

**CFA05 Dr Gregory Davies (University of Liverpool) and Dr Robert Jones (Cardiff University)**

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Senedd Cymru | Welsh Parliament

Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol | Culture, Communications, Welsh Language, Sport, and International Relations Committee

Cymraeg i bawb? | Cymraeg for all?

Ymateb gan: Dr Gregory Davies (Prifysgol Lerpwl) and Dr Robert Jones, Canolfan Llywodraethiant Cymru, Prifysgol Caerdydd | Evidence from: Dr Gregory Davies (University of Liverpool) and Dr Robert Jones, Wales Governance Centre, Cardiff University

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This evidence is based on ongoing research by Dr Gregory Davies (University of Liverpool) and Dr Robert Jones (Cardiff University) into the experiences of Welsh speakers within the prison estate in England and Wales. It draws from information obtained from HM Prison and Probation Service (HMPPS) and the Ministry of Justice through Freedom of Information requests, a review of reports on Welsh prisons by His Majesty's Inspectorate of Prisons (HMIP) and Independent Monitoring Boards (IMB), and in-depth interviews with 8 Welsh-speaking former prisoners conducted in 2023.

We welcome the opportunity to provide evidence to the Committee's inquiry into the challenges and opportunities to increasing the use of the Welsh language across Wales. In particular, given the Committee's focus on areas where there are fewer Welsh speakers, we are keen to ensure that the views and experiences of Welsh-speaking prisoners in Wales are captured within the scope of the Committee's inquiry and its recommendations. If Cymraeg is for all, regard must be had for those within the prison system.

Our submission is divided into two parts. Firstly, we present the latest data gathered from the Ministry of Justice through Freedom of Information requests to shed light on how many (or, more accurately, how few) Welsh speakers are held in the Welsh prison estate. Secondly, we focus on the challenges faced by prisoners seeking to use the Welsh language in Wales. This includes evidence of neglect, as well as overt interferences by prison staff in Wales. By drawing attention to the specific difficulties facing Welsh-speaking prisoners, we hope that our submission can contribute to a more comprehensive, rigorous and informed discussion of the challenges for Welsh-speakers more widely.

**How many Welsh-speaking prisoners are there in Wales?**

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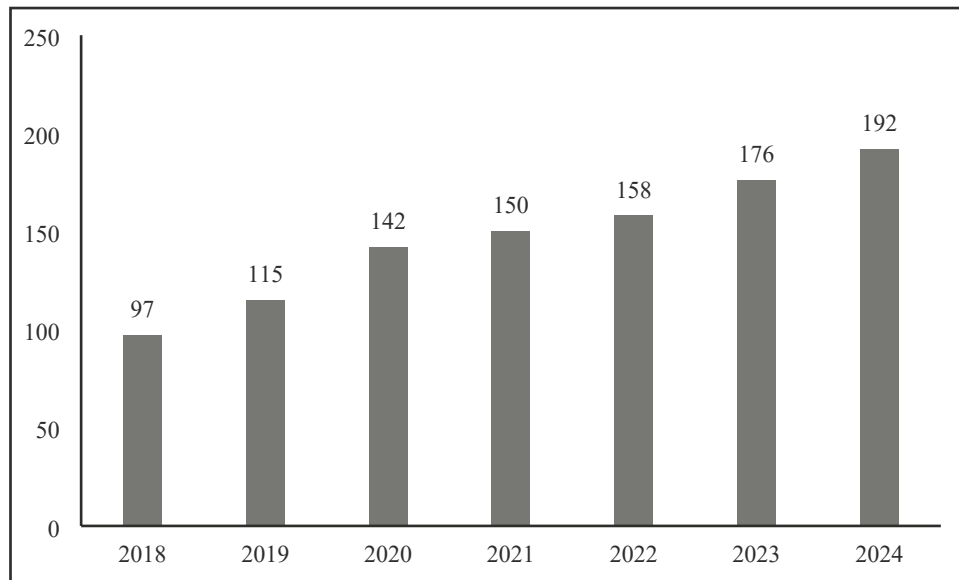
The lack of data and information on Welsh language in prisons has been a recurrent theme within parliamentary and academic debates on imprisonment in Wales over the last two decades. Although

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the Ministry of Justice published data on the number of Welsh-speaking prisoners for the first time in 2024, this was done so on an ‘ad hoc’ basis.

Requests submitted under the Freedom of Information Act 2000, therefore, remain the most reliable route to routinely accessing data on the number Welsh-speaking prisoners in England and Wales.

- Figure 1.1: The average number of Welsh-speaking prisoners in Wales, 2018 to 2024



Official Ministry of Justice data show that, on average, there were 192 Welsh-speaking prisoners in Wales in 2024 (see Figure 1.1). Based on the average number of Welsh people (based on home address) held in Welsh prisons in 2024, the Ministry of Justice’s figures show that just 5.3 per cent of the Welsh prison population were Welsh-speaking in 2024. Given that 12.6 per cent of the Welsh population aged 16 and above can speak Welsh (Office for National Statistics, 2023), the information published by the Ministry of Justice adds to existing concerns about data inaccuracy and the potential undercounting of Welsh-speaking prisoners. For instance, despite HMPPS’ repeated commitment to collect information on prisoners’ Welsh language preferences, the most recent inspection reports at HMP Parc (2022) and HMP Berwyn (2022) suggest that this still does not happen consistently across the Welsh prison estate (HMIP, 2022a; 22b). It is impossible to determine with any degree of accuracy, therefore, if the rising number of Welsh speakers since 2018 (as shown in Figure 1.1) reflects a true increase, or simply improvements to data recording practices.

If we look beyond the possible inaccuracies and under-reporting of Welsh-speaking prisoners, the available data reveal that Welsh prisons can certainly be considered areas with fewer Welsh speakers. This situation becomes more stark when we look at the population breakdown for each prison across Wales. For example, while around one in ten (11.9 per cent) Welsh prisoners (based on home address) held at HMP Berwyn were Welsh-speaking in December 2024, this figure was much lower at other prisons in Wales (see Figure 1.2).

- Figure 1.2: The proportion of Welsh prisoners who are Welsh speakers broken down by prison in Wales, December 2024

	Welsh-speaking prisoners	Welsh prisoners	% who are Welsh-speakers
<b>HMP Berwyn</b>	79	663	11.9
<b>HMP Cardiff</b>	12	572	2.1
<b>HMP Parc</b>	47	1,435	3.3
<b>HMP Prescoed</b>	4	155	2.6
<b>HMP Swansea</b>	14	341	4.1
<b>HMP USK</b>	23	201	11.4
<b>Total</b>	<b>179</b>	<b>3,367</b>	<b>5.3</b>

When we look at the percentage of Welsh speakers within the prison population as a whole, however, the minority position of Welsh-speaking prisoners becomes even clearer. At HMP Berwyn, where around two-thirds (65 per cent) of the prison population were from outside of Wales at the end of December 2024, Welsh speakers comprised just 4.1 per cent of the prison's overall population (see Figure 1.3). The difficulties and challenges that this presents to prisoners seeking to use the Welsh language are explored in detail in the next section.

- Figure 1.3: The proportion of prisoners who are Welsh speakers broken down by prison in Wales, December 2024

	Welsh-speaking prisoners	Prisoners	% who are Welsh-speakers
<b>HMP Berwyn</b>	79	1,904	4.1
<b>HMP Cardiff</b>	12	681	1.8
<b>HMP Parc</b>	47	1,760	2.7
<b>HMP Prescoed</b>	4	204	2

<b>HMP Swansea</b>	14	366	3.8
<b>HMP Usk</b>	27	274	9.9
<b>Total</b>	<b>179</b>	<b>5,189</b>	<b>3.4</b>

Without routine access to comprehensive and accurate data, it is impossible to assess the extent of Welsh language need or the adequacy of provision across the prison estate. **The Welsh Government should continue to press the UK Ministry of Justice to collect and routinely publish accurate data on the number of Welsh-speaking prisoners on its website.**

### **Barriers and opportunities across the Welsh prison estate**

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The difficulties facing Welsh speakers in English prisons have been widely documented (Jones, 2017; Welsh Language Board, 2008). Less is known, however, about the experiences of Welsh speakers across the prison estate in Wales. In 2018, the Welsh Language Commissioner's The Welsh language in prisons report found that Welsh-speakers had 'far better' experiences in Welsh prisons overall (WLC, 2018: 60). Since the adoption of HM Prison and Probation Service's first Welsh language scheme in 2013, there has been some evidence to support this. At HMP Parc in 2016, HM Inspectorate of Prisons (2016) observed approvingly several changes: Welsh-speakers were identified at reception, Welsh was 'encouraged on the wings', and a Welsh-speakers' forum had been established to gather views on the prison's bilingual services. The prison was also praised by its Independent Monitoring Board (IMB) for proactive recruitment of Welsh-speaking staff, who numbered 'nearly sixty' in 2018, and for providing Welsh-speakers prisoners with 'Siaradwr Cymraeg' (Welsh Speaker) stickers for their cell doors to encourage other speakers to engage with them (IMB 2018; 2019). HMP Usk and Prescoed also showed signs of improvement: a 2017 inspection found that those who spoke Welsh as a first language 'used Welsh in all areas of the prison' (HMIP 2017: 39).

Despite evidence of some improvements since the 2013 Scheme was introduced, progress has been far less apparent in other Welsh prisons. At HMP Cardiff, staff struggled to promote the language effectively as an employment skill (HMIP 2019). As recently as 2020, an inspection at HMP Swansea found that '[t]he statutory obligation to provide written and spoken materials in the Welsh language on request was largely unmet', and there was 'no evidence of official forms available in Welsh' (HMIP 2020: 21). Following an inquiry into Welsh prisons in 2019, the House of Commons Welsh Affairs Committee (2019: 32) concluded that there were 'inadequacies and inconsistencies in Welsh-language provision' right across the Welsh prison estate.

Despite the renewal and extension of HMPPS' Welsh language commitments under the 2020-2023 Scheme, progress continues to vary. Recent reports on HMP Parc and HMP Swansea suggest progress towards parity between the Welsh and English languages (IMB 2023; HMIP 2023). Nevertheless, there have been several instances in which key stipulations of the 2020 Scheme have been breached. There is evidence, for example, that new arrivals across Wales are still not asked

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consistently about their language preferences (HMIP 2022a; 2022b). Failures to erect bilingual signs and provide key information and forms in Welsh continue to be documented across the estate (HMIP 2022a; 2024). At some sites, formal opportunities for speakers and learners to develop their skills have been found lacking (HMIP 2024) and the adherence of some Welsh prisons to their own Welsh language ‘action plans’ has been questioned following inspections (HMIP 2021). Concerns have also been raised that some Welsh prisons are ‘too positive’ and ‘overly complimentary’ in their own assessments of their Welsh language provision (HMIP 2021: 12, 43).

Our own empirical research sheds further light on the challenges facing Welsh-speaking prisoners in Wales. Drawing upon interviews with 8 Welsh-speaking prisoners formerly held at HMP Berwyn, our findings reveal the ways in which the use of Welsh has been overtly policed, albeit sporadically, by prison staff, and how the needs of Welsh-speakers are neglected at the prison.

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### **Interferences with the ‘freedom’ to use Welsh**

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The Welsh Language (Wales) Measure 2011 sets out an individual’s ‘freedom’ to use Welsh in Wales without interference by others, an entitlement which HM Prison and Probation Service’s Welsh Language Scheme 2020-23 explicitly acknowledges and undertakes to respect. Interferences with the use of Welsh by prison staff have been documented repeatedly in English prisons over the years. More recently, however, they have also been reported in Welsh prisons, and at HMP Berwyn in particular (IMB 2020; Mills 2021).

In our interviews, we were given a number of examples of prison staff telling prisoners to stop speaking Welsh at HMP Berwyn: on prison landings and in association spaces, while working, and even while receiving confidential legal advice. Former prisoners described being asked by prison staff to convey what had been said in Welsh or being instructed to switch to English – a ‘daily’ occurrence according to one interviewee. Several said that they had been threatened with sanctions under the Incentives and Earned Privileges scheme for speaking Welsh, and had circumscribed their use of Welsh as a result.

The interviews also pointed to a climate of suspicion around the language at HMP Berwyn centred on order and security considerations, particularly among the staff who could not speak Welsh. While officers discouraging Welsh on security grounds has been documented previously in English prisons, it was suggested that this atmosphere of suspicion was particularly severe at HMP Berwyn. Several interviewees even remarked that they had experienced greater tolerance of the language in English prisons, such as HMP Altcourse in Liverpool.

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### **Neglect of Welsh-speakers’ interests and needs**

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During our research, we have also found various examples of Welsh-speakers’ needs and interests being neglected in Welsh prisons:

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- **New arrivals not being asked about their language preferences.** The 2020-23 Welsh Language Scheme requires new arrivals to be asked about their Welsh language ability and whether Welsh or English is their preferred language. The same commitment was given in the previous 2013 Scheme. Recent inspection reports, however, suggest that this does not happen consistently across the Welsh prison estate (HMIP 2022a; 2022b).
  - **A lack of formal opportunities to use Welsh.** The 2020-23 Scheme makes a commitment to give prisoners in Wales ‘the opportunity to develop their Welsh language skills’ (HMPPS 2020: 9). There are some efforts to deliver this through Welsh language courses, forums and social groups, among other initiatives. However, the Welsh Language Commissioner (2018: 63) has previously noted a lack of formal educational and training opportunities for fluent Welsh-speakers, a concern raised by several former prisoners interviewed during our research.
  - **A lack of informal opportunities to use Welsh.** The relatively low number of Welsh-speakers within the prison estate means that individuals may have very few informal opportunities to use their language on a day-to-day basis. Official data from the Ministry of Justice indicates that although HMP Berwyn holds the largest number of Welsh-speakers, this constitutes a very small fraction (4 per cent) of its prison population. Some former prisoners told us that they had encountered no other Welsh-speaking prisoners at the prison. This concern has also been voiced by HMIP (2022b: 34), which noted that ‘there was only one Welsh peer mentor to support the promotion and celebration of the Welsh language’ at HMP Berwyn during the most recent inspection.
  - **A lack of Welsh-speaking staff.** The 2020-23 Scheme emphasises the importance of Welsh-speaking staff, but this remains an issue. For example, as of June 2024, there were just 13 declared Welsh-speaking officers at HMP Berwyn, the equivalent of 2 per cent of all operational staff. Former prisoners interviewed for our research claimed that they had encountered either few Welsh-speaking staff or none at all at Berwyn.
  - **Difficulty identifying other Welsh-speakers.** The 2020-23 Scheme states that prisoners and staff will be provided with badges or lanyards to indicate their Welsh language ability. The most recent inspection report indicates that this has not been followed at HMP Berwyn (HMIP 2022b) – a criticism echoed by some of the former prisoners we interviewed.
  - **Limited availability of forms and information in Welsh.** The 2020-23 Scheme requires signage to be bilingual and forms and electronic services to be available in Welsh. However, gaps in provision continue to be documented across the Welsh estate (HMIP 2024). These concerns were also voiced by those we interviewed.
  - **Delays to correspondence written in Welsh.** The 2020-23 Scheme states that prisoners ‘can communicate with ... external contacts in Welsh if they wish’ (HMPPS
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2020: 12). Several former prisoners that we spoke to, however, said that they had experienced significant delays in sending and receiving correspondence in Welsh, with some later opting to use English in order to avoid this.

These insights cast significant doubt on the ‘better in Wales’ view of Welsh language provision within prisons. Even in a ‘flagship’ Welsh prison that would, according to the former Secretary of State for Wales, ‘benefit prisoner welfare by allowing Welsh speakers more opportunity to speak the language’ (MoJ 2013: para 7), prisoners still face significant barriers to using Welsh on a day-to-day basis.

The uneven progress across Wales raises a much wider set of questions about the legal and constitutional complexity surrounding the use of the Welsh language. Whilst the Welsh Government and Senedd bear the primary constitutional responsibility for protecting and promoting the Welsh language, their ability to do so within areas formally reserved to the UK Government and Westminster Parliament remains severely limited, as demonstrated by the experiences of Welsh-speakers in Welsh prisons.

**Short of the devolution of justice powers to Wales, it is incumbent on the Welsh Government to pursue an alignment of legal standards for the protection of Welsh across devolved and non-devolved justice services in Wales. To this end, HMPPS (along with other justice bodies) should be made subject to the Welsh Language (Wales) Measure 2011, as called for by the landmark report of the Commission on Justice in Wales (2019). The UK Government’s agreement and consent should be sought as a Welsh Government priority.**

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