

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 5 June 2019

Meeting time: 09.30

For further information contact:

Naomi Stocks

Committee Clerk

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1 Introductions, apologies, substitutions and declarations of interest

2 Papers to note

2.1 Correspondence from Macmillan and Tenovus in relation to blue badges inquiry

(Pages 1 – 4)

Paper 1

2.2 Welsh Government correspondence in relation to the evidence session on blue badges

(Pages 5 – 8)

Paper 2

2.3 Welsh Government correspondence in relation to the evidence session on rough sleeping on 21 March 2019

(Pages 9 – 11)

Paper 3

2.4 Welsh Government correspondence on the joint report, 'Assessing the impact of budget decisions'

(Pages 12 – 18)

Paper 4



2.5 Supplementary evidence from the Wales Governance Centre on voting rights for prisoners

(Pages 19 – 32)

Papers 5a and 5b

3 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

4 Legislative Consent: Census (Return Particulars and Removal of Penalties (Wales) Bill

(9:30 – 9:45)

(Pages 33 – 34)

5 Discussion on the Autumn Forward Work Programme

(9:45 – 10:30)

(Pages 35 – 52)

Agenda Item 2.1

Equality, Local Government and Communities Committee

5 June 2019 – papers to note cover sheet

| Paper no. | Issue | From | Action point |
|---------------------------|---|-------------------------|--|
| ELGC(5)-17-19 Paper 1 | Inquiry into the Blue Badge Scheme in Wales: Eligibility and implementation | Macmillan and Tenovus | Correspondence in relation to the blue badges appeals process. |
| ELGC(5)-17-19 Paper 2 | Inquiry into the Blue Badge Scheme in Wales: Eligibility and implementation | Welsh Government | Correspondence in relation to the evidence session on blue badges. |
| ELGC(5)-17-19 Paper 3 | Inquiry into rough Sleeping | Welsh Government | Correspondence in relation to the evidence session on rough sleeping on 21 March 2019. |
| ELGC(5)-17-19 Paper 4 | Welsh Government Draft Budget 2019/20 | Welsh Government | Correspondence on the joint report, 'Assessing the impact of budget decisions' |
| ELGC(5)-17-19 Paper 5a | Inquiry into voting rights for prisoners | Wales Governance Centre | Supplementary evidence on voting rights for prisoners. |
| ELGC(5)-17-19 Paper 5b | Inquiry into voting rights for prisoners | Wales Governance Centre | Prison population by Welsh local authority, December 2018. |



Mr John Griffiths AM
Chair
Equality, Local Government and Communities Committee
National Assembly for Wales
Cardiff CF99 1NA

Dear Mr Griffiths

Re: Blue Badge Scheme Inquiry

We would like to extend our thanks to the Committee and yourself for welcoming us to give evidence to the inquiry into the blue badge scheme in Wales. We listened carefully to the Minister's evidence to the Committee and felt it would be appropriate to respond to some of the issues raised.

Appeals Process

During the Minister's evidence to the Committee¹, he touched upon the issue of an appeals process for blue badge scheme applicants.

"I'd be really interested to see any evidence that would suggest or lead us to conclude that the independent appeals process within any of the local authorities is not operating properly, fairly or independently. I would be really interested to see... because I would consider whether we need an additional form of appeals process to be established. And it's also worth noting, I didn't say earlier, that in certain circumstances individuals can appeal to Welsh Government as well."

We warmly welcome the Minister's support for an appeals process in principle, however from our extensive experience, there is not one currently in practice. The Minister's statement does not fully reflect the current state of play and it presupposes that people who fail in their application for a blue badge are able to appeal to their local government, and that the Welsh Government has a final appeal role. We would welcome such a process, however, sadly this is not the current situation.

The Welsh Government's public information concerning the scheme, "Who is Eligible for a Blue Badge"² outlines in clear terms that:

"The local authority's decision on eligibility is final. There is no appeals process. However, if additional evidence is available then an applicant may request that the local authority reconsiders their application."

¹ From the 01:23:57 mark; we have attempted to capture it verbatim, above, but defer to the official committee transcript once that becomes available.

² <https://gov.wales/sites/default/files/publications/2017-09/who-is-eligible-for-a-blue-badge.pdf>

The Welsh Government has no power to intervene in the decision-making process if an application is rejected.” (pg 8)

We feel this is something that will require further clarification as the Minister’s comments did not align with the current process that is in place. We would support positive steps to introduce some form of independent appeal process.

We would welcome a move by the Committee to liaise with the Minister and ask for a clarification on the issues surrounding any appeals process for blue badge scheme applicants, and whether his comments can be interpreted as support for a Wales blue badge scheme appeals process in practice?

Access to the Blue Badge for people with cancer

Tenovus Cancer Care and Macmillan Cancer Support both stressed the need for consistency of application for the current guidance in a way that promotes the effective assessment process for cancer patients. Macmillan also suggested a “deep dive” audit into local authority areas to identify good practice that informs adjustments to the guidance for a more consistent pan-Wales approach. Additional evidence, provided by our service teams, covering areas of good practice has been submitted by our organisations.

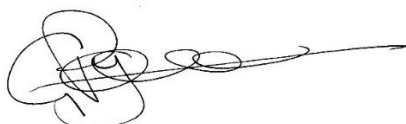
There are already rules that allow people affected by cancer to access both permanent and temporary badges dependent on their situation. It is worth noting that people who are considered to have a terminal illness are in most cases provided with a full blue badge.

Tenovus Cancer Care suggested in their evidence to the Committee that, given the complex comorbidities associated with cancer and with its treatment a general eligibility could be considered to all cancer patients upon diagnosis.

People undergoing cancer treatment can face significant mobility and well-being challenges, for example chronic fatigue, a weakened immune system and pain. We know from the Macmillan/ Welsh Government Cancer Patient Experience Survey, only 48% of respondents were offered benefits advice through the course of their treatment³. Individuals receiving benefits advice from a professional advisor from a third sector organisation will examine the need for a blue badge and support the application process. For those not receiving advice it is a concern that, despite being eligible they may not be aware of their entitlement. Both organisation continue to promote our advice services and hope to increase the number of people affected by cancer who receive appropriate information and support.

We trust you find this supplementary information useful and these issues demonstrate the difficulties faced by people who need accurate information concerning a scheme that, if they qualify, will have a significant positive benefit to their well-being.

Yours sincerely,



Greg Pycroft
Policy and Public Affairs Officer
Macmillan Cancer Support



Martin Fidler Jones
Policy Officer
Tenovus Cancer Care

³ Picker, Macmillan Cancer Support, (2017) Wales Cancer Patient Experience Survey.



John Griffiths AM
Chair
Equality, Local Government and Communities Committee

SeneddCommunities@assembly.wales

23 May 2019

Dear John

I would like to thank you for the opportunity to give evidence to the Committee's inquiry into the blue badge scheme. Please find below the further information you requested in your letter of 8 May.

Further information on the prevalence of abuse in the blue badge scheme in Wales, including details of National Fraud Authority data that indicated 20 per cent of blue badges are being misused across the UK.

National Fraud Initiative - England

The National Fraud Initiative (NFI) is a data matching exercise conducted by the UK Government Cabinet Office to assist in the prevention and detection of fraud. Data for the NFI is provided by some 1,200 participating organisations from the public and private sectors including government departments. The NFI 2018 Report can be found at-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/737146/National-Fraud-Initiative-Report-2018.pdf

The NFI 2018 report published by the UK Government Cabinet Office relates to England and states that as a result of the NFI, 31,223 blue badges have been revoked or withdrawn. A value of £18M was placed on this.

As at 31 March 2017 there were 2.38 million Blue badges in England, 887,000 of these were issued between 1 April 2016 and 31 March 2017. Fraudsters exploit the Blue Badge scheme by forging badges and stealing badges from cars. Abuse also occurs when badges remain in use, or are renewed by someone, after a badge holder has died. In England, there were a total of 1,131 individuals prosecuted in 2016/17. The majority of prosecutions (98%) in England were targeted at a non-badge holder using another persons' badge.

During this reporting period, the number of blue badges cancelled significantly increased to 31,223 from 23,063 in 2014/15. The estimated value of blue badges cancelled between reporting periods has also therefore increased from £13.2 million to £18 million, an increase of 36%.

National Fraud Authority

The National Fraud Authority (NFA) estimates that 20 per cent of badges are abused. Across the UK, the NFA estimate that there were around half a million Blue Badges misused, resulting in losses of £46 million a year.

BBC

Evidence from research undertaken by the BBC showed that motorists were fined 14,000 times in 2017/18 for abusing, disabled parking spaces across Wales. The penalty notices were for on-street and dedicated car park bays. These figures have remained fairly constant over four years.

Details on local authorities' engagement with the Welsh Government's training workshops and toolkit for blue badge assessments.

In 2017 good practice workshops were held to help Local Authorities with their role. The assessment workshops were supported by staff from the Independent Advisory Service, and were attended by 17 out of 22 local authorities. The non attending local authorities were Blaenau Gwent, Newport, Caerphilly, Ceredigion and the Vale of Glamorgan. In 2018 a refresher workshop was offered to Local Authorities with the Independent Advisory Service, however only one Local Authority expressed an interest but later cancelled. Welsh Government provided enforcement workshops in 2017 to promote good practice found in other parts of the UK. The workshops were led by enforcement officers from Portsmouth and 15 of the 22 local authorities attended. The non attending local authorities were Ceredigion, Merthyr Tydfil, Newport, Pembrokeshire, Swansea, Torfaen and Vale of Glamorgan.

Details on the proportion of system abuse that can be eradicated by the cleansing of invalid badges.

National Fraud Initiative - Wales

A report was produced by the Auditor General for Wales which can be found at-

<https://www.audit.wales/system/files/publications/national-fraud-initiative-english.pdf>

The key messages in relation to Blue Badges are:

- Review of the NFI matches has led to 1,690 blue badges and 28,584 concessionary travel passes being cancelled
- The NFI matches blue badges and concessionary travel permits to deceased persons' records. The match is designed to identify badges and permits which are potentially still in circulation after the death of the registered owner. Blue Badge records are also matched to identify cases where blue-badge holders have been issued with badges by more than one local authority.
- Blue badges provide a range of parking concessions and are a lifeline for people with severe mobility problems. However, it is essential that the badges are cancelled when the holder dies. Failure to do so can lead to badges being used by those who have no entitlement.

- It is a criminal offence to display a blue badge for the purposes of evading parking charges or to obtain preferential parking when the car driver or passenger is not the legitimate owner of the badge. This does not stop fraudsters targeting the scheme, and blue badges may be sold for considerable sums of money. The fraud not only results in a loss of parking revenues for the local authority, but it also means that parking spaces may be denied to genuine blue-badge holders.
- This year, the match has led to the cancellation of 1,690 blue badges across Wales, compared to 1,044 in the previous NFI exercise. Once the badges have been cancelled, it is possible for local authorities to check whether the cancelled badges are being fraudulently displayed.
- The estimated cost of fraud per badge is approximately £576.

Blue Badge Digital Services

The Blue Badge Digital Services (BBDS) provide the on-line application process, manage the manufacture and delivery of badges, as well as keeping the national data base for badges. BBDS commenced management of the service in February this year and are developing processes to cleanse the database to help prevent fraud.

Whether the two thirds of local authorities who you say are using an independent appeals process have used this route to determine the outcome of a blue badge application or settle appeals against blue badge decisions.

Neither the primary or secondary legislation set out the requirement for an appeals process on the basis of the determination of eligibility being challenged.

It is expected that local authorities put in place their own system to review cases where the applicant has not been issued a badge and wishes to challenge the decision. From information received this is usually in the form of a review by a team manager. In addition, all local authorities have in place complaint procedures.

Some local authority have asked whether they can refer cases where the applicant is challenging the decision to the Independent Assessment Service (IAS) to make a determination as this service is paid for by the Welsh Government. The Welsh Government has never declined these requests. However not all local authorities use the IAS. Formal records have not been kept in these circumstances.

Whether the Welsh Government has any role in resolving appeals made by individuals who have had their claim for a blue badge refused, and if so, under what circumstances would this be exercised.

The Disabled Persons (Badges for Motor Vehicles) (Wales) Regulations 2000 (as amended) sets out the limited appeals allowed to Welsh Government, in cases;

- Regulation 8 - the 'Grounds for refusal to issue a badge' where the local authority refuses to issue a badge because misuse of the scheme by the applicant has led to a conviction or
- Regulation 9 - 'Return of badge to issuing authority' because the person has been asked to return their badge due to misuse leading to a conviction.

Papur 4 – Llywodraeth Cymru

Paper 4 – Welsh Government

The Welsh Government have not received an appeal under either of these regulations in the past 10 years.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken', written in a cursive style.

Ken Skates AC/AM

Gweinidog dros yr Economi a Thrafnidiaeth

Minister for Economy and Transport

Eich cyf/Your ref: MA/P/JJ/1827/19

Llywodraeth Cymru
Welsh Government

22 May 2019

Dear John

ELGC Committee Inquiry – Rough Sleeping

Thank you for your letter of 23 April following my appearance at the ELGC Committee on 21 March, where I provided an update on the Welsh Government's actions to tackle rough sleeping. I was grateful for the opportunity to discuss this important issue with the Committee and for your continuing interest in this area.

The Welsh Government remains committed to preventing all forms of homelessness, including rough sleeping. Our goal is to make homelessness rare, brief and non-recurrent. This includes removing the need for anyone to sleep rough in Wales. I recognise and agree with the Committee's sense of urgency to solving this issue. However, if we are to truly prevent all forms of homelessness, then we have to take a whole system and evidence based approach to ensure we get this right. I do not therefore agree with setting an arbitrary target date for achieving this goal, without clear data and evidence to support such a target. This is why we are working with others across the UK, such as the Centre for Homelessness Impact, to seek to improve the evidence base of what works, to better inform service interventions and help achieve our goal quicker.

As I set out in my evidence to the Committee, I agree there is much more to be done, but it is important to acknowledge the context in which we are working and the progress we are already making. The figures for households presenting as at risk of homeless demonstrate only too sharply that we are battling against a rising tide, some 12% increase in numbers compared to a year ago. We therefore need to acknowledge and commend local authorities for maintaining their prevention rates, whilst also recognising the need for new approaches both to prevention and to support for those for whom we have been unable to prevent homelessness.

I have already set out my intention to revise the Rough Sleeping Action Plan to better reflect the focus of activity and also to provide clarity on timescales and ownership of actions. Rough sleeping is one form of homelessness, the most acute form, and it is vital that

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

actions to tackle it are part of a wider whole-systems approach to homelessness prevention. The revision of the action plan therefore provides an opportunity to ensure actions are part of a single, whole-system strategic approach.

As well as ensuring we use effective interventions, it is also vital we better understand the scale of the problem. This is precisely why we are supporting a feasibility study led by Cardiff University, to assess the potential use of individualised data. This, and the work taken forward by the Wallich on the SHIN project, are vital components to better understand need. As I set out in Committee, Welsh Government is committed to the overall objectives of the SHIN project, of improving real time data to support front line workers and better inform policy makers. This is an important area of work but we need to recognise the challenges presented when working with very sensitive personal information. The risks of failing to ensure robust legal and data sharing requirements are in place should not be underestimated.

Welsh Government recently commissioned an independent review of the project to assess its current status and help inform the next stages. The review team were impressed with the level of support for the project's objectives but also made a number of recommendations. My officials are working closely with the Wallich to support a limited pilot, which will be subject to independent evaluation, in order to inform next steps. It is vital we get this right and put the correct legal and governance arrangements around this project if we want to ensure successful national roll out.

I acknowledge there have been delays in the revision of the Code of Guidance and the publication of some best practice guides. In respect of the Code of Guidance, it is evident that an overhaul of the Code is required to fully address the issues raised in recent research reports and evidence from your Committee. As we discussed during the evidence session, it is unfortunate this has been delayed by the continuing uncertainty around immigration issues arising from Brexit, and as there is no clear date as to when these will be resolved, we will press on with revising as much of the code as possible. It is vital stakeholders are engaged in this process and my officials will be discussing the proposed revisions with them over the coming months, with a view to publishing a revised Code for formal consultation in the Autumn. In terms of the best practice guides, these are currently being translated and will be published in the next couple of weeks. I will write to the Committee once they have been published.

Since my appearance at Committee, Cardiff University has been awarded the contract for the independent review of priority need. As the Committee will appreciate, this is a complex piece of research which is vital in building the evidence base as to how priority need works at present and fully understanding the implications of making potential changes to it. The research has been commissioned in accordance with Welsh Government procurement processes and the timetable reflects the complexity of the work involved.

The legislation is of course just one piece of the system. Another vital component is the supply of affordable housing, and is why we are committed to building social housing at pace and scale. If we are to achieve our goal of making homelessness rare, brief and non-recurrent then we have to have suitable, long term housing solutions. Our focus has to be primarily on prevention, and when homelessness cannot be avoided, on rapid re-housing for individuals and households in long term suitable homes. We need to move away from temporary housing solutions to more sustainable solutions. This requires whole system change, which will not take place overnight, but one which I am committed to working with the public and third sector to achieve. Housing First is a significant component of a rapid re-housing approach, but it has to sit as part of a wider approach if we are to achieve our goal.

Papur 3 – Llywodraeth Cymru

Paper 3 – Welsh Government

I thank the Committee for your continued input into progressing our shared agenda of ending homelessness.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AC/AM

Y Gweinidog Tai a Llywodraeth Leol

Minister for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref MA-P-RE-1621-19

Llyr Gruffydd AM
Chair - Finance Committee
John Griffiths AM
Chair - Equality, Local Government and Communities Committee
Lynne Neagle AM
Chair - Children Young People and Education Committee

13 May 2019

Dear Llyr

Welsh Government Draft Budget 2019-20: Joint report - Assessing the impact of budget decisions

I enclose a note at Annex A which responds to the recommendations contained in the joint committee's report 'Assessing the Impact of Budget Decisions' (March 2019).

Yours sincerely,

Rebecca Evans AC/AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd

Jane Hutt AC/AM
Y Dirprwy Weinidog a'r Prif Chwip
Deputy Minister and Chief Whip

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Response to the Finance Committee’s, Children, Young People and Education Committee’s and Equality, Local Government and Communities Committee’s joint report on ‘Assessing the impact of budget decisions’ (March 2019).

The Welsh Government welcomes the publication of the joint report on *Assessing the impact of budget decisions*. We also welcome the constructive debate that has taken place during the scrutiny of our budget proposals and will consider all the evidence and feedback received in relation to impact assessments, including from individual policy committees.

We were the first Government in the UK to publish an equality impact assessment of our spending plans as part of the 2011-12 Budget. Since then we have continually looked to review and build an increasingly sophisticated approach to assessing the impact of the Welsh Government budget. From 2015-16 this has evolved into our producing a Strategic Integrated Impact Assessment (SIIA) of the budget.

In addition, but separately to this, the Welsh Government has worked to develop and streamline the approach to assessing and appraising the impacts of policies across Government.

We accept, or accept in principle, all of the report’s recommendations. The report includes a number of recommendations in relation to both the SIIA of the budget and the new integrated impact assessment (IIA) tool. As the then Leader of the House said in her evidence to the joint session last November, the IIA tool is the mechanism by which the impact assessment of a particular policy is arrived at. The approach to assessing the impact of spending decisions (the SIIA of the budget) is complementary to, and dependent on the individual assessments of impact from policies that are being brought together under Integrated Impact Assessments.

To aid future consideration, the following provides an overview of each:

- **Strategic Integrated Impact Assessment (SIIA) of the budget** The SIIA aims to fulfil our responsibility to consider spending decisions taken as part of the annual budget process through a number of lenses to understand their impact. These are equalities, human rights, children’s rights, Welsh language, climate change, rural proofing, health, biodiversity and economic development. Socio-economic disadvantage is an underpinning consideration when assessing the impact of budget decisions. The SIIA therefore sets out how these considerations have informed the strategic budget allocations taken as part of the annual budget process to improve the economic, social, environmental and cultural well-being of Wales (sustainable development).
- **Integrated Impact Assessment (IIA) tool** The IIA tool was launched in July 2018 and has been developed to streamline the Welsh Government’s existing impact assessments into a single, integrated framework that will guide policy and legislative development. It is structured using the Well-being of Future Generation Act’s sustainable development principle of improving Wales’ economic, social, environmental and cultural well-being (as expressed through the seven well-being goals for Wales). It also provides guidance on applying the five ways of working in decision-making. The IIA tool is designed to support the

policy process by helping decision makers understand the potential impacts (positive and negative) of policies from an early stage and throughout their development. Assessment of impact on people and places and social, economic, environmental and cultural well-being is key to good policy-making, and the tool supports these considerations throughout the policy-development process.

Recommendation 1. That the Welsh Government clearly sets out the SIIA process (in greater detail than provided previously), its purpose and expected outcomes, following engagement with and agreement from the relevant statutory commissioners.

Response: Accept

In the response to recommendations by the Finance Committee in its report *Scrutiny of the Assembly Commission's Draft Budget 2019-20*, we committed to continuously building on improvements to the Strategic Integrated Impact Assessment (SIIA) to increase its value in considering the impact of strategic spending decisions. We will reflect further on the evidence provided to the committees in relation to the SIIA.

As part of this, we will work with the relevant statutory commissioners to provide greater clarity on the purpose and expected outcomes of the SIIA process, in considering how our approach can be used more effectively to inform spending decisions and priorities as part of the annual budget process.

To ensure these discussions support wider developments, we will also ensure this engagement aligns with the 2019 review of the IIA tool (see response to Recommendation 3).

Recommendation 2. That the Welsh Government publish all of its individual impact assessments to a central location, which can then be referenced by the SIIA.

Response: Accept in principle

The Welsh Government is committed to the concept of 'Open Government' as demonstrated in the publication of our *Open Government National Action Plan*¹. The commitments outline our ambitions to be more open and responsive to citizens, more accountable and to take a more collaborative approach to the way we work. We fully recognise the need to build upon the work done to date by continuing to drive forward openness and transparency.

Individual impact assessments on significant decisions are generally published as part of policy documentation on the Welsh Government website. They can be found alongside published policy documents but are not held in a separate central location. This is in order that those seeking the information can access and understand all of

¹<https://gov.wales/uk-open-government-national-action-plan-2016-2018-welsh-government-commitments>

the considerations and supporting suite of documents in relation to a particular policy and/or decision. While it would be possible, in principle, to place all published impact assessments in one area, further consideration needs to be given as to whether this would aid accessibility, understanding and transparency.

Recommendation 3. That the Welsh Government commission, at the end of this Assembly, a focused piece of work to consider the progress made in relation to SIAs. This should consider matters such as (but not restricted to) the tool's relative complexity, how the tool has approached the weighting of multiple rights and impacts, and the uses made of the tool's outputs.

Response: Accept

Strategic Integrated Impact Assessment (SIIA) of the budget

In line with our commitment to continuously improve how we consider the impact of spending decisions taken through the annual budget process, we recognise the need to review the approach underpinning the SIIA of the Budget.

Since we first published an equality impact assessment of the 2011-12 Budget, we have evolved our approach to develop an SIIA of the budget since 2015-16. This reflects that we now aim to fulfil our responsibility to consider strategic spending decisions through a number of lenses to understand their impact.

Alongside preparations of the forthcoming budget we are intending to test alternate approaches aimed at improving how we take and understand the impacts of spending decisions. We are also looking at how the Future Generations Commissioner's journey checker might support this work. We would be happy to engage with the Committees as this work progresses.

Over a longer time frame, we will consider how a more-focussed piece of work that reviews the progress made in relation to the SIIA might support further improvements. This work would need to align to the planned 2019 review of the Integrated Impact Assessment tool described below.

Integrated Impact Assessment (IIA) tool

As set out earlier in this response, the IIA tool is the mechanism by which the impact assessment of a particular policy is arrived at. The IIA tool has been developed to streamline the Welsh Government's existing impact assessments into a single, integrated framework that will guide policy and legislative development. The development of the IIA tool was informed by a report Welsh Government commissioned from the then Public Policy Institute for Wales (PPIW) *Reducing Complexity and Adding Value: A Strategic Approach to Impact Assessment in the Welsh Government*².

One of the report's key themes was the need for a coherent system of assessing impact in the context of it being an integral part of the policy-making process. The

² https://www.wcpp.org.uk/wp-content/uploads/2018/04/Impact-Assessments_FINAL-30-Apr.pdf

report also stated that the Well-being of Future Generations Act provided a strong framework for harmonising and integrating the approach by which impact is assessed. It is important to highlight that the IIA tool is intended to be a guide to support the development of policy so that when choices are made about a course of action, Welsh Ministers are informed of the potential positive and negative impacts.

When the IIA tool was launched in July 2018, we committed to review the tool during 2019 to consider its effectiveness and whether further improvements are appropriate. The feedback from its use to date is that the tool is very helpful in enabling a more integrated approach but is quite complex, long and daunting, particularly if considered too late in the policy-making process. One of our main areas of focus therefore will be to further refine the tool so that it supports assessment of impact throughout the policy and legislation-making process.

The 2019 review will be comprehensive and focus on driving better policy-making and greater transparency. It will also include engagement with a number of external stakeholders including the statutory Commissioners and members of the Budget Advisory Group for Equality.

Recommendation 4. That the Welsh Government commit to using the Well-being of Future Generations Act as a framework for the SIIA. Given our committees' areas of focus, we believe that priority should be given to working with the Children's Commissioner and EHRC to ensure that the legislative requirements in relation to equality and children's rights are fully and effectively reflected in the assessment process.

Response: Accept

Strategic Integrated Impact Assessment (SIIA) of the budget

The Welsh Government made a commitment in 2016-17 to use the Well-being of Future Generations Act to frame and inform our considerations of budget proposals. We remain committed to using the Act to improve how we make decisions about the social, economic, environmental and cultural well-being of Wales, now and in the future. The Act provides an opportunity to integrate how we assess the impact of policies in a way that complements and reinforces existing statutory duties. The assessment of impact of policies on equalities and children's rights, for example, is fundamental to achieving social, economic, environmental and cultural well-being as articulated in the seven well-being goals.

Taking an integrated approach allows us to consider strategic spending decisions through a number of lenses to understand their impact, and enables us to better understand the impact of decisions in the round. In assessing the impact of decisions, consideration is given to Equalities and Human Rights, Children's Rights, the Welsh Language and socio-economic disadvantage.

We recognise, however, there is further work to be done. In his evidence to the committees, the then Minister for Finance described the steps we took to strengthen the process last year, including greater training to budget officials across government involving the Future Generations Commissioner's office. We also presented the

budget narrative (both outline and detailed) and the accompanying SIIA's under the 12 well-being objectives and the six *Prosperity for All* priority areas so we are clearer about how decisions about funding are supporting our objectives. We will continue to reflect on our approach to the SIIA in future budget rounds.

Integrated Impact Assessment (IIA) tool

In developing the IIA tool, our approach has been based on integrating all the existing impact assessments using the framework of the Well-being of Future Generations Act, in line with previous Finance Committee recommendations. The IIA tool requires that all impact assessments are given full consideration and that all statutory requirements are met. The tool should be used as a guide to support the development of policy in an evidence-based, collaborative and integrated way that looks to both the short and long-term, as well as prevention. The tool should also support capturing and providing evidence of the five ways of working throughout the process.

Our aim in reviewing the effectiveness of the IIA tool during 2019 will be to ensure that the full breadth of impacts are effectively considered and assessed from an early stage in policy-making and throughout its development. The review will also include engagement with a number of external stakeholders including the statutory Commissioners to capture their views.

Recommendation 5. That the Welsh Government provide an update to the Committees on the outcomes of the November 2018 meeting of the commissioners, and when it is anticipated the research commissioned on the integration of duties will be published.

Response: Accept

As outlined in our response to Recommendation 3, the IIA tool was launched in July 2018 and officials attended the Future Generations Commissioner's Advisory Panel in November 2018 to discuss the tool. At the meeting concerns were expressed by some members about the potential dilution of consideration of impact in taking an integrated approach. It was agreed that Welsh Government officials would further engage with the Advisory Panel during the review of the IIA tool and seek to address concerns raised. Officials have agreed with the Future Generations Commissioner that they will attend the next Advisory Panel meeting in July 2019 to discuss the review's progress and further steps. These further steps will involve ongoing engagement with external stakeholders, including the Commissioners.

With regards to the research, in November 2018 the then Leader of the House and Chief Whip stated that the Welsh Government would commission research to examine how we might incorporate further UN convention rights into Welsh law, commence the socio-economic duty and strengthen existing regulations or guidance. The overall aim was to consider how such actions would interact with the existing Welsh legislative framework, including the Well-being of Future Generations Act in particular.

Subsequently, the First Minister announced in December 2018 that the Welsh Government would commence the socio-economic duty, providing a fixed point around which other options for strengthening equality and human rights in Wales can be considered. This was followed by an initial workshop in February 2019, attended by key equality and human rights stakeholders and experts, the Deputy Minister and Chief Whip, the Counsel General and Deputy Minister for Health and Social Services. The workshop highlighted a number of questions and the importance of aligning this work to a number of related developments, including the ongoing Gender Equality Review.

Substantial further research is still needed to address the wider questions discussed at the workshop, which we propose will commence by September with the aim that it is completed by December 2020.



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Centre

DEPRIVATION AND IMPRISONMENT IN WALES BY LOCAL AUTHORITY AREA

**SUPPLEMENTARY EVIDENCE TO THE NATIONAL ASSEMBLY'S
EQUALITY, LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE'S
INQUIRY INTO VOTING RIGHTS FOR PRISONERS**

**DR GREG DAVIES AND DR ROBERT JONES
WALES GOVERNANCE CENTRE AT CARDIFF UNIVERSITY
MAY 2019**

ABOUT US

The Wales Governance Centre is a research centre that forms part of Cardiff University's School of Law and Politics undertaking innovative research into all aspects of the law, politics, government and political economy of Wales, as well the wider UK and European contexts of territorial governance. A key objective of the Centre is to facilitate and encourage informed public debate of key developments in Welsh governance not only through its research, but also through events and postgraduate teaching.

In July 2018, the Wales Governance Centre launched a new project into *Justice and Jurisdiction* in Wales. The research will be an interdisciplinary project bringing together political scientists, constitutional law experts and criminologists in order to investigate: the operation of the justice system in Wales; the relationship between non-devolved and devolved policies; and the impact of a single 'England and Wales' legal system.

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INTRODUCTION

In oral evidence given to the Equality, Local Government and Communities Committee in January we referred to ongoing research being carried out by the Wales Governance Centre into imprisonment and deprivation in Wales. Our research continues and is currently at a preliminary stage. This evidence submission has been compiled to provide the Committee with some of our initial findings as part of its inquiry into voting rights for prisoners in Wales.

This evidence will begin by providing an overview of the findings from existing research into social exclusion and imprisonment. Although the relationship between imprisonment and deprivation in Wales has yet to be subject to any kind of serious analysis or research, the section that follows will present an initial analysis of the Welsh Index of Multiple Deprivation alongside Welsh imprisonment data broken down by local authority.

DEPRIVATION, EXCLUSION AND IMPRISONMENT: A SNAPSHOT OF THE EXISTING EVIDENCE

There exists a wide body of research into the links shared between poverty and imprisonment. These studies, according to Newburn (2016: 329), have helped to establish that a “clear positive relationship” exists between income inequality and levels of imprisonment (e.g. Caddle and Crisp, 1997; Reiman and Leighton, 2010; Wacquant, 2009; Williams et al, 2013).¹ The Social Exclusion Unit’s (2002) *Reducing Reoffending by Ex-Prisoners* remains one of the most important pieces of research in this area, some 17 years since its publication. The Unit’s report identified a strong link between deprivation and imprisonment, it stated “before they ever come into contact with the prison system, most prisoners have a history of social exclusion, including high levels of family, educational and health disadvantage, and poor prospects in the labour market” (Social Exclusion Unit, 2002: 18). Compared with the general population, the Social Exclusion Unit reported that prisoners are:

¹ Many of these studies identify that poverty and exclusion are by no means the only factors that need to be considered.

- Thirteen times as likely to have been in care as a child.
- Thirteen times as likely to be unemployed.
- Ten times as likely to have been a regular truant.
- Two and a half times as likely to have had a family member convicted of a criminal offence.
- Six times as likely to have been a young father.
- Fifteen times as likely to be HIV positive.
- Over twenty times more likely than the general population to have been excluded from school.

The report also found

- 80 per cent of prisoners have the writing skills, 65 per cent the numeracy skills and 50 per cent the reading skills at or below the level of an 11-year-old child.
- 60 to 70 per cent of prisoners were using drugs before imprisonment.
- Over 70 per cent of prisoners suffer from at least two mental disorders.
- 20 per cent of male and 37 per cent of female sentenced prisoners have attempted suicide in the past.
- Around half of prisoners had no GP before they came into custody.

(Social Exclusion Unit, 2002: 6-7)

Imprisonment also contributes to deprivation and social exclusion. Studies have shown that former prisoners can struggle to gain employment (Looney and Turner, 2018; Pager, 2007), housing (Maguire and Nolan, 2007) and educational places (Niven and Stewart, 2005) upon their release and return to the community. Western and Petit (2010)² found that a custodial sentence can lead to a 40 per cent reduction in earnings and reduced job tenure. As well as impacting the communities that prisoners originate from and return to, custodial sentences can also impose a number of financial constraints on prisoners' families. Codd (2007: 256) identified that the costs facing visitors often add to the "extensive" financial difficulties that

² Cited in Newburn (2016)

families already face. This includes the financial strains placed upon families by the potential loss of income as well the costs incurred by supporting a prisoner throughout the course of their sentence (Condry, 2007; Fishman, 1988).

WELSH MULTIPLE INDEX OF DEPRIVATION AND IMPRISONMENT RATES

The Welsh Index of Multiple Deprivation³ is used by the Welsh Government to measure levels of relative deprivation across Wales. Although it is designed to identify small areas with a high concentration of deprivation, the WIMD 2014 does not provide an overall ranking of deprivation by local authority. Instead, deprivation levels are calculated by the overall number of deprived Lower Super Output Areas (LSOAs) located in each local authority area. This is broken down into four separate categories: the percentage of LSOAs in the most deprived 10% (ranks 1-191), 20% (ranks 1-382), 30% (ranks 1-573) and 50% (ranks 1-955).

The overall WIMD 2014 is made up of eight separate types of deprivation which are weighted. The areas included are income; employment; health; education; access to services; community safety; housing; and physical environment.

Imprisonment data by local authority have been obtained from the Ministry of Justice and are used here to calculate the imprisonment rates per 100,000 population for the five highest and lowest ranked local authorities in each of the four separate categories included in the Welsh Index of Multiple Deprivation (10%; 20%; 30% and 50%).⁴

³ Deprivation is defined within the WIMD (2014: 1) as “the lack of access to opportunities and resources which we might expect in our society”.

⁴ See ‘Notes’ on page 11 for further details about the data used here and some possible limitations.

Figure 1.1 – % of Lower Super Output Areas (LSOAs) in most deprived 10%

Highest

| Local Authority | Rank ⁵ (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-------------------|-----------------------------|----------------|---------------------|---------------------|
| Blaenau Gwent | 1 | 69,609 | 61 | 88 |
| Merthyr Tydfil | 2 | 59,953 | 309 | 515 |
| Cardiff | 3 | 362,756 | 1,392 | 384 |
| Rhondda Cynon Taf | 4 | 239,127 | 215 | 90 |
| Newport | 5 | 151,485 | 436 | 288 |
| Total | | 882,930 | 2,413 | 273 |

Lowest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-----------------|----------------|----------------|---------------------|---------------------|
| Monmouthshire | 22 | 93,590 | 21 | 22 |
| Powys | 21 | 132,515 | 64 | 48 |
| Ceredigion | 20 | 73,076 | 19 | 26 |
| Flintshire | 19 | 155,155 | 349 | 225 |
| Anglesey | 18 | 69,794 | 63 | 90 |
| Total | | 524,130 | 516 | 98 |

The combined imprisonment rate for the five local authorities with the highest percentage of Lower Super Output Areas (LSOAs) in the most deprived 10% was **2.8 times greater** than the rate recorded for the five local authorities with the lowest percentage of Lower Super Output Areas (LSOAs) in the most deprived 10%.

Figure 1.2 – % of Lower Super Output Areas (LSOAs) in most deprived 20%

Highest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-------------------|----------------|----------------|---------------------|---------------------|
| Blaenau Gwent | 1 | 69,609 | 61 | 88 |
| Merthyr Tydfil | 2 | 59,953 | 309 | 515 |
| Newport | 3 | 151,485 | 436 | 288 |
| Rhondda Cynon Taf | 4 | 239,127 | 215 | 90 |
| Neath Port Talbot | 5 | 142,090 | 177 | 125 |
| Total | | 662,264 | 1,198 | 181 |

⁵ 1= Highest %
 22 = Lowest %

Lowest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-----------------|-------------|----------------|---------------------|------------------|
| Monmouthshire | 22 | 93,590 | 21 | 22 |
| Ceredigion | 21 | 73,076 | 19 | 26 |
| Powys | 20 | 132,515 | 64 | 48 |
| Gwynedd | 19 | 123,742 | 157 | 127 |
| Pembrokeshire | 18 | 124,711 | 58 | 47 |
| Total | | 547,634 | 319 | 58 |

The combined imprisonment rate for the five local authorities with the highest percentage of Lower Super Output Areas (LSOAs) in the most deprived 20% was **3.1 times greater** than the rate recorded for the five local authorities with the lowest percentage of Lower Super Output Areas (LSOAs) in the most deprived 20%.

Figure 1.3 – % of Lower Super Output Areas (LSOAs) in most deprived 30%

Highest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-------------------|-------------|----------------|---------------------|------------------|
| Blaenau Gwent | 1 | 69,609 | 61 | 88 |
| Merthyr Tydfil | 2 | 59,953 | 309 | 515 |
| Rhondda Cynon Taf | 3 | 239,127 | 215 | 90 |
| Bridgend | 4 | 144,288 | 89 | 62 |
| Neath Port Talbot | 5 | 142,090 | 177 | 125 |
| Total | | 655,067 | 851 | 130 |

Lowest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-----------------|-------------|----------------|---------------------|------------------|
| Gwynedd | 22 | 123,742 | 157 | 127 |
| Ceredigion | 21 | 73,076 | 19 | 26 |
| Monmouthshire | 20 | 93,590 | 21 | 22 |
| Powys | 19 | 132,515 | 64 | 48 |
| Pembrokeshire | 18 | 124,711 | 58 | 47 |
| Total | | 547,634 | 319 | 58 |

The combined imprisonment rate for the five local authorities with the highest percentage of Lower Super Output Areas (LSOAs) in the most deprived 30% was **2.2 times greater** than the rate recorded for the five local authorities with the lowest percentage of Lower Super Output Areas (LSOAs) in the most deprived 30%.

Figure 1.4 – % of Lower Super Output Areas (LSOAs) in most deprived 50%

Highest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-------------------|-------------|----------------|---------------------|------------------|
| Blaenau Gwent | 1 | 69,609 | 61 | 88 |
| Merthyr Tydfil | 2 | 59,953 | 309 | 515 |
| Rhondda Cynon Taf | 3 | 239,127 | 215 | 90 |
| Caerphilly | 4 | 180,795 | 120 | 66 |
| Neath Port Talbot | 5 | 142,090 | 177 | 125 |
| Total | | 691,574 | 882 | 128 |

Lowest

| Local Authority | Rank (1-22) | Population | Prisoner Population | Rate per 100,000 |
|-----------------|-------------|----------------|---------------------|------------------|
| Powys | 22 | 132,515 | 64 | 48 |
| Monmouthshire | 21 | 93,590 | 21 | 22 |
| Gwynedd | 20 | 123,742 | 157 | 127 |
| Flintshire | 19 | 155,155 | 349 | 225 |
| Pembrokeshire | 18 | 124,711 | 58 | 47 |
| Total | | 629,713 | 649 | 103 |

The combined imprisonment rate for the five local authorities with the highest percentage of Lower Super Output Areas (LSOAs) in the most deprived 50% was **1.2 times greater** than the rate recorded for the five local authorities with the lowest percentage of Lower Super Output Areas (LSOAs) in the most deprived 50%.

Figure 1.5 – Imprisonment Rates per 100,000 by Welsh Local Authority, June 2017

| Local Authority | Population | Prisoner Population | Rate per 100,000 | Rank (1-22) |
|-------------------|------------------|---------------------|------------------|-------------|
| Anglesey | 69,794 | 63 | 90 | 11 |
| Blaenau Gwent | 69,609 | 61 | 88 | 13 |
| Bridgend | 144,288 | 89 | 62 | 17 |
| Caerphilly | 180,795 | 120 | 66 | 15 |
| Cardiff | 362,756 | 1,392 | 384 | 2 |
| Carmarthenshire | 186,452 | 129 | 69 | 14 |
| Ceredigion | 73,076 | 19 | 26 | 21 |
| Conwy | 116,863 | 122 | 104 | 9 |
| Denbighshire | 95,159 | 88 | 92 | 10 |
| Flintshire | 155,155 | 349 | 225 | 5 |
| Gwynedd | 123,742 | 157 | 127 | 6 |
| Merthyr Tydfil | 59,953 | 309 | 515 | 1 |
| Monmouthshire | 93,590 | 21 | 22 | 22 |
| Neath Port Talbot | 142,090 | 177 | 125 | 8 |
| Newport | 151,485 | 436 | 288 | 4 |
| Pembrokeshire | 124,711 | 58 | 47 | 20 |
| Powys | 132,515 | 64 | 48 | 19 |
| Rhondda Cynon Taf | 239,127 | 215 | 90 | 12 |
| Swansea | 245,480 | 728 | 297 | 3 |
| Torfaen | 92,264 | 60 | 65 | 16 |
| Vale of Glamorgan | 130,690 | 77 | 59 | 18 |
| Wrexham | 135,571 | 172 | 127 | 7 |
| Total | 3,125,165 | 4,906 | 157 | |

SUMMARY

- Numerous research studies from across many international jurisdictions have identified a clear relationship between deprivation and imprisonment.
- The data presented in this evidence submission reveal a correspondence between deprivation and imprisonment in Wales.

- When looking at the percentage of Lower Super Output Areas (LSOAs) in the most deprived 10% we see that the rate of imprisonment is **2.8 times greater** for the five most deprived local authorities (Blaenau Gwent, Merthyr Tydfil, Cardiff, Rhondda Cynon Taf, and Newport) than the rate recorded for the five least deprived (Monmouthshire, Powys, Ceredigion, Flintshire, Anglesey). (Figure 1.1)
- Although less than a third (28%) of Wales' population live in Blaenau Gwent, Merthyr Tydfil, Cardiff, Rhondda Cynon Taf, and Newport, almost half (49%) of all Welsh prisoners recorded a 'home address' in these areas.
- Merthyr Tydfil recorded the highest imprisonment rate in June 2017.
- The lowest rate of imprisonment was recorded in Monmouthshire.
- With a total population of 59,953, the Ministry of Justice's data show that 1 in 194 people living in Merthyr Tydfil were in prison in June 2017. This compared to 1 in 4,457 people living in Monmouthshire.
- Merthyr Tydfil, Cardiff, Swansea, Newport and Flintshire recorded an imprisonment rate that was higher than the all-Wales average in June 2017 (Figure 1.5).
- The findings presented here, alongside existing academic research, strongly suggest that the current ban on prisoner voting is likely to disproportionately affect individuals who come from the most deprived backgrounds.
- Although the data suggest a clear relationship between deprivation and imprisonment, there are some limitations to this theory. For example, Blaenau Gwent and Rhondda Cynon Taf's imprisonment rates ranked only 13th and 12th highest in Wales despite appearing within the five most deprived areas in all four categories (e.g. 10%; 20%; 30% and 50%). In addition, Flintshire recorded the 5th highest imprisonment rate in Wales despite being one of the five least deprived areas in two out of four categories (10% and 50%). (Figure 1.1 and 1.4)

- The data presented here are subject to their own limitations (see notes) and once again reiterate the need for improved access to Welsh-only imprisonment data. This includes data which isolates those whose 'home address' is not their committal court.

NOTES

All data relating to the 'home address' of prisoners is based on a prisoner's origin address (home address on reception into custody). The Ministry of Justice state that around 97% 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. Because of this method of recording 'home address' it should be noted that the number of prisoners recorded in a local authority area with a court may be higher. The six local authorities with the highest imprisonment rate (Merthyr Tydfil, Cardiff, Swansea, Newport, Flintshire and Gwynedd) have a Crown Court located within the authority boundary.

Further statistical testing is required to develop the analysis presented here further.

Population statistics available from ONS (mid-2017) at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

Information on deprivation was taken from 'Welsh Index of Multiple Deprivation (WIMD) 2014 (Table 2.3) - <https://gov.wales/sites/default/files/statistics-and-research/2019-04/welsh-index-of-multiple-deprivation-2014-revised.pdf>

Prison population data by local authority area in Wales were obtained from the Ministry of Justice via the Freedom of Information Act 2000. The data used were from June 2017 to correspond to the most recent ONS mid-year population projections (md-2017).

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Prison population by Welsh Local Authority, December 2018

| Local Authority | Prisoner Population |
|------------------------|----------------------------|
| Anglesey | 63 |
| Blaenau Gwent | 59 |
| Bridgend | 108 |
| Caerphilly | 143 |
| Cardiff | 1,199 |
| Carmarthenshire | 157 |
| Ceredigion | 26 |
| Conwy | 130 |
| Denbighshire | 106 |
| Flintshire | 300 |
| Gwynedd | 138 |
| Merthyr Tydfil | 234 |
| Monmouthshire | 26 |
| Neath Port Talbot | 172 |
| Newport | 422 |
| Pembrokeshire | 58 |
| Powys | 65 |
| Rhondda | 228 |
| Swansea | 710 |
| Torfaen | 80 |
| Vale of Glamorgan | 92 |
| Wrexham | 172 |
| Total | 4,688 |

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