

Agenda – Equality and Social Justice Committee

Meeting Venue:

Committee Room 3 (Senedd)

Meeting date: 21 October 2024

Meeting time: 14.00

For further information contact:

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Committee Clerk

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Private pre-meeting

(13:30–14:00)

Public meeting

(14:00–17:15)

1 Introductions, apologies, substitutions and declarations of interest

(14:00)

2 Disability and Employment: evidence session 8

(14:00–14:45)

(Pages 1 – 14)

Daniel Biddle, Advocate of Disabled People's Rights

Break

(14:45–15:00)

3 Disability and Employment: evidence session 9

(15:00–16:00)

(Pages 15 – 18)

Nerys Bourne, Director of Customer Strategy and Service Development,
Careers Wales

Emma Benger, Working Wales Project Manager, Careers Wales

Terry Mills, Disabled People's Employment Champion, Welsh Government

Break

(16:00–16:15)



4 Disability and Employment: evidence session 10

(16:15 – 17:00)

Andrea Wayman, Chief Executive Officer, ELITE Supported Employment Arthur Beechey, Chief Executive Officer, Agoriad Training and Employment Support

5 Papers to note

(17:00)

- 5.1 **Correspondence from Dr Robert Jones to the Chair regarding Cardiff University's Wales Governance Centre's publication: Prisons and Sentencing in Wales – 2023 fact file**

(Pages 19 – 109)

6 Motion under Standing Order 17.42(iv) to resolve to exclude the public from the remainder of this meeting

(17:00)

Private meeting

(17:00–17:15)

7 Disability and Employment: consideration of evidence

(17:00–17:15)

Document is Restricted

Agenda Item 3

Careers Wales provides an all-age leading careers guidance and support service to people across Wales. Our impartial, bilingual, professionally qualified careers advisers help young people to understand all of their options, plan their careers and prepare to enter their chosen career path whether that is further education, employment or training. We also deliver [Working Wales](#) on behalf of the Welsh Government, to provide free, tailored guidance and coaching to those 16+ who are looking to get into work, training or to further their careers.

Our services provide support:

- **For young people:** an improved understanding of the world of work, the skills needed to succeed, and greater awareness of opportunities available to them, underpinned by access to impartial careers guidance and coaching
- **For adults:** access to professional, impartial careers guidance and coaching to help them overcome barriers and progress into fair and decent work and training
- **For businesses:** through our work with schools, colleges and communities, employers will have closer links to their future workforce. We assist businesses and employees when facing redundancy, supporting reskilling and upskilling
- **For schools, colleges, training providers and universities:** motivated, inspired learners with clear plans for their careers, supporting improved attainment and progression
- **For parents, guardians and carers:** to engage with these influential figures and ensure they are aware of options available and are suitably prepared to offer support
- **For Welsh Government:** careers guidance and coaching supports the successful functioning of the labour market, improving economic outcomes, supporting and facilitating social mobility and enhancing the well-being of young people and adults.

We work closely with educational institutions, employers, partners, and community organisations to help young people and adults increase their knowledge and understanding of opportunities, skills needs, and the local labour market.

Careers Wales' digital services provide national access to information and guidance and instant personalised support through channels such as live webchat, telephone and video calls.





Bilingual



Impartial



Personalised



Inclusive

Services in education



Year 8-9

Broadening horizons and raising aspirations by exploring options for informed decisions



Educated other than at school

Helping to sustain engagement in education, employment and training



Parents and guardians

Engaging with parents, providing information and advice to support children making important decisions



Curriculum support

Supporting schools and colleges to develop their careers and the world of work provision



Year 10-13 and further education

Supporting successful transitions from education to training, further learning or employment



Additional learning needs

Working with partners to agree and support learning and skills plans for positive transitions



Education business links

Facilitating employer links with schools to enrich 'world of work' understanding

Services in the labour market



Youth and adult offenders

Supporting young people and adults during their sentence and their resettlement programmes



Unemployed 18+

Support to identify and overcome barriers to employment. Impartial advice and guidance and referral to further support or suitable programmes. Support to find work



Employed or Training

Supporting career reviews via information advice and guidance and through referrals to support via PLAs and WULF funds



Unemployed 16-18

Supporting young people to make successful transitions to education, work, training or employability support. Referrals to EET including JGW+ programme



Redundancy

Assistance to access ReAct+ funding for updating skills or retraining and employability support

Key: EET: Education, employment, training,
PLA: Personal Learning Accounts,
WULF: Wales Union Learning Funds



Our 2024-25 ALN offer includes:

Additional Learning Needs and Education Tribunal Act Implementation

Careers Wales Service Offer

All young people in maintained settings are entitled to access careers information, advice and guidance from Careers Wales, delivered via face to face, telephone, video or digital means.

Young people with IDPs

Our mainstream advisers will work with the vast majority of young people with Individual Development Plans (IDPs) in mainstream schools and alternative provision settings.

Careers Wales also has a team of ALN advisers who work predominantly in special schools and resource bases.

All of our advisers work with young people to help them understand their options, make good decisions about their future and know how to implement their plans. This work may begin earlier than year 11 where appropriate.

Young people who leave school and enter the labour market are supported by our Working Wales team who can assist with job search, CVs and applications as well as providing ongoing guidance and signposting to other agencies.

Attending Transition Reviews

As young people in year 14 retain their statements we will aim to provide guidance support and attend the reviews in line with the SEN Code of Practice.

For young people with IDPs priority will be given to those young people leaving school to enter the labour market. We will agree attendance at other reviews from year 9 onwards in discussion with ALNCoS.

Group Sessions

Where appropriate we will offer group sessions to:

- Raise awareness of options/opportunities
- Help young people think about what they want to do.

Learning and Skills Plans

We will write Learning and Skills Plans for pupils in year 14 who are leaving to enter further or higher education or Jobs Growth Wales + provision.

Funding Applications

For young people who are leaving years 14 and require a specialist college placement Careers Advisers will continue to collate and submit applications for specialist college funding.

For year 11-13 school leavers exploring specialist college placements we will provide guidance and support to the young person, their families and, where requested, LA/school staff as the LA will be deciding if a specialist placement is required.

We are hosting three "What Next" events in 2024-2025, specifically tailored for ALN pupils. These events provide tailored support to help students explore post-school options, including further education, apprenticeships, and career paths. Attendees can engage with employers, educational institutions, and career advisers to discover opportunities suited to their needs, offering guidance on making informed decisions about their futures. The event aims to help young people navigate their next steps after school successfully.

Agenda Item 5.1



Canolfan
Llywodraethiant Cymru
Wales Governance
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16 October 2024

Annwyl Jenny Rathbone MS,

Cardiff University's Wales Governance Centre has today published *Prisons and Sentencing in Wales: 2023 Factfile*. This latest report draws together information on prisons published by the Ministry of Justice, as well as a raft of previously unseen data obtained via the Freedom of Information Act 2000.

Five years on from the publication of the Commission on Justice in Wales' landmark report, this latest *Factfile* once again uncovers a series of deeply troubling outcomes and further underlines the need for politicians, policy makers, academics and government officials on both sides ends of the M4 to engage on a more serious level with the current and future state of the Welsh criminal justice system. Furthermore, this work makes a powerful and compelling case for Wales-only data to be made more freely available by the Ministry of Justice.

If you would like to discuss any of the issues raised in this report, please do not hesitate to contact me. In the meantime, I hope that this report will be of interest.

Yours sincerely,

Dr Robert Jones

Prisons and Sentencing in Wales

2023 Factfile

Dr Robert Jones

October 2024



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Wales Governance
Centre

About Us

The Wales Governance Centre is a research centre that forms part of Cardiff University's School of Law and Politics. The Centre's work on criminal justice began in 2018 with the launch of the *Justice and Jurisdiction* project. The project was funded by a combination of the Economic and Social Research Council, the Welsh Government and Cardiff University and concluded in 2020. A total of 11 reports were produced throughout the project and the information gathered heavily informed *The Welsh Criminal Justice System: On the Jagged Edge*, which was published by University of Wales Press in October 2022.

Acknowledgements

The author would like to express his sincere gratitude to staff at the Ministry of Justice who have handled and dealt with the many requests for information that have been made throughout the course of this research. I would also like to thank Howard Thomas for kindly sharing vital sources of data which have been included in this latest Factfile.

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Executive Summary

This report is the latest in a series of prison *Factfiles* produced by the Wales Governance Centre at Cardiff University. The report once again draws together information on prisons published by the Ministry of Justice, as well as a raft of previously unseen data obtained via the Freedom of Information Act 2000. In seeking to contribute to a more detailed, critical, and informed discussion on imprisonment and criminal justice in Wales, this *Factfile* identifies a number of important issues and themes and once again underlines the need for Wales-only data to be made *routinely* available by the Ministry of Justice. Some of the key findings in this report are outlined below.

The Prison Population

- The Welsh prisoner population increased to its highest level (5,034) in 2023 since the Wales Governance Centre began collecting disaggregated data.
- Over a quarter (28 per cent) of Welsh people in prison were being held in English prisons in 2023.
- Based on the Ministry of Justice's latest prison population projections, the number of Welsh women in prison will increase from 245 to 285 by the end of 2027.
- All Welsh female prisoners continue to be imprisoned in England, with Welsh women held in 11 of the 12 women's prisons in England in December 2023.
- Almost one in five (18 per cent) of all women sentenced to immediate custody at courts in Wales were handed sentences of one month or less in 2023.
- On average, one woman a week was sentenced to prison for one month or less at the magistrates' court in Wales in 2023.

- Those belonging to a Black ethnic group in Wales were the most over-represented ethnic group in prison in 2023. Welsh individuals from a White ethnic background were the only group to be under-represented in prison.
- There were 54 Black people from Wales in prison for every 10,000 of the population in 2023. This rate compared to just 15 White people per 10,000 of the population.
- For every 10,000 Black people living in Wales, 81 were under probation supervision in 2023. This compared to a rate of 63 per 10,000 for individuals from a Mixed background, 43 for White and 37 for those from an Asian ethnic group.
- The average custodial sentence length in Wales between 2010 and 2023 was 8.6 months higher for Black defendants (25.3 months) than defendants from a White ethnic group (16.7 months).
- Between 2012 and 2023, almost two-thirds (63 per cent) of all Black defendants were remanded into custody at the Crown Court in Wales. This compares to just under half (48 per cent) of White defendants.
- At HMP Cardiff, just under half (47 per cent) of all prisoners were being held there on remand in 2023. This compares to just under a third (31 per cent) of prisoners in 2019.
- The number of Welsh prisoners on remand in 2023 reached its highest level (730) since the Wales Governance Centre began collecting data broken down by sentence type.
- Prisoners who have been recalled to custody have contributed significantly to rising Welsh prisoner numbers. The number of Welsh people in prison having been recalled to custody increased by 17 per cent in 2023.

- Almost a third (30 per cent) of the Welsh prison population in 2023 were either on remand or in prison having been recalled to custody.

Prisons in Wales

- Despite reaching its highest ever level in 2022, the average number of people held in the Welsh prison estate increased by a further seven per cent in 2023.
- Since HMP Berwyn opened in 2017, the number of English prisoners held in Wales has increased by 191 per cent.
- On average, 1,780 prisoners from England were being held in Wales in 2023. That is the equivalent population of HMP Parc (1,756) and represents a further increase on the level recorded in 2022 (1,617).
- Having already trebled in the previous year, the number of those managed by Welsh probation services who were rough sleeping following release from prison increased by a further 51 per cent in 2023/24.
- At a time when concerns are being raised about the impact of the UK Government's early release scheme on prisoner homelessness, data show that 500 people managed by Welsh probation services were recorded as rough sleeping on the day of their release from prison in 2023/24.
- 602 people were released from Welsh prisons without a fixed address to return to in 2023/24.
- On average, five people a week were released from HMP Cardiff as homeless in 2023/24.
- Of the 13 deaths recorded across the Welsh prison estate in the six months to June 2024, 12 were at HMP Parc.

- At least four of the deaths recorded at HMP Parc in 2024 are believed to be linked to substance misuse and have added to mounting concerns about the availability of drugs at the prison. Ministry of Justice data show that there was a 46 per cent increase in the number of drug finds at HMP Parc in 2023/24, along with a 185 per cent rise in the amount of drug equipment found at the prison.
- There were 14 self-inflicted deaths in Welsh prisons between 2020 and 2023. The majority of these deaths took place at HMP Cardiff (9).
- Prisoner-on-prisoner assaults in Welsh prisons increased by 80 per cent in 2023. Assaults on staff rose by 69 per cent, and self-harm incidents recorded in the Welsh prison estate increased by 53 per cent last year.
- The largest increases in assaults on staff (109 per cent), self-harm (113 per cent), and self-harm incidents requiring hospital treatment (190 per cent) were all recorded at HMP Parc in 2023.
- Of the 12,914 individuals who self-harmed in prison in England and Wales in 2023, 890 had a recorded origin address in Wales.

The Courts and Sentencing

- Disaggregated criminal court data show that the backlog of cases in the magistrates' court and Crown Court in Wales is growing. At the end of December 2023, there were 17,480 outstanding cases at the magistrates' court and 2,595 outstanding cases at the Crown Court in Wales.
- The 'in-country' imprisonment rate in Wales continues to far exceed the level recorded in any other country in western Europe.

- The 'in-country' rate of imprisonment in Wales increased to 171 per 100,00 in 2023. This compared to a rate of 140 per 100,000 in England.
- A snapshot of 2024 data show that the 'in country' imprisonment rate in Wales remains significantly higher than the level recorded in England, even accounting for the imprisonment of 'hundreds of rioters' following disturbances across England in July and August.
- Disaggregated data also show that Wales has recorded a higher 'home address' imprisonment rate than England in each year since 2013.
- Based on home address, there were 159 Welsh people per 100,000 of the Welsh population in prison in 2023. This compared to a rate of 140 English prisoners per 100,000 of the population.

Notes on Text

Welsh and English prison population data were once again obtained from the Ministry of Justice using the Freedom of Information Act 2000. All data relating to the 'home address' of prisoners are based on a prisoner's origin address (home address on reception into custody). The Ministry of Justice states that around 97 per cent of prisoners have an origin location (i.e. addresses that are recorded on its central IT system). If no address is given, an offender's committal court address is used as a proxy for the area in which they are resident. Those with no recorded origin are typically foreign nationals or those recently received into custody. No address has been recorded and no court information is available for around three per cent of all prisoners; these figures are excluded from the data included in this report.

In response to requests for Welsh or English only data (based on home address), the Ministry of Justice stress 'that it is not possible to infer from an address in Wales that an individual considers themselves Welsh/English. HM Prison and Probation Service (HMPPS) cannot identify English and Welsh prisoners. Someone with an address, for example in London, may consider themselves to be Welsh, while someone with an address in Wales may not. UK nationals have a nationality of British. Therefore the data shown are not necessarily representative of those who identify as English or Welsh. The results are sorted by origin address (home address on reception into custody) and not nationality. English, Welsh, Scottish and Northern Irish are not captured on our database as separate nationalities'. The Ministry of Justice (2022a: 13) has previously used 'home address' data, however, as part of its case to support the construction of a new prison in the North West of England.

Prosecution, conviction, and sentencing data broken down by police force area are used in this report to analyse trends and outcomes at courts in Wales and England. These data were gathered from the Ministry of Justice's *Outcomes by Offence data tool (Pivot Table): December 2023*. Although it is understood that not *all* people prosecuted, convicted, and sentenced at Welsh courts will be domiciled in Wales,

there is an expectation that many people dealt with at courts in Wales will be domiciled in Wales (the same rule-of-thumb applies to England). Section 30 of the Courts Act 2003 directs that when individuals are required to appear before a magistrates' court they are required to appear in a place 'in the local justice area'. This includes a location in the local justice area in which the offence is alleged to have been committed, a place in which the person charged resides, a place in which witnesses (or the majority of witnesses) reside, or a place where other cases raising similar issues are being dealt with. There are 10 local justice areas in Wales following the introduction of the Local Justice Areas Order 2016.¹ At the Crown Court, Criminal Procedure Rule 9.3 states that in deciding the Crown Court centre at which trial will take place, one of the considerations should be the convenience of the court's location for parties and witnesses involved in the case.²

This report once again presents data relating to the accommodation status of those managed by Welsh probation services upon their release from custody. Settled accommodation is defined here as 'accommodation that provides a permanent independent housing solution, supported Housing and long term residential healthcare'. According to the Ministry of Justice, rough sleeping refers to a situation where an individual 'does not have any accommodation they are entitled to occupy, or they have accommodation they are entitled to occupy but they cannot be reasonably expected to occupy it for any reason. The individual sleeps in open air (such as on the streets, in tents, doorways, parks, bus shelters or encampments) or in other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats or stations)'. Full definitions for each of the categories included are available via the references provided at paragraph 2.25.

In this latest *Factfile* we include data for the very first time on the number of Welsh prisoners who self-harmed in 2023. According to the Ministry of Justice (2024/01),

¹ North West Wales; North Central Wales; North East Wales; Montgomeryshire; Cardiff; Mid Wales; Gwent; Carmarthenshire; Ceredigion; West Glamorgan.

https://www.legislation.gov.uk/ukxi/2016/941/pdfs/ukxiem_20160941_en.pdf

² Other considerations include how soon a suitable courtroom will become available; and the directions on the allocation of Crown Court business. <https://www.justice.gov.uk/courts/procedure-rules/criminal/docs/crim-proc-rules-2014-part-09.pdf>

incidents where individuals have self-harmed are recorded on the Incident Reporting System. Although the system does not include the address of the prisoner, addresses has been added by matching onto the prison NOMIS system. The Ministry of Justice (2024/01) state that 'around half of the individuals that self-harmed in 2023 did so more than once', the matching process, therefore, 'has looked up each individual prisoner rather than each incident, so has only linked to one address for each prisoner'. Prisoners that have left prison custody, changed address, then returned to prison custody to serve a new sentence are only recorded against the address which matched for them originally. The Ministry of Justice also note that there were a small number of individuals with no recorded address.

Introduction

Since the formation of a new UK parliament in July, prisons and penal policy have been thrust into the political and public spotlight in England and Wales. Although the many problems facing the system were largely sidelined within debates leading up to the election, it took the new UK government only a matter of days to announce its intention to respond to the pressures being placed on prisons by rising prisoner numbers (Crerar et al. 2024). These growing pressures only serve to add to the challenges facing a system already gripped by deteriorating living conditions, rising violence, limited regimes, inadequate support, as well as increasing self-harm and self-inflicted deaths (HM Chief Inspector of Prisons, 2024). These are problems which have been a recurrent theme within previous versions of this report.

In this latest *Prison Factfile* we reveal the extent to which prisoners *from* Wales (Chapter 1) and prisons *in* Wales (Chapter 2) have (somewhat inevitably) been affected by this intensifying and widening crisis. Drawing on data gathered through multiple requests via the Freedom of Information Act 2000, the *Factfile* once again makes key sources of previously unavailable data on prisons and imprisonment in Wales accessible to a wider audience, including service providers, politicians, civil society groups, academics and students, and officials in the Welsh Government, Senedd, and House of Commons. There is added focus here, too, on what sources of Wales-only data we have been prevented from accessing and (therefore) archiving in this report. Examples include disaggregated data on the number of Welsh female prisoners who are mothers, despite the publication of Ministry of Justice data on this in July 2024, and repeated efforts by the Wales Governance Centre to obtain these data.

It is hoped that the data difficulties and gaps highlighted in this report can further contribute to growing calls to tackle the paucity of Wales-only criminal justice data. Five years on from the publication of the Commission on Justice in Wales' (2019) landmark report, this latest *Factfile* once again uncovers a series of deeply troubling

outcomes and further underlines the need for politicians, policy makers, academics and government officials on both ends of the M4 to engage on a more serious level with the current and future state of the Welsh criminal justice system.

1 The Prison Population

- 1.1** The Covid-19 pandemic had a significant impact on the size and profile of the England and Wales prison population. The restrictions introduced to combat the spread of the virus saw prison receptions fall by 18 per cent (Ministry of Justice, 2021a), with the total prison population of England and Wales six per cent lower in December 2020 than it had been in 2019 (Ministry of Justice, 2021b).³
- 1.2** The Welsh prison population in 2021 reached its lowest level (4,483) since the Wales Governance Centre began systematically gathering Welsh prison population data from the Ministry of Justice in 2013. The easing of Covid-19 restrictions, combined with the effect of rising remand and recall prisoners, has since seen the prison population rise considerably in England and Wales.
- 1.3** In the 12 months to December 2023, the total number of prisoners in England and Wales increased by seven per cent to 87,489 (Ministry of Justice, 2024/02).
- 1.4** The total number of Welsh people in prison (based on home address) increased by eight per cent to 5,034 in 2023 (Ministry of Justice, 2024/03).⁴
- 1.5** The number of prisoners from England (based on home address) also increased in 2023, albeit at a slightly lower rate (seven per cent) than the level recorded for Welsh prisoners (Ministry of Justice, 2024/04).⁵
- 1.6** Although distances and dispersal continue to present a problem for thousands of Welsh prisoners (and their outside contacts) every year, the expansion of HMP Parc in 2015 and the opening of HMP Berwyn in 2017 has led to a

³ Prison receptions: From 72,172 in 2019 to 59,576 in 2020.

Prison population: From 82,868 in December 2019 to 78,180 in December 2020.

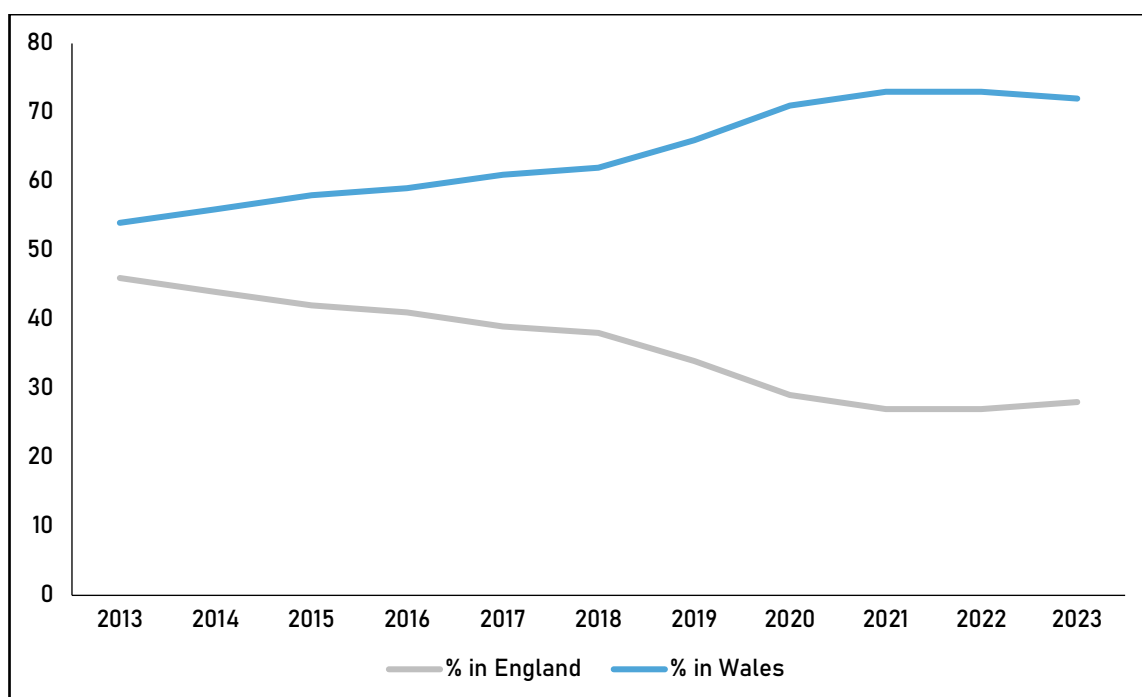
⁴ Welsh prisoners: From 4,682 in 2022 to 5,034 in 2023.

⁵ English prisoners: From 75,664 in 2022 to 80,715 in 2023.

significant increase in the number of Welsh prisoners being held in the Welsh prison estate over the last decade (see Figure 1.1).⁶

Figure 1.1

The percentage of Welsh prisoners being held in prisons in Wales and England, 2013 to 2023



1.7 The majority of Welsh people in the Welsh prison estate in 2023 were held at HMP Parc (38 per cent), followed by HMP Berwyn (20 per cent), HMP Cardiff (20 per cent), HMP Swansea (10 per cent), HMP Usk (seven per cent) and HMP Prescoed (five per cent).

1.8 Despite an expansion in prison capacity in recent years, a significant number of prisoners from Wales continue to be held in prison accommodation in

⁶ The expansion of HMP Parc was announced in September 2013 (BBC News, 2013). The extension added 387 new prison places and was opened in January 2015.

England. In 2023, over a quarter (28 per cent) of Welsh prisoners were being held in English prisons.⁷

- 1.9** At the end of December 2023, Welsh people were being held in 105 prisons in England (Ministry of Justice, 2024/03).
- 1.10** Because there are no high security prisons in Wales, all Welsh category A prisoners are held in high security prisons in England. There were 35 prisoners from Wales held as category A in 2023 (Ministry of Justice, 2024/05).
- 1.11** Prison population data broken down by offence type show that more than a quarter (28 per cent) of Welsh people were in prison for violent offences in 2023.
- 1.12** The proportion of those in prison for drug related offences has increased significantly since the Wales Governance Centre began collecting offence type data in 2017. While 716 Welsh prisoners were in prison for drug offences in 2017, this average figure had increased by 51 per cent to 1,081 in 2023 (Ministry of Justice, 2024/06).
- 1.13** Those in prison for drug related offences comprised 15 per cent of the Welsh prison population in 2017. By 2023, this figure had increased to 21 per cent.
- 1.14** Across England and Wales, the proportion of older people in prison has risen dramatically over the last two decades (Prison Reform Trust, 2023). Disaggregated Wales-only data show that there were 361 Welsh people in prison aged 60 or above in 2023.

⁷ On average, 1,432 Welsh prisoners were being held in English prisons in 2023.

- 1.15** While prisoners aged 50 or above comprised 15 per cent of the Welsh prison population in 2017, this figure had climbed to 18 per in 2023 (Ministry of Justice, 2024/07).⁸
- 1.16** Previously unpublished data collected by the Wales Governance Centre show the majority of Welsh prisoners identify either as having ‘no religion’ (45 per cent) or as Christian (40 per cent) (Ministry of Justice, 2024/08).
- 1.17** Between 2020 and 2023, almost one in ten (9 per cent) of all Welsh prisoners identified as Muslim.⁹

Remand and Recall

- 1.18** A significant challenge to emerge out of the Covid-19 pandemic has been the creation of a major backlog in criminal cases at the Crown Court in England and Wales (see 3.2). Due to a high volume of outstanding cases, the number of prisoners on remand awaiting trial or sentencing has markedly increased since 2019 (Ministry of Justice, 2024/09).
- 1.19** The number of remand prisoners in England and Wales increased by 13 per cent in 2023.¹⁰ This included a 13 per cent rise in the number of prisoners awaiting trial, and a 14 per cent increase in those awaiting sentencing (Ministry of Justice, 2024/02).¹¹
- 1.20** In 2023, the number of Welsh prisoners on remand reached its highest level (730) since the Wales Governance Centre began collecting data by sentence type in 2017 (Ministry of Justice, 2024/10).

⁸ From 742 in 2017 to 913 in 2023.

⁹ There were 473 Muslim prisoners from Wales in 2023.

¹⁰ From 14,143 in December 2022 to 16,005 in December 2023.

¹¹ Untried: From 9,306 in December 2022 to 10,487 in December 2023.

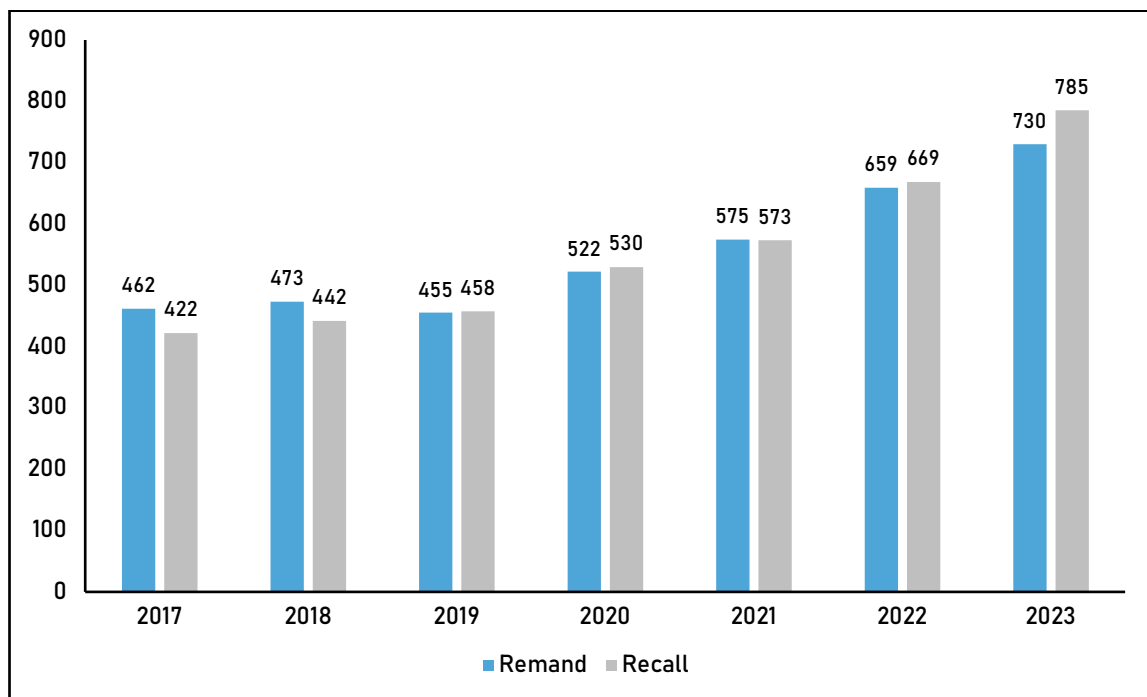
Unsentenced: From 4, 4,837 in December 2022 to 5,518 in December 2023.

1.21 Welsh prisoners on remand comprised 15 cent of the overall Welsh prison population in 2023. This compared to just 10 per cent of the prison population in 2019.

1.22 Although the majority of Welsh male prisoners are held on remand at Welsh prisons and Welsh female prisoners at either HMP Eastwood Park or HMP Styal, there were 38 prisoners from Wales being held on remand at 23 different prisons in England in December 2023 (Ministry of Justice, 2024/11).

Figure 1.2

Welsh prisoner remand and recall population, 2017 to 2023



1.23 At HMP Cardiff, just under half (47 per cent) of all prisoners were being held there on remand in 2023. This compared with just under a third (31 per cent) of prisoners in 2019 (Ministry of Justice, 2024/02).

1.24 Alongside those held on remand, prisoners who have been recalled to custody have also contributed significantly to rising prisoner numbers since 2019

(Rowland, 2024). This rise can be explained by the use of longer determinate sentences and an increase in the number of prisoners serving indeterminate sentences or sentences with an extended licence period (Ministry of Justice, 2024/02).

- 1.25** In 2022, the House of Commons Justice Committee (2022: 43) called upon the UK Government to tackle the ‘recall merry-go around’ facing those sentenced to Indeterminate Sentences for Public Protection (IPP). Despite being abolished as a sentence in 2012, the change did not apply to people retrospectively. As a result, hundreds of released IPP prisoners have subsequently been recalled to custody.
- 1.26** Although the unreleased and recalled breakdown is unknown, there were 58 Welsh prisoners serving Imprisonment for Public Protection sentences in 2023 (Ministry of Justice, 2024/10).¹²
- 1.27** The increasing use of recall can also be explained by major problems in probation services in England and Wales (Grehan, 2024; HM Inspectorate of Probation, 2020). A study by Mullen et al. (2022:10) identified that a shift towards ‘risk management’ culture has resulted in probation officers being ‘too quick’ to recall people to custody.
- 1.28** 785 Welsh people were in prison in 2023 having been recalled to custody. This represents a 17 per cent increase on the number of recalled Welsh prisoners recorded in the previous year (Ministry of Justice, 2024/10).¹³
- 1.29** While those recalled to prison comprised approximately nine per cent of the Welsh prison population in 2017, recalled prisoners accounted for 16 per cent of Welsh prisoners in 2023 (Ministry of Justice, 2024/10).

¹² There were 170 Welsh IPP prisoners in 2017.

¹³ From 669 in 2022 to 785 in 2023.

- 1.30** When combined, almost a third (30 per cent) of the Welsh prison population in 2023 were either on remand or in prison having been recalled to custody.
- 1.31** In 2023, 1,496 people were recalled into custody for breach of post-release licence by the probation service in Wales, excluding those returned to custody in connection with having been charged with a further offence (Ministry of Justice, 2024/12).
- 1.32** There was a 14 per cent increase in the number of people recalled to custody for breach of post-release licence by the probation service in Wales in 2023. This compared to a 33 per cent increase recorded in England.¹⁴
- 1.33** Despite the fact that six per cent of the total probation caseload in England and Wales were managed by Welsh probation services in 2023,¹⁵ seven per cent of all recalls into custody for breach of post-release licence were recorded in Wales last year (Ministry of Justice, 2024/12; 2024/13).¹⁶

Women

- 1.34** A particular problem faced by Welsh female prisoners and their families arises from the nature of the prison estate on which they are held. As there are no women's prisons in Wales, all Welsh female prisoners are imprisoned in England.
- 1.35** The 'distinct set of issues' facing Welsh women, including distances from home, problems maintaining family contact, and links with community-based services (Rees et al. 2017; House of Commons Welsh Affairs Committee, 2007:19) has prompted the development of several initiatives and policies over

¹⁴ England: From 14,173 in 2022 to 18,814 in 2023.

Wales: From 1,314 in 2022 to 1,496 in 2023.

¹⁵ 14, 258 people were supervised by Welsh probation services in 2023. The total for England and Wales was 238,678 in 2023.

¹⁶ There were a total of 20,310 recalls for breach of post-release licence conditions in England and Wales in 2023.

the last decade. In May 2019, the Welsh Government and Ministry of Justice (2019: 1) published a *Women's Justice Blueprint* to help deliver services that are 'distinct to Wales' and included a commitment to help reduce the number of Welsh women in the criminal justice system (Welsh Government and Ministry of Justice, 2019).¹⁷

1.36 The Welsh Government's (2022) *Delivering Justice for Wales* strategy reiterated its commitment to improving services for Welsh women and to diverting women away from the criminal justice system. This included recognition of the need to further develop the Women's Pathfinder Diversion Scheme and to 'embed good practice' and embolden 'radical change' across Wales (Welsh Government, 2022: 11, 105) .

1.37 However, despite repeated commitments to reduce the number of Welsh women in prison, legislation and policy initiatives introduced by the UK Government since 2019 only look set to increase the total number of people in prison. In its *Prison Population Projections 2023 to 2028*, the Ministry of Justice (2024/09) predict that prisoner numbers in England and Wales will rise to 105,800 by March 2028.¹⁸

1.38 As part of the latest projected increase, the Ministry of Justice (2024/09) anticipate that the number of adult female prisoners in England and Wales will rise by 16 per cent from 3,611 in November 2023 to 4,200 in November 2027. Based on disaggregated data from December 2023, this will see the number of Welsh women in prison increase from 245 to 285 by the end of 2027.

1.39 Although the Ministry of Justice (2024/09) include the caveat that their projections do not take into account the effect that its *Female Offender*

¹⁷ The strategy was initially unveiled as the *Female Offending Blueprint for Wales*.

¹⁸ The Ministry of Justice projections estimate that the prison population will increase to a level between 94,600 and 114,800 by March 2028, with a central estimate of 105,800.

Strategy will have on future numbers, there is no consideration given to the impact that the *Women's Justice Blueprint* may have in Wales.

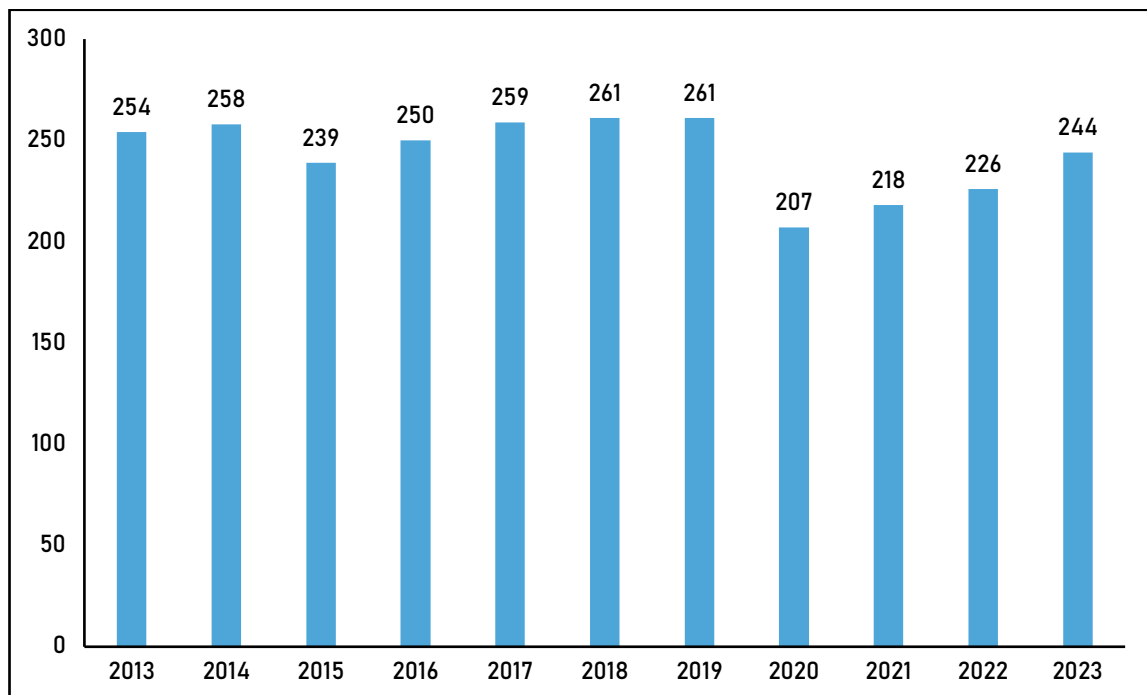
- 1.40** There were 244 Welsh women in prison in 2023, compared with 226 Welsh female prisoners in the previous year (Ministry of Justice, 2024/14).
- 1.41** In December 2023, Welsh women were being held in 11 of the 12 women's prisons in England, with almost three-quarters (72 per cent) of women placed at either HMP Eastwood Park in Gloucestershire (141) or HMP Styal in Cheshire (35).
- 1.42** The separation of women from children is often the issue most likely to affect the mental health and well-being of female prisoners. Throughout her review of women within the criminal justice system, Baroness Corston (2007: 30) was told that separation from children was emotional 'torture' for mothers in prison. The review (2007) found that 18,000 children a year are separated from their mothers by imprisonment.
- 1.43** On multiple occasions the Wales Governance Centre has requested data on the number of Welsh women in prison who are mothers to children under the age of 18. In response to a request in September 2023, the Ministry of Justice (2023a) confirmed that they held the data but that it was 'exempt from disclosure under section 22(1) of the FOIA, because it is intended for future publication'. When these data were eventually published as part of the Ministry of Justice's *Better Outcomes through Linked Data* (BOLD) in July 2024, they did not provide any Welsh disaggregation. In response to a follow-up request asking for a Welsh breakdown of the information included in the BOLD data set, the Ministry of Justice (2024/15) once again confirmed that it 'holds all of the information' requested, but refused the request on the basis that the 'cost of identifying those prisoners who entered prison from Welsh home addresses with children from individual case records would exceed the appropriate limit' set out in the Freedom of Information Act 2000.

1.44 Ministry of Justice (2024/16) data show that in the year ending March 2024, a total of 229 pregnant women had been held in prisons across England. The figures also reveal that 53 births were recorded in 2023/24.

1.45 A request for disaggregated information on the number of women from Wales included in the pregnancy and births data for 2023/24 was rejected in July 2024. The Ministry of Justice (2024/17) confirmed that ‘while separate data sets on pregnant women and their home location prior to entering custody exist, linking this information would be a complex process and would represent the creation of new data’, something which the Freedom of Information Act 2000 does not oblige the Ministry of Justice to do.

Figure 1.3

The number of Welsh women in prison, 2013 to 2023



1.46 Analyses of sentencing data show that in 2023 the number of women handed immediate custodial sentences in Wales reached its highest level since the outbreak of Covid-19.¹⁹

¹⁹ 371 immediate custodial sentences were handed to women at courts in Wales in 2023.

- 1.47** Previous research by the Wales Governance Centre has shown that women in Wales are more likely to be given shorter custodial sentences than men (Jones, 2019a; 2020; 2023). The frequent use of short-term sentences often brings considerable ‘chaos and disruption’ to the lives of women and their families (Corston, 2007: i), with women sentenced to short-term custodial sentences more likely to re-offend than those sentenced to a court order (Hillier and Mews, 2018).
- 1.48** Three-quarters (75 per cent) of all women sentenced to immediate custody in Wales were handed sentences of 12 months or less in 2023. This compared to 63 per cent of men sentenced to custody in Wales (Ministry of Justice, 2024/18).²⁰
- 1.49** In 2023, almost one in five (18 per cent) of all women sentenced to immediate custody in Wales were handed sentences of up to one month or less. This compared to 11 per cent of men sentenced to immediate custody in 2023.²¹
- 1.50** A total of 1,599 immediate custodial sentences of one month or less have been handed to women sentenced at courts in Wales since 2010 (Ministry of Justice, 2024/18).
- 1.51** 91 per cent of all custodial sentences of one month or less given to women in Wales were at the magistrates’ court between 2010 and 2023 (Ministry of Justice, 2024/19).
- 1.52** Analysis of court data by police force area in 2023 show that 43 per cent of women sentenced to immediate custody at the magistrates’ court in North Wales received a sentence of one month or less. This compared to 26 per cent of women in Gwent, 19 per cent in South Wales, and 12 per cent in Gwent.

²⁰ 280 sentences of 12 months or less were handed to women in 2023.

²¹ There were 452 sentences of one month or less handed to men in 2023.

- 1.53** Between 2010 and 2023, 43 per cent of women who received an immediate custodial sentence at magistrates' courts in North Wales were sentenced to prison for one month or less. This compared to 38 per cent of women sentenced in Gwent, 35 per cent in Dyfed-Powys, and 30 per cent in South Wales (Ministry of Justice, 2024/19).
- 1.54** On average, one woman a week was sentenced to prison for one month or less at the magistrates' court in Wales in 2023.
- 1.55** While the *Women's Justice Blueprint* clearly sets out the Ministry of Justice and Welsh Government's shared commitment to work with courts and sentencers to build 'confidence in alternatives to short-term custody' across Wales, a snapshot survey carried out in 2022 found that only around 50 per cent of Magistrates' Association members in Wales were aware of the Blueprint's existence. This, according to the Senedd's Equality and Social Justice Committee's (2023: 23) *Women's Experiences in the Criminal Justice System* report represents a 'particular concern'.
- 1.56** In its 2018 *Female Offender Strategy*, the Ministry of Justice (2018: 15) underlined the need for 'an entirely different approach' to the treatment of women in the criminal justice system. The strategy included a commitment to establishing five Residential Women's Centres across England and Wales to help 'see fewer women in custody' and to enhance support services in the community (Ministry of Justice, 2018: 8).
- 1.57** In May 2020, the UK Justice Minister, Lucy Frazer QC, announced that the very first Residential Women's Centre would be sited in Wales. The Ministry of Justice confirmed in August 2023 that the Residential Women's Centre will be located at a site in Swansea after it successfully appealed Swansea Council's decision to reject its planning application for the Centre in September 2022.

- 1.58** Unveiled as an ‘alternative’ to imprisonment for women convicted of ‘low-level offences’ (Ministry of Justice, 2020), according to HM Prison and Probation Service (HMPPS) (2022) the centre will have capacity for 12 women who are from the ‘local community or surrounding areas’ and ‘have been given a community sentence which includes a requirement to reside at the Residential Women’s Centre’.
- 1.59** However, despite the UK Government’s claims that the Residential Women’s Centre will provide vital services to women and offer an ‘alternative’ to imprisonment, widespread concerns have already been raised about what the Howard League for Penal Reform (2022: 2) have described as an ‘unevidenced experiment in wholly new residential provision’.
- 1.60** In response to the Senedd Cymru’s Equality and Social Justice Committee’s inquiry, *Women’s experiences in the criminal justice system*, the Nelson Trust expressed deep concern over the requirement placed upon women to be resident at the Residential Women’s Centre. Unlike other women’s centres across England and Wales, fears have been raised that the residential aspect of the centre will simply ‘replicate the harms of short-term prison sentences’ (Nelson Trust, 2022:3). The Prison Reform Trust (2022: 2) have shared similar concerns about the Residential Women’s Centre becoming a prison ‘in all but name’.
- 1.61** One of the principal objections to the Residential Women’s Centre is that, unlike other residential centres across England and Wales, the facility will be managed and run by the probation service. Under the auspices of HMPPS in Wales, there are credible and justifiable concerns that the Residential Women’s Centre will simply act as a route into custody, rather than a route away from prison (see Carlen, 2002; Moore et al. 2018).
- 1.62** At the heart of these concerns is that, as already shown, the use of recall by probation services across England and Wales has increasingly become a route

(back) into custody in recent years (Ministry of Justice, 2024/09). To compound these fears, disaggregated data show that a higher percentage of recalls happen in Wales.

1.63 Between 2017 and 2022, a total of 644 women were recalled to custody in Wales for breach of post-release licence, excluding those returned to custody in connection with having been charged with a further offence (Ministry of Justice, 2024/20). This figure amounts to eight per cent of all women recalled to prison across the whole of England and Wales.

1.64 In 2023, 58 per cent (84) of all women recalled to custody in Wales were serving sentences of under 12 months. This compared to 52 per cent (806) of women recalled in England (Ministry of Justice, 2024/20).

1.65 One of the main arguments offered in support of the Residential Women's Centre is that it will divert women who might ordinarily receive short-term custodial sentences away from prison. These plans, however, are likely to do little for the increasing number of women in Wales who are being handed longer-term prison sentences.

1.66 Since 2010, the average custodial sentence length for women sentenced in Wales has increased from 7.4 months (2010) to 11.4 months (2023).²² While just 1.8 per cent of women sentenced to immediate custody in 2010 received a sentence of four years or more, the proportion had more than trebled to 5.7 per cent of women in 2023 (Ministry of Justice, 2024/18).

1.67 With more women being sentenced to prison for longer in Wales, questions remain over what benefits, if any, the Residential Women's Centre will bring to

²² The Ministry of Justice announced changes to the way in which it develops and processes criminal court data in 2024 (including sentence length). Although the Ministry of Justice (2024/22: 5) claim that the changes 'have a limited impact on overall existing trends across the time series', there have been some alterations to the data included in previous Wales Governance Centre Factfiles. The data included in this report present the most up-to-date data available.

women in Wales. This includes the increasing number of Welsh women in prison who are awaiting trial or sentencing.

- 1.68** While remand prisoners comprised 15 per cent of the Welsh female prison population in 2017, almost one in five (19 per cent) Welsh women were in prison on remand in 2023 (Ministry of Justice, 2024/21).
- 1.69** On average, there were 47 Welsh women in prison on remand in 2023.
- 1.70** In December 2023, there were 41 Welsh women on remand at HMP Eastwood Park. Data broken down by local authority level show that this included women from Bridgend (2), Caerphilly (1), Cardiff (15), Carmarthenshire (2), Neath Port Talbot (2), Newport (4), Swansea (8), and Torfaen (1) (Ministry of Justice, 2024/11).
- 1.71** Analysis of criminal court data show that 487 women were remanded into custody at either the magistrates' court (290) or Crown Court (197) in Wales in 2023 (Ministry of Justice, 2024/23).
- 1.72** Of those women remanded *and* sentenced at the magistrates' court in Wales, more than half (57 per cent) went on to receive a non-custodial sentence in 2023. At the Crown Court, almost a third (31 per cent) of women remanded *and* sentenced there received a non-custodial sentence in 2023.²³
- 1.73** 36 per cent of women on trial at the Crown Court in Wales were remanded in 2023. This is the highest remand rate recorded for women at the Crown Court in Wales since 2012 (Ministry of Justice, 2024/23).²⁴

²³ Those classified as receiving a non-custodial sentence here include those given a suspended sentence, a community sentence, a fine, an absolute discharge, a conditional discharge, compensation, or otherwise dealt with.

Magistrates' court: 88 women were remanded into custody and sentenced in 2023 and 50 received a non-custodial sentence.

Crown Court: 172 women remanded into custody were sentenced in 2023 and 54 received a non-custodial sentence.

²⁴ The data included in the Ministry of Justice's (2024/23) remand data tool begins in 2012.

Ethnicity

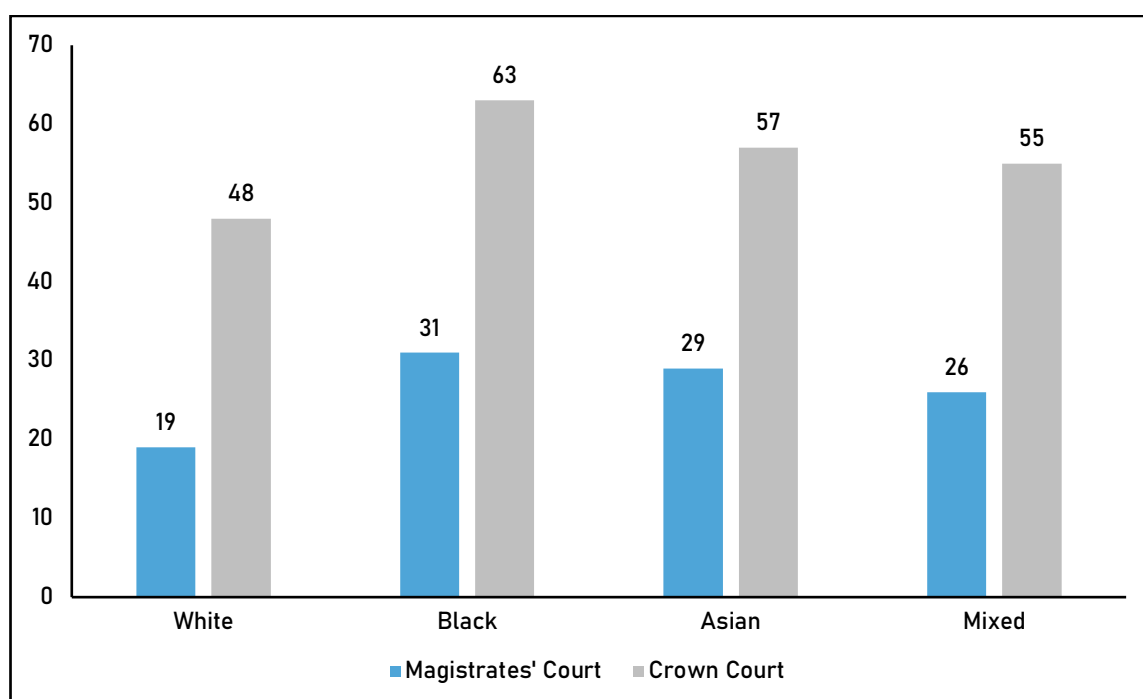
- 1.74** The Ministry of Justice's 2024 report, *Statistics on Ethnicity and the Criminal Justice System 2022*, identified that minority ethnic groups are 'over-represented' within most stages of the criminal justice system in England and Wales (Ministry of Justice, 2024/24: 3). The findings showed that minority ethnic groups are more likely to be stopped and searched by police, arrested, and that a larger proportion of Black, Asian, and Mixed defendants are remanded in custody for indictable offences when compared to White defendants at the Crown Court (Ministry of Justice, 2024/24).
- 1.75** The Lammy Review in 2017 concluded that people from minority ethnic backgrounds in England and Wales are drawn disproportionately into the criminal justice system. The review found that despite comprising just 12 per cent of the population of England and Wales, Black, Asian, and Minority Ethnic (BAME) men and women make up 25 per cent of its prison population (Lammy, 2017).
- 1.76** While criminal justice is reserved to the UK Government, the Welsh Government has a clear set of responsibilities for promoting fairness and tackling all forms of discrimination in Wales. In July 2022, the Welsh Government published its *Anti-Racist Wales Action Plan* which includes a chapter dedicated to crime and justice. The plan sets out the Welsh Government's (2022: 14) commitment to tackling inequality and racial disproportionality in Wales by creating 'an anti-racist criminal justice system'.
- 1.77** Previous research by the Wales Governance Centre has uncovered the prevalence and extent of racial disproportionality within the Welsh criminal justice system. *Sentencing and Imprisonment in Wales* (Jones, 2019a), *Sentencing and Immediate Custody in Wales* (Jones, 2019b), the *Welsh Criminal Justice System: On the Jagged Edge* (Jones and Wyn Jones, 2022), and *Prisons in Wales* (Jones, 2023) found that individuals from non-White

backgrounds in Wales were over-represented in almost all stages of the criminal justice system. The latest data show that these trends continued in 2023.

1.78 Consistent with trends observed on an England and Wales level, analysis of court data in Wales show that a higher proportion of Black, Asian and Mixed defendants are remanded to custody at both the magistrates' court and Crown Court.

Figure 1.4

The average remand rate (%) at the magistrates' court and Crown Court in Wales broken down by ethnic group, between 2012 and 2023



1.79 Between 2012 and 2023, almost two-thirds (63 per cent) of Black defendants were remanded into custody at the Crown Court in Wales.²⁵ This compares to

²⁵ 968 Black defendants were remanded in custody at the Crown Court in Wales between 2012 and 2023.

just under half (48 per cent) of White defendants (Ministry of Justice, 2024/23) (see Figure 1.4).

1.80 Almost one in three (31 per cent) of all Black defendants appearing at the magistrates' court in Wales between 2012 and 2023 were remanded into custody. This compares to a fifth (19 per cent) of White defendants, 29 per cent of Asian defendants, and 26 per cent of defendants from Mixed background (Ministry of Justice, 2024/23).

Figure 1.5

The percentage of English and Welsh people in the general population and in prison by ethnic group in 2023²⁶

Ethnic Group	Prisoners	% of Prison population	% of General population	Rate of Representation in Prison
England				
White	57,367	71.1	81.1	0.88
Black	10,310	12.8	4.2	3.1
Asian	6,691	8.3	8.8	0.9
Mixed	3,992	5	3	1.7
Wales				
White	4,463	88.7	93.8	0.95
Black	150	3	0.9	3.3
Asian	166	3.3	2.4	1.4
Mixed	154	3.1	1.5	2.1

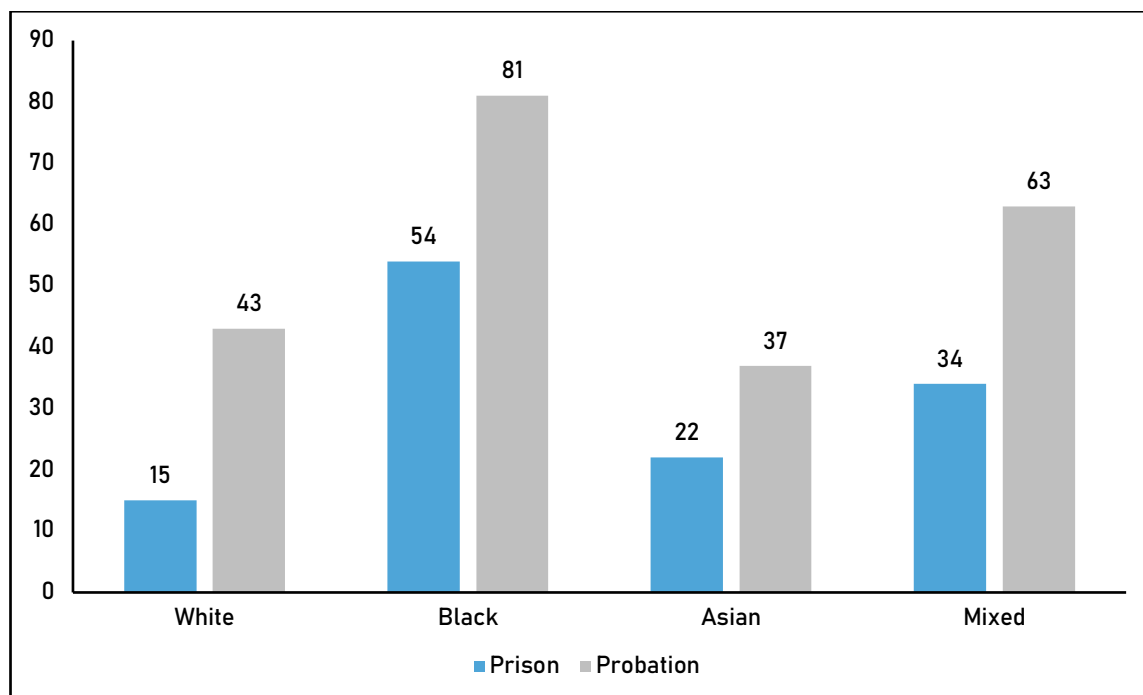
²⁶ The 'Asian' category included here does not include those identified as 'Chinese' in the 2021 census or within the Ministry of Justice's prison population statistics. Population by ethnicity (2021 census): White (2,915,849); Black (27,554); Asian (74,574); Mixed (45,598).

- 1.81** When analysed alongside Welsh population data drawn from the 2021 Census, Black individuals in Wales were the most over-represented ethnic group in prison in 2023, followed by those from a Mixed background and individuals belonging to an Asian ethnic group (see Figure 1.3) (Ministry of Justice, 2024/25; Office for National Statistics, 2022).
- 1.82** Consistent with the trends recorded in previous years, Welsh individuals from a White ethnic background were the only group to be (marginally) under-represented in prison in 2023.²⁷
- 1.83** English prisoners from a Black and Mixed ethnic group were also over-represented in prison in 2023. The level of over-representation for each of these groups, however, was higher in Wales than in England (see Figure 1.5) (Ministry of Justice, 2024/26; Office for National Statistics, 2022).
- 1.84** There were 54 Black people from Wales in prison for every 10,000 of the population in 2023. This rate compared to just 15 White people per 10,000 of the population. There were 22 Asian people in prison per 10,000 and 34 people from a Mixed background per 10,000 in prison in 2023 (see Figure 1.6).
- 1.85** Data obtained from the Ministry of Justice also show that people from Black and Mixed ethnic groups were over-represented among the probation population in Wales. While White and Asian individuals were under-represented, people from a Black and Mixed ethnic group were over-represented in 2023 (Ministry of Justice, 2024/27).
- 1.86** For every 10,000 Black people living in Wales, 81 were under probation supervision in 2023. This compared to a rate of 63 per 10,000 for individuals from a Mixed background, 43 for White and 37 for those from an Asian ethnic group (see Figure 1.6).

²⁷ The rate of representation was 0.95 before being rounded to one decimal place.

Figure 1.6

Rates of imprisonment and probation supervision per 10,000 people by ethnic group in Wales in 2023



1.87 Research has also shown that individuals from minority ethnic groups are more likely to receive longer custodial sentences. The Ministry of Justice's (2024/24) *Statistics on Ethnicity and the Criminal Justice System 2022* showed that Asian, Black, and Mixed defendants in England and Wales receive longer custodial sentences than White defendants sentenced for indictable offences.

1.88 The average custodial sentence length in Wales between 2010 and 2023 was 8.6 months higher for Black defendants (25.3 months) than defendants from a White ethnic group (16.7 months) (Ministry of Justice, 2024/18).

1.89 In 2023, the average length of a custodial sentence in Wales for Black defendants was 34.1 months, compared to 18.6 months for White defendants.

- 1.90** Individuals from a minority ethnic background are also more likely to serve a higher proportion of their determinate sentences in prison than White prisoners. *Prison, Probation and Sentencing in Wales* showed that between 2015 and 2018, Mixed prisoners from Wales (63 per cent) served a higher proportion of their determinate sentences in prison, followed by Black (61 per cent), White (57 per cent) and Asian (57 per cent) prisoners (Jones, 2020).
- 1.91** Updated figures show that between 2019 and 2023, Black (77 per cent) prisoners from Wales served a higher proportion of their determinate sentences in prison, followed by Mixed (70 per cent), White (64 per cent), and Asian (56 per cent) prisoners (Ministry of Justice, 2024/28).
- 1.92** In 2024, the Senedd's Equality and Social Justice Committee's (2024) *Action, not words: towards an anti-racist Wales by 2030* acknowledged the extent of racial disproportionality across the Welsh criminal justice system. The Committee (2024:37) highlighted the 'difficulties' facing researchers who are forced to use freedom of information legislation to obtain basic data broken down by ethnic group in Wales. Drawing upon evidence received by the Wales Governance Centre, the Committee (2024: 37) recommended that the Welsh Government establish a Welsh Criminal Justice Observatory to help improve access to vital 'data and knowledge' in this area.

2 Prisons in Wales

2.1 The prison estate in Wales is comprised of five different establishments.

- HMP Berwyn in Wrexham is one of the largest prisons in England and Wales. Opened in February 2017, the prison is a designated adult male category C training prison and holds Category B adult males on remand. At the end of August 2024, the prison held a total of 1,976 prisoners (Ministry of Justice, 2024/29).
- HMP Cardiff is a category B reception and resettlement prison that holds adult males served by courts in the local area. The prison holds a mixture of remanded, unsentenced, sentenced and recalled prisoners. At the end of August 2024, the population at HMP Cardiff was 739 (Ministry of Justice, 2024/29).
- HMP/ YOI Parc in Bridgend is a category C resettlement prison that holds convicted adult men, young adults (18-20), and young people (16-17) remanded and convicted. Currently operating as Wales' only privately run prison, HMP Parc was the very first prison to be built in England and Wales under the Private Finance Initiative. Following the construction of a new 'house-block' on the existing site in 2015, HMP Parc is one of the largest prisons in England and Wales. In August 2024, there were a total of 1,805 prisoners being held there (Ministry of Justice, 2024/29).
- HMP Swansea is a category B reception prison for adult males and serves local courts in south Wales. The prison population is a mixture of remanded, unsentenced, sentenced, and recalled prisoners. At the end of August 2024, the prison held a total of 426 prisoners (Ministry of Justice, 2024/29).

- HMP Usk and HMP Prescoed in Monmouthshire are two separate prisons located on different sites that are managed as a 'single entity' by HMPPS (HMIP, 2021: 3). HMP Prescoed is an adult male open prison that manages category D prisoners. HMP Usk operates as a small category C training prison which largely deals with offenders convicted under the Sex Offenders Act 1997. At the end of August 2024, HMP Usk and HMP Prescoed had a combined population of 488 prisoners (Ministry of Justice, 2024/29).

Population

- 2.2** The average number of people held in the Welsh prison estate surpassed 5,000 for the first time in 2022. This figure increased by a further seven percent (5,406) in 2023 (Ministry of Justice, 2024/30).
- 2.3** Since HMP Berwyn became operational in 2017, the average number of prisoners held in Wales has increased by 36 per cent.²⁸

Figure 2.1

The average prison population in Wales by establishment, 2019 to 2023

Prison	2019	2020	2021	2022	2023
Berwyn	1,448	1,737	1,783	1,826	1,950
Cardiff	717	698	679	732	764
Parc	1,642	1,644	1,625	1,640	1,756
Swansea	417	362	319	375	416
Usk/Prescoed	523	462	454	497	520
Total	4,747	4,902	4,860	5,069	5,406

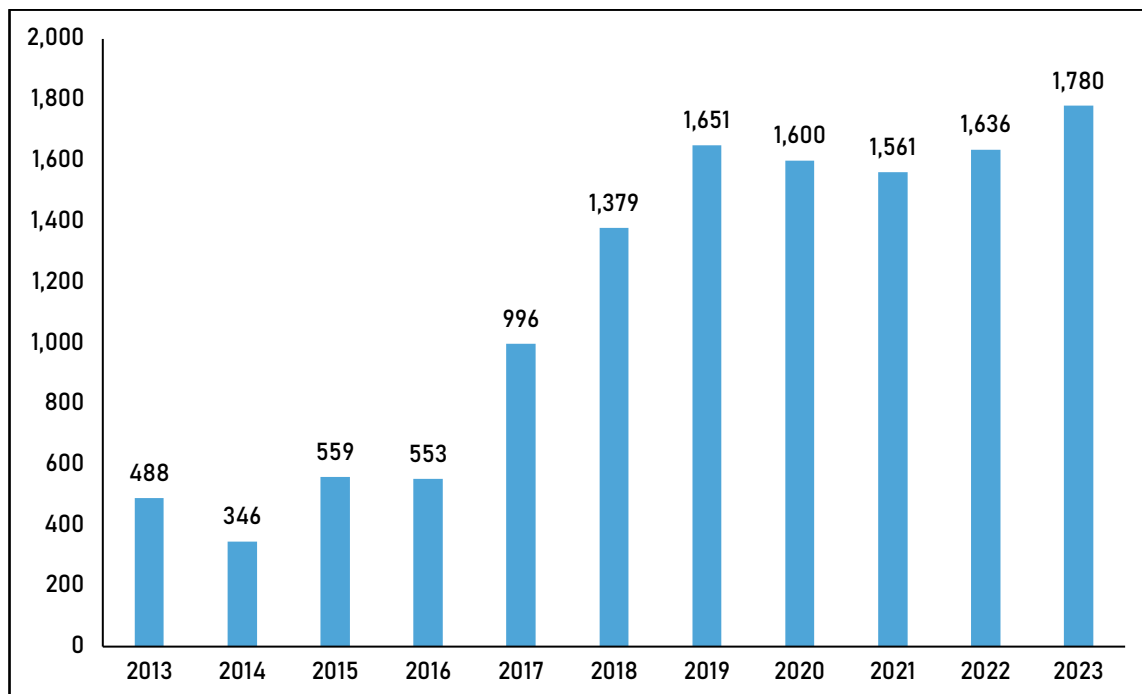
²⁸ From 3,962 in 2017 to 5,406 in 2023.

- 2.4** While the population increased in all five prisons in Wales in 2023, HMP Swansea (11 per cent) experienced the biggest rise (as it did in 2022), followed by HMP Berwyn (seven per cent), HMP Parc (seven per cent), HMP Usk/Prescoed (five per cent), and HMP Cardiff (four per cent) (Ministry of Justice, 2024/30).
- 2.5** On average, 1,780 prisoners from England were being held in Welsh prisons in 2023. That is the equivalent population of HMP Parc (1,756) and represents a further increase on the level recorded in 2022 (1,617) (Ministry of Justice, 2024/04).
- 2.6** A third (33 per cent) of all prisoners held in Wales in 2023 were from England.
- 2.7** Since HMP Berwyn opened in February 2017, the number of English prisoners held in Wales has risen by 191 per cent.²⁹ At the end of December 2023, 65 per cent of prisoners held at HMP Berwyn were from England.
- 2.8** In total, prisoners from 112 different local authorities in England were being held at HMP Berwyn in December 2023 (Ministry of Justice, 2024/04).
- 2.9** Despite the claim in 2015 that HMP Berwyn would play a crucial role in ‘being a regional prison serving the North West of England’ (House of Commons Welsh Affairs Committee, 2015: 11), prisoners from 81 English local authorities *outside* of North West England were also being held at HMP Berwyn in December 2023.
- 2.10** In total, 207 prisoners at HMP Berwyn had origin addresses in English local authorities outside the North West of England in December 2023 (Ministry of Justice, 2024/04).

²⁹ From 622 in December 2016 to 1,811 in December 2023.

Figure 2.2

The average number of English prisoners held in Wales, 2013 to 2023³⁰



2.11 The number of first prison receptions in Wales increased by 8 per cent in 2023.³¹ While receptions increased across most prisons in Wales, the number at HMP Cardiff marginally declined (by three per cent) last year (Ministry of Justice, 2024/31).

2.12 There were 339 more receptions recorded at Welsh prisons in 2023 compared to the previous year.

³⁰ The Ministry of Justice has recently started splitting Adult and Young Offender establishments where these are dual function establishments, such as Parc A and Parc B. The data included in *Prisons in Wales: 2022 Factfile* have been revised here to include Parc A and Parc B.

³¹ From 4,372 in 2022 to 4,711 in 2023.

Figure 2.3

The number of first prison receptions in Wales by establishment, 2019 to 2023

Prison	2019	2020	2021	2022	2023
Berwyn	57	826	1,100	943	1,029
Cardiff	2,459	2,047	2,457	1,973	1,924
Parc	345	275	353	321	391
Swansea	1,333	1,035	1,168	1,135	1,366
Usk	0	0	0	0	1
Total	4,194	4,183	5,078	4,372	4,711

2.13 A study published by the Ministry of Justice in 2012 found that 15 per cent of prisoners reported being homeless prior to entering custody (Williams et al. 2012). Despite being able to gather data on homelessness at prison reception from the Ministry of Justice on three previous occasions through the Freedom of Information Act 2000, our request for 2023 data was refused. Information for 2022, however, show almost one in five (18 per cent) of all people arriving at prisons in Wales were homeless in 2022 (Ministry of Justice, 2023b).³²

2.14 Almost a third (31 per cent) of all prisoners who arrived at HMP Swansea in 2022 were homeless.³³

³² These data exclude HMP Berwyn as data for some prisons in England and Wales were still being compiled by the Ministry of Justice when a request for information was submitted in September 2023. Excluding HMP Berwyn, 607 people arrived at prisons in Wales as homeless in 2022.

³³ The Basic Custody Screening asks prisoners 'What was your accommodation status before prison?'. The question provides a choice of one of three responses; Permanent, Temporary or NFA. Where a prisoner selects NFA this implies 'No Fixed Abode' and is predetermined as homeless. The second question asks, 'What type of housing did you live in before you came into prison?'. The response options here are Council, Housing Association, Private, Own Home, Hostel, Traveller, B&B-Hotel, NFA. Where a prisoner selects NFA this implies "No Fixed Abode" and is predetermined as homeless.

Release and Homelessness

- 2.15** The Housing (Wales) Act 2014 removed prisoners from the list of people given automatic 'priority need' status for temporary accommodation in Wales. Since its introduction there have been numerous calls to re-introduce priority need for prisoners amidst growing concerns over rising levels of rough sleeping and homelessness upon release (Jones and Wyn Jones, 2022; Mackie, 2017; Senedd Cymru's Equality, Local Government and Communities Committee, 2018; Shelter Cymru, 2017).
- 2.16** A survey carried out by Shelter Cymru in 2017 discovered that 13 per cent of rough sleepers in Wales first became homeless after being released from prison with no accommodation to return to (Jackson, 2018). The research also found that people were often recalled to prison because they had no fixed address. According to Jackson (2018: 29), this finding 'strongly suggests' that the removal of priority need status for prison leavers has been a 'contributing factor' to this problem.
- 2.17** In its *Homes for Wales* White Paper published in October 2023, the Welsh Government revealed that one in seven applicants housed by local authorities under the homelessness duty introduced by the Housing (Wales) Act 2014 relate to those who have been released from prison. The Welsh Government (2023: 73) announced its intention to review the current duty and assess 'its value' when it comes to rehabilitation and reducing re-offending in Wales.
- 2.18** The most recent inspections carried out by HM Inspectorate of Prisons (HMI Prisons) in Wales have raised several concerns about levels of prisoner homelessness upon release. Inspectors at HMP Swansea reported that 'a third of prisoners were either homeless or in transient accommodation' on the first night of their release (HMI Prisons, 2023: 52). Most recently at HMP Cardiff, HMI Prisons (2024: 5) found that 'too many' prisoners were being released as homeless or without sustainable accommodation and identified the problem

as one of its six 'priority concerns'. At HMP Parc, inspectors concluded that release planning arrangements 'were not good enough' and had 'deteriorated' since probation services were unified in Wales (HMI Prisons, 2022a: 53). Only 35 per cent of prisoners at HMP Parc reported that they were receiving support to find accommodation, and 17 per cent were released without accommodation to go to on their day of release (HMI Prisons, 2022a). At HMP Usk/Prescoed, inspectors reported that prisoners often 'received good support to find accommodation', but around 25 prisoners had been released in the 12 months prior to their inspection without knowing where they would stay on their first night (HMI Prisons, 2021a: 50). At HMP Berwyn, inspectors found that significant improvements had been made since their last inspection with the 'vast majority' of prisoners released into suitable accommodation (HMI Prisons, 2022b: 14). Despite some progress, however, around seven per cent of prisoners were released from HMP Berwyn without a fixed address to return to (HMI Prisons, 2022b).

2.19 In July 2024, the Ministry of Justice (2024/35) unveiled changes to the early release scheme to help alleviate the pressures on an already overcrowded prison system. The plans have seen the proportion of certain custodial sentences served in prison reduce from 50 to 40 per cent. On 10 September, around 1,700 prisoners were released early in England and Wales as part of the scheme. Although it remains to be seen what impact the Ministry of Justice's plans will have on prisoners and prisoner numbers, HM Chief Inspector of Prisons said that it was 'inevitable' that some prisoners will be released into homelessness and recalled to custody (Vinter, 2024).

2.20 Ministry of Justice (2024/32) data show that 602 people were released from Welsh prisons without a fixed address to return to in 2023/24. This represents a 42 per cent increase on the level the year before.

2.21 On average, 11 people a week were released from Welsh prisons as homeless in 2023/24.

- 2.22** The majority of those released from prison as homeless in Wales were at HMP Cardiff (284), followed by HMP Swansea (149); HMP Berwyn (101); HMP Parc (63); and HMP Prescoed (5).
- 2.23** One in five (20 per cent) prisoners released from HMP Cardiff in the year ending March 2024 had no fixed address to return to. The number of those released from HMP Cardiff without a fixed address to return to increased by 25 per cent in 2023/24.³⁴
- 2.24** On average, five people a week were released from HMP Cardiff as homeless in 2023/24.
- 2.25** *Prisons in Wales: 2022 Factfile* revealed that the number of those managed by Welsh probation services who were rough sleeping upon release from prison had trebled in 2022/23. The latest data show that the number of those rough sleeping had increased by a further 51 per cent in 2023/24 (Ministry of Justice, 2024/33).³⁵
- 2.26** The 51 per cent rise in Wales was recorded at a time when the number of those rough sleeping upon release in England increased by 38 per cent.³⁶
- 2.27** 500 prison leavers from Wales were rough sleeping on the day of their release in 2023/24 (Ministry of Justice, 2024/33).
- 2.28** While rough sleepers accounted for 7.1 per cent of the total outcomes recorded by Welsh probation services in 2022/23, the proportion of people rough sleeping on release from prison increased to 9.6 per cent in 2023/24.

³⁴ From 218 in 2021/22 to 228 2022/23.

³⁵ From 332 in 2022/23 to 500 in 2023/24.

³⁶ England: From 5,708 in 2022/23 to 7,855 in 2023/24.
Wales: From 332 in 2022/23 to 500 in 2023/24.

Figure 2.4

Type of accommodation on release from custody, 2019/20 to 2023/24³⁷

	2020	2021	2022	2023	2024
Settled Accommodation	2,278	2,053	2,175	2,451	2,670
Other Housed	627	877	967	865	915
Bail/Probation Accommodation	482	433	574	721	900
Homeless, Not Rough Sleeping	581	400	314	106	105
Rough Sleeping	152	61	107	332	500
Unknown	1,284	911	295	197	100
Total	5,404	4,735	4,432	4,672	5,190

2.29 The number of those who were rough sleeping at 3 months post release from prison increased by 16 per cent in Wales in 2023/24 (Ministry of Justice, 2024/33).³⁸ This compared to a 46 per cent increase in England.³⁹

2.30 While those rough sleeping at 3 months post release accounted for 4.2 per cent of the total outcomes recorded by Welsh probation services in 2022/23, this figure had increased to 4.7 per cent in 2023/24.

2.31 Despite such a dramatic rise in the number of rough sleepers, over half (51 per cent) of those managed by Welsh probation services went into settled accommodation immediately following release in 2023/24 (Ministry of Justice, 2024/33). This compares to just 42 per cent of prison leavers entering settled accommodation in 2019/20.

³⁷ All cases in 2023/24 were rounded by the Ministry of Justice to the nearest multiple of 5 'to protect the disclosure of personal information of any individual'

³⁸ From 125 in 2022/23 to 145 in 2023/24.

³⁹ England: From 2,206 in 2022/23 to 3,230.
Wales: From 41 in 2021/22 to 125 in 2022/23.

2.32 A higher proportion (51 per cent) of those managed by Welsh probation services went into settled accommodation upon release in 2023/24, compared to those managed by probation services in England (45 per cent).⁴⁰

2.33 Data broken down by home address show that 3,356 Welsh people were released from prison in 2023. While the majority of prisoners were released from prisons in Wales, Welsh prisoners were also released from 84 different prisons across England in 2023.

2.34 Ministry of Justice data show that Welsh women were released from 10 of the 12 women’s prisons in England, including establishments such as HMP Downview in Surrey, where 12 Welsh women were released from in 2023 (Ministry of Justice, 2024/32).

Figure 2.5

The number of prison releases in Wales by establishment, 2019 to 2023

Prison	2019	2020	2021	2022	2023
Berwyn	676	910	1,053	1,013	1,103
Cardiff	1,560	1,231	1,130	1,096	1,029
Parc	921	784	739	647	696
Prescoed	212	207	186	180	227
Swansea	845	789	619	717	746
Usk	59	83	61	64	54
Total	4,273	4,004	3,788	3,717	3,855

2.35 A total of 3,855 people were released from Welsh prisons in 2023 (Ministry of Justice, 2024/34).

⁴⁰ 29,130 people supervised by probation services in England were in settled accommodation following release in 2023/24 out of a total of 64,845.

- 2.36** 74 prisoners a week were released from Welsh prisons into the community last year, an average of 14 releases per day across Welsh prisons in 2023.⁴¹
- 2.37** Prisoners given a determinate sentence are released from prison – in most cases automatically at the half-way point of their sentence⁴² – under licensed supervision by the Probation Service. Released prisoners are subject to a set of standard licence conditions that require them to report regularly to the Probation Service. Those who are released under licence are subject to recall to prison immediately if the probation service reports that an individual has breached the conditions of their licence.
- 2.38** On average, there were 2,019 supervised persons on licence in Wales in 2023 (Ministry of Justice, 2024/36).

Safety in Custody

- 2.39** The topic of prison and prisoner safety in Wales was catapulted to the forefront of political and public debate in early 2024 following a series of deaths at HMP Parc. According to the then Minister of State at the Ministry of Justice in May 2024, there had been nine deaths recorded at HMP Parc between March and May alone (Argar, 2024).
- 2.40** By the end of June 2024, there had been 13 deaths across the Welsh prison estate, 12 of which were recorded at HMP Parc (Ministry of Justice, 2024/37).
- 2.41** At least four of the deaths recorded at HMP Parc in 2024 are believed to be linked to substance misuse and have added to mounting concerns about the

⁴¹ This figure is based on 260 working days in a year. If a prisoner has an automatic release date that falls on a weekend or Bank Holiday, they are released on the weekday before. The exception to this is prisoners serving very short sentences – of less than 5 days – where there is specific statutory provision for them to be released on a Saturday if their release date falls on a weekend.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-02-02/222892/>

⁴² For a detailed description of the differences between sentence lengths see Sentencing Council (2023).

availability of drugs at the prison. In May 2024, South Wales Police confirmed that a prison staff member had been arrested in connection with drug dealing offences at HMP Parc (Aitken, 2024).

- 2.42** According to Ministry of Justice (2024/38) data, there was a 46 per cent increase in the number of drug finds at HMP Parc in 2023/24.⁴³ This coincided with a 185 per cent rise in the number of drug equipment finds over the same period.⁴⁴
- 2.43** The recent deaths recorded in Wales have added further significant weight to longstanding concerns over prison safety in England and Wales. Analysis carried out by INQUEST (2020) into files on 61 inquests into deaths in prison custody uncovered a range of failings that have contributed to both self-inflicted and non-self-inflicted deaths since 2013. These include ‘inconsistent and insufficient’ mental health services; poor communication and information sharing between health officials and prison staff; poor emergency care including delays in calling for emergency services; problems relating to prescription and illicit drugs including delays in accessing medication; and ‘wide-ranging failures’ in providing basic medical care to prisoner suffering from physical and mental health problems (INQUEST, 2020: 7-8).
- 2.44** Ministry of Justice (2024/37) data show that there have been 14 confirmed self-inflicted deaths in Welsh prisons between 2020 and 2023. The majority of these deaths took place at HMP Cardiff (9), followed by HMP Parc (2), HMP Swansea (2) and HMP Berwyn (1).
- 2.45** In the first six months of 2024, there have been three self-inflicted deaths recorded across the Welsh prison estate, all of which were at HMP Parc.

⁴³ From 417 in 2022/23 to 609 in 2023/24.

⁴⁴ From 27 in 2022/23 to 77 in 2023/24.

Figure 2.6

The number of self-inflicted deaths in Wales by establishment, 2019 to 2024⁴⁵

Prison	2020	2021	2022	2023	2024	Total
Berwyn	1	0	0	0	0	1
Cardiff	2	3	3	1	0	9
Parc	0	1	1	0	3	5
Swansea	1	1	0	0	0	2
Usk/Prescoed	0	0	0	0	0	0
Total	4	5	4	1	3	17

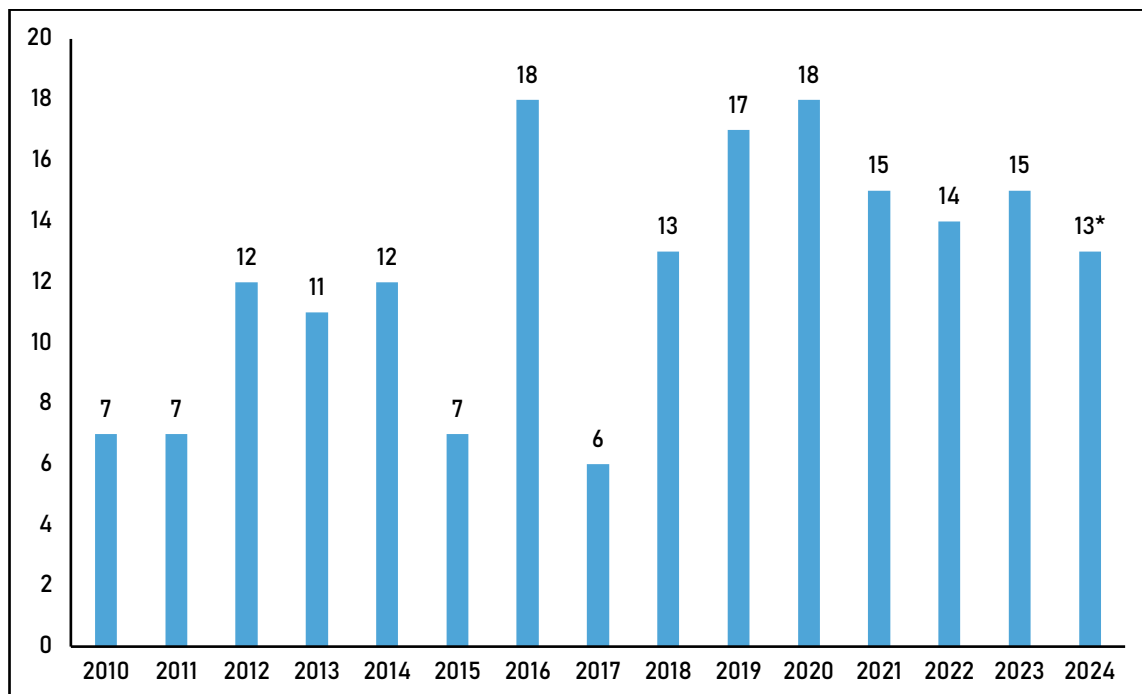
2.46 Ministry of Justice data (2024/37) show that there have been 325 self-inflicted deaths recorded across the prison estate in England and Wales since 2020. In June 2024, the Wales Governance Centre asked the Ministry of Justice to provide information on how many prisoners' whose deaths were recorded as self-inflicted between 2020 and 2023 were from Wales (based on home address prior to entering custody). However, since information concerning deaths is compiled from the HMPPS deaths database, and information concerning the home address prior to entering custody is held on a separate database, the Ministry of Justice (2024/39) confirmed that they are unable to provide these data.⁴⁶ As it currently stands, there is no way of determining how many Welsh prisoners have died in prison custody, let alone the number whose deaths were recorded as self-inflicted.

⁴⁵ Data for 2024 capture those deaths recorded up to June 2024.

⁴⁶ The Ministry of Justice (2024/39) confirmed that linking these datasets together would require 'particular specialist skills, expertise and subjective judgement'. Because the Freedom of Information Act 2000 does not oblige public bodies to create new information where it is not held, the request was refused.

Figure 2.7

The number of deaths in Welsh prisons, 2010 to 2024⁴⁷



2.47 A report published by the House of Commons Health and Social Care Committee (2018: 14) in 2018 identified ‘natural cause’ deaths as the ‘leading cause of mortality’ in prisons in England and Wales.

2.48 The Prison and Probation Ombudsman (2017) has determined that a large number of ‘natural cause’ deaths can be explained by inadequate prison healthcare as well as an increase in the older prisoner population. Evidence submitted by *South Wales against Wrongful Conviction* to the Senedd Cymru’s Health, Social Care and Sport Committee’s inquiry into prison healthcare in Wales described the poor treatment of elderly prisoners as a ‘national scandal’ that, in some cases, amounts to ‘inhumane and degrading treatment’ (South Wales against Wrongful Conviction, 2019: 5).

⁴⁷ Data for 2024 capture those deaths recorded up to June 2024.

- 2.49** Following two deaths at HMP Cardiff in 2019, the Prison and Probation Ombudsman concluded that the standard of health care provision at the prison ‘was not equivalent’ to what would be found in the community (Senedd Cymru’s Health, Social Care and Sport Committee, 2021: 28).
- 2.50** Between 2020 and 2023, there were a total of 38 deaths across the Welsh prison estate with the cause of death attributed to ‘natural causes’ (Ministry of Justice, 2024/37). While a third (33 per cent) of all prisoners in the Welsh prison estate were held at HMP Parc during this period, almost half (47 per cent) of all natural cause deaths in Wales were recorded at HMP Parc between 2020 and 2023.⁴⁸
- 2.51** In August 2024, the Prison and Probation Ombudsman published the findings of its reinvestigation into the death of Mr Aaron Nunes at HMP Parc in February 2016. Mr Nunes died in hospital of septic shock and diabetic ketoacidosis. The Ombudsman’s (2024:1) initial report stated that the care received by Mr Nunes at the prison was ‘equivalent to that he could have expected to receive in the community’. An inquest into Mr Nunes’ death later concluded that the direct cause of his death was ‘his failure to manage his own health adequately’ (Prison and Probation Ombudsman, 2024:1). However, following legal action taken by Mr Nunes’ mother, the Prison and Probation Ombudsman reinvestigated his death and found that a ‘large number of significant failings’ had in fact contributed to Mr Nunes’ death. According to the Ombudsman (2024:4) ‘Parc could not offer the clinical care and observation required to meet Mr Nunes’ complex healthcare needs safely’. Ultimately, Mr Nunes’ death could have been prevented had he ‘received dental and diabetic healthcare of an acceptable standard’ at HMP Parc.

⁴⁸ There were 18 natural cause deaths recorded at HMP Parc between 2020 and 2023.

Figure 2.8

HMI Prisons recommendations on prison safety achieved by Welsh prisons between 2021 and 2024

	Achieved	Partially Achieved	Not Achieved	Total
Berwyn	5	0	7	12
Cardiff	5	0	1	6
Parc	1	0	1	2
Swansea	12	0	5	17
Usk/Prescoed	4	1	1	6
Total	27	1	15	43

2.52 In the most recent round of adult prison inspections in Wales, HMI Prisons found that 63 per cent of its previous recommendations on safety in Welsh prisons had been achieved in full, two per cent were partially achieved and a third (34 per cent) had not been achieved (see Figure 2.6).

2.53 The introduction of measures to combat the spread of Covid-19 in prisons contributed to a significant reduction in the number of safety related incidents recorded across England and Wales. The introduction of restricted prison regimes meant that prisoners spent longer periods in their cells and had less time to interact (and potentially conflict) with other prisoners and staff.

2.54 In Wales, the number of prisoner-on-prisoner assaults (39 per cent), assaults on staff (46 per cent), and incidents of self-harm (24 per cent) fell between 2020 and 2022 (Jones, 2023).⁴⁹

⁴⁹ All data relating to ‘Safety Statistics in Custody’ at HMP Parc include incidents within the adult facility and the Young Persons’ Unit. The Ministry of Justice confirmed in 2018 that they do not have a mechanism for ‘separating incidents involving under-18s from those involving adults’ at the prison.

- 2.55** Although the safety in custody measures suggested that significant improvements were made across England and Wales, the impact of Covid-19 restrictions and the associated regime changes in prisons ‘muddled the picture’ somewhat (Prison Reform Trust, 2023: 4). HMI Prisons (2021b: 3) found that rather than ceasing, forms of ‘violence, intimidation and bullying’ had simply ‘taken other forms’ (HMI Prisons, 2021b: 3).
- 2.56** As prisons return to their ‘normal regimes’ and the prison population continues to rise across England and Wales, prison safety has rapidly deteriorated. In Wales, there was a significant increase in the number of assault incidents in 2023.
- 2.57** The number of prisoner-on-prisoner assaults in Wales increased by 80 per cent in 2023.⁵⁰ While the largest increase was recorded at HMP Swansea (126 per cent), assaults also rose at HMP Berwyn (86 per cent), HMP Parc (81 per cent), HMP Cardiff (56 per cent), and HMP Usk/Prescoed (50 per cent) (Ministry of Justice, 2024/37).⁵¹
- 2.58** Assaults on prison staff also rose (69 per cent) in 2023.⁵² At HMP Parc, there was a 109 per cent increase last year, with the number of recorded incidents increasing at HMP Berwyn (72 per cent), HMP Swansea (15 per cent), and HMP Cardiff (8 per cent) (Ministry of Justice, 2024/37).⁵³

⁵⁰ From 767 in 2022 to 1,380 in 2023.

⁵¹ HMP Swansea: From 31 in 2022 to 70 in 2023; HMP Berwyn: From 325 in 2022 to 605 in 2023; HMP Parc: From 262 in 2022 to 474 in 2023; HMP Cardiff: From 133 in 2022 to 207 in 2023; HMP Usk/Prescoed: From 16 in 2022 to 24 in 2023.

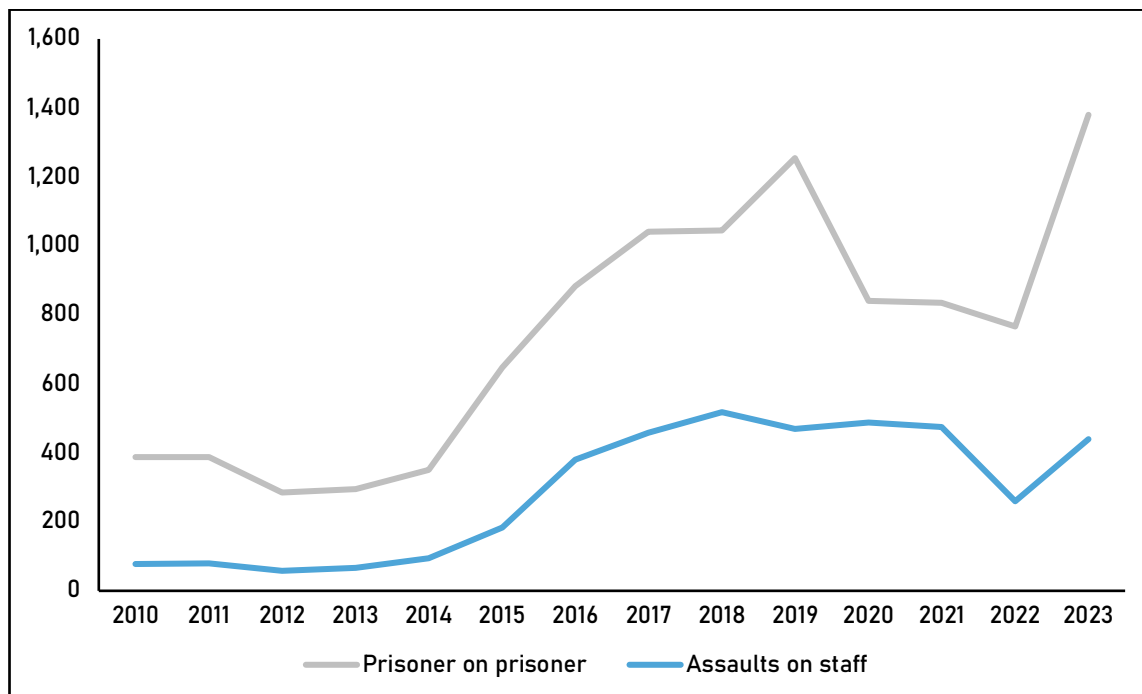
⁵² From 260 in 2022 to 440 in 2023.

⁵³ HMP Parc: From 91 in 2022 to 190 in 2023; HMP Berwyn: From 108 in 2022 to 186 in 2023; HMP Swansea: From 20 in 2022 to 23 in 2023; HMP Cardiff: From 38 in 2022 to 41 in 2023. There was no total available for HMP Usk/Prescoed in 2023.

All data relating to ‘Safety Statistics in Custody’ at HMP Parc include incidents within the adult facility and the Young Persons’ Unit. The Ministry of Justice confirmed in 2018 that they do not have a mechanism for ‘separating incidents involving under-18s from those involving adults’ at the prison.

Figure 2.9

Assaults on Staff and Prisoner-on-Prisoner assaults in Wales, 2010 to 2023



2.59 Although the Ministry of Justice's *Safety in Custody* statistics include information on the number of assaults on prison staff, these data do not provide details of the number of assaults that have been reportedly committed *by* prison staff. Despite well documented accounts and testimonies of staff violence against prisoners (e.g. Davis, 2003; Scraton and McCulloch, 2009; Woolf, 1991), Scott (2020) has argued that there remains a 'crisis of visibility' when it comes to prison officer violence in England and Wales.

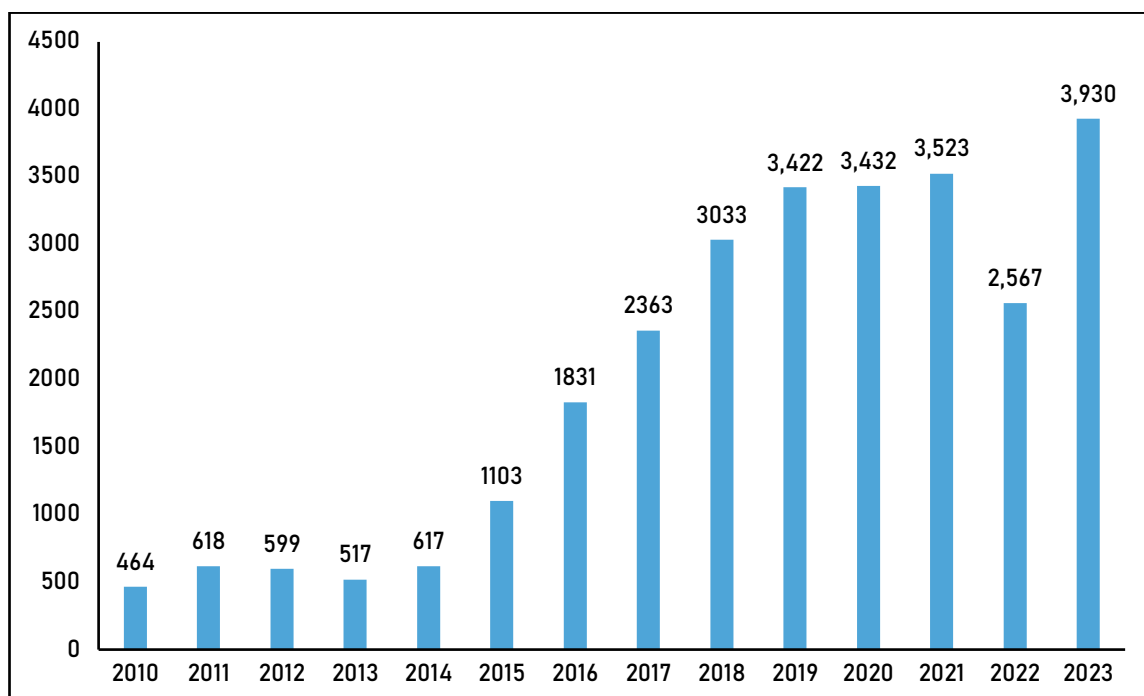
2.60 The European Committee for the Prevention of Torture's (2020: 6) inquiry into inhumane or degrading treatment in the prison estate uncovered evidence of 'unjustified violence' by prison staff towards prisoners in England and Wales. The Committee (2020: 6) found that the problem is compounded by the fact that the necessary accountability procedures are 'underdeveloped' including reporting systems and oversight structures that can help to monitor and tackle prison officer violence.

2.61 Data obtained from the Ministry of Justice (2024/40) through the Freedom of Information Act 2000 show that there were at least 16 cases where prison staff in Wales were subject to either Investigations or Conduct and Discipline for charge of 'Assault/Unnecessary use of force' on a prisoner in 2022/23. Nine of these cases were recorded at HMP Berwyn.⁵⁴

2.62 The number of self-harm incidents recorded at prisons in Wales increased by 53 per cent in 2023.⁵⁵ By far the largest increase was recorded at HMP Parc where self-harm incidents rose by 113 per cent.⁵⁶ This was followed by increases at HMP Cardiff (33 per cent), HMP Usk/Prescoed (29 per cent), and HMP Berwyn (13 per cent) (Ministry of Justice, 2024/37).⁵⁷

Figure 2.10

Self-harm incidents in Wales, 2010 to 2023



⁵⁴ A total for HMP Usk/Prescoed was not provided as values of 1 or 2 are suppressed by the Ministry of Justice to prevent disclosure in accordance with the Data Protection Act 2018.

⁵⁵ From 2,567 in 2022 to 3,930 in 2023.

⁵⁶ HMP Parc: From 1,000 in 2022 to 2,133 in 2023.

⁵⁷ HMP Cardiff: From 353 in 2022 to 470 in 2023; HMP Usk/Prescoed: From 21 in 2022 to 27 in 2023; HMP Berwyn: From 1,015 in 2022 to 1,142 in 2023

- 2.63** HMP Swansea was the only prison in Wales to record a decline (of 11 per cent) in the number of self-harm incidents in 2023.⁵⁸
- 2.64** Self-harm incidents requiring hospital treatment rose by 38 per cent in Wales in 2023.⁵⁹ Ministry of Justice (2024/37) data show that one prisoner every three days required hospital treatment due to self-harm in Wales in 2023.
- 2.65** At HMP Parc, incidents requiring hospital treatment rose by 190 per cent in 2023.⁶⁰ On average, one prisoner a week required hospital treatment due to self-harm incidents at HMP Parc last year.
- 2.66** Disaggregated data obtained for the very first time from the Ministry of Justice show that of the 12,914 individuals who self-harmed in prison in England and Wales in 2023, 890 had a recorded origin address in Wales. While Welsh prisoners comprised around 6 per cent of the England and Wales prison population, around 7 per cent of individuals who self-harmed were from Wales in 2023 (Ministry of Justice, 2024/01).

⁵⁸ HMP Swansea: From 178 in 2022 to 158 in 2023.

⁵⁹ From 90 in 2022 to 124 in 2023.

⁶⁰ From 20 in 2022 to 58 in 2023.

3 The Courts and Sentencing⁶¹

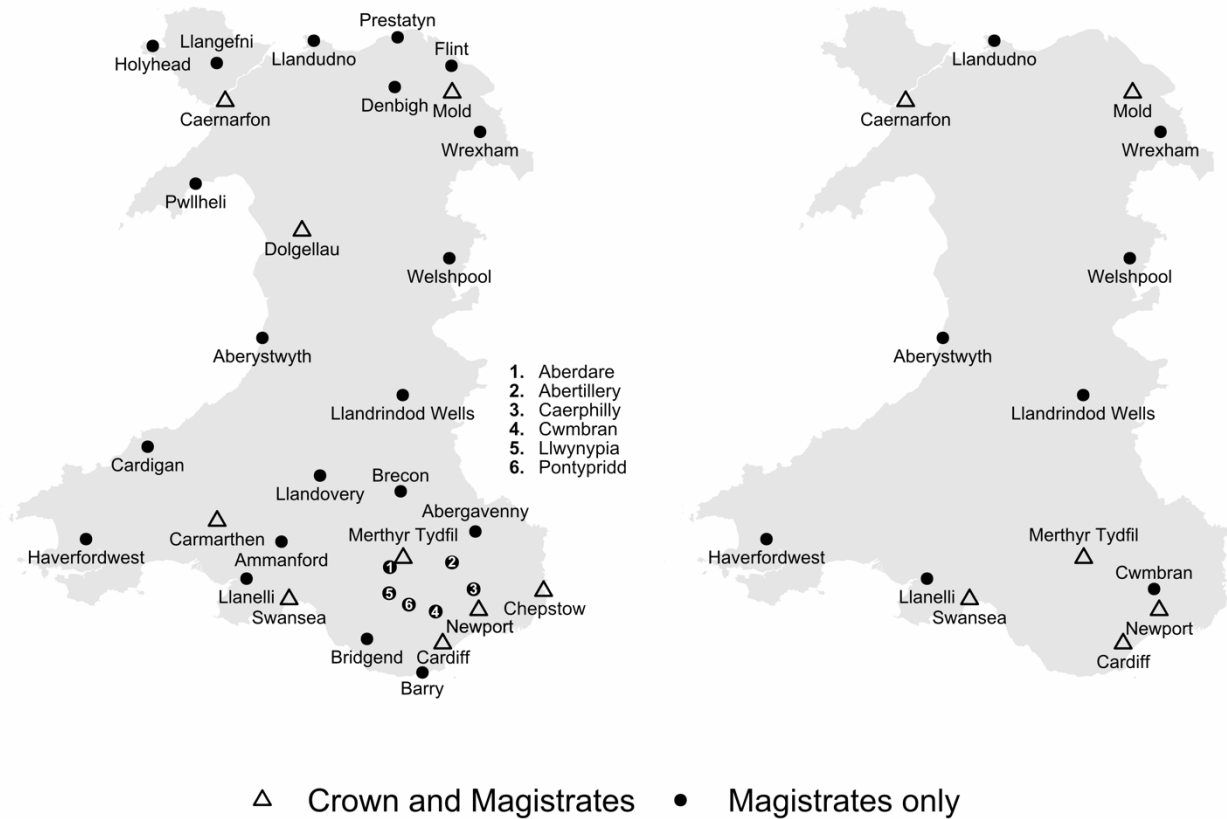
- 3.1** The Covid-19 restrictions put in place by the UK Government, particularly in relation to court proceedings, was responsible for major disruption to the 'normal system flow of individuals' through the criminal justice system in England and Wales (Ministry of Justice, 2021c: 2).
- 3.2** A significant consequence of the restrictions has been the creation of a major backlog in criminal cases at the Crown Court in England and Wales. Figures published by HM Courts and Tribunals Service in 2024 revealed that more than 67,500 trials across England and Wales had not yet been resolved (Buchanan, 2024).
- 3.3** In Wales, the backlog has placed additional pressure upon a system already under strain. Since 2010, 23 Crown and magistrates' courts have closed across Wales, fuelling concerns around access to justice and the capacity of the Welsh court system (Jones and Wyn Jones, 2023; Newman and Dehaghani, 2023) (see Map 3.1).
- 3.4** Disaggregated criminal court data show that the backlog of cases in the magistrates' court and Crown Court in Wales is growing. The average number of outstanding cases in the magistrates' court reached 15,916 in 2023, a 29 increase in the number of outstanding cases since 2019 (Ministry of Justice, 2024/41).⁶²

⁶¹ The Ministry of Justice announced changes to the way in which it develops and processes criminal court data in 2024. Although the Ministry of Justice (2024/22:5) claim that the changes 'have a limited impact on overall existing trends across the time series', there have been some alterations to the data included in previous Wales Governance Centre Factfiles. The data included in this report present the most up-to-date data available.

⁶² The average number of outstanding cases at the magistrates' court in Wales was 12,319 in 2019.

Map 3.1

Crown and magistrates' courts in Wales, 2010 (left) to 2023 (right)⁶³



3.5 At the end of December 2023, a total of 17,480 cases were outstanding at the magistrates' court in Wales.

3.6 The backlog at the Crown Court in Wales is also severe. The average number of outstanding cases in 2023 increased by 11 per cent.⁶⁴ While there were a total of 5,817 'receipts' in 2023, only 5,369 cases were 'disposed' of (Ministry of Justice, 2024/42).

⁶³ Adapted from Jones and Wyn Jones (2022).

⁶⁴ From 2,161 in 2022 to 2,400 in 2023.

- 3.7** In December 2023, there were 2,595 outstanding cases at the Crown Court in Wales. This is the highest level the backlog has reached since December 2014 (2,655).
- 3.8** The backlog in cases across England and Wales has seen the number of prosecutions decline dramatically since the outbreak of Covid-19. In Wales, prosecutions fell by more than a quarter (27 per cent) in 2020,⁶⁵ with prosecutions falling at a similar rate (27 per cent) in England (Ministry of Justice, 2024/18). Although the number of prosecutions has steadily increased since 2020, the level recorded in Wales in 2023 remains lower than the number recorded before the outbreak of Covid-19.⁶⁶
- 3.9** The number of convictions recorded in Wales has also fallen since 2019. However, while the level has yet to return to its pre-pandemic level, convictions have increased in Wales by 31 per cent since 2020.⁶⁷
- 3.10** On average, the proportion of cases resulting in a conviction has been higher in Wales (87.8 per cent) than in England (86.4 per cent) since 2013 (see Figure 1.9) (Ministry of Justice, 2024/18).⁶⁸
- 3.11** In 2023, the conviction rate in Wales (89.9 per cent) was once again higher than the level recorded in England (88.3 per cent). Updated data tables published by the Ministry of Justice show that 2017 remains the only year where the conviction rate in England (88.7 per cent) has surpassed the level reached in Wales (88.2 per cent) since 2013 (Ministry of Justice, 2024/18).⁶⁹

⁶⁵ From 95,669 prosecutions in 2019 to 69,747 in 2020.

⁶⁶ From 95,669 in 2019 to 90,905 in 2023.

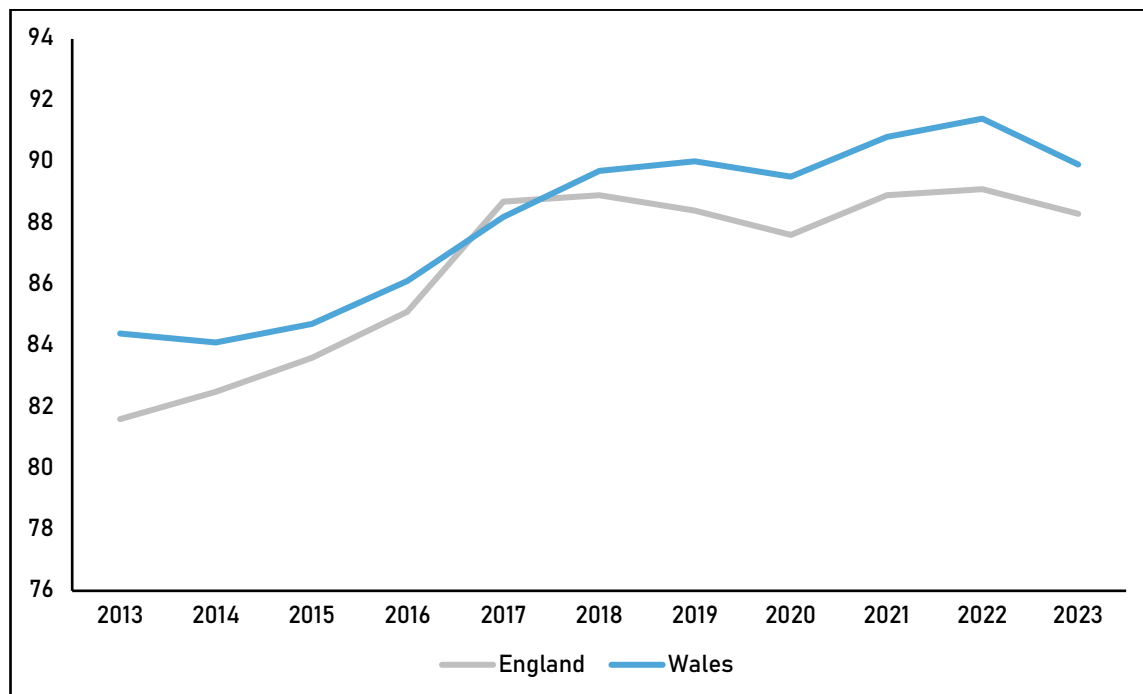
⁶⁷ From 62,404 in 2020 to 81,684 in 2023.

⁶⁸ The conviction rate in Wales and England was 86.5 per cent in 2017.

⁶⁹ The Ministry of Justice announced changes to the way in which it develops and processes criminal court data in 2024. Although the Ministry of Justice (2024/22:5) claim that the changes 'have a limited impact on overall existing trends across the time series', there have been some alterations to the data included in previous Wales Governance Centre Factfiles. The data included in this report present the most up-to-date data available.

Figure 3.1

Conviction rates in Wales and England, 2013 to 2023



3.12 The reduction in the flow of cases through the criminal courts has also impacted on the number of individuals being sentenced across Wales. In 2023, the number of people sentenced at the Crown Court in Wales was 12 per cent lower than the level recorded in 2019.⁷⁰

3.13 In England, the number of those sentenced at the Crown Court was 4 per cent higher in 2023 than it was in 2019.⁷¹ While those sentenced at the Crown Court rose by 13 per cent in England in the year ending December 2023, the number increased by just 6 per cent in Wales.⁷²

⁷⁰ From 4,810 in 2019 to 4,229 in 2023.

⁷¹ From 69,588 in 2019 to 72,236 in 2023.

⁷² England: From 64,025 in 2022 to 72,236.
Wales: From 3,981 in 2022 to 4,229.

3.14 The total number of immediate custodial sentences handed out in Wales increased by five per cent in 2023. In England, immediate custodial sentences rose by 11 per cent last year (Ministry of Justice, 2024/18).⁷³

Imprisonment Rates

3.15 Changing sentencing practices and the increasing use of immediate custodial sentences has played a majorly significant role in driving up prisoner numbers in England and Wales since the 1990s (Roberts and Ashworth, 2016; Millie et al. 2003; Sentencing Council, 2018). However, while increases from the early 1990s have almost exclusively been attributed to the rise in the number of offenders sentenced to immediate custody (Ministry of Justice, 2016), and inflated sentence lengths (Howard League for Penal Reform, 2024), in recent years the growing remand and recall population have significantly added to the prison population (Ministry of Justice, 2024/09).

3.16 In May 2024, The Institute for Criminal Policy Research published the fourteenth edition of the *World Prison Population List* (Fair and Walmsley, 2024). First produced by the Home Office in 1999, the most recent report provides a breakdown of imprisonment rates for 223 prison systems worldwide using a calculation based on the number of people held in prison in national borders. Since it was first published in 1999, England and Wales has recorded the highest (or joint highest) rate of imprisonment in Western Europe in eight of the fourteen *World Prison Population Lists*.⁷⁴

3.17 On average, there were 86,308 people in prison on any given day in England and Wales in 2023 (Ministry of Justice, 2024/13).

⁷³ Wales: From 4,431 in 2022 to 4,641 in 2023.

England: From 60,378 in 2022 to 67,005 in 2023.

⁷⁴ England and Wales (145 per 100,000) had the joint highest prison population along with Scotland (145 per 100,000) in the most recent edition (Fair and Walmsley, 2024).

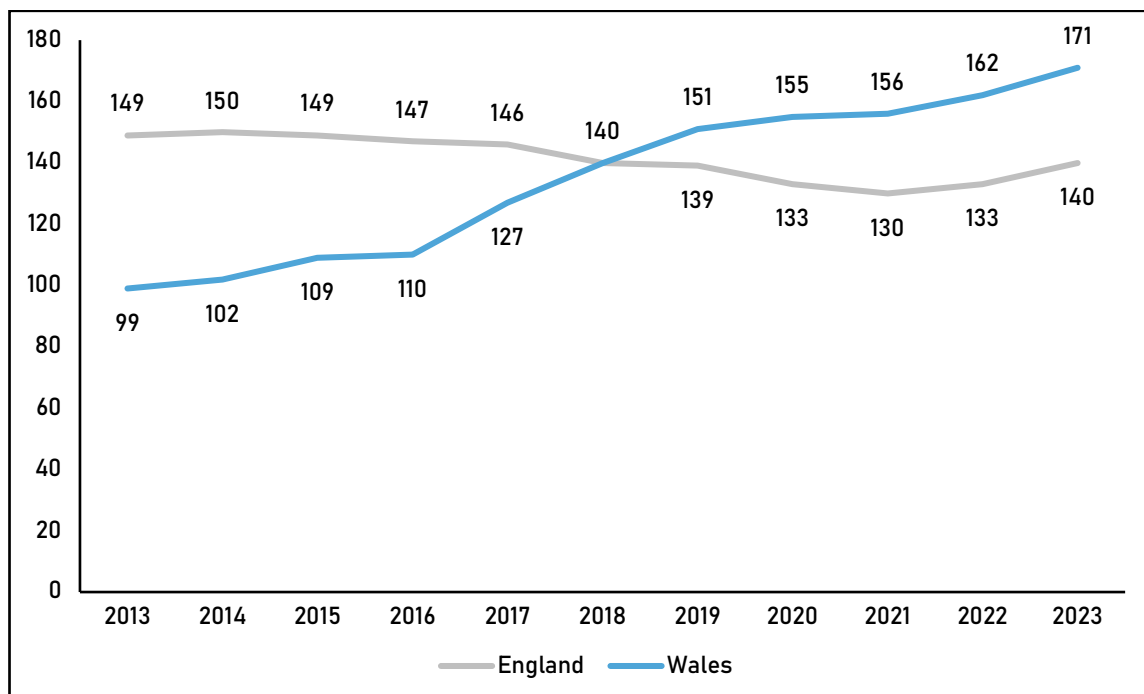
3.18 Taking all fourteen published *World Prison Population Lists* together, England and Wales has recorded the highest average prison population rate (140 per 100,000) in western Europe since 1999.

3.19 With a combined population of 60,854,727, the England and Wales imprisonment rate was 142 prisoners per 100,000 population in 2023 (Office for National Statistics, 2024).⁷⁵

3.20 There were 80,903 people held in 115 English prisons in 2023 (Ministry of Justice, 2024/30). Based on the 'in-country' method used in the *World Prison Population List*, England's rate of imprisonment was 140 per 100,000 in 2023.

Figure 3.2

Prison population rates per 100,000 in England and Wales using 'in-country' method, 2013 to 2023



⁷⁵ England: 57,690,323; Wales: 3,164,404.

- 3.21** On average, 5,406 people were held in Welsh prisons in 2023 (Ministry of Justice, 2024/30). Based upon the number of prisoners held in the Welsh prison estate, Wales had an ‘in-country’ imprisonment rate of 171 prisoners per 100,000 in 2023.
- 3.22** Wales has now recorded a higher ‘in-country’ imprisonment rate than England every year since 2019 (see Figure 3.2).
- 3.23** The Ministry of Justice’s (2021d) *Prisons Strategy* White Paper re-outlined the UK Government’s commitment to expanding prison capacity in England and Wales. Through its *Four New Prisons Programme*, the Ministry of Justice (2022b: 2) plans to create ‘at least’ 6,240 additional prison places across four sites in England, with sites already identified at Full Sutton (East Riding of Yorkshire) and Chorley (Lancashire) (Jones et al. 2022). While this policy will undoubtedly result in an increase in England’s ‘in-country’ prison population, the country’s imprisonment rate will remain below that of Wales now that HMP Berwyn has reached its full operational capacity.
- 3.24** A snapshot of 2024 data also show that the ‘in country’ imprisonment rate in Wales remains significantly higher than the level recorded in England, even accounting for the imprisonment of ‘hundreds of rioters’ following disturbances across England in July and August (Dearden, 2024).
- 3.25** Drawing upon prison population data for August 2024, the ‘in-country’ rate of imprisonment in Wales was 172 per 100,00, compared to a rate of 144 per 100,000 in England.⁷⁶
- 3.26** While Scotland recorded the joint highest imprisonment rate (140 per 100,000) in western Europe in the *World Prison Population List* published in May 2024

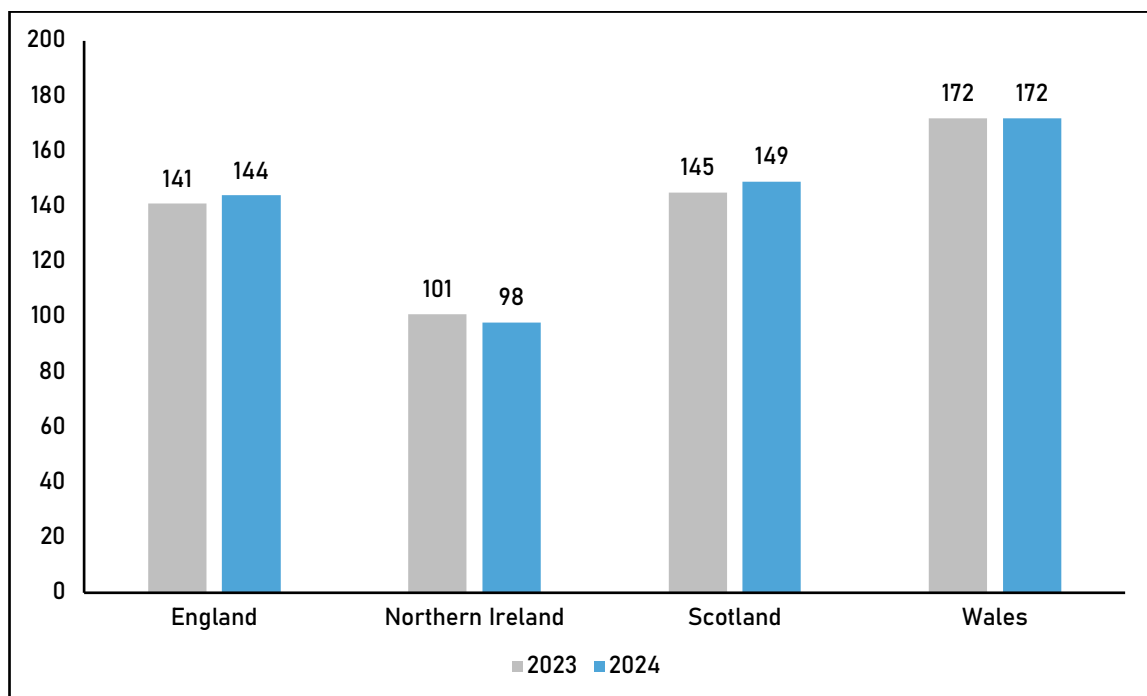
⁷⁶ England: Population – 57,690,323; Prisoner population – 82,916.
Wales: Population – 3,164,404; Prisoner population – 5,434.

(Fair and Walmsley, 2024), the imprisonment rate in Wales now comfortably exceeds the level recorded in any other country in western Europe.

3.27 Although prisoner numbers are rising across all parts of the UK, data from August 2024 show that Wales comfortably boasts the highest UK imprisonment rate (172 per 100,000), followed by Scotland (149), England (144), and Northern Ireland (98) (National Records of Scotland, 2024; Northern Ireland Department of Justice, 2024; Northern Ireland Statistics and Research Agency, 2024; Scottish Prison Service, 2024).⁷⁷

Figure 3.3

Prison population rates per 100,000 in the United Kingdom (UK) using 'in-country' method, August 2023 and August 2024



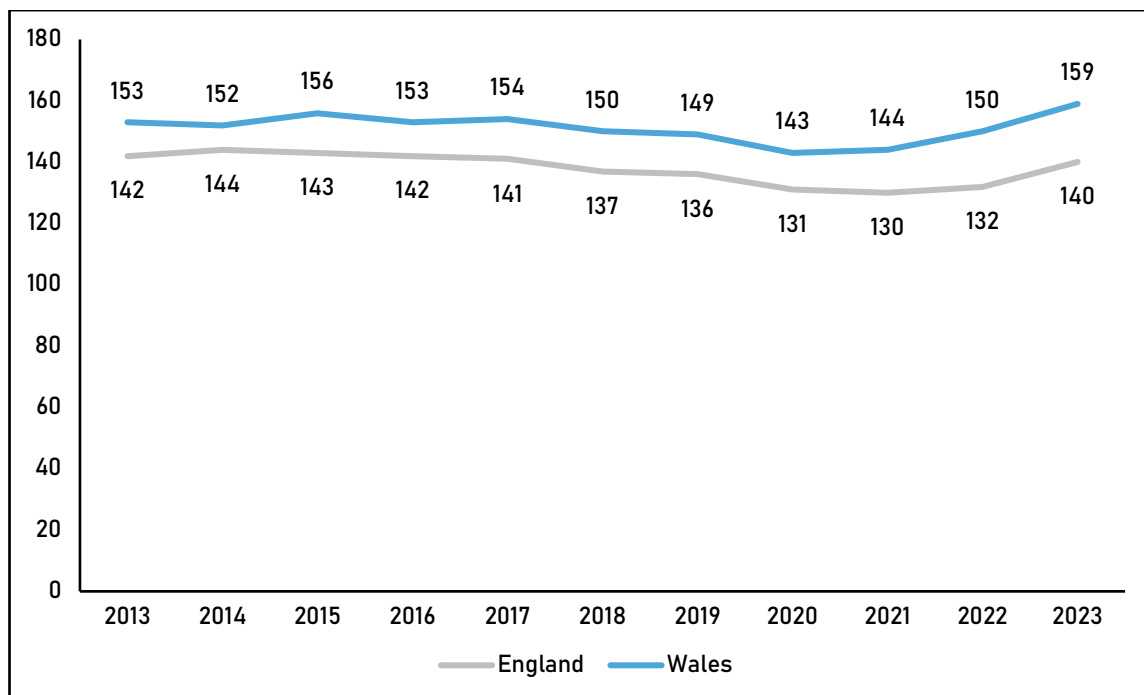
3.28 The Wales Governance Centre's *Sentencing and Immediate Custody in Wales* (2019) used disaggregated data to provide an alternative calculation of prison

⁷⁷ Scotland: Population – 5,447,700; Prisoner population – 8,120.
Northern Ireland: Population – 1,910,500; Prisoner population – 1,880.

rates in England and Wales using home address. According to the Ministry of Justice, there were a total of 85,749 people in prison with a home address in either England or Wales in 2023 (Ministry of Justice, 2024/03; 2024/04).

Figure 3.4

Prison population rates per 100,000 in England and Wales using 'home address', 2013 to 2023⁷⁸



3.29 'Home address' data show that Wales has recorded a higher rate of imprisonment than England in every year since 2013 (see Figure 3.4).

3.30 In 2023, there were 159 Welsh prisoners per 100,000 of the Welsh population. This compared to a rate of 140 English prisoners per 100,000 of the population of England.⁷⁹

⁷⁸ The population data used here are from multiple years (Office for National Statistics, 2024). The spike in the Welsh imprisonment rate recorded between 2021 and 2022 can be explained by the combined effects of an increase in the prisoner population and the use of 2021 Census data which saw the general population decrease in Wales. Revised mid-year population estimates for 2022 were published by the ONS in November 2023. The 2022 figures have been updated here to reflect these data.

⁷⁹ English prisoners (based on home address): 80,715

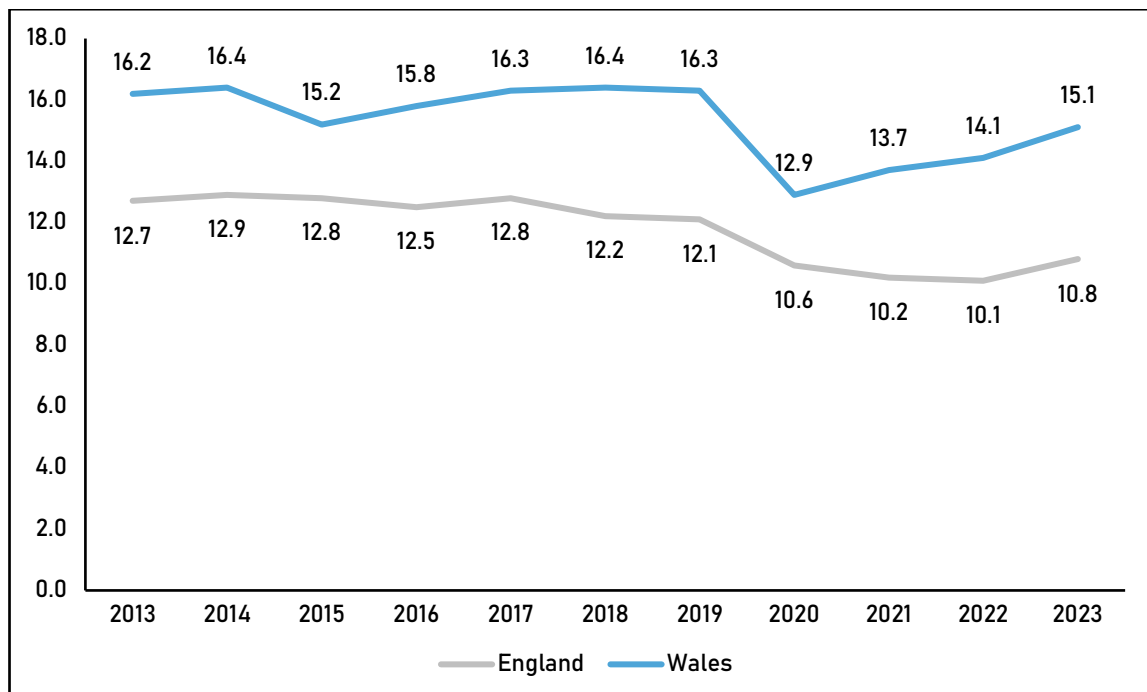
- 3.31 The general Welsh population would need to increase by 420,000 to bring the Welsh imprisonment rate in line with England's in 2023. Alternatively, the English prisoner total recorded in 2023 would need to rise by 11,000 (14 per cent) to achieve an imprisonment rate equal to Wales.

- 3.32 1 in every 629 people from Wales were in prison in 2023. This figure compares to 1 in every 715 people from England.

- 3.33 *The Welsh Criminal Justice System: On the Jagged Edge* uncovered for the very first time that Wales has consistently recorded a higher female prison population rate (per 100,000 women) than England (Jones and Wyn Jones, 2022).

Figure 3.5

The female imprisonment rate (per 100,000 women) in England and Wales, 2013 to 2023⁸⁰



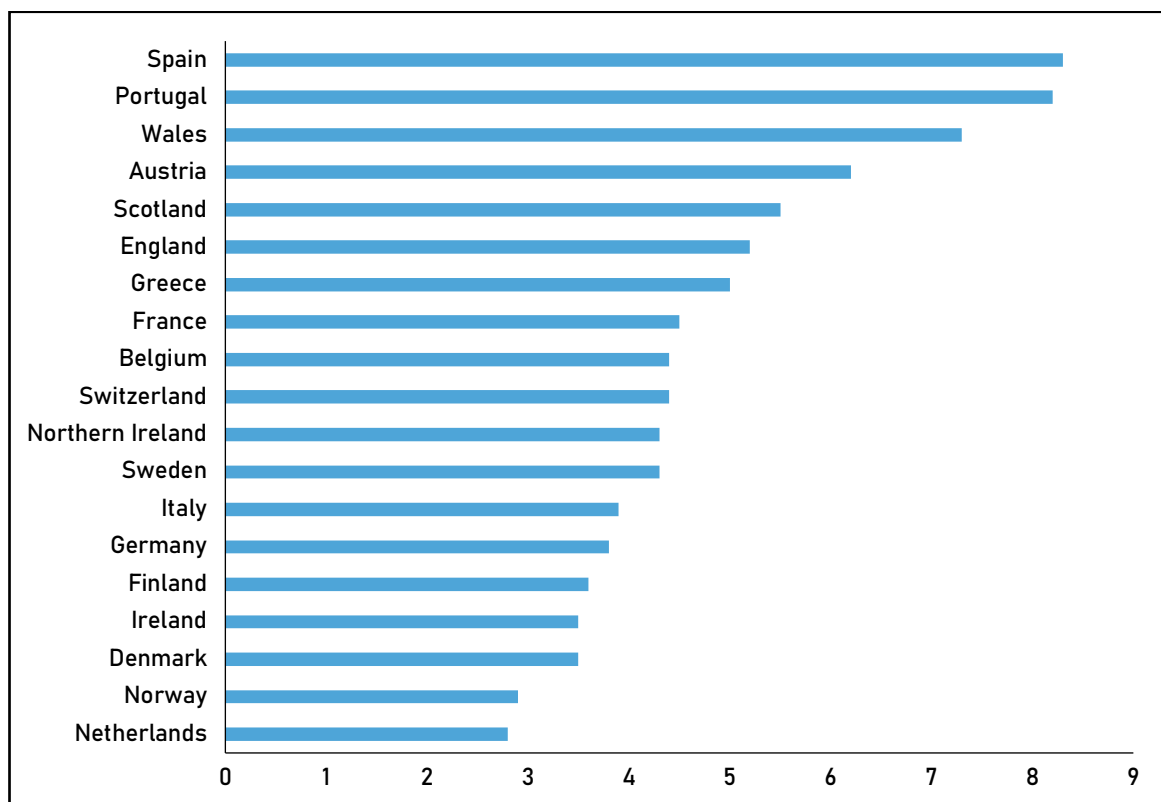
Welsh prisoners (based on home address): 5,034

⁸⁰ The population data used here are from multiple years (Office for National Statistics, 2024).

3.34 When measured as a rate per 100,000 of the total population (all sexes), the Welsh female imprisonment rate in 2022 (7.3 per 100,000) would have ranked third highest in western Europe (Fair and Walmsley, 2022).⁸¹ Only the rate recorded in Spain (8.3 per 100,000) and Portugal (8.2 per 100,000) exceeded the female imprisonment rate in Wales (7.3 per 100,000) in 2022.⁸²

Figure 3.6

The female imprisonment rate (per 100,000) in western Europe, 2022⁸³



3.35 Despite sparking some initial interest and concern (House of Commons Westminster Hall Debate, 22 January 2020; Morris, 2019; Rees, 2019), little has been done to understand or explain Wales' high imprisonment rate (Jones and Wyn Jones, 2022). Despite several opportunities to do so, UK and Welsh

⁸¹ This rate had increased to 7.7 per 100,000 in 2023.

⁸² The *World Female Imprisonment List* calculate the female imprisonment rate using the total population (all sexes) in each country. The same approach has been taken here to allow for international comparisons to be made.

⁸³ Revised mid-year population estimates for 2022 were published by the ONS in November 2023. The 2022 figures have been updated here to reflect these data.

Government officials have repeatedly failed to account for the fact that Wales has consistently recorded a higher rate of imprisonment than England, not to mention any other country in western Europe.

3.36 One suggested explanation for the high rate of imprisonment in Wales is that the use of community sentences has declined in recent years (National Assembly for Wales Debate, 22 January 2019). Between 2010 and 2023, there has been a 64 per cent decrease in the number of community sentences handed out at courts in Wales (Ministry of Justice, 2024/18).⁸⁴

3.37 According to HM Inspectorate of Probation (2019: 5), this decline has reflected the 'lack of judicial confidence' that magistrates and judges have had in the probation service since the Offender Rehabilitation Act 2014 was introduced almost a decade ago. These changes, however, fail to explain why the rate in Wales is higher than it is in England, where identical changes were made to probation services.

⁸⁴ From 11,518 in 2010 to 4,174 in 2023.

Conclusion

The story told in this latest *Prison Factfile* remains a familiarly bleak and concerning one. These concerns primarily exist on two levels. Firstly, that the Welsh criminal justice system continues to be marred by undeniably poor outcomes. The latest data uncover a drastic deterioration in prison safety levels across Wales, with the troubling extent of self-harm among Welsh prisoners revealed for the very first time. The Welsh imprisonment rate continues to surpass the level recorded in any other part of the United Kingdom, females sentenced in Wales continue to receive short-term custodial sentences, the use of remand and recall is contributing significantly to rising Welsh prisoner numbers, and those leaving prison as ‘rough sleepers’ have further increased in Wales over the last 12 months. Finally, whether it be imprisonment rates, average custodial sentence lengths, the use of custodial remand, or the proportion of sentences served, individuals from minority ethnic backgrounds in Wales continue to experience disparate and disproportionate treatment.

The second related concern is that, despite concerted efforts being made to identify and highlight the challenges facing the Welsh system, there seemingly remains very little appetite for understanding how to address these problems in any *serious* way. Although the Welsh Government’s announcement of a *Welsh Justice Research Programme* would appear to demonstrate some ambition in this regard (Price, 2024), the clearly insufficient funding attached to such an ambitious remit will do little to support original, in-depth, and serious work in this space. For its part, the UK Government’s continuing reluctance to make Wales-only data *routinely* available, despite repeated pledges to work towards this (House of Commons Welsh Affairs Committee, 2019; House of Commons Westminster Hall Debate, 29 November 2022; Ministry of Justice, 2017), is indicative of its failure to engage seriously with the Welsh context. The inaccessibility of Wales-only data on parental imprisonment, Welsh deaths in custody, as well as pregnancies and births – even when utilising freedom of information legislation – only serves to highlight the scale of the continuing problem.

Five years after the conclusion of the Thomas Commission and only three months since Labour's landmark UK election victory, it remains to be seen if the newly formed UK Government will implement any of the Commission's key recommendations or will deliver any meaningful change in the direction of its policy on Wales. What the findings of this latest *Factfile* prove beyond doubt, however, is that any decision to ignore or overlook Wales is no longer sustainable nor defensible.

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