6 February 2019

Dear Mr Davies

**Prison Provision in Wales**

Thank you for your letter dated 22 January 2019 requesting further information in relation to the Welsh Affairs Committee’s inquiry into prison provision in Wales.

You asked whether Her Majesty’s Inspectorate of Prisons (HMI Prisons) is aware of any evidence of improvement at HMP Cardiff and HMP Swansea. We have not subsequently inspected either prison and therefore cannot comment on whether the picture at these prisons has improved. HMI Prisons does receive intelligence about prisons outside of inspections, which is considered as part of our dynamic risk assessment when determining our inspection programme. However, we are not able to form conclusive judgements based on this information ahead of an inspection taking place.

You also asked about the distinction drawn between ‘crowding’ and ‘overcrowding’ by the Ministry of Justice (MoJ) and Her Majesty’s Prison and Probation Service (HMPPS). HMI Prisons recognises that HMPPS distinguishes between prisons which are holding above their Certified Normal Accommodation (CNA), which HMPPS refers to as crowded, and the situation where a prison would hold above its operational capacity, which HMPPS would refer to as overcrowded. HMI Prisons asks all prisons to provide figures for their CNA, operational capacity and current population at the start of each inspection. These measures provide inspectors with an initial indication of whether the population size may be impacting on conditions for prisoners, such as two or more prisoners sharing small cells. Throughout the inspection week, inspectors will then assess whether prisoners are held in safe and decent living conditions. This assessment is carried out against HMI Prisons Expectations, which are the independent criteria by which HMI Prisons assesses outcomes for prisoners. Our Expectations are developed following an extensive consultation process and are underpinned by international human rights standards with the aim of promoting prison conditions that at least meet such recognised standards. Where inspectors consider that conditions for prisoners, assessed according to our Expectations, are detrimentally impacted by the size of the prison population, we will refer to a prison as overcrowded.

I hope that this information is helpful and sufficiently answers the Committee’s questions but please do not hesitate to contact me if any further information is required.

Your sincerely,

Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons

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1 Further information about inspection programming can be found in our Inspection framework, May 2017, pages 11-12, which is available at https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/02/1.-INSPECTION-FRAMEWORK-May-2017-1.pdf.

2 As highlighted in my letter to the Committee dated 14 June 2018, inspectors saw some instances of three men being held in cells designed to accommodate two during the inspection of HMP Swansea.