

**Commission on Justice in Wales  
Oral Evidence Session  
15 February 2019**

<b>Present:</b>	<b>Commission members</b>	<b>Secretariat team</b>
<p>Susan Acland-Hood, HM Courts and Tribunals Service (HMCTS) (SA-H)</p> <p>Shaun McNally, Legal Aid Agency (LAA) (SMcN)</p> <p>Michael Spurr, HM Prison and Probation Service (HMPPS) (MS)</p> <p>Amy Rees, HMPPS (AR)</p>	<p>Lord Thomas of Cwmgiedd, Chair</p> <p>Simon Davies</p> <p>Dr Nerys Llewelyn Jones</p> <p>Juliet Lyon CBE</p> <p>Professor Rick Rawlings</p> <p>Professor Peter Vaughan</p>	<p>Andrew Felton, Secretary to the Commission</p> <p>Dave Gordon</p> <p>Chris James</p> <p>Rhys Thomas</p>
<b>Question area: Court closures in Wales</b>		
<ul style="list-style-type: none"> <li>SA-H: HMCTS has no plans at the moment to close more buildings in Wales. We have issued a consultation on the shape of the HMCTS estate. The consultation asked a set of questions about the principles we should use in the future if we are considering court closures. We haven't yet issued the Government response to that consultation but should do so soon. The response looks at both how well court buildings are used and also the principles we should set around travel times. There may well be future proposals brought forward as the modernisation work we are doing means there will be less need for physical hearings in the future. We will only do this where there is evidence and we are more likely now to look at the issue on a site by site basis rather than large blocks of closures. We expect to issue the response to the consultation in the spring. The document will not say there will be no more court closures. It will say what the principles are on which we will base future decisions.</li> </ul>		
<b>Question area: Improve Cardiff Civil Justice Centre</b>		
<ul style="list-style-type: none"> <li>SA-H: There is no perfectly worked out plan that we are about to execute but we are aware of the issues in the Civil Justice Centre in Cardiff. I do not agree that it is a disgrace and I have a letter from 2000 written by Lord Thomas when the Senior Presiding Judge at the time that says the Civil Justice Centre is worthy of any capital city. Some time has passed since then. There is work to be done in terms of the amount of work done there now and judicial security and we are working with the Welsh Government and others to try and find a solution. We are looking at options but cannot give a timescale for the work at the moment.</li> </ul> <p><i>Lord Thomas referred to the importance of the Civil Justice Centre to the capital of a nation that goes beyond a building in a regional centre such as Leeds or Bristol and the reason why it is a complete disgrace.</i></p> <ul style="list-style-type: none"> <li>SA-H: I think we recognise the importance of the Civil Justice Centre in Cardiff and that's why active work is on-going to come up with a plan. However, it is important to recognise there are lots of demands on the HMCTS estate and we do need to make sure we address as many of them as we can. We are looking at how we can follow what happened in Newcastle and we are talking with Welsh Government about whether that is a model we could follow.</li> </ul> <p><i>Professor Rick Rawlings asked about the weight given to the fact that Cardiff is a capital city.</i></p> <ul style="list-style-type: none"> <li>SA-H: There isn't a formal capital city weighting factor in a formula that I use but it is something</li> </ul>		

that we take into account. If I was looking at a similar building in Newcastle, for example, I would not be looking at different options because the building isn't falling down. I have other buildings in the HMCTS estate which are in much worse condition. The fact we are working on options for this building recognises the fact that Cardiff is a capital city. We have a meeting with Cardiff City Council next week. I can't say when a plan will be available but we are working on it.

#### **Question area: Welsh language services**

- SA-H: We have a Welsh Language Scheme which we refreshed in 2018. In that we included a set of commitments around digital services and reform. We have a good relationship with the Welsh Language Commissioner and we are proud of our Welsh Language Unit in Wales. It is cited as an exemplar across government. In terms of our Scheme commitments around digital services, we have committed that Welsh would be accommodated on our key digital transactional platforms when they enter the public stage of availability. If we provide back office services on an England and Wales basis that would have been provided in Wales we will always provide those services in Welsh. We ensure people also have access to Welsh language services in courts and tribunals. Third party providers of services for us must adhere to the Scheme. Our principle is that no one should have to ask for a service to be provided to them in Welsh as a special favour, it should be obviously available to them. We have employed an extra translator to do the work needed on our new digital services. The Welsh Language Unit supports the Court and Tribunal Service Centres (CTSC) by servicing callers who want a Welsh language service. We have published 10 Welsh language telephone lines that link to our call centres or can be called directly by the public. Our digital products for making a plea online, helping with fees, paying fines, replying to a jury summons, submitting a claim to an employment tribunal, and court and tribunal finder are available in Welsh. We are developing new divorce and probate services too.

*Nerys Llewelyn Jones asked about plans to open a service centre in Wales.*

- SA-H: We have made a commitment to open a CTSC in Wales and we are looking at various locations. We intend to announce the location at the end of 2019.

*Lord Thomas referred to the timing of the Commission report and the Commission's wish to say in that things are happening.*

- SA-H: I take that on board.

#### **Question area: Use of technology**

- SA-H: In terms of the Commission's experience of HMCTS video links, we would like it if you could share your evidence with us as our central data indicates that the HMCTS video links are stable and reliable. We are developing a new service with the Ministry of Justice (MoJ) that allows secure links from various locations, including improving our criminal justice technology delivered through the justice video service that links police, prisons and courts but doesn't allow links outside its wall. The technology has moved on and can now support secure links that would, for example, allow counsel from chambers to meet with a client in prison.

*Lord Thomas referred to evidence from the Chief Prosecutor in Wales about bandwidth in court and the Commission's experience of connecting via video link to courts.*

- SA-H: HMCTS installed wifi in criminal courts some years ago and has just completed doing so in civil and family courts. We are now increasing the bandwidth across the criminal system and we expect to do this periodically as wifi usage increases. In terms of the Commission's experience, the justice video service is designed as a closed link and joining from outside via a bridge we know is complicated and difficult but that will not be the experience of other people in court who are

connecting to other justice video service locations. Making sure the underlying broadband connectivity is good will always be helpful. I am happy to share the plans and timescales we have to ensure, really quite quickly, that we can have inter-operability of the justice video service with locations outside its closed circuit.

*Peter Vaughan asked about future proofing in terms of other criminal justice agencies and technology.*

- SA-H: We have a plan which is joint with the Crown Prosecution Service (CPS) and police to create a “common platform” which is a cross criminal IT system that will allow agencies to operate in a much more seamless way. We have a version of that in pilot working in Liverpool at the moment. There are also some nearer term things ongoing with police and others around portals for sharing digital evidence that are tactical points in the journey towards the common platform. We talk to the police and CPS about inter-operability, which is a challenge with the police as there are 43 police forces with slightly different systems, all of which need to be managed.

#### **Question area: Increased spending by HMCTS in Wales**

- SA-H: The reason MoJ data shows increased spending of £20 million (41%) by HMCTS in Wales in one year from 2016/17 to 2017/18 is that the figures are calculated on two different bases. We record and publish expenditure by geography and by the way we are organised and managed. There are some costs that come out of central budgets rather than being geographically apportioned. The 2016/17 costs the Commission have are for the “Wales region”. In June 2018, you asked for the total costs of running courts in Wales and we tried to catch the shares of the England and Wales work and apportion central costs accordingly. If we had done the 2017/18 expenditure on the same basis as the previous year, that would have given a cost of £57.14 million, an increase of 7.7% on 2016/17. This is because of increases in family court work in Wales and social security tribunal activity. This would have included increased activity in the South West of England as those costs are retained in the Wales accounts. I will write to the Commission and set out more clearly and also explain the basis for apportioning central budgets in the 2017/18 figures before the Commission. I will also send you data on case numbers: Welsh Crown Court receipts for Wales represent 5.7% of the national workload whereas for Family Courts it's 6.29%. There is a higher proportion of family law work in Wales. The highest proportion of all is for Magistrates' Court receipts which is 7.1%.

#### **Question area: Levels of expenditure and changes in the budget for HMCTS**

- SA-H: We don't know for certain that there is a Spending Review coming up but we keep issues in mind. I have three priorities. First, we need to make progress on the HMCTS reform programme which is about giving better access to justice in a wide range of ways and also putting HMCTS on a sustainable footing. Second, we have carried out a comprehensive survey programme of the court estate as we need a clear evidence base to get the right level of resources for the sustainable management of the estate. Third, we need to ensure we get the right level of resource to run the courts and tribunals effectively and efficiently.

*Juliet Lyon asked about the Welsh tribunals.*

- SA-H: Some tribunals in Wales are devolved, some are not, as is the case in Scotland. We try to keep an eye on where things are being done differently on Welsh tribunals. It has not created concern in Wales. We meet with the Welsh Tribunals Unit on a regular basis and there are some areas where we can co-operate and are happy to share best practice when we can.

*Lord Thomas asked about the integration of alternative dispute resolution, the courts, ombudsmen and so forth.*

- SA-H: The policy responsibility sits with Mark Sweeney and Ministers in the MoJ. There are real opportunities to integrate good quality legal support with the systems HMCTS are developing and we are having discussions on this. HMCTS systems and processes can assist others and I talk to policy colleagues and the third sector about how HMCTS systems can help people frame the areas on which they need advice. I will talk to Mark Sweeney and in principle I'm happy to attend an evidence session with him.

#### Question area: Legal aid reforms

- SMcN: By way of background, I am the CEO and Director for legal aid case work at the Legal Aid Agency (LAA). I've worked in the justice system for 33 years. I joined the Legal Services Commission (LSC) in 2012 and prior to that in the Court Service, first in North East England before I moved to Wales and worked as the Finance and Performance Officer with Lord Thomas as the Presiding Judge. I became the CEO of the LAA three years ago. The LSC had a role in relation to policy and the LAA is very much an executive agency responsible for the operational arm of legal aid.

In terms of this question, this is primarily an issue for MoJ policy colleagues and Ministers. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) removed certain categories of law from legal aid. This has left legal aid with £1.7 billion of public funding, with £77 million for Wales. That is the amount of money that is billed by legal aid firms providing services in Wales. There is of course a porous border and services are provided into Wales, for example the Chester Bar. Those costs will be shown against England so the apportionment is not exact. I have analysed the per capita legal aid analysis provided in written evidence by the Wales and Chester Circuit. There is an arithmetical error in their calculations. My analysis shows in 2012/13 the average spend on criminal legal aid was £14 per head in Wales and £18 per head in England. Last year the figures reduced to £11 and £14 per head respectively. Crime is demand led. I have done another calculation for civil legal aid. Again this is inexact, but the spend is £43 million in 2017/18 with £34 million on crime. The cost per capita applying Office for National Statistics (ONS) figures for the general population is £14 per head in Wales and in England.

*Lord Thomas referred to the figures showing higher spend on civil legal aid compared to criminal legal aid in Wales and asked whether this was the case in England.*

- SMcN: There are dangers in taking the figures as exact figures. They discount for example the amount of expenditure on legal aid services and advocacy services in North Wales and Chester. They also discount cases of firms and barristers coming into Wales. We have seen across the board increases in the amount of expenditure on Special Children Act cases in public law. There are regional differences. I've not applied the ONS general population statistics but I've looked at spend and fluctuations in it on a regional basis. It does vary significantly in crime but is broadly similar in civil.

*Lord Thomas referred to figures for crime.*

- SMcN: Crime is demand led and the figures are a consequence of cases that are prosecuted through the courts.

*Lord Thomas referred to the spend on family work, roughly 90% of the civil legal aid spend, and asked if this was true across England and Wales.*

- SMcN: The majority of spend on civil is on family because of the impact of LASPO. Private law work is out of scope and the majority of the work is on public law Special Children Act proceedings.

*Lord Thomas referred to the spend on crime, particularly Crown Court crime, being significantly less than the spend on civil legal aid and the family courts and asked if this was true across England and Wales.*

- SMcN: I can provide the exact figures but broadly speaking in terms of the criminal expenditure, of the £1.7 billion, around £800 million is spent on crime and £500 million on Special Children Act cases.

*Lord Thomas referred to evidence that there are higher rates of children brought into care in Wales than in England.*

- SMcN: The expenditure on family law varies from area to area but there is not a pattern that is applicable across all the local authorities or family courts, it does vary.

*Lord Thomas referred to the fact that the professions would find these figures astonishing as they show a huge proportion of legal aid spend goes on family rather than crime.*

- SMcN: In 2017/18 the total amount of expenditure on all of the categories of civil legal aid was £822 million and on criminal legal aid was £848 million. The figures differ by region.

*Lord Thomas asked about what can be done to deal with the absence of legal aid for housing, social welfare and employment matters and how can what the third sector does and legal aid be brought together, which are huge issues for the operation of the rule of law and social justice in Wales.*

- SMcN: The question is a policy question and one for Ministers. In terms of housing, we do have contracts in Wales and have coverage across Wales. We have 283 contracts in Wales across 11 areas of law. We have 29 contracts with the not-for-profit sector, Shelter amongst them. Shelter provides advice for those facing possession proceedings. It is for policy colleges and Ministers to consider policy issues. They have published their response to the LASPO Review and the Legal Support Action Plan. Once legislation is in place it is for me as CEO of the LAA to ensure provision of services. In terms of the policy area, the lead Director General in the MoJ is Mark Sweeney and the Ministerial team.

#### **Question area: Review of LASPO**

- SMcN: I cannot say what the methodology was behind the figure of £1.5 million given to support litigants in person. That again is a question for policy colleagues. The allocation and use of that money is a matter for policy colleagues to determine. It is outwith the scope of the provision of legal aid services which I am responsible for providing. My responsibility is to ensure that I commission and contract legal aid services across England and Wales. My team determines legal aid under the prevailing rules and regulations. If applications pass the means and merits tests we issue a legal aid certificate. We then assess the bills and the level of payments. Anything that sits outside the scope of my legal aid fund for which I'm the Accounting Officer is a spend allocated by colleagues in the MoJ.

#### **Question area: Funding for innovative technologies**

- SMcN: This again is a matter for the MoJ and policy colleagues to determine as regards the use and deployment of the £5 million fund. The purpose of the fund is to look at the provision of bringing legal support into the 21<sup>st</sup> century using technology to underpin the provision of legal aid and to move away from necessarily using face-to-face advice in every instance. This is being driven from the MoJ. There is a reason for the clear distinction between policy and operation and for me as CEO of the LAA there needs to be a wall between what I do and policy because I have to show that the rule and will of Parliament is implemented and legal aid is spent in accordance

with the prevailing rules and regulations. Policy responsibility sits in Mark Sweeney's directorate.

*Simon Davies asked about the relationship with the HMCTS reform programme.*

- SMcN: One of the strengths in Wales is collaborative working. We work closely with HMCTS to see how court reform is developing and how technological developments would impact the LAA. I don't know how much of the innovative technologies fund will come to Wales. It is for Ministers to determine how policy is developed and enacted. We have in the LAA reduced administrative costs by 28% in the past three years due to utilising technology. An example is criminal legal aid, the application process for which is digitised and includes a link in to the Department for Work and Pensions for solicitors to see if their client is passported in terms of benefits and whether they can undertake work without risk. All criminal bills are also received online. We've gone from being a paper based organisation to one where 97% of transactions are online. This gives greater flexibility in terms of the employment offer and my caseworkers can work flexibly. This has allowed the cost of the estate to be reduced. Technology is there and is being used in other sectors that helps save people's time and allows it to be invested where it will count the most. There is a disruptive element to technology. It can help in the provision of legal services in rural areas. In civil legal aid we are looking at developing services that will use the technology already available for online banking.

#### **Question area: Sufficient provision of law firms and other advice providers**

- SMcN: We have recently run competitions for crime and civil contracts and we have seen as many people bidding for those contracts as previously held them, but there has been a slight reduction in the number of offices across England and Wales. We have requirements for the granting of contracts and a firm that is bidding for one category of law will have to show they have the quality mark from the Law Society or Lexcel accreditation. We run duty rotas for the duty scheme in police stations and when we see a reduction in the numbers on the duty rota we will look to see what we can do. In Ceredigion the numbers dropped from six to four solicitors on the rota and we are looking at how to address that. I am not seeing any issues with the provision of services in this area. The Law Society has published data on the age of practitioners. Policy colleagues are undertaking a review of criminal legal aid, of which this will be part, and they will report in 2020. In this round of criminal contracts the Law Society asked us to address the issue of "ghosts", i.e. firms putting people on the rota in order for the firm to build a relationship and acquire clients. Now there is a requirement for those on the rota to do 14 hours a week. We can enforce this strictly but we are realistic in rural areas that it is unlikely to reach that figure all the time.

#### **Question area: Expenditure on legal aid**

*Lord Thomas referred to the two measures of expenditure: the closed case measure; and annual departmental expenditure limits and asked which figures the Commission should concentrate on.*

- SMcN: What we look at is the amount spent per year on completed cases, the closed case measure. Some cases will take longer to run and solicitors can apply for a payment on account, up to 75% of the cost limit as it applies at that time. In practice because cases run over, the best measure is the completed case load and cases that have been billed. This may fluctuate and will depend on a number of factors, for example a number of legal aid bills are still assessed by District Judges and it depends how quickly they are assessed and then come to the LAA for payment. In terms of the annual published accounts for the LAA, within them there is an assessment made of the work that's been done already and if paid, the cost of it would have been attributed in the accounting period.

#### **Question area: Legal aid spending per capita**

- SMcN: There is much less heavy crime in Wales which affects spend per capita. Southwark deals with most long running high cost cases. I can provide a breakdown region by region that will show you the differences. There are fewer cases but the amount of work hasn't reduced which suggests it is more complex and longer running and accrues a high level of remuneration. Other factors include the porous nature of the border and also the quality of the criminal justice system. Good strong collaboration, excellent case preparation and strong judicial case management can impact on the length and costs associated with a case. The efficiency of the Welsh system could be a factor.

**Question area: Civil legal aid in Scotland**

- SMcN: I work very closely with CEOs in Scotland and Northern Ireland and they have a different scope and approach to the provision of legal aid. It is interesting but my responsibility is to ensure that the will of Parliament is represented. I also say that the legal aid fund is generous and bears comparison to other jurisdictions.

*Peter Vaughan asked about sharing good practice across jurisdictions.*

- SMcN: We meet and come together every year and look and learn from other approaches, in my case the administration of legal aid. We take an interest but it is to inform rather than take a view. Their approach is different and they are still constrained ultimately by the fiscal envelope. As regards the provision of legal aid in England and Wales, that which is within scope we do well.

**Question area: Budget of LAA**

- SMcN: In terms of the UK Government Spending Review, the MoJ will have its priorities and as CEO it is my role to continue to drive efficiency and deliver services more effectively and simply. I have taken 28% of administrative costs out of the business by utilising technology whilst improving services and the speed and efficiency within which we do the work. I have an agency transformation programme looking at how we can further simplify and automate processes and we do that having regard to the programmes of the HMCTS.

**Question area: Figures in the 'Sentencing and Immediate Custody in Wales: A factfile' report**

- MS: The factfile is interesting data and the assumptions made in compiling it, for example around people's addresses as they come into custody, were broadly accurate. Some form of statistical significance testing in it would have been of assistance. It gives confirmation that Wales is at the high end of imprisonment. The highest rate is in Guernsey.

**Question area: Prison estate in Wales**

- MS: You will be aware of the current provision and expansion will be the extra thousand places in HMP Berwyn. There are no current plans for further expanding the current prison estate in Wales. We did have a site in Wales and the Minister before the Welsh Affairs Select Committee was clear that we will continue to look for future sites. Our plan is to build two new prisons in England. We want to build new prisons to replace older prisons. In terms of the female estate, we have no plan of building a female prison in Wales. I am a supporter of the Government's plan for building a women's residential centre as an alternative to custody and Wales is a part of that. Amy has been taking the integrated welfare and justice approach for young people to deflect young people from custody.
- AR: HMPPS in Wales has been working collaboratively with the Welsh Government to draft blueprints for women and young people and how we can divert and prevent well before the custodial period. I'm pleased to say that the number of young people in custody across England and Wales has been dwindling. We are down to a small number but when they do need a

custodial sentence there are complex and challenging cases and there are issues about where they are detained. We are actively pursuing with the Welsh Government a policy of combining justice and welfare cases because often the needs of these young people are remarkably similar. We are therefore looking at building and purchasing beds together so we have a larger footfall of where we can place those young people. We are working with Jane Hutt AM and Mark Drakeford AM about how the blueprints can be taken forward. I am unable to give a timeline but the new portfolio holders in the Welsh Government are positive. I am optimistic that good progress will be made in the next four to six months.

*Juliet Lyon asked about estate planning.*

- MS: We have to cater for the population that is sentenced by the court. I'm pleased about the political and policy decision about reducing short sentences and obviously if there are fewer short sentences then that will make a difference in our use of the estate but that is a matter for political decision.

*Professor Rick Rawlings asked about the apparent contradiction in evidence that Wales has low rates of youth custody but almost the highest per capita rate of adult imprisonment and how those strands of evidence can be reconciled.*

- MS: The bulk of the prison population is driven by longer sentences. In broad terms Wales, England and Scotland, and Guernsey, have similar sentencing frameworks with a growth over many years in the length of sentencing. In general terms we are therefore at the top end of European prison rates. The rates across England, Wales and Scotland are all broadly at the top end in Europe but way below the USA at 650 per 100,000 head of population.
- AR: That is slightly comparing apples and pears. The trends in England and Wales have been downwards for youths but upwards for adults. The numbers of young people in Wales in custody are so very small that any fluctuation year to year would make a difference to the trends.

*Professor Rick Rawlings asked whether the good work in youth justice in Wales was delaying the entry of young people into custody.*

- MS: We are finding the number of people committing offences is going down but those committing offences tend to be more serious with longer sentences. Diverting people from the system and having fewer offences is a good thing but offences are more serious and sentences longer and this drives the prison population.

#### **Question area: Location of Welsh prisoners**

- MR: If we were to build new prison accommodation in Wales it would be to replace poorer accommodation currently in Swansea and Cardiff. Our overriding principle is to put prisoners in the right location for their security category and to tackle the reasons why they are in custody. The England and Wales system provides greater scope to better manage and respond to offending. Our aim is to keep people close to home and certainly in readiness for release and the range of facilities means we can meet people's needs better. Looking at Scotland that keeps the majority of its prisoners, the difference is that in Scotland there are 15 prisons. In Wales there are four including Berwyn. Inevitably, those prisons then have to be multifunctional to hold all of the categories of prisoner. There are long-term training prisons and therapeutic prisons in England not available in Wales that means Welsh prisoners can access those facilities.

#### **Question area: Impact of devolution**

- AR: There is a multiplicity of arrangements: the All Wales Criminal Justice Board; the Wales Strategy Group; monthly meetings with Public Health Wales (PHW); every prison meets with the

local health board. There are meetings at every level. But we do have to work hard to create a shared integrated system and a vision of what we respectively want to achieve, identify the key indicators and deliver across a multiplicity of sites and needs. There isn't an offender health lead in PHW. I am trying to raise the profile of offender health and a member of my team will be seconded into the Welsh Government to help to facilitate this.

*Professor Rick Rawlings asked about issues caused by some services being devolved and others not.*

- AR: My experience is that integration activities wherever they may be, in Wales or London, require hard work on the ground operationally to turn policy into something that works on the ground. Save for there not being an offender lead in PHW, I think you just need to work hard at integration.

*Juliet Lyon asked about issues that may be particular to Wales.*

- AR: The removal of priority status in terms of housing made it more difficult for prisoners to find accommodation on release. But finding accommodation for those leaving prison after short sentences is a challenge across England and Wales. We work actively with the Welsh Government about what we can do to try and address this issue. The system for dealing with high drug dependency of those entering custody is very different for those in Wales compared to England. There is more to be done in Wales on the system of clinical prescribing to ensure it is equitable for all of our offenders.

#### **Question area: Probation service in Wales**

- MS: The last National Audit Office report to the Public Accounts Committee on the Transforming Rehabilitation Programme set out a clear position about what happened after those reforms. The reforms extended provision to all offenders serving less than 12 months thus extending the caseloads of probation by 45,000 people. The system introduced a split between high risk offenders managed by the National Probation Service (NPS) and low/medium risk offenders managed by Community Rehabilitation Companies (CRC). CRCs had service and outcome based payments by results if reoffending was reduced. The overall re-offending rate has reduced but those who were re-offending have been doing so at a higher intensity. The majority of the CRCs then are not making the money they expected, they've not been able to invest and that has impacted on services. This has been recognised and why we have negotiated an early termination of those contracts in 2020. A Government consultation on alternative arrangements ended in September 2018 and responses are being considered. Working Links, the provider for CRCs in Wales, went into administration today and the contract has been moved to CETEC, another provider in Kent and Sussex. This will not cause any issue to users. We are in the process of moving to a new model in Wales to bring all offender management back to the NPS.

*Lord Thomas referred to evidence that the focus of criminal justice should be on prevention at a local level and whether the model for Wales will reflect the structures of public services and be accountable to the Welsh Government and run as an integrated local service.*

- MS: The model is that responsibility for offender management and probation sits with the Secretary of State and Lord Chancellor. As an operator the best delivery of services are integrated services delivered at a local level. The fact that responsibility is with the Secretary of State doesn't mean we shouldn't seek to integrate services for better local delivery. A distinct approach for Wales will make it local and integrated. The current legislative arrangements are that responsibility for probation sits in London but that does not mean we cannot have tailored provision for offender needs in Wales.
- AR: I have been part of trying to deliver the Well-being of Future Generations Act. It's a central tenet of the All Wales Criminal Justice Board and it does not conflict with what we are trying to do in prisons and probation. The blueprints actually focus on those themes of diversion and they

have support in Westminster as they do in Wales.

**Question area: Current and future provision**

- AR: The NPS in Wales functions extremely well. The service in Wales by the CRC has not been diabolically bad but it has not been what we expected.

**Question area: Plans following the Strengthening probation, building confidence consultation**

- MS: We have a consultation document and we are considering responses to it. The proposed model for Wales for offender management is that case management would go under the NPS with some outsourcing for prevention and unpaid work. The current contracts for CRCs end in 2020 and we will need to implement the new model in line with that.
- AR: We are keen to build on the voluntary sector and for there to be better integration with us. In a rural place like Wales some services particularly for women and young people need good engagement with voluntary sector providers. We are working closely with the market, the voluntary sector and Clinks.

*Lord Thomas asked a hypothetical question about a change in the sentencing model and whether the prison system could accommodate a different model in England and in Wales.*

- MS: If sentencing policy changed it would depend on practicalities. It could be a problem if people were in the same prison for the same offences with earlier release dates, that would cause problems. It would need to be very carefully thought through.
- AR: It's a question for Ministers and I've never thought it through. If it was a political decision before us we'd have to think carefully about delivering it at an operational level.

**Question area: Budget of HMPPS**

- MS: In terms of priorities we need investment in the prison estate, conditions and levels of crowding are not what we want. Primarily, we want conditions fit for the 21<sup>st</sup> century. We would want to tackle the drug issue and investment in security but also investment in treatment for drug dependency and mental health. A lot of people in prison will always need mental health support short of transfer to a secure mental health facility. But they should have access to better mental health provision generally. There are people who would be better managed under a health rather than prison provision. We are working really hard in partnership with PHW and other services in Wales but the investment in those areas must take offender needs into account. I had to find detox services in Wales at one stage to maintain parity of provision with English prisons.
- AR: A large proportion of the prison population serve short term sentences and they predominantly require initial mental health and detox services and they will be back into the community, realising the value of your investment, very shortly. It would make much more economic sense to deal with their needs when they are in prison.

**Question area: Disaggregated Welsh data**

*Lord Thomas asked all participants to disaggregate data so there is data in relation to Wales to better explain how the system now works.*

- AR: From the HMPPS perspective we have taken some practical steps and the HMPPS statistician is now working with the Welsh Government statistician on reoffending rates. A working group has been established to look at disaggregating data in our part of the system.