

David T. C. Davies MP
Chair
Welsh Affairs Committee
House of Commons
London SW1A 0AA

19 February 2018

Dear David T. C. Davies,

The Howard League for Penal Reform welcomes the opportunity to respond to this important inquiry on prison reform.

Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.

The Howard League works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.

Due to the breadth of the inquiry, this submission does not attempt to answer all questions posed, but instead focuses on the areas in which the charity has the greatest expertise. The Howard League would welcome the opportunity to provide further information about any of the recommendations, points and examples below.

Summary of recommendations

Wales should pursue a bold, distinctive Welsh approach to prisons and probation which rejects the failed policies being pursued by the Ministry of Justice. This should be an increasingly devolved, community-centred approach

There should be no new 'super-prison' built at Port Talbot or anywhere else in Wales

There should be no women's prison built in Wales, nor any women's wings appended to existing prisons

Any available justice funding should be diverted towards funding women's centres in Wales that deliver court sentences, to address the failures in current community provision

1. The need for a distinctly Welsh approach to the prison crisis

- 1.1** In the face of the crisis in the prison system, there is an opportunity to be bold and develop a distinctive Welsh approach which rejects the failed policies being pursued by the Ministry of Justice. As a nation with its own leadership and culture, Wales should be focused on developing Welsh solutions to Welsh problems.
- 1.2** The prison system in England and Wales is under multiple pressures. The prison population is rising while safety issues reflect a state of emergency, with self-injury and violence hitting new record highs each quarter. Understaffing continues, with smaller numbers of experienced officers now supporting an increasing number of inexperienced new hires, while chronic overcrowding persists.
- 1.3** These failures are not containable within prison walls and cannot be viewed in isolation. Like healthcare or housing, prisons need to be considered in the context of a broader system with which people have different types of contact over time. The failure of community provision is feeding the prison problem and this is particularly acute in Wales. This was highlighted in HMI Probation's recent thematic report which observed that "enforcement had the effect of compounding rather than lessening the sense of a revolving door between prison and the community." Unless prisons are considered in context, the wrong decisions will be reached.
- 1.4** The Westminster government's response to this web of issues is to try to build its way out of the crisis. The policy of building new prisons and adding residential blocks is a flawed approach. As we have seen in recent decades, building places does not solve the problems. Instead, the prison population tends to expand to fill the places often even before they are built in response to government announcements of the expansion programme.
- 1.5** Wales should not be functioning as a penal colony dealing with the English problem of overcrowding and a Westminster government which has, under successive political stripes, failed to manage demand on its prisons. In a climate in which the focus is on the provision of places, there is a risk that Wales becomes an easy safety valve with which to relieve the pressure on a creaking system. Building in Wales takes advantage of relatively cheap land and labour to increase prison places in a location that, no doubt, feels sufficiently distant for many Westminster-based decision makers. However, passing on the problem will not solve the root issues facing a whole system which instead needs to be looked holistically. Crucially, it is also not in Wales' interests.
- 1.6** We welcome the committee's focus in this Inquiry and will address three issues in particular in our response. First, we discuss the problems with large, shoddily built prisons like Berwyn prison, Wales' overall prison capacity and what this suggests about the plans to build at Port Talbot. Second, we address the question of women and the prison system in Wales. Third, we discuss the need for Welsh solutions to Welsh problems.

2. Considering Port Talbot, reconsidering Berwyn: Large prisons and prison building

Issues with 'super prisons'

- 2.1** There should be no new 'super-prison' built at Port Talbot or anywhere else in Wales. Almost all research into the size of prisons concludes that smaller prisons have better outcomes than larger ones, both for prisoners and communities. Smaller prisons are very often more effectively run, have lower levels of violence, better staff-prisoner

relationships, a greater focus on resettlement and better facilitate contact between prisoners and their families (for example see National Audit Office, 2013; HMIP, 2009; PRT, 2007 among others). The largest prisons in the estate are characterised by low staffing levels, inexperienced staff, and inadequate levels of purposeful activity – prisoners are simply warehoused. The Howard League recommended against the building of Berwyn for all of these reasons.

- 2.2** When Berwyn is full it will force almost all the men to share cells. The cells have an open toilet which means that men have to urinate and defecate in front of their cell mate. The cell ventilation is very poor. The paucity of activity places will mean that around 1,000 of the men will have to be locked in their cells for most of the day once the prison is full. Enforced cell sharing contravenes United Nations guidelines.
- 2.3** Recent reports by Her Majesty's Inspectorate of Prisons and the IMB, as well as responses to Parliamentary Questions, have demonstrated that Berwyn prison is facing problems as predicted, with the costs falling on the community. Since it opened in Spring 2017, police have been called to the prison on average more than 13 times a month. There have been 626 adjudications and 17 fires. By the end of 2017, 27 members of staff had left. Ministry of Justice statistics released in January 2018 show that there were 105 recorded incidents of self-injury between the time the prison opened and September, 16 of which required hospital attendance. Despite the prison being newly built, issues in January 2018 meant prisoners lacked heating and hot water for several days.
- 2.4** These problems have occurred despite HMPPS learning certain lessons on the opening of Oakwood and slowing the introduction of prisoners to Berwyn. The prison is currently holding less than half the prisoners it is designed to hold and the committee should consider the scale of the problems that may be presented once Berwyn is full and operating as the second largest prison in Europe.
- 2.5** These results are not an accident; they were foreseeable results of building a 'super-prison'. The same should be anticipated if plans to build a 1,600 place prison at Port Talbot are allowed to go ahead.

The risks and costs for Wales of building another 'super-prison'

- 2.6** Building prisons located in Wales is no guarantee that these prisons will house Welsh prisoners. Recent developments at Berwyn prison demonstrate this. Six months after it opened, only 42 prisoners of a total 548 were from the region; the majority of prisoners were from England. As the prison has been filled with people, the number of English prisoners held in Wales has increased rapidly. Figures published in response to a Parliamentary Question in February 2018 showed that 1,256 prisoners with a recorded address in England were being held in Welsh prisons.
- 2.7** The new prison planned in Port Talbot would hold up to 1,600 prisoners. Cardiff University estimates that that will lead to 2,400 surplus prison places across the Welsh estate. Building it would mean that Wales would be left with a huge and expensive prison, predominantly housing English prisoners, along with the added responsibility for providing resettlement services and support for thousands of former prisoners on licence every year.
- 2.8** The economic and employment benefits of a prison at Port Talbot have been repeatedly highlighted, but would be unlikely to materialise. When a new prison is built, local people receive a very small proportion of the jobs available and many of these are

temporary. Several academic studies from the United States undermine the assumption that prison development in fact drives economic development, as outlined by Robert Jones from the University of South Wales in 2014.

2.9 Moreover, any benefit needs to be assessed in the context of what happens to other prisons in Wales. When proposals were announced for a new prison at Port Talbot, it was said that it would create approximately 200 jobs. This means that if Swansea and Cardiff prisons were to close, in keeping with the UK government's policy of closing old prisons, there would be a net loss of roughly 400 jobs.

2.10 There may be no other area of public policy where Wales is treated in such a high-handed manner by the UK government as in the operation of its penal system. Just as Wales never asked for the part-privatisation of its probation service, neither did Wales require the second largest prison in Europe, but Berwyn was built anyway. Wales should now defend its own interests and resist the building of another super-prison on Welsh land.

3. Women in Wales: Many risks and an opportunity

The opportunity offered by expanding women's centres

3.1 If there is capital and revenue funding available in the justice budget, it should be diverted to where it would have most impact for the women themselves, their families and the community. There is no women's centre in Wales that delivers court sentences and this should be rectified. A network of women's centres would reduce crime, protect victims, change lives and keep families together. It would also be good value for the taxpayer. The Ministry of Justice evaluation of women's centres in England shows that they reduce reoffending and support women into leading law abiding lives, employment and stable families.

3.2 HMI Probation's recent thematic report on enforcement and recall notes that Community Rehabilitation Companies (CRCs) have "very limited access to appropriate women-only provision". The funding for delivering sentences should therefore be diverted from the CRCs to women's centres.

The risks of sending women to prison

3.3 The Howard League believes that Wales does not need a prison for women. We would strongly advise against the building of a women's prison in Wales. Ministers promised publication of a strategy for women offenders some months ago, which we understand is now due in the Spring, and it is generally accepted that Ministers have recognised that building new prisons or units for women would be counter-productive and dangerous. The Howard League understand that the Scottish model of restricting the number of custodial places for women and investment in community services is being seriously considered by the Ministry of Justice and that is to be welcomed.

3.4 The number of women in prison is very small. 3,952 women were in prison at the end of last year, representing less than five per cent of the total prison population. According to the response to a Parliamentary Question, on 30 September 2017 there were only 227 women with a Welsh origin address serving a custodial sentence.

3.5 There are currently too many women in Wales being remanded and sentenced to prison. Most of these women should not be in prison. Many have complex needs and multiple vulnerabilities. Crucially, the vast majority of these women are not dangerous.

Only a tiny proportion (three per cent) of the female prison population is assessed as “representing a high or very high risk of harm to other people” according a 2013 Justice Committee publication on ‘Women offenders: after the Corston Report’.

- 3.6** Around 70 per cent of women entering prison are sentenced for six months or less. The response to a Parliamentary Question on 1 December 2017 revealed that one in four women sent to prison last year was sentenced to 30 days or less. 271 women were sentenced for under two weeks. Given that sentencing rules for non-violent offences entail automatic release at the halfway point, this means that hundreds of women are in prison for a matter of days.
- 3.7** Sentences this short do not allow for prisons to provide support or rehabilitation. Instead, going to prison disrupts often already precarious lives. After even a few weeks in prison, women are particularly vulnerable to losing their jobs, homes and children. Just nine per cent of women leaving prison secured employment, compared to 26 per cent of men, according to the government’s 2012-3 Offender Equalities report. An estimated one in five female prisoners are currently released into homelessness.
- 3.8** On a point of principle, then, building a new women’s prison in Wales should be avoided; to build one would enable the incarceration of women who in fact need support in the community. Building a large, new standalone prison would be a waste of public money and would result in more Welsh women being sentenced to very short but very damaging periods in custody: when prisons are built they are inevitably filled and they stand as a monument to failure and distress sometimes for centuries to come.
- 3.9** Building a small women’s unit attached to a men’s prison in Wales would also be unacceptable. We know that attaching women’s units to men’s prisons does not work and leads to worse outcomes for women prisoners. The Peterborough inspection report published in January 2018 noted how the prison leadership were distracted by challenges in the men’s prison, resulting in less focus on the women’s prison.
- 3.10** Additionally, while there may be issues with Welsh women being incarcerated far from home, a single women’s prison in Wales would compound this.
- 3.11** A distinctive Welsh approach is possible in regard to women involved with, or at risk of involvement with, the criminal justice system. There is considerable scope to improve services and outcomes by developing a small network of women’s centres in Wales and radically reducing the number of women sent to prison. There is a real opportunity for Wales to create a distinct system for women which is more effective, humane, and cheaper.

4. Welsh solutions to Welsh problems

- 4.1** Reducing crime, promoting desistance and building safer communities is always most effective when agencies of the criminal justice system are co-ordinated with other public services including health, education, housing and addiction treatment, and when they can be held accountable at a local level. Devolution of prisons and probation is the best option available to create such a system.
- 4.2** A clear indicator of what happens when Welsh policy is dictated from Westminster can be seen in the government’s failed Transforming Rehabilitation programme, which saw probation in Wales part-privatised by the Coalition. The Chief Inspector of Probation’s most recent annual report heavily criticised these reforms and Wales is one of the areas failing to meet targets set by the Ministry of Justice in Whitehall. Figures

released by the Ministry of Justice in February 2018 show that only two of the 21 CRCs have managed to reduce the number of new offences committed by reoffenders.

4.3 Working Links, the CRC in Wales, has now been taken over by the pan-European investment company Aurelius, which is publically listed in Germany. There is nothing local, or Welsh, about this company or its ethos.

4.4 The vast sums in the Justice budget allocated to building and running prisons, and paying for failing probation services, should instead be spent on community services located in and familiar with the Welsh communities they serve.

5. Summary

5.1 Wales should avoid participating in the UK government's current attempts to solve the prisons crisis by reactively building prison places. Not only is this a policy which is doomed to fail, but adding yet more prison places in Wales is also simply not in Wales' best interests.

5.2 The capital cost of building a new prison falls to the public purse and is in the region of £250million. Large prisons cost some £15million to £20million a year and are expected to last for at least a hundred years. If this money is available from central government, how much better it would be to invest in crime prevention, safer communities and managing offenders more safely in the community in Wales. The controversy generated by the proposal to build a prison in Port Talbot proves that local people would prefer such huge sums on local need.

5.3 The Howard League is happy to provide further detail on any of the points above and would welcome the opportunity to submit additional evidence as the inquiry progresses.

Yours sincerely,

Frances Crook

References

- Daily Post (2017) 'HMP Berwyn has more English than Welsh prisoners figures reveal' <https://www.dailypost.co.uk/news/north-wales-news/hmp-berwyn-more-english-welsh-13644690>
- Her Majesty's Inspectorate of Prisons (2009) *The prison characteristics that predict prisons being assessed as performing 'well': A thematic review*. London: Her Majesty's Inspectorate of Prisons.
- Her Majesty's Inspectorate of Probation (2017) *2017 Annual Report*. Manchester: Her Majesty's Inspectorate of Probation
- Her Majesty's Inspectorate of Probation (2018) *Enforcement and Recall*. Manchester: Her Majesty's Inspectorate of Probation.
- House of Commons (2018) Response to a Parliamentary Question: <https://www.theyworkforyou.com/debates/?id=2018-01-23a.132.5>
- House of Commons (2018) Response to a Parliamentary Question: <https://www.theyworkforyou.com/wrans/?id=2018-02-01.126186.h>
- House of Commons (2017) Response to a Parliamentary Question: <https://www.theyworkforyou.com/wrans/?id=2017-11-14.113124.h>
- House of Commons (2017) Response to a Parliamentary Question: <https://www.theyworkforyou.com/wrans/?id=2017-11-22.115125.h>
- House of Commons (2017) Response to a Parliamentary Question: <https://www.theyworkforyou.com/wrans/?id=2017-12-12.118800.h>
- House of Commons (2017) Response to a Parliamentary Question: <https://www.theyworkforyou.com/wrans/?id=2017-10-20.108875.h>
- House of Commons (2017) Westminster Hall Debate <https://www.theyworkforyou.com/whall/?id=2017-09-12a.262.1>
- The Independent (2018) 'How a £250m super prison has made a North Wales industrial estate into UK's 'centre of incarceration' <http://www.independent.co.uk/news/uk/home-news/wrexham-super-prison-north-wales-industrial-estate-justice-ministry-plaid-cymru-liz-saville-roberts-a8197171.html>
- Ministry of Justice, Justice Data Lab Re-offending Analysis: Women's Centres throughout England (2015) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/427388/womens-centres-report.pdf
- Ministry of Justice (2018) Payment by results statistics: January to March 2017 <https://www.gov.uk/government/statistics/payment-by-results-statistics-january-to-march-2017>
- Ministry of Justice (2018) Safety in Custody quarterly: update to September 2017 <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-september-2017>
- National Audit Office (2013) *Managing the Prison Estate*. London: The Stationery Office.
- Prison Reform Trust (2007) *Titan Prisons: a gigantic mistake*. London: Prison Reform Trust.

Jones, Robert (2014) 'Wrexham's new jail under the spotlight'
<http://www.clickonwales.org/2013/11/wrexhams-new-jail-under-the-spotlight/>

Wales Governance Centre, Cardiff University (2017) 'Data shows significant surplus prison places in Wales for Welsh prisoners' <http://sites.cardiff.ac.uk/wgc/2017/03/22/news-data-shows-significant-surplus-prison-places-in-wales-for-welsh-prisoners/>