



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

# The Welsh language in prisons

A review of the rights and experiences  
of Welsh speaking prisoners

Published in accordance with section 4  
of the Welsh Language (Wales) Measure 2011  
**December 2018**

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<b>Foreword</b>	4
<b>Main findings and recommendations</b>	6
1. <b>Why was this review undertaken?</b>	17
The Commissioner's role in relation to prisons	17
Objectives of the review	19
Why does the Welsh language need to be considered in prisons?	22
2. <b>Prison policy in Wales</b>	25
Context	25
The development of prisons in Wales	27
The Welsh language	30
Devolution	31
3. <b>Placement</b>	33
The importance of prisoner placement	33
Prisoner placement – the process	37
Prisoner placement – outcomes	41
Placement of women	45
4. <b>Identifying prisoners' language needs</b>	48
The importance of identifying language needs	48
The data collected	50
How data is collected and used	51
The language preference of prisoners interviewed	55
5. <b>Welsh speakers' experiences in prison</b>	56
Freedom to use Welsh	56
Prison services	60
Services provided by external organisations	68
6. <b>Workforce planning</b>	71
The importance of workforce planning	71
Collecting and using data on staff skills	73
Recruitment	75
Training	79
7. <b>Listening to prisoners' voice</b>	82
The ability to complain about matters relating to the Welsh language	82
Engaging with prisoners	89
Monitoring and accountability	91

## Foreword

The prison system is a complex field which has a significant impact on the well-being of a large number of people. It encompasses various relevant legal duties – including language duties – and, for practical reasons, it can be difficult to access definitive information about experiences and services.

The language needs of Welsh speaking prisoners need to be met in order to give them the best chance of effective rehabilitation. Enabling prisoners to speak their own language shows respect towards their identity and enables them to express themselves better.

I am therefore pleased that this report brings together a wealth of information about the way in which Welsh speakers are treated in the prison system, including new direct research about their experiences.

I would like to thank the prison service for its positive engagement during the review. Prison service officers have been honest and transparent, and have shown a clear commitment to improving the experiences of Welsh speaking prisoners.

However, good intentions and leadership from the centre do not always create actual change in everyday processes and real life experiences. There is far more to do to identify prisoners' language needs through effective data collection, and through workforce planning so that Welsh language services are regularly and reliably available.

I was saddened to hear stories about prison staff interfering with prisoners' freedom to speak Welsh with each other and with their families. HMPPS officers have assured me that preventing prisoners from speaking Welsh

is not acceptable, except in exceptional circumstances, and prison staff must be made aware of this.

Further work is needed to ensure that, where practical, Welsh speaking prisoners are placed in Welsh prisons – they have more rights to speak Welsh in Welsh prisons, and being closer to home leads to better outcomes for prisoners. The opening of HMP Berwyn has improved the situation for prisoners from north Wales.

I was particularly interested in the situation facing women, as there is no women's prison in Wales. The Ministry of Justice has a specific strategy for female offenders, which means that no new prisons will be created. Language needs should be taken into account when developing the new system.

I want to see arrangements being put in place to ensure that prisoners' voices are heard – via internal complaints and complaints made to myself, and by engaging with prisoners and monitoring services.

This review is merely the start of the journey. Based on my engagement with HMPPS officers so far, I am confident that they will use the findings and recommendations to take positive action to improve the experiences of Welsh speakers. I look forward to supporting them to do so.

**Meri Huws**

Welsh Language Commissioner





# Main findings and recommendations

## 1. Why was this review undertaken?

### **The Commissioner's role in relation to prisons**

The Commissioner is responsible for ensuring that organisations – including Her Majesty's Prison and Probation Service (HMPPS) – comply with their legal duties in relation to the Welsh language, and for ensuring that the Welsh language is treated no less favourably than the English language. Prisons are of particular interest because they involve the well-being of vulnerable people in difficult situations, and co-operation between organisations operating within different political systems.

### **Objectives of the review**

The review questions focused on prisoners' rights; the effectiveness of organisations in exercising those rights; the experiences of prisoners and their families; and the ability to complain about matters relating to the Welsh language.

The report includes a number of recommendations for HMPPS. However, the findings will also be of interest to the Ministry of Justice; prison managers in England and Wales; external organisations responsible for providing prison services; Members of Parliament and Assembly Members; organisations and movements which influence prison policy; and members of the public.

The review included a review of relevant documentation and legislation; interviews with prisoners and former prisoners; correspondence with organisations who provide services in prisons (local authorities and health boards) and other organisations with an interest in the field; prison visits and meetings with prison and HMPPS officers.

### **Why does the Welsh language need to be considered in prisons?**

The Commissioner believes that the language needs of Welsh speaking prisoners need to be met in order to give them the best chance of effective rehabilitation. Enabling prisoners to express themselves in their own language is particularly important given that prisoners have greater needs than the general population in terms of learning difficulties and disabilities, and in terms of their mental and physical health.

## **2. Prison policy in Wales**

### **Context**

Alongside general discussions on prison policy in England and Wales, which encompass matters such as safety, race and education, there has also been a Wales-specific discussion led by the UK Parliament's Welsh Affairs Committee. Among the prominent themes emerging from that discussion are the development of prisons in Wales, the Welsh language, and devolution.

### **The development of prisons in Wales**

HMP Berwyn has now opened following years of discussion and planning; the opportunity to provide for Welsh speakers was one of the arguments for establishing a prison in north Wales. The Ministry of Justice also intends to open a new prison in south Wales. However, the Welsh Government will not facilitate that aim without further discussions about rehabilitation services and support.

## **The Welsh language**

The Welsh Affairs Committee has stated on two occasions, the first over ten years ago, that data on Welsh speaking prisoners is unacceptably limited, and that Welsh language prison services need to be improved.

## **Devolution**

The fact that the UK Government is responsible for the prison system whilst a number of matters affecting the well-being of prisoners have been devolved to Wales is leading to a complex situation and some difficulties.

# **3. Placement**

## **The importance of placement**

It is beneficial to place Welsh speaking prisoners in prisons in Wales, because:

- it is likely to reduce the distance between prisoners and their homes, enabling them to maintain better contact with families and communities, and increasing the likelihood of successful rehabilitation;
- there are more legal rights to use the Welsh language in prisons in Wales compared with England, as a result of the freedom to use Welsh, the commitments in HMPPS's Welsh language scheme, and the responsibilities placed on local authorities in Wales regarding the provision of care and support.

## **Prisoner placement – the process**

Decisions regarding prisoner placement consider gender, age, type of offence, security category, capacity, length of sentence, and distance from home. There is a commitment to place prisoners from Wales in Welsh prisons, but no specific data is collected on this. There are no prison places in Wales for women, young people between 18 and 20 years of age, or high risk prisoners. The Welsh language is not a specific consideration when deciding where to place prisoners.



**Recommendation 1** HMPPS should consider adapting its prisoner placement arrangements to ensure that, where practical, prisoners requiring Welsh language services are placed in the prisons which are most able to provide those services.

### **Prisoner placement – outcomes**

The Commissioner has undertaken further analysis of Wales Governance Centre data on the placement of prisoners from Wales. The 6 north Wales counties are those with the lowest percentages of prisoners in Welsh prisons. 4 of these counties are among those where over 20% of residents speak Welsh. The low percentages for counties in north Wales can be partly attributed due to the fact that HMP Altcourse is the ‘local prison’ for courts in north Wales. It is intended to transfer this role to HMP Berwyn.

### **Placement of women**

There are no women’s prisons in Wales. The UK Government has published a strategy for female offenders, which means that no further women’s prisons will be built. The intention is to invest in community provision and residential women’s centres, and try to reduce the number of women serving short sentences.

**Recommendation 2** HMPPS should ensure that the needs of Welsh speaking women are fully considered as part of any plans to develop the provision for female offenders under the Government’s strategy.

## 4. Identifying the language needs of prisoners

### The importance of identifying language needs

Data on the language needs of prisoners is essential in order to plan services – for example deciding where to place prisoners, developing Welsh language provision in the correct prisons, allocating staff, and proactively offering Welsh language services.

### The data collected

The data which HMPPS has committed to collect is not as good as it could be – it could do more to ascertain prisoners' preferred language in different situations, and it should collect data on prisoners' ability to speak Welsh as well as their preferred language.

**Recommendation 3** HMPPS should review the data it commits to collect on the language needs of prisoners, in order to ascertain preferred language in different situations, and to identify the ability to speak Welsh as well as preferred language.

### How data is collected and used

Arrangements for collecting data on language needs are not sufficiently robust. Based on the evidence seen, the Commissioner cannot be assured that the data is being collected in a consistent and accurate manner. Evidence also suggests that prisons are facing difficulties in accessing data in order to plan services.

**Recommendation 4** HMPPS should strengthen its arrangements in order to ensure that data on the Welsh language is collected for all prisoners without fail, and that all prisons are able to access correct data in order to plan services.

## 5. Welsh speakers' experiences in prison

### Freedom to use Welsh

The Commissioner has heard of a number of examples of prison staff telling prisoners not to speak Welsh, either with each other or with people outside prison, in contexts where the interference cannot be justified. On the other hand, the attitude of the managers interviewed was consistently tolerant or positive, and an informal group has been established at HMP Berwyn to give prisoners the opportunity to use the Welsh language socially. This suggests that interference happens as a result of negative attitudes or a lack of knowledge by prison officers.

**Recommendation 5** HMPPS should take action to ensure that it is completely clear that prisoners are able to communicate in Welsh with each other and with external contacts, clearly stating under which circumstances this is not allowed.

**Recommendation 6** HMPPS should develop further opportunities to use the Welsh language socially at HMP Berwyn and at other prisons.

### Prison services

There is a mixed picture in terms of the availability of services and opportunities to speak Welsh in prisons. We saw, for example:

- an awareness that Welsh language services should be available, but that they were not actually available;
- services being advertised but not available;
- services dependent on staff availability;
- far better experiences in Wales compared to England;
- contrasting experiences within the same prison.

Looking at specific services:

- over half of those interviewed had been unable to get forms and similar material in Welsh;
- it appears that, on the whole, Welsh medium education provision is limited to Welsh language classes for beginners or improvers;
- Welsh language library books and access to S4C and Radio Cymru were available in Wales but not in England;
- there is no Welsh language chaplaincy service in any prison, despite it being a key part of the emotional and psychological care given to prisoners.

**Recommendation 7** HMPPS should strengthen its arrangements in order to monitor the availability and quality of the Welsh language services offered in prisons, and support prisons to offer those services.

### **Services provided by external organisations**

Evidence received by the Commissioner from organisations providing prison health and care services in England and Wales suggests that there are some processes in place to consider the language needs of users, but little information was received about the day to day provision of Welsh language services.

**Recommendation 8** HMPPS should review its arrangements for ensuring that prison services offered by external organisations acknowledge the fact that Welsh language services lead to better outcomes for Welsh speakers.

## 6. Planning the workforce

### The importance of workforce planning

Prisoners' experiences are highly dependent on ensuring that there is a sufficient supply of Welsh speaking staff, that all members of staff respect the importance of being able to use Welsh, and that prisoners are aware of opportunities to use the language.

### Collecting and using data on staff skills

There is no comprehensive or current data available on the Welsh language skills of prison staff, but HMPPS is working to address this. HMPPS has done some work to raise prisoners' awareness of officers who can speak Welsh.

**Recommendation 9** HMPPS should ensure that there is a continuous process in place to collect current data on the language skills of prison staff, and it should use that data to plan services for Welsh speakers, including raising prisoners' awareness of the opportunities available to use Welsh with staff.

### Recruitment

In light of the Commissioner's recent inquiry into the recruitment of staff for HMP Berwyn, HMPPS has taken steps to assess the need for Welsh language skills when recruiting staff. However, without data on the number of Welsh speaking staff, it is difficult to reach a conclusion about the effectiveness of these steps.

**Recommendation 10** HMPPS should take steps, especially when recruiting new members of staff, to ensure that there is a sufficient number of staff to offer consistent and reliable services to Welsh speaking prisoners.

**Recommendation 11** When planning to open any new prisons in Wales, HMPPS should consider Welsh language provision from the outset, including recruiting staff with Welsh language skills.

## Training

Awareness of the Welsh language scheme is part of the induction training given to prison staff, but some of the findings of this review (on the collection of data and interference with the freedom to use Welsh) suggest that the training is not as effective as it should be. Staff are given basic Welsh language lessons but it does not appear there are significant efforts to develop the workforce's Welsh language skills.

**Recommendation 12** HMPPS should review the training offered to prison staff in order to address the shortcomings highlighted in this report, particularly around the recording of data on Welsh speakers and interference with the freedom to use Welsh, and investigate the possibility of increasing its capacity by developing the language skills of current members of staff.



## 7. Listening to prisoners' voice

### The ability to complain about matters relating to the Welsh language

Prisoners were somewhat distrustful of internal complaints processes. Prisons aim to deal with complaints informally in the first instance, and there are advantages to doing so in terms of solving problems quickly and facilitating relationships within prisons. On the other hand, this could be leading to situations whereby complaints are not being recorded, resulting in lessons not being learnt and, in some cases, officers trying to prevent complaints from being made. It does not appear that there is awareness of the fact that prisoners can make complaints to the Commissioner, and there will be practical difficulties for prisoners to make a complaint to an external organisation.

**Recommendation 13** HMPPS should ensure that processes for dealing with internal complaints give prisoners confidence that matters are being resolved appropriately, and enable prisons to improve their services.

**Recommendation 14** HMPPS should ensure that prisoners are aware that they have the right to complain to the Commissioner about matters relating to the Welsh language, and should facilitate any complaint a prisoner wishes to make.

### Engaging with prisoners

HMPPS has held focus groups to collect prisoners' opinions about their experiences and consult on matters such as amending the Welsh language scheme. This is a positive development which should be extended.

**Recommendation 15** HMPPS should continue its efforts to engage with prisoners in order to learn from their experiences and consult on developments.

## Monitoring and accountability

HMPPS reports annually to the Commissioner on the implementation of its Welsh language scheme, and visits prisons to monitor Welsh language services. It is currently amending its Welsh language scheme.

As the organisation with ultimate responsibility for HMPPS, the Ministry of Justice has an important role to play in securing sufficient provision for Welsh speakers.

**Recommendation 16** HMPPS should consider the findings of this review as it amends its Welsh language scheme, ensuring that appropriate accountability arrangements are in place for monitoring progress in implementing the recommendations.

**Recommendation 17** The Ministry of Justice should ensure that the policy direction, the resources and the accountability arrangements it has in place with HMPPS guarantees sufficient Welsh language provision for prisoners.

# 1. Why was this review undertaken?

## The Commissioner's role in relation to prisons

The Commissioner is responsible for ensuring that organisations – including Her Majesty's Prison and Probation Service (HMPPS) – comply with their legal duties in relation to the Welsh language, and for ensuring that the Welsh language is treated no less favourably than the English language. Prisons are of particular interest because they involve the well-being of vulnerable people in difficult situations, and co-operation between organisations operating within different political systems.

- 1.1 The principal aim of the Commissioner is to promote and facilitate the use of Welsh, giving regard to two principles: that the Welsh language should be treated no less favourably than the English language in Wales, and that persons in Wales should be able to live their lives through the medium of Welsh if they wish to do so. The Commissioner does this in several ways, including:
- regulating the implementation of public organisations' language duties (Welsh language standards and Welsh language schemes);
  - collecting information on the experiences of Welsh speakers;
  - undertaking research and publishing reports;
  - maintaining an overview of the law relating to the Welsh language;
  - advising organisations.

- 1.2 The Commissioner is particularly interested in prisons, as they are concerned with:
- vulnerable, deprived people who find themselves in difficult situations. This means it may be difficult for their voices to be heard;
  - a number of different organisations, implementing different language duties, working together to provide a service;
  - some matters which have been devolved to Wales, and others which continue to be the responsibility of the UK Government.
- 1.3 Her Majesty's Prison and Probation Service (HMPPS), an executive agency of the Ministry of Justice which is responsible for running prisons in England and Wales, has a Welsh language scheme under the Welsh Language Act 1993. For convenience, the report refers to HMPPS throughout, although it was called the National Offender Management Service (NOMS) until 2017.
- 1.4 The scheme includes commitments relating to corporate Welsh language services which HMPPS will provide to the public, staffing, and Welsh language services offered in prisons. The Commissioner is responsible for monitoring the implementation of the language scheme and for dealing with related complaints.
- 1.5 The Commissioner is also responsible for regulating the implementation of other relevant organisations' language duties, for example the Ministry of Justice and health boards' language schemes, and the Welsh language standards imposed on local authorities.

## Objectives of the review

The review questions focused on prisoners' rights; the effectiveness of organisations in exercising those rights; the experiences of prisoners and their families; and the ability to complain about matters relating to the Welsh language.

The report includes a number of recommendations for HMPPS. However, the findings will also be of interest to the Ministry of Justice; prison managers in England and Wales; external organisations responsible for providing prison services; Members of Parliament and Assembly Members; organisations and movements which influence prison policy; and members of the public.

The review, which was undertaken between July 2017 and September 2018, included a review of relevant documentation and legislation; interviews with prisoners and former prisoners; correspondence with organisations who provide services in prisons (local authorities and health boards) and other organisations with an interest in the field; prison visits and meetings with prison and HMPPS officers.

1.6 In conducting the review, the Commissioner wanted to answer questions such as:

- What rights do prisoners have to use the Welsh language and which laws or codes or practice support those rights?
- How effective are relevant organisations in exercising prisoners' rights to use Welsh?
- What are the experiences of prisoners and their families who want to use Welsh in prisons in England and Wales? What factors influence this (e.g. gender)?
- Can prisoners complain if they are not satisfied with Welsh language provision?

- 1.7 The Commissioner's intention is that report will be considered by the following people:
- **Her Majesty's Prison and Probation Service** – the report includes a number of specific recommendations for HMPPS;
  - **The Ministry of Justice** – as the ministerial department responsible for HMPPS, the Ministry of Justice should ensure that HMPPS considers the report's recommendations, and it should consider the needs of Welsh speakers when developing the strategic direction for the prison service;
  - **managers of individual prisons in England and Wales** – the report highlights the experiences of prisoners and practical matters in prisons. This will enable managers to ensure that such shortcomings are not repeated in the prisons for which they are responsible;
  - **external organisations responsible for providing prison services**, for example local authorities and health boards;
  - **Members of Parliament and Assembly Members** – the review's findings will enable politicians to scrutinise the implementation of the prison system and respond to concerns from constituents about the use of Welsh in prisons;
  - **organisations and movements who influence prison policy**;
  - **members of the public**, particularly people with direct or indirect experiences of the prison system – the Commissioner is interested in hearing whether the experiences mentioned in the report reflect the experiences of people who have served time in prison, or who have a personal link with prisoners or former prisoners.



- 1.8 The review project, which took over a year to complete, was undertaken between July 2017 and October 2018. Four main methods were used to gather information, namely:
- a desktop review of the relevant legislation and literature;
  - structured interviews with 18 prisoners and former prisoners about their experiences (4 women and 14 men);
  - prison visits, correspondence, and interviews with managers and officers at Altcourse, Berwyn and Usk prisons, managers within HMPPS in Wales, and managers within HMPPS centrally;
  - asking the following organisations to complete a short questionnaire:
    - local authorities in Wales, and some in England, who have a prison in their area (the Commissioner wrote to 7 organisations; she received a response from 2 in Wales and 1 in England);
    - health boards in Wales, and some in England, who have a prison in their area (the Commissioner wrote to 6 organisations; she received a response from 3 in Wales);
    - charities and organisations with an interest in the field (the Commissioner wrote to 26 organisations; she received a response from 3).

## Why does the Welsh language need to be considered in prisons?

The Commissioner believes that the language needs of Welsh speaking prisoners need to be met in order to give them the best chance of effective rehabilitation. Enabling prisoners to express themselves in their own language is particularly important given that prisoners have greater needs than the general population in terms of learning difficulties and disabilities, and in terms of their mental and physical health.

- 1.9 The Commissioner's perspective in undertaking the review was that the quality of the service provided to prisoners depends on the language in which that service is provided, and that failing to meet the language needs of Welsh speakers can be a barrier to the effective rehabilitation of offenders.
- 1.10 The Commissioner wants to ensure Welsh speakers do not suffer less favourable outcomes than their fellow prisoners because of a lack of consideration of their language needs. No matter what the reasons for their imprisonment, Welsh speakers have statutory rights with which organisations should comply, and they have specific needs as a result of the fact that they speak Welsh.
- 1.11 A period of imprisonment can have a significant impact on an individual's life. The aim is that prisoners are successfully rehabilitated into society, and that they do not reoffend after leaving prison.
- 1.12 There is a strong linguistic dimension to each one of the interventions acknowledged as the best ones for effectively rehabilitating prisoners, including those identified in a [report](#) by the Home Affairs Committee in 2005:
- thoroughly assessing needs in order to choose the best interventions;
  - behavioural and cognitive skills programmes;

- education, vocational training and work experience in order to gain skills;
- community-based rehabilitation – finding accommodation, work etc.

- 1.13 It is essential to consider people’s linguistic needs when considering their well-being. For example, some of the findings of the Commissioner’s inquiry into primary care in 2015 can be applied to prisoners’ engagement with prison authorities. The responses to the inquiry showed that Welsh speakers believe:
- that they can express their needs more effectively in Welsh;
  - that being able to speak Welsh in consultations is important in terms of respect and dignity;
  - that acknowledging individuals’ preferred language is an important part of acknowledging and respecting their identity.

- 1.14 The profile of the prison population is different to society in general in several ways. Many of these differences mean that meeting language needs is essential in order to ensure prisoners’ well-being. For example, being able to communicate in their preferred language is of great benefit to people with learning disabilities and difficulties, those with mental health problems, older people and dementia sufferers:
- [data](#) collected by the Prison Reform Trust shows that prisoners are more likely to have learning disabilities and difficulties compared to the general population. [Lord Bradley’s report](#) (2009) on mental health, learning difficulties and the prison system stated that prison is a challenging environment for people with learning difficulties and disabilities because of “prison terminology and complex rules and regimes”;
  - the Prison Reform Trust’s data also shows that significant percentages of prisoners suffer from mental health conditions, including more symptoms of psychosis than the general population;
  - the Prison Reform Trust’s report [Doing Time](#) (2008) showed that the fastest growing group of prisoners are those over 60, and that

dementia is an increasing problem. Over half of elderly prisoners suffer from mental health problems, mainly depression, and older prisoners' mental health tends to be far worse than their peers who are not in prison. Older people have a greater need for health services, and the ability to communicate effectively is crucial. The Commissioner published the [Welsh Speakers' Dementia Care](#) report in November 2018.

## 2. Prison policy in Wales

### Context

Alongside general discussions on prison policy in England and Wales, which encompass matters such as safety, race and education, there has also been a Wales-specific discussion led by the UK Parliament's Welsh Affairs Committee. Among the prominent themes emerging from that discussion are the development of prisons in Wales, the Welsh language, and devolution.

- 2.1 Prison policy is a frequent part of public discourse, and is discussed from many perspectives. At a UK level, prominent aspects of current discussions are:
- efforts to reduce offending and drug use in prisons, for example proposals in the Ministry of Justice's white paper, [Prison Safety and Reform](#) (November 2016), to give governors more power, to conduct more stringent checks, to improve staff training, and to invest heavily in reforming the prison estate;
  - matters relating to race and equality following the publication of an [independent review](#) (September 2017) by David Lammy MP into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the criminal justice system;
  - developing prison education in response to a [review](#) by Dame Sally Coates (May 2016) which states that education is one of the "pillars of effective rehabilitation. Education should build social capital and improve the well-being of prisoners during their sentences." The recommendations encompassed the role of Governors, staffing, increasing prisoners' ambitions, using

information technology to improve prison education, and using education to improve prisoners' employment and education opportunities following their release.

2.2 In addition, there has also been a Wales-specific discussion over recent years, led to a large extent by a series of inquiries by the UK Parliament's Welsh Affairs Committee. The key themes which are relevant to this review are:

- the development of prisons in Wales, including the need for a prison in north Wales and increased provision for women and young people;
- Welsh language provision for prisoners;
- the implications of devolving some powers in relation to the implementation of the criminal justice system (which is not devolved).

2.3 The Committee is [currently conducting an inquiry](#). The Commissioner provided [written](#) and [oral](#) evidence to the inquiry, and those representations have been included in this report.



## The development of prisons in Wales

HMP Berwyn has now opened following years of discussion and planning; the opportunity to provide for Welsh speakers was one of the arguments for establishing a prison in north Wales. The Ministry of Justice also intends to open a new prison in south Wales. However, the Welsh Government will not facilitate that aim without further discussions about rehabilitation services and support.

- 2.4 The Welsh Affairs Committee conducted an [inquiry in 2006-07](#). The Committee's recommendations included creating prison places in north Wales, and increasing provision for young people and women, because:

The rehabilitation and resettlement of many Welsh prisoners is hampered by their distance from home. Losing contact with families and communities makes resettlement more difficult for prisoners, and the distances agencies are required to travel places a strain on their resources and restricts the scope of their work.

- 2.5 The inquiry conducted by the Welsh Affairs Committee in 2009-10 was a [follow-up](#) to the 2006-07 report. This follow-up report dealt mainly with developments regarding the establishment of a prison in north Wales, stating that the Government had withdrawn its plans to build a prison in Caernarfon. The Committee stated that the Ministry of Justice's policy of favouring large prisons should not prevent the establishment of a prison in north Wales.

- 2.6 By the time the Committee conducted a [further inquiry in 2014-15](#), there were plans in place to open HMP Berwyn, and the report dealt with practical matters around opening HMP Berwyn and the management of its different units. The inquiry highlighted prison overcrowding in Wales compared to England.

- 2.7 HMP Berwyn was opened in 2017 following years of campaigning for a prison in north Wales. HMP Berwyn is a male-only prison and, when fully operational, it will be the biggest prison in the UK, accommodating 2,106 prisoners. HMP Berwyn was intended to be an exemplar prison in terms of its size and the quality of facilities, but also in its focus on rehabilitation. When the Commissioner's officers visited the prison, it was emphasised that the prison had been based on values, and that the services there had been planned to maintain the self-respect of prisoners and to ensure that they were ready for life outside the prison.
- 2.8 The Secretary of State for Justice [announced](#) in March 2017 that she had chosen a site in Baglan, Neath Port Talbot, for the construction of a new prison.
- 2.9 If a new prison were to be built in Wales, there would be an opportunity to recruit staff with Welsh language skills and plan Welsh language provision from the outset. Some of the findings of this report suggest that this did not happen to a sufficient degree in the establishment of HMP Berwyn.
- 2.10 However, the plans for Baglan prison depend on co-operation between the Ministry of Justice and the Welsh Government, including issues relating to the sale of land. In a [ministerial statement](#) in April 2018, the Welsh Government's Cabinet Secretary for Local Government and Public Services, Alun Davies AM, expressed concerns about the services and support provided to ensure that prisoners are effectively rehabilitated and that they do not reoffend. He stated his concern that "without a meaningful an in-depth discussion with the UK Government, we will continue to see increasing demand on Welsh public services and poorer outcomes for people in the criminal justice system in Wales".

- 2.11 As a result, the Cabinet Secretary stated, “I have written to the Secretary of State for Justice to inform him that until a more meaningful dialogue with the Welsh Government takes place, we will not facilitate the further development of prisons in Wales”.
- 2.12 Concerns have been raised about the intention to build new prisons in Wales as it would most likely lead to the provision of more prison places in Wales than prisoners from Wales. This concern was clearly exemplified in [comments](#) made by Frances Crook, Chief Executive of the Howard League for Penal Reform (September 2017), who referred to “England shoving its urban poor onto the hulks & shipping them off to Wales”.
- 2.13 HMPPS confirmed to the Commissioner that it remains committed to building a prison in south Wales, and that it is engaging with the Secretary of State for Wales regarding possible sites. It also said that it is “work[ing] closely with Welsh Government when these matters link up with devolved services to make sure these work smoothly in Wales”. It emphasised the economic benefits of a new prison, and its aim of “replacing older prisons with high-quality, modern establishments and supporting local communities”.

## The Welsh language

The Welsh Affairs Committee has stated on two occasions, the first over ten years ago, that data on Welsh speaking prisoners is insufficiently limited, and that Welsh language prison services need to be improved.

2.14 In addition to the expectation that the development of a prison in north Wales would improve provision for Welsh speakers, some of the inquiries conducted by the Welsh Affairs Committee have referred specifically to the Welsh language provision.

2.15 The Committee's report on its inquiry in 2006-07 stated:

There is poor information on the number of Welsh speaking prisoners, and consequent under-provision of Welsh language materials in prisons in which they are held. Welsh medium education should be provided for all juvenile offenders who need it, and better Welsh language materials should be provided for adults.

2.16 The Committee's report on its inquiry in 2014-15 stated:

The data collected on Welsh speakers in prison is unacceptably poor. We recommend that the Ministry of Justice, NOMS, the Welsh Language Commissioner and HM Inspectorate of Prisons work together to evaluate thoroughly the need for and quality of Welsh language support in prisons in England and Wales.

## Devolution

The fact that the UK Government is responsible for the prison system whilst a number of matters affecting the well-being of prisoners have been devolved to Wales is leading to a complex situation and some difficulties.

2.17 As the Welsh Affairs Committee conducted its inquiry in 2006-07, some criminal justice powers were about to be devolved to Wales and the Committee believed that this would give Wales an opportunity to approach things in a different way to the rest of the UK.

2.18 The Committee's report on its inquiry in 2014-15 stated:

Although criminal justice is currently the responsibility of the UK Government, the Welsh Government has significant responsibilities, particularly in the areas of health, education, housing and substance misuse. Co-ordination and co-operation between all the relevant parties must continue.

2.19 As part of its [second report](#) (March 2014), the Silk Commission considered the advantages and disadvantages of devolving powers for prisons to Wales.

2.20 Among the advantages was the ability to develop Wales-specific policies to address reoffending and re-integrating offenders into the community; provision for women; and showing "greater sensitivity to the needs of Welsh-speaking prisoners". On the other hand, it referred to disadvantages including the complexity of interfering with a service which is integrated between England and Wales; a lack of flexibility in terms of moving prisoners between establishments; and additional one-off and annual costs (particularly when establishing provision for women).

2.21 After weighing up the advantages and disadvantages, the Silk Commission reached the following conclusion (not yet implemented);

Based on our principles, we believe that there is a persuasive case for the devolution of the prison service, as well as the probation service. But we also recognise the difficulties of implementation in this area. The two Governments should jointly carry out and publish a study of the feasibility of implementation.

2.22 In 2017, the First Minister of Wales set up the [Commission on Justice in Wales](#), to be chaired by Lord Thomas of Cwmgiedd. One of the aims of the Commission is to set out a long-term vision for “promoting better outcomes in terms of access to justice, reducing crime and promoting rehabilitation”.

2.23 In his [oral evidence](#) to the Welsh Affairs Committee’s current inquiry into prisons in Wales in June 2018, the Welsh Government’s Cabinet Secretary for Local Government and Public Services, Alun Davies AM, stated:

My experience of Government here is that the devolved settlement works best where it is clear and there is clarity and accountability on both sides of the border and that it works at its worst where there is a lack of clarity and accountability for the delivery of a whole system approach to policy.

My feeling is that the settlement that we currently have for this area of policy is not one that enables us to deliver the best for the people we all seek to serve. I think that the criminal justice system in Wales probably needs and deserves a more coherent approach to the creation and delivery of policy and services. I believe that the people we all seek to represent, whether it is in Westminster or Cardiff Bay, deserve better from us as politicians. The current structure we have does not deliver the best services or support for people.



## 3. Placement

### The importance of prisoner placement

It is beneficial to place Welsh speaking prisoners in prisons in Wales, because:

- it is likely to reduce the distance between prisoners and their homes, enabling them to maintain better contact with families and communities, and increasing the likelihood of successful rehabilitation;
- there are more legal rights to use the Welsh language in prisons in Wales compared with England, as a result of the freedom to use Welsh, the commitments in HMPPS's Welsh language scheme, and the responsibilities placed on local authorities in Wales regarding the provision of care and support.

#### Reducing prisoners' distance from home

- 3.1 There are significant numbers of Welsh speakers across Wales, not just in the north and west – for example, according to the 2011 Census, there are more than 36,000 Welsh speakers in Cardiff and more than 27,000 Welsh speakers in Rhondda Cynon Taf. Many of those Welsh speakers will feel more comfortable expressing themselves and receiving information in Welsh.
- 3.2 However, the highest percentages of Welsh speakers are found in the north and west of the country. The Commissioner and Welsh Government's [Welsh Language Use Survey 2013-15](#) states that “these areas contain the highest percentages of Welsh speakers and are

therefore likely to provide more opportunities for Welsh speakers to use the language often”.

- 3.3 Placing Welsh speakers in English prisons is likely to mean that they are placed further from home, and the distance will be even further away for prisoners from the areas where they are most likely to use the language often. These are the individuals who will be less comfortable expressing themselves in English.
- 3.4 There is a general agreement that placing prisoners closer to home leads to better outcomes.
- 3.5 Lord Farmer’s report, [The Importance of Strengthening Prisoners’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime](#) (August 2017), states that maintaining family and community links is “indispensable to the rehabilitation culture we urgently need to develop in our penal system” as it helps prisoners “forge a new identity for themselves, an important precursor to desistance from crime, based on being a good role model to their children, a caring husband, partner and friend and a reliable provider through legal employment”. The recommendations of the Farmer review include developing the use of video technology and improving travel and accommodation arrangements for families of people who are placed in remote or inaccessible prisons.
- 3.6 [Research](#) carried out on behalf of the Ministry of Justice showed that the odds of reoffending were 39% higher for prisoners who had not received family visits compared to those who had.
- 3.7 As well as maintaining links with family and the community, being placed in a prison close to home is likely to lead to better outcomes in terms of returning to life outside prison, for example facilitating arrangements to find work and accommodation, and releasing prisoners on a temporary licence.

## Rights to use the Welsh language

- 3.8 An analysis of the relevant legislation shows that prisoners have more legal rights to use the Welsh language in Wales compared to England.
- 3.9 The Welsh Language (Wales) Measure 2011 creates the **freedom to use Welsh**. It means that the Commissioner can determine whether someone has interfered with the freedom of two people to speak Welsh with each other, for example by stating that they should not use Welsh or by putting them at a disadvantage as a result of doing so. Prison situations where the freedom to use Welsh would apply are conversations with fellow prisoners, visits, and telephone calls or correspondence with people outside the prison. This right only exists in Wales.
- 3.10 **HMPPS's Welsh language scheme** states that individual prisons in Wales are able to offer a higher level of Welsh language services, although "within all prisons in England and Wales a minimum service in Welsh [is] required". There are examples in the language scheme of differentiation between the services offered in Welsh and English prisons, for example it is not normally possible to watch S4C in prisons in England, but S4C is usually available within Wales. Welsh prisons are more likely to be able to recruit Welsh speaking staff.
- 3.11 The local authority where the prison is situated is responsible for providing care and support to adult prisoners, in the same way as other residents in the county. The **Social Services and Well-being (Wales) Act 2014** only imposes duties on local authorities in Wales – it is not relevant to England. The codes of practice to the Act emphasise the importance of language as an "integral element" of the care given to Welsh speakers, and state that they should "be able to use their own language to communicate and participate in their care as equal partners". The codes of practice also impose a number of duties on local authorities in terms of the Welsh language, including:

- “that Welsh language services are offered to Welsh speakers without them having to request it”;
- providing information and advice relating to care and support and assistance in accessing care and support, in Welsh and English, including in the secure estate;
- “the assessment process must recognise the concept of language need and practitioners should ensure that the active offer principle is embedded in practice” – i.e. “the individual should be asked which language they would prefer at the beginning of the process”;
- “assessments should be conducted through the medium of English or Welsh as appropriate to the individual or family concerned”, without the process being delayed;
- completing the core data set, including preferred language, when it is deemed that an individual needs a care and support plan.

## Prisoner placement – the process

Decisions regarding prisoner placement consider gender, age, type of offence, security category, capacity, length of sentence, and distance from home. There is a commitment to place prisoners from Wales in Welsh prisons, but no specific data is gathered on this. There are no prison places in Wales for women, young people between 18 and 20 years of age, or high risk prisoners. The Welsh language is not a specific consideration when deciding where to place prisoners.

**Recommendation 1** HMPPS should consider adapting its prisoner placement arrangements to ensure that, where practical, prisoners requiring Welsh language services are placed in the prisons which are most able to provide those services.

### Prisons in Wales

3.12 There are currently 5 prisons in Wales, namely:

Name of the prison	Category	Administration
HMP Swansea	B	Public
HMP Cardiff	B	Public
HM Prison and Young Offenders' Institution Parc	B	Private
HMP Berwyn	C	Public
HMP Usk + Prescoed (the two sites are managed as one prison)	C (Usk) D (Prescoed)	Public

3.13 There are no prison places in Wales for women, young people between 18 and 20 years of age or male category A (high risk) prisoners.

## HMPPS's commitments and processes

3.14 HMPPS's Population Management Unit (PMU) is responsible for deciding where prisoners are placed. Different prisons can take prisoners with different characteristics and needs, and the PMU has an algorithm which is used to match prisoners with suitable prisons.

3.15 The Commissioner understands that matters considered as part of the algorithm include the following:

- **gender** – there are no women's prisons in Wales;
- **age** – there are no prisons for young people between 18 and 20 years of age in Wales;
- **type of offence** – for example, sex offenders are kept in specific units (there are some in Wales);
- **category** (based on security risk) – there are no prisons for category A (high risk) prisoners in Wales;
- **capacity** – the number of prison places available;
- **length of sentence** – prisoners who have less of their sentence remaining are placed closer to home;
- **distance from the prisoner's home.**

3.16 Clause 2.3 of HMPPS's Welsh language scheme states that it will look to accommodate Welsh prisoners in Wales as far as practicable:

Whilst current prison capacity in Wales is not sufficient to accommodate all those sentenced to custody by a court in Wales, we will look to accommodate Welsh prisoners in Wales as far as practicable.

3.17 HMPPS officers confirmed that placing Welsh prisoners in Welsh prisons if possible is an official policy and part of the algorithm used, but it does not collect regular data on the implementation of this aim.

- 3.18 Neither the ability to speak Welsh nor a prisoner's preference to speak the language is a specific consideration when deciding where to place prisoners.
- 3.19 HMPPS's Welsh language scheme states that Welsh speaking prisoners will have the opportunity "to make an application for transfer. However, transfers will be based on prison places available and will not necessarily be possible. Any impact that a change in location may have on access to the Welsh language will be discussed with the prisoner." The Commissioner has not seen data to indicate whether this happens regularly.

### The role of 'local prisons'

- 3.20 There are a limited number of prisons which operate as 'local prisons' for courts in specific areas. This means that they receive prisoners who are on remand (awaiting trial) and prisoners who have just been convicted or sentenced by those courts.
- 3.21 The local prisons for south Wales are HMP Swansea, HMP Parc and HMP Cardiff. All prisoners from courts in south Wales are sent to these prisons initially. HMP Altcourse (Liverpool) is currently the local prison for north Wales.
- 3.22 The intention is to transfer the role of local prison for courts in north Wales to HMP Berwyn during the coming months, as the prison's ramp-up programme continues.

### Returning to the community

- 3.23 In correspondence to the Commissioner, HMPPS emphasised the importance of closeness to home towards the end of sentences:

Closeness to home is particularly important for those on short sentences or nearing release, where they need to (re)build family

ties, secure housing and health services and look for work. These prisoners are prioritised for local (to home) prisons. To support this, HMPPS will ensure that most offenders are returned to their home Community Rehabilitation Company or probation area for release, where they are managed by either a contracted-out or state provider or the National Probation Service (depending on level of risk). This will provide continuity of service for offenders in custody and the community. In line with this, if a prisoner needs to resettlement in Wales we will ensure they are allocated to a Welsh prison at the appropriate point in their sentence.

- 3.24 In 2014, the Ministry of Justice introduced 'resettlement prisons', with the aim that prisoners were held in prisons close to their community for at least 12 weeks prior to their release. The resettlement prison nearest to north Wales, at the time, was HMP Stoke Heath. In an inspection report (April 2015), HM Chief Inspector of Prisons stated:

Stoke Heath's new role as a resettlement prison for Welsh prisoners had led to an increase in the number of prisoners arriving from Wales who now made up approximately 60% of the population.

- 3.25 The Inspector also stated:

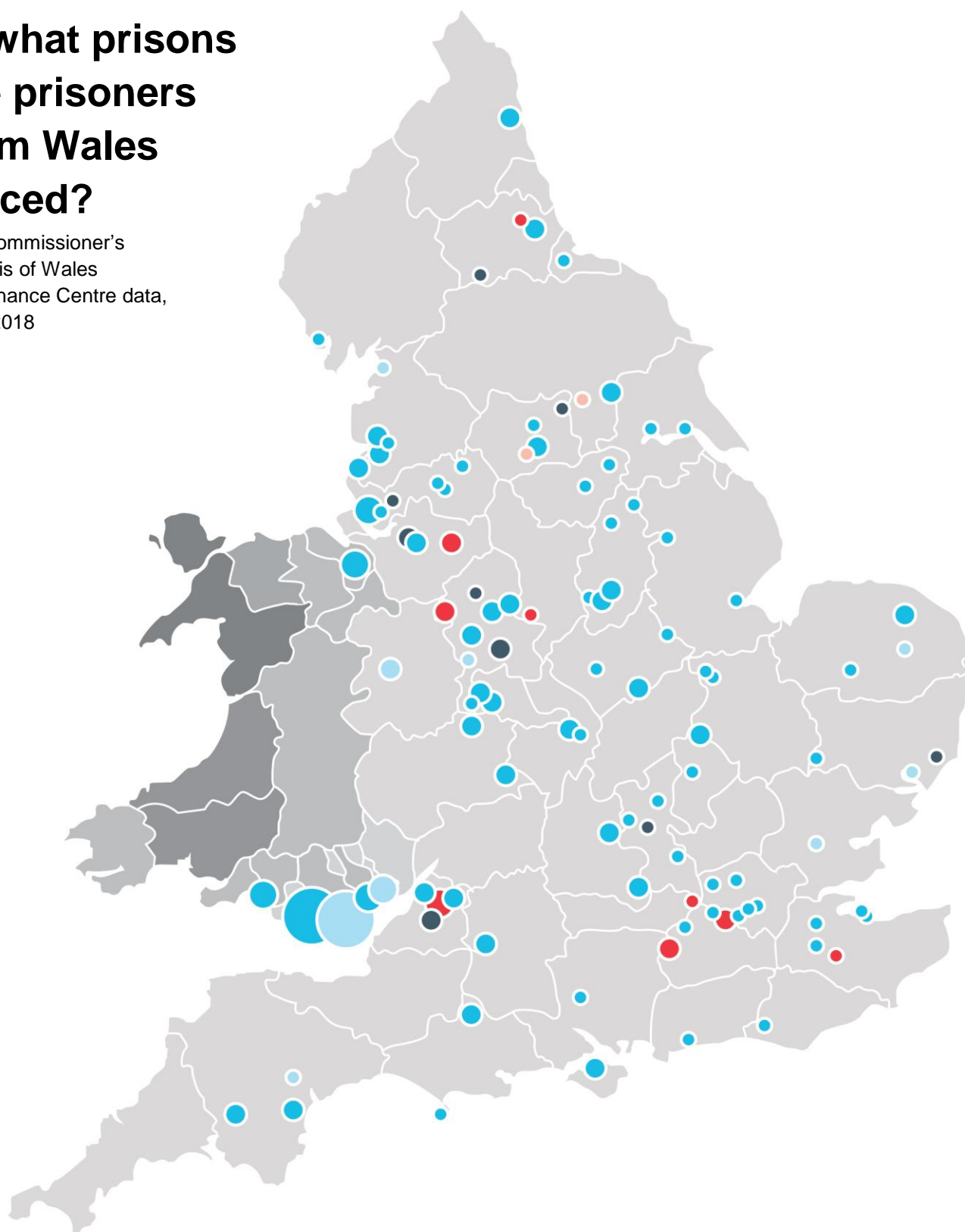
At the time of the inspection there was no Welsh language provision. We were told that, despite the number of prisoners from Wales there was no one at the prison who spoke Welsh as a first language. It was, nevertheless likely that Welsh speaking prisoners would be held at the prison and there was a need to ensure that their needs could be accommodated.

- 3.26 The resettlement prison role for north Wales is now fulfilled by HMP Berwyn.

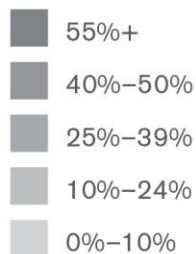


# In what prisons are prisoners from Wales placed?

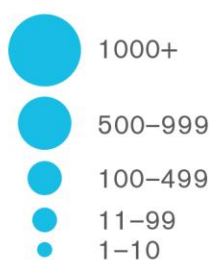
The Commissioner's  
analysis of Wales  
Governance Centre data,  
June 2018



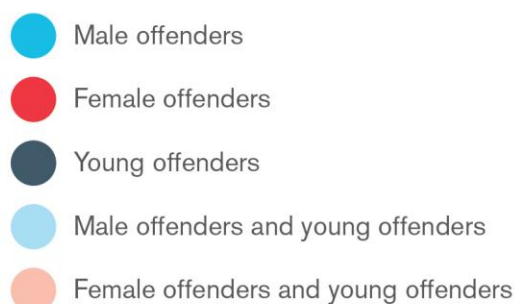
% able to speak Welsh  
Census 2011, by local authority area



Number of prisoners  
from Wales



Type of prison



## Prisoner placement – outcomes

The Commissioner has undertaken further analysis of Wales Governance Centre data on the placement of prisoners from Wales. The 6 north Wales counties are those with the lowest percentages of prisoners in Welsh prisons. 4 of these counties are among those where over 20% of residents speak Welsh. The low percentages for counties in north Wales can be partly attributed due to the fact that HMP Altcourse is the 'local prison' for courts in north Wales. It is intended to transfer this role to HMP Berwyn.

### The Commissioner's Interviews

- 3.27 Of the prisoners and former prisoners interviewed by the Commissioner, 8 had experience of prisons in Wales only, 4 had experience of prisons in England only, and 5 had experience of prisons in England and Wales.

### Wales Governance Centre data

- 3.28 There is no specific reliable data on the placement of Welsh speakers in the prison estate, but there is some data on the placement of prisoners from Wales. The most current and reliable data is available as a result of research carried out by Dr Rob Jones, published as part of a project on justice undertaken by the Wales Governance Centre. The main source of the research is freedom of information requests.
- 3.29 [Imprisonment in Wales: A Factfile](#) (June 2018) summarises the main facts about the population and performance of prisons in Wales. The main findings include statistics which show that prisoners from Wales are widely dispersed:
- 4,704 individuals from Wales are serving time in prison (based on their home address before being sent to prison);
  - 37% of prisoners from Wales are held in prisons in England;
  - there are prisoners from Wales in 104 of the 116 prisons in England (91% of all prisons).

- 3.30 A follow-up document, [Imprisonment in Wales: A Breakdown by Local Authority](#) (June 2018), provides detailed figures by local authority for the following:
- the number of the county's residents in prison;
  - the prisons in which these prisoners are being held.
- 3.31 The Commissioner has undertaken further analysis of the figures to find out whether there is any correlation between the percentage of Welsh speakers in a county and the percentage of prisoners from the county held in prisons in Wales. (An exact figure of prisoners is not available for prisons with more than 1 and up to 5 prisoners from a county, and therefore only an estimate is possible.)
- 3.32 Of the 6 counties where more than 20% of residents speak Welsh, 4 are among the 6 counties with the lowest percentages of prisoners held in prisons in Wales:

County	Percentage of Welsh speakers	Percentage of residents in prisons in Wales (best estimate)
Gwynedd	65%	22%
Anglesey	57%	28%
Ceredigion	47%	70%
Carmarthenshire	44%	59%
Conwy	27%	30%
Denbighshire	25%	28%

- 3.33 The reason for this is the difference between north and south Wales. The table above shows that the percentages for prisoners from Ceredigion and Carmarthenshire who are in prison in Wales are significantly higher than those for the other counties who have higher percentages of Welsh speakers. The percentages for Ceredigion and Carmarthenshire are closer to those for other counties of south Wales, which vary between 65% and 83%. The counties with the lowest percentages of prisoners in prisons in Wales are Flintshire (16%) and Wrexham (22%).
- 3.34 When considering the number of prisoners from counties in north Wales who are being held at HMP Altcourse (e.g. 40% for Gwynedd, 43% for Anglesey), it becomes evident that transferring the role of 'local prison' for courts in north Wales to HMP Berwyn in due course will have a significant impact on the percentage of prisoners from counties in north Wales who are held in prisons in Wales. Having said that, even if all the Welsh prisoners currently being held at HMP Altcourse are transferred to HMP Berwyn, the percentages would still be lower than for most of the counties in south Wales.

## Placement of women

There are no women's prisons in Wales. The UK Government has published a strategy for female offenders, which means that no further women's prisons will be built. The intention is to invest in community provision and residential women's centres, and try to reduce the number of women serving short sentences.

**Recommendation 2** HMPPS should ensure that the needs of Welsh speaking women are fully considered as part of any plans to develop the provision for female offenders under the Government's strategy.

- 3.35 There are no women's prisons in Wales, therefore all female prisoners from Wales are sent to prisons in England. Women from Wales are held in all of the 12 women's prisons in England.
- 3.36 This has been the subject of regular criticism for many years. However, a women's prison is unlikely to be built in Wales because of a general rethink about how to deal with female offenders.
- 3.37 There is general agreement that female offenders need to be dealt with differently. The reasons for this are explained in the Ministry of Justice's [Female Offender Strategy](#) (July 2018):
- numbers – “approximately 5% of the prison population and 15% of offenders in the community” are women;
  - reasons for offending – “many experience chaotic lifestyles involving substance misuse, mental health problems, homelessness, and offending behaviour – these are often the product of a life of abuse and trauma”;
  - type of offending – “female offenders commit less serious offences than male offenders and often pose a low or medium risk of serious harm to the public”;

- outcomes of imprisonment – “outcomes for women in custody can be worse than for men: for example, the rate of self-harm is nearly five times as high in women’s prisons”. It is also stated that the incarceration of women can have a detrimental effect on children.

3.38 Partly because of the smaller numbers of female prisoners, there are fewer women’s prisons in the country. As a result, women, on average, are located further from their homes. [Lord Bradley’s report](#) (2009) on mental health, learning difficulties and the prison system stated:

Women tend to be located further from their homes than male prisoners, to the detriment of maintaining family ties, receiving visits and resettlement back into the community.

3.39 As a result, the Female Offender Strategy states that a decision has been made not to develop new prisons for women. Instead, the Ministry of Justice will:

- invest in community provision for women, for example community orders, provision for women who have suffered domestic abuse, and “guidance for the police on working with vulnerable women”;
- “develop a pilot for ‘residential women’s centres’ in at least five sites across England and Wales”, with HMPPS “looking into the potential for (at least) one of these to be in Wales”;
- “[commit] to reduce the number of women serving short custodial sentences”, for example by “successfully divert[ing] women from crime so as to close one or more prisons”.

3.40 In correspondence to the Commissioner, HMPPS stated that the implementation of the strategy in Wales is supported by work done jointly by the Ministry of Justice and the Welsh Government:

In Wales this is supported by work jointly commissioned by MoJ and Welsh Government ministers to set out a blueprint for services focussing on delivering services for women in a way that builds on the existing relationships and reflects the unique delivery landscape in Wales.

A key theme in both the strategy and the blueprint is the need for a joined-up approach to addressing the often complex needs of female offenders, such as those provided by the multi-agency, Whole System Approach models, including the Women's Pathfinder in Wales.

## 4. Identifying prisoners' language needs

### The importance of identifying language needs

Data on prisoners' language needs is essential in order to plan services – for example deciding where to place prisoners, developing Welsh language provision in the right prisons, allocating staff, and proactively offering Welsh language services.

4.1 Data on prisoners' language needs is essential in order to plan services. This is emphasised in HMPPS's Welsh language scheme (in relation to prisoners in England):

We do not currently have the data to determine where the most need is and so we will commit ourselves to providing equal services for all prisoners whose preferred language is Welsh, regardless of where they are located in the prison estate. [...]

Once we have enough data available we will be able to determine where the majority of Welsh speakers will be and plan accordingly.



- 4.2 Collecting accurate and detailed data on prisoners' language needs would enable the following:
- placing prisoners in the prisons which best meet their needs, and prioritising developments in the prisons where they would have the biggest impact;
  - ensuring that Welsh speaking prison staff are responsible for Welsh speaking prisoners. For example, at HMP Berwyn, officers charged with reducing reoffending are directly responsible for one-to-one contact with a group of around 50 prisoners;
  - targeting Welsh language services more effectively at those who need them, and providing Welsh speakers with opportunities to use Welsh in prison.
- 4.3 HMPPS's Welsh language scheme states that it will "provide Welsh language services to prisoners in England, whose preferred language is Welsh". In other words, providing Welsh language services to prisoners in England depends on effectively recording their preferred language.
- 4.4 One of the findings of David Lammy MP's [review](#) of the treatment of Black, Asian and Minority Ethnic individuals in the criminal justice system was that there were shortcomings in terms of collecting and analysing data on BAME prisoners at different steps of the process. HMPPS officers stated that the recommendations in the Lammy report are currently one of the main drivers for their work, and that a number of Lammy's recommendations will benefit Welsh speakers as well as BAME individuals. For example, the Lammy report recommends agreeing on one method of recording data on ethnicity across the criminal justice system, and work is underway to ensure that such a method is implemented.

## The data collected

The data which HMPPS has committed to collecting is not as good as it could be – it could do more to discover prisoners’ preferred language in different situations, and it should collect data on prisoners’ ability to speak Welsh as well as their preferred language.

**Recommendation 3** HMPPS should review the data it commits to collect on prisoners’ language needs, in order to identify preferred language in different situations, and to identify the ability to speak Welsh as well as preferred language.

### 4.5 HMPPS’s Welsh language scheme states:

Prison Service Instruction (PSI) 74/2011 – *Prisoner Induction* requires all prisons in England and Wales to provide an induction process which will ensure that prisoners can understand the prison’s induction programme. This includes the preferred language of a prisoner being recorded on reception at the prison and their understanding of, and ability to communicate in English established.

4.6 Prisoners are asked about their preferred language for both oral and written communication. It is positive that HMPPS differentiates between the two, but more could be done to collect more detailed information about different situations, as individuals’ language needs and preferences will vary in different circumstances.

4.7 No data is collected on the languages people can speak. People can be reluctant to state their preferred language if they are worried that they will appear a nuisance or someone who makes unreasonable demands. In a prison context, it may be that people will want to conform and not draw attention to themselves. However, that does not mean that they would not benefit from Welsh language provision.

## How data is collected and used

Arrangements for collecting data on language needs are not robust enough. Based on the evidence seen, the Commissioner cannot be assured that the data is being collected in a consistent and accurate manner. Evidence also suggests that prisons are facing difficulties in accessing data in order to plan services.

**Recommendation 4** HMPPS should strengthen its arrangements in order to ensure that data on the Welsh language is collected for all prisoners without fail, and that all prisons are able to access correct data in order to plan services.

4.8 During the review, various information was received about the effectiveness and consistency of prison arrangements for collecting data on prisoners' preferred language. Based on this evidence, the Commissioner cannot be assured that the arrangements are being implemented as they should be.

4.9 HMPPS officers, and officers at the prisons that were visited in Wales, stated that the process of receiving prisoners includes asking questions about language preference, and that the information is recorded on an offender management information system (NOMIS). It was explained that there is:

- an initial standard questionnaire, provided by HMPPS centrally, which asks about language preference;
- a subsequent interview about needs, which once again asks about language preference in more detail.

4.10 HMPPS also stated that language accessibility is included in a checklist of first night induction requirements within the Early Days in Custody prison instruction.

4.11 However, when a request was made to see the initial questionnaire in one of the prisons, it did not include a question about language preference.

- 4.12 During a visit to a prison in England which receives a large number of Welsh prisoners, officers stated that they do not collect any data on Welsh speaking prisoners. They were not aware of the commitments in HMPPS's Welsh language scheme, and they explained that their only practice in terms of language when receiving prisoners was to provide translation services to those prisoners who cannot speak English.
- 4.13 Of those prisoners interviewed by the Commissioner, 5 stated that prison authorities had asked them what language they would like to use (28%). 12 of the interviewees stated that they had never been asked that question (67%).
- 4.14 One prisoner said: "Only the nurse has ever asked me what language I would prefer to use. I met her on my second night here and she asked me whether I wanted to speak Welsh. I nearly cried!" This person said that being asked about their preferred language had made them feel closer to home and at ease.
- 4.15 Another said: "No one asked me what language I wanted to use but I was offered Welsh language provision by other services – Offender Management in Prescoed, the Parole Board and the Probation Service all offered or gave me the choice of receiving the service in Welsh."
- 4.16 Prison officers in Wales stated that it is not possible to use NOMIS to produce a report showing the number of Welsh speakers in prison. There were three main reasons for this:
- data being incorrectly recorded on NOMIS;
  - data not collected;
  - technical difficulties in terms of NOMIS's capabilities.

- 4.17 HMPPS officers stated that individual prisons should be able to see data on language preference for their prison and access it from the system. Some prison officers said that they did not have access to this information, and HMPPS confirmed that not all staff members will have access to NOMIS.
- 4.18 Officers also expressed concern that data on language preference does not address the variations which can occur in different situations, and the concern that prisoners tend not to state their preferred language as they do not want to be a nuisance.
- 4.19 As a result, prison officers in Wales had independent, ad hoc arrangements for finding out which prisoners spoke Welsh – unreliable arrangements, which require a great deal of commitment and good will on the part of the officers.
- 4.20 For example, in January 2018, HMPPS informed the Commissioner that 2 prisoners in HMP Berwyn had chosen Welsh as their optional spoken and written language. During a visit to the prison, officers were seen to be collecting data on Welsh speakers independently in order to provide them with specific support. This process relied on the co-operation of prisoners to collect information about their fellow prisoners. The list seen during the visit included the names of around 50 prisoners, highlighting a significant difference between official data and the real situation.
- 4.21 Prison officers in England stated that efforts are made to pair up Welsh speakers in cells, but there is no systematic way of doing so and it happens on an ad hoc basis.
- 4.22 Some of the prisoners interviewed stated that their preferred language had been recorded but that this had not had an impact on provision. One prisoner said: “Someone asked me some time ago what language I preferred to use – I said Welsh but everything is still in English.”

4.23 HMPPS officers stated:

- that Welsh language data, and collection procedures, will be reviewed as part of the wider plans to review equality data;
- that any data on prisoners would be self-declared on a form, and officers were not confident that this would happen;
- that changing NOMIS is not ruled out, but can be a difficult and costly process. Proposals and associated costs would need to be submitted and considered internally. This hasn't happened yet in relation to the equality and Welsh language data changes that are being considered.

4.24 In correspondence following an interview, HMPPS officers stated:

We are aware that Welsh language preference is not being consistently gleaned at prison reception, particularly in England, and that this only picks up new or transferring prisoners, not those who have been in custody for some time. Our new Scheme will make clear what the data requirements are for staff and ensure that we are able to determine whether or not this is happening in prisons. We recognise that our staff need better instruction and guidance on how to deliver commitments we make centrally and this will be addressed in the new Scheme.

## **The language preference of prisoners interviewed**

- 4.25 Of the 18 prisoners interviewed, 15 considered themselves to be fluent (83%) and another 3 considered themselves to be semi-fluent (17%).
- 4.26 10 of the interviewees preferred to use Welsh when dealing with public bodies outside the prison (56%), and the other 8 said that they preferred to use English (44%).
- 4.27 The breakdown for language preference when dealing with prison authorities was similar, with 10 preferring to use Welsh (56%) and 7 preferring to use English (39%). One of the prisoners stated that they preferred to use Welsh in prisons in Wales, and English in prisons in England.
- 4.28 The 3 prisoners who stated that they were not fluent in Welsh said that they preferred to use English inside and outside the prison.
- 4.29 2 of the prisoners said that they chose to use Welsh when dealing with public organisations outside the prison, but that they preferred to use English within the prison.

## 5. Welsh speakers' experiences in prison

### Freedom to use Welsh

The Commissioner has heard of a number of examples of prison staff telling prisoners not to speak Welsh, either with each other or with people outside prison, in contexts where the interference cannot be justified. On the other hand, the attitude of the managers interviewed was consistently tolerant or positive, and an informal group has been established at HMP Berwyn to give prisoners the opportunity to use the Welsh language socially. This suggests that interference happens as a result of negative attitudes or a lack of knowledge by prison officers.

**Recommendation 5** HMPPS should take action to ensure that it is completely clear that prisoners are able to communicate in Welsh with each other and with external contacts, clearly stating under which circumstances this is not allowed.

**Recommendation 6** HMPPS should develop further opportunities to use the Welsh language socially at HMP Berwyn and at other prisons.

5.1 The Welsh Language (Wales) Measure 2011 creates the freedom to use Welsh. The Commissioner can determine whether someone has interfered with the freedom of two people to use Welsh with each other, for example by stating that they should not use Welsh or by putting them at a disadvantage as a result of doing so.



- 5.2 Commitments in HMPPS's Welsh language scheme include the following:
- prisoners may write letters in the language of their choice (with some exceptions for high-risk situations);
  - Welsh speaking prisoners to be able to speak Welsh if they choose to do so (with some exceptions for high risk situations);
  - the visits policy is being amended to ensure that it is clear that there is an entitlement to conduct visits in Welsh.
- 5.3 In certain circumstances, the Commissioner may state that it's possible to justify interference. Some exceptional situations within prisons could justify limiting the freedom to use Welsh.

#### Using Welsh with fellow prisoners

- 5.4 Half the interviewees stated that prison staff had told them that they were not allowed to use Welsh and that they had to change to English. Several interviewees also suggested that speaking Welsh can lead to negative outcomes in terms of the response of some prison staff.
- 5.5 One interviewee stated that he had lost his privileges (for example time outside the cell) because of the fact that he spoke Welsh socially with fellow prisoners.
- 5.6 Another claimed that a number of prisoners hide the fact that they are Welsh speakers from prison staff.
- 5.7 One interviewee claimed that the attitude of prison staff in England towards the Welsh language is worse than in Wales and that all of his negative experiences had occurred in prisons in England.

- 5.8 Another said that he tends to “choose not to speak Welsh with other prisoners – I don’t want people to know that I speak Welsh, I don’t want to be a target; I just want to blend in – I don’t want to stand out in any way. I worry that officers would treat me differently or make life difficult for me if I spoke Welsh.”
- 5.9 One interviewee claimed that staff regularly prevented her from speaking Welsh socially.
- 5.10 Another 2 interviewees stated that they were aware of other prisoners who had been prevented from using Welsh by staff, but had not experienced it themselves.
- 5.11 One interviewee stated that staff found it difficult to pronounce her name and gave her a nickname instead.

#### Using Welsh with people from outside the prison

- 5.12 2 of the interviewees stated that staff had prevented them from speaking Welsh to their families on the phone.
- 5.13 An interviewee said: “On one occasion when my father was visiting, a member of staff asked us not to speak Welsh. I felt angry because other people can speak their own language so why not Welsh? I didn’t complain; who would listen? There is no point in complaining.”
- 5.14 Another interviewee stated: “During one family visit, a member of staff told us to speak English. This had a big effect on my mother. She was worried that I would be in trouble when they left. After that experience, my mother spoke to me in English if there were officers about because she worried about any consequences for me.”

## Officers' response

- 5.15 During interviews with prison officers and HMPPS, some of the above experiences were shared. All of the officers interviewed confirmed that they support prisoners' freedom to use their chosen language, except for in specific security situations.
- 5.16 All officers stated that there was no policy preventing people from using languages apart from English, except in exceptional cases. HMPPS stated, however, that it could not be known for certain that the examples above were not cases where preventing prisoners from speaking Welsh could be justified:
- There may have been security concerns and the officers were acting legitimately and in the interest of the safety and security of the establishment.
- 5.17 During the interview with an officer at HMP Berwyn, the officer stated that they were aware of interference in other prisons and that there was also speculation about it happening at HMP Berwyn. However, no specific cases had been formally reported. It was confirmed that interference with prisoners' freedom to use Welsh was not tolerated at HMP Berwyn and that there would be an efficient process in place to reprimand an officer if any such case came to light.
- 5.18 Very positive steps have been taken at HMP Berwyn to ensure that prisoners were given opportunities to speak Welsh socially. An informal group has been established to socialise in Welsh, for example to watch Welsh language films or receive visits by speakers from Wales. Their value goes beyond the direct opportunities created – it shows prisoners that the prison encourages and promotes the use of Welsh.

## Prison services

There is a mixed picture in terms of the availability of services and opportunities to speak Welsh in prisons. We saw, for example:

- an awareness that Welsh language services should be available, but that they were not actually available;
- services being advertised but not available;
- services dependent on staff availability;
- far better experiences in Wales compared to England;
- contrasting experiences within the same prison.

Looking at specific services:

- over half of those interviewed had been unable to get forms and similar material in Welsh;
- it appears that, on the whole, Welsh medium education provision is limited to Welsh language classes for beginners or improvers;
- Welsh language library books and access to S4C and Radio Cymru were available in Wales but not in England;
- there is no Welsh language chaplaincy service in any prison, despite it being a key part of the emotional and psychological care given to prisoners.

**Recommendation 7** HMPPS should strengthen its arrangements in order to monitor the availability and quality of the Welsh language services offered in prisons, and support prisons to offer those services.

## General

- 5.19 HMPPS's Welsh language scheme states that some level of Welsh language service will be available in all prisons in England and Wales.

Within all prisons in England and Wales a minimum service in Welsh will be required. Some prisons in Wales may decide to do more, or may already be doing so.

- 5.20 Specific commitments in terms of Welsh language prison services include the following:
- ensuring “that there are no obstacles such as prescribed forms, regulations, rules or procedures which inhibit the use of Welsh where the services are provided to people in Wales, or prisoners in England whose preferred language is Welsh”;
  - developing “Welsh speaking offenders’ language skills and [providing] opportunities for Welsh speakers to retain links with their linguistic background”;
  - ensuring that a stock of Welsh language library books and DVDs is available, and that there is access to Welsh language television and radio channels where possible;
  - providing learning and skills services in Welsh as necessary, depending on demand;
  - allowing complaints to be submitted in Welsh, but it is stated that they may need translating and subsequently take longer than normal to process.

- 5.21 Prisoners stated that they were aware of Welsh language services in principle, but that there were either not enough officers to provide them, or that officers’ attitudes prevented them from benefiting from those services.

- 5.22 An interviewee said: “I understand that I can deal with prison authorities in Welsh but I haven’t done so – I don’t know how it would work as no one here speaks Welsh.”
- 5.23 Another explained: “I know that I am perfectly entitled to use Welsh but I don’t think my life would be easy if I insisted on using Welsh; I don’t want to frustrate the officers and the authorities.” He added: “I don’t feel that I can deal with prison authorities in Welsh – there aren’t enough of them who understand Welsh.”
- 5.24 Another said: “I feel like an outsider choosing to use Welsh; people look surprised. Using Welsh makes you different. I think that this is the reason why not everyone who can speak Welsh chooses to use the language. There needs to be a more open discussion about the Welsh language in the prison.”

### Forms

- 5.25 11 of the interviewees said that they had been in situations where they had been unable to access Welsh language forms (61%).
- 5.26 When the interviewees were asked in what areas of a prisoner’s life it’s most important to be able to use Welsh, 5 of the interviewees referred to the provision of Welsh language forms (28%). 8 interviewees stated that Welsh language forms are among the factors which could make the biggest difference to their experiences (44%).
- 5.27 One interviewee said: “There weren’t many things in Welsh, such as forms or information, when I arrived in 2013, but I am starting to see a change now with some forms available in Welsh.”
- 5.28 Another interviewee said that complaint forms were not available in Welsh.

- 5.29 Another interviewee said that it was possible to choose Welsh as a preferred language on the prison's Custodial Management System (CMS) – the system used to give prisoners information and enable them to order services and goods. However, there is currently no Welsh information or forms on the system.
- 5.30 One interviewee stated that she had written to her MP to complain about Welsh language provision at HMP Styal, and that since he had written to the prison on her behalf, she had seen a difference, with more bilingual forms and signs.

### Education

- 5.31 When the interviewees were asked in what areas of a prisoner's life it's most important to be able to use Welsh, 8 of them referred to education services (44%).
- 5.32 It appears that, on the whole, Welsh medium education provision is limited to Welsh language classes for beginners or improvers. On the visit to HMP Berwyn, we saw that fluent Welsh speakers were attending classes for Welsh learners. 6 of the interviewees shared their experiences of attending Welsh medium courses during their time in prison (33%). All of these experiences were in prisons in Wales (including 4 in HMP Parc). All of the classes mentioned were Welsh language classes for beginners or improvers. 5 of the interviewees volunteered either to lead Welsh language classes or be a mentor in the classes.
- 5.33 3 of the interviewees said that they had not been offered any educational classes through the medium of Welsh. All of these experiences happened in prisons in Wales (one in HMP Prescoed and two in HMP Swansea).

- 5.34 On the other hand, the Director of HMP Parc [told](#) the Welsh Affairs Committee (September 2018) that the prison had 10 Welsh speaking teachers and that it was therefore able to offer a broad curriculum through the medium of Welsh.
- 5.35 2 of the interviewees stated that their engagement with prison education services was the first time someone had given them a language choice in prison.
- 5.36 It should be emphasised that the importance of education goes beyond improving prisoners' skills. It can include classes that are essential to the rehabilitation of prisoners, for example treatment programmes for sex offenders, cognitive behavioural therapy, anger management, and addiction support.

### [Libraries](#)

- 5.37 7 of the interviewees stated that they had used Welsh language material from prison libraries (39%). 6 of the 7 had done so in prisons in Wales.
- 5.38 3 of the interviewees stated that there had been occasions where there was no Welsh language material available in prison libraries. All of these experiences were in prisons outside Wales (HMP Kirkham, HMP Eastwood Park, HMP Send, HMP Askham Grange and HMP Styal).
- 5.39 One interviewee had been able to order Welsh language books via the library service at HMP Eastwood Park.
- 5.40 Another interviewee said that “there was an opportunity to use Welsh working in the library at Swansea. An opportunity to speak one to one with prisoners who came to the library – a different environment to the rest of the prison.”



- 5.41 An interviewee at HMP Parc stated that there was “a good section of Welsh language books in the library – plenty of choice with more being added”. But another interviewee at HMP Parc said that there were not many Welsh language books in the library.
- 5.42 One interviewee had seen a banner in the library advertising Welsh language books, but there were none in stock.
- 5.43 According to another interviewee, “library provision wasn’t good – there weren’t any current books, nothing I wanted to read. One of the reasons I wanted to read Welsh was to improve my written Welsh – I didn’t feel that the provision was good enough in any of the prisons [HMP Swansea, HMP Parc and HMP Prescoed].”

#### Television and radio

- 5.44 4 of the interviewees had experienced situations where neither S4C nor Radio Cymru were available (22%). All of the prisons mentioned were in England (HMP Kirkham, HMP Eastwood Park, HMP Send, HMP Askham Grange, HMP Styal and HMP Stoke Heath).
- 5.45 7 of the interviewees stated that they had been given access to S4C (39%). Apart from HMP Altcourse, all of these prisons were in Wales (HMP Parc, HMP Berwyn, HMP Usk, HMP Prescoed and HMP Swansea).
- 5.46 Interviewees stated that S4C was available at HMP Parc and HMP Prescoed, but that Radio Cymru was not available. According to one of the interviewees, prisoners had to buy a personal digital radio in order to listen to Radio Cymru.
- 5.47 Some of the interviewees felt that having S4C as an option in prison could cause problems. One explained that many prisoners did not want S4C as an option as it meant losing one of the English channels (Channel 5 in this case).

- 5.48 Another interviewee said that S4C is available but that they are “sharing a cell with someone who doesn’t speak Welsh and I feel that I can’t watch S4C because it leads to tension. I have spoken to officers but their response is ‘Get on with it’.”
- 5.49 According to another interviewee, S4C was not available in the prisons where she had been sent (HMP Eastwood Park, HMP Send and HMP Askham Grange). She said: “S4C is a link with home, it lets me know what is happening there. I asked whether it was possible to have S4C but the response I got was ‘You’re in England now’.”

### Chaplaincy

- 5.50 When the interviewees were asked in what areas of a prisoner’s life it’s most important to be able to use Welsh, or what makes the biggest difference to the lives of Welsh prisoners, 2 of them referred to a Welsh language chaplaincy service (11%).
- 5.51 During several visits to prisons, officers emphasised that the chaplaincy service is an essential part of the emotional and psychological care given to prisoners.
- 5.52 One interviewee said about his time at HMP Kirkham: “There were no religious services in Welsh; there wasn’t a Welsh language Bible either. I arranged for my wife to bring one in during a visit and I’ve left it there.”
- 5.53 In its [evidence](#) to the Welsh Affairs Committee’s most recent inquiry, the Presbyterian Church of Wales stated that there is no Welsh speaking chaplain at HMP Berwyn, although there was one at HMP Altcourse for a period.

5.54 The Church stated:

Given our commitment to chaplaincy, we also wish to emphasise that Welsh speaking prisoners have a right to receive pastoral care in their chosen language. At present this commitment is not being met adequately, especially in north Wales.

We wish to emphasise that volunteers who come in for specific purposes cannot take the place of chaplains, because unlike them they would not be receiving the requisite full training which would enable them to understand the prison system fully. This makes a difference to the quality of pastoral services available.

- 5.55 The Commissioner's understanding is that there is no Welsh language chaplaincy service available in any prison. HMPPS stated that a Welsh speaking humanist chaplain was previously in post at HMP Berwyn, and that Sunday services at HMP Berwyn are run bilingually.

### Positive experiences

- 5.56 An interviewee at HMP Berwyn stated that Welsh language services are better there than in other prisons, due to the fact that the staff working in the gym, the college and the health service speak Welsh. He added that a senior member of staff (Head of Reducing Reoffending) speaks Welsh and that he feels comfortable talking to her in Welsh. This gives him confidence more generally in the prison's attitude towards the Welsh language.
- 5.57 Another interviewee stated that 6 or 7 members of staff in HMP Cardiff speak Welsh and that it has been pleasant to be able to speak Welsh with them.

## Services provided by external organisations

Evidence received by the Commissioner from organisations providing prison health and care services in England and Wales suggests that there are some processes in place to consider the language needs of users, but little information was received about the day to day provision of Welsh language services.

**Recommendation 8** HMPPS should review its arrangements for ensuring that prison services offered by external organisations acknowledge the fact that Welsh language services lead to better outcomes for Welsh speakers.

### General

- 5.58 Officers from prisons and HMPPS said that the organisations that provide health and care services in prisons are semi-independent bodies that operate at arm's length from prisons, in accordance with the requirements of their own organisations. It was stated that the pressures facing health and care services in general – in terms of cuts to resources and difficulties in recruiting – are also affecting the services provided in prisons.
- 5.59 However, the conditions attached to grants awarded by the prison service to provide these services include references to the Welsh language as part of equality requirements, and this is monitored as part of the general process of monitoring relationships with providers.
- 5.60 Evidence received by the Commissioner from organisations providing prison health and care services in England and Wales suggests that there are some processes in place to consider the language needs of users, but very little information was received about the day to day provision of Welsh language services.

## Health

- 5.61 The Commissioner contacted the 4 health boards in Wales which have prisons in their area, to ask how they assess prisoners' language needs. 2 of the health boards confirmed that prisoners' language preferences are provided for by the prisons, whilst one health board took responsibility for recording the prisoners' preferences at the first point of contact.
- 5.62 3 health boards stated that they are committed to providing Welsh language services to prisoners who choose to receive such services.
- 5.63 2 of the health boards stated that problems in recruiting Welsh speaking staff are a barrier to always providing Welsh language services directly. Both health boards said that there were arrangements in place to allocate members of staff to patients who choose to speak Welsh but that when this is not possible they use the Language Line simultaneous translation service.
- 5.64 Betsi Cadwaladr University Health Board stated that it was part of the project team which led the development of HMP Berwyn, and that Welsh language provision had been a consideration from the outset. It was explained that all health board posts at the prison had been advertised with the ability to speak Welsh stated as one of the desirable criteria. All health care staff at the prison had also attended sessions on the importance of providing Welsh language services. It was also explained that a Welsh language training programme had been developed to support the needs of the workforce, following an assessment of their language skills.

## Care

- 5.65 The Commissioner contacted 2 local authorities in England, which have prisons in their area which historically receive a large number of prisoners from Wales, to ask how they assess prisoners' linguistic needs. One of the local authorities responded, and confirmed that its assessment form for the prison includes an optional first language and that they would use a translator for any assessments if a prisoner chose Welsh. However, it is uncertain as to whether this happens across the wide range of local authorities across England which offer care services to Welsh prisoners, as it is not a statutory requirement.
- 5.66 The Commissioner contacted the local authorities in Wales which have prisons in their area to ask how they assess prisoners' linguistic needs. Of the 2 local authorities which responded, one stated that it took responsibility for providing an active offer to prisoners at the first point of contact and recording the information on its system. The other authority said that it relied on HMPPS to provide data on prisoners' preferred language.
- 5.67 The Commissioner asked the local authorities whether they had planned their services in order to meet the linguistic needs of the prisoners in their care. One local authority confirmed that it was committed to implementing the Welsh Government's 'More Than Just Words' framework and the Welsh language standards. In order to achieve this, it has a plan which aims to mainstream the active offer and Welsh language provision to service users. The second council confirmed that the information booklet on adult social care is available to prisoners in both English and Welsh and that a social worker could be available if a prisoner chose to have their assessment done in Welsh.

## 6. Workforce planning

### The importance of workforce planning

Prisoners' experiences are highly dependent on ensuring that there is a sufficient supply of Welsh speaking staff, that all members of staff respect the importance of being able to use Welsh, and that prisoners are aware of opportunities to use the language.

- 6.1 Workforce planning may include:
  - collecting data on the staff's Welsh language skills;
  - deciding how to allocate staff;
  - recruiting new staff;
  - training staff;
  - promoting opportunities to use Welsh with staff.
- 6.2 Prisoners' experiences are highly dependent on face to face contact. Relationships with prison staff is a key part of this.
- 6.3 Although there is clearly a need to implement processes and provide materials in Welsh, it may be argued that day-to-day engagement with prison staff (as well as fellow prisoners) has far more influence on a prisoner's ability to speak Welsh.
- 6.4 Without a sufficient supply of Welsh speaking staff, and without careful targeting of their work, it is impossible to provide meaningful Welsh language services in prisons.

- 6.5 Even when officers do not speak Welsh, it is important that they are aware of, and respect for, how important it is for prisoners to be able to speak Welsh with each other and when accessing services. Training is important in this regard.



## Collecting and using data on staff skills

There is no comprehensive or current data available on the Welsh language skills of prison staff, but HMPPS is working to address this. HMPPS has done some work to raise prisoners' awareness of officers who can speak Welsh.

**Recommendation 9** HMPPS should ensure that there is a continuous process in place to collect current data on the language skills of prison staff, and it should use that data to plan services for Welsh speakers, including raising prisoners' awareness of the opportunities available to use Welsh with staff.

- 6.6 A one-off exercise was undertaken to collect data on the language skills of prison staff during 2017. However, by now the data is neither complete nor current.
- 6.7 Officers at the prisons visited in Wales confirmed that information on officers' Welsh language skills are collected on an ad hoc basis and that no central record is kept.
- 6.8 HMPPS officers in Wales said that they are working on developing the data which is available on the Welsh language skills of prison staff, using a system operated by the probation service. It was confirmed that the data is not currently complete and that it is collected locally on spreadsheets at prison level.
- 6.9 Officers in the prison visited in England confirmed that no data was collected on officers' language skills.

- 6.10 HMPPS's Welsh language scheme states that it will produce a "Prisoner Information Book (also available in Welsh online) to include details [of] all information that is available in Welsh, including procedures for access to telephone calls, letters, visits, learning & skills and activities".
- 6.11 HMPPS has been working on communicating with prisoners about which members of prison staff can speak Welsh by putting pictures of the relevant officers on posters. It was stated that continuous work is needed to ensure that such a campaign is both effective and current.
- 6.12 Interviewees from HMP Swansea and HMP Parc stated that there are posters showing which members of staff can speak Welsh in each wing. Interviewees from HMP Parc stated that the posters needed updating.

## Recruitment

In light of the Commissioner's recent inquiry into the recruitment of staff for HMP Berwyn, HMPPS has taken steps to assess the need for Welsh language skills when recruiting staff. However, without data on the number of Welsh speaking staff, it is difficult to reach a conclusion about the effectiveness of these steps.

**Recommendation 10** HMPPS should take steps, especially when recruiting new members of staff, to ensure that there is a sufficient number of staff to offer consistent and reliable services to Welsh speaking prisoners.

**Recommendation 11** When planning to open any new prisons in Wales, HMPPS should consider Welsh language provision from the outset, including recruiting staff with Welsh language skills.

6.13 In terms of recruitment, HMPPS's Welsh language scheme states that it will aim to ensure the availability of Welsh speaking staff in Wales is in proportion to the number of Welsh speakers in the community that it serves. Specifically, HMPPS has committed to the following:

- advertising job vacancies bilingually;
- assessing the need to designate the Welsh language as an essential or desirable skill for each position, using specific criteria to do so;
- forecasting the linguistic profile of service users;
- following the Commissioner's recruitment guidelines;
- ensuring that HMPPS's officers in Wales give guidance on how to consider the Welsh language;
- including Welsh language skills in HMPPS's recruitment guidance;
- employing a sufficient number of bilingual staff to ensure that work can be undertaken effectively.

- 6.14 Following a request by HMPPS, the Commissioner advised the organisation on the provision of Welsh language services at HMP Berwyn in 2015, as part of the planning process for establishing the prison.
- 6.15 In 2016, following correspondence and meetings between the Commissioner's officers and HMPPS, the Commissioner suspected that it was not complying with the requirements of the Welsh language scheme when recruiting for positions at HMP Berwyn.
- 6.16 The Commissioner also received correspondence and statements of concern from individuals, including elected members, about the lack of 'Welsh essential' designation for positions at HMP Berwyn. The recruitment process had also received press attention.
- 6.17 Following meetings with HMPPS officers, doubts were raised about the recruitment process. As a result, the Commissioner decided to conduct a statutory inquiry into the recruitment process for HMP Berwyn, under section 17 of the Welsh Language Act 1993.
- 6.18 The [inquiry](#) concluded that HMPPS did not comply with the requirements of its Welsh language scheme when recruiting and planning for HMP Berwyn.
- 6.19 The inquiry made the following recommendations:
1. The guidance on recruitment should be amended to ensure that clause 5.1 of the Welsh language scheme is implemented fully.
  2. The service should assess the language needs of each vacancy and advertise every post with the appropriate language designation.
  3. When the service places prison services on contract they should adopt a procedure to ensure that they consider the need to impose conditions on assessing language needs for jobs in the contract.

4. Contracts with other organisations that provide services within prisons should include full details of the Welsh language services expected of providers.

- 6.20 HMPPS accepted the findings of the inquiry and agreed to implement the recommendations. HMPPS has been updating the Commissioner on the implementation of the recommendations.
- 6.21 Action taken includes the establishment of a working group which has provided guidance to officers and HR managers to ensure that they use existing systems and processes to comply with clause 5.1 of HMPPS's Welsh language scheme when recruiting. The working group will also try to improve understanding of HMPPS's information technology system when recruiting, and understand how it can be used more effectively when implementing the Welsh language scheme.
- 6.22 It also confirmed that arrangements are in place to ensure that the requirement to provide Welsh language service is considered in tenders, partnerships and grants, and that arrangements are in place to monitor any requirement to provide Welsh language services as part of contracts, partnerships and grants.
- 6.23 HMPPS officers said that Welsh language skills had been designated 'desirable' for posts in the latest round of recruitment for posts in prisons in Wales, but it is unclear what assessment method was used to reach this designation. The recruitment campaign was done bilingually through a "Berwyn-specific Welsh microsite", and 9% of the 396 applicants declared that they were Welsh speakers. Officers also said that they had worked with the internal recruitment team to ensure that the interview process was available through the medium of Welsh, including using bilingual actors for role play tasks.

6.24 Without data on the number of Welsh speaking staff, it is difficult to reach a conclusion about the effectiveness of the steps taken in increasing capacity.

## Training

Awareness of the Welsh language scheme is part of the induction training given to prison staff, but some of the findings of this review (on the collection of data and interference with the freedom to use Welsh) suggest that the training is not as effective as it should be. Staff are given basic Welsh language lessons but it does not appear there are significant efforts to develop the workforce's Welsh language skills.

**Recommendation 12** HMPPS should review the training offered to prison staff in order to address the shortcomings highlighted in this report, particularly around the recording of data on Welsh speakers and interference with the freedom to use Welsh, and investigate the possibility of increasing its capacity by developing the language skills of current members of staff.

- 6.25 HMPPS's Welsh language scheme states that the staff induction process will include training on awareness of the Welsh language and the need to access Welsh language services, and that they will be given information about the requirements of the Welsh language scheme. It intended to publish an operational instruction which would require the implementation of a number of aspects of the Welsh language scheme, and provide guidance.
- 6.26 A module on equality and the Welsh language forms part of the basic training given to all prison officers, and the module includes information on the Welsh language scheme and the importance of Welsh culture.
- 6.27 The instruction was not published in accordance with the commitment, and HMPPS is currently in the process of streamlining guidelines as part of a policy to empower Governors.

- 6.28 HMPPS explained to the Commissioner that, as part of a deregulation project, it is reviewing all existing prison instructions. Where requirements remain necessary, instructions are replaced by Policy Frameworks.
- 6.29 The current Equalities Instruction (32/2011) will be reviewed. HMPPS envisages that this will give it an opportunity to embed the principles of its new Welsh language scheme, for example by strengthening data collection and implementing robust monitoring procedures.
- 6.30 It has been decided that the Welsh language scheme is sufficient in itself, and will not be supplemented or replaced by a dedicated Policy Framework.
- 6.31 A number of the shortcomings highlighted in this report are the result of officers' actions rather than general failings, such as failing to record prisoners' language preference, or interfering with the freedom to use Welsh, even though doing so is contrary to the general policy.
- 6.32 This highlights the importance of training in order to make all officers aware of the Welsh language and enable them to ensure that Welsh speakers are treated correctly.
- 6.33 It was suggested by officers in prisons that the awareness and attitudes of recently recruited prison staff are better than those of more experienced staff, highlighting perhaps that steps to raise awareness of the requirements among new members of staff are bearing fruit.
- 6.34 In January 2018, HMPPS's annual monitoring report on its Welsh language scheme stated that new staff in Wales are given information on the Welsh language scheme as part of their induction training.



- 6.35 For example, the Wales Equality Manager has personally provided comprehensive induction courses for all new members of staff at HMP Berwyn and is currently providing entry level Welsh language awareness courses as part of Prison Officer Entry Level Training (POELT), which is delivered at training centres at HMP Cardiff and HMP Berwyn.
- 6.36 In correspondence, HMPPS stated that “the presentation includes a brief history of the Welsh language to provide a local context on its history and cultural importance, followed by an explanation around the Welsh Language requirements and demonstrates our commitment to accommodating the needs of Welsh speakers. Once we have a refreshed HMPPS Scheme, we will enhance the material to ensure that it remains current and that new recruits are clear about how it applies to them, both in terms of services to prisoners and as Welsh speaking staff.”
- 6.37 In addition to this, bilingual greeting cards are distributed to all members of staff to help them greet people bilingually.

## 7. Listening to prisoners' voice

### The ability to complain about matters relating to the Welsh language

Prisoners were somewhat distrustful of internal complaints processes. Prisons aim to deal with complaints informally in the first instance, and there are advantages to doing so in terms of solving problems quickly and facilitating relationships within prisons. On the other hand, this could be leading to situations whereby complaints are not being recorded, meaning that lessons are not being learnt and, in some cases, officers trying to prevent complaints from being made. It does not appear that there is awareness of the fact that prisoners can make complaints to the Commissioner, and there will be practical difficulties for prisoners to make a complaint to an external organisation.

**Recommendation 13** HMPPS should ensure that processes for dealing with internal complaints give prisoners confidence that matters are being resolved appropriately, and enable prisons to improve their services.

**Recommendation 14** HMPPS should ensure that prisoners are aware that they have the right to complain to the Commissioner about matters relating to the Welsh language, and should facilitate any complaint a prisoner wishes to make.

## Internal complaints

- 7.1 There was an understanding among prisoners of internal complaints processes. 14 of the interviewees stated that they knew how to complain about prison services (78%), and only one interviewee did not know how to complain as no one had explained the process to her.
- 7.2 Most of the interviewees had not made an internal complaint – 3 had done so (17%), including one who had complained about the standard of Welsh language services.
- 7.3 11 of the interviewees had negative feelings about prison complaints processes (61%). 5 of the interviewees felt that the complaints process was pointless and did not lead to any changes (28%). 4 of the interviewees explained that they would not complain as they felt that doing so would lead to a negative response from prison staff (22%). 3 of the interviewees felt that the complaints process was too complex and lengthy (17%).
- 7.4 One interviewee felt that complaints needed to go beyond prison authorities and, as a result, she had approached her MP. She said: “I don’t feel that I can deal with the authorities through the medium of Welsh because they don’t listen to complaints made in English let alone those made in Welsh.”
- 7.5 It appears that one stumbling block is the informal process for making initial complaints. One interviewee 3 explained: “I know how to make a complaint but in order to do so you must ask officers on the wing for a form – and they would try to put you off. There is a mindset that you are trying to cause trouble and there are also consequences if you make a complaint.”

- 7.6 Officers at prisons visited confirmed that the aim is to deal with complaints informally, before they become formal recorded complaints. There are advantages to this in terms of solving problems quickly and facilitating relationships within the prison.
- 7.7 On the other hand, it also means that many complaints (including those relating to a possible lack of Welsh language services) are not being recorded and, in some instances, officers trying to prevent complaints from being made (or a perception that it happens). This means that they are not included in the data available for HMPPS to analyse, and there is a risk of losing opportunities to learn wider lessons.
- 7.8 HMPPS provided information about its prison complaint process. While there are no prison service KPIs for complaints, specific timescales for the 3 stages of the process are set out in a prison instruction.

## Complaints to the Commissioner

- 7.9 The Welsh Language Act 1993 gives people the right to complain to the Commissioner if they believe that an organisation is not complying with its Welsh language scheme. The Commissioner will then try to solve the matter, and conduct an inquiry if required. There is also a right to complain about a failure to comply with Welsh language standards in line with the provisions of the Welsh Language (Wales) Measure 2011.
- 7.10 These rights also apply to prisoners. However, practical matters – limited access to a telephone, the internet, e-mail and so on – mean that the prison needs to take firm action to facilitate this right.
- 7.11 There may also be a need to raise prisoners' awareness of their right, and emphasise that complaining to an external organisation such as the Commissioner will not lead to less favourable treatment.
- 7.12 None of the interviewees mentioned the option of complaining to the Commissioner if they are unhappy with the Welsh language service in prison.
- 7.13 Since her induction in 2012, the Commissioner has received numerous complaints about the implementation of HMPPS's Welsh language scheme. These complaints were regarding sitting examinations through the medium of Welsh, recording language preference, access to S4C, availability of forms, and speaking Welsh on the phone with family members.
- 7.14 In general, these complaints do not tend to come from the prisoners themselves. Rather, prisoners or their families tend to contact elected members, who then refer the matter to the Commissioner.

## Relevant developments

7.15 One of the findings of David Lammy MP's [review](#) into the treatment of Black, Asian and Minority Ethnic individuals in the criminal justice system was that there were failures to deal with complaints about discrimination. HMPPS officers stated that the recommendations in the Lammy report are currently one of the main drivers for their work, and that a number of Lammy's recommendations will benefit Welsh speakers as well as BAME individuals. For example, the Lammy report recommends revising the complaints system, adopting a 'problem solving' approach, and ensuring greater transparency. According to HMPPS officers, their aim is to develop a transparent complaints system which solves problems quickly, allows the due process to be followed, and ensures that problems are revealed.

7.16 Lammy's findings in relation to complaints about discrimination were supported by a [bulletin](#) from the Prisons and Probation Ombudsman (January 2018), which stated:

The solutions are straightforward: prisons need to allocate sufficient resources to the investigation of complaints about discrimination; and they need to ensure that the staff responsible for investigating these complaints (whether dedicated Equalities Officers or managers generally) are properly trained, that allegations of discrimination are addressed directly and not ignored or glossed over, and that equalities data is routinely collected.

7.17 In correspondence to the Commissioner, the Prison Reform Trust reported that users of their advice and information service often describe a lack of faith in prisons' internal complaints procedures. They explained that the main reasons for this were forms going missing, long delays in responding, and the quality of responses.

7.18 The Prison Reform Trust published a [report](#) on dealing with complaints about discrimination (April 2017), which stated:

Investigations should make greater use of problem-solving, mediation, and outside expertise to address the problems that gave rise to the complaints. [...] It also recommends the introduction of a discrimination toolkit for prisons, better access to the complaints system for people with learning disabilities, an end to the use of defensive complaints, better training for staff and more rigorous oversight of the complaints process by governors and senior managers.

7.19 In its [annual report](#) for 2017-18, the Prisons and Probation Ombudsman stated:

We received 5% more complaints in 2016-17 than in the previous year and 9% more eligible complaints. As in previous years, the majority of complaints were from adult male prisoners. They continued to cover a huge variety of subjects, ranging from relatively minor matters to serious allegations of misbehaviour by staff.

We upheld 38% of the complaints we investigated. This is a surprisingly high percentage considering all complaints have been through two internal stages before they reach us.

This year in particular, the pressures prisons are under have been reflected in an increasing failure by some prisons to get the basics right. For example, we have seen more cases where staff failed to record what they had done and why. [...]

We have also experienced more difficulty obtaining the information that is needed to investigate a complaint. It has become much more common for us to have to chase repeatedly for information and in some cases prisons have failed to respond at all.

7.20 In follow-up correspondence to the Commissioner, HMPPS stated:

HMPPS are currently reviewing the process of general complaints in response to Lammy, with a particular focus on improving the process for complaints of a discriminatory nature. Welsh language has been given consideration from the outset: we are working with staff and prisoners in Wales to ensure it meets Welsh language need, both in terms of accessibility in Welsh and complaints of discrimination in relation to Welsh language.

7.21 It is positive that HMPPS are able to deal with Welsh language issues as part of other reforms it is doing.



## Engaging with prisoners

HMPPS has held focus groups to collect prisoners' opinions about their experiences and consult on matters such as amending the Welsh language scheme. This is a positive development which should be extended.

**Recommendation 15** HMPPS should continue its efforts to engage with prisoners in order to learn from their experiences and consult on developments.

7.22 In its 2016-17 report on the implementation of the Welsh language scheme, HMPPS stated that it had held two focus groups in order to gain feedback on Welsh language services – one at HMP Berwyn and the other at HM Prison & Young Offenders' Institution Parc. They stated the following:

At both sites, participants were passionate about their Welsh heritage; not just the ability to access services in Welsh. Welsh societies were utilised so that Welsh speaking men could spend time socialising and chatting in Welsh.

Feedback received from offenders suggests that promoting and implementing the Scheme locally has led to good local practices but these are not consistent across organisations. Eight of the 18 prisons across England and Wales accommodating Welsh speakers had not promoted the ability to speak Welsh. There was a feeling of anger, especially in relation to simple processes i.e. no Welsh language complaints forms.

Efforts to provide Welsh language courses vary across the estate, and these were seen to be beneficial. Access to the Welsh language and Welsh culture often felt like an afterthought, or something which is forgotten in the midst of other priorities.

- 7.23 This is a positive practice which could improve HMPPS's understanding of prisoners' experiences.
- 7.24 HMPPS aims to continue holding such groups in order to consult with prisoners about the contents of its new Welsh language scheme.

## Monitoring and accountability

HMPPS reports annually to the Commissioner on the implementation of its Welsh language scheme, and visits prisons to monitor Welsh language services. It is currently amending its Welsh language scheme.

As the organisation with ultimate responsibility for HMPPS, the Ministry of Justice has an important role to play in securing sufficient provision for Welsh speakers.

**Recommendation 16** HMPPS should consider the findings of this review as it amends its Welsh language scheme, ensuring that appropriate accountability arrangements are in place for monitoring progress in implementing the recommendations.

**Recommendation 17** The Ministry of Justice should ensure that the policy direction, the resources and the accountability arrangements it has in place with HMPPS guarantees sufficient Welsh language provision for prisoners.

7.25 HMPPS reports annually to the Commissioner on the implementation of its Welsh language scheme. The Commissioner has the power to investigate complaints regarding the implementation of the scheme.

7.26 HMPPS's Chief Executive is ultimately responsible for the implementation of the scheme and heads of equality are responsible for the day to day running of the scheme. Since the current scheme was approved in 2013, the role of executive director for HMPPS in Wales has been developed, and HMPPS in Wales is responsible for monitoring the implementation of the scheme in prisons in Wales. As part of this, HMPPS officers in Wales visit prisons and offer operational support.

7.27 HMPPS is currently revising its Welsh language scheme. The organisation is eager for the new Welsh language scheme to provide a better framework for monitoring Welsh language services in individual

prisons, with a data collection method which does not rely on the usual audit processes.

- 7.28 HMPPS's new equality impact assessment, Equality Analysis, requires the organisation to consider the Welsh language as well as protected characteristics under the Equality Act 2010. Equality Analysis aims to replace the Equality Impact Assessment with a less bureaucratic but more purposeful and comprehensive activity. According to HMPPS, its introduction means that "considerations of equality will be factored into the start of any policy, protocol, procedure or project and any aspect of service design, and will continue throughout"; HMPPS hopes that, by including Welsh within it, Welsh will be considered in the same way.
- 7.29 The Ministry of Justice is responsible for setting the policy direction and providing resources for HMPPS's work. Since HMPPS is one of the sponsored bodies of the Ministry of Justice, it is the Secretary of State for Justice who's ultimately responsible for the prison system's operation. In light of this, it's important that the Ministry of Justice ensures that the provision for Welsh speakers in prison is sufficient.