



# Justice Committee

## Oral evidence: [Women in Prison](#), HC 73

Tuesday 6 July 2021

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Members present: Sir Robert Neill (Chair); Paula Barker; Rob Butler; Angela Crawley; Janet Daby; James Daly; Miss Sarah Dines; Maria Eagle; Laura Farris; Dr Kieran Mullan; Andy Slaughter.

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### Witnesses

**I:** Phil Bowen, Director, Centre for Justice Innovation; Laura Seebohm, Executive Director of External Affairs, Changing Lives; Katy Swaine Williams, Consultant, Centre for Women's Justice.

**II:** Dr Kate Paradine, Chief Executive Officer, Women in Prison; Donna Everett, Co-ordinator of the Wandsworth Hub, part of the Beth Centre and London Alliance; Sophie Taylor, Head of Commissioning, Safer Communities, Lambeth Council.

### Examination of witnesses

Witnesses: Phil Bowen, Laura Seebohm and Katy Swaine Williams.

**Chair:** Welcome to this session of the Justice Committee, and welcome to our guests. This is the first session in our inquiry into women in prison. Before we start on the evidence from our witnesses, we have to make our usual declarations of interest as members of the Committee. I am a non-practising barrister.

**Rob Butler:** Prior to my election, I was a non-executive director of HMPPS and a magistrate member of the Sentencing Council.

**Laura Farris:** I am a practising barrister.

**Maria Eagle:** I am a non-practising solicitor.

**Andy Slaughter:** I am a non-practising barrister.

Q1 **Chair:** I think those are all the relevant interests. I will add for completeness that Sarah Dines is a barrister but not practising since her election. She will be joining us shortly.

May I ask our first panel of witnesses to introduce themselves for the record, who they are and the organisation they represent?



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**Katy Swaine Williams:** I am Katy Swaine Williams and I am representing the Centre for Women's Justice today.

**Laura Seebohm:** I am Laura Seebohm. I am the executive director of external affairs from the Changing Lives charity.

**Phil Bowen:** I am Phil Bowen. I am director of the Centre for Justice Innovation. Just for the sake of transparency, I want to make the Committee aware that we had a contract with the Ministry of Justice up until March 2021, which enabled me to provide policy advice to Ministers and officials on both the Sentencing White Paper and the Bill, just to make that clear to the Committee.

Q2 **Chair:** Thank you very much. You have given evidence to the Committee on a number of occasions in the past. It is good to see you again.

Could we kick off with a bit of context? We are dealing with a comparatively small number of people in the overall context of the prison population. Some 3,000 plus, or about 5%, of the total prison population is female, and, as a proportion, I think I am right in saying that that has been pretty stable over the past five years or so.

What struck me looking at some of the background material is that, although a small number, there may be some very specific challenges and there are some particular things in their profile. They are generally serving shorter sentences than male prisoners. A significantly higher percentage are first-time offenders. I would be interested to know why that is. Is it the nature of the offences that is attracting immediate custody for first-time offenders? Of course, we know that there is significantly higher—twice as much—self-harming reported among the female prison population as opposed to the male population, and there are a number of other matters. I am interested whether the panel can help us, against that background, with what are the key and distinct challenges faced by women as opposed to men when they come into the justice system, in particular when they end up in prison. The two are perhaps linked. Who would like to start on that?

**Katy Swaine Williams:** As you have outlined, Chair, women tend to commit less serious offences, and they also tend to be a lower risk to the public. They tend to receive very short prison sentences. Women are much more likely to be a primary carer than men in the criminal justice system, and, whereas most children of male prisoners will remain at home, only 5% of children of imprisoned mothers are likely to stay in their own home. Of course, that includes remanded women as well as sentenced women, and nearly half of women imprisoned are there on remand.

Women are much more likely to be a victim of domestic abuse, and that is often connected with their offending. Research by Marianne Hester found that women were three times more likely to be arrested than their male partner in the event of counter-allegations in a domestic abuse incident. There are much, much higher mental health needs among women than among men in prison. I think it is even higher than you



outlined in your introduction. Those are just some examples, and I am sure Laura will build on that, of the challenge faced by women, and also by those working with them and trying to support them, to divert them away from the criminal justice system.

**Q3 Chair:** It is a smaller cohort by a long way, but, on the face of it, it has significantly more complex issues that the Prison Service has to deal with. Phil or Laura, whoever wants to come in next, can you also pick up on this issue where they are more likely to be arrested in the case of certain types of incident? Also, do we know anything about the prison make-up as to why there is this much higher percentage of first-time offenders? Is that because we are looking at homicides, for example, as a higher percentage, or like offences? There used to be a time when you had lots of girls being exploited and being used as drugs mules, for example, which gave rise to long sentences, but we see less of that nowadays. Can you help us when you are doing your broader outline as to what it is that skews the make-up in that way?

**Laura Seebohm:** I have to say I do not have the evidence around why that is. I think probably all the things you say there have truth in them. We know that offending is linked very much to victimisation; to women being victims of crimes generally of a much more serious nature than those for which they enter the criminal justice system; and, as you say, they have complex histories and complex circumstances.

I think it has been forever thus for women. While I absolutely do not think there is any intent or consciousness, we still have to keep asking the question: why are women so much more likely to get sentenced in a harsher manner, whether that is more likely to receive prison sentences or sentenced earlier on as first-time offenders? We have to acknowledge that there must be something around stigmatisation, judgment or misunderstanding of women in the criminal justice system, and never more than of women who are mothers. This has been going on for years and years, but we have to keep asking that question because it carries on.

Another thing we find at Changing Lives is that many women we work with are diagnosed with a personality disorder. This has huge consequences for how they are treated. It is also about the perception of women. I have seen this from my experience in the past as a probation officer working with prolific offenders in Newcastle where an incredibly high percentage—20%—of what were defined then as the most prolific offenders in the city were women. I would say there is a lack of understanding of the emotional distress and troubled or troubling behaviours, and difficulties, in some ways, in making relationships with probation officers or those who seek to support them. Those troubled behaviours are a very normal response to what has happened to women.

We have to be very careful, because, over the years, women have been pathologised for this. Given that we know the level of sexual exploitation, sexual abuse, domestic abuse, “trauma upon trauma upon trauma” is how our team describe it, some of the troubled situations and



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complexities women find themselves in are really quite a normal response to what has happened. Then there is the judgment and stigmatisation that goes on once they get into contact with the criminal justice system.

- Q4 **Chair:** You make the point about some of the issues that they present with. Do you think that is partly because the women themselves are suffering to a higher degree with those underlying issues? Is there also an issue that often on arrival at prison they are more willing to speak about their problems than some male prisoners on mental health issues or drugs, or is it much deeper than that? I want to make sure that it is something deeper than that, and I get the sense it is because you are picking it up in probation as well.

**Laura Seebohm:** My perception is that it is deeper than that, yes.

**Phil Bowen:** I do not want to add too much to what Katy and Laura have already said, aside from what we know about the patterns of offending by women. They tend to commit more low-level offences. Some 55% were prosecuted for summary non-motoring offences compared with 29% of male defendants. They are much more prevalent within TV licence evasion and theft from shops. There is a pattern of low-level offending among women.

I would pick up on your point about first-time offenders, and why a higher proportion of women in the adult system tend to be first-time offenders. It is partly due to the fact that men tend to start their offending careers earlier, so the proportions look more skewed because most men get their first-time offence out of the way before women do.

**Chair:** Men end up in YOIs or something like that.

**Phil Bowen:** Why is it that women get tipped into offending when they are adults? As Katy and Laura have already said, that is partly to do with the impact of trauma and domestic abuse, and that prior victimisation. Often in shoplifting cases you also find a pattern of substance misuse and privation, with women struggling to make ends meet as primary carers.

- Q5 **Chair:** It certainly fits with my own experience when I was still in practice. The thing that really shocked me was 30% of convictions being for TV licence offences. I do not know how much of that percentage finds its way into people actually going into custody. I assume it is only those who do not pay the fines, basically. I do not know what percentage that is. Does anybody know that? Perhaps someone can find that out for us.

**Katy Swaine Williams:** We can try to find that out. I would mention that that is an example of institutional sexism, in the sense that it is not that women are particularly likely to evade TV licences, but they are the ones who open the door when the enforcement people arrive. That is, as you have identified, a particularly stark and shocking illustration of how women receive the thin end of the—whatever the expression is—and are disadvantaged in the criminal justice process.

- Q6 **Chair:** I understand that. The Government, of course, published the



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Female Offender Strategy, and their avowed intention was to reduce the number of women coming into contact with or through the criminal justice system and, as part of that, the proportion or the number going into custody, both at the beginning stage and then at the custody stage. What has been done effectively to divert women away both from the justice system at the beginning and then, if they get into it, from it escalating into custody? What has been done to try to make that strategy work on the ground? Can anybody help me on that? Phil, do you want to start and I will come back down the line?

**Phil Bowen:** Sure. We know that a number of police forces have implemented interesting approaches to pre-court diversion, before you even get to the out-of-court disposal framework, and better options within that framework. We know that in pockets there are some really good examples. The West Midlands PCC has invested in a diversion scheme for women called New Chance, which diverts women into support delivered by not-for-profit organisations. That is just one example of a number of approaches.

We also know from a survey done in 2019 by the National Police Chiefs' Council that that is by no means universal. The new Bill before the House is recommending a complete change to the out-of-court disposal framework. The implementation of that framework is a real opportunity to make sure that that kind of diversion, which caters for the needs of women and is based on supported voluntary family-based interventions, is made a more universal offer. That is the sort of thing where I hope the Government will take forward their commitment under the strategy.

Q7 **Chair:** That is helpful. Laura.

**Laura Seebohm:** Out-of-court disposals are really interesting. I am not sure if we will come to this in more detail later, but Changing Lives is one of the partners in New Chance in the west midlands. It helps deliver them across Nottingham and Northumbria, and is hoping to deliver them in South Yorkshire. I would say it is a real postcode lottery. It would be fantastic to see in the Police, Crime, Sentencing and Courts Bill some kind of framework where this is rolled out and it is not such a postcode lottery. There is a real scrabble for funding, mostly by police and crime commissioners, who have competing pressures. We find that the police are incredibly supportive of these initiatives, but it has to be done in a way that is not increasing bureaucracy for them, and in a way that is quite straightforward, so that it is almost the default to consider out-of-court disposals before anything else on the prosecution of women.

We see really quite fantastic results. While the Female Offender Strategy is fantastic, I think more can be done, and our hopes are pinned on the new Bill. The Female Offender Strategy has overwhelming support across criminal justice agencies. However, I think the implementation, in some ways, has been disappointing, particularly over the last couple of years. I sit on the Advisory Board on Female Offenders, and my perception is that there has possibly been a decline in Government commitment to what is



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in there. We have seen this recently, particularly in the announcement of 500 new prison places.

On top of that, I think there is much more that can be done. There is a concordat, which is very good, around trying to bring together all the public services that lie outside the criminal justice system in a local area, where the levers of crime are so clearly lying outside the remit of the probation and prison services but play such a significant part. It is a fantastic concordat, but I have seen very little to really push it forward and to look at ways that co-commissioning can take place. There has been investment in women's centres and women-centred services, which is really welcome, but it is quite a drop in the ocean.

Women-centred community services, where there is evidence of a holistic, whole systems approach to supporting the needs of women in the criminal justice system, are successful, but it is still incredibly difficult. I speak from years of experience trying to sustain the funding and viability of women-centred services, particularly in Transforming Rehabilitation, where a lot of charitable grant funders were really put off funding anything in the criminal justice system. We have to build back that trust, I think.

**Q8 Chair:** I am doing my best to try to adjust my microphone, which is playing up at the moment, according to some people. I am shouting as best I can for everybody.

Katy, in your written evidence, you said that progress had been slow and unevenly spread. Could you expand on that? Where are the bits that are better, and, in the unevenness, where are the bits that are manifestly worse than that?

**Katy Swaine Williams:** I am happy to answer that. As Phil and Laura have outlined on police diversion, there is a patchwork of schemes available, some of which are quite short term, some of which are pilots and so on, so it is not a consistent spread.

An example of an area that is doing well, which is often cited but is always useful to look to, is Manchester, in particular. Nationally, there has been a 21% reduction in the use of immediate prison sentences for women since 2014, whereas in Greater Manchester there has been a much higher reduction. In fact, in relation to sentences of under six months, there has been a 60% reduction since 2014. Greater Manchester has had a whole systems approach for women in place since 2014 or the beginning of 2015, including a problem-solving court. It has had diversion. It has had a network of women's centres working together closely with local government, with the Greater Manchester Combined Authority, and they have worked hard to implement problem-solving courts, which are now across the whole region in the Crown and magistrates courts. Since the introduction of those courts, they have seen, again, that reduction in the use of short prison sentences. Surrey is another area that has had a similar reduction in the use of six-month



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sentences since 2014, at just 59%, and actually has the lowest rate of women's imprisonment in the country.

I am not going to point to specific examples of areas at the other end of the spectrum. The figures are all provided in analysis by the Prison Reform Trust on its website in its local data resource on women. It is just analysing local courts' data. Obviously, there are lots of complex factors at play in different geographical areas as to why the figures are higher here than over there. We can see, just looking at those positive examples, two areas where they have had a really systematic approach over a number of years to improving the response of local agencies to women, and they have seen success.

Laura has alluded to worries about the Government's commitment to implementing their strategy and reducing the number of women in prison. I do not doubt that they are still committed to the strategy. I say that; I believe they are still committed to it, but there is such a disconnect and such a disappointing reference to the fact that there is going to be this police uplift, with 20,000 more police officers being recruited up to 2023. That has been the basis for the predicted rise in women's imprisonment. What is disappointing is that you see these examples where the police have been part of a huge success in reducing the numbers of women coming into custody. What we would like to see is a really front-and-centre commitment by the Government to put everything they have behind the police and these new police recruits to ensure that they are part of a real transformation in the police response to women, and more of those initiatives like those Phil has described rolled out nationally.

I would like to add one other thing. Coming from the Centre for Women's Justice and looking broadly the extent to which the strategy has been implemented, one of the important things the strategy did was to recognise the links between women's experience of domestic abuse and other forms of violence against women and girls, and their offending. What has been very disappointing is that there has been a complete failure to translate that into effective action to address those links and make sure that women are treated justly. For the victims of trafficking, there is a statutory defence in place where those victims are coerced into offending, and a whole framework around that. From the beginning, everybody has to be thinking about whether this is a victim of trafficking. Yes, she might be; therefore, we go down this road. Nothing like that exists for women who are victims of domestic abuse and other forms of violence, despite all the evidence that has been gathered by CWJ and other organisations over the years, and presented to Government. To me, that is a real gaping hole in implementation at the moment.

**Q9 Chair:** That starts at the investigation stage when the police are first called as much as what happens later on when it comes down to disposals, I guess.

**Katy Swaine Williams:** Absolutely. The Howard League has recently published some really useful research for the APPG on Women in the



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Penal System. It was based on freedom of information requests to police and shows a really high prevalence of arrests of women for violent offences, who are then released with no further action. In the police forces who responded, I think some 60% of women arrested for violent offences where there was an intimate partner or family member involved were released with no further action. You might think that is great and that is an adequate disposal. It is obviously good that they are not proceeding with those prosecutions—although, of course, in many cases prosecutions do ensue—but that is an unnecessary arrest. That can have huge implications for women further down the line in relation to child custody proceedings, jobs and so on, without even thinking about the trauma caused to the women and to their children.

**Chair:** Thank you. Maria Eagle.

Q10 **Maria Eagle:** I can recall when I was the Prisons Minister, which was leading up to 2010 where we were implementing Baroness Corston's review of women in prison, and I must say a lot of what I am hearing sounds exactly the same now as it did then. It seems to me that it was perhaps not entirely wasted, but we have not made the progress in the last 15 years that I certainly would have hoped when I was the Minister and when I was taking steps to try to address some of these very issues.

You have already talked a little about the benefits of out-of-court disposal schemes for diverting women. I wonder whether or not you believe that there is a network of provision that can be used to actually make this work in a consistent way across the jurisdiction.

**Phil Bowen:** That is a really interesting question. As Laura and Katy both alluded to, I would describe what there is right now as a patchwork, and it depends on which postcode you happen to live in as to what kind of service you get. There is a real opportunity with the implementation of the Bill and the new framework to raise the bar on a number of topics, one in particular being better diversion referral routes for women.

One of the other things that was mentioned in the White Paper, which is another opportunity that the Government have been less clear about, is diversion from court. In the White Paper they talk about the use of deferred sentencing. We know from a number of examples of the use of deferred sentencing in Northern Ireland and in Aberdeen that the use of deferred sentences for women who are facing either long community sentences or, more normally, short custodial sentences, has been shown to be a very useful disposal, but we do not use it. We do not use deferred sentencing. The White Paper makes clear it wants to see more of it, but there is very little detail of what that will mean.

The other thing I would pick up is Katy's reference to the overlap between offending and victimisation. My organisation is doing a lot of work at the moment on how to improve the court response to domestic abuse. You will remember from your time in government that there used to be specialist domestic abuse courts, which were there to fast-track



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domestic abuse cases and provide support to victims. Over the past 10 years, they have withered on the vine a little—in fact, a lot.

One of the things we are pressing Government to do is to improve that court response. That is not just about the protection and safety of victims, but, because of the overlap between offending patterns and victimisation, it will also have an impact on women's offending.

The picture is a patchwork. There are some great opportunities ahead. In some ways, the rhetoric of the Female Offender Strategy and of some parts of the White Paper is all positive. As ever, the big challenge is implementation. We wait to see what is in the spending review and we wait to see the detail of how all that translates.

**Laura Seebohm:** I agree. In Changing Lives, our experience is different in different places. The buy-in of the police is absolutely crucial. Where we see it working really well is, as I have said, where the default is to consider a deferred sentence or an out-of-court disposal first. We have lots of pockets of great practice, which we have shared with the probation directorate, of our experience of where it works and the different ways it works. For us at Changing Lives, we see it as diverting from the criminal justice system itself but also diverting from custody, because, as we know, the first time a woman appears before the court custody is a real option. So it does both of those things.

Quite often somebody is asked to go to a women's centre for three appointments, but our experience, overwhelmingly, is that we can build relationships there and women want to stay voluntarily. That goes against the grain of the way women in the criminal justice system are sometimes perceived and described. When the support is offered and support is there, we see a long-term desire to keep engaging. That is where we have to look more widely around women-centred services.

I would also say that I am really concerned about the 500 new prison places in that the assumption is that, if we have 20,000 new police officers, that will automatically result in more women going to prison. I am a member of the Advisory Board on Female Offenders, and one of our terms of reference is that we provide oversight and constructive challenge to the Government's Female Offender Strategy. We were not aware of it until it was announced, but we were told and led to believe quite publicly that the decision for those 500 extra places was made on quite complex modelling that made that prediction. We have since been told that that modelling, which is in the public domain, was not actually specific—[Inaudible.]

**Chair:** Your screen has frozen.

**Laura Seebohm:** My colleagues on the board and I feel very strongly that the fact that more police officers are on the street does not automatically mean that more women will go into custody. There is the out of-court disposal option there. In some ways, that policy decision is



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assuming that the Female Offender Strategy is not going to work or is impossible. I think it is really important that we explore that.

Q11 **Chair:** Katy?

**Katy Swaine Williams:** Just building on that, I completely agree with what Laura and Phil have said. Picking up on Phil's mention of specialist domestic abuse courts, and this links with what Laura said as well, I have been working with London agencies in looking at how that specialist domestic abuse court model, which still exists in two London courts, could be used analogously to produce a specialist women's court process, starting from the point of arrest all the way through the system.

What would be similar in that model to the domestic abuse court model would be that there would be a source of support for the woman arrested, whether or not she is diverted—so, even if she is not suitable for diversion and goes through to court proceedings. At the point of arrest she is referred for voluntary assessment with women's specialist services, and gains the opportunity for practical and emotional support, and help in engaging with other agencies at that entry point to the criminal justice system. She retains that all the way through if she wants it, and that also helps other agencies to engage with her.

The specialist domestic abuse court model also includes the role of the court co-ordinator. That is someone who does not have any interface with the women but is in the police station, supporting the police to do a proper investigation, supporting the CPS to get everything lined up as it needs to be for the court proceedings, observing the court proceedings and so on, basically upping everybody's game.

That is in the context of domestic abuse proceedings, but independent domestic violence advisers who have observed those proceedings have said to me that, when a woman appears in that specialist domestic abuse court, there is a huge difference in the response she gets as compared to a woman appearing in a traditional court as a defendant. Everybody's game is raised. They understand the dynamics of domestic abuse much better than in traditional proceedings and are in a much better place to deal with that case justly.

The elements of that which I think are achievable, and where Government could do with more financial investment, include investing more in women's specialist services being available from the point of arrest onwards. At the moment a lot of the investment is either around a diversion scheme or around the point post sentence. What about that period in the middle, including remand decisions and so on, which is when so many women end up going into prison? I feel a lot more needs to be done at the front end to invest in women's specialist services to support much better outcomes throughout the process.

Q12 **Maria Eagle:** That is an important point. If the idea is to stop the slippery slope of what happens once a woman is in custody, diverting from custody in various ways, even if that is remand, is obviously



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something that should be at the forefront of the mind.

I want to talk a little bit about community sentences, because by the time you get to the stage of being sentenced the way of avoiding custody is a community sentence. It always struck me when I had some responsibility for these matters that sentencers need to have a range of suitable options available. There are some community sentences that would be destined to fail with women offenders because of their nature. I just wonder whether the community sentences available for those doing the sentencing, which is the alternative once you have had a conviction, are sufficiently diverse and sufficiently useful to deal with the issues that many of the women coming before the courts actually have. If they are not, are you not more likely to see magistrates or judges actually sentence to prison because they think that is where some help can be obtained for the problems that the defendants before them have?

**Phil Bowen:** I think that is an absolutely valid point. One of the things we have seen, not just for women but across the board, is a reduction in the number of community sentences that have been handed out by the courts. That is partly because court volumes are down, but there is also quite strong qualitative evidence that judges have lost confidence in probation, primarily during the period of the Transforming Rehabilitation reforms. There are lots of examples where women's provision, in particular, got squeezed by those reforms. That has been a big problem and, obviously, the hope is that the renationalisation of the probation service will help to put that back together again.

One other thing that we are keen to push for in the spending review is the further roll-out of the community sentence treatment requirement pilots, which are looking to address substance misuse, alcohol misuse and mental health problems. This is not solely for women, but we have some strong evidence to suggest that that will be particularly relevant for women with complex needs. At the moment, those treatment requirements are not used enough, and we really need to drive up their use.

The other thing that is worth saying is that we know that 86% of women who come in front of the courts are fined. We provide a Citizens Advice service in Highbury magistrates court and we know from our data that the women who are fined who then come into our service generally are not in work or are in unstable work, and they are concerned or unable to pay their fines. We have a strong indication that that inability to pay fines stores up trouble for the future and stores up future offending. We are trying to do research on everybody who is fined but, in particular, on the women who are fined and their economic circumstances. At the moment, we do not have that data from the court service. It is not recorded and collated. There is still work to be done on that. Your general point is absolutely right: community sentences are often the best way to avoid future offending and the best way to avoid short-term custody. There is a big job of implementation to be done with the new probation reforms.



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**Laura Seebohm:** Can I come in here? I think your point is really important. It is about making sentences meaningful. When we talk about diverse options, Phil is absolutely right that trust in community sentences has been eroded. My experience in the past, as a probation officer, and more recently supporting women from the voluntary community sector, is that we had much more contact and a relationship with sentencers, and that really went during Transforming Rehabilitation. Those relationships were quite damaged, and we need to build back that trust, as I said.

The diversity of sentencing options is really interesting, but quite often I think it is assumed that, with that diversity, what happens is that someone comes before the court and, because women often might be assessed as having quite complex and a number of interrelated needs, there is a view that we need to put more and more conditions on her sentence to make it robust, whatever robust means—robust and onerous—to meet all her needs. We see that the demands of her life are really quite oppressive and jumping through all these hoops is difficult.

Women talk to us so much about perhaps having to pick up a prescription every morning and then having to go to probation, a parenting programme, drug and alcohol treatment programmes, and to see their social worker. They have so many commitments. It is interesting to listen to what women talked to us about during the pandemic, in the first lockdown. So many said, “It is such a relief for us because we don’t have to jump through those hoops, and for the very first time our probation officer is ringing us up and saying, ‘How are you and do you need a food parcel?’” There is something about that shift in the relationship that was quite transformative.

We must listen to and learn from women with lived experience about what is important to them and what good looks like for them. As I have said, with the right support, women voluntarily tend to engage. The support is really welcomed if we do it in the right way, but just adding more and more conditions on to a community order is not the way. It makes breach and subsequent prison more likely. I just think that is an important point for us to recognise.

**Chair:** There are a lot more important points we need to cover, so we will all need to keep it fairly succinct as we move through.

**Maria Eagle:** That is enough from me, thank you, Chair.

**Chair:** Sarah Dines.

**Miss Dines:** I have a follow-up to Maria Eagle’s question and Laura’s evidence just now. I speak as somebody who practised at the Bar. For a community sentence to be granted as a direct alternative to custody, it has to be robust. It does not have to be administratively more difficult, with more check-ins, and lots of different agencies. It just has to be tough enough that the sentencing forum or tribunal or judge does not say, “That’s not good enough. We’ll have to send this lady to prison.” Is there not an argument for different types of community sentences that



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we do not have at the moment that are more robust, and not more taxing in terms of practicalities, but are a real alternative to imprisonment?

**Chair:** Who wants to pick up that one?

**Katy Swaine Williams:** I will come in—I think Phil had turned his mic off. I wonder if what you mean by robust is punitive. If that is what it means, I suppose it is necessary to look at this in a number of ways. Obviously, we want sentencers to use these sentences. I guess what you are driving at is that some sentencers are going to want the sentence to be sufficiently punitive to match the offence that has been committed.

However, if we look more broadly at the effectiveness of sentencing and rehabilitation, what could be more punitive than an order that simply requires a woman to keep in contact with her probation officer, attend her appointments and engage with other services? The sorts of things that I remember in the past, years ago, were that people wore high-visibility jackets while they did community work. I hope we are not going back to an era of seeing that, because I know there is some keenness at the Ministry of Justice on having more of an emphasis on unpaid work. I worry a bit about that.

What is needed, potentially, for that sort of situation is more education of sentencers around the background these women come from; what their daily lives are like and involve; the context of their offending; and what is likely to work in helping them to get to a better place. I think the sorts of orders that involve, at their heart, engagement with a women's specialist service have the highest likelihood of achieving success.

One of the points of these problem-solving court pilots that the Government have got behind is very much to increase sentencers' confidence in those kinds of orders, because the sentencers, in theory at least, get the opportunity to regularly review women's progress on the order and see what the outcome is. That would be one really good way of helping to build that sentencer confidence.

**Phil Bowen:** To follow up with that, I guess when you say "robust", we know from sentencers that often what they want is immediate. When they order someone to have drug treatment, they want that to actually happen, rather than find out in two months' time that it has not started. Equally, if they order someone to do 300 hours' unpaid work, they do not want to see the same person at a breach hearing six months later, having done 50 hours' unpaid work. There is definitely something about immediacy. Another thing a robust set of community sentences would have is options for restorative justice and genuine reparation, which can be challenging to service users but none the less can also be transformative.

I would echo what Katy said about what we have seen from problem-solving court pilots. A regular review in front of the same judge, who is holding people to account for what they have done but also encouraging



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and motivating them towards compliance, is the kind of thing that I think robust community sentences mean. That is definitely part of the discussion that we had when I was advising on the White Paper. What do we really mean by robust? It was those kinds of things that came to the fore, especially for women.

- Q13 **Miss Dines:** That is very helpful, thank you. Of course sentences are meant to be punitive as well as giving a realistic opportunity for rehabilitation, because they are a punishment as well as a means to try to give people opportunities to rehabilitate. I think there are mixed messages sometimes. A schedule of discussions with a probation officer is not going to give a sentencer—a judge—confidence in the way forward. It has to be something that is immediate, so I do take up what Phil says about that. To be a direct alternative to custody, it has to have an element of difficulty, encouragement and immediacy. I would welcome any further views on that.

**Chair:** Laura, you have not come in yet.

**Laura Seebohm:** I absolutely understand that. There are options there and I absolutely agree with Phil as well. Reparation and restorative justice are really important. There is so much more we could do with unpaid work for women. If wider sectors were freed up to innovate, and I hope that happens with the new regional probation directors and working with employers, there is so much potential and scope that it could be incredibly exciting. To date, unpaid work for women has been poorly used and tends to be a stint in a charity shop, which is fine in itself, but there is so much we can do with a bit of innovation and being freed up to do that. We must make sure that it is meaningful.

- Q14 **Rob Butler:** I think some people from outside who are watching this might be slightly shocked at some of what they are hearing, because some of the evidence might, essentially, lead people to conclude that, between you, you do not want women to be sent to prison; you do not think they should pay a fine because they cannot afford it; and you do not think they should have community orders with too many requirements, because they have lots of other things to do during the day. I realise that that might seem an extreme description; none the less, if they were listening to what we have just heard for the last 45 minutes, it is a conclusion that could be reached.

As a former sentencer myself, I feel very nervous at the suggestion that sentencers just throw out sentences for the sake of it. There is a very robust system of guidelines. Pre-sentence reports are considered. Do you think the situations and suggestions that you are putting forward are representative of public opinion?

**Katy Swaine Williams:** As regards public opinion, where it has been tested in relation to real examples, I believe the evidence has been that the public have thought that sentencing is harsher than they would have implemented in that case, whereas if you take a very broad-brush *Daily Mail*-type view not looking at specific cases, perhaps some members of



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the public would think that sentencing is too lenient because of what they have read on the front page of a newspaper.

My experience has been when you talk to people about actual individual cases that they tend to have a much more sympathetic view. I think your characterisation of our evidence is a bit unfair, to be honest. What we are talking about is women who are, in the main, very likely to be experiencing poverty, very likely to be experiencing mental ill health. They are extremely likely to be victims of childhood sexual abuse and domestic abuse. One of the challenges and difficulties for us all when we are considering appropriate responses that are in the public interest, and of course taking account of the need to protect the public and to enforce the law, is to have real insight into those women's lives and the context for their offending. That is a challenge for any of us. What can be very helpful is ensuring that women's lived experience is communicated to those decision makers effectively. That is incredibly difficult in criminal justice proceedings. They are just not set up to do that in any meaningful way.

**Q15 Rob Butler:** You say that but you get pre-sentence reports if you are a sentencer. You also have a defence advocate. You have just used the word "offender", and these women have committed a crime in which there is a victim. Do you think you are getting the balance right?

**Katy Swaine Williams:** I think some of us are more at risk of becoming an offender than others, if I can put it that way. For some of us, if we put ourselves in the shoes of another person and had their experiences, we might well find ourselves on the wrong side of the law. I am not quick to judge people from that perspective.

You mention pre-sentence reports. Yes, of course, sometimes, there are pre-sentence reports, but in many cases there are no pre-sentence reports or they are inadequate. That is an ongoing problem. I know the Ministry of Justice is doing a lot of work to try to address that. There is a pilot going on in London to improve the quality of pre-sentence reports. Women are still sentenced to custody without any pre-sentence reports and, equally, women are frequently remanded to custody. Of course, there is no pre-remand report at that stage, and there is very little scrutiny of those decisions. There is an awful lot more that we need to do to ensure that sentencers really have a clear picture of women's circumstances. If members of the public are given the facts and real cases, I believe public opinion would be with us. I really believe that.

**Q16 Rob Butler:** Related to this, we know that 15% of females are serving sentences of less than 12 months, compared with 6% of males. That is sometimes portrayed as being a bad thing, but might it be the reverse in that the custody threshold has been crossed but the extent of mitigation that can be applied is such that it has been possible to reduce the sentence for the woman? Might that not necessarily be such a bad thing? I come first to Phil on that one.



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**Phil Bowen:** The goal of all our work at the centre is to ensure that we have the best response to offending across the justice system. The response often to offending by women who are at risk of custody is that there is good evidence to suggest that, if we can avoid them going to custody and give them, as I have just outlined, a robust community sentence, we can both help them move on with their lives but also reduce the risk to the public.

In a similar way, when I was talking about women being fined and not having the means to pay, that does not mean I do not think they should not get anything. I just wonder whether we could use unpaid work, for example, in place of a fine. For many women it would be much easier to do three days' unpaid work than have to pay £300 that they do not have.

It is important to make sure that the justice system's first response to offending is the best response we can have. We know, for example, with short-term custody what the reoffending rates of that are like. I would like to reduce the number of people who get short-term custody, where there are diagnosable problems that we know we can solve through things like better drug treatment and better alcohol treatment. If we could solve those the first time round, we would not be seeing the same people coming back to court a fifth time round with magistrates quite rightly, I think, saying, "Our hands are tied. This person has had enough chances and we need to send them into custody." It is all about getting the best response we can first time round.

Q17 **Rob Butler:** Laura, is there anything you want to say in relation to the two points that I have raised that have not been mentioned already, because I am aware of time?

**Laura Seebohm:** Really quickly, all our aims are exactly the same: desistance for people from the criminal justice system. We have to look at what the evidence shows us of what works. At Changing Lives, 20% of the people we employ in paid employment have lived experience of using our services. We see people go on and lead the most fulfilled lives. That is when they get the right support in a meaningful way—and the right punishment. I think women in the criminal justice system understand punishment very well. I agree with Katy. I do not think that we are asking for no punishment, but it is about looking at what works to reduce reoffending.

Q18 **Paula Barker:** Thank you to our witnesses today. My question is related to consideration around women having dependent children when they are sentenced. Could we go back to that? I am conscious that Changing Lives has raised a concern that you still do not know how many women go into prison with dependent children, despite knowing that sending the mother to prison can have a hugely negative impact on the child, and obviously the family as a whole. I would be keen to understand what you think should be done. If the other witnesses could come in as well, that would be great. Over to you, Laura.



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**Laura Seebohm:** It is interesting, I note today that some Members of Parliament have put forward amendments to the Police, Crime, Sentencing and Courts Bill around concern for short prison sentences for primary carers with dependent children. We know very well, and I will not rehearse it, the huge impact of custody on children, particularly if their mothers are in custody.

I am therefore very concerned that we do not know. I am very pleased to see the pilots around pre-sentence reports and the increase in pre-sentence reports, and the re-emphasis on that in the new Bill. This should mean we have a greater opportunity to find out about dependent children and what is going on. At the moment, I think it is really quite a shocking situation that we do not know what happens to children. Women often tell us in Changing Lives that the children are automatically placed with a family member. Women also say, "Why do you think I got into the situation I am in today?" and have huge anxiety.

We also have real concerns about what happens to women when they are in prison when children are going through the child protection procedure, and whether they get absolute access to a fair court hearing. It is a real concern and I am concerned about the increased number of prison places for that reason, how we manage that and the impact on children going forward.

Q19 **Paula Barker:** What more can be done, Laura? Obviously, we need the information about dependants at the court stage, but is there anything else that you think could be done?

**Laura Seebohm:** We need to think very carefully about the appropriateness of a short prison sentence. We want to break that intergenerational cycle that we know is important. Sentencers need to think very carefully about a short prison sentence. I understand where there is a risk to the public, but in these circumstances there is much more that can be done, as we have already discussed, with really significant community sentences.

Pre-sentence reports are vital, but what we saw until recently was the timeliness of those reports being the priority rather than their quality. We should be contacting those people who have a relationship with women and really make it our business to find out. We cannot leave it with sentencers not knowing if there are children out there on the day of sentencing for women.

Q20 **Paula Barker:** Katy, would you like to add anything?

**Katy Swaine Williams:** Sentencers are required by law to take account of children's interests at the point of sentencing any primary carer. Whether that happens depends, first, on whether the sentencer knows that they are a primary carer. That in turn depends on the PSR and so on. We know in many cases that does not happen. In many cases, sentencers may also not be aware of a defendant being pregnant or having recently given birth. Even if the sentencer is aware, anecdotal evidence suggests a really inconsistent approach to how that is



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considered. There is already the law there. There is statutory guidance that should mean that children are considered in every case. We know that it does not happen. I support the proposals that have been put forward by the Joint Committee on Human Rights for legislative reform for women in prison. If nothing else, that provides a very clear message to everybody involved in the system that we have to be thinking about children right from the get-go, which should be happening now but it just isn't.

Q21 **Paula Butler:** Thank you, Katy. Phil, do you have anything to add?

**Phil Bowen:** I have nothing to add.

**Chair:** Thank you very much. Janet Daby.

Q22 **Janet Daby:** Thank you, witnesses. What I am very much hearing is about how you want justice to work for women to prevent women from reoffending, looking at their background situation, their vulnerability and them being victims themselves. I thank you for putting a lot of that into context for us. For me, it is very much about preventing reoffending. One can see and hear strategies that you are already doing and putting in place to try to make that work.

My question is also about women who are primary carers. May I start with you, Laura? Should anyone ever be sent to prison for committing low-level minor crimes if they are primary carers?

**Laura Seebohm:** My view in a very short answer is no.

**Janet Daby:** Do you want to elaborate on that at all?

**Laura Seebohm:** We know the harm it does to children. By far the vast majority of children have to move out of the family home and probably change schools when the mother goes to prison. Whether it is a three-month sentence or a three-year sentence, that level of disruption is absolutely huge. We know the challenges when people—women and men—are released from prison, and the huge stress and anxiety involved in rebuilding lives, when everything from reapplying for benefits, housing and getting accommodation is so unstable. If we want to break the intergenerational cycle that we know exists where the children of people in prison are more likely to go into prison themselves, I think it is absolutely imperative.

Q23 **Janet Daby:** Are you aware of any children who may end up in care due to their primary carer going into prison?

**Laura Seebohm:** Absolutely; it happens a number of times, either family or foster care, and quite often the process because of the sentencing on the day can be quite messy.

Q24 **Janet Daby:** Would anybody else like to add to that?

**Katy Swaine Williams:** I agree with what Laura said. I would briefly add something that I think is really positive. The chief social worker for England and Wales is reviewing at the moment exactly that issue of cases



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where children end up going into care because their mother has gone into custody. I think that is going to be a really interesting review. She is looking at real case examples. We want to avoid women going into custody wherever possible. It is actually Government policy to make custody an absolute last resort for women. Even if the mother goes into custody, it should not necessarily mean their children go into care. When mothers are involved in offending, you often get stigmatisation in relation to social services. I hope that piece of work will be very helpful in helping to achieve improvements in that relationship with social care services and outcomes for children, and for mothers.

**Janet Daby:** Thank you. And Phil?

**Phil Bowen:** I think the only thing I would say is that I am instinctively against anything that fetters the discretion of the courts to make individual decisions in individual cases. As has already been described, there are already provisions to take matters like that into consideration. I am instinctively against things like banning short sentences. I am instinctively against those things that look to tie the hands of courts to make the right decisions in the right cases. I guess it follows naturally from that that I would be opposed to something that says, "In those circumstances should a woman go to prison when they are a primary carer?" I think it should be a consideration in sentencing, but I would be against something that makes it a blanket ban.

Q25 **Angela Crawley:** Specifically, picking up on the point that Phil just made, I appreciate we are discussing England and Wales, but in Scotland we have taken a presumption against short sentencing. To extend that, however, I appreciate the points that have been made about not having a presumption to ban in all cases. It was recorded in Scotland that 90% of women are sent to prison for custodial sentences of less than a year. Often in those cases, the women have experienced abuse, mental health problems and addiction.

A sentence in and of itself will not resolve or rehabilitate that individual. Scotland has also looked at the support that families can provide to prevent an individual re-entering the criminal justice system. I am concerned that during Covid in particular some of that contact with family members might have been broken or perhaps removed altogether. I am keen to hear from Laura, Katy or Phil what methods have been undertaken to maintain that contact with families, to ensure that when they reintegrate into society they will continue on a positive path.

**Chair:** Who wants to try that one? Are there any observations on that?

**Laura Seebohm:** I think a lot needs to be done and our teams will do what they have the capacity to do to try to sort that out. I do not know, on a statutory level, whether there is anything being done. What I do know is that women during Covid who had contact with their children but did not have care of their children were only allowed online contact for the duration, probably until very recently, which was really quite challenging. Women were having Zoom calls with their children as opposed to any kind of physical contact.



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**Chair:** Can anybody else help on that?

Q26 **Angela Crawley:** Specifically on the cost of imprisonment and the impact on families and communities, as people have mentioned earlier—

**Chair:** You are going to have to speak up a bit, I am being told.

**Angela Crawley:** —often there will be an impact on their children and families through no fault of their own because their parent has entered the criminal justice system. What has been done to ensure that contact with families has been maintained? Laura, you indicated that Zoom was the only method. Is there an approach to reintegrate family contact to ensure that these individuals who are within the prison system are able to have that contact with their families?

**Katy Swaine Williams:** I am afraid I do not know the answer to what Government are doing to re-establish contact, but I know the levels of self-harm and evidence of mental distress in women's prisons in England—I heard the Prisons Minister saying this recently at a meeting—have gone through the roof. I cannot imagine that is not connected to the even worse than usual levels of contact that they have had with family. Clearly, that is a priority.

Measures have begun to be implemented through the Farmer review in England and Wales, and a lot of that has been really positive. We have not yet seen the Government's review or report of progress on implementation of the Farmer review. It would be useful to see that and also, as you say, to see evidence about how the impact of Covid, which has had such a huge impact in relation to family relationships, is being addressed on top of the existing reforms that had already been accepted by Government.

Q27 **Dr Mullan:** I have just a couple of questions. Ms Williams, do you think your referring to the *Daily Mail* in reply to my colleague reflects the typical patronising attitude to people who want to see more punitive measures in the criminal justice system that exists among people who work for organisations such as the ones we have in front of us today?

**Katy Swaine Williams:** I don't know. I certainly was not trying to be patronising, and I apologise if that is how my evidence came across. Sometimes there are assumptions about public opinion that are just not accurate. They do not reflect the conversations that I have with ordinary people, who do not have contact with the justice system, but when they hear about some of what happens within it they have a sympathetic response. I do not hear that kind of response. It simply does not reflect my day-to-day experience. I do apologise if I caused you any offence.

Q28 **Dr Mullan:** Do you accept that there can be people who completely understand all the complexities of the justice system—people's lived experience, as you say, and the different factors that lead us to a life of crime or not—who understand everything about the journeys of women and other people in the criminal justice system, but who still think the justice system is not punitive enough? Do you accept that that is a



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legitimate view to hold?

**Katy Swaine Williams:** I accept that people may hold that opinion. I do not agree with it.

Q29 **Dr Mullan:** No, but it is legitimate. That is what I am asking. I am not asking whether you agree with it but that it is a legitimate and considered position for someone to hold. It does not reflect a misunderstanding or a lack of understanding or not knowing things. You can know all the facts and still hold that view.

**Katy Swaine Williams:** I certainly respect other people's right to hold a different opinion from my own presented with the same evidence.

Q30 **Dr Mullan:** Before I go on to the next question, I will ask the other witnesses: do you all accept that, even when accessing some of the best rehabilitative services available, very many people continue with a pattern of behaviour that can include crime? Having access to a course does not mean someone's life of crime as such terminates.

**Phil Bowen:** Absolutely. I think the evidence is quite strong that people will desist from crime at a natural rate, and what the justice system can do is to accelerate that rate when we get the right intervention, at the right time. Are we going to stop dead in its tracks offending every time if we do that? Absolutely not.

I am a strong believer in punishment. It was one of the reasons I was proud to work with the Lord Chancellor on changing how we look at things like electronic monitoring within the context of community sentences. In particular in reference to this cohort, in my view, there are clearly still far too many women who come through the criminal justice system who are deeply damaged—

**Dr Mullan:** Yes, indeed.

**Phil Bowen:** —and we should have a better response to that. For example, what I have been discussing around fines is a very good example of that.

**Dr Mullan:** No, I understand that.

**Phil Bowen:** I cannot believe it is the right thing to do to give a woman a £300 fine when we know they cannot pay, and that will hang over them much longer than, I guess, the offence itself would justify.

Q31 **Dr Mullan:** Okay. Does anyone else want to comment on that point?

**Laura Seebohm:** Really briefly, I absolutely agree there would be so many theories of why people offend and reoffend. A lot of those levers fall outside the scope of the capacity of the criminal justice system to manage it. My experience is that people want the same as us, which is people to stop offending, so we have to be smart and pragmatic about it.

Q32 **Dr Mullan:** Or they want them to be punished as well, which is not necessarily the same thing. You can legitimately hold a view that



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someone should be punished, even in the knowledge that it might increase their risk of offending. You can hold that view. Those two things are sometimes not incompatible.

**Laura Seebohm:** Of course you can; I absolutely agree with that. What I am saying is that, often in conversation with people, they also want people to stop offending.

Q33 **Dr Mullan:** Yes, indeed. I want to pick up on this argument about the 500 prison places. From my perspective, as you will all know as witnesses who I am sure have made the case, overcrowded prisons do not make for effective places of rehabilitation. If we accept that only a proportion of crimes are detected and successfully prosecuted, and that proportion is determined to some extent by police numbers, again, could it not be perfectly valid to have an increase in prison places without at the same time saying you are not making enough effort to rehabilitate people? There is a proportion of people who, we all agree, for serious offences, should go to prison and, if we do more to detect them and prosecute them, we will see an increase in prison places. That does not mean necessarily that not enough is being done to rehabilitate them. The two things are not mutually exclusive.

**Phil Bowen:** I agree with that. I think I would be very happy to see the increase in the number of police officers lead to a vast increase in the number of domestic violence cases and number of rape cases that are brought to justice. What concerns me about the idea around 500 places specifically for women is that there is the potential that we scoop up more women who are vulnerable, who are not a threat to the public—

Q34 **Dr Mullan:** Can I stop you there because I think it is an important point? You could apply that argument to any work being done.

**Chair:** Let the witness finish, please. Have the courtesy of letting the witness finish.

**Phil Bowen:** In some ways, I guess I had finished the point. I think there is a real need to increase the number of police officers and increase the number of prosecutions and convictions for serious offences. That may well include some women, but one of my concerns, given the pattern of offending that we see within the criminal justice system around women, is that there is the potential to scoop up a large number of vulnerable women into places that will make their offending worse. I think what we are all arguing for is to use the welcome injection of resources into the justice system to focus on serious violent offenders, many of whom are not brought to justice swiftly enough, and that is what our focus should be.

Q35 **Dr Mullan:** That argument taken to its nth degree, if you are talking about principles, would mean that we should reduce police numbers. I just do not think you can necessarily make such a blanket argument to say we are concerned there are more places available for women in prison, unless you have a really clear understanding of the modelling. I do not know the modelling, and I think as a Committee we should



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certainly explore it, but the modelling might be related to the fact that two thirds of a sentence is going to be served rather than a half, or more serious offenders are going to be put away. The whole 500 places could, in theory, be taken up entirely by people whom we could all agree legitimately should be taking up those places.

**Phil Bowen:** That is if you do not change your arrest and prosecution strategies. I think what we are arguing for is to change those things. If we are picking up people who are accused of rape and convicting them more, we may well see rises in the prison population. I think the argument here is whether those should be prison places for women where, in general, it is low-level offending. Your assumption is that we are not changing the other aspects of the criminal justice system, and I think that is what we are suggesting should happen.

**Dr Mullan:** To be fair, I think some of the evidence is just that we should not see a rise in 500 spaces, and I do not know how you make that jump without having seen the modelling.

**Phil Bowen:** I have not argued that.

**Dr Kieran Mullan:** No, I know you haven't.

**Chair:** You have put the question and the witness has given his reply.

**Dr Mullan:** Thank you.

**Chair:** Andy Slaughter.

Q36 **Andy Slaughter:** I have very little to ask, but may I just pursue this matter of numbers a bit further? The projections we have been given for the six-year period to September 2026 show a substantial increase of about 20,000 in the number of prisoners, and about a 1,300 increase in women prisoners over that period. I think the only explanation we have been given is this increase in police numbers. If you know of other reasons for that, please tell us.

Several things are puzzling me. The increase proportionately in women prisoners is higher than in prisoners overall and, therefore, in male prisoners. It is more than a third, based on what we have seen. Have you any idea what type of offences these cover? You talk about the 500 additional places. Presumably, that means that the 800 other new prisoners will go into existing places. Will that mean more overcrowding in existing women's prisons? Do you feel that will have any effect on the way that those prisons are run, either from a disciplinary point of view or indeed a simple organisation of daily functions?

**Katy Swaine Williams:** I have not seen any detailed analysis behind the modelling. Certainly, the way that it has been expressed in the prison projections bulletin when that prediction first came out was that it was substantially based on that increase in police officers, but there is no detail given as to the nature of offending, and so on, to answer your questions.



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I am sorry, I have just lost my train of thought. What it also said is that there is substantial uncertainty around the modelling and around this prediction. These predictions come out yearly. I do not know what will come out this November, but, clearly, the previous year's prediction was for no increase in women's imprisonment. This dramatically increased prediction was given with very little information and was expressly stated to be surrounded by some uncertainties.

That is part of the discomfort that we all feel around this decision to invest £150 million in 500 new prison places. The Government have partly justified that on the basis that these are going to be higher-quality prison places, in units that are more suitable, etc, etc. I think there are, again, a lot of questions that need to be asked about that, given that there are not very many women's prisons, so many women are held a very long way away from home. What can you do to make a prison place less harmful when a woman is 100 miles away from home? It is harmful, full stop. There is nothing you can do to the prison place itself to mitigate that really significantly.

I think there are difficulties with that argument. Nobody is going to argue that you should not have better conditions for those who are in custody. Clearly, that is the case, but the worry is that somehow the Government are accepting this prediction simply based on the police uplift, and not at the same time saying, "Well, we are producing these prison places as an insurance policy, as it were, but at the same time we are investing this significant amount in making sure that this police uplift leads to a real transformation in the response to women and girls."

Part of the anxiety is that £7 million has been invested in women's specialist services since the Female Offender Strategy was introduced in 2018, and then £150 million is found to produce these prison places. It is the disparity of investment as between the community and in prison. Of course, if this increase in prison population happens, it is extremely concerning at the same time, because women's prisons are already, in many cases, not safe places for women to be, despite the best efforts of those working within those prisons. We really want to see the Government straining every sinew to keep working at preventing that increase happening and bringing the numbers down.

**Chair:** I say again that we need to keep the answers shorter because we are running into the next panel's time. Who else wants to come in?

**Andy Slaughter:** There were several questions there, but, given the time and unless the other witnesses want to come in, I will leave it there.

Q37 **Chair:** Do any of the other witnesses want to come in, because you raised a number of points?

**Laura Seebohm:** As a member of the Advisory Board on Female Offenders, we have asked a number of those questions, but we are waiting to hear.

**Chair:** You are waiting to hear; fair enough. Andy, do you have anything



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else to follow up?

**Andy Slaughter:** No, thank you.

**Chair:** Thank you very much, Andy. Thank you very much to our panel. We are very grateful for your time, and for your evidence.

## Examination of witnesses

Witnesses: Dr Kate Paradine, Donna Everett and Sophie Taylor.

Q38 **Chair:** We will move straightaway to the second panel and I ask the witnesses to introduce themselves. Shall we start with Dr Paradine?

**Dr Paradine:** I am Kate Paradine, chief executive of Women in Prison. We work with women affected by the criminal justice system in various parts of the country and also campaign for a radical reduction in the prison population.

**Donna Everett:** I am co-ordinator of services for women in prison. I co-ordinate the women's centres in the boroughs, so it is more frontline work.

Q39 **Chair:** Does that deal with the Beth Centre in south London?

**Donna Everett:** Yes.

Q40 **Chair:** Sophie Taylor?

**Sophie Taylor:** I am Sophie Taylor, head of commissioning for Safer Communities for Lambeth council. Today, I am appearing as lead commissioner for the South London Alliance, which is a whole systems approach to women in contact with the criminal justice system.

**Chair:** Thank you very much indeed for joining us. We will go straight to Maria Eagle.

Q41 **Maria Eagle:** Thank you, Chair. Could I ask all our panellists whether or not they think that enough has been done to divert women who would benefit from it away from the criminal justice system and custody since the publication of the Female Offender Strategy? I accept that there are some women who commit very serious offences and have to go to jail, but for those where perhaps there would be an alternative that would be more useful for society as a whole and for them, and for the benefit of their families, has enough been done to divert women away, where it is appropriate for them to be diverted, since publication of that strategy in 2018?

**Dr Paradine:** Progress has been extremely patchy. There has been some evidence of progress, particularly in areas you heard evidence about earlier. Manchester and Surrey have shown that you can reduce the immediate imprisonment of women by investing in a whole systems approach and support services across the whole system of different services: mental health, women's services, substance misuse and so on. While there is evidence of progress, there is not a consistent approach



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across the country. Progress nationally has been slow, particularly given that we have had this strategy for three years now.

As to where we have to make progress, we have to start by investing in the sort of support services that are needed to address the root causes of offending, including women's services. That investment has to be sustained and co-commissioned across various Government Departments and parts of local investment. That is absolutely key. Focusing on reducing the prison population and community support services is the way forward to do what we need to do to divert women from custody and make sure we are making real progress in this area.

You have heard a lot of evidence just now and I will not repeat it, but it is important to know that there is great hope here for a real public policy win in radically reducing the women's prison population. A sense of belief that that is possible is needed at all levels of Government and across local areas. Lambeth is a good example of a local area that is investing in that kind of change. We can see change in this area. We have to believe we can do this and not build new prison places that plan for failure of the strategy.

**Maria Eagle:** Do either of the other two witnesses wish to come in on that question?

**Sophie Taylor:** No; Kate has answered that one.

Q42 **Maria Eagle:** My next question is for Kate. I am sure the other two witnesses will get a chance in a minute. The female prison population is projected to increase between 2020 and 2026. As we have heard, that is certainly due in part to the increased number of police officers being recruited and there are assumptions around that. Do you think enough is being done to prevent a rise like that in the female prison population? If not, what more should be done and can be done?

**Dr Paradine:** Absolutely not. There is not enough being done. As you heard earlier, I am a member of the Advisory Board on Female Offenders. We were not asked about or consulted on the increase in prison population. If we had been consulted before it was announced and on the day that we were told, we would have been really clear that there is no need to build new prison places for women, because we can invest in the success that is happening in local areas. In Manchester, there has been a 60% reduction since 2014 in imprisonment of under six months. That is just one example where we can deliver that sort of change.

The modelling, as we understand it, is based on generic modelling that does not take any account of the Female Offender Strategy, which is the Government's own, now quite long-standing, strategy to reduce the prison population. As Laura Seebohm said earlier, we have repeatedly asked for this, but we now gather from very recent responses that there is not the detailed modelling about women that we were given to believe there was. It is really important.



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We believe that £150 million is not an inconsiderable amount of capital investment that could be spent in communities. Earlier I heard evidence about whether people who had access to the best rehabilitative services would still go on to commit offences. That is true, but unfortunately we have very little against which to test it because there is no such thing as gold-standard rehabilitative services across the country. Investing in mental health, substance misuse and domestic violence services in a way that would prevent offending is the answer, not building for failure and providing 500 new prison places that we firmly believe would not be needed if the Government carry on with their strategy and remain fully committed to making that strategy happen.

**Q43 Maria Eagle:** Dr Paradine, in view of what you have just said, have you heard any whisper or word from the Government that they might be reconsidering their plan to build 500 more prison places for women, in view of the fact that it sounds like their calculations have been a last-minute add-on that has not taken into account the distinction between the reasons for female offending and the reasons for male offending?

**Dr Paradine:** Given the pretty much universal resistance to it and quite a lot of dismay across police, probation and different Government Departments that have been encouraged to invest in reducing the prison population, if the Government want the concordat to work and for other Government Departments and parts of the system, including PCCs and local authorities, to invest in the sorts of services that will reduce women's imprisonment and women getting caught up in offending, certainly we hope that they will reconsider it, because the message is very misleading. Why would other Government Departments want to invest if the Ministry of Justice is not investing what little resource it has in reducing the prison population and making its strategy work?

We know that it can work and is working gradually. We have seen local areas where there is the full force of commitment behind it; real impact is being shown. We certainly hope they are reconsidering it because it seems like a wrong-footed move that should be put right quickly.

**Q44 Maria Eagle:** You hope they will reconsider it, but you have not heard from them that they will.

**Dr Paradine:** Unfortunately not.

**Chair:** Angela, do you want to come in on this?

**Q45 Angela Crawley:** Following my questions to the previous panel regarding the presumption against short sentences, as we all appreciate, the cost and impact on families and communities is vast, particularly for women serving these sentences, which often exacerbates the inequality and poverty faced by the families and children involved. What more do you think could have been done throughout the Covid pandemic to ensure that that contact with families was maintained through aid and support revalidation and prevention of reoffending?

**Dr Paradine:** Quickly, to give others a chance if they want to say anything, the punishment of imprisonment for everybody in prison over



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the past 15 months or so has been absolutely disproportionate, with people being locked up for 23 hours a day. In many cases people have not seen their families and children even after all this time. I know that prisons have been working hard to limit the damage of the pandemic within the prison system, but there is very little that can be done to repair those relationships now. We know that video calls are very limited, particularly when it comes to younger children and their ability to engage and build relationships. It should be a wake-up call for the way we regard prison and families.

Mention has been made of the Farmer review and the limited progress towards those recommendations. Simple things like having a social worker in every women's prison have not been progressed by the Government. The charity PACT has been fundraising to create a pilot for something like that. That is just the sort of thing the Ministry of Justice should be prioritising to ensure that women have contact with children who may have gone into the care system, or may be living with relatives, and have lost contact and had their relationships with their parents fundamentally undermined.

Amendment to the sentencing Bill is really important, because the impact of imprisonment and sentencing on the children of primary carers is part of the sentencing guidelines but is not applied consistently. We know that judges are not given the information they need to make informed decisions. The amendment suggested by the Joint Committee on Human Rights would put on a legislative footing the requirement to consider the impact of any sentence on a primary carer of a child so that that child's best interests are part of statute, just as it would be in the family court, so that the best interests of that child and their rights to family life are considered as part of the decision-making process.

That also means that data on this important area about the impact of imprisonment on children is collected as a matter of course, and Government can make decisions about what services are needed, and what the impact is on those children, to make sure that their interests are safeguarded and they are cared for as is the state's responsibility to do.

**Q46 Chair:** I suppose the argument is that if the guidelines are applied consistently and the information is there you do not need a statutory provision, do you?

**Dr Paradine:** It has taken a long time to apply those guidelines consistently, and we think that now is the time with this Bill to put that on a statutory footing and make sure that absolutely happens. There has been quite a lot of patience for those sentencing guidelines to work.

**Q47 Chair:** That is not an answer to my question, is it? If they are applied consistently why is there a need for a statutory approach? Is it not a failure to carry it out consistently rather than the absence of statute?

**Dr Paradine:** It is, but we are not sure what else we would need to do, so this is the next step. We think that the best interests of the child



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should be included in statute as a matter of consistency across other areas of law.

**Sophie Taylor:** I am completely in agreement with Dr Paradine. It is the impact on the child that is the most important thing here, but there is also a huge impact, which we will see over the coming months and years, on local authorities and at local levels in terms of the significant impact on those children who have a parent in custody. There is a significant impact on social care services as well as a significant cost resulting from children being in the care system.

Q48 **Chair:** Donna, do you want to say anything from the perspective of your organisation?

**Donna Everett:** I come from a frontline perspective. Our advocates work closely with women who come through the women's centres to try to rebuild family units. We work closely with social services to try to ensure that we keep those relationships going. It goes back to the whole systems approach that we adopt within the women's centres to ensure that all agencies work together to try to keep families together as much as possible.

Q49 **Laura Farris:** I want to ask about short sentences and whether the reason for the impulse not to give custodial sentences of less than 12 or six months is primarily because of the collateral effect it has on the woman's family and other obligations she may have in her life, or is it because there is empirical study to show that it would reduce the risk of reoffending? I just want to understand the primary driver of your thinking on that.

**Dr Paradine:** The evidence is that prison sentences of the nature you are describing are simply harmful. There is very little opportunity to make any changes and access any sorts of services in prison full stop, but the harm done through breaking up contact with children and the care of children, and the impact in terms of losing homes and jobs, is disproportionate to the sort of—

Q50 **Laura Farris:** To stop you there, I want to focus on the bit that is unique to women, because for anyone who goes to prison there will be an impact on their home and job; that is just a fact of being sentenced to imprisonment. I take your point about children. In the context of women, is it your view that, when pre-sentence reports are submitted, judges, or whoever is doing the sentencing, fail adequately to take into account the fact that the woman is the primary carer of children? Is that something you have seen?

**Dr Paradine:** We commonly hear that perhaps judges do not know. The quality of pre-sentence reports and their existence is very variable and judges often do not have the information. They might know someone is a primary carer but not know what that means in terms of those children, and sometimes—

Q51 **Laura Farris:** Is it possible that a woman could be sentenced and the



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person doing the sentencing would not know that she had children and that they were dependent on her?

**Dr Paradine:** Absolutely.

**Sophie Taylor:** I would say it is very common rather than possible.

Q52 **Laura Farris:** Ms Taylor, in your experience how common is it? Looking at the people you have seen who have been given custodial sentences, how frequently would it happen that if there were young children—say, under the age of 11, primary school age or younger—the judge would have no knowledge of that at the point of sentencing?

**Sophie Taylor:** On that question, I would default to Kate because I am here appearing for the local authority.

Q53 **Laura Farris:** What is your experience?

**Sophie Taylor:** My experience would come from women in prison as the provider in our local area, so Kate would be best placed to answer that, I am afraid.

**Dr Paradine:** I am sorry but I do not have statistics on that. I know what we hear and what the facts tell us about the access judges have to information. It is certainly an issue that comes up with a fair bit of regularity. Things will change, hopefully, in relation to pre-sentence reports with the new National Probation Service and improvements being put in place, but unfortunately a lot of damage can be done in the meantime, hence the reason why we are asking for a statutory change to make that an obligation of the court.

Q54 **Laura Farris:** To be clear, when you talk about women's centres as an alternative to a custodial setting, I am sorry if I have not fully understood what these are, but what I think they do is offer something like a proxy to a custodial environment that would create a family contact. Is that a correct analysis, or have I misunderstood?

**Dr Paradine:** There might be some confusion between the Government's proposal for residential women's centres and those provided by women's centres and women's charities across the country. These women's centres are often accessed by women, not necessarily in the criminal justice system for all sorts of reasons. They can also be accessed by women affected by the criminal justice system and those on community sentences generally to access the support that is needed for them—

Q55 **Laura Farris:** I think you are right, and I see the distinction, but are the residential women's centres that are being piloted—we have some notes about them—seen as prison-lite or an alternative to prison with greater family access? I just do not understand what a residential women's centre is.

**Dr Paradine:** Residential women's centres are not facilities that we believe the system needs. The system needs proper investment in volume day services that will make a big difference to women entering the criminal justice system. That is probably a question you need to



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direct to the Ministry of Justice in terms of its progress with its plans to pilot residential women's centres. They are much more akin to a custodial alternative than a community-based service, such as the Beth Centre and the hubs where Donna is working on the frontline in the south London boroughs.

**Chair:** Mr Butler, do you want to come in?

Q56 **Rob Butler:** I want to clarify the point made by Dr Paradine, which Sophie Taylor seems to agree with, about sentencers not being aware that a woman going into custody has children at all. I would like to try to bottom out how much evidence there is of that, because it is extraordinarily rare for a woman to be sentenced to custody without having a legal representative. It is quite astonishing for that representative not to represent the interests of the woman concerned. It is also very rare not to have at least some form of pre-sentence report. I think we ought to have an idea of the extent of that, because, when pushed, you said you did not have any data. I do not think it would be fair for people to go away from this thinking that is a common occurrence.

**Dr Paradine:** I am quite happy to pursue this with colleagues in the academic sector and report back to the Committee the exact facts and some of the evidence from Lucy Baldwin, Shona Minson and various academics doing excellent work in this area. If it is acceptable to the Committee, we could come back with a more considered and detailed response.

To be clear, it is not just about whether you know someone is a primary carer; it is about what that means. That is the bigger picture for the sentencer. We know from talking to sentencers that they want to understand the implications of their decisions; they want to know what it means in the context of someone's life to make a decision about their sentence, so it is about knowing the existence of children and what it means for them when their parent who is the primary carer is sentenced.

**Chair:** That is understood. We will go to Janet Daby.

Q57 **Janet Daby:** Hi, witnesses; good afternoon. What consideration is given to whether a woman has dependent children when she is sentenced?

**Chair:** They have answered that, haven't they?

**Dr Paradine:** I think we have answered that, but, to summarise it, adequate consideration is not given to whether she has children and what the implications are of the sentence. A new statutory requirement would require that consideration to be recorded. There should be proper information about what it means to children when a primary carer is sentenced, particularly to prison, but sentencing generally, to make sure that childcare responsibilities are taken into account, with the arrangements for sentencing, unpaid work and all the other requirements that apply, so that women are not set up to fail because they have primary carer responsibilities and they are able to complete their



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sentence. That will increase sentencer confidence in the sentences that might be available in the community.

Q58 **Janet Daby:** Thank you for elaborating that. Does anyone want to add to that?

**Sophie Taylor:** This conversation about children and pre-sentence reports just highlights how important data is within the system, and that what we have as a service in one part of the country is what women who are working with that service tell us. As far as we are aware, there is no easily accessible robust data that we have about PSRs: how many are completed or not completed; whether they mention that the woman has children, is pregnant or has recently given birth; where those children are, what her level of primary care is, and what the impact would be. A really good first step would be to have good, clear data on that so that we are able to look at that as a system.

**Donna Everett:** From my perspective working on the frontline with women and the feedback they give us, pre-sentence reports are not always available. For instance, a woman could be arrested and go straight on remand. Sometimes this information or data is missed. There are two things here. You have a pre-sentence report. A woman may already be in custody or in the community, and you will have an opportunity to talk about her family life a little bit more widely, but if a woman is arrested at the police station and sent straight on remand we miss that family unit information.

Q59 **Janet Daby:** To help me to understand that, would you have a situation where the primary carer went into remand and the children would then go into care? Would you have that type of situation? That sounds like a heavy expense to the public through lack of information, because there would be the cost of the individual being remanded in prison and the cost of the children being in foster care, a children's home or whatever. That would be a huge public cost where the Government need to intervene to make sure that the right course of action is being taken. Would you like to respond to that?

**Donna Everett:** The role of women's centres needs to be utilised a little bit more. For instance, when women are arrested, we have diversion pilots and projects going on so that we can try to capture their situation so that we can intervene with a whole systems approach and what the Government are asking us to do. Unfortunately, things do get missed and people slip through the net. It will be interesting to see whether there will be any further input on how we capture that and not miss that opportunity.

Q60 **Janet Daby:** Would anybody else like to verify that point in terms of the huge public cost that would create?

**Chair:** Janet, it is more an assertion than a piece of evidence, is it not?

**Janet Daby:** I am just seeing whether that situation occurs, Chair, if that is okay.



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**Dr Paradine:** We know that in 95% of cases when a woman goes to prison and she is the primary carer her children will go into care or go to live with relatives. Because of the disproportionate primary carer responsibilities that women hold generally, including those in the prison population, the cost to the public of that disruption and the care system is enormous.

**Sophie Taylor:** As a commissioner, Lambeth spends money on the Beth Centre and South London Alliance, which is a whole systems -approach service—a women’s centre service—supporting women in the community. Based on last year’s figures—I am happy to share the detail in written evidence, if that would be helpful—the cost was £2,144 per woman. I do not have to hand the costs of children in care, but from experience I know it is significantly more; it is not cheap. It is extremely costly. That does not take into account the cost of the woman in custody, but certainly care costs would significantly outweigh that.

**Janet Daby:** Just for openness and transparency, my background is child protection and social work.

Q61 **Chair:** Out of interest, Sophie, do you happen to know of any data as to what percentage of children in such circumstances will go into care or some more informal care by members of the family? Is there data on that? I don’t know.

**Sophie Taylor:** I imagine there would be, but I would have access only to local data for Lambeth, but not nationally.

Q62 **Miss Dines:** I would like to return to the evidence just given to the Select Committee about it being very common that judges are either unaware that somebody is a primary carer, a mother, or do not appreciate the effect on a child of imprisonment of the mother. After 30 years’ experience at the Bar doing family and crime, I am surprised by that evidence. My experience is the opposite: judges work very hard to take those issues into consideration.

Could I invite Dr Paradine to write to the Committee with the evidence for those assertions? I would be very grateful to receive that letter within 14 days just to see whether the evidence base is there. It is remarkable evidence and I would be interested to hear about it further.

**Dr Paradine:** To clarify, the point here is the bigger picture of judges having the information available to them about the detailed context of their decisions. I am not suggesting that sentencers—judges and magistrates—do not care; they absolutely do. We hear all the time that they want all the information available to make the decisions they need to make.

The issue here is that, in the bigger picture for both men and women in prison, the impact on children is something on which we do not have data. Therefore, we do not know enough about how those decisions are taken into account and what they mean to judges in influencing their decisions about prison and other sentencing. This is about helping



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sentencers; it is not about judging judges or magistrates for not making proper decisions. If anything we have said has not made that clear, I apologise. We will provide you with existing evidence from various academics, the Prison Reform Trust and others who have done work in this area to make sure you have the full picture. For us, this is about informed decisions that impact on offending and do not cause more harm to families and the individuals affected. That is our aim. We know that magistrates and sentencers support that aim. I think we all want the same thing here.

**Miss Dines:** Thank you for that clarification. I was interested in evidence for your assertion that it was very common that judges do not have the full picture about childcare arrangements. That is the evidence I am after. I would be very grateful to receive that.

**Chair:** You have undertaken to provide that. We have to go on evidence rather than assertions from witnesses or, for that matter, members of the Committee; it goes both ways. We will move on to Rob Butler.

Q63 **Rob Butler:** Dr Paradine, I would like to pursue a little further what you told my colleague Ms Farris about not being supportive of residential women's centres. I think that was what you said in your evidence a few minutes ago.

The idea behind residential women's centres, as I understand it, is that they are a much more tailored form of custody for women who have crossed the custody threshold, and they have particular programmes in place to deal with the particular needs of women's offending. These are very much the sorts of programmes we have been hearing about all afternoon that are needed to deal with those specific needs. Is it your evidence that women should not be being sent into custody at all, or are you saying that if they are being sent into custody the prison estate we currently have is suitable?

**Dr Paradine:** To respond to the basic point about residential women's centres, there is lack of clarity about who residential women's centres are intended for. There is lack of clarity about exactly what group of women they are intended for. There has been confusion, for example, about residential rehabilitation around substance misuse and people with complex mental health challenges. We are not clear as to exactly who they are intended for and what problem they are intended to solve.

What we do know is that a lot of the time sentencers—returning this to sentencers—tell us that they feel they do not have the options in the community they wished they had to support women in a residential way, those being either rehab for drugs or alcohol issues or mental health residential care. Those are the issues that we believe the Government should be tackling rather than creating new institutions.

The homelessness problem currently facing those leaving prison is not about residential options, such as have been described by you just now; they are about supported housing and simple housing options in the community, specifically ones for women rather than male-dominated



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hostels and so on. Donna at the frontline is seeing the problems we are facing—for example, meeting women at prison gates who do not have a home to go to. To sit and wait in a housing office to try to find accommodation that is not there is something the Government should be focused on, not building new institutions that do not have the support that is needed. There isn't an evidence base for their needs, so that is what we want.

Q64 **Rob Butler:** I completely take your point about supported housing at the end of a custodial sentence. That is not quite what I am trying to get at here. As for residential women's centres, are you saying that they would be acceptable if they were a direct alternative to a place in a prison, but not acceptable as an alternative to a community sentence that did not require somebody to stay physically somewhere as a form of accommodation? I want to be really clear about where you see the problem is with them.

**Dr Paradine:** You are describing up-tariffing where the punishment is more severe than the offence is deemed to warrant. That is most definitely a concern. The justification for the residential centres that we have heard is more to do with women on shorter sentences who we do not think need to be in an expensive, prison-type establishment at all if they are provided with the proper support and supported housing and the services that help them address their complex needs. In answer to that, the issue is the up-tariffing issue. We know we can radically reduce the prison population of women because, according to the Government's own statistical analyses and strategy, the vast majority of women do not need to be in the prison system. Their offences and the issues they face can be addressed in community-based settings.

**Rob Butler:** That is clearer. I will leave it there for now, given the time.

**Chair:** Thank you very much. Kieran Mullan.

Q65 **Dr Mullan:** The witnesses have mentioned the whole systems approach, women's centres and the Beth Centre in particular. Can you give us a more tangible description of the kinds of things you do with women and what that means in real terms, so to speak?

**Donna Everett:** The Beth Centre was launched in 2014 in line with trying to deliver a whole systems approach to meeting the needs of women in the community, and to try to see if we could support women with shorter custodial sentences perhaps by introducing the women's centres.

To give you the bigger picture, what happens is that we have co-located partners within our centres. For instance, I liaise with mental health services, housing services, drug and alcohol services, and services that help women with domestic violence. The view is that having a women's centre means that women can access all of these services within one space. Our role as a service provider is to ensure that all of these services work together to get the outcomes for the woman. For instance, if when a woman comes out she does not have accommodation and she



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has a drug and alcohol issue or a history of DV, in that way we can work with her. We also work with her three months before she is released. We run a through-the-gate service, which I will get to later on.

We work with the woman to make sure that we create a better service package with better outcomes. We measure those outcomes through the Justice Star. I do not know whether you have heard of that. The Justice Star is a piece of work that came from the justice board. These are frontline advocates who work with the woman. They assess a woman's needs via a Justice Star. For instance, if a woman comes to us with high-level needs in employment support, or they are homeless, or they have drug and alcohol issues, or they have things they want to work on to ensure they can reintegrate into the community, we review that Justice Star every three months. In that way we can measure progress and see where we are failing or we need to do more. That is how our centres work.

They are also a safe space for women to come to. I listened to previous witnesses. A lot of the women we work with come from traumatic backgrounds. If a woman is fleeing domestic violence, there is a safe space for that woman in the women's centre. We can safeguard the woman and also the children. The whole systems approach does work and we need to utilise it a little bit more with reference to shorter sentences. That is my opinion.

**Q66 Dr Mullan:** Can I just dig into that slightly? Do you have any way of summarising the more tangible outcomes that you have achieved?

**Donna Everett:** As I said, we use a tool called the Justice Star, but we also work with women through a longer journey. For instance, we offer an 18-month journey package. It is changing now. A tangible outcome is the great networking and partnership work we do with the CRC. Probation is based in every women's centre that is open throughout the borough and will see the women. Once they come to access our services, they will be able to access other services within that, so they are not missed.

In addition, when we do through-the-gate work, a lot of women who are released from prison do not have any fixed abode or they have other needs that need to be met. Their first appraisal with probation is so important. As Kate said, it is about taking the woman to a homeless persons department to ensure they access that accommodation. If you have a woman with drug and alcohol problems, the last thing you want her to do is sleep rough the first night she is out. It is a kind of revolving door process; she will be back in again. It is so important, and I would love to see more investment in women's centres.

**Q67 Dr Mullan:** Do you look at contact with the criminal justice system that rates your women to see whether it changes at all as a result of the work you do?

**Donna Everett:** Yes. As I said, the outcomes are reviewed every three months. We review the outcomes and whether, for instance, there is a change in behaviour. That is one of the targets. For instance, we have a



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woman whom we have linked with an employment and training specialist. We work in close partnership with Working Chance, which delivers a range of services for women to get back into the community. However, if that has not moved in three months, there is more we need to do. It is a really good tool to monitor outcomes.

**Q68 Dr Mullan:** Does anyone else want to add anything that we have not heard already about the detail of how the women's centres, in particular the Beth Centre, work?

**Sophie Taylor:** Exactly as Donna said, essentially the use of Justice Star means that women's centres base their support on the woman's individual needs, because a women's centre's focus is on addressing, resolving and supporting the causes of women's offending, as opposed to managing their offending, which is why the support is based on the assessment of their needs.

We have the outcomes for the South London Alliance women's service and are happy to provide those as evidence, in discussion with Women in Prison as the provider. During last year, 2020-21, despite the challenges to many services created by the coronavirus epidemic, the service worked one to one with 277 women. As to the key outcomes we look at, 75% of women were safer from domestic violence and abuse; 68% reported improved housing outcomes; 66% reported improved health and wellbeing; and 59% reported increased confidence in employment and financial management. From a commissioning perspective, we see those as extremely positive outcomes.

**Q69 Dr Mullan:** Do you look at non-self-reported outcomes? That is not to say that self-reported outcomes are not important—they are—but do you look at any non-self-reported ones?

**Sophie Taylor:** Not the ones I have just listed, which are self-reported, but what we are looking at, exactly as you say, is the big role that police and crime commissioners play in the provision of women's community-based support. Our police and crime commissioner, which is the Mayor's Office for Policing and Crime in London, is in the middle of an evaluation of community women's provision in London. That will be looking at reductions in reoffending, which obviously needs not to be self-reported and requires robust data that they have access to through the Ministry of Justice, so in that sense it will be very helpful.

**Q70 Dr Mullan:** I want to ask Dr Paradine a couple of questions about prison numbers and would like to get your thoughts on this. Would it be true to say that the more the justice system does to divert lower-level offenders out of the justice system, the higher the bar, so to speak, for getting those who remain not to be in prison, because the more you do, the prison population becomes those who have committed more serious offences by default? Would you accept that that is to some extent a challenge for Government in trying to drive down these numbers?

**Sophie Taylor:** I apologise. I do not really understand the question.



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**Q71 Dr Mullan:** Let us say we end up in a situation where the only people being sent to prison are the ones convicted of the most serious offences. By definition, reducing that population will become more and more difficult than it might be at the moment where there are more people in prison for lower-level offences.

**Dr Paradine:** I suggest that it would be a lot easier to address offending behaviour in the prison system if the number of people was much lower and they were the people who, in the judgment of the court, needed to be there for reasons of public protection.

Just talking about the women's prison population, that is absolutely the case. If we radically reduced the population to only the bare minimum of people who needed to be in prison, which we believe we should do across the board with men as well, our prison system would not be in the years-long crisis it has been in and would be able to address behaviour through quality impact in terms of interventions that work with that group of people.

**Q72 Dr Mullan:** As someone looking at it independently, how do you determine when we have reached that point? My understanding at the moment—I do not have it broken down by sex—is that the vast majority of offenders in prison, for example, have many previous convictions. Some people might argue that that in itself means that for public protection reasons someone should go to prison because they have a strong track record of repeat offending.

**Dr Paradine:** Three out of five women sent to prison are there for under six months for very low-level offending. Victims were mentioned.

**Q73 Dr Mullan:** To be clear on the point, I agree that the offence on its own may be low level, but they have a strong track record of recurrent offending. How does that play in?

**Dr Paradine:** There is a lot of evidence around first-time offending as well. Sometimes that is the case, but not always. Certainly, women are more likely to go to prison for first-time offending and there is a complex background to that. From our perspective, the Government in their own stats about reoffending show that prison is not working as we currently use it in this country, and the challenge is how to build on the community-based interventions and responses to offending that do work.

**Q74 Dr Mullan:** Do you accept that when you talk about whether or not prison works you are not taking into account—it may be a reasonable thing to do—whether delivery of a punishment is a measure of an effective prison system, even if it does have an impact in the other direction in increasing offending? You can say the prison system promotes further offending, but you are not talking about whether punishing people in itself in isolation is something that a prison system should do.

**Dr Paradine:** That is an ideological argument on which we could spend a long time. What I will say is that this country invests disproportionately a huge amount of money in punishment with no hope of rehabilitation.



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There is a weight of evidence that could overwhelm this Committee, and has done for many years, that prison is not working, so we have to follow the evidence about what needs to happen to make this country safer so that there is much less offending and fewer victims of crime, and the answer to that does not lie in prison.

Q75 **Dr Mullan:** As to the 500, I accept that we do not know the modelling; none of us does. Do you agree that it is perfectly possible that those 500 could be entirely taken up, for example, by the switch from halfway to two-thirds release for the most serious offenders?

**Dr Paradine:** I think we do know the modelling because we have been told it has been available since, I believe, November of last year. I have to check the date. The modelling is the general modelling around 20,000 police officers. My understanding—the Ministry of Justice could contradict this—is that the evidence you talk about is the modelling needed to know what these police officers are doing; whether they will be increasing the women’s prison population by 500; who they are arresting; what they are arresting them for; and what problem they are addressing in the community.

To go back to the earlier evidence, the core point was about public confidence, what the public expect and what the public would say, whatever newspaper they read. Based on people we speak to in the local areas where we provide women’s centres, we believe they want to see less offending and the root causes of offending addressed as soon as they possibly can. From that perspective, the idea that we should have 20,000 police officers and 500 more women in prison, given the profile of the women’s prison population, is completely nonsensical. It makes no sense particularly in the context of a strategy for women that is showing some progress and could show so much more. This could be something for this Parliament that is a social and criminal justice success and saves huge amounts of public money.

Q76 **Dr Mullan:** I appreciate that point, but how they have come up with that figure in detail has not been made available to any of us. That is the point I was making. We are making a judgment about whether that is an accurate figure without the information.

**Dr Paradine:** We have been told there isn’t any further information, but, as I say, the Ministry of Justice can confirm that to this Committee; that should happen, for sure.

Q77 **Chair:** We will take that up. It may not follow that 20,000 police officers will lead to 500 more women in prison. That is the crunch of it, is it not? That may not turn out to be the case. It depends on what the priorities are and what happens.

**Dr Paradine:** The point is that we have the power to influence that. I think the defeatism and lack of power, or the assumption that there is no power, is sad, because there is an awful lot of potential in this public policy area to see change happen.



Q78 **Chair:** The defeatism might be taken as a value judgment, but I think we agree that there is not necessarily a direct result. There may be other factors and variables that we might want to investigate.

Before we finish, I would like to ask this. We have talked about a wider, whole systems approach across the system; we have talked about it in specific contexts here. Are we really achieving that in relation to female offending? There is a broad wish to do it generally with all offending, but are we really doing it in relation to female offending? What more can you do to adopt that whole systems approach so that what is happening to Donna's women, with whom she is working on the frontline, is manifestly part of a whole system going through to what happens before they came into contact with the justice system to start with, and then perhaps the courts in the middle of that? What more can we do around that?

**Sophie Taylor:** The term "whole systems approach" is a really interesting one. I can talk only locally for the South London Alliance. We talk about ourselves as having a whole systems approach. We see the South London Alliance, as Donna has outlined, as having co-located services and partnership working to meet those identified causes of offending as a whole systems approach.

As the first panel of witnesses outlined, it is almost a half-system approach, because what we are trying to do locally is about the rest of the system, if you like. It is some of the examples we heard about earlier; it is about diversion, women's centres, as well as problem-solving courts, or, as Katy Swaine Williams mentioned, women-specific courts, some of which we have seen operating successfully in Manchester, so we know it is possible. They are looking at things such as fines versus unpaid work or apprenticeships.

As to what more can be done, for a true whole systems approach we need to look at good practice examples that are going on in pockets of the country, and to some degree we have that, but there is much more to build on from the very early stages.

Finally, before Kate comes in, with the changes that probation is going through at the moment or has gone through with the ending of the Transforming Rehabilitation programme, we know that diversion and early intervention are key things here. When we are looking at through-the-gate work, probation and post custody, the challenges are much more significant. It is vital that those women's centres can accept referrals from every place and it is not just part of the probation system. We need to bear in mind as the changes are coming that it is not just about prisons and probation. The whole systems approach is making that one part of it and being really clear that it is a much wider partnership from health and social care to ensure that we do not get to the question of custody in the first place.

Q79 **Chair:** Does Donna have anything to add from her perspective?

**Donna Everett:** For us on the frontline, I think the barrier that we face is the fact that we are not really involved in the whole process. For



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instance, to go back to pre-sentence reports, we may be now, but we are not really involved in all of that on a woman's journey. We are delivering a service.

I agree with what Sophie said. We all need to think of the wider picture. I know that mental health services are under a lot of strain; there is hardly any social housing. All these barriers impact on what we can deliver, but for me, working on the frontline, this approach works and I truly believe it is the way forward. I can only keep on repeating it. If we are talking about a preventive service, as Sophie said, before it gets to the custodial stages we can work on the needs of the women, or if they are displaying criminal behaviour we can work together to minimise that even before it gets to the custodial stage. That is what we are doing at the women's centres. They work so well. I can only hope that more investment is put into women's centres, because I believe that is the way forward for preventing criminal conduct.

**Q80 Chair:** Dr Paradine, do you have any final observation on the whole systems approach and what more needs to be done?

**Dr Paradine:** We are a week into the renationalised probation service, so it is very early days. The probation service has looked at women's services across the country, and many have been commissioned as part of the community support services that will be referred to by probation, but we have to pay attention to the fact that the national contracts and dynamic purchasing framework adopted have had a disproportionately negative effect on the sorts of charities that provide these services locally. We have to look at the whole systems approach as it is locally embedded, make sure we are building around local provision and not imposing a national contract on local provision, and that those services are adequately funded to do what they need to do. That is certainly not the case, which is why so many areas did not have compliant bids under the dynamic purchasing framework.

To look ahead to what will work, it is for us to build locally and, as Sophie and Donna have said, to look at prevention and make sure the whole systems approach is not being driven by the needs of one agency—probation—in an overly processed and bureaucratic manner but is looking at what is needed by the whole system, including mental health services, housing provision and so on. There is a bit of a misunderstanding about the fact that women's centres provide a hub for services and advocacy for women to access services, but they do not actually provide all of the services. They could never touch the sides of what is needed to deal with the sorts of problems we face. I think the whole systems approach, as Sophie has said, is really quite rare. We need to look at what it really means for women and make sure we are looking at women and families and the impact of services. We have to work together in the way the whole systems approach envisages and ensure we are spending our precious resources not on new prison places but on those services that can make a difference over the long term.

**Chair:** Thank you all very much for your evidence. It has been very



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helpful. I am also grateful to members of the Committee. I thank everyone for their time and trouble. The session is concluded.