



Women in Prison

A response to the Justice Select Committee
Prison Population 2022: planning for the future inquiry

4th December 2017

About Women in Prison

Founded in 1983, Women in Prison (WIP) aims to reduce the number of women in prison and prevent the harm caused to women and their families by imprisonment. Women in Prison's proposals are based on experience of delivering gender-specialist trauma-informed support services in prison and the community for women affected by the criminal justice system.

For more information see www.womeninprison.org.uk

About Women in Prison (WIP):

Women in Prison (WIP) is a women-only organisation that provides holistic, gender-specialist and trauma-informed support to women affected by the criminal justice system. We work in prisons, in the community and “through the gate”, supporting women leaving prison. We run three women’s centres (in Manchester, Woking and Lambeth, London) which include support for diversion schemes for women at early stages of involvement in the criminal justice system, as well as support for women on community sentences and on release from prison. Our combined services provide women with support around advocacy, complex needs, domestic and sexual violence, physical health, mental health, substance misuse, parenting and education.

We advocate for a significant reduction in the numbers of women being sent to prison and for strengthened community support services.

Our policy and campaigns work is informed by our frontline support services for women, delivered at every stage of a woman’s journey through the criminal justice system. The experience and knowledge of staff working directly with women affected by the criminal justice system enable us to see first-hand how well policy is implemented in practice. We are currently leading the 2020 Ambition to halve the number of women in prison from around 4,000 to 2,020 (or fewer) by 2020.

About this consultation response:

Our response to this consultation is concerned specifically with women involved in the criminal justice system.

Introduction

WIP believes it is possible to reduce the number of women in prison from around 4,000 to 2,020 (or fewer) by the year 2020. This could be a precursor to radical reductions in the overall prison population. Women in the criminal justice system is a small cohort, making up 5% of the prison population and 15% of the probation caseload. This presents an excellent opportunity to invest in the services we know work in a range of pilot schemes in tackling the root causes of offending and reoffending. We are supported by MPs across political parties, Prison Governors, Police leaders including Police & Crime Commissioners (PCCs), charities and others in this ambition. It is now widely accepted that there is a crisis in our criminal justice and prison system and reducing the prison population is now an absolute necessity if we are to address it.

Bringing the women's prison population down to 2,020 (or fewer) by the year 2020 would simply mean a return to previous population figures. Over the entire last century it is only in the last 20 years that the women's prison population has been higher than 2,020. Between 1955 and 1970 the population was less than 1,000. Only in 1996 did it go above 2,000; in 1998 it had exceeded 3,000 and in 2002 it had exceeded 4,000.¹ This all shows how quickly the situation can change. However, we know this trend can be reversed. As a group, the vast majority of women in prison have committed non-violent offences and do not present a risk to the public. They are also the most vulnerable and disadvantaged group of prisoners in terms of mental ill health, substance misuse, self-harm, history of attempting suicide and experience of domestic abuse, child abuse and sexual exploitation. Reducing the women's prison population is an opportunity to showcase what works for men too in terms of tackling the root causes of offending.

In recent years, we have seen significant developments in youth justice, with vital learning from Youth Offending Teams and initiatives to reduce the number of children and young people in prison. A focus on prevention and community alternatives has seen the youth custody population plummet, saving £millions to the treasury. We now need to see the same developments in the adult prison population – there is no better place to start than with the 5% of the prison population that is made up of women.

The forthcoming Female Offender Strategy is an opportunity for the government to put forward the changes needed to achieve a fairer and more effective criminal justice system, which includes a radical reduction in the number of women being sent to prison.

Key recommendations

1. Invest in community alternatives to custody, including women's centres, substance misuse support, mental health support and housing, including ring fenced central funding to support core women's centre provision for local 'whole systems' investment (as recommended ten years ago in the Corston Report)
2. Urgently roll out of Diversion schemes focused on police custody and early police contact so that the root causes of offending are tackled at an early stage, with a focus on prevention
3. Radically reduce the remand population as a matter of urgency as a vital step in reducing the women's prison population
4. Replace short sentences with community alternatives that tackle the root causes of women's offending, including a statutory presumption against short sentences in accordance with the Scottish model.
5. Remove Post-Sentence Supervision (PSS) and associated recalls introduced under the Transforming Rehabilitation (TR) reforms to enable a focus away from counterproductive "supervision" to specialist support
6. Address a range of access to justice issues affecting specific groups in prison including those on Indeterminate Public Protection (IPP) sentences and those serving long sentences for joint enterprise-related offences
7. Address the issue of harm caused by imprisoning women with mental ill-health and substance misuse issues, including ensuring adequate community provision for women which can be used by courts (including in Mental Health Treatment and Drug Treatment Requirements as part of sentences) and Liaison and Diversion schemes (as per the Bradley report recommendations)
8. Address the issue of women in prison and domestic abuse as a cause of offending and a key issue facing women as they turn their lives around including consideration of the issue at sentencing stage and provision of services in prisons and as part of community alternatives (including links to refuge provision)
9. Address the issue of imprisonment of primary carers so in every case in which a child's life is impacted by prison sentencers have full knowledge of the consequences of their decisions and can ensure they meet their legal obligations including in relation to safeguarding children
10. Establish a moratorium on plans to build five new community prisons for women with funds diverted to invest in the delivery of the Female Offender Strategy in particular a network of community-based women's centres.

1. What is the current and projected make-up of the (sentenced and unsentenced) prison population in England and Wales up to 2022?

After a minor downturn in the women's prison population over the last five years, population levels once again exceeded 4,000 in 2017. On 17 November 2017 the women's prison population stood at 4,035. ²

A note on population vs reception figures

A crucial point to bear in mind when investigating the women's prison population is the difference between the population, which is a static weekly snapshot, and the receptions, which accounts for the total number of instances a woman is sent to prison over a certain time period³. If we only focus on the snapshot that is the prison population then we are not seeing the full picture of the prison population and its make-up. Although the female population averaged 3,854 in 2016⁴, the total number of receptions during the year was 8,447⁵. As the offending patterns in the women's cohort differ from that of men's, because women as a group commit less violent and serious offences, on average they receive shorter sentences than men. As a result of the high level of short sentences, the women's prison population is in a constant state of flux. The reception figures therefore give a clearer picture of the 'revolving door' nature of women's sentencing than do prison population figures. Out of the total receptions in the year 2016, 3,513 women were received into prison on remand and 4,897 women were sentenced. Out of the 3,513 women on remand, 2,502 were untried and 1011 were convicted unsentenced⁶. Remanded women thus accounted for over 40% of all receptions in 2016. However, when looking at the prison population figures for 31 December 2016 women on remand accounted for 552 (or 14%) out of 3,831 women. Likewise, when breaking down the overall figures of offending according to offence categories or sentence length we get different figures depending on whether we look at prison population or prison reception figures. For example, when looking at the static prison population on 30 June 2017, women on short sentences (less than 12 months) made up less than a fifth of the female prison population while longer sentenced women (4 years or more as well as indeterminate sentences) accounted for almost 35% of the population⁷. However, when looking at female receptions over the year leading up to 30 June 2017, short sentences accounted for almost half (48%) of all receptions. As discussed above, remands accounted for around another 40% of all receptions. Long-sentenced women (4 years or more) accounted for only 1.5% of receptions⁸.

Current population make-up: sentencing type

Remand

Women unlikely to receive a custodial sentence should not be remanded in custody. This is in accordance with the Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012⁹ that came into effect in 2013, establishing a presumption against remand for those charged with offences unlikely to warrant a custodial sentence. Despite this, in 2016 42% of receptions first entered prison on remand¹⁰. Only around 30% of women on remand go on to receive a custodial sentence.¹¹ The reduction in overall remand figures seen throughout 2016 took place entirely in the male estate whereas the number of women remanded in this time period actually increased by 1¹². The remand population needs to be addressed as a matter of urgency as a first step to reduce the women's prison population. Key to this is the availability of community alternatives, including women's centres, to which courts can refer women during the period up to trial where any root causes of offending can be tackled.

Short sentences

The female prison population is dominated by women with complex needs on short sentences for non-violent offences. In order for the women's prison population to be reduced, the number of women held on short sentences needs to be dramatically cut. In 2016, out of the sentenced 4,897 women received into prison, 3,441 (70%) were sentenced to 6 months or less¹³. The vast majority of women sent to prison have committed low-risk and non-violent offences: 84% of women entering prison under sentence in 2016 had committed a non-violent offence¹⁴; theft offences accounted for half of all custodial sentences given to women in 2015¹⁵. In 2016, 10 women were sentenced to immediate custody for the offence of truancy (parent failing to secure attendance of child)¹⁶. In 2016, there were also 37 civil non-criminal first receptions¹⁷ and 64 fine defaulters¹⁸. Between 2012 and 2014, an average of 38 women per year were imprisoned for non-payment of council tax¹⁹. In 2015, 20 women went to prison over their TV licence²⁰, a sentencing outcome that disproportionately affects women and those in poverty. Short sentences are ineffective at reducing reoffending but have disproportionate and far-reaching consequences for women and their children. In order to tackle the high levels of imprisonment for women, short sentences need to be replaced with community alternatives that tackle the root causes of offending. The Scottish approach with a presumption against short sentences should be adopted in England and Wales.

IPP

Despite being abolished in 2012 after a government review into their overuse, many women remain in prison on IPP sentences. 57 women are still serving an IPP sentence, 53 of whom having passed their tariff expiry date²¹.

Nearly 80% of IPP sentences for women were for offences of arson, which is often an indicator of serious mental illness or self-harm²². Prison is clearly not the best place for these women who require mental health support in more appropriate settings. This issue needs to be urgently addressed with each woman serving an IPP sentence given an individual independent advocate to bring together a multi-agency response to each woman's situation with the aim of securing her release. Release should include a holistic package of long term community support in place to back up resettlement and prevent the "revolving door" of recall to prison.

Life sentences and violent offences

Prison Reform Trust's recent briefing "There's a reason we're in trouble: Domestic abuse as a driver to women's offending"²³ looks at the link between women's experiences of abuse and their offending. It highlights that in some cases experience of abuse overtime may lead women to react with violence against their abuser. As such, it is important to bear in mind that violent offending by women can be an example of defensive violence. It is also a reminder of the need for support programmes, in prison and the community, for women affected by domestic abuse.

Home Detention Curfew (HDC)

The percentage of prisoners released on Home Detention Curfew (HDC) (of those eligible) fell between 2002 and 2015. Female prisoners have seen a fall from 49.2% to 31.2%.²⁴ This is partially due to homelessness among the women's prison population as well as a lack of bail hostel places for women which means that many women are unable to take advantage of early release. If more women were able to take advantage of HDC then this would have an impact on prison populations. There needs to be an urgent review into the impact on women of lack of community provision including bail hostels and how this has disproportionate impact on women as compared to men. Our briefing "Home Truths"²⁵, produced jointly with Prison reform Trust, outlines in more depth the extreme housing crisis facing women in the criminal justice system.

Recalls

The current prison population is increasingly changing due to Transforming Rehabilitation (TR). The post-sentence supervision (PSS) requirements introduced through TR have resulted in an increase of recalls as everyone sentenced to prison for more than 1 day is now subject to license on release from prison. As reported by Prison Reform Trust, the number of women recalled to prison rose dramatically after commencement of the Offender Rehabilitation Act 2014, which introduced post-custody supervision for people serving sentences of less than 12 months.²⁶ Since the end of 2014 there has been a 68% increase in women being recalled to custody following their release.²⁷

In 2016, there were a total of 1,378 female recalls to custody. The reasons given for the recalls were: further charge (388), non-compliance (534), failure to keep in touch (704), failure to reside (354) and drugs and alcohol (140)²⁸. Women we work with in prison have told us they feel the worst thing about recall is not knowing how long their custodial term will last when recalled; the women we have spoken to express confusion about being immediately sent to prison without clearly understanding the process, only to get a final decision about length of time to be spent in prison at their eventual hearing.

The rise in recalls associated with TR have had an impact on the profile of the prison population, with a larger proportion of women spending a short amount of time in prison. TR introduced 14 day-recalls and we understand that HMP Bronzefield now has an average sentence length of 4 weeks. Very short sentences such as these are completely ineffective in terms of rehabilitation and resettlement as they are not long enough for women to get involved in any type of work, activities or support. Yet, they are very harmful and have far-reaching practical and emotional consequences for women and children. A removal of the PSS requirement for women would mean a simple return to pre-2015 license requirements and hence a reduction in recalls and the overall prison populations. This would enable public funding and the efforts of probation staff to focus on support rather than counter-productive supervision.

Current population make-up: minorities within a minority

When looking at the current make-up of the women's prison population, we should remind ourselves to look at the population not simply in terms of sentencing types but also in terms of its complex make-up. As discussed throughout this document, women prisoners as a group face multiple, overlapping challenges with a majority affected by mental ill health,

trauma and substance misuse. Moreover, below is a short outline of some particular groups making up the current women's prison population.

Foreign national women

Foreign nationals make up around 10% of the women's prison population²⁹. Some foreign national women in prison are known to have been coerced or trafficked into offending. Many foreign national women remain in prison on immigration hold, even though they have already served their criminal sentence. Agencies like Hibiscus Initiatives³⁰ which provides specialist support to foreign national women affected by the criminal justice system could play a vital role in providing women with advocacy support including to ensure their access to justice and to suitable services.

BAME women

BAME women make up 11.9% of the women's population in England and Wales but 18% of the women's prison population.³¹ As outlined in the recent Lammy review³², BAME communities make up a disproportionate section of the prison population and face additional disadvantage and stigma in the criminal justice system. The report "Double Disadvantage"³³, jointly produced by Agenda and WIP, is based on research with women in prison and further outlines these issues. Prison Reform Trust's recent report "Counted out"³⁴ outlines that there is limited criminal justice data and research around women in respect to ethnicity and religion and this lack of data and research signifies neglect and impedes progress. However, the evidence that is available confirms that women from BAME groups are disadvantaged compared to white women in the criminal justice system. For example, in relation to the prison population, there is disproportionate use of custodial remand and custodial sentencing for black women and women from minority ethnic groups are more likely to plead not guilty at the Crown Court, impacting on their sentences if convicted. It is important that the Lammy Review recommendations are adopted in full and that BAME agencies providing support are adequately funded, so that women can access their services.

Other minority groups

In addition to the above, the women's prison population is made up of a variety of groups facing particular vulnerabilities. These include travellers, trans-gender prisoners, young women, older women, women with learning difficulties, women with physical disabilities, mothers and pregnant women. For more information on the specific needs of pregnant

women in prison, please see the Birth Charter for women in prisons in England and Wales³⁵ produced by Birth Companions.

2. What has led to the current size and make-up of the prison population?

The impact of austerity and the increasingly desperate funding situation facing women's services and other community support has had an impact on prison population. Sentencers tell us that they lack sufficient alternatives to custody and support in the community which women can be referred to and, sadly, some see a prison sentence as a possible route to help.

Some of the rise in the female prison population can be explained by a significant increase in the severity of sentence and the adoption of criminal justice "solutions" to community issues such as anti-social behaviour. The number of women in prison nearly trebled between 1993 and 2005 and there are nearly 2,500 more women in prison today than there were in 1993³⁶. Numbers had started slowly to reduce over the last few years but, once again, exceeded 4,000 during 2017.

Sentencing Guidelines state that prison should be used as a last resort, for the most serious offences, and consideration should be given to the impact on dependents. Prison should only be used for the very small number of women who pose a risk of harm to others but as outlined above this is clearly not the reality of today's sentencing practice. In order to reduce the number of women being sent to prison we need sentencing reform with greater use of alternatives to custody and women's community support services so that fewer women are being needlessly sent to prison.

We currently see a situation where the prison population is increasing whilst use of community alternatives appears to be in decline. The use of community sentences, which can include requirements such as mental health treatment, alcohol misuse treatment and drug misuse treatment, reduced by approximately 45% between 2005 and 2015³⁷. In order for sentencers to be able to recommend a community option such as a Mental Health Treatment Requirement (MHTR) or Drug Rehabilitation Requirement, the services need to actually exist as an option in the community. Sadly, in many cases there are no such options open to the courts; custody can therefore be seen as the only possible sentencing option. More investment is needed in community alternatives to custody, including support for

substance misuse and mental ill health and access to housing. Women's centres are able to support women in tackling these root causes of offending but need the funding to do so.

3. To what extent are these factors taken into account in prison population projections?

Prison population projections are based on a premise of 'business as usual'. However, with a change in focus and a practical strategic commitment to a change in criminal justice-related spending on prisons from government current projections could be radically altered. This would enable a move away from exclusive focus on crime rates and offending to consider the root causes and surrounding social circumstances that lead to offending. The plans to build new prisons are based on the current dysfunctional situation in which there is likely to be more "demand" for prison by sentencers in areas where they have less access to effective community alternatives. Each area with a high use of prison actually needs a plan for community investment rather than new prisons as these risk making prison appear an even more attractive proposition to sentencers than is currently the case.

The need for community alternatives

The answer to reducing women's (re)offending lies in investment in community support services, housing for women and diversionary schemes to act as an alternative to needless and counter-productive custodial sentencing. The answer does not lie in prisons or in "tweaks" to the existing criminal justice system. The TR reforms sought a criminal justice solution to a social and community problem – that of high reoffending rates among our most vulnerable citizens. This approach has absolutely failed - a view broadly accepted across independent inspectorates, local councils, prison and probation staff and charities.

Lessons learned from the closure of HMP Holloway

A prominent and sad example of a missed opportunity in terms of prison population projections was the closure of HMP Holloway. When the government suddenly announced the closure of HMP Holloway this led to a chaotic and destructive process of change without any surrounding strategic planning.

Any prison closure plan needs to be accompanied by a plan to reduce the prison population, not to simply replace one establishment with another, as happened when HMP Holloway closed and women were transferred to HMP Downview, HMP Bronzefield and other prisons

much further away from London. Rather than twinning the closure of HMP Holloway with an overall reduction in the prison population and an investment in community alternatives, the overall prison population actually increased and many support services were lost in the transition (including some provided by Women in Prison).

Proposed new community prisons

The proposal in the recent White paper “Prison Safety and Reform” to build five new community prisons for women is another lost opportunity in terms of focus and spending. All evidence to date shows that the prisons crisis has worsened amidst the building of new prisons. The money currently earmarked for building five new women’s community prisons would be much better spent on community alternatives to custody in the form of women’s centres and linked supported housing. This would enable a significant strand of funding to support a Female Offenders Strategy which could result in the halving of the women’s prison population in the next three years

Experience shows that new prisons involve a risk of increasing the prison population, especially when community services are in crisis. We already see sentencers using prison as a “place of safety” and there is a risk that expensive new prisons will be seen as a better option than community sentences, thus increasing the prison population.

Any initiative to replace current prisons with small community units (as recommended in the Corston Report) should be reserved for the small number of women on long sentences for the most serious offences that represent a serious risk to the public. The units recommended by Corston were intended to focus on providing holistic care and best prepare women for release through support and effective rehabilitation. The Units recommended in the Corston Report were specifically intended to be based in communities, not wings of men’s prisons.

4. What is the Ministry of Justice's existing strategy for managing safely and effectively the prison population?

There seems to be no clear or coherent strategy for managing safely and effectively the women’s prison population. The only suggestion we have seen in recent times to deal with the current prison crisis is to increase staffing levels in prisons (following a previous unsuccessful initiative of lowering staffing levels to save money). Not only is this suggestion insufficient, it is also flawed as the staff-to prisoner ratio would be better improved by instead lowering the number of prisoners.

There are issues around punishment and segregation in prison that need to be urgently addressed in order to manage safely and effectively the women's prison population. For example, the use of segregation needs to be monitored and must not be overused, particularly for women on remand, or women who are particularly vulnerable, in which case it is sometimes used "for women's own safety".

5. What are the implications of the likely rise in the population for the resources required to manage prisons safely and effectively?

A further rise in the women's prison population would have disastrous impact, both on women and staff. Women prisoners as a group are highly vulnerable when using a number of key measures – mental ill health, experience of childhood abuse, sexual and domestic violence, experience of trauma, experience of the care system, substance misuse and risk of self-harm and suicide. In order for women's prisons to be managed safely and effectively, adequate support structures and resources for rehabilitation are vital. Investment in trauma-informed training and practice by all prison staff is vital, but for such practice to become reality staff need sufficient time and space to operate in a trauma-informed way.

Staff shortages, time out of cell and purposeful activity

Staff shortages in prison means women are locked in their cells for longer and have fewer opportunities to engage in meaningful activities such as education, group work or voluntary sector appointments, including support for contact with family. This all has a detrimental effect on women's mental health and well-being. It can also contribute to some women's behaviour becoming disruptive or chaotic due to boredom and frustration, which in turn means they will usually end up spending more time locked up due to what is seen as disruptive behaviour. Lack of resources inevitably result in a more punitive regime in prison, with increased use of adjudications and segregation. Without a better staff to prisoner ratio, purposeful activity is impossible. Numerous reports by HM Inspectorate of prisons have already spoken of a lack of purposeful activity and time out of cell, a development that needs to be addressed as a matter of urgency. We are aware from working in prisons that some of the women's prisons are regularly on lock down due to staff shortages. More staff, including healthcare staff, also need to be available at night when anxiety can rise and women are particularly vulnerable. Another consequence of a rising prison population is women being moved around the prison estate due to a lack of spaces, sometimes far away from their homes and family. The result can be disruption to support services, education and training and, crucially, a reduction of, or end to, visits from family and children.

Support services in prison

We know from our work in prisons that support services in prison are under significant strain. To name one example, women's access to prison mental health services are desperately inadequate; prison mental health services face low staffing levels coupled with a high demand from a very complex client group. Community mental health in-reach teams operate in prisons and do their best with limited resources. However, only a small proportion of the prison population are eligible for support by the in-reach teams due to resource constraints. Therefore capacity, not need, determines eligibility for mental health support in prison, with many women unable to access any support at all. Prisons also have Psychological Therapies teams that can offer counselling and therapeutic group work. Again though, waiting lists are long and resources are scarce, meaning that many women are not able to take advantage of this service.

Domestic Violence (DV) support services are also desperately lacking in women's prisons, despite the severe need among an overwhelming majority of women prisoners. At the same time, generic domestic violence support and refuge services are under severe strain in the community. Without specific funding to develop domestic violence services the future for addressing this particular root cause of women's offending looks bleak.

Self-harm and suicide

Women account for around 5% of the entire prison population but around 21% of all self-harm incidents³⁸ (in the past this figure has been as high as 50%). All staff working with women in prisons should undergo comprehensive training to fully understand and be better equipped to deal with the complexities surrounding women's self-harming (including trauma-informed practice). Sometimes very practical steps can provide solutions to self-harm: time out of cell, meaningful activities, arts intervention, family contact and other rehabilitative interventions all help reduce the risk of self-harm. However, all of the above is impossible with higher prison populations and less resources.

6. What impact does reducing reoffending by existing prisoners and those under the supervision of probation services have on the size and make-up of the prison population?

It is important to note, as outlined above, that the "revolving door" of women being in and out of prison results from breaches of supervision/license requirements – not just reoffending.

Nevertheless, reducing reoffending by existing prisoners would make a crucial difference to the size and make-up of the prison population. Reoffending levels are staggeringly high: 48% of women are reconvicted within one year of leaving prison. This rises to 61% for sentences of less than 12 months and to 78% for women who have served more than 11 previous custodial sentences³⁹. 15% of women in the criminal justice system have 15 or more previous convictions and/or cautions⁴⁰. Women released from prison are more likely to reoffend, and reoffend earlier, than those serving community sentences⁴¹. Prison is clearly ineffective at reducing reoffending. In fact, prison tends to increase the risk of further imprisonment; the more prison sentences a woman serves, the harder it is for her to desist.

In contrast, women who are given constructive support in the community reoffend less, subsequently decreasing the prison population. Ministry of Justice Data Lab Re-offending analysis⁴² of women's centres in England has shown that women's centres are effective at reducing reoffending. This analysis was based on information supplied by 39 women's centres nationally. As more figures become available, it will become easier to analyse the effectiveness of women's centres on reoffending levels. Our own internal figures from the women's centres we run are consistent with the Justice Data Lab overall finding. Above all, we find from working with women that our services result in a number "soft" outcomes. Each of these soft outcomes are valuable in their own right and, when combined, they increase the likelihood of desistance. Support services to women also result in outcomes in highly valuable "distance travelled". Milestones include women accessing substance misuse support services, getting stable housing, accessing work and education, improving their mental health and being reunited with children. As discussed in the Justice Data Lab report, frequency of reoffending and the average time elapsed before an individual first reoffends are important measures to consider when assessing the effectiveness of any support intervention as they can be a long-term measure of likelihood of future reoffending.

There are multiple reasons for women's reoffending and it is difficult to over-estimate the barriers facing women leaving prison: Many women in the criminal justice system have no family, friends or support network to rely on, not just emotionally but also practically. Insecure housing and homelessness are major contributors to offending, with many women ending up in prison as a direct result of being homeless. Prison, in many cases, also causes homelessness and 1 out of 2 women leaving prison do not have a home to go to, often facing street homelessness. 9 out of 10 women have no employment when leaving prison and many struggle to get work due to stigma associated with a criminal record. The financial reality for

many women leaving prison is a travel warrant and a discharge grant⁴³ of £46 to last until their first benefits instalment is paid, a process that can take up to 6 weeks. With no other income in place, and potentially in debt from before a prison sentence, many women find themselves in an impossible situation.

A large proportion of women involved in the criminal justice system are affected by substance misuse and there is a strong link between women's experiences of trauma, mental ill health and substance misuse issues. We know from working with women that many women 'self-medicate' using illicit substances as a coping mechanism to deal with previous and/or current trauma. This substance misuse, in turn, has a significant negative effect on reoffending, with some women committing crimes such as theft, handling, burglary or robbery to finance their addiction (or that of someone else's, such as a partner). Unfortunately, despite the wealth of evidence of the prevalence of mental ill health, substance misuse and experience of abuse among women at risk of entering the criminal justice system, this group has very little access to community support and there are few measures in place to prevent their entry into the criminal justice system.

7. What is Her Majesty's Prison and Probation Service's current capacity to manage safely and effectively the prison population?

Through our work on the ground we know that HMPPS does not have the capacity to manage safely and effectively the prison population. There is clearly a difference between operational capacity and the capacity to manage safely and effectively the prison population. Not only is operational capacity reached in many prisons, but the reality of prison is the requirement to provide high quality care to a very vulnerable group of people as well as offer genuine rehabilitation in order to reduce reoffending.

The core issue is not the nature of prison buildings or a shortage of prisons – it is that the whole prison system is overwhelmed with people who don't need to be there – and for whom a prison sentence causes harm, making their existing problems worse. The most urgent thing needed now is a strategic plan to reduce the prison population with immediate effect. There is strong evidence for the effectiveness of community alternatives, including women's centres, which is where any resources for investment should be directed. In the case of the £1.3bn prison building budget, any allocated spend on new women's prisons needs to be redirected to the implementation of the Female Offenders Strategy. As the situation currently stands, building new prisons for women whilst failing to address the funding crisis in women's community support services will only make a terrible situation worse.

We know there is an alternative, where quickly we get a grip on the women's prison population to drive swift reduction in prison numbers. Success would be a model for how to reduce the overall population by 2022, through investment in effective community alternatives that tackle root causes of offending. There is a broad consensus now that reducing prison numbers is the only way forward and there are a wide range of steps we can take to make this happen, most of which do not require legislative change. But these measures do rely on strong political leadership and, in some cases, a redirection of scarce resources to where they can have most impact and make real change happen.

Further Information

This consultation response was prepared by Sofia Gullberg, Policy and Information Coordinator at Women in Prison.

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¹ MoJ Prison population June 2002 to June 2017, Prison population annual average by sex, 1900 to 2016

² MoJ, Population and Capacity Briefing for Friday 17th November 2017

³ Note: reception figures can show the same woman appearing more than once over a time period

⁴ MoJ, Prison population: June 2002 to June 2017, Table A1.2: Prison population annual average by sex, 1900 to 2016

⁵ MoJ, Offender Management Statistics Quarterly, Prison receptions: October to December 2016, Table 2.1: First prison receptions(1) by type of first reception, sentence length and sex

⁶ MoJ, Offender Management Statistics Quarterly, Prison receptions: 1990 to 2016, Table A2.1i: First prison receptions(1,2) by type of first reception, sentence length and sex

⁷ MoJ Prison population: 30 September 2017, Table 1.1: Prison population by type of custody, age group and sex

⁸ MoJ, Prison receptions: April to June 2017, Table 2.1: First prison receptions(1) by type of first reception, sentence length and sex

⁹ <http://www.legislation.gov.uk/ukpga/2012/10/contents/enacted>

¹⁰ Table A2.1i: First prison receptions(1,2) by type of first reception, sentence length and sex, Ministry of Justice (2017) Offender Management Statistics Quarterly, Prison receptions: 1990 to 2016

¹¹ Commission on women offenders final report, Scottish government 2012

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- ²⁸ Ministry of Justice Offender Management Statistics Quarterly, License Recalls Jan-March 2016, Table 5.10: Number of offenders recalled, by sex, sentence and reason for recall(1)
- ²⁹ Offender Management Statistics Quarterly: January to March 2017, Prison population 30th June 2017, Table 1.7: Prison population by nationality and sex
- ³⁰ <http://hibiscusinitiatives.org.uk/>
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⁴³ Note: the discharge grant is only given to women sentenced to 14 days or more. It therefore excludes those on remand, on very short sentences, on recall, awaiting deportation or removal, fine defaulters, civil cases and those being discharged to a hospital under a Mental Health Act Section Order