



Call for evidence: National Commission into women facing domestic and/or sexual violence and multiple disadvantage

Please copy and paste the answers to the below questions into our online [form](#). The form will also ask you for some details about you and your organisation.

We kindly request that you limit your answers to each question to 1000 words and provide us with relevant links to research. Question 10 on the form allows you to upload files. Question 11 offers you additional space to add further links to relevant information.

By completing the call for evidence you are confirming that you consent to the information being used for the purposes of the commission and its outputs. We will contact you before naming you explicitly in any outputs.

Questions 1-5: Organisation and contact information

Long form questions:

- 5. What is currently working well for women facing domestic and/or sexual violence and multiple disadvantage? This could include particular policies, practices, services, funding models, or structures. Please give evidenced good practice examples if you have them (and provide links).**

Introduction

The Prison Reform Trust is an independent UK charity with a longstanding interest in improving criminal justice outcomes for women. The charity's Transforming Lives programme to reduce the unnecessary imprisonment of women is supported by the Big Lottery Fund. We are pleased to have the opportunity to submit evidence to this commission.

About 13,000 women are sent to prison in the UK every year, twice as many as twenty years ago, many on remand or to serve short sentences for non-violent offences, often for a first offence. Thousands of children are separated from their mothers by imprisonment every year. Yet most of the solutions to women's offending lie in the community.

More information can be found in our 2017 briefing [‘Why focus on women’s imprisonment?’](#).

Links between domestic abuse and women’s offending

One of the Prison Reform Trust's objectives is to reduce the number of women in prison who are affected by domestic abuse. Well over half of women in prison (57%) report having been victims of domestic violence as adults.ⁱ This is likely to be an underestimate.ⁱⁱ The charity Women in Prison report that 79% of the women who use their services have experienced domestic violence and/or sexual abuse.ⁱⁱⁱ Nearly half of women prisoners (48%) report having committed offences to support someone else's drug use, compared to 22% of male prisoners.^{iv}

The Prison Reform Trust's 2017 report [“‘There’s a reason we’re in trouble’: Domestic abuse as a driver to women’s offending”](#) concludes that there are strong links between women's experience of domestic and sexual abuse and coercive relationships, and their offending.



Many women are directly coerced into offending. For others the link may be significant even if it is not immediately obvious.

The briefing was informed by meetings with service providers, local authorities and criminal justice agencies, as well as focus groups with women whose experience of domestic abuse has been a driver to their offending, and case studies provided by domestic abuse services. In consultation with AVA, we held a summit in October 2017 chaired by Dame Vera Baird QC which heard from survivors, service providers, ministers, academic experts and senior members of the police, prosecutors and the judiciary about how to ensure proper account is taken of women's histories of victimisation in decisions to arrest, prosecute, convict and sentence women.

Our findings and recommendations for change can be read in full in ['There's a reason we're in trouble'](#). The report includes examples of good practice and accounts of women's experiences that show what has worked well. Importantly, where criminal justice agencies work with specialist women's support services to build their knowledge and skills and share information, their responses to women offenders who are victims/survivors of domestic abuse improve. This in turn requires sustained investment in gender specific services.

Black Country Women's Aid (BCWA) is a leading regional charity which supports victims of abuse and violence across the West Midlands. Their specialist Women's Justice Service works directly with women involved with the criminal justice system through projects such as Mariposa, ASSIST and New Chance, with partners like West Midlands Police, Staffordshire and West Midlands Community Rehabilitation Company, and Birmingham and Solihull Mental Health Trust.

Advance, a leading charity providing domestic abuse services across several London boroughs, reports that its specialist project in Hammersmith & Fulham 'has made a significant difference improving the police's response to the women'. The Independent Domestic Violence Advisor (IDVA) co-located in the police station invests time in training police officers, helping them to understand that the dynamics of domestic abuse and patterns of coercive and controlling behaviour in addition to supporting the women themselves.

Women who are labelled as both perpetrators and victims of domestic abuse form a significant number of the women receiving support through Advance's Minerva service for sentenced women in London, but there are currently few programmes to support women in these circumstances to better understand what leads to offending and alternatives available. Being unfairly labelled as a perpetrator can have negative consequences including loss of housing entitlements, impacts on employability, and damage to relationships with the police and other agencies.

The women's problem solving court in Manchester is a good practice model for the effective delivery of community sentences for vulnerable women. The SMART Sentencing App being developed by HM Prisons and Probation Service will also be helpful.

The role of local authorities

Our 2016 report '[Leading change](#)', produced in partnership with the Association of Directors of Adult Social Services (ADASS) and Centre for Mental Health examines the role of local authorities in supporting women with multiple needs.

There are women with multiple needs in contact with, or on the edges of, the criminal justice system in every local authority area. A number of local, regional and national authorities and multi-agency partnerships have overlapping responsibilities for their health and wellbeing – whether as a statutory duty or because supporting vulnerable people is integral to their role. Although examples of good and promising practice exist, some of which are profiled in the report, many women do not receive the support they need. This, in turn, can contribute towards them coming into contact with the criminal justice system. The daily lives of women with multiple needs are often bleak. They are frequently underserved by health and care services and, in the absence of timely support, the ongoing cost of addressing poor health and wellbeing outcomes, and of crisis intervention, are high.

6. What is not working well for this group of women? What are the challenges and barriers? Again, this could include current policies, practice, services, funding models or structures.

Criminalisation compounds the problems of women affected by abuse, by jeopardising their housing, their ability to care for their children, their employment prospects and their mental health. However early intervention and close joint working between the police, the Crown Prosecution Service and domestic abuse services can improve outcomes.

Mental ill health, substance dependency, economic disadvantage and insecure housing, all of which are recognised pathways into offending, may also be caused or exacerbated by the experience of abuse as well as making women more vulnerable to being abused. In this way, women can become trapped in a vicious cycle of victimisation and criminal activity. Some women are coerced into offending in distinct ways and may require specialist support, including trafficked women, foreign nationals and those from minority ethnic and religious groups, as well as women with learning disabilities.

The particular challenges faced by women from minority ethnic and religious groups in the criminal justice system, and recommendations for change, are set out in our 2017 briefing '[Counted Out: Black, Asian and minority ethnic women in the criminal justice system](#)'. A briefing about the experiences of foreign national women in the criminal justice system is scheduled for publication by the Prison Reform Trust in partnership with Hibiscus Initiatives in early 2018.

['There's a reason we're in trouble'](#) includes women's accounts of their experience of abuse and offending, some of which were provided by BCWA and Advance. The women had been prosecuted for offences they committed as a direct result of experiencing domestic abuse, including:

- Driving while disqualified, under threat of violence by an ex-partner
- Handling stolen goods under threat of violence by a partner
- Taking the blame for possession of a controlled substance belonging to an abusive partner
- Taking the blame for carrying a knife on behalf of an abusive partner

- Theft offences to pay for drugs and alcohol used by themselves and their abusive partner
- Assault against an abusive partner or ex-partner.

These offences all led to criminal convictions for the women involved, with some serving prison sentences while others undertook community orders. For those who were referred to a domestic abuse service there were usually some positive outcomes, but often this came after the woman had already been convicted.

Our findings as to the challenges facing women offenders who are victims of domestic abuse may be read in full in the [report](#). In brief:

- Although government strategies to tackle violence against women and girls recognise the vulnerability of many women offenders, there are few specific measures in place to identify and support women whose offending is linked to abusive relationships.
- The response of criminal justice agencies to women offenders affected by domestic abuse is key to breaking the cycle of victimisation and offending. There is not currently sufficiently specific guidance and training for all those involved in criminal justice delivery and administration.
- Current legal defences do not include the broader spectrum of sustained psychological, physical and financial abuse that lies behind some women's offending, including where women use reactive violence.
- Sentencing Council guidelines recognise coercion as a mitigating factor for some offences, but judicial decisions are not always informed about abuse as a driver to women's offending.
- More community sentencing options are needed for women affected by domestic abuse.
- There is limited support for women in prison affected by domestic abuse, particularly those serving short sentences.
- Funding cuts to women's services, including refuges, are a barrier to progress. The patchy availability of support on release from prison, including suitable housing, health and social care services and welfare benefits, leaves women even more vulnerable to abuse and offending.

As outlined in '[Leading Change](#)', poor prior experience of statutory services can make women with multiple needs reluctant to seek help, while the array of support agencies can be confusing and hard to access.

Inspection of HMP & YOI Peterborough (Women)

An [inspection of HMP & YOI Peterborough \(Women\)](#) by HM Inspectorate of Prisons (HMIP) in September 2017 (reported in January 2018) gave a mixed report on the provision of support for women in the prison who were victims of domestic and/or sexual abuse, showing

some examples of good practice as well as some shortcomings. Inspectors found that prison staff had a good awareness of the trauma associated with abuse, rape and domestic violence, but there was no evidence of health service staff having received training in the health implications of sex work, sexual violence and domestic violence. Over 250 staff had completed Becoming Trauma Informed training, and some prisoners had also participated. A trauma committee sought to reduce the likelihood of women becoming re-traumatised at Peterborough. A reasonable action plan had been developed, but progress had been slow. The focus was almost exclusively on the physical environment rather than on processes, such as strip-searching (which inspectors found had been used extensively and in numerous cases unnecessarily) or relationships.

Inspectors reported that a full-time officer supported women who had been victimised, who were often identified by staff or peer supporters involved in induction. Women were put in touch with support services in their home areas and several agencies held regular clinics. Four women who had chosen to leave an abusive partner had been found a bed in a women's refuge on release in the previous six months. They received substantial support from prison staff. The Freedom Programme was no longer available in the prison despite interest from prisoners; instead women were encouraged to participate in the Gr8 programme. Inspectors considered this to be a reasonable approach, but suggested it should be reviewed to ensure the specific needs of women who had been victims of domestic abuse were met effectively.

7. What changes could make the biggest difference to women facing these experiences? This could be an idea for policy change, legislative change, changes to practice, funding structures, etc. Please give evidenced examples and provide links if appropriate.

[‘There’s a reason we’re in trouble’](#) contains specific recommendations for changes in policy and practice to improve outcomes for women offenders who are victims of domestic abuse. In summary, we found that the links between domestic abuse and offending by women require more attention in:

- UK and Welsh government strategies on tackling violence against women and girls, on women offenders, and on victims
- Sentencing guidance
- Frameworks of standards, guidance and training for all criminal justice professionals – police, prosecutors, offender managers, criminal defence lawyers and the judiciary
- Commissioning of specialist, gender-specific support and rehabilitation programmes in prison and the community
- Police responses to women offenders who may be affected by domestic abuse, including through problem solving triage and diversion schemes.

It is acknowledged within the government's [Strategy to end violence against women and girls: 2016-2020](#) that women offenders are often victims of more serious offences than those of which they are accused, and the Parliamentary Under Secretary of State for Justice with responsibility for women offenders, Dr Phillip Lee MP has indicated that he is taking this into account in developing the women offenders strategy ([Oral Answers to Questions, 5 December 2017, Hansard volume 632](#)).

Increased government investment in women’s support services is essential. Police and Crime Commissioners can also help by setting expectations for the police to work closely with domestic abuse services, and monitoring performance. They have an important role to play in ensuring that women are not inappropriately arrested and prosecuted as perpetrators where they are not in fact the primary aggressor.

As explained in [‘Leading change’](#), approaches which integrate services around the individual show promising results for women. Women centred working recognises the particular circumstances of women, and can make it easier for them to engage with services as well as creating opportunities to maximize reduced budgets and shared public sector priorities. Building on women’s strengths and increasing their resilience can help them to take charge of their lives and reduce their need for support. Involving women in service design can help to ensure more efficient and effective provision.

Councils are uniquely placed to champion women. By working through existing multi-agency partnerships, and with women with multiple needs, their leadership can ensure strategic oversight and collaboration to develop innovative solutions to transform the lives of women and their families.

8. Are you aware of any ideas for improved early intervention and/or preventative interventions that would be particularly appropriate for women at risk of violence and/or multiple disadvantage? Please give evidenced examples and provide links if possible.

Early intervention and joined-up working are key to breaking the cycle of victimisation and offending by women. Problem solving, whole systems approaches by the police in some parts of the country are diverting vulnerable women from the criminal justice system, reducing reoffending and improving outcomes. A detailed profile of some existing programmes and analysis of what works appears in our 2017 report [‘Fair Cop? Improving outcomes for women at the point of arrest’](#).

Some police triage schemes exclude women accused of domestic abuse related offences. Other schemes such as the Transforming Women’s Justice project in Surrey and the Gwent women’s pathfinder take a discretionary approach, judging on a case by case basis whether a woman accused of domestic abuse offences may be suitable for diversion. We have recommended that women should not be automatically excluded in these circumstances. Please see pages 20-21 of [‘There’s a reason we’re in trouble’](#) for more information.

9. What evidence, if any, would better help you with your work with women facing these issues? (For example research, statistics, information on a particular area, evidence that may help you with your work)

The Ministry of Justice, Home Office and criminal justice agencies publish very little data which is disaggregated by gender and ethnicity, or gender and foreign national status, or all three of those characteristics. There is no official data on the experiences of victims of human trafficking and modern slavery who face prosecution themselves for offences committed as a result of their experiences. These significant gaps in data create a barrier to progress in achieving better outcomes for vulnerable women in the criminal justice system and reducing offending.

The government's 2017 [race disparity audit](#) and its [acceptance](#) of the recommendation in [David Lammy MP's review of possible racial bias in the criminal justice system](#) to 'explain or reform' disparities in the treatment of Black, Asian and minority ethnic people in the criminal justice system are welcome developments. In order to help achieve equal outcomes for vulnerable women in the criminal justice system, the government and criminal justice agencies must be held to account in putting the 'explain or reform' principle into practice and ensuring that this includes the routine publication and analysis of data disaggregated by gender, ethnicity and foreign national status.

Additional support and resources may be required to help local criminal justice agencies put this into effect. It is also essential for the government to publish data regularly by police area, so that local decision makers can understand the issues locally and act upon them.

The Prison Reform Trust will shortly be publishing an online local data resource, including interactive maps that will allow anyone to explore trends in the use of custody for women in their area.

10. Please upload any files that support your answers.

11. Please give any further links to evidence that supports your answers.

All the Prison Reform Trust reports mentioned in this submission, as well as briefings on the impact of maternal imprisonment, the experiences of women with mental health needs and learning disabilities in the criminal justice system, and the housing needs of women in trouble with the law, can be found at:

www.prisonreformtrust.org.uk/women/ResourcesandPublications

Links to the other documents referred to are given below in order of appearance:

HMIP (2017) Report on an unannounced inspection of HMP & YOI Peterborough (Women), London: HMIP

<https://www.justiceinspectrates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/01/HMP-YOI-Peterborough-Women-Web-2017-1.pdf>

HM Government (2016) Ending violence against women and girls: Strategy 2016 - 2020, London: Home Office

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522166/VAWG_Strategy_FINAL_PUBLICATION_MASTER_vRB.PDF

Oral Answers to Questions, 5 December 2017, Hansard volume 632

<https://hansard.parliament.uk/Commons/2017-12-05/debates/8FF51397-CF56-4966-882F-A773513D4E62/OralAnswersToQuestions>

Cabinet Office (2017) Race disparity audit: Summary findings from the ethnicity facts and figures website, London: Cabinet Office

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/650723/RDAweb.pdf



Ministry of Justice (2017) Government Response to the Lammy Review on the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, London: MoJ

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/669206/Response_to_David_Lammy_Review.pdf

Ministry of Justice (2017) The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System, London: MoJ

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

If you have any problems with completing the form, questions about how evidence will be used or the role of the commission please contact the secretariat to the commission on 020 3752 5535 or email commission@avaproject.org.uk

ⁱ Ministry of Justice (2014) Thinking differently about female offenders. Transforming Rehabilitation, Guidance Document, London: MoJ/NOMS

ⁱⁱ Gelsthorpe, L., Sharpe, G. and Roberts, J. (2007) Provision for women offenders in the community, London: Fawcett Society

ⁱⁱⁱ House of Commons Justice Committee, Women Offenders: after the Corston Report, HC 92, 15 July 2013 para 207, p. 78

^{iv} Light, M. et al (2013) Gender differences in substance misuse and mental health amongst prisoners, London: MoJ