The Hybrid System: Imprisonment and Devolution in Wales

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Abstract

The process of devolution in Wales has catalysed major political, cultural, social and institutional change. While these changes have been reflected within the research agendas of academics working within a number of disciplines, the study of criminal justice in Wales remains something of an exception. This research is an attempt to try and address this lacuna.

The research charts the emergence of Wales as a distinct criminological space within the once 'uniform' system of England and Wales. This is explained as a consequence of the intersection of devolution in Wales with changes to the UK Government's approach to criminal justice in England and Wales. The research shows that the unique constitutional arrangements that exist in Wales have led to the emergence of a *hybrid system*: criminal justice policy space occupied by two different governments, each with its own democratic mandate, policy vision and priorities.

Having explained the emergence of the hybrid system in Wales, the research goes on to examine a number of key issues that emerge into clearer focus when Wales is taken seriously as a unit of criminological analysis. As such the thesis contributes towards wider criminological debates at the level of policy, practice and theory. These findings also help to develop a more critical understanding of Wales' hybrid system. The research shows that the very structure of the hybrid system creates a situation in which UK Government criminal justice policies undermine the Welsh Government's attempts to fulfil its responsibilities or fully implement its own policy objectives.

The arguments presented throughout this research challenge the discipline of criminology to take account of the impacts of devolution on the ostensibly non-devolved criminal justice system in Wales. They also contribute towards a better understanding of debates now taking place over the possible devolution of criminal justice functions to Wales.

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Responsibility without power is the most dangerous of all situations for a political party with progressive pretensions. The people are more conscious of the responsibility than they are of the lack of power.

Aneurin Bevan

Chapter One
Introduction

The origins of this thesis can be traced back to 2009. In February of that year, the UK Government announced its plans to build a new 1,500-place prison in Caernarfon in north Wales. This decision was welcomed by many people in the area after years of campaigning by politicians, local councillors and criminal justice agencies for a prison to be built in north Wales. Just seven months after announcing its decision, however, alleged problems at the chosen site forced the UK Government to abandon its plans at Caernarfon. After the initial disappointment, the 'U-turn' sparked renewed calls for a prison to be built in north Wales; a case that drew heavily on the 'specific' and 'unique' problems facing people from north Wales in the absence of any prison facility in this part of the country.

The renewed emphasis placed upon imprisonment in Wales was, in hindsight, key to informing the aims of this research. In October 2009, at a time when I was just starting my postgraduate studies at the University of Manchester, the House of Commons Welsh Affairs Committee launched a follow up to its 2007 inquiry into imprisonment in Wales. In its original report, the Welsh Affairs Committee (2007, p.40) had discussed the "distinctive" issues and problems facing Welsh prisoners. Importantly, however, the report also outlined the emergence of a "Welsh context" of imprisonment following changes made to offender management, resettlement and rehabilitation in Wales as a result of the devolution that had unfolded with the establishment of the National Assembly for Wales in 1999 (Welsh Affairs Committee, 2007, p.4).

The arguments in favour of a prison for north Wales, as well as the Select Committee's arguments about a distinctive Welsh context, were instrumental in formulating the aims behind this research. They served to introduce me to the idea that Welsh prisoners experience a 'distinct' set of issues but also raised the idea, albeit rather vaguely, that devolution had somehow altered the terrain of offender management and resettlement in Wales. These arguments appeared to challenge the orthodox view that, as far as the criminal justice system was concerned, at least, England and Wales could be viewed as a single space; a view that, with some exceptions (e.g. Field, 2007; Haines, 2010), remained firmly intact a decade and more

after the 1997 referendum that led to the establishment of political devolution in Wales. Intuitively, I felt that this orthodoxy was no longer sufficient. With policy makers in the Select Committee wrestling with the idea of a distinctive "Welsh context" (Welsh Affairs Committee, 2007, p.4), the fact that the discipline of criminology remained wedded to an undifferentiated view of 'England and Wales' (if not, even more anachronistically, 'Britain') appeared to be increasingly unsustainable.   This thesis, therefore, seeks to open up the question of the distinctiveness of Wales within the apparently unitary and uniform 'England and Wales' system.

The specific aims of this thesis are two-fold and, when considered alongside one another, can be used to forge a critical understanding of post-devolution imprisonment in Wales. Firstly, the thesis aims to outline and explain the emergence of a unique set of constitutional arrangements that govern imprisonment, offender management and prisoner resettlement in and for Wales; a set of arrangements that owes much to the particular form that devolution has taken in the Welsh context in which the usual trinity of Executive, Legislature and Legal Jurisdiction remains incomplete in the absence of the devolution of the latter. By discussing the intersection between changes to criminal justice policy *and* constitutional developments in Wales, the thesis presents a cogent analysis of Wales's 'emergence' as a distinctive unit of analysis within the England and Wales system.

Secondly, the thesis aims to explore issues that are specific to the ecological conditions of imprisonment, offender management and prisoner resettlement in Wales. In drawing upon the findings taken from existing studies on imprisonment in Wales (e.g. Madoc-Jones, 2010; Welsh Affairs Committee, 2007), the thesis seeks to disentangle Wales from a set of criminological arguments ordinarily played out through the lens of 'England and Wales'. By focusing upon the specific issues presented to prisoners, family members and service providers in Wales, the thesis overturns the conventional view that continues to regard 'England and Wales' as comprising a single criminological space *and* instead provides new insights into the reality of imprisonment, offender management and resettlement in post-devolution Wales.

However, while both of these discussions will be presented separately throughout the main body of the research, it is the overarching aim of this thesis to explain the interconnectedness between Welsh devolution *and* the problems facing prisoners, family members and service providers in and of Wales. In addressing both of these aims the thesis will reveal the linkages between the many problems facing people across Wales and the unique constitutional (policy) arrangements that now govern imprisonment, offender management and prisoner resettlement in the post-devolution era. By examining the relationship between the two central themes to emerge from the research, the thesis will look to develop a critical understanding of the unique arrangements that now exist in Wales in the post-devolution era. While this stage of the analysis will largely unfold within the final chapter of this thesis, the structure of chapter nine, and indeed those preceding it, are now set out in the remaining section of this chapter.

Chapter Two ('A Welsh Criminological Space') outlines the emergence of a distinct Welsh criminological space. The chapter charts Wales' changing position within the England and Wales system alongside the development of Welsh devolution since 1999. The chapter begins by exploring how Wales, since the abolition of Courts of Great Session in 1830, has been rendered invisible within criminological debates across the 'unitary' space of England and Wales. The chapter then goes on to discuss how the intersection of devolution in Wales and formal changes to the UK Government's approach to offender management has led to a change in Wales' position. The chapter provides an outline of the 'distinct' position now held by Wales within the once 'unitary' England and Wales system.

Chapter Three ('Mapping Out the Hybrid System in Wales') examines the unique constitutional arrangements that exist in Wales. The chapter argues that, in the context of imprisonment, offender management and resettlement, these arrangements are best conceptualized as forming a *hybrid system*. The chapter maps out the contours of the arrangements that underpin this hybrid system including the distinctive yet intersecting policy responsibilities held by the UK and Welsh Government while operating in Wales. Specifically, the resettlement pathways approach developed by the UK Government's National Offender Management Service (NOMS) is used to provide a descriptive outline of the differing policy responsibilities in the area of imprisonment, offender management and resettlement.

Chapter Four ('Locating Wales: Prisoner Resettlement and Identity') provides a survey of a number of the key issues that arise in the context of imprisonment in Wales. In doing so, it seeks to detangle Wales from criminological debates ordinarily played out through the orthodox lens of 'England and Wales'. The chapter begins by discussing the implications of the fact that such a large proportion of Welsh prisoners are held in English prisons. In the first section, the chapter examines the relationship between distances from home and prisoner resettlement outcomes. The chapter draws upon international research and studies across England and Wales to explore the impact that distances can have upon prison visits (e.g. Cochran et al, 2015; Hudson, 2007) and 'through the gate' resettlement services (e.g. Fox et al, 2005; Lindsey et al, 2015). The second section of the chapter draws upon research into the sociology of imprisonment to discuss identity in prison. Using the concepts of 'pains of imprisonment and 'inmate culture', the chapter focuses upon the difficulties facing minority populations inside prison (Goffman, 1961; Sykes, 1958), including studies of Welsh-speaking prisoners held in England (e.g. Madoc-Jones, 2007)

Chapter Five ('Researching Imprisonment in Wales') discusses the methodological framework of the study. It provides a detailed account of the qualitative research methodologies utilised during data collection and analysis for the thesis. The chapter then outlines how research participants, including vulnerable populations, were sampled, accessed and recruited throughout the study. In addition, it provides a profile of the participants that took part in the research from across three separate sample groups. A subsequent section discusses the process of securing informed consent from all participants who took part in the research. The chapter then provides a reflexive case study focusing on the experience of conducting ethnographic research on-board the North Wales Prison Bus. This section draws together and reflects upon many of the methodological challenges discussed throughout the chapter.

Chapter Six ('Distances and Prison Visits') is the first of three findings chapters presented in this thesis. The chapter explores participants' views of receiving or making prison visits. The chapter begins by examining the 'distance problems' that face prison visitors. The chapter outlines the financial costs, difficult journeys and 'cascade' of other problems facing prison visitors travelling long distances. The

chapter then goes on to consider the effects that distances have upon visiting levels and the relationships between prisoners and family members.

Chapter Seven ('Distances and Through the Gate') explores service providers' accounts of providing 'through the gate' resettlement support to Welsh prisoners. The chapter begins by discussing the benefits that 'through the gate' services can offer to prisoners, including services delivered in prison and 'at the gate' upon release. The chapter then goes on to outline the impact that distances *and* dispersal have upon the delivery of 'through the gate' services. It then considers how the effects of distances and dispersal can impact upon the post-release outcomes of prisoners who miss out on 'through the gate' support.

Chapter Eight ('Welsh Identity and Prisoner Location') explores former Welsh prisoners' accounts of their experiences inside English prisons. The chapter begins by examining the difficulties that prisoners face when travelling to prisons inside prisoner escort vehicles. The chapter then discusses the 'pains of imprisonment' facing Welsh prisoners in English prisons. It doing so, the chapter explores the tensions Welsh prisoners face in their relationship with both non-Welsh prisoners and with prison staff in England. This section also draws upon the account of one prisoner to provide a unique insight into the experiences that Welsh-speaking prisoners can face as a minority in Welsh prisons. The chapter then goes on to discuss the patterns of interaction amongst prisoners with a 'local identification' to Wales when held in English prisons.

The Conclusion draws together the key issues and two main themes discussed throughout the thesis (devolution *and* the problems facing Welsh prisoners, family members and service providers). The chapter begins by drawing upon the research findings to examine the relationship between the intersecting responsibilities held by the UK and Welsh Government within the hybrid system. The chapter then goes on to discuss the impact that the hybrid system has upon the Welsh Government's own policy aims. It presents two examples to outline how the hybrid system is undermining the Welsh Government's policy initiatives in its areas of responsibility. The chapter then examines recent changes to probation services and the prison estate in Wales to discuss the future of the hybrid system. The chapter concludes with a call for a more constitutionally literate criminological debate that recognises the

distinctiveness of Wales, the Welsh experience and the Welsh policy context, even within what remains (for now) an England and Wales criminal justice system.

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In the time that has elapsed since the UK Government's 'U-turn' on a prison in Caernarfon in 2009, there have been numerous developments related to imprisonment and devolution in Wales. They included the UK Government's 2013 announcement of its decision to build a prison in north east Wales. In the following year, the second report of the UK government-established Silk Commission (2014, p.123) recommended the devolution of policing and youth justice as well as acknowledging a "persuasive case" to devolve prisons and probation. That same year, the House of Commons Welsh Affairs Committee launched another inquiry into imprisonment in Wales. Its remit included examining the issues and problems facing Welsh prisoners as well as the need to consider the relationship between devolved and non-devolved agencies operating in Wales (Welsh Affairs Committee, 2015).

Beyond events that have taken place in Wales, developments related to criminal justice and devolution have also taken place throughout other parts of the UK. In April 2010, powers over policing and justice were transferred from the UK Government to the Northern Ireland Assembly. This was presaged by an impassioned speech (in 2008) in support of the devolution of justice functions to Northern Ireland by Gordon Brown, the then Prime Minister (Brown, 2008).

> There is something more vital at stake for your entire society, something that only the completion of devolution can deliver. How can you, as an Assembly, address common criminality, low-level crime and youth disorder when you are responsible for only some of the levers for change, and when you have responsibility for education, health and social development but have to rely on Westminster for policing and justice?

(Speech delivered by Gordon Brown to the Northern Ireland Assembly on 18th September 2008)

The distinct space that exists in Northern Ireland has also been captured within academic research including studies before the transfer of powers in 2010 (e.g. McEvoy, 2001; McGarry and OLeary, 1999) and after (e.g. McAlinden and Dwyer, 2015; O'Mahony, 2012). In Scotland, criminologists have continued to focus upon its own distinct criminal justice system. Since 2011, for example, Croall et al (2010; 2015) have produced two separate edited collections on Scottish criminal justice. June 2013 also saw the launch of *Scottish Justice Matters*, a quarterly focusing on criminal justice issues in Scotland.

In Wales, by contrast, with the exception of some scholarship in the area of youth justice (e.g. Drakeford, 2010), the 'Welsh context' has barely been recognised let alone been subject to any kind of serious research. In this regard, very little has changed since I first stumbled across a gap within the discipline of criminology in 2009. The arguments developed throughout this thesis therefore represent an attempt to fill – or beginning to fill – this lacuna. In particular, by exploring the links between the two main themes throughout this thesis, the problems facing people across Wales *and* the unique constitutional arrangements that characterise post-devolution imprisonment in Wales, it is hoped that the critical understanding developed throughout this thesis will embolden other criminologists to take Wales seriously and encourage them to explore the questions that arise when Wales is treated as a distinctive criminological space.

Chapter Two
A Welsh Criminological Space

2.1. Introduction

The process of devolution in Wales has catalysed major political, cultural, social and institutional change. In the academy, these impacts have been reflected within the working practices and research agendas of academics within a number of separate disciplines. This has been outlined within research on education (e.g. Rees, 2005; Taylor et al, 2013), health policy (e.g. (Drakeford and Sullivan, 2011; Greer, 2003), housing (e.g. Mackie, 2012; Mackie, 2014), law (e.g. Rawlings, 2003), politics (e.g. Stirbu and McAllister, 2011; Wyn Jones and Scully, 2012) and public policy (e.g. Chaney and Drakeford, 2004; Chaney, 2006).

It would appear, however, that criminology is something of an exception. While research on criminal justice in Scotland shows that the discipline of criminology is capable of conceptualising and understanding the effects made by constitutional change (e.g. Croall et al, 2010; McAra, 2008; Morrison, 2011), this opening chapter will seek to address this lacuna by reflecting upon the effects and changes that have been delivered in Wales since 1999. The aim of this chapter is to provide the foundational basis for this thesis' argument that a new and unique hybrid system in Wales has emerged. Wherever possible, the use of the phrase hybrid is avoided so as to let the wider processes underpinning this system emerge in their own right. The concept of hybridity will, however, be discussed in the next chapter after the changes that have altered the contours of the system in Wales have been explained here.

The chapter begins by outlining the history of Wales' involvement within the 'unitary' England and Wales system. By drawing upon a number of examples, the chapter explains how an 'anglocentric' discourse helped to ensure Wales remained an invisible unit of criminological analysis within the 'unitary' system. The chapter then outlines the changes that took place in Wales between 1998 and 2003. This includes discussing the many faces of Welsh devolution as well as some of the key policy ideas and initiatives introduced by the UK New Labour Government. A discussion of multi-agency approaches and a 'renaissance' in prisoner resettlement

services will be presented before being used to explain the Welsh Government's changing role.

Finally, the chapter discusses more recent developments within Welsh devolution. In an attempt to outline the scale of the changes that have taken place in Wales, the chapter will discuss how devolution has transformed from the Richard Commission in 2004 through to the publication of the Draft Wales Bill 2015. In the last section, the chapter discusses the UK Government's introduction of a National Offender Management Service (NOMS). The chapter will conclude by arguing that the Welsh Government now has a clear role in a 'joint' system and approach to imprisonment and offender management in Wales.

2.2. England and Wales: 1535-1998

The formation of the England and Wales jurisdiction took place during the sixteenth century. The process of amalgamating the two countries began following the passing of the Act for Law and Justice to be Ministered in Wales in like Form as it is in this Realm of 1535/6 followed by the Act for Certain Ordinances in the King's Dominion and Principality of Wales of 1542/3. The aims behind the Laws of Wales Acts, as they came to be known, were to legally incorporate Wales into England. This meant abolishing any sense of difference between England and Wales including "sweeping away" Welsh laws and any other "customs and usages" that had once included Wales' very own penal code (Rawlings, 2003, p.460). The driving force behind the Acts was a desire to achieve uniformity. For Wales, this meant assimilation with England.

The institutions responsible for the administration of justice in Wales after 1542 were the Courts of Great Session.[1] According to Thomas Watkin (2012, p.145), despite the fact that the Laws of Wales Acts had delivered uniformity, the Courts of Great Session allowed Wales to maintain some sense of "legal identity" that remained ultimately "distinct" from England (Watkin, 2012, p.145). This was evidenced, according to Watkin (2012, p.145), by the fact that the Welsh language was "widely employed" within the Great Sessions despite the fact that English law was administered and the language of its administration was officially English.

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[1] This did not include Monmouthshire.

After 1542, a sense of political identity also formed in Wales. According to Watkin (2012), Wales' incorporation into England meant that for the very first time the different shires and boroughs of Wales were entitled to send representatives to the Westminster parliament. In fact, far from simply being "absorbed into the English Kingdom", Watkin (2012, p.143) argued that the Courts of Great Session had offered Wales a "unique" form of "constitutional autonomy" in the years that followed its legal incorporation into England.

In 1830, however, the Courts of Great Session were abolished. Driven by a wider shift towards "administrative centralization" in England and Wales, the dissolution of the Great Sessions forced Wales into the legal circuit of England. The consequences of this for Wales' own "distinct" identity were devastating (Watkin, 2012, p.145). According to Rawlings (2002, p. 461), the abolition of the Great Sessions swept away any of the remaining "vestiges" of a separate system that had been salvaged in Wales since the Laws of Wales Acts.

After 1830, the England and Wales system achieved full uniformity. Wales was now "fully integrated" with England and its sense of legal identity lost with the Courts of Great Session (Watkin, 2012, p.145). This is something that was to be reflected within the discourse surrounding the England and Wales system. This included the discourse within criminology and within studies surrounding prisons and the development of penal policy in England and Wales. This narrative, underpinned by a 'common sense' understanding of the uniformity shared between England and Wales, was to be responsible for shaping the way in which penal policy and imprisonment in England and Wales was to be written about and understood within the discipline of criminology.

2.2.1 No Distinctness or Difference to Speak Of

The abolition of the Courts of Great Sessions heralded the "starting point" of the unitary England and Wales system (Justice Thomas, 2001, p.115). This moment secured Wales' assimilation into England both administratively and relatedly, and consequently, in terms of the criminological discourse surrounding England and Wales. This discourse, underpinned by the view that there was no difference to speak of between England and Wales, allowed for England to become the 'common

sense' unit of analysis within research on England *and* Wales. This anglocentric discourse is reflected by the fact that England has been a dominant unit of analysis since the birth of the jurisdiction.

The authority given to England within the discourse can firstly be traced within the titles given to studies on imprisonment and penal policy in England *and* Wales. A few examples include McConville's (1981) *A History of English Prison Administration*, Forsythe's (1990) *Penal Discipline, Reformatory Projects and The English Prison Commission*, Playfair's (1971) *Punitive Obsession: An unvarnished history of the English Prison System*, Rutherford's *(1988) Boundaries of English Penal Policy* and McConville's (1975) edited collection *The Use of Imprisonment: Essays in the changing state of English penal policy.*

The discourse has also extended itself to the contents within studies on penal policy and imprisonment. Once again, the anglocentric discourse has allowed for England to become the central unit of analysis. For example, within McConville's (1975) edited collection of essays on imprisonment in England and Wales, attention was drawn to some of the "significant features of the English prison service" (Jepson, 1975, p.17), as well as some of the longstanding principles "at the heart of English penal practice" (Hawkins, 1975, p.67). In the same collection, Zellick (1975, p.1) managed to unpick the differences between the "English penal system" and the system operating in Scotland.

What has perhaps been most striking about the discourse is that even though England is solely used (e.g. McConville, 1975), it is clear that it is being used to talk on the behalf of both England *and* Wales. This is outlined within examples where criminologists have approached topics or events that have very clearly been experienced in Wales. For example, while prison riots during the beginning of the 1990s had been described as a crisis unfolding within "English penal establishments" (Scraton et al, 1991), these events had also been experienced in Wales. This was clearly outlined within Lord Woolf's report in 1991 which described events surrounding the disturbances that took place at HMP Cardiff on 8th April 1990. According to Woolf (1991), the disturbances left five staff members and one prisoner injured while significant damage was reported throughout the prison.

In another example, Radzinowicz and Hood (1986, p.404) discussed "the English" response that had been shown towards political prisoners and members of the Chartist movement between 1839-40. Once again, while the Chartist movement was a major social movement across south Wales (Davies, 1939), Radzinowicz and Hood (1986, p.405) described the threats being posed to "English society" by members of a movement both "dreaming and striving for a better England".

In *Prisons Under Protest* (Scraton et al, 1991) and *The Emergence of Penal Policy* (Radzinowicz and Hood, 1981), the anglocentric discourse allowed for events that had taken place in Wales to be spoken of through the sole position of England. In both cases, however, the failure to discuss Wales does not point towards an error on the behalf of the authors. Instead, the failure to include Wales simply offers a reflection of just how authoritative the 'unitary' discourse had become within debates over penal policy in England and Wales.

The authority held by England within the discourse also extended itself to the extent that notions of 'Englishness' or 'English values' have been used to help understand penal policy in England and Wales. Throughout Radzinowicz and Hood's (1986) *The Emergence of Penal Policy*, concepts surrounding 'Englishness' were repeatedly used to help explain how penal policy had been shaped and transformed in England and Wales. For example, the authors explain how a series of "English reactions" led to the rejection of positivist criminological ideas in England and Wales at the start of the twentieth century. Radzinowicz and Hood (1986, p.13-14) describe a scenario in which "the English" were simply unwilling to engage with positivist criminology and the ideas of Cesare Lombrosso that were beginning to sweep across Western Europe at the time.

The concept of 'English values' was again used by Radzinowicz and Hood (1986, p.249) to discuss the rejection of plans unveiled in 1856 to introduce "convict supervision". Radzinowicz and Hood (1986, p.250) explained how such proposals were widely rejected on the basis that police supervision was not regarded as an "English forte". In another example, the authors described the rejection of controversial plans unveiled in 1846 to introduce indeterminate sentencing for repeat offenders. This time Radzinowicz and Hood (1986) used extracts taken from an edition of *The Times* in 1850 to reveal how notions of 'Englishness' were yet again

a driving force behind the dismissal of any proposed changes to the trajectory of penal policy in England and Wales.

The arguments being made by Radzinowicz and Hood (1986) reflect the authority of the anglocentric discourse. This discourse, as evidenced within the examples already shown here, is responsible for producing two 'common sense' ways of thinking about the England and Wales system. Firstly, this discourse has produced a 'dominant England'. This 'common sense' view has led to characterisations of "English criminal justice" (Rutherford, 1986, p.578) and an "English criminological tradition" to describe England and Wales (Rutherford, 1988, p.136). Secondly, the anglocentric discourse is responsible for ensuring that Wales has not emerged as a unit of criminological analysis. This is not just a 'unitary' discourse but it serves to efface the very possibility of Welsh distinctiveness let alone difference. This has ensured that when reference is made to England, there is simply no need to mention or even name Wales within the context of debates on England and Wales. The subheading "for Wales see England" within Rawling's (2003, p.460) influential work on Welsh devolution provides perhaps the most succinct illustration of how Wales, as a unit of analysis, was treated as part of the 'unitary' system.

2.3. The Early Years of Hybridity: 1998-2004

This 'unitary' discourse remained largely intact until the end of the twentieth century. However, following the passing of the Government of Wales Act 1998, a growing body of Welsh law has led to increasing legal divergence between England and Wales. In more recent years, these changes have led to growing calls for the establishment of a 'separate' (Jones, 2009; Huckle, 2012) or 'distinct' (Welsh Governance Centre, 2015) Welsh legal jurisdiction.

The discipline of criminology, however, has been slow in seeking to understand the effects of devolution on Wales' position within the 'unitary' England and Wales system (Jones, 2013). The remainder of this chapter will outline the changes that have taken place in Wales since the passing of the Government of Wales Act 1998. Beginning with the period between 1998 and 2004, the following section discusses how the intersection of early Welsh devolution and changes to the UK Government's

approach to tackling crime and offending, presented the Welsh Assembly Government with a route into the field of criminal justice.

2.3 1. Devolution in Wales

Administrative devolution to Wales began towards the end of the twentieth century. While powers over the criminal justice system remained with the UK Government, other government functions enjoyed some form of decentralisation. Parallel to developments in Scotland, education was the first "significant matter" to be administratively devolved (Mitchell, 2009, p.41). This was followed by health agriculture and housing (Mitchell, 2009). In 1965, the Welsh Office was established by Harold Wilson's Labour Government in 1964, this after James Griffiths had been appointed as the very first Secretary of State for Wales in October 1964. By 1996, the Welsh Office was responsible for a range of government functions including education, health, housing, local government, social services and the Welsh language. Although Wales remained very much part of the UK, Mitchell (2009, p.41) argues that Welsh political institutions had managed to carve out a "remarkable place in Welsh society" by the end of the twentieth century. As the new millennium approached, Welsh political identity was on the verge of its biggest transformation yet.

In 1997, the newly elected UK Labour Government published its White Paper, *A Voice for Wales,* to set out its proposals to give Wales "a stronger voice in the United Kingdom" (Wales Office, 1997, p.1). This 'stronger voice' was to be provided through the establishment of a National Assembly for Wales as a single 'corporate body' to be made responsible for the areas of government previously overseen by the Welsh Office. The implementation of the UK Government's plans were to be determined by the outcome of a devolution referendum.

In September 1997, the people of Wales voted in favour of devolution. While the devolution referendum in Scotland had recorded "thumping victories" for the Yes campaign (Wyn Jones and Scully, 2012, p.18), the Welsh referendum, secured victory by a narrow margin and on a relatively low turnout.[2] In spite of a remarkably

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[2] The margin of victory was 6,721 votes (0.3 per cent of the population) on a turn out of just over half of those eligible to vote.

narrow victory, the result was enough to ensure that the UK Government's plans for devolution in Wales were to be implemented. In July 1998, 'executive devolution' was established in Wales following the introduction of the Government of Wales Act 1998. This 'executive' model - a "weird and unlikely combination" between the Welsh executive and UK legislative powers (Wyn Jones and Scully, 2012, p.27) - introduced to the UK a set of "new and untested" constitutional arrangements (Rawlings, 2003, p.5).

In the period that followed the National Assembly becoming "formally empowered" in June 1999 (Rawlings, 2003, p.1), incremental changes to devolution in Wales meant that the National Assembly took of a number of different 'faces' (Rawlings, 2003). The first of these, described by Rawlings (2003, p.121) as the 'Welsh Office plus model', was largely a "reinvention" of the administrative model that had existed prior to the establishment of the Assembly. This model was embraced by the Assembly's inaugural First Secretary, Alun Michael. Guided by the provisions of the Government of Wales Act 1998, this model largely confined the Assembly to an "advisory" role with little freedom or independence given to the Presiding Officer (Rawlings, 2003, p.121). In February 2000, Alun Michael was forced to step down as First Secretary of the Assembly following cross-party dissatisfaction with his leadership that eventually led to the tabling of a vote of no confidence. The removal of Alun Michael as First Secretary signalled the end of the 'Wales Office Plus' model. According to Rawlings (2003), this led to the emergence of 'Corporate/ Collaborate' era of Welsh devolution.

The Assembly's collaborative period was a key moment for Welsh devolution. In October 2000, Labour and the Liberal Democrats formed a coalition. Amongst its policy commitments, the coalition agreed plans to establish an independent commission to examine the powers and electoral system of the National Assembly (Mitchell, 2009). According to Rawlings (2003, p.152), the rate of "constitutional development inside the Assembly" increased rapidly after Alun Michael's departure. This was most clearly signalled in February 2002 when members of the National Assembly "unanimously" came together to force a de facto split between the Welsh Assembly Government (executive) and the National Assembly for Wales (legislature) (Rawlings, 2009, p.164).

The split between the legislature and executive heralded a move to what Rawlings (2003) describes as a 'Virtual Parliament' for Wales (Rawlings, 2003). This 'parliamentary' model was reflected in the "operational independence" enjoyed by the Presiding Office as well as the introduction of working practices and "conventions" usually associated with cabinet government (Rawlings, 2003, p.122). Although the Welsh constitution maintained its own peculiarities, this model managed to bring the National Assembly for Wales more into line with other parliamentary structures (Wyn Jones and Scully, 2012).

The years between 1998 and 2004 were a turbulent period for Welsh constitutional development. During this time the Welsh Assembly transformed itself from something that mirrored a local government structure to being well on its way to becoming a more orthodox parliamentary structure. Most significantly, however, from 1999 onwards the National Assembly for Wales had executive responsibilities for twenty separate policy areas. This included responsibility for key areas of social policy that were, at the very same time, experiencing their own reinvention as part of a much wider set of debates around social and penal policy.

2.3.2. Responsibilisation and Resettlement

In May 1997, New Labour were elected to power after a landslide victory in the UK General Election. A central feature of New Labour's campaign had been a commitment to deliver a new approach to tackling crime and justice. This had included Tony Blair's infamous proclamation to be 'tough on crime and its causes' at the party's national conference in 1995. During its early years in government, New Labour committed itself to two separate agendas that are key to understanding a series of changes that would later transform the Welsh Government's role in the England and Wales system. The first of which, will be discussed here, was a commitment towards partnership working and multi-agency approaches to tackling crime and offending as part of its strategy to 'modernise' government. The second agenda, which will be discussed later in the chapter, was New Labour's commitment to reforming prisoner resettlement services across England and Wales

The New Labour Government was elected at a time when western states were reconfiguring their approaches to crime and offending. Garland (1996) described

how an emerging "crisis in penal modernism" had been a catalyst for a change in the state's 'official' discourse on crime. From the 1960s onwards 'official reports' began to "register doubts" about the "efficacy" of the criminal justice system (Garland 1996, p.447). This included 'official' concerns being raised within Home Office research about the capacity of the police, courts, prisons, probation and sentencing structures to adequately address or reduce crime (Garland, 1996). By the 1980s, states began to openly acknowledge that criminal justice agencies could no longer "succeed" in tackling crime alone (Garland, 1996, p.448).

The limitations of the "criminal justice state" led to the development of alternative "adaptive responses" to crime control (Garland, 2001, p. 113-125). Amongst these responses, Garland (1996; 2001) described how states were redefining the responsibility for crime and offending. This approach was centred upon the state acting "indirectly" to try and encourage non-criminal justice actors to become active citizens involved in the process of crime control (Garland, 1996, p.452; Rose, 1996). Described by Garland as strategies of 'responsibilisation', these approaches were aimed at creating an "enhanced network" of different partners, organisations and agencies to support, and indeed supplement, the "criminal justice state" in tackling crime (Garland, 2001, p.124-5). The concept of responsibilisation is key to understanding New Labour's approach to tackling crime and offending at a time when devolution in Wales had recently been established.

From 1997, the New Labour Government embarked on a "relentless quest" to 'modernise' state institutions (McLaughlin et al, 2001, p.305). At the heart of Labour's approach was a commitment to delivering 'joined-up' working and partnership approaches. This included the state's approach to tackling crime and offending where New Labour had emphasised the need for 'joined-up' working between state, local and community agencies. This strategy was most clearly evidenced within Labour's approach to youth justice (McLaughlin et al, 2001), as well as the introduction of the Crime and Disorder Act 1998, which legislated to require local authorities to develop partnerships alongside voluntary, statutory and community partners to reduce crime and improve community safety (Gilling, 2007).

New Labour's approach to new forms of governance also included reforms at the level of the state itself. Newman (2001) described how Labour emphasised the need

to develop "horizontal" coordination and collaboration *between* state departments and public sector organisations. Rather than simply responsibilising those beyond central government, Labour's commitment to 'joint' approaches meant that non-criminal justice departments were also responsibilised as part of its efforts to create an 'enhanced network' of agencies actively involved in supporting criminal justice institutions to reduce crime. It was within New Labour's approach to prisoner resettlement, however, that the responsibilisation of non-criminal justice policy areas was most central.

From 1997 onwards, the newly elected New Labour Government faced mounting calls for a change in the state's approach to prisoner aftercare services (e.g. Maguire et al, 1998; Maguire et al, 2000; NACRO, 2000). Since the mid-1960s, support for those leaving prison had largely been provided on a voluntary basis by the Probation Service (Maguire et al, 2000). During the 1980s, however, the provision of post-release support to prisoners began to "slip down the priorities" of the Probation Service in England and Wales (Maguire and Raynor, 2006, p.21). The provision of prisoner aftercare was viewed by some staff as "welfare work" and represented a departure from probation's "main aim" to reduce reoffending (Maguire et al, 2000a, p.3).

The gap that had emerged within post-release support arrangements prompted a "revival of interest" amongst academics and prisoner campaign groups (e.g. Lewis et al, 2003; Maguire et al, 2000a; 2000b; Maguire and Raynor, 2006, p.21; Nacro, 2000). In 2001, a joint report by HM Inspectorates of Prison and Probation (HMI Prisons and Probation) called for a new approach to resettlement across England and Wales. The report included an in-depth discussion of the factors needed to help socially integrate prisoners upon their release. On the area of social integration, the report described the "lack of consistency" in the "provision and coordination" of those services aimed at socially integrating offenders upon their release from prison (HMI Prisons and Probation, 2001, p.19).

Under the weight of growing calls for improvements to the resettlement of prison leavers (Maguire and Raynor, 2006), the UK Government's Social Exclusion Unit (SEU) was asked to explore how to reduce levels of reoffending amongst former prisoners. In 2002, the SEU published a range of recommendations within its

Reducing Reoffending by Ex-Prisoners report. The Unit's proposed strategy encouraged 'joint-working' between government departments to go beyond the limits of prison and probation services to reduce reoffending. According to Knepper (2007, p.129), the SEU's approach was grounded within an understanding that any future reduction in reoffending would largely be determined by the "effectiveness of social policies" rather than those policies in the sphere of criminal justice. This included areas such as health, housing, and substance misuse forming a central part of the SEU's (2002, p.197) "blueprint for a cross-government rehabilitation strategy".

The recommendations made by the SEU reflected a continuation of the way social policy had become increasingly "closely tied" to criminal justice. At the turn of the twenty-first century, Rodger (2008, p.3) had argued that the "criminalisation of social policy" had become one of the most "distinctive features" of social policy across the United Kingdom (Rodger, 2008, p.3). Muncie (2006) argued that New Labour's approach meant that offending was no longer simply an issue of 'criminality' to be dealt with by the criminal justice system, but had become a problem of health, housing, substance misuse, education and employment. From 1999 onwards, these changes were reflected in the ways in which social policy was being used by "devolved authorities" to tackle crime and offending (Rodger, 2008, p.3).

The Government of Wales Act 1998 transferred responsibility over many areas of social policy to the National Assembly for Wales. Chaney and Drakeford (2004, p.123-4) argued that the "essence" of early Welsh devolution had been to create a "social policy Assembly for Wales" with around 80 per cent of its entire annual budget spent on areas including health, education, housing, social services and local government. The UK Labour Government's commitment to 'joined-up' working *between* government functions meant that these social policy functions in Wales took on an active role in helping to reducing crime and reoffending in Wales. Between 1999 and 2004, the Welsh Assembly Government developed a number of initiatives to offer resettlement support to offenders across Wales within a range of its social policy areas. For example, in 2001, a year before the Social Exclusion Unit had published its report, the Welsh Assembly Government included provisions to support prison leavers from Wales within the Homeless Persons (Priority Need) (Wales) Order 2001. In 2003, the Welsh Assembly Government developed measures to improve offender health services after the Home Office transferred responsibility

for prisoner healthcare to the National Assembly. In March 2004, the Welsh Assembly Government also formally launched its Wales-wide Transitional Support Scheme (TSS) to provide substance misuse support to short-term prisoners released without any kind of statutory help in place (Maguire et al, 2010).[3]

The Welsh Assembly Government's involvement between 1999 and 2004 developed in a rather discreet way. Far from being part of any named, deliberate or formal strategy to provide the Welsh Assembly Government with any kind of formal control over offenders, the closer ties between social policy and criminal justice (Rodger, 2008) simply meant that responsibilities over prisoners and offenders were picked up as part of the Welsh Assembly Government's existing strategic programme of government. Although largely inconspicuous up to this point, these responsibilities were to become a key part of the UK Government's own approach to reducing reoffending in Wales.

2.4 Stronger Foundations: 2004 to present

Central to working out how the Welsh Assembly Government became responsible for offenders between 1998 and 2004 is the need to comprehend the wider consequences of devolution itself. This includes the way in which the National Assembly for Wales became responsible for twenty separate areas of policy including those, such as health and housing, that were to include responsibilities over prisoners and offenders. The period between 2004 to the present, however, requires an understanding of the way in which changes in criminal justice policy altered the *nature* of the Welsh Assembly Government's role. From routinely meeting its responsibilities as part of its wider strategic programme of government, this section outlines how the responsibilities held by the Welsh Assembly Government became an *integral* part of the UK Government's very own strategy and approach in Wales. Alongside the maturing development of Welsh devolution, the formal introduction of a National Offender Management Service is key to understanding the formal role that the Welsh Assembly Government developed in Wales during this period.

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[3] The service was called Transitional Support Scheme at the time of its introduction. Its name was changed at a later date to Transitional Support Service.

2.4.1 Towards Primary Law Making Powers

During the 'collaborative' era of constitutional development in Wales, the Labour and Liberal Democrat Coalition Government agreed plans for an independent commission into Welsh devolution. Described as the "high point" of "collaborative development" during this period (Wyn Jones and Scully, 2012, p.43), the Commission into the Powers and Electoral Arrangements of the National Assembly for Wales was established in July 2002 under the Chairship of Lord Ivor Richard. In 2004, the Richard Commission published its findings and unveiled a "devastating" critique of constitutional arrangements in Wales (Wyn Jones and Scully, 2012, p.43).[4] Described by Wyn Jones and Scully (2012, p.43) as an "evidence led, coherent and rigorous" report into Welsh devolution, the Richard Commission's recommendations were to be regarded as setting out a new "blueprint" for constitutional development across the UK (Mitchell, 2009, p.165). This even included surpassing the results yielded by the Scottish Constitutional Convention in 1995 that Welsh constitutionalists had so long rued missing out on.

The Commission's critique of the "grotesque" constitutional arrangements put in place by the Government of Wales Act 1998 was accompanied by a clear agenda for reform (Wyn Jones and Scully, 2012, p.43). On the structure of Welsh devolution, the Commission recommended a full separation between the National Assembly (parliament) and the Welsh Assembly Government (executive). The Commissioners emphasised the need go beyond the informal split that took place in February 2002 to ensure that the separation was established on an "appropriate legal basis" (Wyn Jones and Scully, 2012, p.44). The Richard Commission also exceeded many people's expectations on powers. This included proposals for primary law making powers to be transferred to the National Assembly in those areas in which it already held executive responsibly for.

The response to the Richard Commission (2004) generated almost as much surprise as the report itself. In stark contrast to the Labour Party's initial ultra-cautious response in August 2004, the Wales Office (2005) *Better Governance for Wales* White Paper was both "radical and far-reaching" in its proposals to deliver reform (Wyn Jones and Scully, 2012, p.48). This included plans to abandon the old 'corporate

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[4] Its name taken from the Commission's Chair Lord Ivor Richard.

model' while creating a "separate ministerial authority" that would still be accountable to the National Assembly (Mitchell, 2009, p.165). The UK Government also proposed that full primary law making powers should be transferred to the National Assembly (Wales Office, 2005, p.21). It recommended that these powers should be transferred through a "staged" process with the final step "triggered" by a future referendum (Wales Office, 2005, p.21). Prior to this point being reached, however, the Bill also proposed to give the National Assembly for Wales powers to introduce primary legislation in the form of 'Measures' (c.f. 'laws'). These would come to be known as Legislative Competence Orders (LCOs).

The new Government of Wales Bill was given Royal Assent in July 2006. With its passing, the new Act opened up further debates and discussions on the future of devolution in Wales. According to Mitchell (2009, p.165), the passing of the Government of Wales Act 2006 was never likely to be "the last word on Welsh devolution". However, while questions remained about the prospects for a future referendum, the steps taken within the Act to secure limited primary law making powers still amounted to a "significant victory" for devolutionists in Wales (Wyn Jones and Scully, 2012, p.49)

From 2006 to 2011, constitutional debates in Wales were largely dominated by the inadequacies of the LCO system that was part and parcel of the 'Measure' making process. The fallout from the LCO system contributed to the looming prospect of a referendum in Wales. After the Assembly elections in May 2007, Labour and Plaid Cymru signed up to the *One Wales* coalition. The coalition agreement set out the course for the next phase of devolved government in Wales which included a "joint commitment" made by both parities to campaign for a "successful outcome" in a referendum on primary law making powers (Welsh Labour and Plaid Cymru, 2007, p.6). As part of the *One Wales* coalition, both partners agreed to the establishment of an All Wales Convention. Under the Chairship of Sir Emyr Jones Parry, The All Convention's report was published in November 2009. Amongst the report's many recommendations, the Convention (2009, p.98) outlined the "substantial" benefits that enhanced primary law making powers would offer to Welsh devolution. This included the claim that the more extensive primary making powers on offer after a successful referendum would reflect the "emerging maturity" of the National Assembly for Wales (All Wales Convention, 2009, p.98).

The All-Wales Convention proved a "key stage" in the eventual move to a referendum (Wyn Jones, and Scully, 2012, p.79). Although there was to be much political discussion in the run up to referendum day, the details surrounding the referendum on primary law making powers were eventually agreed before the end of the Assembly's third term. On 3rd March 2011, a Yes/No referendum on primary law making powers was held across Wales. Despite producing a rather disappointing turnout of 35.6 per cent, the referendum yielded an overwhelming victory for the Yes campaign who took 63.5 per cent of the vote share. After the Assembly elections in May 2011, the National Assembly for Wales was granted full legislative powers in areas of existing responsibilities.

In October 2011, the then Welsh Secretary, Cheryl Gillan, confirmed the UK Government's decision to launch an independent inquiry into the future of devolution in Wales as agreed in the Conservative-Liberal Democrat coalition agreement. Under the Chairship of Paul Silk, a former clerk to the National Assembly for Wales, the Silk Commission's remit was split into two parts. Part I consisted of a review into the financial arrangements of Welsh devolution, whilst Part II considered any potential "modifications" to the National Assembly's powers (Bowers and Webb, 2012, p.10). It is the arguments generated within Part II of its inquiry that are most significance to the aims of this chapter and the thesis overall.

The second part of the Silk Commission's inquiry catalysed a wide-ranging debate on what further powers should be devolved to Wales; a debate that for the very first time encompassed the field of criminal justice. This debate developed as evidence was submitted to the second part of the Silk Commission's inquiry. In February 2013, the Welsh Government made proposals for modifications to the Assembly's powers in a number of areas including energy, environment, transport and legal jurisdiction. The Welsh Government also outlined its commitment to the transfer of criminal justice powers to Wales. According to its evidence, "the status quo" of the England and Wales system was becoming increasingly "hard to justify" (Welsh Government, 2013a, p.15). It went on to demand the immediate transfer of powers over policing and youth justice, while calling for power over criminal justice as a whole to be transferred to the National Assembly as part a "longer-term" process for Welsh devolution (Welsh Government, 2013a, p.16).

In March 2013, the UK Government submitted its own evidence to the second part of the Silk Commission's inquiry. In stark contrast to the Welsh Government's position, the UK Government's proposals were far less supportive of any widespread changes or modifications to the National Assembly's powers. On policing and criminal justice, the UK Government highlighted the "benefits" of the existing "joined-up" England and Wales system, which it claimed was "working well" (Wales Office 2013, p.64). It also drew attention to the challenges and costs of creating a separate Welsh system, especially those relating to the establishment of a Welsh prison estate (Wales Office, 2013, p.65).

In March 2014, Paul Silk and his fellow commissioners published a report detailing their recommendations from Part II of their inquiry. This included a wide range of modifications to the National Assembly's in areas such as energy, transport, environment, and broadcasting as well as modifications to size of the National Assembly itself. The Commission also called for a move from the conferred powers model of devolution found in the 2006 Act to a "superior" reserved powers model of devolution that would deliver a much clearer constitutional dispensation (Silk Commission, 2014, p.37).

Of particular interest to the purposes of this thesis is that the Silk Commission's (2014) report also made far-reaching recommendations on policing and justice in Wales. They included calls for the immediate transfer of policing and youth justice powers to the National Assembly. The report also recommended that there should be further administrative devolution of the court system as well as a future review into the potential for devolving legislative responsibility for the courts, the Crown Prosecution Service, sentencing, legal aid and the judiciary. On prisons and offender management, Silk (2014, p.123) argued there was a "persuasive case for the transfer of responsibility over prisons and probation to Wales. The report called upon the UK Government and Welsh Government to "jointly" review the feasibility of transferring powers over prisons and probation to Wales within a ten year period (Silk Commission, 2014, p.123).

The Silk Commission's inquiry will surely be viewed as a significant moment for debates on criminal justice and devolution in Wales. Its bold recommendations in relation to areas that, until then, had rarely featured in debates on Welsh devolution,

including prisons, probation, courts and policing, were a clear signal of the growing maturity and strength of Welsh devolution. The Silk Commission process, however, contributed to a major disconnect within the debate on criminal justice in Wales. While it did indeed kick-start debates over what a future Welsh system of criminal justice might look like, it remains the case that very little is known about the *current* post-devolution system. The disconnect between the system that has emerged in Wales since 1998 and future visions for criminal justice in Wales is something that will be challenged throughout this chapter and the remainder of this thesis.

In February 2015, the UK Coalition Government issued a response to the Silk Commission's (Part II) recommendations, in the form of a Command Paper titled *Powers for a Purpose*. This was a document resulting from a cross-party process, known as the St David's Day process, that attempted to "secure political consensus" on the future of devolution in Wales on the basis of the Silk Commission's recommendations (Wales Office, 2015, p.6). In the area of justice, *Powers for a Purpose* recommended making some changes to the existing dispensation in Wales. These included supporting the recommendation that the High Court should sit in Wales on a regular basis. The St David's Day process also supported the Silk Commission's proposal that there should at least be one judge on the Supreme Court with an understanding of Wales.

But, generally speaking, criminal justice was the area in which *Powers for a Purpose* reported least progress on. There was "no consensus" on devolving youth justice, policing or the National Crime Agency as well as "no consensus" on whether an office of the High Court should be established in Wales (Wales Office, 2015, p.54-55). On imprisonment and offender management, "no consensus" was reported on whether to devolve prisons and probation or whether to introduce a formal mechanism to allow Welsh ministers to contribute to policy development on adult offender management (Wales Office, 2015, p.54). A verdict of 'no consensus' simply meant the continuation of the status quo in Wales.

The most significant outcome of the St David's Day process was its full support for a reserved powers model in Wales. This led, in turn, to the publication of a Draft Wales Bill intended to underpin a new system of devolution in Wales. At its core was a move towards a reserved powers model to bring Welsh devolution closer to

model that is used in Scotland. Since its publication, however, the Draft Wales Bill has been subject to widespread criticism (Wales Governance Centre, 2016). These criticisms were endorsed in the House of Commons Welsh Affairs Committee's pre-legislative scrutiny report of the Bill. Such were the extent of the problems identified that the Welsh Affairs Committee (2016, p.30) urged to the Secretary of State for Wales to "pause" the draft Wales Bill process in order to reflect upon its recommendations. In March 2016, the then Welsh Secretary, Stephen Crabb, duly obliged. A new Wales Bill was introduced to the UK Parliament by the Welsh Secretary, Alun Cairns, at the beginning of June 2016.

The tale of Welsh devolution that has been told here is one of change and continuous development. Since 2004, the Welsh constitution has been transformed. This has included the formal separation between the legislature and executive, a move to primary legislative powers and, most recently, the beginnings of tax devolution. The maturity and resilience of Welsh devolution, and the distinct democratic institutions that exist in Wales, has been reflected in the debates that surround devolution in Wales (Silk Commission, 2014). It has also been reflected in the increasingly important role that the Welsh Government plays in offender services in Wales.

2.4.2 The Pathways Approach

In March 2002, Patrick Carter was asked by the UK Government to review correctional services across England and Wales.[5] The driving force behind the review was the rising number of people in prison across England and Wales and the increasing use of both prison and probation services. In 2003, Carter's (2003) report recommended widespread changes to offender services across England and Wales. This overhaul, according to Carter (2003), could be delivered through the establishment of a National Offender Management Service (NOMS). Carter (2003) argued that national offender management framework would replace "poorly targeted" (p.1) sentences with an "end-to-end" (p.36) support system throughout all stages of an offenders' sentence. It would also formally introduce a more 'joined-up' approach between government departments that had, prior to 2004, allowed the Welsh Assembly Government to play a role in reducing reoffending in Wales through its many social policy functions.

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[5] Now Lord Carter.

In April 2004, only four months after Carter's (2003) recommendations had been published, the Home Office established a National Offender Management Service. The decision to introduce NOMS represented the very first time that a reduction in reoffending had been made the "stated objective" of a correctional service in England and Wales "as a whole" (NACRO, 2004, p.1). Although NOMS was introduced as a service across England and Wales, Carter's (2003, p.35) recommendations had included the need for a system of offender management that would see as much responsibility "devolved to the regions" as possible.

NOMS was introduced with "decentralisation" at its very heart (Wallis, 2004, p.4). This approach had been envisaged by the Home Office as a way to provide regions with their own sense of "regional autonomy" over offender management services across England and Wales (NACRO, 2004, p.4). Once established, NOMS created nine separate regions in England while Wales was set up as its own region. In England, each of the nine regions was assigned its own Regional Offender Manager to embody the "regional autonomy" that was central to NOMS' aims. In Wales, however, NOMS created a Director of Offender Management. This decision was made by NOMS to take account of the fact that Wales was part of the England and Wales system that had its very own political institutions. This was explained by NOMS as a decision taken to reflect the "unique status" that Wales had within the England and Wales system (NOMS Cymru et al, 2006b, p.6).

The regional approach adopted by NOMS played an important role in establishing Wales as a "unique" and standalone unit within the England and Wales system (NOMS Cymru et al, 2006b, p.6). However, it was to be NOMS's formal adoption of the pathways approach that ensured that the Welsh Assembly Government was to become actively involved within the UK Government's approach in Wales. The pathways approach was introduced by NOMS after the UK Government had agreed to translate many of the recommendations made within the SEU's (2002) report into policy. In 2004, the Home Office's (2004, p.3) *Reducing Re-offending National Action Plan* formally identified seven resettlement pathways needed to help deliver a "seamless" system of support to offenders across England and Wales. These pathways included the provision of support to offenders in areas that the Welsh Assembly Government had already been working in prior to 2004. The pathways formally identified by NOMS were:

1. Accommodation;
2. Education, training and employment;
3. Health;
4. Substance misuse;
5. Finance, benefits and debt;
6. Children and families of offenders; and
7. Attitudes, thinking and behaviour.

Given that the devolved institutions played a lead role in many of the areas of social policy falling under these headings, the UK Government's decision to formally introduce the pathways approach meant they *had* to take devolution into account. In 2006, NOMS and the Youth Justice Board published a joint strategy with the Welsh Government. This strategy was designed to be "specific to Wales" to help NOMS take full account of "the difference" that devolution had made to its approach in Wales (NOMS Cymru et al, 2006a, p.2). After the Home Office's Delivery Plan in 2004 had produced a strategy that "largely related to England" (NOMS Cymru et al 2006b, p.7), the joint strategy was an acknowledgement of the fact that its approach in Wales was about 'joint-working' between separate governments rather than simply separate government departments. The joint approach taken by NOMS and Welsh Government also signalled that a single 'national' or 'England and Wales' wide strategy was no longer sufficient to take account of the "different Welsh perspective" that now existed in Wales (NOMS Cymru et al, 2006b, p.iii).

The joint strategy constituted a formal acknowledgement that "many of the mechanisms" to reduce reoffending in Wales were now devolved to the Welsh Assembly Government (NOMS Cymru et al 2006b, p.7). This included an understanding that the Welsh Assembly Government could effectively shape resettlement services using the "considerable autonomy" it enjoyed over "policy making" as well as "implementation" of resettlement services within pathway areas such as health, housing and substance misuse (NOMS Cymru et al, 2006b, p.8). The joint strategy produced by NOMS recognised that the Welsh Assembly Government had become integral to the UK Government's own efforts to deliver 'seamless' systems of resettlement support and reduce levels of reoffending in Wales.

Since the joint strategy's publication in 2006, the Welsh Government have continued to be recognised as an integral part of the UK Government's approach in Wales. In 2009, NOMS Cymru's (2009, p.7) commissioning plans for 2010-2013 re-outlined its commitment to the "unique partnership approach" it had developed with the Welsh Assembly Government. This plan included continuing to develop an approach to changing offender behaviour in Wales alongside "devolved responsibilities" (NOMS Cymru 2009, p.8). In 2013, the UK Government's (2013, p.63) evidence to the Silk Commission reiterated that its responsibilities "interrelate strongly" with those held by the Welsh Government in the field of offender management. In 2014, this time within evidence submitted to the House of Commons Welsh Affairs Committee's inquiry on Welsh offenders, the Ministry of Justice told the Committee that "much of the work" needed to support Welsh prisoners once they are released from prison is done by the Welsh Government (Ministry of Justice, 2014a, p.8).[6]

Perhaps the most significant recognition of the Welsh Government's central role came in 2010 when NOMS replaced its regionalised approach with a new commissioning organisational structure. These changes led to the removal of Regional Offender Managers in England and initially led to the removal of NOMS's Director of Offender Management in Wales. However, while the post-2010 commissioning structure still remains in place across England, in 2014 NOMS reintroduced a Director of Offender Management into Wales.[7] This decision was clear acknowledgement of the fact that Wales, unlike England, has a unique and distinct set of political and policy arrangements that require its own distinctive approach.

2.5. Conclusion

> *For their part, public law scholars have generally been slow to respond to the major innovation in constitutional law and politics that Welsh executive devolution represents. One explanation lies in the challenge to a traditional mind-set that is involved here. Reflecting and reinforcing an idea of the unitary state, with its conventional emphasis on (territorial) uniformity in policy and*

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[6] Responsibility for many functions of the criminal justice system, including NOMS, were transferred from the Home Office to the Ministry of Justice in 2007.

[7] The change oversaw 'NOMS Cymru' being replaced with the name 'NOMS in Wales'.

practice, so much of the scholarship has been Anglocentric in character and geared towards the metropolis. It is a feature accentuated in the case of Wales, precisely because of the overarching unity of the English and Welsh legal system.

(Rawlings, 2003, p.17)

If it could be argued in 2003 that legal scholars had been slow to respond to the changes brought about by devolution in Wales, the same can still be said of those studying criminal justice in Wales some eighteen years after the Government of Wales Act 1998. This failure, to overcome the "overarching unity" (Rawlings, 2003, p.17) of the England and Wales system, can perhaps be explained by the subtle and less immediately obvious nature of the changes that have taken place to criminal justice in Wales. A lack of research on Wales might also be explained by the fact that the topic of criminal justice has received very little attention in constitutional debates, at least until recently. As revealed earlier in this chapter, it was not until Part II of the Silk Commission's inquiry in 2013 that a Wales-wide debate on criminal justice and devolution in Wales began to emerge (Silk Commission, 2014). Taken together, the 'hold' of the 'England and Wales' unit and the comparatively subtle and gradual nature of post-devolution development help explain the view that is it business as usual when it comes to the 'unitary' system.

The arguments outlined in this opening chapter, however, have presented a challenge to this discourse. This chapter has shown that as a consequence of the intersection of devolution in Wales and formal changes to the UK Government's approach, the anglocentric discourse of 'uniformity' has gradually been replaced at the official level by a narrative that now speaks of Wales's difference and its distinctness. This discourse employs phrases such as 'unique', 'distinct' and 'specific' to talk about Wales. This new discourse has also required the UK Government to take account of the realities of the different political and policy arrangements that it now operates alongside in Wales. The aim of this thesis is to embrace this reality and ensure that the discipline of criminology also embraces Wales as a distinctive unit of criminological analysis.

The next chapter of the thesis will explain how the changes outlined in this opening chapter have led to the emergence of a 'hybrid system' in Wales; a distinctive criminological space worthy of a distinctive and serious criminological analysis.

Chapter Three
Mapping Out the Hybrid System

3.1 Introduction

Chapter two charted the emergence of a distinct criminological space in Wales. This space was forged out of the intersection between Welsh devolution and changes to the UK Government's approach to criminal justice in England and Wales. The Welsh criminological space is shaped by a unique set of constitutional arrangements. The aim of this chapter is to 'map out' the contours of these arrangements including the distinctive yet intersecting policy responsibilities held by the UK and Welsh Government while operating within the same geographical space. The process of outlining these arrangements will be used to support the argument that a *hybrid system* has developed in Wales. This concept will be used to guide the arguments throughout the remainder of this thesis in order to develop a more critical understanding of the effects of devolution on criminal justice in Wales.

The chapter begins by outlining the uniqueness of the arrangements that now exist in Wales. The chapter then provides a clear definition of the hybrid system as a space that is occupied by two separate governments each with their own powers, policies, agendas and democratic mandates. The chapter then goes on to provide a brief descriptive overview of the UK Government's powers and responsibilities in Wales. This includes an outline of the controls held by UK Government agencies over penal policy and criminal justice institutions in and for Wales. Finally, the chapter uses NOMS' pathways approach to 'map out' the Welsh Government's responsibilities over "many of the mechanisms" for reducing reoffending in Wales. (NOMS Cymru et al, 2006b, p.6; IOM Cymru, 2014). By drawing upon numerous policy documents, the chapter provides an in-depth accounting of the responsibilities held within each resettlement pathway as well as the policy area surrounding the needs of Welsh speaking prisoners.

3.2 The Hybrid System: An Introduction

The formal introduction of the Social Exclusion Unit's (SEU) "blueprint" for a cross-departmental approach created a unique and distinct set of arrangements in Wales

(SEU, 2002, p.197). In England, the SEU's recommendations for cross-government collaboration simply required UK Government departments to work alongside one another as part of its 'joined-up' strategy. This had been evidenced within the Home Office's original delivery plan for NOMS that had largely concentrated on England and the need for cooperation between UK Government agencies. In Wales, however, the UK Government's policy required a 'joined-up' approach between the UK and Welsh Government to take account of the effects of Welsh devolution (NOMS and Welsh Government, 2006).

The arrangements that exist in Wales are unique across the UK. Although Northern Ireland and Scotland represent their own "unique" cases (Croall et al, 2015, p.206), penal policy in both of these contexts is far more straightforward when it comes to the constitution. For example, after the devolution of policing and criminal justice in 2010, the Northern Ireland Executive is responsible for *both* criminal justice and social policy functions. Its approach to prisoner resettlement therefore mirrors the situation in England where "cross-departmental contributions" to prisoner resettlement are made by institutions and organisations under the control of the Northern Ireland Executive (Criminal Justice Inspection Northern Ireland, 2011, p.14). This includes Northern Ireland's Department of Justice as well as its own Department for Health, Social Services and Public Safety, Department for Education and the Northern Ireland Housing Executive (Criminal Justice Inspection Northern Ireland, 2011, p.14).

In Scotland, the Scottish Government is also responsible for both criminal justice and social policy functions. The Scottish Government's 'joined-up' strategy is therefore played out amongst its own government departments. For example, in October 2013, the Ministerial Group on Offender Reintegration was formed after the Scottish Prisons Commission (2008, p.5) had called for greater collaboration "across all Government departments" to help reintegrate offenders. The Ministerial group includes members from departments that all "contribute" to the Scottish Government's own 'cross-government' approach (Scottish Government, 2015, p.4). This includes the Cabinet Secretary for Justice alongside the Minister for Community Safety and Legal Affairs, the Minister for Housing and Welfare, the Minister for Public Health and the Minister for Local Government and Community

Empowerment and the Minister for Youth and Women's Employment (Scottish Government, 2015).[1]

In each of these separate criminological spaces, 'joined-up' working between government departments is a case of joined-up working between departments that form part of the same government. As a result, criminologists studying penal policy and practice in Northern Ireland and Scotland can in effect bracket the constitution within their analyses. The devolution of both criminal justice and social policy means that debates on criminal justice in each of these contexts remain largely untouched or "uninterrupted" by constitutional relations within the Union (Croall et al, 2010, p.7). The same can be said for criminologists studying developments in England where the UK Government and Parliament retain control over both criminal justice and wider social policy.

In Wales, however, the Welsh criminological space is marked by a very different set of arrangements. The system that has emerged in Wales is characterised by the involvement of both the UK Government and Welsh Government within the same policy space. These arrangements have led to the emergence of a *hybrid system* in Wales. This system refers to the way in which the criminal justice policy space in Wales is *occupied by two different governments, each with its own democratic mandate, policy vision and priorities*. The emergence of this unique system requires criminologists to understand the ways in which the two different governments, each underpinned by their own separate powers, policies and agendas, interact with one another while operating within the same shared policy space. This chapter is going to 'map out' the contours of the hybrid system in Wales. Beginning with the UK Government, the following section will provide a descriptive overview of the separate powers and responsibilities held over criminal justice and resettlement responsibilities in and for Wales.

3.3 The UK Government

The criminal justice system in Wales is the responsibility of the UK Government. The system in Wales is part of an England and Wales system that is administered by the

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[1] Exceptions in Scotland include the Misuse of Drugs Act 1971 and the regulation of illegal firearms under the Firearm Acts 1968 (see Schedule 5 to the Scotland Act 1998).

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 services in Wales. Its executive agencies include Her Majesty's Prison Service, National Offender Management Service and Her Majesty's Courts and Tribunals Service. The Ministry of Justice is also responsible for a range of other agencies including the Parole Board, the Sentencing Council for England and Wales, the Independent Advisory Board on Deaths in Custody, Her Majesty's Inspectorate of Prisons, Her Majesty's Inspectorate of Probation, the Prisons and Probation Ombudsman and the Independent Monitoring Boards of Prisons.

The powers and responsibilities of the UK Government over the prison estate in Wales are outlined in the Prison Act 1952. Section 1 of the Act states that "all powers in relation to prisons and prisoners" are to be exercisable by the Secretary of State. These powers provide responsibility over a wide range of matters including those relating to prison officers, the treatment of prisoners, the legal custody of prisoners, cell conditions, powers to discharge prisoners, prison security and the prison inspectorate. The Prison Act 1952 also provides the Secretary of State power to either enlarge or rebuild any existing prison across the prison estate in England and Wales. In addition, section 33 gives the Secretary of State power to build new prisons across England and Wales. This includes a responsibility to decide upon where the prison may be located, how large or small the prison will be or indeed any other details including what category or type of prison is constructed.

Secondary legislation made by the Secretary of State for Justice also sets out the responsibilities that UK Government justice agencies have over prisons in Wales. The Prison Rules 1999, for example, provides a number of directions to prison officials. Although the Prison Rules are not "designed to be legally enforceable" (Loucks, 2000, p.7), the rules provide guidelines relating to a wide range of responsibilities including prisoner clothing, work in prison, time spent outside of cells and prisoners property. The Prison Rules 1999 also clearly state that it is prison staff who are responsible for matters relating to prisoners' communication with the outside world including prisoners' personal letters and prison visits.

The responsibilities over prison estate in Wales are also clearly outlined within Prison Service Orders (PSOs) and Prison Service Instructions (PSIs). These measures, produced by HM Prison Service, provide further instructions to prison staff on the rules and guidelines in prison (Ministry of Justice, 2016). While PSIs offer prison staff short-term directions, PSOs provide prison officers with mandatory "permanent directions" over a range of different areas including prisoner induction processes, prisoner requests and complaints, staff use of force and prisoners pay (Loucks, 2000, p.6).

Beyond the control of the prison estate in Wales, UK Government Ministers hold executive powers over other parts of the Welsh criminal justice system (UK Government, 2013). This includes powers relating to the police, courts, probation and youth justice services. The powers held by Ministers allow the UK Government to alter the trajectory of criminal justice policy in Wales - including sentencing. While sentencing policy is largely viewed as an "exclusively judicial preserve", the UK Government can use the "ultimate weapon" of proposing legislative changes to alter sentencing practices (Dunbar and Langdon, 1998, p.63-64). UK Ministers may also introduce policies that alter the capacity of the criminal justice system in Wales. In recent years, notable examples include the UK Government's decision to build a 2,100 capacity 'super' prison in north Wales and to expand HMP Parc in Bridgend. These decisions were made as part of the UK Government wider programme of 'modernising' the prison estate across England and Wales. Once operational, HMP Berwyn in north Wales will become the largest prison in England and Wales.

In 2013, changes to probation across England and Wales were proposed within the UK Government's *Transforming Rehabilitation (TR)* agenda. The Offender Rehabilitation Bill 2013 outlined plans to extend statutory supervision to prisoners serving sentences of less than 12 months. The TR agenda also included plans for enhanced levels of 'though the gate' resettlement support to short-term offenders in a number of separate pathway areas. The UK Government's plans were introduced after the Offender Rehabilitation Act 2014 received Royal Assent in March 2014. From 1st June 2014 the National Probation Service (NPS) and 21 Community Rehabilitation Companies (CRCs) were formed to replace the 35 former Probation Trusts. The 21 CRCs have responsibility for managing low and medium risk

offenders. The NPS is a statutory criminal justice service that supervises high-risk offenders released into the Community.

In June 2014, the Wales Probation Trust was replaced by the Wales Community Rehabilitation Company (CRC). The Wales CRC, which falls directly under the responsibilities of NOMS, is responsible for providing 'through the gate' resettlement support to low and medium risk offenders in/from Wales. These responsibilities include delivering 'through the gate' resettlement support to Welsh prisoners within pathway areas that fall within the wider responsibilities held by the Welsh Government.

3.4 The Welsh Government

The joint strategy produced by NOMS and Welsh Government was an attempt to rationalise the "different" approach that existed in Wales (NOMS Cymru et al, 2006b, p.iii). The strategy referred to Wales' "unique status" and vowed to take heed of the "different Welsh perspective" (NOMS Cymru et al, 2006b, p.iii). This 'different' perspective is one that had been carved out as a consequence of the "considerable autonomy" held by the Welsh Government over "many of the mechanisms" to reduce reoffending in Wales (NOMS Cymru et al, 2006b, p.7). The process of 'mapping out' the Welsh Government's responsibilities is central to marking the contours of the hybrid system. However, a closer, in-depth, examination of the Welsh Government's responsibilities will also reveal the *extent* of the hybrid system within individual pathway areas. This is going to include showing how the Welsh Government's own strategies and policies often interrelate with the UK Government's own responsibilities, powers, policies and initiatives in Wales. The seven pathways identified by the Home Office, which were outlined and discussed in the previous chapter, will be used to structure the next section as well as areas that extend beyond the resettlement pathways.

Accommodation

> *Appropriate and accessible accommodation is the foundation of successful rehabilitation and management of risk of harm to others. It is crucial to sustaining employment, treatment, family support and finances and is a major*

resettlement need for many women leaving prison. Research suggests that addressing severe accommodation problems can make a difference of up to 20 per cent in terms of a reduction in re-offending. However, only a third of prisoners return to some form of settled accommodation on release. Therefore, it is essential to start planning and making arrangements for prisoners at the earliest possible point, preferably at induction, to reduce housing needs, prevent homelessness, and ensure that all ex-prisoners have somewhere suitable to live on release.

(Home Office, 2004, p. 9)

The responsibility for prisoners' housing needs fall directly within the Welsh Government's wider responsibilities for housing in Wales. The Welsh Government's first major commitment to providing housing support to prison leavers can be traced back to 2001. The introduction of the Homeless Persons (Priority Need) (Wales) Order 2001 included specific provisions for prisoners in Wales. This measure, brought in before NOMS had been established, was introduced by the Welsh Government as a response to the problems often faced by homeless offenders upon their release from custody.

The most important feature of the Homeless Persons Order was the Welsh Government's decision to extend 'priority need' status to prisoners. The Welsh Government's approach meant that 'unintentionally homeless' prison leavers were included within the categories of people for whom local authorities "must" provide housing support to (NOMS, 2006a, p.12). This included offering support to prisoners with a 'local connection' to Wales without the "additional burden" of having to prove their 'vulnerability' (Shelter Cymru, 2004, p.3). These provisions were markedly different those made available to English prisoners by the UK Government.

In 2005, the Welsh Government set up Prison Link Cymru to establish a national housing support system for Welsh prisoners. Its introduction formed a major part of the Welsh Government's efforts to assist the delivery of 'through the gate' housing support services to Welsh prisoners in preparation for their release. The emphasis upon 'local connection' within the Homeless Persons Order meant that 'through the

gate' support provisions would be, at least in principle, made available to all prisoners from Wales regardless of where they were being held within the prison estate.

In north Wales, prison link services were largely directed towards prisoners held at HMP Altcourse in Liverpool. In 2007, the Welsh Government invested £100,000 to develop a North Wales Resettlement Unit at the prison. The Unit was set up to provide a base for 'through the gate' services, such as Prison Link, to use when delivering resettlement support to Welsh prisoners. In 2010, HM Chief Inspector of Prisons (HMCIP) praised the efforts being made by the Welsh Government to offer resettlement services to Welsh prisoners at HMP Altcourse. The report emphasised the need for English authorities to adopt similar approaches to those developed in Wales. HMCIP (2010a, p.5) described the services being provided by the Welsh Government as "an example to the English authorities" of the kinds of services needed to help try and resettle English prisoners upon their release. This included the need to offer improved support within the pathway area of housing. As stated by HMCIP (2010a, p.5):

> The absence of effective reintegration services for English prisoners was thrown into sharp relief by the range of support available for prisoners from Wales and funded through the Welsh Assembly. These included assistance with housing, finance, an ID card system and a specific resettlement unit for those from North Wales. These are services that should be available for all prisoners.

In their evidence to the House of Commons' Welsh Affairs Committee's inquiry on Welsh imprisonment, HMCIP (2014a, p.6) described how resettlement staff at HMP Altcourse had referred to the existence of a "two-tier" service between English and Welsh prisoners. The Welsh Government's approach to supporting the accommodation needs of prisoners was described as something that "sets Wales apart from England" (HMCIP, 2014a, p.6). The differences between the provisions in place for English and Welsh prisoners were again outlined within HMCIP's (2015a) annual report in 2014/2015. These differences will be reflected upon in chapter nine when discussing the effects of UK Government policy upon the Welsh Government's own policy agenda.

Despite being heralded as a potential model for English authorities, the provisions set out within the Homeless Persons Order were removed within the Housing Act (Wales) 2014. The measures contained within the new Act have stripped away prisoners' automatic 'priority need' status. These measures, which took effect from April 2015, include introducing a new priority need group for prisoners that is centred upon vulnerability as a consequence of being in custody. In December 2015, the Welsh Government launched a *National Pathway for Homelessness Services* for those in the secure estate. Described by the Welsh Government (2015) as the first strategy of its kind in the UK, the *National Pathway* offers support to help local authorities implement the changes made by the Housing (Wales) Act 2014. The *National Pathway* has also been introduced to take account of the changes made to resettlement services in Wales by *Transforming Rehabilitation* and the role of the Wales CRC.

Education, training and employment

> *Three quarters of prisoners do not have paid employment to go on to on release. 55 per cent of offenders subject to community sentences are unemployed at the start of orders. Better literacy and numeracy are key, both to improving the employment prospects of offenders and to their engagement with a range of services. But 52 per cent of male and 71 per cent of female adult prisoners have no qualifications at all. Half of all prisoners are at or below level 1 in reading, two thirds in numeracy and four fifths in writing. Of those offenders assessed in the community, 64 per cent are at or below level 1 in terms of numeracy and literacy. Level 1 is what is expected of an eleven year old.*

(NOMS, 2004, p.15)

The power to "secure the provision" of education in Welsh prisons is the responsibility of the Secretary of State for Justice (Welsh Government, 2014, p.2). However, since 2009, Welsh Ministers have been responsible for making the rules in respect of education, training and library services to prisoners held in Welsh prisons (Welsh Government, 2009,). These responsibilities, under section 47 of the Prisons

Act 1952, were transferred to the National Assembly through a Transfer of Functions Order which came into force on 1st April 2009.

The transfer of responsibility for prisoner education to Wales was seen by the Welsh Government (2009a) as an opportunity to deliver a consistent approach to learning and skills within Welsh prisons. These responsibilities were also seen as a way to ensure that prisoner education became "fully integrated" with the Welsh Government's existing strategy for offender learning in Wales (Welsh Government, 2009a, p.3). This includes its commitment within the *Learning to Change* strategy to improve offenders' "learning outcomes" alongside the joint "expectations" that the Welsh Government shares with NOMS (Welsh Government, 2007, p.3).

In addition to the rules surrounding prisoner education in Wales, the Welsh Government is also responsible for maintaining the "standards" of offender learning (Welsh Government, 2007, p.3). The task of monitoring and regulating prison education standards in Wales is the responsibility of Estyn.[2] These responsibilities were handed to Estyn from Ofsted in 2008. The most up to date inspectorate reports available include an assessment into the quality of education and training at HMP Cardiff in 2008 (Estyn, 2008a) and HMP Parc (2008b) and separate inspections at HMP Swansea (2010) and HMP Usk/Prescoed (2010). In 2009, Estyn also published an evaluation of adult offender learning in Wales. Its report recommended that the Welsh Government improve the quality of offender learning in Wales in custody and in the community (Estyn, 2009). In April 2012, HM Inspectorate of Prisons and Estyn agreed upon a protocol to deliver a 'collaborative' and 'joined-up' approach to the inspection of prison establishments in Wales.

In January 2016, the Welsh Government announced that the Minister for Education and Skills and the Deputy Minister for Skills and Technology had agreed a process to allow for the procurement of prisoner learning at the new prison in Wrexham and an existing prison in south Wales. As part of the UK Government's own responsibilities to 'secure provision' for education in prisons, it announced in March the opening of a 'competition' to provide learning and skills to prisoners at HMP Berwyn in north Wales. The successful bidder, announced as Coleg Cambria in

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[2] Although independent of the National Assembly for Wales, Estyn receive funding from the Welsh Government and operate as a non-ministerial civil service organisation.

October 2016, is expected to provide learning and skills to around 600 prisoners per day.

Health and Social Care

> *Many prisoners suffer from mental and physical health problems. Untreated, such problems can deteriorate, and can be made worse by imprisonment. Imprisonment can be a very traumatic experience for the more vulnerable, and can lead to a heightened risk of self-harm. Mental health problems can also undermine the chances of successful rehabilitation, as they can exacerbate significantly the difficulties many offenders find in coping with the demands that leaving prison places on them. In the community, offenders are also disproportionately without GPs and access to psychiatric or psychological services is difficult to secure. Problems are also exacerbated where drug use and mental health problems coexist. Women in particular tend to place greater demands on medical services, with high levels of depression and personality disorders, prevalence of self-harm, histories of drug and alcohol abuse and physical ill health generally.*

(NOMS, 2004, p.23)

The area of prisoner healthcare represents the Welsh Government's most significant set of responsibilities within Welsh prisons. The responsibility for prisoner healthcare within public sector prisons in Wales was transferred from the Home Office to the Welsh Government in 2003. This responsibility included the transfer of funding from the UK Government to the Welsh Government based on a historic spend on prisoner health care within public sector prisons. In 2012/2013 the UK Government provided the Welsh Government £2.544 million for prisoner healthcare in Wales. The Welsh Government added £856,000 to create a total spend of £3.4million on all prisoner health care in Wales.[3]

In February 2006, the responsibility for providing prisoner healthcare in Wales was transferred from the Welsh Government to the Local Health Boards in Wales. These

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[3] This information was gathered from Local Health Boards through the Freedom of Information Act 2002.

changes mean that the responsibility for delivering both primary and secondary healthcare services within public sector prisons fall within the duties of the Local Health Board. The system for privately run prisons is somewhat different. For example, at HMP Parc in Bridgend[4], the Abertawe Bro Morgannwg University Health Board are only responsible for providing secondary health services to prisoners as primary healthcare services fall under the direct responsibility of the prison's private operator G4S Care and Justice Ltd (G4S).

From February 2017, the Betsi Cadwaladr University Health Board in north Wales will be responsible for the new prison in Wrexham. The UK Government's decision to allow the prison to be operated by the Prison Service means that both primary and secondary healthcare services will be the responsibility of the local health board. In May 2015, Betsi Cadwaladr produced an extensively detailed Health Care Needs Assessment in preparation the prison opening in 2017. This included a detailed outline of the healthcare challenges to be faced by the Health Board including issues around substance misuse, mental health care and physical activity (Betsi Cadwaladr University Health Board, 2015a).

In addition to the delivery of prisoner healthcare in Wales, the Welsh NHS is also responsible for promoting best practice. In 2012, Public Health Wales established the Public Health Wales Custodial Health Advisory Board (WCPHAB) to provide advice and support to the Partnership Boards responsible for prisoner healthcare in Wales. The WCPHAB offers support to the Welsh Government on policy development and the maintenance of prison healthcare standards in Wales. The WCPHAB is also responsible for providing the Welsh Government with an annual report to review developments within prison healthcare in Wales.

Alongside the WCPHAB, the Welsh Government has also set out its own vision to improve prison healthcare standards in Wales. In 2011, it published guidance to those working with older prisoners in Wales through its *Pathway to Care for Older Prisoners* strategy (Welsh Government, 2011, p.11). In September 2015, the Welsh Government unveiled plans to introduce a smoking ban in Welsh prisons as part of its wider efforts to improve public health in Wales. It was announced in February

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[4] A more detailed description of all five prisons in Wales is given in chapter four.

2016 that the Welsh Government aims to fully implement the ban by April 2017 (Welsh Government, 2016d).

In addition to physical healthcare, the Welsh Government has a duty to address the mental health care needs of prisoners in Wales. Prior to the introduction of The Mental Health (Wales) Measure 2010, the Welsh Government's (2005a) *Raising the Standard* strategy had outlined its commitment to improve 'in-reach' mental health services into prisons across Wales (Welsh Government, 2005a). The introduction of The Mental Health (Wales) Measure 2010 now sets out the requirements for mental health services to prisoners in Wales. After introducing its new mental healthcare strategy in 2012, the Welsh Government published guidance in May 2014 to provide support to those involved in the provision of primary and secondary mental health services in prisons (Welsh Government, 2012a; 2014). In 2015, the Welsh Government's suicide and self-harm prevention strategy identified prisoners as a "high risk" group in Wales (Welsh Government, 2015b, p.19). The strategy recommended that Welsh prisons should be "priority places" where suicide prevention services are specifically directed as part of its wider commitment to improving public health across Wales (Welsh Government, 2015b, p.23).

The Welsh Government's responsibilities within this pathway also extend to the area of social care. In 2013, the Welsh Government's Deputy Minister for Social Services introduced The Social Services and Well-being (Wales) Bill. This measure was introduced as part of the Welsh Government's wider efforts to transform social services in Wales. This includes a specific commitment to provide support services to those held in Welsh prisons. After receiving Royal Assent in May 2014, Part 11 of the Social Services and Well-being (Wales) Act places additional responsibilities upon local authorities with a prison in their authority boundary. This currently includes Cardiff, Swansea, Bridgend and Monmouthshire. From 2017, Wrexham local authority will be responsible for addressing the social care needs of *all* prisoners held at HMP Berwyn prior to their release. The process of identifying the needs of prisoners will be undertaken by Wales CRC Resettlement Officers. This information, according to the Welsh Government's (2015) *National Pathway*, will then transferred to the local authority.

<u>Drugs and alcohol</u>

>*Offenders are likely to have a range of problems relating to substance misuse. The degree that it is related to their offending will also vary, but many convictions are related to drugs, either directly as offences for possession or trafficking, or indirectly as acquisitive offences to fund a drug habit. A third of offenders are drunk when arrested and the majority of prisoners enter custody with drug and alcohol misuse problems. Despite very high levels of need, many offenders will not have received any help with their problem prior to arrest. Women prisoners are more likely than men to have histories of severe polydrug use and a greater tendency to be on hard drugs such as heroin.*

(Home Office, 2004, p.27)

The UK Government is responsible for the laws relating to the control of drugs and alcohol in Wales. It is the Welsh Government, however, who is responsible for tackling substance misuse in Wales. This includes providing substance misuse support to offenders throughout community and custodial sentences. In 2008, the Welsh Government (2008) published its *Working Together to Reduce Harm* substance misuse strategy. The plan outlined the Welsh Government's commitment to work alongside UK Government criminal justice agencies to provide support to prisoners and offenders across Wales as part of its wider responsibilities to tackle substance misuse across Wales.

The Welsh Government's major commitment to tackling substance misuse amongst offenders began in 2004 through the launch of Transitional Support Service (TSS). TSS was specifically introduced to address the short fall in support for prisoners only serving short-term sentences (e.g. Maguire et al, 2000). Similar to the Welsh Government's approach to tackling homelessness, TSS offered 'through the gate' mentoring support to *all* eligible Welsh prisoners regardless of where they were being held within the prison estate. In north Wales, TSS was largely concentrated within HMP Altcourse (e.g. Clancy et al, 2005). In 2014, HMCIP (2014a, p.56) described the "complex" nature of resettlement services at HMP Altcourse that had been brought about by the "different arrangements" in place for both English and Welsh prisoners as a consequence of the role played by TSS.

Since being launched in 2004, TSS developed a reputation as a "very effective practice model" in delivering 'through the gate' support for short-term prisoners (Maguire et al, 2010, p.iv). According to an evaluation of the service in 2010, feedback from external stakeholders was "overwhelmingly positive" about the quality of the services provided by TSS mentors. The evaluation found that TSS's "most important contribution" had been in helping prisoners to make the 'transition' from prison back into the community (Maguire et al, 2010, p.iv). This success was largely down to the fact that TSS had been able to achieve and maintain "impressively high post-release contact rates" compared to other mentoring services (Maguire et al, 2010, p.iv).

In 2011, TSS became a co-commissioned service between the Welsh Government and NOMS. That same year, G4S were awarded a contract to run the whole of TSS across Wales. In March 2015, the Welsh Government announced that TSS had been decommissioned in Wales. Within its *Substance Misuse Strategy Annual Report*, the Welsh Government (2015, p.21) announced that TSS would be "absorbed" as part of the UK Government's introduction of widespread changes to 'through the gate' provision led by the Wales CRC. The removal of TSS in Wales will form part of the thesis' discussion of the hybrid system in chapter nine.

The Welsh Government's responsibilities include addressing substance misuse within Welsh prisons. Within its 2014/15 annual report, HMCIP (2015a) outlined the need for prisons in Wales to improve the quality of their substance misuse support. This included a recommendation for prisons in Wales to adopt a similar model used in English prisons to develop an Integrated Drug Treatment System (IDTS). The absence of this system in Wales has left local prisons, such as HMP Cardiff and HMP Swansea, "lagging behind" prisons in England (HMCIP, 2015a, p.64). The report also called for greater consistency between English and Welsh prisons to prevent any "unequal treatment" for Welsh prisoners held in Wales and those held in England (HMCIP, 2015a, p.64). In January 2016, the Welsh Government launched a consultation on the final stages of its ten-year *Working Together to Reduce Harm* delivery plan. The consultation outlined the Welsh Government's intent to work alongside NOMS in Wales to "implement the lessons" from research within English prisons (Welsh Government, 2016a, p.15).

Finance, benefit and debt

> *Ensuring that ex-offenders have sufficient lawfully obtained money to live on is a pre-requisite to their rehabilitation, but offenders face significant problems achieving that financial security. Debt, disrupted access to benefits advice, insufficient funds on release from prison and low incomes all contribute to re-offending. There are concerns that the Discharge Grant payment – £37 (18-24 year olds) or £46.75 (25 years plus) – provides insufficient income for an ex-prisoner to live on until the first benefit payment is made. Concern has also been expressed about the number of ex-prisoners refused crisis loans from the Social Fund.*

(Home Office, 2004, p.33)

The UK Government controls most of the finance, benefits and debt pathway as part of its wider responsibilities over finance and the welfare state in Wales. The UK Government's Department for Work and Pensions, for example, is responsible for prisoners' welfare payments while matters surrounding prisoners' tax credits are the responsibility of HM Revenue and Customs. In certain cases, the UK Government's responsibilities clash with the Welsh Government's own pathway areas. The joint strategy in 2006 reflected critically upon the "vicious circle" between prisoners' Housing Benefit and problems finding accommodation upon release (NOMS Cymru et al, 2006, p.53).

Alongside the UK Government's responsibilities, the Welsh Government has developed its own strategies to provide financial advice and support to offenders across Wales. In 2009, prisoners and offenders were included with the Welsh Government's *Taking Everyone into Account* strategy (Welsh Government, 2009b). This included a pledge to improve financial advice and debt support to those held in Welsh prisons (Welsh Government, 2009b). This commitment was further outlined within the Welsh Government's (2010b) *Financial Inclusion Action Plan* which revealed that funds allocated by the Legal Services Commission were being used to deliver two debt advice surgeries per week in HMP Cardiff, HMP Swansea and HMP Usk/Prescoed.

In April 2013, the Welsh Government introduced The Discretionary Assistance Fund (DAF) after the UK Government had abolished the Social Fund (Community Care Grants and Crisis Loans) as part of its programme of welfare reform. The DAF was introduced in Wales to offer emergency financial support to individuals or families facing a situation that might cause them significant distress. The Welsh Government's *Financial Inclusion Strategy for Wales 2016* emphasised that ex-prisoners were an important group as part of their wider efforts to provide financial support to "vulnerable people across Wales" (Welsh Government, 2016b, p.25). The Welsh Government's (2016b) strategy also acknowledged the role that will be played within this pathway by Wales CRC Resettlement Officers. This includes a responsibility upon CRC officers in Wales to address any financial issues that arise when prisoners are given an initial needs assessment upon entering custody.

Children and families of offenders

> *Maintaining family relationships can help to prevent ex-prisoners re-offending and assist them to resettle successfully into the community. However, 43 per cent of sentenced prisoners say that they have lost contact with their family as a result of going into prison. Approximately 150,000 children are affected by the imprisonment of a parent each year. Many of these have significant relationships with their parent, who may sometimes be the primary carer. Separation in these circumstances can be extremely traumatic for the child, leading to problems with mental health, school performance and at worst, delinquency and inter-generational offending.*

(Home Office, 2004, p.37)

The UK Government is responsible for the rules surrounding prisoners' entitlements to prison visits. The Prison Rules 1999 provides the Secretary of State with the power to control prisoners' letters and entitlements to outside visits. Rule 35 Rule gives individual prison governors the power to allow prisoners' to receive additional visits or letters wherever it is deemed "necessary" (Prison Rules 1999, s.35 (3)). The UK Government is also responsible for prison visiting facilities as well as the rules, regulations and security checks that visitors face upon entering the prison. In addition to this, NOMS is responsible for funding the Assisted Prison Visits Scheme.

The scheme is designed to offer financial assistance to cover the costs incurred by prison visitors. Financial support is available to prisoners' close relatives, partners or sole visitors who in receipt of qualifying benefits.

This pathway, however, is one that cuts across many of the Welsh Government's existing strategies and responsibilities. This includes the Welsh Government's wider "state vision" to try and support all young people and children across Wales (NOMS Wales, 2006a, p.20). This approach has been guided by the measures contained within the Children Act 2004 as well as the Welsh Government's commitment to try and transform the way in which "the needs of children and young people" are met by service providers across Wales (Welsh Government, 2000, p.3).

Activity within this pathway area increased during the Assembly's fourth term. In 2012, the Welsh Government introduced its 'flagship' *Flying Start and Communities First* programmes as well as the *Families First* strategy to help deliver a more integrated approach to family support including those affected by imprisonment in Wales (Barnardo's Cymru, 2012). The Welsh Government's strategies have been supported in Wales by the work of Barnardo's Cymru. This has included its publication of two separate strategies to offer guidance to service providers (Barnardos, 2012) and schools (Barnardos, 2014) on implementing the Welsh Government's *Families First* strategy. This support forms part of Barnardo's Cymru's wider efforts to raise awareness of the affects of parental imprisonment in Wales. A National Assembly Cross-Party Group was set by Barnardos Cymru to explore the impact that parental imprisonment has upon children across Wales during the fourth term of the Assembly. Since taking effect in April 2016, Part 11 of the Social Services and Well-being (Wales) Act 2014 will also be used to offer greater support to children across Wales affected by parental imprisonment (Welsh Government, 2015a).

Attitudes, thinking and behaviour

> *Research has demonstrated that many offenders have not developed the ability to think through their actions properly. Some do not have a proper appreciation of the effects of their actions on others. Others think mainly in the short term and react 'on the spur of the moment' to many situations, with the*

result that they cannot see that their actions have long term implications that may damage both others and themselves. Others have developed anti-social attitudes or may not have the motivation to change their behaviour.

(NOMS, 2004, p.41)

Many of the services within the attitudes, behaviour and thinking pathway are delivered by HM Prison Service in Wales in line with the responsibilities held by the UK Government. In HMP Cardiff, the prison offers accredited programmes in thinking skills (TSP) as well as Controlling Anger and Learning to Manage It (CALM) to support prisoners with issues related to anger and temperament (HM Chief Inspector of Prisons, 2013). In HMP Swansea, HM Chief Inspector of Prisons (2014, p.57) found "limited opportunities" for prisoners to engage in behaviour modification programmes with the exception of the thinking skills programme as well as a victim awareness programme offered by an outside organisation.

At HMP Parc in Bridgend, prisoners are offered a number of programmes including the Building Better Relationships programme as well as a programme for prisoners experiencing issues with violence and alcohol (HM Chief Inspector of Prisons, 2013). In HMP Usk, a specialised sex offender prison in Wales, the prison offers a range of programmes aimed at challenging sex offenders thinking and behaviour. This includes Core, Adapted and Extended Sex Offender Treatment Programmes. HM Chief Inspector of Prisons (2013) found that between April 2012 and March 2013, fifty-five prisoners had completed separate courses at the prison.

Alongside the UK Government, the Welsh Government delivers support to offenders within this pathway as part of its wider programme of government. Its major commitment has been in the area of challenging the behaviour and attitudes of people across Wales towards violence against women, domestic abuse and sexual assault. In 2010, the Welsh Government launched a six-year integrated strategy to tackle violence against women in Wales (Welsh Government, 2010a). Building upon its 'Tackling Domestic Abuse: All Wales National Strategy' (Welsh Government, 2005b), *The Right to be Safe* re-outlined the Welsh Government's (2010a, p.8) commitment to try and "change attitudes" towards violence against women in Wales.

In April 2015, the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Bill was given Royal Assent and became an Act of the National Assembly for Wales. The central aims behind the Act are to improve consistency in service provision across Wales and improve the quality of 'needs based' approaches to tackling domestic abuse and sexual violence. In March 2016, the Welsh Government (2016c) launched a National Training Framework to help deliver the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 across Wales. This framework re-emphasised the Welsh Government's commitment and support to changing attitudes towards offending behaviour in Wales.

Beyond the Pathways

Extending beyond the resettlement pathways identified by NOMS in 2004, the responsibility for tackling inequality and discrimination in Wales offers a further insight into the differences that exist between devolved and non-devolved bodies in Wales, including those responsible for working with Welsh offenders. These differences exist because of separate statutory requirements set by the Equality Act 2010, a piece of UK legislation that was introduced to strengthen and extend equality law across the UK.[5]

Whilst imposing a set of 'general' duties upon public bodies to tackle discrimination and inequality across England, Scotland and Wales, the Equality Act 2010 also paved the way for the introduction of 'specific' duties to help public bodies comply with the 'general' duties set out within the Act. In England, the 'specific' duties placed upon public authorities are foregrounded within the Equality Act 2010 (Specific Duties) Regulations 2011, which took effect in September 2011. In Wales, the Welsh Government is able to impose a series of 'Welsh specific duties' upon devolved public authorities through the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011. Since taking effect in April 2011, the 'Welsh specific duties' require public bodies in Wales to develop strategic equality plans, publish their equality objectives and assess the impact of future policies upon the 'general' equality duty. The public bodies subject to the 'Welsh specific duties' include local government,

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[5] A major part of the Act was to extend legal protection to groups with 'protected characteristics'. The protected characteristics under the Equality Act 2010 are: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

local health boards as well as educational establishments including schools, colleges and universities.

When it comes to dealing with offenders in Wales, non-devolved agencies including the MoJ, NOMS and the four police forces across Wales, are guided by the 'specific' duties set out by the Equality Act 2010 (Specific Duties) Regulations 2011. In contrast, devolved authorities working with offenders in Wales, including those responsible for delivering resettlement support to Welsh offenders, are required to comply with the 'Welsh specific duties' set by the Welsh Government. In 2014, a report commissioned by the Equality and Human Rights Commission found that 'Welsh specific duties' offered "greater clarity" to public bodies than the duties placed upon public authorities in England (Mitchell et al, 2014, p.19). The report also found that North Wales Police, despite being subject to 'English specific duties',[6] have brought their own policies in line with the 'Welsh specific duties' in order to develop a more "standardised" approach to tackling inequality and discrimination (Mitchell et al, 2014, p. 20). This decision, given the number of devolved public bodies that police in Wales work alongside, was found to have "helped raise equality standards" within the organisation (Mitchell et al, 2014, p.20). There is currently no evidence to show that the MoJ or NOMS have adopted a similar approach to their work in Wales.

In recent years, laws introduced by the National Assembly for Wales have had significant equality elements attached to them. This includes legislation that contains specific provisions relating to the needs of prisoners and offenders in Wales such as the Mental Health (Wales) Measure 2011, Social Services and Well-being (Wales) Act 2014, Housing (Wales) Act 2014 and the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. Beyond the 'protected characteristics' set out within the Equality Act 2010, the Welsh language in Wales is central to debates on equality and anti-discrimination. The Welsh Language Act 1993 established the principle that the Welsh and English languages should be treated on the basis of equality. These arguments extend into the rights and entitlements of those being held within the prison estate in Wales.

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[6] 'English specific duties' is used to refer to public sector specific duties in England as well as non-devolved public authorities in Scotland and Wales (e.g. Equality and Human Rights Commission, 2014).

The responsibility for the Welsh language in Wales was transferred to the National Assembly through the Government of Wales Act 1998. The Welsh Government has introduced a number of separate strategies and initiatives to promote the Welsh language in Wales. In 2003, the Welsh Government published a national action plan to promote bilingualism in Wales and the "integral" role that the language plays to Welsh national identity (Welsh Government, 2003, p.1). In 2009, the *One Wales: One Planet* scheme outlined the Welsh Government's (2009) ambition to promote Wales' cultural values and the Welsh language. In 2011, the Welsh Language (Wales) Measure 2011 was introduced in Wales. This legislation now underpins the Welsh Government's efforts to improve Welsh language provision across Wales. This includes the five-year strategy introduced by the Welsh Government in 2012 to promote, strengthen and improve Welsh language services across Wales (Welsh Government, 2012b). The Well-being of Future Generations (Wales) Act 2015 has also set out provisions to ensure that public bodies across Wales promote culture and the use of the Welsh language.

The Welsh Language (Wales) Measure 2011 established the office of the Welsh Language Commissioner in Wales. The Commissioner was introduced to help facilitate and promote the use of Welsh across Wales. While the Welsh Government remain responsible for developing strategic policy, the Welsh Language Commissioner, Meri Huws, has a regulatory role that involves dealing with public complaints. This includes handling issues or complaints made by Welsh speaking prisoners. The Commissioner recently told a House of Commons' Welsh Affairs Committee's inquiry that her responsibilities as an "independent advocate" for all Welsh speakers included Welsh speaking offenders (Welsh Language Commissioner, 2014, p.2).

The powers held by the Commissioner were extended in 2015 to impose duties upon organisations in Wales. These duties can be imposed to ensure that organisations comply with standards of conduct relating the use of the Welsh language in Wales. These powers add to the Commissioner's existing responsibilities to investigate organisations for failing to implement Welsh Language Schemes or for interfering with the freedom to use Welsh in Wales. The role of the Welsh Language Commissioner in Wales, and its new powers, will be discussed within the final chapter of this thesis.

In spite of the responsibilities clearly held by the Welsh Government over the Welsh language in Wales, the UK Government remains in control over its use within Welsh prisons. This extends to the UK Government's influence over prison rules, the day-to-day running of prisons as well as staff recruitment, training, guidance and support. In 2013, NOMS published its very first *Welsh Language Scheme.* NOMS's (2013, p.7) strategy was used to outline its commitment to ensuring that the English and Welsh languages are treated "equally" across the prison estate. This included a pledge to ensure that there are "no obstacles" in place to prevent the use of Welsh in Wales or by prisoners in England "whose preferred language is Welsh" (NOMS, 2013, p.7). The policy introduced by NOMS was drawn together in accordance with the Welsh Language Act 1993, not the provisions set out within the Welsh Language (Wales) Measure 2011. This is something that will be discussed in chapter nine as part of the thesis' critical discussion of the hybrid system.

3.5 Conclusion

Building upon the arguments presented in chapter two, this chapter has conceptualised the emergence of the hybrid system in Wales. By providing an account of the separate yet overlapping powers and responsibilities held by the UK and Welsh Government, the chapter plays a vital role in mapping out the convoluted constitutional arrangements that exist in Wales. This includes revealing the extent of the interaction between the UK and Welsh Government's separate responsibilities within individual pathway areas. The system that has been mapped out in this chapter raises interesting and important questions for this thesis. For example, the arguments can be used to explore what possible effects the hybrid system is having upon the Welsh Government's own policy objectives. This includes considering how the interaction between UK and Welsh Government policies impacts upon the delivery of resettlement services to prisoners from Wales.

The opening two chapters of this thesis have shown that Wales is a distinct criminological space. They have also shown that a unique set of constitutional arrangements exist within this distinct Welsh space. The framing of the Welsh criminological space provides this thesis with a lens through which to explore issues that are unique and specific to Wales. These issues, while contributing to our understanding of the distinct space in Wales, can also produce findings to help

understand the hybrid system that has been clearly outlined here. In the next chapter, the thesis will provide a survey of the key issues facing prisoners, family members and service providers in Wales. By drawing upon existing criminological research, the arguments in the next chapter will provide a framework to help this thesis develop a more critical and in-depth understanding of how people across Wales experience the England and Wales prison estate.

Chapter Four
Locating Wales: Prisoner Resettlement and Identity

4.1 Introduction

Chapter two captured the emergence of a distinct Welsh criminological space. The arguments in the previous chapter outlined that this space is governed by a unique set of hybrid constitutional arrangements. The framing of this distinct Welsh criminological space demands that Wales is taken seriously as a worthwhile unit of criminological analysis. This process requires that Wales be detangled from criminological arguments that have ordinarily been played out through the orthodox lens of 'England and Wales'. This exercise includes focusing upon the issues and challenges that are specific to the ecological conditions of imprisonment in Wales. In doing so, the task of studying Wales can produce findings that can help contribute to a more in-depth and critical understanding of the unique constitutional arrangements that underpin the criminal justice system in Wales. In this chapter, the thesis is going to draw upon existing research to reflect on some of the key arguments surrounding imprisonment in Wales. The issues discussed in this chapter will be used to guide the research's own attempts to explore imprisonment in Wales and later contribute to a more critical understanding of the hybrid system.

After mapping out the location of Welsh prisoners across England and Wales, the chapter uses official information to show that Welsh prisoners are dispersed across the prison estate in England. The concept of prisoner location is then used to identify prisoner resettlement and prisoner identity as two key issues in Wales. The chapter then goes on to draw upon international research as well as studies conducted across England and Wales to explore the link between prisoner location and resettlement. The chapter discusses the barriers presented to family visits as well as the efforts being made by service providers to deliver 'through the gate' resettlement support to prisoners. The last section of the chapter draws upon research on the sociology of imprisonment to examine the issue of prisoner location and identity. The concepts of 'pains of imprisonment' and 'inmate culture' are discussed to provide the thesis with a conceptual framework to understand the experiences that Welsh prisoners might face when being held as a 'minority' group in English prisons.

4.2 Welsh Prisoners, Ble Wyt Ti?[1]

At the end of December 2015, a total of 4,843 people from Wales were being held in prisons across England and Wales. Over half of these prisoners were being held within prisons in Wales. The Welsh prison estate currently consists of five separate prisons all located in south Wales with a total operational capacity of around 3,100 places. The largest prison in Wales is *HMP and YOI Parc* in Bridgend. Operated by G4S Care and Justice Ltd, Parc is a male category B local prison that holds convicted adult males as well as children who are convicted or on remand. A recent expansion at the prison has meant that Parc is now the largest prison in England and Wales with an operational capacity of 1723 places. While Parc stands as the largest prison in England and Wales, HMP Swansea is one of the oldest. Originally opened in 1861, the prison serves as an adult male category B local prison serving the south Wales courts (HMCIP, 2014b).

In a recent inspectorate report, *HMP Cardiff* was described as a "busy" local training prison that holds adult male category B prisoners (HMCIP, 2013a, p.5). The prison serves local courts in south-east Wales and holds both remand and convicted prisoners. The two remaining prisons in Wales, *HMP Usk and Prescoed*, are located on an identical site in Monmouthshire. Although they are both often viewed as one prison, *HMP Usk and Prescoed* are two separate prisons that are managed as a "single entity" (HMCIP, 2013b, p.5). *HMP Prescoed* is a male open prison that manages category D prisoners. *HMP Usk* operates as a small category C training prison which largely deals with offenders convicted of offences under the Sex Offenders Act 1997. The prison was described as a "national resource" within the UK Government's (2013, p.64) evidence to the Silk Commission in 2013.

The power to decide where prisoners are located with the prison estate is held by the Secretary of State. The Prison Act 1952 (S.12) allows for prisoners to be held "in any prison" deemed necessary by the Prison Service. The decision on where to locate prisoners, however, is dependent upon a number of factors. These factors can include, with varying degrees of importance, age, gender, security category, offence type, sentence length and as well as the stage or phase of a prisoners sentence. The location of prisoners may also be determined by the availability of prison places and

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[1] Where are you?

prison capacity across England and Wales (Justice Committee, 2012, Ev26). Since the autumn of 2014, the UK Government's introduction of resettlement prisons across England and Wales has also impacted upon the location of Welsh prisoners. The impacts made by these recent changes will be discussed in more detail within the final chapter of this thesis.

The prison estate in Wales is unable to accommodate many of these wide-ranging factors. For example, Welsh prisons do not have the capacity to hold women in Wales. This dictates that all Welsh women are held in prisons in England. Welsh prisons are also unable to accommodate prisoners who are secured category A security status. Sentenced category A male prisoners from Wales are held in either one of six category A prisons in England. The location of Welsh prisons also has major consequence for the placement of Welsh prisoners. The concentration of prison places in south Wales, for example, means that prisoners from mid and north Wales are forced to be located in prisons outside of their own area. This is also the case for prisoners throughout areas of England without a prison in their locality. This includes parts of Cumbria in the north-west of England as well as Somerset in the south-west.

Table 4.1 The Location of Welsh Prisoners between 2013 to 2015

Year	(a) Welsh Prisoners Total	(b) In England	(c) Total%	(d) Dispersal
2013	4703	2157	46	109
2014	4701	2065	44	104
2015	4867	2051	42	108
Average	4757	2091	44	107

Source: National Offender Management Service

(a) The average total number of Welsh prisoners across England and Wales.
(b) The average total number of Welsh prisoners held in prisons in England.
(c) The average proportion of Welsh prisoners held in England.
(d) The average number of prisons that Welsh prisoners can be found in across England.

The limited capacity of the Welsh prison estate dictates that a large number of Welsh prisoners are held outside of Wales. Between 2013 and 2015, more than 40 per cent of the entire Welsh prison population were held in English prisons (see Table 4.1). On average, Welsh prisoners were being held within 107 different prisons across England (see Table 4.1). The placement of such a large number of Welsh prisoners outside of Wales is central to this thesis' understanding of imprisonment in Wales. Although official data shows that prisoners from across England also experience being held in prisons outside of their own area or region (see Table 4.2), the chapter is going to focus upon the issue of prisoner location within the distinct criminological space of Wales.

Table 4.2 The Location of Prisoners by Region in England in March 2016

Prison	(a) Held in Region (%)	(b) Held outside of Region (%)	(c) Dispersal
East Midlands	65	35	102
Greater London	49	51	109
North East	80	20	95
North West	74	26	106
South Central	40	60	110
South West	62	38	104
West Midlands	55	45	111
Yorkshire and Humberside	73.8	26.2	100

Source: National Offender Management Service

(a) The proportion of prisoners held in prisons within their home region.
(b) The proportion of prisoners held in prisons outside of their home region.
(c) The number of prisons that prisoners can found in outside of their home region.

When surveying the subject of imprisonment in Wales, the location of so many Welsh prisoners in England is perhaps the most striking theme to emerge from existing research. This includes concerns that prisoners sent to England can often find themselves being held in prisons that are a "considerable distance" away from home (Welsh Affairs Committee, 2007, p.8). While not all Welsh prisoners held in England will face significant distances (Madoc-Jones, 2007), concerns have still been

raised about the effects that distances are having upon those held in prisons across England (see Table 4.1). This includes the impact that distances are having upon prisoner resettlement outcomes (Welsh Affairs Committee, 2007; 2015) as well as the experiences they face when held as a minority in England (Hughes and Madoc-Jones, 2005; Madoc-Jones, 2007). This chapter will explore these issues to develop a more in-depth and critical understanding of the criminological space that exists in Wales.

4.3 Distances and Prisoner Resettlement

The concept of prisoner resettlement enjoyed something of a "renaissance" within criminological debates during the early 2000s (Hedderman, 2007, p.9). This revival has been captured within a growing number of studies on resettlement policy and practice in England and Wales (Clancy et al, 2006; Hucklesby and Hagley-Dickinson, 2007; Maguire et al, 2000; Maguire and Raynor; 2006). Within this body of research, however, the concept of 'distances' assumes a rather peculiar position. One the hand, its impacts on resettlement remains largely unexplored. On the other, there exists a general acceptance within the literature that distances are an impediment to successful prisoner resettlement.

Within Hucklesby and Hagley-Dickinson's (2007) edited collection on prisoner resettlement, no concerted effort had been made to frame or discuss distances yet its effects upon prisoner resettlement practice were fleetingly acknowledged within seven separate chapters. This included acknowledgment of the "practical problems" presented to service providers by distances who are therefore unable to meet with offenders prior to their release (Hedderman, 2007, p.17; Hucklesby and Wincup, 2007). In 2009, in yet another example, distances were used by HMCIP to measure prison resettlement performance across England and Wales. A prisoners' home address was used as a way to guide Her Majesty's Chief Inspector of Prison's (HMCIP) efforts to determine how "well" a prison would perform in the area of resettlement (HMCIP, 2009, p.5). Once again, however, there was no discussion to explain the link between resettlement and distance.

The adverse effects believed to be associated with distances have also featured within debates on imprisonment in Wales. For example, the Welsh Affairs

Committee's (2007, p.5) report argued that the "rehabilitation and resettlement" of Welsh prisoners was being "hampered" by distances. Its report claimed that distances from home were placing an added "strain" upon 'in-reach' support agencies to travel and reach prisoners held in England. The report also rather intuitively suggested that distances can impact upon family contact and the levels of resettlement support therefore made available to prisoners by family members. Once again, however, the report failed to develop any kind of in-depth discussion of the relationship between distances, prison visits and post-release resettlement outcomes. This is perhaps unsurprising given that the relationship has been subject to very little academic research or has rarely featured within policy debates on prisoner resettlement in England and Wales.

The arguments presented in the next section of the chapter draw upon findings from international research as well as studies on England and Wales to examine the relationship between distances and prisoner resettlement. These include exploring the impact that distances have upon prison visits as well as 'through the gate' resettlement services. These arguments support the thesis' attempts to understand what effects, if any, prisoner location and distances are having upon the resettlement chances of Welsh prisoners. This includes the effects that distances have upon Welsh prisoners within resettlement pathways that fall upon the Welsh Government's responsibilities.

4.3.1 Family Visits

Prison visits represent one of the few opportunities that prisoners have to continue relationships with their loved ones in prison. According to Codd (2008, p.152), the prison visit is the "lynchpin" between prisoners and their loved ones on the outside world. Dixey and Woodall (2012, p.42) explain that prison visits are often the "main highlight" within a prisoner's weekly or monthly routine. They found that receiving visits can help prisoners to "get through" difficult moments of their sentence including some of the emotional strains they might experience throughout the course of their imprisonment (Dixey and Woodall, 2012, p.43; Dodge and Pogrebin, 2001). A study by Cochran (2012, p.438) in the United States found that prisoners who do not receive visits are often "more likely" to engage in misconduct in prison. The maintenance of family contact was seen to "lessen the likelihood" that prisoners

go on to adopt prison values or norms throughout the course of their sentence (Clemmer, 1940; Wolff and Draine, 2004, p.461; Bayse et al, 1991).

The positives associated with family contact have also been shown within research on parole. Research by Ohlin (1954) and Glaser (1964) both found that strong family ties increased the likelihood that prisoners would successfully complete parole. In one of the earliest studies on family contact, Ohlin's (1954) findings showed that only 34 per cent of prisoners with weak family ties were successful on parole compared to 75 per cent of prisoners who maintained strong family ties. While Ohlin (1954) and Glasser (1964) included the use of telephone calls and letters, Holt and Miller's (1972) research on prisoners in California specifically measured the link between prison visits and parole. The findings of their research identified a "strong and consistent" relationship between family visits and successful parole outcomes (Holt and Miller, 1972, p.5). This included showing that prisoners with strong family ties, as measured by prison visits, were far less likely to fail parole upon release compared to those with weak family ties.

The trajectory of more recent research endeavours have focused upon the relationship between prison visits and the transition of prisoners back into the community. The findings from this research have shown that the social bonds maintained throughout face-to-face prison visits are an important resource for prisoners once they are released (Adams, 1992; Gordon and McConnell, 1999; Hairston et al, 2004; La Vigne et al, 2005). Wolff and Draine (2004, p.461) argued that prisoners can draw upon the social capital or bonds they have maintained in prison to use as a "bridging mechanism" to support their transition back into the community upon their release. This social capital allows prisoners to access and take advantage of any support that family members may have to offer them. In most cases, the offer of temporary accommodation is the "principle asset" of the prisoner and family connection (Wolff and Draine (2004, p.461). Mills and Codd (2007, p.674) argued that family members often represent "one of the few" chances of prisoners being able to find somewhere to stay upon their release.

The 'bridging mechanism' provided by families has been subject to research on resettlement in England and Wales. A survey by the Home Office, for example, revealed that the "majority" of prisoners' post-release educational, training and

employment (ETE) outcomes had been set up for them by outside personal contacts (Niven and Stewart, 2005, p.1). The survey found that prisoners who had received no visits were far less likely to have any kind of ETE arranged for them upon their release (Niven and Stewart, 2005). The same survey also showed that prisoners who had received family visits were three times more likely to have accommodation arranged for them upon release when compared to those who had not received prison visits whatsoever (Niven and Stewart, 2005).

The post-release benefits associated with prison visits also include a proven reduction in reoffending. Studies have shown that the social bonds maintained through face-to-face contact can help prisoners to desist from engaging in future offending (Hairston, 1988; Maruna and Toch, 2005). Berg and Heubner (2010) found that family ties can act as an informal method of social control to help released prisoners offset many of the problems they face when returning to the community. According to Maruna (2001), this includes helping offenders to overcome the stigma that has been attached to them as 'prisoner' or 'offender' throughout the course of their imprisonment. The social bonds that are preserved by face-to-face contact can be drawn upon to help peel away any remnants of this stigma as soon as 'offenders' pass into the social arrangements of the community. This might include offering continuous support and encouragement to offenders when engaging with programmes designed to tackle offending behaviour once they are released into the community (Petersilia, 2003).

The relationship between visits, social bonds and reoffending has also been identified empirically. Research by Mears et al (2012) found that prison visits led to a reduction in levels of future offending. This included showing that more frequent, or greater "doses" of (p.911), prison visits were linked with more considerable reductions in reoffending amongst prison leavers. Mears et al (2012, p.911) argued that the social ties maintained through prison visits represent a "critical mechanism" in helping people to offset the criminalising effects of imprisonment. A study by Duwe and Clark (2011) in the United States found that receiving "any visit" had the effect of reducing reoffending by 13 per cent for felony convictions and 25 per cent for those convicted of less serious technical violation revocations (Duwe and Clark, 2011, p.289). In support of Mears et al's (2012) findings, Duwe and Clark (2011) found that more frequent visits also led to a greater reduction in the risk of

reoffending. Similar findings on visiting frequency were also drawn from Bales and Mears' (2008) research on prisoners in Florida. Their study found that visits not only reduced levels of reoffending but that more frequent visits helped to reduce future involvement in offending.

The relationship between visits and reoffending has also been established, albeit to a lesser extent, within research in England and Wales. In 1994, research by Ditchfield (1994) for the Home Office found that prisoners unable to maintain visits were between two and six times more likely to re-offend in the first year following release. In 2008, a survey by the Ministry of Justice (MoJ) showed the likelihood of future reoffending was 39 per cent *greater* for prisoners who had not received prison visits (May et al, 2008). In 2013, research by the MoJ also showed that 47 per cent of prisoners receiving visits reoffended one year after release compared to 68 per cent of prisoners who had not received prison visits (Brunton-Smith and Hopkins, 2013).

4.3.2 The Barriers to Visitation

The positives associated with prison visits were reflected within legislative changes in England and Wales during the 1990s. In 1991, Lord Justice Woolf's report into the prison disturbances of 1990 laid out a series of recommendations to improve the Prison Service. This included the need for prison authorities to take into consideration that prisoner and family relationships were "matters of great importance". Lord Woolf (1991, p.400-1) recommended that prison authorities should seek to protect and maintain family relationships "so far as possible" throughout the course of a prisoners' sentence. This was outlined within calls for the establishment of smaller community prisons to increase prisoners' chances of being held in prisons as close to their local area as possible (Woolf, 199). In response to Lord Woolf's recommendations, the Home Office made a pledge to support the "valuable" role played by prison visits (Home Office, 1991, p.82). Woolf's recommendations eventually led to a change in the Prison Rules 1999 which extended prisoners' entitlements to receive a minimum of two visits in every period of four weeks (Prison Rules, 1999, Rule 35 (2) (b)).

Twenty-five years after the Woolf report, research shows that around 45 per cent of all prisoners in England and Wales will lose complete contact with family members

throughout the course of their sentence (e.g. NACRO, 2000; Prison Reform Trust, 2015). The potential loss or reduction in prison visits can depend upon a number of factors. Tewksbury and Connor (2014) found that visits depend upon prisoners' disciplinary records, gang affiliations as well as the number of prior prison sentences that have been served. In some cases, visits will be lost as a consequence of a deliberate decision made by either party to sever contact. However, for family members wishing to maintain relations, studies have shown that visitors can face surmountable barriers.

In spite of the widely recognised benefits associated with family contact, Mears et al (2012, p.891) argue that prison visits are not always "enthusiastically embraced" by prison staff and officials. Codd (2008, p.60) also found that prison staff can either facilitate good visiting conditions or, in some cases, make visitors feel "profoundly unwelcome". Research on prison visits show that the procedures involved can often act as a major disincentive to families. Brooks-Gordon and Bainham (2004) argue that prison 'security' procedures can often deter visitors from returning to prison in future. The kinds of processes identified by their researchers included 'rub downs' as well as extensive searches of prison visitors as part of the "risk management" procedures in place across prisons in England and Wales (Brooks-Gordon and Bainham, 2004, p.265). Light and Campbell (2007, p.300) claimed that the difficulties facing visitors can "conspire to dissuade" even the most committed and loving family members from entering prison. This includes having to experience "constant surveillance" and "intrusive searches" not to mention the encounters visitors may have with prison staff who can behave without sensitivity or understanding (Light and Campbell, 2007, p.300). In addition to the procedures that confront visitors, studies have also argued that poor prison facilities can often add to the stresses and anxieties facing visitors (Comfort, 2003).

Comfort's (2003) research also offered a far more critical account of visitors' experiences. Within her study at San Quentin state prison in California, Comfort (2003) found that the physical space of the visiting hall had the effect of drawing prison visitors into the punishment process. Comfort (2003, p.86) explained how prison visitors are likely to become caught in a physical space where the boundaries between "outside" and "inside" or lawful and unlawful are increasingly blurred as part of a process of "secondary prisonization". Codd (2007, p.257) has also argued

that prison visitors can often be made to feel as though they are "not entirely free" when entering the prison. These emotions can add to the sense of shame and stigma that prisoners' families already face as a consequence of having a loved one in prison (Codd, 2008).

The problems presented to prisoners' families can also include the "additional" financial pressures associated with making prison visits (Grinstead et al, 2001, p.59). A prisoner survey by the Scottish Prison Service (2013) found that the cost of prison visits was a major problem for prisoners' families. In survey by Murray (2003) on prisoners held on the Isle of Wight, 55 per cent of respondents claimed they had not received a single prison visit because of the cost facing their loved ones. Codd (2007, p.256) also outlined that the costs facing visitors often add to the "extensive" financial difficulties that families already face. This includes the financial strains placed upon families by the potential loss of income as well the costs incurred by supporting a prisoner throughout the course of their sentence (Condry, 2007; Fishman, 1988). In many cases, these costs can often fall to families who are in part-time employment or in receipt of welfare (Light and Campbell, 2007).

In England and Wales, the Assisted Prison Visits Scheme (APVS) offers financial support to prisoners' families making prison visits. The AVPS allows families to retrospectively claim back travel costs for up to two visits per month. The system, however, is unable to cover the full extent of the financial costs that prison visitors are consistently expected to face (Dixey and Woodall, 2012). Other researchers have highlighted the "complication" (Condry, 2007, p.56) and overly bureaucratic procedures involved with the scheme that can ultimately "defeat" those in need of financial support (Light and Campbell, 2007, p.303). Condry (2007) also argued that the retrospective nature of APVS can provide low income families with an immediate cash flow problem that can prevent them from visiting the prison until they are reimbursed.

Central to the issues surrounding prisoner location in Wales, research has also identified that distances are also a major barrier to prison visits (Christian, 2005; Tewksbury and DeMichele, 2005). In the surveys carried out separately by Murray (2003) and the Scottish Prison Service (2013), 'distances from home' was cited as the biggest barrier to prisoners receiving visits. Niven and Stewart (2005) reported that

41 per cent of prisoners not receiving visits cited distances and cost as the main reason. A study by Hudson (2007, p.112) also found that the "main challenge" facing prison visitors across England and Wales is the geographical location of prisons. Her research showed that prisoners held less than an hour away from home were approximately nine times more likely to receive prison visits than those who live further away from the prison (Hudson, 2007).

Drawing upon international research, a recently published study by Cochran et al (2015, p.243-244) found that prisoners held further away from home "were substantially less likely to be visited". Their research on prison placements in the state of Florida outlined the importance of thinking about distances alongside the practical and logistical difficulties facing prisoners' families. These include poor transportation as well as wider socio-economic factors (Cochran et al, 2015). A study by Casey-Acevedo and Bakken (2002, p.81) also showed that travelling distance was the most significant "barrier" to prison visitation. The study argued that distances pose the greatest challenge to children who are seeking to visit parents or a relative in prison. In another recently published study by Lindsey et al (2015, p.15), the authors found that "distal prison placements" reduce visiting levels and subsequently "hinder" prisoners' chances of maintaining social bonds throughout their sentence.

A central theme within the research findings on distances is how interconnected the problem is to other barriers already facing prisoners' families. For example, Cochran et al (2015) outlined the need to think about distances alongside wider socio-economic factors as well poor transportation services. Describing the "cascade of challenges" facing visitors, Cochran et al (2015, p.225) outlined the way in which distances often combine with a rage of other barriers facing visitors, time off work and finding someone to cover childcare. A study by Jorgensen and Hernandez (1986, p.52) employed the phrase "distance problems" to capture the number of issues that accompany prison visitors when making long distance trips. These include the cost of transportation, food and even childcare arrangements (Jorgensen and Hernandez, 1986). In a rare qualitative in-road into the issue of distances, Davis (1992) gave a detailed description of the many challenges that accompany distances. The following extract offers an important summary and provides a useful end point for this

chapter's discussion of the many barriers that face prison visitors - including distances from home.

> Travelling long distances with children is not just tedious, it is expensive. It was not only a question of making sure that everyone looked well turned out; there were the costs of feeding the children on journeys or using cafes in order to get hot water to heat babies' feeds at regular intervals. Where public transport connections were missed, taxis were the only available alternatives to the women and their children, desperate not to miss visiting times at remote prisons. The conditions in which the women and their children had to wait before being admitted to some prisons meant that clothes and other belongings were ruined by rain as families stood in the open.

(Davis, 1992, p.81)

4.3.3 'Through the Gate' Support: Prisoner Reentry

A prisoners' re-entry into the community is a "dynamic" and challenging process (Visher and Travis, 2003, p.92). The transition from prison into the 'free world' can be a "stressful" and "overwhelming" experience for prisoners (Visher, 2007, p.97). These anxieties are presented to prisoners by the many challenges they immediately face to re-establish themselves amongst society. These include dealing with employment, housing, financial and other appointments that might be related to the conditions of their release (Petersilia, 2005). Visher (2007) argued that these challenges are often made more difficult when prisoners have to locate necessary services without support. This sense of isolation can add to the "formidable challenges" that prison leavers already face when returning to the community (Visher, 2007, p96).

As already discussed in the previous chapter, the transition of prisoners into the community has experienced a "renaissance" within policy research in England and Wales (Clancy et al, 2006; Maguire et al, 2000; Maguire and Raynor; 2006; Hedderman, 2007, p.9; HM Inspectorate of Prisons and Probation, 2001; Social Exclusion Unit, 2002). In 2004, the UK Government established NOMS with the aim

of introducing improved systems of 'through the gate' support to prisoners across England and Wales. Although the provision of 'throughcare' had been available prior to 2004 (Maguire and Raynor, 2006), NOMS (2004, p.3) aimed to formally introduce "seamless" support arrangements to help offenders overcome the "overwhelming" challenges faced upon release (Visher and Travis, 2003, p.97). Central to the delivery of the UK Government's approach has been the provision of 'in-reach' services to work with offenders prior to their release into the community.

Visiting prisoners prior to their release is key to delivering effective 'through the gate' support (Lewis, 2003; 2007; Maguire and Raynor, 20006). Research by Lewis et al (2003, p.26) found that "early and regular" contact with offenders during their sentence was "critical" to the delivery of effective resettlement support. Moreover, research has highlighted the role played by 'in-reach' visits in helping staff to develop personal relationships with offenders prior to release. The findings from Lewis et al's (2003, p.26) research showed that the relationship between the offender and service provider was central to "successful resettlement work". Maguire and Raynor (2006, p.23) argued that this includes giving offenders an opportunity to take full advantage of the services that are made available to them prior to their release. An evaluation of the Welsh Government's Transitional Support Service discovered that relationships between TSS mentors and offenders were key to ensuring that "effective work" could be carried out with Welsh offenders (Maguire et al, 2010, p.74).

One of the major benefits associated with 'through the gate' support is that it enables 'good' resettlement work to carry on once prisoners have been released. Lewis et al (2007, p.49) argued that the relationships built during a prisoners' sentence allow for "genuine continuity" in the services provided to offenders as they pass into the community. Visher (2007, p.97) found that continuity in support can help individuals to remain "engaged" in treatment services and programmes designed to help change offending behaviour (Visher, 2007, p.97). It is suggested that continued engagement in the community is something that can help to support the "identity transformation" of prisoners as they attempt to remove the stigmatising effects associated with their imprisonment (Sampson and Laub, 1993; Visher and Travis, 2003, p.97.). Research by Clancy et al (2006, p.96) showed that offenders able to maintain higher contact rates had a "significantly" lower reoffending rate.

A central element of 'through the gate' support includes the provision of services immediately following release. While prisoners across England and Wales are given a discharge grant and a travel warrant to help them navigate their way through the initial period following release, research has highlighted the "very important" role played by 'gate pickup' services (Quilgars et al, 2012, p.42). Maguire et al's (2010) evaluation of TSS discovered that 'gate pickup' services can provide prisoners with an immediate and valuable source of support. This includes offering "practical assistance" at a time when prisoners are faced with the challenge of re-establishing themselves amongst society (Maguire et al, 2010, p.75; Petersilia, 2005). A study by Fox et al (2005) showed that 'gate pickup' services were crucial for prisoners' suffering from substance misuse. Their research discovered that 'gate pickups' can be used to help prisoners avoid suffering any "temptation" or an immediate "relapse" within what is widely regarded as a "period of high risk" (Fox et al, 2005, p.9). Quilgars et al's (2012, p.42) research on 'through the gate' housing services at HMP Leeds also uncovered that 'gate pickups' help to reduce the likelihood that prisoners "go missing" once they are released into this community.

4.2.4 Not Quite 'Through the Gate'?

The benefits associated with 'through the gate' services are reflected within recent changes to probation across England and Wales. These changes come following the introduction of the Offender Rehabilitation Act 2014. In 2013, the Ministry of Justice's *Transforming Rehabilitation* agenda outlined its commitment to extend 'through the gate' support to short-term prisoners across England and Wales. The introduction of CRCs is an attempt to engage with offenders before and after their release to maintain "continuous support" (MoJ, 2013, p.15). The effects that the UK Government's plans are likely to make to the hybrid system in Wales will be discussed in chapter nine.

A handful of studies on England and Wales have shown that prisoner location is a barrier to 'through the gate' support. A study by Fox et al (2005) for the Home Office, for example, found that the delivery of 'in-reach' services were heavily influenced by distances. Their research showed that 'gate pickup' services were often more "systematic" within areas that had a largely local prison population (Fox et al, 2005, p.16). The Welsh Affairs Committee's (2007, p.4) report also claimed that

distances can often restrict the capacity and "scope" of the services delivered by Welsh resettlement agencies in Wales. The issues presented to service providers by distances have also been mentioned, albeit rather fleetingly, within a number of other studies. Hedderman (2007, p.17), for example, acknowledged the "practical problems" that distances present to service providers. In addition, Gelsthorpe and Sharpe's (2007) study on female offenders argued that the small number of women's prisons in England and Wales means that service providers face greater distances that can often act as a barrier to the delivery of 'in-reach' housing support.

International research has also shown that distances can present barriers to the delivery of resettlement support. A study by Cochran et al (2015, p.246) described how distances separating prisoners from local services can present "barriers to re-entry preparation" within areas that are vital to prisoner reintegration. This argument is corroborated by Lindsey et al (2015, p.4) who discovered that long distances can often prevent the necessary resettlement "groundwork" from being completed prior to a prisoners' release. This includes 'planning' in key areas of support such as housing, social services, substance misuse and financial services (Petersilia, 2005).

The barriers presented by distances to 'through the gate' services have been raised within debates taking place in Wales. In 2014, the Welsh Government's (2014, p.5) evidence to the Welsh Affairs Committee's inquiry claimed that "it was evident" that not all women held at HMP Eastwood Park were being provided 'gate pickups'. Despite the fact that some Welsh women were able to take advantage of 'through the gate' services, the Welsh Government (2014, p.5) told the Committee that such services were not being "universally accessed" by all Welsh women at the prison. In 2007, as part of an earlier inquiry into imprisonment in Wales, the Welsh Affairs Committee heard descriptions of the long, difficult and expensive journeys that Welsh service providers make to reach Welsh prisoners. The Committee's (2007) report included an extract taken from NOMS Wales' own commissioning plan. NOMS Wales acknowledged some of the gaps within 'end-to-end' support in Wales.

We are experiencing some difficulty with the implementation of the National Offender Management Model (NOMM) in cases where Offender Managers are not able to make visits to people in custody…

(Welsh Affairs Committee 2007, p.50)

The difficulties that distances present to service providers can result in 'through the gate' services being purposefully "limited" (Welsh Affairs Committee, 2007, p.50). Clancy et al (2005) and Maguire et al (2010) also found that 'through the gate' services in Wales were failing to accommodate *all* Welsh prisoners. A study by Maguire et al (2010, p.95) found that TSS services were "predominately" taken up by prisoners held in 'local' prisons including HMP Altcourse and HMP Parc. Hucklesby and Wincup's (2007, p.51) research on community-based initiatives also found that prisoners are often "missed" when services concentrate on referrals from local prisons. Maguire et al (2010, p.111) argued that approaches focused on 'local' prisons raise questions about the "equality of opportunity" when considering the location of many prisoners outside of Wales.

In summary, the arguments presented throughout this section help to bridge the gap between distances and prisoner resettlement. By drawing upon the findings within a number of different studies, the chapter has shown that distances may be impacting upon Welsh prisoners' chances of maintaining family prison visits (e.g. Cochran et al, 2015; Hudson, 2007; Murray, 2003) as well as reducing the likelihood that they will receive 'through the gate' resettlement support when held in prisons a "considerable distance" away from home (e.g. Fox et al, 2005; Lindsey et al, 2015; Welsh Affairs Committee, 2007, p.8). Alongside studies that have evidenced the benefits associated with family contact (e.g. Brunton-Smith and Hopkins, 2013; Mears et al, 2008; Niven and Stewart, 2005) and 'through the gate' resettlement provision (e.g. Clancy et al, 2006; Lewis et al, 2003; Visher and Travis, 2003), the arguments in this section will be used to assess the impacts that prisoner location and distances have upon the resettlement chances of Welsh prisoners. This includes the resettlement outcomes of Welsh prisoners within pathway areas that fell under the auspices of the Welsh Government.

4.4 Prisoner Location and Welsh Prisoners' Experiences

Soule et al (2012) argued that devolution offers a "useful prism" to think about questions of national identity. These questions are underpinned by the "political and cultural differences" that have emerged between nations through constitutional change (Soule et al (2012, p.2). In the UK, the 'prism' of national identity has been utilised by criminologists to conceptualise policy divergence. In Scotland, the concepts of 'detartanization' (McAra, 2008) and 'retartanization' (Croall et al, 2015) have been used to gauge the wavering distinctiveness of the Scottish Government's approach to criminal justice. In Wales, the concept of 'Dragonization' was developed to describe a "distinctively Welsh" approach to youth justice (Haines, 2010, p.233).

Beyond the political and policy level, Soule et al (2012, p.2) argued that constitutional change also opens up a space to explore national identity through the "matrices" of individual and social relations. The emergence of a hybrid system in Wales opens up a space in which to focus upon the identity of Welsh prisoners across England and Wales. The location of so many Welsh prisoners in England, in particular, will help this thesis to consider the ways in which Welsh prisoners' experience being held as a minority national identity in English prisons. The chapter will draw upon research into the sociology of imprisonment to provide a conceptual framework that will be used to explore and understand Welsh prisoners experiences. This includes research on the 'pains of imprisonment' (Sykes, 1958; Goffman, 1961), prisoner culture (Irwin and Cressey, 1962; Jacobs; 1974), 'local identification' (Crewe, 2009; Phillips, 2008) as well as studies that relate more specifically to minority experiences including research Welsh speaking prisoners (e.g. Diaz-Cotto, 1996; Madoc-Jones, 2007).

4.4.1 'Pains of Imprisonment'

The institution of the prison is a site of confinement, power, social isolation and control (Crewe, 2008). According to Scott (2008, p.168), prisons are institutions purposefully designed for the "production" or infliction of "suffering and pain". While this may of course include physical suffering, harm and abuse (e.g. Liebling, 2004; Moore and Scraton, 2013), the concept of 'pain' may also be used to understand the effects that imprisonment has upon the identity of prisoners as its power begins

to reach into the "very grain" of the day-to-day experiences that individuals face in prison (Foucault, 1980, p.39).

It was in Gresham Sykes' (1958) *The Society of Captives* where the concept of 'pains of imprisonment' was famously coined. The first central argument within Sykes' (1958) theory was that prison life is ultimately conditioned by the institutional order of the prison. For Sykes (1958, p.41), the identity and experiences of prisoners could only be understood alongside the prison's "infinite power" to inflict upon prisoners a series of multiple deprivations. Inside this regime, the inmate endures a "double" sense of loss (Sykes, 1958, p.65). Not only removed from society and confined *to* the prison, Sykes (1958) explained how the institutional power of the prison simultaneously confines the inmate *within* the social arrangements of the prison itself. His theory maintained that it is *within* the institution itself where prisoners become subject to the 'pains of imprisonment'.

Central to Sykes' (1958) theory was the concept of deprivation. Inside the arrangements of the institution, Sykes (1958) concerned himself with the effects that certain 'deprivations' had upon the identity of prisoners. These included the deprivation of goods and services, personal security, heterosexual relations, autonomy as well as the denial of free will. These losses, according to Sykes, formed part of a wider critique of the impacts that the order of the prison can have upon an inmate's sense of self. These effects include a prisoner's day-to-day confrontation with the "vast body of rules and commands" that regulate the order of the prison (Sykes, 1958, p.75). Sykes (1958, p.75-6) maintained that such rules can reduce the prisoners' own self-image to that of a "weak", "helpless" and "dependent status" of a child. It is within the institutional arrangements of the prison where Sykes believed that the identity of prisoners' endures the greatest form of severance, loss and pain.

Whereas Sykes (1958) referred to the 'infinite' power of prisons, Erving Goffman (1961, p.11) surveyed the arrangements of the 'total institution'. His analysis examined and explored the arrangements of an institution "cut off" and "enclosed" from the rest of society. This environment, according to Goffman (1961, p.11), possessed its own "formally administered" way of life where time and activities are regulated and defined. A central argument within his work was the transformative effects that the institution has upon prisoners during admission. It is upon

admission, according to Goffman (1961), where those studying the sociology of imprisonment can begin to understand the effects the institution has upon inmate identity.

Goffman (1961) painted the image of the newly sentenced prisoner arriving at the institution with a readymade and finely tuned identity. This identity, Goffman (1961) explained, is one that has been moulded and crafted within the "stable social arrangements" of the 'free world' (Goffman, 1961, p.17). This includes the inmate's relationship to employment, education, money, the family and other social institutions. Upon reaching the institution, however, Goffman (1961) explained how these social arrangements are immediately abolished. This process of removal begins as soon as prisoners pass through a series of admission procedures that immediately begin to peel away the layers of one's former identity. Goffman (1961) described the process of fingerprinting, photographing, weighing, the assigning of prisoner numbers, the issue of institutional clothing and the removal of personal possessions.

Goffman (1961, p.26) helps us to understand how the newly admitted prisoner can begin to immediately experience a "deep initial break" with their former sense of self. This 'deep break' has a profound effect upon new inmates who begin to "take on" aspects of their new identity as 'prisoner'. It is during admission into the prison, according to Goffman (1961, p.24), where prisoner begin to experience a number of "abasements", "humiliations", "degradations" and "profanations" of self-identity (Goffman, 1961, p.24). In this moment, important aspects of a prisoners' identity are confiscated. The prisoner's sense of self becomes "mortified" and is slowly rebuilt in and amongst the newly found, and strictly defined, social arrangements of the institution (Goffman, 1961, p.24).

4.4.2 The 'Pains' of Minority Experiences

The concept of 'pains of imprisonment' provides this thesis with a framework with which to understand how minority populations can experience life in prison. In a space characterised by 'pain', loss, deprivation and the removal of identity, the institution of the prison does not provide the ideal conditions in which to establish "cohesive social relations" between diverse groups of people (Phillips, 2007, p.80). Instead, the order of the prison may often be characterised by "conflict and disorder"

between prisoners and prison staff who are divided by ethnic, racial, national, cultural and linguistic identities (Phillips, 2007, p.80). This "conflict and disorder" has been widely reflected upon within studies on the acute experiences facing minority populations in prisons across England and Wales.

Academic research and official reports demonstrate that minority groups in prison can often experience their own identity related 'pains of imprisonment'. In 2010, a survey of Muslim prisoners reported that they had experienced "subtle" forms of discrimination. Prisoners taking part in the research all reported that they felt as though they were more frequently "singled out and watched" by prison officers (HMCIP, 2010b, p.20). In 2016, a report by the Equalities and Human Rights Commission (2016, p.6) found that Gypsy, Roma and Traveller prisoners were "more likely" to report feeling unsafe in prison compared to other prisoners. The report also found a higher rate of victimisation among Gypsy, Roma and Traveller prisoners than other groups in prison in England and Wales. A study by HM Inspectorate of Prisons (2006) found that almost 80 per cent of foreign national prisoners had experienced "disrespectful treatment" by prison staff. These findings were supported by Kruttschnitt et al (2013, p.490) who found that "visible" foreign national prisoners often perceived negative treatment by staff as a manifestation of both their colour *and* status. The research found that this dual relation created a "powerful stereotype" that often subjected foreign nations to a "double-punishment" in prison (Kruttschnitt et al (2013, p. 491).

Studies on racial identity have also outlined evidence of discrimination in prison. Cheliotis and Liebling (2006) discovered that racial incidents often taken place between prisoners. This often included verbal abuse, derogatory comments, bullying, racist graffiti as well as evidence that prisoners can be racially harassed. The most significant source of racial prejudice found within their study, however, was through the discretionary nature of prison decision-making. Cheliotis and Liebling (2006) found that prisoners with a racial identity were subject to more intense searches, harsher disciplinary treatment, higher security categorization as well as unfair treatment when it came to the allocation of jobs and cell accommodation. A study by Genders and Player (1989) also discovered evidence of racial projective in prison. This includes accounts of prison staff attaching "negative" racial stereotypes to black prisoners (Genders and Player, 1989, p.50). Their research uncovered that prison staff

had developed characterisations of black prisoners as "arrogant" and "hostile" as well as "alienated" from values of hard work (Genders and Player, 1989, p.50).

Central to the aims of this thesis, studies have also explored the 'pains' facing linguistic minorities in prison. In the United States, research by Diaz-Cotto (1996) explored the experiences of Spanish speaking prisoners at Green Haven correctional facility in New York. Her research identified the existence of a clear "class structure" developed between Spanish and non-Spanish speaking prisoners (Diaz-Cotto, 1996, p.130). Diaz-Cotto (1996) reported how English speaking prisoners were housed on the 'West side', while Spanish speaking inmates were accommodated on the 'East side'. Prisoners being held on the 'West side' often had greater access to the most "prestigious" jobs that offered higher wages (Diaz-Cotto, 1996, p.129). Spanish speaking prisoners, on the other hand, were housed on the 'East side' and faced much poorer living conditions compared to English speaking prisoners. In another study, Diaz-Cotto (2006, p.191) found that Spanish-speaking held at Green Haven prisoners often felt they were "more harshly" treated by prison staff because of their distinct linguistic identity. Other studies in the United States have also reported prisoners being punished for speaking Spanish (DeJesus-Torres, 2000) and actually being prevented from using their first language by prison staff (Urbina and Smith, 2007).

This chapter can also draw specifically upon research into the experiences of Welsh speaking prisoners. In 2008, the Welsh Language Board investigated the experiences of Welsh speaking prisoners at HMP Altcourse. Their report found evidence that Welsh prisoners had been prevented from speaking in Welsh at the prison. Cymni Iaith (2008) also revealed that Welsh speaking prisoners had experienced "abuse and derision" from other prisoners based upon their linguistic identity (Cymni Iaith, 2008, p.89). This was accompanied by the fact that prison staff at HMP Altcourse were found to demonstrate "negative attitudes" towards the Welsh language (Cymni Iaith, 2008, p.89). In 2007, the Welsh Affairs Committee (2007, p.36) highlighted the "acute" problems facing Welsh speaking prisoners. Upon hearing evidence that prisoners are sometimes prevented from speaking Welsh in English prisons on the grounds of "security issues", the Committee described this practice as a "nonsensical" and a "wholly unacceptable" way of addressing the needs of Welsh-speaking prisoners (Welsh Affairs Committee, 2007, p.36).

The findings contained within a number of separate studies by Madoc-Jones can also contribute towards a more critical understanding of the 'pains' facing Welsh-speaking prisoners. In 2007, a study on Welsh prisoners held in England showed that Welsh-speaking prisoners reflected more critically upon their experiences that non-Welsh-speaking prisoners from Wales (Madoc-Jones, 2007). The research discovered that Welsh-speakers experienced a heightened sense of "alienation" while reporting a stronger sense of being "looked down up" by prison staff when compared to non-Welsh speaking prisoners from Wales included within the study (Madoc-Jones, 2007, p.15). Research by Hughes and Madoc-Jones (2005) on young offenders also discovered a unique set of experiences facing Welsh-speaking prisoners held in England. Young people included within the study expressed how they often felt "isolated and under threat" when held being in an "unfamiliar linguistic environment" (Hughes and Madoc-Jones, 2005, p.378). The research also found that Welsh-speaking prisoners were subject to bullying and forms of intimidation by other prisoners on the basis of their distinct identity.

Finally, a study by Madoc-Jones and Buchanan (2004, p.365) outlined the difficulties that Welsh-speakers face when encountering different parts of the criminal justice system *in Wales.* Their produced clear evidence that Welsh-speakers can expect to experience "linguistic discrimination" in Wales as a consequence of a "passive" attempt to deliver bilingual provision (Madoc-Jones and Buchanan, 2004, p.365). The research showed that Welsh-speaking offenders experience an "inferior" criminal justice system when compared to first language English speakers in Wales (Madoc-Jones and Buchanan, 2004, p.365). In 2015, HMCIP's (2015a, p.55) annual report described the "inadequacies" in Welsh language provision within all Welsh prisons. This included failures to support Welsh speaking prisoners and to promote the use of Welsh as a whole. The experiences of Welsh-speaking prisoners held in Wales will be explored further in chapter eight.

4.4.3. 'Inmate Culture'

In the *Society of Captives,* Sykes (1958) developed two separate, yet inter-related, arguments. First, the concept of 'pains of imprisonment' captured the difficulties inflicted prisoners within the social arrangements of the prison. Secondly, Sykes devised an understanding of the ways in which prisoners respond to the attacks

upon their own self-identity. Sykes' (1958, p.40) second argument emerged as a response to the "defects" within the prisons seemingly 'total' character. While Sykes (1958, p.41) had referred to the "infinite power" of the prison, upon closer examination he discovered considerable limitations within its capacity to dominate and rule over every aspect of prison life. In the space opened up by the institution's own 'defects', Sykes (1958) outlined the emergence of an organised inmate code or society. This concept has been developed by deprivation *and* importation theorists and is going to be discussed in this chapter to consider the ways in which prisoners' respond to the 'pains of imprisonment'.

For Sykes, the inmate code represented a mechanism used by prisoners to guide inmate behaviour. This included officiating conduct between inmates as well as inmates and staff. The inmate code was also a method used by prisoners to combat the 'pains' of their imprisonment. For Sykes (1958, p.67), the inmate system provided prisoners a vehicle to ward off the sense of "rejection" and "degradation" they feel from the outside community. The inmate code also offered prisoners a chance to subvert the pains experienced *within* the prison itself. Under the weight of the "enormous" pressures placed upon prisoners, the individual and collective 'pains' are "translated" into "patterns of interaction" that help to mitigate *some* of the deprivations of imprisonment (Sykes, 1958, p.75-6).

Erving Goffman's (1961) contribution to deprivation theory also captured the responses being made by prisoners to the 'mortifying' processes of imprisonment. Whereas Sykes (1958) set about identifying the emergence of an inmate code, Goffman (1961) outlined the existence of an *inmate culture* that was being amongst prisoners was a mechanism to recapture a sense of self-identity. Central to deprivation theory, the opportunities to reclaim identity this identity could be found by prisoners within the social arrangements of the prison itself. Goffman (1961) emphasised the important role played by the inmate privilege system. This framework offered prisoners an opportunity to personally reorganise themselves and to reclaim a sense of "ones lost self" (Goffman, 1961, p.51). What is perhaps most important here is that despite the power of the prison to inflict 'pain' or 'mortification' upon prisoners, the inmate social system can help prisoners to salvage a sense of self which, Goffman argues (1961, p.56), has been systematically removed as soon as the inmate enters the social arrangements of the prison. For example,

when discussing "secondary adjustments" to prison, Goffman (1961, p.56) explained how obtaining "forbidden satisfactions" can help to provide prisoners with "important evidence" that they remain their "own man" despite the mortifying experiences they have already endured (Goffman, 1961, p.56).

Goffman's (1961, p.60) research on the 'total institution' showed that a "lively sense of common fate" underpins the inmate society. For deprivation theorists, the inmate society is comprised of individuals who are coerced into a kind of "single egalitarian community of fate" (Goffman, 1961, p.57). Both Sykes (1958) and Goffman (1961) maintain that this 'fate' is one conditioned by prison specific variables that are key to understanding patterns of inmate social interaction, socialisation and identity. In the 1960s, however, the model of importation theory developed an alternative approach to conceptualising prisoner experiences and social organisation.

The importation model emerged as a response to the perceived limitations of deprivation theory. The model questioned whether a "clear understanding" of inmate behaviour can be obtained through an essentialist approach that reduces all forms of inmate behaviour to the conditions of imprisonment (Irwin and Cressey, 1962, p.145). Importation theorists can help this thesis to understand that potential solutions to the 'pains of imprisonment' are to be found within the social arrangements of life outside of the institution. Irwin and Cressey's (1962, p.153) theory on 'criminal' cultures found that prisoners import certain "values and behaviour patterns" into prison. These findings offer a "worthy hypothesis" that patterns of social interaction in prison have more to do with the norms, values and customs that prisoners' bring with them, rather than the relations that are formed in prison (Irwin and Cressey, 1962, p.153),

The importation model was developed further within Jacobs' (1974) research into the role of gangs in prison. Jacobs (1974, p.398) argued that relations between gang members in prison mirrored the "identical organization" that operated outside of the prison. The importation of outside values helps to support prisoners making the transition from community to prison. Jacobs (1974) described the ways in which imported values can shape a prisoner's experience as soon as they enter the institution. The research showed that gang members were immediately "set up" with goods such as tea, coffee, and deodorant to help them adjust to the conditions of their new environment. Diaz-Cotto's (1996) research on Latino prisoners in New York

found that prisoners would be immediately provided 'care packages' from other Latino prisoners as soon as they arrived in prison. This notion of 'care' can also extend itself to prisoners offering one another physical security, psychological support and a social status that would ordinarily exist outside of the prison (Jacobs, 1974).

Whereas Goffman (1961, p.24) argued that once the prisoner has endured the degrading and mortifying processes of admission, he/she will begin to "take on" aspects of the identity prescribed by the institution. According to Jacobs (1974, p.408), however, "rather than experiencing a collapse upon passing through the gate" importation theory can help us to understand that prisoners can maintain the "same self-identity" that they once held outside the prison. The arguments that have been discussed in this section will be used by this thesis to explore the concept of a Welsh inmate culture. This will include exploring the ways in which Welsh identity can be imported to help Welsh prisoners mitigate any pains they might face as a minority population in England.

4.4.4 Welsh 'Postcode Pride'?

Studies on inmate socialisation have shown that 'situational' variables can determine a prisoner's experiences and engagement in the inmate culture. This includes the issue of sentence length (e.g. Sapsford, 1983), offence type (e.g. Vaughn and Sapp, 1989; Winfree et al, 2002), prison design (Grusky, 1959; Mathiesen, 1965), 'career phase' (Wheeler, 1961; Garabedian, 1963) as well as a prisoners' emotional and psychological wellbeing (Liebling, 1999). In the previous section, the research outlined the distinct 'pains' facing minority populations in prison (e.g. Cheliotis and Liebling, 2006; HMIP, 2006; Madoc-Jones, 2007). In this final section, the chapter will explore the ways in which patters of social interaction or formed amongst minority populations as a response to some of the difficulties they face in prison.

In England and Wales, Genders and Player's (1989) *Race Matters in British Prisons* remains the most complete study on racial and ethnic inmate culture. Their research found that race was a determining factor in shaping social interaction between prisoners. The formation of prisoner groupings was "shaped" by racial identity which were responsible for different "behaviour patterns" in prison (Genders and

Player, 1989, p.50). In one of the prisons included in the study, Genders and Player (1989, p.103) uncovered evidence of a "clearly defined hierarchy" based on racial identity. At the top of the social structure, "white professional criminals" held the role of power and influence (Genders and Players, 1989, p.103). Black prisoners were situated further down the hierarchy operating at the lower end of the prison economy. In most cases, relations between prisoners were largely peaceful. However, Genders and Player (1989, p.103) found that heightened tensions often led to "virtual racial warfare" between an inmate population largely segregated on the basis of racial identity.

Diaz-Cotto's (1996; 2006) research on Latino/a prisoners found that social relations between prisoners shape by a sense of 'common fate' amongst prisoners with the same ethnic or linguistic identity. Throughout her research at Green Haven, Diaz-Cotto (1996, p.131) described the existence of "cliques" and informal societies between Latino prisoners. These networks' had been formed to offer minority prisoners' physical protection as well as emotional, financial and social support. Within a more recent study into the experiences of Chicana prisoners, Diaz-Cotto (2006, p.227) recalled the ways in which prisoners "set aside most differences" to form networks when held in prisons dominated by other racial and ethnic groups, including White and African-American prisoners. The research showed that cliques were formed to help prisoners "cope" and "survive" within an environment considered "destructive" and potentially "stifling" for prisoners (Diaz-Cotto, 2006, p.227). Diaz-Cotto (2006) explained that this often included threats posed by the wider prison population to the "distinct" language and cultural identity of Chicana prisoners (Diaz-Cotto, 2006, p.227-8).

In support of the importation model, Diaz-Cotto's (1996, p.233) research at Green Haven showed that the racial and ethnic prejudices previously held by prisoners prior to their imprisonment "strongly influenced" who they became friends once inside the social arrangements of the prison (Diaz-Cotto, 1996, p.233). In some cases, Diaz-Cotto (1996) found that networks were formed between prisoners who shared prior connections. The networks formed in prison, according to Diaz-Cotto (1996), were often established on the basis of a shared sense of identification to an area or place outside of the prison. This included the formation of networks, relationships

and cliques between prisoners who had come from the same neighbourhood, city or area.

The concept of "local identification" has been developed within debates on prisoner experiences across England and Wales (Phillips, 2008, p.322). In 2001, a study on prison gangs found that 'home location' was a more significant factor within group formation than racial identity (Wood and Adler, 2006). Phillip's (2008, p. 322) research on young offenders at HMP Rochester found that collective support mechanisms between prisoners were more often drawn from "local affiliations" than ethnically imported identities. Although racial and ethnic identity remained significant, the research showed that "postcode pride" was the most important factor in determining patterns of social interaction amongst prisoners (Phillips, 2008, p.322).

The findings from Crewe's (2009) research amongst prisoners at HMP Wellingborough offers support the theory of 'postcode pride'. The study also found that "local loyalties" acted as the "primary and most reliable" basis upon which prisoners' had established relationships inside the prison (Crewe, 2009, p.322). The 'local' connections shared between prisoners help them to develop friendships and bonds. This includes offering other 'local' prisoners support as soon as they enter the prison. As shown within Jacobs' (1974) and Diaz-Cotto's (1996) work, Crewe found that shared 'local' connections between prisoners help to offer newly welcomed prisoners an immediate chance to salvage some aspects of their identity once formed within the very same 'local' social arrangements outside of the prison. As well as social bonds, local connections can also provide prisoners a sense of physical and emotional security (Phillips, 2012, p. 59). On occasions, Phillips (2008, p.323) described how local affiliations can create "additional obligations" for prisoners who are forced to assist in prison disputes alongside fellow 'local' prisoners.

The sense of "belonging" provided by 'local' connections arguably provides most value when prisoners are held as a minority outside of their local area (Phillips, 2012, p.59). Crewe (2009, p.320) discovered that prisoners with the same local identity are likely to cast aside any personal problems when held in prisons "where it was prudent to stick together". While prisoners held locally might ordinarily 'represent' a specific neighbourhood or street, Crewe (2009) argued that any sense of 'hyper-local' identity vanishes when prisoners from the same area are sent and held in prisons far

from home. The concept of 'local identification' can be used to help this research to understand the experiences of Welsh prisoners when held as a minority in England.

4.5 Conclusion

The emergence of a distinct Welsh criminological space requires that debates on imprisonment, offender management and resettlement in Wales are detangled from discussions ordinarily played out at the level of 'England and Wales'. In the intellectual space that has been opened up by the thesis' framing of Wales as a valuable unit of criminological analysis, this chapter has framed prisoner location as an important issue for this thesis to consider and explore. By drawing upon what limited research has already been undertaken on Wales (e.g. Welsh Affairs Committee, 2007; Madoc-Jones, 2007), the chapter has shown that prisoner resettlement and identity are two areas that can help this thesis to develop a better understanding of Welsh imprisonment as well as contribute to a more critical understanding of the hybrid system in Wales.

Firstly, the arguments outlined in this chapter show that the location of a large number of Welsh prisoners in England raises a number of significant questions about resettlement. While research studies show that prison visits can maintain family contact which can therefore improve prisoner resettlement and reoffending outcomes (e.g. Niven and Stewart, 2005; Maruna, 2001; Woolf and Draine, 2004), existing research has also shown that longer distances can reduce the likelihood that prisoners will continue to receive prison visits throughout the course of their sentence (e.g. Casey-Acevedo and Bakken, 2002; Lindsey el al, 2015; Niven and Stewart, 2005). In addition to family contact, research findings on 'in-reach' resettlement services clearly demonstrate that long distances can often prevent 'through the gate' service providers from delivering support to prisoners. This includes services delivered during a prisoner's sentence (e.g Lindsey et al, 2015; Welsh Affairs Committee, 2007) as well as the provision of immediate support upon the day of release (e.g. Fox et al, 2005; Maguire et al, 2010).

The arguments outlined within the first section of this chapter will be used to help this thesis examine what effects prisoner location and distances have upon prisoners' families as well as 'through the gate' service providers in Wales. These two separate

areas can be used to help contribute to a wider set of criminological arguments and debates around prisoner resettlement as well as the experiences of prisoners' families. The thesis' exploration of distances and resettlement can also support the thesis' attempts to develop a more critical understanding of the hybrid system in Wales, including the Welsh Government's responsibilities over "many of the mechanisms" for reducing reoffending in Wales (NOMS Cymru et al, 2006b, p.7)

Secondly, the arguments presented in this chapter provide the thesis with a conceptual framework with which to examine and explore the experiences of Welsh prisoners. By drawing upon studies into the sociology of imprisonment (e.g. Sykes, 1958; Goffman, 1958; Diaz-Cotto, 1996), the thesis will use the concept of 'pains of imprisonment' to explore the way in which Welsh prisoners experience prison life when held as a minority in England. This includes the experiences that Welsh-speaking prisoners face when held as a minority in prison (e.g. Madoc-Jones, 2007). The thesis can also draw upon the concept of 'inmate culture' to explore whether a sense of shared values exists amongst Welsh prisoners in response to the 'pains' they might face in prison (Goffman, 1961). The notion of 'postcode pride' can also be used by this thesis to explore whether any sense of 'local affiliation' exists amongst Welsh prisoners when held as a minority in English prisons (Crewe, 2009; Phillips, 2008, p.322).

The issues discussed in the second section of this chapter can be used to help this thesis develop a more in-depth understanding of the way in which Welsh prisoners encounter the England and Wales system. The arguments that emerge out of the 'Welsh context' can contribute to a wider set of theoretical arguments and debates within the sociology of imprisonment. These same arguments will also support the thesis' attempts to understand the distinct Welsh criminological space and examine the hybrid system in Wales. The following chapter outlines the methodological framework that has been adopted in this study.

Chapter Five
Researching Imprisonment in Wales

5.1 Introduction

Academics undertaking research on prisoners and vulnerable persons can expect to encounter a range of methodological and ethical challenges (King and Liebling, 2008; Pittaway et al, 2010; Pyer and Campbell, 2012). In this chapter, I will discuss how the research was designed to help address the research aims as well overcome some of the methodological issues that I faced throughout this research. A central theme throughout the chapter will be reflexivity. Understood as a method of "quality control" within qualitative approaches to research (Berger, 2015, p.219), the chapter will critically reflect upon how my own position and active involvement throughout all stages of the research may have altered the research outcomes throughout various stages of the process (Bradbury-Jones, 2007).

This chapter begins by discussing the qualitative methodological framework used throughout this research. This includes an outline of the adaptive approach taken to help develop and explore the concept of the hybrid system in Wales. The chapter then outlines the methods used. This includes a description of the sample groups targeted as well as the methods used to recruit participants from across different parts of Wales. Following this, the chapter will draw upon the experiences I faced during data collection. This includes critically reflecting upon my own involvement in the research process when conducting qualitative interviews with individuals across a range of sample groups. In the final section of the chapter I will discuss how research data have been analysed using a thematic approach as well as the study's adaptive strategy to theory development.

5.2 Research Aims and Questions

The preceding chapters of this thesis have outlined three separate arguments. Firstly, that constitutional changes in Wales have led to the emergence of a unique hybrid

system. Secondly, that prisoners' across Wales experience a number of issues and problems linked to prisoner location (Welsh Affairs Committee, 2007; Madoc-Jones, 2007). And thirdly, that both of these areas, and indeed imprisonment in Wales as a whole, have been subject to very little academic research or analysis (Jones, 2013). These three arguments helped guide the aims of this study and helped to formulate the research questions outlined below.

- To examine the impact that distances have upon prisoners' and prisoners families' experiences of prison visits.
- To explore what effects prisoner location has upon 'through-the-gate' resettlement service providers.
- To examine how Welsh prisoners experience prison life in England.
- To investigate the ways in which shared a Welsh identity or 'local connection' to Wales shapes prisoner experiences in England.

5.3 Qualitative Methodology

A qualitative methodological framework was used to guide this research. Described by Denzin and Lincoln (2000, p.3) as an approach that helps to make the social world "visible" to the researcher, qualitative strategies help to situate the researcher within the life world of those under research. This approach, according to Fossey et al (2002, p.723), allows the research to "give privilege" to the perspectives, viewpoints and experiences of those taking part in the research.

This sense of 'privileging' was underpinned throughout the research by the use of an interpretivist epistemology. Perez et al (2015, p.4) argued that the use of a interpretivist approach allows the research to situate participants as "active agents" in the process of data collection. The use of an interpretivist approach guided the research's attempts to "enlarge" and "deepen" its understanding of participants experiences of imprisonment across Wales (Angen, 2000, p.380). The interpretations drawn from the research were underpinned by constructionist ontology. This

understanding is one that is situated within the accounts, experiences, and meanings that had been constructed by those recruited throughout this research (Becker, 1982).

Fossey et al (2002) argue that qualitative strategies allow research studies to be guided by a set of fairly broad research questions. While quantitative approaches are reliant upon the use of strict research questions or the testing of tightly defined hypothesis, qualitative approaches do not follow these same procedures. According to Sandelowski (1993, p.2), the measure of "rigor" within qualitative research is more about maintaining the "spirit of qualitative work" than it is about the "adherence" to a strict set of rules or guidelines.

The spirit of 'openness' associated with qualitative approaches allowed this study to work towards achieving the "depth of understanding" that was needed to address the research questions (Fossey et al, 2002, p.723). This spirit of openness allowed me to remain responsive to new or unexpected data while ensuring that I was able to adapt to any changes in the research setting. According to Popay et al (1998, p.346), such "flexibility" is regarded as a "hallmark" of "good qualitative methodology" (Popay et al, 1998, p.346).

Ceci et al (2002) argued that in the absence of any specific rules or strict procedures other measures are required to reveal the strength or possible limitations within qualitative approaches to research. Drawing upon the work of Sandelowski (1993), Ceci et al (2002, p.716) argue that the "trustworthiness" of interpretive research is dependent upon "making the practices" used throughout the research both "visible" and "auditable" to those outside of the research. This argument is something that will be used to guide the way in which each stage of this study is reported throughout this chapter. This will include demonstrating how self-reflexivity was managed and used throughout the research.

According to Smith (1984), interpretivist epistemologies are sceptical towards any attempts to demonstrate self-awareness or reflexivity. For interpretivists, the task of trying to achieve objectivity or separateness from the subject of inquiry is something

that goes against the entire epistemology (Smith, 1984). However, reflexivity will not be discussed here to try and establish any kind of objectivity (Gadamer, 1994). Nor should it be read as a retrospective afterthought to show how the research could have been improved or strengthened. Instead, reflexivity is discussed throughout this chapter to make "visible" how I was able to adjust, respond and adapt to changing and challenging conditions throughout the course of this research.

5.4 Research Framework

This section first identifies the methods of sampling that were used throughout this research. The section then goes on to discuss how individuals from each sampling group were both accessed and recruited during this research. The final section then discusses the ethical challenges faced throughout each stage of the research process. The aim of this section is to try and draw the reader as close to the research framework as possible. Throughout each section I will discuss the steps taken to enhance my own position within the research to interpret the views, experiences and accounts of those that were included within this research (Bergum, 1991).

5.4.1. Sampling, Recruitment and Access

The sampling of research participants is key to determining the quality of qualitative research data (Tuckett, 2004). Kristensen and Ravn (2015, p.735) argue that in times of reflexivity the recruitment process is something that can make a significant contribution to qualitative research findings (Kristensen and Ravn, 2015, p.735). While qualitative research is designed to "privilege" the rich accounts and in-depth experiences of research participants (Fossey et al, 2002, p.723), throughout this research a qualitative approach to sampling was used to try and maximise the depth and richness of data gathered from research participants on the topic of imprisonment in Wales.

The selection of participants within qualitative research does not require researchers to follow the same strict rules and procedures that face quantitative researchers.

According to Marshall (1996), approaches to sampling within qualitative research are concerned with the quality of the sample and its ability to help address the research questions. O'Reilly and Parker (2015, p.192) argue that a suitable sample size within qualitative research is only reached when sufficient "depth" as well as "breadth" has been achieved. While some researchers have attempted to outline what a suitable sample size should be within qualitative research (Gerson and Harrowitz, 2002; Warren, 2002), the sampling within this study was designed to take into account the relevance of participants in relation to the research questions as well as the "amount of useful information" that could be obtained from each participant (Morse, 2000, p.3).

A purposive approach to sampling research participants was taken throughout this study. This approach was taken to deliberately target specific populations based upon their relevance to the research aims and questions. Defined as a method of sampling that is reliant upon a researchers "situated knowledge" of the research field (Barratt et al, 2015, p.5), this study was guided by the way in which purposive strategies have previously been used to research 'hidden' populations (e.g. Barratt et al, 2015; Braunstein, 1993).

In total, four separate sample groups were deliberately identified throughout this research. This included a sample of 'former prisoners', 'family members', 'service providers' and individuals drawn from a 'politics' sample (see table 5.1). Once identified, the research used a method of snowball sampling to recruit participants from within each sample group. According to Goodman (2011), for researchers exploring hard to reach populations, snowball sampling is a useful method in helping the researcher to recruit a greater number of participants from within the same sample group. In total, the research was able to recruit fifty-six individuals across all four sample groups.

Table 5.1 Participants and Sample Groups

Sample Group	Number (n=)
Former Prisoners	23
Family Members	10
Service Providers	19
Politics	4
Total	**56**

(i) Former Prisoners

Feldman et al (2003) argued that accessing key research sites is a major hurdle for those undertaking fieldwork. For researchers wishing to undertake fieldwork in prisons, gaining access to research participants' is by far the most significant barrier that researchers are likely to face (King and Liebling, 2008). Dixey and Woodall (2012, p.31) explained that the "paucity" of research inside prisons may be explained by the complex and often "time-consuming" procedures that researchers are required to navigate in order to gain access to the research setting. The original sampling aims of this study were to recruit a sample of Welsh adult male prisoners being held in prisons across England and Wales. This initial approach required me to complete an application using NOMS's Integrated Research Application System (IRAS). This online application was completed and submitted in December 2011. In April 2012, I was informed by NOMS' National Research Committee (NRC) that my application had been unsuccessful. This decision was reached on the grounds of 'methodological' issues that could still not be overcome following an appeal and resubmission of the application to the NRC.

The decision that was reached by the NRC forced the research sampling into an alternative direction. The research design was realigned to target former Welsh adult male prisoners no longer in contact with the criminal justice system who I could gain access to in the community. This renewed approach meant that I was able

to avoid having to negotiate the closed settings of the prison and, most importantly, ensured that the research was able to delve into views, accounts and interpretations of people from Wales who had experienced imprisonment. The research's definition of 'Welsh' was based upon a prisoners' own identity. Informed by research on 'local identification' in prison, prisoners who identified themselves as 'Welsh' were included as part of the sample. In some instances, such as David and Steven, this included former prisoners who had been born in England yet classed themselves as Welsh. This approach to recruitment was central in allowing the research to gain an understanding of prisoners' experiences when carrying a sense of Welsh identification with them into prison (e.g. Crewe, 2009; Phillips, 2008).

The research's sampling of former Welsh prisoners was split between a recruitment process in north Wales and a recruitment process in south Wales (see Table 5.2). This approach was deliberately taken to include the diverse views of former prisoners from across different parts of Wales. Within this sample, former prisoners were recruited from across a diverse geographical area. This included research sites in Holyhead, Bangor, Colwyn Bay, Rhyl, Llanelli and two separate sites in Cardiff. Out of a total of 23 former adult male prisoners, 11 were recruited from north Wales and 12 in south Wales. In south Wales, I purposively sampled and recruited Siôn after being given his contact details by someone I interviewed within the 'service provider' sample. Siôn was deliberately contacted because of his recent (at the time) experiences at a south Wales prison. This strategy allowed for Siôn's unique experiences to be incorporated within the research data.

Throughout the research I was unable to access and recruit any former prisoners from mid-Wales. This difficulty was presented to me because the area has such a small number of people in prison in comparison to both north and south Wales.[1] The geographical size of mid-Wales also meant that there was no concentration of services. This made it difficult to access and identify a suitable place to recruit

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[1] Official figures from 2015 showed that the areas of Powys and Ceredigion had less than 100 prisoners in total.

former prisoners from across the area. I encountered similar difficulties when recruiting individuals within the 'service provider' sample.

Table 5.2 Former Prisoner Sample

Sample Number	Name (Pseudonym)	Number of Prisons	Location
1	Hywel	1	Holyhead
2	Michael	5	Colwyn Bay
3	Simon	1	Rhyl
4	Richard	5	Rhyl
5	Steven	5	Colwyn Bay
6	Ryan	3	Rhyl
7	Lloyd	11	Cardiff
8	Siôn	3	Merthyr Tydfil
9	Jamie	6	Cardiff
10	John	6	Merthyr Tydfil
11	Mark	4	Newport
12	Lee	3	Cardiff
13	Gareth	6	Cardiff
14	Martin	2	Cardiff
15	Kenny	3	Pontypridd
16	Danny	2	Wrexham
17	David	6	Llangefni
18	Matthew	3	Holyhead
19	Rob	2	Hawarden
20	Howard	1	Bangor
21	Rhys	9	Llanelli
22	Osian	2	Llanelli
23	Neil	12	Llanelli

Although the decision to target former prisoners in the community removed some barriers to access, the study still faced barriers to accessing former prisoners in the community. These barriers were, in many cases, overcome by contacting individuals at organisations working with former offenders in the community. In full recognition of the fact that I was trying to gain access to a vulnerable sample group,

a letter was sent to each organisation that had been identified as potentially being able to help me access former prisoners who had completed their post-release license conditions. This letter was used to outline the aims of the research as well as explain to organisations what participants could expect if they agreed to take part in the research.

The letter that was dispatched to community organisations was used to try and identify someone who could act as a 'gatekeeper' to the research setting. In north Wales, a 'gatekeeper' working alongside offenders in the community was used to help "facilitate" access between the researcher and former prisoners from across different parts of Gwynedd and Anglesey (Kristensen and Ravn, 2015, p.725). This was vital given the research's attempts to try and sample a 'hard to reach' group within what was similarly 'hard to reach' rural area in terms of community support services. In south Wales, separate 'gatekeepers' also provided me access to former prisoners in separate sites in Cardiff and in Llanelli.

However, while 'gatekeepers' have the potential to secure important access to the research site, Wanat (2008, p.193) has argued that 'gatekeepers' can also be "uncooperative" and unwilling to help researchers. This includes gatekeepers who work to "protect" vulnerable individuals from potential 'outsiders' (Wanat, 2008, p.193; Feldman et al, 2003). This is something that I experienced during the early stages of my research when discussing the issue of access with a potential 'gatekeeper' who was visibly cautious about my request to access what they referred to as 'our clients' (e.g. Nielson and Kolind, 2016). This encounter, albeit a brief one, gave me the strong impression that 'gatekeepers' were not always willing to simply relinquish control over the research site to potential researchers. In support of Wanat's (2008) argument, during this encounter I learned how research sponsors may represent 'guard dogs' rather than 'gatekeepers' when seeking access to potentially vulnerable populations.

In instances where 'gatekeepers' do provide access to the research setting, the granting of access to the researcher does not act as a guarantee that individuals will

participate in the research. According to Bogdan and Biklen (2003, p.73), while 'gatekeepers' or research sponsors can provide official permission or access to research participants, the research can still be "sabotaged" by participants who refuse to co-operate or refuse to take part in the study. Throughout the research, this issue meant that the process of gaining access to former prisoners was something that permanently had to be managed and re-negotiated as I passed through the organisation and in-between different research sites.

One of the ways in which the task of gaining access to former prisoners was managed was through the use of 'snowball sampling'. Widely understood as an effective method within research studies on vulnerable or hard to reach populations (Gile and Handcock, 2010; Goodman, 2011; Heckathorn, 1997), 'snowball' sampling allowed me to recruit former prisoners from within the same organisation without having to continually negotiate access as I left one research site and entered another. While Onwuegbuzie and Leech (2005) have argued that the use of convenience samples within snowball techniques can lead to interview data becoming saturated, this problem was avoided by the decision to recruit within a number of different research sites across Wales.

While the use of purposive sampling enabled me to "deliberately" access and recruit former Welsh adult male prisoners, the method also allowed me to "deliberately" exclude certain populations from the research sample (Jupp, 1989, p.37). The first group that I decided to exclude from the research was children. This decision was taken during the very early stages of the research to safeguard the research from the considerable challenges associated with studying child offenders. This included the difficulties that have been faced by other researchers when seeking access to children (e.g. Heath et al, 2009; MacDonald, 2013; Tisdall et al, 2008), as well as the considerable ethical challenges I would have faced in dealing with their vulnerable status, not only as children, but children who have been through the criminal justice system (e.g. Holt and Pamment, 2011).

The decision to purposively exclude children was also made to help avoid any confusion emerging within the research findings about adult and youth justice systems in Wales. While the topic of youth justice in Wales has been discussed within a number of separate studies (Drakeford, 2010; Haines, 2010; Madoc-Jones and Hughes, 2005; Morgan, 2009), one of the central aims of this research was to address the gap within our existing understanding of the adult system in Wales. The removal of children from the research's sampling was part of a deliberate strategy to fulfil this research aim.

In addition to children, the study purposively excluded female offenders from the research sampling. This decision was taken during the early planning stages of the research in recognition of the fact that it is widely recognised within debates on imprisonment in Wales that Welsh women offenders experience their own "distinct set of issues" when sentenced to prison (Welsh Affairs Committee, 2007, p.19). These 'distinct' issues relate to the fact that there are no custodial provisions for female prisoners in Wales meaning that *all* Welsh women are forced to serve their entire sentences held in English prisons.

These unique set of issues, alongside the disparate experiences that women face throughout the criminal justice system more widely (Carlen, 1983; Corston, 2007; Dobash et al, 1986; Howe, 1994; Scottish Commission on Women Offenders, 2012; Smart, 1995; Worrall, 1990), led to a decision to remove women from the research sampling. Although this decision may appear to further contribute to the invisibility of women's experiences within the criminal justice system (Devlin, 1998), the research maintains that the experiences of Welsh women merits its own separate inquiry and analysis and should not simply be co-opted into an analysis of male experiences.

(ii) Family Members and Relatives

Within the last fifteen years, the plight of prisoners' families has been brought into much sharper focus within academic debates on imprisonment (Brooks-Gordon and

Bainham, 2004; Codd, 2007; 2008; Condry;). The increasing importance being attached to the experiences and welfare of prisoners' families has also been recognised within official debates and policy discussions. This has led to recent policy changes including additional funding for prisoner family centres in Scotland (Scottish Government, 2015), while in 2014 a National Assembly Cross Party Group was established to discuss the affects that parental imprisonment is having across Wales.

The research purposively sampled prisoners' families to help remove them from the 'shadow' of existing debates on imprisonment in Wales (Codd, 2008; Welsh Affairs Committee, 2007; 2015). Guided by existing research on prisoners' families, members of this sample group were viewed as vulnerable participants throughout all stages of the research process. In all cases, access to family members was supported by the use of a 'gatekeeper'. In north Wales, three separate 'gatekeepers' were used to help me identify and access family members who I could potentially include as part of this research. This included one 'gatekeeper' who managed to secure access to a voluntary run service transporting prisoners' families from north Wales to HMP Altcourse in Liverpool. This experience allowed me to spend an entire day on-board the 'North Wales Prison Bus' where I was able to recruit a total of six participants. Although this strategy potentially excluded participants visiting prison via car or through alternative means of transport, family members included within the sample were able to share their previous experiences of travelling to prison through methods other than the North Wales Prison Bus.

Drawing once again upon the work of Bogdan and Biklen (2003, p.73), although 'gatekeepers' were used to gain access to the family member sample, this access did not act as a guarantee that family members would agree to take part in the research. However, in more cases, family members expressed a willingness to take part in the research. According to Clarke (2010, p.399), engagement in social research can sometimes be explained by the fact that respondents might view their own involvement as having "some effect" on the policies or decisions relating to that particular group or community. The sense of 'making a difference' was something

that was strongly detected amongst the family member sample during my attempts to recruit potential participants to the study. This was most notably a strong theme amongst those on-board the North Wales Prison Bus.

Recruiting family members from mid and south Wales was made difficult by the failure to identify any suitable 'gatekeeper' working alongside prisoners' families. The absence of services in south Wales was corroborated by Henry, a service provider interviewed from north Wales, who revealed that he had recently been approached about setting up a visiting service for prisoners' families in south Wales because of a current gap in existing services. This 'gap' meant that I was only able to recruit one family member from south Wales. Access to this participant came about when the partner of a former prisoner being interviewed from south Wales agreed to take part in the research to discuss her own experiences of visiting her partner. The potential loss of information from family members in south Wales was overcome by my efforts to use research interviews with former prisoners from the area to discuss their families' experiences. This data gathered from this will be outlined in the following chapter.

Table 5.3 Family Members and Relatives Sample

Sample Number	Name (Pseudonym)	From	Relationship to Prisoner
1	Carol	Holyhead	Partner
2	Julie	Colwyn Bay	Mother
3	Helen	Caernarfon	Mother
4	Dave	Caernarfon	Father
5	Sioned	Benllech	Partner
6	Iris	Bethesda	Grandmother
7	Sue	Llanfairfechan	Sister
8	Catrin	Penygoes	Partner
9	Mair	Llangefni	Mother
10	Jackie	Llanelli	Partner

In total, ten family members took part in the study. This included nine family members from north Wales and one from south Wales. Kristensen and Ravn (2015, p.734) argued that the process of recruitment can allow for "important insights" to be drawn including the emergence of clear "distinctions" between participants based on characteristics such as age, class and gender. The research sample supported existing studies that have shown that prison visitors often tend to be women (Comfort, 2003; Tewksbury and DeMichele, 2005). Within this study nine women were recruited and just one male. According to Codd (2008, p.19), such a disproportionate focus upon women within studies on prisoners' families has the potential to maintain and reproduce "dominant" gendered stereotypes within the growing literature on prisoners' families. This also outlines the need for more research to understand why women are more likely to be visiting loved ones in prison.

(iii) Service Providers

Service providers across Wales were an important sampling group for this research. The research adopted a purposive approach to sampling to deliberately target organisations, and in some cases key individuals, based upon their existing knowledge and experience in relation to the research questions. This included the deliberate sampling and recruitment of Nicolas and Colin. This decision was not made based on a prior relationship with either Nicolas or Colin but based on a prior knowledge of their experience of working alongside people across Wales. A deliberate attempt was also made to recruit two NOMS based staff in London and Cardiff to take part in the research. After completing an application via NOMS's Integrated Research Application System access to NOMS staff was once again denied based upon the small scale of the sample.

The development of wider preventative approaches and multi-agency working has led to the involvement of wide range of agencies and organisations with offenders (e.g. Kemshall and Maguire; 2001; Pycroft and Gogh, 2010). In Wales, given that "many of the mechanisms" for reducing re-offending falls upon the Welsh

Government (NOMS Cymru et al, 2006b, p.6) agencies working with offenders across Wales can be found within a number of separate and diverse pathway areas. This includes state, private and, increasingly, voluntary organisations (Corcoran, 2011). In and amongst the wide range of organisations involved in the delivery of offender services, the task of identifying suitable organisations, let alone accessing them, was the most significant challenge I faced when recruiting service providers for this research. This problem was, once again, overcome by the use of 'snowball' sampling. For example, while Goodman (2011) argued that 'snowball' approaches to sampling can allow researchers to access 'hard to reach' populations, the use of 'snowball' sampling helped me access 'hard to identify' service provider populations across Wales. This included identifying small organisations across north Wales, such as Arc Communities and BARA, who would otherwise have remained anonymous were it not for information given to me by service providers working in the area.

The decision to sample individuals from more established agencies involved in the delivery of offender services meant that official or 'formal' access to the research setting was often needed. In such cases, including the sampling of mentors from Transitional Support Service (TSS), a letter was sent out to senior management to outline the aims of the research and to demonstrate why I wanted to recruit members of staff as part of my research. This letter helped to secure me 'official' access to the research setting and allowed me to recruit a total of five TSS mentors across Wales. While I remained fully aware of the risks that recruiting five people from the same organisation may lead to the data becoming saturated (Onwuegbuzie and Leech, 2005), the recruitment of five mentors from across five different geographical areas meant that each participant added something different to the research data and the research's understanding of 'in-reach' services across the different areas of Wales.

While senior managers may act as 'formal' gatekeepers to the research setting, Hammersley (1995, p.399) has previously warned that individual involvement in social research is "almost always voluntary". The recruitment of service providers and professions can depend upon a number of factors. In some cases, Peel et al

(2006) argued that the process of recruiting service providers or professional workers can often be benefited by their willingness to help others and their interest in contributing to the research. Peel et al (2006) also argued that professionals may willingly take part in research based on a sense that they have 'nothing to lose' by their voluntary participation. However, this sense of 'nothing to lose' was not something that was expressed by all service providers I came across throughout the research. In stark contrast, some service providers I spoke to occasionally expressed a deep sense of unease about whether or not they were supposed to be taking part in the research. On one occasion, I was nervously asked by a service provider to confirm if I was a journalist. This reflected a sense of unease and tension that was occasionally displayed by service providers when discussing 'client' experiences. The nervousness surrounding 'client' experiences was reflective of the "fuzzy" identity that former prisoners' hold as once 'offenders' and now 'clients' (Nielson and Kolind, 2016, p.145). One the one hand 'clients' are to be treated as "real people" with their own sense of agency and autonomy, on the other hand, however, they are people who remain vulnerable and need to be protected by service providers (Nielson and Kolind, 2016, p.137). The nervousness shown by service providers to the research was, in some cases, reflective of the rather peculiar position taken by former prisoners who are empowered and yet vulnerable in the eyes of service providers. In most cases, however, formal access from management was enough to help me address any concerns that service providers may have about taking part in the research.

The recruitment of some participants within the service provider sample was achieved because of prior relationships I had with key individuals or potential gatekeepers. This included Kirsty in north Wales who I had previously worked alongside, albeit only for a short while, as a volunteer on Prison Link Cymru for Shelter Cymru. The role I had as a former 'insider' within Prison Link also helped me to identify and recruit other people within the organisation. This included recruiting two participants in south Wales. The effects these relationships had upon the research data will be discussed in more depth later in the chapter.

Table 5.4 Service Provider Sample

Sample Number	Name (Pseudonym)	Position/Role	Organisation	Location
1	Thomas	Operational Manager	DIP	Carmarthenshire
2	Martin	Team Leader	DIP	Carmarthenshire
3	Wendy	Support Worker	TSS	Gwynedd/ Ynys Mon
4	Claire	Support Worker	TSS	Gwent
5	Russell	Support Worker	TSS	Dyfed-Powys
6	Emily	Support Worker	TSS	Flintshire/ Wrexham
7	Jonny	Support Worker	TSS	Conwy/Denbighshire
8	Henry	Group Coordinator	Jigsaw	Colwyn Bay
9	Alun	Policy and Compliance Senior Officer	Welsh Language Commissioner	Cardiff
10	Michelle	Support Worker	Prison Link Cymru	Cardiff
11	Eric	Manager	Gwalia/Prison Link Cymru	Cardiff
12	Kirsty	Support Worker	Prison Link Cymru	Wrexham
13	Gwyneth	Volunteer	BARA	Caernarfon
14	Luke	Project Co-ordinator	ARC Communities	Rhyl
15	Paula	Supporting People Co-ordinator	Denbighshire County Council	Rhyl
16	Anwen	Prison Chaplain	HMP Altcourse	Liverpool
17	Selwyn	Prison Chaplain	Community Chaplain	Swansea
18	Nicolas	Youth Justice Board	Academic	Cardiff
19	Colin	Wales Probation Trust	Academic	Cardiff

In total, 19 participants were recruited as part of the service provider sample. This included 10 service providers in south Wales and 9 service providers across north

Wales. Whilst one service provider was identified in mid-Wales, despite my attempts to get in contact this did not materialise. The small available sample in mid-Wales can perhaps be explained by the fact that at the time of this study there were no TSS support workers based in the area. Instead, TSS mentors, such as Steve and Emily, were responding to cases in this area. Interviews with Steve and Emily were thus used to gain some insight into offender services across the area of mid-Wales.

(iv) Politics

A major strength of qualitative research is its "flexibility" allows the researcher to adapt to new data or emerging lines of inquiry (Popay et al, 1998, p.346). In 2011, the UK Government's announcement of the Silk Commission in Wales kick-started a series of debates over the future of criminal justice powers in Wales. The flexibility of my research design meant that I was able to incorporate these new and emerging debates into the research by gathering a sample of 'elite' individuals. This sample was chosen to help the research gain an in-depth understanding of the kinds of issues that arise in the context of the debate about criminal justice powers in Wales. The challenge of identifying suitable participants within this sample group was overcome by the fact that so few people operating at political level had previously offered a view or opinion on this topic. This allowed me to identify and subsequently target these individuals.

Duke (2002) argued that the task of gaining access to 'elite' participants can provide researchers with a number of obstacles. These barriers can include coming up against purposive strategies put in place by 'elite' individuals to avoid taking part in research on issues that they do not wish to revisit, discuss or be scrutinised on (Hertz and Imber, 1995; Mikecz, 2012). To overcome these barriers, Lancaster (2017, p.95), in drawing upon Welch et al (2002), emphasised the need for researchers to draw attention to their "professional credentials, affiliations and standing" when contacting 'elite' participants in search of access. This strategy was flexibly employed when seeking to gain access to the politics sample. This included tailoring my correspondence, via email, to each participant to emphasise the importance and

relevance of my research in relation to their position or role as well as any recent comments or speeches they may have made about criminal justice in Wales.

Table 5.5 Politics Sample

Sample Number	Name	Position/Role
1	George	Member of Parliament
2	Sarah	Assembly Member
3	Alun	Member of Parliament
4	Andrew	Welsh Government

In total, 4 people were recruited as part of the politics sample (see Table 5.5). This included two males and two females. The details of each participant have been withdrawn from the above in an attempt to try and safeguard the anonymity of those within this small sample group. This issue is something that will be discussed in more detail later in the chapter.

5.4.2 Ethics

The quest to produce ethical research is one that confronts every social researcher engaged in empirical study that involves human subjects. Winlow and Hall (2012) argue that for criminologists the nature of the issues under research often appear to warrant an even greater sense of regulation over the methods and techniques that they are using. Winlow and Hall (2012, p.401) argue that criminology is often viewed as "being more ethically problematic" because it exists at "the forefront" of some kind of "moral condemnation". This includes the fact that criminologists often undertaken research on matters that signify "some kind of rupture" in the moral and ethical world around us (Winlow and Hall, 2012, p.401). This might include research with 'dangerous' individuals or behaviours or within problematic institutions or social contexts that often draw a widespread sense of moral denunciation.

Ethical approval was sought and granted from Cardiff School of Social Sciences Research Ethics Committee. While some view Research Ethics Committee's as operating as some kind of "bureaucratic gatekeeper" or as "managerialist incursions" into the research process (Winlow and Hall, 2012, p.400), others see them as an important safeguard against any "misuse of research" or potential "violations of good practice" (Flick, 2007, p.69). The research's efforts to sample and recruit vulnerable populations meant that the Research Ethics Committee, despite presenting a bureaucratic challenge, was a necessary and important process in strengthening the ethical standards of the research.

Securing the informed consent of research participants is a key ethical concern throughout fieldwork. According to Miller and Boulton (2007, p.2199), the concept of informed consent is one that "attempts to capture and convey" what is widely regarded as the "acceptable relationship" between the researcher and research participants. The decision to purposively sample vulnerable participants meant that considerable attention and focus was drawn towards preparing adequate research materials to fully inform participants about the research they were being asked to voluntarily take part in. This information was useful when dealing with participants who had reservations about taking part in the research and the prospect of divulging potentially sensitive information.

A bilingual information sheet and consent form (see Appendix 1 and 2) was given to every participant prior to agreeing to take part in the research. The information sheet was given to participants to provide them with additional information about the study and the researcher as well as information about what was expected of them throughout their voluntary involvement in the research. At the beginning of every interview I took steps to make sure that participants were comfortable with reading the information. While some participants may have had problems with their eyesight I was also fully aware of the fact that prisoners have disproportionately higher rates of illiteracy (Loucks, 2007). On one occasion I was asked by Steve to read out the information and consent form in full. This approach was taken to make

sure that *all* participants were in a position to give their full consent before taking part in the research.

However, while it was important to remain fully aware of the importance of obtaining informed consent, throughout the research I was also fully aware that achieving informed consent was not a passage to ethical research. For example, Miller and Boulton (2007, p.2199) argued the case to see beyond the "ethical universalism" that accompanies the procedure of informed consent. Rather than simply viewing the signing of the consent form as an ethical panacea, throughout the fieldwork I was aware that I was not always in a position to observe or safeguard against how participants may react or feel throughout the research. This research was guided by Eisner (1991, p.214), who warned that informed consent can be a risky strategy because it "implies that the researcher knows before the event… what the event will be and its possible effects". Miller and Boulton (2007, p.2209) also warned that the complex social processes that can alter or affect the qualitative research process simply "cannot be anticipated by or encapsulated in information sheets or signed consent forms". Importantly, the limitations associated with informed consent demonstrated the need for me to be reflexive throughout data collection and, as will now be discussed, even after the research data had been gathered.

Lee (1993, p.98) argued that for qualitative researchers interested in exploring sensitive topics, the trust that develops out of confidentiality can encourage participants to discuss "issues which are deep, personally threatening, and potentially painful". Each and every individual that took part in the research was offered confidentiality and anonymity throughout. The research also followed the ethical guidelines around disclosures that were outlined by the organisations that were working with the sample group. All participants were made fully aware that the interviews were confidential, but that that I did have a duty to report any information that indicated that they or another named individual was at risk of harm. For many within the former prisoner, family member and service provider sample, this offer of confidentiality often helped to address concerns that they might

have held about taking part in the research and sharing information about personal thoughts, feelings and sensitive subjects.

The research also followed the ethical guidelines around disclosures as outlined by the organisations that were working with the sample group. All participants were made fully aware that the interviews were confidential, but that that I did have a duty to report any information that indicated that they or another named individual was at risk of harm.

The task of managing the anonymity and confidentiality of participants was active throughout each stage of the research process. During data collection every effort was made to interview participants in a non-public setting. This frequently included interviewing participants in small offices or private rooms so that participants' involvement in the research would remain confidential. After the research data had been collected, I was aware that the anonymity and confidentiality of research participants is something that can occasionally be relinquished (Shaw, 2003). To prevent this steps were immediately taken to try and safeguard the identity of participants. This included replacing participant names with pseudonyms as I transcribed the data which all interview data, including audio recordings, were stored on an encrypted device that only I could have access to.

5.5 Data Collection

This section identifies the methods of data collection that were used to gather qualitative information throughout the research. The section discusses the use of qualitative interviewing and will draw upon the issues faced when conducting interviews with participants from a range of different sample groups within various research settings. This is followed by a reflective account of my experiences alongside members of the family member sample on-board the North Wales Prison Bus. Although continual reference has been made throughout this chapter to the 'research process', this section will place more focus upon the 'research experience' rather than 'process'. These experiences, as will be discussed during this section,

have added a significant amount to my own interpretations of imprisonment across Wales.

5.5.1 Qualitative Interviewing

The aim of this research was to gather in-depth information about the way in which imprisonment is experienced across Wales from a number of separate standpoints. This was achieved through the method of qualitative interviewing. Guided by the research's interpretive epistemological framework, qualitative interviewing was used to "gain access" to the rich, in-depth, accounts, experiences and "social worlds" of people across Wales (Fossey et al, 2002, p.727). This method was also central to the research's efforts to address the neglect that had previously been shown towards the views of offenders and family members across Wales (e.g. Welsh Affairs Committee, 2007; 2015).

A semi-structured approach to interviewing was used throughout all of the fifty-six interviews conducted. Designed to help researchers avoid the highly prescriptive settings associated with structured interviewing, Bennett and Wright (1984, p.7) claimed that semi-structured interviewing gives participants the opportunity to "speak freely" about their experiences using their very "own concepts and terminology" (Bennett and Wright, 1984, p.7). Oppenheim (1992, p.81) has also argued that the method allows the research data to capture the "richness and spontaneity" of participants own feelings towards the research questions (Oppenheim, 1992, p.81). This was important to the research as it allowed new themes to emerge from the data and the 'privileged' accounts of those interviewed throughout the research (Fossey et al (2002). This is outlined in chapter seven within the discussion of former prisoners experiences of the 'prison sweatbox'.

During this research, a total of thirty-one qualitative interviews were conducted with vulnerable participants. According to Pittaway et al (2010, p.247), studies that are "poorly designed and implemented" can generate "inadequate protection outcomes" for vulnerable participants. While qualitative interviewing is a method

often used by researchers to collect data on sensitive topics (Richards and Schwartz, 2002), I was fully aware throughout the research that asking former prisoners and family members to reflect upon sensitive or difficult experiences may upset participants. To combat these potential issues, 'gatekeepers' were used to develop a suitable plan or strategy when dealing potentially vulnerable participants and sample groups (Pyer and Campbell, 2012). This strategy was deliberately used avoid the "retraumatization" of vulnerable participants throughout the course of the research (Pittaway et al, 2010, p.235).

The deployment of strategies to protect vulnerable participants are also key to maintaining relationships between participants and researchers. Kornblum (1996) argued that the relationships between researchers and participants are key to the 'success' of qualitative research. These relationships play a key role in establishing a sense of trust between the researcher and participants. Pitts and Miller-Day (2007, p.178) argued that the establishment of trust is often a precursor or "necessary condition" to the gathering of rich and detailed personal information. Although much of this chapter has been dedicated to discussing how I managed to 'gain access' to the research sample, the process of achieving access was more often that not 'won' during the early stages of my encounters with research participants.

In some circumstances, a sense of trust between researchers and participants might already exist because of prior relationships or contact. For example, during the research I conducted an 'acquaintance' interview with Kirsty from Prison Link Cymru (Roulston et al, 2001). While the previous working relationship I shared with Kirsty offered me relatively straightforward access to the research setting, throughout the interview I had to remain aware of the ways in which our existing relationship might potentially influence or shape the "narrative" of the interview and data (Garton and Copland, 2010, p.534). According to Roulston et al (2001), entering the field with prior knowledge can lead to interviewers producing a certain kind of talk or raise concern about a certain kind of issue. This potential problem led me to try and create some distance between Kirsty and myself while, at the same time, trying to maintain a level of trust.

Gaining the trust of participants that I did not know required me to remain flexible as I moved between sample groups. For example, when interviewing former prisoners, family members and certain service providers, I would often adopt a more casual, conversational and emotionally involved approach to the interviews. This strategy was guided by the idea that "communion" within social research plays a central role to the gathering of research data (Ezzy, 2010, p.169). This sense of 'communion' was often used in an attempt to remove the formalising effects that often accompanied the use of an information sheet, consent form and Dictaphone had upon participants (Belson, 1967).

In other instances, including interviews with 'elite' participants, formal settings were often deemed more appropriate. This often meant that I turned up to interview 'elite' participants in more formal clothing and agreed to meet them in formal research settings. This often included their own offices or meeting rooms within their place of work. However, even when a sense of trust is established between the researcher and participant, the research still faced a number of issues throughout data collection within all sample groups. This included problems gathering 'rich' and 'open' data from those recruited within the 'politics' sample.

A major challenge surrounding 'elite' interviewing is the tendency for participants to tailor their responses to a set of wider organisational or institutional goals. Lancaster's (2017) research found that research data gathered from 'elite' participants was often transmitted through a "tightly controlled official line". Although largely undetected throughout the process of interviewing 'elites', the issues raised by Lancaster (2017) were detected within my own data once I began to transcribe and analyse the information gathered from 'elite' participants. In every single interview with 'elite' participants, the data was, to varying degrees, constricted by the use of an 'official' line towards matters relating to devolution and criminal justice.

The interviews with 'elite' participants were being conducted at a time when evidence was being prepared, or had already been submitted, to the second part of

the Silk Commission's inquiry into future devolution in Wales. As a consequence, the information and data gathered from 'elite' participants simply reflected a regurgitation of the evidence submitted by their party or organisation. In some cases 'elite' participants held back answers so as to avoid any potential deviation from the 'official' line that would later be given in evidence to the Silk Commission. This included Andrew from the Welsh Government who made numerous references to "our evidence" and even replied to a question with "you will have to wait for our evidence" rather than providing his own view based upon his own expertise on this issue.

The 'official' line that was adopted by all four participants from the 'elite' sample group undermined the relevance, depth and quality of the data collected. The obedience towards 'official' lines also undermined the ethos underpinning the research, which was to try and 'privilege' the views of those recruited to take part in the study. After analysing the research data and having scrutinised the evidence submitted to the Silk Commission by the organisations and parties represented in my sample, the decision was taken to not present the data gathered from 'elite' participants throughout this research. Instead, the information collected from 'elite' participants was used as a secondary source to guide and support the arguments made throughout this thesis. This included the discussion on the development of devolution in Wales in chapter two.

One final aspect of the research that needs to be reflected upon was the decision to include former prisoners rather than those current serving sentences. The recruitment of offenders who had fully completed their prison sentence allowed the research data to gather a much more complete understanding of Welsh prisoners experiences of imprisonment. This included information, such as their experiences of being released from prison, which would otherwise have been omitted from the research findings. The sampling of former prisoners, however, also meant that the research needed to remain aware of the threat posed to interview data by retrospective interviewing. This included the need to recognise that participants' own interpretations of their experiences may have altered over time. Gardner (2001, p.192) warned that the value of biographical information can often be weakened by the fact that participants may have "forgotten something" about their experiences or

potentially glazed over anything that was not "particularly salient" to them at the time.

The potential problems posed by retrospective interviewing were most clearly made visible within a 'joint' interview I conducted with Rhys, a former prisoner, and his partner Jackie who was included within the family member sample. It was the presence of Jackie throughout the interview that brought Rhys's memory problems into sharp focus. For example, on a number of separate occasions, Jackie helped Rhys to recall some of the details surrounding his time in prison. This included a scenario when Rhys was describing his experience of being transported inside a prison escort vehicle and forgot some of the details around his experience. At this point, Jackie stepped in and added her own perception of events into the research to fill the gaps in Rhys's own account of his experiences. This "cueing phenomenon" helped Rhys to recall certain aspects of his imprisonment that may have otherwise not been gathered by the research (Bjornholt and Farstad, 2014, p.7; Morgan and Krueger, 1993).

This experience played a key role in readjusting my own involvement within research interviews with former prisoners. This included giving participants additional time to think about the question as well as using a series of 'trigger' questions or discussion points to help capture any particular memories they might have. This method was not used as an attempt try and generate any kind of 'truth' within the research data, rather, this strategy was used to try and capture as much in-depth information from the perspectives, accounts and life world of participants as possible.

5.5.2 The North Wales Prison Bus: A Reflexive Case Study

The North Wales Prison Bus is a voluntary run service that provides affordable transportation services for prisoners' families across north Wales to HMP Altcourse in Liverpool. In December 2012, I was given permission to conduct ethnographic research on-board the '12-seater' minibus by a 'gatekeeper' that I had met during the

course of data collection. A discussion of my experiences on-board the North Wales Prison Bus provides this chapter with a case study in reflexive research. This discussion will be used to contextualise the research findings. This includes critically reflecting upon the challenges I faced while conducting ethnographic research with family members on-board the prison bus. These findings will later be used as part of the thesis' discussion of distances and prison visits in chapter six.

Ethnographic research on-board the North Wales Prison Bus provided this research with a unique insight into the "everyday" social world and experiences faced by prisoners' families in north Wales (Hammersley, 1990, p.1). The research required immersing myself within the settings and surroundings inhibited by prisoners' families when making the long distance journey to HMP Altcourse. The experience gave the research a "slice of life" account of the way in which prisoners' families regularly experience distances. Throughout the research I recorded observations during different stages of the journey. In addition to this, interviews helped to 'privilege' (Fossey et al, 2002) the views of family members who could offer 'thick descriptions' of their experiences of travelling long distances to prison (Geertz, 1973) The use of interviews also helped the research to overcome any threats posed to the data by "selective perceptions" I may have made during observations (Webb et al, 1969, p.149) or indeed the possibility of "misunderstanding the observed" during my time on-board the prison bus (Gold, 1958, p.222).

Prior to travelling on-board the prison bus, each family member was contacted by Gwyneth, the service provider responsible for the service, to request their permission and consent to allow me to travel with them to HMP Altcourse. Family members were informed that I would be making and recording observations throughout my time on-board the bus. Gwyneth also told family members that I would like to interview them at some point during the course of the day. All family members contacted prior to the 'travel day' agreed that I could travel on-board the prison bus. The arrangements put in place prior to the 'travel day' itself were central in ensuring that I minimised the impact that my role as 'researcher' had upon family members. According to Reinharz (1984), ethnographic research involves a

considerable degree of intrusion into the lives of research participants. In preparation for my time on-board the North Wales Prison Bus, I was conscious of the fact that I would be intruding upon the privacy of prisoners' families during what would most likely be a very emotional, difficult and draining experience. Family members were therefore given plenty of notice to inform them that I would be travelling along with them.

On the day itself, the journey began in Caernarfon at 9.30am. The bus had arranged to pick up six family members at different points on its way to the prison.[2] In Caernarfon we stopped to pick up Dave, Helen and Catrin, we then separately picked up Sioned and Iris in Bangor before picking up the final passenger, Sue, in Llanfairfechan. Once all six passengers traveling on-board the bus had been collected, Gwyneth introduced me to all of the passengers on-board and once again reminded them that I would be conducting observations and that I would like to interview them at some point during the day. The interviewing of participants was something that was going to be reliant upon my ability to develop a rapport with family members throughout the day.

On the way to the prison I found myself sat alongside a couple, David and Helen, who were both going to visit their son who had been held in HMP Altcourse for the past nine months. During the early part of the journey I spoke quite openly with Helen about where I was from, my studies, and my experiences throughout the research so far. After talking to Helen and Dave for around forty minutes I asked them if they would both agree to be interviewed as part of my research. Whilst up to this point they had both appeared at ease in my company, it was at this point that I became particular aware of my dual identity as 'Rob' and 'researcher'.

The transformation in my identity sharply took place as soon as I produced an information sheet and consent form for Helen and Dave to read and sign. This one action had the effect of formalising the relationship that I had been able to strike up with Dave and Helen as I tried to "minimize" the distance between us (Lee, 1993,

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[2] This includes partners.

p.140). The effects that this identity shift had upon Dave and Helen were noticeable to me throughout the interview. For instance, while Helen had been quite playful and relaxed beforehand, throughout the interview she was quite withdrawn and appeared slightly apprehensive. Perhaps most tellingly, as soon as the interview had finished I could detect the sense of relief in both Helen and Dave. This was most clearly outlined by the fact that Helen returned to her chatty and talkative 'self' as soon as the interview was completed.

Throughout the interview with Helen and Dave I experienced a number of interactional issues that I had not previously encountered. Sitting alongside one another, I found it physically difficult to look at Helen and Dave as I spoke to them. Sat in such close proximity to one another, this felt like a rather strange and unusual interview setting. In particular, while I often struggled to make eye contact, the physical closeness between Helen and myself also added a sense of awkwardness to the interview process. Research within psychology has explored the relationship between personal space and interaction (Hall, 1966; Sommer, 1959; Tesch, 1979). Hall (1966) argued that the distances between people during personal interaction are often subconsciously guided how comfortable they are with one another.

When interviewing Helen and Dave, despite the fact I was a stranger with no prior relationship with them, the confined conditions inside the vehicle forced me into proximity with them during the interview. Aware that my proximity might cause a heightened sense of unease or anxiety amongst participants (Little, 1965; Middlemist et al, 1976), I made a deliberate attempt to pull my seatbelt out as far as possible so I could create some distance between us. This resulting distance helped to alleviate, although not fully remove, the proximity I shared with Helen and Dave and gave me enough space so I could make eye contact with them when asking questions about their experiences of visiting prison. This made the experience a little more relaxing and slightly less unnatural.

During the first interview it also came to my attention that I was researching in a tightly confined space with other people in close proximity. The proximity inside the

bus also meant that I was interviewing people within earshot of one another. I was aware that family members may well have felt uneasy about discussing personal feelings and emotions when sat so close to other family members on-board the bus. Although the noise being produced by the moving vehicle may have made it difficult for others to hear, I would often lean forward to get as close to participants as possible when providing me with answers so they could lower the volume of their voice and reduce the risk of others hearing their responses. I also controlled the level of my own voice when asking questions to ensure that other family members would not attempt to listen in to any forthcoming answers.

Two hours and forty minutes after leaving Caernarfon, the bus then arrived at HMP Altcourse at 12.10pm. As we approached the prison a sense of anticipation and excitement filled the bus. At the back of the bus, Sioned saw the bus's exit from the M56 as her cue to douse herself (and everyone else in the bus for that matter) in body spray in anticipation of seeing her boyfriend. I could sense the excitement and nervous energy that those on-board were feeling as we approached the prison.

At 12.10pm we pulled up in the prison's car park. Visiting did not start until 1.30pm but those wishing to visit had to be signed in and ready by 1.00pm. All passengers got off the bus and went into the Visitor Centre at the prison. On a number of occasions family members who had travelled on-board the bus came out of the visitors centre to speak to staff or to smoke a cigarette. As I waited outside of the visitors centre, I was could observe the different kind of emotions experienced by family members as they waited to go into the prison. While Dave and Helen appeared quite relaxed and excited, Catrin was frustrated after being told that there would be a short delay before she could enter the prison. Other participants, including Sioned and Sue, appeared unflustered by the events going on around them they had quite clearly witnessed on numerous occasions before.

During the period that all family members entered the prison I conducted a short interview with Gwyneth about her experiences of providing support services to prisoners' families from north Wales. I also took the opportunity to take down more

detailed notes from my observations in the morning. While taking notes, those family members who entered the prison first began to stream out of the prison and came back to the bus. In the time that elapsed between each visitor leaving the prison I managed to take this opportunity to talk to other people on the bus that I had been unable to speak to properly for the majority of the journey to the prison. This helped me to develop a sense of rapport with respondents that would later be used to help gain access to their views, accounts and experiences.

While waiting for all visitors to return to the bus, I managed to conduct one interview at the back of the vehicle with Sioned. This interview took place almost immediately after Sioned had come out of the prison and I could sense that she was deflated. Interestingly, it was Sioned dousing herself in body spray on the journey to the prison that really captured the sense of excitement and anticipation that gripped the bus during the morning. However, Sioned's mood after the visit could not have been any more different. Her visible excitement from earlier was now replaced with a noticeable sense of emptiness and deflation following an argument with her partner during the visit. A study by Light and Campbell (2007, p.300) highlighted that families can often leave prison with feelings of "distress" and "anxiety" when prison visits have been "strained" or they have experienced emotional difficulties.

Fully aware that Sioned may have been feeling quite emotional after her experience inside the prison, we sat and chatted for a little while about things other than imprisonment. During this time Sioned and I laughed about a number of topics, this included the fact that she had "nearly choked me to death" with her perfume as we approached the prison. The conversation between myself and Sioned during this time helped to build a rapport between us and also helped to relax Sioned who had just come out of the prison following an argument with her partner. A study by Griffith's (1998, p.874) on health professionals found that humour can often help individuals to deal with "difficult communications" and to "reduce anxiety" amongst patients. The jokes shared between myself and Sioned certainly helped her to be a little more relaxed before taking part in the research. Alone on the prison bus, I was able to talk to Sioned about her experiences of visiting her partner in prison.

The rapport developed between us, alongside the fact that other family members were not sat in close proximity, helped me to gather some rich data from Sioned's account and experiences.

It was on the journey back to North Wales that I managed to interview the remaining passengers on-board the bus. As night time fell on what was now turning into a winters evening, the bus was very quiet; the buzz that had filled the journey there had disappeared as the reality of the situation sank in that many would not be seeing their loved ones again until after Christmas and into the New Year. The excitement of the morning was replaced by a different set of emotions.

As we made our way back to north Wales I sat next to Iris, an elderly lady we had earlier picked up from Bangor. Iris was a 70 year old widow making a visit to see her grandson; she had travelled from Bethesda to Bangor in the morning to be collected by the bus and taken to HMP Altcourse. I initially spoke with Iris for around ten minutes before asking her if she would be willing to take part in the research. Iris agreed to my request and promptly skimmed through the information sheet and signed the consent from. After turning on the audio recorder I asked Iris to discuss her experiences of travelling to visit her grandson at HMP Altcourse. She began to answer without any difficulties and appeared fairly comfortable with the question. However, almost 40 seconds into the interview she became visibly upset and began to cry.

Iris becoming visible upset prompted me to immediately turn off the audio recording device, despite her insistence that she wanted to continue to 'answer my questions', and the interview was terminated. I reassured Iris that she did not need worry about my research and we sat and talked about a number of things including the circumstances that surrounded her grandson's imprisonment. It became clear to me at this point that the events surrounding her grandson's arrest, while he was staying with her for a short while, were still very much in Iris's memory.

Once the interview with Iris had been stopped, I immediately began to self-reflect on the approach I had taken to the interview. A study by Dickson-Swift et al (2009) argued that researchers can often feel a sense of guilt or regret when participants become emotional during research. As I sat next to Iris and we talked about various different things my mind was racing with a number of questions about my approach to the interview. This experience, while offering me within an insight into the emotional effects of family imprisonment, provided me with a very clear example of the need to do much more than simply obtain the informed consent of participants in order to safeguard them from harm throughout the research (Miller and Boulton, 2007).

Around fifteen minutes after the interview had been stopped, Iris insisted that she wanted to re-start the interview so she could try and answer a couple of my questions. I agreed, but wary of how emotional Iris was, I kept the interview as short as possible. Although the length of this interview would suggest that very little data was gathered, the extremity of Iris's experiences meant that I was able to collect important information in relation to an emerging theme around the cost of prison visits. The information gathered from Iris's account will be included within the discussion on prisoners' families' experiences in the next chapter.

During the final stages of the journey I performed interviews with Catrin and Sue. Whilst Catrin was visiting her boyfriend, Sue had travelled to see her brother for only the second time since he was sentenced to prison six months earlier. In the time it had taken me get round to interviewing Catrin and Sue it was now pitch black inside the bus. The lack of visibility forced me to use a light on my mobile telephone so that both could read the information sheet and consent form before agreeing to take part. I had been wary before interviewing Catrin and Sue that the conditions inside the bus might effect the interactions I shared with participants. However, in spite of my initial concerns, I was able to establish a good relationship and rapport with both Catrin and Sue. Although the lack of visibility made it difficult, at times impossible, both were committed to the research. Most notably, Catrin provided as much information as possible based on her belief that changes needed to be

introduced to improve provisions in place for family members (e.g. Clarke, 2010). The conditions inside the bus, although far from ideal, still allowed me to gather some rich and important data as we heading home after a long and difficult journey.

Having been on-board the bus since 9.30am, we finally reached Caernarfon at 5.45pm after we had dropped people off at various points on the way back to the starting point. In Bangor, we dropped Iris off at the bus stop we had collected her from in the morning. The bus waited with Iris while she called herself a taxi to pick her up from the bus stop and take her back home to Bethesda. Before the taxi arrived, Iris shooed us away so we could continue on with our journey, despite everyone offering to wait with her until the taxi had reached her. As the bus pulled away I looked back towards the bus stop to see Iris standing alone on what was a cold and dark December evening. This image is the most lasting one I have when I recall my experiences on-board the bus that day.

Throughout the course of my time on-board the prison bus I managed to interview a total of six participants from the family member and relatives sample. By the time we returned back to the original start point, I could not wait to get home. Even though I had not been through the emotional turmoil of visiting a loved one in prison, the whole experience left me feeling tired and drained. My time on-board the prison bus provided me with a first-hand experience of the kinds of issues and experiences faced by family members who are forced to make long distance prison visits. While the experience provided me with a number of challenges to remain reflexive, the interviews I conducted on-board the bus played a vital role in gathering rich data from the family member sample. This data will be used in the following chapter as part of the thesis' discussion of distances and prison visits.

5.5.3 Other Sources

This research also used a number of other data sources to provide context to the research's arguments and to supplement the research evidence gathered from the interviews and observations. This information included the use of documentary

evidence. First, the main sources of documentary evidence used in this research were UK and Welsh Government policy documents and strategies. These documents were used to 'map out' the contours of the hybrid system in Wales. The UK Government's *Transforming Rehabilitation* strategy was also used to provide information on recent changes to probation services across Wales. This was particularly useful given the lack of academic research on the recent changes.

A second source of documentary evidence used were the findings from the various inquiries and reports into devolution in Wales. These sources were used to trace the incremental developments that have taken place to Welsh devolution since 1999. The evidence submitted to these inquiries were also used to provide some context to the research's understanding of devolution in Wales. This included the evidence submitted by the UK and Welsh Government to the second part of the Silk Commission in 2013. In addition to documentary evidence on the constitution in Wales, inquiries and reports on imprisonment in Wales were also used to guide the research. This included two separate reports by the House of Commons' Welsh Affairs Committee that were used to guide the research's understanding of distances and prisoner identity.

A third source of documentary evidence used were newspaper articles and reports on the north Wales prison debate. This included reports dating back to 2005 on the 'case' for a prison in north Wales as well as those from 2007 to 2009 at a time when the UK Government were considering whether to build a prison at a site in Caernarfon in north Wales. Since January 2013, newspaper articles, reports and UK Government press releases have been used by this research to gather information on the Ministry of Justice's decision to build the 'super' prison at Wrexham in north Wales. Documentary evidence from the Betsi Cadwaladr University Health Board and Wrexham Local Authority have also been used to support the research's attempts to explore the possible impact that the Wrexham prison will have in Wales.

Finally, the most significant source of 'other data' used by this research was official information obtained from NOMS and Ministry of Justice. This information included official reports produced by the MoJ during its site search for the Wrexham prison and, most importantly, information from NOMS on the location and whereabouts of Welsh prisoners across England and Wales. Official information was obtained

throughout the research using the Freedom of Information Act 2000. This method provided the research with a "powerful tool" to obtain information that had not been made public (Savage and Hyde, 2014, p.315). For example, the Welsh Government last published information on imprisonment in Wales in 2010. In some cases, service providers interviewed throughout the research asked me to forward them this information based on the fact this data was not readily available. The information gathered on the location of Welsh prisoners "greatly enhanced" the research's attempts to develop a much clearer picture of imprisonment in Wales (Savage and Hyde, 2014, p.315). This picture would not have been possible without the data gathered throughout the research via the Freedom of Information Act 2000.

5. 6 Research Analysis

The approach taken to data analysis in this study was thematic analysis. The process of data analysis was guided by the work of Braun and Clarke (2006). Thematic analysis is a strategy that involves "identifying, analysing and reporting" emerging patterns within the research data (Braun and Clarke (2006, p.79). Although often viewed as an approach that forms part of an existing theoretical model such as 'grounded theory', Braun and Clarke (2006, p.78) claim that thematic analysis is a "foundational" approach in its own right. Therefore, researchers using a thematic approach do not "need to subscribe" to any form of established theory or perspective. This was key to the research's adaptive relationship to theory that will be discussed in this section.

Braun and Clarke (2006, p.82) argue that a theme within qualitative research is something that "captures something important" from the research data in relation to a specific research aim or question. The significance of a theme within thematic analysis is dependent upon how 'prevalence' is determined by the 'flexible' researcher. While there are numerous "conventions" for determining the significance or "prevalence" of themes, Braun and Clarke (2006) developed two separate ways of determining what constitutes a theme within qualitative research.

Firstly, a theme can provide an "accurate reflection" of the entire data set. Drawing upon the methods used within other studies that have employed thematic analysis, Braun and Clarke (2006) argue that this type of theme can allow researchers to refer to "the majority of participants" (Meehan et al, 2000, p.372) or "many participants" (Taylor and Ussher, 2001, p.298) when discussing the prevalence of a particular issue or finding. This kind of theme emerged within this study when analysing family member views towards distances from home. Secondly, Braun and Clarke (2006, p.83) suggest that themes can give a "more detailed and nuanced account" of one particular pattern that emerges from the research data. An example of this theme can once again be found within this study when reflecting upon Siôn's experiences as a Welsh-speaking prisoner. Although this theme was not 'prevalent' across the entire sample of former prisoners, Siôn's experiences provided a "more detailed" account of the issues facing Welsh speakers held in Welsh prisons.

The process of identifying themes was guided throughout the research by a number of different strategies. Informed by the work of Lapadat and Lindsey (1999), the analysis of research data was aided by the verbatim transcription of interview data. Described as a "basic" yet "integral" process within qualitative data analysis (Lapadat and Lindsey, 1999, p.65), the transcription of research data was guided by the use of a Dictaphone during data collection. While the gathering of field-notes can often lead to a loss of information and valuable detail (Kieren and Munro, 1985), the use of an audio recorder allowed me to replay interviews to ensure that data could be repeated and analysed in a more flexible way (Tessier, 2012).

The analysis of data was also aided by the decision to transcribe research data myself. While an increasing number of researchers choose to outsource the task of data transcription, the research was once again guided by Lapadat and Lindsey (1999) who argue that self-transcription plays a vital role in the process of data analysis. According to Lapadat and Lindsey (1999, p.82), the process of transcribing data allows the researcher to become closer to their data and encourages "interpretive thinking" to develop throughout the course of data analysis. The decision to transcribe the data myself therefore removed the opportunity for anyone

else to potentially interfere or alter the interpretation and analysis of the research data.

Once the research was fully transcribed, including field notes from on-board the prison bus, the process of analysing the research was also aided by the use of NVivo. Increasingly used as an analysis tool within qualitative research studies (Richards, 1999), NVivo guided the research's efforts to identify emerging themes and helped to organise the research data (Johnson, 2006). According to Johnson (2006, p.385), NVivo helps qualitative researchers to achieve "consistency and completeness" in the coding and arrangement of themes throughout the data (Johnson, 2006, p.385). However, while qualitative researchers often demonstrate an intense desire to get as close to their data as possible, Johnson (2006, p.383) warned that the use of NVivo can bring researchers "too close" to their research data.

The risk of being drawn "too close" was something I experienced during the initial phase of data analysis using NVivo. The proximity I shared with the data, and the various codes and themes that I had been initially able to identify, meant that I was unable to gain a full view of the research data. This initially prevented the research from being able to interpret any parallels, relationships or differences between data gathered from different sample groups as well as data gathered from within the same sample group. Fully aware of the limitations surrounding the use of NVivo (Johnson, 2006), transcripts and field notes were also analysed manually through a process of reading and re-reading interview transcripts. This manual form of 'coding' allowed me to pull away from NVivo and generate some distance between the research data. This distancing helped the research to avoid becoming "overly descriptive" of key themes emerging from the data while also allowing me to include any data that had been missed or overlooked within NVivo (Johnson, 2006, p.383).

The analysis of qualitative research data plays a central role in developing robust research findings and conclusions. The process of data analysis within qualitative research is also key to the development of theory. According to Hammersley (1987),

the strength of qualitative research is determined by its ability to produce theory. The 'theory building' process in this research was guided by the work of Layder (1998). Developed as a critical response to the rigidity of either inductive or deductive strategies, Layder (1998) argued for the development of an *adaptive approach* to the relationship between data and theory. These approaches identify the way in which theory is developed through the complex interplay between *both* inductive *and* deductive approaches. Layder (1998, p.19) stated that adaptive strategies allow researchers to test "prior theoretical ideas" while also "attending the generation of theory" through the collection and analysis of research data. Rather than simply existing in opposition to one another, adaptive strategies combine both inductive and deductive approaches to complement one another in the theory building process.

Layder's (1998) adaptive theory was used by this research to test (deductive) *and* develop (inductive) theory around imprisonment in Wales. Within adaptive approaches, a theory can simply relate to a pre-existing idea or the conceptual "scaffolding" that surrounds a particular issue or problem. This research was "filtered through" the concepts and theories that were outlined within the previous chapters of this thesis (Layder, 1998, p.38). This included being guided by the 'theory' that imprisonment is problematic for different groups across Wales (Welsh Affairs Committee, 2007), as well as using the thesis' own concept of the 'hybrid system' to guide the research process. Simultaneously, the theoretical understanding generated by this research has been "shaped" by the "incoming evidence" that has been gathered throughout this research (Layder, 1998, p.38).

While the dominance of grounded approaches often lead qualitative researchers to unwittingly, and mistakenly, adopt such strategies (Layder, 1998), an adaptive strategy guided this study to take advantage of existing theoretical materials while remaining flexible and adaptive to the emergence of new data that could be used to develop the research's understanding of imprisonment in Wales and the emergence of a 'hybrid system'. This approach helped to generate qualitative research findings

that will be discussed and later used to draw conclusions about imprisonment and the 'hybrid system' in Wales.

5.7 Conclusion

This chapter provides a critical discussion of the methodological, ethical and practical issues that emerged throughout this research. The chapter begins by situating the study within a qualitative and interpretive framework. This framework was described as one centred upon 'privileging' the views and experiences of each sample group across Wales (Fossey et al, 2002). The chapter then discusses the methods of sampling and recruitment used throughout the research. This includes a reflexive account of the issues I faced when denied access to prisoners by NOMS as well as access to NOMS staff as part of the 'politics' sample. After situating the issue of ethics within the context of debates on criminological research (Winlow and Hall, 2012), the chapter discusses the ethical challenges I faced throughout the research. While recognising the limits associated with ethics procedures (Miller and Boluton, 2007), the chapter describes the steps taken to try and ensure that sensitive topics were approached to help minimise the distress caused to participants.

In what follows, the chapter discussed the methods of data collection used throughout the research. This includes a discussion of the ways in which 'elite' interview data was managed throughout the research. A case study of the North Wales Prison Bus then provides the chapter with an insight into the methodological, ethical and practical challenges I faced while immersed within the 'life settings' of participants. The final section of the chapter describes how a thematic approach was used to analyse research data and to develop themes from the research findings. These themes were then situated within an adaptive framework that will be used throughout the research to develop and explore the concept of the hybrid system.

After using this chapter to contextualise the findings within a qualitative research framework, the next two chapters are going to present the research findings as part of the thesis' discussion of prisoner resettlement and prisoner identity. These findings will later form part of the thesis' critical discussion of the hybrid system in Wales.

Chapter Six

Distances and Prison Visits

6.1 Introduction

Chapter four mapped out the location of Welsh prisoners across the England and Wales prison estate. Using official data, and alongside existing research on imprisonment in Wales (e.g. Madoc-Jones, 2007; Welsh Affairs Committee, 2007), the chapter showed that distances from home are a key feature of the debate on imprisonment in Wales. This includes discussions about the effects that distances from home are having upon the resettlement outcomes of Welsh prisoners. Within the opening section on prisoner resettlement, chapter four demonstrated the link between prison visits and improved prisoner resettlement outcomes (Ditchfield, 1994; Maruna, 2001; Niven and Stewart, 2005). The chapter also described the many barriers presented to prison visitors (Brooks-Gordon and Bainham, 2004; Codd, 2007; Comfort, 2003). This includes the "cascade of challenges" facing long distance prison visitors (e.g. Cochran et al, 2015, p.225; Hudson, 2007). In this chapter, the research findings offer an in-depth qualitative account of the effects that distances from home are having upon family members and relatives across Wales. The chapter then outlines the effects that distances have upon Welsh prisoners' chances of receiving prison visits.

This chapter begins by exploring the difficulties presented to prison visitors by distances. By drawing upon the accounts given by family members on-board the North Wales Prison Bus, the chapter outlines the problems presented to prisoners' families by 'public transport' and the 'financial cost' of making long distance prison visits. The chapter then goes on to explore the 'cascading' challenges associated with making long distance prison visits that only serve to exacerbate the difficulties facing prisoners' families. In the second section, the chapter explores the impact that 'distance problems' have upon visiting levels as well as the relationships between prisoners and families. This includes considering the steps that are taken risoners to try and limit the distances they face from home throughout the course of their sentence.

6.2 Long Distance Prison Visits: A 'Cascade of Challenges'

In the first part of the chapter, the accounts of former prisoners, family members and service providers' provide an in-depth insight into difficulties and challenges that long distances present to prison visitors. Although the research findings cannot determine the experiences that all family members have when making long distance prison visits, many of the issues outlined by those taking part in study confirm, and indeed go beyond, what existing research has already shown about long distance visits (e.g. Codd; 2008; Davis, 1992; Jorgensen and Hernandez, 1986).

6.2.1 'Distance Problems': Public Transportation and Financial Costs

The first theme that emerged from the research reflected the long and often difficult journeys facing visitors who rely upon public transport (Cochran et al, 2015). On-board the North Wales Prison Bus[1], family members recalled the complex journeys they had faced when travelling to HMP Altcourse in Liverpool using public transport and not the prison bus. For example, both Sioned and Catrin described the challenges that they faced when travelling via public bus and then train from separate towns in north west Wales to HMP Altcourse.

> **Sioned**: I live in Anglesey, I live in Benllech really, so I have got to catch a bus from Benllech to Bangor or come here [to the prison bus] but before I used to come on the train... Before [using the prison bus] I used to catch a bus from Benllech to Bangor and then Bangor to Chester then get off there and have to go to Moorfields and change trains to come here [to Fazakerly].

Benllech to HMP Altcourse: 92 miles[2]

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[1] The North Wales Prison Bus is a voluntary run service that provides reduced price transportation services for prisoners' families across north Wales to HMP Altcourse in Liverpool.

[2] All distances shown throughout this research were calculated using 'Google Maps'. Figures shown indicate the number of miles to reach a certain point by road.

> **Catrin**: If I go on the train I have to get a bus from mine to Caernarfon, change at Caernarfon to get to Bangor, get a train from Bangor to Chester, train from Chester to Moorfields, change at Moorfields to Fazarkerly then walk a mile from the train station to the prison... It's quite a trek.

Penygroes to HMP Altcourse: 94 miles

Also on-board the North Wales Prison Bus, Gwyneth, a service provider, emphasised the difficulties facing family visitors who are forced to negotiate long distance journeys to places they are often unfamiliar with via public transport. For example, when listing the problems that face prisoners' families from north west Wales, Gwyneth highlighted that a lack of confidence can often be a major issue for family members travelling long distance via public transport to places they are often unfamiliar with.

> **Gwyneth**: I think there are quite a few problems; the biggest one is distance, a lack of public transport and lack of confidence in coming to big cities like Liverpool and Preston and Manchester. They don't know their way around… Where there is public transport some of them will take public transport but you need a lot of confidence to go by public transport to negotiate that.

Beyond the experiences of those who were interviewed on-board the prison bus, Mair described the difficulties she faced travelling from north west Wales to visit her son at HMP Deerbolt in County Durham. Whereas visitors to HMP Altcourse in Liverpool had described facing a one-mile walk to the prison after the journey on public transport had been completed, Mair's account showed that the rural location of prisons can often lead to even greater difficulties for families reliant upon public transport (Cochran et al, 2015; Tewksbury and DeMichelle, 2005). After travelling six hours by train from Holyhead to Doncaster, Mair recalled that she would have faced yet another difficult journey to reach HMP Deerbolt via public transport if she had not been able to reach the prison because of family living in the area.

Mair: When he was in the one [the prison] near Richmond in North Yorkshire [HMP Deerbolt] if you couldn't drive you would not have got to that prison, the only reason I got there was the fact that my Dad lives in Darlington. It was still a thirty-five minute drive from Darlington [to the prison].

Llangefni to HMP Deerbolt: 206 miles

In 2014, the North East Prison After Care Society (NEPACS) set up transportation services to help prisoners' families reach HMP Deerbolt from Darlington. The services were introduced to help visitors overcome the problems that visitors face when negotiating public transport to the prison (NEPACS, 2014). For example, Mair described how the difficulties she faced travelling to Doncaster, only to face yet more travel problems once she had arrived, meant that she was only able to visit her son once during his time at HMP Deerbolt.

Mair: I only went to see him once but it wasn't because I didn't want to go and see him it was because it took me six hours to get to Darlington and then I had to get a lift from Darlington to the prison.

Llangefni to HMP Deerbolt: 206 miles

The difficulties presented to visitors travelling by public transport were also recognised by former prisoners. In one example, Richard, a former prisoner from Wrexham, recalled the difficult journey faced by his partner when travelling the comparatively shorter distance from Wrexham to HMP Altcourse in Liverpool.

Richard: From Wrexham to Liverpool, she would have to go from where she lived in Caia Park into the town centre, get a train to Bidston then another train then into Fazakerley and then the walk round. You know it really is a full on mission to get there unless you have got a car.

Wrexham to HMP Altcourse: 44 miles

On analysing the accounts of those interviewed as part of this research, the financial costs associated with long distance visits also represent one of the "distance problems" facing prison visitors (Christian, 2005; Davis, 1992; Jorgensen and Hernandez, 1986; p.52). However, while existing research had identified distances and cost as separate issues facing prison visitors (e.g. Murray, 2003; Scottish Prison Service, 2013), the research showed that the costs associated with prison visits cannot be viewed separately from distances. Those interviewed throughout the research described how the financial pressures placed upon visitors are often a direct consequence of the distances that visitors are forced to travel. For example, Henry, a service provider working in north Wales, highlighted the relationship between the distances that families face as well as the financial costs presented to them.

> **Henry**: And we did questionnaires and filled in all sorts of stuff and we found that the cost of a journey could be anything from £50 upwards, single person, to get from north west Wales into Liverpool, and if you're on benefits that is impossible.

Family members also revealed the costs that they had faced when making long distance prison visits. On-board the North Wales Prison Bus, an emotional Iris described the expenses she had previously incurred before starting to use the prison bus service. Unable to travel by car or use public transport because of her health and poor mobility, Iris travelled via private taxi to HMP Altcourse from Bethesda in north west Wales.

> **Iris**: Before I knew about the bus [prison bus] I used to take a taxi because I couldn't manage the train because of my condition. It cost me £150 taxi from Bethesda to Liverpool [including] waiting time and return back, £150 all in all. It's a lot of money isn't it? And I did that for 12 months.

Bethesda to HMP Altcourse: 82 miles

While the travel costs that are associated with short distance visits undoubtedly contribute to the "extensive" financial pressures that are already placed upon families by imprisonment (Codd, 2007, p.256; Grinstead et al, 2001), the research showed that the costs associated with long distance visits add an even greater set of financial pressures upon prisoners' families. This included placing additional financial pressures upon those who may already be reliant upon welfare payments or part-time employment (Light and Campbell, 2007). The research found that the considerable costs presented to prisoners' families often contributed to an existing set of financial worries or concerns. For example, Mair recalled the "nightmare" she faced when having to cover the costs of prison visits alongside the financial pressures she was already facing.

> **Mair**: At that time I wasn't getting many benefits, I think I only had about £90 coming in a week. Well by the time I have paid my gas and electric and everything else I had hardly any money left anyway. So trying to see him, it was just a nightmare. But my son was sat in prison, I didn't want him to be sat in prison I wanted to go and see him because I wanted him to know that we support him.

Llangefni to HMP Stoke Heath: 104 miles

Julie also described how the cost of making long distance visits only added to her existing financial problems. Julie explained that the costs associated with travelling to see her son at HMP Altcourse played a significant role in her decision not to visit him as often as she would like to.

> **Julie**: I work part-time I only do nineteen hours. I have just had my child tax credit cut, the money it would cost me in petrol to go to the prison and back is a huge factor why I do not go.

Colwyn Bay to HMP Altcourse: 61 miles

The research also produced evidence to support the argument that the UK Government's Assisted Prisons Visits Scheme is problematic (Condry, 2007; Dixey and Woodall, 2012; Light and Campbell, 2007). The family members interviewed as part of this research supported Condry's (2007) claim that the retrospective nature of the Assisted Prison Visits Scheme can present families with an immediate cash flow problem. Although visitors travelling short distance are likely to experience a cash flow problem of their own, the research showed that the added costs associated with long distance journeys present an even more acute cash flow problem for long distance visitors. For example, Mair described the cash flow issue she faced after visiting her son in England because of the retrospective nature of the Assisted Prison Visits Scheme.

> **Mair**: They say you can claim the cost back, which you can, but you know when you haven't got very much money in the first place you have got to fork it out to claim it back and then you have got to send it off. It takes six weeks to get it back so it's not like you can just go there and give them your tickets and they give you the money back straight away, you have got to wait six weeks for it to come back.

In addition, Carol explained that the cash flow problem she faced meant that is was often "difficult" to visit her partner as often as she would have liked.

> **Carol**: So you have to pay it first but they only give you say like... well the petrol was costing me between £40 and £50 but I was getting £30 back. But like I say probably 5 weeks later... you know it's not really... when you think about going to visit someone it is not really a consideration 'oh I will get the money back' because that is ages down the line. So you have got to think about what you have got today. I usually made it every two or three weeks for an hour, so that was difficult.

In support of existing studies (Cochran et al, 2015; Dixey and Woodall, 2012; Lindsey et al, 2015; Tewksbury and DeMichelle, 2005), the research findings showed that difficulties using public transport and the financial costs associated with long distance visits present prisoners families with considerable challenges. While it is important to note that visitors travelling short distances are likely to face their own problems and challenges, the research found that long distances present visitors with an *additional* set of challenges when using public transport as well as added expenses. These challenges, however, often emerged from the data alongside a range of other issues and "distance problems" (Jorgensen and Hernandez, 1986, p.52).

6.2.2 'A Cascade of Challenges'

The second theme to emerge from the research related to the "cascade of challenges" that face long distance visitors (Cochran, 2015, p.225). Accompanying the financial costs and difficulties presented to prison visitors using public transport, family members, service providers and former prisoners described the added strains faced by visitors as a consequence of travelling long distances. Carol, whose partner was being held at HMP Altcourse, described the draining physical effects that the journey from Holyhead to Liverpool had upon her.

> **Carol**: It is exhausting, obviously you are excited to go and see them and everything but it is the day gone. And then when you come from there you just feel really tired and… it's an effort do you know what I mean, it's not a nice experience.

Holyhead to HMP Altcourse: 104 miles

Mair also recalled the physical effects that long distance visits had upon her when travelling to see her son at HMP Stoke Heath during the early stages of pregnancy. Located in the village of Stoke Heath near Market Drayton in Shropshire, HMP Stoke Heath is a notoriously difficult prison to access from north Wales via public transport. In the following extracts, Mair recalled the experiences she faced before,

during and after her visit to HMP Stoke Heath. Mair began with a description of the difficulties she faced reaching the prison from Llangefni via public transport.

> **Mair**: It is not easy so I remember going and feeling, I was really anemic anyway, I think I left at ten past seven. So I had to get from here [Llangefni], I had to go to Holyhead station [then] got the train from Holyhead to Chester. I [then] had to change at Chester and go to Shrewsbury, so I got off at Shrewsbury and then I had to wait for a bus. There was nobody there to tell me which bus to get on and there were no staff in the station that I could find anywhere. I eventually found out which bus I needed to get on [and] I got on that bus, which was another hour, and the got off at the bus at Market Drayton. He told me where to get off, the bus driver, but then I was surrounded by nothing and the only thing I could see that was in front of me was an army barracks and I thought 'I don't know where I am going'. I went to the guard post at the army barracks and said 'I need to find Stoke Heath prison' and he said 'well its straight up there you walk straight up and then you turn right [then] there is a signpost for it'. So I walked up and it must have taken me probably about twenty-five minutes and when I got to see him [her son in prison] I was shattered, absolutely shattered.

Llangefni to HMP Stoke Heath: 104 miles

A study by Christian (2005, p.44) found that the effects long distances have upon visitors can often spill over into the prison visit itself. The study showed that the physical demands that have been placed upon visitors to even reach the prison can impact upon their enjoyment and involvement as well the overall "quality" of the visit (Christian, 2005, p. 41). After reaching HMP Stoke Heath and entering the prison, Mair recalled the anxiety she then faced knowing that she would soon have to leave the prison and make the same journey home once the visit had been completed. In the following extract, Mair described the rush she faced having to leave the prison in order to make her transport connections home.

Mair: [I] went in and had a cup of coffee and things like that, [we] talked for a while and then when it came time to leave. I looked at the time and I had fifteen minutes to get the bus, so I had to run all the way back to the bus stop which is about a mile because the bus stop is next to the barracks. So I had to run all the way back there and get that bus… If I had missed that bus I would have been waiting another two hours for another bus and it's a really busy road, there are all these lorries going past but there is nothing around there. If I had missed the bus I couldn't even… I think there was a pub across the road, but it didn't look open, but I don't like sitting in pubs anyway. So there is really nothing around there, I couldn't do anything I would just have to wait at the bus stop. I [eventually] got the bus back to Shrewsbury and then waited for the train and then eventually got back home.

HMP Stoke Heath to Llangefni: 104 miles

Christian (2005, p.44) explained how long distance prison visits often involve a "major expenditure" in energy and time for those forced to make the long journey. When asked to reflect upon her experience of visiting HMP Stoke Heath, Mair recalled not arriving home until late in the evening. After highlighting the 'distance problems' she had faced throughout the visit, Mair described how the stresses and strains she faced throughout her visit to HMP Stoke Heath had caused her to feel unwell for a number of days after the visit.

Mair: I think the whole thing took me about sixteen or seventeen hours. Because I had to leave at half past six in the morning, and I am sure I didn't get back in until nearly ten. After that I was so ill, when I came back from being pregnant and from being stressed from trying to get there and trying to get back from the bus, I was in bed for three days sick.

HMP Stoke Heath to Llangefni: 104 miles

The time spent travelling long distances to reach prisons in England was also highlighted by other participants. On-board the North Wales Prison Bus, Catrin recalled how visiting HMP Altcourse often meant she was away from home for most of the day. This was outlined when Catrin was discussing her experience of traveling from Penygroes in north west Wales to Liverpool using public transportation.

> **Catrin**: If I don't get the bus in the morning, say I get a lift off my Mum, I will be in Caernarfon for 8.30am on the bus then and then I won't get home until 7pm. It's a long day.

Penygroes to HMP Altcourse: 94 miles

The research found that the time taken to travel long distances presented prisoners families with a number of different problems. This includes support for Cochran et al's (2015, p.225) claim that long distance prison visitors can face difficulties when seeking "time off work" to make time consuming visits to prison. For example, Russell, a service provider for TSS in south west Wales, highlighted the problems facing prisoners families who require time off work when asked to discuss the issues facing prisoners families.

> **Russell:** Distance, cost, time, especially if the parents are working. You know because people tend to think generally, without trying to be too judgmental, some of the parents may be on benefits… But if they are working it is [a case of] getting the time.

Ryan, a former prisoner from north Wales, also recalled the difficulties his parents faced trying to organise visits around both of their working hours.

> **Ryan**: Some of the visits would be in the daytime when my Dad would be working or vice versa and my Mum would be working in the day so they would have to schedule it around them.

As a response to the difficulties that might face prison visitors, steps have been taken within certain prisons to introduce more 'flexible' visiting hours. At HMP Altcourse in Liverpool, the prison allows visits to take place during weekdays between 5.15pm and 7.30pm to help accommodate the time constraints described by Russell and Ryan. However, for long distance visitors, the timing of 'evening visits' can often lead to prisoners families not returning home until later. For example, Steven, a former prisoner, recalled how his partner would often not return home until late at night having left the prison and then negotiated the journey home from Liverpool to Colwyn Bay using public transport.

> **Steven**: [When asked about visits] Hard sometimes because some of the visits you get at like quarter past six, my ex-partner she wasn't getting home until ten or eleven o'clock at night. You know, getting the train.

Colwyn Bay to HMP Altcourse: 61 miles

For visitors with children, long distance visits can present a number of different challenges (Cochran, 2015; Codd, 2007; Davis, 1992). According to Helen, the long journey she faced when travelling from Caernarfon to HMP Altcourse meant that she spent a long period of time away from her other children throughout the course of the day.

> **Helen**: It takes up a whole day which, when you have got a family, means that you have to ignore them for a whole day.

In other instances, the research found that visitors face additional challenges when travelling long distance with their children. Former prisoners with children described the added difficulties faced by their loved ones when having to deal with childcare responsibilities during the long and often difficult journey to prison (Davis, 1992). For example, when asked to reflect upon his wife's experiences of visiting him at HMP Parkhurst on the Isle of Wight, Lloyd described the difficulties she faced

reaching the prison from south Wales while accompanied by their three small children.

> **Lloyd**: Because when I was in [HMP] Parkhurst my ex-wife she had to travel, she had to make her own way there. So I know she took the coach to wherever to get the ferry, she got the ferry to come across, she then had to spend the night on the island and then visit me the next day, then come home. So two days in all for a visit, because it was so far. Plus the kids, she had to drag three kids with her as well.

Cardiff to HMP Parkhurst: 165 miles

During a joint interview, Jackie and Rhys both recalled the problems that Jackie encountered when travelling with their daughter from Llanelli to HMP Bullingdon in Oxfordshire. For example, when asked to discuss her experiences of prison visits, Jackie described the difficulties she faced travelling to the prison with a newborn baby only to get to spend a relatively short period of time with Rhys in prison.

> **Jackie**: [HMP] Bullingdon was the worst. My daughter had just been born, trying to go up and you've got a newborn baby… You've got all the bottles and you've only got an hour's visit…

Llanelli to HMP Bullingdon: 179 miles

While visiting periods can already appear too short for those who have travelled long distances, Dixey and Woodall (2012, p.38) found that events inside the prison can often lead to family contact time being "shortened" even further. This was explained by Jackie when describing how prison security procedures meant that her time with Rhys was further disrupted when having to leave the visiting area to fetch forbidden items. This meant having to pass through the time-consuming security procedures as she entered and then left the visitors hall. These problems were

presented to Jackie having already travelled over 150-miles to visit Rhys at HMP Bullingdon.

> **Jackie**: …then the baby wants a feed, [then] you have got to go back out and get the bottle put it through the X-ray thing.

> **Rhys**: They think that you have got alcohol in those bottles, and all your stuff was locked downstairs in locker rooms, but you bring the baby with you [and] the baby is crying wanting a feed because you have been five or six hours on a bus.

Llanelli to HMP Bullingdon: 179 miles

Beyond the added time constraints, the research found that the security procedures awaiting visitors often present family members who have travelled long distances with yet another set of difficulties. This included the problems facing visitors who are confronted with the prison rules for the very first time (Arditti, 2003). Light and Campbell (2007, p.300) found that visitors not familiar with the "prison jargon" are likely to face problems when trying to bring gifts or parcels into prison. This experience was similarly shared by Julie, from the family member sample, who recalled the confusion she faced when trying to deliver clothes to her son as well as provide him with some money during one of her very first visits to prison. Julie described the added strains this placed upon her having already travelled from Colwyn Bay to HMP Altcourse.

> **Julie**: When I got in there I had taken him some clothes and I had been on the website and everything but they give you no information like. If you want to take them something in they [the prisoner] have got to have filled out a form and then when you hand it in you [your name] must be on the form. I didn't know that and then when I went in there I got confused because they said you could take £30 in so I took £20 in for him and then the prison officer said 'you can't give him that' and I went 'I thought I could give him that' and she said 'no you have to give it outside' and I says 'oh I don't know it's the first time I've been'

so I didn't know that and then when I went outside when I had finished the visit and I said 'oh can I give him twenty quid' and she said 'oh you should have done that at the beginning' and I said 'but I didn't know, you don't tell anybody these things you're expect us all to know'.

Colwyn Bay to HMP Altcourse: 61 miles

Mair also recalled the difficulties she faced when dealing with prison staff during her visit to HMP Deerbolt. This included almost not getting into the prison after she accidentally left some of her belongings, including her identification needed to get into the prison, on the train she took from Llangefni to Doncaster. Mair's experiences offer support to Light and Campbell's (2007, p.300) claim that prison visitors often face added "complications and obstacles" once they arrive at the prison. This includes the need to produce the "necessary identification" as well as other documents associated with the visit (p.300).

> **Mair**: And you know I had a jacket on when I went into that prison and I put it in the locker and then I went to see [name]. I came out and I got straight back in the car because my head was all over the place, I had forgotten my purse on the train so I had no ID [identification] and they weren't going to let me in. [Even after] I travelled all that way and they weren't going to let me in, but they let me in [in the end], so I went back in there and I said 'I have forgot my jacket' they went 'it's not here'.

Llangefni to HMP Deerbolt: 206 miles

The research found that these experiences left families feeling resentful towards prison staff and their poor treatment. In support of the findings outlined by Comfort (2002) and Codd (2008), Julie described how she was made to feel as though she were 'guilty by association' when visiting her son in prison.

> **Julie**: There is a sense of you've got somebody in prison [a relative] so you must automatically know what you are supposed to be doing, and there is also that sense of they all treat you like you're a criminal

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because you happen to be visiting somebody who is in prison. I got that feeling very much, like hold on a minute you know why don't they treat me with some respect? I am not inside; I am not banged up. That's how I felt.

Colwyn Bay to HMP Altcourse: 61 miles

During a visit to another prison, Mair also described how she had been made to feel by prison staff as though she had done something wrong. Mair's account supports the argument that prisoners' families can experience a process of "secondary prisonisation" when entering the physical space of the prison (Comfort, 2003, p.83).

> **Mair**: I remember going into [HMP] Stoke Heath and they made me feel so much like a criminal and I thought 'I have an enhanced CRB check' I have never done anything wrong in my life. And I thought, you are making me feel that big [gestures something small], I love my son, that's why I am here, but I have never done anything wrong I have never been in trouble with the police.

Llangefni to HMP Stoke Heath: 104 miles

According to Russell, a service provider based in Swansea, the lack of care shown towards prison visitors can often contribute towards the stigma and shame that prisoners' families already face (Codd, 2008). For example, when asked to reflect upon the problems presented to prisoners' families travelling long distances, Russell described the embarrassment and shame facing relatives alongside the time and cost of travelling long distance to English prisons.

> **Russell**: I suppose they see sometimes that the prisons aren't particularly caring, I don't know if that is real or just perceived that they feel because their offspring are criminals or convicted prisoners they feel as if it is a reflection on them. So yeah shame, shame, embarrassment, cost and obviously time getting down to the prisons in England to be honest with you… There is a lot of shame to be honest with you and parents will come to me and the shame it can have a

huge effect on parents and family where they will turn around and say 'oh where is uncle whatever' 'oh he is in hospital or he has gone on holiday' because of the sheer shame of being inside.

While the stigma and shame facing prison visitors can apply to all visitors regardless of distance travelled, the research once again found that these experiences often add to the 'cascading' challenges facing visitors who had already travelled long, expensive and difficult journeys to prison. Although the development of visitors' centers have been credited with delivering improvements to visiting experiences for families across England and Wales (Prison Reform Trust, 2015), the research found that the added strains placed upon visitors travelling long distances are not always recognised by prison staff. For example, Carol felt that prison officials failed to take into account the fact that prison visitors had often travelled long distances to reach the prison.

> **Carol**: It is especially hard because it is so far…Well it takes about two hours to get there and also the panic of… if you are not there on time then they won't let you in. And they don't seem to allow any concessions… you know for the distance that you have travelled.

Holyhead to HMP Altcourse: 104 miles

The lack of concession shown by prison staff to long distance visitors was most clearly outlined by Carol when reflecting upon her partner's daughter's experience of visiting HMP Altcourse. While Mair's earlier account described her experience of almost being turned away from the prison after forgetting her ID, Carol recalled how her partner's daughter was refused entry into HMP Altcourse after she had arrived at HMP Altcourse without the necessary documentation. Unable to simply go back home and return with the visiting slip because of the distance, Carol's partner's daughter was turned away despite travelling over 100 miles to reach the prison.

Carol: In fact my partner's children from a previous relationship, well his eldest daughter who is nineteen, she drove with her boyfriend from Llandrindod Wells to Liverpool and they had forgotten the actual paper visiting order and they would not let her in. Even though she had travelled like over three hours. So she got there they would not let her in, he's upset [prisoner] inside [and] she is in tears outside [daughter].

Llandrindod Wells to HMP Altcourse: 111 miles

In summary, the accounts of former prisoners, family members and service providers across Wales show that prison visits can be made "especially hard" (Carol) for prisoners' families travelling long distances. While it is necessary to remain mindful that prisoners' families who travel short distances are still likely to encounter difficulties using public transport, financial problems, prison security procedures, childcare responsibilities as well as the shame and stigma associated with visiting; the research showed that distances from home add a different dimension to the challenges already facing prison visitors.

6.3 Distances: Visiting Levels and Relationships

The research found that the "cascade of challenges" presented to visitors by distances reduced the likelihood that prisoners' families were able to visit (Cochran et al, 2015, p.225). Unlike the findings within quantitative studies (e.g. Cochran et al, 2015; Hudson; 2007; Lindsey et al, 2015), the impact that distances have upon visiting levels were reflected within the accounts, experiences and descriptions given to the research by family members, service providers and former prisoners.

The accounts given by Mair, Julie and Carol described how distances restricted them from visiting prison as often as they would like to. This included the difficulties faced by Mair travelling to HMP Deerbolt as well as Carole and Julie to HMP Altcourse. Former prisoners interviewed throughout the research also reflected upon the impact

that distances had on visiting levels. For example, when discussing his experiences of being moved to a prison further away from home, John, a former prisoner from south Wales, recalled how the number of visits he received from his family began to fall when he was sent to HMP Dartmoor.

> **John**: Yeah, it was hard. I had them twice a week [when held in Wales] but I had to have it once a month then. I started having visits once a month because my family couldn't afford it an all that, because I have got a poor family.

Merthyr Tydfil to HMP Dartmoor: 159 miles

In contrast to the experiences he faced being held at a prison far away from home, John reflected more favourably upon his time at HMP Cardiff because he was held closer to his family.

> **John**: I loved the prison I did; I have got to be honest... I loved [HMP] Cardiff and [HMP] Swansea; I didn't want to go up to [HMP] Dartmoor or anywhere like that. I would rather stay in [HMP] Cardiff or [HMP] Swansea because it's closer for visits really and the visits you can have down here [in south Wales] is fucking brilliant.

In addition to a reduction in the number of visits prisoners receive, the research also showed that distances can lead to a complete cessation of prison visits. Those interviewed for this research discussed their own experiences of not receiving a single visit because of the "distance problems" facing relatives (Jorgensen and Hernandez, 1986, p.52). For example, David claimed that the added costs presented to his mother meant that she was unable to come and visit him during his time at HMP Altcourse.

> **David**: I have been in a couple of times where I have had no visits at all because my Mum could not afford it... I have been in [HMP] Altcourse

a couple of times where I have got no visits, its money… Because it was either [a case of] me getting visits or me getting money sent in to get bits and bobs for myself. You can't have everything.

Llangefni to HMP Altcourse: 91 miles

In addition, Mark, a former prisoner from Newport, recalled how the long distances facing his family meant that he never received a prison visit when held as a 20 year old in HMP Feltham in Middlesex and HMP Woodhill in Milton Keynes.

Mark: When I was in those prisons I never had any visits. It was too far, it would take them like three hours just to come and visit me for about an hour and then three hours back home. So they never bothered, and I did short ones in England anyway, it was only nine months in [HMP] Feltham and I did five months in [HMP] Woodhill.

Newport to HMP Feltham: 130 miles & HMP Woodhill: 129 miles

Jamie, a former prisoner from Cardiff, also reflected upon the impact that distances had upon the visits he received when sent to a prison over 250 miles away from his home and his family in south Wales. Similar to the experiences shared by John, Jamie recalled how he was able to receive prison visits prior to be sent to a prison that presented his parents with logistical challenges that prevented them from visiting him.

Jamie: I didn't have a single visit in Stockton for over five months and yet I had received regular visits for over five years of prison before that, six years prison, before I went to that jail. When I went to that jail it was ridiculously far and my parent's health wasn't too good at the time; and there is no way they can make that journey unless they flew. So I went five months without a visit, literally [five months] without seeing my parents.

Cardiff to HMP Holme House: 283 miles

For prisoners who are aware of the difficulties facing prison visitors, the research found that decisions might be taken to try and prevent family members from visiting. A study by Broadhead (2002, p.2) claimed that prisoners can often be "reluctant" to place family members and relatives through the "unnecessary ordeal" associated with visiting. This is something that was outlined by Lloyd when reflecting upon his decision to stop his wife from visiting him while held at HMP Dartmoor. This came after Lloyd had already described the difficulties facing his wife when travelling to see him at other prisons in England including HMP Parkhurst on the Isle of Wight.

> **Lloyd**: And even in [HMP] Dartmoor I had to stop visits I said 'listen you can't because it's too far'. I had eight months here, twelve months there, six months there in different jails and then the relationship started to get messed up you know, so then because you are not seeing them they think there is something up with you as well, my wife was determined to see me but I said 'listen it's too far for you and the kids' even though I wanted to see her but I didn't want to put her through that.

Cardiff to HMP Dartmoor: 141 miles

Where visiting levels are diminished because of decisions taken by family members or prisoners, the research showed that reduced levels of contact can impact upon the relationships between prisoners and outside contacts. While studies have shown that relationships between prisoners and families can change throughout the course of imprisonment because of a number of different factors (McDermott and King, 1992; Noble, 1995), the research findings demonstrated that the effects distances have upon visiting levels can be included as a contributing factor (e.g. Duew and Clark, 2011; Mears et al, 2012). For example, Lloyd recalled the effects that a complete loss of visits had upon his relationship with his wife having received limited visits from her while being held in different prisons across England.

Lloyd: Yeah, I was phoning her when I could but then it was difficult for her to get to me so I had to stop visits. Every time [it was] six months here, eight months there, twelve months there... And it was a strain on the relationship [with wife], even though she still waited it wasn't the same, she had changed and I had changed.

In addition to wives or partners, the research found that the effects made by a loss in face-to-face contact might also include prisoners' relationships with 'blood relatives'. The research showed that this includes relationships between prisoners' and their parents. For example, Wendy, a service provider for TSS in north Wales, highlighted how important the effects upon relationships were for prisoners upon their immediate release from prison.

Wendy: I think relationships deteriorate terribly. You know for the younger ones where Mum and Dad would be visiting it's like 'oh my god I have been here all this time and my Mum has never visited'. And even though they do sort of understand, really I suppose they are the ones stuck there thinking 'maybe they could have made a bit of an effort' which does then have an effect on them when they come out. And even if they don't hold it against the parent or whoever, it is all that time without seeing that person.

The effects that a loss of visits can have upon release were also outlined by Claire when reflecting upon her experiences of working alongside prison leavers a service provider for TSS in north Wales. For example, Claire described how a breakdown in contact during the sentence can lead to prisoners losing out on the valuable resettlement support offered by families. This includes immediate housing and accommodation upon their release into the community (Niven and Stewart, 2005; Wolff and Draine, 2004).

> **Claire**: I think it is really important because when they come out and they haven't had visits or anything they don't know if they have got anywhere to stay and they are left in limbo really.

In addition to temporary housing or accommodation, Claire continued to describe how a loss in visits can lead to prisoners being unable to take advantage of the "bridging mechanism" that family members provide to the outside world (Wolff and Draine, 2004, p.461).

> **Claire**: If they have got people coming in to see them they know what is going on in the outside world, there is less anxiety when they come out I think. So they are less likely to go and drink or take drugs if they know they have got that support there waiting for them when they come out and it keeps morale and motivation up as well, I think. When they have got people going in, [if they have] visits to look forward to, I think it impacts more positively on the state of mental health.

The accounts given by service providers help to explain how a loss in face-to-face contact can weaken the social bonds between prisoners' and families. This research has shown that this breakdown can potentially undermine prisoners' chances of being able to access support mechanisms that are key to future desistance. This includes support for prisoners upon release (e.g. Maruna, 2001; Petersilia, 2003) as well as during their sentence (Dixey and Woodhall, 2012; Dodge and Pogrebin, 2001). The role that is played by service providers to help provide support in prison and upon release will be explored in chapter seven.

6.3.1 Coping with Distances

As a consequence of the effects that distances can have upon prisoners' families, visiting levels and relationships between prisoners and family members, the research found evidence that prisoners' can take measures to try and limit the distances facing outside visitors. For example, Henry, a service provider in north Wales, recalled coming across prisoners from north Wales who had actively refused the opportunity to be moved to a lower category prison so that they could remain in HMP Altcourse

and stay as close to home as possible. Henry explained that this decision was taken by prisoners to try and avoid a potential loss or reduction in prison visits.

> **Henry**: I am certainly aware of the fact that people have gone to [HMP] Altcourse and declined to accept category D status because it was easier for their family to visit them if they stayed in Liverpool. I know that... Yes they stayed category C, I think they were enhanced category C in Liverpool, but they still, nevertheless, didn't want to go to category D because it was too far away and their family couldn't visit because of the cost and everything else involved. That happened, I know people that has happened to.

In addition to Henry, Carol recalled her partner's decision to refuse a prison transfer when held at HMP Altcourse. This decision was taken by Carol's partner to ensure that Carol would not face the added difficulties of having to visit her partner at a prison even further away Holyhead than HMP Altcourse.

> **Carol**: The whole point of it was that it would have been further away, I know he would have been able to have home visits and stuff but you have to be there for a certain amount of time before you can have that privilege. So with the time that he would have to have been spending there it would have only been a month before the end of his [sentence]... before he was tagged anyway.

Neil, a prisoner from south Wales, also explained that prisoners' held in south Wales may decide to remain in local prisons to minimise the distances facing families. According to Neil, however, this decision is sometimes taken when prisoners are desperate to move to another prison but decide to stay in south Wales to prevent problems for their families.

> **Neil**: There are a lot of Welsh boys who are stuck in Welsh jails just to make it easier for their people on the outside for visits. You know they

are having to put up with so much shit and all they keep saying is 'I want to fucking ship out, I want to ship out' they want to be in [HMP] Guys Marsh or [HMP] Erlestoke but they can't because their people can't travel distances for visits and stuff like that. So they are going through hell having to hold it all inside, your head wants to go, having to hold it all down just to have your visits and they just want to get out of the jail, they don't like it there. There is a lot of that happening.

The decision taken by prisons can be seen as a conscious way to help prisoners maintain family contact throughout the course of their sentence. This decision is one often taken in spite of the opportunity to move to a prison usually associated with greater freedoms and a more enhanced regime (Marshall, 1997). Henry explained that the decision taken by prisoners was in view of the fact that the benefits associated with maintaining family relationships often outweigh the perceived benefits of being held at a lower category prison.

> **Henry**: At the end of the day keeping the family together is far more important and that is obviously the prime motivation for people making these kinds of decisions. At the end of the day it mattered not to them the fact that they had the category D, and how long would you have category D for? Six months? Was it worth it? The answer is probably no, it was much easier to remain in contact with their family and the children.

In some cases, however, the research found that the actions taken to try and alleviate the distances facing prisoners' families fail to do so. This includes the efforts made by prisoners from Wales to try and relocate themselves to prisons as close to home as possible. For example, Wendy described the efforts made by a prisoner from north west Wales to be transferred from HMP Lancaster Farms to a prison closer to north Wales. While hopeful that he would be sent to HMP Altcourse, Wendy recalled how the prisoner was eventually sent to HMP Stoke Heath. This transfer meant that his family then faced the kinds of difficulties earlier outlined in this

chapter by Mair when trying to reach the prison by public transport. This was explained by Wendy within the following extract.

> **Wendy**: So he was in [HMP] Altcourse for a bit and got a couple of visits from his family, which is hard enough when they haven't got any transport to get to Liverpool, but then they moved him to [HMP] Lancaster Farms which is a day really if you are using public transport to get there. So he didn't get any visits whilst he was there [at HMP Lancaster Farms], he had to put in a request to get moved to be closer to home. So the prison said 'yeah OK we'll move you' and he was really made up [he figured] 'I'll get visits again'. He thought he was coming back to [HMP] Altcourse but they put him in [HMP] Stoke Heath, which geographically it's closer its Shropshire which is only just over the Welsh border but it is still a massive nightmare to get to using public transport. So he was not really any better off

In other instances, prisoners held at a distance from home can use the 'accumulated visits' system to try and secure a move to a prison closer to home. The research found, however, that this system might not always alleviate the difficulties facing prisoners and their families. For example, Lloyd reflected rather frustratingly upon the accumulated visits system. This included the fact that when held in prisons across England a move to a prisoner 'closer to home' might not necessarily mean being sent to a prison in south Wales.

> **Lloyd**: So they say you can go back if you save up visits but that takes another twelve months because you have got to save up VO's [Visiting Orders] every fortnight and they have got to be built up. You have got to save so many up before they send you back after eight months, then after eight months you put in and say 'I want accumulated visits' because you have accumulated your VO's and then they will say 'right where do you want to accumulate?'... But it all depends then if the prisons will accept you, do you know what I mean? If they will take you for the month, because it could be overcrowded or whatever, and then you might go to Bristol [anyway].

Despite the attempts made by prisoners to try and alleviate the 'distance problems' they face in prison, official data on the whereabouts of Welsh prisoners indicates that a large number are often unable to remain in prisons close to home. This has been supported throughout the chapter by the accounts and descriptions given by former prisoners, family members and service providers of the many 'distance problems' that face prison visitors across Wales.

6.4 Conclusion

The arguments presented in this chapter have shown that prisoner location can significantly impact upon prison visits. *Firstly*, the findings show that distances from home, rather than providing some kind of universal experience for prison visitors, present prisoners' families with a wide range of "distance problems" (Jorgensen and Hernandez, 1986, p.52). This includes the "cascade of challenges" that prison visitors face when travelling long distance journeys on public transport such as increased financial costs as well extended time away from work or home (Cochran et al, 2015, p.225). These challenges also included childcare arrangements as well as having to negotiate prison security procedures having already had to endure the stresses and strains associated with travelling long distance.

Secondly, the chapter has showed that that the many 'distance problems' facing visitors act as a significant "barrier" to visitation (Casey Acevedo and Bakken, 2002, p.81). By drawing upon research in England and Wales, the research findings support Hudson's (2007, p.112) argument that the geographic location of prisons represent the "main challenge" to prison visitors. The views of former prisoners, family members and service providers interviewed as part of this research also supported Cochran et al's (2015, p.243) claim that prisoners who are held further away from home are "less likely" to receive prison visits. The research also discovered that the effects made by distances can potentially "hinder" prisoners' chances of maintaining relationships and social bonds with family members throughout the course of their sentence and upon release (Lindsey et al, 2015, p.15).

The in-depth accounts discussed in this chapter can help to bridge the gap between distances, prison visits and prisoner resettlement. By drawing upon the studies outlined in chapter four on prison visits and resettlement, the research findings show that the "considerable distances" facing many Welsh prisoners are likely to impact upon their resettlement chances upon release. This argument is supported by Mears et al's (2012, p.911) discovery that reduced "doses" of prison visits can worsen the resettlement outcomes of prisoners upon release, as well as increase the likelihood that prisoners will go on to reoffend in future (Bales and Mears, 2008; Duwe and Clark, 2011; Mears et al, 2012, p.911).

The arguments outlined in this chapter can help to bridge the gap that currently exists within research on England and Wales between distances, prison visits and prisoner resettlement. By drawing upon existing studies on prison visits and resettlement, the research findings show that the "considerable distances" facing many Welsh prisoners are likely to impact upon their resettlement chances upon release. This is supported by Mears et al's (2012, p.911) discovery that reduced "doses" of prison visits can worsen the resettlement outcomes of prisoners upon release, as well as increase the likelihood that prisoners will go on to reoffend in future (Bales and Mears, 2008; Duwe and Clark, 2011; Mears et al, 2012, p.911). The chapter can also support the thesis' attempts to develop a more in-depth understanding of the hybrid system in Wales. While the UK Government is responsible for the location of Welsh prisoners across England and Wales, the chapter has shown that distances are likely to impact upon the Welsh Government's responsibilities for prisoner resettlement. The relationship between these two separate, yet overlapping, policy responsibilities will be discussed in chapter nine alongside the research findings presented in the next chapter.

Chapter Seven

Distances and 'Through the Gate' Support

7.1. Introduction

In addition to prison visits and family contact, the arguments presented in chapter four also discussed the relationship between prisoner location and 'through the gate' resettlement services. By drawing upon existing research, the chapter outlined the benefits that 'through the gate' services can have upon prisoners' future resettlement chances (e.g. Clancy et al, 2006; Petersilia, 2005; Visher and Travis, 2003). The chapter also outlined the challenges that prisoner location can present to the delivery of 'through the gate' resettlement services (e.g. Cochran et al, 2015; Fox et al, 2005; Maguire et al, 2010). This included studies that had acknowledged the "practical problems" (Hedderman, 2007, p.17) presented to 'through the gate' service providers by "geographic distance" (Hucklesby and Wincup, 2007, p.61). In this chapter, the research findings demonstrate the benefits that 'through the gate' support services offer to prisoners. The chapter also outlines the effects that distances *and* dispersal have upon the delivery of 'through the gate' resettlement services.

This chapter begins by mapping out where 'through the gate' services are being delivered to Welsh prisoners across England and Wales. Using the accounts given by service providers, the chapter then examines how 'through the gate' services are delivered to prisoners both during their sentence and upon their release. The chapter then goes on to discuss the benefits that 'through the gate' services can offer. This includes exploring how 'in-reach' services can help to strengthen relationships whilst also offering practical support to offenders upon release. In the second section, the chapter then examines the problems that distances and dispersal present to 'through the gate' resettlement staff. By drawing upon the views of service providers, the chapter explores the impact that distances *and* dispersal have upon 'through the gate' services. The final part of the chapter then considers how the effects made by distances and dispersal can impact upon the resettlement outcomes of prisoners. This section will help the chapter to evidence the effects that distances can have upon prisoners when 'through the gate' services are removed.

7.2. The Benefits of 'Through the Gate'

The arguments that were presented in chapter three showed that 'through the gate' resettlement services are made available to Welsh prisoners within devolved pathway areas. These services form part of the Welsh Government's attempts to support the UK Government's efforts to deliver "seamless" support to offenders as they pass from prison into the community (Home Office, 2004, p.3). In the first section of this chapter those interviewed reveal what kind of services 'through the gate' resettlement staff provide across Wales. Although the research findings do not reflect the recent changes made to 'through the gate' resettlement provisions following the introduction of the Wales CRC, the accounts of service providers outline the benefits associated with the provision of 'through the gate' support services.

7.2.1 Prison Meetings and 'Gate Pickups': Relationships

Clancy et al (2005) and Maguire et al (2010) found that 'through the gate' services for Welsh prisoners largely deal with requests for support, or referrals, coming from prisoners held within a small number of prisons. These prisons, according to the same authors, are often located in Wales or those located closest to Welsh communities. Although this research is not representative of all service providers working across Wales, the views of those interviewed reinforced the findings outlined by Clancy et al (2005) and Maguire et al (2010). For example, TSS mentors Russell and Claire both described how 'through the gate' services in south Wales are largely directed towards prisoners held in Welsh prisons.

> **Russell**: Mainly it tends to be ones where Welsh based people are, so it would probably be [HMP] Swansea, [HMP] Parc, [HMP] Cardiff or [HMP] Eastwood Park if it's a woman.

> **Claire**: [HMP] Eastwood Park women's prison, [HMP] Swansea, [HMP] Cardiff and [HMP] Parc and [HMP] Gloucester.

In addition to TSS, Michelle from Prison Link Cymru recalled how 'through the gate' or 'in-reach' services in south Wales are largely provided to Welsh prisoners held within prisons across south Wales.

> **Michelle**: There are two of us, [name of colleague] covers the Dyfed Powys area and predominantly goes into [HMP] Swansea and [HMP] Parc, and I cover Gwent and Cardiff. I am based in [HMP] Cardiff prison three days a week and I do the female prison in [HMP] Eastwood Park and occasionally pop into [HMP] Usk/Prescoed when needed.

In north Wales, the research showed that referrals for 'through the gate' largely originate from prisoners held in prisons across the north west of England. For example, TSS mentors Johnny and Emily described their own experiences of visiting Welsh prisoners when held in prisons closest to north Wales. In each account specific attention was drawn to HMP Altcourse and the "fantastic" relationship that service providers have with staff working at the North Wales Resettlement Unit at the prison.

> **Johnny**: We get the vast majority of them [referrals] from resettlement workers and we have got good relationships with the ones in [HMP] Altcourse… the majority of prisoners end up in [HMP] Altcourse, so that's where we get most of them from.

> **Emily**: I have only ever been into [HMP] Altcourse and Stoke Heath…I get to go into [HMP] Altcourse quite a lot, at least once a month anyway.

Wendy also explained that referrals, more often than not, came in from prisoners being held at HMP Altcourse. The views of service providers supported Clancy et al's (2005) and Maguire et al's (2010, p.95) claim that referrals "predominantly" come in from prisons like HMP Altcourse because of the large number of Welsh prisoners being held there.

Wendy: Most of the referrals we get are when they are still in custody. The majority of our referrals are from [HMP] Altcourse and then occasionally we will get some from [HMP] Stoke Heath prison, [HMP] Styal for the women's and I am just starting to get some now from [HMP] Lancaster Farms… [HMP]Altcourse is absolutely fantastic, it is the only one that we get proper referrals from all the time; the other three are very few and far between.

In addition to TSS, Prison Link services in north Wales also direct 'through the gate' services to those prisoners held in prisons closest to the area. This was outlined by Kirsty, an 'in-reach' worker for Prison Link Cymru in Wrexham, when asked to discuss how often she enters prison to see potential 'clients'.

Kirsty: It's every week, every week we are going into [HMP] Altcourse prison every week. You know, I am out and about trying to cover all the other referrals that are coming in from prisons like [HMP] Liverpool, [HMP] Kennet, [HMP] Stoke Heath, [HMP] Hindley…

The research showed that once a referral has been received, the process of visiting prisoners prior to their release is a key aspect of 'through the gate' resettlement support. Lewis et al (2003, p.26) argued that face-to-face contact with prisoners plays an important role in establishing a relationship between offenders and resettlement workers prior to their release. In support of Lewis et al's (2003) findings, Russell, a TSS mentor based in south Wales, described the important role that prison visits play in establishing a relationship between prisoners' and resettlement staff prior to their release into the community.

Russell: We go into prisons and do legal visits, which a lot of support services don't [provide]. Literally that is when you start building the relationship, you go into the prison see them [and] ask them how you can help.

Claire also described how prison visits provide resettlement staff with a useful opportunity to introduce themselves to 'clients' prior to their release into the

community. This includes providing offenders with contact details and arranging immediate support upon release.

> **Claire:** When we get a referral through we normally try and do it within the first couple of weeks of the referral. [We then] go in and do a legal visit where we fill out the paperwork but then do a self-disclosure risk assessment and just introduce ourselves really, say what we are about, [ask them] do they definitely want support? Give them our number and make arrangements then to pick them up on the day they are coming out.

Although service providers have access to alternative means of contacting prisoners, the research found that face-to-face contact was a key aspect of delivering 'through the gate' support. While research on family visits has shown that prison visits are the preferred means of maintaining relationships with prisoners (e.g. Dixey and Woodall, 2012; Noble, 1995), Emily, a TSS mentor in north Wales, recalled how prison visits were the most effective way of developing a relationship with offenders prior to their release.

> **Emily**: As it stands I have only done one video link, but obviously face-to-face you get more of a feel for that person, you are building that relationship. [With] the video link, that person still engaged with me once he was out but I would definitely say that face-to-face is obviously better.

In addition to Emily, Claire, a TSS mentor in south Wales, also emphasised the importance of making face-to-face contact with offenders prior to their release. Claire argued that a failure to meet offenders face-to-face before their release can impact upon the relationships between 'clients' and resettlement staff. According to Claire, a breakdown in relationship can reduce the likelihood that offenders will engage with resettlement services once they have been released into the community.

> **Claire**: People where that happens, where you don't actually go in and do a legal visit and meet with them first before they come out, [you] have a much higher rate of them not engaging with the scheme at all.

Because obviously they don't know us, they haven't built up that initial rapport and that bond with us so I think they just come out and think 'oh' and they don't bother ringing us because they don't know who were are.

Lewis al (2007, p.49) found that relationships built upon between resettlement workers and offenders *in prison* are key to ensuring "genuine continuity" in services once offenders are released into the community. Other studies, including research by Fox et al (2005) and Quilgars et al (2012), discovered that 'continuous' support for prisoners can include services on the day of release. In support of existing studies, the research found that 'gate pickup' services on the day of release, in addition to custody meetings, are a crucial element of 'through the gate' support for prisoners unable to be picked up by family members or relatives. For example, Emily argued that 'gate pickups' provide offenders with a vital source of support at a time when they are most in need.

Emily: Because the whole point of TSS is it's supporting somebody when they are at their most vulnerable… Especially on the day of release because they have got so much going on and they need to get so much sorted; I think doing that gate pickup it helps them and obviously it sets the bar if you like.

The accounts of service providers showed that 'gate pickups' often present them with an opportunity to gain a much clearer understanding of the services that 'clients' need as soon as they are released from prison. Research by Crewe et al (2014) helps to explain that gathering information from 'clients' inside prison may often be made difficult by prisoners' attempts to try and manage or conceal their emotions as part of a prison coping strategy. This includes "masking" any signs of "vulnerability" that might include requesting support from 'in-reach' service providers during prison meetings (Crewe et al, 2014, p.64). Once prisoners are released from the institutional setting of the prison, however, service providers, including Emily, claimed that 'gate pickups' are an ideal opportunity to gain a much better understanding of an offender's needs.

>**Emily:** You get to know the person, because we are doing an assessment anyway in [HMP] Altcourse initially, but it's only half an hour or so, so you do get an idea about what the person wants. But obviously if you are doing a gate pick up you find out exactly what they want from TSS and what they want now they are out.

The emotional barriers erected by offenders as a coping mechanism in prison can also impact upon the relationships that are built up between offenders and service providers (Crewe et al, 2014). Johnny, a TSS mentor in north Wales, described some of the limitations associated with the 'official persona' that resettlement staff take on when meeting with offenders in prison. This persona is one where the identity of service providers becomes conflated, at least in eyes of prisoners, with the 'dominant', 'official' and 'authoritative' identity of the prison officer (Crawley and Crawley, 2008). This 'official' identity can be problematic for resettlement staff seeking to develop relationships with prisoners. Crewe (2008, p.459), for example, argued that relationships between prisoners and prison staff can often be undermined by a "deep-seated mistrust" that prisoners have of 'authority' figures. Johnny also explained that the perception of resettlement staff as 'official figures' can prevent service providers from being able to develop a rapport with offenders in prison. Once prisoners are released, however, Johnny argued that 'gate pickups' can often help resettlement staff to overcome the negative effects associated with any 'official' persona.

>**Johnny:** We are encouraged to pick up as many as we can. It gives you a good chance to get to know them, you can build up a rapport – you know you can build up a certain level of rapport when you visit them in the prison but you are still seen as an official figure really. You know, because when I have been in a hurry and I have got say four people, five people, to do assessments on I won't give them the big preamble about what TSS is. To be honest with you sometimes I forget so I just sit them down and I will just get started. But quite often I have got to whisk through the assessment which has got quite a lot of personal questions in it and they never stop and say... 'Why are you asking these questions?' or 'Do I have to answer this?' They just answer freely. The point I am getting at is when you are in the prison they see you as an

official figure... but when you pick them up it is different, you can get to know them better.

The research showed that the relationships and social bonds built up between staff and offenders during 'gate pickups' can often increase motivation levels amongst offenders to work alongside staff once they return to the community. For example, Emily argued that 'gate pickup' services can lead to higher levels of engagement with resettlement staff once offenders return to the community.

> **Emily**: If you do a gate pick up, OK they see you as a personal taxi at times, but I think it is good because you can be flexible and it sets that standard and you can start to build a relationship on it. But I think if you offer somebody a gate pick-up they tend to engage with you a lot more.

The need to maintain strong relationships was a key theme throughout the accounts of service providers. Indeed, the use of the phrase 'clients' rather than 'offenders' indicated the attempts being made by 'in-reach' staff to try and ward off any 'official' persona to try and maintain strong relationships (Nielson and Kolind, 2016). This included the relationships between staff and 'clients' in the community following release.

7.2.2 In the Community: Engagement and Continuity

The research showed that 'gate pickups' also help offenders to overcome the many immediate problems they might face upon their release from prison. According to Petersilia (2005), the many challenges facing released prisoners can often include having to negotiate a range of different support services as soon as they return to the community. The research found that 'gate pickup' services offer immediate help to prisoners as they make their way back to the community. According to Emily, this includes transporting offenders back to their local area and immediately helping them to arrange appointments.

> **Emily**: So we can point them in the right direction, so if it's employment or something like that we can make them an appointment

with the agencies. But it's just a positive thing isn't it, it's something for them not to worry about, they know they are getting back to the area; they are going to make their appointments.

While research on prison visits has shown that family contact can provide prisoners with a "bridging mechanism" into the community (Wolff and Draine, 2004, p.461), the research found that 'through the gate' resettlement staff play a similar role. For example, Russell explained how resettlement staff can often help offenders to overcome any difficult or intimidating experiences they face as they pass into the social arrangements of life outside the prison. This includes any difficulties prisoners' might face when arranging housing or accommodation once they have returned to their local community.

> **Russell**: We try and get them to housing and help them because some of them, shall we say, they haven't even got the education to fill in the simplest of forms. They might not have completed education when they were young so they might find reading and writing a little difficult, so they find these places very intimidating. We will go with them and help them just fill in simple forms and stuff like that or at least point them away and if they do get frustrated. We can act sometimes as a calming influence 'take your time' do you know what I mean?

For prisoners suffering from substance misuse, the research found that 'gate pickup' services play a crucial role in providing immediate support at a "high risk" time for offenders (Fox et al, 2005, p.9). For example, Wendy described the ways in which 'gate pickup' services can help offenders to avoid any "immediate relapse" following their release into the community (Fox et al, 2005, p.9). In the following extract, Wendy outlined the ways in which gate pickups can be used to help reduce the likelihood of a relapse when explaining her decision to travel from Bangor to pickup up a client from HMP Altcourse in Liverpool.

> **Wendy**: Yeah. I am picking a lad up on Monday, initially he was going to get his girlfriend to pick him up, no his Mum sorry, but he said 'I am not telling my Mum I am getting out until Friday, I just want a few days to chill and that first'. He said 'I am going to have to get the train

but I am going to go get some clothes and that first' so I said 'well if your Mum is not coming to pick you up why don't I just come and pick you up?' and he said 'well I want to go shopping' and I said 'well I will just take you shopping' he says 'what you can take me shopping?' I said 'yeah I can do what I want and if it is deemed suitable' and he said 'well how can that be deemed suitable?' I said [to colleagues] right if you think about it, he is not much of a drinker or drug user really, a lad that has been in [prison] for six months, if he has had a decent job he can save up a £100 or £150. He wants to go out and has discussed his release date, and he has asked 'can you please take me shopping?'. If I say 'no' he is getting back to Bangor with £150 in his pocket, what is he going to spend that on? It's going to be drugs or alcohol, so the chances are that he will end up in probation before the end of weekend. But if we have gone to Liverpool, which will take me about an extra hour maybe, and he has got some clothes to go back with and that money has gone I said 'then there's less chance of him doing all that' and they [her colleagues] said 'oh right, I never thought of it like that'.

Bangor to HMP Altcourse: 82 miles

The research found that the relationships built up between resettlement staff and offenders during prison visits and 'gate pickups' was crucial to the continuation of support in the community. In support of Maguire et al's (2010, p.74) findings, the research discovered that these relationships enable "effective work" to continue with offenders once they return to the community. For example, Russell described working alongside 'clients' in the community to help them engage with support services and overcome their "chaotic" lifestyles.

> **Russell**: We can also, if they are on a script or if they are drug dependent, point towards drug advice agencies or possibly script providers. Because a lot of them lead a very chaotic lifestyle and some of them, even the simplest task, even though you might say 'can you do this tomorrow?' they won't end up doing it. So especially at the beginning…if you can get them into this routine they don't then go and reoffend; stealing and things like that.

Once in the community, the research found that resettlement staff can also help offenders to overcome any difficult experiences they might face when dealing with support services. This includes helping offenders to deal with any difficulties they might experience as a consequence of stigmatising effects of imprisonment (Maruna, 2001; Sampson and Laub, 1993). For example, Wendy, a TSS mentor in north Wales, described helping a 'client' during a council appointment after he had previously experienced negative treatment by staff following his release from prison. Wendy recalled the support she was able to offer her 'client' as well as the perceived "difference" she made to the way in which he was treated.

> **Wendy**: There is one bloke that has come out recently and because he has actually not been living this sort of lifestyle long and has worked in children's homes and done all this and what have you, he knows people from the council from his previous life sort of thing. So he says 'will you please go into the council because she [council employee] is just a bitch with me' so I said 'yeah of course I will'. I didn't pick him up I just met him at the station, he says 'no I can get on the train no problem', he says 'it won't be an issue for me but if you can do those appointments with me' so we did and he said 'oh my god she was really nice, that made such a difference just because you were there'.

Russell, a TSS mentor in south Wales, also described the emotional support that resettlement workers can provide to offenders once they are in the community. For example, Russell recalled his experience of meeting with an offender in the community to help him overcome a number of problems he faced upon his return to the community. Similar to the experience shared by Wendy, Russell also explained how resettlement staff can liaise with agencies to help offset the stigma often shown towards offenders when returning to the community (Maruna, 2001; Sampson and Laub, 1993).

> **Russell:** Sometimes it could even just be emotional support. You might just be like we are now, going to a café, you have set up their housing you have got their benefits sorted [and] they just need someone to sound off to. They might be a little bit miffed with a neighbour or their estranged partner or mother and father or some guy who's got their

PlayStation or whatever. And so you can say look 'the thing isn't to just go round and break the door down, let's try go and do the proper procedure'. It could even be something as simple that when they were arrested their phone was taken off them so they haven't got a phone, they get very frustrated. They are not really confident enough to go to the police station, so you can go with them to the police station and find out from the officer who is involved 'is it OK if he has his phone?' Little things like that, sometimes it is the small nitty gritty stuff that we tend to do.

The research found that the support offered to offenders in the community can help to ward off the labels attached them as 'former prisoners' (Maruna, 2001). This support can be used to facilitate the process of "identity transformation" once offenders' return to the community (Visher and Travis, 2003, p.97). For example, Russell explained how continued support and encouragement from resettlement workers can help offenders to develop confidence and become more independent following release. Russell described the sense of empowerment that offenders feel once they succeed in dealing with services in the community having received initial support from resettlement staff.

> **Russell:** We also link in with… alcohol advice centres. Even though these people are aware that they are there [advice centres] they are not always keen on going on their own so if you just go with them [and] introduce them [and] they find out that there is nothing to be afraid of. They can then, after maybe once or twice [of being accompanied by a service provider] start going on their own… It gives them that little bit of empowerment 'I am actually doing something to help myself' sort of thing.

In summary, the accounts of service providers showed that 'through the gate' resettlement support contains three important elements. These central elements include prison visits by service providers, 'gate pickups' upon release by service providers as well follow up support in the community. The research showed that the relationships developed between offenders and service providers are central to offenders being engaged with support services in the community. In particular, the

research showed that contact with offenders outside the institutional arrangements of the prison can lead to stronger relationships between resettlement staff and offenders. The accounts of service providers across Wales showed that these relationships can allow for a "genuine continuity" in support as offenders pass from prison into the community (Lewis et al, 2007, p.49). This support includes offering encouragement, advice and assistance to offenders that can help them to transform their identity and future behaviour (Visher and Travis, 2003,).

7.3 Barriers to 'Through the Gate'

The arguments presented in chapter four showed that prisoner location can present considerable barriers to the delivery of 'through the gate' resettlement support (e.g. Cochran et al, 2015; Fox et al, 2005). This included studies that had acknowledged the "practical problems" presented to 'through the gate' service providers by distances (Hedderman, 2007, p.17). Fox et al (2005, p.16) also argued that while service providers might occasionally travel long distances to reach prisons, the delivery of 'in-reach' services are often more "systematic" within prisons that require shorter journeys and hold a larger number of 'local' prisoners. In this section of the chapter, the views of service provides outline the difficulties that distances *and* the dispersal of Welsh prisoners present to the delivery of 'through the gate' resettlement services. Although the research findings once again do not reflect the recent changes made by the introduction of *Transforming Rehabilitation* in Wales, the arguments outlined here will be used to discuss the introduction of the Wales CRC in chapter nine.

7.3.1 Distances and Dispersal

The research findings presented in the previous section showed that 'through the gate' resettlement services are largely directed towards prisons with a large concentration of Welsh prisoners. In many cases, this includes Welsh prisons or prisons located in areas of England that provide service providers with the shortest possible journey. The research also discovered, however, that the dispersal or spread of Welsh prisoners across the prison estate meant that referrals for support often originate from prisoners who are being held outside of 'local' prisons. For example, Kirsty, a service provider for Prison Link Cymru in north Wales, described how

referrals for housing support often come from prisoners held in prisons right across the north west of England and even the West Midlands.

> **Kirsty**: More referrals than when I saw you previously because we have got... resettlement officers from G4S who are now sending through the paper work. Like [HMP] Oakwood, for instance, in the West Midlands, they are saying 'we have got lots of Welsh prisoners here can we send your paper work to you?'... I am out and about trying to cover all the other referrals that are coming in from prisons like [HMP] Liverpool, [HMP] Kennet [in Liverpool], [HMP] Stoke Heath [in Market Drayton], [HMP] Hindley [near Wigan].

In addition to Prison Link, TSS staff in north Wales also outlined the number of requests for support they have received from prisoners from north Wales held far and wide across England. This included separate accounts given by Wendy and Johnny.

> **Wendy**: A lot of them [prisoners] at the moment are going up to [HMP] Holme House in Stockton on Tees [and] I have got somebody else in Hull... I think it has only happened twice, but there was somebody that we have been referred to from [HMP] Altcourse and all the paper work has come through to us but before we have had a chance to get in we will get a phone call to say he has been shipped up to [HMP] Holme House which is Stockton-on-Tees, and they just won't let us go up there to see them.

> **Johnny**: We get referrals from all sorts of prisons, from [HMP] Haverigg [in Cumbria] down to [HMP] Lewes [near Brighton]; we have had one from there as well.

The research showed that the wide range of referrals coming in from Welsh prisoners held far and wide across England present service providers with a problem. Although resettlement workers were pleased that Welsh services were being widely advertised across prisons in England, the research showed that referrals received from certain prisons present service providers with an added set of

challenges in trying to reach the prison. For example, Wendy, a TSS support worker in north Wales, described the added time it takes her to travel by car from north west Wales to visit prisoners at HMP Stoke Heath in Market Drayton.

> **Wendy**: So [HMP] Stoke Heath is about two and a half hours away for me but one of my friends lives in Crewe, so what I will try and do quite often is going and stay at hers the night before and then she is like forty minutes away from [HMP] Stoke Heath, so I am not getting up at the crack of dawn.

Bangor to HMP Stoke Heath: 95 miles

Emily, a service provider in north Wales, also outlined the practical issues that service providers have to consider before travelling long distances to visit prisoners. For example, when discussing a number of recent referrals she had received from prisoners held in HMP Holme House in the north east of England, Emily explained that she would contact the prisoner via video-link to save herself the journey up to the north east of England. This despite the fact that she had earlier acknowledged that face-to-face contact was a much better way of developing relationships with potential 'clients'.

> **Emily**: Depending on the distance because [HMP] Holme House, it's only recently that I have had a couple of people transferred there…I am not sure how many hours away [it is] but I think its four hours plus. It's just not practical, especially in the two and a half days that I work. So I would ring them up and book a video link and liaise with them that way.

In south Wales, Russell, a TSS support worker in south Wales, described how the financial cost and added time taken to travel long distance is something that service providers have to consider before making long distance visits.

> **Russell**: It is just cost because for me to go up there [a prison far from south west Wales] I would have to stay overnight. He might even then not engage, I might sit down, right legal visit, 'Hello Bob I am a TSS

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support worker we offer support service' 'No thank you' 'alright' I say
and that's my time... all the cost.

Wendy, a service provider in north Wales, also highlighted the risks involved in travelling long distances to prisons that can often be far less productive than prisons closer to Wales with far more potential 'clients'. For example, Wendy described how even after a three hour journey to HMP Lancaster Farms in Lancaster she is often unlikely to see as many prisoners as she would at HMP Altcourse in Liverpool at a shorter distance from home.

> **Wendy:** It's good that we are getting referrals from elsewhere but for me [HMP] Lancaster Farms is three hours away, which is a massive thing then to get up there and see them, because we try and see everybody at least once, preferably more, before they come out. [HMP] Altcourse is brilliant, they have got a purpose built resettlement unit and we will go in there for the day; I usually get there for about quarter past ten I will stay there until about half past three and I you will see about ten people on the day. At [HMP] Lancaster Farms I can only do legal visits and I can only see two people and I have got to be there at nine o'clock in the morning.

Bangor to HMP Lancaster Farms: 137 miles
Bangor to HMP Altcourse: 82 miles

In addition to distances, resettlement workers in north Wales described the less favourable working conditions they face when providing services outside of the North Wales Resettlement Unit at HMP Altcourse. For example, Emily, a service provider for TSS in north Wales, explained that HMP Altcourse offered a more relaxed environment in which to conduct initial assessments in when compared to her previous experiences at HMP Liverpool.

> **Emily**: It's quite relaxed as well in [HMP] Altcourse because it is a resettlement unit whereas a lot of them you have to book in for legal visits. It's not the same is it?

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On top of the added distances facing service providers, Wendy also reflected upon the different conditions that service providers face when entering HMP Stoke Heath compared to HMP Altcourse. Although earlier accounts within the research suggested that relationships between staff and offenders can often be constrained within the institutionalised settings of the prison (e.g. Crewe et al, 2014), Wendy suggested that the visiting conditions inside HMP Stoke Heath present service providers with ever-greater set of challenges. This includes difficulties in trying to develop relationships with prisoners while conducting meetings in settings that offer either party very little privacy. These difficulties accompany the long and difficult journeys that service providers face to reach the prison from across north Wales.

> **Wendy**: But when we actually go into [HMP] Stoke Heath to see them they don't have a resettlement unit they just a few offices that different parts of the resettlement officers work on. But none [units] that you can actually see the prisoners on. So you are literally just taken onto the wings and then they will pull the tables out that they have lunch on, but then you will have whoever walking past you, [you] will also have the member of staff who is taking you round sitting there thinking 'you've been talking to them now for ten minutes' sort of thing, 'is it not time to move on?' You can see them looking at you so that is very difficult to build up a relationship.

7.3.2 A Shortfall in Support

As a consequence of the additional problems that service providers face because of distances and dispersal, the research found that 'through the gate' staff often fail to provide the same level of support to Welsh prisoners held in prisons that fall outside of the 'local' catchment area. For example, Kirsty explained that Prison Link staff in north Wales are simply unable to make long distance visits to work on 'individual cases'.

> **Kirsty**: Due to lack of capacity we cannot deal with it all ourselves, so if they [prison authorities] can complete the paperwork, which we attach, and return it to us, we can then feed it on to the local authorities. But we obviously can't work on individual cases.

The different levels of support put in place for prisoners based on location were also outlined by Michelle, a service provider for Prison Link, when reflecting upon her experiences in south Wales.

> **Michelle**: I will never get to see [prisoners held in England]… I will never be able to provide them with a service that I do with somebody, for instance, in [HMP] Cardiff or [HMP] Parc... Because you can't do it geographically.

Russell, a service provider for TSS in south Wales, also explained that Welsh prisoners held in England can expect to receive a very different level of support. In some cases, Russell argued that Welsh prisoners might be missed out completed when held in prisons that do not advertise services that are available to prisoners from Wales.

> **Russell**: I think we have referrals from [HMP] Gloucester but I would imagine that we are not as prominent. So yeah, there is the possibility that people could get missed, especially if they are from Wales in an English prison because you are not going to have all the Prison Link, Gwalia [and] all the local housing associations are not going to cover... I would say it is probably very likely that there are people that do get missed.

If not missed out completely, those interviewed during the research agreed that services are often "limited" to those held in prisons that do not require service providers to negotiate even longer distance journeys than usual (Welsh Affairs Committee, 2007, p. 50). These 'limited' services mean that a number of prisoners are likely to miss out on vital elements of 'through the gate' resettlement support. For example, Emily and Johnny both acknowledged that 'gate pick ups' are not always made available by TSS support staff because of the practical issues presented to 'through the gate' staff by longer distances.

> **Johnny**: No, no we can't go to them.

Emily: It's affording it isn't it? I know in the past we have done long pick-ups and I know Johnny has done it. I am not saying that we wouldn't necessarily do a pick-up but we would obviously have to discuss it first to see if it was practical.

In stark contrast to the experiences that offenders will face if they receive a gate pickup, the research found that offenders who are forced to make their own way home are then expected to contact resettlement staff as soon as they return home to their local community. This was separately outlined to the research by Claire and Russell.

Claire: Because [HMP] Hewell is [in the] West Midlands I think so we liaise with the CARAT team there and say 'can you pass a message onto the prisoner and give him our number, when they come into the train station ask them to give us a ring and we will meet them then'.

Russell: Yes, if there was a referral made to us [then] yes we would give our details and as soon as they got within Wales the onus would be on them [prison leaver] to contact us.

In some instances, the research found that prisoners might be picked up from the prison gate by relatives. For example, Jamie, a former prisoner from Cardiff, described being picked up by his family from HMP Dartmoor while Rob, a former prisoner from Hawarden, recalled being picked up from HMP Altcourse by his father and brother. On a number of occasions, however, the research showed that prisoners might be released from prisons many miles away from home without any kind of support in place. In such instances,[1] the 'distance problems' facing service providers are simply transferred onto offenders once they are released.

The research findings on release from prison produced similar findings to those gathered on family visits. For example, while prisoners released without support from prisons closer to home are still likely to face their own challenges and difficulties travelling home, the research found that distances present prison leavers

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[1] This includes cases where service providers cannot provide the service or where prisoners are simply not eligible for resettlement services such as TSS.

with an added set of difficulties. The difficulties facing Welsh prisoners released without support many miles from home were outlined by 'through the gate' resettlement workers. For example, Claire, a service provider for TSS in south Wales, claimed that prisoners' are often released with very little information or support except a travel warrant to cover the cost of their journey home.

> **Claire**: Yeah, obviously if they are shipped up to [HMP] Gloucester they basically come out with a train warrant and they haven't got a clue where they are or where they are going unless they have been given good directions. So I think it is a bit daunting trying to get back [home].

Wendy, a service provider in north Wales, also described the fact that Welsh prisoners' are often released by prison staff in English prisons that have very little understanding of the difficult journeys that face prisoners returning to Wales.

> **Wendy**: They are used to their own little areas and it's like 'well you can just get on the bus and go over there' rather than 'you have actually got to change a couple of times on the train to be able to get back over here'.

As well as service providers, former prisoners interviewed throughout the research also recalled the difficult experiences they had faced when released from prison without anyone to meet them at the prison gate. For example, Rhys, a former prisoner from Llanelli, described having to negotiate various methods of public transport after he had been released from the now closed HMP Shepton Mallet in Somerset.

> **Rhys**: Yeah, 'there's a map' and you follow the map then to a bus stop up the road. It's quite a remote area [HMP] Shepton Mallet, it's country like, it's not in the middle of a city or nothing like that. So you have got to find this bus [and] then you have got a tiny little bus then to take you into Bristol, which takes about an hour and a half I think, then you have got to find your train in Bristol [and] then down to Swansea and just swap.

HMP Shepton Mallet to Llanelli: 113 miles

The research also showed that prisoners from north Wales faced similar difficulties when travelling back to their home communities having been released without support in place. For example, Danny and David, both from north west Wales, described the journeys they faced after being released from HMP Altcourse in Liverpool without anyone to meet them at the prison gate.

> **David**: Yeah last time I was in [HMP] Altcourse I didn't come out with that much money, obviously you get half a giro when you get out so you have got to get from [HMP] Altcourse to Lime Street, then from Lime Street to Chester or Crewe then from Crewe or Chester to Bangor.

HMP Altcourse to Llangefni: 90 miles

> **Danny**: You go from Fazakerly to Liverpool town centre, Liverpool town centre to Bidston, Bidston to Wrexham...Well I got released at about 12 o'clock and I didn't get back to Wrexham until about half five.

HMP Altcourse to Caernarfon: 89 miles

David also recalled his experience of being released from HMP Forest Bank in Manchester.

> **David:** I had to walk from the prison to the bus stop a mile down the road, [then] get a bus from there to Manchester city [centre], Manchester city to Crewe then from Crewe to north Wales.

HMP Forest Bank to Llangefni: 109 miles

In addition, David also described his experience of being released from HMP Deerbolt in the north east of England. After he was met at the prison gate by relative that lived nearby, David described how it took him around five hours to return to Llangefni from Darlington train station.

> **David**: I got picked up from the gates in [HMP] Deerbolt by my grandad, he took me to Darlington train station where you have to go to

get anywhere [via rail]... [I] got on the train and came home... Yeah it took me about five hours.

HMP Deerbolt to Llangefni: 206 miles

7.4 'Distance Effects' and Contrasting Fortunes

In the opening section of the chapter, the accounts of service providers across Wales outlined the benefits associated with 'through the gate' services. This includes offering prison leavers an immediate source of encouragement, advice and support upon their release. This support also includes helping prisoners to adjust to the social arrangements outside of the prison and overcoming the stigmatising effects of their imprisonment (Maruna, 2001; Sampson and Laub, 1993). In the second section of the chapter, however, the accounts of service providers described the effects that distances and dispersal have upon the delivery of this support. The findings support existing studies which show that 'through the gate' services are often "limited" or less frequently delivered within prisons that are difficult to reach for resettlement staff (Fox et al, 2005; Maguire et al, 2010; Welsh Affairs Committee, 2007, p.50)

In contrast to the arguments presented in the opening section, the accounts of former prisoners emphasised the difficulties they had encountered when released from prisons without immediate support in place. This includes former prisoners released from prisons many miles away from home who are therefore most likely to miss out on 'through the gate' provision *and* face a set of immediate 'distance problems'. For example, Rhys, a former prisoner from south Wales, outlined the problems he faced having to immediately adjust to life outside of prison without any kind of assistance in place. While the accounts given by Wendy and Johnny described how service providers can help prisoners to overcome the stigmatising or institutionalising effects of imprisonment upon release, Rhys recalled the difficulties he faced trying to overcome the stigmatising effects of his identity as 'prisoner' on the long journey home from HMP Shepton Mallet to Llanelli.

> **Rhys**: It is scary, ah it can be quite nervous especially going into a little shop and you feel like everyone is looking at you and you're flustered getting money out because you haven't used it for so long. Because you

are in a rush, everything is a rush when you are in prison, when you come out you feel like you are still in that rush 'quick on the double' sort of thing, and the shopkeeper is looking a bit strange at you 'I know where he's come from' you can just feel it like I don't know why... For some people I would think it's really scary; it wasn't comfortable for me to be honest with you. There were times when you don't feel at ease with yourself and the area you are in. It can be intimidating [and] fast, everything is 100 mile an hour, it seems.

HMP Shepton Mallet to Llanelli: 113 miles

Hywel, a former prisoner from north Wales, also described the anxieties he felt when faced with the prospect of being released from HMP Altcourse in Liverpool with anybody to meet him at the prison gate. When presented with an opportunity to be released from HMP Altcourse earlier than expected, Hywel described his decision to refuse based on the anxieties he felt about being released into an area far away from home without any immediate support in place.

> **Hywel**: So I went there yeah and there was a video link from Liverpool to Llandudno court… And she [his solicitor] said 'oh we will get you bail' and I was sort of confused because they said to me before if you get bail you can go through the [prison] gate out [into the community] you know? But I didn't know where I was. I was too scared incase they said 'do you want bail so you can go?' You see if I was in Bangor or Caernarfon I would know my way down, if I had to walk it I would know it, but I am in Liverpool. I was scared yeah, and I refused bail then... I was told they would give you a warrant and you can go through the gate and home [having been granted bail]. But I didn't know Liverpool from the back of my hand, you know? If the gate had opened I... it's like if you drove me somewhere and left me there and said 'you find your way home'. Well I was scared yeah.

As well as missing out on immediate support at the prison gate itself, the research also showed that offenders who are released without 'gate pickups' will also avoid taking advantage of the "practical assistance" that 'through the gate' services can

offer once prisoners return to the community (Maguire et al, 2010, p.75). This assistance includes helping offenders to negotiate and engage with employment, housing or substance misuse services in the community. For example, Wendy, a resettlement worker in north Wales, described how prisoners returning without support will often face immediate difficulties negotiating their way through housing support. In some instances, Wendy argued that the struggles facing offenders can prevent them from fully engaging with the service.

> **Wendy**: That's it as well, they will get a travel warrant to Bangor but then they have to get a bus over to Llangefni. The chances are a lot of them are only coming out with their £46 discharge grant so they are going to pay £3 or £4 for a bus to Llangefni, from there then the majority of them won't think 'I will get a rover ticket' because I don't know where they are going to send me. [They] then turn up at Llangefni and see whoever, they [council staff] are not always expecting them and what we have found is if they are not turning up with us they have to wait longer to see someone and then it's like 'go wherever' and they will be just given an address for a B and B and it's like 'I don't know where that is how am I supposed to find that?'...Yeah 'I just won't bother then'.

Johnny, a service provider in north Wales, also explained the difficulties facing prisoners who are forced to travel long distances without any immediate support in place. These difficulties, according to Johnny, are often compounded once offenders return to the community and are forced to deal with support services where they might encounter a number of problems that can lead to their resettlement needs not being fully addressed. This includes problems within the important resettlement pathway area of housing and accommodation (Niven and Stewart, 2005).

> **Johnny**: If you consider that they may be released at eleven o'clock, later sometimes, midday, and they have got to travel up from Brighton [HMP Lewes] or down from Cumbria [HMP Haverigg] then it just increases the chances that they don't quite get everything sorted that they should on the day of their release. You know, they might get to the council too late for them to do anything, they won't be able to chase

up the paperwork and then they will be sort of left to their own devices; back on the streets; back on a friends couch.

In addition to the pathway area of housing and accommodation, the research showed that a lack of support upon release can be a major problem for prisoners suffering from substance misuse. In an earlier account, Wendy described how 'gate pickups' can help to reduce the likelihood that prisoners will re-engage with drugs or alcohol during the immediate "high risk" period following release (Fox et al, 2005, p.9). The accounts of former prisoners and service providers, however, showed that release without support can often increase the likelihood that prison leavers will suffer an "immediate relapse" (Fox et al, 2005, p.9). While a lack of support can cause problems for prisoners facing short distance journeys home upon release, the research showed that prisoners facing long distance journeys without support presented with an extended window of opportunity in which to immediately re-engage with substance misuse. For example, Neil, a former prisoner from Llanelli, recalled how the long journey home HMP Dartmoor without support presented him with the ideal opportunity in which to immediately re-engage with substance misuse following his release.

> **Neil**: Back then I didn't mind it because [from] [HMP] Dartmoor you would have to come through Bristol and that would be my stop off point, [I would] go into Bristol [and] spend my discharge grant on crack and att [amphetamines]. [I would] smoke rolls of crack and then jump back on the train home… It's the first thing you do man [upon release]... Yeah because it's what you know isn't it? We are creatures of habit aren't we? And we always go back to what we know. If that's what you know that's what you're going to do isn't it? I have always stopped, no matter what prison I have got out from, I have always stopped somewhere to score before coming home. You got that bit of wad there [money] and you want to celebrate so you'll go and score before you go home.

Anwen, a former Welsh Prison Chaplain to HMP Altcourse, also recalled coming across a Welsh prisoner who described the long journey back home to north Wales

without support as an opportunity in which to immediately re-engage with drugs and alcohol.

> **Anwen:** You know, I have had somebody [a prisoner] saying 'oh well I remember when I got out' and he listed a huge list of cocktail of drugs and alcohol that he had 'and I finished it off with a nice bottle of Baileys. I drank a bottle of Baileys on the train on the way' [home]. I was thinking 'oh gosh'.

After previously outlining the benefits associated with 'gate pickups, Wendy argued that long journeys home without support can often lead prisoners to immediately re-engage with substance misuse even when prisoners' might be highly motivated to avoid a relapse. For example, Wendy described how Welsh prisoners leaving HMP Altcourse may often find themselves re-engaging in substance misuse before they have even returned to north Wales.

> **Wendy**: Even the lads that have got alcohol problems… the trains come round offering it to you don't they? So you can be totally focused and 'no I am not going to drink I am not going to drink' and you could be sat on that train and think 'oh I won't have a coffee I will have a can'… Others we will go and pick up because it's like 'well I will just go and score drugs on the way home, I know who everybody is on Lime Street station' and either the dealers in Liverpool know that people get out on release day they will know what times to be at the station so they will be there. And then even if you have got it in your head 'no I am not going to score I am just going to get home and get to my appointments sorted' you will get out with another bloke who will go and score.

While numerous studies have identified the relationship between substance misuse and offending behaviour (e.g. Karberg and James, 2005; Petersilia, 2005), the research showed that, in the short-term, substance misuse on release day can reduce the likelihood that offenders will be successfully resettled. For example, when outlining the importance of 'gate pickup services, Russell, a service provider for TSS in south Wales, argued that prisoners who immediately engage with substance misuse are

likely to face added difficulties when attempting to address their housing needs upon release.

> **Russell**: Especially someone who is NFA, no fixed abode, the ideal thing is pick them up outside the prison [and] get them to housing. Quite often they are coming out, if they have got maybe alcohol issues, they are not really particularly bothered about aiming to get to housing, they are more interested in 'maybe I will go and have a couple of pints' or whatever they prefer and they will go and get drunk. Then they will show up at housing drunk, totally not in a suitable frame of mind to go through an assessment process. So if I can pick them up say, for instance, if we can get them before they go into the prison we can then take them to housing and facilitate their, at least temporary accommodation or hopefully then, permanent accommodation.

In addition to Russell, Johnny, a service provider in north Wales, also outlined the threats that release day difficulties pose to prisoner resettlement chances. Johnny explained that in the long-term these problems, including many of those already outlined in this section of the chapter, can increase prisoners' chances of reoffending in future.

> **Johnny**: That one day it is important to get things sorted as soon as possible, you know, get all the paper work done, benefits everything like that. It increases the likelihood that they are going to end up back inside; if they don't make it to the council... they will sleep on the streets. If they leave it too long to present to the local authority [as homeless] then the local authority sometimes tell them 'well you have been managing fine for a week, we are not going to house you'. It is a problem.

In summary, the second part of this chapter has shown that distances and dispersal have a clear impact on 'through the gate' services. The research has outlined that 'through the gate' services are often "limited" to 'local' or more accessible prisons because of the difficulties that distances and dispersal present to service providers (Welsh Affairs Committee, 2007, p.50). The accounts of former prisoners and service

providers show that distances and dispersal mean that prisoners held beyond 'local' prisons are less likely to receive 'through the gate' support both during their sentence and immediately upon their release (Maguire et al, 2010). This gap in resettlement provision can lead to an added set of difficulties for prisoners upon their release and their eventual return to the community. This includes impacting prisoners' immediate resettlement outcomes (Fox et al, 2005; Maguire et al, 2010) as well as prisoners' engagement with resettlement services in the community (e.g. Lewis et al, 2003; 2007).

7.5 Conclusion

The arguments outlined in this chapter have shown that prisoner location can have a significant impact upon the delivery of 'through the gate' resettlement support. *Firstly*, the research findings revealed the benefits that 'through the gate' resettlement services can offer to prisoners. The research showed that 'through the gate' support comprises three important stages. These stages include: (i) support offered in prison; (ii) support delivered at the prison gate; (iii) and continued resettlement support in the community. By drawing upon existing research, the research findings support Lewis et al's (2003, p.26) argument that contact with offenders' in prison is key to establishing relationships that can allow "successful resettlement work" to be continued in the community. This includes offering continued moral support and encouragement that can help offenders to ward off the stigmatising or institutionalising effects of their imprisonment (Maruna, 2001; Sampson and Laub, 1993). The views of service providers interviewed as part of this research also supported Maguire et al's (2010, p.75) argument that services at the prison gate can offer immediate "practical assistance" *and* further strengthen relationships between offenders and resettlement workers once both are removed from the institutionalised setting of the prison (e.g. Crewe et al, 2014).

Secondly, the arguments presented in this chapter have shown that distances and dispersal present a clear set of barriers to the delivery of 'through the gate' services. Drawing upon existing research, the research findings support Lindsey et al's (2015, p.4) claim that distances can prevent the necessary preparation or "groundwork" for resettlement from being carried out. The views of service providers also showed that distances and dispersal can often prevent 'gate pickups' from being delivered to

prisoners. The findings support the claim that resettlement services are often "limited" (Welsh Affairs Committee, 2007, p.50) or less "systematic" as a consequence of the problems presented to resettlement staff by distances and dispersal (Fox et al, 2005, p.16). The findings support the claim that resettlement services are often "limited" (Welsh Affairs Committee, 2007, p.50) or less "systematic" as a consequence of the problems presented to resettlement staff by distances and dispersal (Fox et al, 2005, p.16).

Thirdly, the research findings demonstrated the effects that a lack of support can have upon offenders. The accounts of former prisoners and service providers showed that prisoners' will miss out on the benefits associated with 'through the gate' resettlement support. As outlined within the opening section of the chapter, this includes being unable to take advantage of the "practical assistance" offered by support staff (Maguire et al, 2010, p.75) as well as the chance to build relationships and enhance levels of motivation that can be used to ensure that resettlement work continues in the community (Lewis, 2003; Maruna, 2001; Sampson and Laub, 1993). Alongside the findings within existing studies, the difficulties presented to prisoners show that a lack of support is likely to impact upon the future resettlement outcomes of prisoners upon release (e.g. Fox et al, 2005; Karberg and James, 2005; Niven and Stewart, 2005; Maguire et al, 2010).

The views of those interviewed throughout this research once again raise important questions for the 'hybrid system' in Wales. In chapter nine, the research findings will be used to discuss the impact that the UK Government's policy responsibilities over criminal justice are having upon the Welsh Government's policy responsibilities for prisoner resettlement. The research findings outlined in this chapter will also form part of discussion on recent changes to 'through the gate' provision in Wales following the introduction of the Wales CRC.

Chapter Eight
Welsh Identity in English Prisons

8.1 Introduction

In the criminological space that has opened up in Wales, chapter four outlined the need to research the sociology of imprisonment from the perspective of Wales. The chapter argued that the dispersal of Welsh prisoners across England should be used to examine the way in which prisoner location can affect the experiences of Welsh prisoners. By drawing upon studies within the sociology of imprisonment, chapter four provided this thesis with a conceptual framework to explore how Welsh prisoners experience prison life when held as a minority in England. This framework includes the concepts of 'pains of imprisonment' (Sykes, 1958), 'inmate culture' (Goffman, 1961) as well as 'postcode pride' (Phillips, 2008). In this chapter, the research findings reveal the effects that prisoner location has on Welsh prisoners' experiences. This includes drawing upon the accounts of former prisoners who had experienced being held in English prisons as a minority.

This chapter begins by examining the difficulties that Welsh prisoners often face when transferred to prisons across England. By drawing upon the accounts of former prisoners, the chapter outlines the difficult conditions that face prisoners travelling long distances inside prisoner escort vehicles. This includes the 'pains' facing newly sentenced prisoners from north Wales when confined to the conditions of the prison 'sweatbox' from court to prison. In the second section, the chapter discusses the 'pains of imprisonment' facing Welsh prisoners in English prisons. This includes the difficulties that Welsh prisoners face from non-Welsh prisoners as well as prison staff when held as a minority in England. This section of the chapter also provides a unique insight into the way in which Welsh-speaking prisoners experience prison life as a minority in Wales. In the final section, the chapter goes on to discuss the patterns of interaction amongst Welsh prisoners when held as a minority in English prisons. By drawing upon the accounts of former prisoners, the chapter shows that a sense of shared identification to Wales is used to form bonds between Welsh prisoners when held as a minority in English prisons.

8.2 Prisoner Escort and the 'Deep Initial Break'

Between October 2013 and September 2014, Prison Escort and Custody Services (PECS) provided 818,168 escorts across England and Wales (HMIP, 2014d). This figure breaks down to more than 15,000 prisoner escorts a week and an average 2,247 prison escorts being made a day across England and Wales. Despite the fact so many prisoners encounter the prison escort vehicle on such a regular and frequent basis, the subject of 'prisoner escort' remains subject to very little research. In the first section of this chapter, however, the research findings outline the problems that prisoners' experience when being transported across the prison estate inside prisoner escort vehicles. Although the research findings cannot determine the experiences that all prisoners face when being escorted to prison, the research findings offer unique data on an aspect of custody that has not previously been examined.

8.2.1 'The Sweat Box Blues'

In 2004, HM Inspectorate of Prisons (HMIP) conducted its very first inspection of prisoner escort services across England and Wales (HMIP, 2004). This has since been followed up by three further reports in an attempt to shed light upon the experiences that prisoners face inside prison vans commonly known as the 'sweat box' (e.g. HMIP, 2008; 2012; 2014d). Throughout each of its reports, HMIP discovered that prisoners face a number of wide ranging difficulties when traveling under escort. This has included concerns raised by prisoners about the conditions they are forced to travel in inside escort vehicles. Within its very first report, HMIP (2004) found that 74 per cent of prisoners reported negatively upon the conditions inside the prisoner escort vehicle. These findings were supported throughout the research by the accounts given by former prisoners across Wales. For example, during the very first interview I conducted with a member of the former prisoner sample, Hywel recalled the difficult experience he faced with the uncomfortable conditions inside the prison escort vehicle.

> **Hywel**: I've been in it from here too here [gestures how small the area is on prison transportation vehicle]. You know, it's like one of the toilets downstairs; it's only a square thing. That's why they call it a

sweatbox. And I can tell you that's why they do call it [a sweatbox] too, it's a hard seat and you can't hold nothing to stand up because you're just sitting on a hard [seat].

Holyhead Magistrates Court to HMP Altcourse: 105 miles

David, a former prisoner from Llangefni, also described the uncomfortable conditions he experienced inside the single small cell while being transported on-board the escort vehicle.

David: It's horrible, you are sat on the chair like this [upright], [sat on] this tiny chair and that is all you have got. Then you have a couple of inches of room and it's plastic seats, it's a killer.

Caernarfon Crown Court to HMP Altcourse: 89 miles

In addition to the lack of space, former prisoners also reported negatively upon other conditions inside prison escort vehicles. This included wider concerns around cleanliness and the temperature that prisoners are often held in (e.g. HMIP, 2014d). For example, Osian, a former prisoner from south Wales, described the dirty and warm conditions he experienced during the relatively short journey from Swansea Crown Court to HMP Parc.

Osian: It's uncomfortable, there is no way you can sit decent, it's just a plastic seat bolt upright, tight under the thing. [I was] sweating with the heaters on full blast, it's not nice; all spit on the walls.

Swansea Crown Court to HMP Parc: 24 miles

Ryan, a former prisoner from north Wales, also recalled upon the unpleasant experiences that he faced inside the prison van. This included having to travel from Caernarfon Crown Court to HMP Altcourse without access to food or drink throughout the entire journey.

> **Ryan**: Yeah, its tiny obviously for that couple of hours. I was thirsty and I didn't get anything to drink; it wasn't the warmest of vehicles either.

Caernarfon Crown Court to HMP Altcourse: 89 miles

In addition to the conditions facing prisoners inside the vehicle, HMIP (2004, p.15) reported that prisoners can often receive "insufficient information" about the length of the journey they will face inside the prison escort vehicle. Within its most recent study, HMIP (2014d) found that just 63 per cent of prisoners were told where they were going before travelling on-board the prison 'sweat box'. The accounts of former prisoners explained how a lack of information often added to the anxieties and stresses they faced travelling on-board the escort vehicle. For example, Hywel described the confusion he faced while travelling from Holyhead Magistrates Court to HMP Altcourse in Liverpool without any real understand of what was happening to him.

> **Hywel**: Well no, you were in Holyhead first but they stopped in Caernarfon and you're in a room then for a few hours.

> **Researcher**: So they take you off?

> **Hywel**: Yes, and then put you back on. I don't know what was going on, I was just put in a room.

Holyhead Magistrates Court to HMP Altcourse: 105 miles

As a consequence of the lack of information he received throughout the journey, Hywel recalled being unaware of what time he eventually arrived at HMP Altcourse following his transfer from Holyhead Magistrates.

> **Hywel**: Well it was something... I don't know because it was dark.

Holyhead Magistrates Court to HMP Altcourse: 105 miles

In addition to the confusion often faced by prisoners during transfers to prison following sentencing, former prisoners also described the lack of information they had received during escort journeys from prison to court. For example, Rhys, a former prisoner, recalled the confusion that both he and his family faced when being transported from HMP The Verne to Swansea Crown Court. This included arriving in south Wales only to be transferred straight back to HMP The Verne without even reaching Swansea Crown Court or without being given any kind of explanation. Rhys explained the confusion he faced as well as the difficulties facing his family who were still waiting for him to arrive at Swansea Crown Court without being given any information.

> **Rhys**: Something to do with paperwork or they had had a phone call [so] they had to go and pick somebody up in the other direction and bring them back to the Verne. They didn't really give me any reason why. So I couldn't phone my father and Jackie [partner] then to say 'don't stay there you may as well go home'. They waited there all day and nobody came up and told them; there is bad communication.

> **Researcher**: So you went from the Verne...

> **Rhys**: Got to Newport, dropped somebody off in Newport Crown Court [and] they took me in there; I used the toilet [and] the next minute 'we are not going to Swansea now we are going back to the Verne' and we had to pick somebody [up], what prison it was I don't know I think it was [HMP] Shepton Mallet.

HMP The Verne to Newport Crown Court: 120 miles

In a separate account, Rhys described being transferred to HMP Camp Hill on the Isle of Wight without being given any information by prison staff on the destination he was traveling to. On this occasion, Rhys recalled how the lack of information added to the stresses and strains that he faced during the long and difficult journey to the prison. This included the added safety fears that face prisoners transferred to the Isle of Wight who are often "locked" in prison vans during ferry travel without receiving any emergency safety information (HMIP, 2014d, p.35).

Rhys: But up to reception, no breakfast [and I] was put in the sweatbox. We are driving then through the English countryside and that big horse was in the field, do you know that white horse that's in the field? We were down towards Plymouth, I was thinking 'where the fuck are we going?' So we got to a port now, [we are] going on this boat I thought 'I must be going to France' I totally didn't think nothing about the Isle of Wight, that was gone from my head I was so worried… But it was quite frightening, you don't know where you're going, you're handcuffed, you go in the sweat box, you're on a boat [and] the next minute you're away and [makes noise to replicate fog horn]. You think if this thing sinks now 'how am I going to get out of here?' You're just thinking crazy.

HMP The Verne to HMP Camp Hill: 76 miles

In its most recent study on prisoner escort, HMIP (2014d) argued that decisions to withhold information from prisoners can often be understood as part of a much wider emphasis upon security and attempts to manage risk (e.g. Beck, 1992; Feeley and Simon, 1994). This includes, for example, "valid security concerns" that are held by PECS when transferring 'high risk' Category A prisoners across England and Wales (HMIP, 2014d, p.30). The research findings in this section, however, offers support to HMIP's (2014d, p.5) claim that, in a large number of cases, information is withheld from prisoners for no "good reason". Where this happens, the accounts of former prisoners show that prisoners can often experience an added set of difficulties on-board the prison 'sweatbox'. These difficulties, as outlined by Rhys and discussed by HMIP (2014d), can also add to the difficulties facing prisoners' families who experience their own sense of confusion when loved ones are transferred to other prisons or face difficulties reaching court.

8.2.2 Going the Distance

A clear theme throughout the research findings was that extended journey times forced prisoners to endure the uncomfortable, unpleasant and confusing experiences inside the prison 'sweatbox' for longer. Although distances do not necessarily "capture" the length of time spent on-board the escort vehicle (HMIP, 2004, p.31),

the research findings showed that former prisoners often discussed travelling distance when reflecting upon their experiences inside the 'sweat box'. For example, Neil, a former prison from south Wales, recalled the added journey time he faced when traveling long distance from HMP Dartmoor to Bridgend Magistrates Court.

> **Neil**: I remember when they brought me down from [HMP] Dartmoor to Bridgend Magistrates Court and then back to [HMP] Dartmoor again in one day, that was a journey that was. It was about seven hours altogether traveling just to go to Bridgend Magistrates [Court].

HMP Dartmoor to Bridgend Magistrates Court: 156 miles

Mathew, a former prisoner from north Wales, also described the difficulties he faced when being transported long distance from HMP Peterborough to Caernarfon Crown Court.

> **Matthew**: Listen I have done it from [HMP] Peterborough all the way to Caernarfon just to get into the court for the judge to say 'Ok, see you later'… [It was] fucking terrible, it took about ten hours. Oh it was terrible.

HMP Peterborough to Caernarfon Crown Court: 240 miles

The research showed that the long distance journeys facing prisoners' are often made more difficult when prisoners are unable to access comfort breaks. The most recent survey by HMIP (2014d) found that only one in 10 ten prisoners who had travelled for more than two hours had been offered a toilet break. The same study also showed that 38 per cent of prisoners who had travelled for more than two hours had not been offered any food or drink. In support of these findings, former prisoners across Wales recalled experiencing long distance journeys without receiving a comfort break. For example, Rhys described being transported long distance without a comfort stop despite the fact that we felt very unwell during the journey from HMP The Verne to Swansea Crown Court.

Rhys: But sweatboxes, I remember them coming in, and, you know, five hours one way down to [HMP] The Verne straight non-stop all the way down. I had the flu one day and it was terrible, they wouldn't stop for you, so I got the doctor in the court. It is quite tough especially on a five hour continuous one.

HMP The Verne to Swansea Crown Court: 170 miles

John, a former prisoner from south Wales, also described his own experience of travelling inside the 'sweatbox' without receiving a 'comfort break'. When asked to reflect upon his experiences of travelling inside the prison escort vehicle, John recalled how not receiving a break along the way added to the difficult conditions he faced even when making the comparably short journey from HMP Cardiff to HMP Gloucester.

John: [exhales loudly] Killer, killer. I swear I didn't even have a break going up [to HMP Gloucester] and I was sweating and it was a hot day as well. I can remember it, I was sweating like a... and [I felt] dehydrated and they would not give us a drink or anything, I had to wait until I got to the prison to have a drink… At the time you could smoke in the vans and I was smoking like hell because, to be honest, I was crapping em [anxious] and I was smoking like hell and I was dehydrating because of the cell and all that. [It was] horrible in those sweatboxes... And you can't move in them, they are solid plastic and you sweat automatically anyway in one of them. If it's cold you sweat from the backside and when it is boiling the amount of weight you lose is unbelievable, a lot.

HMP Cardiff to HMP Gloucester: 43 miles

Although John described "smoking like hell" during his time inside the prison 'sweatbox', the research showed that long distance journeys can be problematic for prisoners wishing to smoke. Since a ban on smoking was introduced in England and in Wales in 2007, prisoners have been unable to smoke inside the prison escort

vehicle.[1] According to Howard, a former prisoner from north Wales, the smoking ban inside the prison 'sweatbox' added to the tensions he was already facing throughout the day at court. When asked to discuss his experiences on-board the prison van, it was his removal from tobacco that represented the most notable experience he faced during his journey to HMP Altcourse.

> **Howard**: Do you know what I think there is a big issue about? Smoking. Do you know what I mean? Like, you are not allowed to smoke, I know people might say it's a small thing but like when you are in the cells downstairs or the dungeons or whatever they are you can't smoke and then [again] in the sweatbox. I think for me it was my first time in prison and I was quite nervous, you just want to have a fag; I know it sounds small, but you just want to have a ciggy and you can't. But other than that, a bit tight, but it was OK.

Caernarfon Crown Court to HMP Altcourse: 89 miles

In addition to Howard, Rob, a former prisoner from north Wales, also described the problems facing prisoners who are unable to smoke inside the prison 'sweatbox'. Rob described how the ban on smoking inside the prison 'sweatbox' often meant that he looked forward to returning to prison having spent the day in court. A return to prison, according to Rob, was seen as a respite from the deprivations imposed upon him during a day spent in court and in transit.

> **Rob**: It's plastic seats, so the seats are hard but really all you want to do is get to your destination and get out of it... Yeah, the only thing on my mind was getting back to jail and having a cigarette, obviously because you can't smoke during the whole day because you are up at six o'clock in the morning [and] you have a cigarette before you go then [but] once you leave the wing that's it, you can't smoke then until you get back on the wing which can be six or seven o'clock at night and, for a smoker, that is a nightmare.

Mold Crown Court to HMP Altcourse: 33 miles

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[1] The Welsh Government announced in February 2016 that a smoking ban will be introduced into Welsh prisons by April 2017.

8.2.3 'The Deep Initial Break'

The research findings presented in this opening section have shown that prisoners can expect to face a range of difficulties when travelling long distance inside the prison 'sweat box'. In support of what limited efforts have already been made to research prisoner experiences during transfers to prison or court (e.g. HMIP, 2004; 2008; 2012; 2014d), these problems include long journey times, poor conditions, insufficient information, concerns around safety and a failure to provide prisoners with comfort breaks. Whereas deprivation theorists have largely concentrated upon the identity stripping processes that take place once a prisoner has entered the prison itself (e.g. Sykes, 1958; Goffman, 1961), the research findings in this section have already shown that the pains of imprisonment may be onset before prisoners' have even reached the prison.

For first time prisoners, long distance journeys inside the difficult conditions of the prison 'sweat box' can often present prisoners with their very first experience of the deprivations of imprisonment (e.g. Sykes, 1958; Goffman, 1961). A survey of prisoners by HMIP (2014d) showed that 40 per cent of first time prisoners spent two hours or more inside the prison escort vehicle. Of this number, HMIP (2014d) showed that 89 per cent of prisoners were never offered a comfort break while 40 per cent were not told what prison they were travelling to. For prisoners sentenced from courts in north Wales, the research showed that the prison 'sweat box' often formed a considerable part of their experience given the long distance they immediately face following sentencing. This was outlined within the accounts given to the research by former prisoners sentenced from courts across north Wales including Danny, David, Howard, Hywel, Rob and Ryan. For example, Hywel still appeared quite traumatised by his experience of travelling long distance inside the prison escort vehicle.

> **Hywel**: Oh coming through in that van, I don't want to go through that again [prison transportation]. Coming from that van in Liverpool, with that little square.

Holyhead Magistrates to HMP Altcourse: 105 miles

In addition to Hywel, an account given by Ryan, a former prisoner from north Wales, highlighted just how significant his time on-board the prison 'sweatbox' had been to him. For example, Ryan explained that it was in fact during the long distance journey inside the prison 'sweat box' from Caernarfon Crown Court to HMP Altcourse where he began to come to terms with his new identity as 'prisoner'.

> **Ryan**: You just think about what has just happened, obviously it hadn't sunk in properly then, what was going on. It didn't feel real, it was mad, I had never felt like that before. Obviously it gives you time to think about what just happened. It didn't feel real, it didn't feel like it was happening to me, I thought I am just gonna, I know it sounds like a cliché, but I thought I was going to wake up and it wasn't going to be true.

Caernarfon Crown Court to HMP Altcouse: 89 miles

The research findings presented throughout this section provide a unique insight into a previously unexplored area of custody. The accounts of former prisoners have shown that journeys inside the prison 'sweatbox' can present prisoners with very difficult experiences. These include the 'pains' facing prisoners when confined, held, and transported over long distances inside conditions that, according to the accounts of former prisoners, resemble some kind of temporary experience in solitary confinement. Although there is little research on the prison 'sweatbox' to draw upon, studies on the use of confinement and isolation in prison show that the conditions facing prisoners inside the prison sweatbox can potentially add to the confusion, suffering and stresses facing prisoners (e.g. Benjamin and Lux, 1975; Brodsky and Scogin, 1980; Toch, 1992).

For first time prisoners, the conditions inside the prison 'sweatbox' can present them with an introduction to some of the 'pains' or 'deprivations' of imprisonment'. The research has shown that it is within the confines of the prison 'sweatbox', a space "cut off" and "enclosed" from the outside world (Goffman, 1961, p.11), that first time prisoners travelling long distances may begin to experience the "deep initial break" with the identities they once held within the social arrangements of the 'free world' (Goffman, 1961, p.26). For first time prisoners, such as Ryan, the prison 'sweat box' is

a space where they will begin to "take on" aspects of their new identity as 'prisoner' in an environment where they can often be confined for long periods in isolation.

Although the problems described in this section are not exclusive to prisoners from Wales, the issues that have been outlined in this research can clearly be understood as having an impact upon the identity of Welsh prisoners. This includes prisoners sentenced from courts across north Wales who face a long distance journey to their 'local' prison as well as Welsh prisoners dispersed across the prison estate who repeatedly experience long distance journeys inside the difficult conditions of the prison 'sweat box' throughout all stages of their sentence.

8.3 Welsh Identity and 'Pains of Imprisonment'

The research findings presented in chapter six showed that distances facing prisoners can lead to a loss in family contact. While the potential breakdown of family relationships can be understood as a 'pain of imprisonment' in its own right, this section of the chapter explores the way in which Welsh prisoners experience a distinct set of 'pains' when held as a minority population group in England. These separate, yet related issues around distance, were highlighted by Nicolas, a former service provider, when recalling his experience of working alongside offenders from Wales.

> **Nicholas**: So there are two issues there, one is the distance from home to wherever they are and secondly, are they in an environment which is culturally estranged? Do they feel a distinct minority? Do they feel out of place? Do they feel uncomfortable? Quite apart from the logistical issues of how easy is it for their families to visit them and so on and so forth.

The problems presented to Welsh prisoners in England emerged as a dominant theme throughout the research. In this section, the accounts of former prisoners and service providers will be used to provide a description of the 'pains of imprisonment' that Welsh prisoners face when held as a minority in England. Although a number of former prisoners included within the study had experienced prison life in Wales, their accounts do not form part of this chapter's discussion.

However, a case study of one former prisoner's experience will also be used to discuss the 'pains' facing Welsh-speaking prisoners as a minority when held in Wales.

8.3.1 Relations between Welsh and non-Welsh Prisoners

Research on minority experiences of imprisonment has shown that prisoners often encounter difficulties when coming into contact with other groups of prisoners (e.g. Cheliotis and Liebling, 2006; Diaz-Cotto, 1996; 2006). The theme surrounding 'inmate relations' was largely developed by the accounts of former prisoners who had once been held at HMP Altcourse in Liverpool. Unlike other prisons in England, the large number of Welsh prisoners held at HMP Altcourse meant that the prison's social hierarchy had a much stronger 'Welsh feel' or presence. The elevated status held by Welsh prisoners at HMP Altcourse meant that Welsh prisoners were more likely to be involved in conflicts over the control of the prison's illicit economy. For example, David, a former prisoner from north Wales, described how conflicts over the prison economy at HMP Altcourse involved groups of Welsh prisoners pitting themselves against other dominant groups including local prisoners from Liverpool.

> **David**: Oh yeah all the time, mostly Welsh and scousers, all the time…
> Yeah in [HMP] Altcourse, all the time [fights]… It's just who is running
> the wing basically, who is running the drugs, the bets everything
> really, who is top dog in the wing.

Steve, a former prisoner from north Wales, also recalled how tensions between prisoners were often fought over by groups divided by 'local affiliation' (e.g. Phillips, 2008).

> **Steve**: There was a lot of them before I left [prison] between the English
> and the Welsh fighting over drugs.

Beyond control over the prison hierarchy, Ryan, a former prisoner from north Wales, described how Welsh prisoners face derogatory stereotypes when held in English prisons as the minority. For example, Ryan recalled how his 'Welsh sounding'

cellmate at HMP Stoke Heath was often subjected to derogatory name calling by other prisoners.

> **Ryan**: The lad that I was with, he was from Bangor and he sounded Welsh so a few people used to take the piss out of his voice and call him a 'sheep shagger' and things like that.

Wendy, a service provider in north Wales, also claimed that Welsh prisoners are subject to derogatory treatment by other prisoners when held in England. For example, when asked if tensions exist between prisoners, Wendy explained that Welsh prisoners are often seen as an easy target when held as a minority in English prisons.

> **Wendy**: Welsh prisoners and English prisoners yes, but more so the younger ones, not really the thirty or forty year olds… Yes they have all got this testosterone running round them and it's like 'who can we have a go at today? Who is a little bit different? Ooo the Welsh lads'.

Richard, a former prisoner from north Wales, also recalled the problems he faced as a young Welsh prisoner in England during his very first time in prison. On top of the concerns he had about entering a prison for the very first time, Richard recalled his experience of being 'singled out' as a Welsh prisoner.

> **Richard**: [The] first time I went to prison was very scary, do you know what I mean? I don't care what anybody says, because you don't know what you're walking into. And yes [HMP] Hindley was a real tough joint when I went in there. If you were coming from Wales you were really singled out to begin with.

In chapter three, the research outlined the efforts that have been made to improve the delivery of resettlement services to Welsh prisoners at HMP Altcourse. In 2007, this included the Welsh Assembly Government's decision to invest £100,000 on a purposive build North Wales Resettlement Unit. The services made available to Welsh prisoners at HMP Altcourse, including TSS and Prison Link, were described by HMIP (2014a) as a potential model for authorities in England to adopt. The

accounts of service providers, however, also reflected upon how these services have been responsible for increasing tensions between English and Welsh prisoners at HMP Altcourse. According to Kirsty, a service provider in north Wales, staff at the prison have been made aware of the resentment towards Welsh prisoners because of the services being made available to them by the Welsh Government.

> **Kirsty**: Apparently the officers who are on the console on the wings, there are usually two officers to about seventy eight prisoners or something on that scale, apparently there can be the feeling that because the Welsh prisoners have so many services available to them that there could be violence from the homeless English prisoners towards the Welsh prisoners because it's like 'they've got everything and we've got nothing'. So I think, from an operational point of view, it has caused some tension.

Anwen, a service provider based in north Wales, also recalled that discrepancies in support services have led to tensions amongst prisoners at HMP Altcourse. For example, Anwen described the efforts being made by some English prisoners to lay claim to a 'Welsh identity' in order to try and take advantage of the services being offered to Welsh prisoners held there.

> **Anwen**: That causes tension you know… Definitely. Lots of the men will even say 'oh I am going to say that I need to go back to Wales at least I will have 28 days in a B & B'.
>
> **Researcher**: And they are not Welsh?
>
> **Anwen**: No. 'Oh I want to go back to Wales'… so many prisoners have asked to see me in the past trying to say that they want to be you know, considered being Welsh because of the rights of the Welsh prisoner.

In addition to the arguments that have already been outlined, some former prisoners either played down the hostilities or told the research that they had witnessed no trouble between 'English' and 'Welsh' prisoners. For example, former prisoners gave the following responses when asked if they had encountered any

tensions between English and Welsh prisoners during their time held in English prisons.

> **Rob**: No

> **Howard**: No, not particularly

> **Michael**: Yeah, not bad [though].

> **Richard**: You would get tensions between prisoners but I think once you get in there and you get on a wing and everything gets sorted out, you might have rival kind of factions, but it is not a major issue, especially in adult jails.

Jamie, a former prisoner from south Wales, recalled how tensions between prisoners at HMP Altcourse were often worse between other 'local' identities than those between English and Welsh prisoners.

> **Jamie**: Yeah you used to see more tensions between the Manchesters and Scousers even though I was in their jail… I found there was more attitude between the Manchesters and the Scousers and the Geordies and the Mancs than the other three and the Welsh put together.

In other accounts, the research found that Welsh prisoners might even seek a transfer to English prisons. In chapter six, an account given by Neil, a former prisoner from south Wales, argued that Welsh prisoners are occasionally held in Wales against their will based upon the perception that prisons in England offer prisoners better services. This argument might include services for drug offenders after HMCIP (2015a, p.64) recently reported that prisons in Wales are "lagging behind" the services being offered in England.

> **Neil**: The jails themselves, they are just better run… Yeah the English run prisons are a lot more accommodating… the Welsh jails don't seem to get half of the things that are in place for people in English prisons, they seem to have the rough end of the deal.

In another example, Steve, a community chaplain based in Swansea, explained that longer-term prisoners can occasionally seek a transfer to other prisons including those 'across the border' in England. This decision is based upon the fact that prison regimes in Wales might be limited in their capacity to provide prisoners with the services they require depending upon the length or their sentence.

> **Steve**: Others will get 'D-cated' and they are dying to go to [HMP] Prescoed or across the border. It's depending on what they want to do; because we are such a short-term [prison] our education department is good but it just does short-term courses, so some actually want to go away to get trained.

Although not every former prisoner who took part in the research recalled experiencing hostilities when held in English prisons, the research findings offer support to existing research that a minority identity in prison can often add to the strains that prisoners face throughout the course of their sentence. This includes violence over the control of the prison hierarchy (Genders and Player, 1989), name-calling as well the use of derogatory stereotypes towards minority groups of prisoners (Cheliotis and Liebling, 2006). The research also showed that tensions between prisoners might emerge as a consequence of apparent discrepancies between services being made available to English and Welsh prisoners. This includes differences between the services being made available to prisoners within devolved pathway areas including housing and substance misuse (e.g. HMCIP, 2014a; HMCIP, 2015a). This argument supports Diaz-Cotto's (1996) study which found that tensions existed between Spanish and non-Spanish prisoners because of perceived differences in the services made available to prisoners.

8.3.2 Relations with Staff

Prisoner interactions with prison staff are an inevitable and indeed important feature of prison life. Liebling et al (2011, p.83) argue that the relationships between prisoners and prison staff are central to determining the "quality" of prison life. While the emergence of 'softer' forms of penal power have supposedly allowed prison staff to become "less authoritarian" and viewed as "more approachable" to prisoners (Crewe, 2008, p.457), relationships between prisoners and staff must still

be viewed alongside the fact that prison staff maintain power, authority and control over the social order of the prison (e.g. Sim, 2007; 2009). According to Drake (2008, p.155), the fact that prison officer power is "imposed upon prisoners" can often undermine the legitimacy and strength of the relationships that prisoners and prison staff are able to forge together.

It is perhaps unsurprising, therefore, that the accounts of former Welsh prisoners reflected more critically upon the difficulties they encountered with staff rather than other prisoners. This included descriptions by former prisoners of the stereotypes attached to Welsh prisoners by prison staff when held as a minority in England. For example, while playing down the suggestion that tensions exist between Welsh prisoners, Lloyd, a former prisoner from south Wales, recalled the negative comments that prison staff had directed towards him on the basis of his Welsh identity when held in an English prison.

> **Lloyd**: So yeah you get a bit of that, but as for the boys in there [prisoners], no it's not as bad as it seems with inmates. With officers you might get a bit of stick.

> **Researcher**: What kind of stick?

> **Lloyd**: You taffy whatever, that sort of thing you know? And if you're Welsh you're daft, that's another stigma. They think we are daft as brushes you know? And that's another stigma we got like you know. 'Ah you Welsh you've got no brains', 'oh from the valleys you sheep shaggers' you know. But that is what they say in there 'you sheep shaggers, oh you haven't got a brain cell between you all'. That's what it is… Yeah, that is from screws. You get the banter with the boys, but the officers are a bit different, they think we are all daft.

John, a former prisoner from south Wales, also recalled his experience of being subjected to stereotypical name calling by prison staff in England. While Drake (2008, p.154) argued that the legitimacy of staff and prisoner relationships are often "vulnerable" to problems, John's account explained how the strength of these relationships can be more strained when Welsh prisoners experience name-calling

from prison staff. John perceived his Welsh identity to be central to the way in which he was negatively treated by prison staff when held in England.

> **John**: Much better, the officers would treat you much better; they treat you with certain respect [in Wales]. The English officers… they don't speak to you in that [same] way. You know, they have got to give the Human Act rights [Human Rights Act 1998] they have got to treat you the same as every other prisoner, but they don't speak to you like every other prisoner. Taffy this, Taffy that. I have been called a Welsh sheep shagger by the officers all because I wouldn't put my plate back he said it was my plate I said 'no' [it wasn't] he said 'I know it's yours' so I said 'I'll go up to my cell then'. I said 'I'll go up and get mine now and wash mine because it's still up there' and he said 'You Welsh sheep shagger', so I went up and just proved it to him and he was like 'oh that isn't yours you have just had it out of your next door neighbours' and I thought 'ah fuck it'.

Cheliotis and Liebling (2006) found that the most significant form of prejudice facing prisoners' came through the discretionary power held by prison staff over the day-to-day running of the prison. A study by Edgar and Martin (2004, p.iv) also found that the "unconscious" behaviours of staff led to prisoners being "disadvantaged" in ways that made it very difficult to prove that any discrimination had in fact taken place. The accounts of former prisoners explained how prison staff in England could 'unconsciously' treat them differently on the basis of their Welsh identity. For example, Lee, a former prisoner from south Wales, perceived that prison staff at HMP Hewell went about their day-to-day tasks in a way that often disadvantaged him and another Welsh prisoner based upon their identity as Welsh prisoners. Lee once again emphasised that the problems facing Welsh prisoners in England largely centred on relationships with prison staff rather than other prisoners.

> **Lee**: I had more problems off the screws than the prisoners…[They were] just always targeting us like, because obviously we were put together because we were both from Cardiff [and] our door would be opened last or we would always be banged up first or they would always stitch us up with food. It was always just the little things, like if

we were playing football somehow your name would be crossed off and it would be a different boy, or the gym.

The accounts of former prisoners also reflected upon the discretionary power held by prison staff in England when encountering Welsh-speaking prisoners in England. The views of former prisoners supported the findings within existing research which show that prison staff in England often demonstrate negative attitudes towards the use of Welsh amongst prisoners (e.g. Cwmni Iaith, 2008; Hughes and Madoc-Jones, 2005; Madoc-Jones, 2007). For example, Richard, a former prisoner from north Wales, described his own perception that prison staff in England disliked Welsh being used amongst prisoners.

> **Richard**: …but yeah some of the others didn't like it, especially the prison officers wouldn't like it if they started talking in Welsh because they wouldn't have a clue.

> **Researcher**: What would they do?

> **Richard**: There is not a lot you can do, they can't stop you using your own language can they?… I don't know if they showed dissatisfaction with it or anything like that but you could see they didn't really like it. They can't stop you from speaking your own language. Simple as that. But yeah, they don't like it.

Beyond the "unconscious" behaviours that are responsible for prisoners experiencing negative treatment from staff (Edgar and Martin, 2004, p.iv), research participants also highlighted the deliberate and conscious efforts made by prison staff in England to try and prevent Welsh prisoners from speaking to one another in Welsh. This included Danny, a former prisoner from north Wales, who recalled witnessing prison staff at HMP Stoke Heath trying to actively stop prisoners from speaking to one another in Welsh.

> **Danny**: In [HMP] Stoke Heath, one of my mates was talking Welsh to another mate and one of the guards came over and said 'You have got to stop speaking Welsh' and he was like 'Why it's my first language'

and he said 'yeah but you are not in a Welsh prison you can't speak Welsh in this prison'. So they kicked off and that.

In addition to former prisoners, Anwen, a former Welsh-speaking chaplain at HMP Altcourse, compared how prison officers at HMP Altcourse used their discretionary power differently when encountering Welsh-speaking prisoners. This included acknowledging that a handful of prison officers occasionally prevent Welsh-speaking prisoners from speaking to one another in Welsh.

> **Anwen**: I have heard of that happening [prisoners being stopped from speaking in Welsh by prison staff]. But that is ignorance, there have been complaints about it but it's just a few officers. You have got horrible officers... you have got fantastic officers and you have got one or two horrible ones… The institution would say that 'oh we are trying our best and we've got an our diversity group and we've got this and we are ticking all the boxes' but in reality? No, it's poor, it's very very poor.

In an environment centred upon control, order and security, the difficulties facing Welsh prisoners can be understood alongside those facing other minority groups in prison. For example, a study by Urbina and Smith (2007) found that Spanish-speaking prisoners in the United States are often prevented from using their first language in prison. DeJesus-Torres (2000) also discovered that Spanish-speaking prisoners in the United States can be punished for speaking Spanish amongst one another (DeJesus-Torres, 2000). Diaz-Cotto (1996) explained that within the controlled environment of the prison, the use of a non-English language is often perceived by prison staff to be an act of defiance.

In 2007, the Welsh Affairs Committee (2007, p.34) was told that decisions to prevent the use of Welsh in prison were often taken by prison staff because its use is viewed as a potential "security" threat to the order of the prison. The suspicious attitudes held by prison staff in England were described by Anwen when asked to discuss her experiences of working with Welsh prisoners at HMP Altcourse. In particular, Anwen recalled an instance where she had confronted a prison officer who was suspicious of two prisoners speaking Welsh to another on the wing.

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Anwen: Yeah, and I have had the [gesture to be quiet]... because I turned round to one [prison officer] and said 'no it's his right to speak in Welsh'... 'Well tell me, what is he talking about?'... I said 'he is talking about somebody that has died on his street' and I said 'it is the grandfather of someone that was in here a while ago'... 'Oh that's what he says'... 'No, that's what he does say because I have understood him'... 'Aren't they talking about us?'... And I said 'No, they have got better things actually to be talking about than you because they are talking about this bereavement'... Just things like that that drive me potty. Just total ignorance you know?

Beyond the experiences that Welsh-speaking prisoners' face in England, former prisoners were far less critical of staff behaviour in Wales. This included accounts of Welsh being used by prison staff in Welsh prisons. For example, Osian, a former prisoner from south Wales, recalled speaking Welsh to prison officers during his sentence at HMP Parc.

Osian: A few officers used to speak Welsh to us, [the] ones from around Bridgend and Llanelli. They used to speak Welsh to us.

Selwyn, a community chaplain based in Swansea, also recalled his experience of hearing Welsh spoken amongst prison officers at HMP Swansea.

Selwyn: Some staff speak Welsh, I have heard staff speak Welsh amongst themselves.

In another example, Mark, a former prisoner from south Wales, described the position he held as a Welsh-speaking teaching assistant while held at HMP Parc in Bridgend.

Mark: I was actually, in jail, a Welsh teaching assistant. They have got a Welsh class in [HMP] Parc and that was my job to help out in the class.

John, a former prisoner from south Wales, also recalled coming across prisoners speaking Welsh during his time at HMP Cardiff. This experience appeared to confirm John's view that the use of Welsh amongst prisoners in Wales was treated very differently than by prison staff in England.

> **John**: Yeah it was in [HMP] Cardiff, it was in a Welsh prison [where he heard Welsh being spoken]. You wouldn't be able to speak it in an English prison because you would get done over most probably [beaten up].
>
> **Researcher**: By?
>
> **John**: By the English, because you are speaking another language.
>
> **Researcher**: By English inmates?
>
> **John**: Yeah, and the officers. When you're speaking another language they don't like that at all, the officers don't.

The accounts of former prisoners and service providers reinforce the view that day-to-day encounters with prison staff can impinge heavily upon prisoners' experiences (Liebling, 2011). The research showed that the discretionary behaviour of prison staff can often be a source of added strain for Welsh prisoners held in English prisons (Edgar and Martin, 2004). This includes the attempts made by some prison staff to try and prevent the Welsh language being spoken amongst prisoners (e.g. Cymni Iaith, 2008; Madoc-Jones, 2007; Welsh Affairs Committee, 2007). Whereas tensions between Welsh and non-Welsh prisoners were largely played down as 'banter', negative treatment from prison staff took on added meaning within the accounts of former Welsh prisoners. This can perhaps be explained by the fact that relationships between prisoners and prison staff are often underpinned by questions of power, authority, order and control (Drake, 2008; Crewe, 2011). The negative experiences faced by Welsh prisoners in England, therefore, can contribute to the "legitimacy problems" that underpin the relationships between prisoners and prison staff (Drake, 2008, p.154).

8.3.3 Case Study: Welsh in a Welsh Prison

The research findings presented in this section provide a descriptive account of the experiences shared by Siôn, a former prisoner from south Wales, when held at a prison in Wales. As outlined in chapter five, Siôn was purposively recruited as part of this research to discuss the experiences he faced as a Welsh-speaking prisoner held at HMP Cardiff. The accounts taken from Siôn, while certainly unique to his own experience, provide this research with an insight into the 'pains of imprisonment' that potentially face Welsh-speaking prisoners when held in Welsh prisons.

In 2012, Siôn arrived at HMP Cardiff to begin the start of a short custodial sentence. After disembarking the prison van and making his way into the prison's reception area, Siôn was presented with a number of written documents that he was required to read and sign as part of his admission into the prison. After prison staff had presented him with forms written only in English, Siôn requested if staff could provide him with written documentation in Welsh in accordance with the provisions set out within the Welsh Language Act 1993. In response to his request, prison staff refused to provide Siôn with written material in Welsh. This refusal led to a standoff between Siôn, who would refuse to sign the English only documentation, and prison staff, who continued to deny Siôn's request to provide a form to read and sign in Welsh. After refusing to sign the English only form upon admission, Siôn began his account by recalling how prison staff immediately responded to him as an 'awkward' prisoner.

> **Siôn**: So when I went there and I said 'Oh I am sorry', which I always tried to be respectful, I said 'I am sorry I cannot sign your form because it is not in Welsh, have you got a bilingual one?'. And obviously then (a) it takes them by surprise and (b) they just think you are being an awkward prisoner and they think right we will sort you out now… They weren't like 'oh hang on we will have a look now, yes we have got it on the computer but we will have to print it' or anything. It was 'you're being a twat with us, you're being a twat'.

In an attempt to try and resolve the situation, Siôn recalled the ways in which prison staff used their discretionary power differently to try and encourage him to comply with the demands being made by officers. The behaviour of prison staff indicated to Siôn that officers had failed to realise that he had a genuine grievance at not being presented with a Welsh only form upon arrival. Within his analysis of prison officer culture, Scott (2008, p.177) identified that the ways in which prison officers can deny prisoners any sense of "victimhood" as soon as they enter the arrangements of the prison. This includes, according to Scott (2008, p.177), the "rights" or entitlements that are associated with the status of being a victim. This "denial of victimhood" (Scott, 2008, p.178) was experienced by Siôn who expressed how prison staff had almost immediately constructed him as an 'awkward prisoner' rather than a prisoner with a distinct set of linguistic rights.

> **Siôn**: They were swearing, they were all different, they all had different ways of trying to tackle awkward prisoners, which is what I was to them. They didn't see anything else, they didn't see the issue, Welsh-speaking or not, I was just an awkward prisoner. So you had the ones who were very military, calling you effing this and effing that, trying to be intimidating. Then you had the ones who would try and talk to you rationally, who still didn't have a clue about the issues involved with the Welsh language and what I was trying to do but they were trying to go about it another way and trying to persuade me 'just sign the form it doesn't mean anything just sign it'.

As the standoff continued, Siôn described how prison staff began to use alternative tactics to try and encourage him to sign the English only form. This included threatening to remove certain 'privileges' from Siôn if he did not comply with the requests being made by prison staff at reception.

> **Siôn**: And then they had the attitude, the swearing, and the shouting [and] the 'get to your cell, you're not having anything, we are taking your privileges off you, we are taking this and that away from you'. [They were] trying to beat you into shape in a way, beat as in not literally, as they would do with any other prisoner that was giving them what they would call grief over any other issue.

The perception held by staff that Siôn was an awkward prisoner only added to the anxieties that he was already facing upon his arrival to prison. This included concerns about the way in which his 'awkward' behaviour might lead into tensions with other inmates once he was transferred onto the prison wing. Siôn also recalled the fears he held about the way in which he was going to be treated by prison staff. These anxieties, according to Siôn, were heightened after prison staff purposively reminded him that his time at the prison could be made more difficult by prison staff who held control over every aspect of the day-to-day life running of the prison (e.g. Liebling, 2000; Liebling et al, 2011).

> **Siôn**: I was fearful of, you know, when you were doing it in front of a room of other inmates you were fearful of 'what if I get back to the wing and I start getting grief off someone because of this?' Also, I was fearful of the guards because they were saying to me 'in here we control everything, we control your food, visits, your phone calls, you play difficult with us we will play difficult with you'. So in effect they were threatening to deny me all sorts of basic rights. I haven't been in and out of prison, I was thinking 'oh if I refuse to sign this now are they going to chuck me in solitary or something?' So you always thought 'what is going to happen next?'

When reflecting upon his experiences as a whole, Siôn explained that the entire situation was underpinned by the fact that prison staff failed to understand what Siôn was entitled to receive. The "denial of victimhood" (Scott, 2008, p.178) included ignoring the provisions set out within the Welsh Language Act 1993 to safeguard the rights and entitlements of Welsh speakers.

> **Siôn**: So on the ground the guards have got no awareness of Welsh language needs or rights or anything. And then from the top it took days and days to trickle down to get my phone calls, but at the same time, I was still facing verbal abuse from the guards. They didn't change their attitudes all the way through… What they didn't understand was that I have got a human right to speak Welsh in a

Welsh prison… it's like the Welsh Language Act 1993 hasn't even entered the prison system. [2]

Despite the fact that some provisions for Welsh-speaking prisoners might have been available 'on paper', Siôn claimed that these provisions had not been put into practice at the prison. This meant that Welsh language services were not available to prison staff or Siôn during the first few days of his sentence.

> **Siôn**: Although they have got a language policy on paper it has never been enacted… despite what they say [the prison] and despite what they have said since I have been there [since his release], there is no provision for Welsh speakers in [HMP] Cardiff. There is provision there on paper or in cabinets hidden away or on computer files somewhere that they haven't printed off, but it has never been considered.

The account given by Siôn also raised further questions about the future of Welsh language services in Welsh prisons. For example, while much of the focus is often placed upon Welsh-speaking prisoners held in England (e.g. Cymni Iaith, 2008; Madoc-Jones, 2007), Siôn explained that the debate would continue to reflect this unless Welsh-speaking prisoners took a similar stance to the one he had taken upon entering HMP Cardiff. Only then, according to Siôn, will the difficulties faced by Welsh-speaking prisoners in Welsh prisons become a more dominant theme within debates on imprisonment in Wales.

> **Siôn**: I doubt they will get another prisoner [say] for another ten years who will go in there and say 'oh I am not signing your form because it's not in Welsh'. It's not a natural environment for people to stand up for their rights, their linguistic human rights. I have done it because I want to draw attention to the fact that it doesn't get done…So while no one is doing that [insisting upon provision], Cardiff prison haven't got a problem with the Welsh language. But obviously they [the prison]

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[2] Although Siôn's account referred explicitly to the failings of the Welsh Language Act 1993, this argument may also extend to the Welsh Language (Wales) Measure 2011. The effects, or otherwise, made by the Welsh Language (Wales) Measure 2011 to Welsh language provisions in Welsh prisons is discussed in chapter nine.

have got a duty and a responsibility to provide these things side by side so people haven't got to ask or haven't got to be embarrassed in front of other inmates or guards and it's just there and if the form is bilingual they can fill it in how they want. We are in Wales and it should be like that.

In summary, the research findings presented throughout this section have shown that Welsh prisoners face a number of 'pains of imprisonment' when held as a minority in English prisons. This includes experiencing tensions from other prisoners as well as the perception that Welsh identity is responsible for prisoners experiencing negative or derogatory treatment from prison staff in England. The research findings also reveal that Welsh-speaking prisoners can experience minority related 'pains' even when held in Welsh prisons. These findings, although based entirely upon one prisoner's experiences, offer support to Madoc-Jones and Buchanan's (2004, p.323) claim that Welsh speakers are likely to experience "linguistic discrimination" when coming into contact with criminal justice agencies in Wales. Against the backdrop of the difficulties facing Welsh prisoners as a minority group in prison, the following section is going to discuss the patterns of social interaction amongst prisoners with a 'local' identification to Wales when held in prisons across England.

8.4 'Welsh Inmate Culture'

The concept of an inmate culture or prisoner society was developed by scholars to understand the collective responses made by prisoners to thee hardships or 'pains' presented to them by imprisonment. For groups held as a minority in prison, these 'pains' can often include those directed towards them on the basis of their distinct or minoritised identity (e.g Cheliotis and Liebling, 2006; Diaz-Cotto, 1996; Genders and Player, 1989). The research findings in this section show that the identity specific pains facing Welsh prisoners, as described in the previous section, are responsible for shaping patterns of social interaction amongst Welsh prisoners in England. Although the research findings do not represent the views of all Welsh prisoners, including their experiences of inmate relations in Welsh prisons, the accounts of former prisoners show that a shared sense of 'affiliation' to Wales is key to shaping Welsh prisoners' experiences in English prisons (Phiilips, 2008).

8.4.1. Welsh 'Postcode Pride': Sticking Together

Former prisoners interviewed throughout the research were asked to reflect upon their experiences or encounters with other Welsh prisoners. The accounts given by a number of former prisoners showed that they had come across Welsh prisoners in almost every single prison they had been sent to in England. For example, Jamie, an experienced former prisoner from south Wales, reflected upon the fact that he had come across Welsh prisoners within a number of different prisons in England.

> **Jamie**: Your Welsh boys are in any jail you tend to go to. I found even though I went as far as [HMP] Dartmoor [that] there were lads from Cardiff I knew down there, even though I went as far as Middlesbrough there were lads from Cardiff I knew up there. Because of the overcrowding, everybody is moved about.

Rhys, a former prisoner from south Wales, also outlined the fact that Welsh prisoners are often held in prisons across England when reflecting upon coming across Welsh prisoners at HMP The Verne.

> **Rhys**: This is [HMP] The Verne yeah, [in] all the English jails the Welsh stick together, and there are Welsh in every English jail.

The research showed that for Welsh prisoners sentenced to HMP Altcourse, coming into contact with other Welsh prisoners was almost an inevitable an part of their experience. This was outlined by a number of former prisoners who recalled the presence of Welsh prisoners at HMP Altcourse during their time at the prison

> **Michael**: There are more Welsh in there then there are Scouse… Ah it's full of them… Holyhead, Bangor, Llandudno,.

> **Jamie**: Yeah, yeah there was yeah [prisoners] from Anglesey, Rhyl, Wrexham, Bangor you know like Mold and even like west Wales you know Carmarthenshire and people from Anglesey as well, over the Britannia Bridge, you know. There are a lot of people from Anglesey

in that prison… Yeah every jail I have been in there's have always been Welsh, trust me.

Danny: [HMP] Altcourse is slightly different because there are so many wings and the Welsh lads are spread out on all of them… There was a lad from Nefyn, there were lads from Blanau Ffestiniog, there were a couple of lads from Bangor and a couple of lads from Wrexham.

Howard: Yeah, there was actually. On that wing it was mostly Welsh lads to be honest with you, Caernarfon, Bangor, Holyhead, Anglesey, Wrexham, there were a lot of lads from Wrexham. [There are] a lot of Welsh lads in [HMP] Altcourse

According to Anwen, a former Welsh prison chaplain, one of the housing units at HMP Altcourse had even been unofficially renamed to reflect the fact that such a large number of Welsh prisoners are held there.

Anwen: Yes, yes there is one wing in [HMP] Altcourse, the name of the wing is Valentine Green. I don't know if you remember that? Val Green they call the place, but they have actually renamed it Caernarfon Green.

A key theme to emerge from the accounts of former Welsh prisoners was the argument that prisoners, when held as a minority in England, would stick together. Although former Welsh prisoners recalled coming across prisoners from different towns and areas of Wales, the research supported Crewe's (2009, p.320) claim that any concept of hyper-local identity is often replaced by the sense that it is "prudent to stick together" when prisoners are held as a minority. A sense of 'Welsh postcode pride' amongst prisoners was outlined by Richard, a former prisoner from north Wales, who explained that more localised forms of identity are often replaced with an affiliation to Wales.

Richard: Yeah, yeah you do. You get on the wing and then you have all your different bits or you would have a bunch from Wrexham and

all that and if there wasn't many… but all of the Welsh really would stick together… [on inmate culture] Yeah of course there is, yeah there is. You stick with your own, don't you? It doesn't matter if you don't know them.

Lloyd, a former prisoner from south Wales, also explained that prisoners from across different parts of Wales would often come together to form one single group or network when held in prisons in England.

> **Lloyd**: Yeah it was nice to see a few faces from Wales, it doesn't matter where you're from as long as you're Welsh and you're there. I was in [HMP] Dartmoor, there are Welsh people from all over the place even though it's an English prison, it's big, we had one side of the yard and you look across the yard and you see all the Welsh guys all alongside the wall. You know, from Cardiff, Swansea, Valleys [or] wherever, there was a big line of us and all the English guys just mingled together and were doing whatever, you know? We just kept to ourselves, we mingle but when we go out to the yard we just chat to each other because we all know each other from whenever.

Danny, a former prisoner from north Wales, also explained that hyper-local differences take on far less importance when Welsh prisoners are held as a minority in England. For example, Danny emphasised that Welsh prisoners 'stick together' in English prisons regardless of what part of the country they are from.

> **Danny**: No, as soon as you get to jail all the Welsh lads stick together, it doesn't matter where you are from. I was on a wing with someone who [name of support staff] knows and there was a lad on there from Bangor and other lads were there from Caernarfon. But we all got on really well, there was no arguing. It doesn't really matter where you are from when you are in jail you have got to stick together.

8.4.2 Mitigating Pains

The accounts of those interviewed throughout the research suggested that the 'need' to 'stick together' was often in response to the perceived difficulties that face Welsh prisoners as a minority identity in England. The research showed that the strong bonds formed between Welsh prisoners enabled them to build up a reserve of social capital that can be used to help them cope with the strains they face as a minority identity in English prisons (e.g. Burt, 1997). A study by Toch (1977) found that vulnerable members of the prison population will often seek refuge within 'sub-environments' inside the prison itself. These separate spaces or social systems, according to Toch (1977, p.237), can offer prisoners some kind of sanctuary or "niche" through which to ameliorate the 'pains' that they are confronted with (Toch, 1977, p.237). The bonds between Welsh prisoners were found to include offering one another a sanctuary from physical threat and violence from other groups of prisoners (e.g. Diaz-Cotto, 2006). For example, Wendy, a service provider in north Wales, explained that bonds between Welsh prisoners at HMP Altcourse are often formed to provide physical security from other groups of prisoners who stick together based on 'local affiliation'.

> **Wendy**: Particularly in [HMP] Altcourse if they have got groups of young scouse lads, because the YO's [Young Offenders] are notorious anyway from what the lads say, the scouse ones really stick together so you will have a group of scouse YO's on a wing and the Welsh lads 'well we have got to stick together or they will just rip us apart'... Even if they absolutely hate each other on the outside it's like 'well we are all in the same boat'.

Former prisoners also perceived the existence of a Welsh inmate culture in England as something designed to help Welsh prisoners ward off the physical threats posed to them by other groups of prisoners. For example, separate accounts by John, Mark, Neil and Danny showed that sticking together is often perceived as a way to mobilise support from other prisoners to help overcome any threats or problems Welsh prisoners face when held as a minority in England. The success of this strategy may well be responsible for the earlier accounts given by former prisoners who largely played down talk of any tensions between Welsh and non-Welsh prisoners.

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John: You will find that they [Welsh prisoners] stick together. They have got to or otherwise, some prisoners are alright but others are racist as hell – English and the Welsh – racist as hell. They will jump you in the showers, they cut you up just for the fun of it, do you know what I mean?

Mark: There were a few Welsh boys there so obviously we would stick together and that. It's no different really, they don't really like us down there [in England].

Neil: Yeah, in whatever jail they [Welsh prisoners] tend to group together. If I was up in an English jail now and there was a Swansea boy on the wing, I would be having it with him and he would be having it with me. We would have each other's back.

Danny: Sometimes, it's like the Welsh lads we just keep ourselves to ourselves and if anyone causes us problems then we deal with it together.

In addition to physical security, the research also showed that the social bonds formed through 'local identification' can help prisoners to reclaim a sense of identity that once existed outside of the prison (Crewe, 2009; Phillips, 2008). The accounts of former prisoners explained how this sense of shared identity provided them with comfort and support as soon as they arrived into prison in England. For example, Siôn, a former prisoner from south Wales, recalled the 'welcome' he received from other Welsh prisoners upon his arrival at HMP Gloucester.

Siôn: There were a lot of Welsh people in [HMP] Gloucester, so you did have a welcome amongst the other prisoners.

Danny, a former prisoner from north Wales, also recalled how he immediately struck up relations with other Welsh prisoners, including those already known to him, as soon as he arrived at HMP Altcourse.

> **Danny**: There were a couple of lads from Rhyl, there were a couple of lads from Mold, there were a couple of lads from Wrexham. As soon as I landed on the first wing there were five lads I knew straight away so I started chatting to them, on a wing of about eighty there were about fifteen Welsh lads the rest of them were from Notts Counts, Stoke on Trent, Manchester, Liverpool...

The research also showed that bonds between Welsh prisoners could be mobilised to ward off feelings of isolation when held as a minority in English prisons. These feelings of separation may include the strains being felt by Welsh prisoners who are unable to maintain prison visits when held in English prisons many miles from home (e.g. Blevins et al, 2010). An account given by Steven, a former prisoner from north Wales, outlined the comfort he felt knowing he had other Welsh prisoners around him at HMP Altcourse.

> **Steven**: You feel a bit better because there is someone there to talk to and that.

Jamie, a former prisoner from south Wales, also recalled how the presence of other Welsh prisoners reduced the feeling that he was an outsider when held in prisons in England that were dominated by prisoners from other parts of the country. This included his time at HMP Altcourse in Liverpool.

> **Jamie**: Well it was good like, you didn't feel like an outcast, so you didn't feel like you were in a prison full of scousers and Mancs. There were a lot of Welsh boys in there too, from Anglesey, Rhyl, Bangor, Wrexham, so it wasn't necessarily so much south Wales, north Walians [were] there [and] west Walians [were] there. It was like a mixture, you know?

The accounts given by family members also acknowledged the importance of bonds between Welsh prisoners. This included Julie, a family member from north Wales, who recalled being told by her son that he was familiar with a number of Welsh prisoners being held at HMP Altcourse alongside him.

Julie: Yeah, because he say's 'oh I know so and so and so and so who is from so and so and so and so'. I think it's quite important that they have people that are local around them, I think that is really important to him.

Sioned, a family member from north Wales, also claimed that her partner would often stick together with other Welsh prisoners. This included socialising with other Welsh-speaking prisoners at HMP Altcourse during the evening time. This was outlined by Sioned during an interview on-board the north Wales prison bus after she had just visited her partner at HMP Altcourse.

Sioned: Yeah, because they all watched that programme last night, Y Byd ar Bedwar, they all watched that together last night, you know, all the Welsh people.

Researcher: What was it about?

Sioned: His friends and other people that died with drugs in Llangefni. So they all know them really. They all clique together really.

Hywel, a former prisoner from north Wales, described the relationships that he struck up with other Welsh-speaking prisoners during his time at HMP Altcourse. This included socialising with other Welsh prisoners during the evening time.

Hywel: There was a chap and he used to speak Welsh and in the evening they [other prisoners] used to play snooker and things and then at a certain time in the evening I would go and get the chap I was sharing a pad with some hot water yeah to make him... save his kettle in the night. We used to get hot water and I used to go and empty our mugs and watch them playing snooker and things like that, you know?

Hywel explained that these bonds were particularly important to him at times where he was experiencing emotional difficulties during his sentence.

> **Hywel**: He used to come and sit with me speaking Welsh and the other lads [would say] 'oh here they are' you know trying to make you feel [better] because I was so scared and nervous… but he kept an eye on me… and he looked after me, but of course sometimes I did get down.

The separate accounts shared by Hywel and Sioned both indicate that bonds exist between Welsh-speaking prisoners held in England. Diaz-Cotto (2006, p.227) argued that connections between linguistic minorities in prison can often be used to help prisoners "cope" with being held in such a culturally estranged environment. Henry, a service provider in north Wales, perceived that relations between Welsh-speaking prisoners at HMP Altcourse can help prisoners to maintain or recapture a sense of Welsh identity in prison.

> **Henry**: There is a strong bond between the Welsh-speaking prisoners in [HMP] Altcourse, I have no doubt about that because language is very important to those people who speak Welsh as a first language. The fact that they can do so, they may be on different wings, but when they get an opportunity to get together they will undoubtedly prefer to speak in Welsh, not because they don't want people to understand what they are talking about, but because it is just their preferred means of communication.

The research findings in the this section show that a sense of "common fate" is often shared amongst Welsh prisoners as a response to the perceived strains they face when held as the minority in England (Goffman, 1961, p.57). The accounts of former Welsh prisoners show that these strains are often "translated" into behaviours that include 'sticking together' to form a sense of Welsh inmate culture when held as a minority in England (Sykes, 1958, p.75). The research showed that the networks and connections between Welsh prisoners are often used as a mechanism to help ward off some of the 'pains' that prisoners face when held as a minority in England.

8.4.3 'Welsh Inmate Culture': Experienced by all?

Studies on the sociology of imprisonment show that prisoners can adjust to prison life in varying and alternative ways. Sykes (1958), for example, developed an

understanding of inmate behaviour based upon the way in which prisoners can often deviate from the values of the inmate society. Irwin and Cressey (1962) also found that prisoners adjust to prison life in different ways depending upon the social values they import with them into prison. Situational theorists have also argued that variables such as sentence length (Sapsford, 1983), offence type (Vaughn and Sapp, 1989; Winfree et al, 2002) and 'career phase' (Wheeler, 1961; Garabedian, 1963) can impact upon adjustment to prison life. The findings gathered throughout this research can also be used to reject any sense that 'Welsh inmate culture' offers a universal experience to Welsh prisoners held in England.

The research findings showed that prisoner location across England represents an important situational variable in determining Welsh prisoners' experiences. The research findings showed that access to the benefits associated with a Welsh inmate culture often depend upon what prison or prison unit Welsh prisoners are held in when sent to prisons in England. For example, while prisoners sent to HMP Altcourse recalled being held alongside other Welsh prisoners, former prisoners also recalled having to spend periods of their sentence in prisons without encountering other Welsh prisoners. This was outlined by, Neil, a former prisoner from south Wales, who explained that opportunities to 'stick together' were entirely dependent upon whether or not he was being held in prisons alongside other Welsh prisoners.

> **Neil:** It all depends, if there are loads of you in there then you all stick together, do you know what I mean? If you are in the minority, you have got to mingle, you have got to adapt or die basically.

Lee, a former prisoner from south Wales, also described his experience at being held in relative isolation from other Welsh prisoners during his time at HMP Hewell in Redditch.

> **Lee**: At first, honest, I was up there for about two or three days and I wasn't scared but obviously there were only two Cardiff boys on the wing so it was me and [name of prisoner]. It was only us two on the wing and the other boys on the wing were from Coventry, Birmingham, London, so I was a bit nervous.

David, a former prisoner from north Wales, described himself as 'unlucky' as he was unable to interact with other Welsh prisoners when held at HMP Stoke Heath.

> **David**: Yeah, I was unlucky the first couple of times I went to [HMP] Stoke Heath I was the only Welsh lad on the wing yeah.

In addition, Lloyd, a former prisoner from south Wales, described spending a long period of time at HMP Parkhurst on the Isle of Wight without having an opportunity to engage other Welsh prisoners.

> **Lloyd**: I went to [HMP] Parkhurst and at first I was the only Welsh guy on the wing, on your own… I was the only Taffy [Welshman] on the wing and I didn't see another one for months because there were other wings there and to stay on certain wings for whatever... so I didn't see another one for [a long] time. So I was the only one there for about eight months on this wing.

For prisoners unable to access the perceived benefits of a 'Welsh inmate culture', the research showed that Welsh prisoners adapted to prison life in different ways (e.g. Crewe, 2009). For example, David, a former prisoner from north Wales, recalled taking on a bold and confrontational approach when being held as the only Welsh prisoner at HMP Deerbolt in Northumberland. David felt that this approach won him a certain amount of respect from other prisoners and meant that he avoided trouble despite being held as a clear minority at the prison.

> **David**: Again, I am not Welsh [not born in Wales], but everyone classes me as Welsh because I have lived around here for so long. But I was the only Welsh lad in there and they [other prisoners] would go 'where are you from?' and 'where are you representing?' [David replied] 'north west Wales yeah, Holyhead' and they would say 'fucking hell you have got some balls' and everybody left me alone.

In contrast to David, the research also found that Welsh prisoners can adopt strategies designed to conceal certain aspects of their Welsh identity. For example, Anwen, a former Welsh prison chaplain, recalled visiting a Welsh-speaking prisoner

who attempted to downplay his Welsh identity while being held in an English prison. The decision to adopt this strategy, according to Anwen, was taken to help avoid any potential negative treatment from other prisoners because of his minoritised identity.

> **Anwen**: That's scary. That is totally out of it again, far worse than [HMP] Altcourse, because there are not enough of the Welsh guys and, to be honest with you, their way of coping with it which is very very very sad. Their way of coping with it is by saying 'don't mention that I am Welsh'. … 'don't even [mention that I am Welsh]… 'oh the Welsh chaplain is here to see you'… 'What's the Welsh chaplain doing seeing me I don't need to see anybody Welsh'. And I would tell them in Welsh 'Ond wyt ti'n dod yn gymru' [But you are from Wales]…'paid a deud dim byd' [don't say anything]…'I don't want to talk about it here, they will pick on me', you know?

Although the accounts given by Lee, David, Lloyd and Anwen show that prisoner location can prevent prisoners from accessing other Welsh prisoners, the research also found that Welsh prisoners might not wish to engage with certain elements of a Welsh inmate culture. This includes rejecting the opportunity to socialise and form bonds with other Welsh prisoners when held in prisons in England. For example, former prisoners Mathew and Gareth explained how they saw prison as an experience that could only be dealt with as an individual.

> **Mathew**: In [HMP] Altcourse they open you up at seven o'clock in the morning and they leave you open until eight o'clock at night, I have got nothing to say to anybody out there me… I would rather be banged up.

> **Gareth**: Well I am the type of person when I am inside I just do my own thing, obviously if I see boys in there I know I will talk to them [but] I am not going out of my way to go and talk or make friends with no one. I am not in there to make no friends. The way I see it, I just want to get on with what I have got to do and get out.

The research found that the decision to reject certain elements of a Welsh inmate culture included efforts made by prisoners to avoid the "additional obligations" associated with strong inmate relations (Phillips, 2008, p.323). This includes purposive decision to not get involved in prison disputes involving other Welsh prisoners when held in English prisons. For example, Ryan, a former prisoner from north Wales, recalled his decision to maintain a neutral stance during a dispute between an English prisoner and his Welsh cellmate at HMP Stoke Heath.

> **Ryan**: I remember one occasion where I think I was sleeping and I could hear arguing between a scouse lad and the lad I was bunked with [from Wales]. They were just arguing with each other giving each other verbal abuse and I can remember after the argument this scouser, because he obviously didn't think I was Welsh, he was just slating him for being Welsh and a couple of days later them two actually ended up having a fight but I never said 'well I am Welsh'… I didn't hide it but I... 'He just said who's that Welsh prick?' and I just didn't say anything really.

In another example, Neil, a former prisoner from south Wales, expressed the view that prisoners need to look out for themselves when held as a minority in England. Despite arguing in an earlier account that he would look to try and stick together with other Welsh prisoners where possible[3], Neil emphasised that it was important not to get involved in other prisoners' disputes when held as the minority in prison.

> **Neil:** Whenever I have gone into an English jail I have always got into little cliques, but then at the same time I keep myself to myself. I get myself established with a couple of good boys in there, do you know what I mean? I will kick back then and keep my own business. I won't get involved in no one else's business I keep to myself me.

Martin, a former prisoner from south Wales, also stressed the importance that prisoners look out for themselves rather than seeking to help other prisoners who find themselves in conflict.

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[3] See extract taken from Neil's account at the very beginning of this section (8.4.3).

> **Martin**: But the issue is mate, when you're in jail, it's every man for himself. You can't go helping people out when they are in trouble and that; every man is totally for themselves.

In summary, the research findings throughout this section provide evidence that a sense of 'postcode pride' exists amongst Welsh prisoners when held in English prisons (Phillips, 2008). The research showed that strong bonds between Welsh prisoners are formed as a mode of adaptation to the prison specific 'pains' that Welsh prisoners face in England *as well as* a sense of 'local identification' that prisoners from Wales import with them into prisons in England. The research findings show that the social capital stored within these bonds can be mobilised by Welsh prisoners to ward off some of the 'pains' they face when held as a minority in England. In support of existing research on the sociology of imprisonment, however, the accounts of former prisoners reveal that participation in a Welsh prisoner society is by no means a homogenous experience. This statement takes account of the impact that prisoner location can have as well as the fact that prisoners can adopt alternative strategies to ameliorating the strains they face in prison (Crewe, 2009).

8.5 Conclusion

The arguments presented within the three separate sections in this chapter have shown that prisoner location impacts upon the identity and experiences of Welsh prisoners. The findings in the opening section showed that prisoner location can lead to prisoners' encountering difficulties when travelling long distances in isolation inside the uncomfortable and confusing surroundings of the prison escort vehicle. Although it remains an under researched area of custody, the research showed that the prison 'sweatbox' represents a distinct 'pain of imprisonment' for those who are forced to spend long periods of time confined to the escort vehicle. This includes newly sentenced prisoners who may begin to "take on" aspects of their new identity as they encounter the "deep initial break" before they have even passed through the prison admission procedures (Goffman, 1961, p.26).

The findings outlined in the second section of the chapter showed that Welsh prisoners held in England often perceive facing a distinct set of 'pains of imprisonment'. The views of former prisoners supported Diaz-Cotto's (1996) claim

that groups held in the minority often experience derogatory treatment by other prisoners. The accounts of former prisoners, however, placed additional emphasis upon the negative "social interactions" they had experienced when encountering the discretionary power of prison staff in England (Libeling et, 2011, p.85). This includes being subjected to derogatory stereotypes by prison staff as well as negative attitudes towards the use of the Welsh language. By drawing upon the experiences of one former Welsh prisoner purposively recruited for this study, the research also showed that Welsh prisoners can experience the 'pains' associated with being a minority in prison even when held in a Welsh prison.

In the final section, the chapter showed that "local loyalties" to Wales help to shape the interactions between Welsh prisoners held in England (Crewe, 2009, p.322). This included descriptions of the ways in which Welsh prisoners often 'stick together' when held in prisoners in England. By drawing upon existing studies on the sociology of imprisonment, the research findings showed that the strains facing Welsh prisoners in England are often "translated" into behaviours that are used as a mechanism to help ward off some of the 'pains' that prisoners face when held as a minority in England (Sykes, 1958, p.75). Although some of the accounts of former prisoners offer an alternative view to the themes presented throughout the chapter, the research findings provide a clear insight into the "complex social world" of the prison from the previously under-researched perspective of Wales (Crewe, 2009, p.257).

The arguments developed throughout this chapter contribute to this thesis' attempts to conceptualise Wales as a distinct, interesting and worthwhile unit of criminological analysis. By drawing upon existing research from the sociology of imprisonment, the arguments throughout this chapter can contribute to a wider set of criminological arguments and debates that extent beyond the geographic space of Wales. The chapter can also be used to support the thesis' discussion of the unique constitutional arrangements that underpin the hybrid system in Wales. This includes considering the intersection between the UK Government's controls over prisoner location and the Welsh Government's clear responsibilities for the Welsh language in Wales. These arguments, as well as those outlined within the previous two chapters, will now be drawn together and discussed in the final chapter of this thesis.

Chapter Nine
Conclusion:
The Hybrid System in Wales

9.1 Introduction

Chapter two traced the emergence of a distinct criminological space in Wales. The identification of this space was used to challenge the orthodoxy of the 'England and Wales' criminal justice system. The chapter explained that the Welsh criminological space had emerged as a consequence of the parallel effects of devolution in Wales and the development of a new approach to offender management across England and Wales. In chapter three, it was argued that the Welsh criminological space is framed by a unique set of constitutional arrangements. These arrangements are characterised by the involvement of both the UK and Welsh Government within the same policy space. The chapter argued that these unique arrangements had given rise to the emergence of a hybrid system in Wales; 'hybridity' referring in this case to the way in which both the UK and Welsh Government have their own distinctive yet overlapping responsibilities for prisoners and offenders within the same geographic space of Wales.

In the space forged by the emergence of a distinct system in Wales, chapter four focused specifically on some of the problems that people across Wales have experienced as a result of imprisonment. The chapter argued that prisoner location is central to the way in which people across Wales experience the England and Wales prison estate. By drawing upon existing policy debates, chapter four identified the need to explore the relationship between prisoner location and resettlement as well as prisoner location and the identity and experiences of Welsh prisoners when held in prisons outside of Wales. The arguments presented in chapter four were used throughout the research to explore the effects that 'distances from home' have upon prison visits (chapter six), 'through the gate' resettlement support (chapter seven) as well the relationship between prisoner location and identity and experiences of Welsh prisoners held in England (chapter eight).

The arguments in this final chapter draw together the key issues and debates discussed throughout the thesis. The aim of this final chapter is to develop a more

critical understanding of the hybrid system in Wales; to reflect upon the consequences of the hybrid system; and crucially what this might mean for the wider discipline of criminology as well as existing and future policy debates in Wales. This chapter begins by exploring the relationship between the intersecting and overlapping responsibilities held by the UK and Welsh Government within the hybrid system. By drawing upon the research findings in chapter six, seven and eight, the chapter examines the way in which UK Government policy is impacting upon the Welsh Government's responsibilities for prisoner resettlement. This includes exploring the way in which the Welsh Government is unable to influence or change UK Government policy in spite of the deleterious effects it has on its own policies. In the penultimate section, the chapter discusses the future of the hybrid system in Wales in the context of recent changes to probation in Wales and the decision to build a 'super' prison in Wrexham. Finally the chapter and thesis concludes with a reflection upon what challenges now face criminologists in Wales to take account of the arguments outlined in this thesis.

9.2 Distances and Resettlement: Unpicking the Relationship

The hybrid system is shaped by a unique set of constitutional arrangements. These arrangements are characterised by the involvement of both the UK and Welsh Government whose responsibilities in the field of justice overlap within the same geographic space. Central to the thesis' concerns is the interaction between these distinctive yet intersecting responsibilities. In the opening section of this chapter, the arguments presented within chapters six and seven will be used to outline the relationship between the UK and Welsh Government's own policy aims and responsibilities. By reflecting upon 'distances from home' and prisoner resettlement, the chapter is going to explore the ways in which UK Government policy responsibilities over the prison estate and sentencing are impacting upon the Welsh Government's "mechanisms" to improve resettlement and reduce reoffending across Wales (NOMS Cymru et al, 2006b, p.7).

9.2.1 UK Government: Prisoner Location and Distances

Chapter four explained that 'distances from home' is a problem facing a significant proportion of Welsh people held in prison (e.g. Madoc-Jones, 2007; Welsh Affairs

Committee, 2007). Using official information, the chapter showed that between 2013 and 2015, 43 per cent of all Welsh prisoners were in prisons across England. The research findings presented in chapters six, seven and eight of this thesis outlined evidence to support the argument that distances from home are a major theme in Wales. Despite the problem affecting a large number of Welsh prisoners, as well as prisoners from other parts of England (see Table 4.2), 'distances' remain subject to very little research (Christian, 2005). This includes a lack of research into the effects that 'distances' have on prisoners, family members and service providers as well as a lack of research into what policies are responsible for causing the problem of 'distances' across England and Wales.

Determining what policies are responsible for 'distances from home' is central to this thesis' understanding of the hybrid system. By drawing upon existing policy debates, this thesis points towards two possible explanations for the distances that face Welsh prisoners, as well those facing prisoners from across areas of England (see Table 4.2). The arguments outlined in this section will demonstrate that the UK Government has a responsibility for causing distances before going on to explore the effects that distances have upon the Welsh Government's own policy responsibilities for resettlement.

Responsibility for Distances and Dispersal

The first explanation for the distances facing Welsh prisoners relates to the structure of the prison estate. In a recent report by the House of Common's Justice Committee, Kevin Lockyer, a former prison governor, explained that the dislocation of prisoners across England and Wales is often because prisons have not been built "in the right places" (Justice Committee, 2015, p.10). This includes building prisons away from large population areas. As a result, prisoners are often sent and held in prisons that are many miles away from home. This argument can be used to explain the distances facing prisoners from mid and north Wales. For example, in 2007 the Welsh Affairs Committee (2007, p.13) reported that prisoners from mid and north Wales face above average distances as an "inevitable consequence" of the fact that neither area has a prison facility (Welsh Affairs Committee, 2007, p.13). This explanation, therefore, can be used to account for the distances facing former prisoners from north Wales, such as Hywel and Ryan, whose views were included within the research findings.

The responsibility for the "structural problems" within the prison estate in England and Wales lie clearly with the UK Government (House of Commons Justice Committee, 2015, p.10). As outlined within chapter three, the Prison Act 1952 gives the Secretary of State power to build, enlarge or close prisons across England and Wales. These powers are currently being used as part of the UK Government's attempts to 'modernise' the prison estate across England and Wales (MoJ, 2013b). This includes the decision to close a number of smaller prisons, expand existing prisons, including HMP Parc, and its decision to build HMP Berwyn in north Wales. The likely impact of the new prison in Wrexham will be discussed in the final section of this chapter.

The second explanation to account for distances relates to the way that the current prison estate is used. The main thrust behind this argument is that prison overcrowding is forcing prison authorities to dislocate prisoners from their 'local' area. The former Director General of NOMS, Phil Wheatley, for example, explained that the pressures being placed upon prison authorities by rising prisoner numbers are responsible for the dispersal of prisoners across England and Wales.

> I see no sign that the prison system is going to have to run at anything other than absolutely full capacity. It is ramping up there. There are a couple of thousand spare places at the moment but it is a quiet time of year. The population builds towards June and July. I expect it to be well over 89,000, which is the way it is heading. It will mean that they are very tight. You have to run that nationally. If you have spare places in a far distant part of the world, such as Haverigg, Acklington and Dartmoor, you have to use them, and they will not be for people who come from the area because they are not near areas where lots of people commit crime. I do not think you can avoid that.

(Mr Wheatley's comments to the House of Commons Justice Committee, 2012, Ev26) Prison overcrowding can, therefore, be used to explain the distances that face prisoners from south Wales. For example, prison population figures show that every single one of the five prisons in south Wales is currently operating at a level above its operational capacity (MoJ, 2016). In 2014, official figures showed that both HMP Swansea and HMP Cardiff were recorded as being in the top ten most overcrowded

prisons in England and Wales. During that same period, HMP Swansea temporarily became *the* most overcrowded prison across the whole of the England and Wales prison estate (MoJb, 2014). While high levels of overcrowding in Welsh prisons may reflect the efforts being made by prison authorities to try and maximise the number of Welsh people being held in the area, persistent levels of overcrowding mean that prisoners from south Wales are likely to experience being sentenced to prisons outside of Wales. This was reflected within the accounts of former prisoners from south Wales in chapters six, seven and eight, many of whom described being sent to the "far distant" parts of the prison estate in England (Justice Committee, 2012, Ev26).

The responsibility for prison overcrowding within the hybrid system falls to the UK Government. While this includes its powers over prison building, prison overcrowding can also be explained alongside the UK Government's controls over sentencing policy. Although often viewed as a territory firmly controlled by the judiciary, the UK Government can use the "ultimate weapon" of proposing legislative changes to alter the direction of sentencing practices in England and Wales (Dunbar and Langdon, 1998, p.64). The extent of the UK Government's responsibilities have been outlined within studies that have highlighted the "aggregate" (Justice Committee, 2008, p.10), or in some cases "direct" (Hough et al, 2003, p. 24), contribution made by UK Government sentencing policies to the "gross overloading" of prisons across England and Wales (Dunbar and Langdon, 1998, p.144).

An example of the contribution made by legislative changes to rising prisoner numbers includes the UK Government's introduction of the Criminal Justice Act 2003. This legislation introduced "new limits" to "penal tolerance" in England and Wales (Pratt et al, 2007, p.116) that were responsible for drawing more and more people "deeper and deeper" into the criminal justice system (Morgan, 2003, p.14). The 'toughening' effects of the 2003 Act were recognised by the UK Government who confessed that offenders were "more likely" to receive a prison sentence and serve longer in prison as a consequence of its own legislative changes (Justice Committee, 2008, Ev 54).

The same powers held by the UK Government can also be used to reduce prisoner numbers across Wales. This includes the UK Government's responsibility for sentencing reform as well as funding, developing and supporting alternatives to imprisonment. In recent years, separate states in the United States have shown that sentencing reforms can be used to combat prison overcrowding (The Sentencing Project, 2015). For example, sentencing reforms in California were introduced to lower the state prison population after the US Supreme Court ruled that levels of prison overcrowding across the state were unconstitutional. Since 'California Realignment' was introduced in October 2011, the state prison population has decreased by 20 per cent with over 30,000 fewer people held in state prison. Interestingly, the state's reduction in prison overcrowding has led to a 41 per cent decrease in the number of prisoners from California being held in prisons 'out of state' and often many miles away from their home communities (California Department of Corrections and Rehabilitation, 2016).

The issue of prisoner location has been an important theme throughout this thesis. The arguments in this section show the UK Government holds the powers, drivers and controls that are responsible for Welsh prisoners being located in prisons many miles away from home. The key issue for the hybrid system, however, is that while the Welsh Government has no responsibility for causing or tackling distances, the issues created by distance, nevertheless, impact upon its responsibilities for Welsh prisoners. The next section will explore the impact that distances from home have upon the Welsh Government's responsibilities for prisoner resettlement in Wales.

9.2.2 Welsh Government: Prisoner Resettlement

In chapter three, the thesis mapped out the responsibilities held by the Welsh Government over offenders in Wales. The Welsh Government's responsibilities for the needs of Welsh speaking prisoners will be discussed later in this chapter. The arguments in this section, however, will focus on the impact that distances are having upon the Welsh Government's responsibilities for prisoner resettlement and reducing reoffending across Wales (NOMS, 2006). Whilst existing studies in England and Wales have suggested that distances can impact upon prisoners' outcomes upon release (e.g. Hudson, 2007; HMCIP, 2009; Hucklesby and Hagley-Dickinson, 2007), the chapter will draw upon the research findings to show that the distances faced by

prisoners, family members and service providers are working against the Welsh Government's efforts to fulfil its own responsibilities.

Effects on Prison Visits

Chapter six looked specifically at the effects that distances have upon prison visitors. The accounts of family members and relatives showed how distances from home presented them with an additional set of barriers when attending a prison visit. Whilst many family members spoke about having to make long, and often quite difficult journeys to reach the prison, these journeys were often accompanied by a range of other problems including the financial cost of making long distance visits as well as having to balance time-consuming journeys alongside childcare arrangements and work commitments (Davis, 1992; Jorgensen and Hernandez, 1986).

Existing research reports that over 40 per cent of all prisoners will lose all contact with their families and loved ones throughout the course of their imprisonment (NACRO, 2000; Prison Reform Trust, 2015). The distances that families have to travel inevitably contribute to this problem. In fact, it has been suggested that distances can reduce the likelihood that prisoners will continue to receive prison visits throughout the course of their sentence (e.g. Casey-Acevedo and Bakken, 2002; Lindsey el al, 2015; Niven and Stewart, 2005). Distances may force family members to reduce the frequency of prison visits or, in some cases, stop them making prison visits altogether (e.g. Christian, 2005; Cochran et al, 2015).

Unlike 'through the gate' services, the effects that distances have upon prisoners' families do not relate directly to the work being done by the Welsh Government. However, the effects that distances have upon family members can impact upon the Welsh Government's wider responsibilities for prisoner resettlement. Codd (2007, p.258), for example, explained that prisoners' families are often viewed as an "agency of resettlement" in themselves given the level of support they are able to offer prisoners' once they are released into the community. This includes offering support to prisoners in pathway areas that fall under the policy responsibilities of the Welsh Government.

Looking firstly at offender learning and employment, research now acknowledges that the "majority" of prisoners' Education, Training and Employment (ETE) opportunities are set up by outside personal contacts (Niven and Stewart, 2005, p.1). For example, Niven and Stewart (2005, p.1) found that 51 per cent of prisoners with ETE places on release had been able to make these arrangements through friends, family and relatives during the course of their sentence. Consequently, prisoners unable to receive prison visits are far less likely to have ETE places arranged for them upon their release. The same research also highlighted the importance of visiting frequency. In particular, Niven and Stewart (2005) showed that prisoners receiving frequent visits were more likely to be released with an ETE opportunity in place. For example, the survey found that 27 per cent of prisoners receiving prison visits 'less often' had ETE arranged upon release, this increased to 40 per cent for prisoners who had received prison visits at least once a month during the course of their sentence.

Similar findings can be seen with regard to housing and accommodation. The same study found that prisoners who had received family visits throughout the course of their imprisonment were three times more likely to have housing or accommodation arranged for them upon release when compared to those who had failed to receive any visits at all (Niven and Stewart, 2005). For example, 79 per cent of male prisoners who received at least one family prison visit had accommodation arranged for them upon release compared to just 51 per cent of prisoners who did not receive a single prison visit. According to a study by Wolff and Draine (2004), the social bonds maintained between prisoners' and families through prison visits can help prisoners to access support upon release. The same study found that the offer of temporary accommodation is the "principal asset" of the prisoner and family connection upon release (Wolff and Draine, 2004, p.461).

The findings from existing studies can also be used to underline the effects that distances may have upon Welsh prisoners' chances of reoffending in future (e.g. Ditchfield, 1994; May et al, 2008). For example, research by the Ministry of Justice (MoJ) found that prisoners who do not receive visits are 39 per cent more likely to reoffend when compared to prisoners who do receive visits (May et al, 2008). These findings were re-emphasised within a more recent study by the MoJ which showed that the reoffending rate for prisoners receiving prison visits (47 per cent) was

markedly lower than the reoffending rate for prisoners who failed to receive visits (68 per cent) (Brunton-Smith and Hopkins, 2013).

The relationship between family visits and reductions in re-offending has also been found within research from outside of England and Wales (e.g. Maruna, 2001; Maruna and Toch, 2005). For example, a study by Berg and Heubner (2011) showed that the social bonds maintained through family visits can help prisoners to desist from offending upon release. These bonds, according to Mears et al (2012, p.911), represented a "critical mechanism" in helping offenders to ward off the stigmatising effects of their imprisonment. Research on prison visits and reoffending has also shown that greater visiting frequency, or "doses" of family contact, can improve prisoners' post-release outcomes (Mears et al, 2012, p.911). Bales and Mears (2008) found that visiting frequency can reduce future levels of reoffending while Duwe and Clarke (2011) also found that rates of reoffending decline as the rate of visiting frequency increases.

Barriers to 'Through the Gate'

Existing research reports that 'through the gate' services play a key role in delivering resettlement support to prisoners (Lewis et al, 2003; 2007). This includes delivering vital support to offenders as they encounter the "stressful" and often "overwhelming" experience of release from prison into the community (Visher, 2007, p.97). The accounts and experiences of 'through the gate' resettlement workers presented in chapter seven demonstrate how distances *and* dispersal present service providers across Wales with a range of practical difficulties. These include the added costs and time constraints placed upon service providers by a demand for services from Welsh prisoners held in prisons both far and wide across the prison estate in England.

The research showed that as a consequence of the distances separating Welsh prisoners from their home communities, 'in-reach' providers are regularly unable to fully deliver 'through the gate' services to prisoners. This includes a failure to provide visits to prisoners during their sentence to prepare the necessary "groundwork" prior to their release (Lindsey et al, 2015, p.4). The research also supported Fox et al's (2005, p.9) study that found 'gate pickup' services were often

more "systematic" within areas with a large 'local' population. This finding supports the claim that 'through the gate' resettlement services to Welsh prisoners are often "limited" because of the distances facing 'in-reach' staff (Welsh Affairs Committee, 2007, p.50), thereby restricting the Welsh Government's ability to successfully deliver upon its responsibilities to resettle Welsh prisoners.

Research studies on resettlement show that the delivery of 'through-the-gate' support can significantly improve prisoners' future resettlement outcomes. Firstly, 'through the gate' support teams play a crucial role in helping prisoners during their sentence. Research within the pathway area of housing and accommodation showed that 'through the gate' services can often help to prevent prisoners from losing their property and becoming homeless throughout the course of their sentence (Quilgars et al, 2012). The same study also found 'in-reach' service can help prisoners who were without accommodation find suitable housing when they are released into the community.

An important element of 'through the gate' work is that regular contact can help prisoners to establish relationships with support staff prior to being released (Lewis et al, 2003). According to Maguire and Raynor (2006), these relationships increase the likelihood that prisoners will engage with resettlement services once they are released. This continuous system of support from prison into the community can help prisoners to successfully transform themselves as they return to the 'free world' (Visher and Travis, 2003). Clancy et al (2006, p.96) found that prisoners who maintain high levels of contact with support services upon release have a "significantly lower" rate of reoffending when compared to prisoners unable to maintain high levels of contact. Similarly, within this research, the accounts of Johnny, Wendy and Claire demonstrated that strong relationships between prisoners and 'through the gate' service providers can improve future levels of contact and service engagement.

'Through the gate' services also play a vital role on a prisoners' day of release. 'Gate pickup' services delivered by TSS (a Welsh Government initiative) for example, provide prisoners with "practical assistance" immediately following their release (Maguire et al, 2010, p.75). Similarly, Quilgars et al's (2012, p.33) research identified 'gate pickup' services as "one of the most important" services provided by 'in-reach'

staff to prisoners at HMP Leeds. Crucially, these studies show how resettlement services delivered 'at the gate' can prevent prisoners from going missing and thus less likely to access the kinds of support services that can play a key role in reducing future levels of reoffending (Clancy et al, 2006; Quilgars et al, 2012). The accounts of those within this research also showed that 'gate pickups' play a vital role in building relationships that can be used to keep offenders engaged with resettlement services once they are released into the community. This is something that was outlined within the accounts given by Johnny and Claire.

For prisoners suffering with substance misuse, research by Fox et al (2005, p.9) highlighted that a prisoner's day of release can often represent a "period of high risk". Their study showed that release day resettlement services can play an important role in helping prisoners to avoid "temptation" and therefore reduce the likelihood that prisoners will experience an immediate "relapse" as they move back into the community (Fox et al, 2005, p.9). These arguments are supported by the accounts of 'through the gate' resettlement staff in Wales. In particular Wendy gave an in-depth description of the benefits associated with providing 'gate pickups' when reflecting upon her experiences of picking prisoners up from HMP Altcourse in Liverpool.

The arguments presented in this section make two separate contributions to this thesis. Firstly, while the topic of distances has been subject to very little serious qualitative research, this section uses the research findings in chapters six and seven to evidence a relationship between distances and prisoner resettlement. By drawing upon existing studies on prisoner resettlement, the chapter shows that distances can reduce the likelihood that prisoners' will be able to take advantage of the resettlement support offered by family members (Codd, 2008; Niven and Stewart, 2005; Wolff and Draine, 2004) as well as well as the benefits associated with 'through the gate' services (Fox et al, 2005; Lindsey et al; 2015; Maguire et al, 2010).

Secondly, the arguments outlined in this section also start to uncover one of the key characteristics of the hybrid system in Wales. By placing 'distances' and 'prisoner resettlement' in their correct constitutional context, this section has shown that the UK Government's use of its responsibilities over the prison estate and its controls over sentencing policy are impacting upon the Welsh Government's responsibilities

for prisoner resettlement. What makes this issue all the more critical is that, within criminological space of the hybrid system, the Welsh Government is unable to alter or affect the UK Government's own policies or decision making. Crucially, as shown in this section, this includes those decisions that intersect or impinge upon the Welsh Government's responsibilities for reducing reoffending or improving Welsh prisoners' resettlement outcomes. In the next section, the chapter focuses more specifically upon the implications of the hybrid system for the Welsh Government's own policy aims and objectives.

9.3 The Consequences of Hybridity

Up to this point the thesis has shown that a unique hybrid system exists in Wales. This system is one where the UK and Welsh Government, each with its own powers, responsibilities and policy agendas, both operate within the same criminological policy space. The arguments in the previous section explained that within this shared policy space, the UK Government's policy decisions are impacting upon the Welsh Government's responsibilities. Irrespective of the effects that these policies are having, the structure of the hybrid system prevents the Welsh Government from being able to alter or change the way in which the UK Government uses its powers or controls over the criminal justice system in Wales. In this section, the chapter is going to examine what effects the hybrid system is having upon the Welsh Government's attempts to improve Welsh language provisions for prisoners in Wales as well as its responsibilities to prevent homelessness amongst Welsh prison leavers.

9.3.1 The Welsh Language in Welsh Prisons

Chapter eight explored the effects that prisoner location has on the identity and experiences of Welsh prisoners. The accounts of former prisoners show that being located in prisons across England can often present Welsh prisoners with a number of difficulties. These include travelling long distance journeys inside prisoner escort vehicles to reach prisons across England as well as experiencing negative treatment from staff and non-Welsh prisoners when held as a minority inside English prisons. The accounts of former prisoners also outlined the difficulties facing Welsh speaking prisoners. This included Welsh speaking prisoners in English prisons being

prevented from speaking in Welsh by prison staff (e.g. Madoc-Jones, 2007). Through a unique account given by Siôn, chapter eight also showed that Welsh speaking prisoners can face difficulties when held in Wales. This included Siôn's description of the way in which prison staff showed "no awareness" of the entitlements and needs of Welsh speaking prisoners during his time at HMP Cardiff.

Within the context of the hybrid system, responsibility for many of the problems raised within chapter eight fall under the auspices of UK Government. This includes the UK Government's controls over prisoner location, prisoner escort as well as the conduct of prison staff. The difficulties facing Welsh speaking prisoners, however, clearly relate to the Welsh Government's wider responsibilities for the Welsh language. In particular, the difficulties experienced by Siôn at HMP Cardiff clearly fall under the gambit of the Welsh Government's responsibilities to promote and maintain Welsh language standards across Wales. The issues raised by Siôn help to showcase the problems faced by the Welsh Government when its own policy aims and responsibilities intersect with a policy area, the prison estate in Wales, that is clearly the responsibility of the UK Government. This may be further demonstrated by examining the impact of recent Welsh devolved legislation on Welsh language standards in Wales.

In 2011, the National Assembly for Wales passed the Welsh Language Measure (Wales) 2011. This legislation was introduced to help fulfil the then coalition Welsh Government's commitment to promote and maintain the use of Welsh across Wales. The passing of the Measure led to the establishment of the Office of the Welsh Language Commissioner. The remit of the Welsh Language Commissioner in Wales is to regulate standards and handle any public complaints. This includes dealing with complaints received from Welsh speaking prisoners. The Welsh Language Commissioner, Meri Huws, told MPs in July 2014 that her duty is to act as an "independent advocate" for all Welsh speakers across Wales "including Welsh speaking offenders" (Welsh Language Commissioner, 2014, p.2).

When it was first established in 2012, the Office of the Welsh Language Commissioner was given powers to investigate any failures to implement language schemes or any interference with the freedom to use Welsh across Wales. These powers were extended in 2015 after the Welsh Language Commissioner was given

additional scope to impose duties upon organisations in Wales to ensure compliance with standards of conduct on the Welsh language. Alongside its pre-existing powers, The Welsh Language Standards Regulations form part of a new set of powers to help enforce and improve standards across Wales. Iolo, from the Office of the Welsh Language Commissioner, told the research that these enforcement powers represent a "big change" in the powers held by the Commissioner. This includes the power to administer civil penalties to organisations that fail to comply with Welsh language standards.

However, despite being viewed as a major step change in improving standards across Wales, the powers recently awarded to the Welsh Language Commissioner in Wales are limited when it comes to those held in the Welsh prison estate. For example, Iolo explained that despite the devolved government's clear responsibilities for the Welsh language in Wales, the decision on whether or not the new measures can be imposed upon Welsh prisons shall only be made by a UK Minister of the Crown. Iolo further explained that under Section 43 of the new measure, the Commissioner is only able to impose the duties on Crown bodies, or ministers of the crown, with the consent of the Secretary of State.

As of June 2016, the consent needed to apply The Welsh Language Standards Regulations to either NOMS or the Prison Service in Wales has still to be granted. During the latest 'round' of organisations to be included within the Commissioners plans, which included other UK Government departments, neither the MoJ, NOMS or the Prison Service were included. As a consequence of this failure, prisons in Wales still remain guided by the provisions set out under the terms of the Welsh Language Act 1993. So, despite claiming that the Welsh Language Measure (Wales) 2011 had been the "driving force" behind it, NOMS' policy to improve bilingual provisions was actually "prepared in accordance" with the provisions set out within the Section 21 of the Welsh Language Act 1993 (NOMS, 2013, p.3).

The failure to ensure that prisons in Wales operate in accordance with the Welsh Language (Wales) Measure 2011 can be understood as a consequence of the hybrid system. Despite clear evidence that "inadequacies" in Welsh language provisions exist within Welsh prisons (HMCIP, 2015a, p.55), the Welsh Government's policy responsibilities are being undermined by the UK Government's controls over the

prison estate in Wales. The following section provides a further example where, in this instance, the Welsh Government has been forced to take account of the effects generated by policies controlled by the UK Government.

9.3.2 Hybridity and Housing: The End of Progressive Policy Making?

Chapter three mapped out the wide range of resettlement services offered by the Welsh Government to Welsh prisoners. This included a description of the services put in place by the Welsh Government that had been widely heralded as a potential blueprint for services outside of Wales. Thus, following an inspection of HMP Altcourse in 2010, HMCIP recommended that the services being delivered to Welsh prisoners by the devolved authorities should be used to "provide an example to the English authorities" of the kinds of support services needed to help English prisoners in preparation for their release (HMCIP, 2010a, p.5). Central to the Welsh Government's acclaimed approach was its strategy to try and tackle homelessness amongst prison leavers. In particular, the provision of 'priority need' for homeless prison leavers was described, as recently as 2014, as a policy that "sets Wales apart from England" when it comes to the provision of resettlement support (HMCIP, 2014a, p.6).

In chapter eight, the accounts of service providers described how the different and enhanced housing provisions in place for Welsh prisoners had even led to tensions between Welsh and non-Welsh prisoners at HMP Altcourse. However, despite being widely viewed as a model of best practice, the Welsh Government's Minister for Housing announced in 2013 that the 'priority need' status given to Welsh prisoners was to be removed within the new Housing (Wales) Act 2014. The Welsh Government's decision to remove 'priority need' can again be used to demonstrate the effects of the hybrid system. More specifically, problems generated by the UK Government's policies have caused the Welsh Government's own 'progressive' policy ambitions to recede.

In 2008, the Welsh Local Government Association published research into the 'sustainability' of the Welsh Government's policy to secure temporary accommodation for vulnerable Welsh prison leavers. The study by Humphreys and Stirling (2008) warned about the future use of 'priority need' in Wales. In particular,

the authors (2008, p.24) highlighted the need to think about the "interface" between the UK Government's responsibilities over criminal justice policy in Wales and the Welsh Government's commitment to 'priority. Without making reference to 'hybridity' per se, Humphreys and Stirling (2008, p.46) argued that a "complex" intersection exists between policy developments in criminal justice *and* housing which could, in future, impact upon the ability of housing organisations in Wales to provide suitable accommodation for offenders.

> The strategic and policy framework that surrounds the housing of offenders/ex- offenders, including high-risk offenders/ex-offenders, is at the interface of housing and criminal justice policy. It is complex and also subject to significant flux. There are currently a large number of policy developments in relation to both housing and criminal justice that could impact on the ability of housing organisations to provide appropriate accommodation and support for high-risk offenders/ex-offenders.

(Humphreys and Stirling, 2008, p. 59)

The most significant danger associated with changes to criminal justice policy, according to Humphreys and Stirling (2008), was the potential for prisoner numbers in Wales to rise. Their research warned that a continuing increase in prisoner numbers was likely to lead to a similar rise in the number of applications for social housing in Wales originating from former prisoners secured as 'priority need'.

> The demand for housing to meet the needs of offenders/ex-offenders in Wales exceeds the supply. The prisoner population is growing which will mean more prisoners being released that are likely to have accommodation needs… the demand from high risk offenders/ex-offenders is just one of many demands on social housing providers at a time when pressures in the housing market are increasing the general demand on social housing.

(Humphreys and Stirling, 2008, p. 59)

Concerns about rising prisoner numbers and increased demands on housing services in Wales were reinforced by the accounts of housing service providers in Wales interviewed as part of this research. Both Kirsty and Michelle, from Prison Link Cymru, claimed that a rise in the number of referrals from prisoners had left housing services in Wales struggling to cope with the increased demand for services. An increase in claims for social housing from Welsh prison leavers were further reflected in official housing figures in Wales. For example, statistics show that the number of households across Wales where a member is vulnerable due to being released from custody without accommodation to return to increased by 142 per cent from 2001 to 2012 (Stats Wales, 2015). Since Humphreys and Stirling reported their findings in 2008, the number of households across Wales where a member is vulnerable due to being released from custody increased from 640 in 2008 to a peak of 955 households in 2012.

As a response to the increased demand being placed upon housing services in Wales, the Welsh Government launched a consultation in 2013 on its proposals to strip away 'priority need' from prison leavers within its reformed Housing Bill. The responses submitted to the consultation largely reflected the pressures that housing services are being placed under by applications received from Welsh prison leavers. Although some warned about the "serious implications" of removing what had become an important "safety net" for homeless prison leavers (Shelter Cymru, 2013, p.2), organisations including the Welsh Local Government Association (WLGA) and Community Housing Cymru (CHC) "fully" supported the Welsh Government's proposals to remove priority need (WLGA, 2013, p.1). This support was largely driven by the pressures being placed upon housing services by the increased demand that Humphreys and Stirling had warned about in 2008. These pressures included the added financial costs being placed upon local authorities to try and meet the demand for housing from prison leavers. Thus, the evidence submitted by Welsh local authorities estimated that during 2012/13 the average cost of accommodating a former prisoner was over £2,100. Local authorities claimed that the total cost of accommodating former prisoners across Wales was just under £2 million during 2012/13 (Welsh Government, 2013b, p.5).[1]

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[1] Prisoners in/from Wales made up 15 per cent of all applications for housing support.

With its proposals receiving such strong support, the Welsh Government pushed ahead with its plans to strip away 'priority need' status from Welsh prison leavers. These changes were reflected within the Housing (Wales) Act 2014, which was given royal assent in May 2014. Since taking effect in April 2015, Welsh prisoners are no longer guaranteed accommodation upon their release. Despite the fact that 'priority need' was once viewed as a model for English authorities (HMCIP, 2010a; 2014a), housing services for Welsh prison leavers now mirror those in place for prison leavers across England. Although local authorities still have a duty to address the housing needs of Welsh offenders under the new legislation (Welsh Government, 2015a), the removal of 'priority need' means that Welsh prisoners now face greater challenges in order to access immediate housing support upon their release from prison.

The housing case study provides a clear illustration of the dysfunctional effects that the hybrid system has upon the Welsh Government's policy responsibilities. As was made clear within its own consultation document, the Welsh Government's decision to strip away 'priority need' was not taken in response to any change or alteration in the evidence base on homelessness and resettlement outcomes (Welsh Government, 2013b). Instead, its commitment to 'priority need' simply buckled under the weight of the increasing pressures being placed upon housing services in Wales by rising prisoner numbers and a growing demand for services. The decision not only introduces changes to services across Wales but it also signals the end of a policy that had been one of the flagships of devolved social policy in Wales. This was an approach to social policy that was distinct and self-consciously progressive; an approach heralded by Rhodri Morgan's celebrated 'clear red water' speech in 2002 (Chaney and Drakeford, 2004; Davies and Williams, 2009).

The removal of 'priority need' therefore cements the requirement to think more critically about the operation of the hybrid system. The arguments in this section show how the Welsh Government's seemingly progressive and distinctive policy initiatives are being undermined or indeed forced into retreat as a consequence of the hybrid system. The Welsh Government's now removed housing policy for prisoners arguably represents of the first casualties of the hybrid system in Wales. As will be discussed in the next section, this may well not be the last Welsh Government policy to suffer as a consequence of UK Government decision-making.

9.4 The Future of Hybridity

The arguments in this chapter have shown how the very structure of the hybrid system is undermining the Welsh Government's policy aims and objectives. The opening section of the chapter outlined the way in which UK Government responsibilities over the prison estate and sentencing are impacting upon the Welsh Government's responsibilities for prisoner resettlement. In the previous section, the chapter focused on the effects that the hybrid system is having upon the Welsh Government's policy responsibilities for the Welsh language in Wales as well tackling homelessness amongst prison leavers. The aim of this penultimate section is to consider what potential impact recent UK policies are likely to have upon the Welsh Government's policy responsibilities in future. While it is impossible to predict or accurately determine the impact these developments will have in Wales, the discussion will focus upon how recent changes to probation services across England and Wales are likely to intersect with the Welsh Government's existing responsibilities for prisoner resettlement. The section also assesses the potential impact HMP Berwyn will have on devolved services in Wales once the facility becomes operational in 2017. The discussion will be used to emphasise the need for policy makers in Westminster and Cardiff to take account of the hybrid system in Wales.

9.4.1 Transforming Rehabilitation: A New Chapter for Hybridity?

In 2013, the UK Government unveiled its *Transforming Rehabilitation (TR)* white paper as part of its plans to introduce widespread changes to probation services across England and Wales. The Offender Rehabilitation Act 2014 came into force in April 2015. This section outlines how TR has already led to the removal of *Transitional Support Service* (TSS) in Wales. It also considers initial concerns surrounding TR in Wales including the performance of Community Rehabilitation Companies (CRC's) (HMI Probation 2016a; 2016b) as well as the introduction of resettlement prisons (HMCIP, 2015b). It is argued that the recent changes to resettlement services across Wales represent the birth of a new era for the hybrid system in Wales.

Chapter three argued that TSS embodied the Welsh Government's commitment to providing support to Welsh offenders within the substance misuse pathway. TSS in Wales, alongside 'priority need' for housing, formed a key part of the Welsh Government's 'model' approach to delivering resettlement services to Welsh offenders (e.g. HMCIP, 2014a). One of the most significant features of TSS in Wales was that the service had been introduced to address the inadequacy in support for short-term offenders leaving prison. At the time, prisoners serving sentences of less than 12 months, despite having "the highest re-conviction rate among released adult prisoners" (Lewis et al, 2003, p.iii), were excluded from the kinds of statutory support services being made available upon release to longer-term prisoners.

Maguire et al (2010) argued that TSS played a key role in helping short-term prisoners adjust back into the community upon release. The same study found that TSS boasted "impressively high post-release contact rates" compared to other mentoring services subject to evaluation (Maguire et al, 2010, p.iv). Chapter seven provided further evidence that TSS mentors offered an important service. Although hampered by distances and dispersal, the accounts of TSS support mentors, including Wendy and Russell, described the importance of 'through the gate' services including the "practical assistance" offered to offenders by 'gate pickup' services on release day (Maguire et al, 2010, p.75).

The Welsh Government's support of TSS was therefore an important service in plugging the gap in existing support services for Welsh prisoners serving short-term sentences. However, despite the "positive" effects of TSS in Wales (Maguire et al, 2010, vi), the Welsh Government announced within its *2014/15 Substance Misuse Strategy Annual Report* that TSS would in fact be decommissioned and "absorbed" as part of the UK Government's vision for offender services in Wales through the introduction of TR (Welsh Government, 2015b, p.21).

> The Transitional Support Scheme (TSS) - a joint funded initiative by Welsh Government and NOMS concluded in March 2015: its purpose and focus will be absorbed under the Transforming Rehabilitation programme, lead by Ministry of Justice. The important work on

assisting short-term prisoners with substance misuse difficulties getting access to appropriate help and treatment at the point of release will now form part of new supervision arrangements, lead by the Probation Service. [2]

(Welsh Government, 2015c, p.21)

A key aim behind the UK Government's TR agenda is to work with the population that TSS was designed to support in Wales. These "radical" changes have been reflected in the changes to the way in which probation services now manage offenders across England and Wales (Annison et al, 2014, p.6). Former probation trusts have now been replaced with a much smaller National Probation Service which maintains responsibility for 'high risk' offenders. Community Rehabilitation Companies (CRCs) are now responsible for lower risk offenders on a 'Payment by Results' basis. This includes offering post-release supervision to offenders who have been sentenced to prison for more than one day but less than two years. In Wales, the responsibility for low risk offenders was awarded to Working Links (CRC) in October 2014.

Whilst TR might appear to be a direct replacement for TSS in Wales, the introduction of CRCs have already raised a number of concerns about how successful CRC's are likely to be in delivering effective resettlement services. In anticipation of the UK Government's plans to introduce TR across England and Wales, McNeil (2013, p.84) warned that the proposals do not present the "ideal recipe" for fostering important relationships between offenders and resettlement staff. McNeil (2013, p.84) argued that the introduction of CRC's on a 'payment by results' basis would be likely to undermine the efforts being made by 'through the gate' staff to establish "trust" and maximise offender "engagement" with resettlement services upon release.

Although TR has only recently been introduced across England and Wales, studies have already raised initial concerns about engagement and levels of contact between CRC staff and offenders following release. For instance, a recent study by Her Majesty's Inspectorate of Probation (HMI Probation) reported that in only half of all

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[2] TSS became a jointly funded service in 2011. The service was solely commissioned by the Welsh Government prior to 2011.

cases had offenders managed to secure an appointment with their assigned CRC offender manager within five days of their release from prison (HMI Probation, 2015a). In a follow up study, HMI Probation (2016b, p.18) have also found that in one-third of cases reviewed as part of the research, "constructive work" with offenders had not started within four weeks of release. Echoing existing research that has highlighted the importance of contact and immediate engagement with offenders (e.g. Lewis et al, 2003; Maguire and Raynor, 2006). HMI Probation (2016b, p.18) found that a lack of "constructive" work was responsible for a higher rate of reoffending within the CRC area that was included within the study.

The problems that have been raised by HMI Probation include those that relate directly to the responsibilities of the Welsh Government. For example, within their latest report, HMI Probation (2016b) found that the needs of offenders in prison were not being met 'pre-release' in two-thirds of all cases within pathway areas that include accommodation, education, training and employment (HMI Probation, 2016b). These findings, although not specific to the performance of the Wales CRC, raise concerns about the effects that the UK Government's latest policy is having upon the Welsh Government's responsibilities for prisoner resettlement in Wales.

Resettlement Prisons

The UK Government's TR agenda has also overseen the introduction of designated resettlement prisons across England and Wales. These are designed to ensure that prisoners are located in prisons as close to their local communities as possible. The intention is to hold offenders in prisons where 'local' CRC providers can access prisoners prior to their release into the community. As part of the UK Government's plans, prisoners are now received into designated resettlement prisons when first entering custody (MoJ, 2013a). Short-term prisoners are also expected to spend the entirety of their sentence in resettlement prisons while longer-term prisoners will be sent back to their own designated resettlement prison as they approach the final three months of their sentence. The MoJ has designated seven resettlement prisons for Welsh male prisoners and two prisons for Welsh women. They are HMP Cardiff, HMP Parc, HMP Swansea, HMP Prescoed in Wales as well as HMP Altcourse and HMP Stoke Heath in England as well as HMP Styal and HMP Eastwood Park are the designated resettlement prisons for Welsh women.

The proposals for resettlement prisons across England and Wales can be viewed positively given many of the arguments presented throughout this thesis. At least in principle, they will allow service providers to get beyond the barriers presented to them by prisoner dispersal. These include the problems outlined within the accounts of service providers in chapter seven, most notably Wendy, Claire and Russell. Indeed, the former Justice Secretary, Chris Grayling, argued that the government's plans for resettlement prisons aim to "create a genuine through the gate service" that allows "real continuity" between services in custody and in the community (Ministry of Justice, 2013a, p.4). The introduction of resettlement prisons, however, can also be viewed in a much more critical light, especially in the context of the arguments presented throughout this thesis around distance. In particular, following the MoJ's decision to designate HMP Stoke Heath a Welsh resettlement prison, concerns are already being raised about the unintended consequences that resettlement prisons are having upon Welsh prisoners held there.

Since the UK Government's proposals for resettlement prisons were introduced across England and Wales in late 2014, the number of Welsh prisoners held at HMP Stoke Heath increased significantly. For example, within three months of the policy being introduced, the number of Welsh prisoners held at HMP Stoke Heath increased by 123% from 147 in September 2014 to 328 prisoners in December 2014. This number was made up from prisoners from across different parts of Wales. For example, official figures show that more that 180 prisoners from south Wales were being held at HMP Stoke Heath at the end of December 2014. This included 75 prisoners from Cardiff compared to just 15 prisoners held there at the end of September 2014.

The decision to concentrate Welsh prisoners at HMP Stoke Heath in Market Drayton relates directly to the UK Government's efforts to try and ensure that the Wales CRC can assess the needs of Welsh prisoners when being held within their "home areas" prison (Ministry of Justice, 2013, p.11). The UK Government explain that the decision to concentrate prisoners within resettlement prisons will also help to improve "family links" by holding prisoners in prisons that are 'local' to their 'home area' (Ministry of Justice, 2013, p.11). This use of term 'local', however, raises a number of questions in the context of Welsh prisoners being sent to HMP Stoke Heath.

Following its first inspection of the prison since becoming part of the UK Government's resettlement plans, HMCIP (2015b) reported that Welsh prisoners face a number of separate 'distance problems' at HMP Stoke Heath. Firstly, HMCIP reported that its use as a Welsh resettlement prison meant that Welsh prisoners face long journeys to reach the prison from across different parts of Wales. A survey of prisoners held at HMP Stoke Heath found that over 50 per cent had spent more than two hours travelling to the prison. Alongside the arguments outlined in chapter eight, HMCIP's (2015b) report shows that Welsh prisoners are likely to experience long journeys inside the difficult conditions of the prison 'sweatbox'. This includes newly sentenced prisoners who might be "received" into the HMP Stoke Heath as part of the Ministry of Justice's (2013, p.36) plans for resettlement prisons. HMCIP (2015b, p.18) explained that the large number of prisoners reporting long distance journeys was a consequence of the growing number of prisoners "arriving from Wales" since HMP Stoke Heath has become a Welsh resettlement prison.

The 'distance problems' associated with HMP Stoke Heath becoming a Welsh resettlement prison also raise concerns, somewhat paradoxically, in relation to prisoner resettlement. This includes concerns about the effects that long distances have upon family members who are forced to travel to a prison that is notoriously difficult to reach. In chapter six, for example, an account given by Mair, a family member, outlined the problems that visitors can face when travelling long distance via public transport from north Wales to reach the prison. However, in addition to the problems facing visitors from north Wales, HMCIP (2015b, p.55) also highlighted that an increasing number of prisoners' families in south Wales are being forced to travel long distances to reach HMP Stoke Heath. Although a small number of prisoners families in south Wales might have already been forced to travel long distance to HMP Stoke Heath or other prisons in south west England, the UK Government's decision to designate HMP Stoke Heath as a Welsh resettlement prison has led to an increase in the number of prisoners families in south Wales who now face that long and difficult journey. These added pressures, as shown in chapter six, are likely to impact upon the number of prison visits that families in south Wales are able to make while their loved ones are held at HMP Stoke Heath.

The problems associated with HMP Stoke Heath also extend to 'through the gate' service providers in Wales. Although the concentration of prisoners can help Wales

CRC to overcome the issues of prisoner dispersal, the research findings in chapter seven show that the long and difficult journeys facing service providers can act as an impediment to the delivery of 'in-reach' services. For example, despite the fact that service providers recalled visiting HMP Stoke Heath, the accounts of service providers, including Emily and Wendy, argued that visits and 'gate pickups' were less frequent because of the long and difficult journeys facing them. This failure is likely to mean that Welsh prisoners, once released, will face journeys home without any immediate support during what is widely regarded as a "stressful" (Visher, 2007, p.97) and "high risk" period for prisoners (Fox et al, 2005, p.9).

The arguments outlined here raise a set of important questions around the supposed 'benefits' associated with the UK Government's plans for resettlement prisons across England and Wales. Whereas the concentration of prisoners can help Wales CRC to identify and target Welsh prisoners, the decision to send Welsh prisoners to HMP Stoke Heath creates a number of problems for prisoner resettlement. These include the impact that distances can have upon visiting levels and the maintenance of family contact (Cochran, et al, 2015; Niven and Stewart, 2005; Wolff and Draine, 2004) as well the effects that distances have upon 'through the gate' services including those offered to prisoners immediately following release (Fox et al, 2005; Lindsey et al, 2015; Maguire et al, 2010). These effects can raise some important future questions about the likely impact that the UK Government's plans are having upon the Welsh Government's policy responsibilities.

A more complex hybrid system?

The introduction of Transforming Rehabilitation represents a new era for the hybrid system in Wales. The UK Government's plans now mean that UK Government justice agencies are "contractually obligated" to take on a more active role in providing support to Welsh prisoners within devolved pathway areas (Welsh Government, 2015a, p.7). At least in principle, the offering of enhanced levels of support to a population previously neglected within statutory provision is a welcome development. The removal of TSS and the introduction of CRC might even be viewed as saving the Welsh Government from having to direct its own resources to tackling prisoner resettlement in Wales. However, the changes made by TR once

again raise a number of concerns related to the Welsh Government's own policy responsibilities within the hybrid system.

Firstly, the involvement of Wales CRC appears to have added a new level of complexity to the practical arrangements within the hybrid system. This can be seen in the ambiguity of the language used within the Welsh Government's *National Pathway* for housing strategy. For example, when attempting to clarify who is responsible for assessing the housing options open to Welsh prisoners, the Welsh Government's (2015b, p.22) strategy, somewhat vaguely, claims that responsibility lies with the "National Probation Service and the Wales Community Rehabilitation or a Local Authority". The complexity surrounding TR in Wales is also betrayed by the Welsh Government's (2015b, p.22) call for "clear communication" between agencies as a way in which to avoid any "duplication of services" given the number of devolved and non-devolved agencies now involved in providing resettlement services. This includes resettlement officers in prison, offender managers in the community and local authorities across Wales.

The issue of responsibility is also significant when considering the potential failures of TR in Wales. The arguments presented in this section have suggested that TR is failing to perform within pathway areas that fall within the direct responsibilities of the Welsh Government (e.g. HMI Probation, 2016a; HMI Probation, 2016b). Fully realising that the Wales CRC operates within many of its own pathway areas, the Welsh Government has already anticipated that its own policy areas are likely to be affected if Wales CRC fail to deliver services to Welsh offenders. For example, when CRC services delivered to Welsh prisoners in prison have not been successful, the Welsh Government (2015, p.23) has acknowledged that local authorities in Wales will be required to take "sole responsibility" for providing housing support to prisoners upon release. In addition, the Welsh Government has outlined a commitment to provide "additional emergency support" to Welsh prisoners who present to local authorities having been released from a prison that is not a Welsh resettlement prison and therefore covered by the Wales CRC. A failure on the behalf of NOMS to successfully allocate Welsh prisoners to Welsh resettlement prisons will therefore place an added set of 'emergency' demands upon local authorities across Wales to fill the gaps left by the Wales CRC.

To summarise the arguments outlined in this section, the introduction of TR in Wales can, at least on paper, be viewed as a positive change alongside many of the arguments outlined in this thesis. This includes the introduction of support services for short-term offenders as well as the decision to tackle the problems presented to service providers by distances through the introduction of resettlement prisons. However, the initial findings on CRC's (HMI Probation 2016a; 2016b) as well the impact being made by resettlement prisons (HMCIP, 2015b) raise a number of initial concerns about the likely effects made by TR in Wales. Crucially, however, these changes strongly outline the need for policy makers in Westminster and Cardiff to take account of the hybrid system and the reality that UK Government policies impact upon the Welsh Government's own policy responsibilities. This is something that was evidently missing within the Ministry of Justice's (2013a) consultation proposals for TR. The Welsh Government, on the other hand, never failed to submit a response to the MoJ's consultation. While scholars in England face a number of challenges to try and take account of the "radical" changes recently introduced to offender services (Annison et al, 2014, p.6), the arguments presented in this section show that criminologists, policy makers and practitioners in Wales will need to take account of the complex intersection that now exists between the UK Government's responsibilities for offender services and responsibilities held by the Welsh Government in Wales.

9.4.2 Prison Expansion in Wales: The Wrexham 'Super' Prison

Another likely important future development for the hybrid system in Wales is the UK Government's decision to build the Wrexham 'super' prison. The "lack" of custodial spaces across north Wales has shaped many of the arguments presented throughout this research (Welsh Affairs Committee, 2007, p.15). This includes descriptions given of long distance visits by family members and service providers from north Wales as well as the experiences of former prisoners from north Wales when held in prisons across England. In September 2013, however, the MoJ announced that it was going to address the "lack" of spaces in north Wales by building a 'super' prison in Wrexham. Once the prison becomes operational in 2017, HMP Berwyn will become the only prison in north Wales.

The decision to build a prison in north Wales comes after years of campaigning for a prison in the area. This campaign has been supported by politicians, senior judges and criminal justice agencies across north Wales. In 2007, the Welsh Affairs Committee (2007, p.4) also recommended that "new prison places" should be built in north Wales following its inquiry into the experiences of Welsh prisoners. In 2009, after UK Government's plans to build a prison in north west Wales collapsed because of site problems, the North Wales Prison Conference was held and attended by criminal justice agencies from across the area to continue the campaign for a prison in north Wales. In March 2010, the then Justice Secretary, Jack Straw, pledged the UK Government's continuing support for a prison in north Wales after its previous attempts had failed (Daily Post, 2010).

Given this context it is perhaps not surprising that the UK Government's decision to build HMP Berwyn received a relatively warm welcome. Speaking on the day of the UK Government's announcement, the then Welsh Secretary, David Jones MP, welcomed the prison at Wrexham as something that would help to improve the rehabilitation of Welsh offenders by "making them more accessible to their families, legal advisers and the probation service" (MoJ 2013b). The Welsh Government's First Minister, Carwyn Jones, also welcomed the prison as a way to help address the problems facing prisoners families from north Wales who, as shown in this research, currently have to travel "great distances" to visit loved ones held in England (ITV Wales, 2013). However, notwithstanding the support shown by the UK and Welsh Government, the MoJ's plans for the Wrexham prison raise a number of important questions in relation to some of the 'distance problems' discussed throughout this research.

i) Solution to Distances?

A collective will to tackle the 'distance problems' facing people in north Wales has been the major driver of the long running campaign for a prison in the area. In 2006, Sir Roderick Evans, Wales' then most senior judge, emphasised the need for a prison in north Wales to tackle the "long distances" facing prisoners and family members (Evans, 2006). In the following year, Lesley Griffiths AM, now a Welsh Government Minister, called for a north Wales prison to end the practice where prisoners from north Wales are being "shuttled back and forth" over many miles to prisons in

England (BBC News 2007). The House of Commons Welsh Affairs Committee also argued that a prison in north Wales would help prisoners "maintain better contact" with families and service providers as well as reduce the amount of resources that resettlement agencies "devote to travelling to prisons outside of Wales" (Welsh Affairs Committee, 2007, p.17).

In spite of the widely held hope that a prison in north Wales will provide a solution to 'distance problems', the plans to locate HMP Berwyn in Wrexham serves to undermine that belief. Concerns about the appropriateness of locating a north Wales prison in Wrexham were first raised in 2010 when Wrexham was mooted as a potential location for a new 1,500 place prison. In strong opposition to the plans, Ian Lucas MP warned that Wrexham was "not the right location" for a north Wales prison given its proximity to existing prisons in England (BBC News, 2010). These concerns were shared by then Welsh Secretary, Peter Hain, who questioned the logic of siting a prison 'for' north Wales in an area so far to the east of north Wales.

> It (Wrexham) is not the obvious venue. To be frank it's very close to the English border and a natural preference would be for somewhere more centrally located.

(Wrexham Leader, 2010)

Concerns about the suitability of HMP Berwyn's location are most clearly brought into focus by the contents of the MoJ's site search reports used as part of its efforts to identify the most suitable location for its 'super' prison plans in 2013. What becomes clear within these reports is that the site in Wrexham was not chosen by the MoJ to provide a solution to the 'distance problems' facing prisoners from north Wales. The MoJ's reports in fact identify both Liverpool and Manchester as its "key population areas" when deciding on the location of the new prison in north Wales (MoJ, 2013c, p. 9). Only two months into the site search process, Prisons Minister, Jeremy Wright, contacted the First Minister, Carwyn Jones, to inform him that Anglesey, in north west Wales, was not even being considered as part of its site search process because of the distance between the area and the key population in north west England (Wright, 2013). The reports show that the eventual decision to locate the prison in Wrexham was determined by its relatively easy access to Liverpool and Manchester

rather than north west Wales despite the acute 'distance problems' facing prisoners, prisoners' families and service providers from this area (see chapter six and seven).

The strategic decision taken by the MoJ is one where consideration of the needs of people across north Wales was notably absent. The benefits of the Wrexham 'super' prison, therefore, are likely to be somewhat limited when it comes to alleviating distances for people in certain parts of north Wales. For example, while official figures show that the "average travelling distance" facing adult male prisoners across England and Wales is 50 miles (HC Debate 7th January 2010 C549), any prisoner held at HMP Berwyn with a home address that is west of Colwyn Bay will face a distance from home that is greater than the England and Wales average. This will, of course, include family members and service providers travelling from the same area. This includes, for example, all of those interviewed on-board the North Wales Prison Bus.

In addition to the questions that can be raised over whether or not siting the prison in north east Wales goes far enough in tackling distances for prisoners, family members and service prisoners from the area, the opening of HMP Berwyn might also lead to a situation whereby prisoners from south Wales face even greater distances once the prison becomes operational. According to HMCIP (2015b), from 2017 onwards the 'super' prison in Wrexham will replace HMP Stoke Heath as a resettlement prison for Wales. The decision to replace HMP Stoke Heath with HMP Berwyn is likely to mean that prisoners from south Wales are sent up to Wrexham as part of the UK Government's attempts to ensure that the Wales CRC can access Welsh prisoners. This decision will ensure that prisoners from south Wales, as well as family members and service providers, face a similar set of 'distance problems' than those currently experienced by prisoners held at HMP Stoke Heath.

The building of a north Wales prison has long been viewed as a solution to the 'distance problems' facing people across north Wales (e.g. Welsh Affairs Committee, 2007). The arguments presented in this section, however, show that HMP Berwyn's location is likely to undermine the prison's ability to sufficiently tackle the long distances facing prisoners, family members and service providers. In addition, the lack of spaces within resettlement prisons in south Wales will lead to prisoners from south Wales being held at a 'local' Welsh resettlement prison at a distance from home

that may be as much as three times greater than the England and Wales average.[3] These arguments suggest that many of the 'distance problems' that have been discussed throughout this chapter are, therefore, likely to continue to impact upon the resettlement outcomes of Welsh prisoners including within pathway for which the Welsh Government is responsible.

(ii) Pressures upon the Welsh Services

Many of the arguments made throughout this thesis have focused on the Welsh Government's responsibilities for providing 'through the gate' resettlement services to Welsh offenders. This includes the Welsh Government's former commitments to 'priority need' as well its recently removed Transitional Support Services. The decision to build the Wrexham 'super' prison, however, poses a number of questions relating to the considerable responsibilities that devolved services have for those held within the prison estate in Wales. As outlined in chapter three, this includes responsibility for prisoner healthcare as well as responsibilities for the social care needs of people held in Welsh prisons.

Once the prison becomes operational, HMP Berwyn will become the largest prison in England and Wales. Indeed, with a capacity of 2,106 prisoners, the prison at Wrexham will be the second largest prison throughout Western Europe.[4] The UK Government's decision to locate a 'super' prison in Wales therefore raises a number of important and urgent questions around what likely effects HMP Berwyn will have upon the Welsh Government's responsibilities for those held in the prison estate in north Wales. This includes the challenges facing local health services in north Wales as well the pressures placed upon local government services in Wrexham and the surrounding area.

The MoJ announced in February 2015 that HMP Berwyn will be operated by HM Prison Service. That decision means that that the primary and secondary healthcare needs of *all* prisoners held at HMP Berwyn will be the responsibility of the Betsi

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[3] The average distance facing prisoners across England and Wales is 50 miles from home (House of Commons Hansard Debate 7th January 2010). The distance from Cardiff to Wrexham Industrial Estate is 143 miles.

[4] The largest prison in Western Europe is currently Fleury-Mérogis in France, a prison with the capacity to house 3,800 prisoners.

Cadwaladr University Health Board (BCUHB). In anticipation of the prison opening in 2017, BCUHB (2015a, p.1) has acknowledged that the prison is likely to present the health board with "substantial planning and operational challenges". These challenges including having to meet the multiple and often complex physical and mental health care needs of prisoners (Prison Reform Trust, 2015; SEU, 2002). A health needs assessment of HMP Berwyn, for example, found that BCUHB will be responsible for delivering a range of physical and mental health services including those related to substance misuse, long and short-term illness as well as injuries inflicted by self-harm or assaults in prison (BCUHB, 2015b).

The increased responsibilities that will be placed upon BCUHB have also raised concerns about the added financial pressures associated with the prison. In anticipation of the prison opening in 2017, the Welsh Government has raised concern about the financial burdens that will be imposed upon health services in north Wales as a consequence of a UK Government policy. These questions follow on from research that has shown that prisoner health care services in Wales are already subject to a structural underfund from the UK Government. For example, between 2013/14, the Welsh Government received £2.5 million from the UK Government to cover the health care of prisoners in the prison estate in Wales while local health boards in Wales spent £3.9 million on providing primary healthcare services to prisoners.[5] The First Minister outlined the Welsh Government's concerns in November 2015:

> The UK Government cannot expect in an area that is non-devolved to impose costs either on the Welsh Government or on the local health board, without them making contributions themselves… We would look at where costs are potentially imposed upon Wales through a non-devolved body that those costs are wholly met by the UK Government. There has been no reassurance in that regard yet.

(Daily Post, 2015)

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[5] This information was gathered from Local Health Boards through the Freedom of Information Act 2002.

The First's Minister's statement emphasised the need to consider what effects the UK Government's decisions were having upon devolved areas of responsibility. These include the Welsh Government's responsibilities for the social care needs of prisoners following the recent introduction of the Social Services and Well-being (Wales) Wales Act 2014. Since taking effect in April 2016, Part 11 of the Act now requires local authorities in Wales to meet and assess the needs of *all* prisoners held in within their area. This currently includes local authorities in Wales that have a prison within their boundary including Bridgend [HMP Parc], Cardiff [HMP Cardiff], Monmouthshire [HMP Usk/Prescoed] and Swansea [HMP Swansea].

Wrexham local authority will soon become responsible for *all* prisoners held at HMP Berwyn. In anticipation, a report by Care and Social Services Inspectorate Wales (2015, p.16) has already warned that the new prison will place significant pressures upon staff while impacting upon the local authority's budget for social services in Wrexham. A report by Wrexham County Borough Council Social Services (2015) drew attention to the combined effect of the UK Government's decision to build HMP Berwyn *and* the Welsh Government's introduction of new social care provisions:

> In 2017, the biggest prison in the UK is due to open in Wrexham, accepting over 2000 category C prisoners. This is expected to generate a significant extra demand for Social Services and other Council Services. Under the Social Services and Well-being Act all prisoners in Wrexham Prison will be deemed to have 'ordinary' residence in Wrexham. This will mean that Social Services in Wrexham will be responsible for meeting their care and support needs whilst they are in prison and in preparation for their release and post release support.

(Wrexham County Borough Council Social Services, 2015, p.37)

The impending arrival of a 'super' prison in north Wales serves to crystalise a number of the key issues that have been discussed throughout this thesis. For example, how will prisoners' families across north and south Wales experience travelling to the Wrexham 'super' prison? What will life inside HMP Berwyn be like for Welsh prisoners? In particular, given the MoJ's prediction that the majority of

prisoners held there will come from England, are Welsh prisoners likely to experience the same 'pains' they face when held as a minority in English prisons? The prison also raises questions about what experiences prisoners are likely to face when being transported to HMP Berwyn inside the prison escort vehicle. This includes those transferred from courts in north Wales as well prisoners from south Wales who may well be transferred to HMP Berwyn as Welsh 'local' resettlement prison.

The UK Government's decision to finally build a prison in north Wales, at least on paper, appears to be a long awaited solution to the 'distance problems' facing prisoners, family members and service providers in north Wales. The issues that have been outlined in this chapter, however, raise a number of concerns about the likely benefits associated with HMP Berwyn for people across north Wales. The most important point to take away from this discussion, however, is that the decision to build a 'super' prison in north Wales once again throws into stark relief the need for politicians and policy makers to take account of the implications of the hybrid system in Wales. In spite of the Welsh Government's public and financial support for HMP Berwyn (ITV Wales, 2013; Wales Online, 2014),[6] the arguments presented in this section show that the MoJ's decision to locate the 'super' prison in north Wales is likely to have a significant impact upon the Welsh Government's current and future policy responsibilities for prisoners and offenders in and of Wales. The Wrexham 'super' prison arguably provides the clearest example that decisions made on an 'England and Wales' basis urgently need to take account of the unique constitutional arrangements that now exist in Wales.

In summary, the arguments made throughout this chapter have contributed to a more critical understanding of the hybrid system in Wales. This understanding is centred upon two important points. Firstly, within the hybrid system, the UK Government's criminal justice polices often impede upon the successful delivery of the Welsh Government's separate yet intersecting policy responsibilities. Secondly, regardless of their effects, the Welsh Government is powerless to alter or affect the way in which the UK Government uses its controls over criminal justice policy in Wales. As a result, UK Government criminal justice policies are undermining the

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[6] Including its decision to transfer the Firestone site in Wrexham (then owned by the Welsh Government) to the Ministry of Justice at no cost.

Welsh Government's attempts to fulfil its responsibilities or fully implement its own policy objectives.

Recent policy developments such as the decision to remove 'priority need' in Wales provides another example of the deleterious consequences of the hybrid system that were already apparent at the time of data collection for this thesis. In the final section it will be argued that criminologists need to think more critically about the intersection of UK Government and Welsh Government responsibilities when researching the criminal justice system in Wales. Consideration also needs to be given to the suitability and indeed future sustainability of the unique, complex and challenging structure of the hybrid system that has emerged in Wales since devolution.

9.5 Towards a Constitutionally Literate Criminology

As noted in the introduction, this thesis set out the aim to challenge the orthodox view of a unified England and Wales system. The intention of the research was to show that devolution in Wales, alongside changes to the UK Government's approach to criminal justice, had led to the emergence of a distinct Welsh criminological policy space. This space has been characterised as a hybrid system. A concept that refers to the way in which the criminal justice policy space in Wales is occupied by two different governments, each underpinned by its own democratic mandate, policy responsibilities and priorities. The thesis' framing of the hybrid system, therefore, opens up a space in which to think about Wales as a distinct unit of criminological analysis. In doing so, the thesis makes three important contributions to the discipline of criminology and wider policy debates in Wales.

Firstly, this thesis contributes towards wider criminological debates at the level of policy, practice and theory. The findings presented within this thesis, for example, fill a gap that currently exists on research into distances in England and Wales. This includes adding to a growing body of research on prisoners' families experiences as well as the effects that prisoner location has upon 'through the gate' services and prisoners' post-release resettlement outcomes. The thesis also contributes towards theoretical debates on the sociology of imprisonment. This includes bolstering a relatively new area of study on 'local identification' in prison (e.g. Crewe, 2009;

Phillips, 2008) as well as other areas that are currently under-researched, including prisoner experiences inside the prison escort vehicle. The highlighting of such issues showcases, more broadly, the insights that arise as a result of studying a specific geographic area or location. Evidence of this has been found in the contributions made by criminologists studying developments in Scotland (e.g. Croall et al, 2015).

Secondly, the arguments presented throughout this thesis can be used to challenge the discipline of criminology to take account of the impacts of devolution on the ostensibly non-devolved system in Wales since 1999. The concept of the hybrid system can be applied by criminologists to other areas of the criminal justice system in Wales. This includes the study of policing and probation as well the Welsh Government's commitments to support specific populations including children and young offenders as well as female offenders across Wales, neither of which were included within the arguments made throughout this thesis, but are amenable to investigation through the lens of the hybrid system.

Thirdly, the thesis' framing of the hybrid system can contribute towards a better understanding of debates surrounding the future of criminal justice powers in Wales. Debates that were boosted, in particular, by the publication of the Silk Commission's inquiry into the future of devolution in Wales. A feature of these debates is that they have largely focused upon the future of criminal justice in Wales without ever developing a sense of how the current system operates in Wales. The identification and naming of a 'hybrid system' provides a conceptual framework that can be used to challenge this disconnect within existing constitutional debates in Wales. The arguments presented throughout this thesis can also contribute towards debates over Wales' continuing involvement in the 'England and Wales' system, and debates now crystallising around the potential for a 'distinct' (Wales Government Centre, 2015) or 'separate' legal jurisdiction for Wales (Huckle, 2012).

Beyond criminological debates in Wales, this thesis can also contribute to the development of a more constitutionally literature discipline across the UK. This includes challenging the orthodoxy of 'British criminology'; an orthodoxy that persists despite the obvious differences that pertain in Scotland (Croall et al, 2010; 2015) as well as those in Northern Ireland since policing and justice powers were transferred to Stormont in 2010. Interestingly, UK Government plans to introduce

regional devolution across England (House of Commons, 2014) are likely to present yet further challenges to a discipline that has, up until now, struggled to engage with the impact of constitutional change to criminal justice across the UK. An impact that includes the emergence of a unique and distinct criminological space in Wales.

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Appendices

Appendix 1 – Consent Form (Cymraeg)

CYMRU A CHARCHAR

Ffurflen Ganiatâd

Enw'r Ymchwilydd: Robert David Jones

1. Rwyf wedi darllen y daflen wybodaeth (neu wedi clywed ei darllen) a ddarparwyd i mi at y prosiect hwn.
2. Rwy'n deall bod fy nghyfranogiad yn wirfoddol ac y gallaf dynnu'n ôl ar unrhyw adeg heb roi unrhyw reswm.
3. Rwy'n deall y bydd y wybodaeth a roddaf yn cael ei chadw'n gyfrinachol rhyngof i a'r ymchwilydd Robert David Jones.
4. Rwy'n deall y bydd y cyfweliad yn cael ei gofnodi ar ddyfais sain, fydd yn cael ei dinistrio o fewn tair blynedd o'r cyfweliad. Yn y cyfamser bydd yn cael ei chadw'n gyfrinachol ac yn ddiogel ar system gyfrifiadurol fydd yn sicrhau mai dim ond Robert David Jones fydd yn cael ei defnyddio.
5. Rwy'n cytuno i gymryd rhan yn yr ymchwil.

Enw'r cyfranogwr:

Dyddiad:

Llofnod:

Appendix 2 – Consent Form (English)

IMPRISONMENT IN WALES

Consent Form

Name of Researcher: Robert David Jones

1. I have read (or have had read to me) the information sheet provided to me about this project.
2. I understand that my involvement is voluntary and that I can withdraw at any time without giving any reason.
3. I understand that the information I will give will be kept confidential between myself and the researcher Robert David Jones.
4. I understand that the interview will be recorded on an audio device that will be destroyed within three years of the interview. In the meantime it will be kept confidential and stored securely on a protected computer system that only Robert David Jones has access to.
5. I agree to take part in the research.

Name of participant:

Date:

Signature: