



House of Commons
Welsh Affairs Committee

**Welsh prisoners in the
prison estate: follow-
up: Government
Response to the
Committee's Ninth
Report of Session
2009–10**

**First Special Report of Session
2010–11**

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The Welsh Affairs Committee

The Welsh Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Office of the Secretary of State for Wales (including relations with the National Assembly for Wales).

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Committee staff

The current staff of the Committee is Adrian Jenner (Clerk), Alison Groves (Second Clerk), Anwen Rees (Inquiry Manager), Christine Randall (Senior Committee Assistant), Annabel Goddard (Committee Assistant), Mr Tes Stranger (Committee Support Assistant) and Laura Humble (Media Officer).

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Special Report

The Committee published its Ninth Report of Session 2009-10 *Welsh prisoners in the prison estate: follow-up* (HC 143) on 3 March 2010. The Government response was received in the form of a letter and a memorandum on 8 June 2010 and are published as appendices to this Special Report.

Appendix 1

Letter from the Parliamentary Under Secretary of State for Justice to the Chair of the Committee

I write further to the follow-up report on “Welsh prisoners in the Prison Estate” published by the Welsh Affairs Committee (the Committee) in March.

The report followed an oral hearing in December 2009 at which my predecessor, the then Prisons Minister, Maria Eagle, gave evidence with the National Offender Management Service (NOMS) Director of Estates Capacity, John Aspinall. Following the hearing a report was drafted with recommendations and published by the committee on 3 March.

A response was prepared on behalf of the then Government and signed off by Maria Eagle. It was forwarded to the Committee on 6 May, but could not be accepted as the Committee had dissolved in advance of the General Election. In addition, no action could be taken while we were in “purdah” and a reply to this report is, therefore, still outstanding.

I now enclose the response to this report and, as you will see, it reflects the position as presented at the oral hearing and in the period up to the General Election. I would ask you to accept this report as a full and final response to the Committee’s follow-up report. The new Government is currently reviewing prison capacity issues and we shall continue to keep this matter, including provision of capacity in North Wales, under review

Crispin Blunt MP
Parliamentary Under Secretary of State for Justice

8 June 2010

Appendix 2: Government Response

Introduction

This is the formal Government response to recommendations made by the Welsh Affairs Committee (the Committee) in its follow up report “Welsh Prisoners in the Prison Estate”. The Government welcomes this report and is grateful to Committee for the thought and consideration that has gone into the report.

The prison estate in Wales

Recommendation 1 - The conclusions of our 2007 Report still stand. There is a pressing need for more prison places in Wales. This need is particularly acute in North Wales, where there are at present no custodial facilities. We also note that provision for female prisoners and young offenders is lacking across Wales. In the context of the Corston Review, we strongly support the development of alternatives to custody for women and young people. However, this is an opportunity to create provision in North Wales for these groups, although ideally on a separate site.

It is acknowledged that there is a need for additional prison places in Wales. This is why the National Offender Management Service (NOMS) has included North Wales as an area of need for prison places in the site search for up to five 1500 place new prisons which commenced in October 2009.

As the Committee is aware, both the Home Office and the Ministry of Justice have in the last few years sought to identify suitable sites within Wales for prison accommodation. In doing so, they have worked with the Welsh Assembly Government (WAG), North Wales Criminal Justice Board (NWCJB) and Welsh Development Agency (WDA) to locate potential sites. This most recent search led to the identification in 2009 of the Dynamex site as the preferred location for a new prison in Wales, located just outside Caernarfon and owned by Bluefield Caernarfon Ltd.

As regards the availability of prison places in Wales, many Welsh prisoners, including women and young offenders, are held outside Wales in prison establishments.

At present, the majority of adult male prisoners from North Wales are held at HMP Altcourse in Merseyside. Around 300 Welsh prisoners are held there. The majority of Young Offenders (YOs) from North Wales are held at Stoke Heath Young Offender Institute in Shropshire (around 70 YOs), while HMP Parc has a Young People’s (i.e. under 18) unit with a capacity for 64 young people. Women prisoners from North Wales are mostly held at either HMP Styal in Cheshire (around 15 prisoners) or HMP Drake Hall in Staffordshire (around 20 prisoners). Data from May 2009 shows that prisoners with a home address in North Wales are, on average, held 70 miles from their home area.

If NOMS are able to identify a suitable site in north Wales for Welsh prisoners, it is hoped that all male prisoners from North Wales may be held there. However, there are currently only around 30-35 women from North Wales held in prisons in England. Once sentenced, women are allocated to an establishment that best meets their needs, taking account of length of sentence, closeness to home and family contact, the availability of appropriate interventions and programmes, and all other relevant factors. The numbers of female prisoners from North Wales are small and our approach is to divert women from prison.

In taking forward the previous Government's Strategy to Divert Women away from Crime, the Ministry of Justice are tackling women's offending by addressing the underlying complex issues they face using a joined up approach and improved community provision. The aim is to reduce, where possible, the number of women who are sent to prison in the first place. Significant progress has been made since Baroness Corston published her report "Review of Women with Particular Vulnerabilities in the Criminal Justice System" three years ago. Women make up 5% of the overall prison population, and we have seen a promising reduction in the women's prison population. Building on this encouraging progress we have further committed to reduce the women's prison estate by 400 places by March 2012.

The Ministry of Justice is investing £15.6 million of new funding over two years to help build a network of community provision that provides effective alternatives to short sentences and remands for women offenders who are not a danger to the public, and women at risk of offending. Probation has a key role locally in improving the confidence of the Judiciary in these robust alternatives to custody.

Grant funding has been awarded to 31 women's community projects, including The Women's Turnaround Project (Safer Wales Ltd). The Women's Turnaround Project was launched in November 2007 as a direct response to the Corston Report, with the aim of providing women offenders and women at risk of offending in Wales with a multi-agency, community-based service that addresses their individual risks and needs. Services include advice on a range of issues including; legal issues, housing, education and training, employment, families and relationships, health, finance and substance misuse.

The project is also part of the Intensive Alternative to Custody pilot and provides court assessments on women at risk of short term custodial sentences who appear before particular courts in Dyfed Powys and South Wales. The grant funding will build on the Women's Turnaround Project team and enable development of the project across West Wales. Funding will also be used to open a 'physical' one stop shop in Cardiff Bay, which will allow women to access support at the centre on a 'drop-in' basis, and also attend workshops such as careers advice, financial advice, adult learning and holistic therapies.

In addition to the grant funding for the women's community projects the Ministry of Justice are supporting the roll out of the Women's Turnaround Services in North Wales. NOMS Cymru have provided grant funding to the North Wales Women's Centre in Rhyl to deliver these services for women who have offended or are at risk of offending. The holistic women-centred service will be delivered from the Women's Centre in Rhyl, and out each services will become available across North Wales, thus further expanding the reach of the Women's Turnaround Project in Wales.

As regards additional capacity elsewhere in Wales, NOMS is building an additional 330 prison places (with the potential for a further 138 places) as part of an expansion scheme at HMP Parc, at Bridgend, South Wales.

Announcement of site

Recommendation 2. In retrospect, the announcement of a preferred site for a new prison in North Wales, on 5 February 2009, could be described as premature in light of the fact that due diligence had not been concluded. There had been no substantive negotiations with the owners of the site. We welcome the Minister's acknowledgment that the announcement had raised expectations for the people of North Wales that a prison would be built on the site, and that withdrawal from the Caernarfon site has caused disappointment in the area.

It is understood that by announcing that the Dynamex site near Caernarfon as NOMS's preferred location for a new prison in Wales, expectations were raised and that the subsequent decision to withdraw from it was a disappointment to many in the North Wales area. However, it was made clear in February 2009 when the announcement was made that acquisition of the site would be subject to the following conditions:

- Satisfactory negotiations with the owner
- Confirmation that contamination would not inhibit prison development, and
- A successful planning application.

NOMS officials were aware of potential contamination and other issues. However, at the time of the announcement, not all the information needed to reach a final conclusion was available and the cost of the remediation was unclear. Acquisition of the site was always subject to the findings of due diligence and in reaching the decision not to proceed with the site, all the facts arising from that process, including the valuation by the VOA were carefully considered. Not to have done so would have been a failure in duty to the taxpayer to ensure value for money in public spending.

New site search announcement

We are disappointed that, having withdrawn from the site in Caernarfon, the Government has now announced its intention to consider sites in regions across England and Wales. This is a backward step when there is a pressing need for the immediate creation of prison facilities in North Wales. The Government should give priority to identifying a site in North Wales.

There is a tension between the size of the prison needed to accommodate prisoners solely from North Wales and the Government's intention to build prisons of 1,500 places. We do not believe that North Wales should be denied a prison it so badly needs due to an inflexible policy on size on the part of the Ministry of Justice. We welcome the Minister's commitment to look at different options and urge the Government to be flexible in its approach to finding a solution, which would be consistent with the considered views expressed in recent reports by the Justice Select Committee.

Criteria for the new site search include a minimum of 35 acres, no clear impediments to achieving planning permission, sufficiently flat, not overlooked, close to or within large urban conurbations and good access to public transport and motorways or trunk roads. An important criterion for any site in North Wales would be that it would have good transport links to major population centres to ensure more prisoners are held close to their home area and to assist in visits from families/friends. It is also important that any site is able to adequately serve both major courts and the police in North Wales.

Following the announcement and advertisements in the property press, a number of potential sites in North Wales have been put forward and these are being evaluated against the search criteria. NOMS expects to publish a shortlist of potential sites in summer 2010.

Once a site is identified, consultation with local MPs, local authorities and residents will be undertaken in order to achieve the most open and transparent process possible. Once consultation has concluded, NOMS will be looking to acquire that site with an appropriate planning consent.

The 1,500 place new prisons will provide the benefits of smaller custodial units but within one perimeter so that certain services can be shared. This will allow for the economies of scale that will ensure best value for the taxpayer.

This model will draw on best practice in the existing estate to deliver first class, efficient working practices, ensuring that purposeful activities are provided within a tightly controlled regime in order to facilitate rehabilitation and in turn reduce re-offending. These prisons will not be warehouses. Smaller units within each perimeter provide the

optimal balance between value for money and operational effectiveness. We will work with partners in order to deliver suitable interventions for each prisoner.

These new prisons will decrease the number of times that an offender is transferred between prisons, which can be disruptive to rehabilitative programmes. It will also help many prisoners who will benefit through being held closer to home – we know maintaining links with friends and family helps prisoner rehabilitation.

The 7,500 places provided in five new 1,500 place prisons will also enable us to seize an important opportunity to modernise the prison estate by closing worn out, inefficient places elsewhere in the system.

The site search is ongoing and we have received a number of suggestions from local authorities in North Wales.

Working with others

Recommendation 5. We urge landowners and public authorities to work together to identify suitable sites for a prison in North Wales. We welcome the co-ordinating role played by the North Wales Criminal Justice Board.

Recommendation 6. The Wales Office and the Welsh Assembly Government must work with local government to identify suitable sites for a new prison in North Wales. We also see a role for North Wales MPs to join with the Secretary of State for Wales and the First Minister to promote such engagement. We are reassured that the Secretary of State continues to impress upon the Ministry of Justice the need for a prison in North Wales

As highlighted by the Committee in its report, there were previously discussions between the then Secretary of State for Wales and the then Prisons Minister on the issue of siting a prison in North Wales.

It is hoped that that these discussions will continue between departments and that both will remain fully engaged with the work being undertaken with all stakeholders, including representatives of local government, the Welsh Assembly Government and Members of Parliament representing constituencies in North Wales to try and identify suitable sites for a new prison in North Wales.

In addition to consultation with others, the Prisons Minister will write to the Chair of the Committee to inform them of any final decision as regards sites in North Wales.