

**Written Evidence submitted by Women in Prison (RAR0042)**

**1. About Women in Prison**

- 1.1. Women in Prison (WIP) is a national charity which provides independent, holistic, gender-specialist support to women facing multiple disadvantage, including women involved in (or at risk of being involved in) the criminal justice system.
- 1.2. We work in prisons, the community and 'through the gate', supporting women leaving prison. We run Women's Centres in Manchester and London and work in partnership with the Women's Centre in Surrey.
- 1.3. Our campaigning is informed by our frontline support services for women, delivered at every stage of a woman's journey through the criminal justice system.

**Background**

- 1.4. We welcome the opportunity to respond to this important inquiry and have focused our response on the issues that are most relevant to our work and the women we work alongside.
- 1.5. We support the government's commitment to reduce the number of women in custody and the creation of the Women's Justice Board. We also note it is essential the recommendations and work of the Sentencing Review are complimented and work alongside the Women's Justice Board, informing its upcoming strategy.

**Our key recommendations are-**

- 1.6. Where possible, women should be diverted away from the criminal justice system
- 1.7. The Government should introduce fundamental reforms to The Bail Act 1976 to strengthen the presumption of the right to bail, especially for primary carers and pregnant women
- 1.8. We support the recommendations made in the review of health and social care in women's prisons and urge the Ministry of Justice and HMPPS ensure their full implementation.
- 1.9. We support the Howard League's recommendation that there should be a rapid review of administrative recalls and guidance. The best outcome would be to abolish recall for administrative breaches entirely.
- 1.10. No woman should be forced to wear a tag that places any form of risk to her health. We recommend that all technological alternatives are truly gender informed and ensure a flexible response to women's experiences and needs.
- 1.11. Community Sentences should be proportional to the offence and appropriate to the circumstances of a woman.

**2. What are the levels of reoffending in England and Wales, and how has this changed over time?**

- 2.1. Evidence clearly shows that women serving community penalties have a lower reoffending rate than women who serve prison sentences. Women released from prison are more likely to reoffend, and reoffend sooner, than those serving

community sentences, yet we have seen a significant decline in community sentences for women- which have fallen by two-thirds in a decade.<sup>1</sup>

- 2.2. 44% of women leaving prison are reconvicted within one year. Of those who reoffended, 72% were serving a sentence of six months or less
- 2.3. The reoffending rate is 83% for women who have served more than 11 previous custodial sentences.

### 3. What is the regime offer in different types of prisons?

#### Female prisoners

- 3.1.1. Frontline advocates at WIP report that women continue to spend more time in their cells than they did before the pandemic with many prisons often operating restricted regimes due to low staffing levels.
- 3.1.2. The Independent Monitoring Board (IMB) has concluded with similar concerns, and in their inspection of HMP/YOI Peterborough found *“The Board’s principal concern this year is that the impact of population pressures, staff shortages, management changes, and lack of good quality purposeful activity is adversely impacting on prisoners. As well as planned restrictions of regime, exercise and time out of cell is too often curtailed at short notice.”*<sup>2</sup>
- 3.1.3. The report goes on to highlight there are frequent ‘lockdowns’ of cells, often at short notice which has a detrimental impact on women’s ability to access work, education, the library and association’
- 3.1.4. The increased time that women are spending locked behind their cell doors continues to have a detrimental impact on women’s mental health, indicated in part by the high rates of self-harm<sup>3</sup>

#### ii. Remand prisoners

- 3.2. Women remanded to custody account for over half of the women received into a prison within a given year.<sup>4</sup> Around one quarter (24%) of women on remand are held for periods longer than six months.<sup>5</sup>
- 3.3. The Prisons Strategy White Paper acknowledged that only a minority of women on remand go on to receive a custodial sentence and set an ambition to enable more women to successfully access bail.<sup>6</sup>

#### The disproportionate use of remand for racially minoritised and migrant women

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<sup>1</sup> Prison Reform Trust (2024) Bromley Briefing Prison Fact File, <https://prisonreformtrust.org.uk/wp-content/uploads/2024/02/Winter-2024-factfile.pdf>

<sup>2</sup> IMB (2024) [Annual Report of the Independent Monitoring Board at HMP/YOI Peterborough](#) (Women)

<sup>3</sup> Table 3, Ministry of Justice (2023). [Safety in custody: Quarterly update to June 2023 and previous editions](#)

<sup>4</sup> House of Commons Justice Committee. (2023). *The role of adult custodial remand in the criminal justice system* (Seventh Report of Session 2022-23),

<https://committees.parliament.uk/publications/33530/documents/182421/default/>

<sup>5</sup> Atkins, V. (2022) [Parliamentary question UIN 138041](#) Prisoners on remand

<sup>6</sup> Ministry of Justice, Prison Strategy White Paper, December 2021, <https://www.gov.uk/government/publications/prisons-strategy-white-paper>

- 3.4. Racially minoritised and migrant women are disproportionately represented amongst those on remand. In 2021, 30% of female Black defendants were remanded in custody at Crown Court – this was higher compared to female Asian defendants (28%) and female white defendants (26%).<sup>7</sup> At Magistrates’ Court, female Asian and Black defendants were more likely to be remanded in custody (both 10%), compared to white women (7%).<sup>8</sup>
- 3.5. A Freedom of Information request by Liberty Investigates in March 2022 found that the proportion of racially minoritised people in the total remand population had risen to 34% at the end of September 2021, despite only forming around 13% of the UK’s population.<sup>9</sup>
- 3.6. Research by Justice also outlines the increased use of remand for racially minoritised people, and outlines that that “likelihood of any given prisoner held on remand being from a Black or racialised background has risen by 17% in the 6 years up to September 2021.”<sup>10</sup>
- 3.7. Research has found that foreign national women are more likely to be remanded in custody while awaiting trial or sentencing than British women, often for less serious offences, due to an assumed risk of people absconding overseas.<sup>11</sup>

### **The impact of remand on women**

- 3.8. Custodial remand is a disproportionate and harmful response to managing women in contact with the criminal justice system. Through our work delivering services to unsentenced women in HMP Bronzefield, we see the detrimental impact it has on women’s mental health and wellbeing.
- 3.9. Our frontline workers described women not being able to access medicine and the negative mental health impacts as a result of being ‘stuck in limbo’ as they await the outcome of their case. Rochelle, a woman who we work with on remand, told us how “as a remand prisoner, you cannot apply for jobs in the prison because you can’t be certain you will return after court.”
- 3.10. The stress and uncertainty about the process is even greater for women for whom English is not their first language, who face greater barriers in navigating the criminal justice system.

### **Lack of resettlement support**

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<sup>7</sup> Ministry of Justice (2022) Remands: Crown Court data tool, Criminal Justice System Statistics Quarterly, December 2021’

<sup>8</sup> Ministry of Justice (2022) Remands: Magistrates’ Court data tool, Criminal Justice System Statistics Quarterly, December 2021

<sup>9</sup> Liberty Investigates. (2022). *Proportion of Remand Prisoners from Ethnic Minorities Rises 17 Percent in Six Years*, <https://libertyinvestigates.org.uk/articles/prisoners-on-remand-increasingly-likely-to-be-black-or-from-an-ethnic-minority-figures-show/>

<sup>10</sup> [Remand-Decision-Making-in-the-Magistrates-Court-November-2023-1.pdf \(justice.org.uk\)](#)

<sup>11</sup> Robson, M. (2022) [A suspect population: An examination of bail decision making for foreign national women in criminal courts in England and Wales](#)

- 3.11. Most aspects of life cannot be put on “pause” for the duration of remand. The consequences of any period on remand can be significant and long-lasting, impacting children and family ties, physical and mental wellbeing, employment and housing and in some cases locking women into poverty and debt on release. One of our service users, Beatriz, described her experience as, “I feel like I’m losing everything because when I get out, I have to start again.”
- 3.12. Charlie Taylor, HM Chief Inspector of Prisons, noted that there is a growing issue with people being released directly from court due to the length of time spent on remand, with no pre-release support provided or resettlement support provided – they are “walking out on to the street with nothing.”<sup>12</sup>

We recommend-

- 3.13. **The Government should introduce fundamental reforms to The Bail Act 1976 to strengthen the presumption of the right to bail, especially for primary carers and pregnant women,**
- 3.14. **End the use of remand for “own protection”**
- 3.15. **Prevent remand being used by default for migrant women**
4. **Does the regime offer encompass [the principles of individual desistance](#), and to what extent could it?**
- 4.1. Overall, we don’t believe prison supports the principles of desistance for women. This is demonstrated in part by the high reoffending rates for women who serve custodial sentences, particularly short sentences.
- 4.2. Serving a prison sentence does not support strong family ties and community, feelings of hope and self-efficacy or a sense of meaning and purpose.
- 4.3. Being without any agency over one’s timetable, personal hygiene, exercise and meals is a degrading and dehumanising experience and actively removes women’s sense of hope and self-efficiency.
- 4.4. It is essential that if a woman offends the reasons that drew her into contact with the criminal justice system in the first place are addressed, which we know includes experiences of domestic violence and abuse, homelessness, substance misuse and poverty.
- 4.5. **It is important that where possible, women are diverted away from the criminal justice system but for those who have been sentenced to a community penalty, the terms of the penalty need to move beyond punishment and be targeted at addressing the causes of her offending behaviour.**
5. **What impact does custody have on prisoner health and wellbeing, and how effective is provision for this in prison in promoting rehabilitation?**

Mental health and wellbeing in women’s prison

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<sup>12</sup> Justice Committee [Oral evidence: Future prison population and estate capacity](#), HC 29 (Tuesday 21 November 2023)

- 5.1. Over the last 18 months, rates of self-harm in women's prisons have reached an all-time high and are currently eight times higher than in the male estate.
- 5.2. Self-harm by women in prison hit a record high of 20,248 incidents in 2023. The number had already increased by two-thirds (66%) between June 2012 and 2022. Between June 2022 and 2023 alone, it increased by another two-thirds (65%). Ten years ago, the number of self-harm incidents per 1,000 women in prison was 1,566. In the year to June 2023, it had risen sharply to 6,213 incidents.<sup>13</sup>
- 5.3. Women facing serious health challenges are ending up in prison when what they truly need is medical or psychiatric care. This includes mentally unwell women who are being sent to prison as a 'place of safety.' This needs to end and we hope to see this change in legislation via the Mental Health Bill later this year.<sup>14</sup>
- 5.4. Women we work with in prison often describe being deprived of medication and significant delays in accessing medical appointments, particularly in the community.
- 5.5. Whilst in prison Jennifer (\*not her real name) been feeling unwell and needed to go for investigative procedures to look for a risk of cancer. She said "Most recently, I had to go to the hospital to have a colonoscopy and a CT scan. In the end, I couldn't have the procedure done because Healthcare in the jail didn't give me the medication I was supposed to take before having the procedure, so it couldn't go ahead. I've been waiting so long for these tests.
- 5.6. It didn't happen another time because no one came to get me on the day the procedure was scheduled. I was ready and waiting and no one came. No one came to explain what was happening and why we weren't going. It turns out that they didn't have enough staff on duty on the day to take me out."
- 5.7. Once she had her tests she had the news no one wants to hear: "The Doctor in jail told me all of the tests have come back and I've got bowel cancer...I feel very let down by the jail with the way they handled my diagnosis. I'm really angry to be honest but there's no way for me to express that in here..."
- 5.8. **We support the recommendations made in the review of health and social care in women's prisons and urge the Ministry of Justice and HMPPS ensure their full implementation.**

## 6. To what extent does the Probation Service have the capacity to support effective resettlement pre and post release?

- 6.1. Evidence tells us that rehabilitation and resettlement in probation is most effective when probation staff have time and capacity to train and act on the specific needs of women and that each region should have a specialist women's lead.<sup>15</sup>

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<sup>13</sup> Table 3, Ministry of Justice (2023). [Safety in custody: Quarterly update to June 2023 and previous editions](#)

<sup>14</sup> <https://bills.parliament.uk/bills/3884>

<sup>15</sup> HM Inspectorate of Probation (2024) [Effective practice guide Working with women](#)

- 6.2. During consultation, many of our staff expressed concerns that probation were experiencing low capacity, which echoed by HMI Probation<sup>16</sup> who noted in their inspection into Sheffield PDU for example “that not enough was being done to ensure people on probation were being referred into specialist services with a view to reducing the likelihood of them reoffending...Inspectors also highlighted notable and “deeply concerning” deficits in the approach taken to domestic abuse and safeguarding children during the assessment and management of cases.”
- 6.3. We recognise the government have committed to recruit an additional 1,000 members of probation staff but we note this will not address the resource challenges for probation without a clear, robust plan for staff retention.<sup>17</sup>
- 6.4. We are concerned about probation services capacity and current staff skill level to safely assess the risk of domestic abuse, whether the person at risk is the survivor living in the home a person is released to, or whether the person at risk is a woman being released to a home where she may be at risk. <sup>18</sup>

## 7. What impact do licence recall conditions have on promoting resettlement?

- 7.1. Recall conditions can often be detrimental for a woman’s resettlement. Under changes introduced in 2015, anyone leaving prison who has served two days or more is required to serve a minimum of 12 months under supervision in the community.<sup>19</sup> Since their introduction, the number of people recalled back to custody has increased, particularly amongst women.<sup>20</sup>
- 7.2. The rates of recall are acting as a significant driver of the rising prison population. 1,848 women were returned to custody in 2023 following recall—a 20% increase on the year before.<sup>21</sup>
- 7.3. We support the Howard League’s recommendation that there should be a rapid review of administrative recalls and guidance.<sup>22</sup> The best outcome would be to abolish recall for administrative breaches entirely.
- 7.4. We have seen first-hand, women being recalled to prison for administrative purposes, women being recalled to prison for fleeing domestic abuse and because tags are badly designed and not suitable for women. These are explicit discriminatory practices and would fail any equality assessment.

### Tagging homeless a woman

- 7.5. We recently worked with a woman who had been given a tag on license, but she was homeless. She didn’t have a home to stay in and nowhere to charge her tag. It

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<sup>16</sup> HMI Probation (2024) An inspection of probation services in Sheffield PDU

<https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/syathpdu2024/?highlight=sheffield>

<sup>17</sup> HM Inspectorate of Probation (16<sup>th</sup> January 2025) [Current pressures on new probation staff counterproductive to long-term retention in the Probation Service” – inspection finds](#)

<sup>18</sup> Our case studies about tagging in section 12 illustrate the kind of domestic abuse risk that we have witnessed.

<sup>19</sup> 47 Offender Rehabilitation Act 2014. c.2. s256AA.

<sup>20</sup> Prison Reform Trust (2024) Bromley Briefing Prison Fact File, <https://prisonreformtrust.org.uk/wp-content/uploads/2024/02/Winter-2024-factfile.pdf>

<sup>21</sup> [Table 5.4, Ministry of Justice \(2024\). Offender management statistics quarterly: July to September 2023.](#)

<sup>22</sup> Howard League for Penal Reform (2024) [Grasping the nettle: Options for a lasting solution to the prison capacity crisis](#)

eventually ran out of battery and she was recalled to court. The judge rejected her claims that she was homeless as a reason for the battery running out, and she was recalled to prison.

*Recall due to gender discrimination in tagging*

7.6. We note the current case in the news in December of a 77-year-old woman who has been recalled despite having served her sentence. She cannot wear a tag on her ankle due to a risk of deep vein thrombosis and no tags are small enough to fit her wrists.<sup>23</sup> This is explicit gender and age discrimination. No one should be recalled to prison because the technology in use has not been designed for women.

7.7. **No woman should be breached or recalled due to the lack of gender aware designs or policy making with regards to tags and HDCs**

7.8. There needs to be a clear and transparent line of accountability for decisions around tags and HDCs so that if a woman is at risk or unwell, it is clear to the woman, her family and any professionals supporting her, who they can raise their concerns with and who within probation, private companies, courts or government, are ultimately responsible for making the decision about the risk and the necessity of the tag.

Tag being unsuitable for medical reasons

7.9. One of our advocates told us that “A woman we were working with was very unwell.. When she was released on tag, her feet and ankles swelled up, making wearing a tag far too tight and very uncomfortable.... We [WiP] advocated for [the tag] to be removed but Probation said under no circumstances could it be removed.

7.10. Finally a judge ordered it to be removed, but Probation then decided that she should be recalled to prison as she was ‘not safe to wear a tag.’ It was awful, she was caught in an impossible situation and Probation would not change the conditions of her Home Detention Curfew (HDC). She was recalled to prison and her mental health deteriorated very severely, she has been suicidal due to the recall...”

7.11. **No women should be forced to wear a tag that places any form of risk to her health. We recommend that all technological alternatives are truly gender informed and ensure a flexible response to women’s experiences and needs.**

Fleeing domestic violence and abuse

7.12. As part of our Creating Community Connections Project, we are aware of a woman who had been identified as currently in an abusive relationship. She was released from prison on a tag that required her to remain in her home. During that time, her abusive partner kidnapped her and she went missing for several days.

7.13. This incident made her breach her tag conditions and she was recalled because of this. Then, when she became eligible for release she was told she wouldn’t be granted the release for her own safety.

7.14. Whilst we fully recognise that the decision not to release the woman was made with the best interests of her safety in mind - and that the team making the decision wanted

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<sup>23</sup> <https://www.theguardian.com/society/2024/dec/21/elderly-activist-to-spend-christmas-in-prison-because-tag-does-not-fit>

a safe outcome for her - women should not lose their freedom because of the abuse they experience. Colleagues have told us that this is not the only case they have encountered of women being refused parole for their own safety.

- 7.15. **We want to see a robust strategy - with funding in place - to ensure that all staff involved in arranging and implementing tags and home detention curfews are trained and skilled to ask about, identify and act to prevent the risks posed by domestic abuse.**

**No woman should be breached or recalled for fleeing or suffering domestic abuse**

**8. What role should non-custodial sentences have in promoting rehabilitation?**

- a) What impact would an increase in the use of non-custodial sentences have on resettlement services?
- b) What, if any, changes to community sentencing should be introduced if the Sentencing Review recommends a move away from short custodial sentences?

Pre Sentence Reports

- 8.1. **Full written pre-sentence reports should be undertaken prior to sentencing to develop a full picture of a woman's individual circumstances including caring responsibilities, cultural background, learning and physical disabilities, and health needs, including mental ill health and anxiety.**
- 8.2. This should also include information on protective factors women's lives, such as positive relationships and employment. The requirements attached to community sentences should avoid conflicting and disrupting these areas.

The need for gender sensitive Community Sentences

- 8.3. Community Sentences can work for women in circumstances where the prevention of criminalisation is not possible.
- 8.4. However, many of the models used for Community Sentences have not been adjusted to the specific gendered experiences of women. Our frontline staff have reported many circumstances where community sentences are not being tailored to women's individual circumstances, leaving them at risk of harm or setting them up to fail. The failure to comply with the requirements of a community sentence can have significant consequences, including prompting breach proceedings which can lead to resentencing and even imprisonment.
- 8.5. In some cases, the requirements attached to community sentences have undermined stable and important aspects of women's lives. For example, our frontline staff have reported circumstances where women who are in full-time employment are given unpaid work as part of their sentence.
- 8.6. This can mean having to disclose the offence to her employer, and juggling unpaid work around their employment and putting them at risk of losing their jobs despite employment being an important building block in reducing reoffending. We have also observed restrictive curfews having a detrimental impact on individuals' mental ill health and anxiety.



- 8.7. **Community Sentences should be proportional to the offence and appropriate to the circumstances of a woman.** More work needs to be done to ensure community sentences take into account women's individual circumstances and do not harm women or set them up to fail.