

Written evidence from The Rt Revd Rachel Treweek (The Lord Bishop of Gloucester, Anglican Bishop for Prisons in England and Wales at Church of England)

Justice Committee Call for Evidence: Reducing the number of women in custody

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Background: The Rt Revd Rachel Treweek, Bishop of Gloucester was both the first woman appointed a diocesan bishop in the Church of England and first female Lord Spiritual. As Bishop for the female estate from 2016, she has advocated for more community-based provision and a trauma-informed, whole-systems approach to women in the criminal justice system and those at risk of offending.

Bishop Rachel is President of the Nelson Trust, which runs Women's Centres in Gloucestershire, Wiltshire and Somerset. An officer of the All Party-Parliamentary Group on Women in the Penal System, Bishop Rachel stands with others continuing to push for the full implementation of the Corston Report recommendations, and now the Female Offender Strategy.

Since October 2020, Bishop Rachel has been Anglican Bishop for Prisons in England and Wales. As well as prison visits, where they've been possible under COVID-19 restrictions, she has talked with a great number of Chaplains and charities working in and around the criminal justice system, as well as professionals across every aspect of the CJS, and HMPPS.

1. What progress has been made on commitments to reduce the number of women in custody since the publication of the Female Offender Strategy?

I note with disappointment that little progress has been made in realising the aims of the Female Offender Strategy. While I am glad to note the publication of the Ministry of Justice Concordat in December 2020 and am again supportive of its aims, it does not yet seem to point to concrete progress in meeting the Female Offender Strategy's aims. Most concerning of all, I note the announcement of 500 new prison places for the women's estate. This seems wholly at odds with the focus of the Female Offender Strategy. Additional prison places suggest that the government anticipates a significant expansion of the number of women in prison, rather than the net reduction that the Female Offender Strategy promised.

Analysis by Prison Reform Trust¹ shows that the Government has met less than half of the commitments identified from the strategy. Of 65 deliverables, 31 have been fully achieved, 20 partially achieved, and there has been no progress or measurable implementation of 14.

• What more can be done?

In response to my oral question on the Female Offender Strategy in the House of Lords on 29 September 2020, I was told that the Government was:

“committed to ensuring sufficient funding for the female offender strategy, which we keep under review. To date, we have invested £5.1 million in the strategy in 30 different women's

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<http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Female%20Offender%20Strategy%20PR%20Matrix%20140421.pdf>

*services across England and Wales. In 2021, we will invest a further £2.5 million to meet core costs in the women's community sector. In addition, we have been allocated up to £800,000 to support the development of our first residential women's centre in Wales"*²

Significant funding commitment is needed to realise the aims of the Female Offender Strategy. While renovating and updating the women's estate might be welcome in some places, the scale of the investment of £150m for 500 new prison places, appears to abandon the Female Offending Strategy's key objective to reduce the women's prison population. Especially when you consider that long term, it makes much better economic sense to invest in Women's Centres: £5000 a year, compared to the £50,000 needed to pay for a women's place in prison³.

I echo the call from Women in Prison and other organisations for sustainable, long-term funding for women's specialist services. While the £200m announced on 21 May 2021⁴ towards support services that help reduce reoffending, £45m of which will go towards female offenders, is a welcome injection of funds into a much needed area, there are concerns that smaller local women's centres have not been able to access this funding⁵.

2. What has been done to reduce the number of women serving short prison sentences?

Proposals in the Police, Crime, Sentencing and Courts Bill focus once again on minimum sentences. While the majority of those affected by such measures will be men (by nature of the offences in question they are primarily male crimes statistically) undoubtedly some women will be affected by minimum sentences. In 2017 25% of female indictable drug offences were for class A drugs, and there were 400 women given a custodial sentence for indictable drug offences (so approx. 100 women given a custodial sentence for class a drug offences)⁶. Also in 2017 8% of all knife crime possession offences were committed by women- but female offenders were much more likely to be given community sentences or cautions. Both of these would be affected by the changes to minimum sentences which impact on class drug trafficking offences and knife possession.

Making it harder for judges to make discretionary shorter or alternative sentences will not do anything for reducing short sentences and is a generally backwards step.

What is required is a renewed look at the way in which short custodial sentences can lead to catastrophic consequences for a woman and her family, often exacerbating a downward spiral into more serious offences and an inability to secure employment, and a commitment to alternative approaches, and renewed efforts at reducing the period women spend on remand.

² <https://hansard.parliament.uk/Lords/2020-09-29/debates/672FB0EC-ADAB-4A4D-8331-E641D777A225/FemaleOffenderStrategy>

³ <https://wbg.org.uk/analysis/the-case-for-sustainable-funding-for-womens-centres/>

⁴ <https://www.gov.uk/government/news/200-million-investment-in-rehab-services-to-cut-crime>

⁵ <https://www.womeninprison.org.uk/news/press-release-women-in-prison-responds-to-moj-funding-announcement>

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017..pdf

A 2019 report of the All Party Parliamentary Group on Women in the Penal System, found that thousands of women are being arrested unnecessarily each year instead of being given the help and support they need⁷. Police must be given the necessary resources and infrastructure to divert women away from the criminal justice system. The APPG on Women in the Penal System found in 2015 that Women's Centres were one of the best ways to prevent unnecessary criminalisation of women⁸.

More attention needs to be paid to diversion work. The Nelson Trust runs project SHE (Support Help Engagement) which is a point of arrest referral scheme in Avon and Somerset. In the first two years of delivery, over 500 women were diverted⁹. Although women are often being arrested for low level, non-violent crimes, their needs are high. According to the Nelson Trust, 75% of women diverted away from the criminal justice system through their point of referral work, have four or more complex needs.

• Do community sentences currently offer a credible alternative to custody? (If no, why not?)

Credible alternatives must effectively prevent people entering cycles of criminality and reoffending. The criminal justice system must inspire confidence and be rooted in a consistent ethos and strategy at every level, connecting the work done by the police, courts, probation, parole, prison and civil society organisations. Key to all of this and to establishing what "credible alternatives" look like, is the highest quality of evidence and research as to effectiveness.

3. What progress has been made on the development of Residential Women's Centres?

Sustainable funding has not proven forthcoming for women's centres, many of which have struggled badly during the pandemic. A report by Women's Budget Group and in collaboration with Women in Prison, Brighton Women's Centre, Anawim – Birmingham's Centre for Women, The Nelson Trust and Together Women found that substantial savings can be made by investing in Women's Centres. Further, the current model fails to address the root causes of women's offending, leading to a 'revolving door' of imprisonment at great financial cost¹⁰. It is estimated that £1.7bn is spent on issues linked to female offending, whilst in the long term £2.84 is saved for every £1 spent on women's centres.

• Do these offer a suitable alternative to custody?

Non-residential Women's Centres offer a suitable alternative to custody where family ties can be maintained and women can receive appropriate trauma-informed support, to help tackle the root causes of offending.

At this juncture, we must ask what is the purpose of custody? Is it a) to protect the public from dangerous people? b) to punish perpetrators of crime and provide deterrence? Or c) provide a space for rehab and education, thereby restoring the individual. It seems that

⁷ <https://howardleague.org/publications/arresting-the-entry-of-women-into-the-criminal-justice-system/>

⁸ <https://howardleague.org/publications/criminalisation-of-women/>

⁹ <https://nelsontrust.com/how-we-help/womens-community-services/>

¹⁰ <https://wbg.org.uk/analysis/the-case-for-sustainable-funding-for-womens-centres/>

residential women's centres can provide all three but crucially, there is the potential meet the aims of the former two while being more effective in the latter. However, more research is needed into the relative effectiveness of residential women's centres versus drug/alcohol rehabilitation treatment centres.

4. What has been done to ensure that the welfare of dependent children is taken into account when sentencing decisions are made?

Not enough has been done to ensure the welfare of dependent children is taken into account when sentencing decisions are made. I would point to the work of Dr Shona Minson who has repeatedly highlighted the negative experiences of children separated from their mothers, including in her recent publication "Maternal Sentencing and the rights of the child" (February 2021¹¹).

5. Since the publication of the Female Offender Strategy, what work has been done to improve conditions for those in custody?

During COVID-19, while a highly unusual and challenging time, there were concerns that the welfare of prisoners in custody was not prioritised. This was exemplified by extremely long periods of confinement in small cells, broken promises about releasing pregnant women and a continued refusal to prioritise vaccination for prisoners and prison staff.

7. How are women supported to maintain family ties in prison? What progress has been made on improving family ties since the Farmer Review? What effect has Covid-19 had on maintaining family ties for women in custody?

I broadly welcome the Farmer Report and its welcome focus on strengthening family ties, albeit including a note of caution that it is sensitively delivered so that those involved do not inadvertently work to deliver survivors back into abusive situations.

The impact of COVID-19 on family ties was devastating in some cases. While telephone and video conferencing were made viable to some prisoners, many children went without contact with their mothers. The early-release scheme was not successful in the first wave of the pandemic with only 300 prisoners (men and women) released in total. This was despite calls for the Government to fully involve the community in enabling low-risk prisoners to be released on licence to reduce overcrowding and the lessen the impact of COVID-19 on the whole prison system. In a debate in the House of Lords on the impact of COVID-19 on Prisoners and Rehabilitation¹², I stressed how women's centres, charities such as Children Heard and Seen and Birthrights, and faith groups were doing remarkable work in response to the pandemic.

Conducting research during the COVID-19 pandemic, Dr Minson¹³ also found that face to face visits were stopped in prisons in March 2020, and although some prisons reopened for restricted face to face visits over the summer months, several periods of national lockdown

¹¹ <https://shonaminson.com/>

¹² <https://hansard.parliament.uk/Lords/2020-04-23/debates/C4CE65CE-796D-4E65-BD4E-B0FA0FAFF863/details>

¹³ https://www.law.ox.ac.uk/sites/files/oxlaw/the_impact_of_covid-19_prison_lockdowns_on_children_with_a_parent_in_prison.pdf

effectively stopped visits for almost 12 months. Despite assurances from Government, the prison estate in England and Wales did not have video call facilities operational in all prisons until January 2021.

In response to my written question of 3rd December 2020, on the numbers of pregnant prisoners and numbers of prisoners who are mothers, the Government stated on 16th December:

“We recognise that maternal imprisonment can have particularly detrimental impact on family life, and that children whose mothers are in prison are a vulnerable group and may need additional help to address both the short and long-term impacts that maternal imprisonment can have.”¹⁴

However, despite this recognition of the damage to family ties of maternal imprisonment, there are still no records of the numbers of women who are mothers serving their sentences in custody.

8. What factors contribute to the high levels of self-harm in the female estate?

Pressures on those who work in prisons have been considerable, both during the COVID-19 pandemic and before. Staffing levels are reportedly insufficient and Prison Reform Trust and Howard League have repeatedly called for an end to overcrowded prison estate.

Overall in the female estate, the rate of self-harm has increased by 13% in the 12-month period to December 2020¹⁵. Mental distress caused by isolation cannot be understated in the female estate. In HMP Eastwood Park, in the Diocese of Gloucester, the rate of self-harm increased during the pandemic¹⁶. There were difficulties in recruiting “listeners” and there were a substantial number of calls to the Samaritans.

A 2020 study found that women in prison who frequently self-harmed disclosed high levels of trauma: past experiences of domestic violence (81.5%), childhood sexual abuse (66.7%) and adult sexual abuse (60.2%)¹⁷

• What is being done to address the high levels of self-harm in the female estate?

Throughout the COVID-19 pandemic, the vital work of prison chaplains has continued. They have supported mental and spiritual wellbeing and are an extremely valuable part of the criminal justice system.

¹⁴ <https://members.parliament.uk/member/4540/writtenquestions#expand-1258367>

¹⁵ <https://www.gov.uk/government/statistics/safety-in-custody-quarterly-update-to-december-2020/safety-in-custody-statistics-england-and-wales-deaths-in-prison-custody-to-march-2021-assaults-and-self-harm-to-december-2020>

¹⁶ <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2021/02/EWP-IMB-2019-20-Annual-Report-for-circulation.pdf>

¹⁷

https://research.tees.ac.uk/ws/files/16963722/Lessons_Learnt_from_the_Narratives_of_Women_who_Self_Harm_in_Prison.pdf

9. Does the custodial estate offer a trauma-informed environment for females? (a trauma informed environment, being that which is about putting experience, behaviours and needs first, and creating a safer, healing environment that aims to reduce and prevent trauma and retraumatising an individual)

I was shocked to read recent research by Glasgow University¹⁸ which found that almost 80% of women prisoners in Scotland have a history of significant head injury, sustained mostly through domestic abuse. This may be the case in the female estate in England and Wales. In which case, custodial sentences are not an appropriate response for these survivors of abuse nor an appropriate deterrent against future offending.

Almost 60% of women supervised in the community or in custody, who have an assessment, have experienced domestic abuse¹⁹; the true figure is likely to be much higher.

Therefore, this significant proportion of women in prison who are survivors of abuse and violence combined with the evidence of the desirability of desistance and community-based services (as opposed to cycles of short prison sentences) raises the need for future VAWG strategy to better join up developments in the criminal justice system.

10. What support is available to ensure that women are successfully resettled into the community upon release and reduce reoffending?

A great number of faith and civil society groups, including Community Chaplaincy, have a track record in working “through the gate” at a scale which allows for strong personal care, wrap around support and relationships. Many of these organisations felt the impact of the previous probation reforms, for example, being unable to compete in a market-place with the large scale providers. The new probation reforms should look to build a better mixed economy of “through the gate” and ex-offender services.

One Canadian research study of 60 high-risk offenders found significantly lower levels of recidivism among the participants in a particular community chaplaincy body than among those who did not participate. This included 70% less recidivism in sexual crimes, 57% less recidivism in violent crime, and 35% less recidivism of any kind. Another study found 83% less sexual recidivism, 73% less violent recidivism, and 71% less of any kind overall.²⁰

I have been closely involved with The Safe Homes for Women Leaving Prison report²¹, which last year found that nearly six out of ten women have nowhere safe to go when they leave prison. Without safe and secure homes, the chances of vulnerable women obtaining and keeping employment, reconnecting with their families or completing rehabilitation work is very unlikely. As has already been stated, women are often given short sentences for non-

¹⁸ [https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(21\)00082-1/fulltext](https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(21)00082-1/fulltext)

¹⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/457922/Better_Outcomes_for_Women_Offenders_September_2015.pdf

²⁰ Kelly Richards and Philip Whitehead, ‘The Journey of the Role of Religious Faith in Corrections: the case of Circles of Support and Accountability’ in International Journal of Community Chaplaincy (2013).

²¹

<http://www.prisonreformtrust.org.uk/Portals/0/Safe%20Homes%20Initiative%20briefing%20FINALUPDATE.pdf>

violent offences. When released from prison, women are seldom visible as rough sleepers on the streets, instead returning to violent or coercive partners, ‘sofa-surfing’ or exchanging sex for a bed for the night. In many cases, is not long before they reoffend and return to prison. In January 2021, the Government announced £70 million investment in accommodation and wider support for prison leavers to reduce homelessness and risk of reoffending²². However, more work has to be done to recognise the distinct gendered aspects of this issue. I would continue to call for cross-government strategy to address the housing needs of women in the criminal justice system.

The recent announcement by the Lord Chancellor that the discharge grant should be increased from £46 to £76 is very welcome²³.

²² <https://www.gov.uk/government/news/70-million-to-keep-prison-leavers-off-the-streets-and-cut-crime>

²³ <https://www.nacro.org.uk/news/nacro-news/robert-bucklands-announcement-of-discharge-grant-increase-at-our-reducing-reoffending-event/>