

Senedd Cymru
Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r
Cyfansoddiad
Gwneud i Gyfiawnder weithio yng Nghymru
MJW 04
Ymateb gan: Y Bwrdd Parôl

Welsh Parliament
Legislation, Justice and Constitution Committee
Making Justice work in Wales
Response from: The Parole Board

In providing this submission, the Board would draw attention to the “*Justice in Wales for People of Wales*” report published by the Commission on Justice in Wales last October. In that report, a number of areas of concern were highlighted, which reflect those also identified by the Parole Board, most significantly:

- Housing provision (longer term arrangements)
- Access to health and social care
- Mental health services
- Women (and implications for family life)
- Support for young offenders
- The Welsh language
- Geographical issues (in particular rural and post-industrial areas)

In addition, the Board identified the following as concerns:

- Access to Approved Premises and move-on accommodation
- Access to Welsh speaking legal advice and representation
- Welsh offenders held in English prisons

The following comments are provided, which the Parole Board hopes will support the fact-finding stage of the consultation and, in particular, the existing operation of justice functions in Wales, including Welsh Government policies in devolved areas and their interaction with the administration of justice; and the impact of relationships between UK and Welsh competence on specific justice matters and to identify areas of concern.

The Parole Board for England and Wales

The Parole Board is an independent body that carries out risk assessments on prisoners to determine whether they can be safely released into the community. It was established in 1968 under the Criminal Justice Act 1967 and became an independent executive non-departmental public body on 1 July 1996 under the Criminal Justice and Public Order Act 1994.

The cases dealt with by the Board include all life sentences, indeterminate sentences of imprisonment for public protection (IPP), parole eligible determinate sentences and many recall cases. In addition, the Board can advise on moves of some prisoners from a closed to an open prison.

The Board deals with approximately 25,000 cases a year, which are referred to it by the Secretary of State for Justice. Parole Board decisions are solely focused on whether a prisoner can safely be released back into the community. The over-riding priority when making such decisions is the protection of the public.

The Board's activity covers parole across England and Wales. Legislation, including the Parole Board Rules 2019, policy and practice, as well as guidance for Parole Board members, covers both countries. The Board has members located in both countries and they are required to sit on parole boards in either country (within a reasonable travelling distance).

The Board has adopted the principle that in the conduct of public business and the administration of justice in Wales, it will treat the English and Welsh languages on a basis of equality, so far as is both appropriate in the circumstances and reasonably practicable. The Board has a published Welsh Language Scheme that sets out how it will give effect to that principle in the services to the public in Wales for which it is responsible.

One of the key objectives within the Scheme is for the Board to attract and encourage Welsh speakers to apply to become members of the Parole Board and work has been underway to look at outreach in Wales for future recruitment campaigns.

The Scheme can be read here:

<https://www.gov.uk/government/publications/parole-board-launches-its-welsh-language-scheme-2018-2020-bwrdd-parol-yn-lansio-ei-gynllun-iaith-gymraeg-2018-2020>

Detailed information about the Parole Board can be found on its web pages:

<https://www.gov.uk/government/organisations/parole-board>

Prison Establishments

The Board is concerned that there is a lack of categories of prisons based in Wales, including those for young offenders, which can have a significant impact on rehabilitation whilst in custody, and often involve difficulties for offenders maintaining contact with family and other support. Women and young offenders are very poorly served.

Developing release and resettlement plans for any offender returning to Wales from an English prison can present many challenges.

It is understood that 37%¹ of Welsh prisoners are held in custody in prisons in England. Developing services geared for Welsh prisoners will need to consider the whole estate across England and Wales and not just those establishments located geographically in Wales.

Women Prisoners

There are currently no female prisons or Approved Premises for women in Wales. This creates significant issues for female offenders maintaining contact with family, whilst in custody, and for

¹ *Sentencing and Imprisonment in Wales: a fact file – Wales Governance Centre August 2019*

resettlement, once release is directed by the Board. Evidence from Welsh female offenders held in both HMP Styal and HMP Eastwood park identified that separation from family is a significant issue, and the long distance from the family location creates a barrier in maintaining contact and supporting visits.

The Board welcomed the recent announcement for the first Residential Women's Centre in Wales which will provide accommodation for vulnerable women with complex needs who would otherwise be sentenced to custody.

Devolved Services

When carrying out parole reviews to assess the risk an offender presents to the public, the Board will look at a range of measures and support that will be put in place to manage the risk, as well as contribute to the offender's rehabilitation and return to the community.

There is quite often an added complexity in working within a centralised Criminal Justice System whilst engaging devolved services, such as healthcare, social care and housing, particularly when reviewing cases where the offender is held within an English prison but will be returning to a Welsh community. This cross-border working can present a number of challenges to secure relevant services.

Suitable Release Accommodation

In order to direct release, the Board must be satisfied that there will be appropriate measures in place to manage and monitor behaviour and risk and to support the offender in making a safe transition into the community. For many it is essential that they are released to Approved Premises. Those which are available offer a high standard of service with robust management measures, appropriate activities and an enabling environment. However, there are not enough Approved Premises in Wales, they are often geographically distant from the offender's resettlement area and the pressure on placements is such that there can often be a considerable waiting list. This has a direct impact on the assessment of risk and can result in a delayed or negative outcome and creates frustration for the offenders, probation staff and Parole Board members alike. It is not in the interests of public protection or the interests of fairness to the offender when release cannot be sanctioned for want of Approved Premises.

The situation is exacerbated for women as there are no Approved Premises for women in Wales. If released to Approved Premises in England, the women cannot develop easily their resettlement plans and rebuild relationships with their families.

The above dynamic is often replicated in cases where Approved Premises are not necessary, as long as appropriate monitoring and support measures can be put in place. However, throughout Wales there is a lack of suitable release, and move-on accommodation. Parole Board panels and the probation service can be faced with situations whereby an offender would be released to no fixed abode or to an entirely unsatisfactory address (for instance with other drug users or with vulnerable family members).

Resettlement plans are further adversely affected in rural, post-industrial and deprived areas as there are fewer opportunities to access suitable accommodation, employment and structured activities. These aspects of the release plans are essential to the management of risk. Without them, there can be a drift back to substance use and crime with an attendant lifestyle and

associates, leaving individuals vulnerable to deteriorating mental health and to being recalled to custody. This has a detrimental effect on communities and creation of more victims or revictimisation in the case of sexual and domestic abuse.

Offenders with Mental Health Issues or other health issues

It can be very difficult to access mental health aftercare, which can significantly delay the release of an offender. Travelling is a major issue for offenders who may have to travel for hours to and from appointments with services, i.e. Forensic Mental Health is located in the North and South coastal strip. As it currently stands, the Board does not believe that there is sufficient access to resources to meet the demand for mental health services for offenders. As NHS Wales covers the whole country there is potential for a much more joined up approach to Criminal Justice and Mental Health.

The Board is concerned about the consistency of provision of treatments where offenders are transferred from English prisons to Welsh prisons, including for drug treatments, and continuity into the community.

Welsh Language Provision

Offenders must be provided with services and resources in Welsh, if this is their first/preferred language. As already mentioned, the Board has a Welsh Language Scheme. It is clear, however, that this will only succeed by a whole system approach and the Board would like to see appropriate resources to enable prisons and probation staff to meet these needs. In addition, more data that sets out the demand for these services would be helpful so that appropriate services can be commissioned. For example, during outreach events run by the Parole Board with Local Delivery Units in Wales in 2018, it was noted that in Gwynedd there were some 400 probation clients of whom around 375 preferred to speak in Welsh, around half of whom were in custody, which contrasts sharply with other regions visited.

Access to Advice and Representation

The Board established an internal Welsh regional taskforce to look at improving the services for Welsh speaking offenders and, in particular, to support the right to use Welsh in formal parole proceedings. Guidance on supporting offenders whose first or preferred language is Welsh has been developed.

One of the issues highlighted was access to Welsh speaking lawyers, as many prison law firms are based in England and very few have Welsh speaking legal representatives, and do not always appreciate the specific needs of Welsh offenders.

Probation Services

The Board participates in a Welsh regional parole forum which brings together the Parole Board and colleagues from Her Majesty's Prison and Probation Service (HMPPS) to look at local effective practice and strategies, and to develop responses to challenges that arise that are specific to Wales. The Probation Service is currently reintegrating the National Probation Service and the Community Rehabilitation Centres into one service and this may provide opportunities to look at strengthening the services and the specific needs of Welsh offenders, whether they are located in England or Wales.

Victims

The needs of victims are integral to the Board's consideration of the conditions for release of offenders back into communities and there are often challenges when looking at exclusion zones and their manageability across large areas. Providing victims with information and services in Welsh will support their understanding of the Criminal Justice System in Wales.

The Government has recently consulted on improving the Code of Practice for Victims of Crime and the needs of victims in Wales should be incorporated into the revised Code.