

Welsh Affairs Committee

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

Tuesday 22 May 2018

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Members present: David T.C. Davies (Chair); Tonia Antoniazzi; Chris Davies; Geraint Davies; Susan Elan Jones; Ben Lake; Liz Saville Roberts.

Questions 173-237

Witnesses

[I:](#) Peter Clarke CVO OBE QPM, HM Chief Inspector of Prisons, HM Inspectorate of Prisons, and Elizabeth Moody, Acting Prisons and Probation Ombudsman, Prisons and Probation Ombudsman

Written evidence from witnesses:

- [Prisons and Probation Ombudsman \(PPW0028\)](#)



Examination of witnesses

Witnesses: Peter Clarke and Elizabeth Moody.

Chair: Mr Clarke, Ms Moody, thank you very much indeed for coming along to give evidence to us this afternoon. I think we are all looking forward to hearing it. We will try to get through all of the questions that we have, but if we are missing out on anything you think is particularly important please feel free to try to insert that into the evidence somewhere. We will start off with Ben Lake.

Q173 **Ben Lake:** How would you say Welsh prisons are generally performing in comparison to English prisons? In 2015 a predecessor of yours told us that Welsh prisons scored higher than English prisons in all four areas of assessment. Is that still the case?

Peter Clarke: The simple answer to that is probably no. There has been some change. It is very difficult to make direct comparisons between Welsh and English prisons. In Wales there are five prisons and in England 130-odd, or however many. There are so many different kinds, so it is difficult to make meaningful direct comparisons but it is true to say that since Nick Hardwick gave evidence to you a few years ago there has been some deterioration, particularly at Swansea Prison where the last inspection was quite troubling, and particularly some concerns about safety and self-inflicted deaths there, as no doubt Elizabeth will be describing to you later on.

Our assessment at Swansea dropped in three of our four tests, so that was quite concerning. The response to inspectorate recommendations at Swansea was particularly poor. It is probably the worst I have seen anywhere. About 14% of our recommendations were actually achieved, and it is very easy to show a correlation between response to inspectorate recommendations and performance. That was very worrying at Swansea, so perhaps we should not be surprised that they dropped in three of the categories.

The picture elsewhere is mixed. There is a slight deterioration at Cardiff but it is facing many of the same challenges as local prisons across the country. There is a slight deterioration in Parc adult prison, particularly in the area of safety, and it has dropped from our best category to "not sufficiently good". That inspection was just over two years ago. Usk and Prescoed inspected very well, as always. We have not yet inspected Berwyn, although I paid an informal visit there a few months ago, which I found very instructive.

Q174 **Ben Lake:** Instructive? Dare we ask why?

Peter Clarke: Yes, if you wish me to go further. We deliberately have not inspected Berwyn yet because history teaches that to inspect too soon after a new jail is opened risks finding false positives and false negatives and generally is not an accurate picture of how a prison is going to perform in the longer term. We deliberately have not inspected



HOUSE OF COMMONS

but I was very keen to go and have a look informally, which I did in, I think, October. What I found in most respects was very interesting and very encouraging.

The often said thing is that jails of the scale of Berwyn are warehouses for prisoners, and so it was very interesting to speak to the governor and his team. There is a very deliberate strategy—I think they call it small to big or big to small, whichever way around—to describe how, given the scale of the jail, they wanted to make it feel like a number of communities. Although it was early days and they had only 700 prisoners at that stage out of potentially 2,000 or so, you could see how this was beginning to take place.

I was also interested in the fact that, because of the scale of the jail, the range of education and healthcare was greater than I have seen and probably potentially of a higher quality than that in any other jail. Obviously that has to be replicated and continued when the full complement of prisoners is there but the early signs were very encouraging. It is early days and we will inspect in due course.

I have to make one other comment about Berwyn, which is that you could say, "Well, he would say this, wouldn't he?" The governor had a senior member of staff whose specific role was to measure all they were doing in policy and implementation, as they were building the jail up, to measure against inspectorate expectations as opposed to Prison Service policy. They were not looking to determine what could be least acceptable to be compliant with policy, but to see what more they could do to reach the standards that we have in our own expectations. I was quite encouraged by that.

Q175 Susan Elan Jones: I am very interested in what you said about Berwyn being a large jail with education and health facilities. I think it is fair to say that colleagues and I had a very positive visit. However, what I want to ask you about is Swansea jail. I think everyone knows it has some pretty major problems. Why are new prisoners being sent to Swansea Prison?

Peter Clarke: I am afraid that is a question you would have to ask the Prison Service, because population management is entirely a matter for the Prison Service and not for us. We simply inspect and take a snapshot while we are there of the treatment and conditions being experienced by the prisoners.

Q176 Susan Elan Jones: If I am correct, from what you said earlier there are problems in Swansea jail that are not true of other prisons in Wales, so clearly it is one that we need to watch very carefully for standards.

Peter Clarke: That is absolutely right. There has to be very close attention paid to Swansea jail. As it currently stands, on the back of our inspection report I would expect that attention to be paid by the Prison Service. They are the line managers and it is their responsibility, between



HOUSE OF COMMONS

inspections, to try to implement and take forward what we say has to happen.

Q177 Liz Saville Roberts: I was interested in what you had to say about Berwyn. When we visited, the workshops had yet to open and they were still in some of the wings, which, given that it was a year after opening, was a little surprising to see.

Your most recent inspection suggests that there is overcrowding in Cardiff, Parc and Swansea. What is your opinion about building a new prison? We all know that a very large prison has been mooted again, although a site has yet to be identified and there is some question about whether the Welsh Government will be supporting any site. Do you believe that a new prison might solve the issue of overcrowding? Are there any conclusions you might share with us about the relationship between the effectiveness of a large prison and the four healthy prison tests, particularly rehabilitation?

Peter Clarke: I will take one point at a time. I will not express a view as to whether south Wales should have a large prison or not. That is clearly a matter for others to decide. My job is to inspect prisons and to say whether they are providing decent, safe and secure conditions for those who are being held there.

It is absolutely right that Swansea, Cardiff and Parc suffer overcrowding in varying degrees. Swansea is the most extreme, with about 460 men being held there in places that are supposedly allocated for about 250 to 260, so there is severe overcrowding there. As an inspectorate, we wish to see that ameliorated by whatever means, whether it is not sending so many people to those jails or a new build, but I would suggest that is a matter of policy for Government.

Q178 Liz Saville Roberts: I would like to return to the concept of the effectiveness of supersized prisons. After we visited Parc, one thing that remained in my mind very strongly is that we were told—and I have every faith in them—that their family integration unit is extremely effective and also that their links to employers are very effective. When I questioned how far afield you can create the family links and the employer links, I was told that that works in the local authorities that are within reach of the prison. If you have prisoners sent from 300 miles away, you cannot make those same sorts of links. Would that be a fair assessment to have made?

Peter Clarke: Yes and no. We conducted a thematic inspection about two years ago on the impact of distance from home, what it means for prisoners to be held further away from home. While in some ways we were told and we found that resettlement planning could take place perfectly well at greater distances, some other services are more difficult to deliver when they are not immediately local.

Parc has inspected extremely well on its rehabilitation and release planning and currently, as of the last inspection, is at our highest level of



HOUSE OF COMMONS

“good”. There is a lot of good work being done there. You pointed to the family work, which is exceptional and probably the best we see anywhere. The distance-from-home argument can run both ways. In some ways it does create some difficulties, but in other ways it does not create all the difficulties one might expect it to.

Q179 Liz Saville Roberts: I have one more question in relation to Parc. We were talking about the young offenders unit there and we had looked at reports that mentioned tensions between Welsh young offenders and young offenders who had been brought in. We were told that now this has been completely turned on its head and that 75% of the inmates there were from beyond Wales—45% of them were from a corner of the south-east—and that what was happening now was importing of county lines and gang culture. It concerns me that if we have a situation where we are going to build another very large institution possibly in Wales, are we importing problems of criminal justice into Wales? Is that a fair assessment? It is perhaps within Wales but also, if we are moving particular young offenders and people with gang-related crimes to other areas in the United Kingdom, are we taking problems with them through the justice system?

Peter Clarke: The work we did on distance from home, particularly with children and young people, pointed out that the gang-related issue was a bit of an outlier in terms of the other issues. Proximity to family and to home is generally regarded as a very good thing, but we did get a certain amount of evidence that people who had become embroiled in gang culture and gang issues found that being away from their places of residence was a positive thing because, for the first time, they felt able to escape it. To a certain extent, they felt safer and protected from the gang culture if they were a bit further away. Aside from that, generally speaking, as an inspectorate we say very clearly that proximity to home and family is a very positive influence in preventing reoffending.

Q180 Liz Saville Roberts: Please, I must push this: are you seeing evidence that taking people away from home is bringing out a county lines effect to other communities and affecting other inmates—say, young offenders—in prisons that is creating links that were not there previously?

Peter Clarke: I do not think I could honestly sit here today and say that I have that evidence, but I will certainly look for it and if I find it write to the Committee, if I may.

Q181 Chair: Ms Moody, you have not had a chance to speak yet. I am sorry about that. Feel free to come in.

Elizabeth Moody: That is okay. Most of what Peter is talking about is not within my remit, which is obviously quite narrowly focused on investigations, deaths and complaints.

Chair: We are definitely coming to that a bit later.

Q182 Chris Davies: I will be coming to that in a moment. Mr Clarke, a witness



HOUSE OF COMMONS

from the Prison Officers Association in a previous inquiry told us that CNA—certified normal accommodation—is a very old measure of measuring prison capacity. How would you respond to that?

Peter Clarke: The means of measuring prison capacity and coming to a judgment as to what is crowded or overcrowded—I do not wish to appear flippant but I think there are some dark arts in there. You have CNA, certified normal accommodation, then you have in-use CNA, which is a deduction from that usually, and baseline CNA is basically all your cells but excluding segregation and healthcare usually. In-use CNA deducts all those places that are not in use, perhaps cells being decommissioned because they are damaged or whatever. Then you have certified cell accommodation: how many people can be held in each of the cells. You multiply it all up and you come up with the operational capacity.

Three of those four measures sit with the judgment of what until recently was called the deputy director of custody but is now the regional prison group director. I would suggest that over the years there has been a certain amount of adjustment of what is regarded as safe and decent in order to accommodate the current population. There is a bit of flexibility around all of this.

As an inspectorate, while not taking tape measures and the like to see whether the cells meet international standards, we tend to take an approach that looks at a cell and says, “Is it decent to hold two people or even three people in these conditions, in this particular space, with an unscreened lavatory and in which they are possibly spending 22 hours a day and eating all of their meals?” We tend to take a slightly more subjective view as to what amounts to overcrowding.

Sometimes our judgment of what is overcrowded may vary from the Prison Service, but I take the point of your previous witness that CNA has been with us for many years, probably since the Woolf report or thereabouts. It is something that was set a long time ago but since then a lot has happened with prison population and prison capacity.

Q183 **Chris Davies:** It has and I quite agree, so forgive me for asking a further question on this. You are the Chief Inspector of Prisons and you are using this old system; why haven’t you changed it? Why haven’t you come up with a better system? You have just explained the dark arts to us. We are trying to catch up with you and understand what you are telling us, but all we and the public hear is the headline figure: there is overcrowding, overcrowding, overcrowding. Why are you using this archaic system?

Peter Clarke: We use it as a reference point in our reports but it is not our system. It is a system that belongs to the Prison Service. We step back from it slightly and, even if the Prison Service says, “We consider that X number of people could be held safely, securely and decently here”, we sometimes take a different view. In our report about living conditions last year—we produced a thematic report last October, which I



HOUSE OF COMMONS

think helps set out quite clearly our approach to this—we step right back from the Prison Service standards and say, “What is decent?”

Q184 Chris Davies: You did say in a previous response that the numbers game is not for you, it is for the Prison Service. Looking at the figures here—Cardiff, Parc, Swansea and Usk, compared with the CNA figure, are well above—one would class those prisons as overcrowded.

Peter Clarke: Yes.

Chris Davies: You have pointed that out.

Peter Clarke: Yes.

Q185 Chris Davies: Therefore, in your position, nothing has changed. Does your position have enough teeth with the Prison Service?

Peter Clarke: This is a longer and wider subject as to how our report should be responded to. I am quite open, and I have been open, about the fact that sometimes I am extremely frustrated about the lack of response from the Prison Service to our reports and the recommendations. I gave the example of Swansea only implementing 14% of our recommendations between the 2014 and the 2017 inspections. On the other hand, in the last two inspections Parc has commendably implemented 71% and then 65%. I do not think there is any mistake that their outcomes are better, although of course Swansea and Parc are very different jails in other ways.

We have been working with the Ministry of Justice and the Prison Service to improve the response to recommendations. We now have the so-called urgent notification process—which I used in January this year in respect of Nottingham—where if I have serious concerns about the treatment and conditions being experienced by prisoners, I can require the Secretary of State to respond publicly within 28 days to say what he is going to do to put it right. That has been used once. We are now working much more closely with the Ministry of Justice to monitor the implementation of inspection recommendations and I know that the Prisons Minister takes this very seriously.

Q186 Chris Davies: I will leave it there. I am very conscious of leaving Ms Moody out. Ms Moody, we are on overcrowding at the moment. How many complaints about overcrowding come to you as the ombudsman?

Elizabeth Moody: Very few, actually. One of the surprising things is that there are whole areas that we do not get many complaints about. We do not get many complaints about overcrowding, regime, poor physical facilities—those sorts of things.

Q187 Chris Davies: Is that a surprise to you when you look at the figures and what we have just been talking about?

Elizabeth Moody: It is a surprise in some ways, but we also know that we get disproportionately few complaints from prisoners serving short



HOUSE OF COMMONS

sentences and prisoners in local prisons where they may be facing the worst of these situations. In that sense it is not a surprise. Our biggest customers are prisoners in the high security and long-term estate.

Q188 **Chair:** If the Committee will forgive me, I have a few questions here. What is the biggest complaint that you get?

Elizabeth Moody: Without a doubt it is complaints about property, which make up about one third of all the complaints we receive. After that it is complaints about administration, which include a whole range of things such as complaints about the complaints system within prisons, complaints about staff behaviour, which would include alleged assaults by staff on prisoners, and complaints about adjudications. Those are our biggest categories, but property is always the biggest category.

Q189 **Chair:** Have you noticed differences between England and Wales?

Elizabeth Moody: Not that we have been able to notice, no.

Q190 **Chair:** Mr Clarke, a couple of quick questions to pick up on other things you have said. Are there any places where prisoners are sharing three to a cell?

Peter Clarke: I can personally recall entering a cell in Swansea where there were three men in that cell. I cannot recall what the statistics are across the estate, but I definitely recall that cell having three men in it.

Q191 **Chair:** That slightly concerns me. I would have thought that two in a cell—looking at the cells I have seen—is pushing it a bit in terms of what is reasonable.

Peter Clarke: Yes, and before I am held to that answer I would have to make sure that one of the men was not a visitor.

Q192 **Chair:** That is true, I suppose, yes. On the information that you have provided us—what for me was page 9—it looks as though none of the prisons in Wales is particularly overcrowded and, in fact, some of them do have a bit of space in the operational capacity, if we compare operational capacity with CNA. Is that correct for all of them apart from Berwyn?

Peter Clarke: Berwyn obviously is nowhere near full yet. Cardiff is particularly overcrowded. Swansea is particularly overcrowded, as is Parc. I believe Usk and Prescoed are not.

Q193 **Chair:** On the information we have here, Cardiff has an operational capacity of 803 but the in-use CNA is 522, which suggests that maybe some of the cells are not as good as they should be but the 706 population is still lower than the 803 operational capacity.

Peter Clarke: Yes, but it could well be that the calculation of the CNA is optimistic, shall we say.

Q194 **Chair:** Are you comfortable with two people sharing cells? We have had



HOUSE OF COMMONS

mixed evidence about that. A few prisoners seem to say it is okay but I have a sense—and we have not been around enough prisons or talked to enough prisoners for this to be very scientific—that perhaps a majority would prefer to be by themselves.

Peter Clarke: The evidence varies on this. There are some prisoners who undoubtedly quite enjoy having company, and our issue is not so much with cell sharing per se as with whether an appropriate risk assessment is carried out at the time that people are put together. We know it has been an issue in the past at some places, sometimes with tragic consequences, so there has to be a careful risk assessment carried out. From an inspectorate perspective—and the issues we pointed at in our thematic on living conditions last year—it is about whether those conditions are decent or not. When two people are kept in a cell that has an unscreened lavatory and they have to eat all of their meals in there, and the lavatory is inches from the bed and where they have to eat their meals, from my perspective that is not decent.

Chair: I would agree, yes.

Peter Clarke: Last week I was inspecting a jail where I spread my arms out and there were a few inches beyond that—so I suppose that means it is 6 feet and a bit between the walls—and there were two men in there and that was their home for 22 hours a day.

Q195 **Susan Elan Jones:** Isn't the question, though, why on earth are some of these men there for 22 hours a day? We had a very good case put to us when we were visiting Berwyn Prison. Some of the men we spoke to liked the fact they were sharing and some of them did not. One argument we had in favour of sharing was that it socialised people and the rest of it, so that was quite a compelling argument. I do not think there are too many compelling arguments for somebody being in a cell 22 hours a day.

Elizabeth Moody: No. I was just going to say that cell sharing can sometimes be a protective factor in preventing suicide and self-harm.

Peter Clarke: I agree entirely with you that there is no argument for people being held 22 hours a day in their cells. As an inspectorate, we have what we call our expectations that we inspect against, and our expectation is very clear that every prisoner should have at least 10 hours per day out of cell. Sadly, we find that that is rarely the case.

Q196 **Susan Elan Jones:** Is that to do with cost?

Peter Clarke: It is to do with a variety of things. In recent years the lack of staff has contributed to it and in some places a lack of activity places. I was in a prison recently where, with a population of about 1,100, they were 600 activity places short. In effect, 500 prisoners were unemployed and so they stayed in their cells all day for 22 hours. That is the sort of thing that, as an inspectorate, we say is completely unacceptable.

Q197 **Geraint Davies:** Earlier in your comments you mentioned how badly



HOUSE OF COMMONS

Swansea has done, in that it has gone down in three out of four categories. Do you think there is a relationship between the fact that Swansea is overwhelmingly the most overcrowded prison and more people keep on being pumped into this small space and then going down in your criteria? In other words, if it took some of these people out would it do better on these scores?

Peter Clarke: Clearly, if one takes people out it can relieve some of the pressure. In the recent example of Liverpool jail, where we produced a very critical report a few months ago, the pressure has been relieved by several hundred prisoners being taken out of there, giving the jail breathing space to improve and move forwards. I would not like to say that overcrowding is the only issue as to why Swansea performed less well. I am sure it contributed to it because it puts pressure on all sorts of facilities, whether it is healthcare, education, training, the ability of staff to unlock prisoners and so on. There is a variety of issues and, in respect of the issues that Elizabeth is particularly concerned about, I would not say that they are linked to overcrowding necessarily. There was a bigger issue about previous recommendations not being responded to, but that is probably Elizabeth's territory.

Q198 **Geraint Davies:** If there are more and more people in a small space—and the figures we have here, which may be out of date, show that Swansea has a CNA of 268 and a population of 411, and I think you said 460 over 250 or whatever, but it is a big difference—the more people you have in, the more time they are left on their own in their cells. Presumably there is a correlation between how long you are stuck in your cell and depression, self-harm and so on, and maybe failing these other indicators. Given that, as I understood from your answer, you are not responsible for how many people are stuffed into small spaces but then you go along and measure everything on your own indicators, it is a bit unfair on both the prison and you, because some of the reasons they are failing are outside your control.

Peter Clarke: I completely agree that badly overcrowded jails will produce conditions that are likely to measure more poorly in our terms. If people are confined in their cells for inordinate lengths of time, what do they do to pass the time? Sadly, all too often they turn to drugs. That is certainly an issue at Swansea where 40% of the prisoners told us in the survey we carry out that it was very easy to get drugs; 17% of prisoners at Swansea told us that they had actually acquired a drug habit since being in the prison. That gives an indication of the sorts of things that people will turn to when conditions are poor.

Q199 **Chair:** I have not actually asked my question yet, which is to Mr Clarke. Based on your inspection of women's prisons, are open units something that we should be considering in Wales? Perhaps Ms Moody has an opinion as well on this.

Peter Clarke: If I heard the question correctly, and forgive me—



HOUSE OF COMMONS

Chair: Do you think we need more open units? Do we need more women's prisons in Wales? We have heard slightly conflicting evidence about this.

Peter Clarke: At the moment there are no women's prisons in Wales and that brings with it all the issues about distance from home and family, which I think is particular acute for women prisoners. The closest facilities are Eastwood Park, Styal and Drake Hall. That brings with it a lot of challenges of distance from home. Would a smaller, community-based facility in Wales produce better outcomes? It could very possibly do. I would not deny that for a moment.

Q200 **Chair:** Ms Moody, from the point of view of somebody who has probably looked at complaints from women in custody, do you think distance from home is an issue?

Elizabeth Moody: We get very, very few. We had some female prisoners unfortunately and we had various types—

Q201 **Chair:** That is unfortunate or fortunate?

Elizabeth Moody: It could be fortunate. It could be that all their complaints have been resolved by staff within the prison. It could be a good thing. It could also mean there are reasons why they are not complaining to us. There are very few female suicides and it is very difficult to draw general themes out of them. I do not think distance from home is something we have identified as a particular problem. It can be a problem for men as well, but it does not feature in a great many of our investigations.

Q202 **Geraint Davies:** Leading on from that, would you agree that, in so far as women prisoners may have children—and there is a tendency for the women rather than men to look after children, particularly among the prison population—distance from home is a particularly damaging problem for the family overall and the women and probably, most particularly, the children?

Elizabeth Moody: If you are asking me as an individual, I would absolutely agree. As an organisation, we were very supportive of the Corston report and are disappointed that it has not been implemented. But if you are asking me as the ombudsman, I cannot say that it features sufficiently in our investigations for me to be able to draw a general conclusion about it.

Q203 **Geraint Davies:** In terms of the Corston report, what are the main benefits in having smaller, localised units as opposed to big prisons for women?

Elizabeth Moody: From the point of view of the ombudsman, I am afraid that is not something that I can answer. We do not get enough complaints about it for me to give you a generalisation and we do not see it as a feature in the suicides as a general theme. It can be in one or two but not as a general theme for women.



HOUSE OF COMMONS

Q204 **Geraint Davies:** I have heard anecdotal evidence—and maybe Mr Clarke has a view on this as well—that large numbers of women in jail for things like shoplifting and those women who are in jail for murdering their partner, usually an abusive partner, do not tend to be released after a tariff. Compared with men, they tend to be held there longer. Do you think there is a case of institutionalised sexism against women prisoners?

Elizabeth Moody: I am sorry, that is outside my remit. It is not something that comes out from our investigations.

Q205 **Geraint Davies:** What do you think, Mr Clarke?

Peter Clarke: I doubt I can comment on that without doing some research into it. I take the point you are making, of course, but I do not have some data on that and certainly insufficient data to come to a judgment about institutional sexism.

Q206 **Geraint Davies:** Do you feel there should be localised women's facilities—not for every prison particularly—in Wales? In particular, the vast majority of crime is done by men and yet nearly half the tax is paid by women, so they are paying for all these men doing violence and they do not have proper facilities.

Peter Clarke: I certainly think that we are all sadly aware of the greater complexities that women prisoners present with—there is no doubt about that—right across the women's prisons estate in England. Specifically, for Welsh women, yes, because at Eastwood Park when we last inspected we found that—and we cannot break this down to Welsh and English women—more than 25% of the women there had not had a visit since they had been there. It is probably inconceivable that that is not in some way related to the distance from home and the difficulty—

Q207 **Geraint Davies:** Is that more than men? If 25% of women did not have visitors, what was the figure for men?

Peter Clarke: At Eastwood Park or generally speaking?

Geraint Davies: No, normally.

Peter Clarke: We would normally expect to see a lower number than that not receive any visitors. Across all prisons, there are a number of people who, for whatever reason, never receive visitors, but we thought more than 25% in a women's prison was high and not a good outcome.

Q208 **Susan Elan Jones:** I would like to ask how health needs are currently assessed and whether health needs assessments are effectively carried out in all Welsh prisons. I do so with a proviso that on the recent Select Committee visit to HMP Parc the director told Select Committee members that there are no designated pathways for offenders with personality disorders. How can health needs assessments be improved to ensure that vulnerable prisoners and prisoners with complex health needs receive the healthcare services they require?



HOUSE OF COMMONS

Elizabeth Moody: There has long been a problem in finding sufficient facilities for people with personality disorders from prisons. There is a number of other groups with complex or specialist needs in prisons for whom the facilities are few and far between, such as people with autism, brain injury, learning disorders. The pathways are much clearer and work much better for people with mental illness, psychosis, but it is much more difficult to find places outside of prisons for people with these more specialist disorders.

Q209 **Tonia Antoniazzi:** Since Welsh prisons, unlike English prisons, do not offer opiate substitution treatment, are there any risks that arise for opiate-dependent prisoners arriving from England into Welsh prisons, Elizabeth?

Elizabeth Moody: There are. It is not a subject on which I am an expert. You would need to talk to health people about why it is done differently in Wales, but there are risks and we have drawn attention to it.

Peter Clarke: That is a view we share. People from England with opiate dependency coming into custody in Wales would have been given opiate substitutes such as methadone in England. In Wales they are not unless they are on a prescription and so there is a disparity in what they would expect. There are risks because what we are told is that if you only treat the symptom and do not put in a substitution then, with psychosocial interventions as well, there is a risk of increasing the demand for illicit drugs and also reducing the patient's resistance if and when they gain access to illicit drugs in the future, so there is a greater risk of overdose. I am not a clinician, so this is what I have picked up from reporting and comment rather than personal clinical experience.

Q210 **Tonia Antoniazzi:** It was quite interesting that during our Committee visit to HMP Parc we were told that there is merit in using the integrated drug treatment system in Welsh prisons, and it is the Welsh Government's decision not to issue the IDTS in prisons. We were told it was based on funding rather than policy. In your experience, has this been the case?

Peter Clarke: That is interesting. I cannot say why it is not the policy in Wales but certainly, as an inspectorate, our view is that there should be a similar approach right across the prison estate and that IDTS would be the way to achieve that.

Elizabeth Moody: There is quite a lively debate in health circles as to which is the better approach. I think there are probably pros and cons for both. For people detoxing completely and not being put on an opiate substitute in prison, it undoubtedly increases the risks of overdose within the first month of leaving prison. I am not a health person, so there may well be benefits that I am less aware of.

Q211 **Liz Saville Roberts:** The POA has told us that, in addition to issue of opiate substitution treatment, it is a policy in Wales to review the



HOUSE OF COMMONS

prescription drugs that inmates are given when they come in. Questioning the prescription drugs can be more than justified as an opportunity to review what they receive but, none the less, that happening early on when they arrive at a prison, alongside the change if they are taking opiate drugs, has a knock-on effect on their behaviour. It was explained to us in Berwyn that a number of the assaults may be related to changes in behaviour that may be associated with these health regime changes to their lifestyles. I am sure all of us can see that there are pro and con arguments to these standpoints, but if there is a change in inmates' behaviours related to that, how is that not being done more effectively in Welsh prisons?

Elizabeth Moody: In prisons generally the cocktail of prescription drugs prisoners enter prisons with is often very surprising. I think in prisons generally in England and Wales there is a drive by clinicians, prison GPs, to get people off some of those drugs. There does seem to be an over-prescription, particularly when you have people who have a heroin addiction or something like that. In general terms, I would think that it is a good thing to be trying to wean them off.

Q212 **Liz Saville Roberts:** Do you feel that there should be a change in the regime of how those prisoners are managed? I do not think anyone would disagree with that, but there seem to be effects arising from that that are not being dealt with necessarily effectively.

Peter Clarke: When I visited Berwyn I was very interested to see that they had quite a robust approach to people coming into the prison who were on prescriptions for a huge variety, and sometimes what they considered to be a very dangerous cocktail, of drugs. They had built up layers of prescriptions, sometimes over years in custody, and they were taking the view at Berwyn that it was in the interests of prisoners to deconstruct this, get them off many of these drugs.

They were also finding a lot of people coming in with drugs that they said they had been prescribed, which they hadn't actually and they didn't have in their systems and were being brought in as tradeable drugs. They were looking to bring people back down as safely as they could to a position where they could start prescribing in a more controlled, sensible and measured manner. Again, that is an area of medicine in which I have no expertise whatsoever.

Q213 **Liz Saville Roberts:** The staff, particularly in Berwyn where there are new staff—80%-plus with no experience besides working in Berwyn itself—are now facing a mix of prisoners who were intended to be there because of their behavioural patterns and their intentions and also Walton offloading some of their problematic inmates. Are the staff being prepared for these particular situations, which are perhaps unique to Wales because of the change in the opiate regimes or because of the change in prescription drugs? It has been explained to us that the level of assaults was associated with that. Does something else need to be done to prepare the staff more effectively?



HOUSE OF COMMONS

Peter Clarke: I might be able to answer that as and when we inspect Berwyn, but I cannot as yet.

Liz Saville Roberts: Yes. I think the phenomenon may be true in Parc as well. You have behavioural change that the staff are not necessarily—

Q214 **Ben Lake:** If I could turn to the healthcare complaints process, because in your evidence you expressed some considerable concern about the process in HMP Parc in particular.

Elizabeth Moody: Yes.

Ben Lake: The prison has told the Committee that prisoners can now complain via a local health board. Would you consider this to be an improvement?

Elizabeth Moody: Absolutely. It was a completely unique situation in Parc. We had not come across it anywhere else. It was a mixture. It was because it was in Wales and because it was a private prison. There were healthcare complaint routes for private prisons in England but not in Wales. It is an important improvement and we are satisfied.

Q215 **Ben Lake:** Are there ways that the healthcare complaints process for both public and private prisons still needs to improve?

Elizabeth Moody: In the PPO we do not consider complaints about health. They would normally go to the Parliamentary and health service ombudsman in England. This was the problem. There was no equivalent for them to be dealt with in Wales. We do not consider them, I am afraid.

Q216 **Geraint Davies:** On the health front, when we visited Parc—and obviously Parc provides private health—there were a couple of complaints. In particular, an inmate said that he had to wait five months in agony with tooth decay before having treatment; another had to wait four months with an ingrown toenail. They thought it was because Parc was a privatised prison and was trying to save money there, as it was on food. In areas where it was trying to get good outcomes in the inspectorate and incentives—education, family engagement and all the rest of it—it did well. Do you have any comments on the idea that people are not getting the basic healthcare needs that they could expect in the public sector?

Elizabeth Moody: I cannot comment on complaints we receive because complaints about healthcare matters are outside of our remit. That is why we were so concerned that at Parc there was no independent route for people to make the sorts of complaints you are talking about.

We are often quite critical of healthcare in the deaths we investigate. We see excellent examples of healthcare in both England and Wales, but sometimes there are deficiencies in healthcare. We work closely with the Healthcare Inspectorate Wales and NHS England. We make recommendations in our death investigations for improvements in



healthcare, but I cannot say that Wales or Parc is worse than anywhere else that we have seen.

- Q217 **Geraint Davies:** Mr Clarke, on Berwyn and the idea of having these huge prisons—I know there are economies of scale, variety of provision and the sorts of things you mentioned—aren't the key problems that, first, you do not get access to your family so easily because you are stuck in the middle of north Wales or south Wales and a lot of people are living in England, and, secondly, you don't get access to jobs? While things may seem okay at the moment, the real proof of the pudding is in reoffending rates. Is that the case?

Peter Clarke: Time will tell. Clearly, if you have a large establishment, many visitors are going to have to travel further to get there. On access to jobs, it will be interesting to see in the long term if Berwyn, with its wider range of vocational and other training, can offer a better product to prisoners to make them more able to secure employment afterwards. That may be a balancing factor to the fact that there may not be a lot of opportunities in the local area.

- Q218 **Geraint Davies:** Should they be moved and given a house somewhere where there are jobs? The problem we have is that these people are spilling out into communities where there are no houses or jobs.

Peter Clarke: In many cases you would look for progression through to the open estate where you would hope there may be more opportunities, but ideally of course everybody should have the opportunity to engage in good resettlement activity. Sadly, it does not happen yet.

- Q219 **Susan Elan Jones:** On the back of that question, one thing we saw that I thought was very interesting—and it was almost presented to us as an aside when we were in Berwyn—is that some of the men were training to do something that was a bit like telesales jobs, the point being the company they were working with offered jobs to salespeople across the country that they could do from wherever. Is there a way that we can get that sort of best practice, because most people who leave jail are not going to be that attractive to many employers? Those links need to happen when they are in jail and done in a way so that people can do them from around the country. Is there a way that we can get that sort of best practice?

Elizabeth Moody: I was at Swansea last week and they have just introduced what sounds like a very similar workshop. The prisoners who were in that were telling me that they hope to get jobs outside. There are other initiatives of the same kind. The Timpsons shoe people are very good about employing prisoners. There are lots of smaller local initiatives, but it is very difficult for all sorts of reasons to get employment into prisons.

- Q220 **Liz Saville Roberts:** Looking at 2016 and 2017 and deaths at Parc, I think there were two in 2017 and eight in 2016 but there are only five fatal incident reports on your website for 2016-17. What explains the



HOUSE OF COMMONS

delay in posting those reports?

Elizabeth Moody: I think you will find that we have now put all the fatal incident reports on the website that we are able to put up. We do not publish our reports before inquests have taken place, in order to avoid prejudicing the inquest. That is quite frustrating for us because we will generally have completed our report, finalised it, months—sometimes years—before the inquest takes place, but we are not able to publish it until that has happened.

Q221 Liz Saville Roberts: Do you have any messages to us about the long time it takes for inquests to come to completion? It does seem to be a great concern that we are not getting messages about the causes of death of men who are in the care of the state and if there are any lessons to be learned from them for years.

Elizabeth Moody: Before the inquest takes place we will have issued, first of all, a draft report that goes to the family and to the prison. Then we will have taken on board any comments that people have made, and we will have issued a final report, so the people who need to learn the lessons—the prison—will have seen the final version. They will have seen our recommendations, if we have made any, and they will have provided us with an action plan. The other people who obviously have a very keen interest in knowing what happened—the family—will also have had a copy of our report by then. Obviously the inquest adds something but they do not have to wait until then to find out a lot of information.

Q222 Liz Saville Roberts: Finally, is this particularly a local problem to this region? Is it a Welsh problem? Is it wider than that? And do you have anything that you could suggest that might remedy the situation?

Elizabeth Moody: It is a very widespread issue but not specific to Wales. It varies from coroner to coroner. Some are much speedier than others. That is partly because some of them adopt different practices from others. I went to see the Chief Coroner a week or two ago to discuss this, among some other issues. He is very much aware of it, but individual coroners are individual coroners and they make their own decisions.

Q223 Liz Saville Roberts: Is it a matter of resources on the part of the coroners?

Elizabeth Moody: I do not get that impression. You would have to ask the Chief Coroner what he thinks. My impression is that they have different practices. Some of them like to group all the cases from a prison together; some of them do not do that. I think depending on the way they approach it can make a huge difference to the dates.

Q224 Liz Saville Roberts: Particularly because this has been drawn to our attention at Parc, do you think this is something that we should be remarking upon as a recommendation in our inquiry?

Elizabeth Moody: I don't think that would be unhelpful but I would also say that I don't think it is at all unique to the area around Parc.



HOUSE OF COMMONS

Q225 Chair: Can I follow up and lead on to another question? I have a report here from the Howard League for Penal Reform and they have looked at suicides in custody and suicides of people on probation. Slightly to my surprise, there seem to be more suicides committed by people on probation than in custody, if this is correct. It says here, "The death rate for 2010"—so it is a bit out of date—"was 2.31 deaths per 1,000 prisoners". That is deaths in custody. Then looking at supervision, for 2009-10 they have 5.1 per 1,000, so that is more than twice as much. If this is correct, that is twice as many people on probation committing suicide than people who are in prison. Does that seem right to you and does that surprise you?

Elizabeth Moody: We do not investigate suicides of people who are under probation supervision. The only probation-related deaths that we investigate are those in approved premises. I would say that there are a lot of protective factors in prisons, including things like overcrowding, for example, that may mean that you are in a cell but you are with someone else for long periods. All of those factors are removed when you are out in the community and there is a lot of opportunity.

Q226 Chair: The irony of this is—and the Howard League is certainly no apologist for prison and, as far as I can see, the data is as I read it, and I will pass it around—if this is correct, you are twice as likely to commit suicide out of prison and on probation as you are inside prison.

Elizabeth Moody: Suicide rates in the community generally are high.

Chair: All right. I will pass it on.

Q227 Geraint Davies: On the point you have made that the higher suicide rates among people on probation are linked to the lack of support in probation, there is an issue about the amount of resources that go to probation versus prisons and reoffending, isn't there?

Elizabeth Moody: I am afraid I am not able to answer that, because we do not investigate suicides of people under probation supervision.

Q228 Chair: We have had written evidence suggesting that post-death investigations, inquests and reports are often analysed poorly, are not fully analysed. Could you honestly—

Elizabeth Moody: Do you mean by the PPO?

Chair: Yes.

Elizabeth Moody: No, I would very much refute that. We are proportionate and we put more resource into more complex deaths. Quite a lot of the deaths we investigate are of elderly men dying of things like cancer and bronchitis, and it would not be proportionate in most of those cases to put the same amount of resources in as we do into a death involving a suicide.

Q229 Liz Saville Roberts: Was there anything in particular about 2016 and a change in a general regime that had an impact on behaviour and may



HOUSE OF COMMONS

possibly have had an impact on these deaths? I think 2016 was a year in which there was a very high level of deaths in Wales and there were also incidents of assaults.

Elizabeth Moody: There was a peak in suicides in prisons generally. We looked at the reasons for that, in so far as we could. It was clear that there was a large number of factors involved. One of the things that a lot of people said, which we expected to find, was that it was related to staff cuts. But one of the curious things we found was that suicides had also gone up in private prisons and in the high security prisons, which were largely protected from staff cuts, so there was no one single explanation for why suicides went up. They went down quite sharply at the beginning of 2017-18, but for the second half of 2017-18 it looks as if they have started to climb again.

Q230 **Chair:** Do you feel that prisons respond adequately to your death reports?

Elizabeth Moody: They always accept our recommendations. It is very rare for a recommendation not to be accepted. Some prisons make a real effort. You can actually see that there have been lessons learnt and things have changed when you go back. In other prisons, we go back again and, very depressingly, nothing has changed.

Q231 **Chair:** Would you like to name the better or worse prisons? Are there any in Wales that we should be taking an interest in?

Elizabeth Moody: No, I don't think I would say there are any in Wales in which you should be taking a specific interest. There was a particular problem at Swansea where they had a number of self-inflicted deaths in 2016 and we found that we were making the same recommendation, effectively, which was that the suicide and self-harm prevention measures were not being properly implemented. They had not had another death at Swansea until January this year, and that is still under investigation. If we were to find that we were making the same recommendations that would be a cause for concern and we would be seeking to escalate it.

Q232 **Susan Elan Jones:** Is there a link that we know of between the type of building—whether it is an old prison or the like—and the likelihood of suicide? Are there any very practical things in the structure of the building that make a difference?

Elizabeth Moody: I don't think we have noticed anything. Are you thinking of things like ligature points or—

Susan Elan Jones: Yes.

Elizabeth Moody: Our view is that if prisoners are determined to kill themselves they will find a means of doing it. We do see cases where people are absolutely determined and, even when being monitored, they are able to find some means. We are much more interested in looking at



HOUSE OF COMMONS

risk identification and risk management than in trying to remove ligature points, because you will not ever be able to do that completely.

Q233 **Geraint Davies:** Mr Clarke, how does HMI Prisons assess Welsh language provision in Welsh prisons?

Peter Clarke: From an inspectorate perspective, when we carry out our surveys we put up posters that are in both Welsh and English to alert prisoners and staff alike to the fact that we are about to start an inspection process. Remember that the vast majority of ours are unannounced, so posters go up in both languages. Our survey is translated into Welsh and is available for Welsh speakers to complete in Welsh should they wish. We have interpreters available should that be required, and our reports on Welsh prisons and my annual report are all translated into Welsh.

Q234 **Geraint Davies:** Is there a provision for Welsh speakers in English prisons?

Peter Clarke: You are asking me on a subject that I am not completely—

Chair: You can write to us if you want.

Peter Clarke: Sure, I could write to you. There may be some at Altcourse but I would have to check that.

Q235 **Geraint Davies:** Have you had any complaints from prisoners about the provision or non-provision of the Welsh language?

Peter Clarke: I am not aware of any complaints.

Elizabeth Moody: We checked before coming to give evidence and we found one complaint from a prisoner in Gartree, which is an English prison, that there were no library books available in Welsh and we upheld the complaint.

Chair: I think we probably concur with that.

Q236 **Susan Elan Jones:** The Welsh Language Commissioner told us that, on paper, Welsh language provision in prisons has been “significantly strengthened”. Is this reflected in practice? Is there anything in Welsh language provision that prisons are not offering to prisoners currently that you feel they should?

One little proviso I would like to make is that there are lots and lots of Welsh speakers around who loathe and detest actually writing Welsh because they find it difficult—I am certainly one of that number—but feel very much that sometimes levels of provision of spoken Welsh are not there simply because they do not do all their writing in Welsh. I think that is true for many people and is certainly true for many older people. Is that reflected at all in the provision? I say this being very well aware that there are MP colleagues around this table who I am sure write Welsh much better than I do.



HOUSE OF COMMONS

Elizabeth Moody: I know that you will be aware of the listener system in prisons, which is a system where the Samaritans train prisoners to act as listeners when prisoners are having difficulties and want somebody to talk to. I know that in Swansea—because we were talking about this when I was there last week—they have made a real effort to make sure that there are sufficient Welsh-speaking listeners available. That would be the only example I could give because we don't get complaints about it.

Q237 **Tonia Antoniazzi:** We have been told that HMPPS does not collect data on the number of prisoners and prison officers who can speak Welsh, only whether it is their preferred language or not. Is this something that the Prison Service should be doing?

Peter Clarke: From my perspective, I think it is entirely sensible that that should be monitored, particularly in Welsh jails. I believe there are about 1,400 or 1,500 prisoners in English prisons who give Welsh addresses. I do not know whether or not they are Welsh speakers, but that is clearly something that the Prison Service should be monitoring when they come into custody.

Chair: I think a lot of Committee members might well agree with that. This is not a question, but I think a lot of people speak Welsh but are first language English speakers and, therefore, we may not be picking up on a pool of talent that exists among prison staff. That is a thought that I should not be giving.

That is all of the questions. I would like to thank Mr Clarke and Ms Moody very much indeed for coming along and giving useful and informative evidence today.