

Submission to Welsh Affairs Committee Prisons in Wales and treatment of Welsh offenders inquiry

by HM Chief Inspector of Prisons

Summary

- Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose primary statutory duty is to report on the treatment of prisoners and the conditions in prisons. HMI Prisons is one of the bodies that deliver the UK's obligations to have a mechanism for the independent inspection of all places of detention which arises from its status as a party to the Optional Protocol to the Convention Against Torture.
- HMI Prisons has inspected all prisons in Wales as part of its regular inspection programme, jointly with Healthcare Inspectorate Wales and Estyn.
- HMI Prisons most recent assessments of Welsh prisons score them higher than English prisons in all four areas – safety, respect, purposeful activity and resettlement. Furthermore, Welsh prisons scored 'good' or 'reasonably good' in all healthy prison areas, except for resettlement in two local prisons.
- Similarly to local prisons across the estate, we found insufficient activity places and underutilisation of existing places in local prisons in Wales.
- HMI Prisons evaluated efforts to promote the use of Welsh and awareness of Welsh culture in education, finding some positive initiatives but also inadequacies across our inspections.
- Good outcomes for resettlement were found in a majority of Welsh establishments, but improvements needed at HMP Swansea and HMP Cardiff.
- HMI Prisons has commented positively on the provision of post release housing to Welsh prisoners that would otherwise be homeless, and in inspections of English prisons holding mixed Welsh/English prisoners has expressed concern about a 'two tier' system, recommending that services for Welsh prisoners be replicated for English prisoners.
- HMI Prisons has previously expressed concern that planners may underestimate the difficulty of opening large, new prisons, and urges the planning of a new prison in Wrexham to take account of these concerns.

Introduction

1. Her Majesty's Inspectorate of Prisons (HMI Prisons) is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952. HMI Prisons has a statutory duty to report on conditions for and treatment of those in prisons, young offender institutions (YOIs) and immigration detention facilities. HMI Prisons also inspects court custody; police custody and customs custody (jointly with HM Inspectorate of Constabulary); and secure training centres (with Ofsted).
2. HMI Prisons is one of the organisations that deliver the UK government's obligations arising from its status as a party to the UN Optional Protocol to the Convention Against Torture (OPCAT). OPCAT requires state parties to establish an independent National Preventive Mechanism (NPM) to inspect of all place of detention. Article 19 (c) of the Protocol sets out the NPM's powers to submit proposals concerning existing or draft legislation.
3. We inspect adult male prisons at least once every five years and immigration removal centres (IRCs) at least once every three years. All inspections are full and almost all are unannounced. Inspections are conducted jointly with Ofsted or Estyn, the Care Quality Commission (CQC) or Healthcare Inspectorate Wales and specialist pharmacy inspectors. In addition to individual inspections, we periodically carry out cross-cutting thematic reviews.
4. All inspections are carried out against our *Expectations* - independent criteria based on relevant international human rights standards and norms. We assess all establishments against four 'healthy prison' tests:

Safety	prisoners, even the most vulnerable, are held safely
Respect	prisoners are treated with respect for their human dignity
Purposeful activity	prisoners are able, and expected, to engage in activity that is likely to benefit them
Resettlement	prisoners are prepared for their release into the community and helped to reduce the likelihood of reoffending.

Against each test we assess whether outcomes for prisoners are 'Good' (4), 'Reasonably Good' (3), 'Not Sufficiently Good' (2), or 'Poor' (1).

5. This submission will focus on the following:
 - an overview of HMI Prisons inspections of the Welsh prison estate;
 - inspection findings relating to purposeful activity, including Welsh language and culture;
 - inspection findings relating to resettlement including post-release housing;
 - a comparison of outcomes for prisoners in Welsh and English prisons;
 - plans to develop the Welsh prison estate.

HMIP inspections of the Welsh prison estate

6. The most recent published inspections of the Welsh prison estate conducted by HMIP are as follows:
7. *HMP/YOI Parc/CEM/STI Parc*

HMIP conducted an unannounced inspection on 9-19 July 2013, evaluating the prison 4-3-3-4 in line with healthy prison assessments¹ HMP/YOI Parc is a category B local prison housing convicted male adult and young adult prisoners (11%), convicted and remand sex offenders and young people. It is privately run by G4S Care and Justice Ltd. With its current population of 1,378, HMP Parc is one of the largest establishments in the prison estate (OPCAP – 1,399) (CNA – 1,170).

8. *HMP Usk and HMP/YOI Prescoed/CEM Brynbuga a CEM/STI Prescoed*

HMIP conducted an unannounced inspection on 22 April – 3 May 2013.² Though managed as a single entity, Usk and Prescoed are distinct facilities serving different purposes. Usk is a category C training prison (mostly convicted sex offenders) and Prescoed is a category D open prison (adults with small number of young adults). The current population is 486 (OPCAP – 523) (CNA – 378). It is a public sector prison. Our inspection found two very successful institutions, with Prescoed awarded our highest assessment against all four tests of a healthy prison (4-4-4-4). Usk was assessed 4-3-4-3.

9. *HMP Cardiff/CEM Caerdydd*

HMIP conducted an announced inspection from 18-22 March 2013.³ At the time of the inspection, this was a category B local/training prison serving the courts in the eastern half of South Wales: its population was very transient and the prison held over 40% more men than it was designed to hold. Its current population is 804, against a certified normal accommodation figure of 539, which suggests that the prison is more overcrowded than when we last inspected. HMP Cardiff a public sector prison. Cardiff was assessed as 3-3-3-2 in line with healthy prison assessments.

10. *HMP Swansea/CEM Abertawe*

An unannounced short follow up inspection was conducted from 17–19 December 2012⁴ after an announced inspection in February 2010.⁵ Assessments reached in both 2010 and 2012 were 4-3-3-2. Swansea is a local prison, holding male prisoners aged 18 and over. The population is mainly comprised of prisoners who have been remanded or newly sentenced by courts in Wales; most of its prisoners come from courts in the South Wales area. The current population is 445, considerably more than its certified normal accommodation of 250. It is a public sector prison.

11. *HMP & YOI Parc Young People's Unit*

HMIP last published report on the Young People's Unit at HMP & YOI Parc relates to an inspection carried out from 2-6 July 2012: the Unit was assessed at 3-4-4-3.⁶ The Young People's Unit, which is within the adult prison, was subsequently inspected in April 2014 and the report into this inspection will be published later this year. It is the only YOI for children and young people in Wales and holds mostly 16-17 year olds.

12. HMI Prisons inspections have also identified prisons in England holding large numbers of Welsh prisoners. Our 2010 inspection of HMP Altcourse (in Liverpool) identified that about a third of the population was Welsh. There is no women's prison in Wales and women from Wales are concentrated in HMP Eastwood Park. Our recent inspection of HMP Eastwood Park, a women's

¹ <http://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-on-an-unannounced-inspection-of-hmp-yoi-parc-9-19-july-2013-by-hm-chief-inspector-of-prisons/>

² <http://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-on-an-unannounced-inspection-of-hmp-usk-and-hmp-yoi-prescoed-by-hm-chief-inspector-of-prisons/>

³ <http://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-on-an-announced-inspection-of-hmp-cardiff-18-22-march-2013-by-hm-chief-inspector-of-prisons/>

⁴ <http://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-on-an-unannounced-short-follow-up-inspection-of-hmp-swanaea-17-19-december-2012-by-hm-chief-inspector-of-prisons/>

⁵ <http://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-on-an-announced-inspection-of-hmp-swanaea-8-12-february-2010-by-hm-chief-inspector-of-prisons/>

⁶ <http://www.justiceinspectorates.gov.uk/hmiprisons/inspections/report-on-an-announced-inspection-of-hmp-yoi-parc-young-people-s-unit-2-6-july-2012-by-hm-chief-inspector-of-prisons/>

prison in Gloucestershire, identified that the prison a huge catchment area taking women from across Wales as well as the South West of England. At the same time, we have been made aware of Welsh prisons taking prisoners from English prisons, and during our recent inspection of the Young Person's Unit at HMP/YOI Parc noted that a number of boys from London had recently been transferred to the facility.

Purposeful activity

13. Across Welsh prisons we generally found activities to be purposeful and that establishments provided good work-related experiences building confidence and self-esteem. All of the adult establishments and the Parc Young People's Unit were evaluated as having either good or reasonably good purposeful activity in line with HMIP Healthy Prison Assessments. In particular, we found good management of learning and skills at Parc and Usk/Prescoed.
14. At HMP Parc prisoners could combine work and study, and developed employability and communication skills well, and those on vocational training developed very good technical skills. We thought that prisoners with additional learning needs received very good support. The senior management team had produced a clear overarching plan that focused well on the role of education in reducing reoffending. The plan took good account of Welsh government priorities, such as improving prisoners' essential skills. It had been communicated well to staff, who had a good shared understanding of the plan's ethos. They monitored strategic objectives well and reported progress regularly to strategic leaders and managers.
15. At HMP Usk/Prescoed we noted that the number of activity places met the needs of the population, and they offered a broad range of provision that developed good practical skills and helped build confidence and self-esteem. There were well-established and effective quality improvement arrangements. Labour market information was used well to develop relevant courses. The standard of teaching was good and success rates on all courses were high and library facilities were good and used well. We considered it useful that the learning and skills department had compared its performance with other providers, such as colleges, in Wales.
16. However, at HMP Cardiff, HMP Swansea (like many local prisons nationally) we found too few activity places and those they had were not fully utilised. At HMP Parc too many prisoners were locked up because of activity closures. In particular we were concerned that HMP Swansea did not have a clear action plan to say how it would improve the quality, quantity and range of activity places on offer. At HMP Cardiff, while vocational courses showed good success rates, in literacy and numeracy classes, only a minority of prisoners attending developed their skills appropriately and worked towards relevant qualifications.
17. In the Young People's Unit at HMP Parc, our most recent published inspection report highlighted good initial assessments of young people's interests, abilities and learning needs, and effective use of individual learning plans. Teaching quality was good and good use was made of learning support assistants and peer mentors. Most boys had more than 10 hours out of their cell every day.

Welsh language and culture

18. In all of our inspections of prison establishments in Wales we have identified and evaluated efforts to promote the use of Welsh and awareness of Welsh culture in education.
19. At HMP Swansea the education department had appointed a Welsh-speaking tutor to develop Welsh language and culture. A Welsh language course had been piloted and there were plans to run this in future. There were good arrangements to translate individual learning plans and

information materials into Welsh. In IT there was good use of the BBC Wales website. In the education department, all signage was bilingual and there were attractive bilingual wall displays.

20. At HMP/YOI Parc there were good displays and activities around the prison that helped prisoners to improve their awareness of the language and culture of Wales. The prison was encouraging prisoners to develop Welsh language skills by participating in introductory language courses. Prisoners could borrow novels in Welsh, and material on the culture and history of Wales was readily available.
21. At the Young People's Unit at Parc we noted that Welsh-speaking staff were identified on wings and wore badges, as well as improved opportunities for young people to engage with tutors and a visiting librarian through the medium of Welsh.
22. However, in all prisons we found inadequacies. At HMP Cardiff, staff were not clear enough about how to encourage the use of Welsh, or about enabling prisoners to recognise the use of Welsh as a valuable employment skill. At HMP Swansea, there was not enough use of incidental Welsh in classes and the Welsh language and culture were not always embedded well enough into programmes of learning. At HMP/YOI Parc there was not enough support for more advanced Welsh-speaking prisoners to use and develop their language skills. At HMP Usk/Prescoed there was no clear strategy to promote use of the Welsh language.

Resettlement

23. HMP/YOI Parc and HMP Prescoed were deemed to have good outcomes for resettlement, and we noted reasonably good outcomes at the Parc Young People's Unit and HMP Usk. At HMP Swansea and HMP Cardiff, resettlement outcomes were deemed to be not sufficiently good. This reflects a common problem with resettlement in local prisons across England and Wales, specifically providing resettlement services for those serving less than 12 months.
24. Specifically, we found at HMP Cardiff there was no coordinated assessment and planning to meet reintegration needs. Too few prisoners knew how to access the visiting Careers Wales adviser, and many who did so accessed the service too late in their sentence. Though the prison had good relationships with local employers, which had improved some prisoners' success in securing employment opportunities, there had been no monitoring of leavers' destinations to identify how well they sustained progression opportunities. Too many prisoners were unaware of the opportunities available to them on release.
25. At HMP Swansea we noted that resettlement needs analysis was reasonable, but further work to assess prisoners' wider needs and objectives was needed. Custody planning for prisoners on remand and serving short sentences was limited. We identified reasonable progress in helping prepare prisoners for education, training and work on release, with reasonable services for alcohol users.
26. The Wales offender management delivery and implementation group and NOMS Cymru strategic commissioning and business plan were identified as contributing to positive resettlement work at Usk/Prescoed, Parc and Swansea. At Usk/Prescoed it was seen as a useful forum for problem solving and setting strategic direction, and at Swansea it was reflected in the prison's own reducing reoffending strategy and supported by the prison's close involvement with the offender management development implementation group for Wales.
27. At Parc, where there was an up-to-date and comprehensive strategic framework for reducing reoffending, and considerable efforts had been made to ensure that offender management was at the heart of its functioning, the strategic direction of the prison was informed by an annual needs analysis based on questionnaires with prisoners that focused primarily on resettlement pathway

issues. There were good external strategic links, primarily through the Offender Management, Development and Implementation Group for Wales (OMDIG) and the Wales Probation Trust. Much of the development of Parc's offender management and resettlement strategy was done in discussion with OMDIG and to ensure appropriate links with other establishments in the area.

Post-release housing

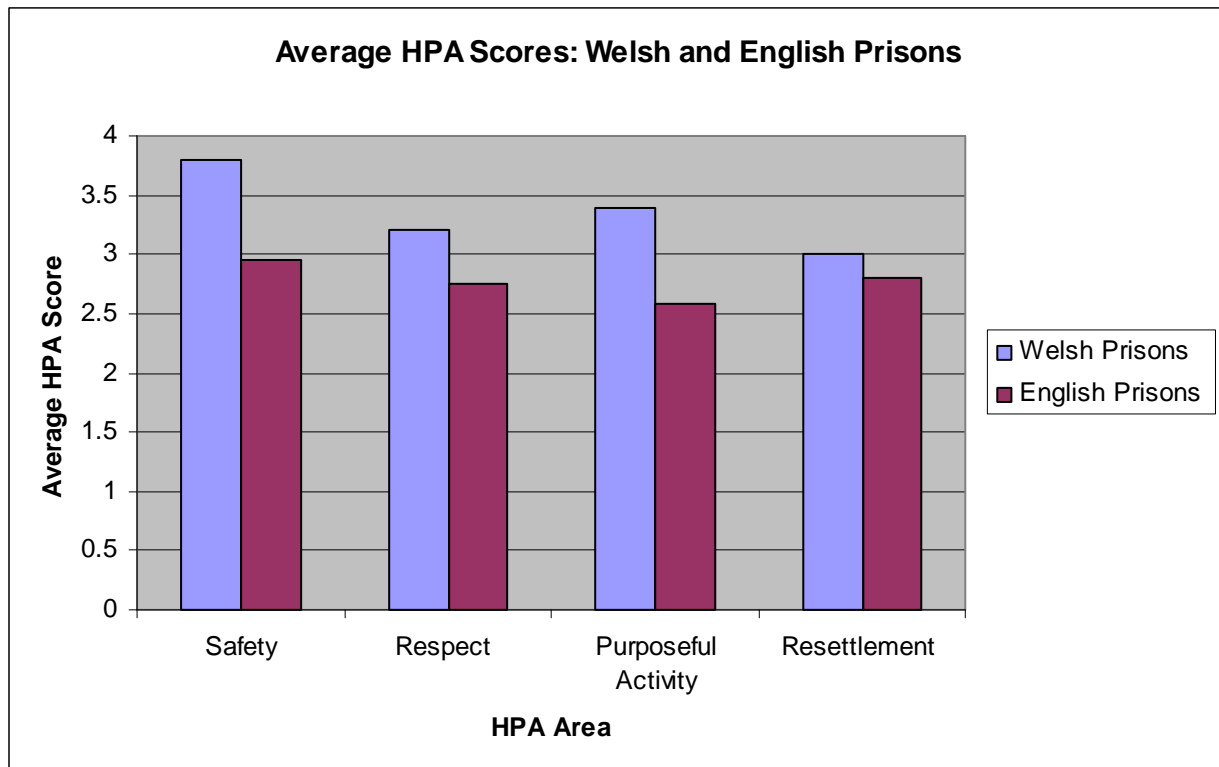
28. The provision of post release housing to Welsh prisoners that would otherwise be homeless sets Wales apart from England. We noted that English prisoners discharged from HMP/YOI Parc were not guaranteed the same support and their access to accommodation therefore could be more of a problem (though we were told that in the six months prior to our inspection, no prisoner – including those from outside Wales – had been released without fixed accommodation). Similarly, our 2010 inspection of HMP Altcourse⁷ identified better resettlement services for Welsh prisoners, who constituted about a third of the population, as a result of funding from the Welsh Assembly. Resettlement staff referred to this as a “two-tier” service. Our recommendation that services for prisoners discharged to Wales be replicated for English prisoners was had only been partially achieved when we returned in 2012,⁸ with improved access to a trained debt advisor for English prisoners, but no parity of services regarding post-release accommodation.
29. At HMP Cardiff, 21% of prisoners said they had housing problems on arrival at the prison. A designated housing officer was only able to offer limited help in finding accommodation directly, and most prisoners were referred to local councils, which had a statutory duty to provide accommodation to homeless ex-prisoners. Although no prisoners had been discharged in the previous six months without at least a referral to their local council, we were not assured that this service met need entirely. There was no monitoring of the proportion of prisoners who presented for the service or of how long they stayed in the accommodation provided, and some prisoners told us that the quality of accommodation could be very poor.
30. At Usk, given the nature of the population, most accommodation needs were managed through the OMU and primarily community offender managers. Nevertheless, in our survey fewer respondents than the comparator said that they knew who to speak to at the prison about accommodation on release. At Prescoed, one of the resettlement officers provided accommodation support and liaised with a variety of community services. For those released locally, there was support through a community housing officer who attended the prison weekly, but for those from further afield there was relatively little support, except with their local housing office.

Comparing outcomes for prisoners in Welsh and English prisons

31. A comparison of the healthy prison assessments in Welsh and English adult male prisons (excluding high security) show that on average, Welsh prisons are performing better than English prisons, particularly in relation to safety and purposeful activity.

⁷ http://www.justiceinspectorates.gov.uk/prisons/wp-content/uploads/sites/4/2014/03/Altcourse_2010_rps.pdf

⁸ <http://www.justiceinspectorates.gov.uk/hmiprison/inspections/report-on-an-unannounced-short-follow-up-inspection-of-hmp-altcourse-15-17-october-2012/#.U6qORFMuISM>



32. Further analysis of responses to our survey show that prisoners in Welsh prisons are more positive generally, including around safety in prisons, processes for reception, first night and induction, as well as legal rights and contact with friends and family.
33. Prisoners in Welsh prisoners were less positive about respect for their religious beliefs and ease of attending religious services, access to, and the quality of, vocational training, education and offending behaviour programmes. They were also less positive regarding whether they could achieve sentence plan goals in the community or at another prison. More prisoners reported having drugs and alcohol problems on coming into prisons and they were less positive about the support provided to them for these problems during their time in prison.
34. At the time of inspecting HMP Cardiff, we noted that there had been five self-inflicted deaths (four whilst in custody and one shortly after release) in the previous year. The prison had taken effective action to learn and implement lessons arising from these tragedies, but our monitoring shows that there have been two further self-inflicted deaths and one suspected homicide since. In the year 2013/14, NOMS data shows there were three self-inflicted deaths in Welsh prisons (two in Cardiff, one in Swansea). In the year to date, since April 2014, there have been two self-inflicted deaths, both in HMP/YOI Parc. HMI Prisons has identified concerns about the recent increase in self-inflicted deaths, which appears to be accelerating.

Plans to develop the Welsh prison estate

35. Across the prison estate in England and Wales there has been a trend for the closure of older, smaller prisons, often in the centre of large town and cities, and their replacement by new, larger prisons in less central locations. As our most recent inspections of HMP Oakwood, HMP Thamesmead and HMP YOI Isis illustrate, we are concerned that planners underestimate the difficulty of opening a new prison, particularly a large one. Our 2013 report on HMP Parc shows

that large prisons, once well-established, can run successfully and indeed HMP Parc will soon open a new wing that increases its capacity further. With respect to the planned prison in Wrexham, we draw the Committee's attention to the comments of the National Audit Office, which pointed out "*The new larger prisons are bringing economies of scale but the Agency does need to understand the consequences in terms of performance of building very large prisons.*"⁹

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⁹ Amyas Morse, head of the National Audit Office, 12 December 2013, quoted in *Managing the Prison Estate*, National Audit Office, November 2013.