

Welsh Affairs Committee

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

Tuesday 15 January 2019

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

Questions 396 - 448

Witnesses

I: Rory Stewart OBE MP, Minister of State, and Edward Argar MP, Parliamentary Under-Secretary of State, Ministry of Justice.



Examination of witnesses

Witnesses: Rory Stewart OBE MP and Edward Argar MP.

Q396 **Chair:** Can I thank you, Secretary of State, for coming along today and Minister—

Rory Stewart: Minister of State.

Chair: Minister of State, I do apologise. That will be next week the way things are around here. Things move quickly. For once the heating is working, so if you wish to divest yourselves of your jackets please feel free.

Can I start off by asking a topical question? I read in the newspapers over the weekend that apparently leaked reports were suggesting that we may be about to institute a policy of not imposing sentences of less than six months in prisons, so I wonder, Minister of State, whether I could ask you about the veracity of that.

Rory Stewart: Sure. The first thing is that no policy decision has been made, so this is a piece of ongoing work. My own view—and this is something that is still open for discussion—is that we need to be clear about the fact that the wrong type of short sentence can do more damage than good. By that I mean that our analysis comparing very carefully cohorts of offenders—looking at people who are given short sentences against people who are given community sentences—shows that it is very clear from the MOJ's own research that people who get a short prison sentence are more likely to reoffend than the same individual given a community sentence.

The result, therefore—and by “a short sentence” I mean a sentence amounting to six months, so in effect less than three months in custody—is long enough to damage them, not long enough to turn them around and means more danger to the public.

Q397 **Chair:** Can I just stop you there and ask you about these statistics? Obviously, at the moment, somebody who is sentenced to a community sentence may very well be a first-time offender, and somebody who receives a short prison sentence will often be a habitual offender. Therefore, how have you ensured that your statistics take account of the fact that anyone who is sentenced to prison for what would be a non-violent offence will have been through the justice system probably dozens of times before they arrived at that point and will, therefore, already be a prolific offender?

Rory Stewart: What we have been very careful to try to do is to compare like with like. A classic case would be an individual who had been convicted for four shoplifting offences getting a community sentence, or the same individual also convicted of four shoplifting offences getting a custodial sentence, and then following them through



and working out which one is more likely to commit the fifth shoplifting offence result.

We are not trying to compare people who have never committed an offence with people who have committed multiple offences. We are taking, as you say, that prolific, difficult cohort that tend to get the short prison sentences. They tend to be people living chaotic lives who have committed a number of small, minor crimes. We are looking at whether the best way to deal with them in order to prevent them going on to commit their sixth or seventh offence is to put them through custody or put them into a community sentence.

Q398 Chair: What slightly concerns me about all this is the way in which statistics are used. My impression is that those who go to prison very often do so possibly for offences—let's take shoplifting. It is a non-violent offence. In the scheme of things it should not automatically lead to a prison sentence. A prison sentence should be a rarity. If somebody is sentenced to prison for that, the chances are they will have committed the offence on numerous previous occasions, broken court orders asking them not to be in certain shops or in certain areas at certain times, possibly not turned up for court dates and breached parole in other ways.

Therefore, in my opinion—and I wonder whether you would agree—it is very important that, when you do a like-for-like exercise, you look at somebody with a similar record who has been given community sentences all the way; otherwise your statistics could end up being skewed.

Rory Stewart: We are trying to be very careful. I am very happy to share with you, Chair, the evidence in the research project. One of the things that allows us to do this is that these are often quite marginal calls made at magistrates' courts up and down the country with similar cohorts, so it is quite easy for us to track, for example, 1,000 offenders with very similar offending histories, very similar socioeconomic backgrounds, who one magistrate might give a community sentence to and another magistrate might give a custodial sentence to. We are doing as much as we can to make sure these are absolutely like-for-like comparisons; otherwise your argument would be quite right.

Q399 Chair: Before the other Committee members get tired with me asking all the questions here, there has been a criticism made—more by colleagues from the Labour party perhaps—that some of the private companies who are responsible for carrying out community sentences have been very poor at this role and that sometimes, rather than actually getting to know an offender and offering them practical help, the community sentence ends up being a short phone call or conversation in a sort of informal way, once a week or once a month, and that is it, which can never, ever resolve problems.

Rory Stewart: You are right. There have been significant challenges around this new form of probation. One thing, though, is that there are



40,000 offenders currently being supervised by these companies who were not supervised at all in the past. Before this new privatised probation system was set up, people on short sentences did not receive supervision after they left. Those 40,000 people are now being supervised but, you are absolutely right, the Inspector of Probation has found that in many cases they are not receiving enough face-to-face contact, and their sentence plans are not being done well enough.

Q400 Chair: Lastly, would you agree with me that, while you and I would support the use of the private sector if they can offer a better service than the public sector, where that cannot be shown to be the case we should not be afraid to say that there are things that we should not be privatising and that we can and should be using the public sector, unless there is an obvious case that somebody else can do a better job? We should not be prioritising use of the private sector for the sake of it.

Rory Stewart: I agree absolutely. We should not be ideological about this. The question is who can do a good job professionally, protecting the public, delivering a good level of service. If it is the public sector it should be the public sector.

Chair: I will open it up to others. By the way, Minister, we are not asking you many of the questions here but obviously, if Members want to or if you feel you have a particular expertise on something, please feel free to jump in.

Edward Argar: Absolutely.

Q401 Susan Elan Jones: I am intrigued to see our excellent Chair of Committee had almost become a good social democrat by the end of that question.

To be honest, I am pretty open on this idea of people who commit offences that are not, for instance, sexual or violent offences receiving sentences of under six months. Invariably, however, some of those people who are given community orders are likely to breach them—a proportion of people will breach them. Is prison then an option for those people?

Rory Stewart: This is one of the things we have to look at. You are right that one of the challenges on this policy is that many magistrates and judges would feel that they want to be able to keep prison as an option for somebody who consistently breaches orders, so one of the questions in developing this policy is whether we follow the Scottish model where there is a presumption against sentences—they are trying to push for a presumption of under 12 months—or whether we would actually go to say that we are prohibiting sentences under six months that are not violent or sexual offences. Therefore, that is one of the things that have to be discussed: is it a presumption.

There are pros and cons on either side of this. Obviously, if you go for a presumption, it is very easy and leaves a lot more flexibility for



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magistrates and judges to decide the case. The concern is that if you just go for presumption, not very much would change because currently, under the law in England and Wales, there is already an idea that prison should be a last resort, so a presumption would not change very much.

Under the current system, we have nearly 42% of the prisoners passing through our system in a year on these short sentences. They tend to be disproportionately disruptive to our prison system. They bring in a lot of drugs. They are responsible for a lot of violence. They actually self-harm and commit suicide in a higher proportion than other prisoners. They make running a stable prison very difficult.

The problem is that if you only have somebody for 10 days—the average length of stay in Durham at the moment is 10 days—it is very, very difficult to pretend that you can actually do much to turn their life around, so I am hoping through this discussion—a discussion we have to have with Parliament and the public—to say, “If we are going to put someone in prison we should do it properly.” They should go in for a reasonable length of time. We should have the opportunity to work on them: education, training. We should provide decent provision. Putting somebody in prison for 10 days is neither here nor there.

Q402 Susan Elan Jones: I think many of us would actually share that concern. I do not disagree with what you have just said, but if we are looking at different models that may work better—which would reduce reoffending and would also feel like some sort of punishment to the people against whom the crime has been committed—we cannot be in a position where there is a shoplifter who is rediscovered shoplifting in his home area because he is not co-operating with his community punishment. Surely that would be pretty bad in terms of any new system.

Rory Stewart: Yes. These are very difficult issues. We have the same issue. I am personally uncomfortable with people being sent to prison, for example, for not paying their council tax or not paying their TV licence. It does not seem to me to be a very good use of prison.

Nevertheless, that continues to happen, and the reason why it occasionally happens is for precisely the reasons you give—that judges and magistrates just feel that this individual has been so non-compliant and committed so many offences over so much time that they finally lose patience and feel they have no other options available.

Q403 Geraint Davies: I want to ask about the devolution settlement. As you know, the UK is responsible for prisons in both England and Wales but in Wales the provision of the health service and education is devolved. How closely do you work with the Welsh Government to ensure a consistent approach? I know you are going to answer this, Edward, and I will be asking about the case for devolving the whole lot, of course, but at the moment how does it work? Are you hand in hand?



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Edward Argar: Yes. I feel it works effectively. There are obviously some challenges, for example, around provision of healthcare and the challenges faced there. I was at HM Prison Parc on Thursday and the director there raised some issues around that relationship. There is always going to be a degree of challenge but I think there are great opportunities there as well.

You will have heard, I think in September, Chair, from Amy Rees who currently heads up our work in Wales, and I think that her role is a very good example of the close working. At the framework level—as you will be aware, Mr Davies—we have the Wales Act 2017 building on the existing devolution settlement and that is the framework within which we operate.

I know that there are ongoing political debates about that overall framework, but I focus on how we can make the operational delivery of justice within Wales work within that statutory framework.

Q404 **Geraint Davies:** You did mention Parc, and when the Committee visited there we spoke with a couple of prisoners who basically had problems with the privatised health provision they had there, one having had to wait for months and months with eternal toothache, another with a similar problem with an ingrown toenail, and there were questions about whether the prison was trying to save money on conditions that prisoners had that were not life threatening but were terribly painful.

Edward Argar: The readout I get in terms of health provision—because as well as being the junior Minister responsible for devolution I also cover offender health—is that the bigger challenges are actually with the NHS in Wales and the relationship there. You and the Committee will be aware that the nature of healthcare provision in prisons in England is not an easy subject. It is commissioned by the NHS but for an offender population.

The challenge we face in Wales is that, unlike with NHS England, there isn't at the moment a single point of contact within the Welsh NHS dealing with offender health with whom Amy and others can deal with. There are a myriad of different services that have to be engaged with.

I say that because I think it is an important counterpoint to the point that you raised, but if I can just go back to your original question with a positive point about the working relationships. The working relationships I think within that statutory framework are generally very positive. I had extremely good engagement with Alun Davies when he was my opposite number in the Welsh Government, and I wish him very well in the future. We had a very positive and constructive relationship, and I look forward to meeting Jane Hutt, who has been in touch with my office and we will arrange a meeting in very short order.

I was due to have a meeting with the Government in Wales in December but, as colleagues will appreciate, a combination of whipping



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arrangements in this House and the reshuffle in Wales has pushed that back early into this year, but I am looking forward to it.

At a ministerial level I have regular engagement. Below that, we have the All Wales Criminal Justice Board. We have the Concordat. We have the blueprints. They are all mechanisms by which we can, within the devolution settlement, work to deliver in a joined up way on justice provision in Wales.

Q405 Geraint Davies: Just so we are clear, I know you have mentioned the Brexit problem and the like but, for instance, the Welsh Government have launched a Commission on Justice in Wales last year.

Edward Argar: The Thomas Commission.

Q406 Geraint Davies: Yes. Have you been engaged on that?

Edward Argar: I have met Lord Thomas. I will not prejudge what he is going to say, but I have made it clear that I think it is important that officials from the MOJ should engage constructively with him and he should have access to them, and that dialogue is ongoing.

Q407 Geraint Davies: If in Wales we wanted to do something slightly differently, you will be aware that there isn't a prison for women in Wales and, therefore, Welsh women have to go to Bristol and beyond. Certainly on this Committee there isn't a big demand to have a women's prison as such, but what if people in Wales wanted a provision for women offenders that was more focused on rehabilitation and so on, keeping people close to their families?

You will know there are women who are sentenced for murdering their partners—usually they are basically people who have been abused by those partners—who are thrust away from their family into prison, in essence in another country. If Wales wanted a different approach to basically rehabilitating women in those conditions near to their families, so that the least damage is done to them, would you be open to that or do you want devolution of prisons altogether?

Edward Argar: I am clear that England and Wales remains a single jurisdiction. That is what is in the devolution settlement and that should remain the case. I am also confident that, within the statutory framework that we have already had enacted by this Parliament, we can do exactly what he is saying. He is talking about female offenders, for example. There is considerable scope for operational co-operation but actually what he is asking there about a different way is exactly what the Government's Female Offender Strategy set out in June is designed to do, which is saying, "Prisons should always be an option where it is appropriate but we want to look at alternative ways", so that is exactly what is happening.

Chair: We have strayed on to another question, which is a little bit further on. That is fine. This happens, so I will bring Tonia in on that.



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Q408 **Tonia Antoniazzi:** I have engaged recently with Carolyn Harris, Swansea East, in the SWAN project, which is in Swansea, obviously, and led by South Wales Police and Women's Aid, and it looks after the street workers in Swansea. Many of the women that we have spoken to on this project obviously have drug issues and have been back and forth to Eastwood Park on numerous occasions and, as soon as they come back out, they are reoffending. What we are looking at—this is one of Carolyn's aspirations really—is that we want to have a hub for these people who are in crisis, not just these women. Do you think that local community-based residential units offer a viable alternative to custodial establishments—I believe they do—and are there any plans to build one in Wales?

Edward Argar: It will not surprise you to know that Carolyn Harris has lobbied me on this subject, most recently about two hours ago. You raise a number of points there. I think that the Female Offender Strategy sets out very clearly—and I would emphasise it—that where the severity of the offence justifies it, prison should always remain an option for a sentencer. However, we are clear that we believe that a lot more can be done to assist those women but also to protect communities because often, as we have found, the women who end up in custody are not only a perpetrator; they are also a victim. We need to look at it in a different way, and that is what the Female Offender Strategy does.

I am clear that women's centres within that strategy remain the foundation, the bedrock of our approach. We have them all over the country. I have read about the North Wales Women's Centre and Carolyn has flagged to me her thinking about south Wales. Alongside that, you will see in the strategy the announcement of the pilot of five women's residential centres.

That got the headlines because I think a lot of journalists probably thought that was the new different bit. Jean Corston will probably say she has been saying it since 2007, and she is right. The women's centres remain the bedrock.

In terms of the women's residential centres, I do share your view that I think they can and will provide a viable and successful alternative to a custodial sentence because they will give that support needed. In respect of Wales, I have announced that we plan to pilot five. Officials have explored this already with their Welsh equivalents, something I will be talking about with Jane. I cannot make any firm commitment yet because we are still at the stage of developing those pilots. I would say I very much look and hope to be able to have one of those in Wales, obviously in partnership with the Government.

Q409 **Chris Davies:** This question will relate to the Under-Secretary also.

Edward Argar: So much for the Chairman saying there were few questions for me.



Chris Davies: It is a matter that the Minister mentioned earlier about the drug problem coming into prisons. We have heard various evidence over the course of the last few months but, in your opinion, is there inconsistency not just in the way in which the drugs come into the prisons but in how prisons deal with the drug issue, depending on which side of the border they actually are?

Edward Argar: I will touch briefly on health here but actually, in terms of drugs and the approach we are taking to tackling them at all levels, even shared intel, I think my colleague will touch on that one.

Very briefly on the health aspect, clearly the aim is to stop it happening in the first place and drugs getting in, and I know that Rory will highlight all the work he is doing on that. We do recognise with healthcare provision in prisons that a huge amount of the challenge faced when dealing with people's health is that the problems are complex. People are often at an advanced stage of having health problems and drugs are often one of the main root causes of that. There is a range of approaches to addressing the matter, from cessation through to other medical treatments to wean people off drugs. They are all looked at.

Can we do more? Should we do more around that? Absolutely, we can and we should, and later this year, in concert with the Secretary of State and with the Secretary of State for Health, we are looking to make further announcements around our Offender Health Strategy and our approach to it. I still think that the key factor in this is actually trying to stop drugs getting in in the first place, which as the Committee will know, Mr Stewart is dealing with.

Q410 **Chris Davies:** Before you hand over to the Minister of State, could I ask a question? What relationship do you have with the Welsh Government over this sort of issue, and have you persuaded them to try to take on the integrated drug treatment system that they have in England but we do not have in Wales?

Edward Argar: I have not had any specific discussions with my then opposite number about that. We have had a number of conversations and meetings, mainly, if I am being honest, focusing on the overall operation of the devolution settlement, the Concordat, the blueprint, and around female offenders. I was due to be in Cardiff in December when this matter, among others, would have been on the agenda for my discussions with Mr Davies but, sadly, that did not happen. I look forward to discussing it with Minister Hutt when I meet her. I share your view that those programmes can deliver real value.

Rory Stewart: There are essentially two aspects to drugs. There is the side which Mr Argar has just been talking about, which is in terms of the demand side, how you deal with prisoners, how you get them off drugs inside prison.



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The bit that I have been particularly focused on is the supply side—in other words, how you stop the drugs getting into the prison in the first place. Basically, there are only two ways in which drugs can get into a prison. They can either go over the wall or they can go through the gate, and they only go through the gate in one way: on a person. There are basically two ways of dealing with it. In order to deal with people carrying it through the gate you have to search people very, very regularly, and that has to extend to x-ray searches to actually find things that people are carrying inside their bodies.

The big reform that I am trying to drive through the prison system—I was very surprised when I took over in this job to discover that we do not have airport-style security, is searching every prison officer, every visitor into a prison. That is true in Wales and that is true in England. The first thing I want to do is to make sure that we move to that situation, and you can see the beginnings of that.

I was in Cardiff on Friday and you can see there that they are beginning to run an airport-style security, so people are going to have to go through the beginnings of a gate in order to look for metal. They then put their belongings through an X-ray machine. I want to standardise that across the system on a more irregular basis, because you cannot put someone through a full X-ray machine twice a day; it is bad for their health. You can certainly put them through up to 50 times a year and still remain within the safe levels. We put people through X-ray machines to look at the internal route. That is the people through the gate.

To get it over the wall you can throw it over the wall or you can fire it over the wall with a catapult or you can fly it over the wall with a drone or you can post it.

Post is roughly simple. You put it through a rapid scan where you have fed a copy of the mail to make sure that nobody has impregnated the letter with Spice.

In terms of things catapulted over the wall, you put netting over the yard and, again, we are investing a lot in netting.

As for flying, drones can fly right up to a window, so you need to change the windows because, if you have a broken window, you can stick your hand out of the window, take the drugs off the drone and pull it in.

I think that by doing all of those things together, but particularly the searching, we can significantly reduce drugs in prisons.

Q411 Chris Davies: Is combating the drug issue one of your targets within your 12 months?

Rory Stewart: Yes. It is a very, very important target and it is one that I am determined to show I can turn around. One of the things I noticed when I came into the job is that the drug use in our high-security estate



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was much lower, and I am absolutely convinced that one of the major reasons for that is they have much better perimeter security measures.

Q412 Chris Davies: I wish you well. Can I have a quick one off piste, Chairman, if I may? There are charities such as Care after Combat—certainly, my constituency of Brecon and Radnorshire has a lot of ex-military and current military. Military is very important to Wales. We do have issues, as we all know—not necessarily drugs, but drink, PTSD and so on—where we see our servicemen and women ending up in prison. How closely do you work with those charities and how much value do you put on those charities?

Edward Argar: Very closely. Another part of my bailiwick is junior Minister responsible for veterans within custody and within the criminal justice system. Very closely. There are a number of charities—the British Legion, Care after Combat, SSAFA—with which we work extremely closely. I have met with a number of those. I met with Care after Combat late last year to discuss its work. When I was in Parc one of the reasons I went there was to see the whole prison to talk about the youth offending element of it, but also to talk about the Endeavour unit and the work that is being done in Parc with veterans who are in prison.

We work extremely closely, particularly on one of the biggest challenges we still face, which is how do you identify veterans. At the moment, we are reliant to a large degree on self-identification. There is a range of reasons why some veterans who get caught up in the criminal justice system will choose not to self-identify, either pride because they feel that they have besmirched the reputation of their regiment, their background, or a range of other reasons.

We are working very closely with veterans' charities inside the custodial estate, to try to increase the number of people who may identify to them and maybe not to our officers, but also to give them the support and the mentoring they need to help. I truly recognise and respect the work that those charities do with our veterans.

Q413 Ben Lake: Let me turn to the collection of data on particular prisoners from Wales. Dr Robert Jones from the Wales Governance Centre has conducted some research and has emphasised the importance of having Welsh only data. By that I mean not only where the prisoners have a Welsh address but where they identify themselves as being Welsh. What plans does the Ministry have to go about collecting that data? Could you perhaps elaborate as how one could do that?

Edward Argar: I will start off on that one. I read the oral evidence from Dr Jones and he has done a lot of extrapolation work on it, I think, creating his dataset from FOI data and other different sets.

We do have the data, as you say, at an address level where the previous address when they entered the criminal justice system was a Welsh address. What we do not have is whether people identify as Welsh. Going



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back to the previous question from Mr Davies, there is an element there of self-identification and self-reporting—for want of a better way of putting it—and similarly with some of those who come into prison in terms of Welsh language preferences. We will, on reception, in fact, seek to elicit that information but the nature of it is still, in a sense, information that has to be volunteered.

An address—and, therefore, a Welsh address—you can get. That is a material fact. Identification has to be something that an individual volunteers when asked or volunteers otherwise, so there is a challenge around it. I am not aware of any specific plans to change how we do that. I do take your point, Mr Lake, but I think there is a difference between the two in terms of how easily that data can be obtained.

Q414 Susan Elan Jones: We sometimes hear about crowding when it comes to prisons. We sometimes hear about overcrowding. Are there any objective criteria that demonstrate the difference between the two?

Rory Stewart: Yes. The question between crowding and overcrowding is essentially whether or not we believe that we can safely accommodate a given number of people. You can have a crowded prison: an example for that would be a prison such as Swansea where you have two people—either in bunk beds or on two separate beds—in cells that were originally designed when the prison was originally built for one person but, provided we feel that it is safe and it is within the population limits that HMPPS has agreed and assessed as being safe, that is considered crowded but it is not considered overcrowded.

Touch wood, at the moment we do not have any overcrowded prisons. We currently have 1,800 people fewer than across the nation, across England and Wales fewer than our safe maximum capacity, so we are 1,800 under our safe maximum capacity. Therefore, across the estate we are not overcrowded but many prisons, and in particular prisons in places where you are near a local court and there isn't much else, provision can frequently end up with two prisoners to a cell in cells that would originally have been designed for one.

Q415 Susan Elan Jones: Am I right in thinking that if I was to look up, say, HMP Swansea it would say, "Right, this is the number of people that would mean the prison were crowded. Above this number it is overcrowded"? Are there actually figures there?

Rory Stewart: Yes. In Swansea the CNA, which is the number for which the prison was originally built, is 268 people. The operational capacity, which is the maximum safe number of people you can hold in the prison, is 497. The current population is 388, so we are considerably below. We are about 100 below the operational capacity of the prison but we are about 100 above what would happen if you single-celled people.

Q416 Susan Elan Jones: We have had various people come here to give us evidence, including one Dr Caroline Hughes who is a lecturer at Wrexham



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Glyndŵr University. One thing she said about overcrowding in prisons is that it means there are fewer opportunities for prisoners to be involved in meaningful activities and rehabilitative activity in custody. Presumably the same applies to crowded prisons as well. In view of what you are trying to do with prisoners, that surely is a problem, isn't it?

Rory Stewart: It is definitely a challenge. Across England and Wales in general, we have places for about 65,000 prisoners, or at least the prisons were originally designed for 65,000 prisoners, and we are currently holding 83,000 prisoners by putting two in cells that were originally designed for one. That means that we particularly have a shortage of space for training, particularly education work, and one of the reasons why we are proposing to build six new prisons delivering 10,000 additional places in the cat C training estate is in order to create more space for people to actually get the education and work that they should get.

Therefore, I would agree absolutely with the academic that if I had a lot more money—and this is not cheap: I mean every additional prison that you build. Let's say that you are trying to build a prison for 2,000 people, it will cost you at the moment about £200 million pounds, so to solve this problem, right the way across, to build 20,000 more prison places, you are going into many billions.

Chair: We probably need to speed things up a little bit because we have about 14 questions.

Q417 **Susan Elan Jones:** You have sort of answered what I was going to ask about building new prisons—not in my constituency but literally just down the road out of it is HMP Berwyn, which of course is a new prison—but do you have any comments about the size of different prisons?

Rory Stewart: This is a big debate within the world of prisons, not just in this country but across Europe and America. The advantage of a small prison is it can often be easier to manage and control, like a small school. In fact, to be honest, the arguments on prisons are very similar to the arguments on schools. A big prison, like a big school, can often have many more facilities. It has much more economies of scale. It can perform far more functions, but it lacks the intimacy and the close management control that you can get in a smaller institution.

Q418 **Geraint Davies:** Regarding the overcrowding you have mentioned, the 80,000 and 65,000 places, would you agree that the other issue is that, in order to have the right people in the right places within your capacity, you have to continuously move prisoners about, which leads to discontinuity of education and breaks family ties locally that leads to reoffending that increases the population of the prison?

Rory Stewart: Yes, managing prison movement is very complicated and you are absolutely right: in an ideal world you would keep a prisoner very close to the place where they live but that needs to be balanced against two things in particular. One of those things is making sure that they also



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get the appropriate prison for their type. If you were a terrorist offender, for example, you would have to go to a high-security prison and there is very unlikely to be a high-security prison next to the place where you live. If you wanted to have extensive training opportunities you probably need to go to a specialist cat C trainer. If you are a sex offender, you would probably want to go to a prison that specialised in treating sex offenders. That is the first issue.

The second issue we need to deal with is that we occasionally need to move prisoners because of problems of public order. Prisoners can get into fights with other prisoners. There can be gang-related issues. You do not necessarily want to keep an organised criminal gang boss from that area in that area. It is often a smart move to move them across the country.

Those two things need to be balanced against the advantages of keeping someone close to home.

Q419 Tonia Antoniazzi: What factors does the Government consider when building new prisons?

Rory Stewart: The first thing is how many places we need and, secondly, what type of place we need. For the big shortage, how many places do we need? Well, ideally, to eliminate overcrowding entirely we would need 20,000 more prison places. It is not just how many places we need today. It is our projection going into the future. We assume therefore that—unless you suddenly had a Government that wanted to change sentencing policy—the prison population is likely to continue to rise.

The prison population today is about twice what it was in the early 1990s. It has gone from about 40,000 to 80,000. The second question is the type and, as I say, the big gap we have at the moment is training spaces—enough spaces where you go to do three to four years focusing on your education and work as opposed to local prisons, like Cardiff or Swansea, where you tend to go on remand or straight from the courts for a short period before you move on.

Q420 Tonia Antoniazzi: There have been contradictory statements from the UK and Welsh Governments as to whether the Welsh Government ranked their preferred sites for a new prison. Can you clarify the situation about these sites?

Rory Stewart: We need desperately more prison spaces in England and also in Wales. There are Welsh prisoners being held in England. There are English prisoners being held in Wales but, more dramatically, if you look at the Welsh prisons some of these prisons—in particular, prisons like Swansea—are significantly crowded. We need more capacity and that is good for the reason that Mr Davies pointed out, which was to allow us to hold more Welsh prisoners closer to home.



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However, in order to build a prison, in particular to deliver the training places that we desperately need, we need to find a Welsh Government and Welsh communities that would like to work with us. The challenge is this: communities that have prisons on their doorstep often have a very positive view of them. They provide good, stable employment for prison officers, and people are very proud to work in prisons. But often communities that have never had a prison are understandably a little bit apprehensive about having one on their doorstep.

Q421 Tonia Antoniazzi: The apprehension in my constituency about the potential of Felindre was that there are not the transport links and also the category of the prison. Further to that point, have there been any meaningful discussions with the Welsh Government regarding a new prison in Wales, and what progress has been made since the announcement that the prison would be built in Port Talbot? Where are we now, Minister?

Rory Stewart: We had extensive discussions around the Port Talbot issue. Stephen Kinnock MP was very strongly opposed to the building there, and the Welsh Government eventually decided to sell the land on which we were proposing to build the prison, so that is no longer a viable site. We no longer have an option there. Having thought that we had an agreement with the Welsh Government to proceed there, that agreement has gone, so we now have to look for an alternative site in Wales, which would not be Port Talbot.

Q422 Tonia Antoniazzi: Right. Is there any further news on that?

Rory Stewart: No. We are proceeding now slowly and prudently. We do not want to repeat the experience of Port Talbot where we decided to go somewhere and suddenly found there was a strong community objection to it. We are looking for communities that see the point of it, want to engage with us and would welcome our investment.

Q423 Tonia Antoniazzi: You will be working with the Member of Parliament for that area?

Rory Stewart: Absolutely.

Tonia Antoniazzi: Thank you.

Q424 Chris Davies: Following on from that, Minister, a chief inspector told us that Welsh prisons have shown some deterioration and no longer score higher than English prisons. Is that something you acknowledge and, if so, why have Welsh prisons deteriorated?

Rory Stewart: There was a patch in August 2017, for example, with Swansea where they did get declining inspection reports. Our internal sense now is that the Welsh prisons have turned around and are performing better than their English comparators, so we are relatively confident internally that if Her Majesty's Inspectorate of Prisons were to turn up in Cardiff or Swansea now, they would get a better inspection than they did last time.



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Why is that? It is partly because we found, particularly in south Wales, that we have a very loyal, dedicated prison officer workforce. We have found recruitment relatively easy. Our retention is going better than the national average. Our staff sickness days are relatively good. Our violence is below the national average, so we have a positive view at the moment of Welsh prisons.

Q425 Chair: Minister, there have been a worrying number of deaths and self-harm incidents in Welsh prisons. Could you say why this is and what is being done to try to tackle it?

Rory Stewart: Yes. It is a horrible tragedy. It is a horrible tragedy in Welsh prisons and unfortunately it is a national problem, because the number of self-harm and suicide incidents has been very high. We succeeded last year in nearly halving the number of suicides, so if you compare 2017 with 2018—and actually the number of suicides has risen slightly since then.

How did we do it? We did it by introducing something called the ACT process. The ACT process is a trained assessment process whereby a trained professional—usually a prison officer but it could be a civilian—sits down with a prisoner, conducts a very detailed assessment and continues to keep that individual under supervision as long as that ACT process is open. That could extend to visiting them as frequently as every half an hour to check that they are okay. I am going to hand back to my colleague who specialises in health.

Edward Argar: Rory highlights the work that is being done. I would say, as he says, that every death in custody—be it self-inflicted or natural causes—is a tragedy and we take that very seriously. Every death in custody is reported to me, including the details, within hours of that happening; that is the level of concern we have about it.

There was I think a point made—and I cannot remember whether it was Amy Rees in her evidence or whether it was the Director of Parc who did sound a slight note of caution about the interpretation of statistics around self harm. I think she cited that, for example, in the period leading up to her evidence, 50% of the incidences of self-harm in her prison were down to 10 individual prisoners.

The only thing I would say is, within the context, of course, every incident is extremely important and something we are working very hard to tackle. I would sound a note of caution about the interpretation of statistics—incidences versus individual numbers—you can have some people who are very, very troubled who do self-harm themselves.

The other thing I would say, which I think was also raised in the evidence in your September session, Chair, was that the terminology around self-harm can cover everything from a ligature, an attempted self-inflicted death, through to a relatively minor self-scratching of the hand or the arm, so again there is an interpretive point. That is not in any way to



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downplay the significance of it and the work we are doing, but I just sound a note of caution about the statistical interpretation.

Q426 **Chair:** On a related matter, there was a widely publicised case in the press recently where four women were sexually assaulted by a trans woman prisoner who had a male body. What lessons have been learned from this to ensure that something like that can never happen again?

Edward Argar: There are a number of issues, and I don't know if I am referring to the same case as you are, Chair, but the Karen White case—

Q427 **Chair:** How many are there?

Edward Argar: The Karen White case is the one I am thinking of but I just wanted to check that.

We looked at both the circumstances of that individual case internally and what happened, and at the Prison Service Instruction 17/2016, which is about 58 pages and is the instruction on how HMPPS deals with transgender prisoners, where they are allocated and how they are looked after. We have looked across the estate as well to check that that is being complied with more broadly.

As I think Amy Rees set out in her evidence, that sets out that the starting point is birth gender and then there are a whole range of other factors, including acquired gender, the Gender Recognition Act 2004, the Equalities Act 2010, which will then be put to a joint case board with medical professionals, psychologists, prison officers and others to whom the case history will be given. They will make a judgment on where is the most appropriate place for those prisoners to be sent.

If I can just finish the point, Chair, in that broader context, it will probably not surprise you to know that, following that particular case, I and the Secretary of State are looking at the content of that Prison Service Instruction and its application.

Q428 **Chair:** Is that 58-page Prison Service Instruction available? Is it something that you could send us a copy of for us to look at?

Edward Argar: I will check with officials, sir, but I am sure if it is possible I will have it sent to you this week.

Q429 **Chair:** We will probably write and ask formally. Thank you for that.

Edward Argar: Yes, fine. Thank you, Chair.

Q430 **Jack Lopresti:** Violent incidents have increased dramatically in Welsh prisons, so why has this culture been allowed to develop?

Rory Stewart: I think there are three main drivers of violence in Welsh prisons. One of them is new types of drugs, the second is the staffing numbers, and the third is staff and training and culture. Particularly drugs like Spice seem to be generating very bizarre new types of aggressive behaviour. Some of that is directly the effect of the drug on the receptors



in your brain. It triggers you to be aggressive. Secondly, you get drawn into debt from drug dealing in prison. That then in turn contributes to violence within the prison, so cutting down on the drugs will have an effect, I believe, on the violence. In fact, if you look at the data generally, the prisons that do worst on drugs are also the prisons that do worst on the violence side.

The second problem has been around staffing numbers, so we have begun to recruit many more prison officers. We currently have nearly 5,000 more prison officers than we had in 2014 and that is beginning to make a real difference. It makes a difference in terms of just having the support in the wing if an incident happens, but it also means a prison officer can develop a better personal relationship with a prisoner because the key to safety in a prison is the right type of relationship—respectful, knowing the person and, in the end, as with a good teacher, having the respect of the prisoner—which leads to safer prisons.

That brings me to the third point, which is staff culture. There are a lot of new prison officers in the system, partly because we have had to recruit a lot of new prison officers. Many of them no longer come from the military and backgrounds like that, as they would have done formerly. We used to have nearly 50% of our prison officers out of the military 20-30 years ago. Now many of these people will come from working in gyms or they will have come from even work in retail into prisons.

A lot of focus has to take place on behaviour management, which is making sure that if you reduce violence in prisons you have to challenge low-level, disruptive behaviour. Making sure that a prisoner does not swagger into your office and take a pen off your desk without asking is vital if you are then to prevent the next steps towards violence. That is at the training college. That is setting up a staff college, but it is also sending a standards team into these prisons to work with prison officers to really make sure that they are getting the basics right.

Q431 Jack Lopresti: If a prisoner commits a violent act and then ends up going through the judicial process, would it be fair to say that there is a difference between the sentences received for a violent act committed by a prisoner or somebody outside, for instance? How does it work?

Rory Stewart: We have just, as the Government, supported changing the law, so an assault now on a prison officer will get twice the maximum sentence that you would get for assaulting you or me. We think that is very important to put down a very clear message that these people protect the public and that we should protect them. The next question is how often do the Crown Prosecution Service and the police actually work together to bring those prosecutions. It is fine having the law in place, but are we getting those prosecutions? There, the close working relationship with police is absolutely vital, trying to encourage police and crime commissioners to place police officers into prison, not to focus on intelligence work but specifically to focus on crime in prison so that they



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have the evidence chain. They can present the case and they are more likely to get a conviction.

Q432 **Jack Lopresti:** What about a violent act on another prisoner between two prisoners?

Rory Stewart: That would be a common assault. One of the challenges culturally is there have been times when the police and the Crown Prosecution Service in the past have argued that there isn't as much of a public interest in prosecuting a prisoner-on-prisoner assault as there would be an assault out in the public. We have to challenge that culture because I believe violent, unstable prisoners in the end endanger the public. It is short-sighted to think that you can—

Q433 **Jack Lopresti:** Within the running of a prison, how do you hold the staff or the management accountable for changing or managing a culture of violence within some institutions?

Rory Stewart: The first thing is we have a very clear monthly dataset that comes to us on the number of assaults per thousand, so I can immediately see, and I have examples of some of these spreadsheets here on the Welsh prisons. This funny kaleidoscope of red, green and orange represents our monthly data. A lot of that data focuses on violence. We track month by month whether violence is going up, is it going down, and how high is it against the national average.

Probably, as you would imagine, the most important question is the trend: whether this thing is going up or down. If we find that the trend is going in the wrong direction, it is very important to immediately get back into that prison and emphasise to the prison governor that combating violence is the No. 1 priority, that we want prisons that are safe for prison officers, safe for prisoners, safe for families and that unless you have a safe prison you cannot do any of the other stuff.

If they are not succeeding in doing that—and an example would be Berwyn—we have to step in. We have to get rid of the governor, supplement the senior management team, and bring in an additional team until we restore it.

Q434 **Jack Lopresti:** There are no worries of that degree at the moment for Welsh prisons?

Rory Stewart: For Welsh prisons, no.

Q435 **Jack Lopresti:** There was a funding boost announced specifically for tackling prison violence. What are the timings on that and when do you think you will start to see a tangible benefit from that funding going into the system?

Rory Stewart: I am hesitant because we have had a problem with violence rising every year for the last five years, so a Minister who goes out and puts his head on the block and says, "I am going to reduce violence" is taking a risk, but my sense is that by focusing on three



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basics, which are perimeter security on drugs, decency and cleanliness in prisons, and staff culture and behaviour, we should be able to turn that curve. I would expect that, by August of next year, within our 10 most-challenged prisons you will begin to see that graph coming down.

Q436 **Chair:** Right, I think we are all going to have to be quite strict now because we have a few more questions but the time is ticking away, so a very quick one from me, which is that we have heard concerns about recruitment and wonder what you are doing, Ministers, to increase recruitment and also retention of staff.

Rory Stewart: Recruitment is not a big problem in south Wales. It is more of a challenge in Berwyn. In south Wales, we have had a great deal of success in recruitment. Our retention rates are much better than the national average. If I take as an example the resignation rates in Swansea 12 months to 30 September 2018, it is 0.6% compared with a national average of 6.5%, so it is 10 times better than the national average.

There has been much more of a challenge around Berwyn. That is partly because it is a brand new prison, so we are having to recruit from scratch and if you are recruiting people into a brand new prison, by definition most of your officers are new, and by definition a proportion of them will go into it and not like what they see. I mean it is always the case that somebody who has never been a prison officer before does not really know what to expect, so some of them will actually leave. Some of them will leave because they suddenly take on board the reality of a very challenging job. Some of them will leave because they have other employment to go into.

In Berwyn we have had to, therefore, supplement the normal national recruitment campaign with additional money and invest it in local radio and online, and we are beginning to get the numbers up.

Q437 **Chair:** One of the concerns we picked up was about the loss of experienced staff and too many less experienced prison officers as a proportion. Is that something that you are aware of?

Rory Stewart: Yes. It is a major problem, and because it is a major problem we have to change our approach to training. In the past, you learned on the job. In the past you would come in and you would maybe turn up on a wing where you, as a new prison officer, would have seven colleagues who had been there for 10 or 20 years and you would learn your jail craft over nearly a decade. A lot of it was just through watching them.

We are now moving to the situation where increasingly you will turn up and 80% of the prison officers on your wing will have been there for less than two years. You are no longer going to be able to run a system where you just watch older, more experienced officers and learn on the job, so we have to invest in the upfront training and the training in the prison



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and making sure that people are right at your shoulder for those first few months, watching you do the cell inspection, watching you talk to prisoners so that we can really accelerate how quickly you have to learn.

Q438 Susan Elan Jones: I will ask two questions fairly succinctly in one. I would like to ask about the, I think, more than 2,000 offenders with a Welsh address who are serving sentences in England and whether you think that is a problem for the criminal justice system. As a north Wales MP, I am conscious that if there were was a prisoner in my area who was serving a sentence in south Wales that would be no good for them either, so can you tell me a little bit about why so many prisoners are still located a long distance from their community?

Rory Stewart: A fundamental reason is that, unfortunately, as we discovered in Port Talbot, Welsh communities are still quite reluctant to build new prisons and unless we have more prison space we are going to end up in a situation. As I say, we can crowd, and have crowded, a prison like Swansea, up to 497, but there is a limit to how many prisoners we can hold safely, so they have to be moved.

The second reason is the reason I referred to in answer to Mr Davies, which is that there is specialist profession particularly around the high-security estate and the training estate, which does not exist. High-security does not exist at all in Wales. Training places are very limited in Wales.

The third reason why you might move someone is to do with order problems within the prison, particularly criminal gangs, particularly relationships with other prisoners which might force you to move them but, yes, you are right in general: having people closer to home is much better for resettlement.

Q439 Geraint Davies: I want to ask about current probation programmes in Wales; they are not reaching their rehabilitative aims. How might you explain that, and is it anything to do with privatisation of the probation function and the fact that salaries for probation workers have not gone up even in line with other civil servants?

Rory Stewart: There are challenges around probation. Wales is a little bit different from England, because our intention in Wales is now to bring probation back into Government. In England there will continue to be a split between the national Probation Service, which is the Government, and the community rehabilitation companies, which will be done by the private sector.

In the future, if you were to turn up in Wales in two years' time, this will all be back with the Government again, so effectively a sort of renationalisation would be taking place in Wales. This is partly because we think this works better with the devolved institutions. It is a smaller, more compact set of services and we think that the way that we are going to do it in Wales is to make sure the Government does the



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assessment, and if there is any contracting out—for example, to a charity to deliver a particular type of mental health treatment—it would be the Government doing the assessment, defining the need and then contracting out.

We think that that will lead to significant improvements but, in general, probation in Wales is characterised by more experienced staff that have been in longer than in England. There is more depth of experience in the Welsh Probation Service at the moment.

Q440 Geraint Davies: What have you learned from the Transforming Rehabilitation programme and would you have done something differently if you were starting from scratch?

Rory Stewart: The first thing that we have learned from Transforming Rehabilitation is the general challenges of Government undertaking big transformation programmes of any sort. This was a very ambitious programme. It was always going to take some time to settle in. I think some of my predecessors may have—potentially, I do not know—not emphasised enough the fact that, if you are going to make a change of this sort, it is going to be two, three, four years before you really work out whether it operates or not. It is very difficult to judge early, because you are setting all these new companies up.

The second thing I think that we have learned is that it is not good enough to have a single indicator on which you reward performance, so the idea of Transforming Rehabilitation was that you had performance-related pay. Performance-related pay said, “If you reduce reoffending and binary and frequency rate by X%, you will be paid. If you don’t, you do not get paid”. It seemed on the surface very straightforward. It focused on an outcome rather than input and, theoretically, it was going to drive change.

In practice, what we discovered is that these companies were not able to reduce reoffending in the way that we hoped. Why? Because actually these companies do not control all the things that affect reoffending; they do not control housing; they do not control employment; they do not control mental health treatment. You are therefore judging these people and their ability to reduce reoffending but they only have about 10% of the picture under their own control. I would favour, and we are consulting on this at the moment, that in future we do not try to measure probation purely on the single indicator of reducing reoffending. We try instead to put in many more complicated things that we expect them to do, of which one of the most important is protecting the public and keeping control of these people.

Q441 Geraint Davies: On the general issue of an integrated approach across the public sector, we have heard problems of prisoners setting up Universal Credit accounts while in custody. Are you in dialogue with the DWP to ensure they can set it up in prison?



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Rory Stewart: Yes, we are. The problem on Universal Credit historically has been that in order to apply for UC you need an email address and the application is made online. You cannot currently access the internet from within a prison. The only access is extremely limited. We have very limited pages you can get to under supervised terminals so we have had to work around that and we have run three trials in three different prisons with the DWP, trying different approaches.

The most positive approach I have seen so far—and we will get the results by the end of February and then we should be in a position to roll it out in March, and to prioritise Wales on this—has been effectively for DWP to go into the prisons with a set of laptops that can only access the Universal Credit website so the prisoners cannot muck around and get into other websites. They put them in a room, supervised—six prisoners and one DWP work coach—get them to fill in all their details and register, so when they leave prison they can turn up very quickly and start getting their UC payments.

Q442 **Geraint Davies:** The criminal justice system basically consists in the main of men committing offences and alongside that women pay an equal amount in terms of tax towards basically rehabilitating and incarcerating violent, dangerous and criminal men. Do you think there is a case to be made that more of the public purse is spent on women in terms of protecting them from domestic violence or refuge centres or the sort of rehabilitative centres we have talked about as an alternative to women's prisons so the people who are paying the money get some of the benefits and support families?

Rory Stewart: It is a very interesting point. Nobody has pointed that out to me before but you are absolutely right. Women are disproportionately paying tax to look after male criminals. That is true and there is a gender issue there but I defer to my colleague.

Edward Argar: I would simply agree with my colleague and I would also say you are right about the broader agenda there. There is a lot of work being done not just within Female Offender Strategy within the criminal justice system but across the Home Office and across Government about investing more in services, not only to deal with female offenders but to support women who are victims of domestic abuse and domestic violence. Just before Christmas, for example, I was able to announce an uplift of 10% in funding for all rape centres. We are doing that as well alongside this but you make an interesting point, Mr Davies.

Q443 **Chris Davies:** During our evidence sessions we have taken evidence and heard concerns on the influence of gang culture, particularly in Parc Prison. This question may relate to Minister Argar, perhaps. The gang culture has been coming in from England primarily into Wales and causing this issue. What are you doing to tackle this problem?

Edward Argar: There are a number of factors there. You are absolutely right to highlight it. The YOI at Park is rated as reasonably good. It is a



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very small unit in the middle of a very large male prison so if you look at it theoretically you would think it would not work, but it works extremely well. There are a number of reasons why it does.

In terms of that gang culture and those challenges coming in, there are a number of factors at play. One is that in reducing over the past five or 10 years the number of young people under 18 who are being sent to prison, you are coming down to a concentrated cohort of young people who have committed quite serious offences to attract that custodial sentence. A large number of those offences, and I go through the list and the breakdown, are crimes of violence or crimes involving a bladed instrument et cetera, often linked to drugs. You have a cohort there that is a much more challenging cohort than perhaps you would have had in the past, concentrated in a very small unit.

Linked to that you often have—and I know this has come up in some of the Committee's deliberations—non-Welsh young men there from London or in some cases from the south-west and around there. In part, that is because of the reasons Minister Stewart has highlighted, that sometimes moving people around can help disrupt existing networks and also help reduce levels of violence by making sure young person A is not put in the same unit as young person B with whom they have an ongoing feud from their gang or violent past.

It is a huge problem. I went to Parc last week and the Director there was talking about how she and the unit head approach this by very targeted intervention. It is a small unit. I think it is about 65 places and at the moment it is at about 35 occupancy, give or take. There is the scope there to work quite intensively with those young people. There is an element of intelligence needed to know who cannot be with who and how to manage what is going on. The gang affiliation when someone comes into prison is often not, you will find, the same gang affiliation four weeks later because they may well have changed affiliations, given the changing internal dynamics of that group.

It also comes back not just to the work that has been done but to the work that Minister Stewart and his teams are doing around stopping drugs getting into prison. Drugs are a lesser problem for young people under 18 than they are with the adults. There is still an element of an issue there. Part of it is that this cohort is concentrated and a relatively violent cohort in the nature of their offences. That said, we are still achieving inspection ratings of reasonably good in part for the YOI and we continue to drive that forward.

Q444 Chris Davies: We are concerned about Welsh prisoners in this particular inquiry but are you receiving applications from around the country? Is it quite common practice?

Edward Argar: It is. There are different situations. In the youth justice system, there are three elements. You have the YOI—the Young Offender Institutions—you have the Secure Training Centres, and the Secure



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Children's Homes. I have been round all the YOIs and STCs in my portfolio and I have been round some of the Secure Children's Homes. You are normally looking at the YOIs where this is the biggest problem and yes, it is a challenge across the estate. Feltham, we have challenges around that.

In part it comes down to that you have a smaller and concentrated group of young people who have committed, by and large, serious and violent offences and because the numbers have come down, you also have a relatively small youth estate so YOIs and STC are seven in total across the country, eight if you include the unit within Parc. That does present problems because you are putting young people in a small number of places. Do not underestimate their networks and the fact there is a very high chance they will know someone they will have had a feud with.

When I was at Feltham I witnessed with the Governor the aftermath of a fight that had to be broken up. In the nature of some of those young men's psyches and how they think about things and behave, and in the nature of that confined environment, something that for you or I would be relatively trivial escalated into a fight. It is as simple as two lads playing table tennis, one watching, one slips on some water, a third one laughs and gets punched in the face for it. That is the nature of the reaction sometimes among some of those young people. We are working very intensively to help address that in terms of tackling behaviour and trying to move them on to constructive outlets around rehabilitation, education and learning.

Q445 Chris Davies: Finally, the police in my part of the country have been very strong and very good in executing the issue of county lines. Because of that tremendous operation they have undertaken, has that caused an extra problem on this issue in the Prison Service?

Edward Argar: No. County lines and some of those who will be arrested and convicted and imprisoned for activity around that will be some of those people I was just talking about. Some will also be victims as well as perpetrators because with cuckooing and similar approaches taken around county lines. With county lines we are recognising that just because we as politicians or Ministers see a border on a map it does not affect the way some of these county lines operate across the English-Welsh borders. We have just developed county lines practical guidance for YOTs, HMPPS and practitioners that we have circulated to the Welsh Government and we are looking to get their comments back shortly. We want to develop that in partnership with them to make sure the borderline does not feature in the minds of the criminals. It should not feature in how we operate so we want a joined-up approach so we will be building that good work.

Q446 Susan Elan Jones: Just before Christmas some of us visited HMP Styal and we were fascinated by what we saw and thought there were some very interesting and positive things there. We were intrigued to speak to five Welsh-speaking prisoners, especially so since we were told there was



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only one Welsh-speaking prisoner on the estate. That led us to feel the data on Welsh-speaking prisoners was not particularly good and I am conscious as well that the Welsh Language Commissioner, when she came to give evidence, said she was not assured as to whether the Prison Service has accurate data on Welsh-speaking prisoners and prison staff. What can be done to improve that?

Edward Argar: You are absolutely right to highlight that issue. As part of my Christmas preparation and reading for this Committee, I read the Welsh Language Commissioner's review. It was fascinating. There was a lot of good practice in there, particularly what was going on at Berwyn and some of the initiatives there. From what she said, it came out that that was patchy and there was clearly a difference, notwithstanding the 1993 Act. There is a difference in what is available in Wales given the additional laws passed by the Welsh Assembly as opposed to, in particular, the case of female prisoners, given they will have to be sent to a prison in England; what they may access that will be patchier.

We seek to identify when an individual comes into the prison system whether they are Welsh-speaking and what their preference is. Understandably it is easier in Berwyn to have Welsh-speaking staff than it is in somewhere like Styal—it is not impossible—but there will be an ease of recruitment in Berwyn and when Amy Rees was talking about this she stated there are more Welsh-speaking staff in a number of prisons in Wales than there are prisoners who identified as being Welsh-speaking. That is not an excuse on this. HMPPS, as you are aware, is currently revising its Welsh language scheme and we are hoping to publish the updated scheme for consultation this month, with an aim to publish it formally in April of this year.

I hope that within that we will be able to encourage greater identification and self-identification because there sometimes has to be an element of that as a lot of Welsh speakers are also English speakers. They may choose not to identify as Welsh speakers if they are in an English prison. We want to encourage them to do so and we do encourage them to do so in interactions with staff but also within that new language scheme see what we can do to improve Welsh language services not just in Wales—they are good but they could be better—but certainly in English prisons, particularly for female prisoners.

Q447 **Susan Elan Jones:** You have already answered what I was going to ask in terms of whether it should be considered whether someone is Welsh-speaking in terms of the process of placing prisoners. One thing I would like to suggest is there are a lot of Welsh speakers who, because they do not write Welsh very much, are very reluctant to identify themselves as having a Welsh language preference. It is something Welsh Members of Parliament in areas where many people speak Welsh find is a constant thing, whether it is dealing with the tax office, the DWP or whatever. I would be grateful if you could keep that in mind.



Edward Argar: Absolutely. There are two very good points on that. In terms of placement you are right. Minister Stewart addressed the point that closeness and proximity to home is a factor, but it will not be the only factor when the placement is considered. There are a number of other factors and in terms of identification and overcoming that, it is not always, but in some cases, probably a not dissimilar barrier to the one we see in the case of veterans. In some cases, a person will be reluctant for a variety of reasons to identify oneself as being a veteran or being a Welsh speaker. We can learn, though, from some of the work being done at Berwyn and elsewhere that even if someone may not feel they can identify upfront, when they see what is on offer, for example with work being done at Berwyn around social use of Welsh, that will make people comfortable and people may well be willing to come forward further in the process. I think there is a whole lot we can do around that to make them feel comfortable in asking for that.

Q448 **Chair:** When will see a copy of this draft scheme?

Edward Argar: As soon as it is available for consultation I will ensure it is sent to your Clerk, Chair, and I am also happy—if I can just confirm, my officials will liaise with your Clerk—to send you that Prison Service Instruction, and we will liaise on how.

Chair: Fine. I will close this session now. I might put on record that I think all the Committee members have been very impressed with the quality of evidence given by Amy Rees. She has been very good. There were some very good answers from her, if I may pass that back.

Edward Argar: We will convey that.

Chair: I call this session to a close. Thank you very much indeed, Ministers.