

# Welsh Affairs Committee inquiry on prisons in Wales



**Our response**

Submitted October 2023

## About Clinks

1. Clinks is the national infrastructure organisation supporting voluntary sector organisations working in the criminal justice system. Our aim is to ensure the sector and those with whom it works are informed and engaged in order to transform the lives of people in the criminal justice system and their communities. We do this by providing specialist information and support with a particular focus on smaller voluntary sector organisations, to inform them about changes in policy and commissioning, to help them build effective partnerships, and provide innovative services that respond directly to the needs of their service users. Clinks also uses its relationships across government to act as a policy conduit between ministers and officials and the criminal justice voluntary sector.

2. We are a membership body with over 500 members, including the voluntary sector's largest providers, as well as its smallest. Our wider national network reaches 4,000 voluntary sector contacts. Overall, through our weekly e-bulletin, *Light Lunch*, and our social media activity, our network reaches tens of thousands of contacts. These include individuals and agencies with an interest in the criminal justice system and the role of the voluntary sector in rehabilitation and resettlement.

3. Clinks has 37 members who are either based in, or operate significant projects in, Wales. In addition, we have a dedicated member of staff whose role is specifically focussed around supporting the criminal justice voluntary sector in Wales and building relationships with statutory sector stakeholders.

4. Clinks provides the Chair and secretariat for the Reducing Reoffending Third Sector Advisory Group (RR3). This is a formal advisory group to the Ministry of Justice and HM Prison and Probation Service made up of openly recruited senior leaders from the criminal justice voluntary sector. This meets quarterly with government officials to provide guidance and feedback from the sector. The structure of the RR3 ensures that members of the group have a diverse range of knowledge and experience, including guaranteeing representation for the sector operating in Wales, through a specific Welsh seat.

## About this response

5. Clinks has prepared this response drawing on publicly available data, Clinks' own research, its knowledge and intelligence gathered through its regular and ongoing engagement and support to the criminal justice voluntary sector. Given Clinks' expertise, we have opted to focus on five of the Committee's seven questions.

6. While Clinks notes the Committee's inquiry is particularly focussed on adult men in Welsh prisons, Clinks would also like to highlight that Welsh women, who will be held in prisons in England, face a number of specific challenges. As such, we would encourage the Committee to explore the challenges this cohort faces as part of its future programme of work.

# How has the situation facing prisoners and prison staff in Wales changed since 2019 when the predecessor Committee last reported?

7. Based upon Clinks' networks and research projects, we have been able to build a sense of the situation facing people in prison across England and Wales. Through those networks, we understand that the situation facing people in prison in Wales is broadly similar to that of people in England. Where something applies particularly to prisons in Wales, as opposed to England and Wales as a whole, we have made this clear below.

8. Research by Dr Robert Jones from the Welsh Governance Centre at Cardiff University notes that, in 2019, there were 149 Welsh people in prison (based on home address) per 100,000 of the Welsh population. This was compared to a rate of 136 English people in prison per 100,000 of the English population.<sup>1</sup> Compared to imprisonment rates in 2019, this would give Wales a higher imprisonment rate than England and Wales as a whole, and the second highest rate in Western Europe, behind only Scotland.<sup>2</sup> Compared to 2023 rates, this rate would give Wales the highest imprisonment rate in Western Europe. This suggests there is an issue here unique to Welsh prisons that merits particular investigation by the Committee.<sup>3</sup>

9. Since the predecessor Committee's report in 2019, the most significant impact on the situation facing people in prison and prison staff in Wales has been the effects of the Covid-19 pandemic. In order to help protect people in prison and staff from Covid-19, restrictions were introduced in prisons, similar to restrictions being brought in to help protect the population as a whole. However, this restricted and limited regime resulted in many people in prison spending the vast majority of their time being locked in their cells, with some reports revealing people were locked in their cells for over 23 hours a day.<sup>4</sup>

10. Dr Jones' research also highlighted in his paper published in 2020 that, since the outbreak of the pandemic, there had been a disproportionate number of confirmed cases of Covid-19 in the Welsh estate. As of 19 June 2020, 20% of all confirmed cases among people in prison across England and Wales had been reported at Welsh prisons. This is despite Welsh prisons holding only 6% of the total England and Wales prison population as of June 2020.

11. During the pandemic, Clinks conducted research into the experience of the criminal justice voluntary sector.<sup>5</sup> As part of this research, a number of challenges for people in prison were identified. Organisations reported that the pandemic had a significant impact on people's mental health, and this was particularly the case for people in prison. Isolation and a lack of activities heightened anxieties, impacted mental wellbeing, and exacerbated mental health conditions. A number of organisations also described an increase in levels of self-harm, which was particularly acute for people in prison.

12. Voluntary organisations said the restrictions prevented them from delivering in-depth, meaningful, therapeutic services, as well as making it more difficult to reach people in need of support. For example, some organisations noted that they were not able to use in-cell telephones to make contact with their clients.

13. Despite the particular challenges that were observed around the mental health of people in prison during the pandemic, this was against a backdrop of ongoing concern around the mental health needs of this group. The Ministry of Justice's *Safety in custody statistics*<sup>6</sup> show that the rate of self-harm incidents per 1,000 men in prison has risen from 178 in 2010, to 507 in 2022, the most recent year for which data is available. Over the same period, the rate of self-inflicted deaths of men in custody<sup>7</sup> has increased from 0.7 per 1,000 people in prison to 0.9 per 1,000 people in prison. Reduced face-to-face contact with staff and decreased staff capacity means mental health needs and self-harm incidents are likely to have been missed or gone unrecorded during the height of the pandemic, further compounding challenges.

14. In addition to challenges around mental health, our research also highlighted concerns around resettlement support for people approaching release from prison. The challenges in contacting people in prison meant it was difficult to co-ordinate support for people before they were released. As less preparation could take place, people often experienced increased needs immediately upon release from prison, at a time when people were struggling to navigate the challenging circumstances of the pandemic.

15. The Lammy Review previously highlighted that racially minoritised people in prison were less likely to be recorded as having a mental health concern and less likely to be identified as being at risk of self-harm. This raises concerns that the mental health needs of racially minoritised people are not being recognised, and lockdown and its impact on people in prison risked exacerbating this with long-term implications for the mental health and wellbeing of these groups.<sup>8</sup>

16. Data published by Statistics for Wales in June 2020 noted the risk of deaths involving Covid-19 is significantly higher among some ethnic groups, than it is for those of non-racially minoritised ethnicity. While the difference was partly explained by socio-economic factors, geographical location, and other circumstances, the difference remained partly unexplained. Provisional analysis showed that after accounting for size and age structure of the population, the mortality rate for deaths involving Covid-19 was highest among Black men, and lowest among White men. The same pattern was seen among women.<sup>9</sup>

17. With racially minoritised people overrepresented in prisons, and prisons being a particularly high-risk environment for Covid-19, people in these groups faced a heightened risk. It also left them with increased anxiety for family and loved ones outside of prison. The power imbalance faced by organisations led by racially minoritised people was also exacerbated, making it harder for them to support their service users, including people in prison.

18. Building on our research in 2020, in 2021, Clinks resumed its *State of the sector* research, which looks at the landscape of the criminal justice voluntary sector. Our 2021 report,<sup>10</sup> looking at the 2020/21 financial year, saw respondents\* to our survey highlight the increasing needs of their service users. Over 90% of respondents said the overall level of their service users' needs had increased during 2020/21, compared to the previous year. Moreover, 90% said the complexity of their service users' needs had increased, and 83% said the urgency of need had increased.

19. The research also found organisations continuing to raise challenges in accessing people in prison as a result of the protective measures that were in place. Despite changes in the level of restrictions prisons were under, organisations described having little access to prisons, if any, for the entire year.

20. These issues were compounded by poor technological infrastructure in prisons, meaning it was particularly difficult for organisations to access people in prisons remotely. There was a reliance on individual relationships between voluntary organisations and staff in prisons to access people or receive up-to-date operational information. Some found their contacts disappear as the pandemic hit, and so they became entirely shut out from prisons.

21. Our *State of the sector 2022* report<sup>11</sup> also found an increase in service user need. More than 80% of survey respondents<sup>†</sup> reported an increase in both the level and complexity of need, and over half described an increase in the urgency of need. This continued a trend we see year on year: for the last five consecutive surveys, respondents said there was an increase in the complexity and urgency of service user need. Whilst we saw an increase in the number of organisations who said they were working with people in prison in our 2022 report, the proportion still remained below pre-pandemic levels.

22. Across the prison estate, our members also describe staffing remaining a key challenge. Recent research carried out by the Justice Committee as part of its inquiry into the prison operational workforce<sup>12</sup> found that 84% of band 3 to 5 prison staff disagreed that there are enough staff to ensure people in prison can engage in purposeful activity. Only 37% of band three to five staff said they are managing their workload well, and 70% said they feel stressed a few times a week at work. Moreover, more than two in five band 3 to five prison staff said they intend to leave the prison service in the next five years.

23. Staffing challenges remain despite the government's efforts around prison officer recruitment campaigns and work to improve staff retention. A lack of staffing in prisons means it is much more difficult for the criminal justice voluntary sector to support people in prison and deliver vital services.

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\* Clinks surveyed criminal justice voluntary organisations in England and Wales. Of the organisations that responded to our survey, 71% said they worked with people in prison preparing for release, 55% said they worked with people in prison serving a sentence, and 44% said they worked with people in prison on remand.

† Clinks again surveyed criminal justice voluntary organisations in England and Wales. In 2022, 73% of organisations said they worked with people in prison preparing for release, 62% they worked with people in prison serving a sentence, and 49% said they worked with people in prison on remand.

24. Whilst there have been challenges facing people in prison in Wales, it is also worth noting the Annual Prison Performance Ratings suggest prisons in Wales are currently performing slightly better than in before the pandemic. In 2019, two Welsh prisons were graded as '4', meaning performance is exceptional, three were graded as '3', meaning performance is acceptable, and one was graded as '2', meaning performance is of concern.<sup>13</sup> In 2023, the results improved, with three prisons graded '4', now meaning outstanding performance, and three were graded as '3', now meaning good performance.<sup>14</sup>

25. Recent inspection reports from HM Inspectorate (HMI) of Prisons also indicate a range of positives about prisons in Wales.<sup>15 16 17 18</sup> Across the Inspectorate's four healthy prison outcomes for the five prisons in Wales that received an unannounced inspection since the height of the pandemic, it was found that, with one exception, they were performing as well or better in those areas, compared to their previous unannounced inspection. The exception was the rehabilitation and release planning outcome at HMP Parc, which was found to be reasonably good in 2022, compared to good in 2019.

26. Across HMI Prisons' inspections of prisons in Wales, prison leadership was often identified as a positive. This was seen in the most recent inspection reports about HMP Berwyn, HMP Parc, and HMP Usk and HMP and YOI Prescoed. Across the inspections, a range of different positives and areas for improvement were identified. This included noting that at HMP Swansea, its survey found people in prison were more positive about staff than in similar prisons, violence was amongst the lowest of all reception prisons, and leaders had incentivised attendance at education, skills and work. Moreover, at HMP Parc, the regime was observed to be much better than was seen in other prisons. However, at HMP Swansea, too many people leaving prison did not have sustainable accommodation on release, and the Inspectorate was critical at the amount of time people were spending locked in their cells at HMP Berwyn.

27. While a number of positives have been identified about prisons in Wales by HM Inspectorate of Prisons, particularly around leadership, it is important that work to bring about improvements continues. Alongside this, it is important that any aspects of good practice from within these prisons is shared with other prisons across England and Wales. It is also essential that government at all levels and statutory agencies and services work with the voluntary sector to ensure people in prison in Wales receive the support they need to be able to transform their lives.

## **What are the implications for Wales of the Prison Strategy White Paper?**

28. Following the Prison Strategy White Paper's publication in December 2021, Clinks responded to the subsequent consultation. This response focussed on the role of the voluntary sector working in criminal justice. It was informed by consultation with the voluntary sector working in prisons and those delivering resettlement support. In total, Clinks spoke with 113 different voluntary organisations working in criminal justice to inform our response. We would direct the Committee to our full response, which can be found on our website.<sup>19</sup> We have highlighted a few areas of that response below, which we think are particularly relevant to this inquiry.

29. There are a large number of voluntary organisations working with people in contact with the criminal justice system across England and Wales, providing invaluable support. Voluntary organisations also have a wealth of expertise that can inform policy and practices. However, the White Paper barely mentioned their contribution. Therefore, it is essential that all levels of government commit to improving partnerships with the sector. The role of the sector must be recognised across both England and Wales, to maximise positive outcomes for people in contact with the criminal justice system.

30. In the White Paper, the government outlined its programme of future regime design. This process has been taking place following the publication of the White Paper, and Clinks has been involved in this through the Reducing Reoffending Third Sector Advisory Board (RR3). A special interest group of the RR3 was set up to focus particularly on future regime design, enabling a range of voluntary organisations to feed directly into the officials carrying out this work. For more detail of this group's work, Clinks would direct the Committee to the minutes of the special interest group's meetings.<sup>20 21</sup>

31. As the new National Regime Model begins to be rolled out, voluntary organisations continue to play a crucial role in supporting people in contact with the criminal justice system, including people in prison. For those organisations operating in Wales, the Welsh Government plays an important role in supporting them, in addition to the UK government. Last year, Clinks submitted evidence to the Welsh Parliament Finance Committee's inquiry into the Welsh Government's draft budget. In this, we noted some of the challenges facing the criminal justice voluntary sector in Wales, and highlight the most effective way for the Welsh Government to support the sector is to ensure it is adequately resourced to deliver high quality services through the provision of flexible, unrestricted, multi-year grant funding.<sup>22</sup>

32. The Prison Strategy White Paper also set out 'guiding principles', priority outcomes, and areas of focus for the proposed Resettlement Passports. The focus must be on the benefit they provide to the person leaving prison. Clinks agreed that a personalised approach should be taken. This needs to include consideration of different systems and arrangements that may be in place in Wales, especially where areas like accommodation and health have been devolved. The Resettlement Passports must also be accessible to both English and Welsh speakers.

33. It must also be remembered that many English people are held in prisons in Wales, and that many Welsh people are held in prisons in England. Appropriate support needs to be put in place based upon the needs and plans of the individual, rather than a taking a one-size-fits-all approach, including through a focus on the maintaining of family connections.

34. Despite numerous reviews into the over-representation of racially minoritised people and their experiences of racism in the criminal justice system, the White Paper remains largely silent on the national or local focus to address it. Clinks called for a clear prioritisation and resourcing of activity to tackle racial disproportionality and appropriate monitoring of outcomes locally and nationally to ensure this is happening.

35. Clinks welcomed the publication of the Criminal Justice Anti-Racism Action Plan for Wales.<sup>23</sup> In light of the wider context of the White Paper, it is essential that this Action Plan for Wales is delivered, to help improve outcomes for racially minoritised people in prisons in Wales, as well as for those in contact with the criminal justice system more broadly.

36. Clinks is particularly keen to see a more representative and diverse workforce across the Welsh prison estate. This makes up one of the Anti-Racism Action Plan's commitments to the Welsh public, focussing on increasing the representation of racially minoritised people working in the criminal justice system. While Clinks supports increased representation among both employees and leaders, we are particularly keen to see more leaders from racially minoritised communities in Welsh prisons. We also welcome the Plan's commitment to educate the workforce across criminal justice in Wales, as part of the journey to ensuring there is a workforce that understands what it is to be anti-racist, including those working in Welsh prisons.

## **How does a lack of Wales-only data impact upon the understanding of prison provisions in Wales?**

37. A lack of Wales-only data impacts how accurately the overall situation in Welsh prisons can be understood, and whether there are any unique challenges or areas of good practice. While Clinks gathers informal and anecdotal evidence through its networks about the situation in Welsh prisons, the lack of official data makes it difficult to understand whether the things being described in one establishment are localised, or whether they are seen across the Welsh estate.

38. The lack of Wales-only data can also make it more difficult to understand issues that involve devolved areas of government. This also makes it more difficult to explore the impact that action taken in devolved areas by the Welsh Government may be having on people in prison in Wales. By having Wales-only data routinely published as part of statistics releases, it would help to improve understanding of specific measures that apply in Wales, and so help improve outcomes by supporting the identification of good practice.

39. While some data is provided on an establishment-by-establishment basis, this often does not reveal a complete picture. The current situation is made more frustrating because the data is available, but it is just not routinely published. For instance, Dr Robert Jones from the Wales Governance Centre at Cardiff University published a paper in 2020 that explored Prison, Probation, and Sentencing in Wales.<sup>24</sup> This gathered data on the Welsh-only prison population through the Freedom of Information Act 2000. As such, Clinks recommends that the government routinely publishes disaggregated data for Wales only, as well as for England only, alongside the usual combined figures. This would aid research and understanding of the specific aspects of the prison estate in each nation.

## **Is the Welsh prison estate fit for purpose in terms of the provision of education and rehabilitation facilities for Welsh prisoners, and Welsh language facilities?**

40. Clinks supports the submission that was made to the Committee's inquiry by the Prisoner Learning Alliance around the provision of education to people in Welsh prisons.



## Is there sufficient co-operation and co-ordination between non-devolved and devolved bodies to support Welsh prisoners?

41. The main point of contact between the devolved and non-devolved bodies to support people in prison at a strategic level occurs at the Criminal Justice Board for Wales (CJBfW). The Board brings together criminal justice partners, including the police, Police and Crime Commissioners, Public Health Wales, Welsh Government, voluntary sector bodies, the Victims Commissioner, and the key justice delivery agencies in Wales. Its aim is to achieve better outcomes and experiences for those that come into contact with the criminal justice system in Wales, whether as victims, witnesses, or people who have committed offences.

42. Below that high-level strategic board, co-operation is seen between non-devolved criminal justice agencies in Wales and the Welsh Government, particularly around policing and HM Prison and Probation Service. This co-operation is currently strong because of the senior leadership provided at the CJBfW and the direction provided by those senior leaders. This is shown in being able to escalate issues and work in partnership to create solutions. This was particularly seen during the pandemic on temporary accommodation for people leaving prison. The creation of the Criminal Justice Anti-Racism Action Plan for Wales also highlights how closely non-devolved criminal justice agencies align themselves with Welsh Government policy for the benefit of people within the criminal justice system. This is something that Clinks highly commends.

43. However, the CJBfW operates on the continued commitment from current senior leaders across criminal justice agencies in Wales and Welsh Government officials. That clear commitment and leadership of those senior civil servants needs to reinforce the structure of the Board through the seniority and range of representatives, and the strengthening of its collaborative nature. As there is no statutory requirement for the Board to meet, or its work to be completed, there is always a danger that it could be de-prioritised. This would be to the detriment of people in prison, and within the wider criminal justice system, in Wales, as the delivery of those policies that cross between devolved and non-devolved areas would be even more complex, and there would be less collaboration.

44. Clinks recommends the CJBfW is more formally recognised, possibly through a memorandum of understanding between the Welsh and UK governments.

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## Our vision

Our vision is of a vibrant, independent and resilient voluntary sector that enables people to transform their lives.

## Our mission

To support, represent and advocate for the voluntary sector in criminal justice, enabling it to provide the best possible opportunities for individuals and their families.

## Join Clinks: be heard, informed, and supported

### Are you a voluntary organisation supporting people in the criminal justice system?

Join our network of over 500 members. Clinks membership offers you:

- A voice to influence change
- Practical assistance to be effective and resilient
- Support from a community of like-minded professionals.

Membership starts at just £80 per year and is free for organisations with little income.

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