

Welsh Affairs Committee

Oral evidence: [Prison provision in Wales](#), HC 742

Tuesday 17 April 2018

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[Watch the meeting](#)

Members present: David T.C. Davies (Chair); Glyn Davies; Susan Elan Jones; Ben Lake; Anna McMorrin; Liz Saville Roberts.

Questions 126-172

Witnesses

I: Andrew Baxter, Prison Officers Association, Dean Rogers, Napo, and Andrea Albutt, Prison Governors Association (PGA).

Written evidence from witnesses:

- [The Prison Officers Association](#)
- [Napo](#)



Examination of witnesses

Andrew Baxter, Dean Rogers, and Andrea Albutt.

Q126 **Chair:** Good afternoon, Ms Albutt, Mr Baxter and Mr Rogers. Thank you very much indeed for coming along this afternoon. As you can see we are a fairly small, friendly, constructive Committee, so we will fire out a few questions but please feel free to elaborate if you need to. Having said that, if I do start to look at the clock and see time ticking along, I may try to speed things along a bit. Thank you for coming along.

I will start with the first question to Ms Albutt on recruitment. You have stated that prison staff recruitment is in critical condition and in your evidence you drew attention to the turnover of staff in HMP Berwyn. I do not have it here but I think you mentioned that it was 8.3%.

Andrea Albutt: I don't think I gave that in evidence.

Chair: It could have been somebody else. Are you suggesting that recruitment is in a critical state at the moment and, if so, what do you think are the problems?

Andrea Albutt: If we are talking specifically about Welsh prisons, I don't think the state of recruitment is the same as in some of our difficult prisons in the south-east. It will always be a challenge getting people to work in prisons at the moment, but prisons in Wales do not have the same issues as those in the south-east. If a turnover of 8% in Berwyn is true, that is not unusual, but it is significantly worse in other places.

Q127 **Chair:** Is there any comment on recruitment from Mr Baxter or Mr Rogers?

Andrew Baxter: I was unable to get particular statistics for Wales in my written evidence, but Swansea Prison told me this week that of the 101 band 3 prison officers that are on their books, 78 have less than two years' service. Although recruitment is not an issue, retention is potentially more of an issue and the experience of staff as they are temporarily promoted leaves a void at the bottom, hence the explanation from Swansea for such a high rate of new starters.

Dean Rogers: In probation, there is a particular staffing problem, which we have referred to, in the community rehabilitation companies. They cap 47% of the frontline staff when they go on the contracts because the contracts are so badly organised. There is a huge problem in the National Probation Service as well. There are more vacancies across England and Wales in the National Probation Service than there is in the whole of the prison estate and they are having huge difficulties retaining experienced staff. The worry is that on the front line you need that experience to continue mentoring and developing people when they first train or they first come through. That is a real, genuine concern right across.

With prisons specifically, it is very early days. They are still developing the offender management in custody proposals, which are aspiring to see



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more probation staff working within the prison estate and it is probably too early to judge some of that. We could have a big debate and discussion about some of that. But in terms of recruiting people to probation, the perceived threat of ending up, particularly in your first job, working in a custodial environment is very challenging and is having an impact on the potential to recruit people to probation generally. Historically, prisons and probation are not two sides of the same coin; they are opposite ends of a magnet and they push against each other. You would choose custody or community, probation or prison, so culturally there is a big challenge there. The perceived threat—whether it is real or not—of ending up being sent to prison if you join the probation service is a challenge that they have not got their heads round yet.

Q128 Chair: Couldn't you just make it clear to people if they are applying for a job in the probation service that it was likely to be a placement in a custodial environment?

Dean Rogers: That is what is scaring them. They would historically choose to go into probation because they did not want to be a prison officer. It is a kind of emotional choice between helping in the community, rehabilitation versus locking people up. Some of the ads that have been run as part of a prison recruitment campaign—there was one in particular that was run just before Christmas that *The Sun* sponsored where the Minister at the time appeared in the middle, which was showing things like riot training and Molotov cocktails and how if you join the Prison Service you get trained in how to use a riot shield and walk through fire. The typical probation officer is a female graduate coming off the back of some kind of social sciences degree and culturally could not have been more far removed from what you were looking at. Those ads in the prison recruitment campaign, which are all very macho, are making the probation recruitment campaign much harder.

Chair: I think we might come back to some of that later on.

Q129 Liz Saville Roberts: Could I turn to something that you said, Andrea? You mentioned that there was a problem recruiting in the south-east and we are seeing a situation where the second largest prison in Europe is now located in north-west Wales. There is discussion of another supersized prison to be located down in the south. Do you think there is a connection between the lower wage costs of Wales, or certainly not being in the south-east, and the selection of these locations for very large new prison developments?

Andrea Albutt: I don't think I can answer that. I would assume that land may well be cheaper say in Baglan than it would be on the outskirts of Bristol, so it may be down to land. We pay the same wages in England and Wales for prison officers. In the south-east they will get a local pay allowance.

Q130 Liz Saville Roberts: There is a south-east weighting, isn't there?



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Andrea Albutt: Yes, a local pay allowance but everywhere else people get paid the same wages and there are allowances and top-ups, so the wage bill would be no different. I don't know why Wales particularly would be chosen. It is not that we need more prison places in Wales for Welsh people. We don't, because we have too many prison places in Wales.

Q131 **Liz Saville Roberts:** But nonetheless there is a weighting, in a sense, from the Government, for that which is being provided in the south-east and it is also more difficult to recruit in the south-east, if I remember correctly.

Andrea Albutt: Yes.

Q132 **Liz Saville Roberts:** Do you have anything to add about where the recruitment issues are and where new prisons are being located and for what reason?

Andrew Baxter: It is a moving and evolving situation. A couple of weeks ago I heard talk of a first posting scheme for Leeds. We have traditionally thought in the north and the north-east, because the economy is not so great, there would be no issues recruiting. I don't share Andrea's position. I think that the choice to recruit in Wales is for economic reasons because people in Wales would see the starting pay and potentially the progression as an attractive proposition. I think there is a conscious decision to choose Wales for that reason.

Q133 **Susan Elan Jones:** I am a Member of Parliament in the next constituency from HMP Berwyn in north Wales and I have always been impressed with the ethos that the prison staff have determined for rehabilitation, in spite of some incredible odds from vested interests, in my view, that do not want it to succeed. I am impressed with HMP Berwyn. However, I am also aware that around 90% of the staff are inexperienced and in their first two years of training. Ms Albutt, what challenges result from having such a high proportion of new staff?

Andrea Albutt: The challenges are significant. To be a good, competent prison officer you have to have confidence, presence and kudos. You have to know your jail craft. When you have that you are able to build up the relationships. We all know that the pivotal thing keeping prisons safe is staff-prisoner relationships. If you are running a prison or are in a prison where 90% of staff are brand new, it is really important that mentoring schemes are in place and if you have only 10% of staff with some kind of prison experience it is going to be difficult to do things like mentoring. With the best will in the world, the training that we give is—is it 10 weeks now?

Andrew Baxter: It is 10 weeks. There is a pilot about to be launched next week for 20 weeks.

Andrea Albutt: But 10 weeks does not teach you the presence and the confidence, and for some reason our recruitment practices—and we were



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talking about this outside—are probably down to the pay and award package. We tend to recruit younger people straight out of doing A-levels or from university as a first job. Young and inexperienced people—in both life and the job—having to deal with some fairly challenging, difficult, streetwise people we have in prison, prisoners, has caused stability issues in prisons.

Q134 Susan Elan Jones: The Committee was told by the governor of HMP Berwyn that new staff are some of the best prison staff that Berwyn has seen. Can I ask Ms Albutt and the panel generally whether the recruitment of new and inexperienced staff is an issue, going on from what the governor said, or is there a view that new staff might be better able to adopt new ways of working? There does seem to be a very particular ethos at Berwyn. When new people come with fresh ideas that can sometimes work, can't it?

Andrea Albutt: Of course, but you need to have a balance. I think that is the issue. Berwyn opened as a brand-new prison and has had a very phased opening. I think Leeds has a very high percentage of new staff. Old prisons do have a culture and if you have a high percentage of new staff in a prison that has a culture that is also driven by the prisoners, not just by the staff, it can be really destabilising. While it may be that new staff have had a positive impact in Berwyn, I think that is not felt across the rest of the prison estate. My members who have a high percentage of new staff are saying that it does have a destabilising effect initially and there have been criticisms about the quality of the people we have recruited. Berwyn has its own bespoke recruitment campaign. Berwyn was opened, and rightly so, in a different way to how other prisons recruit and are run. They might have had a positive experience but I don't think that is the same across the rest of the prison estate.

Andrew Baxter: The message coming out to us from our members is that there is too much psychology in Berwyn. The psychologists have too much input in Berwyn. We have had some very serious assaults lately on staff at Berwyn; one was two weekends ago. There is no sign of the rate of assault of prisoner-on-prisoner or prisoner-on-staff in Berwyn reducing. There is a high level of incidents referred to North Wales Police from HMP Berwyn. Part of that is because they have such an excellent setup at Berwyn where they have an internal police station. I think there are three policemen, a DI and two constables, working in Berwyn and they refer every incident of assault. Every assault on staff is referred into the system and the CPS, but what alarms us is the rate and the number of those assaults. Through talking to managers at Berwyn we have asked for—all prisons or the majority of prisons display a zero tolerance to violence poster. That is not displayed at Berwyn and when we challenged why we were told that it does not fit in with the ethos of Berwyn.

Q135 Susan Elan Jones: Can I go into what you said a couple of minutes ago? Are you suggesting that more things might be reported formally in Berwyn than in other places?



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Andrew Baxter: It is a possibility and that is based on the fact that they have such a good relationship and such a good setup with North Wales Police.

Q136 **Liz Saville Roberts:** One of the things that we discussed when we were in Berwyn was its regime on detoxification and reviewing prescription drugs and that there might be a connection between inmate behaviour and withdrawal from one or the other. I am not making a connection between this and the incident, but I have a constituent who recently died in Berwyn in circumstances that were very obviously concerning, without saying any more than that. There is something in the evidence that Elizabeth Moody, the acting Prisons and Probation Ombudsman, has said in relation to drug detoxification, "Some of my fatal incident investigations have raised concerns with the drug detoxification programme in Welsh prisons. Unlike English prisons, Welsh prisons do not offer an integrated drug treatment system for prisoners who arrive dependent on substances and they do not routinely offer opiate medication for maintenance or drug detoxification. I believe that prisoners in Welsh prisons should have access to effective drug detoxification treatment from their first night in custody." Is this something that you think we should be aware of, given that it has been presented? Could you give us any examples of the pros and cons from both standpoints? We have been given one point of view already and this is the first that we have heard of another.

Andrea Albutt: Health is devolved in Wales, but the governor of the prison does not have any say in how health is delivered. They are influencers, but health will decide how they will deliver health. You are right that in Wales they do not have integrated drug treatment. I have governed Welsh prisons and English prisons. I think IDTS is a very expensive way of caring for people and it is probably a lot more complicated. The way they care for people with drug problems in Welsh prisons is far simpler. For and against? I think the most important thing is that the individual is able to either detox off their drugs or be maintained on their drugs in a safe way and I have examples of that in both England and Wales. I think it is difficult to say which is best.

Liz Saville Roberts: We have certainly had the message that it is affecting inmate behaviour in Berwyn. We have heard from Berwyn and we have yet to visit other prisons. Interestingly in Parc it turns out that the Parliamentary and Health Service Ombudsman, which would consider complaints from English prisons, has no remit in Wales because health is devolved and the Public Services Ombudsman for Wales is unable to investigate because Parc is private, which is one of the interesting interactions with health being devolved.

Andrea Albutt: Was the question specifically about prisoner behaviour?

Liz Saville Roberts: It is but also, over and above that, prisoner behaviour in relation to health, health management regimes and issues arising from that.



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Q137 Chair: I think what the prison governor in Berwyn was saying to us was that they try to detox people as quickly as they can and do not want to supply them with these drugs like Xanax, the ones that bring people down and take away stress. If I understood it correctly, there was a suggestion that this proactive approach may lie behind some of the behavioural problems. Rather than just putting people into, frankly, a coma almost, they are trying to address the need head on. I think I have summed up the argument being put by the governor, so I will put it back to you and ask: do you recognise that as an argument and a possible cause for some of the behavioural problems they have had there?

Andrew Baxter: There is conflict when you take a man off the street who in his mind has been on medication that has stabilised and maintained him. I have had people in front of me shouting that they have been on a certain medication for 15 years and then a prison health provider or doctor takes that medication off him. You will always get a negative reaction and that can be behind bad behaviour. I have seen numerous examples of where prison officers have been assaulted when they are trying to defuse a situation where a prisoner has an expectation that his drug will be maintained and the health provider is saying no. The person he lashes out at is the person in the white shirt.

Andrea Albutt: I think probably our most challenging group of prisoners to deal with is prisoners who are drug takers and how we manage them in prison. The need to feed their drug habit is the number one thing for them and health will never meet what they want and they are incredibly challenging. That is the same in Wales and England.

Q138 Anna McMorris: Mr Baxter, what do you think are the challenges and opportunities for Welsh language provision and Welsh-speaking prisoners in Welsh prisons?

Andrew Baxter: In the inquiries I have made over the last fortnight I have not been able to establish the number of Welsh-speaking prisoners in the Welsh prisons. In the written evidence I submitted, I think there are nine Welsh language speakers in Swansea and 14 in Cardiff, but the reports and the feedback I have had is that they get very few opportunities to use the Welsh language. Even for prisoners from the Welsh community, there is not a huge uptake of the Welsh language. When I asked Cardiff what is the main reason why there is not a lot of Welsh spoken in Welsh prisons, the response was that there are an awful lot of English prisoners in Welsh prisons. We support people speaking their own language and if we were to talk about provision, as in providing education to support, maintain and enhance delivery of the Welsh language, that would be a priority but where we are in the situation with prisons in general and the state of prisons with regard to operational issues relating to violence and drugs, as a union that would not be top of our list but we are very sympathetic to it.

Q139 Anna McMorris: How would you say prison staff respond to Welsh language training or recruitment of prison staff who are able to speak



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Welsh? They would be able to speak both Welsh and English. I am in no way diminishing those very serious concerns that you outlined, I think that we have a huge problem with our Prison Service, but if you have even nine prisoners who are not able to converse in their mother tongue that is going to lead to further problems, a problem in rehabilitation and could spark even more concern over those issues that you have outlined, that you have pushed this down to the bottom.

Andrew Baxter: I am not saying there is an anti-Welsh language—there is a very positive approach within the prisons to Welsh language. When a prisoner comes through the reception at Cardiff, I am told he is asked, “Do you speak Welsh? Do you wish to be located with somebody who speaks Welsh?” Where they can the staff do everything they can to accommodate that so they can have two Welsh speakers sharing a cell. If prisoners approach the staff and say they want to move cells on the basis that they know somebody else speaks Welsh, staff will do everything they can to accommodate that.

Q140 **Anna McMorris:** Is there any training for staff?

Andrew Baxter: No.

Anna McMorris: None at all?

Andrew Baxter: No.

Q141 **Anna McMorris:** What have you done within your union to encourage Welsh training?

Andrew Baxter: To be 100% honest with you, nothing, but we are in the process of reviewing the new entrant prison officer training with HMPPS and, as I alluded to earlier, there is a pilot programme coming out that has doubled the length of the training. It is running at 10 weeks at present but we are on the cusp of trialling a 20-week training session. That is something I will raise when I meet with HMPPS.

Q142 **Anna McMorris:** Would you agree that by not taking action and not putting this as up there an equal priority, you are shunning those needs of a significant proportion of our nation in Wales?

Andrew Baxter: I think there is more work needs to be done by us as a union, because we are a trade union. I think there is an equal, if not greater, amount of work that needs to be done by HMPPS.

Dean Rogers: I was going to make a general point about the Welsh language and that issue. I think you have to look at this in a broader perspective as well. If you have people with the skills generally and the aptitude to work with complex individuals in these complex situations and they have those skills and, on top of that, they have the skill to be multilingual and able to provide that service in Welsh and English, they are going to be coming at a premium. When you look at the pay rates and the recruitment rates in prisons and probation and you look at what the starting salary is and the fact that in probation, for example, it will



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take you 27 years to move through the pay range to the rate for the job and that the majority of probation officers and probation support officers, even if they have been in for a decade, are still below the mid-point of their pay range, you will understand why it is difficult to persuade someone with that skillset to throw their lot in with the justice sector. They may well decide to go into health, education or somewhere else where, frankly, they are going to earn a lot more a lot quicker.

Q143 Liz Saville Roberts: As an aside, the onus is on the Ministry of Justice in their recruitment procedures. It does a Welsh language scheme that I think would be worth us questioning. When I specifically put questions about HMP Berwyn and recruitment, there was no mention of Welsh language skills at the time. There have been Welsh language speakers appointed, but it was not mentioned in advertisements. I appreciate that it may be difficult to appoint people but I think there is question about the effort that was put into appointing people.

Andrea Albutt: I think there is a lot of work going on in HMPPS in Wales about Welsh language, but certainly when I was governor of Swansea the staff that I had who spoke Welsh were identified. The number of prisoners who had Welsh as their first language was very small. This is going back to 2008, and I think over a six-month period there were only two people who came into the prison who said that Welsh was their first language. But we did have a list of staff who could speak Welsh and they were identified to Welsh-speaking prisoners. I am sure they still have things like that going on in Welsh prisons; I am sure they have.

Q144 Ben Lake: If I could move to address the issue of overcrowding in prisons, it is an issue that gets a lot of attention and public discourse. When we approach the issue, should we be bearing in mind the operational capacity of a prison, or is it rather that we should consider the certified normal accommodation? Could you elaborate on what the challenges are for staff if a prison exceeds its certified normal accommodation?

Andrew Baxter: CNA is a very old measure of a prison's capacity. It came out as a result of the Lord Woolf inquiry into the disturbances in the 1990s and CNA is a measurement that was put in place in 1992. Since then, prison capacity or the need for the prison population has exploded. Lots of prisons increased their capacity and they did it through doubling up of single cells, building new accommodation in existing space within prison walls. When you look at HMIP reports, HMIP always judge against CNA, which is a very old measure. Our union and our members have traditionally always locked horns with governors about increases in operational capacity because eventually you get to the point where the core services within a prison—the gymnasium, education, workshops, the kitchen and things like that—can't support the number of prisoners within the establishment. We now tend to accept operational capacity as the measure that we use, but if all these increases are not met with an increase in the number of staff to deliver the services there is further strain on the existing staff and existing establishment.



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Q145 **Ben Lake:** Maybe this is taken into account by the management, but perhaps staff-to-prisoner ratio should be included as an element of the capacity. Is it at present?

Andrea Albutt: Talking about operational capacity, a prison is crowded when a cell that was built for one person is holding two people. I think Swansea is still the most overcrowded prison in England and Wales because all the cells were built for one person and nearly all of them have two people in them. Cardiff will have an element of the same, whereas I think Berwyn probably has been built to have double cells that are bigger so they can hold two people, as well as single cells, so overcrowding is less of an issue there. Wales is quite interesting because it has an overcapacity of prison spaces. In south Wales, you have local prisons that hold remands, at Cardiff and Swansea. Those two prisons generally have spaces, so when the likes of Bristol or HMP Hewell in Birmingham—again, local prisons—are full, and often they are full, their prisoners are transferred into the Welsh prisons and this does cause stability issues for the Welsh prisons. They are overcrowded but they are overcrowded with people who are not from Wales, who do not want to be in Wales and are disaffected. Overcrowding is a significant issue for Wales.

Q146 **Liz Saville Roberts:** What you said just then was very interesting. It would be quite interesting to know a bit more about being disaffected and having people whose family connections are further away, their health needs. If you could expand on that, but I will tack on the question I am supposed to ask as well. There have been questions—I know the Howard League questioned this—that Berwyn, I think, is two-thirds shared cells and one-third single cells, and I think the general international expectations now are that prisons are single cells unless prisoners, inmates, choose otherwise. Are there issues related to management of offenders that are improved or inhibited by having prisoners sharing cells?

I visited HMP Liverpool this time last year and it is a completely different environment to Berwyn. One of the things that was told to me as I went round was that there is an issue with apportioning who actually is responsible for having done what in a cell if you have two inmates in there. It can be more problematic to try to work out who said what against who than it is to just get on with it and leave something but then you start tolerating damage to property and so forth. We were told that was not the case in Berwyn. I am trying to get a sense of the two extremes of that.

Andrea Albutt: I would say if there is damage to a double cell, whether it is in Berwyn, Liverpool, Cardiff or Swansea, and neither owns up to it, it does not matter. You are not going to know who has done it, are you? I don't see why Berwyn would be different from Liverpool if there was damage in the prison. If somebody owns up to it you know and you can deal with it. If they don't, the damage is done and you have to try to work out what has gone on in that cell.



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Dean Rogers: If we are talking about trying to move towards a new model and rehabilitation being at the heart and soul of the whole justice sector, you are asking the wrong question. The question should be what they are in the cell for and how long they are in there. If you are in your cell with somebody else for 23 hours a day that is different from being in a cell on your own for 23 hours a day, but if you are only in the cell to sleep, which is what the ideal would be, one person to one cell would be a standard. When you are talking about international standards you need to look at what we are looking at prisons for on an international scale. I think most other countries have a very different perception of what prisons are for than we have.

Q147 **Susan Elan Jones:** Going on from that, I am intrigued by what you have just said. Are you saying that having two prisoners in a cell would be a sort of informal safety mechanism? If that is what you were saying, it is quite an interesting idea but it might not have been what you were saying.

Dean Rogers: A lot of people who are in the system have multiple issues. They are complex people. For some people being locked up in a cell on their own for 23 hours of a day would be incredibly bad for their mental health. Other people might be better off on their own than being locked up with somebody who has mental health issues and all sorts of serious issues and drug habits and the rest of it. The question you should be asking yourself is why they are in the cell at all; what are they meant to be doing while they are in prison? Let's have a bigger debate.

Liz Saville Roberts: It almost implies they are in some sort of punitive environment if they are locked up for 23 hours a day on their own.

Q148 **Chair:** I will ask a question that leads on from this. It should be an obvious one, but wouldn't building new prisons solve the problems of overcrowding?

Dean Rogers: From our perspective, if I can get in first.

Chair: Probably not for you, Mr Rogers, because you would only see people when they are not in prison generally, wouldn't you?

Dean Rogers: Our view is that a lot of the problems we get and one of the challenges for the probation service—the reason for the rehabilitation revolution, according to Chris Grayling at the time, was to stop the revolving door of people coming in and out of prisons. We think the only way that you will genuinely solve the prison crisis or the problem is to try to look at breaking the cycle. We send too many people to prison.

Q149 **Chair:** That is another question, isn't it? Do we or do we not send enough people to prison for long enough in order to help them?

Dean Rogers: Let's talk about women prisoners, because I know they are on your brief, for a short while. Women prisoners are much more likely to be sentenced to short-term prison sentences and that in itself is something we could have a lot longer debate about and the



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disproportionality of that. But they also are disproportionately likely to have been in the system with all sorts of other issues—they have been in care, in vulnerability. They will also have caring responsibilities. If you lock up a mother for six weeks, 10 weeks, none of the chaos that causes for her and the dependants and all of the other services—schools, health education for the child—is costed, the human cost or the actual economic cost. None of that is built into any of the modelling as we stand and I think we need to start taking a bigger picture. An interesting pilot scheme was recently announced in London about looking at investing in communities, in prevention and in the kind of things that are alternatives. If you can reduce the crime and the people coming into the system, you would reinvest some of that money in. That is an interesting, different approach. In the Dutch model they have cracked this by taking a very different approach. When people do come into the system, if from day one in prisons rehabilitation and finding a useful purpose is where we started from—

Q150 Chair: Isn't one of the problems that when people do go to prison for a short period of time it is impossible to do the extra work with them that you have just referred to? When somebody is in that revolving door, sometimes taking them out of that environment completely, putting them into prison need not necessarily be seen as a punishment but as an opportunity for society to give them some skills that can give them a job and to get them out of the environment that has created the problem in the first place.

Dean Rogers: I think it is terribly sad if the only way that society can organise that kind of support for somebody who is vulnerable and has fallen into the system is by locking them up and taking them away from their family.

Q151 Chair: The governor of Pucklechurch suggested to me that taking young offenders away from their families in some instances is the very best thing you can do for them. We are not talking about nuclear families who sit down and read *The Sunday Times*.

Dean Rogers: I started quite specifically talking about women prisoners. If anyone is running a prison and suggesting that taking a mother away from her kids is a good starting point, we need to look again.

Q152 Chair: No, he was talking about young offenders from very difficult, challenging family backgrounds. He was saying that it is a good thing in some instances, not mothers but—

Dean Rogers: A disproportionate number of the children or the young people coming into the system have already been in some form of care as well. I accept that these are complex people with complex backgrounds, complex challenging situations, and there is no easy black or white solution because there are no easy answers to dealing with complex people and politicians sometimes—

Q153 Chair: Isn't there a conundrum for you though? You are obviously not a



fan of prisons and I think your first answer gave a hint of this.

Dean Rogers: The probation service generally.

Chair: We have a situation, for example, where I think our evidence showed that women prisoners are likely to be put into prison twice as far from their homes as male prisoners, because there are not many prisons available to them. We can either build more prisons and house people closer to their home or we can put fewer people in prison but accept that when we do send people to prison they will be housed a long way from their home because there is not going to be a prison down the road if we are not building them. But we can't complain that people are housed too far from home and complain when people want to build more prisons. Do you see what I am saying?

Dean Rogers: I think so. With both those options you should only be sending people to prison who need to be in prison. There are a lot of people who are being sent for short-term sentences and particularly women who are disproportionately likely to get those short-term sentences and—going back to the research from some time ago—who are disproportionately going to react to being in an environment where they have almost been trained to be nervous of the state and of those kind of reactions. Finding an alternative to providing that support and help, breaking them out of—if you have refuge centres, if it has been an abusive relationship that is at the heart of why they are stealing to feed their partner's drug habits, which is not unusual, if you are trying to break it, different ways of support, localising some of that, would be a better approach than always locking them up.

If we look at what has happened with probation and coming out of prison and through the gate, one of the challenges is that the lack of integrated holistic support and the loss, as we were hearing in the Justice Select Committee this morning, of charities in the third sector being able to provide specialist services, which have particularly again hit women prisoners coming out, the break of that and the loss of that in the TR evolution is hugely damaging.

Q154 **Chair:** We might be coming on to that. May I ask if Ms Albutt or Mr Baxter would like to come in on this point about whether we should be building more prisons to enable people to be housed closer to where they live?

Andrea Albutt: In some ways, I have to agree with Dean. You have to define what prison is for: is prison about punishing people; is it about protecting the public; is it about rehabilitation; or is it about all three? If we are going to put short-term sentence people in prison, whether they be men or women—and I have governed a women's prison and I know exactly what you are talking about—that is just punishment. That does not achieve anything; we don't have them long enough. The only way we are going to reduce the prison population, and we should reduce it because we have far too many people in prison, is to define what we



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want prison to be for. If it is to punish short-term sentence prisoners, it is pointless, it does not work. They are the revolving-door people. If we are going to have people for longer periods who we can do good quality rehabilitation with—offending behaviour programmes—and we can reduce the population, we probably don't need to build more prisons, but we do need to build new prisons because the old prisons we have are falling apart.

Q155 Susan Elan Jones: I know that I have a different view from some of my colleagues on this. There are some colleagues who are adamantly, adamantly opposed to building women's prisons because they think what will happen is they will all get built and have to be filled up. Therefore, people who perhaps went to women's centres and other things would not be doing that and they would have to go to these women's prisons. But I can also see the view that there are going to be some women in prison and I know if they are from north Wales they are going to have to be in Styal Prison and that takes them a long way from families. I don't pretend that there is an easy answer to this one because I can see both sides of this, but how do we deal with what is inherently a conflict on that?

Dean Rogers: Sentence length has to be proportionate to the offence. If somebody needs to be inside and you are going to need to do the work with them, you have to do it somewhere and that is always going to be challenging. It does present challenges in maintaining family links and connections, which are particularly acute—not always but in a lot of cases—for women prisoners. There is a dilemma, but I come back to the same logic. If we build a new prison it is likely to be one big super prison in the middle of the country somewhere where every woman is going to be housed. There are different and better ways of doing it. You don't have to have a prison housing 3,000 people. We can find other local ways of doing it and better solutions.

Andrea Albutt: I used to govern Eastwood Park Prison, which covers south Wales—about a third of the women in there were from Wales—and it wasn't good. Women who live in Fishguard are 150, 160 miles away from home, and with the best will in the world you know that setting them up isn't going to be easy and family ties are not going to be easy. About 10 or 11 years ago, Baroness Corston wrote a fantastic report about how to care for women offenders and I think if that was used as the basis for how we manage women offenders we wouldn't go far wrong. You would not need to build more prisons and you would not need to build a prison in Wales for Welsh prisoners because they would be housed in Wales in a different way and it would probably be much more successful than what we have.

Chair: Susan do you want to move on to the prison annual performance ratings?

Q156 Susan Elan Jones: Is that question No. 5? No. 7—here we are. As we get carried away and enthusiastic with our questioning, things merge into



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one. I am sure there is a poem about that somewhere. The prison annual performance ratings suggest that smaller prisons do not appear to be performing any better than those with higher operational capacities. Is there a relationship between prison capacity and performance? What is the evidence for this? I will give you our official question on that without any personal interpretation.

Andrea Albutt: If I can start on that, it is well documented, and I have said it a number of times in the media, that our prisons are in crisis. I am not just talking about Welsh prisons; I am talking about England and Wales. The state of our prisons is a direct result of austerity measures during the Chris Grayling time and into Michael Gove, and that is coupled with the demographics of prisoners changing. We have younger, more violent gangland-type people in prison; we have more organised crime in prisons; then psychoactive substances came into play. All of these things happened and, as a result, a significant number of our prisons are really struggling now. It is a challenging time for them from a stability point of view, which obviously impacts on performance. Overcrowding, operational capacity and performance, while it will be another factor, it will not be the only factor.

Andrew Baxter: As a union, the POA has always been against the supersized, very large prisons. To run them and to staff them is an enormous challenge. The amount of space within the prison, the logistics, is an enormous challenge. I spent a lot of years working on the design of a prison that was known as the Bullingdon design and that had small house blocks—small by comparison to Berwyn—where you had about 180 prisoners on a unit and they were on three spurs of approximately 60 prisoners each. That was controllable and it was comfortable to work in. If you got the level of interaction with the prisoner right, you could start to achieve things. At present, I think with the state of the prisons we are not achieving because of violence, psychoactive substances and that is undermining all the things that we want to do. Until we address those issues, we will never get to do the really good stuff that we should be doing.

Andrea Albutt: I think it was in about 2004 or 2005 that Professor Alison Liebling from Cambridge University did a piece of research in Swansea Prison. This is before we had all of the stability issues and the cuts. Prisons were well resourced and performing well generally. At that time, Swansea was holding about 400, 450 prisoners and most of them came from within a 20-mile radius of the prison, so it was a real community prison. That piece of research basically said that Swansea was about the right size for a prison. The fact that it was a community prison, part of the community, serving the community meant that it had a really positive kind of impact on the lives of the prisoners in there.

Q157 **Susan Elan Jones:** But there have been some serious issues recently about Swansea, haven't there?



Andrea Albutt: That is because it was in a different era: the cuts that I have just spoken about, the austerity measures, the loss of staff, the fact that they have a high proportion of staff with less than two years' experience, the psychoactive substances and drugs. I think what we have to remember is that prisons are a microcosm of the kind of town or city that they are in. Swansea has some fairly significant issues as a city and the prison will be a microcosm of that.

Q158 **Glyn Davies:** I have been listening to your answers. I am sorry to have missed a lot of the meeting, so it is a responsive answer to the comments you are making. I joined the Committee members to visit Berwyn, probably about a month ago, and maybe it is the impression you get but I have to say I did not recognise a prison that matched the sort of description you gave of a large prison. To me it seemed that the environment in the prison was pretty positive. There was a genuine focus on rehabilitation, which is hugely important from my perspective. I don't think it matched anything like the description you gave of a large prison. I think a well-run prison is important, but I am not absolutely certain—and I say this as a view but it is a question asking for a comment, I suppose. I don't know if the others who were there thought the same as me but that isn't the prison I got.

Chair: We randomly spoke to people. We were walking around without any protection very much and I did not feel at all threatened. We randomly spoke to people who were passing round and about, so they were not laid on for us, and they were all quite positive about it.

Andrea Albutt: Compared to the ordinary design of prisons, it is obviously a fantastically designed prison and as far as I understand—I have not visited Berwyn—it is lots of individual little prisons really, self-contained little prisons.

Q159 **Glyn Davies:** I think it is a 2,100 total prisoner population. It was not quite full yet but it was not far off; it was getting that way. I think the individual parts of the prison are not small. There are three specific areas and it would be 700 each. It was quite sizeable. I am interested in the principle—you can get problems in all prisons—about whether that is related to size or whether with a well-managed large prison, which is inevitably less expensive to operate, you are paying a cost in having a cheaper prison with it being more difficult to manage. That seemed to be the implication of particularly what Mr Baxter was saying and yet it did not seem like that to me at all.

Andrew Baxter: We go on the feedback that we get from our members, and our members are the prison officers working on the landings. They say it is incredibly difficult. When you come to the end of an association period or something along those lines or you serve the meal and prisoners have finished eating their meal and it is time to return them to cells, they tell us they spend a long time chasing—it is like "Tom and Jerry". They are going round and round. It is like a game of cat and mouse. My own experience, as I said, was the small Bullingdon-design



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prisons where you don't have that enormous area to patrol and to look after. The staff at Berwyn say to me, "We can't be in all places all the time", but you could when you had the Bullingdon-design prisons. They were more intimate, it was more closed and we feel you got better relationships, but that may be where we are post-benchmarking. The levels of staffing in there may need increasing and we definitely believe they do need increasing.

Glyn Davies: We will have to go again, Chairman.

Chair: The POA gave evidence to us and they did not really back up what you are saying. The governor left the room and told everyone they were free to say what they wanted. I take what you are saying on board but there is a clear conflict between what you are telling us now and what we were told by the POA in a private meeting.

Liz Saville Roberts: But in reality that was a large room full of all the staff. To be fair on the governor, he did leave the room, he behaved very well, but I don't think that we would necessarily have that sort of contribution.

Chair: No, but what you are saying is different.

Q160 **Anna McMorris:** The Welsh Government recently made a statement expressing the need for a different delivery approach in Wales that better reflects the needs of Wales. At the moment, the criminal justice and penal system is broken because we have that at UK level whereas the services are at devolved level. The Welsh Government have said that they will not facilitate any further development of prisons until that constitutional issue is resolved. What do you make of that and what do you make of the proposal for a new large prison in Baglan?

Andrea Albutt: As things stand at the moment, we have an English and Welsh Prison Service that is our Prison Service, and to run effectively we need the Welsh prisons because there is a lot of cross-border movement of prisoners and that is how the system works. If a large prison is built, say in Baglan, I would assume that some older prisons will be closed in order to open and pay for a big prison in Baglan. But clearly a big prison in Baglan means that we will continue to have an England and Wales Prison Service. If there was some decision that prisons would be devolved in Wales, it would cause significant problems. You would have to reevaluate how we deal with our entire prisoner population in England and Wales because, like I say, we need Wales. Do you understand what I am saying?

Q161 **Anna McMorris:** I don't think I do. Why would that be?

Andrea Albutt: Berwyn is full of English prisoners, isn't it? There is only a small number of Welsh prisoners.

Q162 **Anna McMorris:** Devolving the penal justice system to Wales does not necessarily mean you are going to exclude English prisoners.



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Andrea Albutt: Well, that is different from what happens in Scotland and Northern Ireland, because we don't cross borders, so it would be completely different. If you are saying that would continue—

Q163 **Anna McMorris:** Obviously I don't know. That would be a matter for the Welsh Government and the UK Government and those discussions, but the difficulty is that the approaches of the UK Government and the Welsh Government to rehabilitation and prison reform are hugely different. Those two are not matching up and the Welsh Government are severely hampered by the UK Government's approach when trying to rehabilitate, and a particular concern that those men and women being sent to prison are not receiving the services and support that they need in order to effectively rehabilitate and be supported.

Andrea Albutt: What sort of services are those that they are not getting?

Anna McMorris: It is the difference between the broken service between the criminal justice and penal system being governed from England and the Welsh Government running on education. There is a limit to the amount that the Welsh Government can do, because it is not devolved.

Susan Elan Jones: Can I have a little add-on, playing devil's advocate on that? Could we not be in a position, if that were to happen—and I have a completely open mind on it so I do not have any great objection to what my colleague has just said—where a devolved system in Wales then says, "Right, we are definitely not going down the route of women's prisons" and a court then deciding, "No, this needs a custodial sentence in a prison" and Styal Prison then saying, in the case of north Wales, "No, they are not coming here because they are from Wales"? Are there practical things? As I say, I do not disagree in any way with some of the ideas that my colleague is raising. I am just teasing out a couple of questions.

Chair: In other words, how do you bring a Welsh female prisoner into a prison when you do not have any Welsh prisons?

Susan Elan Jones: Yes, because we do know ultimately there are going to be some women in Wales, even if it is a small number, who are going to need a custodial sentence. I am just throwing that out as a question—

Chair: Perhaps we are debating something. It is an interesting thing, so—

Anna McMorris: That would be a matter for the legislation at the time and I do not think it is worth venturing into that because there would be exceptions.

Q164 **Chair:** I think it is a very good point, but I am not sure whether we can all just start breaking into a discussion. Mr Rogers, do you have a succinct answer to these hypothetical queries?

Dean Rogers: The prison side of the justice sector is still unified and I would dispute whether the aspirations of the Welsh Government and the



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aspirations of the English Government are that different. I think the Welsh Government say the same things.

On the probation side, we have an experience already of something that is not unified any more and we have had something that has been partly privatised and something that has been nationalised. A service that was being delivered locally by probation trusts has been nationalised as a consequence of the TR evolution and the experience from that is that it is not working. It is an absolute disaster. From a probation point of view and a rehabilitation point of view, reunifying delivery of the core service, combined with strong local accountability and local commissioning of what is required will, we think, mend what is now broken or begin to mend what is broken and will start to reach out into the communities and reach the parts that have now been isolated.

The charity sector, those specialist groups that were key to providing services to some of the most complex and challenging people in the system, has been almost excluded by what has happened in the nationalisation of the National Probation Service by devolving to the Welsh Assembly, or for that matter, to London or to the regions. Finding a way of local accountability and local commissioning of holistic joined-up rehabilitation services is critical to mending the damage that has been done.

Q165 Liz Saville Roberts: I think we are going into the probation regime now. You talked about the NPS and transforming rehabilitation. It is probably worth, from when I first approach it, just to explain the divide between what the National Probation Service provides and what Working Links provides in Wales. I know that Working Links is a relatively new provision but, nonetheless, in the short time that it has been in existence, there are a number of questions. I think there was a review by the Chief Inspector of Probation that was published in February of this year, which has concerns about reoffending rates, but how does this particularly affect Wales? I know that because you are representing Napo you will have a particular line on this, but I would also be interested in the impact of how probation has been reorganised on the prison sector, because these two things are not operating in isolation.

Dean Rogers: There are three elements, essentially. There is the decision on whether somebody is high risk, and the management of high-risk offenders upon their release or in custody is managed by the National Probation Service. The low and medium risk are then managed by the community rehabilitation companies. The third bit would be the through-the-gate stuff, which is on the transition, which has been lost completely. HM Probation Inspectorate has said that the through-the-gate services—the holistic education, training, housing support, lining people up before they are released so they are just not released with the money in their pocket and then left to it—has not happened because it has fallen between the gaps. Those are the three elements.



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One of the problems that you get is the information exchange, the information barriers and the extra bureaucracy that comes from that. We have had terrible cases in Wales and elsewhere of information about people being lost in the transition. All sorts of trust issues emerge. There are the contractual complications of what was, in true MOJ tradition, a very badly-managed contract process, so the assumptions that the contract were based on were wrong and were known to be wrong but they went ahead anyway. Then in addition to that we have the added complications of a nationalised service that is failing on every level. The National Probation Service is now the most dysfunctional organisation I have ever worked with.

We had to report to them this morning: there are 107 people working in the National Probation Service who are currently earning less than the minimum wage, so that was what I did this morning. They have no plan on how they can pay them because they are using a shared service centre that does not work, because our members are on different terms and conditions, different pension schemes. That was never prepared for, it was never planned for and, therefore, the HR systems do not work. It is just abject chaos.

Chair: I can see the press are scribbling away furiously at that point.

Q166 **Glyn Davies:** I am sorry I was late, Chair. I am just catching up on where we are. You asked me to cover a point that has always been my main interest in the Prison Service, and that is the rehabilitation of prisoners. I remember my first visit was to Shrewsbury Prison, which is an old prison that is now closed, where the governor was almost obsessive about rehab. I became very excited, because the aim is not to have people go back in again.

The reference I had was to groups that I do not know much about, the community rehabilitation companies—I do not know what that is. Can you tell us how they work with the Prison Service to cover the transition from custody to release or custody to the probation service prior to release or how they go together? That is absolutely key and there are far too many people going out of prison without a secure way of living outside of the prison, who are probably more comfortable in the prison than not and would not mind being back there. That is what we have to try to break and avoid, but what is the role of the community rehabilitation companies?

Dean Rogers: The community rehabilitation company for Wales is Working Links. Working Links won the local provision from Land's End to Holyhead, because they also won the contracts for the south, south-western and west country. Working Links is the company that is meant to provide all of what you have just talked about for people who are classified as low and medium risk. The problem is that the contract that they are running that under was put together in its usual rush to meet a political timetable and so on. The assumption was that 70% of the clients would be going to the community rehabilitation companies.



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By the time the contracts were let, it was already clear that that was going to be 50:50 and that in the understanding of medium and low risk the numbers were wrong, so the whole premise of the contracts was wrong from the start. The system was about rate cards and so you would put a price on everything and the cost consequence on none of it. One of the critical things for us is about the commissioning model. The idea was that those companies would then buy the local specialist services, so if you had somebody coming out who needed specific housing or a woman coming out who needed particular domestic violence support of extra particular specialists, they would buy that in. But because of the shortfall in the contracts and because of how marginal those contracts have become, what has happened is they have monopolised the commission and there is an incentive to provide it all themselves and to narrow the range of services that are available.

What we have seen in Wales in particular—and if you talk to anyone from Safer Wales or Women's Aid, they would reinforce this, I am sure—is a narrowing of the provision and a loss of that local expertise, so we are getting a worse and worse service. There are particular problems with Working Links. The contract was so badly established that they ended up having to cut 47% of their frontline staff and that has had all sorts of added complications.

We know that it is a vulnerable contract. The bailiffs were turning up in Cardiff a couple of weeks ago to take stuff away in front of clients, so we know they are in difficulty, but any company would be in that problem if it was trying to run the contract. All of the CRCs are finding it difficult to manage within the contracts that they have, because they were so badly organised, so badly structured and so badly funded. That was all preventable.

Q167 Susan Elan Jones: Do you think the community rehabilitation companies are currently meeting the needs of Welsh women offenders? I would like to specifically ask Ms Albutt whether, from your experience as governor of HMP Eastwood Park, how easily could Welsh women offenders access rehabilitation services? Also does the panel feel that the distance from home at which women offenders are placed has any bearing on their chances of rehabilitation?

Andrea Albutt: I can probably talk about the latter better than the first question, because it is a while since I was governor of Eastwood Park, and I think things are far better now—the links into Wales. But certainly in my experience with the Welsh women being located in Eastwood Park and obviously being a long way from home, if you are going to try to resettle them well, if you are going to get jobs in the community to prepare them for their release, it is going to be in the English community. They will not be able to go across the bridge and work during the day in Wales, in the country that they come from. From a rehab and a resettlement perspective, it was very challenging.



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That is the Welsh women we know are located in Eastwood Park, but there are Welsh women located all over women's prisons in England, a long way away. There will be Welsh women no doubt in Peterborough, so what chance do they have of accessing Welsh-specific rehabilitation or resettlement, third sector providers, whatever? It is really difficult for them.

The ability to see families—we know that as part of rehabilitation the links that you have with your family and maintaining family ties is critical. That is obviously compromised as well. It is not just about having CRCs; it is the whole package that is needed to rehabilitate people. If you are an isolated Welsh woman in an English prison—it is not so bad in the likes of Styal, Eastwood Park, because there are a lot of Welsh women, but if you are an isolated Welsh woman elsewhere in England—with your culture and what you understand, it must be really difficult and isolating. We try to do our best, but I think they get a really raw deal.

Q168 **Chair:** From your experience, Ms Albutt, as a governor of a women's prison, what percentage of women who were in custody had been victims of male violence?

Andrea Albutt: I could not give you an exact, but it was common. Invariably they were victims. There was usually some kind of abusive relationship behind why they were in prison.

Q169 **Chair:** More often than not would be a fair—

Andrea Albutt: Yes, more often than not.

Q170 **Chair:** An interesting piece of evidence that has been submitted by a group called A Woman's Place to the Justice Committee for their inquiry, which I think may be coming our way, is on the issue of if the Government bring in self-identification of gender, what the impact would be on people with a male body who are trans women, demanding a right to be in a women's prison and the impact that could have on the perception of safety for some women. Is that something that you have dealt with?

Andrea Albutt: Yes. You also have to manage transgender really carefully, because obviously you have to think of both people, but how far—I am trying to say this appropriately. I have seen women very scared in the situation of somebody who has a male body but identifies as a woman coming into a female prison or potentially coming into a female prison. I have also seen women very scared when people are part through changing their body. It is really difficult.

Q171 **Chair:** Is there also an impact on what I presume will be mainly female prison officers who would be expected to carry out intimate searches of people who perhaps have a male body?



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Andrea Albutt: I have to say that generally in women's prisons we do not normally have people who are still a fully male body. We do not generally have that.

Q172 **Chair:** But if self-identification comes in, then you will be doing that probably in the future, won't you?

Andrea Albutt: Yes. We do have male prison officers. I do not know what the policy would be, but if the individual said, "I would rather be searched by a man" or, "I would rather be searched by a woman" we would have to somehow work our way through that, but that is not unusual. That is what we do in prisons.

Chair: Unless anyone else wants to add anything to that, thank you all very much indeed for coming along this afternoon.