

Agenda's response to the Justice Committee's Prison Population 2022: planning for the future inquiry

30th November 2017

Executive Summary

- Agenda, the alliance for women and girls at risk, welcomes the opportunity to respond to this call for evidence from the Justice Committee. Ten years on from the Corston Review, this inquiry presents an opportunity to look at how we can reduce the number of women in custody and instead consider provision of more effective community options and focus on prevention and diversion.
- Women in prison face considerable disadvantage, with backgrounds of mental ill health, poverty, addiction and experiences of abuse and trauma across their lives. BAME women are also highly represented in the female prison population.
- Many women end up in custody because of a lack of community support to help them address their needs and prevent their offending in the first place. There is a need for significant improvements in mental health provision, treatment for addictions and social care in the community.
- Because they commit less serious crimes, most women in prison are on remand or serving short sentences with little opportunity to address the underlying causes of their crimes and prevent their re-offending. Liaison and Diversion schemes and sentencing guidelines must take into account the specific needs of women.
- We are concerned about the government's proposals to build new prisons for women, and feel that the funds allocated to these prisons would be better spent investing in improved community options. We are also concerned about the considerable negative impact Transforming Rehabilitation has had on the commissioning of services for female offenders, and the rise in recall of female offenders to prison as a result of these reforms.
- Women can be more effectively rehabilitated outside the criminal justice system, yet community provision is under resourced and faces ongoing cuts. Women's Centres are key to providing the type of support women need and we would like to see a national network of such centres adequately funded and accessible to women across the country.
- We would like to see a clear call in the inquiry for the reduction of the female prison population, and a focus on the ways the Ministry of Justice can improve prevention, diversion and support in the community so women can turn their lives around and be free from crime.

The makeup of the female prison population and issues they face

1. There are very high levels of vulnerability amongst the female prison population, with high rates of poverty, addiction, homelessness, mental health issues, and long histories of abuse.
2. Prison can be hugely damaging both for women and their families and children, with

3. Women account for 16% of self-harm incidents in prison despite making up only 5% of the prison population¹, and 2016 saw suicides among female offenders more than double compared to the preceding year.² Prison is not the right place for women with such severe mental health problems and we would like to see a clear call from the Justice Committee for the diversion of more women with mental health issues from the prison system.
4. Housing is another key issue. Many women enter custody homeless or lose their homes while in custody and up to 60% of women prisoners do not have homes to go to on release³. There are promising models, such as Housing First, being developed for supporting homeless people which can be particularly effective for women with complex needs. Private Rented Sector Access schemes are another model which can help people access private rented housing. With the introduction of the Homelessness Reduction Act on the horizon, there is an opportunity for local authorities to take a different approach to supporting homeless women in touch with the criminal justice system. This is vital to keeping women out of prison. The inquiry should consider this context and different models of provision and what more can be done to support women to keep or find housing.
5. 46% of women in prison report having suffered domestic violence and 53% report having experienced emotional, physical or sexual abuse during childhood.⁴ These figures are likely to be a significant underestimate. This underpins the need for all services and agencies working with women to work in a trauma informed way.
6. Finally, there is also a significant overrepresentation of BAME women in the female prison population: 18% of female prisoners are BAME⁵, compared to 14% of the general population⁶ Within this, some groups of women are particularly overrepresented, most notably Black or Black British⁷ women who make up 8.8% of female prisoners, compared to 3.3% of the general population⁸. Agenda and Women in Prison's report *Double Disadvantage*⁹ explores how gender and ethnicity combine to shape the experiences of BAME women in the system. Their particular needs and experiences must be taken into account in this inquiry.

The reasons why female prisoners are there, why they stay there, and why they return

Lack of community support

7. Many women end up in custody because of a lack of support outside the prison gates. Improvements in mental health provision, treatment for addictions and social care in the community to help women address their needs earlier would reduce the number of women coming into contact with the criminal justice system in the first place.
8. But community based services such as mental health, substance misuse and domestic abuse are under pressure and specialist services for women are few and far between. Around 75% of those

¹ <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-march-2017>

² Prisons and Probation Ombudsman Learning Lessons Bulletin: Self-inflicted deaths among female prisoners (March 2017) Available here: https://s3-eu-west-2.amazonaws.com/ppo-prod-storage-1g9rkhjhkjmgu/uploads/2017/03/PPO-Learning-Lessons-Bulletin_Self-inflicted-deaths-among-female-prisoners_WEB.pdf

³ <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Home%20Truths.pdf>

⁴ Women In Prison <http://www.womeninprison.org.uk/research/key-facts.php>

⁵ Ministry of Justice statistics, March 2016 <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2015>

⁶ <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-april-to-june-2016>

⁷ 371 of the 3826 female prisoners were black or black British (Prison Statistics, 31 March 2016)

⁸ Office of National Statistics, 2011:

<http://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentityinenglandandwales/2012-12-11>

⁹ <http://weareagenda.org/wp-content/uploads/2017/03/Double-disadvantage-FINAL.pdf>

in drug treatment services or homeless hostels are men which means they can be intimidating and sometimes unsafe place for women and women can be deterred from accessing them. Many services lack an understanding of the specific needs and experiences of women.

9. *Mapping the Maze*, a report recently published by Agenda and AVA (Against Violence and Abuse) found patchy provision of services for women facing addiction, homelessness, contact with the criminal justice system, and mental ill health, with a woman's ability to access services being dependent on where she lives.¹⁰ Our [online map](#)¹¹ allows you to identify what service provision for women exists in local areas. Services for women involved in the criminal justice system were found in just 64.2% of English local authorities and 40.9% of Welsh unitary authorities.

Liaison and Diversion

10. Liaison and Diversion schemes have a valuable role to play but must respond to the specific needs and experiences of women. Women are more likely than men to internalise mental distress and so it can be harder to detect. Referring to medical professionals is currently left to the discretion of a custody sergeant or court officer who is unlikely to have had training to identify women at risk.
11. Given the high levels of vulnerability amongst women, we believe that each L & D scheme should have a dedicated specialist women's worker who sees all women coming into contact with the CJS. This worker should be adequately trained and supported to work in a trauma and gender informed way with a good understanding of the complex needs of women in contact with justice system.

Short sentences

12. Because they tend to commit less serious crimes, most women in prison are on remand or serving short sentences¹² with little opportunity to address the underlying causes of their crimes and prevent their re-offending.
13. Shorter sentences mean women have been particularly impacted by the extension of probation supervision to offenders sentenced to less than 12 months under the Government's Transforming Rehabilitation programme. There is growing concern about the number of women being recalled to prison, which has risen by 82% since the introduction of the act.¹³
14. We think there is real value in exploring the approach taken in Scotland of a presumption against the use of custodial sentences of less than 12 months, to prevent women being given very short sentences, with no opportunity to carry out sufficient rehabilitative work and with great disruption to their lives and those of their families and children.

Sentencing guidelines

15. There are suggestions that some sentencers view prison as "places of safety" for vulnerable women and opt for a custodial sentence because they believe women are at risk or will not be able to access support in the community. We are concerned that, in the absence of an improvement in community options, the building of new prisons will only exacerbate this and lead to sentencers sending more women to prison. There needs to be a clear message that prison

¹⁰Mapping the Maze, Agenda and AVA, <http://weareagenda.org/wp-content/uploads/2017/09/Mapping-the-Maze-final-report-for-publication.pdf>

¹¹ <https://www.mappingthemaze.org.uk/>

¹² Table A2.3, Ministry of Justice (2014) Annual tables – Offender management caseload statistics 2013 tables London: MoJ

¹³ [Bromley Briefings Prison Factfile \(Autumn 2016\)](#), Prison Reform Trust

should not be used in this way and alternative support must be made available to ensure a community sentence is a viable option.

16. Sentencing guidelines should be gender sensitive and recognise the particular needs and experiences of women including the high levels of vulnerability. Full consideration should be given to women's circumstances in sentencing decisions. Women's stories should be taken into account and pre-sentence reports should be more widely used and should detail women's experiences of abusive relationships, mental health issues and caring responsibilities. Women should be provided with a copy of their pre-sentence report.
17. Female offenders are often the primary or sole carer for children¹⁴, and custodial sentences can have a very negative impact on those children¹⁵. 95% of children separated from their mother by imprisonment having to leave the family home to go into care or live with relatives. Case law, and the UK Bangkok rules,¹⁶ are clear that the impact of a sentence on an offender's children should be taken into account in sentencing if the offender is a primary or sole carer. Wider familial caring responsibilities should also be considered. Sentencers must have regard to an offender's caring responsibilities when determining sentences, to ensure that an otherwise proportionate sentence is not made disproportionate by its impact on any children or other relatives cared for by the offender.
18. The high use of remand against women also needs to be reviewed and consideration given to whether it is being overused. Where women are remanded, steps must be taken to ensure responsibilities to children or other relatives can be addressed. Magistrates and judges should clearly explain to women and their legal representatives why they are being remanded.
19. Any community sentencing requirements should recognise a woman's support needs, and must not prevent them accessing other support services. For women who are carrying out community sentences and who are the sole or primary carer for a child or other relative, some requirements can be very difficult to meet. For example, a curfew which does not allow a woman to leave her home in time to drop her children at school or attend hospital appointments, or a requirement that she regularly sign in at a police station during school holidays may cause significant challenges, especially to women who are socially isolated or living in poverty. Putting women in a position where they must choose between caring responsibilities and the requirements of their sentence increases the risk of breaches¹⁷, and sets women up to fail with a risk of ending up in custody even if they are otherwise willing to engage with their sentence.

Do the Ministry of Justice and prison services currently have a credible approach to the female prison population?

20. There is widespread concern in the voluntary sector about proposals to build new prisons for women. At a time where women's community services are facing significant cuts and challenges, we do not believe that now is the time to be putting limited resources into expensive new prisons.
21. Instead the Government should take the opportunity to reinvest money from women's prisons into services in the community which are proven to be effective – committing to a strong national network of women's centres.

¹⁴ Liebling, A. & Maruna, S. (2005) The effects of imprisonment Devon: Willan.

¹⁵ Sheehan R and Flynn C, Women prisoners and their children, in What Works with Women Offenders, ed Sheehan R, Mcivor and Trotter C, Willan Publishing, UK, 2007

¹⁶ <http://www.un.org/en/ecosoc/docs/2010/res%202010-16.pdf>

¹⁷ Revolving Doors, *Response to Effective Community Sentences consultation*, (2012)

22. We are also concerned that as a result of the Government's Transforming Rehabilitation programme, community services are being put under financial strain and that some no longer feel able to deliver specialist services due to the contractual complexities and constraints, with many concerned they may not be able to make up these funding gaps from elsewhere due to cuts to local authority and other budgets and moves towards "gender neutral" commissioning.
23. Given the relatively small numbers of women in the criminal justice system but the considerable negative impact TR has had on them and their families, we believe consideration should be given to removing women from the Transforming Rehabilitation programme altogether and considering alternatives to delivering probation support, including a renewed role for the National Probation Service.

What can be done to improve the situation?

24. We would like to see emerging lessons from the Whole Systems Approach and the work being done in Greater Manchester taken on board and a commitment to a similar approach elsewhere. One of the key findings from this work is that a complex needs rather than a justice lens is likely to be more appropriate and effective for women and that this could shape intervention points, pathways and types of support needed.
25. Specialist women's services have been shown to be highly effective in both preventing women entering prison and in rehabilitating those who do. Women receiving community sentences have much lower reoffending rates than those sent to prison and Ministry of Justice's own analysis shows a statistically significant reduction in re-offending rates for those that receive support from Women's Centres. It is worth bearing in mind that the annual cost of one prison place (approximately £42,765) would support about 15 women on community orders or on diversion programmes. Modelling¹⁸ suggests that investing £18m per year in women's centres could save almost £1 billion over 5 years. HMT's recent work is clear that moving from prison to community support would yield significant savings across a range of budgets.
26. Dedicated women-only trauma informed services for women with complex needs should be available in every area to provide a safe, therapeutic space for women to address their needs. Commissioning frameworks should recognise the need for holistic services which can respond to all of women's needs and commissioners must work together to commission services at a local and regional level.
27. Women's Centres are key to providing the type of support women need and we would like to see a national network of such centres adequately funded and accessible to women across the country.

About Agenda

Agenda is an alliance of over 80 voluntary sector organisations - we exist to ensure that women and girls at risk of abuse, poverty, poor mental health, addiction and homelessness get the support and protection they need. We campaign for systems and services to be transformed; to raise awareness across sectors; and to promote public and political understanding of the lives of women and girls facing multiple disadvantage.

For further information, please contact:

Katharine Sacks-Jones, Director
katharine@weareagenda.org
0208 7094 819
www.weareagenda.org

¹⁸ Counting the Cost, Revolving Doors, http://www.revolving-doors.org.uk/file/1793/download?token=_uhAj6qr