



**Women in Prison**

A response to the Labour Party's  
Justice & Home Affairs Policy Commission

June 2018

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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](http://www.womeninprison.org.uk)

## **About Women in Prison (WIP):**

Women in Prison (WIP) is a women-only organisation that provides holistic gender-specialist 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 stage 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, education, training and employment, mental health, parenting and substance misuse.

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. We have only answered the questions relevant to our expertise.

## **Further Information**

This consultation response was prepared by Claire Cain, Policy & Campaigns Manager at Women in Prison

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## **1. How should the next Labour Government enable the state to take back full responsibility for prisons, probation, and the wider criminal justice system?**

As recent reports from the Justice Select Committee and the Chief Inspector of Probation have shown the part-privatisation of the probation service has failed to deliver any positive reforms for those affected by the criminal justice system and the voluntary sector that supports them. Instead these reforms have resulted in probation officers having high unmanageable caseloads, women being subject to proceeding for breaching supervision requirements (often administrative conditions) and sent back to prison. The complex contracting arrangements have resulted in costly contract management resourcing and a £342m 'bailout' for the Community Rehabilitation Companies (CRCs) - private-sector providers of the current probation service. The women's cohort (15% of total probation caseload) gives opportunities for testing what a new model of provision looks like. This is an opportunity to develop and test a new probation model which is person-centred, understanding and responsive to the barriers of resettlement after prison and puts an end to the recall function during the Post-Sentence Supervision (PSS) period of those who have served prison sentences of under 12 months. A new model needs to focus on the vital role of the voluntary sector and ensure delivery of a holistic network of community-based support services. It is this support and the tackling of root causes of offending that needs to be the focus. In the current arrangements focus is on the "management" and "supervision" of Post Sentence Supervision (PSS) requirements without the support that is needed to tackle complex issues.

As you will read throughout this submission the key to reducing offending lies in enabling people to address issues such mental ill-health, substance misuse, homelessness, poverty and experience of trauma and abuse which, to ensure long-term change, can only be addressed in a community setting. The focus on reducing offending cannot lie solely with the Ministry of Justice. It requires a pooling of resources, funding and policy solutions across Ministerial responsibilities for health, housing, local government and policing. Local and national mechanisms need to be in place to co-ordinate and lead this joined up response to reducing (re)offending.

## **2. How can we reduce reoffending and stop people entering the criminal justice system in the first place?**

Invest, grow and increase accessibility and visibility of specialist community support services that enable people to address the root causes of offending including substance misuse, mental ill-health, experience of childhood trauma and abuse, domestic and sexual violence, poverty

and homelessness. WIP works with women whose offending is directly linked to poverty and homelessness: Increasing council housing stock and supported housing models will stop people entering the criminal justice system. Across England and Wales a number of specialist Women's Centres were developed in response to Baroness Corston's 2007 ground-breaking review into women's experience of the criminal justice system. Key to the success of these centres is their independence from the criminal justice system which facilitates trust from women whose life experiences often mean they have little trust in state services. The model of support offered is holistic – one-stop-shops – for women to address all the inter-connected experiences such as childhood sexual abuse, substance misuse and mental ill-health. Support is trauma-informed offering one-to-one counselling or therapeutic group sessions to address abuse and neglect in childhood, for example, which is a significant driver behind a woman's contact with the criminal justice system. Currently the women's centres that remain are struggling for survival. In order to reduce (re)offending there is a need to provide core funding for these Centres, which can then be supplemented with local funding streams, trusts and foundations.

Across the country there are a small number of Police Diversion Programmes. These work by the police assessing individuals at the point of arrest and diverting them out of the criminal justice system into community support services (where available) and/or other out of court disposals. We advocate for a roll out and investment in these programmes, which are led by the police, to exit the most vulnerable in our communities away from criminal justice into the support and care they often need. Key to the success of these schemes is the ability of the police to be able to divert women to independent support services which can facilitate longer term engagement.

## **5. What role should (a) restorative justice and (b) community sentences play in the wider criminal justice system?**

(a) Restorative justice has potential as part of a range of community-based solutions to offending. The vast majority of women's offending is non-violent and often there is not an individual victim involved. But in cases where restorative justice options are available and appropriate, women's services and independent advocates can play a vital role in supporting a woman's meaningful engagement.

(b) There is a chronic overuse of custodial sentences in England and Wales. A prison sentence is the most serious sanction we have against a person and needs to be reserved for those who have committed the most serious offences and pose a risk of harm to others. That is not the reality for our criminal justice system. Last year 40 women were sent to prison as a

consequence of not paying their council tax. Most women (84%) are sent to prison on short sentences for non-violent offences which are linked to poverty, homelessness, addiction, mental ill-health or domestic violence. A prison sentence is expensive, harmful and worsens a person's circumstances, often placing individuals at greater risk of reoffending upon release. For instance many women become homeless as a result of being sent to prison. Upon release many are classed as "intentionally homeless", meaning the council has no duty to help find housing or even emergency accommodation. Because women are often primary carers, nine out of 10 children of an imprisoned mother are forced to leave their home, either to live with relatives or to go into the care system. A prison sentence often has a long lasting detrimental effect on women, their children and families. As well as practical damage the experience of prison is extremely detrimental to mental health and the stigma attached to having been in prison makes finding employment and integrating successfully back into the outside world an ongoing challenge.

A community sentence enables an individual to serve their sentence whilst keeping their home and avoids uprooting and causing harm to children. However, a community sentence needs to include access to meaningful support to address the root causes of the offending. A sentence solely consisting of a punitive regime or 'community payback' is unlikely to achieve positive outcomes, particularly given the complex needs of most women caught up in the criminal justice system. The use of community sentences has reduced by approximately 45% between 2005 and 2015. One reason is that for sentencers to be able to recommend a community option such as a Mental Health Treatment Requirement (MHTR) or Drug Rehabilitation Requirement (DRR), adequate services need to actually exist to deliver these requirements. We need to invest in these support services in our communities, whilst also raising confidence in these as a robust alternative to custody for sentencers. Too often sentencers do not see the positive results of such sentences. That is why it is so vital for training for sentencers to include hearing direct from those who have turned their lives around by using community support services.

We advocate for an increase in community sentencing alongside a detailed review of how we can improve this type of sentence to strengthen sentencer confidence and understanding of the practical consequences of certain elements. For instance, a curfew can be extremely difficult for people to follow if they have caring responsibilities or take their children to school. Similarly the 'electronic tagging' system needs to take account of the practical issues facing those subject to "tagging", which can sometimes means it creates barriers to tackling the root causes of offending.

In order to increase the use of community sentences, investment in community support services and increased sentencer confidence needs to be accompanied by a clearer legal position on the use of prison. In line with the Shortsighted campaign led by Revolving Doors, we advocate for England and Wales to follow the example of Scotland and introduce a statutory presumption against short custodial sentences, applying in the first instance to sentences of 6 months or less. In Scotland the presumption initially applied to sentences of 3 months or less, which is now being increased to one year.

## **6. What are the key considerations when designing a support package for exoffenders?**

As outlined above support should be offered independent from the criminal justice system to enable a relationship of trust – and so that the focus is on the broader root causes of offending rather than the offence itself. Support needs to be long-term and with enough resource for support workers and advocates to work alongside fewer people over a long period of time, so that support can be tailored to what that individual needs. Support needs to be considered holistically, addressing all the inter-connected issues, such as understanding when an individual's drug taking is a coping mechanism for underlying trauma. Too often statutory support services operate in silos (driven by funding) and therefore important issues are not addressed (or dealt with in isolation). For example, often mental illness is not taken into account, or missed, when that person is also addicted to drugs. There is a need to offer one-to-one support as well as group work especially when people are recovering from experience of sexual and domestic abuse (common with women caught up in the criminal justice system).

All support needs to be trauma-informed – including understanding the root causes for certain behaviours. Whilst support for finding employment is welcome it needs to be alongside, and sometimes after more pressing needs have been dealt with, such as housing, health (accessing a GP etc), general emotional well-being, reconnecting with families and rebuilding relationships with children. Positive support and guidance to increase confidence, self-esteem and empowerment needs to be included as a key element of service provision.

Women's Centres like those provided by Women in Prison and our partners, offer a sense of community, peer support and help with access to food banks, clothing, travel expenses, as well as providing community and creative activities and a safe place to build relationships with others. Support services should be provided in partnership with relevant specialist services serving communities that may have particular needs (e.g. specialist BAME or LGBTQI charities and those providing support to refugee or foreign national women).

We would strongly advise that the above support is carried out by the voluntary sector who can act as advocates and work alongside (but independent from) statutory services and criminal justice agencies. This quality of independence has been vastly undervalued, including in the changes introduced under “Transforming Rehabilitation” (TR).

Particular consideration needs to be given to those who have been in prison for a long period of time and particularly those who have endured the now-abolished IPP (Imprisonment for Public Protection) sentence and other indeterminate sentences. We are finding a high level of recall for those leaving prison after this type of sentence due to the difficulties of integrating and coping with the outside world after having been institutionalised and infantilised during long periods in prison. A specialised package of independent advocacy support is needed in these cases to help individuals manage their resettlement into communities that have often changed beyond recognition (e.g. use of technology, funding changes which have changed the face of community support services etc.).

#### **7. What could be done to improve the employability of ex-offenders?**

As above – there needs to be a broader package of support to help individuals to find and keep employment. Greater education for employers would also help by showcasing the employers that do a great deal to train and hire those who have been to prison. This includes the numerous “good news” stories and accounts of loyalty and innovation coming from those individuals who have been enabled to re-train and enter the workplace. A broader range of employers and training opportunities in prison with strong links to the community is needed. Halfords and Timpson workshops in women’s prisons are good examples. In HMP Drake Hall Halfords run a bike repair workshop in the prison. Once a person gets a job here they automatically can transfer to any shop with a vacancy once released. The workshop in prison is not low-skilled menial work, it’s challenging and varied. We strongly advocate for ROTL (Release On Temporary Licence) opportunities to be increased, building on the way that limitations on RoTL are currently being addressed. ROTL enables individuals to make links in the community before release and add work experience to their CV.

#### **8. What are the sorts of services a probation adviser should be expected to provide?**

Probation advisers/officers need to would work alongside, and make referrals to, voluntary sector agencies who can provide specialist long-term support and advocacy. But until adequate investment is made into such voluntary sector services then probation advisers often need to advocate for individuals to find housing, access to health care, mental health support, access specialist support for domestic violence, find employment, local emotional and

practical support to cope with life outside of prison, and support to reconnect with families and children that may be in the care of social services or others. Probation staff need to have understanding of these issues and build relationships with the individuals they are working with. At present probation is not best placed to do this due to their extremely high caseloads and the voluntary sector is not able to adequately support this work either due to lack of funding. The reality of supervision and “management” arrangements by probation staff means that there is a complex power dynamic to be managed, where individuals can be subject to breach proceedings. That is why independent support services are such a vital part of the ‘whole system’ response.

### **9. What more needs to be done to tackle the issues that women offenders in particular face?**

Because women form the vast majority of primary carers, the impact of imprisonment of women is particularly acute for their children. When a woman is sent to prison there is less likely to be someone else to keep the family home running and continue to support the children, meaning that children of imprisoned mothers often have to be uprooted from their home and school. Awareness of the existence of dependants, and consideration of the impact on children of sending their carer to prison needs to be considered in court when making sentencing decisions. When a decision to imprison an individual is made, a plan to maintain a child’s contact with their parent is vital. Maternal health, pregnancy in prison and access to mother and baby units (MBUs) is all specific to women. We are deeply concerned about access to care and support for pregnant women in prison, although as always the real question comes back to whether they should be held in prison in the first place. The Birth Companion’s Charter needs to be implemented in full. Consideration of children and caring responsibilities also needs to be a central part of all community sentencing.

Another crucial need specific to women affected by the criminal justice system is experience of domestic abuse and sexual violence during child- and/or adulthood. Although official statistics are over half of women in prison having this experience, it is likely to be much higher than this due to unwillingness to disclose. Consideration and understanding of this needs to be embedded at every stage of contact with the criminal justice system from police and courts to prison. There needs to be appropriate specialised support services available in prison and greater investment in domestic violence refuges in the community.

### **10. What can be done to ensure that the prison system adopts a more transparent and constructive approach to inquests so lessons can be learned from deaths in custody?**



Lessons are not being learnt from deaths in custody. Inquests are not leading to systems change and any sense of justice for those who lost their lives in prison and their families. Time and time again inquests result in the same question when a woman dies in prison: Why was she in prison in the first place? Learning from repeated inquests results in the same questions, such as why someone who is mentally ill is being placed on remand and why punitive regimes have been applied in particular cases, such as the use of segregation. For detailed advice on how to improve the inquest process please refer to the organisation INQUEST ([www.inquest.org.uk](http://www.inquest.org.uk)). Two key recommendations from them are to allow families access to justice through non-means tested public funding for representation at inquests and to build a national oversight mechanism for implementing official recommendations. This body would be tasked with monitoring, auditing and reporting on the accumulated learning from investigations by the Prison and Probation Ombudsman, inquest outcomes and recommendations from HM Inspectorate of Prisons and Independent Monitoring Boards. Parliamentary oversight should annually review and monitor prison inquest findings and the implementation of recommendations (see Inquest's May 2018 report "Still Dying on the Inside: Examining deaths in women's prisons").

As well as deaths in custody greater awareness needs to be given to soaring deaths of those in the community in the few weeks after leaving prison. This time period is very difficult for someone who may also be coping with addiction or trying to survive domestic violence and we commonly see mental and physical health decline during this time. Often there is no accountability for those who die during this time period, and links are not always made to their experience and time in prison in order to establish lessons learned. Again, a vital issue here is the availability of holistic community-based women's support services to support those released from prison.