

Prison Reform Trust response to the inquiry on prisons in Wales and the treatment of Welsh offenders – July 2014

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families

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Introduction

We welcome the opportunity to respond to this inquiry. At a time when the Ministry of Justice is facing unprecedented cuts to its budget, due to total £2.4bn by 2015-16, and when HM Chief Inspector of Prisons has raised significant concerns about safety, overcrowding, staff numbers and limited opportunities for rehabilitation - particularly in new large prisons such as Oakwood - it would be unwise to pour even more money into a 2,000-place prison in Wrexham. A new prison is unlikely to bring the benefits to the Welsh economy that have been claimed and would leave the Welsh government to pick up the substantial associated costs of providing devolved healthcare and resettlement services.

Prison ought to be an important place of last resort for serious and violent offenders but is too often a default system for failures in other public services. In 1992-93, the average prison population in England and Wales was 44,628¹, in little over 20 years it has nearly doubled and currently stands at 84,533. The latest Ministry of Justice statistics show that 74 out of 119 prison establishments in operational use in England and Wales are overcrowded, with the prison estate as a whole holding 9,242 more prisoners than it was designed and built to hold. Prison is expensive and has a poor record of reducing reoffending, with 58% of short sentenced prisoners reconvicted within one year of release.

¹ HM Prison Service (1993) Prison Service Annual Report 1992-1993, London: HMSO

Rather than focusing on ensuring a large enough supply of prison places and sending ever more people to prison, greater emphasis needs to be placed on effective alternatives and preventative work to stop people from ending up in custody in the first place. The recent National Audit Office report *Managing the prison estate* highlighted that reducing prison numbers “still represents the best way to save money in prisons in the medium and long term”.² A concerted effort to reduce the number of children in custody has led to a 63% reduction in the last six years.³ The lessons of this work should be extended to other groups. Solutions to crime and offending lie not only in the justice system, but in healthcare, social care, employment and education - devolved areas in which the Welsh government has a significant role to play.

The relative need for particular categories of prison places in Wales including high security, young offender and female places

Men / high security

There are currently four prisons in Wales, holding a total of 3,117 men as of May 2014. Data on the number of Welsh men held in prisons in Wales is not routinely published, but they may also serve their sentences in almost any of the 108 prisons in England, with particularly significant numbers at HMPs Altcourse in Liverpool, Oakwood in Wolverhampton and Stoke Heath in Shropshire.⁴ There are only eight high security prisons (category A) in England and Wales out of a total 119 prison establishments. HMPs Long Lartin in Warwickshire and HMP Manchester are the nearest high security prisons to Wales, although Welsh high security prisoners can be held in any high security prison around the country. It is questionable whether Wales needs its own dedicated high security prison given the relatively small population it would serve.

Women

In 20012-13, 510 Welsh women were sentenced to custody whilst 1,234 women started a community order. In December 2013, there were 256 Welsh women in prison, up from 247 in September and 183 in September 2006. There is no prison for women in Wales, so they are generally held at HMPs Eastwood Park in Gloucestershire, Styal in Cheshire or Drake Hall in Staffordshire. Although this creates additional difficulties for Welsh women in prison and on release, the evidence suggests that, rather than building extra prison places in Wales, far fewer women should be sent to prison in the first place. Research shows that most women offenders have multiple and complex needs, many are single mothers, and the majority serve short custodial sentences for non-violent offences.⁵

² National Audit Office (2013) *Managing the prison estate*, London: The Stationery Office

³ Table 2.1, Ministry of Justice (2014) *Youth custody report: April 2014*, London: Ministry of Justice

⁴ Wales Reducing Reoffending Strategy 2014-2016

⁵ For our general briefing on women's imprisonment see

<http://www.prisonreformtrust.org.uk/Portals/0/Documents/why%20focus%20on%20reducing%20womens%20imprisonment.pdf>

We welcome the establishment last year of the Integrated Offender Management Cymru Women's Pathfinder project to deliver a women-specific, whole-system approach to service provision across the criminal justice system in Wales.⁶ This will include triage, pre-sentence engagement, community sentencing options, female multi agency hubs and coordinated case management systems across all Welsh police force areas.

Adequate provision of women's community services will be critical to the success of this initiative. Unless there is continuity in the availability of robust women-specific interventions, the courts will lack confidence in non-custodial sentencing options. There is undoubtedly a need for supported accommodation, including women-only approved premises in Wales, the lack of which was recently found to be in breach of the equality duty.⁷

We welcome the initiative by Soroptimists International to mount a campaign to reduce women's imprisonment across the UK working in partnership with the Prison Reform Trust. This ties in with their flagship project *Violence Against Women - Stop it Now*, on which a detailed analysis of the work done, club by club, is presented annually to Ministers in Westminster.

The Welsh Government has recently consulted on proposals aimed at ending violence against women and domestic abuse. Over half the women in prison report having suffered domestic violence and one in three sexual abuse.

Following a launch event at the Pierhead in Cardiff on 15 May 2013, Soroptimists in Wales are gathering information about what is happening locally in police stations, courts, probation services and women's centres to fill critical gaps in the UK-wide picture of the state of women's justice, serving to increase understanding of the drivers to custody for women as well as highlighting good practice.⁸ They are planning to report in the autumn.

Young offenders

The majority of young people from Wales are placed in two secure establishments; Parc YOI in Bridgend and Hillside SCH in Neath. With rates of youth crime falling along with the numbers of children in custody, it would be unwise for the government to invest in any additional custodial capacity in Wales for under-18s. As of April 2014, there were 1,105 under-18s in custody in England and Wales, a drop of 72 on the March figure of 1,177 – a 6.1 per cent drop in the space of a month. This is the lowest level since current recording methods began 14 years ago and represents a 63.3 per cent fall on the same month six years ago (April 2008), when there were 3,012 under-18s in custody.

⁶ See *Brighter Futures, working together to reduce reoffending*, Prison Reform Trust, 2014, p.23

⁷ Griffiths and Coll v Secretary of State for Justice
<http://www.bailii.org/ew/cases/EWHC/Admin/2013/4077.html>

⁸ Prison Reform Trust, '*Soroptimists call for renewed efforts to reduce the unnecessary imprisonment of Welsh women*', 15 May 2013, available at <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/187>

We urge the government to routinely collect and publish disaggregated data on Welsh offenders and Welsh people within the wider prison population of England and Wales.

The plans for the new prison at Wrexham in North Wales including the merits or otherwise of building large prisons, the potential for places for different types of prisoner, and the structural organisation of the prison

Despite serious reservations about the performance of new large prisons such as Oakwood,⁹ the government is proceeding with plans to build a 2,000-place prison in Wrexham and is conducting a feasibility study for a second giant-sized institution in West London. Since 2010 there have been 13 closures of smaller prisons and a further six still to come. As well as some poor and unsatisfactory prisons, these include many well-performing establishments and the only two remaining open prisons in the female prison estate. These decisions have led the National Audit Office to express concerns that NOMS' prison estates strategy has "sometimes traded good quality and performance for greater savings".¹⁰

The Prison Reform Trust has calculated that nearly half of people in prison in England and Wales could be warehoused in 1,000-plus supersized jails under government plans to transform the prison estate.¹¹ The number of supersized jails has nearly trebled in the past decade with 28 out of 124 prisons in England and Wales currently holding over 1,000 men. Ten years ago only 11 prisons had numbers of over 1,000 holding 18% of the total prison population.

The trend to larger prisons appears to mark a reversal of policy for the Prime Minister, David Cameron. Speaking in 2009 on the then-Labour government's plans to build five new 2,500-place Titan prisons, which were subsequently cancelled, he said: "the idea that big is beautiful with prisons is wrong."¹² Lord Woolf, Chair of the Prison Reform Trust, in his seminal report on the prison system following the disturbances at Strangeways prison, recommended prisons "should not normally hold more than 400 prisoners ... the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison."¹³ This is a view shared by HM Chief Inspector of Prisons, Nick Hardwick, who in his 2013 Perrie Lecture quoted research conducted by the Inspectorate which found that "prisons with a population of less than 400 were four times more likely to be performing well

⁹ HM Inspectorate of Prisons (2013) Report of an announced inspection of HMP Oakwood, 10-21 June 2013, London: HMIP

¹⁰ NAO (2013) Managing the prison estate, London: The Stationary Office

¹¹ Prison Reform Trust (2013) 'Nearly half of all prisoners to be warehoused in 1,000 plus super sized jails', press release, 30 October 2013

¹² Carter, H (2009), 'David Cameron calls for league tables to improve UK prisons', The Guardian, 6 January 2009. Available at <http://www.theguardian.com/politics/2009/jan/06/cameron-conservatives-business-economy>

¹³ Woolf, W & Tumm, S (1991) Prison disturbances April 1990: report of an inquiry by The Rt Hon Lord Justice Woolf (parts I and II) and His Honour Judge Stephen Tumm (part II) 'The Woolf report', London: The Stationary Office

than a prison with a population of over 800” and “that as the size of prisons increase, they will be more difficult to run”.¹⁴

There is a shortage of information about the planned new prison at Wrexham, with no information on what category of prison it will be or whether it will be a split site holding women and children. Prison sites that hold a mix of categories, ages, offence types and genders face unique challenges in trying to successfully meet the needs of the people held within them. The idea that one prison, even on a campus model, can hold all of these types of prisoner is unrealistic and likely to lead to poorer outcomes both within prison and reoffending upon release.

The Inspectorate’s report on HMP Peterborough, a large local category B prison and the only dual purpose-built prison for men and women in England and Wales, found concerns about the high numbers of male staff working in the female sections of the prison and also that the wide range of women held created a structural barrier to further progress in the prison.

*[Peterborough] struggled to provide the necessary range of inputs to meet the needs of young adult women and those serving indeterminate sentences, particularly those at the beginning of life sentences. Peterborough had taken on these roles when HMP Bullwood Hall had been re-roled to take male foreign national prisoners. Bullwood Hall had a specialist role for these two groups and had been resourced accordingly. In the current setting, these young adults and lifers were minorities within a large local prison with a constantly changing population of remand and short-sentenced women.*¹⁵

A new prison in Wales is an English solution designed to solve an English problem. Crime rates in Wales are lower than in England, and English prisoners outnumber Welsh.¹⁶ With a renewed focus on devolution following the Silk Commission’s report and recommendations to devolve some areas of justice, it is questionable whether now is the right time to build a national prison which will hold English prisoners in Wales, and the additional burden of associated costs to devolved services, such as health and social care.

A report published by the Wales Governance Centre shows that prisoner healthcare services in Wales are underfunded by the UK government with the costs of the balance falling on the Welsh Government and Local Health Boards.¹⁷ The research reveals that for the year 2012/2013 the UK government allocated £2.5million to the Welsh government for all prisoner

¹⁴ Nick Hardwick Perrie Lectures 2013, Lesson for the Prison Service from the Mid-Staffs Inquiry available at <http://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20211%20January%202014.pdf>

¹⁵ HM Inspectorate of Prisons (2011) Report on an announced inspection of HMP Peterborough (Women), 4 – 8 April 2011, London: HMIP

¹⁶ Wales Reducing Reoffending Strategy 2014-2016

¹⁷ Jones, R (2014) ‘New research reveals underfund in Welsh NHS budget for prisoner healthcare in Wales’, Cardiff University: Wales Governance Centre, 26 June 2014

healthcare in Wales. This funding was further boosted by the Welsh government to a total of £3.4million.¹⁸

Plaid Cymru MP Elfyn Llwyd has voiced his concerns about Wrexham and whether it is in the best interests of Wales. Large numbers of prisoners are likely to come from the North West England, with the Ministry of Justice said to be considering closing prisons in that area around the same time, adding further pressure for places. In addition, there are concerns over the stated economic benefits, with recent closure of 13 prisons and a commitment by NOMS to redeployment of staff, it is possible that the new prison will not deliver the anticipated boost to local employment.¹⁹

The government should learn the lessons from the opening of HMP Oakwood. Billed as a state of the art, modern prison, Oakwood continues to face significant challenges in providing a safe, decent, humane and productive environment for the prisoners in its care. The Prisons Inspectorate published a highly critical report last year, and NOMS awarded it the worst performance rating, one of only three prisons to receive such a rating.²⁰ Despite reassurances that the prison is improving, the Prison Reform Trust's advice and information service continue to receive high numbers of complaints from prisoners struggling to take part in purposeful activity or progress their sentence. Concerned family members have also written of their fears for the prison.²¹

The provision of education and rehabilitation facilities for Welsh prisoners, particularly for young offenders, and Welsh language facilities

HM Prisons Inspectorate has stated that the quantity and quality of purposeful activity in prisons plummeted over the last year.²² It reported the worst outcomes for six years with purposeful activity judged to be inadequate in over half of prisons inspected. For instance, in HMP Lincoln even a 'fully employed' prisoner spent more than 18 hours a day locked in his cell.²³

Prisons are struggling to provide adequate educational opportunities. In October 2013, Ofsted reported that no prison was rated as outstanding for the education/training it offered in the last four years, and just over a third (35%) were judged to be good.²⁴ A new contract began in 2012 but as yet there is

¹⁸ Ibid.

¹⁹ Llwyd, E. 'Wrexham titan prison won't help inmates, staff or community', WalesOnline available at <http://www.walesonline.co.uk/news/news-opinion/wrexham-titan-prison-wont-help-6719859>

²⁰ National Offender Management Service (2013) Prison annual performance ratings 2012/13, London: Ministry of Justice

²¹ InsideTime June 2014 edition, "HMP Oakwood on the verge of disaster" available at http://www.insidetime.co.uk/mailbag.asp?a=1526&c=hmp_oakwood_on_the_verge_of_disaster

²² HM Chief Inspector of Prisons, Annual Report 2012–13, London: The Stationery Office

²³ Ibid.

²⁴ Coffey, M (2013) Seizing the moment - the 2013 annual further education and skills lecture, Speech given by Matthew Coffey, National Director, Further Education and Skills, at The

little sign of improvement and the increase in quality and numbers of opportunities needed is vast.

The Wales Reducing Reoffending Strategy highlights some good practice for young people from Wales held in Hindley YOI in Lancashire. A service specification has been developed to support their additional needs. This includes provision for language, cultural, education, resettlement and religious observance and was developed in partnership with the Youth Justice Board.²⁵

The Prison Reform Trust, in consultation with the National Offender Management Service, produces clear, accurate information in easier read for prisoners across England and Wales. Budget cutbacks and the centralisation of government information, have precluded updating and disseminating this information comprehensively since 2008. The most recent *Prisoners' Information Book* for men and young offenders was produced in 28 languages, including Welsh.²⁶ Supported by the Hadley Trust, we are currently working on a new information booklet for disabled prisoners in easier read. Translated version will no longer be available due to the budget reductions within NOMS.

We remain concerned about plans by the government to introduce Secure Colleges for children. Although it is likely that the number of Welsh children held at the new secure college in Leicester will be very small, under the UK government's proposals, secure colleges could be rolled out to Wales in future. While education is vital, provision for children must take account of mental health needs, learning disabilities, addictions and childhood abuse or neglect.

We are concerned that an unintended consequence of the proposals to develop secure colleges could be an increase in custodial sentencing and greater use of longer sentences. Small, local, intensively staffed units with a focus on taking responsibility, making amends to victims, gaining skills for employment and having a home to go to are safer and more effective than putting hundreds of teenagers together in over-large institutions.

The consistency of support for Welsh prisoners after their release depending on whether they were held in an English or Welsh prison

The trend towards larger establishments and the closure of small community prisons has resulted in more people being held further away from their local communities. We welcome the intention in the government's Transforming Rehabilitation proposals to locate prisoners nearer to home in the last three

Chapel, Wormwood Scrubs on 10 October 2013. Available at <http://www.ofsted.gov.uk/resources/seizing-moment-2013-annual-further-education-and-skills-lecture>

²⁵ Wales Reducing Reoffending Strategy 2014-2016

²⁶ Prison Reform Trust (2008) *Gwybodaeth i Garcharorion*, London: Prison Reform Trust/NOMS, available at http://www.prisonreformtrust.org.uk/Portals/0/Documents/pibs/10003E65Welsh_pib_08_male.pdf

months of their sentence, and the decision that all four Welsh prisons will be resettlement prisons. However, the Prison Service already has policies around 'closeness to home' and 'local discharge' that cannot currently be facilitated due to existing population pressures. This is an area which our advice and information service regularly receives queries and prisoners often face significant challenges in moving to a prison closer to home.

The introduction of the new Incentives and Earned Privileges policy has led to shorter visits allowances for many prisoners and the Assisted Prison Visits Unit funding (which supports visitors on low incomes with travel costs) has been reduced, both creating disincentives for families to visit. This is despite research showing that good contact with family can significantly reduce the risk of reoffending.²⁷ Parc prison has been commended in particular for the quality of its family work.

It is welcome that the latest draft of the Housing (Wales) Bill has been amended to recognise the vulnerability of people released from prison. There was concern that they had been removed from the defined list of people in priority need for housing.²⁸ 12% of prisoners released from custody in 2012/13 had no settled accommodation.²⁹ However, HM Chief Inspector of Prisons remains "concerned that in too many cases release addresses were not stable and that prisons made insufficient attempts to interrogate arrangements prior to release", and that "obtaining suitable accommodation for young people on release continue[s] to be a major problem."³⁰

There are currently no automatic entitlements for people released from prison unless they are under 18 or are a former care leaver up to age 25, in which case social services will provide support. The discretionary assistance fund can provide some funding on the first 6 weeks after release from prison to help contribute to setting up a home, but again this is not an automatic entitlement.

There is some support available for Welsh people returning from prisons in North West England, such as Prison Link Cymru, a joint initiative operated by Shelter Cymru and Gwalia, as well as other housing charities such as Nacro.

The extent of co-operation and co-ordination between non-devolved and devolved bodies to support Welsh prisoners

Solutions to crime and offending lie not only in the justice system, but in healthcare, social care, employment and education - devolved areas which

²⁷ May, C et al. (2008) Factors linked to reoffending: a one year follow-up of prisoners who took part in the resettlement surveys 2001, 2003 and 2004, London: Ministry of Justice

²⁸ Clause 70(j), Housing (Wales) Bill [as amended at stage 2]

²⁹ Table 15, Ministry of Justice (2013) NOMS Annual Report 2012/13: Management Information Addendum, London: Ministry of Justice

³⁰ HM Chief Inspector of Prisons (2012) Annual Report 2011-12, London: The Stationery Office and HM Chief Inspector of Prisons (2013) Annual Report 2012-13, London: The Stationery Office

the Welsh government has a significant role to play. The Silk Commission found good levels of cooperation between non-devolved and devolved bodies, a view shared by the UK government in its submission.³¹ This is also echoed in the Wales Reducing Reoffending Strategy, which places partnership working at the centre of its approach, both within devolved and non-devolved bodies, and within youth justice and Integrated Offender Management Cymru.

“NOMS directly commissions offender services in Wales, and at the same time enjoys a distinctive relationship with Welsh Government. NOMS recognise that an important part of helping to reduce offending behaviour is to integrate offenders back into their communities and this can only be achieved by both Governments working together.”³²

People in prison who are more likely to have social care needs include older people (the fastest growing group within the prison population),³³ people with physical, sensory or learning disabilities³⁴ and people with significant mental health need and drug and alcohol addictions. We welcome the provisions of the Care Bill (expected to become legislation 2015), which will mean that local authorities have a statutory duty to ensure social care needs of people in prison are assessed and met. However, in the interim we would like to see clear strategies from NOMS that cover mandatory requirements for meeting the needs of prisoners who would be able to access social care in the community.

For many offenders, a more appropriate response is diversion away from prison (or, where appropriate, from criminal justice), to health and social care services in the community. This requires strong links between health and criminal justice agencies. The recognition that there needs to be significant progress on areas such as assessment, mental health promotion, as well as support and planning for transition between prisons and release by the Welsh government’s consultation *Mental Health Services for Prisoners in Wales* is to be welcomed.³⁵ The guidance rightly recognises that the current prison population in Wales experiences a significantly higher prevalence of mental health disorders than people in the community. The Prison Reform Trust’s *No One Knows* programme investigated the experiences of prisoners with learning disabilities and learning difficulties in England and Wales. As part of

³¹ UK Government’s Evidence to the Commission on Devolution in Wales, Part II: The Welsh Devolution Settlement, Available at <http://commissionondevolutioninwales.independent.gov.uk/files/2013/03/UK-Government.pdf>

³² Wales Reducing Reoffending Strategy 2014-2016

³³ Cooney, F & Braggins, J (2010), *Doing time: good practice guide with older people in prison*, London: Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/doing%20time%20good%20practice%20with%20older%20peop,.pdf>

³⁴ Talbot, J (2008), *No one knows: report and final recommendations*, London: Prison Reform Trust. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20report-2.pdf>

³⁵ Welsh Government (2014) *Policy Implementation Guidance Mental Health Services for Prisoners in Wales*, Cardiff: Welsh Government

the programme we published a Welsh briefing paper³⁶, and the programme led to the recent series of workshops around Wales 'Access to Justice', convened by Win Griffiths, former chair, Abertawe Bro Morgannwg University Health Board.³⁷

The impact of the Ministry of Justice's Transforming Rehabilitation programme on Welsh prisoners

The Transforming Rehabilitation programme will significantly impact on local accountability and oversight of criminal justice in Wales. Local Probation Trusts have been abolished and replaced by a National Probation Service responsible for the supervision of high risk offenders. Responsibility for the supervision of low and medium risk offenders has been transferred to Community Rehabilitation Companies (CRCs) who will be commissioned nationally by NOMS in 21 "contract package areas" across England and Wales.

Concerns have been raised across the criminal justice system that these proposals will lead to a fragmented service which compromises accountability and puts public safety at risk. In the recent past, Wales had been commended for the quality and consistency of its probation service.³⁸ It is unclear how the new nationally commissioned CRCs will join up with local services in Wales such as health, housing and employment, which are vital for effective resettlement and reducing risk of reoffending. Although there is a duty on CRCs to demonstrate local partnership work as part of their contract bids, it is not certain how this will work in practice when local budgets and resources are already overstretched.

As part of its proposals the government plans to introduce a mandatory period of supervision for people in custody for less than 12 months. Whilst the principle of focusing on rehabilitation and extending support to short sentenced prisoners is welcome, the proposal to add an additional supervision period, on top of the existing license period, represents a disproportionate and unfair punishment. It adds a further year within the ambit of the criminal justice system for all those sentenced to custody for any period over one day and up to two years.

These new arrangements, when implemented, are likely to result in an increase in breach and recall to custody, which will drive up the short sentenced prison population. As the Transforming Rehabilitation consultation acknowledges, many people serving short prison sentences have complex

³⁶ Talbot, J (2009) Does Neb Yn Gwybod: Troseddwyr Ag Anableddau Ac Anawsterau Dysgu, London: Prison Reform Trust, available at [http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20wales%20briefing\(welsh\).pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/No%20One%20Knows%20wales%20briefing(welsh).pdf)

³⁷ Access to Justice: a guidebook supporting the responsive and appropriate management of adults with learning disability in the criminal justice system in Wales, available at <http://www.wales.nhs.uk/sitesplus/documents/888/Published%20version%20-%20Access%20to%20Justice.pdf>

³⁸ HM Inspectorate of Probation (2012) A report on Offender Management in Wales, Manchester: HM Inspectorate of Probation

and multiple needs including homelessness, unemployment, drug and alcohol addictions, mental health needs and learning disabilities. This in turn increases the likelihood of breach and recall to custody if sanctions imposed for non-compliance are too onerous or the period on licence or supervision is too long.

These changes will also place a heavy burden on already overstretched budgets, not only of government departments, but devolved agencies as well. Providing assistance in areas such as housing, health and social care, to this new larger group of prisoners on release is bound to have financial implications. The Transforming Rehabilitation Strategy claims that the “proposals will be affordable within the context of the Ministry of Justice commitment to deliver annual savings of over £2 billion by 2014/15 and forward into the next [Spending Review]” but does not provide further details.³⁹

The Prison Reform Trust is also concerned by the increased mixing of young people in the adult estate and the decommissioning of places for 18-20 year olds in young offender institutions.⁴⁰ It is vital to ensure a distinct approach to young adults that is proportionate to their maturity and responsive to their specific needs. As the Wales Reducing Reoffending Strategy acknowledges:

*Young adults (aged 16-25), who constitute less than 10% of the population, are disproportionately involved in the Criminal Justice System, with almost a quarter of the probation caseload in Wales being 18-24 year olds. This disproportionality alone demonstrates the importance of recognising the distinct needs and developing better responses to young adults throughout the criminal justice process from diversion to desistance.*⁴¹

The merits of the devolution of aspects of the justice system including youth justice and prisons to Wales, as recommended by the Silk Commission

The recommendations of the Silk Commission present an opportunity to develop a more devolved and responsive criminal justice system for Wales with opportunities for pooled budgeting and a more coordinated approach across government departments and services. Plans to devolve all or parts of the justice system should be done in a coherent and coordinated way and should not undermine existing arrangements for joint partnership working between police, probation and other agencies (e.g. through Integrated Offender Management) which are proving effective at reducing crime.

³⁹ Ministry of Justice (2013) Transforming Rehabilitation: A strategy for reform, p45, London: The Stationary Office

⁴⁰ See the Prison Reform Trust's submission to the Ministry of Justice's consultation Transforming the Management of Young Adults in Custody. Available at <http://www.prisonreformtrust.org.uk/Portals/0/Documents/PRT%20submission%20-%20Transforming%20management%20of%20young%20adults%20in%20custody.doc>

⁴¹ Wales Reducing Reoffending Strategy 2014-2016

The Prison Reform Trust appreciated the opportunity to provide oral evidence to the Silk Commission. The Commission has provided a blueprint that would allow for a full consideration of the merits of devolution over a gradual period of time, beginning with youth justice. We welcome this as well as the particular focus on restorative solutions for youth crime.

Devolution of youth justice would allow the Welsh Government to build on the successes of the Youth Justice Board and Youth Offending Teams in significantly reducing the number of children held in custody, focusing instead on early intervention and diversion. It is important that this focus also extends to young adults in transition to the adult system, particularly as the devolution of youth justice could add to the well-documented problems of transition between children and adult services for young adults.

As highlighted by Rob Allen in a recent report for Transforming Justice, devolution could also provide greater scope for justice reinvestment.⁴² The Justice Select Committee argued that there is a strong case for exploring greater devolution of custodial budgets to local authorities, and we support this.⁴³ Whilst there appears to be little evidence the government is proposing to learn from the existing Manchester and London pilots to support the roll out of a justice reinvestment approach across England, the unique situation of the Welsh devolution settlement would provide an opportunity for such innovation. This could facilitate greater coordination between justice agencies and other devolved powers, such as health and education; increase opportunities for and encourage pooling budgets and resources between local agencies; and improve coordination with Welsh local government agencies and services, such as housing and employment.

It is also important to look at the experiences of other devolved nations. Northern Ireland and Scotland have both shown the potential for innovation which greater devolution in justice is able to provide.

The well-established Youth Conference Service in Northern Ireland has a significant proportion of victims taking part in conferences, with 89% expressing satisfaction with the outcome. In addition, court ordered youth conferences have a reoffending rate of 47.4%, significantly lower than that of the supervision order used in England and Wales (74%).⁴⁴

In Scotland the establishment of the independent Scottish Commission on Women Offenders, led by Dame Elish Angiolini, clearly marked a desire to take a distinct approach in Scotland and how it responded to women's offending.

⁴² Allen, R (2014) Justice reinvestment: empty slogan or sustainable future for penal policy?, London: Transform Justice

⁴³ House of Commons Justice Committee (2010) Cutting crime: the case for justice reinvestment, London: The Stationery Office

⁴⁴ Jacobson, J. and Gibbs, P. (2009) Making Amends: restorative youth justice in Northern Ireland, London: Prison Reform Trust and Table A5, Ministry of Justice (2008) Reoffending of juveniles: results from the 2006 cohort, London: Ministry of Justice

Greater devolution of justice could help to deliver a more responsive, innovative and effective criminal justice system for Wales, however, it will be vital that this build on the existing strong links between devolved and non-devolved agencies.