



Welsh Prisoners in the Prison Estate

Government Response to the Welsh Affairs Committee Report

**Presented to Parliament
by Lord Chancellor and the Secretary of State for Justice**

**By Command of Her Majesty
August 2007**

**This response is also available on the Ministry of Justice website at
www.justice.gov.uk**



Welsh Prisoners in the Prison Estate

Government Response to the Welsh Affairs Committee Report

**Presented to Parliament
by Lord Chancellor and the Secretary of State for Justice**

**By Command of Her Majesty
August 2007**

**This response is also available on the Ministry of Justice website at
www.justice.gov.uk**

© Crown Copyright 2007

The text in this document (excluding the Royal Arms and departmental logos) may be reproduced free of charge in any format or medium providing that it is reproduced accurately and not used in a misleading context. The material must be acknowledged as Crown copyright and the title of the document specified.

Any enquiries relating to the copyright in this document should be addressed to
The Licensing Division, HMSO, St Clements House, 2-16 Colegate, Norwich, NR3 1BQ.

Fax: 01603 723000 or e-mail: licensing@cabernet-office.x.gsi.gov.uk

Contents

Introduction	3
Summary	4
Response to the Recommendations	5

Welsh Prisoners in the Prison Estate

1. Introduction

1.1 The Government is grateful to the Welsh Affairs Committee, and all those who made submissions and gave evidence on a wide range of issues relating to Welsh prisoners in the prison estate and Welsh young people in custody.

1.2 The Committee's report, *Welsh Prisoners in the Prison Estate* (6 June 2007) reached a number of conclusions and recommendations regarding the provision of services to Welsh prisoners.

1.3 The Government has given careful consideration to the report and has noted the range of recommendations, specific to Welsh prisoners and Welsh young people in custody, that the Committee has put forward. The following provides the Government's response to those recommendations.

1.4 Since the Committee took evidence on this subject last year NOMS transferred to the new Ministry of Justice from the Home Office.

2. Summary

2.1 The Government welcomes the Committee's report about Welsh Prisoners in the Prison Estate and in relation to Welsh young people serving custodial sentences.

2.2 The report draws attention to important issues around the need for additional prison capacity in Wales and appropriate offender management services for male and for female prisoners. This is also reflected in issues raised about prisoners' distance from family and their home communities; the continuity of care and support for prisoners - as part of their resettlement into their home community; and the provision of Welsh language services.

2.3 These are all current issues that the Government is considering as part of the programme to increasing the overall prison capacity in England and Wales, and in developing a devolved commissioning role for the National Offender Management Service in Wales.

2.4 Increasing the prison capacity of the prison estate across England and Wales is being achieved through a rolling programme to meet the identified capacity needs in priority locations, where possible. Wales has been included in this planning process, and its' needs quantified.

2.5 The Government's priority is to ensure and maintain public protection at all times, which includes a strong focus on reducing re-offending and developing responsible citizenship. To support this work the Government has put in place a range of initiatives to facilitate cross-organisational working between the criminal justice system and communities to provide the most appropriate support to help offenders in becoming responsible citizens. This is being taken forward in Wales by the Director of Offender Management for Wales

2.6 The Government's Spending Review 2000 target of reducing adult re-offending by 5% between 1997 and 2004 has been met with re-offending being reduced by 6.9% compared to the predicted rate. NOMS has also made good progress in meeting the Government's aim to reduce re-offending by 10% by the end of the decade in relation to the 2002/03 figure. The response to the Committee's recommendations builds on and includes work that is underway to safeguard the public and reduce re-offending.

3. Response to the Recommendations

The Separation of Young Offenders

Recommendation 1: *We are concerned to learn of the proposals to end the separation of adult and young adult offenders. Although this might enable more Welsh young offenders to be held nearer to home in adult prisons we believe they should continue to be held in Young Offender Institutions that can provide specialist services for those that are vulnerable. We endorse the views of witnesses who in their evidence to this Committee cautioned against ending the separation of young offenders from the adult prison population, and urge the Government not to implement such a measure. (Paragraph 15).*

In November 2005 the Government launched the National Offender Management Service Young Adult Offenders (YAOs) Project. This was part of the new approach to offender management, to consider the implications of abolishing Detention in a Young Offender Institution (DYOI) and the regime that would need to be in place to ensure sufficient safeguards for this age group both in custody and the community.

The project has reviewed the needs of young adult offenders, the appropriate age range, the use of the prison estate, the regimes and interventions required in prison and in the community and considered the implications of abolishing DYOI. There has been full consultation with internal and external stakeholders, including the Director of Offender Management for Wales. Consideration has been given to HM Inspectorate's recent thematic report on young adult offenders.

The project recommended that the abolition of DYOI in favour of a specialist provision based on needs, vulnerability and development stage was the optimum solution. However, it was concluded that taking account of the both the constraints posed by current prison capacity and the need to undertake further work to test out a new approach to young adult offenders, the time is not yet right to abolish DYOI. This was announced on 8th May 2007 in a Written Ministerial Statement with a commitment to revisit this decision at a later date. This will include further work to progress a suite of proposals to enable the best approaches to be tested, both in custody and in the community, and ensure appropriate provision can be planned to address the specific needs of 18-24 year olds in the future.

Remand Prisoners

Recommendation 2: *If the criminal justice system is to work effectively in North Wales, provision needs to be made for prisoners on remand. Under the current arrangements much time and energy is devoted by legal and probation staff travelling to visit remand prisoners. Prisoners are subjected to long journeys to attend court hearings which are often delayed by late arrivals. It makes little sense to invest in new court facilities in Caernarfon if remand prisoners continue to be held at prisons in North West England and need to make a journey of several hours to make a court appearance (Paragraph 42).*

The Government has sympathy with the Committee's recommendation.

We understand the existing road network can cause difficulty for those travelling from Gwynedd County in particular. HMP Altcourse and HMP Styal will remain remand centres for the foreseeable future pending discussions on prison capacity in Wales.

Recommendation 3: *Given the difficulties created by the lack of custodial facilities for remand prisoners, both for prisoners and the agencies working with them, we recommend that custodial facilities to accommodate these prisoners be provided in North Wales as soon as is practicable (Paragraph 43).*

The Government understands the Committee's recommendation. The strategic priority, at present, for new prisons for Wales is being assessed. This assessment includes the request for sites to be identified in North Wales for possible inclusion in a future building programme. The date set by the Government for final consideration is the end of August 2007. At the moment no sites in North Wales have been assessed as viable, the Government will report to the Committee at a later date as to progress. The North Wales Criminal Justice Board has recently written to local authorities to ask for sites for consideration.

Recommendation 4: *In the short term NOMS in Wales should ensure that the Probation Service in Wales is adequately resourced to undertake its work with remand prisoners. Video conferencing equipment should be made more widely*

available to link probation and other support staff with prisoners who are held a long distance from home (Paragraph 44).

The Government agrees with the Committee's recommendation. There is already a strategy being developed to make video conferencing equipment more widely available to support the full delivery of the offender management model in both England and Wales. This will be used to support probation's work with all offenders in custody and not only those on remand.

New custodial facilities in Wales

Recommendation 5: *Amongst witnesses there was almost universal acknowledgement that Welsh prisoners should be held closer to home, preferably within Wales. The case for providing new custodial facilities in Wales is particularly strong for juveniles and young men, for whom capacity is limited, and for all prisoners from North and Mid Wales where there are no custodial facilities. New provision is also needed for women, for whom there are currently no facilities in Wales (Paragraph 46).*

The Government agrees with the Committee's recommendation. However, the majority of prisoners originating from Mid Wales are served by HMP Swansea. The issue about prisoners from North Wales has been covered in the response to recommendation 3 above.

HMP Parc provides places for young adult offenders and for under 18s. The Youth Justice Board commissioned an increase of 28 places for 15 to 17 year olds boys which became available early in 2007.

The operator at HMP Parc is currently applying for planning consent to build new accommodation to extend its capacity for adult prisoners. Should the planning application be successful and the scheme is taken forward, NOMS will decide the placement allocation in the light of population pressures at that time.

NOMS acknowledges that there is no custodial accommodation for women in Wales and is looking at a number of options, including the possibility of a multifunctional facility in South Wales and the small custodial facilities as proposed by Baroness Corston.

Recommendation 6: *We therefore strongly favour the development of new prison facilities in North Wales for male prisoners, including young adult offenders (aged 18-20) and remand prisoners. This would enable prisoners to maintain better contact with their families and communities and assist their resettlement on release. It would improve the efficiency and effectiveness of those agencies working with prisoners, in particular the probation service, by reducing the resources they devote to travelling to prisons outside Wales, and it would create a more cohesive and effective criminal justice system for Wales at a time when a single administrative unit for the courts service in Wales is being created (Paragraph 47).*

Recommendation 7: *We recommend that the National Offender Management Service draws up plans to develop new prison accommodation in North Wales. The prison should be a medium sized (with at least 500 places) multi-function facility capable of holding male adults and young offenders (18-20) who are remanded or sentenced and of low and medium security categories (Paragraph 48).*

The Government is sympathetic to both the Committee's recommendations 6 and 7.

While a prison in North Wales would also help relieve the shortage of places in the North West of England, NOMS already has a site with detailed planning permission for a new prison in Merseyside which is deliverable within the timeframe of the current prison capacity development programme.

However, NOMS will continue to consider the demand, and potential future sites, for prison places in North Wales in future capacity building programmes as per our response to recommendation 3.

Recommendation 8: *Although the case for prison facilities in North Wales is strong, demographic trends indicate that South Wales also lacks sufficient capacity, despite having four prisons, and this too needs to be remedied (Paragraph 49).*

Recommendation 9: *We recommend that NOMS develop proposals for extra prison capacity in South Wales, either by extending existing facilities or by building new accommodation. (Paragraph 50)*

The Government agrees with the Committee's recommendations 8 and 9 and has recognised the need for additional prison capacity in South Wales.

NOMS has undertaken a site search and evaluation in South Wales, and has viable sites under consideration. As planning for a new prison in Wales is in process, due account will be taken of the requirements for adult males, young adults, under 18s and women.

Recommendation 10: *We also believe that additional custodial facilities should be provided in Wales for juvenile offenders. Although we support the Youth Justice Board's emphasis on using custody only as a last resort we welcome plans for new secure places in Wales for juvenile offenders as we believe that holding children in custody in institutions outside Wales, sometimes at a considerable distance from home, is unacceptable. (Paragraph 51)*

The Government is sympathetic to the Committee's recommendation.. It is keen to ensure that all young people are placed as close as possible to their home community and receive the most appropriate services to meet their specific needs.

Within the last 6 months the Youth Justice Board has increased the number of places for young people in Wales by a further 28 places, at HMP Parc YOI.

As noted in the response to recommendation 11 while it is the clear objective to increase provision in Wales there are some limitations on how quickly this can be done. It is also the case that even with increased provision within Wales for the majority of young people held, there may be some individual cases where for good reasons it would be more suitable to hold a particular young person in an establishment in England, such as where that would mean they would actually be closer to home than the provision available in Wales.

Recommendation 11: *We urge the YJB and its partners to ensure that provision is made to accommodate all Welsh juvenile offenders within Wales as soon as*

possible, with immediate priority being given to those from North Wales, for whom there is currently no provision. (Paragraph 52)

The Government agrees with the broad principle of the Committee's recommendation. A joint working group between the Youth Justice Board and the Welsh Assembly Government investigated the provision of secure accommodation for Welsh children and young people. The group considered the feasibility of additional accommodation in Wales, to ensure that all young people in custody are as close as possible to their home community. It was as part of this process that the Youth Justice Board has commissioned an additional 28 places at HMP Parc YOI which became available in February this year.

The Youth Justice Board will continue to investigate the options for additional places in Wales with the Welsh Assembly Government, including in North Wales. This continues to be dependent on the prioritisation of capital funding and suitable sites being identified. In addition the YJB will also work with NOMS to explore the suitability for young people under 18 of their proposed site in South Wales as the plans develop.

Provision for female offenders and support for families

Recommendation 12: *We recommend that links between community-based services for released prisoners and services for those inside prison be improved. In particular there is a need for probation-supervised hostel accommodation for some returning prisoners and we recommend that NOMS Wales makes renewed efforts to secure adequate provision. (Paragraph 61)*

The Government agrees in part with the Committee's recommendations 11 and 12. NOMS Wales works closely with a range of partners, both within the criminal justice system and out with to develop ways in which continuity of care and support can be maintained as prisoners move through the criminal justice system and into their communities. This involves working closely with the Welsh Assembly Government in relation to the services for which it has devolved responsibility.

There was a review of Probation Approved Premises in 2005, which concluded that there was limited need for such a facility for women offenders in Wales, based on the required risk criteria for such accommodation and that other delivery options

should be explored. Work is now being taken forward through *Joining Together in Wales: The Reducing Re-offending Action Plan* (February 2007) and the NOMS Approved Premises Strategy to identify and deliver the most appropriate provision. To support this work NOMS Wales commissioned the Female Offenders Accommodation Pathfinder to support the resettlement work around female prisoners returning to Wales.

The findings of the pathfinder report were published in June 2007 and further work is now in train to take into account the findings of the pathfinder report, the Corston report and the recommendations of the Committee into a strategy for Welsh women offenders. This is a complex area involving consultation with a wide range of partners, providers and suppliers.

Recommendation 13: We recommend that Mother and Baby Units such as that provided at HMP Eastwood Park are made available for all Welsh mothers with young babies who are in prison. Such units perform a vital function in helping to ensure that mothers develop the necessary skills and relationships with their babies and help to minimise the potential for problems later in life for those children. Links between the units and community-based services in Wales are clearly important, particularly given the dislocation of Welsh women from their communities and need to be developed if support for them is to be continued on leaving prison. (Paragraph 67)

The Government supports the principle behind the Committee's recommendation within existing arrangements. The Prison Service has made provision for mothers to have their children with them when, in the opinion of local authorities and the Governor, this is in the best interests of the child.

There are seven Mother and Baby Units in England that provide accommodation for up to 75 mothers and their children. Currently these units are not full and there are no plans to increase the numbers of units. Each unit has a mother and baby liaison officer and visits by health visitors and for women who will resettle in Wales contact is made with the home health visitor. The aim is to ensure every opportunity is taken to help women acquire parenting skills and prepare for childcare. NOMS will monitor useage and demand levels for this type of accommodation for Welsh offenders in England to inform future estate planning within Wales.

Recommendation 14: *We recommend that the Director of Offender Management in Wales devotes additional resources in support of visits by prisoners' families. Adequate information and support for visiting families should be in place in all prisons to ensure that families are able to maintain regular contact. More practical and financial support for visiting families should be provided, particularly for visitors who have to travel long distances, and those for whom the journey presents particular difficulties. (Paragraph 71)*

The Government supports the Committee's recommendation. NOMS Wales will work with prisons in Wales to help them develop adequate provision for visiting families.

NOMS Wales works with a wide variety of partners to deliver the Children and Families of Offenders Pathway, which sits within *Joining Together in Wales: The Reducing Re-offending Action Plan* (February 2007). The aims in the pathway's action plan include the provision of relevant and user friendly information for children and families visiting family members in Welsh prisons. The pathway group are also working to develop a positive prison visiting environment that promotes family interaction.

NOMS Wales and the other pathway members have considered the experience of children and families who travel long distances and are seeking to reduce the problems children and families face when travelling to prisons.

The public sector prisons in Cardiff, Swansea and Prescoed and the private prison, HMP Parc, in Bridgend run family visiting days and these are being developed further to provide a more positive environment. In addition links are being made by NOMS Wales with those prisons in England who have Welsh prisoners about appropriate provision for visiting families from Wales.

Recommendation 15: *We recommend that improvements be made to visiting arrangements and facilities for children to ensure that they can enjoy meaningful contact in a child-friendly environment in a way that does not compromise security. (Paragraph 72)*

The Government agrees with the Committee's recommendation. *Joining Together in Wales: The Reducing Re-offending Action Plan* seeks to improve the visiting environment in Welsh prisons in order to promote positive family interaction. This

will also be taken forward through NOMS Wales commissioning arrangements with prisons in Wales.

The current family visiting days run by Welsh prisons, referred to in the response to recommendation 14, are being further developed in line with best practice. To support this work a good practice model has been identified and NOMS Wales, together with partner organisations, are considering the best way such facilities could be provided in Welsh prisons. Links are also being made with the relevant English prisons to support this work.

Recommendation 16: We commend the work of the Parc Supporting Families project and we recommend that NOMS promotes the wider use of this model in other prisons holding Welsh prisoners. (Paragraph 73)

The Government supports the principle of the Committee's recommendation. Many of the features which the project promotes are reflected in the Children and Families of Offenders Pathway within the reducing re-offending action plan for Wales. The actions also aim to improve parenting and family relationship education for offenders in prison and in the community. Good practice has been identified and work is now underway with NOMS Wales and key stakeholders to consider its provision in prisons in Wales. As part of this work links are also being made with the relevant prisons in England.

Recommendation 17: Imprisonment far from home harms both female prisoners and their children. We recommend that new custodial centres for women be provided in Wales of the smaller, community-based type recommended by Baroness Corston. As a minimum, two such units should be established, one in North Wales and one in South Wales. (Paragraph 83)

Recommendation 18: We also recommend the development of a network of locally-based residential women's centres as proposed in the Corston report, to address the needs of those women serving shorter custodial sentences, those on remand, and those for whom stable accommodation is a condition of sentence. Such centres would also provide resources for women serving community sentences. (Paragraph 84)

In response to both Committee's recommendations 17 and 18, the Government is carefully exploring the forty-three recommendations made by Baroness Corston in her report, on women with particular vulnerabilities in the criminal justice system,

with all the departments and agencies concerned. The Government will develop a detailed response and set out an agreed way forward by late autumn. The Committees' recommendations will be taken into account in the Government's overall consideration and response to the Corston report. This includes looking at the possibility of the small custodial facilities as proposed by Baroness Corston, referred to in the response to Recommendation 5.

In addition work is currently being progressed through the joint reducing re-offending action plan for Wales, in which the Female Offenders Accommodation Pathfinder forms part, to explore options for future service delivery models with key stakeholders.

Mental health and substance misuse

Recommendation 19: Better links with NHS services in Wales and training for prison staff in mental health provision in the Welsh context would improve services and help promote easier transition from prison to community-based services. More prison places for males and smaller community based units for women in Wales, as we recommend elsewhere in this Report, would allow Welsh offenders to serve their sentences nearer to home and maintain better links with their families and communities, all factors that could help promote better mental health. (Paragraph 99)

The Government agrees that there are benefits in close collaborative working in mental health service provision between prison staff and NHS to support ex-offenders' resettlement in the community.

The Welsh Assembly Government has devolved responsibility for NHS provision in Wales and in October 2006 launched *The Prison Mental Health Pathway for Wales*. The pathway is designed to support decision making for those who commission mental health services for prisoners and to guide the practice of people who directly deliver services. It promotes the Care Programme Approach, which ensures that continuity of care for prisoners is an important component in the pre-release preparations and resettlement of people from prison.

NOMS Wales is working closely with the Welsh Assembly Government and the prison service to support the implementation of the pathway within both the Welsh prison estate and health communities in Wales. This will involve considering

appropriate training for prison staff that will support staff, prisoners and the mental health in-reach teams based at Welsh prisons.

Recommendation 20: *We recommend that NOMS makes improvements to prison staff training to ensure that they are better equipped to manage the mental health problems manifested by prisoners with whom they work and to ensure that they are fully conversant with the operation of Welsh mental health services. (Paragraph 100)*

The Government supports the principle of the Committee's recommendation. NOMS currently works with both the Department of Health, the Welsh Assembly Government's Department for Health and Social Services, public and private prisons to ensure provision of appropriate care to meet health needs of prisoners. NOMS also encourages providers to undertake appropriate staff training and development for the benefit of both staff and prisoners.

Recommendation 21: *NOMS should work with the NHS to ensure that good practice in mental health care in prisons holding Welsh prisoners is promoted throughout the prison estate. (Paragraph 101)*

The Government supports the Committee's recommendations in relation to all prisoners. Prisoners detained in prisons across England have their health needs screened on reception and if mental health issues are identified then a full mental health screening is undertaken, and if appropriate, the individual will be referred to the mental health in-reach services.

Mental Health Services for all prisoners have been developed across the English prisons in line with 'Changing the Outlook: A strategy for developing and modernising mental health services in prisons' (2001).

Both the *Offender Mental Health Pathway* for England (2005) and the *Prison Mental Health Pathway* for Wales (2006) cover through-care from prison to the community in which the person will resettle. NOMS will continue to work closely with the Department of Health and the Welsh Assembly Government to ensure that good practice is identified and fully promoted through these pathways.

Recommendation 22: *There are alarmingly high rates of self-harm amongst female prisoners from Wales which require management by staff with specialist skills. We therefore support Baroness Corston's recommendation that the NHS should take the lead on the management and care of self-harming women in prisons and*

recommend that the Government modifies its policies accordingly to help address the problems of self-harm amongst Welsh female prisoners. (Paragraph 102)

The Government accepts and supports the reasons behind the Committee's recommendation. However, this is a complex area and a dedicated project is being established to ensure that the interdependencies of all causative factors, co-morbidity and interventions are more fully understood to identify an appropriate approach. This work will form part of the 'Women Offenders' Health Programme' project.

The Prison Health Research Network, in conjunction with the Department of Health, found that provision of effective treatment for drug addiction has reduced the incidence of self-harm and suicide in women's prisons. These findings clarify that there are a number of interventions that can impact on self-harm. HM Prison Service Safer Custody Group have undertaken considerable qualitative work with women who self-harm. A prospective case control study of 50 cases of near fatal self-harm in women in prison has just commenced. Further studies will look at the role of personality disorders and poly drug use as it specifically occurs within the women prisoners population.

Recommendation 23: *In the context of the outcomes of the review of secure mental health services in Wales we recommend that NOMS works with the Welsh Assembly Government to ensure that arrangements are in place to effect the speedy transfer of Welsh prisoners with severe mental health problems to secure units as appropriate. Where there are cross-border issues for Welsh prisoners held in English prisons which relate to policy or to operational differences in mental health services, these should be resolved as a matter of urgency. (Paragraph 105)*

The Government fully endorses this approach and NOMS Wales is working closely with the Welsh Assembly Government on the Strategic Review of Secure Mental Health Services in Wales. As such the relevant recommendations of the Committee will be taken fully into account as part of that review process. NOMS will want to ensure that the review will deal with the issues around the appropriate placement of Welsh prisoners with mental health problems and that it provides further clarity around cross-border commissioning responsibilities.

The piloting of a national waiting time standard for the transfer of acutely mentally ill prisoners to hospital under the Mental Health Act 1983 is underway in England. The outcome of this pilot will also be something that the review in Wales will take into account.

Currently, cross-border issues related to policy or operational differences have been aided by the implementation of the document '*Transfer of Prisoners to and from hospital under Sections 47 and 48 of the Mental Health Act 1983*' (joint Prison Service Instruction and DH document, 2005), which was developed in partnership with the Welsh Assembly Government. This document aims to help with delivering significant improvements in any unacceptable delays.

Recommendation 24: *We recommend that NOMS work with the Welsh Assembly Government and other partners in local government and the voluntary sector to develop good practice in linking prison and community-based substance misuse services and continued support for released prisoners with substance misuse problems in Wales. The construction of local prisons would undoubtedly assist in developing these programmes. (Paragraph 119)*

The Government agrees with the Committee's recommendation. NOMS Wales and the Welsh Assembly Government, along with several other key partners, have agreed a joint reducing re-offending action plan for Wales (*Joining Together in Wales: The Reducing Re-offending Action Plan* (February 2007)). One of the key components is around multi-agency co-operation and joint working in addressing substance misuse problems for prisoners returning to the community. This will build on the current good relationships between agencies and the substance misuse services being provided to prisoners as part of their resettlement programme. It will also help ensure the continuity of ongoing care and support.

As part of that approach NOMS also works with the Welsh Assembly Government on the Drug Improvement Programme in Wales. This has been designed to provide an integrated approach to engage offenders in drug treatment at every stage in the criminal justice system. It also allows appropriate and continuing engagement of prisoners with substance misuse problems during and on completion of custodial sentences.

In addition, to support the transition from prison to the community, the Welsh Assembly Government has developed with prison and probation services in Wales the Transitional Support Scheme in Wales. This provides a mentoring approach for prisoners with substance misuse problems to help them through their continuing treatment and resettlement in the community.

Both the Drug Improvement Programme and the Transitional Support Scheme form part of a wider portfolio of actions to address substance misuse through the joint reducing re-offending action plan for Wales.

Welsh language

Recommendation 25: *We recommend that prison authorities take a more proactive approach to the collection of data on language amongst the Welsh prison population to ensure that there is no undercounting of Welsh speakers. Information on the use of the Welsh language, on the level of understanding and on language preference should be routinely collected and published. (Paragraph 133)*

The Government supports this recommendation and NOMS Wales will work proactively with prison authorities to ensure that all prisoners who use Welsh as their preferred language, can be identified.

HM Prison Service is currently developing a Welsh Language Scheme and it is expected that this element would be reflected in the scheme.

In addition, the NOMS Wales Welsh Language Scheme commits itself to the equal treatment of Welsh and English languages and to ensuring that its commissioning and contracting arrangements consider Welsh language needs.

Recommendation 26: *We welcome the inclusion in the NOMS Welsh Language Scheme of an undertaking to specify Welsh language provision of service providers and recommend that NOMS ensures Welsh language resources are provided to Welsh prisoners held in prisons both within and outside Wales. (Paragraph 134)*

The Government's aim is for NOMS to commission services based on evidence and need. The results of the information to be gathered, in response to recommendation 25, will allow NOMS Wales to work with the NOMS regional commissioners in England, who have responsibility for all prisoners held in their area, to analyse the requirement for language resources for Welsh prisoners held in establishments in England. In addition NOMS Wales will work with the Probation Areas in Wales, who hold Offender Management responsibility for all Welsh prisoners serving prison sentences of 12 months or more, to consider how best to fulfil the provision of Welsh language services to meet any identified need by Welsh prisoners held in England.

Recommendation 27: *We recommend that a senior member of staff from NOMS Wales be given responsibility for ensuring that provision in Welsh and other languages spoken by prisoners from Wales is of a high standard, and for promoting good practice in prisons where Welsh prisoners are held. In order to promote better Welsh language provision good links should be established with the Welsh*

Language Board, and with adult education bodies such as NIACE Dysgu Cymru which can provide advice on Welsh language programmes. (Paragraph 135)

The Government agrees with the Committee's recommendation. NOMS Wales, through its Welsh Language Scheme, has identified the Director of Offender Management for Wales as having overall responsibility, for implementing the Welsh Language Scheme. The scheme's requirements are reflected in the commissioning arrangements with providers in Wales.

NOMS Wales will address the recommendation of the Committee by conveying the importance of availability of high quality Welsh language provision to service providers. NOMS Wales will also look to include measures within its commissioning arrangements to ensure that language provision to prisoners in Wales is of a high enough standard to meet a prisoner's preferred language needs.

There are good links between NOMS Wales and the Welsh Language Board and with NIACE Dysgu Cymru, as part of NOMS Wales responsibility for commissioning education and training for offenders in Wales. It is intended that these links would develop further to help NOMS Wales specify appropriate Welsh language provision.

Recommendation 28: *Youth Offending Teams should be required by the Youth Justice Board to ensure that the needs of Welsh-speaking juvenile offenders are identified by the inclusion of a specific question on language in the ASSET assessment tool. (Paragraph 136)*

The Government agrees with the Committee's recommendation. The Asset assessment tool includes a question on preferred language (other than English), where Welsh as the preferred language is able to be recorded. The assessment tool also includes a section that provides an opportunity for the young person to give their views directly and ensure their views and any concerns are registered. Welsh language versions of this part of the assessment tool have now been made available to practitioners.

In general the Youth Justice Board encourages locally managed Youth Offending Teams to undertake comprehensive and good quality assessments. YJB will however consider whether further steps can be taken to ensure that the assessment process is used effectively by Youth Offending Teams in relation to preferred language of Welsh children and young people.

Recommendation 29: *For as long as it remains necessary to hold Welsh juveniles in custody in England the Youth Justice Board should, as a matter of urgency, make Welsh language provision, including Welsh medium education, a priority for those children. (Paragraph 137)*

The Government supports the principle behind the Committee's recommendation. The Youth Justice Board will review the current provision of Welsh language services, including Welsh medium education, in the young person's secure estate and their demand.

While the primary focus of this review will be the provision of Welsh medium education, it will also examine the availability of Welsh speaking custodial staff to communicate with young people for whom Welsh is their preferred language. The review will involve quantitative data collection from Youth Offending Teams regarding the numbers of young people in custody for whom Welsh language provision is required and from secure establishments across England and Wales regarding services available and the number of Welsh speaking staff. In addition, visits are planned for Hillside secure children's home and HM YOIs Parc, Ashfield and Stoke Heath to undertake interviews with staff. The review will be conducted during July and will report by the end of August.

The availability of Welsh language services can then be used to inform placement decisions for children and young people who need to be held in the secure estate.

Education and training

Recommendation 30: *We urge NOMS to promote consistency in education and training qualifications between prisons so that prisoners are able to continue their programmes if transferred. (Paragraph 151)*

The Government accepts and supports the reasoning behind the Committee's recommendation and also considers it important to develop consistency between learning programmes in prison and mainstream learning within Wales. In March 2007, NOMS Wales and the Welsh Assembly Government's Department for Education, Culture and Welsh Language (formerly Department for Education Lifelong Learning and Skills) published 'Learning to Change – Developing Skills to Reduce Reoffending in Wales'. The document sets out the high level expectations and standards for the delivery of offender learning and skills provision in Wales by

March 2010. One of its key aims is to ensure consistency between learning provision for offenders and 'mainstream' learning provision.

As such, NOMS Wales and the Welsh Assembly Government are working closely with the prison and probation services, including the private prison at Parc, the Youth Justice Board, and other key partners and stakeholders in Wales, to determine a common prospectus of learning activities. This will enable an offender to continue their learning programmes if transferred within the criminal justice system. The developing prospectus will support future commissioning of offender learning provision

Close working relationships have also been developed with colleagues in the Department for Innovation, Universities and Skills (formerly the Department for Education and Skills) in England. This will help with consistency, as far as is reasonably possible, in the delivery of comparable offender learning provision. This is particularly important in the transfer of offenders between England and Wales, whilst serving their custodial sentence and resettlement into the community.

Recommendation 31: NOMS, in partnership with the Welsh Assembly Government, should examine the evidence for the effectiveness of prison education and training programmes which is emerging from work commissioned by the Government following the Report of the Education and Skills Select Committee, and consider how the findings can be applied in Wales. They should identify any gaps in evidence relating specifically to Wales and, if necessary, commission further research. (Paragraph 152)

The Government supports the principle of the recommendation and recognises the Welsh Assembly Government's responsibilities for education and training matters in Wales. NOMS Wales and the Welsh Assembly Government have considered the findings of the House of Commons Education and Skills Committee on Prison Education. These were addressed in the joint *Learning to Change* strategy document, along with views received as part of the consultation on *Joining Together in Wales: An Adult and Young People's Strategy to Reduce Re-offending*. There are also close working links with the Department for Innovation, Universities and Skills (formerly Department for Education and Skills) in England. In addition NOMS Wales keeps abreast of emerging developments resulting from work commissioned by the Government to consider the relevance to in Wales.

Currently work is underway to identify gaps relating to offender education and training in Wales, which will form part of the work around evaluating the reducing re-offending strategy for Wales.

As part of this process NOMS Wales is able to consider commissioning further research if considered necessary. This will include reviewing the relevance of appropriate research on mainstream learning provision in Wales and any European research on offender learning.

Recommendation 32: The Director of Offender Management for Wales should promote the dissemination of good practice in education and training in Welsh prisons, so that as many Welsh prisoners as possible benefit from these programmes. (Paragraph 153)

The Government agrees with the Committee's recommendation. As part of the current work to develop offender learning provision in Wales and through NOMS Wales commissioning role, good practice, in education, training and skills development, will be identified and promoted.

Recommendation 33: We welcome the introduction of "offender passports" which record offenders' progress through the system. We recommend that NOMS redouble efforts to improve the transfer of records between prison establishments and between prison and community settings, extending the use of offender passports where appropriate. This is another area where better links between prison and community can only be of benefit. (Paragraph 154)

The Government agrees with the principle of the recommendation and acknowledges the importance of the timely transfer of information on individual offender's needs, progress and achievements as they move within the criminal justice system. This is an area that NOMS Wales, the Welsh Assembly Government and prison and probation services in Wales are currently working together to resolve.

The merits of the 'offender passport' system have been considered and parties have agreed that the broad principles should be used as an interim measure, until a more comprehensive information transfer system is developed for the longer term. To this end, NOMS Wales and the Welsh Assembly Government are exploring the feasibility of developing an IT solution.

Recommendation 34: By their own admission the Youth Justice Board have been reactive rather than proactive in addressing the needs of Welsh-speaking juveniles.

We believe that much more could be done to ensure that the needs of this group are met. We welcome the Board's recognition that the Welsh language needs of juveniles in custody need to be addressed and look forward to improvements for those held in England until custodial provision is made available for them in Wales. The Youth Justice Board should ensure, as a matter of urgency, that Welsh medium education is available to all juvenile offenders in custody who require it. (Paragraph 161)

The Government partly accepts the Committee's recommendation and would refer to the detailed response made to recommendation 29 which is of a similar nature.

Criminal justice and the wider community: rehabilitation, re-offending, and victim support

Recommendation 35: *We recommend that, in the context of the outcomes of the restorative justice pilot scheme evaluations, the Home Office should make a commitment to funding such schemes in Wales. (Paragraph 166)*

The Government agrees in part with the Committee's recommendation. The evaluation of the Crime Reduction Programme Restorative Justice Pilots will be completed later this year. As well as looking at victim and offender satisfaction the pilots will also include a two-year reconviction study and an assessment of cost-effectiveness. This major research project was designed to fill some of the gaps in the evidence base on the impact of restorative justice. The outcome will inform our future adult restorative justice strategy for England and Wales. The issue of funding will be considered in the light of any decision taken on the future strategy. Until then it is not feasible to indicate how adult restorative justice may be developed.

At present the Government's strategy is to encourage restorative justice approaches. To this end guidance was issued in March 2005 to all Local Criminal Justice Boards inviting them to consider how restorative justice could be developed in their areas. The guidance included toolkits for criminal justice agencies on how to implement schemes within existing resources.

Recommendation 36: *Subject to the outcomes of the evaluation of the North Liverpool Community Justice Centre, we recommend that the Director of Offender Management in Wales works with partners such as the Welsh Assembly*

Government and the Welsh Local Government Association to develop plans for further Community Court initiatives in Wales. (Paragraph 168)

The Government agrees with the principle of the recommendation. The Community Justice Centre initiative has been led nationally by Her Majesty's Courts Service (HMCS), an executive agency of the Ministry of Justice.

In Wales, Merthyr Tydfil has been selected as one of the ten pilot sites within England and Wales. The project has been supported by the South Wales Criminal Justice Board, the Merthyr Tydfil Community Safety Partnership and the Merthyr Tydfil County Borough Council. A Project Officer is now in post and a Programme Board and a Project Board are being established to take the scheme forward.

The Probation Service in South Wales has been involved in the scheme from the earliest discussions about the scope of the initiative. National guidelines for the 10 pilot schemes show that there are many different elements to the initiative, each of which could involve a wide range of partners both within and outside of the criminal justice system.

At the moment, the Merthyr Tydfil pilot is assessing how to improve the pre-court administration of case files, more constructive problem-solving of offender's behaviour, how to improve community sentencing and how the court can improve community engagement. NOMS Wales will work closely with the HMCS in the development of this initiative in Wales. It is intended that all magistrates' courts in England and Wales will operate on the principles of the Community Justice courts in due course.

Recommendation 37: *We urge NOMS to provide an assurance that the resources allocated to rehabilitation and resettlement agencies will be sufficient to allow them to work effectively with Welsh prisoners throughout the prison estate and thereby contribute to reducing the unacceptably high re-offending rate. In the longer term however, additional custodial facilities are needed in Wales for male offenders, as are new facilities of the type we recommend earlier in this Report for women and girls. (Paragraph 181)*

As previously stated, the Government's Spending Review 2000 target of reducing adult re-offending by 5% between 1997 and 2004 has been met with re-offending being reduced by 6.9% compared to the predicted rate. NOMS has also made

good progress in meeting the Government's aim to reduce re-offending by 10% by the end of the decade in relation to the 2002/03 figure.

NOMS Wales will commission offender management services, within the context of the Government's Public Service Agreements, on the basis of priority needs for Welsh prisoners and public protection. This will be reflected in the commissioning and performance arrangements that NOMS Wales will have with its providers. It will also form part of the joint working that NOMS Wales undertakes with the Welsh Assembly Government, in relation to those areas of devolved responsibility, and with other key stakeholders to reduce re-offending.

Additional prison places are desirable in Wales and this is being progressed. The responses to earlier recommendations under the heading of *New custodial facilities in Wales* provide the detail.

Produced by DCA Corporate Communications

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office
ID5629236 08/07

Printed on Paper containing 75% recycled fibre content minimum.



Published by TSO (The Stationery Office) and available from:

Online

www.tsoshop.co.uk

Mail, Telephone, Fax & E-mail

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/General enquiries: 0870 600 5522

Order through the Parliamentary Hotline *Lo-call* 0845 7 023474

Fax orders: 0870 600 5533

Email: customer.services@tso.co.uk

Textphone: 0870 240 3701

TSO Shops

16 Arthur Street, Belfast BT1 4GD

028 9023 8451 Fax 028 9023 5401

71 Lothian Road, Edinburgh EH3 9AZ

0870 606 5566 Fax 0870 606 5588

The Parliamentary Bookshop

12 Bridge Street, Parliament Square

London SW1A 2JX

TSO@Blackwell and other Accredited Agents

ISBN 978-0-10-171952-0



9 780101 719520