

Justice Unions Cross Party Group (JUCPG) Annual General Meeting held on 13 May 2015

Present: Julie Morgan AM, Rhodri Glyn Thomas AM, Helen Cunningham (Jenny Rathbone support), Sophia Haywood (Julie Morgan support), Nancy Cavill (Julie Morgan support), Ann Smythe (AM support), Andrew Neilson (Howard League of Penal Reform), Tracey Worth (Napo), Stuart Arrowsmith (Napo), Jane Foulner (Napo), Emily Cannon (Unison), Huw Price (UNISON), Kay Powell (Law Society).

Apologies: Mike Hedges AM, Aled Roberts AM, John Hancock (POA).

1. WELCOME AND ELECTION OF OFFICERS

Julie Morgan welcomed members to the fourth Justice Group Unions Meeting, the second Annual General Meeting. Prior to the meeting, Mike Hedges had submitted his nomination for Julie to be elected as Chair of the group which was agreed by the meeting. Julie Morgan then proposed that Tracey Worth continues as secretary which was agreed by group members.

2. MINUTES OF THE PREVIOUS MEETING

Tracey Worth asked if everyone had read through the minutes and if there were any points of accuracy or matters arising. Minutes from March meeting were approved.

3. SPEAKER – ANDREW NEILSON (HOWARD LEAGUE FOR PENAL REFORM)

Julie Morgan introduced Andrew Neilson, Campaigns Director at the Howard League for Penal Reform. Andrew has worked for the Howard League since 2007; prior to that he was a civil servant working as a press officer for Peter Hain.

Andrew told the meeting that Chris Grayling had been a reactionary Justice Secretary but also a radical one; he was reactionary in his views and rhetoric, but radical in terms of his reforms to the probation service. The new Secretary of State for Justice is Michael Gove and, Andrew said, it would be interesting to see what happens next. Andrew then reflected on Chris Grayling's legacy.

Prisons

The prison population is steadily growing. As at 8th May there were 85,590 people in English and Welsh prisons – that is 898 more people in prison than the previous year. Yet prisons have been pushing through budget and staffing cuts and cuts. This has been focused on the public sector prisons, under the threat of the alternative of privatisation. Frontline prison staff on the landings have been particularly affected.

Analysing the Ministry of Justice's own figures, the Howard League had found that the number of frontline officers at public-sector prisons in Wales had been cut by an average of 37% (2014 compared with 2010). This was a cut from 505 officers in 2010 to 320 in 2014. The breakdown per prison is as follows: Cardiff – 40%; Swansea – 32%; and Usk/Prescoed – 33%.

At the beginning of 2015 the Howard League looked at what the prison population in individual jails in comparison to the drops in staffing. Cardiff is designed to hold 539 prisoners under CNA (certified normal accommodation) – It actually held 810 prisoners. Swansea's CNA is 242 but it held 422 prisoners. Parc prison – private of course, where we don't have their staffing figures – has a CNA of 1,170 but is housing 1,452; while Usk should hold 378 but is actually holding 496 prisoners.

Swansea and Cardiff are in the top 20 most overcrowded prisons in England and Wales. In fact Swansea is currently the second most overcrowded prison, after Leeds.

Many prisons receive damning inspection reports over the last year, as the impact of these cuts has been felt. The only Welsh example is Swansea. There, despite the overcrowding, because the prison is still relatively small, and the staffing group was described as 'being very settled', the most recent inspection report was not as bad as examples found in England.

Probably the biggest criticism was a failure by the prison to adequately support vulnerable prisoners in their early days in custody – the last four suicides in the prison all took place in the first three weeks of the prisoner's arrival.

The trend more generally however is a collapse in 'purposeful activity', a rising problem with drugs, and rising suicide and violence.

The Ministry of Justice's most recent safety in custody statistics for the 12 months up until March 2015 show:

- Serious assaults against staff increased by 33% compared to the previous year. There were 477 serious assaults against staff in 2014, compared to 359 in 2013 and 260 in 2012.
- Incidents of self-harm have risen in both the male and female estate.
- There were 18,995 reported incidents of self-harm by male prisoners. This is 1,779 more incidents (10 per cent) than 2013. Incidents of self-harm in the male estate have increased every year since 2007.
- There were 6,780 incidents of self-harm by female prisoners. This is 766 incidents (13 per cent) more than 2013. This increase reverses the downward trend seen since 2010.
- There were 76 deaths by suicide in the 12 months ending March 2015. This compares to 88 in the 12 months ending March 2014. Total numbers of deaths continue to rise, primarily due to an increase in deaths due to natural causes.
- There were four homicides in the 12 months ending 2015, compared to three in the 12 months previously.

These are England and Wales figures – there is no breakdown for just Wales, and of course there are some Welsh people who may be jailed in England. This particularly affects women who would go to a prison like Eastwood Park in Gloucestershire. As it happens, the independent monitoring board of Eastwood Park has recently published its annual report, which states that: 'unacceptably tight staffing levels' had created 'an increase in violence' – This in a women's prison, where violence tends not to be a problem. The prison had seen three deaths when the previous year there had been none.

In short, Welsh prisons have had some of the same pressures as English ones, but have perhaps been saved by their relatively small size. That will change when the new super-prison in Wrexham is opened. The closest experience to what Wrexham will face is Oakwood prison. Oakwood – called ‘Jokewood’ by prisoners – is the jail where inspectors found it easier to get drugs than a bar of soap.

Probation

Andrew reported that Grayling’s reforms to probation are radical and have been the main focus of his attention, while the prisons have been left to struggle. He said the Howard League is extremely concerned at these reforms but it is hard to say much about it right now because the changes are so new. He said they were worried that the new community rehabilitation companies (CRCs) will slash the numbers of staff – Sodexo is certainly consulting to cut staff by a third, and are suggesting that probation kiosks – as found in some US states – can replace an individual supervising another individual. He said that, building a relationship with an offender, something that used to be key to the probation service’s Assist/Advise/Befriend model, is dead in the water.

The Howard League is concerned that the plan to supervise short-sentenced prisoners on release is half-baked and will set people up to fail. The supervision is compulsory, and people who fail to comply will be sanctioned – with fines, unpaid work, curfews and ultimately...prison. We could see prison numbers rise off the back of the reforms as people are recalled.

There are also confused lines of accountability. The public National Probation Service – a rump of what it was – must still do court reporting, yet they are writing court reports about people they don’t know. This was done to stop private companies recommending their own services, yet in practice that may still happen as hard-pressed NPS officers take whatever the CRC staff recommend to them.

Victim liaison could be a problem. In theory the NPS will do all victim liaison but in many cases they will not be supervising the offender in the case. Previously, in a DV case for example, the probation officer would work with both offender and liaise with the victim. Now the CRC must refer a victim to the NPS and even if the NPS has the resources to do this work, it implies a delay while the referral is made which wasn’t there before.

I would be interested to hear what people’s experience of the situation is in Wales. Working Links, along with a probation staff mutual – ‘Innovation Wessex’ – won not just the Welsh contract but also Bristol, Gloucestershire, Somerset and Wiltshire and Dorset, Devon and Cornwall.

As of the beginning of this month, all short-sentenced prisoners are meant to be supervised for a year after release – is that really happening?

Meanwhile, somewhat under the radar, Grayling slipped in one final change which came into force last month. This is the ‘criminal court charge’ which forces people to pay toward the cost of their court case. Ministers describe the fine as ‘quite modest’, ranging from £150 to £1,200. But most people before the magistrates courts, for example, don’t have that kind of money. Indeed it may put defendants under pressure to plead guilty to crimes they have not committed to avoid further unmanageable debt. The government plans to send those who cannot pay to prison. This could also be a driver to the prison population in the future, ultimately costing the taxpayer more than what is recouped by the charge.

The Howard League

Andrew reported on a couple of things that the Howard League is doing in Wales. He said they were working with former Labour MP Sian James on a campaign which she hopes to launch in the Assembly over the summer. That is about keeping Welsh women out of prison and the criminal justice system. They will be focusing in particular on the policing of vulnerable women – as the police are the gatekeepers into the criminal justice system.

The one real success in justice in recent years has been youth justice. The numbers of children in custody have been slashed from around 3,000 in England and Wales in 2007 to just over a 1,000 today. There were 48 Welsh children in prison last month. In 2010, there were 251. The Howard League believes that the big driver has been changes to policing; the number of child arrests in England and Wales has dropped by 59 per cent in five years.

Last year, police in England and Wales made 129,274 arrests of children aged 17 and under. These included 1,107 arrests of children who were aged 10 or 11, meaning that on average three primary school-age children were arrested every day. In 2008 the total number of child arrests was as high as 318,053 – equivalent to an arrest every 99 seconds. In South Wales in the same period, the numbers of children arrested dropped by 54%. In North Wales, the drop was 68% - Gwent 51% and Dyfed Powys 61%.

The Howard League has been working with police forces during this period to encourage them to move to this situation and they believe that a similar approach could work for women in Wales – and beyond.

Questions and comments

- Stuart Arrowsmith raised concerns in relation to the new Court charges which have recently been implemented. He made reference to a recent case where a first time offender with limited available funds was given a fine of £345. Stuart felt that some of the fines were excessive and that it appears to be purely a money making exercise.
- Jane Foulner commented that it felt very unjust.
- Andrew Neilson suggested that it is an attempt by Grayling to bring back some money to the Department as he failed to meet targeted budget cuts. Stuart responded that he did not think the exercise would be effective.
- Tracey Worth commented that the CJS appears to be heading towards an Americanised service e.g. with Probation kiosks and Court charges.
- Jane Foulner asked if the Howard League was aware of delays within the Parole process. She reflected that many hearings appear to be postponed at short notice and wondered if it was a developing theme across UK. Andrew Neilson said that the Parole Board's resources are depleted and stressed. He expects there to be an increase in 'paper hearings' to deal with the number of offenders spending more and more time in prison.

- Emily Cannon stated that Grayling has left the CJS in crisis. She asked if, now that we have Gove who has as a priority the amending HRA legislation should we be more concerned? Andrew Neilson said that he is more optimistic about Gove, who he felt was more intelligent and thoughtful and would want to hear from sources how things are going. Andrew stated that any amendment made to HRA legislation will require permission from devolved countries such as Scotland and Wales. He felt that Gove will need to focus on Probation due to the recent changes and he will also need to address the spiralling cost of prisons due to the increasing prison population.
- Emily Cannon asked why Criminal Justice isn't discussed more as an election issue, making reference to the Assembly elections next year. Andrew agreed that justice should be discussed, however whenever it is discussed nationally MPs tend to be more right wing and to want to appear to be 'tough on crime'. With the Wales Bill, perhaps justice will form more of a discussion.
- Stuart Arrowsmith made reference to Through the Gate and 'resettlement of prisons'. Andrew Neilson said that the Howard League will be interested to hear how this works in reality as prisoners should now be placed near their home area, however prison over-crowding makes this very difficult. Stuart stated that there are no resettlement prisons in North Wales.

Actions

- The group to write an introductory letter to Mr Gove acknowledging his appointment as Justice Secretary and to ask him how he feels Through the Gate is developing.
- Andrew Neilson to make enquiries regarding Parole Board delays.
- The group to write to MoJ to ask for feedback on ORA and what impact it is having on the prison population.
- The group to write to Working Links, acknowledging that they now run the Wales CRC but reminding them that there are a number of devolved issues which interlink with Probation and stating that the group would like to be kept informed of any significant developments; also to voice concerns regarding recent redundancies announced within other CRCs.
- The Group to ask Working Links for the NPS rate card.

Minutes Prepared by Tracey Worth, Napo Cymru.