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Annwyl Ms Rathbone,

I write in response to your letter on 21 October 2025 seeking further clarification about the sources of data excluded from the *Welsh Justice Data: Annual Release 2025* on 29 September.

**Could you specify which datasets from the original list of ‘priority areas’ were not included in the Ministry of Justice’s release?**

In January 2025, I was asked to provide the Ministry of Justice with a list of ‘top 5 or so priority items’ or Wales-only data areas which were not currently available as part of the Ministry of Justice’s routine releases. In response, I put together a list of six areas for consideration, along with a rationale for why they should be made publicly available. The data areas I requested (without the rationale) are listed below.

1. Welsh people (as defined by their home address prior to entering custody) in prison by establishment, by sentence type, offence type, age, ethnic group, religious identity, security category, local authority.
2. Welsh women in prison (as defined by their home address prior to entering custody) in prison by sentence type, offence type, age, ethnic group, religious identity, local authority.
3. English people (as defined by their home address prior to entering custody) in prison by sentence type, offence type, age, sex, ethnic group, religious identity, security category, local authority.

4. The number of those recorded as homeless at prison reception broken down by prison establishment in England and Wales, and those released from prison with no fixed address broken down by the releasing establishment.
5. The number people under probation supervision in Wales broken down by sex (male and female), ethnic identity, offence group.
6. The number of Welsh-speaking prisoners broken down by establishment in England and Wales and the number of Welsh-speaking prison staff broken down by establishment.

In the days leading up to the first *Wales Justice Data: Annual Release* on 29 September, the Ministry of Justice wrote to confirm which data were to be included in the release, and explained which of those were not. I provide a detailed breakdown for each priority area below.

1. **Welsh people in prison:** These data were included (in full) in the *Welsh Justice Data: Annual Release 2025*.
2. **Welsh women in prison.** These data were included (in full) in the *Welsh Justice Data: Annual Release 2025*.
3. **English people in prison.** These data were included (in full) in the *Welsh Justice Data: Annual Release 2025*.
4. **Homeless at reception and release:** These data were *not* included in the *Welsh Justice Data: Annual Release 2025*. Despite being able to access data on homelessness at reception using requests under the Freedom of Information Act 2000, the Ministry of Justice advised that they do not record data for homeless on reception in ways that are sufficiently complete, consistent or rigorous for external sharing. The Ministry explained that data that are collected are held locally by individual prisons and translating this into anything meaningful would require significant development and prioritisation against other asks. The Ministry informed me that they are currently working towards ‘released homeless by institution’ for internal use and that they will consider how best to share these data once they are available.

5. **Probation supervision by sex, ethnic identity and offence group:** These data were *not* included in the *Welsh Justice Data: Annual Release 2025* for two separate reasons. Firstly, the probation caseload data broken down by sex is already made publicly available via the CSVs that the Ministry of Justice publish alongside the main probation tables. Although it would be helpful to have these included in a clear Wales-only table/breakdown, these data can be found by searching through the *caseloadQ12025.csv*. Data on probation caseloads by ethnic group or offence group, however, were not included in the release because, according to the Ministry of Justice, these breakdowns would require development, resource and prioritisation.
  
6. **Welsh-speaking prisoners and staff:** These data were *not* included in the *Welsh Justice Data: Annual Release 2025*. Although data on the number of Welsh-speaking prisoners can be accessed using requests under the Freedom of Information Act 2000, the Ministry of Justice informed me that although their ‘Welsh Language Scheme 2024-27 has now been approved by the Welsh Language Commissioner... it will be some time before robust data is available for publication outside of the Scheme’s monitoring updates’. The Ministry also confirmed that ‘data for Welsh speaking staff is too incomplete for publication’ at present, but these data can also be accessed via the Freedom of Information Act 2000.

**Can you provide a breakdown of the most critical data gaps (e.g. parental imprisonment, deaths in custody, Welsh-speaking prisoners) and why they matter for scrutiny and policy?**

Although Wales remains formally part of a ‘unitary’ England and Wales justice system, the Welsh Government has a significant role to play in the Welsh criminal justice system. *The Welsh Criminal Justice System: On the Jagged Edge* (Chapter Four) offers a comprehensive overview of the devolved government’s activities and many responsibilities in the criminal justice policy space. The majority of the data that I have asked the Ministry of Justice to provide over many years can, either directly or in-directly, be mapped onto the Welsh Government’s responsibilities. These data, therefore, are vital to understanding the success (or otherwise) of the Welsh Government’s own policies and pledges and can contribute to effective and enhanced scrutiny. These include the following areas:

- Housing status of prisoners arriving at prison and on release (*Ending Homelessness in Wales*)
- Self-harm among Welsh prisoners (*Mental Health and Wellbeing Strategy 2025 to 2035*)
- Parental imprisonment (*Women's Justice Blueprint*)
- Welsh language (*Cymraeg 2050*)
- Pregnant Welsh women in prison and the number of births (*Women's Justice Blueprint*)
- The proportion of sentenced served by Welsh people broken down by ethnic group (*Anti-Racist Wales Action Plan*)
- The number of Welsh people released from prison by establishment (*Ending Homelessness in Wales*)

Beyond the Welsh Government's formal responsibilities, however, Wales-only data are also vitally important as they have the potential to reveal something about our criminal justice system in Wales and the treatment and experiences of those within it (or those from Wales). By continuing to ask searching and far-reaching questions about the operation of the system in Wales, these data can contribute to political, academic and public debates on Welsh criminal justice. These data areas include:

- The number of Welsh people who have died in prison custody.
- The release and recall breakdown among Welsh prisoners serving Imprisonment for Public Protection (IPP) sentences.
- The use of care and separation units (segregation) in Welsh prisons.
- The use of recall by probation services in Wales by sex.
- The number of formal prisoner complaints in Welsh prisons.
- Investigations into prison staff assaults on prisoners in Wales.

**Were any of the omissions due to data not being collected at all, or simply not being published?**

None of the omissions were due to data not being collected at all. This situation is routinely avoided by only asking for data which already exist (and are often published) on an England and Wales level. The most consistent issue I have been confronted with over the last decade is that data collected on an England and Wales basis are not disaggregated to the Wales-only

level. When asking for these data using Freedom of Information requests, the Ministry of Justice will regularly inform me (often with justification) that the cost of disaggregating these data would exceed the cost limit set out in the Freedom of Information Act 2000. This is one of the major limitations of accessing Wales-only data through requests under the Freedom of Information Act 2000 and further underlines the importance of a routine (and comprehensive) publication schedule.

The reasons given for not providing the data listed in the ‘priority areas’ I requested were largely due to the Wales-only level not being readily available. See responses above for a more detailed and specific set of reasons provided by the Ministry of Justice.

**What are the practical consequences of not having access to these missing datasets for researchers and policymakers? AND How do these gaps affect our understanding of criminal justice, especially in areas like racial disproportionality or women's imprisonment?**

The lack of Wales-only data has consequences for a range of different people. In 2021, the Senedd’s Health, Social Care and Sport Committee were told that the unavailability of disaggregated data ‘could create barriers to the assessment of health and social care needs’ in prison, ‘limit assessment of the equivalence or otherwise of prison and community health and social care services’, and ‘hinder understanding of how prisoners’ linguistic needs (including Welsh) were taken into account in service and workforce planning’. During the Equality and Social Justice’s Committee’s own recent inquiry into women’s experiences of the criminal justice system, members were told that a lack of disaggregated data made it difficult for service providers to obtain a ‘full picture of women from Wales’ experiences of the criminal justice system’.

The gaps in Wales-only data also present a range of problems to those responsible for scrutinising criminal justice services, with the lack of readily accessible data making ‘meaningful scrutiny and accountability very much more difficult’ (Jones and Wyn Jones, 2022: 156). For those working in the House of Commons and the Senedd, see also academic researchers. The report of the Commission on Justice in Wales (2019: 427) was clear in its conclusion that the lack of available Wales-only data had ‘inevitably contributed’ to a ‘major deficiency in Wales specific research’ on law and criminal justice. If research is to play an

important role in the process of scrutinising the Welsh criminal justice system, as well as offering bold alternative solutions to its many (and most) intractable problems, then better access to Wales-only data is imperative.

It is also worth stressing that access to better Wales-only data is only the first step. Drawing upon evidence received by the Wales Governance Centre in 2023, the Equality and Social Justice Committee's (2024: 37) *Action, not words: towards an anti-racist Wales by 2030* report recommended that the Welsh Government establish a Welsh Criminal Justice Observatory to provide (much needed) additional research capacity in this area. It is hoped that the next Welsh Government can deliver upon this recommendation and that a Welsh Criminal Justice Observatory will be established to make full use of these (now) accessible data and, in doing so, further our understanding of the many issues facing the Welsh criminal justice system.

**We would also appreciate if you could outline your expectations or recommendations for future data releases?**

I will be meeting with the Executive Director of HM Prison and Probation Service in Wales and the Ministry of Justice's Chief Statistician and Deputy Director: Prisons, Probation, Reoffending and Performance Data and Statistics on Monday 3 November to discuss which sources of data can be added to future releases. I will be more than happy to provide a fuller response to the committee's question after this meeting.

If you wish to discuss anything included here further or require any additional information, please do not hesitate to contact me.

Yours sincerely,

Dr Robert Jones