

Prison Reform Trust response to Justice Committee Inquiry on Women Offenders

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

The Prison Reform Trust's main objectives are:

- reducing unnecessary imprisonment and promoting community solutions to crime
- improving treatment and conditions for prisoners and their families

We are pleased that the Justice Committee has decided to hold an inquiry into women offenders and welcome the chance to contribute. This inquiry is a timely opportunity to examine the government's current plans and commitment to addressing the needs of women in the criminal justice system.

Introduction

1. The Prison Reform Trust has a long standing interest in reducing women's imprisonment and the development of effective alternatives to custody. Amid concern about the rapid increase in the number of women prisoners in 2000 we published the groundbreaking report *Justice for Women: The Need for Reform*, a report on the findings and recommendations of the independent Committee on Women's Imprisonment, chaired by Professor Dorothy Wedderburn, subsequent reports included [*Lacking Conviction: The Rise of the Women's Remand Population*](#) and [*Troubled Inside: Responding to the Mental Health Needs of Women in Prison*](#)
2. The Prison Reform Trust contributed to Baroness Corston's seminal review of women with particular vulnerabilities in the criminal justice system through Juliet Lyon, our director's, membership of the review group and Dr Kimmett Edgar, our head of research's, commissioned work on remand and bail. We established and provided the secretariat for the independent Women's Justice Taskforce, publishing its report in 2011, [*Reforming Women's Justice*](#).
3. The Prison Reform Trust has been awarded a three year grant by the Pilgrim Trust to support [our strategy](#) to reduce the number of women in prison. This new programme will draw on the success of our work to reduce child imprisonment. 'Out of Trouble' has made a significant contribution to a 40 per cent reduction in child custody.
4. Since 2000 a Fawcett Society committee of inquiry into women in the justice system; three HM Prisons Inspectorate thematic reviews; a Cabinet Office report; and a report by the Social Exclusion Unit have added to the significant body of research evidence. All of these reports, together with the Wedderburn and Corston reviews concluded unequivocally that the imprisonment of women could, and should, be reduced.
5. There is a substantial body of support for reform amongst civic society organisations and the public. The National Council of Women recently passed a unanimous resolution calling on the Government to introduce a rigorous strategy to reform women's justice, prioritising

community solutions. In December 2011 the Soroptimist International UK Programme Action Committee took the decision to lobby to reduce women's imprisonment. The WI leads a well established campaign to ensure that people with mental health problems and learning disabilities in the criminal justice system are diverted into appropriate treatment. A recent ICM poll showed that 80% of those surveyed strongly agreed that local women's centres where women address the root causes of their crime and do compulsory work in the community to payback should be available.¹

6. In an unprecedented move, during June 2008, concerned that their grant-making investments in this field were being applied to a failing system, more than 20 independent philanthropic foundations formed the Corston Independent Funders Coalition to encourage the government to implement the Corston Report recommendations.
7. The government should therefore feel confident that a distinct and positive approach to address the needs of women offenders would receive widespread support.

Stemming from this important inquiry by the Justice Committee the Prison Reform Trust would like to see:

- A proper strategy and drive to reduce women's imprisonment and respond to the needs of vulnerable women in the criminal justice system.
- The leadership and accountability necessary to ensure that getting women and their families out of trouble with the law is established, and remains, a priority for government across departments nationally and locally.
- A commitment by the Justice Committee to review progress on an annual basis.

1. The nature and effectiveness of the Ministry of Justice's strategy for women offenders and those at risk of offending.

8. The Prison Reform Trust and allied organisation have been disappointed with the limited progress by the Government in developing a coherent strategy for women offenders and those at risk of offending. Following the change of government, the Ministry of Justice embarked upon a significant programme of reform, outlined through its 'Breaking the Cycle' Green Paper, and subsequent Legal Aid, Sentencing and Punishment of Offenders Act (LASPO). The rationale has been a mixture of political and financial, but regardless provides a once in a generation opportunity for the Government to deliver ambitious and much needed changes to address unacceptably high reoffending rates, ever increasing custody levels, and growing public scepticism around the effectiveness of the criminal justice system.
9. It is most unfortunate that despite efforts, the Act fails to mention women offenders once in its 302 pages. Since taking office, the Government has failed to set out a clear strategy for women offenders, instead relying on the remaining legacy of the previous government. Staff redundancies, and organisational restructuring have left a vacuum in place of specialist knowledge within the Ministry of Justice, and other departments. This has not only meant that the development of any future strategy will inevitably be more difficult, but has also led to accusations of a Minister being 'badly advised' on the current situation.²

¹ ICM opinion poll for the Corston Coalition, 26-28 November 2010. Sample of 1000 adults 18+ in GB, by telephone omnibus

² Baroness Corston, HL Hansard, 20 March 2012, c779

10. It is positive that the Government has committed to develop a document setting out its strategic priorities for women and we hope that it takes this opportunity to reaffirm its commitment to developing and supporting services to divert women at risk of offending.
11. Absence of leadership and accountability have hampered efforts to reform women's justice. Despite repeated calls from politicians, organisations, and groups, including the Women's Justice Taskforce, there is still no individual person or body in central government to champion the specific needs of women offenders and ensure that policies are designed to take account of them. Baroness Corston argued that regional commissioning for women must be directed by strong, visible, effective and strategic national leadership at the highest level.

We reiterate the recommendations of the Women's Justice Taskforce that:

- A cross-government strategy should be developed to divert women from crime and reduce the women's prison population, which includes measures of success and a clear monitoring framework. Responsibility for implementation should lie with a designated minister and accountability for the strategy to be built into relevant roles within government departments and local authorities.
- Reform of the women's justice system could reflect planned changes to the governance, oversight and delivery of youth justice. This may include the appointment of a director of women's justice and the establishment of a women's justice agency.

2. The extent to which work to address the multiple and complex needs of women offenders is integrated across Government

12. It is right that the work to reduce reoffending by women should be both developed and delivered across government. Women who offend are some of the most marginalised people within our society and there is a wide range of evidence highlighting their multiple needs and disadvantages. Unfortunately for many of these women entering the criminal justice system is the first opportunity for them to address some of these problems. As Fiona Cannon, Chair of the Women's Justice Taskforce, wrote:

"women's prisons appear to have become stopgap providers of drug detox services, social care, mental health assessment and treatment and temporary housing – a refuge for those who have slipped through the net of local services."

13. It is not possible for the Ministry of Justice to address this wide range of problems alone. Nearly all government departments, particularly the Department of Health; Home Office; Department for Work and Pensions; Business, Innovation and Skills; Department for Communities and Local Government; Government Equalities Office, and Department for Education, have ultimate responsibility for ensuring that women are able to access the support services that they need, and ideally before entering the criminal justice system.
14. Cooperation between departments on tackling social exclusion is particularly important in preventing women getting drawn into the criminal justice system; tackling some of the issues that contribute to women's offending and intervening before a crime is committed. Following the publication of the Wedderburn Report there was recognition that a cross government approach was necessary and this was at the heart of the Labour government's strategy.

15. Some of the progress that was made in developing links between government departments has been lost. The Inter-Ministerial Group on Reducing Re-offending and its sub-group on Women Offenders have both been disbanded following the change of government, and the Criminal Justice Women's Policy Team no longer has staff seconded to it from departments outside of the Ministry of Justice. At a time of reducing budgets and large scale department reorganisation, it would make more sense for departments to work collaboratively and take a longer term view to achieving their shared objectives, rather than short-termist cost cutting and silo working.
16. Whilst there appears to be little appetite to re-establish cross-departmental governance, we believe that it is vital in delivering any successful strategy to tackle women's offending effectively. Without the necessary buy in from other departments it will be difficult for the Ministry of Justice to make any inroads in reducing the number of women in prison, and they will continue to be viewed as the responsibility of the Ministry of Justice, rather than a collective one.
17. One area which the government could take inspiration from is youth justice policy, with the Youth Justice Board working with allied agencies to achieve a substantive drop in first time entrants into the youth justice system, and in child custody.
18. In regard to youth justice Crispin Blunt, then Parliamentary Under-Secretary of State, outlined that senior officials have established a cross-departmental youth crime and justice board and that regular inter-ministerial meetings ensure ministerial representation from the Ministry of Justice, the Department for Education, the Home Office and the Department of Health, to support cross-Government work.³
19. Theresa May, Home Secretary and Minister for Women, currently chairs the Inter-Ministerial Group on Equality and has overall responsibility for gender equality across government. The IMG could provide the most useful existing forum to discuss and prioritise action to tackle women's offending, and facilitate cross-government working.

3. The extent to which the gender equality duty has become a lever for mainstream service commissioners - outside of the criminal justice system - to provide services which tackle the underlying causes of female offending

20. The introduction of the Equality Act, and the gender equality duty before it, marks steps forward in ensuring that public bodies take account of, and ensure that services meet, the distinct needs of women in the criminal justice system. However, they have so far had a limited impact in encouraging commissioners to provide gender specific services tackling the underlying causes of women's offending. Commissioning of gender specific services remains patchy and sporadic, often built on local commitment by a small number of individuals to addressing these issues.
21. Community based women's centres provide a wide ranging set of services that are available to all women, whether they have offended or not. They allow women to access services including counselling, drug and alcohol support, education, safe accommodation, advice on finance, benefit and debt as well as general advocacy, supervision and support. These centres often provide support to women who have been unable, or have found it difficult, to access mainstream services by themselves. Some centres have been successful at attracting funding from a wide range of different agencies that can see the value they provide

³ HC Hansard, 25 October 2011, c236

in getting women into the services that they need but often do not find or use in their local area.

22. However, this is not the case for all women's centres and many struggle to secure funding from local commissioners. The Prison Reform Trust is concerned that, despite legislation, many women still do not get access to the services that they need at an early enough stage, and that the criminal justice system should not be seen as a stopgap provider of services, rather than a punishment of last resort. Whilst legislation is a lever, we believe that financial incentives can prove an effective tool as well. Use of pooled local budgets and the justice reinvestment model recommended by the Justice Committee, allow agencies to work together and eliminate the problem of prison being seen as a free good and encourage accountability. Work by the New Economics Foundation (nef) indicates scope for social return on investment and a value for money review of women's justice by the National Audit Office would indicate how savings could be made.

4. The suitability of the women's custodial estate and prison regimes

23. Many women in prison are perpetrators of relatively petty crime, such as theft and handling stolen goods, and victims of serious crime such as domestic violence or sexual abuse. They have multiple and therefore more complex problems related to their offending, high rates of poly-drug use and poor mental health. These problems are best addressed through community provision tailored to the specific needs of women offenders. Whilst there are women in prison who have committed serious and violent crime, the majority are there for very short periods. A prison sentence can also be more traumatic for women, with significantly higher rates of self harm than for men.
24. Women face multiple problems when in prison. The smaller number of women's prisons in England means that women are often held further away from their homes than men, on average 55 miles away.⁴ This is exacerbated for women from Wales where there is no prison, and have to serve their sentences in England. Being held far away from home can make maintaining family ties more difficult and costly, despite the evidence that maintaining family contact can have a positive impact on reducing re-offending. The Social Exclusion Unit found that only half of the women who had lived, or were in contact with, their children prior to imprisonment had received a visit since going to prison.⁵ Research also indicates that the odds of reoffending are 39% higher for prisoners who had not received visits whilst in prison compared to those who had.⁶
25. Most women entering prison serve very short sentences and for non-violent crimes. In 2011 58% were sentenced to custody for six months or less⁷, and latest figures show that 81% of women entering custody under sentence had committed a non-violent offence.⁸ Frequent use of short custodial sentences provides prison staff with limited time to try and address the problems that might be contributing to a woman's offending and can often disrupt what little stability she may already have. A prisons inspectorate survey found that 38% of women in prison did not have accommodation arranged on release, and that only a third of women

⁴ Hansard HC, 7 January 2010, c548w

⁵ Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Social Exclusion Unit

⁶ May, C. et al. (2008) Factors linked to reoffending: a one-year follow-up of prisoners who took part in the resettlement surveys 2001, 2003 and 2004, London: Ministry of Justice

⁷ Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice.

⁸ Table 2.2b, Ibid.

who wanted help and advice about benefits and debt received it.⁹ Given this, it is unsurprising that reoffending rates for custodial sentences remain stubbornly high. 51% of women leaving prison are reconvicted within one year – for those serving sentences of less than 12 months this increases to 62%, higher than the equivalent rates for men.¹⁰

26. Despite pressure on already overstretched resources, latest figures encouragingly show that self harm incidents by women in prison fell between 2010 and 2011; however they are still disproportionately high. Women accounted for 36% of all self harm incidents, despite representing just 5% of the prison population.¹¹ The Corston Report found that short spells in prison, often on remand, damage women's mental health and family life yet do little or nothing to stop them offending again. The damage is made much worse when women are imprisoned long distances from home and their families and receive inadequate health care during and after their time in prison.

27. High rates of remand have been a historic problem within the women's prison population, with many women being remanded into custody for offences which would not attract a custodial sentence and inadequate bail information in prison leading to longer than necessary periods of detention. A recent inspectorate report on remand showed that female defendants remanded into custody by magistrates' courts were proceeded against for less serious offences.

Over half (53%) of the women remanded at magistrates' courts who went on to receive a custodial sentence had an offence categorised as theft or handling stolen goods, compared with over a quarter (28%) of males.

28. There are encouraging signs that overuse of remand for women is starting to be reversed after remaining high over the past decade. There were 689 women on remand on 31 March 2012, 12% fewer than the same time in 2011. The introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (2012) provides further opportunities to reduce the women's remand population. Clause 83 and Schedule 11 establish a test of a reasonable probability that the offence is imprisonable as a criterion of whether the court can deny bail. The "no real prospect test" would mean that defendants should not be remanded to custody if the offence is such that the defendant is unlikely to receive a custodial sentence.

29. The Government's commitment to establish a network of liaison and diversion services for vulnerable offenders by 2014, backed by Department of Health investment of £50 million towards its development and evaluation is to be welcomed and should prove of particular benefit to women. Establishing liaison and diversion services at police stations and courts was a key recommendation of Lord Bradley's review of mental health and learning disabilities in the justice system and should ensure that people receive the treatment that they need outside of the criminal justice system.

30. We believe that the Government could also learn from the Scottish Prison Service following the publication and subsequent acceptance of the Angiolini Commission's report recommendations for women held in custody. This includes replacing HMP Cornton Vale with a smaller specialist prison for women on long sentences who present significant risk; and using local prisons for those on shorter sentences to improve liaison with local services and reintegration on release. Overall the positive response to the Angiolini recommendations

⁹ HM Inspectorate of Prisons and HM Inspectorate of Probation (2001) *Through the Prison Gate*, London: Home Office

¹⁰ Table A(F), Ministry of Justice (2011) *Adult re-convictions: results from the 2009 cohort*, London: Ministry of Justice.

¹¹ Table 2.1 Self-harm, Ministry of Justice (2012) *Safety in Custody Statistics Quarterly Bulletin January to March 2012*, London: Ministry of Justice

by the Scottish Government places the emphasis squarely on community provision wherever possible.

5. The volume, range, quality, and sustainability of community provision for female offenders, including approved premises

31. The Prison Reform Trust believes that community based, voluntary sector run, women's centres provide a unique therapeutic environment to allow women to get the support they need and tackle the issues contributing to their offending. The women only centres provide a vast range of different services and interventions to work with vulnerable women. The volume, range and quality vary considerably across England and Wales and within individual regions. For some centres receiving funding from the Ministry of Justice was the first time that they explicitly worked, and were monitored on their performance, to support women offenders, whereas others were more firmly established. Centres try to respond to local need and either provide or direct women to services they require, and so their approaches differ in order to do this.
32. The contribution of the women's centres to enabling women to turn their lives around, take responsibility, and desist from offending has been widely recognised. However, while women's custodial provision is funded centrally through NOMS, many, if not all, of the women's centres rely on a wide range of funding sources to enable them to deliver services for vulnerable women in their area. One centre told the Women's Justice Taskforce that it was reliant on 37 different funding streams, with a mixture of statutory and non-statutory sources, all with different methods of evaluation and reporting arrangements.¹²
33. Whilst it is welcome that some additional funding has been provided to some centres for 2012-13 the continued uncertainty about funding is an issue which needs to be resolved.
34. New commissioning arrangements outlined by NOMS for 2013-14 unfortunately add to this uncertainty. Moves to a more evidence based commissioning model and large research sample size could have serious resource implications for smaller organisations wanting to demonstrate their effectiveness in reducing reoffending. Worryingly, there doesn't seem to be a recognition of the sound evidence base of the work of women's centres in reducing re-offending. Many, if not all, provide services and interventions addressing the well established nine reducing re-offending pathways.
35. The removal of regional structures within NOMS, and restructuring within other local criminal justice agencies, may cause further problems. Regional offices were originally responsible for contract management of the Ministry of Justice funded women's projects which enabled them to develop a picture of services available in their area. After the initial two year funding, regional offices worked to sustain successful projects. This knowledge could be lost in the transition to new arrangements and may lead to a further reduction in the numbers of services available across the country.
36. NOMS has recently published a new guide on working with women offenders which replaces the Offender Management Guide to Women Offenders and is to be welcomed. However with uncertainty of the future of the probation service and increasingly stretched resources, it is not yet clear whether the guide will be a useful tool to support offender managers or simply another paper product. More work should be done to respond to the need for safe accommodation for women, including halfway housing.

¹² Women' Justice Taskforce (2011) Reforming Women's Justice, London: Prison Reform Trust

6. The availability of appropriate provision for different groups of women offenders, including, under 18s, women with children, foreign nationals and black, asian and minority ethnic women, and those with mental health problems.

37. During a time of budget cuts it would be easy for the needs of specific groups to be forgotten. There is currently limited support for offenders who span multiple groups within NOMS' segmentation model. We agree that segmenting the offender population in a meaningful way can enable commissioners and providers to draw on the evidence base, understand the contrasting needs and vulnerabilities of different groups, and identify services which are most likely to reduce reoffending and deliver other positive outcomes. However commissioners should be aware that many offenders have multiple and complex needs and cannot easily be classified according to separate subgroups. Therefore, the model of segmentation will need to be sophisticated enough to allow offenders to 'belong' in multiple categories and to identify services most appropriate to their individual needs.
38. Women's centres provide an effective resource for addressing the diverse needs of women accessing services at their centres. Some also provide services to specific groups including foreign national and black and minority ethnic women.

Under 18s

39. As with women in the criminal justice system, services for girls are often developed with the male majority in mind. Responding to the APPG on women in the penal system inquiry on girls, Leeds Youth Offending Service said:

"Nationally, specific programmes aimed at girls and their offending are not widely or consistently available. Where these exist they are largely driven by individual practitioner interest rather than located in youth justice policy and research. YOT practitioners can find girls' behaviour challenging which is exacerbated by their more limited experience in working with girls than boys, and the lack of policy or practice guidance about girls' needs and the types of interventions which are effective with them. YOT programmes are largely based on male offending patterns (car or knife crime initiatives, burglary etc)".

40. Looked after children and care leavers have long been over-represented in our prisons. Less than 1% of all children in England were looked after at March 2011¹³, yet up to half the children held in young offender institutions are, or have been previously, looked after. Research published by the Social Exclusion Unit in 2002 suggested that 27% of the adult prison population had once been in care.¹⁴ Annual surveys of 15-18 year olds in prison suggest that over a quarter of young men and over half of young women said they had spent some time in local authority care.¹⁵ There is a higher incidence of teenage parenthood amongst young people in custody than those of the same age in the community.

Women with children

41. It is estimated that more than 17,240 children were separated from their mother in 2010,¹⁶ and only 9% of children whose mothers are in prison are cared for by their fathers in their absence.¹⁷ The impact on these children is profound. Research suggests that children with a

¹³ Department for Education (2011) Children looked after by local authorities in England year ending 31 March 2011

¹⁴ Social Exclusion Unit (2002) Reducing offending by ex-prisoners, London: Cabinet Office

¹⁵ Summerfield, A. (2011) Children and young people in custody 2010-2011 – An analysis of the experiences of 15-18 year olds in prison, London: The Stationery Office

¹⁶ Wilks-Wiffen, S. (2011) Voice of a Child, London: Howard League for Penal Reform

¹⁷ Corston, J. (2007) The Corston Report, London: Home Office

parent in prison are three times more likely to have mental health problems or to engage in anti-social behaviour than their peers. Nearly two thirds of boys who have a parent in prison will go on to commit some kind of crime themselves.”¹⁸

42. There have been improvements within the prison estate to reduce the number of newly born children being taken away from their mothers and allowing women opportunity to bond with their babies. Places are extremely limited and babies and toddlers are allowed to remain in custody with the mother up to the age of either 9 or 18 months. However it is hard to imagine a more depressing place for a young child to be brought up no matter how committed the staff and improved the conditions, prison is no place for children.
43. The UK has signed up to the UN Bangkok Rules¹⁹ which state that a woman’s current childcare responsibilities should be considered as part of the sentencing decision by courts. Guidance issued by the Home Office and former Sentencing Advisory Panel state that primary responsibility for the care of children and dependants should be a mitigating factor inclining the court against imposing a custodial sentence.²⁰ This principle has been re-established by the Sentencing Council in its new assault guidelines.²¹
44. Community provision, including women’s centres, which enable women to address the causes of their offending and at the same time maintain responsibility for their children, should be employed more widely as part of the coalition government’s strategy to reduce reoffending and intergenerational crime. There is a clear case for linkage with the ‘troubled families’ agenda.

‘If there was a place between a prison and home – but not a hostel – somewhere where people could help and teach you real things so you can live and not have your baby taken away. It might help stop girls doing drugs and stealing or whatever.’ – Young mother formerly in prison²²

Foreign National Women

45. The Prison Reform Trust and Hibiscus published a joint briefing paper, [No Way Out: a briefing paper on foreign national women in prison in England and Wales \(2012\)](#), to show the impact of current sentencing practice on foreign national women, many of whom have been trafficked into offending. Our recommendations include a re-assessment of sentencing guidelines taking into account mitigating factors, welfare of dependent children and any evidence of coercion in compliance with CEDAW²³. Foreign national women in the justice system should have access to independent legal support and immigration advice. Those arrested on passport charges on point of departure should be allowed to leave the country rather than being brought back to face charges and the prospect of an expensive custodial sentence.

¹⁸ SCIE (2008) Children’s and families resource guide 11: Children of prisoners – maintaining family ties. SCIE: London and Murray, J., and Fingleton, D., ‘Parental Imprisonment: Effects on Boys’ Antisocial Behaviour and Delinquency through the Life-Course.’ *Journal of Child Psychology and Psychiatry* (2005) 46:1269–78.

¹⁹ United Nations (2010) United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

²⁰ Women’s Justice Taskforce (2011) Submission to the Sentencing Council’s Assault Guidelines Consultation, London: WJT. Available at: [http://www.prisonreformtrust.org.uk/Portals/0/Document s/Women%27s Justice Taskforce final submission to Sentencing Council consultation 5 1 11%5B1%5D.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Document%20s/Women%27s%20Justice%20Taskforce%20final%20submission%20to%20Sentencing%20Council%20consultation%205%2011%5B1%5D.pdf)

²¹ Sentencing Council (2011) Assault: Definitive guideline, London: Sentencing Council. Available at <http://www.sentencingcouncil.org.uk/guidelines/forthcoming-guidelines.htm>

²² Sherlock, J. (2004) *Young Parents from Custody to Community: A guide to policy and practice*, London: Prison Reform Trust

²³ United Nations Committee on the Elimination of Discrimination against Women

46. Despite Baroness Corston identifying in her 2007 report that foreign national women were 'a significant minority group who have distinct needs and for whom a distinct strategy is necessary' the government has still not developed a well informed national strategy for the management of foreign national women in the justice system.
47. For many foreign national women the greatest uncertainty is about their immigration status. Over the last few years the partnership between UKBA and prisons has improved. The main objective is to ensure that all foreign nationals who meet the criteria under current legislation are identified and removed and this happens as speedily as possible as well as encouraging use of the Facilitated Returns Scheme. The positive outcome of this is that there are shorter holds in prison custody, purely on immigration warrants at end of sentence, than was the case in the past.
48. However, the system is far from perfect. Paperwork advising on removal is still sent in English, irrespective of the nationality of the recipient. In addition the recipient has only 10 days to appeal, providing limited time to access appropriate advice. There is no automatic procedure by which women access legal representation on their immigration status and they sometimes wrongly assume the representative on their criminal charge will offer this. Prison staff who serve the paperwork on behalf of the Criminal Casework Directorate are not allowed to offer advice on how the prisoner should respond.
49. To date only one voluntary sector organisation, the Detention Advice Service (DAS), that works in the female estate has the necessary OISC level 2 accreditation to offer advice on immigration issues. As a result of budget cuts a number of Service Level Agreements which were held with prisons have since been cancelled. DAS now work directly in only one female prison, HMP Bronzefield, but is able to provide advice by phone and post to any foreign national in prison in England and Wales. All other organisations such as Hibiscus have to refer their clients on to specialist firms. The legal aid for such cases is very limited and there are often long delays before a visit to the woman in custody can be made.
50. The Corston report highlighted the impact that the geographical location of prisons has on family contact for UK nationals. For foreign nationals this is far more acute and the isolated locations of some prisons and immigration centres necessitates expensive travel from any port of entry, should the family contemplate visits from overseas. Within the prison service there is the option, for those serving long sentences, of temporary relocation to a London prison for accumulated visits.
51. For the majority serving a short sentence and for those within the IRCs this option is absent. The five minute free phone call per month, for those in prison who do not get visits, is a meagre compensation and cost of overseas phone calls is a constant grievance raised by foreign nationals. Others decide that the difficulties of travel, and being united in a visits area with a time limit, is too traumatic for their children. The reality for most is often no contact between arrest and final deportation. For women who have been living with partners in the UK, this may be exacerbated that their partner's residency status, his inability to provide the required documents for a visit and fear of his arrest.
52. For those serving lengthy sentences for drugs importation, the limited delivery of programmes such as the "Drug Importers Group" is appropriate and where available well received. Some women talk of their goal on return to ensure that no one else is pulled into this offence. Women from all cultures are also empowered by programmes and interventions for victims of domestic, physical and sexual abuse.
53. However other interventions are limited and women serving very lengthy sentences use most of their time in work. Some prisons are attempting to help women gain qualifications

that are of value overseas, but those with children often seek the hardest and best paid employment in the prison, which is often kitchen work, and by spending as little as possible try to send savings back to their families. This is sometimes at the expense of missing out on ESOL education. Women coerced into offending and then caught on drugs importation charges have had to suffer the pain of not seeing their children grow up as they serve a long sentence in a British jail. The Sentencing Council's introduction of mitigation should reduce disproportionately long terms for women who have been trafficked into offending.

54. Resettlement input for those serving sentences under 12 months, especially those who serve part on remand, is minimal with the most important input on pre-release programmes.
55. Resettlement staff are aware that release is often the most traumatic time for all prisoners and the focus is on making women aware of relevant support in the community and making appropriate pre-release links. This is in relation to practical challenges such as accommodation, work, and benefit entitlements and, if there are health/drug problems, ensuring they have a GP contact. With those who have mental health problems there is also some input on through the gate work.
56. All of this is absent for foreign national prisoners, except for women from the European Economic Area. There is the increasing expectancy that they will be removed at the end of sentence and there is little value in their attending pre-release groups. Currently the only relevant post release support for those being deported is through Hibiscus and in the form of reintegration support by Integrated Offender Management (IOM) for the women who are granted a 'facilitated return'. The University of Cambridge has recently published research backed by the Economic and Social Research Council which sets out the difficulties faced by foreign national women and the pressing need for reform.²⁴

Black, Asian and minority ethnic women

57. Whilst prison regimes try to meet the specific needs of women offenders there is evidence that BME prisoners have disproportionately worse experiences in the criminal justice system than their white counterparts. Monitoring the situation is made more difficult by data reporting by key government departments and agencies. Currently publication of data by the Ministry of Justice on ethnicity and gender is separated; this means that examining the experiences of black, Asian and minority ethnic women is not routinely possible. As the Inspectorate of Prisons stated in their report *Race relations in Prisons*:

Although there is information about women prisoners' distinct and specific needs – the high rates of mental health problems, substance-related needs, abuse histories, self-harming behaviours and resettlement requirements – very little attention has been paid to the differential experiences within the women's population.

58. There have been a number of useful studies however that point to the particular differences and disadvantages faced by BME prisoners.
59. Hamlyn and Lewis noted that BME women reported less choice (58%) than white women (67%) in the work that they did in prison. The former were also less likely than their white counterparts to believe that prison work gave prisoners new skills which could help them on release, and were more likely to consider that prison work might be used as a form of punishment.²⁵

²⁴ Hales, L. And Gelsthorpe, L (2012) *The Criminalisation of Migrant Women*, Cambridge: Institute of Criminology, University of Cambridge

²⁵ Hamlyn, B. and Lewis, D. (2000). *Women prisoners: a survey of their work and training experience in custody and on release*. Home Office Research Study 208. London: Home

60. The Prison Service Women and Young People's Group found that BAME female prisoners were more often employed in contract workshops whereas white women were more likely to be employed in jobs offering learning and skills training with vocational qualifications attached. This may hinder BAME women offenders in their resettlement efforts, particularly as such skills may increase confidence and self-esteem which are essential in attempts to re-enter the labour market.
61. Despite higher numbers of BME women serving custodial sentences for drug related offences, surveys conducted by HMCIP have shown significantly fewer black and minority ethnic women reporting that they had problems with drugs on arrival than their white counterparts (18% compared with 41%), or that they would have a problem with drugs or alcohol once they had left prison. The Inspectorate recommended:
- “The distinct patterns of drug use by different ethnic groups within the women’s population suggests that provision and commissioning of services should reflect the needs of the population and not concentrate principally on heroin abuse, the main drug of choice for white British nationals.”*
62. The Home Office has also found that drug use and self harm amongst BME women are linked, suggesting that both substance misuse and emotional support needed to be strengthened amongst the BME prison population.²⁶
63. The Prisons Inspectorate believes that there is currently under-reporting of mental illness from people within black and minority ethnic communities, for reasons including fear of race discrimination. It draws attention to recent reports which have referred to ‘institutional racism’ within mental health services.²⁷ As a result, mental health needs among black and minority ethnic communities are likely to be picked up only when they become acute, and disproportionately as a result of contact with the criminal justice system.
64. Surveys by the HMCIP have also shown that both black and minority ethnic and foreign national women reported more problems ensuring dependants were looked after than white and British women. Both these groups of women were also more likely to report that they had not had a visit within their first week in prison compared with white and British women.

Mental health

65. The high prevalence of mental health problems within the female prison population have been well documented over the past decade. Baroness Corston was commissioned by the government to review and report on vulnerable women in the criminal justice system following the deaths of six women at HMP Styal; and a University of Oxford survey of 500 women in prison showed shocking contrasts in the mental and physical health between them and the general female population.
66. The Corston report found that short spells in prison, often on remand, damage women’s mental health and family life yet do little or nothing to stop them offending again. The damage is made much worse when women are imprisoned long distances from home and their families and receive inadequate health care during and after their time in prison. Of all

Office

²⁶ Home Office (2003) The Substance Misuse Treatment Needs of Minority Prisoner Groups: Women, young offenders and ethnic minorities, Home Office Development and Practice Report 8, London: Home Office

²⁷ Department of Health (2005). Delivering Race Equality in Mental Health Care: An action plan for reform inside and outside services and the government’s response to the independent inquiry into the death of David Bennett. Department of Health

the women who are sent to prison, 37% said they have attempted suicide at some time in their life.²⁸

67. The University of Oxford research showed that women in custody are five times more likely to have a mental health concern than women in the general population, with “78% exhibiting some level of psychological disturbance when measured on reception to prison, compared with a figure of 15% for the general adult female population”.²⁹
68. Despite positive work by NOMS levels of self harm by women remain high, accounting for 36% of self harm incidents although only making up 5% of the total prison population.³⁰ It should however be noted that this is considerably lower than in previous years.
69. Notwithstanding some progress we don’t believe that prison is the best setting in which to deliver effective treatment for mental illness. Prison separates people from families and friends who can provide important networks of support, and the additional trauma of losing a home and a job, which are frequent consequences of a custodial sentence, can also be significant barriers to recovery. Given that 58% of women sentenced to custody in 2011 received sentences of six months or less there is extremely limited time to provide support to women. Imprisonment destroys the little stability they may have in the community.³¹ For those serving longer sentences, frequent transfers between different establishments disrupt progress on treatment and programmes which they have started, often unable to continue in their new prison.

“I believe women are in far more danger of becoming mentally ill during their incarceration: especially those that are family carers and have close family ties. The prison system is not prepared properly for this, for the complexity of women and their issues that do affect them deeply, mentally rather than physically.” – Woman formerly in prison³²

70. We welcome the coalition government’s commitment to roll out a national liaison and diversion scheme by 2014, backed by £50m funding from the Department of Health, working with the Ministry of Justice. While a prison sentence may be appropriate for the most serious and violent offenders, a far greater emphasis should be placed on treatment in the community through the use of diversion and liaison schemes for people mental health problems and learning disabilities and difficulties. For the most serious offenders with mental health problems or learning disabilities or difficulties, for whom there is no other option but to impose a custodial sentence, equivalent treatment should be available in prison with clear links between prison and local health and community services. Proper provision for the continuation of treatment between custodial establishments and on release should be in place throughout the system, facilitated by a genuine integrated offender management approach.

A large proportion of women who come here have mental health issues together with drug and alcohol dependency. Those with serious mental health

²⁸ Corston, J. (2007) The Corston Report, London: Home Office

²⁹ Plugge, E. et al. (2006) The Health of Women in Prison, Oxford: Department of Public Health, University of Oxford

³⁰ Table 2.1 Self Harm, Ministry of Justice (2012) Safety in Custody Statistics Quarterly Bulletin, January to March 2012, London: Ministry of Justice

³¹ Table 2.1c, Ministry of Justice (2012) Offender Management Caseload Statistics Quarterly Bulletin October to December 2011, London: Ministry of Justice

³² Rickford, D (2003) Troubled Inside: Responding to the Mental Health Needs of Women in Prison, London: Prison Reform Trust

*issues are well served but it is likely that others slip through the net, especially if they are engaged in detox programmes.*³³ (Prison IMB chair)

71. The National Federation of Women's Institutes, the WI, is running a Care not Custody campaign across England and Wales following the tragic death by suicide in prison of the mentally ill son of a WI member. The WI and the Prison Reform Trust are leading a coalition of organisations, including the NHS Confederation, Royal College of Nursing, Royal College of Psychiatrists, Police Federation, Law Society POA and PGA, representing over one million professional staff, set up to monitor reform and ensure the government keeps its care not custody promise.
72. The Women's Justice Taskforce during its inquiry heard of the successful court liaison and outreach project delivered by Together at Thames Magistrates' court. This is a model that could be considered for extension nationally.

Exemplar: Together

Together, a national mental health charity, is funded by London Probation Trust, Primary Care Trusts, local authorities and charitable trusts to offer specialist expertise to offenders with mental health and multiple needs. They deliver a women's project based at Thames Magistrates court, staffed by a female practitioner. It offers a 5 day a week court liaison service to vulnerable women appearing at the court; screening, identifying and offering assessment to every woman who comes through the court on remand. The practitioner liaises with agencies, provides reports and recommendations to the court and makes referrals to appropriate services. Establishing a close working relationship with sentencers and inviting them to refer to the Together service, including women on bail, the practitioner 'triages' requests by the court for psychiatric assessment. The initial mental health assessment identifies whether further psychiatric assessment is required, with the aim to avoid unnecessary requests for such reports and use of remand. The project also supports probation at the pre-sentence report stage to ensure that any community sentence addresses both offending behaviour and the woman's health needs through the creation of a joined-up sentence plan.

During the first year of operation (June 2009 to May 2010) 112 women were assessed, with 57 women either bailed, released, given a community disposal or hospital order following the recommendation of the Together practitioner. The reducing reoffending team in Tower Hamlets estimated that there had been a 40% reduction in the number of women from Tower Hamlets being received into HMP Holloway during the same time period. Whilst it is not possible to attribute this solely to Together, it would suggest that the services being offered by the women's project had a significant impact. The cost of this service is £55,000 a year.

Learning Disability

73. One area which we believe that the Justice Committee may wish to investigate is provision for women with learning disabilities and difficulties. There is currently limited research into the prevalence of women in prison with learning disabilities. The Prison Reform Trust's No One Knows programme examined the experiences of people with learning disabilities and difficulties in the criminal justice system, and the views of practitioners. A literature review revealed that 40% of women in one prison experienced learning disabilities or difficulties, this is a higher proportion than found in men's prisons.³⁴

³³ Edgar, K and Rickford, D (2009) Too Little Too Late: An Independent Review of Unmet Mental Health Need in Prison, London: Prison Reform Trust

³⁴ Loucks, N. (2007) No One Knows: Offenders with Learning Difficulties and Learning Disabilities. Review of prevalence and associated needs, London: Prison Reform Trust

74. Women with learning disabilities and difficulties in prison face many barriers to engaging effectively with prison regimes and have disproportionately more negative experiences whilst in prison.
75. Over 80% of prison staff surveyed by the Prison Reform Trust said that information accompanying people into prison is unlikely to show that the presence of learning disabilities or difficulties had been identified prior to their arrival. Once in prison there is no routine or systematic procedure for identifying prisoners with learning disabilities or learning difficulties. Consequently the particular needs of such prisoners are rarely recognised or met.³⁵

Prisons do not employ (either individually or on an area basis) educational psychologists. Prison psychologists are either clinical or forensic. Consequently there is no-one on site with appropriate specialist knowledge and expertise to diagnose learning disabilities or identify possible disorders such as ADHD [attention deficit hyperactivity disorder] or disorders on the autistic spectrum which may seriously reduce the ability of women to access and engage effectively in mainstream education and vocational training in prisons.³⁶ (Prison IMB Board)

76. A learning disability screening tool, the LDSQ, was piloted in four prisons under the auspices of the Department of Health. The results, reported in March 2010, established that it was an effective tool for use in prisons. However the tool has still not been made routinely available. Further work needs to be undertaken, as a matter of urgency, to ensure that the support needs of people with learning disabilities, and other impairments, are recognised and met at the point of arrest.
77. Our research has also found that there are a significant number of prisoners who, because they have a learning disability or difficulty, are excluded from aspects of the prison regime including offending behaviour programmes.³⁷ Offending behaviour programmes are not generally accessible for offenders with an IQ below 80. There is a mismatch between the literacy demands of programmes and the skill level of offenders, which is particularly significant with regard to speaking and listening skills.³⁸
78. Similar problems exist for those under 18, with most youth offending teams not currently using screening or assessment tools or procedures to identify children with learning disabilities, specific learning difficulties, communication difficulties, ADHD, or autistic spectrum disorder.³⁹ Most youth offending team staff believe that girls and boys who offend and have any of these conditions were more likely than children without such impairments to receive a custodial sentence.⁴⁰
79. It is encouraging that the government is taking forward proposals to invest £50 million by 2014 in liaison and diversion services.⁴¹ All liaison and diversion schemes should also

³⁵ Talbot, J, (2007) No One Knows: Identifying and supporting prisoners with learning difficulties and learning disabilities: the views of prison staff, London: Prison Reform Trust.

³⁶ Edgar, K and Rickford, D (2009) Too Little Too Late: An Independent Review of Unmet Mental Health Need in Prison, London: Prison Reform Trust

³⁷ Talbot, J. Written evidence submitted by Prison Reform Trust to the Joint Committee on Human Rights: The Human Rights of Adults with Learning Disabilities, 2007

³⁸ Davies, K. et al (2004) An evaluation of the literacy demands of general offending behaviour programmes, Home Office Findings, 233, London: Home Office

³⁹ Talbot, J. (2010) Seen and Heard: supporting vulnerable children in the youth justice system, London: Prison Reform Trust

⁴⁰ Rack, J. (2005) The Incidence of Hidden Disabilities in the Prison Population, Egham, Surrey: Dyslexia Institute

⁴¹ Hansard HC, 15 February 2011, c793

explicitly address the particular needs of women with learning disabilities. The Care not Custody Coalition will continue to monitor progress on the government's commitment to ensure that people with learning disabilities are identified at the point of arrest and receive the support necessary for them to participate effectively throughout the criminal justice process, or, where appropriate, are diverted away from criminal justice into relevant services in the community.