

## Written evidence from Changing Lives

### 1. Introduction

- 1.1. Changing Lives welcomes the opportunity to submit evidence to the Justice Committee's Call for Evidence on Women in Prison
- 1.2. Changing Lives is a national charity, helping over 14,000 people change their lives for the better each year. We have around 100 projects in England, supporting people in the most challenging of circumstances including homelessness, addictions, contact with the criminal justice system, sexual exploitation, domestic abuse, long-term unemployment and more.
- 1.3. This evidence submission is based primarily on our experience of working with women in the criminal justice system. Changing Lives has delivered services to women in the criminal justice system, both in and out of prison, for a number of years and were one of the first charities to be commissioned by the Ministry of Justice following the Corston Report 2007 to work with women 15 years ago. Our current services include:
  - 1.3.1. Enhanced Through the Gate support to women on remand or serving custodial sentences in HMP Low Newton and HMP New Hall.
  - 1.3.2. Holistic support for women serving orders or licences in the community in Northumbria, West Midlands, South Yorkshire, and East Midlands
  - 1.3.3. CFO3 contracts in the North East, East Midlands, and Yorkshire and the Humber, offering employability support to women in custody or on licence within the community who have difficulty accessing mainstream services.
  - 1.3.4. Out of Court Disposal programmes in Northumbria, West Midlands and Nottinghamshire, offering support to women in receipt of conditional cautions and other out of court disposals.
  - 1.3.5. Community Hubs and Women's Centres in Doncaster and York, offering trauma-informed, female-only environments where women can access a range of services under one roof.
- 1.4. Changing Lives has recently been awarded contracts on the Ministry of Justice's Dynamic Framework to deliver specialist women's services across Northumbria, Cleveland, South Yorkshire, West Midlands, Warwickshire, Leicestershire and Staffordshire.
- 1.5. Our key messages:
  - 1.5.1. Not enough is being done to reduce the number of women in prison but we see the **unification of probation services** and the **increased use of specialist services through the Dynamic Framework** as providing an opportunity to improve judicial confidence in community disposals, as well as to improve the disposals themselves.
  - 1.5.2. Custody continues to be used inappropriately both as a **place of safety** for women and for women with **dependent children** who could be safely managed in the community.

- 1.5.3. There are multiple opportunities to **divert women** from a path which often leads to custody, but funding for such schemes is inconsistent and women face a postcode lottery of support.
- 1.5.4. Community sentences could be made more effective through **meaningful requirements and meaningful relationships**.
- 1.5.5. **Continuity of care** between prison and the community is vital to effective resettlement, particularly during the first few days post-release, yet this process is often overly demanding for women without appropriate support.
- 1.5.6. Accommodation is often either not provided in a timely manner and/or is not conducive to effective resettlement. We propose an **alternative housing-led model**.

## **2. Reducing the number of women in custody**

- 2.1. Whilst the number of women in custody has reduced during the pandemic, we see no indication that this reduction will be sustained once functioning returns to pre-pandemic levels in areas such as the courts and the Crown Prosecution Service.
- 2.2. Indeed we are concerned about the 500 additional prison places that have been promised, which runs counter to the ambitions of reducing the number of women in custody, and strongly urge the government to reverse this decision.
- 2.3. Whilst an additional 20,000 police officers may result in more women being liable to prosecution, it does not need to follow that more will end up in custody if more is done to promote and improve alternatives to custody.

## **3. Inappropriate uses of custody for women**

- 3.1. Prison is still being treated as a place of safety for women. Staff have told us about women who were given custodial sentences then sectioned on the day of release. It is completely unacceptable that someone with a level of mental distress such that they need to be sectioned should ever have been put in prison, yet alone expected to serve their full sentence there.
- 3.2. We still do not know how many women go into prison with dependent children, despite knowing that sending a child's mother to prison can have a hugely negative impact on the child and therefore this should be avoided wherever possible. We strongly advocate for the following:
  - 3.2.1. As part of the pre-sentence report, women should always be asked if they have any dependent children.
  - 3.2.2. This information should be used in sentencing decisions to avoid custody where possible, particularly if there are dependent children.
  - 3.2.3. If a woman receives a custodial sentence, information about dependent children should be recorded and appropriate information sharing agreements should be established to ensure that any dependent children are safe and to facilitate efforts to maintain those family links whilst the woman is in custody.
  - 3.2.4. Data on the number of dependent children with a parent in prison should be available to key policy leads and decision makers.

- 3.3. We do however note that women are often scared about disclosing that they have children because they are worried that they will be taken into the care system. In our experience, women will often have made arrangements with a friend to look after the children should they receive a custodial sentence. There is often an assumption that, where possible, the best place for children is with their grandparents but this can be a flawed assumption, bearing in mind that some women tell us that the reason that they ended up in prison was closely associated with their upbringing by said grandparents.

#### **4. Out of court disposals and diversion schemes**

- 4.1. In order to reduce the number of women in custody, we strongly advocate for an increased and more consistent use of out of court disposals (OOCs) and diversion schemes where women are able to address their offending behaviour in the community and ideally in safe, trauma-informed, gender-specific spaces.
- 4.2. For many women, an OOC or diversion scheme may directly avert a custodial sentence, whilst for others it diverts them from the revolving door that starts with a fine or a community sentence but often ends up in custody.
- 4.3. Whilst all police forces make use of OOCs, not all forces have access to diversion schemes or services that will support women who have received OOCs. OOCs and diversion schemes work best when there is something for women to be 'diverted to', yet there is currently a postcode lottery with regard to both police diversionary practices and the level of support available to women, meaning women are not being given fair access to justice across the country.
- 4.4. Support alongside OOCs such as conditional cautions is important in order for the conditions to be meaningful and to increase compliance. We have seen a number of significant benefits to this way of working:
  - 4.4.1. It provides opportunities to holistically address the underlying causes of offending, particularly when offending is associated with unmet support needs.
  - 4.4.2. Support workers have the ability to build strong, trusted relationships which is key to not just desistance from crime but to building towards a flourishing life.
  - 4.4.3. We have seen many women voluntarily engaging with support well beyond the mandatory period required by the OOC.
  - 4.4.4. Effective support can produce cost savings down the line, including but not limited to court costs, probation costs and the costs of future crimes.
- 4.5. Where such schemes do exist, funding is precarious and is heavily subsidised by the voluntary and community sector where there are existing services.
- 4.6. Police and Crime Commissioners (PCCs) can play a key role in funding services that divert women from prison but they face many competing funding priorities, with the current push from government being to get more police officers on the streets. Whilst some PCCs have chosen to invest in early intervention and diversionary work for women, others have very limited commissioning and grant-making budgets, with most funding going direct to policing.

- 4.6.1. For example, Changing Lives receive funding to deliver support to women in receipt of conditional cautions in Northumbria. This was originally funded through the Home Office Violence Against Women and Girls fund, but once this ended funding was halved and had to be moved to the Violence Reduction Unit. As Changing Lives deliver other women's services in the area we have been able to access resources from these services to continue to provide a viable and meaningful service for women receiving conditional cautions, but the funding instability makes it difficult to recruit and retain staff.
- 4.7. As long as there is no funding ring-fenced for diversion work or a push from government to prioritise this, it is very much a postcode lottery and dependent on individual PCC's interests.
- 4.8. We support a national rollout of a more consistent OOCDF framework, and urge that this also includes consistent wraparound support to encourage compliance, long-lasting behavioural change and reductions in the number of women going to court and ultimately prison.

### **Case Study**

Alice (name changed for anonymity) was given a conditional caution following a domestic dispute. In conversation with her support worker, it transpired that she was in a verbally and sexually abusive relationship, although she did not recognise it as such, and was using drugs and alcohol to cope. From the onset she engaged fully with Changing Lives and was able to identify the characteristics of a harmful relationship, and the effects on her and her children. Her support worker was able to build trust with Alice, assisting her to engage with other services for domestic abuse support, addiction support, and talking therapy. She also helped her submit a PIP claim which allowed her some financial independence and she is gradually making the move to independent living thanks to all the support systems in place. Alice admits that the offence was a cry for help, as she knew she needed support but was too fearful to access it on her own. There are many women like Alice who pass through the criminal justice process and need assistance to engage with supportive connective services.

## **5. Pre-sentence support**

- 5.1. Often when a woman is charged she must wait until she receives a sentence to begin receiving any support. This has always been a concern, but is exacerbated with the recent court backlogs caused by the pandemic.
- 5.2. Another opportunity to reduce the number of women in custody is to offer women support while they await trial and/or sentencing.
- 5.3. This is not a new idea. Changing Lives previously received funding from the Ministry of Justice back in 2009 to deliver support to women from the point of arrest, with the intention of reducing the number of women receiving custodial sentences.
- 5.4. Judges and Magistrates were able to make sentencing decisions not based on hypotheticals, but on being able to see how well women were engaging with support in the community and the progress they were already making. This increased judicial confidence in community sentences.

- 5.5. Unfortunately funding for these services was reduced and eventually ceased. We would advocate for a return to funding schemes such as this.

## 6. Pre-sentence reports

- 6.1. We welcome the renewed focus on Pre-Sentence Reports (PSRs) outlined in the White Paper on sentencing and the pilot to increase the quality of PSRs.
- 6.2. Probation staff used to have much more contact with Magistrates than they do now, with the system becoming very bureaucratic and focused more on timeliness targets than quality assessments. This disconnect was further exacerbated by the fact that most community sentences were delivered by Community Rehabilitation Companies, yet only the National Probation Service were present in court. We hope that the reunification of probation services will remedy this problem.
- 6.3. PSRs are crucial to addressing the bias against women in the criminal justice system. Women are seen as doubly deviant because not only have they committed a crime but they are not acting in a way that society expects from their gender. This is particularly true for mothers - indeed we would argue that **there is no one more stigmatised than a mother in the criminal justice system.**

## 7. Non-supportive sentences

- 7.1. A clear gap in current support is for women who receive a fine or discharge at court. If they receive a community sentence they would receive support from probation, or if they received an O OCD in some areas they would receive support from PCC or police-funded services, but it is rare for support to be offered to women who received non-supportive sentences at court.
- 7.2. This is a missed opportunity and, for many women, being offered support at this stage could be a crucial factor in preventing them from entering the cycle of increasing punitive sentences, often resulting in custody.

## 8. Recall

- 8.1. Another area where women could be prevented from entering custody is recall when they are in the community on licence. Our staff have reported multiple cases of women being recalled to prison where it was felt that steps could have been taken to avoid it.
- 8.2. Staff have noted a trend during the pandemic of responsible officers recording breaches and recalling women because they did not know where women were. For many women, a telephone appointment might be missed because they had lost their phone and obviously could not then contact their responsible officer to give the reason, yet they would still be recalled.
- 8.3. It is concerning that a common response to women missing appointments is to recall them rather than treating the missed appointment as a trigger for checking on the woman's welfare. Responsible officer's caseloads are often too large for them to be able to do this themselves and in some cases they were able to ask Changing Lives staff to check on the women.
- 8.4. Staff also reported a case in one area where we deliver women's services where a woman was recalled because she was homeless, despite the fact that she posed no additional risk to

the community. It is our view that prison should never be used as an alternative to finding appropriate housing.

## 9. Community sentences

- 9.1. There is much evidence already out there which shows that community sentences can be more effective than custody at reducing reoffending, as well as being a better option for women with dependent children.
- 9.2. We welcomed the efforts of previous Justice Secretaries such as David Gauke to push for the greater use of community sentences and to undo the damage in judicial confidence in community sentences caused by Transforming Rehabilitation. However it seems like the push from the Ministry of Justice has reduced substantially.
- 9.3. In the following sections we set out the two main ways that we believe community sentences could be made more effective – meaningful requirements and meaningful relationships.

## 10. Community sentences – meaningful requirements

- 10.1. In our experience working with women in the criminal justice system, if sentencers do not send women to custody then the default is to put extremely onerous conditions onto a community sentence without sufficient understanding of how this will impact women or whether it is likely to actually address the reasons for their offending.
- 10.2. We are concerned about the Government's intention to make community sentences more onerous. Whilst we acknowledge the need for a level of punitive measures within sentences, such punitive measures can often work counter to the aims of supporting women to desist from crime.
- 10.3. Many women supported by Changing Lives experience multiple disadvantage, vulnerabilities and lack of stability in their lives. Community sentences do not exist in a vacuum but must be delivered alongside the other demands of a woman's life. When COVID-19 hit and many services moved to online and telephone support, a number of women said that it was such a relief because previously they were having to jump through so many hoops – caring for family, methadone appointments, probation appointments, unpaid work requirements, drug and alcohol appointments etc. None of these things are bad in and of themselves, but the burden of everything combined is often too much. The question that needs to be asked is: **Who does this meet the needs of? Is it about services ticking a box or meaningful interventions for women?**

## 11. Community sentences – meaningful relationships

- 11.1. Another key factor in effective community sentences is for women to be able to form meaningful trusted relationships, whether this is with their responsible officer or another support worker. It is our experience that whilst most probation staff are highly skilled to do this, few have the capacity with their existing caseloads.
- 11.2. When services moved to telephone and online support during the pandemic, women told our staff that this was the very first time that their Probation Officer had rung up and asked how they were doing and if they needed a food parcel. This was so meaningful for them and really changed how they felt about the relationship. **You can send someone to all the**

**appointments in the world, but without a meaningful relationship you will not impact on offending.**

## **12. Specialist services**

- 12.1. For these reasons, we welcome the fact that support for women serving community orders or licence periods in the community will be provided by specialist organisations through the Dynamic Framework, who have the skills and knowledge to build these meaningful relationships and to identify which interventions would be most meaningful for women. We are hopeful that there will be more opportunity for innovation under the new contracts, where in the past this has been stifled.
- 12.2. We also believe that support from specialist services for women once they have completed an order or licence period is a crucial part of reducing reoffending and thereby reducing the number of women in prison. Our staff have reported that, for several women, the period of lockdown caused by COVID-19 has given them time to reflect and they are now engaging far better than ever before, where previously they were in and out of custody. However, many of these women are also reaching the end of their orders, yet are likely to require ongoing support to maintain the positive progress that they have made. We would urge the Government to prioritise support for women who wish to continue engaging with specialist women's services on a voluntary basis once their period of mandatory engagement has ended.

## **13. Continuity of care for resettlement into the community**

- 13.1. Continuity of care between prison and the community is vital to effective resettlement and we have seen both good and bad practice in this area.
- 13.2. Prisons often provide great services, but the progress that the women have made in custody is lost if the transition to community-based services is not managed well. For example, it is very hard to access mental health treatment in the community with long waiting lists.
- 13.3. We have seen good practice when women are able to meet people that they will work with in the community prior to release. This is done in some areas through Enhanced Through the Gate contracts. For example, Durham Tees Valley CRC commissioned Changing Lives to work with women prior to release and up to 3 months post release. In other areas it is not the same person all the way through, but a support worker who has worked with the women in prison will be with them on the day of release and facilitate handover to a community-based support worker.
- 13.4. This continuity of care is not provided across the board, and cannot be provided when women are in a prison far away from their home.

## **14. Support on day of release**

- 14.1. The first few days following release from custody can be make or break for effective resettlement.
- 14.2. The day of release can be a particularly stressful time, with women expected to attend multiple appointments which can often be spread across a town or city. Having a support worker to help women navigate the first few days, and particularly the day of release, can make a massive difference.

- 14.3. Being given a phone on the day of release during the COVID-19 pandemic has been ground-breaking for many women. Not only have many of the day of release appointments been moved to telephone calls, thereby reducing travel and meaning women can engage from a safe environment for them, but it makes it easier for women to reach out for help if they need it.

## **15. Housing**

- 15.1. Many women will not have confirmed accommodation on the day of release which creates further stress. It is very difficult to plan in advance when most supported accommodation providers are unable to hold beds. Changing Lives used to have a small pot of money which could be used to hold a bed for women coming out of prison but the funding for this ended.
- 15.2. Large scale hostel-style supported accommodation is often not suitable for women leaving prison, yet is commonly used as the default option. Although these services are clearly much better than sleeping on the streets, we find that women can become 'stuck' in the system for years in an environment that is not conducive to substance misuse recovery or desistance from crime, or they find the environment so challenging that homelessness feels like a better option.
- 15.3. We believe that people should be given their own home, not just a room in a hostel. Often people with experience of multiple disadvantage are assessed as not being ready for housing and they have to jump through multiple hoops before they can get there, but in our experience giving someone their own front door and the support to manage a tenancy can be highly effective and provides women with a secure base from which they can address other needs such as substance misuse or mental health.
- 15.4. We recommend a housing-led, dispersed accommodation model for women leaving prison where they are given either regular homes in the community or self-contained flats in a supportive, trauma-informed environment.
- 15.5. Changing Lives is pioneering this model in the North East of England and evaluation of this model is already demonstrating success: timeframes for people moving towards increasingly independent living have reduced by an average of 66% and positive move-ons have increased from 51% to 70%.