

Written evidence submitted by Robert Jones, Lecturer in Criminology, Centre for Criminology at University of South Wales

House of Commons Justice Committee's Inquiry on 'Prison Reform'

Introduction

1. The Centre for Criminology at University of South Wales offers expertise in the delivery of teaching, research and consultancy in criminology. Established in 2001, the Centre for Criminology provides a physical base for research and teaching in criminology within the University of South Wales. The Centre comprises a team of active researchers and research students with specialisms in drug use, crime prevention, homicide and violence, animal abuse, youth justice and youth policy, policing protests, informal justice and alternatives to prosecution and imprisonment.

2. I am a Lecturer in Criminology at the University of South Wales. My research interests include imprisonment, penal policy, devolution and criminal justice in Wales. In 2014, I was awarded a Winston Churchill Memorial Trust Travelling Fellowship to visit the United States to undertake research into alternatives to imprisonment. In July this year I submitted my PhD thesis *The Hybrid System: Imprisonment and Devolution in Wales* to Cardiff University.

3. I welcome the opportunity to submit evidence to the House of Commons Justice Committee's inquiry on Prison Reform. While the remit of the Committee's inquiry includes a diverse range of topics, the evidence presented here is going to specifically reflect upon the UK Government's prison reform plans from the perspective of Wales. This will include considering how the UK Government's proposals are likely to intersect with many of the Welsh Government's own responsibilities for prisoners and offenders in and from Wales.

4. The aim of this evidence submission is to help outline to the Committee the 'different Welsh perspective' that now exists when thinking about UK Government justice policy in Wales.

The View from Wales

5. The passing of the Government of Wales Act 1998 began a process of major political and social change in Wales. Welsh devolution saw the responsibility for twenty separate policy areas transferred from the UK Government to the National Assembly for Wales. This includes responsibility over functions including housing, education, local government and the Welsh language. In spite of these changes, however, the criminal justice system in Wales remains a largely non-devolved area of policy. In 2014, for example, the Silk Commission reported that “most aspects” of the criminal justice system in Wales remain the responsibility of the UK Government (Silk Commission, 2014, p. 111).

6. The criminal justice system in Wales is administered by the Ministry of Justice (MoJ) and falls under the Ministerial responsibilities of the Secretary of State for Justice. The Ministry of Justice is responsible for a range of different agencies and organisations involved in the administration and delivery of criminal justice in Wales. This includes Her Majesty’s Prison Service and National Offender Management Service (NOMS). The Secretary of State for Justice holds a range of powers over the prison estate in Wales including responsibilities relating to the legal custody of prisoners, cell conditions, prison security, place of confinement as well as the treatment of prisoners. The Prison Act 1952 also provides the Secretary of State the power to expand or modify the existing prison estate in Wales. In 2013, the MoJ announced its decision to build HMP Berwyn in Wrexham and to expand HMP Parc in Bridgend.

The ‘Different Welsh Perspective’

7. Although criminal justice in Wales remains ostensibly non-devolved, the devolved government in Wales has developed, albeit fairly subtly, a considerable set of responsibilities over prisoners and offenders in and from Wales. These responsibilities have been picked up as part of the Welsh Government’s wider programme of government. This includes a duty to deliver healthcare and education in prison as well as tackling substance misuse and preventing homelessness amongst Welsh offenders.

8. The involvement of both the UK (e.g. criminal justice powers) and Welsh Government (e.g. social justice) has led to the emergence of a unique set of arrangements in Wales.

In 2006, NOMS and Welsh Government developed a joint-strategy to take account of the ‘jagged edge’ that exists between the UK *and* the Welsh Government’s responsibilities for offenders in and from Wales. The report acknowledged that the changes brought about by devolution have given Wales a “unique status” and means that there is now a “different Welsh perspective” to the way in which UK Government justice policy is delivered and implemented in Wales (NOMS et al, 2006, p.6).

9. This “different” or “unique” perspective is centered upon the understanding that the Welsh Government is able to determine and shape offender services in Wales using the “considerable autonomy” it has over policy making and the delivery of services (NOMS et al, 2006, p.8). This is most clearly outlined by the number of long-term strategies that the Welsh Government have developed in relation to prisoner healthcare (e.g. Welsh Government, 2011; 2012), offender learning and education (e.g. Welsh Government, 2007), substance misuse (e.g. Welsh Government, 2008) and housing (e.g. Welsh Government, 2015).

Prison Reform in Wales?

10. Ever since the UK Government announced its plans to deliver prison reform across England and Wales, its proposals have repeatedly drawn upon the importance of delivering improvements within pathway areas that are devolved to the Welsh Government. This includes the areas of prisoner healthcare, education and substance misuse. In February 2016, for example, the then Prime Minister, David Cameron, outlined the UK Government’s commitment to tackling illiteracy amongst prisoners as well as drug and mental health issues in prisons across England and Wales. In September, the newly appointed Justice Secretary, Elizabeth Truss, told the Justice Committee that improvements in prison education, mental health support and drug services are central to the MoJ’s future programme of reform.

11. Despite the emphasis being placed upon delivering improvements in health, education and substance misuse support across England and Wales, the UK Government has, thus far, failed to demonstrate how its programme of reform will take account of the ‘different perspective’ that exists in Wales. Consequently, the MoJ’s reforms currently appear as though they will only apply to prisons in England.

12. In February, for example, the Prime Minister revealed that the MoJ would be working alongside NHS England to give prison governors greater commissioning powers over mental health services in prisons in England. In September, the Justice Secretary reiterated the need to work alongside the UK Department of Health, whose responsibilities extend to healthcare in England only, about the MoJ's plans to improve prison healthcare.

13. The Justice Secretary also emphasised the role that will be played by the UK Department of Education, responsible only for education in England, in supporting the MoJ's plans to provide prison governors with greater powers over prison education. These proposals come following the publication of a review into prison education by Dame Sally Coates in May. Despite maintaining that the findings contained within her report are "applicable" to prisons in Wales, Dame Coates acknowledged that the review's recommendations are "directed principally at public sector prisons in England" on the basis that provision in Wales is made "different" by the Welsh Government's own responsibilities for prison education (Coates, 2016, p. 8-10). In spite of this, however, Dame Coates' review remains an "integral part" of the UK Government's blueprint for reform across both England *and* Wales (see evidence from Secretary of State for Justice to Justice Committee on 7th September 2016).

Conclusion

14. The MoJ's prison reform plans have, thus far, failed to take into account the "different Welsh perspective". This includes a failure on the behalf of the UK Government to understand that it does not have competency in these areas of policy in Wales as well as the fact that the Welsh Government has its own policy aims and objectives within pathway areas such as prisoner health, education and substance misuse. From the perspective of Wales, it remains unclear as to what impact the MoJ's reform programme is likely to have upon Welsh prisons and those held within them.

15. The evidence presented here emphasises the need for the MoJ to acknowledge the impact made by executive and legislative devolution in Wales. The above arguments also clearly underline the need to understand that 'England and Wales', as a unit of analysis, is not always applicable when thinking about justice policy in Wales.

References

Coates, Dame. (2016) - *Unlocking Potential A Review of Education in Prison*. London: Ministry of Justice. May 2016.

NOMS Cymru, Welsh Government and Youth Justice Board (2006) – *Joining Together in Wales: An Adult and Young People’s Strategy to Reduce Reoffending*, January 2006.

Silk Commission (2014) - *Empowerment and Responsibility: Legislative Powers to Strengthen Wales*. Second Report of Commission on Devolution in Wales. March 2014.

Welsh Government (2007) – *Learning to Change: Developing Skills to Reduce Re- offending in Wales*. March 2007.

Welsh Government (2008) – *Working Together to Reduce Harm, The Substance Misuse Strategy for Wales 2008-2018*.

Welsh Government (2011) - *A Pathway to Care for Older Prisoners: A Guide to Improving the Health, Well-Being & Healthcare of Older Prisoners*. October 2011.

Welsh Government (2012) - *Together for Mental Health: The New Mental Health Strategy for Wales*. May 2012.

Welsh Government (2015) - *National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate*. Cardiff: Welsh Government. December 2015.