

Written evidence submitted by The All-Party Parliamentary Group on Women in the Penal System

1. About the APPG on Women in the Penal System

The APPG on Women in the Penal System aims to increase the knowledge and awareness of issues around women in the penal system as well as to push for the full implementation of the Corston Report recommendations.

We have conducted a number of inquiries including:

- **Reducing the arrests of women**
- **The imprisonment of women**
- **Preventing the unnecessary criminalisation of women.**

We have met with ministers to push for an end to the use of remand to prison ‘for their own protection’ for women. We are currently investigating women’s health and wellbeing in prison.

We have published numerous briefing papers on women in the penal system which are available at <https://howardleague.org/our-work/women-in-the-penal-system/all-party-parliamentary-group-appg-on-women-in-the-penal-system/>

The Howard League for Penal Reform provides secretariat support to the APPG on Women in the Penal System.

We wrote to the Public Accounts Committee in February 2021 to express concern about Government plans to spend £150 million on building 500 additional prison places for women, which was at odds with the aims of the Female Offender Strategy.

The APPG on Women in the Penal System welcomes the opportunity to submit evidence to the Public Accounts Committee inquiry on improving outcomes for women in the criminal justice system.

2. The Female Offender Strategy

The APPG supports the aims of the Female Offender Strategy namely to reduce the number of women in the criminal justice system and the number of women in prison.

Our inquiry into the sentencing of women which culminated in 2018 found evidence published by the Ministry of Justice that showed that short sentences were less effective than community sentences at supporting people to desist from crime. Despite this evidence, women continued to be sent to prison overwhelmingly for short periods.

The Ministry of Justice Female Offender Strategy sought to address many of the issues which had been raised by Baroness Corston in her seminal report. It recognised that women who became caught up in the criminal justice system were among the most disadvantaged and vulnerable people in society. It focussed on tackling the underlying causes which brought women into contact with the criminal justice system.

It also relied on cross-departmental support in order to achieve its aims. Many of the factors which lead to the criminalisation and imprisonment of women require policy change and investment from the Home Office, the Department of Health and the Department for Levelling Up, Housing and Communities.

3. Does the Ministry of Justice have clear plans for how it will achieve the objectives set out in the female offender strategy?

The plans on how the Ministry of Justice would achieve the objectives set out in the female offender strategy are not clear, as noted by the National Audit Office report (NAO,2022).

Other departments, such as the Home Office and the Department of Health have a key role in addressing the issues which bring women into contact with the criminal justice system. There are no clear plans as to how the Ministry of Justice can influence policy change in other departments in order to meet the objectives of the Female Offender Strategy.

The strategy recognised the need for a partnership approach but there were delays in publishing a National Concordat for Female Offenders.

a. Reducing the number of women entering the criminal justice system

The police are the gatekeepers to the criminal justice system. Our inquiry into reducing the arrests of women found that there were examples of good practice in some police forces but too many women were being arrested and drawn into the criminal justice system when it was unnecessary and inappropriate. West Yorkshire Police was piloting a scheme to divert women who were stopped for alleged shoplifting to support services which would address the underlying causes of their behaviour, rather than arresting them. However, not all forces divert women to gender-specific services at the point of arrest.

The Ministry of Justice published guidance for police forces on working with vulnerable women alongside the female offender strategy. However, there were no clear plans as to how the Ministry of Justice would ensure that the guidance led to policy change across all police forces. The strategy has relied on encouragement to bring about policy change.

There are no plans to ensure that gender-specific services for women at risk of offending or in contact with the criminal justice system are available across the country. There are pockets of good practice, for example in Avon and Somerset, Durham, Surrey and West Yorkshire, but services are by no means universal.

b. Increasing the use of community sentences

Our inquiry into the sentencing of women, completed prior to the female offender strategy, found that magistrates' confidence in community sentences had been undermined by the failures of the Transforming Rehabilitation (TR) reforms. Magistrates often lacked knowledge about the circumstances of women's lives and the likely impact of prison, as well as about what specialist provision for women was available in their local area (APPG on Women in the Penal System, 2018).

The Female Offender Strategy was clear in stating that many women in contact with the criminal justice system could be more successfully supported in the community. However, the Ministry of Justice had no clear plans as to how it would encourage the courts to use community sentences for women, with better outcomes. It was not clear how the Ministry of Justice planned to address the lack of confidence it felt the public and judiciary had in non-custodial sentences.

Similarly it was not clear how the Ministry of Justice planned to ensure the courts reduced the use of short sentences for women. The recent announcement by the Ministry of Justice to increase the sentencing powers of magistrates to allow them to give prison sentences of up to 12 months may well result in more women being sentenced to custody for short periods.

c. Delivering a better experience for those in custody

There was a clear commitment to improve the custodial environment and prioritise rehabilitation and family ties. However, plans to deliver a better experience for women have been undermined by more recent Ministry of Justice plans to increase the number of places for women in prison.

There are no plans to prevent that the most vulnerable of women, those facing a mental health crisis, from being remanded to prison by the courts for their own protection. The APPG published a report calling for repeal of the power of the courts to remand women to prison for their own protection (APPG, 2020c) and met with the prisons minister to discuss our concerns. The power continues to be used by the courts. HMIP reported to the APPG that in the 12 months to August 2021, three women's prisons had identified 68 women who were acutely mentally unwell and had been remanded to prison. The lack of central data collection on the use of remand for own protection means the problem remains hidden.

4. Is the female offender strategy being delivered in line with the Department's plans?

The aims of the strategy were evidence based with the potential to reduce costs for the police and the criminal justice system in the long term. However, the strategy has not been delivered. In key areas subsequent Ministry of Justice plans are in direct contradiction to those set out in the female offender strategy.

The recruitment of an additional 20,000 new police officers could have been an opportunity to embed new police practices outlined in the female offender strategy and accompanying guidance and keep women out of the criminal justice system. Instead, the recruitment of new officers was used to explain an anticipated rise in the number of women entering the criminal justice system and to justify the expansion of the prison estate for women.

There has been no reduction in the size of the female prison estate despite the reduction in the numbers of women serving short sentences.

There has been a fall in the number of receptions into prison of women serving short sentences. In the year ending June 2019 there were 2,909 first receptions into prison of women serving sentences of 6 months or less. This fell to 1,331 receptions in the year ending June 2021. In the same time period the number of receptions of women on sentences of 6 to twelve months fell from 400 to 285 receptions. It is likely that this fall is a result of the impact of the pandemic rather than the impact of the strategy.

There has been no diversion of revenue to further the aims of the female offender strategy. Instead, revenue is being allocated to expand the prison estate for women and build new custodial centres for women on short sentences.

There has been little improvement in the experiences of women in prison and the pandemic has worsened their experiences. Her Majesty's Inspectorate of Prisons gave evidence to the APPG about women's experiences of prison during the pandemic. HMIP found women reported more thoughts of self-harm and were locked in their cells for almost the whole day. The impact of keeping women locked in their cells with no interaction with staff or their peers had been huge.

The pandemic could have been an opportunity to reduce the number of vulnerable women in prison who did not pose a risk to the public and did not require custody.

During the pandemic the Ministry of Justice announced measures to release mothers and babies in prison and pregnant women who did not pose a high risk of harm to the public. The APPG on Women in the Penal System wrote to the Secretary of State for Justice (APPG, 2020b) urging him to release mothers and mothers-to-be in prison who are eligible immediately. Only a small number of women were released.

5. Is the Ministry of Justice on track to meet the objectives and achieve benefits it sets out?

The Ministry of Justice is not on track to meet the objectives and achieve the benefits it set out in the Female Offender Strategy. In fact, recent announcements show that the Ministry of Justice is heading in the opposite direction, expanding the women's prison population and building new facilities for women to serve short prison sentences.

In January 2021 the government announced that it intended to spend £150 million to build up to 500 additional prison places for women. Proposals to introduce smaller custodial units for women serving short sentences were announced in the Prisons Strategy white paper. This contradicts the aims and objectives of the female offender strategy that clearly stated that 'short custodial sentences do not deliver the best results for female offenders'.

Figures published by the NAO (2022) show that the Ministry of Justice has awarded £9.5 million in grants to fund services for women in the community for 2018-19 to 2021 -22 but this is dwarfed by the £200 million expected cost of building up to 500 additional prison places for women.

Public money which could be directed at supporting women's centres offering tailored programmes for women at risk of offending or in contact with the criminal justice system, is now being spent on expanding a female prison estate which continues to have poor outcomes.

References

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