

Written evidence from Howard League for Penal Reform

Summary

1. The Howard League welcomes the opportunity to respond to this inquiry into women in prison.
2. Women end up in the criminal justice system because of the failure of other public services. The inquiry should acknowledge this.
3. The Government's Female Offender Strategy is predicated on the need to stem the flow of women into the penal system. The Howard League supports this strategy: it is not being implemented.
4. The Ministry of Justice and the Home Office must work together to keep women out of the criminal justice system in the first place. Too many women are brought into contact with the criminal justice system for no reason: the APPG on Women in the Penal System published research on 18 May that found that 40 per cent of arrests of women across five police forces resulted in no further action.
5. Addressing women's needs as victims and as women who come into conflict with the criminal law decreases system contact, in turn reducing the use of imprisonment for women with all the harm that it entails.
6. Women's centres play a key role in supporting women, addressing their underlying needs and keeping them out of the criminal justice system. Investing in and prioritising services for women in the community will achieve better outcomes than increasing prison places. Women should be able to receive support without being criminalised.
7. Prisons are harmful to women: the plans to build an additional 500 prison places for women contradicts the strategy and will create further harm.
8. Women continue to be remanded to prison for their 'own protection'. The powers of the courts to remand people to prison in this way has no place in a modern justice system and the case for repeal is overwhelming. Prisons should never be used as a place of safety for women in distress.
9. There is a need for a distinct approach to sentencing women in the courts. The Sentencing Council has recognised the need for a distinct approach for children and young adults yet there is no specific guidance for women and court decisions are gender-blind.
10. Covid-19 restrictions have disproportionately affected women in prison, leading to the withdrawal of services, an increase in rates of self-injury and a loss of family contact. Women who could have been released safely during the pandemic were not.
11. Particular attention must be paid to the distinct challenges experienced by Black and minority ethnic women in the criminal justice system, both in custody and in the community.
12. More support should be given to young women who turn 18 in prison.

1. About the Howard League for Penal Reform and summary of response

- 1.1 Founded in 1866, the Howard League is the oldest penal reform charity in the world. The Howard League has some 13,000 members, including prisoners and their families, lawyers, criminal justice professionals and academics. The Howard League has consultative status with both the United Nations and the Council of Europe. It is an independent charity and accepts no grant funding from the UK government.
- 1.2 The Howard League works for less crime, safer communities and fewer people in prison. We achieve these objectives through conducting and commissioning research and investigations aimed at revealing underlying problems and discovering new solutions to issues of public concern. The Howard League's objectives and principles underlie and inform the charity's parliamentary work, research, legal and participation work as well as its projects.
- 1.3 The Howard League's legal team works directly with children and young adults in prison. The Howard League also provides administrative support to the All-Party Parliamentary Group on Women in the Penal System. We have drawn on our legal and policy work in responding to this consultation.
- 1.4 Imprisonment unduly harms women who have been failed by other public services. The Government should stem the flow of women into the penal system by fully implementing the Female Offender Strategy, by addressing the disproportionate criminalisation of Black and mixed-race women, and by reversing plans to build new prison places for women.
- 1.5 The Howard League would welcome the opportunity to provide further information about any of the points below.

2. Women end up in the criminal justice system because of the failure of other public services

- 2.1 The inquiry should acknowledge that women end up in the criminal justice system because of the failure of other public services.
- 2.2 The Female Offender Strategy published by the government in 2018 recognised that women who came into contact with the criminal justice system were among the most vulnerable in society (Ministry of Justice, 2018).¹ It also recognised that their offending could have been prevented if their needs had been addressed at an earlier stage. It called on services such as health and education to identify and engage with women who might be at risk of criminalisation before they enter the criminal justice system. The Strategy included the need to see fewer women coming into the criminal justice system as a strategic priority. This part of the strategy has not been implemented.
- 2.3 Women who end up in the criminal justice system have often experienced trauma and abuse. Many face multiple problems and have complex needs including poor physical and mental health, unemployment, domestic violence, substance misuse and homelessness or inadequate housing.
- 2.4 Services, including mental health services, housing, counselling and victim support services, are still failing to address these underlying problems before women come into contact with the criminal justice system. For some women, the first time they are offered support is after they have come into contact with the police.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf

2.5 This needs to change.

3. The Government's Female Offender Strategy should be stemming the flow of women into the penal system

3.1 The Female Offender Strategy also included as a strategic priority the need to for more measures to divert women from the criminal justice system.

3.2 The Howard League supports this strategy: it is not being implemented. The announcement of an additional 500 prison places reversed a key aim of the strategy and is the clearest sign of its failure to achieve its goals.

3.3 An analysis of the Female Offender Strategy published by the Prison Reform Trust in April 2021 found that that the government had only fully implemented 31 of 65 commitments (Prison Reform Trust, 2021).² It stated that the majority of the promises made in the strategy remained unachieved or partially achieved nearly three years after the strategy was published in June 2018. The Howard League agrees.

3.4 For over a decade, the Howard League has been working with police forces to stem the flow of children into the criminal justice system.³ This work has demonstrated the impact that change in local practice can have on reducing the flow of people into custody. The Howard League is building on this success with a new programme of work to reduce the arrests of women.⁴ A recent briefing by the All-Party Parliamentary Group on Women in the Penal System (APPG) shows that around 40 per cent of arrests of women across five police forces ended in no further action, indicating that they were probably not necessary in the first place (All-Party Parliamentary Group on Women, 2021).⁵

3.5 If the government had fully implemented its own Female Offender Strategy, it would have led to a lasting reduction in the number of women coming into contact with the criminal justice system and the number of women in prison. Instead, the Ministry of Justice predicts that the number of women in prison will reach 4,500 by September 2025 (Ministry of Justice, 2020).⁶ This represents a return to the peak of the mid-2000s, reversing the progress made in the past decade and a half (Gerry and Harris, 2016).⁷

4. The Ministry of Justice and the Home Office must work together to keep women out of the criminal justice system in the first place

4.1 Too many women are criminalised for no reason, as demonstrated by the research published by the APPG on Women in the Penal System in May 2021.

4.2 The APPG found that women were being arrested when they were showing signs of distress or had been victims of crime. Furthermore, it found that policies designed to protect women from domestic abuse were drawing women into the criminal justice system for low-level familial disputes which could have been resolved in other ways. The unnecessary criminalisation of women is a drain on police resources and a misuse of public funds.

² <http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Female%20Offender%20Strategy%20PRT%20Matrix%20140421.pdf>

³ <https://howardleague.org/children-and-policing/>

⁴ <https://howardleague.org/our-work/women-in-the-penal-system/arresting-the-entry-of-women-into-the-criminal-justice-system/>

⁵ <https://howardleague.org/wp-content/uploads/2021/05/APPG-on-Women-in-the-Penal-System-briefing-3-FINAL.pdf>

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938571/Prison_Population_Projections_2020_to_2026.pdf

⁷ <https://minhalexander.files.wordpress.com/2018/02/women-in-prison-is-the-justice-system-fit-for-purpose-sa-1016-077-women-in-prison-paper-online-final.pdf>

- 4.3 The APPG briefing highlighted examples of good practice where police forces were reducing the arrests of women and diverting women in need to appropriate services.
- 4.4 The Ministry of Justice and the Home Office must work together to keep women out of the criminal justice system in the first place. The Ministry of Justice police guidance on managing vulnerability and its Concordat on women in or at risk of contact with the criminal justice system give examples of how women should be diverted away from the justice system and show what could be achieved if departments work together (Ministry of Justice, 2018; Ministry of Justice, 2020).⁸
- 4.5 The recruitment of an additional 20,000 police officers by the Home Office should not lead to an increase in the numbers of women entering the criminal justice system. The unnecessary criminalisation of women could be avoided if the Ministry of Justice and the Home Office worked together to fully implement the Female Offender Strategy.

5. Addressing women’s needs decreases system contact, in turn reducing the use of imprisonment for women with all the harm that it causes

- 5.1 Women’s offending is often related to past victimisation and to unmet psychological and material needs. In 2012, the Ministry of Justice examined the past and present family circumstances of 132 women in prison and found that over half had experienced abuse as a child (Ministry of Justice, 2012).⁹ Six in ten women in prison report experiences of domestic abuse in adulthood, and even this is thought to underestimate the true number (Prison Reform Trust, 2017).¹⁰
- 5.2 Women who experience domestic abuse may offend as a direct result of the abuse, for example if they have been coerced into the offence by or are retaliating against an abuser. Women may also offend as a result of unhealthy coping strategies which they have developed to deal with symptoms of trauma.
- 5.3 Improved responses to domestic abuse could significantly reduce offending by women, including very serious offending. For example, research by the Centre for Women’s Justice suggests that most women who kill a male partner have been subjected to an escalating pattern of coercive control and are trying to protect themselves (Centre for Women’s Justice, 2021).¹¹
- 5.4 Women who use drugs and alcohol to cope with abuse are particularly vulnerable to justice involvement. Women are more likely than men to report that they need help with a drug problem when they enter prison and to link their offending to substance misuse. In many cases, this is linked to experiences of abuse (Prison Reform Trust, 2017).¹² In a qualitative study of women supervised by Welsh probation services who had experienced domestic abuse, 21 of the 25 participants reported misusing drugs or alcohol. Interviewees explained that this was a way for women to numb themselves against the impact of abuse (Roberts, 2019).¹³ A study of 334 incarcerated women in the US found that the severity of trauma symptoms explained whether, and how heavily, women misused illicit drugs after experiencing intimate partner violence (Jones et al, 2018).¹⁴

⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721190/police-guidance-on-working-with-vulnerable-women-web.pdf; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953197/women-at-risk-cjs-concordat.pdf

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/278837/prisoners-childhood-family-backgrounds.pdf

¹⁰ http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf

¹¹ https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/602a9a87e96acc025de5de67/1613404821139/CWJ_WomenWhoKill_Rpt_WEB-3+small.pdf

¹² http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf

¹³ <https://www.proquest.com/docview/2339834090>

- 5.6 Therapeutic support which addresses the roots of substance misuse, as well as the substance use itself, could help women to develop healthier coping strategies and reduce their justice involvement.
- 5.7 Women’s risk of reoffending increases with the intensity of system contact, and the relationship between imprisonment and reoffending is particularly strong for women. While women who receive cautions, discharges, fines and community sentences are between ten and 15 per cent less likely to reoffend than their male counterparts, women who are sent to prison are 20 per cent more likely to reoffend than men (Centre for Justice Innovation, 2020).¹⁵
- 5.8 There is concerning evidence that some judges and magistrates imprison women in the belief that it will help them to escape from abusive relationships (Roberts, 2019).¹⁶ Prison is hugely harmful to women and should never be treated as a place of safety or an alternative to properly-resourced services in the community.
- 5.9 Women under the supervision of probation services are not adequately supported to secure stable housing and address their underlying needs. According to an internal review of probation case files, women’s failure to maintain contact or comply with licence conditions is often explained by the fact that they are living in unsafe accommodation and/or are struggling with substance misuse. In turn, non-compliance and non-engagement are the most common reasons for recall to prison (Ministry of Justice, 2018).¹⁷

6. Women’s centres play a key role in supporting women, addressing their underlying needs and keeping them out of the criminal justice system

- 6.1 Women’s centres provide high quality gender-specific support for women in one-stop shops (All-Party Parliamentary Group on Women in the Penal System, 2016).¹⁸ They are a one-stop shop providing a range of services including counselling and mental health services, drug treatment, employment skills, help for women in abusive relationships, literacy, CV support, childcare, and housing assistance. One of the key recommendations of the Corston report was that women’s centres be developed, expanded and increasingly used as an alternative to imprisonment (Corston, 2007).¹⁹
- 6.2 The Female Offender Strategy recognised the key role that women’s centres play in meeting women’s needs. It called for local agencies and commissioners to invest in women’s centres and other women-specific services.
- 6.3 Investing in and prioritising services for women in the community will achieve better outcomes than increasing prison places. Many women’s centres are best placed to provide this support yet are facing a funding crisis. A report by the Women’s Budget Group found that many of these services were at risk of closure for lack of secure funding (Women’s Budget Group, 2020).²⁰ A previous report published by the APPG on Women in the Penal System also raised concerns that women’s centres were at risk due to short term funding (All-Party Parliamentary Group on Women in the Penal System, 2016).²¹

¹⁴ <https://www.tandfonline.com/doi/pdf/10.1080/07418825.2017.1355009>

¹⁵ https://justiceinnovation.org/sites/default/files/media/documents/2020-02/pre-court_diversion_for_women_for_website.pdf

¹⁶ <https://www.proquest.com/docview/2339834090>

¹⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/719819/female-offender-strategy.pdf

¹⁸ <https://howardleague.org/wp-content/uploads/2016/11/Is-it-the-end-of-womens-centres.pdf>

¹⁹ <https://webarchive.nationalarchives.gov.uk/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

²⁰ <https://wbg.org.uk/wp-content/uploads/2020/10/WBG-15-Womens-Centres-Report-v4.pdf>

²¹ <https://howardleague.org/wp-content/uploads/2016/11/Is-it-the-end-of-womens-centres.pdf>

6.4 Funding for women's centres needs to be long term and sustainable. The £2 million investment made available to women's community services and announced by the government in January was dwarfed by the money being sunk into building 500 new prison places for women (Ministry of Justice, 2021).²² In a single year these prison places will cost more than ten times what was offered to support vulnerable women before they reach custody.

6.5 Women should be able to receive support without being criminalised. The APPG on Women in the Penal System found that while some police forces were able to refer women who came into contact with the police for specialist gender-specific support without arresting them, this was not the case across all forces and for all alleged offences (All-Party Parliamentary Group on Women in the Penal System, 2019).²³

7. Prison is harmful to women: the plans to build an additional 500 prison places for women contradicts the Female Offender Strategy and will create more harm

7.1 The Female Offender Strategy recognised that outcomes for women in custody were worse for women compared to men. It noted that custody was particularly damaging to women, whose rates of self-harm were nearly five times higher than those of men. Women in prison were twice as likely to report suffering from anxiety and depression and more likely to report symptoms indicative of psychosis. Sending women to prison is also damaging for children and families.

7.2 The government has announced that it is to increase the number of prison cells for women by 500. This is despite the fact that government data show that the number of women in prison dropped by more than ten per cent between 2010 and 2019 and has fallen further during the Covid-19 pandemic (Ministry of Justice, 2010; Ministry of Justice, 2019; Ministry of Justice, 2021).²⁴ A planned 15 per cent increase in the number of prison places for women undermines the work being done as part of the Female Offender Strategy to reduce the numbers of women in the criminal justice system and in prison.

7.3 The plans to build an additional 500 prison makes it more likely that the female prison population will rise as the courts will continue to remand and sentence women to prison. In turn, more women will suffer harm in prison.

8. Women continue to be remanded to prison for their 'own protection'

8.1 Women continue to be remanded to prison for their 'own protection'. The powers of the courts to remand people to prison in this way has no place in a modern justice system and the case for repeal is overwhelming.

8.2 The APPG on Women in the Penal System published a briefing paper in 2020 on the use of remand for own protection (All-Party Parliamentary Group on Women in the Penal System, 2020).²⁵ Under the Bail Act 1976, the courts can remand an adult to prison for their own 'protection', or a child for their own 'welfare', without that person being convicted or sentenced, and when the criminal charge they face is unlikely to, or even cannot, result in a prison sentence.

²² <https://www.gov.uk/government/news/extra-funding-for-organisations-that-steer-women-away-from-crime>

²³ <https://howardleague.org/wp-content/uploads/2019/09/APPG-Arresting-the-entry-of-women-into-the-criminal-justice-system.pdf>

²⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/218160/pop-in-custody-aug2010.pdf;
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/828217/prison-pop-30-aug-2019.ods;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/988329/pop-bull-210521.ods

²⁵ <https://howardleague.org/wp-content/uploads/2020/10/APPG-For-their-own-protection-FINAL.pdf>

8.3 The APPG and the Howard League have stated it is wrong in principle to use the most punitive sanction available to the state, imprisonment, to make up for failings in care and protection in the community.

8.4 Prisons should never be used as a place of safety for women in distress. It is a damaging and unsafe environment. Scrutiny of this outdated power to remand people to prison for their own protection or own welfare is virtually non-existent as the government does not collect data about how often adults and children are detained. It should be repealed.

9. There is a need for a distinct approach to sentencing women in the courts

9.1 The Sentencing Council has recognised the need for a distinct approach for children and young adults, yet there is no specific guidance for women and sentencers are gender-blind.

9.2 In 2017, the Sentencing Council published its overarching principles for sentencing children (Sentencing Council, 2017).²⁶ The guidance recognises that courts must have regard to the welfare of the child and that it is important to avoid criminalising children. The Howard League fed children's experiences and views into the Sentencing Council's consultation on the overarching principles, resulting in significant positive changes to the final document.

9.3 The Howard League is a founding member of the Transition 2 Adulthood (T2A) Alliance, a broad coalition of leading charities working to evidence and promote the need for a distinct and effective approach to young adults throughout the criminal justice process. The work of T2A and the Howard League has helped to build a consensus about the distinct needs of young adults, which is reflected in the case law and in Sentencing Council expanded explanation of age and lack of maturity (Emanuel et al, 2021).²⁷

9.4 The expanded explanation recognises that young adults 'are likely to be susceptible to peer pressure and are more likely to take risks or behave impulsively when in company with their peers' and that they 'may find it particularly difficult to cope with custody and therefore may be more susceptible to self-harm in custody' (Sentencing Council, 2019).²⁸

9.5 Similar guidance could improve the sentencing of women. Research suggests that domestic abuse is a driver of offending for women and that histories of abuse can make the experience of imprisonment particularly traumatic (Prison Reform Trust, 2017).²⁹ As a joint report by Agenda and the Centre of Mental Health notes, the prison environment is full of potential triggers for women who have experienced abuse – from loud noises to physical restraints and searches (Bear et al, 2019).³⁰ The Sentencing Council should publish guidance noting that women's offending may be linked to domestic abuse and that they are likely to find experiences of custody especially difficult.

9.6 Despite extensive work on maternal sentencing by Dr Shona Minson and others, a recent Joint Committee on Human Rights report found that references to primary caring responsibilities in the sentencing guidelines were undermined by 'a lack of consistency by judges when it comes to sentencing mothers in line with these guidelines and the case law' and 'a lack of awareness in the criminal courts about the impact on children of sentencing their mother' (Joint Committee on Human Rights, 2021: 9).³¹

²⁶ https://www.sentencingcouncil.org.uk/wp-content/uploads/Sentencing-Children-and-young-people-Definitive-Guide_FINAL_WEB.pdf

²⁷ https://howardleague.org/wp-content/uploads/2021/03/CLR_Sentencing_young_adults.pdf

²⁸ <https://www.sentencingcouncil.org.uk/overarching-guides/magistrates-court/item/general-guideline-overarching-principles/>

²⁹ http://www.prisonreformtrust.org.uk/Portals/0/Documents/Domestic_abuse_report_final_lo.pdf

³⁰ <https://weareagenda.org/wp-content/uploads/2019/11/ASenseOfSafety.pdf>

³¹ <https://publications.parliament.uk/pa/jt5802/jtselect/jtrights/90/90.pdf>

- 9.7 As a minimum, gender-specific sentencing guidelines should note that women are more likely to have primary caring responsibilities and that in these cases, sentencing decisions should take the best interests of the child into account. The Sentencing Council should recognise the long established principle that a non-discriminatory approach requires that different people are treated differently in developing a distinct approach for women that recognises their distinct needs and trajectories.
- 10. Covid-19 restrictions have disproportionately affected women in prison**
- 10.1 Covid-19 restrictions have disproportionately affected women in prison, leading to the withdrawal of services, an increase in rates of self-injury and a loss of family contact.
- 10.2 In May 2020, Her Majesty’s Inspectorate of Prisons reported on three short scrutiny visits to women’s prisons. The report warned that interventions for women with complex needs had been abruptly withdrawn and noted a troubling rise in rates of self-injury. Mental health support was only available by phone and women who were at risk of self-injury ‘felt isolated from others and craved more human contact’ (Her Majesty’s Inspectorate of Prisons, 2020: 12).³²
- 10.3 Self-injury has increased in women’s prisons during the pandemic: in 2020, self-injury rates for women in prison were 13 per cent higher than they had been in 2019. In contrast, recorded self-injury has reduced in men’s prisons and in the children’s estate (Ministry of Justice, 2021).³³
- 10.4 In June 2020, the Joint Committee on Human Rights published a report on children whose mothers were in prison during the pandemic. The report explained that the blanket ban on face-to-face visits had prevented meaningful contact between mothers and their children and risked breaching their right to a private and family life. None of the children who the Committee heard evidence about had been able to virtually visit their mothers via video link, as the technology was not yet in place: instead, their only contact was through telephone calls. A ten-year-old told the Committee that these calls left her feeling ‘sad and confused’ (Joint Committee on Human Rights, 2020: 7).³⁴
- 10.5 Women who could have been released safely from prison during the pandemic were not. In March 2020, the Ministry of Justice announced that pregnant women and women and babies in Mother and Baby Units who did not pose a high risk of harm to the public could be temporarily released from prison ‘so that they could stay at home and reduce social contact like all other expectant mothers have been advised to do’ (Ministry of Justice, 2020).³⁵ Between April and September 2020, only 25 pregnant women and mothers with babies were released (Frazer, 2020).³⁶ In the same period there were over 2,200 receptions of women into prison (Ministry of Justice, 2021).³⁷
- 11. Particular attention must be paid to the distinct challenges experienced by Black and minority ethnic women in the criminal justice system**
- 11.1 The Government has repeatedly committed to considering the distinct needs of Black and minority ethnic women in the criminal justice system. In 2020, the Concordat on women in or at risk of the criminal justice system suggested that work to improve outcomes for Black and minority ethnic women was forthcoming (Ministry of Justice, 2020).³⁸

³² <https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/06/Womens-prisons-SSV-2020.pdf>

³³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982125/safety-in-custody-q4-2020.pdf

³⁴ <https://committees.parliament.uk/publications/1735/documents/16825/default/>

³⁵ <https://www.gov.uk/government/news/pregnant-prisoners-to-be-temporarily-released-from-custody>

³⁶ <https://www.theyworkforyou.com/wrans/?id=2020-10-21.107072.h>

³⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/981468/Receptions_Q4_2020.ods

³⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953197/women-at-risk-cjs-concordat.pdf

- 11.2 This work must include efforts to reduce the criminalisation of Black and mixed-race women, who are arrested and imprisoned at twice the rate of white women (Home Office, 2020; Ministry of Justice, 2021).³⁹
- 11.3 Research by Agenda and Women in Prison has described the ‘double disadvantage’ which Black and minority ethnic women face throughout the criminal justice system, and especially in prison: the intersection of gender and race shapes how they are perceived and treated (Cox and Sacks-Jones, 2017).⁴⁰ For example, a study of women convicted of joint enterprise offences found that the media and the judiciary associated Black women with racialised gang narratives and described them as ‘honey traps’ to lure men into violent situations (Clarke and Chadwick, 2020).⁴¹
- 11.4 Since 2013, the Muslim Women in Prison project has highlighted the significant additional challenges experienced by Muslim women in and on release from prison. This includes stigma within families and local communities and a lack of understanding from support agencies (Buncy and Ahmed, 2014).⁴² The project has called for greater investment in community-led desistance support (Buncy and Ahmed, 2019).⁴³
- 11.5 There appears to be no concrete plan in place to address this issue and the continued failure to implement the Female Offender Strategy will have a disproportionate adverse impact on women. This must be addressed urgently.

12. More support should be given to young women on transition to adulthood

- 12.1 In its legal work, the Howard League has found that young women in prison receive little support on their transition to adulthood. Transition planning does not adequately take account of young women’s needs and is based on an abrupt cliff edge at 18, though this does not reflect the scientific evidence or case law about young adults’ maturity (Emanuel et al, 2021).⁴⁴
- 12.2 On turning 18, young women are transferred to adult prisons where they make up a small minority and where their needs may not be met. Resettlement planning also changes significantly at 18: young adults lose much of the social care support and mental health provision which they were previously entitled to and face restrictive criteria for housing and benefits (Agenda, 2021).⁴⁵
- 12.3 Young women’s needs and vulnerabilities are sometimes overlooked once they reach legal adulthood. For example, the Howard League supported a young woman with significant mental health needs who was released to Approved Premises shortly after turning 18. Howard League lawyers argued that this was inappropriate for a young woman who had been imprisoned for offences committed in her mid-teens and who had spent her time in custody around children rather than older woman who had offended. These arguments were rejected, despite the young woman’s concerns that the environment would worsen her mental health and the fact that she had to turn down a job offer because it conflicted with the restrictive requirements of the Approved Premises.

³⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929092/arrests-open-data-tables-ppp.ods; https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/981209/Prison_Population_data_tool_20210331.xlsx

⁴⁰ <https://weareagenda.org/wp-content/uploads/2017/03/Double-disadvantage-FINAL.pdf>

⁴¹ <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Stories%20of%20injustice.pdf>

⁴² https://muslimhands.org.uk/_ui/uploads/kqe5a9/MWIP_Report.pdf

⁴³ <http://www.khidmat.org.uk/wp-content/uploads/2019/07/Sisters-in-Desistance-Final-.pdf>

⁴⁴ https://howardleague.org/wp-content/uploads/2021/03/CLR_Sentencing_young_adults.pdf

⁴⁵ <https://weareagenda.org/wp-content/uploads/2021/01/Young-Women%E2%80%99s-Justice-Project-Literature-Review.pdf>

12.4 Young mothers should be given more information and support in transitioning from the children's estate. The Howard League represented one young woman who was pregnant at the point of sentencing and gave birth to her baby in a secure training centre. She was transferred when she was 18 years old to an adult women's prison. She had no idea about how different the environment would be compared to a secure training centre. She had been given the impression that she had to move because of her age, when this was not legally the case. She felt compelled to transfer as she was naturally worried about the risk of being separated from her baby if she was made to transfer at a time when no space was available in the adult estate. When she arrived she was very distressed. No consideration had been given to the fact that the unit was not geared towards young people and she was surrounded by much older women with whom she had nothing in common. Staff levels were low.

13. Conclusion

13.1 Prison is a harmful and retraumatising place for women. These harms have been exacerbated by the Covid-19 pandemic, which saw support services abruptly withdrawn and family contact suspended. The APPG has launched an inquiry into health and well-being in prison and the Howard League would be happy to discuss this further with the Committee.⁴⁶

13.2 The most effective way to reduce the damage caused by female imprisonment is to avoid imprisoning women. Women who have experienced trauma and abuse should not be criminalised for their coping strategies. Instead, the Government should fully implement its Female Offender Strategy and take an approach which recognises and addresses the unmet needs of women in the criminal justice system.

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⁴⁶ <https://howardleague.org/our-work/women-in-the-penal-system/all-party-parliamentary-group-appg-on-women-in-the-penal-system/inquiry-into-womens-health-and-well-being-in-prisons/>