, offence and age—everything exactly the same—should they be sentenced in exactly the same way?

Juliet Lyon: If that were the case. What I am trying to say is that it is almost never the case. Particularly because of the prevalence of sexual abuse and domestic violence, there is a very strong argument for women-only services.

Chair: Okay. I am probably not going to get an answer to that one.

Q73 Mrs James: Can I ask you to verify quite a shocking figure—that 65% of men, upon release from prison, go back to their original arresting address, while 65% of women do not? What I take from that figure is that, if you put a woman in prison and she has family responsibilities, you destroy a family and add another pressure, as children have to be taken into care. Is it true that you do not see that at the same level with the male population?

Rachel Halford: No, you do not. Because women are the main carers, quite often, the housing premises will be in their name. If you go to a visitor centre in a women's prison, you will see lots of women; if you go to a visitor centre in a men's prison, you will see lots of women. Women visit men, but men do not visit women. Historically and traditionally in society, women hold the family unit together—that is what we do.

Going back to the Chair's question, you would not have two people with exactly the same circumstances. They might commit the same offence and come from the same background, but

men and women work differently. What will have led that woman to commit that offence will have been different from what will have led that man to commit it. In theory, you would think that you could probably give both of them the same community sentence. However, the magistrate would need to look into the background to that offence in each case. Men and women are different—they work differently.

Q74 Nia Griffith: Could I pick up Juliet Lyon’s point about the Soroptimist report? I am not sure whether you can answer this or whether we need to go directly to them. You said that they would like to see a Welsh Government Minister appointed, but justice is a non-devolved issue. Can you clarify the overlap with devolved services they may be referring to and why they specify a Welsh Government Minister?

Juliet Lyon: Obviously, I cannot speak for them, but I am certain that Kay Richmond and her colleagues would be very keen to respond to you directly. You will see from the report by the Silk commission that very serious consideration was given to devolving youth justice in Wales. As they put it, there was also a “persuasive case” to devolve the Prison Service to Wales. When we were giving evidence to the Silk commission, we looked at what was happening in Scotland and Northern Ireland. You can see the capacity for a very distinctive approach that is better co-ordinated and smaller. Frankly, people working together who know one another as professional colleagues seem to be able to get stuff done in a way that is impressive and much more can-do than when people have to go across a larger canvas, so I can see why they said that.

I have read you the specific recommendation. I think that they felt that, because health is devolved and because the health needs are so particularly high for women, in relation to both physical and mental health, there was a need to co-ordinate within Wales. Something that Baroness Corston identified very clearly in her review and to which we at the Prison Reform Trust are now trying to pay attention is that there has been a lack of leadership and governance. Women are always a very tiny minority in the justice system. Overall, in England and Wales, they are about 5% of the prison population and 15% to 20% or so of the probation case load. Consequently, they always drop to a very low level of priority.

We found that, by focusing on children and young people, it was perfectly possible to help to reduce that number by half, which has happened. There has been a 60% drop in the number of under-18-year-olds in custody, which has benefited everybody, whether it is local authorities or overall criminal justice services—and youth offending has dropped. That is a very good story. 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.

Robert Jones: To pick up on an earlier point, the number of women in prison across England and Wales is falling, but the number of Welsh women in prison has gone up at the same time. There is a recognition that there is a very real issue for Welsh women in prison, as we have seen an increase in the number of Welsh women in prison at a time of an overall decrease. That particular trend needs to be looked at.

In relation to an earlier question, this summer I was lucky enough to spend some time in New York looking at their alternatives to incarceration. In particular, I worked alongside the Women’s Prison Association and a programme called justice home. One of the main ways in which you can reduce the distances between prisoners and their families is by not using incarceration in the first place. Justice home is a very good example of that programme in practice.

One of the issues about building a women’s prison in Wales is where you put it. If you have the prison in north Wales, women from south Wales will still go across the border. If you have it in

mid-Wales, you are still a huge distance from everywhere else. The argument about building any size of prison is a particular problem, because you will simply draft prisoners from other areas and increase the distances. The emphasis needs to be on smaller custodial units, not on the large-scale prison builds that characterise imprisonment in England and Wales.

Q75 Nia Griffith: Could I move on to the issue of overcrowding? Swansea is one of the most overcrowded prisons in the UK, with double the number of people that it is designed to hold. There is also overcrowding in the other prisons in Wales. What do you see as the main problems that arise from overcrowding?

Juliet Lyon: I have looked at the figures that we published. You are right—Swansea is currently the most overcrowded prison in England and Wales. It was built to hold 242 men. When the last figures were published, it was holding 449, which is an 86% level of overcrowding. Of course, there are prisons in England that are overcrowded. Wandsworth is an example; it was built to hold 943 men and is currently holding 1,606, but that is 70% overcrowding.

As the chief inspector said in his evidence, the impact is not just about physical space—it is also about facilities and, increasingly, staffing and staff ratios. We are particularly concerned about a reduction in staffing levels, a rise in self-harm and completed suicide and a rise in violence in prisons. Of course, violence in prisons is not attributable purely to overcrowding and reduction in staffing levels. There is also a rise in the use in prisons of legal highs and particular drugs that are hard to detect and that lead to unpredictable behaviour.

Overall, the picture over the last couple of years has been a really depressing downward trend in terms of conditions in prisons and regimes. It is a terrible irony that the coalition Government have wanted to focus on rehabilitation and resettlement, but the nature of what is happening in the prison system—the levels of overcrowding and the massive budget cuts, amounting to cuts of about 28% in the public prisons—has led to this lack of purposeful activity. It is not just about physical space; it is about the lack of things to do. Where there is a prison with limited workshops, the more people you have in that prison, the less chance there is that they will be engaged in any kind of activity.

Q76 Nia Griffith: Obviously, it takes a long time to build a prison. Are you saying that the solution to overcrowding is to increase staffing, in order to offer a greater range of activity? Do you see that that might save the public purse money in the long run, if those prisoners are rehabilitated more quickly?

Juliet Lyon: The solution to overcrowding is to put fewer people in prison. That is a very radical solution. It is happening in many American states at the moment. In Florida, for example, there is a focus on decarceration, simply because it has reached an unaffordable pitch.

Q77 Nia Griffith: Can I ask who you would let out? I am sure that you are interested in this, Chair.

Juliet Lyon: If it were me, I would look very hard at the evidence for what works in terms of community penalties. I would look at integrated offender management—the very intensive work with people in the community, often led by the police or by police and probation together—for examples of things that are effective at the moment. I would invest in diversion and liaison services—which Government is doing—for people with mental health needs, people with learning disabilities and for people striving primarily with addiction that is driving petty but persistent offending. There are a lot of solutions for those sorts of people, with those sorts of offending.

We would also have to look at the inflation in sentencing—longer and longer sentences, which do not necessarily mean more effective sentencing. To go back to the point about staffing, you could employ very well-trained staff, preferably across disciplines, who work hard with somebody to get them to change their behaviour and enable them to take responsibility for their life. You could

argue that somebody serving two years or a year under that kind of intensive regime has a better likelihood of not getting involved in crime again than somebody who serves longer but with whom very little is happening, as it is simply a holding operation. You could argue for a root-and-branch review and back that with very good evidence to show that it would be worth doing. It would certainly save money for the public purse.

Q78 Mr Williams: Later I will ask you some more questions on education, but what kind of impact does overcrowding have on the delivery of education and counselling services in a prison like Swansea? I am thinking especially of those prisoners who need extra support and help to develop basic literacy and numeracy skills.

Chair: Could we bring in Mr Jones as well? He is getting a bit left out.

Robert Jones: My point relates to health. We should place what is happening in Swansea in some kind of context. In 2011, the US Supreme Court upheld a ruling made by a panel of three federal court judges that the state of California was unconstitutional on the basis of its overcrowding. The nature of that unconstitutional behaviour was that it could not provide appropriate health and mental health care. The rate of overcrowding the Supreme Court ruled on was 180% occupancy, but Swansea was at 186% occupancy. We rule that California prisons are unconstitutional, but Swansea has a rate of overcrowding higher than that on which the Supreme Court ruled. Admittedly, all prisons in California were at 180% and Swansea is but one, but that places in some kind of context the severity of overcrowding in Swansea and the problems that they face in terms of education, health care and mental care.

Q79 Mr Williams: Do you go into that in any way? Could somebody give me some guidance on the extent of the challenge that that overcrowding presents specifically to the delivery of educational services? If education is the key to rehabilitation and developing those key skills—practical skills, but also academic skills—what kind of pressures are people experiencing?

Robert Jones: They cannot get on to the classes. There are not enough spaces for people to get involved in the classes in the prison and things like that. It is a local prison, so there will be people coming in and out of it anyway. Parc, for example, has a much more settled population that is there for longer periods of time. In that instance, it is not simply the overcrowding—it is also the nature of the prison. You have a remand population or local people being sent there for release. In terms of education and overcrowding, there has to be an impact on resources. There are not enough resources for the sheer number of prisoners who are held at that prison.

Juliet Lyon: In terms of attendance at classes, the Prisoners' Education Trust has identified that, as you drop staffing levels, you end up with staff simply not being available to unlock people to take them to an education class, for example. There is that kind of knock-on effect. You might have a tutor available, but you might not be able physically to get prisoners into that class.

Q80 Mr Williams: It is correct to say that a lot of the work in education, particularly on these key skills, is highly intensive work. The notion of plonking a tutor in front of 20 or 30 prisoners is totally inappropriate and does not meet the avowed objectives either, does it?

Juliet Lyon: We did a piece of work specifically in Wales—it was the first report that we published in Welsh as well, which we were very pleased about—looking specifically at learning disability and learning difficulty. We found some very disturbing trends, which are reflected in the wider UK picture. The people in those circumstances were more likely to be bullied by other prisoners and to be put on disciplinary charges, often because they did not understand the rules and they had not been explained to them properly. We were hopeful at the time that was published, because it was launched in Welsh. There seemed to be a preparedness in the Welsh Government to take on the recommendations and to take them forward. I am not clear on how much progress has

been made. Again, I would like to present the report to the Committee. We would be happy to make some further inquiries on that front, if that would be helpful.

Chair: We will see that report.

Q81 Mrs James: I have visited Swansea, because it is a local remand prison and takes a lot of customers from my constituency. I am always struck by the dedication of the staff and the terrifically good atmosphere that there is when you go there. However, when we visit Swansea we always have to remember that it is a Victorian building. It has all of the constraints of a Victorian building. It has modern parts to it, but it is, in effect, the old jail, which has grown around that site. Cardiff is similar. When I worked in the Prison Service, prisoners at Cardiff were still slopping out themselves; they did not have washing or toilet facilities in their cells. Do you think that it is an added pressure that these are very old-fashioned buildings that have the constraints of lack of space and, in some cases, lack of amenities?

Juliet Lyon: It is a really interesting question. You will know that in the last couple of years the Prison Service in England and Wales took the decision to close small prisons, purely on economic grounds. For example, it closed Shrewsbury, which had a number of Welsh prisoners. It was very overcrowded but was rated as a very high-performing prison, was well liked and was very much part of its community. It served its community and was very integrated with other services in the north-west and into north Wales.

I am not sure. What we can see from analysing the chief inspector's reports is that the smaller establishments perform far better than the larger ones. Some of that obviously makes sense—you have a governor who knows his or her staff and prisoners, hopefully by name. Knowing people, seeing progress—or identifying lack of progress—and identifying vulnerability are simply harder to do the larger the establishment gets. Although there are real drawbacks to having an old, overcrowded prison, I am not sure that it does not cut both ways, certainly in terms of size and scale. Building a modern prison, but on a small scale, or an intensive unit would be a very different proposition to building something enormous.

Q82 Jonathan Edwards: At present, there is no facility for youth offenders in north Wales, which means that children are often imprisoned across the border. What sort of numbers are we talking about? What is the impact of their being imprisoned a long way from home?

Juliet Lyon: I will let Robert Jones start on that. I have the numbers here.

Robert Jones: I do not have the young offender numbers. Do you mean young offenders aged 18 to 21?

Jonathan Edwards: Yes.

Robert Jones: I do not have those numbers, but I know that a lot of that population goes to Stoke Heath prison. One of the issues we have come across with Stoke Heath of late is that increasingly it is going to take adult prisoners. The population of Stoke Heath went from 50 Welsh prisoners in May 2012 to 177 by June 2013. It comes back quite nicely to the issue of overcrowding. There is a knock-on effect on those services that were dedicated to young offenders. Overcrowding in the adult estate can have a knock-on effect for young offenders, in terms of where they are held and whether those prisons are dedicated to young offenders. However, I do not have the specific number of young offenders in north Wales.

Juliet Lyon: The information that I saw has been submitted to you by the Youth Justice Board. It shows an extraordinary and very welcome drop across Wales in the number of young people held. It charts back to 2009-10, when there were 22 under-18-year-olds in secure children's homes, seven in secure training centres and 92 in young offender establishments. By the time it gets to

2013-14, there is a progressive drop, which it has shown on a chart. Instead of 22 in secure children's homes, you have seven, and instead of seven in secure training centres, you have three. It is particularly notable that, instead of 92 in young offenders institutions, you have 39.

We know that Hindley has provided specific facilities for children in Wales; it had Welsh-language facilities and so forth. The trouble with prisons is that they shift rather quickly and things change. At the time you received the report from the Youth Justice Board, you will have seen that Hindley had developed a lot of very specific, targeted services for Welsh young people. I am not sure whether that is still true today. However, I am sure that this drop is now almost 60% over the last seven years.

Q83 Jonathan Edwards: We have heard some good evidence of work with children in Parc, so there seems to be some good work happening in south Wales. Is there any evidence of different outcomes for children in south Wales as compared with children in north Wales? Of course, we do not have any north Wales facilities.

Juliet Lyon: As the Chair said, sadly, there is not a breakdown of reoffending rates by establishment.

Q84 Jonathan Edwards: Is there anything anecdotal?

Juliet Lyon: What is anecdotal is that you can see that children who go to secure children's homes have not dissimilar outcomes to those who go to YOIs, but they are much more challenging and much more disturbed. That argues that, if you put them in a small place with very well-trained staff, they seem to be able to deal even with the most difficult children and young people, whereas in a YOI it is more difficult to manage them and to have the right staffing ratios.

Q85 Jonathan Edwards: If you were in charge of developing the Welsh estate, would you be building a super-prison in Wrexham or building a facility based on the requirements of Wales, particularly in terms of women and youth offenders?

Rachel Halford: I would not recommend that you built a prison. I go straight back to the point that I do not advocate building a prison. It would be a small secure unit.

Q86 Chair: Could I have a quick round of yeses and noes on that?

Juliet Lyon: You sketched out two options. One shows an intelligent investment in what will cut crime and the other shows a large-scale development opportunity that is about employment, possibly, or opportunities for an area that may have been devoid of them. I cannot believe that Wrexham is full of offenders. It is a lovely place, as I remember it. If it were focused on having a local establishment, I cannot believe that it would need that size and scale. It does not make any sense.

Robert Jones: The prison is far too big for the needs of north Wales. I am sure that we will come on to this at some point, but figures from December last year showed that about 857 people from across the six local authorities in north Wales were in prison. That includes all people. Not all of them will be eligible to be held at what is planned to be a category C male adult prison. Even if you were to put all of those people in it, you would still have under half of the population from that area. There were about 90 people from mid-Wales in prison at that time as well. Even if you include mid-Wales, it is far too big for the needs of north Wales.

Q87 Jonathan Edwards: In an earlier answer, you mentioned the good work that is being done with youth offenders and the fall in the numbers. Are there any lessons for the adult population in Wales to be learned from the work with youth offenders?

Juliet Lyon: It shows a preparedness to have a shared responsibility. One thing we were aware of was that the police, the Home Office and local authorities all began to work in a much more integrated way. In terms of youth justice, in particular, there was a determination to nip trouble in the bud—to see things that were going wrong and to intervene at an earlier stage. That is now beginning to feed through to the young adult population. You have had a drop in the number of under-18-year-olds; you are now seeing the beginnings of a drop in the 18 to 20-year-old age group. That is very heartening, because locking up children is the best way of ensuring a large adult prison population.

The fact that it is happening in tandem with a marked drop in youth crime is really encouraging and argues for earlier preventive work. That probably supports the development of and investment in integrated offender management—police, probation and health services working together in a very intensive way. It seems to be a particularly appropriate way of making sure that offenders take some responsibility for their lives. It is distinctly different from prison, where people become very dependent and less responsible. Bills are piling up outside and things are happening in families and communities, but they are—

Chair: I am sorry, but I am a bit concerned that we may not get through this before NHS questions start at 11.30. I know that Guto Bebb has a very quick question, but I appeal for brevity.

Q88 Guto Bebb: I have a quick comment in relation to the fact that I think Mr Edwards was asking leading questions in order to get you to support his party's policy on Wrexham prison. Is it not the case that the Prison Service is not developed in relation to Wales and England? The aim is to develop a prison to respond to needs on a UK basis. To refer to figures in relation to prisoners from north Wales is therefore slightly misleading, because the prison is not intended to serve only people from north Wales.

Robert Jones: You are absolutely right—it is for England and Wales. However, the prison has been sold to the people of north Wales on the basis that it is a prison for Wales.

Guto Bebb: I would not agree with that.

Chair: That is fine.

Q89 Mr Williams: You touched on this before. We will keep off Swansea, as we have talked about some of the particular problems relating to education and the development of purposeful activity there. There is quite a mixed record. We have seen that there is some very good practice at Parc, less so at Cardiff and Swansea. How fair would it be to say that the picture in terms of educational achievement and aspiration towards resettlement is patchy across the Welsh prison estate and more generally?

Juliet Lyon: It is difficult. The last time I was at Cardiff I was at the Clink, the restaurant, because we had an appointment with the Welsh Government. A facility like that is well thought through and well developed. It is excellent training for the men involved in it and is a good way of trying to reduce the risk of reoffending, as people are being well trained for a particular task, but obviously it responds to very few people within that population. You see these examples of something that could be so much more.

Q90 Mr Williams: How would you develop those further?

Juliet Lyon: I would do two things. It is the same as my answer, which I will not repeat, to the question from Nia Griffith. We must make sure that prison is reserved for the people who need to be there, so that you have your serious and violent offenders in prison. Then you can work intensively with them, as you are dealing with smaller numbers.

You should really make use of the time and not waste it. You should concentrate on making sure that if people are spending time behind bars, that time is really well spent. There would be a mixture of opportunities for them to volunteer, giving them every possible opportunity to take responsibility. That could be through a prisoner council, through volunteering to be a Samaritan listener or through Toe By Toe mentoring for reading schemes—every opportunity that you can find for somebody to learn about helping themselves and others. Too much time is wasted in prison.

Q91 Mr Williams: How widespread is that? When the Committee visited Oakwood prison, we saw examples of very good work being undertaken on vocational skills—decorating, bricklaying and working in a call centre. Your challenge would be that that involves a small group of people and that it could be enlarged.

Juliet Lyon: The problem is that they tend to be jewel-in-the-crown projects. It is very difficult to do it prison wide. If you take the example of Brixton, its work to become a resettlement prison is impressive. It has gone from being a poorly performing prison to being one that now has a number of different schemes that gradually are occupying people. In this context, it is probably worth mentioning release on temporary licence, which has taken a terrible hammering because of two or three very high-profile and tragic cases. However, if you look at the figures, release on temporary licence is a huge success for the Prison Service across England and Wales. Most people do well.

Chair: I am sorry, because I know that you know so much about this, but—

Q92 Mr Williams: I have two very quick questions. First, I want to ask about the transfer of educational records between prisons. It seems unfortunate that, if good, solid progress is being made, some of that is lost in other institutions. Then there is the use of that information when the prisoner leaves the prison estate. Are those still problems that need to be addressed?

Juliet Lyon: Years ago, people recommended a kind of passport system—people would have educational credits that would be passed on electronically and the prisoner himself or herself would hold on to those records. My understanding is that that still has not been achieved. Obviously, it would make sense, because you are hoping that people will go on from prison into education and training or into work. In fact, only 25% of the overall prison population of England and Wales go into employment or training when they leave.

Q93 Guto Bebb: We have had evidence from the Ministry of Justice and the inspectorate of prisons in relation to provision for those prisoners who are Welsh speaking. There have been some examples of good practice and—more commonly, possibly—of not so good practice. HMI told the Committee that the percentage of Welsh-speaking prisoners was not known to the prison authorities. How can you make any assessment of the need if you do not know the numbers? Do you have any views on that? Should that be something that is touched upon?

Robert Jones: The issue of undercounting was raised in this Committee's 2007 report. I would imagine that very little has been done in relation to that. Most of the research tends to be on what services are available in England, but it is also important to think about the experiences of Welsh-speaking inmates in Wales. In particular, the experiences of a prisoner at HMP Cardiff in August 2012 really highlighted the lack of services available. Even trying to access basic resources through the medium of Welsh was highlighted as an issue.

The undercounting is a big problem. As you say, it is very difficult to tailor services and to know about the demand or the need for certain services if you do not know how many Welsh-speaking prisoners are held within a particular prison or estate. That is also a consequence of the fact that the prison population moves on a weekly basis, which makes things very difficult.

It depends on whether prisoners are concentrated in a prison for a long period of time. I know that HMP Altcourse, for example, tried to do things. We tried to set up Welsh classes there for a period of time, but they fell by the wayside. The commitment was there, but at one point during data collection it lost about a quarter of its Welsh prisoners to other prisons. When prisons try to set up those services but then lose a quarter of their Welsh population, it is very difficult for them to provide them. However, far more still needs to be done to meet that need.

Q94 Guto Bebb: You have highlighted an individual case from the prison in Cardiff, which is not a great example of the fact that the situation is much better in Wales than in a prison in England. Is there any feeling among the panel as to whether the development of a prison in Wrexham—whether it is a large prison or not—will lead to better services for Welsh speakers from north Wales who are currently serving their time in prisons in England?

Robert Jones: It could help.

Q95 Guto Bebb: What would be necessary to make sure that that “could” became a definite answer?

Robert Jones: Resources will be key. So will Welsh-speaking staff. According to the census, 12% of people in Wrexham speak Welsh. If you are going to recruit prison staff locally, you may need to go further west, to north-west Wales, to recruit Welsh-speaking staff, unless you are prepared to have English-speaking staff learn Welsh at the prison. There are issues around education, which also needs to be improved, but staff has to be the most important thing in terms of making that kind of provision.

Juliet Lyon: My charity produces information for prisoners across England and Wales. We did produce it in 28 languages, in partnership with the National Offender Management Service. We still produce information, but the translations are no longer available, so it is difficult to provide up-to-date information. That is really disappointing.

It is to do with resources. We are supported by the Hadley Trust, but we are not supported to do the translations. Regrettably, the National Offender Management Service cannot do that any longer. For example, currently, we are working on an information booklet for disabled prisoners, which is intended for prisoners in England and Wales. We would love that to be translated into 28 languages. In fact, the language content is comparatively small, but we think it is unlikely that the resources will be available.

Q96 Guto Bebb: You have all touched upon the issue of resources. I fail to see why identifying whether a prisoner speaks Welsh, Romanian or Arabic as a first language is an issue of resources. It is simply information gathering.

Juliet Lyon: Your point about information gathering is really important. There are not enough data. One of the points that we wanted to make when preparing for this and preparing the written evidence that we put to you earlier was that there is not enough data collection and the data are not broken down between England and Wales.

Q97 Nia Griffith: I have families in my constituency who visit prisoners in England. There are a number of problems that seem to arise. First, there are the sheer distances. More recently, it seems that prisoners are being moved very suddenly, at very short notice, often to go much further away. I have a recent example of someone being moved from Gloucester to Kent. That makes a huge difference in terms of the family’s ability to visit. What is your experience of what is happening on the ground? What are the problems that people are encountering in terms of longer-term rehabilitation and help for families visiting prisoners? Can you tell us your experience of the issues that are arising?

Robert Jones: Welsh prisoners are held within an average of 109 prisons in England, so there is a huge dispersal of Welsh prisoners right across the prison estate. That is not isolated just to Welsh

prisoners; it is the same for prisoners from Merseyside, Greater Manchester, the west midlands and London.

There are two main issues. One is that we see an emphasis by NOMS on in-reach support for prisoners—on housing or substance misuse—throughout their sentence. That involves visiting a prisoner while they are in prison—before their release into the community—through-the-gate support, the seamless sentence and so on. It is very difficult for support workers to go to visit prisoners who are held in the north-east, on the Isle of Wight, in London and so on. It is very difficult for them to travel all that way to see one or two prisoners on a particular visit. They therefore lose that support, which, as NOMS states, is incredibly important upon release.

The second issue is family members, who are a huge, important source of resettlement. They have a huge bearing on a prisoner while they are serving their sentence. Importantly, upon release, they are a huge source of accommodation, education, training and employment. They provide support and encouragement for those taking part in substance misuse classes upon release and help them to find opportunities and so on. In-reach support from service providers is an issue, but Home Office research from 2005 and MOJ research from 2008 has proven that family support is integral. If you have Welsh prisoners in 109 prisons in England, it has a huge bearing on that.

Rachel Halford: It is important for the Committee to be aware that we have the transforming rehabilitation agenda and the contracting out of the package areas. With women, it is quite simple under TR. There are fewer women, so—as I highlighted earlier—all women’s prisons will be resettlement prisons. Women will therefore be situated as close as possible to their home.

With men, it is obviously quite different. However, in theory, under transforming rehabilitation, they should be placed in the prison closest to them in the final stages of their sentence. The impact of transforming rehabilitation is something for the Committee to watch, because they will have the responsibility of working with every single offender who comes through the gate and overseeing their resettlement. That will also feed into distances and have a big impact on relationships with families.

Within the female estate, following the review, there has been implementation of small units to enable women to stay with their children or to enable children to come and visit for longer and so on; there is a real push. The Pact workers, who are across the estates, male and female, have been introduced by the Government to ensure that there is some kind of support for, and communication with, families, to address the issues that you raise.

Juliet Lyon: The movement between prisons is of concern, because you want staff to know their prisoners and prisoners to know their staff. There are two reasons that seem to be most prevalent. One is overcrowding, which we have discussed already. The other is what we call chasing courses.

We respond to about 6,000 prisoners a year across the UK and their families, through our advice and information service. Very many people who contact that service, particularly the long-stay prisoners, are looking to progress their sentence. In order to progress their sentence, they may need to do a particular offending behaviour programme. Although NOMS has tried to widen criteria—as has the Parole Board, to an extent, such that it will accept from an offending behaviour officer a report that shows that somebody is making good use of their sentence—there is still a preoccupation with chasing courses. The courses simply are not always available. One important example is the sex offender treatment programme, which works well for many people. There are not enough spaces, given the number of people who have committed sexual offences held in the prison system across England and Wales, so you get that movement.

Q98 Nia Griffith: Do families know about any financial support available to them? How do they find out about that?

Juliet Lyon: We were disappointed to see two things that have happened. 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. As Rob said, the research is absolutely clear. You can reduce the risk of further offending by a factor of something like times six if you have good support from your family.

Q99 Nia Griffith: You mentioned the difficulty of statistics not being separated between Wales and England. Is there any evidence of, say, the number of Welsh families visiting prisoners in England and the number of English families visiting family members in Wales?

Juliet Lyon: I have not seen a breakdown of that.

Robert Jones: On average, there are about 460 prisoners from England in Wales. The MOJ's own site search reports on the Wrexham prison and the numbers there estimate that around 1,400 prisoners from the north-west of England could be held at HMP Wrexham, or whatever it comes to be called. What is interesting about that is that it is not an attempt to try to supplement the estate in the north-west of England. The MOJ mentions in this particular document that it may lead to the closure of another prison in the north-west of England. By opening Wrexham, potentially it can close a prison in the north-west.

This is not about bringing in prisoners from the north-west who are held outside the north-west. It is actually about bringing those prisoners closer to the north-west and then potentially closing a prison in the north-west itself. We are talking about this from the perspective of Welsh families and prisoners. The issue with the Wrexham prison is that it will reverse that displacement for English prisoners. An increasing number of them will be held in Wales. They will dominate that prison.

Q100 Nia Griffith: It seems a bit of a nonsense. We have the situation now that 400 prisoners from England are being held in Wales. We all know about the ones from Wales who are being held in England. Obviously, there are different categories of prisoners and so on, but has any attempt been made to get people nearer to their area of provenance, wherever it is—whether it is Kent, Durham or the north-west?

Robert Jones: There was a quote from Phil Wheatley, the former director general of NOMS, in a report by the Justice Committee in 2012. He stated that you have to run the system nationally and that, if there are spare places up in Acklington or Haverigg, “you have to use them”—there is nothing we can do about that. At the same time, we are told that it is about resettlement and bringing prisoners closer to home.

There is a real difference in opinion—a real contradiction in that view. On the one hand, we are told that this is incredibly important. However, while we were recording some of the data, we had the really odd situation of an increase in the number of English prisoners in Wales at the same time as an increase in the number of Welsh prisoners in England. Somewhere along the M4—and, of course, in north Wales as well—they are passing one another. England is not really factored into the debate on the Wrexham prison, which has been dominated by what it means for Wales, Welsh prisoners and so on. What impact it will have on England—services in and families from England—is yet to enter the debate. I would urge the Committee to take that seriously.

Q101 Chair: With an eye on the time, and knowing that you have been here for over an hour, I will skip the next two questions that I had planned, because you have more or less answered them for me. However, anyone else is welcome to come in.

Could I turn to devolution, which we have briefly mentioned? It would be quite a big step completely to devolve justice and prisons to the Welsh Assembly. The Silk commission proposed a feasibility study, with a possible timetable of 2018. Is that not rather ambitious, if one thinks that it is a good idea? Secondly, if it is ambitious, are there any measures that those in favour of devolving justice could support that would improve the situation as it stands? Perhaps I should ask Mr Jones first, as it is a policy question.

Robert Jones: I think it was the study that was to be completed by 2018.

Chair: I think you are right.

Robert Jones: To try to devolve prisons by 2018 would be very difficult. There is no doubt that that feasibility study needs to be conducted. It may provide your question with a lot more detailed answers as to the feasibility of this.

It is important to remember that the Welsh Government are already responsible in a number of areas for prisoners and matters relating to imprisonment—for example, prisoner health care and education in prisons. On substance misuse, its responsibility extends not just to prisoners in Wales but to all Welsh prisoners. Regardless of whether you are held in HMP Cardiff or HMP Holme House, you have the same entitlement to substance misuse support. Before the Housing Act, we had the Homeless Persons (Priority Need) (Wales) Order, which provided accommodation to prisoners and gave them a priority need.

The imprint of the Welsh Government on imprisonment at the moment is probably far greater than we think. We frame it as a hybrid system. The UK Government are clearly responsible for criminal justice powers, but the Welsh Government have quite a lot of powers with regard to health, education, housing and substance misuse. The system is split between the two: it is a hybrid.

In terms of how likely it is that there will be a devolved system of justice, that feasibility study will be important. However, one of the key drivers of people's views and opinions on the devolution of criminal justice is whether we will continue to have the same problems that we are having now within the prison estate—a 64% increase in prison suicides, overcrowding and so on. With the north Wales prison and expansion to Parc, Wales will have the two biggest prisons in England and Wales. In terms of support, it is very early days as regards what devolution might mean and might look like.

Q102 Chair: I want to throw something else in. It is probably not a secret that I am not at all supportive of that. I do not want to use my position here to push that unfairly, but it is fair to say that we have seen issues arising in the health service, for example, around cross-border health treatment. Most people would agree that there are issues there. Surely, we would see the same thing if we devolved prisons. We would see issues over how to fund Welsh prisoners who have to be sent to England, or vice versa. We could see administrative challenges if, as is almost certain, the Welsh Assembly started to do things in Wales slightly differently from in England. It would, because there would not be much point in devolving it if it did not. Do you not see that quite significant challenges would be thrown up if we devolved prisons, especially as there is so much going on across borders?

Juliet Lyon: There might be some challenges, but there might be some positives that came out of those challenges. It is interesting to see the Scottish Prison Service at the moment. It has had a thoroughgoing review of its prisons and is improving its regimes. I heard Colin McConnell, who is the chief executive of the Scottish Prison Service, speak at the Prison Governors Association conference comparatively recently. People were so envious of his capacity to say, “We have taken an overview of the system. This is what we are going to do to improve it. This is what we think is going to lead to a reduction in crime and reoffending rates in Scotland.” It was crisp, it was clear; there was investment in new services.

There is certainly a case for a proper review, because at the moment what we are seeing is very reactive work across prisons in England and Wales. People are having to react to what amounts to a crisis. We have heard, “Crisis? What crisis?” but there is a crisis because of the numbers, the budget cuts, suicide, violence and a reduction in what we have described as the legitimacy of regimes. We are in danger of eroding some of the basics Lord Woolf drew attention to almost 25 years ago, in terms of fairness and decency.

You could have a country-wide review that looks at how we plan best, rather than how we react to something. We have heard that just now in terms of where English prisoners and Welsh prisoners are placed—it is a muddle. There is a case for looking at other devolved nations to see what they are doing. Similarly, a grip has been got on prisons in Northern Ireland. There are some examples of particularly innovative practice in Northern Ireland, such as restorative justice among young people. That work has had dramatically good results and has been integrated there for about 10 years. I was interested to see that Silk reported very clearly. It said that there was a “persuasive case for the devolution of the prison service”. One has to take that seriously.

Q103 Mrs James: One of my frustrations is that there are absolutely fantastic examples of good work going on across the globe. Scotland is certainly leading the way on taking bits that can work and be transposed. Do you think that we are being brave enough in England and Wales? We have certain things, such as particular courts and examples with domestic abuse, but I have seen some wonderful examples of restorative justice in New York, Toronto and so on. They could work here. Do you think that we need to be bolder?

Juliet Lyon: Absolutely. As I said, we have got trapped in this awful approach of reacting to what feels like an overwhelming number of people coming through the system. The National Offender Management Service is doing a remarkably good job in the circumstances. It is absolutely beleaguered. If it did not have the leadership that it has, things would be very much worse. Economically, because we are facing further cuts—with whatever new Government—we are at the point where one has to take stock and say, “What is the best use of prisons? Across the justice system, what else can we do? What would work well?” Let us look at decarceration and, as the Justice Committee asked us to do, at justice reinvestment, to see what can be done in a much more radical and, I think, a much more effective way.

Q104 Chair: Ms Lyon, you have made fairly clear—it is fair to say that Ms Halford has done the same as far as women are concerned—that anyone who does not pose a threat to the public’s safety should not really be in prison. Surely there are lots of people who fall into that category. We have met people in prison—males, of course—who may have thrown one punch at someone who fell over, banged their head and died. That is a tragedy and happens a lot. Do you think that they should be sent to prison for long periods, based on the fact that they have committed a crime that has led to a death, or do you think that there is an argument for saying that someone like that, who has lost their temper as a one-off, should not be put in prison?

Juliet Lyon: You are taking us into the issue of whether we should have a mandatory sentence for murder. One of the problems that we have is an increase in the number of mandatory sentences, which has restricted the independence of the judiciary. One way of improving things would be to reinforce that independence, so that proper judgments can be given in individual cases, depending on individual circumstances. Too often, we are aggregating things.

Q105 Chair: Ms Halford, earlier you said that a woman who commits a completely non-violent offence should not really go to prison. What about the case of somebody who has committed fraud in a bank? Would you say that the director of a bank that has had to be bailed out should not face prison under any circumstances?

Rachel Halford: There are guidelines within which the Sentencing Council works. It depends on the severity. If you are talking about the director of a bank and something huge that has posed a risk to the public because it affects the public's money, they would probably end up with a custodial sentence, but, by and large, absolutely not. There was the most horrendous case—

Q106 Chair: If there are circumstances in which that can happen, what about a smaller case where somebody has defrauded a vulnerable elderly person out of their money? It may have been non-violent.

Rachel Halford: But that is a risk. It is kind of semantic—

Chair: It is a financial risk. Where there is a financial risk—

Rachel Halford: But it is harm to the elderly person. That is twisting words a little bit. No disrespect—it is about that line of “where’s the risk?” That is a risk to an elderly person.

Chair: I agree with you. I am just saying that there are some non-violent offences that merit a custodial sentence.

Rachel Halford: But the majority are shoplifting and benefit fraud at the lowest level, which will be theft. Those do not warrant it and do not pose a risk to the public. What you are talking about is an absolute minority. The evidence shows us that the majority are for very small sums. There was a woman in Holloway for four weeks for stealing a turkey. That is not a violent—

Q107 Chair: May I come back to you on that? I would suspect—I have some first-hand experience of dealing with crime—that it was not for stealing a turkey. It would have been for the umpteenth offence of stealing a turkey or that person would have been on probation or would have been ASBOed from the shop. It would not simply have been that a person went in once, stole a turkey and went to prison.

I have to take issue with this. I often hear these examples of people who appear to have done something very minor and have gone into prison. From my experience, it is almost always the case that there is systematic criminality going on when that happens. Is that not the case with the example that you have given of the turkey?

Rachel Halford: There was probably a background. Where I would hold my ground would be, what is the background? You are saying that there was a background and they would end up in prison, but what has led them to that? That is about, from the word go, the rights—

Chair: But nobody goes to prison just for stealing a turkey.

Juliet Lyon: Can I come back to you on that? A former ex-serviceman in Wandsworth was in for stealing a packet of biscuits. As a homeless person, that is how he exists. He spends time on the streets, steals, ends up in prison, cleans up a bit and goes back on to the street. That is a very expensive use of public moneys.

There must be something better that can be done. It is good that the Government are now turning their attention to former service people. It is possible, because of the word “persistence”, to end up with people in the prison system who have a series of persistent petty offences. They are serving their time in teaspoons, if you like. Given that community penalties can work far better, why would you just give more of the same to somebody if it is proven to have such high reconviction rates?

We have to take an intelligent look at what prevents crime best. You have a function to protect the public, where it is dangerous, serious and violent offending. Where it is persistent petty offending,

what is going to break that cycle? Often enabling someone to break free from an addiction to drugs or hazardous drinking will be the most effective public health solution to the problem.

Chair: Siân, do you want to have the last word on that?

Q108 Mrs James: Speaking personally, my concern about that sort of low-level crime and the criminalisation of it is that you start a spiral of criminality. Where do we as society then step in and give that person another chance? If we took what the Chair was saying, we would never give anybody a chance—we would never trust them. At some point, as a society, we have to say that prison in its current form is not working.

That does not mean that I would not lock some people up or that I would not throw away the key myself, because I would. If there is violence against women or children, we all understand that people have to be removed from society, but I have great difficulty when I have to deal with women who have served a prison sentence for benefit fraud, are criminalised for the rest of their life and find it very difficult to get work or to have the trust of the community. There must be a better way of doing it.

Chair: Everyone on the panel will probably agree with you. I suspect that that was more of a statement than a last word but, given the time, I will give you that.

Mrs James: Thank you.

Chair: All right then, Ms Halford. Go on—have the last word.

Rachel Halford: It is a really sad indictment of our society that we are having this discussion about whether these women should or should not be there, because we know for a fact that there are root-cause issues. If those issues had been addressed when they were raised, either at the GP's or in relation to domestic violence, we would not even be in this situation. No, they should not be sent to prison. There should be an alternative that offers them some way of addressing the issues, to stop them going back to prison. Prison does not work.

Chair: Thank you very much.