

Written evidence from Dr Jo Turner and Dr Arta Jalili-Idrissi, Department of Criminology, Policing and Forensic Science/Centre for Crime, Justice and Security, Staffordshire University

Executive summary

Despite more than seven million pounds of investment by the Ministry of Justice (MoJ) in specialist women's services in the community since publication of the Female Offender Strategy in 2018, and the subsequent Farmer Review for Women in 2019, courts still can and do decide to incarcerate vulnerable women, women who are primary caregivers and pregnant women for non-violent offences when the woman presents no risk to the public and when there are robust and more successful alternative community sanctions available. More can and should be done to reduce the number of women in custody, especially as there is an expectation the number of women coming before the courts will increase in coming years. Farmer claimed that 'relationships are women's most prevalent 'criminogenic need'', thus there should be no women who are primary caregivers or pregnant women in prison. Sentencers should always request a pre-sentence report (PSR) when sentencing a woman and custodial sentences can and should always be suspended, unless immediate custody is the *only* appropriate sanction and then sentencers should have the option of committing a woman to one of the promised Women's Residential Centres. As there are many fewer female than male offenders, a little investment can go a long way. We therefore strongly encourage a continued investment in women's services and training of sentencers to continue to reduce the numbers of women in prison.

Full response:

Section 1: Reducing the number of women in custody.

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

Since the publication of the Female Offender Strategy in 2018, and the subsequent Farmer Review for Women in (2019), the MoJ has made significant progress in several areas, investing over seven million pounds in specialist women's services in the community, providing specialist training for frontline staff working with women, and ultimately reducing the women's custodial population. However, vulnerable women, those who are primary caregivers and pregnant women continue to be incarcerated. In addition, women from BAME communities are still disproportionately more likely to receive custodial and longer sentences than their white counterparts.

What more can be done? *Whilst the MoJ efforts have undoubtedly reduced the number of women sentenced to custody, they have not been as successful as first promised and have not reduced the numbers of women in prison as much as they could have. Thus, **we suggest** those efforts need to be redoubled backed by more financial investment for community measures and training of sentencers to accelerate the advances made and meet the expected increase in female offenders coming before the courts.*

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

Sentencers should always request a PSR when considering the sentencing of women who are in any way vulnerable, are primary caregivers, and always when a woman is pregnant. This

is in accordance with the Sentencing Council's General Guidelines: Overarching Principles (2019).

- a) Do community sentences currently offer a credible alternative to custody? (If no, why not?) *Yes, they do. Robust community sentences that deliver meaningful punishment can be coupled with a programme of rehabilitation, where women are offered holistic support to address the complex social problems which put them at risk of offending. Research shows that community sentences are now outperforming short prison sentences and are more effective in reducing reoffending.*
- b) What more could be done? ***We suggest** a PSR should be requested whenever a sentencing decision needs to be made for any woman. In addition, no sentencing decision should be made until the PSR has been carefully considered. Any custodial sentence of less than 24 months should be suspended, and **we suggest** sentencers should be encouraged to suspend any custodial sentence in every case they can and impose probation suggestions contained in the PSR as conditions of the suspended sentence. **We suggest** that no pregnant women should be in prison.*
3. What progress has been made on the development of Residential Women's Centres?
Despite plans contained in the Female Offenders' Strategy to develop a pilot for at least five residential women's centres across England and Wales, the first one (the pilot) is yet to be built (expected by the end of 2021, although, due to the Covid-19 pandemic, this timeline might be delayed).
- a) Do these offer a suitable alternative to custody? *We expect that these Centres, when built, could be an eminently suitable alternative to custody for women provided that they embody a holistic woman-centred approach that works towards addressing women's complex needs. If not funded appropriately, so that they are well resourced and provide the specialist services promised, these centres run the risk of merely replacing for women incarceration in the existing prison estate with incarceration in quasi prisons. In addition, there is a fear that with only five Centres planned, women will be held even further away from their children and families as they currently are in the few existing prisons for women. Better still is to deal with women offenders in the community through community punishments, rather than detaining them in either a Residential Women's Centre or a prison. However, if custody is the only option for sentencers, then the Centres would be a better option than a prison.*
4. What has been done to ensure that the welfare of dependent children is taken into account when sentencing decisions are made?

*The Judicial College briefing paper Safeguarding Children when Sentencing Mothers includes a checklist for sentencers and probation staff to refer to when sentencing primary caregivers, covering questions on sentencing women with children and those who are pregnant. **We suggest** that sentencers and probation staff are not always aware of this checklist and so need to be made aware and encouraged to use it. There could be more training of sentencers in the specific considerations that need to be made when sentencing women. A requirement could also be imposed on sentencers to explicitly state that they have made reference to the checklist. The Magistrates' Association is best placed to provide this training for magistrates.*