

Written evidence from Prison Reform Trust

The Prison Reform Trust (PRT) is an independent UK charity working to create a just, humane and effective penal system. The Prison Reform Trust provides the secretariat to the All Party Parliamentary Penal Affairs Group and has an advice and information service for people in prison. For more information on our work on women see

<http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Women>

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?

The publication of the Female Offender Strategy ('the strategy') in 2018 marked a welcome change in policy direction on women's justice reform. But with no sustainable funding and no clear timetable to drive the strategy forward, progress has been slow. PRT's analysis shows the government has fully implemented only 31 of 65 commitments made in the strategy.¹ A second major re-organisation of probation delivery, and the consequences of the pandemic – including its economic impact and consequent interruption to the normal round of long-term spending decisions – bear some responsibility for the delay. But it is frustrating that long term planning and funding for prison capacity has survived that process, while a similar (albeit much less costly) commitment to investing in the strategy has not. The government's decision to build 500 new places in the women's estate marks a failure of a key aim of the strategy to reduce women's prison places. The latest projections predict that the women's prison population will rise to 4,500 by September 2026.²

• What more can be done?

Paradoxically, because of the pandemic the opportunity now exists to take advantage of a wholly unanticipated but dramatic reduction in the number of women in prison – to prevent the re-inflation of the women's prison population rather than having to drive it down. The government's policy of pairing more severe penalties for violent and sexual crime with a commitment to community alternatives for less serious offending should have a natural testing ground where women are concerned, whose offending remains dominated by non-violent crime. In addition, the recognition that so many women are victims of domestic abuse and other forms of coercion now drives the government's broader policy, and wholly supports the strategy's approach in relation to women at risk of imprisonment.

¹ Prison Reform Trust (2021) [PRT Female Offender Strategy matrix](#)

² Ministry of Justice (2020) [Prison Population Projections 2020 to 2026, England and Wales](#), London: MoJ

In relation to women, there is evidence to show that the whole system approach (WSA) the strategy describes delivers results. In December 2020, PRT published an analysis of local area court data on women's imprisonment rates.³ In Greater Manchester, an area with an embedded multi-agency strategy to address the causes of women's offending, the number of immediate prison sentences given to women has reduced by 44% since 2014, compared to the national reduction of 21%. The number of immediate prison sentences of less than 12 months given to women has reduced by 56% since 2014, compared to the national reduction of 24%.⁴

In our view, the circumstances are propitious for a rapid acceleration in the strategy's implementation. We would suggest the main obstacles to achieving that acceleration are:

- Securing and retaining the commitment of other departments in the face of competing policy and resourcing priorities
- Securing and retaining the commitment of statutory agencies facing the same pressures in the local areas with the highest rates of imprisonment of women
- Resourcing the voluntary sector organisations that are key to delivery in a sustainable way and in all high imprisonment areas.

The government believes the 500 additional prison places are an inevitable consequence of recruiting additional police staff.⁵ We dispute that assessment. Better training, and the single needs assessment for vulnerable women in contact with police promised in the strategy are just two reforms that should affect how police time is used. The vulnerability and adults at risk policy statement and equality impact assessment has been issued⁶, but there is little information on implementation.

The strategy has made the evidenced case for change, and the government has cleared a political path for its implementation. A more disciplined and determined approach to implementation, including modest but sustainable investment, is needed to push beyond it.

2. What has been done to reduce the number of women serving short prison sentences? Do community sentences currently offer a credible alternative to custody? (If no, why not?)

Community sentences already offer credible, flexible alternatives to custody. Unlike imprisonment, they allow women to maintain family ties, keep jobs, maintain care for children and better deal with the multiple and complex needs which often surround women's offending. The Ministry of Justice's own evidence shows that reconviction

³ See <http://www.prisonreformtrust.org.uk/PressPolicy/News/vw/1/ItemID/956>

⁴ Ministry of Justice (2020) Court Outcomes by Police Force Area Data Tool, Criminal Justice System statistics quarterly: December 2019, London: MoJ

⁵ House of Lords written question [HL13456](https://www.parliament.uk/business/committees/committees-in-briefing/2021-22/written-questions/2021-03-08/HL13456), 8 March 2021

⁶ See <https://maps.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/policies/strategy--governance--vulnerability-policy-statement-and-equality-impact-assessment>

rates for prolific offenders are lower when agencies persist with the use of community sentences rather than resorting to custody – and the positive impact is even more marked for people with mental ill-health.⁷

Women however, continue to be sent to prison overwhelmingly for non-violent offences for short periods. In 2020 58% of custodial sentences given to women were for less than six months.⁸ PRT's analysis of local area court data revealed a 21% reduction in the number of immediate prison sentences for women between 2014 and 2019.⁹ However, this is not evenly spread between local areas. Between 2018 and 2019, the number of immediate prison sentences for women increased in 13 of the 42 police force areas.¹⁰ The issue is not statutory framework for community penalties, but their availability and resourcing.

What more could be done?

- Making best practice standard practice. We refer the Committee to our answer to question one on how to support the take up of WSA in other areas.
- Successive reorganisations of probation may have undermined judicial confidence in the delivery of community orders, despite evidence that they are more effective than short sentences at reducing reoffending. To restore confidence, it will be vital that the latest probation reorganisation makes provision of dedicated services for women a priority.
- The current review of pre-sentence reports (PSRs) must produce a step change in the provision of detailed, properly researched reports that draw on the information available to multiple agencies. Oral reports prepared hurriedly on the day a woman appears in court rarely give magistrates what they need to make the best decision. We welcome efforts to encourage take up of underused requirements through the Community Sentence Treatment Requirement (CSTR) pilots and believe these should be further extended with the ambition of achieving full national roll out.
- Provisions in the Police Crime Sentencing and Courts (PCSC) Bill to enable piloting of Problem-Solving Courts are welcome and have the potential to better meet the needs of women offenders, providing these receive long-term funding.
- The Offender Rehabilitation Act 2014 imposed lengthy and disproportionate supervision periods on people serving short sentences which disproportionately affect women.¹¹ The Act was implemented in 2014 and since then the number of women recalled more than doubled. We recommend that these provisions are reviewed to prevent the unnecessary recall of women to custody.
- The government should end the use of remand to prison for a woman's 'own protection' by abolishing the power outlined in the 1976 Bail Act.¹²

⁷ Hillier & Mews (2018) [Do offender characteristics affect the impact of short custodial sentences and court orders on reoffending?](#)

⁸ Table A2.7, Ministry of Justice (2021) Offender management statistics quarterly, Prison receptions 2020, London: MoJ

⁹ Ministry of Justice (2020) Court Outcomes by Police Force Area Data Tool, Criminal Justice System statistics quarterly: December 2019, London: MoJ

¹⁰ Ibid.

¹¹ Prison Reform Trust (2018) [Broken Trust: The rising numbers of women recalled to prison](#)

¹² APPG Women in the Penal System (2020) [Prison for their own protection: The case for repeal](#)

3. What progress has been made on the development of Residential Women’s Centres (RWCs)? Do these offer a suitable alternative to custody?

It is unclear how an RWC will be different from a prison, or how it will avoid replicating the harms associated with the use of short-term imprisonment, including separation from children and families and the loss of housing and employment. We are unsure why the government has chosen to invest in an unproven and untested RWC model when an effective alternative to imprisonment for women already exists in the network of women’s community support services, which currently lack long term sustainable funding.

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

The Joint Committee on Human Rights has recommended judges make reasonable inquiries to establish whether someone is the primary carer of a child, and if so, that sentencing is delayed until a PSR is available.¹³ While primary care responsibilities are included as a mitigating factor in sentencing guidelines, that intervention comes too late in the process.

PRT supports the use of a Child Impact Assessment (CIA) as part of the PSR process to increase sentencers’ awareness of the impact of a prison sentence on children and encourage alternatives to custody.¹⁴ CIAs have long been called for but not yet implemented. CIAs focus on children in their own right, ensuring their views are heard and decisions take account of their needs.¹⁵

PRT also supports the inclusion of NC26 in the PCSC Bill requiring routine data collection on parents and pregnant people who receive custodial sentences.¹⁶

Women in Custody

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

PRT analysis of commitments in the strategy shows only half of the commitments in the ‘better custody’ section are fully implemented.¹⁷ Those which have been met are

¹³ Joint Committee on Human Rights (2019) [The right to family life: children whose mothers are in prison](#)

¹⁴ See <http://www.prisonreformtrust.org.uk/WhatWeDo/Projectsresearch/Women/News/vw/1/ItemID/785>

¹⁵ Robertson (2012) *Collateral Convicts: Children of incarcerated parents. Recommendations and Good Practice from the UN Committee on the Rights of the Child Day of General Discussion 2011*. Geneva: Quaker United Nations Office

¹⁶ See https://publications.parliament.uk/pa/bills/cbill/58-01/0268/amend/police_rm_pbc_0429.pdf

¹⁷ Prison Reform Trust (2021) [PRT Female Offender Strategy matrix](#)

largely through publication of guidance or instructions, and there is little or no information or mechanisms to establish whether it is having the desired impact.

As evidenced by inspectorate reports much of the fabric of the women's estate is not fit for purpose.¹⁸ The recent report of East Sutton Park notes that 'rooms that had been shared by up to six women before the pandemic had only waist-high partitions between the bed spaces'.¹⁹ The government has said that part of the justification for the additional 500 women's places is to improve treatment and conditions, but it has not committed to any decommissioning of existing places.

6. Does the female prison estate take a Whole System Approach (that considers all of the offenders needs) to those in their care?

A WSA usually refers to multi-agency, community-based, local approaches. It is not something we have previously heard referred to the women's prison estate as such. We would not recommend applying the term in this manner, as there is a danger of seeing prisons as a gateway to services to meet women's needs, when a custodial sentence should only be ever imposed as a last resort.

- **What does [a Whole System Approach] look like in practice? Are there any barriers in achieving a Whole System Approach to female offending?**

All WSAs face challenges in ensuring consistent leadership and funding for the community-based services that have been found to be critical to improving outcomes for women. These challenges will be greater as a result of financial strain caused by the Covid-19 pandemic. Continued scrutiny must be given to ensuring sufficient resource and attention is given to implementing the cross-departmental 'National Concordat'.²⁰ The document was published earlier this year, more than two years after it was originally promised and alongside the contradictory announcement of new women's prison places. No funding resources or targets were attached to the implementation of cross departmental working to establish more WSAs, and the document commits only to a 'one-year on' review.

7. How are women supported to maintain family ties in prison?

Women in prison are far more likely than men to be primary carers of children²¹, but this information is still not routinely recorded by criminal justice agencies when women enter custody. The impact on mothers of being imprisoned is significant, increasing the levels of distress and exacerbating any existing ill-health.²² Regular contact between imprisoned mothers and their children increases positive outcomes

¹⁸ HM Chief Inspector of Prisons (2020) [Report on an unannounced inspection of HMP/UOI Drake Hall](#); HM Chief Inspector of Prisons (2019) [Report on an unannounced inspection of HMP Eastwood Park](#),

¹⁹ HM Chief Inspector of Prisons (2021) [Report on a scrutiny visit to HMP/YOI East Sutton Park](#), p.11

²⁰ Ministry of Justice (2021) [Concordat on women in or at risk of contact with the Criminal Justice System](#)

²¹ Niven and Stewart (2005) Resettlement outcomes on release from prison. Home Office Findings 248

²² Arditti, Grzywacz and Gallimore (2013) 'A Demedicalized View of Maternal Distress: Conceptualization and Instrument Development', *Psychological Services*, 10(4)

for children, yet around 50% of mothers do not receive visits from their children during their sentence.²³ One in five women are held more than 100 miles away from home²⁴, making visiting difficult and often unaffordable.²⁵

Whilst the Assisted Prison Visits scheme provides financial support for up to two visits per month, families are not routinely made aware of this, and online access to this support is reported to be difficult.²⁶ PRT's 'What about me?' report on the impact of maternal imprisonment on children found the lack of privacy and the visiting rules (e.g. restrictions on physical contact and time limits) constrain children's interaction with their mother during a visit; women on remand and serving short sentences may be less likely to be considered for enhanced child-centred visits; the demand for Family Day visits far outweighs availability; prisons rarely have age-appropriate activities for older children and teenagers; and the cost of phone calls from prison is prohibitively high, particularly to mobile phones. Initiatives such as PACT's 'Visiting Mum' programme are excellent²⁷; lack of funding means such support is limited.

Ultimately, the solution lies in far fewer women being needlessly sent to prison, and for those that are in prison a much more generous access to release on temporary licence.

- **What progress has been made on improving family ties since the Farmer Review?**

Implementation has been slow. Only 12 recommendations have been fully implemented.²⁸ A detailed update on progress was due in September 2020 but is yet to be published.

- **What effect has Covid-19 had on maintaining family ties for women in custody?**

The impact of Covid has been extreme. The mitigating measures, such as additional phone credit and video calls, have been welcomed but cannot substitute for physical contact.²⁹

Social visits were suspended in March 2020, and after some patchy temporary reintroduction between lockdowns are only now being restarted across the estate. Social distancing in these visits is now not in line with the wider community. For instance, the government has recently announced that physical contact will be

²³ Cabinet Office Social Exclusion Unit (2002) Reducing re-offending by ex-prisoners, London: Office of the Deputy Prime Minister

²⁴ Cabinet Office Social Exclusion Task Force (2009) Short Study on Women Offenders, London: MoJ

²⁵ Prison Reform Trust (2018) [What about me? The impact on children when mothers are involved in the criminal justice system](#)

²⁶ Lloyd and Mulryne (2018) "Getting help with the cost of prison visits." Presentation from the Assisted Prison Visits Unit for the National Prison Visitor Centre Steering Group Annual Conference 2018, Scottish Prison Service College, Polmont

²⁷ For more information, see

<https://www.prisonadvice.org.uk/Handlers/Download.ashx?IDMF=5d156362-c7c3-44fc-8273-9fd139f63798>

²⁸ Ministry of Justice (2021) The Female Offenders Programme progress report Jan 21-March 21, provided to The Advisory Board on Female Offenders

²⁹ Prison Reform Trust (2020) [Covid-19 Action Prisons Project: Tracking Innovation, Valuing Experience – How prisons are responding to Covid-19](#)

permissible between a parent in prison and a child up to the age of 11.³⁰ This policy will cause significant distress to families and puts prison staff in a near impossible position of policing physical affection between parents and children. One possible route out of physical distancing measures in prisons would be universal vaccination of prisoners and staff. SAGE indicated in its minutes that it was going to write to the JCVI urging the consideration of updated evidence on this matter.³¹ A response from the JCVI has not been forthcoming, and the Lord Chancellor has conspicuously failed to press for the updated SAGE advice to be considered.

Release on Temporary Licence (ROTL) performs a vital role for the maintenance of family ties. The cessation of ROTL during the pandemic has disproportionately impacted women and their children. From October to December 2019, 451 childcare resettlement licences were issued to women, compared to 34 men.³² These have ceased during the pandemic.

- **What support is available for mothers to maintain contact with dependent children?**

We would refer to our answers for question 7.

- 8. What factors contribute to the high levels of self-harm in the female estate? What is being done to address the high levels of self-harm in the female estate? What more could be done?**

For more detailed information on this issue, please refer to PRT's response to the Justice Committee for the inquiry into Mental Health in Prison.

- 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). Could more be done? If so, what?**

Trauma informed practice is inconsistent across the estate. Priority must be given to creating a trauma informed, gender specific environment. Peer led 'healing trauma' training has been suspended during the pandemic but must be prioritised when regimes allow, ensuring consistent delivery in all women's prisons. There should also be gender specific training for all staff.

- 10. What support is available to ensure that women are successfully resettled into the community upon release and reduce reoffending? Are there any barriers to effective resettlement, and reduced reoffending?**

³⁰ Inside Time (31 May 2021) [Children can hug jailed parents](#)

³¹ See <https://www.gov.uk/government/publications/sage-84-minutes-coronavirus-covid-19-response-25-march-2021/sage-84-minutes-coronavirus-covid-19-response-25-march-2021>

³² Prison Reform Trust (2020) Covid-19 Action Prisons Project: Tracking Innovation, Valuing Experience – [Briefing #2 Regimes, reactions to the pandemic, and progression](#)

Successful rehabilitation can be particularly difficult for women on short prison sentences. During their sentence, they may have lost their accommodation, their job and have serious issues associated with caring responsibilities but may not be in prison long enough to access release services.

Suitable accommodation is a condition of early release, and safe and secure housing is the corner stone to successful resettlement, but lack of safe and secure housing is a long-standing problem faced by women in contact with the criminal justice system. The Homelessness Reduction Act and implemented of the ‘duty to refer’ has done little to address the needs of vulnerable women leaving prison.³³

We welcome the introduction of the Universal Credit dedicated phone line to allow claims to be made prior to the day women are released from prison. We also welcome the recent announced that the prison discharge grant would be increasing to £76.

However, an explicit aim of the strategy is to foster better links between though the gate services, probation and local women’s centres. We are yet to see any progress on this. Co-ordinated multi agency working with women is needed for successful resettlement and must be prioritised in the formation of the new probation model. All the shortcomings in relation to funding community provision that lead to unnecessary imprisonment in the first place also undermine successful resettlement.

11. What support does the female adult estate offer to girls transitioning from the youth custodial estate?

We would highlight recent work done by Agenda: the young women’s justice project³⁴ and the Transition to Adulthood Alliance (T2A)³⁵.

June 2021

³³ The Safe Homes for Women Leaving Prison Initiative (2020) [Safe Homes for Women Leaving Prison](#); see also Prison Reform Trust (2018) Home Truths: housing for women in the criminal justice system

³⁴ See <https://weareagenda.org/young-womens-justice-project/>

³⁵ See <https://t2a.org.uk/>