

Written evidence submitted by Women in Prison

Women in Prison (WIP) is a national charity which provides independent, holistic, gender-specialist support to women facing multiple disadvantage, including women involved in (or at risk of being involved in) the criminal justice system (CJS). We work in prisons, the community and ‘through the gate’, supporting women leaving prison. We run Women’s Centres or ‘hubs’ for services in Manchester, Surrey and London. Our combined services provide women with support and advocacy, relating to domestic and sexual abuse, mental health, harmful substance misuse, debt, education, training, employment, and parenting.

Our campaigning is informed by our frontline support services for women, delivered at every stage of a woman’s journey through the CJS. The experience and knowledge of staff working directly with women affected by the CJS enable us to see first-hand the effects of policy in practice and strengthen our recommendations for change.

Introduction

We welcome the opportunity to respond to the Public Accounts Committee’s call for evidence examining progress made by the Ministry of Justice (MoJ) in achieving the aims of their 2018 strategy on women in contact with the CJS¹ (referred to as ‘the strategy’ hereafter). Our Chief Executive, Dr Kate Paradine, has been a member of the Ministerial Advisory Board for Female Offenders (ABFO) and equivalent groups since 2016, which works to monitor and advise on the delivery of the strategy. In June 2021, we applied through an open application process to continue to sit as a member of the ABFO. We submitted both oral and written evidence to the National Audit Office (NAO) on this subject last year and we support the findings of their report published in January.²

Published in June 2018, the strategy committed to a fundamental shift in the way the CJS responds to women. It pledged to “*take the right approach*” and “*follow the evidence*” to prevent [re]offending by working towards “*fewer women in prison, earlier and more appropriate intervention, diversion, strong partnership working, and rehabilitative support for women.*” In our view, MoJ has fallen significantly short in meeting its own objectives and aspirations. The failure to ensure accountability for the commitments as laid out in the strategy and deliver meaningful change based on the evidence has had a direct impact on women on contact with the CJS, their families and wider society. Whilst we believe the Government have so far missed an important opportunity to transform the way the CJS responds to women, the Government can decide to act now and get this right.

1. Whether the Department has a clear plan for how it will achieve the objectives set out in its strategy

Since its publication, WIP has consistently raised concerns with Ministers and the MoJ through various forums, including the ABFO, that the strategy lacked a clear, measurable plan for how its objectives would be achieved, and that the absence of adequate dedicated funding would prevent its delivery.

Targets and planning for delivery

¹ MoJ (2018) [The Female Offender Strategy](#)

² NAO (2021) [Improving outcomes for women in the criminal justice system](#)

The strategy stated that the MoJ had “*developed a framework for the implementation of this strategy*” setting clear expectations of the MoJ, the Government and the services working with women in the CJS. Various updates were given from officials about the strategy at ABFO meetings, but there was not an implementation plan with actions, action-owners, timeframes, targets and measures to be scrutinised. Measurable objectives were not set out in the strategy or the subsequent updates. As a result of this lack of transparency and basic project and programme management, over the past three and half years it has been challenging to identify what progress had been made or hold the department to account.

In the absence of a full list of actions with milestones for delivery, in April 2021 the charity Prison Reform Trust created a performance matrix which sought to identify any commitments made in the strategy and the MoJ’s progress on implementing them. Their analysis found that less than half of these commitments (31 of 65) had been implemented, and that many are vaguely worded and have no implementation plan or timeline.³

The recent NAO report identified that limited funding was allocated to resource the strategy. £5.1m was initially made available for women’s services in the community between 2018-2020. For the two one-year Spending reviews in 2020 and 2021, only £13.1m was provided, 67% less than the £40m the programme team initially estimated it needed for certain aspects of the programme.

The MoJ grant funding process, which enabled community organisations to apply for core funding in 2020 and 2021, was welcome and is an example of good practice which should be adopted in other areas. This was a result of strategic action taken by the MoJ to respond to the advice of experts working on the ground and was clearly in line with the 2018 strategy. Whilst it was welcome that the grant funding allowed for applications for core funding, the timing of the competition meant that its impact was limited. Applications were made in the summers of 2020 and 2021 with announcements of the outcomes made in the autumn for funding that had to be spent by the end of March. This demonstrates how the lack of planning and timely action limited the positive impact of the modest steps forward that the MoJ made. We understand from the NAO report that this also meant that the not all the resources earmarked for the strategy were properly allocated and used by the relevant deadline.

In finding that the MoJ had decided against “*setting targets for the programme’s main objectives*” the NAO said that the MoJ has been unable to determine what progress it has made against the strategy, what funding is needed to deliver the programme or what savings it might achieve. This is a shocking finding that speaks to the lack of priority granted to seeing through the implementation of this strategy. It is essential that this is urgently addressed by the department.

Another example of the impact of a lack of a joined-up implementation plan is that the new probation delivery model appears to have been developed in isolation from the strategy and did not take sufficient account of the specific needs of women. Whilst it is positive that there is a women’s specific service, it did not adequately address issues such as support for domestic abuse and instead appears to have been designed by overlaying the requirements of the commissioning of services for men. The model also did not account for the issues facing the women’s prison estate (including distance from home and the multiple providers needed to link women to their home areas). The result is that the issues of housing and homelessness, provision of in-prison specialist support and the needs of unsentenced women on remand are major gaps in the system. We know that probation and prison staff are working to address these gaps, but a detailed strategy implementation plan would have enabled this to happen much earlier when the new delivery model was being designed in 2019 and 2020.

There is much to be learned and addressed about the commissioning process for support services as part of the reunified probation service. It is positive that many areas have commissioned specialist women’s service

³ Prison Reform Trust (2021) [Female Offender Strategy matrix](#)

providers, although that is not the case in every area. Some established Women's Centre providers were forced out of provision due to the bureaucratic and costly commissioning process or competition from larger generic providers (which prioritises cost and bids written by professional bid writers over quality, value, track record and established local connections).

- The MoJ must develop and publish a clear implementation plan for commitments in the strategy, with detailed actions, allocated owners, measurable targets and set dates for each stage to be delivered, in consultation with the key stakeholders and experts.
- This should also reflect the funding earmarked to deliver on each commitment with updates brought to the two groups replacing the ABFO on a quarterly basis and service providers and published to ensure full transparency.
- The MoJ should build on the good practice demonstrated by enabling women's specialist organisations to apply for core funding by working with other Government departments to deliver a national 'matched funding' co-commissioning pot. If this was started by repurposing the £200m allocated for 500 women's prison places it could be a significant step forward in implementing the strategy.

Governance and oversight

A second key element of the strategy's "*framework for implementation*" was to put the right governance processes in place to oversee its delivery through a "*reformed Advisory Board on Female Offenders, continued work through the cross-government Female Offender Leadership board and liaison with the Criminal Justice Inspectorates.*" The NAO found that these governance measures were not robust enough to hold the Department and others to account and instead were allocated "*proportionately light programme management*" and lacked the necessary resource.

In the months before the publication of the strategy in June 2018 the ABFO appeared to be working relatively effectively on a path towards drafting and publishing the strategy. The strategy itself was broadly welcomed, particularly the announcement that the Government was no longer pursuing plans to build new women's prisons and that the strategy's central focus was on community-based approaches to supporting women in addressing the root causes of offending.

After the publication of the strategy, individuals applied to (re)join the ABFO and meetings commenced approximately quarterly. In general the Minister was present, and this was an important element of developing a joint understanding of the issues. However, the frequent ministerial changes meant 'starting again' periodically and the strategy lacked a sense of having real leadership and commitment. Members of the Board met with each other between meetings and made many efforts to engage and progress the intentions laid out in the strategy, repeating key messages about the need for a robust implementation plan, actions, owners and measures. Meeting agendas were often dominated by unnecessary presentations of papers sent in advance (that had already been read) and there was very little time in any meeting for sufficient engagement with the Minister and effective use of the advice provided by many experts and specialists, despite constructive proposals made by members.

Ministers from other relevant Government departments did not regularly attend the ABFO, despite the strategy identifying this as a valuable approach to ensure that this area of work remained a priority across Government, nor was the work of the Board effectively coordinated with that of other cross-Government groups that impact on women in the CJS.

The ABFO meeting in January 2021 included no mention of the plan to build 500 new women’s prison places and instead, on the following day, members received a letter from the Minister informing them of the plans on the same day as the press release and public announcement. The vast majority of ABFO members have repeatedly raised objections to these plans and the lack of consultation with the ABFO - in letters, emails and meetings including repeated requests for the detailed data leading to the decision. Responses have been inadequate and widespread objections to the plan remain as they were in January 2021. In June 2021 members were told the meeting membership would be refreshed and an application process was opened in July 2021.

We have since been informed by the Minister of State for Justice, Victoria Atkins MP, that the ABFO is being dissolved and replaced with two separate groups. Minister Atkins will be chairing a smaller group (named the Women in the Criminal Justice System (WCJS) Board) comprising of Ministers and senior officials from the MoJ and partner departments and agencies. A wider expert group, chaired by the Director of Youth Justice and Offender Policy, will meet with officials and two or three members from this group will attend the WCJS Board on a rotating basis. Whilst the full terms of reference for this new structure are currently unclear, it is essential that transparency is at the centre of this reformed approach, so effective scrutiny and accountability can be applied by external stakeholders with expertise in this area, such as voluntary sector organisations and women’s specialists delivering frontline services. Such an approach would include published papers and minutes of all meetings and clear progress reports on performance measures to enable senior officials to be held to account on the delivery of the strategy.

2. Whether the strategy is being delivered in line with the Department’s plans

Locally led and partnership focused

A core element of the delivery of the strategy was empowering local areas to develop approaches to women in the CJS in a way that meets local needs and circumstances. The National Concordat, published in January 2021, over a year later than the strategy committed to, set out an aspirational model for a ‘Whole System Approach’ which promotes multi-agency working, based on collaboration and information sharing to respond to women’s distinct needs in a trauma-informed and gender-responsive way. The success of this approach rests on strong partnership working and integrated service delivery with partners such as the police, prisons, health services, the judiciary, probation, local authorities and voluntary sector service providers supporting prevention, early intervention and diverting to specialist support. Regrettably the Concordat lacked any dedicated funding to deliver the Whole Systems Approach model and lacked clarity on who was responsible for its delivery. Furthermore, the announcement that the Government would build 500 new women’s prison places directly contradicted their call for other departments to invest in community-based services. The one year on report analysing the progress on the Concordat is also overdue and yet to be published.

There remains a vast postcode lottery in rates of criminalisation of women across England and Wales.⁴ This largely results from pockets of local good practice, including the establishment of a Whole Systems Approach, such as in Greater Manchester, problem solving courts and liaison and diversion schemes, however the provision of these projects remains geographically inconsistent. We welcome the development of a specific liaison and diversion pathway for women for example, but this does not yet have full coverage of England.

- We recommend a model of matched funding where national and local Government, together with a local consortium of commissioners, share the costs of delivering the objectives of the strategy through the model laid out in the National Concordat.

⁴ Prison Reform Trust (2021) [Rates of immediate custody for women in England and Wales by Police Force Area](#)

Cross-Government working

Community-based Women's Centres and specialist women's services are central to the delivery of Whole Systems Approaches. Women's Centres have a proven track record of working alongside women and providing effective, therapeutic and practical interventions in the community. They provide access to specialist advocacy, advice and support on housing, debt, substance misuse, mental and physical health, domestic abuse and family and parenting guidance - all under one roof, through in-house specialist staff or multi-agency partnerships.

The funding for these services over the past few years has often been short-term and they have been unable to plan for the future.⁵ As covered by the NAO report, the recent funding from the MoJ is limited to providing support to women on probation and whilst important, this restricted funding falls short of realising the full potential of Women's Centres to provide early support to meet the needs of women and prevent them from coming into contact with the CJS in the first place.

The strategy recognised that the needs of women in the CJS cannot be addressed in isolation by different Government departments and pledged to build a cross-Government partnership approach to improving the outcomes for women, including "*exploring the scope for cross-departmental budgets to address the needs of specific cohorts.*" The value of Women's Centres and gender specialist provision extends way beyond the CJS with benefits and savings spreading across multiple departments and public services and it therefore lends itself to the cross-Government partnership approach described in the strategy. This service model has been established and developed over decades, but the growth and sustainability of this network requires cross-Government leadership and investment, which is yet to be fully realised.

- A significant amount of core funding for the next three years should be provided to community-based Women's Centres to ensure their long-term sustainability, and be drawn from across Government including the Department for Health and Social Care, Department for Levelling Up, Housing and Communities, Ministry of Justice and Department for Education given the wide-ranging benefits of Women's Centre provision.

Evidence-based

The MoJ also said that its delivery would be led by the evidence base on what works to reduce re[offending] and the women's prison population. It is our view that the Police, Crime, Sentencing and Courts Bill, the Government's key piece of justice legislation currently progressing through Parliament, was a missed opportunity to introduce measures that would work towards the Government's aims of reducing the women's prison population. Many of the proposed changes to sentencing are not rooted in the long-established evidence base and will have a direct impact on increasing the number of women in prison for longer, such as measures to increase the length of the sentences served in prison from one half to two thirds as standard and increasing the custodial period for various offences.

The Bill's impact assessment acknowledged that there is "*limited evidence that the combined set of measures will deter offenders' long term or reduce overall crime. Therefore, the combined effect of all the measures proposed cannot be described as a cost or benefit due to limited evidence to indicate the direction or magnitude of change*"⁶ Despite this lack of evidence, we are concerned that the changes in the Bill will

⁵ Women's Budget Group (2020) [The case for sustainable funding for Women's Centres](#)

⁶ Paragraph 7, Ministry of Justice (2021) [Impact Assessment on Police, Crime, Sentencing and Courts Bill: Sentencing, Release, Probation and Youth Justice Measures](#)

significantly undermine the Government's ambitions of reducing the women's prison population, reducing reoffending and creating safer communities.

3. Whether the Department is on track to meet the objectives and achieve the benefits it sets out

Fewer women in custody

Since the strategy was published in June 2018, there has been a 16% decrease in the women's prison population (to September 2021).⁷ However, the majority of this decrease (14%) happened since February 2020. The MoJ have explained that this decline was likely driven by a drop in prosecutions and sentencing as a result of the COVID-19 pandemic, with lockdown affecting the mix of cases brought to courts and restrictions on the courts' ability to process cases. This decrease in the women's prison population therefore cannot be directly linked to any impact of the strategy.

However, recent prison population projections from the MoJ suggest that this reduction is not going to be maintained. The MoJ are expecting the women's prison population to rise by more than one third, to 4,300 over the next four years as a result of the measures in the Police, Crime, Sentencing and Courts Bill and the additional 23,400 police officers.⁸ It is concerning that the decision to build 500 new prison places for women was based on prison population projections from 2020 that omitted consideration of the strategy, initially because the strategy was not found to be "*robustly quantifiable*" or "*measurable*."⁹ This points to the shortcomings of the strategy, and the lack of a clear plan as to how its objectives will be achieved. Members of the ABFO have repeatedly requested the detailed modelling and analysis that led to this decision, but these requests have not been fulfilled. The absence of this information prevents comprehensive external scrutiny as to the extent to which this is an effective and efficient use of public resources.

Despite the intention to reduce the use of short custodial sentences in the recognition that "*short custodial sentences do not deliver the best result*" for women in the CJS, the MoJ did not set out aims for the scale of expected change or by when. Since the strategy was published, there has been no change in the percentage of women who entered prison on sentences of 12 months or less, which remains at 77% of women entering prison in the 12 months to June 2021.¹⁰ Women on short sentences can and should be supported by specialist services in the community, such as women's centres, that have a proven track record of working alongside women and providing wrap around support and practical intervention in the community to meet their needs and reduce [re]offending.

Fewer women coming into the criminal justice system

That the increase in the number of police officers is modelled to have such a significant impact on the number of women in prison clearly demonstrates how decisions from other Government departments can have a direct impact on the MoJ and reinforces the need for a clear approach to cross-departmental working to ensure the outcomes of the strategy are realised.

However, an increase in the number of women in prison does not have to be an inevitable consequence of an increased number of police officers. The additional police resources and capacity can and should be directed to ensuring women are diverted away from the CJS and towards specialist support services in the

⁷ MoJ (2021) [Offender Management Statistics quarterly: April to June 2021](#)

⁸ MoJ (2021) [Prison Population Projections 2021 to 2026](#)

⁹ MoJ (2020) [Prison Population Projections: 2020 to 2026](#)

¹⁰ MoJ (2021) [Offender Management Statistics quarterly: April to June 2021, Prison receptions: April to June 2021](#)

MoJ (2017) [Criminal Justice System statistics quarterly: December 2017](#).

community which the strategy advocates for. Checkpoint+, for example, is a police diversion scheme in Surrey run in partnership with Surrey Police and the Surrey Women's Support Centre in Woking. The scheme had a reoffending rate of 6% in its first year of operation, compared to the national average of 25%,¹¹ evidencing the effectiveness of community-based solutions in reducing reoffending. Our understanding is that the modelling did not consider that the additional police officers could provide increased resources for diversion and out of court disposals for women and other approaches based around prevention, early intervention and community-based support as advocated for in the strategy.

We are concerned that the comparatively high capital spend on the additional 500 prison places for a minority of women in contact with the CJS is significantly disproportionate to the levels of investment so far in specialist women's services in the community. The NAO report anticipates that the new places will now cost as much as £200m, a third more than the £150m initially announced one year ago. This high capital spend will further increase once annual yearly revenue costs are added to maintain and run the 500 prison places, which based on the current average figures per women's prison place, could be more than £26m a year. The NAO found the departments' plans to create an additional 500 prison places for women "*did not consider any likely change in demand that might come from more women being managed in the community*" and its poor understanding of progress "*detracts from its ability to make funding decisions based on value for money.*" We therefore have significant concerns about the allocation of these funds given the lack of robust evidence about the need for these additional prison places for women.

- A memorandum should be agreed between the Secretary of State for Justice, the Secretary for the Home Department and the Association of Police and Crime Commissioners to ensure that increased resources will focus on strategies of early intervention and diversion to continue to reduce the number of women in prison.
- The MoJ should conduct and publish a full assessment of the value for money of the 500 prison places for women in the short and long term, as well as making public an Equalities Impact Assessment.

Better conditions for those in custody

The strategy pledged to "*deliver better custody*" by focusing on interventions that would respond to women's particular needs, under the headings "*focusing on better links with children and families, improving safety, becoming trauma-informed, improving health and wellbeing through empowering the prison workforce and developing education and employment.*"

The strategy did not pledge to expand the female prison estate or build new prison places for women. The strategy instead announced that the Government would not pursue plans made in 2016 to build "*five new small community prisons for women*" on "*land adjacent to existing sites*" in order to meet the strategy's aspiration to "*shift our emphasis from custody to the community*" and "*reduce the female prison population.*" The MoJ repeated to the Public Accounts Committee in 2020 that the Government's strategy was focused on community services rather than on building prisons.¹²

There has been no commitment from HMPPS to decommission cells in women's prisons in the short term. We are concerned that, rather than achieving improvements to the prison estate, the absence of a plan to decommission such accommodation, or to invest in the community solutions that will reduce the use of imprisonment, could result in a larger women's estate with more stretched resources and women continuing to remain in unsanitary cells which are not fit for purpose.

¹¹ Surrey Police (2021) [Surrey has lowest rate of imprisoning women thanks to rehabilitation scheme](#)

¹² Public Accounts Committee (2020) [Improving the prison estate](#)

- The MoJ should produce and publish a clear plan and timeline for decommissioning unsuitable accommodation in women's prisons.

Since the publication of the strategy, there were two deaths of babies in prison over a nine-month period between 2019/2020. The independent reports from Prison and Probation Ombudsman (PPO) into the deaths found that in HMP Styal, a woman spent hours in severe pain without pain relief or medical support¹³ and in HMP Bronzefield, an 18 year old gave birth along in her cell overnight and without medical assistance.¹⁴ The PPO concluded that all pregnancies in prison should be treated as high risk. Both deaths point to catastrophic failure of healthcare in prisons and show that prisons are not safe for women or their babies.

The strategy recognised the high rates of self-harm for women in prison and pledged to drastically reduce this and the number of self-inflicted deaths. At the time of publication, the rate of self-harm in women's prison was almost five times the rate of self-harm in men's prisons. Recent statistics show that in the 12 months to June 2021, the rate of self-harm in women's prisons is almost seven times the rate in men's prisons and the number of self-harm incidents was the highest in a decade.¹⁵ Severe mental ill health and self-harm are enduring features of the experiences of women in prison that cannot be redressed through building new cells. The very nature of being deprived of liberty and confined in an unfamiliar place is inherently distressing and the intrusive experience of imprisonment, from the lack of privacy or being subject to invasive measures of pat downs, strip searches or restraint, can both exacerbate existing trauma and be itself traumatising. To address the mental health needs of women in CJS there must be a radical reduction in the women's prison population, and intensive, trauma-informed support in the community which is sustainably funded.

January 2022

¹³ PPO (2022) [Independent investigation into the death of Baby B at HMP Styal](#)

¹⁴ PPO (2021) [Independent investigation into the death of Baby A at HMP Bronzefield](#)

¹⁵ MoJ (2021) [Safety in custody: quarterly update to June 2021. Summary tables](#)