



**All-Party Parliamentary Group on
Women in contact with the Justice System**

**Minutes of the meeting: The Disproportionate Use of Remand for Black,
minoritised and migrant women**

Tuesday 5th December – 5:00pm – 6:30pm

Room S, Portcullis House and Online

Attendees

Portcullis House	Virtual
CHAIR – Kate Osamor MP	Abbi Ayres – National Women’s Justice Coalition
Lord Bradley	Lucy Slade – Centre for Justice Innovation
Baroness Hodgson	Kelly Grehan – Revolving Doors
Nicola Drinkwater – Women in Prison	Valentine Mulholland – Oak Foundation
Lucy Russell – Women in Prison	Amy Dolley – Howard League
Mady Hammond – Women in Prison	Sofia Buncy – Khidmat Centres, Muslim Women in Prison
Karryn Robinson – Women in Prison	Abbey Darling – Prison Radio Association
Oliver Daly – House of Commons	Jessamy Gould – Treebeard Trust
Hazel Alcraft – Hibiscus Initiatives	Karin Wejmo – University of Westminster
Fran – Women4Change project, Women in Prison	Rachel Drain – Royal College of Midwives
Emma Snell – JUSTICE	Clara Espinosa – City Bridge Foundation
Jess Southgate – AGENDA Alliance	Chloe Geoghegan – Corston Independent Funders Coalition
	Beth Crosland – JABBs Foundation
	Mark Blake – Criminal Justice Alliance
	Sam Julius – Clinks
	Penelope Gibbs – Transform Justice

Apologies

- Baroness Burt of Solihull
- The Lord Bishop of Gloucester
- Baroness Lawrence of Clarendon
- Lucy Powell MP
- Ellie Reeves MP
- Bell Ribeiro-Addy MP
- Catherine West MP

Minutes:

Chair, Kate Osamor, MP

Welcomed attendees in the room and online and introduced the topic for the APPG and the speakers:

1. Nicola Drinkwater, Director of External Affairs and Campaigns, Women in Prison

Nicola presented some background information to the issue of remand and why it is a concern for Women in Prison and the APPG. She covered the following issues:

- In June of this year [2023], 22% of the total women's prison population were remanded into custody and from June 2022 to June 2023, the number of women who were on remand increased by over 20%.
- The remand prison population in June 2023 represents the highest level for at least 50 years. Only a minority of women on remand go on to receive a custodial sentence and set an ambition to enable more women to successfully access bail. Evidence represented in the Justice Select Committee Report on remand shows that almost two thirds of women remanded to prison are either found not guilty or a given a community sentence
- The use of remand has disproportionately impacted women, particularly black, racially minoritised and migrant women.
- Within the Bail Act, women can be remanded to custody "for their own protection" – there is no further clarity within the legislation, or statutory guidance, to clarify what these circumstances would be.
 - Women sent to prison "for their own protection" are there due to severe mental health needs, high risk of self-harm and suicide, previous suicide attempts and a lack of secure and/or community mental health beds.
- The self-harm rate for women continues to rise and is at an all-time high- 11 times higher than the male estate. We know prison isn't a safe place for women. We are concerned at the absence of the Mental Health Bill from the King's Speech, which could have helped address these challenges.
- Most aspects of life cannot be put on "pause" for the duration of remand. The consequences of any period on remand can be significant and long-lasting, impacting children and family ties, physical and mental wellbeing, employment and housing and in some cases locking women into poverty and debt on release. One of our service users,

Beatriz, described her experience as, *“I feel like I’m losing everything because when I get out, I have to start again.”*

- Custodial remand is a disproportionate and harmful response to managing people in contact with the criminal justice system. Women we have worked with describe being given *“no information, prison pack [...] the feeling of no control and you don’t know what happened.”* It can be a very traumatic experience – uncertainty about the future is ever-present, with no clear timeframes for women about how long they will be held on remand and many lack the support and opportunities available to sentenced women. This sentiment is echoed by, Rochelle, a woman who we work with on remand who, told us how *“as a remand prisoner, you cannot apply for jobs in the prison because you can’t be certain you will return after court.”*
- The lack of structure on remand extends to very basic necessities: one woman we work with, Melissa, described how she lacks a toothbrush and toothpaste: *“I’ve been asking for it but they haven’t given me anything. I have to ask other prisoners to use their toiletries.”*
- We want to see the ambitions of the Female Offender Strategy realised a significant reduction in the women’s prison population.
- Women in Prison’s two key asks:
 - Fundamental reforms to the 1976 Bail Act to: strengthen the presumption of the right to bail; end the use of remand for “own protection”; avoid remand being used by default for migrant women
 - The proper utilisation of alternatives to remand

2. Karryn Robinson, The Unsentenced Project – HMP Bronzefield, Women in Prison

Karryn introduced Women in Prison’s project that supports women on remand. She used examples from current work and case studies from the women in the project at the time to illustrate how remand impact those women.

- The Unsentenced Project offers support to women who are currently awaiting trial. We work to help women address issues relation to accommodation, financial debt and benefits and health advocacy at HMP Bronzefield.
- Women are often referred by Prison staff to the Unsentenced Women project for housing support, but staff in the project have found that housing is often not the women’s priority need and instead the women are often in need of significant mental health support.
- Women’s mental and physical health needs are often not addressed due to long waiting lists, and delayed access to vital medication.
- Many women on remand do not feel clear about their legal cases or procedures in place, for example, exact charges, legal representation or what stage the case may be at. This often leads to heightened anxiety and stress for the women. Women who are not fluent in English particularly struggle with this issue.
- To highlight this, Karryn gave an of a woman called Melissa. She is pregnant and shared that when she was first arrested by police, she did not understand what the arrest was for as she is not fluent in English. Melissa then brought out her charge card to say she did not understand why she was in prison. At this point, she had been on remand for three weeks without full understanding why she was in prison. Karryn then tried to explain the situation, so she had a better understanding of why she was remanded. In

addition to this, she had no access to toiletries such as toothbrush and toothpaste and had to ask other women for assistance.

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- The nutritional requirements of pregnant women are not being met.
- Sometimes, major issues for women in prison are only being addressed when staff raise them on the women's behalf. This is not upholding the dignity and rights of the women in prison.

3. Fran, Women4Change project, Women in Prison

Fran used her lived experience to describe what being on remand felt like and where she saw specific problems in the process.

- It was extremely disruptive and distressing for both her and her child.
- Fran was remanded to custody after conviction but before sentencing was handed down. A pre-sentence report was requested on my behalf but it was not done. She was remanded in custody for 5 days before being ordered to surrender her travel documents. She then remained on bail with a GPS tag until sentencing took place.
- When Fran was in custody on remand, she had no contact with a solicitor or barrister. Also, while on remand she was tested for drugs but no medical checks were carried out for her welfare. It is very difficult to get medication or see a doctor regarding repeat prescriptions.
- Being on remand felt like it was punishing her child as well. She questions how much of a long term impact the whole experience had on her child and highlights how children are still going through the imprisonment of a family member which is very distressing.
- She calls for more transparency around sentencing decisions and in particular, processes that can scrutinise sentencer decisions Fran said "given my experiences, if I could change anything I would stop the use of remand, particularly for women accused of non-violent, low-level offences. It makes much better sense and is a better use of resources if we keep women in their communities."

4. Hazel Alcraft, Head of Community and Criminal Justice Services, Hibiscus Initiatives

Hazel gave an overview of the work of Hibiscus Initiatives, illustrating how migrant women are impacted by remand.

- Hibiscus work with migrant women who are impacted by the immigration and/or the Criminal Justice System. It helps them rebuild their lives, offering welfare and advocacy in prisons, support and advice on returning to home countries or leaving prison and entering the community and it works to address trafficking.
- Migrant women make up around 16% of those on remand, and 8% of the overall prison population.
 - Of the migrant women on remand, 85% are there for less serious offences (theft, fraud and drug offences), compared to around 71% of the wider population of women on remand.
 - The proportion of people on remand from racially minoritised backgrounds has doubled since 2015.

- Migrant women are often not even considered for bail for multiple reasons:
 - Language barriers, alongside a lack of information and understanding of processes, leading to fear and mistrust.
 - Having to prove 'community ties' against a presumption they will abscond the country.
 - A false assumption that migrant women will automatically be deported at the end of their sentence. The current rules are that anyone receiving a custodial sentence over 1 year will be eligible to be considered for deportation, but almost 80% of migrant women on remand do not receive a custodial sentence at all.
- For women with language barriers, they are often unaware of why they are in prison, struggle to understand the prison environment and rules, and struggle to access support.
- Accommodation challenges disproportionately impact migrant and minoritised women due to their limited housing options, and other barriers they experience relating to housing.
- Remand can impact a woman's immigration status, such as women whose visas expire whilst in prison, or other deadlines in their immigration cases, leaving them in breach of immigration conditions without options or support.
- There is a systematic failure to identify indicators of trafficking and modern slavery survivors that needs to be considered.

5. Emma Snell, Senior Legal Fellow, JUSTICE

Emma gave an overview of recent research by JUSTICE into remand decision making in Magistrate Courts.

- JUSTICE recently conducted an observational research project looking at pre-trial remand decision making in Magistrates Courts.
- Their findings showed that in most cases the tests in the Bail Act and the processes for determining bail were not being properly applied.
- It is believed this is disproportionately impacting women, including women from racially minoritised backgrounds, for the following reasons:
 - Failure to follow legal processes generates inconsistency in remand decisions, leaving room for bias which disproportionately impacts marginalised groups. racially minoritised defendants appearing for more severe offences were 50% less likely to be granted unconditional bail than white defendants appearing for similar offences.
 - Non-UK national defendants were 50% more likely to be denied bail than their UK national counterparts. There is little evidence suggesting foreign nationals in contact with the criminal justice system fail to surrender to court more frequently than UK nationals.
- Defendants are no longer required to state their nationality during pre-trial hearings from 2021 – however, defendant nationality was still being stated in court after these changes came into force.
- Defendants accused of low-to-moderate severity offences were being remanded in custody just under a third of the time – many of these cases were unlikely to be

convicted, suggesting that the no real prospects test may not be being appropriately applied to remand decisions.

- Overuse of custodial remand at the lower end of the severity spectrum is likely to disproportionately impact women defendants, which is even more concerning in the context of prison overcrowding and the fact people are spending up to 2 years on remand.
- Remand for own protection – which is permitted by the Bail Act – is frequently impacting women, with those remanded often accused of low severity offences. JUSTICE, along with others, argued that remanding for welfare is counterintuitive – the draft Mental Health Bill included provisions preventing courts from remanding people to prison for their own protection solely on mental health grounds, however this was dropped from the King’s Speech. This is likely driven by the lack of community-based alternatives.
- There is a lack of data on the use of remand for own protection – the government said it will start collecting this data, but the specificity of what that data will include was not clear.

6. Chair, Kate Osamor, MP

Thanked attendees for the work that went into their contributions and took questions from the room and online. Questions covered topics including:

- The Sentencing Bill: How the presumption against short sentences is likely to have a positive impact on women and what the implications will be for the already overstretched probation service.
- Alternatives to custodial remand
- The importance of hearing perspectives from people with lived experience, especially from those who have experienced racism within the justice system
- How many women are remanded due to lack of a stable address?
- Noting the AGENDA Alliance work on Double Disadvantage project which highlights race and gender in the justice system and noting the specific discrimination experienced by Muslim women
- Language and translation barriers for those who do not speak English and Hibiscus Initiatives’ cultural mediation work
- The importance of not placing the burden of change solely on those with lived experience
- The progress of the Young Women’s Strategy within the MOJ and the potential for it to impact remand
- The lack of data available on women on remand and what problems this poses
- The need to get information before courts at the first opportunity and concerns that remand often happened because information relevant to the case is often not available at their first court appearance
- The challenges of offering training across Magistrates and the Judiciary

ACTION: APPG Secretariat to follow up on progress of Young Women’s Strategy

ACTION: WiP to provide APPG Chair, Vice Chairs and Officers with questions for parliament to keep this matter live.

Next Meeting

ACTION: The invite for the next APPG will be extended by the secretariat to all invited to this APPG.

The next APPG will be on the topic of women who have experienced domestic abuse and how this has led to contact with the criminal justice system who have experienced domestic abuse

Chair thanked all for attending and for their comments.