

Introduction

It is well established that women in the criminal justice system face considerable disadvantage, with backgrounds of mental ill health, addiction and experiences of domestic and sexual abuse. They tend to be the victims of violent crimes like sexual and domestic abuse and the perpetrators of non-violent ones like handling stolen goods and shoplifting.

Because they commit less serious crimes, most women in prison are on remand or serving short sentences. This provides little opportunity to address the underlying causes of their crimes or prevent their reoffending, with great impact on their lives and that of their families. Black, Asian and minority ethnic women (BAME) are overrepresented within the criminal justice system and face particular issues and challenges.

Women can be more effectively rehabilitated outside the criminal justice system, yet community provision is under resourced and faces ongoing cuts, and specialist services like women's centres are under increasing strain.

Experiences of women in the criminal justice system: the evidence

The majority of women in the criminal justice system are highly vulnerable,ⁱ with extensive experiences of abuse and violence, often combined with serious mental ill-health, substance misuse, poverty, and homelessness.

- More than half (57%ⁱⁱ) of women in prison report having suffered domestic violence, and 53%ⁱⁱⁱ report having experienced emotional, physical or sexual abuse during childhood. Both of these figures are likely to be significant underestimates.
- Women account for 16% of self-harm incidents in prison despite making up only 5% of the prison population.^{iv}
- A third of female offenders were in care as children^v – their complex needs go back to childhood.

Double Disadvantage

Women that Agenda and Women in Prison spoke to for our report on the experiences of BAME women in the criminal justice system said that they felt discriminated against in the courts and in prison.

“Women are treated lesser than men and I think Black, Asian people are treated lesser than white people so if you are a black or Asian woman... You're already at a disadvantage, a double disadvantage.”

Black, Asian and minority ethnic and foreign national women face particular disadvantages.

- 18% of female prisoners are BAME, compared to 14% of the general population.^{vi} Within this, 8.8% of female prisoners are Black or Black British,^{vii} compared to 3.3% of the general population.^{viii}
- Foreign national women are more likely than British women^{ix} to be victims of human trafficking and modern slavery and to have been coerced into offending as part of that experience.

Prison is not effective for most women.

- 87% women in prison are there for non-violent crimes, meaning the majority (62%) serve short sentences of less than six months, leaving little opportunity for meaningful rehabilitative work.^x
- 48% of women are reconvicted within one year of leaving prison, a figure which rises to 61% for sentences of less than 12 months.^{xi}

Prison is extremely damaging to women and their families.

- Up to 60% women prisoners do not have homes to go to on release.^{xii} Many sleep on the streets the night they leave prison, with reports in 2016 of women leaving HMP Bronzefield with tents and sleeping bags.^{xiii}
- Prison environments are often risky and retraumatising, and do not provide adequate support for women with complex needs. Ninety-seven women have died in prison since 2007, and 2016 was the deadliest year on record with 22 deaths in women's prisons.^{xiv}
- 95% of children who are separated from their mother by imprisonment have to leave the family home to go into care or live with relatives.^{xv} Because there are so few women's prisons, women are often held far away from home, making family ties and support difficult to maintain.

Case study: Clare's story

Clare's son went to live with her aunt while she served a custodial sentence. When she was in prison, Clare signed a form to allow her aunt to look after her son long-term - a decision she later regretted and felt she had not been supported to properly consider or understand.

“When I got out, I realised I couldn't have my son back and I just lost it. I also went through another pregnancy in custody and I was told the child was going to be removed at birth. That just made me worse.”

Women's Centres

Women's centres have a proven track-record of providing effective therapeutic and practical interventions that support rehabilitation and help women turn their lives around, and prevent women entering prison in the first place.

- Women's centres can help tackle the disadvantage which often lies behind women's crimes.^{xvi}
- Economic modelling suggests that investing £18m per year in women's centres could save almost £1 billion over 5 years.^{xvii}
- [Ministry of Justice analysis](#) shows a statistically significant reduction in re-offending rates for those who receive support from women's centres.^{xviii}

But in recent years, funding pressures have meant many services, including some of Agenda's member organisations, have struggled to maintain support. **Some have closed completely.**

Sustainability and continuity of existing Women's Centres is vital if we are not to lose the expertise, relationships and goodwill that has been built up over many years and that are necessary for joined-up interventions. The courts will not refer women to programmes unless they are confident of their durability.

Women's centres are a national resource which require central funding and commitment. The introduction of a central government funding pot drawn from different budgets for the core services of women's centres would be a highly effective way to increase the resilience of these organisations.

The policy context

The Ministry of Justice published its long-awaited **Female Offender Strategy** in June 2018, which had a welcome emphasis on community support and the effectiveness of women's centres. The Strategy was accompanied by just £3 million new funding, however, which does not go far enough to ensure vital women's services are available to support women.

For the Strategy to be effective, sufficient and sustainable investment in community services is required. Estimates are that female offenders currently cost the government £1.7 billion a year so funding drawn from across government in preventing offending and reoffending could yield significant savings.

The **Transforming Rehabilitation** (TR) programme has had a significant impact on women's services. Clinks' Track TR project found that women's community services in the voluntary sector have been particularly adversely affected by the process.^{xix}

Protracted negotiations and financial uncertainty that have accompanied these reforms have put many under great strain, with extended periods of uncertainty in reaching contractual agreements with Community Rehabilitation Companies (CRCs) and a large degree of risk having to be shouldered by what are primarily small or medium sized organisations. Some specialist services no longer felt able to deliver support under TR due to the contractual complexities and constraints, with many having to make up the funding gaps they faced from elsewhere.

Recommendations

1. A national network of women's centres and services, open to all women who need it, must be adequately funded and commissioned.
2. A central government funding pot drawn from different budgets for the core services of women's centres would be a highly effective way to increase the resilience of these organisations
3. Cross-Government leadership and stronger cooperation between central and local government aimed at delivering effective community support for women.
4. Ministry of Justice must act to implement an end to sentences of less than six months, as indicated in the welcome statement from Prisons Minister Rory Stewart, followed by consideration of a presumption against short custodial sentences of less than twelve months for women.
5. A clear proportion of overall CRCs budget should go to the women's voluntary sector, with significant improvements in transparency and greater clarity about supply chains and the support being provided for women.
6. Revised probation arrangements guided by a clear set of principles for women that are designed around meaningful outcomes that go beyond reoffending rates.

About Agenda

[Agenda](#), the alliance for women and girls at risk, is working to build a society where women and girls are able to live their lives free from inequality, poverty and violence. We campaign for women and girls facing abuse, poverty, poor mental health, addiction and homelessness to get the support and protection they need. www.weareagenda.org

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ⁱ Ministry of Justice (2007), *The Corston Report*

ⁱⁱ Prison Reform Trust (2018), *Prison: the facts, Bromley Briefings Summer 2018*

ⁱⁱⁱ Women In Prison, *Key Facts*

^{iv} Ministry of Justice (2017), *Safety in Custody statistics*

^v Ministry of Justice (2012) Prisoners' childhood and family backgrounds

^{vi} *ibid*

^{vii} 371 of the 3826 female prisoners were black or black British (Prison Statistics, 31 March 2016)

^{viii} Office of National Statistics (2011), *Census*

^{ix} Hibiscus Initiatives, Prison Reform Trust (2018), *Still No Way Out: Foreign national women and trafficked women in the criminal justice system*

^x Prison Reform Trust (2018), *Prison: the facts, Bromley Briefings Summer 2018*

^{xi} *ibid*

^{xii} Prison Reform Trust. Women in Prison (2016), *Home Truths: housing for women in the criminal justice system*

^{xiii} Sarah Ann Harris, Huffington Post (12/04/2016) *London Housing Crisis Means Women Offenders are Leaving Prison With Only Tents and Sleeping Bags*, accessed 11/01/2019

^{xiv} INQUEST (2018), *Still Dying on the Inside: Examining deaths in women's prison's*

^{xv} Caddle, D and Crisp, D. (1997) Mothers in Prison HO Research and Statistics Directorate Findings No.38 London: TSO

^{xvi} Anawim (2014), *Custody Pilot Project*

^{xvii} Revolving Doors (2011), *Counting the Cost*

^{xviii} Ministry of Justice(2015), *Re-offending Analysis: Women's Centres throughout England*

^{xix} Clinks (2018) Under represented, under pressure, under resourced: The voluntary sector in Transforming Rehabilitation.