

Welsh Affairs Committee

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

Thursday 7 June 2018, Cardiff

Ordered by the House of Commons to be published on 7 June 2018.

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Members present: David T.C. Davies (Chair); Tonia Antoniazzi; Ben Lake; Anna McMorris; Liz Saville Roberts.

Questions 238-272

Witnesses

I: Alun Davies AM, Cabinet Secretary for Local Government and Public Services, Welsh Government, and Martin Swain, Deputy Director of Community Safety, Welsh Government.

Examination of witnesses

Witnesses: Alun Davies AM and Martin Swain.

Chair: Good morning. I thank the Cabinet Secretary, Alun Davies AM, and Mr Swain for coming along today to talk to us about the prisons inquiry. Before I start, I think one of the Committee members wants to put something on the record.

Anna McMorris: Before we start, I just wanted to put on the record that due to a personal interest and connection with one of the witnesses giving evidence, I don't feel it appropriate to ask questions of that witness today. I will be present throughout to hear the evidence session.

Chair: For which we are very grateful. I personally see no problem at all, but that is absolutely respected and we are very grateful that you are here anyway.

Liz Saville Roberts: For the record, mainly because we are in another place—I believe that I have done so already—I am the co-chair of the Justice Unions Cross-Party Group in Westminster and it is required of me to declare that interest.

Chair: Thank you very much, Mr Davies, for your time this morning. I will ask Tonia Antoniazzi to ask the first question.

Q238 **Tonia Antoniazzi:** Good morning. The UK Government are responsible for the operation of prisons in England and Wales but, as we know, the Welsh Government are responsible for providing the devolved services, including health and education, to the prisoners. What are the main challenges created by this division of responsibility?

Alun Davies: Thank you very much. I am grateful to the Committee for coming across to Cardiff today to take evidence and for the invitation to join you this morning.

On divisions of responsibility, I have been a Minister in the Welsh Government for five or six years in a number of different portfolios, from agriculture, environment, education and language to public services and local government now. My experience of Government here is that the devolved settlement works best where it is clear and there is clarity and accountability on both sides of the border and that it works at its worst where there is a lack of clarity and accountability for the delivery of a whole system approach to policy.

My feeling is that the settlement that we currently have for this area of policy is not one that enables us to deliver the best for the people we all seek to serve. I think that the criminal justice system in Wales probably needs and deserves a more coherent approach to the creation and delivery of policy and services. I believe that the people we all seek to represent, whether it is in Westminster or Cardiff Bay, deserve better



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from us as politicians. The current structure we have does not deliver the best services or support for people.

I have been in this role for six months or so now and I find that there are very good people, very committed people, working extraordinarily hard to serve sometimes some of the most vulnerable people in our society. In the visits I have done to prisons across Wales and to other institutions and facilities, I see people really working extraordinarily hard. What I don't see is a structure that enables them to deliver the very best for the people we serve and I think that is a question for us, quite frankly, Chair. It is a question for us as politicians to deliver the sorts of structures that maximise the impact of that work.

Q239 Tonia Antoniazzi: When we went to Parc Prison we saw first hand the impact of the lack of health services and the complaints of the prisoners. What I was shocked by is the fact that it is not a coherent system. We are not getting the money so how are we going to get around this and what is our role as Members of Parliament and you in the Welsh Assembly to address this? Let's be frank, this needs addressing now.

Alun Davies: It certainly does need addressing but it needed addressing some time ago, I would suggest. I am trying to avoid wandering into other areas but the settlement is broken, let's be absolutely clear about it. We have had 20 years of devolution and, I think, five Wales Acts. That does not, to me, speak of a coherent, philosophical approach to the government of Wales. You described the people in Parc. I was in Parc on Monday morning, I visited Swansea last month and I will be in Berwyn next week. What I meet are people who for whatever reason are detained on the secure estate and require significant interventions to put their lives back on track in some ways, whether it is education, work or the health services that you talk about.

One of my great concerns is that people end up in prison for the wrong reasons, sometimes, when they really require significant support in health, whether it is substance abuse or mental health interventions, and we need to provide very significant educational opportunities for people who have not, for whatever reason, succeeded at school or elsewhere. We have people working extraordinarily hard to deliver coherent and holistic policy in a structure that mitigates against the delivery of holistic and coherent service provision. That is at the heart of the issue facing us.

I am not somebody who is in politics simply to throw stones at the other side. It is the easiest thing in the world for any politician simply to criticise their political opponents whether they are in Opposition or Government. I try to stand back from that and look at some of the issues that we are facing. You talk about the health services. I don't think Parc is probably the worst example of that. The issues in Swansea are worse in fact. I suspect that what you have is a consequence of a broken settlement that doesn't enable the delivery of coherent services to people.



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The Welsh Government are responsible for prison education. I had responsibility for that in the previous portfolio and I was very concerned about how we were delivering those services. If you look at the nature of the estate in Wales where you have a significant proportion of prisoners there for a very short period of time in Cardiff and Swansea, for example, you don't have the ability to deliver longer-term programmes. I was very impressed, talking to some of the people delivering the education facilities in Parc on Monday morning. I thought they were doing a very good mix of work on basic skills and higher level skills. That is exactly the sort of work we need to do. But if we were looking at a prison estate and a criminal justice system for Wales, would we deliver the system we have? I think the answer is clearly no.

Q240 Tonia Antoniazzi: In justice questions on 24 April when I asked Rory Stewart a question, he said, "if there are communities in Wales that would like to come forward with proposals for smaller local prisons, I absolutely agree that there is a strong argument for keeping prisoners closer to their homes." I shared that with you because I wanted to have a response, hopefully today. What position are we in and what position are the Welsh Government in to facilitate these bespoke proposals that we can take to the Government?

Liz Saville Roberts: Also knowing that the Secretary of State, David Gauke, is still looking for another location for a supersized prison in south Wales.

Alun Davies: The reason why I stepped back from the conversations about Baglan was because I was very frustrated with where we were getting to. We were discussing Baglan and what we were not discussing was the secure estate in Wales. We need to discuss the secure estate in Wales and we need to discuss the role of incarceration, that element of a criminal justice policy in the wider context of an approach to criminal justice in Wales, and we were not doing that at all. We were having a conversation about, "Shall we have this prison in this place?", and I thought that was the wrong conversation to have.

I am meeting Phillip Lee in July, and I hope to meet Rory Stewart at the same time, to have a more profound conversation, a different conversation that is not about, "Shall we build this prison here?" It is about what is the criminal justice system and the estate required in Wales to deliver the best for the people that we all represent. What do we need to do in Wales to deliver the very best quality accommodation, in some cases? You will have visited Swansea. I was appalled at the way that people are living there; it is simply unacceptable. We need investment in our prisons and I don't walk away at all from wanting to see significant and further investment in the secure estate in Wales. I am sure you will want to touch on the issue of women in the secure estate at some point this morning.

Chair: We do.



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Alun Davies: I don't believe that we need a debate that is limited to a proposal that we have never received, as it happens, about Baglan and about a prison. What I think we need is a wider and bigger debate about how we deliver criminal justice policy in this country.

Q241 **Liz Saville Roberts:** I can only anticipate that probably we will be coming back to the figures about prisons in Wales. We have gone into this territory now, which happens to be the next question, but is also relevant at this time. We know that the request for responses to the consultation of the Commission on Justice in Wales has closed this week. Can you tell us a bit more about the review? What is your general take on it now that we have come to the end of that stage?

Alun Davies: I am sure John Thomas and the commission will be very interested to hear the conclusions of this Committee, notwithstanding the closure of the public consultation. I can't speak on their behalf but I would anticipate they would be very interested in the conclusions of this Committee's report. Much of what we have today in the jurisdiction and the way in which we administer justice goes back to the original Acts of Union in the 16th century. They were established in order not to create a union but to assimilate Wales into England and, thankfully, those days are gone. You, as the Chair of this Committee, voted to repeal elements of those Acts of Union, which dealt with—

Chair: Did I?

Alun Davies: You certainly did. Well, I presume you did; you were whipped in. I am talking about language policy and the rest of it. What was seen to be important in Tudor days is not necessarily the way in which we want Wales governed in the 21st century. We are looking at a different architecture of governance and a different way of delivering criminal justice in Wales. I would argue that the jurisdiction, while being important then, is important today to deliver coherence in the devolution settlement. The Chair of this Committee and I have both served here—you served in a very different institution, of course—and over many years have seen the devolution settlement meander along a particular course. The Welsh Government is a Unionist Government. We want to see the Union of the United Kingdom strengthened and enhanced by devolution and not weakened by devolution. That means we want to see coherence in the British system of governance, accountability that is clearly held in different places and a stable settlement.

It is stability and clarity that drives my thinking at the moment. I am driven, therefore, to believe that we need a distinct Welsh jurisdiction, which is different to the English jurisdiction. We need a body of Welsh law that is coherent and accessible to people, whether they are in the judicial and legal professions or whether they are citizens of this country. It is an absolutely essential part of social justice. The commission will be looking at all of these different issues. I have given you some of my views. The First Minister will be responding formally on behalf of the Government of Wales and that evidence will be made public.



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Q242 Liz Saville Roberts: If I am reading correctly what you are saying, effectively we are very much aware that we have this anomaly in Wales of having a legislature without having a jurisdiction as well and that is unsustainable because it will diverge. I take it that you would be in favour of devolution of justice and the prisons and probation system. If that were within your powers, what do you think would be the potential in relation to prisons and probation that we are discussing with this inquiry? What could be done differently that would be better for the people of Wales?

Alun Davies: I think sometimes we have taken a view that devolution is a zero-sum game. If something goes to Cardiff, Westminster loses it, and if it stays in Westminster, Cardiff loses it. I think that zero-sum game has not served the people of Wales well and I say that is a criticism of the institutions and an approach to political devolution. A coherent and whole system approach is one that means that we will be able to put the citizens and the people we serve at the centre of how we deliver policy.

If I look at the work that I do, I have just come from a conversation in Pontypridd about antisocial behaviour where we have been talking with housing associations, the police, academics and others about how we deal with antisocial behaviour. How do you deal with issues about policing, wider criminal justice, incarceration and the rest of it? It appears to me that you can't differentiate the period of incarceration from a policy approach that includes the devolved services of health and education, as we have already discussed today, but also how you continue to support people and hopefully stop reoffending in the future. It would be difficult, if not impossible, to deliver that coherence where you have a system of two different Governments having responsibility for different elements of that system.

Q243 Liz Saville Roberts: At present we have a situation where 25% of the prisoners in Wales are originally from postcodes in England and 39% of Welsh offenders go over the border. I am aware that they are different sorts of institutions, but if we continue to build these huge supersized prisons, it is highly unlikely that we will see any change in that. It will probably be exaggerated and we will have more places here than we need even if we were to bring everybody home. With this in mind, we are talking about an all round approach. We should be very careful of building any more supersized prisons in Wales because we are going to bring more people here and they are, per se, further from their homes and their support services.

Alun Davies: I do tend to agree with you. I have never taken a view that a Welsh person should never be imprisoned in England and that an English person should never be imprisoned in Wales. We are two countries sitting next to each other and we do share a—

Liz Saville Roberts: These are big numbers.

Alun Davies: Yes, I accept that.



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Liz Saville Roberts: And they are a long way from home either way.

Alun Davies: I will be finishing the sentence. We have a porous border with communities very close to the border. I have never taken an absolutist view that all Welsh prisoners should be held in Wales and all English prisoners should be held in England. There is a requirement, for example, if we did have a Welsh penal policy and an independent prisons authority in Wales that we would still probably seek to have a relationship with the Ministry of Justice in England that would use English facilities. I have always been very content and happy with people from across the border accessing the services that we provide here in Wales, so I would never take an absolutist approach. But if we were adopting a penal policy for Wales that looks at Welsh needs and Welsh interests, which I hope we should do and would want to do wherever we sit on the political spectrum, you would not have the estate that we have today and you probably would not want to go down the route that the Ministry of Justice has indicated it would seek to go down in the future.

Let me give you an example. We know the situation of women is currently very unacceptable. It is entirely unacceptable that we have no facility for women in Wales. I would not want to see a prison built for women in Wales. It is not the approach I would wish to take but what I would like to do is look at how we can have women's centres in north Wales and south Wales that would enable women to have the support that they require, not to break up families. We know that women are subject to largely very short sentences, which disrupt family life, disrupt the lives of children and do not necessarily deliver a punitive response either. There is very little reason for that. We need to look differently at the way we do that.

I know you are anxious to come back at me, but if we were looking at adult male prisoners, we probably would not want to build a single major establishment in Wales. In fact, I certainly wouldn't. I would prefer to see smaller establishments where people are closer to training opportunities where they are familiar and also closer to their home communities where they can maintain family links. I am sure you visited in Parc, as I did, the Invisible Walls Wales project about men continuing to experience family life. It is hugely important and we know some of the social issues that were effective there.

On youth offending, I would prefer to see young people not kept in an adult prison but in a particular unit or facility that is built to meet their needs. If you look at the John Charles wing in Parc, which again I presume you visited, I think there are good people there working very hard, but where you have young men from London, Birmingham and Bristol—

Liz Saville Roberts: Seventy-five per cent of them.

Alun Davies: —sent across to Bridgend, to Parc, what does that do for them and their family units and their ability to resettle back in those



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communities? I don't think it is the fact they are from England; it is the fact that they are taken 150 miles from home and then expected to be resettled back. I imagine that that would be a real impediment to that ambition.

Q244 Liz Saville Roberts: I am sure we are all concerned about the lack of provision for women in Wales. It has been broached to us that possibly there could be a women's unit with one of the other presently existing prisons, but we have also heard concerns that if you attach a small unit to what is otherwise a male institution it does not get the appropriate funds. Am I correct in understanding that you would not be in favour of a women's unit attached to one of the existing institutions?

Alun Davies: No, I would want to see a women's centre that is built and delivers a culture that is about rehabilitation and support for women prisoners who are able to rebuild their lives. The vast majority of women prisoners are in prison for short sentences for crimes that don't involve violence. The most significant crime is that of theft. Quite often these are women who are at the end of their tether, who are suffering enormous social pressures in their families and their communities and require support rather than imprisonment. I would like us to take a different philosophical approach to how we deal with women in the criminal justice system. It would mean a very different facility required to deliver that approach. My instinctive response would be to say that we don't want to go down the road of a prison or a part of a prison.

Q245 Chair: Minister, you have made an argument for a separate jurisdiction and separate policy in Wales. If that were to happen, is there not a danger we would see what we have seen with the health service, which is that there would be a preference to ensure that all Welsh prisoners coming into the Welsh justice system were imprisoned in Wales? Isn't that naturally what would happen as a result?

Alun Davies: The issues of a jurisdiction are different to the issues of devolution of criminal justice. They are two distinct issues although clearly linked. The remarks I made earlier were separate but on both issues.

Q246 Chair: If we had a Welsh prison service, it is reasonable to assume that, as with the health service, we would want to treat prisoners or house or accommodate them within the Welsh estate. That is a reasonable supposition.

Alun Davies: It is absolutely reasonable, but for me the important issue and the reason I don't simply agree with you is distance from home rather than simply the national border. For example, I think the average distance from home for a prisoner in England and Wales is something like 50-odd miles. For women it is over 100 miles and that is clearly unacceptable. There are constituents of mine being held in HMP Northumberland. That is clearly an extreme example, but I would suggest and argue that it would be better for their resettlement and rehabilitation



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that they were held in a secure facility, which would be from my constituency's point of view in Blaenau Gwent, more in our part of the world in south-east Wales than in north-eastern England.

Q247 Chair: While I see your argument and I rather think I agree with it, I look at what has already happened. I look at the parallel with the NHS and what I have seen is that constituents of mine who would like to be treated in Bristol for health issues can't be treated there and have to travel a further distance because of a desire to treat everyone within Wales. That is what has happened in the NHS. To a large extent, I think it is a reasonable statement of mine that there is a tendency, a will, to try to treat anyone from Wales within the Welsh National Health Service. I would put it to you that if we devolve justice the same thing would apply. There is no reason to assume otherwise, so we could see people being housed further away.

Alun Davies: Clearly, you would want people to be housed closer to home and that would imply closer to Wales. I accept that. I do hesitate from agreeing wholly with your proposition, although I don't think it is a misplaced proposition. I know that you have quite robust views on the Welsh health service, which I have seen expressed in the press on various occasions. So be it; we will differ on that. But the key issue for me is not necessarily the national border, as it happens. It is about the service we provide to people and how we deliver the best possible criminal justice system for the whole of the people of Wales, the people who are within the system who have offended and the people who are living in the communities we represent.

I can't think easily of a policy area where one would seek, as a political decision-maker, to break that system into two and to divide in the way that is currently the case. It is an accident of history that we are where we are. I would suggest it is not a philosophically-based settlement. It is a settlement that seeks to preserve relics of history. The consequences of preserving those relics of history are paid for by people who are in the system today and I believe we do them a disservice.

Q248 Chair: If I may continue with my hypothesis, we agree it is not unreasonable to assume that we would try to house anyone within Wales and we have already discussed the fact there are many different types of prison: male, female, A, B, C, D, young offenders and so on. Therefore, in order to try to house everyone within Wales, as a Minister or as a Government you would have to embark on quite a major prison building programme because you would have to build a lot of different types of prison in order to try to house people in Wales. You would also face the problem that there are more Welsh prisoners in England than there are English prisoners in Wales, so theoretically you could boot 1,000 people out and send them back to England but you would have 2,000 people from England coming back into Wales. You would have quite a big job on your hands in that situation, wouldn't you?



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Alun Davies: What I did say in qualifying my earlier response to you was that distance from home, from a national border, was a more important prerequisite for me. I have never fetishised the national border in the way that you suggest some do and you might well be right about that. But for me what is important is that we provide coherence to the criminal justice system. I said in an earlier answer that I am completely relaxed about Welsh people being held in English institutions where that is appropriate, as I am completely relaxed about English-based people being held in Welsh institutions where that is appropriate. The problem we have at the moment is that we are not taking a decision based on what is or is not appropriate. We are taking a decision based on an historical system that was not established to meet the needs of Wales. That is the problem that we have and so we are trying to shoehorn people into institutions that are not fit for purpose.

I said to you in an earlier answer that we need significant investment in the secure estate in Wales, for the reasons that you have given about the range of establishments—I accept that—but also because the establishments we have are not fit for purpose. I don't think anybody who has visited the institution in Swansea, for example, would say that we would want people to be held in those circumstances today. I don't believe that anybody would make that case. Therefore, we need to invest in the secure estate in different parts of the country to develop a broader range of facilities.

Chair: That brings me to what I should be asking about.

Q249 **Liz Saville Roberts:** If your prime consideration is that prisoners wherever they are from—given that you don't have a fetish over the border—are as near as possible to their home communities, surely we must be extremely careful about building any new supersized prisons, because they will inevitably draw people. Can I take it that you will be inclined against prisons over a certain size? What size would that be?

Alun Davies: I don't want to put any numbers on that. If you were asking Alun Davies to design a prison estate, which I accept you wouldn't, I would want to see an estate that is smaller, where people are able to have far better support for health or education but where the focus is on rehabilitation and delivery of a holistic approach to service provision. We know that many people who are in different institutions in Wales require significant support on issues such as substance misuse and mental health. I would want to see more of those services delivered more locally to them wherever it happens to be.

I don't like the much larger institutions. I am instinctively antagonistic towards that concept because it means that you build very large institutions that, as you rightly, in my view, assume, will take people many miles away from their home community, almost by definition. I don't want to go down that route. I don't think that is the Welsh route. I don't think it suits the needs of Wales and I don't think it is a route that the Welsh Government would want to go on, but what I would like to see



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is a meaningful conversation with the Ministry of Justice until these matters are devolved to Wales. We need to have a conversation with the Ministry of Justice about how they maintain the estate in Wales. We have not had those meaningful conversations yet and I hope that we will be able to pursue those conversations in the future.

Q250 **Chair:** The Ministry of Justice has suggested that it had a meaningful conversation with the Welsh Government and that it was the Welsh Government's idea that the Port Talbot site should be developed into a prison. Is that a statement that you would recognise?

Alun Davies: I know the UK Government do make various statements.

Q251 **Chair:** They said that there were 20 potential sites across south Wales put forward by the Welsh Government, after the Welsh Government approached the Ministry of Justice.

Alun Davies: In the time that I have been in office I have met one Minister in the Ministry of Justice, Phillip Lee. It was a good meeting and I enjoyed the conversation we had. It was largely centred on youth and female offending and I want to pursue that conversation with the Minister in the coming months, but I haven't had those conversations with the United Kingdom Government.

Q252 **Chair:** Do you think any of your colleagues have?

Alun Davies: Not to my knowledge.

Q253 **Chair:** They are rather specific because they also say—

Alun Davies: They are specific, yes.

Chair: —that the site in Port Talbot was ranked as the number one site by the Welsh Government as the most suitable location for a prison in Wales. Am I being completely misled in this?

Alun Davies: I am aware of those statements. I am looking at my official for help here.

Martin Swain: I think that is not a representation of the process. The Ministry of Justice approached local authorities in the first instance, looking for sites across south Wales. We co-ordinated the longlist, which was 20 sites, but at no point did we ever suggest to the Ministry of Justice that any site was a preference of the Welsh Government. In fact, as soon as we gave them the long list we stepped away from it.

Q254 **Chair:** Was Port Talbot ranked at number one on that list?

Martin Swain: It would be by the Ministry of Justice if it is ranked at number one. The Welsh Government did not rank any sites. All we did was provide a longlist of 20 sites across south Wales that met the broad criteria that they gave us.

Chair: You have never given any encouragement to the Ministry of



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Justice to build a prison at Port Talbot? That is interesting. I will go back and have another conversation with them.

Q255 Liz Saville Roberts: I wonder whether the specifications that the Ministry of Justice provided would be those that would lead to be able to build a supersized prison. Would you be prepared to revise specifications that you would be content to work with?

Alun Davies: If I could go back to where we were a couple of minutes ago, my concern is not to debate and discuss one site and one—

Liz Saville Roberts: This is all of south Wales. We know what Cardiff and Swansea are like.

Alun Davies: Absolutely. My concern is to look much wider and have a much more meaningful conversation with the Ministry of Justice about the secure estate in Wales. You are absolutely right, Chair, in your assumption about the investment that we require. I don't shy away from that at all. We do need significant investment in the prisons and the secure estate in Wales. We need that for young offenders, female offenders and adult male offenders right across the whole spectrum. We need to have a more holistic approach to policy and a more holistic approach to how we develop the estate in Wales. The conversation about Baglan is over. That is over; we are not going to go back to that conversation. I want to have a different conversation, which is a far richer conversation, I hope, about the administration of criminal justice in Wales. That is the conversation I want to have with the Ministry of Justice, not a conversation about a single site and a single proposal that, as I say, we have not received.

Q256 Tonia Antoniazzi: I would like to come in on that point. If you are going to go back to the drawing table with the Government to talk about a new plan for Wales, which I find very encouraging, do you think there is time? What are the remedial measures that we need to address what is going on in places like Swansea Prison? There are big issues that need addressing now. How would we address those while putting the bigger picture together for Wales?

Alun Davies: I have been very encouraged by the conversations I have had with the Prison and Probation Service in Wales. I have had a number of very good, positive conversations with the Prison and Probation Service and I want to pursue those conversations. As I said to you in my opening response to your first question, there are some very good people who are working extremely hard and are very committed to the people they serve in the criminal justice system in Wales. What we have to do, as politicians and decision-makers, is to provide them with a structure in which to get the best out of the investments that they are making and enable them to deliver for the people we serve. I will be pursuing that conversation with them. We have established a criminal justice group in Wales and we are going to be continuing to work with the Ministry of Justice in order to deliver for the people that we serve today.



I agree with you, we do need to have this forward look, this ambition, this vision for the future, but the people who are currently in the system can't wait for that. We do need to work both immediately to deliver better facilities and better conditions for people today at the same time as planning for tomorrow. I don't think it is one or the other.

Q257 Tonia Antoniazzi: When I asked you the first question, we talked about healthcare and education. I absolutely recognise the hard work that everybody is doing because we have met these people first hand, but going back to the healthcare services—and we have spoken about the principal challenge of investment—what are the barriers to effective co-ordination between the Welsh Government and HMPPS with health services? We have seen in Parc they deliver the primary services through the G4S system and then they go out to the local authority, to the health board, and we have not seen it as an effective model. What is the nitty-gritty? What are the barriers?

Alun Davies: One of the biggest issues I find is that there is a mindset in London that is an English mindset, and I use that word advisedly, "Wales is down the other end of the M4 and we will send a consultation document to them two or three days before it is published and ask them to put their logo on it and all of a sudden it is an England-Wales document". That needs to change. It needs to change anyway because it is not the mindset of Britain as it is today. Today there is a number of different areas of work that we have embarked on with the Ministry of Justice. Martin attended a meeting with the Ministry of Justice yesterday and we do have these structural links. But what we find all too often—and healthcare is a good example of this—is that the Ministry of Justice will deliver a proposal or a strategy or a framework that fits in well with their colleagues in other parts of Whitehall but does not understand or take into account the structures that we have here in Wales. It is important for us that we are able to deliver the same coherence on this side of the border as that delivered on the other side of the border. We don't have that at the moment and we don't have that in these sort of jagged, broken areas of a settlement.

As an Agriculture Minister—and I know you are seeing my colleague this afternoon—I found it far easier to deliver policy and a joined-up approach across the United Kingdom because we had clear areas of responsibility. When we were sitting in European Council meetings debating a UK approach with four Governments around a table like this, we were able to have far better conversations about a UK-wide approach because we all understood the clarity of the settlement. Where you don't have that clarity, you have a jagged, broken-edged settlement where people get caught up in the middle. I would be very clear in my own mind that although we will have political differences—I know the Chair would be happy to exercise his views on the health service, education and elsewhere at different times—we would have clarity and accountability. We don't have any of those things at the moment and my fear is that the



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people are not those of us who are sitting around this table today but the people who are in the system.

Chair: Can I just gently say—and I have been rather guilty of this—that we have 12 questions and we have not done very well timewise. I think all of us have an interest in this and are probably asking rather a lot of questions, as I have just done. If I may suggest that all of us go for some quickfire ones, if at all possible, otherwise we will keep the Minister here beyond his allotted time and we will get into trouble with his officials.

Q258 **Liz Saville Roberts:** Something the acting Ombudsman raised with us was the difference between the provision of an IDTS system in Wales and in England. We have been told that the decision not to offer integrated drug treatment systems here was based on funding. There is also concern that some of the behavioural problems of inmates when they arrive in prisons is related to IDTS. Could you explain why there is a difference between England and Wales? Obviously there are merits associated with the principle of it, but the effect that has on the ground for inmates when they first come into prisons—and that affects how staff can deal with them—is quite challenging.

Alun Davies: It is a matter for my colleague, the Health Minister, but I don't think funding is the issue. I have seen your evidence on that. I thought it was interesting evidence. The reason is that we do have our own policies and approach to this area of policy in Wales and we deliver that in the secure estate in Wales. There is no conspiracy there at all. I know that some of the evidence you have received has expressed some surprise that this particular programme is not being delivered in Wales. Let me say to you that we deliver a programme in Welsh prisons, as we deliver in Wales, that meets all the clinical standards that we would expect and anticipate that it should meet and it is based on clinical recommendations and clinical knowledge. What we do in Wales is deliver our own policy. We don't not deliver the English policy; we deliver our own policy. I think that goes back to the point I made previously that there is sometimes a lack of understanding of the policy context here in Wales.

Q259 **Liz Saville Roberts:** I don't think anybody is questioning the fact that the policy is different. We have been made aware from members of the Prison Officers Association and the Ombudsman for Prisons that there is an association between this policy and possibly the greater incidence of inmate behavioural issues in prisons in Wales. To what degree is it being considered that there is a relationship between the two and, if there is, what might be done about it?

Alun Davies: I haven't seen that correlation. The reasons that have been given to me for the greater incidence of violence in prisons in Wales is partly because of the cohort of prisoners being held here and partly because of the conditions that they are being held in. Those are the main reasons given to me for that statistic or that experience. I have not had that argument put to me before and I have not heard that argument



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made in prison visits or in conversations with people administering the criminal justice system. That is not an argument—

Q260 **Liz Saville Roberts:** We have also heard that in relation to when the smoking ban was brought in in 2016.

Alun Davies: That is not an argument we have heard made to us before.

Chair: I am aware that Ben was unfortunately delayed by the trains.

Ben Lake: It wasn't the fault of the new franchise.

Chair: If you want to come in, please do so.

Ben Lake: Oes modd siarad Cymraeg? *(Translation) May we speak Welsh?*

Chair: Gwaetha'r modd, nag oes. *(Translation) Unfortunately, no.* I am sorry about that.

Q261 **Ben Lake:** Rwyf am ddwyn cwestiwn rhywun arall. *(Translation) I am going to steal someone else's question.*

Gweinidog, we have been informed in previous evidence sessions about the range and quality of educational programmes and skills programmes across the Welsh prison estate. What are the Welsh Government doing at the moment to try to bring a greater degree of uniformity in the provision available?

Alun Davies: I would argue for consistency rather than uniformity in the experience. We have already discussed the nature of the estate in Wales and one of the issues we face is that we have a great turnover of prisoners in Cardiff and Swansea. Berwyn is just getting started and I think Parc delivers some very good educational experiences. I would like to see people held on the secure estate in Wales being given far greater and richer training opportunities and educational opportunities. I would like to see far greater opportunities to acquire basic skills, which I think is required among a significant proportion of the cohort, but also the opportunity to learn skills that they will be able to use as part of their resettlement and rehabilitation. I do have concerns about our ability to deliver that at the moment. Where you have a very great churn of people you are unable to deliver consistent services over time and that is a significant issue for us.

We do need a different estate where we can do different things. We were discussing earlier about the nature of a Welsh penal policy and a Welsh approach to criminal justice. If we were to look at the requirements of the Welsh system, education would be a central part of that, but what I would argue for would be smaller institutions where we are able to use the experience and knowledge of, for example, local further education colleges and the post-16 learning environment to deliver opportunities for prisoners in Wales to acquire the skills they will need in their community, that they will be able to find meaningful work in their community and go



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through a process of resettlement and rehabilitation. I would see a very different approach to education to the one we currently have and of course—you started your question in Welsh—available through the Welsh language wherever that is needed or appropriate.

Q262 Tonia Antoniazzi: We have been told that large numbers of prisoners are homeless upon release from prison. What are the Welsh Government doing to tackle this and help with effective resettlement?

Alun Davies: We do have the national pathway for homelessness that we launched in 2015, which seeks to bring what we call a multiagency approach to assisting offenders. That goes back to the coherence argument I made earlier. I hope we have a pathway that takes care of people when they go through the gate at the end of their sentence and where they are able to have appropriate accommodation. In some cases, they require supported accommodation in order to go through a process of rehabilitation. We take those responsibilities very seriously.

Q263 Tonia Antoniazzi: Is there enough out there, though?

Alun Davies: Is there enough out there? I would hope that we are meeting the needs of today. I have not seen any evidence that we are not but if you are asking me are you satisfied, would you want to go further, yes, of course, we would want to go further, clearly we would. We are investing significantly at the moment in tackling homelessness across a whole range of experiences, not simply people being released from the secure estate. I think there is a significant issue we need to address with wider homelessness in Wales and a significant part of the Welsh budget is being invested in doing so.

Q264 Liz Saville Roberts: I would like to go back to the Welsh language. We touched upon it with the medium of education, which is obviously important, but we have had quite definite concerns expressed to us by the Welsh Language Commissioner. What are your feelings on the degree to which prisons as a public service in Wales treat the language on the basis of equality? I know full well—we had a conversation earlier on about the categories of prisons—that many of my constituents will be sent over the border to places where they may well feel that they are the butt of mockery with being Welsh speakers. Now we have HMP Berwyn in place, regardless of its category, that does beg the question as to why we are still sending people to places where they are far from home among people who don't begin to understand the nature of how they use language.

Alun Davies: I absolutely agree with you. Everybody in Wales has the absolute right to use Welsh wherever they wish to do so, even in front of a parliamentary Committee I would argue. I would suggest that where a prison service is failing to do that, the prison service needs to ensure that it is its responsibility to deliver services bilingually where that is appropriate in Wales and where there are Welsh prisoners. I take the Canadian view of bilingualism. The British state has an absolute



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responsibility to the future of the Welsh language and that means providing Welsh language speakers with the services they require in Welsh. If the Ministry of Justice determines that your constituents are going to be held in England, it has the responsibility to deliver the Welsh language services in England that they would have if they were serving their sentences in Wales. I see a responsibility for the Ministry of Justice and the wider UK Government in supporting and sustaining the use of the Welsh language in a far wider sense than simply providing a bilingual experience if that person happens to be housed in Wales.

I hope that where there are issues the Welsh Language Commissioner is able to step in and when we establish the wider Welsh Language Commission in the future we will be able to ensure that people are given the opportunity to learn Welsh in prison as well. When we talk about providing basic skills, basic educational experiences for people, there should be an opportunity for people to appreciate and value the language. I would take a much broader view of language policy in that way.

Q265 Liz Saville Roberts: I guess we agree, but this doesn't happen now. What do we need to do to make it happen?

Alun Davies: I would suggest that all public services have a responsibility to deliver language policy for the areas for which they are accountable and responsible, and that includes Her Majesty's Prison and Probation Service.

Q266 Liz Saville Roberts: With your responsibilities, what can you do about this?

Alun Davies: I can talk to them. I don't have the powers to enforce that delivery. I wish I did have those powers and with your help and support as a Committee I am sure those powers will be acquired. I am sure the Chair would be very pleased to help facilitate that process.

Q267 Ben Lake: Apologies again for arriving late and I am very conscious that this is something that we may already have at least touched on at the beginning of the session. We know that there is a number of Welsh offenders being held in English prisons, but the opposite is also true and we have been told as a Committee that over 1,000 offenders with an English origin address are held in Wales. We have spoken about the resettlement programmes, the education programme services and how Welsh speakers in England are accommodated. There is the reverse as well. Should the Welsh Government be responsible for providing services such as health and education and resettlement to prisoners who have an English origin address?

Alun Davies: Yes.

Q268 Liz Saville Roberts: The final question is to do with the nature of the custodial facilities we have in Wales. We touched upon this in our visit to Parc where it was made evident to us that because of the effective work



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with young offenders in Wales the number of young offenders from Wales attending these institutions is dropping. We were told that 75% were from over the border and that 45% of those were from the south-east. Alongside that we were also told of concerns about the establishment of county lines with the nature of the gang culture, because one of the reasons they are being sent further away from home is to try to break those links, but that is effectively bringing in these links and establishing county lines within prisons in Wales. What do we need to do about this? The situation is concerning and it is not one that we want to see developing in Wales any further than we presently have.

Alun Davies: It is and one would hope that in a more controlled environment that many of those issues affecting those young people could be addressed in a more profound way than elsewhere.

Liz Saville Roberts: Nearer home.

Alun Davies: I found it a matter of some concern, not that you have an English person in Wales, as I said before, but that Parc is being used now to deal with and incarcerate people from a large part of central and southern England.

Q269 **Liz Saville Roberts:** Effectively, we are bringing gang culture from there to here. We don't have it here. It is not going to do us any good to have it here.

Alun Davies: It is not doing those young people any good themselves either. What I don't want to do is to point fingers at different people, different cohorts and groups of people, but I don't want to see a facility in Wales that is being used in order simply to deal with a problem that exists elsewhere in the way that you have described. What we need for young people in Wales is a centre, a secure facility, that will enable those young people to learn the skills they need for life, to learn a different way of living, to take them out of the environment where they were offending and also to provide them with the opportunities to live a life without reoffending. That is what we need in Wales. I don't believe you can deliver that well. I think the John Charles unit was a really good unit with very committed people working on it. I had very good conversations with people there and I was very impressed with the quality of work and services that were being delivered. I have no question about that.

Q270 **Liz Saville Roberts:** It was the director of Parc who raised that we were effectively incubating problems among our own young people with this.

Alun Davies: Absolutely, and I don't disagree with that. In answering your question, what I want to say is let's not just stigmatise this group of people here but let's look at a different way of approaching the delivery of policy. For me as the Public Services Minister in Wales, that is to ensure that we have the coherence, the holistic approach to policy that means that we are able to deliver services to people. We know that many of these young people are in prison because they have lived chaotic lives, they have not had the support that they require and—



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Q271 **Liz Saville Roberts:** Forgive me, Minister, for us to be able to take that holistic approach means that we will have to put something to the Ministry of Justice that says, "No, we are not going to be bringing in these cohorts because they will have a negative effect on our cohorts here". How do we do that?

Alun Davies: My argument would be that to deliver that holistic system you need a system of criminal justice that is rooted and based in Wales where we are able to deliver the coherence in policy and services. You are describing something that is quite short term. I am trying to look at a medium and longer-term approach that seeks to deliver a better criminal justice system in Wales.

Liz Saville Roberts: We need the means to get to any other approach than that that we have currently.

Q272 **Ben Lake:** Please forgive me, Minister, if this is something you addressed at the beginning of the meeting, but it strikes me that in the immediate term or short term there needs to be a great deal of co-ordination and co-operation between UK Ministers and Welsh Ministers. Is there any forum or any dialogue at that level and do you think it could be improved for the short term? I appreciate and I agree with you that we need to have a probation system that is based in Wales.

Alun Davies: We certainly can improve it. We are discussing with the Ministry of Justice a concordat between our two Governments at the moment and I hope we will be able to reach agreement on that in the coming weeks. For me, what is required to serve better the people in the system at the moment and the people we are seeking to provide services for would be coherence in the settlement and we don't have that. This Committee could do these people a great service by suggesting that that is a direction in which we need to move.

If you want to bring my remarks to a close, let me finish by saying this. I am committed not just to deliver in this particular brief and this particular portfolio but in a wide sense about the governance of the United Kingdom. I believe that we require a settlement in the United Kingdom that has stability hardwired into it and through it. That serves all our different perspectives on the system. We need clarity in that settlement and edges to the settlement that are there for good reasons and not for historical relics. For me, the United Kingdom is at its best when it speaks with four distinctive accents and the United Kingdom is at its best when it seeks to encourage and enable the four constituent countries of the United Kingdom to govern it themselves and to work together for the better governance of the UK as a whole. We don't have that at the moment, we simply don't, and the people who are suffering the consequences of that are the people you have met in institutions in Wales and the people who have given evidence to you about the work they are doing.



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I pay tribute to work done by many people who are working hard within the system across Wales and elsewhere. As politicians, we need to ensure that they have the frameworks in place in order to enable them to deliver better in the future. I will play my part, whatever role that is, in working alongside the Ministry of Justice in the future in order to deliver that but I recognise that we need a settlement that enables us to do so as well.

Chair: I am very grateful, Minister, for those comments. I will say in closing that I would like to echo your words of tribute to all those who are in the prison service and the associated services as well. While we may very well disagree on the means to the end, I think we are probably very much in agreement on what the end should be. Thank you very much indeed.