

## Written submission from the Ministry of Justice

### 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 and what more can be done?

We remain absolutely committed to the vision in the Strategy of seeing fewer women offending and reoffending; fewer women in custody, especially on short sentences, with more managed effectively in the community; and better conditions for women in custody that support effective rehabilitation. Its publication was the start of a new and significant programme of work to deliver better outcomes for female offenders that will take many years to deliver.

We have made good progress since publication of the Strategy, including;

- Almost £46 million awarded to charities to deliver wraparound support to women in the criminal justice system over the next three years.
- Investment of around £7 million in the women's community sector to increase sustainability, enhance services and develop new provision.
- Publication of a new Women's Policy Framework that set out guidance for prison and probation staff.
- Roll-out of new training for staff working with women in custody and the community so that staff can better respond to and care for women's multiple and complex needs.
- Improvements to the preparation of pre-sentence reports through a PSR Aide Memoire for women and a Pre-Sentence Pilot that includes the targeting of fuller reports for female offenders.
- Publication and ongoing implementation of the recommendations in Lord Farmer's review into family ties for female offenders, with 12 recommendations now completed including the rollout of video calling in all women's prisons.
- Publication of a summary report of the review of operational policy on Pregnancy, Mother and Baby Units, and Mothers separated from children up to the age of 2 in prison to improve the support to these women in custody. This includes proposals for new staff training and an improved applications and appeals process for MBUs.
- Created a Self-Harm Taskforce in the Women's Estate to reduce self-harm.
- Investment in 500 new prison places designed specifically for women that will offer more open places closer to home and more opportunities for work- and family-related Release on Temporary Licence. This may allow closure of older, less suitable accommodation if work on the Female Offender Strategy continues to progress and the female prison population continues to fall.
- Rollout of the new women-specific Offender Management model (OMiC) in women's prisons and the community that recognises their individual needs.
- Addressing the health and social care needs of women in custody through a joint DHSC and MoJ National Women's Prisons Health and Social Care Review. This review is underway and is expected to be completed by early 2022.
- Publication of the Concordat on women in or at risk of contact with the Criminal Justice System which includes an action plan for other Government departments to

work together to identify and respond to the often multiple and complex needs of women.

- Creation and publication of the ‘Women in the CJS’ local area data-tool<sup>1</sup> so that local areas can better understand the needs of the women in their area.

We will continue to work to deliver the aims of the Strategy and to improve outcomes for women at all points of the criminal justice system. This includes working with the police and other partners to improve early intervention, and delivery of the action plan in our Concordat on women in or at risk of contact with the Criminal Justice System. We are committed to improving community provision for women, which offers sentencers a robust alternative to short custodial sentences. This includes delivering our commitment to pilot residential women’s centres, with the first to be located in south Wales and the planned Problem-Solving Courts pilot, which will focus on women as one of its cohorts. We will also ensure that our aim to support all offenders in the community will meet the needs of both women and men. This includes support for homeless prison leavers to be temporarily housed in basic hostels to reduce the risk of them reoffending, building new spaces in Approved Premises (APs) and increasing the number of substance misuse treatment places for prison leavers and those serving community sentences across England.

We recognise the key role that the network of women’s community services and centres plays in supporting women in or at risk of contact with the justice system. In addition to the almost £46 million awarded to charities to deliver wraparound support to women in the criminal justice system over the next three years, we will continue to look at the scope to increase the sustainability of the women’s sector as we take the delivery of the Strategy forward.

For key statistics on outcomes for women in the CJS, please refer to Annex A.

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?) What more could be done?

Sentencing is a matter for the courts. When deciding what sentence to impose, the courts take into account the circumstances of the offence and any mitigating and aggravating factors, in line with sentencing guidelines issued by the independent Sentencing Council.

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<sup>1</sup> [Women in the CJS: Local Data Tool 2019 - MoJ analysis | Tableau Public](#)

<sup>2</sup> [Statistics on Women and the Criminal Justice System \(publishing.service.gov.uk\)](#)

<sup>3</sup> [Statistics on Women and the Criminal Justice System \(publishing.service.gov.uk\)](#)

<sup>4</sup> 18 and over

<sup>5</sup> (Female Offender Evidence Pack) Annual Prison Population: 2020. [Offender management statistics quarterly: January to March 2020 - GOV.UK \(www.gov.uk\)](#)

<sup>6</sup> It should be noted that between March – June 2020 was where the pandemic had the biggest impact, and the reduction is partly reflective of falls in prosecutions and convictions immediately following the March 2020 ‘lockdown’.

- In 2019, fines were the most common sentence given to both male and female offenders sentenced at all courts, but women typically had less severe sentencing outcomes.<sup>2</sup>
- Women are less likely than men to be sentenced to immediate custody.<sup>3</sup>
- Between June 2018 and June 2020, the number of women<sup>4</sup> on sentences of 6 months or less decreased from 398 to 166.<sup>5</sup> This is a 58 percent reduction<sup>6</sup>.

## **Judicial Engagement**

We are continuing to engage with sentencers and the judiciary in order to highlight the different and often complex needs of women and encourage the use of robust community penalties as an alternative to custody.

In September 2018, the Magistrates Association published its position statement on the Female Offender Strategy, welcoming the evidence of the impact that sanctions have on families, particularly children, and acknowledging that women can often be the most vulnerable and complex cases of all. The statement noted the suggestion that short custodial sentences may not deliver the best results for female offenders and that many women can be more successfully supported in the community, where reoffending rates are much better.

We have been liaising with the Magistrates Association and produced articles for both their online and written magazines offering a probation perspective on robust community sentencing, the impact of maternal imprisonment, and the benefits of a holistic response.

The Target Operating Model for the new Unified Probation Service will build additional capacity for leadership engagement and training for the judiciary, to help build sentencer confidence in probation and Commissioned Rehabilitative Services (via the Dynamic Framework).

## **Liaison and Diversion Services**

NHS England secured 100 percent geographical coverage of Liaison and Diversion (L&D) services on 1 April 2020. These services support our efforts to intervene early for vulnerable offenders. Health is devolved in Wales, where there is a similar but separate Criminal Justice Liaison and Diversion service.

NHS England are currently enhancing the existing ‘women’s pathways’ across all L&D services, to address the specific needs of women in the criminal justice system. A specific women’s lead has been appointed in each service, to develop the pathway, and appropriately address the needs of female offenders.

## **Pre-Sentence Reports (PSRs)**

### *PSR Aide Memoire*

We have developed an Aide Memoire for practitioners completing PSRs on women to ensure that the right questions are asked to enable good assessments to be made. The Aide Memoire is designed to highlight key areas for practitioners to consider when assessing the diverse needs of women in the context of offending and to make a robust proposal for a community sentence whenever appropriate. Following a series of briefing events, this was rolled out nationally in August 2019 and is available to all practitioners.

### *Pre-sentence report pilot*

We remain committed to increasing the delivery of quality and timely pre-sentence reports and understand the particular importance of PSRs for women. In the short-term, we are piloting an alternative delivery model in 15 magistrates' courts in England and Wales over the next 12 months. This pilot includes the strategic targeting of female offenders for fuller written pre-sentence reports, amongst other cohorts that have been identified as having particular needs. The design and delivery of this pilot has been shaped through collaboration between the Ministry of Justice, court staff, probation and the judiciary to align pre-sentence report priorities and is being evaluated.

The pilot is being strengthened by targeted and specific training for probation court staff in the pilot sites. There is an increasing body of research which indicates that a gender specific and trauma informed approach is likely to deliver better assessment and delivery of interventions for women. The pilot has therefore created a specific learning pack on this point, using both existing research and guidance, whilst also working to ensure the most up to date operational insights are also incorporated. We have also created an inclusive risk assessment package that covers a broader range of issues that will be experienced by women in different ways, and will improve the overall quality of assessment.

Further, the pilot is working with Liaison and Diversion teams to ensure we can maximise and promote the variety of services available within local communities and demonstrate their value within the criminal justice sector.

#### *Future service design*

Future service design for pre-sentence reports also includes an uplift in volumes with greater targeting of fuller reports for women. The design will enable a greater understanding of equality issues and diversity within these reports, and that both the factors that influence offending and the strengths that individual women can draw on to move away from offending are assessed robustly.

#### **Bail**

We are committed to working to improve the overall experience of remand for women.

In March this year, HMPPS launched an initiative to implement a dedicated and pro-active Bail Information Service across 31 public sector reception prisons (including 5 female estate prisons), and in a number of courts across North West England and Wales. A key aim is to help to divert unnecessary remands into custody, thus enabling more effective management of prison-place demand. During the initial 6-month period of the service, we intend to take the opportunity to gather a range of data which will be key in informing decisions on the design and delivery of a more permanent future national Bail Information Service.

In addition, Our Bail Accommodation and Support Service (BASS) recognises the needs of women, with a contractual obligation for Nacro BASS to provide a minimum of 10 percent of bed spaces exclusively for females. Currently, 14 percent of the total bed spaces are for women.

We have also reviewed the type and location of properties and have responded to feedback that 2-bedroom properties are preferable to larger accommodation units. We now have 10 properties operating as 2 bed units with more scheduled for delivery in 2021.

Going forward, we will look to produce further guidance that encourages practitioners to review the individual circumstances of women and consider alternatives to breach and recall where appropriate.

## **Police, Crime, Sentencing and Courts Bill**

In March we introduced the Police, Crime, Sentencing and Courts (PCSC) Bill, which will deliver on a number of commitments set out in the Sentencing White Paper last year, and in the Government's manifesto. While these changes will ensure that the most serious offenders spend longer in custody, we are also making changes to the community sentencing framework to divert more low-level offenders away from prison.

### *Problem Solving Courts (PSCs)*

The PCSC bill will enable the piloting of a problem-solving court (PSC) approach<sup>7</sup> in up to five courts for certain community and suspended sentence orders with the aim of supporting offenders who could be both prolific and vulnerable to complete their sentences in the community. One area of focus for these pilots is female offenders, given the high proportion who receive short prison sentences, promising outcomes of Manchester's women's PSC and our commitment to addressing the underlying needs of female offenders.

We are working with the Judicial Office, Her Majesty's Courts and Tribunal Service (HMCTS), Her Majesty's Prison and Probation Service (HMPPS) and other key delivery partners to identify pilot sites. We are considering the specific operations of a PSC approach for female offenders. It is expected that the pilot(s) will be based in those areas that already have well developed services for vulnerable women, including those that have an established Whole Systems Approach for women.

### *Community Sentence Treatment Requirement Programme*

We have also made progress with the non-legislative commitments set out in the White Paper. The CSTR programme aims to ensure greater use is made of primary and secondary care, mental health, alcohol and drug treatment requirements as part of community sentences, supporting efforts to divert vulnerable offenders from custody and reduce reoffending.

By scaling up the programme we will better target the needs of vulnerable individuals by making primary care mental health treatment requirements (MHTRs) available at court. In some CSTR programme sites - covering eight courts in Hertfordshire and London - women specific primary care MHTRs are available. Eight new CSTR programme sites are scheduled to go live throughout 2021 for all adults.

We are also investing more widely on drug treatment. In January 2021 DHSC were awarded an additional £80 million, as part of the £148 million package to cut drugs crime. This funding will be used to enhance drug treatment for offenders and the numbers of treatment places available, provide funding for Adder Accelerator areas, the provision of inpatient detox beds, the expansion of the Reconnect service and measures to reduce drug related deaths. Amongst those benefitting will be offenders on CSTRs (Drug Rehabilitation Requirements and Alcohol Treatment Requirements) and prison leavers.

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<sup>7</sup> The Problem-Solving Approach is not a Court Order but a process in which the woman offender, the courts, probation services, women's centres and community support services work together to support the woman to adhere to her Court Order and to achieve positive outcomes for herself and our communities.

## *Electronic Monitoring*

We are also supporting effective and robust sentencing by expanding and making more flexible the electronic monitoring measures available to courts. The changes we are proposing in the Police, Crime, Sentencing and Courts Bill to the electronically monitored curfew will increase the maximum length from one to two years, bringing it in line with location monitoring. Longer curfews increase the opportunity for the restrictions and structure imposed to help break habits and limit opportunities to offend.

This may help to establish positive changes in behaviour, including a chance to maintain family ties and remain in work or education while providing additional safeguards. We are also increasing the maximum daily curfew hours available from 16 to 20 hours a day, but retaining the existing weekly maximum of 112 hours, allowing for more creative, flexible and focussed curfew arrangements. In addition, we are providing probation with limited powers to shift curfew start and end times and to change the curfew address to support compliance and make timely adjustments, when the offender's circumstances change, that would otherwise need to be returned to court.

We have also increased the community sentencing options available to courts through the introduction of the Alcohol Abstinence and Monitoring Requirement from March this year. This requirement targets alcohol-related offending and bans alcohol for up to 120 days with compliance electronically monitored using an alcohol tag.

## **Neurodiversity**

Neurodivergent individuals, including those with acquired brain injuries, are overrepresented in the criminal justice system and often struggle to engage effectively with rehabilitative programmes and services within the CJS if their protected characteristics are not considered and reasonable adjustments not made. Our national 'Call for Evidence' on Neurodiversity launched in December last year, so that we can obtain a clearer picture of prevalence and the current national provision to support neurodivergent offenders in the CJS. Publication of the final report is due this summer.

## **Community Sentences**

When appropriate, community sentences can and should be tailored to address the individual needs and problems that contribute to reoffending, as well as to punish offenders and provide reparation to the community. Furthermore, evidence suggests that community sentences, in certain circumstances, are more effective in reducing reoffending than short custodial sentences. A Ministry of Justice 2019 study<sup>8</sup> found that sentencing offenders to short term custody with supervision on release was associated with higher proven reoffending than if they had instead received community orders and/or suspended sentence orders.

Community sentences offer the opportunity to support women to effectively address the underlying causes of offending behaviour and to secure and maintain stable accommodation. Probation links with a wide variety of experienced third sector women's services that enable women to be supervised in places such as women's centres, offering a safe but challenging environment for probation supervision. Interventions which provide wrap around support and

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address common issues around emotional well-being, finances and debt, and employment, training and education in one place, can help lay the foundations for a different life.

### **Support for minority ethnic and non-British women**

We are reviewing findings from user centred research focussed on identifying how we might reduce barriers faced by minority ethnic and non-British national women face in understanding the legal processes they experience from arrest to pre-sentencing stage and will be developing policy options to take forward.

3. What progress has been made on the development of Residential Women's Centres and do these offer a suitable alternative to custody?

The Female Offender Strategy committed to developing a pilot of Residential Women's Centres (RWCs) in at least five sites across England and Wales. The RWCs will offer accommodation with intensive support in the community for women at risk of short custodial sentences, enabling them to address the underlying causes of their offending behaviour whilst staying closer to their families.

We have engaged extensively with a range of voluntary and statutory agencies and ex-offenders across England and Wales as well as with existing providers of similar provision to an RWC, such as the 218 Centre in Glasgow<sup>9</sup>. Women who engaged with the 218 Centre reduced their levels of offending by 31 percent<sup>10</sup>. The engagement has informed the development of a draft specification for the RWC service and draft building guidelines, which set out the design principles for the RWC's physical environment.

On 5<sup>th</sup> May 2020 the Government announced the first RWC will be in Wales and the MoJ has confirmed it will be in south Wales. Working closely with partners including the Welsh Government, we are continuing to search for a suitable site. Our first site search did not identify suitable sites and we are about to engage on a second search. This process will take time as all sites will be subject to a technical assessment for suitability and cost and then will need planning consent for change of use.

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

The care of children (and other dependents), and the impact of the loss of a parent or carer, is a well-established mitigating factor in sentencing and can result in some carers not being sent to custody. Sentencing guidelines, issued by the independent Sentencing Council, include a specific mitigating factor 'sole or primary carer for dependent relatives.

It is also a legal principle, established in the case of *R v Petherick*, that where an offender is on the cusp of custody, imprisonment should not be imposed where there would be an impact on dependants which would make a custodial sentence disproportionate. This principle is

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<sup>9</sup> Other examples of existing RWC-style providers we have engaged with are Willowdene Farm, Anawim, Nelson Trust, One Small Thing and Trevi House.

<sup>10</sup> H. Easton and R. Matthews, Evaluation of the 218 Service: Examining Implementation and Outcomes. London South Bank University. 2010.

reflected in the Council's Imposition of Community and Custodial Sentences sentencing guideline.

### **Pre-Sentence Report Aide Memoire**

We recognise that Pre-Sentence Reports can offer a valuable insight into the circumstances of women and their families, and in those cases on the cusp of custody, consider the potential significant impact of imprisonment on any dependants (including unborn children in the case of pregnant women). For further details on pre-sentence reports please see response to Q.2.

Furthermore, in line with Lord Farmer's recommendation, information on family circumstances, caring responsibilities and relationships obtained through the PSR process is passed on to the Offender Manager responsible for sentence plans.

### **Women in Custody**

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

As set out in the Strategy, our view remains that custody should be the last resort for most women. However, it is our responsibility to ensure that those women who need to be in custody are held in appropriate, decent and safe accommodation that supports effective rehabilitation.

We know that the long-term prison population is expected to increase over the 6-year projection horizon, as published in the National Statistics on 26 November 2020. This is largely a result of the recruitment of the extra 20,000 police officers, which is likely to increase charge volumes and therefore increase the future prison population. The multi-site expansion of the Women's Estate expects to provide up to 500 of the 10,000 additional places needed to meet anticipated increases in demand. The expansions will be delivered through building a mix of open and closed provision at existing women's prisons.

This creates an opportunity for significant investment in the women's estate, which will deliver improved, gender-specific accommodation, and in accordance with our Female Offender Strategy commitment to provide better conditions for those women for whom custody is appropriate. New accommodation that is decent, safe and secure and supports the modernisation of the prison estate will be developed alongside parallel investment in community provision and services. If the projected increase in the women's population does not materialise then we have committed to using these places to close down existing older, less suitable accommodation in the women's estate.

Our designs are conscious of and directly informed by the experiences of women in custody, who may have experienced physical and emotional violence and sexual abuse or exploitation. The new smaller communities of accommodation are specifically designed to be trauma informed with visible aspects such as windows without bars, smaller units, better layouts and bigger association spaces. What is not included in the design and what has been avoided is just as important. For example, dark, narrow corridors and blind corners may trigger

responses linked to sexual assault, or communal showers or areas where prisoners get undressed in front of others may trigger sexual abuse trauma.

New accommodation will be specifically designed to meet the needs of women, with women being held in the right conditions for their needs. The changes will increase the resettlement opportunities for women by providing greater access to open conditions enabling women to be held closer to families, their communities and employment opportunities and to being released on temporary licence. This will create an effective rehabilitation bridge for them between custody and their eventual return to the community.

6. Does the female prison estate take a Whole System Approach (that considers all of the offenders needs) to those in their care? What does this look like in practice and are there any barriers in achieving a Whole System Approach to female offending?

The Concordat on women in or at risk of contact with the Criminal Justice System<sup>11</sup> sets out the key principles of Whole System Approaches (WSAs) that will improve partnership working at a local level. The MOJ has worked closely with other Government departments and agencies, along with external stakeholders, to agree cross-government commitments to support women and a set of actions and desired outcomes designed to ensure signatories deliver on these commitments. The focus of the Concordat is not solely on the criminal justice system, as a joined-up response to the needs of women will only be effective if it includes organisations with responsibility for issues such as health, social care, education, employment, welfare and housing. It is for local areas to develop models that meet their local circumstances.

Available evidence supports the wider adoption of the Whole System Approach model to improve outcomes for women with Greater Manchester, London and Wales already establishing effective models. Between 2016-20, the Ministry of Justice has invested £1m seed funding for Whole System Approaches (WSAs) to address the needs of female offenders and vulnerable women in eight areas across England and Wales.

In terms of barriers to achieving this approach, we know that it takes time and effective leadership to bring partners together and develop co-owned, partnership approaches that provide sequenced and holistic support to female offenders. This is not about new money, but partners are likely to need to use resources differently, and the women's centres that are often at the heart of WSA models face sustainability challenges. The demands on agencies to respond to the challenges of Covid 19 will also impact on capacity to take this work forward.

The women's estate seeks to take a trauma responsive, holistic approach to the women in its care, and some of the key elements are set out below.

### **Offender Management in Custody (OMiC)**

The Offender Management in Custody (OMiC) model aims to deliver transformational improvements to the way we manage individuals through their sentence, ensuring that those with a higher level of need receive an appropriate level of support. We want our prisons to be places where staff and individuals alike feel safe and secure and where those in our care are

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<sup>11</sup> [Concordat on women in or at risk of contact with the Criminal Justice System - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422222/Concordat_on_women_in_or_at_risk_of_contact_with_the_Criminal_Justice_System_-_GOV.UK.pdf)

supported and challenged to make the most effective use of their time in prison to best prepare them for release.

We have developed a bespoke offender management model which recognises the different needs of women and the challenges and opportunities within the women's estate. This will help staff and the women in our care benefit from the increased opportunity to build relationships which are essential in creating an environment which is safe and settled.

The model changes how we manage individuals through their sentence, by bringing offender management responsibility into the custodial setting for those with a significant period to serve before their release. Both key work and case management time will be allocated to women based on their level of need in addition to their risk of harm. Women with the most complexity of need will receive an enhanced offender management service, with additional engagement time between Prison Offender Manager (POM) and prisoner.

## **Leadership**

HMPPS has a strong commitment to meeting the needs of women in custody and in the community. As part of a wider review we have recently announced a move to a single leadership structure for the teams responsible for women in HMPPS and more closely integrates policy and operational delivery. This will facilitate a more joined up and whole system approach to the management of women across the system.

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

## **Farmer Review for Women**

We are continuing work across the MOJ, HMPPS, and wider government to take forward all 33 recommendations. We are making positive progress and so far, 12 have been completed, including increased access to family contact for women in custody through the rollout of video calling in all women's prisons, the installation of email reply systems, changes to ROTL policy, and routine access to telephone contact for women and primary carers in court custody suites. We report to Lord Farmer with progress on a regular basis.

Most recently, in line with Lord Farmer's recommendation, HM Inspectorate of Prisons published their new Expectations for Women's Prisons, which includes the importance of family ties as a cross-cutting priority.

The Chief Social Worker's office has also commenced the Case Review recommended by Lord Farmer of children removed from primary carers when they entered prison. The Case Review will bring together a panel of senior social work practitioners to review the decisions made in cases where children have been separated from their primary carers at the point of custody and after a placement on a Mother and Baby Unit (MBU) has been refused. The expert panel will include one social worker from Wales. The Review has been put back a year because of the impacts of Covid-19, it is now planned to be ready for publication in Spring 2022.

## **Family Contact**

As recommended in the Farmer Review for Women, women's prisons were prioritised for the roll-out of in-cell telephony and video calling. All closed women's prisons now have in-cell telephony, with the exception of HMP Downview where installation is currently taking place.

To maximise opportunities for the women to speak with their families, we have made video calls available during both evening and weekend periods in all women's prisons. We have also increased the number of sessions available to women. Since its inception, the video calling team have worked with the current supplier to continuously improve the system and we have now fully implemented a significantly improved in-call user experience for those in custody and their families. The feedback we have received to date across the women's estate has been positive, and prisoners have really valued the opportunity to see loved ones rather than a telephone call.

In addition, we have encouraged family services providers to work with women and families to continue to encourage and enable take up.

The Women's Estate has implemented a number of measures to mitigate the impact of COVID-19 on the wellbeing of women prisoners. This includes pin phone credit provided free of charge at increased levels for women, access to video calling to encourage and enable connection with family, the provision of distraction packs and in-room education materials, and the introduction of general wellbeing checks for all women.

### *Release on Temporary Licence*

In the Farmer Review for Women, Lord Farmer recommended that Ministry of Justice policy should allow governors in women's prisons to use ROTL more creatively and to widen access to Childcare Resettlement Licence (CRL).

These policy changes were made in May 2019 in anticipation of Lord Farmer's recommendations. The new policy allows governors to authorise ROTL for rehabilitative purposes earlier and more frequently for men and women, and access to CRL has been extended to primary carers of children under 18 and not just sole carers of children under 16. The total number of temporary releases in 2019 rose by 16 percent and CRL releases rose by 200 percent.

Unfortunately, one consequence of the pandemic over the past 12 months was the suspension of most ROTL - except for essential work and compelling compassionate reasons - to help limit the spread of the virus. HMPPS is working closely with public health authorities to re-introduce ROTL safely and in line with the easing of restrictions generally. We therefore expect the use of ROTL for other reasons, including maintaining family ties, to pick up quickly during the rest of this year and hopefully continue the growth we saw pre-pandemic.

## **MBU Review and family ties**

We have also undertaken a fundamental review of policy relating to pregnancy, prison Mother and Baby Units and Maternal Separation from children up to the age of 2 in prison. The review began in July 2019.

A summary of the review and the resulting reforms was published in July 2020 and includes a commitment to increase data collection on pregnancy and publish this in future. The most

significant change is that the policy will cover not only Mother & Baby Unit provisions, but also the needs of women who are pregnant and those who are separated from young children. This is a major step forward in increasing the focus on those women who experience pregnancy or separation during their time in custody. The new policy has been consulted on widely and will to be published later this year.

### **Data on primary carers in custody**

Lastly, we recognise the need to centrally collect and publish figures on the number of primary carers sentenced to custody in order to better support mothers in prison. We are considering how to improve the central collection of this information by making changes to the questions in the Basic Custody Screening Tool.

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?

There are many well-established risks and triggers for self-harm in the women's estate. Many of these are 'imported' characteristics or experiences that women bring into custody with them, such as pre-existing mental health conditions or past trauma. These risk factors can be exacerbated by being in prison.

The prison environment can also in itself increase the risk of self-harm. For example, being away from their families can be particularly hard for women who we know are more likely to have been primary caregivers prior to entering custody. We also know that self-harm in the women's estate is characterised by a small number of women who self-harm multiple times. In 2019, 1271 women harmed themselves: of those 40 percent did so only once, whilst 9 percent (116 women) self-harmed over 20 times. These women are likely to have complex needs which are challenging and take time to address.

### **Self-Harm Taskforce**

A Women's Estate Self Harm Taskforce was set up in April 2020 in response to our increasing concerns around levels of self-harm in the women's estate. The taskforce is coordinating a range of work and taking an evidence-based approach to reduce levels of self-harm in the women's estate. Some of the key actions already delivered include securing funding to support delivery of Support through Enhanced Management – (a trauma-informed initiative to understand and manage behaviours of women with complex needs) - and additional counselling provision.

The taskforce has also driven the development of additional women-specific training to provide new officers working in the women's estate with a better understanding of these issues. Adapted training modules for Prison Offender Managers and Keyworkers working in the Women's Estate are also being developed.

To improve our understanding and inform future work, the taskforce has supported women-specific self-harm research which is being undertaken with Derby University. We have also appointed a Safety Analyst within the women's estate to look at the data and make better informed decisions around reasons for self-harm within the women's estate.

The taskforce has also implemented a number of measures to mitigate the impact of COVID-19 on the wellbeing of women prisoners. This includes increased pin credit allowance and

access to video calling to encourage and enable connection with family, the provision of distraction packs and in-room education materials, and the introduction of bespoke wellbeing checks for all women.

There are several longer-term actions being driven forward by the taskforce too. These include the development of a women's estate safety strategy, the roll-out of Offender Management in Custody (OMiC) in the Women's Estate has introduced either key work or additional time with a Prison Offender Manager, and we have rolled out a revised version of the Assessment Care in Custody and Teamwork (ACCT) multi-disciplinary case management system used in prisons to support people at risk of suicide and self-harm. The updated ACCT provides a better framework for supporting those at risk of self-harm through a more tailored and multi-disciplinary support model that focuses on the needs of the individual.

Furthermore, in collaboration with NHS England a fundamental review is being conducted of Health Services within the Women's Estate looking at primary healthcare, mental health, substance misuse and social care provision. The review aims to ensure equity and a better understanding of the current ability of the existing women's prison estate, prison health and social care services to deliver high quality care, treatment, opportunity and management of women in custody in England.

In the longer term, it is important that we continue to develop our understanding to reduce self-harm in the women's estate.

A project has been commissioned to explore the needs of women who prolifically self-harm to ensure that we are doing everything possible to reduce the frequency and seriousness of their self-harm.

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 re-traumatising an individual)

Could more be done? If so, what?

Each women's prison is working towards becoming a trauma informed and responsive environment. Mandatory training helps all staff to understand trauma, and its impact and prevalence within the population. Research is also underway exploring the experiences of imprisonment for women with trauma histories, as well as the effectiveness of the staff training, from the perspectives of prisoners and staff. Early research findings have identified systemic and organisational barriers preventing women in prison from experiencing imprisonment as a safe and healing environment, as well as a range of ways they experience custody as traumatising.

Some of the difficulties are mitigated by peer support, and good staff prisoner relationships, however findings suggest that the staff trauma training did not go far enough towards helping staff to work differently to reduce the re-traumatising impact of prison. Work is ongoing to address these initial findings – including through 'designing out' some of these issues in the design of the new women's prison accommodation (for example, by creating more tranquil spaces with more natural light, which feel less institutional).

Gender-specific staff training has been developed, and proposals have been agreed to change the recruitment of prison officers to women's prisons. Furthermore, our plans to deliver an additional 500 prison places for the women's estate include gender-specific designs that place a strong emphasis on women's rehabilitation and creating an environment that is trauma-responsive.

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?

Sustainable community provision for women that provides holistic and specialist support for vulnerable women is essential to ensuring support is available to women leaving prison.

### **Through the Gate (TTG) Service**

The screening for resettlement needs and the provision of immediate resettlement needs takes place in the first 8 days of a prisoner's custody. A resettlement plan is created (BCST2) and reviewed at 12 weeks prior to the prisoner's earliest date of release.

### **Dynamic Framework – Commissioned Rehabilitative Services**

The investment of an initial £195 million has been awarded to 26 organisations across England and Wales to provide vital support services that help reduce reoffending, such as employment and housing advice. This includes over £45 million awarded to services tailored to female offenders to address their specific needs and the underlying causes of their crimes.

The provision of Women's Specific Services is crucial to the effective support of each Adult Woman Service User and each Young Adult Woman Service User.

Providing all women's interventions under a single Women's Specific Service ensures that the interventions are responsive to women's specific needs. Women's Specific Services can be delivered as part of a Rehabilitation Activity Requirement, and to those on Licence or Post Sentence Supervision. Where applicable, Women's Specific Services will support a woman's transition from custody back into the community and focus on the place where they will reside (not the prison they are released from).

Accommodation Services and Social Inclusion Services may be required to be delivered pre-release as well as post-release. Providers will deliver a flexible delivery model that is adaptable to meet the changing needs of Women Service Users. Providers will adhere to the principles outlined in Better Outcomes for Women Offenders (2015), including offering women the option of working with a female practitioner.

### **Probation Reform**

MoJ are unifying probation delivery to bring services together under the new Probation Service from June 26, 2021. The reforms lay the foundations for strengthening supervision and support for offenders while improving stability of core service provision.

HM Treasury has agreed significant additional investment of £155m for 2021/22, meaning we can increase probation officer numbers, better target rehabilitation services, and improve vital infrastructure. We continue to value the expertise and innovation of the voluntary and

private sectors, commissioning external organisations to deliver specialist services like accommodation, education and training, personal wellbeing, and services for women.

### *Short sentence function*

Within the new probation service, a short sentence function will be created within each of the 12 probation regions, incorporating the learning from the early adopters. The role and focus of the team will be to work with those serving shorter sentences to ensure services are sustained and provided, relationships are built, and transitions are supported as effectively as possible.

HMPPS are implementing early adopters of the short sentence function in some regions and learning from these will inform our longer-term approach. There will be an additional focus on those cohorts who receive a disproportionate number of short prison sentences including women who, due to the geographical spread of the women's estate, are often a distance from home.

### **Future Resettlement Model**

HMPPS's future approach to resettlement is intended to address the issues identified in Her Majesty's Inspectorate of Prison/Probation (HMIP) reports on resettlement and through the gate services, whilst retaining the best practice developed by CRCs and their partner third sector organisations delivering Enhanced Through The Gate (ETTg) services.

Since 2018, £22m per annum has been invested in these services and HMIP has recognised that improvements are starting to be realised in some places. However, given the wider fundamental changes taking place across the probation system, we are implementing a revised resettlement approach that takes the best from improvements made thus far and seeks to provide the most effective and efficient way to support those released from prison.

Currently, individuals released from non-resettlement prisons are only able to access through the gates services if commissioned. The new resettlement approach provides pre-release activities for all sentenced individuals whichever prison they are held in before release and considers necessary support, including the importance of strong family relationships to support desistance.

### **Health**

Through the National Partnership Agreement, health and justice partners are working closely to improve support and continuity of care when someone leaves prison. We welcome the NHS Long-Term Plan commitment to develop the care-after-custody service, RECONNECT, which will support prison leavers by making referrals into community treatment services and providing peer mentoring services to help people get to their appointments. We are working with health partners to establish the new Health and Justice Information Service to link prison healthcare systems to those in the community. This should improve the transfer of patient data and continuity of care on release.

### **Accommodation**

We know that a lack of secure housing is a significant barrier to successful rehabilitation for those within the Criminal Justice System, and even more so for women.

HMPPS has developed a national Accommodation Framework that sets out our responsibilities, our partners responsibilities and a framework for how to build on success and work together with partners to ensure that offenders can access and maintain settled accommodation that is safe and appropriate for their needs. The framework contains specific aims in terms of women's access to post release accommodation, including the provision of more places in Approved Premises and more appropriate accommodation through the Bail Accommodation and Support Services (BASS) that are currently run by NACRO. In relation to both Approved Premises and BASS provision, MoJ and HMPPS are currently reviewing demand and capacity with a view for future expansion to support the new unified probation model.

### *COVID-19 Response*

As part of its COVID-19 response, HMPPS set up seven Homelessness Prevention Taskforces (HPTs) to work with local authorities and other partners to find accommodation for offenders released from prison. HPTs are now a permanent feature of our future landscape across HMPPS. HPTs will work with those being release from prison to enable them to move on to long-term settled accommodation.

### *Accommodation service*

To reduce re-offending and provide health and well-being support, we are launching a new accommodation service, providing up to 12 weeks of basic temporary accommodation for prison leavers who would otherwise be homeless.

The service will launch in five of the 12 probation regions in England and Wales. All individuals, aged 18 and over, released from prison at risk of homeless to one of the five selected regions will be eligible. Individuals moving on from Approved Premises at risk of homelessness will also be eligible. We anticipate that the new intervention will commence in Summer 2021 and will provide support for approximately 3,000 service users.

### *Approved Premises*

We opened the first AP for women into London since 2008 a year ago. Hestia Battersea was changed from male to female AP to give better geographic spread of AP for women.

In addition, Eden House, the first new AP for women in over thirty years will open in June. The service will also be available as a residential requirement of a community order, subject to eligibility and the sentence of the court, as well as for women leaving prison.

## **Education**

We appreciate that women in the criminal justice system often have more complex needs. Since the introduction of new education contracts in 2019 prison Governors have had more control over the curriculum to commission education, skills and work commission based on women's specific needs.

There is more work to do to improve prison education, but we have recently had some encouraging Ofsted inspections in the Women's estate. In HMP Drake Hall's inspection 2020 inspection the overall effectiveness of education, skills and work provision was judged by Ofsted as Good,<sup>12</sup> and at HMP Askham Grange's 2019 inspection the overall effectiveness of

education, skills and work provision was judged by Ofsted as Outstanding with inspectors commending the “clearly defined” progression plans, tailored curriculum, and strong links to voluntary organisations, employers and local colleges that had been established.

## **Employment**

New Futures Network has a full-time Employment Broker dedicated to forging partnerships between prisons in the Women’s Estate and employers. These partnerships provide businesses with individuals who are ready to take up work opportunities within industries workshops, as part of workplace Release on Temporary Licence, and employment on release.

## **Reducing Reoffending**

We are also working with sixteen prisons, including HMP New Hall, to rapidly design and test several new specialist roles. Recruitment for all of these roles has been launched; the first person took up their post on May 24th.

In addition to the new roles, this work also seeks to introduce a number of initiatives, including local employment boards, new approaches for promoting rehabilitative support and culture among frontline staff, as well as several digital education solutions.

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

Girls make up a very small proportion of children and young people in custody. The latest (published) statistics show that at the end of March 2021, of the 584 children and young people in custody (including 18-year olds) only 19 (or 3%) were girls<sup>13</sup>.

In addition, over the past 10 years, there has been a 92% decline in the number of girl First Time Entrants to the criminal justice system (from over 25,700 to around 2,100).<sup>14</sup>

### *Support for young women and girls*

Six months prior to an 18<sup>th</sup> birthday, all young girls are referred to our central Women’s Estate Case Advice and Support Panel (WECASP) to manage the transfer handling arrangements, and the identification of a suitable establishment that would meet the young person’s needs where a transfer is deemed necessary. All young people will remain known to the WECASP for at least six months post transfer for continued oversight and support.

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<sup>12</sup> Her Majesty’s Inspectorate of Prisons, *Report on an unannounced inspection of HMP/YOI Drake Hall (2020)* <<https://www.justiceinspectors.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/05/Drake-Hall-web-2020.pdf>>

<sup>13</sup> Youth Custody Data. <https://www.gov.uk/government/statistics/youth-custody-data>. These latest month’s figures are provisional and will be finalised in the next Youth Custody Report. Earlier years reflect published data where available, however some data may not exactly match the published data due to extraction from the live database being done at different times.

<sup>14</sup> Youth Justice Statistics 2019-2020. <https://www.gov.uk/government/statistics/youth-justice-statistics-2019-to-2020>

There are circumstances where unnecessary transitions can be avoided i.e. if a young woman is being released within 6 months after turning 18 it may be assessed as more appropriate to remain in the YCS provision.

The Youth Custody Service is also trialling best practice forums for both staff and girls to share views and learnings of the transition process to shape outcomes.

### *Girls' Care Strategy*

We have developed a partnership between the NHS, HMPPS and the Youth Custody Service to review the needs of, and outcomes for, girls and young women in the young people secure estates. This review will inform a Girls' Care Strategy this year that aims to ensure that girls receive a gender-appropriate service. We know that often girls who come into contact with the Youth Justice system have experienced trauma and exploitation. This care strategy will ensure they get tailored support to address their needs.

### *Young Adults Hub*

We are funding a two-year pilot, launching in July 2021, for young adults (18-25) on probation, and 17-year olds due to transition from youth offending services to adult probation service. There will be a specialist support hub based in Newham's Probation Office, offering a support services to tackle the root causes of crime, including drug and mental health support. Accommodation, training and employment services will also operate from the hub, and there will be a women's only space to cater to the specific needs of young adult women.

## **Annex A – Statistics on women in the Criminal Justice System**

- Over the past 10 years, numbers of women arrested, dealt with through the use of Penalty Notice for Disorder and sentenced to immediate custody have been decreasing<sup>15</sup>. This trend has continued since publication of the Female Offender Strategy in 2018.
- During this time, women have on average accounted for 5 percent of the total prison population, standing at approx. 4,000 women<sup>16</sup>. As at 31<sup>st</sup> March 2021, the women's prison population was 3,116<sup>17</sup>. Between June 2018 and June 2020, the women's<sup>18</sup> prison population decreased from 3,803 to 3,255.<sup>19</sup>

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<sup>15</sup> Criminal justice statistics quarterly: December 2020. [Criminal justice statistics quarterly - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/criminal-justice-statistics-quarterly)

<sup>16</sup> This includes women aged 18 and over.

<sup>17</sup> Population bulletin: weekly 21 May 2021. [Prison population figures: 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/prison-population-figures-2021)

<sup>18</sup> This includes women aged 18 and over.

<sup>19</sup> Annual Prison Population: 2020. [Offender management statistics quarterly: January to March 2020 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-january-to-march-2020)

